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. 30/AM18 held on 21.03.2018 at 11:00 AM

The following members were present in the meeting:

1.	Shri N. P. S. Monga	Addl. DGFT
2.	Shri K. C. Rout	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 Akash Taneja	Jt. DGFT
7.	Shri S.P.Roy	Jt. DGFT
8.	Shri Rajbir Sharma	Jt. DGFT
9.	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. Jubilant Life Sciences Limited, Noida

F. No. 01/60/162/530/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Consideration of export made under Shipping Bill No.2876184 dated 23.05.2014 in Advance Authorization No.0510340432 dated 07.12.2012 towards discharge of Export Obligation.

Shri Mukesh Kanwal, Associate Vice President-EXIM of the firm appeared before the Committee and explained the position and requested for relaxation as above.

Decision: The Committee, after hearing him, decided that the firm shall furnish import and export data for the relevant period with documentary proof against Shipping Bill No. 0510340432 dated 07.12.2012. The case accordingly stands **deferred**.

Case No.2: M/s Shital Fibres Ltd., Jalandhar

F. No. 01/60/162/740/AM17/PRC
PRC Meeting No.30/AM18 dated 21.03.2018

Subject: [1] Clubbing of 8 Advance licences no: (1). 3010043132 dated 29.07.2005, (2). 3010045201 dated 16.12.2005, (3). 3010046474 dated 20.03.2006. (4). 3010049089 dated 14.09.2006 (5). 3010056476 dated 30.05.2008, (6). 3010073672 dated 18.03.2011, (7). 3010073869 dated 25.03.2011 and (8). 3010091497 dated 29.01.2013; [2] EOP Extension without imposition of composition fee; [3] Appeal to set aside the adjudication order issued to them against 3 Advance Authorization out of the Pending 8.

Decision: No one from the firm appeared before the Committee and therefore it was decided to **defer the case.**

Case No.3: M/s. Hi-Tech Blow Moulders Pvt. Ltd., Bangalore

F. No. 01/60/162/400/AM17
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Review of PRC Decision dated 19.07.2016 for revalidation of DFIA bearing no.0710094101 dated 07.03.2013.

Shri Sanjay B C, Manager (Sales-Exports) from the firm appeared before the Committee and explained the difficulties causing them genuine hardships.

Decision: The Committee after hearing the representative observed that delay in e-BRC was beyond their control. After detailed deliberation, it was decided to revalidate DFIA No.0710094101 dated 07.03.2013 for 6 months from the date of endorsement in the license.

(Action-RA Banglore)

Case No.4: M/s Ambigai Poly Sack, Tamilnadu

F. No. 01/60/162/980/AM17
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Review of PRC decision of the Meeting NO.33/AM17 dated 21.03.2017 (Case No.16) and also relaxation for redemption of Advance Authorization No 3210067523 dated 19/9/2013.

Shri K R Kannan, Managing Partner and his associate from the firm appeared before the Committee and explained their position.

Decision: The Committee, after hearing the representative and detailed deliberation, observed that there is no relaxation required. It was decided that RA Coimbatore may re-examine the issue in consultation with Pc-4 Div.in DGFT and take further action.

(**Action:** Policy 4 Division and RA, Coimbatore)

Case No.05. M/s Phoenix Foils Pvt. Ltd., Mumbai

F. No. 01/ 60/162/506/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Regularization of export already affected under Advance Authorization No. 0310798003 dated 07.08.2015.

Decision: The Committee after detailed deliberation decided to extend the export obligation validity period upto 30th month in the AA subject to payment of composition fee @1% of unfulfilled FOB value of exports made after first extension. The amount may be adjusted from the composition fee already paid. The applicant is 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.

(Action: Applicant/RA, Mumbai)

Case No. 06. M/s Indorama Industries Limited, Baddi, Himachal Pradesh

F. No. 01/ 60/162/635/AM18
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Condone delay in submission of Focus Market Scheme application which got delayed due to non-availability of shipping bills and error at DGFT online portal against file No. 22/21/087/80083/AM17 dated 18.01.2017 (Shipping bill No. 3037769 dated 14.12.2012 and 4659128 dated 26.03.2013)

Decision: After considering the submissions made by the firm, the Committee decided that the case is not of genuine hardship and therefore rejected the case.

Case No. 07. M/s Indorama Industries Limited Baddi, Himachal Pradesh.

F. No. 01/ 60/162/635/AM18
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Condone delay in submission of Focus Market Scheme application which got delayed due to non-availability of shipping bills and error at DGFT online portal against file No. 22/21/087/80057/AM17 dated 08.09.2016 (Shipping bill No. 1249811 dated 09.08.2012)

Decision: After considering the submissions made by the firm, the Committee decided that the case is not t of genuine hardship and therefore rejected the case.

Case No. 08. M/s Man Industries (India) Ltd., Mumbai

F. No. 01/60/162/745/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Clubbing of 4 Advance Authoraisation Nos.

1. 0310790365 dt. 20.10.2014
2. 0310796175 dt. 25.05.2015
3. 0310796236 dt. 27.05.2015
4. 0310801195 dt. 18.12.2015

The firm has submitted following reasons and believes that decision of RA is incorrect and clubbing can be permitted by Policy Relaxation Committee for the purpose of regularization as Customs Notification Nos.96/2009 and 18/2015 are similar as both of them are for physical exports and both of these notifications provides for exemption from safeguard and antidumping duty.

Decision: After detailed discussions on above submissions made by the firm, the Committee decided that the case be transferred to PC-4 for examination. **(Action-PC-4)**

Case No.09. M/s. Concord Exotic Voyages India Pvt. Ltd., Cochin

F. No. 01/60/162/742/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Exemption from condition imposed under Para 3.12.7 of the FTP 2009-14 against scrip No. (i) 1710006547 dated 25.01.2017 (ii) 1710006548 dated 25.01.2017, (iii) 1710006549 dated 25.01.2017, (iv) 1710006550 dated 25.01.2017 (v) 1710006551 dated 25.01.2017, (vi) 1710006552 dated 25.01.2017 and (vii) 1710006553 dated 25.01.2017.

Decision: The Committee, after carefully considering the submissions of the firm, was of the view that no exemption is possible as the case is not of genuine hardship and therefore it was decided to reject it.

Case No.10. M/s. Concord Exoitic Voyages India Pvt. Ltd., Cochin

F. No. 01/60/162/722/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Exemption from condition imposed under Para 3.12.7 of the FTP 2009-14 against scrip No. (i)1710006554 dated 30.01.2017, (2) 1710006555 dated 30.01.2017, (3) 1710006556 dared 30.01.2017, (iv) 1710006557 dated 30.01.2017 (v) 1710006558 dated 30.01.2017, (vi) 1710006559 dated 30.01.2017 and (vii) 1710006560 dated 30.01.2017.

Decision: The Committee, after carefully considering the submissions of the firm, was of the view that the case is not of genuine hardship and therefore it was decided to reject it.

Case No.11. M/s M. K. Overseas Pvt. Ltd., New Delhi

F. No. 01/60/162/527/AM16/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Request for revalidation of following six advance authorizations:

1. 0510272350 dt. 08.09.2010
2. 0510272349 dt. 08.09.2010
3. 0510268230 dt. 14.07.2010
4. 0510272409 dt. 08.09.2010
5. 0510265797 dt. 09.06.2010
6. 0510272351 dt. 08.09.2010

The firm submitted that they could not utilize the said DEPBs because Customs authorities had issued an Alert Notice No. 6328 dated 15.06.2010 which was subsequently withdrawn on 27.02.2015. as issued vide issued vide letter no-6328 dt. 15.06.2010. Hence, they have requested for revalidation for import for further six months

Decision: The Committee, after carefully considering the submissions of the firm and the report from CLA, Delhi, noted that the original DEPB authorization had not expired in the custody of the concerned Customs authority. Accordingly, it was of the view that the case is not of genuine hardship and therefore it was decided to reject it.

Case No.12. M/s M. K. Overseas Pvt. Ltd., New Delhi

F. No. 01/60/162/529/AM16/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Request for revalidation of six Advance Authorizations

The firm submitted that they could not utilize the said DEPBs because Customs authorities had issued an Alert Notice No. 6328 dated 15.06.2010 which was subsequently withdrawn on 27.02.2015. as issued vide issued vide letter no-6328 dt. 15.06.2010. Hence, they have requested for revalidation for import for further six months.

1. 0510268232 dt. 14.07.2010
2. 0510293374 dt. 14.06.2010
3. 0510293373 dt. 14.06.2010
4. 0510293229 dt. 13.06.2010
5. 0510268231 dt. 04.07.2010
6. 0510265800 dt. 09.06.2010

Decision: The Committee, after carefully considering the submissions of the firm and the report from CLA, Delhi, noted that the original DEPB authorization had not expired in the custody of the concerned Customs authority. Accordingly, it was of the view that the case is not of genuine hardship and therefore it was decided to reject it.

Case No.13. National Security Guard, New Delhi

F. No. 01/53/171/831/AM16/N-18/IC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Import of Spare parts of SMGMP5 and Sniper Rifle 7.62 MM PSG-I by NSG

Decision: The Committee noted that the matter relates to national security and decided to revalidate the said import license for one more year i.e. 17.08.2018. **(Action:** RA, CLA, New Delhi)

Case No.14. M/s Shri Gayatri Pulses Jalgaon, Maharashtra

F. No. M-5012/300/2002//PC-2(A)/e-1657
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Relaxation of policy condition 1.05 (b) of FTP 2015-20 for import of moog pulses with reference to Trade Notices No.19/2018 dated 25.10.2017

Decision: Shri Kamlesh Daiya from the firm appeared before the Committee and explained the difficulties being faced by the firm as explained above. The Committee, after considering the submissions and explanations of Shri Daiya, felt that the case was of genuine hardship as advance payment will not be returned if he is not allowed to import the consignment. Therefore, it was decided to relax the condition of registering the contracts as in TN no 19 dated 25.10.2017 for import of moong pulses and allow clearance of consignments already arrived against the contract as detailed above.

(Action: RA, Mumbai)

Case No. 15. M/s Marvel Vinyls Limited New Delhi

F. No. 01/60162/732/AM18/PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Clubbing of two Advance Authorization Nos.0510378456 dated 05.02.2014 and 0510395304 dated 13.08.2015.

Shri P L Garg, Manager (Logistics) from the firm appeared before the Committee and presented his case as explained in the agenda.

Decision: The Committee, after detailed deliberations, was not convinced that this was a case of genuine hardship and therefore rejected it.

Case No.16. M/s Rahul Agro Industries, Ajmer, Rajasthan

F. No. M-5012/300/2002/PC-2[A]part-I/(E-5168)
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Request to condone the delay of 28 minutes in online filling application for registration of contract for import of 1305 MT and 963 MT of Urad Daal in terms of Trade Notice No.19/2018 dated 25.10.2017,filed before Addl.DGFT(CLA) due to technical reason.

Decision: The committee decided to relax the cut off time by 28 minutes and to accept the application for further appropriate action thereon. **(Action:** CLA Delhi)

Case No.17: M/s. Bharat Serums and Vaccines Limited, Mumbai

F. No. 01/60/162/246(a)/AM18 –PRC
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Extension in validity of SFIS Authorization as per provision eligible as per Para 2.20 of HBP against Authorization nos.
(1)0310799156 dated. 05.10.2015
(2)0310799157 dated 05.10.2015
(3)0310799165 dated 05.10.2015
(4)0310799166 dated 05.10.2015
(5)0310799167 dated 05.10.2015
(6)0310799169 dated 05.10.2015
(7)0310799172 dated 05.10.2015
(8)0310799174 dated 05.10.2015

Shri Adeet Ghosh, Group-Vice President from the firm along with his associates appeared before the Committee and put across the problems being faced by them as detailed in the agenda.

Decision: After considering the submissions made by the firm and hearing their representatives, the Committee felt that the firm is indeed facing genuine hardship and decided to allow six months extension in validity of above mentioned eight SFIS Authorizations during the debit and credit period i.e. 20.9.2016 to 29.3.2017 as requested. (**Action** : RA Mumbai and the applicant)

Case No.18: (i) M/s. ALL India Rubber Industries Association, New Delhi
(ii) M/s Asian Tire Factory Limited
(iii) Kohinoor India Pvt. Ltd., Jalandhar

F. No. 01/94/180/352/AM13/PC-4(Pt)
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Regularization of pending EODC applications of Advance Authorizations and DFIA

Decision: Committee noted that there was no pre-import condition in Appendix-30A till 31.3.2015. When new five year FTP (2015-20) was announced, pre-import condition was introduced in Appendix-4J. At the time of announcement of new FTP 2015-20, Natural Rubber was inadvertently missed out in newly cast Appendix 4-J. It was corrected vide PN No. 35 dated 11.09.2017 retrospectively w.e.f 1.4.2015. This matter was raised by number of exporters and same also was raised when CS visited Punjab and Haryana on 10/11-11-2017. AAs /DFIAs were issued prior to 31.3.2015 without any endorsement of pre-import condition. AAs issued after 1.4.2015 and before 11.9.2015 also carried no pre-import condition. Having considered the fact that imports and exports have been completed by the parties and they are seeking relaxations only for EODC, committee felt that benefit of doubt should be given for AAs issued prior to 11.9.2015 where PN was issued with retrospective effect. Committee therefore decided to grant EODC wherever EO has been completed for AAs issued prior to 11.9.2015 and AAs/DFIAs issued prior to 31.3.2015 without insisting on pre-import condition. This facility is only for regularization and no further imports shall be allowed in the authorizations.

(**Action** : Applicant/ CLA, New Delhi)

Case No.19: M/s. Asian Tire Factory Limited

F. No. 01/94/180/172/AM18/PC-4
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Request for revalidation of item with AAAU condition.

Decision: Committee considered the case and also perused RAs letter dated 04.12.2013 along with amendment sheet No-2. These documents clearly show that except one item, Natural Rubber, all other items were endorsed with AU condition. There is no restriction on granting 1st revalidation of items which are with AU condition, which was denied in this case. Committee therefore decided to revalidate the authorization for the balance period between 23.6.2014 to 30.9.2014. RA shall make an endorsement that the revalidation shall be applicable only for the items which were endorsed with AU condition in the amendment sheet No-2.

(**Action:** Applicant/ RA Concerned)

Case No.20: M/s. Asian Tire Factory Limited

F. No. 01/94/180/59/AM18/PC-4
PRC Meeting No. 30/AM18 dated 21.03.2018

Subject: Issuance of Authorization under Pre-Export DFIA

Decision: Committee discussed the case in detail. Committee observed that refusal of issuance of DFIA when party is not in DEL is not proper. Furthermore party is a status holder and as para 3.10.4 (a) of FTP 2009-14, DFIA should have been issued immediately. Committee felt that, had they been issued with the DFIA in time, subsequent restrictions on Natural Rubber would not have been applicable to that DFIA as those restrictions were imposed much after the date of application. Committee therefore decided to issue DFIA as per 2009-14 policy and however, the imports shall be subjected to actual user condition and no transferability shall be allowed.

(**Action:** Applicant/ RA Ludhiana)

Case No.21: M/s. Gold Plus Glass Industry Limited, Delhi

F. No. 01/36/28/215/AM-15/EPCG-I
PRC Meeting: No. 30/AM18 dated 21.03.2018

Subject: Consideration of exports to Nepal in Indian currency for EPCG License

Decision: The Committee decided to give the firm a PH.

(**Action:** Applicant)