



**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(72)/ECA/Addl.DGFT/Che/AM 14 | 656 Dated: 28th Feb 2014

Name of the Appellant: M/s.Vijay Plas Fabs Pvt.Ltd., Chennai-35.

Order Appealed Against: Order-in-Original No.04/21/040/0013/AM 09
dated 16.09.2013 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: Ms.S. Nithya, Advocate

M/s.Vijay Plas Fabs Private Limited, 12, 2nd Floor, First Street, Nandanam extension, Chennai - 600 035, filed an appeal against the Adjudication Order No.04/21/040/0013/ AM 09 dated 16.09.2013 passed by the Jt.DGFT., Chennai in terms of which a fiscal penalty was imposed on the firm for non-submission of export documents towards fulfillment of export obligation.

2. **M/s.Vijay Plas Fabs Private Limited, 12, 2nd Floor, First Street, Nandanam extension, Chennai - 600 035**, obtained an Advance Authorisation No.0410097117 dated 11.07.2008 for a c.i.f. value of **Rs.59,70,787/-** for import of items duty free as specified in the licence, subject to the condition that the firm shall export the resultant product for a f.o.b. value of **Rs.86,99,435/-** as per conditions of authorisation in question. The export obligation period expired on **31.07.2010**. Since the firm failed to submit export documents towards fulfillment of export obligation, a Show Cause Notice dated **07.02.2013** was issued to the firm with opportunity of Personal Hearing on **15.02.2013**. The said show cause notice was returned undelivered by the postal authorities with remarks as "**Left**". The case was finally adjudicated and led to passing of the Adjudication Order dated 16.09.2013 presently appealed against by the appellant.

3. Aggrieved by the above mentioned Adjudication Order dated 16.09.2013, the appellant firm filed an appeal dated **05.11.2013**. In the appeal, the firm have stated that though they obtained the licence, the same was not utilised. Accordingly, vide letter dated **23.01.2014** a Personal Hearing was granted to the firm on **30.01.2014 at 12 Noon** to appear either in person or through legally appointed Attorney/Representative and in case on non-availing of the said personal hearing, the Appellate Authority shall be at liberty to dispose of the appeal ex-parte by relying on the evidence/documents already on record.

4. On 30.01.2014 the firm represented by **Ms.S. Nithya, Advocate** appeared before the Appellate Authority for Personal Hearing vide **I.S.No.22**. During the course of PH, she could not produce any documents for not having utilised the subject licence and sought some time upto **11.02.2014**, to produce the same, which was granted.

5. I have gone through the facts of the case available on record and the oral submissions made by the advocate during the course of Personal Hearing. Subsequently, **Advocate, Shri R. Alwan**, has submitted a letter dated **11.02.2014** duly enclosing the unutilised **Original Advance Authorisation No.0410097117 dated 11.07.2008**.

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(72)/ECA/Addl.DGFT/Che/AM 14

Dated: 28th Feb 2014

1. The Adjudication Order No.04/21/040/0013/AM 09 dated 16.09.2013 passed by the Jt.DGFT., Chennai is set aside and the case may be closed since the appellant firm has submitted the original unutilised subject Advance Authorisation.


(A.K. CHOUDHARY)

ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE

To

M/s.Vijay Plas Fabs Private Limited, 12, 2nd Floor, First Street,
Nandanam extension, Chennai- 600 035 No.1, First Link St.,
Regdawan Colony, Jaffreyhanpet, Chennai - 83.
Copy to: Jt.DGFT., Chennai, for information.

Despatch
By Speed post

LM
19/3/14.