

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

To

(Name and address of the authorised dealer)	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 thousand only)																

**I. GENERAL**

Nature and category of the investment [Please tick(? )the appropriate box] :			
<b>A. Fresh Proposal</b>		<b>B. Supplementary Proposal</b>	
(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 - 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 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)

\*(a) Public Ltd. Company (1), (b) Private Limited Company (2)

(c) Public Sector Undertaking (3), (d) Others (4) (Please specify)

(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)	

**III - PARTICULARS OF THE FOREIGN PARTNER / CONCERN**

(a) Date of incorporation :								
	D	D	M	M	Y	Y	Y	Y
(b) Address of the foreign partner/concern								
(c) Years of experience in the proposed field of collaboration :								
(d) 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	Divide nd (%)
(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 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.

(c) <u>Debt Finance</u> <span style="float: right;">(Amount in FCY)</span>					
	<u>Amount</u>		<u>Period</u>		<u>Rate of Interest</u>
	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 tally with the sum of equity and term loan as given at (b) and (c)) above (Amount in FCY)					
(d)Guarantees/other contingent liabilities	Amount		Period	Remittance towards invoked guarantee	
(i) By Indian Party					
(ii) By Foreign Partner					
(iii) By banks/FIs in India					
(iv) By banks abroad					

VI. Method of Contribution by Indian party (Amount in FCY)	
	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.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)						
<b>TOTAL</b>						
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 is within the limit of US\$ 50.00 mn. in a block of three years 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.

Place: \_\_\_\_\_

Date : \_\_\_\_\_

Stamp/Seal

(Signature of authorised official)

Name:-----

Designation-----

List of enclosures :

- |    |    |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

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

It is certified that the terms and conditions contained in AD/MA Circular No. \_\_\_\_\_ Dated \_\_\_\_\_ /Foreign Exchange Management (Transfer & Issue of Foreign Securities) Regulations, 2000 have been complied with by the Indian party in respect of the investment under report. In particular, it is further certified that- (i) overseas investment is in the core activity area of the Indian party, i.e. the activity which constitute at least 50% of the turn over of the Indian party in the previous accounting year, (ii) the Indian party has earned net profit during the preceding three accounting years, (iii) the investment is not in real estate oriented or banking business, and (iv)\* 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 the Automatic Route is/will be within 25% of the net worth of the Indian party as on the date of last audited balance sheet, (v)\*\*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 regulatory authority; and (d) has been registered with the appropriate regulatory authority in India for conducting financial services activity and (vi)\*\*\* proceeds of ADR/GDR being used for the investment is within 50% 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.

Place:

Date

Stamp/Seal

(Signature of Statutory Auditor)

Name:-----

Address:-----

**Instructions for filling up the Form ODA**

1.This form, in triplicate, should be submitted through authorised dealer at the time of making remittance. In all other cases of financial commitment not involving remittance, the form in duplicate should be forwarded to the concerned Regional Office of the Reserve Bank within 30 days of making investments through the authorised dealer.

2.The form should be complete in all respects and accompanied

- (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.All amounts, both in FC and INR, should be rounded off to the nearest thousand and the same should be indicated after omitting '000, e.g.10,499 and 10,500 should be shown as 10 and 11 respectively.

4.Where there are more than one Indian party making investment in the same JV/WOS overseas, form ODA should be submitted by all the Indian parties jointly to one AD along with a certificate(s) from other ADs, if remittances are effected by the latter.

5.Wherever the initial investment in a JV/WOS has been made out of balances in the EEFC account/ADR/GDR proceeds, subsequent investment in such JV/WOS should not be made unless the Indian party complies with the requirements applicable to investments under the Automatic Route.

6.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, it should, while effecting the final remittance towards such acquisition, a report in the form ODA may be obtained