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Directorate General of Foreign Trade
(PRC Section)

Minutes of the Policy Relaxation Committee Meeting Held on 28.08.2020 under the Chairmanship of Shri Amit Yadav, Director General of Foreign Trade

Meeting No.09/AM21 held on 28.08.2020

The following members were present in the meeting:

1. Shri R.P. Goyal — Addl. DGFT
2. Shri Vijay Kumar — Addl. DGFT
3. Shri S.B.S. Reddy — Addl. DGFT
4. Shri Satyan Sharda — Addl. DGFT
5. Shri Hardeep Singh — Addl. DGFT
6. Shri Anil Aggarwal — Addl. DGFT
7. Shri Rajbir Sharma — Jt. 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. Bawa Fishmeal & Oil Co., Mangalore	1
2.	M/s. Ambadi Enterprises Limited, Chennai	2
3.	M/s. Sartorius Stedim India Pvt. Ltd., Bangalore	3
4.	M/s. Fitex Industries Limited, Ludhiana	4
5.	M/s. Manjeet Hotels Pvt. Ltd., Mumbai	5
6.	M/s. Sun Group Enterprises Pvt. Ltd., Gurgaon	6
7.	M/s. Ring Plus Aqua Limited, Maharashtra	7
8.	Shri Viveck Goenka, Mumbai	8
9.	M/s. Prayag Polytech Pvt. Ltd., HR	9
10.	M/s. M M Aqua Technologies Ltd., Gurgaon	10
11.	M/s. Salcomp Manufacturing India Pvt. Ltd., Chennai	11
12.	M/s. Cabcon India Limited, Kolkata	12
13.	M/s. R R Kabel Ltd., Mumbai	13
14.	M/s. Agog Pharma Limited, Mumbai	14
15.	M/s. Majestic Basmati Rice Pvt. Ltd., Mandideep (MP)	15

PH Case No. 01 M/s. Bawa Fishmeal & Oil Co., Mangalore
F. No. 01/60/162/806/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Extension in EOP of Advance Authorization No.0710111670 dated 26.05.2017 and exemption from payment of fee for extension in EOP.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.08.2020, Shri Riaz Bawa, Managing Director appeared on behalf of the firm and made the following submissions:

This is the case wherein PRC had asked for a personal hearing in its meeting No.33/AM20 dated 03.03.2020 (Case No.14). The applicant stated that they have obtained above advance authorisation from RA, Bangalore under No Norms Category and have imported raw material against this authorisation vide Bill of Entries No.2410526 dated 11.07.2017 and 3824208dated 31.07.2017. However, within two months of their 2nd import, office of AQCS Chennai vide their letter dated 11.12.2017 directed them to move the cargo of imported consignment back to Customs Authorities for re-export/destruction on the ground that the imported cargo does not comply with Notification No.11 dated 23.04.2013 issued by DGFT. They had explained vide letter dated 17.12.2017 that their case is not covered the rule referred by them. However, they did not agree and directed them to comply with their instruction vide letter dated 24.02.2018. ACQS did not withdraw the instructions of moving back the consignment to Customs Authorities till date under these circumstance they had no option but not to process the imported raw material export and to wait for fixation of norms. After regularly following up with DGFT office for expeditious fixation of norms, the norms were fixed only on 30.05.2019 but by this time the normal export obligation period including the permissible extension therein allowable by RA has already expired. Initial EO period for this authorization was valid upto 26.11.2018 which was extendable by RA upto 26.05.2019. It is due to this reason they could not export against this authorisation within the normal EO period including the permission extension therein. After the fixation of norms, they processed the import raw material into export product but since export obligation period has already expired, Customs Authorities refused to allow export against this authorisation until and unless the E.O. period is extended and is valid on the date of actual export. Now export product is ready for export and looking into the specified circumstances of the matter as a special case and requested for extension of EOP up to six months from the date of grant of extension in EOP.

Decision: The Committee heard the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee decided to allow EOP extension of Advance Authorization No.0710111670 dated 26.05.2017 for a period of 6 months from the date of endorsement subject to payment of composition fee @ 1% per month of the extension periodgranted, on the unfulfilled FOB Value. The firm shall approach RA concerned within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Bangalore)

PH Case No. 02 M/s. Ambadi Enterprises Limited, Chennai
F. No. 01/60/162/291/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Relaxing the condition of Appendix 30A and 4J and EOP extension against Advance Authorization No.0410159911 dated 19.12.2014.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.08.2020, but no one appeared on behalf of the firm. The Committee decided to defer the case.

(Action: Applicant)

PH Case No. 03 M/s. Sartorius Stedim India Pvt. Ltd., Bangalore
F. No. 01/60/162/19/AM18/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Condonation of non-filling of bill of exports against Advance Authorization No.0710073648 dated 17.08.2010.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.08.2020.ShriPrashanthBhat, Authorised Representative appeared on behalf of the firmand made the following submissions:

This is the review case of PRC Meeting No.12/AM18 dated 08.08.2017 (Case No.25). The applicant has stated that they had applied for an advance authorisation on self-declaration basis under Para 4.7 of FTP for import of raw material and components which are required for executing an SEZ exports other from M/s Biocon Biopharmaceuticals Private Limited SEZ unit Bommasandra – Jigani link Road Jigani Bengaluru and accordingly they were issued with the authorisation quoted above. They had claimed the input consumption on self-declaration basis. Based on the above said authorisation, they imported the components and used the same and other inputs in the manufacture of their export products – Stainless Steel Boreactor 2KL. They have also realised the full export proceeds towards the said SEZ exports and with this, they had fulfilled the export obligation of the subject authorisation.Consequent to supply of the manufactured goods mentioned above to their customer located in SEZ and EOU and after realizing the proceeds towards the said supplies, they approached RA, Bangalore for seeking closure of the subject advance authorisation.In response RA, Bangalore sought certain details and raised deficient memo. They replied to the deficiency memo vide their letter dated 27th September 2013. Thereafter it was in August 2015 that they received another D/L from RA, Bangalore asking for submission of Original Bill of Export, input declaration duly certified by SEZ authority. They offered their reply to the said D/L vide their letter dated 07.09.2015. They wish to confirm that AA Number was mentioned in Invoice. Invoice number was mentioned in ARE-1. It proves the nexus between the goods imported under Advance authorisation and resultant product exported to SEZ unit. They had exported the finished goods manufactured using goods imported. They had not filed the bill of exports. The consumption certificate was duly certified by Chartered Accountant. Advance Authorisation details is indicated in ARE-1 and sale invoice.

Decision: The Committee reviewed the case on the justification submitted by the applicant and discussed the matter at length. The Committee observed that submission of Bill of Export in case of SEZ supply is mandatory and applicant has not submitted any cogent reason/ justification in support of their claim. Accordingly, the Committee decided to maintain the earlier decision of PRC Meeting No.12/AM18 dated 08.08.2017(Case no.25).

(Action: Applicant)

PH Case No. 04 M/s. Fitex Industries Limited, Ludhiana
F. No. 01/60/162/85/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Condonation of procedural lapse of not mentioning the advance authorization number and date in 10 shipping bills towards fulfillment of EO of Advance Authorization No.3010061221 dated 11.05.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.08.2020.ShriShitalParkash, Director appeared on behalf of the firm and made the following submissions:

This is review case of PRC Meeting No.09/AM20 dated 25.06.2019 (Case No.31) and 26/AM20 dated 07.01.2020 (Case No.22). The applicant stated that in the 6 Shipping bills the Advance Authorisation has been mentioned for 266.905 MT 31.66%. Another 7 Shipping bills for total quantity of exports for 412.195MT contains a declaration of claiming benefits of Chapter 3 of FTP. On these 7 Shipping bills ARE-1 form also contains advance authorization number. As such these shipping bills do not fall under the category of Free Shipping bills but export incentive Shipping bills. Further, another 3 shipping bills for total quantity of export 164.065 MT also contains a declaration of claiming benefits of Chapter -3 of FTP As such these Shipping bills do not fall under the category of free Shipping bills but Export incentive Shipping bills. Since all the above 10 Shipping bills contains the endorsement of declaration of Chapter 3 benefit, their request is to allow consideration for fulfillment of export obligation against advance authorisation No.3010061221 dated 11.05.2009.

Decision: The Committee heard and reviewed the case on the basis of justification submitted by the applicant and discussed the matter at length. The Committee noted that the Shipping Bills does not contain the advance authorization number, which is mandatory towards fulfillment of export obligation. Accordingly, the Committee decided to maintain the earlier decision of PRC Meeting No.09/AM20 dated 25.06.2019 (Case No.31) and 26/AM20 dated 07.01,2020 (Case No.22). The applicant is directed to 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: RA, Ludhiana: if the applicant fails to get the case regularized within a month from the date of uploading of these minute on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated/Applicant)

PH Case No. 05 M/s. Manjeet Hotels Pvt. Ltd., Mumbai
F. No. 01/60/162/225/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Re-fixation of average EO in view of termination of license of Celebration Lounge at Chatrapati Shivaji International airport against 2 EPCG

Authorization No.0330018138 dated 19.11.2007 and 0330019008 dated 11.02.2008.

Decision: The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 28.08.2020. The applicant vide mail dated 28.08.2020 intimated that due to high number of COVID cases in office vicinity of the party, they are not able to access/approach and provide instruction for the hearing scheduled and requested for adjournment and fix another new date. Accordingly, the Committee decided to defer the case.

(Action: Applicant)

Case No. 06 M/s. Sun Group Enterprises Pvt. Ltd., Gurgaon
F. No. 01/60/162/68/AM21/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: To allow filing of SEIS application for the Financial Year 2016-17 electronically or manually.

The applicant stated that the due date of submitting SEIS application for FY 2016-17 was 30.06.2020. Thus, to meet the deadline they tried to file SEIS application on the SEIS e-com portal on or before 30th June, 2020. However, at the time of creation of e-com number (prerequisite to file the application) the portal threw an error, "task cannot be completed. Please try again" therefore, they again tried (multiple times) to create the form number to feed the details however, the portal did not process their request. The numerous logins and subsequent failures can also be cross verified by the department internally. Further, they also tried to contact the department through Contact@DGFT vide reference no.140192 dated 30.06.2020 and also sent an email regarding the aforementioned issue faced by them in filing SEIS application. Also, considering COVID-19 circumstances across India, the Government is asking/ providing various relief measures for ease of doing business by Indian Companies. Hence, in light of such relief measure they would request to help them to process the application for running the business operation smoothly during this COVID-19 scenario.

Decision: The Committee went through the submission made by the firm and also observed that a total of 94 SEIS applications were submitted in DGFT web site on 30.06.2020. As such there was no issue with the DGFT website. After detailed discussions, the Committee found no merit or genuine hardship in the arguments made by the firm and hence decided to reject the request of the firm.

(Action: Applicant)

Case No. 07 M/s. Ring Plus Aqua Limited, Maharashtra
F. No. 01/60/162/97/AM21/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Relaxation of port condition for import of second hand or used vehicle allowed only through the Customs Port at Mumbai under Motor Vehicle Policy 87D 1 (d) (iv) and to clear at JNPT.

The applicant stated that due to oversight their Shipper has shipped the goods to JNPT Port though they had instructed them to ship it to Mumbai Port, which was brought to their notice only about ten days back. They tried to change the final port of discharge to Mumbai Port, which is allowed as the policy for import of second hand vehicles, but since the shipping company has no arrangement at Mumbai Port they asked them to clear it at JNPT Port only. As the consignment has already arrived at Nhava Sheva Port and cannot be transferred to Mumbai Port, they have filed Bill of Entry No.8383953 dated 05.08.2020 in order to get one time relaxation for import from Nhava Sheva Port. Hence, requested to condone the bonafide error on part of their shipper and grant them one time waiver for relaxation of port condition at the earliest to avoid heavy detention and demurrage.

Decision: The Committee having discussed the case in detail decided to allow relaxation only for port condition to import of second hand or used vehicle through Mumbai Port against Bill of Entry No.8383953 dated 05.08.2020. The other terms and conditions for import of second hand or used vehicle shall remain same as per policy/HBP provisions.

(Action: Applicant)

Case No. 08 Shri Viveck Goenka, Mumbai
F. No. 01/60/162/103/AM21/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Permission to import 06 Classic Cars by relaxing the condition (i), (ii) and (iii) of Chapter 87.

The applicant stated that he is one of the India's largest Classic and Vintage car collectors. He has won almost every award of substance in India where he has participated. The following 6 cars he has chosen to import are all classic cars and very desirable for him to add to his collection.

Sl.No.	Make of Vehicle	Model/Mfg Year	VIN/Chassis No.
01	Rolls Royce Cloud	1955	SWA120
02	Chrysler Imperial	1955	C551108
03	Cadillac Deville	1964	646267FW12540
04	Mercedes 280 S	1969	10801612019714
05	Studebaker	1962	62V17177
06	Ford Thunderbird	1962	2Y83Z116676

UAE is facing one of its worst economic crisis, and coupled with the Covid pandemic, businesses are shutting down. This has caused these 6 cars to have become available, and he doesn't want to lose the opportunity to buy them. However, as per the Condition (I),(II) and (III) of Chapter 87, the Government does permit import of classic cars manufactured till 1950. Hence, he is seeking permission for a similar, but of a later date of manufacture.

Decision: The Committee went through the justification provided by the applicant and after deliberations it decided to accede to the request of the firm to import the above mentioned 6 Classic Cars having manufacturing year after 1950, as above, by relaxing the Condition (I),(II) and (III) of Chapter 87.

(Action: Applicant)

Case No. 09 M/s. Prayag Polytech Pvt. Ltd., HR
F. No. 01/60/162/59/AM21/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: To allow Chapter-3 benefits against 14 shipping bills pertaining to the period 2016 to 2018, where BRC date is more than 180 days from the date of realization.

The applicant stated that the e-BRC was uploaded on common portal for MEIS/DGFT by banker delayed by more than 180 days due to the technical reason which is beyond their scope of control. There is delay by their banker in uploading of eBRC. Hence, requested to allow for filing of their application of pending BRC's against following 14 Shipping bills which are available but can't be used due to delay of 180 days from utilization date. The Shipping bills are: (i) 1590031 dated 13.10.2016, (ii) 3288298 dated 06.01.2017, (iii) 3478290 dated 16.01.2017, (iv) 3502177 dated 17.01.2017, (v) 3653053 dated 24.01.2017, (vi) 3653056 dated 24.01.2017, (vii) 4141184 dated 11.04.2018, (viii) 4612393 dated 08.03.2017, (ix) 5019932 dated 27.03.2017, (x) 5548152 dated 20.04.2017, (xi) 6621226 dated 08.06.2017, (xii) 8080267 dated 06.10.2018, (xiii) 8835169 dated 13.07.2016 and (xiv) 8963011 dated 20.07.2016.

<u>Decision:</u> The Committee examined the case on the basis of the statement made by the applicant and discussed the matter at length. The Committee noted that due to delay in uploading the BRC in the DGFT portal the firm has faced the problem which was beyond their control. The Committee decided to accede to the request of the firm for grant of MEIS benefit against the above 14 Shipping bills without any late cut. The firm shall approach RA within 90 days from the date of uploading of the minutes of meeting.

(Action: Applicant/CLA, New Delhi)

Case No. 10 M/s. M M Aqua Technologies Ltd., Gurgaon
F. No. 01/60/162/297/AM16/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Permission for acceptance of supply made under Deemed Export effected vide E-Com Ref number which has been finally ratified by ECOM 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 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 proper 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 fulfillment 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 fulfillment of EO 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 application 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 has also been paid but the DGFT online system is not generating the file number with the error code that further process cannot be completed as their firm is under DEL as the said deemed exports supplies are not being accepted by CLA, new Delhi. 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 EO 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: The Committee went through the statement made by the applicant and discussed the matter at length. It did not agree to the request of the firm for acceptance of supplies made to Project Authority under Deemed Export after 26.02.2006. Accordingly the committee decided to maintain the earlier decision of PRC meeting no. 13/AM16 dated 3.11.2015. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting for regularization.

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

Case No. 11 M/s. Salcomp Manufacturing India Pvt. Ltd., Chennai
F. No. 01/60/162/246/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: MEIS claim for the shipping bill without intent to claim MEIS benefit for the export pertaining from April 2015 to September 2015.

This is review case of PRC Meeting No.12/AM20 dated 16.07.2019 (Case No.10) and 03/AM21 dated 09.06.2020 (Case No.17). The applicant stated that they are an SEZ unit engaged in manufacture of electronic item viz., mobile charger and accessories from Sriperumpudur at Chennai.They have been exporting their product in the capacity of SEZ and their customs documents are being filed manually as their SEZ units customs offices are not facilitated to file EDI shipping bills. All their exporting products are eligible for Chapter 3 benefits ever since April, 2015. While filling the application for claiming MEIS benefit, they came to know that they have not mentioned the Colum "Y" or "N" and also the "Declaration of intend" as they were told by the Custom Officers by that time that there is no provisions available in the shipping bills. As per PN no. 40 dated 09th October 2015 & Public Notice no 47 dated 8th December 2015, the export effected without intend declaration on shipping bills were allowed for availing MEIS benefit up to 30.09.2015. Most of the exporters have got benefit without mentioned intend declaration for the exports affected during the said period from April 2015- September 2015. When they applied for MEIS to avail Chapter 3 benefit in MEPZ, Chennai, and all their application were rejected for want of intent declaration. In the light of the PN referred above they are entitled to claim the benefit on their exports effected till the period 30.09.2015. But all their applications were rejected by the Development Commissioner – MEPZ. They also further state that they have not done any mistake intentionally.

Decision: The Committee having reviewed and discussed the case in detail found no merit in it, hence decided to maintain the earlier decision of PRC Meeting No.12/AM20 dated 16.07.2019 (Case No.10) and 03/AM21 dated 09.06,2020 (Case No.17).

(Action: Applicant)

Case No. 12 M/s. Cabcon India Limited, Kolkata
F. No. 01/60/162/562/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Revalidation of Advance Authorization No.0210207476 dated 17.03.2017.

The applicant stated that they had obtained the subject authorization with the initial EOP of 18 months from the date of issue of the authorisation. They had been granted revalidation for a period of 6 months i.e. up to 17.09.2018 vide amendment sheet no.1 dated 05.04.2018.After expiry of EOP they have been requested to submit exports document vide letter of even no. dated 12.07.2018 by the RA. In reply vide their letter dated 29.10.2018 they had submitted the statement of supply. Thereafter, on 16.01.2019 they had submitted application for 2nd time revalidation of the authorization i.e. after expiry of 4 moths of 1sttime revalidation on 17.09.2018 along with documents towards proof of export. The subject authorization has been revalidated (2nd time) up to 17.03.2019 vide amendment sheet No.3 dated 05.03.2019and FOB & CIF Value has also been reduced vide amendment sheet No.2 dated 05.03.2019 as per documents submitted by the firm. Later, the firm vide their letter dated 19.03.2019 has requested to grant them some more times extension of validity of the authorization as they have got only 4 days time to utilise the authorization and the same was rejected by RA as there is no provision in the policy for revalidation beyond 2nd time.

Decision: The Committee having examined the statement made by the applicant in its application and report received from RA, Kolkata, it noted that there is merit in the case. The Committee decided to allow revalidation of Advance Authorization No.0210207476 date 17.03.2017 for a period of three months from the date of endorsement. The firm shall approach RA concerned within 30 days of the uploading of minutes of meeting.

(Action: Applicant/RA-Kolkata)

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Case No. 13 M/s. R R Kabel Ltd., Mumbai
F. No. 01/60/162/896/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Revalidation of Advance Authorization No.0310814941 dated 31.07.2017.

The applicant stated that they have been granted first revalidation for six months from 31.07.2018 to 31.01.2019 before 15.11.2018 they completed the exports. The value of exports achieved was higher than EO stipulated in license. Therefore on 15.11.2018, they applied for enhancement of FOB value of exports and proportion enhancement of CIF Value of imports in terms of Para 4.39 of HBP. The enhancement application was not decided before the expiry of 31.11.2019. On 27.12.2018, PN No.63/(2015-2020) was issued amending Para 4.41 © of HB giving power to Regional Authority to grant second revalidation for six months making import proportionate to export obligation already fulfilled. Since their application for enhancement was pending and was not decided, before the expiry of first revalidation (31.01.2019), they had applied on 31.12.2018 for second revalidation for six months in terms of PN No.63/(2015-2020) dated 27.12.2018. Neither enhancement was given before 31.01.2019 nor was second revalidation given. By deficiency letter dated 17.01.2020, RA has informed them that the request for second revalidation cannot be given because six months from 31.01.2019 has already expired and since license has expired enhancement of value also cannot be given. Further submitted that they had applied for enhancement on 15.11.2018 and for second revalidation on 31.12.2018, which are both well before the expiry of the first revalidation on 31.101.2019 there was therefore no lapse on their part.

Decision: The Committee examined the case in detail and in view of justification provided by the firm along with report received from RA, Mumbai, it decided to accede to the request and allowed revalidation of Advance Authorization No.0310814941 dated 31.07.2017 for a further period of 3 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. 14 M/s. Agog Pharma Limited, Mumbai
F. No. 01/60/162/379/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Extension in EOP against Advance Authorization No.0310795288 dated 13.04.2015.

Committee observed that earlier request for EO extension by the firm was considered by PRC in its meeting no. 7/AM 18 dated 31.5.2017 and 6 months time was given with composition fee. The applicant stated that due to some machine problems (major breakdown) 08.09.2016, they were not able to manufacture their Prednisolone Tablets BP 5 mg on time and due to delays their major order No.GPL/EXP/PF/06/07/2015-16 dated 01.07.2016 got cancelled. The party

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cancelled the order as they were not able to supply them goods on time. As they did not have any further order in hand they were not able to convert and export their product within the extended EOP (before 04.11.2016). Later on 10.04.2017 they received the new order in hand and used the material and export the product on 19.06.2017. They could not fulfill the balance EO of 67.08 Kg because as there was major breakdown of their plant and it took them long period to carry out the maintenance of the same. So their purchase order was pending for exports. After completion of full maintenance of their plant, it got started for production and this order was completed as per shipping bill No.6838225 dated 19.06.2017. Hence, requested for extension of EOP for regularization purpose.

Decision: The Committee examined the case in detail and in view of justification provided by the firm it decided to accede to the request and allowed EOP extension up to 30.06.2017 of Advance Authorization No.0310795288 dated 13.04.2015 for regularization of Shipping Bill No.6838225 dated 19.06.2017. It will be further subject to payment of composition fee @ 1% per month from the date of expiry of extended EOP on unfulfilled FOB value. The firm shall approach RA within 30 days from the date of uploading of the minutes of meeting.

(Action: Applicant/RA-Mumbai)

Case No. 15 M/s. Majestic Basmati Rice Pvt. Ltd., Mandideep (MP)
F. No. 01/60/162/514/AM20/PRC
PRC Meeting No.09/AM21 dated 28.08.2020

Subject: Refund of TED against invalidation of EPCG License No.1130002793 dated 14.05.2015 in favor of M/s Grain Processing Industries Pvt. Ltd., Kolkata.

The applicant stated that they had obtained the subject authorization for export of basmati rice and non-basmati rice. The authorization was invalidated in favor of M/s Grain Processing Inds. Pvt. Ltd., Kolkata for supply of capital goods as per EPCG license. The capital goods supplied by domestic supplier were inclusive of excise duty paid by them and the payment was made through normal banking channel. As per policy provision they have applied for refund of central excise duty from their RA and have given all the documents required for refund of TED. RA, Bhopal is insisting vide letter No.11/49/083/0025/AM17/899 dated 13.08.2019 to submit eBRC against 8 invoices for further processing of the case. However the EBRC has not been provided by M/s Grain Processing Inds. Pvt.Ltd.

Decision: The Committee went through the statement made by the applicant and decided to allow the refund of TED claim against invalidation of EPCG License No.1130002793 dated 14.05.2015 in favor of M/s Grain Processing Industries Pvt. Ltd., Kolkata subject to submission of the Manual BRC in the Appendix 22B and confirmation of BRC from the Bank. The Committee did not allow TED refund on the basis of bank letter dated 07.06.2019.

(Action: Applicant/RA-Bhopal)

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