

**High Commission of India
Kuala Lumpur**

Advisory for Indian Exporters/Importers

Indian companies are advised to take due precautions while engaging in business transactions, particularly when dealing with new or unfamiliar companies in Malaysia. The Mission has brought out a list of 'Check Points' recommended for Indian companies interested in doing business with their Malaysian counterparts. Some of these are enumerated below for easy reference and Indian companies are advised to do due diligence before entering into business deal. The list of Check Points are as follows:

- a) Indian traders satisfy themselves of the credibility of the Malaysian Company before doing business.
- b) SSM (Companies Commission of Malaysia) registration of a Malaysian company which is equivalent to RoC in India may be checked at www.ssm-einfo.my , by typing company name or registration number, after logging in with your ID and password, after registration.
- c) Indian companies should insist on the copies of the passport/national identity card (issued by Malaysian Government) of the representatives of the Malaysian company with whom the Indian Company is interacting. This would help to track down the offender in case they go absconding.
- d) Site visits may be considered for large transactions to ensure genuineness of the company and to physically verify the quality/quantity of products (a representative could also be engaged).
- e) Payment with Letter of Credit (L/C) is recommended, especially when the contract object is of a high value; alternatively, both the parties should operate through 'Bank guarantee' route.
- f) Contracts entered with Malaysian companies need to have arbitration clause and proof of existence (company registration document). The contract should be in English. The Indian company (in consultation with the Malaysian company) could also include a clause in the contract which provides for release of LC only after verification of quality and quantity of goods by an internationally accredited inspection agency at destination port.
- g) Physical inspection of the goods to be carried out by the importing company at the point of loading in Malaysia would act as an added safeguard.
- h) Indian Companies should insist on getting landline numbers of the Malaysian company offices as per contact details and not just rely on WhatsApp/mobile numbers.

- i) The company may check e-mail id of the dealing foreign company, whether Malaysia-based or third country-based, every time a correspondence is made. For fund transfer, Indian Company must ensure that its bank account is properly communicated to the foreign company through different modes of communications (fax, courier) and not through e-mail only. WhatsApp & SMS could provide additional check.
- j) The list of Malaysian Companies involved in trade disputes with Indian companies may be checked. A list of some companies that have come to High Commission of India, Kuala Lumpur's notice is attached as Annexure.
- k) Transacting with any company from a B2B platform would require additional safeguards. Some B2B sites offer products at lower rates which act as an attraction. These websites may be avoided unless one has clearly identified the owners and other relevant details of such websites.
- l) Advance payment through bank transfer is discouraged, unless credibility of the supplier is proved beyond doubt.
- m) Email communications should not be trusted while confirming bank details. Always supplement it with communication through faxes/courier;
- n) Indian Companies should not release the balance payment if not sure of the quality/quantity of the product.
- o) Letter of Credit should be opened with the provision of honoring it on inspection of in-bound cargo at the Indian port and not on placement of Bill of Lading only. If B/L placement is the norm, presence of a company representative from Malaysian Company may be insisted upon at the time of inspection of the cargo at the Indian port, especially, if the bulk or value of the consignment is large;

DISCLAIMER: The above information is suggestive in nature and Mission shall not be deemed responsible for any legal disputes arising out of it. The above list is not an exhaustive measures or options.

Advisory on Trade Disputes

Indian High Commission, Kuala Lumpur, Malaysia reiterates that maintaining good relationship with foreign buyers and suppliers is of utmost importance and complaints or trade disputes, whenever they arise, need to be settled amicably as soon as possible. However, in instances of dispute, advisory listed below may be followed:

1. The Indian exporter/importer facing the trade dispute pertaining to a Malaysian company may fill in the online trade complaint form

(<https://hcikl.gov.in/Commerce/TradeComplaints>) and submit it to the Commerce Wing of the Mission at com.kl@mea.gov.in and com2.kl@mea.gov.in

2. Complaint may be submitted in brief with the relevant documents.
3. Upon receipt of complaint, the Mission after the initial examination, would contact the Malaysian company to inform it about the complaint and to get the information from their end. This process is carried out through phone calls and e-mails. Once the response is received from the accused company, the same is communicated to the Indian complainant.
4. If the Malaysian company is not contactable or does not respond to the Mission's e-mails/calls, then the complaint is forwarded to the Ministry of International Trade and Industry (MITI), Malaysia External Trade Development Corporation (MATRADE) and the local chamber of commerce with the request to take up the matter with the concerned local company. The response is communicated to the Indian company as and when received.
5. If the case is still unresolved, then the complainant is advised to take up the matter through judicial process/ litigation with the Commercial Crime Investigation Department (CCID), Royal Malaysian Police as per the local laws and file a police complaint in Malaysia with the help of a local lawyer. On request, the Mission can provide the contact details of some local lawyers for taking the case further.

Annexure

Indian traders may like to peruse the list of the following unscrupulous companies which have come to the notice of the High Commission of India in Malaysia and refrain from engaging with them :-

1. A Vista Enterprises/Anisar Resources/Piramal Resources & Vitro/ Samex Resources Group (Malaysia)
2. M/s Grow Express Sdn. Bhd.
3. M/s 4th Empire Trading SdnBhd
4. M/s Chunghwa Picture Tubes (Malaysia) Sdn Bhd.
5. FN Resources Sdn Bhd.
6. A Vista Enterprises,Tesla Enterprise, Piramal Resources, Vitro Resources and Samex Enterprise (Malaysia)
7. M/s Zapos Enterprise
8. Shahul Hameed
9. M/s Sky wealth Global
10. TST Spectrum Global, Malaysia
11. M/s SharminUni Trading SdnBhd

12. Al Asia Chemical Industry SdnBhd
13. Venturian Minerals SdnBhd
14. Asian Re Global Services
15. M/s Fast Aid Medical (M) Sdn. Bhd.
16. M/s Cly Rubber (M) SdnBhd
17. M/s Royal Arwa General Trading LLC &Axios Credit Bank Ltd.
18. M/s Acacia Valley Sdn Bhd.
19. M/s Al Sobel Group
20. M/s Rose Management Services SdnBhd
21. M/s AA Overseas Sdn Bhd.
22. DSHA Global Link SdnBhd
23. Afaweez Resources
24. Dignity Brand SdnBhd (Acacia Valley)
25. K.B. Timber Industries SdnBhd
26. M/s. Sutharsan Trading
27. Asfafa Enterprise
28. Everyday Brush Industries (M) Sdn.Bhd.
29. M/s Ayesha Maju Enterprise (M)
30. Sani Maximo Trading Company
31. M/s Arabian Petroleum Services SdnBhd
32. M/s SS Brands Marketing SdnBhd
33. M/s Premium Dynasty Enterprise
34. M/s Kundan Collections SdnBhd
35. M/s Power Traders
36. M/s Mass Worldwide SdnBhd
37. M/s 786 Z Mart
38. M/s B. Mathavon Stores(M) SdnBhd
39. M/s Agriscale Resources SdnBhd
40. M/s Qureshi Resources SdnBhd
41. M/s Agriscale Resources SdnBhd