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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting
Held on 26.06.2023under the Chairmanship of
Shri Santosh Kumar Sarangi, Director General of Foreign Trade

Meeting No.08/AM24 held on 26.06.2023

The following members were present in the meeting:

1. Shri S.B.S. Reddy Addl. DGFT
2. Shri Hardeep Singh Addl. DGFT
3. Shri AkashTaneja Addl. DGFT
4. Shri Anil Aggarwal Addl. DGFT
5. Dr. S.K. Bansal Addl. DGFT
6. Shri S.C. Agarwal Addl. DGFT

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

S. No	Name of the firm	Case No.
1.	M/s. Mukta Art Ltd., Mumbai	1
2.	M/s. Indapur Dairy and Bilk Products Limited, Pune	2
3.	M/s. Antique Art Exports Pvt. Ltd., New Delhi	3
4.	M/s. Supreme Impex, New Delhi	4
5.	M/s. Cosmos Premises Pvt. Ltd., Pune	5
6.	M/s. Pro Labels Pvt. Ltd., New Delhi	6
7.	M/s. Kuttanadu Coir & Rubber Products	7
8.	M/s. Laxmi Organic Industries Limited, Mumbai	8
9.	M/s. Phoenix Industries Limited, Silvassa	9
10.	M/s. Pusilin Biotechnology Pvt. Ltd., Kanpur	10
11.	M/s. Optimus Drugs Pvt. Ltd., Hyderabad.	11
12.	M/s. AshtoshFibre Pvt. Ltd., Ahmadabad	12
13.	M/s. Axiom Cordages Limited, Boisar	13
14.	M/s. Brakes India Pvt. Ltd., Tamil Nadu	14
15.	M/s. Concord Exotic Voyages (India) Pvt. Ltd., Kochi	15
16.	M/s. Crane Process Flow Technologies (India) Pvt. Ltd., Pune	16
17.	M/s. Godrej and Boyce Manufacturing Company Limited, Mumbai	17
18.	M/s. Hallmark Steel Pvt. Ltd., Rajasthan	18
19.	M/s. Hemmo Pharmaceuticals Pvt. Ltd., Mumbai	19
20.	M/s. Kashmir Walnuts, J&K	20
21.	M/s. K K Jewels, Delhi	21
22.	M/s. Kwalichem Pvt. Ltd., Mumbai	22
23.	M/s. Laguna Clothing Pvt. Ltd., Bangalore	23

24.	M/s. Medreich Limited, Karnataka	24-25
25.	M/s. Megha Investment Pvt. Ltd., Ahmedabad	26
26.	M/s. Mysore Plymers and Rubber Products Pvt. Ltd., Mysore	27
27.	M/s. Primex Industries, Mumbai	28
28.	M/s. Shhivtek Industries Pvt. Ltd., Delhi	29
29.	M/s. Sri Santhoshimatha Cotton Industries	30
30.	M/s. Suprabha Protective Products Pvt. Ltd., Pune	31
31.	M/s. ITC Limited, Secunderabad	32
32.	M/s. Marco Polymers Pvt. Ltd., Ahmedabad	33
33.	M/s. Clean Foods Ltd., Bangalore	1
34.	M/s. Fratelli Wine Pvt. Ltd., New Delhi	2

Case No. 01 M/s. Mukta Art Ltd., Mumbai

F.No.HQREPCGPRAPP00136088AM22

Meeting No.08/AM24 held on 26.06.2023

Subject: Relaxation in maintaining the Average Export Obligation imposed on the three EPCG Authorities No.0330000345 dated 02.06.2000, 330004540 dt. 22.10.2003 and 330006644 dated 07.09.2004 by treating exports of film content by Tapes / CDs as Service exports and not Physical Exports.

Applicant's statement: This is a defer case of PRC Meeting held on 10/AM23 held on 29.07.2022 (Case No.41) wherein Committee decided to defer the case for further examination.

The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that they are Service Providers and the referred 3 EPCG Licences have been issued in the years 2000, 2003 and 2004, wherein in terms of Para 5.7.6 of the relevant Policy Service Providers were exempted to maintain Average Export Obligation irrespective of the fact that exports being made in Physical or soft form. Condition for Fulfilment of Export Obligation Para 5.7.6 In case of export of goods relating to handicraft, handlooms, cottage, tiny sector, agriculture, aqua-culture, animal husbandry, floriculture, horticulture, pisciculture, viticulture, poultry, sericulture and services, the export obligation shall be determined in accordance with paragraph 5.1 of the Policy, but the licence holder shall not be required to maintain the average level of exports as specified in paragraph 5.4 (i) and 5.9 of the Policy. With effect from 1st April 2007, vide Public Notice No. 01/2007 dated 19/04/2007, the above para 5.7.6 was amended to exclude Services from the list of exempted categories for maintaining Average Export obligation. As such Service Providers w.e.f. 1st April 2007 was required to maintain the average export obligation. Also they humbly wish to submit that in their case of physical exports, the value of medium (Film, Tape etc.) is negligible whereas the main value is of the content (software). It is significant to note that on 18/05/2011, in case of Licence No. 0330000345 dated 02.06.2000, the Regional Licensing Authority had deleted the Average Export Obligation imposed considering the fact that they are Service Providers. Relevant Amendment Sheet no. 3 confirming the same is attached herewith for your ready reference. However, subsequently they insisted that the same will be exempted only on exports in soft form and not on physical form. Hence they are requesting that since their Licenses were issued prior to 01.04.2007, as Service providers they should be exempted from maintaining AEO irrespective of the exports being in physical or soft form.

Decision: The Committee examined the case on the basis of submission made by the applicant and discussed the case at length and decided to refer the case to EPCG Division for comments including on Hon'ble Supreme Court judgment on similar matter and details of duty saved, exports made etc. as the same are not found reflected in the application.

(Action: Applicant/EPCG Division)

Case No. 02 M/s. Indapur Dairy and Bilk Products Limited, Pune

F.No.HQRPRCAPPLY00004595AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: To allow MEIS benefit against two Shipping Bills No. 9688255 dated 03.11.2017 and 9661568 dated 02.11.2017.

Applicant's statement: The applicant stated that due to default reward benefits marked as "NO" in the both S/Bills hence not eligible for reward due to "No" option selection. However, they are eligible for reward and the option for reward should have been "Yes". Therefore, the S/Bills were not transmitted to DGFT portal from Customs portal. It is prerequisite to claim reward under MEIS scrip that S/Bills are required to be transmitted to DGFT portal from Customs EDI systems as well as EBRC is also required to be transmitted to DGFT portal from Authorised Dealer Bank. If anyone is missing the applicant could not make application for MEIS on portal of DGFT without linking of S/Bills and EBRC. After the judgement of Hon'ble Kerala High Court on this subject, the exporter have applied to the Customs for amendment in the reward column in the s/bills. The Customs department states that after filing export general manifest (EGM) by the shipping company it is not possible to make amendment in the shipping bills. Since data is locked/freeze. In view of this the Asstt. Commissioner of Customs, JNCH, Nhava-Sheva had issued manual certificate of amendment for both s/bills. The exporters had submitted claim for MEIS reward script to RA Mumbai and no communication received from them. In view of the judgement of Hon'ble High Court of MP (Indore Bench) in case of WP No.2614/2021, the exporter had applied for amendment in the shipping bill in the reward column through email and after follow up through reminder emails on various dates CPGRAM complaints were filed which is closed on 06.09.2022 saying that s/bill is already transmitted on DGFT portal and other s/bill does not pertain to this port. Hence they are requesting to allow MEIS Benefit against above mentioned two S/Bils.

Decision: The Committee observed that concerned shipping bill has not been uploaded and transmitted by the Customs authorities to the DGFT. In the automated environment, where issuance of MEIS is totally online, unless these S/bills are transmitted to DGFT, no further action is possible at DGFT end. Accordingly

committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence it decided to reject the request of the firm.
(Action: Applicant)

Case No. 03 M/s. Antique Art Exports Pvt. Ltd., New Delhi

F.No.HQRPRCAPPLY00000150AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of MEIS Scrip No. 0519177139 dated 08.07.2017.

Applicant's statement: The applicant stated that the above MEIS scrip could not registered/debited by customs since an Alert was imposed by Customs on them, on the basis of RMS Instructions issued by DC (Export Shed), ICD, Tughlakabad New Delhi vide letter dated 10.06.2019 thereby stopped all the export benefits to them vide their IEC Code No. mentioned in the Customs Orders. They repeatedly approached to customs for registration/debiting of above scrip but customs server did not accept the scrip for registration/debiting since their IEC being under alert. This MEIS scrip valid till 08.07.2021 remained unutilized for 32 months from 10.06.2019 to 22.02.2022 since customs server did not accept for want of NOC fom Customs. They requested to ICD for NOC and same has been issued on 22.02.2022 wherein the above alert order has been revoked and by this time i.e. dated 22.02.2022 of NOC, the validity of above MEIS has already expired on 08.07.2021. Hence they are requesting to allow 24 months revalidation of above mentioned MEIS scrip to enable them utilize the MEIS scrip.

Decision: The Committee examined the case on the basis of statement made by the firm and discussed the matter at length and observed that due to alert issue by Customs, the firm was not able to utilize these scrips. Accordingly, the Committee decided to accede to the request of the firm and allowed revalidation of MEIS Scrip No. 0519177139 dated 08.07.2017 for a period of 6 months from the date of endorsement. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

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

Case No. 04 M/s. Supreme Impex, New Delhi

F.No.HQRPRCAPPLY00004591AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of RoSCTL of 2 Scrip No. (i) 0519284946 dated 21.01.2022 & (ii) 0519284947 dated 20.01.2023.

Applicant's statement: This is a defer case of PRC Meeting No.04/AM24 held on 12.05.2023 (Case No.11) wherein Committee decided to refer the case to PC-4 Division for its examination/comments. Now PC-4 Section has furnished their reply in the matter.

The matter was taken up. The entire submission made by the applicant was gone through the applicant stated that they have two scrips which was expired on 20.01.2023. I intended to import some goods using these RoSCTL and they got misplaced in files. In the meanwhile I fell ill for around 15 days and later when they found the scrip validity date has passed. PC-4 Section has furnished their comments on 15th/16th June, 2023. Hence firm are requesting to allow revalidation of above mentioned two RoSCTL scrips to claim the benefit.

Decision: The Committee went through the submission made by the applicant and noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, the Committee decided to reject the request.

(Action: Applicant)

Case No. 05 M/s. Cosmos Premises Pvt. Ltd., Pune

F.No.HQRPRCAPPLY0000437AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of SEIS No. 0319312423 & 0319312424 both dated 13.01.202.

Applicant's statement: The applicant stated that subject SEIS has been issued by RA, Mumbai and the validity of same was up to 12.01.2023. After the SEIS were issued they tried to register the same at customs, but due to technical error in DGFT server the data was not transmitted to customs from DGFT hence the SEIS duty script while registering at customs were showing as invalid licenses. They raised the issue to resolve the technical error in Feb-2021 and same was resolved in May2022. From date of issue of SEIS duty scrip to resolve the technical issue and get licence data transmitted from DGFT to customs and enable registration of duty scrip they lost 15 months. Being into Hotel Industry they do not have much imports hence they could not utilize the duty scrip and the same got expired on 12.01.2023. As due to technical issue in transmission of data from DGFT to customs they could not register the duty scrip and utilize the same for almost 15 months. Hence they are requesting to allow one year revalidation against subject SEIS scrip.

Decision: The Committee examined the case on the basis of justification made by the firm alongwith the comments received from Policy-3 division and discussed the matter at length and observed that due technical issues (delay in transmission), the firm was not able to utilize these scrips. Accordingly, the Committee decided to accede to the request of the firm and allowed revalidation of SEIS Scrip Nos. 0319312423 & 0319312424 dated 13.01.202 for a period of 6 months from the date of endorsement. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 06 M/s. Pro Labels Pvt. Ltd., New Delhi

F.No.HQRPRCAPPLY00000265AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of Total EOP against EPCG authorization no. 0530161240 dated 19.07.2013, 0530161240 dated 19.07.2013& 0530161240 dated 19.07.2013.

Applicant's statement: This case was last considered in PRC Meeting No.03/AM24 held on 12.05.2023 (Case No.28) wherein Committee rejected the case. They have now submitted review application and stated that their case was not properly heard as this is a case of force measure due to global ban of plastic material. They have sufficient export of other items which can mitigate the export obligations. They have provided the CE certificate for the other items as required under policy.

The matter was taken up. The entire submission made by the applicant was gone through. This is a review case of EPCG 10th Meeting of AM 23 held on 18.01.2023 (Case No.136) wherein Committee rejected the case. The applicant stated that they had issued EPCG license under Zero Duty Scheme in respect of import of Gallus EM 280 (flexo printing press) with an obligation to 6 times of the duty saved with in time frame of 6 years. The unit came into operation in October 2013 and due to Covid19 pandemic in March, 2020 halted all exports as there was global lock down. Another major constraint has been the awareness and ban on plastic items across globe since the year 2016. Their EPCG License has been issued for export printed plastic labels and this is a major obstacle to export in this scenario. The plastic ban is being initiated in India, around 60 countries have already banned single-use plastic fully or partially in their countries. Meanwhile they have been exploring overseas market for exports and have several serious enquiries from African Countries for export of flexible and rigid printed/coated packaging and fibre material. They have added several machines during these years and these machines are capable to handling some process of above items along with Gallus Machine against which EPCG license has been availed but unable to fulfil the export obligation due to Ban on Single use plastic. Hence they are requesting to allow EOP extension against subject license.

Decision: The Committee reviewed and examined the case on the basis of submission made by the applicant and discussed the case at length and observed that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Accordingly, it **decided to maintain rejection of the earlier decision of PRC in its** Meeting No.03/AM24 held on 12.05.2023 (Case No.28).Applicant may like to opt Amnesty scheme for closer of the case.

(Action: Applicant)

Case No. 07 M/s. Kuttanadu Coir & Rubber Products

F.No.HQRPRCAPPLY00000181AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Condonation of non maintenance of AEO in respect of EPCG authorization no. 1030002015 dated 01.08.2011 under 3 % concessional duty.

Applicant's statement: This case was last considered in 11th EPCG Meeting held on 10.02.2023 (Case No.59) wherein Committee rejected the request. Now firm has submitted their application for relaxation of Policy since they have been issued with a Notice by the RA, Kochi directing to refund the TED of Rs. 4.41.000.00 along with 15% interest from the date of receipt of TED. The TED amount was received in the month of Oct, 2013 itself. TED + 15% interest will come to a huge amount. They have submitted application for relaxation of condition 3 envisaged in the conditions sheet attached along with the EPCG Certificate which says that the "Authorisation Holder may also required to maintain its average of the past three years export performance of the same and similar products. The annual averaged of the past export performance is Rs. 3,81,33,333.33. This they could not fulfil. They only request to consider their case for waiver of Annual Average Export Obligation since their export products "Rubber Cow mat is an Animal husbandry/dairying equipment for live stock used in the dairy farms as cow comfort beddings. They are refer Chapter 5.13 (a) of EPCG Scheme in this regard. They are a small scale unit and are facing existential crisis and they will not be in a position to pay this huge amount and be compelled to close down the factory. Hence they are requesting to allow waiver of condition No.3 in the conditions sheet of the subject license and allow to redeem the certificate issued without refund of the TED and interest.

Decision: The Committee examined the statements made by the applicant and discussed the matter at length and observed that their request has been discussed in detail by the EPCG committee and has been rejected giving detailed reasons. After discussing the matter at length, committee found no merit in it. Hence, decided to reject the request of the firm. Applicant may like to opt Amnesty scheme for closure of the case.
(Action: Applicant)

Case No. 08 M/s. Laxmi Organic Industries Limited, Mumbai

F.No.HQRPRCAPPLY000000164AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Review application to allow manually amended 5 shipping bills by customs for benefit of MEIS Scrip which due to technical reason of EDI system was showing as 'No' in their shipping bills.

Applicant's statement: This is review case of PRC Meeting No.28/AM23 held on 11.01.2023 (Case No. 10) wherein Committee decided to maintain rejection of the earlier decision of PRC in its meeting No.16/AM22 dated 29.11.2021 (Case No.54). The applicant now stated that the S/Bills have been transmitted from ICEGATE and Customs to DGFT and there has been no other lapse, a clear intention was revealed in each of the export invoices submitted by them by categorically stating that they intend to claim the benefits/incentive under MEIS. This intent has been attested by the Customs on the invoices under their seal and signature. The inadvertence technical reason of stating No on the S/Bill has been rectified Deputy Commissioner, Office of the Principal Commissioner of Customs on 23.09.2016 and it have been amended to "YES". The Hon'ble Madras High Court decision referred to supra squarely applied to the facts of their case also as the request for the benefits/incentives under MEIS has not been considered by the PRC only due to the fact that subsequent amendment by customs has been done manually and not electronically. Hence they are requesting to allow relaxation for issuance of MEIS benefits.

__Decision__: The Committee reviewed and examined the case on the basis of submission made by the applicant and discussed the case at length and observed that the necessary action has been taken by the Policy Section 3 in the matter. Hence, it decided to withdraw this case from PRC.

(Action: Applicant)

Case No. 09 M/s. Phoenix Industries Limited, Silvassa

F.No.HQRPRCAPPLY000002244AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: Condonation of procedural lapse of not preparing bill of exports and to consider ARE in lieu of Bill of exports towards fulfilment of EO against Advance Authorization No.0310805706 dated 24.06.2016.

Applicant's statement: This is a defer case of PRC Meeting No.25/AM23 (PH) held on 28.12.2022 (Case No.01) wherein Committee decided to defer the case as no one appeared on behalf of firm for PH.

The matter was taken up. The entire submission made by the applicant was gone through. The applicant stated that subject license issued from RA Mumbai and fulfilled entire EO by supplying goods to SEZ units. M/s. Kosan Industries Pvt. Ltd., Surat and M/s. Ideal Fastener (I) Pvt. Ltd. Chennai. The AA was submitted for redemption on 26.11.2018 along with ARE-1s (signed by Central Excise and Customs Authorities and SEZ authorities acknowledged receipt of goods under Rule 30(4) of SEZ Rules), invoices (bearing AA No.) BRCs, Pos and CA's Certificate. Nexus of imported goods with goods supplied to SEZ Units is established. RA Mumbai vide its DLs dated 28.11.2018, 13.05.2019, 16.07.2019 and 14.12.2020 insisted to submit Bills of Export as proof of export. Applicant replied to all the DLs and requested acceptance of above documents as proof of export. Redemption of License is pending for want of Bills of Export. The Central Excise Authorities accepted the above documents as proof of export. The Ld. Assistant Commissioner in the finding of hi O-I-Os mentioned as the goods have been received in the premises of SEZ within a period of forty-five days from the date of clearance from the factory as stipulated under Rule 30 of SEZ Rules, 2006 read with Board's Circular No.29/2006-Cust. Dated 27.12.2006 and the claims for rebate have been lost within a period of one year from the date of exports/re-warehousing as stipulated u/s 11B read with Rule 18 of the Central Excise Rules, 2002. Their redemption of license is pending for want of Bills of Export. Hence they are requesting to allow condonation of procedural lapse and consider ARE in lieu of Bill of exports against subject license.

Decision: The Committee examined the statement made by the firm and discussed the matter at length. It reiterated that Bill of export is a mandatory document in terms of FTP for discharge of EO of advance authorization in case of supplies to SEZ Unit. Accordingly, it decided to reject the request of the applicant.
(Action: Applicant)

Case No. 10 M/s. Pusilin Biotechnology Pvt. Ltd., Kanpur

F.No.HQRPRCAPPLY000004277AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: Exemption from maintaining Annual Average Exports in respect of EPCG Authorization No. 0630007489 dated 17.12.2019 under 0% Concessional duty.

Applicant's statement: The applicant stated that they are small scale manufacturer exporter of exclusive item "CondrointinSulphate" with the technology transformed by the Chinese and managed by them. The said factory was run by the Chinese engineers with export exclusively to China. But unfortunately on 09.06.2019, there was a blast in the oven in the factory which resulted into big fire and death of two Chinese and one Indian engineer on the spot. Factory shed major portion and few machines were also damaged. The subject license was obtained just to import those machines but due to covid-19 phenomena, substituted Chinese engineers could not arrive India to install the machines and start the production. Somehow they managed to install the damaged machines, but could not start production because of meagre technical knowledge of the production process. Still they are awaiting the Chinese people to come and start production. Since they have a clean track record in the past already they have fulfilled required EO against 13 EPCG licenses by way of obtaining EODC against them. Hence they are requesting to allow exemption from maintaining average performance for the entire period against subject license.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and noted that due to blast in the factory, the firm was not able to maintain the annual average performance in one Authorisation out of 14 obtained . Accordingly, considering that they have faced difficulties which were beyond their control, it decided to accede to the request of the firm and allowed exemption from maintaining the annual average performance against EPCG Authorization No. 0630007489 dated 17.12.2019 subject to completion of specific EO. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Kanpur)

Case No. 11 M/s. Optimus Drugs Pvt. Ltd., Hyderabad

F.No.HQRPRCAPPLY000004627AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No.0910066488 dated. 19.07.2018.

Applicant's statement: This is a review case of PRC Meeting No.33/AM23 held on 01.03.2023 (Case No.05) wherein Committee rejected the case. Now the applicant has stated that they are able to complete the exports which are affected either directly or indirectly due to covid-19 pandemic situation, Govt. Of India imposed lock down. Due to this reason, their export has been held up and they could not be able to export. Presently, they are holding export purchase order for 15 tons of exportproduct from Switzerland while the entire EO against the said authorization is US$ 1080000.00 which is only 4.87% of the value of export purchase order. They have imported only 54% of total CIF value so the EO will be reduced proportionately. They are holding export product of 250 kgs. ready to export and balance 150 kgs. is under production. Hence they are requesting to allow 3-4 months extension in EOP against subject license.

Decision: The Committee having examined the statement made by the applicant in its application decided to defer the case to seek a detailed report from RA, Hyderabad, before taking the final decision.
(Action: RA-Hyderabad/Applicant)

Case No. 12 M/s. AshutoshFibre Pvt. Ltd., Ahmadabad

F.No.HQRPRCAPPLY000000249AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization no. 0810135484 dated 17.06.2015.

Applicant's statement: The applicant stated that they have obtained subject license and were supposed to export Tex Yarn 24801.58 USD but due to some unavoidable situation in the global market their export orders stucked and could not export the said quantity in stipulated time and they exported less quantity 2264.89 USD . Their export was Nil in the 1st EOP extension. RA Ahmadabad have already rejected their request due to non-fulfilment of 50% export during the 1st extension. In this case they have made full exports in the period of the 2nd extension during 18.06.2017 to 17.12.2017. Hence they are requesting to allow extension in EOP against subject license.

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. 13 M/s. Axiom Cordages Limited, Boisar

F.No.HQRPRCAPPLY00000248AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Regularization of four Advance Authorization value addition norms (i) 0310795919 dated 14.05.2015, (ii) 0310793747 dated 10.02.2015, (iii) 0310803225 dated 10.03.2016 & (iv) 0310806017 dated 08.07.2016.

Applicant's statement: The applicant stated that they are one of the largest exporters of ropes from India having annual exports of around 100 crores and their group provides direct employment of 450 workers. Majority of inputs are procured domestically to support the make in India vision of the Prime Minister of the country, this is done to encourage India industry, despite of the fact that at times the prices of raw material in India is expensive than imported ones. The licenses referred in demand notice pertains to a very short duration of time i.e. from Feb 2015 to July, 2016. Para 4.49 (b) is specifically designed to deal with case wherein the minimum value addition is not achieve. The prescribed fee is very steep @ 1% of the short fall in FOB value, they have paid the same. They have fulfilled complete EO against all the licenses in quantity terms within the valid EOP. Value addition is the whole purpose of their existence, however at times in business especially bulk commodities like plastics, the prices of raw materials fluctuate and not under their control, however they have to run the unit to recover fixed costs, it is not possible to shut down the unit and retrench employees in wait for price recovery. All their purchases and exports are totally in compliance with the law of the land, there is nothing in contravention to any provision/statute. At times the unit has to be run even at a loss. There is no benefit which has directly/indirectly accrued to them for their inability to maintain the prescribed value addition in DTA and by maintaining high net foreign exchange in the EOU unit. Hence they are requesting to allow relaxation of the value addition condition in term of para 4.49(b) in light of fact that the combined value addition of the DTA Unit and EOU unit is much higher than the prescribed value addition norms against subject licenses.

Decision: The Committee after going through the representation decided to call for a detailed report from RA, Mumbai.

(Action: Applicant/ RA-Mumbai)

Case No. 14 M/s. Brakes India Pvt. Ltd., Tamil Nadu

F.No.HQRPRCAPPLY000000237AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of MEIS Scrip no. 0419099717 dated 30.11.2021.

Applicant's statement: The applicant stated that they have purchased a bunch of 17 MEIS scrip from M/s. Flometalic India Pvt. Ltd. The scrip transfer entry was posted by M/s. Flometalic on 26.07.2022. The scrip transfers are to be authorized through Aadhar based e-sign. However, there was an issue in Aadhar based e-sign process in DGFT's system during that period, so they were not able to accept the scrip transfer in the system on time. The e-sign to be done by one of the Board of Directors availability of the system at the time of availability of the director was also a challenge in transferring the scrip on time. Finally they were able to complete the transfer only 13.12.2022 and in the meantime one scrip has crossed its validity date. Hence they are requesting to allow revalidation of above mentioned MEIS scrip.

Decision: The Committee having examined the statements made by the applicant and discussed the matter at length and observed 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. 15 M/s. Concord Exotic Voyages (India) Pvt. Ltd., Cochin

F.No.HQRPRCAPPLY000000251AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of 14 SFIS numbers.

Applicant's statement: The applicant stated that they are a leading inbound tour company and generate large foreign exchange to India. Bringing tourists to India through charter flights from various parts of the world is one of their core business activities. In addition to this they also handle FIT, MICE, Wellness tourism and group arrivals to various parts of India from major countries. At present, their company is holding SFIS duty scrips issued by DGFT to the value of India Rupees 6,80,53,663. Since they are inbound tour operators, they are only in a position to effectively utilize these duty credit scrips for importing vehicles for commercial use. But however, soon after the scrips were issued, on account of the speed governor condition imposed by the Govt. Of India and with respect to which foreign automobile manufacturers were not willing to comply with for the limited requirement as per the newly introduced Indian commercial transport policy, they were unable to utilize this scrip in that regard. They have even written to the Commissioner of Transport Govt. Of Kerala to allow them to import vehicles without speed governor under the SIFIS Scheme as a special case and the same was rejected. The other option given to them is to import office equipment, office furniture, consumables which is practically not possible to the extent of huge credit they have earned. Under these circumstances, they have requested to DGFT to allow them to make these scrips freely transferable. Since the scrips were expiring in Jan 2019 and since they had very little time at hand, writ petition was filed before the High Court and an interim order of status quo was obtained which was further extended multiple times and finally extended until further orders which keep the scrips valid till date. Hence they are requesting to allow two year revalidation against subject SFIS Duty scrips.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to PC-3 Division for its examination and thereafter the matter will be brought back to PRC.

(Action: Applicant/PC-3 division)

Case No. 16 M/s. Crane Process Flow Technologies (India) Pvt. Ltd., Pune

F.No.HQRPRCAPPLY000000183AM23

Meeting No.08/AM24 held on 26.06.2023

Subject: To allow SEIS application file No. PUNSEISAPPLY00030102AM22 dated 25.11.2021.

Applicant's statement: The applicant stated that they have submitted Service Exports from India Scheme (SEIS) application 25.11.2021 against the same RA, Pune issued last DL on 30.05.2022 and they have submitted the reply on 15.11.2022. RA issued rejection letter on 17.03.2023 for delay in submission of reply which is after 90 days and hence the case is rejected in terms of para 2.05(b) of the HBP. In connection they clarify that they are not able to compile all relevant documents from their respective departments/Bank/CA and submit the require documents as mentioned in DL. It will take unusual more time than stipulated period mentioned in DL. Hence they are requesting to condone the delay and allow SEIS application.

Decision: The Committee after detailed discussions in the meeting observed that this is not a case of Policy Relaxation. Accordingly, this case stands withdrawn from PRC and applicant may approach RA, Concerned in reference to circular dated 06.12.2021 issued from file No.1/61/180/154/AM21/PC-3/272 to all RAs.

(Action: Applicant/RA-Concerned)

Case No. 17 M/s. Godrej and Boyce Manufacturing Company Limited, Mumbai

F.No. HQRPRCAPPLY000000107AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No. 0311000590 dated 01.01.2021.

Applicant's statement: The applicant stated that they have received an export order from Italy where the equipment is to be supplied to a site in Kingisepp Russia for a Fertilizer Plant. In this order Godrej's delivery terms are FCA Godrej Works and accordingly, they had applied for and received AA for the above mentioned export item. They had granted 2nd EOP extension from RA Mumbai. The fabrication of the equipment is completed and is currently under their storage in Vikhroli. However, before they could finish the documentation part and initiate the export process of the equipment they received a suspension notification from their customer Tecnimont on 25th May, 2022 due to the ongoing Russian War. The suspension letter cities Italian laws and states that there is a temporary impossibility for Tecnimont to carry out the obligations of supplying equipment to Russia and execute the project under their contract with the end user. Since Godrej has received the order to fabricate this equipment, Tecnimont has currently put the order on them in suspension. Until the sanctions are lifted or Tecnimont finds a way to supply these goods to Russia. They have no choice but to wait for further instructions from Tecnimont. Hence they are requesting to allow six month extension in EOP against subject License.

Decision: The Committee examined the case in detail and in view of justification provided by the applicant, it decided to accede to the request of the firm and allowed EOP extension for a further period of 6 months from the date of endorsement against Advance Authorization No. 0311000590 dated 01.01.2021subject to payment of composition fees 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. 18 M/s. Hallmark Steel Pvt. Ltd., Rajasthan

F.No.HQRPRCAPPLY000000252AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Clubbing of Advance Authorization no. 0310492877 dated 04.11.2008, 0310523401 dated 10.06.2019 and 0310478092 dated 09.07.2008.

Applicant's statement: The applicant stated that the raw material in order to manufacture the end product was imported from Crucible Speciality Metals, USA. However, due to sudden unanticipated consecutive cancellation of export orders as a consequence of sudden increase in the pricing of Nickel worldwide the company's raw material cost sky rocketed while TRW Automotive being the largest company in the world well known for supplying automotive systems, modules, and components to automotive original equipment manufacturers and related aftermarkets abruptly refused to accept the high price of the final export product and black listed the company there and then from the list of the official international vendors of TRW Automotive thus the company could not export the products to TRW Automotive and hence carried forward the stocks. To further worsen the ongoing situation even more the Chinese Aggregators/companies with the support of the Chinese Government started dumping the similar category of steel products quite very aggressively at Predatory Prices in the Indian and International market's due to which the company walked into severe financial crisis. The company was struggling extensively in all areas and was trying extremely hard to strike a balance in between internal and external stake holders all this while tolerating the Holocaustic Repercussions exerted by Banker's, stake holders, suppliers, customers and employees and kept carry forwarding the stocks until the company was finally wound up by the creditors vide High Court Order Number 07/2014 dated 13.04.2017. The bankers (SIDBI) sold all the factories and commercial offices of the company by the way of organizing auction's on various occasions. The factories that were sold by the Bankers had the stocks of raw materials imported under AA and even the final products manufactured in advance against the raw materials imported under the subject AA which was all taken over and sold by the Bankers. The company has even filed cases against the Bankers for taking such insensitive and coercive step's. The company walked into deep financial trouble due to above mentioned aforesaid unavoidable circumstances and also due to the dumping of the steel products at predatory prices by Chinese suppliers. The company could not sustain the gradual back to back losses and setbacks that the company was facing through all its stake holders gradually and finally the company was liquidated by the creditors and all other stake holder on 13.04.2017. The company has manufactured and exported total quantity of 281.870 MT. The export is made within the EO validity period. The total imports of import item made in the above 3 AA is 388.400 MT. Due to lack of Policy related and procedural knowledge the company personnel/staff continued to erroneously copy the identical AA details on majority of the export S/Bills without cross checking on the quantity of exports mentioned in the AA. The subject licenses are covered under Customs Notification No.93/2004 dated 10.09.2004. Hence they are requesting to allow clubbing of above three AA in order to finally redeem and regularize the said licenses.

Decision: The Committee examined the case in detail and in view of justification provided by the applicant, it decided to accede to their request that the Shipping Bills on which the identical Advance Authorisation details have been mentioned may be allowed to be considered for regularisation of exports made against to the subject 3 Advance Authorisations provided that the Advance Authorisation number is one of these three and within the valid/extended EOP. No other relaxation is being provided. Also subject to the condition that adjudication has not been done. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant)

Case No. 19 M/s. Hemmo Pharmaceuticals Pvt. Ltd., Mumbai
F.No.HQRPRCAPPLY000000089AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: To allow MEIS benefit against shipping bill no. 6766834 dt.06.09.2019.

Applicant's statement: The applicant stated that they have obtained MEIS bearing No.0319257959 dated 06.11.2019 for 26 S/Bills including S/Bill No.6766834 dated 06.09.2019. The export is made against above S/Bill and FOB value realized, they have claimed MEIS License the goods exported against said s/bill were received back as goods were returned and MEIS was utilized by them. Hence Customs Duty and Interest paid by them against MEIS issued for above said s/bill to Custom Authority. However, they have re-exported said goods duly solved technical issue vide s/bill No.6491869 dated 11.11.2020 against which no payment is to be received as payment is already received against earlier/returned s/bill. Custom duty and interest is paid by them for MEIS obtained against s/bill dated 06.09.2019 and FOB value also realized and re-export of goods already effected vide S/bill No.6491869 dated 11.11.2020. The S/bill No.6766834 dated 06.09.2019 to be re-activated for claim of MEIS. On re-activation of s/bill No.6766834 dated 06.09.2019 the e-BRC will be cancelled their Banker and fresh e-BRC will be issued for new S/bill dated 11.11.2020 under which they re-export of the goods were made. Hence they are requesting to allow re-activation and issue of MEIS for re-exported S/bill.

Decision: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 20 M/s. Kashmir Walnuts, J&K
F.No.HQREPCGPRAPP00000243AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization no. 5510004331 dated 22.01.2019.

Applicant's statement: The applicant stated that they could not export the target as envisaged under the rules for the reason broadly covered under two heads, that their active partner namely ShabnamMajeed was declared a patient of malignancy, she was all dependent upon the other partners as there was non other than the other partners to look after. On the forgoing reason the applicant was compelled by circumstances to hospitalise the said active partner in specialized cancer hospital and she was hospitalised for seven months and she demised finally in the month of Oct.2020. Her untimely death has devastated the entire partnership business as she was also real sister of the applicant. The arising consequence of this nightmare has directly affected the production of walnut kernels. The other reason which has prevented the applicants from realizing the target of export is the spread of corona virus infection. Relevant to state that due to the outbreak of corona virus all the orders received from abroad for export of walnut kernels were cancelled. That the partnership firm having standing of decades have the highest level of obeisance for the rules and being so the firm has made available the entire stock for export purposes but to the dismay and misfortune the deficit in export was established. Hence they are requesting to allow one year extension in EOP against subject license.

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. K K Jewels, Delhi

F.No.HQRPRCAPPLY00000080AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Replenishment of Gold at international exhibition under para 4 46 of FTP and para 4 80 HBP.

Applicant's statement: The applicant stated that they had participated in Jewellery exhibitions in Bahrain, Saudi Arabia and Kuwait in November, December, 2022. Replenishment of gold had to be taken from nominated agencies within 120 days of close of first exhibition which comes to 26.03.2023. The jewellery was hand carried for the exhibition's in terms of para 4..46 of FTP read with 4.80 of HBP read with relevant custom notification. However, as terminal 3, IGI Airport is not a EDI port the s/bill details were not uploaded in export data processing & monitoring system of RBI as required by RBI Circular RBI/2017-18/57A A.P.(Dir Series) Circular No.04 dated 15.09.2017. As a result EBRC's have not been issued till date and they could not take the replenishment of gold in statutory period of 120 days. The gold sold by them at the exhibitions was 2609.752 gms. Of .995 fineness on which are entitlement works out to 2600 gms. This is their first major exhibition and if they don't get the replenishment of gold they suffer a loss of 15% on account of gold duty and this may lead to loses and they may have to give up future participation in international jewellery exhibitions. Hence they are requesting to allow extension of 90 days from the date of order of PRC to take delivery of Gold from nominated agencies.

Decision: The Committee having examined the statement made by the applicant in its application decided to defer the case to seek a comprehensive report, from G&J EPC, before taking the final decision.

(Action: G&J EPC, New Delhi/Applicant)

Case No. 22 M/s. Kwalichem Pvt. Ltd., Mumbai

F.No.HQRPRCAPPLY00000260AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No. 0311008063 dated 31.10.2021.

Applicant's statement: The applicant stated that they have fulfilled export obligation 75% against subject Advance Authorization and they have made import 100%. The imported raw material utilised and finish products ready for shipment awaiting EOP extension. In this connection goods to be exported total 70000 Kgs. against which they had exported only 56400 Kgs against above mentioned Advance Authorization. Hence they are requesting to allow six months extension of EOP against subject license.

Decision: The Committee examined the case in detail and in view of justification provided by the applicant, it decided to accede to the request of the firm and allowed EOP extension for a further period of 6 months from the date of endorsement against Advance Authorization No. 0311008063 dated 31.10.2021subject to payment of composition fees 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. 23 M/s. Laguna Clothing Pvt. Ltd., Bangalore

F.No.HQRPRCAPPLY000002531AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No. 0710115792 dated 05.12.2019.

Applicant's statement: The applicant stated that their actual EO had expired on 05.06.2021 and hence for the above said authorization auto extension up to 31.12.2021 was applicable as per Notification No.28/2015-20 dated 23.09.2021. Considering the auto extension up to 31.12.2021, further they tried to apply for 1st extension from 01.01.2022 to 01.06.2022 but the selection of dates on DGFT website was limited up to 05.12.2021 only and they could not select the dates beyond that. They have already exported goods beyond extended EO period. Hence they are requesting to allow EOP extension up to 05.12.2022 as per Notification No.28/2015-20 dated 23.09.2021.

Decision: The Committee discussed the case on the basis of submission made by the firm and in view of justification provided by the firm it decided to allow EOP extension for a further period up to 31.12.2023 against advance authorisation No. 0710115792 dated 05.12.2019 subject to payment of composition fees 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. 24 M/s. Medreich Limited, Karnataka

F.No.HQRPRCAPPLY0000234AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No. 0710103372 dated 03.04.2014.

Applicant's statement: The applicant stated that they are one of the manufacturer and exporters of Pharmaceutical Formulations and holder of AEO and Three star export house certificate. They have obtained subject license and imported 959 Kgs.

of Simvastatin from registered sources. In order to complete the EO they have clubbed the above license with AA No.0710105458 dated 30.06.2014 and 0710107787 dated 12.03.2015. The date of their 1st import is 04.07.2014 and the last import is 17.07.2014. The date of their 1st export started on 15.09.2014 and completed the export on 30.11.2016. They are unable to complete the exports within 18 months from the date of 1st License. Some of their exports fall between 24-30 month and two of their exports made on 31st month. Hence they are requesting to allow extension of EOP on the shipments made beyond initial validity and between 18 - 31 months.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length and considering that they have faced difficulties which were beyond their control it decided to consider the shipment made beyond initial validity (between 18 months to 31 months from issue of authorisations) towards fulfillment of EO against 3 Advance Authorizations No. 0710103372 dated 03.04.2014subject to payment of composition fees 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. 25 M/s. Medreich Limited, Karnataka

F.No.HQRPRCAPPLY0000235AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of EOP against Advance Authorization No. 0710116759 dated 17.07.2020.

Applicant's statement: They have obtained subject license with pre-import condition on 17.07.2020 during Covid-19 period. The date of 1st import is 29.09.2020 and the 12 month validity of export is falling 29.09.2021. The date of 2nd import is 18.01.2021 and the 12 month validity of export is falling 18.01.2022. Since the 1st import was done during the peak covid-19 period, production or export has been done partially. They are unable to make the exports within stipulated timeline. The last two exports made beyond the extendable export validity i.e. 18th month. As they are consolidating the exports, the export is happened on end of July 2022 and the last export was on 08.09.2022. Hence they are requesting to allow extension in EOP against subject license for regularisation.

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. Accordingly, it decided to accede to the request and allowed EOP extension up to 08.09.2022 against advance authorisation No. 0710116759 dated 17.07.2020 only for regularization 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-Bangalore)

Case No. 26 M/s. Megha Investment Pvt. Ltd., Ahmedabad

F.No.HQRPRCAPPLY00000161AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Waiver of compounding fees of 0.5% per month against Advance Authorization Nos. (i) 0810145735 dated 18.07.2019, (ii) 0810145736 dated 18.07.2019, (iii) 0810145737 dated 18.07.2019, (iv) 0810145738 dated 18.07.2019 & (v) 0810145739 dated 18.07.2019.

Applicant's statement: This is review case of PRC Meeting No.34/AM23 held on 09.03.2023 (Case No.01) wherein Committee decided to allow EOP extension up to 30.06.2023 against 5 Advance Authorisation No.(i) 0810145735 dated 18.07.2019, (ii) 0810145736 dated 18.07.2019, (iii) 0810145737 dated 18.07.2019, (iv) 0810145738 dated 18.07.2019 & (v) 0810145739 dated 18.07.2019 subject to the payment of composition fees. Now they have stated that they very new to this business and already facing a huge loss due to Covid-19 lockdown and their factory was shut and production could not be done. Therefore, requested for waiving the composition fees @ 0.5% per month on the unfulfilled FOB value, if exports are fulfilled more than 50% within initial/extended EOP. They have already completed approx 90% exports under these Advance Licenses. Hence they are requesting to allow waiver of compounding fees of 0.5% per month against subject licenses.

Decision: The Committee examined the submission made by the firm and discussed the matter at length and observed that they have faced difficulties which were beyond their control and that there is merit in the case. Accordingly, it decided to accede to the request and allowed EOP extension of 5 Advance Authorization Nos. (i) 0810145735 dated 18.07.2019, (ii) 0810145736 dated 18.07.2019, (iii) 0810145737 dated 18.07.2019, (iv) 0810145738 dated 18.07.2019 & (v) 0810145739 dated 18.07.2019for a further period of 3 months from the date of endorsement subject to payment of composition fees as per present policy provisions. The composition fee already paid, if any, is not to be refunded. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Ahmedabad)

Case No. 27 M/s. Mysore Polymers and Rubber Products Pvt. Ltd., Mysore

F.No.HQRPRCAPPLY000000228AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of 4 MEIS scrip No.(i) 0719069484 (ii) 0719069483 (iii) 0719069485 (iv) 0719069487 both dated 17.11.2021.

Applicant's statement: The applicant stated that due to covid-19 health reasons Mr. Vijay Kumar M the authorized person was unable to attend day to day activities and as he lost his family members too, they could not utilize the 4 MEIS scrip (i) 0719069484 (ii) 0719069483 (iii) 0719069485 (iv) 0719069487 both dated 17.11.2021 within the validity period. Being a MSME company and company's product is in the sunset industry (tire are becoming tubeless) and company is in great difficulty with reference to managing day to day working. Hence they are requesting to allow revalidation of subject 4 MEIS scrip so as to enable them utilize the credit available under the above scrips.

Decision: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 28 M/s. Primex Industries, Mumbai

F.No.HQRPRCAPPLY000000236AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of DFIA no. 0311009272 dated 07.12.2021 and 0311009283 dated 08.12.2021.

Applicant's statement: The applicant stated that the transferable DFIA License No.0311009273 was issued to them on 07.12.2021, however, the CIF values were not correctly transmitted to the Customs. Hence the license could not be registered with the Customs. They had repeatedly raised complaints on the issue on DGFT. However, the issue was resolved and finally transmitted to Customs server only in the month of Nov 2022 thereby leaving them with less than 1 month to use the license. They could partly use this license due to the above delay. Hence they are requesting to allow six months revalidation against subject DFIA licenses.

Decision: The Committee went through the statements made by the firm and decided to refer the issue to PC-4 Division for its examination and thereafter the matter will be brought back to PRC.

(Action: Applicant/PC-4 Division)

Case No. 29 M/s. ShhivtekIndustries Pvt. Ltd., Delhi

F.No.HQRPRCAPPLY000000058AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of Advance Authorization No. 0510415574 dated 20.10.2020.

Applicant's statement: This is a review case of PRC Meeting No.26/AM23 held on 03.01.2023 (Case No.12) wherein Committee approved revalidation for a period of 6 months from the date of endorsement to the extent of 100% export against subject license. For other issue firm may approach EDI-Division. Now they have stated that they were unable to approach CLA, New Delhi within 30 days of uploading of PRC decision as their Mr.Akhil Jain the person in charge for DGFT matters and had suddenly brain haemorrhage and was hospitalized at Medanata Hospital for the same on 14.01.2023. This is one day after the decision was uploaded. He has not recovered from the severe illness to date and is not able to understand or take up any matter. The management came to know about the PRC decision after the expiry of 30 days period specified on the uploaded decision only after another person was appointed to look after their DGFT. RA, New Delhi rejected their request for condonation of the delay and DL issued to the firm and advised to approach PRC for relaxation. Hence they are requesting to grant condonation of delay and allow six revalidation of subject license.

Decision: The Committee examined the submission made by the firm and discussed the matter at length and observed that there is merit in the case. Accordingly, the delay of 22 days against Advance Authorisation**No. 0510415574 dated 20.10.2020** is condoned. (Also the Committee referred to EGTF for internal comments regarding problems/ issues raised by the applicant in their letter dated 20.10.2022 (to be attached by PRC Section with reference to EGTF)). The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi/EGTF)

Case No. 30 M/s. Sri Santhoshimatha Cotton Industries

F.No.HQRPRCAPPLY000000258AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Extension of Total EOP against EPCG Authorization No. 0930009591 dated 21.08.2013.

Applicant's statement: The applicant stated that they have completed the requisite export obligation for the subject EPCG license. They have made a request to RA Hyderabad for issuance of EODC and they have issued a DL dated 08.06.2022 stating that two shipping bills are outside EOP i.e. 21.08.2021, therefore those shipping bills are cannot be considered for fulfilment of EO. They have further stated that they have supplied/raised the Tax Invoices to Direct Exporter before Expiry of export obligation as sited above. Due to delay, happened in export shipment by Direct Exporter, they were unable to file the shipping bills with in the period but they have made 100% supplies to Direct exporter within the validity period of EPCG. The extended EOP by just 2 days and 8 days respectively. Hence they are requesting to allow relax the validity period without any conditions as the delay is below 10 days against subject license.They have stated that they had approach the epcg committee for condonation of delay of 10 days and while recommending condonation of delay the committee imposed a condition that 50% of Duty payable in proportion to the unfulfilled EO is to be paid by the authorisation holder. They state that all though the committee has approved the request they have burdened them with payment of 50% duty on unfulfilled EO and have requested to relax the 10 days delay without any conditions.

Decision: The Committee discussed the case on the basis of submission made by the applicant. Considering that they have faced difficulties which were beyond their control and in view of justification provided by the firm it decided to accede to the request and allowed EOP extension up to 29.08.2021 against EPCG Authorisation No. 0930009591 dated 21.08.2013 only for regularisation purpose. No other condition has been relaxed. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Hyderabad)

Case No. 31 M/s. Suprabha Protective Products Pvt. Ltd., Pune

F.No.HQRPRCAPPLY000000045AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Revalidation of Advance Authorization no. 3111000273 dated 06.04.2021.

Applicant's statement: The applicant stated that they have made export against subject license and also have made partial import but M/s. Reliance Industries said that AA has wrong Custom Notification 21/2015-Cus. Dated 01.04.2015 whereas it should be 18/2015-Cus dated 01.04.2015-Advance Authorisation for Physical exports. Due to which Reliance Industries has stopped to supplies and would only supply after custom notification has been changed. AA import date has expired on 06.04.2023. Hence they are requesting change their Customs Notification from 21/2015-cus dated 1-4-2015 to 18/2015-cus dated 1-4-2015-Advance Authorisation for Physical Exports and revalidate import date from 06.04.2023 to 03.10.2023 (6 months) to finish their pending imports from their supplier.

Decision: The Committee went through the statements made by the firm and discussed the matter at length. It was decided to refer the issue to PC-4 Division for its examination and comments and thereafter the matter will be brought back to PRC.

(Action: Applicant/PC-4 Division)

Case No. 32 M/s. ITC Limited, Secunderabad

F.No.HQRPRCAPPLY000156626AM22

Meeting No.08/AM24 held on 26.06.2023

Subject: To allow MEIS benefit against 5 shipping bills Nos.9345713 dated 02.05.2015, 9390518 dated 05.05.2015, 1689869 dated 09.07.2015, 5598205 dated 01.02.2016 and 5612039 dated 02.02.2016.

Applicant's statement: The applicant stated that they have made E-com application No.0288001079004910304 for MEIS scrip against five S/Bills Nos.9345713 dated 02.05.2015, 9390518 dated 05.05.2015, 1689869 dated 09.07.2015, 5598205 dated 01.02.2016 and 5612039 dated 02,02.2016. However, at the time of payment and submission of application, the system did not allow them to proceed further. Subsequently the issue was raised with NIC and DGFT for resolution of the issue which was resolved and advised them to approach PRC. Due to system error they could not submit the same. Hence they are requesting to allow them to apply for MEIS benefits for the above mentioned shipping bills manually to the office of RA, Bangalore.

Decision: The Committee went through the statements made by the firm and discussed the matter at length. It was decided to refer the issue to PC-3 Division for its examination and comments and thereafter the matter will be brought back to PRC.

(Action: Applicant/PC-3 Division)

Case No. 33 M/s. Marco Polymers Pvt. Ltd., Ahmadabad…
F.No.HQRPRCAPPLY000000267AM24

Meeting No.08/AM24 held on 26.06.2023

Subject: Waiver of procedural requirement against Advance Authorization no. 0810138553 dated 29.08.2016.

Applicant's statement: The applicant stated that they made this representation against the decision of NC for fixation of norms in respect of subject license has been rejected stating that representation made after 12 months period from the date of uploading the decision in DGFT website. They obtained subject license on self declaration basis under para 4.07 of HBP. NC have rejected their case in NC Meeting No.16/87-ALC1/16 dated 05.07.2017 stating reason that not possible to fix norms based on the information furnished by the applicant. Further they have stated that in case of their other AA for the same export and import products NC have ratified norms in NC Meeting No.9/87-ALC1/2017 dated 31.01.2018 and subsequently amended the input No.4 to Toluene in NC Meeting No.11/23 dated 02.11.2022. As per the PN No.09/2023 dated 25.04.2023, the norms ratified after 01.04.2015 for AAs issued under para 4.07 are valid till 31.03.2026. Hence they are requesting to consider the NC ratification in NC Meeting dated 31.01.2018 and subsequent amendment in NC Meeting dated 02.11.2022 and ratify norms for the subject AA also.

Decision: The Committee examined the submission made by the firm and discussed the matter at length and it decided to refer the issue to NC-7 Division for its examination and resolution.

(Action: Applicant/NC-7 division)