



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

---

File No.I(48)/ECA/Addl.DGFT/Che/AM 14/614 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.04/24/040/00425/AM07 dated 03.07.2013  
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.04/24/040/00425/AM07 dated 03.07.2013 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.0410087395 dated 07.02.2007** for not submitting the export documents for fulfillment of export obligation within the time and also after seeking extended time limit.

2. M/s.CRP (India) Pvt.Ltd., Chennai – 600 032 obtained the subject Advance Aurtherisation No.0410087395 dated 07.02.2007 for a c.i.f. value of **Rs.93,67,689/-** 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.2,22,40,100/- as per conditions of subject authorisation. in question. The c.i.f. value and f.o.b. value were enhanced to Rs.3,39,24,782/- and Rs.8,05,41,800/- respectively based on the firm's request letter dated 18.08.2007. The export obligation period expired on 28.02.2009. The firm submitted certain documents for redemption on 13.7.2010. On a scrutiny of the documents, deficiencies were pointed out asking the firm to submit the documents viz: ANF-4F, Original Debit Sheets, Original BRCs for 34 Shipping Bills, Original Shipping Bill No.3673033 and to regularise excess import and composite fee for Negative Value Addition, vide letter dated 06.06.2012. The firm did not reply to this letter. Thereafter, the firm's name/IEC was placed in Denied Entitles List (DEL). 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 27.11.2012 to the firm with opportunity of Personal Hearing on 10.12.2012. During the Personal Hearing on 7.12.2012, the firm sought 90 days time to submit the documents vide their letter dt.5.12.2012, but failed to do so. Thereafter, the case was adjudicated and penalty of Rs.10,00,000/- was imposed on the firm on 03.07.2013.

3. Aggrieved by the above mentioned Adjudication Order dated 03.07.2013, the appellant firm filed an appeal dated 23.08.2013. In the appeal, the firm has stated that they had imported the goods with good intention to export all the goods imported duty free towards discharge of export obligation fixed. They 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 as the global economic slow down is totally out of their control. Nevertheless, the Appellant agrees to pay the full customs duty applicable together with interest from the date of import till the date of payment of duty.

After filing the appeal, the firm vide their letter dated 02.09.2013 enclosed the original licence bearing the endorsement of having remitted Customs Duty +interest for Rs.11,76,518/- to the Customs on 20.08.2013 without the TR 6 Challan But the firm is yet produce other 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. Balasubramanian, 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 and enclosed photocopy of TR 6 Challan No.11952 dated 20.09.2013.

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 regularised the excess import by payment of Customs Duty and interest ”*

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.04/24/040/00425/AM07 dated 03.07.2013 passed by the Jt.DGFT., Chennai is set aside and the case remanded back for de-novo consideration subject to submission of documents as called for by RA, Chennai.

*q/c*

*[Signature]*

(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

*Despatch  
By Speed post*

*LD  
13/2/14*

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

*sent through transit  
Register with the*

*licensing file No - 04/24/40/425/AM07  
of CRP (India) Pvt Ltd che - 600032  
one BOX file extra with copies  
of documents LD  
13-2-14*