FAQs on Tax deducted at Source (TDS) on Dividend

In accordance with the provisions of the Income Tax Act, 1961 ("the Act") as amended by the Finance Act, 2020, with effect from April 1, 2020, dividend declared and paid by a company is taxable in the hands of the shareholders. Accordingly, the company declaring/paying dividend is required to deduct TDS from such dividend at the rates prescribed by the Act.

1. TDS applicable to a resident individual shareholder with valid PAN:

- With effect from April 1, 2020, as per the Income Tax Act, 1961, the dividend income is taxable in the hands of shareholders. Accordingly, if any **resident individual shareholder** is in receipt of dividend exceeding ₹ 5,000 in a fiscal year, entire dividendwill be subject to TDS @10% under section 194 of the Income Tax Act, 1961. The rate of 10% is applicable provided the shareholder has updated his/her Permanent AccountNumber (PAN) with the depository/ Registrar and Transfer Agent (RTA). Otherwise, the TDS rate will be 20%.

- If the dividend to a resident individual shareholder does not exceed ₹ 5,000 in a fiscal year, no TDS is applicable.

- If the resident individual shareholder provides a declaration in Form 15G/ Form 15H, no TDS is applicable.

2. TDS applicable to a resident non-individual shareholder (HUF, Firm, AOP, BOI, Company):

The entire dividend will be subject to TDS for non-individual resident shareholders without any threshold limit. The tax deduction rate will be 10% provided a valid PAN is updated with the company or the depository/ RTA. Otherwise the TDS rate will be 20%.

3. Applicable TDS rates in cases where PAN is not linked with AADHAAR:

As per Section 139AA of the Income Tax Act, every person who has been allotted a PAN and who is eligible to obtain AADHAR, shall be required to link the PAN with AADHAR. In case of failure to comply with this, the PAN allotted shall be deemed to be invalid / inoperative and tax shall be deducted at the rate of 20% as per the provisions of section 206AA of the Act.

4. TDS applicable to insurance companies:

TDS is not applicable on the dividend paid to Insurance companies (Viz. LIC, GIC or any other insurer) in case it provides a self-declaration that the shares are owned by it or it has full beneficial interest in the shares, along with a self-attested PAN and copy of the registration certificate issued by IRDAI.

5. TDS applicable to mutual funds:

TDS is not applicable on the dividend paid to a Mutual Fund specified under clause (23D) of section 10 of Income Tax Act, 1961. Such Mutual Fund should provide a self-declaration that they are specified in Section 10 (23D) of the Income Tax Act, 1961 alongwith a self-attested copy of PAN card and registration certificate.

6. TDS applicable to New Pension System Trust:

TDS is not applicable on the dividend paid to any person for, or on behalf of, the New Pension System Trust referred to in clause (44) of section 10 of Income Tax Act, 1961. Such person to provide a self-declaration that they are specified in Section 10 (44) of the Income Tax Act, 1961.

7. TDS applicable to Foreign Institutional Investors (FIIs) and Foreign Portfolio Investors (FPIs):

Tax shall be deducted at source @ 20% (plus applicable surcharge and cess) on dividend paid to Foreign Institutional Investors ("FIIs") and Foreign Portfolio Investors ("FPIs") in view of specific provision under section 196D of the Act.

Please note that there is no threshold provided for which no tax will be withheld. Entire dividend is subject to withholding of tax.

8. TDS applicable to non-resident shareholders other than FIIs/ FPIs:

For non-resident shareholders, the rate of withholding tax is 20% (plus applicable surcharge and cess) as per Indian Income- tax Act, 1961. However, where a non-resident shareholder is eligible to claim the tax treaty benefit, and the tax rate provided in the respective tax treaty is beneficial to the shareholder, then the rate as per the tax treaty would be applied. In order to avail tax treaty benefits, non-resident shareholders would be required to submit **ALL the below** documents:

- Tax Residency Certificate for FY 2024-25, the year in which the dividend is received(to be obtained from the Revenue / Tax authorities of the country of which the shareholder is resident)
- Electronically file Form 10F as per the format specified under Income Tax Act, 1961
- Copy of PAN Card attested
- Self-declaration of beneficial ownership and not having a PE in India

Please note that the Company is not obligated to apply the beneficial DTAA rates at the time of tax deduction/withholding on the dividend amount. Application of beneficial DTAA Rate shall depend upon the completeness and satisfactory review by the Company, of the documents submitted by the non- resident shareholder.

If the documents are not provided or are insufficient to apply the beneficial DTAA rates, then tax will be deducted at 20% including surcharge and cess.

9. Applicable TDS rates in the cases of non-filers of Return of Income:

As per the provisions of Section 206AB of the Act, if any TDS is deductible from a "specified person", then, TDS would be deducted at higher of the following rates-

(i) Twice the rate specified in the relevant provision of the Act;
(ii) Twice the rate or rates in force;
(iii) At the rate of 5%.

For the above purpose, "specified person" means a person, being a resident or a non-resident having a Permanent Establishment (PE) in India,-

a. Who has not furnished the return of income for the assessment year relevant to the previous year immediately preceding the financial year in which tax is required to be deducted. For this purpose, the assessment year would be reckoned to be the one for which time limit for filing Return of Income under sub-section (1) of section 139 has expired; and

b. The aggregate amount of TDS deducted and TCS collected in the case of such person is ₹ 50,000 or more in the above referred previous year.

Accordingly, if, at the time of deducting TDS, the status of a resident shareholder or a non-resident shareholder (having a PE in India), as shown by the system of the Income-tax Department, is “specified person”, TDS would be deductible as given in Section 206AB of the Act.

Further, if owing to non-availability of PAN of a shareholder who is a “specified person” under section 206AB of the Act, the provisions of section 206AA are also applicable, TDS would be deductible at the rate applicable under section 206AA or under section 206AB of the Act, whichever is higher.

If a non-resident shareholder, who is otherwise liable for higher TDS under Section 206AB, submits a duly signed and verified declaration confirming that he/she does not have a PE in India, the provisions of Section 206AB would not be applicable in his case and TDS would be deductible at the normally applicable rate. In absence of such a declaration, TDS would be regulated as per the provisions of section 206AB of the Act.

10. Transferring TDS credit to the beneficial owner

In cases where the shareholder is merely a custodian of the shares and, accordingly, not the beneficial owner of the dividend payable in respect thereof, then, in order to transfer the credit of TDS to the beneficial owner of dividend income, the custodian may provide a declaration prescribed by Rule 37BA of the Income-tax Rules, 1962. The aforesaid declaration shall contain the following:

1) Name, address, PAN and residential status of the person to whom credit is to be given;

2) Payment in relation to which credit is to be given; and

3) The reason for giving credit to such person.

11. Update of PAN:

If the shares are held in Demat form, the PAN needs to be updated with the Depository. Ifthe shares are held in physical form, the PAN needs to be updated with the Company’s Registrar and Transfer Agents (Link to be provided)

Timeline to submit the documents:

All the above-mentioned documents should be sent to investors@oilindia.in **at least 7 days before the Record Date(s) of respective Dividends** else higher applicable TDS as mentioned in the above paragraphs will be deducted.

12. Information on tax deducted:

Shareholders can check Form 26AS from their e-filing accounts at https://www.incometaxindiaefiling.gov.in/

Shareholders can also use the “View Your Tax Credit” facility available at https://www.incometaxindiaefiling.gov.in/.Please note, the credit in Form 26AS would be reflected after the TDS Return is filed on a quarterly basis by the Company, and the sameis processed by the Income-tax department.