

Transfer pricing services



Compliance

- Local transfer pricing compliance documentation for international transactions and specified domestic transactions including
 - Functional Analysis
 - Comparability Analysis
 - Industry and Business Overview
- Issuance of an Accountant's Report in Form 3CEB
- Multi-jurisdictional documentation studies
- Master file and Country-by-country reporting (CbC Report)
 - Assistance in preparation and submission of Master file
 - Assistance in filing CbC Report where:
 - a The ultimate parent company is in India
 - b The Indian entity is designated as the Alternative Reporting Entity (ARE)
 - c Indian entity does not have an agreement for exchange of CbC Report with country of foreign parent or ARE
 - d Despite having an exchange agreement, country of foreign parent or ARE fails to share CbC Report
 - Communication and liaising with the relevant prescribed authorities whenever required



Advisory

- Assistance in setting up business/operational model
- Restructuring of existing business model to build tax/commercial efficiencies
- Assistance in designing new transfer pricing policies and pricing arrangements
- Assistance in conducting a health check to identify potential gaps in the transfer pricing arrangements
- Due diligence report (DDR) assistance from transfer pricing perspective in order to ensure that business model and pricing arrangements of target acquisition are defensible
- Assistance in Corporate governance under Companies Act, 2013 and SEBI regulations
 - Identification of related parties
 - Analysing the identified RPT as to:
 - a Whether the transactions are in the ordinary course of business; and
 - b Whether the transactions are proposed to be undertaken on arm's length basis
 - Analysing and evaluating various approvals that may be required (i.e. Audit Committee, Board of Directors, shareholders etc.) for each of the RPT under the Companies Act 2013 and SEBI regulations
 - Review related party compliances under the Companies Act on a quarterly/ half-yearly/annual basis
 - Present our analysis at board meetings to assure Directors that compliances are in order
- Review of deemed international transactions
- Assistance in preparing profit attribution (PE) attribution studies
- Assistance in preparing global transfer pricing policy document
- Supply chain restructuring
- Review of agreements from a transfer pricing perspective
- Structuring of cost sharing arrangements for inter-company transactions
- Structuring management fee payments, royalty payments, inter-company financing arrangements





Dispute Avoidance / Resolution



Advance Pricing Agreements (APA)

- Assistance in identifying transactions to take to the APA
- Assistance in APA strategy
- Pre-APA planning – structure to be taken to the APA, preparation of transactional documents, reviewing inter-company agreements, etc
- Assistance in relation to pre-filing consultation
- Assistance with preparation and filing of application
- Assistance with responding to queries/questions sought post filing of application
- Coordinating site visit including conducting mock interviews with client in preparation for the site visit
- Assistance on negotiations with APA authorities
- Assisting client obtain draft and final APA agreements
- Assistance in compliance audits, revision, renewal and cancellation of APAs



Safe Harbour

- Review of related party transactions for the applicability of Safe Harbour provisions
- Preparation of Safe Harbour application and submission with prescribed authorities post review and discussions with the Company
- Representation and filing of submissions before the prescribed authorities



Dispute Avoidance

- Drafting of submissions, appeals and letters to the Revenue Authorities
- Assistance in representation before:
 - Transfer Pricing Officer
 - Commissioner of Income Tax (Appeals)
 - Dispute Resolution Panel
 - Appellate Tribunals
- Reviewing tax exposure from regulatory changes, pending litigation and jurisprudence and advising on risk management in respect thereof
- Tax briefings and providing external support to external counsels for representation before High Courts and Supreme Courts
- Advisory on high-end litigation strategy



Mutual Agreement Procedure (MAP)

- Assistance and representation for Mutual Agreement Procedure (MAP)
 - Evaluation of all the facts
 - Reviewing all TP documents and TP adjustment
 - Preparation of request for Competent Authority ('CA') and discussion with CA
 - Negotiation and closure of MAP

For further information, please contact:

E contact@in.gt.com