

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

F.No.02/21/021/00384/AM'07

Dated :- 05/02/2016

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 , Kolkata , within 45 days from the date of serving of this Adjudication Order alongwith 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 an EPCG License bearing No.0230001876 dt.02.11.2006 was issued to M/s Sip shing Tannery, 51/3C, South Tangra Road, Kolkata-700046 (IEC No.0294004556 under Export promotion Capital goods Scheme allowing import of duty free goods worth of Rs.544870.00 with an Export Obligation of FOB Rs.4358960.00 (US\$94452.00) to be fulfilled within the period specified in the said licence .

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6. The firm has thus so far failed to fulfilled the export obligation within stipulated period (**Export obligation period expired on 01.11.2014**) and not submitted the export documents. Accordingly, this office had issued **Show Cause Notice on 05.05.2015** as to why action under Section 11(2) of the Foreign Trade (Development & Regulation) Act, 1992 should not be initiated for violation of the conditions of the license and import capital goods at concessional rate of Customs Duty in violation of the Exim Policy. Subsequently **Defaulter order was issued on 22.07.2015** under 7(1) (k) of the Foreign Trade (Regulation) Rule 1993 hereby declare the firm a defaulter and order that no further licence be issued to the firm or an existing licence be renewed till this order is withdrawn. Further, under Section 14 of the Foreign Trade (Development & Regulation) Act. 1992 **Show cause notice was issued on 05.11.2015** to M/s Sip shing Tannery, 51/3C, South Tangra Road, Kolkata-700046 & its Directors are hereby called upon to show cause as to why fiscal penalty should not be imposed upon them under section 11 of the Foreign Trade (Development & Regulation) Act, 1992 for violation of the conditions of the licence and import of Capital goods at concession rate of Customs duty in violation of Exim Policy.

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 Three Lakhs (Rs.3,00,000.00) in addition to payment of Customs Duty and as well the interest payment at the rate of 15% p.a. on to M/s Sip shing Tannery, 51/3C, South Tangra Road, Kolkata-700046 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.

(K. M. HARILAL)

DY. DIRECTOR GENERAL OF FOREIGN TRADE

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To,
M/s Sip shing Tannery, 51/3C, South Tangra Road, Kolkata-700046