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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting held on 17.12.2019 under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.24/AM20 held on 17.12.2019

The following members were present in the meeting:

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

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

S. No	Name of the firm	Case No.
1.	M/s Swan Overseas, Mumbai	1
2.	M/s Seasaga Enterprises Pvt. Ltd., Mumbai	2 to 3
3.	M/s Kashmiri Lal Taarun Khanna Pvt. Ltd., Amritsar	4
4.	M/s Tafe Motors and Tractors Ltd., M.P.	5
5.	M/s Varroc Engineering Ltd., Aurangabad	6
6.	M/s CII Guardian International Limited, Kochi	7 to 10
7.	M/s. Allembic Pharmaceuticals Ltd., Vadodara	11
8.	M/s UmasreeTexplast Pvt. Ltd., Ahmedabad	12
9.	M/s SBL Colourtech Pvt. Ltd., Mumbai	13
10.	M/s SAS International, Gurgaon	14
11.	M/s Pinnacle Clothing Co., Noida	15
12.	M/s Star Boxes India Pvt. Ltd., Tamil Nadu	16
13.	M/s Alkaloids Corporation, Kolkata	17
14.	M/s Geltec Private Limited, Mumbai	18
15.	M/s Larsen & Toubro Ltd., Mumbai	19&20
16.	M/s Gracure Pharmaceuticals Ltd., New Delhi	21
17.	M/s Industrial Exim Pvt. Ltd., New Delhi	22 to 24
18.	M/s Gas Processing Equipment, Pune	25
19.	M/s M.M. Aqua Technologies Ltd., Gurgaon	26
20.	M/s Biocon Limited, Bangalore	27
21.	M/s Tega Industries (SEZ) Limited, Dahej, Gujarat	28
22.	M/s Zydus Takeda Healthcare Pvt. Ltd., Mumbai	29
23.	M/s Lohia Corp Ltd., Kanpur	30

24.	M/s Chhotanagpur Rope Works Pvt. Ltd., Kolkata	31
25.	M/s Centex International Pvt. Ltd., Ludhiana	32
26.	M/s D. D. International, Amritsar	33
27.	M/s Precise Seamless Apparels Pvt. Ltd., Gurgaon	34 & 35
28.	M/s Gopal Fashions Pvt. Ltd., Delhi	36
29.	M/s Swarnagiri Wire Insulation Pvt. Ltd., Hubli	37
30.	M/s Shashi Cables Ltd., Kanpur	38
31.	M/s Alcon Biosciences Pvt. Ltd., Mumbai	39
32.	M/s Shachi Engineering Pvt. Ltd., Pune	40
33.	M/s Usha Fashions Pvt. Ltd., Maharashtra	41
34.	M/s SNF (India) Pvt. Ltd., Visakhapatnam	42 to 53

Case No. 01 M/s Swan Overseas, Mumbai
F. No. 01/60/162/596/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS benefit against 102 shipping bills pertaining to the year 2016-17 in which the ITC code has been amended by Customs from 07101000 to 07019000.

The applicant stated that they had exported fresh potatoes in FY 2016-17, and the shipping bills were issued at that time had a clerical mistake in ITC HS Code. They entered ITC HS:07101000 (Potatoes Cooked or Uncooked, Frozen) instead of ITC HS:07019000 (Potatoes Fresh or Chilled other than Seeds). Upon realizing their mistake, they took their shipping bills for amendment to Customs, but Customs informed them that manual amendment is not allowed in MEIS policy and directed them to contact DGFT Delhi for update in ITC HS Code. Their all exports are done under ITC HS 07019000 (Potatoes Fresh or Chilled other than Seeds) and they never deal in ITC HS 07101000 (Potatoes Cooked or Uncooked Frozen). They are small exporter and if they are unable to claim then they will suffer a big loss in future export shipment.

Decision: The Committee discussed the case at length and observed that manual amendments in the Shipping bills (after goods have been exported) are not feasible in the current automated system of MEIS issuance. Accordingly it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 02 M/s Seasaga Enterprises Pvt. Ltd., Mumbai
F. No. 01/60/162/600/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS benefit against 2 Shipping Bills No.3430375 dated 12.01.2017 and (ii) 4638852 dated 09.03.2017.

The applicant stated that they had exported "Frozen Whole Cuttlefish" Covered under Sl.No.8005 of MEIS list, but ITC Code in Shipping Bills were mentioned as

03079900 instead of ITC No.03074910 which is now rectified by Customs manually. As per PN No.22 dated 31.08.2017 it was clarified that if ITC Code is different & description of export product is matching with description of MEIS List, then exporter can file MEIS application. However they are unable to file claim of MEIS as online server is not accepting the shipping bills No.3430375 dated 12.01.2017 and 4638852 dated 09.03.2017 for ITC Code No.03079900.

Decision: The Committee discussed the case at length and observed that manual amendments in the Shipping bills (after goods have been exported) are not feasible in the current automated system of MEIS issuance. Accordingly it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 03 M/s Seasaga Enterprises Pvt. Ltd., Mumbai
F. No. 01/60/162/599/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS benefit against 8 Shipping Bill No.(i) 9645259 dated 02.11.2017, (ii) 9646524 dated 02.11.2017, (iii) 9766264 dated 08.11.2017, (iv) 9766212 dated 08.11.2017, (v) 9934796 dated 16.11.2017, (vi) 9934898 dated 16.11.2017, (vii) 1031375 dated 21.11.2017 and (viii) 1117112 dated 24.11.2017.

The applicant stated that they had exported "Mackerel Frozen Fish" Covered under Sl. No.40 of MEIS list, but ITC Code in Shipping Bills were mentioned as 03034500 instead of ITC No.03035400 which is now rectified by Customs manually in shipping bills. As per PN No.13 dated 12.06.2018 it was clarified that even if ITC Code is different but description of export product are matching with description of MEIS List, then exporter can file MEIS application. However, they are unable to file claim of MEIS as online server are not accepting of 8 S/Bills No.(i) 9645259 dated 02.11.2017, (ii) 9646524 dated 02.11.2017, (iii) 9766264 dated 08.11.2017, (iv) 9766212 dated 08.11.2017, (v) 9934796 dated 16.11.2017, (vi) 9934898 dated 16.11.2017, (vii) 1031375 dated 21.11.2017 and (viii) 1117112 dated 24.11.2017 for ITC Code No.03034500 or 03035400.

Decision: The Committee discussed the case at length and observed that manual amendments in the Shipping bills (after goods have been exported) are not feasible in the current automated system of MEIS issuance. Accordingly it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 04 M/s Kashmiri Lal Taarun Khanna Pvt. Ltd., Amritsar
F. No. 01/60/162/563/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS against 3 Shipping Bill No.(i) 6977667 dated 18.08.2018, (ii) 7301584 dated 01.09.2018 and (iii) 7682343 dated 19.09.2018.

The applicant stated that they had applied for MEIS claim on 03.12.2018 after appearance of BRC on DGFT Portal in time, but problem was that without proper ITC HS Code, system was not accepting the claim. They are not able to attach any BRC/Shipping Bill, so they cannot file claim in proper way/online. It was Customs fault that they printed wrong HS Code and amendment letter was issued, but system does not accept the amended HS Code. After realization of all the above 3 shipping bills, they tried to upload application for MEIS application claim which shows 'ZERO', because item description printed in shipping bill is correct but ITC HS Code was amended from 51119030 to 51111930 due to mistake on Customs part. After receipt of amendment letter from the concerned port, they again tried for the same within three months after reprint of shipping bill on 09.07.2019, but the system is not accepting their claim.

__Decision__: The Committee discussed the case at length and observed that manual amendments in the Shipping bills (after goods have been exported) are not feasible in the current automated system of MEIS issuance. Accordingly it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 05 M/s Tafe Motors and Tractors Ltd., M.P.
F. No. 01/60/162/597/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS benefit manually against 9 Shipping Bills.

The applicant stated that they are unable to file online MEIS application of their EDI shipping bills which were filed in December, 2016 but LET export dates of these is falling in January, 2017. The had filed the shipping bills in the month of December, 2016 with existing available ITC (HS) Codes 2012 i.e. 87019090 (MEIS @ 3%) and their export consignments were under process. Meanwhile DGFT introduced new ITC (HS) Codes 2017 with effective from 01.01.2017. Then the DGFT online application filing portal was allowing MEIS as per ITC (HS) Codes 2017 where shipping bills LET export date was 01.01.2017 onwards without considering their date of filing. This made restriction on the portal for claiming MEIS of all shilling bills which were filed in December 2016 and LET export dates in January 2017. They have correctly filed their shipping bills with available ITC (HS) Code i.e. 87019090 on which they were eligible for MEIS. Even after change in ITC (HS) Code list there is no change in MEIS status or rate on their product. Only ITC (HS) Code on their product is changed from 87019090 (MEIS @ 3%) to 87019200 (MEIS @ 3%).

__Decision__: The Committee went through the statement made by the applicant and discussed the matter at length. The Committee found that due to changes in MEIS module, the firm has faced the problem which was beyond their control and decided to allow MEIS benefit without late cut against 9 Shipping Bills No.(i)3083438 dated

27.12.2016, (ii)3184005 dated 31.12.2016, (iii)3051413 dated 26.12.2016, (iv)3051433 dated 26.12.2016, (v)3051428 dated 26.12.2016, (vi)3057986 dated 26.12.2016, (vii)3057132 dated 26.12.2016, (viii)3056849 dated 26.12.2016, (ix)3056722 dated 26.12.2016. The firm shall approach RA within 180 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Bhopal/EDI)

Case No. 06 M/s Varroc Engineering Ltd., Aurangabad
F. No. 01/60/162/582/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Condonation of delay in filing MEIS application against 21 Shipping Bill No.(i) 8815316 dated 04.04.2015 (ii) 8829472 dated 06.04.2015 (iii) 8936859 dated 10.04.2015 (iv) 8967946 dated 13.04.2015 (v) 9035840 dated 16.04.2015 (vi) 9159926 dated 23.04.2015 (vii) 9234409 dated 27.04.2015 (viii) 9236788 dated 27.04.2015 (ix) 9259170 dated 28.04.2015 (x) 9314319 dated 30.04.2015 (xi) 9511682 dated 12.05.2015 (xii) 9627485 dated 18.05.2015 (xiii) 9627265 dated 18.05.2015 (xiv) 9699248 dated 21.05.2015 (xv) 9764339 dated 25.05.2015 (xvi) 9812392 dated 27.05.2015 (xvii) 1755354 dated 13.07.2015 (xviii) 1886884 dated 20.07.2015 (xix) 1923985 dated 21.07.2015 (xx) 9032297 dated 23.07.2016 (xxi) 7566530 dated 10.05.2016, due to delay in generation of BRC by the bank.

The applicant stated that their application for MEIS could not be made within time allowed as per para 3.15 and 9.02 of FTP, because the payment against export shipping bills were received in time but the BRC were uploaded by the bank after abnormal delay i.e. after the period allowed for MEIS application. The BRC for some other shipping bills are still being uploaded. Now, the online system of DGFT is not accepting the application for MEIS with eligible incentive amount.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length. The Committee observed that due to delay in uploading of BRC by the banker in DGFT Portal, the firm has faced the problem which was beyond their control and accordingly decided to allow MEIS benefit against all the above mentioned 21 shipping bills. The firm shall approach RA within 180 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No. 07 M/s CII Guardian International Limited, Kochi
F. No. 01/60/162/587/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS No. 3919001647 dated 13.01.2017.

The applicant stated that the subject Authorizations was submitted to Cochin Special Economic Zone, Customs for verification who rejected the request on the ground that the Shipping Bills covered against this authorization did not carry the endorsement of declaration of intent to avail MEIS. They wrote back to the CSEZ, Customs that they had complied with all the other provisions and the endorsement is not mandatory for SEZ exports. The Deputy Commissioner rejected their contention and passed an order-in-Original refusing the verification of authorization. Aggrieved by the stand taken by the Deputy Commissioner Customs, they preferred an appeal before the Commissioner (Appeals) Cochin stating that the decision of the Deputy Commissioner is unsustainable and the power to make amendment in the Shipping Bill vest with Customs Authorities. They prayed that the proper officer should allow amendment of the shipping bills under Section 149 of the Customs Act, permitting endorsement of MEIS intent. The Commissioner rejected the appeal on the ground that the amendment request has been submitted for a large number of shipping bills after much delay of time from the date of export and the appellant had not made their intention clear to claim MEIS at the time of exports. Again aggrieved by the order of the appellate Authority, they filed an appeal before the CESTAT, Bangalore. They would now like to inform that the above appeal before CESTAT, Bangalore has been allowed in their favour. The validity of the above Authorization has expired when the matter was pending in litigation. Therefore their request is now for revalidation of the scrips.

Decision: The Committee discussed the case in detail and observed that MEIS without declaration of intent was not issuable ab-initio. Accordingly, it found no merit in it and hence decided to reject the requests of the firm.

(Action: Applicant)

Case No. 08 M/s CII Guardian International Limited, Kochi
F. No. 01/60/162/586/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS No. 3919001683 dated 20.01.2017.

The applicant stated that the subject Authorizations was submitted to Cochin Special Economic Zone, Customs for verification who rejected the request on the ground that the Shipping Bills covered against this authorization did not carry the endorsement of declaration of intent to avail MEIS. They wrote back to the CSEZ, Customs that they had complied with all the other provisions and the endorsement is not mandatory for SEZ exports. The Deputy Commissioner rejected their contention and passed an order-in-Original refusing the verification of authorization. Aggrieved by the stand taken by the Deputy Commissioner Customs, they preferred an appeal before the Commissioner (Appeals) Cochin stating that the decision of the Deputy Commissioner is unsustainable and the power to make amendment in the Shipping Bill vest with Customs Authorities. They prayed that the proper officer should allow amendment of the shipping bills under Section 149 of the Customs Act, permitting endorsement of MEIS intent. The Commissioner rejected the appeal on the ground that the amendment request has been submitted for a large number of shipping bills after much delay of time from the date of export and the appellant had not made their intention clear to claim MEIS at the time of exports. Again aggrieved by the order of the appellate Authority, they filed an appeal before the CESTAT, Bangalore wherein their appeal before CESTAT, Bangalore have been allowed. The validity of the above Authorization has expired when the matter was pending in litigation. Therefore their request is now for revalidation of the scrips.

Decision: The Committee discussed the case in detail and observed that MEIS without declaration of intent was not issuable ab-initio. Accordingly, it found no merit in it and hence decided to reject the requests of the firm.

(Action: Applicant)

Case No. 09 M/s CII Guardian International Limited, Kochi
F. No. 01/60/162/584/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS No. 3919000780 dated 20.09.2016.

The applicant stated that the subject Authorizations was submitted to Cochin Special Economic Zone, Customs for verification who rejected the request on the ground that the Shipping Bills covered against this authorization did not carry the endorsement of declaration of intent to avail MEIS. They wrote back to the CSEZ, Customs that they had complied with all the other provisions and the endorsement is not mandatory for SEZ exports. The Deputy Commissioner rejected their contention and passed an order-in-Original refusing the verification of authorization. Aggrieved by the stand taken by the Deputy Commissioner Customs, they preferred an appeal before the Commissioner (Appeals) Cochin stating that the decision of the Deputy Commissioner is unsustainable and the power to make amendment in the Shipping Bill vest with Customs Authorities. They prayed that the proper officer should allow amendment of the shipping bills under Section 149 of the Customs Act, permitting endorsement of MEIS intent. The Commissioner rejected the appeal on the ground that the amendment request has been submitted for a large number of shipping bills after much delay of time from the date of export and the appellant had not made their intention clear to claim MEIS at the time of exports. Again aggrieved by the order of the appellate Authority, they filed an appeal before the CESTAT, Bangalore. wherein their appeal before CESTAT, Bangalore have been allowed. The validity of the above Authorization has expired when the matter was pending in litigation. Therefore their request is now for revalidation of the scrips.

Decision: The Committee discussed the case in detail and observed that MEIS without declaration of intent was not issuable ab-initio. Accordingly, it found no merit in it and hence decided to reject the requests of the firm.

(Action: Applicant)

Case No. 10 M/s CII Guardian International Limited, Kochi
F. No. 01/60/162/585/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS No. 3919000771 dated 20.09.2016.

The applicant stated that the subject Authorizations was submitted to Cochin Special Economic Zone, Customs for verification who rejected the request on the ground that the Shipping Bills covered against this authorization did not carry the endorsement of declaration of intent to avail MEIS. They wrote back to the CSEZ, Customs that they had complied with all the other provisions and the endorsement is not mandatory for SEZ exports. The Deputy Commissioner rejected their contention and passed an order-in-Original refusing the verification of authorization. Aggrieved by the stand taken by the Deputy Commissioner Customs, they preferred an appeal before the Commissioner (Appeals) Cochin stating that the decision of the Deputy Commissioner is unsustainable and the power to make amendment in the Shipping Bill vest with Customs Authorities. They prayed that the proper officer should allow amendment of the shipping bills under Section 149 of the Customs Act, permitting endorsement of MEIS intent. The Commissioner rejected the appeal on the ground that the amendment request has been submitted for a large number of shipping bills after much delay of time from the date of export and the appellant had not made their intention clear to claim MEIS at the time of exports. Again aggrieved by the order of the appellate Authority, they filed an appeal before the CESTAT, Bangalore. wherein their appeal before CESTAT, Bangalore have been allowed. The validity of the above Authorization has expired when the matter was pending in litigation. Therefore their request is now for revalidation of the scrips.

Decision: The Committee discussed the case in detail and observed that MEIS without declaration of intent was not issuable ab-initio. Accordingly, it found no merit in it and hence decided to reject the requests of the firm.

(Action: Applicant)

Case No. 11 M/s. Allembic Pharmaceuticals Ltd., Vadodara
F. No. 01/60/162/371/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To accept the description of export item in shipping bills towards fulfillment of EO against Advance Authorisation No.3410043125 dated 25.04.2017.

The applicant stated that they had obtained the above advance authorization under SION No.A2440. They have made imports and also fulfilled the export obligation and submitted application for EO Discharge Certificate to RA Vadodara on 29.04.2019, wherein it informed them to approach PRC. The export product i.e.Azithromycin Dihydrate and import product i.e.Erythromycin Thiocynate (main import item) are classified under same ITC HS Code 29415000. They had mentioned the description of export product exactly as Azithromycin Dihydrate and within bracket 'Erythromycin derivatives and its salts thereof'. Reason is that under MEIS table, the same item was mentioned as Azithromycin Dihydrate. The tariff line 29415000 in the Customs Tariff covers 'Erythromycin and its derivatives; salts thereof', so the salts of Erythromycin as well as derivatives of Erythromycin get covered under the same tariff line in the Customs Tariff.

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Decision: The Committee examined the case in detail and in view of justification provided by the firm it decided to accept the export product description as mentioned in shipping bills towards fulfillment of Export Obligation against Advance Authorization No.3410043125 dated 25.04.2017. The other terms and conditions for fulfillment of export obligation shall remain same as per Policy/HBP provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Vadodara)

Case No. 12 M/s UmasreeTexplast Pvt. Ltd., Ahmedabad
F. No. 01/60/162/615/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Clubbing of Advance Authroisation No.0810106232 dated 01.12.2011 and 0810133415 dated 23.09.2014.

The applicant stated that their request for clubbing is only for regularization purpose. The combined exports of these advance authorizations and its entitlement were more than enough to actually required imported inputs. They do not intend to import any further inputs against their excess exports. The entire EO was fulfilled within the initial EOP i.e. within 20 months from the earliest authorization. Both these advance authorizations were issued under normal category without any prior import conditions with similar Customs Notification. Though the above Advance Authorisations were issued with the same SION, the inputs are common and the aggregate exports and the import entitlements thereof are enough to fulfill the obligation to actually imported inputs and these easily accountable as per ratio allowed under SION norms with the required value additions. The entire imported inputs of above advance authorizations were fully consumed in manufacturing of export products and the resultant export products were also exported and proceeds thereof are also realized. Thus, if the clubbing is not allowed this will amounts to export of finished goods along with duty and the financial burden on them even after consuming of all inputs in export shipment only. The above advance authorizations were issued within the gap of 32 months from the date of issuance of earliest authorization and covered in terms of provision under Para 4.20.3 of FTP 2009-14 clubbing of Advance Authorization issued within 36 months.

Decision: The Committee went through the submission made by the firm and noted that the policy provisions on clubbing of advance authorisations are very clear. Accordingly, after discussing the matter in detail found no merit in the firm's case and decided to reject the request of the firm for relaxation in the policy for clubbing.

(Action: Applicant)

Case No. 13 M/s SBL Colourtech Pvt. Ltd., Mumbai
F. No. 01/60/162/593/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in E.O. period against Advance Authorisation No.0310808587 dated 20.10.2016 only for regularisation purpose.

The applicant stated that they had not made any export against this license in original period i.e. upto 20.04.2018, but they had made import of 1911.00 kgs out of 5000.241 Kgs (38.22%). They have taken 1st EO Extension upto 20.10.2018 from RA Mumbai and made export quantity of 2350.00 kgs out of 8157.00 Kgs (28.80%). They have already made export of 900.00 kgs under Shipping Bill No.8690887 dated 02.11.2018 i.e after 12 days of 1st EO extension. They have already fulfilled EO as per their import made i.e. Pro-rata basis. They have already paid 5% penalty of the unfulfilled EO to RA, Mumbai for 2nd EO Extension for 12 days only for regularization prpose.

Decision: The Committee examined the case in detail and noted that there is merit in the firm's case and therefore decided to allow 2nd EOP extension up to 02.11.2018 of Advance Authorization No.0310808587 dated 20.10.2016 for regularization purpose subject to payment of composition fee @ 1% per month on the unfulfilled FOB value on expiry of first EO extension. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No. 14 M/s SAS International, Gurgaon
F. No. 01/60/162/29/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in E.O. period 4 Annual Advance Authorizations No.(i) 0510390018 dated 30.07.2014, (ii) 0510395575 dated 10.09.2015, (iii) 0510392102 dated 21.11.2014 and (iv) 0510393955 dated 24.04.2015.

The applicant stated that as per PRC decision taken in its Meeting No.04/AM20 dated 01.05.2019, they had approached CLA New Delhi with requisite documents and a demand draft of the composition fee payment on 07.06.2019 but were told to make the composition fee payment through online mode instead submitting a Demand Draft for the composition fee payment. Subsequently, their logistics manager resigned from his job and due to a medical emergency with a family member of their manager concerned with the overall supervision of export and import documentation and responsible for keeping records of the annual advance authorization had to travel out of town. On his return, they paid the composition fee online and submitted the documents on 01.07.2019 to CLA New Delhi which was 12 days after the stipulated date as per PRC decision. However, taking the cognizance of delay in submission of the documents and online payment of composition fees, CLA New Delhi did not consider the extension of EOP granted to them and instead issued a notice to them.

Decision: The Committee examined the case in detail and in view of justification provided by the firm and as already decided in the last PRC meeting no. 4/20 dated 1.5.2019, it decided to allow EOP extension upto 31.03.2020 of two Annual Advance Authorizations No.(i) 0510390018 dated 30.07.2014, (ii) 0510392102 dated 21.11.2014 (subject to payment of composition fee @ 1% per month of the extension period (3 months) granted, as above, on the unfulfilled FOB value. The Committee noted that this is the last extension and no further request would be considered by it.

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

(Action: Applicant/CLA Delhi)

Case No. 15 M/s Pinnacle Clothing Co., Noida
F. No. 01/60/162/418/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Regularisation of export made beyond EOP against Advance Authorisation No.0510399316 dated 02.08.2016.

The applicant stated that they had obtained the subject authorization with the initial EOP of 18 months and got 1st EOP extension upto 24 months i.e.02.08.2018. They applied for 2nd EOP extension upto 30 months, but due to non-fulfillment of 50% EO within 24 months, RA has not granted the same. They have completed 48.97% EO within 24 months. They had orders in hand which were supposed to be dispatched within EOP, but could not dispatch as their customers had cancelled the orders. Their customer told them to dispatch the goods in the months of January 2019 - March 2019 and the goods had already been dispatched vide Shipping Bill No.2423299 dated -1.03.2019, 2423935 dated 01.03.2019, 2426080 dated 01.03.2019, 2261461 dated 23.02.2019, 2248701 dated 22.02.2019, 2184525 dated 20.02.2019, 2118050 dated 18.02.2019, 1538348 dated 24.01.2019 and 1742403 dated 01.02.2019.

Decision: The Committee examined the case in detail and noted that there is merit in the firm's case and therefore decided to allow EOP extension up to 02.03.2019 of Advance Authorization No.0510399316 dated 02.08.2016 for regularization purpose subject to payment of composition fee @ 1% per month on the unfulfilled FOB value on the date of expiry of first EOP extension. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA Delhi)

Case No. 16 M/s Star Boxes India Pvt. Ltd., Tamil Nadu
F. No. 01/60/162/605/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in E.O. period upto 57 months of Advance Authorisation No.0410110731 dated 08.01.2010.

The applicant stated that they had fulfilled 51.66% EO in quantity and value wise within valid of EOP and balance EO 48.34% out of the EO Period. The EO was completed by 20.09.2014; whereas as per the license issue date the EO had expired on 07.01.2013. This is due to global recession and huge lack of electricity, the product was not achieved and they were not in a position to supply the product to their customer within the stipulated time period. Exports/supplies have already been completed and proceeds realized. Hence, requested to consider the exports effected beyond EOP for redemption and purpose of closure.

Decision: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

(Action: RA/Applicant)

Case No. 17 M/s Alkaloids Corporation, Kolkata
F. No. 01/60/162/577/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in E.O. period against Advance Authorisation No.0210206771 dated 20.06.2016.

The applicant stated that they were required to export 1727.12 kgs of "Noscapine BP/ NOSCAPINE HYDROCHLORIDE BP" to fulfill the EO within a period of 18 months as per Adhoc Norms. But unfortunately, due to an inadvertent error on their part in calculation of the quantity to be exported by them, they actually exported 1619 kgs which is almost 93.74% in terms of quantity and 136.50% in terms of value with a shortfall in exports by 108.115 kgs (Almost 6.26%). These exports were completed in August 2017, whereas they still had enough time to fulfill the balance exports of 108.115 kgs within 20.12.2017, but only due to the inadvertent error in judgment of the actual quantity to be exported, the aforesaid shortfall happened. This only came to their knowledge, when the same was raised by the RA Kolkata. Hence, requested to allow them just one extension of 6 months from the date of endorsement to enable them to fulfill the EO and redeem the case.

Decision: The Committee examined the case in detail and in view of justification provided by the firm, decided to allow EOP extension up to 31.03.2020 of Advance Authorization No.0210206771 dated 20.06.2016 subject to payment of composition fee @ 0.5% per month of the extension period (3 Months) granted, as above, on the unfulfilled FOB value. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Kolkata)

Case No. 18 M/s Geltec Private Limited, Mumbai
F. No. 01/60/162/350/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Regularisation of 2 Advance Authorisation No.0310821487 dated 06.06.2018 and 0310821491 dated 06.06.2018.

The applicant stated that they had been importing Cod liver Oil and Fish Lipid oil for several years under Advance authorization Scheme. On all occasions, ad-hoc norms were fixed by NC. They had imported 20,900 kgs of COD Liver Oil under the Advance Authorization No.0310821487 dated 06.06.2018 and Fish lipid oil against AA no. 0310821491 dated 06.06.2018. However, Norms Committee has rejected their request for fixation of ad-hoc norms for Advance Authorization No.0310821491 dated 06.06.2018 for import of Fish Lipid Oil and No.0310821487 dated 06.06.2018 for import of Cod Liver Oil. The current import was made under bonafide belief that ad hoc norms would be fixed as in the past. They will not import any more COD Liver Oil / Fish Lipid Oil unless the SION Norms are fixed. Hence, requested to fix the norms in these 2 cases as imports have already been made.

Decision: The Committee discussed the case at length and observed that AA on self-declaration basis as per Para 4.07 of the HBP are not allowed in case of non-eligible items indicated under Para 4.11 of the FTP 2015-20. But still many of the RAs have been found issuing such AAs, which is not acceptable. It decided to ask PC 4 division in DGFT Hqrs to issue a Trade Notice in this regard. In this case, in view of justification provided by the firm, Committee agreed to the request of the firm for regularization of Advance Authorization No.0310821487 dated 06.06.2018 and 0310821491 dated 06.06.2018. It decided that NC-VI Division may fix the norms of subject authorizations only for regularization of export and import already made by the firm.

(Action: Applicant/RA, Mumbai/PC 4/ NC-VI Division)

Case No. 19 M/s Larsen & Toubro Ltd., Mumbai
F. No. 01/60/162/619/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of Import License No.0350003531 dated 21.02.2018.

This is regarding decision of PRC Meeting No.09 /AM20 dated 25.06.2019 – case No.33, wherein the Committee decided to allow revalidation period up to 30.04.2020. The applicant stated that due to oversight the contracted duration was erroneously mentioned as 30.04.2010. As per MOD's contract dated 21.04.2017 the delivery schedule is 42 months from the contract date, which is upto October, 2020.

Decision: The Committee went through the statements made by the firm and noted that the delivery schedule is 42 Months from the MOD's Contract dated 21.04.2017, hence decided to accede to the request and allowed revalidation up to 31.10.2020 of Import License No.0350003531 dated 21.02.2018. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumbai)

Case No. 20 M/s Larsen & Toubro Ltd., Mumbai
F. No. 01/60/162/618/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of Import License No.0350003528 dated 20.02.2018.

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This is regarding decision of PRC Meeting No.14/AM20 dated 06.10.2019 – case No.59, wherein the Committee decided to allow revalidation period up to 30.04.2020. The applicant stated that due to oversight the contracted duration was erroneously mentioned as 30.04.2010. As per MOD's contract dated 21.04.2017 the delivery schedule is 42 months from the contract date, which is upto October, 2020.

Decision: The Committee went through the statements made by the firm and noted that the delivery schedule is 42 Months from the MOD's Contract dated 21.04.2017, hence decided to accede to the request and allowed revalidation up to 31.10.2020 of Import License No.0350003528 dated 20.02.2018. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Mumnbai)

Case No. 21 M/s Gracure Pharmaceuticals Ltd., New Delhi
F. No. 01/60/162/542/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Waiver from submission of destruction certificate against Advance Authorisation No.0510399972 dated 21.09.2016 for redemption purpose.

The applicant stated that they have received the total export order Doxy-200 Tablets – 37,76,000 Tabs. They imported the Doxycycline Monohydrate - 770 kgs as per calculation of Drug License, each uncoated tablets contains Doxycycline USP 200 mg on anhydrous basis i.e. as Doxycycline Monohydrate – (37,76,000/1000000*200 =755.20+2%= 770.304 kgs). As per MOH Certificate No.DC/06/842 dated 07.08.2006 – explanatory Doxy-200 mg Tablets – 200 mg of Doxycycline base about 208.10 mg of Doxycycline Monohydrate. They have consumed the raw material as per MOH Certificate. Total export tablets is 37,60,000- (37,60,000 / 1000000*208.10 +782.456 kgs + 2% = 798.105 kgs). Excess quantity which is 27.801 kgs, they have used their next Advance Authorisation No.0510401858 dated 06.03.2017. They filed their application for redemption to CLA New Delhi, however, received a deficiency letter informing to produce destruction certificate or proof of showing export made utilizing the excess material imported of the excess import of Doxycycline Monohydrate (2.96 kgs). They have consumed all the raw material as per above mentioned MOH calculation. They have already deposited the customs duty + interest on excess import of Doxycycline monohydrate (2.96 kgs) vide TR 6 Challan No.55326 dated 26.01.2018 for Rs.6050/-.

Decision: The Committee went through the statements made by the firm in their application and after deliberations, it decided to waive the requirement of destruction certificate from Excise Authorities against Advance Authorisation No.0510399972 dated 21.09.2016 only for redemption purpose subject to the condition that the applicant would submit an affidavit-cum-indemnity bond in order to indemnify the Government for any harm or loss occurring due to diversion of unregistered materials to the domestic market that may be detected in future by any Authority. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA, Delhi)

Case No. 22 M/s Industrial Exim Pvt. Ltd., New Delhi
F. No. 01/60/162/617/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS/FOCUS License No.3319010011 dated 01.09.2017, 3319001581 dated 12.12.2014, 3319002256 dated 03.03.2015 and 3319002381 dated 17.03.2015.

The applicant stated that the Customs vide Order No.01/Refund/ ICD-Loni/2019 dated 16.10.2019 and 76/refund/Noida Customs/2019 dated 17.10.2019 has ordered refund in the concerned MEIS & FOCUS Licenses through which duty was debited at the time of clearance of Goods. The Licenses had expired in the duration of the appellate process and the debiting of the same is not possible.

Decision: The Committee went through the statements made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, the Committee decided to reject the request of the firm.

(Action: Applicant)

Case No. 23 M/s Industrial Exim Pvt. Ltd., New Delhi
F. No. 01/60/162/613/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of MEIS/FOCUS License No.0519090835 dated 25.09.2017, 0519090838 dated 25.09.2017, 0519025654 dated 01.05.2015, 0519020592 dated 20.02.2015, 0519023223 dated 24.03.2015, 0519021275 dated 27.02.2015, 0519021276 dated 27.02.2015, 0519013903 dated 02.12.2014, 0519018871 dated 29.01.2015, 0519018870 dated 29.01.2015, 0519021272 dated 27.02.2015, 0519019049 dated 02.02.2015, 0519019457 dated 09.02.2015 and 0519019272 dated 04.02.2015.

The applicant stated that the Customs vide Order No.01/Refund/ ICD-Loni/2019 dated 16.10.2019 and 76/refund/Noida Customs/2019 dated 17.10.2019 has ordered refund in the concerned MEIS & FOCUS Licenses through which duty was debited at the time of clearance of Goods. The Licenses had expired in the duration of the appellate process and the debiting of the same is not possible.

Decision: The Committee went through the statements made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, the Committee decided to reject the request of the firm.

(Action: Applicant)

Case No. 24 M/s Industrial Exim Pvt. Ltd., New Delhi
F. No. 01/60/162/616/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of FOCUS License No.1319002385 dated 02.01.2015 and 1319002393 dated 02.01.2015.

The applicant stated that the Customs vide Order No.76/refund/Noida Customs/2019 dated 17.10.2019 has ordered refund in the concerned FOCUS Licenses through which duty was debited at the time of clearance of Goods. The Licenses had expired in the duration of the appellate process and the debiting of the same is not possible.

Decision: The Committee went through the statements made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, the Committee decided to reject the request of the firm.

(Action: Applicant)

Case No. 25 M/s Gas Processing Equipment, Pune
F. No. 01/60/162/621/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: To allow MEIS benefit for the export made to Uzbekistan through Bandar Abbas, Iran without e-BRC on the basis of FIRC against 3 time barred Shipping Bill Nos.(i) 3531096 dated 13.10.2015 (ii) 5096929 dated 05.01.2016 and (iii) 5817840 dated 15.02.2016.

The applicant stated that they had supplied H2S Removal System in 04 parts, one was Merchanting trade, and other 3 were at JNPT Mumbai, which were handled by Customer's freight forwarder and shipped/export to Uzbekistan (land-lock country) via "Bandar Abbas-Iran". For the above 3 shipping bills they had filed under MEIS scheme and received all the money from Industry Construction Equipment FZE in Deutsche Bank (Audit Branch). After receipt of the whole money, they had submitted all the documents to Deutsche Bank for export regularization and issuance of e-BRC. However, after few months, bank has rejected the said transaction on the grounds of sanctioned country. The goods had landed in Bandar Abbas, Iran and from there went to Uzbekistan by road. Bank said that they cannot handle this shipment as shipment had landed in Iran (sanctioned country). Similarly, they have tried to other banks i.e. HDFC, IDBI, Indusind, UCO, Central Bank of India, Oriental Bank of Commerce, SBI, etc., but rejected the transaction on the same ground. They had taken up the matter with RBI, wherein told them their inabilities to intervene. While visited RA, Pune, they were informed of the new facility to avail MEIS benefits for exports to OFAC countries (Iran/Sudan/Libya) without e-BRC.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to PC-3 Division for its examination and thereafter the matter will be brought back to PRC.

(Action: PC-3 Division)

Case No. 26 M/s M.M. Aqua Technologies Ltd., Gurgaon
F. No. 01/60/162/297/AM16/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: **Permission to accept of supply under Deemed Export effected vide E-com Ref No. which has been finally ratified by E.Com File Number and issuance of Authorizations No.0510212822 dated 30.11.2007 and withdrawal of DEL status in-spite of submission of documents in terms of Para 4.25 of HBP.**

Decision: The committee went through the statement made by the firm in its 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: Applicant/PRC Section)

PH Case No. 27 M/s. Biocon Limited, Bangalore
F. No. 01/60/162/112/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: **To allow Chapter 3 benefit (MEIS) against 18 shipping bills in which inadvertently "No" mentioned in reward column.**

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 28 M/s Tega Industries (SEZ) Limited, Gujarat
F. No. 01/60/162/628/AM19/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: **To allow MEIS benefit against 2 F.No. of Kandla SEZ (1) 37/21/090/80284/AM17 (5 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) and (2) F.No.37/21/090/80373/AM17 (11 Shipping Bill No. (i) 2057 dated 10.04.2015, (ii) 2058 dated 10.04.2015, (iii) 2060 dated 10.04.2015, (iv) 2061 dated 10.04.2015, (v) 2240 dated 21.04.2015, (vi) 2387 dated 28.04.2015, (vii) 2422 dated 29.04.2015, (viii) 2423 dated 29.04.2015, (ix) 2424 dated 29.04.2015, (x) 2425 dated 29.04.2015 and (xi) 2258 dated 22.04.2015.**

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri Krishna Pal Sing, Senior Manager – Finance and Accounts appeared on behalf of the firm and made the following submissions:

The applicant stated that eligibility of MEIS claim against above 16 shipping bills was not considered by concerned office of Kandla SEZ Authority due to inadvertently non endorsement of "Intent Declaration for MEIS benefit" in terms of para 3.14 of hand book of procedures. However, concerned authorized officer of Customs, Dahej SEZ Zone, Dist-Bharugh have issued No Objection Certificate (NOC) mentioning that "the shipping bills are genuine and the office has no objection if the intent declaration in the said shipping bills are treated as intent to claim MEIS. They have earlier submitted the request before the authority to allow benefit of MEIS claim in terms of

PN No.40/2015-2020 dated 09.10.2015 where the exports have been made between 01.04.2015 to 31.05.2015.

Decision: The Committee having reviewed the case on the basis of justification furnished by the firm and observed that there is no merit in firm's contention and decided to maintain rejection of the request of the firm as in earlier PRC Meeting No.31/AM19 dated 19.02.2019.

(Action: Applicant)

PH Case No. 29 M/s Zydus Takeda Healthcare Pvt. Ltd., Mumbai
F. No. 01/60/162/91/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Revalidation of shipping bills for MEIS.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri Kiran N. Gupte, Deputy Manager – Import Export and Ms. Jyoti Pal, Joint Partner appeared on behalf of the firm and made the following submissions:

This is review case of PRC decision taken in its Meeting No.06/AM20 dated 21.05.2019. The applicant stated that their request should be considered on the basis of NOC given by Customs Authorities under section 149 of the Customs Act, 1962. They had fulfilled all the mandatory conditions in order to claim benefit of MEIS on export of goods. The procedural / technical difficulties namely inadvertently mentioning of 'N' instead of 'Y' should not disentitle the claim of applicant on merits. The beneficial schemes must be liberally construed.

Decision: The Committee having heard and reviewed the case on the basis of justification furnished by the firm observed that there is no merit in firm's contention and decided to maintain rejection of the request of the firm as in earlier PRC Meeting No.06/AM20 dated 21.05.2019.

(Action: Applicant)

PH Case No. 30 M/s Lohia Corp Ltd., Kanpur
F. No. 01/60/162/839/AM19/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Condonation of delay to file application of FPS/FMS benefit against 8 files.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 31 M/s Chhotanagpur Rope Works Pvt. Ltd., Kolkata
F. No. 01/60/162/486/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Clubbing to 2 Advance Authorization No.0210206623 dated 19.04.2016 and 0210207898 dated 17.10.2017 towards discharge of EO.

<u>**Decision:**</u> The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 32 M/s Centex International Pvt. Ltd., Ludhiana
F. No. 01/60/162/367/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Regularization of EO against Advance Authorization No.3010103430 dated 18.03.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri C.A. Sumit Kumar, CEO appeared on behalf of the firm and made the following submissions:

The applicant stated that the export obligation against above authorization was not fulfilled within the prescribed time limit due to the cancellation of few of their big export orders of M/s. the GAP Inc, as the company was in financial disturbances / glitch and due to sudden slump in the market the products were not saleable. However, the entire EO has been fulfilled beyond EOP i.e. by December, 2018. Hence, requested for extension in EOP for the purpose of regularization the case.

<u>**Decision**</u>: The Committee examined the case in detail and heard the representative of the firm. It observed that the exports were of specified, customized items. It noted that there is merit in the firm's case and therefore decided to allow EOP extension up to December, 2018 of Advance Authorization No.3010103430 dated 18.03.2015, only for regularization purpose subject to payment of composition fee @ 1% per month on the unfulfilled FOB value. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA, Ludhiana)

PH Case No. 33 M/s D. D. International, Amritsar
F. No. 01/60/162/728/AM17/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Condonation for delay in applying for transferability of license and transfer the license for a validity period at least 3 months from the date of issuance of transferability under DFIA No.1210008744 dated 25.06.2013.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 34 M/s Precise Seamless Apparels Pvt. Ltd., Gurgaon
F. No. 01/60/162/510/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in EOP against Advance Authorization No.0510395821 dated 06.10.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri Jacob Varchese, Logistics Manager and Ravi Dhingra, Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they were forced to stop the supply schedule due to commercial reasons arising during the process of fulfillment of EO against the subject authorization. Now they want to utilize the remaining inputs against fresh order available with them due to cancellation of relevant order/ongoing supply schedule as they are exporting specific range of Garments made from state of the art seamless knitted garments machinery imported from Europe. These garments are in vogue today as the technology involved in manufacturing of same offer innumerable health benefits besides offering perfect / fashion fittings, and are mainly exported to developed markets in USA / Europe and Japan. Further stated that due to specific production process adopted in the above seamless knitting technology the Resultant Product (i.e. Garments) is automatically knitted from the attached cones containing specific/different yarn varieties depending on the E-Pattern of the Ordered Garment. Accordingly, above remaining inputs including yarn and other trimming / embellishments imported can be used in other garments having similar technical characteristics / E-Pattern, as against subject authorization to complete the EO. Thus their request is for extension in the EOP.

Decision: The Committee heard the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

PH Case No. 35 M/s Precise Seamless Apparels Pvt. Ltd., Gurgaon
F. No. 01/60/162/522/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

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Subject: **Extension in EOP against Advance Authorization No.0510366707 dated 25.09.2013.**

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri Jacob Varchese, Logistics Manager and Ravi Dhingra, Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they were forced to stop the supply schedule due to commercial reasons arising during the process of fulfillment of EO against the subject authorization. Now they want to utilize the remaining inputs against fresh order available with them due to cancellation of relevant order/ongoing supply schedule as they are exporting specific range of Garments made from state of the art seamless knitted garments machinery imported from Europe. These garments are in vogue today as the technology involved in manufacturing of same offer innumerable health benefits besides offering perfect / fashion fittings, and are mainly exported to developed markets in USA / Europe and Japan. Further stated that due to specific production process adopted in the above seamless knitting technology the Resultant Product (i.e. Garments) is automatically knitted from the attached cones containing specific/different yarn varieties depending on the E-Pattern of the Ordered Garment. Accordingly, above remaining inputs including yarn and other trimming / embellishments imported can be used in other garments having similar technical characteristics / E-Pattern, as against subject authorization to complete the EO. Thus their request is for extension in the EOP.

<u>Decision</u>: The Committee heard the submission made by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm. The applicant is directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within 30 days from the date of uploading of the minutes of meeting.

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

PH Case No. 36 M/s Gopal Fashions Pvt. Ltd., Delhi
F. No. 01/60/162/471/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: **Relaxation of provision of Para 5.4 of FTP which allow export of alternate product from the date of endorsement and condonation of procedural lapse of mentioning other EPCG license number in all S/Bills towards fulfillment of EO EPCG Authorization No.0530144206 dated 27.07.2007.**

<u>Decision:</u> The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 37 M/s Swarnagiri Wire Insulation Pvt. Ltd., Hubli

F. No. 01/60/162/134/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Condonation of non-issuance of bill of exports in respect of exports made to SEZ unit towards fulfillment of EO against EPCG Authorization No.0730004845 dated 10.11.2006.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Ms. Jacinta Malekar, Assistant Manager appeared on behalf of the firm and made the following submissions:

The applicant stated that the bills/invoices for supplies made to SEZ unit have been passed in SEZ by the concerned Customs Office and necessary endorsement have been made on the bills/invoices made for exports and also the necessary details of authorization had been mentioned in the ARE 1. They have fulfilled the primary condition of EPCG Scheme. Other conditions such as installation of Capital Goods etc., have also been complied with. However, Bill of exports were not prepared for these supplies, hence their request is to relax the policy.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and it decided to transfer the case to PC-4 for its examination.

(Action: PC-4 Division)

PH Case No. 38 M/s Shashi Cables Ltd., Kanpur
F. No. 01/60/162/806/AM16/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: 2nd revalidation of Duty Free Import Advance Authorization No.0610029174 dated 28.09.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri V.K. Agarwal, Managing Director appeared on behalf of the firm and made the following submissions:

This is review case of the decision taken by PRC in its Meeting No.10/AM18 dated 06.07.2017 and Meeting No.12/AM20 dated 16.07.2019 wherein, "The Committee noted that the DFIA was issued on 28.09.2012 as per provisions of FTP, 2009-2014. In terms of Para 4.2.2 of FTP, 2009-2014, DFIA can be issued on post export basis and pre-export basis. In case exporter is intending to export first, he will submit online application and after making exports he shall submit export documents for issue of transferable DFIA. In such cases, transferable DFIA is issued having validity of 12 months from date of issuance of DFIA. In case an exporter intends to import duty free goods first, he can submit online application for issue of DFIA with actual user condition. In such cases, Actual User DFIA is issued having initial validity of 12 months to import and 18 months to discharge export obligation which could be extended for further six months on merit. The applicant was aware of these provisions. If they had been facing financial crunch, they should had obtained the DFIA on post export basis so that they could get 12 months' clear time to import. In this case, the applicant was given advantage because the Authorisation was issued

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having validity of 18 months i.e. upto 31.03.2014. The RA has already allowed 6 months' further revalidation. Therefore, the DFIA was remained valid for 24 months as compared to others who are given only 12+6 months' validity. Hence it was a conscious decision by the applicant to get a DFIA for the value and quantities knowing fully their financial position. Therefore, the reasons given do not indicate any genuine hardship. The committee, therefore, did not find any merit to allow further revalidation against the DFIA".
During the personal hearing, firm again pleaded for further revalidation of their DFIA on the ground that they were not aware of the policy provisions and were an SSI unit and exports have been made and they could not utilize the DFIA as it had expired. They had difficulties in obtaining supplies of inputs from M/s Hindalco. They argued that SSI units should have separate policy.

<u>Decision</u>: The Committee heard and reviewed the case on the basis of justification furnished by the firm observed that there is no merit in firm's contention and decided to maintain rejection of the request of the firm as in earlier PRC Meeting No.10/AM18 dated 06.07.2017 and Meeting No.12/AM20 dated 16.07.2019

(Action: Applicant)

PH Case No. 39 M/s Alcon Biosciences Pvt. Ltd., Mumbai
F. No. 01/60/162/152/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Extension in EOP against Advance Authorization No.0317115606 dated 23.11.2012 for regularization purpose.

<u>Decision:</u> The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 40 M/s Shachi Engineering Pvt. Ltd., Pune
F. No. 01/60/162/417/AM20/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Waiver of submission of copy of bill of export for closure against Advance Authorization No.3110066607 dated 01.03.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019. Shri Sanjivani D. Koditkar, Manager – Commercial and Brijesh Kumar, Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that the Bill of Export was prepared by their Customer on their behalf for Rs. 2205158 /- against their total order value of Rs. 6,49,19,272/- (out of which sale value of Rs. 6697075.29 under Advance License). The above bill of export was prepared against Duty Drawback instead of Advance Licenses and they referred same number of Bill of export on all the bills/invoices, as suggested by their

Customer and intimated that they will make necessary changes in bill of export at their end, but not made any changes in the bill of export. SEZ Office demanding copy of Bill of Exports or letter from DGFT certifying they have not claim any amount against Duty Drawback Scheme. Further stated the entire material purchased against the subject advance authorization was totally delivered to SEZ as per intended. However, due to non-availability of Bill of Export they are unable to take back their balance from SEZ.

__Decision__: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 41 M/s Usha Fashions Pvt. Ltd., Maharashtra
F. No. 01/60/162/618/AM19/PRC
PRC Meeting No. 24/AM20 dated 17.12.2019

Subject: Consideration of TED claim against 12 invoices / supplies made after issuance of EPCG License No.0330033030 dated 28.06.2012 but before issuance of invalidation letter.

__Decision:__ The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 42 to 54 M/s SNF (India) Pvt. Ltd., Visakhapatnam
F. No. 01/60/162/279(A) to 279(M)/AM20/PRC
PRC Meeting No 24/AM20 dated 17.12.2019

Subject: To count the export of free shipping bills towards fulfillment of EO against 13 Advance Authorisation No.(i) 0910046320 dated 11.04.2011, (ii) 0910057004 dated 02.08.2013, (iii) 0910055479 dated 21.03.2013, (iv) 0910053767 dated 11.09.2012, (v) 0910046998 dated 06.06.2011, (vi) 0910051535 dated 29.02.2012, (vii) 0910052592 dated 10.05.2012, (viii) 0910057355 dated 26.08.2013, (ix) 0910047331 dated 28.06.2011, (x) 0910052587 dated 10.05.2012, (xi) 0910047332 dated 28.06.2011, (xii) 0910056312 dated 11.06.2013 and (xiii) 0910054490 dated 12.12.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 17.12.2019, Shri P. Raghunadha Rao, Deputy General Manager appeared on behalf of the firm and made the following submissions:

The applicant stated that they are a subsidiary of SNF France and are an AEO as well as status holder. They have fulfilled their EO and applied for EODC against these 13 Advance authorizations. They also paid duty and interest for the excess utilization of raw materials in these authorizations, wherever applicable. But at the time of making exports in all these cases, clearing agent who prepared shipping bills could not get the advance license number/file since it was showing error. As a result, their CHA have mentioned file number/license number in the description column of all the shipping bills resulting in generation of free shipping bills. They could not hold the shipment due to vessel schedule etc and also there is no provision to file shipping bill manually. All other export documents such as ARE-1, Packing list, invoices, etc., duly contained file/license number. All the consignments effected under the supervision of Excise Authorities and stamp of Customs and Excise Authorities affixed on all the documents. At the request of the PRC, firm also submitted authorization wise details of the problems faced.

Decision: The Committee went through the statement made by the applicant and observed that due to the transmission errors of file/license numbers, firm has faced the problem which was beyond their control. Therefore it decided to count the export of the free Shipping Bills towards fulfillment of EO against these 13 Advance Authorisations as mentioned above, subject to fulfillment of the following conditions:-

i. Composition fee of Rs.200/-per shipping bill shall be imposed.
ii. Relevant Advance Authorization number/file number should be mentioned in all the shipping bills.
iii. All other relevant export documents like ARE-1, Invoice etc should also contain relevant file/license number.
iv. RA shall ensure that subject shipping bills have not been taken into account in any other Advance Authorization for discharge of export obligation.
v. The applicant would submit an affidavit-cum-indemnity bond in order to indemnify the Government for any harm or loss occurring due to utilization of these shipping bills towards fulfilment of EO against these Advance Authorisations.

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

(Action: RA, Hyderabad/Applicant)

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