

MEMO# 28894

April 14, 2015

Follow-Up to Committee Call Regarding Indian MAT Issue

[28894]

April 14, 2015

TO: TAX COMMITTEE No. 15-15

INTERNATIONAL COMMITTEE No. 18-15

ICI GLOBAL TAX COMMITTEE No. 13-15 RE: FOLLOW-UP TO COMMITTEE CALL REGARDING INDIAN MAT ISSUE

As agreed during our committee conference call on April 9, [\[1\]](#) and based upon the draft letter circulated for your review on April 10, [\[2\]](#) the attached letter was sent on Monday April 13 by ICI Global to the Indian Finance Minister on the Indian minimum alternate tax (MAT) issue. The letter respectfully requests that Finance Minister Jaitley instruct the Ministry of Finance (MoF) and the Central Board of Direct Taxes (CBDT) to clarify promptly that the MAT does not apply retroactively to foreign institutional investors (FIIs). The letter also requests, because the time for issuing such a clarification is short, that a notice be issued immediately stating that FIIs will not be required to object within the currently-prescribed 30-day time period to draft orders that they receive. A separate letter will be sent seeking clarification that the MAT does not apply in any fashion on a going-forward basis.

Also attached, as requested during the call, is a memorandum prepared by our Mumbai-based counsel regarding the various alternative routes by which FIIs may seek relief from adverse draft assessment orders. Our counsel has included with this memorandum the forms that FIIs utilize to seek relief from either the Dispute Resolution Panel (Form 35A) or the Commissioner of Income-tax (Appeals) (Form 35).

Keith Lawson
Deputy General Counsel - Tax Law

[Attachment 1](#)

[Attachment 2](#)

endnotes

[1] See Institute Memo # [28886](#), dated April 8, 2015.

[2] See Institute Memo # [28891](#), dated April 10, 2015.

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