

Government of India
Ministry of Commerce & Industry
Office of the Addl. Director General of Foreign Trade(East Zone)
4, Esplanade East , Kolkata – 700 069.

F. No. 02/21/021/00065/AM'06

Date :10.12.2015

ORDER-IN-ORIGINAL

1. Any person /party aggrieved by this order , may under Section 15(1)(b) of the Foreign Trade (Development & Regulation) Amendment Act, 2010, file an appeal against the same to the appropriate authority viz. The Addl. Director General of Foreign Trade, Kolkata within 45 days from the date of serving of this Adjudication Order together with a copy of this order and complete set of evidence in the form of annexure to the appeal relied upon in support of the appeal under intimation to this office.

2. Any person/party desirous of filing an appeal against this order shall deposit the penalty amount along with the appeal to the Appellate Authority filing which the appeal is liable to be rejected for non-compliance of the provisions of Section 15(1) of the Foreign Trade (Development & Regulation) Amendment Act, 2010.

3. The penalty amount is to be deposited under the " Heads of Account : 1453 Foreign Trade and Export Promotion Minor Head 102 other receipts and penalties etc" Imports and Exports Control Organization maintained by Central Bank of India, Kolkata.

4. An evidence of payment of penalty or appeal is required to be submitted to the Adjudication Authority within 45 days from the date of serving of this adjudication order, failing which import-export code no. of the persons/companies entities concerned is liable to be suspended as per provision of Section- 11(7) and as well the penalty amount shall be recovered as an arrear of land revenue under the provisions of section-11(5)(d)(1) of Foreign Trade (Development & Regulation) Amendment Act, 2010 as amended without making any further reference to them.

5 The brief fact of the case is that M/s Sun Biotechnology Ltd.,21A-Shakespeare Sarani, Kolkata-700 017,W.B., having IEC No. 0295024755 (hereinafter referred to as "the firm") obtained an EPCG Authorization No.0230001053 dated 30.6.2005 for import of Capital Goods (as a Manufacturer Exporter) for a Duty Saved Value Rs.6,30,189.99/- with an Export Obligation of Rs.50,41,519.92/-(US\$-1,08,770.65) to be completed within a Period of 8 years from the date of issue of the License. As per the condition of the license the original Export Obligation within two months from the date of expiry of the said obligation period.

6. And whereas, the firm's export obligation period has expired on 20.09.2013 but the firm could not furnish any export documents. Therefore, a Show Cause Notice was issued to the firm on 15.09.2015 giving them 15 days time for submission of written reply. Since the firm have failed to submit the written reply, Circular for refusal of licence has been issued to them on 30.09.2014 in terms of Section 9(2) of the Foreign Trade(D&R) Act, 1993 read with Rule 7(1)(a) and (K) of Foreign Trade (Regulation) Rules,1993, where as the firm is also liable for violation of FT (DR) act.

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