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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting held on 07.01.2020 under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.26/AM20 held on 07.01.2020

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 Hardeep Singh — Addl. DGFT
6. Shri Anil Aggarwal — Addl. DGFT
7. 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 Dev Ansh Exports Pvt. Ltd., New Delhi	1
2.	M/s Repro India Ltd., Mumbai	2
3.	M/s Sunita Exports, Mumbai	3
4.	M/s Glambia Performance Nutrition (India) Pvt. Ltd., Mumbai	4
5.	M/s Biocon Limited, Bangalore	5
6.	M/s Westbridge Capital India Advisors Pvt. Ltd., Bangalore	6
7.	M/s Trident Global Corporation Limited Punjab	7
8.	M/s Trident Limited, Ludhiana	8
9.	M/s Welspun Cor. Limited, Gujarat	9
10.	M/s Trident Forgings (P) Ltd., Chennai	10
11.	M/s D.D. International, Amritsar	11
12.	M/s Graziano Transmission India Pvt. Ltd., Noida	12
13.	M/s Tonbo Imaging India Pvt. Ltd., Bangalore	13
14.	M/s Jay Em Exports, Chennai	14
15.	M/s Maini Precision Products, Bangalore	15
16.	M/s Ajanta Pharma Ltd., Mumbai	16
17.	M/s Achiever Creations Pvt. Ltd., Gurgaon	17 & 18
18.	M/s Nico Extrusion Pvt. Ltd., Mumbai	19
19.	M/s Anjani Technoplast Ltd., Noida	20 & 21
20.	M/s Fitex Industries Limited, Ludhiana	22

21.	M/s Gazebo Industries Ltd., Mumbai	23
22.	M/s Rockdude Impex Private Limited, Maharashtra	24
23.	M/s Skylark Proteins Pvt. Ltd., Jind	25
24.	M/s Swati Menthol & Allied Chemicals Ltd., Moradabad	26
25.	M/s VCare Engineering Private Limited, Vadodara	27
26.	M/s Renault Nissan Techno.ogy & Business Centre India Private Limited,	28
27.	M/s NVR & Co., Virudhunagar (TN)	29
28.	M/s Feenix Agro Products, Virudhunagar (TN)	30
29.	M/s Hira Export, Dinajpur (WB)	31 & 32

PH Case No. 01 M/s Dev Ansh Exports Pvt. Ltd., New Delhi
F. No. 01/60/162/456/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Condonation of delay to file Chapter-3 benefit against 5 RA File No. 05/51/087/50006/AM20 (ii) 05/51/087/50008/AM20 (iii) 05/51/087/50011/AM20 (iv) 05/51/087/50012/AM2/ & (v) 05/51/50013/AM20.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Anup Sharma, Director appeared on behalf of the firm and made the following submissions:

The applicant stated that they had applied for FPS claims against 53 shipping bills after respective BRCs of the same appeared on the portal. The payment was realized in time but the problem was that without uploading of these BRCs, they cannot attach any BRC with the shipping bills. Therefore, they could not file their claim in time. When they found BRC reflected on e-com portal, they applied within two months i.e. on 30.05.2019, but CLA, New Delhi has rejected their case as time barred.

Decision: The Committee went through the statements made by the firm and decided to defer the case and write a letter to the concerned Bank to provide reasons for delay in uploading the e-BRCs in the DGFT Portal, under intimation to the firm for taking the decision in the matter.

(Action: Applicant/PRC-Division)

PH Case No. 02 M/s Repro India Ltd., Mumbai
F. No. 01/60/162/589/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To condone the time limit for filing MEIS application against time barred shipping bills.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s Sunita Exports, Mumbai
F. No. 01/60/162/363/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To allow supplementary MEIS benefit against subsequently issued BRC against three shipping bill No.9984425 dated 29.12.2018, 3971956 dated 04.04.2018 and 377151 dated 26.03.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Alok Dhanuka, Proprietor appeared on behalf of the firm and made the following submissions:

The applicant stated that they had applied for supplementary MEIS claims against subsequently issued BRC for the above 03 shipping bills numbers, as these shipping bills have been applied by mistake for partial amount. During the application it got automatically added to their file and so it got applied by mistake. They are small exporter and the amount is substantial around Rs.5,00,000/-. In Agri-business they work on very small margin and in order to get more orders, they pass on part of the MEIS benefit which they will be getting from their overseas buyer. Hence, requested to consider and allow them to claim supplementary MEIS.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and observed that there is a mistake on the part of the firm and there is no provision in the automated system to consider such request. Accordingly, it found no merit in the request and decided to maintain rejection of the earlier decision of PRC in its Meeting No.17/AM20 dated 27.08.2019.

(Action: Applicant)

PH Case No. 04 M/s Glambia Performance Nutrition (India) Pvt. Ltd., Mumbai
F. No. 01/60/162/595/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Relaxation of Para 3.08(f) of FTP 2015-20 to claim SEIS benefit for FY 2016-17, 2017-18 and 2018-19.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 05 M/s Biocon Limited, Bangalore
F. No. 01/60/162/112/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To allow Chapter 3 (MEIS) benefit against 17 shipping bills in which inadvertently 'No' mentioned in reward column.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Anandram Sankar, Manager – Indirect Taxes appeared on behalf of the firm and made the following submissions:

The applicant stated that they had filed 17 shipping bills by inadvertently ticking as "No" instead of "Yes" in the "reward" column of shipping bills. However, the intent of claiming the MEIS reward has been declared affirmatively, in wordings, in the said shipping bills. Trade Notice No.24/2018 dated 21/02/2018 was issued by DGFT to collect information of such cases and consider the matter. Since, the intention of claiming reward was declared in affirmative, in wording, inadvertent ticking of reward column as "No" instead of "Yes" while filing shipping bills is a procedural lapse, which can be condoned and MEIS incentive for the aforesaid shipping bills be granted.

Decision: The Committee discussed the case and observed that conversion from 'N' to 'Y' is not feasible in the current automated system and transmission of such shipping bills from ICEGATE to DGFT system is not possible. Moreover there is a lapse on the part of the firm. Committee found no merit in the request and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.07/AM20 dated 28.05.2019.

(Action: Applicant)

PH Case No. 06 M/s Westbridge Capital India Advisors Pvt. Ltd., Bangalore
F. No. 01/60/162/392/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To allow SEIS benefit for the F.Y. 2015-16.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Vikas Gupta, Finance Controller appeared on behalf of the firm and made the following submissions:

This is a review case of PRC Meeting 18/AM20 held on 03.09.2019. The applicant stated that due to certain technology glitch in the context of generation and auto-population of specified paramaters in its online application form at the DGFT Portal, WCIAPL was unable to file SEIS application for FY 2015-16 on the DGFT Portal within the due date of March 31, 2019. Such technology issue was duly intimated and a grievance also raised with EDI team. Even on the error being resolved, they could file their online application on 03.04.2019, therefore there was a delay of 02 days in filing online SEIS application for FY 2015-16 in terms of Para 03.08 of FTP 2015-20. They have made multiple attempts to file SEIS applications within stipulated time period and proof of the same was provided in the meeting. In 4 days, more than 30 attempts were made by them to file their application. However, RA, Bangalore had rejected vide its letter dated 24.05.2019 on ground that the application was time barred (i.e. after 31.03.2019).

Decision: The Committee heard the submission made by the firm and discussed the matter at length and noted that due to technical glitch/error in the online application system, firm has actually suffered for reasons beyond their control and accordingly decided to allow SEIS benefit for the Financial Year 2015-2016 with 10% late cut. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/ RA-Bangalore)

PH Case No. 07 M/s Trident Global Corporation Limited, Punjab
F. No. 01/60/162/328/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Issuance of MEIS for Rs.1037124/- In Trident Gloal Corp. Ltd., (IEC 3012017437) as per amendment in shipping bill inadvertently filed in Trident Ltd., (IEC No.3091002837).

<u>Decision:</u> The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 08 M/s Trident Limited, Ludhiana.
F. No. 01/60/162/555/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Revalidation of three target plus licenses No.0510404152 dated 29.09.2017, 05104044155 dated 29.09.2017 and 0510404156 dated 29.09.2017.

<u>Decision:</u> The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 09 M/s Welspun Corp. Limited, Gujarat
F. No. 01/60/162/488/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Revalidation of Advance Authorisation No.3410043326 dated 05.07.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Suresh Darak, President – Exim & indirect Taxes appeared on behalf of the firm and made the following submissions:

The applicant stated that as per PN No.63 dated 27.12.2018, they had submitted their request for 2nd revalidation & amendment in export and import items quantity & value to RA Vadodara on 15.03.2019. Their original Advance Authorisation No.3410043326 dated 05.07.2017 is still with RA, Vadodara Office since 15.03.2019 till date. There has been no response to the firm from RA in the meanwhile. Hence, requested for 2nd revalidation of 06 months from the date of endorsement.

Decision: The Committee examined the case in detail and noted that the circumstances stated by the firm above were beyond the control of the firm and therefore decided to allow revalidation of the above advance authorization 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-Vadodara)

PH Case No. 10 M/s Trident Forgings (P) Ltd., Chennai
F. No. 01/60/162/213/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: 2nd Extension in EOP of EPCG authorisation No.0430009333 dated 27.12.2010.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 11 M/s D.D. International, Amritsar
F. No. 01/60/162/728/AM17/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

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

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Pradeep Tayal and Ms. Suman Bansal, Authorised Representatives appeared on behalf of the firm and made the following submissions:

This is a review case of PRC Meeting No.25/AM18 dated 06.12.2017 (Case No.01) with reference to Court Order dated 17.10.2019 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. The applicant stated that they had applied for post export DFIA License Vide No.12/21/76/00008/AM14 dated 21.06.2013 and have been issued License No.1210008744 dated 25.06.2013. The export period for the above license was 18 months and period of shipment (Period of import) mentioned in the license was earlier than export period as follows:-

License no.	Date	Export period	Period of Shipment
1210008744	25.06.2013	24.12.2014	30.06.2014

They had made export within specified period. But BRC's date of few of their shipping bill is 22.09.2015. They applied for transferability of the license on

30.09.2015 (i.e. within one week of BRC). RA, Amritsar has rejected their application vide letter dated 16.10.2015 stating that license has been expired. Hence, requested for grant of condonation of delay in applying of transferability of license with a validity period of at least three months from the date of issuance of transferability. Double bench of High court vide its order dated 17.10. 2019 has asked PRC to look into the matter again with reference to the fact that request of the petitioner was for post-export DFIA and not pre-export DFIA.

Decision: The Committee went through the statements made by the firm and decided to defer the case and seek detailed report from RA, Ludhiana for taking the decision in the matter.

(Action: RA-Ludhiana/PRC-Division)

PH Case No. 12 M/s Graziano Transmission India Pvt. Ltd., Noida
F. No. 01/60/162/620/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To count the export of following 19 shipping bills against Advance Authorisation No.0510395079 dated 24.07.2015 instead of Advance Authorisation No.0510386865 dated 20.05.2014:-
(i) 6727820 dated 29.03.2016, (ii) 6741800 dated 29.03.2016, (iii) 2048971 dated 04.11.2016, (iv) 2065293 dated 05.11.2016, (v) 2370420 dated 22.11.2016, (vi) 2780846 dated 13.12.2016, (vii) 3385471 dated 11.01.2017, (viii) 3621769 dated 23.01.2017, (ix) 3797157 dated 31.01.2017, (x) 4288483 dated 27.02.2017, (xi) 5108343 dated 30.03.2017, (xii) 6131541 dated 17.05.2017, (xiii) 6863095 dated 20.06.2017, (xiv) 7326562 dated 13.07.2017, (xv) 8107196 dated 19.08.2017, (xvi) 8929619 dated 27.09.2017, (xvii) 8994914 dated 29.09.2017, (xviii) 9673197 dated 03.11.2017 and (xix) 1272161 dated 01.12.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Ajay Kumar Pandey, Senior Manager - Accounts appeared on behalf of the firm and made the following submissions:

The applicant stated that they had fulfilled 100% EO and export proceeds realized fully. The 100% EO in terms of quantity has been fulfilled by export of EO product under the above 19 shipping bills was against Advance Authorization No.0510395079 dated 24.07.2015, however, due to inadvertence, Advance Authorization No.0510386865 dated 20.05.2014 continued to be typed on all the above 19 shipping bills in excess of its EO already fulfilled under 39 numbers of shipping bills. The Advance Authorization No.0510386865 dated 20.05.2014 have recently been redeemed with 39 numbers of shipping bills without any export counted from any of the above 19 shipping bills (under current reference). Both Advance Authorization No.0510395079 dated 24.07.2015 & 0510386865 dated 20.05.2014 have been issued to their company for the same export and import products. The error happened because of both the authorizations were operational and in concurrent with ongoing EO fulfillment. They had ensured that the benefit of subject 19 shipping bills have not been taken into account in any other Authorization too for discharge of an EO. The export under Advance Authorisation No.0510386865 dated 20.05.2014 continued despite completion of 100% export obligation fulfillment against 39 shipping bills. This is an error noticed for the first time in over a decade in their company. Hence, requested for condonation and to allow counting of actual physical export made against Advance Authorization No.0510395079 dated 24.07.2015 instead of Advance Authorisation No.0510386865 dated 20.05.2014.

Decision: The Committee examined the case in detail and noted that there is merit in firm's contention and there appeared to be a genuine mistake. Therefore the Committee decided to consider the export made vide above mentioned 19 Shipping Bills against Advance Authorization No.0510395079 dated 24.07.2015 instead of Advance Authorization No.0510386865 dated 20.05.2014 subject to following conditions:

i. Composition fee of Rs.200/- per shipping bill shall be imposed.
ii. The firm shall submit an affidavit to the RA that such shipping bills have not been utilized/will not be utilized in any other advance authorisation.
iii. Firm shall also submit an indemnity bond undertaking to indemnify any loss to the government on account of such shipping bills being used and transferred to the authorisation number 0510395079 dated 24.07.2015.
iv. RA shall also ensure that export product of both the authorizations are same.
v. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

PH Case No. 13 M/s Tonbo Imaging India Pvt. Ltd., Bangalore
F. No. 01/60/162/610/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Condonation of procedural lapse against Advance Authorisation No.0710112881 dated 26.02.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Ankit Kumar, Managing Director appeared on behalf of the firm and made the following submissions:

The application stated that they had fulfilled the EO against above mentioned AA and approached RA, Bangalore regarding EODC. However, it was informed that since export was of SCOMET items, SCOMET authorization was required to be applied by the firm and issued in this case. However firm had neither applied nor obtained SCOMET authorization. There has been a procedural lapse. Further firm stated that they had also received a communication from Customs Authorities seeking to invoke the bank guarantee of Rs.4 crores for non-fulfillment of EO. They are currently working on executing certain important government orders for the Ministries of Defence and Home Affairs. Being a defense start up with such a huge sum of Rs.4 crores withheld for over one year after fulfillment of the EO, they are facing financial hardship to execute these orders on time. Their request is to regularize non-availment of SCOMET authorisation, as exports have already been made.

Decision: The Committee went through the statements made by the firm and decided to defer the case and refer it to SCOMET Division for examination of documents to determine their eligibility of SCOMET License and thereafter the matter will be brought back to PRC for taking decision in the matter.

(Action: Applicant/SCOMET-Division)

PH Case No. 14 M/s Jay Em Exports, Chennai
F. No. 01/60/162/556/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Seeking approval for allowing the export items (wood shaving) falls under HS code No.44014000 which is prohibited.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri S. Jagan Mohan Rao, Authorised Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they are intending to set up DTA unit to carve the wooden logs of pine / Acacia / Eqcalyptus / Birch / Fire Wood from indigenous sources and the machinery which they are planning to install in their unit and produce wood shavings to cater their prospective buyer who are based in Middle East. They will be sourcing the wooden logs of Pine / Acacia etc., etc., only from the authorized agency of Department of Forest through Participating in the action being held by the Department. They would be carving the wood logs to produce wooden shavings. Wood shaving are preferred to use in Poultry Bedding and also used for Mulching or Manure in the farm. Most chicken farmers sell their saws dust supplies Perth after using them for poultry bedding. The wood shaving has enough ammonia and urea to be used manure. Wood Shaving is also used as animal bedding, Horse, Pig and Sheep due to climatic conditions. They understand that bowls made of wood shaving has been categorized as a Prohibited items. They are confident of getting export order to the extent of USD 27,00,000 for the next 3 years. Their overseas prospective buyers prefers wood shaving from India wood due to the fact moisture content will be less comparing to other countries and as of now they are sourcing these wood shaving from countries like Hungary and other countries. Wood shaving are freely exportable in other countries. They intend to invest about Rs.60,00,000/- and set up a Manufacturing unit and export wood shavings which will create the employment of 20 staff and 10 workers. However, unfortunately the wood shaving classified under prohibited category, they are not in a position to proceed further for setting up the unit and exports thereby earning valuable Foreign Exchange.

Decision: Committee after going through the representation observed that no policy relaxation is involved in the case. Accordingly it decided to refer this matter to Export Division in hqrs for its detailed examination and to suitably advice the firm in this regard.

(Action: Applicant/ Export-division)

PH Case No. 15 M/s Maini Precision Products, Bangalore

F. No. 01/60/162/280/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Clubbing of 5 Advance Authorisation No.0710108649 dated 26.08.2015, 0710110120 dated 19.07.2016, 0710110857 dated 28.12.2016, 0710112552 dated 15.12.2017 and 0710113655 dated 27.07.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri S. Sridhar, Vice President - Commercial appeared on behalf of the firm and made the following submissions:

The applicant stated that all the inputs and outputs of above 5 Licenses are same. Export product is Pump body assembly and there is only one customer, whose production has reduced. They have now received wastage approval from DGFT, Delhi which is not acceptable to them & hence they have now requested for review of wastage approved on 09.10.2019, 11.10.2019, 17.10.2019 & 22.10.2019. They have exported excess in the initial three advance authorizations and short in the subsequent 2 advance authorisations. Out of 5 licences for which clubbing is sought for, as regards 2nd line item, they have exported in excess against initial 3 licences and hence there is shortfall in subsequent 2 licenses. As regards 1st line item, even after clubbing, there will be shortfall for which they are ready to pay the duty on the unfulfilled EO.

Decision: The Committee heard the submission made by the firm and discussed the matter at length. In view of specified product and specified customer, it decided to allow clubbing of only first four Advance Authorisation No.(i) 0710108649 dated 26.08.2015, (ii) 0710110120 dated 19.07.2016, (iii) 0710110857 dated 28.12.2016 and (iv) 0710112552 dated 15.12.2017. RA shall ensure that other terms and conditions of the policy/HBP provisions for clubbing are met. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Bangalore)

PH Case No. 16 M/s Ajanta Pharma Ltd., Mumbai
F. No. 01/60/162/524/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Extension in EOP of Advance Authorisation No.0310812157 dated 29.03.2017.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. However, the firm vide email dated 02.01.2020 intimated that they are withdrawing their application as they have decided to close the license on payment of duty on the unutilized import material. Accordingly, the Committee accepted the firm's request for withdrawal.

PH Case No. 17 M/s Achiever Creations Pvt. Ltd., Gurgaon
F. No. 01/60/162/407/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Counting of export of four free shipping bill No.8894933 dated 10.12.2013 (ii)8894935 dated 10.12.2013 (iii)8894810 dated 10.12.2013 and (iv) 8894846 dated 10.12.2013 towards fulfillment of EO against Advance Authorization No.0510367391 dated 03.10.2013.

__Decision:__ The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 18 M/s Achiever Creations Pvt. Ltd., Gurgaon
F. No. 01/60/162/408/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Counting of export of three free shipping bills (5628989 dated 28.09.2011, 5628572 dated 28.09.2011 & 5702761 dated 03.10.2011) toward fulfillment of EO against Advance Authorization No.0510296126 dated 08.07.2011.

__Decision:__ The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 19 M/s Nico Extrusion Pvt. Ltd., Mumbai
F. No. 01/60/162/535/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Clubbing of 2 Advance Authorisation No.0310722016 dated 24.01.2013 and 0310817742 dated 21.08.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Vijay Porwal, Authorised Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they had exported Copper Alloy Ingots under 1st advance authorization but there was a short exports by about 500 MT vis-à-vis imports done. However, now they had completed the balance export obligation but under the 2nd advance authorization against which they have not made any imports of any raw materials. Further stated that there were several factors which impacted non-fulfillment of EO against the original Advance Authorization No.0310722016 dated 24.01.2013. The circumstances were beyond their control due to the consequences of the factory shed collapse when the company lost considerable time and money while dealing and fixing the issues to restart while continuing to incur burden of fixed/variable operating costs. In the process net worth got fully eroded by accumulated losses at the end of FY-2014 and firm was classified as BIFR under Case No.39/2014. Bank classified their Account under NPA and withdrew the working capital lines and they were required to pay back the outstanding dues which they have already fulfilled. Due to the unavailability of the working finance, they were left helpless to continue the exports and fulfill obligation in time.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and observed that there is merit in the firm's case and accordingly decided to allow clubbing of two Advance Authorisation No.0310722016 dated 24.01.2013 and 0310817742 dated 21.08.2017. RA shall ensure that other terms and conditions of the policy/HBP provisions for clubbing are met. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

PH Case No. 20   M/s Anjani Technoplast Ltd., Noida
F. No. 01/60/162/539/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Extension in EOP against Advance Authorisation No.0510275875 dated 28.10.2010.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Ms. Lavina Gupta, Director and Shri R.K. Gupta, Authorised Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they are a manufacturer of Bulletproof Safety Helmets & Jackets which are the "Military Store" as specified in the FTP. They were issued the subject authorization for import of Aramid / Nylon / P.E. Fabrics etc., valued at Rs.5,96,03,154/- for manufacture & export of 11010 number of Bullet Proof Vests, Hard Armoured Insert / Cervical Plates etc., with EO worth Rs.7,81,80,152/-. They had imported 40883.79 Sq.M. of Fabrics etc., valued at Rs.2,41,79,375/-, but by the time of unfair ban, they exported items (2000 Pieces) worth Rs.1,47,91,760/- leaving 53.4% obligation to be fulfilled and the remaining imported material is lying with them. As the aforesaid goods required NOC, the same has been issued by the Department of Defence Production and Supplies, Ministry of Defence, New Delhi after following the Standard Operating Procedure. SOP is also required to be followed while performing ballistic tests of samples and the tender evaluation process for supply of Military Stores for which they were also one of the renderers. Due to certain developments, vide a letter in January, 2011, they were banned for three years, in commercial dealings with all the Departments and Ministries of the Government of India. After lots of efforts, the ban was finally lifted in March, 2014 effective from January, 2011. Consequent to ban, NOC was declined. Arbitrary ban almost ruined them like, all the existing orders lapsed, stocks were depleted, Bank limits were totally used and overdrawn to pay debts, recurring loses roses to 22 crores in a year and more than hundred cores in duration, Bank declared their accounts as NPA. All creditors and Tax Departments filed cases leading to involvement them only to see off & manage the litigations and every other aspects of business become secondary. Therefore, due to extra ordinary involvement in litigations, they could not apply for extension of EOP. Now they are in a position to export and their request is to allow extension in the EOP.

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Decision: The Committee went through the statement made by the applicant and concluded that there is a genuine hardship in this case and therefore decided to allow EOP extension of Advance Authorisation No.0510275875 dated 28.10.2010 for a period of 12 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/CLA-New Delhi)

PH Case No. 21 M/s Anjani Technoplast Ltd., Noida
F. No. 01/60/162/538/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Extension in EOP against Advance Authorisation No.0510246894 dated 29.07.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, Ms. Lavina Gupta, Director and Shri R.K. Gupta, Authorised Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they are a manufacturer of Bulletproof Safety Helmets & Jackets which are the "Military Store" as specified in the FTP. They were issued the subject authorization for import of Aramid Fabrics (single side- GSM 465+/- 10%) 84574.00 SQM and Aramid Fabruc (Double Side – GSM 520+/-) 8375.50 SQM value at Rs.9,63,13,285/- to be used in manufacture of Helmets 35000 numbers with EO worth Rs.17,13,25,000/- . They had imported 22946 Sq.M. of Aramind Fabrics of Single side out of which 796.50 Sq.M. Fabric was returned. Hence balance quantiry is 22149.50 Sq.M. and 1980.60 Sq.M. Aramind Fabrics of Double Side valued at Rs.2,60,64,251/-. But by the time of unfair ban, Helmets worth Rs.1,09,70,106/- were exported leaving 76.34% obligation to be fulfilled and the remaining Aramid fabric is lying with them in the form of Helmet Shells which may be converted to finished Helmets at short notice. As the aforesaid goods required NOC, the same has been issued by the Department of Defence Production and Supplies, Ministry of Defence, New Delhi after following the Standard Operating Procedure. SOP is also required to be followed while performing ballistic tests of samples and the tender evaluation process for supply of Military Stores for which they were also one of the renderers. Due to certain developments, vide a letter in January, 2011, they were banned for three years, in commercial dealings with all the Departments and Ministries of the Government of India. After lots of efforts, the ban was finally lifted in March, 2014 effective from January, 2011. Consequent to ban, NOC was declined. Arbitrary ban almost ruined them like, all the existing orders lapsed, stocks were depleted, Bank limits were totally used and overdrawn to pay debts, recurring loses roses to 22 crores in a year and more than hundred cores in duration, Bank declared their accounts as NPA. All creditors and Tax Departments filed cases leading to involvement them only to see off & manage the litigations and every other aspects of business become secondary. Therefore, due to extra ordinary involvement in litigations, they could not apply for extension of EOP. Now they are in a position to export and their request is to allow extension in the EOP.

Decision: The Committee went through the statement made by the applicant and concluded that there is a genuine hardship in this case and therefore decided to allow EOP extension of Advance Authorisation No.0510246894 dated 29.07.2009 for a period of 12 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/CLA-New Delhi)

PH Case No. 22 M/s Fitex Industries Limited, Ludhiana
F. No. 01/60/162/85/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Condonation of procedural lapse of not mentioning the advance authorisation number and date in 10 shipping bills towards fulfillment of EO of Advance Authorisation No.3010061221 dated 11.05.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Sital Gupta, Managing Director and Shri Rajesh Thakur, Authorised Representative appeared on behalf of the firm and made the following submissions:

This is review case of decision of PRC Meeting No.09/AM20 held on 25.06.2019 (Case No.31). The applicant stated that they had exported 843,165.000 kgs of item Black Pipe and in 10 out of 16 shipping bills, they did not mention authorization number and date due to mistake. However, the authorisation number is available in all the Customs attested invoices. RA, Ludhiana has not considered their case for redemption and had advised them to get the correction done from Customs. Further stated that the amendment cannot be made from the Customs at this stage as exports have already happened. Hence, requested to consider Customs attested invoices for acceptance of EO, where authorization number is available. They have not taken any other benefits on this shipping bills, it was happened due to oversight only.

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.09/AM20 dated 25.06.2019.

(Action: Applicant)

PH Case No. 23 M/s Gazebo Industries Ltd., Mumbai
F. No. 01/60/162/495/AM19/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Regularisation of shipping bill for redemption purpose of shipment effected after 1st EOP but within 2nd EOP against Advance Authorisation No.0310803728 dated 04.04.2016 and additional EOP extension required till 31.12.2018 for balance shipment.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri M.P.S. Bharara, Managing Director appeared on behalf of the firm and made the following submissions:

This is a review case of PRC Meeting No.02/AM20 held on 09.04.2019 (Case No.10). The applicant stated they had paid duty and interest on excess imports made against the subject authorization to the Customs Authority. Customs has made endorsement on the debit sheet of Advance Authorisation No.0310803728 dated 04.04.2016 for payment made for 116.340 MT of P P Granules along with interest. In respect of the utilized quantity they have already made 100% exports in terms of quantity up to 23.10.2018 which are within 30 months of EOP. No further EOP is required. As they have made entire exports against duty free imports and paid duty and interest on excess imports they requested to grant EOP up to 30 months for regularization of exports made up to 23.10.2018.

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 23.10.2018 of Advance Authorisation No.0310803728 dated 04.04.2016 only for regularization purpose subject to payment of composition fee @ 1% per month on the unfulfilled FOB value as on the date of expiry of first extension. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

PH Case No. 24 M/s Rockdude Impex Private Limited, Maharashtra
F. No. 01/60/162/572/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: EOP extension against advance authorisationNo.0310788049 dated 14.08.2014.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 25 M/s Skylark Proteins Pvt. Ltd., Jind
F. No. 01/60/162/602/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Permission to import SILOs machinery under 0% EPCG Scheme.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Neeraj Kumar Mehra, Head – Commercial & IDT, Credit, Treasury, Costing appeared on behalf of the firm and made the following submissions:

The applicant stated that SILOs are integral part of manufacturing process of soya proteins. Grain that comes directly from farms is full of impurities. Grain thus procured is subjected to mechanized system of cleaning, sorting and grading; so that high quality cleaned grain goes into the manufacturing lines. Conventional storage means could deteriorate the quality in terms of increased moisture, exposure to bacteria/fungi etc., increase labour cost, final product cost. Their whole manufacturing process is fully automated. It is essential part of manufacturing process that acts as a necessary buffer to balance the requirement of subsequent processes. The process capacity of the plant is 500x2=1000 TPD. SILOs also help them in maintaining the moisture level of grain at optimum level so as to maintain quality of the finished goods at the level as per the expectation of export market. Hence, requested for permission to import the said machine (SILOs) under 0% EPCG Scheme so that they may contribute towards export as well as earning of precious foreign exchange.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and decided to refer the issue to EPCG-Division for its reconsideration.

(Action: Applicant/EPCG-Division)

PH Case No. 26 M/s Swati Menthol & Allied Chemicals Ltd., Moradabad
F. No. 01/60/162/290/AM19/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Regularisation of export made beyond EOP and grant further extension in EOP against Advance Authorisation No.2910025192 dated 23.01.2015 for a period of 6 months.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020. Shri Ashutosh Rastogi, Assistant Vice President (Purchases) appeared on behalf of the firm and made the following submissions:

The applicant stated that they had imported the quantity of 150,000 kgs of Raw Material under (SION # 61/2278) of the required EO of 91,463 kgs. During the validity period including one extension, they could export the quantity of 17,000 kgs. (18.60%). Due to urgency in export shipments, they are forced to export to a quantity of 33,480 kgs and the remaining quantity could not be exported in view of export contract executed earlier by the European Customers were cancelled for minuscule chemical variation in their exporting goods. Meantime, they got summon letter from DRI, Lucknow to appear before them on 12.09.2019 which they have attended. DRI, Lucknow advised them to deposit the duty + interest (even if it is exported under the above authorization, which was made after EOP). Hence, requested to consider exports made beyond EOP of 33,480 kgs and to allow 6 months time to fulfill the remaining balance EO.

Decision: The Committee examined the case in detail and decided to allow EOP extension up to 20.07.2017 of Advance Authorisation No.2910025192 dated 23.01.2015 only for regularization of export already made beyond EOP subject to payment of composition fee @ 1% per month on the unfulfilled FOB value, on the date of expiry of first EOP extension. The Committee did not allow further extension of EOP and directed to get the case regularized in terms of Para 4.49 of HBP, 2015-

2020 for the shortfall. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

PH Case No. 27 M/s VCare Engineering Private Limited, Vadodara
F. No. 01/60/162/160/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: To allow MEIS benefit without late cut for the export made in F.Y. 2015-16.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 07.01.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No. 28 M/s Renault Nissan Techno.ogy & Business Centre India Private Limited.
F. No. 01/89/180/14/AM-10/PC-2(A)
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Relaxation for Importing a car.

The applicant stated that they are importing left hand drive Passenger Car 'Duster' fitted with Data acquisition System from Renault SAS, France for conducting a Technical Seminar in India on Global Technical Study of instrumentation. They have mentioned that the used car to be imported will be returned after completion of Seminar as per ATA Carnet procedures and the car will not be driven on India Roads. They want to clear the car through Chennai Sea Port (INMAA1). Hence requested to allow them to import the used left hand drive car at Chennai Sea Port (instead of Mumbai Port giving relaxation under clause 1(II)(d)(iv) of Chapter 87 of ITC (HS) 2017, Schedule-I (Import Policy).

Decision: Committee went through the request in detail and after deliberations decided to allow relaxation of port condition and permitted import of used left hand drive car through Chennai Sea Port instead of Mumbai Port.

(Action: Applicant)

Case No. 29 M/s NVR & Co., Virudhunagar (TN)
Main File No.01/60/162/633/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Relaxation for 7 days delay in arrival of import consignment as per vide Bill of Entry No.5619015 dated 09.11.2019 with B/L No.AJD0477005 dated 15.10.2019.

The applicants stated that they had imported Green Mung Beans as per Trade Notice No.38/2019-20 dated 05.11.2019, as per which import could only be made till 31.10.2019. They have specifically informed the shipper that the consignment must reach the destination port (Chennai or Tuticorin Port) before 31.10.2019. However, the consignment got delayed due to unforeseen circumstances of rough weather resulting in congestion at transshipment port and they had been informed by APL that; due to unforeseeable upsurge, Cargo had to change to another vessel/voyage at the transshipment port and intimated new date (rescheduled) of the arrival date as on 07.11.2019 from the original date of 31.10.2019. Finally, shipments of M/s Feenix Agro Products, Virudhunagar (TN) and M/s NVR & Co., Virudhunagar (TN) arrived at Chennai Customs Port on 07.11.2019 at 18:30 hrs. The same has been confirmed by Chennai Customs Port (Chennai-II) vide mail dated 02.01.2020. Therefore, their request is to allow import of Green Mung, already arrived late by 7 days as against the last day notified.

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)

Case No. 30 M/s Feenix Agro Products, Virudhunagar (TN)
Main File No.01/60/162/633/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Relaxation for 7 days delay in arrival of import consignment as per vide Bill of Entry No.5619014 dated 09.11.2019 with B/L No.AJD0474952 dated 12.10.2019.

The applicants stated that they had imported Green Mung Beans as per Trade Notice No.38/2019-20 dated 05.11.2019, which was valid till 31.10.2019. They have specifically informed the shipper that the consignment must reach the destination port (Chennai or Tuticorin Port) before 31.10.2019. Though, the consignment got delay due to unforeseen circumstances of rough weather resulting in congestion at transshipment port and they had been informed by APL that; due to unforeseeable upsurge, Cargo had to change to another vessel/voyage at the transshipment port and intimated new date (rescheduled) of the arrival date as on 07.11.2019 from the original date of 31.10.2019. Finally, shipments of M/s Feenix Agro Products, Virudhunagar (TN) and M/s NVR & Co., Virudhunagar (TN) arrived at Chennai Customs Port on 07.11.2019 at 18:30 hrs. The same has been confirmed by Chennai Customs Port (Chennai-II) vide mail dated 02.01.2020. Therefore, their request is to allow import of Green Mung, already arrived late by 7 days as against the last day notified.

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)

Case No. 31 M/s Hira Export, Dinajpur (WB)
F. No. 01/60/162/709/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Issuance of Registration Permission for Export of Onion against L/C No.003119010564 dated 24.09.2019.

The applicant stated that they had an order for export of Onion to Bangladesh of 700 MT in favour of M/s S.K. Rice Mill vide L/C No. 003119010564 dated 24.09.2019 as amended on 25.09.2019 and last date of shipment was on 19.12.2019. DGFT, put Onion in prohibited list vide Notification No.21/2015-20 dated 29.09.2019. They could not submit their application for issuance of registration certificate against the subject L/C within stipulated time period as per Para 1.05 of FTP, 2015-20, due to illness of the Proprietor. Hence, their request is to relax the policy condition to allow issue of registration certificate.

Decision: The Committee having discussed the case in detail observed that the firm did not approach concerned RA for registration of their contract as was required under prescribed transitional arrangement. It found no merit in it and hence decided to reject the request of the firm for relaxation of transitional provisions under Para 1.05 of the FTP.

(Action: Applicant)

Case No. 32 M/s Hira Export, Dinajpur (WB)
F. No. 01/60/162/708/AM20/PRC
PRC Meeting No. 26/AM20 dated 07.01.2020

Subject: Issuance of Registration Permission for Export of Onion against L/C No.087319010715 dated 02.09.2019.

The applicant stated that they had an order for export of Onion to Bangladesh of 146 MT in favour of M/s S.K. Rice Mill vide L/C No087319010715 dated 02.09.2019 and amended on 24.09.2019 and last date of shipment was on 19.12.2019. DGFT, put Onion in prohibited list vide Notification No.21/2015-20 dated 29.09.2019. They could not submit their application for issuance of registration certificate against the subject L/C within stipulated time period as per Para 1.05 of FTP, 2015-20, due to illness of the Proprietor. Hence, requested to relax and to allow issue of registration certificate. Hence, their request is to relax the policy condition to allow issue of registration certificate.

Decision: The Committee having discussed the case in detail observed that the firm did not approach concerned RA for registration of their contract as was required under prescribed transitional arrangement. It found no merit in it and hence decided to reject the request of the firm for relaxation of transitional provisions under Para 1.05 of the FTP.

(Action: Applicant)

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