

# ODA

## Direct Investment in joint venture (JV)/wholly owned subsidiary (Wos) Abroad under automatic route

TO

	For use by RBI only		
(Name and address of the authorised dealer)	Date of receipt:		Inward No.
[All amounts in Foreign Currency (FC) and Indian Rupees (INR) should be in thousand only]	Identification No.		

### I. GENERAL

Nature and category of the investment [Please tick (✓) the appropriate box]

#### A. Fresh Proposal

#### B. Supplementary Proposal

(i) Participation in JV abroad		(a)(i) Enhancement of equity in existing	
(ii) Contribution in WOS		(ii) Grant/enhancement of loan in existing JV/WOS	
(ii) Full/partial* takeover of an exist foreign concern		(ii) Extension/enhancement of guarantee	
(iii) Acquisition of a company overseas through bidding or tender procedure		(iv) Others (Please specify) _____	

(\*Strike out whichever is not applicable)

### II. PARTICULARS OF INDIAN PARTY

(a) Name and Address of the Indian party			
(b) Date of incorporation		(c) Status*	
(d) Name of the Industrial House/Group, to which the Indian party belongs			
(e) (i) Existing line of activity of the Indian party (Please to the appropriate box)			

Manufacturing	
Trading	
Financial Services	
Non-Financial Services	
Others (please specify)	

(ii) Brief particulars of the products manufactured/goods traded/services rendered

(f) Years of experience in the existing line of activity

(g) Financial details for the last three years

(Amount in INR)

Financial Year ending	Domestic Sales/turnover	Foreign exchange earnings from exports (excluding equity	Foreign exchange earnings(other than exports) exports to existing JV/WOS)	Net Profit/(Loss)	Paid- up capital	Net worth
1	2	2	4	5	6	7

(h) Particulars of EEFC Account

(Amount in FCY)

Account No.	Balance as on	Name of the Bank/Branch

(i) Particulars of ADR/GDR funds raised (applicable only where the proposed investment is funded fully/partly

(Amount in FCY)

(i) Date of issue	(iv) Amount utilised so far
(ii) Amount issued	(v) Out of (ii) above, amount utilised for overseas investments
(iii) Issue Price	(vi) Balance available (Please indicate where the funds have been parked)_____

### III PARTICULARS OF THE FOREIGN PARTNER/CONCERN

(a) Date of incorporation : \_\_\_\_\_

(b) Address of the foreign partner /concern						
(c) Years of experience in the proposed field of collaboration						
(it) Financial details during the last three years :					(Amount in FCY)	
Accounting year ending	Sales/turnover	Net fixed ; assets	Net Profits/ (loss)	Paid-up Capital	Net worth	Dividend(%)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

#### IV. PARTICULARS OF JV/ WOS

(i) Line of activity of the proposed JV/WOS ease tick the appropriate box)		
(a) Manufacturing		
(b) Trading		
(c) Financial Services		
(d) Non-financial services		
(e) Others (Please specify)		

(ii) Brief particulars of the products manufactured/goods traded/services tendered

(iii) Location (country) of the proposed JV/WOS	
(iv) Time-frame for project implementation of the project	
(v) Accounting year followed in host country	

#### V. FINANCIAL PACKAGE

(Amount in FCY)

(a) Estimated cost of the project - of which	
(i) Cost of capital equipment	
(ii) Cost of land	
(iii) Cost of civil works	
(iv) Cost of misc. fixed assets	
(v) Preliminary & pre-operative expenses	
(vi) Contingencies	
(vii) Others (Please specify)	

Total*	
--------	--

\*Where the investment is for partial/full take over of an existing foreign concern the total cost of acquisition may be furnished. A certificate from a Chartered Accountant about reasonableness of the acquisition price should be enclosed.

(b) Equity share capital of the JV/WOS			
(i) By the Indian party	% to total equity	(ii) By Foreign collaborator	% to total equity

(c) Debt Finance	(Amount in FCY)					
	Amount			Period Rate of Interest		
	TL*	WC*	TL	WC	TL	WC
(i) By the Indian Party						
(ii) By the Foreign Partner						
(iii) By banks/FIs in India						
(iv) By banks/FIs abroad						
Total						
*TL = Term Loan	**WC = Working Capital					

V (a) should WIN with the sum of equity and term n as given at (b) and (c) above

(d) Guarantees/other contingent liabilities		(Amount in FCY)	
	Amount	Period	Remittance towards invoked guarantee
(i) By Indian Party			
(ii) By Foreign Partner			
(iii) By banks/Fs in India			
(iv) By banks abroad			

**VI. METHOD OF CONTRIBUTION BY INDIAN PARTY  
(Amount in FCY)**

	Indian Party	Foreign Promote
	Amount	
(i) Foreign exchange from the market		
(ii) Out of EEFC balances		

(iii) Out of ADR/GDR proceeds		
(iv) Capitalisation of export proceeds		
(v) Capitalisation of other dues (Please specify)		

**VII. PPROFITABH.JTY PROJECTIONS OF THE OVERSEAS JV/WOS**

(Amount in FNY)

	Years of operation					Total
	1	2	3	4	5	
(a) Gross sales/turnover						
(b) Net Profit (Loss)						
(c) Dividend						
(d) Net worth						

**VIII PROJECTED REPATRIABLE ENTITLEMENTS, IF ANY**

(Amount in FCY)

Years of operation						
	1	2	3	4	5	Total
(a) Dividend						
(b) Others (Please specify)						
TOTAL						

**IX. PROJECTED NON-EQUITY EXPORIS**

(Amount in INR)

Years of operation						
	1	2	3	4	5	Total
FOB Value						

**DECLARATION**

We hereby certify that

- (i) the information furnished above are true and correct,
- (ii) all the legal and other formalities in India and the host country for the above investment have been/will be complied with,
- (iii) the amount of investment by way of equity/loan and 50% of the guarantee, either out of market purchase of foreign exchange or the balances held in the EEFC account, utilisation of ADR/GDR proceeds, capitalisation of exports/other entitlements is within the limit of US\$ 100.00 min. on an annual basis, as per extant regulations and
- (iv) no investigations by Directorate of Enforcement are pending against us and
- (v) our name is not in the Exporters' Caution List of the Reserve Bank/list of defaulters to the Banking system circulated by the RBI, or under investigation by the Enforcement Directorate/SEBI/IRDA etc.

Place:

Date:

**Stamp/Seal**

(Signature of authorised official)

Name:

Designation:

List of enclosures:

**Certificate by the Statutory Auditors of the Indian party**

It is certified that the terms and conditions contained in FEMA Notification 19/RB-2000 dated May 3, 2000 as amended from time to time [Foreign Exchange Management (Transfer and Issue of Foreign Securities) Regulations, 2001] have been complied with by the Indian party in respect of the investment under report. In particular, it is further certified that-

- (i) the investment is not in real estate oriented or banking business, and
- (ii)\* the amount of foreign exchange proposed to be purchased for remittance towards the investment together with remittances already made and exports and other dues capitalised for investment abroad during the current financial year under (lie Automatic Route is/will be within 100 % of the net worth of the Indian party as on the date of last audited balance sheet,
- (iii)\*\* that the Indian party has
  - (a) a minimum networth of Rs. 15 crores
  - (b) has made net profits during preceding three years,
  - (c) has fulfilled the prudential norms of capital adequacy as prescribed by the concerned regulator, authority and
  - (d) has been registered with the appropriate regulator) authority in India for conducting financial services activity and
- (vi)\*\*\* proceeds of ADR/GDR being used for the investments within 100% of the amount raised abroad by way of ADR/GDR issues.

\*Applicable if investment in part or full is funded out of purchase of foreign exchange from market and/or capitalisation of exports & other dues.

\*\*Applicable only in cases where the investment is in the financial services sector (e.g. insurance, mutual fund, asset management, etc.)

\*\*\*Applicable where investment is funded, in part or full, out of ADR/GDR proceeds,

#### **Instructions for filling up the Form ODA**

1. The form ODA, as specified in Regulation 6(2)(vii), in duplicate, should be submitted to the authorised dealer for the purpose of making remittance.
2. The form should be complete in all respects and accompanied by
  - i. certificate from the statutory auditors in the format given in the form and
  - ii. certified copy of the resolution of the Board of Directors approving the investment.

In respect of supplementary proposals involving additional equity, loan or guarantee, the particulars furnished in Form ODA submitted earlier in respect of the same JV/WOS need not be insisted upon; however, revised particulars of the repatriable entitlements etc., to the extent applicable may only be obtained.

3. Where there is more than one Indian party making investment in the same JV/WOS overseas, Form ODA should be obtained by all the Indian parties jointly along with a certificate(s) from other ADs, if remittances are effected by the latter.
4. In case where the Indian party is successful in the bid for overseas acquisitions for which it has already made remittance towards Earnest Money Deposit or issued bid bond guarantee, under a bidding or tender procedure. while effecting the final remittance towards such acquisition, a report in the Form ODA may be obtained

\*(a) Public Ltd. Company (1), (b) Private Limited Company (2)  
(c) Public Sector Undertaking (3), (d) Others (4) (Please specify)