MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

NOTIFICATION

New Delhi, the 27th June, 2022

(INCOME-TAX)

S.O. 2910(E).—In exercise of powers conferred by sub-clause (vi) of clause (b) of the *Explanation 1* to clause (23FE) of section 10 of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the "Act"), the Central Government hereby specifies the sovereign wealth fund, namely, Seventy Second Investment Company LLC (PAN: ABICS2676N), (hereinafter referred to as "the assessee") as the specified person for the purposes of the said clause in respect of the investment made by it in India on or after the date of publication of this notification in the Official Gazette but on or before the 31st day of March, 2024 (hereinafter referred to as "said investments") subject to the fulfilment of the following conditions, namely:-

- (i) the assessee shall file return of income, for all the relevant previous years falling within the period beginning from the date in which the said investment has been made and ending on the date on which such investment is liquidated, on or before the due date specified for furnishing the return of income under sub-section (1) of section 139 of the Act;
- (ii) the assessee shall get its books of account audited for the previous years referred to in clause (i) by any accountant specified in the *Explanation* below sub-section (2) of section 288 of the Act and furnish the Audit Report in the format annexed as Annexure to this notification herewith at least one month prior to the due date specified for furnishing the return of income under sub-section (1) of section 139 of the Act;
- (iii) the assessee shall furnish a quarterly statement within one month from the end of each quarter electronically in Form II as annexed to Circular No 15 of 2020, dated the 22nd July, 2020 with F. No. 370142/26/2020-TPL, issued by the Ministry of Finance, Department of Revenue, Central Board of Direct Taxes (Tax Policy and Legislation Division), in respect of each investment made by it during the said quarter;
- (iv) the assessee shall maintain a segmented account of income and expenditure in respect of such investment which qualifies for exemption under clause (23FE) of section 10 of the Act;
- (v) the assessee shall continue to be owned and controlled, directly or indirectly, by the Government of Abu Dhabi, and at no point of time should any other person have any ownership or control, directly or indirectly, in the assessee;
- (vi) the assessee shall continue to be regulated under the laws of the Government of the United Arab Emirates or the Government of Abu Dhabi or both;
- (vii) the earnings of the assessee shall be credited either to the account of the Government of Abu Dhabi or to any other account designated by that Government so that no portion of the earnings inures any benefit to any private person, barring any payment made to creditors or depositors for loan taken or borrowing [as defined in sub-clause (a) of clause (ii) of *Explanation 2* to clause (23FE) of section 10 of the Act] made for purposes other than for making investment in India;
- (viii) the assessee shall not have any loan or borrowing [as defined in sub-clause (a) of clause (ii) of *Explanation 2* to clause (23FE) of section 10 of the Act], directly or indirectly, for the purposes of making investment in India;
- (ix) the asset of the assessee shall vest in the Government of Abu Dhabi upon dissolution, barring any payment made to creditors or depositors for loan taken or borrowing for purposes other than for making investment in India; and
- (x) the assessee shall not participate in the day-to-day operations of investee (as defined in clause (i) of *Explanation 2* to clause (23FE) of section 10 of the Act), but any monitoring mechanism to protect the investment with the investee, including the right to appoint directors or executive director, shall not be considered as participation in the day-to-day operations of the investee.

- 2. Violation of any of the conditions as stipulated in clause (23FE) of section 10 of the Act and this notification shall render the assessee ineligible for the tax exemption.
- 3. This notification shall come into force from the date of its publication in the Official Gazette.

ANNEXURE

Audit Report to be filed by the Sovereign Wealth Fund claiming exemption under of section 10 of the Income -tax Act, 1961

						Part	L				
asse II w	ssee as co	with nduc	Permanen ted by *m	t Account le/ us/ M/s.	Number or	Aadhaar N	Number), tl	he partio	culars o	Name and adopt which are go as per the	given in Part
und	er the	Noti	fication N	o/	dated	publis	hed in the	Official	Gazett	e on	
acco asse Inco	ount ssee ome-t ereig	includ *has/ ax A	ding other has not c ct, 1961	r relevant omplied wi and those	documents th the con- provided	s and expl ditions as l in the sai	anations g aid down u d notificat	given to under cl tion spe	o*me/us ause (2 ecifying	examination s, it is certife (23FE) of secting the assessection under the	ted that the on 10 of the e being the
2.1	*The	cond	itions not	complied w	with by the	assessee ar	e as under	:-			
(a) .											
(b).											
acco	ount i	ncluc	ling other	relevant do	ocuments a	nd explana	ations give	n to *m	e/us, tł	examination ne particulars any, namely:-	
(a).											
(b).											
						Part I	I				
	1. N	Vame	of the Ass	sessee					:		
	2. F	AN/A	AADHAA	.R				:			
	3. F	revio	us Year						:		
	4. Т	otal 1	Income of	the Assess	ee during t	he previou	s year :				
	5. A	Amou	nt of inco	me eligible	for exemp	tion under	clause				
	(23FE) of sectio	on 10 of the	Income-ta	x Act, 196	1				
	(as pei	r details in	column 11	of table a	t item no.6)		•		
6		•						t data of	fthann	eaadina finan	oiol woor) of
										receding finan 3FE) of sec	
										h Fund (SWF	
peri	od ar	e as u	nder:								
Sl. No.	Date	of tment	Amount	Nature of investment	Nature of income	Amount of income on	Details of the	e entity in v	which Inv	estment made	Amount of income which
140.	111 v C S	iniciit	investmen	(Instruction	(Instruction	investment	Nature of	Name	PAN	In case nature	is eligible for

Sl. No.	Date of investment	Amount of	Nature of investment	Nature of income	Amount of income on	Details of the	e entity in v	which Inv	estment made	Amount of income which
	in resultent	investmen	(Instruction 4)	(Instruction 5)	investment during the year	Nature of entity (instruction 6)	Name	PAN	In case nature of entity code is 3/4/5, whether the entity has made minimum investment of 50 or75 or 90 percent as required in item (c) or (d) or (e) of sub-clause (iii) of clause (23FE) of	is eligible for exemption under clause (23FE) of section 10 (Attach calculation sheet as per relevant rules)

									(Attach calculation sheet as per relevant rules)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.										
2.										
Total										

7.*the SWF has not sold any of the investments made for the purposes of exemption under clause (23FE) of section 10 of the Act before the expiry of three years from the date on which the investment was made in respect of the said exemption/the SWF has sold certain investments made for the purposes of exemption under clause (23FE) of section 10 of the Act before the expiry of three years from the date on which the investment was made in respect of the said exemption, the details of which are as under:

Sl. No.	Date of investment	Nature of investment	Nature of income	Amount of income on	Details of the entity in which Investment made		Date of sale	
	in vestment	(Instruction	(Instruction	investment	III (CS)	inone maa		Suic
		4)	5)	during the year				
				year				
					Nature of entity (instruction	Name	PAN	
					7)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.								
2.								
Total								

8. The SWF satisfies all the conditions required for the purposes of exemption under clause (23FE) of section 10 of the Act, that is, -

(a)	Whether the Government of foreign country wholly owns and controls the SWF, directly or indirectly	Yes/No
(b)	Mention the name of the Government of foreign country which owns and controls the SWF, directly or indirectly	
(c)	Whether the Government of foreign country owns and controls the SWF, directly or indirectly	Directly/ Indirectly
(d)	If the Government of foreign country owns and controls the SWF indirectly, give details of the chain of ownership	
(e)	Name of the law(s) under which the SWF is set up and regulated	
(f)	Whether the earnings of the said fund are credited either to the account of the Government of that foreign country or to any other account designated by that Government so that no portion of the earnings inures any benefit to any private person, barring any payment made to creditors or depositors for loan taken or borrowing made for purposes other than for making investment in India.	Yes/No
(g)	Whether the asset of the said fund vests in the Government of such foreign country upon dissolution, barring any payment made to creditors or depositors for loan taken or borrowing made for purposes other than for making investment in India.	Yes/No

(h)	If answer to (f) or (g) is No, then provide the following details:	
	i. Name of such private person	
	ii. Amount of benefit provided during the year	
(i)	Whether it participates in the day to day operations of any of the investee, as defined in clause (i) of <i>Explanation 2</i> to clause (23FE) of section 10, barring any monitoring mechanism to protect the investment with the investee including the right to appoint directors or executive director	Yes/No
(j)	If answer to (i) is yes, then provide the following details:	
	i. Name of such investee	
	ii. PAN of the investee	
	iii. Amount of investment in such investee at the end of the year	
(k)	Whether it has complied with the requirement of intimation of the details of investment made by it in India in Form No II issued vide circular No 15/2020 dated 22.07.2020	Yes/No
(1)	Whether it has loans or borrowings, as defined in sub-clause(a) of clause (ii) <i>Explanation 2</i> to clause (23FE) of section 10 of the Act, directly or indirectly, for the purposes of making investment in India	Yes/No
(m)	If answer to (l) is yes, then provide the following details:	
	(i) Name of the person from whom such loan or borrowing has been taken	
	(ii) Amount of loan or borrowing at the beginning of the year	
	(iii) Amount of loan or borrowing received during the year	
	(iv) Amount of loan or borrowing repaid during the year	
	(v) Amount of loan or borrowing at the end of the year	
(n)	Whether separate segmented account is maintained for income and investment in respect of investment which qualifies for exemption under clause (23FE) of section 10 of the Act	Yes/No

Place:	
Date:	

**(Signature and stamp/ Seal of the signatory)
Name of the signatory
Full address
Membership No
UDIN

Instructions: 1. *Delete whichever is not applicable.

- 2.** This report is to be given by an accountant as defined in the *Explanation* below sub-section (2) of section 288 of the Act.
- 3. An "investee" shall have the same meaning as in clause (i) to *Explanation 2* to clause (23FE) of section 10 of the Income-tax Act, 1961 and "loan and borrowing" shall have the same meaning as in sub-clause (a) of clause (ii) of *Explanation 2* to clause (23FE) of section 10 of the Act.
- 4. One of the following codes is to be selected:

Nature of Investment	Code
Debt	1
Equity	2
Preference Shares	3
Others (Please specify)	4

[भाग II—खण्ड 3(ii)] भारत का राजपत्र : असाधारण 11

5. One of the following codes is to be selected:

Nature of Income	Code
Interest	1
Dividend	2
Capital Gains	3
Others	4

6. One of the following codes is to be selected:

Nature of entity in which investment is made	Code
Business Trust referred to in item (a) of sub-clause (iii) of clause (23FE) of section 10 of the Act	1
Company or enterprise or entity referred to in item (b) of sub-clause (iii) of clause (23FE) of section 10 of the Act	2
Alternative Investment Fund referred to in item (c) of sub-clause (iii) of clause (23FE) of section 10 of the Act	3
Domestic company referred to in item (d) of sub-clause (iii) of clause (23FE) of section 10 of the Act	4
Infrastructure Finance Company/Infrastructure Debt Fund-NBFC referred to in item (e) of sub-clause (iii) of clause (23FE) of section 10 of the Act	5

[Notification No. 69/2022/F. No. 500/SWF1/S10(23FE)/FT&TR-II-Pt. 3] APOORV TIWARI, Under Secy.