

# Athena Law Associates

## Firm Profile



# Our Firm: Overview

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- Athena Law Associates is a law firm specializing in Indirect Taxes, trade laws and competition law
- We provide entire gamut of commercial services including litigation and advisory services, in niche areas of indirect taxes, trade laws and competition law
- The biggest strength of Athena is its people and the varying backgrounds from which they come. This helps Athena respond to clients' complex business challenges with a broad range of services across industry sectors.
- Our endeavour is to serve our clients through consistently delivering high quality services.
- The emphasis is on hard work and continuous training which enable our people to provide services of highest quality

# Services that we provide

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- We provide following services in niche areas of indirect taxes, trade laws and competition law (Areas of practice detailed later):-
  - LITIGATION
    - Supreme court
    - High courts
    - CESTAT/ COMPAT and other Tribunals
    - Authority for advance rulings
    - Settlement Commission
    - Arbitrators
    - Departmental adjudication/ appellate Authorities
  - Advisory Services
  - Consultancy and Retainership Services
  - Indirect tax reviews/ diagnostic services
  - Agreement drafting
  - Representational services
  - Transaction advisory
  - Training
  - Departmental Audit Support

## – NON LITIGATION

# Areas of Practice

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# Service Tax

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- Service Tax is undisputedly the largest growing indirect tax in India. Starting from a narrow base of three services and imposed at five percent in 1994 it has now widened its coverage to all activities except few activities and the rate of service tax has also been increased consistently.
- We have a highly specialised practice of service tax where we cater to the diverse needs of our clients spanning around different industries
- We provide Service tax advisory and litigation services to our clients belonging to diverse industry such as real estate, manufacturing, healthcare, hospitality, software, telecommunication, etc
- We have done indirect tax reviews for several Indian and Multinational Companies and have advised them on re-modelling the business to minimise the service tax implications
- We handle litigation at all the levels starting from adjudication level to Tribunal, High Courts and Supreme Court
- The endeavour of our firm therefore is to understand the dynamics of the business and then apply the law

# Customs and Central Excise

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## Customs duty

- Customs duty is levied on import and export of goods. For classification of goods, India follows HSN.
- We specialise in providing services relating to Customs duty issues including classification and valuation. We have done Customs classifications for multinational companies dealing in several thousand products.
- Our services include providing consultancy/ advisory and representing the clients before courts and authorities in their litigations.

## Central Excise duty

- Central Excise Duty is imposed on goods manufactured in India. We have a dedicated team of professionals who look after the diverse and complicated issues relating to Central Excise Duty.
- We provide both consultancy services and litigation services in respect of Central Excise Duty.

# Cenvat

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- In order to charge tax only on value addition, the Cenvat credit scheme was introduced in India.
- Both Central Excise duty and Service tax are subsumed by the Cenvat rules and they allow setting off credit of both against either of the taxes.
- Opportunity to avail Cenvat Credit gives a direct value addition to businesses and is thus a key area in tax planning.
- The practice of Customs, Central Excise and Service Tax invariably involves Cenvat Credit issues and all taken together forms the indirect tax code of India at the Union level.
- We endeavour to provide best of the services to our clients and handle diverse issues and matters both in consulting as also litigation of Cenvat Credit issues.
- We have advised our clients on the mechanism for availing the Cenvat credit. We have undertaken thorough review of the Cenvat credit machinery employed by clients and have advised them on the systems and the structure for optimising the Cenvat credit.

# VAT/ Entry tax and other State Taxes

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- The State Sales Tax Legislations were re-engineered and the new approach was referred to as VAT laws.
- Sales Tax is mainly a State subject, though CST is levied by the Union, the same is administered, collected and retained by the States. Therefore for all practical purposes, sales tax is a State subject.
- We specialise in dealing with Sales Tax issues, and have worked on almost all VAT laws in India.
- State Taxes namely entry tax, octroi, luxury tax, entertainment tax, market fee, etc also play a very important role in the businesses . Being a specialised tax law firm, we have dealt with several of these in number of states.
- The unmatched combination of expertise in Union and State laws gives our firm the edge while strategising the businesses.
- Complete Indirect Tax support for any proposed business transaction is the hallmark of our firm.
- Apart from consulting, we have also been very active in litigating these matters across various states. We are representing our clients in several states at various forums including the Tribunals and High Courts.



# Trade Laws

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## Anti dumping

- An application for imposition of anti dumping duty can be moved when exporter is dumping its product in overseas market at a price lower than the normal price.

## Countervailing duty

- An application for countervailing duty can be moved when the exporting government is giving subsidy on its export which is resulting into cheap imports in a member country.

## Safeguard duty

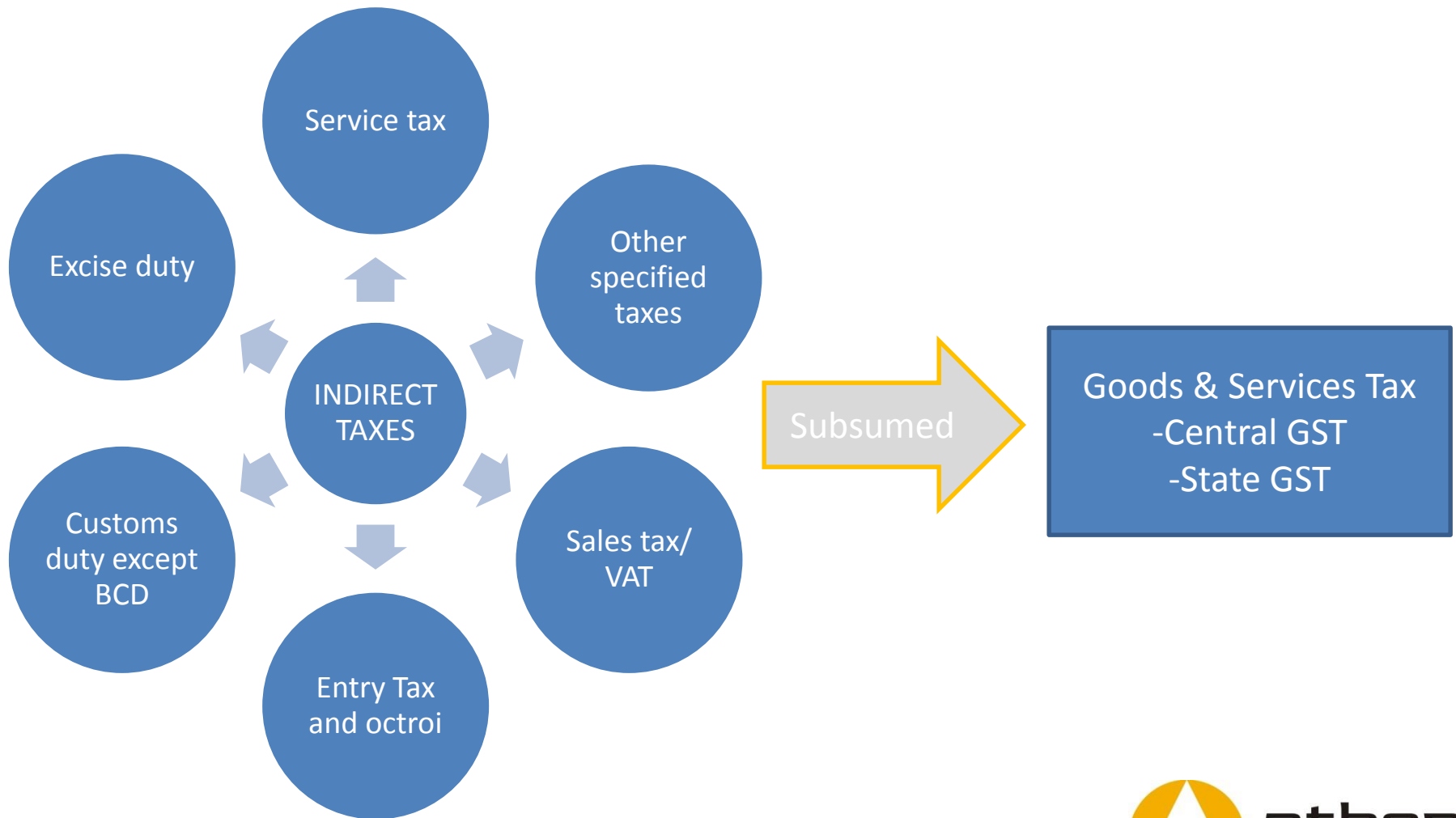
- An application for safeguard duty can be moved when there is a sudden and sharp increase in imports as a result of unforeseen developments causing injury to domestic industry.
- While in the case of anti dumping duty there is an alleged foul play on the part of exporter and in the case of counter vailing duty an alleged foul play on the part of exporting country, there is no alleged foul play on the part of exporter or exporting country in the case of safeguards duty.
- We have successfully handled a number of cases in the above arena for imposition of duty as well as opposing the imposition of duty.

# Competition Law

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- **The Competition Law** was introduced in India in its true sense by way of the Competition Act, 2002 and was made effective and notified from 2008.
- **The Competition Law** prohibits enterprises to enter into anti-competitive/collusive agreements or to abuse their dominant position and to form anti competitive combinations.
- Competition Commission of India (CCI) is the body overlooking and formed to curb anti-competitive activities in India.
- The CCI can act upon issues on its own or on receipt of information. CCI has the power to award compensation, impose penalty and can recommend to the Central Government division of a dominant enterprise to ensure that it does not abuse its position.
- Recently CCI has been in the highlights for various issues involving cases of huge monetary value and investigations including dawn raids.
- In the field of Competition/Anti-Trust Law we are representing enterprises in seeking relief against anti-competitive practices of their competitors as well as for defending enterprises against whom complaints have been filed before the CCI. We are also defending parties before the COMPAT.

# Biggest indirect tax reform: GST



# Our Services: GST

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- As-Is Study: Preliminary GST Impact Analysis
- Detailed Impact Study: Once the Draft Law is framed
- Implementation support including training
- Post implementation Review

# As-Is Study

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- **As-Is Study: Preliminary GST Impact Analysis**
  - the likely form of GST, as we envisage it, based upon the available information
  - report on likely Impact of GST, especially to sensitize the management about the change in GST environment, including:
    - the need to relook at the supply chain, and
    - need for a more robust IT system

# Detailed Impact Study

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- **Detailed Impact Study: Once the Draft Law is framed**
  - Detailed report on Impact of GST. This shall include:
    - Impact of GST on the current business model of the Company
    - Alternatives of doing business, in light of the GST scenario

# Implementation support

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- **Implementation support including training**
  - Drawing up implementation plan in consultation with the company
  - Execute and monitor the implementation of GST
  - Train the Management and the executives

# Post implementation Review

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- **Post implementation Review**
  - **Study** the actual implementation of GST
    - For the first quarter, and
    - For the first half year,  
..... after its implementation
  - **Report** on
    - Examine the various issues arising in actual implementation and suggest the corrective measures
    - **Suggestions** to streamline the processes and systems



# Key Personnel

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## **Pramod Kumar Rai** **Managing Partner**

- Pramod is an Engineering graduate from IIT Kanpur and an Ex Indian Revenue Service officer (Joint Commissioner in Central Excise & Customs).
- He holds a ‘Gold Medal’ in law (LLB) and has also earned a Masters degree in Law from the oldest public grant University of United States, namely the University of Georgia, on a 100% university funding.
- He is also a registered patent agent for filing domestic as well as international patent applications.
- He combines a rare techno-legal background and brings along with him ten years of his diverse and rich experience as a Tax Administrator with Govt. of India.

# Key Personnel

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- In the Government apart from his executive functions, he has acted as a quasi judicial authority in more than thousand taxation disputes. He regularly appears in the courts and tribunals and has argued in over a thousand cases till now.

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# Key Personnel

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## **Puneet Agrawal**

### **Partner**

- Puneet holds an honours degree in commerce from the Sri Ram College of Commerce, Delhi University.
- He completed his law from the Delhi University. He has also done Chartered Accountancy and is a member of the Institute of Chartered Accountants of India.
- He was meritorious in the Chartered Accountancy and was awarded scholarships by the Institute of Chartered Accountants of India. He was among the top 0.1% students of the Central Board of Secondary Education.
- Earlier he worked with Lakshmikumaran and Sridharan, Advocates and worked extensively on a variety of Indirect tax issues.

# Key Personnel

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- He has handled matters of clients from diverse industries and have represented them before various courts and tribunals. His field of specialisation is Service tax and VAT, business structuring and contract negotiations.
- He has a flair for lecturing and training and has been regularly delivering talks at law colleges, regional councils and study circles of the Institute of Chartered Accountants of India. He has delivered more than 200 lectures till date.
- He has been felicitated by the Northern India Regional Council of the Institute of Chartered Accountants of India for “Commendable Contribution to the Profession”, and also for contributing extensively as a speaker.

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# THANK YOU

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