Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee meeting held under the chairmanship of Shri Alok Vardhan Chaturvedi, IAS Director General of Foreign Trade on 04.12.2018

Meeting No.24/AM19 held on 04.12.2018 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 Vijay Kumar	Addl. DGFT
4.	Shri Satyan Sharda	Addl. DGFT
5.	Shri N.K. Srivastava	Addl. DGFT
6.	Shri Anil Aggarwal	Addl. DGFT
7.	Shri Rajbir Sharma	Jt. DGFT
8.	Shri S.P. Roy	Jt. DGFT

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

PH Case No.01: M/s. Mittal Polypacks Pvt. Ltd., Kolkata
F. No. 01/60/162/484/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: 2nd Revalidation against Advance Authorization No.0210207336 dated 09.02.2017 for one year.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Rohit Patwari, Director of the firm appeared before the Committee and made the following submissions:

They had applied in advance on 06.09.2017 for fresh Advance Authorization. Unfortunately, they had received the Advance Authorization on 08.02.2018, after a gap of 5 months from application. In meanwhile they continued the exports. Later, they had applied for enhancement and revalidation on 28.02.2018 however, they had received the extension on 19.06.2018 keeping for them only 1 month 18 days to complete the total import of 1564.57 MT which under any standard is almost difficult to achieve. They had applied on 27.07.2018 under P.N.38 dated 09.11.2017 for extension of validity for 4 months i.e. period during which the permission was delayed with the issuing authority, and the extension permission was also accorded on 14.09.2018 but valid up to 18.10.2018 i.e. keeping only a period 1 months 4 days to complete the overall imports of 1564.57 MT which was very difficult to achieve with the same time frame. Hence their request is for enhancement and revalidation for 1 year.

Decision: The Committee heard the submission made by the firm and after discussing the matter at length decided that the firm has actually suffered hardships which were beyond their control and decided to grant revalidation for a period of six months from the date of endorsement. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting. Further, the Committee also decided to seek report from RA about the delay in the case.

(Action: Applicant/RA)

PH Case No.02 to 05: M/s. Euro Expo, New Delhi
F. No. 01/60/162/155/AM19/PRC, 01/60/162/653/AM18/PRC,
01/60/162/655/AM18/PRC, 01/60/162/654/AM18/PRC,
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Extension in EO period against 4 Advance Authorizations (i) No.0510396393 dated 23.11.2015, (ii) No.0510392768 dated 08.01.2015, (iii) No.0510393087 dated 04.02.2015 and (iv) No.0510390982 dated 04.09.2014.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, for all the 4 cases referred above, which was afforded on 04.12.2018 and Ms. Ambika Sadh, Proprietor of the firm appeared before the Committee and made the following submissions:

The firm has stated that their buyer got involved in a major accident in India and was confined to the bed in a hospital in India for a long time. Since he was their main buyer and goods were manufactured by them for that particular buyer only, the goods manufactured by them could not be lifted by their buyer because of his hospitalization. Neither they could supply the same to another buyer. later they tried to get EOP extension also which was not granted to them. They also visited the RA several times but all in vein and they were not given EOP extension even single time whereas two terms of validity expired just for making correspondence.

Decision: The Committee went through the statement made by the applicant and after detailed deliberations observed that there is merit in firm's contention. Accordingly, it decided to allow EOP extension for a period of 3 months from the date of endorsement 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%. Firm has to approach the concerned RA within one month of uploading of the minutes on DGFT website.

(Action: Applicant/RA)

PH Case No.06: M/s. Tetra Pak India Private Limited, Pune
F. No. 01/60/162/275/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Condonation of delay in online filing of shipping bills for Focus Product Scheme (FPS) benefit.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Rajat Chhabra, Partner, of the firm appeared before the Committee and made the following submissions:

DGFT has issued a letter No.F.No.01/61/180/0096/AM15/PC-3/63(pt.) dated 14.12.2016 clarifying that the company is entitled for FPS benefit on "Aseptic Packaging Paper" from May 1, 2013 onwards. However the clarification allowing benefit was issued after period of three years (i.e. time barred limit prescribed for claiming benefit under Chapter 3 of FTP, 2009-14), hence the company failed to take any FPS benefit. The company had faced several technical issues with respect to DGFT server not working for hours on end and the non-acceptance of the Shipping Bills in the repository due to which FPS applications could not be filed within the time period of three years from the date of respective Shipping Bills. They approached NIC from time to time but without much success. Considering that the eligibility of the benefit itself was confirmed on December 14, 2016 by DGFT vide its approval letter, it would be detrimental to include the period of ambiguity while calculating period of limitation.

They have received various deficiency letters from RA stating therein that the shipping bills covered in the respective applications were time barred. The details of FPS applications which got affected/time barred are as under:

(i) 05/52/087/81024/AM17 dated 09.12.2016,
(ii) 05/52/087/81094/AM17 dated 30.12.2016,
(iii) 05/52/087/81093/AM17 dated 30.12.2016,
(iv) 05/52/087/81123/AM17 dated 10.01.2017,
(v) 05/52/087/81127/AM17 dated 11.01.2017,
(vi) 05/52/087/81146/AM17 dated 19.01.2017,
(vii) 05/52/087/80362/AM18 dated 02.12.2017,
(viii) 05/52/087/80369/AM18 dated 07.12.2017,
(ix) 05/52/087/80371/AM18 dated 08.12.2017,
(x) 05/52/087/80372/AM18 dated 08.12.2017,
(xi) 05/52/087/80426/AM18 dated 01.01.2018,
(xii) 05/52/087/80425/AM18 dated 15.01.2018,
(xiii) 05/52/087/80432/AM18 dated 22.01.2018,
(xiv) 05/52/087/80431/AM18 dated 22.01.2018,
(xv) 05/52/087/80173/AM18 dated 29.06.2017,
(xvi) 05/52/087/00801/AM15 dated 07.05.2014,
(xvii) 05/52/087/01237/AM15 dated 23.05.2014,
(xviii) 05/52/087/01280/AM15 dated 26.05.2014

Decision: The Committee went through the statement made by the applicant and discussed the matter at length. The Committee found that due to mismatch of chapter heading and technical issues related to server, the firm has faced the problem which was beyond their control and decided to allow them FPS benefit without late cut against their applications which have been filed till 16th December, 2016.

(Action: Applicant/RA)

PH Case No.07: M/s. Acqua World Exports (Pvt) Ltd., Chennai
F. No. 01/60/162/597/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To regularize the MEIS for chilled prawns under HS Code 0306179 0 and 03063600 retrospectively.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Anupama Haridas, Director and Shri Sageer Susheel, Representative of the firm appeared before the Committee and made the following submissions:

Exporters of Chilled fish and prawn were always availing benefits under DEPB and VKGUY since 2002 as same as Frozen Prawns. Post MEIS, Code 03061790 is used for chilled prawns. Export procedures completed by Chennai Air Customs declared Chilled Prawns on shipping bill, Packing list, invoice and Airway Bill. Received Forex, corresponding BRC applied and availed MEIS benefit from DGFT with description Chilled Prawns. There has been sudden rise of ambiguity in the HS Code for chilled Prawns from authorities. MEIS states 03061790 code for Frozen and not chilled. Accordingly a view is being taken that MEIS is not applicable to chilled prawns. Chilled Industry exists on these benefits as risk involved due to being highly perishable in nature. Shelf life of frozen product is 18 months and chilled 7 days. The volume of chilled exports is huge, paying way of more labour and forex earning. Perhaps that's why they have been treated in par with frozen in the past. The tremendous increase in chilled exports post introduction of DEPB expresses advantages of benefit extended. If they are deprived from this benefit, chilled exports will become extinct.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Section for its detailed examination and then bring it back before the PRC for a decision.

(Action: PC-3 Section)

PH Case No.08: M/s. Blue Fin Frozen Foods Pvt. Ltd., Mumbai
F. No. 01/60/162/598/AM18/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Grant the MEIS benefit against HS Code 03061790 and 03061719 in the fresh and chilled scampi the category to eliminate any scope of interpretation by the authorities.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri S.D. Puranik, Managing Director and Shri Jiduyasa Teje, Representative of the firm appeared before the Committee and made the following submissions:

Fresh and Chilled Scampi Prawns; They have developed an untapped market since 2015 in Thailand for the above product. This product is a relatively new product and export of this product is only possible under advanced supervision of preservation immediately after receiving the product at their factory through the stage of production, transport to Thailand and the final stage of sale to the overseas buyers. At the stage of documentation and customs declaration they have described the product as "Fresh and Chilled Scampi Prawn HOSO" under MEIS category code 03061790 upto 31.03.2018 and thereafter under HS code 03061719, as this was product specific to scampi due to ambiguity in the HS Code interpretation of the same is a cause of concern for them as exporters.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to Policy-3 Section for its detailed examination and then bring it back before the PRC for a decision.

(Action: PC-3 Section)

PH Case No.09: M/s. Nagavalli Traders, Tamil Nadu
F. No. 01/60/162/583/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Registration of ICLC with permission for import of peas under Chapter-7 of ITC HS 2017 Schedule-1 (Import Policy) contract No.PS/0153/YPUKR/IND/2017-18 dated 21.03.2018, Qty.-135000 kg.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri S.P. Bose and Shri B. Vijay. Representatives of the firm appeared before the Committee and made the following submissions:

The firm has stated that they are importing Peas under Chapter 7 of the ITC(HS) 2017 as per Para 1.02 and 2.01 of the FTP 2015-20. Peas was free up to 24.04.2018 as per Para 1.02 and 2.01 of the FTP 2015-20. Their old contract was made on 21.03.2018 for import of 135000Kgs yellow peas and they paid the payment of US $ 1856.25 as a advance to the foreign supplier on 27.03.2018. They come to know on 25.04.2018 that DGFT have restricted the import of yellow peas as per Para 1.02 and 2.01 of the FTP 2015-20 vide notification No.4 & 5 dated 25.04.2018. They are not aware that they have to submit the application in RA office also.

Again DGFT had issued one Trade Notice No.25 dated 17.08.2018 and they requested for approval of import of 125 MT Yellow Peas. In between they approached foreign supplier to cancel the contract but they refused and informed to them that if they cancel then they will penalize because they (suppler) have arrange stock for them. Supplier dispatched the material (Yellow Peas) on 30.09.2018 and same reached in India Tuticorin Port on 29th October 2018 and awaited for clearance. They got the DGFT approval on 04.06.2018 for pulses import of 600 MT as per

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trade notice number 6 dated 11.05.2018 and they were busy for pulses import and could not concentrate on yellow peas import under contract letter.

Decision: The Committee went through the statements made by the firm and decided to refer the matter to Policy-2 Section for its examination and decision.

(Action: Policy-2Section)

PH Case No.10: M/s. K.K. Nag Private Ltd., Bangalore
F. No. 01/60/162/478/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To consider SEZ Customs Certificate issued with Bill of Exports numbers in lieu of missing bills of export against Advance Authorization No.0710066132 dated 23.07.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Shivananda Acharya, Manager - Commercial of the firm appeared before the Committee and made the following submissions:

They obtained the advance authorisation on customer export purchase order as the base. The goods were dispatched to their customer at SEZ accompanying their Sale Invoice, ARE-1 and Bill of Exports. They had lost the Bill of exports however they enclose few available photocopies of the bill of export related to Advance Authorization No. 0710066132 dated 23.07.2009. While applying the above advance authorisation No.0710066132 dated 23.07.2009 closure application they did not enclose Bill of exports. Accordingly RA did not consider their case for redemption. They assured that there was no violation of import conditions. BRC are available for the realization of payment by customer. On their request SEZ Customs has also issued a certificate, which certifies despatch invoice Number, ARE-1 Number, Date of quantity, Value and Bill of exports numbers.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and decided to accept the certificate issued by SEZ Customs authorities containing receipt of goods with invoice, ARE-1, bills of exports number in lieu of missing bills of export. Firm will also follow the general procedure applicable in case of loss of S/bills, as laid down in Policy/ HBP.

(Action: Applicant/RA)

PH Case No.11 to 14: M/s. Mangalam Drugs and Organics Ltd., Mumbai
F. No. 01/60/162/411/AM19/PRC, 01/60/162/408/AM19/PRC, 01/60/162/410/AM19/PRC, 01/60/162/409/AM19/PRC

PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Accepting of payment realized from normal account of the SEZ unit against 4 Advance Authorizations (i) No.0310808016 dated 23.09.2016, (ii) No.031080097 dated 14.12.2015, (iii) No.0310810458 dated 11.01.2017 and (iv) No.0310808020 dated 23.09.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Ajay Samant, Vice – President (Finance) of the firm appeared before the Committee and made the following submissions:

They have completed 100% export obligation and redemption of above Advance Authorization is pending document evidence in terms of Para 4.21 (ii) of FTP-2015-20 that payment has to be received from Foreign Currency Account, in case supplies are made to SEZ units. They have exported goods to M/s Cipla Limited, SEZ unit under above advance authorizations, but the payment is not realized from foreign currency account of the SEZ unit but made in rupees. This is their unintentional mistake and their buyer (M/s Cipla Limited) has also seems to have overlooked this requirement unintentionally.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and decided to accept the request of the firm with the condition that SEZ unit will make payment from their EEFC account and firm will return payments already received by them.

(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. 24/AM19 dated 04.12.2018

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

Decision: The applicant had sought personal hearing, which was afforded on 04.12.2018, but no one appeared on behalf of the firm. The Committee decided to give the firm another chance for PH. In case no one still comes, the case would stand rejected.

(Action: Applicant)

PH Case No.16 to 21 M/s. Arvind Ltd., Bangalore
F. No. 01/60/162/224/AM19/PRC, 01/60/162/226/AM19/PRC, 01/60/162/180/AM19/PRC, 01/60/162/225/AM19/PRC, 01/60/162/638/AM15/PRC, 01/60/162/188/AM19/PRC,
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To consider exports made after expiry of the EOP of 7 Advance Authorizations (i) No.0710084730 dated 01.12.2011, (ii) No.0710086037 dated 06.02.2012, (iii) No.0710085752 dated 23.01.2012, (iv) No.0710070138 dated 22.02.2010, (v) No.0710080779 dated 20.07.2011, (vi) 0710080780 dated 20.07.2011 and (vii) No.0710085753 dated 23.01.2012.

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The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Tyagraj Mudaliyar, Chief Manager – Export Commercial and Shri Mukesh K.V., Senior Manager – Commercial of the firm appeared before the Committee and made the following submissions:

Due to uncontrollable factors that heavily influence the export performance in case of International Apparel Business, there were changes in the buyer's preferences, styles and pattern had undergone changes. During these times, the execution under the above Advance Licenses got delayed, delivery period had lapsed, orders got cancelled and recessionary trends prolonged the impasse. They have completed the export obligation 100% though not within 48 months.

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 the request.

(Action: Applicant)

PH Case No.22: M/s. Herbochem Industries, Barabanki (UP)
F. No. 01/60/162/191/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Relaxation to claim supplementary MEIS against subsequent issued BRC against Shipping Bill No.3339983 dated 08.03.2018 against which part MEIS already claimed.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Vikas Chopra, Representative of the firm appeared before the Committee and made the following submissions:

They applied for grant of permission for supplementary claim in terms of Para 9.3 of HBP Vol.I (prior to issue of P.N. No.16 dated 28.06.2018). It is a substantial supplementary claim of Rs.12.44 lakhs, Whereas they are struggling to compete in price war and losing this amount would cause great hardship to them. In order to procure more orders they are passing on part of the incentive to the overseas buyers. They missed filing of s/bill because of their ignorance.

Decision: The Committee noted that the case was considered in the earlier meeting of PRC held on 09.08.2018 in which the request of the firm was rejected as the firm failed to establish any genuine hardship. After hearing the firm in the meeting, the Committee after detailed deliberations agreed 'In Principle' to give relief to the firm. It also requested concerned officers in DGFT to make a proper policy for supplementary claims so that other firms can also get benefit out of it. Probably manual MEIS is to be issued in such cases. EDI was also requested to develop software quickly in this regard.

(Action: EDI/PC3 division /Applicant)

PH Case No.23: M/s. Ceat Limited, Mumbai

F. No. 01/60/162/517/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Revalidation of Advance Authorization No.0310808757 dated 26.10.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 04.12.2018 and Shri Rupesh R., Vice-President – Procurement of the firm appeared before the Committee and made the following submissions:

The firm had obtained above advance authorization for export of tyres which allowed import of natural rubber along with other raw materials. The authorization came endorsed with P.N. No.81 (RE-2013) 2009-2014 dated 09.01.2015 according to which export obligation period was restricted to 6 months from the date of clearance of Natural Rubber, but no pre-import condition was imposed on the authorization. The authorization was issued on 26.10.2016 but due to some technical error at Customs it could not be used for imports. Amidst of their tight production and shipment schedules, they had to follow up with Customs and DGFT to get the authorization registered and it was only available for imports after two months i.e. 23.12.2016. Tyre manufacturing is a complex cycle and with there is a fine balance between production and supply, they lost two months due to the technical error while the technical issue was resolved after two months of issuance of the authorization. Their import supply was also affected due to severe floods caused by heavy rains in Rubber Supplying countries in Southeast Asia in late 2016 and early 2017 resulting in production drop in these countries. The earliest delivery was from March 2017 onwards. Further they also had moral obligation to support local industry as requested by Rubber Board to ATMA. At the same time they had to meet their export commitments irrespective of import availability. Firm had submitted documentary evidence in support of their contentions.

Decision: The Committee heard the submission made by the representative of the firm and after discussing the matter at length, it 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)

Case No.24: M/s. Same Deutz-Fahr India (P) Limited, Tamil Nadu
F. No. 01/60/162/506/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Refund of TED Claims for the period April 2011 to February 2012 (11 nos. of claims).

Firm has contended that notification No.4 (Re-2013) / 2009-14 dated 18.04.2013 to paragraph 8.3 of the FTP could not impact refund of TED sought for supplies made prior to that date i.e. for the period spanning between April 2011 to March 2012. In other words, notification dated 18.04.2013 could operate only prospectively. The policy circular no.16 (Re-2012/2009-2014), dated 15.03.2013, is erroneous, in as

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much as the said circular is, firstly, not consistent with the provision of paragraph 8.3 read with Paragraph 8.4 of FTP 2009-2014 and secondly, the said circular, if at all, can have effect only prospectively.

Decision: The committee went through the statements made by the firm and noted that there is no merit in the case of the firm and DGFT is contesting many court cases precisely on this issue. Accordingly it decided to reject it.

(Action: Applicant)

Case No.25: M/s. Indorama Industries Limited, Himachal Pradesh
F. No. 01/60/162/596/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To condone the delay in submission of Focus Market Scheme (FMS) applications which got delayed due to non-availability of shipping bills and error at DGFT online portal against file no.22/21/087/80057 dated 08.09.2016 (shipping bill no.1249811 dated 09.08.2012).

Firm could not file the application in time because above mentioned shipping bill was not available on DGFT website for taking FMS benefit. They sent numerous letters to DGFT, Customs & ICEGATE to make the shipping bills available so that application may be filed in time. After the necessary updating in DGFT server they could submit online application finally on 08.09.2016. Hence, there is no delay from their side in submission of application. However RA has rejected the request as time barred.

Decision: The Committee heard the submissions made and after detailed discussions felt that the option to file the FPS claims manually by putting Shipping Bill data in e-Com Module was always available to the firm as per Policy/Procedures. The EDI Division informed that the firm had submitted Shipping Bill in the online portal on 12.05.2016 (after the Shipping Bills had become time barred). In view of this, the Committee decided that case has no merit and rejected it.

(Action: Applicant)

Case No.26: M/s. Vishal Steels, Bhilad (Gujarat)
F. No. 01/60/162/302/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Revalidation of Advance Authorization No.0310810594 dated 18.01.2017.

Addl. DGFT Mumbai has forwarded the application to Norms Committee for fixation of Adhoc Norms. They had received a letter / email from Norms Committee dated 18.10.2017 and they have submitted reply letter dated 13.11.2017 by courier. They have fulfilled 100 % export obligation quantity wise and value wise but they have not imported raw material due to non receipt of Norms Committee's decision. That's why they have not imported any raw material. Case was also discussed in the last PRC meeting held on 28.08.18, where it was decided to advise NC-2 to examine the case and fix the norms early. NC 2 has fixed the norms in its meeting held on 27.8.18.

Decision: The Committee went through the statement made by the firm and after discussing the matter at length decided to accede to the request of the firm for grant of revalidation of advance authorization No.0310810594 dated 18.01.2017 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)

Case No.27: M/s. Haldia Petrochemicals Ltd., Kolkata
F. No. 01/60/162/584/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Manual filing of MEIS application in view of the EDI error for Shipping Bill No.7277974 dated 11.07.2017.

Firm had executed export consignment of Benzene (HS Code 29022000) to Indonesia under above shipping bill and had declared their intent to claim the MEIS benefit on the same. The CHA Checklist and the exporter copy of the shipping bill correctly show the intent as YES as well as the declaration. Quite surprisingly, the EP copy of the shipping bill shows the intent as NO. They understood that this is an error in the computer processing and hence the shipping bill has not been transmitted to the DGFT server and their application for MEIS cannot be filed.

Decision: The Committee went through the statement made by the firm in their application and decided to ask the firm to corroborate its statements with the customs authenticated documents indicating that intent declaration shown as No in the E.P. Copy of shipping bill no.7277974 dated 11.07.2017 is basically the error of their system and it may be treated as YES for the propose of MEIS.

(Action: Applicant)

Case No.28: M/s. Pilot Products, Punjab
F. No. 01/60/162/592/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Condonation the time barred /submission of Chapter-3 FPS application (File No.30/21/087/80158/AM18 dated 13.10.2017).

Firm had created online application of Chapter 3 FPS vide e-com ref. no. 30/89006/04900/0435/2487 on 22.05.2015 with S/Bills attached 2334254 dated 23.04.2014, 3316888 dated 16.06.2014, 3984486 dated 21.07.2014, 443334 dated 14.08.2014, 5787156 dated 30.10.2014, 6568483 dated 11.12.2014, 7838316 dated16.02.2015 & 7840869 dated 16.02.2015. At the time of filling, application of their above S/Bills are within time as per FTP. However on the next day i.e. 23.05.2015, they tried to submit above application online, but ECOM ref. number got washed out / not reflected in DGFT site / in e-com application. In this regard, they have approached personally to the RA Ludhiana to restore above ECOM reference. RA Ludhiana rejected the case and gave the reason that S/Bills are time barred.

Decision: The Committee went through the statement made by the firm and after discussing the matter at length the committee noted that the firm has actually suffered hardship which was beyond their control and hence decided to accede to the request of the firm and allowed FPS benefit against File no.30/21/087/80158/AM18 dated 13.10.2017.

(Action: Applicant/RA)

Case No.29: M/s. Jodas Expoim Pvt. Ltd., Hyderabad
F. No. 01/60/162/586/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: EOP Extension of Advance Authorization No.0510396254 dated 05.11.2015 for regularization.

Above Advance Authorization was obtained under policy Circular No 9. During the initial EOP which expired on 20.12.2016, EO on pro-rata basis considering actual quantity of imports was fulfilled 72.47% in terms of quantity and 72.19% in terms of value leaving an unfulfilled obligation of 27.53% quantity wise and 27.81% value wise. This was completed in excess by 01.08.2017 i.e within 8 months after expiry of initial export obligation. Though delay was beyond their control, but obligation was discharged in excess of 124.18% in terms of quantity.

Decision: The Committee went through the statement made by the applicant and observed that genuine hardship is there in this case and therefore decided to allow EOP extension up to 01.08.2017 from the date of expiry of initial EOP for regularization 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.30: M/s. Lakshmi Industrial Enterprises, Tamil Nadu
F. No. 01/60/162/589/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Condoning the procedural lapse in obtaining bill of exports pertaining to supplies affected to SEZ Unit and acceptance of ARE-1 forms and Annexure-19 (Proof of Export) for fulfillment of EO of EPCG Authorization No.0430009296 dated 15.12.2010.

Their Entire EO is met by SEZ sales only. In 2016, they had met their 100% EO and filed an application for EODC in the Addl. DGFT, Chennai on 27.02.2017. In reply RA has issued a deficiency letter. They were able to comply with all the deficiencies except for that of Bill of Export. They made their sales with ARE-1 Documents and Annexure – 19 duly certified by the authorized officer of the Customs (SEZ) and

Central Excise Authority. The customs department at SEZ insisted bill of export not required for SEZ sale and mere attestation on the ARE-1 form by customs official will act as proof of export to SEZ and hence not issued the bill of Export.

Decision: The committee went through the statements made by the firm and noted that bill of export is mandatory requirement and therefore decided not to accept the request.

(Action: Applicant)

Case No.31: M/s. Laxmi Organic Industries Ltd., Mumbai
F. No. 01/60/162/512/AM18/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Revalidation of MEIS No.6419000034 dated 26.08.2016.

MEIS was issued by EPZ / SEZ Indore having validity of 18 months time. Since the license is transferable they had purchased the license from exporter M/s. Bergwerff Organic India P Ltd. And to utilise the same they had taken Telegraphic Release Advise from Indore EPZ / SEZ to Nhava Sheva port on 07.08.2017. They had debited the license vide B/E No. 3439488 dated 29.09.2017 Rs.34900/- and B/E No.3439486 dated 29.09.2017 Rs. 36639/-. Balance Rs.15,16,814/- is pending for debit. As per PN No.33/2015-20 dated 23.10.2017 the licenses issued after 01.01.2016 the validity period will be extended to six month. They had approached the Nhava Sheva Customs for revalidating the same for six month i.e. Valid up to 24.08.2018. They refused to revalidate the same for six months. Resulting the licence expired. As per HBP 2.20 (c) the license was under the custody and could not be revalidated by Nhava Sheva Customs.

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 the request of the firm.

(Action: Applicant)

Case No.32: M/s. Tams Fine Ceramics Private Limited, Chennai
F. No. 01/60/162/585/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Waiver /Extension of EOP in respect of EPCG License No.0430006068 dated 25.04.2008 & 0430006159 dated 27.05.2008 in view of extraordinary factors affecting performance.

They appeared before the EPCG Committee meeting held on 27.09.2018 and their case was rejected stating that this case falls under the purview of PRC in view of pre-installation issues created by delays in BIFR process and other extraordinary circumstances. The company imported various machineries for manufacture of Ceramics Tableware products under the above authorization. Most of these machineries are imported by taking into account that suppliers and associates will take sizeable portion of the manufactured products for the European market which will provide goods export prospects. These machineries were imported during 2008 itself. However, due to various legal tangles, the auction sale of the factory building by BIFR got delayed beyond two years and the title documents for above property were not given to company by bank for more than two years. In the absence of the documents the applicant could not get funds from bank for implementation of the project.

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

(Action: Applicant)

Case No.33: M/s. K. Mohan & Company (Exports) Private Limited, Bangalore
F. No. 01/60/162/590/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To consider free shipping bill No.4489369 dated 02.03.2017 for closure and issuance of EODC against Advance Authorization No.0710110918 dated 05.01.2017.

Shipping bill no. 4489369 dated 02.03.2017 contains 3 Advance Licenses material 0710110918 dated 05.01.2017, 0710110698 dated (not available), 0710110632 dated 10.11.2016. License no's. 0710110918, 0710110698 were issued and transmitted under the customs notification No.45/2016. But license no. 0710110632 was issued and transmitted to customs under the Notification no.18/2015. License no. 0710110632 was issued for Cochin SEZ port which is non EDI port. Because of this Cochin customs might have not insisted upon them to do the notification amendment in the license. At the time of export they could not file the shipping bill under the DES scheme. At the time of export shipment due to above said notification error, they were not able to file the shipping bill under DES scheme. Delay in customs clearance would have led to air prepaid shipment or cancellation of order. Hence they decided to file free shipping bill as they can't claim regular DBK against advance license materials. Also they declared the license details and the quantity of the fabric used in the shipments in the first page of the shipping bill.

Decision: The Committee went through the statement made by the firm and noted that the firm has indeed indicated the authorization details and utilization details on the face of shipping bills. Therefore, after detailed deliberation the Committee was of the view that since the technical error was beyond the control of the firm and it had compelled the firm to file the Free Shipping bills, but by indicating the details of the authorization on the face of the shipping bills. Therefore, the Committee decided to consider shipping bills No.4489369 dated 02.03.2017 which indicate the authorization number on the face of the shipping bills towards fulfillment of the EO, subject to fulfillment of other conditions.

(Action: Applicant)

Case No.34: M/s. K. Mohan & Company (Exports) Private Limited, Bangalore
F. No. 01/60/162/591/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: To consider free shipping bill No.2711271 dated 08.012.2016 for closure and issuance of EODC against Advance Authorization No.0710110510 dated 14.10.2016.

License no. 0710110510 dated 14.10.2016 was issued for Cochin SEZ port which is non EDI port. Because of this Cochin customs might have not insisted them to do the notification amendment in the license. At the time of export they were not able to file the shipping bill under the DES scheme. At the time of export shipment due to above said notification error, they were not able to file the shipping bill under DES scheme. Delay in customs clearance would have led to air prepaid shipment or cancellation of order. Hence they decided to file free shipping bill as they can't claim regular DBK against advance license materials. Also they declared the license details and the quantity of the fabric used in the shipments in the first page of the shipping bill.

Decision: The Committee went through the statement made by the firm and noted that the firm has indeed indicated the authorization as well as utilization details on the face of shipping bills. Therefore, after detailed deliberation the Committee was of the view that since the technical error was beyond the control of the firm and it had compelled the firm to file the Free Shipping bills, but by indicating the details of the authorization on the face of the shipping bills. Therefore, the Committee decided to consider shipping bill no. 0710110510 dated 14.10.2016 which indicate the authorization number on the face of the shipping bills towards fulfillment of EO ,subject to fulfillment of other conditions.

(Action: Applicant)

Case No.35: M/s. Bharat Heavy Electricals Limited, Bangalore
F. No. 01/60/162/588/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: EOP extension of the Advance Authorization No.0710084747 dated 16.12.2011.

Date of project execution validity has been extended up to 31.03.2019 as per contract agreement between M/s BHEL and M/s PEEGT, Syria Arab Republic, Tishreen, Syria. Hence, requested for EOP extension.

Decision: The Committee went through the statements made by the firm in its application and after detailed deliberations decided to accede to the request of the firm by granting extension in EO period up to 31.03.2019.

(Action: Applicant)

Case No.36: M/s. Tanfac Industric Limited, Tamil Nadu
F. No. 01/60/162/571/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Second Revalidation of Advance Authorization No.0410162856 dated 03.03.2017.

Raw Material (RM) allowed in the above said license is Fluorspar & Products for EO is Hydrofluoric Acid. As per firm's request, this RM, Fluorspar demand went up during 2017 & was not available. This was because many Fluorspar mines were closed, due to Chinese Government's initiatives to control, prevent pollution & protect Environment and they could not get the RM, Fluorspar in time & import it. Meantime using stock in hand they produced their product & completed the export obligation of the license.

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

(Action: Applicant)

Case No.37: M/s. Rusan Pharma Ltd., Mumbai
F. No. 01/60/162/595/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: EOP Extension of Advance Authorization No.0310814983 dated 02.08.2017 issued under PC-9 condition.

They had received the export order for supply of 29152 bottles out of which they could supply only 22950 bottles by end March 2018. The balance quantity 6202 bottles shipment was kept on hold by the buyer. Now they have received the order extension letter informing that their distributor could not lift the fully quantity as planned and confirming that they will lift the balance quantity by January 2019 hence they are requesting for the 6 months extension.

Decision: The Committee went through the statements made by the applicant and observed that it is not a case of policy relaxation, since RA is empowered to grant EOP extension as per Public notice 32/2015-2020 dated 15.10.2017. Hence the Committee decided to refer the case to RA, Mumbai.

(Action: Applicant/RA)

Case No.38: M/s. Suzuki Motor Gujarat Private Limited, Gujarat
F. No. 01/60/162/587/AM19/PRC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Permission to re-export of checking fixture to Japan and re-import from Japan which was originally imported under EPCG Authorization No.0830008665 dated 24.08.2016.

Firm has mentioned that all machines are inspected by their Engineers at supplier's factory. This process is adopted by them to ensure performance of machine. If somehow any technical problem found during trial production, it may be rectified by supplier. They need to check dimension of parts which are produced by Hemming die during trial production of supplier's factory to make ensure performance of machine. If any issue found during trial then it may be rectified easily at supplier's factory, because it require precise infrastructure and expertise, which is not available in their factory. After completion of successful trial "Hemming Die" and checking Fixture has been found to be defective and their request is to re-export it back to Japan for its rectification and then re-import.

Decision: The Committee went through the statements made by the applicant and observed that since this matter is already covered under Para 5.25 of HBP-2015-20, hence it is not a case of policy relaxation and decided that the firm be informed accordingly.

(Action: Applicant/RA)

Case No.39: M/s. Vedanta Limited (Formerly Sesa Sterlite Ltd.), Mumbai
F. No. 01/61/180/57/AM15/PC-3
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Issue of duplicate IEIS – payment of fee for issue of Duplicate Scrip No.351900004 dated 19.03.2014.

RA Madurai issued IEIS scrip no. 3519000004 dated 19.03.2014 for Rs. 10,95,83,585.60 after verifying the documents specified in PN no. 28 dated 25.09.2013 for greater scrutiny. As clarified by DGFT vide letter no. 01/61/180/188/AM13/PC-3 /530 dated 23.09.2014, RA requested M/s. Sesa sterlite Ltd., to surrender the scrip for amending the value to Rs. 20,00,000/-. But they could not produce the original scrip as it was reported lost by them in August 2014. M/s. Sesa Sterlite Ltd., filed writ petition no. 1345 of 2015 in Hon'ble High Court of Delhi and Court directed to issue scrip in terms of notification dated 28.12.2012.

Subsequently, DGFT vide trade notice no. 04/2012 dt. 05.05.2016 directed all RAs to process the cases without imposing any cap on account of earlier stipulation of restricting the growth to 25% or incremental growth of Rs.10 Crores in value whichever is less. M/s. Sesa Sterlite have already paid composition fee of Rs. 1,09,58,358 as per DGFT letter dated 23.04.2018 through e-MPS on 15.05.2018 (because original IEIS has been lost by the firm).

PC 3 section has examined the issue in detail in their respective file and agreed to issue duplicate IEIS scrip in line with Hon'ble High Court's orders and with the approval of competent authority. However an issue arose in terms of Para 2.27 of the HBP which states that validity of duplicate scrip shall be co-terminus with the validity of original period. Since in this case, validity of original scrip has already expired, PC 3 section placed the case before PRC for relaxation.

Decision: The Committee went through the statements made by the firm in its application and observations of PC 3 section and after detailed deliberations, in view of peculiar circumstances of the case, decided to accede to the request of the firm for issuance of duplicate IEIS Scrip with the validity of 12 months from the date of issue of duplicate scrip.

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(Action: Applicant/RA)

Case No.40: Reference from Policy-4 Section
F. No. 01/94/180/325/AM19/PC-4
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Increasing validity period and export obligation period of Advance Authorization.

Decision: After detailed deliberations, committee decided that a proposal to grant 2nd revalidation of 6 months to the Advance Authorization holders be moved for approval of the competent authority.

(Action: PC IV Division)

Case No.41: M/s. Wildlife Conservation Trust, Mumbai
F. No. 01/53/8/E/AM19/W-9/IC
PRC Meeting No. 24/AM19 dated 04.12.2018

Subject: Grant of Import Authorization.

Permission for grant of import authorization for import of 04 nos. of trained dogs was issued to the firm on 16.11.2018 (prior to receipt of NOC from D/o Animal husbandry, Dairying and fisheries), subject to 'No Object Certificate' from D/o Animal Husbandry, Dairying and Fisheries on the recommendation of Additional Chief Secretary to CM, Maharashtra received vide letter dated 16.11.2018. Subsequently, vide OM dated 22.11.2018, D/o Animal Husbandry, Dairying and Fisheries have given their NOC). Through his letter dated 16.11.2018, Additional Chief Secretary to CM, Maharashtra informed that the recent tiger conflict situation in Yavatmal, it is an urgent need to find the cubs of the dead tigress. These cubes are without their mother and it is becoming difficult to keep a track of their movement. To support Government of Maharashtra's efforts, wildlife conservation Trust needs to import these specially trained wildlife tracking dogs from South Africa. These dogs will help the Maharashtra Forest Department in its ongoing effort to deal with human wildlife conflict situations by being able to track the conflict animal more accurately and in less time.

Decision: The Committee went through the statements made by the firm in its application and after detailed deliberations it decided to accede to the request of the firm for import of 04 numbers of trained dogs.

(Action: Applicant/IC)

Case No.42: (Incomplete Applications)
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 the cases as mentioned below:

Sl. No.	Name of the firm	Subject of the firm	Reasons for rejection
1.	M/s Sarvesh Refractories Private Limited, Odisha	Grant of EO extension of EPVG license No.2330000628 dated 25.01.2011 for one year from 25.01.2019 to 24.01.2020.	ANF2D and fee not submitted
2.	M/s Oriental Rubber Industries Pvt. Ltd., Pune	Condoning of delay in filing MEIS application due to delay in uploading the correct eBRC by Authorised Dealer (Bank).	ANF 2D and fee not submitted
3.	M/s Oriental Rubber Industries Pvt. Ltd., Pune	To relax undue hardship being caused to exporter due to deletion of Advance Authorization No.3110066072 dated 22.03.2016 on EDI System	ANF 2D and fee not submitted
4.	M/s Relaxo Footwears Limited, Delhi	Revalidation of Focus products License for 6 months.	ANF 2D and fee not submitted
5.	M/s Bhavannji Mills, Tamil Nadu	To condone procedural lapse as per Para 5.10(d) of HBPv1 and 2.58 of FTP 2015-20 for no mentioning EPCG License No.& Company name in Shipping bill No.1900828 dated 20.03.2008 for EPCG Authorization No.3530001335 dated 02.11.2005.	ANF 2D and Fee not submitted
6.	M/s Shadiram & Sons Pvt. Ltd., Punjab	Relaxation of registration of Peas Contract in RA-Madurai – File No.35/07/162/00120/AM19	ANF 2D and Fee not submitted
7.	M/s S.R.S. Exports (P) Ltd., Punjab	Relaxation of registration of Peas Contract in RA-Madurai – File No.35/07/162/00119/AM19	ANF 2D and Fee not submitted
8.	M/s Alluring India Destination Pvt. Ltd., New Delhi	Relaxation under Para 3.08(f) of FTP regarding requirement of IEC at the time of rendering services. (3 applications)	Proof of fee not submitted
9.	M/s AIA Engineering Limited, Gujarat	Permission for transmission of Shipping Bill No.4859494 dated 22.12.2015 at DGFT server for MEIS Authorization application.	Proof of fee not submitted
10.	M/s Krishnapatnam Port Company Ltd., Andhra Pradesh	Revaliadation of SFIS duty credit scrip No.0410162315/0/22/00 dated 26.09.2018 for 12 months i.e. upto 31.03.2019.	ANF 2D and fee not submitted.
11.	M/s Incredible Voyages (P) Ltd., Gurgaon	Relaxation under Para 3.08(f) of FTP regarding requirement of IEC at the time of rendering services.	Proof of fee not submitted

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12.	M/s Shri Hari Industries, Bikaner	Issue of MEIS License.	ANF 2D and fee not submitted
13.	M/s Arfin India Limited, Gujarat	Revalidation of Advance Authorization No.0810138989 dated 28.10.2016	ANF 2D and fee not submitted
14.	M/s Goa Shipyard Limited, Goa	To consider manually filed MEIS applications.	Proof of fee paid to DGFT not submitted

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