



Government of India

OFFICE OF THE ADDITIONAL
DIRECTOR GENERAL OF FOREIGN TRADE
4TH AND 5TH FLOOR, MINSITRY OF COMMERCE
SHASTRI BHAWAN ANNEXE,
NO.26,HADDOWS ROAD, CHENNAI 600 006.

Tel: 044-28283402

Dt.16.01.2014.

F.No.04/36/021/00420/AM03

ORDER – IN – ORIGINAL

PASSED BY: V.MURUGESAN,
ASST. DIRECTOR GENERAL OF FOREIGN TRADE,CHENNAI.

1. Any person /party aggrieved by this order may , under Section 15 of the Foreign Trade (Development and Regulation) Act ,1992 file and appeal against the same to the appropriate authority viz., The Additional Director General of Foreign Trade within a period of forty five days from the date of service of this adjudication order together with a copy of this order and a complete set of evidence in the form of Annexures to the appeal relied upon in support of the appeal.
2. Any person / party desirous of filing an appeal against this order shall deposit the penalty amount and produce proof of payment of penalty amount along with the appeal to the Appellate Authority failing which the appeal is liable to be rejected for non-compliance of the provisions of Section 15 of the Foreign Trade (Development and Regulation) Act, 1992.
3. The penalty amount is to be deposited under the Head of Account "1453 Foreign Trade & Export Promotion Minor Head 102 other receipts fines, penalties etc". The bank receipt must show the name of dept. Viz .Directorate General of Foreign Trade. The bank receipt drawn in favour of Pay & Accounts Officer (Foreign Trade), Chennai. Evidence of payment of penalty is required to be furnished to the Adjudicating Authority within forty five days (45 days) from the date of service of this Adjudication Order , failing which the Importer-Exporter Code Number of the persons/ companies /other.entities concerned is liable to be suspended under the provisions of Section 11(4) of the foreign Trade (Development & Regulation) Act, 1992 without making any further reference to them.

4. Whereas you had obtained EPCG Licence No. 0430001005 DT. 07.03.2003 at 5% Customs duty under EPCG scheme for a CIF value of Rs.5628250.00 (US\$117500.00) for import of capital goods as specified in the licence from the Office of Additional Director General of Foreign Trade, Chennai with an obligation of export **Readymade garments to be fulfilled within a period of 8** years from the date of issue of the licence for a FOB value of US\$ 587500.00 being 5 times the CIF value of goods on FOB basis as per the terms and conditions of the authorization.
5. Since you have submitted incomplete EO documents, without Maintenance of Annual Average you have been advised to get the case regularized by payment of Customs Duty plus Interest to Customs vide this office letter of even number dated 05.11.2007.

A Show Cause Notice of even no. dated 08.08.2011 and 29.11.2013 was issued to you. The cause of the notice arose due to the allegation that the noticee firm had not fulfilled the export obligation against the said EPCG licence. The SCN had been returned to this Office undelivered by the postal authorities with remark as LEFT. Thus in the absence of Maintenance of Annual average, the fulfillment of Specific Export Obligation over and above Annual Average Maintenance could not be arrived at.

In the circumstances, the undersigned is now fully convinced that the Licensee firm/ company and its Directors are guilty of violating the conditions of the Licence in question thereby liable to penalty under section 11(2) of Chapter IV of Foreign Trade(Development & Regulation) Act, 1992. In exercise of powers vested in me vide Notification dated 17th April 2009 issued by DGFT, New Delhi in F.No.18/27/HQ/06-07/ECA III, I hereby impose a penalty of **Rs.5628250/- (Rupees Fifty six lakhs twenty eight thousand and two hundred and fifty only) being one time CIF value** on the firm and on the Partners as no reply to the SCN and also no appearance of Personal Hearing granted to him.

I further order that no further licence shall be issued to the firm/company or to any other firm / Company in which the Proprietor /Partners/Directors of this firm/ Company in which the Proprietor/ Partner/Directors is / are directly or indirectly involved in the day – to –day activities of that firm as per Provisions of Handbook read with Rule 7(1) of the Foreign Trade (Regulation) Rules, 1993.

This order is issued without prejudice to any other action that may be taken under any other Act, Rules or Regulations in force.



(V.MURUGESAN)

ASST. DIRECTOR GENERAL OF FOREIGN TRADE.

TO

1. M/s.MNR Exports, No.2, Old No.18, Poomagal Main Street, Ambal Nagar, Ekkattuthangal, Chennai – 600 097.	2. Sh.A.Muthuraman, 1, Rajambal Street, T.Nagar, Chennai – 600 017.
3. Sh.M.Gnanamani, 1, Rajambal Street, T.Nagar, Chennai – 600 017.	4. M/s.MNR Exports, 1, S.V.Chidambaram Salai, Ashok Nagar, Jafferkhanpet, Chennai – 600 083

Copy to;

- 1.DGFT, New Delhi (ECA Section) for information.
2. All licensing Authorities.
3. Commissioner of Customs Sea Customs, Chennai.