

Late Submission Fee for reporting delays under Foreign Exchange Management Act, 1999 (FEMA)

Dear Valued Customer/Stakeholder,

We wish to thank you for your patronage over the years.

We hereby bring to your notice that Reserve Bank of India (RBI) has provided the matrix on late submission fee for delayed reporting under FED Master Direction No.18/2015-16- Reporting under Foreign Exchange Management Act, 1999 updated as on 30-Sep-2022.

In light of the above, request you to refer- Reporting under Foreign Exchange Management Act, 1999 updated as on 30-Sep-2022 for reporting timeline for Foreign investment, Overseas Investment, External Commercial Borrowings.

A person who is liable to pay LSF as per the provisions under FEMA 1999, shall pay such LSF as per the following matrix :

Sr. No.	Type of Reporting delays	LSF Amount (INR)
1	Form ODI Part-II / APR, FCGPR (B), FLA Returns, Form OPI, evidence of investment or any other return which does not capture flows or any other periodical reporting	7500
2	FC-GPR, FCTRS, Form ESOP, <u>Form LLP(I)</u> , <u>Form LLP(II)</u> , Form CN, Form DI, Form InVi, <u>Form ODI-Part I</u> , <u>Form ODI-Part III</u> , <u>Form FC</u> , <u>Form ECB</u> , <u>Form ECB-2</u> , Revised Form ECB or any other return which captures flows or returns which capture reporting of non-fund transactions or any other transactional reporting	[7500 + (0.025% × A × n)]
Notes:		
a)	"n" is the number of years of delay in submission rounded-upwards to the nearest month and expressed up to 2 decimal points.	
b)	"A" is the amount involved in the delayed reporting.	
c)	LSF amount is per return. However, for any number of Form ECB-2 returns, delayed submission for each LRN will be treated as one instance for the fixed component. Further, 'A' for any ECB-2 return will be the gross inflow or outflow (including interest and other charges), whichever is more.	
d)	Maximum LSF amount will be limited to 100 per cent of 'A' and will be rounded upwards to the nearest hundred.	
e)	Where an advice has been issued for payment of LSF and such LSF is not paid within 30 days, such advice shall be considered as null and void and any LSF received	

	beyond this period shall not be accepted. If the applicant subsequently approaches for payment of LSF for the same delayed reporting, the date of receipt of such application shall be treated as the reference date for the purpose of calculation of "n".
f)	The facility for opting for LSF shall be available up to three years from the due date of reporting / submission. The option of LSF shall also be available for delayed reporting / submissions under the Notification No. <u>FEMA 120/2004-RB</u> and earlier corresponding regulations, up to three years from the date of notification of <u>Foreign Exchange Management (Overseas Investment) Regulations, 2022</u> .
g)	In case a person responsible for any submission or filing under the provisions of FEMA, neither makes such submission/filing within the specified time nor makes such submission / filing along with LSF, such person shall be liable for penal action under the provisions of <u>FEMA, 1999</u> .

2. In case the return (whether in physical or electronic form) is incomplete then the delay will continue till such time the return is received complete in all respects.

3. The applicant cannot claim a refund in any manner for the amount already deposited as LSF.

4. The AD banks are required to ensure that there is no delay at their end in forwarding the completed application to the Reserve Bank. Any such delays will render the AD bank for action as laid down in section 11(3) of the Foreign Exchange Management Act, 1999.

5. The LSF shall be paid by way of a demand draft drawn in favor of "Reserve Bank of India" and

i. payable at Mumbai and sent through the designated Authorized Dealer Category-I bank (AD bank) to the Director, External Commercial Borrowings Division, Department of Statistics and Information Management, Reserve Bank of India, C-9, Bandra-Kurla Complex, Bandra (East), Mumbai-400 051, accompanying the requisite return(s) for External Commercial Borrowings related transactions.

ii. payable at the Regional Office concerned of the Reserve Bank for Foreign Investment related transactions

iii. payable at the Regional Office concerned of the Reserve Bank in accordance with the UIN mapping as given below for Overseas Investment related transactions:

Sr.No	UIN with prefix	UIN mapped to
1.	AH	RO Ahmedabad
2.	BG	RO Bengaluru

3.	BL or BY or PJ	RO Mumbai
4.	BN or CA or GA or GH	RO Kolkata
5.	CG or JM or JR or KA or ND or PT or WR	RO New Delhi
6.	HY	RO Hyderabad
7.	KO or MA	RO Chennai

If you wish to clarify or seek more information about on the LSF matrix please contact the concerned branch for details or send an email to FEMA-DESK@in.mufg.jp.

Thank you for banking with us. We look forward for your continued support.