

MINUTES OF 2nd MEETING OF AM-22 OF THE EPCG COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SHRI S.B.S. REDDY, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 3.00 PM ON 11.06.2021

The second meeting for AM-22 of the EPCG Committee was held at 3.00 pm on 11.06.2021 under the chairmanship of Shri S.B.S. Reddy, Additional Director General of Foreign Trade through Video Conferencing mode on Cisco webex cyber meeting app due to Covid-19 restrictions (Meeting Number: **184 987 8051**). Following officers attended the meeting :

- i. Shri Chandan Kumar, OSD, Department of Revenue
- ii. Shri Indrajeet Yadav, DIA, Ministry of Steel
- iii. Shri Randheep Thakur, Joint Director General of Foreign Trade, DGFT
- iv. Shri Shobhit Gupta, Deputy Director General of Foreign Trade, DGFT

ii. The Committee deliberated upon all the cases and following decisions were taken:

Sl. No.	Firm's Name and file Numbers	EPCG Authorisation no.	Subject	Decision of the Committee
1.	KDH Textiles Pvt. Ltd., New Delhi 01/36/218/165/A M-21/EPCG	i.530165242 dated 24.06.2015 ii.0530165243 dated 24.06.2015	Request for re-fixation of Average Export Obligation in respect of their EPCG Authorization Nos. 0530165242 dt. 24.06.2015 and 0530165243 dt. 24.06.2015.	The party has requested for re-fixation of Average Export Obligation in respect of their EPCG Authorization. The Committee observed that party should first approach RA and if they face any further difficulties then only they should approach EPCG committee.
2.	Vizag General Cargo Berth Private Limited, Visakhapatnam 01/37/218/186/A M-18/EPCG-II	0530163079 dated 17.07.2014	Request for condonation of delay of installation of spares beyond extended period granted in respect of EPCG License Nos. 0530163079 dated 17.07.2014.	The party has requested for condonation of delay of installation of spares beyond extended period granted in respect of EPCG License. Earlier, the firm had requested for additional 18 Months' time for installation of Spares as the spares could not be installed/ consumed within 3 year from the date of last import because the original equipment is functioning properly and the spares were not needed for any replacement. The request was examined by the EPCG Committee in its meeting held on 20.02.2018 and request was approved by EPCG Committee. Now, the firm has stated that they took

				extension of 1 year from the expiry of stipulated time of 3 years i.e. 16.07.2018. But, they could not install within the extension period which was approved by EPCG Committee. The firm has also stated that the Spares have been installed in July 2019. The Committee deliberated upon the case and decided to defer the matter for further examination.
3.	Continental Electrical industries Pvt. Ltd, Lucknow 01/36/218/132/A M-17/EPCG-I	0630001231 dated 19.02.2008	Review of the EPCG Committee decision dated 23.11.2016 regarding extension in EOP in respect of EPCG authorization No. 0630001231 dated 19.02.2008.	The firm has requested to regularize EPCG by allowing the export obligation fulfilled by them upto 29.03.2019 on the ground that exports are within the period upto which EO Extension is allowed in terms of Para 5.11 of HBP 2009-14 by paying applicable fees under the relevant Para and also allow shortfall in block wise export in terms of Para 5.8 of HBP 2009-14 after payment of applicable fee in terms of the relevant Para. The Committee deliberated upon the case and decided to defer the case for examination in file.
4.	RGI Meditech Pvt. Ltd., Agra (U.P.) 01/36/218/221/A M-21/EPCG	0630003944 dated 29.04.2013	Request for condonation of delay in export beyond 1st Extension of 1st block and extension for one year of 2nd Block in respect of EPCG Authorization no. 0630003944 dt. 29.04.2013.	The Committee deliberated upon the case and decided to defer it and call for additional information from RA as well as firm before taking a decision in the matter.
5.	Shubham Flexible Packaging Machines Pvt. Ltd., Faridabad 01/36/218/124/A M-21/EPCG	0530149267 dated 29.06.2009	Request for condonation of non-submission of Excise Installation Certificate in respect of EPCG Authorization No. 0530149267 dt. 29.06.2009.	The party has requested for condonation of non-submission of Excise Installation Certificate in respect of EPCG Authorization. The firm has stated that they are unable to get installation certificate re-issued for the Capital Goods that was installed long back in 2009-10 because at present there is no such excise department in existence with the advent of GST. The Committee deliberated upon the

				case and observed that it is the duty of EPCG licence holder to submit installation certificate in time which they have not done. Therefore committee decided to reject it as there is no merit in the request.
6.	Minox Metal Pvt. Ltd., Bangalore 01/36/218/01/AM-22/EPCG	i.0730010681 dated 21.10.2011 ii.0730011017 dated 16.02.2012	Request for extension of EOP in respect of EPCG Authorization nos. 0730010681 dated 21.10.2011 and 0730011017 dated 16.02.2012.	The request of the party is for extension of EOP for fulfilment of remaining export obligation. The Committee observed that the party has fulfilled only 32 % of EO since issue of subject EPCG authorisation on 21.10.2011 in respect of EPCG No. 0730010681 dated 21.10.2011. The Committee deliberated upon the case and decided to reject it as there is no merit in the request for grant of EOP. In respect of second EPCG License, the party seeks extension in export obligation period against the subject EPCG authorisations no. 0730011017 dated 16.02.2012 issued under 0% concessional duty EPCG Scheme on the grounds that their exports have been adversely affected by Covid-19 pandemic. The Committee decided to defer the case for detailed examination.
7.	Nylon Hosiery Mills, Ludhiana 01/36/218/11/AM-22/EPCG	3030012692 dated 27.6.2014	Request for regularisation of excess duty credit utilized within 10% on EPCG Licence No. 3030012692 dt. 27.6.2014.	The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to

				DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
8.	Versatile Enterprises Pvt. Ltd., Ludhiana 01/36/218/117/A M-21/EPCG	3030015094 dated 22.01.2016	Request for regularisation of excess duty credit utilized within 10% on EPCG Licence No. 3030015094 dt. 22.01.2016.	The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.

9.	Sanjeev Textiles Corporation, New Delhi 01/36/218/226/A M-21/EPCG	0530154021 dated 22.11.2010	Request for regularisation of excess duty credit utilized within 10% on EPCG Licence No. 0530154021 dt. 22.11.2010.	The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
10.	Jacynth Engineering Pvt Ltd. (formally known as West-Coast Gratings Pvt. Ltd.), Nagpur, Mumbai 01/37/218/209/A M-19/EPCG	0330024855 dated 07.01.2010	Request for condonation of delay submission/installation certificate and regularisation of excess duty credit utilized within 10% on EPCG Licence No. 0330024855 dated 07.01.2010.	The party has two requests as under: In respect of first request : This relates to the condonation of delay submission/installation certificate. The firm has submitted that they in advertently availed installation certificate from Chartered Engineer instead of Central Excise. There was also delay in installation of capital goods because of power/ electricity issues. The Committee deliberated upon the case and decided to reject it as there is no merit in the request.

				In respect of second request: The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
11.	Ramtex India ,Ludhiana 01/36/218/12/AM-22/EPCG	3030013464 dated 12.01.2015	Request for regularization of excess duty credit utilized within 10% on EPCG Licence No. 3030013464 dt. 12.01.2015.	The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than

				10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
12.	Fine Embroidery, New Delhi 01/36/218/236/A M-21/EPCG	0530143330 dated 22.03.2007	Requests: i. In respect of their EPCG Authorization no. 0530143330 dt. 22.03.2007, EO may be considered as fulfilled by export of alternative product. ii. Request for regularisation of excess duty credit utilized within 10% on EPCG Licence No. 0530143330 dt. 22.03.2007.	The firm has two requests as under: In respect of first request: The party has requested in respect of their EPCG Authorization no. 0530143330 dt. 22.03.2007, EO may be considered as fulfilled by export of alternative product. The firm has stated that they have completed EO as per Shipping Bills by exporting Ready made Garments Embroidered but due to typographical error the word "Embroidered" could not be mentioned on the Shipping Bills. However, exported goods were Embroidered Readymade Garments. The Committee deliberated upon the case and decided to examine the case on file as DoR stated that, this is policy matter and DGFT may decide the

				request based on policy and procedures. Therefore this part of the case is withdrawn from the committee In respect of second request: The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
13.	Sansons Texfab Industries, Mumbai 01/36/218/109/A	0330032465 dated 23.04.2012	Request for regularisation of excess duty credit utilized within 10% on EPCG Licence No. 0330032465 dt.	The party has requested to allow regularization of late payment of additional fee to cover excess imports. The Committee noted that para 5.16 (a) of HBP 2015-20, as amended, provides

	M-21/EPCG		23.04.2012-reg.	that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the RA may accept additional fee to cover excess imports effected, in terms of duty saved amount, even beyond one month but within two years of the excess import taking place, subject to payment of composition fee of Rs. 5000/- per authorization. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 for condonation of procedural lapse of delay of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20, subject to payment of composition fee of Rs. 5000/- per year per authorisation and to the condition that the excess utilization is not more than 10% of duty saved mentioned in the subject EPCG authorisations. The party is also required to pay an additional composition fee of Rs. 5,000/- per authorisation for each year of delay beyond the expiry of the period of two years of the excess import taking place. This has the approval of DG.
14.	Uflex Ltd., New Delhi 01/36/218/17/AM-22/EPCG	0530154771 dated 14.02.2011	Request for acceptance installation certificate issued by Chartered Engineer instead of Central Excise in respect of EPCG License No. 0530154771 dt. 14.02.2011.	The party has requested for acceptance installation certificate issued by Chartered Engineer instead of Central Excise in respect of EPCG License. The Committee deliberated upon the case and decided to reject it as there is no merit in the request.
15.	Bio-Med Healthcare Products Pvt. Ltd., New Delhi 01/36/218/20/AM-22/EPCG	0530164032 dated 19.12.2014	Request for acceptance installation certificate issued by Chartered Engineer instead of Central Excise in respect of EPCG License No. 0530164032 dt. 19.12.2014.	The party has requested for acceptance installation certificate issued by Chartered Engineer instead of Central Excise in respect of EPCG License. The Committee deliberated upon the case and decided to reject it as there is no merit in the request.

16.	Jaiprakash Associates Limited., Noida 01/60/162/490/A M20/PRC	49 licenses	Request for review in relaxation for not being able to submit original documents for redemption of 49 licenses.	The Committee deliberated upon the case and decided to defer it and call for additional information from RA before taking a decision in the matter.
17.	Repro India Ltd, Mumbai 01/36/218/165/A M-20/EPCG	i. 0330029488, dated 18.05.2011 and ii. 0330029879, dated 30.06.2011.	Clarification regarding maintenance of Average Export Performance (AEP) by SEZ export mentioned in one IEC against EPCG Authorizations (i) 0330029488, dated 18.05.2011 and (ii) 0330029879, dated 30.06.2011.	The Committee deliberated upon the case and observed that exports made from SEZ cannot be taken for EO fulfilment. However, Committee decided to call for a comprehensive report from RA before taking a decision in the matter. The Committee decided to defer the case.
18.	Brij Prints, New Delhi 01/36/218/22/AM-22/EPCG	0530171771 dated 06.02.2018	Request for condonation of procedural lapse for mentioning wrong EPCG Authorisation Number in Shipping Bills in respect of their EPCG authorization no. 0530171771 dt. 06.02.2018-reg.	The Committee considered the application dated 15.04.2021 of the applicant and their submissions that they had inadvertently endorsed wrong EPCG Authorization nos in shipping bills. The Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow consideration of the wrongly mentioned EPCG authorization no. in the shipping bills instead of the correct Authorization number as mentioned in the application dated 11.03.2021 (copy enclosed) towards fulfillment of the specific EO. The above recommendation is subject to the condition that: i) There is no double counting of exports ii) No free shipping bills or third party exports shall be counted. iii) payment of composition fee of Rs.200/- per shipping bill is made by the party. iv) All other conditions of EPCG authorisations shall be met as per FTP and Handbook of procedures. v) Any investigation/adjudication proceeding by DRI/ Customs/ ECA action is not pending in respect of the subject EPCG

				authorisations. This has the approval of DG.
19.	Crystal Precision Pvt. Ltd., Noida (U. P.) 01/36/218/184/A M-21/EPCG	i. 0530159328 dated 20.09.2012. ii. 0530157793 dated 29.02.2012.	i. Request for condonation of delay in export beyond 1 st extension of EOP in order to fulfil of EO in respect of EPCG Authorization no. 0530159328 dt. 20.09.2012. ii. Request for extension of EOP for 4 months in respect of EPCG Authorization no. 0530157793 dt. 29.02.2012.	The party seeks extension in export obligation period against the subject EPCG authorisations issued under 0% concessional duty EPCG Scheme on the grounds that their exports have been adversely affected by Covid-19 pandemic. The Committee decided to defer the case for detailed examination.
20.	Pushpak Press Pvt. Ltd., New Delhi 01/36/218/236/A M-21/EPCG	0530157638 dated 13.02.2012	Request for extension of EOP for 5 months in respect of EPCG License No. 0530157638 dt. 13.02.2012-reg.	The party seeks extension in export obligation period against the subject EPCG authorisations issued under 0% concessional duty EPCG Scheme on the grounds that their exports have been adversely affected by Covid-19 pandemic. The Committee decided to defer the case for detailed examination.
21.	Bharat Silks, Bangalore 01/36/218/387/A M-20/EPCG	i. 0730009969 dated 05.03.2020 ii. 0730009874 dated 25.02.2011	Request for change of IEC in the EPCG authorisation Nos. 0730009969 dt. 05.03.2020 and 0730009874 dt. 25.02.2011.	The Committee decided to withdraw the case for further examination on file.
22.	Vani Spinners Pvt. Ltd 01/37/218/128/A M-18/EPCG-II	3030006613 dated 28.04.2010	Civil Writ Petition No. 22023 of 2020	This case is court matter and DoR comments are required in this matter. DoR was requested to expedite their comments. The Committee decided to defer the case

23.	IND Synergy Ltd., Raigarh, Chattisgarh 01/36/218/122/A M-21/EPCG	I. 03300172 66 dated 28.8.2007 II. 03300219 66 dated 05.12.200 8 III. 50300000 54 dated 10.06.201 0 IV. 50300000 15 dated 11.09.200 9	Request for extension of EOP.	The Committee decided to defer the case for consideration in the next EPCG committee meeting.
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DGFT= Directorate General of Foreign Trade, DG = Director General, FTP = Foreign Trade Policy, HBP v1 = Handbook of Procedure Vol. I, EO = Export Obligation, EODC = Export Obligation Discharge Certificate, EOP = Export Obligation Period, B.O.E.=Bill of Entry,EPCG = Export Promotion Capital Goods, RA = Regional Authority, BG = Bank Guarantee, FFE = Free Foreign Exchange, IEC = Importer-Exporter Code, DoR = Department of Revenue, IEM = Industrial Entrepreneurs Memorandum, RCMC = Registration-cum-Membership-Certificate.