

ODA

[Paragraph 9A-5(iv)]

APPLICATION FOR DIRECT INVESTMENT IN JOINT VENTURE(JV)/WHOLLY OWNED SUBSIDIARY (WOS) ABROAD THROUGH AN AUTHORISED DEALER

(Please go through the instructions given in the Annexure carefully before filling up this form & enclose all the necessary documents/enclosures as indicated therein)

To _____

(Name and address of the authorised dealer)
[All amounts of Foreign Currency (FC) and Indian Rupees (INR), should be in thousands only]

For use by RBI only	
Date of receipt :	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Inward No. :	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Identification/ : Approval No.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

PART A - GENERAL

I. Nature and category of application (Please tick(✓)the appropriate box) :

A. Fresh proposals

- (i) Participation in the equity of a proposed JV abroad
- (ii) Contribution to the equity of a proposed WOS abroad
- (iii) Full/partial* take over of an existing foreign concern

B. Supplementary proposals**

- (a) (i) Enhancement of equity in existing JV/WOS abroad
by
(please indicate the amount)
- (ii) Grant/enhancement of loan in existing JV/WOS for
.....
(please indicate the amount)
- (iii) Extension/enhancement of guarantee for
(please indicate the amount)

* delete whichever is not applicable

** applicable in respect of existing JV/WOS

(b) Particulars of the existing JV/WOS

Name & Country of location of the JV/WOS	Approval (Identification) No.given by RBI	Amounts of investment approved	
		Date	Amount
_____	_____	_____	_____

II. Name(s) of promoter(s)

(a) Indian promoter

(b) Foreign collaborator

III. (a) Line of activity of the proposed JV/WOS [Please tick(✓)the appropriate box]

(i) Manufacturing

(ii) Trading

(iii) Financial Services

(iv) Non-Financial Services

(v) Others()
Please specify

(b) Brief particulars of the products to be manufactured/ goods to be traded/services to be rendered by the JV/WOS:

(b) Location (country) of the proposed JV/WOS : _____

(c) Time-frame for project implementation :

(i) Proposed date of commencement
of the project implementation

(ii) Proposed date of commencement
of the commercial activity

PART B-PARICULARS OF INDIAN PROMOTER

IV. Address of Indian promoter : _____
(a) Registered office : _____

(b) For correspondence : _____

V. (a) Status of the promoter [Please tick(✓) the appropriate box]:

Public Sector Undertaking	<input type="checkbox"/>	Private Limited Company	<input type="checkbox"/>
Public Limited Company	<input type="checkbox"/>	Others ()	<input type="checkbox"/>
		Please specify	

(b) Name of the Industrial House/
Group to which the Indian
promoter company belongs : _____

(c) (i) Existing line of activity of the Indian promoter [please tick(✓) the appropriate box]	(ii) Brief particulars of the products manufactured/ goods traded/services rendered by the Indian promoter :
(A) Manufacturing <input type="checkbox"/>	_____
(B) Trading <input type="checkbox"/>	_____
(C) Financial Services <input type="checkbox"/>	_____
(D) Non-Financial Services <input type="checkbox"/>	
(E) Other () <input type="checkbox"/>	
Please specify	

VI. (a) Date of incorporation : _____

(b) Share Capital (Amount in INR) : As on _____

(i) Authorised : _____

(ii) Paid-up : _____

- (c) Reserves and Surplus (Amount in INR) _____
- (d) Years of experience in the proposed field of collaboration/operation :
- (e) Import Export Code Number :
- (f) % of Non-resident interest in share capital of the Indian company :
- (g) Details of EEFC A/c

Account No. (i)	Name of Foreign Currency (ii)	Balance Amount as on (iii)
_____	_____	_____

VII. Financial particulars of the Indian promoter company for the last 3 years :

(Amount in INR)

Accounting year ending	Domestic sales	Foreign exchange earnings from exports (excluding equity exports to existing JV/WOS)	Foreign exchange earnings other than from exports	Net fixed assets	Net profit (+)/ loss(-)	Net worth
(1)	(2)	(3)	(4)	(5)	(6)	(7)
_____	_____	_____	_____	_____	_____	_____

VIII. Particulars of all the existing JV/WOS of the Indian company where investments have been made under approvals granted by RBI under its Fast Track route or by authorised dealers out of EEFC route:

(Amounts in FC)

Sr. No.	Name of the overseas concern and its nature (i.e. JV or WOS)	Approval/Identification No. of RBI	Amount of investment approved		
			Equity	Loan	Guarantee
(1)	(2)	(3)	(4)	(5)	(6)
_____	_____	_____	_____	_____	_____

PART D-FINANCIAL PACKAGE

(Amount in FC)

- X. (a) Estimated cost of the project
- (i) Cost of capital equipment
 - (A) to be supplied from India : _____
 - (B) to be procured from host country : _____
 - (C) to be procured from third country : _____
 - (ii) Cost of land : _____
 - (iii) Cost of civil works : _____
 - (iv) Cost of miscellaneous fixed assets : _____
 - (v) Preliminary & pre-operative expenses : _____
 - (vi) Contingencies : _____
 - (vii) Margin for working capital : _____
 - (viii) Others () : _____
 - Please specify : _____
 - Total* : _____
- (b) Equity share capital
- (i) Contribution by Indian promoter (s) :

Sr.No.	Name	Percentage of total equity	Amount
_____	_____	_____	_____
1.			
2.			
3.			
4.			
5.			
	Total :	_____	_____
		_____	_____

(ii) Contribution by foreign collaborator (s) :

Sr.No.	Name	Percentage of total equity	Amount
1.			
2.			
3.			
4.			
5.			
		Total :	

* In case of acquisition of an existing foreign concern only the acquisition price may be indicated here.

(c) Debt Finance :

Type of Debt	Amount	If approved in principle' by a Bank/ Financial Institution(FI), indicate the name of the Bank/FI
(i) Term Loans		
(ii) Working capital loans		

Note : [Equity share capital plus term loan should be equal to the total cost of the project as at X (a) above]

(d) Whether the Indian promoter intends to give loan/provide guarantee to/on behalf of the foreign concern, apart from subscription to equity capital ? If yes, give details :

(i) Term/working capital loan

Amount	Rate of interest	Repayment period
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(ii) Details of Guarantee

Nature of Guarantee	Amount	Period of guarantee
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PART E - BENEFITS FROM THE PROPOSED INVESTMENT

XI. Profitability Projections :

(Amount in FC)

	Years of operation				
	1	2	3	4	5
(a) Gross sales/receipts					
(b) Operating cost excluding depreciation and interest					
(c) Depreciation					
(d) Interest					
(i) On term loans					
(ii) On working capital loans					
(e) Tax					
(f) Net Profit(+)/Loss(-)					
(g) Dividend					
(h) Transfer to reserves					
(i) Accumulated reserves & surplus(+)/loss(-)					
(j) Net worth					

Financial/Accounting year followed in host country to

_____ to _____
Date/Month Date/Month

XII. Repatriable entitlements of Indian promoter, net of host country tax :

(Amount in FC)

	Years of operation					TOTAL
	1	2	3	4	5	
(a) Dividend	_____	_____	_____	_____	_____	_____
(b) Technical know-how fees	_____	_____	_____	_____	_____	_____
(c) Royalty	_____	_____	_____	_____	_____	_____
(d) Engineering/Technical services fees	_____	_____	_____	_____	_____	_____
(e) Consultancy/ Management fees	_____	_____	_____	_____	_____	_____
(f) Selling agency commission	_____	_____	_____	_____	_____	_____
(g) Others ()	_____	_____	_____	_____	_____	_____
Please specify	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

XIII. Projected non-equity/incremental exports by Indian promoter company to the foreign concern :

(Amount in INR)

	Years of operation					TOTAL
	1	2	3	4	5	

FOB value

XIV. Projected Foreign investment inflows into India :

(Amount in FC)

	Years of operation					TOTAL
	1	2	3	4	5	

Amount

- XV.** (a) Whether the applicant company/its promoters,directors, have come under investigations by Enforcement Directorate/CBI/SEBI/other law enforcing agencies for violation of any law? If yes, the brief details thereof including present stage of investigation/adjudication/ manner of disposal of the case should be furnished.
- (b) Are the promoter company/ies presently under "Caution-List" of RBI for non-realisation of export proceeds ? If so, the present position may be indicated.
- XVI.** Any other information relevant to this proposal.

DECLARATION

It is hereby certified that the information furnished above are true and correct. It is further certified that all the legal and other formalities in India and abroad including the requirement under the Companies Act, 1956 for the aforesaid overseas investment have been complied with/ completed. It is further confirmed that the amount of investment by way of equity, loan and 50% of guarantee as applied above and investments already approved by RBI under its fast track route and authorised dealers under the EEFC Fast Track window will not exceed US \$ 15 mn.in a block of three years as per existing Exchange Control regulations.

Place : _____

Date :

(Signature of authorised official)

Name : _____

Designation : _____

Stamp/Seal

List of enclosures :

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

ANNEXURE

Instructions for filling up the Form ODA (This part should be detached and retained by the applicant)

1. Please read carefully Chapter 9 (Part-A) of Exchange Control Manual (ECM) as amended from time to time and the "**Guidelines for Indian Direct Investment in Joint Ventures and Wholly Owned Subsidiaries Abroad**" notified by Government of India, Ministry of Commerce vide Notification No.4/1/93-EP(OI) dated 17th August 1995 read with subsequent Notifications dated 7th November 1996, 26th March 1997 and Notification No.4/3/97-EP(OI) dated 22nd August 1997 before filling up the form.
2. The application should be complete in all respects and accompanied by all relevant documents as specified below. Please write 'NA' where not applicable. In respect of supplementary proposals involving extension of additional equity, loan or guarantee, the particulars furnished in the application in form **ODA** submitted earlier, need not be repeated; however, revised particulars, to the extent applicable, may only be indicated.
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. Wherever boxes are provided in items requiring date, the first two boxes are meant for the date, next two for the month and next four for the year.
5. Additional sheets may be attached only if the space available against a particular item is insufficient.
6. Applications must be submitted **in three sets** together with the following documents to the concerned authorised dealer maintaining the EEFC account of the applicant:-
 - (a) A brief project/feasibility report incorporating, inter alia, projected Funds Flow Statements and Balance Sheets for five years, the information on various leverage & profitability ratios like debt-equity ratio, debt service coverage ratio, return on investments, etc. of the proposed foreign concern.
 - (b) Statement from a Chartered Accountant verifying and certifying the ratios and profitability projections made in the project/feasibility report and the application.
 - (c) If the application is made for partial/ full take over of an existing foreign concern, a Chartered Accountant's Certificate regarding the fair value of shares of the overseas concern.

- (d) A copy of the resolution of the Board of Directors of the Indian promoter company approving the proposed investment.
- (e) Where investment is in the financial services sector (e.g. insurance, mutual fund, asset management, etc.) a certificate from a Chartered Accountant certifying that -
 - (i) The networth of the company (paid-up capital + free reserves) is equal to/more than Rs. 15 crores.
 - (ii) The company has made net profit in the immediately preceding three years.
 - (iii) The company has fulfilled the prudential norms of capital adequacy ratio of 8% of the risk weighted assets.
 - (iv) The company is registered with SEBI as Category I Merchant Banker or with the Reserve Bank of India as a Non-Banking Finance Company (NBFC).