



सरकारमेव जयते
Government of India

OFFICE OF THE ADDITIONAL
DIRECTOR GENERAL OF FOREIGN TRADE
4TH AND 5TH FLOOR, MINSITRY OF COMMERCE
SHASTRI BHAWAN ANNEXE,
NO.26,HADDOWS ROAD, CHENNAI 600 006.

Tel: 044-28283402
Dt.07.03.2014.

F.No.04/36/021/00425/AM03

ORDER – IN – ORIGINAL

PASSED BY: V.MURUGESAN,
ASST. DIRECTOR GENERAL OF FOREIGN TRADE,CHENNAI.

1. Any person /party aggrieved by this order may , under Section 15 of the Foreign Trade (Development and Regulation) Act ,1992 file and appeal against the same to the appropriate authority viz., The Additional Director General of Foreign Trade within a period of forty five 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 Annexures 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 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. Whereas you had obtained EPCG Licence No. 04300001011 DT. 12.03.2003 at 5% Customs duty under EPCG scheme for a CIF value of Rs.11196150/- (US\$233740.08) for import of capital goods as specified in the licence from the Office of Additional Director General of Foreign Trade, Chennai with an obligation of export **Rough Granite Blocks** for a FOB value of US\$1168700.40 from the date of issue of the licence.
6. And whereas you had neither submitted complete set of export documents as called for vide letter dated 02.08.2010 nor got the case regularized.

A Show Cause Notice of even no.dated 19.11.2013 was issued to you. The cause of the notice arose due to the allegation that the noticee firm had not fulfilled the export obligation against the said EPCG licence . You have not availed the personal hearing extended to you vide the said Show Cause Notice.

In the circumstances , the undersigned is now fully convinced that the Licensee firm/ company and its Propreitor are guilty of violating the conditions of the Licence in question thereby liable to penalty under section 11(2) of Chapter IV of Foreign Trade(Development & Regulation) Act , 1992 . In exercise of powers vested in me vide Notification dated 17th April 2009 issued by DGFT, New Delhi in F.No.18/27/HQ/06-07/ECA III, I hereby impose a penalty of **Rs.1,03,74,082/- (Rupees One crore three lakhs seventy four thousand and eighty two only) being 2 times Duty Saved value of the Licence** on the firm and on the Propreitor as no reply to the SCN and also no appearance of Personal Hearing granted to him.

I further order that no further licence shall be issued to the firm/company or to any other firm / Company in which the Proprietor /Partners/Directors of this firm/ Company in which the Proprietor/ Partner/Directors is / are directly or indirectly involved in the day - to - day activities of that firm 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.



(V.MURUGESAN)

ASST. DIRECTOR GENERAL OF FOREIGN TRADE.

TO

Dersatun
6422
10/5/14

1. M/s. Yellow Stones, No.81, Charles Nagar, Pudukottai – 622 005.
2. Shri.G.Sethumathavan, 33, Sivananthapuram II Street, Machuvadi, Pudukottai – 622 001.

Copy to

1. DGFT, New Delhi (ECA Section) for information
2. All Licensing Authorities
3. Commissioner of Customs Sea Customs, Chennai.

Dersatun
6431
10/5/14