

FNC 5

[Paragraph 11 A.2(iii) and 11 A.2(iv)]

Application for permission under Section 29(1)(a) of the Foreign Exchange Regulation Act, 1973 to establish an office or to post a representative in India by an overseas company for carrying on liaison activities or to open a project/site office in India Instructions
Instructions:

1. The application should be completed in Quadruplicate and submitted to the Chief General Manager, Exchange Control Department (Foreign Investments Division), Reserve Bank of India, Central Office, Mumbai - 400 001.
2. It may be noted that for the purpose of Section 29 of Foreign Exchange Regulation Act, 1973, the term 'Company' means any body corporate and includes a firm or other association of individuals.

Documentation:

3. **English version of the certificate of incorporation / registration attested by Indian Embassy/Notary Public in the country of registration.**
4. **Latest Balance Sheet of the applicant company/firm.**
5. **Certified photo-copy of the agency agreement, if any, with parties in India.**
6. **Photo-copy/ies of the agreement/draft-agreement/correspondence indicating the terms of appointment of the proposed representative duly authenticated by the applicant.**
7. **Where applicable, certified photo-copy of Government of India's approval for undertaking projects in India.**
8. **Where applicable, certified photo-copy of the contract/agreement for undertaking activities/rendering services.**

1. (a) Full name and address of the applicant company / firm [State whether the applicant is a proprietary concern or partnership firm or limited company or public sector undertaking or any other organisation (please specify)].	
(b) Place of incorporation/registration.	
2. Details of capital	

<p>(A) Paid-up capital</p> <p>(a) Equity</p> <p>(b) Preference</p> <p>(B) Whether any shares are held in the organisation by Indian nationals, persons of Indian origin or companies registered in India. If so, please give the following information.</p> <p>i) Name and address of the shareholder/s</p> <p>ii) Nationality</p> <p>iii) Number and value of shares held.</p> <p>(a) Equity</p> <p>(b) Preference</p> <p>iv) Percentage of (b) (iii) to (A) above.</p> <p>3. Brief description of the activities of the applicant.</p>	<p>(A)</p> <p>(a) Rs. _____ divided into _____ shares of Rs. _____ each</p> <p>(b) Rs. _____ divided into _____ shares of Rs. _____ each.</p> <p>(B)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(a)</p> <p>(b)</p> <p>(iv)</p>
<p>4. Value of goods imported from and/or exported to India by the applicant during each of the last three years :</p> <p>(i) Imports from India:</p> <p>(ii) Exports to India:</p>	
<p>5. Particulars of existing arrangements if any, for representing the company in India.</p> <p>i) Name / s and address/es of the Indian agent(s)/ representative (s), if any.</p> <p>ii) Nature of the activities undertaken or the service rendered by the Indian agent (s) / representative (s)</p> <p>iii) Terms of remuneration payable to agent (s) /representative (s)</p> <p>iv) Whether the existing arrangement will continue even after this application for opening a liaison office/posting a representative in India is approved.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>
<p>6. Particulars of the proposed arrangements :</p>	

(i) Whether the company intends to open an office in India or to post only a representative	(i)
(ii) Details of the activities/ services proposed to be undertaken / rendered by the office/representative. Please give full details including the scope of authority of the proposed office/representative e.g., whether the office/ representative can place orders and/or sign documents on behalf of the applicant or commit the applicant in any way.	(ii)
(iii) If an office is to be opened please state: (a) Place where the office will be located. (b) Details of the staff/ employees to be posted. (c) Name and nationality of the person who will be in-charge of the office. (d) Territorial jurisdiction of the office (e) Estimated annual expenses of the office (if more than one office is to be opened in India, please give the above details in respect of each office).	(iii) (a) (b) (c) (d) (e)
(iv) If a representative is to be posted, please state: (a) Name and nationality of the representative (b) Full address in India of of the representative (c) Terms of appointment of the representative including the remuneration to be paid	(iv) (a) (b) (c)

	(d) Territories in which the representative is expected to undertake/render the proposed activities/services	(d)
	(v) If the office/representative will represent any other party(ies)/company(ies) in India or outside India please state:	(v)
	(a) Name and address of each such party/company.	(a)
	(b) Brief description of the activities/services to be undertaken/rendered.	(b)
7.	If the office is to be opened on a temporary basis in connection with any specific project or contract to be executed in India by the applicant company/firm, please state:	
	(i) Brief description of the project/contract, including terms of payment etc.	(i)
	(ii) Whether the project/contract has been approved by the Government of India	(ii)
	(iii) Approximate period within which the project/contract is likely to be completed	(iii)
	(iv) Nature of activities to be undertaken or services to be rendered by the proposed office	(iv)
8.	Whether the office(s)/ representative(s) would charge any fee/commission or receive any other remuneration for the activities undertaken or the services rendered in India from third parties. If so, details thereof may be given.	
9.	How the expenses of office(s)/ representative(s) would be financed, i.e., whether out of the fund remitted to India from abroad or otherwise.	
10.	Any other information which the applicant company wishes to furnish in support of this application.	

We hereby declare that :

- i) the particulars given above are true and correct to the best of our knowledge and belief;
- ii) Our activities in India would be confined to the fields indicated in column 6/7 above;
- iii) We shall not undertake any activity of a trading commercial or industrial nature in India, without the prior permission of Reserve Bank of India;
- iv) We will not shift the office to another place or change the place of posting of the representative without prior permission of the Reserve Bank of India; and
- v) We will abide by the terms and conditions that may be stipulated by Reserve Bank of India if approval is given.

Place:

Date :

Stamp

(Signature of authorised official)

Name:

Designation: