

# Annexure to Account opening Form for Non-Individuals containing information for reporting requirement under section 285BA of the Income-tax Act, 1961

\*(Please refer instructions mentioned below)

#### **Section 1: Identification Details**

Please tick / fill and complete as appropriate.

(a) Entity Constitution Type

 $J-Limited\ Liability\ Partnership$  K- Artificial Juridical Person

Z-Others X-Not Categorised

- (b) Nature of Business (kindly fill in details from Annexure 4):
- (c) Permanent Account Number:
- (d) Identification Type (tick as applicable)

Tax Identification Number (TIN) Company identification Number Global Entity Identification Number

GIIN

Other

- (e) Identification Number:
- (f) Identification issuing Country:
- (g) Date of Incorporation

#### **Section 2: Declaration of Tax Residency**

Please indicate the Entity's country of tax residence (if resident in more than one country please detail all countries and associated tax identification number and TIN issuing country).

Country/countries of tax residency	Tax Identification number (TIN)	TIN Issuing Country



(Kindly attach documentary evidence of country of tax residence and the tax identification number)

Τf	tax resident	t of Country	outside Indi	a, kindly provide	confirmation	as under
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(1)	(If No, K	resident, are you US Specified Person - Yes / No indly tick Exclusion from Annexure 1) - (i) / (ii) / (iii) / (v) / (vi) / (vii) / (viii) / (xiii) / (xiii) .
(2)	(i)	ident of country other than USA, kindly tick if any of the following is applicable: a corporation, the stock of which is regularly traded on one or more established ecurities markets;
	(ii)	any corporation that is a related entity of a corporation mentioned in item
	(iii)	a Governmental entity;
	(iv)	an International organisation;
	(v)	a Central bank; or
	(vi)	a financial institution
Section	n 4: Entity	Classification
		<i>reporting Financial Institution</i> , please tick at least one of the below categories, and ΓCA Global Intermediary Identification Number (GIIN):
	tory Institution	
GIIN_		
	ou are a <i>l</i> reasons:	Financial Institution but are non-reporting financial institution, please tick one of the
(a) (b)	2:(a) / (b)	ntity is a Non-Reporting Financial Institution. Please tick exemption from <b>Annexure</b> $0/(c)/(d)/(e)/(f)/(g)/(h)/(i)/(j)/(k)/(l)/(m)$ . Entity is a Sponsored Financial Institution and has not yet obtained a GIIN but is

Sponsoring Entity's name and GIIN.

Sponsoring Entity's Name: \_\_\_\_\_\_Sponsoring Entity's GIIN: \_\_\_\_\_

sponsored by another entity that has registered as a Sponsoring Entity. Please provide the



(c)	The Entity is a Trustee Documented Trust and has not yet obtained a GIIN. Please provide the Trustee's name and the GIIN  Name of the Trustee of the Trust:  GIIN of the Trustee:
	The Entity is an owner documented Financial Institution ( <b>Annexure 5</b> ). Please provide the of each of the substantial owners of the financial institution in the form ( <b>Annexure A</b> ) for lling Persons attached.
4.4	The Entity is a Non-Participating Financial Institution
4.5	If the Entity is not a Financial Institution, please confirm the Entity's status below:
(a)	The Entity is an <i>Active Non-Financial Entity</i> (Please tick as per Annexure 3) (i) / (ii) / (iii) / (iv) / (v) / (vii) / (viii)
(b)	The Entity is a Passive Non-Financial Entity (NFE)(Please tick as per Annexure 3A):
	(i) /(ii)/(iii).
	<b>If Passive Entity is ticked</b> please fill the Form (per Annexure A) of all Controlling Persons <sup>1</sup> –
1)	Controlling persons means natural persons who exercise control over an entity who includes a beneficial owner as defined in Explanation to sub-rule (3) of rule 9 Prevention of Money-laundering (Maintenance of Records) Rules,

2005. In determining the beneficial owner the procedure specified in the RBI/SEBI/IRDA circulars shall be applied. In the case of Trust, the controlling persons mean the settlor, the trustees, the protector, the beneficiaries or class of beneficiaries and any other natural person exercising ultimate effective control over the trust, and in the case of a legal

arrangement other than a trust, the said expression means the person in equivalent position.



- 2) The term "Financial Institution" means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.
- (a) "Custodial Institution" means any entity that holds, as a substantial portion of its business, financial assets for the account of others and where its income attributable to the holding of financial assets and related financial services equals or exceeds twenty per cent of its gross income during the three financial years preceding the year in which determination is made or the period during which the entity has been in existence, whichever is less.
- (b) "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.
- (c) "Investment Entity" means any entity -
  - A. that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer, namely:
    - i. trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading; or
    - ii. individual and collective portfolio management; or
    - iii. otherwise investing, administering, or managing financial Assets or money on behalf of other persons; or
  - B. the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, if the entity is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity described in sub-clause (A) of this clause.

Explanation 1.- An entity is treated as primarily conducting as a business one or more of the activities described in sub-clause (A) of this clause, or an entity's gross income is primarily attributable to investing, reinvesting, or trading in financial assets for purposes of sub-clause (B), if the entity's gross income attributable to the relevant activities equals or exceeds 50 percent of gross income of the entity during the shorter of the three-year period ending on 31 March of the year preceding the year in which the determination is made or the period during which the entity has been in existence.

Explanation 2.- The term "investment entity" shall not include an entity that is an active non-financial entity merely because it meets any of the criteria provided in sub-clauses (iv), (v), (vi) or (vii) of clause (A) of Explanation to clause (6) of this rule.

- (d) "Specified Insurance Company" means any entity that is an insurance company) or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.
- (e) "non-financial entity" means any entity that is not a financial institution



#### Controlling Person Self-Certification AND tick the below:

Controlling Persons of the Entity are tax resident of India Controlling Persons of the Entity are tax resident of USA Controlling Persons of the Entity are tax resident of countries other than India and USA.

(c) The Entity is Direct reporting NFE.

If ticked, please provide the GIIN of the Direct Reporting NFE -----

# **Section 5: Declaration and Undertakings**

# I / We certify that:

- a) The information provided in the Form is in accordance with section 285BA of the Income Tax Act, 1961 read with Rules 114F to 114H of the Income tax Rules, 1962.
- b) the information provided by me/us in the Form, its supporting Annexures as well as in the documentary evidence provided by me/us are, to the best of our knowledge and belief, true, correct and complete and that I/we have not withheld any material information that may affect the assessment/categorization of the account as a Reportable account or otherwise.
- c) I/We permit/authorise the Bank to collect, store, communicate and process information relating to the Account and all transactions therein, by the Bank and any of its affiliates wherever situated including sharing, transfer and disclosure between them and to the authorities in and/or outside India of any confidential information for compliance with any law or regulation whether domestic or foreign.
- d) I / We undertake the responsibility to declare and disclose within 30 days from the date of change, any changes that may take place in the information provided in the Form, its supporting Annexures as well as in the documentary evidence provided by us or if any certification becomes incorrect and to provide fresh self-certification along with documentary evidence.
- e) I/We also agree that our failure to disclose any material fact known to us, now or in future, may invalidate our application and the Bank would be within its right to put restrictions in the operations of my/our account or close it or report to any regulator and/or any authority designated by the Government of India (GOI) /RBI for the purpose or take any other action as may be deemed appropriate by the Bank if the deficiency is not remedied by us within the stipulated period.
- f) I / We hereby accept and acknowledge that the Bank shall have the right and authority to carry out investigations from the information available in public domain for confirming the information provided by me / us to the Bank.



- g) It shall be my / our responsibilities to educate myself / ourself and to comply at all times with all relevant laws relating to reporting under section 285BA of the Act read with the Rules there under.
- h) I/We also agree to furnish such information and/or documents as the Bank may require from time to time on account of any change in law either in India or abroad in the subject matter herein.
- i) I/We shall indemnify the Bank for any loss that may arise to the Bank on account of providing incorrect or incomplete information.
- j) I / We certify that I/we have the capacity to sign for the Entity as per CBDT rules/SEBI/RBI guidelines.

Authorised Sign	ature:
Name _	
Position/Title: _	
Date: (dd/mm/yy	/yy)

Seal and Stamp of the Entity

# \*Instructions:

- 1. All the information mentioned above have to be mandatorily provided.
- 2. The above Annexure to the account opening form should be signed by all the Authorised Signatories.



# Annexure A

# Form to be filled in by the Controlling Person

- 1. Controlling Person Type:
- (a) In case of legal Person: Ownership Other means Senior Managing Official
- (b) In case of legal Arrangement Trust: Settlor Trustee Protector beneficiary Others
- (c) In case of legal Arrangement others

  Settlor equivalent Trustee equivalent Protector equivalent beneficiary equivalent

  Others equivalent
- (d) Unknown
- 2. Name of the Controlling Person:
- 3. Customer ID, if allotted:
- 4. Father's name
- 5. Gender: Male Female Others
- 6. PAN:
- 7. Aadhaar No:
- 8. Identification Type (*tick and provide as proof of identity*):

  A-Passport B- Election Id Card C- PAN Card D- ID Card E- Driving License
  F-UIDAI letter G-NREGA job card H- Others X- Not categorised
- 9. Identification Number (mentioned in identification document):
- 10. Occupation Type: S-Service B-Business O-Others X- Not categorised
- 11. Date of Birth (DD/MM/YYYY):
- 12. Nationality:
- 13. Place of Birth:
- 14. Country of Birth:
- 15. Address Type of Controlling Person: 1-Residential or Business 2- Residential 3-Business 4- Registered Office 5-Unspecified.



- Address of Controlling Person (Complete address consisting of house number, building name, street, locality, city/town, State, Postal Code and Country should be provided)
- 17. Mobile/Telephone Number:
- 18. Please indicate the Country of tax residence (if resident in more than one country please detail all countries and associated tax identification number and TIN issuing country).

Country/countries of tax residency	Tax Identification number (TIN)	TIN Issuing Country

(Kindly attach documentary evidence of country of tax residence and the tax identification number)

# **Section 5: Declaration and Undertakings**

I / We certify that:

- a) the information provided in the Form is in accordance with section 285BA of the Income Tax Act, 1961 read with Rules 114F to 114H of the Income tax Rules, 1962.
- b) the information provided by me/us in the Form, its supporting Annexures as well as in the documentary evidence provided by me/us are, to the best of our knowledge and belief, true, correct and complete and that I/we have not withheld any material information that may affect the assessment/categorization of the account as a Reportable account or otherwise.
- c) I/We permit/authorise the Bank to collect, store, communicate and process information relating to the Account and all transactions therein, by the Bank and any of its affiliates wherever situated including sharing, transfer and disclosure between them and to the authorities in and/or outside India of any confidential information for compliance with any law or regulation whether domestic or foreign.
- d) I/We undertake the responsibility to declare and disclose within 30 days from the date of change, any changes that may take place in the information provided in the Form, its supporting Annexures as well as in the documentary evidence provided by us or if any



- certification becomes incorrect and to provide fresh self-certification along with documentary evidence.
- e) I / We also agree that our failure to disclose any material fact known to us, now or in future, may invalidate our application and the Bank would be within its right to put restrictions in the operations of my/our account or close it or report to any regulator and/or any authority designated by the Government of India (GOI) /RBI for the purpose or take any other action as may be deemed appropriate by the Bank if the deficiency is not remedied by us within the stipulated period.
- f) I / We hereby accept and acknowledge that the Bank shall have the right and authority to carry out investigations from the information available in public domain for confirming the information provided by me / us to the Bank.
- g) It shall be my / our responsibilities to educate myself / ourself and to comply at all times with all relevant laws relating to reporting under section 285BA of the Act read with the Rules there under.
- h) I/We also agree to furnish such information and/or documents as the Bank may require from time to time on account of any change in law either in India or abroad in the subject matter herein.
- i) I/We shall indemnify the Bank for any loss that may arise to the Bank on account of providing incorrect or incomplete information.
- j) I / We certify that I/we have the capacity to sign for the Entity as per CBDT rules/SEBI/RBI guidelines.

Authorised Signature:	
Name	Position/Title:
Date: (dd/mm/yyyy)	Seal and Stamp of the Entity

# \*Instructions:

- 1. All the information mentioned above have to be mandatorily provided.
- 2. The above Annexure to the account opening form should be filled separately by each Controlling Person.



# **Annexure 1: Specified US Persons:**

1	A <b>Specified US Person</b> is a US Person but not falling within the category mentioned	
	(i) a corporation the stock of which is regularly traded on one or more established securities markets;	
	(ii) any corporation that is a member of the same expanded affiliated group, as defined in section 1471(e)(2) of the U.S. Internal Revenue Code, as a corporation described in clause (i);	
	(iii) the United States or any wholly owned agency or instrumentality thereof	
	(iv) any State of the United States, any U.S. Territory, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing	
	(v) any organization exempt from taxation under section 501(a) of the U.S. Internal Revenue Code or an individual retirement plan as defined in section 7701(a)(37) of the U.S. Internal Revenue Code;	
	(vi) any bank as defined in section 581 of the U.S. Internal Revenue Code;	
	(vii) any real estate investment trust as defined in section 856 of the U.S. Internal Revenue Code	
	(viii) any regulated investment company as defined in section 851 of the U.S. Internal Revenue	
	Code or any entity registered with the U.S. Securities and Exchange Commission under the	
	Investment Company Act of 1940 (15 U.S.C. 80a-64); (ix) any common trust fund as defined in section 584(a) of the U.S. Internal Revenue Code;	
	(x) any trust that is exempt from tax under section 664(c) of the U.S. Internal Revenue Code or that is described in section 4947(a)(1) of the U.S. Internal Revenue Code	
	(xi) a dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the	
	United States or any State;	
	(xii) a broker as defined in section 6045(c) of the U.S. Internal Revenue Code;	
	(xiii) any tax-exempt trust under a plan that is described in section 403(b) or section 457(g) of the U.S. Internal Revenue Code	

# Annexure 2:"Non-reporting financial institution"

- (a) a Governmental entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a specified insurance company, custodial institution, or depository institution;
- (b) a Treaty Qualified Retirement Fund; a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; or a Pension Fund of a Governmental entity, International Organization or Central Bank;
- (c) a non-public fund of the armed forces, Employees' State Insurance Fund, a gratuity fund or a provident fund;



- (d) an entity that is an Indian financial institution only because it is an investment entity, provided that each direct holder of an equity interest in the entity is a financial institution referred to in sub-clauses (a) to (c), and each direct holder of a debt interest in such entity is either a depository institution (with respect to a loan made to such entity) or a financial institution referred to in sub-clauses (a) to (c);
- (e)a qualified credit card issuer;
- (f) an investment entity established in India that is a financial institution only because it,-
  - (I) renders investment advice to, and acts on behalf of; or
  - (II) manages portfolios for, and acts on behalf of; or
  - (III) executes trades on behalf of,
  - a customer for the purposes of investing, managing, or administering funds or securities deposited in the name of the customer with a financial institution other than a non-participating financial institution;
- (g) an exempt collective investment vehicle;
- (h) a trust established under any law for the time being in force to the extent that the trustee of the trust is a reporting financial institution and reports all information required to be reported under rule 114G with respect to all reportable accounts of the trust;
- (i) a financial institution with a local client base;
- (j) a local bank;
- (k) a financial institution with only low-value accounts;
- (l) sponsored investment entity and controlled foreign corporation, in case of any U.S. reportable account; or
- (m) sponsored closely held investment vehicle, in case of any U.S. reportable account.

# **Annexure 3: Active Non-Financial Entity (NFE)**

Sr no.	Category of Active NFFE		
(i)	Less than 50 per cent of the entity's gross income for the preceding <i>financial year</i> is passive		
	income and less than 50 per cent of the assets held by the entity during the preceding financial		
	year are assets that produce or are held for the production of passive income; or		
(ii)	The stock of the entity is regularly traded on an established securities market		
	or		



	the non-financial entity is a related entity of an entity the stock of which is regularly traded on		
	an established securities market; or		
	Explanation For the purpose of this sub-clause, an established securities market means an		
	exchange that is officially recognised and supervised by a governmental authority in which		
	the securities market is located and that has a meaningful annual value of shares traded on the		
	exchange.		
(iii)	the entity is a Governmental Entity, an International Organization, a Central Bank , or an		
	entity wholly owned by one or more of the foregoing;		
(iv)	substantially all of the activities of the entity consist of holding (in whole or in part) the		
	outstanding stock of, or providing financing and services to, one or more subsidiaries that		
	engage in trades or businesses other than the business of a financial institution, except that an		
	entity does not qualify for this status if it functions (or holds itself out) as an investment fund,		
	such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those		
	companies as capital assets for investment purposes;		
(v)	the entity is not yet operating a business and has no prior operating history, but is investing		
	capital into assets with the intent to operate a business other than that of a financial institution, provided that the entity does not qualify for this exception after the date that is 24 months		
	after the date of the initial organization of the entity;		
( •)			
(vi)	the entity was not a financial institution in the past five years, and is in the process of liquidating its assets or is reorganizing with the intent to continue or recommence operations		
	in a business other than that of a financial Institution;		
( 44)			
(vii)	the entity primarily engages in financing and hedging transactions with, or for, related entities		
	that are not financial institutions, and does not provide financing or hedging services to any		
	entity that is not a related entity, provided that the group of any such related entities is primarily engaged in a business other than that of a financial institution;		
( •••)			
(VIII)	the entity meets all of the following requirements, namely:-		
	(a) It is established and operated in India exclusively for religious, charitable, scientific, artistic,		
	cultural, athletic, or educational purposes; or it is established and operated in India and it is a		
	professional organization, business league, chamber of commerce, labour organization,		
	agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;		
	(b) It is exempt from income-tax in India;		
	C / F   T   T   T   T   T   T   T   T   T		



- (c) It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- (d)The applicable laws of the entity's jurisdiction of residence or the entity's formation documents do not permit any income or assets of the entity to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of the entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the entity has purchased; and
- **(e)** The applicable laws of the entity's jurisdiction of residence or the entity's formation documents require that, upon the entity's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organization, or escheat to the government of the entity's jurisdiction of residence or any political subdivision thereof.

Explanation.- For the purpose of this sub-clause, the following shall be treated as fulfilling the criteria provided in the said sub-clause, namely:-

- (I) an Investor Protection Fund referred to in clause (23EA);
- (II) a Credit Guarantee Fund Trust for Small Industries referred to in clause 23EB; and
- (III) an Investor Protection Fund referred to in clause (23EC),

of section 10 of the Act

# **Annexure 3A - Passive Non-Financial Entity (NFE)**

Sr no.	Category of Passive NFFE	
1	Any non-financial entity which is not an active non-financial	
	entity	
2	An investment entity described in sub-clause (B) of clause (c) of	
	the Explanation to clause (3)*	
3	A withholding foreign partnership or withholding foreign trust	

# \*Explanation to Rule 114F

- (c) "investment entity" means any entity,-
- (A) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer, namely:-
- (i) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading; or
- (ii) individual and collective portfolio management; or



- (iii) otherwise investing, administering, or managing financial assets or money on behalf of other persons; or
- (B) the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, if the entity is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity mentioned in sub-clause (A) of this clause.



# Annexure 4: Business codes as per income-tax return form ITR 6

Sr. No.	Sector	Sub-sector	Code
1	Manufacturing	Agro-based industries	0101
	Industry	Automobile and Auto parts	0102
		Cement	0103
		Diamond cutting	0104
		Drugs and Pharmaceuticals	0105
		Electronics including Computer Hardware	0106
		Engineering goods	0107
	_	Fertilizers, Chemicals, Paints	0108
	_	Flour & Rice Mills	0109
		Food Processing units	0110
	_	Marble & Granite	0111
	_	Paper	0112
		Petroleum and Petrochemicals	0113
		Power and energy	0114
		Printing & Publishing	0115
		Rubber	0116
		Steel	0117
		Sugar	0118
		Tea, Coffee	0119
		Textiles, handloom, Power looms	0120
	_	Tobacco	0121
	_	Tyre	0122
		Vanaspati & Edible Oils	0123
	_	Others	0124
2	Trading	Chain Stores	0201
		Retailers	0202
		Wholesalers	0203
		Others	0204
3	Commission Agents	General Commission Agents	0301



4	Builders	Builders	0401
		Estate Agents	0402
		Property Developers	0403
		Others	0404
5	Contractors	Civil Contractors	0501
		Excise Contractors	0502
		Forest Contractors	0503
		Mining Contractors	0504
		Others	0505
6	Professionals	Chartered Accountants, Companies Secretaries, etc	0601
		Fashion designers	0602
		Legal professionals	0603
		Medical professionals	0604
		Nursing Homes	0605
		Specialty hospitals	0606
		Others	0607
7	Service Sector	Advertisement agencies	0701
		Beauty Parlours	0702
		Consultancy services	0703
		Courier Agencies	0704
		Computer training/educational and coaching institutes	0705
		Forex Dealers	0706
		Hospitality services	0707
		Hotels	0708
		I.T. enabled services, BPO service providers	0709
		Security agencies	0710
		Software development agencies	0711
		Transporters	0712
	<del> </del>	Travel agents, tour operators	0713



		Others	0714
8	Financial Service	Banking Companies	0801
	Sector	Chit Funds	0802
		Financial Institutions	0803
		Financial service providers	0804
		Leasing Companies	0805
		Money Lenders	0806
		Non-Banking Finance Companies	0807
		Share Brokers, Sub-brokers, etc.	0808
		Others	0809
9	Entertainment Industry   Cable T.V. productions	Cable T.V. productions	0901
	_	Film distribution	0902
		Film laboratories	0903
		Motion Picture Producers	0904
		Television Channels	0905
		Others	0906

# **Annexure 5**

# Owner Documented FI

<u>It is a Financial Institution which does not report to the US IRS. Owner documented FI are generally small investment entities.</u>