



In the  
**Reserve Bank of India**  
Foreign Exchange Department  
Fort Glacis, No.16, Rajaji Salai  
Chennai 600 001

Present

**V R Venkatesh**  
**General Manager**

Date: July 30, 2019  
**C.A.923/2019**

In the matter of

**M/s. Fresh Minds Services Pvt Ltd.,**  
Villa No.4, Sri Harsha, 30,  
Ramappa Nagar Main Road  
Perungudi  
Chennai – 600 096

**(Applicant)**

In exercise of the powers under section 15 (1) of the Foreign Exchange Management Act, 1999 and the Regulations/Rules/Notifications/orders made there under, I pass the following

**Order**

The applicant has filed a compounding application dated June 06, 2019 (received at Reserve Bank on June 12, 2019) for compounding of contraventions of the provisions of the Foreign Exchange Management Act, 1999 (the FEMA) and the regulations issued there under. The contravention sought to be compounded is delay in allotment of shares



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in terms of Paragraph 2(2) of Schedule I to Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2017 notified vide Notification No. FEMA 20(R)/2017-RB dated November 07, 2017 and as amended from time to time (hereinafter referred to as Notification No. FEMA 20(R)/2017-RB).

2. The relevant facts of the case are as follows: The applicant company was incorporated on June 27, 2016 under the provisions of the Companies Act, 2013 (Registration No. U55209TN2016PTC111146) and is engaged in the business of provision of short stay accommodation n.e.c. The applicant received seven foreign inward remittances amounting to ₹8,40,92,548.53 between 07.11.2017 and 14.01.2019 from M/s. Avante Garde Hospitality Pte Ltd., Singapore towards subscription to equity shares. Against the above remittances the company allotted shares on seven occasions between 09.11.2017 and 15.02.2019 and filed the FC GPRs with Reserve Bank.

3. The company allotted equity shares against the remittance received on 28.09.2018 as detailed below:

Sl. No.	Date of receipt	Amount (₹)	Date of Allotment
1	28.09.2018	72,37,466.00	15.02.2019

The company allotted shares with a delay of 2 months 19 days approximately beyond the stipulated time of 60 days from the date of receipt of the consideration. Whereas in terms of paragraph 2(2) of Schedule I to Notification No. FEMA 20R/2017-RB, capital instruments shall be issued to the person resident outside India making such investment within 60 days from the date of receipt of the consideration.

4. The applicant was advised about the contravention vide memorandum dated May 14, 2019. The applicant has filed a compounding application dated June 06, 2019 wherein it has been declared in the compounding application that the particulars given by the applicant in the application are true and correct to the best of their knowledge and belief. It has been declared in the declaration furnished with the compounding application that the applicant was not under any enquiry/investigation/adjudication by any agency as



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on the date of the application and has, in this regard, not informed of initiation of any such enquiry/investigation/ adjudication proceedings against it/him/her thereafter. Accordingly, the above contravention which is being compounded in this Order are subject to the veracity of the above declarations made by the applicant and this order is without prejudice to any other action which may be taken by any authority under the extant laws if the said declarations are subsequently discovered to be false and/or incorrect.

5. The applicant was given an opportunity for personal hearing vide Reserve Bank's mail dated July 24, 2019 for further submission in person and/or producing additional documents, if any, in support of the application. The representatives of the applicant, Shri Santhosh Kumar Ramadurai, Practising Company Secretary and Smt. Gomathi Sekar, AVP, Finance duly authorized by the Director of the company, appeared for the personal hearing scheduled on July 26, 2019. The authorized representatives of the applicant admitted the contravention as stated in paragraph 3 above for which compounding has been sought. It had been submitted that the delay was unintentional. In view of the above, they requested Reserve Bank to take a lenient view in the matter. The application for compounding is, therefore, being considered on the basis of the averments made in the application as well as other documents and submissions made in this context by the applicant during personal hearing.

6. I have given my careful consideration to the documents on record and submission made by the applicant in the compounding application and during personal hearing. Accordingly, I hold that the applicant has contravened the following FEMA provision issued in terms of:

- a) Paragraph 2(2) of Schedule I to Notification No. FEMA 20R/2017-RB due to delay in allotment of shares. The contravention relates to an amount of ₹72,37,466.00 with the duration of contravention being 2 months 19 days approximately.

7. In terms of Section 13 of the FEMA, any person contravening any provision of the Act shall be liable to a penalty up to thrice the sum involved in such contravention upon adjudication. However, taking into account the relevant facts and circumstances of the



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case as stated in the foregoing paragraphs, I am persuaded to take a lenient view on the amount for which the contravention is to be compounded and I consider that an amount of **₹86,187/-** (Rupees eighty six thousand one hundred and eighty seven only) will meet the ends of justice.

**8.** Accordingly, I compound the admitted contravention namely, the contravention of paragraph 2(2) of Schedule I to Notification No. FEMA 20R/2017-RB, by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceedings) Rules, 2000 on payment of an amount of **₹86,187/-** (Rupees eighty six thousand one hundred and eighty seven only) which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, Fort Glacis, No.16, Rajaji Salai, Chennai - 600 001 by a demand draft drawn in favour of the “Reserve Bank of India” and payable at Chennai within a period of **15 days** from the date of this order. In case of failure to deposit the compounded amount within the above mentioned period, Rule 10 of the Foreign Exchange (Compounding Proceedings) Rules, 2000 dated May 3, 2000 shall apply.

The application is disposed accordingly.

Dated this thirtieth day of July, 2019.

**Sd/-**  
**V R Venkatesh**  
**General Manager**