

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. 35/24/40/11/AM10/5174 to 5179

Date: 17.7.2014

**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, 4<sup>th</sup> 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 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.

dd  
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.

Contd.....2

4. M/s Sai Flexi Bag P Ltd, Muthuswamypuram Village, S.no.167/1, Ramanachiyarpuram, Tuticorin had obtained an Advance licence No. 3510027590 dt 28.8.2009 under DES Scheme for a cif value of Rs.4950000( \$99000) with an export obligation to export Jumbo bags made up of Polypropylene fabric (UV stabilized - Total Bags 44000 with net weight of 61516kgs. Net weight of PP fabric 4306 kgs) worth Rs5500000(\$110000) to be fulfilled within a period of twenty four months from the date of issue of authorisation.
5. Show cause notice dated. 13.1.2014 was issued to the Company and its Directors with personal hearing on 27.1.2014 at 10.am for non-fulfilment of export obligation fixed against the licence .You had neither attended personal hearing nor submitted documentary evidence for having fulfilled Export Obligation. Hence Demand Notice dated 30.1.2014 was issued to pay duty with18% interest for the unutilized imported material to the Customs Authority concerned. You had neither replied to demand notice nor produced any proof for payment of duty with interest till date.
6. . Since there was no response from the Company, M/s. Sai Flexi Bag P Ltd, Muthuswamypuram Village, S.no.167/1, Ramanachiyarpuram, Tuticorin . was placed under Denied Entities List (DEL) Order dt. 14.7.2014.

In the circumstances, the undersigned is now fully convinced that the Licensee firm and its directors 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.4950000/- on the licensee and its directors plus 18% interest 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 directors 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. Sasi Kumar)*  
(S.SASIKUMAR)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE

To:

1.M/s Sai Flexi Bag p ltd,  
MUTHUSWAMY PURAM VILLAGE  
S.NO.167/1,RAMANACHIYARPURAM  
TUTCORIN  
PIN-0

2. M/s Sai Flexi Bag p ltd,

2/26A-1, TUTICORIN CO-OP INDUSTRIAL  
ESTATE, KORRAMPALLAM  
TUTICORIN  
PIN-628001

3. SUBASH G.  
V. GNANAPATHY  
183A, KALAIVANAR NAGAR  
PUTHERI NAGERCOIL  
KANYAKUMARI DISTRICT  
PIN-629001  
Phone/Email: 0461 2950866

4. K.R. MATHANA KUMARI  
D/O M. KRISHNA PILLAI  
183A, KALAIVANAR NAGAR  
PUTHERI  
NAGERCOIL, KANYAKUMARI DISTRICT  
PIN-629001

5. The Commissioner of Customs Customs House Tuticorin Sea Port –  
628004

6. The Additional Director General of Foreign Trade (**ECA Section**), Office of the  
Additional Director General of Foreign Trade, 4<sup>th</sup> Floor, Shastri Bhavan Annex, 26,  
Haddows Road, Nungambakkam, Chennai – 600006

*He*