

Government of India
Ministry of Commerce & Industry
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi -110011

F.No. 18/23/2019-20/ECA-I

Date of Order: 28.02.2020

Date of Dispatch: .02.2020

Name of the Appellant:

Mehta Offset Pvt. Ltd., Mehta House, A-16 (East),
Naraina Industrial Area II, New Delhi - 110028

IEC No.

0592014649

Order reviewed against:

Order-in-Original No. 05/27/076/0032/AM.11/DES-III
dated 22.11.2017 passed by the Dy. DGFT, CLA, New
Delhi.

Order-in-Review passed by:

Shri Amit Yadav, DGFT

Order-in-Review

Mehta Offset Pvt. Ltd., New Delhi (here in after referred to as 'the petitioner') filed a Review Petition dated 14.08.2019 under section 16 of the Foreign Trade (Development & Regulation) Act, 1992 against Order-in-Original No. 05/27/076/0032/AM.11/DES-III dated 22.11.2017 passed by Dy. DGFT, CLA, New Delhi imposing a penalty of Rs. 5,00,000/- on the petitioner and its directors in addition to payment of Government's dues and interest thereon.

Brief facts of the case

2.1 The petitioner obtained a Duty Free Import Authorisation No. 0510281251 dated 11.01.2011 from R.A. New Delhi as per provisions of the Foreign Trade Policy (FTP) prevalent during that period, for a CIF value of Rs. 53,35,713.84 with an export obligation of Rs. 66,69,642.30 (US\$. 149209.00) to be completed within a period of 24 months from the date of issue of the said authorisation. As per conditions, the petitioner was required to submit the prescribed export documents towards fulfillment of export obligation within the time frame as mentioned in the FTP.

2.2 The Export Obligation (EO) period expired. The petitioner did not submit any export document towards fulfillment of export obligation. A Show Cause Notice dated 07.04.2017 was issued to the petitioner under Section 14 of FT(D&R) Act, 1992, as amended for imposition of fiscal penalty under Section 11(2) of the Act and Rules 7.1(c) and 7.1(n) of Foreign Trade (Regulation) Rules, 1993, as amended. The petitioner was reminded on 25.07.2017 and 29.08.2017 to submit the complete documents. The petitioner neither responded to the notices nor appeared for personal hearings. The Adjudicating Authority passed Order-in-Original dated



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22.11.2017 imposing a penalty of Rs. 5,00,000/- on the petitioner and its directors in addition to Government's dues and interest thereon.

2.3 The petitioner did not file an appeal before the Appellate Authority against Order-in-Original dated 22.11.2017.

3.0 The petitioner submitted a Review Petition dated 14.08.2019 before the undersigned requesting for stay order of recovery process of Rs. 5,00,000/- which has been initiated against it. The petitioner has, inter-alia, submitted the following:

(i) It did not import any item and did not utilize the authorisation. It executed the export orders using indigenous materials only.

(ii) It misplaced the customs copy of the authorisation and in this regard an FIR was filed. It has exchange control copy of the authorisation.

4.0 The petitioner was granted an opportunity of personal hearing before the undersigned on 09.01.2020 which was attended by its authorised representative Shri A.S. Rana. I have gone through the facts and records carefully. It is observed that the petitioner has submitted non utilization report from Customs in respect of DFIA No. 0510281251 dated 11.01.2011.

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

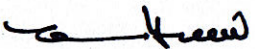
Order

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Dated: 28.02.2020
4-3-2020

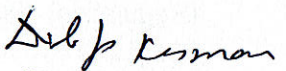
Order-in-Original dated 18.01.2018 is set aside. The case is referred back to the adjudicating authority for de-novo hearing.




(Amit Yadav)
Director General of Foreign Trade

Copy To:

- (1) Mehta Offset Pvt. Ltd., Mehta House, A-16 (East), Naraina Industrial Area II, New Delhi – 110028.
- (2) Additional DGFT, Central Licensing Area, "A" Wing, I.P. Bhawan, I.P. Estate, New Delhi-110002 alongwith original letter C.No. VIII/ICD/TKD/Imp./Lic.Mis.Alert/Gr-7/34/218/22162 dated 22/10/2019 which may be got verified before taking further action.
- (3) DGFT website.


(Dilip Kumar)
Dy. Director General of Foreign Trade