

**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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File no. 35/21/021/00138/AM09

Date: 18.04.2017

**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, 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.

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.

5. M/s. Thangasamy Mills, 442/2, Kothankulam Village, M. P. Karisalkulam Post, Rajapalayam – 626110 had obtained an EPCG authorization no. 3530003327 dt: 09.07.2008 for duty saved amount of Rs. 1,15,275 for import of capital goods with an export obligation to export Cotton Yarn worth US\$ 16,010.41 within a period of 8 years from the date of issue of authorization. IEC allotted to the firm is 3504001534.
6. M/s. Thangasamy Mills, Rajapalayam, had not submitted statement of exports evidencing fulfillment of export obligation in spite of this office letter dt: 20.07.2016 and 25.01.2017. Hence M/s. Thangasamy Mills has violated the licensing condition.
7. Notice dt: 21.12.2016 under section 14 for action under section 11 – (2) (3) (5) (6) & (7) of FT (DR) Act 1992 as amended in 2010 and for action Under Para 5.17 of HBP & action under Rule 7(k) of the foreign Trade Regulation Rules, 1993 was issued to the firm and its partners with personal hearing on 18.01.2017 at 11 a.m to 1 p.m. In reply, vide letter dt: 18.01.2017, M/s. Thangasamy Mills requested for thirty days time for submission of documents. This Office vide letter dt: 25.01.2017 granted thirty days time for submission of documents for redemption. Though thirty days time is expired, M/s. Thangasamy Mills failed to submit documentary evidence for fulfillment of export obligation. Hence, M/s. Thangasamy Mills was placed Under Denied Entities List vide order dt: 18.04.2017.
8. In the circumstances, the undersigned is now fully convinced that the authorization and its directors are guilty of violating the conditions of the License 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. 4,00,000/- (Rupees Four Lakhs Only)** on the Licensee and its directors 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.

  
(R. MUTHURAJ)

Joint Director General of Foreign Trade

To,

M/s. Thangasamy Mills,  
442/2, Kothankulam Village,  
M. P. Karisalkulam Post,  
Rajapalayam – 626110.

Smt. T.Jothimani, 26,Kattuvinaayagar Koil Street, Rajapalayam -626117.	Shri. J.Ajay Thangbose, 26,Kattuvinaayagar Koil Street, Rajapalayam -626117.	Shri. J.Arun Thangasamy, 26,Kattuvinaayagar Koil Street, Rajapalayam -626117.
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Copy to:

- 1) The Additional Director General of Foreign Trade, Chennai.
- 2) The Commissioner of Customs, ICD Tuticorin for information.