



In the

Reserve Bank of India
Foreign Exchange Department
3rd Floor
15, Netaji Subhas Road
Kolkata – 700 001

Present

Shri Rajendra Srivastava
Assistant General Manager

Date: September 30, 2019
C.A.114/2019

In the matter of

M/s Atlas Healthcare Software India Private Limited
BIPL Omega Building, 5th Floor, Block EP & GP, Sector V
Salt Lake
Kolkata 700 091
(Applicant)

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

Order

The applicant had filed a compounding application dated June 28, 2019 (received at Reserve Bank on August 01, 2019) for compounding of contraventions of the provisions of the Foreign Exchange Management Act, 1999 (the FEMA) and the regulations issued thereunder. The contraventions sought to be compounded is for taken on record transfer of shares without certified form FC-TRS which is contravention to Regulation 4 of 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. The applicant, **Atlas Healthcare Software India Private Limited**, was incorporated November 19, 2007 and is in the business of writing, modifying, testing of computer program to meet the needs of a particular client excluding web-page designing. (NIC Code 2008-62011).

3. Mrs. Namrata pujara, wife of Mr.Rajiv Pujara, a resident of India, had transferred 28076 numbers of equity shares of M/s Atlas Healthcare Software India Private Limited to M/s Atlas Database Software Corporation DBA Atlas Development Corporation, a company resident in the United States of America. The company has taken on record transfer of shares without certified form FC-TRS which is contravention of Regulation 4 of FEMA 20/2000-RB dated May 3, 2000 as given in table 2 below.

Table: 2

Sl. No.	Number of instruments (Equity)	Negotiated Price Per Instrument	Amount of Consideration	Date of Transfer of shares	Date of taking on record of share transfer	Date of reporting of FCTRS	Delay (days)
1	28,076.00	10.00	280760	30-Jun-08	30-Jun-08	11-Mar-19	3906

The company has taken on record the above transfer of shares contravening Regulation 4 of FEMA 20/2000-RB dated May 3, 2000 and is therefore subjected to compounding.

4. The applicant was given an opportunity for personal hearing, vide Reserve Bank's letter No.KOL.FED.FID.401/06.01.002/2019-20 dated September 11, 2019, for further submission in person and/or producing documents, if any, in support of the application. The applicant, represented by Mr.Prithwiraj Mukherjee (Authorized Representative), appeared for personal hearing on September 30, 2019. The representative of the applicant admitted the contraventions as stated in para 3 of this Order.

5. It has been declared in the compounding application dated June 28, 2019 that the particulars given by the applicant in the application are true and correct to the best of their/his/her 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 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. It has further been declared that the applicant has not filed any appeal under section 17 or section 19 of FEMA, 1999. 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.

6. I have given careful consideration to the documents on record and submission made by the applicant during the personal hearing. Accordingly, I hold that the applicant has contravened provisions of Regulation 4 of FEMA 20/2000-RB dated May 3, 2000. The contravention relates to an amount of INR 2,80,760

7. In terms of section 13 of the FEMA any person contravening any provision of the act shall be liable for a penalty upto thrice the sum of the contravention upon adjudication. However, considering the circumstances which led to the delay and other relevant facts of the case I am inclined to take a lenient view of the amount for which the contravention is to be compounded and I consider that an amount of **INR 20,917** (Rupees Twenty Thousand Nine Hundred and Seventeen only) will meet the end of justice.

8. Accordingly, I compound the admitted contravention to Regulation 4 of FEMA 20/2000-RB dated May 3, 2000 by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceeding) Rules, 2000 on payment of an amount INR 20,917 (Rupees Twenty Thousand Nine Hundred and Seventeen only), which are to be deposited by the applicant with the Reserve Bank of India, Kolkata by a demand draft in favor of Reserve Bank of India and payable at Kolkata within 15 days from the date of issue of the order. In case of failure to deposit the compounded amount within the above mentioned period,



Rule 10 of the Foreign Exchange (Compounding Proceeding) Rules, 2000 dated May 03, 2000 shall apply.

9. The application is disposed of accordingly.

Dated this Thirtieth day of September, Two Thousand and Nineteen.

(Rajendra Srivastava)
Assistant General Manager