

# INDIA ENTRY SERVICES

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WHAT IS IT YOU DO NOT  
**KNOW IN THIS**  
PRESENTATION?

**There is 'nothing' you do not know**

**FOR WHOM  
IS THIS PRESENTATION?**

**CA PRACTITIONERS, SMALL,  
MEDIUM PRACTITIONERS**

**SEGMENTATION – SMALLER ENTITIES,  
LARGER PROFITS IS THE GAME.**

# WHAT DO WE PLAN TO COVER

- What all India entry services can include?
- Certain nuances
- How to get business?
- Certain aspects specific to H co. I Co
- Technology used
- How to package
- Specific legal provisions to keep in

WHAT DOES  
**INDIA ENTRY SERVICES**  
MEAN?

Each client can translate to 20  
Lakh honest revenue P.A



**THE END  
RESULTS  
COULD BE  
SAME**

**THE PROCESS  
IS WHAT IS  
IMPORTANT**

# ACTIVITY CHART

# INCEPTION

Particulars	Inception	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Yr end
Initial Registrations														
Incorporation of Company														
PAN														
TAN														
Profession tax employer + employee														
GST registration														
Shops & Establishment Registration														
Provident Fund Registration														
Employee State Insurance Registration														
GST Study and structure														
Transfer pricing Study and Agreement														

# ACTIVITY CHART

MONTHLY

Particulars	Inception	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Yr end
<b>Labour Compliances</b>														
Employee State Insurance														
Profession Tax														
Provident fund														
Labour Welfare Fund														
<b>Revenue Compliances</b>														
GST Remittances														
GST Returns														
GST Reconciliation returns														
Withholding tax remittances														
Withholding tax returns														
Advance Tax remittances														

# ACTIVITY CHART

MONTHLY

Particulars	Inception	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Yr end
<b>Corporate Compliances</b>														
Board Meetings														
Share Holder meetings														
Need based														
<b>Other Compliances</b>														
Softex Forms filings - need based														
Capital induction RBI formalities - need based														
TP Study and billing method														
FLA Returns RBI														

# ACTIVITY CHART

# ANNUAL

Particulars	Inception	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Yr end
<b>Annual renewals</b>														
Preparedness for audit														
Statutory audit under companies Act														
Audit under Income Tax														
Filing of Tax Returns														
Certification of Transfer pricing														
Filing of Returns under companies Act														
Renewal of Shops Act (once in 5 years)														
Renewal of Profession tax Act														
GST audit														
GST Annual Returns														
<b>Routine operations</b>														
End to End Accounting														
End to End payroll														
Employee Query and payroll management														
Conference calls & meetings of understanding														
basic clarifications [not opinions]														

# WHEN A FOREIGN ENTITY NEEDS TO ENTER INDIA

## WHAT HAS TO BE DONE?

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### STEP 1

#### **Building confidence**

simplicity and lucid [understand google is there] – India is a non-corrupt country

### STEP 2

- The corporate affairs & Governance
- The state and Central regime
- The Labor regulations

### STEP 3

- It is not a one-off exercise
- It is engagement for the life of the company
- Give clarity of full year operations

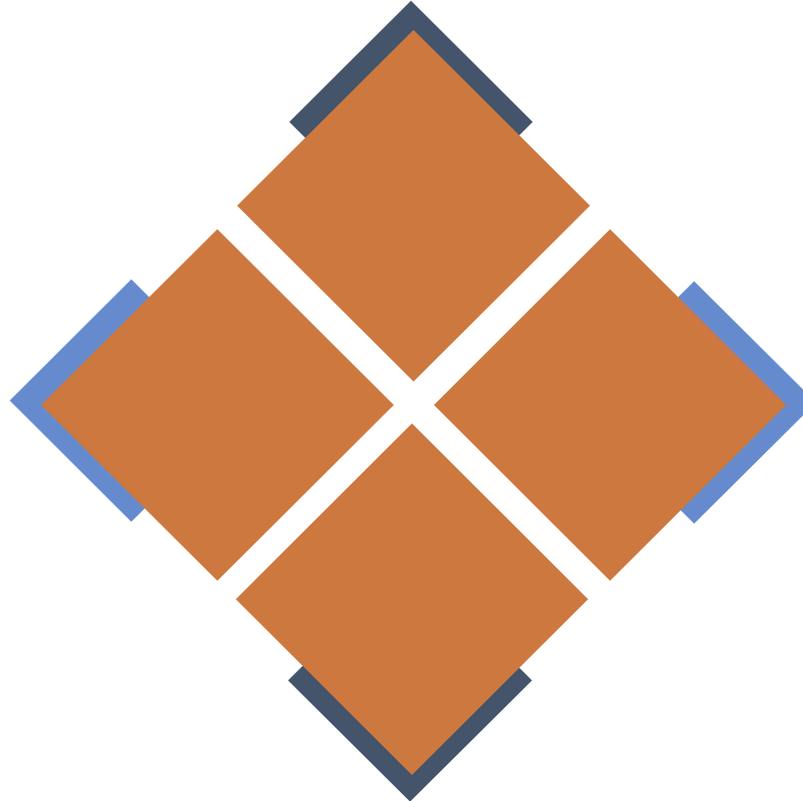
# YOUR PROGRESS IN INDIA

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1 INCORPORATIONS  
AND  
REGISTRATIONS



3 THE  
PROGRESS

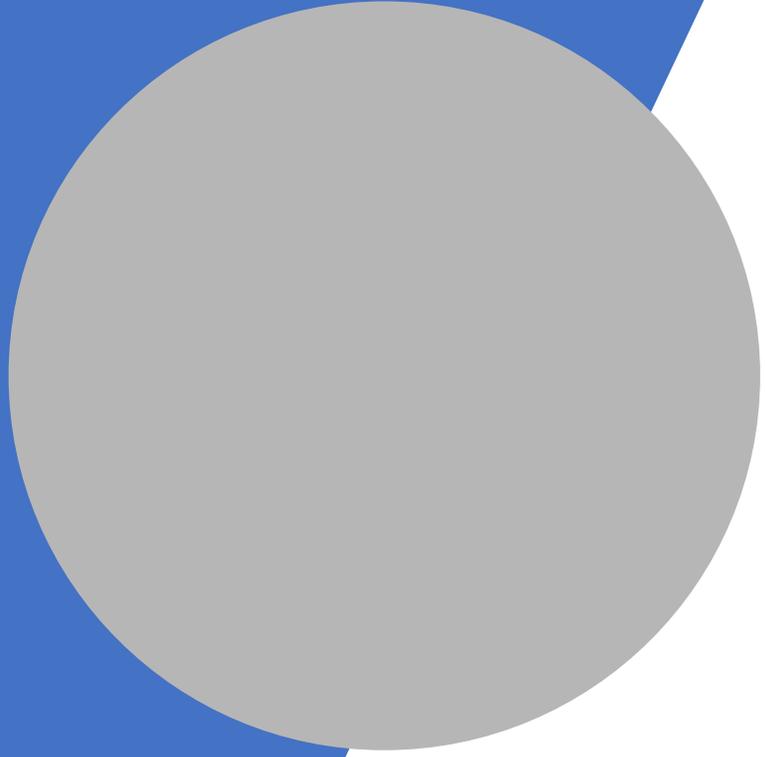


2 COMMERCIAL  
ASPECTS



4 HOLDING CO. VS  
INDIA





**STAGE 1**

**INCORPORATION  
AND REGISTRATION**

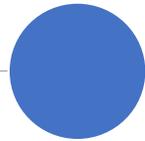


# INCORPORATION AND REGISTRATION

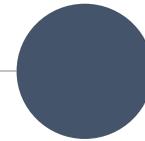
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- Obtaining DSC and DIN
- Review of MOA and AOA
- Understand rights, liabilities and duties of Director



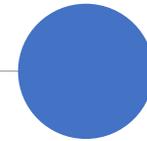
- Apostilisation
- Notary of Parent Company Documents
- **Incorporation in India – Baby is Born**



## Statutory Registrations

### Tax ID numbers:

- PAN
- GST

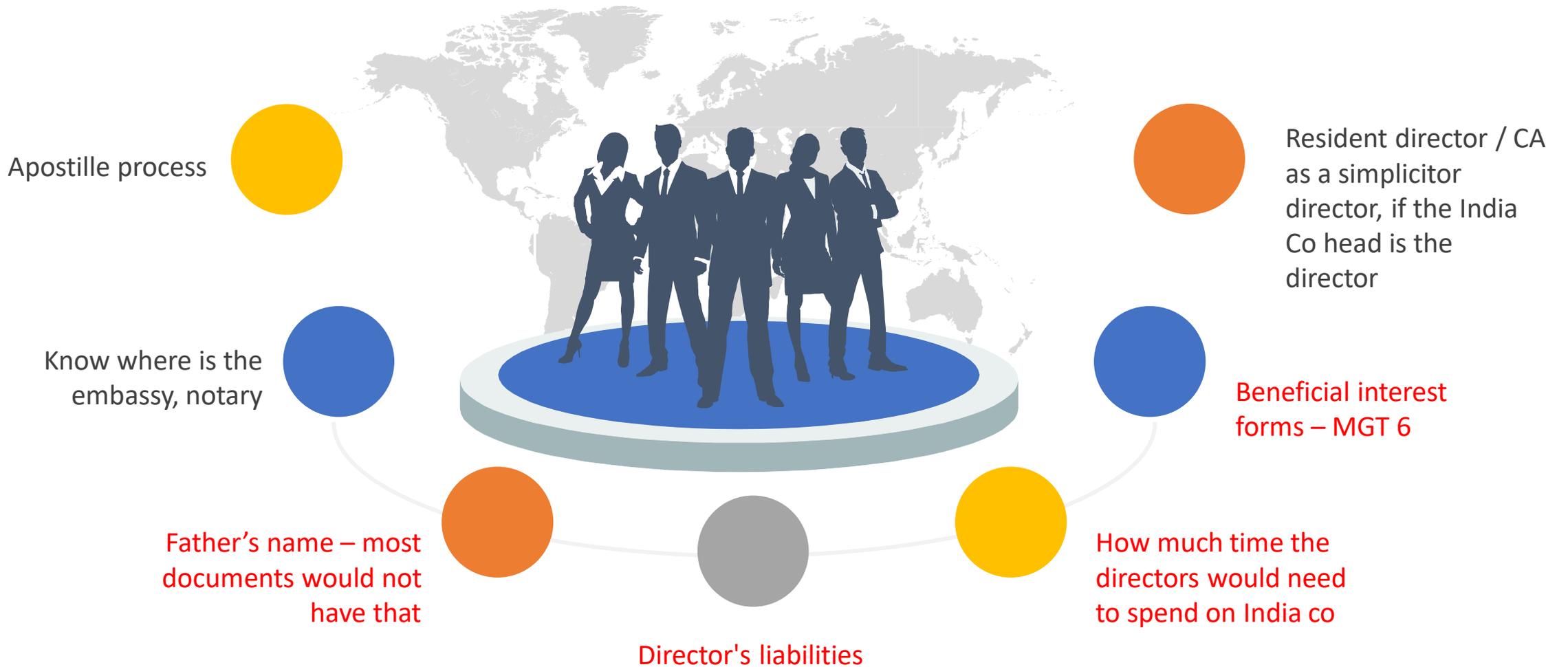


## Labour Registrations

- PT
- PF
- ESI
- Shops & Establishment Registration

\* Depends on number of employees

# WHAT IS INCORPORATION?



# APOSTILLE/NOTARY PROCESS



## PROCEDURE - NAME

### **01** Subscriber is foreign national outside India:

- ID proof
- Address proof,
- Subscriber sheet of MOA and AOA

**These documents have to be authenticated in the foreign country**

## FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

### 02 Commonwealth nations:

In a country in any part of the Commonwealth, his signatures and address on the memorandum and articles of association and proof of identity shall be notarized by a Notary (Public) in that part of the Commonwealth.

Eg: UK

## FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

### 03 Hague apostille nation:

In a country which is a party to the Hague Apostille Convention, 1961, his signatures and address on the memorandum and articles of association and proof of identity shall be notarized before the Notary (Public) of the country of his origin and be duly apostillised in accordance with the said Hague Convention.

Eg: USA

## FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

### 04 If not Commonwealth or Hague Apostille:

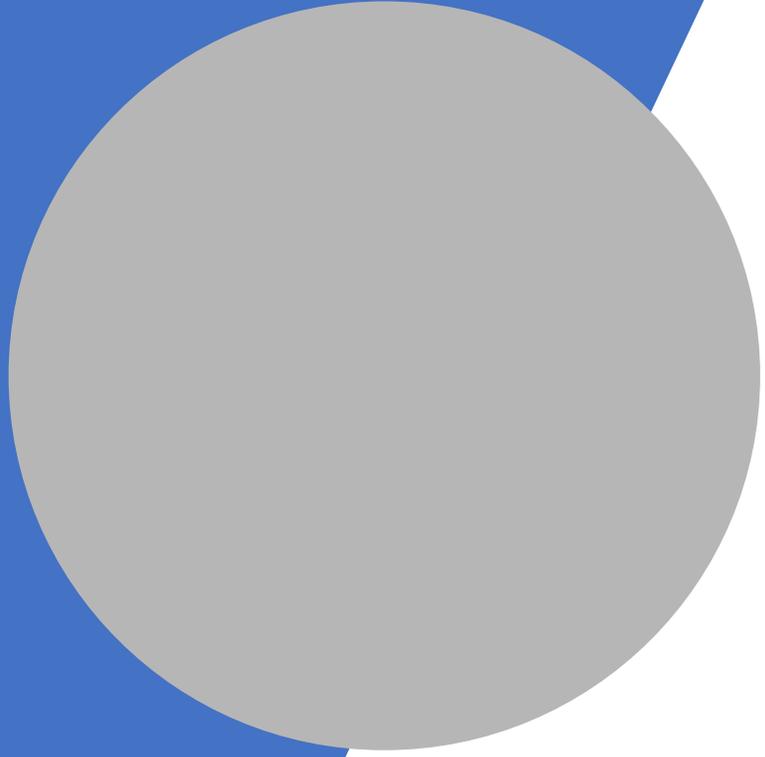
Not In a country outside the Commonwealth and which is not a party to the Hague Apostille Convention, 1961, his signatures and address on the memorandum and articles of association and proof of identity, shall be notarized before the Notary (Public) of such country and the certificate of the Notary (Public) shall be authenticated by a Diplomatic or Consular Officer empowered in this behalf under section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (40 of 1948) or, where there is no such officer by any of the officials mentioned in section 6 of the Commissioners of Oaths Act, 1889 (52 and 53 Vic.C.10), or in any Act amending the same.

# STATUTORY REGISTRATIONS

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- GST, PAN, TAN, ESI, PF, Shops
- Others: IEC, MSME, Non-STPI
  
- PAN, TAN, PF, ESI comes on its own.
- Kar, Mah, WB – PT as well
- GST also integrated with Inc forms





**STAGE 2**

**COMMERCIAL  
ASPECTS**

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## COMMERCIAL ASPECTS

TO START OPERATIONS IN INDIA

These are relationships which require definition, documentation, and due care, considering the regulations, stamp duty and norm

Place of Business related  
Rental agreement, drafting, execution, and stamping

### HR DOCUMENTS

Offer Letters, Appointment letters, NDA, Insurance details, tax break up, withholding of taxes on salary etc.

### Bank Account

Propose a bank to help

- Forex Rates
- Authorised representative for FEMA

Bureaucratic mess if a wrong bank is selected

### Parent Co.

Agreement with Parent Co. and TP along with GST Study including –

- TP
- ECB
- Capital Inducement

# SELECTING A BANKER

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1 How is a banker a regulator in India

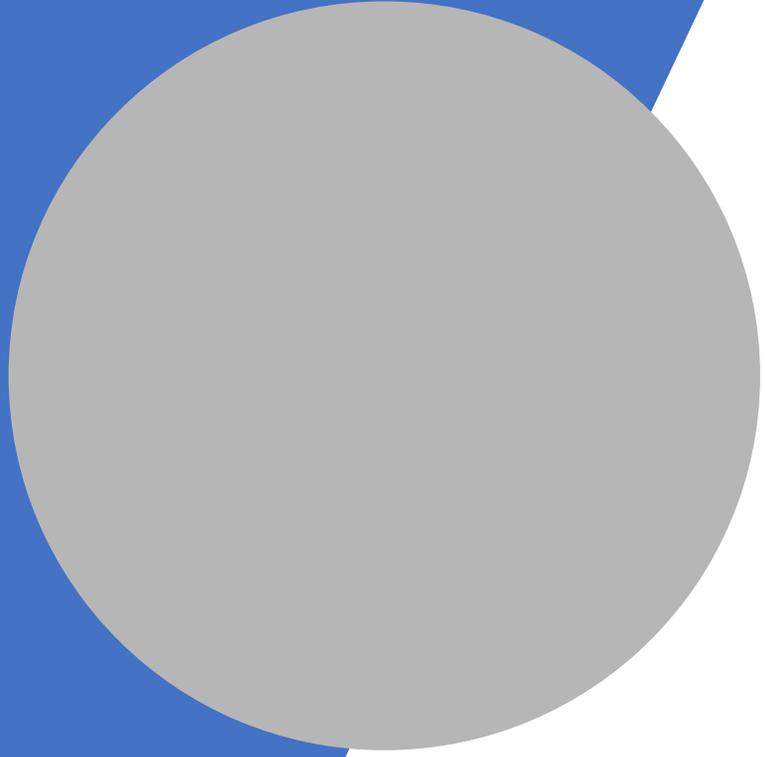
2 What is the over all difference between Indian banks and foreign banks

3 Understand the websites of the bank well [do not enforce a banker]

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4 Money must come in Foreign currency not Indian rupees

5 Exchange rate, and control



**STAGE 3**

**PROGRESS**



# UMBRELLA SERVICES MEANS NOT JUST RENDERING OF PROFESSIONAL SERVICES ALONE

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**IT IS AN ACTIVITY INVOLVING COORDINATION AMONG MANY TEAMS**

CLARITY OF  
**PROCESS**

AND

TIMING

# PERT CHART FOR INCORPORATION



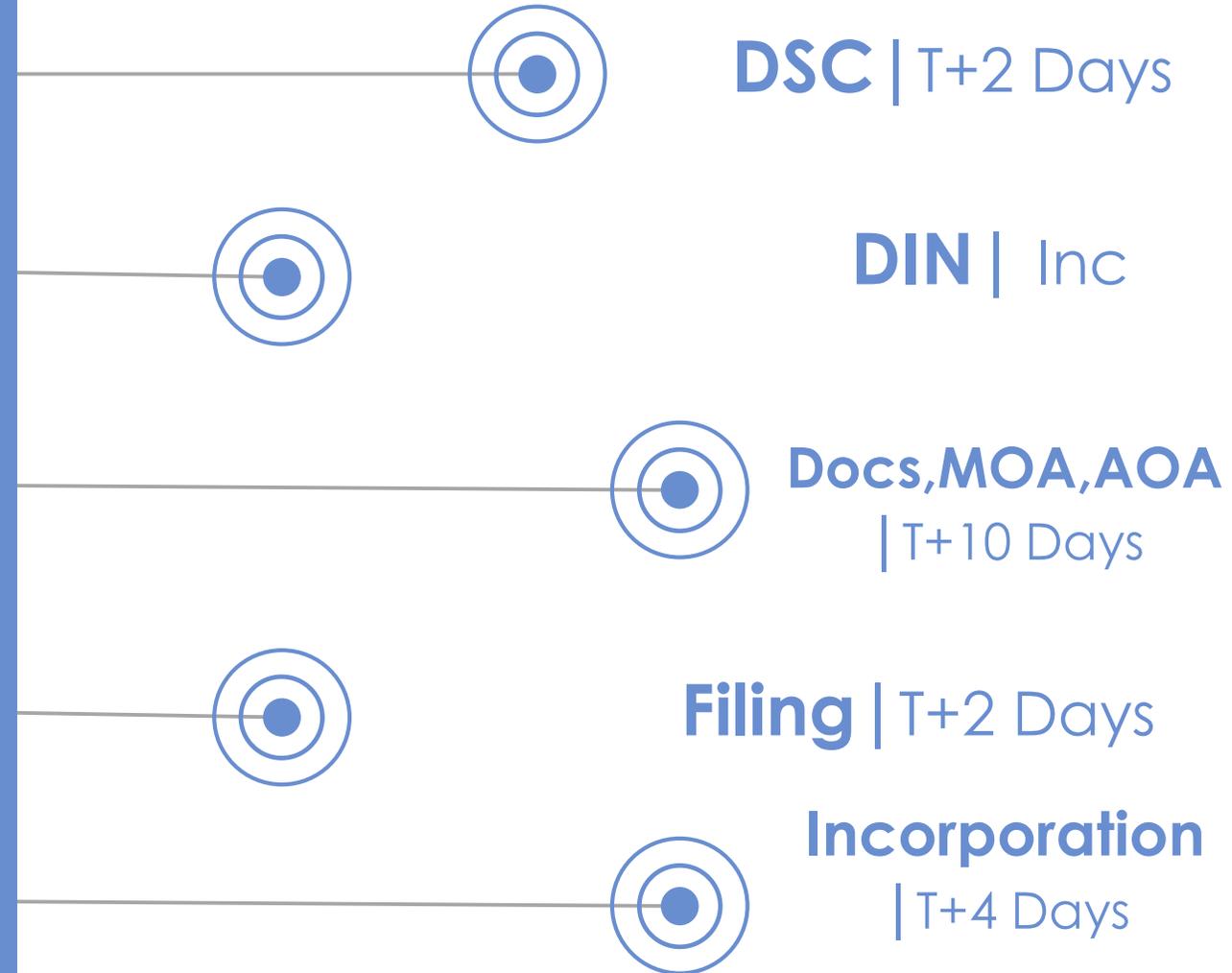
**DSC**  
T + 2 Days

**DIN**  
With incorporation

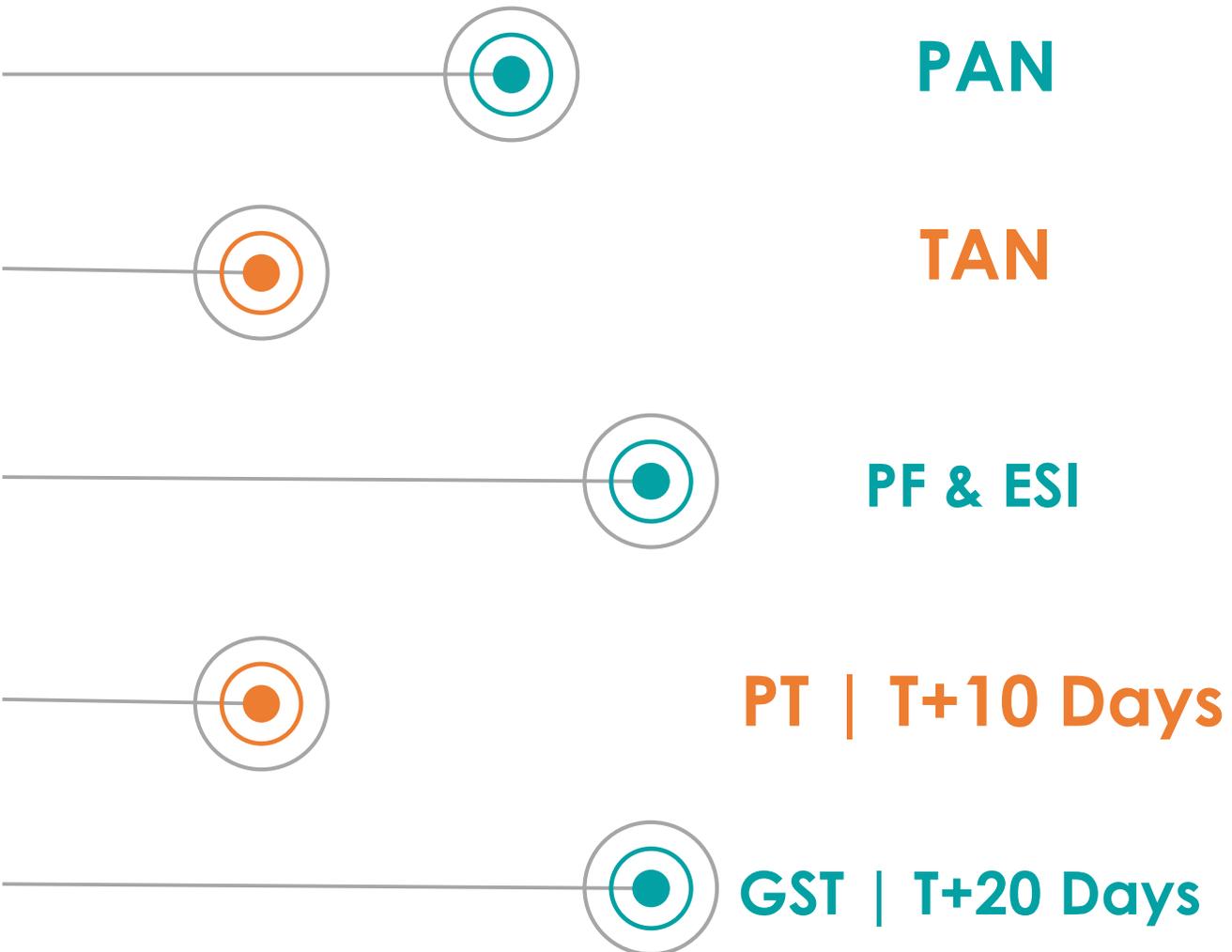
**Incorp docs**  
T + 10 Days

**Filing of Incorporation**  
T + 2 Days

**Expected Incorporation**  
T + 4 Days



# STATUTORY REGISTRATION



1

**PAN, TAN, PF, ESI  
Incorporation**

**PT**  
T + 10 Days

**GST Incorporation**  
T + 20 Days



29

# BANK ACCOUNT

Signing of Documents and  
Submission of Papers  
T + 10 Days

Choosing a Banker

T + 2 Days

Apostille and  
Notary

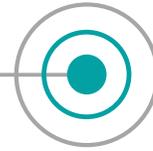
T + 10 Days

Signatory

T + 15 Days

Go Live

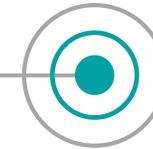
T + 30 Days



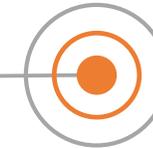
Signing and  
Submission | T+7 Days



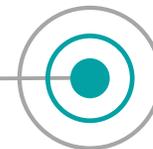
Banker | T+2 Days



Apostille and Notary  
| T+10 Days



Signatory | T+  
15 Days



Go Live!  
T+30 Days

# IT MAY NOT SOUND CRITICAL, BUT

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POSH



Process manual



Payroll is once in India



CSR



Provision month close



Difference between  
intern and employee

# TERMINOLOGY

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- 01 State taxes and Federal tax
- 02 India is one nation, one tax
- 03 Social security fund is provident fund
- 04 Pension if 401K
- 05 Lakhs and Million
- 06 AR AP Month close pack [MIS], dashboard [compliance calendar]
- 07 Data security
- 08 PST EST Central etc
- 09 Initials
- 10 SPOC
- 11 Accelerator, boot strapped, angel, convertible note,

# ADMINISTRATIVE RIGHTS

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Government portals like tax portal GST, RBI Portal, PT, Traces etc.

Licenses – Accounting and Payroll

Bank maker - All Rights

Who is an employer for India Co as per the regulation



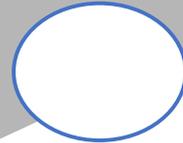
# OUR SERVICE

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## COMPLIANCES

GST, TDS, PF, PT,  
ESI, Softex,  
Labour welfare  
fund, POSH,  
trainees etc.



## CORPORATE LAW

Dashboard,  
Responsibility,  
Penalties and  
Risks



## PAYROLL

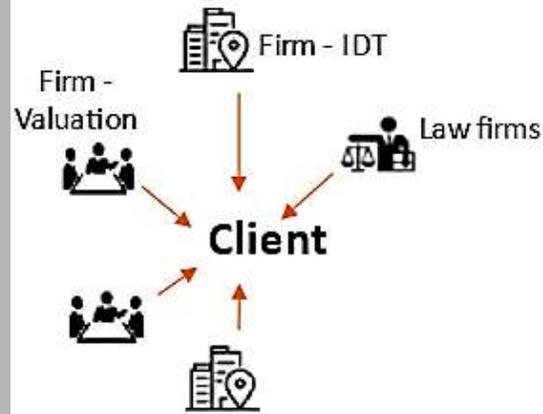
Break up,  
Leaves,  
Approval,  
Software



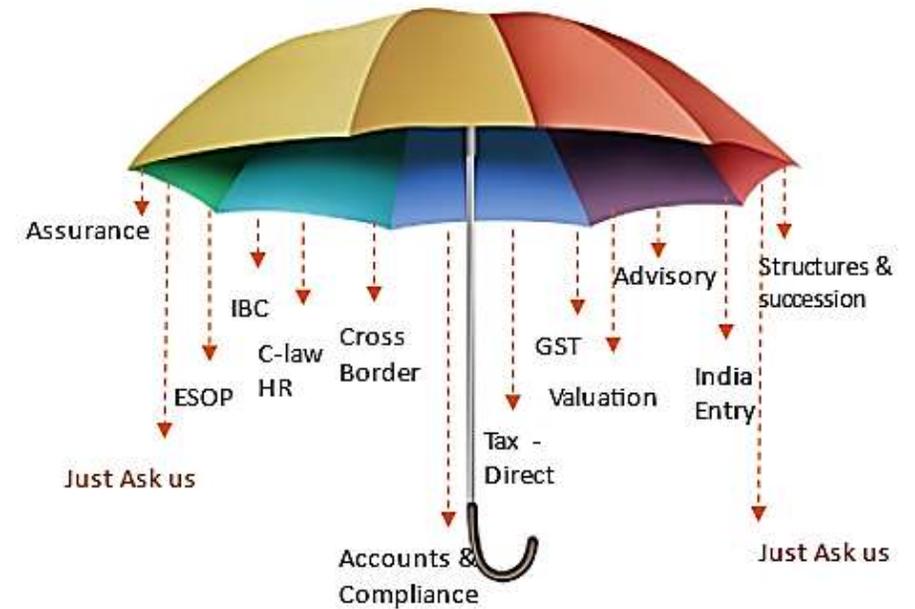
## ACCOUNTING

Chart of  
Accounts,  
Policies, and  
Software

IF A CLIENT HAS TO  
INTERACT WITH  
MANY SERVICE  
PROVIDERS –  
—  
IT IS A PAIN



Umbrella policy @ Guru & Jana  
All services under a single roof



# Understanding **CLIENT**

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What should be our Questionnaire

What is his business model for India?

What is his projection for next 6 months to a year?

What is the employee mix that has been planned for India entity

Statutory Auditors – their thoughts

# PRICING METHODOLOGY

\* All figures in Indian Rupees

ONE TIME COST	
Services	INR
Incorporation	XXX
Stat. Regs	XXX
Salary	XXX
TP Agreement	XXX

ONE TIME COST	
Services	INR
Valuation	XXX
HR Documents	XXX
Capital Remittance	XXX
GST Structure	XXX

ONE TIME COST
INR XXX
EXPECTED PAYMENT: MONTH OF INCORPORATION

# PRICING METHODOLOGY

\* All figures in Indian Rupees

MONTHLY COST	
Services	INR
Accounting	XXX
Payroll	XXX
Monthly GST	XXX
Labour Law	XXX

MONTHLY COST	
Services	INR
Corporate Law	XXX
Director - Resident	XXX
Registered Office	XXX

MONTHLY COST
INR XXX
<b>Annualized: INR 12X</b>
<b>EXPECTED PAYMENT: UPON COMPLETION OF WORK</b>

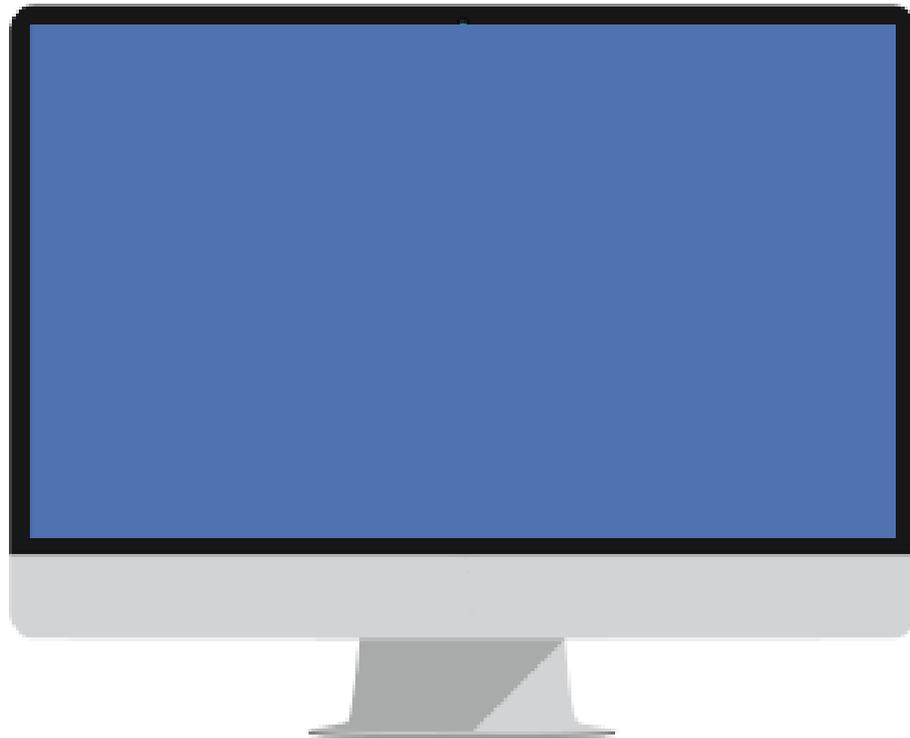
# PRICING METHODOLOGY

\* All figures in Indian Rupees

ANNUAL COST		ANNUAL COST		ANNUAL COST
Services	INR	Services	INR	INR XXX
GST Annual Return	XXX	TP Cert.	XXX	EXPECTED PAYMENT: UPON COMPLETION OF WORK
Audit Co-ordination	XXX	TP Doc	XXX	
IT Filing	XXX	Tax Audit	XXX	
RBI FLA	XXX	Stat. Audit	XXX	

# SOFTWARES

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- Zoho / NetSuite / .....
- Integration with from US Accounting tool
- Admin rights
- Grey HR or Keka or ADP and its rights
- One note [document depository]
- Payroll access rights
- Bank upload access
- GST and government portal OTP
- GST and government portal 'email id'
- Docu sign, Zoho sign
- Digital signatures
- Signature on all pages is not done in foreign countries



# What should be in Accounting Tool

- |               |    |    |                           |
|---------------|----|----|---------------------------|
| Cloud based   | 01 | 04 | Easy Integration with API |
|               | ⋮  | ⋮  |                           |
| Mobile Access | 02 | 05 | Scalable/Customizable     |
|               | ⋮  | ⋮  |                           |
| 50 + Modules  | 03 | 06 | Maker / Checker           |

AND MORE...

# What should be in Accounting Tool

Activity Logs	07	11	Dash Boards
	⋮	⋮	
Regular Reports Readily Available (Zoho Analytics for reports like AR/AP/MIS)	08	12	User rights based on roles
	⋮	⋮	
Ready Reports for GST& TDS Returns to be filed	09	13	Supporting documents can be attached
	⋮	⋮	
Multiple Branches	10	14	Single platform for multiple needs

- Homescreen with list of clients for say GST website
- User ids are highlighted, and password view is restricted to the user

# Password VAULT

The screenshot displays the Password Vault application interface. The top navigation bar includes the 'Vault' logo, a search bar, and user profile icons. The left sidebar contains navigation options: Dashboard, Passwords, Folders, Audit, and Settings. The main content area shows a list of passwords under the heading 'All Passwords'. The first entry, 'Alphonso Labs Private Limited\_1', is highlighted, and its password 'Alphonso123' is visible. A red box highlights the launch button (a square with a diagonal line) for this entry. A text box explains that the user can click on this button to log in to the GST website.

Client	User ID	Password	Launch Button
Alphonso Labs Private Limited_1	Alphonso123	Alphonso123	Highlighted
Antolini Luigi_1	Antolini_123	Antolini_123	Not Highlighted
Ennoventure Technologies Pvt Ltd_1	Ennoventure123	Ennoventure123	Not Highlighted
Epifi Technologies Pvt Ltd_1	EPIFI123	EPIFI123	Not Highlighted
Gocomet India Private Limited - KA_1	go_comet	go_comet	Not Highlighted
Gocomet India Private Limited - MH_1	gocomet_12	gocomet_12	Not Highlighted

The user can click on the launch button as highlighted to log in to GST website as per pic

# Confidence VAULT

Skip to Main Content



## Goods and Services Tax

Login

Home Services GST Law Downloads Search Taxpayer Help and Taxpayer Facilities e-Invoice

Home > Login

### Login

• indicates mandatory fields

Username •

Password •

Type the characters you see in the image below •



1

# Dashboard

XXXXXXXXXXXX

FY 2022-23

Monthly Compliance

Quarterly Compliance

Yearly Compliance

Client Documentation

## Monthly Compliance

01 February 2021 20:28

TDS	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
192 : Salary												
194A : Interest on securities												
194C : Payments to contracto rs												
194H : Commissi on												
94I Rent												
194IB : Payment of individual s												
194J :												

# Dashboard

## Monthly Compliance

01 February 2021 20:28

TDS	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
192 : Salary												
194A : Interest on securities												
194C : Payments to contractors												
194H : Commission												
94I Rent												
194IB : Payment of individuals												
194J : Fees												

## Quarterly Compliance

01 February 2021 20:28

Income Tax	1st Quarter April - June	2nd Quarter July - Sep	3rd Quarter Oct - Dec	4th Quarter Jan - March
ETDS - Form 24				
ETDS - Form 26Q				
ETDS - Form 27Q				
Advance Tax				
<b>STPI</b>	<b>1st Quarter April - June</b>	<b>2nd Quarter July - Sep</b>	<b>3rd Quarter Oct - Dec</b>	<b>4th Quarter Jan - March</b>
STPI				
<b>Non STP</b>	<b>1st Quarter April - June</b>	<b>2nd Quarter July - Sep</b>	<b>3rd Quarter Oct - Dec</b>	<b>4th Quarter Jan - March</b>

## Yearly Compliance

01 February 2021 20:30

Stat Audit	Annual
Audit report workings	
Note to accountant	
Signed Audit Report	
Signed Financials	
<u>Udin</u>	
Income Tax	Annual
Tax Audit (Sec 44 AB) - TP cases	
Tax Audit (Sec 44 AB) - Non -TP cases	
TP Certification - FY 19-20	
Income Tax Returns - FY 19-20	
Form 61A	
<u>Equalisation Levy Annual return</u>	
GST	Annual
GSTR 9	
GSTR 9C	
Letter of Undertaking	
Personal Compliance	Annual
Shop & Establishment-Form U	
PT-Annual Return	
PT-Annual Renewal	
Labour Welfare Fund	
List of Holidays	

STPI Compliance	Annual
Annual Return	
Tentative APR	
Annual Renewal Fee- STPI	
Non STP Compliance	Annual
Annual Return	
Tentative APR	
Annual Renewal Fee-Non STPI	

# SAFETY INSTRUCTIONS

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- Your office being used as a Registered office – rental construct
- You being a director simplicator – indemnity bond [critical but tough part]
- Employment in Firm roles, and later transfer to company roles [clarity]
- Single point billing for Law firms work – clarity and transparency
- Statutory auditor conflict of interest

- Company audit, tax returns do not confuse. It is not that difficult as we make it out to be
- Do not use the logo without asking
- Drop box is not secure
- What is dual password – implement it
- Payroll password, and payroll file to be sent in separate communication
- Always have exceptions clause in your agreement

WHAT IF  
**THINGS**

GO  
WRONG?

# WHAT IF THINGS GO WRONG?

Incorporation is not done on time, employees are hired – We Hire them



National holidays calendar to be sent in advance, and open in calendar

Laptop has to be procured; bank account has been delayed



Bank holidays calendar to be sent in advance

Forex rate is bad on that day, what do we need to do



## INCORPORATION



- Model 1 – US owns India  
WOS relationship = 1 month
- Model 2 – Can Firm own India Co – FCTRS route = 2 days
- Ease of operations of bank
- Ease of statutory registration
- Saves time in incorporation

# CAN YOU BE A DIRECTOR?

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The Ethical Standards Board got in a booklet for members in practice being independent director or Director Simplicitor in Companies.

This booklet contains relevant provisions of Companies Act, 2013, the Chartered Accountants Act, 1949, Code of Ethics, frequently asked questions and the decisions of the Ethical Standards Board taken from time to time on the said issue.

## CAN YOU BE A DIRECTOR?

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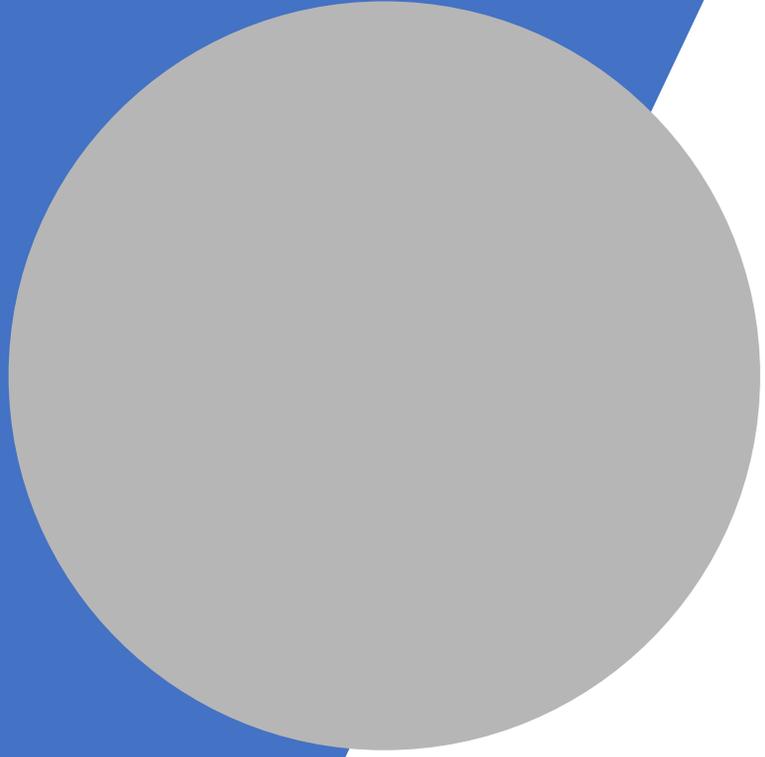
A Chartered Accountant in practice being Director Simplicitor in a Company cannot sign ROC Forms of the Company as it is a direct conflict of role.

The Ethical Standards Board while noting that there is requirement for a Director u/s 149(3) of the Companies Act, 2013 to reside in India for a minimum period of 182 days in the previous calendar year, decided that such a Director would be within the scope of Director Simplicitor (which is generally permitted as per ICAI norms) , if he is non-executive director, required in the Board Meetings only, and not paid any remuneration except for attending such Board Meetings

## MGT 7, is creating privacy issues

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- MGT – 7 in Company website
- India Co – No website, MGT 7 in Parent Co website
- If US Co does not want, then a new website in India has to be created



## **STAGE 4**

## **HOLDING CO VS INDIAN CO**

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# HOLDING CO VS INDIAN CO

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- Transfer Pricing methods, billing and agreement
- GST on Exports – Exemption to be obtained
- Delegation of authority matrix
  - Payments
  - Decisions
  - Petty cash
  - Hiring + Firing
  - Contracts
- Authorisation for banking operations
- Use of IP in India Operations



# TAXATION OF INDIA

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## THE CONCEPT OF COST

10 + 2 = 12, on the 2 you pay 25%



GST – Exempted on exports  
[Refund would come on an easy basis]



Employee Tax  
State Tax and Federal Tax



No other taxes in India



SEZ – Rent vs Tax saving



# BASIC CARDINAL PRINCIPLES

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India close happens in March, US close Dec [but Feb too]



$10 + 2 = 12 - 0.5 = 11.5 - 10 = 1.5$   
can be used for assets

Do not have an employee here before you start your company – PE



If 1.5 is accumulating every year, management cross charge would again have gross up issues

A contractor is meek tool to avoid PE



How do they claim tax credit for form 16A

Legal system in India – the revenue, the court process, the delays



Repatriation means – dividend taxation impact

SOME POINTS

RELATED TO

COMPLIANCE...

## FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

**05** Visited India and intended to incorporate a company, in such case the incorporation shall be allowed if, he/she is having a valid Business Visa.

**Explanation** - For the purposes of this clause, it is hereby clarified that, in case of Person is of Indian Origin or Overseas Citizen of India, requirement of business Visa shall not be applicable.

# FLA FILING

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- FLA Return is described as **Foreign Liabilities And Assets Return**
- To be submitted by the Indian Resident Companies which have received Foreign Direct Investment (FDI) or made Overseas Investment abroad
- In the previous year(s) including the current year i.e. who holds foreign Assets or Liabilities in their Balance Sheets.
- Its an Annual return notified under FEMA 1999 to be filed by July 15 every year.
- Non-filing of the return before the due date will be treated as a violation of FEMA and penalty clause may be invoked for violation of FEMA.
- It can be filed with the unaudited financials, after audit – in case of any changes, then please revise the returns.

# FLA – DETAILS

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## FILING OF PARTICULARS OF **FORM FLA** - online with RBI

Section

1

Identification  
of Particulars

Section

2

Financials  
Details

Section

3

Investments  
made in India

Section

4

Foreign  
Assets

Section

5

Variation  
Report

# ESOP – IP IN PARENT CO, BUT SHARES FOR INDIA CO

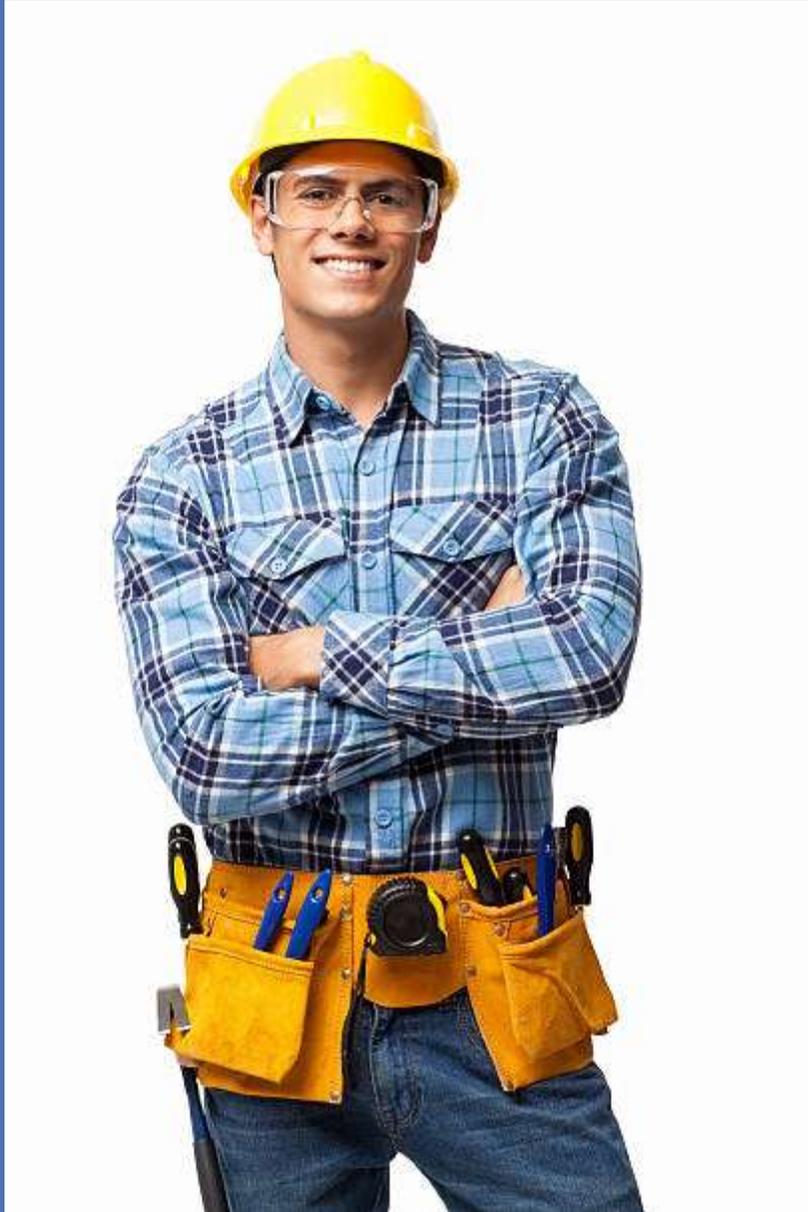
## EMPLOYEES

- An employee or director of Indian company can purchase equity shares of the foreign company under its ESOP scheme provided the Indian company is the subsidiary of foreign company.
- The parent company should have an ESOP plan which is the Main plan.
- Indian company would need to create a Sub plan which is carved out of the main plan.
- Approval of Board and shareholders
- Annual return had to be filed by Indian company with RBI at the time of exercise of the options by the employees.
- Recording of expenses in India books and creating of ESOP reserve (Effective 01.0.4.2022)



# FRRO RULES – PLEASE STAY AWAY:

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- The PF contribution rate for foreign workers (Expat employees) registered with EPF is 12 percent.
- Exemption – Expat employees are exempted from contribution towards PF only if their home country has a social security agreement (SSA) or economic-bi-lateral treaty with India.
- Capped wages- PF can be capped with 15,000/- gross wages, no cap on the salary on which contributions are payable by employer & employee.
- EPS (pension) - Expat employees are not eligible to get pension deduction hence all the PF deduction should be 12% for employee as well as employer.
- For Expat employee aadhar is not mandatory for registering in PF portal, But employee passport details to be mentioned to get the UAN and PF number.

# LIABILITY ON THE US ENTITY, ON ACCOUNT OF ISSUES IN INDIA

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- Restrict Employer to India office
- Resolutions to appoint India directors as compliance officer
- Indemnity insurance for director's mandatory
- POSH and such liabilities
- Cyber security liabilities.

The SC referred to the ratio passed in the case of M.S Pharmaceuticals Ltd. v. Neeta Bhalla 2005 8 SCC 89 i.e., the conduct, act or omission on the part of a person gives rise to liability and the same is not dependent merely on account of holding a specific office or designation in a company. Citing the said ratio, the SC stated that no proof was made available with them by the ED to refute the submissions of the Appellant. Accordingly, the SC dropped the charges instituted against the Appellant.

## LIABILITY ON THE US ENTITY, ON ACCOUNT OF ISSUES IN INDIA

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# FOR SAFE HARBOUR RULES:

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- Safe harbour rates provide arm's length price = no litigation, no further questions
- 92CB of the Income Tax Act, 1961 - Rule 10TD of Income tax Rules specifies eligible international transactions and the circumstances for which the Safe harbour rates can be exercised;
- Safe Harbour Rates for software & ITES
  - India Co turnover 100 Crores = 17% Margin
  - India Co turnover > 100 crore but < 200 Crore, 18% margin
- Safe Harbour Rates for FY 2020-21 and onwards has not been notified;
- For the purposes of exercise of the option for safe harbour the assessee shall furnish Form 3CEFA to the Assessing Officer on or before the due date of furnishing the return of income.

# Advance Pricing Agreement:

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- An APA is an agreement between the taxpayer and the tax authority on the pricing of future international transactions with associated enterprises. The taxpayer and tax authority mutually agree on the arm's length price or transfer pricing methodology (TPM) to be applied and period of time for covered transactions.
- Certainty with respect to the outcome of covered transactions during the APA term
- Reduction in risk and cost associated with audits and appeals over the APA term
- Eliminates the risk of potential double taxation arising from controlled transactions.

# INDIA GAAP & US GAAP:

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## March Close vs December Close

### Adjustments to be done

- Depreciation / Capitalization adjustment entries as per Group Policy
- Period End Provision and prepaid amortization Entries especially employee related
- ESOPs Accounting in respective standalone financial Statement
- Financial Assets may be required to measured at fair value, whereas they would have been valued at cost under Indian GAAP
- Leases will be required to accounted in Balance Sheet as Right of Use Asset and Lease Liability ( except short term and low value lease exemption) – similar to finance lease accounting in Indian GAAP
- Provision for taxation ( Including Deferred tax)



# RBI REPORTING FOR INWARD REMITTANCE AGAINST EXPORTS RETURNS

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- Company to AD to set off - export regularization
- FIRC Mapping Sheet – manually in Excel
- FIRC
- Original Sales invoice – towards Set off, inward remittance
- Original softex form (Issued by STPI department) or CA certificate
- Bankers will know the bill wise details -JDGFT website in case of goods.
- Post that we can download E-BRC Certificate from there – for Goods.

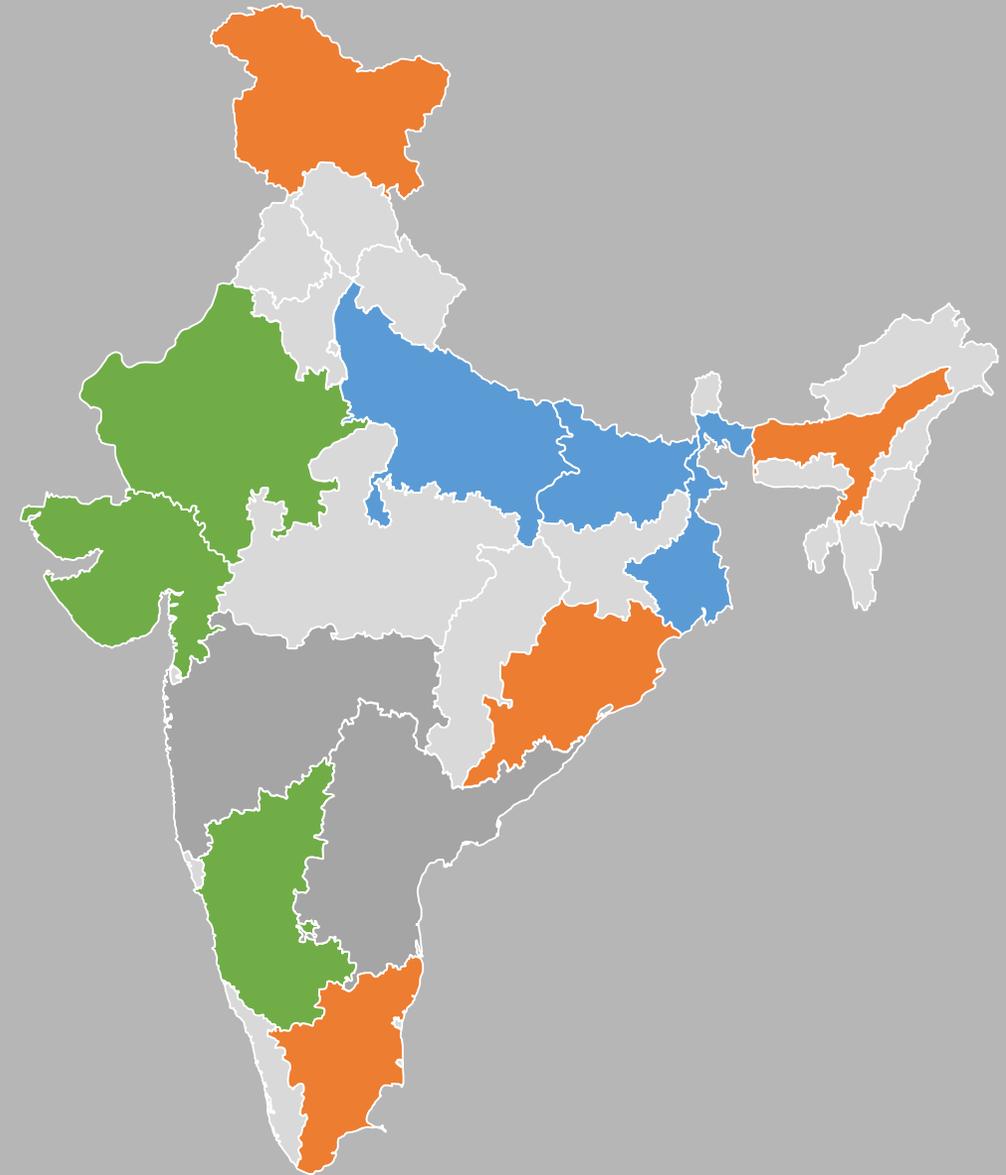
# FOR PE IN INDIA:

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- Article 5(1) of India-US DTAA - A fixed place of business In India, where US carries on business.
- As per Article 5(2) of India-US DTAA, PE of US Entity exists in India, If US Co has employees in India if:
  - Employed 90 days in a 12-month period; or
  - Employed in India by US for providing services to India WOS
- Birth of India Co does not mean PE is established – Case to case basis must be checked
- SC - E-Funds IT Solution Inc. – India Co provides Backoffice support, there is no fixed place of business for foreign Co directly
- Delhi HC - Adobe Systems India Co . US Co has no right to use the premises of the subsidiary company + TP Study = No PE

QUICK RECAP:  
HOW DO YOU  
START INDIA  
ENTRY SERVICES?

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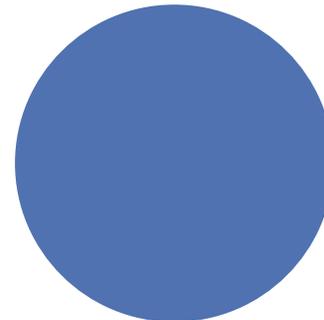
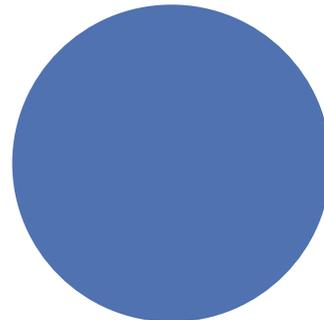
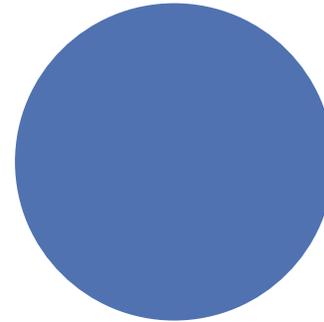
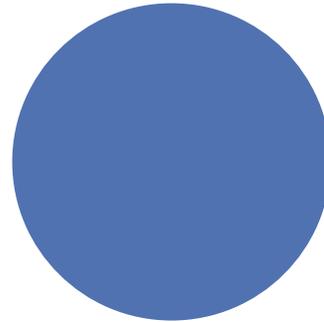


# QUICK RECAP - INDIA ENTRY SERVICES

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**A GUIDE TO HANDHOLD A FOREIGN CORPORATION TO SET SHOP IN INDIA**

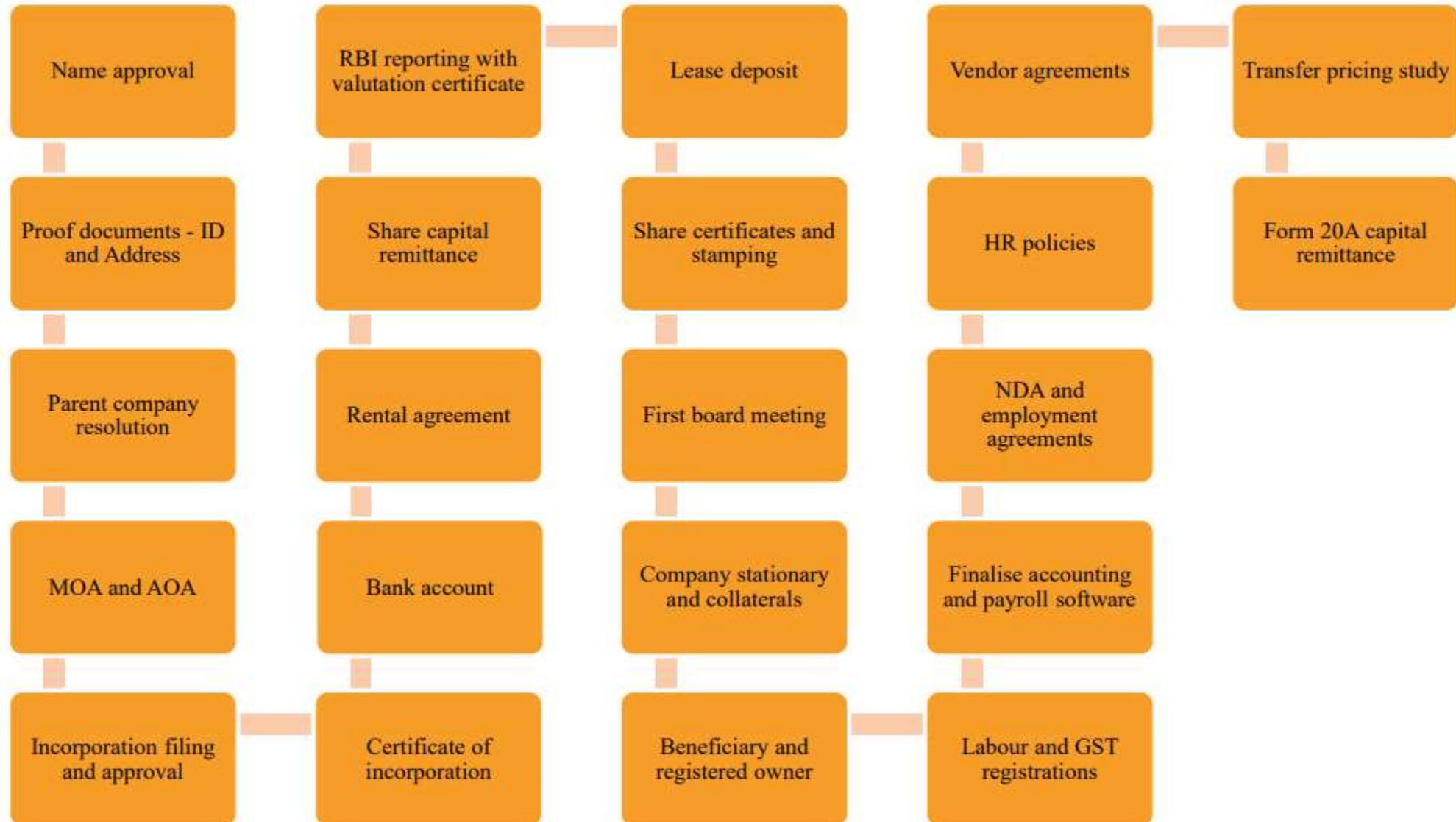
**+ ONLY SINGLE SOURCE OF TRUST**



**A CA'S ROLE :**

- **ONE TIME**
- **RECURRING**
- **ANNUAL**
  
- **DIRECT TAX**
- **GST**
- **TRANSFER PRICING**
- **INDIAN GAAP**
- **LEGAL**
- **LABOR LAWS**
- **CONTRACT LAWS**
- **WHO IS THE CATERER?**

# PACKAGING: PROCESS FLOW CHART



# A website in US or UK, blogs, and digitally felt

**GURU JANA**  
9180 4220028 | info@gurujana.com  
Gurujana Square, Southend Road, Bangalore  
8:00am - 7:00pm | Monday to Saturday

Home | About | Services | Case Studies | Our Team | Blog | Contact | Search Your Queries

## Starting a new company in India

- Arrange basic documents of Directors
- We will apply for DSC (Digital Signature) for directors
- We will prepare MCA, AOA and other legal documents
- We will file INC 29 or Incorporation Docs with ROC
- Get your Company Incorporation Certificate

### Make an Appointment

Fill out this form and we'll contact you within 48hrs!

First Name:  Last Name:

Phone:  Email:

City:  Zip Code:

Description:

[Send Message](#)

- Eligibility**  
For Startup India Scheme: To be eligible under Startup India Scheme the Startup must be registered as a Company under the Companies Act 2013 or LLP.
- Limited Liability**  
Limited Liability Protection to Partner's personal assets
- Business Structure**  
Investors love to invest in Private Limited companies as it is well structured and less things attached. Most important it is very easy to exit from a private limited company.

### Financial Advisor Case Studies: The Proof is In The Pudding

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Financial Advisory Services By Years Of Experience And Proven Analytics

Our vision is to be amongst the top 20 Chartered Accounting firms by 2020 through rendering of timely services and ensuring clients satisfaction.

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## Our Services

Gain and time gives a high value on trust, and trust is the foundation on which insurance service stand on. Our insurance department focuses on compliance with Indian IAA, US SAMP and IRIS for insur companies. We also have experience in handling the audits of companies with presence in the US, UK, Europe and other parts of the world.

- [Check All Services](#)
- [Tax Strategies](#)
- [In-Person Annual Reviews](#)
- [Digital Planning Tools](#)
- [Quarterly Newsletter](#)

Bonded & Insured | Bonded & Insured | Bonded & Insured | Bonded & Insured

# OPERATIONS



# OPERATIONS

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- T – 10 Days | Authorization matrix for India [Excel embed it]
- T -10 Days | COA
- T - 10 Days | MIS Dates
- T - 5 Days | How to fund India discussion
- T - 10 Days | Cash requirement periodicity
- T - 4 Days | Transfer pricing invoice date
- T - 10 Days | Month Close data
- T Days | Dashboard for compliances
- T -5 Days | Fix annual calendar for month close

**TRADE  
OFFICES  
IN  
KARNATAKA**

CANADIAN CHAMBER OF COMMERCE

INDIAN AMERICAN CHAMBER OF COMMERCE

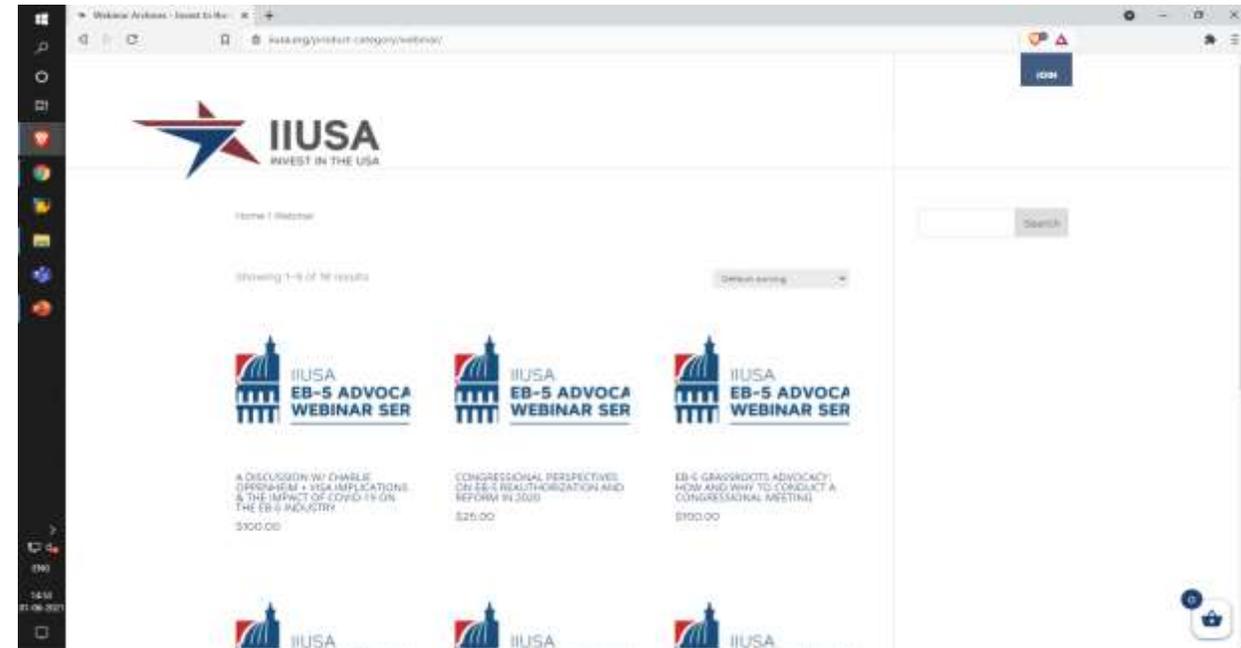
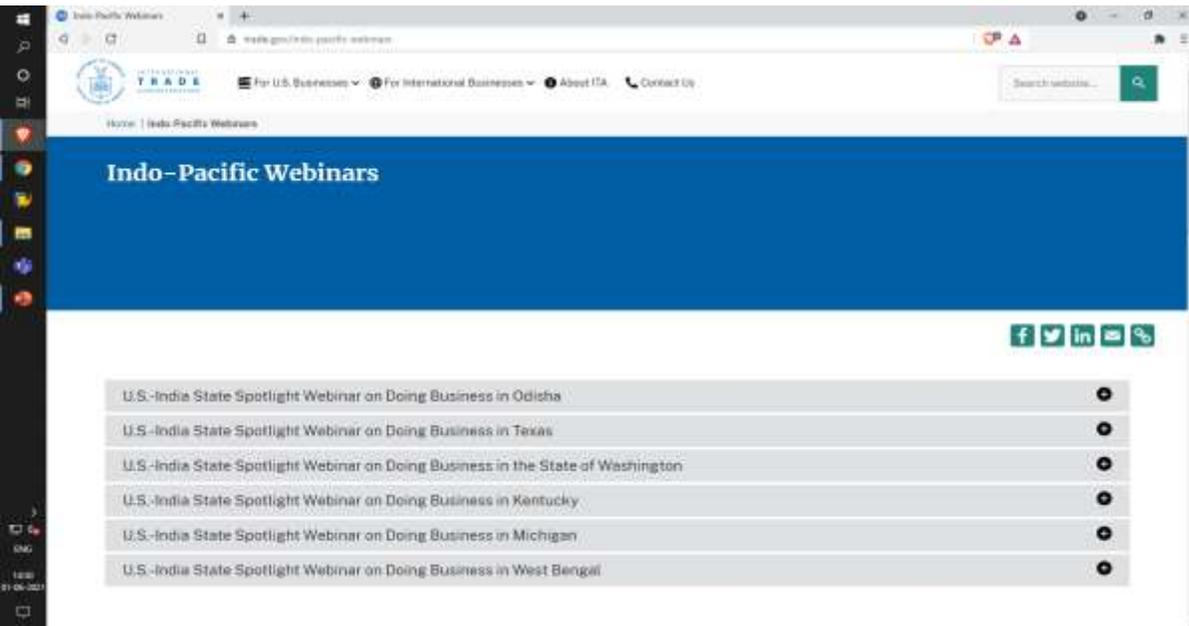


AMERICAN CHAMBER OF COMMERCE

CANADIAN CHAMBER OF COMMERCE



# WEBINARS IN US



<https://www.trade.gov/indo-pacific-webinars>

[https://m.facebook.com/story.php?story\\_fbid=10160200276919012&id=170994429011](https://m.facebook.com/story.php?story_fbid=10160200276919012&id=170994429011)

<https://iiosa.org/product/investor-market-webinar-series-india/>

# WHAT STEPS YOU NEED TO TAKE TO BECOME A MEMBER?

ONE FIRM  
ONE STATE POLICY



CHECK FOR LOCAL  
PRESENCE



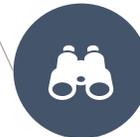
TALK TO A  
MEMBER



WRITE TO THE  
SECRETARIAT



BE OPEN FOR AN  
INSPECTION-  
BUT SIGN NDA



INFRASTRUCTURE TO  
BE PRUNED



**CONTEXT**

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Knowledge of a  
CA  
Knowledge of a  
Lawyer

Basic Business  
Sense  
Technology  
Solutions

What does a  
client expect?

a SPOC

# HOW DO YOU DIFFERENTIATE? – THROUGH OUR SERVICE OFFERING

The screenshot displays the CompaniesInn website interface. At the top, the browser address bar shows the URL: `companiesinn.com/e/aw/company-registration?gclid=EA1alQobChMI2-Xc_cf28AIVjQsrCh30cACIEAMYAiAAEgKJ2fD_BwE`. The website header includes the logo "companiesinn" with the tagline "Incorporation Simplified".

The main content area features the heading "Company Registration In 4 Easy Steps". A progress indicator shows step 1 as the active step. Below this, a blue banner advertises a "Special Offer: ₹1999 only (Filing Fees Actual)" for "Pvt Ltd Registrat". The offer is noted as a "Special Price for Limited period".

Under the offer, a list of services is provided:

- Company Name (RUN)
- Memorandum & Articles
- SPICe+ Forms
- Incorporation Filing
- PAN & TAN

To the right, a booking calendar is visible. It includes input fields for "Enter Name", "Email", and "Mobile No". Below these are buttons for "Booked", "Selected", and "Available". A date selector shows "02-06-2021" and a weekly calendar view with "Su" (Sunday) highlighted. A grid of time slots is shown, with a "BOOK MEETING SLOT" button at the bottom. A green checkmark icon is located in the bottom right corner of the calendar area.



**THE END  
RESULTS  
COULD BE  
SAME**

**THE PROCESS  
IS WHAT IS  
IMPORTANT**

THANK YOU FOR YOUR  
TIME

