



Government of West Bengal
Department of Industry, Commerce & Enterprises
Mines Branch
4, Abanindranath Tagore Sarani (Camac Street), Kolkata – 16

No: 48-ICE/O/MIN/GEN-MIS/64/2017

Date : 28/01/2020

From : The Assistant Secretary
to the Government of West Bengal
Department of Industry Commerce and Enterprises.

To : 1) The District Magistrate (All)
2) The DL &LRO (All)

**Sub : Notification under section 10(46) of the Income Tax Act, 1961 in
respect of District Mineral Foundation Trust(DMFT)- reg.**

Sir,

I am directed to forward a copy of F. No. 300196/36/2017-ITA-I dt. 29.11.2019 which speaks for itself and request you kindly furnish the consolidated requisite information pertaining to your district as per para 4 of Deptt. of Revenue's O.M. dt. 29.11.2019 to this Department at an early date.

Enclo : As above

Yours faithfully,

S Das

Assistant Secretary

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204 (13)

F. No. 300196/36/2017-ITA-I
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes
(ITA-I Division)

Room No.245-A, North Block, New Delhi
Dated the 22nd November, 2019

OFFICE MEMORANDUM

Subject: Notification u/s 10(46) of the Income-tax Act, 1961 in respect of District Mineral Foundation Trusts (DMF Trusts)-reg.

Reference is drawn to the D.O. No. 16/50/2017-M. VI dated 15.09.2017 of Shri Narendra Singh Tomar, Hon'ble Minister of Rural Development, Panchayati Raj and Mines, Government of India and D.O. No. 16/50/2017-M. VI dated 07.05.2018 of Shri Anil Mukim, Secretary, Ministry of Mines and of VIP Shri Naveen Patnaik Hon'ble Chief Minister of Odisha and regarding issuance of notification for Income-tax exemption u/s 10(46) of the Income-tax Act, 1961 ('Act') in respect of 307 District Mineral Foundation Trusts and D.O. letter No. No.UM-6/2019-105/CM dated 03.10.2019 of Shri Naveen Patnaik Hon'ble Chief Minister of Odisha asking for issuing of necessary instructions for exemption of all 30 thirty District Mineral Foundation Funds from the incidence of Income Tax (copy enclosed).

2. As notification of each 307 DMF Trust individually was found to be a time consuming process, section 10(46) of the Act was amended by Finance Act 2018 so that all the DMF trust could be notified as 'class of persons'. The amended section 10(46) reads as under:

"10 (46) any specified income arising to a body or authority or Board or Trust or Commission by whatever name called, or a class thereof which-

- (a) Has been established or constituted by or under a Central, State or Provincial Act, or constituted by the Central Government or a State Government, with the object of regulating or administering any activity for the benefit of the general public;
- (b) Is not engaged in any commercial activity; and
- (c) Is notified by the Central Government in the Official Gazette for the purposes of the clause.

Explanation - For the purpose of this clause, "Specified income" means the income, of the nature and to the extent arising to a body or authority or Board or trust or Commission by whatever name called, or a class thereof referred Gazette, specified in this behalf;"

3. Section 10(46) of the Act provides that the specified income of a body Authority, Board, Trust or Commission would be exempt from taxation if such an entity is notified for the purpose of section 10(46). The basic conditions specified in the section are: -

- (a) such entities should be established or constituted by or under a Central, State or Provincial Act, or by Central or State Government;
- (b) the entities should have the object of regulating or administering any activity for the benefit of general public;
- (c) the said entity should not be engaged in any commercial activity;
- (d) the said entity will have activities and the nature of the specified income shall remain unchanged throughout the financial years; and

the entity shall file return of income in accordance with the provision of clause (g) of sub-section (4C) of section 139 of the Act.

4. In this regard, I am directed to request that a consolidated application for notification of all District Mineral Foundation Trusts as a 'Class' may be provided in the following format:

State	Name address and contact no. of the DMF	PAN	Whether approved u/s 12A or 10(23C)	Commissioner/Director of Income-tax having jurisdiction over the DMF	Whether they satisfy all conditions of Section 10(46) of the Income-tax Act, 1961 (as per para 3 above)
(1)	(2)	(3)	(4)	(5)	(6)

The details of the specified income on which exemption is sought and which needs to be notified may also be provided.

Encl. As above

Gulzar Ahmad Wani

(Gulzar Ahmad Wani)

Under Secretary to the Govt. of India

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To

Ms. V. Jayanathi (Under Secretary)
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Issued by mail & E.A. Post
28/11/2019