



Government of India

Ministry of Commerce & Industry, Department of Commerce

**OFFICE OF THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE**

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File No.10/21/40/76/AM08 / 1190 - 1197


Date : 25.3.2014

M/s.Excel Glasses Ltd.  
Udayanagar,Pathirappally,  
Alleppey-688521.  
(IEC No.1088010784)

**ORDER-IN-ORIGINAL**

- 26/3
1. Any person/party aggrieved by this order may, under section 15 of the Foreign Trade(Development and Regulation) Act 1992, as amended in 2010, file an appeal against the same to the Appellate Authority, viz. Additional Director General of Foreign Trade, Udyog Bhavan, New Delhi within 45 days from the date of serving of this Adjudication Order together with a copy of this order and a complete set of evidence relied upon in support of the appeal in the form of annexure to the appeal.
  2. Any person/party desirous of filing an appeal against the order shall deposit the penalty amount and produce proof of payment of penalty amount along with appeal to the Appellate Authority, failing which the appeal will be liable to be rejected for non-compliance of the provisions of section 15(1) of the Foreign Trade (Development & Regulation) Act 1992, as amended in 2010.
  3. The penalty amount is to be deposited under the Head of Account "1453- Foreign Trade and Export Promotion-Minor Head 102 other receipts, fines and penalties etc.

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राकेश कुमार, भा. व्या. से.  
उप महानिदेशक विदेश व्यापार  
RAKESH KUMAR, I.T.S.  
Deputy Director General of Foreign Trade  
काक्कनाद, कोचीन/Kakkanad, Cochin.







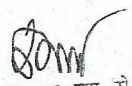
on dated 17.04.2013. Thereafter, Separate Show Cause Notices were also issued to all the Directors under Sec.11(2) & 11(4) of FTDR Act initiating penal action against them for non compliance and violation of Para 4.25 and Para 4.28 of HBP.

9. The Authorisation Holder M/s.Excel Glasses Limited informed this office that they had represented before Policy Relaxation Committee for granting Export Obligation Period extension for the shipments already made beyond the Export obligation period. As per the records available in the file, PRC, DGFT New Delhi rejected their request for extension of Export Obligation Period vide meeting No.4/13 dated 1.5.2012 and then 28/13 dated 6.11.2012 and PRC also directed the O/o Joint Director General of Foreign Trade, Cochin to take penal action against the Authorisation holder as per the provisions of FTDR Act. The Authorization Holder and its directors were given many opportunities to regularize the Export Obligation default in terms of Para 4.28 of HBP first such letters were issued on dated 2/4/2013 then later on dated 28/6/2013, 13/12/13. When there was no response from the Authorisation Holder and its directors ex-parte proceedings were initiated against the notice company and its directors.

### Findings

10. I have carefully gone through the facts of the case and after perusal of the records observed that Licencee/Authorisation Holder and its Directors have not submitted required documents in the prescribed Aayat and Nirayath form (ANF 4F) for fulfillment of Export Obligation as per Para 4.25 of Hand Book of Procedures nor they have regularised the case by paying Customs duty plus interest for the excess import quantity of 2516.97MT of soda ash (Dense) and 26 MT of Sodium Nitrate in terms of para 4.28(i) (a) and (b). Hence it is established that the Licencee/Noticee/Firm and its Directors have not complied with the Para 4.25 and para 4.28 of HBP and therefore the above stated non compliance of Para 4.25 and Para 4.28 of HBP attracts the penal provisions of the section 11(2), 11(3), 11(4), 11(5) and 11(6) of the Foreign Trade (Development and regulation) Act 1992 and amended in 2010. The penal action initiated against Shri.S.J.Parikh, Mr.Susheel Somani, Mr.Surendra Somani is dropped as they have already retired from the directors of the Noticee Company.

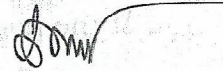
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रकेश कुमार, भा. व्या. से.  
उप महानिदेशक विदेश व्यापार  
RAKESH KUMAR, I.T.S.  
Deputy Director General of Foreign Trade  
काक्कनाड, कोचीन/Kakkanad, Cochin



ORDER

11. In exercise of powers vested in me under Section 13 of the Foreign Trade (Development and Regulation) Act 1992, as amended in 2010, I hereby impose fiscal penalty of Rs16843812/- ( Rupees one crore sixty eight lakhs forty three thousand eight hundred and twelve ) equivalent to two times of customs duty saved value for noncompliance of Para 4.25 and 4.28 of Hand Book of Procedures under Section 11(2) read with section 11(4) of Foreign Trade (Development and Regulation) Act 1992as amended in 2010 upon M/s.Excel Glasses Limited, Pthirapaly P.O, Alappuzha and its Directors jointly and severally. This order is issued without prejudice to any other action that may be taken against the firm/its Directors, under any other Law, Rules or Regulations in force.



(RAKESH KUMAR)

DEPUTY DIRECTOR GENERAL OF FOREIGN TRADE

Copy to:

1. M/s.Excel Glasses Ltd., Udayanagar, Pathirapally, Alappuzha-688521
2. Shri Prasanth Somani, Podar House, 4<sup>th</sup> Floor, A Road, Church Gate, Mumbai-400020
3. Shri.Ravindra Somani, Podar House, 4<sup>th</sup> Floor, A Road, Church gate, Mumbai-400020
4. Shri.Ramesh D.Prabhu, 12, Juhu Jyothi, Linking Road, Extn.Santacruz, Mumbai-400054.
5. Shri.H.P.Vyas, 104, Mansarovar, ^&7, Mount Pleasant Road, Mumbai-400006
6. Shri.R.C..Arora, A-603, New Jyothirling, Riddhi Garden, Filmcity Road, Malad(E)Mumbai-97
7. Shri.T.C.Thomas, A1 Quarters, Excel Glasses Limited, Pathirapally P.O., Alappuzha-688521.
- 8.The Commissioner of Customs, Cochin fo information and necessary action.