

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE
UDYOG BHAVAN, NEW DELHI
(O&M SECTION)**

Date: 3/9/2003

O & M INSTRUCTION No.7/2003

Subject: Constitution of Review Committee for review of the Adjudication Orders passed by the Adjudicating Authority subordinate to DGFT.

A Review Committee was constituted vide O&M Instruction No. 5/2000 dated 7.4.2000 under the Chairmanship of Addl.DG (ECA) to review the adjudicating orders made by any officer subordinate to DGFT in which an order imposing the penalty or redemption charges or adjudicating confiscation was made against which no appeal had been preferred.

2. In supersession of earlier OMI No. 5/2000 dated 7.4.2000 (referred to above), it has now been decided to re-constitute the Committee at DGFT (Headquarters). The constitution of said Committee would, henceforth, be as follows:-

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|----|-------------------------|------------------|
| 1. | Addl.DGFT (Enforcement) | Chairman |
| 2. | Jt.DGFT (Policy) | Member |
| 3. | Jt.DGFT (Enforcement) | Member |
| 4. | Dy. DG(ECA-II) | Member Secretary |

3. This re-constituted Committee is assigned to go into:-

- (i) Correctness, legality or propriety of such decisions or order and make such orders thereon as may be deemed fit.
- (ii) The question of procedural correctness and principles of natural justice.
- (iii) Uniformity of approach in cases of similar nature; and
- (iv) Correctness of interpretation of statutory and policy provisions.

4. It has also been decided to constitute similar Committees at Zonal levels under the Chairmanship of Zonal Jt. DGFT to review cases adjudicated by the regional offices under their jurisdiction and by the officers junior to them in Zonal office. However, the cases adjudicated at the level of Zonal JDGFT and at Headquarters would be reviewed by the Committee already constituted at Headquarters. A copy of the adjudication orders so passed would invariably be sent to the concerned licensing section at RLA/ZLA/Hqrs with a copy to ECA Division at Hqrs. Decision of the Committee at ZLAs level could be reviewed by the Committee at Hqrs, in case felt necessary.

5. The Committee will bring to the notice of Director General of Foreign Trade, the cases which need to be reviewed. Further, the Committee will also suggest corrective measures to be taken in case of orders of Adjudicating Authorities found not conforming to the Principles of Natural Justice, statutory provisions and or general guidelines on the subject of adjudication.

6. All Zonal Joint DGFTs are requested to constitute similar Committees for their Zones so as to conduct the meetings of the Committee at regular intervals.

6. This issues with the approval of Director General of Foreign Trade.

Sd/-
(V. K. Gupta)
Joint Director General of Foreign Trade

To

1. All Offices / Sections at Hqrs
2. All Zonal / Regional offices

(Issued from File No.01/69/591/00005/2003/O&M)