

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

F. No. 18/36/2021-22/ECA.I/1190

Date of Order : 06.11.2023

Date of Despatch: 08.11.2023

Name of the Petitioner:

M/s Jandia Engineering (P) Ltd.  
S.F. No. 767/2B, Mayiladum Parai,  
Chettipalayam Post,  
Coimbatore – 641 201.

IEC No.

3204022242

Order Reviewed against:

Order-in-Original No.  
32/21/040/00328/AM07 dated  
13.05.2011 passed by Jt. DGFT, RA,  
Coimbatore.

Order-in-Review passed by:

Santosh Kumar Sarangi, DGFT

**Order-in-Review**

M/s Jandia Engineering (P) Ltd., Coimbatore (here-in-after referred to as 'the petitioner') having IEC No. 3204022242 filed Review Petition dated 30.12.2021 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 No. 32/21/040/00328/AM07 dated 13.05.2011 passed by Jt. DGFT, RA, Coimbatore imposing a penalty of Rs. 8,05,851.65 on the petitioner and its Directors.

**Brief of the Case**

2. The Petitioner had applied and obtained an Advance Authorization No. 3210035131 dated 02.04.2007 for a CIF value of Rs. 8,05,851.65 (\$ 17907.82) with an export obligation to export Circular Saw Machine-Slugger Metal Cutter and Motor (Resultant Product) for a FOB value of Rs. 36,95,085.00 (US\$ 82,113) within a period of 24 months from the date of issue of the said authorization.

3. The export obligation period (EOP) expired on 01.04.2010. The petitioner failed to submit the original export documents such as (i) Original Advance Authorization; (ii) Bill of Entry copy; (iii) Original EP copy of Shipping Bills; (iv) BRC; (v) Statement of import & export duly self certified & (vi) Consumption statement as per Appendix-23.



4. The adjudicating authority issued Demand-cum-Show Cause Notice dated 28.09.2010 u/s 14 for action u/s 11(2) of FTDR Act, 1992, as amended, due to non-submission of export documents against the said authorization.

5. In view of the above, the adjudicating authority found the petitioner and its Partners guilty of violation of conditions of the authorization in question thereby liable for a penalty u/s 11(2) of FTDR Act, 1992. Therefore, the Adjudicating Authority passed Order-in-Original No. 31/21/40/00328/AM07 dated 13.05.2011 imposing a penalty of Rs. 8,05,851.65 being one time CIF value on the petitioner and its Directors along with denial of further benefits of FTP schemes to the petitioner/Proprietor/Partners/Directors who are directly or indirectly involved in the day to day activities of that petitioner firm.

6. The Petitioner could not file the appeal. Now, the petitioner has filed the present review petition dated 30.12.2021 against the Order-in-Original No. 32/21/040/00328/AM07 dated 13.05.2011 passed by RA, Coimbatore on the following grounds :

(i) This happened due to unawareness of policy & procedure and circumstances beyond its control.

(ii) The Petitioner has fulfilled the export obligation within the original export obligation period with quantity short fall.

(iii) The Petitioner has paid the customs duty + interest and submitted all the requisite documents to RA, Coimbatore for regularization of the case.

6.1 The Petitioner has prayed for :-

(i) To condone the condition of pre-deposit of penalty and also condone the undue delay in filing review petition.;

(ii) Set aside the Order-in-Original dated 13.05.2011.;

(iii) Direct the Adjudicating Authority to issue EODC/regularization letter.

7. The Reviewing Authority granted the personal hearing to the Petitioner on 26.10.2023. Shri Vijayakumar B.T., Director of the firm had attended the PH. He intimated that they have fulfilled the export obligation within the original export obligation period (EOP) with quantity shortfall for which they have paid customs duty plus interest and submitted the application for redemption along with all complete documents to RA, Coimbatore for regularization of the case and issue of EODC. Further, stated that since the OIO was sent to their old address it was received late. As soon as they came to know the issue of OIO, they approached to RA, Coimbatore and explained the case. They also came to know that their company was put under DEL, but later on it has been removed from DEL by RA, Coimbatore. They have already submitted the requisite documents to RA, Coimbatore for regularization of the case and issue of EODC.



7.1 Shri Selvakumar Jacob, FTDO, RA Coimbatore attended the meeting. He stated that the Petitioner had fulfilled the EO within time, but submitted the documents for the proof of EO fulfillment after the expiry of EOP. Hence, OIO dated 13.05.2011 was passed by the Adjudicating Authority. Now, they have already submitted all the required documents for regularization of the case.

8. I have gone through the facts and records of the case carefully. The Petitioner had obtained an Advance Authorization No. 3210035131 dated 02.04.2007 for a CIF value of Rs. 8,05,851.65 (\$ 17907.82) with an export obligation to export Circular Saw Machine-Slugger Metal Cutter and Motor (Resultant Product) for a FOB value of Rs. 36,95,085.00 (US\$ 82,113) within a period of 24 months from the date of issue of the said authorization. The export obligation period (EOP) expired on 01.04.2010. The petitioner failed to submit the original export documents towards fulfillment of Export Obligation (EO). The Adjudicating Authority passed Order-in-Original dated 13.05.2011 imposing a penalty of Rs. 8,05,851.65 on the Petitioner and its Directors. However, the Petitioner had fulfilled the EO within time and now they have already submitted the required documents to RA, Coimbatore for regularization of the case.

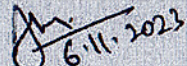
9. I therefore, in exercise of powers vested in me under Section 16 of the Act pass the following order:-

**ORDER**

F.No. 18/36/2021-22/ECA.I/Dated : 190

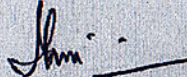
6 .11.2023

The Review Petition dated 30.12.2021 is admitted. The petitioner Order-in-Original No.32/21/040/00328/AM07 dated 13.05.2011 passed by Jt. DGFT, RA, Coimbatore is set aside. The case is remanded back to RA, Coimbatore for de-novo consideration.

  
(Santosh Kumar Sarangi)  
Director General of Foreign Trade

Copy to:-

1. M/s Jandia Engineering (P) Ltd., S.F. No. 767/2B, Maylladum Parai, Chettipalayam Post, Coimbatore – 641 201.
2. The Joint Director General of Foreign Trade, Coimbatore.
3. 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.
4. DGFT Website.

  
(A.S. Lungreishang)  
Dy. Director General of Foreign Trade

