

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

F.No.02/21/021/00627AM-07

1105-1107
Order - in - Original

Dated : 11.02.2016

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 (at kolkata) 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 Kesoram Industries Ltd., Unit Birla Tyres H.O., 53, Syed Amir Ali Avenue, 5th Floor, Kolkata-700019 having an (IEC No.0288017889) (hereinafter referred to as "the firm") obtained EPCG Authorization No.0230002093 dt.16.01.2007 for import of Capital Goods (as a Manufacturer Exporter) for a Duty Save value Rs.66802376.43 with an export obligation of Rs.534419011.44 (US\$11955682.58) to be completed within a period of 8 years from the date of issued 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.

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6. The firm has thus, so far failed to fulfilled the export obligation within stipulated period. A SCN issued on 24.11.2015 Hence, failing to reply, the offices issued a refusal order dt. under rule 7 (1) for non-compliance of documents. Accordingly, this office had issued Show Cause Notice under section 14 on 24.11.2015 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.

ORDER

7. Therefore, In exercise of the power as vested in me under Section-13 of Foreign Trade (Development & Regulation) Act, 1992. I do hereby impose fiscal penalty of Rs.1,00,00,000/-(One Crore) in addition to payment of Customs Duty and 15% interest p.a for 12 years on M/s Kesoram Industries Ltd., Unit Birla Tyres H.O., 53, Syed Amir Ali Avenue, 5th Floor, Kolkata-700019 and its Directors 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 the Foreign Trade (Development and Regulation) Act,1992 and the rules and order made thereunder or any other law in force.

(K.M. Harilal)

Dy. DIRECTOR GENERAL OF FOREIGN TRADE
km.harilal @ nic.in.

To
To

- 1 M/s Kesoram Industries Ltd., Unit Birla Tyres H.O., 53, Syed Amir Ali Avenue, 5th Floor, Kolkata-700019
2. Sri Krishna Gopal Maheshwari, Maheswari House, 361, Jagmohandas Marg, Mumbai-400036.
3. ~~Sri Promod Kumar Khaitan, 18, old Post Office Street, Kolkata-700001.~~
5. F.T.D.O B/L Cell.
6. Addl. DGFT, Kolkata,

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

F.No.02/21/021/00373/AM-07

1108-107
Order – in – Original

Dated : 11.02.2016

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.

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5. The brief facts of the case is that M/s Kesoram Industries Ltd., Unit Birla Tyres H.O., 53, Syed Amir Ali Avenue, 5th Floor, Kolkata-700019 having an (IEC No.0288017889) (hereinafter referred to as "the firm") obtained EPCG Authorization No.0230001818 dt.16.10.2006 for import of Capital Goods (as a Manufacturer Exporter) for a Duty Save value Rs.10020168.75 with an export obligation of Rs.80161350.00 (US\$1736973.99) to be completed within a period of 8 years from the date of issued 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.

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