



GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
OFFICE OF THE ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE
4th & 5th Floor, SHASTRI BHAWAN, ANNEXE BUILDING,
26, HADDOWS ROAD, CHENNAI 600 006

File No.I(46)/ECA/Addl.DGFT/Che/AM 14 /613 Dated: 11.02.2014

Name of the Appellant: M/s.CRP (India) Pvt.Ltd.,
14-A(SP), Industrial Estate,
Guindy, Chennai – 600 032

Order Appealed Against: Order-in-Original
No.04/24/040/00171/AM07 dated 04.07.2013
Passed by Jt..DGFT., Chennai-6.

ORDER IN APPEAL

Passed by: Shri A.K. Choudhary,
Addl.Director General of Foreign Trade,
Chennai

Present on behalf of
the Appellant: Shri N. Selvarajan, Sr.Manager &
Shri G. Balasubramanian, Dy.Manager

M/s.CRP (India) Pvt.Ltd., Chennai – 600 032 filed an appeal against the **Adjudication Order No.04/24/040/00171/AM07 dated 04.07.2013** passed by **Jt..DGFT., Chennai-6** in terms of which a fiscal penalty was imposed on the firm for violation the conditions of **Advance Authorisation No.0410083283 dated 01.08.2006** for not submitting export documents for fulfillment of export obligation within time and also after seeking extended time limit.

2. M/s.CRP (India) Pvt.Ltd., Chennai – 600 032 obtained the subject Advance Aurtherisation No.0410083283 dated 01.08.2006 for a **c.i.f. value of Rs.37,18,374/-** for import of items duty free as specified in the licence with an obligation to export the resultant export product as specified in the licence for **f.o.b. value of Rs.87,88,674/-** as per conditions of subject authorisation in

question. The export obligation period expired on **31.08.2008**. The firm submitted certain documents for redemption on **16.7.2010**. On a scrutiny of the documents, the firm vide letter dated **22.12.2011** was advised to regularise excess imports and to produce some more documents viz: ANF-4F, Statement of Exports, Appendix 23 in the prescribed format, Original BRCs for 3 shipping bills and composition fee of Rs.9782/- for shortfall in value addition. There was no response from the firm to this letter. Thereafter, the firm's name/IEC was placed in Denied Entitles List (DEL) on 26.06.2013. Since the firm did not submit the complete export documents towards fulfillment of export obligation, a Show Cause Notice under Section 13 & 14 for action under Section 8, 9 & 11 and Rule 7 of the Foreign Trade (Development & Regulation) Act, 1992 was issued on **27.11.12** to the firm with opportunity of **Personal Hearing on 10.12.2012**. This show cause notice was returned undelivered by the Postal Authorities with remarks as "**Left**". Thereafter, the case was adjudicated and penalty of Rs.5,00,000/- was imposed on the firm on 04.07.2013.

3. Aggrieved by the above mentioned Adjudication Order dated 04.07.2013, the appellant firm filed an appeal dated 22.08.2013. In the appeal, the firm has stated that they had imported the goods with good intention and to export all the goods imported duty free towards discharge of export obligation fixed. They have further stated that due to lull in the global economic situation, the export obligation could not be fulfilled fully as undertaken in the said licence and that this global economic slow down is totally out of their control and agree to pay the full customs duty applicable together with interest from the date of import till the date of payment of duty.

After filing of the appeal, the firm vide their letter dated 26.08.2013, have produced proof of having remitted Customs Duty +interest for Rs.1,60,800/- to the Customs vide endorsement made on the reverse of the original licence. But the firm is yet produce documents called for vide this office letter dated 22.12.2011.

4. On 10.01.2014, the firm represented by Shri N. Selvarajan, Sr.Manager and Shri G. Balasubmanian, Dy.Manager appeared before the Appellate Authority for Personal Hearing vide Interview Slip No.14. They furnished proof of having remitted the customs duty + interest.

5. I have gone through the facts of the case available on record and the written submissions made by the firm.

" The firm is yet to submit the documents called for in this office letter dated 06.06.2012 and reiterated in letter dated 22.12.2011, though they have paid the Customs Duty and interest for the excess import "

6. I, therefore, in exercise of the powers vested in me under Section 15 read with Section 13 of the Foreign Trade (Development & Regulation) Act, 1992, as amended, pass the following order:

ORDER

File No.I(48)/ECA/Addl.DGFT/Che/AM 14

Dated: 11.02.2014

1. The Adjudication Order No.04/24/040/00171/AM07 dated 04.07.2013 passed by the Jt.DGFT., Chennai is set aside and the case is remanded back for de-novo consideration subject to submission of documents as called for by RA, Chennai.

opc

A.K.

(A.K. CHOUDHARY)
ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE

To

M/s.CRP (India) Pvt.Ltd.,
14-A(SP), Industrial Estate,
Guindy, Chennai - 600 032

Copy to: Jt.DGFT., Chennai for information.

sent through transit

Registered with Licensing File No

09/24/40/TEI/AM07 of CRP (India) Pvt Ltd

Chennai - 600032

LD

13/2/14

*Despatch
By speed post
LD
13/2/14.*