

F.No. 18/04/HQ/2019-20/ECA.II/212
Government of India
Ministry of Commerce and Industry
Directorate General of Foreign Trade
'H'-Wing, Udyog Bhawan, New Delhi-110011

Dated: 15 May, 2019

ECA Circular No. 24

Subject: Administrative Review of Adjudication Orders passed by subordinate officers – regarding.

Various RAs of this Directorate keep on adjudicating matters under the Foreign Trade (Development & Regulation) Act 1992, as per powers stated in Notification No. 20 Dated 13th June 2013. Appeals or Reviews against such Orders are made under Section 15 and 16 of the said act.

2. While dealing with the Reviews, it has been observed that, in many cases, quality of Adjudication Orders (O-in-Os), specially passed by the junior officers is not up to the mark. Many a times O-in-Os are stereotyped and vague. The contraventions are not crystallised nor are the revenue implications quantified. The amount of penalty imposed does not bear any reference to the quantum of default. Contentions/submissions of the parties are also not adequately analysed. Sometimes the orders are passed in a hurry without providing natural justice to the parties. In many cases even the IEC numbers of the parties are not mentioned.

3. Therefore it has been decided that in order to improve quality of O-in-Os, there should be a procedure of an Administrative Review (AR) of select Orders made by the officers below the level of Addl. DGFT. Such ARs would be conducted by the Addl. DGFTs in the RAs for the Orders passed under their Appellate jurisdiction as notified in O&M Instruction No. 3/2016 dated 05/09/2016. These ARs shall be purely administrative in nature to guide the Adjudicating Authorities for improvements and would not affect the quasi-judicial proceedings. The Addl. DGFTs conducting the ARs would convey their observations to the relevant Adjudicating Authorities and see that the officers implement the suggested improvements in their future O-in-Os. Appropriate action may be taken in case any gross violation in passing an O-in-O is observed.

4. All the RAs are required to regularly upload on the DGFT website all the Orders passed by them. This Directorate would identify the Orders for AR on quarterly basis and convey the same to the respective Addl. DGFTs. The observations made under the AR and corrective action taken by the Adjudicating Authorities should be shared with this Directorate.

5. This issues in supersession of DGFT's O&M Instruction No.06/2018 dated 06.10.2018.



(Rajbir Sharma)

Jt. Director General of Foreign Trade

For Director General of Foreign Trade

Email-rajbir.sharma@nic.in

Tel: 23061056

To

1. PSO of Commerce Secretary, Department of Commerce, Udyog Bhawan, New Delhi.
2. PPS to DGFT.
3. All officers/Sections of DGFT.
4. Zonal offices/Regional offices of DGFT.
5. Guard File.