

Minutes of the Meeting held on 22/4/2019 in DGFT (HQ), Udyog Bhavan, New Delhi to finalise the allocation of Calcined Pet Coke (CPC) (.5 MT) for Aluminium Industry and Raw Pet Coke (RPC) (1.4 MT) for CPC manufacturing to be allotted in pursuance of the Public Notice No. 81 dated 22.3.2019 and minutes of the meeting dated 5.4.2019.

In Chair, Shri K.C. Rout, Additional DGFT

The following officers attended the meeting:

- i. Shri S.P. Roy, Joint DGFT, DGFT
- ii. Dr. Priti Singh, Scientist C, M/o Environment, Forests & CC
- iii. Shri Santanu Dhar, Under Secretary, M/o Petroleum & Natural Gas (MoP&NG)
- iv. Shri Arun Sehgal, GM(IB), Indian Oil Corporation Ltd., DSO
- vi. Shri Rajan Kapoor, GM, Coord, M/o Petroleum & Natural Gas (MoP&NG)
- vii. Shri Nirmal Kumar, DDG, DGFT

2. The Committee noted that in pursuance of the Public Notice no 81 dated 22.03.2019 four (04) applications were received for import of Calcined Pet Coke (CPC) and ten (10) applications for Raw Pet Coke (RPC). The Committee had earlier met on 5.4.2019 and had decided provisional allocation for CPC industry and sought complete information/ documents from the Aluminium industry. The minutes of the meeting were accordingly uploaded on the DGFT's website (https://dgft.gov.in/sites/default/files/Draft%20Minutes._0.pdf). The committee again met on 22.4.2019 to finalise the allocation.

Calcined Pet Coke (CPC) for Aluminium Industry

3. The Committee noted that it had decided to seek from the applicants their latest SPCB certificates by 15th April, 2019 (6.00 p.m). Based on the capacity of imported CPC indicated in these SPCB certificates submitted by the applicants, the Committee decided to provisionally allocate the total available quantity of 0.5 MT CPC on proportionate basis as detailed in para. 8 of the draft minutes dated



5.4.2019 and as indicated in Annexure I. The applicants are advised to file their objections/comments, if any, by 25th of this month so that the final allocation can be made by 26th of this month.

Raw Pet Coke for CPC manufacturing

4. While considering the allocation for the quota of 1.4 MT for Raw Pet Coke, the Committee observed that there were 10 applicants. However, as M/s. Refrathern International Pvt. Ltd. had applied only on 02.04.2019 i.e. after the last date for submission of application, the Committee had decided to reject the case. Of the remaining nine applicants four applicants have represented. The Committee considered these representations and recorded its observation as under.

5. M/s. Rain CII Carbon (Vizag) Ltd. has submitted additional requirement of 4,88,000 MT of RPC for its AP SEZ Visakhapatnam Plant, which is yet to be operational. Similarly, M/s. Sanvira Ltd. has also submitted its requirement for meeting the additional capacity of 1,30,000 MT. In this regard, the Committee noted that the request for additional requirement of Raw Pet Coke by these two applicants had been set aside by the Hon'ble Supreme Court, vide Order of the Supreme Court dated 09.10.2018. The Hon'ble Supreme Court in its order dated 28.1.2019 while disposing off the I.A. No.168847/2018, 1451/2019 & 1847/2019 (filed on behalf of Rain carbon); I.A. No.12291/2019 (filed on behalf of Sanvira Ind.Ltd.) and I.A. No.164303 (filed on behalf of Saket Agarwal) and I.A.No.13210/2019 (filed on behalf of Goa Carbon Ltd) had pronounced that *"the order passed by this Court is clear. This Court has set the outer limit for import of raw pet coke cannot exceed 1.4 MT per annum in total. In view of the aforesaid, prayers made on the basis of expansion etc. are totally misconceived and cannot be entertained. No further orders are required to be passed on these I.A.s. The same are hereby dismissed."* The Committee accordingly decided to reject the request for additional quantity of RPC for the additional capacity added by applicants after the Hon'ble Supreme Court's order dated 9.10.2018.



6. Further, on the other issue raised by M/s Rain CII that the requirement of Fuel Gas Desulphurisation (FGD) system with an efficiency of over 90% may also be made a criteria for allocation of RPC amongst the applicants, the Committee observed that while this (FGD) was referred to in the judgment of the Hon'ble Supreme Court's order dated 9.10.2018; it was not a pre-condition for allocation of 1.4 MT of RPC. The Committee observed that its jurisdiction is restricted only to the allocation of RPC. Hence, the Committee decided that for enforcement of FGD system/ emission requirement the Ministry of Environment, Forest and Climate Change (MoEF&CC) may examine the matter and issue necessary guidelines and advisory to the industry, if required.
7. The committee also observed that M/s Rain (CII) has drawn attention to DGFT's Office Memorandum No. 01 /93/180/03/AM-I O/PC-2(A)/P-12485 dated 5th December, 2018. The Committee decided that in view of the order of the Hon'ble Supreme Court dated 28.1.2019 (as detailed in para. 5 in this minutes), the above communication dated 5th December, 2018 is infructuous.
8. In case of M/s Sanvira Industries Ltd. also, the Committee noted that the additional capacity of 1,30,000 MT was created after the Hon'ble Supreme Court's Order dated 9.10.2018 as per the official record. Hence, the request for additional quantity for the new capacity was rejected by the Committee.
9. The Committee accordingly reconsidered the quantity allocated vide Minutes of the Meeting dated 5.4.2019 and finalized the allocation of RPC as per **Annexure-II**
10. The Committee further decided that the applicants are required to intimate the quantity of pet coke imported by them at the end of each quarter, i.e., by 30th June, 30th September, 31st December and 31st March within one month of the end of the each quarter. Further, applicants have to intimate the quantity imported by them against the quota allocated to them for the FY 2018-19 by end of April, 2019.

Provisional Allocation of Calcined Pet Coke

Annexure I

1	2	3	4	5	In MTs
S.no.	Name of the Firm	Date of receipt of application	Quantity applied	Production Capacity as per SPCB Certificate submitted per annum	Total Proportionate allocation
1.	M/s National Aluminium Company Ltd.	30.3.2019	60,000	60000	43162.362
2.	M/s Vedanta Ltd.	26.3.2019	4,00,000	3,74,000	269045.392
3.	M/s Bharat Aluminium Company Ltd.	28.3.2019	81,235	62500	44960.794
4.	M/s Hindalco Industries Ltd.	29.3.2019	1,20,000 (Odisha) 60,000 (M.P.) 20,000 (U.P.) <u>2,00,000</u> (3 units)	116550 (Odisha) 60,000 (M.P.) 22,000 (U.P.)	142831.450
			741235	695050	499999.998

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Annexure II

Final Allocation of Raw Pet Coke

1	2	3	4	5	6	7	8	9
S.no.	Name of the Firm	Date of receipt of application	Quantity applied	Production Capacity as per SPCB Certificate submitted	Input requirement as per EPCA Report @ 1:1.36	Proportionate allocation	Proportionate allocation of excess quantity	Total allocation of RPC (Col. 7 + Col. 8)
1.	Rain CII Carbon (Vizag) Ltd.	27.2.2019	11,93,600	5,11,000	694960	537917.635	15656.602	553574.237
2.	M/s Sanvira Industries Ltd.	27.3.2019	4,95,000	2,00,000	272000	210535.278	6127.828	216663.106
3.	M/s Goa Carbon	28.3.2019	4,15,800	3,08,000	418880	324224..328	9436.856	333661.184
4.	M/s India Carbon Ltd.	30.3.2019	75,600	54,000	73440	56844.525	1654.513	58499.038
5.	M/s Neo Carbon Pvt. Ltd.	28.3.2019	50,000	75,000	102000	78950.729	-	50000*
6.	M/s Armitesh Industries Pvt. Ltd.	30.3.2019	33,600	24,000	32640	25264.233	735.339	25999.572

7.	M/s Kalinga Calciner Ltd.	28.3.2019	80,000	46,200	62832	48633.649	1415.529	50049.178
8.	M/s Vedic Petrochemical Pvt. Ltd.	28.3.2019	10,000	18,000	24480	18948.175	--	10000*
9.	M/s Petro Carbon And Chemicals(P) Ltd.	29.3.2019	1,40,616	93744	127491	98681.445	2872.236	101553.681
Excess allocation to M/s Neo Carbon Pvt. Ltd 28950.729 and M/s Vedic Petrochemical Pvt. Ltd. 8948.175 = 37898.904 which is re-distributed among other applicants					1808723	1399999.997	37898.903	1399999.996

- Quantity applied by the applicant is less than the input requirement as per EPCA Report i.e. 1:1.36