



सरकारमं भारतं
Government of India

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

By Speed Post

IEC NO. 0498052575

F.No.04/21/040/00182/AM 08

Dt.13.05.2013

ORDER – IN – ORIGINAL

PASSED BY: SHRI R.MUTHURAJ, JT.DGFT, CHENNAI.

1. Any person /party aggrieved by this order may, under Section 15 of the Foreign Trade (Development and Regulation) Act ,1992 file an appeal against the same to the appropriate authority viz: **The Additional Director General of Foreign Trade, O/o.DGFT., Udyog Bhawan, New Delhi - 110 107** within a period of **(45) 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 should be drawn in favour of Pay & Accounts Officer (Foreign Trade), Chennai.

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4. 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 (IEC) 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.
5. **Whereas M/s. Tyco Sanmar Ltd., 9 Cathedral Road, Chennai 600 086** (hereinafter referred to as the “firm and its Directors”) had obtained **Advance Authorisation No.0410089745 dated 31.05.2007** for a **CIF value of Rs.4,49,91,683.00/ US\$10,71,230.00** for import of **items duty free** as specified in the licence from the Office of Zonal Director General of Foreign Trade, Chennai with an obligation to export the resultant export product as specified in the licence for a total **f.o.b. value of Rs.28,00,00,000.00 US\$ 66,66,666.00** within **24 months** from the date of issue of the licence.
6. The extended E.O.period expired on 30.05.2010. Whereas the firm has not submitted any import/export documents. Therefore, there are reasons to believe that the goods allowed to import as against the licence have not been utilized properly for which it was allowed without payment of duties. Thereafter, finally a show cause notice under Section 13 & 14 for action under Sec 8, 9, & 11 and Rule 7 of the Foreign Trade (Development & Regulation) Act, 1992 was issued **4.03.2013** addressed to the firm and its Proprietor/Proprietrix/Partners/Directors with an opportunity of Personal Hearing. No reply received from the firm.. Till now the firm has neither submitted required documents nor regularized the case towards fulfillment of Export obligation.

Ordered that:-

7. In the circumstances, the undersigned is now fully convinced that the Licensee firm/company and its Proprietor / Proprietrix /Partners/Directors are guilty of violating the conditions of the Licence in question and 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 No.SO 24 E dt.20.1.1999 issued by DGFT, New Delhi in F.No.18/9/97-ECA III, I hereby impose a fiscal penalty of **Rs. 4,00,00,000 /-(Rupees Four Crores only)** on the firm and on the Proprietor / Proprietrix /Partners/Directors of this firm/Company towards non-fulfillment of export obligation in full against the subject licence.
8. I further order that no further licence shall be issued to this firm/company or to any other firm/Company in which the Proprietor/Partners/Directors of this firm/ Company is/are Proprietor/Partners/Directors and 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.


(R.MUTHURAJ)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE

To:

M/s Tyco Sanmar Ltd., 9 cathedral Road, Chennai 600 086.

1.Shri Doung Hyun Choo, 21 Angullia Park, No.09-02, The Parisian, Singapore 239 974.

2.Shri P.Natarajan, ½ Nandinee, Old No.45, New no.72, First Main Road, R.A.Puram, Chennai 600 028.

3.Shri S.Sankaran, 2/1 IV Street, Balaji Nagar, Chennai 600 014.

4.Shri M.N.Radhakrishnan, 12 Besant Avenue, Adyar, Chennai 600020.

Copy to:1.The DGFT(ECA Division)New Delhi

(2)The Commissioner of Customs, Chennai