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25/2/14

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
OFFICE OF THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE
117, K.K.NAGAR, MADURAI - 625020

Tel : 0452-2586485

Email : madurai-dgft@nic.in

F.No.35/21/40/052/AM07

1801

Date: 24.02.2014

ORDER-IN-ORIGINAL

PASSED BY: S. SASIKUMAR
JOINT DIRECTOR GENERAL OF FOREIGN TRADE, MADURAI.



1. Any person/party aggrieved by this order may under Section 15 of the Foreign Trade (Development and Regulation) Act, 1992 & notification no. 21(RE-2013)/2009-2014 dt. 13.6.2013 file and appeal against the same to the appropriate authority viz. The Additional Director General of Foreign Trade, Office of the Additional Director General of Foreign Trade, 4th Floor, Shastri Bhavan Annex, 26, Haddows Road, Nungambakkam, Chennai - 600006 within a period of forty five days (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 Annexure 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 in an authorized bank of Central Bank of India 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.

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5. **M/s. Madurai Granite Exports**, 786 Madurai Main Road, Melur Madurai - 625106 had obtained an advance authorisation no. 3510018808 dt. 07.06.2006 for cif value of Rs. 24,94,250/-(US\$ 55,000/-)from the office of the Joint Director General of Foreign Trade, Madurai under the duty exemption scheme for import of Diamond wire and drill rod with an export obligation to export Dimensional dressed granite blocks worth US\$ 44,903/- within a period of 24 months from the date of issue of authorization. IEC no allotted to the firm is 3501002203 dt. 06.09.2001.
6. **M/s. Madurai Granite Exports**, 786 Madurai Main Road Melur Madurai - 625106 has not submitted any reply to this office letters dt. 03.09.2009 and 11.01.2010 calling for EO documents.
7. Show cause notice dt. 28.05.2010 with personal hearing 10.06.2010 at 3.30 p.m. was issued to the firm and it's Proprietor. You have informed that you have fulfilled export obligation and are in the process of getting bank certificates and EP copy of shipping bills and endorsement from EOUs and would submit the documents within short period.
8. Though you were sufficient time for submission of required documents, you have neither submitted the documents nor paid duty with interest for non-fulfilment of EO against advance authorisation. Demand Notice dated 13.7.2010 was issued to the firm and its Proprietor and directed you to pay duty with interest for non-fulfilment of EO against the advance authorization
9. In the circumstances, the undersigned is now fully convinced that the Licensee firm and its proprietor 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(E) dt. 17.4.2009 issued by DGFT, New Delhi in F.No. 18/27/HQ/06-07/ECA-II, I hereby impose a penalty of **Rs.24,94,250/- (Rupees twenty four lakhs ninety four thousand two hundred and fifty only)** on the licensee and its proprietor in addition to payment of customs duty with interest for the excess import plus interest as applicable towards non-fulfillment of export obligation in full against the subject licence.

I further order that no further authorization shall be issued to the firm/Company or to any other firm/Company in which the proprietor of this firm/Company are directly or indirectly involved in the day-to-day activities of that firm/Company 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.


(S. Sasikumar)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE

To: M/s. MADURAI GRANITE EXPORTS 786 MADURAI MAIN ROAD MELUR
MADURAI, TAMILNADU PIN-625106

Copy to:-

SHRI C. PANNEER MOHAMED PROPRIETOR 1/I, BHARATHYARPURAM MELUR MADURAI, TAMILNADU PIN-625106
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The Commissioner of Customs Customs House Chennai Sea Port

✓ The Additional Director General of Foreign Trade (**ECA Section**), Office of the
Additional Director General of Foreign Trade, 4th Floor, Shastri Bhavan Annex, 26,
Haddows Road, Nungambakkam, Chennai - 600006

D.C.

Signa