



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

Present

H. Thangzaman
Chief General Manager

Date: February 20, 2020
C.A.125/2019

In the matter of
M/s SIKA INDIA PRIVATE LIMITED
620 DIAMOND HARBOUR ROAD,
COMMERCIAL COMPLEX II
KOLKATA 700034
(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 October 18, 2019 (received at Reserve Bank on November 04, 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 delay in submission to the Reserve Bank of Form FC-GPR after issue of shares to a person resident outside India beyond the stipulated 30 days in terms of 9(1)(B) respectively to Schedule 1 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 03, 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, **SIKA INDIA PRIVATE LIMITED**, was incorporated on June 22, 1984. The applicant is in the business of Manufacture of basic chemical elements (NIC Code 2008 - 20116).



3. The Company had contravened in terms of the Para 9 (1) (B) of Schedule 1 to Notification No. FEMA 20/2000-RB dated May 03, 2000 as given in table 1.

Table 1. Contravention of Para 9(1)(B) of Schedule 1 to Notification No. FEMA 20/2000-RB dated May 03, 2000						
S. No.	Inflow (INR)	Amount for which shares have been issued	Date of inflow	Date of allotment of shares	Date of reporting of allotment of shares to RBI	Delay beyond 30 days, if any (days)
1	44,99,07,500.00	44,99,07,054.00	12-May-17	07-Jun-17	03-Oct-19	818
	44,99,07,500.00	44,99,07,054.00				

As can be observed from Table 1 above, the reporting of FCGPR was with a delay of 818 days beyond the stipulated 30 days which is a contravention in terms of Para 9(1)(B) of Schedule 1 to Notification No. FEMA 20/2000-RB dated May 03, 2000.

4. The applicant was given an opportunity for personal hearing, vide Reserve Bank's letter No.KOL.FED.FID.1234/06.01.002/2019-20 dated February 12, 2020 for further submission in person and/or producing documents, if any, in support of the application. On the date of personal hearing, i.e., February 20, 2020, the applicant represented by Mr.Vaskar Das (Authorized Representative) admitted the contraventions as stated in para 3 of this Order.

5. It has been declared in the compounding application dated October 18, 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 paragraph 9(1)(B) of Schedule 1 of Notification No. FEMA 20/2000RB dated May 03, 2000. The total contravention relates to an amount of INR 44,99,07,054.

7. In terms of section 13 of the FEMA, any person contravening any provision of the act shall be liable for a penalty up to thrice the sum of the contravention upon adjudication. Considering the circumstances which led to the delay and other relevant facts of the case, I am, however, inclined to take a lenient view of the amount for which the contravention is to be compounded and I consider that an amount of Rs. 2,43,333 (Rupees Two Lakh Forty Three Thousand Three Hundred and Thirty Three only) will meet the end of justice.

8. Accordingly, I compound the admitted contravention viz 9(1)(B) of Schedule 1 of Notification No. FEMA 20/2000-RB dated May 03, 2000 by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceeding) Rules, 2000 on payment of an amount Rs. 2,43,333 (Rupees Two Lakh Forty Three Thousand Three Hundred and Thirty Three 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 Twentieth day of February, 2020.

Sd/-

(H. Thangzaman)
Chief General Manager