

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

Tel: 044-28283405

F.No.04/36/21/26/AM04.
IEC No:0402029828

Dt.17.6.2013

ORDER – IN – ORIGINAL

PASSED BY: K.V.TIRUMALA.
ASSISTANT DIRECTOR GENERAL OF FOREIGN TRADE

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.
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 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 you had obtained EPCG Licence No.0430001088 dt.29.12.5.2003 at 5% Customs duty EPCG scheme for a Duty saved value of **Rs.3226189** /- for import of capital goods as specified in the licence from the Office of Zonal Director General of Foreign Trade,(now Addl.Director General of Foreign

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Trade, Chennai with an obligation of export of **"Pulses" worth US\$ 543358.14 to be fulfilled within a period of 8 years** from the date of issue of the licence and in addition to maintain the Annual Average of the Past Export Performance of **Rs.NIL/-**.

6. The Export Obligation Period expired on **11.5.2011** and you had failed to produce all the relevant export documents as proof of exports towards specific E.O. fixed against the licence.

A Show Cause Notice of even no. dated **6.6.2012** was issued to you. The cause of the notice arose due to the allegation that the firm had not fulfilled the export obligation against the Licence. Firm had attended the Personal Hearing on 26.6.2012 and stated that they could not export "Pulses" due to the ban imposed on pulses vide Notification NO.15 dt.27.6.2006. Firm also stated that they are eligible for automatic E.O.extension as per Para 5.11.3 of Hand Book. Vide letter dated 29.6.2012 firm were asked to furnish (a) the utilization details of the Authorization & incase not utilized the licence has to be surrendered for cancellation and (b) Percentage of exports done before the ban period i.e., during the second block period i.e., up to 27.6.2006. Firm had replied to the reminder issued to them on 27.2.13 and stated that they have not done any exports during Ist and IInd Block period. The reasons stated by firm regarding no exports before ban order is not convincing.

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 dt.17th April 2009 issued by DGFT, New Delhi in F.No.18/27/HQ/06-07/ECA-II, I hereby impose a penalty of **Rs.3,22,000/-around 10% of duty saved value(Rupees.Three Lakhs twenty two thousand only)** on the firm and on the Partners for failing to meet export obligation.

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 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.

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04/36/21/26/AM04.
M/S.Shri Lakshmi Agro Foods Pvt.Ltd.

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

K.V. Tirumala

(K.V.TIRUMALA)
ASSISTANT DIRECTOR GENERAL OF FOREIGN TRADE.
Email:tirumala.kv@nic.in
044-28283405

To

M/S.Shri Lakshmi Agro Foods Pvt.Ltd.
No:9, N.N.Garden,
10Th Street, Chennai – 600 021.

IEC NO:0402029828

Directors:

- 1.S.Sudhakar, 84, M.C.Road, Old washermanpet, Chennai – 600021.**
- 2.S.Dinakar, 84, M.C.Road, Old washermanpet, Chennai – 600021.**

Copy to;

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