

Business Disputes

Unfortunately business disputes are common in India and recourse for U.S. firms that offshore services here can be limited. Although the U.S. Embassy in New Delhi is not able to initiate any collection or legal action, it can address impediments to U.S. exports and protect U.S. business interests overseas. As the point of contact for business disputes, the Department of Commerce (DOC) provides guidance for filing complaints. In general, a complaint must address promotion of U.S. exports and protection of U.S. business interests overseas. Please note that they primarily encourage direct communication between disputing parties leading to an amicable solution.

Generally speaking, the DOC handles complaints when:

- a U.S. export or U.S. business interest is at stake.
- Post considers the case merits U.S. assistance and the host government is unwilling to provide assistance to the host firm.
- Post can maintain or strengthen important local contacts.
- Post determines that involvement with collection agencies, consultants, or other representatives is appropriate, a U.S. export or local U.S. business interest is at stake, and resources are available.
- the host firm inquiry is related to a commercial transaction with a U.S. company and/or U.S. commercial interest to be served.

The DOC DOES NOT handle complaints when:

- disputes involve less than \$1000.
- the complainant has made no effort to resolve the dispute.
- either party is represented by legal counsel.
- complaints are capricious or where the complainant is considered irresponsible.
- issue or complaint is raised by a foreign government on behalf of a foreign firm.
- the dispute involves a tourist complaint.
- collection cases involve non-payment and there is no other commercial dispute involved. (As a general rule, the CS does not provide assistance to most collection cases.)

There are several resources available for those wishing to learn more about pursuing action. These include:

- Better Business Bureau: <http://odr.bbb.org/complaints/>.
- U.S. Commercial Service: <http://www.buyusa.gov/india> and <http://export.gov/india/frequentlyansweredquestions/index.asp>.
- Trade Compliance Center: http://tcc.export.gov/Additional_Info/FAQ/index.asp#P44_4084
- various Indian trade associations, such as:

Federation of Indian Chambers of Commerce & Industry (FICCI)
Federation House
Tansen Marg
New Delhi 110 001
Tel: 337 8760-65
Fax: 332 0714

Indo-American Chamber of Commerce
PHD House, Opp. Asiad Village
New Delhi 110 016
Tel: 696 3387
Fax: 651 8201