



My Dear Friend

*I am presenting **Thursday Article as 35 FAQ's on Statutory Obligations for Foreign Companies (Entities) in India***

- 1. Any kind of non-compliance is attracting **Financial Penalties + imprisonment** (both).*
- 2. It's humbly suggested to stop non-compliance against furnishing of legal documents + correct information's (both).*
- 3. I trust that you will be enriched by reading this article*

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● *With best wishes from CA Satish Agarwal, New Delhi* ●



35 FAQ's on Statutory Obligations for Foreign Companies (Entities) in India

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35 FAQ's on Statutory Obligations for Foreign Companies (Entities) in India

(A) Applicability of CA, 2013 for foreign entities operating in India (Section 379)

1. Reasons for foreign entries operating (working) in India

- (i) India already becomes fastest developing country in world.
- (ii) Developed + non-developed (both) countries eagerly interested to invest in different sectors in India.
- (iii) India being hub for doing business because cost of production already lower than several developed + non-developed (both) countries due to population exceeding 1400 million.
- (iv) India being 1400 million populations's country having more than 15% customers from entire world.

2. Definition for foreign company (entity) operating in India (Section 2(42))

- (i) Several foreign entities which incorporated outside India + also having place of business in India commonly known foreign entity operating in India.
- (ii) Foreign entity permitted for carrying business activities in India through their agents in physical mode + also in electronic mode (both).
+ (plus)
- (iii) Also conducting business activities in other modes in India.

3. Foreign entity Indirectly operating through company's incorporation in India

- (i) Working like Private Limited Company (Private Company) or Public Limited Company (Public Company) in India
When private company or public company (any) incorporated in India + shares hold by foreign company + also by resident(s) of India (both) jointly.



- (ii) *Working like Wholly Owned Subsidiary (WOS) of foreign entity in India*
- (a) When foreign entity *investing in 100% equity capital* of Indian company *under new company's incorporation or takeover* of existing company (any).
+ (plus)
- (b) Also *100% investments in capital* of Indian company commonly known *100% Foreign Direct Investments (FDIs) in India* under automatic or approval (any) *permitted by RBI*.
- (iii) *Working like Joint Venture (JV) of foreign entity in India*
- When foreign entity *selected local partner for JV* under Memorandum of Understanding (MOU) or Letter of Intent (LOI) commonly known *JV agreement*.
- (iv) *Working like Subsidiary of foreign entity in India*
- When foreign entity *invested minimum for 50.01% shares* of Indian company.

4. *Foreign entity directly operating through BO or LO or PO (any) in India*

- Foreign entity *required to register under CA, 2013 to start business in India* under certain modes like:
 - (i) *Direct working under Branch Office (BO) of foreign entity in India*
 - (a) Foreign entity *permitted to establish BO in India for carrying "same business" outside India*
+ (plus)
 - (b) Also foreign entity *required to have large business + also good profits (both) outside India*.
 - (ii) *Direct working under Liaison Office (LO) of foreign entity in India*
 - (a) Foreign entity *permitted to establish in India LO for carrying 100% "permitted" liaison activities in India*.
+ (plus)
 - (b) Also foreign entity *required to incur 100% expenses through direct foreign remittances* from parent entity located outside India.
+ (plus)



(c) Also foreign entity *not permitted to carry any business activity through permitted LO in India.*

(iii) *Direct working under Project Office (PO) of foreign entity in India*

Foreign entity *permitted to establish PO in India to execute projects awarded by Indian company to foreign entity + also approved from RBI (both).*

5. Quickest entity for Carrying Business in India by foreign entities

(i) *Incorporating private company suggested coolest + also fastest way for starting business operations in India (both).*

+ (plus)

(ii) *Also 100% FDIs permitted under automatic route or approval route (any) for private company in India.*

6. RBI's role for foreign entities operating in India

- *RBI permitted to allow foreign inward remittance against FDIs under guidelines issued by RBI from time to time.*

7. Registration with ROC for foreign entities operating in India

(i) *100% foreign entities required to submit documents with ROC for registration in 30 day from date of establishment of place of business in India like WOS or JV or Subsidiary company or BO or LO or PO (any).*

+ (plus)

(ii) *Also Indian company not required to re-register with ROC beside 100% FDIs received after incorporation from foreign entity.*

8. Documents to be filed with ROC by foreign entities operating in India

- *100% self certified copies be submitted for registration with ROC like charter + statute + Memorandum of Articles (MoA) of company + any other instrument (all) which constituting or defining constitution of foreign entity outside India.*



9. Document's translations from Non English to English language

- Specific documents be translated in English language when original documents not available in English like:
 - (i) Address of Registered Office (RO) or Principal Office (PO) (any) of foreign entity outside India.

+ (plus)
 - (ii) Also list of directors + secretary of foreign entity + also prescribed particulars by MCA in India. f

10. Appointment for Resident Director (RD) being Authorized Person (AP) in India

- (i) 100% foreign entities required to provide name + address of resident of India being Authorized Person (AP) who resided for minimum 180 day in India in previous financial year like March 31, 2023 for appointments from April 1st, 2023.

+ (plus)
- (ii) Also AP required to accept service of notice + any other document being delivery of service by ROC for registration of foreign entity in India.

11. Declaration for address for place of Doing of Business in India

- 100% foreign entities required to provide address of place of doing of business to ROC for registration of foreign entity in India.

12. Declaration for previous place of business in India (if any) by foreign entity

- 100% foreign entities required to provide particulars to ROC for previously opened + also closed (both) office in India (if any).

13. Declaration for non conviction or debar in India + outside India by foreign entity

- 100% foreign entities required to provide declaration to ROC that director(s) of company + AP not involved for conviction or debarred from company's formation + performing management activities in India + also outside India (all).



(B) Registration + Financial Statements in India (Section 380 + 381)

14. Registration for foreign entity with ROC in India

(i) 100% foreign entities required to file Form No. FC-1 with ROC in 30 day from date of establishment of place of business in India like WOS or JV or Subsidiary company or BO or LO or PO (any).

+ (plus)

(ii) Also to submit copy of approval from RBI or from any other regulator when approval required to establish place of business in India or declaration from AP of foreign entity that approval not needed.

15. Filing for alteration by foreign entity with ROC in India

● 100% foreign entities required to file Form No. FC-2 with ROC in 30 day from date of alteration in India.

16. Preparation for Standalone Financial Statements for Business in India

(i) 100% foreign entities required to prepare standalone financial statements for business's operation in India under Schedule III of CA, 2013

+ (plus)

(ii) Also to prepare required documents under Chapter IX of CA, 2013

17. Submission for Consolidated Financial Statements for parent foreign entity

● 100% foreign entities required to submit copy of latest Consolidated Financial Statements (CFS) of parent foreign entity to ROC in India.

18. Preparation for statement for Related Parties Transactions (RPTs) (Sec 2(76))

(i) 100% foreign entities required to prepare statement for Related Parties Transactions (RPTs) specified under schedule III of CA, 2013.

+ (plus)

(ii) Also list of Related Parties (RPs) to include certain entities like:

(a) Foreign company



- (b) *Subsidiary* of foreign company
- (c) *Holding* foreign company
- (d) *Firm* where *partner* from foreign company
- (e) *Firm* where *partner* from *subsidiary* of foreign company
- (f) *Firm* where *partner* from *holding* of foreign company

19. **Preparation for RPT's information's by foreign entity in India**

- (i) *Nature* of Relationship
- (ii) *Descriptions* + nature of transactions (*both*)
- (iii) *Amount* of transactions like *opening* + closing + highest + lowest (*all*) *balances*
- (iv) *Reasons* for transactions
- (v) *Material impact* of transactions *on purchasers* + sellers (*both*)
- (vi) *Amount* of *written off* + amount of *written back* (*both*) against dues from RPs
- (vii) *Declaration* that transactions *carried at Arm's Length Price (ALP) principle*
- (viii) *Other details* to understand impact (*if any*) for RTPs.

20. **Preparation for repatriation statement for Profits remit outside India**

- (i) *Amount* of *profit repatriated* during financial year from India
- (ii) *Receipt* of *repatriation* from outside India
- (iii) *Mode* of *repatriation* from India + also from outside India (*both*)
- (iv) *Date* of *repatriation* from India + also from outside India (*both*)
- (v) *Detail* of *city* where repatriation sent to *other than residence country* of beneficiary
- (vi) *RBI's approval* or other authority's approval (*any*) *required*

21. **Preparation for repatriation statement for funds remit outside India**

- (i) *Statement* of *transfer* of *funds* including *dividend* *be prepared* between *place* of *business* and *to other RPs* or *holding* or *subsidiary* or *associate company* (*any*) in *India* + also *outside India* (*both*).
- + (*plus*)
- (ii) Also *date* of *transfer* + *amount* for *transferred* + *received* (*all*)



22. Filing for Financial Statements by foreign entity with ROC in India

- 100% foreign entities required to file standalone financial statements for Indian business entity + CFS of foreign entities + also other required attachments (all) with ROC in 6 month from date of close of financial year like up to September 30th, 2023.

23. Filing Extension for returns by foreign entity with ROC in India

- ROC permitted to extend maximum time 3 month like up to December 31st, 2023 after receiving application from foreign entity in writing mentioning special reasons for extension.

24. Auditing for financial statements for business by Statutory Auditors in India

- 100% foreign entities required to get audit of accounts of Indian business's operations from practicing Chartered Accountants (CA) registered with ICAI in India.



(C) Misc. Provisions for Foreign Company (Section 382 to 384, 392 & 393)

25. Filing for Business's Places by foreign entity with ROC in India

- 100% foreign entities required to file Form FC - 3 being list of places for Indian business's operations on date of balance sheet.

26. Filing for displaying of Name + etc. by foreign entity with ROC in India (Sec 382)

- (i) 100% foreign entities required to exhibit name of company + name of country of incorporation in English + also in local language (all) at its registered office in India.

+ (plus)

- (ii) 100% foreign entities required to state name of company + also name of country of incorporation (both) on certain documents like:

- (a) Letter Heads for company
- (b) Bills for company
- (c) Letter Papers for company
- (d) Notices for company
- (e) Advertisements for company
- (f) Other official Publications for company

27. Serving for Notice by "any person" to foreign entity in India (Section 383)

- 100% processes + notices + other documents (all) be treated deemed served when sent by ROC through post or delivered through electronic mode (any) at Indian address already communicated with ROC by foreign entity operating in India.

28. Filing for Annual Return by foreign entity with ROC in India (Section 384)

- 100% foreign entities required to prepare + also to file (both) annual returns for Indian business's operations in Form FC-4 in 60 day from date of close of financial year like up to May 30th, 2023.



29. Filling for return's information's by foreign entity in India

- (i) Details for promoter(s) + director(s) + Key Managerial Personnel(s) (KMPs) + also for change (if any) from close of previous financial year (all)
- (ii) Details for remunerations to director(s) + KMPs (both).
- (iii) Details for meeting of members + class of members + board of directors + 100% committees + also details of attendance (all).
- (iv) Details for members + debenture holders + other change (if any) from close of previous financial year (all).
- (v) Details for holdings + subsidiaries + associate companies + firms + LLPs + etc (all).

30. Fine + Imprisonment for contraventions by foreign entity in India (Sec 392)

- (i) (a) 100% foreign entities punishable with minimum fine INR 1 lac
Or
(b) Maximum fine INR 3 lac
+ (plus)
(c) Also additional maximum fine INR 50 thousand per day till contravention continue.
- (ii) (a) 100% responsible officers for foreign entities punishable with imprisonment maximum 6 month
Or
(b) Minimum fine INR 25 thousand
Or
(c) Maximum fine INR 5 lac
Or
(d) Imprisonment + fine (both).



31. Cancellation for contract's for non compliances by foreign entity in India (Sec 393)

- (i) (a) Foreign entity's *contract(s) be cancelled when contraventions made* referred under section from *379 to 384* of CA, 2013.
+ (plus)
- (b) Also Indian entity *permitted for cancelling contract(s) + dealing(s) + transaction(s) with foreign entity.*
+ (plus)
- (ii) Also foreign entities *not permitted to file suits + to make claims + to set offs + to make counter claims + to initiate legal proceedings against contracts + dealings + transactions (all) except when foreign entities already complied provisions* referred under section from *379 to 384* of CA, 2013.



32. Filling form FC-1 for information's by foreign entity with ROC (Sec 380(1)(h))
Rule 3(3) of Companies (Registration of Foreign Companies) Rules, 2014

FORM NO. FC-1

[Pursuant to section 380(1) (h) of the Companies Act 2013, and rule 3(3) of Companies (Registration of Foreign Companies) Rules, 2014]



**Information to be filed
by foreign company**

Form language English Hindi

Refer the instruction kit for filing the form.

1. *Name of the foreign company

2. (a) *ISO code of the country where the foreign company is registered

(b) Name of Country

(c) Registration number or GLN

3. Full address of registered or principal office of foreign company

*Line I

Line II

*City

*State

*Country *Pin code

*Telephone number with ISD Code

Fax number with ISD Code

*email Id of the foreign company

4. (a) *Date of establishment of principal place of business in India (DD/MM/YYYY)

(b) *Type of office

(c) Address of the principal place of business in India

*Line I

Line II

*City

*State *Pin code

*Telephone number

Fax number

*email id

(d) *Main division of bussiness activity to be carried out in India

(based on relevant sub class and description given in NIC-2004)

Description of the main division



5. Details of other places of business in India (if any)

Number of such other places of business in India

I. (i) *Date of establishment (DD/MM/YYYY)

(ii) *Type of office

(iii) Address

*Line I

Line II

*City

*State *Pin code

*Telephone number

Fax number

*email id

(iv) *Business activities to be carried out at such place

6. Particulars of place(s) of business in India established on any earlier occasion(s) other than above (if any)

Number of such places

I. (i) *Date of establishment (DD/MM/YYYY)

(ii) *Type of office

(iii) Address

*Line I

Line II

*City

*State *Pin code

*Telephone number

Fax number

*email id

(iv) *Business activities to be carried out at such place

(v) (a) *Date of closure of such place of business (DD/MM/YYYY)

(b) *Foreign company registration number of such place



7. Details of the one or more person(s) resident in India and authorized to accept on behalf of the foreign company service of process and any notices or other documents required to be served on the foreign company -

*Number of persons authorized

Particulars of the authorized person

i. Director Identification Number (if any)

*Income tax Permanent Account number (Income-tax PAN)

*Name of the person resident in India authorized to accept on behalf of foreign company

Father's Name Mother's Name Spouse's Name

*Designation

Membership number (In case of Secretary)

*Nationality *Date of Birth (DD/MM/YYYY)

If the present nationality is not the nationality of origin, then specify the nationality of origin

*Number of the passports

Passport number Date of issue (DD/MM/YYYY)
Issue country

Passport number Date of issue (DD/MM/YYYY)
Issue country

Passport number Date of issue (DD/MM/YYYY)
Issue country

*Occupation type Self Employed Professional Homemaker Student Serviceman

Permanent address

*Line I

Line II

*City

*State /Union Territory *Pin code

*ISO Country code Country

*Phone Fax

*email id



*Whether present address is same as the permanent address Yes No

Present address

*Line I

Line II

*City

*State/Union Territory *Pin code

*ISO Country code Country

*Phone Fax

*Whether the person authorised has been appointed through power of attorney or by passing the resolution

Power of attorney Special resolution

8. Details of the permission obtained from any Authority-

Number of authority from whom approvals taken

- i) *Name of the Authority
- ii) *Date of obtaining the approval order (DD/MM/YYYY)
- iii) *Order number
- iv) Period of validity of such permission, if any
- v) *Permission obtained for
-
- vi) Brief particulars of terms and conditions subject to which such permission is given
-
- vii) Other details, if any
-

9. (i) *Whether the parent company is in operation at the time of making this application Yes No

(ii) *Whether there is any winding up proceedings is pending against the parent company Yes No

10. Details of subsidiary, holding or associate companies in India of the foreign company or of any subsidiary or holding company of such foreign company or of any firm in India in which such foreign company or its holding or subsidiary company is a partner:

*Number of such entities

Particulars of such entities

- i. (i) *CIN/FCRN/LLPIN/Other Registration Number
- (ii) *Name of such company or firm
-
- (iii) *Whether the company is
-

11. Details of the persons, firms or companies in India which shall be deemed to be the 'related party', within the meaning of clause 76 of section 2 of the Act or Indian Accounting Standard 18, of the foreign company or of any subsidiary or holding company of such foreign company or of any firm in which such foreign company or its subsidiary or holding company is a partner.

Number of related parties

Particulars of related parties



I. i. *DIN/PAN/CIN/FCRN/LLPIN/Other Registration Number

ii. *Name of such company or firm

iii. *Whether the company is

12. (a) *Whether the company is falling under section 379 of the Companies Act, 2013 Yes No

13. Particulars of payment of stamp duty (Refer instruction kit for details before filling the particulars)

(a) State or Union Territory in respect of which stamp duty is paid or to be paid on foreign executed power of attorney:

(b) *Whether stamp duty is to be paid electronically through MCA21 system: Yes No Not applicable

(i) Details of stamp duty to be paid

Amount of stamp duty to be paid (in Rs)

(ii) Provide details of stamp duty already paid

Type of document/Particulars	Form FC-1
Total amount of stamp duty paid:	<input type="text" value="0.00"/>
Mode of payment of stamp duty:	<input type="text"/>
Name of the office of the collector of stamps or prescribed authority for stamping in foreign executed documents as per Rule 18 of the Indian Stamp Act	
Serial number of embossing or stamps or treasury Challan number:	
Date of payment of stamp duty:	<input type="text"/> (DD/MM/YYYY)
Place of payment of stamp duty:	



Attachments

List of attachments

- *1. Certified copy of the charter, statutes, or memorandum and articles of the company or other instrument constituting or defining the constitution of the company
- *2. List of directors and secretary of the foreign company;
- *3. Power of attorney or board resolution in favor of the authorized representative(s);
- *4. Reserve bank of India approval letter
- 13. Optional attachments, if any

Attach

Attach

Attach

Attach

Attach

Remove attachment

Declaration

I, *
the authorized representative of the company, hereby certify that I am authorized by the Board of Directors of the Company
Company vide resolution number *
dated * (DD/MM/YYYY) to sign this form and declare that all the requirements of Companies
Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have
been complied with. It is further declared and verified that:

1. Whatever is stated in this form and in the attachments thereto is true, correct and complete and no information material to the subject matter of this form has been suppressed or concealed and is as per the original records maintained by the promoters subscribing to the Memorandum of Association and Articles of Association.
2. None of the directors or the authorised representative in India has ever been convicted or debarred from formation of companies and management in India or abroad.
3. All the required attachments have been completely, correctly and legibly attached to this form.

*To be digitally signed by

*Name of the authorised representative

*Income Tax PAN of the Authorised representative



Note: Attention is also drawn to provisions of Section 448 of the Act which provide for punishment for false statement and certification.

Modify	Check Form	Prescrutiny	Submit
--------	------------	-------------	--------

For office use only:

eForm Service request number (SRN) eForm filing date (DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorising officer
Date of signing (DD/MM/YYYY)



33. Filling form FC-2 for alternation in documents filed for registration (Sec 380(3), Rule 3(4) of Companies (Registration of Foreign Companies) Rules, 2014

Form No. FC-2

[Pursuant to section 380(3) of the Companies Act 2013, and rule 3(4) Companies (Registration of documents filed for registration Foreign Companies) Rules, 2014]



Return of alteration in the documents filed for registration by foreign company

Form language English Hindi

Refer the instruction kit for filing the form.

1.* Foreign company registration number (FCRN)

2.(a) Name of the company

(b) Address of the principal place of business in India of the foreign company

(c) email id of the company

3.* Type of return

- Alteration in charter, statute or memorandum of association or articles of association
- Alteration in registered or principal office of the company in the country of incorporation
- Alteration in places of business in India of the company
- Alteration in directors or secretary
- Alteration in particulars of company authorized representative(s)

4.(a) Date of the board meeting authorizing such alteration, if any (DD/MM/YYYY)

(b) Date of general meeting (if any) (DD/MM/YYYY)

(c)* Whether there is any material change in the status or affairs of the parent company Yes No

(d)* Whether there is any material change in the ownership of the parent company Yes No

Attachments

1. Copy of the Board resolution, if any;

2. Copy of the general meeting resolution, if any;

3. Copy of approval letter, if any;

4. Translated version of the documents (in case it is not in English)

8. Optional attachments, if any.

List of attachments

Page 1 of 2



Declaration

I * the authorized representative of the company,
hereby certify that I am authorized by the Board of Directors of the Company vide resolution number
* dated * (DD/MM/YYYY)

to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. It is further declared and verified that

1. Whatever is stated in this form and in the attachments thereto is true, correct and complete and no information material to the subject matter of this form has been suppressed or concealed and is as per the original records maintained by the promoters subscribing to the Memorandum of Association and Articles of Association.
2. All the required attachments have been completely, correctly and legibly attached to this form.

***To be digitally signed by**

* Authorised representative of the Foreign company

* Income Tax PAN of the Authorised representative

Note:

Attention is also drawn to provisions of Section 448 of the Act which provide for punishment for false statement and certification.

For office use only:

eForm Service request number (SRN) eForm filing date

This e-Form is hereby registered

Digital signature of the authorising officer

Date of signing (DD/MM/YYYY)



34. Filling form FC-3 for annual accounts by foreign entity with ROC (Sec 381)

Rule 6 of Companies (Registration of Foreign Companies) Rules, 2014

FORM NO. FC-3

[Pursuant to section 381 of the Companies Act 2013, and rule 6 of Companies (Registration of Foreign Companies) Rules, 2014]



Annual accounts along with the list of all principal places of business in India established by foreign company

* Form language: English Hindi

Refer the instruction kit for filing the form

1. *Foreign company registration number (FCRN)

Pre-Fill

(a) Name of the company

(b) Address of the registered or principal place of foreign company

(c) * email id of the company

2. a) *Whether the company is still maintaining any place of business in India Yes No

3 (a) *Period of Annual Accounts

From

(DD/MM/YYYY)

To

(DD/MM/YYYY)

(b) *Date of Signing of report on the annual accounts by the auditors

(DD/MM/YYYY)

4. * Particulars of the annual accounts of the company

Part-A BALANCE SHEET

Particulars	Figures as at the end of (Current Financial year) (in Rs)	Figures for the period (Previous Financial year) (in Rs)
	<input type="text"/> (DD/MM/YYYY)	<input type="text"/> (DD/MM/YYYY)
Sources of fund		
Capital (including funds received from parent company)	<input type="text"/>	<input type="text"/>
Reserves and surplus	<input type="text"/>	<input type="text"/>
Secured loans	<input type="text"/>	<input type="text"/>
Unsecured loans	<input type="text"/>	<input type="text"/>
Deferred tax liabilities(Net)	<input type="text"/>	<input type="text"/>
Others (Please specify)	<input type="text"/>	<input type="text"/>



TOTAL		
Application of funds		
Gross fixed assets(including intangible assets)		
Less: depreciation and amortization		
Net fixed assets		
Capital work in progress		
Investments		
Deferred tax assets(Net)		
Current assets, loans and advances		
(a)Inventories		
b)Sundry debtors		
(c)Cash and bank balances		
(d)Other current assets		
(e)Loan and advances		
Less:current liabilities and provisions		
(a)Liabilities		
(b)Provisions		
Net current assets		
Miscellaneous expenditure to the extent not written off or adjusted		
Profit and loss account		
Others(Please specify)		
TOTAL		



Part-B STATEMENT OF PROFIT AND LOSS(in relation to the business carried in India)

		Figures for the period (Current reporting period) (in Rs)		Figures for the period (Previous reporting period) (in Rs)	
		From <input type="text"/> (DD/MM/YYYY)	To <input type="text"/> (DD/MM/YYYY)	From <input type="text"/> (DD/MM/YYYY)	To <input type="text"/> (DD/MM/YYYY)
(I)	Revenue from Indian operations				
	(i) Sale of goods manufactured	<input type="text"/>		<input type="text"/>	
	(ii) Sale of goods Traded	<input type="text"/>		<input type="text"/>	
	(iii) Sale or supply of services	<input type="text"/>		<input type="text"/>	
(II)	Other income (from Indian operations)	<input type="text"/>		<input type="text"/>	
(III)	Total revenue (I+II)	<input type="text"/>		<input type="text"/>	
(IV)	Total expenses incurred	<input type="text"/>		<input type="text"/>	
(V)	Profit before exceptional and extraordinary items and tax (III-IV)	<input type="text"/>		<input type="text"/>	
(VI)	Exceptional and extraordinary items	<input type="text"/>		<input type="text"/>	
(VII)	Profit before taxation (V-VI)	<input type="text"/>		<input type="text"/>	
(VIII)	Taxation	<input type="text"/>		<input type="text"/>	
(IX)	Profit after taxes (VII-VIII)	<input type="text"/>		<input type="text"/>	
(X)	Profit as per section 198	<input type="text"/>		<input type="text"/>	



Attachments

- 1. * Copy of balance sheet and profit and loss account duly authenticated under section 381(1);
- 2. * Copy of latest consolidated financial statement of parent company
- 3. Statement of related party transactions as per rule 22.2(2)(a);
- 4. Statement of repatriation of profits as per rule 22.2(2)(b);
- 5. Statement of transfer of funds as per rule 22.2(2)(c);
- 6. Approval letter obtained for every establishment;
- 7. Optional attachment(s) , if any.

Attach
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Attach

List of attachments

Declaration

I * the authorized representative of the company, hereby certify that I am authorized by the Board of Directors of the Company vide resolution number * dated * to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. It is further declared and verified that:

- 1. Whatever is stated in this form and in the attachments thereto is true, correct and complete and no information material to the subject matter of this form has been suppressed or concealed and is as per the original records maintained by the promoters subscribing to the Memorandum of Association and Articles of Association.
- 2. All the required attachments have been completely, correctly and legibly attached to this form.

* To be digitally signed by
* Authorised representative of the Foreign company
* Income Tax PAN of the Authorised representative

Note: Attention is also drawn to provisions of Section 448 of the Act which provide for punishment for false statement and certification

<input type="button" value="Modify"/>	<input type="button" value="Check Form"/>	<input type="button" value="Prescrutiny"/>	<input type="button" value="Submit"/>
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This eForm has been taken on file maintained by the registrar of the companies through electronic mode and on the basis of statement of correctness given by the company



35. Filling form FC-4 for annual return by foreign entity with ROC (Sec 384(2))

Rule 22.5 of Companies Rules, 2014

FORM NO. FC-4 [Pursuant to Section 384(2) of the Companies Act 2013 and rule 22.5 of the Companies Rules, 2014]	 सत्यमेव जयते	Annual return of a foreign company
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Form language English Hindi

Note: All fields marked in*are to be mandatorily filled. Refer instruction kit for details

1. *Foreign Company Registration Number

2(a). Name of the company

(b). Address of registered office of the Company

3(a). * Whether any part of the register of members or debentures kept in India

Yes No

(b). If yes, address of the place in which the part of the register is kept

Line 1

Line 2

(c). City

(d). State

(e). Pin code

4. * Date of balance sheet (last day of financial year of the company) (DD/MM/YYYY)

5. * Principal business activities of the company(Numbers)

All the business activities contributing 20% or more of the total turnover of the company shall be stated

S. No	Business activities	Turnover as % to total sales/ turnover of the company
1	<input type="text"/>	<input type="text"/>
2	<input type="text"/>	<input type="text"/>
3	<input type="text"/>	<input type="text"/>
4	<input type="text"/>	<input type="text"/>
5	<input type="text"/>	<input type="text"/>



6. Details of subsidiary, holding or associate companies in India of the foreign company or of any subsidiary or holding company of such foreign company or of any firm in India in which such foreign company or its holding or subsidiary company is a partner :

*Number of such entities

Particulars of such entities

I. i. *CIN/FCRN/LLPIN/Other Registration Number

ii. * Name of such company or firm

iii.* whether the company is

Summary of share capital, debentures and other securities

7. (i) * Authorised share capital

(a). Authorised share capital (number of shares) (in Rs.)
 divided into

Class of shares	Number of shares	Nominal value (in Rs.)

(b). Particulars of authorized Indian Depository Receipts

Total number of IDRs Nominal Value per IDR

Total amount of IDRs

(ii) Subscribed share capital

(a). Number of shares each class taken

Number of shares	Class of shares

(b). Number of shares each class issued subject to payment wholly in cash

Number of shares	Class of shares

(c). Number of shares each class issued as fully paid-up for a consideration other than cash

Number of shares	Class of shares



(d). Number of shares each class issued as partly paid-up for a consideration other than cash and extent to which each such share is so paid-up

Class of shares	Number of shares	Paid-up value per share

(e). Number of shares (if any) of each class issued as discount

Number of shares	Class of shares

(f). Amount of discount on the issue which has not been written off (in Rs.)

(g). Particulars of subscribed Indian Depository Receipts

Total number of IDRs Nominal Value per IDR
 Total amount of IDRs

iii. Called up share capital

(a). Amount Called up on number of shares of each class

Class of shares	Number of shares	Called up value per share

(b). Total amount of calls received, including payment on application and allotment and any sums received on shares forfeited (in Rs.)

(c). Total amount (if any) agreed to be considered as paid on number of shares of each class issued as fully paid-up for a consideration other than cash (in Rs) on

Number of shares	Class of shares



(d). Total amount (if any) agreed to be considered as paid on number of shares of each class issued as partly paid-up for a consideration other than cash (in Rs.) on

Number of shares	Class of shares
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

(e). Total amount of calls unpaid (in rs.)

(f). Particulars of paid up Indian Depository Receipts

Total number of IDRs Nominal value per IDR
 Total amount of IDRs

8. Total number of shares of each class forfeited

Number of shares	Class of shares
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

9. Total amount paid (if any) on shares forfeited (in Rs.)

10. Total amount of shares for which share warrants to bearer an outstanding (in Rs.)

11. Total amount of share warrants to bearer issued and surrendered respectively since the date up to which the last return was made

(a). Issued (in Rs.)

(b). Surrendered (in Rs.)

12. The shareholding pattern of the company

S. no	Category of share holders	Shares held at the beginning of the year	Shares held at the end of the year	Percentage(%) change in the shareholding
1.	Government(Central and State)	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.	Government Companies	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.	Public financial institutions	<input type="text"/>	<input type="text"/>	<input type="text"/>
4.	Nationalized or other bank(s)	<input type="text"/>	<input type="text"/>	<input type="text"/>
5.	Mutual Funds	<input type="text"/>	<input type="text"/>	<input type="text"/>
6.	Venture Capital	<input type="text"/>	<input type="text"/>	<input type="text"/>
7.	Foreign holdings (Foreign Institutional Investors, Foreign companies, Non-resident Indians,	<input type="text"/>	<input type="text"/>	<input type="text"/>



	Foreign financial institutions or Overseas corporate bodies)			
8.	Bodies Corporate (not mentioned above)			
9.	Directors or relatives of directors			
10.	Other top fifty shareholders (other than mentioned above)			
11.	Others			
12.	Total			
	Total number of shareholders			

13. Total amount of debentures and other securities outstanding (in Rs.)

(a) (i) Number of debentures

(ii) Nominal value per debenture (in Rs.)

(iii) Total amount of debentures (in Rs.)

(b). Amount of other securities

Class of securities	Number of securities	Nominal value	Total amount

14. (i) Total amount of the sums (if any) paid by way of commission in respect of any shares or debentures and other securities (in rs.)

(ii). Total amount of the sums (if any) allowed by way of discount in respect of any debentures since the date up to which the last return was made (in Rs.)

15. (a)* Whether the company is falling under section 379 of the Companies Act, 2013 Yes No

16. Indebtedness of the Company for which charge has been created on the properties in India requiring registration of charges under section 384 and Chapter VI of the Act

Particulars	Amount	Name of the property(s) charged
Indebtedness at the beginning of the year		
i) Principal Amount		
ii) Interest due but not paid		



iii) Interest accrued but not due		
Total (i+ ii+ iii)		
Total amount of charge created during the year		
Total amount of charge satisfied during the year		
Indebtedness at the end of the year		
i) Principal Amount		
ii) Interest due but not paid		
iii) Interest accrued but not due		
Total (i+ ii+ iii)		

Attachments

1. *Details of Promoters , Directors and Key managerial personnel and changes therein since close of previous financial year ;
2. * Details of directors and key managerial personnel and their remuneration;
3. * Details of the meeting of the members or class thereof, board and its various committees along with attendance details;
4. *Particulars of members and debenture holders along with changes therein since the close of previous financial year;

Attach

List of attachments

Attach

Attach

Attach

- 6.Details of Penalties/punishment/Compounding of offences, if any;
7. Optional attachment(s), (if any).

Attach

Attach

Remove attachment



Declaration

I *
, the authorized representative of the company, hereby certify that I am authorized by the Board of Directors of the Company vide resolution no. * dated * to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. It is further declared and verified that:

1. Whatever is stated in this form and in the attachments thereto is true, correct and complete and no information material to the subject matter of this form has been suppressed or concealed and is as per the original records maintained by the promoters subscribing to the Memorandum of Association and Articles of Association.

2. All the required attachments have been completely, correctly and legibly attached to this form.

* To be digitally signed by

Name of the authorised representative

Income Tax PAN of the Authorised representative

Note: Attention is also drawn to provisions of Section 448 of the Act which provide for punishment for false statement and certification

For office use only:

eForm Service request number (SRN) eForm filing date (DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorising officer

Date of signing (DD/MM/YYYY)



(D) Provisions under CA, 13 for foreign entities registered outside India (379 to 393)

CHAPTER XXII

COMPANIES INCORPORATED OUTSIDE INDIA

379. Application of Act to foreign companies.— Where not less than fifty per cent. of the paid-up share capital, whether equity or preference or partly equity and partly preference, of a foreign company is held by one or more citizens of India or by one or more companies or bodies corporate incorporated in India, or by one or more citizens of India and one or more companies or bodies corporate incorporated in India, whether singly or in the aggregate, such company shall comply with the provisions of this Chapter and such other provisions of this Act as may be prescribed with regard to the business carried on by it in India as if it were a company incorporated in India.

380. Documents, etc., to be delivered to Registrar by foreign companies.— (1) Every foreign company shall, within thirty days of the establishment of its place of business in India, deliver to the Registrar for registration—

(a) a certified copy of the charter, statutes or memorandum and articles, of the company or other instrument constituting or defining the constitution of the company and, if the instrument is not in the English language, a certified translation thereof in the English language;

(b) the full address of the registered or principal office of the company;

(c) a list of the directors and secretary of the company containing such particulars as may be prescribed;

(d) the name and address or the names and addresses of one or more persons resident in India authorised to accept on behalf of the company service of process and any notices or other documents required to be served on the company;

(e) the full address of the office of the company in India which is deemed to be its principal place of business in India;

(f) particulars of opening and closing of a place of business in India on earlier occasion or occasions;

(g) declaration that none of the directors of the company or the authorised representative in India has ever been convicted or debarred from formation of companies and management in India or abroad; and

(h) any other information as may be prescribed.

(2) Every foreign company existing at the commencement of this Act shall, if it has not delivered to the Registrar before such commencement, the documents and particulars specified in sub-section (1) of section 592 of the Companies Act, 1956 (1 of 1956), continue to be subject to the obligation to deliver those documents and particulars in accordance with that Act.

(3) Where any alteration is made or occurs in the documents delivered to the Registrar under this section, the foreign company shall, within thirty days of such alteration, deliver to the Registrar for registration, a return containing the particulars of the alteration in the prescribed form.

381. Accounts of foreign company.— (1) Every foreign company shall, in every calendar year,—

(a) make out a balance sheet and profit and loss account in such form, containing such particulars and including or having annexed or attached thereto such documents as may be prescribed; and

(b) deliver a copy of those documents to the Registrar:

Provided that the Central Government may, by notification, direct that, in the case of any foreign company or class of foreign companies, the requirements of clause (a) shall not apply, or shall apply subject to such exceptions and modifications as may be specified in that notification.



(2) If any such document as is mentioned in sub-section (1) is not in the English language, there shall be annexed to it a certified translation thereof in the English language.

(3) Every foreign company shall send to the Registrar along with the documents required to be delivered to him under sub-section (1), a copy of a list in the prescribed form of all places of business established by the company in India as at the date with reference to which the balance sheet referred to in sub-section (1) is made out.

382. Display of name, etc., of foreign company.— Every foreign company shall—

(a) conspicuously exhibit on the outside of every office or place where it carries on business in India, the name of the company and the country in which it is incorporated, in letters easily legible in English characters, and also in the characters of the language or one of the languages in general use in the locality in which the office or place is situate;

(b) cause the name of the company and of the country in which the company is incorporated, to be stated in legible English characters in all business letters, billheads and letter paper, and in all notices, and other official publications of the company; and

(c) if the liability of the members of the company is limited, cause notice of that fact

(i) to be stated in every such prospectus issued and in all business letters, bill-heads, letter paper, notices, advertisements and other official publications of the company, in legible English characters; and

(ii) to be conspicuously exhibited on the outside of every office or place where it carries on business in India, in legible English characters and also in legible characters of the language or one of the languages in general use in the locality in which the office or place is situate.

383. Service on foreign company.— Any process, notice, or other document required to be served on a foreign company shall be deemed to be sufficiently served, if addressed to any person whose name and address have been delivered to the Registrar under section 380 and left at, or sent by post to, the address which has been so delivered to the Registrar or by electronic mode.

384. Debentures, annual return, registration of charges, books of account and their inspection.— (1) The provisions of section 71 shall apply *mutatis mutandis* to a foreign company.

(2) The provisions of section 92 shall, subject to such exceptions, modifications and adaptations as may be made therein by rules made under this Act, apply to a foreign company as they apply to a company incorporated in India.

(3) The provisions of section 128 shall apply to a foreign company to the extent of requiring it to keep at its principal place of business in India, the books of account referred to in that section, with respect to monies received and spent, sales and purchases made, and assets and liabilities, in the course of or in relation to its business in India.

(4) The provisions of Chapter VI shall apply *mutatis mutandis* to charges on properties which are created or acquired by any foreign company.

(5) The provisions of Chapter XIV shall apply *mutatis mutandis* to the Indian business of a foreign company as they apply to a company incorporated in India.

385. Fee for registration of documents.— There shall be paid to the Registrar for registering any document required by the provisions of this Chapter to be registered by him, such fee, as may be prescribed.

386. Interpretation.— For the purposes of the foregoing provisions of this Chapter,—

(a) the expression “certified” means certified in the prescribed manner to be a true copy or a correct translation;

(b) the expression “director”, in relation to a foreign company, includes any person in accordance with whose directions or instructions the Board of Directors of the company is accustomed to act; and



(c) the expression “place of business” includes a share transfer or registration office.

387. Dating of prospectus and particulars to be contained therein.— (1) No person shall issue, circulate or distribute in India any prospectus offering to subscribe for securities of a company incorporated or to be incorporated outside India, whether the company has or has not established, or when formed will or will not establish, a place of business in India, unless the prospectus is dated and signed, and—

(a) contains particulars with respect to the following matters, namely:—

(i) the instrument constituting or defining the constitution of the company;

(ii) the enactments or provisions by or under which the incorporation of the company was effected;

(iii) address in India where the said instrument, enactments or provisions, or copies thereof, and if the same are not in the English language, a certified translation thereof in the English language can be inspected;

(iv) the date on which and the country in which the company would be or was incorporated; and

(v) whether the company has established a place of business in India and, if so, the address of its principal office in India; and

(b) states the matters specified under section 26:

Provided that sub-clauses (i), (ii) and (iii) of clause (a) of this sub-section shall not apply in the case of a prospectus issued more than two years after the date at which the company is entitled to commence business.

(2) Any condition requiring or binding an applicant for securities to waive compliance with any requirement imposed by virtue of sub-section (1), or purporting to impute him with notice of any contract, documents or matter not specifically referred to in the prospectus, shall be void.

(3) No person shall issue to any person in India a form of application for securities of such a company or intended company as is mentioned in sub-section (1), unless the form is issued with a prospectus which complies with the provisions of this Chapter and such issue does not contravene the provisions of section 388:

Provided that this sub-section shall not apply if it is shown that the form of application was issued in connection with a *bona fide* invitation to a person to enter into an underwriting agreement with respect to securities.

(4) This section —

(a) shall not apply to the issue to existing members or debenture holders of a company of a prospectus or form of application relating to securities of the company, whether an applicant for securities will or will not have the right to renounce in favour of other persons; and

(b) except in so far as it requires a prospectus to be dated, to the issue of a prospectus relating to securities which are or are to be in all respects uniform with securities previously issued and for the time being dealt in or quoted on a recognised stock exchange,

but, subject as aforesaid, this section shall apply to a prospectus or form of application whether issued on or with reference to the formation of a company or subsequently.

(5) Nothing in this section shall limit or diminish any liability which any person may incur under any law for the time being in force in India or under this Act apart from this section.

388. Provisions as to expert’s consent and allotment.— (1) No person shall issue, circulate or distribute in India any prospectus offering for subscription in securities of a company incorporated or to be incorporated outside India, whether the company has or has not been established, or when formed will or will not establish, a place of business in India,—



(a) if, where the prospectus includes a statement purporting to be made by an expert, he has not given, or has before delivery of the prospectus for registration withdrawn, his written consent to the issue of the prospectus with the statement included in the form and context in which it is included, or there does not appear in the prospectus a statement that he has given and has not withdrawn his consent as aforesaid; or

(b) if the prospectus does not have the effect, where an application is made in pursuance thereof, of rendering all persons concerned bound by all the provisions of sections 33 and 40, so far as applicable.

(2) For the purposes of this section, a statement shall be deemed to be included in a prospectus, if it is contained in any report or memorandum appearing on the face thereof or by reference incorporated therein or issued therewith.

389. Registration of prospectus.— No person shall issue, circulate or distribute in India any prospectus offering for subscription in securities of a company incorporated or to be incorporated outside India, whether the company has or has not established, or when formed will or will not establish, a place of business in India, unless before the issue, circulation or distribution of the prospectus in India, a copy thereof certified by the chairperson of the company and two other directors of the company as having been approved by resolution of the managing body has been delivered for registration to the Registrar and the prospectus states on the face of it that a copy has been so delivered, and there is endorsed on or attached to the copy, any consent to the issue of the prospectus required by section 388 and such documents as may be prescribed.

390. Offer of Indian Depository Receipts.— Notwithstanding anything contained in any other law for the time being in force, the Central Government may make rules applicable for—

(a) the offer of Indian Depository Receipts;

(b) the requirement of disclosures in prospectus or letter of offer issued in connection with Indian Depository Receipts;

(c) the manner in which the Indian Depository Receipts shall be dealt with in a depository mode and by custodian and underwriters; and

(d) the manner of sale, transfer or transmission of Indian Depository Receipts,

by a company incorporated or to be incorporated outside India, whether the company has or has not established, or will or will not establish, any place of business in India.

391. Application of sections 34 to 36 and Chapter XX.— (1) The provisions of sections 34 to 36 (both inclusive) shall apply to—

(i) the issue of a prospectus by a company incorporated outside India under section 389 as they apply to prospectus issued by an Indian company;

(ii) the issue of Indian Depository Receipts by a foreign company.

(2) The provisions of Chapter XX shall apply *mutatis mutandis* for closure of the place of business of a foreign company in India as if it were a company incorporated in India.

392. Punishment for contravention.— Without prejudice to the provisions of section 391, if a foreign company contravenes the provisions of this Chapter, the foreign company shall be punishable with fine which shall not be less than one lakh rupees but which may extend to three lakh rupees and in the case of a continuing offence, with an additional fine which may extend to fifty thousand rupees for every day after the first during which the contravention continues and every officer of the foreign company who is in default shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees, or with both.

393. Company's failure to comply with provisions of this Chapter not to affect validity of contracts, etc.— Any failure by a company to comply with the provisions of this Chapter shall not affect the validity of any contract, dealing or transaction entered into by the company or its liability to be sued in

respect thereof, but the company shall not be entitled to bring any suit, claim any set-off, make any counter-claim or institute any legal proceeding in respect of any such contract, dealing or transaction, until the company has complied with the provisions of this Act applicable to it.



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September-2023

