



**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(83)/ECA/Addl.DGFT/Che/AM 14

Dated: 26th Feb 2014

Name of the Appellant: **M/s.Sri Devaraaja Agro Industries,
Krishnagiri.**

Order Appealed Against: **Order-in-Original No.04/21/040/00178/ AM 09
Dated 19.08.2013 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: **Mr.R. Arumugam, Manager**

**M/s.Sri Devaraaja Agro Industries, SF No.48/1-8, Metpenda
Kotharipetta Village, Krishnagiri - 635 001 filed an appeal against the
Adjudication Order No.04/21/040/00178/AM 09 dated 19.08.2013 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.Sri Devaraaja Agro Industries, SF No.48/1-8, Metpenda Kotharipetta Village, Krishnagiri - 635 001** obtained an **Advance Authorisation No.0410096020 dated 23.05.2008** for a c.i.f. value of **Rs.9,04,122/-** 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.11,30,152.50/-** as per conditions of authorisation in question. The appellant firm submitted documents for redemption vide letter dated **01.04.2010**. On scrutiny of the documents, this office vide letter dated **15.09.2010** directed the firm to submit original invoice certified by the customs and lorry receipt for all the invoices. As there was no reply, a Show Cause Notice dated **15.02.2013** was issued to the firm with opportunity of Personal Hearing on **25.02.2013**. The firm's representative **Mr.M. Sakthivel, Accountant** appeared for Personal Hearing vide **I.S.No.2578** dated **01.03.2013**. Thereafter, there has been no reply from the firm. The case was finally adjudicated and led to passing of the Adjudication Order dated **19.08.2013** presently appealed against by the appellant.

3. Aggrieved by the above mentioned Adjudication Order dated 19.08.2013 the appellant firm filed an appeal dated **03.12.2013**. In the appeal, the firm have stated that they have fulfilled the export obligation in full and have also realized the foreign exchange for the said exports to Nepal and requested for setting aside the adjudication order. Accordingly, vide letter dated **23.01.2014** a Personal Hearing was granted to the firm on **06.02.2014 at 11.00 AM** 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 **06.02.2014**, vide **I.S.No.25** the firm represented by **Shri R. Aurumugam, Manager** of the firm appeared before the Appellate Authority for Personal Hearing. He informed that the export obligation against the said advance authorisation had been completed in full by them. But, he was unable to produce proof and accountability of having utilised the import material for packing the export product. The appellant firm was thereafter advised to regularise the case by payment of customs duties + interest for closure of the case and was granted time to submit the necessary documents.

5. I have gone through the facts of the case available on record and the submissions made by the firm during the course of Personal Hearing. The appellant firm on has submitted a letter duly enclosing proof of having remitted

the customs duties + interest to the tune of Rs.5,97,550/- vide TR 6 Challan dated 13.02.2014 to the Customs, Chennai.

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

Dated: 26th Feb 2014

1. The Adjudication Order No.04/21/040/00178/AM 09 Dated 19.08.2013 passed by the Jt.DGFT., Chennai, is set aside and the case may be closed since the appellant firm has paid the customs duties and interest in full in the instant case.



(A.K. CHOUDHARY)

ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE

To

M/s.Sri Devaraaja Agro Industries, SF No.48/1-8, Metpenda Kotharipetta
Village, Krishnagiri - 635 001

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