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MINUTES OF 5th MEETING OF AM-25 OF THE EPCG COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SHRI HARDEEP SINGH, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE HELD ON 15.07.2024.

Fifth Meeting for AM-25 of the EPCG Committee was held on 15.07.2024 at 03.00 PM under the chairmanship of Shri Hardeep Singh, Additional Director General of Foreign Trade in Vanijya Bhawan, New Delhi. Following officers attended the meeting :-

i. Shri Sandeep Poonia, OSD, Department of Revenue
ii. Shri Randheep Thakur, Joint Director General of Foreign Trade, DGFT
iii. Shri Joy Prakash, Foreign Trade Development Officer, DGFT

2. Minutes of the last Meeting were confirmed. Thereafter, the Committee deliberated upon all the cases and following decisions were taken:-

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Case No- 1: ECE India Energies Private Limited, Maharashtra
F. No. HQRPRCAPPLY00000877AM25

Subject: Request for 1st Block EOP extension in respect of EPCG Authorization No.5030000942 dated 27.08.2019 under Zero duty EPCG Scheme.

In support of their request the firm has submitted that they could not fulfill the EO of 50% in the first block due to Covid-19. Now they have export orders in hand and are going to start export shipments. Initial EOP of the subject authorization is valid up to 27.08.2025. They also furnished the copy of EPCG authorization along with condition sheet.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow Condonation of delay in approaching the RA for extension in block-wise EOP within the prescribed time period. This shall be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.14 of HBP, 2015-20 and late fee of Rs. 10,000/-.

The above relaxation is also subject to the condition that the proper installation certificate has been submitted within time limits as specified in FTP/HBP.

This has the approval of DG, DGFT.

Case No- 2: M/s Sara Textile Ltd, Noida
F. No. HQREPCGPRAPP00001957AM24

Subject: Request for Condonation of penalty on late submission of Installation Certificate as per PN No. 22/2023 dated 13.7.2023 in respect of 62 EPCG Authorization under 0% Concessional Duty.

The firm has stated that they have been importing spare parts under EPCG Scheme for upkeep of their imported machines and for which they have been submitting the IC online. But unfortunately, later they were told by the officials that online submission needs to be followed by physical presentation of documents and they erred in not doing this.

2. Due to this aberration they were initially imposed a penalty of Rs. 15000/- per case due to late submission of physical documents. Further the firm has been submitted the documents in physical form.

3. The list of 62 EPCG Authorizations are as under :

S. No.	EPCG Authorizations No. & Date	S. No.	EPCG Authorizations No. & Date
1	0530155286 dated 18.04.2011	32	0530168441 dated 30.08.2016
2	0530156859 dated 03.11.2011	33	0530168650 dated 22.09.2016

3	0530156984 dated 21.11.2011	34	0530169405 dated 06.01.2017
4	0530158573 dated 15.06.2012	35	0530169510 dated 25.01.2017
5	0530160573 dated 21.03.2013	36	0530170548 dated 14.06.2017
6	0530161852 dated 14.11.2013	37	0530170800 dated 28.07.2017
7	0530162855 dated 05.06.2014	38	0530171055 dated 28.09.2017
8	0530163247 dated 25.08.2014	39	0530171236 dated 03.11.2017
9	0530163997 dated 17.12.2014	40	0530171289 dated 13.11.2017
10	0530163996 dated 17.12.2014	41	0530171416 dated 08.12.2017
11	0530164215 dated 23.01.2015	42	0530171621 dated 10.01.2018
12	0530164654 dated 30.03.2015	43	0530172172 dated 27.04.2018
13	0530164653 dated 30.03.2015	44	0530172171 dated 27.04.2018
14	0530164730 dated 23.04.2015	45	0530172518 dated 26.06.2018
15	0530164716 dated 23.04.2015	46	0530172578 dated 05.07.2018
16	0530165312 dated 01.07.2015	47	0530173214 dated 23.10.2018
17	0530165317 dated 03.07.2015	48	0530173388 dated 19.11.2018
18	0530165861 dated 16.09.2015	49	0530173529 dated 12.12.2018
19	0530165965 dated 30.09.2015	50	0530173712 dated 11.01.2019
20	0530166609 dated 23.12.2015	51	0530173711 dated 11.01.2019
21	0530166793 dated 21.01.2016	52	0530173859 dated 04.02.2019
22	0530166879 dated 03.02.2016	53	0530173867 dated 05.02.2019
23	0530166968 dated 15.02.2016	54	0530175095 dated 09.10.2019
24	0530167078 dated 01.03.2016	55	0530175254 dated 14.11.2019
25	0530167141 dated 11.03.2016	56	0530175328 dated 27.11.2019
26	0530167210 dated 18.03.2016	57	0530175327 dated 27.11.2019
27	0530167287 dated 30.03.2016	58	0530175388 date 06.12.2019
28	0530167487 dated 03.05.2016	59	0530175525 dated 02.01.2020
29	0530167806 dated 09.06.2016	60	0530175524 dated 02.01.2020
30	0530167964 dated 27.06.2016	61	0530175731 dated 24.02.2020
31	0530168212 dated 01.08.2016	62	0530176092 dated 16.07.2020

Decision: The Committee went through the statements made by the applicant 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.

Case No- 3: Gokul Knit Fabs, Tirupur, Tamil Nadu
F. No. HQREPCGPRAPP00000110AM25

Subject: Request for Waiver of Average Export Obligations in respect of following 5 EPCG Authorizations under 0% Concessional Duty.

As per ANF-2D, the firm has stated that their units were completely locked-down due to COVID-19 pandemic. Even after the re-opening, their major exports were either canceled or reduced.

2. The firm has further stated that they were able to maintain the specific EO to the tune of 100%. However, they were unable to maintain the average EO, despite their best efforts. Hence, they have requested for waiver of average EO.

Decision: The Committee went through the statements made by the applicant 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.

Case No- 4: M/s Balaji Industries Bamunimaidan, Assam
F. No. HQREPCGPRAPP00000101AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 1430000104 dated 08.02.2017 under 0% Concessional Duty.

The firm has stated that they were unable to submit the IC to RA within the prescribed time period due to ignorance. Firm further stated that they couldn't submit the Installation Certificate under stipulated time period due to unintentional purpose. The firm has requested for Condonation of delayed submission of Installation Certificate to RA.

2. As per Installation Certificate dated 16.05.2017 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm's premises on 10.05.2017 vide BOE Nos. 8753544 dated 03.03.2017.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 5: M/s Challenge Overseas, Mumbai
F. No. HQRPRCAPPLY00000477AM24

Subject: Request for Waiver of Penalties and Interest in Redemption of EPCG License No. 0330042975 dated 06.11.2015 under 0% duty.

In support of their request the firm submitted that:

i. They have imported stitching and allied machines with duty saved amount Rs.20.52.254/-
ii. The firm has submitted year wise turnover/EO in INR and USD is as under:

Financial Year	Turnover/EO(in INR)	Turnover/EO (in USD)Z
2015-16	10955831	164399.28
2016-17	14695109	219722.64
2017-18	17418082	275063.20
2018-19	4327104	62016.00

2019-20	NIL	NIL
2020-21	NIL	NIL
2021-22	NIL	NIL
Total	47396067	721201.12

iii. They have completed their EO as per the statement given above.
iv. They unable to maintain the average EO of Rs. 3,80,92,312/-.
v. They are exporters of Men's Trousers and their major export was to Gulf markets and mostly to UAE, Now, UAE levied taxes on imports as most of exports to UAE and such business activities suddenly stopped.
vi. All the machines imported under the subject authorization are lying idle at their factory.

2. RA Mumbai was asked to furnish a report in the matter. RA has furnished the requisite report vide email dated 29.05.2024.

Decision: The Committee went through the statements made by the applicant 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.

Case No- 6: Lypsa Gems & Jewellery Limited, Mumbai
F. No. HQREPCGPRAPP00000036AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330039041 dated 20.06.2014 under 0% Concessional Duty.

In support of their request, the firm has submitted the following-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.
2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.
3. As per Installation Certificate dated 21.11.2014 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm’s premises on 18.07.2014 vide BOE No. 6013793 dated 04.07.2014.
4. The firm was asked to inform whether they were registered under Central Excise.
5. Now, vide reply to DL dated 11.06.24, they have informed that that they were not registered under the Central Excise anytime in the past; nor at the time of availing the license or during the EOP.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 7: Lypsa Gems & Jewellery Limited, Mumbai</u>
F. No. HQREPCGPRAPP00000038AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330039697 dated 05.09.2014 under 0% Concessional Duty.

In support of their request, the firm has submitted the following :-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.
2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.
3. As per Installation Certificate issued by Chartered Engineer enclosed by the firm, the details are as under:

BOE details	Date of installation certificate	Date of installation of CGs	Date of submission of IC to RA
6928100 dated 30.09.2014	16.10.2014	11.01.2015	08.04.2024
7037631 dated 13.10.2014	29.10.2014	11.01.2015	08.04.2024
7764249 dated 20.12.2014	05.01.2014	11.01.2015	08.04.2024

4. The firm was asked to inform whether they were registered under Central Excise.
5. Now, vide reply to DL dated 11.06.24, they have informed that that they were not registered under the Central Excise anytime in the past; nor at the time of availing the license or during the EOP.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 8: Lypsa Gems & Jewellery Limited, Mumbai</u>
F. No. HQREPCGPRAPP00000037AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330036096 dated 13.06.2013 under 0% Concessional Duty.

In support of their request, the firm has submitted the following :-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.
2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.
3. As per Installation Certificate issued by Chartered Engineer enclosed by the firm, the details are as under:

BOE details	Date of installation certificate	Date of installation of CGs	Date of submission of IC to RA
7495361 dated 25.11.2014	12.12.2014	11.01.2015	08.04.2024
3125074 dated 29.08.2013	12.09.2013	12.11.2013	08.04.2024

4. The firm was asked to inform whether they were registered under Central Excise.
5. Now, vide reply to DL dated 11.06.24, they have informed that that they were not registered under the Central Excise anytime in the past; nor at the time of availing the license or during the EOP.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 9: Lypsa Gems & Jewellery Limited, Mumbai</u>
F. No. HQREPCGPRAPP00000011AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330040481 dated 16.12.2014 under 0% Concessional Duty.

In support of their request the firm has submitted that :-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.

2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.

3. As per Installation Certificate dated 22.01.2015 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm’s premises on 22.01.2015 vide BOE No. 0003874 dated 31.12.2014.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 10: Lypsa Gems & Jewellery Limited, Mumbai
F. No. HQREPCGPRAPP00000010AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330040650 dated 07.01.2015 under 0% Concessional Duty.

In support of the request, the firm has submitted the following :-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.
2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.
3. As per Installation Certificate dated 11.03.2015 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm's premises on 29.01.2015 vie BOE No. 7977212 dated 13.01.2015.
4. The firm was asked to inform whether they were registered under Central Excise.
5. Now, vide reply to DL dated 11.06.24, they have informed that that they were not registered under the Central Excise anytime in the past; nor at the time of availing the license or during the EOP.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 11: Lypsa Gems & Jewellery Limited, Mumbai
F. No. HQREPCGPRAPP00000009AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0330041398 dated 31.03.2015 under 0% Concessional Duty.

In support of the request, the firm has submitted the following :-

1. The firm has stated that they had availed the subject EPCG Authorization and completed the EO. However, there was a lapse from their end for late submission of IC to RA, Mumbai.

2. The firm has further stated that they were unable to submit the IC within the prescribed time period and they have apologized for the same.
3. As per Installation Certificate dated 09.07.2015 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm's premises on 28.04.2015 vide BOE No. 8887221 dated 13.04.2015.
4. The firm was asked to inform whether they were registered under Central Excise.
5. Now, vide reply to DL dated 11.06.24, they have informed that that they were not registered under the Central Excise anytime in the past nor at the time of availing the license or during the EOP.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 12: Saket Metal Technocraft Pvt. Ltd., Faridabad</u>
F. No. HQREPCGPRAPP00000118AM25

Subject: Request for Condonation of delay in submission of Installation Certificate in respect of EPCG Authorization Nos. 0530165375 dated 13.07.2015 and 0530165157 dated 16.06.2015 under 0% Concessional Duty.

The firm has stated that they imported the Laser Cutting Machine, Amada Light Shuttle Table & FD-VS-ARC Welding Robot with DM-350 against these two licenses. The firm has also stated that they have installed the above machinery in the factory within the prescribed time period and also obtained the installation certificate from CE. However, due to lack of knowledge they could not submit the IC to RA within time. Further, the firm has stated that they have fulfilled the 100% EO and also submit the redemption application.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 13: P.V. Spinning Mill India (P) Ltd, Tamil Nadu</u>
F. No. HQREPCGPRAPP00000097AM25

Subject: Request for Clubbing of EPCG Authorization Nos. 3230022654 dated 28.07.2015, 3230023573 dated 02.02.2016 & 3230023816 dated 17.03.2016 under 0% Concessional Duty.

In support of their request, the firm has submitted the following :-

i. The firm has stated that they have completed the entire EO in the 2nd block and submitted EO documents before RA Coimbatore on 18.08.2022.

ii. The firm has further stated that while submitting the EO documents they have requested to club the 3 Authorizations, since on EPCG have short fall in EO and other 2 have excess EO.

iii. RA, Coimbatore issued Deficiency vide letter dated 18.08.2023, rejected their request and stated that –

"As per para 5.27 (f) of HBP 2015-20, clubbing is permitted only during the valid EO period, including the extended period if any. In this case, the EO period of 1st Authorization expired on 28.07.2021, whereas you have submitted application on 18.08.2023. Hence, your request for clubbing is rejected and you are requested to submit redemption application individually."

Decision: The Committee went through the statements made by the applicant 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.

Case No- 14: Shree Balaji Agro Farm Industries Private Limited, Jharkhand
F. No. HQREPCGPRAPP00000099AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 2130000173 dated 02.01.2014 under 0% Concessional Duty.

The firm has stated that they were unable to submit the IC to RA within the prescribed time period due to ignorance. Firm further stated that they couldn't submit the Installation Certificate under stipulated time period due to unintentional purpose. The firm has requested for Condonation of delayed submission of Installation Certificate to RA.

2. As per Installation Certificate dated 27.02.2014 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm's premises on 20.02.2014 vide BOE Nos. 4594859 dated 10.02.2014.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 15: Triple 999 Retail Pvt Ltd, Uttar Pradesh
F. No. HQREPCGPRAPP00000116AM25

Subject: Request for Condonation of delay in submission of Installation Certificate in respect of EPCG Authorization No. 0530164937 dated 18.05.2015 under 0% Concessional Duty.

The firm has stated that CGs imported against above EPCG authorization are installed in time in the factory premises and installation certificate obtained within time. However due to lack of knowledge, they could not submit the installation certificate to CLA, Delhi within due time.

2. The firm has further stated that, now they have submitted the installation certificate online to CLA, Delhi on 11.03.2024 but CLA has issued them a deficiency letter on dated 14.03.2024 stating that :–

> *"You have not comply the procedure of Para 5.04 of HBP, hence you are advised to approach EPCG Committee for acceptance of Installation Certificate submitted beyond 18 months."*

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 16: M/s Engineer & Developers, West Bengal
F. No. HQREPCGPRAPP00000122AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 0230012658 dated 17.08.2017.

The firm has stated that they were unable to submit the IC to RA within the prescribed time period due to ignorance. Firm further stated that they couldn't submit the Installation Certificate under stipulated time period due to unintentional purpose.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 17: Bio-Lutions Eco Tech India Pvt Ltd, Karnataka
F. No. HQREPCGPRAPP00000117AM25

Subject: Request for Condonation of delay in submission of installation certificate in respect of EPCG Authorization Nos. 0730017555 dated 21.05.2018 and 0730017989 dated 25.10.2018 under Zero duty EPCG Scheme.

In this regard the firm submitted that they have paid penalty amount of Rs.10,000 on 19.12.2023 for each authorization for late submission of Installation Certificate as per Public Notice No.22/2023 dated 13.07.2023. However, they are unable to submit the Installation Certificate through online application within the time frame.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- per authorization and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 18: M/s Sonthalia Rice Mill, Bhubaneshwar, Odisha</u>
F. No. HQREPCGPRAPP00000120AM25

Subject: Request for Condonation of delay in submission of Installation Certificate issued by Chartered Engineer in respect of EPCG Authorization No. 2330001251 dated 02.02.2017.

The firm has stated that they were unable to submit the IC to RA within the prescribed time period due to ignorance. Firm further stated that they couldn't submit the Installation Certificate under stipulated time period due to unintentional purpose. The firm has requested for Condonation of delayed submission of Installation Certificate to RA.

2. As per Installation Certificate dated 24.05.2017 issued by Chartered Engineer enclosed by the firm, Capital Goods was installed at the firm's premises on 15.05.2017 vide BOE Nos. 2359000189, 2359000186, 2359000187 and 2359000188 dated 21.02.2017.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 19: Supreme Solar Systems, Bangalore</u>
F. No. HQRPRCAPPLY00016331AM22

Subject: Request for:

i. **To allow the fulfilment of EO by the Private Limited Company as the Proprietorship Firm is not in existence.**
ii. **Extension of 1st block to fulfill the EO**

In respect of EPCG Authorization no. 0730015849 dated 26.09.2016.

The case was considered in the 12th EPCG Committee Meeting of AM-23 held on 23.02.2023. The decision of which is as under:

"The Committee heard the submissions of the representative of the firm and noted that RA, Bengaluru was the only respondent in the WP No. 8106 of 2021 and as per the available records it is yet to comply with the order dated 09.09.2022 of the Hon'ble High Court. In order to enable the Committee to dispose off the pending request of the firm

filed before it, RA to take a final decision in the matter immediately and latest within a period of four weeks from the date of uploading of the Minutes."

2. The firm vide email dated 25.08.2023 have stated as under :-

a. RA, Bangalore has passed the order dated 17.08.23 (copy attached) pertaining to the subject EPCG license no. 0730015849 dated 26.09.2016. RA has reinstated the subject EPCG Authorization and advised the firm to approach EPCG Committee for consideration of the pending request.

b. The cancellation of the subject license has been withdrawn after a period of 2 years, hence the firm has requested for consideration of their request for endorsement of private limited company's name in the license, and exclude the period lost due to erroneous cancellation of the license vide RA order dated 24.03.21, and allow them fresh EOP for fulfillment by at least 4 years.

3. The firm was granted an opportunity for hearing today. The firm has sent an email dated 14.07.2024 informing that their Commercial Manager who is well-versed with the subject matter will not be able to appear and an adjournment be granted.

Decision: The Committee deliberated upon the case and decided to grant one last opportunity of Personal hearing to the firm. Accordingly, the case stands **deferred**.

Case No- 20: Supreme Solar Systems, Bangalore
F. No. HQRPRCAPPLY00016259AM22

Subject: Request for:

i. **To allow the fulfilment of EO by the Private Limited Company as the Proprietorship Firm is not in existence.**
ii. **Extension of 1st block to fulfill the EO**

In respect of EPCG Authorization no. 0730015848 dated 26.09.2016.

The case was considered in the 12th EPCG Committee Meeting of AM-23 held on 23.02.2023. The decision of which is as under:

"The Committee heard the submissions of the representative of the firm and noted that RA, Bengaluru was the only respondent in the WP No. 8106 of 2021 and as per the available records it is yet to comply with the order dated 09.09.2022 of the Hon'ble High Court. In order to enable the Committee to dispose off the pending request of the firm filed before it, RA to take a final decision in the matter immediately and latest within a period of four weeks from the date of uploading of the Minutes."

2. Now, the firm vide email dated 25.08.2023 have stated as under :-

a. RA, Bangalore has passed the order dated 17.08.23 (copy attached) pertaining to the subject EPCG license no. 0730015848 dated 26.09.2016. RA has reinstated the subject

EPCG Authorization and advised the firm to approach EPCG Committee for consideration of the pending request.

b. The cancellation of the subject license has been withdrawn after a period of 2 years, hence the firm has requested for consideration of their request for endorsement of private limited company's name in the license, and exclude the period lost due to erroneous cancellation of the license vide RA order dated 24.03.21, and allow them fresh EOP for fulfillment by at least 4 years lost.

3. The firm was granted an opportunity for hearing today. The firm has sent an email dated 14.07.2024 informing that their Commercial Manager who is well-versed with the subject matter will not be able to appear and an adjournment be granted.

Decision: The Committee deliberated upon the case and decided to grant one last opportunity of Personal hearing to the firm. Accordingly, the case stands **deferred**.

<u>Case No- 21: Naini Tissues Ltd, Kashipur</u>
F. No. HQREPCGPRAPP00000105AM25

Subject: Request for:

i. **Condonation for wrong mentioning of EPCG Authorization No. in Shipping Bills.**
ii. **Consideration of Installation Certificate issued by Chartered Engineer instead of Central Excise.**

In respect of ECPG Authorization Nos. 6130000222 dated 19.10.2010, 6130000223 dated 19.11.2010, 6130000229 dated 27.12.2010, 6130000230 dated 27.12.2010 and 6130000231 dated 27.12.2010 under 0% Concessional Duty.

The firm has stated that they import of machinery to exported paper and export obligations were completed well within stipulated time. The application for redemption of these licenses was filed in 2018 and since then redemption is pending due to following procedural mistakes:-

i. They mentioned wrong EPCG License number in some of SBs which was mainly due to clerical mistake and also negligence on the part of their CHA who used same EPCG license number in some of shipping bills but since they have made export hence they used these SBs for redemption of different licenses.
ii. Their unit was 100% exempt from Excise Duty under Notification No. 49/2003 dated 10.06.2003 hence, Central Excise department not entertained their application at that time for issuance of IC and they opted to obtain certificate from CE.

2. In addition, the firm has stated that they submitted affidavit as required vide Policy Circular No. 7 duly signed by Director of the company and also attested by Notary public and that the shipping bills used for redemption of particular license are not used against any other license.

3. As per Installation Certificate dated 29.06.2011 issued by Chartered Engineer enclosed by the firm:

BOE Details & Date	Date of Installation
2453281 dated 20.12.2010	07.03.2011
677892 dated 24.01.2011	07.03.2011
2587041 dated 14.01.2011	15.04.2011
672459 dated 20.01.2011	07.03.2011
2404650 dated 27.12.2010	07.03.2011

Decision:

In respect of 1st request: The Committee went through the statements made by the applicant 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.

In respect of 2nd request:

The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow acceptance of installation certificate issued by Chartered Engineer instead of Central Excise Department, subject to payment of late fee of Rs. 10,000/- per authorization and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 22: Commscope India Pvt. Ltd., Goa</u>
F. No. HQRPRCAPPLY00000889AM25

Subject: Request for extension of time for installation of Capital Goods up to December 2024 in respect of 03 EPCG Authorizations under Zero duty EPCG Scheme.

In this regard the firm submitted that :-

i. They are engaged in manufacturing of Telecommunication products in India havaing their manufacturing unit at Goa. Commscope India Pvt. Ltd. (CIPL) is a part of Commscope, Inc. an American global network infrastructure provider company based in Hickory, North Carolina.
ii. CommScope is a Fortune 500 company and employs over 30,000 employees worldwide, the customers in over 130 countries with total revenue of $8.6 Billion.
iii. Their project has been put on hold owing to unforeseen circumstances and as a result they require an extension of time up to December 2024 for the installation of CG purchased under the subject authorizations.

Decision: The Committee deliberated upon the case and decided to **defer** it with the directions to the firm to submit the specific reasons for delay in the installation of Capital Goods against subject EPCG authorizations.

Case No- 23: Abis Exports (I) Pvt. Ltd, Chhattisgarh
F. No. HQRPRCAPPLY00001514AM25

Subject: Request for condonation of delay in submission of installation certificate in respect of EPCG Authorization No. 5030000570 dated 28.04.2015 under Zero duty EPCG Scheme.

In this regard the firm submitted that they have fulfilled the Export Obligation against the subject authorization. They have applied for EODC however RA Nagpur has rejected their application stating that they have not submitted the installation certificate on time.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

Case No- 24: Semco Security Imaging Pvt Ltd, Karnataka
F. No. HQREPCGPRAPP00001925AM24

Subject: Review Application w.r.t Request for Condonation and permission to re-export CGs imported under EPCG Scheme for replacement/rectification in respect of EPCG Authorization No. 0730015597 dated 23.06.2016 under 0% Concessional Duty..

Earlier, Semco Security Imaging Pvt Ltd, Karnataka vide F. No HQREPCGPRAPP00380194AM22 dated 08.03.2022 had requested for Condonation and Permission to re-export Capital goods imported under EPCG Scheme for replacement/rectification in respect of EPCG Authorization No. 0730015597 dated 23.06.2016 under 0% Concessional Duty

2. The case was considered in 1st Meeting of AM-24 Committee Meeting held on 27.04.2023 wherein the Committee deliberated upon the case and decided to recommend to DG for relaxation under Para 2.59 of FTP, 2023 to allow re-export of defective capital goods for repair/rectification/replacement of parts. They should bring back same capital goods within six months from date of exports, after rectification and marks and numbers should tally with the re-exported goods.

3. Now, the firm vide Review Application dated 12.01.2024 has requested for condonation and permission to re-export CGs imported under EPCG Scheme for replacement / rectification in respect of EPCG Authorization No. 0730015597 dated 23.06.2016 under 0% Concessional Duty.

The firm has submitted the following-

i. The firm has stated that they re-exported all 22 machines vide Invoice Number: SSI/DBX/23-24/01 and Shipping bill no: 2569979 Dated: 19.07.2023 to the vendor. The re-exported machineries were technically examined, various attempts were made to modify/ rectify the machinery to meet their technical requirements, which could not be achieved.

ii. The firm has also stated that the vendor has accepted the non-suitability of the machinery for our intended purpose and accordingly has issued a letter stating that the machinery cannot be modified and hence accepting the machinery back as technically not suitable.

iii. The firm has further stated they had not made any payment for the machinery imported originally from the vendor.

4. The case was considered in the 4th EPCG Committee Meeting of AM-25 held on 24.06.24. The decision of which is as under:

> *"After deliberation on the request of the firm, the Committee decided to defer the case to the applicant for Personal Hearing to explain the case."*

5. The representative of the firm, Shri K.P. Anoop. General Manager and Shri Prashanth S. Bhat appeared through Video conferencing and made the following submissions:-

Applicant's statement: The representatives stated that the re-exported machineries were technically examined, various attempts were made to modify/ rectify the machinery to meet their technical requirements, which could not be achieved and the vendor has accepted the non-suitability of the machinery for our intended purpose and accordingly has issued a letter stating that the machinery cannot be modified and hence accepting the machinery back as technically not suitable.

Decision: The Committee deliberated upon the case and decided to **defer** it with directions to the firm to submit a Chartered Accountant/Chartered Engineer certificate confirming that Capital Goods against the subject EPCG Authorization were not utilized for production.

Case No- 25: Meera Cotton And Synthetic Mills Private Limited, Mumbai
F. No. HQREPCGPRAPP00000571AM24

Subject: Request for Amendment of ITC-HS Code in respect of 9 EPCG Authorization Nos. under 03% & 05% Concessional duty.

In support of the request, the firm has submitted the following :-

i. The firm has stated that due to lack of policy procedures and knowledge, they have failed to add all the ITC-HS code of their products in the license within the stipulated time.

ii. The firm further stated that they have now submitted all the necessary documents for closure of EPCG license to RA Mumbai. However, RA has issued a DL that no amendments of ITC-HS code can be considered as the licenses are not valid.

iii. The firm also stated that the ITC-HS code mentioned in the subject license is 'fabrics-5515' and the products exported by them is also 'fabrics' with chapter heading '5407' or '5208'.

iv. Further, the firm stated that bring a composite unit, they are manufacturing yarn, fabrics, and readymade garments; they have exports of readymade garments under ITC-HS

6206/6214, which the firm wants to add in their in their EPCG License as the same has been manufactured and exported by them.

v. RA, Mumbai vide email dated 07.12.23 was asked to furnish a report in the matter. Now, RA vide email dated 03.04.24 has furnished the requisite report.

2. The firm was granted an opportunity for hearing on 24.06.2024 and today but none appeared on their behalf.

Decision: The Committee noted that none has appeared on behalf of the applicant in the Personal hearings held on 24.06.2024 and 15.07.2024. Further, the Committee deliberated upon the case and decided to take a decision based on the available records.

The Committee observed that the applicant has not submitted any additional facts/cogent reason/justification in support of the request or any genuine hardship faced by them. Accordingly, the Committee decided to **reject** the request.

Case No- 26: Galvano Track Solutions Private Limited, Bengaluru
F. No. HQREPCGPRAPP00001938AM24

Subject: Review of decision (Case No. 29) of EPCG Committee Meeting No. 2/AM24 held on 30.05.2023 and grant PH in respect of EPCG Authorization No. 0730010570 dated 21.09.2011 under Zero duty EPCG Scheme.

In support of their request the firm has submitted that :-

i. RA has not extended the EOP as per the decision in spite submitting the necessary fee of Rs. 10,000/- till date.
ii. They further like to clarify that the 3 Nos. of machines imported against the llicence only one machine the CIF value of Capital Goods is Rs. 57,54,727/- in other two machine the CIF value is Rs. 33,36,333/- and Rs. 48,52,848/- respectively. As such the total investment of plant and machinery is within SSI unit limit and the licence has also been issued under SSI registration and hence the original EOP should be valid till 21.09.2019.
iii. They completed more than 100% EO and hence request to extend the EOP till 30.04.2022 for closure of the subject authorization.

2. The case was last considered in the 4th EPCG Committee Meeting of AM-25 held on 24.06.2024. The decision of which is as under :-

> *"After deliberation on the request of the firm, the Committee decided to defer the case to call the applicant for Personal Hearing to explain the case."*

3. The representative of the firm, Shri Prabhu M., Finance Manager appeared through Video conferencing and made the following submissions:-

Applicant's statement: The representative stated that the total investment of plant and machinery is within SSI unit limit and the licence has also been issued under SSI registration and hence the original EOP should be valid till 21.09.2019.

Decision: The Committee went through the statements made by the applicant 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 made in the Review application.

The Committee further deliberated upon the case and noted that as per the report of the RA the case was adjudicated on 30.12.2021 for non-submission of documents. Later, the appeal of the firm was dismissed by the Appellate Authority on 01.03.2022. The firm is advised that they may file a Review Application against the order of the Appellate Authority, if deemed appropriate.

Case No- 27: M/s Ghodawat Skystar LLP, Maharashtra
F. No. HQREPCGPRAPP00002135AM24

Subject: Request for:

- **i. Reduction in Average Export Performance (AEP) to NIL**
- **ii. Condonation of procedure lapse of wrong-mentioning of EPCG Authorization No. Shipping Bills**

In respect of EPCG Authorization No. 3130009401 dated 05.05.2016 under 0% Concessional Duty.

The firm has stated that they had received 2 EPCG Authorizations i.e. 3130009401 dated 05.05.2016 (subject license) and 3130008425 dated 14.01.2015 (other license) with the same ITCHS Code: 10063020, Item: Non-Basmati Rice, Basmati Rice.

2. The firm also stated that they started fulfilling the EO under the other license for exporting the same item and then submitted all their exports for redemption of this license. Further, the firm stated that after the submission of redemption application for the other license, they noticed that they had not mentioned the subject license against the export of Basmati Rice HS code 10063020. Now, the firm has 4 shipping bills to include for the fulfillment of the subject license.

3. The firm further stated that since both the license had the same export item name, they, by oversight mentioned only the first EPCG license and started fulfilling the EO. In addition to the above, the firm has also stated that they had already received EODC for the other license and have also fulfilled the EO within a period of 6 years.

4. The Case was considered in 3rd EPCG Committee Meeting of AM-25 which was held on 03.06.2024 and decision is as under :-

Decision - After deliberation on the request of the firm, the Committee decided to defer the case to call the applicant for Personal Hearing to explain the case.

5. The case was last considered in the 4th EPCG Committee Meeting of AM-25 held on 24.06.24. The decision of which is as under:

"The Committee deliberated upon the case and decided to grant one last opportunity of Personal hearing to the firm. Accordingly, the case stands deferred."

6. The firm was granted an opportunity for hearing on 24.06.2024 and today but none appeared on their behalf.

Decision: The Committee noted that none has appeared on behalf of the applicant in the Personal hearings held on 24.06.2024 and 15.07.2024. Further, the Committee deliberated upon the case and decided to take a decision based on the available records.

The Committee observed that the applicant has not submitted any additional facts/cogent reason/justification in support of the request or any genuine hardship faced by them. Accordingly, the Committee decided to **reject** the request.

Case No- 28: M/s Green Art, Telengana
F. No. HQREPCGPRAPP00000128AM25

Subject: Request for First Block EOP extension and 1st EOP extension for 2 years + Covid extension in respect of EPCG Authorization No. 0930012130 dated 02.06.2016 under Zero duty EPCG Scheme.

In support of their request the firm has submitted that :-

i. The initial validity of the subject authorization is 02.06.2022. They have made export from May 2017 to January 2020 with a small quantity. Due to COVID in the FY 2020, they could not be able to get orders as expected for their product till June 2023.
ii. They have got orders from FY 2023-24 for export of their product and continuing export and fulfilled 77% EO and hopeful to fulfil EO in the extended EOP.

Decision: In respect of 1st request: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow Condonation of delay in approaching the RA for extension in block-wise EOP within the prescribed time period. This shall be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.14 of HBP, 2015-20 and late fee of Rs. 10,000/-.

The above relaxation is also subject to the condition that the proper installation certificate has been submitted within time limits as specified in FTP/HBP.
This has the approval of DG, DGFT.

In respect of 2nd request: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow Condonation of delay in approaching RA for EO extension for 2 years (from 6th year to 8th year) on payment of composition fee or imposition of additional EO in terms of Para 5.17 of HBP 2015-20 and late fee of Rs. 10,000/-.
The above relaxation is also subjected to the condition that the proper installation certificate has been submitted within time limits as specified in FTP/HBP.

This has the approval of DG, DGFT.

The Committee deliberated upon the case and decided to advise the firm to **approach RA** for extension of Export Obligation Period beyond 8 years in terms of Public Notice No. 53 dated 20.01.2023 where extension is permitted on account of COVID.

<u>Case No- 29: M/s Sahyadri Farmers Producer Company Ltd, Nashik</u>
F. No. HQREPCGPRAPP00000134AM25

Subject: Request for Condonation of delay in submission of Installation Certificate in respect of EPCG Authorization No. 3130009924 dated 30.03.2017 under 0% Concessional Duty.

In support of their request, the firm has submitted the following :-

i. They obtained the Installation Certificate from Chartered Engineers but due to unforeseen circumstances they were unable to meet the deadline.
ii. The firm has stated they have completed the EO and submitted the application for redemption to the RA, Pune of above subject license.
iii. Further, there are few more EPCG licenses obtained by firm which they completed the EO and submitted the redemption. However, upon their submission RA issued DL and stating that "You have not submitted IC within the stipulated time period as per para 5.04 of HBP, hence you are requested to approach DGFT, HQ for condonation."
iv. The firm has further stated that there was a procedural lapse within their internal processes, leading to the oversight of the IC submission requirement and their team's familiarity with the specific regulations regarding the submission of IC was inadequate.

2. As per Installation Certificate dated 15.07.2017 issued by Chartered Engineer enclosed by the firm, machinery was installed at the firm's premises on 15.07.2017 vie BOE No. 2324675 dated 05.07.2017 & on 02.06.2017 vie BOE No. 0005735 dated 09.05.2017.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow condonation of delay in submission of installation certificate, subject to payment of late fee of Rs. 10,000/- and submission of installation certificate. RA to verify that no ECA/DRI/Customs action is pending.

This has the approval of DG, DGFT.

<u>Case No- 30: Maryan Apparel Private Limited, Mumbai</u>
F. No. HQREPCGPRAPP00000121AM25

Subject: Request for Endorsement of Transfer of EPCG Authorization to Bombay Rayon Fashions Limited due to sale or transfer of unit in respect of EPCG Authorization No. 0530146724 dated 22.07.2008.

In support of their request, the firm has submitted the following :–

i. The firm has stated that their EOU unit was established in the year 2006, which was converted into a DTA unit in 2008 due to several constraints. An application was made to CLA, Delhi dated 27.05.2008 for the conversion.

ii. The firm has further stated that a slump sale agreement dated 30.06.2008 was executed between the firm and Bombay Rayon Fashions Limited and the manufacturing unit was transferred to the latter. The unit sale team was unaware of the filing procedures of EPCG Application, due to which the facts of the filing could not be taken into account.

iii. Further, it was stated that the premises of the unit was under the control of the buyer (M/s Bombay Rayon Fashion Ltd.), so they were unaware of the updates with regards to the issuance of the EPCG License.

iv. It is also stated that all the assets and liabilities on the account of the said unit was taken over by the buyer, the obligation of the change of name in the said EPCG License also lies with the buyer.

v. Furthermore, it is stated that the buyer fulfilled the EO and realized the full export proceeds. However, they could not submit the license for redemption to RA due to the amendment of the name.

vi. The buyer (Bombay Rayon Fashions Limited) has fulfilled the EO and realized the full export proceeds.

Decision: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to accept the transfer of subject EPCG Authorization from M/s. Maryan Apparels to M/s Bombay Rayon Fashions Limited on account of slump sale.

This has the approval of DG, DGFT.

<u>Case No- 31: Chandra Polyplast Pvt. Ltd., Aurangabad</u>
F. No. HQREPCGPRAPP00000119AM25

Subject: Request for Second EOP Extension for 8 months upto 30.04.2006 Re-fixation of EO based on Duty Saved Amount in terms of Notification No. 28 dated 28.01.2004. In respect of EPCG Authorization No. 0110918 dated 11.08.1999.

In support of their request, the firm has submitted the following :-

i. They have been issued Licence no. P-CG-0110918 for import of capital goods for Duty saved amount of INR 17,68,023/-against fulfilment of export obligation of PP Mats for FOB value of INR 1,41,44,184/- (USD 3,31,246/-), equal to 8 times of duty saved amount, with Average Export Obligation of USD 2,261/- as they made request for amendment of EO under the said authorization based on duty saved amount as per policy.

ii. As per para 6.11 of HBP RE-1999, it was mandatory to fulfill EO of 0% in 1st year, 10% in second year, 20% in third year, 30% in the fourth year and balance 40% in fifth year.

iii. They have completed the EO from March 2004 to 30.04.2006. However, their extended EOP was expired on 10.08.2005 (1 EOP extended in the 14th EPCG Committee Meeting of AM-22 held on 30.03.2022). Second EOP Extension for 8 months i.e. from 11.08.2005 upto 30.04.2006.

iv. In the present case, DSV amount is Rs. 17,68,023. The EO to be fixed based on the eight times of the DSV would be Rs. 1,41,44,184. (US$ 3,31,246). The said EO stands fulfilled within 7 years' from the time of issue the the license.

v. The firm has requested for the re-fixation of the EO based on the Duty Saved Amount against the exports made from the date of issue of the enabling of the Notification No. 28 dated 08.01.2004.

Decision:

In respect of 1st request: The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.59 of FTP, 2023** to allow Condonation of delay in approaching RA for EO extension for 8 months (11.08.2005 upto 30.04.2006) in terms of Para 6.15 of HBP 1997-2002 on payment of composition fee of Rs. 50,000/-.

The above relaxation is also subjected to the condition that the proper installation certificate has been submitted within time limits as specified in FTP/HBP.

This has the approval of DG, DGFT.

In respect of 2nd request: The Committee deliberated upon the case and decided to approve and **remand** the case back to RA for re-fixation of export obligation. RA may examine and decide the case as per Notification No. 28 dated 28.01.2004.

Case No- 32: Kujjal Hotels Private Limited, New Delhi
F. No. HQREPCGPRAPP00000291AM24

Subject: Request for allowing Group Company's export to the extent of 50% for fulfillment of EO against EPCG Authorization No. 0530156772 dated 20.10.2011.

In support of their request, the firm has submitted the following :–

i. Their request for allowing Group Company's export to the extent of 50% in terms of Para 5.5 of FTP-2009-14 against EPCG Authorization No. 0530154250 (May be read as 0530154240) dated 14.12.2010 (Case No. 53) was considered in the EPCG Committee meeting held on 10.02.2023 wherein the EPCG Committee decided to deferred the case for detailed examination.

ii. They have submitted application for partial redemption of subject EPCG authorization to CLA, New Delhi with a request to allow them 50% EO fulfillment by the Group Company in terms of Para 5.5 of FTP 2009-14.

iii. CLA, Delhi issued a DL stating that the firm has requested for partial EODC on the basis of the exports made by their Group Company only and they have not made any export on their own and advised them to pay Customs Duty+Interest on whole value of utilized duty saved amount or approach DGFT HQ.

2. The case was considered in the 11th EPCG Committee Meeting of AM-24 held on 29.02.2024 and deferred.

Decision: The Committee deliberated upon the case and noted that the firm has stated that they have obtained 23 EPCG Authorisations till date and already fulfilled the EO against 14 Authorizations out of their own earnings.

The Committee further deliberated upon the case and decided to **remand** the case back to RA to consider the exports made by the Group Company upto 50% EO in terms of para 5.5 of FTP, 2009-14 for the purpose of fulfilment of EO against the subject EPCG authorization subject to the party fulfilling the criteria of Group Company as per the applicable policy provisions.

This has the approval of DG, DGFT.

Case No- 33: Kujjal Hotels Private Limited, New Delhi
F. No. HQREPCGPRAPP00000292AM24

Subject: Request for allowing Group Company's export to the extent of 50% for fulfillment of EO against EPCG authorization No. 0530157783 dated 29.02.2012.

In support of their request the firm has submitted that :-

i. Their request for allowing Group Company's export to the extent of 50% in terms of Para 5.5 of FTP 2009-14 against EPCG Authorization No. 0530154250 (May be read as 0530154240) dated 14.12.2010 (Case No. 53) was considered in the EPCG Committee meeting held on 10.02.2023 wherein the EPCG Committee decided to defer the case for detailed examination.
ii. They have submitted application for partial redemption of subject EPCG authorization to CLA, New Delhi with a request to allow them 50% EO fulfillment by the Group Company in terms of Para 5.5 of FTP 2009-14.
iii. CLA, Delhi issued a DL stating that the firm request for partial EODC on the basis of the exports made by their Group Company only and they have not made any export on their own and advised them to pay Customs Duty + Interest on whole value of utilized duty saved amount or approach DGFT HQ.

2. The case was considered in the 11th EPCG Committee Meeting of AM-24 held on 29.02.2024. The decision of which is as under:

"The Committee noted that the para 5.5 of the FTP, 2009-14 provides that "Upto 50% Export Obligation may also be fulfilled by exports of other good(s) manufactured or service(s) provided by the same firm / company, or group company / managed hotel, which has the EPCG authorization. However, EPCG authorization issued prior to 1.4.2008 will be governed by earlier policy provisions."

The matter whether an EPCG authorisation holder is legally entitled to 50% E.O. fulfillment solely on the basis of exports effected by their group company when they themselves were not able to meet any EO on their own is under consideration before the PIC in a separate case.

The Committee deliberated upon the case and decided to defer the matter."

Decision: The Committee deliberated upon the case and decided to **remand** the case back to RA as the firm has stated that they have fulfilled the EO in 14 EPCG Authorizations out of their own earnings. Therefore, RA ma The Committee deliberated upon the case and noted that the firm has stated that they have obtained 23 EPCG Authorisations till date and already fulfilled the EO against 14 Authorizations out of their own earnings.

The Committee further deliberated upon the case and decided to **remand** the case back to RA to consider the exports made by the Group Company upto 50% EO in terms of para 5.5 of FTP, 2009-14 for the purpose of fulfilment of EO against the subject EPCG authorization subject to the party fulfilling the criteria of Group Company as per the applicable policy provisions.

This has the approval of DG, DGFT.

Case No- 34: Kujjal Hotels Private Limited, New Delhi
F. No. HQREPCGPRAPP00000293AM24

Subject: Request for allowing Group Company's export to the extent of 50% fulfillment of EO against EPCG authorization No. 0530160690 dated 10.04.2013.

In support of their request the firm has submitted that :-

i. Their request for allowing Group Company's export to the extent of 50% in terms of Para 5.5 of FTP-2009-14 against EPCG Authorization No. 0530154250 (May be read as 0530154240) dated 14.12.2010 (Case No. 53) was considered in the EPCG Committee meeting held on 10.02.2023 wherein the EPCG Committee decided to deferred the case for detailed examination.

ii. They have submitted application for partial redemption of subject EPCG authorization to CLA, New Delhi with a request to allow them 50% EO fulfillment by the Group Company in terms of Para 5.5 of FTP 2009-14.

iii. CLA, Delhi issued a DL stating that the firm has requested for partial EODC on the basis of the exports made by their Group Company only and they have not made any export on their own and advised them to pay Customs Duty+Interest on whole value of utilized duty saved amount or approach DGFT HQ.

2. The case was considered in the 11th EPCG Committee Meeting of AM-24 held on 29.02.2024. The decision of which is as under:

"The Committee noted that the para 5.5 of the FTP, 2009-14 provides that "Upto 50% Export Obligation may also be fulfilled by exports of other good(s) manufactured or service(s) provided by the same firm / company, or group company / managed hotel, which has the EPCG authorization. However, EPCG authorization issued prior to 1.4.2008 will be governed by earlier policy provisions."

The matter whether an EPCG authorisation holder is legally entitled to 50% E.O. fulfillment solely on the basis of exports effected by their group company when they themselves were not able to meet any EO on their own is under consideration before the PIC in a separate case.

The Committee deliberated upon the case and decided to defer the matter."

Decision: The Committee deliberated upon the case and noted that the firm has stated that they have obtained 23 EPCG Authorisations till date and already fulfilled the EO against 14 Authorizations out of their own earnings.

The Committee further deliberated upon the case and decided to **remand** the case back to RA to consider the exports made by the Group Company upto 50% EO in terms of para 5.5 of FTP, 2009-14 for the purpose of fulfilment of EO against the subject EPCG authorization subject to the party fulfilling the criteria of Group Company as per the applicable policy provisions.

This has the approval of DG, DGFT.

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[DGFT= Directorate General of Foreign Trade, DG = Director General, FTP, = Foreign Trade Policy, HBP,v1 = Handbook of Procedure Vol. I, EO = EO, EODC = EO Discharge Certificate, EOP = EO Period, B.O.E. =Bill of Entry, EPCG = Export Promotion Capital Goods, RA = Regional Authority, BG = Bank Guarantee, FFE = Free Foreign Exchange, IEC = Importer Exporter Code, DoR = Department of Revenue, IEM = Industrial Entrepreneurs Memorandum, RCMC = Registration-cum-Membership-Certificate].

The meeting ended with a vote of thanks to the Chair.

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