

Government of India  
Ministry of Commerce & Industry  
Directorate General of Foreign Trade  
Udyog Bhawan, New Delhi -110011  
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F.No. 18/79/2018-19/ECA.I | 172

Date of Order: 07 .08.2019

Date of Dispatch: 07 .08.2019

Name of the Applicant:

M/S Shri Gautam Tex, 4B, Gopal Nagar,  
Near K.V. R. Layout, Karuvampalayam,  
Tirupur – 641 604

IEC No. :

3292004993

Order reviewed against:

Order-in-Appeal No. dated  
A(23,24,25/Addl.DGFT/ECA/Che/AM19-Cbe 17.12.2018 passed by Addl. DGFT, Chennai.

Order-in-Review passed by:

Shri Alok Vardhan Chaturvedi, DGFT

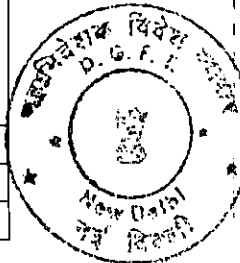
**Order-in-Review**

M/S Sri Goutam Tex ( here-in-after referred to as "the petitioner") filed a Review Petition dated 21.01.2019 under section 16 of the Foreign Trade (Development & Regulation) Act, 1992 against Order-in-Appeal No. A(23, 24, 25/Addl. DGFT/ECA/Che/AM19-Cbe dated 17.12.2018 passed by the Addl. DGFT, Chennai dismissing the appeal.

**Brief Facts of the Case**

2.1 Sri Goutam Tex, Tirupur obtained the following three EPCG authorizations from RA Coimbatore as per the provisions of the Foreign Trade Policy prevalent during the period for import of capital goods:

S.No.	Authorisation No. & Date	Duty Saved (Rs.)	FOB(US\$) of Export Obligation	Export Obligation period
1.	3230002506 dt. 28.10.2003	3,46,267	60,220	8 years
2.	3230001712 dt. 19.03.2003	1,32,84,580	20,80,050	8 years
3.	3230001085 dt. 20.02.2002	3,35,881	34,987	8 years



As per conditions of the Authorisations, the petitioner was required to submit prescribed export documents towards fulfilment of export obligation (EO) within the time frame as mentioned in the relevant FTP.

2.2 The petitioner did not submit documents evidencing fulfilment of export obligation. Demand cum Show Cause Notices dated 31.12.2012; 14.12.2012 and 31.12.2013 under

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section 14 for action under section 11(2) of Foreign Trade (Development & Regulation) Act, 1992 were issued to the petitioner since it did not fulfil the export obligation. The petitioner neither replied to the Show Cause Notices nor appeared in personal hearing granted to it. The Adjudication Authority passed three orders i.e. Order-in-Original No. 32/36/021/00513/AM04 dated 14.01.2016 imposing a penalty of Rs. 6,92,534/-, Order-in-Original No. 32/36/021/00586/AM03 dated 08.12.2015 imposing a penalty of Rs. 1,32,84,580 and Order-in-Original No. 32/36/021/00439/AM02 dated 22.09.2015 imposing a penalty of Rs. 3,35,881/-. The petitioner was also placed in the Denied Entity List by the Adjudication Authority.

2.3 The petitioner filed an appeal before the Appellate Authority against the aforesaid three Orders-in-Original dated 30.06.2016, 08.12.2015 and 22.09.2015 under section 15 of Foreign Trade (Development & Regulation) Act, 1992. The Appellate Authority granted personal hearing to the petitioner on 28.09.2018. The Appellate Authority observed that despite having the requisite documents in hands, the petitioner did not submit to RA, Coimbatore for which the petitioner pleaded lack of awareness. The petitioner submitted documents after passing adjudication orders. The Appellate Authority, vide Order-in-Appeal dated 17.12.2018 rejected the appeal as time barred.

3.0 The petitioner has now submitted a review petition dated 24.09.2018 before DGFT seeking revocation of the adjudication and appeal orders. The petitioner has submitted the following:

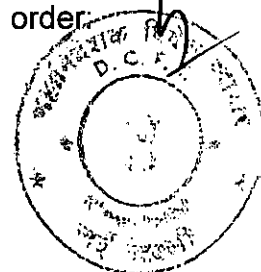
(i) It has completed export obligation in the month of June, 2008 and received export proceeds. But, due to a fire accident in its office and factory premises on 12.07.2010, some of its record got destroyed. Hence, it could not apply for redemption on time.

(ii) After adjudication orders were passed and it was put under DEL, it made strenuous efforts and retrieved documents and applied to RA, Coimbatore for redemption.

(ii) There is no loss to the government as it had fulfilled the export obligation and only lapse on its part is not submitting the documents on time.

4.0 The petitioner was afforded an opportunity of personal hearing on 12.03.2019. I have gone through the facts and records carefully and submissions of firms during personal hearing. It is observed that the petitioner did submit the export documents to the RA but all such documents were submitted after the adjudication orders were passed. A report was called from RA Coimbatore who confirmed the submission of such documents. The documents as submitted by the petitioner need to be looked into by the RA.

5.0 I, therefore, in exercise of powers vested in me under section 16 of Foreign Trade (Development & Regulation) Act, 1992 as amended pass the following order:

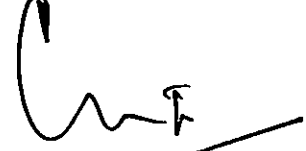


**Order**

F.No. 18/79/2018-19/ECA-I

Dated: .08.2019

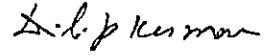
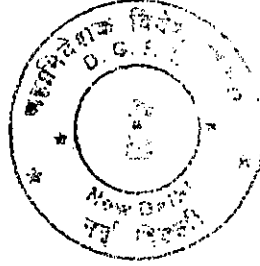
The Order-in-Appeal dated 17.12.2018 and the Orders-in-original dated 14.01.2016, 8.12.2015 and 22.09.2015 are set aside. The case is remanded back to RA, Coimbatore for de-novo consideration.



(Alok Vardhan Chaturvedi)  
Director General of Foreign Trade

**Copy To:**

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- (2) Addl. DGFT, 26 Haddows Raod, Shashtri Bhawan Annexe, Chennai -600006.
- (3) Joint DGFT, 1544, India Life Building (annexe), I Floor, Trichy Road, Coimbatore - 641018
- (4) DGFT website



Dilip Kumar  
Dy. Director General of Foreign Trade