

Annexure 10

[To be provided on Shareholder's Letter head]

DECLARATION FOR NON-RESIDENT SHAREHOLDERS

(To be declared by non-resident shareholder for declaring existence/ non-existence of PE in India and availing the benefits of lower tax deduction under Section 90 of the Indian Income Tax Act, 1961 ('IT Act') read with the provisions of the Tax Treaty with India and the Multilateral Instrument)

Date: xxxxxxxxxxxx

To

XX Limited,

Subject: Declaration regarding existence/ non-existence of Permanent Establishment with beneficial ownership and applicability of tax treaty

I / We, [.....] do hereby solemnly declare as follows:

- i. I / We am / are a resident of [*name of country of which shareholder is tax resident*] during the year 20XX-XX. I / We am / are eligible to be governed by the provisions of the tax treaty between India and [*name of country of which the shareholder is tax resident*] and meet all the necessary conditions to avail the benefits under the said tax treaty.
- ii. I / We **do not have/*have* a Permanent Establishment (PE) / Fixed base / Place of Effective Management in India; and the dividend income receivable by me / us from investment in the shares of XX Limited is **attributable / *not attributable / effectively connected* to any PE / fixed base in India.
- iii. Further, I/We do not have a Business Connection in India according to the provision of section 9(1)(i) of the Act and the amounts paid/payable to us, in any case, are not attributable to business operations, if any, carried out in India.

- iv. That the investments made by me / us in the shares of XX Limited are not arranged in a manner which results in obtaining a tax benefit, whether directly or indirectly, as one of its principal purposes. The tax benefit, if any, derived from such investments would be in accordance with the object and purpose of the relevant provisions of the tax treaty between India and [*name of country of which the shareholder is tax resident*]
- v. *I am / We are the beneficial owner of the investments made by me/us in the shares of XX Limited and also any income receivable from such investments, for a period of less than 365 days.

OR

*I am / We are the beneficial owner of the investments made by me/us in the shares of XX Limited and also any income receivable from such investments, for an uninterrupted period of 365 days or more including the date of payment of the dividends.

OR

*I am / We are the beneficial owner of the investments made by me/us in the shares of XX Limited and also any income receivable from such investments, for a period of more than ‘.....’days [*required period of days under the relevant Double Taxation Avoidance Agreement*].

- vi. I / We further declare that I / we have the right to use and enjoy the dividend received / receivable from the above shares and such right is not constrained by any contractual and / or legal obligation to pass on such dividend to another person.
- vii. I / We further declare that I / We are eligible to claim benefit of the tax treaty between India and [*Name of the Country of residence of shareholder*] including satisfaction of the Limitation of Benefits clause (wherever applicable). I / We also enclose a self-attested copy of Tax Residency Certificate (TRC) (of FY 20XX-XX i.e. covering the period from 01 April, 20XX to March 31, 20XX) obtained from the tax authorities of the country of which I / We am a / are resident.
- viii. I / We undertake to intimate XX Limited immediately in case of any alteration in the aforesaid declaration.
- ix. I, [.....], hereby declare that the contents above are correct, complete and truly stated.

(Name, designation & signature of Non-resident Shareholder)

Company Seal (if applicable)

Date:

Place:

Address:

Email and Telephone:

Tax identification number (country of residence):

Notes:

1. *Delete whichever is not applicable.