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 on 18.12.2018

Meeting No.25/AM19 held on 18.12.2018 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 Satyan Sharda	Addl. DGFT
4.	Shri Anil Aggarwal	Addl. DGFT
5.	Shri Rajbir Sharma	Jt. DGFT

The following cases were discussed. The decision taken on the individual cases is as under:-

PH Case No.01: M/s Ankit Aerospace Pvt. Ltd., Bangalore
F. No. 01/60/162/609/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To allow MEIS benefit against shipping bills (i) No.9212069 dated 11.10.2017, (ii) No.9969013 dated 17.11.2017 and (iii) No.1580033 dated 15.12.2017 which was manually amended by the Customs.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Ms. Reshma T V, Finance Controller of the firm appeared before the Committee and made the following submissions:

They have exported six consignments under two shipping bills as per buyer requirement. They have used two invoices in one shipping bill. At the time of shipping bill filling they have selected "Yes" option reward for both invoices but after final print out it shows "No" in shipping bill against 2nd invoice only. They come to know this fact at the time of MEIS filling and immediately they approached the customs authority. The customs authorities have already issued the amendment letter to them mentioning the "Yes" content. However, they are unable to file the MEIS application against 2nd invoice.

Decision: The Committee heard the submission made by the firm and after discussing the matter at length, it was decided to write a letter to DG, System to forward the amended shipping bills in S/bills depository to DGFT under intimation to the applicant.

(Action: Applicant/PRC)

PH Case No.02: M/s Isinox Limited, Mumbai
F. No. 01/60/162/97/AM19/PRC

PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period for six months from the date of endorsement in 5 advance authorizations No. (i) 0310804274 dated 29.04.2016, (ii) 0310804552 dated 10.05.2016 (iii) 0310804551 dated 10.05.2016, (iv) 0310804547 dated 10.05.2016 and (v) 0310804548 dated 10.05.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Naresh K Saini, General Manager – Indirect Taxation & Litigation of the firm appeared before the Committee and made the following submissions:

Due to economic factors and severe competition from China, they are not in a position to export SS bright bars against 5 licenses out of 107 licenses obtained by them for the product. They have orders for SS round bars which they want to export after amendment of export product by RA.

<u>Decision:</u> The Committee went through the statements made by the firm and decided to allow EOP extension of 5 advance authorizations No. (i) 0310804274 dated 29.04.2016, (ii) 0310804552 dated 10.05.2016 (iii) 0310804551 dated 10.05.2016, (iv) 0310804547 dated 10.05.2016 and (v) 0310804548 dated 10.05.2016 for a period of 3 months from the date of endorsement subject to payment of 1% composition fee per month on the unfulfilled FOB value. The firm shall approach the RA within 30 days from the date of uploading of the minutes of the meeting on the DGFT website.

(Action: Applicant/RA)

PH Case No.03: Ampacet Speciality Product Pvt. Ltd., Pune
F. No. 01/60/162/279/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Consideration of application of grant of Deemed Exports Drawback against invalidation of advance authorization (Total 27 files).

<u>File Nos:</u>

(1)31/40/81/19/AM16,	**(2)31/40/81/0035/AM16,**	**(3)31/40/81/0036/AM16,**
(4)31/40/81/0037/AM16,	**(5)31/40/81/38/AM16,**	**(6)31/40/81/0039/AM16,**
(7)31/40/81/0040/AM16,	**(8)31/40/81/0042/AM16,**	**(9)31/81/40/0060/AM17**
(10)31/40/81/0061/AM17,	**(11)31/881/40/0062/M17,**	**(12)31/81/40/0041/AM18,**
(13)31/40/81/0042/AM18,	**(14)31/40/081/0043/M18,**	**(15)31/40/81/0044/AM18,**
(16)31/40/81/00045/AM18,	**(17)31/40/81/0052/AM18,**	**(18)31/40/81/00053/AM18,**
(19)31/40/81/0054/AM18,	**(20)31/40/81/0056/AM18,**	**(21)31/40/81/0057/AM18,**
(22)31/40/81/0058/AM18,	**(23)31/40/81/0059/AM18,**	**(24)31/40/81/0060/AM18,**
(25)31/40/81/ 0064/AM18,	**(26)31/40/81/00065/AM18,**	**(27)31/40/81/0066/AM18**

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Tejas Shah, Finance Manager of the firm appeared before the Committee and made the following submissions:

Bd

Their products are not covered under Standard Input Output Norms (SION) and, therefore, entails application for and grant of individual advance authorization, as well as ratification of norms against each product. This is a cumbersome procedure as well as difficult to manage given the number of invalidations received from the clients for small quantities of each. Though they had received the invalidation from the clients, we have not opted for any advance authorization against the same and have consumed duty paid imported raw materials for the manufacture and supply of the goods. Accordingly, deemed export drawback, in terms of Para 8.3(b)of FTP, including as per Column B of All Industry Rate of Duty Drawback under Duty Drawback Schedule of Department of Revenue, is not admissible if facility of CENVAT credit/rebate has been availed. This is because if the CENVAT facility/rebate facility has been claimed, then central excise duty component on the inputs is already compensated. If basic custom duty has been paid, then same is refundable as Para 7.6 (b) of FTP clearly prescribes "such supplies small however be eligible for deemed export drawback on custom duty paid on inputs/components". Such basic custom duty paid can be taken back, as brand rate of duty drawback, based on actual duty paid documents, as per procedure prescribed in Chapter 7 of FTP and Chapter 7 of HBP Volume-I

Decision: The Committee heard the submission made by the firm and after discussing the matter at length and decided to refer the issue to PC-6 Division for its examination.

(Action: PC-6 Division)

PH Case No.04: Shohan Chemicals Private Ltd., New Delhi
F. No. 01/60/162/594/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To allow Chapter-3 benefit against following 11 Shipping Bills while relaxing the provision of Para-3.11.9 and Para-9.3 of HBP.

Shipping Bill Nos. (i) 4127914 dated 16.06.2011, (ii) 5163605 dated 26.08.2011, (iii) 5360748 dated 10.09.2011, (iv) 5728247 dated 05.10.2011, (v) 5890096 dated 18.10.2011, (vi) 6177954 dated 10.11.2011, (vii) 6471230 dated 30.11.2011, (viii) 7371051 dated 01.02.2012, (ix) 4439524 dated 06.07.2011, (x) 7461355 dated 07.02.2012 and (xii) 8101994 dated 20.03.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Dev Batra, Director of the firm appeared before the Committee and made the following submissions:

They are engaged in manufacturing of Powder Hair Dye and applicant had exported the same to Dominican Republic and Sudan. They had applied under Focus Market Scheme in regard to the subject export which was made by eleven shipping bills. The department returned the said shipping bills on the premises that the benefit on the destination under FMS is not available. They had received back the original shipping bills without prejudice to their rights and contentions that they were entitled to the incentive as applied for under FMS and they would make fresh application accordingly. It is submitted that the department took years together to return the subject shipping bills in original to them. Further they were unable to make fresh application as neither the subject shipping bills were reactivated on the website of DGFT nor the subject shipping bills were being reflected therein as un-utilized.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length. The Committee found that the problem being faced by firm was beyond their control and decided to allow them FMS benefit without any late cut against above mentioned 11 Shipping Bills. It was also decided to call for a factual report from the RA to examine as to why such enormous delay happened in the RA to return the shipping bills to the party.

(Action: Applicant/RA)

PH Case No.05: M/s Platinium Tie-up Pvt. Ltd., Ahmedabad
F. No. 01/60/162/827/AM18/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Revalidation of advance authorization No.0810137686 dated 15.04.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Varun Bathwal, Director of the firm appeared before the Committee and made the following submissions:

They have obtained the above advance authorisation for 100 MT export of AD star block bottom Bags made from Poly Propylene Open Mouth or with Valve/without printings. They have approached to RA on 09.09.2016 for enhancement of CIF value in proportion for export of 300 MT in place of 100 MT, but their requested was denied with remarks that 300% enhancement cannot be considered. As there was no specific limit that was specified in Policy and in Handbook, the denial compelled them to approach DGFT.

Decision: The Committee heard the submission made by the representative of the firm and after discussing the matter at length it is decided that the firm has actually suffered for reasons beyond their control and hence acceded to the requests and allowed enhancement in export quantity to the extent of exports made; granted revalidation for six months from the date of endorsement with the condition that the firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA)

PH Case No.06: M/s Malu Papers Mills Limited, Nagpur
F. No. 01/60/162/620/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: EOP extension of EPCG License No.0330012954 dated 21.08.2006.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Venugopal Malu, Vice President of the firm appeared before the Committee and made the following submissions:

They had applied for EOP Extension for 9th & 10th year to RA Mumbai & composition fees was also paid against the same & application for extension was also submitted to EPCG Committee. They commenced the commercial production of its project with the machinery imported under the EPCG license in March, 2008. They were immediately hit hard financially by the great worldwide economic recession in the year 2008 on commissioning of the plant. Paper manufacturing industry, being a cyclical and capital intensive industry with a very low margin and low asset turnover ratio, was majorly affected. Major paper companies among the top 10 worldwide reported negative results. The economic recession in the industry as a whole and paper industry in particular dealt a severe blow to the financial health of the company which made the export unviable. The firm suffered financially and was referred to CDRM also. Now they want three years EOP extension without payment of composition fee.

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. The party may approach RA to regularize the cases as per applicable Policy

(Action: Applicant/RA)

PH Case No.07: Amrut International, Ahmedabad
F. No. 01/60/162/498/AM15/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Revalidation of DFIA No. 0810112570 dated 14.06.2012 due to non transferability of data to Customs server.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri R G Bajaj, Representative of the firm appeared before the Committee and made the following submissions:

The data of their DFIA that was transmitted by the issuing authority to the customs was showing error and hence the registration could not to be done at custom. THE DFIA data was simultaneously not received online through electronic transmission from the DGFT. This problem arose while carrying out amendments at the DGFT end and thus by mistake import item no.1 was deleted from the DFIA import item list. Hence, amendments transmitted to the customs through the DGFT central server as per agreed message exchange formats were not complied with.

Decision: The Committee heard the submission made by the representative of the firm and after discussing the matter at length it is decided to accede to the request of the firm and allowed revalidation of DFIA No. 0810112570 dated 14.06.2012 for 3 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)

PH Case No.08: M/s EMCO Limited, Thane.
F. No. 01/60/162/572/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: **2nd Revalidation of advance authorization No.0310811579 dated 02.03.2017 for import.**

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Neeraj Yadav, Senior Vice President – Business Head Transformer Division of the firm appeared before the Committee and made the following submissions:

Due to financial crisis in international market & increase the raw material cost, they could not import the raw material in time for export production. M/s. Vedanta, major supplier of copper, had shut down their plant in Tamil Nadu, which affected export production and thus they could not get the raw material in time for their export orders. Hence their foreign exchange earning was also effected badly.

Decision: The Committee heard the submission made by the representative of the firm and after discussing the matter at length and decided to allow revalidation for a 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)

PH Case No.09: M/s Prabhat Elastomers Pvt. Ltd., Mumbai
F. No. 01/60/162/1309 to 1311/AM17/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: (i) Revalidation of three DFIAs Nos. (1) 0310795229 dated 10.04.2015, (2) 0310795228 dated 10.04.2015 and (3) 0310795227 dated 10.04.2015;
(ii) Issue of EODC to cancel the Bond with Mumbai Customs and
(iii) Issue a recommendatory letter to the customs for release of Bond.

Decision: The applicant had sought personal hearing, which was afforded on 18.12.2018, but no one appeared on behalf of the firm and the Committee decided to give the firm another chance for PH. In case no one still attends the next meeting, the case would stand rejected.

(Action: Applicant)

PH Case No.10: Shree Jagannath Sterling Production Pvt. Ltd., New Delhi
F. No. 01/60/162/612/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To allow export of Gold Flakes/Leaves as their items are not in category in gold jewelry which is used for food and cosmetic purpose.

Decision: The applicant had sought personal hearing, which was afforded on 18.12.2018, but no one appeared on behalf of the firm and the Committee decided to give the firm another chance for PH. In case no one still attends the next meeting, the case would stand rejected.

(Action: Applicant)

PH Case No.11: M/s Britto Sea Foods Exports Pvt. Ltd., Chennai
F. No. 01/60/162/606/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Regularising of MEIS reward on chilled prawns as it was before the introduction of MEIS : under ITC (HS) code 03061790, 03063500 and 03063600 with effect from policy dated 01.04.2015

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri C. Agnello Fernando, Director of the firm appeared before the Committee and made the following submissions:

They are the exporters of chilled fish and prawns since 2008. They have been availing benefit for chilled prawns earlier under DEPB and VKGUY at par with frozen prawns. However, post MEIS, they used the code 03061790, 03063500 for export of chilled prawns. For their export of chilled prawns, the export procedures were completed by Chennai air customs where they declared chilled prawns in shipping bill, invoice, packing list and airway bill; have received forex, corresponding BRC, applied and availed MEIS benefit from DGFT with description chilled Prawns. Sudden there is rise in ambiguity from the authorities in respect of HS code for Chilled Prawns. They stated that HS code 03061790 is for Frozen Prawns and 03063500 is for cold water prawns and not chilled prawns. Chilled industry exists on these benefits as risk is involved due to highly perishable nature of product. Shelf life of Chilled Prawns is only 7 days as compared to 18 months for frozen prawns.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Section for its examination on file and thereafter the matter will be brought back to PRC with comments of the PC-3.

(Action: PC-3 Section)

PH Case No.12: M/s Goldmarine Exports Pvt. Ltd., Chennai
F. No. 01/60/162/619/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To regularize the MEIS benefit for chilled prawns under HS code 03061790 and 03063600 retrospectively from 2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri A.I. Sageer, Managing Director of the firm appeared before the Committee and made the following submissions:

They are the exporters of chilled fish and prawns since 2008. They have been availing benefit for chilled prawns earlier under DEPB and VKGUY at par with frozen prawns. However, post MEIS, they used the code 03061790, 03063500 for export of chilled prawns. For their export of chilled prawns, the export procedures were completed by Chennai air customs where they declared chilled prawns in shipping bill, invoice, packing list and airway bill; have received forex, corresponding BRC, applied and availed MEIS benefit from DGFT with description chilled Prawns. Sudden there is rise in ambiguity from the authorities in respect of HS code for Chilled Prawns. They stated that HS code 03061790 is for Frozen Prawns and 03063500 is for cold water prawns and not chilled prawns. Chilled industry exists on these benefits as risk is involved due to highly perishable nature of product. Shelf life of Chilled Prawns is only 7 days as compared to 18 months for frozen prawns.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Section for its examination on file and thereafter the matter will be brought back to PRC with comments of the PC-3.

(Action: PC-3 Section)

PH Case No.13: M/s Emcure Pharmaceuticals Limited, Pune
F. No. 01/60/162/608/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Consideration of four Drawback/Free shipping bills No.7779179 dated 01.08.2017, 08197756 dated 24.08.2017, 842723 dated 04.09.2017 and 4220702 dated 16.04.2018 under advance authorization No.3110066763 dated 26.05.2017 towards fulfillment of EO.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Amit Kumar, Manager – Corporate Affairs of the firm appeared before the Committee and made the following submissions:

During the GST implementation and updation of SAP System, by oversight the export has been made under normal Shipping bills instead Advance Authorisation Scheme. Detailed letter with supporting documents submitted separately for consideration of Drawback/Free shipping bill under Advance Authorization towards fulfilment of EO.

Decision: The Committee after examining the case decided to reject the case as the same was found to be without any merit.

(Action: PC-2 Section)

PH Case No.14: Armor Plast Ltd., Bangalore
F. No. 01/60/162/131/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0710108171 dated 08.05.2015 for regularization purpose only.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Aneesh K. Abraham, Manager – Commercial & Exim of the firm appeared before the Committee and made the following submissions:

They could not complete the production and 50% exports within the first EO extension period due the problem of Mould, Material validation and Hot runner system issue. They have completed balance export obligation after the expiry of 1st EOP extension, i.e., 03.11.2017.

Decision: The Committee examined the request made by the applicant and decided to allow EOP extension of advance authorization No.0710108171 dated 08.05.2015 from 24 months upto 30 months (i.e., upto 08.11.2017) only for regularisation purpose, on payment of composition fee @ 1% per month on unfulfilled FOB value of export obligation.

(Action: Applicant/RA)

PH Case No.15: M/s Techfab (India) Industries Ltd., Mumbai
F. No. 01/60/162/515/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To consider export item description of their first shipment for EO purpose against advance authorization No.0310806924 dated 08.08.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Vilas Khanvilkar, Manager Exim of the firm appeared before the Committee and made the following submissions:

NC has suffixed the word, "containing 255 MT of Galvanised wire" in export item description, i.e., steel gabion with/without PVC coated on 21.03.2017, which is after their first shipment. After NC's decision, they have declared export item description in their all shipping Bills. They have also attended EODC camp on 30.08.2018 at Mumbai DGFT and concerned officer has suggested them to approach HQ for the same.

Decision: The Committee heard the statements made by the firm in the PH and after detailed deliberations decided to accede to the request of the firm for considering the amendment in the export item description of Shipping bill No. 9104110 dated 27.07.2016 for EOP purpose against advance authorization No.0310806924 dated 08.08.2016. The Net content of Shipping bill may be calculated by RA as applied for.

(Action: Applicant/RA)

PH Case No.16: M/s Zaveri & Co. Pvt. Ltd., Ahmedabad
F. No. 01/60/162/619/AM18/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period of advance authorization No.0810140247 dated 05.05.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Rajat Dosi, Partner/Advocate of the firm appeared before the Committee and made the following submissions:

They have imported gold under above mentioned advance license. As per Appendix 4J, the exports against said imports have to be made within 120 days. However, due to change in policy vide Notification No. 21 dated 14.08.2017 they could not export within the stipulated period of 120 days.

Decision: The Committee heard the submission made by the representative of the firm and after discussing the matter at length and noted that the firm has actually suffered due to change in policy vide notification No.21 dated 14.08.2017, which was beyond their control. The Committee, therefore, decided to accede to the request of the firm and allowed EOP extension of advance No.0810140247 dated 05.05.2017 for regularization up to 12.01.2018.The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA)

PH Case No.17: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/172/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310789164 dated 15.09.2014.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.18: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/268/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310791532 dated 28.11.2014.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.19: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/450/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310806464 dated 21.07.2016.

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.20: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/451/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310802661 dated 17.02.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.21: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/453/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310806465 dated 21.07.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.22: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/447/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310799822 dated 29.10.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.23: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/452/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310806458 dated 21.07.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months from the date of the authorization, subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.24: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/448/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310806581 dated 25.07.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.25: M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/449/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0310802283 dated 08.02.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri Kaushik P. Thakkar, Representative of the firm appeared before the Committee and made the following submissions:

They informed that fire accident occurred in their factory at Dahej, Gujarat on 31.01.2017. In this accident, their lots of raw material which was cleared under DEEC and the finished goods which were manufactured with duty free material goods destroyed.

Decision: The Committee after examining felt that the firm has suffered hardship for no fault of their own and decided to accede to the request of the firm and allowed extension in E.O. period maximum up to 30 months subject to payment of composition fee of 0.5% of the unfulfilled fob value per month.

(Action: Applicant)

PH Case No.26: Sree Padmini Silk World, Bangalore
F. No. 01/60/162/221/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Clubbing of three advance authorization No. (1) 0710012123 dated 17.01.2002 (2) 0710022504 dated 18.07.2003 and (3) 07100147270 dated 07.09.2006.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri K. Keshava Murthy, Director of the firm appeared before the Committee and made the following submissions:

Since there is shortfall in export quantity in one advance authorization, and excess quantity has been exported in the other two advance authorizations, they are seeking relaxation for clubbing of quantity of all three advance authorizations for the purpose of EODC. The imported inputs and export products are the same in all the three Advance Authorizations. Due to inadequate accounting system during that period, there was slip up in the monitoring of the EO against each advance authorization. Hence the quantities were dis-proportionately accounted for against the Advance Authorizations in question.

Decision: The Committee examined the case and found that one is an annual advance authorization and two are normal AAs which have been redeemed too. The Committee found there was no merit in the justification given by the party and, therefore, decided to reject the case.

(Action: Applicant/RA)

PH Case No.27: M/s Talbros Sealing Materials Pvt. Ltd., Delhi
F. No. 01/60/162/003/AM16/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period in respect of advance authorization No.0510347523 dated 26.02.2013.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 18.12.2018 and Shri V.P. Singh, Manager Works of the firm appeared before the Committee and made the following submissions:

They have completed the export obligation up to 59.89% in terms of quantity more that 100% in terms of value after getting the first EO extension. Due to some changes in the export product from the overseas buyer they could not completed the EO against the authorization.

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

(Action: Applicant/RA)

PH Case No.28: M/s Tega Industries (SEZ) Ltd., Dahej Gujarat
F. No. 01/60/162/628/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: To allow MEIS benefit against five shipping bill No. (i) 3082 dated 29.05.2015, (ii) 3278 dated 09.06.2015, (iii) 3279 dated 09.06.2015, (iv) 2282 dated 24.04.2015 and (v) 2470 dated 30.04.2015.

Decision: The applicant had sought personal hearing, which was afforded on 18.12.2018, but no one appeared on behalf of the firm and the Committee decided to give the firm another chance for PH. In case no one still attends the next meeting, the case would stand rejected.

(Action: Applicant)

Case No.29: M/s Same Deutz Fahr India (P) Ltd., Ranipet, Tamil Nadu
F. No. 01/60/162/576/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Retaining of SHIS Duty Credit Scrip No.0410151682 dated 06.11.2013 against audit observation.

They have obtained Status Holders Incentive Scrip (SHIS) No.0410151682 dated 06.11.2013 from RA, Chennai. They have applied for endorsement of Transferability clause on the above SHIS. To their surprise, they have been issued with a letter dated 13.03.2015 intimating them that the SHIS is retained in that office based on audit observations and further advising them to remit balance value of SHIS duty credit scrip. They have counter filed replied on 20.04.2015 giving sufficient arguments and corroborative evidences that the audit observation on grant of SHIS duty credit scrip was totally baseless.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Section for its examination. Report from RA to be called too.

(Action: PC-3 Section/RA)

Case No.30: M/s Divya Kitchenware Pvt. Ltd., Mumbai
F. No. 01/60/162/624/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Revalidation of two advance authorization No.0310811532 dated 01.03.2017 and No.0310811759 dated 09.03.2017 for the clearance of imported goods which were not debited due to technical reasons and are lying with customs authority under Bond.

Their supplier has shipped goods under said sales contract vide Bill of Landing dated 31.08.2018 & 07.09.2018 but IGM date was indicated as 04.09.2018 & 27.09.2018. For debiting Advance Authorization, ICEGATE server accepts IGM date for clearance of goods but as per Para 9.11 of HBP B/L date should be considered to determine validity of license. Their import is very well within validity of Advance Authorization but due to ICEGATE Server's technical issue their license couldn't debited.

Decision: The Committee examined the case in detail and noted that the circumstances stated by the firm were beyond their control and, therefore, decided to allow revalidation of two Advance Authorization No.0310811532 dated 01.03.2017 and No.0310811759 dated 09.03.2017 for a period of 3 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)

Case No.31: M/s Base Metals Chemical, Vadodara
F. No. 01/60/162/556/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: EOP extension of advance authorization No.3410041291 dated 12.06.2015 for clubbing purpose with another advance authorization No.3410042778 dated 20.12.2016.

They had exported 80,000 Kgs without having CT-3 copy or AR3A copies and with payment of excise duty. This export of 80,000 Kgs are not considered by their regional licensing authority and, therefore, extension is required only for clubbing this quantity with their another Advance Authorization No. 34100042778 dated 20.12.2016 against which they have not made any import, whereas the EOP period of the subject license has already been expired on 12.12.2016.

Decision: The Committee went through the statement made by the applicant and decided to allow EOP extension of above advance authorization for a further period of 6 months from the date of expiry of initial EOP for clubbing and redemption purpose with another advance authorization no. 3410042778 dated 20.12.2016 subject to payment of composition fee @ 0.5% of the FOB value of unfulfilled EO. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA)

Case No.32: M/s Shamimsons International, Kanpur
F. No. 01/60/162/455/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0610038333 dated 18.03.2016.

They have completed 95% of the required EO within extended EO period leaving behind only 5% because they were bound to export to the overseas buyer as per buyer schedule. On account of default in EO, it will be a blot on their past track record of having completed all the previous export obligation under advance authorization.

Decision: The Committee went through the statement made by the applicant and decided to allow EOP extension for a period of one month from the date of endorsement 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 the meeting.

(Action: Applicant/RA)

Case Nos. 33 to 34: M/s SAS International, New Delhi
F. No. 01/60/162/63/AM18/PRC and 01/60/162/64/AM18/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Relaxation of time period for claiming benefit of duty incentives script under Chapter – 3 of FTP.

The claim for duty scrips under Focus Product Scheme (FPS) or Market Linked Focus Product Scheme (MLFPS) claimed by them depends upon the nature of export product and its appropriate classification under the Tariff Codes of the first schedule to the CTA. The principle issue which led to delay in applying for the duty incentives scrips under FPS/MLFPS was the confusion around the appropriate classification of the exported garments under the appropriate tariff codes CTA.

Decision: The Committee went through the statement made by the firm in their application and noted that the facts of the case have not been clearly specified by the firm and hence decided to call the firm for personal hearing.

(Action: PRC)

Case No.35: M/s Intas Pharmaceutics Ltd., Gujarat
F. No. 01/60/162/610/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Revalidation of DEPB script No.0810133803 dated 13.11.2014 and for proper transmission of script to ICEGATE.

Due to the repeatedly transmitted error code of 02, 96 and 97 they could not able to utilize the above DEPB duty credit script on account of non-transmission or uploading of workable DEPB scrip to the customs server within its validity period.

Decision: The Committee examined the case in detail and noted that the circumstances stated by the firm above were beyond their control and, therefore, decided to allow revalidation of DEPB Scrip No.0810133803 dated 13.11.2014 for a period of 6 months from the date of endorsement. RA, Ahmedabad to correspond with EDI System to sort out the matter for proper transmission of above scrip to ICEGATE.

(Action: Applicant/RA)

Case No.36: ACG Associated Capsules Pvt. Ltd., Mumbai
F. No. 01/60/162/603/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Clubbing of two advance authorization No.0310796423 dated 04.06.2015 and No.031081010107 dated 23.12.2016.

Due to unavoidable circumstances they could not fulfill the export obligation against Advance Authorization No.0310796423 dated 04.06.2015 within EO period in which they had cleared the import 22% and utilized the CIF 18%. However, they could not fulfill the EO. Similarly, in Advance Authorization No.0310810107 dated 23.12.2016 they have fulfilled exports up to 39% and realized the foreign exchange approximately 82% and no import made against this Advance Authorization.

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

(Action: Applicant/RA)

Case No.37: M/s JPM Exports Pvt. Ltd., Kolkata
F. No. 01/60/162/175/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period against advance authorization No.0210206423 dated 07.01.2016.

The above Advance Authorization was taken for a customer in Europe. However due to bad financial condition of that customer they reduced the order quantities. With great difficulty they have been able to find a customer for similar fabric but this has taken more than one year and by this time the first extension of the license had expired. They had requested to further extend it for a period of 12th month from the date of approval, so that they are able to fulfill their export obligation. Also as the item required by the new client is different, request is to amend the item and quantity in the license. They had applied to Kolkata DGFT but they have advised them to contact DGFT Delhi as they have not been able to fulfill 50% of the export obligation by quantities. However, export obligation for the value has been completed to the import of 90%.

Decision: The Committee went through the reference received from RA, Kolkata and decided to refer the issue to Policy-4 Division for its examination.

(Action: Policy-4)

Case No.38: M/s Apar Industries Ltd., Vadodara
F. No. 01/60/162/623/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Clubbing of two advance authorization No.3410041678 dated 10.11.2015 and 3410042485 dated 01.09.2016.

In the condition sheet the export item description is ACSR/AS Condor conductor 795 MCM size:54/7/3.08mm., i.e., (54 strands of Aluminum + 7 strands of Aluminum Clad Steel both of 3.081 diameter) where 795 MCM stands for Aluminum area in conductor which is an extra information of Aluminum portion and the same is declared in the shipping bill as ACSR/AS Condor Conductor size 54/7/3.08. Further the export item is made of Aluminum Ingot + Aluminum Clad Steel Wire size 7/3.081 mm and the same is declared in the shipping bill as exempted materials. Export item ACSR/AS Condor is having size of 54/7/3.081, and an extra information is that it has 795 MCM (Area of Aluminum) even in absence of it does not make a product different because the size of 54/7/3.081 shows it has 54 strands of Aluminum.

Therefore there is no change in product mentioned in the Authorization with that of shipping bill.

Decision: The Committee examined the case in detail and decided to accede to the request of the firm and allowed the mismatch in the description of export item declared in the advance authorization No.3410041678 dated 10.11.2015 with the description mentioned in the relevant shipping bills for clubbing purpose. RA shall ensure that the other parameters of FTP/HBP are met for clubbing.

(Action: Applicant/RA)

Case Nos. 39 to 41: M/s Jodas Expoim Pvt. Ltd., Hyderabad
F. No. 01/60/162/599/AM19/PRC, 01/60/162/614/AM19/PRC and 01/60/162/614/AM19/PRC
PRC Meeting No. 25/AM19 dated 18.12.2018

Subject: Extension in E.O. period for regularization purpose against advance authorization No.0510398631 dated 26.05.2017, 0510391568 dated 13.10.2014 and 0510391568 dated 13.10.2014 issue under PC-9 condition.

Decision: The Committee went through the statements made by the firm in their applications and noted that the facts of the cases have not been clearly specified by the firm and hence decided to call the firm for personal hearing.

(Action: PRC)

Cases Nos. 42 to 53.

Decision: The Committee decided to consider these cases in the next meeting due to paucity of time.

Case No. 54: (Incomplete cases):

Following cases were discussed. The Committee observed that the applications have been received without ANF 2D and Application Fee as per Appendix 2K (fully/partly) are to be treated as incomplete applications. Therefore, the Committee decided to reject such cases as mentioned below:

Sl. No.	Name of the firm	Subject of the firm	Reasons for rejection
1	M/s Arch Pharmalabs Limited, Mumbai	Issue of Status Holder Incentive Scrip	ANF 2D and Proof of fee not submitted
2	M/s Jindal Poly Films Ltd., New Delhi	Revalidation of SFIS No.0510401060 dated 03.01.2017	ANF 2D and Proof of fee not submitted
3	M/s Sparsha Pharma International Pvt. Ltd., Hyderabad	Export Obligation under EPCG Scheme	ANF 2D and Proof of fee not submitted
4	M/s Kuttanadu Coir	Redemption of EPCG Authorisation	ANF 2D and Proof of

	& Rubber Products, Aleppy, Kerala		fee not submitted
5	M/s Liebherr Machine Tools Pvt. Ltd., Bangalore	Relaxation of requirement of submission of bill of export as a proof of export to SEZ Unit and accept ARE-I for fulfilment of EO in respect Advance Authorization No.0711085720 dated 20.01.2012	Proof of fee not submitted
6	M/s Actgen Pharma Pvt. Ltd., Mumbai	Extension in EOP of 5 Advance Authorizations	ANF 2D not submitted
7	M/s Cadila Healthcare Ltd., Ahmedabad	Waiver of 25.64 kg of Acebutolol imported under AA No.0810053810 dated 10.12.2006	Proof of fee not submitted

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