

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

F.No. 18/20/2012-13/ECA.I

Date of Order: 24.11.2021

Date of Dispatch: 25.11.2021

Name of the Applicant:

Sunbright Fashions (India) Pvt. Ltd.,
Module No.7, Garment Complex Ind.
Estate, Guindy, Chennai – 6000-032

IEC No. :

0499016475

Order reviewed against:

Order-in-Original No. 04/21/040/99/
AM04 dated 25.01.2011 passed by Joint
DGFT, Chennai.

Order-in-Review passed by:

Shri Amit Yadav, DGFT

Order-in-Review

M/s Sunbright Fashions (India) Pvt. Ltd., Chennai (here-in-after referred to as 'the Petitioner') filed a Review Petition dated 17.09.2012 under Section 16 of the Foreign Trade (Development & Regulation) Act, 1992, as amended (here-in-after referred to as 'the Act') against Order-in-Original (OIO) No. 04/21/040/99/AM04 dated 25.01.2011 passed by Jt. DGFT, Chennai imposing a penalty of Rs. 4,42,000/- in addition to payment of customs duty and applicable interest on the Petitioner and its Proprietor/Partners/Directors for non fulfillment of export obligation vide OIO dated 25.01.2011. It was also ordered not to issue further license to the Petitioner or any other firm/company in which the Petitioner's Proprietor/Partners/Directors are directly or indirectly involved.

Brief of the case

2.1 The Petitioner obtained an Advance Authorization No. 0410046236 dated 12.09.2003 for a CIF value of Rs. 3,03,651/- with an obligation to export men's full sleeve shirts for an FOB value of US\$ 6,125.60 to be completed within a period of 18 months from the date of issue of said Authorization. As per conditions of the Authorization, the Petitioner was required to submit the prescribed documentary evidence of having fulfilled its export obligation (EO).

2.2 EO expired on 31.03.2005. The Petitioner did not submit original BRC in respect of one shipping bill No. 266640. RA, Chennai issued a deficiency letter calling for the original BRC. The Petitioner did not reply. A Show Cause Notice dated 03.03.2010 under Sections 13 & 14 for action under Sections 8, 9 & 11 of the Act and Rule 7 of Foreign Trade (Regulation) Rules, 1993 was issued. The Petitioner was also granted an opportunity of



personal hearing. The Petitioner neither submitted documents nor appeared for personal hearing. As the Petitioner failed to submit the requisite documents, an OIO dated 25.01.2011 was passed by Adjudicating Authority imposing a penalty of Rs. 4,42,000/- in addition to payment of customs duty and applicable interest on the Petitioner and its Proprietor/Partners/Directors for non fulfillment of export obligation.

2.3 The Petitioner did not file an appeal against OIO No. 04/21/040/99/AM04 dated 25.01.2011. The Petitioner submitted the review petition dated 17.09.2012 to the undersigned. The Petitioner has submitted that:

(i) it requested for clubbing Advance Authorization No. 0410046236 dated 12.09.2003 (under consideration) with Advance Authorization No. 0410052556 which was not considered,

(ii) it submitted reply to the Show Cause Notice and informed the JDGFT, Chennai that it fulfilled export obligation and submitted all documents,

(iii) there was severe labour trouble on account of retrenchment and the Petitioner was continuously incurring loss which caused great agony and therefore could not file an appeal against the OIO,

(iv) it was under impression that on the basis of documents furnished that the matter will be regularized by JDGFT, even after passing the OIO.

3. The Petitioner was granted personal hearing on 12.11.2021 which was attended by Shri Gokulraj, counsel for the Petitioner. He informed that the Petitioner paid customs duty and interest on excess imports, on 21.03.2011. Shri N. Vaidyanathan, Dy. DGFT, the representative from RA, Chennai present in the personal hearing informed that the documents (original challan) submitted by the Petitioner towards payment of duty amount and interest, are in order.

4. I have gone through the facts and records carefully and the confirmation of RA, Chennai office that the Petitioner had submitted complete export documents towards fulfillment of export obligation and documents (original challan) towards payment of custom duty and interest on excess imports.

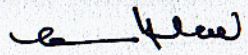
ORDER

F.No.18/20/2012-13/ECA.I/345

Dated : 24 .11.2021

Review Petition dated 17.09.2012 is upheld and Order-in-Original No. 04/21/040/99/AM04 dated 25.01.2011 passed by Jt. DGFT, Chennai is dismissed. The case is remanded to RA, Chennai for de-novo consideration with directions to decide the matter within 8 weeks from the date of issue of this Order.




(Amit Yadav)
Director General of Foreign Trade

Copy to:-

1. Sunbright Fashions (India) Pvt. Ltd., Module No. 7, Garment Complex Industrial Estate, Guindy, Chennai-600 032.
2. The Addl. Director General of Foreign Trade, 26, Haddows Road, Shashtri Bhavan Annexe, 4th & 5th Floor, Chennai-600 006.
3. CEIB, 8th Floor, 'B'-Wing, Janpath Bhawan, Janpath, New Delhi - 110001
- ✓ 4. DGFT Website.



Dilip Kumar

(Dilip Kumar)

Dy. Director General of Foreign Trade