



POING BUSINESS IN INDIA A GUIDE





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WHAT IS FDI POLICY?



The Department of Industrial Policy and Promotion (**DIPP**) is the nodal Department for formulation of Government Policy on Foreign Direct Investment (**FDI**). It is also responsible for maintenance and management of data on inward FDI into India, based upon the remittances reported by the Reserve Bank of India (**RBI**).

The Indian Government is inviting FDI into the country with its liberalized policies. The opportunities for businesses have been increased and the Government aims at providing a transparent and hassle free regulatory policy so that doing business in India is improved.



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India has attracted **USD 44,423.00 Billion** Cumulative Foreign Direct Investments (Equity inflow + 'Re-invested earnings' + 'Other capital') in 2023-24, with the highest investments made in Services Sector, followed by Computers, Trading, Telecom, Automobile, Infrastructure Sectors etc.

The FDI Policy is reviewed on an ongoing basis, with a view to making it more investor-friendly. To attract higher levels of FDI, Government has put in place a liberal policy on FDI, under which FDI up to 100%, is permitted, under the automatic route, in most sectors/activities.

(https://www.investindia.gov.in/foreign-direct-investment), (https://static.investindia.gov.in/2020-10/FDI-PolicyCircular-2020.pdf)



ROUTES FOR FDI

An entity may receive FDI via two routes:

1. Government Approval Route



The approval route is a little restricted. The foreign investor or the Indian company has to take prior approval from the Government / RBI or before making an investment.

Under this route, investments in different sectors are less

restricted. FDI norms and regulations are more liberalized. Here,

the overseas investor or the Indian company does not require a

2. Automatic Route













SECTOR WISE FDI LIMITS







SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
1.	Agriculture & Animal Husbandry, Floriculture, Horticulture, and Cultivation of Vegetables and Mushrooms under controlled conditions.	100%	Automatic
2.	Plantation Sector	100%	Automatic
3.	Mining (Exploration of metal and non-metal ores)	100%	Automatic
4.	Mining (Coal and Lignite)	100%	Automatic
5.	Mining (Mineral separation of titanium bearing minerals and ores)	100%	Government



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SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
6.	Petroleum & Natural Gas (Exploration activities of oil and natural gas fields, etc.)	100%	Automatic
7.	Petroleum refining by the Public Sector Undertakings (PSU), without any disinvestment or dilution of domestic equity in the existing PSUs.)	49%	Automatic
8.	Defence Industry	74% Beyond 74%	Automatic Government
9.	Broadcasting	100%	Automatic





SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
10	Broadcasting [Cable Networks including Multi System operators and Local Cable Operators]	100%	Automatic
11.	Terrestrial Broadcasting FM (FM Radio)	49%	Government
12.	Up-linking of 'News & Current Affairs' TV Channels/ Down-linking of TV Channels	49%	Government
13.	Print Media and Uploading/Streaming of News and Current Affairs through Digital Media	26%	Government
14.	Publishing/printing of scientific and technical magazines/periodicals	100%	Government



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SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
15.	Publication of facsimile edition of foreign newspapers	100%	Government
16.	Civil Aviation- Airports (Greenfield and Brownfield projects)	100%	Automatic
17.	Civil Aviation – Scheduled Air Transport Services	Up to 49%	Automatic
18.	Civil Aviation – Scheduled Air Transport Services	Above 49%	Government
19.	Civil Aviation (Non-Scheduled Air Transport Service and other services)	100%	Automatic
20.	Construction Development: Townships, Housing, Built-up Infrastructure	100%	Automatic



SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
21.	Industrial Parks (new & existing)	100%	Automatic
22.	Cash and Carry Wholesale Trading	100%	Automatic
23.	Satellites- establishment and operation, subject to the sectoral guidelines of Department of Space/ISRO	100%	Government
24.	Private Security Agencies	Up to 49%	Automatic
25.	Private Security Agencies	Above 49% - up to 74%	Government



SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
26.	Telecom Services	Upto 49%	Automatic
		Above 49% - up to 100%	Government
27.	E-commerce Activities	100%	Automatic
28.	Single Brand Product Retail Trading	100%	Automatic
29.	Multi Brand Product Retail Trading	51%	Government 16



SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
30.	Duty Free Shops	100%	Automatic
31.	Railway Infrastructure	100%	Automatic
32.	32. Banking- Private Sector	Up to 49%	Automatic
		Above 49% - up to 74%	Government
33.	Banking- Public Sector	20%	Government



any other regulator

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SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
34.	Asset Reconstruction Companies	100%	Automatic
35.	Credit Information Companies (CIC)	100%	Automatic
36.	Infrastructure Company in the Securities Market	49%	Automatic
37.	Insurance	49%	Automatic
	Insurance Intermediaries like brokers, third party administrator, surveyors and loss assessors, etc	100%	Automatic
38.	Pension Sector	49%	Automatic
39.	Power Exchanges	49%	Automatic
40.	White Label ATM Operations	100%	Automatic
41.	Other Financial services activities regulated by RBI or	100%	Automatic

Automatic 18



SN	SECTORS	FDI LIMIT	ENTRY ROUTES & REMARKS
42.	Pharmaceuticals (Greenfield)	100%	Automatic
43.	Pharmaceuticals (Brownfield)	Up to 74 %	Automatic
		Above74% - 100%	Government
44.	Scheduled and Regional Air Transport Services (for Non-Resident Indians)	Up to 100%	Automatic





PROHIBITED SECTORS

FDI in India is prohibited in the following sectors:

- Lottery Business, which includes Government/private lottery, online lotteries, etc.
- Gambling, Betting as well as casinos etc.
- Chit funds
- Nidhi Company
- Trading in Transferable Development Rights (TDRs)
- Real Estate Business (not including development of townships, construction of residential /commercial premises, roads or bridges)
- Construction of Farm Houses
- Manufacturing of cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
- Activities/sectors not open to private sector investment e.g. Atomic Energy and Railway operations



GOVERNMENT INITIATIVES



STARTING A BUSINESS

Single Form (SPICe+), an integrated electronic form that offers services of company name reservation and incorporation, allotment of Permanent Account Number (PAN), Tax Deduction and Collection Account Number (TAN), Director Identification Number (DIN) and Goods and Services Tax (GST) Identification Number (GSTIN), Employees Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC) registration, opening of bank account etc.

No labor inspection of start-ups who have furnished self-declaration, in the 1st year of setting up

Single unified annual return e-filing under various Central Labour Laws by shops and establishments.

Online transparent system of recording Labor Inspection of shops and establishments

GOVERNMENT INITIATIVES



TRADING ACROSS BORDERS

The Central Board of Indirect Taxes & Customs (CBIC) has implemented 'Indian Customs Single Window Project' to facilitate trade and online filing and processing of customs clearance paperless documents.

<u>New Foreign Trade Policy</u> effective from 1st April 2023, promotes cross-border trade in e-commerce, setting up of export commercial hubs to provide for dedicated logistics infrastructure and to act as a center for favorable business infrastructure and facilities etc

<u>Trade Infrastructure for Export Scheme 2023</u> introduced for setting up and up-gradation of infrastructure projects and provide export linkages like the Border Haats, Land customs stations, quality testing and certification labs, cold chains, trade promotion centres, dry ports, export warehousing and packaging, ports/airports cargo terminuses etc.

<u>Market Access Initiatives (MAI) Scheme</u> provides financial assistance to export / trade promotion organizations, exporters, etc, cottage and handicraft units, etc.





MAKE IN INDIA POLICY

Make in India is a major national programme launched by the Indian Government in September 2014 that is designed to facilitate investment, foster innovation, enhance skill development, protect intellectual property and build best in class manufacturing infrastructure in the country.

The primary objective of this initiative is to attract investments from across the globe and strengthen India's manufacturing sector. It is being led by the Department for Promotion of Industry and Internal Trade (DPIIT), the Ministry of Commerce and Industry, Government of India.



MAKE IN INDIA POLICY

- The Make in India programme is very important for the economic growth of India as it aims at utilising the existing Indian talent base, creating additional employment opportunities and empowering secondary and tertiary sector.
- The Programme also aims at improving India's global ranking in terms of ease of doing business by eliminating the unnecessary laws and regulations, making bureaucratic processes easier, making the Government more transparent, responsive and accountable.



I. AUTOMOBILE





- ☐ The Automobile Industry in India is world's third largest industry, and India is the world's fourth largest manufacturer of cars.
- □ India's annual production of automobiles in FY 2023 was 25.93 million vehicles, and Automobile Sector resulted in 5% of the total FDI inflow 2023-24 as per DPIIT.
- □ Export of total number of automobiles in 2022-23 was recorded at 47,61,487 out of which two wheelers accounted for about 77% of the total exports.
- ☐ In January 2024, the total production of passenger vehicles, three-wheelers, two-wheelers, and quadricycles was reportedly 23,28,329 units.





Government Initiatives

The Government of India has allowed 100% foreign direct investment (**FDI**) under Automatic Route in Automobile Sector. Some of the recent Government initiatives are as follows:

- i) Production-Linked Incentive (PLI) Scheme in Automobile and Auto Components (2022-2027): The 2024-25 Budgetary Outlay allocates USD 0.41 Bn for the said Scheme to boost domestic manufacturing and attract investments. The Scheme focuses on Zero-Emission Vehicles i.e. Battery Electric Vehicle (EVs) and Hydrogen Fuel Cell Vehicle.
- i) Scheme for Faster Adoption and Manufacturing of (Hybrid and) Electric Vehicle in India (FAME -India) Scheme: The 2024-25 Budgetary Outlay allocates USD 0.41 Bn for the said Scheme to promote the adoption of electric vehicles in India.

I. <u>AUTOMOBILE</u>



Road Ahead



The Automobile Industry is supported by various factors such as availability of skilled labour at low cost, robust R&D centres, and low-cost steel production.

This Industry also provides great opportunities for investment and direct and indirect employment to skilled and unskilled labour.

SECTORAL POLICY



II. E-COMMERCE

E-commerce has transformed the way business is done in India. The Indian e-Commerce Market is expected to have an annual gross merchandise value of USD 325 Billion by 2030. Much of the growth for the industry has been triggered by an increase in internet and smartphone penetration.

Internet penetration in India has reached new heights, with over 918 Mn subscribers as of September 2023. Notably, the rural internet subscriber base is growing rapidly, currently standing at 375.66 Mn subscribers, indicating the democratization of online access.

India will become the 3rd largest online retail market by 2030 and is expected to have about 6 Mn MSME merchants by 2027.



Government Initiatives

Some of the major Government initiatives taken to promote e-Commerce in India are as follows:

- ➤ India's E-commerce platforms achieved a significant milestone, hitting a GMV of US\$ 60 billion in fiscal year 2023, marking a 22% increase from the previous year.
- **E-Commerce Export Hubs** have been created to act as a center for favorable business infrastructure and facilities for cross border e-Commerce activities; provide for storage (including cold storage facilities), packaging, labelling, certification & testing and other common facilities for the purposes of export etc.



Continued...

- ➤ Under the Digital India Scheme, the Government launched various initiatives like Umang (to access pan India e-Government services), Start-up India (to enable eligible companies to get recognized as Startups), Bharat Interface for Money (BHIM) etc (to boost seamless online payments).
- ➤ The Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry has launched an online portal 'Open Network for Digital Commerce (ONDC)' in 2022. This Portal facilitates the buyers on one e-commerce app to connect with sellers listed on another e-commerce app, provided both the e-commerce apps are registered on the ONDC network.

II. E-COMMERCE

Road Ahead



The e-Commerce Sector has been impacting micro, small and medium enterprises (MSME) in India by providing means of financing, technology and training and has a cascading effect on other industries as well. The Indian e-Commerce Sector is expected to surpass the USA to become the second-largest e-Commerce market in the world by 2034. Technology-enabled innovations like digital payments, digital advertisements, etc are likely to support the growth in e-Commerce Sector.

The growth in the Sector will further encourage employment, increase revenues from export, increase tax collection by exchequers, and provide better products and services to customers in the long term.



The Food Processing Sector is one of the top 20 rapidly developing sectors of the Country having Average Annual Growth Rate of <u>7.26%</u> in the last 7 years.

This Sector has an important role in linking Indian farmers to consumers in the domestic and international markets. The Ministry of Food Processing Industries (MoFPI) is making all efforts to encourage investments across the value chain.

III. FOOD PROCESSING





Government Initiatives

Some of the major initiatives taken by the Government to promote the FMCG sector in India are as follows:

Allowed 100% FDI in the cash and carry segment and in single-brand retail through Automatic Route and 51% FDI in multi-brand retail through Government Route.

The Union Budget 2024-25 has allocated INR 3290 Crores (i.e. approx. USD 0.39 Billion) to the Ministry of Food Processing Industries.

III. FOOD PROCESSING



Road Ahead



India has a large base of young consumers who form majority of the workforce, and who have increased the demand for food services especially through ecommerce portals such as Zomato, Swiggy, etc.

> On the other hand, the organized sector growth is expected to rise with increased level of brand consciousness, augmented by the growth in modern retail.

SECTORAL POLICY



IV. INDIAN RAILWAYS

The Indian Railways, a premier transport organization of the Country, is the largest rail network in Asia and the 4^{th} largest in the World. Indian Railways records 1434.03 MT freight loading till February 2024.

The Indian Railways' revenue reached INR 2.56 Lakh Crore (approx. \$30Bn) in FY 2024.

The FDI inflows in railway-related components stood at USD 1,408.51 Million from April 2000-- March 2024.

The Government has allowed 100% FDI in the Railway Sector through Automatic Route.

IV. INDIAN RAILWAYS

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Government Initiatives



- 400 new generation medium- distance superfast express Vande Bharat Trains to be manufactured during the next three years.
 - ➤ In the Union Budget 2024-25, the Government allocated INR 2,55,393 Crores (i.e. USD 30.5 Billion) to Ministry of Railways.

- Mumbai-Ahmedabad high-speed rail project sanctioned at a total cost of \$14.27 Rn
- ➤ 100% Electrification to make it the largest green railway network in the world. 6,577 Route Kilometers has been already been achieved in the Indian Railways history in 2023.

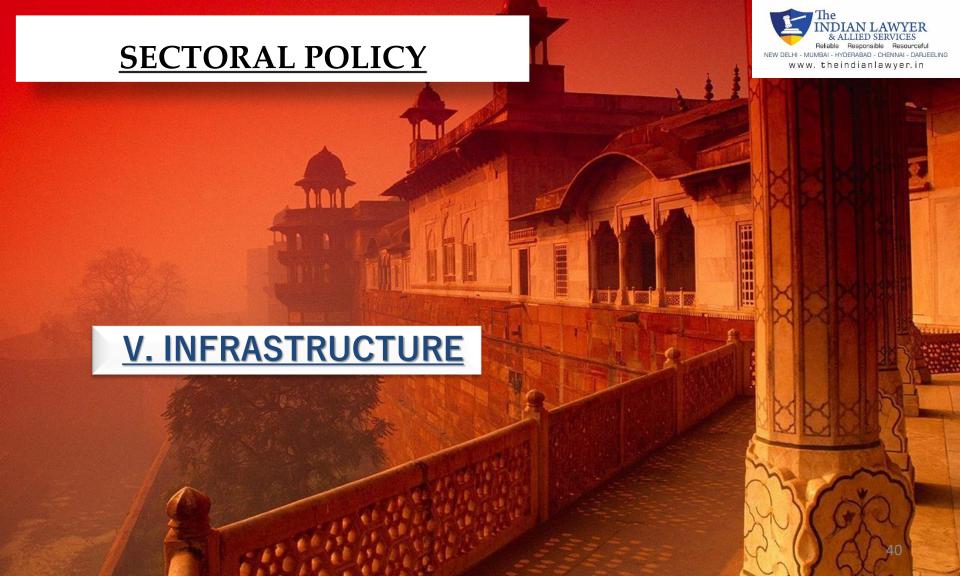
IV. INDIAN RAILWAYS







- The Indian Railway network is growing at a healthy rate. In the next five years, Indian railway market is expected to be the 3rd largest, accounting for 10% of the global market. The Government has announced two key initiatives for seeking private investments-running passenger trains by private operators across the railways network and redevelopment of railway stations across the country
- Indian Railways crafted the National Rail Plan (NRP) for India 2030 to develop a modern railway system.
 - In October 2023, it was reported that, India's investments in infrastructure will rise to Rs. 143 Trillion (US\$ 1.71 Trillion) between the financial years 2024 and 2030, as per analytics firm CRISIL (Credit Rating Information Services of India Limited).



V. INFRASTRUCTURE



Government Initiatives



- ➤ In the Union Budget 2024-25, the Government has allocated Rs. 2,78,000 Crore (approx. **USD 33.29 Billion** as of 01.02.2024) to the Ministry of Road Transport and Highways.
- The Ministry of Road Transport and Highways had launched the Bharatmala Pariyojana which is progressing with Phase I focusing on developing **34,800 km** of National Highways across India. It emphasizes corridor-based development and is set to conclude by 2027-2028, covering 31 States/UTs and over 550 districts.

V. INFRASTRUCTURE



Milestones Achieved





- Inaugurated in 2024, world's highest railway bridge, the Chenab Bridge, 359 m above River Chenab, Jammu.
- Inaugurated in 2024, the Atal Setu, a longest sea bridge 21.8 km long with a 16.5 km sea-link, Mumbai.
- Inaugurated in 2020, the world's longest highway tunnel- **the Atal Tunnel**, 9.02 km, under the Rohtang Pass, Himachal Pradesh.
- Unveiled in 2018 iconic landmarks like the Statue of Unity the world's tallest statue, with a height of 182 meters (597 feet) in Gujarat.
- > Transformation undertaken of Zojila Tunnel. Asia's longest tunnel, 9.5 m wide, 7.57 m high and 14.2 km long, for all-weather connectivity between Srinagar and Ladakh.

V. INFRASTRUCTURE





- ➤ Under the National Infrastructure Pipeline (NIP), projects worth Rs. 108 Trillion (US\$ 1.3 Trillion) are currently at different stages of implementation as in 2023.
- The NIP for FY 2019-25 is a first-of-its-kind, whole-of-Government exercise to provide world-class infrastructure to citizens and improving their quality of life.
- > It aims to improve project preparation and attract investments into infrastructure.

SECTORAL POLICY



VI. RENEWABLE ENERGY

- ☐ India was ranked 4th in wind power capacity, 5th in solar power capacity, and 4th in renewable energy installed capacity, as of 2023.
- ☐ The country's installed Renewable Energy (RE) capacity as on April, 2024 stands at 191.67 GW.
- India's installed non-fossil fuel capacity has increased 396% in the last 8.5 years and stands at more than 199.85 GW (including large Hydro and nuclear), about 45.1% of the country's total capacity (as of April 2024).

VI. RENEWABLE ENERGY





Government Initiatives

- (A) The total Budgetary allocation for FY 2024-25 towards the Ministry of New and Renewable Energy is INR 12850 Crores (USD 1.53 Billion as of 08.06.2024)
- (B) India's installed renewable energy capacity is expected to increase to about 170 GW by March 2025 from the level of 136.57 GW as of December 2023, according to research agency ICRA.
- (C) Further, Rs. 17,490 Crores (US\$ 2.10 Billion) were set aside for the Green Hydrogen Mission and the Strategic Interventions for Green Hydrogen Transition (SIGHT) Program.

VI. RENEWABLE ENERGY







- > The Central Electricity Authority estimates India's power requirement to grow to reach 817 GW by 2030. Most of the demand will come from real estate and transport sectors.
- > On October 8, 2023, India and Saudi Arabia signed an MOU for green hydrogen supply chain and power grid interconnection during MENA Climate Week in Riyadh. The MOU aims to foster cooperation in renewable energy, electrical interconnection, and green hydrogen production.

SECTORAL POLICY



VII. ROADS AND HIGHWAYS

India has the second-largest road network in the world, spanning a total of 146145 kms.

Ministry of Road Transport and Highways of India has unveiled over 200 projects totaling INR 1.25 Lakh Crore (USD 14.9 Billion as on 06.06.2024) earmarked for the next five years under the National Ropeways Development Programme known as "Parvatmala Pariyojana." to develop the ropeway network in the country.

VII. ROADS AND HIGHWAYS







Government Initiatives

The Government aims to construct 65,000 kms of national highways at a cost of Rs. 5.35 Lakh Crore (US\$ 64.07 Billion as on 06.06.2024).

The Indian Government had launched Gati Shakti-National Master Plan 2021, incorporate the infrastructure schemes of various Ministries and State Governments like Bharatmala, Sagarmala, inland waterways, dry/land ports, UDAN (*Ude Desh Ka Aam Nagrik*) etc, to improve connectivity and make Indian businesses more competitive.

Under the Union Budget 2024-25, the Government of India has allocated Rs. 2.7 Lakh Crore (US\$ 33.29 Billion as on 06.06.2024) to the Ministry of Road Transport and Highways

VII. ROADS AND HIGHWAYS



Road Ahead

The Government, through a series of initiatives, is working on policies to attract significant investor interest through public private partnership models for designing and developing roads and highways, etc.

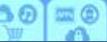


SECTORAL POLICY









Currently, India is the world's 2nd largest telecommunications market with a subscriber base of 1.091 Billion (wireless + wireline subscribers) in March 2024.

FDI inflow in the Telecom Sector stood at US\$ 39.32 Billion between April 2000-December 2024.

The Union Budget 2024 allocated US\$ 13.3 Billion for the Department of Telecom.

The Telecom Sector is divided into various sub-sectors inter alia equipment, mobile virtual network operators, 5G telephone service providers, broadband, etc.









- > FDI in Telecom Sector is now allowed up to 100% through Automatic Route.
- > Prime Minister Wi-Fi Access Network Interface (PM-WANI) envisages to elevate seamless WiFi internet connectivity in the Country through public WiFi hotspots.
- > Businesses can register on the said Portal and become a PM-WANI service provider.

VIII. TELECOM

Road Ahead





India is one of the highest consumers of data per day with approximately 5 hours of daily time spend on smartphones. The Government and private sector participation has brought about large scale structural and procedural reforms to enhance liquidity and minimize financial stress within the Telecom Sector.

A major force behind meeting the telecom industry's present and future technological needs is the **Atmanirbhar Bharat program**. There has been a push towards developing indigenous 5G technology to help India move towards 5G rapidly. India is also planning for 6G and has started investing in the development of 6G technology already.



A. Choosing the Right form of Business

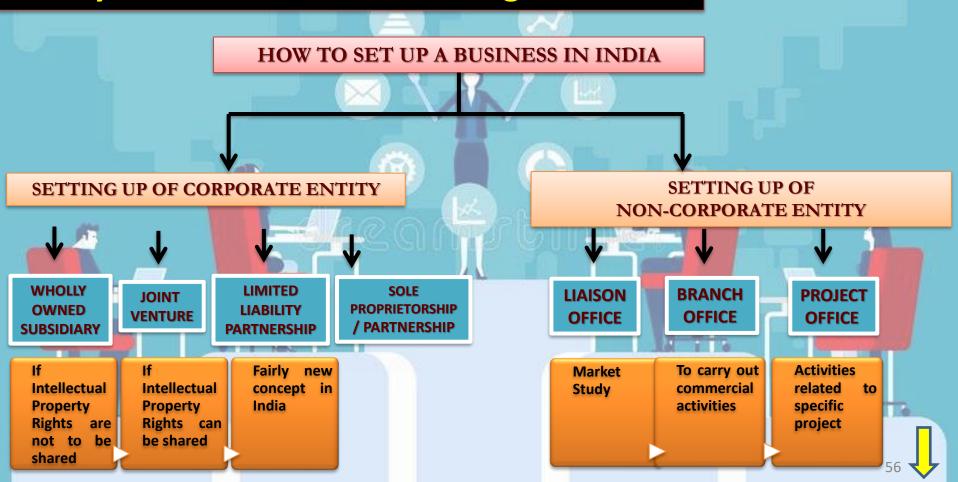
The 9 key factors on which choosing the form of business depends upon are:

- 1) Nature of Business Activity
- 2) Scale of Operations
- 3) Capital Requirements
- 4) Degree of Control and Management
- 5) Degree of Risk and Liability
- 6) Stability of Business
- 7) Flexibility of Administration
- 8) Division of Profit
- 9) Costs, Procedure and Government Regulation



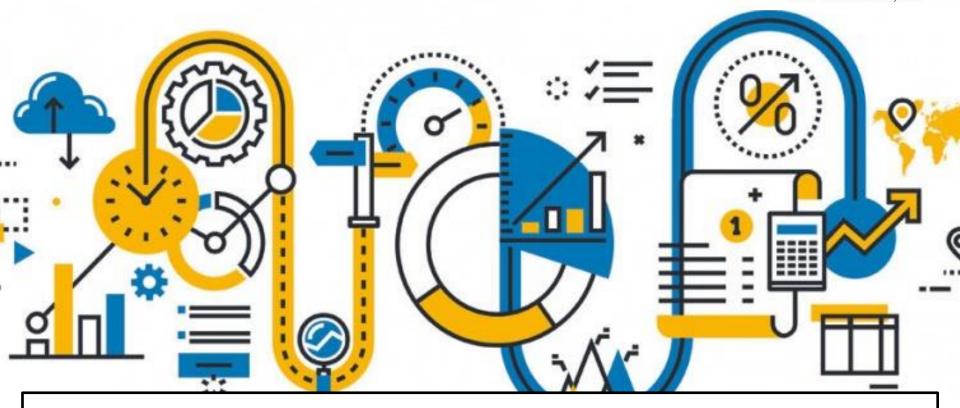


Entry Routes Available to Foreign Investor





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COMPLIANCES FOR A FOREIGN COMPANY IN INDIA



A foreign company doing business in India is required to comply with the following requirements:-

- ✓ Books of Accounts
- **✓** Maintain Employee Registers
- **✓** Prepare and file Annual Financial Statements by Chartered Accountants
- ✓ Auditing
- ✓ Secretarial Compliances under Companies Act 2013
- ✓ Compliances that are sector specific
- ✓ Taxation



COMPLIANCES FOR A FOREIGN COMPANY IN INDIA



In case of limited liability partnerships **(LLPs)**, compliances under the Limited Liability Partnership Act, 2008 have to be complied with.

As per the Reserve Bank of India (RBI) Regulations, Branch Office/ Liaison Office/ Project Office have to obtain an Annual Activity Certificate ('AAC') from the Auditor to certify its activities during the year and the same has to be filed with RBI (through AD Bank) on an annual basis.

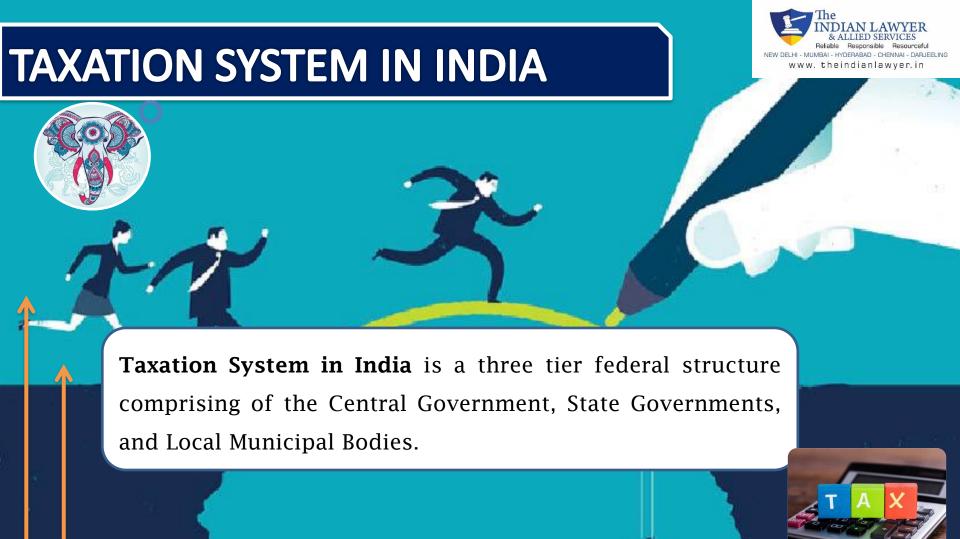












1. Direct Taxes:

Direct Tax is levied directly on individuals and corporate entities. This tax cannot be transferred or borne by anybody else. Examples of direct tax include income tax, wealth tax, gift tax, capital gains tax.

2. Indirect Taxes:

Indirect taxes i.e. goods and services taxes are indirectly levied on the public through the goods and services purchased by them. The sellers of the goods and services collect the tax from the consumer, which is then collected by the Government Bodies. For instance, customs duty is levied on goods imported into India from a foreign country.



3. **GST**:

The Goods and Services Tax (**GST**) subsumes many of the indirect taxes levied by State Governments and the Central Government under the GST Laws introduced in 2017.

GST has three components:

- ✓ **CGST**: stands for Central Goods and Services. The Central Government collects this tax on an intra-state (within the same state) supply of goods and services.
- ✓ **SGST**: stands for State Goods and Services Tax. The State Government collects this tax on an intra-state supply of goods and services.
- ✓ **IGST**: stands for Integrated Goods and Services Tax. The Central Government collects this for inter-state (between two or more states) sale of goods and services and on imports and exports.



OUR ROLE

We can act as a 'One Stop Shop' for all regulations and compliances that are required to be complied with and are detailed below:











THANK YOU

For any further queries, please contact us at:

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