Climate Quotient

March – April 2024

INSIDE PAGES

- Electric Vehicles
- Renewable Energy
- Environmental, Social and Governance
- International Carbon Crediting
- Climate Litigation

Electric Vehicles

India Notifies Electric Vehicle Manufacturing Scheme

The Government of India has recently notified the "Scheme to Promote Manufacturing of Electric Passenger Cars in India" (**EV Scheme**), a major financial incentive scheme to boost manufacturing of electric vehicles in India. The EV Scheme incentivizes manufacturers of electric vehicles to establish manufacturing facilities in India, by rewarding them with an opportunity to import electric vehicles at import tariffs of 15%, as opposed to the existing import tariff rates of 70% (for vehicles priced under USD 40,000) and 100% (for vehicles priced above USD 40,000).

To be eligible for reduced duty imports, an applicant would have to fulfill a number of criteria. This includes the establishment of an electric four-wheeler manufacturing facility in India, with a minimum investment of Rs. 4,150 crores during a three-year period. The applicant would also be required to achieve 25% domestic value addition within three years of establishment, and 50% domestic value addition within five years of establishment. Notably, applicant companies must be engaged automobile manufacturing directly, or should be part of a group that engages in automobile manufacturing, with a global investment in fixed assets (gross block) of Rs. 3,000 crores. Other requirements include the applicant or its group company being incorporated in India under Indian law, a global revenue of at least Rs. 10,000 crores from automobile manufacturing, and the provision of a bank guarantee of Rs. 4,150 crores.

Notably, reduced duty rates would only be provided to vehicles with a minimum CIF value of USD 35,000, and the maximum amount of duty forgone by an applicant under the scheme cannot exceed either Rs. 6,484 crores, or the amount of the investment of the applicant, whichever is lower. Thus, applicants would be allowed to import electric vehicles at reduced duties only to the extent where the total duty forgone does not exceed the aforementioned limits, and in no circumstances can an applicant import more than 8,000 electric vehicles per year.

If a manufacturer avails the benefits of the scheme via misrepresentation of facts or falsification of information, the manufacturer would be required to refund the amount of duty forgone along with 3 years' compounded interest. Additionally, the EV Scheme also envisions the invocation of the submitted bank guarantee if the applicant fails to achieve the eligibility criteria, such as the minimum investment obligations or the domestic value addition criteria.

Key Takeaway for Businesses

While detailed modalities for administering the scheme will be announced in the future, the EV scheme undoubtedly sends positive signals for India's electric vehicle industry. The substantial benefits offered incentivize global manufacturers to establish facilities in India, which can lead to related benefits such as enhancing market quality, larger consumer choices, competitive prices, and a major impetus towards India's decarbonization efforts. However, it must be noted that investments from India's bordering countries require specific approval from the Indian government, with varying requirements between countries.[1]

It must be noted that investors may be wary against relying on the EV scheme, in light of the government recently seeking a refund on subsidies granted to electric vehicle manufacturers for allegedly violating localization requirements. Additionally, the requirement of minimum investment in India, in exchange for the Indian government forgoing a certain amount of import duties, may render the EV Scheme open to challenges at the World Trade Organization.

[1] Department for Promotion of Industry and Internal Trade, Press Note No. 3(2020 Series), available at https://dpiit.gov.in/sites/default/files/pn3_2020.pdf.

USA Mandates Strict Motor Vehicle Emissions Norms

USA's Environmental Protection Agency (**EPA**) has adopted the "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles" (**Standards**) which impose strict performance standards to regulate emissions from new motor vehicles. Light-duty vehicles include passenger cars and light trucks, while medium-duty vehicles include vans and pickup trucks.

The Standards contain a number of mandatory specifications for vehicles that would be required to be included into new vehicles in a phased manner from 2027 to 2032. Specifically, the Standards impose "targets" on the average amount of pollutants released per mile by the manufacturer's entire fleet of a specific type of vehicles. For example, the targets for carbon dioxide emissions for a manufacturer's entire fleet of light-duty vehicles produced in 2032 have been set to 85 grams of CO_2 per mile, while targets for medium-duty vehicles have been set to 274 grams of CO_2 per mile. Similar targets exist for other pollutants such as hydrocarbons and nitrogen oxides.

Notably, these targets would be applicable to the entire "fleet" of certain types of vehicles of a manufacturer, thereby requiring manufacturers to reduce emissions across their entire fleet of light-duty and medium-duty vehicles, as opposed to requiring emissions reductions for each vehicle. Thus, the targets for light-duty vehicles would be required to be implemented by a manufacturer across its entire fleet of light-duty vehicles, leaving the manufacturer the discretion as to how it alters its product mix to achieve the fleet targets.

It must be noted that the Standards also include certain per-vehicle requirements, such as those on emissions of particulate matter. These requirements would have to be met by all vehicles, instead of being met by the fleet.

The timeline for implementation of the requirements differ between vehicle categories and pollutant types. However, the Standards envision full compliance for all requirements latest by 2033. Through the Standards, the EPA expects to reduce approximately 7.2 billion metric tons of CO_2 (in the duration of application of the standards), along with an expected USD 13 billion in annual health benefits for American consumers.

Key Takeaway for Businesses

The Standards are a substantial move by the EPA to reduce emissions from the USA's land transport sector. Notably, the Standards are technology neutral in how the targets are to be achieved. This allows manufacturers the flexibility to determine their product mix while still mandating emissions reductions. The EPA specifically notes that, despite the requirements of the Standards, it expects that consumers would continue to have access to a wide range of vehicles, such as advanced gasoline vehicles, hybrids, plug-in hybrid electric vehicles, and full battery electric vehicles.[2] However, manufacturers would still be required to produce vehicle fleets that can meet the Standard's stringent requirements, thereby undoubtedly requiring manufacturers to secure greener vehicle technology. Possible ways to achieve the same could be through either investments in research and development and/or entering into technology licensing/sourcing agreements.

[2] Office of Transportation and Air Quality, EPA-420-F-24-016, p. 6, available at https://www.epa.gov/system/files/documents/2024-03/420f24016.pdf.

© Economic Laws Practice

Renewable Energy

Delhi Government Adopts Landmark Solar Policy

The Government of the State of Delhi has adopted the Delhi Solar Policy 2023 (**Solar Policy**), a landmark policy to boost solar electricity generation and consumption in the nation's capital.

The Solar Policy aims to promote adoption of solar power generation in Delhi by providing a variety of financial incentives. This includes Generation Based Incentives (**GBIs**), where consumers setting-up solar modules would receive income on the basis of units of electricity generated, with systems of a capacity of 3-10 kW receiving Rs. 2 per unit, while smaller systems (i.e. less than 3 kW) can receive Rs. 3 per unit of electricity generated. GBIs will be given for a period of 5 years from the date of establishment of a solar module and can be provided for all modules regardless of their size.

Additionally, the Solar Policy expands the models that can be used by consumers to set up solar modules. Notably, this includes a "community solar" model, where consumers without sufficient rooftop access can invest in the establishment of solar modules on rooftops volunteered by other consumers. Electricity generated through such solar modules would be exported into the electricity grid, with the amount of electricity generated being offset against the electricity bills of the investing consumers, proportional to their investment in the solar module. The Solar Policy also allows for group net-metering, where surplus energy generated by one consumer's solar module can be used to offset the electricity bill of another consumer, if both consumers are covered by the same electricity provider (referred to as **DISCOMs**). The Solar Policy also includes models for consumers with ample rooftop access but without sufficient capital for establishing solar modules, allowing them to establish solar modules at no cost in exchange for purchasing electricity at a fixed tariff. Residential consumers would also be eligible for capital subsidies for establishing solar projects, at a rate of Rs. 2,000 per kW up to a maximum of Rs. 10,000 per customer.

Notably, the Solar Policy also envisions "on-demand" rooftop assessments, where consumers can request an assessment of their rooftop's potential for solar modules. This assessment would cover the potential solar energy than can be generated, along with the consumer's estimated annual savings. DISCOMs would also be required to provide "solar scores", which provide the percentage of the consumer's electricity needs that can be fulfilled by a solar module as well as their monthly savings, in all electricity bills. The Solar Policy also creates an obligation for State governmental buildings with a rooftop area of more than 500 sq. m. to establish solar modules within three years.

A portal would be created for the administration of the Solar Policy via which applications for establishing solar modules would be made and tracked. This portal would also act as a platform for dissemination of comprehensive information on the modalities of the policy, such as procedures, important documents, timelines, etc. Other key features of the Solar Policy include peer-to-peer electricity trading, out-of-state solar procurement, and the proposed creation of a secondary market for components of rooftop solar modules.

Key Takeaway for Businesses

The Solar Policy aims to remove a major hurdle towards residential solar module establishment, i.e. the requirement of adequate rooftop access. The proposed models, especially the innovative "community solar" model, can thus serve as significant drivers of interest from households. This is further boosted by the numerous financial incentives provided, such as GBIs which can also be availed under community solar models, likely incentivizing households to invest in solar modules regardless of space and/or capital constraints. Thus, the Solar Policy sends positive signals for players in the solar panel market and could potentially increase the demand for solar panels in the nation's capital.

Environmental, Social and Governance

SEC Releases Climate Disclosure Rules

In early March, the USA's Securities and Exchange Commission ("**SEC**") adopted rules to enhance climate-related disclosure obligations for public companies ("**SEC Rules**"). These rules update existing rules governing financial reporting by public companies in the USA and would apply to all companies required to file annual reports or registration statements with the SEC.[3]

The SEC Rules require comprehensive disclosures on the impact of climate change on the past and future functioning of a company. A broad summary of these disclosures include:

- Identification of climate-based risks which can "materially"[4] impact a company, including its operations and/or its financial condition in both short- and long-terms. This also includes risks that have already materially impacted a company.
- The actual and potential impacts of such risks on the company, including its strategy, business model, operations, outlook, and even the preparation of financial statements.
- Information in relation to climate-related measures adopted to mitigate or adapt to identified climate risks, and any climate-related targets and goals set by the company. This would include information on expenditures associated with said measures and targets/goals and their impact on the company's financial estimates and assumptions.
- For climate-related measures, this would also include information on integration of such measures into the company's overall risk management.
- Information on transition plans, including updates in subsequent years on the progress of said plans and the results thereof.
- The amount of oversight of the board of directors has over climate-related risks and the role of the management in identifying and managing said risks.
- The costs and expenditures borne by the company as a result of severe weather events and natural conditions (including hurricanes, rising sea levels, droughts etc.).
- Large Accelerated Filers (**LAFs**) and Accelerated Filers (**AFs**) would also be required to provide declarations on their material greenhouse gas (**GHG**) emissions, unless specifically excluded. This would cover scope 1 and scope 2 emissions.[5] These declarations would also be required to be accompanied by "attestation reports".
- Additional situation specific disclosures such as those relating to internal carbon prices, scenario analysis, use of carbon offsets, etc.

It is pertinent to note that the SEC Rules provide differing levels of compliance burdens for different types of entities. For example, GHG emissions reporting would only apply to LAFs and AFs, and would not apply to "smaller reporting companies", "emerging growth companies" and "non-accelerated filers". Similarly, the strictness of attestation reports required would also differ between different types of entities.

The aforementioned climate-related disclosures, as far as applicable, can be included in a company's registration statements or annual reports under a separate section or under an appropriate pre-existing section of the filing format. The SEC Rules also allow delayed GHG emissions disclosures in specific cases, and certain disclosures could also be incorporated via reference to other SEC filings, subject to additional conditions.

[3] *See Exchange Act Reporting and Registration*, Securities and Exchange Commission (Mar. 5, 2024), available at https://www.sec.gov/education/smallbusiness/goingpublic/exchangeactreporting; *What is a Registration Statement?*, Securities and Exchange Commission (Feb 21, 2024), available at https://www.sec.gov/education/smallbusiness/goingpublic/registrationstatement?auHash=3B3sy2SRODbspyv7Kbb7JbaoOReA2Y2hwMFPfSecCdI.

[4] The SEC elaborates that "matter is material if there is a substantial likelihood that a reasonable investor would consider it important when determining whether to buy or sell securities or how to vote or such a reasonable investor would view omission of the disclosure as having significantly altered the total mix of information made available." *See* Securities and Exchange Commission, RIN 3235-AM87, p. 105, available at https://www.sec.gov/files/rules/final/2024/33-11275.pdf.

[5] The SEC Rules define scope 1 emissions as "direct GHG emissions operations that are owned or controlled by a [company]" and scope 2 emissions as "indirect GHG emissions from the generation of purchased or acquired electricity, steam, heat, or cooling that is consumed by operations owned or controlled by a [company]". *See* Securities and Exchange Commission, RIN 3235-AM87, p. 851, available at https://www.sec.gov/files/rules/final/2024/33-11275.pdf.

Notably, the SEC Rules also contain "safe harbor" provisions which would allow statements on transition plans, scenario analysis, internal carbon prices and targets and goals would be labelled as "forward looking statements", thereby coloring these statements as assumptions for the future, instead of guarantees of future events.

Obligations under the SEC Rules would become applicable in a phased manner, depending on the nature of the filing company. The earliest reporting obligations would become applicable from 2026 with respect to fiscal years beginning in calendar year 2025, which would apply to LAFs. The phase-in period for these climate related disclosures, as applicable to different types of entities, is expected to be completed by 2028. Conversely, obligations to submit assurance statements would begin in 2029, with additional obligations regarding assurance statements for LAFs becoming due from 2033.

Key Takeaway for Businesses

*The SEC Rules have faced a tumultuous start as the rules faced a multitude of litigation from businesses, trade associations, various States, and climate activists, within days of their adoption. These challenges were filed in various courts covering different jurisdictions in the USA, with the application of the rules ultimately being stayed by the Court of Appeals for the Fifth Circuit (**Fifth Circuit**) on March 15.*[6] *Subsequently, the SEC applied for the consolidation of all pending cases under a single court which resulted in all cases being transferred to the Court of Appeals for the Eighth Circuit (**Eighth Circuit**). This led to the Fifth Circuit removing its stay on March 22, and the SEC Rules being reinstated into law.*[7] *Yet within days of the Fifth Circuit lifting its stay, parties have now filed requests with the Eighth Circuit to stay the rules. To add to the rules' woes, reports also suggest that certain American legislators are preparing to enact measures to repeal the same.*[8]

Thus, the future of the SEC Rules (as well as public companies' compliance costs) hangs in considerable uncertainty. Indeed, the SEC itself has "paused" their implementation in order for a speedy resolution of pending litigation.[9] *Yet despite the immediacy and the severity of the challenges faced by the SEC Rules, businesses should strongly consider if they have systems and processes in place which would help them collect the information necessary to comply with the SEC Rules. This is due to the fact that even if the SEC Rules do not survive the challenges, sustainable investing is continuing to gain prominence around the world*[10] *and presents a valuable tool for businesses to differentiate themselves from their competitors. Additionally, businesses may also be part of value chains for entities covered by climate-related disclosures in other jurisdictions, such as the European Union's Corporate Sustainability Due Diligence Directive. Thus, businesses not adequately prepared with information their climate footprint and climate risks may, in turn, lose out on potential business opportunities from companies subject to such disclosure requirements for their supply chains in different jurisdictions.*

[6] Hiroko Tabuchi, *Court Temporarily Halts S.E.C.'s New Climate Rules*, New York Times (Mar. 15, 2024), available at https://www.nytimes.com/2024/03/15/climate/sec-climate-rules-lawsuit.html?utm_source=cbnewsletter&utm_medium=email&utm_term=2024-03-19&utm_campaign=Daily+Briefing+18+03+2024.

[7] Andrew Ramonas, *SEC Climate Reporting Rules Revived After Court Lifts Hold (1)*, Bloomberg Law (Mar. 22, 2024), available at https://news.bloomberglaw.com/esg/sec-climate-reporting-rules-revived-after-court-lifts-hold

[8] David Hood, *Congressional Republicans Maneuver to Block SEC's Climate Rules,* Bloomberg Law (Mar. 7, 2024), available at https://news.bloomberglaw.com/esg/congressional-republicans-maneuver-to-stifle-secs-climate-rule.

[9] Matthew Bultman, *SEC Climate Rule Pause Creates Path for Faster Court Decision*, Bloomberg Law (Apr. 8, 2024), available at https://news.bloomberglaw.com/securities-law/sec-climate-rule-pause-creates-path-for-faster-court-decision

[10] *Individual Investors' Interest in Sustainability is on the Rise*, Morgan Stanley (Jan. 26, 2024), available at https://www.morganstanley.com/ideas/sustainable-investing-on-the-rise.

International Carbon Crediting

UN Body Makes Progress on Implementing Paris Agreement's Carbon Crediting Mechanism

The Supervisory Body of the Paris Agreement Crediting Mechanism (**Supervisory Body**) has announced that it has expedited its efforts for establishing the Paris Agreement's long-awaited carbon crediting mechanism. Article 6.4 of the Paris Agreement envisions the creation of a carbon crediting mechanism where countries can establish projects that reduce GHG emissions and generate carbon credits, with said carbon credits being tradeable between countries. However, despite the adoption of the Paris Agreement in 2015, such a mechanism has not yet been operationalized, with multilateral negotiations failing to establish consensus on various aspects of the mechanism as early as in December 2023.[11] In this regard, the Supervisory Body is a 12-member body tasked with developing the framework required for operationalizing the mechanism.

In a press release, the Supervisory Body has announced that it has established two expert panels for operationalizing the mechanism. This includes an Accreditation Panel, which is expected to be ready to accredit auditors for verifying GHG emissions reductions projects by April, 2024, as well as a Methodologies Panel for the development of standards and methodologies for issuing credits to verified projects. The Accreditation Panel currently has five members,[12] while the Methodologies Panel contains ten members.[13] Notably, the groundwork for the establishment of these panels was laid in November 2023, when the Supervisory Body adopted the terms of reference for members of both expert panels.[14]

Key Takeaway for Businesses

The constitution of the two expert panels by the Supervisory Body is a positive step towards operationalizing the much-awaited Article 6.4 carbon crediting mechanism. Additionally, the Supervisory Body's press release specifically states that the accreditation panel would be ready to begin to accredit auditors from April 2024. However, expectations for registration of projects should remain tempered as rules for operationalizing the mechanism were not adopted at COP28 and would need to be adopted at COP29 for the mechanism to be operationalized in the near future.

[11] Eklavya Gupte and Agamoni Ghosh, *COP28: Lack of progress on Article 6 likely to further limit carbon market growth*, S&P Global (Dec. 13, 2023), available at https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/oil/121323-cop28-lack-of-progress-on-article-6-likely-to-further-limit-carbon-market-growth.

[12] *Accreditation Expert Panel,* United Nations Climate Change, available at https://unfccc.int/process-and-meetings/bodies/constituted-bodies/article-64-supervisory-body/accr-expert-panel#tab_home.

[13] *Methodological Expert Panel*, United Nations Climate Change, available at https://unfccc.int/process-and-meetings/bodies/constituted-bodies/article-64-supervisory-body/meth-expert-panel-mep#MEP-Meetings

[14] UNFCC, Terms of reference of the Article 6.4 mechanism expert panels, A6.4-PROC-GOV-003, available at https://unfccc.int/sites/default/files/resource/A6.4-PROC-GOV-003-v01.0.pdf.

Climate Litigation

Dutch Airline Loses Landmark Greenwashing Case

The Amsterdam District Court has held that KLM Royal Dutch Airlines (**KLM**), a major European airline, has violated consumer protection laws by engaging in greenwashing. The case was brought by interest organizations Fossielvrij Netherlands and Reclame Fossielvrij, along with legal activism organization Client Earth, who argued that KLM had violated the Netherland's Unfair Commercial Practices Act (**UCPA**) which requires environmental claims to be true, clear, unambiguous and able to be substantiated with evidence.

The case revolved around KLM's "Fly Responsibly" campaign, a key part of which offered consumers the chance to reduce *their share* of the negative impacts of their flight by purchasing carbon offsets under a program named "CO2ZERO". These offsets were linked to reafforestation projects by KLM, with KLM claiming that customers could purchase these offsets to promote tree plantation which would lead to the absorption of the emissions caused by a particular flight. However, the District Court of Amsterdam ruled that this was misleading as a direct link could not be established between the customer's contribution and the effect of the reafforestation project on the emissions of a particular flight.

Similarly, KLM also provided consumers the option to "invest" in sustainable aviation fuels when purchasing a ticket, with KLM claiming to invest double the amount invested by a customer. However, the Court held that KLM's advertising did not clearly explain what "investments" it would make in sustainable aviation fuels, and what environmental benefits would be achieved as a result.

In addition to the two specific instances discussed above, a number of KLM's claims were found to be misleading due to containing vague and generalized statements about environmental benefits.

Additionally, KLM's advertisements used environmental imagery and language suggesting that the actions taken by KLM, such as investing in sustainable aviation fuel or promoting reafforestation projects, led to substantial environmental benefits without adequate evidence justifying said benefits.

Notably, the Court held that KLM was not precluded from advertising the actions it has taken for reducing emissions, such as investing in fleet renewal or using SAF instead of fossil fuels. It also held that KLM was not obligated to warn customers about how its operations are not sustainable, but that if KLM does choose to use "vague terms about environmental benefits with a social connotation", it should provide adequate specificity and details in the same.

Key Takeaway for Businesses

KLM's greenwashing case provides valuable insights for businesses already incorporating sustainability into their business models. It must be noted that KLM's liability did not arise from the fact that its operations were not sustainable; its liability arose from the fact that it advertised its operations as being sustainable without clear evidence backing such claims. In this regard, it must be highlighted that while KLM did aim to undertake measures to promote sustainability via the CO2ZERO offsets and sustainable aviation fuels, KLM's advertising exaggerated the benefits these measures would achieve towards reducing the negative impact of KLM's operations on the environment. Thus, the case highlights the nuance that companies can choose to make claims based on sustainability as long as they have sufficient evidence to justify such claims and should refrain from painting an "overly rosy picture" of the impacts of their sustainability measures.

ELP Explainer: Carbon Crediting Methodologies

Methodologies, in the context of carbon crediting, refer to the criteria used to determine the amount of carbon credits that can be generated by a project. All carbon crediting mechanisms, be it voluntary mechanisms such as the Gold Standard or REDD+ or mandatory mechanisms such as the EU's Emissions Trading System or India's proposed Carbon Credit Trading Scheme, require the formulation of methodologies for their operation.

The scope and complexity of methodologies can differ between mechanisms. However, methodologies generally involve determining boundaries of covered emissions and activities, establishing criteria used to measure emissions (and the reduction thereof) under a carbon crediting mechanism, as well as the ways in which emissions reductions can be quantified into carbon credits.

Methodologies are crucial aspects of all carbon crediting mechanisms as they determine how an entity's performance would be analyzed to determine the amount of carbon credits that can be generated. Thus, the comprehensiveness and accuracy of a carbon crediting mechanism's methodology affects the value of the mechanism's credits themselves, thereby affecting the "integrity" of the carbon crediting mechanism.

For a more in-depth and nuanced perspective on any of the topics please email us at: insights@elp-in.com or email our authors:

Sanjay Notani
E: sanjay notani @elp-in.com

Naghm Ghei
E: naghmghei@elp-in.com

Sarthak Yadav
E: sarthakyadav@elp-in.com

ECONOMIC LAWS PRACTICE
ADVOCATES & SOLICITORS

MUMBAI

9th Floor, Mafatlal Centre
Vidhan Bhavan Marg
Nariman Point, Mumbai 400 021
T: +91 22 6636 7000

DELHI NCR

NEW DELHI

DR Gopal Das Bhawan, 16th Floor,
28, Barakhamba Road,
New Delhi – 110 001.
T: +91 11 41528400

NOIDA

9th Floor, Berger Tower, Sector 16 B,
Noida, Uttar Pradesh - 201301.
T: +91 120 6984 300

AHMEDABAD

C-507/508, 5th Floor, Titanium Square
Thaltej Cross Roads, SG Highway,
Ahmedabad - 380054
T: +91 79460 04854

PUNE

202, 2nd Floor, Vascon Eco Tower
Baner Pashan Road
Pune 411 045
T: +91 20 4912 7400

BENGALURU

6th Floor, Rockline Centre
54, Richmond Road
Bengaluru 560 025
T: +91 80 4168 5530/1

CHENNAI

No 18, BBC Homes, Flat-7 Block A
South Boag Road
Chennai 600 017
T: +91 44 4210 4863

GIFT CITY

GIFT CITY Unit No. 605,
Signature, 6th Floor Block 13B,
Zone – I GIFT SEZ, Gandhinagar 382355

DISCLAIMER:

The information contained in this document is intended for informational purposes only and does not constitute legal opinion or advice. This document is not intended to address the circumstances of any particular individual or corporate body. Readers should not act on the information provided herein without appropriate professional advice after a thorough examination of the facts and circumstances of a particular situation. There can be no assurance that the judicial/quasi judicial authorities may not take a position contrary to the views mentioned herein.

© Economic Laws Practice 2024