

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

F.No.02/21/021/00455/AM07

Dated :- 28 /01/2016

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 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 Gandhmardan Sponge Industries (P) Ltd, P-3, New CIT Road, 2nd Floor, Kolkata-700073.. having an **IEC No.0296002615** (hereinafter referred to as “the firm”) obtained EPCG Authorization No.0230001912 dt.15.11.06.. for import of Capital Goods for a Duty Saved value of Rs.3504237.81 with an export obligation of Rs.28033902.48.. (US\$ 615453.80) 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 03.11.15. to explain as to why action under Rule 7(i) (k) 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 03.11.15. 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. Further a Show Cause Notice vide sec.14 for penalty under sec.11(2) as per FDTR has been issued giving enough opportunity to represent their case, however, have failed to reply to the said notice.

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 Rs.20 lacs 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.GANDHMARDAN Spong Industries (P) Ltd,P-3, New CIT Road,2nd Floor, Kol-73. 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
FOR ADDL. DIRECTOR GENERAL OF FOREIGN TRADE

- 1) M/s. Gandhmandhan Spong Industries (P) Ltd.P-3, New CIT Road, 2nd Floor, Kolkata-700073.l-
- 2) Shri Raj Kumar Agarwal,Director,Shree Jagannath Bhavan,Kathagada,Sahi Cuttack-753001.
- 3) To The commissioner of Customs, 15, Strand Road, EPCG Cell, Gr.VII, Kolkata-700001
- 4) File Copy.