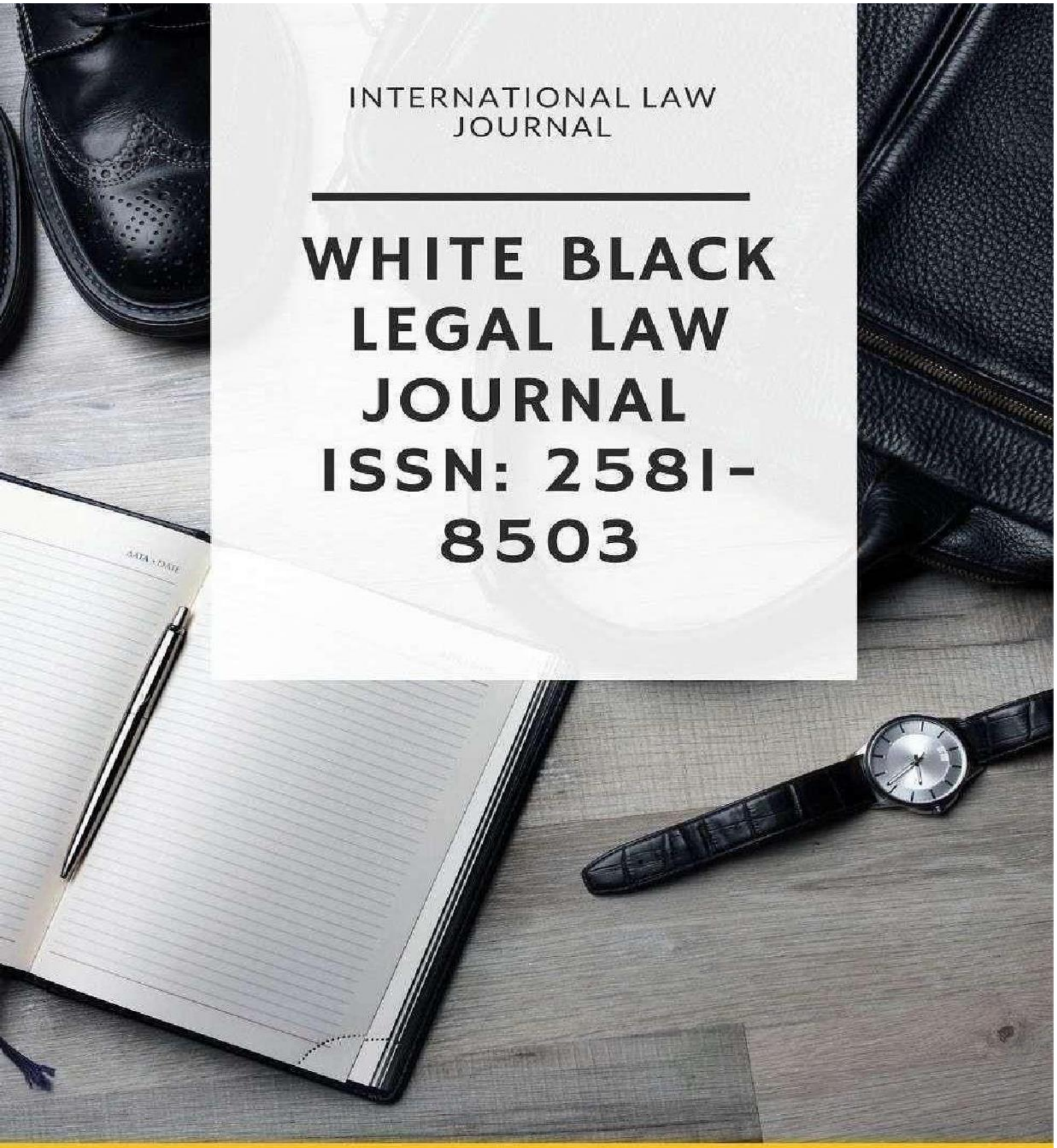

INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

www.whiteblacklegal.co.in
Volume 3 Issue 7 | June 2026 ISSN: 2581-8503

DUE DILIGENCE IN MERGERS AND ACQUISITIONS: A COMPARATIVE STUDY OF INDIA AND THE UNITED STATES

AUTHORED BY - KOMAL MUSKAN PANDITA

Abstract

The relevance of M&A due diligence in present times, in a complex world business, with changing and diverse laws, and in a world where more and more acquisitions are being made across national borders cannot be avoided. M&A due diligence is a thorough and systematic inquiry process by which the legal, financial, operational, and strategic position of a target company is examined by the acquiring company. It plays a crucial role in determining valuation, allocation of risk, negotiation and post-merger business integration. This research paper tries to give a comparison between Indian and US Due diligence from the legal framework, regulatory framework, and operational implementation. Indian system is a rules-based, compliance-driven system governed by Companies Act 2013, Competition Act 2002, Regulations of SEBI, Foreign Exchange Management Act 1999 and is heavily reliant on approvals and monitoring. US system is a disclosure based enforcement driven system regulated by Federal securities laws which are securities act 1933, Securities exchange act 1934 which functions as a defence mechanism and directors fiduciary duty. The research paper highlights other aspects of due diligence like legal, financial, operational, tax, environmental social and governance (ESG) due diligence and also includes various judicial precedents like Nirma Industries Ltd Vs SEBI, Smith Vs Van Gorkom and others; reasons behind due diligence by applying the jurisdictional theories like Information asymmetry, Agency theory and law and economics. To conclude while the M&A due diligence framework of both the nations proves to be successful in its respective arenas, convergence between the rules based, compliance driven system and disclosure based enforcement driven system may result in simpler M&A process, reduction of transaction risks and global equitable transactions.

Keywords: Due Diligence, Mergers and Acquisitions, Corporate Governance, Fiduciary Duty, ESG

Introduction

M&A is now one of the strongest instruments in the common repertoire of world corporations trying to restructure, develop or simply to achieve strategic goals. Considering the rising number of M&A transactions occurring across industries for the purpose of attaining various strategic objectives like market penetration, risk diversification, acquisition of technology and others, we can safely infer that the complex nature of M&A transactions, and their inherent risks, justify an adequate mechanism to mitigate risks and make efficient decisions. Within this context, it is safe to state that the significance of the due diligence procedures cannot be overestimated.

Due diligence is a process through which the acquiring company undertakes a thorough investigation to evaluate the intrinsic value of the target company, along with associated risks.[1]This concept, which has traditionally been associated with commercial transactions, involves a thorough investigation into the financial standing, compliance requirements, contractual obligations, intellectual property rights, regulatory approvals, etc., of the target company. The process not only involves merely mechanical inspection of documents, but a comprehensive analysis based on professional acumen and forethought. One of the main challenges that a buyer faces is the information asymmetry-the seller always possesses more knowledge about the target business than the buyer does. This may lead to an issue of adverse selection and inefficient transactions. Due diligence also tries to balance the information that is exchanged between the parties. This minimises the information asymmetry. Due diligence also assists the buyer in ascertaining all the claims made by the seller and thus prevents fraud and misrepresentation.

In addition to the identification of the risks involved, due diligence also assists in the determination of the valuation of the business. If the acquirer discovers some hidden liabilities or non-compliance with the law during the course of the due diligence, it may renegotiate the valuation. Also, due diligence reports help the parties involved to draft representations, warranties, and indemnities which form an integral part of the transaction agreements and provides legal remedies against potential losses that may arise from breach thereof. From a legal perspective, it is also seen as being closely connected with fiduciary duties, with there being a legal obligation for directors to conduct due diligence in certain jurisdictions. It was

[1] *Due Diligence*, Wikipedia, available at: Due diligence - Wikipedia (last visited on March 17, 2026).

well established in the landmark case of Smith v. Van Gorkom that if a board of directors failed in their fiduciary duty by failing to conduct any due diligence, then liability would follow. [2]Although Indian law takes a relatively more compliance-oriented approach, courts and regulatory bodies have been progressively holding directors to stricter standards of investigation when conducting business transactions, particularly in relation to corporate acquisitions. The scope of due diligence has been dramatically expanded in recent times. What was initially mainly legal and financial is now supplemented by and also includes examination of operational, technological, environmental and social concerns. With the advent of ESG and growing stress on corporate social responsibility by various stakeholders, the scope of due diligence has been further enlarged. The due diligence requirement gains more emphasis in cross border transactions as a result of legal and regulatory and cultural differences which need to be negotiated. This paper attempts to analyse due diligence regimes in two jurisdictions, India and United States, comparatively studying the legal frameworks, the procedural aspects, and the pragmatic implications thereof, as also the underlying jurisprudential foundations. Through this study, it proposes an efficient and balanced model for international corporate due diligence.

Concept and Evolution of Due Diligence

The meaning and scope of due diligence have changed considerably over time. From being a limited legal protection, it has now become an integral and necessary element in all corporate transactions. Despite the fact that it possibly has origins within securities law, it seems that the idea of due diligence is rather more multifaceted than it was originally. The source of the concept of due diligence appears to have originated from USA in the Securities Act of 1933. In America, the concept of a "due diligence defence" for issuers, underwriters and those connected with a securities offering was established. Under the Act, they could be freed from liability for misstatement or omission in a disclosure document by proving they had undertaken a "reasonable investigation" and acted with "due care". It was a groundbreaking change in corporate law to the extent that parties had an affirmative duty to verify information instead of merely accepting representations from others.

Over time, due diligence was applied beyond securities offerings and was also applied to mergers, acquisitions, joint ventures and all other kinds of corporate transactions. In relation to

[2] *Smith v. Van Gorkom*, 488 A.2d 858 (Del. 1985).

mergers and acquisitions, it was applied to determine the valuation of the target and ascertain risks and compliances with legal and regulatory provisions.[3] Due diligence has become a quintessential part of M & A, right from the stage of initial evaluation and negotiation to the eventual merger and integration.

The concept of due diligence came into vogue in India post liberalization of economy in 1991 and increased influx of cross border investments.[4]After the introduction of various legislations like The Companies Act, 2013, Securities and Exchange Board of India regulations, The Competition Act, 2002 etc. The importance of due diligence was duly recognized to maintain integrity, prevent corporate misuse and adhere to regulations. The nature of due diligence in India involves a significant degree of regulatory compliances and supervision of institutions.

Certain theories have been propounded which support the idea of due diligence. The information asymmetry theory proposes that in a transaction, one party usually has more information about the asset or business than the other. In a typical M&A deal, the seller will possess more information regarding the business compared to the buyer, which results in an adverse selection.[5] Due diligence is implemented to prevent such occurrences by enabling the buyer to review relevant information and also avoid any possible loss that it might have suffered.[6]

Another significant theory supporting the doctrine of due diligence is the agency theory which is defined as the study of agency relationships and what forms of incentives and control are required for managers of corporations to act in the interests of the shareholders. Management is a mere agent of shareholders and due diligence helps to ensure that the directors or officers have the required information to make well informed business judgments and are held responsible for their decisions in the best interests of the shareholders.

The notion of due diligence also bears strong resemblance to the principle of fiduciary duty. In America, directors and officers of corporations are obligated to exercise their duty with due

[3] *Securities Act of 1933*, Wikipedia, available at: Securities Act of 1933 - Wikipedia (last visited on March 17, 2026).
[4] *Due Diligence*, Wikipedia, available at: Due diligence - Wikipedia (last visited on March 17, 2026).
[5] *Economic Liberalisation in India*, Wikipedia, available at: Economic liberalisation in India - Wikipedia (last visited on March 17, 2026).
[6] *Information Asymmetry*, Wikipedia, available at: Information asymmetry - Wikipedia (last visited on March 17, 2026).

care, skill and diligence. Failure to adhere to this may be regarded as a breach of duty and could be established in circumstances like the one mentioned in Smith v. Van Gorkom where the directors were held responsible for approving a merger without adequate due diligence.[7]

From a legal economic perspective due diligence is considered to be an efficient legal and transaction mechanism which facilitates reduced costs and minimization of losses. By enabling the transaction parties to identify possible risks and liabilities at an early stage of the transaction the possibility of future litigation and its associated costs are reduced. Consequently, on a legal economics view, due diligence allows optimal allocation of resources, and efficiently operates of markets.

The frame in which due diligence is implemented has been continually altered, with the emergence and modification of various economic forces, economic conditions, and regulations. Increasingly, there has been a rising consciousness towards environmental, social and governance (ESG) compliance.[8]The corporate transactions are now not just about financial and legal viability but also about impact on the environment and society at large. Thus, there is now a growing trend of ESG due diligence also being a part of a larger corporate transaction.

Advancements in technology like the utilization of virtual data rooms, artificial intelligence and data analytics in evaluating enormous volumes of data have significantly refined the process and enhanced its effectiveness. Cross border transactions, which would be impractical for due diligence in the past due to time and cost constraints, can now be efficiently executed. Thus, while the fundamentals have not altered; it remains essentially about ensuring access to authentic information, due diligence has been shaped and reshaped by the continuous need to remain vigilant against myriad potential risks in corporate transactions.

Legal Framework of Due Diligence in India and the United States

The due diligence regime for M&As in India is a reflection of the legal and regulatory philosophy prevalent in a jurisdiction. India and the USA approach due diligence from two different perspectives that are nevertheless evolving- the former from a rule-based perspective focusing on statutory compliance and regulatory control while the latter from a principle-based

[7] *Environmental, Social and Governance (ESG)*, Wikipedia, available at: https://en.wikipedia.org/wiki/Environmental,_social_and_governance (last visited on March 17, 2026).
[8] *Smith v. Van Gorkom*, 488 A.2d 858 (Del. 1985).

perspective concentrating on the notion of fiduciary duty and jurisprudence.[9]

A. Legal framework in the United States

There is no specific statute consolidating due diligence process in the U.S. In terms of M&As. The principles governing the due diligence process are extrapolated from several federal securities acts, state corporation acts and court cases.The Securities Act of 1933 gave the legal footing to the concept of 'due diligence defence' which, to avoid liability for materially misleading statements in a disclosure document, the issuer and the underwriter could avail by showing that they conducted a reasonable investigation and exercised the degree of diligence normally incumbent upon them, thereby establishing due diligence as a legal obligation and not just a commercial norm.[10]

The fiduciary duties imposed upon directors are largely defined by the state laws, predominantly Delaware. Two important duties of directors include duty of care and duty of loyalty. Duty of care essentially implies a legal requirement upon the director to act with full awareness, after due investigation and careful consideration.

Cases like Smith v. Van Gorkom where the Delaware Supreme Court held directors accountable for breach of fiduciary duty for not carrying out due diligence before approving the merger .[11] In re Caremark International Inc. Derivative Litigation, holding that a director has a responsibility to implement the relevant monitoring and control systems of a corporation, stand for the proposition that due diligence is an indispensable facet of corporate governance in the US.[12]

Additionally, due diligence is also under regulation of Securities Exchange Commission; hence enough disclosures will be made.

B. Legal regime in India

India views the concept of due diligence in a very statutory and compliance driven way and has a plethora of statutes and bodies regulating varied aspects of a corporate transaction.

All mergers, amalgamations and re-organization are regulated by the Companies Act, 2013. Although the definition of 'due diligence' is not specified in the act, the implication and substance of due diligence (as regards compromise and arrangements between companies

[9] *Corporate Governance*, available at: Corporate governance - Wikipedia (last visited on March 17, 2026).
[10] *Securities Act of 1933*, available at: Securities Act of 1933 - Wikipedia (last visited on March 17, 2026).
[11] *Companies Act, 2013*, available at: Home (last visited on March 17, 2026).
[12] *SEBI Takeover Regulations, 2011*, available at: Securities and Exchange Board of India (last visited on March 17, 2026).

under Sections 230-232 of the Companies Act) is thorough and adequate investigation before effectuation of transactions.[13]

In the case of listed companies it is SEBI which assumes regulatory power and under the SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 has formulated rules of disclosure, offer to all shareholders, etc. That implicitly require careful checks and equitable treatment.[14]

In case of Competition Act, 2002 prior approval from CCI is mandatory for combinations that are likely to have an appreciable adverse effect on competition. This clearly calls for detailed analysis of market, competition prevailing and potential anti-competitive influences hence making due diligence unavoidable.[15]

The Indian courts too have emphasized on the necessity of due diligence with cases like Hindustan Lever Employees' Union v. Hindustan Lever Ltd.[16] Where the Apex Court held importance to fair dealing in merger transactions, and Nirma Industries Ltd. V. SEBI for its importance towards adhering to takeover laws and accurate disclosure of facts.[17]

C. Comparative Analysis

Key difference lies in the approach of India and US towards due diligence, in the US being a principle based approach focusing on fiduciary duties of the director and case laws while in India is a rule based approach, relying upon statutory enforcement and regulation.

However, there appears to be a convergence in the approaches. While India is steadily assimilating principles of corporate governance and fiduciary responsibility of directors into its laws, the US has strengthened its regulatory mechanism. Despite differing approaches, in both jurisdictions, due diligence acts as a vital mechanism for evaluation, assessment and decision making for an M&A deal.

Due Diligence Process in Mergers and Acquisitions

Due diligence in the M&A transaction is a systematic multi-step process used to examine the legal, financial and operational condition of a target company, which provides acquiring company with adequate and relevant information to enable proper assessment of the risks and

[13] *Competition Act, 2002*, available at: Competition Commission of India, Government of India (last visited on March 17, 2026).
[14] *Smith v. Van Gorkom*, 488 A.2d 858 (Del. 1985).
[15] *In re Caremark International Inc.*, 698 A.2d 959 (Del. Ch. 1996).
[16] *Hindustan Lever Employees' Union v. Hindustan Lever Ltd.*, (1995) Supp (1) SCC 499.
[17] *Nirma Industries Ltd. v. SEBI*, (2013) 8 SCC 20.

true value of the target business.[18] A well-defined and co-ordinated due diligence requires active participation of the various professionals including the lawyers, accountants, and the regulatory consultants.

A. Phases of the Due Diligence Process

1. Initial Stage: Planning and Overview

Initial step for the due diligence process involves defining the goals and boundaries of the investigation; the acquiring company should first clarify and determine those areas of investigation (legal, financial, tax, operational, and regulatory) within the target company that need to be reviewed carefully and also execute Non-Disclosure Agreement to ensure the secrecy and protection of information exchanged.[19]

2. Information Collection Phase

Next stage focuses on accumulating all the necessary information from the target company, which will eventually require creating either a physical or a virtual "data room". The data room will contain all of the legal documents of the target company that evidence contracts, licenses, judgments, business documents, and corporate records of the target, that are accessible to examination by the examinee. Data on the target company is the most important part of the due diligence inquiry.

3. Analysis and Examination

After the information is collected, the designated experts begin the investigation and analyze the provided information. In legal due diligence, there are issues of legality, enforceability of the contract and pending litigations and criminal actions to consider, financial due diligence mainly concerns the examination of balance sheets, income statements and cash flow projections, and business due diligence involves in the process of finding out the strengths, weaknesses, opportunities and threat related to business.

4. Risk Assessment

The significant purpose of conducting a due diligence is to assess potential risks to the deal. This step might cover a range of liabilities: unquantified liabilities, non-compliance with legislation or tax problems or the protection of intellectual property rights. The findings at this stage can protect the acquirer against losses.[20]

[18] *Due Diligence*, available at: Due diligence - Wikipedia (last visited on March 17, 2026).
[19] *Non-Disclosure Agreement, available at: Non-disclosure agreement - Wikipedia (last visited on March 17, 2026).*
[20] *Risk Management*, available at: https://en.wikipedia.org/wiki/Risk_management (last visited on March 17, 2026).

5. Valuation and Negotiation

The results of the due diligence investigation may influence the valuation of the target company if liabilities are revealed. If the discovery of significant problems warrants it, the acquirer can renegotiate the purchase price and also the structure of the entire deal. Other steps include negotiating warranties and representations.

6. Reporting

Once the full examination is completed and conclusive information obtained, the acquirer's lawyers or experts will create a due diligence report detailing their findings and opinions. The report contains a list of important concerns raised by the investigating party to assist in making business decisions during the M&A process.

7. Post-Merger Integration

Post-merger integration starts with the acquisition or the merger taking place, when companies start working to combine operations, systems, cultures and processes together. Knowledge acquired in the due diligence process plays a critical role throughout the post-merger integration to achieve smooth integration between the organisations.

B. Significance of Structured Process

A systematic process for due diligence ensures that no critical element is missed. It reduces uncertainties and ensures that decisions are taken in an informed and calculated manner. It also provides protection for the future and makes for more favourable negotiations, and ensures the legality of the deal according to the laws governing the transaction. In the case of international mergers and acquisitions, the existence of a structured procedure ensures a smooth transaction regardless of differences in legal system, operational standards or business environment that are prevalent in various countries.

Types of Due Diligence in Mergers and Acquisitions

Due diligence in M&A transactions can be classified as multidimensional as it covers many distinct areas of specialized practice. Because of the complexity of contemporary corporate transactions, each aspect of the target entity, i.e. The legal, financial, operational, and strategic elements have to be thoroughly explored. The purpose of each form of due diligence has to be understood and it plays a vital role in identifying risks, compliance, and assisting the decisions.[21]

[21] *Due Diligence*, available at: Due diligence - Wikipedia (last visited on March 17, 2026).

A. Legal Due diligence

This is considered the most essential type of due diligence. Legal due diligence comprises review of corporate documents, material contracts, litigation history, legal compliance, intellectual property rights, and overall standing of the company. The aim is to ascertain that the target company is legitimate and is not subject to any unforeseen liabilities. Legal due diligence is related to the concept of fiduciary duties, particularly the duty of care. The doctrine laid out in Smith v. Van Gorkom indicates that failure to do proper legal due diligence would be actionable in the case of the directors.[22]The Indian courts have consistently emphasised on clarity and fairness of transactions which supports the due diligence process.

B. Financial Due diligence

Financial due diligence is basically a look into the financial status of the target. It may include an analysis of the target company's financial statements, cash flows, liabilities, tax structure, revenue projections and to verify the facts stated therein. The purpose is to check if all figures shown are authentic and to get an understanding of the real worth of the business. From law and economics perspective it reduces the problem of information asymmetry and adversoe selection and thus facilitates correct pricing.[23]

C. Tax due diligence

This requires a detailed review of the tax system and liabilities of the target company. All statutory compliances are confirmed and risk of tax evasion and other related contingent liabilities are considered. In countries like India where laws are complicated and subject to amendment, Tax Due Diligence is critical in mitigating the chances of future litigation.

D. Operational due diligence

It pertains to the review of business operations and production system, including supply chain, technology, human resources etc. It focuses on whether the target will be able to operate as effectively post acquisition. Post merger integration is dependent upon the efficient functioning of operations of target company.

[22] *Smith v. Van Gorkom*, 488 A.2d 858 (Del. 1985).
[23] *Information Asymmetry*, available at: Information asymmetry - Wikipedia (last visited on March 17, 2026).

E. Environmental, Social, and Governance (ESG) due diligence

ESG due diligence has become an integral part of modern transaction processes. The target company's impact on the environment, social standards and governance mechanisms is tested. Increased regulatory focus on ESG criteria and the consequent impact on company's value necessitates the check for adequate performance on such standards. Failure to meet environmental and social compliance leads to loss of reputation and legal recourse for the acquirer.[24]

F. Commercial due diligence

It examines the market positioning of the target company and its competition. Factors such as industry trends, customer base, strategic match with the acquiring company's vision, and growth prospects of the target business are assessed to evaluate the commercial justification and benefits of the transaction.

G. Jurisprudential aspect

In relation to various types of due diligence the jurisprudential concept, which has been increasingly emphasized on is that law is shifting from punitive to proactive action, in the sense that prevention of wrongdoing has become more important than prosecution of the offense after the damage is done. Law and Economics and agency theory justify such proactive and specialized due diligence practices as it aims at balancing the asymmetry of information existing between buyers and sellers and provides accountability to managers in order to promote the interests of shareholders.[25]\

Policy Recommendations and Conclusion

To make M&A due diligence more effective, a converged and harmonious regulatory regime will be crucial. India will need to move from a compliance based regulatory approach to a principles based regime by reinforcing the duties of directors in their fiduciary capacity and encouraging their judgment and discretion. On the flipside, increased transparency, better digital access to data, and simplification of approval procedures will cut the costs and time taken to close deals. By imbibing international best practices, particularly on disclosures and risk appraisal, the Indian M&A space could be more attractive to the investor.

[24] *Environmental, Social and Governance (ESG), available at: https://en.wikipedia.org/wiki/Environmental,_social,_and_governance (last visited on March 17, 2026).*
[25] *Agency Theory, available at: Principal–agent problem - Wikipedia (last visited on March 17, 2026).*

Additionally, the integration of new technologies such as AI and data analytics in due diligence will enhance its accuracy and efficiency. A particular focus would be placed on ESG due diligence so as to facilitate the conduct of environmentally, socially and ethically responsible business operations. Inter regulatory harmonization between SEBI, CCI and RBI would also pave a long way to remove the regulatory duplication.

To conclude, due diligence serves as a critical pillar in the successful completion of any M&A transaction, by minimizing risk, dealing with information asymmetry, and aiding informed decision-making. A synergy between India's procedural and robust regime and the disclosure-based nature of the US can result in a world-class, time efficient and competitive framework for due diligence, thereby reinforcing investor confidence and enabling sustained corporate growth.