



YOUR PARTNER FOR GLOBAL GROWTH

CASE STUDY

COMPOUNDING OF CONTRAVENTION UNDER FOREIGN EXCHANGE MANAGEMENT ACT, 1999

BACKGROUND OF THE CASE

Our client, an Italian wholly owned subsidiary ("Company") had issued in 2018 Compulsorily Convertible Debentures (CCDs) to its parent company for meeting its fund requirements. The application money received by the Company was in excess of the required funding amount. Due to change in management, Company faced certain operational challenges & could not refund back the excess money within the prescribed time as required under Foreign Exchange Management Act (FEMA), 1999. The Company approached Octagona India for guidance & assistance in making good the contravention.

HOW DID OCTAGONA INDIA HELP?

- Octagona India brief the Company on the compounding of contravention & assisted in refunding the excess amount at the earliest to the Parent Company.
- Under this, Octagona India drafted, finalised & filed with the Reserve Bank of India (RBI) a detailed compounding application under Paragraph 2 of Schedule 1 to FEMA20(R)/2017-RB along with the relevant supporting documents such as, but not limited to, Undertaking of DOE Investigation, ECS mandate, Board Resolutions & Shareholders Resolutions.
- The application was approved by RBI without asking for any additional information & as a final step the Company was asked to appear for personal hearing. However, by then India was into nationwide lockdown due to COVID-19.
- Octagona India made representations on behalf of the Company to convince RBI officials to waive off the requirement of personal hearing & issue the final compounding order.

FINAL OUTCOME

As a result of Octagona India guidance & assistance, final compounding order was issued by the RBI without personal hearing & without asking for any additional document. We served our client throughout the process by providing timely updates about the stages of application. Finally, the contravention was successfully compounded & the matter was closed.





OCTAGONA[®]
WIDEN YOUR HORIZONS

ADDRESS

411, DLF Tower B, Jasola District Centre,
New Delhi - 110076, India

TELEPHONE

(+91) 11 4152 5077

EMAIL

v.krishna@octagona.com
d.sharma@octagona.com

WEBSITE

octagona.co

SKYPE

live:d.sharma_14