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SPEED POST

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE
OFFICE OF THE ADDL. DIRECTOR GENERAL OF FOREIGN TRADE
4, ESPLANADE EAST : KOLKATA : 700 069.
e-mail : dgft@wb.nic.in, Tel.: 2248-6831-34

No.18/423/13-14/ECA/kol/ 292 / 908 to 910

Dated:- 05.09.2014

ORDER-IN-ORIGINAL.

Passed by:-

K.M.Harilal, Deputy Director General of Foreign Trade.,

- 2 Any person/party 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 appropriate authority, i.e, the Additional Director General of Foreign Trade, 4, Esplanade East, Kolkata-700069 within a period of **45 days** from the date of serving of this Adjudication 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 of 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 (1) 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 (**IEC NO.-0208021574**) allotted to the party 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. VEDIKA METALS PRIVATE LIMITED, 201, Annapurna Building, Shyamkunj Complex, 12A, Lord Sinha Road, Kolkata-700071 obtained DEPBs fraudulently from this office by exporting **Ferro-Silicon** declaring the same as Indian origin whereas those were of Bhutanese origin. Total value of the DEPBs availed by them was **Rs.63,40,305/00**
5. And whereas the party in their deposition during the course of investigation has admitted their claiming of DEPb benefits on Ferro-Silicon of third-country origin and voluntarily deposited the entire amount alongwith the interest @15% to the Directorate of Revenue Intelligence, Kolkata Zonal Unit

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6. Therefore, it is established that the firm availed the export benefit fraudulently suppressing the fact that the goods (**Fesi**) exported were of **Bhutanese Origin** from where the same were imported to India and then re-exported without making any value addition as observed by the DRI, Kolkata Zonal Unit.
7. And whereas a Show Cause Notice was issued to the firm & their Directors under section 13 of the Foreign Trade (Development & Regulation) Act.,1992 calling upon to Show Cause under section 11.3 of the Act. as to why fiscal penalty should not be imposed against them for mis-declaration & Violation of provisions of the above mentioned Act.
8. And whereas an Authorised Representative appeared before the undersigned on behalf of the firm/company on 18.08.2014 and he claimed they did not know the origin of the material.
9. No prudent exporter can be unaware of the origin of material when he purchases from open market/Traders and it can not be consider as a bonafide mistake which can be overlooked. The representative informed that the firm had already paid entire amount of DEPB alongwith to interest to DRI and this has been confirmed.
10. Therefore, in exercise of ther powers vested upon me under section 13 of the Foreign Trade(**Development & Regulation**) Act, 1992 and section 11 of the said Act., I hereby impose fiscal penalty of Rs.07,00,000/00(Seven Lakhs)-only.
8. This action is without prejudice to any other actions that may be taken against the noticee firm under the Foreign Trade (Development and Regulation) Act, 1992 and the rules and order made thereunder or any other act or law in force.


(**K.M.Harilal**
DEPUTY DIRECTOR GENERAL OF FOREIGN TRADE
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- M/s. Vedika Metals Pvt. Ltd.,12A, lord Sinha Road, Kolkata-700071.**
2. **Shri Aditya Almal, Director, 12, Sunny Park, 2G, Ashray Apartment, Kolkata-700019.**
 3. **. Smt. Anupriya Almal, Director, 12, Sunny Park, 2G, Ashray Apartment, Kolkata-700019.**
 4. **. Shri K.V.S.Singh, Addl.DG, DRI, Kol.Zonal Unit, Kolkata-71.**