Date of Uploading 14/06/19

Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting held on 21.05.2019 under the Chairmanship of Shri Alok Vardhan Chaturvedi, Director General of Foreign Trade

Meeting No.06/AM20 held on 21.05.2019

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 Satyan Sharda	Addl. DGFT
5.	Shri Anil Aggarwal	Addl. DGFT
6.	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 Cipla Limited, Mumbai	1
2.	M/s Reliance Industries Limited, Mumbai	2
3.	M/s Simplify Growth Research and Consulting private Limited, Delhi	3
4.	M/s Agripure Natural Foods Pvt. Ltd., Pune	4
5.	M/s Cannon Industries Pvt. Ltd., Ludhiana	5
6.	M/s Fitrite International, Delhi	6
7.	M/s KEI Industries Limited, New Delhi	7
8.	M/s India Voyage Travel Pundits Private Limited, Haryana	8
9.	M/s Salicylates and Chemicals Private Limited, Hyderabad	9 & 10
10.	M/s Shashi Cables Ltd., Lucknow	11
11.	M/s Nico Extrusions Limited, Mumbai	12
12.	M/s Infinijewel Synergies Pvt. Ltd., Mumbai	13
13.	M/s Natural Capsules Limited, Bangalore	14
14.	M/s Zydus Takeda Healthcare Pvt. Ltd., Mumbai	15
15.	M/s Gujarat Ambuja Exports Limited, Ahmedabad	16 to 18
16.	M/s Indeus Life Science Pvt. Ltd., Mumbai	19
17.	M/s Panacea Biotec Ltd., New Delhi	20
18.	M/s Milan Laboratories (India) Pvt. Ltd., Thane	21
19.	M/s Navratan Specialty Chemicals LLP, Ahmedabad	22
20.	M/s South India Bromine and Allied Chemicals Pvt. Ltd., Tuticorin	23 & 24
21.	M/s K.K. Rubber Company (India) Private Limited, New	25

	Delhi	
22.	M/s PIEM Hotels Ltd. and Oriental Hotels Ltd., Mumbai	26

PH Case No.01 M/s Cipla Limited, Mumbai
F. No. 01/60/162/102/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: To allow supplementary claim of FPS benefit against the following 138 Shipping bills.

List of shipping bills issued prior to 01.04.2015.

Sl. No.	S/Bill No.	Dated	Sl. No.	S/Bill No.	Dated	Sl. No.	S/Bill No.	Dated
1	7468857	28-01-2015	36	7889784	18-02-2015	71	8543382	23-03-2015
2	7680740	07-02-2015	37	7915032	19-02-2015	72	8553951	24-03-2015
3	7707754	09-02-2015	38	7915323	19-02-2015	73	8597048	25-03-2015
4	7680777	07-02-2015	39	7991051	24-02-2015	74	8649077	27-03-2015
5	7680835	07-02-2015	40	8012024	24-02-2015	75	8649234	27-03-2015
6	7681021	07-02-2015	41	8012082	24-02-2015	76	8662467	28-03-2015
7	8385748	16-03-2015	42	8016410	25-02-2015	77	7801394	13-02-2015
8	8450861	18-03-2015	43	8016608	25-02-2015	78	7812457	14-02-2015
9	8496966	20-03-2015	44	8016658	25-02-2015	79	7812596	14-02-2015
10	7516267	30-01-2015	45	8058914	26-02-2015	80	7812740	14-02-2015
11	7516480	30-01-2015	46	8067928	27-02-2015	81	7812968	14-02-2015
12	7516785	30-01-2015	47	8150906	03-03-2015	82	7858616	17-02-2015
13	7517121	30-01-2015	48	8386188	16-03-2015	83	7858938	17-02-2015
14	7517450	30-01-2015	49	7619574	04-02-2015	84	7859315	17-02-2015
15	7517634	30-01-2015	50	7666528	06-02-2015	85	8256652	09-03-2015
16	7553698	02-02-2015	51	7666551	06-02-2015	86	8059179	26-02-2015
17	7553756	02-02-2015	52	7680860	07-02-2015	87	8059265	26-02-2015
18	7553910	02-02-2015	53	7680913	07-02-2015	88	8150222	03-03-2015
19	7553971	02-02-2015	54	7680941	07-02-2015	89	8150738	03-03-2015
20	7554031	02-02-2015	55	7707968	09-02-2015	90	8152138	03-03-2015
21	7554097	02-02-2015	56	7716026	10-02-2015	91	8152158	03-03-2015
22	7619705	04-02-2015	57	7739653	11-02-2015	92	8152548	03-03-2015
23	7664303	06-02-2015	58	7740533	11-02-2015	93	8152737	03-03-2015
24	7666498	06-02-2015	59	7762152	12-02-2015	94	8207358	05-03-2015
25	7666543	06-02-2015	60	7762272	12-02-2015	95	8207359	05-03-2015
26	7666546	06-02-2015	61	7762365	12-02-2015	96	8207546	05-03-2015
27	7666547	06-02-2015	62	7776270	12-02-2015	97	8207555	05-03-2015
28	7680702	07-02-2015	63	7776389	12-02-2015	98	8207883	05-03-2015
29	7681029	07-02-2015	64	7776499	12-02-2015	99	8161186	03-03-2015
30	7707899	09-02-2015	65	7776572	12-02-2015	100	8196117	05-03-2015
31	7739299	11-02-2015	66	7801013	13-02-2015	101	8256354	09-03-2015
32	7739553	11-02-2015	67	7801245	13-02-2015	102	8256507	09-03-2015
33	7762046	12-02-2015	68	7801599	13-02-2015	103	8256801	09-03-2015

34	7858784	17-02-2015	69	8500362	20-03-2015
35	8496999	20-03-2015	70	8500460	20-03-2015

List of shipping bills issued on or after 01.04.2015.

S. No.	S/Bill No.	Dated	S. No	S/Bill No.	Dated
1	8759475	01-04-2015	19	9552060	13-05-2015
2	9796706	25-05-2015	20	9597722	15-05-2015
3	8759502	01-04-2015	21	9597980	15-05-2015
4	8758084	01-04-2015	22	9773077	25-05-2015
5	8964286	13-04-2015	23	8759817	01-04-2015
6	8964354	13-04-2015	24	9664581	19-05-2015
7	8964793	13-04-2015	25	9598116	15-05-2015
8	8972398	13-04-2015	26	9624316	18-05-2015
9	8972870	13-04-2015	27	9627220	18-05-2015
10	9059011	17-04-2015	28	9928586	01-06-2015
11	9297435	29-04-2015	29	9951438	02-06-2015
12	9393957	05-05-2015	30	9952074	02-06-2015
13	9394024	05-05-2015	31	1040137	06-06-2015
14	9408548	06-05-2015	32	1005126	04-06-2015
15	9417057	06-05-2015	33	1059369	08-06-2015
16	9505177	11-05-2015	34	1059381	08-06-2015
17	9504099	11-05-2015	35	1162772	12-06-2015
18	9504974	11-05-2015			

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019, Shri Jignesh Ghelani, Partner appeared before the committee on behalf of the firm and made the following submissions:

They have submitted that on receipt of additional export consideration, they had submitted an application for amendment of shipping bills under Section 149 of the Customs Act, 1962 (Customs Act) to amend 138 shipping bills in order to increase the FOB value of export mentioned in the shipping bills. By virtue of the Certificate of Amendment issued vide F.No. S/6-Amend 605/2017-18 MCD (X), ACC, they have been allowed to amend and file 138 shipping bills in order to increase the FOB value in consequence of additional export consideration received by them. Pursuant to the receipt of additional export consideration and amendment of shipping bills, the company filed application in form ANF 3C for claiming supplementary claim of Focus Product Scheme (FPS) on additional export consideration received by them in terms of Para 3.11.13 (b) of HBP 2009-2014. They also informed that the applications for supplementary claims filed by them are approved by the Regional Authority (RA), but the supplementary claims are not disbursed due to lack of facility to amend / enhance the Shipping bills value in the system.

Decision: The Committee heard the submission made by the firm and discussed the matter at length. In view of the fact that exports were of a new product developed by them and made on consignment basis and amendment has already been approved by customs under Section 149 of the Customs Act, Committee decided to accede to the request of the firm. The Committee allowed the supplementary claim of Chapter-3 benefit against 103 shipping bills only for the export made prior to 01.04.2015 under Focus Product Scheme (FPS) subject to confirmation of amendment of FOB value of shipping bills by the RA from Customs Authority.

(Action: Applicant/RA)

PH Case No.02 M/s Reliance Industries Limited, Mumbai
F. No. 01/60/162/546/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Grant of duty credit under MEIS wherein shipping bill have "N" in scheme reward column (total 5 shipping bills).

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019, but no one appeared on behalf of the firm. The Committee decided the case as per the justification provided by the firm in their application.

Firm has stated that at the time of filling of 5 shipping bills No.8987385 dated 29.09.2017, 8931997 dated 27.09.2017, 8908384 dated 26.09.2017, 8999416 dated 29.09.2017, 8955344 dated 28.09.2017, they have inadvertently selected the reward scheme as "N" instead of "Y" due to which the above shipping bills are not available in MEIS application in DGFT System. They approached Customs for amendment of these shipping bills. They have issued them manual amendment certificate since no EDI modification in shipping bills can be carried out once EGM is filled and issued manual No Objection Certificate as per Section 149 of Customs Act.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to maintain earlier decision of rejection taken in PRC Meeting No.22/AM19 dated 06.11.2018.

(Action: Applicant)

PH Case No.03 M/s Simplify Growth Research and Consulting Private Limited, Delhi
F. No. 01/60/162/67/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: To relax the technical requirement under Para 3.08(f) viz. holding of active IEC at the time of exports of services for claiming SEIS claim and to allow the SEIS Scrip against F.No.5/21/98/80462/AM19.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019, but no one appeared on behalf of the firm. The Committee decided the case as per the justification provided by the firm in their application.

They have stated that they had filed the claim for SEIS scrip for the financial year 2017-18, declaring Net Foreign Exchange USD 1,010,469.41, and SEIS entitlement to the tune of INR 67,44,904.21 to CLA, Delhi. However, CLA, Delhi issued deficiency OM dated 11.03.2019. Further, firm has stated that they had exported the services to the foreign customers and have received remittances for the same in foreign exchange. Keeping in mind the objective of the scheme as listed in Para 3.07, they were of the view that they are eligible for the SEIS claim since they materially satisfy the relevant conditions as listed in Para 3.08. They were also under the impression that IEC is not a mandatory requirement for the purpose of executing export of services, and the requirement has to be proven at the time of submission of the claim of SEIS application in form ANF 3B. Therefore they did not apply for the IEC during the tenure of FY 2017-18.

Decision: The Committee having examined the statement made by the firm found no case of genuine hardship in their case and accordingly decided to reject it.

(Action: Applicant)

PH Case No.04 M/s Agripure Natural Foods Pvt. Ltd., Pune
F. No. 01/60/162/73/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Regularization of export made beyond EOP against Advance Authorization No.3110067075 dated 08.06.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019 and Shri K.S. Wouhra, Director appeared before the committee on behalf of the firm and made the following submissions:

They had taken an AA for an App 4 J item with reduced export obligation period of 90 days from the date of imports. They had applied for EO extension for 45 days, which was not considered in time by RA Pune. They have fulfilled their EO (though 4 months after the EO expiry date) and requested to regularize the export beyond EOP for the purpose of redemption. Exports have been made to UK by them.

Decision: The Committee examined the case in detail and in view of justification provided by the firm decided to accede to the request and allowed EOP extension up to 14.03.2019 only for regularization purpose subject to the payment of composition Fee @0.5% per month on the unfulfilled FOB Value, if exports are fulfilled more than 50% within initial /extended EOP or @ 1% per month where exports have been made less than 50% within initial/ extended EOP. It is further subject to fixation/ratification of norms by the concerned NC.

(Action: Applicant/RA)

PH Case No.05 M/s Cannon Industries Pvt. Ltd., Ludhiana
F. No. 01/60/162/41/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Debit of duty scrips under TPS Scheme for payment of duty to regularize EO default against 4 Advance Authorization No.(i) 3010040320 dated

09.02.2005, (ii) 3010040326 dated 10.02.2005, (iii) 3010042093 dated 25.05.2005 and (iv) 3010043506 dated 23.08.2005.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019 and Shri R.K. Goyal, Managing Director appeared before the committee on behalf of the firm and made the following submissions:

They have stated that the above authorizations were got issued for exporting the goods against a specific export order, but due to some problems with the quality of the imported raw material the goods could not be exported against that order and the same was cancelled. The defect in the material was detected at a later stage when the raw material had already gone through 2-3 processes and there was no scope left for returning the goods to the suppliers. They somehow processed the goods to make some other products and were able to export some quantity of the same to some other buyers. Later on due to appreciation of the Indian currency and afterwards due to crash in overseas markets the goods could not be exported. They have submitted their Duty Credit Scrips issued under Target Plus Scheme (TPS) of Chapter 3 to RA, Ludhiana within the validity period for debiting the duty portion, but same was rejected by the RA. Their target plus license was issued for import product of textile material and with actual user condition. They have imported textile goods and the same have been used in house production, but EO could be completed due to worldwide economic slowdown. They have already deposited the customs duty in 2 advance authorizations. The amount so deposited may be adjusted towards interest payable. Hence, requested to allow the debiting of TPS duty credit scrips for the duty portion to regularize the EO default.

Decision: The Committee heard the submission made by the firm and decided to remand back the matter to PC-3 Division to examine within 15 days and thereafter the case would be again placed before the PRC.

(Action: PC- 3 Division)

PH Case No.06 M/s Fitrite International, Delhi
F. No. 01/60/162/35/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Relaxation under Para 3.14 FMS and Para 3.15 (FPS) of FTP 2009-2014.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019 and Shri Lavdeep Sethi, Representative appeared before the committee on behalf of the firm and made the following submissions:

They have submitted that the BRC were issued late by PNB only after several complaints at higher levels. Issue was decided only after the intervention of head office of the bank. All these factors made their application for FMS time barred. However date of the BRC is within the 3 years period. Being a foreigner and a new comer in India they were not aware of the procedures. And as a small company they rely on incentive to compete with much larger exporters.

Decision: The Committee heard the submission made by the firm and discussed the matter at length. The Committee observed that due to delays by banker in uploading of BRC, the firm has faced the problem, which was beyond their control and accordingly decided to accede to the request of the firm for grant of FPS benefit against their export made prior to 01.04.2015 without any late cut.

(Action: Applicant/RA)

PH Case No.07 M/s KEI Industries Limited, New Delhi
F. No. 01/60/162/90/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: To allow MEIS incentive against 19 shipping bills shipment where declaration in affirmative mentioned on shipping bill but inadvertently ticked "N" instead of 'Y'.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019 and Shri Anand M. Thakur, AGM-Commercial appeared before the committee on behalf of the firm and made the following submissions:

They have submitted that the product exported against the above shipping bills are electrical cable and falls under category of engineering goods. Electric cable manufactured using raw material like copper / aluminum, the different grades of polyethylene etc. and all these component prices are linked with international LME / Index and each item consumption too has linked with Indian / international specification. For this reason, the cost making of product like electric cable is transparent and buyer negotiates the prices accordingly which resulted thin margins for manufactures and exporter of cables. There are multiple agencies like CHA, shipping lines, transporter etc., involves in execution of each & every shipment and at the same time there is multiple shipment remain in process at different stages. It may be due to human behavior wherever similar information appears repeatedly the chance of overlook increases. However, declaration in affirmative is mentioned on shipping bills but reward column remains ticked as "N" instead of Y" which absolutely happened inadvertently. As per Para 3.14 (ii) which related to non EDI shipping bills, where the declaration "they intend to claim rewards under Merchandise Export from India scheme" is sufficient make exporter eligible to claim rewards under MEIS.

Decision: The Committee heard the submission made by the firm and found no case of genuine hardship in their case and accordingly decided to reject it.

(Action: Applicant)

PH Case No.08 M/s India Voyage Travel Pundits Private Limited, Haryana
F. No. 01/60/162/70/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Relaxation under Para 3.08 (f) of FTP regarding requirement of IEC at the time of rendering services.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri Sunil Kumar, Representative appeared before the committee on behalf of the firm and made the following submissions:

They have stated that they are a fast growing Tour Operator providing tour services from India to overseas service consumers in India. During 2017-18 they have earned substantial value of freely convertible foreign exchange for services rendered in the manner as per Para 9.51 (ii) of the policy. However, they are being denied the SEIS benefit by the licensing Authority on the ground that during the time of rendering such services they were not having an active IEC as per Para 3.08 (f) of the policy. The provision of the said Para of the policy escaped their attention; they have now obtained IEC obtained IEC in 2017-18. They are filing their claim application for the said benefit only in 2018-19. They also referred to Section 7 of the FT (DR) Amendment Act, 2010, which inter-alia, very clearly states that IEC shall be necessary only when the services or technology provider is taking benefit under the FTP.

Decision: The Committee having examined the statement made by the firm found no case of genuine hardship in their case and accordingly decided to reject it.

(Action: Applicant)

PH Case No.09 M/s Salicylates and Chemicals Private Limited, Hyderabad
F. No. 01/60/162/320/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Extension in E.O. period for regularization purpose against Advance Authorization No.0910063789 dated 10.06.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri P.K. Bahl, Authorized Representative appeared before the committee on behalf of the firm and made the following submissions:

They have been granted second extension of above advance authorization vide PRC Meeting No.14/AM19 dated 04.09.2018. Extension was granted up to 9.12.2018. However, there was slight delay on their part to remit the 1% composition fee. As per the records of the customs validity of the said license was already over and system was not capturing advance authorization number while filing shipping bill. They have finally completed their exports on 28.2.2019. Now their request is for regularization of exports made beyond the EO period granted by the earlier PRC decision.

Decision: The Committee examined the case in detail and in view of justification provided by the firm decided to allow EOP extension of Advance Authorization No.0910063789 dated 10.06.2016 up to 28.02.2019 only for regularization purpose subject to the payment of composition Fee @ 1% per month on unfulfilled FOB value of export obligation.

(Action: Applicant/RA)

PH Case No.10 M/s Salicylates and Chemicals Private Limited, Hyderabad
F. No. 01/60/162/498/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Extension in E.O. period for regularization purpose against Advance Authorization No.0910064100 dated 08.09.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri P.K. Bahl, Authorised Representative appeared before the committee on behalf of the firm and made the following submissions:

They have been granted second extension of above advance authorization vide PRC Meeting No.14/AM19 dated 04.09.2018. However, there was slight delay on their part to remit the 1% composition fee. As per the records of the customs validity of the said license was already over and system was not capturing advance authorization number while filing shipping bill. They have finally completed their exports on 15.4.2019. Now their request is for regularization of exports made beyond the EO period granted by the earlier PRC decision.

Decision: The Committee examined the case in detail and in view of justification provided by the firm decided to allow EOP extension of Advance Authorization no. 0910064100 dated 08.09.2016 up to 15.04.2019 only for regularization purpose subject to the payment of composition Fee @ 1% per month on unfulfilled FOB value of export obligation.

(Action: Applicant/RA)

PH Case No.11 M/s Shashi Cables Ltd., Lucknow
F. No. 01/60/162/806/AM16/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: 2nd revalidation of Duty Free Import Authorization No.0610029174 dated 28.09.2012.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No.12 M/s Nico Extrusions Limited, Mumbai
F. No. 01/60/162/474/AM18/PRC & 01/60/162/952/AM17/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Extension in E.O. period against 2 advance Authorization No.(i) 0310490685 dated 16.10.2008 and (ii) 0310492661 dated 03.11.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri Vijay Porwal, Representative appeared before the committee on behalf of the firm and made the following submissions:

They have stated that they could not complete the EO due to operation problem then faced by on account factory collapsed, labour unrest, environmental and pollution related statutory compliances etc. Further they have made all efforts to fulfill their export obligation, however after grant of extension they had lost one month's time in completing the customs formalities for registration of port of export etc., due the change over from the earlier manual to EDI system. During the inspection after installing the new furnaces, it was observed that the air pollution control system was defective and malfunctioning. The chartered engineer advised them to stop production entirely to avoid serious environmental concerns until and entirely new air pollution control system plant was to be installed. In the meantime they faced another challenge that due to their inability of timely shipping exports orders which were in hand the overseas customer cancelled the order. So far they could shipped about 350 MT out required about 2500 MT. In the process, they lost precious time of about 8 months and they had only about 4 months available to them for export of the balance quantity which was beyond the installed production capacity and it will therefore be not possible to complete their EO in the extended EO period. Due to unforeseen circumstances which were beyond their control they could incur heavy cost for replacement of their equipments and substantial interests were also to be repaid on borrowings.

Decision: The Committee examined the case in detail and in view of justification provided by the firm decided to accede to the request and allowed EOP extension of Advance Authorization No.0310490685 dated 16.10.2008 and 0310492661 dated 03.11.2008 up to 31.03.2020. This is subject to payment of composition Fee @0.5% of unfulfilled FOB Value of export in proportion to imports made. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting and no further extension shall be allowed.

(Action: Applicant/RA)

PH Case No.13 M/s Infinijewel Synergies Pvt. Ltd., Mumbai
F. No. 01/60/162/26/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: EOP extension of 6 days toward export of gold jewellery.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri Swayambodh Jain, CMD appeared before the committee on behalf of the firm and made the following submissions:

They have stated that the delay was caused because of two unexpected events happened at their manufacturing facility. They are handmade Jewellery Manufacturer, so their work is mainly depends upon humans. On 21st of January 2019, one of their artisans fled with gold and a lot of effort was made to recover it. Secondly, in their entire industrial estate, unscheduled major electrical work had come up and society decided to do it on 26.01.2019 to 28.01.2019 and then from

01.02.2019 to 03.02.2019. These caused delays in export of their jewellery and delay was of 6 days only.

Decision: The Committee heard the submission made by the firm and discussed the matter at length. The Committee decided to condone the delay of 6 days in export of 452.320 gms gold under Shipping Bill No.2983354 dated 16.02.2019.

(Action: Applicant/RA)

Case No.14 M/s Natural Capsules Limited, Bangalore
F. No. 01/60/162/466/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Extending time limit for availing MEIS benefits in the DGFT system against HS code Number as amended by RA, Bangalore and Chennai Customs from 35030010 to 96020030 in the shipping bills exported in the year 2015-16. The time period has expired due to the delay from NIC not to amend the system in time as per PRC decision.

They have stated that they have approached NIC department to amend the HS code as per amendment made by the RA, Bangalore and Chennai Customs in these S/Bills but till date the HS code could not be amended by NIC department in the systems causing to non applying the MEIS benefit in time and the capping time for applying the MEIS benefit has expired now. The matter has been taken with NIC for amending the HS code in the systems against these S/Bills. Therefore, requested to grant them the extension for 6 month time to file the MEIS application against the said S/Bills.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to EDI/NIC Division to resolve the problem.

(Action: NIC division)

Case No.15 M/s Zydus Takeda Healthcare Pvt. Ltd., Mumbai
F. No. 01/60/162/91/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Revalidation of shipping bills for MEIS.

They had applied for MEIS application on 30.03.2018 for the financial year 2015 – 2016 to the office of the Development Commissioner, SEEPZ Special Economic Zone, Andheri East, Mumbai 400096. SEEPZ issued deficiency letter on 07.05.2018 stating that intent declaration is not mentioned on the shipping bills. In order to amend the shipping bill they had approached customs authority through their CHA. Meanwhile on 16.07.2018, SEEPZ has issued another letter stating that application has been rejected as not reply to their deficiency letter dated 07.05.2018 within 30 days as per the RA's letter dated 11.05.2018. They had submitted amended shipping bills to SEEPZ on 13.07.2018. SEEPZ has issued letter on 16.07.2018 stating that their application has been rejected on 24.05.2018, and asked to re-apply with fresh online application. They had re-applied online to DGFT for re-activation of shipping bill on 20.07.2018 and issue resolved by DGFT on 16.08.2018. Now in the system the shipping bills are not valid for re-application.

Decision: The Committee having discussed the case observed that declaration of intent was not mentioned in the s/bills and same was added later by customs in the form of letter and the same is not reflecting in the automated system. Accordingly, it found no merit in it and decided to reject the request of the firm.

(Action: Applicant)

Case No.16 M/s Gujarat Ambuja Exports Limited, Ahmedabad
F. No. 01/60/162/77/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Relaxation in pre-import condition from the date of issuance of Authorization up to the date of first import i.e.03.05.2018 to 07.02.2019 against Advance Authorization No.0810142521 dated 03.05.2018.

They have stated that the above authorization has been obtained under SION E-76, (without endorsing a pre-import condition) for export of Liquid Glucose and to import Maize as an input and HDPE Granules as raw material for packing of finished goods. DGFT through PN No.64 dated 05.03.2018 made a pre-import condition against import of Maize as an input. However, this came to their knowledge by 07.02.2019, while making first import in fact the provisions were sighted by the Customs Authority while allowing the import consignments. From the date of issuance of Authorization i.e.03.05.2018 up to 07.02.2019 (the date of their first import), they have exported 17286.180 MTs of Liquid Glucose and the proportionate import entitlements of Maize as against their exports are works out to 26430.56 MTs, in terms of SION E-76. In the instant case it was an Advance Authorization and they intent to import the usual Dent Corn only and that too for their industrial use. Therefore requested to relax from pre-import conditions of Appendix-4J for such a quantity i.e.17286.180 MTs which are already exported and the imports are made subsequently within the stipulated initial period of said authorization.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to reject it.

(Action: Applicant)

Case No.17 M/s Gujarat Ambuja Exports Limited, Ahmedabad
F. No. 01/60/162/78/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Revalidation of DFIA Authorization No.0810139401 dated 28.12.2016 for six months by extending a relaxation of Para 4.29 (vii) of FTP 2015-20 by allowing the exports made through GOA and Mundra port consequent to amendment made under PN No.13/2018 dated 20.06.2018.

They have stated that they have filed online application to RA, Ahmedabad on 07.09.2016 and started to exports under DFIA. However, by oversight on their part they have made exports at multiple ports of exports. RA, informed during December, 2016 that the transferability DFIA for exports made under different ports cannot be considered as per Para 4.29(vi) of FTP 2015-20. Accordingly, they have availed DFIA transferability be taking their exports made at NHAVA SHEVA alone, whereas by that time they had exported substantial quantity of exports through different EDI ports namely Mundra, Goa without observing the conditions in the FTP. Hence, requested for revalidation and to consider their exports made under different ports considering particularly the amendments made vide notification No.13 dated 20.06.2018 against 3 shipping bills which are excluded while availing the above DFIA Authorization.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to reject it.

(Action: Applicant)

Case No.18 M/s Gujarat Ambuja Exports Limited, Ahmedabad
F. No. 01/60/162/76/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Revalidation of DFIA Authorization No.0810139994 dated 03.04.2017 for six months by extending a relaxation of Para 4.29 (vii) of FTP 2015-20 by allowing the exports made through GOA and Mundra port consequent to amendment made under PN No.13/2018 dated 20.06.2018.

They have stated that they have filed online application to RA, Ahmedabad on 18.07.2016 and started to exports under DFIA. However, by oversight on their part they have made exports at multiple ports of exports. RA, informed during April, 2017 that the transferability DFIA for exports made under different ports cannot be considered as per Para 4.29(vi) of FTP 2015-20. Accordingly, they have availed DFIA transferability be taking their exports made at NHAVA SHEVA – INNSA1 alone, whereas by that time they have exported substantial quantity of exports through different EDI ports namely Mundra, Goa and ICD-Thar without observing the conditions in the FTP. Hence, requested for revalidation and to consider their exports made under different ports considering particularly the amendments made vide notification no.13 dated 20.06.2018 against 51 shipping bills which are excluded while availing the above DFIA Authorization.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to reject it.

(Action: Applicant)

Case No.19 M/s Indeus Life Sciences Pvt. Ltd., Mumbai
F. No. 01/60/162/79/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Waiver of PC 18 condition of destruction certificate against 2 Advance Authorization No.(i) 0310800286 dated 17.11.2015 and (ii) 0310793424 dated 30.01.2015.

They have stated that in the 1st license, they have imported raw material but their export order was cancelled hence they paid customs duty and interest on it. They have applied to GST Authority to issue of destruction certificate, but GST Authority said there is no provision with them. In the 2nd license the part quantity was exported against raw material imported and on balance raw materials customs duty and interest paid and now firm wants waiver of destruction certificate vide PC-18 as GST Authority and Central Excise Authority have no provision to issue the same.

Decision: The Committee went through the statements made by the firm in their application and after deliberations, it decided to waive the requirement of destruction certificate from excise authorities subject to the condition that the applicant would self destroy the balance raw material and submit an affidavit-cum-indemnity bond in order to indemnify the Government for any harm or loss occurring due to diversion of unregistered materials to the domestic market that may be detected in future by any Authority.

(Action: Applicant/RA)

Case No.20 M/s Panacea Biotec Ltd., New Delhi
F. No. 01/60/162/107/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Waiver of PC-18 condition against Advance Authorization No.0510396345 dated 17.11.2015.

They have stated that they had submitted for redemption application to CLA, Delhi. However, CLA, Delhi has been pressing for submission of documents under PC-18 i.e. destruction certificate from Central Excise Authorities or an evidence for use of unutilized raw material in further exports to regularize the case. They have further stated that considering the actual consumption of raw material being higher than the one available under A-412 of SION, the consumption of raw material computed based on a wastage of 2% as per input output norms. A quantity of 5404.609 mg of Alfacalcidol has actually been consumed in the production of products for export to discharge the EO imposed under the said Authorization. Out of the 5404.609 mg, 4901 mg is the quantity allowed under the said Authorization, the balance of 503.609 is from the stock sourced on merits.

Decision: The Committee went through the statements made by the firm in their application and after deliberations, it decided to waive the requirement of destruction certificate from excise authorities subject to the condition that the applicant would self destroy the balance raw material and submit an affidavit-cum-indemnity bond in order to indemnify the Government for any harm or loss occurring due to diversion of unregistered materials to the domestic market that may be detected in future by any Authority.

(Action: Applicant/RA)

Case No.21 M/s Milan Laboratories (India) Pvt. Ltd., Thane
F. No. 01/60/162/83/AM20/PRC

PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Extension in E.O. period against License No.0310815750 dated 13.09.2017 issued under PC-9 condition.

They have stated that due to cancellation export order, they were not able to export within valid export obligation period. Hence they require extension in export obligation period up to 13.09.2019.

Decision: The Committee having discussed the case found no merit in it and hence decided to reject the request of the firm.

(Action: Applicant)

Case No.22 M/s Navratan Specialty Chemicals LLP, Ahmedabad
F. No. 01/60/162/82/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Clubbing of Advance Authorization No.0810134394 dated 23.01.2015 and 0810138372 dated 26.07.2016.

They have stated that they had done excess export of quantity (kgs) 94,452.71 in Advance Authorization No.0810134394 dated 23.01.2015 and excess import in Advance Authorization No.0810138372 dated 26.07.2016. They had applied for clubbing the subjected authorizations at RA, Ahmadabad, but same was rejected due to 4 days more in 18 months time limit from the date of earlier authorization.

Decision: The Committee went through the statements made by the firm in their application and discussed the matter at length and decided to relax the condition of 18 months as laid down in Para 4.38(vi) (i.e. the delay of 4 days) as amended vide Public Notice No.70/2015-20 dated 30.01.2019 for clubbing of Advance Authorization No.0810134394 dated 23.01.2015 and 0810138372 dated 26.07.2016. The other terms and conditions for clubbing shall remain same as per policy/HBP provisions.

(Action: Applicant/RA)

Case No.23 M/s South India Bromine and Allied Chemicals Pvt. Ltd., Tuticorin
F. No. 01/60/162/1136/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Condonation of non filing of Bill of export for supplies made to SEZ and accept ARE-1 for counting of export against Advance Authorization No.3510039280 dated 17.09.2012.

They have stated that they had imported raw material and made exports to SEZ unit under ARE-1 within license validity period. They had received the payment from Forex account and Central Excise also issued the certificate for supply to SEZ. They had submitted the redemption application in RA, Madurai, but RA is not accepting their obligation vide ARE-1. They had mentioned advance authorization number on the ARE-1.

Decision: The committee went through the statements made by the firm and noted that bill of export is a mandatory requirement and therefore decided not to accept the request.

(Action: Applicant/RA)

Case No.24 M/s South India Bromine and Allied Chemicals Pvt. Ltd., Tuticorin
F. No. 01/60/162/94/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Condonation of non filing of Bill of Export for supplies made to SEZ and accept ARE-1 for count of export against Advance Authorization No.3510042650 dated 13.11.2013.

They have stated that they had fulfilled export obligation within validity time period and submitted the redemption application in RA, Madurai. But RA, Madurai not ready to redeem the case due to non-submission of Bill of Exports. They had informed that they are not aware that they have to file the Bill of Exports and now had completed the export obligation and at present it is not possible to issue the Bill of Exports. But Central Excise had given them the certificate for supply to SEZ and they received the payment from Forex account. They had mentioned advance authorization number on the ARE-1.

Decision: The committee went through the statements made by the firm and noted that bill of export is a mandatory requirement and therefore decided not to accept the request.

(Action: Applicant/RA)

Case No.25 M/s K.K. Rubber Company (India) Private Limited, New Delhi
F. No. 01/60/162/101/AM20/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: 3rd Revalidation of Advance Authorization No.0510402380 dated 27.04.2017.

They have stated that they had submitted application for EODC on 25.10.2018, prior to import, so as to avoid submission of Bond and Bank Guarantee to the Customs. However, CLA, Delhi issued discrepancy letter dated 14.11.2018 with direction to submit some more documents, for which they had replied. In the meantime, the issuance of 2nd extension took a long time. EODC and extension of authorization were inordinately delayed. By the time EODC was issued, they are unable to import the eligible goods under the said authorization, because the 2nd extension of authorization has also expired on 26.04.2019.

Decision: The Committee having examined the statement made by the firm observed that imports could have been made by the firm at any point of time during the entire validity of the authorization (i.e. 24 months) and accordingly found no merit in their case and decided to reject it.

(Action: Applicant)

PH Case No.26 M/s PIEM Hotels Ltd. and Oriental Hotels Ltd., Mumbai
F. No. 01/60/162/939/AM19/PRC
PRC Meeting No. 06/AM20 dated 21.05.2019

Subject: Waiver of Annual Average for the period 2008-09 and 2009-10 for PIEM Hotels and Oriental Hotels Limited.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 21.05.2019. Shri Shashi Bisht, Corporate Director – Co-ordination appeared before the committee on behalf of the firm and made the following submissions:

They have stated that as a consequence of the Mumbai attacks on 26.11.2008, they were unable to maintain the annual average as per DGFT guidelines and several licenses taken by the Taj Group in the year 2008-09 and 2009-10 could not be discharged. The foreign exchange earnings of PIEM Hotels reduced by 19% in 2008-09 as compared to 2007-08 and reduced by 35% in 2009-10 as compared to 2008-09. Similarly, the foreign exchange of Oriental Hotels Limited reduced by 10% in 2008-09 as compared to 2007-08 and reduced by 18% in 2009-10 as compared to 2008-09. Hence, requested waiver of the annual average condition for the FY 2008-09 and 2009-10 for the above mentioned 2 Hotels.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to reject it.

(Action: Applicant)

*****