

File No. 18/29/2020-21/ECA.I
Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Trade Notice No. 44 /2015-2020

Dated: 1st March 2021

To
Members of Trade and Industry
All Regional Authorities (RAs) of DGFT/Development Commissioners of SEZs
All Export Promotion Councils/Chambers of Commerce
Foreign Trade Division of Department of Commerce
All concerned Government Agencies etc.

Subject: Online Module for Adjudication, Appeal, Review proceedings under Foreign Trade (Development & Regulation) Act, 1992, ('the Act') as amended and Foreign Trade (Regulation) Rules, 1993, ('the Rules') as amended.

An online module for Adjudication, Appeal, Review proceedings under Foreign Trade (Development & Regulation) Act, 1992, ('the Act') as amended and Foreign Trade (Regulation) Rules, 1993, ('the Rules') as amended has been implemented with effect from 27th February 2021.

Adjudication

2. The Exporters have to submit prescribed documents evidencing fulfilment of export obligation within the period prescribed indicated in the Authorization/ Foreign Trade Policy/ Procedure. In case of non-submission or incomplete submission of prescribed documents, the Exporter shall be directed to furnish the complete prescribed documents within the period indicated in the letter issued by Regional Authority. In case of non-submission of complete prescribed export documents the Exporter will be issued Show Cause Notice for violations of provisions under 'the Act' as amended and 'the Rules', as amended. Notices for Personal Hearing (PH) will be issued online to the Noticees to submit their case in the PH or through written submissions which will also be in the online module. PH will be conducted through Video conferencing (VC) or through physical hearings at the time and place indicated in the notice for PH at the discretion of the Adjudicating Authority. Exporters shall submit documents online on DGFT website: dgft.gov.in > login with valid credentials > Services > Enforcement cum Adjudication proceedings. All the correspondences to Exporters will be sent through emails. Therefore, the exporters will keep their details viz. addresses, email

IDs, etc. updated on DGFT website. Non receipt of emails etc due to non updation of details shall be the liability of the Noticee (Exporter).

3. In case of non-submission of prescribed export documents evidencing fulfilment of export obligation, Adjudication Order (Order-in-Original) may be passed for payment of duty and interest thereon, and even enforcing penalty after fulfilling due process. The order will be served online. On receipt of Adjudication Order, the Exporters are required to deposit the penalty amount, Customs duty and interest thereon.

4. Adjudication proceedings for any other violations of DGFT's schemes, Foreign Trade Policy/ Procedures, any orders issued under 'the Act', and 'the Rules' shall also be initiated and conducted online.

Appeal

5. The Exporter shall have the facility to file an appeal under Section 15 of the Act against the Adjudication Order within the stipulated period alongwith the proof of having deposited the penalty amount. No appeal can be submitted after the stipulated period and the online system shall automatically block the process of appeal once the time limit expires. The Exporters shall have to submit the appeal online on the DGFT website: dgft.gov.in > login with valid credentials > Services > Enforcement cum Adjudication proceedings. Appellate proceedings will be conducted online viz. service of notice, reply to notice, notices for Personal Hearing (PH), passing of Appellate Order, its service, etc as in the case of Adjudication proceedings. PH will be conducted through Video conferencing (VC) or through physical hearings at the time and place indicated in the notice for PH at the discretion of the Appellate Authority.

5.1 There will be a transition period upto 31st March , 2021 wherein the firm/ Appellants wishing to file an Appeal under Section 15 shall be allowed to file Appeals either online or manually. However, subsequent to the filing by the appellant in the manual mode, during the transition period , to the jurisdictional Appellate authority , consequent processing of the case shall be only through the online module.

Review

6. The Review Proceedings provided in Section 16 of 'the Act' will also be conducted online. The Exporters shall submit Review Petition online. Review proceedings will be conducted online viz. service of notice, reply to notice, seeking comments from Adjudication Authority, notices for Personal Hearing (PH), passing of Review Order (Order-in-Review), its service, etc. as in the case of Appeal

proceedings. PH will be conducted through Video conferencing (VC) or through physical hearings at the time and place indicated in the notice for PH at the discretion of the Reviewing Authority

7. The online help materials /FAQs are available at dgft.gov.in> Learn > Application Help &FAQs > ECA-Adjudication.

This issues with approval of the DGFT.

Dilip Kumar
(Dilip Kumar)

Deputy Director General of Foreign Trade