



In the  
**Reserve Bank of India**  
10/3/8, Nrupathunga Road  
Bengaluru-560001

Present

**Shri Jose J Kattoor**  
**Regional Director, Karnataka and**  
**Chief General Manager, Bengaluru**

Date: July 16, 2019  
**C.A. BGL 401/2019**

In the matter of

**M/s Eatgood Technologies Private Limited**  
No.460, 14B Cross, 17<sup>th</sup> Cross 15<sup>th</sup> Main  
4<sup>th</sup> Sector, HSR Layout  
Bengaluru -560102  
**(Applicant)**

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

### **Order**

The applicant has filed a compounding application dated March 20, 2019, received at the office of Reserve Bank of India, Bengaluru, on March 22, 2019, for compounding of contraventions of the provisions of the Foreign Exchange Management Act, 1999, (the FEMA) and the Regulations issued there under. The contraventions sought to be compounded are, (i) delay in reporting receipt of foreign inward remittances towards subscription to equity, and (ii) delay in submission of form FC-GPRs to the Reserve Bank, after issue of shares to a person resident outside India, in terms of Paragraphs 9(1)(A) and 9(1)(B), respectively, 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 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, M/s Eatgood Technologies Private Limited, was incorporated on June 18, 2015, under the Companies Act, 2013, as per the Certificate of Incorporation issued by the Assistant Registrar of Companies, Karnataka. The activity undertaken by the company is developing and servicing of web applications catering to industries, and planning, operating and managing services catering to logistics of food and beverages. The applicant had received funds towards share application money from the foreign investors, namely, Mr. Srihari Kumar & Mrs. Sonia Nayaham, Singapore, M/s MNI Ventures, Mauritius, and M/s Shinhan Neoplux Energy Newbiz Fund, South Korea, as shown below:

**Table -1**

<b>Sr. No.</b>	<b>Date of Receipt</b>	<b>Total Amount (INR)</b>	<b>Date of Reporting to RBI / AD Bank</b>
1	23-09-2015	1,60,00,000.00	29-04-2016
2	29-09-2015	1,00,00,000.00	11-05-2016
3	25-09-2017	2,01,46,292.00	08-03-2019
4	30-11-2017	1,00,00,000.00	14-03-2019
5	30-01-2018	1,50,73,146.00	20-03-2019
6	11-06-2018	6,51,70,000.00	21-02-2019
	<b>Total</b>	<b>13,63,89,438.00</b>	

The applicant reported receipt of remittances to the Reserve Bank / Authorized Dealer Bank, with a delay ranging from six months and six days to ten months and six days, beyond the stipulated time of 30 days, in respect of the remittances as indicated at serial numbers 1 to 3, in the Table 1 above. Whereas, in terms of Paragraph 9(1)(A) of Schedule I 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. In respect of the reporting of remittances, indicated at serial numbers 4 to 6, in the Table – 1 above, the company had paid Late Submission



Fee (LSF) and regularized the contravention, in terms of Notification No. FEMA 20(R)/2000-RB, dated November 07, 2017.

3. The company had allotted shares and filed form FC-GPRs with Reserve Bank/AD Bank as indicated below:

**Table-2**

Sl. No.	Date of Allotment	Number of shares allotted	Amount (INR)	Date of reporting to RBI/AD Bank
1	23-09-2015	16000000 CCDs	1,60,00,000.00	08-12-2015
2	29-09-2015	10000000 CCDs	1,00,00,000.00	08-12-2015
3	03-10-2017	7909 CCPs	2,01,44,223.00	08-03-2019
4	07-12-2017	3927 CCPs	1,00,02,069.00	14-03-2019
5	30-01-2018	5918 CCPs	1,50,73,146.00	20-03-2019
6	11-06-2018	11564 CCPs	6,51,69,962.76	21-02-2019
	<b>Total</b>	<b>2,60,00,000 CCDs &amp; 29,318 CCPs</b>	<b>13,63,89,400.76</b>	

The applicant filed form FC-GPRs, on allotment of shares, with the Bengaluru Regional Office of the Reserve Bank of India / Authorized Dealer Bank, with a delay ranging from one month and nine days to one year four months and six days, beyond the prescribed period of 30 days, in respect of the allotments as indicated at serial numbers 1 to 3, in the Table - 2 above. Whereas, in terms of Paragraph 9(1)(B) of Schedule I to Notification No.FEMA. 20/2000-RB, dated May 3, 2000, an Indian company issuing shares in accordance with these Regulations, has to submit to Reserve Bank of India, a report in form FC-GPR, along with documents prescribed therein, within 30 days, from the date of issue of shares to persons resident outside India. In respect of the reporting of allotment of shares, indicated at serial numbers 4 to 6, in the Table – 2 above, the company had paid Late Submission Fee (LSF) and regularized the contravention, in terms of Notification No. FEMA 20(R)/2000-RB, dated November 07, 2017.



4. The applicant was given an opportunity for personal hearing, vide Reserve Bank's letter FE.BG.FID (CEFA) No. 151/22.09.674/2019-20, dated July 10, 2019, for further submission in person and/or producing documents, if any, in support of the application. The applicant's authorized representatives, Mr. Sandipan Mitra, Director, Mr. Pradeep KM, Manager, and Ms. Ankita Jaiswal, Company Secretary, who appeared for the personal hearing on July 16, 2019, admitted the contraventions as stated in paragraphs 2 and 3 above, committed by the applicant, for which compounding has been sought. During the personal hearing, the representatives of the applicant requested that as the contraventions were not intentional or with a malafide intention, and was mainly due to inadvertence, a lenient view may be taken 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 as other documents and submissions made in this context, by the applicant during personal hearing and thereafter.

5. I have given my 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 the following FEMA provisions issued in terms of:

(a) Paragraph 9(1)(A) of Schedule I to Notification No. FEMA 20/2000-RB, due to delay in reporting of foreign inward remittances, received towards subscription to equity as detailed in paragraph 2 above. The contravention relates to an amount of **₹4,61,46,292.00**, and the period of delay ranges from six months and six days to ten months and six days; and

(b) Paragraph 9(1)(B) of Schedule I to Notification No. FEMA 20/2000-RB, due to delay in submission of form FC-GPRs to the Reserve Bank, after issue of shares to persons resident outside India as detailed in paragraph 3 above. The contravention relates to an amount of **₹4,61,44,223.00**, and the period of delay ranges from one month and nine days to one year four months and six days.



6. It has been declared in the compounding application dated March 20, 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 undertaking, 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 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.

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 case as stated in the foregoing paragraphs, I am persuaded to take a lenient view on the amount for which the contraventions are to be compounded and I consider that an amount of **₹2,12,000.00 (Rupees Two Lakh Twelve Thousand only)**, will meet the ends of justice.

8. Accordingly, I compound the admitted contraventions namely, contraventions of Paragraphs 9(1)(A) and 9(1)(B) of Schedule I to Notification No. FEMA 20/2000-RB, by the applicant, based on the facts discussed above, in terms of the Foreign Exchange (Compounding Proceedings) Rules, 2000, on payment of an amount of **₹2,12,000.00 (Rupees Two Lakh Twelve Thousand only)**, which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, 2<sup>nd</sup> Floor, 10/3/8, Nrupathunga Road, Bengaluru – 560001, by a demand draft drawn in favour of the “Reserve Bank of India” payable at Bengaluru, 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 Sixteenth day of July 2019.

**Sd/-**

**(Jose J Kattoor)**  
**Regional Director, Karnataka and**  
**Chief General Manager, Bengaluru**