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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting Heldon17.03.2020& 29.04.2020 under the Chairmanship of ShriAmit Yadav, Director General of Foreign Trade

Meeting No.34/AM20 held on 17.03.2020& 29.04.2020

The following members were present in the meeting:

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

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

S. No	Name of the firm	Case No.
1.	M/s. Goa Shipyard Limited., Goa	1
2.	M/s. G. G. Automotive Gears Ltd., Dewas(MP)	2&3
3.	M/s. Achiever CreationsPvt. Ltd., Haryana	4&5
4.	M/s. Dhanush Exports, Bangalore	6
5.	M/s. SNS Energy Pvt. Ltd., Vadodara	7
6.	M/s. Thyssenkrupp Industries India Pvt. Ltd., Pimpri (MH)	8&9
7.	M/s. Paragon Industries Ltd., New Delhi	10
8.	M/s. Allure Fashions, Bangalore	11
9.	M/s. Centex International Pvt. Ltd., Ludhiana	12
10.	M/s. Uttam Galva Steel Ltd., Mumbai	13
11.	M/s. Kirloskar Toyota Textile Machinery Pvt. Ltd., Bangalore	14
12.	M/s. PowerCore Industries India Pvt. Ltd., Bangalore	15
13.	M/s. Everest Kanto Cylinder Limited, Mumbai	16
14.	M/s. Electro Copper and Alloys Mfg. Co. Kolkata	17
15.	M/s. Milan Laboratories (India) Pvt. Ltd., Thane	18
16.	M/s. Tata Consultancy Services	19
17.	M/s. Sri Saravana Stores	20

PH Case No. 01 M/s. Goa Shipyard Limited., Goa
F. No. 01/60/162/751/AM19/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: To waive the condition required under Para 3.14(a) of the HBP about marking/ ticking of "Y" (for yes) in "Reward" column against 3 Shipping Bills No.48735876 dated 23.12.2015, 6049547 dated 24.02.2016, and 6049554 dated 24.02.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020. Shri G. Suryaprakash, Assistant General Manager (SR&GES-COM)appeared on behalf of the firm and made the following submissions:

This is review case of the decision of PRC Meeting No.10/AM20 dated 02.07.2019 (Case No.02). The applicant stated that they built and exported 11 Nos. Fast Interceptor Boats for Mauritius Govt. under 3 EDI Shipping bill (S/B) Nos. 4873587 dated 23.12.2015, 6049547 dated 24.02.2016 and 6049554 dated 24.02.2016. However, by oversight, they ticked "N" instead of "Y" in the "Reward" Column on these S/Bills. Hence, they filed manual MEIS application, but RA did not consider and asked them to file it online, which is not possible as the system does not accept uploading of these S/Bill manually. Hence, requested to consider their manual MEIS application as per limitation applicable on the date of its initial filing with the RA.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and observed that manual amendments in the automated system are not possible. Moreover, the responsibility of making correct entries in the System lies with the applicant. Therefore, the Committee found no merit in the request and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.10/AM20 dated 02.07.2019.

(Action: Applicant)

PH Case No. 02 M/s. G. G. Automotive Gears Ltd., Dewas (MP)
F. No. 01/60/162/194/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: 2nd EOP Extension up to 2 years of EPCG License No.1130001815 dated 23.06.2010.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s. G. G. Automotive Gears Ltd., Dewas (MP)
F. No. 01/60/162/195/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: 2nd EOP Extension up to 2 years of EPCG License No.1130001675 dated 19.01.2010.

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Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 04 M/s. Achiever Creations Pvt. Ltd., Haryana
F. No. 01/60/162/408/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Counting of 3Shipping Bills No.5628989 dated 28.09.2011, 5628572 dated 28.09.2011 and 5702761 dated 03.10.2011 towards fulfillment of EO against Advance Authorization No.0510296126 dated 08.07.2011.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020. Shri Vikas Chopra, Authorised Representative appeared on behalf of the firm and made the following submissions:

They have always fulfilled EO imposed on them against the Advance Licenses issued to them so far and most of the cases have been redeemed by CLA, Delhi. However, redemption of the one case is pending due to exports in Free Shipping Bills Involving Remittance in Foreign Exchange. They imported 97% of the raw material allowed in the advance authorization and complete the entire EO within the EOP as per the condition of the Advance License. But at the time of submitting shipping bills to customs, due to some technical error in EDI system of the Customs at IGI Airport, New Delhi above shipping bills could not be generated under Advance Authorization Scheme. Due to urgency of the export shipment, they could not hold the shipment and exported the goods under free shipping bills involving Remittance in Foreign Exchange. However, all the vital details viz., License no, GSM consumption and Description of the Export Product was mentioned on the shipping bills.The export proceeds against all the above shipping bills have been realized in an approved manner. They had submitted their application for redemption to CLA, New Delhi, however, shown their inability to accept the free shipping bills towards fulfillment of EO.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and found no merit in the request and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.18/AM20 dated 03.09.2019.

(Action: Applicant)

PH Case No. 05 M/s. Achiever Creations Pvt. Ltd., Haryana
F. No. 01/60/162/407/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Counting of 4Shipping Bills No.8894933 dated 10.12.2013, 8894935 dated 10.12.2013, 8894810 dated 10.12.2013 and 8894846 dated 10.12.2013 towards fulfillment of EO against Advance Authorization No.0510367391 dated 03.10.2013.

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The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020. Shri Vikas Chopra, Authorised Representative appeared on behalf of the firm and made the following submissions:

They have stated that they had always fulfilled EO imposed on them against the Advance Licenses issued to them so far and most of the cases have been redeemed by CLA, Delhi. However, redemption of one case (subject authorization) is pending due to exports in Free Shipping Bills Involving Remittance in Foreign Exchange. They imported 93% of the raw material allowed in the advance authorization and complete the entire EO within the EOP as per the condition of the Advance License. But at the time of submitting shipping bills to customs, due to some technical error in EDI system of the Customs at IGI Airport, New Delhi above shipping bills could not be generated under Advance Authorization Scheme. Due to urgency of the export shipment, they could not hold the shipment and exported the goods under free shipping bills involving Remittance in Foreign Exchange. However, all the vital details viz., License no, GSM consumption and Description of the Export Product was mentioned on the shipping bills.The export proceeds against all the above shipping bills have been realized in an approved manner. They had submitted their application for redemption to CLA, New Delhi, however, shown their inability to accept the free shipping bills towards fulfilment of EO.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and found no merit in the request and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.18/AM20 dated 03.09.2019.

(Action: Applicant)

PH Case No. 06 M/s. Dhanush Exports, Bangalore
F. No. 01/60/162/905/AM17/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: To relax the pre-import condition against Advance Authorization No.0710108376 dated 16.06.2015.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 07 M/s. SNS Energy Pvt. Ltd., Vadodara
F. No. 01/60/162/694/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Extension in EOP against Advance Authorization No.3410043681 dated 06.12.2017.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 08 M/s. Thyssenkrupp Industries India Pvt. Ltd., Pimpri (MH)
F. No. 01/60/162/753/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: To count the export of free shipping bills against Advance Authorization No.3110026503 dated 15.09.2006 towards fulfillment of EO.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020. Shri Vishal Sharmaand Ms. Jyoti Pal, Authorised Representativesappeared on behalf of the firm and made the following submissions:

The applicant stated that the export obligation was fulfilled using indigenously procured inputs wherein the Advance License was invalidated for Sudan Export project. The exports were however undertaken against free shipping bills. From the documents such as License application, contract, Vendor PO, excise invoices, shipping bill, ARE-1, BRCs and export invoices, it can be clearly established that the exports have indeed been undertaken towards fulfillment of the export obligation under Advance License and exempted inputs have been utilized in the export product. Order-in-Appeal accepts that company was able to show a nexus between the goods exported under advance license and project completed at Sudan. Accordingly their request to accept free shipping bills towards fulfillment of EO may be considered.

Decision: The Committee heard the submission made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. They fulfilled the export obligation through free shipping bills by mistake/oversight. Accordingly, the Committee decided to reject the request. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

PH Case No. 09 M/s. Thyssenkrupp Industries India Pvt. Ltd., Pimpri (MH
F. No. 01/60/162/752/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: To count the export of free shipping bills against Advance Authorization No.3110020305 dated 15.09.2005 towards fulfillment of EO.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020. Shri Vishal Sharmaand Ms. Jyoti Pal, Authorised Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that the export obligation was partly fulfilled by exporting the goods manufactured using imported raw materials/inputs under DEEC shipping bills and partly using indigenously procured raw materials /inputs under FREE shipping bills wherein the Advance License was invalidated for UAE Export project. From the documents such as License application, contract, Vendor PO, excise invoices, shipping bill, ARE-1, BRCs and export invoices, it can clearly be established that the exports have indeed been undertaken towards fulfillment of the export obligation under Advance License for free shipping bills and exempted inputs have been utilized in the export product. Order-in-Appeal accept that company was able to show a nexus between the goods exported under advance license and project completed in UAE.

Decision: The Committee heard the submission made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. They fulfilled the export obligation through free shipping bills by mistake/oversight. Accordingly, the Committee decided to reject the request. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

PH Case No. 10 M/s. Paragon Industries Ltd., New Delhi
F. No. 01/60/162/214/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: To allow them to deposit the Customs duty of 50% in terms of Para 5.11 (B) of HBP 2009-14 for 2nd Extension in EPCG by way of bank Guarantee at Customs for which entire exports have been made beyond the extended EOP against 5 EPCG Licenses No.(i) 0530145510 dated 30.01.2008, (ii) 0530143735 dated 24.05.2007, (iii) 0530144493 dated 06.09.2007, (iv) 0530144418 dated 24.08.2007, and (v) 0530143848 dated 08.06.2007.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.03.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No.11 M/s. Allure Fashions, Bangalore
F. No. 01/60/162/296/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Acceptance of 3 time barred Shipping Bills No.(i) 7703757 dated 17.05.2016, (ii)1456666 dated 04.10.2016, and (iii) 7415543 dated 02.05.2016.

The applicant stated that in case of 1st shipping bill, the BRC was cleared by Bank under wrong Port name. The port as per shipping bill was INWFD6 but Bank uploaded as INBLR4 due to which shipping bill was not appearing in DGFT site. The bank took so many days to clear this issue, after so many follow ups through mails and calls. Finally this issue was cleared in October 2018. 2nd shipping bill was having an EGM issue and they were trying since two years to clear the EGM issue and after so many follow ups with the Customs department they got EGM closed on 31.07.2019. The drawback amount is still pending. And in the 3rd shipping bill, there was no any issue. They are waiting to clear the bank and EGM issue of above two S/bills and apply all together. Further, stated that when they applied for MEIS, it is showing 100% deduction for late application for SBs mentioned at (i) & (iii), whereas in (ii) case they could not apply as EGM was not closed.

Decision: The Committee reviewed the case through the statements made by the firm and discussed the matter at length. It observed that in 2 out of 3 shipping bills, firm had enough time to make an application for MEIS. However, they chose not to do so. The Committee found no merit or justification in the firm's contention. Therefore, the Committee decided to maintain rejection as in the earlier PRC Meeting No.25/AM20 dated 24.12.2019 (Case.No.02).

(Action: Applicant)

Case No.12 M/s. Centex International Pvt. Ltd., Ludhiana
F. No. 01/60/162/367/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Withdrawal of composition fee against Advance Authorization No.3010103430 dated 18.03.2015.

This is review case of decision of PRC Meeting No.24/AM20 dated 17.12.2019 (Case No.32). The applicant stated that as per the approval with a composition fee @ 1% on unfulfilled FOB of Rs.45,12,205/- for the period after original EOP i.e. 17.09.2016, the amount payable is coming to Rs.12,18,296/- as the export was made by them in the month of December, 2018. So, extension period comes to be 27 months, means 27% composition fee on FOB value. This is not reasonable and it becomes more than the duty save amount (BCD Rs.2,76,496/- + CVD Rs.7,33,360/- total Rs.10,09,856/-. If they had imported the goods under OGL category then out of total duty of Rs.10,09,856/- CVD amounting to Rs.7,33,360/- was refundable as MODVAT to them. This the duty benefit of BCD Rs.2,76,496/- has only been availed by them. Therefore they are requesting for withdrawal of composition fee of @1% per month on the unfulfilled FOB value as the EO has already been fulfilled by them.

Decision: The Committee reviewed the case on the justification submitted by the firm and discussed the matter at length. The Committee did not agree for withdrawal of the composition fee and decided to maintain the earlier decision of PRC Meeting No.24/AM20 dated 17.12.2019 (Case.No.32).

(Action: Applicant)

Case No.13 M/s. Uttam Galva Steel Ltd., Mumbai
F. No. 01/60/162/390/AM19/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Revalidation of 2 Advance Authorization No.0310801179 dated 17.12.2015 and 0310801178 dated 17.12.2015.

This is review case of decision of PRC Meeting No.30/AM19 dated 05.02.2019. The applicant stated that PRC has granted revalidation to these two authorizations for a period of six month months from the date of endorsement. However, during this period they were able to utilize a sizeable quantity of their import, but still a larger part of imports under the subject advance authorizations are pending against which they have already made exports. Further, stated that their Bankers had dragged the company with NCLT under the IBC law, but were harbored by their Co-Promoter ArcelorMittal, who paid their dues with the bank. Thus giving them hope to get further benefits with the bankers for various facilities and getting their operations in stream. But as ArcelorMittal themselves got entangled with legal battle for acquisition of the major Steel entity Essar Steel, they diverted their attention and recourses in acquiring the Steel mammoth. With the uncertainty then, ArcelorMittal turned their back on them, stopping repayment to their bankers, who in turn discontinued their facilities. However, now, after the Supreme Court final verdict on 14.11.2019, giving ArcelorMittal the green signal for their acquisition of Essar Steel, process has again started. Recently they made their bid payments to CoC (State Bank ofIndia) putting their final stamp on securing Essar Steel. With this they have sighted relief as ArcelorMittal subsequently paid dues to their bankers too, clearing their outstanding. Now, their Bankers facilities have also been renewed putting them in a position to start operations with imports in line.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and discussed the matter at length. The Committee noted that there is merit in the case and accordingly decided to allow last revalidation of two Advance Authorizations No.0310801179 dated 17.12.2015 and 0310801178 dated 17.12.2015 for a further period of 6 months from the date of endorsement. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No.14 M/s. Kirloskar Toyota Textile Machinery Pvt. Ltd., Bangalore
F. No. 01/60/162/826/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Condonation of procedural lapse for not mentioning imported inputs in the export against 2 Shipping Bills No.8484630 dated 25.10.2018 and 8484657 dated 25.10.2018 for consumption towards fulfillment of EO against Advance Authorization No.0710113532 dated 03.07.2018.

The applicant stated that they had completely consumed the inputs imported under the said authorization for manufacturing and export of 6 numbers of Ring Spinning Frame RX 300 and the same had been exported vide above two shipping bills. While at the time of export shipment clearance they had provided copies of advance authorization, bill of entries, DEEC declaration for imported inputs utilization details to their Customs clearing agent for filing of shipping bills. But by oversight Customs clearing agent had wrongly mentioned the input utilization/consumption in the shipping bills. These imported items are critical and essential for the manufacturing and export of Ring Spinning Frame RX 300. Further, stated that they have been exporting the same model of machinery Ring Spinning Frame RX 300 regularly and the above stated missing input items in the shipping bills are consumed in earlier shipping bills for the same model. Considering these facts, they had requested to condone the procedural lapse for not mentioning imported inputs in full for consumption/utilization, which will facilitate them to close the specific Export Obligation in full against the subject authorization.

Decision: The Committee went through the detailed justification submitted by the firm and discussed the matter at length and decided to advice the firm to get necessary amendment (about inputs used/consumed in the Shipping Bills) from the concerned Customs Authority. Thereafter, firm may take further action and approach concerned RA for redemption of subject advance authorization as per the provisions of Policy/Procedure.

(Action: Applicant/RA, Bangalore)

Case No.15 M/s. PowerCore Industries India Pvt. Ltd., Bangalore
F. No. 01/60/162/825/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Extension in EOP against Advance Authorization No.0710109151 dated 09.12.2015.

The applicant stated that they had obtained the subject authorization for import of 91.75 MT of prime CRGO electrical steel in sheets for manufacture and export of 77.987 MT of Transformer Lamination against their foreign buyer order. After import their foreign buyer has reduced the export order quantity from 77.987 MT of Transformer Lamination to 51.163 MT and balance 26.824 MT of Transformer Lamination order had been cancelled by buyer. They had exported 51.163 MT Transformer Lamination within the license expiry date and they have received the payment for the same from their foreign buyer. To complete the EO against remaining imported inputs, they have enquired with many foreign buyers for orders and they finally got the export order of 28 MT of Transformer Lamination from M/s Metalium International DMCC, Dubai. Hence, requested for six months EOP i.e. up to 09.06.2020 to complete the EO.

Decision: The Committee having discussed the case in detail found no merit in it and hence decided to reject the request of the firm for EO extension. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

Case No.16 M/s. Everest Kanto Cylinder Limited, Mumbai

F. No. 01/60/162/829/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Regularization of export already made beyond EOP under Advance Authorization No.0310640749 dated 06.07.2011 and condonation of payment of composition fee.

The applicant stated that there was a ban on CNG cylinders for import into Pakistan. Owing to this ban in Pakistan and other causes in other prospective countries like Iran and Bangladesh (Scarcity of CNG in Bangladesh and progressive sanctions in Iran, they lost about 90% of their export market). These reasons were beyond their control and in fact they had suffered in fulfillment of EO. Despite of all above constraints, they continued their efforts to fulfill their obligation and ultimately they succeeded in fulfilling the entire EO of all authorisations within permitted period except the subject authorization. They have also fulfilled the necessary EO by 100% in subject authorization within permissible period of 48 months (but not within the EOP endorsed on authorisation). Further, stated that there is slag down not only in export market but their domestic business also fallen down almost by 50-60% due to overall economy slow down and recession specifically in Automobile Sector. They had major market of CNG Cylinders supply in almost all OEMs in India like Bajaj Auto, Ashok Leyland, Swaraj Majda, TELCO etc., where their supply to these OEMs remained about less than 40-45% of earlier volume of cylinders. Therefore, they have requested (i) to grant permission to regularize the exports already made within 48 months which was permissible up to 31.07.2015 and (ii) to also waive off the composition fees applicable for EOP extension in full or it should be applicable on duty saved value based on para 4.22.1 of HBP (Vol.I) 2004-09, as HBP (Vol.I) 2009-14 is silent on subject matter and HBP (Vol.I) 2015-20 should not be applied on advance authorization issued in licensing Year 2011-12.

Decision: The Committee examined the case in detail and in view of justification provided by the firm it decided to allow EOP extension up to 31.07.2015 only for regularization purpose subject to the payment of composition fees as follows;

i. From 36 month to 42 months, composition fee @0.5% on the unfulfilled FOB value.
ii. From 42 months onwards, composition fee @ 0.5% per month on the unfulfilled FOB value if exports are fulfilled more than 50% within extended EOP or @ 1% per month where exports have been made less than 50% within extended EOP.

The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No.17 M/s. Electro Copper and Alloys Mfg. Co., Kolkata
F. No. 01/60/162/550/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

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Subject: Extension in EOP against Advance Authorization No.0210100453 dated 01.05.2007.

This is review case of the decision of PRC Meeting No.37/AM12 dated 17.01.2012. The applicant stated that the PRC has granted EOP up to 31.05.2011 only (i.e. 12 months) in which EO to the tune of 93.57% was completed by them, resulting shortfall EO to the tune of 6.43%. Initially their request for EOP was till 12.07.2011 which was ignored. The EOP was granted after a considerable delay i.e. after 6 months of completion of the EO on 13.07.2011 and since export was completed, though with 44 days delay but entire realization has come in due time. Hence, requested to grant EOP till July 2011 (i.e. extension by another 44 days), if last day of the month May 2011 is considered as the validity) so that the referred export shipment can be counted towards EO fulfillment for the purpose of regularization and closure of the subject authorization. They are ready to pay composition fee for the necessary extension of EOP, if applicable.

Decision: The Committee reviewed the case in detail in view of justification provided by the firm and discussed the matter at length. The Committee decided to allow extension in EOP up to July 2011 of Advance Authorization No.0210100453 dated 01.05.2007 for regularization purpose only, subject to payment of composition fee @1% per month on the unfulfilled FOB value. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Kolkata)

Case No.18 M/s. Milan Laboratories (India) Pvt. Ltd., Thane
F. No. 01/60/162/83/AM20/PRC
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Extension in EO period against Advance Authorisation No.0310815750 dated 13.09.2017 for regularization of E.O. already fulfilled.

This is review case of the decision of the PRC Meeting No.06/AM20 dated 21.05.2019 (Case No.21). The applicant stated that they had imported the item ERYTHROMYCIN STEARATE EP / CEP for 500 kgs on 24.10.2017 being first date of import. Their EO is fulfilled vide Shipping Bill No.7308333 dated 30.09.2019 utilizing import item ERYTHROMYCIN STEARATE EP /CEP for 445.690 kgs. Their original EO expired on 23.10.2018 whereas they have fulfilled EO on 30.09.2019. Erthromycin Stearate was imported from Malaysian company SM Pharmaceutical after purchasing the API, they observed that there is new test included for Microbiological assay, for which they got the person from Malaysia and then they validated the procedure and got it approved from UK. All this procedure took more time and hence they could not export in time and they need extension, as of now all export obligation is completed. Hence, requested extension in EOP up to 23.10.2019 to regularize EO fulfilled out of original EOP. They undertake to pay Customs Duty and Interest thereon for shortfall in EO fulfilled of 54.310 kgs due to yield loss.

Decision: The Committee reviewed the case in detail and in view of justification provided by the firm it decided to allow EOP extension up to 23.10.2019 of Advance Authorisation No.0310815750 dated 13.09.2017 for regularization purpose only subject to the payment of composition fee@1% per month on the unfulfilled FOB value. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No. 19 M/s. Tata Consultancy Services
F. No. 01/89/180/17/AM-12/PC-2A
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Relaxation from Policy Condition No.2(ii) of Chapter 87 of ITC (HS). 2012 Schedule-I (Import Policy) for imported 2 numbers of Cars make from Jaguar Land Rover, UK.

The applicant stated that they are working on the Software development for active safety and driving comfort applications in the area of Advanced Driver Assistance Systems (ADAS). They have stated that they want to import 2 numbers of Cars made from Jaguar Land Rover UK (VIN No.3ELVB979 and SALXA7AX7LXX06029) at their Bangalore SEZ which will be re-exported back to its origin after completion of the testing before the end of March, 2024. Hence, requested for relaxation in the policy condition 2 (ii)(f) of Chapter 87 of ITC (HS) 2012 Schedule-I (Import Policy).

Decision: The Committee having discussed the case in detail, decided to ask firm to make their representation to SEZ Division in Department of Commerce through their concerned DC of the SEZ for its consideration.

(Action: Applicant/SEZ-Bangalore)

Case No. 20 M/s. Sri Saravana Stores
F. No. M-5012/300/2002/PC-2A/Part-II/Vol.II
PRC Meeting No.34/AM20 dated 17.03.2020

Subject: Relaxation of Policy regarding the arrival date –reg.

The applicant stated that due to delay by the shipping company, their consignment of Toor Dal whole has arrived at Chennai Port on 20.11.2019. However, the BL date for consignment is 22.09.2019. They have been intimated from the Mediterranean Shipping Company giving out the delay of arrival of the vessel at Chennai Port. In the light of the above, it requested for relaxation regarding the arrival date and to allow them to clear their consignment.

Decision: The Committee went through the justification furnished by the firm and discussed the matter at length. The Committee found no merit or justification in firm's contention. Hence, decided to reject the request of the firm.

(Action: Applicant)

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