

DIVYAM MITTAL

FCA, LLB, B. Com (A&F)

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Tax professional with 8 years of rich and diverse experience in Corporate and International Tax Advisory, Litigation, Transaction Advisory/ Merger & Acquisition (Tax) and Compliance.

PROFESSIONAL EXPERIENCE

Name of Organization	Location	Designation	Period	
			From	To
J. Sagar Associates Advocates ('JSA Advocates')	Gurugram, India	Senior Associate – M&A and Corporate Tax	November 2021	Present
Vaish Associates, Advocates (collaborating firm of Andersen)	New Delhi, India	Senior Associate – Corporate Tax	February 2019	October 2021
		Associate – Corporate Tax	November 2015	September 2017
Ernst & Young LLP ('EY')	Gurugram, India	Consultant – Tax & Regulatory Services	October 2017	February 2019

Nature of Work Handled

I. Tax Advisory

Prepared advisory notes/ detailed opinions for various clients, including MNE groups, inter alia, on the following issues:

- Detailed analysis on applicability of **Equalisation Levy ('Indian Digital Services Tax')**
- Analysis and applicability of provisions of **General Anti-Avoidance Rules ('GAAR')**
- Characterization and **withholding tax implications** of foreign remittances as per the domestic law and Tax Treaties
- Drafting of opinion on tax implications under **Black Money Act**
- Analysis of **Permanent Establishment exposure** of overseas entity and **secondment** of employees.
- Assessment of implications of **Multilateral Instrument (MLI)** on tax benefits available to various overseas clients
- Analysis of tax implications arising on **assignment of retail loan portfolio**
- **Strategizing and assisting** in tax issues on **dissolution of a Trust** and transfer of assets by the Trust
- Allowability of issuance of **CCDs as consideration in demerger** and deductibility of **interest expenditure** thereon
- Tax implications arising from **accounting of lease arrangements** under Ind AS 116
- Tax implications on **write-off of irrecoverable Inter-Corporate Deposits** and their **conversion into shares**.
- Analysis of tax implications arising pursuant to **Insolvency and Bankruptcy Code, 2016**
- Assisting **policy-making government authority** on several tax issues relating to merger, search and seizure, prosecution, etc.
- Assisted in **inbound and outbound investments** in and out of India involving optimal ownership/ **comparative jurisdictional analysis** for investment in particular jurisdiction and advising on implications from GAAR, BEPS and MLI perspective.

II. Transaction Advisory

- Conceptualized options for various client need *viz.*, **entity rationalization, efficient transaction plans**, SPA/ SSA review, suggested Representations and Warranties, Indemnity clauses to mitigate risks
- Advisory on **indirect transfer taxes** from Indian perspective on multiple transactions
- Preparation of **Memorandums, Advisory Notes and Presentations** dealing with tax and regulatory aspects of M&A transactions
- Assisting clients in **negotiation with counter party** in the M&A transaction
- Performing **tax due diligence** for multiple entities across different sectors and **preparation and filing of section 197 applications** with tax authorities
- **Assessment of comparative tax** alternatives and **advising on tax efficient modes** such as share sale, asset sale, demerger, etc.)
- Comprehensive analysis and detailed **research of tax aspects including international tax** and FEMA for M&A transactions

III. Tax Litigation and Compliance

- Assisted senior counsels and partners in representing matters involving complex domestic and international tax disputes before the **High Courts, Income Tax Appellate Tribunal and other appellate authorities**
- **Prepared briefs** on tax and regulatory matters for obtaining legal opinions from Senior Counsels
- **Argued stay applications and quantum appeals** involving covered issues before Tribunal
- Drafted **writ petitions** before High Courts against arbitrary orders/ notices issued by tax authorities particularly writs challenging **constitutionality of re-assessment notices** issued under section 148 vis-a-viz 148A.
- Drafted synopsis, stay of demand applications, applications for admission of additional evidence/ grounds of appeal, rejoinder to Revenue' submissions, before the Courts
- Independently represented clients in **first appellate proceedings** and drafted written submissions
- **Represented** several domestic and foreign clients before tax authorities in **corporate tax matters**
- **Drafting and preparation of replies** against notices received by various domestic and foreign corporations along with rectification applications, appeal effect, stay of demand, etc. before the tax officer
- Prepared **income tax returns** for various domestic and foreign corporations
- Maintained effective working relationship with tax authorities and successfully obtained long pending appeal effect/ rectification orders, resulting in **income tax refunds aggregating to more than INR 30 million**

PROFESSIONAL & ACADEMIC QUALIFICATION

Degree/ Examination	Institution	Month/ Year of passing	Marks secured (%)
Bachelor of Laws ('LL.B')	Chaudhary Charan Singh University, Meerut	December 2018	54.8%
Chartered Accountancy	The Institute of Chartered Accountants of India	November 2015	53%
Bachelor of Commerce (A&F)	Indira Gandhi National Open University	June 2014	58%
ISCE, Class XII – Commerce	Sherwood College, Nainital	March 2011	89.25%

KEY MILESTONES

- Contribution towards **publications and articles on Union Budgets** and several judgements | *Feb'22, 20, 21*
- Received **appreciation emails** from senior counsel and clients for proactively handling complex matters before the Tribunal and obtaining favorable orders | *March'19 - Oct'21*
- **Co-authored several articles** published in internal newsletters and by **Mondaq** | *July'21*
- Opportunity to represent in **IFA Conference** on International Tax held at Agra | *May'19*
- Certificate of Excellence for **outstanding performance in Accountancy** in 12th Standard | *March'11*
- Certificate of Merit for achieving **Distinctions in academics** in 12th Standard | *March'11*

PERSONAL DETAILS

Nationality : Indian
Current place of residence : Gurugram (India)