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 06.11.2018

Meeting No.22/AM19 held on 06.11.2018 at 10:30AM

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 Rajbir Sharma	Jt. DGFT

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

PH Case No.1: M/s. Srivi Exports & Imports (P) Ltd., Tuticorin (Tamilnadu)
F. No. 01/60/162/501/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Registration of contract for import of Peas

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 06.11.2018 and Shri P Pon Srinivasa Prahu, Director, appeared before the Committee and made the following submissions:

- Contract for the import was signed in November 2016 and USD 135000 was remitted as a result of that to the foreign party. First this contract was extended upto December 2017 mutually and then upto April 2018.
- However during the month of April 2018 the import restriction had been imposed on import of peas and subsequently they could not import the shipment due to the import restrictions. They were forced to make amendment in contract to extend the shipment period twice since during that time the price for yellow peas was very high in the international market and the supplier could not perform the contract at the originally contracted price. They were forced to agree then to the supplier's demand for extension of contract since they have no other options to recover their advance payments.
- Presently the supplier is ready to ship the goods at the contracted price and they have extended the contract for shipment up to 30th Dec, 2018. Their company is also facing financial hardship and it would be a great relief if they could get import registration certificate to complete the shipment in order to recover their outstanding advance payments with the supplier.
- Since the fund is outstanding with the supplier for long time their bank is also pressurizing them to complete the shipment at the earliest and to comply with the RBI guideline for advance payment.

Ulyanl

Decision: The Committee heard the submission made by the representative of the firm and after detailed deliberations decided to allow registration certificate for import of Peas only to the extent of the amount the firm has paid as advance. Import of peas in this case must be completed before 31.12.2018.

(Action: Applicant/RA)

PH Case No.2: M/s. Milacron India Private Limited, Ahmedabad
F. No. 01/60/162/547/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Import of 3 months old 2nd hand Capital Goods under EPCG Scheme.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 06.11.2018 and Shri M. S. Mahajan, Asst. Vice president, appeared before the Committee and made the following submissions:

- Capital goods proposed to be imported, although technically termed as 2nd hand, these are virtually brand new Capital goods, having been manufactured in 2017 and many of these machines are not even installed and some installed only for 3 months but not used. In other words only property rights have been transferred by purchase of capital goods from original manufacturer and because of that only these are 2nd hand capital goods.
- These capital goods proposed to be imported are high tech and are not manufactured in India as certified by the Chartered Engineer in UK. The waiting period for importing new similar machines is more than 1 year and cost wise it is expensive by Euro 5 lakhs, whereas the above 2nd hand machines are immediately available for shipment and that too on attractive terms.
- They intend to expand the manufacturing facilities of injection Moulding Machines in the spirit of Make in India as per call given by their Honourable PM and to export their product to European markets.
- These CG have more than 15 years residual life
- They were also ready to export 12 times the value of duty saved on such capital goods within a period of 6 years as compared to normal 6 times in as many years.

Decision: The Committee after hearing the submission of the firm, deliberated on the issue and decided to allow the import of 3 months old 2nd hand Capital Goods under EPCG Scheme with a condition to export 12 times the value of duty saved on such capital goods within a period of 6 years as compared to normal 6 times in as many years.

Uyanl

(Action:Applicant/RA)

PH Case No.3: M/s. Fresenius Kabi Oncology Limited, New Delhi
F. No. 01/60/162/260/AM17/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Request for EOP extension of Advance Authorization no. 0510222000 dated 12.06.2008 issued under PC-9 condition.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 06.11.2018 and Shri Rakesh Singh, General Manager, appeared before the Committee and made the following submissions:

- They had submitted application to RA under PC-9. However, RA granted license without PC-9 condition with an EOP of 24 months. RA further extended EOP from 24 months to 30 months and later from 30 months to 36 months.
- They accordingly completed the exports and applied for redemption. However RA informed to them that exports made beyond 12 months cannot be considered for redemption purpose.
- They took up the matter with RA in view of facts and RA advised them to approach PRC, DGFT HQ for relaxation. RA informed them that exports made beyond 12 months cannot be considered for redemption purpose because of PC 9 condition. They accordingly submitted their application to PRC on 12.02.2014.
- They were informed by hqrs vide email dated 02.01.2015 that DGFT HQ had sought a report from RA and asked them to expedite report from RA. They took up with RA and RA informed them on 12.01.2015 that report in respect of this case has been sent to this office. Relaxation is yet to be granted to consider EOP 36 months.

Decision: The Committee went through the submission made by the representative of the firm and in view of the fact that PC 9 condition was not specifically imposed on the License and RA granted two extensions in EOP to the firm, it was decided to accede to the request of the firm and grant extension in EOP for a period of 36 months from the date of issue of License for regularisation/redemption purpose.

(Action: Applicant/RA)

PH Case No.4: M/S Sri Dharma Spinners (P) Ltd., Rajapalayan
F. No. 01/60/162/524/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Regularization of third party exports towards fulfilment of E.O. in respect of EPCG License No. 3530002814 dated 20.09.2006

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 06.11.2018 and Shri Dixit Wadhwa C.A (Authorised Representative), appeared before the Committee and made the following submissions:

- The third party export is allowed towards fulfilment of EO against an EPCC Authorization as per Para. 5.10 Of HBP v 1.
- The third party has mentioned firm's name in all the third party shipping bills.
- PC 7 dt.11.07.2002 has specific provision to regularize third party exports where the shipping bills do not contain the EPCG license number but they contain the names of both the license holder and the 3rd party.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and found no merit in the case and hence decided to reject it.

(Action: Applicant/RA)

PH Case No.5: M/s Mahesh Weaving Factory, Bangalore
F. No. 01/60/162/535/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Revalidation and Enhancement of Advance Authorization No.0710108557 dated 24.07.2015

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded 06.11.2018 and Shri Harish Dhananjaya, appeared before the Committee and made the following submissions:

- The advance authorization was issued without any specific pre import condition in the condition sheet attached with the authorization or any other endorsement on the license about Pre Import Condition. License was for import of Raw silk for exporting Silk fabrics/made ups.
- The license was still valid for three months and more when the application was submitted for enhancement and the same got expired with in the custody of JDGFT Bangalore.
- DGFT has further given relaxation in the policy/procedures where exports imports have been completed in such cases vide Public Notice No-39 dated 13.9.2018 where no specific condition was imposed, however, when they submitted license for enhancement with remaining 3 months Validity, RA denied the same and license expired in their custody.
- He also explained that they manufacture only traditional goods of Sultanate of Oman and United Arab Emirates with a specific Quality, to their specific clients and they have been doing this for past thirty years and more. These Traditional goods require a lot of time to manufacture, they are completely hand dyed colored, dried in open fields and manually counted and weaved in Power Loom and it will be impossible to complete exports within the export obligation period and there are only countable number of people who do this difficult job and that is why they will have to keep this work always in progress and export upon orders.
- And these Traditional goods what they manufacture cannot be diverted to the local market for any use. And in the case as per normal practice and due to the short time available to export and very long time required to manufacture

Ulyam

few handicraft goods and also to compete in the international trade race they have exported the goods manufactured using duty paid material imported earlier. There will be no revenue loss to the government on account of relaxation as all the bills are already realized, and the goods imported will again be used in manufacturing of export only.

- Silk is very expensive commodity and the duty liability of the goods will be very high and they as a small exporter will not be able to bear the charges to import paying duty.

Decision: The Committee examined the case in detail and observed that there is merit in the firm's contentions and accordingly decided to allow revalidation for a period of 6 months from the date of endorsement with enhancement of the above advance authorization

(Action: Applicant/RA)

PH Case No.6: M/s. Armor Plast Ltd., Bangalore
F. No. 01/60/162/131/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Extension in EO Period against Advance Authorization no. 0710108171 dated 08.05.2015.

Decision: The applicant had sought personal hearing, which was afforded on 25.09.2018, but no one appeared on behalf of the firm. The Committee, in the interest of natural justice, decided to defer the case. In case the applicant still does not appear before the Committee in its next meeting, the case would stand rejected.

(Action: Applicant/RA)

Case No.7: M/s. Salicylates & Chemicals Pvt. Ltd., Hyderabad
F. No. 01/60/162/499/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Export Obligation (EO) Period Extension up to 26.03.2019 against Advance Authorization no. 0910064099 dt. 08.09.2016 in terms of para 4.42 (f) HBP of FTP 2015-20

Firm has indicated in their representations that There was a major fire accident happened in May 2012 and again in the Month of May 2016 wherein their all Raw Materials / consumables / additives / catalysts including imported material was destroyed completely. It resulted in lot of delays in their exports. Therefore, they could not fulfill EO within the stipulated time in many cases as they were in the process of opting advance authorization for duty free raw materials on regular basis. Because of this reason they have fulfilled EO against earlier licenses, however they could not fulfil EO in time for this license.

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

(Action: Applicant/RA)

Case No.8: M/s. Salicylates & Chemicals Pvt. Ltd., Hyderabad
F. No. 01/60/162/498/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Issuance of Export Obligation (EO) Period Extension up to 26.03.2019 against Advance Authorization no. 0910064100 dt. 08.09.2016 in terms of is 4.42 (f) HBP of FTP 2015-20

There is a major fire accident happened in May 2012 and again in the Month of May 2016 wherein their all Raw Materials / consumables / additives / catalysts including imported material was destroyed completely. Therefore, they could not fulfill EO within stipulated time has they are in the process of opting advance authorization for duty free raw materials on are regular basis. Because of this reason they have fulfilled EO against earlier licenses, hence they could not fulfil EO in time for this license.

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

(Action: Applicant/RA)

Case No. 9: M/s. Indo Alusys Industries Limited, New Delhi
F. No. 01/60/162/542/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Revalidation of Advance Authorization no. 0510401214 dated 09.01.2017

The firm has not imported Aluminum ingot against this license because of unexpected increase in price of Aluminum ingot during the validity period of the authorization. Aluminum ingot cost is still not very viable but to meet export orders in hand and to utilize the license value, they need an extension in the import validity period.

Decision: The Committee having examined the case found no merit in it as the case involve matters of normal commercial nature for which no relaxation can be granted and decided to reject it.

(Action: Applicant)

Case No. 10: M/s. Reliance Industries Limited, Mumbai
F. No. 01/60/162/544/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Grant of duty credit under MEIS wherein shipping bill have 'N' in scheme reward column

Firm has exported Polyester Chips (ITC HS – 3907 69 20), under five shipping bills from Hazira port and the product is covered under eligible category for MEIS benefit : 4314506 dated 23.02.2017, 4332191 dated 24.02.2017, 4342883 dated 24.02.2017, 4351440 dated 25.02.2017, 4361758 dated 25.02.2017. At the time of filling above referred shipping bills they have inadvertently selected the reward scheme as "N" instead of "Y" due to which these shipping bills are not available in MEIS module of DGFT system. They approached Customs for amendment of these shipping bills. They have issued them manual amendment certificate since no EDI modification in shipping bills can be carried out once EGM is filled. In addition ITC HS Code 3907 69 20 is made eligible for MEIS benefit vide PN 17/2015-20 dated 22.08.2017 with effect from 01.01.2017 on retrospective basis.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Division for its examination.

(Action: PC-3 division)

Case No. 11: M/s. Reliance Industries Limited, Mumbai
F. No. 01/60/162/546/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Grant of duty credit under MEIS wherein shipping bill have "N" in scheme reward column (Total 5 shipping Bills)

Firm in their letter dated 23.10.2018 has informed that they had exported Polyester Chips (ITC HS – 3907 69 20), under five shipping bills from Hazira port and the product is covered under eligible category for MEIS benefit: 8987385 dt. 29.09.2017, 8931997 dt. 27.09.2017, 8908384 dt. 26.09.2017, 8999416 dt. 29.09.2017, 8955344 dt. 28.09.2017. At the time of filling above referred shipping bills they have inadvertently selected the reward scheme as "N" instead of "Y" due to which these shipping bills are not available in MEIS module of DGFT system. They approached Customs for amendment of these shipping bills. They have issued them manual amendment certificate since no EDI modification in shipping bills can be carried out once EGM is filled.

Decision: The Committee having examined the case found no merit in the case of the firm and decided to reject the case.

(Action: Applicant)

Case No. 12: M/s. Reliance Industries Limited, Mumbai
F. No. 01/60/162/545/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Grant of duty credit under MEIS as per para 3.14 of HBP (2015-20)

This is with reference to para 3.14 (b) (i) of HBP 2015-20 which states –whenever there is a decision during the financial year to include any new product/goods or new markets then to avail such reward a grace period of one month from the date of notification / public notice will be allowed for making this declaration of intent. They have exported Polyester Chips (ITC HS – 3907 69 20) to various countries with rewards scheme as "N" vide following 9 shipping bills as per detail below:-

8681594 dt. 15.09.2017, 8669002 dt. 15.09.2017, 8706254 dt. 16.09.2017, 8741039 dt. 18.09.2017, 8777203 dt. 20.09.2017, 5681577 dt. 15.09.2017, 8699335 dt. 16.09.2017, 8714634 dt. 17.09.2017, 8735102 dt. 18.09.2017.

DGFT vide Public Notice no. 17/2015-20 dated 22.08.2017 notified ITC HS Code 3907 69 20, at MEIS serial Number 7937 making eligible for MEIS benefit. In the above mentioned shipping bills Declaration of intent in reward column of shipping bills has been mentioned as "N" instead of "Y" due to which these shipping bills become ineligible for MEIS benefit as per para 3.14 (a) of HBP –Vol –I 2015-20. Moreover, would like to inform that goods under above referred shipping bills were exported under DRAWABACK scheme and not as free shipping bills. When they approach to customs for amendment of these shipping bills they have issued them manual amendment certificate since no EDI modification in shipping bill can be carried out once EGMP is filed.

Decision: The Committee went through the statements made by the firm and decided to allow the benefit of MEIS to the firm in respect of the relevant shipping bills as the same is already covered under the provisions of FTP/HBP.

(Action: Applicant/RA)

Case No. 13: M/s. Kabadi Shankarsa & Co., Bangalore
F. No. 01/60/162/548/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Consideration of export of 18 shipping bills against Advance Authorization No. 0710106797 dated 30.09.2014 instead of Advance Authorization no. 0710104532 dated 28.05.2014

The firm had applied and received advance authorization for import of 50000 kg of 100% Acrylic worsted spun yarn for manufacture and export of 44500 kg of Throws made out of 100% acrylic worsted Spun yarn. As per the Norms fixed by Norms Committee Case no: 14/30/84-ALC3/2014 at its meeting on (Meet No: 37/84-ALC3/2014) 15th January 2015, 44500 kg of Throws made out of 100% acrylic worsted Spun yarn had to be exported out of the quantity allowed by the norms committee of 47615 kg of 100% acrylic worsted Spun yarn.

They had imported 50000 kg of 100% acrylic worsted Spun yarn with total CIF value if Rs. 1,45,35,075/- as advance authorization was issued allowing import of 50000 kg. Hence as per the Norms fixed by the Norms Committee they had to export 46728.97 kg. Though they exported 47704.24 kg of Throws made out of 100% acrylic worsted Spun yarn, inadvertently reference was incorrectly made by them in shipping bills for export of 23844.60 kg of an advance authorization 07101104532 dtd 28.05.2014 which was surrendered for Cancellation by them and cancelled by DGFT pursuant to their request.

They have requested for relaxation in stipulated procedure as exports made from 11.02.2015 till 08.09.2015 in fulfilment of export obligation under advance authorization no. 0710106797 dtd 30.09.2014 (File No. 07/24/040/00241/AM15 dtd 25.09.2014) carried reference incorrectly to advance authorization 07101104532 dtd 28.05.2014 (File no 07/24/040/00064/AM15 dtd 20.04.2014) for which request for cancellation was given in September 2014 stating that no imports and no exports were made under the authorization.

They requested to consider the Shipping bills in which advance authorization 07101104532 has been mentioned for fulfilment of export obligation under advance authorization no. 0710106797. They could not clear any imports under advance authorization 07101104532 dtd 28.05.2014 (File no 07/24/040/00064/AM15 dtd 20.04.2014 due to license transmission issues. Hence they had submitted request for cancelling the authorization in September 2014 itself. However due to lack of communication between their in-house FTP team and the Dispatch Team regarding change in advance authorization under which imports was made, exports made between 11th February 2015 till 16th September 2015 carried reference to the wrong advance authorization number. Letter cancelling the authorisation was issued by DGFT vide surrender letter dated 05.04.2017.

Shipping bills carrying the wrong advance authorization number is as under:

1. 7746370 dated 11.02.2015
2. 7746369 dated 11.02.2015
3. 7936682 dated 20.02.2015
4. 7937142 dated 20.02.2015
5. 7956300 dated 21.02.2015
6. 8153481 dated 03.03.2015
7. 8260477 dated 09.03.2015
8. 8637937 dated 27.03.2015
9. 8783765 dated 02.04.2015
10. 8838431 dated 06.04.2015
11. 8851366 dated 07.04.2015
12. 9049188 dated 17.04.2015
13. 9017130 dated 15.04.2015
14. 9017200 dated 15.04.2015
15. 9244895 dated 27.04.2015
16. 9246997 dated 27.04.2015
17. 9393127 dated 05.05.2015
18. 9463489 dated 08.05.2015

Decision: The Committee examined the case in detail and noted that there was merit in firm's contention and there appeared to be a genuine mistake, therefore it decided to consider the export made vide above 18 shipping bills against Advance Authorization No. 0710106797 dated 30.09.2014 instead of Advance Authorization no. 0710104532 dated 28.05.2014 subject to following conditions:

i. Composition fee of Rs.200/-per shipping bill shall be imposed.
ii. RA shall ensure that above shipping bills have not been taken into account in any other Advance Authorization for discharge of export obligation.

(Action: Applicant/RA)

Case No. 14: M/s Kabadi Shankarsa & Co., Bangalore
F. No. 01/60/162/549/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Extension of EOP up to 30.04.2019 and waive fee / compounding fee for extension of Advance Authorization NO. 0710089324 dated 28.06.2012

The firm had submitted request on 6th May 2014 to DGFT, Bangalore for clubbing of advance authorization no. 0710089324 dated 28.06.2012 with authorization no. 0710081019 dated 29.07.2011 and 0710085481 dated 13.01.2012 in order to fulfill export obligation of the advance authorization no. 0710089324 after clubbing. They had by mistake mentioned only the file reference to the authorization no 0710089324 and did not mention file reference of advance authorization no. 0710081019 dated 29.07.2011 and 0710085481 dated 13.01.2012, they also did not know that their request for discharge of advance authorization for all the three authorization filed before their request for clubbing should be withdrawn. Hence redemption letter was issued by DGFT for 2 authorizations without considering their request for clubbing. They failed to realize that their request for clubbing did not come to the notice of the officials when they issued the EODC. In response to their request for issue of EODC for advance authorization no 0710089324 dated 28.06.2012. They received a deficiency memo dated 03.08.2018 stating "this case cannot be clubbed with previous settled cases. Therefore directed to submit the EO documents against this case for further consideration.

Decision: The Committee went through the statements made by the firm and noted there is no merit in the case of the firm and decided to reject it.

(Action: Applicant/RA)

Case No. 15: M/s Balakrishna Industries Limited, Mumbai
F. No. 01/60/162/538/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Seeking Relaxation in para 3.01 (g) of HBP 2015-20 to allow manual feeding in order to claim MEIS reward due to up gradation of Amritsar port from Non – EDI to EDI.

The Amritsar port became EDI port from 01.07.2017. They had filed 4 shipping bills at the said port on 30.06.2017, against which the let export date is 01.07.2017. Since, on the date of filling these 4 shipping bills, the concerned port was non-EDI, they have filed manual shipping bills. They intend to claim the benefit of MEIS against these 4 shipping bills and since, the subject shipping bills are filed manually, they have tried submitting the application for MEIS as per the guidelines given by DGFT. However, since, the LEO date of these shipping bills is 01.07.2017; an error is appearing on the screen stating 'No manual shipping bills are allowed to be entered in the shipping bill repository for EDI port w.e.f. 01.04.2015 or EDI effective date of the customs port'. In view of the above error, they approached to the Assistant commissioner of Customs, Rail Cargo, Amritsar, for re-transmitting these 4 shipping bills to DGFT vide their letter dated 17.04.2018. They have been communicated by Amritsar Customs, that since the subject shipping bills are filed manually on 30.06.2017 and the EDI system has been implemented at this port on 01.07.2017, no re-transmission of manual shipping bill can be made vide its letter dated 23.06.2018.

Decision: The Committee went through the statements made by the firm and after discussing the matter at length decided that the firm has actually suffered genuine hardship due to up gradation of Port and hence acceded to the request of the firm for allowing manual feeding to claim MEIS benefit. EDI/NIC was requested to facilitate manual feeding.

(Action: Applicant/EDI/NIC)

Case No. 16: M/s Umedica Laboratories Pvt. Ltd., Mumbai
F. No. 01/60/162/550/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: EOP Extension for 6 months from the date of expiry of initial period of Advance Authorization no. 0310812305 dated 31.03.2017.

They have obtained the said advance license with PC 9 Condition. Subsequently, they have not fulfilled export obligation within the stipulated time period due to some unavoidable circumstances as their overseas buyer had cancelled export order due to changes in strength of Tabs / capsules and meantime slake in the market. Hence the last consignment delays in export is for 2 months from the date of expiry. They have partly exported 85 % within initial period and balance exported after initial EOP but within the 2 months from the date of expiry of initial period in the Advance Authorization.

Decision: The Committee went through the statement made by the applicant and concluded that genuine hardship is there in this case and therefore decided to allow EOP extension for a period of 2 months from the date of expiry of initial EOP for regularisation purpose subject to payment of composition Fee @0.5% per month on the unfulfilled FOB Value in case export are effected more than 50% within the initial EOP and @1% per month if the export within the initial EOP are less than 50%.

(Action: Applicant/RA)

Case No. 17: M/s. Pensla Export Private, Mumbai
F. No. 01/60/162/91/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Condonation the time barred /Submission FPS application file no. 30/2/087/80290/AM17 under chapter-3.

They have applied online Chapter-3 FPS License vide file no. 30/2/087/80290 on date 29.06.2016 against s/bill no. 1859946 dt. 22.09.2012 & 1860648 dt. 22.09.2012 submitted with hard copy of application to R/A Ludhiana. But RA rejected the case and gave the reason that s/bills are time barred. They have mentioned that they had called their banker many time for uploading EBRCs, but after a long delay EBRCs were uploaded only on 31.05.2016 and they immediately submitted the file on 29.06.2016. It was technically fault of EDI / ECOM or their banker online system; in this case the fault was not theirs.

Decision: The Committee went through the statements made by the firm and noted there is no merit in the case of the firm and decided to reject it.

(Action: Applicant)

Case No. 18: M/s. Great Banyan Art Company Pvt. Ltd., New Delhi
F. No. 01/60/162/543/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Acceptance of One Manually Amended Shipping Bill no. 2962957 dated 19.02.2018 for MEIS Benefit.

The firm is unable to claim MEIS benefit against one shipping bill in which their CHA has inadvertently mentioned Declaration of intent as "NO" at the time of filling the shipping bill with customs. They have exported painting under HS code no. 97011090 which is eligible for MEIS Benefits as per Appendix 3B of the MEIS Schedule. They approached to the Customs for amendment of shipping bill no. 2962957 dated 19.02.2018 and on scrutiny of documentary evidence available at the time of export of goods and correctness of the amendment sought, customs allowed amendment in the above shipping bill. As per amendment could not be carried out in the EDI system after completion of Export, custom had issued a post export certificate of amendment vide file no. VII/12/ACE/CRU/AMD/1524/18 dated 26.09.2018 in lieu of such amendment in the EDI system.

Decision: The Committee having examined the statement made by the firm found no merit in their case and decided to reject it.

(Action: Applicant)

Case No. 19: M/s. SSF Plastics India Limited, (H. P)
F. No. 01/60/162/537/AM19/PRC
PRC Meeting No. 22/AM19 dated 06.11.2018

Subject: Relaxation of Pre-Import condition of Advance Authorization no. 0310816336 dated 12.10.2017.

Decision: The Committee having examined the case, noted that, as of now, Policy prescribes pre-import condition, if any applicant wants to avail exemption from IGST and cess on the inputs imported/procured under the Advance Authorisation. There are many exporters who had requested for removal of this condition and restore the position as was there in pre GST era. This larger issue of removal of this condition is already under examination at present at the highest level and no relaxation as such can be provided in these cases. Accordingly committee decided to reject the request.

(Action: Applicant)

*****