



In the

**Reserve Bank of India**  
Foreign Exchange Department  
Fort Glacis, No.16, Rajaji Salai  
Chennai 600 001

Present

**Dr. K Balu**  
**Chief General Manager**

Date : January 03, 2019  
**C.A.833/2017**

In the matter of

**M/s. Sangsin Brake India Pvt Ltd.**  
Plot No.126, Samathuvapuram Mappedu,  
Ulundai (Post), Thiruvallur,  
Chennai- 602 105

**(Applicant)**

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

### **Order**

The applicant has filed a compounding application dated September 17, 2018 (received at Reserve Bank on October 03, 2018) 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 of inflow of funds received from a person resident outside India for allotment of shares, and (ii) delay in submission of Form FC-GPR on allotment of



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shares with Reserve Bank, in terms of Paragraph 9 (1) A and Paragraph 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 3, 2000 and as then applicable (hereinafter referred to as Notification No. FEMA 20/2000-RB).

2. The relevant facts of the case are as follows: The applicant company was incorporated on February 09, 2010 under the provisions of the Companies Act, 1956 (Registration No. U35990TN2010PTC074547) and is engaged in business of manufacture of diverse parts and accessories for motor vehicles such as brakes, gearboxes, axles, road wheels, suspension shock absorbers, radiators, silencers, exhaust pipes, catalysers, clutches, steering wheels, steering columns and steering boxes etc. The applicant received foreign inward remittances from i) Mr. Kweon Young Dae, South Korea ii) Mr. Kim Hyo Il, South Korea iii) Mr. Park Se Jong, South Korea iv) M/s Sangsin Brake Co. Ltd. South Korea towards subscription to equity shares and reported the same to the Reserve Bank as detailed below:

Sl. No.	Amount of Inward Remittance in Rs.	Date of receipt	Reported to RBI on
1	5,53,73,671.00	01.04.2010	30.04.2010
2	4,21,02,670.40	07.04.2010	30.04.2010
3	4,70,18,589.40	24.05.2010	20.07.2010
4	4,61,98,614.00	23.06.2010	20.07.2010
5	4,64,88,605.30	23.07.2010	30.08.2010
6	33,952.30	29.07.2010	29.09.2010
7	34,882.50	29.07.2010	29.09.2010
8	33,952.30	29.07.2010	29.09.2010
9	4,65,48,603.50	24.08.2010	27.09.2010
10	3,63,98,635.00	17.09.2010	09.11.2010
11	5,19,98,440.00	07.12.2011	22.12.2011
12	4,87,08,538.70	16.02.2012	14.03.2012
13	19,92,00,000.00	06.09.2016	06.10.2016

The applicant reported receipt of the remittances to the Reserve Bank on dates indicated above with delay ranging from four days to one month approximately beyond the prescribed period of 30 days in respect of the remittances at Sl. Nos. 3, 5 to 10.



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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.

3. The company allotted equity shares and filed the FC-GPRs as indicated below:

Sl. No	No. of shares allotted	Face Value (in Rs.)	Amount (INR)	Date of allotment of shares	Reported to RBI on
1	19069000	10	19,06,90,000.00	26.08.2010	21.09.2010
2	10000	10	1,00,000.00	04.01.2011	25.01.2011
3	12943000	10	12,94,30,000.00	04.01.2011	25.01.2011
4	10070697	10	10,07,06,970.00	28.05.2012	20.06.2012
5	19920000	10	19,92,00,000.00	15.09.2016	03.03.2017

The applicant filed form FC-GPRs as indicated above with delay of four months 18 days approximately beyond the prescribed limit in respect of the allotment at Sl. No. 5. Whereas in terms of paragraph 9 (1) B of Schedule I 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 FC-GPR along with documents prescribed therein within 30 days from the date of issue of shares to person resident outside India.

4. The applicant was advised about the contraventions vide memorandum dated October 24, 2016. The applicant has filed compounding application dated September 17, 2018 wherein it has been declared 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 September 17, 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/him/her 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.

**5.** The applicant was given an opportunity for personal hearing vide Reserve Bank's mail dated December 26, 2018 for further submission in person and/or producing documents, if any, in support of the application. The applicant did not appear for the personal hearing on January 02, 2019. The applicant, in the compounding application, had admitted the contraventions as stated in para 2 and 3 above for which compounding has been sought. It had been submitted that the delays were unintentional. 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.

**6.** I have given my careful consideration to the documents on record and submissions made by the applicant in the compounding application. 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 due to delay in reporting of receipt of inward remittances towards subscription of equity shares as detailed in paragraph 2 above. The contravention relates to an amount of ₹17,65,57,220.30 with duration of contravention ranging from four days to one month approximately; and

**(b)** Paragraph 9 (1) B of Schedule 1 to Notification No. FEMA 20/2000-RB due to delay in submission of Form FC-GPR to the Reserve Bank after issue of shares to persons resident outside India and the contravention relates to an amount of ₹19,92,00,000.00 with duration of contravention being four months 18 days approximately.

**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



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the amount for which the contraventions are to be compounded and I consider that an amount

of **₹78,240/-** (Rupees seventy eight thousand two hundred and forty only) will meet the ends of justice.

**8.** Accordingly, I compound the admitted contraventions namely, the contraventions of paragraphs 9 (1) A and 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 **₹78,240/-** (Rupees seventy eight thousand two hundred and forty only) which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, Fort Glacis, No.16, Rajaji Salai, Chennai - 600 001 by a demand draft drawn in favour of the "Reserve Bank of India" and payable at Chennai 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 Third day of January, 2019.

**Sd/-**

**Dr. K Balu**

**Chief General Manager**