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F.No. 18/04/HQ/2019-20/ECA-II
Government of India
Ministry of Commerce and Industry
Directorate General of Foreign Trade
'H'-Wing, Udyog Bhawan, New Delhi
Web : <http://dgft.gov.in>

New Delhi, the 12th July, 2019.

ECA Circular No. 26/2015-20

To

All Regional Authorities/SEZs

Subject:- Action for recovery of penalty, pending Appeals/Reviews.

While processing Appeal and Review Petitions filed by various aggrieved parties u/s 15 & 16 of FT(D&R) Act, 1992 against Adjudication/Appellate orders passed by various RAs/SEZs, it is observed that in majority of such cases, no concrete action is taken up by the Adjudicating Authorities to recover the penalty amount. In some cases, the parties have filed appeals long back but have not bothered to attend the appeal/review procedures. This modus operandi is adopted by the unscrupulous parties as the RAs/SEZs do not take stricter action for recovery. The Adjudicating Authorities may please note that filing of an Appeal/Review does not tantamount to stay on recovery unless & until a specific order is made by the appropriate authority to stay recovery of such penalty.

2. Therefore, all the Adjudicating Authorities in RAs and SEZs are advised to review such cases where adjudication orders were passed by them and penalty has been imposed. Recovery of penalties should be immediately initiated by the Adjudicating Authorities where no stay has been granted by the Appellate Authority/Reviewing Authority or any court of law.

3. A report giving details of all such cases along with action taken for recovery in each such case should be furnished to this Directorate within a period of 30 days from issue of this instruction.

This issues with approval of the Director General of Foreign Trade.


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