

EXTERNAL COMMERCIAL BORROWINGS (ECB)

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RELEASE OF FOREIGN EXCHANGE BY AUTHORISED DEALERS

A.1 General

(a) External Commercial Borrowings (ECB) refer to commercial loans [in the form of bank loans, buyers' credit, suppliers' credit, securitised instruments (e.g. floating rate notes and fixed rate bonds)] availed from non-resident lenders with minimum average maturity of 3 years.

(b) Foreign Currency Convertible bonds (FCCBs) mean a bond issued by an Indian company expressed in foreign currency, and the principal and interest in respect of which is payable in foreign currency. Further the bonds are required to be issued in accordance with the scheme viz., "Issue of Foreign Currency convertible bonds and Ordinary Shares (Through Depository Receipt Mechanism) Scheme, 1993", and subscribed by a non-resident in foreign currency and convertible into ordinary shares of the issuing company in any manner, either in whole, or in part, on the basis of any equity related warrants attached to debt instruments. The policy for ECB is also applicable to FCCBs. The issue of FCCBs are also required to adhere to the provisions of Notification FEMA No. 120/RB-2004 dated July 7, 2004 as amended from time to time.

(c) ECB can be accessed under two routes, viz., (i) Automatic Route outlined in Paragraph I (A) and (ii) Approval Route outlined in paragraph I (B).

(d) ECB for investment in real sector –industrial sector, especially infrastructure sector- in India, are under Automatic Route, i.e. do not require RBI/Government approval. In case of doubt as regards eligibility to access Automatic Route, applicants may take recourse to the Approval Route.

I. (A) AUTOMATIC ROUTE

(i) Eligible borrowers

(a) Corporates (registered under the companies Act except financial intermediaries (such as banks, financial institutions (FIs), housing finance companies and NBFCs) are eligible to raise ECB. Individuals, Trusts and Non-Profit making Organisations are not eligible to raise ECB.

(b) Units in Special Economic Zones (SEZ) are allowed to raise ECB for their own requirement. However, they cannot transfer or on-lend ECB funds to sister concerns or any unit in the Domestic Tariff Area.

(ii) Recognised lenders

Borrowers can raise ECB from internationally recognised sources such as (i)

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Table of Contents Nabhis Manual Of External Commercial Borrowings Guidelines

1. Understanding the eBook Nabhis Manual Of External Commercial Borrowings Guidelines
 - The Rise of Digital Reading Nabhis Manual Of External Commercial Borrowings Guidelines
 - Advantages of eBooks Over Traditional Books
2. Identifying Nabhis Manual Of External Commercial Borrowings Guidelines
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Nabhis Manual Of External Commercial Borrowings Guidelines
 - User-Friendly Interface
4. Exploring eBook Recommendations from Nabhis Manual Of External Commercial Borrowings Guidelines
 - Personalized Recommendations
 - Nabhis Manual Of External Commercial Borrowings Guidelines User Reviews and Ratings
 - Nabhis Manual Of External Commercial Borrowings Guidelines and Bestseller Lists
5. Accessing Nabhis Manual Of External Commercial Borrowings Guidelines Free and Paid eBooks

- Nabhis Manual Of External Commercial Borrowings Guidelines Public Domain eBooks
 - Nabhis Manual Of External Commercial Borrowings Guidelines eBook Subscription Services
 - Nabhis Manual Of External Commercial Borrowings Guidelines Budget-Friendly Options
6. Navigating Nabhis Manual Of External Commercial Borrowings Guidelines eBook Formats
- ePub, PDF, MOBI, and More
 - Nabhis Manual Of External Commercial Borrowings Guidelines Compatibility with Devices
 - Nabhis Manual Of External Commercial Borrowings Guidelines Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of Nabhis Manual Of External Commercial Borrowings Guidelines
 - Highlighting and Note-Taking Nabhis Manual Of External Commercial Borrowings Guidelines
 - Interactive Elements Nabhis Manual Of External Commercial Borrowings Guidelines
8. Staying Engaged with Nabhis Manual Of External Commercial Borrowings Guidelines
- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Nabhis Manual Of External Commercial Borrowings Guidelines
9. Balancing eBooks and Physical Books Nabhis Manual Of External Commercial Borrowings Guidelines
- Benefits of a Digital Library
 - Creating a Diverse Reading Collection Nabhis Manual Of External Commercial Borrowings Guidelines
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Nabhis Manual Of External Commercial Borrowings Guidelines
- Setting Reading Goals Nabhis Manual Of External Commercial Borrowings Guidelines
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Nabhis Manual Of External Commercial Borrowings Guidelines
- Fact-Checking eBook Content of Nabhis Manual Of External Commercial Borrowings Guidelines
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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