

# COMPLIANCE UPDATE

November – December, 2020



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## Companies Act, 2013

### ▪ Extension of LLP Settlement Scheme, 2020

MCA had introduced the LLP Settlement Scheme, 2020 to enable LLPs to make good their previous defaults, if any. This Scheme, which was valid from April 01, 2020 till June 13, 2020, was first extended till September 30, 2020 and thereafter further extended till December 31, 2020. Through a General Circular dated November 11, 2020, MCA has now extended the date of filing the statements of accounts and solvency for LLPs for FY 2019-2020 – if these statements have been signed beyond the period of six months from the end of the FY but not later than November 30, 2020, the same shall not be deemed as non-compliance.

(To view the Notification, please [click here](#))

## Reserve Bank of India

### ▪ Discontinuation of returns under Foreign Exchange Management Act, 1999

#### *Section 10(4) and 11(2) of the Foreign Exchange Management Act, 1999*

The Foreign Exchange Management Act, 1999 prescribes numerous disclosure requirements for the entities involved in forex transactions. These reporting and disclosure requirements help in fine-tuning the policies relating to foreign exchange transactions regulated under FEMA.

**Notification:** On November 13, 2020, the Reserve Bank of India (RBI) has notified discontinuation of seventeen returns and reports under FEMA, 1999 with a view of reducing the cost of compliance and improving the ease of doing business.

(To view the Notification, please [click here](#))

- **Permission to maintain additional escrow account**

*Section 18 read with Section 10(2) of the Payment and Settlement Systems Act, 2007*

As per the Payment and Settlement Systems Act, 2007, the Payment Aggregators or Prepaid Payment Instruments (PPIs) Issuer is required to maintain an escrow account with a scheduled commercial bank on an ongoing basis

**Notification:** RBI, on November 17, 2020, has allowed the PAs and PPIs to maintain an additional escrow account with a different scheduled commercial bank, in an attempt to address risks pertaining to business continuity.

(To view the Notification, please [click here](#))

- **Bar on foreign law firms for establishing Branch/Liaison/Project Office in India**

*Section 10(4) read with section 11(2) of the Foreign Exchange Management Act, 1999*

**Notification:** RBI has put a bar on granting all permissions concerning the establishment of Branch/Liaison/Project Office by foreign law firms in India at least till the final disposal of the relevant matter by the Supreme Court<sup>1</sup>.

(To view the Notification, please [click here](#))

## Goods and Services Tax Act, 2017

- **Amendment in the manner of furnishing return under GST, Act 2017**

The Central Goods and Services Tax Act, 2017 mandates various periodic returns and prescribes the form and manner of furnishing regular returns.

**Notification:** On November 10, 2020, the Central Board of Indirect Taxes and Customs notified the Central Goods and Services Tax (Thirteenth Amendment) Rules, 2020 prescribing changes in the form and manner of filing the periodic returns under GST regime w.e.f. January 01, 2021.

(To view the Notification, please [click here](#))

- **Extension of due date for filing Form GSTR-1**

*The second proviso to section 37(1) read with Section 168 of the Central Goods and Services Tax Act, 2017*

**Notification:** The Central Board of Indirect Taxes and Customs, on November 10, 2020, has extended the time limit for furnishing the details of outward supplies in Form GSTR-1 for each of the tax periods till the eleventh day of the month succeeding such tax period. Further, the time limit for providing the details of outward supplies in Form GSTR-1 for the class of registered persons required to furnish a return for every quarter is extended till the thirteenth day of the month succeeding such tax period.

(To view the Notification, please [click here](#))

- **Quarterly GSTR-3B return for a particular class of persons**

*Section 39 of the Central Goods and Services Tax Act, 2017, read with Rule 61A of the Central Goods and Services Tax Rules, 2017*

**Notification:** On November 10, 2020, the Central Board of Indirect Taxes and Customs has notified the class of registered persons, other than a person referred to in Section 14 of the Integrated Goods and Services Tax Act, 2017, having an aggregate turnover of up to INR 5 crore in the preceding financial year, and who have opted to furnish the return for every quarter shall pay the tax due every month starting from January 2021 onwards. Further, a registered person whose aggregate turnover crosses INR 5 crore during a quarter in a financial year is not eligible for furnishing of return quarterly from the first month of the succeeding quarter.

(To view the Notification, please [click here](#))

- **Specification of tax liability through electronic cash or credit ledgers**

*Section 148 read with Section 39(7) of the Central Goods and Services Tax Act, 2017*

**Notification:** The Central Board of Indirect Taxes and Customs, on November 10, 2020, has notified two modes for the monthly payment of taxes w.e.f. January 01, 2021, in case of registered persons filing quarterly returns:

- By way of depositing an amount in the electronic cash ledger equivalent to 35% of the tax liability paid by debiting the electronic cash ledger in the return for the preceding quarter where the return is furnished quarterly; or
- by way of depositing an amount in the electronic cash ledger equivalent to the tax liability paid by debiting the electronic cash ledger in the return for the last month of the immediately preceding quarter where the return is furnished monthly.

(To view the Notification, please [click here](#))

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<sup>1</sup> Bar Council of India v. A.K. Balaji, C.A. No. 007875 - 007879/2015

- **Amendment in availability for e-invoicing for taxpayers**

**Rule 48(4) of the Central Goods and Services Tax Rules, 2017**

**Notification:** The Central Board of Indirect Taxes and Customs, on November 10, 2020, has sought to implement e-invoicing for the taxpayers having aggregate turnover exceeding one hundred crore rupees from January 01, 2021. Earlier, such e-invoicing was available for the taxpayers having aggregate turnover exceeding five hundred crore rupees.

(To view the Notification, please [click here](#))

## Industry-wise Updates

### Heavy Industries

- **Electrical Equipment (Quality Control) Order, 2020**

**Notification:** The Ministry of Heavy Industries and Public Enterprises, on November 11, 2020, issued the order called the Electrical Equipment (Quality Control) Order, 2020. The order specified the quality, certifications, markings and labelling of electrical equipment.

(To view the Notification, please [click here](#))

### Insurance

- **Insurance Regulatory and Development Authority of India (Minimum Information Required for Investigation and Inspection) Regulations, 2020**

**Notification:** The IRDAI notified the new regulations to specify minimum information required to be maintained by the insurer, intermediary, or insurance intermediary, to enable the investigating officer to discharge his or her functions satisfactorily.

As per the new regulations, every insurer is required to maintain at their principal place of business in India, all records, information, data, documents, books, or registers needed to be maintained by them under the provisions of the Insurance Act, 1938 read with allied rules and regulations.

(To view the Notification, please [click here](#))

- **Dispensing with physical signatures on proposal forms**

The Insurance Regulatory and Development Authority (IRDAI) on August 05, 2020, issued instructions for dispensing the physical signatures and allowing authentication of proposals concerning pure risk products with OTP for sales made by Insurance Agents and Insurance Intermediaries till December 31, 2020.

**Circular:** The IRDAI on November 11, 2020, has extended the facility of obtaining the customer's consent on the proposal form through electronic means for Life Insurers till March 31, 2021.

(To view the Notification, please [click here](#))

### Telecommunications Industry

- **New guidelines for Other Service Providers**

**Notification:** The Department of Telecommunications (DoT) on November 05, 2020, has released new guidelines for Other Service Providers (OSPs) that have relaxed numerous regulatory norms. The guidelines deal with following subject matters in relation to the OSPs:

- Registration certificate for OSPs, which is not required anymore
- Permission granted for inter-connection of different OSP Centres over Virtual Private Network (VPN)
- Norms for Work from Home (WFH) and Work from Anywhere (WFA) in India
- The bank guarantee requirement is done away with

(To view the Notification, please [click here](#))

## Media & Entertainment

### ▪ Regulation of Over The Top (OTT) platforms

#### *Government of India (Allocation of Business) Rules, 1961*

**Notification:** In an attempt to regulate and supervise the OTT content streaming and online news platforms, the Government of India has notified these platforms in the ambit of the Ministry of Information and Broadcasting. This step will ensure effective supervision over the OTT and online media platforms, thus establishing a level playing field for all and will allow the government to monitor these platforms closely.

(To view the Notification, please [click here](#))

### ▪ Compliance of FDI Policy by digital news media

**Public Notice:** Ministry of Information and Broadcasting, on November 16, 2020, has issued a public notice to facilitate entities involved in uploading or streaming of news and current affairs through digital media, to comply with the decision of the Union Government, which permitted 26% foreign direct investment under the government approval route.

The guidelines provide for the following:

- Disclosure norms for entities having FDI below 26% ceiling
- Mandating entities having FDI above 26% ceiling to bring down the same to 26% by October 15, 2021
- Norms regarding fresh FDI

(To view the Public Notice, please [click here](#))

## Steel & Mine Industry

### ▪ Increment in the fee of composite mining plan

#### *Rule 8(3) of Atomic Minerals Concession Rules, 2016*

**Notification:** The Ministry of Mines through a notification dated November 05, 2020, amended and increased the amount of fee payable under the Rule 8(3) of the Atomic Minerals Concession Rules, 2016 which deals with submission of the composite mining plan for approval to the Director, Atomic Minerals Directorate, Hyderabad. The initial fee of INR 1,000 has been increased to INR 25,000 per square kilometre on a pro-rata basis for the area over which the mining lease is applied.

(To view the Notification, please [click here](#))

### ▪ Steel and Steel Products (Quality Control) Order, 2020

#### *Section 16 of the Bureau of Indian Standards Act, 2016*

**Notification:** The Ministry of Steel, on November 12, 2020, issued the Steel and Steel Products (Quality Control) Order, 2020. The purpose of introducing the Steel and Steel Products (Quality Control) Order is to ensure quality steel products for the customer and to strengthen the government's current policy of keeping non-essential imports under check.

The products included in the order are steel tubes, tubular, other wrought steel fitting, steel tubes for structural purposes, water wells, or any other products as notified by the Government of India. The introduction of quality control orders is to formulate technical regulations such as safety and quality standards for 350 products to curb imports of non-essential steel items.

(To view the Notification, please [click here](#))

## Power & Energy

### ▪ Testing of imported power supply system & network equipment

The Ministry of Power, on July 07, 2020, mandated that any import of equipment or parts of a Power Supply System & Network from 'prior reference' countries will require prior permission of the Government of India.

**Notification:** To facilitate the completion of pending work orders of import of Power Supply System & Network equipment and parts thereof, the Ministry of Power, on November 18, 2020, provided relaxation to import such equipment and parts subject to following conditions:

- The imported equipment must be examined by CPRI at the appropriate testing laboratory on arrival

- Ensure that the imported equipment will not have any adverse impact on the transmission grid

(To view the Notification, please [click here](#))

## Environment, Forest & Climate Change

### ▪ **Environment (Protection) Third Amendment Rules, 2020**

*Rule 5 (3)(d) of the Environment (Protection) Rules, 1986*

**Notification:** The Ministry of Environment, Forest, and Climate Change (**MoEF**) on December 03, 2020, has notified the Environment (Protection) Third Amendment Rules, 2020 to further amend the Environment (Protection) Rules, 1986.

The amendment substituted the proviso to Rule 5(3)(d) to extend the validity of any order issued to prohibit industries from carrying on processes and operations in different areas. The validity of any such order stands extended till June 30, 2021.

(To view the Notification, please [click here](#))

## State-wise Updates

### Assam

#### ▪ **Revised Variable Dearness Allowance**

**Notification:** The Assam Labour Welfare Department has revised Variable Dearness Allowance (**VDA**) for workers/employees for different categories of workers which are deemed to be applicable from June 01, 2020.

(To view the Notification, please [click here](#))

#### ▪ **Revised minimum wages rates**

The Minimum Wages Act, 1948, aims at fixing the rate of minimum wages for the skilled and unskilled labours. The Act enables the state governments to fix the rate of minimum wages applicable to all the establishments in the respective state.

**Notification:** The Government of Assam, exercising its power under the Minimum Wages Act, 1948, revised the rate of minimum wages (variable dearness allowance) for the state of Assam for employees/workers employed in Private Security Houses which shall take effect retrospectively from January 1, 2019.

(To view the Notification, please [click here](#))

### Bihar

#### ▪ **The Contract Labour (Regulation and Abolition) (Bihar Amendment) Act, 2020**

The Government of Bihar has repealed The Contract Labour (Regulation and Abolition) (Bihar Amendment) Ordinance, 2020 with ordinary legislation to be known as the Contract Labour (Regulation and Abolition) (Bihar Amendment) Act, 2020.

**Amendment:** The Amendment Notification dated November 18, 2020, provides for the amendment in existing applicability to the Act for establishments employing twenty or more workmen to fifty or more workmen.

(To view the Notification, please [click here](#))

#### ▪ **The Factories (Bihar Amendment) Act, 2020**

The Government of Bihar has repealed The Factories (Bihar Amendment) Ordinance, 2020 with ordinary legislation to be known as The Factories (Bihar Amendment) Act, 2020.

**Notification:** The Notification dated November 18, 2020, provides for an increase in the threshold limit in the applicability of the Factories Act, 1948 from ten or more workers to twenty or more workers for factories operating with the aid of power and from twenty or more workers to forty or more workers for factories operating without the aid of power.

(To view the Notification, please [click here](#))

- **The Industrial Disputes (Bihar Amendment) Act, 2020**

The Government of Bihar has repealed The Industrial Disputes (Bihar Amendment) Ordinance, 2020 with ordinary legislation to be known as The Industrial Disputes (Bihar Amendment) Act, 2020.

**Notification:** The Notification dated November 18, 2020, provides for the applicability of Section 25K of the Industrial Disputes Act, 1947 – which specifies provisions relating to layoffs, retrenchment, closure of the certain establishment – to an industrial establishment where the number of workmen employed is not less than three hundred workmen instead of the existing threshold of two hundred workmen.

(To view the Notification, please [click here](#))

## Delhi

- **List of public holidays for 2021**

**Section 25 of the Negotiable Instruments Act, 1881**

**Notification:** The Government of NCT of Delhi has notified the list of public holidays for 2021.

(To view the Notification, please [click here](#))

- **Directions for land-owning agencies and local bodies regarding storage and disposal of Construction & Demolition (C&D) waste**

**Notification:** The Delhi Pollution Control Committee, under the powers vested in it under the Air (Prevention and Control of Pollution) Act, 1981 and the powers accorded to it under Section 5 of the Environmental (Prevention) Act, 1986, has directed all land-owning agencies and local bodies to ensure that no Construction & Demolition (C&D) waste is openly stored and the same is managed, stored and disposed of accordingly through the use of dust suppressants and anti-smog guns.

(To view the Notification, please [click here](#))

- **Directions to land-owning agencies and Local Bodies regarding air pollution**

**Notification:** The Delhi Pollution Control Committee under the powers vested in it under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 read with Rule 20A(6) of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983 has directed all land-owning agencies and local bodies to ensure strict vigilance of air pollution, severe against illegal industrial units and usage of approved fuel by industrial units.

(To view the Notification, please [click here](#))

## Gujarat

- **Payment of due overtime**

**Section 59 of the Factories Act, 1948**

**Notification:** On November 05, 2020, the Gujarat Government, in exercise of its powers under Section 5 of the Factories Act, 1948 read with Section 21 of the General Clauses Act, 1897, directed all the factories registered under Factories Act, 1948, to pay the due amount of overtime wages to all eligible workers working without such overtime since July 20, 2020.

(To view the Notification, please [click here](#))

## Haryana

- **Increase in minimum wages in the brick kiln industry**

**Section 5(2) of the Minimum Wages Act, 1948**

**Notification:** The Government of Haryana has increased the minimum wage for labourers working in the brick kiln industry. The increased minimum wage shall come into effect from July 01, 2020

(To view the Notification, please [click here](#))



## Himachal Pradesh

### ▪ [List of public holidays for 2021](#)

**Section 25 of the Negotiable Instruments Act, 1881**

**Notification:** The Governor of Himachal Pradesh, exercising the powers vested under Section 25 of the Negotiable Instruments Act, 1881, has notified the list of public holidays for the year 2021.

(To view the Notification, please [click here](#))

### ▪ [Online acceptance of applications under Water and Air Acts](#)

**Notification:** The Himachal Pradesh State Pollution Control Board, to maintain transparency and ease of doing business, has decided to entertain applications on the Online Consent Management & Monitoring System (OCMMS) regarding authorizations under various Rules.

(To view the Notification, please [click here](#))

## Jharkhand

### ▪ [Mineral Bearing Lands \(Covid-19 Pandemic\) Cess Act](#)

**Notification:** The Government of Jharkhand has notified a Covid-19 cess which will be credited to the Covid-19 Pandemic Fund. The act provides to levy cess on mineral bearing land for the rehabilitation/employment of laborers/migrant laborers, creating infrastructure in the field of cottage/village industries, MSMEs, creating employment opportunities, mitigating the hardships caused due to loss of jobs, augmenting the existing health infrastructures and for other necessary purposes in the state of Jharkhand arising out of the Covid-19 pandemic.

(To view the Notification, please [click here](#))

### ▪ [Minimum wages notified by the Government of Jharkhand](#)

**Notification:** The Government of Jharkhand has released the Minimum Wages effective from October 01, 2020.

(To view the Notification, please [click here](#))

## Karnataka

### ▪ [List of holidays sanctioned by the state government for the year 2021](#)

**Notification:** The Government of Karnataka has published the list of General Holidays and a list of Public Holidays for 2021.

(To view the Notification, please [click here](#))

## Kerala

### ▪ [Revised Variable Dearness Allowance](#)

The Variable Dearness Allowance (VDA) in Kerala was earlier based on the 2018 variables with an increment of 20% with effect from 2018.

**Notification:** The Government of Kerala has revised the VDA through a Notification dated November 4, 2020, for employment in shops, commercial work and computer software sector.

(To view the Notifications, please click [here](#), [here](#) and [here](#))

### ▪ [Kerala Shops and Commercial Establishments \(Amendment\) Ordinance, 2020](#)

The Government of Kerala through a notification dated November 09, 2020, has introduced Labour Commissionerate Automation System.

**Amendment:** The Shop and Commercial Establishment's registration certificate shall be automatically renewed on applying online and payment of the prescribed fees through the Labour Commissionerate Automation System (<https://lcas.lc.kerala.gov.in/office/index.php>).

(To view the Notification, please [click here](#))

- **[Kerala SPCB issues guidelines for preventing sewage pollution from establishments](#)**

The Kerala State Pollution Control Board (KSPCB) has issued guidelines for preventing sewage pollution from establishments.

**Notification:** The notification dated November 04, 2020, lays down conditions necessary to be incorporated in the Consent to Establish issued to commercial and residential complexes. The design criteria and guidelines for STP for flats and commercial establishments shall also be considered for processing consent application and assessing STP proposal.

(To view the Notification, please [click here](#))

## Madhya Pradesh

- **[Amendment to Madhya Pradesh Shops and Establishments Act, 1958](#)**

***Section 13 of the Madhya Pradesh Shops and Establishments Act, 1958***

Section 13 of the Madhya Pradesh Shops and Establishments Act, 1958 mandated every owner of a shop and establishment to close the shop or establishment for one whole day in a week.

**Amendment:** The Government of Madhya Pradesh on November 19, 2020, has amended the Madhya Pradesh Shops and Establishments Act, 1958 stating that employer of every shop and establishment should now provide a paid weekly holiday.

(To view the Amendment, please [click here](#))

## Maharashtra

- **[List of public holidays for the year 2021](#)**

**Notification:** The Government of Maharashtra has notified the list of public holidays for the year 2021.

(To view the Notification, please [click here](#))

## Puducherry

- **[Puducherry Unorganized Workers' Social Security Rules, 2020](#)**

**Notification:** Puducherry's state introduced the Puducherry Unorganized Workers' Social Security Rules, 2020 that shall apply to all unorganized workers.

(To view the Notification, please [click here](#))

- **[Amendment to the Puducherry Child Labour \(Prohibition and Regulation\) Rule, 1995](#)**

Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits children's engagement in all occupations and prohibits adolescents' engagement in hazardous occupations and processes.

**Notification:** The Puducherry government has inserted Rule 2A (Awareness on the prohibition of employment of child and adolescents in contravention to act), Rule 2B (Child to help his family without affecting education), Rule 2C (Child to work as an artist), Rule 15A (Hours of Work), Rule 16A (Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation fund), Rule 17A (Persons who may file a complaint), Rule 17B (Manner of compounding offences), Rule 17C (Duties of District Magistrate), Rule 17D (Duties of Inspector), Rule 17E (Periodical inspection and monitoring).

(To view the Notification, please [click here](#))

## Punjab

- **[Amendment to Factories Act, 1948](#)**

***Factories (Punjab Amendment) Ordinance, 2020***

**Notification:** The Government of Punjab has brought in three amendments to the Factories Act, 1948:

- Section 2(m) has been amended to raise workers' threshold limit to twenty and forty from ten and twenty, respectively
- Section 65(3)(iv) has been amended to raise the minimum requisite overtime hours from seventy-five hours to one hundred and fifteen hours to seek exemption orders from the State Government



- Section 106B has been added, according the Inspector a power to compound certain offences which are committed for the first time

(To view the Notification, please [click here](#))

- **Maintenance of various statutory registers in electronic form**

*Section 4 read with Section 81 of the Information Technology Act, 2000*

**Notification:** The Government of Punjab, in compliance with the Business Action Plan, 2020 of the Department of Promotion of Industries & Internal Trade (DPIIT), Ministry of Commerce & Industry, Government of India has approved the maintenance of registers under various statues including but not limited to the Payment of Wages Act, 1936, the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970.

(To view the Notification, please [click here](#))

## Rajasthan

- **Rajasthan Third Party Factory Inspection Scheme**

**Notification:** Rajasthan Factories and Boilers Inspection Department, on November 10, 2020, issued the Rajasthan Third Party Factory Inspection Scheme, which provides the freedom to the occupier to opt for inspection of the factory by a third party. The application for such inspection needs to be made online. The scheme seeks to achieve ease of doing business and simplify the inspection of registered factories under the Factories Act, 1948.

(To view the Notification, please [click here](#))

## Telangana

- **Telangana State List of Holidays 2021**

*Section 25 of the Negotiable Instruments Act, 1881*

**Notification:** The Government of Telangana on November 09, 2020, has notified the list of holidays in the state for the year 2021.

(To view the Notification, please [click here](#))

## Tripura

- **Renewal of licenses online under the Boilers Act, 1923**

*Section 34(3) of the Boilers Act, 1923*

**Notification:** The notification dated November 10, 2020, permits online submission of applications for renewal of licenses along with the procedure, list of documents and timelines for service delivery under the Boilers Act, 1923 read with the Indian Boiler Regulation, 1950.

(To view the Notification, please [click here](#))

- **Notification of online procedure under Factories Act, 1923**

*Rule 25A of Tripura Factories Rules, 2007*

**Notification:** The notification dated November 10, 2020, released by the Government of Tripura labour department permits the submission of online applications for renewal of licenses, list of documents and timelines for service delivery under Factories Act, 1923.

(To view the Notification, please [click here](#))

## West Bengal

- **West Bengal State List of Holidays 2020**

*Section 25 of the Negotiable Instruments Act, 1881*

**Notification:** The Government of West Bengal on November 05, 2020, has notified the General List of Public Holidays for the calendar year 2021.

(To view the Notification, please [click here](#))

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## ABOUT US

UnComplycate is an end-to-end compliance and contract management solutions provider that integrates domain experience with IT-enabled implementation, monitoring and management protocols.

With more than thirty years' experience in helping clients discharge their compliance obligations, we have developed a repository of significant knowledge and practical experience in advising and assisting businesses on their regulatory compliance, litigation management, notice and contract management and other attendant requirements. We create bespoke products for clients that include, among other things, an audit of the functions of the company, offering technology-enabled platforms that provide solutions for effective control over the compliance and contract management functions. These services are not limited by geography and can be seamlessly extended to all operating sites of the client.

## CONNECT WITH US



[connect@uncomplycate.com](mailto:connect@uncomplycate.com)



[www.uncomplycate.com](http://www.uncomplycate.com)



[Uncomplycate](https://www.linkedin.com/company/uncomplycate)

### New Delhi

81/1 Adchini  
Sri Aurobindo Marg  
New Delhi – 110 017

**Phone:** (+91) (11) 6638 7000

### Mumbai

Construction House, 5th Floor  
Ballard Estate  
Mumbai – 400 001

**Phone:** (+91) (22) 4340 0400

### Bengaluru

Aswan, Ground Floor, 15/6  
Primrose Road  
Bengaluru – 560 001

**Phone:** (+91) (80) 4631 7000

### Kolkata

No. 14 S/P, Block C,  
Chowringhee Mansions  
Kolkata – 700 016

**Phone:** (+91) (33) 4035 0000