



भारत सरकार Govt. of India

वाणिज्य एवं उद्योग मंत्रालय M/o Commerce and Industry

ऑचलिक अपर महानिदेशक विदेश व्यापार का कार्यालय

Office of the Zonal Additional Director General of Foreign Trade

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F.No.A(05)/Addl.DGFT/ECA/Chennai/19-CBE

Dated 30/10/2018

Name of the Appellant

M/s Vijay Priya
No. 367/2, Periya Thottam,
Angeripalayam,
Tirupur 641603

Order appealed against

Order -in-Original No.
32/21/021/01263/AM 06
dated 13/02/2018 issued by
Office of Jt.DGFT, Coimbatore

Order-in-Appeal passed by

Shri D.K.Sekar, Appellate Authority and
Zonal Addl. Director General of
Foreign Trade, Chennai

Order-in-Appeal

M/s Vijay Priya, Tirupur 641603 has filed this Appeal under Section-15 of the Foreign Trade (Development & Regulation) Act, 1992, against Order-in-Original No. 32/21/021/01263/AM 06 dated 13/02/2018, passed by Office of Jt.DGFT, Coimbatore.

2. M/s Vijay Priya, Tirupur 641603 had obtained an EPCG authorisation No. 3230006075 dated 24.01.2006 for Rs. 1,13,520/- from the Office of JDGFT, Coimbatore, with export obligation for export of knitted readymade garments for a FOB value of US\$ 20,025/- within a period of 8 years from the date of issue of authorization. The Firm had not submitted documents evidencing fulfillment of export obligation. Therefore, Order-in-Original dated 13.02.2018 imposing penalty of Rs. 2,27,040/- was passed and the firm was also placed in Denied Entity List by the Adjudicating authority.

3. Aggrieved by the above said Order-in-Original, the firm has preferred the present appeal on 15.03.2018. The firm has requested to waive the condition of pre-deposit of penalty. The condition of pre-deposit of penalty is waived.

4. The firm in their appeal have said that they have not utilised licence and hence there is no export obligation to be fulfilled. The appellant states that they have replied to the Show Cause Notice issued.

...2/-

5.The appellant was granted Personal Hearing on 11.09.2018. Shri S.Nandakumar, Partner and Shri R.Govindaraj, Manager of the firm attended the personal hearing. During the hearing the partner stated that they had not imported the goods under the licence and they also do not have the original licence. They wanted that a duplicate licence be issued to enable them to obtain non-utilisation certificate from Customs. It was informed to them that the duplicate licence cannot be issued at this stage and were asked to provide evidence that no import took place. They stated that they would approach customs authorities and bring evidence confirming the same for which they sought one month time. The firm has now submitted a copy of non-utilisation certificate dated 23.10.2018 issued by Customs, Chennai.

6.I have gone through the submissions made by the appellant in the appeal and during the personal hearing. It is evident from the copy of certificate issued by Customs, that the firm had not utilized the licence.

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

F.No.A(05)/Addl.DGFT/ECA/Che/AM 19-CBE

Dated 30 /10 /2018

1. The Order in Original is set aside.
2. The case is remanded back to the adjudicating authority for de-novo examination and appropriate orders.



(D.K.SEKAR)

Zonal Additional Director General of Foreign Trade

M/s Vijay Priya
367/2, Periya Thottam,
Angeripalayam,
Tirupur