



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

Present

**Anup Kumar**  
**General Manager**

Date: March 10, 2017  
**C.A. BGL198/2016**

In the matter of

**M/s Dataglen Technologies Private Limited.**  
D-103, Ramky Utsav Apartments,  
Seenappa Layout, New BEL Road,  
RMV 2<sup>nd</sup> Stage,  
Bengaluru - 560094  
**(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 2, 2017 received at the Reserve Bank on January 10, 2017 and addendum dated January 27, 2017 received at Reserve Bank on January 27, 2017 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 receipt of foreign inward remittances towards subscription to equity and (ii) delay in submission of Form FC-GPRs to the Reserve Bank after issue of shares to a person resident outside India in terms of paragraphs 9(1) (A) and 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 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. Dataglen Technologies Pvt. Ltd., was incorporated on April 28, 2015, under the Companies Act,



2013. The activity undertaken by the company is “To carry on the business of Software designing, development, customization, implementation, maintenance, testing and benchmarking, designing, developing and dealing in computer software and solutions, etc.” The applicant received funds towards share application money from the one foreign investor viz., M/s Dataglen Inc, USA., as shown below:

Sl. No	Date of Receipt	Total Amount	Date of reporting to AD
1	03-07-2015	31571.00	01-09-2015
2	07-07-2015	945672.00	01-09-2015
3	04-09-2015	991103.00	07-10-2015
4	30-09-2015	3302854.00	07-10-2015
5	14-12-2015	1335199.00	18-01-2016
6	06-09-2016	661452.89	22-09-2016
	<b>Total</b>	<b>72,67,851.89</b>	

The applicant reported receipt of remittances to the Authorized Dealer with a delay ranging from 3 days to 30 days approximately, beyond the stipulated time of 30 days in respect of remittances indicated at serial no. 1, 2, 3 and 5. 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 FC-GPRs with RBI/AD as indicated below:

Sl. No.	Date of Allotment	Amount (INR)	Date of reporting to RBI/AD
1	19-08-2015	9,77,160.00	02-07-2016
2	21-10-2015	42,93,948.00	03-07-2016
3	15-01-2016	13,35,192.00	15-07-2016
4	10-10-2016	6,61,452.00	23-11-2016
	<b>Total</b>	<b>72,67,752.00</b>	



The applicant filed the Form FC-GPRs on allotment of shares with the Reserve Bank / Authorized Dealer, with a delay ranging from 14 days to 9 months 14 days approximately beyond the prescribed period of 30 days in respect of all the allotment of shares indicated above. Whereas in terms of Paragraph 9(1) (B) of Schedule I to Notification No.FEMA.20/2000-RB dated May 3, 2000, 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 persons resident outside India.

4. The applicant was given an opportunity for personal hearing, vide the Reserve Bank's letter No. FE.BG.FID (CEFA) No. 5451/22.09.939/2016-17 dated March 3, 2017, for further submission in person and/or producing documents, if any, in support of the application. The applicant appeared for the personal hearing on March 6, 2017 during which Shri. Devasenapathi P Seetharamakrishnan, Director and Shri. Rajagopal Hegde, practicing chartered accountant, represented the applicant. The authorized representatives of the applicant admitted the contraventions as stated in paragraphs 2 and 3 above committed by the applicant, for which compounding has been sought. During the personal hearing, it was submitted that the delay was not willful or with a malafide intention and it was mainly due to inadvertence and the same will not be repeated. In view of the above, they requested to take a lenient view 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.

5. 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. 33,03,545/-** and the period of delay ranges from 3 days to 30 days approximately.



(b) Paragraph 9 (1) (B) of Schedule I to Notification No. FEMA 20/2000-RB due to delay in submission of Form FC-GPRs to the Reserve Bank after issue of shares to persons resident outside India as detailed in paragraph 3 above. The contravention relates to an amount of **Rs. 72,67,752/-** and the period of delay ranges from 14 days to 9 months 14 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. 27,300/- (Rupees Twenty Seven Thousand Three Hundred only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contraventions namely, contraventions of Paragraphs 9(1)(A) and 9(1)(B) 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. 27,300/- (Rupees Twenty Seven Thousand Three Hundred 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 Tenth day of March 2017.

Sd/-

(Anup Kumar)  
**General Manager**