MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI JAIKANT SINGH, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 1430 Hours ON 19.06.2015

Following officers attended the meeting:

a. Shri Akash Taneja, Joint Director General of Foreign Trade, DGFT
b. Shri D.K. Gupta, Director (DBK), Department of Revenue
c. Shri V.K. Kohli, Director, O/o Textile Commissioner
d. Shri K.K. Tiwari, Industrial Advisor, D/o Heavy Industry

II. Minutes of the last Meeting held on 25.05.2015 were confirmed.

III. The Committee deliberated upon all the cases and following decisions were taken:

Sl. No.	Firm's Name and Numbers	EPCG Authorisation No.	Subject	Decision of the Committee
1.	M/s Crompton Greaves Limited, New Delhi 01/36/218/177/AM-15/EPCG-I	0530143262 dated 12.03.2007 0530143893 dated 13.06.2007 0530144142 dated 18.07.2007 0530144414 dated 23.08.2007 0530144623 dated 21.09.2007 0530146946 dated 21.08.2008	Extension of block-wise EO	The Committee noted that the party has submitted the copies of CA certificates on Appendix-5C giving details of exports made by them in respect of subject authorizations. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
2.	M/s Hindustan Syringes & Medical Devices Limited 01/36/218/225/AM-14/EPCG-I	0530139025 dated 05.07.2005	Re-fixation of average EO	The Committee noted that the case was deferred in the meeting dated 19.9.2014 for further examination after obtaining details of capital goods and items of exports. The case was again taken up in the meeting held on 25.5.2015 but was deferred. The Committee observed that the firm had obtained EPCG authorization for import of capital goods viz. grinding machine, honing machine, injection moulding machine and screw compressor for manufacture of export products viz. infusion sets, scalp vein sets and blood collection sets. The party was required to fulfil specific EO of Rs. 7.67 crores and maintain average EO of Rs. 2.78 crores. The Committee noted that the party had approached RA to refix its average EO to Rs. 1.04 crores in terms of para 5.7.4 of HBP v1 2009-14 for deleting exports made by them against unredeemed EPCG authorizations. However RA asked them for details of all exports made by them under 4 digit heading of ITC (HS) 9018 and their EO was refixed at Rs. 14.18 crores.

				The party has represented that ITC (HS) 9018 is a broad heading having dissimilar items and their average EO should be refixed based on export of same and similar items only as per para 5.5. (b) of FTP 2009-14 since all items under ITC (HS) 9018 are not same and similar. The Committee observed that the technical authority viz. DIPP in its comments has clarified that ITS (HS) 9018 is a broad heading consisting of instruments and appliances used in medical, surgical, dental and veterinary sciences etc. and the function of each type of instruments/appliances is different from each other. DIPP has further clarified that the capital goods imported by the firm are general purpose and capable of producing the products being exported by the firm. The Committee decided that **RA** should take into account past exports of only same and similar items as originally submitted by the party and refix average export obligation after deleting the past exports made by the party against unredeemed EPCG authorizations.
3.	M/s Inox Wind Limited, Noida 01/36/218/220/AM-15/EPCG-I	2230001282 dated 28.01.2010	Extension of block-wise EO	The Committee noted that the case was placed before the EPCG Committee in its meeting held on 25.05.2015 and was deferred as representative of DoR requested for time to call for a report from Customs in the matter. The Committee was informed that DRI, Kolkata has booked a case against M/s Inox Wind Ltd., for non-fulfilment of Export Obligation and vide letter dated 11.06.2015 have requested not to allow extension and/or addition of additional export products to the party. The Committee observed that the export obligation period of the authorization is valid upto 27.1.2016 and party has not been able to fulfil blockwise EO. The Committee took into account the submission made by the representative of the party in personal hearing that due to recession in the international market they could not fulfil blockwise EO but now have sufficient export orders to fulfil their EO within the prescribed EO period. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14

				(c) of HBP 2015-20. This will however not eliminate the factum nor dilute the liability of the investigations initiated by DRI against the party. **This has the approval of DG.**
4.	M/s Jindal Poly Films Limited, New Delhi 01/36/218/72/AM-13/EPCG-I	0530133359 dated 27.09.2002 0530136565 dated 14.07.2004 0530140674 dated 20.03.2006	Clubbing of 3 EPCG authorizations and change the EOP to 12 years against EPCG Authorization No. 0530133359 dated 27.09.2002 as the CIF value of the Authorization was more than 100 Crore.	The Committee noted that a show cause notice from Customs was issued to party. The Committee observed that the case was placed before the EPCG Committee in its meeting held on 27.04.2015 wherein representative of the DoR stated they need to call for a report from Customs in the matter. Representative of DoR stated that the report from Customs is still awaited. The Committee, therefore, decided to **defer** the case. DOR was requested to send their comments before the next meeting of EPCG Committee.
5.	M/s Hotel Southson Pvt. Ltd., Salem 01/36/218/207/AM-15/EPCG-I	3230008236 dated 01.11.2006	Condonation of block-wise EO and extension in EOP for 2 years	The Committee noted that the party has fulfilled 83.97% EO during the EOP. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow;** a. condonation from condition of fulfillment of block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20; b. extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled EO or an enhancement in EO imposed to the extent of 10% of total EO at the choice of exporter, for each year of extension sought in terms of provisions contained in Para 5.11(a) of HBP Vol. I. 2009-14/ Para 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
6.	M/s Hemalatha Mills Pvt. Ltd., Tirupur 01/36/218/124/AM-15/EPCG-I	3230001713 dated 19.03.2003	Acceptance of documents towards the fulfillment of EO by condoning the procedural lapse of non-mentioning EPCG authorization no. and date on the ARE-3.	The Committee took into account the submission of the party that they have completed their EO within the EO period by way of Deemed Export to 100% EOU Units but could not mention the EPCG authorization no. and date on the ARE-3 Forms. The Committee deliberated upon the case and decided to **recommend to DG for**

				relaxation under Para 2.58 of FTP 2015-20 to allow condonation of the procedural lapse of non-mentioning EPCG authorization no. and date on the ARE-3 subject to verification of ARE-3 forms by the concerned Jurisdictional Central Excise Authority that the supply of goods have actually been made to 100% EOU units and certification by Jurisdictional Central Excise Authority of the recipient unit. **This has the approval of DG.**
7.	M/s Essar Steel India Limited, Mumbai 01/36/218/17/AM-16/EPCG-I	0330019642 dated 28.03.2008 0330020230 dated 05.06.2008 0330020859 dated 04.08.2008 0330021155 dated 01.09.2008 0330021505 dated 03.10.2008	Condonation of delay in installation of capital goods	The Committee took into account the submission of the party that they had obtained the installation certificate from Central Excise Authority but there was a delay in installation of the capital goods beyond 18 months due to stop work order issued by O/o Collector, Keonjhar in August, 2011 for violation of Forest Act and Executive Engineer, Keonjhar in January, 2012 directed shifting of slurry pipe lines lying along the road. The Committee noted that the party has completed their EO within time period. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of delay in installation of capital goods subject to payment of composition fee of Rs.5000/-. **This has the approval of DG.**
8.	M/s Himalaya International Limited, Delhi 18/141/AM-15/P-5	0530154643 dated 28.01.2011	Clarification regarding average EO exemption	The Committee deliberated upon the case and decided to **defer** it in order to obtain comments from the Ministry of Food Processing Industries in the matter.
9.	M/s Minda Corporation Limited, Noida 01/37/218/163/AM-15/EPCG-II	0530139571 dated 19.09.2005 0530144853 dated 24.10.2007 0530142394 dated 15.11.2006	Transfer of ownership of capital goods on the basis of Slum Sale Agreement.	The Committee observed that the said authorizations were issued to M/s Minda S.M. Technocast Ltd. and the capital goods were transferred to M/s Minda Corporation Limited on slump sale basis. The Committee took into account the submissions that vide their agreement dated 28.03.2009 between M/s Minda S.M. Technocast Ltd., (authorization holder) and M/s Minda Corporation Ltd. had undertaken/acquired all the assets and liability including statutory liability and obligation of M/s Minda SM Technocast Limited pertaining to the unit located at "GAT No.307, Hissa No.1, 2&3 Opposite Super Auto, Nanekwaid, Chaken, Talhed, Pune – 410 501. The capital goods are installed in the same premises even after the transfer of business. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** transfer of ownership of Capital Goods on the basis of slump sale

				agreement subject to: i) Submission of fresh BG/LUT Bond. ii) All the terms and conditions of the EPCG authorizations including maintenance of average EO and Specific EO will remain the same. iii) In case the transferee company exports same and similar item the transferee company would maintain average EO in addition to average EO under these licenses. **This has the approval of DG.**
10.	M/s Concast Steel & Power Limited, Kolkata 01/36/218/178/AM-15/EPCG-I	0230002601 dated 06.09.2007 0230002713 dated 24.10.2007 0230005778 dated 30.09.2010 0230005779 dated 30.09.2010 0230005780 dated 30.09.2010	Extension of block-wise EO and addition of alternate product.	The representative of the party appeared before the Committee and informed that they have exported "Pig Iron". However, representative of DOR informed that the party has not exported "Pig Iron". The Committee deliberated upon the case and decided to **defer** it in order to obtain proof of export product exported by the party.
11.	M/s Modern Automotives Limited, Chandigarh 18/104/AM-15/P-5	0530142016 dated 22.09.2006	Condonation of block-wise EO and extension in EOP for 2 years	The Committee noted that the party has fulfilled 27% EO during the original EOP and already submitted 2% composition fee for unfulfilled EO. The Committee took into account the submission of the party that they have sufficient purchase orders and confident to fulfil the EO within extended time. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow**: (a) condonation from condition of fulfillment of block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20; and (b) extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled EO or an enhancement in EO imposed to the extent of 10% of total EO at the choice of exporter, for each year of extension sought in terms of provisions contained in Para 5.11(a)

				of HBP Vol. I.2009-14/ Para 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
12.	M/s Koch Chemical Technology Group India Pvt. Ltd., Gujarat 01/36/218/271/AM-14/EPCG-I	3430000991 dated 18.01.2007	Condonation of delay in obtaining installation certificate issued by central excise authority	The Committee took into account the submission of the party that they have obtained the installation certificate issued by Chartered Engineer dated 24.06.2010 certifying that the equipment's were installed on 25.02.2007 within period of 6 months. Thereafter, Excise Authority had visited their factory for physical and documentary verification and accordingly they had issued installation certificate which is beyond the 18 months prescribed period. The Committee noted that the party has completed EO within time period. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** condonation of delay in obtaining installation certificate **from central excise** subject to payment of composition fee of Rs.5000/-. **This has the approval of DG.**
13.	M/s Arani Agro Oil Industries Ltd., Hyderabad 01/36/218/420/AM-14/EPCG-I	0930002931 dated 21.02.2007 0930001855 dated 22.11.2005	Consideration of excess exports made against EPCG authorization No. 0930002931 dated 21.02.2007 for discharge of EO of another EPCG authorization No. 0930001855 dated 22.11.2005	The Committee took into account the submission of the party that against EPCG Authorization No. 093002931 dated 21.02.2007 the specific EO was US$ 2,22,288 and they discharged the same vide shipping bill No.2845493 dated 21.11.2007 and 2961323 dated 14.03.2008. Even after completion of the Specific EO they have mentioned the same authorization No. i.e. 0930002931 dated 21.02.2007 instead of mentioning the relevant EPCG authorization No. in the S/Bills. The Committee, deliberated upon the case and decided to **allow** counting of excess exports made against EPCG Authorization No. 0930002931 dated 21.02.2007 for discharge of EO for another EPCG Authorization No.0930001855 dated 22.11.2005 with following conditions: a. The counting of excess exports made against Authorization No. 0930002931 dated 21.02.2007 for fulfilment of EO of other EPCG authorization No. 0930001855 dated 22.11.2005 will be subject to the condition that the exports made are within EOP of EPCG authorizations. b. There is no double counting of shipping Bills. c. All shipping bills are for direct exports and not third party exports and are not free shipping bills.

				d. A composition fee of Rs. 200 per shipping bill would be charged for such shipping bills which are being considered for fulfilment of EO in respect of other EPCG authorization. Give number
14.	M/s Associated Broadcasting Company Pvt. Ltd., Hyderabad 01/36/218/24/AM-16/EPCG-I	0930000757 dated 11.11.2003	Extension of block-wise EO	The Committee noted that the party has fulfilled 100% EO during the EOP. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
15.	M/s Mayur Overseas, New Delhi 18/29/AM-16/P-5	0530141055 dated 16.05.2006	Relaxation in fulfillment of average EO	The Committee took into account the submission of the party for relaxation in fulfillment of average EO and decided **not to recommend** the case for relaxation as the party has not fulfilled either specific export obligation or Average EO.
16.	M/s Hindustan Zinc Limited, Udaipur 01/36/218/174/AM-15/EPCG-I	1330003880 dated 30.07.2013 1330003881 dated 30.07.2013	Shifting of capital goods	The Committee took into account the submission of the party that the capital goods were imported and installed at their Zawar Mines Plant and installation certificates were obtained from Central Excise Authority. Incidentally the said capital goods were required at their unit located at Sindesar Khurd Mines (Rajsamand). Both the addresses of the units are endorsed in IEC and RCMC. The company has already obtained installation certificate from Central Excise. The Committee, therefore, decided to **regularize** shifting of the capital goods from Zawar Mines Plant to Sindesar Khurd Mines (Rajsamand). The regularization is subject to payment of composition fee of Rs. 5000/-. **This has the approval of DG.**
17.	M/s Reliance Industries Limited, Navi Mumbai 18/128/AM-15/P-5	-----	Import of transformer which is required for manufacture of Poly Propylene under EPCG Scheme.	The Committee deliberated upon the case and decided to **reject** the request of the party for import of Transformer under EPCG Scheme as transformer is covered under para 5.01 (g) (iv) which is not permitted for import under EPCG scheme.
18.	M/s Kraftsworks, Mysore 01/36/218/415/AM-14/EPCG-I	0730005245 dated 06.02.2007	Condonation of block-wise EO and extension in EOP	The Committee noted that the party has fulfilled 41.66% EO during the second block period and has Nil export in the first block. The party has also submitted the details of purchase orders. The Committee, deliberated upon the case and decided to **recommend to DG for**

				relaxation under Para 2.58 of FTP 2015-20 to allow: (a) condonation from condition of fulfillment of block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20; and (b) extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled EO or an enhancement in EO imposed to the extent of 10% of total EO at the choice of exporter, for each year of extension sought in terms of provisions contained in Para 5.11(a) of HBP Vol. I.2009-14/ Para 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
19.	M/s Bangalore Villas Pvt. Ltd., Bangalore 01/36/218/116/AM-15/EPCG-I	0730004390 dated 21.07.2006	Extension of block-wise EO	The Committee took into account the submission of the party that they have achieved the entire EO imposed under said authorization during the second block. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20**to **allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
20.	M/s Vishkarma Enterprises 01/37/218/220/AM-15/EPCG-II	0530138646 dated 17.05.2005	1. Extension of block-wise EO 2. extension in EOP upto 31.05.2013	The Committee took into account of submission that the party has fulfilled 100% EO within 13 days after the expiry of EOP. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow**: (a) condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of

				Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20; and (b) extension in EOP upto 31.05.2013 as per para 2.12.1 of HBP (RE: 2012). **This has the approval of DG.**
21.	M/s RLM Foods Stuff Pvt. Ltd. 01/37/218/20/AM-16/EPCG-II	0330033635 dated 10.09.2012	1. Further extension period 3 ½ years for installation of machinery. 2. Allow M/s Mark International Foods Stuff Pvt. Ltd. as supporting manufacture. 3. Allow installation of machinery in supporting manufacturer premises.	The Committee took into account the submission of the party that they have imported machinery with parts and standard accessories for preparation of meat slaughter line in SKD condition for their slaughter house project. Due to objections from local citizens for their project they were forced to keep the same in warehouse and the same could not be installed. The Committee took into account the submission of the party that they could not install capital goods due to above mentioned reasons and have now acquired another plot for installation of the plant and machinery in the name of their sister concern M/s Mark International Foods Stuff Pvt. Ltd., Aurangabad as supporting manufacturer and have now sought permission for installation of capital goods in the premises of supporting manufacturer M/s Mark International Foods Stuff Pvt. Ltd., Gat No. 925, Village – Bidkin, Tal – Paithan, Dist Aurangabad, (Maharashtra). The Committee, deliberated upon the case and decided to **permit** shifting of capital goods to the premises of supporting manufacturer and to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow six months extension** for installation of capital goods in the premises of their supporting manufacturer i.e. up to 18th December, 2015 subject to payment of composition fee of Rs. 5000/-. In case party fails to submit the proof of installation by December, 2015 the RA should initiate action for recovery of duty + interest. **This has the approval of DG.**
22.	M/s Solvay Specialities India Pvt. Ltd., Gujarat 01/37/218/151/AM-15/EPCG-II	0330029745 dated 15.06.2011	Condonation of delay in installation of capital goods	The Committee took into account the submission of the party that they obtained the invalidation letter dated 4.7.2011 to purchase the CG from indigenous supplier and the CG was installed on 24.03.2013 as the local suppliers took time to make the delivery after submitting the invalidation letter in their favour. The Committee noted that the party has completed their EO within time period. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** condonation of delay in installation

				of capital goods subject to payment of composition fee of Rs.5000/-. **This has the approval of DG.**
23.	M/s Shiv Shakti Embroidery (P) Ltd., New Delhi 01/37/218/136/AM-15/EPCG-II	0530142126 dated 13.10.2006	Extension of block-wise EO	The Committee noted that the party has fulfilled 100% EO during the EOP through third party export. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
24.	M/s Weatherford Driling & Production Services (India) Pvt. Ltd., Vadodara 01/37/218/152/AM-15/EPCG-II	3430001170 dated 31.12.2007	Condonation of delay in submission of installation certificate issued by Chartered Engineer and relaxation for non-submission of installation certificate from central excise authority.	The Committee observed that the party has fulfilled 100% EO during the EOP. The Committee also noted that the capital goods were imported vide B/E dated 26.02.2008 and the party obtained installation certificate from Chartered Engineer after a delay of about 4 months on 17.01.2009. The party thereafter approached Central Excise Authority on 16.11.2009 to obtain installation certificate however installation certificate has not been issued by the Central Excise Authority. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** condonation of delay in installation of capital goods and acceptance of installation certificate issued by chartered engineer instead of central excise authority subject to: i. Payment of composition fee of Rs.5000/- and ii. Submission of proof of approaching central excise authority to obtain installation certificate. **This has the approval of DG.**
25.	M/s Paper Dreams Pvt. Ltd., Bhiwadi 01/37/218/256/AM-15/EPCG-II	0530135381 dated 16.12.2003	Extension of block-wise EO	The Committee took into account the submission of the party that they have achieved the entire EO imposed under the said authorization during valid EOP and submitted 2% composition fee to the O/o CLA, New Delhi. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20**to **allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA

				within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
26.	M/s Sesa Sterlite Limited, Odisha 01/37/218/28/AM-16/EPCG-II	-----	Permission for grant of EPCG authorization for imports of (domestic procurement through invalidation route) 159 Nos. of BTAP Wagons and 3 nos. of Break Van type BVZI for pre and post production activity.	The Committee deliberated upon the case and decided to **defer** it due to non-receipt of comments from Department of Heavy Industries.
27.	M/s Bharat Aluminium Company Limited, Korba 01/36/218/145/AM-12/EPCG-I	-----	Permission for grant of EPCG authorization for import of (domestic procurement through invalidation route) 53 Nos. of BTAP Wagons and 1 no. of Break Van type BVZI for pre and post production activity.	The Committee deliberated upon the case and decided to **defer** it due to non-receipt of comments from Department of Heavy Industries.
28.	M/s Claris Injectable Limited, Ahmedabad 01/36/218/193/AM-15/EPCG-I	15 EPCG authorizations issued during the period of AM-12 to AM-15	Transfer of EPCG authorizations from M/s Claris Lifesciences Ltd. to M/s Claris Injectables Limited on account of slump sale.	The Committee observed that the said authorizations were issued to M/s Claris Lifesciences Ltd., and the capital goods were transferred to M/s Claris Injectables Ltd., on slump sale basis. The Committee noted the submission of the party that vide transfer agreement dated 30.10.2014 between Claris Lifesciences Ltd., (authorization holder) and M/s Claris Injectables Ltd., and that M/s Claris Injectables Ltd. has acquired the pharmaceuticals business and liability including export obligation of M/s Claris Lifesciences Ltd. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** transfer of EPCG authorizations from M/s Claris Lifesciences Ltd. to M/s Claris Injectables Limited on account of slump sale subject to: i) Submission of fresh BG/LUT Bond. ii) All the terms and conditions of the EPCG authorizations including maintenance of average EO and Specific EO will remain same. iii) In case the transferee company

				exports same and similar item the transferee company would maintain average EO in addition to average EO under these licenses. **This has the approval of DG.**
29.	M/s Jindal Vijaynagar Steel Ltd. (JVSL), Bangalore 01/36/218/79/AM-13/EPCG-I	P/CG/2156090 dated 14.11.1995	Enhancement of authorization value and re-fixation of EO	The Committee noted that M/s Jindal Vijaynagar Steel Ltd. (JVSL), Bangalore had obtained EPCG authorization P/CG/2156090 dated 14.11.1995 for import of capital goods for Rs. 250.92 crores with duty saved amount of Rs. 130.56 crores. Customs vide order dated 22.6.2000 held that the value as declared by the importer was required to be enhanced by 59.46 crores. The impugned goods were held liable to confiscation under section 111 (m) of Customs Act 1962 and a penalty was also imposed on the party. The party went in appeal against this Order in CESTAT which set aside the Order dated 22.6.2000 of Commissioner Customs. The Department of Revenue went in appeal to the Supreme Court against the CESTAT order. Hon'ble Supreme Court vide Order dated 21.11.2007 remanded the matter to CESTAT. CESTAT vide order dated 11.3.2010 remanded the case to Commissioner of Customs (EP) for de-novo adjudication. The DoR vide OM dated 25.7.2012 stated that the Commissioner of Customs (EP) Mumbai has investigated the import done by M/s Jindal Vijaynagar Steel Ltd. and has found that the engineering fee, operation licence fee and service fee paid by the party is to be loaded on the declared value and the capital goods are required to be assessed to the value of Rs. 314.02 crores as against the declared value of 183.45 crores. A SCN was also issued which is pending de-novo adjudication before Mumbai Customs. EODC has not been issued so far. The representative of DoR stated that since the matter involves enhancement of licence value and refixation of EO, the matter has been referred to DGFT for a decision. The Committee noted that the party has also requested to enhance the value of EPCG licence by Rs. 130.56 crores to resolve the long pending litigation. The Committee deliberated upon the case and decided to direct the concerned RA to **allow** enhancement in cif value of EPCG authorization by Rs. 130.56 crores and refix EO accordingly. This will however not eliminate the factum nor dilute the liability of the investigations initiated by Customs against the party.
30.	M/s Ugra Precision	0730001736 dated	Extension of block-wise EO	The Committee took into account the submission of the party that they have

	Engineering (P) Ltd., Bangalore 01/37/218/25/AM-15/EPCG-II	12.04.2004 0730001737 dated 12.04.2004 0730001741 dated 22.04.2004 0730001636 dated 05.03.2004 0730001823 dated 25.05.2004		completed the entire EO imposed under said authorization during EOP. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of [FTP 2015-20]** to **allow** condonation of delay in applying for extension in block-wise EO, as the party could not apply to RA within the prescribed time period. This would be subject to payment of 2% composition fee on duty saved amount in proportion to the shortfall at the end of each block in terms of the provisions of Para 5.8.2 of HBP v1 2009-14/ Para 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
31.	M/s Cibi Krishna Textiles (P) Ltd., Tamilnadu 01/36/218/10/AM-16/EPCG-I	3530002266 dated 28.12.2006 3530002267 dated 28.12.2006	Extension in EOP for 2 years	The Committee noted that the party has fulfilled 83.74% EO against authorization No. 3530002266 dated 28.12.2006 in second block and 45.69% EO in respect of authorization No. 3530002267 dated 28.12.2006. The Committee also noted that the block-wise extension was already granted to the party by RA, Madurai. The Committee, deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of [FTP 2015-20]** to **allow** extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled EO or an enhancement in EO imposed to the extent of 10% of total EO at the choice of exporter, for each year of extension sought in terms of provisions contained in Para 5.11(a) of HBP Vol. I. 2009-14/ Para 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
32.	M/s Focus Energy Limited, New Delhi 01/36/218/125/AM-15/EPCG-I	0530156044 dated 21.07.2011	Permission for re-export of capital goods	The Committee observed that the capital goods were imported vide Bill of Entry No. 4373848 dated 17.08.2011 and the goods were cleared from Customs on 12.09.2011. However, after installation of machines, the party found that these machines were unfit for use. The Committee noted that party approached CLA, New Delhi on 08-09-2014 for re-export of capital goods, however the prescribed time period of three years expired during processing of the file as a result CLA, could not consider their case. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of [FTP 2015-20]** to **allow** re-export of

				Capital Goods as per Para 5.25 (a) of HBP 2015-20. **This has the approval of DG.**
33.	M/s Vardhman Textile Limited, Ludhiana 01/37/218/22/AM-16/EPCG-II	-----	Issuance of EPCG authorization for import of capital goods i.e. Distribution Transformer, APFC Panel and UPS System.	The Technical member from DHI informed that although the capital goods proposed to be imported are covered under the provision of para 5.01 (g) of FTP 2015-20, APFC Panel which is an Automatic Power Factor Controller is essentially required since it is not only used to maintain low power factor to the unit but it can control the power factor as desirable. The UPS system is also needed to ensure power supply for a limited period during power outage. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** import of APFC Panel and uninterrupted power source (UPS) system under EPCG scheme. The Committee, however decided to **reject** the request of the party for import of Distribution Transformer under EPCG Scheme. **This has the approval of DG.**
34.	M/s Mansingh Hotels & Resorts Ltd., New Delhi 18/62/AM-15/P-5	0530134520 dated 17.07.2003 0530136339 dated 08.06.2004	Issuance of EODC	The Committee observed that the case was placed before the EPCG Committee in its meeting held on 27.04.2015 wherein it was decided to defer the case with direction to call for proof of exact date of car sale and a copy of chartered accountant certificate for showing the EO fulfilment status by the party. The Committee took into account of submissions by the party that the date of sale of vehicles imported under said authorizations is 17.02.2011 and 03.12.2012 while the party has submitted a copy of CA Certificate showing the date of completion of EO as 31.03.2005. The Committee, deliberated upon the case and it was decided to **advise** CLA, New Delhi to consider the request of the party for issuance of EODC.
35.	M/s Reliance Industries Limited, Navi Mumbai 18/05/AM-16/P-5	-----	Clarification on installation of capital goods in factory/premises of the authorization holder imported under EPGG Scheme.	The Committee deliberated upon the case and decided to **defer** it for further examination.

DGFT = Directorate General of Foreign Trade
DG = Director General
FTP = Foreign Trade Policy
HBP v1 = Handbook of Procedure Vol. I

EO = Export Obligation
EODC = Export Obligation Discharge Certificate
EOP = Export Obligation Period
EPCG = Export Promotion Capital Goods
RA = Regional Authority
BG = Bank Guarantee
FFE = Free Foreign Exchange
FE = Foreign Exchange
IEC = Importer-Exporter Code
DOR = Department of Revenue
CLA = Central Licensing Area
IEM = Industrial Entrepreneurs Memorandum
RCMC = Registration-cum-Membership Certificate