



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

Present

**Shri P J Thomas**  
**Regional Director**

Date: June 01, 2018  
**C.A. BGL 281/2018**

In the matter of

**M/s Vaatsalya Health Care Solutions Private Limited**  
#26, 18<sup>th</sup> Main, 2<sup>nd</sup> Block  
Koramangala  
Bengaluru - 560034  
**(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 January 06, 2018, received in the office of Reserve Bank of India, Bengaluru, on January 11, 2018, 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 delay in reporting receipt of foreign inward remittances towards subscription to equity, in terms of paragraph 9(1)(A) 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 Vaatsalya Health Care Solutions Private Limited was incorporated on November 30, 2004, under the Companies Act, 1956, as per the certificate of incorporation issued by the Registrar of Companies, Karnataka. The Company is engaged in the business of establishing, operating and managing hospitals in the field of health



sciences / industry in India and Overseas and provide consulting and information related services in this area. The applicant had received funds towards share application money from foreign investors, namely, Mr. Vinay Sadanand Gaonkar, USA, Mr. Ajat K Sanikop & Mrs. K Sanikop, UK, Ms. Savitha Nagaraju, USA, Mr. Arun Prakash / Ms. Shaina Sreedharan, USA, Ms. Shubha Bellur / Mr. Subhash Joshi, USA, Ms. Rajeshwari R Galagali, Mr. Rajendra S Galagali, Mr. Ralph Nirven Kumar, Malaysia, Mr. Nikhil N Shah / Ms. Nancy S Shah, USA, Mr. Vinayak V Savanur, USA, Ms. Rajasri Mohan, USA, M/s Oasis Capital (Mauritius) Limited, Mauritius, M/s Aquarius Investment Limited, Mauritius, M/s Seed Fund2 International LLC, Mauritius, and M/s Aavishkaar India II Company Limited, Mauritius, 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	16-02-2005	10,89,500.00	10-08-2005
2	08-02-2005	2,25,450.00	10-08-2005
3	08-02-2005	2,18,200.00	10-08-2005
4	08-02-2005	2,18,200.00	10-08-2005
5	08-02-2005	4,36,400.00	10-08-2005
6	16-02-2005	4,35,800.00	10-08-2005
7	16-02-2005	2,17,900.00	10-08-2005
8	04-03-2005	2,62,200.00	10-08-2005
9	12-01-2005	2,18,250.00	10-08-2005
10	27-01-2005	2,16,750.00	10-08-2005
11	09-02-2005	2,15,733.00	10-08-2005
12	20-04-2009	19,00,00,000.00	01-06-2009
13	03-06-2011	33,70,66,884.00	05-11-2012
14	14-06-2011	7,68,12,492.00	29-06-2011
15	14-10-2014	2,27,300.00	23-12-2014
16	16-10-2014	10,74,900.00	23-12-2014
17	30-10-2014	2,52,100.00	06-12-2017
18	31-10-2014	1,59,99,737.00	06-06-2015



19	05-11-2014	6,32,80,698.00	24-04-2015
20	20-08-2015	7,99,98,685.00	18-09-2015
21	21-08-2015	1,99,98,953.00	12-02-2016
22	28-03-2017	15,50,00,000.00	26-04-2017
		<b>94,34,66,132.00</b>	

The applicant reported receipt of remittances to the Reserve Bank / Authorized Dealer Bank, with a delay ranging from twelve days to three years and seven days approximately, beyond the stipulated time of 30 days in respect of the remittances as indicated above at Sr. Nos. 1 to 13, 15 to 19, and 21. 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 applicant was given an opportunity for personal hearing, vide the Reserve Bank's letter FE.BG.FID (CEFA) No. 4568 /22.06.224/2017-18 dated May 25, 2018, for further submission in person and/or producing documents, if any, in support of the application. The applicant's authorized representatives, Mr. N J Diwakaraiah, Director, and Mr. Shashikanth Nadig, Company Secretary & Consultant, who appeared for the personal hearing on June 01, 2018, admitted the contraventions as stated in paragraph 2 above, committed by the applicant, for which compounding has been sought. 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.

4. 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 **Rs. 63,16,54,955.00**, and the period of delay ranges from twelve days to three years and seven days approximately.

5. It has been declared in the compounding application dated January 06, 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 undertaking dated January 05, 2018, furnished as part of 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.

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 are to be compounded and I consider that an amount of **Rs. 2,40,085.00 (Rupees Two Lakh Forty Thousand and Eighty Five only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contravention namely, contravention of Paragraph 9(1) (A) of Schedule I 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. 2,40,085.00 (Rupees Two Lakh Forty Thousand and Eighty Five 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” and 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 First day of June, 2018.

Sd/-

**(P J Thomas)**  
**Regional Director**