

Overseas Portfolio Investment under Liberalised Remittance Scheme
Self-Declaration by Remitter

Date _____
The Branch Manager
HDFC Bank Limited
.....Branch

Dear Sir,

With reference to my request for outward remittance of _____ (*foreign currency & amount*) to _____ (*beneficiary name*) for Overseas Portfolio investment under Liberalised Remittance Scheme, I hereby confirm and declare as under –

1. The proposed remittance as above, is in compliance with **Schedule III and Schedule V of Foreign Exchange Management (Overseas Investment) Rules, 2022.**
2. The above remittance is towards my Overseas Portfolio Investment in M/s _____ (*name of the investee company/entity*).
3. The above named investee entity is **a listed foreign entity** where **I do not hold controlling stake** and my investment **does not exceed 10 % stake** in the foreign entity either directly or indirectly.
4. I have not subscribed and am not subscribing to the Memorandum of Association of above named investee company/entity.
5. I have not undertaken any financial commitment, such as OCPS/Loan/Guarantee etc. in the past in the above named investee company/entity.
6. The above named investee company/entity has not been and is **not being incorporated by me.**
7. The above named investee company/entity is not a Joint Venture or Wholly Owned Subsidiary of mine where I have acquired / plan to acquire a majority stake.
8. I am **not an active investor managing the affairs** of the above named investee company/entity. I am not having capacity individually or in concert with other Indians to appoint majority of directors or to control the management or policy decisions exercisable directly or indirectly.
9. The investment is **not in unlisted foreign equity** or **unlisted debt instruments** or **derivatives** (unless otherwise specifically permitted by RBI) or **in commodities** (including Bullion Depository Receipts (BDR).
10. The investment is **not towards acquisition of sweat equity shares / minimum qualification share / ESOPs / Employee Benefit schemes** of listed or unlisted foreign entities.
11. I confirm that any amount **received / realised / unspent / unused foreign exchange**, unless reinvested, **shall be repatriated and surrendered to AD Bank within a period of 180 days** from the date of such receipt / realisation / purchase / acquisition, as the case may be, in accordance with RBI Notification No. FEMA 9(R)/2015-RB and Regulation 7 of Foreign Exchange Management (Realisation, repatriation and surrender of foreign exchange) Regulations, 2015.
12. I further confirm that the **disinvestment proceeds on transfer of shares / securities acquired through the above will be repatriated** immediately on receipt thereof and in any case **not later than 180 days** from the date of sale of such shares/ securities.

13. The **foreign entity is engaged in non-financial activities**.
14. Investment will be subject to LRS limit as prescribed under Liberalized Remittance Scheme.
15. The above investment **does not fall under the category of Overseas Direct Investment** requiring ODI reporting to Reserve Bank of India.
16. The above investment in listed entity is less than 10% and in case of delisting of foreign entity, any further investment will be done only after compliance to ODI guidelines, as the further investment will be under ODI.
17. I will submit Form FC and will obtain UIN wherever the investment I make abroad is in unlisted entity even if I do not have control.
18. I hereby declare that all Foreign Exchange transactions, as may be entrusted by me/us to the HDFC Bank from time to time, will be in strict conformity with provisions of the Foreign Exchange Management Act 1999.
19. I further declare that said transactions, as and when initiated, shall not involve, and shall not be designated for the purpose of any contravention or evasion of the provision of the Act or any rule, regulation, notifications direction or order made under the Act.
20. I agree that I shall be responsible and liable for any incorrect detail provided by me.
21. I undertake to give such documents/details which will satisfy the bank about this transaction in accordance to my above declaration.

For this purpose, I understand that the current outward remittance being made in the investee company/entity abroad to which I had made earlier remittances prior to 22nd August '22 (vide changes made to Schedule III and Schedule IV of Foreign Exchange Management (Overseas Investment) Rules, 2022) under LRS non-ODI route, may be categorised under ODI LRS guidelines if this remittance results in me holding controlling stake or my investment exceeds 10% stake in the foreign entity either directly or indirectly and I will comply with required ODI reporting to RBI as per extant regulations in place.

I am aware that any wrong declaration made above amounts to willful contravention of the provisions of FEMA, 1999. I am also aware that in such cases, the bank may initiate reporting of the matter to regulatory authorities. I will not hold the bank responsible if they report the matter to RBI if they notice any contravention/wrong declaration.

Yours faithfully,

(Name & Signature of Remitter)

(Note:- If the remitter is *not in a position to certify any of the points from above*, the remittance should be treated as **Overseas Direct Investment which requires additional documentation and reporting to RBI. Such transactions should not be processed by the retail branch and should be routed through the nearest trade desk).**
