

SP
FD-81275677A
29/6/15

LC: 0403009031

Government of India
Ministry of Commerce and Industry
(Department of Commerce)
Directorate General of Foreign Trade
Udyog Bhavan, New Delhi-110011



F.No.11/363/2012-13/ECA-I

Dated : 24th June, 2015
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Date of dispatch:

Name of the Appellant:
297,298,300,301,

M/s. SNY Autotech Private Ltd.,
Sugamtharumpedu Village Road,
Irungattukottai, Sriperumbadur Taluk
Kancheepuram Distt. -602 105.

Order-in-Original passed by:

Order-in-Original No.04/36/21/202/AM04
dated 17.12.2012 passed by RA, Chennai.

Order-in-Appeal passed by:

Shri Jaikant Singh
Appellate Authority &
Addl. Director General of Foreign Trade.

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Order-in- Appeal

M/s. SNY Autotech Pvt. Ltd., Chennai has filed an appeal on 22.01.2013 under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992 against Order-in-Original No. 04/36/21/202/AM 04 dated 17.12.2012 passed by RA, Chennai

2. The brief facts of the case are that M/s. SNY Autotech Pvt. Ltd., Chennai had obtained an EPCG License No 0430001335 dated 17.10.2003 at 5% Custom duty EPCG scheme for a duty saved value of Rs.1978917.24 /- for import of capital goods as specified in the license from the Office of Zonal Director General of Foreign Trade (now Addl. Director General of Foreign Trade), Chennai with an obligation for export of "Automotive components : Body Machining Primary/Secondary Piston" to be fulfilled within a period of 8 years from the date of issue of license. The party failed to submit proof of fulfillment of export obligation within the stipulated period. A Show Cause Notice dated 04.04.2012 was issued to the Company. The Show Cause Notice sent to the party on 04.04.2012 returned undelivered with postal remarks "Left". SCN dated 01.05.2012 sent to the party for the second time also returned undelivered with postal remarks "Left". SCN for adjudication was issued to the Registered Office/Director of the Company on 21.05.2012 and the same also returned undelivered with Postal remarks "Left" & "No such Person". As the appellant party failed to respond, penal proceeding were initiated against them and the Adjudicating Authority vide Order dated 17.12.2012, imposed a fiscal penalty of Rs.55,41,000/- on the Company and its Directors as no reply to the SCN/Demand Notice was received. Also no one appeared for personal hearing.

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3. Aggrieved by the above said Order-in-Original, M/s. SNY Autotech Pvt. Ltd., Chennai preferred the present appeal stating that they have fulfilled the export obligation around 16% in the first block, but could not make further export due to major slump in the economy of Western as well as Middle East

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countries. The party has stated that they have cancelled the export orders. The buyers have also changed the parts of automotive components in engineering and mechanical grade. In these circumstances, they could not start production of the final export product and faced huge financial losses. The party has also stated that staff members who were looking after liasioning work in their Company had also left the office. The party has further stated that Regional Authority has taken action against them for non-submission of export documents for fulfillment of export obligation and did not provide sufficient reasonable time for a personal hearing to explain their position. They have requested for a personal hearing in appeal also.

4. The appellant has also not submitted proof of depositing pre-deposit of penalty amount along with his appeal. In terms of provisions of Section 15 the Foreign Trade (Development and Regulation) Act, 1992, no such appeal shall ordinarily be entertained unless the amount of penalty or redemption charges has been deposited by the appellant.

5. However, the opportunity of Personal Hearing was granted to the Appellant party on 26.11.2014 and 16.12.2014 but no one appeared for the personal hearing. Regional Authority, Chennai has confirmed that the party has not furnished the documents of fulfillment of EO. The Party was further informed vide letter dated 27.03.2015 that as the EPCG committee granted extension to EPCG License No. 0430001335 dated 17.10.2003 upto 17.10.2013, it may confirm whether EO has been fulfilled and accordingly obtain EODC from Regional Authority. But they have neither confirmed the same nor responded till date. I have gone through the facts of the case available on records and there is no reason to interfere with orders of the adjudicating authority.

6. I, therefore, in exercise of the powers vested in me under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992, as amended, pass the following order.

ORDER

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Dated: 24th June, 2015

The appeal is dismissed.



(Jaikant Singh)

Addl. Director General of Foreign Trade

M/s. SNY Autotech Private Ltd.,
297,298,300,301, Sugamtharumpedu Village Road,
Irungattukottai, Sriperumbadur Taluk
Kancheepuram Distt.-602 105.

✓ Copy to : Jt. DGFT, Chennai for information and necessary action.



(R.S. Kunwar)

Dy. Director General of Foreign Trade