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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
OFFICE OF THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE
1544, INDIA LIFE BUILDING (ANNEXE), I FLOOR,
TRICHY ROAD, COIMBATORE – 641 018.

F.No. 32/21/040/00172/AM10

DT. 28.06.2018

ORDER IN ORIGINAL

PASSED BY : Shri V.Sraman, Joint Director General of Foreign Trade, Coimbatore.

1. Any person/party aggrieved by this order may, under Section 15 of the Foreign Trade (Development and Regulation) Act, 1992 file and appeal against the same to the appropriate authority viz., The Additional Director General of Foreign Trade within 45 days from the date of service of this adjudication order together with a copy of this order and a complete set of evidence in the form of Annexure to the appeal relied upon in support of the appeal.
2. Any person/party desirous of filing an appeal against this order shall deposit the penalty amount and produce proof of payment of 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 of the Foreign Trade (Development and Regulation) Act, 1992.
3. The penalty amount is to be deposited under the Head of Account "1453 Foreign Trade and Export Promotion Minor Head 102 other receipts fines and penalties etc. Imports and Exports Control Organisation.
4. Evidence of payment of penalty or evidence of having filed an appeal with appellate authority is required to be furnished to the undersigned within 45 days from the date of service of this Order, failing which, without any further correspondence, the Importer-Exporter Code Number of this firm will be suspended under the provision of Section 11(4) of the Foreign Trade (Development & Regulation) Act, 1992 and any application by the Proprietor/Karta/Partners/Directors of this firm and other connected entities/persons covered by Rule 7(1)(f) of Foreign Trade (Regulation) Rules, 1993 for grant or renewal of a Authorisation will be refused.

Facts in Brief

5. The notice firm viz., M/s. Tulip Clothing Pvt Ltd, 5 & 6 M.P.Nagar, Kongunagar Extension, Tirupur-641607. had obtained Advance Authorisation No. **3210042867 dt.17.02.2010** for Rs.1317071/- from this office under the duty Exemption scheme with an obligation to export for cotton knitted fabric an fob value of US \$ 74988/- within a period of 36 Months from the date of issue of the said Authorisation.

Condt... 2...

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6. The Notice firm had failed to fulfill the export obligation and also did not submit any original documents as per 4.28 of Handbook of Procedures, 1997-2002/2002-2007 and also failed to regularize the case by payment of customs duty plus interest as directed by this office vide letter dt.. Therefore a Demand – Cum – Show cause Notice of even No. Dt.05.08.2016 under section 14 for action under Section 11(2)of Foreign Trade (Development and Regulation) Act 1992.
7. In the circumstances, the undersigned is now fully convinced that the Notice firm and its Proprietor/Partners/Directors have Violated the conditions of the Authorisation in question thereby liable to a penalty under Section 11(2) of Chapter IV of Foreign Trade (Development and Regulation) Act 1992.

Order

8. In exercise of powers vested in me under Clause 13 read with Section 11 of FT (D&R) Act 1992, as amended, I hereby impose a penalty Rs.500000/- in addition to duty with interest on unutilised inputs. On the licensee and its Partners as no reply to the Show Cause Notice and also No appearance of Personal Hearing granted to him.
9. I further order that no further Authorisation shall be issued to the firm or any other firm in which the Proprietor/Partners/Directors of the firm in which the Proprietors/Partners/Directors are directly involved in the day – do – day activities of that firm as per 2.10 of Foreign Trade Policy and Para 4.24.1 of Handbook of Procedures, 2004 – 09 read with clause 7(1)(a) and (k) of the Foreign Trade (Development and Regulation) Act, 1992.
10. This order is issued without prejudice to any other action that may be taken under any other act, Rules or Regulations in force.

/ V. Sraman /
Joint Director General of Foreign Trade

To
M/s. Tulip Clothing Pvt Ltd,
5 & 6 M.P.Nagar,
Kongunagar Extension,
Tirupur-641607.

Copy to

1. Smt S. Kalavathi M. Shanmugavadivel Muthuraja Nagar, Kongu Nagar Extn, Tirupur-641607
2. Shri S.Praveen Kumar M. Shanmugavadivel No.19 Muthuraja Nagar, M.P.Nagar Extension, Tirupur-641607
3. The Asst. Commissioner of Customs, Chennai Air Cargo, Chennai For Information and necessary action.
4. AEC Chennai, for information.