

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

F.No. 18/38/2019-20/ECA.I/179

Date of Order: 12.10.2020
Date of Dispatch: 14.10.2020

Name of the Applicant:

Silk Affair Pvt. Ltd., 35A, Hindustan
Park, Near Gariahat Fire Station,
Kolkata – 700029.

IEC No. :

0205010661

Order reviewed against:

Order-in-Appeal No. 18/45/19-
20/ECA/KOL/Appeal-256 dated
04.11.2019 passed by Addl. DGFT,
Kolkata.

Order-in-Review passed by:

Amit Yadav, DGFT.

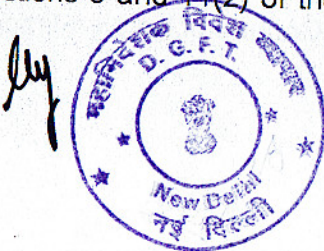
Order-in-Review

Silk Affair Pvt. Ltd., Kolkata (here-in-after referred to as 'the Petitioner') filed a Review Petition dated 14.11.2019 under Section 16 of the Foreign Trade (Development & Regulation) Act, 1992 as amended (here-in-after referred to as 'the Act') against Order-in-Appeal No. 18/45/19-20/ECA/KOL-256 dated 04.11.2019 passed by Addl. DGFT, Kolkata upholding the Order-in-Original (OIO) dated 24.05.2019 passed by the Adjudicating Authority i.e. Joint DGFT, Kolkata, imposing a penalty of Rs.10,000/- in addition to payment of customs duty alongwith 15% per annum interest thereon, on the Petitioner.

Brief Facts of the Case

2.1- The Petitioner obtained an Advance Authorization No.0210205048 dated 08.10.2014 for a CIF value of Rs.399654.03 with an obligation to export garments for an FOB value of US\$144772.09 within a period of 18 months' from the date of issue of said authorization. As per conditions of the Authorisation, the Petitioner was required to submit the prescribed documentary evidence of having fulfilled its export obligation (EO) within two months from the date of expiry of the export obligation. However, the Petitioner failed to submit the prescribed documents.

2.2 A Show Cause Notice dated 30.01.2017 was issued to the Petitioner for action under Rule 7 of the Foreign Trade (Regulation) rules, 1993, as amended and Sections 9 and 11(2) of the Act. The Petitioner was also provided an opportunity of



personal hearing. As the Petitioner failed to submit the complete documents, an OIO dated 24.05.2019 was passed by Adjudicating Authority imposing a penalty of Rs.10,000/- in addition to payment of customs duty and interest on the material left unutilised with it.

2.3 The Petitioner filed an appeal on 17.10.2019 before the Additional DGFT, Kolkata against the above OIO under Section 15 of the Act. The appeal was time barred. The Appellate Authority vide the Order-in-Appeal dated 04.11.2019 dismissed the appeal and upheld the OIO.

3.0 The Petitioner has now submitted a Review Petition dated 14.11.2019 to the undersigned. The Petitioner has submitted the following:

- (i) It fulfilled export obligation on time.
- (ii) It submitted a few documents late.

4.0 The Petitioner was granted personal hearing on 07.08.2020. I have gone through the facts and records carefully. A report was sought from RA, Kolkata. RA, Kolkata in its reports dated 13.02.2020 and 17.02.2020 intimated that the Petitioner had fulfilled the export obligation and submitted all required documents.

5.0 I, therefore, in exercise of powers vested in me under Section 16 of the Act pass the following order:

Order

F.No. 18/38/2019-20/ECA-I/180

Dated: 13/14.10.2020

The Review Petition dated 14.11.2019 is admitted and the Order-in-Appeal No. 18/45/19-20/ECA/KOL/Appeal-256 dated 11.11.2019 and the Order-in-Original No.02/21/40/00223/AM'15 dated 24.05.2019 are set aside. The case is remanded back for de-novo consideration by the Adjudication Authority.



(Signature)

(Amit Yadav)

Director General of Foreign Trade

Copy To:

- (1) Silk Affair Pvt. Ltd., 35A, Hindustan Park, near Gariahat Fire Station, Kolkata – 700029.
- (2) Addl. DGFT, 4, Esplanade East, Kolkata - 7000069.
- (3) DGFT website.

(Signature)

(Dilip Kumar)

Dy. Director General of Foreign Trade

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