



## **Ketan Kothari**

Director

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### **Practices:**

Corporate and Commercial  
Taxation

### **Education:**

B.Com, University of Mumbai (1985)  
C.A , Institute of Chartered  
Accountants of India (1986)

### **Professional Affiliations:**

Institute of Chartered Accountants of  
India

Ketan is qualified as a Chartered Accountant in the year 1986. Post qualification, he joined Nanubhai Desai & Co, Chartered Accountants. The firm was renamed Arvind P Dalal & Associates in 1988 after an internal restructuring between the partners. Ketan was co-opted as a partner of Arvind P. Dalal & Associates in 1990. He worked with Ketan Dalal, currently a partner with PWC, during this period and branched out in 1994 to set up his own firm Ketan C. Kothari Co.

Ketan has been closely associated with Thakker & Thakker since 1997. During the 13 years of association with Thakker & Thakker, he led a team of 12 to 15 professionals and anchored relationships for clients such as Louis Vuitton, Dior, Bank Julius Baer, Cisco Capital, etc.

### **Representative Matters:**

The areas where he was involved in advisory are:

- Advisory in international tax related issues to more than 100 clients of Thakker & Thakker. This included issues related to e-commerce taxation, aspects of permanent establishment ("PE") in India, royalties, fees for technical and/or included services, independent personal contracts etc. With regard to PE related issues in the e-commerce space, he advised CRS and Credit Card clients such as Sabre, Inc Abacus Distribution Systems American Airlines, VISA, etc and assisted them in tax litigation in India. The litigation is currently pending before the Supreme Court of India. Apart from the above, he was involved with tax structuring for India entry strategy, taxation and exchange control implications of grant of ESOP, ESPP and other equity awards to employees of Indian subsidiary by an MNC, tax withholding obligations regarding payouts by an Indian company, structuring for acquisition of business in India to protect available tax incentives, etc;
- Advisory on acquisition transaction of companies listed on the stock exchange on issues related to the SEBI Takeover Code, Delisting guidelines Insider Trading regulations, etc. He has advised clients including Solvay, Pfizer in acquisition of Bharti Healthcare Limited, DHL in acquisition of Bluedart Limited, Schering Plough, etc;
- Advisory in respect of banking and finance services, especially setting up NBFC presence in India in fields such as investment banking, leasing and finance, portfolio management, setting up an



**KHAITAN  
&CO**

*Advocates since 1911*

AMC, etc. He has advised clients such as Bank Sarasin, Alpen Capital, Julius Baer, Credit Suisse, Mizohu Bank, Cisco Capital, HP Finance, etc;

- Advisory on foreign direct investments in India including exchange control issues with emphasis on evolving optimal structure for the investment plan and co-coordinating the regulatory approvals required, from the FIPB, RBI, etc. He has advised several clients in this regard including Louis Vuitton, Dior, Tods, SHV, Solvay, Pfizer, Soc Gen, etc;
- Advisory with regard to cross border investment in entities listed on the Indian stock exchanges, involving FII, Sub-account structures, registration processes and requirements, etc. This also involved advice with regard to 'off-shore derivative instruments', etc. The clients advised include, Abu Dhabi Investment Authority, Bank Sarasin, Credit Suisse, etc.

### **Recognitions and Accomplishments:**

Ketan has been ranked amongst India's leading individuals for Tax by Tax Directors Handbook 2010 published by Legalease. He has also been recommended as one of the Leaders in the field by Chambers of Asia 2010 in the practice area of Corporate Mergers and Acquisitions.