Date of Uploading 05/04/2022

Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting Held on 22.03.2022 and 29.03.2022 under the Chairmanship of Shri Santosh Kumar Sarangi, Director General of Foreign Trade

Meeting No.22/AM22 held on 22.03.2022 & 29.03.2022

The following members were present in the meeting:

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

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

S. No	Name of the firm	Case No.
1.	M/s. Metro Global Trade, Mumbai	1
2.	M/s. Glenmark Pharmaceuticals Ltd., Mumbai	2
3.	M/s. Mahajan Tyre Co., Jalandhar	3
4.	M/s. Deepshikha Overseas Pvt. Ltd., New Delhi	4
5.	M/s. Versatile Wires Ltd., West Bengal	5
6.	M/s. Arsh International, Nashik	6&7
7.	M/s. Surya International, Secunderabad	8
8.	M/s. Apar Industries Ltd., Vadodara	9
9.	M/s. Alembic Pharmaceuticals Ltd., Vadodara	10 to 13
10.	M/s. RBG Trading Corporation Pvt. Ltd., Kochi	14
11.	M/s. Raman Polymers, Mumbai	15
12.	M/s. Nico Extrusions Ltd., Mumbai	16
13.	M/s. Gautam Export Corporation, Mumbai	17&18
14.	M/s. Grover Sons, Mumbai	19
15.	M/s. Onrise Barter Pvt. Ltd., Kolkata	20
16.	M/s. Mayithara Home Décor Pvt. Ltd., Kerala	21
17.	M/s. Weavetech Engineers Ltd., Silvassa	22
18.	M/s. Tata Consultancy Services Ltd., Bangalore	23
19.	M/s. Taj Kerala Hotels & Resorts Ltd., New Delhi	24
20.	M/s. Punamiya Jewels, Hyderabad	25
21.	M/s. Pon Pure Chemical India Pvt. Ltd., Chennai	26
22.	M/s. Spicer India Pvt. Ltd., Pune	27

23.	M/s. Baroque Pharmaceuticals Pvt. Ltd., Ahmedabad	28
24.	M/s. E.S. Lighting Technologies (P) Ltd., Faridabad	29
25.	M/s. Alphonsa Cashew Industries, Kerala	30
26.	M/s. Kusuma Pharma, Silvassa	31
27.	M/s. Aquablue ImpexPvt. Ltd., Delhi	32
28.	M/s. Mukta Arts Ltd., Mumbai	33
29.	M/s. Kumaran Fishnets Export Corporation, Tamil Nadu	34
30.	M/s. GIC Insuflex Conductors Pvt. Ltd., Mumbai	35
31.	M/s. The Highland Produce Co. Ltd., Kerala	36

Case No. 01 M/s. Metro Global Trade, Mumbai
F. No.HQRPRCAPPLY00282943AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To allow MEIS benefit against 3 Shipping Bills No. (i) 6379489 dated 29.05.2017, (ii) 4602666 dated 02.05.2018 and (iii) 4587188 dated 02.05.2018.

The applicant stated that due to difficult market conditions they have received late payment from buyer. They were unable to apply for MEIS as the system was showing 100 % late cut. They are facing huge losses due to late cut of 100%. Hence, they are requesting to allow MEIS benefit against 3 Shipping Bills No. (i) 6379489 dated 29.05.2017, (ii) 4602666 dated 02.05.2018 and (iii) 4587188 dated 02.05.2018.

Decision: The Committee went through the statement made by the applicant and discussed the matter at length and decided to allow MEIS benefit only for 1 Shipping Bill No.4602666 dated 02.05.2018 without any late cut. The Committee did not allow MEIS benefit against balance 2 Shipping Bills, as realization has happened after 3 years of shipment and therefore request for same were found to be without any merit. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

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

Case No. 02 M/s. Glenmark Pharmaceuticals Ltd., Mumbai
F. No.HQRPRCAPPLY00281639AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of MEIS Scrip No.6419001686 dated 19.03.2019.

The applicant stated that they have obtained the said MEIS Scrip of Rs.26,91,008/- on dated 19.03.2019. After issuance and registration of scrip, they have submitted the original MEIS scrip to RA, Mumbai vide their letter dated 11.10.2019 & RA receipt dated 14.10.2019 towards payment of composition fees for redemption of their Advance Authorization No.0310799944 dated 02.11.2015. Due to covid-19 pandemic & shortage of DGFT staff, they have received their MEIS scrip back form RA, Mumbai with redemption letter dated 09.11.2021, from the counter on 26.11.2021. But in between, their MEIS scrip was expired on 19.03.2021. So, to utilize balance MEIS Scrip of Rs.26,91,008/-, MEIS Scrip needs to be revalidated.

Hence, they are requesting for revalidation of MEIS Scrip No.6419001686 dated 19.03.2019 for the period of six months.

Decision: The Committee examined the case on the basis of submission made by the firm along with the report received from RA, Mumbai and discussed the matter at length. It observed that there is merit in the case as Scrip remained with RA Mumbai for more than two year. Accordingly it decided to accede to the request and allowed revalidation of MEIS Scrip No.6419001686 dated 19.03.2019for a further period of 6 months from the date of endorsement to utilize the balance MEIS amount. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

It was also decided to call for a report from RA-Mumbai for holding the subject MEIS for the period 14.10.2019 to 09.11.2021 with them.

(Action: Applicant/SEZ–Indore/RA-Mumbai)

Case No. 03 M/s. Mahajan Tyre Co., Jalandhar
F. No.HQRPRCAPPLY00310963AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Clubbing of 4 Advance Authorizations No.(i) 3010103763 dated 12.04.2016, (ii) 3010103798 dated 07.06.2016, (iii) 3010103821 dated 22.08.2016 and (iv) 3010104267 dated 13.03.2018.

The applicant stated that their request for clubbing of four Advance Authorizations was pending with RA Ludhiana due to the non-fulfilment of the condition of para 4.38 (vi) of PN.No.70 dated 30.01.2019 which states that clubbing of Advance Authorization which have been issued within 18 months from the date of issue of earliest authorization. They had submitted their request to RA for considering the clubbing request under PN No.32 dated 18.10.2017 on the grounds that as they were the regular manufacturer exporter and have taken into consideration the public Notice prevailing at the time of issuance of advance authorization and have even completed the imports and exports prior to the issuance of revised guidelines of clubbing as per P.NNo.70 dated 30.01.2019. However, the said requested was not considered on the grounds that at the time of submission of clubbing request the prevailing P.NNo.70 dated 30.01.2019will be applied and hence as the condition under para 4.38 (vi) is not being fulfilled therefore asked them to approach PRC for relaxation. Hence, they are requesting for clubbing of 4 Advance Authorizations either under Public Notice No.32 dated 18.10.2017 (as date of issuance of advance authorization and last date of import / export is prior to the date of issuance of Public Notice No.70 dated 30.01.2019) or under Public Notice No.70 dated 30.01.2019with relaxation of only condition under para 4.38 from 18 months to 24 months.

Decision: The Committee having examined the case on the basis of justification submitted by the applicant and discussed the matter at length and observed that last export in these 4 AAs was made on 17.7.2018 and import on 30.8.2018. Accordingly, it decided to allow clubbing of 4 Advance Authorizations No.(i) 3010103763 dated 12.04.2016, (ii) 3010103798 dated 07.06.2016, (iii) 3010103821 dated 22.08.2016 and (iv) 3010104267 dated 13.03.2018 for regularization purpose only. The other terms and conditions for clubbing shall remain same as per policy/HBP provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Ludhiana)

Case No. 04 M/s. Deepshikha Overseas Pvt. Ltd., New Delhi
F. No.HQRPRCAPPLY00291987AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To allow MEIS benefit against Shipping Bill No.5255066 dated 31.05.2018 without any late cut.

The applicant stated that they had exported the material vide said shipping bill. They have received the payments in Installments from the overseas buyer and all the payments have been realized against the said shipment and the last payment was received on 17.02.2021 and then their bank has issued all the E-BRC etc. As the last payment was realized on 17.02.2021, so they were not able apply for MEIS benefit before that. Further the applicant stated that the Director of their company got affected by Covid-19 in November 2020 and unfortunately, his health deteriorated and was hospitalized and was discharged in December 2020, but the after effects were so severe that remained confined to bed for a long period. They are the small Organization and most of the work is handled by their Director only. Besides his own physical suffering, he also went through an immense mental trauma because in April 2021 his wife and child also got infected. In March, 2021, the Delta Variant of Corona in the second wave, came with a greater force and engulfed the entire country. Practically, everything came to a standstill for goods 3-4 months. Their staff who was looking after all DGFT work including filling of application for MEIS etc., also came into the grip of this deadly virus and remained inaccessible in this duration. Unfortunately, in the meanwhile the last date of filing the application for MEIS i.e. 30.05.2021 got elapsed. All these unwanted and uncalled circumstances rendered them unable to file their application on time. Hence, they are requesting to allow MEIS benefit against Shipping Bill No.5255066 dated 31.05.2018 without any late cut.

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 and accordingly it decided to allow MEIS benefit against Shipping Bill No.5255066 dated 31.05.2018 without any late cut. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

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

Case No. 05 M/s. Versatile Wires Ltd., West Bengal
F. No.HQRPRCAPPLY00287648AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To count the export of 8 supply invoices (No.522 dated 21.12.2017, 565 dated 12.01.2018, 569 dated 16.01.2018, 578 dated 19.01.2018, 592 dated

24.01.2018, 593 dated 24.01.2018, 594 dated 24.01.2018, 595 dated 24.01.2018) against Advance Authorization No.0210207819 dated 29.08.2017 for regularization and redemption purpose instead of Advance Authorization No.0210207169 dated 01.12.2016.

The applicant stated that they have obtained the Advance Authorization No.0210207169 dated 01.12.2016 for duty free import of raw materials for manufacture and export of enameled copper wire and completed the EO on 08.04.2017 and also got the EODC redemption certificate on 28.12.2017 from RA. They had another Advance Authorization No.0210207819 dated 29.08.2017 for the same product and completed the exports against the said authorization also. At the time of filing the application for redemption of second Advance Authorization No.0210207819 dated 29.08.2017, they found that in 8 supply invoices for deemed exports, their staff has mentioned the Authorization No.0210207169 dated 01.12.2016 by mistake. These 8 invoices have not been taken into the account for exports and redemption of Authorization No.0210207169 dated 01.12.2016 and they have got the redemption letter without including these 8 invoices. Therefore, they are requesting to count the export of 8 supply invoices (No.522 dated 21.12.2017, 565 dated 12.01.2018, 569 dated 16.01.2018, 578 dated 19.01.2018, 592 dated 24.01.2018, 593 dated 24.01.2018, 594 dated 24.01.2018, 595 dated 24.01.2018) against Advance Authorization No.0210207819 dated 29.08.2017 for regularization and redemption purpose instead of Advance Authorization No.0210207169 dated 01.12.2016.

Decision: The Committee examined the statement made by the applicant and discussed the matter at length and decided to count the export of above 8 supply invoices, towards fulfillment of EO against the Advance AuthorisationNo.0210207819 dated 29.08.2017 instead of Advance Authorisation No.0210207169 dated 01.12.2016, subject to the following conditions:-

i. Composition fee of Rs.200/-per supply invoice shall be imposed.
ii. Supply invoices must have AA number and Date indicated on it.
iii. RA shall ensure that subject supply invoices have not been taken into account in any other Advance Authorization for discharge of export obligation.
iv. The applicant would submit an affidavit-cum-indemnity bond in order to indemnify the Government for any harm or loss occurring due to utilization of these supply invoices towards fulfilment of EO against Advance Authorisation No.0210207819 dated 29.08.2017.

The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Kolkata)

Case No. 06 M/s. Arsh International, Nashik
F. No.HQRPRCAPPLY00283449AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of physical copy of TMA application for the period 01.01.2020 to 31.03.2020 against File No.03/21/102/51280/AM21 dated 31.12.2020.

The applicant stated that they have submitted application for TMA in the old E-com application system but due to the current situation of covid-19 lockdown in India, their office were closed so they were not able to submit the hard copies of supporting documents to RA within 30 days. They hereby undertake that statements made in this application are true and correct to the best of my knowledge and belief and nothing has been concealed or held there from and if found incorrect or false will render liable for any penal action or other consequences as may be prescribed in low or otherwise warranted. Hence, they are requesting to condone the delay in submission of physical copy of TMA application for the period 01.01.2020 to 31.03.2020.

Decision: The Committee went through the submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay in submission of physical copy of TMA application for the period 01.01.2020 to 31.03.2020(file no.03/21/102/51280/AM21 dated 31.12.2020). The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 07 M/s. Arsh International, Nashik
F. No.HQRPRCAPPLY00283475AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of physical copy of TMA application for the period 01.10.2019 to 31.12.2019 against File No.03/21/102/51276/AM21 dated 18.02.2021.

The applicant stated that they have submitted application for TMA in the old E-com application system but due to the current situation of covid-19 lockdown in India, their office were closed so they were not able to submit the hard copies of supporting documents to RA within 30 days. They hereby undertake that statements made in this application are true and correct to the best of my knowledge and belief and nothing has been concealed or held there from and if found incorrect or false will render liable for any penal action or other consequences as may be prescribed in low or otherwise warranted. Hence, they are requesting to condone the delay in submission of physical copy of TMA application for the period 01.10.2019 to 31.12.2019.

Decision: The Committee went through the submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay in submission of physical copy of TMA application for the period 01.10.2019 to 31.12.2019(file no.03/21/102/51276/AM21 dated 18.02.2021) The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 08 M/s. Surya International, Secunderabad
F. No.HQRPRCAPPLY00283186AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of 8 DFIA No.(i) 0310839250 dated 02.11.2020, (ii) 0910069447 dated 05.11.2020, (iii) 0310839458 dated 10.11.2020, (iv) 0910069360 dated 22.10.2020, (v) 0910069469 dated 12.11.2020, (vi) 0510415856 dated 12.11.2020, (vii) 0910069491 dated 18.11.2020 and (viii) 0910069514 dated 27.11.2020.

The applicant stated that they are the transferee of the said DFIA licenses. The said DFIA authorizations could not be utilized within the validity period because Covid-19 pandemic has caused an economic slowdown across the globe which led to unstable business environment with lockdown being imposed across countries. Still few states are having restrictions which are also effecting the requirements of the raw materials. Further, since their suppliers are from Europe and most of the European countries are still having lockdowns and uncertainty. This clearly implies that from the onset of this pandemic, availability of raw material has been adversely affected across the Globe. Logistics have been disrupted and shipping containers are scarce leading to unprecedented increase in shipping and transportation costs making import unviable. Practically entire one year had been wiped out without almost any business. Several manufactures have opted to reduce their operating capacities owing to uncertain times while a few have completely shut their operation this have created a buyer a market and notions with access to cheaper capital have booked entire production cycles leading to acute shortage of raw material. Hence, they are requesting for revalidation of 8 DFIA No.(i) 0310839250 dated 02.11.2020, (ii) 0910069447 dated 05.11.2020, (iii) 0310839458 dated 10.11.2020, (iv) 0910069360 dated 22.10.2020, (v) 0910069469 dated 12.11.2020, (vi) 0510415856 dated 12.11.2020, (vii) 0910069491 dated 18.11.2020 and (viii) 0910069514 dated 27.11.2020 for the period of one year.

Decision: The Committee examined the case on the basis of submission made by the firm and discussed the matter at length. It observed that firm has not received any automatic revalidation due to Covid-19 Pandemic. The Committee found that there is merit in the case and accordingly it decided to accede to the request and allowed revalidation of 8 DFIA No.(i) 0310839250 dated 02.11.2020, (ii) 0910069447 dated 05.11.2020, (iii) 0310839458 dated 10.11.2020, (iv) 0910069360 dated 22.10.2020, (v) 0910069469 dated 12.11.2020, (vi) 0510415856 dated 12.11.2020, (vii) 0910069491 dated 18.11.2020 and (viii) 0910069514 dated 27.11.2020 for a further period of 6 months from the date of endorsement. No further revalidation will be allowed. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

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

Case No. 09 M/s. Apar Industries Ltd., Vadodara
F. No.HQRPRCAPPLY00281677AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Extension of EOP against Advance Authorization No.3410045140 dated 15.05.2019.

The applicant stated that they have obtained the said advance authorization with initial export validity upto 15.11.2020 and they have cleared one shipment under this Authorization on 09.11.2019 but unfortunately due to oversight, CHA who was appointed by third party has cleared the consignment under DBK instead of DEEC vide shipping bill No.8140727 dated 09.11.2019. When they have noticed the shipping bill cleared under DBK, immediately they have escalated the matter with the third party and they realized the issue and later on instructed their CHA for conversion of shipping bill from DBK to DEEC. The conversion of shipping bill was taken up with the Customs and it took around 2 years and as on date the matter is still pending. Now, they have presumed that conversion of shipping bill may not be possible and it is time consuming. This consignment was manufactured out of duty free inputs and they planned EO fulfilment under this Authorization. Due to non-conversion of shipping bill they would be liable to pay custom duty plus interest on excess import arrived. In order to nullify the excess import they have been compelled to export further quantity under this Authorization. They would have completed the EO well within the EOP but could not do so due to covid-19 situation. Now they have planned one export consignment which is ready for shipment duly inspected but waiting for shipment authorization from buyer. They expect to get shipment authorization by end of current month or January 2022. They have already manufactured the goods and kept ready for export but due to delay in completion of certain formalities / procedure with their clients, they were not in position to export before the stipulated deadline i.e. 31.12.2021. Hence, they are requesting for extension of EOP against advance authorization No.3410045140 dated 15.05.2019.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and in view of justification provided by the firm it decided to accede to the request and allowed EOP extension of Advance AuthorisationNo.3410045140 dated 15.05.2019 for a period of 3 months from the date of endorsement subject to the payment of composition fees @0.5% per month, if exports are fulfilled more than 50% within initial /extended EOP or @ 1% per month where exports have been made less than 50% within initial/extended EOP, as above, on the unfulfilled FOB value. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Vadodara)

Case No. 10 M/s. Alembic Pharmaceuticals Ltd., Vadodara
F. No.HQRPRCAPPLY00282358AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Extension of EOP against Advance Authorization No.3410046536 dated 11.11.2020 and waive off composition fees.

The applicant stated that they are the regular exporter of key pharmaceutical ingredients to various customers across the world and Pfizer is one of them. The applicant was having a tie up with Pfizer for supply of one of the advanced API stage (based on the intellectual property of Pfizer and thereby they being the exclusive customer for this specific product) for one of the key medicine products Azithromycin. They have been procuring their key intermediate/starting material Erythromycin base from another Global MNC vizAbbvie, USA (formally known as Abott) and to procure this material they have obtained the said advance authorization for exports to Pfizer. The Abbvie is the large supplier world-wide but in India they (Alembic) were the only importer for this product. Therefore, the Abbvie is not registered for Erythromycin base in India. Thus, the authorization was taken by them under PC-9 condition i.e. un-registered sources. Unfortunately, since end of 2020, their customer Pfizer is facing some quality issues in the formulations and were investigating the quality issues and to clarify the quality issue has cropped up in the formulations. Pfizer follows their own systems and processes with their own timelines and the same has a hit because of Covid-19 pandemic. In the intervening period, Pfizer hoids and stopped taking any supplies for Azithromycin from them. The said authorization is nearing to expire and they were unable to undertake any export to Azithromycin on account of this issue. They were hopeful that the technical issue will be resolved by Pfizer and they will again able to restart export of goods very soon. The competition being fierce and margins being razor thin, they are already losing money with the blocked capital and inventory at their end and were unable to bear the cost of license extension without incurring further huge losses. Hence, they are requesting for extension of EOP against Advance Authorization No.3410046536 dated 11.11.2020 for the period of 12 months.

Decision: Vide its communication subsequent to holding of PRC meeting; firm has requested to withdraw their application for extension in the export obligation period.

(Action: Applicant)

Case No. 11 M/s. Alembic Pharmaceuticals Ltd., Vadodara
F. No.HQRPRCAPPLY00282359AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Extension of EOP against Advance Authorization No.3411000070 dated 05.01.2021 and waive off composition fees

The applicant stated that they are the regular exporter of key pharmaceutical ingredients to various customers across the world and Pfizer is one of them. The applicant was having a tie up with Pfizer for supply of one of the advanced API stage (based on the intellectual property of Pfizer and thereby they being the exclusive customer for this specific product) for one of the key medicine products Azithromycin. They have been procuring their key intermediate/starting material Erythromycin base from another Global MNC vizAbbvie, USA (formally known as Abott) and to procure this material they have obtained the said advance authorization for exports to Pfizer. The Abbvie is the large supplier world-wide but in India they (Alembic) were the only importer for this product. Therefore, the Abbvie is not registered for Erythromycin base in India. Thus, the authorization was taken by them under PC-9 condition i.e. un-registered sources. Unfortunately, since end of 2020, their customer Pfizer is facing some quality issues in the formulations and were investigating the quality issues and to clarify the quality issue has cropped up in the formulations. Pfizer follows their own systems and processes with their own

Ujjwal

timelines and the same has a hit because of Covid-19 pandemic. In the intervening period, Pfizer holds and stopped taking any supplies for Azithromycin from them. The said authorization is nearing to expire and they were unable to undertake any export to Azithromycin on account of this issue. They were hopeful that the technical issue will be resolved by Pfizer and they will again able to restart export of goods very soon. The competition being fierce and margins being razor thin, they are already losing money with the blocked capital and inventory at their end and were unable to bear the cost of license extension without incurring further huge losses. Hence, they are requesting for extension of EOP against Advance Authorization No.3411000070 dated 05.01.2021for the period of 12 months.

Decision: The Committee examined the submission made by the firm and discussed the matter at length and observed there is merit in their case and accordingly decided to accede to the request and allowed EOP extension of Advance Authorization No. 3411000070 dated 05.01.2021 for a further period of 6 months from the date of endorsement subject to payment of composition fee @ 1% per month of the extension period granted, as above, on the unfulfilled FOB value. Firm shall submit CA Certificate stating that the imported goods are still lying with them. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Vadodara)

Case No. 12 M/s. Alembic Pharmaceuticals Ltd., Vadodara
F. No.HQRPRCAPPLY00343127AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Permission to manufacture Azithromycin from imported KSM (i.e. Erythromycin Base imported from Abbvie, USA site and such manufacturing site is registered with CDSCO) and to supply the same in domestic market against Advance Authorization No.3410046536 dated 11.11.2020.

The applicant stated that the material KSM i.e. Erythromycin Base imported from Abbvie, USA site and such manufacturing site is registered with CDSCO. However, they procured the KSM as an unregistered sources (since registration period was over and renewal not happened at the time of importation), such KSM was imported to manufacture API for drug Azithromycin which is much needed drug to treat Covid-19 infection. Erythromycin base is the key intermediate for the product Azithromycin and they have availability of such high quality imported goods which they wish to use to save lives of people. They are also ready to pay applicable customs duties along with the interest. The DCGI office has examined their application and they were in agreement for the same. Hence, they are requesting to allow manufacturing of Azithromycin from such imported KSM and also to supply the same in domestic market.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and decided to grant permission for manufacturing Azithromycin from imported KSM (i.e. Erythromycin base) and to supply the same in domestic market against Advance AuthorisationNo.3410046536 dated 11.11.2020. However this is subject to:

i. Clear cut NOC/approval from DCGI/CDSCO
ii. Payment of applicable customs duties and interest on the imported KSMs

The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Vadodara)

Case No. 13 M/s. Alembic Pharmaceuticals Ltd., Vadodara
F. No.HQRPRCAPPLY00343129AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Permission to manufacture Azithromycin from imported KSM (i.e. Erythromycin Base imported from Abbvie, USA site and such manufacturing site is registered with CDSCO) and to supply the same in domestic market against Advance Authorization No.3411000070 dated 05.01.2021.

The applicant stated that the material KSM i.e. Erythromycin Base imported from Abbvie, USA site and such manufacturing site is registered with CDSCO. However, they procured the KSM as an unregistered sources (since registration period was over and renewal not happened at the time of importation), such KSM was imported to manufacture API for drug Azithromycin which is must needed drug to treat Covid-19 infection. Erythromycin base is the key intermediate for the product Azithromycin and they have availability of such high quality imported goods which they wish to use to save lives of people. They are also ready to pay applicable customs duties along with the interest. The DGCI office has examined their application and they were in agreement for the same. Hence, they are requesting to allow manufacturing of Azithromycin from such imported KSM and also to supply the same in domestic market.

Decision: Vide its communication subsequent to holding of PRC meeting; firm has requested to withdraw this application.

(Action: Applicant)

Case No. 14 M/s. RBG Trading Corporation Pvt. Ltd., Kochi
F. No.HQRPRCAPPLY00287129AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of physical copy of TMA application against File No.07/21/102/50635/AM21 dated 10.12.2020.

The applicant stated that they have submitted the online TMA application in ANF-7(A) under the said file number on 10.12.2020. Due to Covid-19 pandemic their office were closed and they were able to send the hard copies through speed post only by 07.01.2021. But unfortunately, their application has been rejected because the hard copy of the online application was received at RA office after 30 days of online submission which is beyond the time line. In the normal cases, the speed post has to be delivering on 09.01.2021 but the same was delayed due to covid-19 situations. Hence, they are requesting to condone the delay in submission of physical copy of TMA application against File no.07/21/102/50635/AM21 dated 10.12.2020.

Decision: The Committee examined the case on the basis of justification submitted by the applicant and observed that due to various restrictions imposed on account of ongoing lockdown during the period of Covid-19 Pandemic, firm has faced the problem which was beyond their control. Accordingly, the Committee decided to accede to the request for condonation of delay in submission of physical copy of TMA application file no.07/21/102/50635/AM21 dated 10.12.2020. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Bangalore)

Case No. 15 M/s. Raman Polymers, Mumbai
F. No.HQRPRCAPPLY00287170AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of 2 DFIA No.(i) 0310839489 dated 11.11.2020 and (ii) 0310839490 dated 11.11.2020 for the period of 6 months and enhancement in CIF Value as per the decision of PRC Meeting No.08/AM22 dated 07.08.2021.

This is the review case of PRC Meeting No.08/AM22 dated 07.08.2021 (Case No.17) wherein the Committee decided to allow the enhancement in CIF value of DFIA No.0310839490 dated 11.11.2020 and 0310839489 dated 11.11.2020 with the value addition of 21% subject to the condition that no transferability will be allowed against the said authorizations. The applicant stated that as per the PRC decision e-mailed on 18.08.2021, they have submitted the licenses for amendment to RA Mumbai but RA has returned the same with a letter dated 06.10.2021 stating "to submit through customer portal of New DGFT IT portal". They have received the licenses on 12.11.2021 and till date the licenses was already expired. Also there is no provision to amount the same in IT portal. Hence, they are requesting to advise the RA to amend the licenses as per the earlier decision of PRC and also revalidate both the DFIA No. (i) 0310839490 dated 11.11.2020 and (ii) 0310839489 dated 11.11.2020 for further six months as the same was expired in the custody of RA.

Decision: The Committee reviewed the case through the submission made by the firm and discussed the matter at length and observed that due to problem in new of DGFT IT Portal, firm has faced the problem which was beyond their control. Accordingly, the Committee decided to allow revalidation of 2 DFIA No.(i) 0310839489 dated 11.11.2020 and (ii) 0310839490 dated 11.11.2020 for a further period of 6 months along with enhancement in CIF Value as per the decision of PRC Meeting No.08/AM22 dated 07.08.2021 (Case No.17). No further revalidation would be allowed. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 16 M/s. Nico Extrusions Ltd., Mumbai

F. No.HQRPRCAPPLY00272297AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of 9 FMS Scrips No.(i) 0310502818 dated 19.01.2009, (ii) 0310501999 dated 09.01.2009, (iii) 0310508275 dated 19.02.2009, (iv) 0310512121 dated 18.03.2009, (v) 0310515154 dated 09.04.2009, (vi) 0310515374 dated 15.04.2009, (vii) 0310524145 dated 15.06.2009, (viii) 0310533735 dated 13.08.2009 & (ix) 3410023666 dated 12.03.2009 issued under Chapter-3 benefit.

This is the review case of PRC Meeting No.19/AM22 held on 30.12.2021 (Case No.33) wherein the Committee decided to defer the case and ask the firm to submit a detailed statement showing how much re-credit is to be done against each of the 9 scrips separately for taking final decision (along with justification). The applicant stated that Excess Duty Debited in FMS & VKÚY Scrips of 2009 was set aside by customs OIA no. 379 to 381 (Gr.I) /2010 (JNCH) / IMP -349 to 351 dated 26.11.2020. CESTAT also dismissed Department's appeal against order no.A/638/2012/CSTB-I DB. 30.08.2012. BEs were finally Re-Assessed only in 2016. Excess duty debited in the FMS & VKUY Scrips was ordered to be reaccredited i.e. Rs.4,26,564/- in the FMS / VKUY Licenses vide Customs order no. 6224 /2016 AM(i) / JNCH db. 29.07.2016. After their various requests, that the amount be refunded in cash as the scrips had already expired and both the schemes were also withdrawn. The Asst. Commissioner of customs vide his letter no. CRC-I/NS-III/JNCH vide F.No.S/12-MISC-135/2016-17/CRC-I/NS-III DB dated 14.10.2021 directed them to approach DGFT for re-credit. Since NICO Extrusions Ltd (now referred to as NICO), IEC no.0397017731, is the transferee by the original license holders of all the FMS & VKUY scrips & since the Schemes are withdrawn and licenses also expired, they are now approaching PRC for issuance of re-credit of Rs.4,26,564/- specifically for them only & revalidating the FMS / VKUY scrips for a period of 6 moths from the date of the revalidation or alternatively pass on the equivalent credit to them under any of DGFT other prevalent incentive schemes.

Decision: The Committee having examined the case on the basis of submission made by the firm along with the report received from RA,Mumbai and discussed the matter at length. It is observed that there is merit in the case and accordingly it decided to accede to the request and allowed revalidation for a period of 6 months from the date of endorsement of following 9 FMS Scrips for the amount as indicated against each scrip:-

(1) 0310502818 dated 19.01.2009 - Rs.20,907/-
(2) 0310501999 dated 09.01.2009 - Rs.895/-
(3) 0310508275 dated 19.02.2009 - Rs.1,48,471/-
(4) 0310512121 dated 18.03.2009 - Rs.9,544/-
(5) 0310515154 dated 09.04.2009 - Rs 1,42,424/-
(6) 0310515374 dated 15.04.2009 - Rs.67,107/-
(7) 0310524145 dated 15.06.2009 - Rs.17,597/-
(8) 0310533735 dated 13.08.2009 - Rs.15,236/-
(9) 3410023666 dated 12.03.2009 - Rs.4,384/-

The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

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

Case No. 17 M/s. Gautam Export Corporation, Mumbai
F. No.HQRPRCAPPLY00287895AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of online TMA application for the period 01.04.2019 to 30.06.2019.

The applicant stated that due to Covid-19, their offices were closed and they could not process the documents required for filing the application on time. They have generated the e-com for this application and EFT has also been paid. They had also faced the issued with DGFT TMA portal as the website was not working correctly and further delayed due to this. Hence, they are requesting to allow them to re-submit the online TMA application for the period 01.04.2019 to 30.06.2019.

Decision: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm as even online application was not submitted by them. Hence it decided to reject the request of the firm.

(Action: Applicant)

Case No. 18 M/s. Gautam Export Corporation, Mumbai
F. No.HQRPRCAPPLY00287969AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of online TMA application for the period 01.07.2019 to 30.09.2019.

The applicant stated that due to Covid-19, their offices were closed and they could not process the documents required for filing the application on time. They have generated the e-com for this application and EFT has also been paid. They had also faced the issued with DGFT TMA portal as the website was not working correctly and further delayed due to this. Hence, they are requesting to allow them to re-submit the online TMA application for the period 01.07.2019 to 30.09.2019.

Decision: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm as even online application was not submitted by them. Hence it decided to reject the request of the firm.

(Action: Applicant)

Case No. 19 M/s. Grover Sons, Mumbai
F. No.HQRPRCAPPLY00288092AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of online TMA application for the period 01.07.2019 to 30.09.2019.

The applicant stated that due to Covid-19, their offices were closed and they could not process the documents required for filing the application on time. They have generated the e-com for this application and EFT has also been paid. They had also faced the issued with DGFT TMA portal as the website was not working correctly and further delayed due to this. Hence, they are requesting to allow them to re-submit the online TMA application for the period 01.07.2019 to 30.09.2019.

<u>Decision</u>: The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm as even online application was not submitted by them. Hence it decided to reject the request of the firm.

(Action: Applicant)

Case No. 20 M/s. Onrise Barter Pvt. Ltd., Kolkata
F. No.HQRPRCAPPLY00288319AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of MEIS License No.0219079236 dated 13.09.2019.

The applicant stated that they are the merchant exporter of leather wallet and started export from 2018. They had availed the said MEIS license on 13.09.2019. Due to their office shifting and Covid-19, they could not utilize the said license. In the Covid times, their staff was working from home and therefore they missed to utilize the license. Also during their office shifting their so many documents were not traced out including the said MEIS license. Hence, they are requesting for revalidation of MEIS license No.0219079236 dated 13.09.2019 for the period of six months.

<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 of the firm.

(Action: Applicant)

Case No. 21 M/s. Mayithara Home Décor Pvt. Ltd., Kerala
F. No.HQRPRCAPPLY00288438AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To allow MEIS benefit for the period 2015-2016 (38 DTA & 04 EOU shipping bills), 2016-2017 (11 DTA shipping bills) and 2017-18 (34 DTA & 37 EOU shipping bills).

The applicant stated that during the period 2015-16, 2016-17 and 2017-18 they were gripped with certain serious administrative issues resulting in a high turnover of administrative staff especially from their export documentation department. Some of the dealing hands turned hostile towards the organization and abruptly left from the services and later it was ascertained that certain crucial documents like shipping bills, invoices etc. were missing. This situation has come about mainly due to political interference from local party offices. Due to these interruptions, they have faced very serious financial problems and the after effect of which still keep them haunting.

They had a series of discussions with the local political leaders and the disgruntled staff and finally they have agreed for a settlement on payment of compensation. On verification of these "missed" documents, it was realized that there were 124 numbers of shipping bills for which MEIS claim has not been made on time which results in approximate amount of Rs.35 Lakhs. Further they have realized that the 3 years period has been elapsed by nearly 20 months. Now, they are in terrible financial crises and if the said amount is not realized their business will have to be closed down throwing about 80 employees from the rural sector. Hence, they are requesting to allow MEIS benefit for the period 2015-2016 (38 DTA & 04 EOU shipping bills), 2016-2017 (11 DTA shipping bills) and 2017-18 (34 DTA & 37 EOU shipping bills).

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

(Action: Applicant)

Case No. 22 M/s. Weavetech Engineers Ltd., Silvassa
F. No.HQRPRCAPPLY00288459AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of MEIS Scrip No.5219009146 dated 09.05.2019.

The applicant stated that they have obtained the said MEIS scrip with the expiry on dated 08.05.2021 but due to Covid-19 they were not able to utilize the same. Since last 3-4 months, they were trying to file this application from DGFT portal but every time getting the error or the site under maintenance. Hence, they are requesting for revalidation of MEIS scrip No.5219009146 dated 09.05.2019.

Decision: The 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. 23 M/s. Tata Consultancy Services Ltd., Bangalore
F. No.HQRPRCAPPLY00162412AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Relaxation of Policy Condition No.2 (ii) of Chapter 87 of ITC (HS) 2012 Schedule I (Import Policy) for import of 1 number JLR Car make from Jaguar Land Rover UK.

The applicant stated that they have developed software for their client "M/s. Jaguar Land Rover (JLR), U.K." for their model JLR care make. To verify the software developed for JLR they have imported the car to their SEZ unit at Bangalore (Gopalan Enterprises Pvt. Ltd. (Global Axis) – SEZ Unit II) on loan basis and it will be re-exported back to their JLR, UK after completion of the activity. They were testing a car infotainment system comprising of entertainment features (Media DVD, HDMI, Apple car play), Tuner features (Radio-AM/FM, DAB, TV, SDARS), Speech Recognition features, rear seat entertainment feature and HMI. Further the vehicle will be re-exported back to its origin after completion of testing i.e. before the year ending 2024. Hence, they are requesting for relaxation of Policy condition No.2 (ii) of Chapter 87 of ITC (HS) 2012 Schedule I (Import Policy) for import of 1 number JLR Car make from Jaguar Land Rover UK.

Decision: The Committee went through the justification provided by the firm and discussed the matter at length and it decided to grant relaxation in policy condition 2(ii)(f) of Chapter 87 of ITC (HS) to import of 1number JLR Car make from Jaguar Land Rover, UK, subject to condition that the firm shall comply with CMVR(11thAmendment) Rules 2018 as per DGFT Notification No.14 dated 28.08.2019 and shall obtain necessary permission from MoRTH for plying the car on Indian roads.

(Action: Applicant)

Case No. 24 M/s. Taj Kerala Hotels & Resorts Ltd., New Delhi
F. No.HQRPRCAPPLY00288513AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of 4 SEIS Scrip No.(i) 0519132273 dated 21.08.2018, (ii) 0519132274 dated 21.08.2018, (iii) 0519132275 dated 21.08.2018 and (iv) 0519132276 dated 21.08.2018.

This is the review case of PRC Meeting No.08/AM22 dated 07.08.2021 (Case No.04) wherein the Committee has decided to reject the case. The applicant stated that due to the unplanned lockdown imposed by the government on account of Covid-19 pandemic for the period of nearly 17 months and all the documents related to the scrips were in the office and it was impossible to arrange the requisite documents. They were the actual users of these scrips and it is only since the hotel was closed and all the documents were kept in the office, therefore they could not utilize the scrips for their own use neither they could sell the scrips. The hotel industry was closed and badly affected due to the Covid-19 pandemic and lockdown imposed by the government. Even the tourism has almost stopped in India. They have suffered huge monetary losses during this period. Hence, they are requesting for revalidation of 4 SEIS Scrip No.(i) 0519132273 dated 21.08.2018, (ii) 0519132274 dated 21.08.2018, (iii) 0519132275 dated 21.08.2018 and (iv) 0519132276 dated 21.08.2018 for the period of 12 months from the date of endorsement.

Decision: The Committee reviewed the case on the basis of justification furnished by the firm and observed that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Hence,it decided to maintain rejection of the earlier decision of PRC in its Meeting No.08/AM22 dated 07.08.2021(Case No.04).

(Action: Applicant)

Case No. 25 M/s. Punamiya Jewels, Hyderabad
F. No.HQRPRCAPPLY00289226AM22

Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of 3 days delays in export of Gold Jewellery beyond the prescribed limit of 90 days against Invoice No.OX21G1KMUM387 dated 06.05.2021.

The applicant stated that the average time schedule between various stages in preparation of draft design of gold jewellery and approval by foreign buyer and then manufacture and exports is between 60 to 100 days. 85.14% Gold jewellery has been exported within 68 days and remaining 14.86% jewellery of around 1486.128 Gms has been exported in 93 days i.e. delay of only 3 days for the reason of more time taken by foreign buyer in final approval of designs which was beyond their control and they have to cooperate with their foreign buyer to maintain good relations as well as to get further orders. Hence, they have requested for condonation of 3 days delay beyond 90 days permissible period for export gold jewellery from the date of procurement of gold from Diamond India Limited vide Invoice No.OX21G1KMUM387 dated 06.05.2021.

Decision: The Committee examined the case on the basis of justification submitted by the applicant and discussed the matter at length and it decided to accede to the request for condonation of 3 days delay in export of gold jewellery beyond the prescribed limit of 90 days from the date of procurement of gold from nominated agency against Invoice No.OX21G1KMUM387 dated 06.05.2021for regularization purpose only.

(Action: Applicant)

Case No. 26 M/s. Pon Pure Chemical India Pvt. Ltd., Chennai
F. No.HQRPRCAPPLY00290010AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Permission to import Exxsol-D60 of 1000 MTs with supply to actual user condition.

The applicant stated that they have made the application on 31.07.2021 for grant of import authorization to import restricted item Exxsol-D60 of 1000 MTswith supply to actual user conditions. In this regard, Petroleum and Natural Gas Department issued NOC and application for Exxsol-D60 was approved by Exim Facilitation Committee (EFC) on 23.11.2021 subject to approval by the competent authority. The Exxsol-D60 hydrocarbon fluids are the strong choices for a variety of applications like industrial cleaning, metal working, blanket wash, aerosols, mold release etc. and can be used in place of chlorinated solvents (methylene chloride, trichloroethylene), mineral spirits and kerosene based cleaners. Because of their relatively high occupational exposure limits, Exxsol-D60 fluids often serve as replacements for conventional solvents like TCE, mineral spirits and Kerosene based products that may be the subject of more onerous regulatory restrictions, therefore, it becomes very critical component in the manufacturing process of their customers. They were regularly importing the Exxsol-D60 for their regular customers and supply the same to the actual users only as they could not able to import their required quantity directly from the supplier (Manufacturers) by paying huge sea freight charges for their small quantities. Moreover, the suppliers were also not willing to accept the small quantities unless otherwise they place a huge quantity for manufacture the product as per their unit manufacturing capacity. Hence, they are seeking permission to get the restricted authorization for import of Exxsol-D60 of 1000 MTs with supply to actual user condition.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and it decided to grant permission to import restricted item ExxsolD60 of 1000 MTs to the firm against a License with a condition to supply to actual user manufacturers.

(Action: Applicant/ILS-Division)

Case No. 27 M/s. Spicer India Pvt. Ltd., Pune
F. No.01/60/162/461/AM20/PRC
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To allow filing of shipping bills for MEIS benefit against which 26 MEIS scrips were issued and rejected due to description mismatch.

This is deferred case of PRC Meeting No.21/AM20 dated 14.11.2019 (Case No.05), wherein the Committee decided to call for a detailed report from RA, Pune. The applicant stated that they export goods falling under HSN 87085000 eligible for duty scrips under MEIS as covered under Appendix 3b.They had filed application for claiming MEIS benefit on shipping bills. Some of the entries in shipping bills were rejected. Subsequently, Public Notice and trade circular were issued stating MEIS license should be processed based on HSN code without description matching except for certain HSN codes.Their exports were eligible for MEIS based on HSN only (without description matching). As there is no difference in HSN,they are eligible for MEIS on all entries in the shipping bills. Therefore some of entries in shipping bills should not be rejected.They approachedRA, Pune for relief who informed them that it is a special case and stated that under the current mechanism of issue of MEIS scrips there is no provision to grant MEIS on items which have been individually rejected from shipping bills out of many items. The details of MEIS Scrips are as under:

Sl.No.	File Number	License Number	Date
1	31/21/090/84758/AM17	3119015398	02.08.2017
2	31/21/090/85230/AM17	3119014851	27.06.2017
3	31/21/090/81223/AM18	3119014852	27.06.2017
4	31/21/090/85395/AM17	3119014749	19.06.2017
5	31/21/090/84075/AM17	3119012672	17.04.2017
6	31/21/090/82492/AM17	3119013507	17.04.2017
7	31/21/090/84363/AM17	3119013508	17.04.2017
8	31/21/090/83517/AM17	3119013509	17.04.2017
9	31/21/090/83091/AM17	3119013510	17.04.2017
10	31/21/090/84383/AM17	3119013574	17.04.2017
11	31/21/090/82440/AM17	3119013575	17.04.2017
12	31/21/090/83516/AM17	3119013576	17.04.2017

13	31/21/090/81238/AM17	3119012183	01.04.2017
14	31/21/090/81186/AM17	3119012181	20.01.2017
15	31/21/090/81470/AM17	3119012182	20.01.2017
16	31/21/090/82095/AM17	3119012162	19.01.2017
17	31/21/090/80347/AM17	3119012163	19.01.2017
18	31/21/090/81165/AM17	3119012134	18.01.2017
19	31/21/090/80580/AM17	31190009277	31.07.2016
20	31/21/090/00513/AM16	31190009517	29.06.2016
21	31/21/090/00774/AM16	31190007831	11.03.2016
22	31/21/090/00795/AM16	31190007876	08.03.2016
23	31/21/090/00732/AM16	31190007717	23.02.2016
24	31/21/090/80896/AM18	31190014547	05.06.2017
25	31/21/090/84757/AM18	31190016212	20.09.2017
26	31/21/090/84756/AM17	31190016206	20.09.2017

Decision: The Committee examined the case on the basis of justification furnished by the firm alongwith the report received from RA, Pune and also comments received from PC-3 Division. The Committee observed that there is no merit in the request of the firm. Accordingly, the Committee decided to reject the request of the firm.

(Action: Applicant)

Case No. 28 M/s. Baroque Pharmaceuticals Pvt. Ltd., Ahmedabad
F. No.HQRPRCAPPLY00280684AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Waiver of PC-9 condition against 2 Advance Authorization No.0810140185 dated 01.05.2017 and 0810140266 dated 09.05.2017.

The applicant stated that they had obtained the subject authorisations on the basis of FORM-10 issued by CDSCO for import of two different materials i.e. (i) Amoxicillin Trihydrate IP/BP/USP and (ii) Potassium Clavulanate Diluted IP/USP/BP, which are a type of Bulk Drug. However, both the authorization are issued under normal condition as the same was to be procured from registered sources. As the materials are same in both the authorisations, they had applied for EODC with clubbing before RA, Ahmedabad by paying duty on excess import of 1st material i.e. Amoxicillin Trhydrate IP/BP/USP which is imported excess to the eligibility of the quantity after clubbing of authorization. RA has issued a deficiency letter dated 10.09.2021 to furnish destruction certificate of excess import. In response to deficiency letter, they had replied that duty on excess import of 1st material already paid and in second materials i.e. Potassium Clavulanate Diluted IP/USP/BP there is no excess quantity imported. Again a deficiency issued dated 23.09.2021 informing that the import made from other than registered manufacturer cannot be considered for removal of PC-9 condition. Thus, they should have to comply with the earlier deficiency letter dated 10.09.2021. Further stated that the material in question is actually used for the exports, it is impossible to produce destruction certificate for the same. Hence, they are requesting to consider the import of Potassium Clavulanate Diluted IP/USP/BP in both the authorisations a normal import and imported from the registered sources, as they have imported the said materials from the dealer of the said registered manufacturer who has specifically sold the goods to their dealer for purpose of export to them and a certificate towards this effect is also issued to the overseas supplier which is produced by them to RA.

Decision: The Committee discussed the case on the basis of justification submitted by the firm along with report received from RA, Hyderabad and it decided to defer the case to seek comments from Central Drugs Standard Control Organization (CDSCO)/Drugs Controller General (India) (DCGI) for their comments in the matter. Thereafter the case may be brought back again before PRC for a decision.

(Action: Applicant/CDSCO/DCGI)

Case No. 29 M/s. E.S. Lighting Technologies (P) Ltd., Faridabad
F. No.01/60/162/172/AM17/PRC
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of non-declaration of raw material consumption & description of resultant product on 4 Shipping Bill No.(i) 5299954 dated 06.09.2011, (ii) 1573333 dated 23.09.2010, (iii) 5842203 dated 14.10.2011 and (iv) 1573339 dated 23.09.2010 and to accept the amendment in shipping bills towards fulfillment of EODC against Advance Authorization No.0510260440 dated 15.03.2010.

This is review case of PRC Meeting No.06/AM17 dated 17.05.2016 (Case No.25), wherein the Committee did not accede to the request. The applicant stated that in Shipping Bill No.5299954 dated 06.09.2011, it was cleared under the said advance license but due to oversight the name of the machine was mentioned as "Pinch Sealing Machine for full Spiral" in the shipping bill though the same has been correctly mentioned in theARE-1 duly authenticated by the excise officer. The consumption of components is correctly mentioned for "Bead Mounting Machine". In the remaining 3 shipping bill No.(i) 1573333 dated 23.09.2010, (ii) 5842203 dated 14.10.2011 and (iii) 1573339 dated 23.09.2010 they have correctly named the export products in the relevant shipping bills but due to oversight there were some discrepancies in naming the import components in the consumption shown in shipping bills. The details relevant advance license has been duly mentioned in the shipping bills.
Now, firm stated that they have made necessary amendment in the above mentioned 4 shipping bills under customs permission vide customs letter dated 30.01.2018 and 17.05.2018. Hence, they are requesting to condonefor non-declaration of raw material consumption & description of resultant product against 4 Shipping Bill No.(i) 5299954 dated 06.09.2011, (ii) 1573333 dated 23.09.2010, (iii) 5842203 dated 14.10.2011 and (iv) 1573339 dated 23.09.2010 and to accept the amendment in shipping bills towards fulfillment of EODC against Advance Authorization No.0510260440 dated 15.03.2010.

Decision: The Committee reviewed and examined the case on the basis of justification submitted by the firm along with the report received from CLA, New Delhi and discussed the matter at length. The Committee observed that necessary corrections have been made by the customs authorities and same may be accepted.

Accordingly, it decided to condone the procedural lapse of non-declaration of raw material consumption and description of resultant product on 4 Shipping Bills No.(i) 5299954 dated 06.09.2011, (ii) 1573333 dated 23.09.2010, (iii) 5842203 dated 14.10.2011 and (iv) 1573339 dated 23.09.2010 and accept the amendment certificate duly mentioned the consumption data and advance authorisation number issued by the Commissioner of Customs, ICD, Tughlakabad, New Delhi towards fulfillment of EO against Advance AuthorisationNo.0510260440 dated 15.03.2010 subject to condition that Shipping bills are not free shipping bills and these contain AA number and date in it. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

Case No. 30 M/s. Alphonsa Cashew Industries, Kerala
F. No.HQRPRCAPPLY00291552AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation of delay in submission of physical copy of TMA application for the period 01.10.2020 to 31.12.2020 against File No.07/21/102/50773/AM21 dated 22.01.2021.

The applicant stated that they had submitted their online TMA application to RA, Bangalore in October-December 2020. Their application was rejected by RA, Bangalore stating delay in submission of physical copy. For physical submission of the application, they have to depend on the courier or speed post. Their areas was very badly affected due to Covid-19 and was under triple lockdown. Courier /speed post office were closed and they could sent only on 25.02.2021. They are requesting to condone the 3 delays in speed posting the documents due to Covid-19.

<u>Decision:</u> The Committee went through the submission made by the firm and discussed the matter at length. The Committee decided to accept the request for condonation of delay in submission of physical copy of TMA application for the period 01.10.2020 to 31.12.2020(file no.07/21/102/50773/AM21 dated 22.01.2021). The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Bangalore)

Case No. 31 M/s. Kusuma Pharma, Silvassa
F. No.HQRPRCAPPLY00291615AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Revalidation of 3 Advance Authorization No.(i) 0310827551 dated 08.03.2019, (ii) 0310828340 dated 15.04.2019 and (iii) 0310830606 dated 26.07.2019.

The applicant stated that they had applied to RA, Mumbai for revalidation and enhancement on 16.12.2020, but issued deficiency letter dated 18.03.2021 to apply online. But due to Covid-19 pandemic and as their area was under Red Zone their EXIM team could not reached office and work on it. RA, Mumbai also not allowed any person in their premises due to Covid-19. They had received the deficiency letter on 13.07.2021. Further stated that they had exported excess quantity in advance authorisations and proportionate import is pending. They could not complete import due to lock down condition. Hence, they are requesting for revalidation for the period of 6 months from the date of endorsement of 3 Advance Authorization No.(i) 0310827551 dated 08.03.2019, (ii) 0310828340 dated 15.04.2019 and (iii) 0310830606 dated 26.07.2019 to enable them to import balance quantity proportionate to the excess export.

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 and accordingly it decided to allow revalidation of 3 Advance Authorization No.(i) 0310827551 dated 08.03.2019, (ii) 0310828340 dated 15.04.2019 and (iii) 0310830606 dated 26.07.2019 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. 32 M/s. Aquablue ImpexPvt. Ltd., Delhi
F. No.HQRPRCAPPLY00291951AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: To allow MEIS benefit against Shipping Bill No.4577468 dated 01.05.2018 without any late cut.

The applicant stated that they had exported the material vide Shipping Bill No.4577468 dated 01.05.2018. They had received the payments in installments from the overseas buyer and all the payments have been realized against the said shipment and the last payment was received on 17.02.2021. Their bank has issued all the E-BRCs etc. However, as the last payment was realized on 17.02.2021, so they could not apply before that, as MEIS can be applied only after realization of payment. Meanwhile, the concerned person has got affected with Covid-19 in November, 2020 and hospitalized and was discharged in December 2020, but remained confined to bed for a long period. In March 2021, second wave came with greater force and engulfed the entire country and in April 2021 his wife and child got infected with Covid-19 second wave. Practically everything came to a stand still for good 3 to 4 months. His staff who was looking after all DGFT related works including filing of application for MEIS etc., also came into the grip of this deadly virus and remained inaccessible in this duration. Meanwhile the last date of filing the application for MEIS i.e. 01.05.2021 got elapsed. All these unwanted and uncalled for circumstances rendered them unable to file their application on time. Hence, they are requesting to allow them to apply for MEIS benefit Shipping Bill No.4577468 dated 01.05.2018 without any late cut.

Decision: The Committee discussed the case on the basis of the statements made by the firm and noted that there is merit in the case. Accordingly, it decided to allow MEIS benefit against Shipping Bill No.4577468 dated 01.05.2018 without any late cut. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

Case No. 33 M/s. Mukta Arts Ltd., Mumbai
F. No.HQRPRCAPPLY00136088AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Relaxation in maintaining the average EO imposed on the 3 EPCG Authorizations No.(i) 0330000345 dated 02.06.2000, (ii) 0330004540 dated 22.10.2003 and (iii) 0330006644 dated 07.09.2004 by treating exports of film content by Tapes / CDs as service exports and not physical exports.

This is deferred case of PRC Meeting No.18/AM22 dated 07.12.2021 (Case No.21), wherein the Committee decided to defer the case for further examination in the matter. The applicant stated that they are service providers and the referred 3 EPCG licenses have been issued in the years 2002, 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. With effect from 01.04.2007 vide PN NO.01/2007 dated 19.04.2007, 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. 01.04.2007 were required to maintain the average export obligation. Also they 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 License 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 reviewed and examined the case on the basis of justification submitted by the firm and it decided to defer the case for further examination in the matter. Thereafter the case may be brought back again before PRC for a decision.

(Action: PRC-division/Applicant)

Case No. 34 M/s. Kumaran Fishnets Export Corporation, Tamil Nadu
F. No.HQRPRCAPPLY00138249AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Clubbing of 2 EPCG Authorizations No.3530002251 dated 21.12.2006 and 3530003206 dated 29.04.2008.

This is deferred case of PRC Meeting No.20/AM22 dated 10.02.2022 (Case No.28), wherein the Committee decided to defer the case for further examination in the matter. The applicant stated that they have obtained the said EPCG authorizations for import of capital goods against export of Nylon fishing nets. They have completed the export obligation and now their company is not running. They have received the Deficiency letter from RA that their clubbing request cannot be considered because their authorizations have not been issued in the same licensing year. EPCG license no. 3530002251 dated 21.12.2006 was issued in AM07 licensing year and another license no. 3530003206 dated 29.04.2008 was issued in AM09 licensing year. Their company is not working for exports now and market situation is also not good. They further stated that they have achieved 100% export obligation by merging both the authorizations. Hence, they are requesting for clubbing of both the EPCG authorizations no. (i) 3530002251 dated 21.12.2006 and (ii) 3530003206 dated 29.04.2008 for redemption purpose only.

Decision: The Committee reviewed the case on the justification submitted by the applicant and discussed the matter at length. The Committee decided to allow clubbing of 2 EPCG Authorizations No.3530002251 dated 21.12.2006 and 3530003206 dated 29.04.2008 for regularization purpose only. The other terms and conditions for clubbing shall remain same as per policy/HBP provisions. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Madurai)

Case No. 35 M/s. GIC Insuflex Conductors Pvt. Ltd., Mumbai
F. No.HQRPRCAPPLY00252766AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: 2nd EOP extension against Advance Authorization No.0310798554 dated 28.08.2015 for regularization purpose.

This is deferred case of PRC Meeting No.20/AM22 dated 10.02.2022 (Case No.29), wherein the Committee decided to defer the case for further examination in the matter. The applicant stated that they have fulfilled the 96.50% of the export obligation against the said authorization within 30 months from the date of issue of the license. They were unable to fulfill the 50% of the obligation within the first extended period. They have already paid the composition fees for 1st and 2nd EOP extension as per the policy and procedures. The date of last export shipment is 01.03.2018. Hence, they are requesting for EOP extension against Advance Authorization No.0310798554 dated 28.08.2015 for regularization purpose.

Decision: The Committee reviewed and examined the case in detail and in view of justification provided by the firm it decided to allow EOP extension up to 01.03.2018 of Advance AuthorisationNo.0310798554 dated 28.08.2015 only for regularization purpose subject to the payment of composition fee @ 1% per month on unfulfilled FOB value from the date of expiry of initial/ extended EOP. 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. The Highland Produce Co. Ltd., Kerala

F. No.HQRPRCAPPLY00249300AM22
Meeting No.22/AM22 held on 22.03.2022& 29.03.2022

Subject: Condonation for procedural lapse of not mentioning the EPCG license details in the shipping bills relating to exports made by the group company for fulfillment of EO against EPCG Authorization No.1030001279 dated 09.01.2008.

The applicant stated that they have made efforts to discharge its EO but despite its best efforts, they could execute exports only to the tune of 25.89% within the EOP due the adverse operating conditions. As there was no minimum threshold of direct export fulfillment requirement stipulated in the FTP as on 09.01.2008, they opted to avail the alternate stipulated mode of exports fulfillment, that is, consider the option of the exports made by its group company as specifically permitted vide para 5.4(i) of FTP 2004-09. Considering the eligibility, they aggregated the exports of its group company M/s AVT Leather & Allied Products P Ltd, including exports made in excess of the average to be maintained by the group company as stipulated. The average exports for the group company for the years 2005-08 was 167.46 Cr. and the excess exports available during the year 2008-09 was 16.97 Cr. Accordingly, they have applied for EODC to RA, Cochin requesting them to include group company's exports. However, they were issued DL dated 12.08.2020, inter alia requiring endorsement of the alternate products on the EPCG authorization by the EPCG Committee. In compliance, they approached EPCG Committee, but rejected vide EPCG Meeting dated 25.11.2020. They had filed for review application however, the Committee decided to maintain the rejection vide EPCG Meeting dated 04.08.2021.
Further stated that the requirement of endorsing the EPCG Authorisation number on the shipping bills essentially was to establish the correlation between the export product and the machinery imported under the EPCG authorization. Since the FTP categorically permits consideration of other products exported by the group company towards discharge of EO, which naturally wasn't produced from the machinery imported under the EPCG authorization, mentioning of the EPCG authorization details on the relevant shipping bills would not have established the correlation between the product exported and the capital goods imported. Hence, they are requesting to condone the procedural lapse of not mentioning EPCG License Number and date on the shipping bills relating to exports by the group company for fulfillment of EO.

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 it decided to call the firm for **Personal Hearing**.

(Action: Applicant/PRC)

*****