



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 : November 01, 2018
C.A.821/2018

In the matter of

M/s. Svasth Life Pvt Ltd.,
Old No.16, New No.17,
19th Avenue, Ashok Nagar,
Chennai- 600 083

(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 August 21, 2018 (received at Reserve Bank on August 28, 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



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 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 company was incorporated on May 03, 2012 under the provisions of the Companies Act, 1956 (Registration No. U85100TN2012PTC085726) and is engaged in business of other human health activities n.e.c. The applicant received foreign inward remittances from i) M/s Healthi Solutions Pte Ltd., Singapore ii) Mr. Mark Van Weelde, Australia iii) Mr. Kelly Tsaur, USA iv) Mr. Damodharan Ulagaratchagan, Singapore towards subscription to equity shares and reported to Reserve Bank as detailed below:

Sl. No	Amount of Foreign Inward Remittance ₹	Date of receipt	Reported to RBI on
1	62,13,446.25	27.11.2013	08.11.2017
2	15,39,538.00	24.12.2013	29.05.2018
3	21,66,500.00	10.02.2014	29.11.2017
4	1,00,32,671.88	31.05.2016	28.08.2017
5	1,33,27,880.53	22.09.2016	06.04.2017
6	1,35,57,640.56	31.01.2017	28.08.2017
7	1,27,94,272.54	05.09.2017	25.09.2017
8	3,20,97,753.00	06.02.2018	21.02.2018

The applicant reported receipt of remittances to the Reserve Bank on dates indicated above with delay ranging from five months 14 days to four years four months five days approximately beyond the stipulated time of 30 days in respect of the remittances at Sl. Nos. 1 to 6. 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 company allotted equity shares and filed FC-GPRs as indicated below:

Sl. No.	No. of share allotted	Face Value ₹	Amount ₹	Date of allotment of shares	Reported to RBI on
1	6213	1000	62,13,000.00	25.03.2014	19.12.2017
2	2166	1000	21,66,000.00	25.03.2014	27.12.2017
3	1539	1000	15,39,000.00	25.03.2014	31.08.2018
4	97404	1+102	1,00,32,612.00	22.11.2016	22.09.2017
5	121162	1+109	1,33,27,820.00	20.03.2017	13.10.2017
6	123251	1+109	1,35,57,610.00	20.03.2017	05.10.2017
7	116311	1+109	1,27,94,210.00	01.01.2018	09.02.2018
8	291797	1+109	3,20,97,670.00	24.02.2018	21.03.2018

The applicant filed the form FC-GPRs as indicated above with delay ranging from five months 15 days to four years four months six days approximately beyond the stipulated time of 30 days in respect of the allotments at Sl. Nos. 1 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 advised about the contraventions vide memorandum dated October 16, 2017, April 13, 2018 and September 12, 2018. The applicant has filed a compounding application dated August 21, 2018. It has been declared in the compounding application 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 August 21, 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 October 26, 2018 for further submission in person and/or producing additional documents, if any, in support of the application. The applicant appeared for the personal hearing on October 31, 2018 during which Shri Vishal Pandya, represented the applicant. The authorized representative of the applicant admitted the contraventions as stated in para 2 and 3 above committed by the applicant for which compounding has been sought. During the personal hearing, it was submitted that the delays were unintentional. In view of the above, they requested Reserve Bank to take a lenient view in the matter. 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 the personal hearing.

6. I have given my careful consideration to the documents on record and submission made by the applicant in the compounding application and 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 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 ₹ 4,68,37,677.22 with duration of contravention ranging from five months 14 days to four years four months five days 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



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to persons resident outside India. The contravention relates to an amount of ₹ 4,68,36,042.00 with the duration of contravention ranging from five months 15 days to four years four months six 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 the amount for which the contraventions are to be compounded and I consider that an amount

of **₹3,09,980/-** (Rupees three lakh nine thousand nine hundred and eighty 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 **₹3,09,980/-** (Rupees three lakh nine thousand nine hundred and eighty 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 First day of November, 2018.

Sd/-

Dr. K Balu

Chief General Manager