

Directorate General of Foreign Trade
Udyog Bhawan
DES-V Section

Minutes of the Meeting of NC-V meeting held on 13.08.2009

The Meeting No. 20/AM10 for the licensing year 2009-10 to consider the cases under Duty Exemption Schemes (Chapter-4) held on 13.08.2009 in Room No. 108 of DGFT under the Chairmanship of Shri A.K.Singh, Jt. DGFT. The following officers were present: -

Sl. No	Name of the representatives & their designation	Department
1.	Sh. Shaish Kumar, Industrial Advisor	DIPP
2.	Sh. G.D.Giri, Nominee, AEPC	AEPC
3.	Sh. Kuldeep Singh, Asstt. Director	MSME
4.	Sh. Pradip Kumar, F.T.D.O	DGFT

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(TEXTILES AND LEATHER ITEMS)

MEETING NUMBER : 20/84-ALC3/2009 **MEETING DATE** : 13.08.2009

1		INDUSTRIES PVT.LTD.	13.08.2009	
	HQ File :01/84/050/00014/AM10/	RLA File :02/24/040/00288/AM09/	Lic.No/Date:0210125566 16.04.2009	
	<p>Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that there is only one export product and two types of fabric are being used in this case. Applicant firm have not given the drawing, design, calculation sheet and justification for quantitative requirement of inputs indicating that both the fabrics are shell fabric or base fabric, in absence of which it is not possible to compute the requirement of inputs. Therefore, Committee was constrained to reject the case.</p> <p>RLA may take suitable consequential action accordingly.</p>			

2	Case No.:3/16/84-ALC3/2009	Party Name:RICHA & CO	Meet No/Date:20/84-ALC3/2009 13.08.2009	Status: Approved
	HQ File :01/84/050/00068/AM10/	RLA File :05/24/040/00215/AM10/	Lic.No/Date:0510245515 10.07.2009	
	<p>Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that firm have asked the Qty. of inputs @ 2.76 Sq mtrs/Pc for Ladies Jacket whereas in the relevant SION, the Qty. of inputs is permitted @ 2.20 Sq mtrs./Pc, which is more than 7 ½ %. In view of this, it was decided to allow the Qty. as per Policy Circular No. 34/(RE-07)/2004-2009 dated: 24th March, 2008 as allowed in the relevant SION (2.20 Sq mtrs/Pc). Hence, it was decided to allow the inputs @ 2.20 Sq mtrs/Pc in this case.</p> <p>The GSM of import and export shall match.</p> <p>The RLA shall be advised to take necessary action subject to compliance of other usual conditions.</p>			

	Case No.:1/20/84-ALC3/2009	Party Name:AUGUSTAN KNITWEAR PVT LTD	Meet No/Date:20/84-ALC3/2009 13.08.2009	Status: Approved
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3	HQ File :01/84/050/00085/AM10/	RLA File :32/24/040/00018/AM10/	Lic.No/Date:3210040958 31.07.2009	
	Decision: The Committee considered the case as per agenda alongwith other relevant papers and after detailed deliberations in consultation with representatives of technical authorities present in the meeting decided to ratify the advance authorization issued in this case on net to net basis with accountability clause. The R.A shall be advised to take necessary action subject to compliance of other usual conditions.			

4	Case No.:2/20/84-ALC3/2009	Party Name:GAURAV INTERNATIONAL	Meet No/Date:20/84-ALC3/2009 13.08.2009	Status: Deferred
	HQ File :01/84/050/00086/AM10/	RLA File :05/24/040/00255/AM10/	Lic.No/Date:0510247234 04.08.2009	Defer Date: 10.09.2009
	Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that copy of application has not been received in this case. It was decided to await the same and defer the case for re-listing on 10.09.2009.			

5	Case No.:3/20/84-ALC3/2009	Party Name:RICHA & CO	Meet No/Date:20/84-ALC3/2009 13.08.2009	Status: Deferred
	HQ File :01/84/050/00087/AM10/	RLA File :05/24/040/00270/AM10/	Lic.No/Date:0510247255 05.08.2009	Defer Date: 10.09.2009
	Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that copy of application has not been received in this case. It was decided to await the same and defer the case for re-listing on 10.09.2009.			

Manually generated agenda cases

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Case No. 327	M/s Lumens India, Kolkata
NC20/10 dt. 13.08.2009	F.NO.1/84/50/352/AM09-DES-V
Ratification of input output norms in respect of Advance Authorization No.0210118753 dt. 22.10.2008 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and handed over the relevant details submitted by the firm to the representative of DC (MSME) for their examination and comments. It was decided to defer the case for re-listing on 10.09.2009.

Case No. 328	M/s Orient Fashions Exports India Pvt. Ltd., New Delhi
NC20/10 dt. 13.08.2009	F.NO.1/84/162/195/AM10/DES-V
Ratification of input output norms in respect of Advance Authorization No.0510243927 dt. 18.06.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and handed over the relevant details viz. CAD, CAM, Measurement etc submitted by the firm to the representative of DC (MSME) for their examination and comments. It was decided to defer the case for re-listing on 10.09.2009.

Case No. 329	M/s Anitha Mills, Tirupur
NC20/10 dt. 13.08.2009	F.NO.1/84/162/190/AM10-DES-V
Ratification of input output norms in respect of Advance Authorization No.0310082194 dt. 26.04.2001 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that however, advance authorization has been issued in 2001, this case is considered by NC-V for the first time. The Committee observed

that in this case firm have sought import of knitted fabric of GSM- 130 to 400. It was felt that GSM of such range is not permissible; the variance of the GSM is permissible upto +/-10%. Hence, the GSM of fabric should be specific. In view of this it was decided to advise the firm to work out the quantitative requirement of inputs for each export item alongwith justification thereon and submit the relevant details of specific GSM of fabric Bill of Entry wise to consider this case further. It was therefore decided to defer the case for re-listing on 24.09.2009.

Case No. 330	M/s Stalwart Lifestyle Pvt. Ltd., Gurgaon
NC20/10 dt. 13.08.2009	F.NO.1/84/50/55/AM10-DES-V
Ratification of input output norms in respect of Advance Authorization No.0510244371 dt. 23.06.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and heard Sh.Manoj Mohapatra, Manager (Accounts) in the firm, who attended the personal hearing in this case. He explained the case alongwith sample, but could not provide calculation sheet indicating the quantitative requirement of inputs asked for in this case. In view of this Committee decided to advise the representative to submit the above details to consider this case again and defer the case for re-listing on 10.09.2009.

Case No. 331	M/s Stalwart Lifestyle Pvt. Ltd., Gurgaon
NC20/10 dt. 13.08.2009	F.NO.1/84/50/36/AM10-DES-V
Ratification of input output norms in respect of Advance Authorization No.0510242012 dt. 21.05.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and heard Sh.Manoj Mohapatra, Manager (Accounts) in the firm, who attended the personal hearing in this case. He explained the case alongwith sample, but could not provide calculation sheet indicating the quantitative requirement of inputs asked for in this case. In view of this Committee decided to advise the representative to submit the above details to consider this case again and defer the case for re-listing on 10.09.2009.

Case No. 332	M/s Condor Footwear (India) Ltd. ,Surat
NC20/10 dt. 13.08.2009	F.NO.1/84/162/42/AM10-DES-V
Request for import against Advance Authorization No.5210021658 dt. 06.06.2007 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that this case has already been decided by NC in its meeting held on 11.06.2009 and also perused the O.M dated 25.06.2009 received from Deptt. of Revenue in this case. It was observed that the contention of DOR is that the import items allowed in this case falls under ITC (HS) code 5903 1090 and as per Chemical test result the same is classified under 3920 4900 of ITC (HS) code. The Committee reiterated that the description of item of import is the same as given in relevant SION, A-3541 irrespective of correctness of ITC (HS) code No. of the import of Synthetic cloth for Uppers (Non Woven/Woven/Knitted/Laminated with PVC/PU) is allowed as per SION and the SION are not based on ITC (HS) codes. Hence, the question of correct ITC (HS) code does not arise. As per SION, A-3541, Synthetic cloth for Uppers (Non Woven/Woven/Knitted/Laminated with PVC/PU) is allowed irrespective of ITC (HS) code clarification. Hence, the change in the ITC (HS) code has no bearing on a claiming duty free import benefits given under advance authorization. This is the considered views of the Committee. Deptt. of Revenue may also be informed accordingly.

Case No. 333	M/s Veekay Polycoats Ltd., New Delhi
NC20/10 dt. 13.08.2009	F.NO.1/84/50/37/AM10-DES-V
Ratification of input output norms in respect of Advance Authorization No.0510241872 dt. 21.05.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda and decided to call the applicant firm for personal hearing alongwith complete justification and details pertaining to this case in its meeting to be held on 10.09.2009.

The case stands deferred for re-listing on 10.09.2009.

Case No. 334	M/s Veekay Polycoats Ltd., New Delhi
NC20/10 dt. 13.08.2009	F.NO.1/84/50/34/AM10-DES-V
Ratification of input output norms in respect of Advance Authorization No.0510241855 dt. 20.05.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda and decided to call the applicant firm for personal hearing alongwith complete justification and details pertaining to this case in its meeting to be held on 10.09.2009.

The case stands deferred for re-listing on 10.09.2009.

Case No. 335	M/s Model Exims, Kanpur
NC20/10 dt. 13.08.2009	F.NO.1/84/50/28/AM07-DES-V
Ratification of input output norms in respect of Advance Authorization No.0610010614 dt. 21.04.2006 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and after deliberations in consultation with representatives of technical authorities present in the meeting decided to allow the inputs as per modified SION, G-45 vide Public Notice No. 185/(RE-2008)/2004-2009 dated 19.06.2009 in this case, if applicant firm have already asked for the same against the advance authorization in question.

The R.A shall be advised to take necessary action subject to compliance of other usual conditions.

Case No. 336	M/s Shahi Exports House, New Delhi
NC20/10 dt. 13.08.2009	F.NO.1/84/50/638/AM04-DES-V
Re-fixation of input output norms in respect of Advance Authorization No.0510113090 dt. 29.12.2003 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and after detailed deliberations in consultation with representatives of technical authorities present in the meeting decided to clarify that computation of requirement of fabric is done on the basis of average requirement of the export product i.e by averaging the small size and largest size of the export product asked for. Hence, specific size-wise measurement mentioned on the description of export item is not possible to be monitored on the export side where exports have already been made prior to the communication of NC decision. In view of this NC had decided this case as specific case for waiving the condition of size-wise specification on the export side. This decision of NC cannot be generalized, as the issue varies case to case. Similar case of other firms may also be considered on the same yardstick, however; in any case before taking a final view, NC endorsement would be required in the matter. The R.A shall be advised to take necessary action subject to compliance of other usual conditions.

Case No. 337	M/s VeeNar Fashions, Mumbai
NC20/10 dt. 13.08.2009	F.NO.1/84/50/56/AM07-DES-V
Re-fixation of input output norms in respect of Advance Authorization No.0310380200 dt. 12.05.2006 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that earlier TC, Mumbai had made their recommendations on the basis of calculation done on sample submitted by the firm in this case and NC had fixed the norms accordingly. Further, firm have also not given any new valid justification for enhancement in the Qty. Hence, Committee did not find any scope to review it now and decided to reject the request of firm.

Firm may be informed accordingly.

Case No. 338	M/s VeeNar Fashions, Mumbai
NC20/10 dt. 13.08.2009	F.NO.1/84/50/66/AM07-DES-V

Re-fixation of input output norms in respect of Advance Authorization No.0310380485 dt. 16.05.2006 – under Para 4.7 of HBP (Vol1) 2004-2009.

Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that earlier TC, Mumbai had made their recommendations on the basis of calculation done on sample submitted by the firm in this case and NC had fixed the norms accordingly. Further, firm have also not given any new valid justification for enhancement in the Qty. Hence, Committee did not find any scope to review it now and decided to reject the request of firm.

Firm may be informed accordingly.

Case No. 339	M/s Lex International, Kanpur
NC20/10 dt. 13.08.2009	F.NO.1/84/50/364/AM09-DES-V
Re-fixation of input output norms in respect of Advance Authorization No.0610014514 dt. 03.11.2008 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda alongwith other relevant papers and observed that applicant firm have not given the specific name of the firm in which case NC has already allowed the norms for same export import item with such wide variation in width and thickness as pointed out in their letter dated 17.07.2009 addressed to FIEO. The Committee felt that it is illogical to overlook the fact that wide variation in width and thickness of webbing of imported item while ratifying the norms. In view of this Committee observed that applicant firm should give such specific instances where this fact has been ignored by NC. It was therefore decided to advise the firm to give such instances so that NC can review its earlier decision.

It was observed that now firm vide their letter dated 16.07.2009 have given specific reply indicating the width and thickness of webbing, which was not given earlier, accordingly, NC rejected this case. The Committee after deliberations in consultation with representatives of technical authorities present in the meeting decided to ratify this case on net to net basis with accountability clause as detailed below: -

S. No	Export item	Export Qty.	Import item		
1	Bridles made with Plastic coated webbing	1216 Pcs	Plastic coated webbing		
			Width	Thickness	Qty.
2	Reins made with plastic coated	750 Pcs	13mm	0.095"-105"	8512 Ft
			16mm	0.095"-105"	9512 Ft.

	webbing		19mm 25mm	0.250" 0.095"-105"	10503 Ft. 11475 Ft.
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The R.A shall be advised to take necessary action subject to compliance of other usual conditions. FIEO may also be informed accordingly.

Case No. 340	M/s Gupta Hair Products, Chennai
NC20/10 dt. 13.08.2009	F.NO.1/85/50/13/AM10-DES-VI(DES-V)
Re-fixation of input output norms in respect of Advance Authorization No.0410104066 dt. 22.04.2009 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda and observed that ITC (HS) code mentioned on export item is 05801000 does not covered under the chapter –5. The ITC (HS) code mentioned in import item i.e 67030001 also does not seem to be correct. Further, on the export item firm have mentioned 10” Up is also not relevant. The wastage 20% asked for is also not justified in this case. Therefore, Committee was constrained to reject the case.

RLA may take suitable consequential action accordingly.

Case No. 341	M/s Ganga Acrowool, Ludhiana
NC20/10 dt. 13.08.2009	F.NO.1/84/162/640/AM09-DES-V
Fixation of input output norms in respect of Advance Authorization No.(i) 3010055042 dt. 14.02.2008 (ii) 3010056431 dt. 29.05.2008 and (iii) 3010058552 dt. 20.11.2008 – under Para 4.7 of HBP (Vol1) 2004-2009.	

Decision: The Committee considered the case as per agenda and decided to remind SRTPEC and defer the case for re-listing on 24.09.2009.

Case No. 342	Reference from CAPEXIL in respect of M/s Ke-technical Textiles, Kolkata
NC20/10 dt. 13.08.2009	F.NO.1/84/162/11/AM10-DES-V
Fixation of SION for Tublar Bags.	

Decision: The Committee considered the case as per agenda and decided to refer the case to TEXPROCIL for consolidated industry data in respect of 3-4 different firm alongwith their comments with regard to quantitative norms for this export import item to considerer this case for fixation of SION and defer the case for re-listing on 24.09.2009.

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