

Salient Features of Income Tax Act 2023



Preface



This handout provides an overview of the changes brought in by the Proposed Income Tax Act 2023. The handouts has been prepared on the basis of publicly available sources i.e. NBR website.

The information contained in this document is of a general nature and is not intended to address the circumstances of any particular individual. Although we aim to provide accurate and timely information, we do not provide assurance that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

Focal Points of Income Tax Act 2023



- Investment & Businessfriendly
- Automation & Reduction of Arbitrary Power
- International Best Practice
- Simplicity & Transparency
- Tax Refund

- Withholding Tax
- Adverse Impact/Challenges
- Penalties & Fines increased
- Other
- Personal Tax







TDS return reduced to 12 from 29 A
comprehensive
list of Business
expenses with
new structure

Widened Cap on Expense Limit & new areas of deduction Addressed difference between IFRS and Tax laws













ITO 1984		Number of Return	ITA 20	23
Statement of Tax deducted & Collected u/r 18	Monthly	12	Statement of WHT tax u/s 75A (Monthly)	Monthly
Statement of Salary Tax deducted u/r 21	Monthly	12		
Statement of WHT tax u/s 75A	Half Yearly	2		
Statement of TDS from Salary u/s 108	Yearly	1		
Statement of Interest Payment u/s 109	Yearly	1		
Statement of Dividend Payment u/s 110	Yearly	1		
Total		29		12

29 Statements



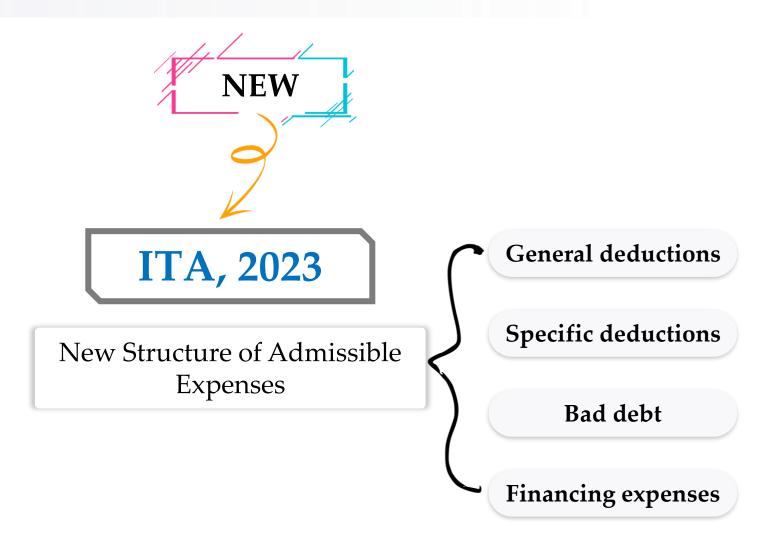
12 Statements







Scattered in different provision





New areas of tax admissible expenses



Specific Expenses

- □ Utility
- ☐ Transportation
- □ Discount & Commission

- Advertisement
- □ WPPF
- □ Realized forex loss

Omnibus Expenses

• Expenses which are not mentioned in the list commercially viable as well



- ✓ Areas of tax admissible expenses widened
- Discretionary Power of the DCT still exists which are not specifically mentioned



Widened Cap on expense limit



Particulars	ITO 1984	ITA 2023	
Royalty, License Fee, technical Service fees, technical Knowhow fees, fees for using	10% of net profit for 1st 3 Years	10% from the 1st years to	
Intangible asset	8% of net profit in subsequent years	foreseeable future	
Foreign Travel Expense	0.5% of turnover	0.5% of turnover Or more if the expenses are commercially viable	



- > Simplification on cap
- Leverage on foreign travel expense

Depreciation Limit on Motor Vehicle cost

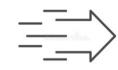


Actual Cost **70 Lacs**



ITO 1984

Depreciation Limit on Motor Vehicle cost



ITA 2023

Depreciation Limit on Motor Vehicle cost

30 Lacs



Taxpayer will get extra 5 lakh taka depreciation benefit

25 Lacs



Amortization separated from Depreciation



Particulars	ITO 1984	ITA 2023
Bangladeshi made computer software	50%	20%
Research and Development expenditure		10%



It will take time to amortize



Amortization on Expense Disallowed as CAPEX





Taxpayers will get tax allowable amortization benefit if it considered as capex at the time of assessment.



Alignment with Accounting Standards



IFRS vs TAX - New Inclusions

IAS 21 – Realized and unrealized gains IFRS 2 – Share Based Payment

IAS 36 – Impairment of Asset IFRS 9 – Financial instruments

IAS 37 – Provisional and actual expenses IFRS 15 – Long term Contract

IAS 40 – Investment property IFRS 16 – Lease expense recognition



Alignment with Accounting Standards



IFRS vs TAX - New Inclusions

<u>IAS 37</u>

Actual expense – Admissible

Provision under IAS 37– Inadmissible

IFRS 16

Actual rental expense – Admissible

Depreciation & Interest Expense under IFRS 16 – Inadmissible

IAS 16/40

Revaluation gain– Will not be income

Realized gain – Will be income





Automation & Reduction of Arbitrary Power







Digitised Proceedings



New Inclusion



Online Return and Documents Submission



Communication of Order, Acknowledgement Receipt, Demand Letter, Certificate Through online



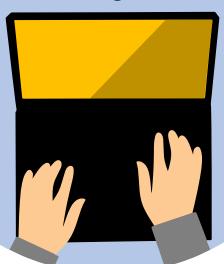
Virtual Attendance or hearing before income tax authority or Appellate Tribunal



>> Impact

Fully electronic tax system will be introduced, and Transparency will be increased

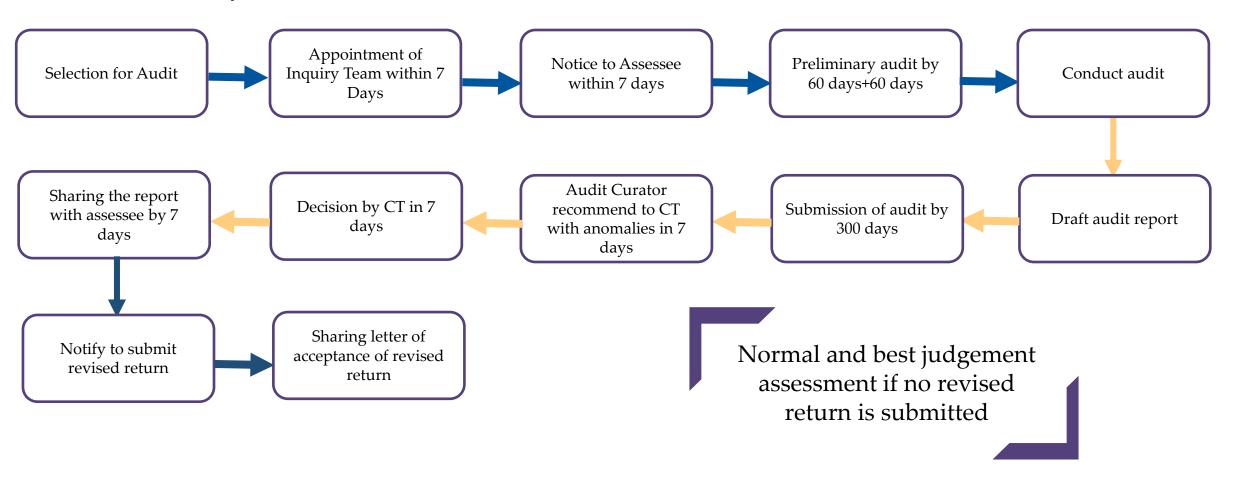




Audit SOP



Detail of team and SOP is provided in this section on the timeline and procedure that needs to be followed for audit. A summary of the timeline is as follows:







International Best Practice



Share Based Payment GAAR -General Anti-Avoidance Rule

Thin Capitalization

Demerger

Fiscally Transparent Entity





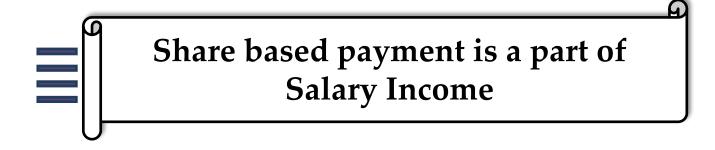






Share Based Payment





Fair Value at Vesting Date

Cost of Acquiring the Shares

Salary Income

Unless a rule is introduced how the fair value will be determined for unlisted companies?



Sale of Share-options will also be taxable



Thin Capitalization



Interest payment on loan from related party allowable **up to BDT 15 lac**





But not applicable in case of the loan taken from bank and FI

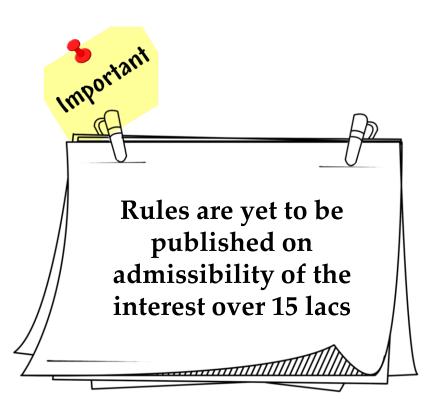
» Impact

Control on repatriation of funds to related parties through interest

Thin Capitalization



Details	Company A	Company B
Loan from Related Party	15,000,000	20,000,000
Interest Rate	9%	9%
Interest expense	1,350,000	1,800,000
Profit Before Tax	500,000	500,000
Add: inadmissible Interest Expense	_	300,000
Taxable Income	500,000	800,000
Income Tax Liability @ 27.5%	137,500	220,000
Increased tax liability in Interest		82,500





General Anti-avoidance Rule (GAAR)



Anticipated by Commissioner

Misuse

Obtained Tax benefit by misusing Tax arrangement



» Impact

Assessing officers arbitrary power might increase



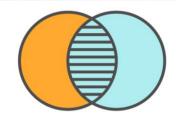
The DCT can take the following actions

- 1. Income estimation
- Revised Tax demand
- 3. Tax refund adjustment
- 4. Tax rebate or benefit adjustment
- 5. Any other means

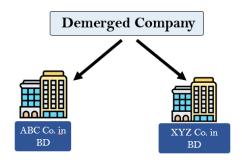


Demerger





Shareholder Of **Demerged Company** holding more than 75% shares, shall become shareholder Of **Resulting Company**





What will happen to the shareholders holding less than 75% shares??

Tax On Transfer of Capital Assets "Demerger"



Consideration through shares



Consideration through other than shares

1. Accumulated **Loss**



2. Unabsorbed **Depreciation**





Newly resulting company will adjust loss and Depreciation of Demerged Companies

Exemption on Income of SPVs





Alternative Investment Fund

Issuer of Mutual Fund

>> Impact

Broadened investment area

ITA, 2023

Alternative Investment Fund

Mutual Fund

Real Estate Investment Trust

Exchange Traded Fund





Simplicity & Transparency



Plain
Bangla &
Elimination
of excessive
proviso

Income & expenses included in each separate chapter

Introduction of rules within the act including mathematical formula

Definition & Explanation has been introduced within related sections









Plain Bangla



গবেষনা ও উন্নয়ন অবলোপিত মূল্য

করারোপিত লভ্যাংশ

বাণিজ্যিক যৌক্তিকতা

ফটকা কারবার

পুঞ্জিত মুনাফা

একীভূতকরন

ভূতপূৰ্ব

No more Redundant Proviso



[Provided that any loss in respect of any speculation business of the lead "Capital gains" shall be set off only against any income in respect of speculation ess or any income under the head "Capital gains":

Provided that the provisions of section 19(16) shall also so top the for the termination of any profits where the sale proceeds of such machinery, at, furniture or building exceeds the written down value thereof.



Income & Expenses Included In Each Separate Chapter



Head of Income	Chapter No
Income from Salary	Chapter 2
Income from Rental Property	Chapter 3
Income from Agriculture	Chapter 4
Income from Business	Chapter 5
Income from Capital Gain	Chapter 6
Income from Securities	Chapter 7
Income from Other Sources	Chapter 8





Introduction of Rules within the Act including Mathematical Formula



(২৭) "চাকরি হইতে আয়" হিসাবে পরিগণিত আয়ের দুই-তৃতীয়াংশ বা ৪, ৫০,০০০ (চার লক্ষ পঞ্চাশ হাজার) টাকা যাহা কম;

(২) কর্মচারী শেয়ার স্ক্রিমের অধীন শেয়ার প্রাপ্ত হইলে, শেয়ার প্রাপ্তির বংসরে ক - খ নিয়মে আয় চাকরি হইতে আয়ের সহিত যোগ হইবে, যেখানে-

ক = প্রাপ্তির তারিখে শেয়ারের ন্যায্য বাজার মৃল্য;

খ = শেয়ার অর্জনের ব্যয়।

(২) নিম্নবর্ণিত সূত্র অনুসারে গড় হারে কর হিসাব করিতে হইবে, যথা:-

ট= ক × (খ/গ), যেইক্ষেত্রে-

ট= গড় হারে কর

ক= মোট আয়ের উপর হিসাবকৃত কর (ফার্ম বা ব্যক্তিসংঘের শেয়ার আয়সহ)

খ= ফার্ম বা ব্যক্তিসংঘ হইতে প্রাপ্ত শেয়ার আয়

গ= ফার্ম বা ব্যক্তিসংঘ হইতে প্রাপ্ত শেয়ার আয়সহ মোট আয়।



Definition & Explanation has been introduced within related sections



- (গ) 'পারকুইজিট' অর্থ নিয়োগকর্তা কর্তৃক কর্মচারীকে প্রদন্ত ইনসেনটিভ বোনাসসহ যেকোনো প্রকারের পরিশোধ বা সুবিধা, তবে নিয়বর্ণিত পরিশোধসমূহ ইহার অন্তর্ভুক্ত হইবে না, যথা:-
 - (অ) মূল বেতন, বকেয়া বেতন, অগ্রিম বেতন, উৎসব ভাতা, প্রণোদনা ভাতা, ছুটি নগদায়ন ও ওভারটাইম;
 - (আ) স্বীকৃত ভবিষ্য তহবিল, অনুমোদিত পেনশন তহবিল, অনুমোদিত আনুতোষিক তহবিল ও অনুমোদিত বার্ধক্য তহবিলে প্রদত্ত চাঁদা;

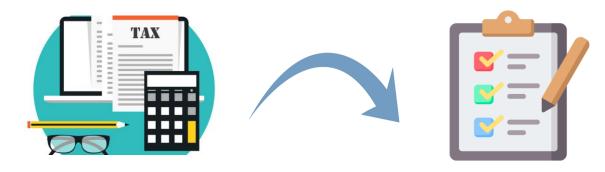
- (২) **"ভাড়া প্রদান"** অর্থ মালিকানা বা স্বত্ব ত্যাগ ব্যতিরেকে কোনো নির্দিষ্ট সময়ের জন্য সম্পত্তির ব্যবহারের অধিকার প্রদান, তবে নিজস্ব মালিকানাধীন হউক বা না হউক, কোনো তফসিলি ব্যাংক, বিনিয়োগ ব্যাংক, কোনো উন্নয়নমূলক আর্থিক প্রতিষ্ঠান অথবা মুদারাবা বা লিজিং কোম্পানি কর্তৃক অন্য কোনো ব্যক্তিকে ভাড়া প্রদান অর্গ্যভুক্ত হইবে না;
- (৩) **"সম্পত্তি"** অর্থ গৃহ সম্পত্তি, জমি, আসবাবপত্র, ফিক্সার, কারখানা ভবন, ব্যবসার আঞ্চানা, যন্ত্রপাতি, ব্যক্তিগত যানবাহন ও মূলধনি প্রকৃতির অন্য কোনো ভৌত পরিসম্পদ, যাহা ভাড়া প্রদান করা যায়।
- (ঘ) 'মূল বেতন' অর্থ মাসিক বা অন্য প্রকারে প্রদেয় বেতন যাহার ভিত্তিতে অন্যান্য ভাতা এবং সুবিধা নির্ধারিত হয়, তবে নিম্নবর্ণিত ভাতা বা সুবিধাদি মূল বেতনের অন্তর্ভুক্ত হইবে না, যথা:-
 - (অ) সকল প্রকার ভাতা, পারকুইজিট, অ্যানুইটি, বোনাস ও সুবিধা; এবং
 - (আ) নিয়োগকর্তা কর্তৃক কর্মচারীর বিভিন্ন তহবিলে প্রদত্ত চাঁদা;

- (অ) "নীট ব্যবসায় মুনাফা" অর্থ কোনো সন্তা কর্তৃক সরাসরি পরিচালিত ব্যবসায়িক মুনাফা, তবে কোনো সাবসিডিয়ারি, অ্যাসোসিয়েট বা জয়েন্ট ভেঞ্চার হইতে অর্জিত মুনাফা ইহার অন্তর্ভুক্ত হইবে না;
- (আ) "প্রচারণামূলক ব্যয়" অর্থ ব্যবসায়ের উদ্দেশ্যে কাউকে কোনো বস্তু, অর্থ বা অন্য কোনো প্রকারের সুবিধার প্রদানের বিপরীতে দাবিকৃত ব্যবসায়িক খরচ দাবি।

Simplification for return submission



Return to be submitted under **Universal Self-assessment**



Return Filing

Universal Self-assessment



EXCEPTION

- ➤ Any company except for OPC, Bank, Insurance or Financial Institute, and
- > Person leaving Bangladesh





Two-thirds of the total income or BDT 450,000 whichever is less

Salary Structure	BDT	Exemption as per ITO 1984	Exemptions as per ITA 2023	Taxable Income
Basic Salary	1,200,000	_	450,000	1,750,000
HR(lower of 25k/m or 50% of basic)	500,000	300,000		
Medical(10% of basic or 120,000)	200,000	120,000		
Conveyance(30,000)	100,000	30,000		
Festival Bonus	200,000	-		
Total	2,200,000	450,000	450,000	1,750,000

Mandatory Audit for Firm, AoP and Funds





Firm



Association of Person



Fund

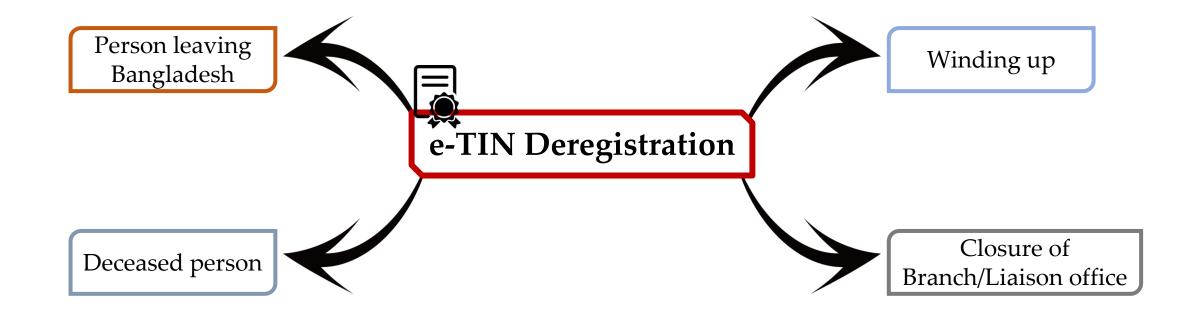
Having turnover over 2 Crore

» Impact

More Compliances with Audited FS

Deregistration of e-TIN











Grossing up Mechanism in Payment



TDS has to be paid by grossing up the invoice where the payment is made without TDS

If Payment amount exclusive of tax is 100,000:

 $A = (100,000 \times 30\%) / 100\% - 30\%$ = 42,857 Calculated amount for deduction:

 $A = (B \times Applicable tax rate) / C$,

Where

A = Amount of tax collected

B = Payment amount exclusive of tax

C = 100 – Applicable Tax Rate

» Impact

Enhance tax compliance, increase tax collection, and promote a fair and transparent tax system



Transaction by tax exempt entity



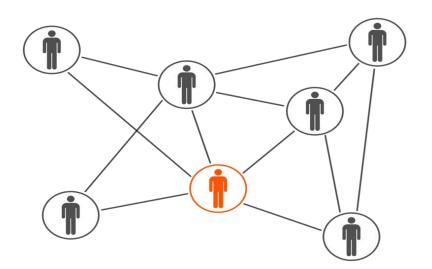
Non arm length Transaction price by tax exempt entity with an associated price will be added as income of the associated enterprise on the difference between the transfer price and fair market value

Transaction price with tax exempt entity

Fair market value



Income from other source





Unless a rule is introduced, assessing officers arbitrary power will increase

Addition in Depreciation Allowance





Truck , delivery van and other Motor vehicle

Non mechanical Van

Battery operated apparatus & rechargeable batteries



>> Impact

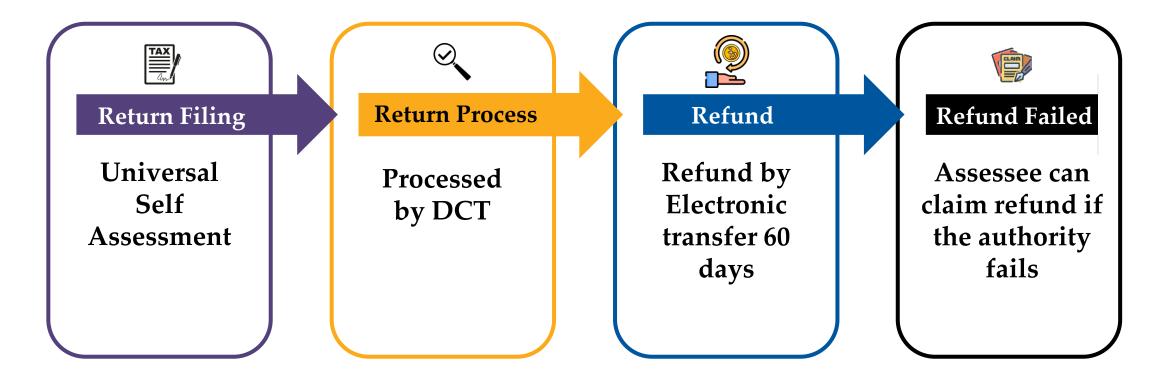
Taxpayers can segregate their assets properly





Refund Guidelines





» Impact

Refund process will be easier





Withholding Identification Number



Withholding entities need to collect a separate number





- Will be difficult to maintain TIN & WIN.
- Only TIN preferred

TDS on Intercompany Loan Interest



10% tax on interest paid for loans, excluding banks and financial institutions







Increased tax liabilities for borrowers

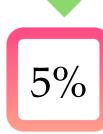


Taxation on the Rise: Exploring the Increased TDS Rates



Payment for WPPF

10%



Payment for Surveyors' fees

15%





Increased tax charge

TDS on Bangladesh Bank Bill









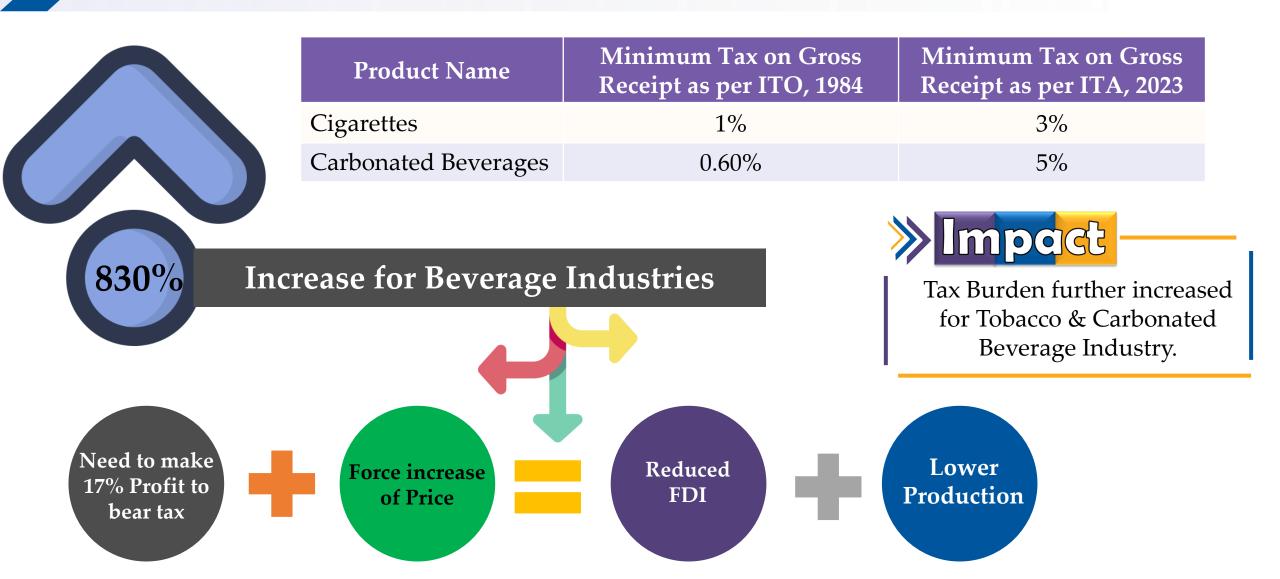
Base income of the funds' beneficiary will be affected





Excessive Minimum Tax on Gross receipt





Restrictions on Setting-off Losses



Business Loss Set-off against only business income



Particulars	ITO 1984	ITA 2023
Income from business	(500,000)	(500,000)
Other Income	700,000	700,000
Taxable Income	200,000	700,000
Net Tax Payable @ 27.5%	55,000	192,500
Additional tax payment in current Year		137,500
Carry forward business loss	_	(500,000)



Increasing tax burden of loss making companies

ie: loss-making companies will still have to pay taxes on interest income, dividend income, etc

LFA for Exemption



	When Month BDT 82	•	When Monthl BDT 162	•
Salary Components	Amor	unt	Amou	nt
Basic salary:		600,000		1,200,000
House rent allowance:		300,000		600,000
Conveyance allowance:		30,000		30,000
Medical allowance		60,000		120,000
LFA		60,000		120,000
Festival Bonus		82,500		162,500
Total		1,132,500		2,232,500
	ITO 1984	ITA 2023	ITO 1984	ITA 2023
House rent allowance:	300,000		300,000	
Conveyance allowance:	30,000	450,000	30,000	450,000
Medical allowance	60,000	450,000	120,000	450,000
LFA	60,000		120,000	
Exemption	450,000	450,000	570,000	450,000
Taxable Income	682,500	682,500	1,662,500	1,782,500



Tax Burden will increase for Higher Salaried Employees who are entitled to LFA





Particulars:	ITO 1984	ITA 2022
Yearly rental income (25,000 x 12)	300,000	300,000
Vacancy allowance (25,000 x 2)	0	(50,000)
Net rental income	300,000	250,000
Less: Admissible allowances		
Repair & Maintenance @ 25%	(75,000)	(62,500)
Vacancy allowance	(50,000)	0
Taxable Rental Income	175,000	187,500

Vacancy Allowance will be adjusted with rental income



Incentive Bonus as Perquisite





Particulars	ITO 1984	ITA 2023
Net Income Before Tax	1,000,000	1,000,000
Inadmissible Income	100,000	100,000
Incentive Bonus	50,000	50,000
Net Taxable Income	1,100,000	1,150,000
Tax rate	27.50%	27.50%
Tax Payable	302,500	316,250
Effective Tax Rate	30.25%	31.63%

- (গ) "পারকুইজিট" অর্থ নিয়োগকর্তা কর্তৃক কর্মচারীকে প্রদত্ত ইনসেনটিভ বোনাসসহ যেকোনো প্রকারের পরিশোধ বা সুবিধা, তবে নিয়বর্ণিত পরিশোধসমূহ ইহার অন্তর্ভুক্ত হইবে না, যথা:—
 - (অ) মূল বেতন, বকেয়া বেতন, অগ্রিম বেতন, উৎসব ভাতা, প্রণোদনা <mark>ভাতা</mark>, ছুটি নগদায়ন ও ওভারটাইম;



Company will have to bear more tax burden due to inclusion



Cascading TDS Impact for Importer and Distributor





Removed adjustment of TDS paid at distribution stage

A manufacturing company sells its products to the distributors at Tk. 95, MRP of which is Tk. 100. The distributors then resell the products to the retailer at Tk. 98.

	ITO 1984	ITA 2023
A (TDS u/s 53E)	0.24 (95 x 5% x 5%)	0.24 (95 x 5% x 5%)
B (TDS u/s 52)	0.33 (95 x 7% x 5%)	6.65 (95 x 7%)
B – A	0.09 (0.33 - 0.24)	N/A
Total Tax	0.33	6.89



Disadvantage for importer and distributors.

Final Tax to Minimum Tax



Particulars	ITO 1984	ITA 2023
TDS on Compensation Against Acquisition of Property	6% or 3%	6% or 3%
TDS on Interest on Saving Instruments	10%	10%
TDS on Export Cash Subsidy	10%	15%
TDS on Interest on saving deposit	10% or 5%	10% or 5%,
TDS on Transfer of Property	4%	10%
TDS on Real estate developer to land owner	15%	15%

Final Tax



TDS on Land Sale is No more Final Tax



Example:-

Let's assume an Individual had bought a land for **Tk. 1,000,000**. And subsequently he sold the land at **Tk. 80,000,000**, giving a rise in **Capital Gain of Tk. 79,000,000**.

Details	ITO 1984	ITA 2023	Toy Pandon
TDS	3,240,000	1,000,000	Tax Burden
Capital Gain Tax	3,240,000	11,850,000	increased
Ultimate Tax Liability	3,240,000	11,850,000	265%
Final Tax @ 4	∪ / ₀	Minimum Tax @ 8% Capital gain tax of	•



Assessment beyond 6 years



If an assessee conceals any assets acquired before 6 years, the assessing officer will deem the asset to be acquired in the **Past 6th year** and will deem income accordingly



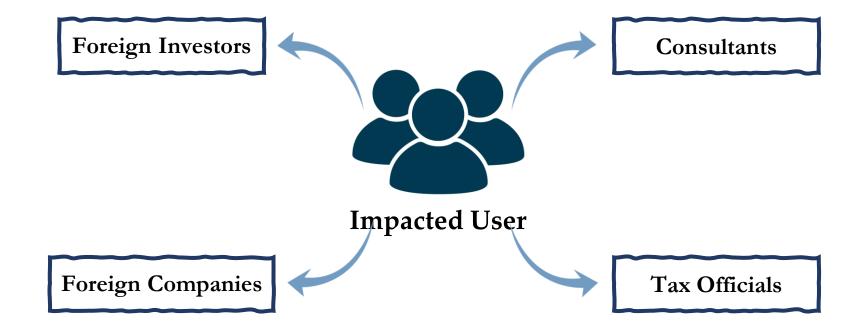


Authentic English Version



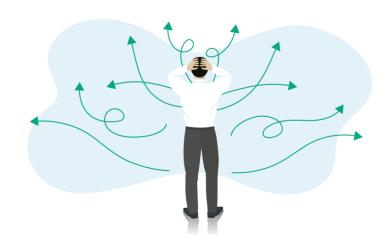


Absence of English version will create ambiguity in understanding the law



Rules for Application of the Act





Certain provision will create ambiguity in the absence of rules and guidelines

Payment will get stuck in the absence of TDS rates



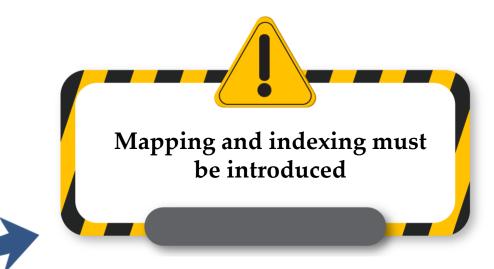
Several Sections still requires proper rules for using the act properly



Mapping of the Section











The user will face difficulties in locating the laws





Penalties & Fines increased



Particulars	ITO 1984	ITA 2023
Penalty for failure to file return, etc	Tk. 25,000 + Tk. 500 per day for continuing default	Tk. 50,000 + Tk. 500 per day for continuing default
Penalty for not maintaining accounts in the prescribed manner	Tk. 100	Tk. 5,000
Penalty for non-consequence of certain obligations	Imprisonment for 1 yr. with/without fine.	Imprisonment for 1 yr. with/without fine is non-deposited TDS exceeds Tk. 25000 and for continued non-compliance Tk. 100-500 per day fine will be applicable.
Punishment for false statement in [verifications, etc.]	Imprisonment for 3 yrs. At least 3 months with/without fine.	Imprisonment for 5 yrs. At least 6 months with/without fine.



Penalties & Fines increased



Particulars	ITO 1984	ITA 2023
Punishment for providing false information, etc.	Imprisonment for 3 yrs. At least 3 months with/without fine.	Imprisonment for 5 yrs. At least 6 months with/without fine for providing false information. Imprisonment for 5 yrs. At least 6 months with/without fine for providing false certification.
Punishment for instigation tax evasion	None	Imprisonment for 2 yrs. At least 6 months with/without fine.
Punishment for furnishing fake audit report	Imprisonment for 3 yrs. At least 3 months with/without fine.	Imprisonment for 5 yrs. At least 6 months with/without fine.
Punishment for improper use of Tax-payer's Identification Number	Imprisonment for maximum 3 yr. with/without fine up to Tk. 25,000	Imprisonment for maximum 1 yr. with/without Tk. 1 lac fine.



Penalties & Fines increased



Particulars	ITO 1984	ITA 2023
For filing the amended return	2% interest rate	5% interest rate on the shortfall
Delay Interest for not filing return on or before the Tax Day	2% interest rate up to 12 months	4% interest rate up to 24 months In case of a fractional day, entire month will be considered.











Proof of Return Submission while Payment







To ensure no breaches of confidentiality, acknowledgement form should be changed

>> Impact

Increasing burden on withholding entity!



As per old law for Sections:

52, 52AA, 53F

ITA 2023

Now applicable for all TDS sections



Return Submission for Non-government Recognized Funds



Exclusion

***** Bangladesh Bank

Local Govt.

Inclusion

Private Recognized Provident Fund

Private Approved Gratuity Fund

Private Approved Superannuation Fund







Private RPF, GF, ASF will have to submit tax return which is discriminatory as public funds are exempts

PROVIDENT FUND





Provident Fund Taxable Entity



PROVIDENT FUND



Now Taxable

Particulars	ITO 1984	ITA 2023
Income	10,000,000	10,000,000
TDS (say 10%)	1,000,000	1,000,000
Tax Liability @27.5%	1,000,000	2,750,000
Extra Tax Burden	_	1,750,000
Net Income for distribution	9,000,000	7,250,000



Net Income of individuals will substantially reduced.

Withdrawal of Exemption



Particulars	ITO, 1984	ITA, 2023
Income from WPPF	Exempted Up to 50,000	Omitted
Income From Mutual Fund By An Individual	Exempted Up to 25,000	Omitted
Income From Dividend By An Individual	Exempted Up to 50,000	Omitted





>>> Impact

Increased tax burden to the assessee

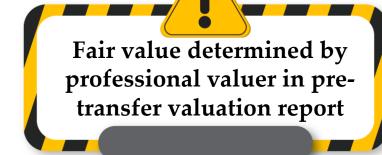
TDS on Share Transfer



Transfer of shares in unlisted companies from resident to non-resident individuals, based on face value and fair value of shares

....:





>>> Impact

Transfer registration requires payment of tax with application

Startup Sandbox



Startup Business



» Impact

Now Big Cap companies can avail the benefit by acquiring startups





Changes in Investment Tax Rebate



ITO 1984

Allowable rebate on taxable income 3%

Maximum amount of tax rebate 1,500,000

ITA 2023

Allowable rebate on taxable income 3%

Maximum amount of tax rebate

1,000,000



- ➤ High income people will get less rebate!
- ➤ **No impact** if monthly income is less than **BDT 2,800,000**



Investment Rebate on certain Securities



ITO 1984	Limit	ITA 2023	Limit
Saving Certificate	Full	Deleted	-
Unit Certificate, Mutual Fund	Full	Unit Certificate, Mutual Fund, ETF Joint Investment Scheme	Up to 500,000
Government Securities	Full	Government Securities	Up to 500,000
DPS	Up to 60,000	DPS	Up to 120,000

Definition of Government Security is not clear in ITA although BSP is a part of Govt. securities as per BB





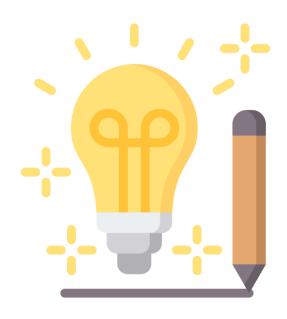
Encouraged investment in DPS





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Valuation Service

Feasibility Study

Corporate Financial Assistance (Loan Processing)

BIDA related services



Tax Due Diligence

Tax Advisory Services

VAT Due Diligence

VAT Advisory

Transfer Pricing

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