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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting held on 28.04.2020 under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.01/AM21 held on 28.04.2020

The following members were present in the meeting:

1.	Shri K.C. Rout	Addl. DGFT
2.	Shri R. P. Goyal	Addl. DGFT
3.	Shri Vijay Kumar	Addl. DGFT
4.	Shri Anil Aggarwal	Addl. DGFT
5.	Shri Rajbir Sharma	Jt. DGFT

Following cases were discussed. The decision taken on the individual cases are as under:-

S. No	Name of the firm	Case No.
1.	M/s. D&Y Technologies Private Ltd., Noida	1
2.	M/s. Vyanktesh Corrugators Private Limited, Ujjain	2
3.	M/s. KBS Industries Limited, New Delhi	3
4.	M/s. Sharp Mint Limited, Delhi	4
5.	M/s. Prakash Export, Kerala	5&7
6.	M/s. Vijayalaxmi Cashew Company, Kerala	6&8
7.	M/s. AET Laboratories Pvt. Ltd., Telangana	9
8.	M/s. Ankit Aerospace Pvt. Ltd., Bangalore	10
9.	M/s. Hotel Jaclyn Pvt. Ltd., Tamil Nadu	11
10.	M/s. Majestic Basmati Rice Pvt. Ltd., Mandideep (MP)	12
11.	M/s. S. M. International, Kolkata	13
12.	M/s. Universal Medicap Limited, Vadodara	14
13.	M/s. Sunfood Corporation, Kerala	15
14.	M/s. RosselTechsys, Kolkata	16
15.	M/s. Forest Friendly Camps Private Limited, New Delhi	17&18
16.	M/s. Nazareth Metals, Mumbai	19
17.	M/s. D.D. International, Amritsar	20

Case No. 01 M/s. D&Y Technologies Private Ltd., Noida
F. No. 01/60/162/188/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Conversion of EPCG export obligation into EOU Scheme as per para 6.36 of HBP 2009-14 and request for enhancement projection of capital goods (Imported) Rs.4.29 crore to 14.15 crore.

The applicant stated that they had submitted request to NSEZ Noida regarding the enhancement of projection of value of imported capital goods and revised the LOP with the new projected value and to consider the outstanding export obligation under the EPCG submersing under EOU and further monitored by the Development Commissioner office, but their request was not considered. They are a multinational company who applied for setting up a unit under EOU scheme with the office of NSEZ on 02.04.2012 for manufacture and exports of UV coating of Mobile Phone cover and parts and grant the letter of permission on 04.07.2012 and date of commencement of production was on 20.09.2012. Meanwhile unit was awaiting the approval of setup the EOU scheme, but an import consignment of machine (Capital Goods) arrived at the Custom Port. Therefore they had obtained an EPCG authorisationNo.0530158663 dated 28.06.2012 for value of Rs.54808129.00 against which export obligation to the tune of Rs.85520684/- within a period six years from the date of issue of authorisation i.e. 28.06.2012 was imposed. All productions since inception till date have been made under the EOU scheme. They made the total deemed export of 216.92 crores during the six years against the net imported capital goods 13.24 Crores. They made all the clearance of their finished goods under EOU scheme and the machines imported under EPCG authorisation were installed under the EOU private bonded ware house. No separate production was made under EPCG scheme therefore they had requested with the O/o, Development Commissioner office regarding submersing export obligation outstanding against the EPCG authorisation Rs.8.55 Crores under the EOU scheme. They had filed letter regarding such outstanding of export obligation with the office of Development Commission NSEZ on 22.08.2014 but did not consider till date. Hence, requested to consider them for they had made the good value of Deemed exports Rs.216.92 crores under the para 6.9(c) clearance of finished goods one EOU to another EOU against the imported capital goods value Rs.13.24 Crores.

Decision: The Committee went through the statements made by the firm and discussed the matter at length and noted that the matter pertains to order-in-original dated 13.1.2015 passed by DC-SEZ, Noida, on which Appellate Authority i.e DGFT has already passed appellate order and remanded back the case to DC Noida for de-novo consideration. It is not a case of policy relaxation and firm is required to approach DC Noida, based on the appellate authority' orders and DC, Noida is required to pass a speaking order after de-novo examination of the case, as decided by the appellate authority. Accordingly, Firm may approach DC-SEZ, Noida for further action.

(Action: Applicant/DC-SEZ Noida)

Case No. 02 M/s. Vyanktesh Corrugators Private Limited, Ujjain
F. No. 01/60/162/840/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: To relax the provision to submit the bill of export against Advance Authorization no. 1110023409 dated 26.10.2010 towards the fulfillment of EO.

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The applicant stated that they have not prepared Bill of exports but have submitted papers duly certified by customs at Indore SEZ as well as by the buyers. They have been clearing the good to SEZ under ARE 1 and invoices. Since the Customs officer has certified the supply of goods to SEZ units and its receipt in SEZ units against the subject authorization, their request is to relax the provision to submit the Bill of Exports so as to enable them to process for issue of EODC.

Decision: The Committee examined the statement made by the firm and discussed the matter at length. It reiterated that Bill of export is a mandatory document in terms of FTP for discharge of EO of advance authorization in case of supplies to SEZ Unit. Accordingly, it decided to reject the request of the applicant.

(Action: Applicant)

Case No. 03 M/s. KBS Industries Limited, New Delhi
F. No. 01/60/162/857/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension of EOP against Advance Authorization No.0510399488 dated 17.08.2016.

The applicant stated that this advance authorisation was issued in August, 2016 and complete import had been made by them till the end of September, 2016. At the time of manufacturing of their finished goods whole market had crashed due to the demonetization, which took place in November, 2016. Due to the shortage of workers/employees, they had to stop their production for that time period. Therefore, they had not fulfilled the requirement of the buyer by supplying the material to overseas buyer on time. Accordingly overseas buyer had cancelled the complete orders. And now, they have found an overseas buyer with their best efforts, meanwhile the captioned advance authorisation has been expired for export even after second EOP extension (i.e. 16.12.2019). Hence, requested to grant them EOP extension for six months from the date of decision.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request for EO extension. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: CLA, New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 04 M/s. Sharp Mint Limited, Delhi
F. No. 01/60/162/862/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: To consider the export of 17 drawback shipping bills against Advance Authorization no. 0510401872 dated 06.03.2017 towards fulfillment of EO.

The applicant stated that the above advance authorization had been obtained under no norms basis. They have achieved 337.95% value addition. However their export documentation staff filled the shipping bills under drawback scheme instead of advance authorisation scheme by mistake and inadvertence. They came to know this fact later on and then they rectified their mistakes in next advance authorisation. The total drawback claimed in these shipping bills is around 44.17 lacs. Therefore, on the ground that of genuine hardship, it is requested to allow acceptance of drawback shipping bills as per statement of export under above mentioned authorization along with return of duty drawback with application interest.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm.

(Action: Applicant)

Case No. 05 M/s. Prakash Export, Kerala
F. No. 01/60/162/874/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension of EOP against Advance Authorization No.5310019335 dated 21.04.2017.

The applicant stated that they had obtained first revalidation up to 20.10.2018 and extension for further six months up to 20.04.2019. They have achieved in terms of quantity of 49.19%only and fall short of 0.81% in quantity terms. However, they had fulfilled 59.05% in terms of value. The Government is aware of the plight of Cashew Industry where one of the major issues is the fluctuation of international prices. During the last few week of the expiry of the export obligation period they were ready with requisite quantity for a shipment but the international price were so low that if they agreed to ship the goods at that rate they could suffer a huge financial loss. Under the above circumstances firm has requested to relax the 50% export obligation on quantity, considering that the shortfall is only miniscule (0.81%). If another extension for 6 months is granted. They will be able to ship out and fulfill the entire export obligation of authorisation within the validity period from the date of endorsement of the extension.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: RA, Trivandrum: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 06 M/s. Vijaylaxmi Cashew Company, Kerala
F. No. 01/60/162/875/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension of EOP against Advance Authorization No.5310019343 dated 25.04.2017.

The applicant stated that within the validity period they had exported 97.76% in quantity terms and 117.98% in value terms with reference to the actual imports. They fall short of 2.24% in quantity terms which in their humbly opinion is extremely negligible. The Government is aware of the plight of Cashew Industry where one of the major issues is the fluctuation of international prices. During the last few week of the expiry of the export obligation period they were ready with requisite quantity for a shipment but the international price were so low that if they agreed to ship the goods at that rate they could suffer a huge financial loss. Under the above circumstances it is humbly requested to relax for delay in submission of application for EO extension and grant of EOP for further 6 months from the date of endorsement.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: RA, Trivandrum: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 07 M/s. Prakash Export, Kerala
F. No. 01/60/162/873/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension of EOP against Advance Authorization No.5310019104 dated 05.07.2016.

The applicant stated that within the validity period they had exported 68.003% in quantity terms and 92.63% in value terms with reference to the actual imports. They fall short of 31.97% in quantity terms and 7.36% in value terms. The Government is aware of the plight of Cashew Industry where one of the major issues is the fluctuation of international prices. During the last few week of the expiry of the export obligation period they were ready with requisite quantity for a shipment but the international price were so low that if they agreed to ship the goods at that rate they could suffer a huge financial loss. Under the above circumstances it is requested to relax for delay in submission of application for EO extension and grant of EOP for further 6 months from the date of endorsement.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: RA, Trivandrum: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 08 M/s. Vijayalaxmi Cashew Company, Kerala
F. No. 01/60/162/876/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension of EOP against Advance Authorization No.5310019233 dated 25.10.2016.

The applicant stated that within the validity period they had exported 95.52% in quantity terms and 102.66% in value terms, with reference to actual imports. They fall short of 4.48% in quantity terms. The Government is aware of the plight of Cashew Industry where one of the major issues is the fluctuation of international prices. During the last few week of the expiry of the export obligation period they were ready with requisite quantity for a shipment but the international price were so low that if they agreed to ship the goods at that rate they could suffer a huge financial loss. Under the above circumstances firm has requested to relax the delay in submission of application for EO extension and grant of EOP for further 6 months from the date of endorsement.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: RA, Trivandrum: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 09 M/s. AET Laboratories Pvt. Ltd., Telangana
F. No. 01/60/162/879/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: To allow MEIS benefit against Shipping Bill No.8570809 dated 29.06.2016.

The applicant stated that they have filed MEIS application in time vide MEIS E-Com No.09/03/010/73900/0605/3112 but wrongly submitted to RA Hyderabad. They contacted RA Hyderabad wherein it has been informed that it is an EOU shipping bill which needs to be submitted to Vishakhapatnam SEZ (Vizag. EPZ)thereby processing remedying the same has taken time, as a result last date for the above said shipping bill has been lapsed. They have informed that details of EO, CIF Import authorisation, utilisation, license etc. were given randomly and few details were giving in shipping bill sanction script in order to file PRC application was not getting saved/accessed unless the details are provided in the said fields. Further stated that for calculation of time period exclude the time period between the date of submission of application and date of submission of application and date of rectifying the same, as they had filed in time. Hence, requested to condone the delay and allowed them to resubmit MEIS application for the said shipping bill at RA Vishakhapatnam SEZ (Vizag EPZ).

Decision: The committee went through the statements made by the firm and noted that there is merit in the case and accordingly decided to allow the benefit of MEIS to the firm against Shipping Bill No.8570809 dated 29.06.2016. Concerned DC, SEZ may accept the application and process the case. Late cut, if any, on the entitlement will be decided taking date of submission of original application in RA, Hyderabad as the date of application. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/Vishakhapatnam SEZ (Vizag. EPZ)

Case No. 10 M/s. Ankit Aerospace Pvt. Ltd., Bangalore
F. No. 01/60/162/609/AM19/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: To allow MEIS Benefit against 3 Shipping Bills No. (i) 9212069 dated 11.10.2017, (ii) 9969013 dated 17.11.2017 &(iii) 1580033 dated 15.12.2017 which was manually amended of the Customs.

This is review case of the decision of PRC Meeting No.33/AM19 dated 12.03.2019. The applicant stated that they had exported six consignments under the above shipping bills. As per buyer's requirement they had clubbed two invoices under one shipping bill. At the time of filing of shipping bill they have correctly selected option "Yes" for availing MEIS benefit against all invoices. While taking final print out from Customs, shipping bills show option "No" against second invoices filled under all shipping bills. They noticed that the above error and approached customs authorities to rectify the error. Customs authorities were issued amendment letter confirming the option "Yes" against all three shipping bills. Keeping in mind that for claiming the MEIS benefit having time limit of 24 months from the date of Let export date they claimed the MEIS scrips against first invoices of all the three shipping bills and have obtained two MEIS scrips from RA Bangalore. Supplementary claim value of MEIS benefit for second invoices under three shipping bills works out to be Rs.11,91,906/-. Hence, requested to review their case and allow them to file supplement claim against the above shipping bills and issue them the manual MEIS scrips for the same.

Decision: The Committee reviewed the case in detailed and in view of justification provided by the firm, it found no merit in the case as there is no provision of filing supplementary claims in MEIS. Accordingly, the Committee decided to maintain rejection as in earlier decision in the PRC Meeting No.33/AM19 dated 12.03.2019 (Case No.10).

(Action: Applicant)

Case No. 11 M/s. Hotel Jaclyn Pvt. Ltd., Tamil Nadu
F. No. 01/60/162/842/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Condonation of delay in filing the SFIS application File No. (i) 01/21/065/00415/AM20, (ii) 01/21/065/00416/AM20, (iii) 01/21/065/00417/AM20 and (iv) 01/21/065/00418/AM20.

The applicant stated that due to delay in obtaining FIRCs/BRCs from their Banker side they could not file the application on time for the period 2012-13 and RA, Coimbatore has rejected their case for issuance of SFIS authorization. Abnormally long delay on the issuing FIRC and paralysis of office work for a long spell of time at their end due to tragic death of only son of their M.D. in road accident. They are putting to this situation in spite of genuine and actual services rendered by their hotel as per law denial of relief to them is providing disastrous and for their very survival .

Decision: The Committee having examined the statement made by the firm found no merit in it, hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 12M/s. Majestic Basmati Rice Pvt. Ltd., Mandideep (MP)
F. No. 01/60/162/514/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Refund of TED against invalidation of EPCG license no. 1130002793 dated 14.05.2015 in favour of M/s Grain Processing Industries Pvt. Ltd., Kolkata.

The applicant stated that they had obtained the above EPCG license for export of Basmati Rice and Non-Basmati Rice. The said EPCG license was invalidated in favour of M/s Grain Processing Inds. Pvt. Ltd., Kolkata for supply of capital goods as per EPCG license. The capital goods supplied by domestic supplier were inclusive of excise duty paid by them and the payment was made through normal banking channel. As per policy provisions they had applied for refund of Central Excise Duty from their RA and have given all the documents required for refund of TED. However the eBRC has not been provided by M/s Grain Processing Inds. Pvt. Ltd. Therefore, it is requested to intervene in the matter and grant of refund as they have provided all the documents in support of their claim.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and decided to seek a detailed factual report from the concerned RA in the matter before deciding the case.

(Action: RA, Bhopal/Applicant)

Case No. 13 M/s. S. M. International, Kolkata

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F. No. 01/60/162/751/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: One time permission for clearance of vehicle at Petrapole (INPTPB) customs territory for repair and re-export to Bangladesh.

The applicant stated that their Bangladesh client intended to send in India one personal used vehicle of BMW branded i8 Hybrid that was bought way back from Germany. As per the report given by Deuysche Motren Haryana, it was instructed that they have to bring the car to their workshop at Faridabad.BMW service centre in Bangladesh was not technologically competent enough to either repair or provide servicing of this high end model car. Also, Department of Revenue (CBIC) has mentioned that the said vehicle has already arrived at ICP Petrapole on 25.05.2019 and is awaiting clearance. The vehicle is being temporarily imported only for repair purpose and shall not be used on the India Roads for driving. Hence, requested for one time relaxation for clearance of vehicle at petrapole(INPTPB) customs territory for repair and re-export to Bangladesh.

Decision: The Committee went through the justification submitted by the firm along with comments received from PC-2(A) and discussed the matter at length. The Committee decided to grant the permission for clearance of vehicle at Petrapole (INPTPB) Customs territory for repair and re-export the same to Bangladesh within 6 months from the date of clearance of the vehicle. Firm will submit a bond to that effect with the concerned customs authorities, before seeking release of the car from Customs' custody.

(Action: Applicant)

Case No. 14 M/s. Universal Medicap Limited, Vadodara
F. No. 01/60/162/714 /AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Relaxation from compliance of para 4.12 of policy and accept ARE-3A with "SION"A-1674"as export documents for closer of the Advance Authorization no. 3410041872 dated 11.02.2016.

The applicant stated that they had made deemed export supplies to 100% EOU through ARE3A signed by Customs Authority of EOU Unit. They had mentioned SION No.A1674 in ARE3A instead of various exempted input items and proportionate quantity. RA has rejected their case for closure of license and insisted to mention all exempted items and their quantity in export documents ARE-3A with sign of Customs Authority of EOU units as mentioned in para 4.12 of import policy 2015-20. They are unable to mention exempt quantity and again take sign of Customs department of 100% EOU. Hence, requested to relax for non-compliances of Para 4.12 of import policy and accept export documents i.e. ARE-3A with SION A-1674 and close the license.

Decision: The Committee went through the statement made by the applicant and concluded that there is a genuine hardship in the case and therefore decided to relax Para 4.12 of Import Policy 2015-20 and accept ARE-3A with SION A-1674 as export document towards fulfillment of export obligation against advance authorization No.3410041872 dated 11.02.2016. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Vadodara)

Case No. 15 M/s. Sunfood Corporation, Kerala
F. No. 01/60/162/877/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Extension in EOP against Advance Authorization No.5310019103 dated 05.07.2016.

The applicant stated that within the validity period they had exported 58.50% and out of EOP 27.91% in quantity terms (total 86.41%) and 118.71% in value terms, with reference to actual import. They fall short of 13.59% in quantity terms. The Government is aware of the plight of Cashew Industry where one of the major issues is the fluctuation of international prices. During the last few week of the expiry of the export obligation period they were ready with requisite quantity for a shipment but the international price were so low that if they agreed to ship the goods at that rate they could suffer a huge financial loss. Under the above circumstances firm has requested to relax the delay in submission of application for EO extension and grant of EOP for further 6 months from the date of endorsement.

Decision: The Committee went through the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

(Action: RA, Trivandrum: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

Case No. 16 M/s. Rossel Techsys, Kolkata
F. No. 01/60/162/37/AM18/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Request for conversion of Advance Authorisation No.0710100433 dated 11.12.2013 into 100% EOU and removal from DEL List.

The applicant stated that they are into manufacturing of engineering products and their unit has started from April 2012 as an export manufacturer DTA unit. They started to import raw material under Advance Authorisation simultaneously. They have exported the finished goods for fulfillment of the said advance authorisation. On the date of conversion into 100% EoU they had outstanding export obligation to be fulfilled under the above advance authorisation. On 19.09.2014 they have approached their concerned Central Excise Authority and obtained the certificate showing physical verification of unutilized raw material held in stock against the above mentioned advance authorisation. But inadvertently they have not applied to RA Bangalore for "No Objection" as they had not received norms fixation letter from the concerned Norms Committee. Meanwhile on 03.07.2015 vide File No.07/80/165/00487/AM16 they had submitted the original Customs copy of the advance authorisation to RA Bangalore for its cancellation. They are kept under DEL for non-obtaining the EODC for subject authorisation. Hence, their request is that the unutilised raw material stock held on 19.09.2014 may be carry forward to EOU unit and further allow them to fulfill the unfulfilled export obligation under advance authorisation in the EOU unit. Firm has also produced a letter from DC, CSEZ conveying verification of the unutilized raw material by customs authorities from importers record and confirmation of its accounting in NFE value addition.

Decision: The Committee examined the case in detail along with comments received from CSEZ, Bangalore and RA, Bangalore and noted that there is merit in the firm's case and therefore decided to allow subsuming of Advance Authorisation No.0710100433 dated 11.12.2013 into the 100% EOU for the purpose of fulfillment of export obligation and removal from DEL. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Kolkata)

Case No. 17 M/s. Forest Friendly Camps Private Limited, New Delhi
F. No. 01/60/162/908/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Revalidation of SFIS Scrips No.0510404546 dated 08.11.2017 and 0510404547 dated 08.11.2017.

The applicant stated that since the hotel industry is highly competitive and the expenditure and investments have to be carefully planned and therefore it is not always possible to utilise the scrips in the period of 24 months. At the same time in order to improve their services and facilities they have to constantly upgrade their infrastructure. If the scrip is not valid at the time the expenditure are planned the very purpose of the SFIS scheme is defeated.Thus by granting revalidation of SFIS scrips it will help the hotel industry made optimum use of the scrips and at the same time it will allow the industry to upgrade their facilities and infrastructure.

Decision: The Committee discussed the case at length and found no merit or any genuine hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 18 M/s. Forest Friendly Camps Private Limited, New Delhi
F. No. 01/60/162/907/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Revalidation of SFIS Scrips No.0510405193 dated 02.01.2018 and 0510405194 dated 02.01.2018.

The applicant stated that since the hotel industry is highly competitive and the expenditure and investments have to be carefully planned and therefore it is not always possible to utilise the scrips in the period of 24 months. At the same time in order to improve their services and facilities they have to constantly upgrade their infrastructure. If the scrip is not valid at the time the expenditure are planned the very purpose of the SFIS scheme is defeated. Thus by granting revalidation of SFIS scrips it will help the hotel industry made optimum use of the scrips and at the same time it will allow the industry to upgrade their facilities and infrastructure.

Decision: The Committee discussed the case at length and found no merit or any genuine hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 19 M/s. Nazareth Metals, Mumbai
F. No. 01/60/162/900/AM20/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Request for inclusion of Lead Scrap as per their consumption certificate issued by Central Excise Authorities for redemption of advance authorisation No.0310063820 dated 04.12.2000.

The applicant stated that they had been granted subject advance license for export of lead bronze ingots. The norms were fixed by Hqrs and the necessary letter was forwarded to RA. The norms were not fixed as per their application and hence they approached to Hqrs for re-fixation of norms. Said norms were re-fixed on the basis of consumption certificate issued by the Central Excise Authorities where all the imported material used were mentioned on the certificate. However, the copy of the said ratification of norms is available with RA. They have written to the norms committee for providing the copy of the norms but received no any reply till date. In lieu of above facts they have requested to include lead scrap as per their consumption certificate issued by Central Excise Authorities so that they can redeem their case which is been held up by their RA for non availability of norms copy in the file.

Decision: The Committee after detailed discussions decided to refer the case to concerned Norms Committee for its examination and finalization.

(Action: Norms Committee-1/Applicant)

Case No. 20 M/s. D.D. International, Amritsar
F. No. 01/60/162/728/AM17/PRC
PRC Meeting No.01/AM21 dated 28.04.2020

Subject: Condonation for delay in applying for transferability of license and transfer the license for validity period at least three months from the date of issuance of transferability under DFIA No.1210008744 dated 25.06.2013.

Ujjwal

This is deferred case of PRC Meeting No.26/AM20 dated 07.01.2020 (Case No.11),wherein, in the light of High Court Order dated 17.10.2019, the Committee decided to call a detailed report from RA, Ludhiana. The applicant had stated that they had applied for Post Export DFIA License vide File No.12/21/076/00008/AM14 dated 21.06.2013 and got it issued on 25.06.2013. The export period for the above license was 18 months and period of shipment (Period of Import) mentioned in the license was earlier than export period as follows:-

License No. & date	Export period	Period of shipment
1210008744 dated 25.06.2013	24.12.2014	30.06.2014

They had made export within specified period. But BRC date of few of their shipping bill is 22.09.2015. They applied for EO extension/Enhancement-transferability of license on 30.09.2015 (i.e. within one week of BRC) as before realization of BRC they were not able to apply for the same. RA Amritsar has rejected their application vide letter dated 16.10.2015 by stating reasons that the license has been expired. It is submitted that BRC of few shipping bills are realized by them even after 30.09.2017 i.e. after date of submission of application for EO extension/enhancement-transferability. In view of above they have requested to condone the delay in applying of transferability of license and extension in EO Period for at least three months from date of issuance of transferability.

Decision: The Committee went through the justification furnished by the firm and report received from RA, Ludhiana and discussed the matter at length. High Court of Punjab and Haryana in its orders dated 17.10.2019 (in CWP no. 14611 of 2018), while remanding case back to PRC, had asked PRC to look into the matter again with reference to the fact that the case of the petitioner is post-export DFIA and not pre-export DFIA. RA is its report has indicated that in the hard copy of the application filed for DFIA, firm had ticked post-export DFIA in their offline application. Based on these facts and the discussions held, committee decided to condone the delay in applying for transferability and also allowed revalidation of the DFIA Authorization No.1210008744 dated 25.06.2013 for three months from the date of endorsement of transferability. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Ludhiana)

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