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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting
Held on 31.03.2021 under the Chairmanship of Shri Amit Yadav,
Director General of Foreign Trade

Meeting No.27/AM21 held on 31.03.2021

The following members were present in the meeting:

1. Shri Vijay Kumar — Addl. DGFT
2. Shri Hardeep Singh — Addl. DGFT
3. Shri Anil Aggarwal — 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.	M/s. Poshuk Foods, Rajendra Nagar, Telangana	1
2.	M/s. Bhumiraj Exports, Mumbai	2&3
3.	M/s. Reliance Industries Ltd., Mumbai	4
4.	M/s. Gas Processing Equipment, Pune	5
5.	M/s. Sureshchand Rameshchand, Indore (M.P)	6
6.	M/s. Johnson Controls India Pvt. Ltd., Pune	7
7.	M/s. Sterling Auxiliaries Pvt. Ltd., Mumbai	8&9
8.	M/s. NRU Spinning Mills Limited, Salem, Tamil Nadu	10
9.	M/s. Shivlon, Mumbai, Maharashtra	11
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11.	M/s. Hyundai Motor India Limited, Tamil Nadu	13
12.	M/s. Lava International Ltd., Noida.	14
13.	M/s. Vision Distribution Pvt. Ltd., New Delhi	15
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15.	M/s. Eastman Industries Limited, Ludhiana	17
16.	M/s. Floor Décor, Cherthala, Kerala	18
17.	M/s. Dynamatic Technologies Limited, Karnataka	19 to 22
18.	M/s Govardhan Overseas Pvt. Ltd., Bangalore	23
19.	M/s. Navya Inc., Delhi	24
20.	M/s. Sidhhartha Corporation Pvt. Ltd., Mumbai	25
21.	M/s. Hia Exports, Mumbai	26
22.	M/s. Kaleesuwari Refinery and Industry Pvt. Ltd. Hyderabad, Telangana	27
23.	M/s. GIC Insuflex Conductors Pvt. Ltd., Maharashtra	28
24.	M/s. Bharat Food Products, Ulhasnagar, MH	29
25.	M/s. Trident Limited, Punjab	30
26.	M/s. Oswal Industires Ltd., Gujarat	31

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Case No. 01 M/s. Poshuk Foods, Rajendra Nagar, Telangana
F. No. 01/60/162/523/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow DFIA benefit against File No.09/73/076/00078/AM20 dated 16.09.2019 by accepting and considering the 4 shipping bills which were exported after one year from the date of online application i.e. on 19.12.2020 (delay of 94 days).

The applicant stated that they had applied for the first time for exports under DFIA application and started their exports from 17.09.2019. They could export 44% in terms of value and 25% in terms of quantity within 12 months from the date of online submission of DFIA application. In spite of COVID-19 they had further exported 52% in terms of value and 41% in terms of quantity under the same file up to 19.12.2020 which is 94 days beyond one year. Hence, requested to issue DFIA by accepting and considering the 4 shipping bills which were exported after one year under this DFIA.

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

(Action: Applicant)

Case No. 02 M/s. Bhumiraj Exports, Mumbai
F. No. 01/60/162/564/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Revalidation of DFIA No.0310789596 dated 24.09.2014 and addition of 3 Shipping bills manually.

The applicant stated that they have generated DFIA in the month of September, 2008 and they also completed their export in the year 2009 but a wrong file number mentioned on some shipping bills by Customs due to which they were unable to apply for DFIA, EODC online application. The shipping bills for amendment of file number in shipping bills with the Customs, but Customs took 3 years for amendment. After that they submitted the EODC online application on date 28.02.2012. They got deficiency letters from RA, but all deficiencies were fulfilled by submitting all the said documents by February 2014. After which they got no response, they visited RA Office in August 2014 and they were informed to issue DFIA authorization first and after that they will be issued EODC. As advised they submitted the request letter for issue of DFA authorization. In the same month on follow up for next process they were informed that online only 5 shipping bills feeding were done, instead of 8 shipping bills they are applying. In fact there are total 8 shipping bills and this online goof up was done from their consultant side. As advised in November 2014 they applied with request for cancellation of EODC and return all the documents and re-activate all the 5 shipping bills. After number reminders, they got the reply informing that their license at the time of issue they got the DFIA EODC & Transferability and requested to return their original authorization for registration at Customs. In September 2015 they got the original license and submitted at Custom, but Customs asked them to provide original NBC which not provided to them. During this period their licensed expired. Hence, requested for revalidation and addition of 3 Shipping bills manually.

Decision: The Committee discussed the case at length observed that DFIA in this case was issued about 7 years back and committee found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 03 M/s. Bhumiraj Exports, Mumbai
F. No. 01/60/162/565/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Revalidation of DFIA No.0310789796 dated 29.09.2014 and addition of 06 Shipping bills manually.

The applicant stated that they had fulfilled the EO under 11 shipping bills, out of which 6 shipping bills were wrongly mentioned with different F.No.03/82/076/00083/AM09 issued for exports of confectionary mistakenly by the CHA or a the Customs end. Later they asked for amendment in these 6 shipping bills as exports of Biscuts was wrongly allowed under confectionary DFIA by the Customs and this process took 3 years to get the amendment done. At the time of DFIA transferability they had submitted the application online for 5 shipping bills and the other 6 shipping bills they amended manually were asked to add under this authorization by RA. However, they are unable to add online and has been granted them the subject DFIA with 5 shipping bills only and the remaining 6 shipping bills were deleted without their knowledge or informing them. They were unable to import such a small quantity of 5 shipping bills and hence the said DFIA is still remained unutilized. After approaching NIC department, they were asked to add the shipping bills in the e-COM and accordingly, it released the 6 shipping bills and allowed them to add online again, but it was impossible to do in the same file number. They are again regenerate the new e-COM reference number and can apply transferability and EODC of said 6 shipping bills, but it will generate a new file number. They again approached NIC department and they are allowed addition the shipping bills manually in the system by RA and issuing the DFIA with revised quantity and value which can be utilized in the Customs. The have been issued the authorization of lesser quantity.

Decision: The Committee discussed the case at length and observed that DFIA was issued about 7 years back and committee found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 04 M/s. Reliance Industries Ltd., Mumbai
F. No. 01/60/162/541/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit against Shipping Bill No.761313 dated 27.08.2017.

The applicant stated that the subject shipping bill was lost and as per Para 2.33(i) of HBP 2015-20, they have arranged certified copy of shipping bill issued by Customs Authority in lieu of original. In this shipping bill, the process of obtaining Customs certified shipping bill took long time and in between three years from LEO date passed to apply online for MEIS benefit, so DGFT portal is not allowing them to create shipping bill in repository and claim MEIS benefit through DGFT MEIS module. Although they are eligible to file their application as per Para 2.34 of HBP 2015-20 within a period of six months from the date of certification by the Customs Authority, which is in their case it is on 30.10.2020, hence, left with no option, but to file their application for MEIS benefit manually.

Decision: The Committee examined the case on the basis of justification furnished by the firm and observed that there is no merit in firm's contention and decided to reject the request of the firm.

(Action: Applicant)

Case No. 05 M/s. Gas Processing Equipment, Pune
F. No. 01/60/162/621/AM20/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit for the export to Uzbekistan through Bandar Abbas Iran without e-BRC on the basis of FIRC against 3 time barred Shipping Bill No. (i) 3531096 dated 13.10.2015, (ii) 5096929 dated 05.01.2016 and (iii) 5817840 dated 15.02.2016.

This is refer case of PRC Meeting No.16/AM21 dated 26.11.2020 (Case No.20), wherein the Committee decided to refer the case to PC-3-Division for examining the matter afresh and put up the same on file to DG for a decision. The applicant stated that they had supplied this H2S Removal System in 04 parts, one was Merchanting trade, and other three were at JNPT Mumbai, which were handled by Customer's freight forwarder and shipped to Uzbekistan via Bandar Abbas Iran (as Uzbekistan is landlocked country). For these three shipments they have filed shipping bill under MEIS scheme. They have received all the money from Industry Construction Equipment FZE in Deutsche Bank (Aundh Branch). After receipt of whole money, they have submitted all the documents to Deutsche Bank for export regularization and issuance of e-BRC. However, after few months, bank has rejected the said transaction on the grounds of sanction country. The goods had landed in Bandar Abbas Iran and from there these went to Uzbekistan by road. Bank said that they cannot handle this shipment as shipment had landed in Iran (sanctioned country). Similarly they have also tried to regularize this transaction through other banks i.e. HDFC, IDBI Bank, Indusind Bank, UCO Bank, Central Bank of India, Oriental Bank of Commerce, State Bank of India, etc., but they have also rejected the transaction on the same ground. They had also taken up this matter with the RBI wherein the advised them their inabilities to intervene. They had also taken up with DGFT and were informed that this was a policy decision and they should wait for further guidance from DGFT. They had visited RA, Pune and were informed of the new policy to avail MEIS benefits for exports to OFAC countries (Iran/Sudan/Libya) without EBRC. However, while filing the application no shipping bills were showing in the portal. These shipping bills are showing under the normal application route since the final destination was Uzbekistan and not Iran. All the above 3 shipping bills are time barred now. They had visited open office in RA, Pune for further guidance on 09.10.2019 and were informed to take up the matter with DGFT Delhi.

Decision: The Committee observed that this case has already decided earlier by PRC. Accordingly, it decided to withdraw this case from PRC and refer back again the matter to PC-3 Division for taking necessary action as per the decision of PRC in its Meeting No.16/AM21 dated 26.11.2020 (Case No.20).

(Action: PC-3 Division/Applicant)

Case No. 06 M/s. Sureshchand Rameshchand, Indore (M.P.)
F. No. 01/60/162/534/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: EOP extension against Advance Authorization No.5610005301 dated 08.01.2018 and to consider the export made beyond 18 months normally allowed as per the FTP for free item.

The applicant stated that during the last 3-4 years there is no parity in International Market specially in their export item even after considering the Advance License benefit and MEIS is also applicable on their export item. However they have made export (within 45 days) in loss keeping in mind that RA office will grant the EO extension. In this tuff competition they had fulfilled the export. From July, 2019 they have not made any export because of no parity in International Market and losing the International Market. Since of the time of issuance of license there was no restriction on their import export item, the Public Notice No.57/2015-20 dated 25.01.2018 is not applicable on them. Also in the above Public Notice there was no condition that is applicable on already issued license. Hence, requested to EO extension for 6 months and consider the export made beyond 18 months normally allowed as per the FTP for free item.

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. 07 M/s. Johnson Controls India Pvt. Ltd., Pune
F. No. 01/60/162/533/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Waiver of non-submission of bills of exports towards fulfillment of EO against Advance Authorization No.3110051561 dated 21.11.2011 and to allow first & second EOP extension for regularization of export made beyond EOP.

The applicant stated that Johnson Controls Marine and Refrigeration India Limited, now merged with Johnson Controls India Private Limited have taken over the business of York India Ltd. In the past, York India Ltd. had taken the subject Authorization and has completed the export obligation with direct export made to SEZ unit Lanco Infratech Ltd. Chhattisgarh. The Authorization number mentioned in all the export documents like invoices and Customs attested ARE 1 copies, which confirms the exports under the said Authorization but while fulfilling the exports they had not issued Bill of Exports from the Customs Authority. As their recipient is now bankrupt and not existing, Hence it is impossible for them to get the documents collected or issued. RA, Pune is not considering the application for redemption due to non-availability of bill of export. Hence, requested to consider the export documents without the availability of bill of exports and allow them redemption.

Decision: The Committee examined the statement made by the firm and discussed the matter at length. It reiterated that Bill of export is a mandatory document in terms of FTP for discharge of EO of advance authorization in case of supplies made to SEZ Unit. Accordingly, it decided to reject the request of the firm.

(Action: Applicant)

Case No. 08 M/s. Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/529/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Extension of Export Obligation Period against Advance Authorization No.0310802474 dated 11.02.2016.

The applicant stated that fire accident occurred in their factory at Dahej Gujrat on 31.01.2017. In this accident their lots of raw material, which was cleared under DEEC, finish good which was manufactured with duty free material and semi-finish goods were destroyed. They are putting-up their application with documentary evidence with a humble request to consider them EO extension where their duty free materials are destroyed in fire which was not in their control.

Decision: The Committee discussed the case the matter in detail and observed that the firm has filed their request in 2021, which is too late, whereas the fire had taken place in January 2017. Accordingly, it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 09 M/s. Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No. 01/60/162/530/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Extension of Export Obligation Period against Advance Authorization No.0310809874 dated 15.12.2016.

The applicant stated that fire accident occurred in their factory at Dahej Gujrat on 31.01.2017. In this accident their lots of raw material, which was cleared under DEEC, finish good which was manufactured with duty free material and semi-finish goods were destroyed. They are putting-up their application with documentary evidence with a humble request to consider them EO extension where their duty free materials are destroyed in fire which was not in their control.

Decision: The Committee discussed the case the matter in detail and observed that the firm has filed their request in 2021, which is too late, whereas the fire had taken place in January 2017. Accordingly, it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 10 M/s. NRU Spinning Mills Limited, Salem, Tamil Nadu
F. No. 01/60/162/128/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Waiver of payment of 50% of duty saved value for second EOP Extension against 2 EPCG Authorization No.3230009208 dated 01.03.2007 and 3230009954 dated 07.06.2007.

The applicant stated that earlier the EPCG Committee has extended the EOP with a condition the 50% of duty payable in proportion to the unfulfilled EO is to be paid by them to the Customs Authorities before endorsement of extension period in the EPCG licenses by the RA. They wish to bring that they will be required to pay the amount of Rs.51,86,217/- towards 50% customs duty for granting extension of EOP, pursuant to the condition of EPCG Committee. Due to severe pressure on working capital for business operations, the conditional sanction of extension of EOP will be put them into undue hardship. Hence, requested for waiving the payment of 50% of import duty saved amount and allow second extension of EOP as there was instability in the Export Market.

Decision: The Committee examined the records submitted and statement made by the firm. It observed that applicant's request had been discussed in detail by the EPCG Committee and has been rejected giving detailed reasons. After discussing the matter at length, the Committee found no merit in its application. Hence, decided to reject the request of the firm.

(Action: Applicant)

Case No. 11 M/s. Shivlon, Mumbai, Maharashtra
F. No. 01/60/162/545/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit against 2 time barred Shipping Bill No.5713415 dated 27.04.2017 & 5517427 dated 19.04.2017.

The applicant stated that they have made exports of Textile Material under the above mentioned 2 shipping bills in the year April, 2017 and the payment realized in March, 2020. They had created an e-COM under MEIS scheme and tried to submit the file but the claim was coming zero, reason was that 3 years from the shipping bills were completed. During lockdown, there was an extension for this type of shipping bill up to 30.06.2020. However, their company started working from 1st of August, 2020, Due to lockdown their staff was at his native place and could not join the company. Hence, requested to consider their case and allow them MEIS benefit of the said shipping bills.

<u>Decision:</u> The Committee went through the statement made by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly it decided to allow MEIS benefit against 2 Shipping Bill No.5713415 dated 27.04.2017 and 5517427 dated 19.04.2017 with 10% late cut. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai/ EDI/NIC for necessary updation in the System)

Case No. 12 M/s. G. S. Export, Panipat, Haryana
F. No. 01/60/162/170/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Permission to debit the shipment dated 04.08.2020 made before issuance of Advance Authorization No.3310030722 dated 11.08.2020 by relaxing the Para 2.17 and 2.18 of HBP 2015-20.

This is refer case of PRC Meeting No.17/AM21 dated 09.12.2020 (Case No.14), wherein the Committee refer the issue to PC-4 Division for its examination and resolution. The applicant stated that they are an exporter of Home Textile products mainly rugs, bathmats, cushions from Panipat. Some of the raw materials are imported from other countries and they import these raw materials against the above advance authorization. They have a new import shipment which is held up in Customs. The Customs officers are objecting to use the same against import of raw material citing reasons on the basis of Para 2.18 stating that authorisations should be valid on date of import and with Para 2.17 stating the date of import to be reckoned with reference to date to shipment from Foreign Country. All their communications with their supplier were stopped after the ban of Wechat by Indian Government which was only means for communication between them and the supplier. They came to know only after the arrival of shipment that the goods are shipped. The license is available with the Custom Officer at the date of debiting, but refused to use on the basis of Para 2.17 & 2.18 of HBP. Hence, requested for relaxation on these para and allow shipment with availability of license on debiting date.

<u>Decision:</u> The Committee observed that this case has already decided earlier by PRC. Accordingly, it decided to withdraw this case from PRC and refer back again the matter to PC-4 Division for taking necessary action as per the decision of PRC in its Meeting No.17/AM21 dated 09.12.2020 (Case No.14).

Ulyand

(Action: PC-4 Division/Applicant)

Case No. 13 M/s. Hyundai Motor India Limited, Tamil Nadu
F. No. 01/60/162/79/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Condonation of delay in filing of MEIS application against 07 Shipping Bill No.(i) 4075885 dated 13.02.2017, (ii) 4076531 dated 13.02.2017, (iii) 4172328 dated 16.02.2017, (iv) 4172334 dated 16.02.2017, (v) 4172337 dated 16.02.2017, (vi) 4941904 dated 23.03.2017 and (vii) 4891481 dated 21.03.2017.

This is defer case of PRC Meeting No.18/AM21 dated 16.12.2020 (Case No.13), wherein the Committee refer the issue to EDI/NIC-Division for its examination and thereafter the matter will be brought back to PRC. The applicant stated that the shipping bill numbers are not interfaced in DGFT system and every time they got fetch result "No Record Found" while filing MEIS. They also checked the DGFT system through "Port Code: INMAA1" for transferring the data from Add EDI SB to Repository screen, but they received the error message "No Record Found Matching". Finally they checked the DGFT shipping bills repository Add screens where they got the Error": "No Record Found Matching". Though they have realized the export receivable on time, they were not able to apply for above 7 shipping bills for MEIS within the stipulated date. The above technical snag error was explained to the technical officer in person in RA, Chennai. They have also informed the EDI, Customs on above issues. Finally the shipping bills were interfaced during May 2020, but they were not able to apply MEIS for the cited shipping bills due to time barred. Subsequently, due to COVID lockdown their plant was closed till June 2020.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm along with report received from EDI/NIC and observed that there is no merit in firm's contention and decided to maintain the rejection of the earlier PRC meeting No.10/AM21 dated 10.09.2020 (Case No.10).

(Action: Applicant)

Case No. 14 M/s. Lava International Ltd., Noida
F. No. 01/60/162/140/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit against 3 Shipping Bill No.(i) 1089615 dated 01.02.2020, (ii) 1146257 dated 04.02.2020 and (iii) 1250186 dated 07.02.2020.

This is defer case of PRC Meeting No.16/AM21 dated 26.11.2020 (Case No.07), wherein the Committee refer the issue to PC-3 Division for its examination and thereafter the matter will be brought back to PRC. The applicant stated that in a routine course they exported 3 consignments of their products vide ITC code No.85171290 (from 01.02.2020 to 07.02.2020) which were duly permitted by the Customs Department. PN No.61/2015-20 dated 11.02.2020 issued informing that the ITC code No.85171290 has been changed to 85171211 and the same has been incorporated in the MEIS schedule. As they have exported the product prior to the change, their shipping bills do not interface with DGFT portal and exports benefits/applications are not acceptable online. They approached Customs Authority for amendment of HS Code (from 85171290 to 85171211) in the above shipping bills, wherein the Customs Authority has amended the shipping bills manually and not in EDI system. Since, system does not facilitate transmission of such correction /amendment electronically and Customs Authority has allowed the amendment in the shipping bills. Hence, requested to grant some special permission to make such shipping bills be available on DGFT and ICE GATE along with 2% additional ad-hoc incentive on HS code 85171211 in terms of Notification No.43/2015-20 dated 29.01.2020.

Decision: The Committee went through the statement made by the applicant along with the report received from PC-3 Division and discussed the matter at length. The Committee observed that issue involved in this case is subjudiced. Moreover, it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 15 M/s. Vision Distribution Pvt. Ltd., New Delhi
F. No. 01/60/162/246/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit of 4% instead of 2% for period of 01.01.2020 to 31.03.2020 for the mobile export business.

The applicant stated that the Notification No.14/2020 related to MEIS under ITCHS Code 85171211 and 85171219 pertain under 2% MEIS for the period of 01.06.2020 to 31 March -2020. On same ITCHS code pertain under 4% before 01.01.2020. They had booked their export order considering 4% MEIS as profit margin only. The real fact related to their Mobile Export Business, their profit margin is very low of 2%-3% of MEIS only. In India they are one of the renowned mobile exporters in world and compete with China Mobile Trader as well in world. They are exporting to around 20 countries in the world. In the Global competitive market they need support by the Government to get Good Export Incentive so that they may compete to their global competitor as well. They are also ready to pay 50% advance. Also, considering COVID-19 circumstances across India, the Government is taking /providing various relief measures for ease of doing business by Indian Companies. Hence, in light of such relief measures, they have requested to help them for running the business operation smoothly during this Covid-19 scenario.

Decision: The Committee went through the statement made by the applicant along with comments received from PC-3 Division and discussed the matter at length. The Committee observed that issue involved in this case is subjudiced. Moreover, it found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 16 M/s. Forgings & Chemicals Industries, Jalandhar
F. No. 01/60/162/221/AM21/PRC

Ulyam

PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow FPS benefit against Shipping Bill No.8664131 dated 28.03.2015 on the basis of manual BRC instead of e-BRCs.

This is defer case of PRC Meeting No.19/AM21 dated 22.12.2020 (Case No.21), wherein the Committee defer the case to seek a report from concerned Bank. The application stated that they had made the shipment vide shipping bill No.8664131 dated 28.03.2015 to M/s Coval in Poland. The forwarder wrongly delivered the goods to the customer in June 2015 despite the fact that the original bill of lading was in their custody. The customer M/s Coval subsequently did not pay for the shipment despite their best follow up. The approached their authority dealer bank i.e. Axis Bank and got the amount written off in the month of December 2017 as per RBI policy. Later on they filed a civil case and a criminal case against the forwarder M/s Continental Carriers in New Delhi and their foreign counterparts M/s APL Logistics. After filing the case the foreign counterpart of the carrier agreed to pay US$ 60000.00 on behalf of M/s Coval. This payment was received by them on 31.07.2018 US$30000.00 and on 04.09.2018 US$60000.00. Since the payment was written off by Axis Bank, they cannot generate eBRC and hence they are unable to claim FPS on the realized amount of US$ 60000.00. Hence, requested to allow FPS claim.

Decision: The Committee went through the submission made by the firm along with report received from Axis Bank and discussed the matter at length and noted that there is merit in the case and accordingly decided to allow FPS benefit against Shipping Bill No.8664131 dated 28.03.2015 on the basis of manual BRC instead of e-BRC without late cut. Concerned RA will verify the manual BRC and communicate with NIC-Division(HQ) for updating the BRC similar to the procedure followed in ECGC claims. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Ludhiana/ EDI/NIC for necessary updation in the System)

Case No. 17 M/s. Eastman Industries Limited, Ludhiana
F. No. 01/60/162/165/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow DFIA benefit against 6 DFIA File No.(i) 30/21/076/00018/AM16 dated 12.06.2015, (ii) 30/21/076/00022/AM16 dated 26.06.2015, (iii) 30/21/076/00041/AM16 dated 12.10.2015, (iv) 30/21/076/00008/AM17 dated 06.06.2016, (v) 30/21/076/00016/AM17 dated 23.06.2016 and (vi) 30/21/076/00017/AM17 dated 23.06.2016 by waiving pre import condition.

The applicant stated that the above mentioned 6 DFIA files are pending with RA, Ludhiana for issuance of transferable DFIA as they are of the view that Natural Rubber falls under Appendix-4j with prior import condition and hence cannot be allowed in transferable DFIA. Appendix -4J has been issued in terms of Para 4.13 of FTP and Para 4.29 (iii) was amended with imposition of restriction for no-issuance of DFIA. Further, the provision of Para 4.29 (iii) was amended with imposition of restriction for no-issuance of DFIA for inputs falling under appendix-4J vide Notification No.42 dated 21.03.2017. This pre-import condition imposed in this notification is prospective in nature and not retrospective. They had made export under above 6 DFIA files numbers between 11.08.2015 to 12.01.2017. Thus all export made by them are prior to Notification No.42 dated 21.03.2017, and hence should be exempted from pre-import condition. Accordingly, they have requested for issuance of transferable DFIAs with Natural Rubber as an input.

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. 18 M/s. Floor Decor, Cherthala, Kerala
F. No. 01/60/162/265/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Clubbing of two Advance Authorizaiton No.1010029503 dated 12.05.2008 and 1010028994 dated 05.03.2008.

This is defer case of PRC Meeting No.02/AM21 dated 05.01.2021 (Case No.32), wherein the Committee decided to defer the case to seek a detailed report from RA, Cochin. The applicant stated that they have completely fulfilled the EO and submitted an application on 26.05.2014 for clubbing/closing of advance authorisations to RA, Cochin. Since there were certain issues with some shipping bills, they made a request for amendment to Customs Authorities. The Customs Authorities took time and finalized the amendments in December, 2015.On reproaching RA they have pointed out that amendments made to Para 4.38(i), clubbing of Advance Authorisations issued on or before 31.03.2009 shall not be allowed. However, they had already submitted their clubbing application on 26.05.2014 which is 5 years prior to the amendment to Para 4.38(i) on 31.03.2019. They have completed their export obligation on Net to Net basis. Norms already fixed vide Meeting No.4/84-ALC3/2008 dated 24.04.2008, Case No.30/4/84-ALC3/2008 for AA 1010028994/ dated 05.03.2008 and Meeting No. 20/84-ALC3/2008 dated 14.08.2008, Case No.8/20/84-ALC3/2008 for AA 1010029503 dated 12.05.2008.

Decision: The Committee examined the case on the basis of justification furnished by the firm along with report received from RA, Cochin and discussed the matter at length and decided to relax the condition as laid down in Para 4.38 (i) of HBP 2015-20 as amended vide Public Notice No.70/2015-20 dated 30.01.2019 for clubbing of 2 Advance Authorizations No.1010029503 dated 12.05.2008 and 1010028994 dated 05.03.2008. The other terms and conditions for clubbing shall remain same as per policy/HBP provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Cochin)

Case No. 19 M/s. Dynamatic Technologies Limited, Karnataka
F. No. 01/60/162/99/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Condonation of procedural lapse of not obtaining SCOMET permission against 2 Advance Authorization No.0710109710 dated 26.04.2016 and 0710109626 dated 04.04.2016 prior to exports.

This is defer case of PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.26), wherein the Committee decided to refer the case to Department of Defense Production (DDP), Ministry of Defense to seek specific comments with reference to whether the past shipment made by the firm can be regularized. The applicant stated that they have completed the EO in all respects of above two licenses and paid duties as against the SION fixation and Submitted the closure application to RA Bangalore but their application was rejected for want of SCOMET permission. They were not aware that the exports covered by the above authorization come under the purview of SCOMET permission, the same was not applied for at the time of obtaining the authorization. Further, they also wish to submit that they are getting notices form customs authorization. Further, they also wish to submit that they are getting notices from Customs Authorities demanding duty for failure to produce the EODCs. It is merely a genuine procedural lapse on their part. Hence, they have requested that the same may please be condoned and they may be issued with permission to process their AAs for issuance of EODCs by RA, DGFT Bangalore.

Decision: The Committee went through the submission made by the applicant and discussed in detail. The Committee observed that this is a case of violation of Policy Provisions. Hence, it decided to refer the case to ECA-Division (HQ) for taking further necessary action.

(Action: Applicant/ECA-Division)

Case No. 20 M/s. Dynamatic Technologies Limited, Karnataka
F. No. 01/60/162/101/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Condonation of procedural lapse of not obtaining SCOMET permission against 2 Advance Authorization No.0710109871 dated 26.05.2016 and 0710110861 dated 28.12.2016 prior to exports.

This is defer case of PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.27), wherein the Committee decided to refer the case to Department of Defense Production (DDP), Ministry of Defense to seek specific comments with reference to whether the past shipment made by the firm can be regularized. The applicant stated that they have completed the EO in all respects of above two licenses and paid duties as against the SION fixation and Submitted the closure application to RA Bangalore but their application was rejected for want of SCOMET permission. They were not aware that the exports covered by the above authorization come under the purview of SCOMET permission, the same was not applied for at the time of obtaining the authorization. Further, they also wish to submit that they are getting notices form customs authorization. Further, they also wish to submit that they are getting notices from Customs Authorities demanding duty for failure to produce the EODCs. It is merely a genuine procedural lapse on their part. Hence, they have

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requested that the same may please be condoned and they may be issued with permission to process their AAs for issuance of EODCs by RA, DGFT Bangalore.

Decision: The Committee went through the submission made by the applicant and discussed in detail. The Committee observed that this is a case of violation of Policy Provisions. Hence, it decided to refer the case to ECA-Division (HQ) for taking further necessary action.

(Action: Applicant/ECA-Division)

Case No. 21 M/s. Dynamatic Technologies Limited, Karnataka
F. No. 01/60/162/100/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Condonation of procedural lapse of not obtaining SCOMET permission against Advance Authorization No.0710113852 dated 17.09.2018 and 0710114156 dated 22.11.2018 prior to exports.

This is defer case of PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.28), wherein the Committee decided to refer the case to Department of Defense Production (DDP), Ministry of Defense to seek specific comments with reference to whether the past shipment made by the firm can be regularized. The applicant stated that they have completed the EO in all respects of above two licenses and paid duties as against the SION fixation and Submitted the closure application to RA Bangalore but their application was rejected for want of SCOMET permission. They were not aware that the exports covered by the above authorization come under the purview of SCOMET permission, the same was not applied for at the time of obtaining the authorization. Further, they also wish to submit that they are getting notices form customs authorization. Further, they also wish to submit that they are getting notices from Customs Authorities demanding duty for failure to produce the EODCs. It is merely a genuine procedural lapse on their part. Hence, they have requested that the same may please be condoned and they may be issued with permission to process their AAs for issuance of EODCs by RA, DGFT Bangalore.

Decision: The Committee went through the submission made by the applicant and discussed in detail. The Committee observed that this is a case of violation of Policy Provisions. Hence, it decided to refer the case to ECA-Division (HQ) for taking further necessary action.

(Action: Applicant/ECA-Division)

Case No. 22 M/s. Dynamatic Technologies Limited, Karnataka
F. No. 01/60/162/98/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Condonation of procedural lapse of not obtaining SCOMET permission against 5 Advance Authorization No.(i) 0710099970 dated 26.11.2013, (ii) 0710108867 dated 12.10.2015, (iii) 0710108868 dated 12.10.2015,

(iv) 0710111634 dated 22.05.2017 and (v) 0710111555 dated 08.05.2017 prior to exports.

This is defer case of PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.29), wherein the Committee decided to refer the case to Department of Defense Production (DDP), Ministry of Defense to seek specific comments with reference to whether the past shipment made by the firm can be regularized. The applicant stated that they have completed the EO in all respects of above two licenses and paid duties as against the SION fixation and Submitted the closure application to RA Bangalore but their application was rejected for want of SCOMET permission. They were not aware that the exports covered by the above authorization come under the purview of SCOMET permission, the same was not applied for at the time of obtaining the authorization. Further, they also wish to submit that they are getting notices form customs authorization. Further, they also wish to submit that they are getting notices from Customs Authorities demanding duty for failure to produce the EODCs. It is merely a genuine procedural lapse on their part. Hence, they have requested that the same may please be condoned and they may be issued with permission to process their AAs for issuance of EODCs by RA, DGFT Bangalore.

Decision: The Committee went through the submission made by the applicant and discussed in detail. The Committee observed that this is a case of violation of Policy Provisions. Hence, it decided to refer the case to ECA-Division (HQ) for taking further necessary action.

(Action: Applicant/ECA-Division)

Case No. 23 M/s. Govardhan Overseas Pvt. Ltd., Bangalore
F. No. 01/60/162/563/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Revalidation of 2 DFIA No.0710099787 dated 20.11.2013 and 0710102923 dated 14.03.2014.

The applicant stated that in the case of DFIA No.0710099787 dated 20.11.2013 they had applied for EODC on 18.06.2015, well within extended time for import but license is still in the Custody of RA, Bangalore and therefore not able to import. At times they import after completion of export, because Customs allow import with bank guarantee which they take too long to release even after submission of EODC to them citing various reasons. They have requested to allow revalidation for import against exported quantity. In respect of DFIA No.0710102923 dated 14.03.2014, they had applied for EODC on 30.04.2015 (within validity of one year and one extension of 6 months), but deficiency letter issued on 21.07.2016 for which they had submitted reply on 09.08.2016. They have not utilized the above license for import as license is still in the Custody of RA, Bangalore. Hence, requested to allow revalidation with one extension of 6 months to enable them to complete import.

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. 24 M/s. Navya Inc., Delhi
F. No. 01/60/162/436/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow MEIS benefit against 22 Shipping bills.

The applicant stated that PN No.08 dated 01.06.2020 states that for filing of MEIS application which attracted late cut as on 01.03.2020, the period between 01.03.2020 and 30.06.2020 shall not be counted and the last date for submission of various categories of applications attracting that late cut and the applicable cuts will be accordingly re-determined. The scenario of COVID-19, the lockdown period, less man force in all establishments viz. Bank, Government, Private had a huge setback for all business related activities worldwide. Due to worldwide corona shutdown some of their payment from the buyers got rescheduled but were inevitable received though with the delay of couple of days. In some case even BRC's for on time payments / delayed payment were also not uploaded timely by bankers as they themselves were working under corona induced restrained conditions. Hence, in prevalent situation of COVID-19 they have requested for condonation and allow to claim the benefit of MEIS.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length. The Committee observed that due to delay in uploading of BRC by the banker in DGFT Portal, the firm has faced the problem which was beyond their control and accordingly decided to allow MEIS benefit only for those shipping bills whose realization has happened within in 3 years from the date of shipment but e BRCs have been uploaded after 3 years of shipment. It also decided that no cut would be imposed on the entitlement. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA, New Delhi/ EDI/NIC for necessary updation in the System)

Case No. 25 M/s. Sidhhartha Corporation Pvt. Ltd., Mumbai
F. No. 01/60/162/177/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Permission to avail benefit for TMA application for the quarter March 2019-20.

The applicant stated that they had applied for TMA quarter March 2019 application and done EFT vide e-COM reference No.07000127700010034713 and File No.032110250572AM20. Since this is newly introduced scheme they have followed the brochure as provided on DGFT website and completed online application. Obstacles in application process faced by them are (i) Site was getting log out in small intervals at the time of filling application. (ii) When they are searching for last done entry before interrupted logout and completing balance entry, shipping bill was getting deleted. (iii) They need to keep a close track after several entries about shipping bills are saved or not (iv) In-spite of taking all cares at the time of payment server was not accepting payment. (v) After repeated try payment was accepted but submission confirmation was pending for many days. With this, further they found many shipping bill entries are not accepted in submitted application. Hence, requested to allow to avail benefit of TMA application.

Decision: The Committee went through the submission made by the firm and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly decided to accede the request for condonation of delay in submission of TMA application for quarter March 2019-20 (File No.032110250572AM20). The firm shall approach RA concerned within 60 days of the uploading of the minutes of meeting.

(Action: Applicant/ RA-Mumbai/EDI/NIC for necessary updation in the System)

Case No. 26 M/s. Hia Exports, Mumbai
F. No. 01/60/162/51/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Replenishment of Gold under Appendix–4(0)

The applicant stated that they keep doing International Jewelry shows with the permission of GJEPC. They have done an exhibition in the month of February, 2020 and Gold rate used was provided by GJEPC, vide Ref No.GJC/GOLD/N/RATE/19/20-02613, dated. 18.01.2020. They have maintained value addition of 9% instead as per policy they have to maintain 7%. As there was announcement of sudden lockdown they could not able to process for replenishment of Gold as all the offices were closed, during this lock down period Gold level reached to its all time high. They have exported at USD 1557.60 and when offices resumed it reached to USD 1775.00, almost difference of USD 200.00. Hence they have requested for appendix 4-(o) to GJEPC but they denied to issue them as their value addition as per current gold rate going below 7%. They bring to notice that while doing exports it was maintained as per policy but due to sudden spike in rate they are not eligible. Hence, due to unexpected spike of USD 200.00, it is requested that appendix 4(o) may be issued on Positive NFE, instead of 7% precise on Current value of Gold.

Decision: The committee went through the statement made by the firm in its application and noted that the facts of the case have not been clearly specified by the firm and hence decided to call the firm as well as GJEPC for **Personal Hearing**.

(Action: Applicant/ GJEPC /PRC)

Case No. 27 M/s. Kaleesuwari Refinery and Industry Pvt. Ltd. Hyderabad, Telangana
F. No. 01/60/162/918/AM20/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

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Subject: Relaxation in Para 6.01(d) (i) read with Para 2.01(a) of the FTP for granting permission to import Used Cooking Oil' (UCO) – HSN 15180040 for the Manufacture and Export of Biodiesel as an EOU.

This is referred case of PRC Meeting No.03AM21 dated 09.06.2020 (Case No.19), wherein the Committee decided to refer the case to PC-2(A) division for its examination.
The applicant stated that they have entered into buy-back agreement with British Petroleum Singapore Pvt. Ltd., for export of Bio-diesel against supply of Used Cooking Oil UCO by them. They can execute this contract as an EOU only as restriction on export of Bio-diesel is not applicable to SEZ/EOU units vide Trade Notice No.44/2018-10 dated 31.01.2019. Hence, they applied for partial conversion of their unit in Kakinada, East Godavari into EOU with DC, VSEZ for manufacture of Bio-diesel and its by product Crude Glycerin. Their case for import of UCO was also discussed in the BOA in its meeting held on 04.10.2019 but the proposal was not approved. It is understood that para 6.01(b) of FTP empowers the BOA to allow export of prohibited item but EOU policy is silent in this regard. Hence, DoC referred the proposal to DGFT, which has been recommended by DC, VSEZ. The proposal was examined in PC-VI Division also (applicant being EoU) and firm was advised to apply before PRC for relaxation. They therefore, requested the PRC for import of UCO for manufacture and export of Bio-diesel. Following facts are submitted in support of the case by the firm:

(i) One of the largest importers of biodiesel, EU has mandated import of Biodiesel manufactured out of Used Cooking Oil (UCO) alone. Bio fuel manufactured out of palm products are not allowed to be imported into EU as the Pam plantation is carried out by deforesting the forest areas. Hence, Bio diesel industries have /are to now align/aligned towards green energy factoring by using the UCO as feed stock.
(ii) As per the National Policy on Bio-Fuels 2018, biodiesel has been defined as a methyl or ethyl ester of fatty acids produced from non-edible vegetable oils, acid oil, used cooking oil or animal fat and bio-oil. The National Policy thus, allows manufacture of Bio diesel by using Used Cooking Oil as the feedstock.
(iii) Agreement is signed with British Petroleum Singapore Pvt. Ltd for export of Bio-diesel made out of Used Cooking Oil (UCO) supplied by them. UCO supplied by BP Singapore will be with an International Sustainability Carbon Certification (ISCC). Entire Raw material supplied by BP Singapore would be used wholly and exclusively for export of Bio-diesel as per the mandate agreed. Stringent quality and quantity measures by BP Singapore would be enforced in case of any deviation in the specifications of the end product Bio-diesel.
(iv) It is a prestigious contract with British Petroleum Singapore Pvt. Ltd. for India which can be for a minimum of 5 to 7 years getting the country a Foreign Inward Remittance of 215.365 Million USD and a NFE of 44.933 million USD for the first five year licensing period. They are the only company identified in India by BP Pvt. Ltd. for supply of biodiesel as they have a state of art manufacturing facility in line with European standards with a dedicated pipeline from the port to the factory which ensures seamless operations in the manufacturing process.
(v) At present their DTA unit is providing direct employment to 60+ people and an indirect employment of approx. 300+ people. Currently they are able to use only 50 to 55% of the plant Capacity with an average turnover of Rs.250 Crores over the last 5 years. With the execution of this contract their plant will be used to its optimum

capacity and generate much-needed Foreign Currency earnings while increasing employment by another 50% to 60%.

(vi) They are one of the 8 units approved by FSSAI as authorised collector of Used Cooking Oil for manufacture of Biodiesel as per notification II/2018 dated 09/08/2019 for conversion into Bio- diesel. All the imported UCO will be; manufactured into Bio-diesel (with Glycerine as By- product coming out of the manufacturing process) and exported back after conversion of the same into Bio-diesel as per he terms of the agreement.

(vii) Trade Notice No.44/2018-19 dated 31.01.2019 permits Export of Bio Diesel for EOUs and SEZs, provided the feedstock of production of Bio Diesel for export from EOU or SEZ should be from imported sources.

(viii) They shall maintain such standards with imported UCO and will operate under Actual User conditions on the imported raw material and execute adequate/necessary conditional letter of undertaking/bond as required.

(ix) Their Bio diesel unit at Kakinada is meant exclusively for export production. Hence, the question of diversion of imported used cooking oil would not arise as all out DTA sales will be only out of alternate feedstock-palm stearin, PFAD. Further clearance of imported items in DTA is subject to customs clearance.

(x) They have already obtained all applicable pollution control Board clearances also.

(xi) Recently, two SEZ Units namely Bio-max and Xtraa Cleancities Ltd. have been granted approval by BOA for Import of Used Cooking oil for manufacture & export of Bio-diesel by granting relaxation in Rule 27(2) of SEZ Rules, 2006 in 45th and 93rd meetings respectively.

(xii) Keeping in view that the potential to earn considerable FFE and utilization of unutilized facility, the DC VSEZ vide letter No.8/EOU-474/VSEZ?2019 dated12.09.2019 and DC VSEZ vide letter No.8/EOU-548/VSEZ/2019 dated 23.12.2019 has strongly recommended the proposal. Ministry of Commence further forwarded our proposal with its own recommendations along with the recommendations from the office of the Development Commissioner, Vizag to the DGFT for consideration.

(xiii) DC customs vide letter No.VIII/48/12/2019-CD.KKD dated 19.08.2019 has confirmed that their unit has fulfilled the required conditions for partial conversion of the existing DTA unit into 100% EOU and accordingly recommended the proposal.

(xiv) They shall maintain the Internal Controls with respect to the movement of the Imported raw material by-product and finished goods. Steps and measures of CCTV Camera proposal to be taken by KRIPL inside the bonded area viz., Installation of CCTV Camera, proposal to bear the cost of full time officers of Customs to be stationed in Unit Maintains of stock registers, separate steps of account for the EOU in SAP Systems and submission of monthly and quarterly returns to the jurisdictional Customs Authorities etc. to ensure our EOU is similar and falls in line with any other SEZ.

Accordingly, this case was considered in PRC Meeting No.03/AM21 dated 09.06.2020 (Case No.19), wherein the Committee observed that this request involves a policy issue, which requires detailed examination and approval of the competent authority. Hence, it decided to refer the case to PC-2(A) Division for taking up the matter from the concerned Ministries /Departments for obtaining the inputs before taking final decision. PC-2 Division after taking up the matter with

MoEF&CC and Ministry of Petroleum & Natural Gas has forwarded the inputs received from the Ministries to PRC vide note dated 03.03.2021

Decision: The Committee discussed the case on the basis of submission made by the applicant along with detailed report received from PC-2(A) including comments given by M/o PNG. Regarding import of UCO, It noted that some agencies like, DC VSEZ, Customs Vizag had already recommended the proposal subject to Approval by BoA. BoA has already approved some of the SEZ units for undertaking import of UCO, though it is prohibited for imports. However, applicant here is a 100%EoU, so it is seeking a relaxation in the policy for allowing import of UCO for export of Biodiesel.Export of Biodiesel, though prohibited for exports, is allowed to SEZ/EoU , provided raw material for production and exports is from imported sources only.

Keeping in views the facts and reasons cited by the firm, the Committee observed that the request of the applicant is bonafide and needs to be considered.

Accordingly, it decided to relax Para 6.01(d) (i) read with Para 2.01(a) of the FTP for granting permission to import Used Cooking Oil' (UCO) – HSN 15180040 for Manufacture and Export of Biodiesel as an EOU subject to the condition that neither the Imported UCO nor the final product i.e Biodiesel will be diverted to any company (other than the company with which applicant has the contract as mentioned above) or in domestic market. Import is subject to Actual User condition. The Committee felt that since item involved in this case is a prohibited item , hence approval of Competent authority is required. Accordingly it decided to ask PC-2(A) Division to put up the matter in detail for relaxation of policy as recommended by PRC, for approval of competent authority on file and inform the firm accordingly.

(Action: Applicant/PC-2-(A))

Case No. 28 M/s. GIC Insuflex Conductors Pvt. Ltd., Maharashtra
F. No. 01/60/162/306/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: EOP extension up to 35 Months against Advance Authorization No.0310803938 dated 13.04.02016 to regularize the case.

The applicant stated that as their exports were unfulfilled they had not paid the composition fees for extension of EOP and few of the exports made are out of the 2nd extension period. They had been issued Advance Authorization No.0310820301 dated 06.04.2018 under which they had not made any imports. But at the time of exports they had mistakenly mentioned this authorization number on the shipping bills which are now utilized under the subject advance authorization. For which they had applied for 2 certificate of amendment in which one is readily available with them for 14 shipping bills and other 22 shipping bills are under process from the Customs Department.They had surrendered the authorization No.0310820301 dated 06.04.2018 in RA, Mumbai. Also they had redeemed Advance Authorization No.0310794946 dated 27.03.2015 under which they had made excess exports. The excess shipping bills are being utilized under the subject advance authorization for which they had issued certificate of Amendment from Customs for 11 shipping bills bills. The subject advance license was issued for Unplated Conductors of Copper.

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But later they had more order for other product i.e. Paper Covered Copper Conductors wires and hence they were unable to complete the export of Unplated Conductors of Copper within the initial EOP. The import material used is same for the products and has the same wastage norms allowed for them i.e. 1:1:02/kg. They had fulfilled 100% EO with 35 months from the date of issue of the Advance License. Hence, requested for EOP extension up to 35 months to regularize the case. They are ready to pay composition fee as per the Policy and Procedure.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and observed there is merit in the case and accordingly decided to accede the request and allowed EOP extension of Advance Authorisation No.0310803938 dated 13.04.2016 up to 12.03.2019 (i.e. 35 months from the date of issue of Authorisation) subject to payment of composition fees @0.5% per month on the unfulfilled FOB value, if exports are fulfilled more than 50% or @ 1% per month where exports have been made less than 50% within initial/extended EOP. The Committee further decided that the exports made under other advance authorizations will not to be counted towards fulfillment of EO against the subject authorisation. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 29 M/s. Bharat Food Products, Ulhasnagar, MH
F. No. 01/60/162/498/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow addition of Shipping Bill No.6250028 dated 16.07.2018 to DFIA License No.0310837374 dated 23.07.2020 by relaxing of Para 4.29 of FTP 2015-20 and allowing the amendment in quantity/value and grant transferability along with revalidation for six months.

The applicant stated that they had completed the exports against File No.03/82/076/00002/AM18 dated 07.11.2017 within 12 months, as per Para 4.29 (ii) FTP 2015-20. There was some delay in issue of Electronic e-BRC against Shipping Bill No.6250028 dated 16.07.2018 by their bank. As per verbal advised of RA, they had applied for transferability for the e-BRC issued shipping bills, their online application was filed so they had requested for inclusion of the said shipping bill once e-BRC was uploaded and accordingly requested for enhancement of quantities and values. But RA, Mumbai informed for inclusion of Shipping Bill No.6250028 dated 16.07.2018. Since they have made more exports (quantity & value wise) against the File No.03/82/076/00002/AM18 dated 07.11.2017 then the quantity & value for which they got the transferable DFIA. It is not possible to convert the Shipping Bill No.6250028 dated 16.07.2018 to drawback as same is restricted to 90 days as per Circular No.36/2010 dated 23.09.2010, their export pricing is always done considering the export incentives, as their profit margins are thin, so loosing incentive means loosing international competitiveness. They are requesting for relaxation in Policy and to allow them to enhance the export, import quantities & values pro-rata to the exports already made of the DFIA along with revalidation.

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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. Trident Limited, Punjab
F. No. 01/60/162/555/AM20/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Revalidation of 3 Target Plus License No.(i) 0510404152 dated 29.09.2017, (ii) 0510404155 dated 29.09.2017 and (iii) 0510404156 dated 29.09.2017.

This is refer case of PRC Meeting No.11/AM21 dated 22.09.2020 (Case No.01), wherein the Committee decided to refer the case to PC-3 Division for its detailed examination and resolution. The applicant stated that they have been issued 7 Target Plus Scheme licenses for 7.62 crores. Out of 7, they have fully utilized 4 licenses, but the above 3 licenses they could not utilized fully. One of the major reasons for less utilization of Target Plus Scrip is that the same is not Freely Transferrable and has actual user condition. Furthermore, the said scrip has been issued in GST Regime i.e. on 29.09.2017 wherein the import Duty Utilization had changed with the introduction of GST regime. The Target Plus license after implementation of GST could only be utilized for the payment of basic custom duty portion only which ranges from 5-10% and therefore, they have not been able to utilize fully. In the pre-GST regime, the Target Plus could be utilized towards the payment of total custom duty of 21.50% to 26.50%. The above stated change has resulted in less utilization of TPS. Had the utilization been allowed against IGST in GST regime, scrips could have been fully utilized in less than a year's time. Hence, requested for revalidation for a period of 12 months from the date of expiry.

Decision: The Committee observed that this case has already decided earlier by PRC. Accordingly, it decided to withdraw this case from PRC and refer back again the matter to PC-3 Division for taking necessary action as per the decision of PRC in its Meeting No.11/AM21 dated 22.09.2020 (Case No.01).

(Action: PC-3 Division/Applicant)

Case No. 31 M/s. Oswal Industires Ltd., Gujarat
F. No. 01/60/162/416/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: To allow FPS benefit against 4 RA File No.(i) 08/97/87/50026/AM19, (ii) 08/97/87/50028/AM19, (iii) 08/97/87/50029/AM19 and (iv) 08/97/87/50030/AM19.

The applicant stated that their application for FPS claim was rejected by RA, Ahmedabad stating application is time barred. HS Code 8481 was notified as being eligible for benefit under Focus Product Scheme (FPS). HS 8481 includes items of a kind used on bicycles. Based on the above scheme many exporters of industrial

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valve had filed application for availing the benefit since the goods fall under HS Code 8481. However, DGFT rejected the claim on the premise that only goods pertaining to bicycle are covered under the scheme and other goods like industrial valve are not eligible for the claim. A Trade Notice No.11/2015 dated 14.12.2015 was issued clarifying goods other than parts of bicycle is not eligible for benefit under FPS. Bearing in mind the Trade Notice, they did not file their claim during the stated period. Pursuant to Supreme Court's decision, DGFT issued a Trade Notice 16/2018 dated 07.06.2018, withdrawing the earlier Trade Notice (No.11/2015 dated 14.012.2015) citing the reason as stated above. In the light of the above, from 07.06.2018, for the first time, other items, which are not part of bicycle covered under HS code 8481 became eligible for FPS benefit. Further stated that for shipment already made prior to the inclusion /modification of the items /markets in relevant appendices by various Public Notices have issued from time to time. Trade Notice 16/2018 dated 07.06.2018 came into existence on 07.06.2018, after which various RAs granted /issued FPS authorisations in similar matters. However, RA, Ahmedabad has rejected their request for FPS as time barred.

Decision: The Committee after going through the representation it observed that no policy relaxation is involved in this case. Accordingly it decided to withdraw this case from PRC and refer the case to PC-3 Division for its examination and resolution. The Committee also directed to inform the firm accordingly.

(Action: PC-3 Division/Applicant)

Case No. 32 M/s. Destiny Uniforms, Mumbai
F. No. 01/60/162/487/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Solving technical issue for getting either MEIS or ROSCTL against exports of garments during 2019-2020

The applicant stated that they are an MSME enterprise exporting garments and fabric. The have been getting MEIS in the past. However, against their export made from 01.04.2019 as usual while filling shipping bills their CHA put MEIS code and the system accepted the same in the shipping bills. It was later when they filled their MEIS application, they have realised that MEIS was discontinued period was accepting shipping bills contains MEIS code, their clearing agent got passed their shipping bills with MEIS code. Now, they apply for incentive they are neither getting MEIS or alternate ROSCTL. As they are a small MSMW garment export company and while negotiating export order they had taken into account this incentive in their costing. For solving this issue of getting MEIS code changed to ROSCTL code, they have been running from pillar to pillar at both Customs and DGFT offices for last 6 months. Customs department says it can be solved only through DGFT and DGFT says it can be solved through Customs. They now, want solution for getting alternate ROSCTL by replacing MEIS code during this above period of exports.

Decision: The Committee went through the submission made by the firm along with comments received from PC-3 Division and discussed the case at length. The Committee 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. 33 M/s. Scraft Products Private Limited, New Delhi
F. No. 01/60/162/693/AM20/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: Extension of EOP against 3 Advance Authorisation No.(i) 0510403061 dated 07.06.2017, (ii) 0510403821 dated 28.08.2017 and (iii) 0510403822 dated 28.08.2017.

This is refer case received from CLA, New Delhi of PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.22), wherein the Committee approved for 6 months EOP from the date of endorsement. CLA, New Delhi vide letter dated 11.03.2021 intimated that the firm had filed a request for EO extension with the aforementioned PRC decision. The firm imported Aluminium Foil in 2017 against advance license and started exporting the material as per their orders. But the company was NPA soon after they had procured the license and hence, they could not export the material as it was hypothecated by the bank. Company further stated that the material is lying with them and will start getting deteriorated and also the foreign orders will be cancelled. However, a reference has been received from DRI, Noida vide letter dated 13.05.2020 stating that no request shall be considered without obtaining their comments. CLA, New Delhi has obtained DRI's comments vide letter dated 15.02.2021 stating that the request of the firm for EOP extension may be rejected. Therefore, the PRC decision was not complied due the reference from DRI, Noida. Hence, CLA, New Delhi requested for guidelines in the matter for taking action accordingly.

Decision: The Committee went through the representation received from CLA, New Delhi and discussed the matter at length. The Committee decided to ask CLA, New Delhi to implement the decision taken in PRC Meeting No.20/AM21 dated 05.01.2021 (Case No.22).

(Action: Applicant/ CLA, New Delhi)

Case No. 34 M/s Delta Exim Services, Mumbai
F. No. 01/53/8/E/AM19/D-14/IC /01/60/162/331/AM21/PRC
PRC Meeting No.27/AM21 dated 31.03.2021

Subject: 2nd Revalidation of Import Authorisation No.0350003714 dated 30.11.2018 after expiry of 1st revalidation granted from 31.05.2020 to 30.11.2020 by RA, Mumbai.

The applicant stated that they got the first revalidation during the period of COVID-19. Specially India and Europe (their horses import from UK and Netherlands) and all flights were also cancelled and not operated by airlines due to COVID-19. Still many offices are closed or open partially with 30% staff, therefore their first revalidation is wasted. As per Indian protocol groom/labour essential along with horses from foreign to handle horses. But visas for groom were also closed. Moreover, as per the protocol foreign exporter must need to quarantine the horses in their respective country of origin/export before 30 days to 45 days to import in India. That was also denied by the concern authority due to COVID-19. Before importing of horses in India they have to do advance booking in Mumbai animal quarantine for stables for 30 days to quarantine horses in their premises but it was also denied for COVID-19. Still their horses stock in foreign and exporter is charging as penalties as maintenance of horses per day basis in foreign currency. Hence, requested for revalidation till May 2021 (6 months) so that they can import their stock which hold up by the exporter.

Decision: The Committee examined the case on the basis of justification submitted by the applicant and observed that due to COVID-19 Pandemic firm has faced the problem which was beyond their control. Accordingly, it decided to accede the request and allowed revalidation of Import Authorisation No.0350003714 dated 30.01.2018 for a further 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-Mumbai)

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