

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.35/36/21/103/AM06

Date: 1.7.2016

ORDER-IN-ORIGINAL

PASSED BY: **R. MUTHURAJ**
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 THIRUMALAI SPINNING MILLS, 351/1 BYE-PASS ROAD, AVANIYAPURAM, MADURAI/TAMILNADU - PIN-625012 had obtained an EPCG licence no. 3530001082 dt. 30.6.2005 for duty saved amount of Rs. 3,96,305 for import of capital goods with an export obligation to export Cotton Yarn worth US\$ 68,402.15 within a period of 8 years from the date of issue of authorization. IEC no allotted to the firm is 3596004365.
6. Export obligation period expired on 29.6.2015. This office vide letter dt. 7.7.2013 & 29.6.2015 called for statement of exports. M/s. SRI THIRUMALAI SPINNING MILLS have not submitted statement of exports as called for. Hence M/s. SRI THIRUMALAI SPINNING MILLS violated the licensing condition.
7. Show cause notice dt. 20.07.2015 was issued to the firm and it's Partners with personal hearing on 31.07.2015 at 10.00 a.m. M/s. SRI THIRUMALAI SPINNING MILLS failed to submit documentary evidence for having fulfilled export obligation.
8. Demand notice dt. 28.10.2015 was issued to the firm and its Partners with direction to pay duty saved amount with applicable interest to the Customs authorities. M/s. SRI THIRUMALAI SPINNING MILLS have not submitted documentary evidence for having paid duty with interest. Hence M/s. SRI THIRUMALAI SPINNING MILLS was placed under Denied Entities List (DEL) on 18.12.2015.

In the circumstances, the undersigned is now fully convinced that the Licensee 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. 24,24,105/- (Rupees Twenty four lakhs twenty four thousand one hundred and five only)** being **one** time CIF value on the Licensee and its Partners 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.

R.M.
(R. Muthuraj)

JOINT DIRECTOR GENERAL OF FOREIGN TRADE

To

M/s.SRI THIRUMALAI SPINNING MILLS, 351/1 BYE-PASS ROAD, AVANIYAPURAM,
MADURAI/TAMILNADU - PIN-625012

MR.T.RAJAGOPAL (MANAGING PARTNER) 23, SOUTH KRISHNAN KOIL STREET, IV LANE, MADURAI, TAMIL NADU PIN-625001 Phone/Email:0452735077,735377, 9843050587	MR.T.SRINIVASAN A/5, LAKSHIMI ROAD, TVS NAGAR MADURAI PIN-625003	T.MARIAPPAN 23, SOUTH KRISHNAN KOIL STREET, IV LANE, MADURAI, TAMIL NADU PIN-625001
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Copy to:

- 1) The Additional Director General of Foreign Trade, Chennai
- 2) The Commissioner of Customs, Sea Port, Tuticorin Sea Port - 628004

1302-307

1.7.2016