



सत्यमेव जयते

भारतसरकार Government of India

वाणिज्य एवं उद्योग मंत्रालय Ministry of Commerce and Industry

आंचलिक अपर महानिदेशक विदेश व्यापार कार्यालय

Office of the Zonal Additional Director General of Foreign Trade

26, हैडोसरोड 26, Haddows Road

चौथी मंजिल, शास्त्री भवन अनेक्स 4th Floor, Shastri Bhavan Annexe

चेन्नै-600006 Chennai - 600006

Phone: 044-28283404/08

E-mail: chennai-dgft@nic.in

F.No.04/95/A(39),(38) /Addl.DGFT/ECA/AM20

Dated 11 /03/2020

Name of the Appellant

M/s Allwyn Tex
No. 46, Teachers Colony, 3rd Street,
Angeripalayam Road,
Tirupur 641602

Orders appealed against

Order-in-Original No.
32/21/021/01730/AM 06 dt. 21.07.2016
32/21/021/01509/AM 06 dt. 21.07.2016
issued by Office of Jt.DGFT Coimbatore

Order-in-Appeal
Passed by

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

Order-in-Appeal

M/s Allwyn Tex, Tirupur has filed this Appeal under Section-15 of the Foreign Trade (Development & Regulation) Act, 1992, against Order-in-Original Nos. Tabulated below passed by Office of Jt.DGFT Coimbatore.

| Order in Original No. Dated | Licence No. and date | Duty Saved Value Rs. | Penalty imposed Rs. | Date of Appeal |
|--|------------------------------|----------------------------|---------------------------|-------------------|
| 32/21/021/01730/AM06 dt.21.07.2016 | 3230006493 dt. 23.03.2006 | 202376/- | 404752/- | 18.10.2019 |
| 32/21/021/01509/AM06 dt. 21.07.2016 | 3230006278 dt. 01.03.2006 | 2775884.81/- | 5551770/- | 24.10.2019 |

2. M/s Allwyn Tex, Tirupur had obtained EPCG licence Numbers as detailed above from the Office of Jt.DGFT, Coimbatore with an obligation to export for a FOB value as given in the respective licences, within a period of 8 years from the date of issue of authorization. As the Company had not submitted the export obligation fulfillment documents even after expiry of the export obligation period, Demand Cum Show Cause Notice dated 26.2.2014 and 17.02.2014 respectively, were issued. Since there was no response, the firm was placed under DEL and Orders in Original dated 21.07.2016 were issued imposing penalty as tabulated above against the respective Orders.

3. Aggrieved by the above said Orders-in-Original, the firm has preferred the present appeals on the dates mentioned against the respective Orders, as tabulated. The appellant has stated that since their staff had resigned, they could not file the appeal in time and hence have sought condonation of delay in filing the appeal. The appellant states that they have fulfilled the export obligation during the year 2007 itself but there was a delay in submitting in redemption documents due to frequent transfer of their staff and hence could not collect the relevant documents in time. Hence the appellant has requested to set aside the Order in Original.

4. I have gone through the appeal and the submissions made therein. It is seen that the date of issue of Orders in Original is 21.07.2016 and the appeal has been filed on 18.10.2019 and 24.10.2019 respectively, which are beyond the time limit prescribed for condonation of delay in filing of appeal.

5. 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'.

6. 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.04/95/A(39),(38) /Addl.DGFT/ECA/AM20

Dated 11/03/2020

The appeals of the firm are dismissed as the same are Time Barred, as per above provisions of the FTDR Act 1992.


(D.K.SEKAR)

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

M/s Allwyn Tex
No. 46, Teachers Colony, 3rd Street,
Angeripalayam Road,
Tirupur 641602