



GUIDE WITH A GLOBAL PERSPECTIVE REGARDING SPORTS AND ENTERTAINMENT SECTOR

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INTRODUCTION



Globally, the sports and entertainment industry operate within a complicated and evolving legal framework. As one of the most profitable and widely followed sectors, it is governed by a plethora of laws, regulations, and legal issues that differ by country. Athletes, artists, entertainers, teams, clubs, promoters, agents, and production organizations must understand the legal issues of this industry.

Contracts and agreements are one of the most important legal factors in the sports and entertainment sector. These contracts are critical in establishing the rights, obligations, and financial arrangements between sector participants.

Contracts with teams, clubs, promoters, agencies, or production companies are frequent for athletes, artists, and entertainers. Compensation, performance duties, exclusivity restrictions, intellectual property rights, and dispute resolution processes are all covered in these agreements. The complexities of these contracts necessitate legal knowledge to assure justice and the best interests of all parties involved.

Another key aspect of the sports and entertainment industry is intellectual property rights (IPR). The rights of creators and owners of original works like as music, films, sports broadcasts, logos, and products are protected by intellectual property laws. These rules safeguard individuals and organizations by allowing them to control and profit from their creative inventions. IPR in sports and entertainment might include copyrights, trademarks, patents, and picture rights. Common mechanisms for managing and monetizing intellectual property assets include licensing agreements and royalty payments.

Sports governance is also an important component of the industry's legal framework. International governing bodies, such as the International Olympic Committee (IOC) and FIFA (Fédération International de Football Association), develop rules and regulations to oversee sporting events and organizations. These regulations cover a wide range of topics, including doping, athlete eligibility, anti-corruption measures, and competition organization. National governing organizations of sports, as well as regional and local governments, all play a part in establishing the legal landscape for sports.

Furthermore, the sports and entertainment industry connect with other legal disciplines such as labor law, tax law, antitrust law, and broadcasting rules. Some of the legal difficulties that arise in this dynamic sector include athlete contracts, employment rights, earnings taxation, competition and monopoly, and event broadcasting.

Finally, the sports and entertainment industries operate globally inside a complex legal framework. Contracts and agreements, intellectual property rights, sports governance, and other legal issues all play important roles in developing the sector. Professionals and stakeholders in this industry must manage this legal complexity in order to assure compliance, safeguard their interests, and maintain a fair and sustainable global environment for sports and entertainment.



Sports and entertainment are dynamic and ever-changing industries impacted by different market variables. In terms of law, the following are some major market dynamics that affect the sports and entertainment sector:

The sports and entertainment industries are extensively governed by rules and regulations at multiple levels, including international, national, and municipal jurisdictions. These regulations include a variety of topics, including intellectual property rights, broadcasting rights, athlete contracts, ticketing, anti-doping measures, and safety regulations. The regulatory environment has a considerable impact on the operations and behavior of enterprises in various areas.

Intellectual Property Rights: Intellectual property is essential in the sports and entertainment industries. Trademark, copyright, and patent laws safeguard the intellectual property of sports teams, leagues, events, films, music, and other forms of entertainment. These rules cover issues like as licensing, merchandising, branding, and the protection of intellectual property from unauthorized use or infringement.

Contracts: Contracts are the bedrock of the sports and entertainment sectors. Athletes, teams, musicians, promoters, sponsors, broadcasters, and venues, among others, engage into contractual agreements outlining the terms and circumstances of their relationships. Sports and entertainment law is concerned with designing, negotiating, and enforcing contracts, as well as assuring compliance and resolving any disputes that may emerge.

Athlete/Artist Representation: Athlete, artist, and performance representation is an important aspect of the sports and entertainment industries. The relationship between agents, managers, and their clients is governed by laws and regulations that outline each party's rights, responsibilities, and obligations. These regulations attempt to protect the rights of sportsmen and artists while ensuring fair and ethical representation practices.

Antitrust and Competition Laws: Major sports leagues, media conglomerates, and event promoters are examples of businesses with strong market power in the sports and entertainment sectors. Antitrust and competition laws regulate these industries by preventing anticompetitive behavior, monopolies, and unfair practices. These regulations are intended to encourage competition, consumer choice, and fair market conditions.

Event Safety and Security: Athletes, entertainers, and spectators' safety and security are critical factors in the sports and entertainment industries. Venue safety standards, crowd management, emergency readiness, and security measures are all governed by laws and regulations. These rules are intended to protect the safety of participants and spectators at sporting events, concerts, festivals, and other forms of entertainment.

Gambling and Betting Regulations: The sports industry, in particular, is heavily reliant on gambling and betting. Sports betting, online gambling, and match-fixing laws differ by jurisdiction. Governments frequently adopt restrictions to address concerns about sports integrity, fairness, and the avoidance of corruption. These laws are intended to find a compromise between enabling responsible gambling and preserving the integrity of sporting events.

It is crucial to highlight that market dynamics can change among countries and regions due to differences in legislative frameworks, cultural influences, and economic conditions. As a result, it is critical for enterprises and stakeholders in the sports and entertainment

ECONOMIC OVERVIEW OF SPORTS AND ENTERTAINMENT SECTOR

The sports and entertainment industry has a large impact on the global economy. It includes a diverse spectrum of businesses such as professional sports leagues, music, film and television, live events, gaming, and others. This economic review will provide information about the financial aspects of the sports and entertainment industry, as well as its relationship with the law.

- **Revenue Generation:** The sports and entertainment industries produce significant money through a variety of avenues. Among the key sources of money are ticket sales, TV rights, sponsorships, retail sales, licensing agreements, and endorsements. .
- **Market Competition and Antitrust:** The sports and entertainment industries rely heavily on competition. Antitrust laws are crucial in regulating and guaranteeing fair competition in certain areas. Antitrust laws prohibit monopolistic behavior, collusion, price fixing, and other unfair economic practices that potentially hinder competition.

- **Intellectual Property Rights:** Intellectual property (IP) rights are critical for preserving the economic worth of creative works in the sports and entertainment industries. Copyright, trademarks, and patents protect creative works, logos, brands, and inventions, giving creators and owners control and monetization over their intellectual property.
- **Taxation and Financial Regulations:** Taxation is a major factor in the sports and entertainment industry, for both persons and organizations. Because of their international commitments and multiple tax jurisdictions, athletes, artists, and performers frequently confront complex tax systems. Earnings, endorsement deals, prize money, and royalty income are all taxed differently by governments.
- **Employment and Labor Law:** Athletes, artists, performers, production crews, administrative workers, and support people are all employed in the sports and entertainment industry. Employment contracts, working conditions, minimum pay, health and safety requirements, and collective bargaining rights are all governed by labor laws.

Finally, the sports and entertainment industries have a significant global economic impact. Revenue generation via various channels, competition regulation, intellectual property protection, taxation, and labor law are significant areas where economic and legal factors cross.

EMERGING TRENDS

The sports and entertainment industries are continually changing as a result of growing trends that impact the industry. Here are a few prominent rising trends in the sports and entertainment industries:

Esports and Gaming: Esports, or competitive video gaming, has grown rapidly in recent years. Millions of people watch esports tournaments, leagues, and events throughout the world, and professional gamers have become household names.

Personalization and Fan Engagement: There is a greater emphasis on increasing fan engagement and giving personalised experiences.

Platforms for content streaming and over-the-top (OTT) viewing: Traditional broadcasting models have been shaken by the rise of streaming services and OTT platforms.

Sustainability and Social Responsibility: In the sports and entertainment industries, there is a rising emphasis on sustainability and social responsibility. Organisations are reducing their environmental effect, implementing eco-friendly practises.

Diversity, Inclusion and Representation: There is a movement in sports and entertainment for greater diversity, inclusion, and representation.

MAJOR INVESTMENTS

The pandemic was a golden era for streaming media, as people sought stay-at-home entertainment instead of live events and theater-going.

“Approximately 70% of the companies in this sector should see 10% or higher revenue growth in 2023” says Ben Swinburne, head of Morgan Stanley's U.S. Media Research group. “But while this demand strength is largely in place across the 25 companies in our coverage group, the ability to translate that strength into earnings upside varies widely.”

The transition from legacy to Internet media distribution has significantly reduced the fortunes of movie theaters and TV broadcasters, yet investors are still skeptical about the streaming video model.

On the one hand, roughly one billion households will transition to internet distribution or have already done so; that will mean strong revenue growth for streaming platforms.

Streaming has also become increasingly capital intensive, with spending expected to grow by more than 12%, compounded annually, between 2022 to 2025 due to an insatiable need for new content.

GOVERNING RULES AND LAWS

For the past century, India has consistently produced world-class athletes, albeit in tiny numbers. However, as sporting culture grows and people's attitudes alter, more people are choosing sports as a vocation. Sports bring us together; they offer us joy, they bring us disappointment, they create numerous career chances, they bring in money, and much more. Any activity that has a substantial impact on a large segment of society must be regulated.

The Ministry of Sports and Youth Affairs, Government of India, is India's supreme sport governing agency. However, with over 250 sports practiced in India across diverse age groups, the Sports Ministry cannot oversee and operate each sport at the micro-level.

When the government or its departments lack the equipment to run/govern systems, they regulate the activity through delegation. As a result, in India, the government has established some standards for groups that, if these guidelines and requirements are met, may be granted the status of National Sports Federation for that particular sport in the country.

A National Sports Federation must be registered as a trust under the rules of the Central Government or the appropriate State Government, according to the NSDC standards. As a result, any NSF is registered as a non-profit organization controlled by a group of people. Furthermore, we must comprehend the pyramid structure that is typical of an NSF. For any state, it begins at the district level. Any chosen sport must have its own district body. This is commonly referred to as a district association. This is the first point of contact for anyone in the district who is involved with that sport.

A. Sport Regulation and Government assistance Relationship of India:

A non-benefit association which expertly works with the plan to appreciate, advance, and morally training sports regulation in India by collaborating with lawful professionals and athletes. This association gives conference reference to issues connecting with sports regulation, administering groups of various games, licensed innovation matter in the games space, and so on. The association helps in the trading of perspectives and point of view between various people by giving a stage where legal counselors address the competitors, the group, the associations, the establishment, and so forth.

A. Sports Authority of India:

This authority was gotten up positioned direct different games in India and to fortify the games field and enjoy into different occasions like scholarly projects, actual training mindfulness, improvement of abilities of Indian Competitors, and so on.

In India, games and rivalries have an immense impact and millions see such contests straightforwardly in arenas as crowd or at their homes through public TV. Also, consequently, these occasions have tremendous importance in India.

Be that as it may, these regulations, approaches, and administrative bodies are just worried about the improvement of sports or improvement of sports offices, or sharing of perspectives and viewpoints. Not a solitary one of them have severe regulations for infringement of rules and guidelines in the games. There are numerous low courses through which an athlete can disregard the guidelines and guidelines of the game. Unreasonable method for play, however uncalled for agreement with the proprietors, broadcasting issues, match fixing, and so on do exist in the games field and must be taken into serious thought and eventually administers overseeing the equivalent ought to be set down.

B. Use of Medications which are restricted:

The most widely recognized and difficult issue connecting with sports is the utilization of medications in rivalries. Numerous athletes use medications to further develop their exhibition which reinforces their center and allows them to get a high ground among different candidates. These athletes when gotten are only punished for something similar. Be that as it may, this is a grave concern and the overseeing bodies need to concoct serious regulations to consider these athletes responsible for their activity and hold debasement in sports under control. Deterring these exercises since the absolute starting point would help different athletes not to follow such way and foster their abilities with their own solidarity which would be valuable for the nation and the person also.

D. Wagering and Match Fixing:

A few Competitors or Groups fix their matches before the beginning of the match and willfully lose or dominate a game in return of something more significant. These necessities to stop as it is an immediate infringement of fair play. It doesn't make any difference in the event that it is a little round of chess or a major worldwide match of cricket, Match Fixing ought to be considered as a wrongdoing and the such corruptible exercises ought to be a central issue. Wagering and Betting are likewise taken under corruptible demonstrations after a specific degree since this by implication brings about benefit and eliminate the real quintessence of sports.

E. Issues connecting with broadcasting occasions:

The award of broadcasting privileges of a specific game causes an extraordinary discussion as numerous TV stations need to communicate the occasion for a greater viewership. This needs dire proportions of reflection which can decrease the commotion so caused.

There are likewise a few issues that can emerge between an athletes and his/her proprietor. For example, a footballer who needs to resign in harmony after a significant stretch of time is denied of something similar and is compelled to play a couple of more counterparts for his group by the proprietor of the group. This is a grave infringement of the player's right and ought to be viewed in a serious way. Numerous multiple times, proprietors will generally control the player by expanding the functioning hours, lessening compensation, corrupting the functioning state of the player concerning preparing, and so on and the players face inconvenience in serving the group with his/her earnest attempts and consequently, there ought to be legitimate guidelines and guidelines for this to not occur to any athletes.

Athletes, artists, performers, production crews, administrative workers, and support personnel are all employed in the sports and entertainment industry. Employment contracts, working conditions, minimum pay, health and safety requirements, and collective bargaining rights are all governed by labor laws. In professional sports leagues, athletes' contracts and collective bargaining agreements (CBAs) frequently address compensation structures, benefits, contract negotiations, and dispute resolution processes. Labor law compliance is essential for ensuring fair treatment, preventing exploitation, and maintaining a pleasant working environment.

Intellectual property (IP) rights are critical for safeguarding the monetary worth of creative works in the sports and entertainment industries. Copyright, trademarks, and patents protect creative works, logos, brands, and inventions, giving creators and owners control and monetization over their intellectual property. Artists, singers, and sports organizations can use intellectual property laws to negotiate licensing deals, merchandising agreements, and sponsorships, which generate large cash streams. Effective enforcement of intellectual property rights is crucial to preserving the industry's economic incentives for invention and innovation.

The substance on film lobbies, TV and the web are directed by regulations, for example, the Cinematograph Act, 1952, The Satellite Broadcasting company Guideline Act, 1995 read with the Digital TV station Rules, 1994, The Data Innovation Act, 2000, Data Innovation Rules, 2011. There is no specific arrangement connecting with Media and Diversion regulations specifically.

The items in such manifestations can be safeguarded under the legal arrangements of the Copyright Act, 1957 and Brand names Act 1999. Also, the disciplines of the connected offenses are managed under the Indian Punitive Code, 1860.

As of this second, India doesn't have a media administrative body. Each mass medium or data and correspondence innovation (ICT) has its own administrative power, for instance, the press is followed by the Press Chamber of India, broadcast communications is managed by TRAI (Media communications Administrative Power of India), film by the CBFC (Central Board for Film Certificate), publicizing by the ASCI (Promoting Guidelines Gathering of India), yet communicating media, however working under the AIR Code and the Digital TV stations (Guideline) Act (1995), don't have comparative administrative or observing bodies.

After the cross-country lockdown and suspension of creation projects caused because of the flare-up of the infection, the Union and the State Legislatures have recommended rules and timings, the non-adherence of which could prompt the suspension of shooting.

A new correction by the Middle revised the Distribution of Business Rules, 1961 has brought OTT (Beyond ridiculous) stages and news and current issues content transferred or gushed on computerized news stages, under the ambit of the Data and Broadcasting Service. Future resolutions/revisions should be made in a way that they appear to be sensible and shouldn't diminish the force of the media overwhelmingly.

Article 19 of the Indian constitution provides every one of its residents with the right to speak freely and articulation and puts sensible limitations on the equivalent. Thusly, the courts hold the protected liability to confine themselves to the arrangements referenced in the Constitution of India.

The Cinematograph Act, 1952 gives the system to affirmation of cinematograph films for show and for controlling presentations through cinematographs. Leading body of Film Affirmation is comprised for endorsing films for public show. Any individual distressed by any request for the Board according to the issuance of endorsement might record an allure before Film Certificate Re-appraising Council. The Central Government may have Suspension and renouncement of endorsement, and the individual wronged by the request for Central Government might make an application for survey of the request before the Government.

Press Council of India is laid out for protecting the opportunity of the Press and of keeping up with and working on the norms of papers and news organizations. The Gathering might comprise boards of trustees for carrying out the roles as doled out by the Committee. The Committee, on an objection or on its own movement might hold a request. Choice of the Chamber isn't sketchy in that frame of mind of regulation.

The Firm gives total lawful help including exhorting, drafting of agreements and suit work. The Firm additionally shows up for its clients before Court, Discussion, Committee, Board, Commission and Courts.

LICENSES AND REGISTRATIONS REGARDING SPORTS AND ENTERTAINMENT



To guarantee compliance with legal standards, the sports and entertainment sector in India requires a variety of licenses and registrations. Here are some common licenses and registrations for this industry:

- a. Sports Licenses and Registrations: a. Recognition by the Ministry of Youth Affairs and Sports: National sports federations, state sports organizations, and sports entities seeking recognition and affiliation must adhere to the Ministry of Youth Affairs and Sports' standards and processes.
- b. Event Organizing Permissions: Sports event organizers, such as tournaments, matches, and contests, frequently need permission from relevant authorities such as local sports authorities, police, municipal corporations, or state sports federation.
- c. Athlete Registrations: In order to participate in recognized events and contests, athletes in competitive sports must often register with their respective national sports federations or state sports groups.
- d. Boxing and Wrestling Licenses: To compete in professional bouts, professional boxers and wrestlers must get licenses from the Boxing Federation of India (BFI) and the Wrestling Federation of India (WFI), respectively.

ENTERTAINMENT AND LICENSES AND REGISTRATION:

·Cinematograph Act, 1952: To screen films in theatres, film makers and distributors must get a certificate from the Central Board of Film Certification (CBFC). This certification ensures that content guidelines and classifications are followed.

oPerforming Arts Licenses: Depending on the unique state or city regulations, organizers of live events, such as music concerts, dance performances, and theatrical shows, may need to seek licenses or permissions from local authorities or cultural bodies.

oCopyright Registration: While copyright protection is automatic when an original work is created, registering copyrights with the Copyright Office provides additional legal benefits and evidence of ownership in the event of a dispute.

oEvent Management Licenses: For large-scale events, event management companies and organizers may need to seek licenses or permissions from local authorities to ensure compliance with safety, security, and environmental standards.

·Individuals and organizations in the sports and entertainment industries can register their logos, brands, and other trademarks with the Trademark Registry to protect their exclusive rights and prohibit unauthorized use of their intellectual property.

·While copyright protection is automatic, registering copyrights with the Copyright Office provides extra-legal benefits, including the opportunity to begin legal action in the event of infringement.

·Broadcasting Licenses: a. Telecom Regulatory Authority of India (TRAI) Registration: Broadcasting organizations, including as television channels and radio stations, must obtain TRAI licenses in order to operate and comply with content, price, and distribution restrictions.

DISPUTE RESOLUTION IN SPORTS AND ENTERTAINMENT SECTOR



The resolution of conflicts, disputes, and legal difficulties that arise in the sports and entertainment industry is referred to as dispute resolution. Because of the particular nature of this industry, which frequently involves high stakes, complicated contracts, and competitive situations, specialized methods and procedures have been devised to successfully address disputes.

·Mediation and Negotiation: In the sports and entertainment industries, mediation and negotiation are frequently used to resolve disagreements. An impartial mediator facilitates negotiations between disputing parties in order to explore viable solutions and establish a mutually acceptable compromise. Mediation and negotiation are less formal and time-consuming than other dispute resolution procedures, allowing parties to maintain relationships while controlling the outcome of the disagreement.

·Arbitration: Arbitration is a popular way for settling disputes in the sports and entertainment industries. The disagreement is sent to one or more independent arbitrators who operate as private judges. Arbitration can be binding or nonbinding, based on the consent of the parties. The Court of Arbitration for Sport (CAS) is a well-known organization that specializes in settling sports-related disputes all around the world. It provides a specialized platform for the resolution of conflicts between athletes, teams, and sports organizations.

·Internal Dispute Resolution methods: Internal dispute resolution methods are frequently used by sports organizations and governing bodies to address disagreements and disputes within their respective domains. Discipline committees, appeals tribunals, and ombudspersons are examples of such processes. Parties involved in a sports or entertainment business dispute may be forced to exhaust these internal channels before pursuing external remedies.

·Court action: Disputes in the sports and entertainment industries may be settled through regular court action in some situations. This entails taking the disagreement to a court of law and presenting the parties' arguments, evidence, and legal interpretations. Litigation can be a time-consuming and expensive process, but it provides a formal legal process with the possibility of a binding judgement. When other methods of dispute resolution have failed or when legal rights and interpretations require clarification, court litigation may be used.

·Dispute Resolution terms in Sports Arbitration Agreements: Many contracts in the sports and entertainment industries include special dispute resolution terms to facilitate the dispute resolution process. These clauses frequently require the parties to submit their disagreements to a specific form of dispute resolution.

HOW CAN WE HELP



A law company can play an important role in the sports and entertainment industries by offering legal expertise and counsel to individuals, organizations, and stakeholders. Here are some ways a law firm can help in the sports and entertainment industry:

Contract Drafting and Negotiation: Law firms can assist in the drafting, evaluation, and negotiation of contracts in the sports and entertainment industries. This includes athlete contracts, artist contracts, endorsement deals, licensing agreements, production contracts, and other similar agreements. Lawyers with knowledge in these areas can guarantee that contracts accurately reflect the parties' objectives, safeguard their interests, and are in accordance with applicable laws and regulations.

Intellectual Property Protection: In the sports and entertainment industries, intellectual property rights must be protected. Intellectual property legal firms can help with brand registrations, copyright protections, patent applications, and IP rights enforcement. They can also provide advice on licensing agreements, royalty payments, and tactics for protecting important intellectual property.

Compliance and Regulatory Issues: The sports and entertainment sectors are governed by a plethora of rules, regulations, and industry-specific regulating organizations. Labor laws, tax regulations, broadcasting restrictions, anti-doping standards, and sports governance codes are all examples of legal needs that law firms can assist with. They can assist clients in understanding their rights and responsibilities, navigating complex regulatory frameworks, and mitigating legal risks.

Dispute Resolution and Litigation: Disputes are unavoidable in the sports and entertainment industries. Law companies with dispute resolution skills can help clients resolve problems through discussion, mediation, arbitration, or litigation. They can defend clients in court, handle contract disputes, intellectual property problems, employment concerns, disciplinary matters, and other industry challenges.

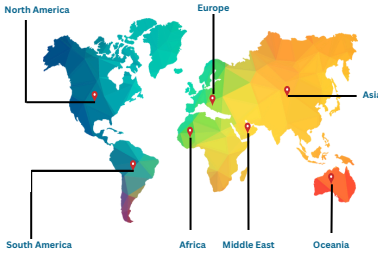
Risk Management and Insurance: Risk management is critical in the sports and entertainment industries, where unforeseen situations can have a negative impact on individuals and organizations. Law firms can assist clients in identifying and mitigating legal risks, as well as providing advice on insurance policies and coverage and developing strategies to defend against potential liabilities. They can also advise on crisis management, such as reputation management and damage control.

Business and Corporate concerns: Law firms can help with a variety of business and corporate concerns in the sports and entertainment industry. Entity formation, corporate governance, mergers and acquisitions, financing, franchising, licensing, and employment legislation are all covered. They can help with business contract negotiations and structuring, commercial transactions, and corporate compliance and governance.

International Transactions and Cross-Border Issues: International transactions and cross-border issues are widespread in the globalized world of sports and entertainment. International law firms can help customers with complex legal frameworks, cross-border contracts, immigration concerns, tax ramifications, and international licensing and distribution agreements.

We can provide comprehensive legal services to people, organizations, and stakeholders in the sports and entertainment industry as a whole. Their knowledge may assist customers in navigating legal intricacies, protecting their rights, mitigating risks, and ensuring compliance with applicable rules and regulations, allowing them to operate successfully in these volatile industries.

SERVING CLIENTS WORLDWIDE



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