

Government of Pakistan
Revenue Division
Federal Board of Revenue

Islamabad, the 8th September, 2020.

**NOTIFICATION
(Income Tax)**

S.R.O. 823(I)2020.- The following draft of certain further amendments in the Income Tax Rules, 2002, which the Federal Board of Revenue proposes to make in exercise of the powers conferred under sub-section (1) of section 237 read with sub-clause (b) of clause (27A) of section 2 of the Income Tax Ordinance, 2001 (XLIX of 2001), is hereby published for information of all persons likely to be affected thereby and as required by sub-section (3) of the said section 237, notice is hereby given that objections or suggestions thereon, if any, may, for consideration by the Federal Board of Revenue, be sent within seven days of its publication in the official Gazette.

Any objections or suggestions, which may be received from any person, in respect of the said draft, before the expiry of the aforesaid period, shall be taken into consideration by the Federal Board of Revenue, namely:-

DRAFT AMENDMENT

In the aforesaid Rules, after Chapter XVII, the following new Chapter shall be inserted, namely:-

**"CHAPTER XVIII
GREEN FIELD INDUSTRIAL UNDERTAKING**

220C. Filing of application for the approval of a greenfield industrial undertaking.- (1) A "Greenfield Industrial Undertaking" as defined in clause (27A) of section 2 of the Ordinance, (hereinafter referred to in this Chapter as Industrial Undertaking) set up in Pakistan requiring approval of the Commissioner under sub-

clause (b) of clause (27A) of section 2 of the Ordinance, shall make an application electronically to the Commissioner in the following form, namely:-

APPLICATION FOR APPROVAL FOR THE PURPOSES OF SUB-CLAUSE (b)
OF CLAUSE (27A) OF SECTION 2 OF THE INCOME TAX ORDINANCE, 2001

To,
The Commissioner of Inland Revenue,
_____ Zone,
_____ (City).

1. With reference to sub-clause (b) of clause (27A) of section 2 of the Income Tax Ordinance, 2001 (XLIX of 2001), I the undersigned, hereby apply, on behalf of _____ (name of the industrial undertaking) for its approval for the purposes of the said clause.

2. Necessary particulars are set out below, and in the schedule to this application.

3. The following documents required under sub-rule (2) of rule 220C of the Income Tax Rules, 2002, are enclosed.

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

Signature _____

Name (in block letters). _____

Designation _____

Application must be signed either by the Director, Principal Officer, Member or the owner of the industrial undertaking.

SCHEDULE
PARTICULARS

1. Name of the Industrial Undertaking (in block letters) _____
2. Full address of the Industrial Undertaking (in block letters) _____
3. Date of registration alongwith principal activity/nature of business of the Industrial Undertaking _____
4. Name(s) of owner(s) of land on which Industrial Undertaking is setup or intended to be set up _____
5. Date of registering, recording or attesting transfer of land on which Industrial Undertaking is setup or intended to be set up _____
6. Form of land such as commercial, residential, industrial, agricultural, open plot, constructed property etc _____
7. Complete names and CNICs of directors/shareholders of industrial undertaking alongwith details of their shareholding in any other business if applicable _____
8. Complete details of plant, machinery, building or technology

(2) An application under sub-rule (1) shall be accompanied by –

- (a) a duly attested copy of the constitution, memorandum and articles of association, rules and regulations or bye-laws, as the case may be, of the Industrial Undertaking.
- (b) Details of Members/Directors of the Industrial Undertaking on the date of application.
 - (i) Name _____
 - (ii) CNIC _____
 - (iii) Income declared _____
 - (iv) Tax Year _____
- (b) a certified copy of certificate of registration in the case an Industrial Undertaking registered under the Companies Ordinance, 1984.
- (c) duly attested copies of the balance sheet and of revenue accounts of the Industrial Undertaking as audited by a “qualified accountant” for the year immediately preceding the year in which the application is made, if applicable .
- (d) Copy of transfer/offer letter, sale deed, registration document at sub-registrar, land registry or any other documentary evidence of transfer of title, as the case may be.
- (e) Copy of sale/purchase invoice(s), voucher(s), invoice of shipment, lease agreement, import goods declaration (GD) or bill of lading, as the case may be, of plant, machinery, building or technology to be used in the Industrial Undertaking.

220D. Processing of applications by the Commissioner. — (1) On receipt of an application under rule 220C, the Commissioner Inland Revenue may make such inquiries or call for such further information or documents as deemed necessary.

(2) After scrutiny of the application and the documents annexed thereto, the Commissioner Inland Revenue shall, forward the application to the Engineering Development Board, Government of Pakistan hereinafter referred to as "EDB" in this Chapter, for seeking certification to the effect that process or technology used by the Industrial Undertaking has not earlier been used in Pakistan.

(3) Upon receipt of application forwarded by Commissioner Inland Revenue, the EDB shall process the same within the time stipulated by him and communicate its expert opinion / findings with regard to the query raised in sub-rule (2) to the Commissioner Inland Revenue

220E. Decision on application.- (1) On receipt of an application under rule 220C, the Commissioner, after completion of formalities, may approve the organization for the purpose of clause (27A) of section 2 of the Ordinance.

(2) An approval granted under sub-rule (1) shall be –

(a) notified in the official Gazette; and

(b) subject to such conditions as the Commissioner may specify in the approval

220F. Refusal to grant approval.- (1) The Commissioner may refuse to approve the Industrial Undertaking if the Commissioner is satisfied that the Industrial Undertaking does not fulfill the conditions of Greenfield Industrial Undertaking

(2) The Commissioner shall notify the applicant, in writing, the decision to refuse the approval.

(3) The notice referred to in sub-rule (2) shall include a statement of reasons for the refusal.

220G. Finalization of applications. The Commissioner Inland Revenue shall finalize the applications filed under Rule 220C within fifteen days of its receipt.

220H. Appeal against decision of a Commissioner Inland Revenue. Any taxpayer dissatisfied with the decision of the Commissioner Inland Revenue under Rule

220F may prefer an appeal within sixty days of the receipt of the order to the Appellate Tribunal Inland Revenue under section 131 of the Ordinance.”.

[F. No. 1(60) R&S /2020]


(Syed Hassan Sardar)
Secretary (Rules & SROs)