



In the

**RESERVE BANK OF INDIA**  
Foreign Exchange Department  
Secretariat Road  
Saifabad, Hyderabad 500 004

Present

Shri. Subrata Das  
Regional Director (Andhra Pradesh and Telangana) and  
Chief General Manager (Hyderabad)

Date: June 25, 2019  
C.A. HYD 422

In the matter of  
M/s Unify Technologies Private Limited  
1-65 Chinapavani  
Prakasam  
Andhra Pradesh 523115

**(Applicant)**

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

**Order**

The applicant has filed the compounding application dated March 28, 2019 received on April 4, 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 are (i) delay in reporting receipt of foreign inward remittances and (ii) delay in submission of Form FC-GPR to Reserve Bank of India after issue of shares towards subscription to equity and (iii)



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delay in filing of FLA returns in terms of Paragraph 9(1)(A), Paragraph 9(1)(B) and Paragraph 9(2) respectively of Schedule 1 to Foreign Exchange Management Regulations, 2000 notified vide Notification No. FEMA.20/2000-RB dated May 03, 2000 (hereinafter referred to as Notification No. FEMA 20/2000-RB) as then applicable and as amended.

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

- a) The applicant is a resident company incorporated as Private Limited Company under the Companies Act, 1956 on 18/02/2014 (CIN: U72200AP2014PTC093022). The company is engaged in other information technology and computer service activities.
- b) The applicant had received foreign inward remittances from foreign investors

S.No	Name of remitter	Amount (INR)	Date of Receipt	Date of reporting
1	SAS Holdings LLC	8309880	29/03/2016	24/03/2018
	<b>Total</b>	<b>83,09,880</b>		

as indicated below:

The applicant reported receipt of remittances towards share subscription amounting to ₹ 83,09,880/- to the Regional Office of Reserve Bank of India with delay of 1 year 10 months 24 days approximately as indicated above. Whereas in terms of Paragraph 9(1)(A) of Schedule 1 to Notification No. FEMA 20/2000-RB, an Indian company issuing shares or convertible debentures in accordance with these Regulations should report to the Reserve Bank of India as per the prescribed procedure not later than 30 days from the date of receipt of the amount of consideration.

- c) The company allotted equity shares and filed form FC-GPRs as indicated below:



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S.No	Name of investor	Date of allotment of shares	No. of Shares allotted	Amount for which shares allotted (INR)	Date of reporting to RBI
1	SAS Holdings LLC	30/03/2016	600000	8310000	09/07/2018
2	Vivek Nirkhe	31/08/2017	75000(swap basis)	1698750	01/11/2018
		<b>Total</b>	<b>675000</b>	<b>1,00,08,750</b>	

The applicant filed form FCGPRs for the allotment of shares amounting to ₹1, 00, 08,750/- as indicated above which were reported with delays ranging from 1 year 1 month 2 days to 2 years 2 months 10 days approximately beyond the prescribed limit. Whereas in terms of Paragraph 9(1) (B) of Schedule 1 to Notification no. FEMA 20/2000-RB, an Indian company issuing shares in accordance with these Regulations has to submit to Reserve Bank a report in form FCGPR along with documents prescribed therein within 30 days from the date of issue of shares to person resident outside India.

d) The company had delayed in filing of FLA returns for 2 years as shown below:

SI No	Particulars	Financial year	Due date of filing	Date of actual filing
1	FLA Return	2015-16	15/07/2016	22/05/2019
2	FLA Return	2016-17	15/07/2017	22/05/2019

The company had filed FLA returns for 2 years with delays ranging from 1 year 10 months 7 days to 2 years 10 months 7 days approximately. Whereas, in terms of



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Paragraph 9(2) of Schedule I to Notification No. FEMA 20/2000-RB dated May 03, 2000 as then applicable and as amended, all Indian companies which have received Foreign Direct Investment in the previous year(s) including the current year shall submit to the Reserve Bank of India, on or before the 15th day of July of each year, a report titled 'Annual Return on Foreign Liabilities and Assets' (FLA) as specified by the Reserve Bank from time to time.

3. (a) The applicant was given an opportunity for personal hearing vide Reserve Bank's letter No. HY.FE.FID/2901/14.66.003/2018-19 dated June 19, 2019 for further submission in person and/or producing documents, if any, in support of the application.

(b) The authorized representatives of the company, Shri M. Sreedhar, Senior Manager, Finance and Shri P.Surya Prakash, Senior Associate, R&A Associates, appeared for personal hearing on June 24, 2019. He admitted the contraventions for which the compounding has been sought. During the personal hearing it was submitted that the delay was not wilful or with a malafide intention but was on account of administrative lapses. In view of the above, the applicant requested to take a lenient view in disposal of the application. The application for compounding is, therefore, being considered on the basis of the averments made in the application as well the submissions made in this context by the applicant during the personal hearing.

4. I have given my careful consideration to the documents on record. Accordingly, I hold that the applicant has contravened the following FEMA provisions issued in terms of: -

(a) Paragraph 9(1)(A) of Schedule 1 to Notification No. FEMA 20/2000-RB for delay in reporting the receipt of consideration towards issue of shares amounting to ₹ 83,09,880/- and the delay is 1 year 10 months 24 days approximately.

(b) Paragraph 9(1)(B) of Schedule 1 to Notification No. 20/2000-RB for delay in submission of Form FC-GPR to Reserve Bank of India after issue of shares



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amounting to ₹ 1,00,08,750/- to persons resident outside India and the delay ranges from 1 year 1 month 2 days to 2 years 2 months 10 days approximately.

(c) Paragraph 9(2) of Schedule 1 to Notification No. 20/2000-RB for delay in filing of FLA returns and the delay ranges from 1 year 10 months 7 days to 2 years 10 months 7 days approximately.

5. It has been declared in the compounding application dated March 28, 2019 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 dated March 28, 2019 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 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. 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 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 **₹72,115/-(Rupees Seventy Two Thousand One Hundred and Fifteen Only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contraventions, namely, the contraventions of Paragraph 9(1)(A), Paragraph 9(1)(B) and Paragraph 9(2) respectively of Schedule 1 to FEMA.20/2000-RB by the applicant on the facts discussed above in



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terms of the Foreign Exchange (Compounding Proceedings) Rules, 2000 on payment of an amount of **₹72,115/-(Rupees Seventy Two Thousand One Hundred and Fifteen Only)** which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, 1st Floor, Saifabad, Hyderabad - 500004 by a demand draft drawn in favour of the "Reserve Bank of India" and payable at Hyderabad 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 25<sup>th</sup> day of June 2019

Sd/-

(Subrata Das)

Regional Director (Andhra Pradesh and Telangana) and

Chief General Manager (Hyderabad)