



ECONOMIC
LAWS
PRACTICE
ADVOCATES & SOLICITORS

Tax Practice

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ELP TAX PRACTICE PROFILE

ELP's market leading Tax practice through its "out of the box" solution providing ability has created a niche for itself. The Tax practice offers comprehensive qualitative services across both indirect and direct taxes (including transfer pricing) covering the entire spectrum of transactional, advisory and litigation work. ELP's unique positioning within this practice, offers clients a seamlessly integrated expertise in both advisory services and litigation, enabling the firm to address and offer redressal in any and all disputes that may arise. ELP has the distinction of having assisted some of the largest global conglomerates on a wide spectrum of matters that encompass not only legal advisory but also in-depth strategic decisions. This has had a far reaching impact on domestic as well as extensive cross-border business and transactions of these organisations. ELP's tax team has achieved this kind of reach and impact with a rather innovative and customised approach. The team comprises of professionals with diverse expertise, which include not only legal professionals (advocates and solicitors) but also financial and market analysts, chartered accountants and economists who hold multi-jurisdictional qualifications.

ELP's team routinely renders litigation services to clients. ELP strategises, assists and represents clients in both adjudication as well as appellate proceedings. ELP regularly handles cases from the stage of appearing before Assistant or Deputy Commissioner's right up-to the Supreme Court on almost every tax issue to have arisen in the country. Our team has the expertise and ability to represent clients at various fora, including the Dispute Resolution Panel, Authority for Advance Rulings and the Supreme Court of India. The combination of advisory and litigation services provided under one roof gives ELP a unique positioning especially in India, where the proportion to tax litigation is significantly higher compared to the other nations.

ELP's indirect tax expertise has transitioned itself from the entire gamut of taxes including Excise, Customs, Service Tax, Sales Tax/Value Added Tax (VAT), Entertainment Tax, Entry Tax to recently introduced Goods and Services Tax (GST). On GST, ELP has to its credit not just the privilege of having assisted companies with transition into GST, but in certain cases hand held the entire industry in the transition process. ELP also advises clients on Foreign Exchange Regulations, Foreign Trade Policy and Export Control and Trade Sanctions. Our wealth of experience includes advising clients across sectors and countries. ELP has also successfully represented various industry associations before the Ministry of Finance and its functionaries on various issues vexing business operations. Our experience also includes advising the Government on policy initiatives.

Our Achievements

Taxation Firm of the Year - India Business Law Journal's Indian Law Firm Awards 2009 to 2016 & 2017

Best Tax Firm of the Year - LegalEra Awards 2014 & 2015

Outstanding Firm for Tax - Asialaw Profiles 2016 & 2018

Top Tier for Tax - Chambers Global & Chambers Asia-Pacific 2011 to 2018

Top Tier for Tax - Tax Director's Handbook 2014 to 2018

Top Tier for Tax - The Legal 500 Asia-Pacific 2014 to 2018

Winner of Export Controls/Sanctions Law Firm of the Year (Rest of the World) (the only law firm outside of USA and Europe to be awarded) - WorldECR Awards 2016

Best Transfer Pricing Firm in India - World Finance Legal Awards 2014

Tier 2 for Tax - World Tax 2013 to 2018

ELP's direct tax expertise covers all aspects of international and domestic tax matters including transfer pricing. Our team outlines commercially viable structures and suggests arrangements to clients so as to achieve objectives in a tax and regulatory efficient manner. We provide cutting edge and novel solutions to issues that emanate at the structuring stage of transactions with the view to provide forward looking tax strategies to clients.

ELP's transfer pricing services offer solutions across industries and geographies with the focus on not only a comprehensive analysis but also on assisting clients in planning their transfer price. We are uniquely positioned amongst firms in India due to the added ability to advice on trade and customs including valuation to be adapted under customs. Our team has been trained internationally and is able to provide a broader perspective on matters and transactions to clients to mitigate risks in the future.

With years of unparalleled expertise in the field of Indirect Tax Advisory and Litigation, **ELP** brings to the table a dedicated and experienced team of professionals comprising advocates, chartered accountants and economists to provide high quality support, advice and assistance towards a smooth transition into the new GST regime. Our in-depth understanding of this field has led us to collaborate with various large multi-national and Indian clients across diverse sectors, industry associations and trade bodies on GST related assignments. Our presence in multiple locations in India and proficiency in the management of multi-jurisdictional tax advisory and litigation matters enables us to provide Pan-India support to clients on GST.

ELP's integrated and seamless approach, wealth of experience, high-level partner involvement, in-depth knowledge and expertise and comprehensive service offerings pan India have made us one of the most sought after firms for tax within India.

ELP-SERVICES

Indirect Tax

- **Tax structuring & optimisation** including advice and assistance in relation to all kinds of issues, having implications under GST as also in relation to:
 - ◆ Customs Duty
 - ◆ State Excise, and State incentive policy
 - ◆ Foreign Trade Policy, etc.
 - ◆ Export Control and Trade Sanctions
- Advisory, transaction structuring & support services including analysis of sourcing, procurement and distribution models and advice on best practices to be incorporated in the supply chain from a GST efficiency perspective.
- Due diligence & optimization study for building tax efficiencies and determining potential tax saving opportunities.
- Assistance for negotiating optimum package of incentives under the State Industrial Policy.
- Comprehensive support for resolving tax issues related to cross border transactions.
- Advice and assistance on policy initiatives & representations before Central and State Government authorities.

Chambers Asia-Pacific 2016

"The responsiveness was outstanding; they went beyond the call of duty"

- Litigation services – right from assessment level to the highest appellate level, and across all fora and courts including Authority for Advance Ruling, Settlement Commission, and right up-to the Supreme Court.

Direct Tax

International and Domestic Tax Advisory

- Inbound and outbound structuring;
- Planning to improve tax efficiency/strategic documentation;
- Designing an entry strategy (types of presence);
- Treaty interpretations;
- Exchange policy and foreign investments;
- Investment and capital structuring;
- Structuring of Revenue and/or capital flows – for eg, dividend, royalty, fees for technical services;
- Formulating strategy for mitigating risk of PE exposure of foreign corporations;
- Structuring of infrastructure and Engineering Procurement Construction (EPC) contracts;
- Domestic Tax Planning, and
- Tax compliance & dispute assistance (litigation support).
- Levies from POEM and GAAR perspective.

Chambers Asia-Pacific 2013

This respected firm has excellent all-round tax capabilities, handling a range of advisory and litigious matters.

Asialaw Profiles 2013

ELP has one of the largest and most dedicated tax team in the country.

Transfer Pricing

- Transfer pricing study and documentation;
- Inter-company transfer pricing policies for tangible goods, intangibles and services;
- Transfer pricing planning Services;
- Transfer Pricing Litigation;
- Supply chain advisory;
- Analyzing existing policies to ascertain how these should be streamlined to meet the changing economic environment; and
- Evaluating the positions taken in past in light of the evolving tax positions.

Financial Planning and/or Transaction Advisory

- M&A Advisory;
- Promoter off-shoring;
- Structuring for listing outside of India;
- Fund structuring and Carry structuring;
- Internal restructuring, and
- Transaction process support.

WorldECR 2016 Awards (June 2016 Issue)

They [ELP] work with almost anyone/everyone who deals in controlled sectors in India, one of the most critical countries/economies in the world today, they are unique in being both a "local" and such a globally-known specialised firm in this field.

ELP-INDICATIVE LIST OF CLIENTS

- Abbott India Ltd.
- Accenture Services Private Limited
- Accor Asia Pacific
- Axis Bank
- Aditya Birla Group of Companies
- Adani Group
- Anil Dhirubhai Ambani Enterprises Ltd
- Asian Paints Ltd.
- Bank of America
- BLA Power
- Bharti Airtel
- Cairn India Limited
- Citibank NA
- Colgate Palmolive (India) Ltd
- Coca Cola
- Castrol
- CGG Services
- Dell International
- Diageo India Limited
- Delhi International Airport Limited
- DP World
- Emirates Telecommunications Corporations
- Ericsson
- Eros Group of Companies
- Great Eastern Shipping Company Ltd.
- Glaxo Smithkline
- GMR Group
- GVK
- Google
- Go Air
- General Electric Co.
- Hitachi
- Hindustan Unilever Ltd.
- Honeywell
- Indian Overseas Bank, Hong Kong
- ICICI Bank
- ICICI Lombard General Insurance
- INOX Leisure Ltd.
- ITC Limited
- JAFZA International
- Jones Lang Lasalle
- Jet Airways (India) Limited
- Johnson & Johnson Ltd
- Juniper Networks
- Kotak Mahindra Group
- Life Insurance Corporation of India
- Lafarge India
- Larsen & Toubro Ltd.
- Mahindra & Mahindra Group of Companies
- Merill Lynch Ltd.
- Microsoft Inc.
- Morgan Stanley
- Multiplex Association of India
- Mumbai International Airport
- Merieux Alliance
- Mitsui
- MF Advisors
- NSR Advisors
- NE Technologies
- New Vernon Capital
- Novartis India Ltd.
- Philips Electronics India Limited
- Pfizer India Limited
- PVR Ltd.
- Reliance Industries Limited
- Reliance Communications Limited
- r-Pac International Group
- Samara India Advisors
- SREI Infrastructure Finance Limited
- SAMHI Hotels Pvt. Ltd.
- Sony Music
- Sterlite Group of Companies
- Sab Miller
- Sun Oracle
- SNC Lavalin Inc.
- Standard Chartered Bank
- Tata Group of Companies
- Trans Asian Shipping Services Pvt. Ltd.
- United Technologies and/or Otis Elevator Co. India Ltd
- Ultratech Cement Limited
- Vodafone
- Vedanta
- Wartsila India Limited
- Wadhwa Developers
- Xerox

ELP-WORK HIGHLIGHTS

INDIRECT TAX

Advisory and Transaction Structuring

- Providing various Indirect tax advisory services to **Johnson and Johnson Pvt. Ltd.** ELP has undertaken a comprehensive Central Value Added Tax (CENVAT) Credit review exercise for the company. This exercise entailed (i) review of the operations of the company throughout the country to identify the tax positions adopted as regards different streams of revenues, (ii) Correspondingly, advising the company on the methodology to be followed for availment, distribution and utilisation of CENVAT Credit of Service tax paid on input services for a period of past four years, and, (iii) assisting the company in appropriately availing and distributing such CENVAT Credit. Pursuant to this exercise, the company has been able to avail significant amount of CENVAT Credit of Service tax paid on input services which it can utilize towards its output Indirect tax liabilities.
- Regularly advising **National Instruments** on various customs and trade issues including issues relating to e-waste and hazardous waste regulations.
- Engaged by **Aditya Birla Nuvo** to undertake a Tax Optimization and Due Diligence Review. ELP has recommended various structuring options, which are in the process of being implemented.
- Providing comprehensive indirect taxation (service tax, VAT and entertainment tax) advice to **INOX Leisure Ltd.** In relation to various transactions, including applicability of taxes, structuring of transactions, contract vetting and structuring, etc.
- Providing advice to the **Multiplex Association of India** in relation to various industry issues, including regulation of cinema ticket prices, entertainment tax on convenience fees charged for online booking of tickets, entertainment tax exemption schemes etc.
- Providing comprehensive indirect and direct taxation advice with specific focus on Customs and Transfer Pricing advisory services to the **world's largest liquor manufacturer** in relation to its transactions with various group companies outside India as also in relation to its India operations as regards the ongoing engagements with different tax authorities.
- Advised and assisted various **entertainment sector companies** such as Yash Raj Films, Balaji Telefilms and others, Eros group of companies, UTV / Disney on various service tax and sales tax matters.
- Review exercise of **a renowned global information technology and computer networking solutions provider**, to streamline existing tax positions and mitigate potential tax exposures.

Chambers Asia-Pacific 2015

A fully comprehensive service with dedicated specialists in direct tax, indirect tax and disputes. Frequently instructed by sizeable global corporations and is especially experienced in cross-border corporate tax matters. Adept at advising on VAT and transfer pricing.

- Reviewing the indirect tax practices and procedures of the **world's largest infrastructure facility management service provider** and providing end-to-end implementation support in aligning its tax policies in backdrop of legal framework and ensuring that tax optimum structure is effectively implemented.
- Rendering advisory services to **a reputed Indian automotive manufacturing company** in relation to Customs valuation issues arising as a consequence of acquisition by the company of a south-east Asian motor company.
- Structuring of construction contracts for **an eminent real estate conglomerate** resulting in indirect tax cost savings of over INR 50 crore.
- Formulated and implemented tax optimization initiatives for **a leading Indian media and entertainment group of companies**, resulting in tax savings in excess of INR 15 crore.
- Advised **a renowned integrated metals and mining company** in relation to the first privatised transmission project in India, and, was engaged in a comprehensive indirect tax review exercise covering the company's operations throughout India.
- Engaged by **leading domestic airlines** for rendering indirect tax advisory in relation to the restructuring exercise being carried out for one of its group entities.
- Engaged by **a reputed business group** and has developed and implemented tax optimization initiatives for several of its group entities which has resulted in significant indirect tax savings.

Litigation

- Successfully assisted **Reliance Infratel Limited** in a major Service Tax dispute involving basic demand of close to INR 600 crore along with interest and penalty, before the Division Bench of Customs, Excise and Service Tax Appellate Tribunal (CESTAT) Mumbai. The dispute was in respect of the taxability of the lease rent income disclosed on Straight Line Method (SLM) as per the applicable Accounting Standards. The CESTAT quashed the demand, allowed the appeal and held that no Service tax would apply.
- Successfully advised and represented **Tata Teleservices Ltd. & Tata Teleservices Maharashtra Ltd.** before the Hon'ble Supreme Court in writ petitions challenging the decisions taken by the Director General of Foreign Trade and its officers denying the facilitation and/or benefit statutorily secured under the Export Promotion Capital Goods (EPCG) Scheme of the Foreign Trade Policy. This order marks the first definitive pronouncement on the issue of interpretation of the phrase 'Group Company' as defined under the Foreign Trade Policy (FTP) and eligibility of utilization of exports of 'Group Company' for the purpose of fulfilment of EO by an EPCG license holder, which has been maintained by the Hon'ble Supreme Court.
- Represented **PVR Ltd.** before the Hon'ble Bombay High Court in a challenge to the levy of entertainment tax on service / convenience fees charged for online booking of tickets.

World Tax 2013

highly regarded for its expertise in indirect tax and tax controversy matters.

- Represented **INOX Leisure Ltd.** before the Hon'ble Madhya Pradesh High Court and the Hon'ble Guwahati High Court challenging demands of Entertainment Tax raised notwithstanding an exemption benefit (in the form of retention of tax) conferred upon multiplexes.
- Representing the **Multiplex Association of India** before the Hon'ble Karnataka High Court in challenging the price cap imposed on film tickets in Karnataka. ELP successfully obtained an *ad-interim* stay on the operation of the price cap on weekends and public holidays.
- Providing advice to the **Multiplex Association of India** in relation to various industry issues, including regulation of cinema ticket prices, entertainment tax on convenience fees charged for online booking of tickets, entertainment tax exemption schemes etc.
- Successfully represented **Trans Asian Shipping Services Pvt. Limited** in the Kerala High Court and the Supreme Court of India in respect of an issue under the Tonnage Tax Scheme.
- Successfully advised and represented **Mahindra and Mahindra** in a matter concerning dispute determination of the value of the car kits and/or parts imported by the Joint Venture Company [formed between Mahindra and Mahindra (India) and Renault (France) from Renault (France), and, regarding addition of certain payments made by the Joint Venture to Renault towards technology transfer and services in the value of such imported car kits and/or parts.
- Successfully represented **Johnson and Johnson Pvt. Ltd.** before the Supreme Court in matter concerning dispute regarding classification of shampoo containing certain medicinal properties under different tariff entries of Central Excise Tariff. On this issue, for one period the CESTAT had decided in favour of the Company, and, for another period the Andhra Pradesh High Court had decided against the Company. Supreme Court order resolved the controversy in favour of the client.
- Successfully advised and represented **Jet Airways (India) Ltd.** in a matter concerning payments made by airlines to Computer Reservation System (CRS) companies. ELP represented the company before the adjudicating authorities and the Tribunal in the various ongoing proceedings in relation to whether the payment made by such airlines to CRS companies are liable to Service tax in India under the reverse charge mechanism, in terms of the taxing entry for 'Online Information and Database Access or Retrieval Service'. Further, ELP also filed an appeal before the Bombay High Court and assisted with the appearance before the Court, in order to challenge a full pre-deposit of the disputed tax which had been ordered by the Tribunal. The High Court eventually modified the Tribunal's order, requiring the company to provide only a bank guarantee for a fraction of the disputed tax amount.
- Successfully represented **one of India's largest telecom companies** including its group companies before the Bombay High Court in matters arising under the Foreign Trade Policy, concerning Policy benefits running into several hundred million dollars. ELP continues to represent the telecom company in the Special Leave Petition in the Supreme Court filed by the Government to challenge the favourable ruling of the High Court, as also in relation to various other proceedings initiated against the company by the tax and other regulatory authorities.

India Business Law Journal's February 2016

"Economic Laws Practice is a go-to firm for both direct and indirect tax matter."

- Advised and represented **Flipkart Internet (P) Ltd. and WS Retail Services Pvt. Ltd.** in a matter concerning demands of VAT by authorities in the State of Orissa, in respect of sales made by WS Retail Services Pvt. Ltd. (Flipkart's own group company which sells merchandise on the Flipkart portal) to end customers within Orissa. **ELP** drafted and filed a Writ Petition before the Orissa High Court, as also assisted with the hearing, to challenge the VAT assessments which had erroneously concluded that the goods are sent by way of branch transfer to the delivery hub within Orissa, and thereafter locally sold to the end customers, thereby rendering them liable to VAT in Orissa. The High Court granted a stay on recovery of the disputed tax amounts.
- Successfully represented **Warner Bros. Pictures (India) Private Limited** in a matter involving applicability of Maharashtra Value Added Tax on licensing of copyrights in cinematographic films for exhibition in cinema halls for the financial years 2006-07, 2007-08, 2009-10 and 2010-11, which were brought to tax from 1 April 2005. At this stage, **ELP** has been able to obtain interim stay on demand of taxes made vide various orders.
- Successfully represented **Otis Elevators Company (India) Limited** in the instant batch of Petitions (approximately 35 Petitions) before the Constitution Bench of the Supreme Court relating to the taxability of contracts for manufacture, supply and installation of lifts and/or elevators as works contracts or sales contracts. The issue was already decided against the elevator companies by a 2005 decision of the Supreme Court in the case of Kone Elevators. However upon the request of the elevator manufacturers and/or installers the Supreme Court agreed to revisit the decision by constituting a larger bench of five judges to conclusively determine the issue. The Constitution Bench of the Supreme Court heard the writ petitions in great detail and ruled in favour of the elevator manufacturer and/or installers.
- Providing comprehensive litigation support services to **an international IT major**, before the Appellate Tribunal and the Adjudicating Authorities, in relation to the ongoing Customs dispute as regards the alleged undervaluation of the imports based on inter-company agreement, raised by the Directorate of Revenue Intelligence.
- Providing extensive litigation support services in relation to Customs valuation issues to the **world's largest liquor manufacturer**. **ELP** has also represented the company in its ongoing engagements before Customs and other tax authorities and has successfully represented the company before the Courts and various forums in relation to disputes under different tax laws.
- Successfully represented the **National Shipowner's Association** before the Supreme Court in relation to levy of Service Tax alleged to be sought from the members of the petitioner association on the basis that the nature of activities undertaken by the members was taxable service in relation to mining of mineral, oil or gas.
- Regularly engaged by **a leading global manufacturer of aerated beverages** for representing the company before various adjudicatory and appellate forums in relation to their ongoing indirect tax related disputes, especially in relation to the VAT and Sales Tax.
- Regularly assisting **leading telecom operators** on various issues of direct taxation.

Chambers Asia-Pacific 2014

Technically they are very qualified. The whole firm was extremely innovative – they found new ways to do standard things.

- Successfully represented **a leading steel manufacturer** who is a Special Economic Zone (SEZ) developer in a challenge on the levy of export duty on transfer of goods from the Domestic Tariff Area to a SEZ.
- Represented the **world's largest manufacturer of people-moving products**, in several writ petitions filed before the Supreme Court and various High Courts, challenging the levy of Sales Tax on erection of lifts as also in various other indirect tax related disputes.
- Successfully acted for **a multinational construction company** in obtaining the largest Sales Tax refund granted to any multinational entity in India, as regards the works contract activity carried out by the company in relation to the Dabhol Power Project.

The Legal500 Asia-Pacific 2006

...one of the largest indirect tax litigation practices in the country that handles more than 350 cases a year.

Policy Initiatives

ELP has also been engaged in successfully representing the cause of various industry associations and sectors before the Ministry of Finance and its functionaries on various issues vexing business operations. Few notable assignments are as follows:

- Successfully represented the **Indian Wind Turbine Manufacturers Association** before the Ministry of Finance to secure the exemption of special additional duty on import of components for wind turbines.
- Representing the **Multiplex Association of India** before the Ministry of Finance, including the GST Council, the GST Sectoral Group for Media and Entertainment, the Hon'ble Finance Minister and the Hon'ble Revenue Secretary to obtain a benevolent scheme of taxation of the sector, viz.: (i) a lower rate of tax on entertainment, (ii) clarity on the manner of taxation of supplies of food and beverages in multiplexes, (iii) applicability of Local Body Entertainment Tax on convenience fees charged for online booking of tickets, and (iv) the grandfathering of erstwhile Entertainment Tax exemption schemes under the GST regime.
- Representing the **Multiplex Association of India** before various State Finance Ministries to abolish / reduce the Local Body Entertainment Tax that is levied / sought to be levied on exhibition of films, over and above GST.
- Representation to the Reserve Bank of India on behalf of the **Platinum Guild International and certain Indian platinum jewellery manufactures**, seeking the facilitation of import of platinum by nominated banks on consignment basis and unfixed price basis (by way of an amendment to the Master Circular on Import and Export of Goods).
- Represented **Gems & Jewellery Export Promotion Council (GJEPC)** before the relevant Ministries in relation to various policy initiatives including introduction of presumptive tax mechanism for this industry.
- Represented the **Life Insurance Council** before the Central Board of Excise and Customs for Reduction and/or Waiver of restriction on availment of CENVAT credit by the Insurance Companies introduced by the CENVAT Credit (Amendment) Rules, 2011.

- Successfully represented the **Confederation of Indian Alcoholic Beverage Manufacturers** (which includes members such as Diageo, Bacardi, Pernod Ricard and/or LVMH and others) in the interactions with the Ministry of Finance which resulted in a favorable resolution for **ELP's** clients of tax controversies in an amount in excess of USD 350 million
- Assisting **Phillips India Limited** with various fiscal and non fiscal policy initiatives.
- Successfully represented **Cairn India Limited** before the Ministry of Finance (Central Board of Excise and Customs) in obtaining a clarification on the non-applicability of Service tax on collection and/or recovery of contractual contributions in the nature of Cash calls from different joint venture partners.
- Successfully represented **certain contractor** in getting Custom duty exemption on import of Tunnel Boring machines required for a road project executed by National Highway Authority of India.
- Successfully represented the **Container Shipping Lines Association** (which has as members leading global container operators) in interactions with the Ministry of Finance which resulted in a favorable resolution for **ELP's** clients of tax controversy in relation to levy of Service Tax on 'detention charges' levied by the shipping companies and/or steamer agents.
- Successfully represented **a consortium of general insurance companies** in the interactions with the Ministry of Finance which resulted in a favorable resolution of tax controversy in relation to levy of Service Tax on 'reinsurance commission' charged by the insurance companies from reinsurers which involved duty demands against **ELP's** client for an amount in excess of INR 200 crore.
- Successfully represented **the apex body of the textile industry, The Clothing Manufacturers Association of India (CMAI)** in India for seeking removal of Central Excise duty on the manufacture of branded and unbranded garments in India, and reinstating the tax position prior to March 2011.

Chambers Asia-Pacific 2012

This practice enjoys a sterling reputation and is highly sought after for its all-round capabilities in transactional, advisory and litigation work.

Assisted the Government of India

*From time to time the Government has conferred with and consulted **ELP** in relation to its policy initiatives. Some of the areas, where **ELP** has recently contributed are:*

- As a legal expert in the Central Board of Excise & Customs (CBEC) sub-committee formed by Ministry of Finance for **imposition of excise duty on jewellery** in India.
- As a member of Expert Committee formed by Ministry of Finance for **Rationalization of Tax Structure for Gems and Jewellery Industry** in India.
- As a member of Committee formed by Ministry of Commerce for making India as **International Trading Hub for Diamonds**.
- Towards strategizing on **Market Access and Domestic Regulation issues** in the context of Goods and Services negotiations at the World Trade Organisation (WTO).

- For identifying non- tariff barriers impacting trade in the context of **Free Trade Agreements**.
- On formulation of **alternative schemes to the Duty Entitlement Pass Book (DEPB)**.

DIRECT TAX

- Advised **Johnson Controls** on the transfer pricing aspects of its global air conditioning business joint venture with Hitachi Appliances, Inc (Japan) and Hitachi Limited (Japan). The joint venture is said to be world's largest commercial air conditioning provider.
- Providing various advisory services to **BMW India** in relation to the transfer pricing between the related parties which is acceptable to the customs and transfer pricing authorities.
- Successfully advised and represented **Merieux Alliance - Sanofi Pasteur Holding SA** in the Andhra Pradesh High Court on matters relating to “Indirect transfer” made through the sale of the shares of a French Investment Company holding shares of an Indian Company; and the retrospective amendment of Section 9 of the Income-tax Act, 1961 and its implication on the provision of the Indo-French Double Taxation Avoidance Agreement (DTAA). **ELP** was successful in obtaining the judgments from the court to the effect that retrospective amendment would not apply to transactions indirect transfer in tax treaty countries. This judgment has had a defining impact on foreign direct investment into India.
- Advised **Triton Fund** on the Indian tax structuring aspects of the acquisition of the auxiliary business of Alstom.
- Advised **Jet Airways (India) Limited** on the tax structuring aspects of the sale of its 24 percent (24%) stake to Etihad Airways.
- Currently representing **a French pharmaceutical major and a French defense and avionics major**, before various forums including adjudicating authorities, the Authority for Advance Ruling (AAR), Income Tax Appellate Tribunal (ITAT), High Court and Supreme Court, in relation to its ongoing tax dispute involving the liability to withhold taxes in a transaction of sale of shares of a French company between two French companies, outside India.
- Advised **a company engaged in the business of manufacturing and trading edible oils** on the tax structuring aspects of the sale of its business unit on a slump sale basis.
- Representing **one of the top global law firms** before the Bombay High Court in relation to the issues of constitution of Permanent Establishment in India and taxability of profits of the firm concerning Indian projects.
- Acted as Indian tax and legal advisors to **an offshore private equity firm**, and assisted them in setting up the offshore fund and raising USD 25 million as first close from institutional and HN1 investors.
- Assisted **a leading Cab Services provider** in structuring various instruments so as to enable achieve different investors with different commercial objectives, keeping in mind the tax and regulatory law. Assisted the client in structuring the shareholding of the company in the light of the bid conditions and attendant tax issues.

Chambers Asia-Pacific 2011

They are strategic lawyers who look at the big picture.

- Engaged by the **world's largest gemmological research institute** to challenge the withholding of tax from the payments made in respect of grading charges on the ground that such charges do not amount to royalty in terms of the India - Singapore DTAA before the Bombay High Court.
- Successfully represented **a large company engaged in oil and exploration activity** in contesting demands raised on account of disallowance of foreign exchange loss.
- Assisted **an international mobile service provider** in structuring the merger of five different entities.
- Assisted in structuring an entity from tax and regulatory perspective for **investment in hospitality sector**, where the investors and promoters invested in the entity and the promote and carry for the promoters was structured in a tax efficient manner.
- Advised **a listed Indian company** to undertake financial restructuring and to utilise the excess funds in a manner to increase shareholder's value.
- Assisted **a rapidly growing software company** having, presence in India and US, by creating a holding company structure so as to leave the promoters with the flexibility for strategic sale of business divisions, as well as offshore listing.
- Assisted **a global electronics leader** in identifying an optimal tax structure for acquisition of an Indian business.
- Assisted **an Indian infrastructure company** in repaying the excess capital to its shareholders, without the need of going to Courts.
- Advised **a number of Funds** in structuring their presence for investing in India from the perspective of tax, regulatory and other aspects.

Asialaw Profiles 2012

"I've had an experience of high quality and quick turnaround with this firm," says a client.

GST

- Representing the **General Insurance Council** before the various GST legislators to have a beneficial scheme for general insurance sector under the proposed GST regime.
- Assisting the **Federation of Biscuit Manufacturer of India** in representation before the Government on specific issues under the existing Excise regime and under GST.
- Advising and assisting **Flipkart** in identifying the key impact points for the **ecommerce sector** under GST, articulating GST related issues to be highlighted in the representation to Government authorities and study of global precedents and best practices to assist in policy level representation.
- Advising and assisting **IBM** in representation before the authorities for addressing specific issues relating to Information Technology (IT) outsourcing contracts under GST.

- Represented the **Life Insurance Council** before the various GST legislators to have a beneficial scheme for the life insurance sector under the proposed GST regime.
- Advising and assisting **Hardcastle Restaurants Pvt. Ltd.** (operating McDonalds' chain of restaurants in West and South India) in implementation of a transition strategy to GST.
- Advising and assisting **Vedanta** in identifying the key impact points for the metals and minerals sector under GST, business restructuring in line with the GST model law, articulating GST related issues to be highlighted in the representation to Government authorities and study of global precedents and best practices to assist in policy level representation.
- Advising and assisting **Parker Hannifin India Private Limited** in implementation of a comprehensive transition strategy to GST.
- Advising and assisting **Trafigura Beheer BV** in identifying the key impact points for the trading sector under GST, supply chain restructuring to optimise credits under the GST regime and articulating GST related issues to be highlighted in the representation to Government authorities.
- Carried out a comprehensive indirect tax compliance review and GST impact study for **Ultratech Cement Limited** to facilitate a smooth transition to GST.
- Assisting the **National Restaurants Association of India** in representation before the Government seeking lower rates on restaurants supplies as well as clarification on specific issues likely to be faced by restaurants under the proposed GST regime.
- Acting for **The Great Eastern Shipping Company Limited** (India's largest private sector shipping company), ascertaining the impact points for all the processes and systems of the company under GST, and devising and implementing a comprehensive transition strategy to GST.

ELP-KEY PRACTICE PARTNERS

ROHIT JAIN | PARTNER



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Tax

Rohit Jain is a Partner in the Tax practice of **ELP** focusing not only on indirect taxes, direct tax and transfer pricing but also on the newly introduced GST. He is a law graduate from the University of Mumbai and a fellow member of the Institute of Chartered Accountants of India. His areas of expertise prior to the introduction of GST covered customs, excise, service tax, central sales tax, state Value Added Tax (VAT) laws and Foreign Trade Policy (FTP).

Rohit has been with the firm since its inception and has over a decade of experience in handling matters related to tax, in both advisory and litigation matters. He has advised various Fortune 500 Companies and Indian Conglomerates in sectors like financial services, manufacturing, telecommunication, oil and gas, petroleum and infrastructure projects in order to ensure smooth transitions from sales tax to the VAT regime. He has also been involved in making representations to the Ministry of Finance and the Ministry of Commerce in relation to various tax policy matters on behalf of numerous industry associations.

Rohit has been **recognised** for his expertise in Tax by **Chambers Asia-Pacific 2014 to 2018**, has been **recommended** by the **Tax Director's Handbook 2012 to 2018** and has also **featured** in **World Transfer Pricing 2015**. He has also featured in **International Tax Review's Tax Controversy Leaders Guide & Indirect Tax Leaders Guide**.

Prior to **ELP**, Rohit was part of the Tax team at RSM & Co.

Testimonials

- *Clients noted Rohit's "excellent technical skills" stating that he is "commercially very savvy and he takes time to understand [their] business." Rohit has excellent 'technical, commercial and practical skills'. With an 'understanding' in all aspects of his practice areas. – RSG India Report*
- *He is described as "very knowledgeable and well qualified," and is complimented on his logical thinking and analytical capability. Peers endorse him as "excellent" and "very well regarded in the tax space." – Chambers & Partners Asia-Pacific*

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Tax

Nishant Shah is a Partner in the Tax practice of **ELP**, focusing on indirect taxes. He is a qualified lawyer and a Chartered Accountant. He has been continuously engaged in assisting clients/involuntary associations operating in varying field in relation to transition into GST since the initial contemplation of the introduction of GST. His areas of expertise prior to the introduction of GST covered excise, customs, service tax, central sales tax, state levies as well as regulations under the Foreign Trade Policy (FTP).

Nishant has worked extensively with various Industry Associations and assisted them in successfully representing before the Central Government or State Governments for grant of reliefs from concerns faced by these associations. He has tremendous experience and expertise on matters relating to Special Economic Zones/Export Incentives.

As part of a new initiative, Nishant has been working on developing expertise in relation to the anti-money laundering, anti-corruption and allied laws recently introduced in India, including its implications for various industries.

Nishant has been **recommended** for his expertise in Tax by **The Legal 500 Asia-Pacific 2016** and mentioned as a **recognised practitioner** by **Chambers & Partners 2018**. He has also featured in **International Tax Review's Tax Controversy Leaders Guide & Indirect Tax Leaders Guide**.

Prior to **ELP**, Nishant was part of the tax teams at KPMG and Deloitte.

Testimonials

- *Nishant Shah is commended for his 'outstanding knowledge' and 'focus' in all aspects of tax law. One client stated that Nishant is 'sharp'.*
- *Nishant Shah "understands the [clients] business needs" as well as their challenges. – RSG India Report*

NARESH THACKER | PARTNER

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Litigation, Arbitration & Dispute Resolution

Naresh Thacker is a Partner in the Litigation, Arbitration and Dispute Resolution practice at **ELP**. He is a qualified lawyer with the additional attribute of being a Solicitor (non-practising) in England and Wales.

Naresh has over 20 years of experience in litigation, international arbitration and mediation; particularly in large infrastructure project arbitrations and post M&A arbitrations, corporate litigation, commercial disputes, regulatory and tax disputes and white collar crimes.

Over the years he has handled a number international and national arbitration cases as counsel under the Rules of ICC, LCIA, SIAC, UNCITRAL, Swiss Rules and Ad-Hoc proceedings for both domestic as well as multinational clients. He has been part of mediation and conciliatory proceedings at the clients' behest and has brought them to fruition. Some of his recent matters include advising and representing a client on one of the largest hotel management disputes in the country; and also advising and representing one of the most successful real estate barons in a high profile dispute.

Naresh's experience in tax disputes span issues relating to indirect tax, including Central Excise, Customs, Service Tax and VAT. On the regulatory front he routinely advises and represents clients on foreign exchange related issues and electricity matters. He has successfully represented clients in matters pertaining to economic offences before diverse Tribunals and Courts in India, large number of which have industry wide implications. Such decisions have been widely reported in various legal journals such as ELT, RLT, AIR, TIOL, Taxsutra etc.

Naresh is currently active in a number of professional organisations including The Law Society, UK; London Court of International Arbitration (LCIA); International Bar Association (IBA); and the All India Federation of Tax Practitioners (AIFTP). He has spoken at various seminars on international arbitration and tax laws organised by, amongst others, LCIA, IBA, AIFTP, Corporate Counsels Association of India, and Chamber of Tax Consultants.

Naresh is often quoted by prestigious international journals and his articles continue to appear in trade publications around the world such as *International Law Offices*, *India Business Law Journal*, and *Global Arbitration Review (GAR)*. He is also frequently sought out for his comments by leading newspapers such as *Economic Times*, *Business Today*, *Live*

Testimonials

- *Praised for having "great knowledge" of litigation. . – RSG India Report*
- *Practice leader Naresh Thacker offers "cost effective, prompt and quality services". – Asialaw Profiles*
- *Key partner Naresh Thacker is 'excellent from the commercial and tax perspective'. – The Legal500 Asia-Pacific*
- *Naresh provides clients with 'individual expertise', 'commitment', and excellent 'understanding of business'. – RSG India Report*

Mint and **Financial Express**. He has authored the India Chapter for **The Asia-Pacific Arbitration Review 2016 to 2018** published by **GAR**; and the **International Arbitration 2016 Global Practice Guide** published by **Chambers & Partners**. Naresh has been featured as a **leading tax controversy adviser** in India in **Tax Controversy Leaders (Fourth, Fifth & Sixth Editions)**; and as an **expert** in **World Tax 2015**. He has recently been **co-opted by GAR as part of their arbitration research tool (ART)**.

Prior to **ELP**, Naresh practiced as an independent counsel on indirect tax and litigation matters.

M.P. DEVNATH | PARTNER

**T: +91 11 4152 8401****M: +91 99101 53456****E: Devnath@elp-in.com****Litigation, Arbitration & Dispute Resolution**

Devnath is a Partner with **ELP's** Litigation, Arbitration and Dispute Resolution practice in Delhi.

With over 22 years of experience, Devnath is an Advocate-on-Record (AOR) of the Supreme Court of India. He has a wealth of experience in handling matters before the Supreme Court of India, across diverse areas of practice. Devnath has the distinction of being one of the few Indian AOR's to have independently appeared in over 450 matters before the Supreme Court.

He has argued matters in nearly all the High Courts of the country and is a regular arguing counsel before the Delhi High Court. In addition, Devnath travels extensively and is regarded as a leading arguing counsel before various High Courts, such as Allahabad, Rajasthan, Punjab & Haryana, Kolkata, Orissa, M.P., J&K, Guwahati, etc. During the early part of his career, he did extensive matters before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) and continues to appear in the CESTAT till date apart from various other Tribunals.

Devnath has handled important matters on myriad issues having far reaching impact across industry spectrum. He is a go-to counsel of various corporate clients in matters of Excise, Central Sales Tax (CST) and/or Value Added Tax (VAT), Customs, Service tax, FTP, Income tax, Corporate-criminal disputes, etc.

Prior to **ELP**, Devnath was with Lakshmikumaran & Sridharan.

HARDIK MODH | PARTNER



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Litigation, Arbitration & Dispute Resolution

Hardik Modh is a Partner in the Litigation, Arbitration & Dispute Resolution team of **ELP** and is based in Ahmedabad. He completed his graduation in law from the University of Gujarat in 2002 and Chartered Accountancy from Institute of Chartered Accountant Association of India.

Hardik renders litigation and advisory services in Indirect Taxation, commercial litigation, and white collar criminal offences. He has over 13 years' experience in rendering such services and has successfully handled various cases. He appears before various Statutory Authorities, Tribunals, Consumer Forum, Civil Courts and High Courts. He writes articles and presents seminars on the law and practice of Indirect tax.

Hardik has featured in *International Tax Review's Tax Controversy Leaders Guide*.

Prior to **ELP**, he worked with Mr. R. V. Desai, Senior Advocate; Mr. Vikram Nankani, Senior Advocate; and then shifted to Ahmedabad and started his own practice.

HARSH SHAH | PARTNER

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Tax

Harsh Shah is a Partner in the Tax practice of **ELP**, and focuses on indirect taxes. He qualified as a Chartered Accountant in 2002. He obtained his law degree from Government Law College in 2006 and has also completed his Masters in Commerce in 2003.

Harsh has over 15 years of post-qualification experience in indirect tax and handles all indirect taxes such as Service tax, Value Added Tax, Customs, Excise and Foreign Trade Policy matters. He advises various multinational and domestic companies on their day to day indirect tax matters. He has assisted several clients in their transition to the Goods and Services Tax and continues to closely work with his clients on this law on a day to day basis.

Harsh has featured as one of the leading indirect tax advisers in the country in International Tax Review's World Tax Guide. He has keen interest in and writes articles which are published in leading tax websites and newspapers. He is also a regular speaker at various forums.

Harsh has featured in *International Tax Review's Indirect Tax Leaders Guide*.

Prior to working with **ELP**, Harsh has worked with some of the big four accounting firms such as PwC and Deloitte.

Testimonials

- *Harsh is 'technically very good' and 'always available' to clients. – RSG India Report*

JITENDRA MOTWANI | PARTNER



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Litigation, Arbitration & Dispute Resolution

Jitendra Motwani is a Partner with **ELP's** Litigation, Arbitration and Dispute Resolution practice in Mumbai.

Jitendra graduated from KC Law College, Mumbai in 2003 and obtained his Solicitor's qualification from the Bombay Incorporated Law Society in 2006.

Jitendra's area of specialisation covers all forms of indirect taxes including central excise, customs, sales tax/ VAT and service tax as also the foreign trade policy. Apart from advising clients on various aspects of indirect tax laws he also actively appears before various Forums including Supreme Court of India, High Courts, Tax Tribunals and all quasi-judicial authorities across India.

Jitendra has authored several articles in varied publications and is regularly called upon by professional bodies to speak at conferences and seminars.

Jitendra has featured in ***International Tax Review's Tax Controversy Leaders Guide***.

Prior to **ELP**, Jitendra was with PDS Legal and DSK Legal.

RANJEET MAHTANI | PARTNER



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Tax

Ranjeet Mahtani is a Partner at **ELP** and has been a part of the firm's Tax practice since 2007. He qualified as an advocate from the Mumbai University and a chartered accountant in 2003.

Ranjeet advises on direct and indirect taxation issues and his areas of expertise prior to the introduction of GST covered all nature of indirect taxes including central excise duty, customs duty, sales tax (Value Added Tax, Central Sales Tax), service tax and entertainment tax as also the foreign trade policy of India. He has advised and appeared across fora in litigation matters for clients in the shipping, logistics, media, banking and insurance, oil & gas, and telecom sectors amongst others.

Testimonials

Ranjeet Mahtani's "innovative solutions" are reasons the practice is well respected.
– *Asialaw Profiles*

Ranjeet has been deeply involved in GST, and has assisted clients in varying sectors in the transition to GST, undertaking impact analysis, advising on and structuring transactions.

Ranjeet routinely authors articles and columns in various publications and taxation forums, besides which he manages the in-house publications: Tax Alerts and Tax Newsletters. Ranjeet is regularly called upon to address conferences and seminars on taxation.

Ranjeet has featured in *International Tax Review's Tax Controversy Leaders Guide & Indirect Tax Leaders Guide*.

Prior to **ELP**, Ranjeet was with Deloitte Haskins & Sells.

ANAY BANHATTI | PARTNER

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Tax

Anay Banhatti is a Partner at **ELP** and a part of firm's tax team for the last nine years. Anay received his law degree from the ILS Law College of the Pune University.

Anay's areas of focus have been customs, excise, service tax, sales tax and foreign trade policy. He has been actively engaged in providing advisory and litigation services to various clients in relation to the investigations initiated by the regulators under various tax laws as also representing clients in proceedings before various quasi-judicial and judicial forums. He has also been actively engaged in undertaking indirect tax review exercises for several large corporations.

Anay has also been engaged in providing advice and assistance for setting up of strong anti-corruption compliance programme, carrying out internal anti-corruption investigation, and, has regularly provided training in relation to compliance under Foreign Corrupt Practices Act (FCPA) and the Indian anti-corruption laws.

Anay has contributed to the publication "Corporate Internal Investigation – an International Guide" by Oxford University Press by covering the chapter on Corporate Investigations in India.

Testimonials

- *"Very diligent and thorough in his work." – RSG India Report*
- *Recommended for "his attention to detail, thorough preparation and ability to work patiently with all levels of a client's team". – India Business Law Journal*

GOPAL MUNDHRA | PARTNER



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Tax

Gopal Krishna Mundhra is a Partner at **ELP**, and a part of firm's Tax practice. He is a Chartered Accountant and a Company Secretary; and graduated from St. Xavier's College, Calcutta University.

Gopal's areas of focus have been customs, excise, service tax, sales tax and foreign trade policy. With experience of more than a decade, Gopal has been actively engaged in providing litigation and advisory services to various clients in telecom, metal, lifts & elevator, cement, software, insurance, asset management, financial services, power, infrastructure among others.

Gopal has successfully represented clients in proceedings before various quasi-judicial and judicial forums. He is also advising various clients on the Goods and Services Tax (GST) transition. He is regularly called upon to speak on indirect taxes at various forums.

Prior to joining **ELP**, Gopal gained six years industry experience working with leading manufacturing companies.

JIGNESH GHELANI | PARTNER

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Jignesh Ghelani is a Partner at **ELP** focusing on indirect taxes and the newly introduced Goods & Services Tax (GST). He is a fellow member of the Institute of Chartered Accountants of India (ICAI). His areas of expertise include customs, excise, service tax, central sales tax (CST), state Value Added Tax (VAT) laws, Foreign Trade Policy (FTP), Special Economic Zone (SEZ) and Export Control related matters.

Jignesh has over a decade of experience in handling matters related to tax, in both advisory and litigation matters. He has advised various Fortune 500 Companies and Indian Conglomerates in sectors like manufacturing, oil and gas, petroleum, energy, construction and infrastructure and telecommunication. His areas of specialization include tax optimization strategies, structuring contracts, tax reviews and/or due diligence and representing clients before the tax authorities.

He has also been a regular speaker at various tax conferences and has authored associated papers and/or articles on issues of Indirect taxation

Prior to joining **ELP**, Jignesh was part of the Tax team at EY & PwC.

VIVEK SHARMA | PARTNER

**T: +91 11 4354 8452****M: +91 98113 86066****E: VivekSharma@elp-in.com****Litigation, Arbitration & Dispute Resolution**

Vivek Sharma is a Partner with **ELP's** Litigation, Arbitration and Dispute Resolution practice in Delhi.

Vivek is an alumnus of Faculty of Law, Delhi University and is admitted with the Bar Council of Delhi.

Vivek handles all forms of civil, commercial and tax disputes across forums and has appeared in various matters before the Supreme Court of India, across High Courts and Tribunals (CESTAT, ITAT, APTEL, VAT Tribunals). He has handled matters before the High Courts of J&K, Allahabad, Delhi, Rajasthan, Sikkim, M.P., Hyderabad, P&H, etc. Vivek strives and believes in early resolution to disputes and looks at innovative ways of bringing closure to issues. He has been engaged in matters for Writ remedies and Settlement Commissions. Given the advent of GST in India, he has been engaged in matters before the GST Anti Profiteering Authority and GST Advance Ruling Authority.

Vivek is also extensively engaged in tax advisory and tax structuring across industry spectrum. He converges his litigation acumen with practical advice to the clients. He closely follows the development of laws related to Direct and Indirect taxes; with interests in International taxation, Foreign Trade Policy and Customs related matters.

In the past, he has been invited by ICAI, Northern Region to speak and address on various aspects of tax laws.

Prior to **ELP**, Vivek was with Lakshmikumaran & Sridharan and was part of the tax practice at KPMG.

MITESH JAIN | PARTNER

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Mitesh Jain is a Partner in the Tax practice of **ELP**, focusing on direct taxes. He is a qualified lawyer and a Chartered Accountant. He specialises in advising domestic and foreign Multinational Corporations (MNCs) (focusing mainly on Pharmaceutical, Oil and Gas service providers, Manufacturing Cos, Dredging, Hotels, Infrastructure, FMCG, Cement, Real Estate, and EPC Companies) from a Direct Tax perspective.

Mitesh has over 12 years of experience in advising clients on variety of Direct tax projects involving contract and/or deal structuring, structuring the Inbound and Outbound Investment structuring from a tax and the Foreign Exchange Management Act (FEMA) perspective, advising MNCs to minimize tax cost on repatriation, structuring cross border transactions, strategizing the global restructuring, Permanent Establishment Risks for MNCs and related mitigation strategies, tax due diligence, transaction support, and General Anti-Avoidance Rule (GAAR) Planning etc.

He has also been part of various conferences and associated papers on direct tax issues.

Prior to joining **ELP**, Mitesh was part of the Tax team at Ernst & Young LLP and KPMG.

RAJAT CHHABRA | DIRECTOR

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Rajat Chhabra is a Director at **ELP**, and has been an integral part of firm's Tax practice for the last eight years. Rajat is a Chartered Accountant (India) and a Certified Public Accountant (USA). He is a law graduate and also holds Bachelor's in Commerce (Hons.) degree (Delhi University).

Rajat's areas of expertise are goods and services tax, value added tax, customs, excise, service tax, foreign trade policy and state incentives. He has been engaged in assisting and guiding numerous clients as regards transitioning into Value Added Tax in the Middle East region and Goods and Services Tax in India.

Rajat has advised various Fortune 500 Companies in sectors such as insurance, automobile, financial services, oil and gas, infrastructure projects, renewable energy and food processing *among others*. He has also been involved in making representations to the Ministry of Finance (India) in relation to various tax policy matters on behalf of numerous clients and industry associations

Rajat has represented clients in proceedings before various quasi-judicial and judicial forums. He has also authored several articles in various esteemed publications and is a regular speaker at seminars/conferences in India and the UAE.

Prior to joining **ELP**, Rajat has worked with SpiceJet, Reliance Industries Limited and BMR Advisors.

VIVEK BAJ | DIRECTOR

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Vivek Baj is a Director at **ELP**, and a part of firm's Tax practice for the last eight years. He is a Chartered Accountant (2006) and has graduated from Pune University.

In his 10 years stint with **ELP** and BMR, Vivek has handled various tax matters covering all spheres of Indirect taxes such as customs, excise, service tax, sales tax and foreign trade policy. He has been actively engaged in providing advisory and litigation services to various clients in Real Estate, Software, Insurance, Financial Services, telecom, automobile, among others. He has represented clients in proceedings before the quasi-judicial and judicial forums.

Vivek has authored articles on diverse topics which were published by various tax publications and is regularly called upon to address conferences and seminars.

Prior to joining **ELP**, Vivek was with BMR & Associates.

ADARSH SOMANI | DIRECTOR



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Tax

Adarsh Somani is a Director at **ELP** and part of firm's tax practice. He is a Chartered Accountant and a law graduate from University of Rajasthan.

Adarsh assists several multinational and domestic companies in deploying tax efficient value chains in business. He has now been servicing clients for more than a decade. Adarsh *inter-alia* extensively focuses on Goods and Services Tax (GST) matters and tax policy issues. Adarsh's skill sets also include contract structuring, negotiations as well as transaction advisory from a tax perspective.

Major industries for Adarsh include Pharma & Fast Moving Consumer Goods (FMCGs), Financial Services, and retail businesses.

He is a regular speaker at tax conferences and conventions and has also co-contributed a paper on 'Valuation and Classification under GST' for the Institute of Chartered Accountants of India (ICAI) in the past. He regularly writes columns for various online and offline publications.

Prior to joining **ELP**, Adarsh has worked at BMR Advisors and Ernst & Young.

DARSHAN BORA | ASSOCIATE PARTNER**T: +91 80 41685533****M: +91 84509 53544****E: DarshanBora@elp-in.com****Tax**

Darshan Bora is an Associate Partner at **ELP** and part of firm's tax practice. He has over 10 years of work experience and has been working at **ELP** for the past seven years. He specializes in handling advisory and litigation matters in relation to Direct and Indirect taxation. His work experience includes:

- Advisory assistance on complex tax matters;
- Transaction structuring for businesses and undertaking Tax Optimization and/or Due Diligence exercise.
- Litigation assistance from the stage of investigation up to obtaining suitable reliefs from the Court including hand-holding during Tax investigations, drafting responses to tax demands, attending hearings before Tribunal, adjudicating authorities and Court(s) and preparing Appeals.

Testimonials

Darshan Bora's "diligent hardworking and quick to deliver reasoned drafts" are reasons the practice is well respected. – Asialaw Profiles

He has successfully handled litigation in relation to one of the highest ever tax demands in India amounting to USD 1 Billion. He is also active in policy advocacy and has assisted several Industries in seeking suitable relief from the Government.

He is an All-India Rank Holder at CA examinations. Prior to joining **ELP**, he has worked at Deloitte and PwC.

ABHISHEK ANAND | ASSOCIATE PARTNER



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Litigation, Arbitration & Dispute Resolution

Abhishek Anand is an Associate Partner with **ELP's** Litigation, Arbitration and Dispute Resolution practice in Delhi. He graduated from National Law University, Jodhpur with Honours in Law.

With over 10 years of experience in dispute resolution, Abhishek's area of specialisation covers all forms of taxes, white collar crimes and related commercial disputes.

Abhishek has appeared and argued cases on myriad issues before Supreme Court, almost all the High Courts, tax tribunals including various other tribunals and all quasi-judicial authorities across India.

Abhishek is regularly called upon by professional bodies to speak at conferences and seminars.

Prior to **ELP**, Abhishek was with Lakshmikumar & Sridharan and Chambers of leading Senior Advocate at New Delhi.

RAHUL CHARKHA | ASSOCIATE PARTNER

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Rahul Charkha is an Associate Partner in the tax practice of **ELP**, focusing on direct taxes. He is a qualified Chartered Accountant. He specializes in advising domestic and foreign MNCs across various sectors, from a direct tax perspective.

Rahul has over 10 years of experience in advising clients on variety of direct tax projects involving structuring of inbound and outbound investment from a tax and exchange control regulatory perspective, deal structuring, internal restructuring, advising multinational entities on tax efficient profit repatriation, structuring cross border transactions, transfer pricing reviews, tax due diligence and transaction support. Rahul has also been involved in assisting clients in direct tax litigation at various forums.

He has also been part of various conferences and contributed articles on direct tax issues.

Prior to joining **ELP**, Rahul was part of the direct tax team at PricewaterhouseCoopers and KPMG.

VISHAL KULKARNI | ASSOCIATE PARTNER

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Vishal Kulkarni is an Associate Partner in the Tax practice at **ELP**, Pune.

Vishal is a commerce graduate and alumni of ILS Law College, Pune and is registered with the Bar Council of Maharashtra & Goa.

Vishal has been associated with the firm since its opening of the office at Pune and has over a decade of experience in advising foreign and Indian multinationals on various indirect taxes matters.

Vishal's areas of expertise include Goods and Services Tax, Central Excise, Customs, Value Added Tax, Central Sales Tax, Foreign Trade Policy, Government Advocacy and has represented clients before various judicial and quasi-judicial authorities successfully.

Vishal has a rich experience in handling matters related to indirect taxes, in both advisory and litigation. His areas of specialization include tax litigation strategies, tax optimization reviews, structuring contracts, tax reviews and/or due diligence.

Prior to joining **ELP**, Vishal was working as an independent counsel at Pune.

Vishal has also been recognized as a **Next Generation Lawyer for Tax** by legal directories, such as Legal 500.

STELLA JOSEPH | ASSOCIATE PARTNER

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Stella Joseph is an Associate Partner at **ELP** and has received her B.A. LLB (Hons) degree from the National Academy of Legal Studies and Research (“**NALSAR**”), Hyderabad. She has been a part of the indirect tax team of ELP for over eight years.

Her area of expertise has been service tax, customs and foreign trade policy, value added tax (“**VAT**”) and Excise as well as certain aspects of Income tax. She has been actively engaged in providing advisory and litigation services to various clients in respect of Indirect tax laws. She has also been representing clients in the proceedings before various judicial and quasi-judicial forums as well as in the assessment proceedings under Service tax and State VAT laws. She has also been actively engaged in undertaking review exercises relating to various Indirect tax laws for multinational corporations. She has also been involved in preparing representations to the Ministry of Finance in relation to various tax policy matters for companies and industry associations.

She serves several clients in the shipping and logistics industry. She is also presently assisting many of these clients in GST related assignments.

GOURAV SOGANI | ASSOCIATE DIRECTOR



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Tax

Gourav Sogani is an Associate Director in the Tax practice at **ELP** and focuses on indirect taxes.

He is a Chartered Accountant and also pursuing his Law from University of Mumbai.

During his stint with ELP, Gourav has handled various tax matters covering all spheres of Indirect taxes such as customs, excise, service tax, sales tax and foreign trade policy. With experience of more than a decade, Gourav has been actively engaged in providing advisory and legal services to various multinational and domestic companies.

Gourav has advised on GST transition to clients in sectors such as real estate, EPC, Manufacturing, amongst others.

Prior to joining **ELP**, Gourav gained five years' experience working with an Investment Banking firm assisting in legal and taxation matters.

RAHUL KHURANA | ASSOCIATE DIRECTOR

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Rahul Khurana is an Associate Director at **ELP** and a part of the firm's Tax practice at Delhi. He is a fellow member of the Institute of Chartered Accountants of India (2009 Batch) and a commerce graduate from Delhi University (2008 Batch) besides being a law graduate (2014 Batch).

Rahul focuses primarily on Indirect Taxes. His experience extends to both advisory and litigation matters pertaining to a range of Indirect Taxes in India, including Customs, Excise, Service Tax, Value Added Tax ("**VAT**"/Sales Tax and Entry Tax.

Rahul has experience in advising various multinationals in relation to Indirect tax transaction advisory, contract reviews, structuring assistance, tax optimization, due diligence review, compliance assistance, litigation support and Government advocacy (representation support) and industrial incentive related support *among others*.

Rahul has been handling multiple sectors including renewable energy, oil & gas, automotive, insurance, IT hardware and software, airlines, and hotels *among others*.

Prior to **ELP**, Rahul was part of Indirect Tax team at S.R. Batliboi & Co. /Ernst & Young India Pvt. Ltd.



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