



In the

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

Present

P Ramesh
Assistant General Manager

Date : September 25, 2017
C.A.669/2016

In the matter of

M/s. Britannia Labels India Pvt Ltd.,
476/1A, Jothi Nagar, Palavanzipalayam,
KNP Colony, K-Chettipalayam,
Dharapuram Main Road,
Tirupur 641608

(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 May 05, 2017 (received at Reserve Bank on May 12, 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 of



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inflow of funds received from a person resident outside India for allotment of shares and (ii) delay in refund of excess inward remittance received to the overseas investor, in terms of Paragraph 9 (1) A and Paragraph 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 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 September 20, 2010 under the provisions of the Companies Act, 1956 (Registration No. U18204TZ2010PTC016384) and is engaged in Business of manufacture of other paper products n.e.c. The applicant received foreign inward remittance from Mr. Robert Bryan Brownhill, England towards subscription to equity shares and reported the same to the Reserve Bank as below:

| Sl. No. | Amount of Foreign Inward Remittance (in Rs.) | Date of receipt | Reported to RBI on |
|---------|--|-----------------|--------------------|
| 1 | 54,300.00 | 15.04.2011 | 03.02.2015 |

The applicant reported receipt of remittance to the Reserve Bank on the date indicated above and with delay of three years eight months 18 days approximately beyond the stipulated time of 30 days. 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. Against the inflow, the company allotted shares on 17.04.2011 for ₹ 50,000/- and the form FC-GPR was filed within the prescribed period of 30 days. The balance amount remaining after allotment of shares was refunded as indicated below:

| Sl. No. | Date of receipt | Amount (INR) | Date of refund |
|---------|-----------------|--------------|----------------|
| 1 | 15.04.2011 | 4,300.00 | 18.09.2017 |



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The applicant refunded the excess share application money to the overseas investor with prior approval of Reserve Bank with delay of five years 11 month three days approximately beyond the prescribed period of 180 days. Whereas in terms of paragraph 8 of Schedule I to Notification No. FEMA 20/2000-RB, read with AP (Dir Series) Circular No.20 dated December 14, 2007 the shares have to be issued/amount refunded within 180 days from the date of receipt of the inward remittance.

4. The applicant vide letter dated September 22, 2017 chose not to appear for the personal hearing for any further submission in person and/or producing documents, if any, in support of the application. The applicant, in the compounding application, had admitted the contraventions as stated in para 2 and 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 submission 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) A of Schedule 1 to Notification No. FEMA 20/2000-RB due to delay in reporting of receipt of inward remittance towards subscription of equity shares as detailed in paragraph 2 above. The contravention relates to an amount of ₹ 54,300 and the duration of contravention being three years eight months 18 days approximately; and
- (b) Paragraph 8 of Schedule I to Notification No. FEMA 20/2000-RB due to delay in refund of excess share application money to the overseas investor with prior approval of Reserve Bank. The contravention relates to an amount of ₹ 4,300/- and the duration of contravention being five years 11 month three days approximately.



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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 ₹ 12,761/- (Rupees twelve thousand seven hundred and sixty one only) will meet the ends of justice.

7. Accordingly, I compound the admitted contraventions namely, the contraventions of paragraphs 9 (1) A and 8 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 ₹ 12,761/- (Rupees twelve thousand seven hundred and sixty one 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 Twenty fifth day of September, 2017.

Sd/-

P Ramesh
Assistant General Manager