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## Directorate General of Foreign Trade
## (PRC Section)

## Minutes of the Policy Relaxation Committee Meeting held on 29.08.2024 under the Chairmanship of Shri Santosh Kumar Sarangi, Director General of Foreign Trade

**Meeting No.15AM25 held on 29.08.2024**

The following members were present in the meeting:

1. Ms. Shubhra — Sr.Dev.Commissioner
2. Shri Hardeep Singh — Addl. DGFT
3. Shri Anil Aggarwal — Addl. DGFT
4. Dr.S.K. Bansal — Addl. DGFT
5. Shri Rakesh Kumar — Addl. DGFT
6. ShriK.V.Tirumala — Joint DGFT
7. Shri K.M. Harilal — Joint DGFT
8. Shri Randheep Thakur — Joint DGFT
9. Shri Md. Moin Afaque — Joint DGFT

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

| S. No | Name of the firm |
|---|---|
| 1. | M/s. Polymerlink India Private Limited, Mumbai |
| 2. | M/s. Shreeji Agri Commodity Private Limited, Rajkot |
| 3. | M/s. Sai Sulphonates Pvt Ltd, Kolkata |
| 4. | M/s. Panacea Biotec Pharma Limited, Delhi |
| 5. | M/s. V S International, Gujarat |
| 6. | M/s. India Yamaha Motor Private Limited, Delhi |
| 7. | M/s. Globe Textiles (India) Limited, Ahmedabad |
| 8. | M/s. Johnson Controls India Private Limited, Mumbai |
| 9. | M/s. Seinumero Nirman Private Limited, Pune |
| 10. | M/s. J P O Polychem Private Limited, Delhi |
| 11. | M/s. Lubi Industries Llp, Ahmedabad |
| 12. | M/s. Lubi Industries Llp, Ahmedabad |
| 13. | M/s. Genus Electrotech Limited, Delhi |
| 14. | M/s. Senior India Private Limited, Delhi |
| 15. | M/s. Dana Anand India Private Limited, Pune |
| 16. | M/s. Flowserve India Controls Private Limited, Coimbatore |



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| 17. | M/s. Yazaki India Private Limited, Pune |
| 18. | M/s. Sara Sae Private Limited, Dehradun |
| 19. | M/s. Jaymala Spintex LLP, Gujarat |
| 20. | M/s. Sireesha Geo Granite Private Limited, Hyderabad |
| 21. | M/s. Niaksh Jewels Llp, Bikaner |
| 22. | M/s. Shahi Exports Private Limited, Bengaluru |
| 23. | M/s. Prakash Exports, Kerala |
| 24. | M/s. Prakash Exports, Kerala |
| 25. | M/s. Anant Shetkari Sahakari Soot Girni Ltd, Maharashtra |
| 26. | M/s. Anant Shetkari Sahakari Soot Girni Ltd, Maharashtra |
| 27. | M/s. Astec Lifesciences Limited, Mumbai |
| 28. | M/s. Astec Lifesciences Limited, Mumbai |
| 29. | M/s. Raymond Luxury Cottons Limited, Maharashtra |
| 30. | M/s. Taurus Home Furnishing LLP, Delhi |
| 31. | M/s. Richaco Exports Private Limited, Delhi |
| 32. | M/s. Richaco Exports Private Limited, Delhi |
| 33. | M/s. Kataline Infra-Products Private Limited, Nagpur |
| 34. | M/s. Subra International Private Limited, Delhi |
| 35. | M/s. Shrotra Enterprises Private Limited, Mumbai |
| 36. | M/s. Vedanta Limited, Delhi |
| 37. | M/s. Toyota Kirloskar Motor Private Limited, Bangalore |
| 38. | M/s. Bharat Silks, Bangalore |
| 39. | M/s. Creative Garments Private Limited, Mumbai |
| 40. | M/s. ITC Limited, Andhra Pradesh |
| 41. | M/s. Encube Ethicals Private Limited, Mumbai |
| 42. | M/s. Encube Ethicals Private Limited, Mumbai |
| 43. | M/s. E-Land Apparel Limited, Bengaluru |
| 44. | M/s. Mahima Life Sciences Pvt Ltd, |

**Case No.01** **M/s. Polymerlink India Private Limited, Mumbai**

F.No.HQRPRCAPPLY00004503AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 0311010042 dated 04.01.2022.

**Applicant's statement:** With reference to above, we want to inform you that we have taken Export Obligation extension twice in the subject advance licence which is valid till 04.07.2024. But still the export obligation is not fulfilled. Due to lack of export orders, we are not able to complete the export obligation within the extended export obligation period. We therefore request you to allow further EO Extension of one year in the subject Advance Licence. Enclosing copy of licence with extended export obligation for



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doing the needful. Requesting you to please allow EO Extension of further one year in the aforesaid advance licence

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 0311010042 dated 04.01.2022 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Mumbai)**

**Case No. 02 M/s. Shreeji Agri Commodity Private Limited, Rajkot**

F.No.HQRPRCAPPLY00005118AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 2411002710 dated 04.09.2023.

**Applicant's statement:** Request you relaxation in wheat export condition for EO fulfilled in 180 days from the date of import, in that we required extension in EOP. We herewith request you to kindly extend our EOP period i.e. up to 31.12.2024. we had done our import on higher rate and unfortunately due to price hike in international market we are not be able to full EO in time now markets are stable and we are trying to fulfill the EO of balance quantity.

The last import was made on 22.01.2024

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 2411002710 dated 04.09.2023 for a further period upto 31.12.2024 subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Rajkot)**

**Case No.03 M/s. Sai Sulphonates Pvt. Ltd, Kolkata**

F.No.HQRPRCAPPLY00004992AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 0210209100 dated 10.04.2019.



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**Applicant's statement:** This authorization file was not traceable in our office for long as our Mr. Singh, CA responsible for DGFT suffered from COVID and underwent liver transplant surgery. Due to Mr. Singh's prolonged absence and health crisis, processing of the application for extension was inadvertently missed. We found the file after his joining only and hence applied for EOP extension.

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.04 M/s. Panacea Biotec Pharma Limited, Delhi**

F.No.HQRPRCAPPLY00004897AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 0511007823 dated 11.01.2022.

**Applicant's statement:**The Advance Authorization was initially valid till 11.07.2023 for exports, thanks for your support further extensions were granted up to 11.07.2024. Since its export validity will now be expiring on 10.07.2024 and it would not be possible for us to fulfill the balance export obligation in this extended period therefore, we request you to grant us the extension for one year ie till July 2025 for completing the export obligation. There is also balance quantity of 657.190 Ltrs. of Albumin which is required to import for the formulation of the final product (Pacliall). Initial validity for imports was till 11.01.2023 with further extension granted till 11.01.2024. As now we require to import the balance quantities of Albumin therefore, we request you to grant us the import extension upto July 2025.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 0511007823 dated 11.01.2022 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. No revalidation is allowed. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-CLA, New Delhi)**

**Case No.05 M/s. V S International, Gujarat**

F.No.HQRPRCAPPLY00004785AM25

Sanjay

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 2410043276 dated 09.10.2020.

**Applicant's statement:** We are agro commodity importer and exporter. Due to Market hike in prices we were not able to export in the timeline. So we request to kindly consider our request for regularization of the case. We had now export the goods and payment is also received and paid balance quantity duty with interest copy enclosed.

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.06 M/s. India Yamaha Motor Private Limited, Delhi**

F.No.HQRPRCAPPLY00000474AM23

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of Import Validity Period against EPCG Authorization No. 0430013733 dated 23.05.2014.

**Applicant's statement:** We wish to bring to your kind notice that we have obtained the above post export EPCG Authorization from the office of JDGFT, Chennai under their file number 04/21/061/00004/AM15 dated 13.05.2014 as per Para 5.12 of Import Export Policy. Since the said EPCG Authorization was not valid for import being Post Export EPCG Authorization, we fulfilled export obligation and received the freely transferrable Duty credit scrip as per Policy vide Amendment sheet no. 2. However, since the Duty credit scrip was issued thru manual mode, it was not transmitted thru online mode to the Customs authority, due to which the Customs denied to accept the manual scrip for utilization purpose as they were able to accept only thru online mode. The Company had submitted letter of correspondence at Chennai Custom, Chennai JDGFT and Delhi JDGFT regarding manual scrip Registration and Utilization. Details enclosed in Annexure-A Nevertheless, after a lot of struggle and correspondence with the Customs Authority, they started allowing such manual scrips which were issued due to the absence of online portal to issue post export scrips. Unfavorably, by the time the Customs granted approval to accept manual post export scrips, our Post export duty credit scrip issued against above authorization, expired, due to which we could not utilize the same fully for import purpose. Since the above situation occurred because of the absence of online portal to issue Duty Credit scrips under post export EPCG licenses, and due to the fact that there was no mode to transfer the scrips online at DGFT Website, our plea to revalidate the Duty credit scrip for One year is justified to be considered. Therefore, looking at the genuine situation, we request you to kindly grant



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us renewal of the said scrip for one year, which could not be utilized the scrip fully, due to the absence of online portal to issue and transmit the post export duty credit scrips.

**Decision:**The committee went through the statement made by the firm in its application and noted that the facts of the case have not been clearly specified by the firm and hence decided to call the firm for **Personal Hearing**.

**(Action: Applicant/PRC)**

**Case No.07 M/s. Globe Textiles (India) Limited, Ahmedabad**

F.No.HQRPRCAPPLY00004177AM23

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for fresh DFIA transferable licence from new portal against DFIA Authorization No. 0811000849 dated 06.07.2021.

**Applicant's statement:** We have submitted the file for Transferable DFIA in the Local RA- Ahmadabad- Gujarat in the month of October 2020, and then from the Month of January 2021 the Online New System is going to be started for the Pre DFIA as well as for Transferable DFIA License. We have not received the DFIA Transferable license from the new portal and we have constantly touched with the Local RA- Ahmadabad and DGFT HQ for the same, but the DFIA Transferable License in not received from New Portal till date. We have sent mail to the NIC- EDI local RA and file the online complaint for the same matter time to time and follow all the Instruction but we did not get the DFIA Transferable License from new portal, then we have file the First PRC in the month of May 2022 ref no HQRPRCAPPLY00002622AM23 for the same but still the matter is not shorted out and after the Mail from Shri A S Lungreishang dated 19th December 2022 for filling the Fresh PRC for the same matter, we have file the Fresh PRC for the same. Now we kindly request you to please giving us the Fresh Live DFIA Transferable License from the New Portal.

**Decision**: The Committee examined the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to seek a report from RA, Ahmedabad for taking the decision.

**(Action: PRC/ RA-Ahmedabad)**

**Case No.08 M/s. Johnson Controls India Private Limited, Mumbai**

F.No.HQRPRCAPPLY0000148790AM22

Meeting No.15AM25 held on 29.08.2024

Sanjay

**Subject:** Request for waiver of Procedural requirement as per HBP against Advance Authorization No. 3110051561 dated 21.11.2011.

**Applicant's statement:**Our case has been rejected due to no availability of Bill of Exports for supplies made to SEZ, these supplies were made long back in 2012 to Lanco Infratech Ltd. who is bankrupt and has been later taken over by the Reliance industries ltd. who are now not co-operating to generate any Bill of Exports, we had already submitted the alternate documents such as ARE1 mentioning the Authorization no.3110051561 dt.21.11.2011 attested by Customs for receipt of goods in their SEZ. Since this is a very old case and we have utilized the Duty free Goods for manufacturing of supplies made to SEZ as per the SION Norms and have not violated any Policy conditions or misused the Advance Authorization scheme, we humbly request you to kindly give us one time relaxation and accept the alternative documents which proves that the goods has been delivered to the SEZ unit and under the subject Authorization and payment has been released in an approved manner Just because of this one case we had been declared as defaulter and facing many problems to operate our current export import, if you grant us this relaxation it would be a great help to survive in the export business.

This is with reference to the PRC Committee Meeting No.02/AM24 held on dated 09.05.2023, whereby our case has been deferred. We had attended last hearing online but due to issues of connectivity our say was not properly recorded. Hence, we request your good-self to reconsider our case and give us an opportunity to present our case physically. Subsequently we had submitted our say vide our letter dated 6.11.2023 earlier. For your good-self ready reference, please find below the summary of the case : a) In the subject Authorization we had applied to the PRC for relaxation for nonavailability of Bill of Exports for the supplies made to SEZ units. b) We have ARE 1 and invoice copies mentioning the Authorization no.3110051561 dt.21.11.2011 duly attested by customs authorities for receipt of goods in SEZ along with Payment Realization Certificate. The copy of all invoices along with ARE1 endorsed by excise officer, BRC, LR Copy, etc. together marked as Annexure1. c) These export supplies were made in 2014-15 to our customer M/s. LancoInfratech Ltd. Chhattisgarh. Johnson Controls India Private Limited 191 A/2a/1/2 Off Airport Road Next to Don Bosco School, Shastrinagar, Yerawada, Pune, Maharashtra 411006, INDIA Website: www.johnsoncontrols.com CIN: U33130MH1995PTC111247 d) As per the policy circular no. 39/2015-20 dated 7.06.2022, supplies made to SEZ with availability of all export documents except Bill of Exports will be considered for fulfillment of Export Obligation, but supplies made prior to 1.04.2015 can only avail this benefit. e) In our case we had fulfilled approx. 25% of the exports before 1.04.2015 and the balance 75% within 5 to 6 months due to which we are having a huge, short fall in fulfilling the obligation. Facts about the case: a) We had taken total 4 advance licenses during this period against the deemed export out of which 3 licenses are redeemed as these supplies were made to EPCG license holders. This is the only case, where the supply is made to SEZ following same documentation procedure. Below is list of the said advance licenses against that we have received EODC – b) York India Limited Acquired by M/s. Johnson Controls Marine & Refrigeration India Pvt. Ltd. now merged with Johnson Controls India Private Limited which is an MNC. We have fair pricing for all our



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customers and there was no price differentiation whatsoever for any our customer. c) The sales prices are equivalent in all export cases as well as domestic sales made during this period. d) We have utilized the duty-free goods for manufacturing of supplies made to SEZ as per the SION Norms and have not violated any Policy conditions or misused the Advance Authorization scheme. e) This is one of case requested for relaxation on the grounds of true facts and not misuse of the provisions. f) Just because of this one case we had been declared as defaulter and facing many problems to operate our current export import activity. g) Being an MNC, we are facing internal issues with our overseas controls as part of the supply is eligible for EO fulfilment and part supply is denied for the relaxation. h) Considering the above facts and deadline under amnesty scheme by 31st March 2024, we request you to kindly consider our case for the upcoming PRC meeting. We most humbly request your good-self to please consider our exports fulfilled after 1.04.2015 for fulfillment of EO under the subject Authorization, we have all other documents of supplies as required for exports to SEZ. Further we most humbly request your goodself that, it would be really helpful to confirm acceptance of our request over mail immediately post PRC meeting. It would help us to take decision about withdrawal of Amnesty Application.

The case considered in PRC meeting No.33AM24 held on 22.03.2024 and it was decided to refer to PC-4 for taking up for further extension of provision for alternate documents allowed up to 31.03.2015 by amending the policy provision. Meanwhile advance intimation may be sent to applicant regarding no need to regularise under Amnesty Scheme.

Comments of PC-IV was seen.

**Decision:**The Committee went through the statement made by the applicant and discussed the matter at length. After detailed discussion the it was decided to accede to the request and consider alternate documents in lieu of bill of export towards discharge of export obligation against Advance Authorization No. 3110051561 dated 21.11.2011 in terms of Policy Circular No. 04/2024. It was also decided to extend the EOP upto 31.07.2015 for closure purpose subject to payment of composition fees as per Policy provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Pune)**

**Case No.09 M/s. Seinumero Nirman Private Limited, Pune**

F.No.HQRPRCAPPLY00000010AM24

Meeting No.15AM25 held on 29.08.2024

Sanjay

**Subject:** Request for Extension of Validity period by Additional 1 Year against MEIS Scrip No. 3119063400 dated 13.04.2022, 3119063402 dated 13.04.2022, 3119063403 dated 13.04.2022. This is a review case of PRC Meeting No.31AM24 held on 01.03.2024 (Case No.07) wherein Committee decided to reject the case.

**Applicant's statement:** Since the data of the said MEIS scripts have not been transmitted by the DGFT Server to Customs Server ( ICEGATE) due to technical issue; hence we couldn't get Registered the said Scripts with Customs as the same is not reflected at the ICEGATE. Therefore we couldn't utilized the said scripts.

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.10** **M/s. J P O Polychem Private Limited, Delhi**

F.No.HQRPRCAPPLY0000478AM24

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for revalidation of Scrip against MEIS Scrip No. 1419000376 dated 12.11.2021, 0219110101 dated 14.03.2022, 0319322631 dated 28.09.2021, 0319347695 dated 27.12.2021, 2419030664 dated 28.09.2021.

**Applicant's statement:** Ref: Order Passes by: S Gouri Shanker, Assistance Commissioner of Customs, Centralized Refund Cell, Jawaharlal Nehru Port, JNPT, Nhava Sheva, Maharashtra -400707 have issued Order -in Original having order no. 178/2023-24/AM(i)/NS-III Date of Order 30-06-2023 and Date of Issue 30-06-2023 as Eligible and Sanctioned the Refund. Respected Sir / Madam, BRIEF FACTS OF THE CASE: GROUND OF DEFENCE J P O POLYCHEM PRIVATE LIMITED having IEC : 0509005098 ` has filled a refund application on date 04-02-2023 at Customs House, Centralized Refund Cell, Jawaharlal Nehru Port, JNPT, Nhava Sheva, Maharashtra - 400707. The ground of Refund is that J P O POLYCHEM PRIVATE LIMITED had paid the Customs Duty at JNCH, Nhava Sheva in respect of two Bill of Entry No: 9760165 dt 28-07-2022 & 9760226 Dt 28-07-2022, but the goods were lost by fire during the transit. The Particulars of Customs duty payments were made vide MEIS License and TR -6 Challan under the said Bill of Entry. Order Passes by: S Gouri Shanker, Assistance Commissioner of Customs, Centralized Refund Cell, Jawaharlal Nehru Port, JNPT, Nhava Sheva, Maharashtra -400707 have issued Order -in Original having order no. 178/2023-24/AM(i)/NS-III Date of Order 30-06-2023 and Date of Issue 30-06-2023 as Eligible and Sanctioned the Refund. As per Order in Original Para 3 & para 6.1. The Assistance Commissioner of Customs, Appraising Group, 2G, vide Letter F. No. S/26-Misc. 2738 (1927) /2021-22 Gr. II G dated 24-02-2023, informed that Bill of Entry no. : 9760165 dt 28-07-2022 & 9760226 Dt 28-07-2022 were verified in EDI system and the same have been closed in the ICES 1.5 System. Enclosed copy of A. Bill of Entry Bill of



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Entry No: 9760165 dt 28-07-2022 showing Details of utilized 1. MEIS Authorization No. 0319347695 dt 27/12/2021 Debit Value Rs. 31177.53 B. Bill of Entry Bill of Entry No: 9760226 Dt 28-07-2022 showing Details of utilized 1. MEIS Authorization No. 0319347695 dt 27/12/2021 Debit Value Rs. 77500.72 2. MEIS Authorization No. 0219110101 dt 14/03/2022 Debit Value Rs. 21493.00 3. MEIS Authorization No. 0319322631 dt 28/09/2021 Debit Value Rs. 156502.00 4. MEIS Authorization No. 1419000376 dt 12/11/2021 Debit Value Rs. 473629.00 5. MEIS Authorization No. 2419030664 dt 28/09/2021 Debit Value Rs. 235029.00 GROUND OF APPEAL: MERIT ON THE CASE Now, as per Order -in Original having order no. 178/2023-24/AM(i)/NS-III Date of Order 30-06-2023 Passes by: S Gouri Shanker, Assistance Commissioner of Customs, Centralized Refund Cell. Enclosed copy of Order -in Original Were these MEIS authorization were Utilized under the said Bill of Entry, and further re-credited to be done in Customs EDI ICES 1.5 System, on the Basis of Order in Original after 30-06-2023. Now for further utilization of these MEIS License, must be valid as on date as per FTP para 3.13B Validity Period of Scrips and HBP para 3.13 Validity period and Revalidation. As per FTP Chapter 3 The new validity period of a Duty Credit Scrip issued on or after 16.09.2021 shall be 12 months from the date of issue, for scrip based Schemes under chapter 3 of the Foreign Trade Policy (FTP) 2015-20. As per HBP Chapter 3 Duty Credit Scrip issued under chapter 3 must be valid on the date on which actual debit of duty is made. Under HBP Chapter 2 para 2.20 ( c ) ? However, revalidation of freely transferable authorization / duty credit scrips and stock and sale (excluding SCOMET items) authorization shall not be permitted unless validity has expired while in custody of Customs Authority / RA / Government Authority. In our Case These MEIS License were utilized under above mentioned Bill of Entry, but the goods were lost by fire during the transit, and refunded as per Order in Original.

Comments of PC-3 were seen.

**Decision**: The Committee reviewed its earlier decision taken in PRC meeting no. 04AM25. After detailed discussion it was decided to reject the case as there is no mechanism available in the present IT system to make such amendments to a scrip which has already been transferred.

**(Action: Applicant)**

**Case No.11 M/s. Lubi Industries Llp, Ahmedabad**

F.No.HQRPRCAPPLY0000697AM24

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for EOP extension and substitution of name and IEC against Advance Authorization No. 0810083301 dated 01.10.2009.

**Applicant's statement:** The Original AA holder was amalgamated with this new company holding new IEC number 0812023862. Since, the AA was issued in the name of old company IEC no.0893001457 we are unable to continue Exports without a



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suitable endorsement to the Authorization. The request for extension of EOP as allowed by the Hon'ble High-court of Gujarat. Manual application was submitted in May'2019 but further proceedings are pending, Hence, this application.

**Decision**: Deferred for further examination.

**(Action: Applicant/ PRC)**

**Case No.12 M/s. Lubi Industries Llp, Ahmedabad**

F.No.HQRPRCAPPLY0000666AM24

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for EOP extension and substitution of name and IEC against Advance Authorization No. 0810081260 dated 07.07.2009.

**Applicant's statement:**The Original AA holder was amalgamated with this new company holding new IEC number 0812023862. Since, the AA was issued in the name of old company IEC no.0893001457 we are unable to continue Exports without a suitable endorsement to the Authorization. The request for extension of EOP as allowed by the Hon'ble High-court of Gujarat. Manual application was submitted in May'2019 but further proceedings are pending, Hence, this application.

**Decision**: Deferred for further examination.

**(Action: Applicant/PRC)**

**Case No.13 M/s. Genus Electrotech Limited, Delhi**

F.No.HQRPRCAPPLY000001931AM24

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for redemption and condonation of Appendix 22 C Para 8 2 4 against EPCG Authorization No. 0530139067 dated 08.07.2005.

**Applicant's statement:**Applications are submitted for redemption and relaxation request for policy from appendix 22 C FTP HBP Para 8 2 4 against EPCG License No 0530139067 dated 08.07.2005. Application for redemption submitted in prescribed form ANF5B submitted on 31.08.2016 vide our letter No GEL / DGFT/ 2016-17/39067/01 dated 31.08.2016 to RA, Delhi and deficiency letter FILE No 05/34/165/00762/ AM14/1231272 dated 08.11.2016 applied to Chairman PRC committee Udyog Bhawan, New Delhi request for policy relaxation from appendix 22 C FTP HBP Para 8.2.4 through our letter no GEL/DGFT/EPCG/PRC/2016-17/032 dated 03.11.2016. Acknowledge copy of application in ANF2D along with Application Fee Rs 2000.00 vide DD No 007446 dated 03.11.2016.( All copies are attached here-with) 2. Once again submitting ANF2D application for policy relaxation committee.



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**Decision**: The Committee examined the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to seek a detailed report from RA, Delhicovering the various points raised by applicant and including examination of the documents, for facilitating a decision in the matter.

**(Action: PRC/ RA-CLA,New Delhi)**

**Case No.14 M/s. Senior India Private Limited, Delhi**

F.No.HQRPRCAPPLY00009204AM24

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for review for condonation of wrong mentioning of EPCG Authorization Number and date on shipping bills and account for export made through 30 shipping bills towards EODC for EPCG Authorization No. 0530168713 dated 30.09.2016.

**Applicant's statement:**In this regard we wish to submit that due to inadvertently we have mentioned incorrect EPCG Authorization No.0530164095 dated 31.12.2014 and 0530166049 dated 12.10.2015 instead of 0530168713 dated 30.09.2016 in 30 shipping bills. Unfortunately, the staff dealing with the issues left jobs and the operations had come to a standstill.

Comments of PC-V was seen.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request to consider the 30 Shipping bills in which incorrect Authorisation number is declared towards EODC against EPCG Authorization No. 0530168713 dated 30.09.2016. RA may verify that these shipping bills were not mentioned in the applications for redemption of EPCG Authorization No. 0530164095 dated 31.12.2014 and 0530166049 dated 12.10.2015 for discharge of EODC.The applicant would submit an undertaking that these shipping bill not be utilized against any other authorization. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-CLA, New Delhi)**

**Case No.15 M/s. Dana Anand India Private Limited, Pune**

F.No.HQRPRCAPPLY00009221AM24

Sanjay

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request due to description mismatch against MEIS Scrip No. 3119015398.

**Applicant's statement:** The goods exported outside India fall under ITC(HS) code, ?87085000 (Description of entry reads as follows - Drive-Axle with differential, whether or not provided with other transmission components, non-driving axles and its parts thereof)?. Exports of aforesaid goods outside India are entitled to rewards in the form of duty credit scrips under MEIS of Foreign Trade Policy, 2015-20 (FTP). The tariff entry as mentioned in para 1.2 is covered in Appendix 3B of the FTP which prescribes the incentive rate under MEIS. The relevant extract of Appendix 3B of FTP 2015-20 is provided below: MEIS S.No ITCHS 2017 ITC (HS) Description MEIS Rate 4551 87085000 Drive Axles With Differential W/N Provided with Other Transmission Components 3? In light of the above, the Company had filed MEIS applications for the period 2016-17 with Regional Authority (?DGFT Pune?), with respect to export of goods falling under ITC (HS) code 87085000. On the basis of twenty six applications filed by the Company, duty credit scrips amounting to INR 8,10,27,671 were to be received. However, the applications were partially processed and duty credit scrips amounting to INR 6,07,57,148 were granted. Thus, leading to shortfall in the receipt of duty credit scrips to the tune of INR 2,02,70,553 (Enclosed as Annexure II). We were communicated by DGFT Pune that MEIS scrips has been rejected on those entries appearing in shipping bills where there was description mismatch. However, when we checked practically, we did not find any description mismatch. Sample copy of shipping bill, Ecom application for MEIS and MEIS license (Enclosed as Annexure III) showing that there is no description mismatch. Subsequently, DGFT issued directives to all regional authorities (vide public notice no. 62/2015 dated 16 February 2018), stating that except for certain ITC(HS) codes provided in annexure to the aforesaid public notice, MEIS applications shall be processed only on the basis of ITC(HS) codes as specified in the shipping bills. However, applications finalized (including applications already rejected) before the issuance of the said public notice were not to be re-assessed basis this notice. Annexure to the aforesaid public notice specifying the ITC (HS) codes for which MEIS applications to be processed after matching the description did not include ITC (HS) code 87085000. Thus, MEIS application for ITC (HS) code 87085000 were to be processed without matching the description of the items. Further, DGFT vide trade notice no. 26/2018 dated 23 March 2018 instructed all Regional Authorities to consider MEIS applications rejected before issuance of aforesaid public notice as well. Thus, MEIS applications rejected before 16 February 2018 may be re-processed on the basis of aforesaid public notice. As there was no description mismatch and at the same time public notice and trade notice were issued which stated that MEIS scrips shall be processed basis the HSN, hence, the Company re-submitted an application to the DGFT Pune (for the period 2016-17) for claiming the duty credit scrips which were rejected earlier. However, DGFT Pune could not process the application owing to technical system issues, stating that shipping bills cannot be revoked once utilization of the script and that there is no provision in DGFT portal for partially rejected MEIS script generation against the same shipping bill?. Thereafter, the Company also filed their grievance on the DGFT grievance redressal portal. The Joint DGFT, Pune responded to the grievance, stating. This is a special case. Under the



Sanjay

current mechanism of issue of MEIS scrips, there is no provision to grant MEIS rewards on items which have been individually rejected from a shipping bill from many items. Please represent your case in the PRC under para 2.58 of FTP 15-20 with all the necessary documentation. Company has approached Policy Relaxation Committee for seeking reconsideration of the Order passed and approval for issue.

**Decision**: The Committee examined the case on the basis of submission made by the firm and discussed the matter at length. After detailed discussion it was decided to refer to PC-3 for examination. Thereafter the matter will be brought back to PRC for decision.

**(Action: Applicant/PC-3)**

**Case No.16 M/s. Flowserve India Controls Private Limited, Coimbatore**

F.No.HQRPRCAPPLY0000332AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for waiver of Procedural requirement as per HBP against Advance Authorization No. 3210078557 dated 12.07.2018.

**Applicant's statement:**EO was completed on 18.09.2019 and 100% export proceeds realised on 01.01.2022 thro Vastro account by transfer of funds from foreign bank as per bank cert attached as per para 2.52(b) of ftp 2015-20. AA scheme is also considered as one of the export promotion schemes and compliance with notification no.33 dt 16.09.22 and no.43 dt 09.11.22 which envisaged realization of payment thro special Vastro account not applicable in this case since 100% payment realized as early as 01.01.22. Request PRC to condone the procedural request of furnish bank cert as per para 2.52(d)(iii) of FTP 2023.

Comments of PC-2 was seen.

**Decision:** The Committee went through the statement made by the applicant and discussed the matter at length and observed that there is merit in the case. After detailed discussion it was decided thatRA, Coimbatore may consider the EODC application in terms of Para 2.52(b) of FTP against Advance Authorization No. 3210078557 dated 12.07.2018 subject to fulfilment of relevant conditions and if still there is some issue then applicant may approach HQ again. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA- Coimbatore)**

**Case No. 17 M/s. Yazaki India Private Limited, Pune**

F.No.HQRPRCAPPLY000000696AM25

Sanjay

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for rejection of SEIS application on the ground that our unit is registered as STPI unit against SEIS Scrip No. 07/21/098/50123/AM20.

**Applicant's statement:**Ref: Rejection letter dated 26.06.2020 issued from file No. 07/21/098/50123/AM20 issued by Jt. Director DGFT, Bangalore. Respected Sir, We Yazaki India Private Limited having registered office at GATE N0.93 SURVEY N0-166 HIGH CLIF INDL.ESTATE, WAGHOLI-RAHU ROAD, KESNAND, PUNE, MAHARASHTRA PIN ? 412207 (Regi. Office), submitted SEIS application to Office of Jt. Director General of foreign Trade, Bangalore on 29.11.2019 under File No. 07/21/098/50123/AM20 and Key number 700997147, for grant of License under SEIS Scrip value of Rs. 2,97,003.27/-, for export of services amounting to Rs. 62,52,708.20/- (US$ 97470.12) in respect of our Bangalore unit Located at Quadrant-3 at Umiya Business Bay Tower II 5th Floor, Cessna Business Park, Marathahalli - Sarjapura Outer Ring Road, Bangaluru -560037 Bangaluru-562105, Karnataka. It has been informed vide a Letter / Order dated 26.06.2020 (Received by us on 06.07.2020) under file reference No. 07/21/098/50123/AM20 issued by the Assistant Director General of Foreign Trade, that our claim has been rejected on the ground that the said Unit is registered under STPI scheme and as such we are not eligible/entitled to avail benefit of SEIS. The said letter also suggests to file an Appeal against the rejected letter in case we are aggrieved by the said communication, and accordingly we filed the detailed explanation and justification letter for re-consideration of application on 30.07.2020 to Bangalore RA. There is no response till date. It may please be noted that although we have been granted registration under STPI scheme, the said registration is as "Non-STPI" unit category. We are not availing/ entitled to any of benefits arising out of STPI scheme and accordingly not availed any benefits under the said scheme. It may please further be noted that the said registration as "non-STP Unit" has been obtained in compliance with RBI Circular mandating us to file SOFTEX form. For filing of SOFTEX form with STPI authorities, a registration is mandatory under the category of "Non-STPI" unit, which accordingly has been obtained by us. In view of the facts stated above and also that no benefit under STPI scheme has been obtained / entitled to us, the impugned order may kindly be set aside and our claim to obtain SEIS script be allowed. We are enclosing following documents for your perusal and kind consideration: 1. Copy of rejection letter; 2. Copy of registration certificate mentioning our Units registered as "NON STPI Unit" 3. Copy of application submitted with STPI for registration of our unit as "NON STPI Unit" 4. Previous request letter dated 30.07.2020 to DGFT RA Bangalore against rejection letter along with acknowledgement copy 5. FAQ issued by STPI confirming the need of non-STPI registration against the RBI Master circular. Please refer Sl. No 2 of FAQ 6. Corresponding RBI Circular No 80 dated 15.02.2012 on non-STPI registration. 7. Extract of RBI Master Direction export of goods and services Para B.35 In view of the above it is Prayed that: Under the Circumstances, the Appellants pray that Hon'ble Addi. DGFT may be pleased to set aside the impugned Rejection letter and direct to process our claim; Our application to grant SEIS script may please be allowed; Any other just and fair order in the interest of justice be passed; The Appellants also pray that the Appellants may kindly be granted personal hearing before the final decision/ direction.



Sanjay

**Decision**: The Committee examined the case on the basis of submission made by the firm and discussed the matter at length. The Committee noted that it is not a PRC matter. The firm may explore the option of filing Review under Section 16 of FT(D&R) Act.

**(Action: Applicant)**

**Case No.18 M/s. Sara Sae Private Limited, Dehradun**

F.No.HQRPRCAPPLY0000792AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 6110001539 dated 06.09.2018, 6110001555 dated 18.10.2018, 6110001549 dated 10.10.2018, 0510412888 dated 13.09.2019, 6110001393 dated 05.01.2017.

**Applicant's statement:** We requested to the Committee for extend the export obligation for few a months, but the committee rejected our plea. We request you to kindly provide personal hearing date so that we can present our case and faced difficulties to export the goods for subject advance authorizations. We had already imported the components and bought raw material from Indian suppliers, the delay of export due to the Corona pandemic and the downturn in the oil industry, due to export delay, a significant amount of imported goods was blocked by working capital, which ultimately created financial constraints for the entire organization. The final goods that we had for export were nearly ready for export. Because oil field equipment and accessories operate under extremely high temperatures and pressures, their production is extremely delicate. Every day technology advances and changes, if we don't export the goods which were manufactured against the Subject Advance authorizations they eventually become scrap. We will suffer significant losses and be unable to assist the country in obtaining foreign exchange. We request you to kindly allow for extension of export obligation period for further Three months i.e. 08.08.2024, for the customer in person visit and for testing in our facility. We had already exported the consignment against the Advance authorization No. 6110001393 dated 05.01.2017 to the customer vide Invoice No.2324-0202000327 Shipping Bill No.5296213 dated 10.11.2023.(Copy attached). We request you to kindly give approval and for extension of export obligation period upto.15.11.2023 We request you to kindly extend the export obligation term for the afore mentioned four Advance authorizations for up to 08.08.2024 and for Advance authorization No.6110001393 period upto.15.11.2023.

**Decision**: The Committee heard and reviewed the case on the basis of statement made by the firm and observed that there is no merit in firm's contention. Hence, it decided to maintain the rejection of the earlier decision of PRC Meeting.

**(Action: Applicant)**

Sanjay

**Case No.19 M/s. Jaymala Spintex LLP, Gujarat**

F.No.HQRPRCAPPLY0000803AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for relaxation of Para 5.18.5 of HBP 2009-2014 and relaxation required for clubbing of 4 EPCG Authorization No. 0830003868 dated 05.10.2010, 0830004106 dated 10.02.2011, 0830004232 dated 13.05.2011, 0830004339 dated 12.07.2011 for EODC.

**Applicant's statement:**This is in reference to our application for EODC applied as clubbing as per para 5.18 of H.B. P. 2009-2014 read with para 5.27 of H.B.P 2015-2020 against which you advised, Your request has been examined. You are requested to apply in Back office portal of DGFT as per Trade Notice No. 05/2021-22 dated 19.05.2021 along with copy of EPCG authorization and details related to the subject so that your case can be process further?. Request no. 202403272705 dt. 21.05.2024 appeared in DGFT portal. We have completed 143% of our Export Obligation imposed on combining 4 of our ECPG Licenses. I.E 0830003868, 0830004106, 0830004232 and 0830004339. We have fulfilled 143.78% of our total Export Obligation for all 4 licenses combined. We understand that our case needs clarification for PARA 5.18.5 ?Clubbing of two or more EPCG authorizations of same authorization holder would be permitted. But PARA 5.18.5 restricts clubbing, if the clubbing application is made after the expiry of the last authorization. As no clubbing would be permitted after expiry of EOP, we need your intervention from your committee to relax this paragraph, so as to confirm that this clause does not mean to reject our application, which otherwise eligible for clubbing. We request you to help us in getting accommodated for clubbing. Practically an exporter faces the delay in realization of exports proceeds, which causes the delay in making the application in time. We are very grieved that even though we have completed 143% of export obligation of combined all licenses and helped to earn much more foreign exchange than our stipulated export obligation. Matter in brief Please be informed that the total actual DSA for all the FOUR EPCG is Rs. 8584372/- of which cumulative export obligation is Rs. 51506232/-. We have excess export in 0830003868 to the tune of Rs. 5430447/- & in 0830004106 to the tune of Rs. 24763418/-. Thus the total excess exports comes to Rs. 30193865/-. After adjusting the EO of Auth. No. 0830004232 for Rs. 1647354/- & Autho. No. 0830004339 for Rs. 5996388/-, we have a total excess of Rs. 22550123/- cumulatively. From the foregoing it is evident that we have fulfilled the export obligation without any shortfall. Therefore we seek a relaxation from your office to club all the above said EPCG authorization to bring the export obligation NIL. We face lots of difficulties in the export business, which includes financially also. Therefore, such a huge amount in exports put us in a financial crisis. The Government of India promotes ?MAKE IN INDIA? and thriving very hard to cop up with other nations? economy, we feel sad in getting our request for clubbing even with 43% excess exports cumulatively. Our export obligation was fulfilled during the first block of EO period of 0830003868 & 0830004106 which may kindly be appreciated. We, therefore, request you to kindly allow the relaxation to the restriction contain in the PARA 5.18.5 to allow our clubbing application. We may be a granted a personal hearing in the matter.



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**Decision**:The Committee examined the case on the basis of submission made by the applicant and discussed the matter at length. Accordingly, the Committee decided to relax the provisions of Para 5.18.5 of HBP 2009-14 to allow consideration of clubbing of 4 EPCG Authorization No. 0830003868 dated 05.10.2010, 0830004106 dated 10.02.2011, 0830004232 dated 13.05.2011, 0830004339 dated 12.07.2011for closure purpose only, subject to fulfilment of all other conditions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Ahmedabad)**

**Case No.20 M/s. Sireesha Geo Granite Private Limited, Hyderabad**

F.No.HQRPRCAPPLY00002164AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for Free Shipping Bills for consideration of Export Obligation against EPCG Authorization No. 0930007300 dated 21.07.2011.

**Applicant's statement:**Due to an inadvertent error on our part all our exports have been made under free shipping bills without mentioning EPCG numbers which has resulted not getting EODC letters and our exports have been made directly and no third party exports. We have received export proceeds in Free Foreign Exchange. We further declare and undertake, these free shipping bills will not be used for any other EPCG /Advance Authorization etc.,

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.21 M/s. Niaksh Jewels Llp, Bikaner**

F.No.HQRPRCAPPLY00004375AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for condonation for inadvertently neglect to mention Nominated Agency i.e. Diamond India Limited (DIL) BOE No 6299599 dt 07-Jun-23, Port Code: INDEL4 including their Invoice No OX23G1KDEL105 dt 23.06.2023 in Shipping Bill 3472826 dt 25.08.2023, 3898754 dt 13.09.2023 & 3219670 dt 16.08.2023.

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**Applicant's statement:**We are a MSME and 1st time exporter of Plain and Studded Gold Jewellery. We have procured 1000 gms of Gold from Nominated agency (NA) i.e. Diamond India Ltd for export of Gold Jewellery to a USA buyer. The gold was procured from Nominated agency i.e. DIL vide Invoice No OX23G1KDEL105 dt 23.06.2023 and it was imported by NA vide BOE No 6299599 dt 07-Jun-23. Against this we have made exports for total quantity of 996.37 gms vide Shipping Bill No 3472826 dt 25.08.2023, 3898754 dt 13.09.2023 & 3219670 dt 16.08.2023 complying FTP and HBP norms i.e. Value addition, wastage etc. However, being 1st time exporter and unaware about the complete export procedure/HBP, we inadvertently forgot to mention Nominated Agency i.e. Diamond India Limited (DIL) BOE No 6299599 dt 07-Jun-23, Port Code: INDEL4 including their Invoice No OX23G1KDEL105 dt 23.06.2023 in Shipping Bill 3472826 dt 25.08.2023, 3898754 dt 13.09.2023 & 3219670 dt 16.08.2023. We have also attached CA certificate with UDIN No: 23078035BGVAYD3364 dt 14.11.23 confirming usage of said gold for export of jewellery vide above SBs. With the help of GJEPC and Govt of India export promotion initiatives, we have started doing exports. Further, it took lot of time, efforts and energy to fulfill our 1st order and if policy relaxation is not granted then we would incur huge financial loss for doing this export transactions. Hence, we are requesting for condonation for inadvertently forget to mention Nominated Agency i.e. Diamond India Limited (DIL) BOE No 6299599 dt 07-Jun-23, Port Code: INDEL4 including their Invoice No OX23G1KDEL105 dt 23.06.2023 in Shipping Bill 3472826 dt 25.08.2023, 3898754 dt 13.09.2023 & 3219670 dt 16.08.2023 to regularize the exports. Thanking you in anticipation.

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.22 M/s. Shahi Exports Private Limited, Bengaluru**

F.No.HQRPRCAPPLY00004517AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for closure of Authorizations against Advance Authorization No. 0710108547 dated 24.07.2015, Advance Authorization No. 0710108600 dated 12.08.2015.

**Applicant's statement:**We obtained two Advance Authorisations (AA) under para 4.03 (b)(i) of FTP 2015-20, to import fabrics and export different types of Garments as per SION norms. After importing the fabrics, our buyer partly revised the export order, changing the quantity/type of Garments. The revised items also had SION norms. We made the exports as per the revised orders, utilizing the imported fabric as per SION norms, and requested the RA, Bangalore, to issue EODC. However, the RA rejected the exports on the grounds that the AA should have been got amended before making the



Sanjay

exports. Details of the AAs are attached. There is no loss of revenue as the inputs have been fully utilized in manufacturing the exported goods as per SION and shipments have been allowed by Customs as per DGFT Policy Circular No. 8 (RE-01)2001-2002 dated 29.08.2001. The foreign exchange also stands realized. Please condone our procedural lapse of not getting the AAs amended before effecting exports, which was forced upon us by the situation to save the export order, utilize the imported goods, and retain our buyer.

**Decision:**The Committee went through the submission made by the firm and discussed the matter at length. After detailed discussion it was decided to accede to the request of the firm and allow consideration of exports made under J292 instead of J270 and J275 subject to proper accounting of inputs as per the SIONs, for discharge of EODC. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting. It was also decided torefer the issue to PC-IVfor examining the feasibility of amendment in policy and system changes in consultation with EGTF to allow such amendments by AA Holder.

**(Action: Applicant/PC-IV)**

**Case No.23 M/s. Prakash Exports, Kerala**

F.No.HQRPRCAPPLY0000299AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for revalidation of Authorization/Certificate against Advance Authorization No. 5310019104 dated 05.01.2016.

This is a defer case of PRC Meeting No.05AM25 held on 10.05.2024 (Case No.23) wherein Committee defer the case for seeking information sought by RA, Cochin.

**Applicant's statement:**Advance Authorization no. 5310019104 dated 05/07/2016, we could not fulfill the export obligation within the stipulated time (including the extension of time) due to 2018 floods in Kerala. Now we are requesting for extension of time so that with our new exports we can fulfill the obligation and this AA can be applied for redemption.

Comments of RA, Cochin was also seen.

**Decision:**The Committee went through the statement made by the firm in its application and noted that the facts of the case have not been clearly specified by the firm and hence decided to call the firm for **Personal Hearing**. Applicant may work out the exact provisions under which they wish to cover their exports and how much deductions if any will be applicable on the duties, and submit relevant documents along with



Sanjay

correspondence made with Customs, online on dgft@nic.in as presently documentation is insufficient to understand the request.

**(Action: Applicant/PRC)**

**Case No.24 M/s. Prakash Exports, Kerala**

F.No.HQRPRCAPPLY0000300AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for revalidation of Authorization/Certificate against Advance Authorization No. 5310019335 dated 25.01.2017.

This is a defer case of PRC Meeting No.05AM25 held on 10.05.2024 (Case No.24) wherein Committee defer the case for seeking information sought by RA, Cochin and current status of their case at the Customs Authorities.

**Applicant's statement:**Advance Authorization no. 5310019335 dtd: 25/04/2017. We could not fulfill the export obligation within the stipulated time including the extension time. due to 2018 floods, our exports were adversely affected. in the past years, all our AAs, were redeemed in excess of the required export obligation. we attach herewith the communication submitted to PRC which explains our present position on pending export obligation and our request to revalidate the AA in order to complete the export obligation and redeem this AA.

Comments of RA, Cochin was also seen.

**Decision:**Withdrawn as it seems to be the same matter as in Case 23.

**(Action: Applicant/PRC)**

**Case No.25 M/s. Anant Shetkari Sahakari Soot Girni Ltd, Maharashtra**

F.No.HQRPRCAPPLY0004388AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for relaxation of policy provisions regarding grant of further extension EOP against EPCG Authorization No. 5030000383 dated 06.08.2013 and EPCG Authorization No. 5030000440 dated 05.12.2013.

Sanjay

**Applicant's statement:**We submit our review application for grant of EOP Extension for two years from date of approval. Grounds of appeal. We, Anant Shetkari Sahakari Soot Girni Ltd. Are a Registered Society Mill in Maharashtra State in cooperative sector set up in remote area of Maharashtra to support local cotton farmers. We have completed export obligation against our other EPCG licenses, however obligation against these two licence are still pending.1)Genuine Hardships Late release of Funds by Maharashtra Govt. as our industry, is Society Co-operative Spinning Mill ? We have not received Government funds within the time from Maharashtra Government as a part of their contributions. (Details as per Annexure A)Delay in sourcing Spinning Mill Machinery and its installation due to non-availability of funds from Maharashtra State Govt. Due to financial crunch we could not source machinery on time and this leads to the late installation of machinery.

**Decision:** The Committee went through the statement made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of EPCG Authorization No. 5030000383 dated 06.08.2013 and EPCG Authorization No. 5030000440 dated 05.12.2013 for a further period of 1 year from the date of endorsement, subject to payment of composition fees as per Policy provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Nagpur)**

**Case No.26 M/s. Anant Shetkari Sahakari Soot Girni Ltd, Maharashtra**

F.No.HQRPRCAPPLY00003129AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for relaxation of policy provisions regarding grant of further extension EOP against EPCG Authorization No. 5030000383 dated 06.08.2013.

**Applicant's statement:** We submit our review application for grant of EOP Extension for two years from date of approval. Grounds of appeal. We, Anant Shetkari Sahakari Soot Girni Ltd. Are a Registered Society Mill in Maharashtra State in cooperative sector set up in remote area of Maharashtra to support local cotton farmers. We have completed export obligation against our other EPCG licenses, however obligation against these two licence are still pending.1)Genuine Hardships Late release of Funds by Maharashtra Govt. as our industry, is Society Co-operative Spinning Mill ? We have not received Government funds within the time from Maharashtra Government as a part of their contributions. (Details as per Annexure A)Delay in sourcing Spinning Mill Machinery and its installation due to non-availability of funds from Maharashtra State Govt. ? Due to financial crunch we could not source machinery on time and this leads to the late installation of machinery. Our Machinery installation completed May 2016 up to Ring Spinning Machinery. Non- Installation of Autoconer Machine. Due to non-



Sanjay

installation of Auto-coner machine which is an integral part of the process to manufacture quality product for export purposes. This we had planned in the next phase after receiving funds from the government of Maharashtra but we have not received this payment up to till date and for the financial crunch, we are not able to install Auto-coner Machinery to solve export purposes. Auto coner is critical part of the yarn manufacturing process for manufacturing export quality yarn. We have now bought one autoconer which will improve our deliverables. Covid pandemic Despite our best efforts to fulfill Specific Export Obligation, we could not fulfill EO due to added reason of covid pandemic. Our case was extra ordinary delay in the EPCG committee case filed on 21.12.2021 was rejected by them in 22.07.2022, meeting No. 05/AM-23 Dt. 08.07.2022.Deatails of EOP is as under:- Licence No 5030000383 Licence No. We request you to give us further two years to complete the export obligation in light of above situation which is beyond our control. We request for personal hearing to enable us to explain our case

<u>**Decision**</u>: Withdrawn as decided in case no. 25

**(Action: Applicant)**

**Case No.27 M/s. Astec Lifesciences Limited, Mumbai**

F.No.HQRPRCAPPLY00004561AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for relaxation of exemption from submission of landing certificate requirement as per policy against Focus Market Scheme.

**Applicant's statement:**We wish to clarify that all the shipments against which FMS/MEIS claimed under this file were from directly from Nhava Sheva port to destination Country's Sea ports/air ports without any transshipments. We are attaching herewith copies of relevant Bills of Lading & Airway Bills for each shipment as per our FMS/MEIS file cited above, Annexure I list of details of Bill of Lading & Shipping Bills attached herewith for your reference

<u>**Decision**</u>: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.28 M/s. Astec Lifesciences Limited, Mumbai**

Sanjay

F.No.HQRPRCAPPLY00004562AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for relaxation of exemption from submission of landing certificate requirement as per policy against Focus Product Scheme.

**Applicant's statement:**We wish to clarify that all the shipments against which FPS/MEIS claimed under this file were from directly from Nhava Sheva port to destination Country's Sea ports/air ports without any transshipments. We are attaching herewith copies of relevant Bills of Lading & Airway Bills for each shipment as per our FPS/MEIS file cited above, Annexure I list of details of Bill of Lading & Shipping Bills attached herewith for your reference.

**Decision**: The Committee 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, the Committee decided to reject the request.

**(Action: Applicant)**

**Case No.29 M/s. Raymond Luxury Cottons Limited, Maharashtra**

F.No.HQRPRCAPPLY00004828AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:**Request for payment of Composition Fee as per PN 15 for EPCG authorization no 0330039015 dated 18.06.2014.

**Applicant's statement:**We firmly believe that the intention of the said public notice 15 is to cover all the old licenses whose validity to export has been extended by the PRC or otherwise irrespective of the period they have been issued under. As PRC is already granted EO extension, it is kindly requested that we may be allowed to pay composition fee as per Public Notice No 15 dated 25.7.2024 for the EPCG licence No 0330039015 dated 18.06.2014.

**Decision**: The Committee went through the submission made by the applicant and discussed the matter at length and it decided to allow the firm to pay composition fee as per Public Notice No 15 dated 2024 for 25.7.2024, and also to refer the case to PC-V division for its examination whether any clarification is required to be issued in the matter.Firm may approach the RA within 30 days of uploading.

**(Action: Applicant/ Policy-V/RA)**

Sanjay

**Case No.30 M/s. Taurus Home Furnishing LLP, Delhi**

F.No.HQRPRCAPPLY00004904AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for apply for MEIS licenses against claim received from ECGC.

**Applicant's statement:**We had received ECGC claim against 29 shipping bills because of insolvency of our buyer in USA. All documents including shipping bills and claim details have been submitted to DGFT for uploading EBRC's on the DGFT portal for applying MEIS license on time but till date the BRCS are not uploaded which is mandatory for applying for MEIS licenses.

**Decision**: The Committee examined the case on the basis of submission made by the firm and discussed the matter at length. The Committee noted that it is not a PRC matter and decided to refer to PC-3 forhand holding.

**(Action: Applicant/PC-3)**

**Case No.31 M/s. Richaco Exports Private Limited, Delhi**

F.No.HQRPRCAPPLY00005724AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for clubbing of 4 Special Advance Authorization No.(i) 0511000717 dated 12.01.2021, (ii) 0511000788 dated 14.01.2021, (iii) 0511002056 dated 01.04.2021 & (iv) 0511002044 dated 01.04.2021

**Applicant's statement:** We thank you very much for allowing clubbing of 4 Special Advance Licence Nos 0511000717 dtd 12.01.2021 & 0511000788 dtd 14.01.2021 & 0511002056 dtd 01.04.2021 & 0511002044 dtd 01.04.2021 vide F.No HQ HQRPRCAPPLY00004105AM23 in Meeting No 33/AM23 dtd 01.03.2023. You also advised us to approach RA with in 30 days. In this connection, we would like to inform you that our company Richa & Company ( A Partner ship firm ) IEC No 0588002721 was converted into a Private Limited Company i.e. Richaco Exports Pvt Ltd IEC No AALCR4331D on 10th November, 2021. Accordingly merger request was given on 22.11.2021 (acknowledgement attached) and your office was kind enough to consider our request on 09.05.2022 (e.mail attached). After considering our request the IEC 0588002721 in the name of Richa & Company was freezed in your system in the year 2022. We could neither file redemption request physically as per the guidelines of DGFT nor we could file the redemption request online. This situation was for our all redemption cases. We informed about this to CLA (copy of mail is attached). The IEC was defreezed in the mid of May, 2023, we started filling online redemption request. We also filed request for redemption on 27.05.2023 of these 4 Advance Licence Numbers



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0511000717 dtd 12.01.2021 & 0511000788 dtd 14.01.2021 & 0511002056 dtd 01.04.2021 & 0511002044 dtd 01.04.2021, the CLA has raised a deficiency letter that we did not file our application within 30 days from the date of decision of PRC Committee (copy of deficiency letter is attached). In view of the above, we request you to kindly help and instruct CLA to condone delay and accept our redemption request.

**Decision**: Withdrawn as the firm filed "fresh" application instead of review.

**(Action: Applicant)**

**Case No.32 M/s. Richaco Exports Private Limited, Delhi**

F.No.HQRPRCAPPLY00006589AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for clubbing of Authorizations against Advance Authorization No. dated 0511000717 dated 12.01.2021, 0511000788 dated 14.01.2021, 0511002056 dated 01.04.2021, 0511002044 dated 01.04.2021.

**Applicant's statement:** With reference to the above, we would like to inform you that we applied for 2 advance Authorizations. Authorization no 0511000717 and 0511000788 were issued (copy attached for your ready reference). Licence no 0511000717 Against Export S.no. (1) we had applied for LADIES BLOUSE 11485 pcs against 22970.00 Sqm imported fabric at an average of 2.00 Sqm. per garment and Export S.no (2) we had applied for LADIES DRESS 6172 pcs against 27774.00 Sqm imported fabric at an average of 4.50 Sqm and Export S.no (3) we had applied for LADIES TOP 7498 pcs against 12747.00 Sqm imported fabric at an average of 1.700 Sqm. Second Lic no 0511000788 against Export S. no. (1) we had applied for LADIES DRESS 6248 pcs against 27491 Sqm imported fabric at an average of 4.40 Sqm. We imported the fabric under licence, but in the meantime buyer cancelled both orders. In order to compensate, buyer gave us a new order of export product against imported fabrics. So we applied 2 new licence and licence no ?0510415771 and 0510415805 were issued. We request you to please allow the clubbing of all the 4 licence. We are very much sure that the other fellow garment exporters must be facing this issue and you must have received several similar requests from them.

**Decision**: The Committee examined the case on the basis of statement made by the firm and discussed the matter at length. After detailed discussion it was decided to condonethe delay of 30 days in approaching the RA against earlier PRC decision taken in meeting No. 33/AM23 held on 01.03.2023. The other terms and condition will remain unchanged. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

Sanjay

**(Action: Applicant/RA-CLA-New Delhi)**

**Case No.33 M/s. Kataline Infra-Products Private Limited, Nagpur**

F.No.HQRPRCAPPLY00006601AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Regularization against Advance Authorization No. 5010002226 dated 20.10.2015.

**Applicant's statement :** We have to submit above mentioned Advance Authorisations for regularization. In ADVANCE AUTHORISATION some shipping bills are of the date after EXPORT OBLOGATION PERIOD, We have fulfilled our 50% Export Obligation within EO Period & 50% Export after the expiry of the original EOP. Request your kind authority to consider our application for EOP extension for 48 Months from the date of expiry of Advance Authorization i.e from 20.04.2017 for regularization purpose. We have ready to pay composition fee.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension upto 31.05.2019 of Advance Authorization No. 5010002226 dated 20.10.2015subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Nagpur)**

**Case No.34 M/s. Subra International Private Limited, Delhi**

F.No.HQRPRCAPPLY00006897AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for revalidation of Authorization/Certificate against Advance Authorization No. 0510407940 dated 28.09.2018.

**Applicant's statement:** Application seeking extension of the validity/EO fulfillment period of the Advance Authorization No. 0510407940 dated 28.09.2018 considering the benefit of Relaxation given in Public Notice No.67/2015-2020 dated 31/03/2020 & Notification No.28/2015-20 dated 23/09/2021 in view of the liberty given by the Hon'ble High Court of Delhi Order dated 17/08/2023 in W.P.(C) No.2571/2021. Initial application submitted by the Applicant dated 18.10.2023 before the Additional DGFT seeking revalidation of the Advance Authorization No. 0510407940 dated 28.09.2018 and extension of export obligation period has been rejected vide letter dated 21.02.2024 issued vide F. No. 05/28/040/00147/AM/19/DES-IV/CLA/16 dated 21.02.2024 with the



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direction to approach the Policy Relaxation Committee (PRC), DGFT (HQ). The Applicant submitted a detailed reply dated 24.04.2024 against the letter dated 21.02.2024 in view of the fact that the said rejection was made without due consideration of the facts and submissions of the Applicant. The Applicant is constrained to move the present Application, as till date, despite the lapse of more than 3 months, the Applicant has not received any response, to the reply dated 24.04.2024 requesting review of the letter dated 21.02.2024, from the Department.

**Decision**: The Committee went through the submission made by the applicant and discussed the matter at length and it decided to refer the case to PC-IV division for its examination and suitable course of action in terms of order of Hon'ble High Court.

**(Action: Applicant/ Policy-4)**

**Case No.35 M/s. Shrotra Enterprises Private Limited, Mumbai**

F.No.HQRPRCAPPLY00006369AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for Extension of EOP against Advance Authorization No. 0311009287 dated 08.12.2021.

**Applicant's statement:**We wish to inform you that we have fulfilled the export obligation to the extend of 98.49% within the export obligation period i.e. 08.06.2023. For the balance export quantities, the demand was postponed by our customer; hence we could not fulfill the export obligation within the validity. Some orders were also cancelled. Currently we have obtained the valid export orders against which we can fulfill the export obligation

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 0311009287 dated 08.12.2021 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Mumbai)**

**Case No.36 M/s. Vedanta Limited, Delhi**

F.No.HQRPRCAPPLY00006592AM25

Meeting No.15AM25 held on 29.08.2024

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**Subject:** Request for extension of validity period of Target Plus Scrip against Target Plus Scheme Authorization No. 0310839797 dated 24.03.2021.

**Applicant's statement**: Target Plus Scrip pertains to incremental exports made by the Company in FY 2005-06 and were issued under Para 3.7 of FTP: 2004-09. The said scrip was granted only on 24.02.2021 (expiring on 23.02.2023) after long drawn legal battle in Supreme Court . The Company is in genuine hardship to completely utilize the Target Plus Scrip against payment of BCD only ? which is only miniscule portion of the total Customs duty paid by the Company.Please refer to the letter annexed to this application for the detailed reasons. The Company has filed an application dated 20.02.2023 with the Policy Relaxation Committee requesting an extension of the validity period of the Target Plus Scrip issued under the Target Plus Scheme. In response to the application, your esteemed office issued an order dated 27.06.2024 denying the extension request. In this regard, the Company is filing review application, emphasizing the circumstances under which the TPS scrips could not be utilized within the stipulated time period, along with the cogent reasons supporting the genuine hardship faced by the Company.

**Decision**: The Committee heard and reviewed the case on the basis of statement made by the firm and observed that there is no merit in firm's contention. Hence, it decided to maintain the rejection of the earlier decision of PRC Meeting No.08/AM25 held on 14.06.2024 (Case No. 24).

**(Action: Applicant)**

**Case No.37 M/s. Toyota Kirloskar Motor Private Limited, Bangalore**

F.No.HQRPRCAPPLY00006749AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for import of left hand drive Vehicle or Passenger car for Research and Development.

**Applicant's statement:**Request to allow Import of left hand drive Vehicle or Passenger car for Research and Development. This is required for study of vehicle specification, scope of development, New Product Development, Fitment Confirmation, Evaluation of Products on the Vehicle., Demonstration of product, additional fitment of accessories for doing Research and Development purpose. The import vehicle details as below :-

| S.No. | Type | Details |
|---|---|---|
| 1. | Vehicle Name | LandCruiser Prado |
| 2. | Country of Origin | Japan |
| 3. | Model Year | 2024YM |
| 4. | Engine Type | Gasoline |
| 5. | Drive Type | LHD |
| 6. | Transmission Type | AT |



Sanjay

| | | |
|---|---|---|
| 7. | Cabin type | SUV |
| 8. | Katashiki code | TJA250L-GNZLZV |

**Decision:** The Committee went through the justification given by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request of the firm and allowrelaxation of the Policy for import import of left hand drive Vehicle or Passenger car for R&D purpose. The vehicles will be used only for the intended purpose within their campus with proper safety protocol and not general purpose and shall not ply on the public roadsunless otherwise permitted by MoRTH. The firm shall approach concerned department within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/Concerned Custom/department)**

**Case No.38 M/s. Bharat Silks, Bangalore**

F.No.HQRPRCAPPLY00006793AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of EOP against Advance Authorization No. 0711002894 dated 18.01.2022.

**Applicant's statement:**Almost 92% export obligation in terms of quantity has been fulfilled, and only 8% export obligations are not fulfilled. In terms of value addition we have fulfilled the export obligations completely. Due to lesser demand for garments made of polyester fabric in overseas markets our buyer asked us to stop the production and shipments of remaining goods. Therefore, we stopped the production and shipments of garments and waited for the approval from buyers side to resume the production and shipments. As the demand of garments made of this type of polyester fabric is picking up now, the buyer has confirmed to us to resume the shipments and complete the remaining order in coming days. We shall now take up the production of the goods meant for export under this authorization and make shipment within December 2024. As the shipments will be made in December 2024, we request your good self to kindly permit extension in export obligation period for the said authorization for a further period of 6 months from 18.07.2024 to 18.01.2025.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 0711002894 dated 18.01.2022for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.



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**(Action: Applicant/RA-Bangalore)**

**Case No.39 M/s. Creative Garments Private Limited, Mumbai**

F.No.HQRPRCAPPLY00006785M25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for 3 months EOP beyond 01.08.2021 and regularization of exports against Advance Authorization No. 0310826772 dated 01.02.2019.

**Applicant's statement:**Justification for (a) 3 months EOP upto 31.10.2021 beyond already extended EOP upto 1.8.2021 and (b) regularization of exports already made against 17 shipping bills for 61,738.56 of emb ( emb0ssed) sleeping bags made of polyester dyed fabrics of same width and gsm for regularization of exports already made against advance authorization no 0310826772 DT 01.02.2019:- (A) Against our this Advance Authorization the Original 18 Months EOP up to 1.8.2020 was extended up to 1.8.2021 under DGFT s Notf No 28 dated 23.9.2021 vide RA, Mumbai Letter dated 5.7.2021. (B) In terms of Quantity we had fulfilled 87.39% EO within extended EOP of 1.8.2021 and another 6.20% up to 9.102021 i.e. Total 93.59% EO in Qty and 5598% in Value (C ).The main reasons for delayed period of EO fulfillment are for the sever impact of the Carona Epidemics during the year 2021 due to which not only our export production and exports were effected but also there was sharp decline in export our product. (D ) OUR SECOND REQUEST is for regularization of exports made against 17 SB s for 61,738.56 Meter of EMB ( EMBOSSED) Sleeping Bags of Polyester Dyed Fabric for same GSM and Width as of stipulated export product made (E ) The Embossed is additional work of stamping on the same export product of Sleeping Bags made of Polyester Woven Fabric for same Width 60 inch and GSM 66 inch (F) This was done to meet the urgent requirement of the foreign buyer (G) Our both requests are only for the for regularization of exports already made (F) Policy Relaxation Committee is requested to kindly grant approval for our both requests in Relaxation of Policy Provisions.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed consideration of "embossed sleeping bags" instead of "sleeping bags" and allowed EOP extension of Advance Authorization No. 0310826772 dated 01.02.2019 for a further period upto 31.10.2021 subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Mumbai)**

**Case No.40 M/s. ITC Limited, Andhra Pradesh**

Sanjay

F.No.HQRPRCAPPLY00006813AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of EOP against Advance Authorization No. 2611001369 dated 18.03.2024.

**Applicant's statement:**Exports of products have been impacted due to Red Sea container crises and consequent re-routing of Vessels and lengthy delivery times, shortage of containers etc., In the recent past, due to the volatile situation in the Red Sea, supply chains are severely getting impacted including re-routing of vessels and leading to lengthening of delivery time, vessel capacity issues, shortage of containers, port congestion and increased freight costs. Due to external circumstances, hardship is being faced by exporters to complete the export obligations within the stipulated period of 180 days. In the given circumstances, we request JDGFT to extend the current time limit for fulfillment of export obligation from 180 days to 360 days in the instant case. (Authorization No: 2611001369 dt. 18/03/24 and BOE No. 2778292 dt 28/03/2024 and customs clearance date is 03/04/2024).

Report of RA, Visakhapatnam was seen

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 2611001369 dated 18.03.2024 for a further period of 6 months from the date of expiry of EOP subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.
**(Action: Applicant/RA-Visakhapatnam)**

**Case No.41 M/s. Encube Ethicals Private Limited, Mumbai**

F.No.HQRPRCAPPLY00006846AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of EOP against Advance Authorization No. 0311008715 dated 22.11.2021.

**Applicant's statement:** With reference to Advance Authorization No. 03AA040115723AM22, we wish to inform you that we have fulfilled the export obligation to the extent of 61% within the extended validity of license i.e. 09.12.2023. For the balance export quantities, the demand was postponed by our customer, hence we could not fulfill the export obligation within the validity. Currently we have obtained the valid export orders against which we can fulfill the export obligation, hence we would humbly request your good self to grant us the extension of our export obligation period for a further 6 months from approval.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the



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request and allowed EOP extension of Advance Authorization No. 0311008715 dated 22.11.2021 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Mumbai)**

**Case No.42 M/s. Encube Ethicals Private Limited, Mumbai**

F.No.HQRPRCAPPLY00006845AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of EOP against Advance Authorization No. 0311009308 dated 09.12.2021.

**Applicant's statement:**With reference to Advance Authorization No. 0311009308 Dt 09.12.2021, we wish to inform you that we have fulfilled the export obligation to the extent of 55% within the extended validity of license i.e. 09.12.2023. For the balance export quantities, the demand was postponed by our customer; hence we could not fulfill the export obligation within the validity. Currently we have obtained the valid export orders against which we can fulfill the export obligation; hence we would humbly request your good self to grant us the extension of our export obligation period for a further 6 months from approval.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. . 0311009308 dated 09.12.2021 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Mumbai)**

**Case No.43 M/s. E-Land Apparel Limited, Bengaluru**

F.No.HQRPRCAPPLY00006895AM25

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for extension of EOP against Advance Authorization No. 0711003916 dated 05.05.2022.

**Applicant's statement:**Request for Grant of Extension in E.O. Period under our Special Advance Authorization No.0711003916 DTD.05.05.2022. We are manufacturer and exporter from Bangalore. We have originally received the export orders from foreign buyers. Based on that we have imported the raw-materials from



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foreign Countries. After imported the raw-material under our above advance authorization our buyer has cancelled the export orders against licence export item serial nos.5,11 and 18. Now we have received the new export orders against licence export item serial nos.5,11 and 18. It is very good opportunity to us for fulfilling the export obligation against our advance authorization no.0711003916 dtd.05.05.2022. We request you (sir) to kindly grant us the extension in EOP against our Special advance authorization no.0711003916 dtd.05.05.2022 up to 05.11.2024 to enable us to fulfill the export obligation. We shall be grateful to you for accepting our request.

**Decision:** The Committee went through the justification made by the applicant and discussed the matter at length. After detailed discussion it was decided to accede to the request and allowed EOP extension of Advance Authorization No. 0711003916 dated 05.05.2022 for a further period of 6 months from the date of endorsement subject to payment of composition fee as per policy provisions. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

**(Action: Applicant/RA-Bangalore)..**

**Case No.44 M/s. Mahima Life Sciences Pvt. Ltd,**

F.No.01/92/180/17/AM20/Policy-6

Meeting No.15AM25 held on 29.08.2024

**Subject:** Request for seeking clarification regarding value of only the duty free imported inputs has to be considered and the value of the duty paid inputs has to be ignored for calculation of NFE.

**BRIEF FACTS OF THE CASE:**

1. Paragraph 6.10 of HBP provides the manner of calculation of NFE. EOU has to achieve positive NFE. Party has submitted that there is no clarification in the said paragraph relating to calculation of NFE as to whether only the value of the duty free imported goods has to be taken into account or even the value of the inputs, which has been imported on payment of applicable customs duty has also to be taken into account. In the absence of proper clarification in the Policy/HBP in this regard a lot of EOU's are facing unnecessary correspondence and litigation with the customs/excise department.

2. Rule 53 of SEZ rules states that:-

The Unit shall achieve Positive Net Foreign Exchange to be calculated cumulatively for a period of five years from the commencement of production according to the following formula, namely¨- Positive Net Foreign Exchange = A-B > 0 Where, - A : is Free on Board value of exports, including exports to Nepal and Bhutan against freely



Sanjay

convertible currency, by the Unit and B is sum total of the Cost Insurance and Freight value of all imported inputs used for authorized operations during the relevant period.

3. M/s. Mahima Lifescience Pvt. Ltd.,is of the view that the value of only the duty free imported inputs has to be considered and the value of the duty paid inputs has to be ignored for calculation of NFE.

4. Further M/s. Mahima Lifescience Pvt. Ltd. has also stated that para 6.31 of HBP permits that an EOU Unit can also engage itself in working as a domestic unit apart from being EOU Unit from the same premises during the period. Thus, the only issue is that the Unit must maintain separate books of accounts, record, registers and stocks in identifying duty paid and duty-free materials. Previously, they have maintained the separate register/records/separate dedicated area for keeping duty paid material apart and separate custom bonded area for duty free material within same premises, which was always subjected to scrutiny, inspection, audit, visits etc. Accordingly, they have also maintained separate bank account i.e. EEFC account for receipt against export sale and Current Account for Domestic Sale receipts under the same legal entity i.e. under same PAN Number and CIN Number of the company.

Comments of EOU Section of DoC and PC-6 were seen.

**Decision**: The Committee examined the case on the basis of submission made by the firm andnoted that no policy interpretation is required as evidently there is no ambiguity (in absence of any specific exclusion for duty-free/duty paid items from calculation of NFE).

**(Action: Applicant/PC-6)**

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