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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
OFFICE OF THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE
1544, INDIA LIFE BUILDING (ANNEXE), I FLOOR,
TRICHY ROAD, COIMBATORE - 641 018.

F.No.32/36/021/00408/AM 04

DT.11.2.2016

ORDER IN ORIGINAL

PASSED BY : Shri D.Sridhar, Deputy Director General of Foreign Trade, Coimbatore.

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 45 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 alongwith 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 and Export Promotion Minor Head 102 other receipts fines and penalties etc. Imports and Exports Control Organization.
4. Evidence of payment of penalty is required to be furnished to the Adjudicating Authority within 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.3230002142 dt.08.08.2003 for Rs.812800/- from the office of the Directorate General of Foreign Trade, Coimbatore under the EPCG Scheme for import of capital goods with an obligation to export of Readymade Garments for an fob value of US\$138644/- (8 times of duty saved value of capital goods imported) and also the average E.O. to the extent of US\$ 897313/- within a period of 8 years from the date of issue of the licence.

6. And whereas vide letter dated 13.2.12, you have submitted documents for EO fulfillment. On scrutiny it was found that there is shortfall in EO for US\$29947/- and shipping bills for annual average not submitted. Hence, vide this office letter dated 26.4.12, you were requested to rectify the said deficiencies (or) regularize the case by payment of customs duty plus interest.

7. A Demand Cum Show Cause notice of even No. 31.12.2012 under Section 14 for action under section 11(2) of Foreign Trade (Development & Regulation) Act, 1992 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.

In the circumstances, the undersigned is now fully convinced that the Licensee firm and its Partners are guilty of Violating the conditions of the licence in question thereby liable to a penalty under Section 11(2) of Chapter IV of Foreign Trade (Development and 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.19/9/1997-ECA III, I hereby impose a penalty of Rs.1625600/-(2 times of duty saved value) on the licensee and its Partners as no reply to the Show Cause Notice and also No appearance of Personal Hearing granted to him.

I further order that no further licence shall be issued to the firm or to any other firm in which the Proprietor/Partners/Directors of the firm in which the Proprietor/Partners/Directors is/are directly involved in the day-to-day activities of that firm as per Provision of Handbook read with Clause 7(1) of the Foreign Trade (Development & Regulation) Act, 1992.

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



/D. Sridhar/
Deputy Director General of Foreign Trade

To
M/S BSC Textiles,
22, 4th Street, Bridgeway Colony Extension,
Tirupur – 641607.

Copy to

1. Shri. M.Kandasamy s/o Muthusamy Gounder, 7, Bridgeway Colony Extn, Tirupur – 641607.
2. Shri. P.Ravichandran s/o Periyasamy Gounder, 3, Sakthi Nagar, Mannarai, Tirupur – 641607.
3. The Asst. Commissioner of Customs (EPCG), Custom House, Chennai Sea Port, No.60, Rajaji Salai, Chennai – 600 001. for Information and necessary action
4. AEC, Chennai for information.

