

Global Expansion Updates



July 2016 | Issue 5

We are pleased to present the July issue of SKP Global Updates – our newsletter that covers employment, payroll, Goods and Services Tax (GST)/Value Added Tax (VAT) and corporate tax related developments globally.

The key highlights of this issue include Guides on individual income tax and Medical Tax Credit (please add full form) issued by the South African Revenue Service (SARS), Draft legislative issued in Canada to improve Goods and Services Tax /Harmonised sales tax (please add full form) Legislation, New Maternity Leave Regulations in Mexico, Relaxation of GST obligations for non-resident businesses in Australia, DTAA between Singapore and France, Retail sales tax bill passed in Poland.

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Africa

South Africa

Increase in thresholds for exemption of employer-provided bursaries

Recently, the National Treasury has released the draft Taxation Laws Amendment Bill 2016 (TLAB), to give effect to various tax proposals announced in the 2016 National Budget.

The TLAB proposes to increase monetary limits for bursaries and scholarships granted by employers to employees or relatives of qualifying employees. Bursaries are granted to enable or assist any person to study at a recognised educational or research institution.

The following limits have been increased:

- Increase in remuneration for qualifying employees from ZAR 250,000 to ZAR 400,000; and
- Increase in the limit of exempt bursaries or scholarships from ZAR 10,000 to ZAR 15,000 and from ZAR 30,000 to ZAR 40,000 respectively.

The TLAB is available for public comment prior to its formal introduction in Parliament. Comments must be submitted by 8 August 2016.

Draft notice on transfer pricing transactions

Recently, South African Revenue Service (SARS) has released the Draft Notice relating to additional record-keeping requirements for transfer pricing transactions.

This public notice applies to years of assessment commencing on or after 1 July 2016.

Previously, the notice would have been applicable, if a company was a member of a group with a consolidated South African turnover of ZAR 1 billion and above and has entered into an affected transaction.

The draft notice applies to person who entered into 'potentially affected transactions' and the total of such transactions for the year of assessment exceeds or is reasonably expected to exceed the higher of:

- 5% of the persons' gross income, or
- ZAR 50 million

For further information, please click [here](#).

Guides on individual income tax and Medical Tax Credits (MTC)

Recently, the SARS has issued a revised guide on individual income tax and a new guide on the determination of MTC.

The revised guide on individual taxation includes the amendments that are applicable to the years of assessment commencing on or after 1 March 2015 and ending on 29 February 2016 (that is, the 2016 year of assessment).

The MTC guide provides general guidelines regarding the medical scheme fees tax credit and additional medical expenses tax credit for income tax purposes.

[PIT guide](#)

[MTC guide](#)



Americas

Argentina

Tax amnesty program to collect tax debts

According to a recent update, the National Government proposed a tax amnesty programme to collect various tax debts, including national direct and indirect taxes, such as Value Added Tax.

Taxpayers registered for any of the taxes included under the programme would be allowed to pay outstanding tax debts or tax debts that are under administrative review or that are the subject of legal proceedings. Taxpayers who participate in this programme would be exempt from fines and penalties established by the Tax Procedure Law.

Canada

Canadian Immigration Updates

1. Visa requirement for Mexican Citizens:

From 1 December 2016, Mexican citizens will need an Electronic Travel Authorization (eTA) to travel to or transit through Canada. Citizens from all visa-exempt countries need an eTA. Before this date, Mexican citizens require a visa to travel to or transit through Canada.

For further information, please click [here](#).

2. Electronic Travel Authorization (eTA):

As per the update, the new entry requirement (eTA) is now in effect. Accordingly, visa exempt foreign nationals, will need an ETA to fly into Canada.

Until 29 September 2016, travellers who have not yet obtained an eTA can board their flight, as long as they have appropriate travel documents. After 29 September 2016, visa-exempt foreign nationals must obtain an eTA before boarding their flight.

For further information, please click [here](#).

3. Mobilité Francophone: New Work Permit to attract Francophone skilled workers to communities outside of Quebec

As per the update, Canadian employers hiring skilled French-speaking temporary workers from abroad who want to work in Francophone minority communities outside of Quebec will be exempt from the Labour Market Impact Assessment (LMIA).

The LMIA is an application filed by the employer that requires a test of the Canadian Labour Market to determine if there are any qualified Canadian citizens or permanent residents available to fill the foreign national's position in Canada. This will make it easier for employers to hire them.

For further information, please click [here](#).

Draft legislative to improve GST/HST Legislation

Recently, the Department of Finance has released draft legislative and regulatory proposals relating to the Goods and Services Tax/Harmonized Sales Tax (GST/HST) for public consultation.

The released draft legislative include measures to:

- Revise the GST/HST rules applicable to pension plans;
- Improve the clarity and effectiveness of the GST/HST rules applicable to certain pension plans and financial institutions, by introducing clarifications and technical improvements to those rules;
- Extend the application of the GST/HST rules applicable to selected listed financial institutions;
- Revise and modernize the GST/HST drop shipment rules;
- Clarify the application of the GST/HST to supplies of municipal transit services; and

- Introduce housekeeping amendments to improve the accuracy and consistency.

The consultation will be open till 31 August.

For further information, please click [here](#).

Mexico

Changes in tax law

Recently, the third resolution of modifications to the general tax rules of 2016 has been issued by the Mexican Tax Authorities (MTA) through the Official Federal Gazette. Some of the issues it concerns are:

- Information exchange agreements with preferential tax regimes
- Definition of non-business days
- Rules relating to new administrative decisions for taxpayers
- Transfer pricing related consultation
- Repatriation of investments to Mexico and foreign exchange gain
- Loss on holding company upon disposal of shares in subsidiaries

New Maternity Leave Regulations

According to the recent update, a new regulation for the issuance of maternity leave certificates has been announced by the Mexican social security institute. The regulation stipulates that, the insured has up to 84 days to request for a maternity leave certificate (Certificado Unico). The insured may request for the certificate if the employee elects to receive care from a non-IMSS doctor. With this new regulation, the employee is allowed to transfer parental leave by filing form 'Request for transfer of weeks off from prenatal to postnatal period.'

Effective date: 1 July 2016

Collective bargaining freedom protocol

Recently, the Labor Ministry has issued the collective bargaining freedom protocol. The Protocol is applicable to administrators and inspectors and will have the following impact on employers:

- For the purpose of verifying Collective Bargaining Agreements (CBAs), the inspectors will visit Mexican employer's worksites. The employer is thus, obliged to publish CBA in a visible place at the worksite and has to be distributed to the employees of the site.
- Inspector will interview the unionised employees of the worksites to verify whether the CBA is in place or not.

- Failure to comply with the provisions will lead to a fine or sanction from MXN 3,652 to MXN 365,200

United States

EEOC proposes revision of due date to file EEO-1 with pay data

Equal Employment Opportunity Commission (EEOC) published revised proposal for EEO-1 employer information report. As per the revised proposal, employers, including federal contractor must submit 2017 EEO-1 with pay data by 31 March 2018, which was earlier 30 September 2017. The proposal is to extend the due date for each EEO-1 from 2017 onward. It will remain 30 September 2016 for 2016 EEO-1.

For further information, please click [here](#).

San Diego City: Council Amends Minimum wages ordinance

The City council of San Diego approved implementation of ordinance on 26 July 2016 with amendment. As per the original ordinance employers to accrue sick pay at the rate of 1 hour for every hour worked. On 26 July ordinance is amended which allows employers to front load not less than 40 hours of sick leave to an employee at the beginning of each benefit year. The upper cap of 80 hours on the total accrued sick leave is also provided.

For further information, please click [here](#).

DOL proposes major changes to Form 5500

Department of Labor (DOL) has proposed a revision to improve the annual report filed by private sector employee benefit plans namely, Form 5500. The main proposals intend to:

- Modernise the financial statements and investment information filed about employee benefit plans;
- Enhance accessibility and usability of data filed on the forms;
- Update the reporting requirements for service provider fees and expense information;
- Require reporting by all group health plans covered by Title I of ERISA; and
- Improve compliance under ERISA and the Internal Revenue Code through new questions regarding plan operations, service provider relationships, and financial management of the plan.

The proposal is open for comments till 4 October 2016.

For further information, please click [here](#).

[Proposed revision](#)



Asia-Pacific

Australia

Relaxation of GST obligations for non-resident businesses

Non-resident businesses may no longer have to register for GST in Australia from 1 October 2016, thus reducing the overall compliance costs. This is possible if the businesses:

- only make GST-free supplies through an enterprise carried on outside Australia
- have a business presence in Australia of less than 184 days in a 12-month period and
- have a GST turnover below the GST registration threshold of AUD 75,000

All the three conditions mentioned above must be satisfied for this purpose.

Effective date: 1 October 2016

For further information, please click [here](#).

[GST-cross-border-transactions](#)

Publish of Payroll Tax Guide and Revenue Circular PTA003.1

Recently, the South Australia government published Payroll Tax Guide as a reference for 2016- 17 payroll tax computations.

Also, Australian Capital Territory (ACT) has re-published Revenue Circular PTA003.1. The circular relates to the calculation of fringe benefit and related matters for payroll tax purposes.

To refer to the Payroll Tax Guide, click [here](#)

To refer to the Revenue Circular PTA003.1, click [here](#)

China

China's imposes VAT on paid Online Search results

According to the recent update, the Chinese government has introduced new rules to impose VAT on online paid search results, which are classified as advertisements.

In order to sell goods or services directly or indirectly, online paid search results obtained using internet, web pages, websites or other internet media, text, images, audio, video, or other form will be considered as advertising and subject to VAT at 3%.

Effective date: 1 September 2016

SAT Bulletin (2016) No. 42 published for reporting of related party transactions

The China State Administration of Taxation SAT issues new rules on reporting of related transactions and contemporaneous documentations.

According to the recent update, Chinese government has published SAT Bulletin [2016] No.42, which explains the new reporting requirements for related transactions.

New bulletin explains how to fill the new Annual Related Party Transaction Reporting Form. The new form also includes country-by-country reporting form (CbC). Filing deadline for the new form is the same date as the income tax annual filing deadline which is 31 May of the following year.

China expands tourist VAT refunds to promote tourism in Guangdong

As per the recent update, foreign tourists can claim a VAT refund on their purchases from certain shops

before leaving Guangzhou's Baiyun International Airport and Nansha Port or from Zhuhai's Jiuzhou Port. This refund is meant to promote tourism.

In order to claim this refund, the foreign tourists should not spend more than 183 days in China and must spend at least RMB 500 (USD 75) in any one store on a single day to claim refund of 11%. This refund is available on purchases made by the foreign tourist within 90 days before his/her departure.

Effective date: 1 July 2016

New circular published to expand the VAT exemptions for financial services sector

On 1 May 2016, China implemented its new VAT regime. Under this regime, all the financial services transactions were subject to VAT with limited exemptions. As per the new circular, the Chinese tax authorities have increased the value added tax (VAT) exemption for the financial services sector.

Beijing offers residency for skilled tech workers

According to a recent update, the Beijing government will give permanent residence to skilled workers from abroad on a merit-based point system (i.e. skills, employment history and education credentials)

Previously, the residency was obtained through a limited number of employers, mainly government or related agencies.

China extends the preferential tax treatment on share awards to unlisted companies.

According to a recent update, the share awards given by unlisted companies are now eligible for Preferential Income Tax Treatment (PIIT). Earlier, this preferential treatment was only available to share awards given by listed companies.

According to Circular 116, PIIT is also available to qualified employee working with 'High New Technology Enterprises' (HNTE) to encourage technical innovation. A qualified employee includes any key technical or management personnel who largely contributes to HNTE.

Method used for calculation of PIIT for HNTE is the same as that is used for listed companies.

Dubai

Extension in the Deadline for compliance with the new Commercial Companies Law (CCL)

Following the requests of the Securities and Commodities Authority and UAE companies, the deadline to comply with the new law has been extended from 30 June 2016 to 30 June 2017. In keeping with the new law, companies will have to amend their Memorandum of Association and Articles of Association with relation to voting rights and General Assembly procedures.

For further information, please click [here](#).

Philippines

New guidelines and procedures for transactions involving sale and transfer of properties

The Commissioner of Internal Revenue has revoked Revenue Memorandum Order 24 and 25 on an immediate effect. This memorandum relates to the guidelines and procedures for transactions involving sale and transfer of properties.

Singapore

Singapore- France Avoidance of Double Taxation Agreement entered into force

Recently, the Singapore-France Avoidance of Double tax agreement (DTA) was entered into on 1 June 2016. The revised DTA includes lower withholding tax rates for dividends and provisions for anti-abuse.

Effective Date: 1 January 2017

For further information, click [here](#).



Europe

Belgium

Change in criteria for qualifying as Companies in difficulties

In Belgium since 2012, companies who qualify as “companies in difficulties” can suspend white-collar employees and blue-collar employees.

According to a recent update, if a company due to circumstances beyond its control suffers loss of revenue, declining production or decrease in numbers of orders than it can qualify as “Companies in difficulties.”

Effective date: 1 June 2016

Belgium extends the VAT Tax Return filing deadlines

According to a recent update, the Belgian tax authority has extended the tax return filing deadlines for the following compliances:

Compliance	Current Due date	Extended due date
Monthly VAT returns for June 2016	20 July 2016	10 August 2016
Quarter VAT Statement for June 2016	20 July 2016	10 August 2016
Intra-community VAT statements for June 2016	20 July 2016	10 August 2016

Intra-community Quarter VAT Statement for June 2016	20 July 2016	10 August 2016
Monthly VAT returns for July 2016	20 August 2016	9 September 2016
Intra-community VAT statements for July 2016	20 August 2016	9 September 2016

However, the VAT payment deadlines have not changed. The extended VAT return deadlines do not apply to declarations covered by the European Union Mini One Stop Shop scheme.

For further information, please click [here](#).

Imposition of fines and tax increases for non-compliance of withholding tax obligation

According to a recent update, the Belgian tax authority has introduced certain measures to ensure withholding obligations are performed.

Belgian tax authority will now compare the withholding tax reported monthly in tax form 274 and annual statement 325. If there are any differences in two forms, tax authority will send a letter to eliminate the differences.

From July 2016, notices will be sent to impose fines and increase tax. Administrative fines imposed are EUR 50 for first offense and EUR 125 to EUR 1,250 for a new offense and increase in tax for first offense (ranging

from 0%) and for a new offense (10% to 50% of the undeclared or unpaid tax)

For further information, click [here](#).

Introduction of country-by-country reporting requirement

Companies whose gross turnover exceeds EUR 750 million are required to file country-by-country report (CbC) with the Belgian tax authorities within 12 months from the close of the financial statements. The Belgian Government has introduced this reporting requirement to align with the OECD guidelines and EU provisions.

Companies who fail to submit the CbC report are subject to penalties ranging from EUR 1,250 to EUR 25,000. Also, the introduction of transfer pricing documentation requirements from assessment year 2017 was announced.

Online gambling games are no more exempted in Belgium

Value-added tax exemption on the gambling sector has been removed. After the removal of this exemption, all online gambling and games of chance will be subject to VAT. Please note that lotteries and land-based gambling continue to remain VAT-exempt.

Effective date: 1 August 2016

Decrease in employer's social security contributions.

As a part of Belgium's Tax Shift legislation, the federal government will decrease the social security contribution of employers.

Earlier the basic monthly employer's social security contributions amounted to 35% of the monthly gross income. In order to reduce the labour cost, there were certain structural reductions, which were set off quarterly against the monthly employer's social security contributions.

From April 2016, the employer's social security contributions decrease to 32.5%. The structural reductions from employer's contribution gradually diminish for higher incomes and will increase for the lower incomes. Furthermore, details on higher and lower level of incomes for salary reductions are yet to be published by the tax authority.

Lump-sum amount for reimbursement of business use of private cars has been reduced

When an employee uses his private car for business purposes then the cost incurred by the employee is reimbursed by the employer. These reimbursements can be made as a lump-sum amount of EUR 0.3363 per kilometre.

Recently, the Belgian tax authorities have reduced this lump-sum amount from EUR 0.3412 per kilometre to EUR 0.3363 per kilometre.

Effective date: 30 June 2017

Czech Republic

Change of a regional jurisdiction for non-established companies

According to a recent update, there is a change in the jurisdiction of the companies registered for VAT in the Czech Republic but not established in Czech.

Now such companies which are currently covered under the jurisdiction of the Tax Office for Prague 1 will fall under the purview of the Tax Office for Moravian-Silesian region.

The competent Tax Office will decide within 12 months from the date of amendment comes into force about the day from which the jurisdiction will change. The VAT payer will be notified on the change by the tax office.

This provision will come into force after two months from the date of publication of the amendment in the collection of laws.

Totalisation agreement between the Czech Republic and the US

The totalisation agreement between the Czech Republic and the US has become effective. Employees moving between the countries would be covered under only one country's social security and health insurance legislation by this new agreement.

The US employees who obtained Certificates of Coverage from the US authorities are now being notified by the Czech Health Insurance Authorities that they are no longer entitled to Health Insurance contributions or eligible for Czech stat- provided health care.

Paternity leave changes in the Czech Republic

The Czech Government has approved a proposed amendment to allow new fathers to take paternity leave.

Within six weeks of the child's birth, the father of a newborn child can take paternity leave for the duration of one week. The leave cannot be taken in parts. On leave of paternity the father would be compensated with the sickness insurance benefit to the amount of 70% of his average monthly income.

Ireland

Personal income tax reform plan in Ireland

Recently, income tax reform plan was published in Ireland. This is bifurcated in various sections.

- Section 1 describes the current structure and recent evolution of the personal tax system.
- Section 2 provides comparisons of the tax burden in Ireland to selected competitor jurisdiction.
- Section 3 summarises the main economic considerations relevant to the tax system.
- Section 4 deals with tax policy considerations for reform.
- Section 5 contains a programme for a partnership government commitments.
- Section 6 proposes options for the potential reform of the income tax system.

For further information, please click [here](#).

Italy

Recovery of solidarity fund contribution

According to a recent update, the recovery for the contributions to solidarity fund paid by employers for apprentices employed as other than professional apprenticeships can be obtained for the period September 2015 to July 2016.

From August 2016 onwards for solidarity funds set up at INPS, an ordinary contribution will be calculated on wages of apprentices reported with PB Code (Professional Apprenticeship).

For further information, please [click here](#).

Clarifications on VAT reverse charge mechanism

Circular n.21/E/2016 has been issued by Italian tax authorities to clarify the VAT reverse charge mechanism. It clarifies:

- Scope of reverse charge is extended on the sale of games consoles (Customs code 9504 50 00), tablet PCs (Customs code 8471 30 00), laptops (Customs code 8471 30 00) other than sales to final (retail) users.
- Reverse charge on mobile-phone components and accessories, stone materials provided directly from quarries and mines and supply of such goods to so-called hypermarkets, supermarkets, and discount food stores has been abolished.

Netherlands

Work permits for Japanese citizens, postponed until January 2017

It was previously announced that from 1 October 2016, Japanese citizens will not have free access to the Dutch labour market and will require a work permit.

However as per the recent update, new rules for work permits for Japanese citizens have been extended to 1 January 2017.

Effective Date: 1 January 2017

New refund rules for VAT, energy tax in case of bad debts

The government is simplifying the refund process for claiming VAT or energy tax on bad debts. VAT and energy tax on invoices is paid to the Dutch tax authorities but the invoiced amount is not received and thus represents a bad debt. Refund request for VAT paid on bad debts cannot be processed through a regular VAT return. Separate refund request has to be filed separately.

The new refund rules would be effective from 1 January 2017. The government will provide details of the new refund rules by 14 August 2016.

Effective Date: 1 January 2017

Norway

The Revised National Budget 2016

On 11 May 2016, Norway's Revised National Budget for 2016 has been presented.

In the fiscal budget for 2016, the Norwegian Government has decided to implement Air Passenger Tax. As per the revised budget, there is a change in the date of implementation of Air Passenger Tax. The implementation date is postponed to 1 June 2016 from 1 April 2016.

Changes in VAT from 2017

The following changes have been made to the Norwegian VAT system from 2017:

- New VAT return form (Skattemelding for merverdiavgift) will be introduced to replace the Current VAT return form.
- There will be no need to pay import VAT at the time of importation as the import VAT will be reported in new VAT return form.

Poland

Retail sales tax bill passed in Poland

The Polish government has passed the bill introducing retail sales tax.

The retail sales tax is to be imposed on the sellers of goods, if a monthly threshold amount of sales revenue is equal or greater than PLN 17 million per month.

The tax is supposed to be imposed at progressive rates as follows:

- 0.8% on revenue exceeding PLN 17 million up to PLN 170 million
- 1.4% on revenue exceeding PLN 170 million

Retail sales tax will not be applicable on the following:

- natural gas supplied to consumers through distribution grids, water supplied to consumers by water and sewage companies, coal and other solid fuels
- other gaseous hydrocarbons used for heating purposes (both in gas cylinders in tax warehouses and in household gas tanks)
- diesel fuel used for heating purposes
- drugs, foodstuffs intended for particular nutritional purposes and medical devices reimbursed or funded in whole or in part, on the basis of separate provisions

Effective Date: 1 September 2016

Portugal

VAT rate reduced on Restaurants

As per the recent update, the VAT on restaurant services have been reduced from 23% to 13%, excluding alcoholic beverages in Portugal.

New rates are only applicable to food consumed on the premises, takeaway food and drink would be subject to varying rates otherwise applicable.

Effective date: 1 July 2016

Romania

VAT on agricultural products

VAT on agricultural products for planting or seeding and the supply of services used in the agricultural sector will be taxed at 9%.

Effective Date: 01 August 2016

Changes in Form 088: VAT reporting requirements

Recently, the tax authority has issued guidance (order no. 2048) to make changes in Form 088 regarding VAT reporting requirements. The following changes are the changes made in reporting relating to:

- Headquarters or secondary offices relating information
- Company directors or administrators details
- Representative person's contact information
- Details of business activities including names of main clients and suppliers
- Assets held by company
- Intra-community transactions

Effective Date: 30 July 2016

New tax incentives in Romania

A new tax incentive has been added into the Romania fiscal code. As per the new provision, salary income paid by either a Romanian or non-Romanian employer for carrying out research and development activities is exempt from Romanian income tax. This provision has been introduced to encourage research and development activities.

Effective date: August 2016

General data protection regulation

Recently, the General Data Protection Regulation (GDPR) has been adopted by the European Union (EU). The existing EU directive will be replaced by this new regulation with direct applicability in Romania. Changes in collecting, processing and storing of personal data will occur by applying GDPR.

Effective Date: 25 May 2018

Sweden

Proposed changes in VAT registration

Recently, a proposal for the introduction of VAT registration threshold has been made by the Swedish tax agency. The following changes have been proposed:

- Resident companies with turnover less than SEK 30,000 in the previous two years will be able to deregister for VAT.
- VAT registration threshold for resident companies will be SEK 30,000.
- Threshold will not apply to non-established business.
- For businesses making distance sales threshold will be SEK 320,000.

United Kingdom

New measures introduced in the Immigration Act 2016

Recently, new measures have been introduced in The Immigration Act 2016 for employees who are working in UK illegally. Currently, if the employer employs an illegal worker then he is subject to a custodial sentence from two years to five years. The following measures have been introduced:

- The Immigration Act 2016 has now imposed a complete shut down of employer's premises for 48 hours where the employer hires an illegal worker.
- Previously, an employer was guilty if he knowingly hires an illegal employee. However, now if an employer is subject to criminal offence if he has a reasonable cause to believe that it is an illegal worker.
- Doubling the maximum civil penalty imposed on an employer to GBP 20,000 per illegal worker.

Employers should check if their HR systems are updated conduct right to check work and should be able to identify circumstances, which cause hiring of an illegal worker. The employee also should be aware of the exact steps to take where there is a change in an employee's immigration status.

Effective Date: 12 July 2016

For further information, [click here](#).

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From consulting on entry strategies to implementing business set-up and M&A transactional support, the SKP team assists clients with assurance, domestic and international tax, transfer pricing, corporate services, and finance and accounting outsourcing matters, all under one roof. Our team is dedicated to ensuring clients receive continuity of support, right across the business lifecycle.

Contact Us

Mumbai

19, Adi Marzban Path
Ballard Estate, Fort
Mumbai 400 001
T: +91 22 6730 9000

New Delhi

B-376
Nirman Vihar
New Delhi 110 092
T: +91 11 4252 8800

Bengaluru

Office No. 312/313, Barton Centre
Mahatma Gandhi Road
Bengaluru 560 001
T: +91 80 4277 7800

Pune

VEN Business Centre
Baner-Pashan Link Road
Pune 411 021
T: +91 20 6720 3800

Gurgaon

German Centre for Industry and Trade
Building No. 9, Tower B
Level 12, DLF Cyber City Phase III
Gurgaon 122 002
T: +91 124 463 6000

Toronto

269 The East Mall
Toronto
ON M9B 3Z1
Canada
T: +1 647 707 5066

Hyderabad

6-3-249/3/1, SSK Building
Ranga Raju Lane
Road No. 1, Banjara Hills
Hyderabad 500 034
T: +91 40 2325 1800

Chennai

Office No. 3, Crown Court
128 Cathedral Road
Chennai 600 086
T: +91 44 4208 0337

www.skpgroup.com

Connect with us



skpgrp.info@skpgroup.com



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