

J.S.D.
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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
OFFICE OF THE ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE
4, ESPLANADE EAST ; KOLKATA-700069.

F.No.02/36/021/00065/AM'04/ 539 81

Dated : 16/07/2014

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, Kolkata within 45 days from the date of serving of the 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 of 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(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 Organisation maintained by Central Bank of India, Kolkata.
- 4) An evidence of payment of penalty or appeal is required to be submitted to the Adjudication Order, failing which, Imports-Exports Code Number of the persons/companies entities concerned is liable to be suspended as per provisions of Section 11(7) and as well the penalty amount shall be recovered as an arrear of land revenue under the provision of section-11(5)(d)(1) of Foreign Trade (Development & Regulation) amended act, 2010 as amended without making any further reference to them.
- 5) The brief facts of the case is M/s. Classic Furniture Manufacturing and IEC No. 0294020462 (hereinafter referred to as "the firm) obtained EPCG Authorization No.0230000401 dt. 02.09.2013 for import of Capital Goods for a Duty Saved value of Rs.12,04,120.00 with an export obligation of Rs.96,32,960.00 (US\$ 2,01,315.77) to be completed within a period of 8 years from the date of issued of the licence. As per the condition of the license 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 the export documents so far. Accordingly, this office had issued Show Cause Notice on 28.12.2012 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 licence for availing import of Capital Goods at concessional rate of Customs Duty in violation of the Exim Policy. Further a Refusal order dated 31.03.2013 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, 9(i). (a) and (k) of Foreign Trade (Regulation) Rules, 1993. In spite of further communication to the firm, the firm neither replied

At

nor attended any personal hearing allowed to them vide Show Cause Notice under sec.14 for action under sec. 11 (2) as per FTDR 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. 12,00,000/- (Twelve Lakhs only) in addition to payment of Customs Duty and as well the interest payment at the rate of 15% p.a. for 10 years of M/s. Classic Furniture Manufacturing Co. Pvt. Ltd., 13, Camac Street, Kolkata-700017 its Proprietor under section-11 (2) of the said Act and they are collectively and severally made responsible to deposit the said amount.

8) This order is issued without prejudice to any 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. Classic Furniture Manufacturing Co. Pvt. Ltd., 13, Camac Stree, Kolkata-700017
- (2) Shri Rajesh Mundhra, 5C, Alipore Road, Kolkata-700027.
- (3) The Asstt Commissioner of Customs, EPCG Cell, Group 7, Customs house, 15/1, Strand Road, Kolkata – 700 001.