

**FORM FC: Section A**

**Details of Indian Entity (IE)/ Resident Individual (RI)/ Trust/ Society**

**(Along with Section A and B of this Form only the relevant section(s) as applicable may be used)**

I	Name, Code of designated AD bank and branch		
II	Investment under (Please tick)	Automatic Route	Approval Route
<b>III Particulars of the IE/ RI/ Trust/ Society</b>			
i.	Name of IE/ RI/ Trust/ Society		
ii.	PAN		
iii	Legal Entity Identifier (LEI)		
iv	Group company of IE (where the guarantee is extended by a group company)		
v	Activity code of IE	(1987 NIC code at 3-digit level) (2008 NIC code at 5-digit level)	
vi	Address of IE/ RI/ Trust/ Society		
vii	City		
viii	State		
ix	PIN code		
x	Net worth in INR as on last audited balance sheet of the IE (In case of reporting of guarantee by a group company, the Net worth of such group company shall be reported)  Note: Please refer to Regulation 5(2) of OI Regulations, in case of a guarantee extended by a group company.		
xi	Sum of the Financial Commitment (FC) w.r.t. all foreign entities of the IE/ RI/ group company/ Trust/ Society made until the date of the current transaction and FC being undertaken currently  <b>Note:</b> For computing the INR equivalent of the current FC the exchange rate as on date of current transaction or date of reporting, whichever is earlier, may be used.	in Foreign Currency (FCY)	in INR
xii	Contact Person		
xiii	Designation of the contact person		

xiv	Telephone Number			
xv	Mobile Number			
xvi	E-mail ID			
<b>IV</b>	<b>Status of IE/ RI/ Trust/ Society: (Please tick appropriate category)</b>			
i.	Public Sector Company	vi.	Society	
ii.	Private Sector Company	vii.	LLP	
iii.	Individual	viii.	Others (please specify)	
iv.	Registered Partnership			
v.	Trust			
<b>V</b>	Whether the IE/ RI/ group company/ Trust/ Society making FC or undertaking disinvestment is under Investigation/ is a wilful defaulter/ has account as NPA (please refer to Rule 10 of OI Rules). If yes, mention the name of the Regulator/ investigating agency/ lender bank and the duration of investigation	From Date	To Date (if applicable)	Name of Regulator/ Agency/ Lender
<b>VI</b>	Particulars of existing foreign entities of the IE/ RI/ group company/ Trust/ Society already in operation or under implementation (Attach separate sheet if required)			
	Name of foreign entity	Unique Identification Number (UIN) allotted by Reserve Bank	Name of the designated AD bank	
i.				

<b>Form FC: Section B</b>												
<b>Details of the foreign entity/ Step-Down Subsidiary (SDS)</b>												
<b>Indicate 13-digit Unique Identification Number issued by the Reserve Bank (if applicable)</b>												
<b>VII</b>	<b>Particulars of foreign entity</b>											
i.	Name											
ii.	Address											
iii.	Name of the country/ jurisdiction											
iv	Whether the foreign entity is a start-up or has its core activity in strategic sector or is engaged in financial services					Startup	Strategic sector	Financial Services	Others			
v	Date of incorporation of the foreign entity											
vi	Legal Entity Identifier (LEI) of the foreign entity											
vii	E-mail ID of the foreign entity											

viii	Accounting year followed by the foreign entity			
ix	Activity code of the foreign entity	(1987 NIC code at 3-digit level) (2008 NIC code at 5-digit level)		
x	Financial commitment being made w.r.t above foreign entity (in INR and FCY)	Equity capital	Loan	Non-fund based commitment
xi	Sum of the Financial Commitment (FC) by IE/ RI/ group company/ Trust/ Society w.r.t. this UIN made until the date of the current transaction and the FC being undertaken currently  <b>Note:</b> For computing the INR equivalent of the current FC the exchange rate as on date of current transaction or date of reporting, whichever is earlier, may be used.	In FCY		In INR
<b>VIII Proposed/ updated share-holding pattern in the foreign entity</b>				
i.	Person resident in India	% stake	ii.	Foreign partner(s)
(1)			(1)	
(2)			(2)	
(3)			(3)	
<b>IX</b>	<b>Whether the person resident in India has control in the foreign entity (Refer to the definition of “control” in the OI Rules)</b>			Yes/ No
<b>X</b>	<b>Furnish the details of SDS of foreign entity in respect of which the FC is being undertaken, if applicable. (Attach separate sheet if required)</b>			
i.	Name, level and country/ jurisdiction of SDS			
ii.	Name, level and country/ jurisdiction of parent SDS/ foreign entity			
iii.	Investment amount and date of investment (if any):			
iv	Legal Entity Identifier (LEI) of the SDS			
v	Type of SDS (SPV/ holding company/ operating/ operating cum holding)			
vi	Activity code of SDS as per 1987 and 2008 NIC code			
vii	% stake held by the parent in the SDS			

**FORM FC: Section C**

**Details of transaction/ remittance/ Financial Commitment (FC) of the person resident in India**

**Indicate 13-digit Unique Identification Number (UIN) issued by Reserve Bank (if applicable)**

S. No	Method or source of investments	Category of investments			Other details	
					Date	Amount
1	Banking channel	Equity capital	Loan	Guarantee invoked		
2	ECB	Equity capital	Loan	Guarantee invoked		
3	ADR	Equity capital	Loan	Guarantee invoked		
4	GDR	Equity capital	Loan	Guarantee invoked		
5	Swap of securities	Equity capital				
6	Capitalization – exports	Equity capital				
7	Capitalization – others @ (specify)	Equity capital				
8	Others – fund based (please specify)  (e.g., acquisition by way of exercise of Rights)	Equity capital	Loan			
9	Corporate or personal guarantee issued	Corporate guarantee by Indian Entity (IE)	Personal guarantee	Corporate guarantee by third party	Issue date	Validity date
10	Performance guarantee Issued				Issue date	Validity date
11	Bank Guarantee Issued	Bank Guarantee Issued (Mention name of the Bank)			Issue date	Validity date

12	Rollover/ Change in guarantee \$	(Specify)			Rollover date	Validity date			
13	Pledge/ creation of charge – foreign assets	Shares of foreign entity/ SDS	Movable & immovable properties of foreign entity/ SDS	Other financial assets	Date of creation	Validity Date	(Amount to be reckoned as FC)		
14	Creation of charge – domestic assets (name of the overseas lender)	Shares of IE and/or its group companies	Movable & immovable properties of IE and/ or its group	Other financial assets of IE and/ or its group	Date of creation	Validity date	(Amount to be reckoned as FC)		
15	Conversion of loan to equity \$\$	(Specify)			Date of conversion	Amount			
16	FC as a result of merger of foreign entity/ SDS  (Please specify amount in each category)	Equity capital	Loan	Guarantee	Date of merger				
17	FC as a result of sale/transfer/ merger by/of Indian entities/ group companies  (Please specify amount in each category)	Equity capital	Loan	Guarantee	Date of transaction				
18	Others (specify) (e.g., deferred payment*/gift/ inheritance/by IE/ Resident individual (RI) (as the case may be)	Please give the date of transaction, category and amount of FC							

Note

\*to be reported as non-fund-based commitment at the time of acquisition of equity capital on deferred payment basis in compliance with Regulation 7 of the OI Regulations. Further, at the time of remittance the non-fund-based commitment shall be reported as converted to equity capital.

@ Please specify the dues being capitalized – incorporation expenses or the other dues viz., royalty, technical know-how fee, consultancy fees, etc.

\$ In case of rollover / change in guarantee please furnish the following details in the field a) Date of change/ rollover of guarantee; b) Validity date of the new guarantee; c) New guarantee amount d) 15-digit transaction number allotted by the Reserve bank when the original guarantee was reported online.

\$\$ In case of conversion of loan into equity, please furnish the following details a) Date of conversion b) Amount converted into equity c) 15-digit transaction number allotted by the Reserve Bank when the original remittance towards loan was reported online.

**To be filled by the AD branch (strike out whichever is not applicable)**

We hereby confirm that the remittance/transaction of (amount to be given in both in FCY and INR) \_\_\_\_\_ towards \_\_\_\_\_ (equity/ loan/ guarantee/ non-fund based commitment) is in accordance with the provisions contained in the FEMA,1999, OI Rules, OI Regulations and the directions issued by the Reserve Bank from time to time. **We are satisfied with the bona fides of the transaction in terms of the provisions contained in Sub-section 5 of Section 10 of FEMA,1999.**

Signature of authorized official of AD bank				Stamp/ seal
Name & designation of the Authorized Official of AD bank				
Place		Date		
Telephone No.		Email		

**FORM FC: Section D**  
**Declaration by the Indian entity (IE)/ Resident Individual (RI)**  
(Strike out whichever is not applicable)

(a) I/ We have an account appearing as Non-Performing Asset (NPA)/wilful defaulter, or am/ are under investigation by a financial sector regulator, or am/ are under investigation by investigative agencies in India, viz., Central Bureau of Investigation or Directorate of Enforcement or Serious Frauds Investigation Office

Accordingly,

- i. NOC has been obtained & enclosed herewith as prescribed under Rule 10 of the OI Rules, or
- ii. The lender bank(s)/regulatory body/investigative agency concerned failed to furnish the objection(s) within sixty days from the date of receipt of application for NOC.

(b) Wherever applicable, the Share certificate/ other evidence as required in Regulation 9 and other reporting requirement as required in terms of Regulation 10 of OI Regulations, as stipulated by the Reserve Bank from time to time, in respect of the foreign entity under this UIN has been submitted/completed.

(c) Financial commitment undertaken by means of debt is in compliance with OI Rules and OI Regulations, or corresponding extant Regulations in case where the transaction has been done under the earlier overseas investment framework\*\*, as stipulated by the Reserve Bank from time to time.

(d) Pricing and valuation norms as per OI Rules and OI Regulations, or corresponding extant Regulations in case where the transaction has been done under the earlier overseas investment framework\*\*, as stipulated by the Reserve Bank from time to time, wherever applicable, have been complied with.

(e) It is certified that no delay in reporting is pending for regularization as required under Regulation 12 of OI Regulations.

(f) The foreign securities acquired by way of gift from a person resident outside India, is in accordance with the provisions contained in Foreign Contribution (Regulation) Act, 2010, and the rules and regulations made thereunder and Para 2 of Schedule III of OI Rules.

(g) This remittance/transaction amount together with earlier remittances/transactions relating to all the current and capital account transactions under the Liberalised Remittance Scheme during this Financial Year is within the limit as provided under the scheme. The total amount of remittances/transactions done by me during the Financial Year until the date of this certificate is \_\_\_\_\_ (in FCY) the INR equivalent of which works out to INR \_\_\_\_\_.

I/ We hereby certify that the information furnished above are true and correct. I/We also duly acknowledge that if any information furnished by me/us is found to be false and/or incorrect, it shall be construed that the reporting requirements under FEMA, 1999, have not been complied with.

Signature of the Authorized official of the IE/ RI				<u>Stamp/ seal</u>
Name & designation of the Authorized Official of IE/ RI				
Place		Date		
Telephone No.		Email		

List of enclosures

**FORM FC: Section E**

**Certificate by the Statutory Auditors of the Indian Entity (IE)/ Group Company, as applicable**  
 (Strike out whichever is not applicable)

It is certified that the terms and conditions contained in OI Rules and OI Regulations have been complied with by the Indian Entity/ Group Company, as applicable, \_\_\_\_\_ (Name of the Indian Entity/ Group Company) in respect of the investment under report. In particular, it is certified that (strike out whichever is not applicable):

- i. The investment is not in violation of the provisions contained in Rule 19 of Foreign Exchange Management (Overseas Investment) Rules, 2022 or corresponding extant Regulations in case where the transaction has been done under the earlier overseas investment framework\*\*, as stipulated by the Reserve Bank from time to time.
- ii. The NOC as required in terms of Rule 10 of Foreign Exchange Management (Overseas Investment) Rules, 2022 has been obtained, wherever applicable.
- iii. The remittance/transaction amount towards the investment together with earlier Financial Commitment is within the limit as stipulated by the Reserve Bank from time to time. The total financial commitment of the Indian entity \_\_\_\_\_ (Name of the Indian entity) is \_\_\_\_\_ (in foreign currency) the INR equivalent<sup>^</sup> of which works out to INR \_\_\_\_\_ that works out to \_\_\_\_\_ % of its Net Worth which is INR \_\_\_\_\_/-, as on the date of last audited balance sheet, i.e., (date \_\_\_\_\_)
- iv. Indian entity has complied with the pricing/valuation norms prescribed in Foreign Exchange Management (Overseas Investment) Rules, 2022, or corresponding extant Regulations in case where the transaction has been done under the earlier overseas investment framework\*\*, as stipulated by the Reserve Bank from time to time. The valuation for the investment in \_\_\_\_\_ (no of shares/% stake) is arrived at \_\_\_\_\_ (amount in FCY).@
- v. Indian entity has complied with the conditions prescribed in para 2 of Schedule I of Foreign Exchange Management (Overseas Investment) Rules, 2022 on ODI in Financial services activity, or corresponding extant Regulations in case where the transaction has been done under the earlier overseas investment framework\*\*, as stipulated by the Reserve Bank from time to time, wherever applicable.
- vi. We have verified the records and certify that no delay in reporting is pending for regularization as required under Regulation 12 of Foreign Exchange Management (Overseas Investment) Regulations, 2022.
- vii. The amount of the guarantee(s) given by the group company of the Indian entity (as holding/ subsidiary/ promoter group company), together with the Financial Commitment/s of the group company, if any, are within the limit as provided in Foreign Exchange Management (Overseas Investment) Rules, 2022 read with the provisions contained in Foreign Exchange Management (Overseas Investment) Regulations, 2022 and Foreign Exchange Management (Overseas Investment) Directions, 2022. The total financial commitment of the Indian entity \_\_\_\_\_ (Name of the Indian entity) is ----- (in foreign currency) the INR equivalent<sup>^</sup> of which works out to INR \_\_\_\_\_ that works out to \_\_\_\_\_ % of its Net Worth which is INR \_\_\_\_\_/-, as on the date of last audited balance sheet, i.e., (date \_\_\_\_\_)

**Note:** @ Valuation certificate is attached

\* Please refer to Regulation 5(2) of OI Regulations, in case of a guarantee extended by a group company.

<sup>^</sup> Exchange rate of INR shall be taken on the date of financial commitment or this certificate, whichever is earlier

\*\* Notification No. FEMA.19/RB-2000 dated 3rd May 2000 and Notification No.FEMA.120/RB-2004 dated July 7, 2004, as amended from time to time

Signature of the Statutory Auditors of the Indian entity				<u>Stamp/ seal</u>
Name of the audit firm, Registration number and UDIN				
Place		Date		
Telephone No.		Email		

**Form FC–Section F**

**Reporting of restructuring of the balance sheet of the foreign entity involving diminution in the total value of the outstanding dues towards person resident in India on account of investment in equity and debt**

Note: All amounts should be in a single foreign currency and in actuals

13 digit Unique Identification Number allotted by the Reserve Bank

Name, AD Code and branch of the designated AD bank											
S. No.	Particulars										
I	PAN and Name of the Indian Entity (IE)										
II	Name of the foreign entity										
III	% Stake held by IE in the foreign entity										
IV	Total amount of Financial Commitment undertaken by IE in this UIN till date										
	a) Equity										
	b) Debt										
	c) Guarantee/ other non-fund based commitment										
V	Total accumulated losses (based on latest audited financial statements)										
VI	Proportionate amount of accumulated losses based on share of the IE										
VII	Date of restructuring										
VIII	Total outstanding dues towards the IE as on date of restructuring										
IX	Amount of diminution in the total value of the outstanding dues										
	a) Equity										
	b) Debt										
	c) Receivables										
	(i) Interest										
	(ii) Dividend										
	(iii) Others (Specify)										
X	Date of the valuation certificate										
XI	Total amount of financial commitment post restructuring										
	a) Equity										

	b) Debt	
	c) Guarantee/ other non-fund based commitment	
XII	% stake held by IE post restructuring	

**Declaration by the Indian Entity (IE)**  
~~(Strike out whichever is not applicable)~~

- a. The foreign entity has been incurring losses for last 2 years
- b. The amount of original investment is less than USD 10 million  
 OR

The amount of original investment is more than USD 10 million and the diminution in value has been duly certified on an arm's length basis by a registered valuer as per the Companies Act, 2013 (18 of 2013) or corresponding valuer registered with the regulatory authority or certified public accountant in the host jurisdiction and the certificate is dated not more than six months before the date of restructuring

- c. The amount of diminution in value of the outstanding dues is less than twenty per cent of the total value of the outstanding dues towards the IE  
 OR

The amount of diminution in value of the outstanding dues is more than twenty per cent. of the total value of the outstanding dues towards the IE and the diminution in value has been duly certified on an arm's length basis by a registered valuer as per the Companies Act, 2013 (18 of 2013) or corresponding valuer registered with the regulatory authority or certified public accountant in the host jurisdiction and the certificate is dated not more than six months before the date of restructuring

I/ We hereby certify that the information furnished above are true and correct. I/We also duly acknowledge that if any information furnished by me/us is found to be false and/or incorrect, it shall be construed that the reporting requirements under FEMA, 1999, have not been complied with.

Place		Place	
Date		Date	
(Signature and seal of authorised official of the IE/ RI)		(Signature and seal of authorised official of the AD)	
Name		Name	
Designation		Designation	
Tel. No.		Tel. No.	
Email		Email	

Note: AD bank may ensure that the certificate furnished is in accordance with Para 14 of FEM (Overseas Investment) Directions.

## **Form FC–Section G**

## **Reporting of disinvestment in the foreign entity by way of sale or transfer of equity capital/buyback of equity capital/closure/voluntary liquidation/winding up/merger /amalgamation**

Note: All amounts should be in a single foreign currency and in actuals

13 digit Unique Identification Number (UIN) allotted by the Reserve Bank

Name, AD Code and branch of the designated AD bank				
S.No.	Particulars of transaction			
I	Date of submission of last APR and period to which last APR relates			
II	Disinvestment route(tick)	Approval Route		Automatic Route
III	Disinvestment type (tick)	Full disinvestment		Partial Disinvestment
IV	Date of disinvestment			
V	PAN and name of the disinvesting person resident in India			
VI	% Stake held at the time of disinvestment		% stake disinvested in case of partial disinvestment	
VII	Method of disinvestment		Details to be furnished as Annex to the Form FC Section G along with relevant documentary evidence (Please strike out whichever method is not applicable)	
i.	Sale or transfer of equity capital to another person resident in India/ foreign partner/ Individual or merger/ liquidation of IE		Furnish the details of the entity buying the stake and whether the entity purchasing the stake is an existing foreign partner/ Indian partner in the foreign entity or foreign party/ person resident in India buying stake in the concerned foreign entity for the first time.	
ii.	Closure/voluntary liquidation of the foreign entity		Please attach relevant documentary evidence	
iii.	Buy back by the foreign entity		Please attach relevant documentary evidence	
iv.	Merger of two or more foreign entities of the same person resident in India		Furnish details of merging foreign entity and the surviving foreign entity such as name, UIN of the foreign entity and the name of the person resident in India concerned of both the foreign entities.Also	

		furnish details of SDS of those foreign entity which shall merge.		
v.	Merger of the foreign entity with the step down subsidiaries of the same person resident in India or another	Furnish UIN of the merging foreign entity, the name of the person resident in India holding indirect stake in SDS, name of the SDS. Level of SDS, name and country/ jurisdiction of SDS and immediate parent of SDS		
vi.	Merger of foreign entity with an independent foreign company not having any relation with the IE/ RI/ Trust/ Society	Furnish the detail of the foreign company such as name and address		
<b>VIII</b>	<b>Summary of the financial commitment (cumulative amount) in respect of the foreign entity</b>			
	Equity	Loan	Guarantees issued/ other non-fund based financial commitment	Guarantee invoked/ Other fund based financial commitment
<b>IX</b>	<b>Date wise details of remittances/ transaction (attach separate sheet if necessary)</b>			
	Date of remittance /transaction	Method of investment	Category of investment	Amount
<b>X</b>	Fair value of the total disinvestment as per the valuation report and date of valuation report, wherever applicable			
<b>XI</b>	Whether there is write off ( <i>i.e.</i> the difference between the original amount (proportionate amount in case of partial disinvestment) of investment made and the amount of consideration received on account of disinvestment, where the latter is less than the former)? If yes, please provide the amount of write off			

	Equity	Loan	Others (please specify)
<b>XII</b>	Amount repatriated on disinvestment (attach separate sheet if necessary)		
	Equity	Loan	Others (please specify)
<b>XIII</b>	Amount repatriated since reporting of the last APR except the disinvestment proceeds		
	Equity	Loan	Others (please specify)
<b>Declaration</b>			
(a) The transfer is subject to a price arrived on an arm's length basis. Copies of the necessary documents/ valuation as required by the AD bank have been furnished to the AD bank.			
(b) In case the transfer is on account of merger, amalgamation or demerger or on account of buyback of foreign securities, such transfer, or liquidation (in case of liquidation of the foreign entity), it has the approval of the competent authority as per the laws in India and/or the host country/jurisdiction, as the case may be			
(c) the transferor, in case of full disinvestment other than by way of liquidation, does not have any dues outstanding for receipt, which the transferor is entitled to receive from the foreign entity as an investor in equity capital and debt.			
(d) the transferor has stayed invested for at least a year from the date of making ODI.			
(e) All the remittances/ transactions have been reported to Reserve Bank and it reconciles with the remittances / transaction details reported to the Reserve Bank.			
(f) All the guarantees issued on behalf of the foreign entity and its SDS are either novated to another entity or the guarantees are closed.			
(g) In case any SDS has become the direct foreign entity as a result of disinvestment in the foreign entity then it is certified that relevant sections of the Form FC with respect to all such SDS are submitted to Reserve Bank through the AD bank for allotment of UIN.			
(h) I/ We hereby certify that the information furnished above are true and correct. <b><u>I/We also duly acknowledge that if any information furnished by me/us is found to be false and/or incorrect, it shall be construed that the reporting requirements under FEMA, 1999 have not been complied with.</u></b>			
Place	Place		
Date	Date		

Signature and seal of authorised official of the IE / (Signature and seal of authorised official of the AD) RI)			
Name		Name	
Designation		Designation	
Tel. No.		Tel. No.	
Email		Email	

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

- 1) *The Form FC is required to be submitted to the designated AD bank by the person resident in India seeking to invest in the foreign entity, whether under Automatic Route or Approval Route.*
- 2) *Under Approval Route, the Form FC after scrutiny, should be submitted by the AD bank, to the Reserve Bank as per the instructions in Para 3 of FEM (Overseas Investment) Directions, 2022.*
- 3) *The Form FC is to be submitted while undertaking financial commitment in a foreign entity, at the time of sending outward remittance or making a financial commitment, whichever is earlier.*
- 4) *In case of acquisition of equity capital on deferred payment basis in accordance with Regulation 7 of OI Regulations, the part of the consideration, payment of which is deferred by the person resident in India shall be treated as non-fund-based commitment and shall be reported accordingly. Subsequent remittance towards the payment of deferred consideration shall be reported in Form FC as conversion of non-fund-based commitment to equity capital. This subsequent remittance will not be treated as fresh financial commitment for the purpose of the investment limit. Thus, there will be two submissions in case of deferred payment and in case of delay in any of the submissions, facility of Late Submission Fee may be availed.*
- 5) *In the case of non-fund based financial commitment, Form FC can be submitted before undertaking such financial commitment. Any change in the date of undertaking the financial commitment or the validity date, as the case may be, in the submitted Form FC for such financial commitment, shall be informed to the AD bank latest by the next working day from the date of undertaking such financial commitment.*
- 6) *Any roll-over of a guarantee must be reported in Form FC.*

- 7) Along with Section A and B of Form FC only the relevant section(s), as applicable, may be submitted. For undertaking financial commitment, including roll-over and conversion of loan to equity, transaction details in Section C, declaration by the Indian entity/resident individual in Section D and certificate by the Statutory Auditors of the Indian entity /group company, as the case may be, in Section E shall be submitted.
- 8) While undertaking remittance towards acquisition of equity capital on deferred payment basis, where Form FC was already submitted with duly filled Sections D & E, as non-fund based commitment, these Sections may not be furnished again. A copy of the earlier furnished Form FC may be submitted to AD for reference.
- 9) For subsequent remittances, Section A and B may not be filled unless there is any change in the details of the person resident in India/ foreign entity/ SDS/ capital structure submitted at the time of reporting of previous Form FC.
- 10) In case of issuance of guarantee by a group company, it shall be counted towards the utilization of its financial commitment limit independently and if such group company has any fund-based exposure to or from the Indian entity the same shall be deducted from the Net worth of such group company for computing its financial commitment limit and shall be reported accordingly as provided in Regulation 5(2) of OI Regulations.
- 11) AD may ensure that any financial commitment by an Indian entity by way of loan is duly backed by a loan agreement and that rate of interest as mentioned in such agreement is charged on an arm's length basis.
- 12) AD bank may ensure that as on the date of undertaking the actual financial commitment, the person resident in India does not breach the limit of financial commitment prescribed by Reserve Bank.
- 13) In case of personal guarantee issued by a resident individual promoter, such guarantee shall be reckoned towards the financial commitment limit of the Indian entity.
- 14) In case more than one person resident in India is investing in the same foreign entity, Form FC shall be submitted individually by all such investing persons to the designated branch of the AD bank. The AD bank should report the forms online indicating details of each party. The Reserve Bank would allot only one UIN to a foreign entity.
- 15) The level of step-down subsidiary (SDS) shall be calculated treating the foreign entity as the parent. So, an SDS directly under the direct foreign entity should be treated as first level SDS. Accordingly, an SDS under the first level SDS would be treated as second level SDS, so on and so forth.
- 16) Section F of Form FC is required to be submitted by such person resident in India whose financial commitment changes as a result of the restructuring of the balance sheet of the foreign entity. This should be submitted within 30 days from the date of such restructuring.

- 17) *The Form FC is to be submitted while undertaking disinvestment in a foreign entity, within 30 days from the date of receipt of disinvestment proceeds (inward remittance). Where the disinvestment proceeds are received in tranches in accordance with the agreement, each such receipt shall be reported in Form FC.*
- 18) *All amounts of foreign currency (FCY) and Indian Rupees (INR) should be in actuals only.*
- 19) *The name of the FCY may be indicated as per SWIFT code.*
- 20) *The dates shall be in the format of DD/MM/YYYY.*
- 21) *The activity code as per NIC 1987 and NIC 2008 shall be furnished.*
- 22) *Each page of the Form FC should be duly signed and stamped with date by the person resident in India submitting the same.*
- 23) *Reserve Bank reserves the right to put the information furnished here in the public domain.*