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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting Held on 03.12.2021under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.17/AM22 held on 03.12.2021

The following members were present in the meeting:

1. Shri Vijay Kumar — Addl. DGFT
2. Shri S.B.S. Reddy — Addl. DGFT
3. Shri AkashTaneja — Addl. DGFT
4. Shri Praveen Kumar — Dy. 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. Jubilant Pharmova Limited, Noida	1
2.	M/s. Kancor Ingredients Limited, Kerala	2
3.	M/s. RR Enterprises, Andhra Pradesh	3 & 4
4.	M/s. K N Foods, Andhra Pradesh	5 & 6
5.	M/s. Shree Ram Industries, Jodhpur	7
6.	M/s. Raja Ispat Pvt Ltd., Noida	8
7.	M/s. Polycab India Ltd., Mumbai	9 to 11
8.	M/s. Gateway Distriparks Ltd., Mumbai	12
9.	M/s. GKB Hi-Tech Lenses Pvt. Ltd., Goa	13
10.	M/s. Palvi Industries Limited, Vadodara	14
11.	M/s. Dalas Biotech Ltd., New Delhi	15
12.	M/s. DhwaniPolyprintsPvt. Ltd., Daman & Diu	16
13.	M/s. Phoenix Industries Limited, Silvassa	17
14.	M/s. Arvind Limited, Gujarat	18
15.	M/s. Nagreeka Indcon Products Private Limited, Mumbai	19

PH Case No. 01 M/s. Jubilant Pharmova Limited, Noida
F. No.HQRPRCAPPLY00143605AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Revalidation of Advance Authorization No.0510411415 dated 01.08.2019.

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The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Shri Rajeev Balyan, Director and Shri B.P. Saxena, Deputy Manager appeared on behalf of the firmand made the following submissions:

The applicant stated that they have obtained the Advance Authorization no. 0510411415 dated 01.08.2019 having initial validity up to 01.08.2021. A composite scheme of Amalgamation in C.P. No. 195/ALD/2020 has been approved by the National Company Law Tribunal, Bench at Allahabad vide order dated 06.01.2021, pursuant to which the "Life sciences Ingredients" undertaking & business stands demerged from Jubilant Life Science Limited to Jubilant Ingrevia Limited. Consequently, they approached CLA New Delhi to amend the Advance Authorization and endorse name and IEC from Jubilant Life Science Limited to Jubilant Ingrevia Limited. Further, the CLA New Delhi has issued co-licenses against the said advance authorization which they get registered with customs for further utilizing the same for completion of imports. However, at the time of filing the bill of entry, the customs sever is showing and error as "Error code-410-lic agency mismatch" due to which the advance authorization is not being debited for clearance of import shipment and the same error was reported on 10.07.2021. The said authorization expired on 01.08.2021. Hence, they are requesting for revalidation of above advance authorization for the period of six months.

Decision: The Committee heard the case on the basis of submission made by the firm and discussed the matter at length. It is observed that due to data transmission/system error, the firm has faced the problem which was beyond their control. Accordingly, it decided to accede to the request and allowed revalidation of Advance Authorization No.0510411415 dated 01.08.2019 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/CLA-New Delhi)

PH Case No. 02 M/s. Kancor Ingredients Limited, Kerala
F. No.HQRPRCAPPLY00094814AM21
Meeting No.17/AM22 held on 03.12.2021

Subject: To allow MEIS benefit against 10 shipping bills (2 at Cochin Customs and 8 at Mumbai Customs) in which 'N' has been selected in Reward Column.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri K.C.Babu, Logistics Group Leader appeared on behalf of the firm and made the following submissions:

This is the review case of PRC Meeting no. 12/AM21 dated 29.09.2020 (Case No.01) wherein the Committee has rejected the case. The applicant stated that due to some technical error in the system at the time of filing shipping bills, the export incentives were inadvertently selected as "N" instead of "Y". The product name and HS code was correctly mentioned in the shipping bills. Hence, they are requesting to allow MEIS benefit against all the 10 shipping bills.

Decision: The Committee heard and reviewed the case on the basis of justification furnished by the firm and found no merit in the request and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.12/AM21 dated 29.09.2020 (Case No.01).

(Action: Applicant)

PH Case No. 03 M/s. RR Enterprises, Andhra Pradesh
F. No.HQRPRCAPPLY00080466AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of delay in submission of physical copy of TMA application for the period 01.07.2020 to 30.09.2020 (File no. 09/21/102/50221/AM21 dated 26.12.2020).

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Yallabandi Sreeramulu Authorized Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that they had prepared online E-com application for TMA for the period from 01.07.2020 to 30.09.2020. Due to the prevailing covid-19 pandemic, the government, in the interest of nation had taken many preventive measures like lockdowns, restrictions in the number of employees allowed to work and other people related various restrictions. These covid-19 restrictions have caused a shortage of sufficient manpower in their office which led to massive pending and backlogs of accounting entries and other office related works. Along with these pending works, they couldn't even complete and submit all the TMA applications on time. There ANF 7(A) from their Auditor was also got delayed due to covid-19. They are requesting to consider this as a genuine hardship faced by them and this as beyond their control and allow relaxation in submitting the TMA application for the said period against file no.09/21/102/50221/AM21 dated 26.12.2020.

Decision The Committee heard and examined the case on the basis of submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay of few days in submission of physical copy of TMA application for the period 01.07.2020 to 30.09.2020(file no.09/21/102/50221/AM21 dated 26.12.2020).The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Hyderabad)

PH Case No. 04 M/s. RR Enterprises, Andhra Pradesh
F. No.HQRPRCAPPLY00080467AM21
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of delay in submission of physical copy of TMA application for the period 01.10.2020 to 31.12.2020 (File no. 09/21/102/50222/AM21 dated 26.12.2020)

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Yallabandi Sreeramulu Authorized Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that they had prepared online E-com application for TMA for the period from 01.10.2020 to 31.12.2020. Due to the prevailing covid-19 pandemic, the government, in the interest of nation had taken many preventive measures like lockdowns, restrictions in the number of employees allowed to work and other people related various restrictions. These covid-19 restrictions have caused a shortage of sufficient manpower in their office which led to massive pending and backlogs of accounting entries and other office related works. Along with these pending works, they couldn't even complete and submit all the TMA applications on time. There ANF 7(A) from their Auditor was also got delayed due to covid-19. They are requesting to consider this as a genuine hardship faced by them and this as beyond their control and allow relaxation in submitting the TMA application for the said period against file no. 09/21/102/50222/AM21 dated 26.12.2020.

Decision: The Committee heard and examined the case on the basis of submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay of few days in submission of physical copy of TMA application for the period 01.10.2020 to 31.12.2020 (file no.09/21/102/50222/AM21 dated 26.12.2020).The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Hyderabad)

PH Case No. 05 M/s. K N Foods, Andhra Pradesh
F. No.HQRPRCAPPLY00080928AM21
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of delay in submission of physical copy TMA Application for the period 01.04.2020 to 30.06.2020 (file no. 09/21/102/50223/AM21 dated26.12.2020).

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, but no one appeared on behalf of the firm. However, the Committee considered the case on the basis of merit.

The applicant stated that they had prepared online E-com application for TMA for the period from 01.04.2020 to 30.06.2020. Due to the prevailing covid-19 pandemic, the government, in the interest of nation had taken many preventive measures like lockdowns, restrictions in the number of employees allowed to work and other people related various restrictions. These covid-19 restrictions have caused a shortage of sufficient manpower in their office which led to massive pending and backlogs of accounting entries and other office related works. Along with these pending works, they couldn't even complete and submit all the TMA applications on time. There ANF 7(A) from their Auditor was also got delayed due to covid-19. They are requesting to consider this as a genuine hardship faced by them and this as beyond their control and allow relaxation in submitting the TMA application for the said period against file no. 09/21/102/50223/AM21 dated 26.12.2020.

Decision: The Committee went through the submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay in submission of physical copy of TMA application for the period 01.04.2020 to 30.06.2020 (file no.09/21/102/50223/AM21 Dated 26.12.2020).The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Hyderabad)

PH Case No. 06 M/s. K N Foods, Andhra Pradesh
F. No.HQRPRCAPPLY00080932AM21
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of delay in submission of physical copy of TMA Application for the period 01.07.2020 to 30.09.2020 (file no. 09/21/102/50224/AM21 dated 26.12.2020).

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, but no one appeared on behalf of the firm.However, the Committee considered the case on the basis of merit.

The applicant stated that they had prepared online E-com application for TMA for the period from 01.07.2020 to 30.09.2020. Due to the prevailing covid-19 pandemic, the government, in the interest of nation had taken many preventive measures like lockdowns, restrictions in the number of employees allowed to work and other people related various restrictions. These covid-19 restrictions have caused a shortage of sufficient manpower in their office which led to massive pending and backlogs of accounting entries and other office related works. Along with these pending works, they couldn't even complete and submit all the TMA applications on time. There ANF 7(A) from their Auditor was also got delayed due to covid-19. They are requesting to consider this as a genuine hardship faced by them and this as beyond their control and allow relaxation in submitting the TMA application for the said period against file no. 09/21/102/50224/AM21 dated 26.12.2020.

Decision: The Committee went through the submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay in submission of physical copy of TMA application for the period 01.07.2020 to 30.09.2020(file no.09/21/102/50224/AM21 Dated 26.12.2020).The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Hyderabad)

PH Case No. 07 M/s Shree Ram Industries, Jodhpur
F. No.HQRPRCAPPLY0072777AM21
Meeting No.17/AM22 held on 03.12.2021

Subject:Extension of EOP against Advance Authorization No.1310039791 dated 23.05.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Sachin Agarwal, Authorized Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that there were two inputs allowed for import but they had used only one input i.e. Guar Seed for manufacturing of final product and accordingly they had imported Guar Seed only. Therefore, the export obligation of 146.20 MT will be reduced by 21.93 MT and final export obligation was 124.27MT. They have made 30.57% of exports i.e. up to 38 MT and accordingly proportion import allowed was 152.90 MT but they have made the import of 146.92 MT only. As per NC meeting no. 4/85-alc3/2017 dated 28.09.2017 of norms, import quantity was allowed as 500 MT and accordingly they have made the import and export. But due to export quantity was mentioned wrong in the earlier norms, their license was not redeemed by RA Jaipur due to shortfall in export quantity (mentioned quantity was 150 MT instead of 146.20 MT). Then they received another norms after 9 years and allowed import quantity only 487.33 MT instead of 500 MT with correct export quantity of 146.20 MT instead of 150 MT in the meeting no. 05/85-ALC-3/19 dated 01.10.2020. Hence, they are requesting for extension of EOP against Advance Authorization no. 1310039791 dated 23.05.2015, so as to make additional exports as per norms fixed in their case. They have got the orders and can complete exports immediately.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and observed that there is merit in the case and accordingly it decided to accede to the request and allowed EOP extension of Advance Authorization No.1310039791 dated 23.05.2015 for a further period of 2 months from the date of endorsement to complete extra exports, as required. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Jaipur)

PH Case No. 08 M/s Raja Ispat Pvt Ltd., Noida
F. No.HQRPRCAPPLY00124804AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of non-availability of Bill of Export for redemption in respect of EPCG Authorization No.0530143048 dated09.02.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Ms. Anu Bhargava, Authorized Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that they have obtained the EPCG License No.0530143048 dated 09.02.2009 for import of capital goods for a duty saved amount of Rs.4198075.15 against which they have to export packaging material for FOB value of USD 755559.08. However, supplies to Export Processing Zones for fulfilling the commitment of export obligation are necessarily to be covered by Bill of Exports. Even though they had made substantial supplies to the SEZ in Noida SEZ under ARE-1 documents, they had inadvertently failed to file the Bill of exports. Further they stated that a pragmatic approach needs to be adopted considering that barring the lapse of creating proper documentation, their commitment to discharge the export obligation has been fully met. All other documents submitted by them for redemption of license leads to an irrefutable conclusion that goods supplied by them to EOU units were manufactured by them from duty free machinery imported by them under EPCG authorization and supplies made were for completion of the EO under the said license. Hence, they are requesting to condone the non-availability of Bill of Export for redemption in respect of said EPCG Authorization.

Decision: The Committee heard and 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)

PH Case No. 09 M/s. Polycab India Ltd., Mumbai
F. No.HQRPRCAPPLY00047630AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Refund of Terminal Excise Duty (TED) against file No.03/47/413/00142/AM19.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Shri Purna Chandra Pattnaik, Authorized Representative appeared on behalf of the firmand made the following submissions:

The applicant stated that they had supplied the goods to Nuclear Power Project in which M/s. BHEL was appointed as main contractor and the applicant was appointed as sub-contractor. Treating the supplies made by them as Deemed exports in terms of FTP, they had submitted the application for refund of TED in year 2008 to RA Mumbai at their counter for which RA has issued deficiency on 22.12.2008. Since the documents required by RA were not in their possession, therefore they had addressed several letters/personal meetings/telephonic conversation with the main contractor as well as with the project authority for arranging the required documents. Due to their best efforts, they have got certain documents and submitted the same to RA on 01.02.2019 but RA rejected their case due to delay of more than 11 years on 06.08.2019. The aforementioned act of not providing the desired documents by the main contractor as well as the Project Authority was beyond their control and was one of the grounds of genuine hardship faced by the supplier of the goods. Hence, they are requesting to refund the TED against file No. 03/47/413/00142/AM19.

Decision: The Committee heard and examined the case on the basis of submission made by the applicant and discussed the matter at length. The Committee noted after submitting the file at counter for scrutiny in 2008, application was submitted by the firm only in 2019 (after almost 11 years). Further 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 of the firm.

(Action: Applicant)

PH Case No. 10 M/s. Polycab India Ltd., Mumbai
F. No.HQRPRCAPPLY00047616AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Refund of Terminal Excise Duty (TED) against file No.03/47/413/00008/AM22.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Shri Purna Chandra Pattnaik, Authorized Representative appeared on behalf of the firmand made the following submissions:

The applicant stated that they had supplied the goods to Nuclear Power Project in which M/s. BHEL was appointed as main contractor and the applicant was appointed as sub-contractor. Treating the supplies made by them as Deemed exports in terms of FTP, they had submitted the application for refund of TED in year 2008 to RA Mumbai for which RA has issued deficiency on 12.12.2008.Since the documents required by RA were not in their possession, therefore they had addressed several letters/personal meetings/telephonic conversation with the main contractor as well as with the project authority for arranging the required documents. Due to their best efforts, they have got certain documents and submitted the same to RA on 10.12.2008 but due to delay in arranging the documents, there was no further submission of the reply to RA. The aforementioned act of not providing the desired documents by the main contractor as well as the Project Authority was beyond their control and was one of the grounds of genuine hardship faced by the supplier of the goods. Hence, they are requesting to refund the TED against file No. 03/47/413/00008/AM22.

Decision: The Committee heard and examined the case on the basis of submission made by the applicant and discussed the matter at length. The Committee noted after submitting the file at counter for scrutiny in 2008, application was submitted by the firm only in 2019 (after almost 11 years). Further 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 of the firm.

(Action: Applicant)

PH Case No. 11 M/s. Polycab India Ltd., Mumbai
F. No.HQRPRCAPPLY00048046AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Refund of Terminal Excise Duty (TED) against File No.03/47/413/00009/AM22.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Shri Purna Chandra Pattnaik, Authorized Representative appeared on behalf of the firm and made the following submissions:

This is the review case of PRC Meeting No.15/AM17 dated 10.08.2016 (case no. 01) wherein the Committee rejected the case. The applicant stated that they are continuously following up with the main contractor and project authority for issuance of certificate of DAE. However, both the contractor and project authority failed to arrange the said certificate. The aforementioned act of not providing the desired documents by the main contractor as well as the Project Authority was beyond their control and was one of the grounds of genuine hardship faced by the supplier of the goods. Hence, they are requesting to refund the TED against file No. 03/47/413/00009/AM22.

Decision: The Committee heard and examined the case on the basis of submission made by the applicant and discussed the matter at length. Based on RA's report, the Committee noted after submitting the file at counter for scrutiny in 2008, application was submitted by the firm only in 2021 (after almost 13 years). Further 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 of the firm.

(Action: Applicant)

PH Case No. 12 M/s. Gateway Distriparks Ltd., Mumbai
F. No.HQRPRCAPPLY00109788AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Revalidation of SFIS License No.0310828271 dated 11.04.2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Shiv Chamaria, Authorized Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that the original request submitted at RA Mumbai for endorsement of name of their two group companies to their SFIS license on 15.09.2020. The RA has issued 1st deficiency letter on 26.11.2020 for which they have replied on 09.12.2020 and then received the 2nd reply as deficiency letter on 05.02.2021 for which they have replied on 11.02.2021. Then the RA has finally returned the original license without endorsement on 12.03.2021. The application is delayed beyond their control even though they were following up on regular basis. Hence, they are requesting to compensate for this delay by enhancing the validity of the scrip by 12 months (period for which RA has delayed their case) and due to covide-19 pandemic.

Decision: The Committee heard and went through the statement made by the applicant and discussed the matter at length and observed that it is not a case of relaxation and could have been done by RA at their level in terms of extant provisions of FTP/HBP. It further decided that Regional Authority may allow revalidation of subject SFIS for the custody period with them as per provisions of Policy/HBP.

(Action: Applicant/RA-Mumbai)

PH Case No. 13 M/s. GKB Hi-Tech Lenses Pvt. Ltd., Goa
F. No. HQRPRCAPPLY00133550AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: To allow MEIS benefit against 133 shipping bills pertain for the period 2016-17 and 2017-18.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, Shri Amjad Sayyed, Authorized Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that their 6 MEIS applications against 133 shipping bills were not visible on DGFT portal earlier and therefore they were not able to process the same. Afterwards, the applications were reflected on the portal but till that time the applications got time barred and hence they were not able to submit the same. They are requesting to reload all the shipping bills to enable them to file fresh applications under new e-com numbers without imposing any late cut.
During the course of personal hearing the applicant has also stated that for certain period their company was under the Denied Entity List (DEL).

__Decision:__ The Committee heard the submission made by the firm and discussed the matter at length and observed that there is merit in the case and accordingly it decided to accede to the request and allowed MEIS benefit, without any late cut, only for those shipping bills which pertain to the period when the firm was under Denied Entity List (DEL). Accordingly, The firm shall approach RA before 31.12.2021.

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

PH Case No. 14 M/s. Palvi Industries Limited, Vadodara
F. No.HQRPRCAPPLY00131264AM21
Meeting No.17/AM22 held on 03.12.2021

Subject: Revalidation of 4 DFIA No.(i) 3410043964 dated 13.03.2018, (ii) 3410044216 dated 08.06.2018, (iii) 3410044491 dated 11.09.2018 and (iv) 3410044492 dated 11.09.2018.

__Decision:__ The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 15 M/s. Dalas Biotech Ltd., New Delhi
F. No.HQRPRCAPPLY00001711AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: To allow EOP extension for regularization purpose against 2 Advance Authorization No.(i) 0510397466 dated 02.02.2016 up to 31.05.2020 and (ii) 0510397597 dated 15.02.2016 up to 27.01.2021.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. However, firm vide mail dated 02.12.2021 had requested to adjourn the matter as their newly engaged consultants are in the process of perusing and collating the documents. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 16 M/s. Dhwani Polyprints Pvt. Ltd., Daman & Diu
F. No.HQRPRCAPPLY00139992AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Revalidation of Advance Authorization No.0310826507 dated 20.01.2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Ms. Aditi Agrawal, Authorized Representative appeared on behalf of the firm and made the following submissions:

The applicant stated that while submitting the application for 2nd revalidation of said advance authorization they got the error message i.e. "You are not allowed to apply for revalidation as you have already applied two times". The Notification no. 57/2015-20 dated 31.03.2020 and Public Notice no. 67/2015-20 dated 31.03.2020 was not considered on their case for extension due to which they were not able to revalidate the authorization. They have raised the complaint for this issue online but the status of the complaint is still showing as "In Process" and they were doing regular follow up with RA Mumbai for solution but still the matter is pending with them. Now, even if they got the 2nd revalidation, their license will expire on 19.07.2021 and they will not be able to do any import. They further stated that the matter was pending with RA since 5 months and the authorization expired in their custody. Hence, they are requesting for additional extension of 6 months to revalidate the said Advance Authorization from 19.07.2021 to 18.01.2022.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and observed that due to error message in the online system, the firm was unable to apply for second revalidation, which was beyond their control. Accordingly, it decided to accede to the request and allowed revalidation of Advance Authorization No.0310826507 dated 20.01.2019 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)

PH Case No. 17 M/s. Phoenix Industries Limited, Silvassa
F. No.HQRPRCAPPLY00144545AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Condonation of procedural lapse of not preparing bill of exports and to consider ARE in lieu of Bill of exports towards fulfillment of EO against Advance Authorization No.0310805706 dated 24.06.2016.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 18 M/s. Arvind Limited, Gujarat
F. No.HQRPRCAPPLY00132432AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: To allow MEIS benefit against Shipping bills pertain to the year 2012-13, 2013-14, 2014-15 and 2016-17.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Tyagraj Mudaliyar and Shri Narendra Wadhwani, Authorized Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that they were regularly filing their MEIS application and to proceed with there are two important conditions in these applications. Firstly, e-BRC should be available on DGFT portal but Banks faced a lot of difficulties and due to the reason they have huge backlog in MEIS applications which got time barred. Secondly, the shipping bills filed on ICEGATE portal should be transmitted to DGFT portal but there was a glitch in DGFT portal and shipping bills do not reflect online. They have requested customs to transmit and re-transmit the shipping bills. There were the cases where transmission was done for more than 15-20 times but then only the shipping bill was visible in DGFT site. Since, the shipping bill was not available online, they were not able to apply for MEIS benefit and therefore the shipping bills got time barred. Hence, they are requesting to allow MEIS benefit against Shipping bills pertain to the year 2012-13, 2013-14, 2014-15 and 2016-17 amounting Rs.525.62 Lakhs approximately.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and found no merit in it. Accordingly, it decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 19 M/s. Nagreeka Indcon Products Private Limited, Mumbai
F. No.HQRPRCAPPLY00112404AM22
Meeting No.17/AM22 held on 03.12.2021

Subject: Regularization of export already made beyond EOP against Advance Authorization No.0310806679 dated 27.07.2016 (within 36 months i.e. 25.07.2019).

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The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 03.12.2021. Shri Alpesh Sawant, Senior Executive Logistics appeared on behalf of the firm and made the following submissions:

The applicant stated that they have extended the EOP for said advance authorization from 18 months to 30 months from RA Mumbai but the another extension as per para 4.42 of HBP was not allowed by RA. They have fulfilled 100% EO (for quantity & value both) against Advance Authorization no.0310806679 dated 27.07.2016 but the shipping bill no. 1643356 dated 29.01.2019 and 4890131 dated 15.06.2019 were exported extended outside the EOP. Hence, they are requesting for extension of EOP up to 25.07.2019 so that these shipping bills can be regularize against the said advance authorization.

Decision: The Committee heard and examined the case in detail and in view of justification provided by the firm it decided to accede to the request and allowed EOP extension up to 25.07.2019 against Advance Authorization No.0310806679 dated 27.07.2016 only for regularization purpose subject to the payment of composition fees @0.5% per month on the unfulfilled FOB value, if exports are fulfilled more than 50% within initial /extended EOP or @ 1% per month where exports have been made less than 50% within initial/extended EOP. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

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