

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
O/o THE ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE
(CLA) A- WING, INDRAPRASTHA BHAWAN, I.P. ESTATE, NEW DELHI

File No. DLIECAPPEAL00000083/AM24/Appeal/CLA/ 1453793 Date: 05/09/2023

Name of the Appellant : M/S. VSM Ventures Control Systems Pvt. Ltd.,
Office No.104, Building No. A-84, Street No.15,
Madhu Vihar, Patparganj, New Delhi

Order appealed : Adjudication order No. 05/28/040/00138/AM.17
Dated 06.06.2022

Order in Appeal passed by : Shri Gangadhar Panda, Addl. DGFT (CLA),
New Delhi.

Order – in – Appeal

Any person/party aggrieved by this order, may under Section 16 of the Foreign Trade (Development & Regulation) Act, 1992 file a review appeal against the same to the Competent Authority i.e. DGFT, Vanijya Bhawan, Akbar Road, New Delhi. The review appeal shall be filed within 45 days from the date of receipt of this Order. Review appeal may be accompanied by a copy of the Order-in-Appeal duly affixed four rupees stamp thereon as per Court Fee Act, with all the documents of evidence in the form of Annexure to the Review Appeal relied upon in support of the Review Appeal, under intimation to this office.

2. This appeal was filed under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992 by M/s. VSM Ventures Control Systems Pvt. Ltd., New Delhi against adjudication order No. 05/28/040/00138/AM.17 dated 06.06.2022 passed by Dy. DGFT, O/o Addl. DGFT, CLA, New Delhi..

3. It is seen that M/s. VSM Ventures Control Systems Pvt. Ltd., New Delhi had filed and obtained one advance authorisation No. 0510399741 dt.16.09.2016 for CIF value of Rs.1,15,20,000.13 with condition that they shall fulfill export obligation in free foreign exchange.

4. After expiry of export obligation period on 15.03.2018, a show cause notice dt. 11.12.2019 under section 14 read with section 11(2) & 7 of the Foreign Trade (Development & Regulation) Act, 1992 as amended and Rule 7.1(k) of Foreign Trade (Regulation) Rules 1993, as amended was issued to the appellant with an opportunity of personal hearing on 24.12.2019. Another show cause notice was issued on 09.09.2021 through B.O portal with opportunity of personal hearing on 24.9.2021. As the appellant has neither submitted export documents evidencing fulfillment of export obligation nor availed the opportunity of personal hearing, adjudication order dated 06.06.2022 was passed by Dy. DGFT, O/o Addl. DGFT, CLA, New Delhi and fiscal penalty of Rs. 1,15,20,000.13 was imposed against the authorisation.

5. Aggrieved by the aforesaid adjudication order, the appellant preferred an appeal on 13.7.2023 (i.e. after 13 months). As per Section 15 of the FTDR Act, 1992, the appeal application for consideration ought to have been filed within 45 days from the date on which the decision or order is served on such person. Since adjudication order in this case was served upon to the appellant on 06.06.2022, whereas appellant filed appeal on 13.7.2023 i.e. after 13 months instead of stipulated period of 45 days under the provision to Section 15 (1) (b) of the FTDR Act 1992, the subject appeal is not tenable.

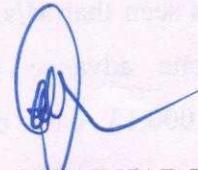
6. I, therefore, in exercise of the powers vested in me, under section 15 of the Foreign Trade (Development & Regulation) Act, 1992, as amended, pass the following order.

Order

File No. DLIECAPPEAL00000083/AM24/Appeal/CLA/

Date:

7. The appeal is rejected as time barred.



(GANGADHAR PANDA)
Additional Director General of Foreign Trade

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1. DES-IV section, O/o Addl. DGFT, CLA, New Delhi for information and necessary action at their end.
2. M/S. VSM Ventures Control Systems Pvt. Ltd., W 53D & W 54H, Sector-11, Noida-201301.

✓

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05/9/2023

(RAJIV BHARGAVA)
Asstt. Director General of Foreign Trade

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