



भारतसरकार/Government of India

फलताविशेष आर्थिक क्षेत्र/FALTA SPECIAL ECONOMIC ZONE

वाणिज्यविभाग/Department of Commerce

वाणिज्यऔरउद्योगमंत्रालय/Ministry of Commerce & Industry

निज़ामपैलेस, दूसराएमएसओभवन, चौथीमंजिल/Nizam Palace, 2nd MSO Building, 4th Floor

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Falta SEZ

FSEZ/LIC/E-3/2009/6 ४४

Dated: 05.08.2024

ORDER IN ORIGINAL

WHEREAS, M/s. Sen Pet (India) Ltd., was granted approval in the name of M/s Elque Polyesters Ltd for setting up an unit in Falta EPZ (now Falta SEZ) vide Letter of Permission No. FEPZ/LIC/E-3/91/2285 dated 30.09.1992 & No. FEPZ/LIC/E-3/91/917 dated 17.06.1994 (Revised) for manufacture and export of PET Resin. A developed plot of land measuring 24,936 Sq. Mtr.(6.16 acre) was allotted to the unit in the bonded area of Falta EPZ (now SEZ) and it had executed lease deed agreement on 10.10.1994 for a period of 15 years, validity of which has expired on 09.10.2009. The unit had commenced production on 02.01.1997 and had performed foreign trade activity under EPZ scheme upto the year 2002. After introduction of SEZ Scheme since 01.01.2003, the unit opted for exit from the SEZ scheme and applied for conversion into EOU scheme. The same was granted by Ministry of Commerce & Industry vide letter No. F.2 (6)/9/2002-EPZ dated 27.02.2003.

2. **WHEREAS**, since 2003 M/s. Sen Pet (India) Ltd was performing as 100% EOU in the same premises in Falta SEZ. The unit had requested vide its letter dated 17.10.2007 for approval for conversion of their EOU unit into DTA unit by way of de-notification of the land occupied by them in Falta SEZ. The matter was reviewed by the Unit Approval Committee and the committee came to a conclusion that under the provision of SEZ Act and Rules, there is no provision for such de-notification of SEZ land. The proposal of M/s Sen Pet (India) Ltd. for de-notification of SEZ land was placed before the BoA in its 65th meeting held on 19.05.2015, the Board after deliberations did not approve the proposal for de-notification of SEZ land. The Department of Commerce passed a Speaking Order on the matter on 31.07.2015.

3. **WHEREAS**, the unit had requested vide its letter dated 17.01.2012 for renewal of LOP and Green Card. The LOP was renewed for a further period of five years w.e.f 01.01.2012 vide this office letter dated 08.02.2012. Green Card was revalidated upto 01.01.2017 vide this office letter dated 09.02.2012. LUT had been executed on 22.02.2012.

4. **WHEREAS**, the joint Monitoring Meeting with the Jurisdictional Central Excise Authority (Kolkata-VII Commissionerate) was held on 16.12.2013 and the Performance of the Unit was monitored and it was observed that the unit had not achieved positive NFE cumulatively for a period of five years from FY 2007-08 to 2011-12. It was also observed that a number of audit queries were pending against the unit. In addition a huge rental dues amounting to Rs. 1,89,33,053/- upto December 2014 was outstanding against the unit (as on 01.01.2017 rental dues of

Rs. 2.63 Crores approx is outstanding against the unit) as an EPZ/SEZ unit and moreover the unit was a non-performer in items of the conditions of LOP.

5. **WHEREAS**, a Show Cause Notice was issued vide Letter No. FSEZ/LIC/E-3/2009/4449-4454 dated 09.03.2015, as to why LOP should not be cancelled and penalty should not be imposed for violation of Foreign Trade Policy, Hand Book of Procedures, the LOP and LUT under Section 9 & 11 of the Foreign Trade (Development & Regulation) Act, 1992 read with the FT(D&R) amendment Act, 2010 Rule 10 of Foreign Trade (Regulation) Rules, 1993 by occupying space in SEZ without achieving positive NFE and been a huge defaulter of Rent.
6. **WHEREAS**, again a Show cause Notice No. 2(2A)/2015/2970 dated 13.01.2016 was issued for non-submission of APR.
7. **WHEREAS**, an opportunity for Personal Hearing before the Development Commissioner/Dy. Development Commissioner, Falta SEZ, was granted on 13.05.2021 at 11.00 A. M. at Nizam Palace, 2nd MSO Building, 4th floor, 234/4, A. J. C. Bose Road, Kolkata-700020 vide this Office letter No. FSEZ/LIC/E-3/2009/206 dated 20.04.2021, for discussion about the matter to explain about non-performance of the unit for a long time and also to explain the roadmap for the future. However, no representative of the unit appeared for the said personal hearing.
8. **WHEREAS**, the LOP No. FEPZ/LIC/E-3/91/2285 dated 30.09.1992 & No. FEPZ/LIC/E-3/91/917 dated 17.06.1994 (Revised) has not been extended beyond 01.01.2017, thus the LOP is deemed to be lapsed w.e.f. 02.01.2017.
9. **WHEREAS**, considering the case in view of the available records, the Adjudicating Authority has found that the Company has contravened the conditions of LoP & LUT and guidelines contained in Appendix 14-I-G / Appendix 6F of Foreign Trade Policy 2009-14/2015-20 and Handbook of Procedures 2009-14/2015-20 by occupying space in SEZ without achieving positive NFE. In addition, the unit has been a huge defaulter of rent of the FSEZ Authority.

ORDER

And therefore, in terms of Para 6.34 (i) of Foreign Trade Policy Handbook of Procedures 2023, I hereby cancel the Letter of Permission bearing No. FEPZ/LIC/E-3/91/2285 dated 30.09.1992 & No. FEPZ/LIC/E-3/91/917 dated 17.06.1994 (Revised) issued to M/s Senpet (India) Limited (earlier known as M/s. Elque Polyester Pvt. Ltd) w.e.f. the date of expiry of the LoP i.e. 02/01/2017.

This action is without prejudice to any other actions that may be taken against the notice firm under Foreign Trade (Development and Regulation) Act, 1992 and Rules and orders made thereunder or any other act or law in force.

Any person/party aggrieved by this order may, under Section 15(1) (b) of the Foreign Trade (Development & Regulations), appeal to the appropriate authority viz Ministry of Commerce & Industry, Department of Commerce (DOC), New Delhi within 45 days from the date of issuing of this Adjudication Order together with a copy of this order and complete set of evidence in the form of annexure relied upon in support of the appeal under intimation to this office.



(Deen Bandhu Singh)
Zonal Development Commissioner

To

1. M/s. Senpet (India) Limited, (Previously M/s Elque Polyesters Ltd), 85, S.N. Banerjee Road, Kolkata-700014.
2. Shri Umasankar Chattopadhyay, S/o Prafulla Kr. Chattopadhyay, 115E, Sarat Ghosh Garden Road, Kolkata – 700031.
3. Shri Supratik Sen Barat, S/o P.K. Sen Barat, 40, Karbala Tank Lane, Kolkata – 700006.
4. Shri. Jyotirmoy Kar Roy, Late D.M. Kar Roy, B-89, Survey Park, Santoshpur, Kolkata- 700075

Copy to:

The Dy./Assistant Commissioner of Customs, Barasat Division (Technical), 15/1 Strand Road, M. S. Building, 4th Floor, Customs House, Kolkata-700001.

Dy. No. 05.08.2024

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जारी किया / ISSUED

हस्ताक्षर / SIGNATURE *Amar*

दिनांक / DATE 06/08/2024