



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(37)/Addl.DGFT/ECA/Che/AM 19/Cbe

Dated 15/10/2019

Name of the Appellant

M/s Supreme Match Industries
Door No. 816, Main Road,
Kovilpatti 628501
IEC No. 3508007952

Order appealed against

Order –in-Original No.
35/21/021/0438/AM09 dt. 09.08.2017
issued by Office of Jt.DGFT, Madurai

Order-in-Appeal
Passed by

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

Order-in-Appeal

M/s Supreme Match Industries, Kovilpattii 628501 has filed this Appeal under Section-15 of the Foreign Trade (Development & Regulation) Act, 1992, against Order-in-Original No. 35/21/021/0438/AM 09 dated 09.08.2017, passed by Office of Jt.DGFT Madurai

2. M/s Supreme Match Industries, Kovilpattii 628501, had obtained EPCG licence No. 3530003628 dated 26.03.2009 for a duty saved value of Rs. 10,16,500/- from the Office of Jt.DGFT, Madurai with an obligation to export safety matches for a FOB value of US\$ 1,61,669.98 within a period of 8 years from the date of issue of authorization. The Firm had not submitted documents evidencing fulfillment of export obligation after the completion of export obligation period. As there was no response to the Show Cause Notice issued to the firm and its partners, the firm was placed under Denied Entities List vide DEL Order dated 05.07.2017. As still there was no response from the firm, Order-in-Original no. 35/21/021/0438/AM 09 dated 09.08.2017 was issued imposing penalty of Rs. 40,66,000/- was passed .

3. Aggrieved by the above said Order-in-Original, the firm has preferred the present appeal on 18.02.2019.

4. The appellant has requested to condone the delay in filing of appeal as they could not file the same within the time limit due to health reasons. It has been stated that the said EPCG licence had been surrendered with Office of Jt.DGFT Madurai and has submitted copy of acknowledgement for the same. Hence the appellant has requested for withdrawal of penalty amount as their financial situation is not good.

6.I have gone through the appeal and the submissions made therein. It is seen that the date of issue of Order in Original is 09.08.2017 and the appeal has been filed on 18.02.2019 which is beyond the time limit prescribed for condonation of delay in filing of appeal.

7.Section 15 (1)(b) of the Foreign Trade (Development & Regulation) Act, 1992, as amended reads as follows:

(b) ' Where the decision or order has been made by an officer subordinate to the Director General, to the Director General or to any officer superior to the adjudicating authority authorized by the Director General to hear the appeal, within a period of forty-five days from the date on which the decision or order is served on such person; Provided that the appellate authority, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the aforesaid period, allow such appeal to be preferred within a further period of thirty days'.

8. 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(37)/Addl.DGFT/ECA/Che/AM 19/Cbe

Dated 15/10/2019

The appeal of the firm is dismissed as the appellate authority does not have power to condone delay in submission of appeal beyond the maximum allowed period, as per the above provision in Section 15(1) of the FTDR Act 1992.

Sd/-

(D.K.SEKAR)

**Appellate Authority &
Zonal Additional Director General of Foreign Trade**

M/s Supreme Match Industries
Door No. 816, Main Road,
Kovilpatti 628501

Copy to: **Jt.DGFT, Madurai for necessary action.**

(D.K.SEKAR)