

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

No.02/40/83/00074/AM.12  
No.02/40/83/00075/AM.12  
No.02/40/83/00083/AM.12  
No.02/40/83/00031/AM.10  
No.02/40/83/00097/AM.12  
No.02/40/83/00100/AM.12  
No.02/40/83/00116/AM.12  
No.02/40/83/00118/AM.12  
No.02/40/83/00125/AM.12

Date: 06/5/2015

ORDER-IN-ORIGINAL

1. Any person/party aggrieved by this order, may under Section 15(1)(b) of Foreign Trade(Development & Regulation) Amendment Act,2010,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 this Adjudication Order together with a copy of this order and complete set of evidence in the form of annexure to the appeal relied upon in support of the appeal under intimation to 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 Foreign Trade(Development & Regulation) Amendment Act,2010
3. The penalty amount is to be deposited under the "Heads of Account: Foreign Trade & Export Promotion Minor Head 102-other receipts and penalties etc" Imports and Exports Control Organization maintained by Central Bank of India, Kolkata.
4. An evidence of payment of penalty or appeal is required to be submitted to the Adjudication Authority within 45 days from the date of serving of this Adjudication Order, failing which Import & Export Code No. of the persons/companies entities concerned is liable to be suspended as per provision of Section 11(7) as well as 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) Amendment Act,2010 as amended without making any further reference to them.
5. The brief fact of the case is that M/s. Senbo Engineering Ltd., 87, Lenin Sarani, Kolkata-700017(herein after referred to as the firm) having IEC No.0297018051 had applied to this office for refund of TED for Rs.6, 47,17,448/-. This is consolidated amount of following 9 files:-

*o/c*

Sl.o.	File No.	Action taken by the firm	Action taken by this office
1.	02/40/83/116/AM12	Firm has return back only Rs.5,00,000/- on 01.09.2014. Firm has submitted a letter dtd.10.12.2014 to extend the time limit upto 31.03.15 for paying back the balance amount.	Show Cause Notice cum Demand letter issued on 15.06.2012. Further letter issued on 04.12.13 to pay back. DEL Order issued on 05.03.14. Show Cause Notice for imposing fiscal penalty issued on 21.10.2014.
2.	02/40/83/74/AM12	TED amount with interest is piad.	Fully recovered with Interest. SCN for imposing fiscal penalty issued on 16.09.14.
3.	02/40/83/83/AM12	TED amount with interest is piad.	Fully recovered with Interest. SCN for imposing fiscal penalty issued on 17.10.14.
4.	02/40/83/75/AM12	TED amount with interest is piad.	Fully recovered with Interest. SCN for imposing fiscal penalty issued on 17.10.14.
5.	02/40/83/31/AM10	Firm has submitted a letter dtd.10.12.2014 to extend the time limit upto 31.03.15 to pay the interest.	Principal fully recovered. Interest @ 15% per annum is due. SCN for imposing fiscal penalty issued on 17.10.14.
6.	02/40/83/100/AM12	Firm has submitted a letter dtd.10.12.2014 to extend the time limit upto 31.03.15 for paying back the balance amount	Show Cause Notice cum Demand letter issued on 20.06.2012. Further letter issued on 04.12.13 to pay back. DEL Order issued on 05.03.14. Show Cause Notice for imposing fiscal penalty issued on 16.09.2014.
7.	02/40/83/97/AM12	Firm has submitted a letter dtd.10.12.2014 to extend the time limit upto 31.03.15 for paying back the balance amount	Show Cause Notice cum Demand letter issued on 20.06.2012. Further letter issued on 30.07.12, 02.04.13 & 04.12.13, to pay back. DEL Order issued on 06.03.14. Show Cause Notice for imposing fiscal penalty issued on 16.09.2014.
8.	02/40/83/118/AM12	Firm has submitted a letter dtd.10.12.2014 to extend the time limit upto 31.03.15 for paying back the balance amount.	Show Cause Notice cum Demand letter issued on 15.06.2012. Further letter issued on 09.08.12 & 04.12.13, to pay back. DEL Order issued on 04.03.14.

