START A BUSINESS

PRIVATE LIMITED COMPANY (PVT) INCORPORATION IN INDIA

Private limited company is an independent legal entity with limited liability. Private limited company is a limited liability company formed with minimum two and maximum fifteen directors under Companies Act 2013 and it can have minimum two and maximum two hundred shareholders/members. In this form of company, directors have limited liability to shareholders, perpetual succession, easy to manage compliances, easy equity funding, and transferable ownership i.e. sale or purchase of company.

- FEATURES OF A PRIVATE LIMITED COMPANY (PLC)

  Minimum 2 Directors & Shareholders (Share subscribers) require

  Maximum 15 Director and 200 Shareholders (Members) allowed in PLC

  All Directors Should obtain DIN (Directors Identification Number)

  A Body corporate can be a shareholder in PLC

  Annual Statutory Audit compulsory by Practicing CA

  Annual ROC Filing Mandatory

  Income Tax rate @ 22% on net profit

  Eligible to apply for Startup Recognition subject to another T&C

  Most Ideal form of business to raise external funds from Investors

  Can offer ESOP to its employee

  Separate Legal Entity and Limited Liability

PUBLIC LIMITED COMPANY

Public limited company formation is almost similar to a private limited company except minimum requirement of directors and members are 3 and 7 respectively.

- FEATURES OF A PRIVATE LIMITED COMPANY (PLC)

  Minimum 3 Directors & Maximum 15.

  No limitation for number of Members/shareholders

  Can raise fund from public by issuing share subject to compliance of other provisions of the Act

  All the Public companies to use the word limited after its name

  Prospectus– Prospectus is a detailed statement of the company affairs which is issued by a company for its public. Thus, in the case of Public limited company, there is a need to issue a prospectus. However, in case of Private limited Companies, public

  All other features of a Private Limited Company Shall apply here as well.

ONE PERSON COMPANY (OPC) INCORPORATION IN INDIA

The concept of One Person Company (OPC) is introduced with Companies Act, 2013. Any one person who is an Indian citizen and resident in India is eligible to incorporate One Person Company. This form of company formation is perfect replacement for sole proprietorship model of businesses and eligible to apply for Startup India Recognition, Bank credit facilities and more preferences than a informal business of sole proprietorship.

- FEATURES OF ONE PERSON COMPANY (OPC)

  Single Shareholder and Director can be same person.

  Maximum 15 Directors allowed

  1 Nominee is mandatory (Indian Resident)

  Eligible to apply for Startup Recognition

  Annual Statutory Audit compulsory by Practicing CA

  Annual ROC Filing Mandatory

  Income Tax rate @ 22% on net profit

  Separate Legal Entity and Limited Liability

  A person can be member in only one OPC. Means a Person can not form more than one OPC.

  If OPC crosses a turnover of over Rs 2 crores or has a paid-up capital more than Rs 50 lakhs. It must be converted into a private or public within 6 months.

  Business ownership control by single person.

LIMITED LIABILITY PARTNERSHIP (LLP) IN INDIA

Best option if your business or Profession is small as well as it has Less ROC Compliances

- FEATURES OF LIMITED LIABILITY PARTNERSHIP (LLP)
  - Minimum 2 Partners require to form LLP
  - Maximum 200 Partners allowed in LLP
  - All Partners should obtain DIN
  - Annual Statutory Audit not mandatory up to Turnover Rs 40 lakhs / Capital contribution up to Rs 25 Lakhs
  - Less ROC Compliance - Low running cost
  - HIGH NON-COMPLIANCE PENALTY - ROC Non-Compliance penalty Rs 100 per day per form (2 forms yearly). No Maximum Penalty Cap.
  - LLP can raise FDI
  - In LLP there is not provision for issue of Share Capital
  - LLP is convertible into Private Limited Company after 2 years with minimum 7 partners
  - HIGH TAX - Normal Income Tax rate like Partnership firm @ 30% on net profit
  - LLPs are required to maintain proper books of accounts since registration on cash basis or accrual basis

PARTNERSHIP FIRM

Partnership Firm is the most popular business type wherein two or more person join together to start a business at agreed profit-sharing ratio by simply preparing a Partnership deed on non-judicial stamp paper. Partnership Firm in India is governed by Indian Partnership Act 1932 and Partnership Deed is the important document here. Partnership is easy to form, and the compliance is minimal as compared to companies and LLP. There 2 types of Partnership Firm - A) Registered Firm and D) Un-registered Firm. The Act does not require the Partnership Firm to be registered with Registrar of Firm or Any other Competent Authority authorized to Register Firm.

SECTION 8 COMPANY INCORPORATION IN INDIA

Under Section 8 of the Companies Act, a person or a group of people can apply to the Registrar of Companies with the necessary forms to incorporate a charitable corporation. If satisfied, the Central Government can accept such an application on any terms and conditions set by the license it has granted.

COMPANY INCORPORATION IN INDIA FOR FOREIGN NATIONAL

NRIs or foreign nationals can register a company and make investments in India subject to the Foreign Direct Investment Policy and Guidelines issued by the RBI. The only condition as per Incorporation rules is that a person of Indian Nationality should be appointed on Board of Director of the company.

COMPANY FORMATION IN DUBAI-UAE

An Indian company or Entrepreneurs intend to incorporate a company in the UAE can choose to set up operations as a branch, representative office or registered company, or it can appoint a commercial agent to sell its products in the UAE market or export them. New companies can also choose to conduct their activities from a Free Zone, which is a designated, self-regulated area set up to catalyze economic activity within an emirate and is governed by its own set of rules and regulations. There are around 40 Free Zones in the UAE, with more under development.

COMPANY REGISTRATION IN SINGAPORE

Singapore offers a highly conducive environment for companies that are looking at new opportunities in the Asia region. Its robust regulatory framework, coupled with a stable political and economic structure, pro-business government and a well-established judicial system, have created the ideal platform for investment and made it a major commercial, financial- and wealth management hub. Singapore is recognized for its high government efficiency and competitiveness while its robust legal and regulatory regimes make it the most transparent country in Asia.

COMPANY INCORPORATION IN HONG KONG

The appeal of Hong Kong as a global business hub connecting to Asia remains as strong as ever. As a Special Administrative Region (SAR) of China, Hong Kong offers a unique blend of economic and legal systems distinct from mainland China. For instance, Hong Kong adopts a Free Trade Policy and experiences less government interference compared to China.

This, combined with a common-law-based legal framework and a straightforward taxation system, including flat rate profits tax and favorable corporate tax rate, makes Hong Kong an ideal place of business for international entrepreneurs and a popular offshore banking location.

COMPANY INCORPORATION IN CYPRUS

- A highly developed business services infrastructure
- Excellent reputation, stable government and special status within the EU
- The ability to conduct business in a quality low-tax jurisdiction
- Well-developed and sophisticated banking system
- Non-resident companies are not subject to the local corporate tax

COMPANY INCORPORATION IN UNITED KINGDOM

The United Kingdom (UK) is an attractive destination for entrepreneurs worldwide. It is one of the top destinations to start a business since it has strong governance, high-quality facilities, well-equipped infrastructure and well-implemented rules and regulations.

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COMPANY INCORPORATION IN MAURITIUS

- One of the world most creditable offshore jurisdictions
- No capital gains or withholding taxes levied
- Social, political and economic stability
- GBC1 can access to double tax treaty network (37 DTTs)
- Strong governmental support to the financial sector

COMPANY INCORPORATION IN USA

The United States of America (the USA) is known to many for being the leaders in many different fields, ranging from having the most technologically powerful economy to the largest consumer market.

Thus, is sought after by worldwide businesses but not many businesses are able to enter this lucrative market due to the complication of different regulations among different states of the USA; and the procedures to enter the US market.

COMPANY INCORPORATION IN BRITISH VIRGIN ISLANDS

The British Virgin Islands (BVI) is a group of islands in the Caribbean Sea located approximately 80 kilometers east of Puerto Rico. The BVI is a British Overseas Territory, which became self-governing in 1967 and is a member of the British Commonwealth.

Since the BVI introduced International Business Company (IBC) legislation in 1984, its offshore financial services sector has expanded rapidly. In 2004, the IBC Act was replaced by the Business Companies Act, which further enhanced the jurisdiction's popularity.

STARTUP

STARTUP COMPANY REGISTRATION

You must first incorporate your business as a Private Limited Company, Partnership firm or a Limited Liability Partnership. You have to follow all the normal procedures for registration of any business like submitting the registration application and obtaining the Certificate of Incorporation/Partnership registration.

You can incorporate a Private Limited Company or a Limited Liability Partnership (LLP) by filing the registration application to the Registrar of Companies (ROC) of your region. You can establish a Partnership Firm by filing the application for registration of your firm with the Registrar of Firms of your area. You need to submit the required documents and fees to the Registrar of Companies or Registrar of Firms along with the registration application.

STARTUP INDIA REGISTRATION

Startup means an entity, incorporated and registered in India

- As a Private Limited Company or Limited Liability Partnership or Registered as a Partnership Firm.
- With an annual turnover not exceeding Rs. 100 crores for any of the financial years since incorporation/registration.
- Working towards innovation, development or improvement or of products or processes or services, or if it is a scalable business model with a high potential of employment generation or wealth creation.
- An entity formed by splitting up or reconstruction of an existing business shall not be considered a ‘Startup’.
- Shall not be more than 10 years old for Startup recognition OR not incorporated before April 2016 to claim Tax Exemption certificate.

An entity shall cease to be a Startup,

- On completion of 10 years from the date of incorporation/registration.
- If its turnover for any previous year exceeds Rs. 100 crore

STARTUP TAX EXEMPTION APPLY

After getting a DPIIT Certificate (Startup Recognition Certificate), a Startup is eligible to apply for Tax exemption under section 80 IAC of the Income Tax Act. Post getting clearance for Tax exemption, the Startup can avail tax holiday for 3 consecutive financial years out of its first 10 years since incorporation.

Eligibility Criteria for applying to Income Tax exemption (80IAC):

- The entity should be a recognized Startup.
- Only Private limited or a Limited Liability Partnership is eligible for Tax exemption under Section 80IAC.
- The Startup should have been incorporated after 1st April, 2016.

If You are running a Pvt Ltd or LLP but does not have DPIIT Startup Certificate, then

Step 1: Apply DPIIT Startup Certificate.

Step 2: Apply for Tax Exemption.

GST COMPLIANCE IN INDIA

Goods and Services Tax is very important part of business in India today. As only one Tax is apply on all sale of Goods and Services on B2B and B2C.

Post Registration of GST, various compliances are,

- Tax Computations and ITC Adjustment in Books
- Monthly Tax deposit
- Monthly/Quarterly/yearly Return Filing
- Matching and availing Input Tax Credit (ITC) on Return
- Check updated balance status on Electronic Ledger on GST Postal
- Uploading correct Invoice details on GST Portal etc.
- Any subsequent amendment in GST Registration
- Ensure correctness of GST Rate and HSN code on products
- GST Accounting and its treatment in Profit and Loss Statement and Balance Sheet.
- Stay updated with latest Notifications, Circular and Rule issued

Delay Deposit of Tax attract Interest @ 18% pa and delay return filing cost penalty per day Rs 20/50.

TDS COMPLIANCE IN INDIA

Tax Deducted at Source (TDS), Tax Collected at Source (TDS) and Business Income Tax Return (B-ITR) are 3 important Prime Direct Tax Compliance which every Firm/LLP/Company doing business in India has to comply and follow the Income Tax Act and Rules and Act regulating Tax Deduction on payment of certain specified expenditures namely Salary, Interest, Rent, Dividend, Commission, Brokerage, Professional Fee, Royalty, Compensation, Advertisement, Contract Works and Payment made to Non Resident/Foreign Companies. TDS deduction rate varies expenditure wise as mentioned in Sections 192 to 196D of the Income Tax Act

Tax Collection at Source (TCS) - Under section 206C of the Income Tax Act, tax has to be collected at source on sale of Category A, B, C & D goods (namely Alcoholic Liquor, Timber, Minerals, Coal, Iron Ore, Parking Toll, Toll Plaza, Jewellery, Motor Vehicle Valued exceeds Rs 10 lakhs, etc.)

ROC COMPLIANCE IN INDIA

Post incorporation of a company, regular compliances varies as per nature of companies (One Person Company, Private Limited, Limited Company) and day to day business activities. More or less few mandatory regular compliances every company has to meet with ROC on time throughout the year

Delay comply shall attract penalty up to 12 times of normal fee and Now a days consecutive 3 years non-filing likely get chances for strike off by ROC and Directors Disqualifications from all other companies.

Basically, there are two type of Compliances in general practice

A. Annual Compliances

Auditors Appointment, Annual Return Filings etc.

B. Special Compliances

Changes in Capital, MOA/AOA Amendment, Registered Address changes, etc.

ACCOUNTING AND BOOK MAINTENANCE

Many people use the terms book keeping and accounting interchangeably, but the fact is the former is the first step to the latter, i.e. book keeping is the stepping stone of accounting.

Book keeping is an activity of recording the financial transactions of the company in a systematic manner. For example, Transaction day book, Journal and Ledgers.

LEGAL REQUIREMENTS- Various Law Regulating the business and Taxation in India has put legal compulsion to main Books of Accounts as per Law and Guidelines.

A. Under Income Tax Act

B. Under the Companies Act 2013

C. Under GST Act

Books of Accounts to be preserve for at least 6-8 years under the provisions of different Acts in India.

INTELLECTUAL RIGHTS- TRADEMARK

A Trademark distinguishes your goods or services from another same line business or your competitors and can take many forms; for example, words, slogans, logos, shapes, colors and sounds. By trademark registration, you own legal right to use the Brand name or Logo and can put restriction on others from using the same.

Trademark is registered for specific goods or services within individual subjects, known as classes. This should not be descriptive and must not include common surnames, geographical names, registered company names or anything implying royal patronage.

INTELLECTUAL RIGHTS- COPYRIGHT

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, photograph, Painting, a speach, movies, songs, source code of a software program, the binary executable file, Website, Mobile App, and architecture.

It registration with IPR Authority essentially ensures that any creative work cannot be copied without the permission of the author or creator. This allows the author to charge others for copying his work, or modifying it, or building on top of it. For example, downloading an image from Shutterstock and using it on your own website without purchasing or taking on rent is violating the copyright of Shutterstock. Shutterstock can file a suit against you to claim its value of the image.

FUNDING PITCH PREPARATION

An elevator pitch is a short, consistent synopsis of your business, usually in just a few sentences. Perhaps surprisingly, getting your pitch to be short and consistent can be pretty difficult. Although the amount of content you need to create is tiny—just a few sentences—the amount of thought that goes into it is extraordinary.

PROJECTION AND INVESTOR PRESENTATION

The most essential financial projections for an investor pitch deck are the income statement, cash flow statement, and balance sheet. The income statement reveals revenue, expenses, and profit or loss for a given period of three to five years.

VIRTUAL CFO AND ADVISORY

There is a manifold growth in responsibilities that keep adding to your workload with the increase in business. This then leaves gaps in many places in your business process. It also brings the challenge of having expertise on board, but you might not want to hire a full-time CFO because of the financial commitment, risk, or long-term implications. This is where a Virtual CFO comes to your rescue. Virtual CFO is of great advantage to startups as well. Virtual CFOs for startups provide the promoter with the much-needed financial strategic advice while incurring high costs.

Having an outsourced CFO can be very beneficial for small businesses and startups alike. While hiring an outsourced CFO, you must ensure that they are well versed with the financial nitty-gritty of the industry your business belongs to

SHAREHOLDERS AGREEMENT

A shareholders' agreement is an arrangement among a company's shareholders that describes how the company should be operated and outlines shareholders' rights and obligations. The shareholders' agreement is intended to make sure that shareholders are treated fairly and that their rights are protected.

DIESEL DELIVERY SARTUP REGISTRATION

On Demand FUEL DELIVERY - Online Fuels booking is very popular Startups in developing countries like USA, UK, etc.

With start of the Govt of India initiative now Oil marketing Companies (OMCs) are considering recognized Startups to apply for "DDD Resellers" by signing an Agreement with the concerned OMC (ex- IOCL or BPCL or HPCL) . Such start-ups is also called as "FuelEnts" (Fuel + Entrepreneurs). Eligible Start-ups registered as “DDD Resellers” will be able to procure HSD directly from supply locations of the OMC or its Retail Outlets, having facility for loading of such Mobile Dispensers. Hence the Startup must have their own PESO compliant Dispenser. THIS IS B2B Business only.

There is a considerable demand of HSD for stationary equipment like generator sets, earth moving equipment, heavy machineries used in construction sites, mobile towers, etc. and these may not have facility / resource to store HSD. There is a demand from such customers for delivering HSD at their door steps.

DRAFTING WEBSITE T & C PRIVACY POLICIES

A Privacy Policy should be clearly and conspicuously displayed on a website. Your footer should include a link to the Privacy Policy. This link should not have any other policies/information on it. The link should be a different color, font and font size than the surrounding text to make sure that it is visible.

REGISTRATIONS

STARTUP INDIA (DIPP) REGISTRATION

Startup means an entity, incorporated and registered in India

- As a Private Limited Company or Limited Liability Partnership or Registered as a Partnership Firm.
- With an annual turnover not exceeding Rs. 100 crores for any of the financial years since incorporation/registration.
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TRADEMARK REGISTRATION (IPR)

A Trademark distinguishes your goods or services from another same line business or your competitors and can take many forms; for example, words, slogans, logos, shapes, colors and sounds. By trademark registration, you own legal right to use the Brand name or Logo and can put restriction on others from using the same.

Trademark is registered for specific goods or services within individual subjects, known as classes. This should not be descriptive and must not include common surnames, geographical names, registered company names or anything implying royal patronage.

It is possible for others to register identical or similar marks as long as it is in a different, unconnected class. There are total 45 classes to choose for Trademark as per your activities. A Trademark can be registered under more than one class separate application for each class. Which benefits you to secure your brand name through all relevant classes.

COPYRIGHT REGISTRATION (IPR)

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, photograph, Painting, a speech, movies, songs, source code of a software program, the binary executable file, Website, Mobile App, and architecture.

Its registration with IPR Authority essentially ensures that any creative work cannot be copied without the permission of the author or creator. This allows the author to charge others for copying his work, or modifying it, or building on top of it. For example, downloading an image from Shutterstock and using it on your own website without purchasing or taking on rent is violating the copyright of Shutterstock. Shutterstock can file a suit against you to claim its value of the image.

By Registering your work, basically you wanted to protect your right over that and some sort of earning by letting it to others for using.

PATENT REGISTRATION (IPR)

A Patent is an exclusive set of rights granted by the Authority to the Applicant of an invention for a period of 20 years under the Patent Act in India.

Patent is a legal document, which gives an inventor the exclusive right to make, use, and sell an invention for a specified number of years.

What is patentable?

To qualify for a patent, the invention must meet three basic tests.

- **First**, it must be **novel**, meaning that the invention did not previously exist.
- **Second**, the invention must be **non-obvious**, which means that the invention must be a significant improvement to existing technology. Simple changes to previously known devices do not comprise a patentable invention.
- **Finally**, the proposed invention must be **useful**. Legal experts commonly interpret this to mean that no patent will be granted for inventions that can only be used for an illegal or immoral purpose.

DESIGN REGISTRATION (IPR)

The registration and protection of industrial designs in India is administered by the Designs Act , 2000 and corresponding Designs Rules , 2001 which came into force on 11th May 2001 repealing the earlier Act of 1911. The Design Rules, 2001 was further amended by Designs (Amendment) Rules 2008 and Designs (Amendment) Rules 2014. The last amendment in Designs Rules came in to force from 30th December, 2014, which incorporates a new category of applicant as small entity in addition to natural person and other than small entity.

IMPORT EXPORT CODE (IEC) REGISTRATION

IEC is known as many names such as importer exporter code, import export code, import export license, import export number, IE code, IEC license, IE license etc. In simple terms, IEC is a 10-digit code which is provided by DGFT required for import export transactions. You can take IE code in your personal name or company name.

An IEC number issued to applicant shall be valid for all its divisions/ units/ factories/ branches. IEC is valid for lifetime and there is no need to renew the same.

IEC registration is required by a person for exporting or importing goods. It is a 10-digit code which is issued by the Directorate General of Foreign Trade (DGFT). All businesses which are engaged in Import and Export of goods require registering Import Export Code. IE code has lifetime validity. Importers are not allowed to proceed without this code and exporters can't take benefit of exports from DGFT, customs, Export Promotion Council, if they don't have this code.

UDYOG AADHAR OR MSME REGISTRATION

MSMEs have been facing stress ever since the country entered a lockdown due to COVID-19. Businesses were shut, salaries delayed and cash crunch was a reality.

Finance Minister Nirmala Sitharaman on May 13 announced measures to help support and revive the micro, small and medium enterprises (MSMEs) battered by the COVID-19 outbreak under *Atmanirbhar Bharat* package.

The measures taken by the Finance Ministry include,

- Rs 3 lakh crore of collateral-free automatic loans,
- Rs 20,000 crore subordinated debt for stressed MSMEs,
- Rs 50,000 equity infusion through fund of funds,
- MSME definition change; more widen
- Global tender restrictions upto Rs 200 crores as well as e-market linkages.

Now both manufacturing and servicing enterprises will be under one segment. Firms with less than Rs 1 crore investment and below Rs 5 crore turnover will be called micro entities while those with below Rs 10 crore investment and less than Rs 50 crore turnover will be small entities. Medium entities will be those with less than Rs 20 crore investment and turnover below Rs 100 crore.

EMPLOYEE PROVIDENT FUND (EPF) REGISTRATION

Every establishment in which 20 or more employees are working (whether employed directly or through contractor) shall comply the Employees Provident Fund (EPF) Scheme under The Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

EPF Contribution on employee's salary (Basic +DA+ Retaining Allowance) drawing up to Rs.15,000: -

- 12% of Basic (Include DA & retaining earnings if any) by Employee from his salary
- Equal Amount is i.e. 12% of Basic (Include DA & retaining earnings if any) by Employer's. Out this 12% of employer's contribution, 8.33% diverted to Employees Pension Scheme (EPS) and 0.5% towards Employees' Deposit linked Insurance (EDLI) and balance towards EPF.
- Employer also pays 0.85% as EFP Admin fee and 0.01% as EDLI admin charges

In certain specified cases as applicable to industry EPF contribution rate apply 10% in both Employee and employer case.

EMPLOYEE STATE INSUARANCE (ESI) REGISTRATION

ESI Scheme is govern by the Employees' State Insurance Corporation, implemented as per the ESI Act 1948.

The ESI Scheme applies to factories and other establishment's viz. Road Transport, Hotels, Restaurants, Cinemas, Newspaper, Shops, and Educational/Medical Institutions wherein,

- 10 or more workers (20 or more in some states) working and
- Drawing Salary/wages up to Rs.21,000/- per month.

ESI Corporation has extended the benefits of the ESI Scheme to the workers deployed on the construction sites located in the implemented areas under ESI Scheme w.e.f. 1st August, 2015.

ISO CERTIFICATION

ISO certification has been largely considered as a quality management tool which provides a kind of identity to company's quality management system. It standardizes how businesses and organizations involved in commerce and industry manage information and processes. It simply means that organization has met certain requirements.

Some Important ISO Standards

- ISO 9001-Quality management (Basic)
- ISO 10012-Measurement management systems
- ISO 14001 – Environmental management
- OHSAS 18001 – Occupational Health & safety management
- ISO 20000-1 – Information technology management
- ISO 22000 – Standard for food safety
- ISO 27001 – Information media security system

It must be noted that ISO itself does not provide certification to the companies. Certification is done by the external bodies. It is very important that you choose recognized and credible certification body

FSSAI (FOOD LICENSE) REGISTRATION

FSSAI stand for Food Safety and Standards Authority of India. FSSAI license is mandatory before starting any food business. All the manufacturers, Marketing Company or Seller Packaging Food Products, must obtain a 14-digit registration or a license number which must be printed on food packages.

This step is taken by government to ensure that food products undergo certain quality checks, thereby reducing the instances of adulteration, substandard products and improve accountability of manufacturers.

3 Types of FSSAI registration - based on Turnover

- **FSSAI Basic registration**
- **FSSAI State license**
- **FSSAI Central license**

DIGITAL SIGNATURE (DSC)

Digital signatures use a certificate-based digital ID issued by an accredited Certificate Authority (CA) or Trust Service Provider (TSP), so, when you digitally sign a document, your identity is uniquely linked to you, the signature is bound to the document with encryption, and everything can be verified using underlying technology known as Public Key Infrastructure (PKI).

Digital signature is stored in USB token which is a password-protected physical device

Usage wise Types of Digital Signature:

- Class III Individual - uses for company registrations, IT Return E-filing, GST Return E-Filing, PF/ESI, etc.
- Class III Organizational- Uses for E-tendering and participating in E-Auctions

SHOP AND ESTABLISHMENT REGISTRATION (TRADE LICENCE)

A ‘Shop and Establishment Registration’ or popularly known as ‘Trade license’ in many States and ‘Gumasta License’ in Maharashtra.

Shops and Commercial Establishments Act 1958 was enacted to regulate the working hours, weekly/monthly off, payment of wages, terms and condition of employment, holidays, leave etc. of persons employed in shops, commercial establishments.

Trade license issuing authority varies state to state, therefore Rules and Regulations of Trade license varies state to state as per State Shops and Establishment act or Some other specific Act to regulate Shops and Establishments within the state and its process and documentation also varies slightly.

Every employer shall within 30 days from the date on which the establishment commences its work shall file statement together with fees to the Chief Inspector of the area concerned. In some state period for Registering may differ state to state.

Municipal Corporation or Local Authority is the concern department in the state/Locality to issue Trade License.

BARCODE REGISTRATION

A barcode is “A machine-readable code in the form of numbers and a pattern of parallel lines of varying widths, printed on and identifying a product.”

The lines and patterns on a barcode are actually representations of numbers and data and their development allowed basic information about a product to be easily read by an optical scanning device (a barcode scanner) and automatically entered into a computer system. This massively reduces the time to record products information and eliminates human data entry error.

Barcode systems help businesses and organizations track products, prices, and stock levels for centralized management in a computer software system allowing for incredible increases in productivity and efficiency.

DRUG LICENSE REGISTRATION

For any Individual/Corporate/Partnership Firms etc. it is mandatory to obtain a valid Drug Licence from concerned State Authorities (Drugs Control Department). The provisions for this have been made in Drugs and Cosmetic Act 1940 and Rules 1945 applicable in India.

basic pre-requisites for a Drug License

- Minimum area of the Office/Shop.
- Granted in the commercial premises or other premises independent of residence.
- Refrigerator or Air Conditioner on the premises.
- Needs to comply with the conditions of licence of the issuing Authority.
- Displayed at premises of business.
- A technical staff: - A registered pharmacist or competent person with same line experienced as approved by the Department if Drug Control.

Based on business type, an entity may require different types of drug license. For exact requirement and applicability, consult with our Consultant.

ISI MARK OR BIS CERTIFICATION

Bureau of Indian Standards (BIS) is the National Standards body of India, functioning under the aegis of Ministry of Consumer Affairs and Public Distribution, Government of India. BIS has published more than 20000 Indian Standards (IS) and Priced Publications (PP) to ensure the quality of products, more than 400 new standards and 400 amendments are published.

The Product Certification Scheme of BIS (ISI Mark) aims at providing third-party guarantee of quality, safety and reliability of products to the ultimate customer.

Voluntary Certification: - Any manufacturer who feels confident enough that his product has the ability to meet the BIS standard can apply for product certification

Mandatory Certification: - Which is also known as Compulsory Registration Scheme (CRS). While product certification is otherwise voluntary, the Government of India, on considerations of public health and safety, security, infrastructure requirements and mass consumption has enforced mandatory certification on various products through Orders issued from time to time under various Acts.

GST REGISTRATION

Goods and Services Tax is single tax combining VAT, CST, Service Tax, Excise duty, Entertainment Tax, etc. and has been applicable all over India since 1 July 2017. Rates of GST varies between 0% to 28%.

Registration of GST is mandatory if,

- Annual turnover exceeds Rs. 20 Lakhs (Rs. 10 Lakhs in case of North Eastern States)
- Sale of Goods or Services outside your own state (Iner-state)
- Running E-commerce Company

However, any business can take voluntary registration and claim input tax credit on purchases or Services taken by filing return. Here we mean to say Tax Refund on Purchases or Service Taken.

PROFESSIONAL TAX REGISTRATION

Professional Tax is a state-level tax that applies to salaried employees and professionals, including chartered accountants, lawyers and doctors. Business owners, working individuals, merchants and people carrying out various occupations comes under the purview of this tax.

State in which Professional Tax is applicable:

Karnataka, West Bengal, Andhra Pradesh, Maharashtra, Tamil Nadu, Gujarat, Assam, Chhattisgarh, Kerala, Meghalaya, Orissa, Tripura and Madhya Pradesh.

Professional Tax Deduction Slab:

The maximum amount payable per annum towards professional tax is Rs. 2,500. It is deducted from his/her monthly salary by Employer or from Monthly Income in all other cases. Professional Tax deduction monthly slab varies depending on salary /income range and applicable state.

RWA/BUYERS ASSOCIATION REGISTRATION

Resident Welfare Association (RWA) is a civic body that represents interests of the residents living within the society or in specific locality.

RWA can be legally formed by group of Resident Owners. Basic requirement for registration slightly varies state to state.

With Minimum 7 Members within the state can apply for RWA registration with Jurisdictional Registrar Office. In many states Builder Apartment or Group housing society covered under state Apartment Act and therein Apartment Owners Association (AOA) can be formed. And in other cases, RWA can be formed. For Example, Noida Sector 34 Block C resident can form RWA as they are not in Group housing society and not covered by UP Apartment Act.

A Welfare Association under Society Registration Act 1860, can be formed at a) State Level with 7 members from same state or b) Central Level with 7 members from each states.

NON-GOVT. ORGANIZATION (NGO) REGISTRATION

The main purpose of the NGO is to promote non-profit objectives such as trade, commerce, arts, charity, education, religion, environment protection, social welfare, sports, research etc. The profits/ income of the company if any is also applied towards promoting the objectives of the company and are not distributed as a dividend to the shareholders. That is Why it is also termed as Not-for-Profit Origination.

NGOs raise money from donors, who may or may not receive tax breaks on their donations. In India, an NGO can be set up as a Trust, Section-8 company or a society.

FCRA REGISTRATION

Charitable Trusts, Societies, Section 8 Company that receive foreign contribution or donation from foreign sources are required to obtain registration under Section 6(1) of Foreign Contribution Regulation Act, 2010.

Such a registration under the Foreign Contribution Regulation Act, 2010 is called a FCRA registration. In this article, we look at the procedure for obtaining FCRA registration in India.

RBI FIRM REGISTRATION

Reserve Bank of India with the objective of introducing one Single Master Form (SMF) for all types of foreign investments in India introduced an online application, FIRMS (Foreign Investment Reporting and Management System). The registration under same has two phases i.e. Entity User Registration and Business User Register.

TRUST REGISTRATION

A Trust is registered and governed by Indian Trust Act, 1882. Income Tax Act, 1961, defines a Trust as "An arrangement by which property is handed over to or vested in a person, to use and dispose off for the benefit of another person". Creation of a Trust can be broadly classified into two methods namely

- Public Trust (Charitable Trust); and
- Private Trust formation.

Simply, a trust is legally created body, wherein property is transferred from its owner to the trust for lawful purpose. Usually we hear the word trust for religion or charitable purpose; however, there is no such restriction. There are even sports academies also can be registered as trusts.

In India, even many societies are registered as a public charitable trust. Often, you'll even hear of the wealthy creating private trusts; this is done because of the tax-efficient nature of the trust (because dividend distribution tax or minimum alternate tax do not apply). It is the easiest way to transfer than making a will.

PAN CARD APPLICATION

The PAN (Permanent Account Number) card is an important document for conducting even the simplest of financial transactions like opening a savings bank account or applying for a debit/credit card.

It is a 10-digit alphanumeric identity allotted by the income tax department to an individual, company, Firm, Hindu Undivided Family (HUF), AOP, or any other person.

These days you can apply for PAN online, albeit partially. This is because once all the steps have been completed, you still have to send the acknowledgment receipt to National Securities Depository (NSDL) or UTI Infrastructure Technology and Services Limited (UTIITSL) - agencies authorized by the income tax department to facilitate PAN applications on its behalf.

PAN card become a primary document for many things like, opening a bank account, Buy/Sale of Immovable Property, Investment, Loans, Credit Card, Buy/Sale of Motor Vehicle etc. and in many cases PAN card is accepted as ID proof of individual.

COMPLIANCES

NAME CHANGES OF COMPANY

Board with Approval of shareholder may change name of the company any time subject to approval of the Ministry of Corporate Affairs (MCA) and the proposed new name available and approved by MCA.

The following e-forms need to be filed:

1.The existing company needs to reserve the name through 'RUN'.

2.After the name is approved, MGT-14 (necessary resolution for alteration of Memorandum of Association and Articles of Association (MOA and AOA) needs to be filed.

3. e-Form INC-24 (Application for approval of Central Government for change of name) needs to be filed.to give effect to change in name.

Here involves Name Reservation ROC Fee (Run Filing), filing of MGT-14 Fee and Processional Certification (CA, CS or CMA) Fee and Professional Fee for all Legal works.

REMOVAL OF DIRECTOR'S DISQUALIFICATION

MCA had disqualified around 3.09 lakh directors that failed to comply with the regulations stated under section 164(2) (when a company has not filed financial statements or annual returns, for any three consecutive years, it will result in the disqualification of its directors for a period of five years) and 167(1)(a) (directors to vacate their office in a company upon incurring disqualification as per Section 164 of the Companies Act, 2013) of the Act. As a further preventive measure, the authority has blocked DIN of all the disqualified directors.

SECRETARIAL AUDIT

A Secretarial Audit is a mechanism to check the compliance of an organization to the laws, rules, regulations, notifications etc prevalent at the time of the audit. In this case, it is to check if a company has been complying with the provisions of the Companies Act 2013 and all of its rule therein.

COMPLIANCE IN DEBENTURE/BOND ISSUE

A company may issue these debt instruments on an agreement to repay it at a predetermined future date. The debenture holders earns interest at the end of every year till maturity. No risk involved for loss of money of the debenture holders.

APPOINTMENT OF COMPANY SECRETARY

To appoint a Company Secretary in India, the company holds a Board Meeting, informing all directors according to Section 173 of the Companies Act, 2013. During the board meeting, propose the appointment of the Company Secretary, providing details about the chosen person.

DUE DILIGENCE

Due diligence is an investigation, audit, or review performed to confirm facts or details of a matter under consideration. In the financial world, due diligence requires an examination of financial records before entering into a proposed transaction with another party.

APPOINTMENT OF ADDITIONAL DIRECTOR

The Board of Directors of a Company, if authorized by the Articles of Association, may appoint an additional director. The power conferred on the directors to appoint an additional director is a temporary power vested in them, and this will be subject to revision or confirmation in the General Meeting.

STRICK OFF COMPANY REVIVAL

The revival of struck off companies may be done for a period of twenty years following the date of the strike-off as a replacement for winding up the business. Any person who feels wronged by a Registrar's order, the Company, a Member, a Creditor, or a Worker may file an appeal or application.

COMPANY CLOSURE VOLUNTARY

Voluntary winding up occurs when the company's members or creditors decide to close the company without court intervention. What triggers a voluntary winding up? It can be triggered by a special resolution of members or due to conditions like expiry or specific events mentioned in the company's Articles of Association.

FEMA/RBI COMPLIANCES FDI

Cross-border transactions call for stringent measures to be taken. Corporates have to go through a process that is cumbersome when it comes to cross-border transactions. An increase in the inbound and outbound process calls for an increase in the level of compliances. Foreign Exchange Management Act, 1999 (FEMA) was introduced to ensure smooth external transactions, maintaining a healthy foreign exchange market, and encourage the importance of the balance of payments.

ANNUAL FILING OF PVT LTD CO

The annual compliances for Private Limited Company include filing several e-forms to the ROC, such as annual returns (MGT-7), annual financial statements (AOC-4), intimation of auditor's appointment (ADT-1), and annual ITR.

ANNUAL FILING OF LLP

Limited Liability Partnerships are not required to audit their books of account except where their annual turnover is more than Rs.40 lakhs or if the contribution is more than Rs.25 lakh. Hence, an LLP is not required to get their books of account audited if it fulfils the above-mentioned condition, making the process of annual filing simpler.

Limited Liability Partnerships are required to file their Statement of Account & Solvency within a period of thirty (30) days from the end of six (6) months of the financial year and Annual Return within sixty (60) days from the end of the financial year.

ANNUAL FILING OF LIMITED CO.

The Form MGT-7 should be filed by the company within 60 days from the date of the end of the AGM every year. The company or individual person can download Form MGT-7 from the annual E-filing category of the MCA portal. This form is mandatory compliance for Private Limited Companies.

XBRL ANNUAL FILING

The certain classes of companies that need to file balance sheet, profit and loss accounts and e form AOC-4 XBRL using the XBRL taxonomy with the ROC are as follows

- Every public company listed in the Indian stock exchange and their Indian subsidiaries
- Every company with a turnover of or more than Rs.100 crore
- Every company with a paid-up capital of or more than Rs.5 crore
- Every company that is required to prepare its financial statements as per the Companies (Indian Accounting Standards) Rules, 2015

However, the following companies are exempt from filing financial statements with the ROC in XBRL taxonomy:

- Non-banking financial companies
- Housing finance companies
- Companies involved in the insurance business and banking sector

  The companies that have once filed their financial statements with the ROC in XBRL under Section 137 of the Act must continue to file their financial statements, AOC-4 and other documents in XBRL only, even when they cease to fall under the classes of companies mentioned above.

XBRL COST FILING

Companies have the option to create their own XBRL documents in house or to engage a third party to convert their Cost audit report/ compliance report into XBRL form. The first step in creation of an instance document is to do tagging of the XBRL taxonomy elements with the various information in the Cost audit report/ compliance report of the company. This would create the mapping of the taxonomy elements with the Cost audit report/ compliance report so that the Cost audit report/ compliance report can be converted into XBRL form.

REGISTERED OFFICE CHANGE (STATE TRANSFER)

Pursuant to the Section 13(4) of the Companies Act, 2013 the alteration of the memorandum of association of the company relating to the place of the registered office from one state to another shall not have any effect unless it is approved by the Central Government (nowadays powers are delegated to Regional Directors) on an application in E-form INC-23 and manners as prescribed under Rule 30 and Rule 31 of the Companies (Incorporation) Rules, 2014.

REGISTERED OFFICE CHANGE (WITHIN THE STATE)

A company may change its registered office from one city to another city within the ROC/ State by passing a special resolution (SR). he registered office of a company is the address of the company in the register of the company maintained by the registrar of companies (ROC). As per section 12 of the companies act, it is mandatory to maintain the registered address of the company, which should be a physical address capable of receiving official communication from government department. Process and documentation depends on the nature of change. There are four kinds of case for the shifting of registered address of the company.

OBJECT CLAUSE CHANGE

The Memorandum of Association (MOA) of a company has object clauses that determine the purpose and range of activities of a company. After incorporation of a company, it may want to change object clause. This requires alteration in the MOA of the company and section 13 of the Companies Act 2013 covers the same. Ever clause on the MOA can be altered (with the exception of capital clause which requires an ordinary resolution to be passed) by passing a special resolution as mentioned in section 13.

ISSUE OF FRESH SHARE CAPITAL

The issue of shares refers to the process by which a company allocates new shares to existing or new investors, often to raise capital for business expansion or to pay off debts. It is a critical financial activity that can influence the company's ownership structure and market valuation.

FILING OF CHARGES

A charge is a right created by any person including a company referred to as “the borrower” on its assets and properties, present and future, in favour of a financial institution or a bank, referred to as “the lender”, which has agreed to extend financial assistance. Section 2(16) of the Companies Act, 2014 defines charges so as to mean an interest or lien created on the property or assets of a company or any of its undertakings or both as security and includes a mortgage

APPOINTMENT OF DIRECTOR

Every Company shall have a Board of Directors Consisting of Individuals as director. Accordingly, only an individual can be appointed as director of company. Every director other than first directors of company shall be appointed in general meeting as per Section 152(2).

If company wants to appoint a person as director in meeting other than General meeting Company can do this by appointing such person as additional director. The additional director has to be appointed till date of next AGM or last date on which AGM should have been held, whichever is earlier.

When and Why need of Appointing a New Director?

- In case of Fill-up of Casual vacancy
- When number fall below the minimum Quorum required.
- When requirement for a technically fit Person to Manage, etc.

REMOVAL OF DIRECTOR

A director may be subject to removal for any of the following reasons:

- Incurring any disqualifications as specified under the Companies Act.
- Prolonged absence from board meetings spanning over 12 months.
- Entering into contracts or agreements contrary to the provisions outlined in Section 184 of the Companies Act.
- Receiving a disqualification order from a court or tribunal.
- Being convicted by a court for an offense and sentenced to a minimum of six months in prison.
- Failure to adhere to the terms and regulations stipulated in the Companies Act of 2013.
- Voluntarily resigning from their position.

AUDITORS APPOINTMENT

After incorporation of a company in the first annual general meeting, an Auditor must be appointed by the Board of Directors. The Auditor will typically hold term till the conclusion of 6th AGM or 5 years. The appointment of an Auditor can also be made for a period of 1 year, renewable at each annual general meeting.

DIRECTOR E-KYC FILING

Director identification number (DIN) is a unique identification number given to a person wanting to be a director or an existing director of a company. In this digitized era, application in e-Form DIR-3 was sufficient to obtain DIN. This was a one-time process for any person who wants to be a director in one or more companies.

However, now with the move of the Ministry of Corporate Affairs (MCA) to update its registry, all directors with a DIN will have to submit their KYC details annually in e-Form DIR-3 KYC.

FILING OF COB E-FORM 20A

All the directors of a company have to file with the registrar, a declaration for commencement of business in Form 20A within 180 days from the date of incorporation. This declaration describes that the subscribers to the memorandum of association have paid the total value of the shares as agreed to the company

ALTERATION OF MOA/AOA CLAUSE

A proper process has to be followed for changing the AOA and MOA of a company which includes conducting board meetings and shareholder meetings and take approval from majority of the stakeholders and then file necessary forms attaching the updated AOA and MOA.

ROC RECORD INSPECTION

As a legal compliance, documents are periodically filed at MCA for approval of regulatory authorities like Registrar of Companies, Regional Director and Tribunal. Once approved, filed documents are made available to general public for inspection. There are various stakeholders of a company who are interested in inspection of documents for making an investment decision, loan advances, contractual agreements and management.

BUSINESS RESTRUCTING

MERGER, DEMERGER, ACQUISITION BY SHARE

Business restructuring may be achieved by a variety of methods, such as, Merger, Demerger / Spin Off, Slump Sale, Acquisition of Shares, etc. Each method has its own pros and cons and must be selected keeping in mind the objectives to be achieved. While adopting a particular method, we consider the following legal factors, wherever applies to a Private, Public-Unlisted and Public-Listed Companies, in addition to the commercial and financial justification.

Broad Checklist for Mergers

- Examine whether a Forward Merger or a Reverse Merger is more beneficial: the factors to be considered are tax benefits, listing, etc.
- In case of Listed Companies, obtain SEBI's prior permission
- Ensure that the Main Objects or the incidental objects of the Memorandum of Association contain the power to amalgamate.
- Ensure that the Scheme does not violate, override or circumscribe the provisions of securities laws or the stock exchange requirements.
- Consider whether the merger would be covered under the Competition Act and hence, one which requires the permission of the Competition Commission.

Listed companies must also submit to the stock exchange, an Auditors' Certificate to the effect that the accounting treatment contained in such schemes is in compliance with all the applicable Accounting Standards.

COMPANY DISSOLUTIONS AND STRIKE OFF

Closing down a company is requiring a routine procedure. Without doing so, you would need to annually meet the requirements of the Registrar of Companies (which means spending money on audit and compliances). The bigger reason you would want to do this, of course, is because it releases the assets and investments made by you. The procedure for winding up of a company can be initiated voluntarily by the shareholders or forced by a tribunal or a court.

There are two mode of Winding up:

1. Voluntary winding up by Shareholders
2. Windup by Court Process by Tribunal

ISSUE OF SHARE/DEBENTURES

Companies issue shares as a means of raising additional capital to fund business operations or take up new investments. Public companies need approval from their shareholders before issuing shares.

In India, Companies Act, 2013 discusses the procedure of allotment of shares and it is read with Companies (Prospectus and Allotment of Securities) Rules, 2014.

Section 23 of the Companies Act, 2013 discusses the option to issue shares. In order to issue share the company needs to be a registered company. There are four ways in which shares can be issued:

1. Public issue (includes Initial Public Offering and Further Public Offering)
2. Private Placement
3. Rights issue
4. Bonus issue

Where a Public company can issue shares through Public Issue, Private Placement, Rights issue or Bonus issue, a Private Company may issue shares by way of Rights issue or Bonus issue and Private Placement.

CONVERSION OF LLP INTO PVT LTD

Limited Liability Partnership Act, 2008 does not cover the provision of conversion of LLP into Company but Section 366 of the Companies Act, 2013 and Company (Authorized to Register) Rules, 2014 allows LLP to convert into a Company as per the provisions contained therein. Many Limited Liability Partnerships (LLPs) are now converting itself into a Private Limited Company for more growth & expansion and for infusing equity capital.

CONVERSION OF PVT LTD INTO LLP

The transition of a Private Limited Company into a Limited Liability Partnership (LLP) is regulated by the Limited Liability Partnership Act of 2008. Specifically, Section 56, Section 58, and Schedule III of this Act lay out the rules and steps for executing the transition from a Private Limited Company to an LLP.

CONVERSION OF PVT LTD INTO PUBLIC LTD

Some time at the initial stage investor form a private company as per Companies Act and later on when there are many opportunities to expand the business via multiple ways they convert it into Public to get that privileges viz., to increase the number of members more than 200, for the purpose of accepting money from public, no restriction on transfer of shares etc. Therefore, growth and flexibility are ideally the reasons for the switch from private to public.

CONVERSION OF PARTNERSHIP INTO LLP

The shift from traditional partnerships to Limited Liability Partnerships (LLPs) has increased in recent years. The reason behind this is that LLPs offer more flexibility, unlimited partners and the like. But the real driving force behind the shift is due to the fact that LLPs offer a major advantage in terms of limited liability. The strain on the personal assets of the partner is put to rest when it comes to LLPs since they are a hybrid of both a partnership and a private limited company. Small and medium-sized businesses find this type of organization structure to suit their needs very well.

CONVERSION OF PARTNERSHIP INTO PVT LTD

In the hour of corporatization, what can be more mesmerizing than the fact that The Company Law provides for conversion of partnership firm into a limited company either by shares or guarantee or even an unlimited company. But as usual there is a proper process to be followed apart from the basic formalities of incorporating a new company. One has to follow Section 366- 374 of The Companies Act, 2013 and The Companies (Authorized to Register) Rules, 2018.

CONVERSION OF PROPRIETORSHIP INTO COMPANY/LLP

Converting a proprietorship into a private limited company is a significant step for entrepreneurs seeking to expand their business and reap the benefits of a corporate structure. While a proprietorship offers simplicity and easy setup, transitioning to a private limited company provides advantages such as limited liability, improved access to funding, and enhanced market credibility. This article offers a concise guide for the Conversion of Proprietorship into Private Limited. We will explore the essential steps, legal requirements, and benefits business owners can expect. Whether you’re a sole proprietor looking to grow or an aspiring entrepreneur.

COMPANY SALE & OWNERSHIP TRANSFER

The M&A process is a merger and acquisition process that includes all actions needed to merge or acquire a company. It is a process that happens when one decides to sell or transfer a company to another party.

SME LISTING IN BSE

BSE SME is the platform at the Bombay Stock Exchange (BSE) for Small and Medium Enterprises (SME). SME companies raise funds from the public and get listed at the exchange by selling equities in the company. The SME stocks get traded on the same exchange as normal companies.

SEM IPO's offer opportunity to the investors for early investment in businesses which are at a small scale. SME listed companies eventually move to the main exchange once they grow.

DEBT RESTRUCTURING

Debt restructuring is a process that involves negotiating with creditors to reduce your interest rate, extend your repayment term or cut your loan balance. It can help make your debt situation more manageable through smaller monthly payments, lower interest rates or reducing how much you owe.

SLUMP SALE

Slump Sale means sale of any undertaking as a going concern, where consideration is considered in lump sum and individual values are not taken into account. But, when individual values of assets are taken for calculating the amount of stamp duty , registration charges, taxes etc then it won't violate slump sale.

TAXATION

ITR FILING

Income Tax Return (ITR) is a form in which the taxpayers file information about their income earned and tax applicable, to the income tax department.

The department has notified 7 forms i.e. ITR-1, ITR-2, ITR-3, ITR-4, ITR-5, ITR-6 & ITR-7 to date. Every taxpayer should file his ITR on or before the specified due date. The applicability of ITR forms varies depending on the sources of income of the taxpayer, the amount of the income earned and the category of the taxpayer like individuals, HUF, company, etc.

TDS RETURN FILING

TDS return can be best described as the quarterly statement or summary of all TDS-related transactions made during the specific quarter. Typically, it comprises details of the TDS collected and deposited to the Income Tax Authority by the deductor. The essential details disclosed in a TDS return statement include the following –

- Deductor and deductee's PAN.
- Particulars of TDS paid
- Challan details

Notably, all details included in the online TDS return form are also disclosed in the payee's Form 26AS. It is mandatory for all individuals who come under the purview of tax slabs prescribed by the IT department.

TAX PLANNING ADVISORY

Tax planning is the process of evaluating the financial situation of an individual or an entity to ensure that you pay lowest possible taxes. It is a method in which we navigate through complicated tax provisions to find tax-saving opportunities depending on the needs of every individual.

TRANSACTION ADVISORY

Transaction advisory services are the third party services obtained from professional firms or investment banking firms. They help you handle all the tasks associated with your transactions from the start to the end and thus act as your business's support system , and meet requirements for expansion. Such as a merger or acquisition of an organization. When it comes to making choices on transactions, it is recommended to make decisions based on critical thinking and proper analysis.

INCOME TAX ASSESSMENT

After every financial year, eligible individuals and entities need to file income tax returns (ITR) and pay tax based on the net taxable income earned during the year. Once you file the ITR, the income tax department assesses and verifies the submission. This process is known as income tax assessment.

INCOME TAX APPEAL

An *appeal* is a process by which a judgement/order of a subordinate authority is challenged before its higher authority. It implies a complaint to a higher authority against the order or judgement of an administrative or appellate authority. At times it may happen that the assessee is aggrieved by an order issued by the Assessing Officer. An *Assessing Officer* (hereinafter called the AO) is a key figure in the tax system, who is primarily responsible for ensuring that the assessee has declared his/her income correctly and calculated the tax liability accordingly. Also, the AO has the power to investigate cases of suspected tax evasion and raise tax demand and further impose penalties wherever needed.

In such cases the assessee may file an appeal against the order of the AO before the Commissioner of Income-tax (Appeals) and further before the Income Tax Appellate Tribunal (ITAT) if aggrieved by the order of the Commissioner of Income-tax (Appeals) and so on.

TAX AUDIT

There are various kinds of audits being conducted under different laws such as company audit/statutory audit conducted under company law provisions, cost audit, stock audit etc. Similarly, income tax law also mandates an audit called ‘Tax Audit’.

As the name itself suggests, tax audit is an examination or review of accounts of any business or profession carried out by taxpayers from an income tax viewpoint. It makes the process of income computation for filing of return of income easier.

SEARCH & SEIZURE

The object of search under economic laws is to curb the economic offences relating to evasion of taxes, duties and to unearth unaccounted income and wealth. For pursuing such object, there is a provision i.e., section 132 in the Income-tax Act, 1961 under the caption “Search and Seizure” a specific provision according to which the power of search action is available to Income-tax Authorities.

TRANSFER PRICING (DOMESTIC)

For the purpose of transfer pricing regulations, the expression ‘specified domestic transactions’ has been defined under Section 92BA. Presently, after excluding the transactions covered under Section 40A(2) from the ambit of Section 92BA, domestic transfer pricing provisions are made applicable to transactions covered under section 80-IA (8), section 80-IA (10) and any other transaction under chapter -VI-A and section 10AA in respect of which provisions of section 80-IA (8) or section 80-IA (10) are applicable.

TRANSFER PRICING (INTERNATIONAL)

Transfer pricing law in India applies to both domestic and international transactions which fall above a threshold in terms of deal value. Transfer Pricing was introduced through inserting Section(s) 92A-F and relevant Rule(s) 10A-E of the Income Tax Rules 1962.

It ensures that the transaction between ‘related’ parties is at a price that would be comparable if the transaction was occurring between unrelated parties.

EXPAT TAXATION

In India, the income earned by foreign expatriates is deemed to be received in India for services rendered by him as per section 9(1)(ii) of Income Tax Act. It is assessable under the Income head 'salaries'.

CAPITAL GAIN TRANSACTION ADVISORY

We specialized in providing Capital Gain Advisory services that cater to the requirements of various corporates as well as individuals. Our range of services cover all aspects of Indian income tax laws and are mostly time-bound and technical in nature. Further, our services are highly cost effective and allow our clients to save a lot of time and money.

GST REGISTRATION & AMENDMENT

After obtaining GST registration, various scenarios may arise where updating details becomes necessary, leading to a GST Amendment. GST amendment refers to the process of making changes or updates to the details provided during GST registration. These changes could include alterations to business information, contact details, or other crucial particulars. GST amendments are necessary to ensure that the information provided to tax authorities remains accurate and up-to-date, reflecting any changes in business operations or structure. By keeping GST registration details current, businesses can maintain compliance with tax regulations and avoid potential penalties.

GST RETURN FILING

A GST return is a document containing details of all income/sales and/or expenses/purchases that a GST-registered taxpayer (every GSTIN) is required to file with the tax administrative authorities. This is used by tax authorities to calculate net tax liability.

GST HEALTH CHECKUP

The GST Health Check contains great insights about the GSTIN. The key elements in this GST Health Check report are Details about the delays in filing GST Returns, delays in reporting outward supplies, Tax Differences between GSTR-3B and GSTR-1, Changes in ITC claimed when compared to GSTR-2, Unclaimed ITC on taxes paid under Reverse Charge, Non-reporting of Nil-rated/Exempted and Non-GST Supplies in GSTR-3B, Incorrect categorizing zero-rated supplies. This report also offers an investigation of the possibility of receiving notices and the suitable action for the same

GST ASSESSMENT & LITIGATIONS

Any non-compliance or contravention of provisions of GST law can attract scrutiny, assessment, audit, demand and recovery proceedings. Demand and recovery provisions are invoked against the taxpayer if there is any short payment or wrong utilization of input credit.

GST AUDIT

Thus, GST audit is not only for reconciliation of tax liability and payment thereof but it also encompasses the verification of compliance with the provisions of the GST laws by a registered person and educating the taxpayer to be more compliant with the law and procedure.

INTELLECTUAL PROPERTY

TRADE MARK REGISTRATION

A Trademark distinguishes your goods or services from another same line business or your competitors and can take many forms; for example, words, slogans, logos, shapes, colors and sounds. By trademark registration, you own legal right to use the Brand name or Logo and can put restriction on others from using the same.

Trademark is registered for specific goods or services within individual subjects, known as classes. This should not be descriptive and must not include common surnames, geographical names, registered company names or anything implying royal patronage.

TRADE MARK OBJECTION REPLY

A trademark is a logo, brand, name or slogan/tagline, or a combination of both that represents your business brand's identity. Very often, during the trademark registration process, Trademark Registrar raises objections during the examination of your filed Trademark application. Registrar raises objection due to several reasons like your applied TM is similarity or identical with an existing trademark; offensive to a particular religion; absence of a distinct design; etc.
Therefore, When you received an communication from Registrar of Trademark office that your Applied TM is open to Objection with ground(s) of the objection, you herein get an option to response (File a Reply with your contention) against the said Objection within 30 days from the date of receipt of Communication letter. Objection Letter department send on email. If NO response filed within the time limit, your application will get abandoned.

HEARING – TRADE MARK & COPYRIGHT

When you file Reply against Objection raised by registrar in his Examination report, either Registrar get satisfied with your Reply and Accept for Advertisement in journal OR Registrar is not Satisfied with the contentions in supporting of Why TM should be granted to you. IN THAT CASE, Registrar issue a Show Cause Notice (SCN) directing the proprietor/agent of the proprietor to attend in person before Registrar at specified Date and Time and keep your contends and argue with valid points in your favour. Preferably study few past cases similar to your case and Registrar has granted TM in earlier similar cases. During the hearing, it is the art of the agent or the proprietor to convince the Registrar to allow the mark within its legality. One of the most common methods, for example, to prove distinctiveness is show usage of the mark in India so much so that the mark has 'acquired distinctiveness.'
If the Registrar is convinced with the arguments, the mark shall be ordered to be advertised. Else the mark shall be refused.

COPYRIGHT REGISTRATION

It registration with IPR Authority essentially ensures that any creative work cannot be copied without the permission of the author or creator. This allows the author to charge others for copying his work, or modifying it, or building on top of it. For example, downloading an image from Shutterstock and using it on your own website without purchasing or taking on rent is violating the copyright of Shutterstock. Shutterstock can file a suit against you to claim its value of the image

INDUSTRIAL DESIGN REGISTRATION

The registration and protection of industrial designs in India is administered by the Designs Act , 2000 and corresponding Designs Rules , 2001 which came into force on 11th May 2001 repealing the earlier Act of 1911. The Design Rules, 2001 was further amended by Designs (Amendment) Rules 2008 and Designs (Amendment) Rules 2014. The last amendment in Designs Rules came in to force from 30th December, 2014, which incorporates a new category of applicant as small entity in addition to natural person and other than small entity.

PATENT FILING

A Patent is an exclusive set of rights granted by the Authority to the Applicant of an invention for a period of 20 years under the Patent Act in India.

Patent is a legal document, which gives an inventor the exclusive right to make, use, and sell an invention for a specified number of years.

VALUATION

SECURITIES AND FINANCIAL ASSETS VALUATION

- Business Valuation of Assets recognizes the market equity value instruments, debt instruments, and derivatives issued by government agencies, financial institutions, and corporate organizations.
- It estimates and determines the appropriate interest rate or interest rates of the expected cash flows.
- It drives the Valuations of Securities market equity value including liquidity, demand, and supply of similar instruments, stock market rates of similar securities, etc.

PLANT AND MACHINERY VALUATION

Plant and machinery valuation refer to finding the market value of all plant and machinery assets used in manufacturing and distributing goods and services by a business. Businesses are constantly using plants and machinery. Therefore, a business needs to determine the price and establish a value to these fixed assets regularly.

Plant and machinery valuation is a tedious job and must be performed by a well-qualified appraiser or valuer since it has a lot of variables. Valuation methods are chosen based on the purpose of the valuation. For example, if the purpose of a valuation is to find the value received when an asset is sold in the open market, then the market approach to valuation will be used.

LAND & BUILDING VALUATION

The method of calculating an asset’s current marketable cost is known as valuation of land and building. The Valuation of building is determined by the type of building, its structure, durability, location, size, shape, road width, frontage, types and quality of building materials used, and the cost of these materials.

FUNDIING

BANK LOAN PROPOSAL (WORKING CAPITAL/TL/OD)

We are specializes in the field of raising of finance through term loan and working capital finance. We give customized solutions to all our clients based on their needs and requirements. Following are some of our salient features:

- Debt from Indian Banks and Institutions - Rupee Term loans for financing new project as well as for expansions
- Foreign Currency Term Loans – Foreign currency loans / Export finance (PCFC)
- Equipment Financing / Buyer's Credit - from overseas banks for financing imported equipment secured by way of hypothecation of plant & machinery
- Working Capital Finance for setting up the new project as well as for expansion projects
- Bills Discounting, L/C Discounting, Crop Loans facilities
- Project Finance

PROJECTIONS & CMA DATA

CMA Data means Credit Monitoring Arrangement data. As per RBI guidelines, CMA data is required for Project Loans, Term Loans and Working Capital Limits. This data is to be provided by a company to bank for getting the loan from bank and every year, for renewing or enhancing their existing Bank loan.

A **Projection** or projected balance sheet indicates the expected future changes in the financial statements by considering the future investments, equity financing and the remaining liabilities. Usually businesses tend to prepare projected balance sheet in order to make strategic decisions.

Both CMA data and Projection are vital documents for the loan proposal to Bank.

PROJECT FINANCE DOCUMENTATION

Project finance is the long-term financing of infrastructure and industrial projects based upon the projected cash flows of the project rather than the balance sheets of its sponsors. Usually, a project financing structure involves a number of equity investors, known as 'sponsors', a 'syndicate' of banks or other lending institutions that provide loans to the operation. They are most commonly non-recourse loans, which are secured by the project assets and paid entirely from project cash flow, rather than from the general assets or creditworthiness of the project sponsors, a decision in part supported by financial modeling. The financing is typically secured by all of the project assets, including the revenue-producing contracts. Project lenders are given a lien on all of these assets and are able to assume control of a project if the project company has difficulties complying with the loan terms.

CORPORATE CREDIT RATING

Credit ratings are an important tool for borrowers to gain access to loans and debt. Good credit ratings allow borrowers to easily borrow money from financial institutions or public debt markets. At the consumer level, banks will usually base the terms of a loan as a function of your credit rating, so the better your credit rating, the better the terms of the loan typically are. If your credit rating is poor, the bank may even reject you for a loan.