

MINISTRY OF COMMERCE
OFFICE OF THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE
4, ESPLANADE EAST ; ; KOLKATA-700069.

F.No.02/21/021/00194/AM'05/ 468.470

Dated :- /06/2014.

01.07.2014

Order – in – Original

1. Any person/party aggrieved by this order, may under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992, file an appeal against the same to the appropriate authority Viz. the Addl. Director General of Foreign Trade within 45 days from the date of serving of this Adjudication Order with a copy of this order and a 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 failing which the appeal is liable to be rejected for non-compliance of the provisions of Section 15 of the Foreign Trade (Development & Regulation) Act, 1992.
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. 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, Imports-Export Code Number of the persons/companies entities concerned is liable to be suspended and penalty amount shall be recovered as an arrear of land revenue under the provisions of Section 11(4) of Foreign Trade (Development & Regulation) Act, 1992 without making any further reference to them.
5. The brief facts of the case is that M/s. Balaji Paper & Newsprint Pvt. Ltd., 23, Brabourne Road, 5th Floor, Kolkata-700001 (IEC No.0204011965) obtained EPCG Authorization No.0230000748 dt.18.10.2004 for import of Capital Goods for a Duty Saved value of Rs.300,890.00 with an export obligation of Rs.2,407,120.00 (US\$51,933.54) to be completed within a period of 8 years from the date of issue of the licence. As per the condition of the licence they are to submit export documents having fulfilled the stipulated export obligation within two months from the date of expiry of the said obligation period.

6. The firm has thus so far failed to fulfill the export obligation within stipulated period and have not submitted the export documents so far. Accordingly, this office had issued Show Cause Notice on 24.02.2014 to explain as to why action under Rule 11(2) of the Foreign Trade (Development & Regulation) Act, 1992 should not be initiated for violation of the conditions of the license for availing import of capital goods at concessional rate of Customs Duty in violation of the Exim Policy. A refusal order dated 15.10.2012 has been issued for issuance of further licence/renewal to the under mentioned firm/directors under any category in terms of section 9(2) of the Foreign Trade (D&R) Act, 7(i)(a) and (k) of Foreign Trade (Regulation) Rules, 1993. A personal hearing allowed on 13.05.2014 was not availed nor replied along with supported documents.

ORDER

7. Therefore, In exercise of the power as vested in me under Section-13 of Foreign Trade (Development & Regulation) Act, 1992. Further, I do hereby impose fiscal penalty of Rupees 3,00,000/- (Three Lakhs Only) only in addition to payment of Customs Duty and as well the interest payment at the rate of 15% p.a. for 10 years on M/s. Balaji Paper & Newsprint Pvt. Ltd., 23, Brabourne Road, 5th Floor, Kolkata-700001 its Proprietor under Section-11(2) of the said Act and they are collectively and severally made responsible to deposit the said penalty amount.

8. This order is issued without prejudice to any other actions that may be taken against the company under any other Rules/Law in force.


(R.L. MEENA)

JOINT DIRECTOR GENERAL OF FOREIGN

To

1. M/s. Balaji Paper & Newsprint Pvt. Ltd., 23, Brabourne Road, 5th Floor, Kolkata- 700001.
2. Shri Ram Awtar Agarwal, Late R.K. Agarwal, 35A, Ballygunge Place, Kolkata- 700019.
3. Smt. Ritu Agarwal, 35A, Ballugunje Place, Kolkata-700019
4. File copy.