

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.35/21/21/123/AM08

Date: 08.12.2015

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. Shri Jaikant Singh, Additional Director General of Foreign Trade, Office of the Director General of Foreign Trade, Udyog Bhavan, New Delhi – 110011 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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4. **M/s. JAYEM & CO**, 20/11, SANTHAIPETTAI STREET, KOVILPATTI TAMILNADU PIN-628501 had obtained an EPCG licence no. 3530002680 dt. 18.06.2007 for duty saved amount of Rs. 153,993.06 for import of capital goods with an export obligation to export readymade garments worth US\$ 30,120.89 within a period of 8 years from the date of issue of authorization. IEC no allotted to the Company is 3507001110 dt. 28.05.2007.
5. **M/s. JAYEM & CO**, 20/11, SANTHAIPETTAI STREET, KOVILPATTI TAMILNADU PIN-628501 had not submitted documentary evidence for having fulfilled export obligation inspite of this office letters dated 09.07.2013, 10.11.2014, and 18.06.2015. This office letter dated 18.06.2015 was returned undelivered by the postal authorities with the remarks "Not known".
6. Show cause notice dt. 20.07.2015 with personal hearing 31.07.2015 at 10 a.m. was issued to the firm and it's Partners. This office Show Cause notice was returned undelivered by the postal authorities with the remarks "Left". There was no response either from the firm or from the Partners. Hence demand notice was issued on 30.10.2015 with direction to pay duty saved amount with applicable interest. This office Demand Notice was also returned undelivered by the postal authorities with the remarks "Left".
7. Since, there was no response from the Company. Hence **M/s. JAYEM & CO** was placed under Denied Entities List (DEL) Vide order dt. 17.11.2015. This office DEL order was also returned undelivered by the postal authorities with the remarks "Left".

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(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.13,83,852/- (Rupees thirteen lakhs eighty three thousand eight hundred and fifty two only (being one time cif value)** on the licensee and its Partners in addition to payment of customs duty saved amount 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 Partners 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.

Sly
(S. Sasikumar)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE
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To:

M/s. JAYEM & CO, 20/11, SANTHAIPETTAI STREET, KOVILPATTI TAMILNADU
PIN-628501

Copy to:-

SHRI N.MARIAPPAN PARTNER
M/s. JAYEM & CO
NO.58J, MUTHURAMALINGAR STREET
GANDHI NAGAR KOVILPATTI
PIN-628502

SMT. M.JAYA LAKSHMI PARTNER
M/s. JAYEM & CO
NO.58J, MUTHURAMALINGAR
STREET GANDHI NAGAR
KOVILPATTI PIN-628502

- 2) Shri Jaikant Singh, Additional Director General of Foreign Trade, O/o. The Directorate General of Foreign Trade, Udyog Bhavan, New Delhi – 110011.
- 3) The Additional Director General of Foreign Trade, Shashtri Bhavan, 4th & 5th Floor, Annexe, Haddows Road, Chennai – 600 006.
- 4) The Commissioner of Customs, Custom House, Sea Port, Chennai - 600001