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| **Part IV: Annex IX** | | | | | | |
| *(Formerly Annex - 12 of Master Circular on Foreign investment in India)* | | | | | | |
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| **Form FOREIGN DIRECT INVESTMENT-LLP(II)** | | | | | | |
| **Declaration regarding transfer of capital contribution/profit shares of an Limited Liability Partnership from resident to non- resident / non-resident to resident** | | | | | | |
|  | *(to be submitted to the Authorised Dealer Category-1 bank branch in quadruplicate within 60 days from the date of receipt of funds)* | | | | | |
|  | **The following documents are enclosed** | | | | | |
| *For transfer of capital contribution /profit shares of a Limited Liability Partnership by a person resident in India* | | | | | |
| i. | Consent Letter duly signed by the seller and buyer or their duly appointed agent and in the latter case the Power of Attorney Document. | | | | |
| ii. | The capital contribution/ profit share holding pattern of the investee LLP after the acquisition of *capital contribution/ profit shares* by a person resident outside India. | | | | |
| iii. | Certificate indicating fair price of capital contribution/profit share of an LLP from a Chartered accountant / a Cost accountant/ an approved valuer from the panel maintained by the Central Government,. | | | | |
| iv. | Declaration from the buyer to the effect that he is eligible to acquire *capital contribution /profit shares i.e., necessary Government approval has been obtained by the buyer or seller*  and terms and conditions of the Government approval, the foreign investment limits mentioned therein as well as the pricing guidelines have been complied with. | | | | |
|  | Additional documents in respect of transfer of capital contribution /profit shares of an Limited Liability Partnership by a person resident outside India | | | | |
| v. | No Objection/Tax Clearance Certificate from Income Tax Authority/ Chartered Account//Cost Accountant/ Company Secretary in practice. | | | | |
| **1** | **Name of the Limited Liability Partnership** | |  | | | |
| Address (including e-mail, telephone Number, Fax no.) | |  | | | |
| Activity Identification No.(LLPIN) | |  | | | |
| **2** | **Nature of transaction** *(Strike out whichever is not applicable)* | | Transfer from resident to non-resident / Transfer from non-resident to resident | | | |
| **3** | **Name of the buyer** | |  | | | |
| **Constitution / Nature of the investing Entity** | |  | | | |
| Specify whether | |  | | | |
| 1 | Individual |  | | | |
| 2 | LLP |  | | | |
| 3 | Company |  | | | |
| 4 | Foreign Trust |  | | | |
| 5 | Private Equity Fund |  | | | |
| 6 | Pension/ Provident Fund |  | | | |
| 7 | Sovereign Wealth Fund  (SWFπ) |  | | | |
| 8 | Partnership / Proprietorship firm |  | | | |
| 9 | Financial Institution |  | | | |
| 10 | NRIs / PIOs |  | | | |
| 11 | Others |  | | | |
| Date and Place of Incorporation | |  | | | |
| Address of the buyer (including e-mail, telephone number. Fax no.) | |  | | | |
| **5** | **Name of the seller** | |  | | | |
|  | **Constitution /** **Nature of the disinvesting partner** | |  | | | |
| Specify whether | |  | | | |
| 1 | Individual |  | | | |
| 2 | LLP |  | | | |
| 3 | Company |  | | | |
| 4 | Foreign Trust |  | | | |
| 5 | Private Equity Fund |  | | | |
| 6 | Pension/ Provident Fund |  | | | |
| 7 | Sovereign Wealth Fund  (SWFπ) |  | | | |
| 8 | Partnership / Proprietorship firm |  | | | |
| 9 | Financial Institution |  | | | |
| 10 | NRIs / PIOs |  | | | |
| 11 | Others |  | | | |
| Date and Place of Registration | |  | | | |
| Address of the seller(including e-mail, telephone Number Fax no) | |  | | | |
| **6** | **Particulars of earlier FIPB approvals** | |  | | | |
| **7** | **Details regarding capital contribution or profit shares of an Limited Liability Partnershipto be transferred** | | | | | |
| ***Date of the transaction*** | | ***Percentage of capital contribution/profit share*** | ***Value in Rs.*** | ***Negotiated Price for the transfer\*in Rs.*** | ***Amount of consideration in Rs.*** |
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| **8** | **Foreign Investments in the** Limited Liability Partnership | |  | capital contribution/ profit shares | | Percentage |
| Before the transfer |  | |  |
| After the transfer |  | |  |
| Price as per Valuation guidelines \*Valuation report (certificate from the Chartered Accountant/Cost Accountant/ approved valuer from the panel maintained by the Central Government to be attached). | |  | | | |
| **Declaration by the transferor / transferee** | | | | | | |
| **I / We hereby declare that :** | | | | | | |
|  | i. | The particulars given above are true and correct to the best of my/our knowledge and belief. | | | | |
|  | ii. | I/ We, was/were holding the capital contribution/profit shares of a Limited Liability Partnership as per foreign investment policy issued by the Government of India as well as notified under FEMA Regulations. | | | | |
|  | iii. | I/ We, am/are eligible to acquire the capital contribution /profit shares of a Limited Liability Partnershipin terms of the foreign investment policy issued by the Government of India as well as notified under FEMA Regulations. | | | | |
|  | iv. | The foreign investment limit as per Government approval and the pricing guidelines have been adhered to. | | | | |
|  | | | | | | |
| **Signature of the Declarant or** | | | | | | |
| **his duly authorised agent** | | | | | | |
| **Date:** | | | | | | |
| *Note:* | | | | | | |
| *In respect of the transfer of capital contribution /profit shares of a Limited Liability Partnership from resident to non- resident the declaration has to be signed by the non- resident buyer, and in respect of the transfer of capital contribution /profit shares of a Limited Liability Partnership from non-resident to resident the declaration has to be signed by the non-resident seller.* | | | | | | |
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| **Certificate by the AD Bank Branch** | | | | | | |
| It is certified that the application is complete in all respects. | | | | | | |
| The receipt /payment for the transaction are in accordance with FEMA Regulations / Reserve Bank guidelines. | | | | | | |
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|  |  |  |  |  |  |  |
| Signature | | | | | | |
|  |  |  |  |  |  |  |
| Name and Designation of the Officer | | | | | | |
| **Date:** Name of the AD Bank Branch | | | | | | |
| AD Bank Branch Code | | | | | | |
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| π SWF means a Government investment vehicle which is funded by foreign exchange assets, and which manages those assets separately from the official reserves of the monetary authorities. | | | | | | |
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