Minutes of the Meeting held on 12.05.2023 to allocate the import quantum of Raw Pet Coke for CPC manufacturing for FY 2023-24

In Chair: Shri Santosh Kumar Sarangi, DGFT

The following officers attended the meeting:

1. Shri Hardeep Singh, Addl. DGFT, DGFT
2. Shri. R. N. Pankaj, Scientist `E', M/o EF&CC
3. Shri Md. Moin Afaque, Deputy DGFT, DGFT
4. Representative from M/o P&NG was not available.

2. At the outset, the Committee noted that the allocation of quota for year 2023-24 for import of Raw Pet coke for CPC manufacturing industry is subject to Judgement of the Hon'ble High Court of Delhi dated 10.01.2023 in the LPA 25/2021 & CM Applications 2070/2021, 13380/2021, 44359/2021.

3. It was also noted that the Hon'ble Supreme Court in Writ Petition No. 13029/1985, vide its order dated 09.10.2018 has decreed that the import of RPC for CPC manufacturing industry cannot exceed 1.4 million MTs per annum. Accordingly, the Committee decided to make the annual allocation for import of RPC for the fiscal year 2023-24 within this limit.

4. In adherence to the Orders above, the Committee noted that the allocation of RPC for the period 2023-24 is subject to the following:

a. Allocation is limited to the following 6 calciners: Rain CII Carbon, Sanvira Industries Ltd., Goa Carbon Ltd., Kalinga Calciners Pvt. Ltd. (now Paradip Calciners), India Carbon Ltd. (West Bengal), Petro Carbon N Chemicals Pvt. Ltd as per Annexure 1 of the EPCA Report No 91 dated 06.10.2018.
b. Provisional allocation is made based on the capacity of Calciners stated in the EPCA Report No 91 dated 06.10.2018.
c. Out of the 1.4 million MTs per annum, initial allocation is limited to 1 million MTs only.
d. The remaining 0.4 million MTs is reserved for further allocation during review of imports & utilisations of RPC to be undertaken subsequently, and shall also be subject to the final orders in the SLP(C) Nos. 4147-4151/2023 and related matters being heard in the Hon'ble Supreme Court.

5. Further, the Committee stated that Bill of Lading issued on or before 31.03.2023 will be considered as import made in FY 2022-23.

6. To bring uniformity, the Committee decided to allocate RPC by adopting following criteria:

a. The production capacity for applicant for RPC is converted to input/raw material requirement by taking industry average conversion rate i.e., 1:1.36 (as mentioned in the EPCA report).
b. The additional capacity added by the applicants after not mentioned in the EPCA report is not taken into consideration.
c. The quota be divided on a proportionate basis as per the following formula: –

$Q_A = Q * (Q_{AD} / Q_{TD})$	
where,	
Q_A =	Allocation of Import Quota for applicant 'A'
Q =	Total Import Quota Available for distribution
Q_{AD} =	Demand of the Applicant 'A'
Q_{TD} =	Sum of demand by all applicant
For RPC – Demand is calculated based on installed capacity certified by SPCB and the conversion factor of CPC: RPC = 1:1.36.	
i.e. – If the unit has installed CPC production capacity of 100 TPD, so, Demand for the unit will be calculated = 136 TPD of RPC	

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

7. Accordingly, based on the above principles, the Committee decided to make the allocation as in **Annexure**, subjected to following conditions:

a. Applicants who have been allotted RPC will have to submit compliance certificate of CTO of the utilising unit against which the import application has been made, from the concerned state pollution Control Boards.
b. Applicants shall furnish copy of the opening and closing stock of the imported Pet Coke, submitted to the concerned SPCBs and CPCB.

c. Applicants shall comply with the Guidelines for regulation and monitoring of imported pet coke in India issued by the MoEF&CC vide OM No. Q-18011/54/2018-CPA dated 10.09.2018.

d. The copy of the license issued by DGFT for import of Pet coke shall be submitted to concerned SPCB, CPCB and MoEF&CC for monitoring purposes.

8. If, after obtaining the licence for the year 2023-24, the applicant is not able to utilize/ import the entire quantity for which the license has been issued, the applicant shall intimate the same to DGFT through email at import-dgft@nic.in **on or before 31.10.2023** to facilitate distribution of any un-utilized quantities to other applicants who had applied initially.

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

10. It is noted that SLP(C) Nos. 4147-4151/2023 and related matters are being heard in the Hon'ble Supreme Court. The said allocation shall be subject to further revision/reduction/enhancement, based on final orders of the Hon'ble SC in the SLP(C) Nos. 4147-4151/2023 and related matters.

Annexure

Sl.	**Firm Name**	**File No.**	**Provisional Allocation (MTs)**
1.	RAIN CII CARBON (VIZAG) LIMITED	HQRXIMLAPPLY00002422AM23	4,26,348
2.	SANVIRA INDUSTRIES LIMITED	HQRXIMLAPPLY00002427AM23	1,70,539
3.	GOA CARBON LIMITED	HQRXIMLAPPLY00002367AM23	2,25,965
4.	PETRO CARBON AND CHEMICALS PRIVATE LIMITED	HQRXIMLAPPLY00002426AM23	79,940
5.	PARADIP CALCINER LIMITED	HQRXIMLAPPLY00002407AM23	51,162
6.	INDIA CARBON LIMITED West Bengal	HQRXIMLAPPLY00002447AM23	46,046
	TOTAL		**10,00,000**