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REGISTERED

GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
OFFICE OF THE ADDL. DIRECTOR GENERAL OF FOREIGN TRADE  
4, ESPLANADE EAST :: KOLKATA-700069  
e-mail no.dgft@wb.nic.in : Tel.: 2248-6831-34

No.ALS-C/02/24/40/00004/AM09

Dated: 02/04/2014

ORDER - IN - ORIGINAL

Passed by:-

R. L. MEENA, Joint Director General of Foreign Trade.

1. Any person aggrieved by the order may, under 15 of the Foreign Trade(Development and Regulation) Act,1992 file an appeal against the same to the appropriate authority i.e. the Additional Director General of Foreign Trade, Udyog Bhawan, New Delhi-110 107 within a period of 45 days from the date of serving of this Order together with a copy of this order and a complete set of evidence to be relied upon in support of the appeal in the form an annexure.
2. An 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(I) of the Foreign Trade(Development and Regulation)Act,1992.
3. The penalty amount is to be deposited within a period of 15 days from the date of issue of this order under the head of account "1453 Foreign Trade & Export Promotion", Minor Head - 102 other receipts, fines and penalties etc. failing which, the Importer Exporter Code Number 0793017106 allotted to the party may be suspended without any further notice, till payment of the full fiscal penalty amount.
4. A notice of even number dated 13/02/2014 was issued to M/s. Nokia Siemens Networks India Pvt.Ltd., Salt Lake Works, Block-GP, Plot-G, Sector-V, Salt Lake Electronics Complex, Bidhan Nagar, Kolkata-700 091(hereinafter referred to as the "Noticee firm") under section 14 of Foreign Trade (Development & Regulation) Act,1992, calling upon the noticee firm to show cause as to why fiscal penalty should not be imposed upon them under section 11(2) of the said act for violation of the conditions of the Advance License bearing No. 0210113297 dt.04.06.2008 issued to them. The Noticee was given 30 days time for submission of their reply and opportunities for personal hearing may be obtained. The reason for the notice arose from the fact that the firm had failed to fulfill the export obligation imposed against the above mentioned Advance License.

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5. I have gone through the facts and records of the case carefully. I find that M/s Nokia Siemens Networks India Pvt. Ltd. Kolkata-700 091 had obtained the above mentioned advance license for duty free import of items as allowed in the license for a CIF value of Rs.22968126.41(\$546860.15). One of the conditions of the license was that the licensee would, within the stipulated period and it will begin from the date of importation of the first consignment against the said license, licensee would export of items as allowed in the condition sheet of the said license for an FOB value of Rs. 27788412.64(\$661628.86) as also mentioned in the license as well as in the condition sheet to foreign countries within the stipulated period.
6. After expiry of the export obligation period, the firm have not produced complete documents prescribed as evidence for fulfillment of export obligation. The firm have imported the full extent of imported goods & value as allowed in the license, but export of full quantity is not established. Hence he has imported goods in violation of the provisions of the export-import policy. He has diverted duty free imported goods for purposes other than export.
7. Since the firm have not produced documents in support of full export. as such, I am left with no option but to conclude that the firm have defaulted in fulfillment of the export obligation that was imposed upon them.
8. Further, 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 penalty of Value of Rs. 10000000/- (Rs. One Crore Only) + C.D + 15% Interest to be paid to customs Authority for non-submission of export documents or failing to fulfill the of the E.O.
9. This action is without prejudice to any other actions that may be taken against the notice firm under the Foreign Trade(Development & Regulation) Act, 1992 and the rules and order made thereunder of any other act or law in force

( R. L. MEENA )

Joint Director General of Foreign Trade

o/c

By No. 637  
By No. 638  
By No. 639

Copy to:-

1. M/s. Nokia Siemens Networks India Pvt.Ltd., Salt Lake Works,Block-GP,Plot-G, Sector-V, Salt Lake EL Complex, Bidhan Nagar, Kiolkata-700 091.
2. Sri Sanjay Ajmera, RHAC,701 T6,Near Omaxe Mall,Orchid Petals,Sohna Road,Gurgaon-122018.
3. FTDO (B L. Cell ) →
4. Asstt. Commissioner of Customs, DEEC Cell, Customs House, 15/1, Strand Road, Kolkata -700001.

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2014