Letter in case a Foreign Company does not have a "PE" in India

<Company's letter head>

Date:

Name and Address of the Company

Folio No:

This is to certify **that**

1. <insert company's name>, is a body corporate incorporated and registered in <Name of the country > under the laws of <mention Name of the country>.

2. We, << Name of the shareholder >> confirm that we are a tax resident of <<Insert country>> and are eligible to claim benefits of the India - << Insert country>> Double Tax Avoidance Agreement (DTAA), read with the provisions laid down in Multilateral Instrument (MLI), wherever applicable.

3. Our Tax Identification Number issued by <Name of the authority> is <mention number>

4. We, <<Name of the shareholder >> are the beneficial owner of the shares allotted in above folio no. as well as of the dividend arising from such shareholding. .

5. 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.

6. We either do not have a Permanent Establishment (P.E.) in India or Dividend income earned by us in not attributable/effectively connected to the our P.E. in India as defined under the Income Tax Act, 1961 and DTAA between India and <Name of Country> read with the provisions laid down in Multilateral Instruments (MLI), wherever applicable, during the financial year <<<Year>>>. We further confirm that we do not have any business connection in India as per provisions of Income Tax Act 1961. In the event of we having a P.E. in India or Dividend income is attributable/effectively connected to such P.E., we acknowledge our obligation to inform you forthwith with necessary details.

   We further indemnify << Name of the Company >> for any penal consequences arising out of any acts of commission or omission initiated by << Name of the Company >> by relying on our above averment.

Thanking you,

Yours Sincerely,
For <company's name>
_____
Name: <insert authorised person name>
<Insert designation>

Signature :