

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE
OFFICE OF THE ADDL. DIRECTOR GENERAL OF FOREIGN TRADE
4, ESPLANADE EAST : KOLKATA - 700 069.
E.mail: jtdgftkol@nin.in : Tel-22486831-34.

No. 02/21/40/313/AM'11

414

dated : 04.02.2016

ORDER IN ORIGINAL

IEC NO.0205007660

01. Any person aggrieved by the order may under Section 15 of the Foreign Trade (Development and Regulation) Act, 1992 file an appeal against the same to the Additional Director General of Foreign Trade, Udyog Bhawan, New Delhi - 110 011 within a period of 45 days from the date of serving of this order together with a copy of this order and complete set of evidence to be relied upon in support of the appeal in the form an annexure.
02. 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 and Regulation)Act, 1992.
03. The Penalty amount is to be deposited within a period of 45 days from the date of issue of this order under the Head of Amount "1453 Foreign Trade and export Promotion" Minor Head - 102 other receipts, fines and penalties etc. failing which the Importer Exporter code allotted to the party may be suspended without any further notice, till payment of the full fiscal penalty amount. The penalty amount is liable to be recovered as an arrear of land revenue under the Provisions of Section 11(4) of the Foreign Trade (Development & Regulation) Act, 1992 without making any further reference to them.
8. A show cause notice of even number dated 18.11.2015 with opportunity of Personal Hearing was issued to M/s. BRG Iron & Steel Co.Pvt.Ltd. (Formerly Bhuvee Profiles & Stainless Pvt.Ltd.) Godrej Waterside, Suit No.403,404, Plot No.5, Sector-V, Salt Lake City, Kolkata-700091 (I.E.C. NO.0205007660) (hereinafter referred to as the firm) and their Directors under Rule-7 of Foreign Trade (Regulation) Rule 1993 read with Section 9 of the F.T.D.R.Act,1992 and also called upon to Show Cause under Section 11(2) of the F.T.D.R.Act,1992 within 15 days from the date of issue of S.C.N. as to why penalty should not be imposed against them in terms of of the said act and rules for violation of the conditions of the Advance Authorisation bearing no. 0210152625 dt.24.12.2010 issued to them. The reason for the notice arose from the fact that the firm had failed to fulfill the export

obligations. Since the firm could not submit documents towards fulfillment of export obligation defaulter order under Foreign Trade (Development & Regulations) Act,1992 and in terms of Clause 7(1)(k) of Foreign Trade (Regulations) Rules 1993 read with Section 9 of F.T.D.R.Act,1992 was issued on 05.01.2016

5. I have gone through the facts and records of the case carefully, I find that the firm had obtained the Advance Authorisation No.0210152625 dt.24.12.2010 for duty free import of items as allowed in the authorization with the obligation to earn FOB value of US\$19800000.00 by export of item as indicated in the authorisation. to foreign Countries within the stipulated period.
6. Since after expiry of the export obligation period, the firm has not produced all documents prescribed in Para 4.25 of the Hand Book of Procedures, 2004-09 as evidence for fulfillment of export obligation, in exercise of the powers vested in me under Section 13 of the Foreign Trade (Development & regulation)Act,1992 and Section 11 of the said act, I hereby impose a penalty of Rs25,00,000/-(Twenty-five lakhs only) on the noticee firm and their Directors so that it acts as deterrence against any such misadventure by the firm in future. They are collectively and severally responsible to deposit the said penalty amount. This is in addition to the Customs duty and interest @15% payable for excess import made by the firm.
7. This action is without prejudice to any other actions that may be taken against the firm under the Foreign Trade (Development & Regulation) Act, 1992 and the rules and order made there under or any other act or law in force.



(V. SRAMAN)

JT.DIRECTOR GENERAL OF FOREIGN TRADE

To

13. M/s/BRG IRON Steel Co. Pvt., Godraj Waterside, Suit No.403, 404, Plot No.5, Sector-V, Salt Lake city, Kolkata-700091,
14. Mr.Sandeep Goyal, DL-18, Salt Lake, Kolkata-700091,
15. F.T.D.O. (B.L.Cell) *Computer Cell*