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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting Held on 13.07.2021 under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.06/AM22 held on 13.07.2021

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

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. Siddharth Export, Noida	1
2.	M/s. Prince Corp Private Limited, Mumbai	2&3
3.	M/s. Sutlej Ropes Pvt. Ltd., Mumbai	4
4.	M/s. Orbit Textiles Mills Pvt. Ltd., Tirupur	5
5.	M/s. Titagarh Wagons ltd., Kolkata	6
6.	M/s. Bharat Heavy Electricals Ltd, New Delhi	7
7.	M/s. Honda Trading Corporation India Pvt Ltd, New Delhi	8
8.	M/s. D D International Pvt. Ltd., Amritsar	9
9.	M/s. Hia Export, Mumbai	10
10.	M/s. M. M. Aqua Technologies Ltd., Gurgaon	11
11.	M/s. Mylan Laboratories Limited, Hyderabad	12
12.	M/s. Hindustan Mint and Agro Products Pvt. Ltd., Chandausi (UP)	13
13.	M/s. Sumilon Industries Pvt. Ltd., Surat	14
14.	M/s. R RKabel Limited, Mumbai	15&16
15.	M/s. Geltec Private Limited, Mumbai	17
16.	M/s. Bombay Fruits and Vegetables Import Export Private Limited, Mumbai	18
17.	M/s. Surya Roshni Limited, New Delhi	19&20
18.	M/s. Phoenix Lamps Limited, Noida	21
19.	M/s. OM Shree International Pvt. Ltd., Mumbai	22
20.	M/s. Ankai International Private Limited, Mumbai	23
21.	M/s. Gold Plus Glass Industry Limited, New Delhi	24

PH Case No. 01 M/s. Siddharth Export, Noida
F. No. 01/60/162/407/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: To allow MEIS benefit against 7 times barred shipping bills.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 02 M/s. Prince Corp Private Limited, Mumbai
F. No. 01/60/162/568/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of Advance License No.0310826032 dated 31.12.2018.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However, firm vide mail dated 12.07.2021 requested to defer as they are yet to prepare for the meeting. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s. Prince Corp Private Limited, Mumbai
F. No. 01/60/162/567/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of Advance License No.0310823850 dated 19.09.2018.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However, firm vide mail dated 12.07.2021 requested to defer as they are yet to prepare for the meeting. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 04 M/s. Sutlej Ropes Pvt. Ltd., Mumbai
F. No. 01/60/162/760/AM19/PRC, 01/60/162/759/AM19/PRC, 01/60/162/761/AM19/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of 3 Advance Authorization No.(i) 0310742423 dated 22.07.2013, (ii) 0310705441 dated 17.08.2012 and (iii) 0310722601 dated 31.03.2013.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Santosh Raut, Authorised Representative, appeared on behalf of the firm and made the following submissions:

This is defer case of PRC Meeting No.23/AM21 dated 18.02.2021 (Case No.09), wherein it was decided to defer the case and call the firm for PH and also decided to seek a detailed report from RA, Mumbai. The applicant stated that they export substantial quantities of their products to Nepal. These orders are shipped by surface (Road Transport) via Indo – Nepal borders of Raxaul. The Nepal customs as per their procedure take a minimum of 4 months for endorsement/clearance of the license. Therefore, significant delays occur in submission of EODC/Redemption to DGFT. Although the licenses pertain to the years 2012 and 2013, we were unable to make use of the same as they were under the defaulter list on account of non-receipt of payment from General Railway Company of Syria, a Govt. of Syria owned Enterprise. They had secured an order from Syria in the year 2006 through PEC Limited, New Delhi (A government of India Enterprise). This order was secured through PEC, who were supplying to Syria, goods manufactured by them. Syria broke out into civil war soon after their first supply to them. Not only they didn't receive their payment towards their supply, their bank guarantees provided for this contract were wrongly encashed as well. Despite the involvement of M/s PEC limited and the Indian Embassy in Damascus. It has been a fruitless effort in realizing their payment and value of bank guarantee. Even till date it is totally unsafe to visit or even pursue our case. Their export licenses could not be utilized during this time as they were shown as defaulters and thus unable to claim benefits under their licenses. Not having any choice in the matter, and despite not having realized their payment for this Syrian export till date they paid customs duty and penalties in 2015. By the time their name was removed from the defaulters list, the licenses in subject had all expired. The delay in imports and the debacle faced on account of export to Syria has already rendered a massive setback to their finances and now depriving them of their hard earned rights against competitive export prices would destroy them a genuine and striving small scale exporter.

Decision: The Committee reviewed and heard the case on the basis of justification submitted by the applicant along with report received from RA, Mumbai and discussed the matter at length and found no merit in the request. Therefore, the Committee decided to maintain rejection as in the earlier decision of PRC in its Meeting No.16/AM20 dated 20.08.2019 (Case No.06,07&10) as the same was found to be without any merit.

(Action: Applicant)

PH Case No. 05 M/s. Orbit Textiles Mills Pvt. Ltd., Tirupur
F. No. 01/60/162/34/AM20/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: To allow 100% alternate export product of same sector i.e. cotton made-ups, cotton bags and fabrics to fulfill export obligation against 6 EPCG Authorization No.(i) 3230012599 dated 29.09.2008, (ii) 323002601 dated 29.09.2008, (iii) 3230014582 dated 16.03.2010, (iv) 3230012600 dated 29.09.2008, (v) 3230014036 dated 24.11.2009 and (vi) 3230025983 dated 02.06.2010.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However firm vide mail dated 12.07.2021 requested to defer as they are currently out of station. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 06 M/s. Titagarh Wagons Ltd., Kolkata
F. No. 01/60/162/502/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Waiver of penalty for fulfillment of EO against Advance Authorisation No.0210207407 date 23.02.2017.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Bhaskar Thakkar, Managing Partner, appeared on behalf of the firm and made the following submissions:

The applicant stated that they had received order from Titagarh Wagons, AFR (AFR) for supply of 100 "Container Carrying Wagons (Wagons). The said order was based on execution of manufacturing/sales contract between AFR and the buyer UNICAF, having its registered office at France (UNICAF). As per the contract, 100 wagons for carrying container on the rail network were to be supplied to UNICAF. They had taken the subject authorization for procurement of raw materials, components to be used in the manufacture of these 100 wagons. As per the terms of the contract the wagons were to be supplied in 3 lots of 30, 30 and 40 wagons each. On the verge of arrival of delivery date, UNICAF claimed the need to carry out new checks to postpone the delivery dates. It was also stated by them vide letter dated 01.02.18 that their previous wagons had some manufacturing defects and to avoid similar defects they wanted to call on a specialized agency to monitor the quality of the welds performed on these wagons.
After the report from specialized agency stating imperfection in welding regulations, UNICAF had asked for a repair plan from AFR. However, later on UNICAF vide letter dated 19.04.2018 had rejected the proposals made by AFR and expressed its willingness to terminate the contract, which makes it amply clear that UNICAF refuses any amicable settlement and does not want AFR to determine the solution that they can meet.
The aforesaid matter was in dispute since long and they had taken decision to discharge the duty liability on the raw materials imported earlier and had written to the Commissioner of Customs, Kolkata on 02.02.19 regarding suo-moto payment of duty in relation to 40 wagons. Moreover, being aggrieved by the damages borne by the company due to termination of the contract, it also filed civil suit with the High Court at Calcutta on 21.11.2019 wherein the company had sued UNICAF and TWL AFR (the foreign buyers) for breaching the contract and prayed for recovery of damages on account of breach of such contract. The company has already ended up paying the duty along with the interest vide Demand Draft No. 600736 dated 01.08.2019 and 601532 dated 27.08.2019 and also received letter from DRI regarding closure of matter. The company had further approached RA for closure of the aforesaid license. However, the RA, Kolkata had further sought for payment of

penalty as per Para 4.49 of HBP at the rate of 1% for unfulfilled export obligation. Hence, requested for waiver of penalty as there was no fault of the company in non-fulfillment of such export obligation.

Decision: The Committee heard the case on the basis of statements made by the applicant and noted that this is not a case of policy relaxation, as their request is apparently covered under the current policy provisions. Hence, the applicant is directed to approach the RA and get the case regularized in terms of Para 4.49 of HBP 2015-2020 within 30 days from the date of uploading of the minutes of meeting

(Action: Applicant /RA, Kolkata)

PH Case No. 07 M/s. Bharat Heavy Electricals Ltd, New Delhi
F. No. 01/60/162/485/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Acceptance of payment received in INR in Advance Authorization No.0610013597 dated 01.07.2008 and Provide EODC.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 08 M/s. Honda Trading Corporation India Pvt. Ltd., New Delhi
F. No. 01/60/162/488/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: To accept the export of 2 Shipping Bill No.1524850 dated 13.12.2017 and 1526986 dated 13.12.2017 towards fulfillment of EO against Advance Authorization No.0510404000 dated 13.09.2017 instead of Advance Authorization No.0510396649 dated 17.12.2015.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Krishan Khemka and Shri Sandeep Sharma, Authorised Representatives, appeared on behalf of the firm and made the following submissions:

This is defer case of PRC Meeting No.26/AM21 dated 26.03.2021 (Case No.08), wherein the Committee decided to call the firm for PH. The applicant stated that they had committed a clerical error on endorsement of Advance License number on Shipping Bills No.1524850 and 1526986 dated 12.12.2017 towards the fulfillment of EO against Advance Authorisation No.0510404000 dated 13.09.2017 which was wrongly endorsed Advance Authorisation No.0510396649 dated 17.12.2015 on said shipping bills by clerical mistake. For the Advance License No.0510396649 dated 17.12.2015, they had already fulfilled the export obligation and also received EODC from CLA, New Delhi. Hence, requested to condone the error of endorsement of wrong advance authorization number and consider these 2 Shipping Bill No. 1524850 and 1526986 dated 13.12.2017 for fulfillment of export obligation against

Advance Authorisation No.0510404000 dated 13.09.2017 so that they can get EODC. During hearing, it was clearly explained by them that these shipping bills have not been used for fulfillment of EO in AA dated 17.12.2015

Decision: The Committee heard the case on the basis of justification submitted by the applicant and discussed the matter at length and noted that there is merit in firm's contention and there appeared to be a genuine mistake. Therefore, the Committee decided to consider the export made under 2 Shipping Bills No.1524850 dated 13.12.2017 and 1526986 dated 13.12.2017 towards fulfillment of EO against Advance Authorization No.0510404000 dated 13.09.2017 instead of Advance Authorization No.0510396649 dated 17.12.2015, indicated in these s/bills, subject to following conditions:

i. RA shall ensure that above shipping bills has not been taken into account in any other advance authorization for discharge of export obligation.
ii. RA shall also ensure that export product of both the authorizations are same.
iii. Composition fee of Rs.200/- per shipping bill shall be imposed.
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 shipping bills towards fulfilment of EO against Advance Authorisation No.0510404000 dated 13.09.2017.

(Action: Applicant/CLA-New Delhi)

PH Case No. 09 M/s. D D International Pvt. Ltd., Amritsar
F. No. 01/60/162/605/AM18/PRC, 01/60/162/604/AM18/PRC, 01/60/162/606/AM18/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of 3 post export DFIA No.1210008584 dated 02.04.2013, 1210009217 dated 28.10.2016 and 1210008540 dated 22.07.2016 issued under FTP 2009-14 according to FTP 2015-20 and allow transferability after applying late cut provisions as per para 9.03 of HBP 2015-20.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However, firm vide mail dated 12.07.2021 requested to defer as the person concerned is not well. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 10 M/s. Hia Export, Mumbai
F. No. 01/60/162/51/AM21/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Replenishment of Gold under appendix – 4(0).

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However, firm vide mail dated

12.07.2021 requested to reschedule /defer as the concerned person is out of station. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 11 M/s. M. M. Aqua Technologies Ltd., Gurgaon
F. No. 01/60/162/297/AM16/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Permission for acceptance of supply under Deemed export effected vide E-Com Ref Number which has been finally ratified by E.com file Number and issuance of Authorization No.0510212822 dated 30.11.2007 and withdrawal of DEL status in spite of submission of documents in terms of para 4.25 of HBP.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Madan Mohanka, Chairman and Shri Sunil Goyal, Consultant, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.09/AM21 dated 28.08.2020 (Case No.10), wherein the Committee did not agree to the request of the firm. The applicant stated that they had started deemed export supplies under E com reference number # 05/90/000/24100/0095/5394 dated 26.02.2006 before the generation of file number #05/24/040/00644/AM08 dated 12.11.2007 and issue of Advance Authorization No.0510212822 dated 30.11.2007. They were not able to complete Advance License application submission process including submission of application fee, as the DGFT online system was not allowing further processing as their company at that time was under DEL due to non-submission of documents regarding fulfilment of EO against some previous Advance License issued to them. Thus no file number was generated for their online application. The said E com reference number and advance License No.0510212822 dated 30.11.2007 is mentioned in each invoices submitted to the CLA, New Delhi for redemption of their advance license. They had subsequently submitted their export document as proof of fulfilment of Export obligation against other previous license and the same were re-deemed and their company was removed from DEL and they were able to complete the application process and a file number was generated after a gap of 21 months after the generation of E Com Number. They had recently made 02 applications under MEIS scheme for the physical exports made by them and have been allotted E com reference number (1) 02/90/000/24100/0592/8291 and (2) 05/90/000/24100/0592/8331. The fees for these application have also been paid but the DGFT online system did not generate the file number with the error code that further process cannot be completed as the firm is under DEL. This is affecting their exports since they are not able to get raw material required for their exports at international price and also avail any export incentives permitted by the Government. They have fulfilled the export obligation against the said license and should not be penalized for a technical error due to the DGFT online system and the same was not their fault.

Decision: After having reviewed and heard the case on the basis of justification furnished by the firm, the Committee observed that there is no merit in firm's contention and hence decided to maintain rejection of the earlier decision of PRC in its Meeting No.13/AM16 dated 03.11.2015 (Case No.21) and 09/AM21 dated 28.08.2020 (Case No.10).

(Action: Applicant)

PH Case No. 12 M/s. Mylan Laboratories Limited, Hyderabad
F. No. 01/60/162/588/AM20/PRC
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of 23 FMS / FPS / SFMS / MLFPS scrips used for payment of service tax under Reverse Charge Mechanism (RCM) during the period July 2013 to March 2014.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Rahul Khurana, Partner, Ms. Akanksha Dikshit, Associate and Shri Bellam konda Chandra Sekhar, Senior Manager, appeared on behalf of the firm and made the following submissions:

This is defer case of PRC Meeting No.03/AM22 dated 16.06.2021 (Case No.12), wherein the Committee defer the case as no one appeared for PH. The applicant stated that referring to the captioned Minutes of PRC Meeting dated 11.02.2020, wherein the, DGFT had directed the company to obtain the scrips from the Customs concerned, along with a recommendation from them to re-credit the value of scrips. In this regard, they have filed several representations with the Service Tax Department, who have the original scrips in their custody, requesting them to return the same. They have filed in recent letter dated 12.11.2020 with the Service Tax Department, specifically stating that, as significant time has already elapsed and the Company is required to revert to the PRC with the original scrips and if no response is received within a period of 15 days, the Company will have no option but to proceed on the basis that the scrips are not traceable. However, as on date, the Service Tax Department has neither returned the original scrips nor reverted to the Company's letter.
Considering this, the Company for no fault of its own is facing genuine hardship and adverse impact on the businesses. Hence, requested for revalidation of the subject duty credit scrips or alternately issue them a new scrip of the same value i.e.Rs.8,49,58,198/- to avoid double loss to the company.

Decision: The Committee heard and examined the case on the basis of submission made by the firm and discussed the matter at length. It observed that original scrips are required to be submitted and examined in this case. The Committee noted that the applicant has not submitted any cogent reason/ justification in support of any genuine hardship faced by them. Therefore, the Committee found no merit in it and hence decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 13 M/s. Hindustan Mint and Agro Products Pvt. Ltd., Chandausi (UP)
F. No. HQRPRCAPPLY00071902AM21
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of 2 FPS Scrip No.2919009658 dated 27.12.2017 and 2919009659 dated 27.12.2017.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021. However, firm vide mail dated 12.07.2021 requested to defer as the concerned person is unwell. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 14 M/s. Sumilon Industries Pvt. Ltd., Surat
F. No. HQRPRCAPPLY00072666AM21
Meeting No.06/AM22 held on 13.07.2021

Subject: Extension of EOP and waiver from payment of penalty and composition fees against Advance Authorisation No.5210041367 dated 30.12.2014.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 13.07.2021, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 15 M/s. R R Kabel Limited, Mumbai
F. No. HQRPRCAPPLY00073153AM21
Meeting No.06/AM22 held on 13.07.2021

Subject: To allow EODC for the exports for supplies made to SEZ against form ARE-1 instead of Bill of export against Advance Authorisation No.0310753587 dated 14.10.2013.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Santosh Jadhav, Deputy Manager and Ms. Jyoti Patil, Assistant Manager, appeared on behalf of the firm and made the following submissions:

The applicant stated that they had submitted their application for redemption to RA. However, they have received deficiency letter dated 22.10.2020 asking them to obtain relaxation from PRC, for the reason that the exports in discharge of export obligation were made to SEZ against Form ARE-1 instead of Bill of Export, as required under FTP/HBP. They are seeking relaxation of para 4.21 (v) of FTP and para 4.47 of HBP read with Form ANF 4F, which require submission of bills of export, for the reason that on the issue of submission of Form ARE-1 instead of Bill of Export for supplies made to SEZ. The Hon'ble Bombay High Court has in the case of L&T Ltd v UOI-2018 (360) ELT 289 (Born) has held that when exports stand proved by Form ARE-1, Non-filing of Bill of Export is a mere procedural / technical lapse which needs to be condoned. The said decision has been upheld by the Hon'ble Supreme Court by its Order dated 08.04.2019. In the circumstances, if disallowed, it would cause genuine hardship to them and have adverse impact on their trade by exporting them to duly liability despite their having discharged EO under the said advance authorisation. It is settled low that substantive benefit of the Export should not be denied for procedural reason.

Decision: The Committee heard and examined the statement made by the firm and discussed the matter at length. The Committee observed 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, the Committee decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 16 M/s. R R Kabel Limited, Mumbai
F. No. HQRPRCAPPLY00087159AM21, HQRPRCAPPLY00087192AM21, HQRPRCAPPLY00087193AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: To allow EODC for the exports for supplies made to SEZ against form ARE-1 instead of Bill of export against 1 Advance Authorisation No.0310723580 dated 11.02.2013 clubbing with 3 other Advance Authorisation No.0310743980 dated 02.08.2013, 0310723564 dated 11.02.2013 and 0310728512 dated 18.03.2013.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Santosh Jadhav, Deputy Manager and Ms. Jyoti Patil, Assistant Manager, appeared on behalf of the firm and made the following submissions:

The applicant stated that their application for clubbing of Advance Authorization No.0310723580 dated 11.02.2013 with three other Advance Authorization No.0310743980 dated 02.08.2013, 0310723564 dated 11.02.2013 and 0310728512 dated 18.03.2013 is not being allowed on the ground that in respect of Advance Authorisation No.0310723580 dated 11.02.2013, the exports in discharge of EO have been made to SEZ against Form ARE-1 instead of Bill of Export. They are seeking relaxation of para 4.21 (v) of FTP and para 4.47 of HBP read with Form ANF-4f, which require submission of bills of Export, for the reason that on the issue of submission of Form ARE-1 instead of Bill of export for supplies made to SEZ, the Hon'ble Bombay High Court has in the case of Larsen and Toubro Ltd v UOI-2018 (360) ELT 289 (Bom) has held that when exports stand proved by Form ARE-1, non-filing of bill of Export is a mere procedural technical lapse which needs to be condoned. The said decision has been upheld by the Honble Supreme Court by its order dated 08.04.2019. In the circumstances it would cause genuine hardship to them of their application for clubbing is disallowed on the ground that for one Advance authorization exports were made to SEZ against form ARE1 instead of bill of Export. It is settled law that substantive benefit of the exports should not be denied for procedures reason. Hence requested for relaxation of para 4.21 (v) of FTP and para 4.47 of HBP read with Form ANF-4f and that their application for clubbing and consequent redemption may be allowed.

Decision: The Committee heard and examined the statement made by the firm and discussed the matter at length. The Committee observed 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, the Committee decided to reject the request of the firm.

(Action: Applicant)

PH Case No. 17 M/s. Geltec Private Limited, Mumbai
F. No. HQRPRCAPPLY00079075AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: Extension in EOP against Advance Authorisation No.0310823881 dated 19.09.2018.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Santosh Bobhate, Head Group Logistics, appeared on behalf of the firm and made the following submissions:

The applicant stated that they had had made import against the subject advance authorization, but due to pandemic situation, they could not make exports against the same with stipulated time period. They got first extension up to 18.09.2020 by virtue of PC No.35/2015-20 dated 23.04.2020 (Covid Extension) then again extended up to 18.03.2021, but could not achieve 50% export within this extended period. Further stated that the imported material is required for export of FG as per the license to their customer M/s Osotspa Public Company Limited, Bangkok, Thailand. But due to adverse market condition followed by Covid-19 pandemic situation they could not generate enough export orders. They have export order with them and they assure within six months they are able to make complete exports. They are also expecting few more orders and very much confident that with these new orders they will definitely able to fulfill their balance EO against the said advance authorization.

Decision: The Committee heard the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic firm has faced the problem which was beyond their control and decided to allow EOP extension of Advance Authorizations No.0310823881 dated 19.09.2018 for a further period of 6 months from the date of endorsement subject to payment of composition fees @0.5% per month on the unfulfilled FOB value, 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. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

PH Case No. 18 M/s. Bombay Fruits and Vegetables Import Export Private Limited, Mumbai
F. No. HQRPRCAPPLY00078697AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: Condonation of delay filing TMA Application for the period June, 2019 to September, 2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Ms. Swati Buchia, and Shri Rajen Shah, Authorised Representatives, appeared on behalf of the firm and made the following submissions:

The applicant stated that they are exporting agri products i.e. particularly Fruits and Vegetables. As per Notification No.17/03/2018–EP(Agri-iv) dated 17.03.2020, there is enough of time for physical submission for TMA application for the period June, 2019 to September, 2019. But they are located in Mumbai which were worst affected of Covid-19, and till date the local train are not operating. They have different age staff and some of them there not allowed to travel and come to office, at the same time their volume of exports are also high which require lots of details to compile and feed online with ITCHS code, which was difficult in that time. There are total 116 shipping bills. Inspite of unforeseen situation and challenging time they could file the application on 01.10.2020 but the same was not accepted and considered as time barred. They are exporting fresh fruits and vegetables, which always require refrigerated container and it has a huge cost, which they always consider in their exports that they are going to be compensated by the government, and based on that only they could extend the business to their small farmers and horticulture growers.

Decision: The Committee heard the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly decided to accede to the request for condonation of delay in submission of TMA application for the period June 2019 to September 2019. The firm shall approach RA concerned within 60 days of the uploading of the minutes of meeting.

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

PH Case No. 19 M/s. Surya Roshni Limited, New Delhi
F. No. HQRPRCAPPLY00079060AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of 2 DFIA No.0510411152 dated 04.07.2019 and 0510411153 dated 04.07.2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Pawan Jain, Manager, appeared on behalf of the firm and made the following submissions:

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The applicant stated that they manufacture not only across the country but globally as well. However, due to Covid-19, their manufacturing activities abruptly came to grinding halt due to imposing lockdown and similar kinds of the restrictions in many countries where the said products are being manufactured, thus leading to defaults in deliveries by the suppliers. They had entered into a contract of supply against the DFIA and the supplier has refused to supply the goods on time and has asked for an extension to complete the supply. Subsequently they also tried to sell the said DFIA, but were unable to do so, as there is no major import owing to Covid restrictions, which has created a shortage of supply of HR Coils. The contract for the supply of the HR coils against the said DFIA's was defaulted by the supplier, who has now asked for the extension of the contract fulfilment period. Thus, they were unable to utilise the said DFIA scrips.
The unprecedented situation of a global pandemic has also caused a sharp decline in domestic demand from the manufacturing sector which eventually resulted into the acute recession in the economic activities and importation was also adversely hit by the reason. This has made them impossible to find any buyer to transfer the subjected license and as of now the demand of the DFIA is still subject to the restoration of the industrial manufacturing activities after relaxation in the lockdown restriction. Most of the steel products are imported form Republic of China and hostile relationship with said country in the recent period deeply impacted the Indian importers who reluctantly reviewed the import orders and deferred the importation in view of uncertainty of the trade in future in such persisting adverse conditions.

Decision: The Committee heard and examined the case on the basis of submission made by the firm and discussed the matter at length. It observed that firm has already obtained one covid related revalidation till January 2021. Hence it found no merit in the request and decided to reject it.

(Action: Applicant)

PH Case No. 20 M/s. Surya Roshni Limited, New Delhi
F. No. HQRPRCAPPLY00016323AM22,
Meeting No.06/AM22 held on 13.07.2021

Subject: Revalidation of DFIA No.0510411447 dated 06.08.2019.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Pawan Jain, Manager, appeared on behalf of the firm and made the following submissions:

The applicant stated that they could not have been used the above said license within its validity period due to lockdown restriction imposed in view of Covid-19 pandemic, because of the complete industrial manufacturing activates came to grinding halt which resulted into recession in the economy and import of steel products were hit badly due to the decline in domestic demand. In such unprecedented situation, it had become impossible to use / sell the subjected license. The reasons for the request are; (i) The Industrial Manufacturing activates not only across the country but globally as well, abruptly came to grinding halt due to imposing lockdown and similar kinds of the restrictions in many countries where the said Product are being manufactured, thus leading to defaults in deliveries by the suppliers. (ii) Sharp decline in domestic demand from the manufacturing sector due to unprecedented situation which eventually resulted into the acute recession in the economic activates and importation was also adversely hit by this reason. (iii) Most of the steel products are imported from people republic of china and hostile relationships with said country in the recent period deeply impacted the Indian importers who reluctantly reviewed the import orders and deferred the importation in view of uncertainty of the trade in future in such persisting adverse conditions. (iv) Validity of DFIAs (including transferable DFIAs) for which import date was expired up to 31.07.2020 was extended by 6 months vide Notification No.57/2015-20 dated 31.03.2020, but no extension was granted for DFIA License which expiring after 31.07.2020. In spite of the fact that the Global economy is not full came out form pandemic Covid-19 and no improvement in the present global as well as domestic trade condition. This has made it impossible to import against the license and as of now the demand of the DFIA is still subject to the restoration of the industrial manufacturing activates after relaxation in the lockdown restriction.

Decision: The Committee reviewed and heard the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly decided to accede the request of the firm and allowed revalidation of DFIA No.0510411447 dated 06.08.2019 for a further period of 6 months from the date of endorsement. The firm shall approach RA concerned within 30 days of the uploading of the minutes of meeting.

(Action: Applicant/CLA-New Delhi)

PH Case No. 21 M/s. Phoenix Lamps Limited, Noida
F. No. HQRPRCAPPLY00077137AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: To allow MEIS benefit against 2 Shipping Bill No.(i) 0020540 dated 23.11.2016 and (ii) 0021535 dated 07.12.2016.

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Ms. Priyanka Vaish, Authorised Representative, appeared on behalf of the firm and made the following submissions:

The applicant stated that they M/s. Phoenix lamps Limited (presently known as M/s. Suprajit Engineering Limited) is a SEZ unit under NSEZ Noida. They have applied for MEIS authorization against the 3 Shipping Bill No.(i) 0020540 dated 23.11.2016 INNDA6 2885991.00 41/21/090/80248/AM18 (ii) 0021535 dated 07.12.2016 INNDA6 4197947.00 41/21/090/80240/AM18 and (iii) 0005611 dated 03.04.2017 INNDA6 2470175.00 41/21/090/80741/AM18. They submitted the above mentioned file for the MEIS claim but after submission, they came to know that there was a clerical error in the file against the above stated shipping bills. So, they requested the NSEZ department to grant them non-utilisation letter against them and the NSEZ department had issued the non utilization certificate. Further, they had submitted the non-utilization certificate along with covering letter in DGFT head office requesting them to release the said 3 shipping bills. The DGFT office released only one of the three shipping bill i.e. 0005611 dated 03.04.2017 which they have filed again and received the MEIS claim, but when the remaining two shipping bills were released but they got time barred because of delay by DGFT office due to Covid-19 pandemic and they are unable to claim the MEIS on these remaining two shipping bills. Hence, requested to consider these 2 Shipping Bill No.0020540 & 0021535 and allow them to file the claim again and grant them the duty scrip.

Decision: The Committee went through the submission made by the firm and discussed the matter at length and it decided to refer the issue to **EDI-Division** for its examination and resolution.

(Action: Applicant/EDI-Division)

PH Case No. 22 M/s. OM Shree International Pvt. Ltd., Mumbai
F. No. HQRPRCAPPLY00080783AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: Condonation of delay in filing TMA Application

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Dharmesh Mistry, Authorised Representative, appeared on behalf of the firm and made the following submissions:

The applicant stated that in the last 10 months, the Covid-19 situation has brought innumerable challenges to the export industry like supply-chain disruptions, labour shortage, increased costs of ocean freights, and shortage of containers. Despite these many issues, they have tried their best to sustain their economy growth by continuously executing export orders. However, due to restriction on the local railway trains in Mumbai, many of their staff members are unable to attend the office. This has caused a challenging scenario for exporters like them that are trying to capture, upload and prepare TMA application for each container exported. Hence, requested to allow filing of TMA application for the period (1) 01.07.2019 to 30.09.2019, (2) 01.10.2019 to 31.12.2019.

Decision: The Committee heard and examined the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly decided to accede the request for condonation of delay in submission of TMA application for the period 01.07.2019 to 30.09.2019 and 01.10.2019 to 31.12.2019. The firm shall approach RA concerned within 60 days of the uploading of the minutes of meeting.

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

PH Case No. 23 M/s. Ankai International Private Limited, Mumbai
F. No. HQRPRCAPPLY00081429AM21,
Meeting No.06/AM22 held on 13.07.2021

Subject: Condonation of delay in filing TMA Application

The applicant had sought personal hearing in terms of Para 2.59 of FTP-2015-2020, which was afforded on 13.07.2021. Shri Dharmesh Mistry, Manager - Operation, appeared on behalf of the firm and made the following submissions:

The applicant stated that in the last 10 months, the Covid-19 situation has brought innumerable challenges to the export industry like supply-chain disruptions, labour shortage, increased costs of ocean freights, and shortage of containers. Despite these many issues, they have tried their best to sustain their economy growth by continuously executing export orders. However, due to restriction on the local railway trains in Mumbai, many of their staff members are unable to attend the office. This has caused a challenging scenario for exporters like them that are trying to capture, upload and prepare TMA application for each container exported. Hence, requested to allow filing of TMA application for the period (1) 01.04.2019 to 30.06.2019, (ii) 01.07.2019 to 30.09.2019 and (3) 01.10.2019 to 31.12.2019. Hence, requested to consider and extend the application deadline for the above mentioned quarters /periods to benefit a pressurized export industry.

Decision: The Committee heard and examined the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee observed that due to COVID-19 Pandemic, the firm has faced the problem which was beyond their control and accordingly decided to accede the request for condonation of delay in submission of TMA application for the period 01.04.2019 to 30.06.2019,01.07.2019 to 30.09.2019 and 01.10.2019 to 31.12.2019. The firm shall approach RA concerned within 60 days of the uploading of the minutes of meeting.

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

PH Case No. 24 M/s. Gold Plus Glass Industry Limited, New Delhi
F. No. HQRPRCAPPLY00116802AM22
Meeting No.06/AM22 held on 13.07.2021

Subject: (i) To allow export under 5 Licenses beyond 12 years (by 3 years) to fulfill obligation. The Company shall be depositing 50% of Duty saved / Composition fee. (ii) To allow exports made between 8 to 12 years for Redemption of 8 Licenses. (iii) To allow condonation of procedural lapse for considering SEZ exports in 8 Licenses. (iv) To withdraw investigation initiated by DRI. (v) To remove the name of the company from Denied Entity List

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.06.2021, Shri Subhash Tyagi, Chairman and Shri Tarun Jain, CFO, appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.04/AM22 dated 28.06.2021 (Case No.30), wherein the Committee decided to defer the case for further detailed examination in the matter. The applicant stated that they have obtained 33 EPCG licenses for importing machines for commencing production of line 1 at Roorkee plant in 2009. The company is under the obligation to export equivalent to the amount of 8 times of the duty saved against the said import. The company has made exports outside country to Nepal and other neighbouring countries and also to SEZ units in India to

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fulfill EO. However they had shortfall of export of about Rs.58.31 Crores against the EO of Rs.258.29 Crores as on date. Due to the ongoing economic slowdown and the outbreak of COVID-19 pandemic, they are struggling to cope with the situation in the wake of an unprecedented demand shock and to sustain in this ongoing economic scenario. Because of the lockdown, they had lost 90% of the export orders and suffered huge losses. However, they are making all round efforts to export continuously. They are facing stiff competition from imports and suffered huge losses in past.

The details of licenses are as below:
<u>List of Licenses for extension required for 3 years (beyond 12 years)</u>
(i) 0530146540 dated 30.06.2008, (ii) 0530146692 dated 16.07.2008
(iii) 0530146782 dated 30.07.2008 (iv) 0530146894 dated 13.08.2008
(v) 0530146074 dated 02.05.2008
<u>List of licenses for redemption for exports made between 8 to 12 years</u>
(i) 0530149401 dated 15.07.2009, (ii) 0530147813 dated 24.11.2008,
(iii) 0530146047 dated 30.04.2008, (iv) 0530151405 dated 02.03.2010,
(v) 0530146202 dated 23.05.2008, (vi) 0530147044 dated 01.09.2008,
(vii) 0530146074 dated 02.05.2008, (viii) 0530156887 dated 08.11.2011
<u>List of licenses for condonation of procedural lapse for considering SEZ exports</u>
(i) 0530147890 dated 04.12.2008, (ii) 0530147846 dated 28.11.2008,
(iii) 0530147234 dated 18.09.2008, (iv) 0530146778 dated 30.07.2008,
(v) 0530148327 dated 02.02.2009, (vi) 0530144915 dated 05.11.2007,
(vii) 0530147287 dated 23.09.2008, (viii) 0530156887 dated 08.11.2011

<u>Decision</u>: The Committee heard and went through the submission made by the firm along with the earlier decision taken by the Committee in its Meeting No.01/AM19 dated 03.04.2018 (Case No.24). It observed that in view of comments of DoC and DoR at that time and customs duty levied by Nepal customs, it has already been decided to allow relaxation of Para 2.52 and Para 5.01 of FTP in case of EPCG authorizations of this firm subject to certain conditions. After discussing the matter at length, the Committee further decided the following:-

(1) EOP extension allowed up to 17.06.2021 (i.e. date of PRC application) only against 3 EPCG Authorisation No.(i) 0530146540 dated 30.06.2008, (ii) 0530146692 dated 16.07.2008 and (iii) 0530146074 dated 02.05.2008 for regularization of export already made. The Committee did not accept the request of the applicant to allow EOP extension of 2 EPCG Authorisation No.(i) 0530146782 dated 30.07.2008 and (ii) 0530146894 dated 13.08.2008.

(2) EOP extension allowed up to 12 years from the date of issue of Authorisation against 8 EPCG Authorisation No.(i) 0530149401 dated 15.07.2009, (ii) 0530147813 dated 24.11.2008,(iii) 0530146047 dated 30.04.2008, (iv) 0530151405 dated 02.03.2010,(v) 0530146202 dated 23.05.2008, (vi) 0530147044 dated 01.09.2008,(vii) 0530146074 dated 02.05.2008, (viii) 0530156887 dated 08.11.2011 only for regularization of export already made.

(3) The Committee did not agree with the request of the applicant to allow condonation of procedural lapse for considering SEZ export against 8 EPCG Authorisation No.(i) 0530147890 dated 04.12.2008, (ii) 0530147846 dated 28.11.2008,(iii) 0530147234 dated 18.09.2008, (iv) 0530146778 dated 30.07.2008,(v) 0530148327 dated 02.02.2009, (vi) 0530144915 dated 05.11.2007,(vii) 0530147287 dated 23.09.2008, (viii) 0530156887 dated 08.11.2011.

(4) The Committee observed that the request of the firm to withdraw investigation initiated by DRI and to remove the name of the company from Denied Entity List (DEL) is not a case of any policy relaxation. Firm shall approach concerned authorities in the matter.

The above EOP extension is allowed only for regularization purpose subject to the following conditions:-

i. Firm shall pay 50% of duty payable in proportion to the unfulfilled export obligation on the date of expiry of original/extended EOP.
ii. All shipping bills need to contain EPCG Authorization number and none of the shipping bills should be a free shipping bill.
iii. SEZ export made without bill of export shall not be considered toward fulfillment of EO of above EPCG Authorizations.

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

(Action: Applicant /CLA, New Delhi)

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