

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

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F.No.35/36/21/00256/AM07

Date: 17.4.2015

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 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 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. Sri Dhavam Industries**, 276/2B & 2C Kothankulam, Rajapalayam – 626117 had obtained an EPCG licence no. 3530001914 dt. 07.08.2006 for duty saved amount of Rs. 188,302/- for import of capital goods with an export obligation to export cotton yarn worth US\$ 32,361.24 within a period of 8 years from the date of issue of authorization. IEC no allotted to the company is 3506001523 dt. 04.07.2006.
6. **M/s. Sri Dhavam Industries** had not submitted statement of exports evidencing fulfillment of exports obligation as called for in spite of this office letters dt. 23.07.2010, 12.10.2012, 16.01.2013, 16.04.2013 and 8.8.2014.
7. Show cause notice dt. 27.10.2014 with personal hearing on 5.11.2014 at 11.30 a.m. was issued to the firm and its Proprietrix. In reply, vide letter dt. 3.11.2014 the firm had informed this office that they could not fulfill export obligation and willing to pay duty with interest to close this case. This office vide letter dt. 5.11.2014 had permitted the firm to pay duty with applicable interest to Customs authorities and to furnish challan to this office. So far the firm have not furnished documentary evidence for having duty with interest to regularize the case.
8. Demand notice was issued on 9.12.2014. There was no response from the firm. Hence the firm and Proprietrix was placed under Denied Entities List(DEL) vide order dt. 21.1.2015.

In the circumstances, the undersigned is now fully convinced that the Licensee and its Proprietrix 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. 6,51,700/- (Rupees Six Lakhs Fifty One Thousand and Seven Hundred only)** being one time CIF value on the Licensee and its Proprietrix 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 Proprietrix 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)

(S. Sasikumar)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE

To

M/s. Sri Dhavam Industries, 276/2B & 2C Kothankulam, Rajapalayam – 626117

Copy to:-

SMT. V.DHANALAKSHMI
PROPRIETRIX,
M/S SRI DHAVAM INDUSTRIES
165, PETHIAH STREET
RAJAPALAYAM PIN-626117

The Commissioner of customs,
Custom House,
Sea port,
Tuticorin – 628004 – with reference to bill of entry no. 393612 dt.
17.8.2006.