ODA

DIRECT INVESTMENT IN JOINT VENTURE(JV) / WHOLLY OWNED SUBSIDIARY (WOS) ABROAD UNDER AUTOMATIC ROUTE

To

(Name and address of the authorised dealer bank)	**For use by RBI only**													
	Date of receipt						**Inward No**							
	Identification No													

[All amounts in Foreign Currency (FC) and Indian Rupees (INR), should be in thousands only]

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

(*Strike out whichever is not applicable)

II - PARICULARS OF INDIAN PARTY

(a)Name and Address of the Indian party Tel. No. Fax No. Email ID	
(b)Date of incorporation	(c) Status*

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

(d)Name of the Industrial House/ Group to which the Indian party belongs	

(e)(i)Existing line of activity of the Indian party (Please tick the appropriate box)		(ii)Brief particulars of the products manufactured/goods traded/services rendered
Manufacturing Trading Financial Services Non-Financial Services Others (please specify)		

(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/turn-over	Foreign exchange earnings from exports (excluding equity exports to existing JV/WOS)	Foreign exchange earnings (other than exports)	Net profit/ (Loss)	Paid-up capital	Net worth
(1)	(2)	(3)	(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 out of ADR/GDR funds
(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)	

(j) Details of ECB/ FCCB (applicable only where the proposed investment is funded fully/partly out of ECB/FCCB funds) (Amount in FCY)			
Registration No.			
Details of Share Swap Transaction (applicable only where the proposed investment is funded fully/partly out of ECB/FCCB funds) (Amount in FCY)			
Name Of the Indian Co.		Name of the Foreign Co.	
No. of Shares Allotted		No. of Shares Received	
Value per Share		Value per Share	
Premium Received		Premium Paid	

III - PARTICULARS OF THE FOREIGN PARTNER / CONCERN

(a)Date of incorporation:								
	D	D	M	M	Y	Y	Y	Y

(b) Name / Address of the foreign partner/concern	
Tel. No	
Fax No.	
Email ID	
(c)Years of experience in the proposed field of collaboration:	
(d)Financial details during the last three years :	

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 (Please tick the appropriate box)	(ii)Brief particulars of the products manufactured/goods traded/services rendered
(a) Manufacturing	
(b) Trading	
(c) Financial Services	
(d) Non-financial services	
(e) Others (Please specify)	
(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			
(viii) Others (Please specify)			
Total*			
(b)Equity share capital of the JV/WOS			
(i) By the Indian party	% to total equity	(ii) By foreign collaborator	% to total equity

*Where the investment is for partial/full takeover 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.

(C)Debt Finance						(Amount in FCY)
	Amount		Period		Rate of Interest	
	TL*	WC**	TL	WC	TL	WC
(i) By 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 tally with the sum of equity and term loan as given at (b) and (c)) above

(d)Guarantees/other contingent liabilities			(Amount in FCY)
	Amount	Period	Remittance Towards Invoked Gurantee
(i) By Indian Party			
(ii) By the Foreign Partner			
(iii) By banks/FIs in India			
(iv) By banks/FIs abroad			
Total			

VI. Method of Contribution by Indian Party	(Amount in FCY)
(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)	
(vi) Swap of Shares	
(vii) Out of ECB/ FCCB balances	

VII.Profitability Projections of the overseas JV/WOS						(Amount in FCY)
	Years of operation					
	1	2	3	4	5	Total
(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 exports (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, swap of shares, utilisation of ECB/ FCCB proceeds is 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 : ____________

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(Signature of authorised official)

Stamp/Seal

Name:---------------------------

Designation--------------------

List of enclosures :

1.
2.
3.
4.
5.
6.

Certificate by the Statutory Auditors of the Indian party

It is certified that the terms and conditions contained in FEMA Notification 120 /2004 dated July,7 2004, as amended, from time to time (Foreign Exchange Management (Transfer & Issue of Foreign Securities) (Amendment) Regulations, 2004) 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/ swap of shares/ investment from ECB/FCCB balances for investment abroad under the Automatic Route is/will be within 200 % of the net worth of the Indian party as on the date of last audited balance sheet, (iii)**that the Indian party (a) has made net profits during preceding three years, (b) has fulfilled the prudential norms of capital adequacy as prescribed by the concerned regulatory authority; (c) has been registered with the appropriate regulatory authority in India and (d) has obtained approval for investment in financial sector activities abroad from the concerned regulatory authorities in India and abroad (vi)*** proceeds of ADR/GDR being used for the investment is within 100 % of the amount raised abroad by way of ADR/GDR issues (vii) @has complied with the valuation norms prescribed for investment by way of swap of shares (viii)# has complied with the ECB guidelines

*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.

@ Applicable where investment is funded, by way of swap of shares

Applicable where investment is funded through ECB/FCCB balances

Instructions for filling up the Form ODA

1.This form, in duplicate, should be submitted to the authorised dealer bank 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 indicating the amount of investment approved by the Board.

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.