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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting
Held on 13.09.2023under the Chairmanship of
ShriSantosh Kumar Sarangi, Director General of Foreign Trade

Meeting No. 14/AM24 (PH) held on 13.09.2023

The following members were present in the meeting:

1. Shri S.B.S. Reddy Addl. DGFT
2. Shri AkashTaneja Addl. DGFT
3. Shri Anil Aggarwal Addl. DGFT
4. Dr. S.K. Bansal Addl. DGFT
5. Shri S.C. Agarwal Addl. DGFT

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

S. No	Name of the firm	Case No.
1.	Honda Motorcycle and Scooter India Pvt.Ltd., Gurgaon	1
2.	M/s. Emerson Electric Company (India) Pvt. Ltd., Nashik	2-3
3.	M/s. Oppo Mobiles India Pvt. Ltd., Gurgaon	4
4.	M/s. Allround (India) Vegetable Processing Machines Pvt. Ltd., HR	5
5.	M/s. C G Galva India, Guwahati	6
6.	M/s. Adyar gate Hotels Ltd	7
7.	M/s. Zentiva Private Limited, Mumbai	8
8.	M/s. Abhishri Packaging Pvt. Ltd., Mumbai	9-16
9.	M/s. Glenmark Pharmaceuticals Limited, Mumbai	17-18
10	L&T Special Steels and Heavy Forgings Pvt. Ltd., Mumbai	19

Case No. 01 M/s. Honda Motorcycle and Scooter India Pvt. Ltd.,Gurgaon

F.No.HQRPRCAPPLY00003818AM23

Meeting No.14/AM24 held on 13.09.2023

Subject: Relax the provision of FTP and waive off the Policy condition No.10 (e) of Chapter 87 to the ITC (HS) in Schedule-1 Import Policy for import of the racing bikes.

This is defer case of PRC Meeting No.02/AM24 held on 09.05.2023 (Case No.22) wherein firm did not appeared in the personal hearing, accordingly, the Committee decided to defer the case.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. ShriRohit Jain and Ms. SonamYadav are Authorized Representatives appeared on behalf of the firm and made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant has stated that firm has been conducting "Motorsport Activities" with the objective to promote fun culture in India since 2008. The said racing events are being organized in association with Federation of Motor Sports Club of India and Madras Motors Sports Club in racing circuits at Chennai, Coimbatore and Greater Noida. As a part of Rider development programme company is sponsoring Indian Riders to represent India at International Racing Championships. These races are run on Honda CBR 150R and Honda CBR250R motorcycles which are also sold as domestic vehicle through Honda dealership. Due to the fact that the highest capacity of modified bike racing in Indian National Championship is 165cc, whereas the level of completion at Asian Championship starts at 250 cc, the company believes that Indian riders are unable to adjust on fast modified bikes at International level. With a view to foster the Indian talent, the company is desirous of importing Honda NSF 250 bikes from Honda Racing Corporation, Japan for the twenty racing events to be held from June 2018 to October, 2021, only for racing purpose and not for commercial sale. The company intends to import approximately 20 Nos. of Honda NSF 250 Bide for racing and training purpose of riders for a minimum period of 4-5 years. However, even though it is free for import and are not regulated, the imports are subjected to the conditions specified in the ITC (HS). The company intends to import customized motorcycles which are specifically meant for racing events, the Policy condition No.10 of Chapter 87 to the ITC (HS) in Schedule 1 – Import Policy becomes applicable on such import. Hence, they are requesting to relax the provisions of the FTP and waive off the Policy Condition No. 10(e) of Chapter 87 to the ITC HS in Schedule – 1 – Import Policy for import of the racing bikes. During discussions they informed that the training begins at an early age so as to get the best results. They also informed that they are not aware of the requirement of any approvals from any authority for the said activity.

Decision:The Committee heard and went through the submission made by the applicant and discussed the matter at length and it decided to refer the case to Import Cell which may seek the comments of Ministry of Road Transport& Highways and Ministry of Youth Affairs and Sports in the matter for a decision.

(Action:Applicant/ Import Cell)

Case No. 02 M/s. Emerson Electric Company (India) Pvt. Ltd., Nashik

F.No. HQRPRCAPPLY00325720AM22

Meeting No.14/AM24 held on 13.09.2023

Subject: Revalidation of MEIS Scrip No.0319261107 dated 27.11.2019.

This is defer case of PRC Meeting (PH) No.10/AM24 held on 12.07.2023 (Case No.14) wherein Committee defer the case as no one appeared on behalf of the firm. The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. ShriAdityaSrinivasan and Mr. SaileshChaubal are Authorized Representatives appeared on behalf of the firm and made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they have transferred the duty scrips to M/s. Emerson Process Management India Pvt. Ltd. holding and have accordingly raised their invoice no.2020100001 dated 11.12.2020 and received the payment against such invoice on 06.04.2021, pending online transfer of the scrip to them. Since March 2021, they have been trying to transfer the aforesaid MEIS scrip through the "Scrip Management System" in DGFT online portal. However, initially, they were informed by the office of DGFT that the scrip was not able to be transferred as the system did not allow transfer of scrip through a difference DSC than that which was used for applying for these scrip. Also the DSC of the director which was used to apply for the scrip had expired by the time they could use it for transfer and they were using a valid DSC of the authorized signatory while transferring the duty credit scrip. They were relentlessly following up with DGFT through online tickets and also by meeting the helpdesk. Then they also tried to transfer the scrip using Aadhar based verification system. Due to all these issues, the validity of the said scrip got expired on 26.11.2021 and due to the technical glitches / issues; they were not able to transfer the scrip online. Hence, they are requesting for revalidation of MEIS scrip no.0319261107 dated 27.11.2019 for the period of six months.

Decision: The Committee heard and examined the case on the basis of statement made by the applicant and discussed the matter at length and it decided to refer the case to PC 3 for examination. The applicant may provide more documents/ proof regarding difficulty faced by them to PC 3. Thereafter the case may be brought back to PRC for taking the decision.

(Action: Applicant/PC 3)

Case No. 03 M/s. Emerson Electric Company (India) Pvt. Ltd., Nashik

F.No.HQRPRCAPPLY00000173AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Revalidation of MEIS Scrip No.0319269837 dated 09.01.2020.

This is defer case of PRC Meeting (PH) No.10/AM24 held on 12.07.2023 (Case No.15) wherein Committee defer the case as no one appeared on behalf of the firm. The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Shri AdityaSrinivasan and Mr. SaileshChaubalare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they have transferred the duty scrips to M/s. Emerson Process Management India Pvt. Ltd. holding and have accordingly raised their invoice no.2020100001 dated 11.12.2020 and received the payment against such invoice on 06.04.2021, pending online transfer of the scrip to them. Since March 2021, they have been trying to transfer the aforesaid MEIS scrip through the "Scrip Management System" in DGFT online portal. However, initially, they were informed by the office of DGFT that the scrip was not able to be transferred as the system did not allow transfer of scrip through a difference DSC than that which was used for applying for these scrip. Also the DSC of the director which was used to apply for the scrip had expired by the time they could use it for transfer and they were using a valid DSC of the authorized signatory while transferring the duty credit scrip. They were relentlessly following up with DGFT through online tickets and also by meeting the helpdesk. Then they also tried to transfer the scrip using Aadhar based verification system. Due to all these issues, the validity of the said scrip got expired on 09.01.2022 and due to the technical glitches / issues; they were not able to transfer the scrip online. Hence, they are requesting for revalidation of MEIS scrip no.0319269837 dated 09.01.2020 for the period of six months.

Decision: The Committee heard and examined the case on the basis of statement made by the applicant and discussed the matter at length and it decided to refer the case to PC 3 for examination. The applicant may provide more documents/ proof regarding difficulty faced by them to PC 3 . Thereafter the case may be brought back to PRC for taking the decision.

(Action: Applicant/PC 3)

Case No. 04 M/s. Oppo Mobiles India Pvt. Ltd., Gurgaon

F.No. HQRPRCAPPLY00004246AM23

Meeting No.14/AM24 held on 13.09.2023

Subject: To allow additional 2% Adhoc MEIS benefit against 12 shipping bills for the period January 2020 to March 2020.

This is defer case of PRC Meeting (PH) No.10/AM24 held on 12.07.2023 (Case No.05) wherein Committee defer the case as no one appeared on behalf of the firm.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Mr. YogeshGaba is Authorized Representative appeared on behalf of the firm and made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that vide notification No.43/2015-20 dated 29.01.2020, notified 2% additional adhoc MEIS for exports from January 1, 2020 to 31.03.2020 on HS codes 85171211. Mobile phones other than push button type. However, MEIS appendix 3B covered such mobile phones under HSN 85171290. It is only on February 11, 2020 vide PN No.61/2015-20 amending the HSN to 85171211 on mobile phones. As a result, the company kept on mentioning HSN 85171290 in the shipping bills till 11.02.2020. Now, they have been trying to file the MAIS claim for additional 2%. However, DGFT portal is not allowing filing of application for ad-hoc incentive. On the contrary, DGFT issued a Notification No.26/2015-20 dated 16.09.2021, stating that exporters have to file the additional ad-hoc MEIS claim by 31.12.2021. This has resulted in a situation of impossibility to the company. Hence they are requesting to allow the MEIS benefits against 12 shipping bills.

Decision: The Committee heard and reviewed the case on the basis of submission made by the applicant and decided to withdraw this case from PRC as the matter is already being dealt by PC-3 Division (HQ).

(Action: Applicant/PC-3division)

Case No. 05 M/s. Allround (India) Vegetable Processing Machines Pvt. Ltd., HR

F.No.HQRPRCAPPLY00004700AM23

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against Advance Authorization No.3310030588 dated 06.09.2019.

This is a defer case of PRC Meeting No.12/AM24 held on 03.08.2023 (Case No.25) wherein Committee decided to call the firm for PH as the facts of the case have not been clearly specified by them.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. The firm made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they have not process application for modification due to error type of norms show as SION, but DGFT has been resolving the problem when EO extension time period expired. Hence they are requesting to allow six months extension in EOP as per para 4.42 (b) or (c) of HBP 2015-2020.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. However no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No. 06 M/s. C G Galva India, Guwahati

F.No.01/60/162/414AM21/PRC

Meeting No.14/AM24 held on 13.09.2023

Subject:Permission for re-export of uninstalled / sealed pack of imported machinery under EPCG License no. 0530150416 dated 19.11.2009.

This is defer case of PRC Meeting No.13/AM24 held on 06.09.2023 (Case No.66) wherein Committee decided to defer the case and allow PH as requested.

The applicant had been afforded personal hearing in terms of Para 2.59 of FTP-2015-2020.

No one appeared for hearing either through video conferencing for which the link had been sent in advance, nor physically.

Applicant Statement: The applicant stated that they had imported industrial plant & machinery for manufacturing of galvanizing and corrugated sheets in November, 2009 to setup the industry in the state of Assam under above EPCG. Before starting work on the project, they had discussion and consulted all applicable statutory provisions and prevalent policies as were existence then, and based on those deliberations, they started working on this project based on eligible benefits like VAT, Transport exemption as per the policy of Government of Assam. Unfortunately immediately after import of above machinery, Assam Govt. Made the existed incentives ineligible with retrospective effect from 1st October, 2008. Accordingly their project became uneconomical and financially unviable. The unavailability happened due to withdrawal of sever incentive. They had imported capital goods under EPCG scheme with good intentions for starting the production in the state of Assam but it could not happened because of change of Government policy with retrospective effect and unfortunately it was published even before clearing of capital goods from the port. The product was put in negative list by the State Government. They could not start the project because of this sudden change. Hence they are requesting to allow permission for re-export of uninstalled/sealed pack machinery back to supplier against payment within 6 months.

Decision: The applicant had been afforded personal hearing in terms of Para 2.59 of FTP-2015-2020. However as no one appeared on behalf of the firm, the Committee had no option but to decide to defer the case.

(Action: Applicant)

Case No. 07 M/s. Adyar Gate Hotels Ltd., Chennai

F.No.HQRPRCAPPLY00000275AM24

Meeting No. 14/AM24 held on 13.09.2023

Subject: Re-fixation of the annual average export obligation under three EPCG License No.(i) 043008097 dated 13.01.2010 (ii) 043007625 dated 25.08.2009 (iii) 0430012390 dated 23.04.2013.

This is defer case of PRC Meeting No.13/AM24 held on 06.09.2023 (Case No.67) wherein Committee decided to defer the case.
The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Mr. ManavGoyalisAuthorized Representative appeared on behalf of the firm and made the following submissions:-

The firm appeared through Video Conferencing and made the following submissions:-

Applicant Statement: This is review case of PRC Meeting No.27/AM20 held on 14.01.2020 (Case No.16), wherein Committee refer the case to EPCG Division for examining, if there is case of general reduction of average EO (AEO) in the hospitality sector. The applicant stated that the representation is modification of their previous submission, where they sought a waiver of average obligation on account of Hotel Industry's overall slowdown in FOREX earning and circumstances related to their company. However, instead of total waiver of average export obligation, they now seek only reduction of the average obligation due to unforeseen circumstances concerning one of their hotel unit at Chennai. The ITC Hotel business, which was launched in the late 1970's has been operating their Chennai Hotel unit since 1984 under brand name. This relationship of 30 plus years took an adverse turn when ITC opened its self-owned property within their vicinity in 2012. This development led to conflict of interest in priorities of ITC, as on one end they had new self-owned property competing against them which was just an operated one. The launch of new property had led to a dramatic drop in the earnings, as most of the business was diverted away from them. They chose not to renew the agreement with ITC and explored other brands for tie-up but most of the leading brands already had presence in Chennai, they finally entered into an agreement with a relatively new operator for the India market – Intercontinental Hotels Group. It is crucial to acknowledge that the hotel industry had already been experiencing a downturn, especially concerning foreign guests arrivals, leading to a decline in forex earnings since 2008. Therefore, they are requesting to exclude the earnings under ITC from the average export obligation calculation, and they also commit not to avail the benefit of forex earnings towards specific EO while under ITC Hotels operation. Hence they are requesting to allow re-fixating of AEO in the subject license.

Decision: The Committee heard and examined the case on the basis of statement made by the applicant and discussed the matter at length and it decided to refer the case to the RA for furnishing a report expeditiously. The applicant shall provide requisite documents including evidence regarding the various difficulties faced by them backed by facts, figures and copies of correspondence/ agreements/balance sheets/ CA certificates etc. to the RA, after which the case would be taken up again on the basis of the detailed report of the RA for taking the decision.

(Action:Applicant)

Case No. 08 M/s.Zenitva Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000348AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Closure of Advance Authorization no. 3411000898 dated 26.07.2021.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. The made the following submissions:-

Applicant's statement: The applicant stated that they have imported item of imports Sr.No.3 i.e. Hydrochlorothiazide for 250 Kgs. and they have utilized item of imports for 248.90 Kgs. and balance quantity 1.10 Kgs. Of item of import is consumed as process loss as per CA Certificate. RA is not authorized to accept process loss and issued rejection letter against closure of above said Advance License. They have already made payment of Custom Duty with interest on 1.10 kgs of Hydrochlorothiazide. Hence they are requesting to allow closure of subject license.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. However no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No. 09 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000636AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310823112 dated 17.08.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and Soumya Amin are Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.06/AM24 held on 19.06.2023 (Case No. 51) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 30.09.2023 to complete the balance E.O. against subject license.

Decision:The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 10 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000637AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310822972 dated 10.08.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.06/AM24 held on 19.06.2023 (Case No. 50) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 30.09.2023 to complete the balance E.O. against subject license.

Decision:The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 11 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000638AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310823167 dated 21.08.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.06/AM24 held on 19.06.2023 (Case No. 49) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 30.09.2023 to complete the balance E.O. against subject license.

Decision: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 12 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000640AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310823820 dated 18.09.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.06/AM24 held on 19.06.2023 (Case No. 47) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 31.08.2023 to complete the balance E.O. against subject license.

Decision: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 13 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000643AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310825922 dated 26.12.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.05/AM24 held on 13.06.2023 (Case No. 11) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 31.08.2023 to complete the balance E.O. against subject license.

Decision: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 14 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000644AM24
Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310825214 dated 26.11.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.05/AM24 held on 13.06.2023 (Case No. 10) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 31.08.2023 to complete the balance E.O. against subject license.

Decision: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 15 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000646AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310825173 dated 28.11.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.05/AM24 held on 13.06.2023 (Case No. 12) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 31.08.2023 to complete the balance E.O. against subject license.

<u>Decision</u>: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 16 M/s. Abhishri Packaging Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000647AM24

Meeting No.14/AM24 held on 13.09.2023

Subject: Extension of EOP against AA no. 0310825789 dated 19.12.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. Ms. SimranMansukhani and SoumyaAminare Authorized Representatives appeared on behalf of the firm and made the following submissions:-

Applicant's statement: This is review case of PRC Meeting No.05/AM24 held on 13.06.2023 (Case No. 08) wherein Committee reject the case.The applicant stated that they are into Luggage Product and due to Covid-19 pandemic situation and its wave in India the Luggage activity had been adversely affected and demand for Luggage has gone down drastically. Many countries took extreme measures to control the outbreak of the virus which are impacting the travel industry more than any other industry. As Covid 19 is spreading very rapidly in all over the India, in Maharashtra there were so many restrictions imposed. Due to such restriction their factory production also decreased and there was limited Man Power. Their foreign buyer is of USA and they have cancelled their all order due to Pandemic. Now they have released the export order for the Luggage. They have already completed 97% Export against subject license. They have already imported the raw material against the subject license. Hence they are requesting to allow extension in EOP upto 31.08.2023 to complete the balance E.O. against subject license.

Decision: The Committee heard and examined the case on the basis of justification furnished by the firm and decided to defer the case for further examination.

(Action: Applicant/PRC)

Case No. 17 M/s. Glenmark Pharmaceuticals Ltd., Mumbai

F.No.HQRPRCAPPLY00002794AM23

Meeting No.14/AM24 held on 13.09.2023

Subject: Waiver of re-export or destruction of balance Raw material (1.155kgs) Consumed in QC testing and Production loss and Waiver of PC-18 Condition against Advance Authorization no. 0310804894 dated 23.05.2016 for regularization and redemption purpose.

This is defer case of PRC Meeting No.13/AM24 held on 06.09.2023 (Case No.25) wherein Committee decided to defer the case.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. No one appeared. The firm had made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they had obtained Advance Licence from RLA Mumbai under P.C.9 condition for import of "Desoximetasone Micronized USP-IP "and imported 6.00 Kgs. and out of this 1.155 Kgs. has been destroyed in QC testing & Production loss in excess import. RLA Mumbai rejected their request and issued D/L. As per PN No.11 dated 14.06.2019 they have been submitted the Affidavit, Self-Declaration certified by CA affirming that the entire imported raw material has been consumed in production process only and they do not have the balance material for production Hence they are requesting to allow waiver of raw material consumed in QC Testing and Production Loss and regularised and redeem the Advance Licence No.0310804894 dated 23.05.2016.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. However no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No. 18 M/s. Glenmark Pharmaceuticals Ltd., Mumbai

F.No.HQRPRCAPPLY00002795AM23

Meeting No.14/AM24 held on 13.09.2023

Subject: Waiver of re-export or destruction of balance Raw material (540.64kgs) Consumed in QC testing and Production loss and Waiver of PC-18 Condition against Advance Authorization no. 0310816950 dated 09.11.2017 for regularization and redemption purpose

This is defer case of PRC Meeting No.13/AM24 held on 06.09.2023 (Case No.26) wherein Committee decided to defer the case.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. No one appeared. The firm had made the following submissions:-

Applicant's statement: The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they had obtained Advance Licence from RLA Mumbai under P.C.9 condition for import of "Lithium Carbonate USP "and imported 166000.00 Kgs. and out of this 100 Kgs. has been destroyed in QC testing & Production loss in excess import. RLA Mumbai rejected their request and issued D/L. As per PN No.11 dated 14.06.2019 they have been submitted the Affidavit, Self-Declaration certified by CA affirming that the entire imported raw material has been consumed in production process only and they do not have the balance material for production Hence they are requesting to allow waiver of raw material consumed in QC Testing and Production Loss and regularised and redeem the Advance Licence No.0310816950 dated 09.11.2017.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.09.2023. However no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

Case No. 19 L&T Special Steels and Heavy Forgings Pvt. Ltd., Mumbai

File No. : HQRPRCAPPLY00004420AM23

Meeting No. 13/AM24 held on 05.09.2023

Subject: Extension of EOP against EPCG Authorization No. 0330028459 dated 21.01.2011

Statement of Applicant:

1. L&T Special Steels and Heavy Forgings Pvt. Ltd., Mumbai had imported the Capital Goods against EPCG Authorization No. 0330028459 dated 21.01.2011. The original Export Obligation period of six years ended on 20.01.2017.

2. The firm could not fulfill the EO due to the Fukushima Nuclear accident in Japan and consequential disruptions in the Indian Nuclear Program and approached the Policy Relaxation Committee (PRC) for relaxation.

3. PRC in its Meeting No. 02/AM20 dated 09.04.2019 extended the EOP against the subject EPCG authorisation till 31.12.2021. The extracts of the Minutes are given below :-

"**Subject: Extension in EOP of 8 EPCG Authorization Nos.** (i) 0330026708 dated 28.07.2010, (ii) 0330027607 dated 22.10.2010, **(iii) 0330028459 dated 21.01.2011,** (iv) 0330028900 dated 10.03.1011, (v) 0330028989 dated 18.03.2011, (vi) 0330030208 dated 03.08.2011, (vii) 0330031281 dated 13.12.2011 and (viii) 0330033560 dated 30.08.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 09.04.2019. Shri Sanjay Sharma, Chief Executive and Shri AshishChauhan, Representative appeared before the committee on behalf of the firm and made the following submissions:

They have submitted that due to Fukushima Nuclear Plant accident, Indian Nuclear Program got halted for safety audits and a fresh monitoring. This resulted in no orders for the company to supply and due to negative cash the company got registered with BIFR and sought relaxation for EPCG EOP extension. However, due to repealing of SICA, the BIFR proceedings got abated. The Govt. has recently announced revival of nuclear program and accordingly NPCIL has ordered them to supply forgings for upcoming nuclear plants (700 MW). The value of these orders is to the extent of Rs.500 crores and these supply would quality for Deemed Export under para 7.02 (B) (h).

Decision: The Committee examined the case in detail and in view of justification provided by the firm and it being a strategic sector JV between L&T and NPCIL, decided to accede to the request of the firm and allow EOP extension up to December, 2021 against above 8 EPCG Authorizations. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: RA/Applicant)."

4. In the wake of Covid-19 pandemic, DGFT issued PN No. 67/2015-20 dated 31.03.2020 and Notification No. 28 dated 23.09.2021, for extension in the EO period if such period expires from 01.02.2020 to 31.07.2021.

5. The firm approached the EPCG Committee for further extension of 6 months which was not acceded to by the Committee in its meeting held on 25.05.2022.

6. Commissioner of Customs (Export) EPCG (Monitoring Cell) vide Demand notice dated 10.01.2023 has asked the firm to furnish the documents in relation to the fulfillment of EO and in absence of proof of such fulfillment, the firm has been directed to pay the Customs duty along with the interest.

7. Later, to provide benefit to those EPCG authorizations which were not covered under PN No. 67 or Notification No. 28, DGFT issued PN No. 53/2015-20 dated 20.01.2023 to provide for extension of EO period for EPCG Authorisation by a

period of the corresponding number of days that the EO period falls within 01.02.2020 and 31.07.2021.

8. The firm vide its application dated 30.01.2023 approached the RA, Mumbai seeking extension of EO period citing PN No. 53/2015-20 dated 20.01.2023. However, no reply was received.

9. The firm has filed an application No. HQRPRCAPPLY00004420AM23 before the EPCG Committee seeking EO extension upto 31.12.2022 which was deferred for further examination in the meeting held on 30.05.2023. Subsequently, in the meeting held on 12.07.2023 it was decided that *"....the matter involves policy clarification and ..... matter be withdrawn for further examination."*

10. The firm filed a SCA No. 10010 of 2023 before the High Court of Gujarat, Ahmadabad against the issue of demand notice by Customs, invocation of the Bank Guarantee by Customs and seeking extension of the EO period till 30.06.2023 against the subject EPCG authorisation.

- L&T Special Steels and Heavy Forgings Pvt. Ltd., Mumbai obtained EPCG authorization No. 0330028459 dated 21.01.2011 under Zero Duty EPCG Scheme with an original EO of 6 years extended by a further 2 years i.e. the maximum total EO period is 8 years.
- The firm was granted EO Extension upto 31.12.2021 (instead of the normal 2 years) by the PRC in meeting held on 09.04.2019.
- The firm filed an application before the EPCG Committee for further EO extension of 6 months which was not acceded to in the meeting held on 25.05.2022.
- Later, the firm filed an application before the EPCG Committee for EO extension upto 31.12.2022 which was deferred by the Committee on 12.07.2023 as under :-

Case No- 51: L&T Special Steels and Heavy Forgings Pvt. Ltd., Mumbai

F. No. 01/36/218/10/AM-21/EPCG HQRPRCAPPLY00004420AM23

Subject: SCA No. 10010 Of 2023 in the High Court of Gujarat at Ahmedabad in the matter of M/s L&T Special Steels And Heavy Forgings Pvt. Ltd. versus Union of India &Ors

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Decision: The Committee deliberated upon the case and noted that the firm had been granted EO extension upto 31.12.2021 by the Policy Relaxation Committee in the meeting held on 09.04.2019 in respect of EPCG Authorization No. 0330028459 dated 21.01.2011 under 0% Concessional duty.

The firm is seeking benefit of the Public Notice No. 53/2015-20 dated 20.1.2023 where extension is permitted on account of COVID. However, as per the said Public Notice, relaxation will not be available when the extension in EO period has been obtained under the para 2.58 of the Foreign Trade Policy.

Committee observed that the matter involves policy clarification and decided that matter be withdrawn for further examination."

Case was placed before PIC for deliberations and recommendations, on the issue of clarification whether extension in EO of EPCG authorization can be granted under Public Notice No. 53/2015-20 dated 20.1.2023, if extension in EO has already been given by PRC prior to Covid period.

It was decided that the matter may be converted to a PRC matter and accordingly, it was taken up by PRC.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length and observed that the firm has faced difficulty beyond their control. It allowed EOP extension upto31.12.2022 against EPCG Authorization No. 0330028459 dated 21.01.2011 for regularization of exports already made subject to payment of composition fees as per Policy provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA- Mumbai/ PC 5 Section DGFT HQ)