Date of Uploading 18 / 10 /2021

Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting
Held on 28.09.2021 under the Chairmanship of Shri Amit Yadav,
Director General of Foreign Trade

Meeting No.12/AM22 held on 28.09.2021

The following members were present in the meeting:

1. Shri Vijay Kumar Addl. DGFT
2. Shri S.B.S. Reddy Addl. DGFT
3. Shri Hardeep Singh Addl. DGFT
4. Shri Anil Aggarwal Addl. DGFT
5. Shri AkashTaneja Addl. DGFT
6. Shri Amiya Chandra Addl. DGFT

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

S. No	Name of the firm	Case No.
1.	M/s. Kirloskar Oil Engines Limited, Pune	1
2.	M/s. SPV Commotrade Private Limited, West Bengal	2
3.	M/s. MothersonSumi Systems Limited, Noida	3
4.	M/s. Zenith Steel Pipes & Industries Limited, Mumbai	4
5.	M/s. Elasto Hose, Amritsar	5
6.	M/s. Alkem Laboratories Limited, Mumbai	6
7.	M/s. Continental Engines Private Limited, Delhi	7
8.	M/s. Tesla India Motors and energy Pvt. Ltd., Bangalore	8
9.	M/s. Richa Global Exports Private Limited, Delhi	9 to 12
10.	M/s. SLV Poly Pack, Nelamangal	13
11.	M/s. BanswaraSyntex Limited, Mumbai	14
12.	M/s. Orient Craft Limited, Gurgaon	15
13.	M/s. Vyanktesh Corrugators Pvt. Ltd., Ujjain	16
14.	M/s. Volvo Group India Pvt. Ltd., Bangalore	17
15.	M/s. Inox wind Limited, Basaluna	18
16.	M/s. XL Energy Limited, Secounderabad	19
17.	M/s. JHS Svendgaard Laboratories Ltd., Nahan	20

PH Case No. 01 M/s. Kirloskar Oil Engines Limited, Pune
F. No.HQRPRCAPPLY00103271AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: To allow MEIS benefit against 15 Shipping Bill No.(1) 1089836 dated 16.09.2016. (2) 1154258 dated 20.09.2016, (3) 1311612 dated 28.09.2016, (4)1311648 dated28.09.2016, (5) 1311653 dated 28.09.2016, (6) 1368927 dated30.09.2016, (7) 7809230 dated 23.05.2016, (8) 7809238 dated 23.05.2016, (9) 7912425 dated 27.05.2016, (10) 8496008 dated 25.06.2016, (11)9057021 dated 25.07.2016, (12) 9071873 dated 26.07.2016, (13) 9619826 dated 23.08.2016, (14) 9644715 dated 24.08.2016, (15) 9955911 dated 09.09.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Surendra Sarolkar and Shri Sunil Lahane, Authorised Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that they have sent the application to RA, Pune requesting for reactivation on 10.09.2017. After continuous follow up with the RA, Pune, letter to DGFT (HQ) asking to reactivate the shipping bills was sent by RA, Pune on 29.01.2021. Again after follow up at DG level, the reactivation of shipping bills was done on 24.05.2021. When they tried to make the application online, now it is shown benefit as '0' since the shipping bills were expired. This is not their fault and the matter was pending with for almost three years. The auditors of the company have a strong objection for not availing the benefit of MEIS worth Rs.10.38 lacs. Hence, requested to allow them to make online application and sanction the license automatically. The amount of licenses will be Rs.10.38 lacs.

Decision: The Committee heard and examined the case on the basis of submission made by the firm and discussed the matter at length. It observed that there is merit in the case and accordingly it was decided to accede to the request and allow MEIS benefit against above mentioned 15 shipping bills without any late cut. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

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

PH Case No. 02 M/s. SPV Commotrade Private Limited, West Bengal
F. No.HQRPRCAPPLY00104738AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: To allow RoSCTL benefit against 8 shipping bills.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s. Motherson Sumi Systems Limited, Noida
F. No.HQRPRCAPPLY00110822AM22
Meeting No.12/AM22 held on 28.09.2021

Uyarl

Subject: Extension of time period to file MEIS application against the shipping bills pertain to the year 2015-16 and 2016-17.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. ShriRajendra Kumar, Authorised Representative appeared on behalf of the firmand made the following submissions:

This is review of PRC Meeting No.23/AM21 dated 18.02.2021 (Case No.08), wherein the Committee had approved the case. The applicant stated that as per the PRC decision they started filing their MEIS applications as and when the EBRCs got uploaded by their bankers on DGFT system. They had to follow up department to get their shipping bills retrieved on DGFT portal so that they could file the MEIS applications. However, even submit the same for further process of issuance as the NIC department is still in the process of retrieving the balance shipping bills on DGFT portal and has still has not allowed the submission of applications.
Further the current pandemic situation and ongoing lockdown in many states, it is getting very difficult for us to pursue our bank and get the balance eBRCs issued within the time period of 90 days. The above lengthy time process with the bankers and NIC department and none the less this pandemic situation has made them plead for further time to file the balance shipping bills and get the balance EBRCs issued by bankers. Their banker, State Bank of India, has also issued a letter in this regard that due to the current pandemic situation, the process of issuance of EBRCs is taking time. Hence, requested for extension for further 90 days to get the balance EBRCs uploaded online by their bankers and file the MEIS application on DGFT portal.

Decision: The Committee having heard and reviewed the case on the basis of submission made by the firm and discussed the matter at length. The Committee decided to:

i. Allow additional time of 30 days, from the date of uploading of these minutes, to get the balance eBRC uploaded in the DGFT portal. No further time for this would be granted.
ii. At the same time, firm needs to file MEIS applications against the eBRC already uploaded for the shipping bills pertaining to the year 2015-16 and 2016-17 immediately within 30 days of uploading of these minutes. The other terms and conditions will remain unchanged as per the decision of PRC Meeting No.23/AM21 dated 18.02.2021(Case No.08).

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

PH Case No. 04 M/s. Zenith Steel Pipes & Industries Limited, Mumbai
F. No.HQRPRCAPPLY00107483AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: To allow SHIS benefit against the export made during the year the 2010-11

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Atul Jain, General Manager, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.15/AM21 dated 03.11.2020 and 11.11.2020 (Case No.12), wherein the Committee had rejected the case. The applicant stated that the SHIS for 2009-10 exports was applied in spite of availment of EPCG in 2010-11 as there was confusion in the interpretation of the policy. This is borne out of the fact that even the licensing authority accepted their request and issued the SHIS without any objection. There was policy confusion is acknowledged. Vide PN 12/2012 dated 26.07.2012 the DGFT amended the relevant para of SHIS policy by stating para3.10.3(b) is rewritten to better reflect the intention of policy. It further clarified with examples as to in which circumstances SHIS can be issued. It is absolutely evident from the wordings of the public notice as quoted above that there was confusion about policy for SHIS. Even the licensing authority who deals in policy day in day out went ahead and issued the SHIS without raising any query. This is a clear pointer to the prevailing interpretation of the policy. If they had intention to avail double or wrong benefit then they would have applied for SHIS for 2010-11 exports also which would have been issued as per policy interpreted by PN 12/2012 dated 26.07.2012. They did not apply for it with the understanding that they were eligible for SHIS for 2009-10 exports. It may not be out of place to mention that their 2010-11 claim comes Rs.90 lacs more than the 2009-10 claim which is under dispute. Obviously, no exporter would settle for lower claim had it been known to them that the policy stands revised /clarified in their favour. Under the circumstances of policy confusion as detailed above, it is requested to relax the policy and issue SHIS for 2010-11 exports against late application with the instruction to licencing authority to recover SHIS of 2009-10 exports by adjusting from yet to be issued SHIS.

Decision: The Committee heard and went through the statements made by the firm and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, it decided to maintain the earlier decision of PRC in its Meeting No.15/AM21 dated 03.11.2020 and 11.11.2020(Case No.12).

(Action: Applicant)

PH Case No. 05 M/s. Elasto Hose, Amritsar
F. No.HQRPRCAPPLY00111705AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Removal of pre-Import Condition in respect of Natural Rubber

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 06 M/s. Alkem Laboratories Limited, Mumbai
F. No.HQRPRCAPPLY00114318AM22

Meeting No.12/AM22 held on 28.09.2021

Subject: Revalidation of 23 MEIS Licenses.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Sandeep Bagwe, AGM-Commercial, appeared on behalf of the firm and made the following submissions:

The applicant stated that due to various restrictions imposed on accounts of ongoing lockdown many of their staff who were from different states moved to their hometown and only the company's management was working with limited manpower to handle all the issues from their residence. Their offices were not operative for a long time and customs clearing agent were filing the online bills of entry from their residence. This has lead to disruption in their daily activity. Their MEIS licenses handover and receiving process and all manual paper work were lying the office. To avoid the direct impact on the customs clearance and to avoid delay in production, they had issued few MEIS licenses to clearing agents at all major ports for utilization, which are not utilized due to decreased volume of import.
They are the importer and clearing agents do not have direct access to customs sites to check the online MEIS balance. To verify the balance they need to approach customs offices with DGFT authorization letter for MEIS license utilization report. But due to limited access to government offices as well as all were working from home, it has impacted the non-utilization of MEIS licenses. Few of their MEIS licenses of Rs.1.14 crore were expired in March, April and May 2021. Hence, requested for revalidation of above mentioned MEIS licenses for a period of 6 months.

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

(Action: Applicant)

PH Case No. 07 M/s. Continental Engines Private Limited, Delhi
F. No.HQRPRCAPPLY00115022AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: To allow MEIS benefit for the export made in the financial year 2017-18 & 2018-19

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Mahesh Dadlani, Authorised Representative, appeared on behalf of the firm and made the following submissions:

The applicant stated that they are an 100% EOU status holding since 2001, for manufacturing and export of auto components to foreign country. They were entitled for MEIS scheme for filing & registration but due to department desired fulfillments, Customs alert has been activated on their IEC 4101000115, where they had produced the desired information to the custom authorities within time. The custom officer had issued an NOC in respect of removal of alert. But the alert was not removed from EGM portal of the custom, where they failed to file for the MEIS license. However, the same has not been removed by the customs New Delhi till date i.e. more than 24 months have elapsed. So they could not file MEIS applications. Hence, requested to allow extension for such shipping bills for filing of MEIS licenses of above mentioned periods.

Decision: The Committee heard the submission made by the firm and discussed the matter at length and observed that there is no ground for relaxation. Accordingly, it decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 08 M/s. Tesla India Motors and Energy Pvt. Ltd., Bangalore
F. No.HQRPRCAPPLY00115299AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Relaxation of policy for the import of a (Hong Kong) right-hand drive vehicle to ply on Indian roads for R&D purposes.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021. However, firm vide mail dated 28.09.2021 intimated that they are unable to attend the personal hearing and requested for another date. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 09 M/s. Richa Global Exports Private Limited, Delhi
F. No.HQRPRCAPPLY00115465AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Clubbing of Advance Authorization No.0510409365 dated 16.01.2019 and 0510410435 dated 30.04.2019.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 10 M/s. Richa Global Exports Private Limited, Delhi
F. No.HQRPRCAPPLY00115466AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Clubbing of Advance Authorization No.0510410098 dated 29.03.2019 and 0510412585 dated 21.11.2019

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 11 M/s. Richa Global Exports Private Limited, Delhi
F. No.HQRPRCAPPLY00115467AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Clubbing of Advance Authorization No.0510410390 dated 26.04.2019, 0510411462 dated 07.08.2019 and 0510412962 dated 19.12.2019

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 12 M/s. Richa Global Exports Private Limited, Delhi
F. No.HQRPRCAPPLY00115469AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Clubbing of Advance Authorization No.0510410420 dated 30.04.2019 and 0510411223 dated 11.07.2019

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.09.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 13 M/s. SLV Poly Pack, Nelamangal
F. No.HQRPRCAPPLY00116031AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Revalidation of Advance Authorization No.0710115138 dated 05.07.2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri S. Shashank and Shri Badrinath S K, Authorised Representatives, appeared on behalf of the firm and made the following submissions:

The applicant stated that they have availed the above Advance Authorization for import of PP Granules material and have been filing the shipping bill under Advance Authorization category. They could not import the raw material as they intended to procure from an SEZ unit. The formality of obtaining the certificate of supply was new for them and hence availed the first extension. Due to Covid-19 pandemic, there was further delay to obtain the No Import Certificate (NIC) from Customs Authority and therefore could not obtain the certificate of supply. Accordingly, they are requesting for second extension of import period of 6 months to enable them to import as they have not claimed the Duty Drawback.
They also explained in the PH that they are new to the AA scheme and this is their first AA and entire exports have been made and request is for revalidation of AA.

Decision: The Committee heard the case on the basis of submission made by the firm and discussed the matter at length. It observed that there is merit in the case and accordingly it decided to accede to the request and allowed revalidation of Advance Authorization No.0710115138 dated 05.07.2019 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-Bangalore)

PH Case No. 14 M/s. Banswara Syntex Limited, Mumbai
F. No.HQRPRCAPPLY00097376AM21
Meeting No.12/AM22 held on 28.09.2021

Subject: To allow MEIS benefit against 65 Shipping bills in which MEIS licenses were issued by RA, Mumbai and cancelled thereafter.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri P T Surendran, Senior Manager - Import, appeared on behalf of the firm and made the following submissions:

The applicant stated that they used to submit the MEIS application against their export from DTA, to RA, Mumbai and application against export from SEZ (Sachin Surat - INSCH 6) to Kandla FTZ. But after issue of Trade Notice No 30/2018-19 dated 11.09.2018 they were unable to submit the application to Kandla FTZ. An error message "As per para 3.06, for an export year, application are to be submitted to the same RA was displayed on screen. Therefore they had submitted some of their applications to MEIS against their SEZ export also to RA, Mumbai and subsequently licences were issued. But when they submitted the licence to SEZ Customs (Kandla SEZ) for registration they had been informed that the licences should be issued from FTZ Kandla only and they also called for some clarification from RA, Mumbai in this regard. RA, Mumbai informed that they have already replied to this letter with their clarification. But SEZ Customs still informed applicant's representation that they cannot consider the licence (issued by Mumbai DGFT office for export from SEZ Sachin) and returned the licences to the applicants without registering the same. Applicant checked with RA, Mumbai also and they advised them to surrender all the 10 licences issued by them against these exports (LicenceNo.319191182 dated 09.10.2018, 319193478 dated 23.10.2018, 319193482 dated 23.10.2018, 319193481 dated 23.10.2018,319202258 dated 13.12.2018, 319202270 dated 13.12.2018, 319203677 dated 20.12.2018, 319203676 dated 20.12.2018, 319229099 dated 22.05.2019 & 319229149 dated 22.05.2019).

Accordingly, they have surrendered the licences and followed the procedure of re-activation of shipping bills. Reactivation of shipping billsalso completed as per TN No.36 dated 09.10.2019 and generated new ECOM reference numbers. These ECom details were sent to contact@dgft as per references detailed below and later they have received reply from DGFT to approach PRC. Now applicant is requesting to re issue the licences against the following 65 Shipping Bills No.(1) 450 dated 03.11.2015, (2) 28 dated 29.01.2016, (3) 250 dated 30.06.2017, (4) 4000259 dated 07.07.2017, (5) 4000400 dated 19.08.2017, (6) 4000029 dated 12.01.2018, (7) 4000060 dated 24.01.2018, (8) 4000074 dated 31.01.2018, (9) 4000076 dated 31.01.2018, (10) 4000077 dated 31.01.2018, (11) 4000085 dated 02.02.2018, (12) 4000099 dated 13.02.2018, (13) 4000125 dated 28.02.2018 (14) 4000128 dated 28.02.2018, (15) 4000176 dated 21.03.2018, (16) 4000178 dated 23.03.2018, (17) 272 dated 11.07.2016, (18) 391 dated 27.09.2016, (19) 466 dated 13.12.2016, (20) 8 dated 06.01.2017, (21) 35 dated 28.01.2017, (22) 58 dated 16.02.2017, (23) 85 dated 03.03.2017, (24) 122 dated 24.03.2017, (25) 125 dated 24.03.2017,(26) 121 dated 24.03.2017, (27) 4000300 dated 11.06.2017, (28) 4000452 dated 22.09.2018, (29) 128 dated 28.03.2017, (30) 62 dated 19.02.2017, (31) 4000204 dated 04.04.2018, (32) 4000222 dated 19.04.2018, (33) 4000223 dated 19.04.2018, (34) 4000250 dated 04.05.2018, (35) 4000256 dated 10.05.2018, (36) 4000258 dated 14.05.2018, (37) 4000261 dated 17.05.2018, (38) 4000272 dated 21.05.2018, (39) 4000297 dated 08.06.2018, (40) 4000302 dated 13.06.2018, (41) 4000305 dated 14.06.2018, (42) 4000332 dated 28.06.2018, (43) 4000335 dated 30.06.2018, (44) 4000364 dated 23,07.2018, (45) 4000366 dated 23.07.2018, (46) 4000368 dated 26.07.2018, (47) 4000381 dated 31.07.2018, (48) 4000387 dated 05.08.2018, (49) 4000391 dated 10.08.2018, (50) 4000399 dated 17.08.2018, (51) 4000352 dated 31.07.2017, (52) 4000393 dated 18.08.2017, (53) 4000412 dated 24.08.2017, (54) 4000653 dated 08.12.2017, (55) 4000691 dated 28.12.2017, (56) 4000695 dated 31.12.2017, (57) 201 dated 20.05.2017, (58) 4000119 dated 24.02.2018, (59) 4000221 dated 17.04.2018, (60) 4000249 dated 30.04.2018, (61) 4000317 dated 22.06.2018, (62) 4000348 dated 07.07.2018, (63) 4000373 dated 31.07.2018, (64) 4000389 dated 07.08.2018 and (65) 4000501 dated 05.11.2018.

Decision: The committee heard and went through the statements made by the firm and noted that there is merit in the case as firm has been made to shuffle between two authorities (RA Mumbai and SEZ on account of jurisdiction and Scrips issued have been cancelled) and accordingly decided to allow the benefit of MEIS to the firm against above mentioned 65 shipping bills pertaining to the period 2015-16, 2016-17, 2017-18 and 2018-19 against which scrips were issued by RA, Mumbai and cancelled thereafter. FTZ Kandla may accept the applications and process the case. Late cut, if any, on the entitlement will be decided taking the date of submission of original application in RA, Mumbai as the date of application. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

(Action: Applicant/Kandla FTZ/ EDI/NIC for necessary updation in the System)

PH Case No. 15 M/s. Orient Craft Limited, Gurgaon
F. No. HQRPRCAPPLY00005679AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: To count the export made through 4 free Shipping Bills towards fulfillment of EO against Special Advance Authorisation No.0510400703 dated 09.12.2016

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri A.K. Jain, General Manager - Commercial, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.13/AM21 dated 06.10.2020 (Case No.10), wherein the Committee had approved the case. The applicant stated that due to the failure of export details of authorization to customs through ICEGATE which have forced them to file the shipping bill under "Zero" scheme i.e. free shipping bills. The reason cited by them with the evidences was accepted by PRC with the condition that File no. / authorization no is mentioned in all the shipping bills in description or else. But while scrutinizing the file containing 24 shipping bills which were filed as free shipping bills for issue of EODC, the RA found 4 shipping bills which were not bearing authorization no. and date vide their DL dated 09.03.2021. Further it was stated that in one Shipping Bill No.5907423 dated 06.05.2017, they have mentioned bill of entry no. only. The omission of declaring the authorization no. was a clerical error. But B/E No. mentioned in shipping bill which also bears authorization number. They have also deposited TR-6 challan of excess import quantity which have the authorization no. & bill of entry no. in this case. Also in other 3 shipping bills authorization no. is missing whereas customs & bank invoices bear the complete details of authorization & B/E no. The technical description declared in shipping bill also matches Mutatis-mutandis with authorization. Out of these 3 shipping bills 2 shipping bills no. 4557193 &4557238 dated 06.03.2017 can be tallied Mutatis-mutandis with Shipping Bill No.4510390 dated 03.03.2017 wherein authorization No.0510400703 date 09.12.2016 is mentioned and accepted. The RA issued deficiency letter requisitioning to get endorsement of authorization details in shipping bills. The applicant is requesting to waive the deficiency at S.No.1 and 6 of deficiency letter issued by RA for endorsing shipping bills as there is no provision in existence for recalling shipping bill. The other documents such as invoices bearing the complete details of authorization and bill of entry and shipping bills also bears complete technical description and same can be tallied with repeated shipping bill which bear authorization.
Their request is to accept 4 Shipping bills which do not have mention of AA number or file number in it and are free 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 of the firm and hence decided to maintain the earlier decision of PRC in its Meeting No.13/AM21 dated 06.10.2020(Case No.10).

(Action: Applicant)

PH Case No. 16 M/s. Vyanktesh Corrugators Pvt. Ltd., Ujjain
F. No.HQRPRCAPPLY00118038AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Condonation of non-filing of bill of export for the supplies made against Advance Authorization No.1110023409 dated 26.10.2010 for regularization purpose.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Anand Bangur, Managing Director, Shri Krishna Kanth, Manager – Exports - Imports and Shri G.K. Pillai, Authorised Representative appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.26/AM21 dated 26.03.2021 (Case No.09), wherein the Committee maintained rejection of the firm as in earlier PRC Meeting No.01/AM21 dated 03.04.2020. The applicant stated that they have not prepared bill of export but they have submitted duly certified docements by customs Indore Special Economic Zone and their buyer M/s PratibhaSyntex and Shriji Polymers India Ltd. in lieu of bill of exports, for which they are requesting that this may kindly be accepted.

Decision: The Committee heard and reviewed the case on the basis of submission made by the applicant and discussed the matter at length. The Committee observed that Bill of Export is a mandatory document in terms of FTP for discharge of EO of advance authorization in case of supplies made to SEZ Unit. Accordingly, the Committee decided to maintain the earlier decision of PRC in its Meeting No.01/AM21 dated 03.04.2020(Case No.02) and 26/AM21 dated 26.03.2021(Case No.09).

(Action: Applicant)

PH Case No. 17 M/s. Volvo Group India Pvt. Ltd., Bangalore
F. No.HQRPRCAPPLY0011896AM22
Meeting No.12/AM22 held on 28.09.2021

Subject:To accept the export made prior to obtaining the Advance Authorization No.0710077828 dated 04.03.2011 towards fulfillment of export obligation

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Kamal Bali, Managing Director and President, appeared on behalf of the firm and made the following submissions:

The applicant stated that they are requesting for permission to account the exports made prior to obtaining the Advance Authorizations towards fulfillment of export obligation against above authorization under F.No.07/24/040/00452/AM11 dated 15.10.2018.The chassis manufactured by them were supplied regularly to Volvo Buses India Pvt. Ltd. (referred as VBIPL) for manufacture of buses which are exported out of India. VBIPL obtains the advance authorization for duty free procurement of chassis which are manufactured by applicant for manufacture of buses & exports the same towards fulfilment of export obligation. Since the supply of chassis against the advance authorization is treated as "Deemed exports" and such deemed exports are eligible for the benefit of advance authorization scheme.
VBIPL has filed an issuance of advance authorization in the month of Sep'10 and obtained the advance authorization bearing no. 0710074544 dated 01.10.2010 for duty free procurement of various inputs including chassis for manufacture and export of buses. VBIPL has obtained an invalidation letter dated 11.11.2010 to procure the chassis from applicant. Since the applicant has obtained the advance authorization after completion of export obligation, the regional authorities of DGFT are not considering such supplies towards fulfilment of EO. The applicant submit that there is no doubt in the fact of supply of chassis to VBIPL as deemed exports and also n doubt on the fact that such supplies are intent to be accounted towards fulfilment of EO imposed against the advance authorization as they have not claimed any other deemed export benefits. Hence, requested for the permission to consider the

Ulyam

deemed exports of chassis made to VBIPL prior to obtaining of above authorization towards fulfilment of export obligation.

Decision: The Committee heard and went through the statements made by the firm. After thorough deliberation, the Committee noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them warranting a policy relaxation. Accordingly, the Committee decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 18 M/s. Inox Wind Limited, Basaluna
F. No.HQRPRCAPPLY00118771AM22
Meeting No.12/AM22 held on 28.09.2021

Subject: Extension of total EO period against 4 EPCG Authorization No.(i) 2230001282 dated 28.01.2010, (ii) 2230001597 dated 20.01.2011, (iii) 2230001808 dated 29.07.2011 and (iv) 2230002007 dated 18.06.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021. Shri Sanjay Singh, General Manager – Exim & Logistics and Shri Rajeev Gupta, Authorised Representative, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.25/AM21 dated 15.03.2021 & 16.03.2021 (Case No.02), wherein the Committee had rejected the case. The applicant stated that;
They had made a request to RLA Ludhiana way back vide their letter dated 16.12.2014 for inclusion of 50% alternate export products of their Group Co. in terms of para 5.5(c) of FTP 2009-14 and had also paid composition fee for granting block wise condonation of EO against EPCG License no. 2230001282 dated 28.02.2010 and 2230001597 dated 20.01.2011. Against these requests, RLA Ludhiana sought certain documents such as definition of group co., details of the alternate export products etc. which were furnished by them then and there. RA, Ludhiana did not respond to their above requests for quite some time and informed them vide their letter dated 02.09.2015 that the matter has been referred to the DGFT, New Delhi. RA, Ludhiana again vide their letter dated 16.03.2017 wrote to them that the matter is pending with the DGFT HQ for a decision. They kept on reminding RA for an early approval but finally they could receive their approval for inclusion of Group Co. only on 10.06.2021 i.e. after a lapse of 7 years for no fault of their.
In the intervening period having received no reply form RA, Ludhiana till 2019, they did approach EPCG Committee vide their representation dated 16.01.2020 for allowing 100% alternate export products of their Group Co., since they could not fulfil the EO of even 50% specific export product of specific export product on account of the complete change in the technology of the original export product. This request was also rejected by EPCG Committee consequent to which they approached PRC for reconsideration of their above request vide their letter dated 20.08.2020 and the Committee granted them a PH, in which it was decided to call for a report from RLA Ludhiana. After receiving the report from RLA Ludhiana, a 2nd PH was granted to them on 16.03.2021, in which the Committee rejected their case for want of merits.

Thus, there was a delay of 7 years on the part of RA, Ludhiana to finally approve the inclusion of alternate export products of Group Co. in terms of para 5.5(c) of HBP 2014-19 and almost 2 years for the EPCG / PRC to finally reject their request. It is fact that as per the provisions of the Policy, an exporter has the liberty to export specific export first (in the first black) and fulfil the balance 50% EO against alternate products in the 2nd block also. However, their request initially to RA, Ludhiana for allowing export of alternate products of Group co., was because of the fact that they did not succeed in fulfilling the exports from specific export product even in the first block itself and they thought by the time 50% alternate products are endorsed on the above 4 licenses, they will be reasonably comfortable, in fulfilling the balance 50 % EO from specific export product i.e. Wind Turbine Generators. However, despite their best efforts, they did not succeed in fulfilling the export of specific export products and that to 100% and hence they approached both EPCG and PRC Committees well in time to grant them the desired relief, but this was rejected by both Committees. They are entitled for at least 2 more years of EO extension from the date of endorsement by RA, Ludhiana without any composition fee in terms of para 5.11 of HBP 2009-14, as there was no fault on their. Such an extension in the EO will enable them to explore the possibility of fulfilling the EO by supplying the original Export products i.e. Wind Turbine Generators, to an EOU/ SEZ in terms of Para 6.11 (a) of the FTP 2009-14 for which they are actively engaged with a few EOUs and they are quite positive of the outcome. In the event of their failure to export the specific export product within the requested 2 years, they undertake to pay duty and interest to the Govt.

Decision: The Committee heard and examined the case on the basis of justification submitted by the applicant in the meeting and documents submitted subsequent to the meeting, as asked by the committee. Committee observed that a) there was a delay in responding to the request made by the firm to RA Ludhiana, b) it is a case of complete change in technology of the original export product i.e. wind turbine blades, resulting in delays in exports c) Now the firm has confirmed supply orders from an 100% EoU set up in Kandla SEZ and d) In their application for setting up of 100% EoU to kandla SEZ, there is a proposal to set up wind farm to cater to energy requirements of the EoU. In view of these grounds, committee felt that there is merit in the case and accordingly it decided to accede to the request and allowed EOP extension of 4 EPCG Authorization No.(i) 2230001282 dated 28.01.2010, (ii) 2230001597 dated 20.01.2011, (iii) 2230001808 dated 29.07.2011 and (iv) 2230002007 dated 18.06.2012 for a period of 24 months from the date of endorsement subject to payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled export obligation. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant /RA-Ludhiana)

PH Case No. 19 M/s. XL Energy Limited, Secunderabad
F. No.01/60/162/38/AM21/PRC
Meeting No.12/AM22 held on 28.09.2021

Subject: Chapter-3 benefit – HTPEPS, as per PC no. 28 dated 15.03.2011 against their application pending in RA, Hyderabad.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021, Shri Dinesh Kumar, CEO & Managing Director and Shri MG Nath, Authorised Representative, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.17/AM21 dated 09.12.2020 (Case No.10), wherein the Committee had rejected the case. The applicant stated that their exports are genuine, made to GCA and fully realized. These exports were covered under the HTPEPS. Therefore on merits they stood qualified for HTPEPS. They could not file application due to the bar/restrictions imposed by the policy on declaration of intent. Since their exports were from EOU units, application could not be filed on their free shipping bills that are not eligible for chapter-3 benefits. The issue of eligibility for HTPEPS benefit was clarified by the DGFT only on 15.04.2011 vide PC No.28 in consultation of the DOR. Since they are new to DGFT policy and procedures and had never availed any benefit in the past. Thereafter RA, Hyderabad allotted under F.No.09/21/079/0002/AM14 under ANF-3F dated 28.04.2013. Again they had forwarded the certified copy of CA on 23.09.2013 by speed post. Thus, their application along with CA certificate duly signed was submitted within the time with reference to the date of the PC 28 dated 15.04.2011.
Several visits to RA, Hyderabad office in the past 7 years could not fructify as their application was misplaced and not rectifiable due to shifting of office from Sultan Bazaar to the present new office at Kavadiguda, Secunderabad. The exports shipped by them were in fact eligible for HTPEPS on NFE basis or with a lesser percentage of 1.5% of FOB basis under FPS also. But when their application was already submitted under HTPEPS they still maintain that they are eligible for the benefits within the four walls of the FTP and HBP. Hence, requested to allow the incentive under HTPEPS had been claimed as a reward the huge exports of Rs.272.45 Crores effected by their company under the scheme in GCA and necessary relief to re-assure the morale of the genuine exporters.

Decision: The Committee heard and reviewed the case on the basis of justification furnished by the firm and observed that firm has not been able to specify what precise policy relaxation is being sought by them. RA Hyderabad has also not taken any final decision in the case as yet. Accordingly it observed that there is no merit in the request and hence decided to maintain the earlier decision of PRC in its Meeting No.17/AM21 dated 09.12.2020(Case No.10).

(Action: Applicant)

PH Case No. 20 M/s. JHS Svendgaard Laboratories Ltd., Nahan
F. No.HQRPRCAPPLY00087201AM21
Meeting No.12/AM22 held on 28.09.2021

Subject: Condonation for not mentioning EPCG License Numbers on the Shipping bills towards fulfillment of EO against 9 EPCG Authorization No.(i) 2230000617 dated 20.03.2007, (ii) 2230000622 dated 27.03.2007, (iii) 2230000748 dated 05.10.2007, (iv) 2230000751 dated 09.10.2007, (v) 2230000761 dated 24.10.2007, (vi) 2230000771 dated 06.11.2007, (vii) 2230000807 dated 18.12.2007, (viii) 2230001230 dated 11.11.2009 and (ix) 2230001266 dated 13.01.2010.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 28.09.2021, Shri Nikhil Nanda, Shri AshishGoel, Shri Manish Mishra and Shri Ankur Mittal, Authorised Representatives appeared on behalf of the firmand made the following submissions:

This is review of case of PRC Meeting No.19/AM21 dated 22.12.2020 (Case No.12), wherein the Committee had rejected the case. The applicant stated that permission for Factory stuffing from Commissioner of Customs, ICD, Tughlakabad dated 14 October 2011, authorization the Central excise officers to inspect the shipment on behalf of the customs authorities.Permission from Department of Industries, Himachal Pradesh, whereby only toothbrush has been allowed to be manufactured. Further the only item obligated to be exported under EPCG license of the Company is toothbrush. Therefore, there is no doubt that any alternate product could have been manufactured and exported by the company. The intention of the provision under FTP requiring EPCG number and / or any other export incentive, to be mentioned on the shipping bill, is to ensure that the goods being exported are same as the goods allowed to be manufactured and exported under EPCG authorization, after inspection by Customs authorities. The factory stuffing permission, along with the permission from Department of industries, Himachal Pradesh, substantiates that only Toothbrushes have been manufactured and exported by the Company, and the inspection in respect of the same has also been carried out by Central Excise authorities on behalf of Customs authorities only. There are past precedents wherein export benefit have been allowed on free shipping Bills, by Honourable EPCG Committee in case of Baramati Agro limited and Honourable High Court of Delhi in the matter of IFB industries vs. Union of India. PCNo.7 of 2002, allows for relaxation / condonation in respect of non-mentioning of EPCG license number on shipping bills on the condition for deposit of Affidavit which has duly been submitted by the company. They have stated to condone the procedural lapse of not mentioning the EPCG authorization numbers on the impugned shipping bills in view of the PC no.7 of 2020. Hence, requested the impugned shipping bills be considered for fulfilment of EO under the said EPCG authorizations for redemption accordingly.
It was also mentioned during the meeting that 11 Shipping bills for Rs 28 Crores have not been considered.

Decision: The Committee heard and reviewed the case on the basis of submission made by the firm. During the course of hearing, applicant had stated that they have submitted CA Certificate in concerned RA as required by Policy provisions declaring that the shipping bills submitted towards fulfillment of EO against above mentioned 9 EPCG Authorisations are not free shipping bills and are not related to any third party export. Committee observed that if that submission of the firm is correct, then there is no case for any policy relaxation. This issue then comes under the jurisdiction of RA. However upon further discussions, firm requested to recheck position at their end and again approach PRC,if required. The request was accepted and firm was asked to approach PRC, after checking records at their end, within 30 days from the date of uploading of the minutes of meeting.
(Action: Applicant/RA-Ludhiana)

*****