



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: February 01, 2019  
C.A. HYD 363

In the matter of

M/s. JED Solar Parks Pvt Ltd  
Sreya Towers, Plot No. 1130, Road No. 36  
Jubilee Hills, Hyderabad- 500033

**(Applicant)**

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

**Order**

The applicant has filed the compounding application dated November 26, 2018 received on December 04, 2018 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 in terms of Paragraph 9(1) (A) and Paragraph 9(1) (B) respectively of Schedule 1 to Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 notified



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vide Notification No. FEMA.20/2000-RB dated May 03, 2000 (hereinafter referred to as Notification No. FEMA 20/2000-RB) as then applicable.

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 24.09.2013 (CIN: U40108TG2013PTC090170). The company is engaged in the business of generation and transmission of electric energy.
- b) The applicant had received foreign inward remittances from two foreign investors towards allotment of equity shares as indicated below.

| Sl No | Name of the Remitter  | Total Amount (INR) | Date of Receipt | Date of Reporting |
|-------|-----------------------|--------------------|-----------------|-------------------|
| 1     | Ecoren Energy Pvt Ltd | 3,411/-            | 13.11.2013      | 02.12.2013        |
| 2     |                       | 96,589/-           | 08.11.2013      | 02.12.2013        |
| 3     | SunE Solar B V        | 33,09,00,000/-     | 04.09.2015      | 08.12.2015        |
| 4     |                       | 76,30,250/-        | 16.09.2015      | 08.12.2015        |
| 5     |                       | 37,46,69,750/-     | 08.03.2016      | 21.03.2016        |
| 6     |                       | 9,38,00,000/-      | 08.03.2016      | 21.03.2016        |
|       | Total                 | 80,71,00,000/-     |                 |                   |

The applicant received the foreign inward remittances towards subscription amounting to ₹ 80,71,00,000/- to Reserve Bank of India, out of which remittance amounting to ₹ 33,85,30,250/- were reported with delays ranging from 1 month 22 days to 2 months 4 days approximately beyond the prescribed period of 30 days. 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



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as per the prescribed procedure not later than 30 days from the date of receipt of the amount of consideration.

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

| SI No. | Name of the Investor  | Date of allotment of shares | Number of shares allotted | Amount for which shares allotted (INR) | Date of reporting |
|--------|-----------------------|-----------------------------|---------------------------|--|-------------------|
| 1      | Ecoren Energy Pvt Ltd | 23.11.2013                  | 9,999                     | 99,990/-                               | 17.01.2014        |
| 2      | SunE Solar B V        | 07.09.2015                  | 9,171                     | 6,75,99,441/-                          | 13.04.2016        |
| 3      |                       | 29.10.2015                  | 2,70,93,025               | 27,09,30,250/-                         | 19.04.2016        |
| 4      |                       | 09.03.2016                  | 12,725                    | 9,37,95,975/-                          | 24.06.2016        |
| 5      |                       | 09.03.2016                  | 3,74,66,975               | 37,46,69,750/-                         | 24.06.2016        |
|        |                       | <b>Total</b>                | 6,45,91,895               | 80,70,95,406/-                         |                   |

The applicant filed form FCGPRs for issue of shares amounting to ₹ **80,70,95,406/-** as indicated above and reported with delays ranging from 25 days to 6 months 6 days approximately beyond the stipulated period of 30 days. 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 of India 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.

3. (a) The applicant was given an opportunity for personal hearing vide Reserve Bank's letter No. HY.FE.FID/1497/14.66.003/2018-19 dated January 24, 2019 for



further submission in person and/or producing documents, if any, in support of the application.

(b) The applicant vide mail dated January 28, 2019 stated that they are foregoing appearing for the personal hearing and requested that the compounding application may be disposed off on the basis of merits in terms of the facts/submission made therein along with the compounding application. The application for compounding is, therefore, being considered on the basis of the averments made in the application.

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 ₹ 33,85,30,250/- with delays ranging from 1 month 22 days to 2 months 4 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 to persons resident outside India and the contravention relates to an amount of ₹ 80,70,95,406/- with delays ranging from 25 days to 6 months 6 days approximately.

5. It has been declared in the compounding application dated November 26, 2018 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 December 04, 2018 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. 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 **₹ 1,42,270/- (Rupees One Lakh Forty Two Thousand Two Hundred Seventy Only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contraventions, namely, the contraventions of Paragraph 9(1) (A) and Paragraph 9(1) (B) of Schedule 1 to Notification No. FEMA-20/2000-RB by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceedings) Rules, 2000 on payment of an amount of **₹ 1,42,270/- (Rupees One Lakh Forty Two Thousand Two Hundred Seventy 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 accordingly.

Dated this 1<sup>st</sup> day of February 2019

Sd/-

(Subrata Das)

Regional Director (Andhra Pradesh and Telangana) and  
Chief General Manager (Hyderabad)