

**Reserve Bank of India
Foreign Exchange Department
Central Office
Mumbai.**

Notification No. FEMA.217/2011-RB

Dated January 19, 2011

**Foreign Exchange Management (Remittance of Assets)
(Amendment) Regulations, 2011**

In exercise of the powers conferred by Section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank of India hereby makes the following amendments in the Foreign Exchange Management (Remittance of Assets) Regulations, 2000, ([Notification No. FEMA. 13/ 2000-RB dated 3rd May, 2000](#)), namely:

1. Short Title and commencement

(i) These Regulations may be called the ' Foreign Exchange Management (Remittance of Assets) (Amendment) Regulations, 2011'.

(ii) They shall be deemed to have come into effect from February 1, 2010. @

2. Amendment to the Regulations:

In the Foreign Exchange Management (Remittance of Assets) Regulations, 2000. (Notification No. FEMA. 13/2000-RB dated 3rd May, 2000),

(i) in regulation 6,

(a) in sub-regulation (1), clause (iii) shall be substituted by the following :

"Authorised Dealer shall act as per regulation (7) as regards closure of Branch / Liaison Office".

(b) after regulation 6, the following regulation shall be inserted, namely :-

" 7. Permission to remit winding up proceeds of branch/office (other than project office) –

(1) A branch or office established in India by a person resident outside India may, for making remittance of its winding up proceeds, apply to the Authorised Dealer concerned supported by the following documents, namely:
(A) copy of the Reserve Bank's permission for establishing the branch/office in India:

(B) Auditors certificate :-

- i) indicating the manner in which the remittable amount has been arrived and supported by a statement of assets and liabilities of the applicant, and indicating the manner of disposal of assets;
- ii) confirming that all liabilities in India including arrears of gratuity and other benefits to the employees etc., of the branch / office have been either fully met or adequately provided for;
- iii) confirming that no income accruing from sources outside India (including proceeds of exports) has remained un-repatriated to India; and
- iv) Confirming that the branch/office has complied with all regulatory requirements stipulated by the Reserve Bank of India from time to time regarding functioning of such offices in India.

(C) no-objection or Tax clearance certificate from the Income-Tax authority for the remittance;

(D) confirmation from the applicant that no legal proceedings in any Court in India are pending and there is no legal impediment to the remittance; and

(E) a report from the Registrar of Companies regarding compliance with the provisions of the Companies Act, 1956, in case of winding up of the office in India.

(2) On consideration of the application made under sub-regulation (1), the authorized dealer concerned may permit the remittance subject to the directions issued by the Reserve Bank in this regard, from time to time."

(Salim Gangadharan)
Chief General Manager-in-Charge

Foot Note:-

- (i) @ It is clarified that no person will be adversely affected as a result of retrospective effect being given to these Regulations.
- (ii) The Principal Regulations were published in the Official Gazette vide No.G.S.R.396 (E) dated May 5, 2000 in part II, Section 3, Sub-section (i) and subsequently amended vide:
 - (a) No.G.S.R. 576 (E) dated August 19, 2002;
 - (b) No.G.S.R. 630 (E) dated August 4, 2003;
 - (c) No.G.S.R. 699 (E) dated September 1, 2003;
 - (d) No.G.S.R. 493 (E) dated August 4, 2004;
 - (e) No.G.S.R. 400 (E) dated May 30, 2007;
 - (f) No.G.S.R. 90 (E) dated February 15, 2008; and
 - (g) No.G.S.R. 837 (E) dated November 23, 2009.

**Published in the Official Gazette of Government
of India – Extraordinary – Part-II, Section 3,
Sub-Section (i) dated 09.03.2011- G.S.R.No.199 (E)**