Directorate General of Foreign Trade
(PRC-section)

Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT Shri Alok Vardhan Chaturvedi, Director General of Foreign Trade on 31.08.2017

Meeting No. 15/AM18 held on 31.08.2017 at 10:00 AM

The following members were present in the meeting:

1.	Shri K. C. Rout	Addl. DGFT
2.	Shri Darshan Singh	Addl. DGFT
3.	Shri J. V. Patil	Addl. DGFT
4.	Shri S. B. S. Reddy	Addl. DGFT
5.	Shri Jay Karan Singh	Jt. DGFT
6.	Shri S. P. Roy	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.1: M/s Nagel Special Machine Pvt. Ltd., Bangalore
F. No. **01/60/162/230/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for relaxation for submitting the bill of export against Advance Authorisation No.0710079345 dated 24.05.2011

Decision: Aggrieved by the committee's decision dated 24.06.2016 and 06.02.2017, the applicant filed WP(C) 3003/2017 &CM No 13162/2017(stay) before hon'ble Delhi High court. Hon'ble high court vide order dated 25.04.2017, "*petitioner is allowed to file additional documents within a week before PRC. The PRC would re-examine the documents in light of additional documents, assess whether the order dated 06.02.2017 is to be recalled and a fresh order passed or the order dated 06.02.2017 is to be maintained.*" Accordingly, a personal hearing in terms of Para 2.59 of FTP, 2015-2020 was afforded to them on 31.08.2017. Mr. R. Arundhri Iyer, Advocate appeared before the committee and made the following submissions stating inter alia that:

1. They had completed the supply vide their tax invoice No. 732 dt. 08.10.2011 along with form ARE-1 no. 001/11-12 dt. 08.10.2011, subsequently goods have been duly endorsed at SEZ unit & goods receipt has been duly acknowledged by Supt. of Customs, Authorized Officer, Mahindra City –SEZ. But they also need to be obtained the bill of export from SEZ unit, where in SEZ have not provided the said document when the goods to base on the form ARE-1.
2. Based on the above documentary requirement, they had requested for issue of bill of export to office of the Special Economic Zone, Authorized officer /Superintendent of Customs, Mahindra world city SEZ, for the machine supplied

to SEZ unit WABCO India Ltd., against the requirement they also collected letter from M/s Wabco India Ltd.. Accordingly, request has been made to SEZ customs vide letter dated 18th November 2015.

3. The authorized Officer of customs in the said SEZ has sought the request to Specified officer of the SEZ to issue the required document bill of export vide letter dated 19th November 2015 & to conclude finally by office of the SEZ Authorized Officer has been issued a letter dated 17th December, 2015, that machine received into the SEZ & it is available at the factory premises at SEZ unit instead of Bill of Export.
4. They have requested for relaxation of Bill of export required document to the above mentioned Advance Authorization and allow them to close Authorisation under form ARE-1 duly endorsed by Supt. of Customs, Authorized officer, Mahindra city –SEZ.

Decision: The case was discussed at length. It was noted that as per Para 4.1.3 of FTP, an Advance Authorisation is issued to allow duty free import of inputs, which are physically incorporated in export product (making normal allowance for wastage). And, in terms of Para 4.12 of FTP, exporter is required to indicate consumption of inputs in the export documents. Further, an application for redemption of Advance Authorisation is required to be submitted on ANF-4F of HBP VoL-I, 2009-2014. In the ANF-4F, under Para (a) (ii) of guidelines for application, it is categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is a prescribed document under Rule 30 of SEZ, Rule, 2006. In view of these provisions, it becomes imperative that Export obligation against an Advance Authorisation cannot be discharged without establishing nexus of duty free imported inputs [or procured indigenously against advance authorization] and resultant product exported to the SEZ Unit. Since ARE-1 does not have such information, the committee was of the view that requirement of 'Bill of Export' cannot be dispensed with. Further, no valuation of ARE-1 is being carried out by the Customs/Excise Authority at receiving end; such supplies are considered free shipments meaning thereby that the exporter/supplier do not intend to take any benefit against the supply/export.

The applicant was fully aware of these facts. Ignorance of law cannot be taken as defense and a case of genuine hardship. The goods under Advance Authorisation is allowed without payment of duties. Therefore, accounting of inputs for even a gram is compulsory. FTP mandates exporter to declare the consumption of inputs in the export documents while removing the goods from factory and at the time of exporting the same.

There is no dispute that goods were supplied to an SEZ unit and payments have been received. However, from the documents obtained subsequently, it cannot be established that the same inputs were incorporated physically in the resultant products, which is the requirement of Para 4.1.3 of FTP. Further, in terms of Para

4.21(III) of FTP, in case of supply of goods to SEZ, payments must have been made from Foreign Currency Account of SEZ unit. No such evidence has been submitted.

The Committee, therefore, did not accede to the request. Accordingly, the applicant is hereby directed to get the case regularized, as per the provisions in Para 4.49 of HBP, 2009-2014.

(Action: Applicant/ RA, Bangalore) if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, RA shall initiate action as per the provisions of F.T. (DR) Act, 1992, as amended.

(Action: RA, Bangalore/Applicant)

Case No.2: M/s. e-Shakti. Com Pvt. Ltd., Chennai
F. No. **01/60/162/05/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for waiver of procedural requirement of not mentioning File No/Advance Authorisation No on shipping Bills while effecting export towards discharge of export obligation against Advance Authorisation No 0410129565 dated 21.10.2011.

Decision: Aggrieved by the committee's decision dated 08.11.2016, the applicant sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded to them on 31.08.2017. Mr. B. G. Krishnan, Director of the company appeared before the committee and made the following submissions stating inter alia that:

1. They have submitted earlier only a certain procedural aspect of their case which has been considered and other merits of their case have not been considered, namely:
    i. They were essentially an export oriented operation, with about 99.86% of the sales revenue being from exports.
    ii. All their exports have been registered with Customs as they were done by air cargo mode and are available in our EDPMS records.
    iii. They have met their export obligation several times over and well ahead of time stipulated in the Advance Authorization.
    iv. It was not in their control to mention the advance authorization number on their S/Bills, as their 500 – 1000 daily consignments containing one or two customized garments for individual retail customers, would vary from each other and customs department does not have the wherewithal to open all boxes, verify it for the consumption of respective duty-free imported materials, they could not ship under advance authorization S/Bill but were obliged to ship under Free Shipping Bill.
    v. They were given the AA, but the arrangement for recording the AA number in the S/Bill, is not available and possible in case of retail exports like them.
2. They like to present further the following:

    a) Data that conclusively shows that what was imported was exported.
    b) They exported several times over the export obligation.

c) They have no control if Customs deem it impossible to verify at the export point and therefore to allow them to affix their AA number on the shipping document.
d) They have not been told by the DGFT at the time of the issue of the AA that B2C exports cannot be done via the route of the AA.
e) They have exported worth Rs.300 crores in the last 5 years and have not taken a single rupee worth of export benefit right up until four months ago.
f) The policy of India is not to export taxes. Therefore, to not give them the benefit of tax-free imports is inconsistent with that policy and they are confident that the empowered body is one for Policy review, and not just conformity to rules, and will see their point.
g) The Supreme Court has held time and time again that exporters should not be denied benefits for technical breach of procedure when they have met the substantive export obligations. This is entirely true in their case.

3. They have stated that the PRC has considered only a certain procedural aspect of the matter referred to in their application and had given their opinion on same. They have only considered the matter of Free Shipping Bills vis-à-vis Advance Authorization Shipping Bill. They have not considered the totality of the representation that they had made which clearly established the bonafide of the exports made by them to discharge the Advance Authorization obligations in the time specified.
4. However, in the case of Customized Fashion Garments through the e-Commerce mode – a specific B2C sector which the Government seeks to promote in its FTP 2015-2020, the infrastructure for verification and review by Customs authorities is not available in the Indian Customs as every garment is unique and made to customer (a definition that the FTP 2015-2020 itself provides for). In other words, there is lacuna in the rules and the rules making them inconsistent, the policy of the Government with respect to make-in-India, export promotion, and building international brands of India origin.
5. This lacuna in the procedure available is the only reason they could not file the AA Shipping Bills as the current system administered by Customs does not provide for it. Instead the documents they have filed are characterized as Free Shipping Bills. This cannot be a default in the hands of the exporter.
6. This matter has enormous implications not only for them, but for all e-commerce B2C exporters especially in the textile sector which the Government seeks to promote as a matter of policy in line with the Prime Minister's Make-in-India initiative.
7. It is an established norm that taxes and duties cannot be exported. The Govt. of India has announced as part of it FTP various schemes from time to time and the DGFT administers such policies. Advance Authorization is one of the schemes which is available to all exporters, it is indeed available to B2C exporters as well and DGFT had issued the same to them.
8. They have furnished complete documentation to establish that the fabrics imported were used for exports and they have met their export obligations. Indeed, all the documents are part of the records of EDPMS and are available to Customs, DGFT and the Finance Ministry.

9. Hence, they need to procedures for obtaining and discharging Advance Authorization to be rendered usable by them so that they can comply with them completely and easily.

Decision: The committee explain the provisions of the Foreign Trade policy and Procedures to the applicant and reason of seeking EP copy of Shipping Bill having details of Advance Authorisation and consumption of inputs on it. Taking into consideration the genuine hardship of not mentioning details of Authorisation on shipping bills, the committee, was willing to waive the requirement but at the same time it wanted to ensure that duty free materials imported under Advance Authorisation were not used for any other purpose and diverted in the local market. The committee, therefore, asked Mr. B. G. Krishnan to submit the following documents:

i. Annual returns file to IT department during assessment years 2011-12, 2012-13, 2013-14 and 2014-2015.
ii. Audited balance sheet for the years 2011-12, 2012-13, 2013-14 and 2014-2015.
iii. A certificate from independent Chartered accountant certifying import and export data (quantity and value) for 2011-12, 2012-13, 2013-14 and 2014-2015 and consumption of all imported inputs in the exported products.
iv. An affidavit duly Notarised affirming therein that no domestic sale of even a single article was made by the company during 2009-2013. In case any revenue loss to the exchequer is noticed in future, they will pay immediately whole of duty plus applicable interest to the Customs Authority without any protest and will be liable for penal action under the provisions of FT(DR)Act, 1992, as amended.

On receipt of the documents, PRC will examine this case again and the same will be decided thereafter on merit.

(Action: Applicant)

Case No.3: M/s Apex India Ltd Kolkata
F. No. **01/60/162/50/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for allow DEPB benefit against 2 Shipping bills i.e.5160212 dated 28.5.2004 and 5169118 dated 13.7.2004

Decision: Aggrieved by the committee's decision dated 08.11.2016, the applicant sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded to them on 31.08.2017. Mr. Rajiv Daga, Director from M/s Apex India Ltd Kolkata appeared before the committee and made the following submissions stating inter alia that:

1. EPCG policy was taken by bank on their behalf and premium was debited to their account.

2. Export shipment was made and bill was discounted by the Bank and 75% of rupee value credited to their account
3. The export was made to their regular overseas buyer from whom export realization were timely since prior several years.
4. However, current export bill was not realized in spite of repeated efforts by the bank and ourselves pursuing both with the overseas bank and buyer and through other.
5. Since the foreign exchange could not be realized from overseas buyer, the bank lodged claim with ECGC and also made demand on them for adjusting the rupee liability for bill discounting.
6. Since another export sent on collection basis to the same buyer also remained unrealized their export activity came to a halt due to fund crisis.
7. As per bank norms they had to settle the Rupee liability with them in installment after reaching a settlement amount with the Bank.
8. As per norms the Bank did not disclose the fact of received to the rupee liability against them.
9. The bank informed them to the ECGC claim only after they full settle the settlement amount in installments.
10. The bank issued a letter stating that the company was informed about the ECGC claim for the first time vide letter dated 05.01.2012.
11. The notification for ECGC Policy circular no. 12/2002-2007 Paragraph 2.53.3 of handbook of Procedures (volume 1) permits taking into account of such export for the purpose of benefits under the Exim policy where exports have been completed but the payment has not been realized from the buyer provided the payment has been realized through ECGC cover.
12. The Policy does not state for time limit DEPB Application when amount is realized from ECGC under the policy for obtaining credit shall be filed.
13. They have filed the application within three months of receiving ECGC claim for the first time this clearly explains the cogent reason for delay.
14. Hence, they have requested for condonation of any delay in their filing application considering circumstances as above for the sake of equity and natural justice they request for grant of the license to them.

Decision: The case was discussed the case at length. It was noted that in terms of Para 2.85 of HBP, 2015-2020, "*An applicant realizing export proceeds through Insurance Agency will approach the concerned RA with the proof of payment issued by the concerned Insurance Agency. RA after satisfying itself of the bona fide of the claim, will obtain approval of Additional DGFT (EDI) and then will upload the value (in lieu of e BRC value) in EDI system of DGFT for processing of the case*". However, in the instant case, no payments have been received by the applicant from Insurance agency(ECGC), as the policy was obtained by the Bank and not by the applicant. The committee, therefore, was of the view that the applicant is not eligible for any benefits, as not payments have been realized against exports.

The committee, therefore, did not accede to the request.

Case No.4: M/s R.B. Knit Exports Ludhiana
F. No. **01/60/162/325/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for condonation of delay in claiming benefits of Chapter 3 scheme (MLFPS) against File No 30/21/087/83983/AM16 dt. 11.01.2016 containing 16 Shipping Bills and File No 30/21/087/83981/AM16 dt. 11.01.2016 containing 44 shipping bills

Decision: Aggrieved by the committee's decision dated 08.11.2016, the applicant sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded to them on 31.08.2017. Mr. Col. Christopher, CEO from M/s R.B. Knit Exports Ludhiana appeared before the committee and made the following submissions stating inter alia that:

1. The firm is supplier to a number of leading international brands and has earned valuable foreign exchange for the country. With a worldwide reputation for excellence.
2. However, the company fell under a spell of following unfortunate incidents which contributed to their slackening financial growth:
   a. In 2009-10 the unit had to undergo a huge financial loss as an unruly mob of laborers waylaid and torched three of their vehicles on GT road. Till now they have got no compensation from state govt. or nay other agencies.
   b. The above was followed by a major fire incident due to short circuit which devoured huge stock consignment and a whole lot of official correspondence /records in 2012-13 they were left with no official records of the transactions, and had to reconstruct the same after a colossal effort.
   c. In 2014 heavy lashing of monsoon rains & sewerage overflow on the night of 28.07.2014 the factory was submerged in 3 to 5 feet deep water. It destroyed a large consignment of export ready consignment, IT department, office fixture and functional computers which erased the date stored therein. This lead to huge exercise to reconstruct official records.
3. All the official correspondence, records and supporting documents of export department were submerged in water and rendered useless. This consequently lead to delay in collecting the information /documents from various sources which forced them to delay in filing the FPS for the year 2012-13. Finally, they were able to reconstruct the records and filed the same as under with regional office of the DGFT vide file no's 30/21/087/84008/AM16 dt. 15.01.2016.
4. However, the same have been returned by office of the Jt. DGFT, LDG vide their letter no. 30/21/087/84008/AM16 dt. 15.01.2016, terming the case as time barred.
5. This has caused a deprivation of approximately Rs 12 lakh worth to the company. The above is highly detrimental, to their financial health as they are reeling with financial crunch due to downturn, in the markets of EU their core area of exports. It has caused them immense financial hardship, as such financial loses have dented their capacity to continue with exports in an effective manner.
6. Hence, they have requested for condonation of delay in claim of benefit of chapter 3 for above 16 s/bills and seeking extension by one year to file scrip claim.

Decision: The case was discussed at length. It was noted that the exports were made during 07.08.2012 to 09.01.2013 under MLFPS of FTP, 2009-2014. In terms of Para 3. 11.9 of HBP, 2009-2014 read with Para 9.3 of said HBP, an application for such claim could be filed within 36 months from the date of exports/30 months from the date of realisation, whichever is later, with 10% late cut. Accordingly, claim could have been filed with late cut by 08.01.2016. However, applications in the instant case have been submitted on 15.01.2016. The committee did not find this to be a case of genuine hardship, as the applicant did not file claim even within 36 months which is very long period . The committee, therefore, did not accede to the request.

(Action: Applicant/RA, Ludhiana)

Case No.5: M/s Singhal Industries Pvt. Ltd., Gujarat
F. No. **01/60/162/868/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing & Redemption of 5 Advance Authorizations (1) No 0810111956 dated 24.05.2012 (2) No 0810116885 dated 14.12.2012 (3) No 0810117507 dated 11.01.2013 (4) No 0810135006 dated 08.04.2015 and (5) No 0810135009 dated 08.04.2015

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 31.08.2017. They were informed about the same, through e-mail. However, no one turned up for PH nor requested for postponement of date. The committee, however, in the interest of natural justice decided to defer the case. The applicant may seek next date.

(Action: Applicant)

Case No.6: M/s Amara Raja Batteries Ltd., Chennai
F. No. **01/60/162/1177/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of advance authorization No.0410160437 dated 24.04.2015.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 31.08.2017. They were informed about the same, through e-mail. However, no one turned up for PH nor requested for postponement of date. The committee, however, in the interest of natural justice decided to defer the case. The applicant may seek next date.

(Action: Applicant)

Case No.7: M/s Amara Raja Batteries Ltd., Chennai
F. No. **01/60/162/1178/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of Advance Authorization No.0410160723 dated 29.06.2015

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 31.08.2017. They were informed about the same, through e-mail. However, no one turned up for PH nor requested for postponement of date. The committee, however, in the interest of natural justice decided to defer the case. The applicant may seek next date.

(Action: Applicant)

Case No.8: M/s ETG Agro Pvt. Ltd., Mumbai
F. No. **01/60/162/1131/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request to count export of one S/Bill No.3647818 dated 19.10.2015 under Advance Authorization No.0310721578 dated 21.01.2013 towards discharge of E.O. instead of Advance Authorization No.0310734418 dated 15.05.2013.

Decision: It was noted by the committee that exports under S/b No 3647818 dated 19.10.2015 were effected indicating Authorisation No 0310734418 dated 15.05.2013 instead of Authorisation No 0310721578 dated 21.01.2013. Export obligation against the Authorisation No 0310734418 dated 15.05.2013 has been discharged without taking into account the S/b No 3647818 dated 19.10.2015. The applicant has, therefore, requested to allow accounting of said shipping bill against Advance Authorisation No 0310734418 dated 15.05.2013 being item exported is same. The committee, therefore, decided the following:

i. Accounting of S/b No 3647818 dated 19.10.2015 be allowed against Advance Authorisation No 0310721578 dated 21.01.2013 for EODC.
ii. This will, however, be subject to payment of composition fee of Rs. 200/- to RA;
iii. The applicant shall furnish an affidavit duly Notarised affirming therein that the said shipping bill has not been used towards discharge of export obligation against any other Advance Authorisation and no any other benefits of duty exemption scheme have been availed. In case of any loss to exchequer is noticed is future, they will pay immediately the amount plus applicable interest to the customs Authority without any protest and shall be liable for penal action under the provisions of FT(DR)Act;
iv. RA shall ensure that the s/b has not been utilised towards discharge of EO against Authorisation No 0310734418 dated 15.05.2013;
v. Export and import item is same as per the Authorisation.

(Action: Applicant/RA, Mumbai)

Case No.9: M/s Sterling Auxiliaries Pvt. Ltd. Mumbai
F. No. **01/60/162/49/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: - Request for clubbing of 14 Advance Authorizations.

1. **0310754809 dt. 22.10.2013**
2. **0310766062 dt. 13.01.2014**
3. **0310765996 dt. 13.01.2014**
4. **0310781115 dt. 09.05.2014**
5. **0310785315 dt. 13.06.2015**
6. **0310787438 dt. 31.07.2014**
7. **0310787818 dt. 08.08.2014**
8. **0310787835 dt. 08.08.2014**
9. **0310788663 dt. 03.09.2014**
10. **0310791431 dt. 26.11.2014**
11. **0310791534 dt. 28.11.2014**
12. **0310792906 dt. 14.01.2015**
13. **0310798169 dt. 14.08.2015**
14. **0310798173 dt. 14.08.2015** for redemption purpose.

Decision: It was noted that some of Authorisations in question were issued beyond 18 months of first Authorisation and exports under subsequent Authorisations were affected beyond export obligation period of first Authorisation. Facility of clubbing is not allowed in such cases. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised individually in terms of Para 4.49 of HBP in case of shortfall.

(Action: Applicant/RA, Mumbai)

Case No.10: M/s Southern Hydrocarbons Puducherry
F. No. **01/60/162/72/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing and redemption of three Advance Authorization No.2510004386 dated 13.01.2015 (2) No 2510004395 dated 13.04.2015 and (3) No 2510004584 dated 20.07.2016

Decision: It was noted that last Authorisations in question is issued beyond 18 months of first Authorisation and exports under first Authorisations were completed more than 100% before issue of the last Authorisation. Further, last Authorisation is issued after expiry of validity of first Authorisation. Clubbing of such Authorisation would amount to give indirect revalidation of expired Authorisation. Facility of clubbing is not allowed in such cases. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised individually in terms of Para 4.49 of HBP in case of shortfall.

(Action: Applicant/RA, Puducherry)

Case No.11: M/s Southern Hydrocarbons Puducherry
F. No. **01/60/162/220/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation and change of import item for Advance Authorization No.2510004418 dated 28.09.2015.

Decision: It was noted by the committee that the Authorisation in question was issued having 12 month's validity to import and 18 months to fulfillment of EO. The applicant has fulfilled 100% exports without making any imports. The RA, on his request has allowed six month's further validity to import. Despite that the applicant could not complete import. The justification that import price was higher side cannot be treated as a case of genuine hardship because Authorisation was obtained by applicant knowing all these facts. Exports were made achieving 15% value addition. In the instant case, the cost of raw material is much more than the realization achieved for finished products, thereby negative value addition has been achieved by the applicant. This is in complete contrast to the condition of minimum VA of 15% to be achieved by the licensee. The committee, therefore, did not accede to the request.

Case No.12: M/s Arvind Pipes & Fittings Industries P. Ltd., Mumbai
F. No. **01/60/162//AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP Extension of Advance Authorization No.0310775998 dated 27.03.2014 upto 42 months.

Decision: It was noted by Committee that the Authorisation in question was issued having 12 months to imports and 18 month's period for fulfilment of export obligation. They have imported to the extent of 100% and fulfilled only 85.70% within 30 months. On their request PRC in its meeting No 5/AM18 dated 16.05.2017 had allowed six month's further extension. Despite that the applicant did not fulfil balance export obligation. The committee, therefore, rejected the request as there is no merit.

The applicant is hereby directed to get the case regularised, in terms of Para 4.49 of HBP, within a month from the date of uploading of these minutes on the Directorate website failing which action under the provisions of FT(DR) Act, 1992(as amended) shall be initiated by RA concerned.

(Action: Applicant/RA, Mumbai)

Case No.13: M/s Reliance Communication Ltd., Mumbai
F. No. **01/60/162/1252/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for review of decision dated 15.06.2017 of PRC meeting No 07/AM18 for revalidation of SFI Scrip No.031044782, 0310444784, 0310444790 dt. 01.10.2007, and 0310454992 dt. To 0310454996, 0310454998, 0310455000, 0310455001 dt. and 0310455003 dt. 20.12.2007 for six Months from date of endorsement.

Decision: The committee again deliberated the case at length. Submissions made by the applicant were discussed threadbare. However, no case of genuine hardship could be established. The committee, therefore, reiterated its decision dated 15.06.2017 of PRC meeting No 07/AM18.

Case No.14: M/s Shalina Laboratories Pvt. Ltd., Mumbai
F. No. **01/60/162/281/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing of two advance authorization No.0310768359 dated 29.01.2014 and (2) 0310786800 dated 14.07.2014 issued under PC-9 conditions.

Decision: It was noted that only 4 % exports have been fulfilled against first Authorisation and 10.45% against second Authorisation. Whereas, more than 95% imports are made under both the Authorisations. No purpose would be served by clubbing. Clubbing is allowed where shortfall in fulfilment of EO under first Authorisation and surplus exports under second Authorisation. That is not the situation in the present case. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised, in terms of Para 4.49 of HBP, within a month from the date of uploading of these minutes on the Directorate website failing which action under the provisions of FT(DR) Act, 1992(as amended) shall be initiated by RA concerned.

(Action: Applicant/RA, Mumbai)

Case No.15: M/s Gland Pharma Limited Hyderabad
F. No. **01/60/162/255/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0910063538 dt. 22.04.2016 issued under PC-9 condition.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 01.06.2016. Accordingly, initial obligation period was upto 01.06.2017. The applicant has stated to have fulfilled 23.97% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity i.e. from 12 months to 18 months.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
V. PC-18 dated 30.10.2007 condition has to be followed for unutilized materials.

(Action: RA, Hyderabad)

Case No.16: M/s Gland Pharma Limited Hyderabad
F. No. **01/60/162/323/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0910062475 dt. 11.08.2015 issued under PC-9 condition.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-20, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made by 4 consignments between 26.08.2015 to 10.02.2017. Accordingly, initial obligation period was from 25.08.2016 to 09.02.2018. The applicant has stated to have fulfilled 100%, 100%, 53.28% and 100% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;
III. RA shall ensure that minimum 50% exports were affected within initial export obligation period. If not, composition fee will be charged @1% per months of unfulfilled FOB value.
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
VI. PC-18 condition has to be followed for unutilized materials.

(Action: RA, Hyderabad)

Case No.17: M/s Gland Pharma Limited Hyderabad
F. No. **01/60/162/356/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0910063718 dt. 31.05.2016 issued under PC-9 condition.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made between 15.06.2016 to 03.02.2017. Accordingly, initial obligation period was from 14.06.2017 to 02.02.2018. The applicant has stated to have fulfilled 77.46% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;
III. RA shall check that minimum 50% exports were affected within the initial export obligation period against each consignment. If not, composition fee will be charged @ 1% per month of unfulfilled FOB value;
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained;
VI. PC-18 condition has to be followed for unutilized materials.

(Action: RA, Hyderabad)

Case No.18: M/s Gland Pharma Limited Hyderabad
F. No. **01/60/162/256/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0910062474 dt. 11.8.2015 issued under PC-9 condition

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 15.06.2016. Accordingly, initial obligation period was upto 14.06.2017. The applicant has stated to have fulfilled 77.35% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;
III. RA shall check that minimum 50% exports were affected within the initial export obligation period against each consignment. If not, composition fee will be charged @ 1% per month of unfulfilled FOB value;
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Hyderabad)

Case No.19: M/s Gland Pharma Limited Hyderabad
F. No. **01/60/162/254/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0910063671 dt. 24.5.2016 issued under PC-9 condition.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix -4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made between 16.06.2016 to 23.09.2016. Accordingly, initial export obligation period was upto to 22.09.2017 for last import consignment. The applicant has stated to have fulfilled 25.35% and 52.70% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity against each import consignment.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Hyderabad)

Case No.20: M/s J.B. Chemcials & Pharmaceuticals Limited Mumbai
F. No. **01/60/162/320/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of AA No. 0310803709 dt. 01.04.2016 issued under PC-9 condition.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix -4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made between 25.05.2016 to 10.10.2016. Accordingly, initial obligation period was up to 09.10.2017 for last import consignment. The applicant has stated to have fulfilled 9.65%, 29.01% and 46.01% export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity against each consignment.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;

IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.21: M/s Venus Industrial Corporation, Ludhiana
F. No. **01/60/162/380/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017
Subject: Request to relax/condone of FTP/HBP provisions requiring 'prior return of SHIS' license.

Decision: It was noted that the applicant had obtained duty credit scrip on 29.09.2011 under Status Holder Incentive Scheme(SHIS) under Paragraph 3.16 of FTP during 2010-2011. During the same financial year, they have also obtained two EPCG Authorisations under zero duty scheme in the month of November 2011 which was not allowed under Para 5.1(f) of FTP, 2009-2014 read with corresponding customs Notification No 102/2009 dated 18.09.2009. There was ambiguity in the provisions of chapter -3 and chapter-5. Therefore, PN 3O/2015-20 dated 08.09.2016 came to be issued. Accordingly, the applicant has returned full amount of duty with applicable interest (Rs. 2022807+1610964) to the customs Authority. The committee, therefore, allowed regularization of the case considering bona-fide mistake.

(Action: Applicant/RA, Ludhiana)

Case No.22: M/s Venus Industrial Corporation, Ludhiana
F. No. **01/60/162/269/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for condonation of delay to file SHIS benefit against the exports made during 2011-12

Decision: It was noted that application for duty credit scrip under SHIS could be filed within three years from eligibility period with 10% late cut. The applicant's plea that they did not file application for export period 2011-12 due to confusing wording and misinterpretations of Policy regarding eligibility of Zero duty EPCG and SHIS scrip. However, it was noted that the applicant has obtained duty credit scrip under SHIS during 2013-14 against exports made during 2012-13. Therefore, they should have obtained duty credit scrip in the year 2013-14 for the exports made during 2011-12 with late cut, as prescribed in the Para 9.3 of HBP, 2009-2014. Request made after prescribed period including late cut cannot be considered. The committee, therefore, did not accede to the request.

Case No.23: M/s Oriflame India Pvt. Ltd., New Delhi
F. No. **01/60/162/277/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing of Advance Authorisation No. **(i) 0510199599 dt. 15.02.2007 (ii) 0510202960 dt. 26.04.2007 (iii) 0510204728 dt. 11.06.2007 (iv) 0510207007 dt. 31.07.2007 and (v) 0510208251dt. 29.08.2007**

Decision: It was noted that all 5 Advance Authorisations were issued during 2007 and exports are completed within initial export obligation period of first Authorisation, as the export obligation period was extended upto 36 months from the date of issue of Authorisation, in terms of PN 151 dated 26.02.2009 read with PC-80 dated 13.04.2009. The committee, therefore, decided the following:

i. Clubbing of all 5 Authorisations be allowed subject to following conditions,
ii. Exports affected under subsequent Authorisations but within 36 months from the issue of first Authorisation shall only be accounted for;
iii. Duty free inputs shall be accounted as per SION;
iv. Minimum 15% value addition shall be maintained on clubbing;
v. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP, 2015-20;
vi. No adjudication order has been passed by Customs/RA against any of the Authorisation in question.

(Action: Applicant/RA, CLA)

Case No.24: M/s Oriflame India Pvt. Ltd., New Delhi
F. No. **01/60/162/276/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing of file Advance authorization No.0510201928 dated 30.03.2007 (2) 0510204645 dated 07.06.2007

Decision: It was noted that both the Advance Authorisations were issued during 2007 and exports are completed within initial export obligation period of first Authorisation, as the export obligation period was extended upto 36 months from the date of issue of Authorisation, in terms of PN 151 dated 26.02.2009 read with PC-80 dated 13.04.2009. The committee, therefore, decided the following:

i. Clubbing of both the Authorisations be allowed subject to following conditions,
ii. Exports affected under subsequent Authorisations but within 36 months from the issue of first Authorisation shall only be accounted for;
iii. Duty free inputs shall be accounted as per SION;
iv. Minimum 15% value addition shall be maintained on clubbing;
v. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP, 2015-20;
vi. No adjudication order has been passed by Customs/RA against any of the Authorisation in question.

(Action: Applicant/RA, CLA)

Case No.25: M/s Swiss Parenterals Pvt. Ltd., Ahmedabad
F. No. **01/60/162/351/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No. 0810133759 dt. 10.11.2014 issued under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A of FTP 2009-14, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made on 05.12.2014. Accordingly, initial obligation period was upto 04.12.2015. The applicant has stated to have fulfilled 55.49% export obligation within initial period and 56.73% thereafter. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from12 months to 18 months.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;
III. RA shall ensure that minimum 50% exports were affected within initial export obligation period. If not composition fee will be charged @ 1% per month of unfulfilled FOB value.
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained;
VI. PC-18 condition has to be followed for unutilized materials.

(Action: RA, Ahmedabad)

Case No.26: M/s Swiss Parenterals Pvt. Ltd., Ahmedabad
F. No. **01/60/162/350/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance authorization No. 0810134077 dt. 17.12.2014 issued under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A of FTP 2009-14, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 29.12.2014. Accordingly, initial obligation period was upto 29.12.2015. The applicant has stated to have fulfilled 50.02% export obligation within initial period and 56.81% thereafter. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 months to 18 months.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;

III. RA shall ensure that minimum 50% exports were affected within initial export obligation period. If not composition fee will be charged @ 1% per month of unfulfilled FOB value;
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
VI. PC-18 condition has to be followed for unutilized materials.

(Action: RA, Ahmedabad)

Case No.27: M/s Swiss Parenterals Pvt. Ltd., Ahmedabad
F. No. **01/60/162/248/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance authorization No. 0810121224 dt. 17.05.2013 issued under PC-9 conditions.

__Decision:__ The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A of FTP 2009-14, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 25.07.2013. Accordingly, initial obligation period was upto 31.07.2014. The applicant has stated to have fulfilled 27% export obligation within initial period and 20% thereafter. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 months to 18 months.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained;
V. PC-18 condition has to be followed for unutilized materials.

(Action: RA, Ahmedabad)

Case No.28: M/s Jindal Aluminium Ltd. Bangalore
F. No. **01/60/162/343/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request against rejection of FMS benefit for shipment done to Uganda due to wrong mentioning of country of final destination as Kenya in shipping bill No.5727045 dated 27.10.2014 and 6847180 dated 26.12.2014

Decision: It was noted that exports against two shipping bills (as mentioned above) were made to Uganda through sea port Mombasa, Kenya being land locked country under Focused Market Scheme (FMS) of FTP, 2009-2014. RA while issuing duty credit Scrip disallowed benefits against two shipping bills. The applicant approached the customs Authority and got the destination corrected manually. However, RA did not allow enhancement of credit due to freezing of shipping bills by the system. The committee, therefor, decided the following:

i. EDI section shall re-activate these two shipping bills and related e-BRCs.
ii. The applicant shall then file fresh application.
iii. RA shall issue duty credit scrip a fresh against two shipping bills.

(Action: EDI/Applicant/RA, Bangalore)

Case No.29: M/s Jindal Aluminium Ltd. Bangalore
F. No. **01/60/162/376/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request against rejection of MEIS benefits due to not matching of item description in Invoice with MEIS rate list.

Decision: It was noted that the issue under consideration is of policy clarification and not relaxation. The committee, therefore, decided to transfer the case to Policy-3 for issue of necessary clarification.

(Action: Policy-3)

Case No.30: M/s Jindal Aluminium Ltd. Bangalore
F. No. **01/60/162/563/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of Advance Authorization No.0710107339 dated 31.12.2014.

Decision: It was noted that the Authorisation in question could not be utilized fully due to non- transmission of amendment sheet No 1 dated 11.04.2016. In customs server CIF value in INR was showing less than the value available in the Authorisation. On perusal of documents, it was noted that problem had persisted till the validity of the Authorisation. Revalidation was also granted by the RA after three months from submission of the request. The committee, therefore, decided to allow three month's revalidation from the date of endorsement. The applicant is directed to submit the Authorisation to the RA concerned within a month from the date of uploading of these minutes for necessary endorsement.

(Action: Applicant/RA, Bangalore)

Case No.31: M/s Bhagwanji & Co, Mumbai
F. No. **01/60/162/305/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of DFIA No.0310684322 dated 01.03.2012

Decision: It was noted that the Authorisation was issued having initial validity of 24 months to import. On the request of the applicant, RA has allowed six month's further revalidation. Despite that the applicant could not complete imports. So far as issue relating to PN 35 dated 30.10.2013 is concerned, the matter is sub-judice as pending before Apex court. No case of genuine hardship is established which warrants policy relaxation. The committee, therefore, did not accede to the request.

Case No.32: M/s Bhagwanji & Co, Mumbai
F. No. **01/60/162/514/AM16/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017
Subject: - **Request for revalidation of DFIA No. 0310714016 dt. 31.10.2012.**

Decision: Decision at case No 31 is reiterated.

Case No.33: M/s Lupin Ltd., Mumbai
F. No. **01/60/162/514/AM16/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance authorization No.0310776878 dated 03.04.2014 issued under PC-9 conditions

Decision: It was noted that the Authorisation in question was obtained to import drugs from unregistered sources. In such cases exports must have been completed within 12 months from import of each consignment. PRC in its meeting No 15/AM17 dated 10.08.2016 has already considered request and allowed six month's extension. No extension beyond that period is allowed. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the case regularized, in terms of Para 4.49 of HBP, 2015-20 read with PC-18 dated 30.10.2007, within a month from the date of uploading of these minutes on the Directorate website failing which action under the provisions of FT(D&R) Act, 1992 (as amended) shall be initiated.

Case No.34: M/s Lupin Ltd., Mumbai
F. No. **01/60/162/950/AM16/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance authorization No.0310786305 dated 02.07.2014 issued under PC-9 conditions

Decision: Decision at case No 33 is reiterated.

Case No.35: M/s Lona Industries Ltd., Mumbai
F. No. **01/60/162/314/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of Advance Authorization No.0310800288 dated 18.11.2015

Decision: It was noted that the Authorisation was revalidated for six months by the RA, Mumbai. However, the amendment was not accepted by customs server and rejected with error codes 13,02,52. The applicant took up the issue with NIC and ICEGAT but the issue could not be resolved. In the meantime, the Authorisation has lost its validity. Taking into consideration the genuine hardship, the committee decided to allow three month's revalidation from the date of endorsement.

NIC is directed to rectify the error by taking up the issue with ICEGAT.

The applicant is hereby directed to submit the Authorisation to the RA concerned for necessary endorsement within a month from the date of uploading of these minutes on the Directorate website. RA shall allow revalidation after confirming from NIC that error has been rectified.

(Action: NIC/Applicant/RA)

Case No.36: M/s Itco Industries Limited Bangalore
F. No. **01/60/162/1219/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of DFIA No.0710106895 dated 28.01.2014

Decision: No cogent reason of any genuine hardship is given. The committee, therefore, did not accede to the request.

Case No.37: M/s Jodas Expoim Pvt. Limited Medal Telangana
F. No. **01/60/162/236/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No.0510397982 dated 18.03.2016 under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 10.05.2016. Accordingly, initial obligation period was upto 09.05.2017. The applicant has stated to have fulfilled 57% (Novatrizoate 60%) and 100% (Novatrizoate 76%) export obligation within initial period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 to 18 months.
II. This is subject to a payment of composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;

III. RA shall check that minimum 50% exports were affected within initial export obligation period against each consignment. If not, composition fee will be charged @1% per month of unfulfilled FOB value.

IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;

V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, CLA)

Case No.38: M/s Texmaco Rail & Engineering Ltd., Kolkata
F. No. **01/60/162/233/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for 2nd revalidation of advance authorization No. 0210119384 dated 21.02.2008.

Decision: It was noted that the Authorisation in question was issued in 2008 having initial validity of 24 months to import. RA has allowed validity upto 60 months. The committee did not find the reason by the applicant as to why they could not import within 5 years. It was not disclosed whether supply of goods are being made to turnkey project or otherwise. If that is the case, then the applicant should have had approached the RA concerned along with a copy of valid contract issued by the project Authority. In that case, no policy relaxation is required. The committee, therefore, did not accede to the request.

(Action: Applicant)

Case No.39: M/s Diagold Design Limited Mumbai
F. No. **01/60/162/257/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for condonation of delay in re-import of studded Gold/studded silver Jewellery (Gems & Jewellery) by 17 days, beyond the prescribed period of 60 days as per para 4.80 of HBP 2015-20.

Decision: It was noted that in terms of Para 4.80 of HBP, 2015-20, goods exported for exhibition cum sale purpose must be re-imported back within 60 days from the date of exhibition is over. In the instant case, delay is of 17 days. The committee, therefore, decided the following:

i. Delay of 17 days be condoned.

ii. This will, however, be subject to payment of a composition fee of Rs. 50,000/- to the RA concern.

iii. Customs shall check that goods exported for exhibition cum sale purpose are re-imported.

iv. GJEPC shall certify that goods exported are being re-imported back.

(Action: Applicant/RA/Customs/GJEPC)

Case No.40: M/s Shakti Pumps (India) Ltd., Indore
F. No. **01/60/162/284AM14/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of advance authorization No.5610004450 dated 21.10.2014

Decision: It was noted that the Authorisation in question was issued having initial export obligation period of 18 months. On the request of the applicant, the RA has allowed two extensions of six months each in terms of Para 4.42 of HBP, 2015-20. The applicant has stated to have fulfilled more than 60% export obligation. The committee, therefore, decided the following:

i. Export obligation period be extended further for six months in continuity.
ii. This will, however, be subject to payment of a composition fee @ 1% per month of unfulfilled FOB value.
iii. The applicant shall furnish a certificate from the Excise Authority certifying that goods imported under the Authorisation are available with them for discharge of EO.

(Action: Applicant/RA, Indore)

Case No.41: M/s How Fa Tannery Kolkata
F. No. **01/60/162/285/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of FPS authorization No.0210180737 dated 08.08.2012

Decision: It was noted that duty credit scrip under consideration was issued having 18 month's validity to import with transferability clause. The applicant was free to sell it in the open market if no imports were due for clearance within its validity. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case No.42: M/s Universal Spieces Pvt. Ltd., Pune
F. No. **01/60/162/275/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for validation of authorization No.3110010627 date 09.04.2003 export done & waiver of shortfall in export obligation.

Decision: It was noted that the Authorisation in question was obtained to import duty free Coriander Seeds for export of Coriander Powder. Such Authorisation is issued with pre-import condition and having 120 day's export obligation period. The applicant was aware of these facts fully. However, while printing of the Authorisation, RA has issued Authorisation with 18 month's obligation period, as being issued to general product. The applicant has fulfilled 96.60% export obligation within 7 months. The committee, therefore, decided the following:

i. Export obligation period of the Authorisation be corrected from 18 months to 120 days from import of each consignment.
ii. Exports made within seven months from import of each consignment be regularized.
iii. This will, however, be subject to payment of a composition fee @ 0.5% per months of unfulfilled FOB value of exports made after 120 days;
iv. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP, 2015-20;
v. Minimum 15% VA shall be maintained.

(Action: Applicant/RA, Pune)

Case No.43: M/s Primacy Industries Liimited Mangalore
F. No. **01/60/162/219/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: - Relaxation of period for filling claims under Focus Product Scheme.

Decision: It was noted that request is made for condonation of delay in filing of applications for issue of duty credit scrips under FPS scheme under FTP, 2009-2014 for exports made during 2009-2010, 2010-2011 and 2011-12. The applicant has stated to have lost export documents due to fire accident in their factory in January, 2013. However, the claim was due in the preceding years. In terms of Para 3.11.9 of HBP, 2009-2014, Application for obtaining Duty Credit Scrip shall be filed within a period of twelve months from the date of export or within six months from the date of realization or three months from printing of shipping bill. Applications could be filed within the stipulated period at different intervals containing upto 50 shipping bills. Since the applicant did not submit applications during last three years that is before fire accident, the committee was of the view that fire accident cannot be a ground of genuine hardship in this case.

The committee, therefore, did not accede to the request considering no case of genuine hardship.

Case No.44: M/s Shiva Speciality Yarns Limited Punjab
F. No. **01/60/162/313/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing of two advance authorization No.3010060472 dated 09.03.2009 and (ii) 3010061652 dated 17.06.2009.

Decision: It was noted that both the Authorisations in question were issued during 2009 having initial export obligation period of 36 months. Exports have been completed within initial export obligation of first Authorisation. The committee, therefore, decided the following:

i. Clubbing of both the Authorisations be allowed. Provided,
ii. Inputs are accounted as per SION;
iii. Minimum 15% value addition is achieved;
iv. No adjudication order by Customs/RA is issued against any Authorisation.

(Action: Applicant/RA, Chandigarh)

Case No.45: M/s Haldia Petrochemcials Limited kolkata
F. No. **01/60/162/310/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for PRC for inclusion of alternate export products – Butadiene Produced out of common feedstock under 7 advance authorizations No. (1). 0210149113 dt. 11.11.2010, (2). 0210150407 dt. 11.11.2010, (3).0210156653 dt. 23.03.2011, (4). 0210155033 dt. 18.08.2011, (5). 0210155593 dt. 01.03.2011, (6). 0210155759 dt. 03.03.2011 and (7). 0210156141 dt. 14.03.2011

Decision: It was noted that export obligation period against all these Authorisations have been allowed upto 20.12.2019 with the approval of cabinet. The committee, therefore decided the following:

i. Export of alternative items be allowed. Provided,
ii. Duty free Inputs imported under the Authorisation or duty paid inputs imported as per condition of cabinet are used and accounted for, as per SION/Ad-hoc norms fixed by NC, towards discharge of EO;
iii. Value addition as per cabinet decision is maintained.

(Action: Applicant/RA, Kolkata)

Case No.46: M/s Essar India Limited Mumbai
F. No. **01/60/162/273/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request to accept manual application for redemption of DFIA No. 5210034032 dated 09.02.2011 and 0310702350 dated 29.07.2012 due to non-linking/submission of e-BRC.

Decision: It was noted that vide PN 14 dated 05.06.2012, e-BRC was introduced for getting benefits of DGFT's schemes. Vide PN 8 dated 06.07.2012, e-BRC was made mandatory for all schemes w.e.f. 17.08.1012. In this case, payments have been realized prior to August, 2012 against supplies made under DFIA No 5210034032 dated 09.02.2011. Hence, the committee agreed to allow manual BRCs for discharge of EO. So far as, DFIA No 0310702350 dated 29.07.2012 is concerned, payments were realized in September, 2012 that is after 17.08.2012, manual BRC is not acceptable in such cases. The applicant should approach the concerned bank for issue of e-BRC.

The bank shall issue e-BRC provided the documents were negotiated and payments were realized through normal banking channel.

(Action: Applicant/RA, Mumbai/Bank)

Case No.47: M/s Pharmaza (india) Pvt. Ltd.,
F. No. **01/60/162/308/AM18/PRC**

PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request EOP extension of Advance Authorization No.3410034023 dated 2.5.2012 issued under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A of FTP, 2009-14, which allows 12 month's period for EO fulfilment from import of each consignment. The import was made on 15.06.2012. Accordingly, initial obligation period was upto 30.06.2013. The applicant has stated to have fulfilled NIL export obligation within initial period and 100% thereafter. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.48: M/s Fresenius Kabo Oncology Limited New Delhi
F. No. **01/60/162/409/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for 2nd revalidation of advance auathoriationNo.0510397137 dated 30.12.2015

Decision: It was noted that Taxus Baccutta Leaves are seasonal item and available in the international market during August to March only. The applicant could not utilize the Authorisation fully within its validity. Considering the genuine hardship, the committee, therefore, allowed 3 month's revalidation from the date of endorsement. The applicant is directed to submit the Authorisation to RA concerned for necessary endorsement, within a month from the date of uploading of these minutes on the Directorate website.

(Action: Applicant/RA, CLA)

Case No.49: M/s Saav Inc. New Delhi
F. No. **01/60/162/385/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for condonation of delay in filling the incremental application No.05/60/092/80004/AM18) in terms of para 9.02 of HBP.

Decision: It was noted that application for duty credit scrip could be filed within three years from due date with 10% late cut. Application for exports made in 2012-13 and 2013-14 have been filed on 24.04.2017 after prescribed period including late cut. The illness of the Proprietor of the firm for two months cannot be construed to be a case of genuine hardship, as the applicant had more than two years in hands. The committee, therefore, did not accede to the request.

Case No.50: M/s Al Nafees Proteins Pvt. Ltd., Delhi
F. No. **01/60/162/911/AM/16/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for online rectification of DEPB scrip No.0510369733 dated 29.10.2013 after correcting the error as the scrip was not sent online and revalidation required as expired during error.

Decision: It was noted that exports were affected from EDI port. The applicant has submitted application for obtaining of DEPB by filing details of EDI shipping bills through manual mode. As per report received from NIC, transmission of such DEPB online is not possible. The applicant was aware fully that application for EDI shipping bills should be filed online only by attaching EDI shipping bills. Manual feeding was not allowed.

The committee, therefore, did not accede to the request.

Case No.51: M/s Mamta Extrusion System Ahmedabad
F. No. **01/60/162/367/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Extension of E.O. period Advance Authorization No.0810085918 dated 21.01.2010

Decision: It was noted that the Authorisation under consideration was issued having initial export obligation period of 36 months. However, the applicant could not fulfill stipulated export obligation within the initial export obligation period due to economic recession in the international market. However, they have completed 100% exports within 45 months. The committee, therefore, decided the following:

i. Export obligation period be extended by 12 months in continuity.
ii. The will, however, be subject to payment of a composition fee @ 0.5% per months of unfulfilled FOB value of exports made after 36th month but upto 42nd month and @ 1% per month of unfulfilled FOB value of exports made after 42nd month but upto 48th months.
iii. Exports affected indicating EDI File No/Authorisation No shall only be accounted for;
iv. Minimum 15% value addition shall be maintained.

(Action: Applicant/RA, Ahmedabad)

Case No.52: M/s Formulated Polymers Limited Chennai
F. No. **01/60/162/384/AM18/PRC**

PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for 2nd revalidation of Advance Authorization No.0410157295 dated 22.04.2014

Decision: It was noted that the Authorisation in question was issued having initial validity of 12 months to import. The RA, on request of the applicant, has allowed six month's further validity. The applicant has imported item No (1) almost 100% and item No (2) 57%. The applicant plea that they could not import balance due to change of price from Rs.158 to Rs. 173 per Kg. The Committee was of the view that higher price of the product cannot be construed to be a case of genuine hardship. Every business has commercial risk, which are basic ingredient to the running of the business. The applicant was fully aware of it. The committee, therefore, did not accede to the request.

Case No.53: M/s Chempi Fine Chemicals Bhandup Mumbai
F. No. **01/60/162/235/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of FMS Scrip No.0310710980 dated 28.09.2012

Decision: It was noted that revalidation of transferable duty credit scrip is not allowed beyond the prescribed validity of 18 months. The applicant has had option of transferring it to other importers. The committee, therefore, did not accede to the request, as no case of genuine hardship is established in the case.

Case No.54: M/s Cadila Healthcare Limited
F. No. **01/60/162/322/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for extension of EOP by 6 months from the initial validity period of E.O. against 6th 7th & 8th import consignments made under Advance authorization No. 0810134270 dated 07.01.2015 issued under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made between 21.01.2015 to 25.06.2016. Accordingly, initial obligation period was between 20.01.2016 to 24.06.2017. The applicant has stated to have fulfilled 73.89% export obligation within initial obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity against each import consignments.
II. This will, however, be subject to payment of a composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;

III. RA shall check that minimum 50% exports were affected within initial export obligation period against each import consignments. If not, fee will be levied @ 1% per month of unfulfilled FOB value.

IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;

V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

VI. Shortfall, if any, shall be regularised in terms of Para 4.49 of HBP, 2015-20 read with PC-18 dated 30.10.2007.

(Action: Applicant/ RA, Ahmedabad)

Case No.55: M/s Nazerath Alloys Mumbai
F. No. **01/60/162/23/AM17/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for clubbing of 2 Advance Authorization No.0310249874 dated 28.01.2004 and 0310277495 dated 28.06.2004 for closure purpose.

Decision: It was noted that both the Authorisations were issued during 2004 under EXIM Policy, 2002-2007 having initial export obligation period of 18 months. Exports have been completed within initial export obligation period of first Authorisation. The committee, therefore, decided the following:

i. Clubbing of both the Authorisations be allowed. Provided,

ii. Exports under subsequent Authorisations were affected within initial export obligation period of the first Authorisation;

iii. Duty free inputs shall be accounted as per SION;

iv. Minimum 15% value additions shall be maintained;

v. No adjudication order has been issued by Customs Authority/RA against any of the Authorisation.

vi. Shortfall, if any shall be regularized in terms of Para 4.49 of HBP, 2015-20.

(Action: Applicant/RA, Mumbai)

Case No.56: M/s Vijaya Enterprises Mumbai
F. No. **01/60/162/346/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for relaxing para 3.01(g) of HBP, 2015-20 and allow manual feeding of seven EDI shipping bills to claim MEIS benefits.

Decision: It was noted that online transmission of manual amendment made in EDI shipping bills is not being transmitted to DGFT server by ICEGATE. Therefore, item which is not eligible for MEIS benefit cannot be allowed by amending shipping bill manually. The committee, therefore, did not accede to the request.

Case No.57: M/s V. A Global business Mumbai
F. No. **01/60/162/229/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for revalidation of DFIA No.0310681422 dated 10.02.2012

Decision: It was noted that the Authorisation in question was issued having initial validity of 24 months to import. On the request of the applicant, RA has allowed six month's further revalidation. Despite that the applicant did not complete imports. So far as issue relating to PN 35 dated 30.10.2013 is concerned, the matter is sub-judice and pending before Apex court. No case of genuine hardship is established which warrants policy relaxation. The committee, therefore, did not accede to the request.

Case No.58: M/s Wockhardt Limited Aurangabad
F. No. **01/60/162/264/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No.0310800112 dated 6.11.2015 issued under PC-9 conditions.

Decision: The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The imports were made on 05.01.2016 and 07.03.2016. Accordingly, initial obligation period was upto 04.01.2017 and 06.03.2017, respectively. The applicant has stated to have fulfilled 56.67% export obligation within initial obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 months to 18 months against each consignment.
II. This will, however, be subject to payment of a composition fee @ 0.5% per month of unfulfilled FOB value of export made after initial obligation period;
III. RA shall check that minimum 50% exports were affected against each import consignment within the initial obligation period. If not, composition fee will be charged @ 1% per month of unfulfilled FOB value;
IV. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.59: M/s Wockhardt Limited Aurangabad
F. No. **01/60/162/258/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorisation No.0310799977 dated 03.11.2015 issued under PC-9 conditions.

__Decision:__ The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix -4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 29.02.2016 accordingly, initial obligation period was upto 28.02.2017. The applicant has stated to have fulfilled 13.97% export obligation within initial obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 months to 18 months.
II. This will, however, be subject to payment of a composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. Shortfall, if any, shall be regularised in terms of Para 4.49 of HBP, 2015-20 read with PC-18 dated 30.10.2007

(Action: RA, Mumbai)

Case No.60: M/s Wockhardt Limited Aurangabad
F. No. **01/60/162/259/AM18/PRC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Request for EOP extension of Advance Authorization No.0310803462 dated 21.03.2016 issued under PC-9 conditions.

__Decision:__ The Committee noted that the Authorization in question was issued with pre-import conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP 2015-2020, which allows 12 month's period for fulfilment of EO from import of each consignment. The import was made on 17.05.2016 accordingly, initial obligation period was upto 16.05.2017. The applicant has stated to have fulfilled NIL export but willing to fulfill obligation within the period to be extended. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended by six months in continuity that is from 12 months to 18 months.
II. This is subject to a payment of composition fee @ 1% per month of unfulfilled FOB value of export made after initial obligation period;
III. Exports affected indicating Authorisation No/EDI File No on shipping bills shall only be accounted;
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.61: Central Industrial Security Force (Ministry of Home Affairs) New Delhi
F. No. **01/53/162/1218/AM12/M-60/IC**
PRC Meeting No. 15/AM18 dated 31.08.2017

Subject: Extension of validity of import license.

Decision: It was decided to allow revalidation of permission/import Authorisation for further period of six months to import Glock Pistol by CISF.

(Action: Policy-2)

The meeting ended with a vote of thanks to the Chair.

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