Minutes of the Meeting held on 09.03.2022 to allocate the import quantum of (i) Calcined Pet Coke (0.5 Million MT) for Aluminium Industry and (ii) Raw Pet Coke (1.4 Million MT) for CPC manufacturing for FY2022-23

In Chair, Shri Hardeep Singh, Additional DGFT,

The following officers attended the meeting:

1. Shri. Sundeep, Scientist `F', M/o EF&CC
2. Shri Santanu Dhar, US(S), M/o P&NG
3. Shri Md. Moin Afaque, DDG, DGFT

2. At the outset, the Committee noted that in pursuance to the Public Notice No. 48 dated 10.02.2022, 04 applications were received for import of Calcined Pet Coke (CPC) and 22 applications for Raw Pet Coke (RPC). The Committee noted that the Hon'ble Supreme Court in Writ Petition No. 13029/1985, vide its order dated 9.10.2018 has decreed that the import of CPC for Aluminium Industry cannot exceed 0.5 Million MT per annum in total. Similarly, import of RPC for CPC manufacturing industry cannot exceed 1.4 Million MT per annum. Accordingly, the Committee decided to make the annual allocation of both, import of CPC and RPC for the fiscal year 2022-2023 within this limit.

3. The Committee noted that for FY 2022-23, 08 new firms as follows have applied for RPC Quota.

i. M/s Sea Som Carbon Private Limited
ii. M/s Krishna Hydrocarbons Private Limited
iii. M/s Graphite India Limited
iv. M/s Upper Assam Petrocoke Private Limited
v. M/s New Age Petcoke Private Limited
vi. M/s India Carbon Limited Guwahati
vii. M/s Bihar Carbons Private Limited
viii. M/s Premier Industries

The Committee decided to consider only the application of M/s Sea Som Carbon Private Limited for allocation of RPC Quota for FY2022-23 as they had submitted all required documents as per Public Notice No. 48 dated 10.02.2022 before 28.02.2022. The remaining 07 applicants were not considered for allocation of RPC Quota for FY2022-23 due to incomplete submission of application without requisite documents as per Public Notice No. 48 dated 10.02.2022 before the last date for submission.

4. The Committee further noted that as per Public Notice No. 48 dated 10.02.2022, applicants were required to submit undertaking along with the online application regarding utilization of import license issued to them for FY2021-22 and surrender any unutilized quantity by **28.02.2022**. It was decided that any unutilized quota remaining with the allottees would be deducted from their entitlement for the year 2022-23.

5. The Committee stated that Bill of Lading issued on or before 31.03.2022 will be considered as import made in FY 2021-22. The Committee also discussed a case where an applicant's import of RPC for FY2021-22 exceeded the quota allocated to them. It was informed that the department has initiated appropriate action under the FTDR Act against the firm for violation of the related FTP provisions.

6. The Committee noted that some applicants for allocation of RPC Quota have submitted Consent to Operate valid till 31.03.2022. The Committee decided to provisionally allocate RPC Quota to these applicants subject to the submission of Valid Consent to Operate / receipt of application made to concerned SPCB for renewal of Consent to Operate, within 15 days from the date of uploading of the Minutes of the Meeting.

7. The Committee also noted that one of the conditions mentioned in the OM No. Q-18011/54/2018-CPA dated 10.9.2018 of Ministry of Environment, Forests and Climate Change (MoEF&CC) was that the consent issued by the concerned SPCB/PCC shall clearly specify the quantity permitted for import and its use on per month and per annum basis. The quantity of imported input and installed capacity as on 9.10.2018 was taken into consideration for all applicants.

8. The Committee examined the SPCB certificates of all the applicants for RPC imports. On examination, Committee observed that the SPCBs have adopted varying conversion rates for calculating the requirement of RPC for producing CPC. In their CTO certificates, the Committee also noted that consumption requirement is not indicated in SPCB certificates of all the firms. To bring uniformity, the Committee decided to allocate CPC and RPC allocation quota by adopting following criteria:

a. Production capacity of the applicant will be calculated on annual basis. Wherever, SPCB certificates shows production figures in TPD, the annual production capacity will be arrived at by multiplying the capacity with 350 days (average operational days for the unit) to bring uniformity.
b. The production capacity for applicant for RPC is converted to input/raw material requirement by taking industry average conversion rate i.e. 1:1.36 (as mentioned in the EPCA report).
c. The additional capacity added by the applicants after the Hon'ble Supreme Court's order dated 9.10.2018 is not taken into consideration;
d. The quota be divided on a proportionate basis as per the following formula :–

$Q_A = Q * (Q_{AD} / Q_{TD})$	
Where,	
Q_A =	Allocation of Import Quota for applicant 'A'
Q =	Total Import Quota Available for distribution
Q_{AD} =	Demand of the Applicant 'A'
Q_{TD} =	Sum of demand by all applicant
For RPC – Demand is calculated based on installed capacity certified	

by SPCB and the conversion factor of CPC:RPC = 1:1.36.
i.i.e. – If the unit has installed CPC production capacity of 100 TPD, so, Demand for the unit will be calculated = 136 TPD of RPC

e. In cases where requested quantity is lower than eligible quantity, the arising surplus is redistributed among others proportionately.

9. Accordingly, based on the above principles, the Committee made the allocation as in **Annexure 1 & 2**, subjected to following conditions

a. Applicants who have been allotted RPC/ CPC will have to submit compliance certificate of CTO of the utilising unit against which the import application has been made, from the concerned state pollution Control Boards for FY 2021-22.
b. Applicants shall furnish copy of the opening and closing stock of the imported Pet Coke, submitted to the concerned SPCBs and CPCB.
c. Applicants shall comply with the Guidelines for regulation and monitoring of imported pet coke in India issued by the MoEF&CC and Change vide dated 10.09.2018
d. The copy of the license issued by DGFT for import of Pet Coke shall be submitted to concerned SPCB, CPCB and MoEF&CC for monitoring purposes.

10. The committee has noted that the requirements for application for availing RPC quota for FY 2022 – 23 have been published as part of the Public Notice dated 10.02.2022 and sufficient time has been provided for applicants to seek any clarifications. Consequently, the committee has decided to consider only applications with complete documentation for FY 2022 – 23 quota allocation.

11. If, after obtaining permission/license for the year 2022-23, importer cannot utilize/ import the entire quantity for which the license has been issued, the applicant shall intimate the same to DGFT through email at import-dgft@nic.in **on or before 30.09.2022** in order to facilitate distribution of the unutilized quota to other applicants who had applied initially. In case any unutilised quota remains with a licensee as on 31.03.2022, the same would be deducted during the re-allocation to be done after September,2022.

12. The above allocation has been made as per the documents submitted by the firm at the time of application. If at any point any discrepancy is found in the documents provided by the firm the allocation will be cancelled and action would be taken as per FTDR Act, 1992 (as amended).

Annexure - 1

Allocation of Calcined Pet Coke for FY2022-23					
S. No.	**Firm Name**	**File No**	**Plant**	**Production Capacity as per SPCB Certificate (p.a.) in MTs**	**Provisional Allocation (in MTS)**
1	HINDALCO INDUSTRIES LIMITED	HQRXIMLAPPLY00364632AM22	Aditya Unit	1,16,550	83,867
			Mahan Unit	60,000	43,175
			Renukoot Unit	22,000	15,830
2	BHARAT ALUMINIUM CO LTD	HQRXIMLAPPLY00364714AM22	Raipur	62,500	44,974
3	NATIONAL ALUMINIUM COMPANY LIMITED	HQRXIMLAPPLY00368187AM22	Odisha	60,000	43,175
4	VEDANTA LIMITED	HQRXIMLAPPLY00367312AM22	Odisha	3,73,800	2,68,979
				6,94,850	5,00,000

Annexure – 2

Allocation of Raw Pet Coke for FY2022-23						
S. No.	Firm Name	File No.	Unutilised Quota not declared by 28.02.2022	Production Capacity as per SPCB Certificate (p.a.) in MTs	Input Requirement as per EPCA Report @ 1:1.36	Provisional Allocation (in MTS)
1	RAIN CII CARBON (VIZAG) LIMITED (DTA Unit)	HQRXIMLAPPLY00367335AM22	0	5,11,000	6,94,960	4,08,928
2	SANVIRA INDUSTRIES LIMITED	HQRXIMLAPPLY00368401AM22	0	3,30,000	4,48,800	2,64,083
3	GOA CARBON LIMITED	HQRXIMLAPPLY00364033AM22	20,288	3,08,000	4,18,880	2,21,081
4	BRAHMAPUTRA CARBON LIMITED	HQRXIMLAPPLY00369087AM22	0	1,00,000	1,36,000	80,025
5	GUWAHATI CARBON LIMITED	HQRXIMLAPPLY00369572AM22	0	1,00,000	1,36,000	80,025
6	PETRO CARBON AND CHEMICALS PRIVATE LIMITED	HQRXIMLAPPLY00370802AM22	0	93,744	1,27,492	75,019
7	NEO CARBONS PVT LTD	HQRXIMLAPPLY00369859AM22	409	75,000	1,02,000	58,366
8	PARADIP CALCINERS	HQRXIMLAPPLY00369120AM22	1,100	70,000	95,200	53,756
9	INDIA CARBON LIMITED, West Bengal	HQRXIMLAPPLY00363928AM22	0	54,000	73,440	43,214
10	RAIPUR MINERALS PRIVATE LIMITED	HQRXIMLAPPLY00366649AM22	0	30,000	40,800	15,000
11	DIGBOI CARBON PRIVATE LIMITED	HQRXIMLAPPLY00370408AM22	0	30,000	40,800	24,008
12	CARBON RESOURCES PVT LTD, Assam	HQRXIMLAPPLY00368345AM22	0	24,840	33,782	19,878
13	AMRITESH INDUSTRIES PRIVATE LIMITED	HQRXIMLAPPLY00365003AM22	0	24,000	32,640	19,206
14	SEA SOM CARBON PRIVATE LIMITED	HQRXIMLAPPLY00368511AM22	0	24,000	32,640	19,206
15	CARBON RESOURCES PVT LTD, Bihar	HQRXIMLAPPLY00368343AM22	0	22,750	30,940	18,206
			21,797		24,44,374	14,00,000