



In the

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

Present

R Kesavan
Chief General Manager

Date: December 20, 2017
C.A.733/2017

In the matter of

M/s.SEI Adityashakti Pvt Ltd.
Old No.110, New No.165, 10th Floor,
Menon Eternity, St. Mary's Road, Alwarpet,
Chennai-600 018

(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 October 28, 2017(received at Reserve Bank on November 03, 2017) for compounding of contraventions of the provisions of the Foreign Exchange Management Act, 1999 (the FEMA) and the regulations issued there under. The contravention sought to be compounded is (i) delay in submission of Form FC-GPR on allotment of shares with Reserve Bank, in



terms of Paragraph 9 (1) B of Schedule I to ForeignExchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 notified, vide Notification No.FEMA 20/2000-RB datedMay 3, 2000.

2. The relevant facts of the case are as follows: The applicant company was incorporated onDecember 24, 2012under the provisions of the Companies Act, 1956 (Registration No. U40300TN2012PTC089153) and is engaged in business of electric power generation using solar energy. The applicant received six foreign inward remittances amounting to ₹ 38,36,65,441.14between 18.07.2013 and 20.08.2015fromM/s SunEdison Energy Holding (Singapore) Pte. Ltd., Singaporetowards subscription to equity sharesand reported the same to the Reserve Bank within the stipulated time of 30 days.

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

Sl. No	No. of shares allotted	Face Value (inRs.)	Amount (INR)	Date of allotment of shares	Reported to RBI on
1	10000	10	1,00,000	04.12.2013	02.01.2014
2	1868	10	3,73,600	04.12.2013	02.01.2014
3	75000	10	1,50,00,000	20.06.2014	14.07.2014
4	388414	10	3,18,49,948	22.07.2015	16.10.2015
5	1762125	10	14,44,94,250	21.08.2015	28.06.2016
6	19184747	10	19,18,47,470	05.10.2015	28.06.2016

The applicant filed form FC-GPRs as indicated above with delay ranging from one month 24 days to nine months seven daysapproximately beyond the prescribed limit in respect of the allotments at Sl. Nos. 4 to 6. 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 given an opportunity for personal hearing vide Reserve Bank's mail dated December 18, 2017 for further submission in person and/or producing



documents, if any, in support of the application. The applicant vide mail dated December 18, 2017 opted not to appear for the personal hearing. The applicant, in the compounding application, had admitted the contravention as stated in para 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.

5. 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) 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 ₹ 36,81,91,668/- with the duration of contravention ranging from one month 24 days to nine months seven days approximately.

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 contraventions are to be compounded and I consider that an amount of Rs. **1,68,500/-** (Rupees one lakh sixty eight thousand five hundred only) will meet the ends of justice.

7. Accordingly, I compound the admitted contravention namely, the contravention of paragraphs 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 Rs. **1,68,500/-** (Rupees one lakh sixty eight thousand five hundred only) which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, Fort Glacis, No.16, Rajaji Salai,



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Chennai-600001 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 Twentieth day of December, 2017.

Sd/-

R Kesavan
Chief General Manager