Directorate General of Foreign Trade

(PRC Section)

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

Meeting No. 14/AM19 held on 04.09.2018 at 10:30 AM

The following members were present in the meeting:

1.	Shri K. C. Rout	Addl. DGFT
2.	Shri J. V. Patil	Addl. DGFT
3.	Shri Vijaykumar	Addl. DGFT
4.	Shri N K Srivastava	Addl. DGFT
5.	Shri Akash Taneja	Jt. DGFT
6.	Shri Rajbir Sharma	Jt. DGFT
7.	Shri Lokesh H. D.	Jt. DGFT

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

Case No.01: M/s Sreepriya Exports Pvt. Ltd., Kolkata
F. No. 01/60/162/312/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Acceptance of Duty credit Scrips application (RA File No.02/21/092/80003/AM18) under IEIS as per PN 13 dated 17.05.2013.

Justification provided by the firm: Submission of application was only possible after receiving CA Certificate who demanded all the Original Document to certify export turn over in consequent years 2011-12 & 2012-13. As already represented, original export documents were displaced because of shifting of the office and unfortunate disappearance of Senior Executive, who was in control of these documents and seized of the entire matter. He is still to be traced. It may be noted that they filed the application on the very day they received the certificate from our CA without any further delay. They have requested to consider sympathetically late submission for reasons stated above and totally beyond their control. Such Incentives are given by Government for meeting promotional expenses in Advanced Markets which they had already done. This resulted in increased turnover in subsequent year. Now, if this benefit is not given to them, it will result in huge loss for a deserving MSME, who had put in its best efforts to increase the Export.

__Decision__: The Committee went through the statements made by the firm and noted that the firm had three years for filing the IEIS claims and the firm has not made the application within this period. The firm has not shown any due diligence in filing the claim within the prescribed period and hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.02: M/s Sreepriya Exports Pvt. Ltd., Kolkata
F. No. 01/60/162/313/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Acceptance of Duty credit Scrips application (RA File No.02/21/092/80002/AM18) under IEIS as per PN 13 dated 17.05.2013.

Justification provided by the firm: Submission of application was only possible after receiving CA Certificate who demanded all the Original Document to certify export turn over in consequent years 2011-12 & 2012-13. As already represented, original export documents were displaced because of shifting of the office and unfortunate disappearance of Senior Executive, who was in control of these documents and seized of the entire matter. He is still to be traced. It may be noted that they filed the application on the very day they received the certificate from our CA without any further delay. They have requested to consider sympathetically late submission for reasons stated above and totally beyond their control. Such Incentives are given by Government for meeting promotional expenses in Advanced Markets which they had already done. This resulted in increased turnover in subsequent year. Now, if this benefit is not given to them, it will result in huge loss for a deserving MSME, who had put in its best efforts to increase the Export.

Decision: The Committee went through the statements made by the firm and noted that the firm had three years for filing the IEIS claims and the firm has not made the application within this period. The firm has not shown any due diligence in filing the claim within the prescribed period and hence the Committee decided not to accede to the request of the firm.
(Action: Applicant)

Case No.03: M/s Buch Plastics & Packaging Pvt. Ltd.,
F. No. 01/60/162/197/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Revalidation and EOP extension of Advance Authorization No. 3410042779 dated 20.12.2016

Justification provided by the firm: To complete our balance Export & to complete our entire Import.

Decision: The Committee noted the statements made by the firm in its application. The applicant has not made any statement about the reasons for not making the imports and fulfilling the EO within the periods available to it as per the FTP/HBP. Hence the Committee decided to reject the case as the firm.

(Action: Applicant)

Case No.04: M/s Royal Refinery Pvt. Ltd., Mumbai
F. No. 01/60/162/135/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Second Revalidation of import License No.0350002851 dated 02.01.2015

Justification provided by the firm: Out of the total capacity they have imported 16%. As per the license capacity 84% is still to be utilized. The reason for low utilization was due to market downfall and demonetization.

Decision: The Committee after going through the statements made by the firm noted that the firm had sufficient period for imports as per the FTP/HBP provisions and has not been able to complete the imports. In view of this, the Committee rejected the case.

(Action: Applicant)

Case No.05: M/s Smitabh Intercon Ltd., Kolkata
F. No. 01/60/162/319/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Revalidation of Advance Authorization No.0210206964 dated 6.09.2016

Justification provided by the firm: They could not import raw material due to very unfavorable pricing. They were trying to procure from Indian manufacturers like Haldia, IOC, ONGC etc. as they were offering better price but they not ready with the formalities and are expecting to be ready for supplies in a couple of months. Thus, they are asking for 2nd re-validation of the license.

Decision: The Committee after going through the statements made by the firm noted that the firm had sufficient period for imports as per the FTP/HBP provisions and has not been able to complete the imports. In view of this, the Committee rejected the case.

(Action: Applicant)

Case No.06: M/s Reghan Fashions Pvt. Ltd., Surat
F. No. 01/60/162/317/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Revalidation of Advance Authorization No.5210041587 dated 30.07.2015

Justification provided by the firm: They make import and utilize the import quantity mentioned in advance authorisation but they failed to file their request to Regional Authority for revalidation within time to allow and increase import quantity and value against excess export due to following reasons. They received payment from the foreign buyer with in time limit but their bank didn't issued e-brc. Even bank take almost more then 14-15 months to issue e-brc and that is the only reason they failed to file their application at RA office for revalidation with in time period.

Decision: The Committee after going through the statements made by the firm noted that the firm had sufficient period for imports as per the FTP/HBP provisions and has not been able to complete the imports. The non-issuance of e-BRC stated by the firm does not in any way prevent the firm from making the imports. In view of this, the Committee rejected the case.

(Action: Applicant)

Case No.07: M/s Reghan Fashions Pvt. Ltd., Surat
F. No. 01/60/162/318/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Revalidation of Advance Authorization No.5210041820 dated 17.12.2016

Justification provided by the firm: They make import and utilize the import quantity mentioned in advance authorisation but they failed to file their request to Regional Authority for revalidation within time to allow and increase import quantity and value against excess export due to following reasons. They received payment from the foreign buyer with in time limit but their bank didn't issued e-brc. Even bank take almost more then 14-15 months to issue e brc and that is the only reason they failed to file their application at RA office for revalidation with in time period.

Decision: The Committee after going through the statements made by the firm noted that the firm had sufficient period for imports as per the FTP/HBP provisions and has not been able to complete the imports. The non-issuance of e-BRC stated by the firm does not in any way prevent the firm from making the imports. In view of this, the Committee rejected the case.

(Action: Applicant)

Case No.08: M/s Mangalam Drugs and Organics Ltd., Mumbai
F. No. 01/60/162/205/AM19/PRC
PRC Meeting No. 14/AM19 dated 04.09.2018

Subject: Request for acceptance of payment realized from norms accounts from SEZ units Advance Authorization No. 1. 0310803128 dt 08.03.2016, 2. 0310800977 dt. 14.12.2015, 3. 0310808020 dt. 23.09.2016, 4. 0310810458 dt. 11.01.2017

Justification provided by the firm: The firm has stated that they have made an unintentional mistake and their buyer (Cipla Ltd.) has seems to have overlooked the requirement of payment from the Foreign Currency Account se requirements unintentionally.

Decision: The Committee noted the statements made by the firm. The committee also noted that, as per Para 4.21(iii) Export to SEZ Units shall be taken into account for discharge of export obligation provided payment is realised from Foreign Currency Account of the SEZ unit. Therefore, the Committee decided to reject it.

(Action: Applicant)

Case No.09: M/s Salicylates and Chemicals Private Ltd. Hyderabad
F. No. 01/60/162/320/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: EOP extension up to 09.12.2018 of Advance Authorization No.0910063789 dated 10.06.2016.

Justification provided by the firm: There was a major fire accident happened in May 2012 and again in the Month of May 2016 (Documentary evidence enclosed) wherein their all Raw Materials / consumables / additives / catalysts including imported materials was destroyed completely. Therefore, they could not fulfil EO within stipulated time as they are into process of opting Advance Authorization for duty free Raw Materials on a regular basis. Because of this reason they have fulfilled EO against earlier Licenses, hence they could not fulfil EO in time for this License.

Decision: The Committee went through the statements made by the firm and noted that the fire accident has taken place before the issuance of this advance authorization and therefore cannot be held as a reason for non fulfiment of Export Obligation. However, the Committee noted that the firm is eligible for 2nd EOP extension subject to fulfillment of 50% EO as per Para 4.42(f) of HBP 2015.-20. The firm has not fulfilled the stipulated 50% EO. Therefore the Committee decided to allow 2nd EOP extension subject to payment of 1% composition fee per month on the unfulfilled FOB value.

(Action: Applicant)

Case No.10: M/s Salicylates and Chemicals Private Ltd. Hyderabad
F. No. 01/60/162/321/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: EOP extension up to 09.12.2018 of Advance Authorisation No.0910063788 dated 10.06.2016.

Justification provided by the firm: There was a major fire accident happened in May 2012 and again in the Month of May 2016 (Documentary evidence enclosed) wherein their all Raw Materials / consumables / additives / catalysts including imported materials was destroyed completely. Therefore, they could not fulfil EO within stipulated time as they are into process of opting Advance Authorization for duty free Raw Materials on a regular basis. Because of this reason they have fulfilled EO against earlier Licenses, hence they could not fulfil EO in time for this License.

Decision: The Committee went through the statements made by the firm and noted that the fire accident has taken place before the issuance of this advance authorization and therefore cannot be held as a reason for non fulfiment of Export Obligation. However, the Committee noted that the firm is eligible for 2nd EOP extension subject to fulfillment of 50% EO as per Para 4.42(f) of HBP 2015.-20. The firm has not fulfilled the stipulated 50% EO. Therefore the Committee decided to allow 2nd EOP extension subject to payment of 1% composition fee per month on the unfulfilled FOB value.

(Action: Applicant)

Case No.11: M/s Cadila Healthcare Limited Ahmedabad
F. No. 01/60/162/323/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Destruction waiver of 4.15 Kgs of azithromycin Dihydrate imported under Advance Authorization No.0810121286 dated 21.05.2013 issued PC-9 condition & 15.

Justification provided by the firm: They have been issued Advance Authorization No. 0810121286 dated 21.05.2013 under PC 9 & 15 condition. They have imported 120.00 Kgs. Of Azithromycin Dihydrate vide Bill of Entry No. 2233761 dated 25.05.2013 and have exported 115.85 Kgs. of Azithromycin Dihydrate during the initial and extended validity period. However there was a short fall of 4.15 Kgs. They have surrendered Customs duty with interest towards the short fall of 4.15 Kgs. As they had obtained Advance License No. 0810119175 dated 08.03.2013 for the same product and imported 161.00 Kgs. vide Bill of Entry No. 9567938 dated 14.03.2013. Under this license they exported 168.76 Kgs. i.e an excess export of 7.76 Kgs. Though they have tried to export the short fall quantity of 4.15 Kgs. under Advance License No. 0810121286 dated 21.05.2013 but due to spitting of the palletization was not possible at that time and they have allowed to export excess quantity under Advance License No. 0810119175 date 08.03.2013 vide S/Bill No. 5656114 dated 29.05.2013. The firm has requested for waiver of destruction certificate.

Decision: The Committee went through the statements made by the firm and noted that the firm has stated they the excess imports of the bulk drug made in the authorization number 0810121286 have been utilized in another authorisation number 0810119175 and have also paid the duty along with interest for the excess imports made in the authorization number 0810121286. The firm has requested for waiver of the destruction certificate. The committee noted that there is no need for destruction certificate in case the bulk drug has been exported. Therefore the Committee decided to inform the firm to approach the Jurisdictional Regional Authority for examination of their case per Para 4.49(g) of the HBP 2015-20.

(Action: Applicant)

Case No.12-20: M/s Thermax Limited Pune
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: To waive off the requirement of net content consumption on S/bills of redemption of Advance Authorizations.

Justification provided by the firm: RA, Pune has informed the firm to furnish the details of Net Consumption of duty free material in the export product duly certified by Central Excise Authority or Customs. Central Excise Authorities have refused to issue a consumption Certificate as this requirement is not as per the Excise Manual. The gross consumption is said to be mentioned on the Shipping Bills and passed by the Customs. Since the case is quite old, they have requested the committee to waive off the requirement of Net Content Consumption and issue the necessary order.

Decision: As the case was not clear, the Committee decided to call the applicant for PH.

(Action: PRC Section)

Case No.21: M/s Jaytick Intermediates Pvt. Ltd., Baroda
F. No. 01/60/162/200/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Extension in E.O. period against Advance Authorisation No.0310057245 dated 16.10.2000 upto 31.12.2003 redemption purpose.

Justification provided by the firm: Extension in EoP is required for obtaining redemption as necessary exports has already been made long back under 2(Two) Shipping Bill Nos. (1) 701201 dtd. 16.4.2003 & (2) 2475150 dtd. 11.12.2003.

Decision: The Committee went through the statements made by the firm and noted that the firm has not been able to state the hardships caused to it for not fulfilling the EO within the stipulated period. Further, the firm has approached the PRC for relaxation after a period of 16 years after expiry of the EOP. The Committee found no merit in the case and therefore decided to reject it.

(Action: Applicant)

Case No.22-32: M/s PCL Oil Solvents Ltd., New Delhi
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Second Revalidation of Advance Authorisations

Justification provided by the firm: Could Not Import because the authorization could not be registered by customs

Decision: As the case was not clear, the Committee decided to call the applicant for PH along with the chronological details of the facts of the case.

(Action: PRC Section)

Case No.33: M/s Cambro Nilkamal Pvt. Ltd., Mumbai
F. No. 01/60/162/604/AM16/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Revalidation of Advance Authorization No.0310734053 dated 10.05.2013

Justification provided by the firm: The firm has stated that there was delay in issuing e-BRC against S/Bill No.1013770 dated 12.02.2014. The payment against this S/Bill has been realized on 23.04.2014 whereas Bankers have issued e-BRC on 08.09.2014, so Bankers have taken almost 4 ½ months to generate e-BRC which is also for EDI port, so they lost here 4 ½ months without any mistake from their side. Further after issuing the above said e-BRC they had prepared the documents for EODC and submitted our request to RA on 15.09.2014. RA has issued EODC on 13.11.2014 by amending Import and Exports data wrongly and once again they were forced to apply to RA to correct the import / exports data. However when they received the authorization on counter the authorisation has expired and after various correspondences RA has asked them to approach PRC for approval of second revalidation vide their letter dated 01.08.2015

Decision: The Committee went through the statements made by the firm and noted that non-issuance of eBRC cannot be held as a ground for not making imports within the eligible period under the FTP/HBP. Therefore, the Committee decided to reject the request of the firm as no ground of genuine hardship was found.

(Action: Applicant)

Case No.34: M/s Mahesh Weaving Factory Bangalore

F. No. 01/60/162/345/AM19/PRC

PRC Meeting No. **14**/AM19 dated **04.09**.2018

Subject: Condonation of pre import condition of Advance Authorisation No.0710108456 dated 02.07.2015 issued under Appendix 4J condtion for closure purpose

Justification provided by the firm: The firm has made the following statements:

1. There was no condition sheet attached or any endorsement on the license indicating the condition of fulfillment of the pre-import condition and that has created the confusions.
2. They have already completed the export obligations in full within the obligation period and all the bills are also realized in full so there will not be any revenue loss to the government if EODC is issued to this case.
3. The firm has also stated that they have made imports and that they are manufacturer and exporters of traditional goods to Sultanate of Oman and those goods cannot be diverted to local market for any use and as a normal practice and keep the factory running they will have to use the Duty Paid raw material which they have exported in this license before importing.
4. And they seek for one-time relaxation from the condition Appendix 4J.

Decision: Having examined the request, the Committee decided to waive the requirement of pre-import condition in respect of the exports and imports already made within the EOP/Validity period and regularize the case.

(Action: Applicant)

Case No.35: M/s Mahesh Weaving Factory Bangalore

F. No. 01/60/162/346/AM19/PRC

PRC Meeting No. **14**/AM19 dated **04.09**.2018

Subject: Condonation of pre import condition of Advance Authorisation No.0710106713 dated 22.09.2014 issued under Appendix 4J condtion for closure purpose.

Justification provided by the firm: Appendix 4J was introduced in FTP 2015-20, and the authorization has been issued them under FTP 2009-14, under Appendix 30A which does not stipulate the pre-import conditions. Hence Pre Import condition is not applicable in this Instance case. They have already completed the export obligations in full within the obligation period and all the bills are also realized in full so there will not be any revenue loss to the government if EODC is issued to this case.The firm has also stated that they have made imports and that they are manufacturer and exporters of traditional goods to Sultanate of Oman and those goods cannot be diverted to local market for any use and as a normal practice and keep the factory running they will have to use the Duty Paid raw material which they have exported in this license before importing. The firm has requested for one-time relaxation from the condition Appendix 4J.

Decision: Having examined the request, the Committee decided to waive the requirement of pre-import condition in respect of the exports and imports already made within the EOP/Validity period and regularize the case.

(Action: Applicant)

Case No.36: M/s Mahesh Weaving Factory Bangalore

F. No. 01/60/162/347/AM19/PRC

PRC Meeting No. **14**/AM19 dated **04.09**.2018

Subject: Condonation of pre import condition of Advance Authorisation No.0710107552 dated 04.02.2015 issued under Appendix 4J condition for closure purpose.

Justification provided by the firm: Appendix 4J was introduced in FTP 2015-20, and the authorization has been issued them under FTP 2009-14, under Appendix 30A which does not stipulate the pre-import conditions. Hence Pre Import condition is not applicable in this Instance case. They have already completed the export obligations in full within the obligation period and all the bills are also realized in full so there will not be any revenue loss to the government if EODC is issued to this case.The firm has also stated that they have made imports and that they are manufacturer and exporters of traditional goods to Sultanate of Oman and those goods cannot be diverted to local market for any use and as a normal practice and keep the factory running they will have to use the Duty Paid raw material which they have exported in this license before importing. The firm has requested for for one-time relaxation from the condition Appendix 4J.

Decision: Having examined the request, the Committee decided to waive the requirement of pre-import condition in respect of the exports and imports already made within the EOP/Validity period and regularize the case.

(Action: Applicant)

Case No.37: M/s Mahesh Weaving Factory Bangalore

F. No. 01/60/162/343/AM19/PRC

PRC Meeting No. **14**/AM19 dated **04.09**.2018

Subject: Condonation of pre import condition of Advance Authorisation No.0710105943 dated 21.07.2014 issued under Appendix 4J condition for closure purpose.

Justification provided by the firm: Appendix 4J was introduced in FTP 2015-20, and the authorization has been issued them under FTP 2009-14, under Appendix 30A which does not stipulate the pre-import conditions. Hence Pre Import condition is not applicable in this

Instance case. They have already completed the export obligations in full within the obligation period and all the bills are also realized in full so there will not be any revenue loss to the government if EODC is issued to this case. The firm has also stated that they have made imports and that they are manufacturer and exporters of traditional goods to Sultanate of Oman and those goods cannot be diverted to local market for any use and as a normal practice and keep the factory running they will have to use the Duty Paid raw material which they have exported in this license before importing. The firm has requested for for one-time relaxation from the condition Appendix 4J.

Decision: Having examined the request, the Committee decided to waive the requirement of pre-import condition in respect of the exports and imports already made within the EOP/Validity period and regularize the case.

(Action: Applicant)

Case No.38: M/s Umedica Laboratories Pvt. Ltd., Mumbai
F. No. 01/60/162/208/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Extension in E.O. period for 6 months from the date of expiry of initial EO period against Advance Authorisation No.0310810487 dated 12.01.2017.

Justification provided by the firm: Due to some technical reason for overseas buyer change in export order and slack in the market. Hence they seek Extension in EOP for 6 Months from the date of expiry of initial E.O. Period.

Decision: The Committee went through the statements made by the firm and noted that jurisdictional RA is empowered to grant EOP extension even for authorisations issued with import bulk drug conditions from unregistered sources. Extension of EOP is allowed even in such cases as per Para 4.42(d) of the HBP. Hence, the Committee decided to inform the firm to approach the RA for examination of their case in terms of Para of Para 4.42(d) of HBP 2015-20.

(Action: Applicant)

Case No.39: M/s Arkay Fabsteel Systems pvt. Ltd., New Delhi
F. No. 01/60/162/342/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Clubbing of three Advance Authorisation No.0510190743 dated 13.09.2006 (2)0510198035 dated 17.01.2007 & 0510203443 dated 08.05.2007

Justification provided by the firm: The firm had applied for a License under the Advance Authorization Scheme provided under Chapter 4 of the Foreign Trade Policy ('FTP') for the relevant period (2004-2009). Based on their application and documents submitted with the office of the DGFT, an Advanced Authorization License No. 0510190743 dated 13.09.2006 was issued to the Company. The said license mandates to fulfill an export obligation of Rs 36,10,750/- as specified in the condition sheet annexed to the license.They have exported goods amounting to Rs 70,71,728/- against the aforesaid License No. 0510190743. That the company has complied with all the terms and conditions as specified in the Foreign Trade Policy (2004-2009), the Handbook of Procedures Vol-I, 2004-2009 and other guidelines relevant during the said period issued by Director General of Foreign Trade ("DGFT") from time to time. The firm has requested for clubbing of the three authorisations.

Decision: The Committee went through the statements made by the firm and noted that in one of the cases of the firm Export Obligation has already been discharged. As per Para 4.38(iii) of the HBP, facility of clubbing of Advance Authorisations shall be available only for redemption / regularisation of such Authorisations and no further import or export shall be allowed. The Committee therefore decided to reject it.

(Action: Applicant)

Case No.40: M/s Malsons Polymers Pvt. Ltd., Kolkata
F. No. 01/60/162/195/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Request for waiver of submission of Bills of exports in case of supply of goods to SEZ units by a DTA unit operating against Advance Authorisation No.0210130213 dated 10.08.2009

Justification provided by the firm: They had obtained Advance Authorization bearing No. 0210130213 dated 10.08.2009 for import of goods like LLDPE, Carbon Black, Filler-Calcium Carbonate/Lime Stone Powder for CIF value of Rs. 59,19,963.55 (US$ 1,20,940.00) with an export obligation of FOB US$ 1,58,733.41 within a period of 36 months. They are in the knowledge that SEZ considers to be a deemed Foreign Territory and sale/supply to a SEZ Unit or Developer by DTA unit like the petitioner will be considered as Physical export in terms of Section 2 SEZ act, 2005. The goods produced against the imported materials under the subject Advance Authorization have not been diverted other than SEZ and it is fully utilized for export only.But the fact remains that since Bill of Export were not submitted the case of the petitioner towards fulfillment of export obligation has Not been considered by JDGFT, Kolkata.

Decision: The Committee went through the statements made by the firm and noted that the submission of Bill of Exports is a mandatory requirement. The Committee therefore decided to reject it.

(Action: Applicant)

Case No.41: M/s Ghantakarna Enterprises Ahmadabad
F. No. 01/60/162/349/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Revalidation of Advance Authorisation No.0810138805 dated 05.10.2016

Justification provided by the firm: They have exported resultant product quantity wise 81,705.35 k.g & realised fob value of USD 1,51,052.00, but due to unavoidable circumstances they were unable to import the quantity on pro-rata basis & therefore they humbly require to import quantity as arrived on the basis of pro-rata for our further production to meet further export order.

Decision: Having gone through the request, the Committee felt that no case of genuine hardship has been established as EODC has been given. The Committee therefore decided to reject it.

(Action: Applicant)

Case No.42: M/s Ghantakarna Enterprises Ahmedabad
F. No. 01/60/162/350/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Revalidation of Advance Authorization No.0810139290 dated 05.12.2016

Justification provided by the firm: They have exported resultant product quantity wise 81,705.35 k.g & realised fob value of USD 6,42,785.52, but due to unavoidable circumstances they were unable to import the quantity on pro-rata basis & therefore they humbly require to import quantity as arrived on the basis of pro-rata for our further production to meet further export order.

Decision: Having gone through the request, the Committee felt that no case of genuine hardship has been established as EODC has been given. The Committee therefore decided to reject it.

(Action: Applicant)

Case No.43: M/s Sanghar Exports Pune
F. No. 01/60/162/351/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Extension in E.O. period of Advance Authorisation No.0310118705 dated 25.01.2018

Justification provided by the firm: On account of recession and adverse economic conditions in Sri Lankan Market, the said buyer vide letter dated 27/04/2018, asked them to wait up to 10/06/2018 or mid July 2018 for making shipment. By their mail dated 02/07/2018, they further asked them to wait for one more month time i.e. August 2018. The firm is therefore said to have made the exports on 26.07.2018

Decision: Having examined the request, the Committee decided to consider the case of the firm for extension of EOP for regularization purpose subject to payment of composition fee of 1% on the unfulfilled EO per month beyond the stipulated EOP.

(Action: Applicant)

Case No.44: M/s Tribal Fusion R&D LLP New Delhi
F. No. 01/60/162/369/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Grant of Policy Relaxation for claiming benefit under Service Exports from India Scheme (SEIS) under FTP for the financial Year 2016-17

Justification provided by the firm: Tribal Fusion Private Limited converted into a Limited Liability Partnership Firm on 29 September 2017, Tribal Fusion LLP applied for amendment in the IEC 0506005895 on 3 November 2017. However, a new pan based IEC AAMFT9610P was issued to Tribal Fusion LLP on 16 November 2017. Post allotment of new pan based IEC, the numerical IEC issued in the name of Tribal Fusion Private Limited earlier was surrendered on 18 December 2017.The firm has stated that they are unable to file the SEIS claim as the SEIS online module is not accepting the pan based IEC. They have requested that they be allowed to use the old IEC for the limited purpose of filing the SEIS claim.

Decision: The committee went through the statements made by the firm and the inputs provided earlier by Mr J P Mishra, NIC who had confirmed that the existing SEIS module does not allow alpha-numerical based IECs to be used for filing SEIS Claims on the basis of which the old IEC fo the firm was reactivated and DG had desired that the issue be placed before the PRC for discussion. The Committee noted that the only option available was to allow the old numerical IEC to be activated for the limited purpose of filing SEIS Claim and the same has already been allowed. The committee decided that the request of the firm be accepted with the following conditions:

i. The firm shall submit an undertaking that the IEC shall not be utilized for any other purposes and the firm shall solely be responsible for any use/misuse thereupon caused due to the re-activation of the IEC.
ii. The ICE shall be kept active by the NIC till the SEIS Scrip for the year 2016-17 is issued to the firm and the same is registered/ utilized at the Customs.
iii. The valid RCMC in respect the new entity shall be accepted against the SEIS application.
iv. The services rendered in the old IEC for the respective period 2016-17 shall be included for examination of the claim of the firm
v. Late cut shall not be imposed on the SEIS claim of 2016-17
vi. The firm shall inform the DGFT HQs (Policy division-3 and the EDI division for de-activation of the IEC after the use of the SEIS)

vii. NIC to examine modification of the online SEIS module so that other exporters who have migrated from numerical IEC to alpha numerical IEC are allowed to file the SEIS claims in the online module.

(Action: Applicant/NIC/PC-3)

Case No.45: M/s Isinox Limited Mumbai
F. No. 01/60/162/97/AM19/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Extension in E.O. period and amendment in description in export product with SION No. against Advance Authorisation No.0310804274 dated 29.04.2016 (2)0310804552 dated 10.05.2016 (3)0310804551 dated 10.05.2016 (4)0310804547 dated 10.05.2016 and 0310804548 dated 10.05.2016

Justification provided by the firm: The firm has stated that they had approached the RA for amendment in description of export product which has been developed under backward integration method of SION C 524 and C 525 within the validity period. The application was not allowed by RA on the grounds that request for amendment in description of export product cannot be considered as there is no provision in the system for amendment in SION along with description. They have therefore approached PRC for granting extension in EOP and amendment in export product description.

Decision: The Committee went through the statements made by the firm and decided that the RA shall consider:

i. Request of the firm for EOP extension as per provision of Para 4.42 of the HBP2015-20.
ii. Request of the firm for amendment in SION with accountability of inputs as per respective SIONs.

(Action: RA)

Case No.46: M/s Caterpillar India Pvt. Ltd., Chennai
F. No. 01/60/162/773/AM18/PRC
PRC Meeting No. 14/AM19 dated **04.09**.2018

Subject: Considering the request of grant of Duty Drawback against file No.04/41/081/00013/AM16 for the supplies made through invalidation letter.

Justification provided by the firm: The firm had claimed the Duty Drawback based on supplies against EPCG Invalidation Letter. RA Chennai had rejected their Drawback Application stating that the firm can avail the benefit of Advance Authorization against such supplies in terms of Para 5.5.2 of the HBP and they are not eligible for duty drawback.

Decision: The Committee went through the statements made by the firm and noted that the firm is eligible for the benefit of Advance Authorization against such supplies in terms of Para 5.5.2 of the HBP and they are not eligible for duty drawback. The Committee noted that there is no merit to interfere with the decision of the RA and therefore rejected the case of the firm.

(Action: Applicant)

Case No.47:

The following cases were discussed in the meeting. The committee noted that communication have been received for the following firms without the prescribed application in ANF 2D and prescribed application fee as per Appendix 2K (fully / Partly) and therefore are to be treated as incomplete applications. Therefore, the committee decided to reject such case in terms of para 2.05 of the HBP 2015-20:

Sl No.	Name of firm	Subject of firm	Reasons for rejection
1	M/s Rashtriya Metal Industries Ltd. Mumbai	Second Re- validation & Enhancement of Annual Advance Authorization. No 0310810273 dated 03/01/2017	ANF 2D and fee proof not submitted
2	M/s Jindal Aluminium Ltd. Banglore	Submission of appeal against rejection of duty drawback benefits against deemed exports by the RLA-Bangalore for the claims related to financial years	Short fee three files
3	M/s Proline Seeds Company (India) Pvt. Ltd. New Delhi	Condonation of delay to file Incremental Export Incentive against RA File 05/06/092/80001/AM18 No.	Short fee
4	M/s Nazareth Metals Mumbai	Closure of Advance Licence No. 0310013284 dated. 15.10.1999	ANF 2D and fee proof not submitted
5	M/s H.L. Equipments Gujrat	Redemption letter in respect of Advance Authorisation No. 5210033179 dated 30.12.2010	ANF 2D and fee proof not submitted
6	M/s Super Circle Auto Ltd. New Delhi	Request for grant of revalidation against Advance Authorization No. 0510326439 dated 31/05/2012 in terms of providions of para 2.20 of HBP 2015-20	ANF 2D and fee proof not submitted
7	M/s Super Circle Auto Ltd. New Delhi	Request for grant of revalidation against Advance Authorization	ANF 2D and fee proof not submitted

		No. 0510327347 dated 14/06/2012 in terms of provisions of para 2.20 of HBP 2015-20	
8	M/s Wrigley India Pvt Ltd Banglore	Revalidation of Advance License No. 0710109502 dated 10th March 2016	Proof of fee not submitted
9	M/s Rajganga Agro Product Pvt. Ltd. New Delhi	Refund of TET, Relaxation under para 2.05 of HBP 2015-2020	Proof of fee not submitted
10	M/s Zenith Birla India Ltd. Mumbai	Availment of SHIS & Zeno duty EPCG benefit for the period 2009-10 & 2010-11	ANF 2D and fee proof not submitted
11	M/s Benzo Chem Industries Pvt Ltd. Mumbai	Revalidation of the Licence No. 1. 0310811827 dtd. 15/03/2017 2. 0310811500 dtd. 01/03/2017 3. 0310812215 dtd. 29/03/2017 4. 031808903 dtd. 02/11/2016 5. 0310810278 dtd. 03/01/2017	ANF 2D and fee proof not submitted
12.	M/s. Bhagdeep K & CO, Delhi	Extended validity of license 1. 0819010867 dated 11.12.2014 2. 0519038784 dated 02.11.2015 3. 0519039748 dated 24.11.2015 4. 0519042027 dated 07.01.2016.	The firm has not given ANF 2D and fee for each license