

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

F. No. 18/23/2023-ECA.I/ P-38677/243 Date of Order : 28<sup>th</sup>.02.2024  
Date of Dispatch: 29<sup>th</sup>.02.2024

Name of the Petitioner: M/s CIM Technology,  
No.1, Thiruvalluvar Nagar  
Avarampalayam, Ganapathy Post  
Coimbatore -641 006.

IEC No. 3205004957

Order Reviewed against: Order-in-Appeal  
No.CHNECAAPPEAL00000692AM23 dated  
19.07.2023 passed by Zonal Additional DGFT,  
Chennai.

Order-in-Review passed by: Santosh Kumar Sarangi, DGFT

**Order-in-Review**

M/s CIM Technology, Coimbatore (here-in-after referred to as 'the petitioner') having IEC No. 3205004957 filed Review Petition dated 06.10.2023 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 (OIA) No.CHNECAAPPEAL00000692AM23 dated 19.07.2023 passed by Zonal Additional DGFT, Chennai dismissing the appeal being time barred and Order-in- Original (OIO) No. 32/21/021/00139/AM11 dated 16.10.2019 imposing penalty of Rs.5,000/- passed by Jt. DGFT, Coimbatore.

**Brief of the Case**

M/s CIM Technology had obtained an EPCG Authorization No.3530014814 dated 03.05.2010 for a duty saved value of Rs. 3,10,500/- with an obligation to export 'Machined Components, Automobile Components etc.' for a FOB value of US \$ 55,322.93 within a period of 8 years from the date of issue of authorization. The



petitioner failed to submit documentary evidence even after expiry of export obligation period. Hence, a Show Cause Notice was issued with an opportunity of Personal Hearing, calling for explanation for non-submission of the documents. The firm neither replied to the Show Cause Notice nor appeared for the personal hearing granted to them. The petitioner failed to submit documents evidencing fulfillment of export obligation. Hence, the firm was placed in DEL (Denied Entity List) and Order-in- Original (OIO) No. 32/21/021/00139/AM11 dated 16.10.2019 imposing penalty of Rs.5,000/- was passed by Jt. DGFT, Coimbatore.

3. Aggrieved by the above Order-in-Original, the Petitioner filed an appeal on 02.12.2022 which was dismissed due to being time barred.

4. Now, the Petitioner has filed Review Petition dated 06.10.2023 on the following grounds:-

- (i) they have completed specific EO to the extent of USD 48,429.19 (87.54%) within overall EO period but this was completed outside the Block Year EO.
- (ii) they have paid the requisite composition fee toward the extending of Block year EO period and also deposited composition fee towards the shortfall in EO in terms of 5.21 of HBP FTP 2009-14.
- (iii) after completion of exports they have submitted the shipping documents to RA, Coimbatore on 24.01.2022.

5. The petitioner has prayed that they regret for the belated filing of Appeal and requested to consider and remand back the case to RA, Coimbatore for De Novo consideration for getting the EODC for the authorizations.

6. RA, Coimbatore has furnished a brief facts of the case and it is mentioned that the firm has fulfilled 87.54% EO within the overall EO period i.e 8 years and they have paid customs duty corresponding to the unfulfilled EO value i.e. Rs.38813/- together with interest for Rs.68285/- to customs authority concerned and has produced copies of challans as evidence. They have also paid the required composition fee for non-fulfillment of I Block EO & penalty for delay in submission of I Block EO extension (Rs.13105/-).

7. The Reviewing Authority granted the personal hearing to the petitioner on 31.01.2024 at 01.00 pm. Shri M. Sampath Kumar, Partner and Mr. Mohana Sundaram



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attended the personal hearing on behalf of the firm. He intimated that they got license on 3.5.2010 and partially closed 88% of demand value but unfortunately did not pay 15%. RA Coimbatore send the Order-in- Original which the firm received very late. However, they paid the balance duty and interest.

8. Shri Sridhar Dharamarajan, JDGFT, RA Coimbatore attended the meeting. He stated that the Petitioner had fulfilled 87.54% EO within the overall EO period i.e 8 years and they have paid customs duty corresponding to the unfulfilled EO value i.e. Rs 38813/- together with interest for Rs. 68285/- to customs authority and has produced copies of challans as evidence. They have also paid the required composition fee for non-fulfillment of I Block EO & penalty for delay in submission of I Block EO extension (Rs.13105/-).

9. I have gone through the facts and records of the case carefully. The Petitioner obtained an EPCG Authorization No.3530014814 dated 03.05.2010 for a duty saved value of Rs.3,10,500/- with an obligation to export 'Machined Components, Automobile Components etc.' for a FOB value of US\$55,322.93 within a period of 8 years from the date of issue of authorization. The petitioner failed to submit documentary evidence even after expiry of export obligation period. Hence, the firm was placed in DEL (Denied Entity List). After following adjudication procedure, Order-in- Original (OIO) No. 32/21/021/00139/AM11 dated 16.10.2019 passed by Jt. DGFT, Coimbatore. However, the firm has fulfilled 87.54% EO within the overall EO period i.e 8 years and they have paid customs duty corresponding to the unfulfilled EO value i.e. Rs.38813/- together with interest for Rs.68285/- to customs authority concerned and has produced copies of challans as evidence. They have also paid the required composition fee for non-fulfillment of I Block EO & penalty for delay in submission of I Block EO extension (Rs.13105/-).

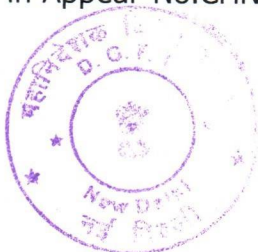
10. I therefore, in excise of powers vested in me under Section 16 of the Act pass the following orders:-

### **ORDER**

F. No. 18/23/2023-ECA.I/ P-38677/243

Dated: 28.02.2024

The Review Petition dated 06.10.2023 filed by the petitioner is admitted. Order-in-Original No. 32/21/021/00139/AM11 dated 16.10.2019 passed by Jt. DGFT, Coimbatore and Order-in-Appeal No.CHNECAAPPEAL00000692AM23 dated 19.07.2023 passed by



Zonal Additional DGFT, RA, Chennai is set aside. The case is remanded back to RA, Coimbatore for de-novo consideration alongwith waiving of penalty.



*28.2.2024*

(Santosh Kumar Sarangi)  
Director General of Foreign Trade

1. M/s CIM Technology, No.1, Thiruvalluvar Nagar, Avarampalayam, Ganapathy Post, Coimbatore -641 006.
2. The Joint Director General of Foreign Trade, Coimbatore.
3. The Addl. Director General of Foreign Trade, Chennai.
4. 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.
5. DGFT Website.

*Manoj Kumar Meena*  
(Manoj Kumar Meena)

Dy. Director General of Foreign Trade