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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting
Held on 31.05.2022under the Chairmanship of Shri Santosh Kumar Sarangi, Director General of Foreign Trade

Meeting No.06/AM23 held on 31.05.2022

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. Bengal Energy Ltd., Kolkata	1&2
2.	M/s. Asian Tire Factory Ltd., Jalandhar	3
3.	M/s. Standard Cartons Pvt Ltd., Haryana	4
4.	M/s. Toughglass India Pvt Ltd., Bangalore	5
5.	M/s.Anshika Fasteners Pvt Ltd., Nagpur	6
6.	M/s. Bharat Heavy electrical Ltd., Ranipet	7
7.	M/s. ASP Sealing Product Ltd., New Delhi	8
8.	M/s. Phoenix Impex, Gujarat	9
9.	M/s. Laxmi Organic Industries Ltd., Maharashtra	10
10.	M/s. Synthetic Packers Pvt. Ltd., Bangalore	11
11.	M/s. Hindustan Mint and Agro Products Pvt. Ltd., UP	12
12.	M/s. Hindustan Adhesive Limited, New Delhi	13
13.	M/s. Colorplast Systems Pvt Ltd., Noida	14
14.	M/s. Cipla Ltd., Mumbai	15
15.	M/s. Grove Ltd., Kerala	16
16.	M/s. Sunrise Industries (India) Ltd., Vadodara	17
17.	M/s. Laguna Clothing LLP, Bangalore	18
18.	M/s. Sureshchand Rameshchand, Indore	19
19.	M/s. Honeywell Automation India Ltd., Pune	20
20.	M/s. DD International Pvt. Ltd., Amritsar	21

PH Case No. 01 M/s. Bengal Energy Ltd., Kolkata
F. No.HQRPRCAPPLY00117776AM21

Meeting No.06/AM23 held on 31.05.2022

Subject: Condonation of delay in export beyond 1st extension of EOP in respect of EPCG Authorization No.0230004394 dated 07.08.2009.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022, However, firm vide mail dated 31.05.2022 intimated that the person who is attending the meeting has fallen ill and requested to postpone. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 02 M/s. Bengal Energy Ltd., Kolkata
F. No.HQRPRCAPPLY00117741AM21
Meeting No.06/AM23 held on 31.05.2022

Subject: Condonation of delay in export beyond 1st extension of EOP in respect of EPCG Authorization No.0230004393 dated 07.08.2009.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022, However, firm vide mail dated 31.05.2022 intimated that the person who is attending the meeting has fallen ill and requested to postpone. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s. Asian Tire Factory Ltd., Jalandhar
F. No.HQRPRCAPPLY000153481AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Revalidation of following 10 Advance Authorisation No.(i) 3010103568 dated 23.07.2015, (ii) 3010103748 dated 29.03.2016, (iii) 3010103812 dated 28.07.2016, (iv) 3010104069 dated 30.06.2017, (v) 3010104067 dated 30.06.2017, (vi) 3010104109 dated 30.08.2017, (vii) 3010104201 dated 03.01.2018, (viii) 3010104215 dated 22.01.2018, (ix) 3010104216 dated 22.01.2018 and (x) 3010104250 dated 26.02.2018 to import Natural Rubber.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. However, firm vide mail dated 30.05.2022 intimated that they could not attend the meeting and requested to allow some other date. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 04 M/s. Standard Cartons Pvt. Ltd., Haryana
F. No.HQRPRCAPPLY000154863AM22&HQRPRCAPPLY000159185AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Extension of EOP against EPCG License No.0530155092 dated 22.03.2011.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Vijay Bhaskar, Managing Director and Ms. Surabhi Sinha, Authorised Representative appeared on behalf of the firm and made the following submissions:

This is review case of 2nd Meeting of AM21 of the EPCG Committee held on 13.04.2021. The applicant stated that they are manufacturer and supplier of duplex cartons, corrugated boxes, off-set printing of books, periodicals and catalogues, publicity material etc., and other packaging materials. However, mainly due to prevailing Covid-19 situation and as a result all around recession in the International Market, they could neither procure export orders, nor timely exported goods outside India. Before spreading of Covid – Paper and related product industry was facing tough competition worldwide and that is why people abroad gave preference to its local products instead of importing outside country. Due to unavoidable circumstances and prevailing Covid-19 situation and all around depression in the international market, they could not exports but now, they have export orders in hand and they can fulfill the obligation within /before 6 months. Hence, they are requesting for extension in EO by another 6 months to enable them to fulfill the exports.

Decision: The Committee heard and examined the case on the basis of statement made by the applicant and discussed the matter at length and observed that there is merit in the case. Accordingly, keeping in view that export products relate to paper industry involving printing of books, periodicals etc. and firm has got confirmed export orders in hand, the Committee decided to accede to the request and allowed EOP extension of EPCG Authorization No.0530155092 dated 22.03.2011 for a period of 6 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/CLA-New Delhi)

PH Case No. 05 M/s. Toughglass India Pvt Ltd., Bangalore
F. No.HQRPRCAPPLY00165332AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Extension of EOP against EPCG License No.1030001066 dated 30.01.2007 for regularization purpose only.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Attkt KJ,Unit Head, Shri Vajravelu B, Finance Controller and Ms. Asha Joseph, Manager Accounts appeared on behalf of the firmand made the following submissions:

This is review case of 7th Meeting of AM21 of the EPCG Committee held on 14.01.2021. The applicant stated that they are engaging in Glass Processing activity from 2004. They are purchasing glass and process it as tempered laminated glass. They had taken 4 EPCG licenses for importing of machineries to process the tempered and laminated glass under the subject licenses. Their factory is situated in the border of Karnataka and Tamilnadu and their operations are affecting badly due to Kavery water dispute in every year. For nearly 2 to 3 months their operations are interrupted in a year. Due to this they could not export in the prescribed time. Hence they started to export to SEZ units as deemed exports and they have completed the export obligation for 3 EPCG authorisations. Actually they supplied to the contractor who is executing SEZ units (third party supply) during October, 2017 to the extent of Rs.80 Lakhs but the same is not authenticated by SEZ officer because of new GST rule. After that they got direct supply order to SEZ units and they are presently supplying to them. Now, their above subject license is pending for fulfillment of EO. They made the exports in each block-wise as in Block-1=NIL, Block-2=1412298 (01.02.2013 to 30.01.2015, Block-3=2879987 (01.02.2015 to 30.01.2017), lock-4=7820310 (0.02.2017 to 31.05.2019), Block-5546450 (01.06.2019 to 30.01.2021) TOTAL=17659045. Hence, they are requesting to regularize the export obligation made from 01.02.2015 to 31.03.2021 by extending the period from 01.02.2015 to 31.03.2021.

Decision: The Committee heard and examined the statement made by the firm and observed that their request has already been discussed in detail by the EPCG Committee and has been rejected giving detailed reasons. After discussing the matter at length, the Committee found no merit in it. Hence, it decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 06 M/s. Anshika Fasteners Pvt. Ltd., Nagpur
F. No.HQRPRCAPPLY00168327AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: EOP extension against EPCG License No.5030000112 dated 09.06.2011.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Yogendra Mohan Singh, Managing Director appeared on behalf of the firm and made the following submissions:

This is review case of 12th Meeting of EPCG Committee held on 14.02.2020. The applicant stated that they have tried a lot to fulfill EO during the original EOP, but could able to fulfill EO to the extent of 43% and balance EO they could not fulfill due to adverse market conditions also due to following reasons;
(i) They have tried to secure overseas orders but faced stiff competition from neighbouring countries like China, Taiwan and Korea. Finally, they were able to get orders from Dubai, UAE and they continued to export and they were able to complete to the tune of 43%. (ii) The prices for Raw Material is comparatively very high for Fasteners Industrial Segment hence they could not compete with other overseas competitors. (iii) Bangladesh, Sri Lanka etc Governments had levied heavy import duty for their export products, so could not export to these countries. (iv) The company to whom they have exported their product viz. Golf Jyoti went into liquidation and it took more than 1 year to recover their balance payments to the tune of more than 1 crore. This has added reason to make them financially critical. (v) They are unable to en-cash export orders as their overseas buyers requested them

to ship the cargo on DA basis instead of ILC basis, which is a financial risking factor. Further, stated that as a brink of hope, in the aftermath of Covid-19 pandemic they have started receiving enquiries and export orders from European Countries as well as some neighbouring countries like Bangladesh. But, now they have enough export orders in hand to fulfill the balance EO. Hence, they are requesting for extension of EO by paying composition fees instead of payment of 50% customs duty.

Decision: The Committee examined the case on the basis of statement made by the applicant and discussed the matter at length. During the hearing, they stated that the export obligation of subject authorisation has already been completed by them on 31.03.2022 and requested to regularize the export made beyond EOP. Accordingly, the Committee decided to accede to the request and allowed EOP extension up to 31.03.2022 against EPCG Authorization No.5030000112 dated 09.06.2011 only for regularisation purpose subject to payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled export obligation as on the original/extended date of expiry of EOP. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Nagpur)

PH Case No. 07 M/s. Bharat Heavy electrical Ltd., Ranipet
F. No.HQRPRCAPPLY00168578AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: To consider the supplies made before date of issue of Advance Authorization No.0410108784 dated 23.10.2009towards EODC.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. However, firm vide mail dated 30.05.2022 intimated that they are unable to join the meeting and requested to postpone. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

PH Case No. 08 M/s. ASP Sealing Product Ltd., New Delhi
F. No.HQRPRCAPPLY00169972AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Extension of EOP against Advance Authorization No.0510299158 dated 03.11.2011in lieu of original License No.0510251830 dated 03.11.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Rishi Anand, Director and Shri Sanjeev Bhatia, General Manager (Exports) appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.01/AM22 dated 25.05.2021 (Case No.11), wherein the Committee had rejected the case. The applicant stated that they were issued the subject authorization with validity till 03.11.2011. Unfortunately this authorization was lost. Prior to the loss they had imported Rubber and Carbon of the value of US$206205.20 against their eligibility of US$329700. They accordingly filed an FIR on 04.06.2010 and approached RA for issuance of duplicate license in lieu, which was issued Advance Authorisation No.0510299158 dated 03.11.2011. The validity of this license was kept same i.e. 03.11.2011 (Therefore, allowed time to export was limited to less than 3 months). Having got the duplicate license they approached the custom department for registration of the license. However, the Custom department refused to register the duplicate license for the reason that 2 licenses cannot be issued under 1 file number and therefore this license was not coming online. Accordingly, they could not utilized the unutilized quantities. They again approached RA on 27.01.2012 to resolve this matter, but unfortunately they could not get any appropriate reply. During this period due to frequent change in their staff, the focus on this case was lost. After 9 years on 16.04.2019 they were issued with a show cause notice. As a sincere exporter they were issued 17 licenses and out of which 16 authorisations have duly been redeemed except one which is covered in this case. Hence, they are requesting for extension of EOP against the subject advance authorization.

Decision: The Committee heard and reviewed the case on the basis of justification furnished by the firm and observed that it is a very old AA issued in 2011 and there is no merit in firm's contention. Accordingly it decided to maintain rejection as was the earlier decision of PRC in its Meeting No.01/AM22 dated 25.05.2021(Case no.11).

(Action: Applicant)

PH Case No. 09 M/s. Phoenix Impex, Gujarat
F. No.HQRPRCAPPLY00171361AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Revalidation of DEPB No.5210039081 dated 08.10.2012.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Manish Kapadia, Proprietor appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.04/AM16 dated 09.06.2015 (Case 28), wherein the Committee had decided to revalidate the subject DEPB for 3 months from the date of endorsement. The applicant stated that as per decision of PRC, they had approached the Customs for utilizing the scrip but the online data did not show the DEPB revalidation data transmitted by the RA, Surat. Now the scrip is not valid and they are not in a position to use the export incentive. Since, January 2015 their Proprietor is no longer stay in Surat due to his job in Dubai, UAE. Due to this he is unable to keep a proper follow-up with the RA. Due to pandemic situation, he has been held up in Surat at his home. Thereafter, when he visited RA during July 2021, told him to approach PRC. Hence, they are requesting for 2nd time revalidation of above mentioned DEPB.

Decision: The Committee having heard and examined the case on the basis of justification furnished by the firm and observed that DEPB scheme has already closed many years back and PRC in 2015 had permitted revalidation of DEPB scrip.

There is no possibility to accede to the request of the firm at this stage on merits. Accordingly, it decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 10 M/s. Laxmi Organic Industries Ltd., Maharashtra
F. No.HQRPRCAPPLY00166986AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: To accept manual BRC instead of e-BRC towards fulfillment of EO against Advance Authorization No.0310794648 dated 17.03.2015 and 0310798920 dated 16.09.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Kamal Sharma, Manager International Logistics appeared on behalf of the firm and made the following submissions:

The applicant stated that they had submitted the file for redemption on 11.02.2019 and received Deficiency letter from DGFT asking for e-BRC for deemed export. It was the deemed export, which had taken place in the year 2015-17 and 2016-17 from Non-EDI port to SEZ/EOU units. There are no such authorities who can transfer their export data through EDPMS system to AD category-I banks. In such case they were unable to get the e-BRC from Banks. Also the payment has been received through foreign currency account of SEZ as per Trade Notice no. 16 dated 10.02.2016. Hence, they are requesting to accept manual BRC instead of e-BRC towards fulfillment of EO against Advance Authorization No.0310794648 dated 17.03.2015 and 0310798920 dated 16.09.2015.

Decision: The Committee heard and discussed the case on the basis of submission made by the applicant and observed that there is merit in the case. Accordingly, the Committee decided to accede to the request of the firm for accepting the manual BRC (with realization from Foreign Currency account of SEZ Unit) instead of e-BRCs for the export made against 2 Advance Authorisation No.0310794648 dated 17.03.2015 and 0310798920 dated 16.09.2015 towards fulfillment of EO. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

PH Case No. 11 M/s. Synthetic Packers Pvt. Ltd., Bangalore
F. No.HQRPRCAPPLY00164693AM22
Meeting No.06/AM23 held on 31.05.2022

Subject:To accept manual BRC instead of e-BRC towards fulfillment of EO against Advance Authorization No.0711001489 dated 15.07.2021.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Yogananda, Exim Manager appeared on behalf of the firm and made the following submissions:

The applicant stated that they have obtained advance authorization for import of raw materials to fulfill their export orders to 100% EOU units. Their export order is for 2500 MTS of finished goods, to supply the same they have to generate almost 700 invoices. The Forex charges at Bank for each e-BRC lodgment is Rs.1500/- and the total cost for obtaining the e-BRC certificates from the Bank will be Rs.1050000/- which is very huge amount and it will affect their profit margin. Moreover, due to Covid-19 pandemic, the export orders are very less. Hence, they are requesting to condone and allow them to submit manual BRC in Appendix, 22B against Advance Authorization No. 0711001489 dated 15.07.2021.

Decision: The Committee heard and examined the case on the basis of submission made by the applicant and noted that the charges for obtaining the e-BRC from the bank are very high in view of large number of invoices and eBRCs in this case. Therefore, the Committee decided to accede to the request of the firm for accepting the Manual BRC instead of e-BRCs for deemed exports against Advance Authorisation No.0711001489 dated 15.07.2021.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. 12 M/s. Hindustan Mint and Agro Products Pvt. Ltd., UP
F. No.HQRPRCAPPLY00071902AM21
Meeting No.06/AM23 held on 31.05.2022

Subject: Revalidation of 2 FPS Scrip No.2919009658 dated 27.12.2017 and 2919009659 dated 27.02.2017and 1 MEIS scrip No.2919010842 dated 30.06.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Ashish Sharma and Shri Wahid Husain, Authorised Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that their license was registered at ICD Patparganj and utilized two times at same port, so their account /activities has been put on Alert by DRI. When they applied the above cited licenses for registration at NHAVA SHEVA port, then it has come in their notice.Their firm was under the Customs alert vide letter No.S-5/MISC.154/2017-18/LIC.JNCH dated 23.11.2017. After a long correspondence with customs department finally they have been issued NOC and it was removed from alert on 20.06.2020.Hence, they are requesting for revalidation of 2 FPS scrip No.2919009658 dated 27.02.2017 and 2919009659 dated 27.02.2017 and 1 MEIS Scrip No.2919010842 dated 30.06.2017 up to 30.06.2021.

Decision: The Committee heard the case on the basis of statement made by the firm and discussed the matter at length and observed that due to alert issue by Customs, the firm was not able to utilize these scrips. Accordingly, the Committee decided to accede to the request of the firm and allowed revalidation of 2 FPS Scrip No.2919009658 dated 27.02.2017 and 2919009659 dated 27.02.2017 and 1 MEIS Scrip No.2919010842 dated 30.06.2017 for a period of 6 months from the date of endorsement. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

PH Case No. 13 M/s. Hindustan Adhesive Limited, New Delhi
F. No.HQRPRCAPPLY00401743AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Clubbing of 2 Advance Authorisation No.0510293703 dated 16.06.2011 and 0510344283 dated 29.01.2013.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Ankit Sharma, Manager (Exports) and Shri D.S. Bhandari, Authorised Representative appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.21/AM22 dated 10.03.2022 (Case No.03), wherein the Committee decided to reject the case.The applicant stated that they have fulfilled the 2nd condition of present policy that upon clubbing only imports made within 30 months from the date of issue of earliest authorization shall be considered against which they had made import only within 22 months from the date of issue of earliest authorization. But 1st condition of the present policy could not be fulfilled as the 2ndauthorisations was issued within 19 months and 13 days from the date of issue of earliest authorisation but little bit higher of 1 month and 13 days only. Hence they are requesting to grant the relaxation as the gap between these two aurthorisations are higher side of 1 month and 13 days only or grant the relaxation under para 4.20.3 of PN No.79 dated 03.10.2011 as these authorisations were issued in the policy period 2009-2014.

<u>Decision:</u> The Committee heard and reviewed the case on the justification submitted by the applicant and discussed the matter at length. The Committee decided to relax the condition of 18 months from the date of issue of first Advance Authorisation for clubbing of 2 Advance Authorization No.0510293703 dated 16.06.2011 and 0510344283 dated 29.01.2013 for regularization purpose only. The other terms and conditions for clubbing shall remain same as per policy/HBP provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

PH Case No. 14 M/s. Colorplast Systems Pvt. Ltd., Noida
F. No.HQRPRCAPPLY000178611AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: EOP extension against 5 Advance Authorization No.(i) 0510391658 dated 20.10.2014, (ii) 0510393096 dated 05.02.2015, (iii) 0510395159 dated 03.08.2015, (iv) 0510396252 dated 05.11.2015 and (v) 0510397732 dated 26.02.2016.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. However, firm vide mail dated 27.05.2022 intimated that their Managing Director is not available on the date of meeting and requested for another date. Committee observed that this case has already been heard by the PRC in its meeting held on 9.12.2020 and further time of 6 months was allowed. There is no justification to allow further time to the firm. Accordingly, the Committee decided to reject the case.

(Action: Applicant)

PH Case No. 15 M/s. Cipla Ltd., Mumbai
F. No.HQRPRCAPPLY00040702AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Relaxation in para 6.14 of FTP / Sub-contracting of Covid-19 drugs by EOU.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. However, firm vide its mail dated 30.05.2022 intimated that they are not pursuing this application and requested to remove it from the agenda. Accordingly, the Committee decided to allow withdrawal of this case from PRC.

(Action: Applicant)

PH Case No. 16 M/s. Grove Ltd., Kerala
F. No.HQRPRCAPPLY00186702AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Extension of EOP against 2 EPCG License No.1030001257 dated 05.12.2007 and 1030001240 dated 07.11.2007.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022, Shri P.E. Thomas, Authorised Representative appeared on behalf of the firm and made the following submissions:

This is review case of 8thMeeting of AM21 of the EPCG Committee held on 11.03.2021. The applicant has stated that the products were exported to UK, France and Gulf States and business was quite promising. The project was funded by NABARD jointly with Canara Bank. The term loan and working capital loan have been fully paid up. They are only in business related to energy management a new concept well received by the industry. The food products division had imported equipments from Australia, USA and Japan such as Fryers, Slicing Machines and Packing Machine under concessional rate of import duty under EPCG license issued by RA, Cochin. There were four licenses issued by the DGFT, out of which License No.1030001311 dated 13.03.2008, they have already surrendered and got it cancelled. Against License No.1030001239, relevant papers have been submitted for redemption. However, they could not comply with the export obligation in the case of subject Licenses No.1030001257 and 1030001240 issued during the year 2007 since the unit was inoperative for the past 4 years. Meanwhile the EPCG committee had considered an extension of 2 years during the meeting held on 30.06.2016 for the fulfilment of export obligation. However, they could not avail the opportunity due to serious financial crisis during that time. Meanwhile they have managed to pay a sum of Rs.13.43 lakhs recently against the availed duty concession of Rs.74.86 lakhs. The company is under huge losses and the cumulated loss is Rs.10.94 crores as at 31st March, 2020. They are now proposed to revive the unit. Meanwhile They have received the Detection Notice from the Office of the Commissioner of Customs vide F.No.ER/16/2020-21RR Cus. GEN/TAR/RA258/2020 RR CELL dated 05/08/2021 for the balance amount payable to Customs. Since the company has no source of income, the only way is fulfill the export obligation and save the industry. They have confirmed orders for export and are hopeful of complying with the export obligations within the requested extension. Hence, they are requesting to (i) permit them a period of 3 years extension of EOP (ii) Alternatively consider the waiver of interest charges and other levies, thus enable them to pay off the remaining portion of the duty concession availed within a period of 3 years in equal installment.

<u>Decision</u>: The Committee heard and examined the statement made by the firm and observed that their request has been discussed in detail by the EPCG Committee and has been rejected giving detailed reasons. After discussing the matter at length, the Committee found no merit in it. Hence, it decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 17 M/s. Sunrise Industries (India) Ltd., Vadodara
F. No.HQRPRCAPPLY00207300AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: To accept the export made before installation of capital goods against 2 EPCG Authorization No.3430002289 dated 03.12.2012 and 3430002244 dated 21.09.2012 towards EODC.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Joy Kunjukutty, Managing Director appeared on behalf of the firm and made the following submissions:

This is review case of 3rdMeeting of AM22 of the EPCG Committee held on 04.08.2021. The applicant stated that they have acquired land at village Kandari, Tal. Karjan, Dist. Vadodara. Construction work is going on and planned to install the machine before September, 2022. Meantime, they would like to inform you that they have completed 100% export obligation, as the Policy and the Customs exemption notification allow EO fulfillment through export of product capable of being manufactured with the use of imported goods. They did so by utilizing existing machinery. They could have installed earlier but due to land issues and later the pandemic situation, work got delayed. Now, they are very much sure to install the machines before September, 2022.Hence, they are requesting for grant of EODC without installation of capital goods in respect of above mentioned 2 authorisations.

<u>Decision:</u> The Committee heard and examined the case on the basis of justification submitted by the applicant and discussed the matter at length. It was felt that exports made prior to installation of CG cannot be allowed for redemption of EPCG authorization.

During the personal hearing the applicant also submitted an alternative request for extension in EOP in lieu of their initial request. He agreed to do full exports again, even though exports have already been completed. He also informed that the firm has taken only these 2 EPCG authorizations. Accordingly, the Committee decided to accede to the request of the firm and allowed EOP extension of 2 EPCG Authorization No.3430002289 dated 03.12.2012 and 3430002244 dated 21.09.2012 for a further 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. A time of 6 months was also allowed (within total period of 24 months) to install the capital goods. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Vadodara)

PH Case No. 18 M/s. Laguna Clothing LLP, Bangalore
F. No.HQRPRCAPPLY00240994AM22
Meeting No.06/AM23 held on 31.05.2022

Subject: Acceptance of 2 free Shipping Bill No.8675661 dated 28.11.2013 and 8762543 dated 03.12.2013 against Advance Authorization No.0710098786 dated 03.10.2013 and one Shipping Bill No.1035923 dated 13.02.2014 against Advance Authorization No.0710100357 dated 09.12.2013 towards fulfillment of EO.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. ShriSankar C., Senior Manager – Shipping & Logistics appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.24/AM21 dated 25.02.2021 (Case No.30), wherein the Committee rejected the case. They wish to draw your kind attention towards our request submitted online on 21.12.2020 for accepting Free Shipping Bills towards fulfillment of Export Obligation against the above said advance authorization and subsequent to the decision made by the respected committee to reject their request. They, once again wish to inform that the shipment vide shipping bill nos.8675661 dated 28.11.2013 &8762543 dated 03.12.2013 made against advance authorization no 0710098786 dated03.10.2013 &Shipping Bill No 1035923 dated 13.02.2014 made against AA no 0710100357 dated 09.12.2013, when the shipment reached to the customs port, unfortunately due to some technical error in the customs server the shipping bill was unable to file under DEEC Scheme. As their shipment was urgent to be exported and in the fear of losing export order due to the delay in filing shipping bill, Customs had filed under free shipping bill. They wish to deliberate upon their case by inform your good office that for above mentioned shipping bills. They have not availed drawback and filed free shipping bills from customs to justify their genuine. The customs have even issued a letter confirming no Drawback Amount Claimed. They have also obtained DEEC declaration while exports. They have completed their export obligation and submitted the application for EODC at RA Bangalore; however the case is due for closure due to this issue. They have been served Show Cause Notice for the above said Advance

Authorization from RA Bangalore. Hence they are requesting to the respected committee chairman to grant them personal hearing and allow them to explain the facts and produce evidence in the case.

Decision: The Committee heard and reviewed the case on the basis of justification furnished by the firm and observed that there is no merit in firm's contention and hence it decided to maintain rejection of the earlier decision of PRC in its Meeting No.24/AM21 dated 25.02.2021(Case No. 30).

(Action: Applicant)

PH Case No. 19 M/s. Sureshchand Rameshchand, Indore
F. No.HQRPRCAPPLY00174423AM22
Meeting No.06/AM23 held on 31.05.2022

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

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Manish Agrawal and Shri Hemant Raj Jain, Authorised Representatives appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.27/AM21 dated 31.03.2021 (Case No.06), wherein the Committee had rejected the case. The applicant stated that there is no Advance License redeemed in the preceding year 2018-19 hence Appendix 4H is not applicable. They have completed 78.57% of export within the original validity period. Balance 21.33% EO completed within the validity of first EO i.e. from 08.07.2019 to 08.01.2020. Kindly note that at the time of issuing of License there was no restriction on EO period on their export product, according to this they are eligible for 2 extensions of 6 months each. They have already deposited the composition fees for first extension, therefore they are requesting for extension of EOP and to consider the export made beyond 18 months normally allowed as per the FTP for free item. During the PH, they explained that there AA was issued on 8.1.2018 and imports were also completed by 16.1.2018. Therefore PN 57 dated 25.1.2018 is not applicable to them. Exports by them have been completed within 20 months of issue of the AA.

Decision: The Committee heard and reviewed the case on the basis of the statement made by the applicant and discussed the matter at length and observed that there is merit in the case. Accordingly, it decided to accede to the request of the firm and allowed EOP extension up to 08.01.2020 against Advance Authorization No.5610005301 dated 08.01.2018 only for regularization purpose, subject to payment of usual composition fee as per HBP. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Indore)

PH Case No. 20 M/s. Honeywell Automation India Ltd., Pune

F. No.01/60/162/338/AM21/PRC
Meeting No.06/AM23 held on 31.05.2022

Subject: Relaxation in condition mentioned in para 6.21 (C) of HBP i.e. export of goods from job workers premises shall not be allowed through third party and condition mentioned in para 6.21(a)(i) of HBP goods sent to job worker shall be brought back to unit within 90 days

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Kiran Sawale and Shri Manoj Malpani, Authorised Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that; (i) They have been awarded contract to supply entire Remote Instrument Enclosures (RIE)/ Package Control Buildings (PCBs)/ E-House by M/s. L&T Hydrocarbon Engineering Ltd., Vadodara, Gujarat (EPC Business). (ii) The applicant will manufacture Integrated Control & Safety System (ICSS) at EHTP unit Pune. (iii) As the applicant subcontracted the process of manufacturing of prefabricated structure to LTHE, Hazira (Fabricator-separate business vertical of LTHE having no relationship with LTHE-EPC Business). Their EHTP unit has obtained the job work annual permission from the Jurisdictional Customs authority.(iv) Their EHTP unit will supply ICSS and other material to job worker at Hazira. (v) Job worker will manufacture prefabricated structure and applicant team will be install ICSS system during the process of fabrication e.g. laying of wires and installation of concealed instruments.(vi) Applicant team will complete the integration of ICSS in the structure and test the all automation functionality. (vii) After testing is successfully done, structure will be dismantled in ready to-build and shippable size. (viii) LTHE, Baroda (third party) will file shipping bill mentioning applicant EHTP name as supporting manufacture and goods will be exported from the job workers premises. (ix) After completion of job work,applicant EHTP unit will bill to LTHE Baroda for entire RIE/PCB.

Their EHTP unit is not having facility to manufacture prefabricated structure hence they approached to various suppliers from China and Europe but cost sourcing said prefabricated was very high, hence they approached to LTHE, Hazira who is having facility to manufacture said prefabricated structure & pointed them as their job worker. Once the integration is completed at job worker's premises, it is not feasible to bring back to final product to EHTP unit, therefore finished goods is required to be exported directly from the Job worker's premises. Para 6.10 of FTP allows to export through another exporter & Para 6.21 (c) of HBP also allow to export from job workers premises, however restriction is mentioned in said para that export from job worker premises shall not be allowed through third party. Hence, they are seeking for relaxation in the above restrictions.

Decision: The Committee heard the case on the basis of statement made by the firm in its application and noted that the facts of the case have still not been clearly specified by the firm and hence it decided to call the firm **Physically for Personal Hearing.**

(Action: Applicant/PRC)

PH Case No. 21 M/s DD International Pvt. Ltd., Amritsar
F. No.01/60/162/604/AM19/PRC, 01/60/162/605/AM19/PRC, 01/60/162/606/AM19/PRC
Meeting No.06/AM23 held on 31.05.2022

Subject : Revalidation of 3 post export DFIA No.(i) 1210008584 dated 02.04.2013, (ii) 1210008540 dated 20.03.2013 and (iii) 1210009217 dated 21.02.2014 issued under FTP 2009-14 according to FTP 2015-20 and allow transferability after applying late cut provisions as per para 9.03 of HBP 2015-20.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 31.05.2022. Shri Pardeep Tayal and Ms. Suman Bansal, Authorised Representatives appeared on behalf of the firm and made the following submissions:

The applicant stated that they had applied for post export DFIA license. Further they had been issued the subject 3 DFIAs and export period for the above licenses were18 months. They have made exports within specified period. Afterward, they have applied for transferability of above licenses to RA, Amritsar. However, their request was rejected intimating that the validity of above said licenses have been expired, so transferability cannot be considered. Further stated that these provisions pertain to Pre Export DFIA as, in case of Pre Export DFIA License, first Import will be made then export obligation will be carried out. These licenses are Post Export DFIA licenses in which Export is first and Import is later. So, expiry period of Import will be definitely be later than expiry of export period. Further, additional time should have been allowed in the policy for transferability from RA office and import of goods. Hence they are requesting that since there is no provision in FTP 2009-14 regarding import period/extension of Import period for Post Export DFIA, DFIA Licenses issued under FTP 2009-14 should be dealt according to FTP 2015-20 and transferability should be allowed after applying late cut provisions.

Decision: The Committee heard and went through the justification furnished by the firm and discussed the matter at length. Keeping in view of earlier decision of PRC taken in its Meeting No.08/AM18 dated 06.06.2017 and 01/AM21 dated 28.04.2020 in the case of the firm, the Committee decided to condone the delay in applying for transferability and also allowed revalidation of 3 Post Export DFIA No.(i) 1210008584 dated 02.04.2013, (ii) 1210008540 dated 20.03.2013 and (iii) 1210009217 dated 21.02.2014 for a period of 3 months from the date of endorsement of transferability. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Ludhiana)

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