



**In the  
Reserve Bank of India  
Foreign Exchange Department  
7th Floor, Gera's Imperium-II,  
EDC Complex, Patto Plaza,  
Panaji 403 001, Goa, INDIA**

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Present

**Smt. Meenakshi Gad  
Deputy General Manager**

**Date: May 15, 2019  
CA No: PAN22**

In the matter of

**Shri Ravi Shankar Shahi  
H.No. 12/32/1, Sita Sadan, Mahadev Nagar, Khorlim  
Mapusa, Bardez, Goa – 403 507  
(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 April 16, 2019 (received at Reserve Bank of India, Panaji on April 17, 2019) for compounding of contravention 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 that the applicant has delayed the filing of form FC-TRS in terms of Regulation 10B (2) read with paragraph 10 of Schedule I to Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 notified vide Notification No. FEMA 20/2000-RB dated May 3, 2000 and as amended from time to time (hereinafter referred to as Notification No. FEMA 20/2000-RB).



2. The relevant facts of the case are as follows:

(a) The applicant, Shri Ravi Shankar Shahi, a resident individual (PAN: DREPS5944D) has acquired 4,616 shares and 19,069 shares from Mr. Jean Pierre Avantario and Ms. Kerstin Roehrig, Foreign Nationals, in M/s Jean Healing Here and Now Private Limited, a company incorporated under the Companies Act, 1956 on December 31, 2002 (CIN: U85199GA2002PTC003173)

(b) The applicant has filed form FC-TRS for transfer of shares as shown below:

Name of the Non-resident Transferor	Name of the resident transferee	Number of shares transferred	Amount (₹)	Date of Transfer	Date of filing FCTRS
Mr. Jean Pierre Avantario	Shri. Ravi Shankar Shahi	4,616	4,61,600/-	26-Jul-2016	19-Nov-2018
Ms. Kerstin Roehrig	Shahi	19,069	19,06,900/-	17-Mar-2017	

Reserve Bank, Panaji Regional Office, Panaji vide letter no. PNJ.FED: 420 / 02.01.134 / 2018-19 dated January 28, 2019 advised the AD bank to take forms FC-TRS on record. The delay in filing forms FC-TRS is in contravention of Regulation 10B (2) read with paragraph 10 of Schedule I to Notification No. FEMA 20/2000-RB. Whereas in terms of Regulation 10B (2) read with paragraph 10 of Schedule I, the transferor / transferee, resident in India has to adhere to the reporting requirements as specified by the Reserve Bank from time to time viz. form FC-TRS should be submitted to the AD Category-I bank within 60 days from the date of transfer.

3. The applicant was given an opportunity for personal hearing vide the Reserve Bank's letter no. PNJ.FED: 617 / 02.01.134 / 2018-19 dated April 24, 2019 for further submission in person and/or producing documents, if any, in support of



the application. The personal hearing was held on May 02, 2019 during which Shri. Ravi Shankar Shahi was present. During the personal hearing, he stated that the reporting delays were inadvertent and requested that a lenient view may be taken in the matter. He also stated that the delays were on account of various technical objections / queries raised by the AD bank requiring resubmission. The application for compounding is, therefore, being considered on the basis of the averments made in the application as well as submissions made in this context by the applicant during the personal hearing.

4. It has been declared in the compounding application dated April 16, 2019, that the particulars given by the applicant in the application are true and correct to the best of his knowledge and belief. It has been declared in the declaration dated April 16, 2019 furnished with the compounding application that the applicant was not under any enquiry/investigation/adjudication by any agency as on the date of the application and has, in this regard, not been informed of initiation of any such enquiry/investigation/adjudication proceedings against him thereafter. Accordingly, the above contraventions which are 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. I have given my careful consideration to the documents on record and in the compounding application. Accordingly, I hold that the applicant has contravened the FEMA provisions issued in terms of Regulation 10B (2) read with paragraph 10 of Schedule I to Notification No. FEMA 20/2000-RB due to delay in filing of Form FC-TRS on transfer of shares from non-resident to a resident with their designated AD bank as detailed in paragraph 2 above. The contravention relates to an amount of Rs.23,68,500/- and the period of contravention is from 1 Year 6 Months to 2 Years 1 Month 22 days on two occasions.



**Shri Ravi Shankar Shahi**  
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6. In terms of Section 13 of the FEMA, if any person contravenes any provision of the Act or contravenes any rules, regulation, notification, direction or order issued in exercise of the powers under this Act, or contravenes any condition subject to which an authorization is issued by the Reserve Bank of India (RBI), he, upon adjudication, shall be liable to a penalty up to thrice the sum involved in such contravention. However, after considering the relevant facts and the circumstances of the case as stated in the foregoing paragraphs, I am inclined to take a lenient view on the amount for which the contravention is to be compounded and I consider that an amount of **Rs.15,920/- (Rupees Fifteen Thousand Nine Hundred Twenty only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contravention namely the contravention of Regulation 10B (2) read with paragraph 10 of Schedule I to Notification No. FEMA 20/2000-RB by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceeding) Rules, 2000 on payment of an amount of **Rs.15,920/- (Rupees Fifteen Thousand Nine Hundred Twenty only)** which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, Gera Imperium II, 7<sup>th</sup> Floor, EDC, Patto Plaza, Panaji, Goa 403 001 by a demand draft drawn in favour of the "Reserve Bank of India" and payable at "Mumbai" 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 of accordingly.

Dated this the Fifteenth day of May, 2019.

Sd/-

**(Meenakshi Gad)**

**Deputy General Manager**