

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

OFFICE OF THE ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE
(CLA) A- WING, INDRAPRASTHA BHAWAN, I.P. ESTATE, NEW DELHI

Redespatch,
1446849
26/4/23

File No.05/16/140/0058/AM23/Appeal/CLA/ 1444891 Date: 21/3/2023

✓ Name of the Appellant : M/s. Saurabh Embroideries
Plot No.3, Om Shanti Lane, Opp. Gopi Krishna
Processors, Village Pandori Varaich, Lubana Road
Amritsar-143001.

Order appealed : Adjudication order No.9/67/AM.20/ECA/LDH
dated 3.1.2020

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, Udyog Bhawan, 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 Saurabh Embroideries, Amritsar against

adjudication order No. 9/67/AM.20/ECA/LDH dated 3.1.2020 passed by Asstt. DGFT, O/o Addl. DGFT, Ludhiana.

3. It has been seen that M/s. Saurabh Embroideries had obtained an EPCG authorisation No. 1230001054 dated 30.10.2013 for duty saved amount of Rs.6,72,751/- with the condition that the appellant shall fulfill an export obligation of Rs.40,36,506/- in free foreign exchange towards fulfillment of export obligation.

4. The export obligation period expired on 29.10.2019. As the appellant had not submitted documents showing fulfillment of export obligation, a Show Cause Notice dated 14.6.2019 under provisions contained in Para 11(2) of FTDR Act, 1992 and Rule 7 of Foreign Trade (Regulation) Rules 1993 was issued by Adjudicating Authority, with facility of personal hearing on 28.06.2019, 20.08.2019 and 5.11.2019. Since there was no response from the appellant, an adjudication order No. 9/67/AM.20/ECA/LDH dated 3.1.2020 was passed by Asstt. DGFT and a fiscal penalty of Rs. 1,00,000/- was imposed.

5. Aggrieved by the aforesaid adjudication order, the appellant preferred an appeal on 17.1.2023 (after more than 3 years). As per Section 15 of the FTDR Act, 1992, the appeal 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 issued on 3.1.2020, whereas appellant filed appeal on 17.1.2023 i.e. after three years instead of stipulated period of 45 days under the provision to Section 15 (1) (b) of the FTDR Act, 1992.

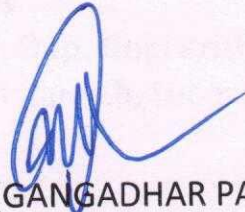
6. I, therefore, in exercise of the powers vested in me, under section 15 of the Foreign Trade (Development & Regulation) Act, 1992, as amended, pass the following order.

Order

File No.05/16/140/0058/AM23/Appeal/CLA/




Date:


7. The appeal is rejected as time barred.


(GANGADHAR PANDA)

Additional Director General of Foreign Trade

Copy to:

-  1. Shri Hari Krishan Chawla, Kewal Di Hatti, Sale Mela, 15-16, B/S Gagan Cinema, Amritsar.
-  2. Shri Tilak Raj Chawla, Kewal Di Hatti, Sale Mela, 15-16, B/S Gagan Cinema, Amritsar.
-  3. O/o Addl. DGFT, Ludhiana for information and necessary action at their end.


(SUNIL CHHABRA)

Foreign Trade Development Officer