

# E-COMMERCE ECOSYSTEM UNDER CONSUMER PROTECTION (E-COMMERCE) RULES, 2020\*

## Introduction

E-Commerce is a type of business model, or segment of a larger business model, that enables a firm or individual to conduct business over an electronic network, typically the internet. Electronic commerce operates in all four of the major market segments: business to business, business to consumer, consumer to consumer and consumer to business.

Increasing E-Commerce activities necessitated a national policy to ensure that the interests of the consumers are protected and a level playing field is created in this segment so as to dissuade a monopolistic control of any single player. Accordingly, the draft National E-Commerce policy was placed in public domain on 23 February 2019 seeks to create a facilitative regulatory environment for growth of E-Commerce sector.

The National E-Commerce Policy aims to create a framework for achieving holistic growth of the e-commerce sector along with existing policies of Make in India and Digital India. Inclusive growth of the sector will be important catalyst for achieving economic growth and other public policy objectives.

The E-Commerce sector is driven by technology and data. Continuously evolving technologies and volumes of data generated in a consumer-oriented country like India require an enabling regulatory framework for empowering domestic entrepreneurs, leveraging access to data, connecting MSMEs, vendors, traders, etc. to the digital ecosystem as well as empowering consumers to retain control of the data generated and owned by them.

## Laws Governing E-Commerce in India

E-Commerce companies are subject to various extant rules and regulations. Owing to the cross cutting nature of E-Commerce, different laws and regulations across sectors govern the present E-Commerce activities, some of which are:

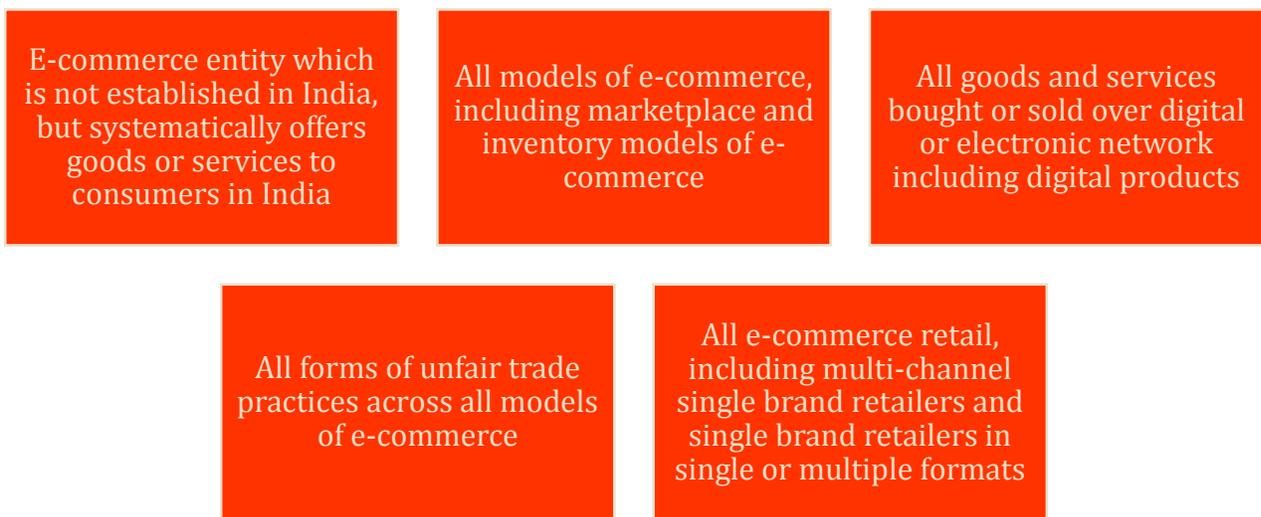
- Income Tax Act, 1961
- Information Technology Act, 2000
- Foreign Exchange Management Act, 1999 & FDI Policy
- Payment and Settlement Systems Act 2007
- Companies Act, 2013
- Laws related to Goods and Services Tax
- Consumer Protection Act, 2019

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According to the Consumer Protection Act, 2019, "e-commerce" means buying or selling of goods or services including digital products over digital or electronic network. Further, for the purposes of preventing unfair trade practices in e-commerce, direct selling and also to protect the interest and rights of consumers, the Central Government may take such measures prescribed manner under Section 94 of the Act. To protect the interests of consumers, prevent their exploitation and encourage free and fair competition in the market, Consumer Protection (E-Commerce) Rules, 2020 notified by the Government on July 23, 2020

### Applicability



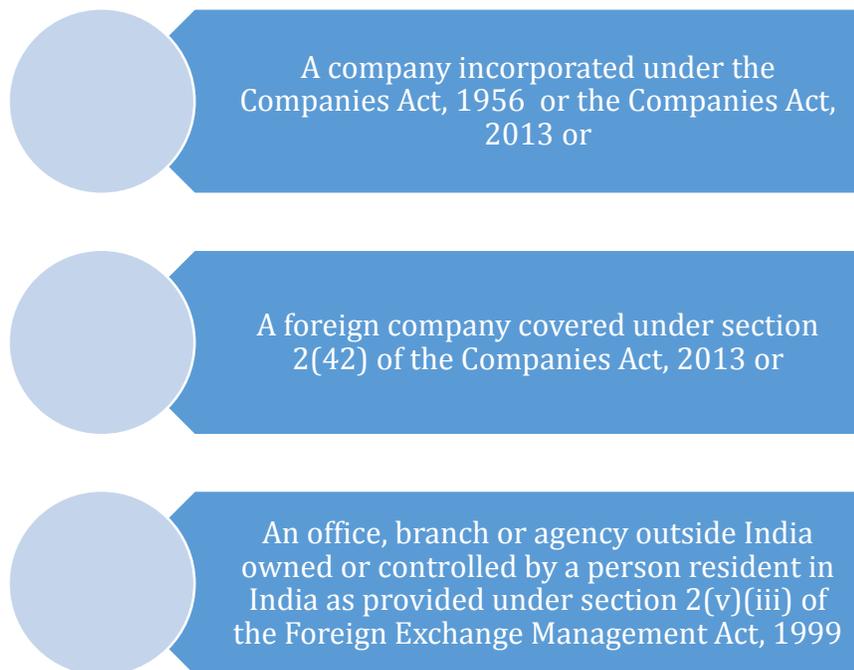
### Non-Applicability

Consumer Protection (E-Commerce) Rules, 2020 shall not apply to any activity of a natural person carried out in a personal capacity not being part of any professional or commercial activity undertaken on a regular or systematic basis.

### E-Commerce Entity

An e-commerce entity is defined as any person who owns, operates or manages digital or electronic facility or platform for electronic commerce, but does not include a seller offering his goods or services for sale on a marketplace e-commerce entity.

An e-commerce entity shall be:



### Duties of E-Commerce Entities

- Every e-commerce entity shall provide the following information in a clear and accessible manner on its platform, displayed prominently to its users, namely:--legal name of the e-commerce entity; principal geographic address of its headquarters and all branches; name and details of its website; contact details like e-mail address, fax, landline and mobile numbers of customer care as well as of grievance officer.
- E-commerce entity shall not adopt any unfair trade practice, whether in the course of business on its platform or otherwise.
- Every e-commerce entity shall establish an adequate grievance redressal mechanism having regard to the number of grievances ordinarily received by such entity from India, and shall appoint a grievance officer for consumer grievance redressal, and shall display the name, contact details, and designation of such officer on its platform.
- Every e-commerce entity shall ensure that the grievance officer acknowledges the receipt of any consumer complaint within forty-eight hours and redresses the complaint within one month from the date of receipt of the complaint.
- Where an e-commerce entity offers imported goods or services for sale, it shall mention the name and details of any importer from whom it has purchased such goods or services, or who may be a seller on its platform.
- Every e-commerce entity shall endeavour on a best effort basis to become a partner in the convergence process of the National Consumer Helpline of the Central Government.
- E-commerce entity shall not impose cancellation charges on consumers cancelling after confirming purchase unless similar charges are also borne by the e-commerce entity, if they cancel the purchase order unilaterally for any reason.

- Every e-commerce entity shall only record the consent of a consumer for the purchase of any good or service offered on its platform where such consent is expressed through an explicit and affirmative action, and no such entity shall record such consent automatically, including in the form of pre-ticked checkboxes.
- Every e-commerce entity shall effect all payments towards accepted refund requests of the consumers as prescribed by the Reserve Bank of India or any other competent authority under any law for the time being in force, within a reasonable period of time, or as prescribed under applicable laws.
- E-commerce entity shall not (a) manipulate the price of the goods or services offered on its platform in such a manner as to gain unreasonable profit by imposing on consumers any unjustified price having regard to the prevailing market conditions, the essential nature of the good or service, any extraordinary circumstances under which the good or service is offered, and any other relevant consideration in determining whether the price charged is justified; (b) discriminate between consumers of the same class or make any arbitrary classification of consumers affecting their rights under the Act.

### **Draft Consumer Protection (E-commerce) Rules, 2020**

Government has received several complaints against widespread cheating and unfair trade practices being observed in e-commerce ecosystem. To protect the interests of consumers, prevent their exploitation and encourage free and fair competition in the market, the Government of India is sharing a draft of the proposed amendments to the Consumer Protection (E-commerce) Rules, 2020. The proposed amendments aim to bring transparency in the e-commerce platforms and further strengthen the regulatory regime to curb the prevalent unfair trade practices. The proposed amendments *inter-alia* are as follows:

- **Chief Compliance Officer** : To ensure compliance of the Consumer Protection Act, 2019 and Rules, appointment of Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies, officers to ensure compliance to their orders and Resident Grievance Officer for redressing of the grievances of the consumers on the e-commerce platform, has been proposed. This would ensure effective compliance with the provisions of the Act and Rules and also strengthen the grievance redressal mechanism on e-commerce entities.
- **Registration** : Putting in place a framework for registration of every e-commerce entity with the Department for Promotion of Industry and Internal Trade (DPIIT) for allotment of registration number which shall be displayed prominently on website as well as invoice of every order placed the e-commerce entity. Registration of e-commerce entities would help create a database of genuine e-commerce entities and ensure that the consumers are able to verify the genuineness of an e-commerce entity before transacting through their platform.
- **Prohibition of Mis-Selling** : To protect the interests of consumers, mis-selling has been prohibited i.e. selling goods and services entities selling goods or services by deliberate misrepresentation of information by such entities about such goods or services. To ensure that consumers are aware about the expiry date of the products they are buying on the e-commerce platform all sellers on marketplace e-commerce entities and all inventory e-commerce entities to provide best before or use before date to enable consumers to make an informed purchase decision.

- **Filter Mechanism** : To ensure that the domestic manufacturers and suppliers get a fair and equal treatment on the e-commerce platform it has been provided that where an e-commerce entity offers imported goods or services, it shall incorporate a filter mechanism to identify goods based on country of origin and suggest alternatives to ensure fair opportunity to domestic goods.
- **Fall-Back Liability** : To ensure that consumers are not adversely affected in the event where a seller fails to deliver the goods or services due to negligent conduct by such seller in fulfilling the duties and liabilities in the manner as prescribed by the marketplace e-commerce entity, provisions of Fall-back liability for every marketplace e-commerce entity have been provided.
- **Prevent from Mislead** : E-Commerce entity shall not mislead users by manipulating search result or search indexes having regard to the search query of the user.

### Conclusion

Consumer Protection (E-Commerce) Rules, 2020 as well as the proposed amendment enhance the regulatory oversight in e-commerce and provide positive impact on the consumer and business sentiment. It also prevent the unfair trade practices of the marketplace e-commerce entities engaging in manipulating search result to promote certain sellers, preferential treatment to some sellers, indirectly operating the sellers on their platform, impinging the free choice of consumers, selling goods close to expiration etc. Rules prevent e-commerce entity to organize a flash sale of goods or services offered on its platform and provide a level playing field and ultimately enhance the customer choice at lower prices.

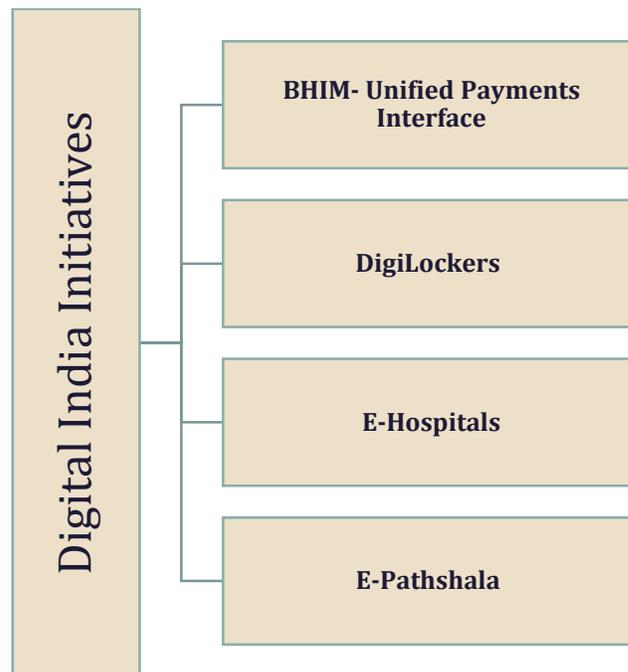
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## e-RUPI, THE NEW DIGITAL PAYMENT INSTRUMENT OF INDIA\*

### Introduction

The honorable Prime Minister of India Mr. Narendra Modi has been launching digital initiatives from time to time. The Government of India is also participating in the digital revolution under the flagship programme called Digital India launched on July 01, 2015 with a vision to transform India into a digitally empowered society and knowledge economy.



In 2013, the Government of India shifted to a system of Direct Benefit Transfer (DBT), where the Union government used Jan Dhan Accounts\*, Aadhaar numbers and mobile numbers to verify the details of a beneficiary. In this case, when a subsidy was claimed, such as for food grains, the money was transferred to bank account of the beneficiary. During the COVID-19 pandemic, the Union government had announced a Rs. 1.7 lakh crore DBT package as part of the Pradhan Mantri Garib Kalyan Yojana (PMGKY). There were some issues pertaining to accessing bank accounts, Aadhaar authentication failures, etc. The Government wants to find a solution to remove this problem and e-RUPI is the answer to stop the leakages in the system.

\* Pradhan Mantri Jan-Dhan Yojana (PMJDY) is National Mission for Financial Inclusion to ensure access to financial services, namely, a basic savings & deposit accounts, remittance, credit, insurance, pension in an affordable manner. Under the scheme, a Basic Savings Bank Deposit (BSBD) which is also called Jan Dhan Account can be opened in any bank branch or Business Correspondent (Bank Mitra) outlet, by persons not having any other account.

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## What is e-RUPI?

e-RUPI is one time cashless and contactless payment mechanism launched on August 02, 2021. It is a Digital platform which will be used for making digital payments and to strengthen the Direct Benefit Transfer (DBT) scheme and digital transactions [Business to Business (B2B) transactions] among Micro, Small, and Medium Enterprises (MSMEs). It is like the precursor of a Central Bank Digital Currency (CBDC). National Payments Corporation of India (NPCI) in association with Department of Financial Services (DFS), Ministry of Health and Family Welfare (MoHFW), National Health Authority (NHA), and partner banks, together associated in development of the 'e-RUPI'.

## How to use e-RUPI?

e-RUPI is a QR code or SMS string-based e-voucher which will be delivered to the mobile of the users. It is operable on basic phones also, and hence it can be used by persons who do not own smart-phones or in places that lack internet connection. The users will be able to redeem this voucher without any digital payment app, internet banking, or card. This initiative will connect the sponsor of services with the beneficiaries and service providers. The connection will hold in a digital manner without any kind of physical interface. Being a prepaid voucher, e-RUPI would assure real time payments to the service provider.

## Who can use e-RUPI?

Private sector in addition to the Union Government & State Governments may use e-RUPI payment system for the benefits of their employees or for their CSR initiatives. Any government agencies and corporation can generate e-RUPI vouchers via their partner banks. Interested entity and the beneficiary will linked through the e-RUPI and send the voucher with the help of participating banks. If any organization wants to help someone in their treatment, education or for any other work, then they will be able to give an e-RUPI voucher instead of cash.



A Quick Response (QR) code is type of barcode easily readable with digital devices like smartphones. They store information as a series of pixels in a square grid that can be read in two directions - top to bottom and right to left - unlike standard barcodes that can only be read top to bottom.

As per the NPCI, eleven banks as per details given below can help to issue e-RUPI:

Sr. No.	Bank Name	Issuer	Acquirer	Acquiring App / Entity
1	Axis Bank	✓	✓	Bharat Pe
2	Bank of Baroda	✓	✓	BHIM Baroda Merchant Pay
3	Canara Bank	✓		NA
4	HDFC Bank	✓	✓	HDFC Business App
5	ICICI Bank	✓	✓	Bharat Pe & PineLabs
6	Indusind Bank	✓		NA
7	Indian Bank	✓		NA
8	Kotak Bank	✓		NA
9	Punjab National Bank	✓	✓	PNB Merchant Pay
10	State Bank of India	✓	✓	YONO SBI Merchant
11	Union Bank of India	✓		NA

### ***e-RUPI Voucher***

*It is basically a digital voucher which a beneficiary gets on his phone in the form of an SMS or QR code. It is a pre-paid voucher, which he/she can go and redeem it at any centre that accepts its.*

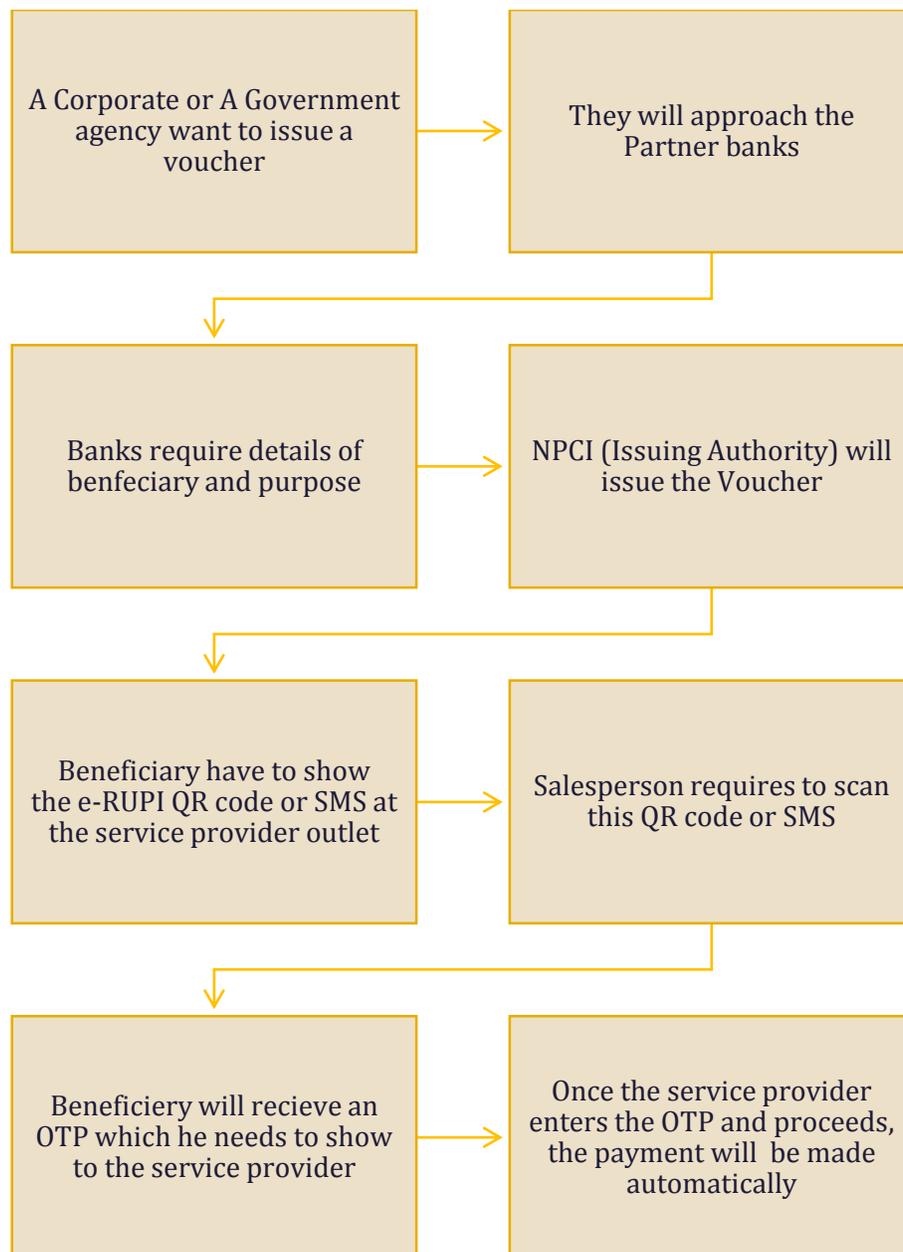
Source: <https://www.npci.org.in/what-we-do/upi/erupi-live-partners>

Presently the NPCI has tied up with more than 1,600 hospitals where e-RUPI can be redeemed. The List of Live Hospitals on e-RUPI is available at

<https://www.npci.org.in/PDF/npci/e-rupi/live-hospitals.pdf>

## Voucher Issuance and Redemption Procedure

The e-RUPI application is available on Google play store or Apple App Store. It can be easily downloaded from there. The process for issuance and redemption of voucher is given below for easy understanding of the reader.



## Benefits of e-RUPI

### For Consumers

- Contactless - Beneficiary should not carry a print out of the voucher.
- Easy redemption - Only 2 step redemption process.
- Safe and Secure - Beneficiary doesn't need to share personal details while redemption hence privacy is maintained.
- No digital or bank presence required - Consumer redeeming the voucher need not have a digital payment app or a bank account.
- No smartphone is required- It is operable on basic phones and internet connection required.

### For Hospitals

- Easy & Secure - Voucher is authorized via a verification code.
- Hassle free & Contactless payment collection - Handling of cash or cards is not required.
- Quick redemption process - The voucher can be redeemed in a few steps and lesser decline due to pre-blocked amount.

### For Corporates

- Payment processes is contactless.
- Corporates can enable well-being of their employees.
- End to end digital transaction and doesn't require any physical issuance hence leading to cost reduction.
- Voucher redemption can be tracked by the issuer.
- Quick, safe & contactless voucher distribution.

## Difference between e-RUPI, Unified Payments Interface (UPI), Cryptocurrency and Central Bank Digital Currency (CBDC)

Basis for difference	e-RUPI	Unified Payments Interface (UPI)	Cryptocurrency	Central Bank Digital Currency (CBDC)
Meaning	e-RUPI is one time cashless and contactless payment mechanism. It is a Digital platform which will be used for making digital payments.	Unified Payments Interface (UPI) is a system that powers multiple bank accounts into a single mobile application (of any participating bank), merging several banking features, seamless fund routing & merchant payments into one hood.	A Cryptocurrency is a digital or virtual currency that is secured by cryptography, which makes it nearly impossible to counterfeit or double-spend.	A Central Bank Digital Currency (CBDC) is the legal tender issued by a central bank in a digital form. It is the same as a fiat currency and is exchangeable one-to-one with the fiat currency.
Type	It is an e-voucher.	It is an application used for receipt or payment of money.	It is a Digital Currency.	It is a Digital Currency.
Regulator	The National Payments Corporation of India.	Reserve Bank of India.	Not yet regulated in India.	Reserve Bank of India.
Uses	It can be redeemed at service providers counters.	UPI used for receipt or payment of money.	Cryptocurrencies can be used for speculative purposes and for payments as well.	CBDCs can only be used for payments and other monetary transactions.

## Conclusion

United States of America, South Korea and several other countries have used similar voucher based initiatives for welfare services. The main objective and long-term vision behind e-RUPI is to reach 190 million unbanked citizens of the India and fold them into a formal financial system, and close part of the digital gap. This digital payment system can provide equal access to financial, healthcare, and welfare services to each and every citizen of our country. It also expected that the successful deployment of e-RUPI can boost India's GDP by 14 per cent. Apart from fast-tracking digital payments, e-RUPI will also accelerate direct benefit disbursements at the last mile and help bring the unbanked and underbanked into the financial inclusion fold.

## References :

1. <https://pmmodyojana.in/e-rupi-digital-payment/>
2. <https://pib.gov.in/PressReleasePage.aspx?PRID=1743056>
3. <https://www.npci.org.in/what-we-do/upi/upi-erupi>

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## THE TAXATION LAWS (AMENDMENT) ACT, 2021 – NULLIFIES RETRO TAX ON INDIRECT TRANSFER\*

*Before going into the brief analysis of the Indian retrospective tax legislation, let's have a brief look on Supreme Court decision in Vodafone Case in 2012.*

### Vodafone Case

**Fact of the Case:** The Dutch group Vodafone International Holding (VIH) purchased 100 % shares in CGP Investments (Holding) Ltd (CGP), a Cayman Islands group, from Hutchison Telecommunications International Limited for USD 11.1 billion in February 2007.

Hutchison Essar Limited (hereinafter HEL), an Indian Company, was governed by CGP (hold 67% shares) through various transitional organisations / authoritative courses of action.

The acquisition resulted in Vodafone acquiring control over CGP and its subsidiaries downstream, including eventually Hutchison Essar Limited.

Vodafone Company received a show-cause notice from the Indian Tax Department in September 2007 to explain why tax was not withheld on payments made to HTIL in connection with the transaction in question above.

The tax department argued that the aforementioned transaction involving the sale of CGP shares had an effect on the aberrant or indirect sale of India-based properties.

**Issue: Should the indirect transfer of “India - based capital assets” be subject to taxation?**

**Judgment:** Prior to 2012, the issue of taxability of gains arising from transfer of shares of a foreign company deriving substantial value from assets in India (indirect transfer) was a subject matter of intense litigation in India.

Section 9 of the Income Tax Act, 1961 mentions about the Incomes which shall be deemed to accrue or arise in India. (Such deeming provision is mentioned to mainly enable the Scope of Total Income under Section 5(2) of Income Tax Act, 1961 and thus to cover the same in the Charging Section i.e., Section 4 of Income Tax Act)

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**Section 9(1)(i) specifies that any Income accruing or arising, whether directly or**

***indirectly, through the transfer of a capital asset situated in India, shall be deemed to be accrue or arise in India.***

With regard to Section 9 of the Income tax Act, 1961, which states that income is considered to accrue or arise in India if it accrues to or arises from a transfer of capital assets in India or to a non-resident, the Court observed that there is an omission under Section 9(1)(i) of the word 'indirect transfer.' If the word 'indirect' used is read with the phrase 'Capital asset located in India' on the off chance, then it would be made worthless.

And there is no 'look through' clause in Section 9(1)(i) and can therefore not be expanded to include indirect transfers of capital assets located in India. Therefore, the transfer of shares to CGP did not result in the transfer of capital assets located in India and was not subject to taxation.

Pursuant to a challenge by Vodafone International Holdings B.V in the Supreme Court of India against imposition of tax by Income Tax Department, the Supreme Court of India on January 20, 2012 discharged VIHBV of the tax liability and held that sale of share in question to Vodafone did not amount to transfer of a capital asset within the meaning of Section 2(14) of the Income Tax Act, 1961. Further, the Apex Court not only quashed the demand of INR 120 billion by way of capital gains tax but also directed the Income tax department to refund of INR 25 billion which was deposited by the Vodafone in terms of the interim order along with interest at 4% p.a. within two months.

### **Amendment vide Finance Act, 2012 [Post Supreme Court Judgment in Vodafone case with respect to Taxability of Indirect Transfer of India based Capital Assets]**

After the Supreme Court's verdict in Vodafone Case, the Central Board of Direct Taxes came out with an amendment vide Finance Act 2012, which provided for the insertion of explanations 4 and 5 in Section 9(1)(i) of the Income Tax Act, 1961 as under:

**Explanation 4** clarified the meaning of the term "through", stating that: "For the removal of doubts, it is hereby clarified that the expression 'through' shall mean and include and shall be deemed to have always meant and included 'by means of', 'in accordance of' or 'by reason of'."

**Explanation 5** clarified that "an asset or a capital asset being any share or interest in a company or entity registered or incorporated outside India shall be deemed to be and shall always be deemed to have been situated in India, if the share or interest derives, directly or indirectly, its value substantially from the assets located in India".

The above amendments also clarified that the term "transfer" includes and shall be deemed to have always included disposing of or parting with an asset or any interest therein, or creating any interest in any asset in any manner whatsoever, directly or indirectly, absolutely or conditionally, voluntarily or involuntarily, by way of an agreement (whether entered into in India or outside India) or otherwise, notwithstanding that such transfer of rights had been characterized as being effected or dependent upon or flowing from the transfer of a share or shares of a company registered or incorporated outside India.

### **Analysis of Amendment made vide Finance Act, 2012**

Explanation 5 to the provisions of Section 9(1)(i) covered all the transactions which took place from the year 1961 till 2012 that involved transfer of the shares of foreign company which derives its value substantially from assets located in India.

Eg., A company XYZ of UK holds shares of a company ABC in USA, The company ABC holds substantial shares of a company PQR in India. Now, as per the amendment made in the Finance Act, 2012; if the company XYZ sells shares of ABC, it shall be deemed (and shall always be deemed) that the transferred shares of ABC of USA (Capital asset) have been situated in India. This would attract the deeming provision mentioned in Section 9(1)(i) and tax would be payable to Indian Government.

***The amendment was made retrospectively by mentioning the word “and shall always be deemed”. Huge reactions were received from India and around the world for bringing in a law which goes back to 1961 retrospectively, which created an uncertainty and lack of trust among the foreign investors in India.***

***The issue however remained unsolved for a long time and huge demands were raised for transactions which took place before 2012 as well.***

Later on, the issue was taken to the Permanent Court of Arbitration by invoking the clauses of the Bilateral Investment Treaty with the United Kingdom & Netherlands. In the year 2020, the International Arbitration Court (of Netherlands) ruled in favour of the taxpayer and the said demand raised using retrospective legislation was said to be “breach of the guarantee of fair and equitable treatment” guaranteed under the bilateral investment protection pact between India and the Netherlands.

### **The Taxation Laws (Amendment) Act, 2021**

**“The Taxation Laws (Amendment) Act, 2021** received the assent of the President amend the Income Tax Act, 1961 and the Finance Act, 2012 to scrap the effect of **RETRO TAX** amendment which took place in the year 2012 after Supreme Court judgement (January 20, 2012 in the case of *Vodafone International B.V vs. Union of India & Anr.*

#### **Analysis of Amendment in “The Taxation Laws (Amendment) Act, 2021**

The Taxation Laws (Amendment) Act, 2021 scrapped the said retrospective clarificatory amendment made in Finance Act, 2012. The Act amend the Income Tax Act, 1961 so as to provide that no tax demand shall be raised in future on the basis of the retrospective amendment for any indirect transfer of Indian Assets if the transaction was undertaken before May 28, 2012 (Date on which the Finance Bill, 2012 received the assent of the President).

The following proposals have been made to scrap the retrospective amendment:

No tax demand to be raised in future for transactions made before May 28, 2012.

Demands already raised for transactions made before May 28, 2012 shall be nullified to the extent it relates to the said income on fulfilment of specified conditions (such as withdrawal or furnishing of undertaking for withdrawal of pending litigation and furnishing of an undertaking to the effect that no claim for cost, damages, interest, etc., shall be filed.)

Where any amount has been collected as per the retrospective amendment in Finance Act, 2012 or any amount becomes refundable after nullifying the order already passed; such amount shall be refunded to him without any interest under Section 244A on fulfilment of specified conditions.

Further, Section 119 of Finance Act, 2012 provides that “Notwithstanding anything

contained in any judgment, decree or order of any Court or Tribunal or any authority, all notices sent or purporting to have been sent, or taxes levied, demanded, assessed, imposed, collected or recovered or purporting to have been levied, demanded, assessed, imposed, collected or recovered under the provisions of Income-tax Act, 1961 (43 of 1961). in respect of income accruing or arising through or from the transfer of a capital asset situate in India in consequence of the transfer of a share or shares of a company registered or incorporated outside India or in consequence of an agreement, or otherwise, outside India, shall be deemed to have been validly made, and the notice, levy, demand, assessment, imposition, collection or recovery of tax shall be valid and shall be deemed always to have been valid and shall not be called in question on the ground that the tax was not chargeable or any ground including that it is a tax on capital gains arising out of transactions which have taken place outside India, and accordingly, any tax levied, demanded, assessed, imposed or deposited before the commencement of this Act and chargeable for a period prior to such commencement but not collected or recovered before such commencement, may be collected or recovered and appropriated in accordance with the provisions of the Income-tax Act, 1961 as amended by this Act, and the rules made thereunder and there shall be no liability or obligation to make any refund whatsoever.”

Accordingly, The Act also amend the Finance Act, 2012 so as to provide that the validation of demand, etc., under section 119 of the Finance Act, 2012 shall cease to apply and refunds shall be made on fulfilment of specified conditions.

Specified Conditions have been mentioned as under:

- i. where the said person has filed any appeal before an appellate forum or any writ petition before the High Court or the Supreme Court against any order in respect of said income, he shall either withdraw or submit an undertaking to withdraw such appeal or writ petition, in such form and manner as may be prescribed;
- ii. where the said person has initiated any proceeding for arbitration, conciliation or mediation, or has given any notice thereof under any law for the time being in force or under any agreement entered into by India with any other country or territory outside India, whether for protection of investment or otherwise, he shall either withdraw or shall submit an undertaking to withdraw the claim, if any, in such proceedings or notice, in such form and manner as may be prescribed;
- iii. the said person shall furnish an undertaking in such form and manner as may be prescribed, waiving his right, whether direct or indirect, to seek or pursue any remedy or any claim in relation to the said income which may otherwise be available to him under any law for the time being in force, in equity, under any statute or under any agreement entered into by India with any country or territory outside India, whether for protection of investment or otherwise; and
- iv. such other conditions as may be prescribed.

Now that the bill has been passed in Lok Sabha, it is expected that the foreign investment may increase and help in promoting faster economic growth and investment as said by the Finance Minister.

**Source:** The Taxation Laws (Amendment) Bill, 2021

[http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/120\\_2021\\_LS\\_E.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/120_2021_LS_E.pdf)

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