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Dear Shareholder

Subject: Intimation / Communication in respect to Deduction of Tax at Source on Dividend for Financial Year 2022-23

We are pleased to inform you that the Board of Directors at their Meeting held on Tuesday, April 25, 2023 has recommended **Final Dividend of Rs. 3.50 each per Equity Share** of ₹10 each on 6,63,87,590 Equity Shares of the Company for the FY 2022-23 which is subject to the approval of Shareholders at the ensuing Annual General Meeting of the Company on Friday, June 30, 2023. The Final Dividend, if approved, will be paid to the Equity Shareholders on the basis of the details of beneficial ownership that will be furnished by the Depositories, as at the close of business hours of **Friday**, **June 23**, **2023** i.e. record date for determining entitlement of members to receive Final Dividend for the FY 2022-23.

As you may be aware, as per the Income-tax Act, 1961 (Act), as amended by the Finance Act, 2020, dividends paid or distributed by the Company after April 01, 2020, shall be taxable in the hands of the shareholders and the Company shall be required to deduct tax at source (TDS) at the prescribed rates from the dividend to be paid to shareholders. The TDS rate would vary depending on the residential status of the shareholder, documents submitted by them and accepted by the Company. Accordingly, the Final Dividend will be paid after deducting TDS as explained here under:

I. FOR RESIDENT SHAREHOLDERS							
Category of shareholders	Exemption applicability/Documentation requirement						
Mutual Funds	No TDS is required to be deducted where a self-declaration (as per format available on link <u>https://einward.alankit.com/Docs/7- Declaration%20for%20Mutual%20Fund%20Companies.pdf</u>) that it is governed by provisions of Section 10(23D) of the Act is provided along with a self-attested copy of a valid SEBI registration certificate.						
Insurance Companies	No TDS is required to be deducted where a self-declaration (as per format available on link <u>https://einward.alankit.com/Docs/8- Declaration%20for%20Insurance%20Companies.pdf</u>) that it has full beneficial interest with respect to the Ordinary Shares owned by it is provided along with self-attested copy of valid IRDAI registration certificate.						
Category I and II Alternative Investment Fund	No TDS is required to be deducted where a self-declaration (as per format available on link <u>https://einward.alankit.com/Docs/6-</u> Declaration%20for%20Alternate%20Investment%20Fund%20Comp <u>anies.pdf</u>) that its income is exempt under section 10(23FBA) of the Act and they are established as Category I or Category II AIF under the SEBI regulations is provided along with self-attested copy of valid SEBI registration certificate needs to be submitted.						

Any other entity entitled to exemption from TDS	Valid self-attested documentary evidence (e.g. relevant copy of registration, notification, order, etc.) in support of the entity being entitled to TDS exemption needs to be submitted.
Other resident shareholder	 A) TDS is required to be deducted at the rate of 10% under Section 194 of the Act. B) No TDS is required to be deducted, if aggregate dividend distributed or likely to be distributed during the financial year to individual shareholders does not exceed INR 5,000/ C) No TDS is required to be deducted on furnishing of valid Form 15G (as per format available on link <u>https://einward.alankit.com/Docs/1-annexure-1-form-15G.docx</u>) (for individuals, with no tax liability on total income and income not exceeding maximum amount which is not chargeable to tax) or Form 15H (as per format available on link <u>https://einward.alankit.com/Docs</u>) (for individual above the age of 60 years with no tax liability on total income). D) TDS is required to be deducted at the rate of 20% under Section 206AA of the Act, if valid PAN of the shareholder is not available.
	E) TDS is required to be deducted at the rate prescribed in the lower tax withholding certificate issued under Section 197 of the Act, if such valid certificate is provided.

- The Finance Act, 2021, has *inter alia* inserted the provisions of section 206AB of the Act with effect from July 1, 2021. The provisions of section 206AB of the Act require the deductor to deduct tax at higher of the following rates from amount paid/ credited to 'specified person':
- 1. At twice the rate specified in the relevant provision of the Act; or
- 2. At twice the rates or rates in force; or
- 3. At the rate of 5%

The 'specified person' means a person who has:

- a. not filed return of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be deducted, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; **and**
- b. Subjected to tax deduction/collection at source in aggregate amounting to Rs.50,000 or more in each of such two immediate previous years.

Note: The non-resident who does not have the permanent establishment is excluded from the scope of a specified person.

• The Company will be relying on the information verified by the utility available on the Income Tax website.

II. FOR NON-RESIDENT SHAREHOLDERS								
Category of shareholders	Exemption applicability/Documentation requirement							
FPIs and FIIs	TDS is required to be deducted at the rate of 20% (plus applicable surcharge and cess) under Section 196D of the Act.							
Any entity entitled to exemption from TDS	Valid self-attested documentary evidence (e.g. relevant copy of registration, notification, order, etc. by Indian tax authorities) in support of the entity being entitled to exemption from TDS is to be submitted.							
Other non- resident shareholder	 A) Taxes are required to be withheld in accordance with the provisions of Section 195 of the Income Tax Act, 1961, as per the rates as applicable. As per the relevant provisions of the Act, the withholding tax shall be at the rate of 20% (plus applicable surcharge and cess) on the amount of dividend payable to them. B) Further, as per Section 90 of the Act the non-resident shareholder has the option to be governed by the provisions of the Double Tax Avoidance Treaty as read with relevant clauses of Multilateral instrument (if any) between India and the country of tax residence of the shareholder, if they are more beneficial to them. To avail Tax Treaty benefits, the non-resident shareholders will have to provide the following: 							
	 Self-attested copy of the PAN allotted by the Indian Income Tax authorities; Self-attested copy of valid Tax Residency Certificate obtained from the tax authorities of the country of which the shareholder is a resident for the period April 2022 to March 2023; Self-declaration in Form 10F (as per format given on link https://einward.alankit.com/Docs/FORM%2010F.docx)%3 							

Attention:

- 1. The documents furnished by the shareholders (such as Form 15G/15H, TRC, Form 10F, Self-Attested Declaration etc.) shall be subject to review and examination by the Company before granting any beneficial rate or NIL Rate. The Company reserves the right to reject the documents in case of any discrepancies or the documents are found to be incomplete.
- 2. In case, the dividend income is assessable to tax in the hands of a person other than the registered Shareholder as on the Record Date, the registered shareholder is required to furnish a declaration containing the name, address, PAN of the person to whom TDS credit is to be given and reasons for giving credit to such person.
- Above communication on TDS sets out the provisions of law in a summarized manner only and does not purport to be a complete analysis or listing of all potential tax consequences. Shareholders should consult with their own tax advisors for the tax provisions that may be applicable to them.
- 4. It may be further noted that in case the tax on dividend is deducted at a higher rate in absence of receipt of the aforementioned details/documents, there would still be an option available with the shareholder to file the return of income and claim an appropriate refund, if eligible. No claim shall lie against the Company for such taxes deducted.

- 5. In the event of any income tax demand (including interest, penalty, etc.) arising from any misrepresentation, inaccuracy or omission of information provided / to be provided by the Shareholder(s), such Shareholder(s) will be responsible to indemnify the Company and also, provide the Company with all information / documents and co-operation in any appellate proceedings.
- 6. **Updating Bank Account details**: Shareholders are requested to ensure that their bank account details are updated in their Demat accounts, to enable the Company to make timely credit of dividend in their bank accounts.
- 7. The Company will arrange to email a soft copy of the TDS certificate to the shareholders at their registered email ID in due course, post payment of the said Dividend. Shareholders will also be able to see the credit of TDS in Form 26AS, which can be downloaded from their e-filing account at https://www.incometax.gov.in/iec/foportal

In case tax on dividend is deducted at a higher rate in the absence of receipt of the aforementioned details / documents, shareholders would still have an option of claiming refund of the excess tax deducted at the time of filing their income tax return by consulting their tax advisors. No claim shall lie against the Company for such taxes deducted. Shareholders will be able to see the credit of TDS in Form 26AS, which can be downloaded from their e-filing account at <u>https://incometax.gov.in</u>.

Moreover, all Shareholders are requested to ensure that the above details are submitted with the Company/RTA, on or before Thursday, June 22, 2023.

<u>No communication on the tax determination / deduction shall be entertained after Thursday,</u> June 22, 2023.

Shareholders are requested to upload the documents on the portal https://einward.alankit.com/

In case of any query, please reach out to us by sending an email to <u>investors@dhampur.com</u> or <u>rta@alankit.com</u>.

We seek your cooperation in the matter.

Thanking you,

Yours faithfully, For and on behalf of Dhampur Bio Organics Limited

Ashu Rawat Company Secretary

Declaration by shareholder qualifying as Insurer as per section 2(7A) of the Insurance Act, 1938

<on letterhead of the shareholder>

Date: << >>

TO WHOMSOEVER IT MAY CONCERN

Dear Sir,

Sub: Declaration with regards to dividend income.

For the purpose of determination of Income-tax TDS liability under Income Tax Act 1961, we hereby certify as follows:

Nature of information	Details
Name of the Shareholder	
Status	Insurance Company
Contact number	
PAN	
Registration number of the certificate	
obtained from IRDA	
Nature of Insurance business	

Further, we declare the we qualify as Insurer as per section 2(7A) of the Insurance Act, 1938 and << name of the shareholder >> is the beneficial owner of dividend income and is eligible for exemption from withholding taxes as per section 194 Income-tax Act, 1961 for the FY 2021-22.

In this regard, we have enclosed certificate of registration with IRDA / LIC / GIC, as applicable.

In this connection, we also certify that the above made declarations applies to all DP ID & client ID linked the PAN << PAN of the shareholder >>.

For

Authorized Signatory

Name and Designation:

Declaration by Mutual Fund shareholder eligible for exemption u/s 10(23D) of the Income-tax Act, 1961

<on letterhead of the shareholder>

Date: << >>

TO WHOMSOEVER IT MAY CONCERN

Dear Sir,

Sub: Declaration with regards to dividend income.

For the purpose of determination of Income-tax TDS liability under Income Tax Act 1961, we hereby certify as follows:

Nature of information	Details
Name of the Shareholder	
Status	Mutual Fund (MF)
Contact number	
PAN	
The notification number in which the MF is notified to be exempt under Section 10(23D) MF SEBI Registration number (if the MF is registered with SEBI)	
or If the MF is set up by public sector bank / public financial institution (PFI) / authorized by RBI.	

Further, we also declare that << Name of the Shareholder >> is the beneficial owner of dividend income and is eligible for exemption u/s 10(23D) of the Income-tax Act, 1961 and therefore eligible for exemption from withholding taxes as per section 196 of Income-tax Act, 1961 for the FY 2021-22.

In this regard, we have enclosed certificate of registration of Mutual Fund with SEBI or a certificate indicating a Mutual Fund is set up by public sector bank / PFI / authorized by RBI being notified by Central Government, as the case may be.

In this connection, we also certify that the above made declarations applies to all DP ID & client ID linked the PAN << PAN of the shareholder >>.

For

Authorized Signatory

Name and Designation:

Annexure - 3

Declaration by Category I/II Alternate Investment Fund (AIF) registered with SEBI holding registration and declaring dividend income is not chargeable under the head 'Profit and Gains of Business or Profession' and qualifies for exemption u/s 10(23FBA)

<on letterhead of the shareholder>

Date: << >>

TO WHOMSOEVER IT MAY CONCERN

Dear Sir,

Sub: Declaration with regards to dividend income.

For the purpose of determination of Income-tax TDS liability under Income Tax Act 1961, we hereby certify as follows:

Nature of information	Details
Name of the Shareholder	
Status	
Contact number	
PAN	

We declare the that we are a Category I/II Alternate Investment Fund (AIF) registered with SEBI holding registration no << >> and our dividend income is not chargeable under the head 'Profit and Gains of Business or Profession' for the FY 2021-22 and qualifies for exemption u/s 10(23FBA). Therefore, we are eligible for exemption from withholding taxes under the Income Tax Act, 1961 (the Act) as specified in CBDT Notification No. 51/2015 of the Act.

Further, we have attached the certificate of registration of the AIF with SEBI.

In this connection, we also certify that the above made declarations applies to all DP ID & client ID linked the PAN << PAN of the shareholder >>.

For

Authorized Signatory

Name and Designation:

INCOME-TAX RULES, 1962

¹FORM NO. 15G

[See section 197A(1), 197A(1A) and rule 29CJ

Declaration under section 197A(1) and section 197A(1A) to be made by an individual or a person (not being a company or firm) claiming certain incomes without deduction of tax

PART I

1. Name of Assessee (Declarant)			2. PAN of the Assessee ¹							
Status		. Previous year(P.Y.) ³ for which declaration is being m			ade)	5. esidential Status ^s			Status⁵	
6. Flat/Door/Block No.		7. Na	ame of P	remises	8. c	8. oad/Street/Lane		9.	9. Area/Locality	
10. Town/City/District		11. S	tate		12. PIN			1.	. Email	
1. Telephone No. (with STD 15 (a) Whether asses Code) and Mobile No. Income-tax Act, 196 (b) If yes, latest asses			ie-tax Act, 1961	5.		Ye ch assessed		No		
16. Estimated income for which this declaration is made		tion	17. Estimated total income of the P.Y. in which income mentioned in column 16 to be included ⁶							
18. Details of Form No.	15G c	other th	nan this f	form filed duri	ng the j	previous year,	if any ⁷			
Total No. of For	m No	. 15G f	iled	Aggrega	gate amount of income for which Form No.15G filed				n No.15G filed	
19. Details of income for	or wh	ich the	declarat	ion is filed						
Sl. Identification number of relevant Na No. investment/account, etc. ^s Na			Nature of inc	come	Section und is deductible		ax	Amount of income		

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Signature of the Declarant[°]

Declaration/Verification¹⁰

Place:	
Date:	

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Signature of the Declarant[°]

 Substituted by IT (Fourteenth Arndt.) Rules 2015, w.e.f. 1-10-2015. Earlier Form No. 15G was inserted by the IT (Fifth Arndt.) Rules, 1982, w.e.f. 21-6-1982 and later on arnended by the IT (Fifth Arndt.) Rules, 1989, w.r.e.f. 1-4-1988, IT (Fourteenth Arndt.) Rules, 1990, w.e.f. 20-11-1990 and IT (Twelfth Arndt.) Rules, 2002, w.e.f. 21-6-2002 and substituted by the IT (Eighth Arndt.) Rules, 2003, w.e.f. 9-6-2003 and IT (Second Arndt.) Rules, 2013, w.e.f. 19-2-2013.

PART II

[To be filled by the person responsible for paying the income referred to in column 16 of Part I]

1. Name of the person responsible for paying			2. Unique Identification No.''		
3. PAN of the person responsible for paying	4. Complete Address		5. TAN of the person responsible for payin		
6. Email	7. Telephone No. (with S	STD Cod	de) and Mobile No. 8. Amount of income		
9. Date on which Declaration is received (DD/MM/YYYY)			te on which the inco MM/YYYY)	ome has been paid/credited	

Place:	
Date:	Signature of the person responsible for paying
	the income referred to in column 16 of Part I

*Delete whichever is not applicable.

¹As per provisions of section 206AA(2), the declaration under section 197A(1) or 197A(1A) shall be invalid if the declarant fails to furnish his valid Permanent Account Number (PAN).

 2 Declaration can be furnished by an individual under section 197A(1) and a person (other than a company or a firm) under section 197A(1A).

³The financial year to which the income pertains.

^aPlease mention the residential status as per the provisions of section 6 of the Income-tax Act, 1961.

⁵Please mention "Yes" if assessed to tax under the provisions of Income-tax Act, 1961 for any of the assessment year out of six assessment years preceding the year in which the declaration is filed.

^ePlease mention the amount of estimated total income of the previous year for which the declaration is filed including the amount of income for which this declaration is made.

⁷In case any declaration(s) in Form No. 15G is filed before filing this declaration during the previous year, mention the total number of such Form No. 15G filed along with the aggregate amount of income for which said declaration(s) have been filed.

[®]Mention the distinctive number of shares, account number of term deposit, recurring deposit, National Savings Schemes, life insurance policy number, employee code, etc.

⁹Indicate the capacity in which the declaration is furnished on behalf of a HUF, AOP, etc.

¹^oBefore signing the declaration/verification, the declarant should satisfy himself that the information furnished in this form is true, correct and complete in all respects. Any person making a false statement in the declaration shall be liable to prosecution under section 277 of the Income-tax Act, 1961 and on conviction be punishable-

- (i) in a case where tax sought to be evaded exceeds twenty-five lakh rupees, with rigorous imprisonment which shall not be less than six months but which may extend to seven years and with fine;
- (ii) in any other case, with rigorous imprisonment which shall not be less than three months but which may extend to two years and with fine.

¹¹The person responsible for paying the income referred to in column 16 of Part I shall allot a unique identification number to all the Form No. 15G received by him during a quarter of the financial year and report this reference number along with the particulars prescribed in rule 31A(4)(vii) of the Income-tax Rules, 1962 in the TDS statement furnished for the same quarter. In case the person has also received Form No.15H during the same quarter, please allot separate series of serial number for Form No.15G and Form No.15H.

¹²The person responsible for paying the income referred to in column 16 of Part I shall not accept the declaration where the amount of income of the nature referred to in sub-section (1) or sub-section (1A) of section 197A or the aggregate of the amounts of such income credited or paid or likely to be credited or paid during the previous year in which such income is to be included exceeds the maximum amount which is not chargeable to tax. For deciding the eligibility, he is required to verify income or the aggregate amount of incomes, as the case may be, reported by the declarant in columns 16 and 18.

¹FORM NO. 15H

[See section 197A(1C) and rule 29C]

Declaration under section 197A(1C) to be made by an individual who is of the age of sixty years or more claiming certain incomes without deduction of tax.

1. Name of Assessee (Declarant) 3. Date of 2. Permanent Account Number or Aadhaar Birth²(DD/MM/YYYY) Number of the Assessee¹ 5. Flat/Door/Block No. 6. Name of Premises 4. Previous year(P.Y.)³ (for which declaration is being made) 7. Road/Street/Lane 8. Area/Locality 9. Town/City/District 10. State 11. PIN 12. Email 13. Telephone No. (with STD Code) and Mobile No. Yes No 14 (a) Whether assessed to tax^4 : (b) If yes, latest assessment year for which assessed 15. Estimated income for which this declaration is made 16. Estimated total income of the P.Y. in which income mentioned in column 15 to be included⁵ 17. Details of Form No.15H other than this form filed for the previous year, if any⁶ Total No. of Form No.15H filed Aggregate amount of income for which Form No.15H filed 18. Details of income for which the declaration is filed S1. Nature of income Section under Identification number of Amount of No. income which tax is relevant deductible investment/account, etc.⁷

PART I

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Signature of the Declarant

^{1.} Substituted by the IT (Fourteenth Amdt.) Rules, 2015, w.e.f. 1-10-2015. Earlier Form No. 15H was amended by the IT (Fifth Amdt.) Rules, 1982, w.e.f. 21-6-1982, IT (Fifth Amdt.) Rules, 1989, w.r.e.f. 1-4-1988, IT (Fourteenth Amdt.) Rules, 1990, w.e.f. 20-11-1990, IT (Twelfth Amdt.) Rules, 1992, w.e.f. 1-6-1992, IT (Seventh Amdt.) Rules, 1995, w.e.f. 1-7-1995, IT (Thirty-second Amdt.) Rules, 1999, w.e.f. 19-11-1999, IT (Twelfth Amdt.) Rules, 2002, w.e.f. 21-6-2002, IT (Eighth Amdt.) Rules, 2003, w.e.f. 9-6-2003, IT (Fourteenth Amdt.) Rules, 2003, w.e.f. 1-8-2003 and IT (Second Amdt.) Rules, 2013, w.e.f. 19-2-2013.

Declaration/Verification⁸

Place: Date:

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Signature of the Declarant

PART II

[To be filled by the person responsible for paying the income referred to in column 15 of Part I]

1. Name of the person responsible for paying			2. Unique Identification No. ⁹		
3. Permanent Account Number or Aadhaar Number of the person responsible for paying	4. Complete Addres	SS	5. TAN of the person responsible for payin		
6. Email	7. Telephone No. (with STD Code) and Mobile No.			8. Amount of income paid ¹⁰	
9. Date on which Declaration is received (DD/MM/YYYY)			10. Date on which the income has been paid/credited (DD/MM/YYYY)		

Place: Date:

Signature of the person responsible for paying the income referred to in column 15 of Part I

*Delete whichever is not applicable.

1. As per provisions of section 206AA(2), the declaration under section 197A(1C) shall be invalid if the declarant fails to furnish his valid Permanent Account Number or AadhaarNumber.

2. Declaration can be furnished by a resident individual who is of the age of 60 years or more at any time during the previous year.

3. The financial year to which the income pertains.

4. Please mention "Yes" if assessed to tax under the provisions of Income-tax Act, 1961 for any of the assessment year out of six assessment years preceding the year in which the declaration is filed.

5. Please mention the amount of estimated total income of the previous year for which the declaration is filed including the amount of income for which this declaration is made.

6. In case any declaration(s) in Form No. 15H is filed before filing this declaration during the previous year, mention the total number of such Form No. 15H filed along with the aggregate amount of income for which said declaration(s) have been filed.

7. Mention the distinctive number of shares, account number of term deposit, recurring deposit, National Savings Schemes, life insurance policy number, employee code, etc.

8. Before signing the declaration/verification, the declarant should satisfy himself that the information furnished in this form is true, correct and complete in all respects. Any person making a false statement in the declaration shall be liable to prosecution under section 277 of the Income-tax Act, 1961 and on conviction be punishable—

- (i) in a case where tax sought to be evaded exceeds twenty-five lakh rupees, with rigorous imprisonment which shall not be less than six months but which may extend to seven years and with fine;
- (ii) in any other case, with rigorous imprisonment which shall not be less than three months but which may extend to two years and with fine.

9. The person responsible for paying the income referred to in column 15 of Part I shall allot a unique identification number to all the Form No. 15H received by him during a quarter of the financial year and report this reference number along with the particulars prescribed in rule 31A(4)(vii) of the Income-tax Rules, 1962 in the TDS statement furnished for the same quarter. In case the person has also received Form No.15G during the same quarter, please allot separate series of serial number for Form No.15H and Form No.15G.

10. The person responsible for paying the income referred to in column 15 of Part I shall not accept the declaration where the amount of income of the nature referred to in section 197A(1C) or the aggregate of the amounts of such income credited or paid or likely to be credited or paid during the previous year in which such income is to be included exceeds the maximum amount which is not chargeable to tax after allowing for deduction(s) under Chapter VI-A, if any, or set off of loss, if any, under the head "income from house property" for which the declarant is eligible. For deciding the eligibility, he is required to verify income or the aggregate amount of incomes, as the case may be, reported by the declarant in columns 15 and 17.

¹[**Provided** that such person shall accept the declaration in a case where income of the assessee, who is eligible for rebate of income-tax under section 87A, is higher than the income for which declaration can be accepted as per this note, but his tax liability shall be nil after taking into account the rebate available to him under the said section 87A.]

^{1.} Inserted by Income-tax (4th Amendment) Rules, 2019, w.e.f. 22-5-2019.

FORM NO. 10F

[See sub-rule (1) of rule 21AB]

Information to be provided under sub-section (5) of section 90 or sub-section (5) of section 90A of the Income-tax Act, 1961

I *son/daughter of Shri in the capacity of (designation) do provide the following information, relevant to the previous year for the purposes of sub-section (5) of *section 90/section 90A:---

Sl.No .	Nature of information	:	Details #
(i)	Status (individual, company, firm etc.) of the assessee	:	
(ii)	Permanent Account Number or Aadhaar Number of the assessee if allotted	:	
(iii)	Nationality (in the case of an individual) or Country or specified territory of incorporation or registration (in the case of others)	:	
(iv)	Assessee's tax identification number in the country or specified territory of residence and if there is no such number, then, a unique number on the basis of which the person is identified by the Government of the country or the specified territory of which the assessee claims to be a resident	:	
(v)	Period for which the residential status as mentioned in the certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A is applicable	:	
(vi)	Address of the assessee in the country or territory outside India during the period for which the certificate, mentioned in (v) above, is applicable	:	

2. I have obtained a certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A from the Government of (name of country or specified territory outside India)

Signature:		
	Name:	
	Address	:
Permanent Account Number or Aadhaar Number		
Verification		
I . d	lo hereby declare that to the best o	f my knowledge and belief
what is stated above is correct, complete and is truly stated.		
Verified today the	day of	
	Signature	of the person providing the information
Place:		
Notes :		

1. *Delete whichever is not applicable.

2. #Write N.A. if the relevant information forms part of the certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A.