

IEC NO.0299014533



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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRIES
DEPARTMENT OF COMMERCE
OFFICE OF THE ADDL. DIRECTOR GENERAL OF FOREIGN TRADE
4, ESPLANADE EAST, KOLKATA-700069.
E-mail:dgft@wb.nic.in : Tel. :2248-6831-34

No.ALSE-2/02/21/076/00053/AM-09(Adjudication)

Dated 02.02.2013

02.01.2014

ORDER- IN- ORIGINAL

1. Any person aggrieved by the order may, under Rule 15 of the Foreign Trade (Development and Regulation) Act. 1992 file an appeal against the same to the appropriate authority to the Additional Director General of Foreign Trade, Kolkata 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. 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 (I) of the Foreign Trade (Development and Regulation) Act,1992.
3. 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 Account "1453 Foreign Trade & Export Promotion", Minor Head-162 other receipts, fines and penalties etc. failing which, the Importer Exporter Code No. 0299014533 allotted to the party may be suspended without any further notice, till payment of the full fiscal 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 and Regulation) Act, 1992 without making any further reference to them.
- 3(A) A Letter was issued to the firm on 19.03.2013 for submission of export documents. Thereafter a DEL order was issued to them on 06.08.2013 and allowed 20-days time.
4. A show cause notice of even number dated 25.09.2013 with opportunity for personal hearing was issued to M/s. Exotica Global Pvt.Ltd., 4/1A, Jagmohan Mullick Lane, Kolkata-700007. hereinafter referred to as the 'notice firm' and there Directors/Proprietor/Partners under section 14 of Foreign Trade (Development & Regulation) Act, 1992, calling upon them to show cause as to why fiscal penalty should not be imposed upon them under section 11 of the said act for violation of the condition of the Duty Free Import Authorisation bearing No. No.021011289 dt. 27.05.2008 issued to them. The firm was given 20 days time for submission of their reply and opportunities for personal hearing. The reason for the notice arose from the fact that the firm had failed to submit the full set of export documents regarding fulfillment of Export Obligation imposed against the above mentioned DFIA. The firm fail to submit the documents prescribed in the Foreign Trade Policy as evidence of the fulfillment of export obligation.
5. I have gone through the facts and records of the case carefully . I find that M/s. Exotica Global Pvt Ltd., 4/1A, Jagmohan Mullick Lane, Kolkata-700007 had obtained the above mentioned DFIA for export to Foreign Countries within the stipulated period.

P.T.O

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6. After expiry of the Export Obligation period the firm has not produce all documents prescribed in Para-4.25 of Hand Book procedure as evidence for fulfillment of Export Obligation . The firm has imported the goods duty free, but the prescribed export has not been completed. Hence they have imported goods in violation of the conditions of licence and provision of the Foreign Trade Policy. They have diverted duty free imported goods for purpose other than export.
7. Since the firm has not produce all the prescribed documents in support of the export, as such, I am left with no option but to conclude that Export Obligation has not been fulfilled. Hence the duty free imported goods have been diverted for purpose other than licensed and as laid down in Policy. The firm imported duty free goods in violation of the Foreign Trade Policy and Provisions of Foreign Trade (Development & Regulation) Act and Rules.
8. Further, In exercise of the power vested in me and under section 13 of the Foreign Trade (Development & Regulation) Act,1992 and section 11 of the said Act. I hereby imposed Penalty of Rs.1,30,00,000.00 (Rupees One Crore Thirty Lakhs only) on the Noticee firm and their Directors/Partners/Proprietor under reference on the firm 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 import under reference on the firm.
9. This action is without prejudice to any other action that may betaken against the firm under the Foreign Trade (Development & Regulation) Act,1992 and the rules and order made there under of any other act or law in Force.



(R. L. MEENA)

BY. DIRECTOR GENERAL OF FOREIGN TRADE

Copy to :-

- 1 M/S. Exotica Global Pvt. Ltd., 4/1A, Jagmohan Mullick Lane, Kolkata-700007. | 800
2. To Mr. Radha Sonthalia (Director), CL-239, Salt Lake, Kolkata-700091. | 801
3. To Mrs. Gunwati Devi Sonthalia, (Director) 239, New Saltlake, Kolkata-700091. | 802
4. FTDO (B.L.Cell) /ECA for information and necessary action pl.



Handwritten signature
03.01.14