

IEC No. 0292001088

GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
OFFICE OF THE ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE  
4, ESPLANADE EAST, KOLKATA – 700 069.

No. ALS-E1/02/21/040/00079/AM'08/

Dated the, ~~24.02.2015~~ 2.3.15

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, 4, Esplanade East, Kolkata – 700 069 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.
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 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-102 other receipts, fines and penalties etc. failing which, the Importer Exporter Code No.0292001088 allotted to the Noticee firm may be suspended without any further notice, till payment of the full fiscal penalty amount.
4. I have gone through the facts and records of the case carefully. I find that M/s. PLG Power Ltd., ( Formerly Goel Airshrink (India) Ltd., 11, Pollock Street, 6<sup>th</sup> Floor, Kolkata – 700001 (hereinafter referred to as the “Noticee firm”) had obtained an Advance Authorization for Intermediate exports. One of the conditions of the license was that the licensee shall deliver or cause to deliver to this office within 2 months from the date of expiry of the export obligation period stated export documents as prescribed under Para 4.25 of Hand Book Vol-I 2009-14 as amended from time to time as evidence of fulfillment of export obligation imposed against the Advance Authorization No.0210100821dated 15.05.2007. Failure to fulfillment the export obligation in the manner as prescribed in the Hand Book Vol- I 2009-14 shall attract penal proceedings under the provisions of Foreign Trade ( Development & Regulation) Act 1992 and as per provision of Para 4.24 of the Hand Book Vol-I 2009-14 as amended from time to time.
5. Consequently Show Cause Notice (SCN) was issued to 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 of the said Act for violation of the conditions of the said licence issued to them.
6. While I am willing to accept that the Noticee firm may have had no intention to contravene the provisions of the import export policy when it first applied for the Advance Authorization ,

but its subsequent behaviour belies its contention that it was forced by circumstances to do so. There is ample evidence about the willful contravention of the conditions imposed on the license, this makes the Noticee firm liable to penalty under the FT(DR) Act 1992.

7. Further, In exercise of the power vested in me under section 13 of the Foreign Trade (Development & Regulation) Act, 1992 and also section 11 of the said Act, I hereby imposed penalty of Rs 90,00,000/- ( Rupees ninety lakhs) on the noticee firm and also its Directors/Partners/Proprietor. In addition, the noticee firm and its Directors/Partners/Proprietor shall also be liable to pay Custom Authority, the entire amount of custom duty saved on the authorization and applicable interest thereon.

8. This action is without prejudice to any other action that may be taken 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 )

Joint Director General of Foreign Trade

- 1) M/s. PLG Power Limited., (Formerly M/s. Goel Airshrink (India) Ltd., 11, Pollock Street, 6<sup>th</sup> Floor, Kolkata – 700001..
- 2) Mr. Pradeep Kumar Goel, Director, Goel House, DD/1, Narayantala East, VIP Road., Baguiati, Kolkata – 700 059.
- 3) Asstt. Commissioner of Customs, Nhava Sheva Sea ( INNSA1), Mumbai, for information and necessary action.
- 4) The Addl. Director General of Foreign Trade, 4, Esplanade East, Kolkata – 700 069.
- ✓ 5) ADG ( Computer Cell) for information and necessary action.
- 6) FTDO (B/L Cell) for information and necessary action.

