



GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY, DEPARTMENT OF COMMERCE  
OFFICE OF JOINT DIRECTOR GENERAL OF FOREIGN TRADE

L-482, Model Town, Panipat.

Email: panipat-dgft@nic.in, Phone: 0180-2650984, 2651427, Fax:2650984

File No. 33/21/090/82384/AM17

22/10/2017

Dated:- 2.8.2018

13-8-18

ORDER IN ORIGINAL

Passed by: Sh. Chandrakant Mishra,  
Dy. Director General of Foreign Trade

( IEC 0588093131)

1. Any person/Company aggrieved by this order may, under section 15 of the Foreign Trade (Development and Regulation) Act, 1992 file an appeal against the same to the appropriate appellate authority i.e. Additional Director General of Foreign Trade in the office of Additional Director General of Foreign Trade (CLA), Y-shape building, Indraprastha Bhawan, New Delhi within 45 days from the date of issue of this 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/Company 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(1) 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. Import and Export Trade Control Organization" in any authorized branch of Central Bank of India.
4. Evidence of payment of penalty is required to be furnished to the Adjudicating Authority within 45 days from the date of issuing of the Adjudication order failing which the Import Export Code No. of the notice company is liable to be suspended under the provisions of Section 8 (1) of Foreign Trade (Development and Regulation) Act, 1992 without making any further reference to them.
5. A Show Cause Notice of even number dated 29.9.2017 under Section 14 for action under Section 11(3) of the Foreign Trade ( Development and Regulation ) Act, 1992 was issued to Interior Decoration & Handicrafts, Ali Ahangran, Saharanpur, requiring them to show cause before 16.10.2017 as to why action should not be taken against them to impose fiscal penalty on the allegation that they have tried to misuse the MEIS ( Chapter 3 incentive scheme) of

*dy*

Foreign Trade Policy, 2015-20, using fake/bogus Landing Certificate for obtaining scrips under File No. 33/21/090/82384/AM17.

6. In accordance with the principles of natural justice and in order to enable M/s Interior Decoration & Handicrafts, Saharanpur, to place evidence, if any, on record contravening the allegation leveled against them in the show cause notice they were advised to appear for personal hearing on 16.10.2017. Party vide mail dated 11.10.2017 asked for some time. This office vide mail dated 18.10.2017 gave another opportunity of PH on 25.10.2017 stating that this is last chance. However neither party came for PH not submitted any reply in this regard. Sh. Suhail Shoket Partner of the firm met Dy.DGFT vide VP no.1388 dated 20.7.2018. He stated that due to bad health ( Paralysis) , he could not attend PH in past .Party vide it's letter dated 25.7.2018 submitted that due to his bad health and lack of proper direction of his account department , the issuance of fake landing certificate took place and in no way it was intended to distract the government. Party apologized for the same and assured to be honest in future. Party stated to enclosed original landing certificate but the same is not original.

5. HISTORY OF THE CASE:

The Noticee firm applied for benefits under Merchandise Export from India Scheme (Chapter 3 ) of Foreign Trade Policy ,2015-20 with the following details:-

Sl. No.	Export Item	Value of Scrips applied for	File No.
1	Artistic Indian Decorative Wooden Handicrafts/Furniture items	305522/-	33/21/090/82384/Am17

The company submitted following documents:-

- (i) Application through e-com digitally signed.
- (ii) Landing Certificates
- (iii) Self attested copy of RCMC.
- (iv) Original EP copies of s/bills and bank certificates
- (v) Application fees paid ,

Application was received in the office of Jt. DGFT Panipat on 27.1.2017 and was scrutinized. It was decided to get verify s/bills and landing certificates. This office received confirmation of s/bills from ICD, Saharanpur. Further confirmation of landing certificates was received from Shikhar Logistics P Ltd.. However , MSC Agency India Pvt Ltd. confirmed that the Landing certificate has not been issued from their office. Another shipping line company CMA CGM Agencies (India) Pvt Ltd., confirmed that it has not been issued/certified by the shipping line.

This office issued a Show Cause Notice dated 05.06.2017 to Interior Decoration & Handicraft, Sharanpur, UP asking for explanation of bogus landing certificates submitted to this office. Party replied to SCN and apologized for the same.

**Submission of firm:**

Party submitted reply to Show Cause Notice stating that they must apologize for providing incorrect information in Landing Certificate. It submitted that they have been working with three branches of the same shipping line and the landing certificate has been issued from the other branch of Freight Company. That their intention was not fake. They admit that it was a major mistake on their part and ensure that similar incident will not occur in the future.

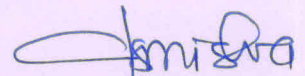
**Finding:**

From what is stated in the earlier paras, it is clear beyond any doubt that the noticee firm has tried to obtain claims under Merchandise Export from India Scheme (Chapter 3) of Foreign Trade Policy, 2009-14 submitting bogus documents (Landing certificates) and tried to misuse the benefits of Focus Product Scheme of FTP 2015-20.

**Order:**

1. Therefore, the undersigned in exercise of the powers vested in him under section 13 of the Foreign Trade (Development and Regulation) Act, 1992 and after a careful consideration of the case and by keeping in view the facts and circumstances of the case found the company guilty of contravening the provisions of Rule 14(3) of the Foreign Trade Development and Regulation Act, 1992 and impose a penalty of Rs25000/-, (Rupees twenty five thousand only) on M/s Interior Decoration & Handicrafts.

This order is without prejudice to any other action that may be taken against the noticee company and its Proprietor under any other law, rule or regulation in force.



(CHANDRAKANT MISHRA) I.T.S.  
DY. DIRECTOR GENERAL OF FOREIGN TRADE

To:

1. M/s Interior Decoration & Handicrafts, Ali Ahangan, Saharanpur, UP 247001
2. DEL section : To place the firm on DEL .  $\frac{2214}{13-818}$
3. Addl. Director General of Foreign Trade, CLA, New Delhi for information please.  $\frac{2212}{13-818}$
4. Director General of Foreign Trade, Udyog Bhawan, New Delhi for information  $\frac{2213}{13-818}$

please.

5. Central Economic Intelligence Bureau, 1st floor, 'B' wing, Jangpalkh Bhawan, Jangpalkh, N. Delhi-110002  $\frac{2214}{13-818}$



5. Central Economic Intelligence Bureau, 1<sup>st</sup>, 6<sup>th</sup>, & 8<sup>th</sup> Floor, B Wing, Janpath Bhawan,  
Janpath, New Delhi 110001.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

DEPARTMENT OF FOREIGN TRADE

OFFICE OF THE DIRECTOR GENERAL OF FOREIGN TRADE

File No. 13721/2014-15/1545

Date: 15.12.2014

ISSUE IN ORIGINAL

To, The Director General of Foreign Trade

Director General of Foreign Trade

The order (Company No. 13721/2014-15/1545) of the Director General of Foreign Trade, dated 15.12.2014, is hereby cancelled. The order is hereby cancelled as the company has not deposited the penalty amount and produced proof of payment of penalty amount along with an appeal to the Adjudicating Authority falling 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.

The penalty amount is to be deposited under the head of account '1453 Foreign Trade and Export Promotion-Miscr Head 102, other receipts, fees and liabilities-Misc. Import and Export' under 'New Control Organization' in any authorized branch of Central Bank of India.

Evidence of payment of penalty is required to be furnished to the Adjudicating Authority within 45 days from the date of issuing of the Adjudication order, failing which the Import Export Code No. of the company is liable to be suspended under the provisions of Section 8(1) of Foreign Trade (Development and Regulation) Act, 1992, without making any further reference to them.

A Show Cause Notice from file no. 13721/2014-15/1545 dated 20.4.2014 under Section 14 for action under Section 15(1) of the Foreign Trade (Development and Regulation) Act, 1992 was issued to Besho Research Centre, Chungi Ali Akbarpur, Sakranpur, UP 224730, inviting them to show cause before 7.5.2014 as to why action should not be taken against them to levy the penal penalty on the grounds that they have tried to utilize the Focus Product