



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
OFFICE OF THE DEPUTY
COMMISSIONER OF INCOME TAX
INT TAX CIRCLE 3(2)(2), MUMBAI

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| To, ORIENT OVERSEAS CONTAINER LINE LIMITED ICC CHAMBERS, 5TH FLOOR,,SAKI VIHAR ROAD, POWAI MUMBAI 400072,Maharashtra India | |
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| PAN: AAACO5679E | Dated: 29/10/2021 | DIN & Letter No : ITBA/COM/F/17/2021-22/1036663471(1) |
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Sir/ Madam/ M/s,

Subject: Proceedings under section 197 - Letter

ORDER UNDER SECTION 197 OF THE INCOME-TAX ACT, 1961

1. M/s. OOCL (India) Private Limited (as agent for M/s Orient Overseas Container Line Limited, Hong Kong) (hereinafter referred to as 'applicant') has made an application dated 14.09.2021 requesting for issue of a certificate u/s 197 of the Act so as to enable it to collect freight, handling and others miscellaneous charges etc. from various parties without and others miscellaneous charges etc. from various parties without deduction of tax at source during the financial year 2021-22, as M/s Orient Overseas Container Line Limited, Hong Kong are fully paying taxes before remitting freight overseas. Further, several Clients in India, are also deducting TDS u/s 195 while making freight and other payments to OOCL, HK leading to double deduction of TDS. However vide application dtd 14.09.2021 It is submitted that M/s. Orient Overseas Container Line Ltd., a company registered in Hong Kong, is engaged in operation of vessels in international traffic and is liable to pay tax in India u/s.172 read with section 44B of the I.T. Act. The Applicant, further, submitted that due to the nature of business activities of the Applicant, it is not possible to submit an exhaustive list of customers (i.e. person responsible for deduction of tax as mentioned in Annexure I to Form 13) doing business with the Applicant. Further, it is mentioned that the Applicant has more than 100 customers which withholds taxes and most of these customers are not fixed or recurring. Accordingly, the Applicant is not in a condition whereby it can have the details of such

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customers at the time of making application. The assessee also contended that for the purpose of issue of lower TDS certificate under Section 197, proviso to sub rule 4 of rule 28AA of the I.T. Rules will be applicable in its case. The applicant also relied upon CBDT's Circular No. 723 dt. 19/09/1995 in support of its contention.

2. In view of the aforesaid it is ordered that where a payment has been subjected to tax u/s 44B of the IT Act, 1961 and the tax is being deposited by M/s. OOCL (India) Private Limited (as agent for M/s Orient Overseas Container Line Limited, Hong Kong) (hereinafter referred to as 'applicant'), then at the time of receiving payment from Indian clients for freight, handling, ancillary and similar other charges like detention, demurrage, THC, IHC etc. there is no need for tax deduction at source u/s 195 of the IT Act 1961.

3. *This certificate is issued on the prima facie examination of the detail/ documents/ information furnished before me and it is subjected to verification at the time of assessment proceedings or any other legal proceedings. This Certificate Is valid for financial year 2021-22 up to 31.03.2022 unless cancelled or modified before the expiry of the said financial year with intimation. This certificate is issued at the request made by M/s OOCL (India) private Limited (as Agent for M/s Orient Overseas Container Line Limited, Hong Kong) vide application dated 14.09.2021. This certificate is provisional in nature and is subject to the final assessment and is without prejudice to the stand taken by the department during the course of the assessment proceedings.*

ATUL PANDEY
INT TAX CIRCLE 3(2)(2), MUMBAI

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