



In the

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

Present

G. Jeyakumar
Deputy General Manager

Date: March 30, 2017
C.A. BGL197/2016

In the matter of

M/s Bigtapp (India) Pvt. Ltd.
N-119, Manipal Centre, Dickenson Road,
Bengaluru - 560042
(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 November 28, 2016 (received at the Reserve Bank on December 12, 2016), 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 submission of Form FC-GPRs to the Reserve Bank after issue of shares to a person resident outside India and (ii) delay in refund of share application money to the foreign investor, a person resident outside India beyond 180 days of the receipt of the inward remittance in terms of paragraphs 9 (1) (B) and 8 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).



representative of the applicant requested that as the contraventions were not intentional and were beyond the control of the applicant, 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.

5. I have given my careful consideration to the documents on record. Accordingly, I hold that the applicant has contravened the following FEMA provisions issued in terms of:

(a) 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 and the contravention relates to an amount of **Rs. 19,75,000/-** and the duration ranges from six months and fifteen days to eleven months and sixteen days approximately.

(b) Paragraph 8 of Schedule 1 to Notification No. FEMA 20/2000-RB as the applicant refunded share application money to an extent of **Rs. 17,329/-** with a delay beyond the stipulated period of 180 days and the period of delay ranges from eight months and thirteen days to eight months and fourteen 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. 13,600/- (Rupees Thirteen Thousand Six Hundred only)** will meet the ends of justice.

7. Accordingly, I compound the admitted contraventions namely, contraventions of Paragraphs 9(1) (B) and 8 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. 13,600/- (Rupees Thirteen Thousand Six Hundred only)** which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, 2nd 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 Thirtieth day of March 2017.

Sd/-

(G.Jeyakumar)
Deputy General Manager