INDIALAW

Entry Strategy And Incorporation

Entry Strategy and Incorporation Law Firm in India for FDI and FEMA Compliance

PRACTICE PROFILE • OCTOBER 2026

Overview

We advise foreign companies, startups, and investors on the optimal strategies for entering and establishing a presence in the Indian market. Our Entry Strategy & Incorporation practice offers end-to-end legal and regulatory guidance, ensuring that your India entry is compliant, tax-efficient, and aligned with your long-term business goals. Whether you're setting up a liaison office, joint venture, or wholly owned subsidiary, we help you choose the right structure, navigate regulatory approvals, and ensure a smooth launch. Our cross-practice team of corporate, tax, regulatory, and sectoral experts work closely with global clients to deliver customized India-entry solutions. From choosing the right business structure to ensuring regulatory approvals and post-incorporation support, we handle the setup end to end and keep it compliant.

Our Services

Entry Strategy Advisory

- Strategic legal assessment of entry options:
- Wholly Owned Subsidiary (WOS)
- Joint Venture (JV)
- Branch Office (BO), Liaison Office (LO), Project Office (PO)
- Limited Liability Partnership (LLP)
- Sectoral FDI analysis under the Consolidated FDI Policy and FEMA Regulations
- Assessment of entry routes (automatic vs. government approval)
- Advice on structuring investments to meet FDI-linked performance conditions, pricing norms, and control thresholds
- Market-specific regulatory and compliance strategy (e.g., ecommerce, pharma, fintech, defence, etc.)

Incorporation & Business Setup

- Incorporation of private limited companies, LLPs, and foreign company offices
- End-to-end assistance with:
- Name reservation (RUN application)
- Filing incorporation forms
- Drafting of MoA and AoA
- PAN, TAN, GST registration, ESIC, EPFO, and bank account opening
- Obtaining sector-specific licenses and approvals (DPIIT, RBI, SEZ, FSSAI, etc.)
- Setting up compliance calendars and SOPs for regulatory filings

Regulatory Filings & Post-Incorporation Compliance

- FDI reporting (FC-GPR, FC-TRS, etc.)
- Ongoing legal support with board meetings, statutory registers, and ROC compliance
- Drafting commercial agreements (employment, vendor, lease, service, and distribution)
- Advisory on employment laws, IP registration, and data protection compliance

Key Professionals

Shiju P V
Managing Partner

Rahul Sundaram
Partner

Shrishail Kittad
Senior Partner

Frequently Asked Questions

Q1 What does an entry strategy and incorporation practice cover in India?

It covers the full spectrum of legal advisory for foreign companies entering India. This includes selecting the right entity structure, such as a subsidiary, joint venture, branch office, or LLP, conducting FDI sectoral analysis, handling MCA incorporation filings, and managing post-setup regulatory compliance.

Q2 When should a foreign company engage legal counsel for its India entry?

Ideally, before any commercial commitments are made. Early legal input shapes entity selection, FDI route assessment under FEMA, tax structuring, and sectoral licensing requirements. Engaging counsel after incorporation often means costly restructuring to fix compliance gaps or suboptimal structures.

Q3 Which regulators and laws govern foreign company incorporation in India?

The Companies Act 2013 and MCA govern incorporation. FEMA and RBI regulations control foreign investment inflows and reporting. The Consolidated FDI Policy determines sectoral caps and entry routes. Sector-specific regulators like DPIIT, FSSAI, or RBI may require additional licenses depending on the business activity.

Q4 How long does it typically take to incorporate a subsidiary in India?

A private limited company can be incorporated in roughly 10 to 15 business days once documents are ready. However, obtaining PAN, TAN, GST registration, bank accounts, and sector-specific approvals may add another 4 to 8 weeks. FDI reporting under FC-GPR must follow within 30 days of share allotment.

Q5 What documents are needed from a foreign parent to start incorporation?

Typically, the parent entity's certificate of incorporation, board resolution authorizing India investment, passport copies of proposed directors, apostilled or notarized constitutional documents, and proof of registered office address in India. Digital signature certificates for directors must also be obtained before MCA filings.

Q6 What is the most common compliance mistake foreign companies make after setup?

Missing or delaying FDI reporting obligations under FEMA. RBI requires filings like FC-GPR within strict timelines after share allotment. Non-compliance can trigger compounding proceedings and complicate future capital raises, downstream investments, or exit transactions. Setting up a compliance calendar from day one is essential.

Related Practice Areas

Corporate & Commercial | Funds, AIFS & Foreign Portfolio Investment (FPI) | Private Equity And Venture Capital Transactions | Mergers, Acquisition And Joint Venture | Foreign Investment & Overseas Investment | Capital Market | Corporate Governance & Compliance | Corporate Restructuring