MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI JAIKANT SINGH, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 14:30 Hours ON 17.08.2015

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 K.K. Tiwari, Industrial Advisor, Department of Heavy Industry
d. Shri V.K. Kohli, Director, O/o Commissioner of Textile
e. Smt. Chitra Sharma, Deputy Director General of Foreign Trade, DGFT
f. Shri Kumar Rahul, Deputy Director General of Foreign Trade, DGFT
g. Shri S.K. Kala, Foreign Trade Development Officer, DGFT
h. Shri S.K. Panigrahi, Economic Officer, DGFT
i. Shri A.S. Chauhan, Foreign Trade Development Officer, DGFT

II. Minutes of the Meetings held on 19.6.2015 and 13.07.2015 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 Aarham Softronics, Chandigarh 01/36/218/208/AM-15/EPCG-I	2230000252 dated 14.12.2005 2230000179 dated 15.06.2005 2230000163 dated 10.05.2005 2230000312 dated 28.04.2006 2230000296 dated 27.03.2006	Extension in EOP.	The Committee noted that the party has fulfilled 89%, 87%,85.87%, 59.91% and 46.35% EO in respect of EPCG authorizations No. 2230000163 dated 10.05.2005, 2230000252 dated 14.12.2005, 2230000296 dated 27.03.2006, 2230000312 dated 28.04.2006 and 2230000179 dated 15.06.2005 respectively during the original EOP. The party has stated that they have fulfilled the EO in rupee terms but there is a shortfall in FFE terms. Hence, due to miscalculation they could not fulfil 100% EO. 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 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 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
2.	M/s Glenmark Generics Limited, Mumbai 01/36/218/156/AM-15/EPCG-I	0330032459 dated 20.04.2012 0330028343 dated 06.01.2011 0330031723 dated 25.01.2012	Regularization of Shifting of capital goods.	The Committee took into account, the submission of the party that they had obtained the subject authorization for their manufacturing unit located at Plot No.7, Colvale Industrial Estate, Colvale Village, Taluka: Bardez, North Goa, Goa – 430 006. However, at the time of the receipt of Capital Goods, there was an urgent requirement of the said CG in their unit

		0330030010 dated 14.07.2011 0330030222 dated 04.08.2011 0330031126 dated 23.11.2011		located at Plot No. S – 9, Colvale Industrial Estate, Colvale Village, Taluka: Bardez, North Goa, Goa – 430 006. Hence they installed the available CG at Plot No. S – 9, Colvale Industrial Estate, Colvale Village, Taluka: Bardez, North Goa, Goa – 430 006 without prior permission from the RA. Both the addresses of the units are endorsed on IEC and RCMC. The party has already obtained installation certificate in respect of all the EPCG authorizations from Central Excise for their unit where the capital goods are installed. The Committee, therefore, decided to **regularize** installation of capital goods at Plot No. S – 9, Colvale Industrial Estate, Colvale Village, Taluka: Bardez, North Goa, Goa – 430 006 subject to payment of composition fee of Rs. 5000/- for each authorisation.
3.	M/s Airtravel Enterprises India Limited 01/36/218/26/AM-15/EPCG-I	5330000900 dated 15.02.2005	Regularization of shifting of capital goods.	The Committee took into account the submission of the party that the capital goods (i.e. Toyota CAMRY Car – ACV 3OR) were imported and were installed at their unit located at M/s Air Travel Enterprises India Limited, 501/502, 5th Floor, Grace Chambers, Andheri-Kurla Road, Andheri (E), Mumbai – 400093 instead of installation address mentioned in said authorization i.e. "M/s Airtravel Enterprises India Limited, M.G. Road, Palayam, Trivandrum – 695033 without prior intimation to RA, Trivandrum. Both the addresses of the units are endorsed on IEC. The CG was also registered as Tourist Taxi with RTO, Mumbai and thereafter re-registered with RTO, Trivandrum. The Committee, therefore, decided to **regularize** installation of capital goods at address i.e. M/s Air Travel Enterprises India Limited, 501/502, 5th Floor, Grace Chambers, Andheri-Kurla Road, Andheri (E), Mumbai – 400093 subject to payment of composition fee of Rs. 5000/-.
4.	M/s M.V. Enterprises, Dehradun 18/96/AM-15/P-5	9 EPCG authorizations issued during the period of AM-07 to AM-11	Relief from fulfillment of EO.	The Committee took into account the submission of the party to condone their liability of export obligation against EPCG authorisation which stands at around US$ 12 million and allow them the waiver from associated penal action on the grounds that they could not start production during the first two years as they did not have the required raw material and subsequently the production was delayed due to a fire in the factory. They have thereafter been able to fulfil EO only to the extent of about 14%. The Committee noted that the EOP of 8 out of the 9 authorizations is still valid and the party has the option of obtaining extension in EOP subject to payment of composition fee. The Committee therefore decided to

				reject the request of the party for relief from fulfilment of EO. In case the party fails to fulfil the prescribed EO, they can regularize the default by payment of customs duty and interest and exit from the scheme in terms of para 5.23 of HBP 2015-20.
5.	M/s Mehra Jewel Palace Pvt. Ltd., New Delhi 18/52/AM-16/P-5	0530144157 dated 20.07.2007	Extension of block-wise EOP.	The Committee noted that the party has fulfilled 90% of their entire EO in the second block 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** extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
6.	M/s Nora Fashions, New Delhi 18/31/AM-16/P-5	0530138149 dated 02.03.2005	Extension of block-wise EOP.	The Committee noted that the party has fulfilled their entire EO in the second block 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** extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
7.	M/s Janus Packaging (P) Ltd., Chandigarh 01/36/218/199/AM-15/EPCG-I	2230000652 dated 31.05.2007	Extension of block-wise EOP.	The Committee noted that the party has fulfilled their entire EO in the second block 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** extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
8.	M/s Biopac India Corporation Limited, Mumbai 01/36/218/147/AM-15/EPCG-I	14 EPCG authorizations issued during the period AM-05 to AM-07	Re-fixation of average EO (by excluding the export performance of the unit lost in fire)	The case was deferred in the EPCG Committee meeting held on 27.04.2015 with directions to RA to carry out physical inspection of the site of the fire accident and verify the documents submitted by the party in support of their claim. The Committee took into account the physical

				inspection report of the factory conducted by Zonal office, Mumbai. The Committee noted that RA Mumbai has confirmed that the entire plant and machinery of the original unit alongwith raw material had been completely destroyed in a fire on 14.12 2004. 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-fixation of average EO by excluding the export performance of the unit lost in fire against EPCG authorizations issued during the period AM-05 to AM-07. **This has the approval of DG.**
9.	M/s Balkrishna Industries Limited 01/36/218/190/AM-13/EPCG-I	0330031712 dated 25.01.2012 0330032735 dated 25.05.2012 0330033440 dated 14.08.2012 0330034711 dated 02.01.2013 0330036433 dated 25.07.2013	Extension in time for installation of capital goods.	The Committee took into account the submission of the party that the capital goods imported by them are to be installed in the plant located at village Pandhar, 20 K.m. away from Bhuj in Gujarat, which lies in Seismic Zone 5, leading to more time consumption in building activities. Other problems faced were inadequate water supply and constraints of retention of labour. The Committee noted that a confirmation report from Central Excise Range, Bhuj stating that the Capital Goods are physically in the possession of M/s Balkrishna Industries Ltd has been received. 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 time for installation of capital goods up to 31.12.2015 subject to payment of composition fee of Rs. 5000/- for each authorisation. **This has the approval of DG.**
10.	M/s S.R. Industries, Solan 01/37/218/220/AM-14/EPCG-II	2230000364 dated 01.08.2006	Extension in EOP for two years	The Committee noted that the party has made 16.5% EO in 1st block and 30.17% in second block. Condonation of block wise EO was already granted by the EPCG Committee in its meeting held on 27.02.2014. 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 5.17 (b) of HBP 2015-20, as the party could

				not apply to RA within the prescribed time period. **This has the approval of DG.**
11.	M/s R.H.I. Printographics, New Delhi 01/37/218/74/AM-16/EPCG-II	0530143128 dated 23.02.2007	Condonation of block-wise EO and extension in EOP for 2 years.	The Committee noted that the party has not made any exports during the original EOP due to slowdown in international market. The Committee took into account the submission of the party that they have sufficient purchase orders and are confident to fulfil the EO within extended 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**: (a) extension in block-wise EOP, 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 5.14 (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 5.17 (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 Star Metallics and Pvt. Ltd., Karnataka. 01/37/218/259/AM-15/EPCG-II	0730007577 dated 17.11.2008	Condonation of procedural lapse of not mentioning of EPCG authorization number and date on the shipping bills for third party exports.	The Committee took into account the submission of the party that they have completed their EO, but have not mentioned the EPCG authorization number and date on shipping bills in case of third party exports. 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 not mentioning the EPCG authorization no. and date on the shipping bills subject to verification of ARE-1 forms by the concerned Jurisdictional Central Excise Authority of the supplier confirming that supply of goods have actually been made and verification by Jurisdictional Central Excise Authority of the recipient unit. **This has the approval of DG.**
13.	M/s Wecare Brushes (India), Sonepat	0530143751 dated 28.05.2007	i. Regularization of shifting of factory	The Committee noted that the party has not made any exports during the original EOP, due to recession in overseas market. The

	01/37/218/73/AM-16/EPCG-II		address. ii. Condonation of block-wise EO iii. Extension in EOP for 2 years	Committee took into account the submission of the party that they have sufficient orders in hand and are confident to fulfil the EO within extended time. The Committee took into account the submission of the party that they have shifted their factory from 2/55, WHS, Block -2, Kirti Nagar, New Delhi to Plot No.178, Phase-IV, Sector – 57, Industrial Estate, Kundli – 131028, Distt. Sonepat, Haryana. The Committee, therefore, decided to **defer** it with directions to call for a report from concerned Jurisdictional Central Excise authority that the capital goods are physically in the possession of the party. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow**: (i) extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20; and (ii) 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 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
14.	M/s Sach Fabs Creation Pvt. Ltd., New Delhi 01/37/218/56/AM-16/EPCG-II	0530146834 dated 07.08.2008	Extension of block-wise EO period	The Committee noted that the party has not made any exports during the original EOP due to paucity of funds as they could not purchase raw material to fulfil export order as required by the foreign buyer. The Committee took into account the submission of the party that now they have job order from various leading exporters who have agreed to endorse their EPCG authorization for third party exports. 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 block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
15.	M/s Welspun Corp Ltd., Mumbai 01/37/218/258/AM-15/EPCG-II	3430001026 dated 03.04.2007	Condonation of delay in installation of capital goods	The Committee took into account, the submission of the party that they had obtained the installation certificates from Central Excise Authority but there was a delay in installation of the capital goods beyond 18 months. 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.**
16.	M/s PM Control Equipment Pvt. Ltd., Kolkata 01/37/218/46/AM-15/EPCG-II	0230001270 dated 22.12.2005 0230004771 dated 21.12.2009	i. Acceptance of shipping bills of one EPCG authorization in another EPCG authorization; ii. Extension of block-wise EO.	The Committee took into account the submission of the party that the authorization no. 0230001270 dated 22.12.2005 had expired on 21.12.2013 and second authorization no 0230004771 dated 21.12.2009 is valid upto 20.12.2017. Party has requested to consider the 3 shipping bills in which exports are made under authorization no. 0230004771 dated 21.12.2009 for consideration in redemption of EPCG authorization no. 0230001270 dated 22.12.2005 as the said authorization was not registered with the Customs due to change in electronic system of registration from version 1 to version 1.5. The Committee noted that the party has not made any exports during the original 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:** (i) Shipping bills no. 4139973 dated 16.6.2011, 4139980 dated 16.6.2011 and 3012600 dated 13.12.2012 for fulfilment of EO against authorisation no 0230001270 dated 22.12.2005 for redemption purpose subject to condition that: a) There is no double counting of exports/Shipping Bills b) Free shipping bills, if any, would not be counted towards EO fulfilment. c) Partial shipping bill will not be counted. The Committee further recommended imposition of a composition fee of Rs. 200/- on each shipping bill being counted for E.O. fulfilment of another EPCG authorisation. ii) extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
17.	M/s Punjab Stainless Steel Industries, New Delhi 01/37/218/43/AM-16/EPCG-II	0530141297 dated 14.06.2006 0530142447 dated 22.11.2006 0530142076 dated 05.10.2006	Extension of block-wise EO period.	The Committee noted that the party has fulfilled 92.35%,98.19% and 85.14% EO in respect of EPCG authorizations No. 0530141297 dated 14.06.2006,0530142447 dated 22.11.2006, and 0530142076 dated 05.10.2006 respectively during the original 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** extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
18.	M/s Zee Media Corporation Limited, New Delhi 01/37/218/154/AM-15/EPCG-II	0530147459 dated 15.10.2008 0530148213 dated 16.01.2009	Re-fixation of export obligation after de-merger of news and current affairs channels and regional general entertainment channels.	The Committee noted that the case was deferred in the meeting held on 25.5.2015. It took into account the submission of **M/s Zee Media Corporation Limited (ZMCL)** for refixation of average EO post demerger of news and current affairs channels. ZMCL (earlier known as Zee News Limited) availed EPCG authorisation and average EO was calculated based on news and current affairs and Regional General Entertainment Channels (RGEC). It then demerged and RGEC was transferred to Zee Entertainment Enterprises Ltd.(ZEEL) vide Hon'ble High Court Order dated 19.03.2010. The company has approached for refixation of average EO post demerger by considering EO of only news and current affairs channels. The Committee noted that the average EO fixed for Zee Media Corporation Limited was Rs. 8,66,05,109. The Committee took into account the chartered accountant certificate for export turnover of the demerged companies and found that the total exports of the demerged companies is more than the average EO imposed on Zee Media Corporation Limited in subsequent years post demerger. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** refixation of average EO after reducing the export turn-over of Regional General Entertainment Channels (RGEL).

				This has the approval of DG.
19.	M/s Rico Auto Industries Limited, Gurgaon 01/37/218/42/AM-16/EPCG-II	26 EPCG authorizations issued during the period of AM-04 to AM-07	Acceptance of installation certificate issued by independent chartered engineer instead of central excise.	The Committee observed that the party has fulfilled 100% EO during the EOP. The Committee noted that the party had imported the capital goods and approached their jurisdictional Central Excise Authority a number of times vide correspondence dated 10.11.06, 2.8.10, 11.8.11, 12.3.12 and 29.6.12, 21.5.14, 8.2.14 and 19.1.15, to obtain installation certificate. However central excise finally rejected their request for issuance of installation certificate vide letter dated 9.2.15 on the grounds that there is inordinate delay on the part of the company in applying for issuance of installation certificate. The party has therefore requested that they may be permitted to submit the installation certificates already obtained for capital goods imported and installed by them from Chartered Engineer instead of central excise and their authorizations be redeemed as they have already fulfilled 100% EO. The Committee deliberated upon the case decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** acceptance of installation certificate issued by chartered engineer instead of central excise authority for redemption purposes subject to payment of composition fee of Rs.5000/- for each authorization. RA is directed to simultaneously send copies of all installation certificates submitted by the firm in respect of the 26 EPCG authorizations to the jurisdictional central excise authority for verification. In case of any discrepancy action may be initiated by RA under the FT (D&R) Act, 1992 as amended. **This has the approval of DG.**
20.	M/s Sterlite Technologies Limited, Mumbai 01/37/218/222/AM-15/EPCG-II	0330033816 dated 27.09.2012	Regularization of installation of capital goods	The Committee took into account the submission of the party that the capital goods were imported and were installed at their unit located at Survey No. 33/1/1, Dadra, Silvasa instead of Survey No.68/1, North Wing, Madhuban Dam Road, Village Rakholi, Silvassa - 396230 due to business exigency. Both the addresses of the units are already endorsed on IEC and RCMC. The party has already obtained installation certificate from Central Excise for their new unit where the capital goods are installed. The Committee, therefore, decided to **regularize** installation of capital goods at address i.e. at Survey No. 33/1/1, Dadra, Silvasa, Dadra Nagar Haveli subject to payment of composition fee of Rs. 5000/-.
21.	M/s Videocon Industries Limited,	0330014375 dated	i. Extension of block-wise EO	M/s Videocon Industries Limited, Mumbai has requested for extension of Block-wise

	Mumbai 01/37/218/83/AM-16/EPCG-II	18.12.2006 0330013021 dated 24.08.2006 0330030346 dated 19.08.2011	period. ii. Endorsement of alternate product.	EO. The Committee took into account the submission of the party that they had exported alternate services without endorsement on the authorisation. 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 block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.** The request of the party for endorsement of alternate services for EO fulfilment shall be considered by **RA** in terms of relevant policy/procedures in force at the time of issuance of authorizations.
22.	M/s Rolta Power Pvt. Ltd., Mumbai 01/37/218/26/AM-16/EPCG-II	0330039265 dated 14.07.2014	Permission for re-export of unfit capital goods and reduction in EO.	The Committee noted that as per para 5.25 (a) of HBP of FTP 2015-20 the Capital Goods imported under EPCG Scheme, which are found defective or unfit for use, may be re-exported to foreign supplier within three years from the date of clearance by Custom of such goods, with the permission of RA/Customs Authority. Consequently, EO would be re-fixed.The Committee therefore decided to **remand back** the case to concerned RA with directions to take appropriate action in the matter in terms of provisions of para 5.25 (a) of HBP of FTP 2015-20.
23.	M/s U Tech Fasten Pvt. Ltd., Gujarat 01/37/218/77/AM-16/EPCG-II	3430001854 dated 27.12.2010	Extension of block-wise EOP	The Committee noted that the party has fulfilled 20.28% EO up to 04.02.2015 and EOP is valid up to 26.12.2016. The Committee took into account the submission of the party that they have confirmed export orders and are confident to fulfil the EO over the period of next 2 years. 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 block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
24.	M/s Achiever Apparels Pvt. Ltd., Gurgaon 01/36/218/386/A	0530142425 dated 21.11.2006	EO Fulfillment after considering non-embroidered products in place of embroidered	The Committee observed that there was a provision to fulfil 100% EO by exports of alternate product manufactured by the authorization holder as per para 5.4(i) of FTP 2004-09.

	M-14/EPCG-I		products.	The Committee, therefore, decided to **remand** the case to CLA, Delhi with a direction to take appropriate action in the matter in terms of para 5.4(i) of FTP 2004-09.
25.	M/s Interglobe Enterprises Limited, Gurgaon 01/36/218/204/AM-15/EPCG-I	0530142812 dated 10.01.2007	Regularization of place for installation of capital goods	The Committee took into account the submission of the party that they imported 5 Nos. of X-ray machines to be installed at Delhi, Mumbai, Chennai, Kolkata and Bangalore. All the machines were installed at their respective places as per the condition sheet except the machine which was supposed to be installed at Kolkata airport was installed at Guwahati due to fact that Airport authorities Kolkata did not permit the installation of machine as they had their own X-ray machine. The Committee noted that the party has fulfilled their entire EO during the first block. The Committee, therefore, decided to **regularize** installation of capital goods at Guwahati Airport subject to proof of installation of CG at Guwahati Airport and payment of composition fee of Rs. 5000/-.
26.	M/s Fiat India Automobiles Limited, Mumbai 01/36/218/87/AM-16/EPCG-I	3130002701 dated 13.09.2007 3130003119 dated 01.05.2008	Condonation of block-wise EOP and extension in EOP for 2 years.	The Committee took into account the submission of the party that they have fulfilled 26.72% and 7% EO against authorization No. 3130002701 dated 13.09.2007 and 3130003119 dated 01.05.2008. The Committee noted that the EOP in both EPCG authorization is still valid and party can approach RA for extension in EOP in terms of provisions of para 5.17 (c) of HBP 2015-20. 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 block-wise EOP, 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 5.14 (c) of HBP 2015-20. **This has the approval of DG.**
27.	M/s Ampol/1 Private Limited, Chennai 01/36/218/142/AM-15/EPCG-I	0430004213 dated 11.10.2006	Condonation of block-wise EO and extension in EOP for 1 year.	The Committee took into account the submission of the party that they have fulfilled 98.68% EO and they have order worth 10.27% more EO and are confident to fulfil their balance EO during the extended 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**:

				(a) extension in block-wise EOP, 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 5.14 (c) of HBP 2015-20; and (b) extension in EOP for 1 year 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 5.17 (b) of HBP 2015-20, as the party could not apply to RA within the prescribed time period. **This has the approval of DG.**
28.	M/s Indo US MIM Tec Pvt. Ltd., Bangalore 01/36/218/41/AM-16/EPCG-I	0730013048 dated 07.01.2014	Shifting of capital goods	The Committee deliberated upon the case and decided to **defer** it in order to obtain details of investigation/ECA action in respect of the subject authorization from RA, Bangalore.
29.	M/s Nectar Lifesciences Limited, Chandigarh 18/57/AM-16/P-5	2230000432 dated 17.10.2006 2230000302 dated 12.04.2006 2230000398 dated 22.09.2006	Regularization of place of installation of capital goods	The Committee took into account the submission of the party that the capital goods were imported under said authorizations and were installed at their unit located at Village Bhatoli Kalan, Jharmajri ,Solan , HP instead of Village Saidpura, Tehsil Derabassi, Dist. Mohali, Punjab as they have inadvertently mentioned the address of factory situated in Punjab as installation address, in all the EPCG applications obtained by them. Both the addresses of the units are already endorsed on IEC. The party has already obtained installation certificate from Chartered Engineer for their new unit where the capital goods are installed. The Committee, therefore, decided to **regularize** installation of capital goods at Village Bhatoli Kalan, Jharmajri , Solan , HP subject to payment of composition fee of Rs. 5000/- for each authorisation.
30.	M/s Technico Industries Limited, Gurgaon 01/37/218/72/AM-15/EPCG-II	13 EPCG authorizations issued during the period of AM-06 to AM-13	Condonation of procedural lapse of not mentioning of EPCG authorization No. in third party shipping bills	The Committee noted that the case was deferred in the meeting held on 13.7.2015 with directions to obtain the copies of ARE-I, ARE-3 and shipping bills from the party and call the party for **PH** in the next meeting of the EPCG Committee. The Committee took into account the submission of the representative of the firm who appeared for PH that the party had supplied 'Hinge Assembly Parts and Auto Parts etc." under ARE-3 to M/s Nissan

				Motors India Pvt. Ltd. located in private bonded warehouse and M/s Nissan Motors has exported the same items supplied by the EPCG authorization holder. The Committee noted that as per certificate dated 11.04.2014 issued by the Supdt. Of Central Excise the party has supplied the material 'Hinge Assembly Parts and Auto Parts etc." to M/s Nissan Motors India Pvt. Ltd., under various ARE-3 forms. The copies of ARE-I, ARE-3 and shipping bills were examined by the representative of DoR and it was seen that correlation of goods supplied by M/s Technico Industries Limited and exported by M/s Nissan Motors India Pvt. Ltd., can be established as the description of goods supplied and their quantity mentioned in ARE-3 and sales invoice of M/s Technico Industries Limited tally with the description of goods exported and their quantity indicated on the shipping bills of M/s Nissan Motors India Pvt. Ltd. It was also noted that M/s Nissan Motors India Pvt. Ltd. has given a disclaimer to the effect that they have physically exported all the goods procured from M/s Technico Industries Limited and that they have not availed any EPCG benefit on the above export. The Committee, therefore, decided to **allow** third party export in terms of Para 5.7 of HBP v1 read with Policy Circular No. 7/2002 dated 11.07.2002 subject to the condition that the party would produce EPCG authorization wise corroborative evidence to RA regarding exports made by them through third party and also subject to the condition that there is no double counting of exports. A composition fee of Rs. 200 per shipping bill would be charged for such shipping bills which are being considered for fulfilment of EO through third party exports.
31.	M/s Yamada Automation Pvt. Ltd., Chandigarh 01/37/218/14/AM-16/EPCG-II	2230000250 dated 13.12.2005	Extension in EOP for 2 years	The Committee noted that the EOP of said EPCG authorization has already expired on 12.12.2013 and the party has not fulfilled any EO till date. The Committee, therefore, decided to **reject** the case.
32	M/s John Deere India Pvt. Ltd., Pune 01/36/218/06/AM-16/EPCG-I	Fresh application submitted to RA, Pune.	Issuance of EPCG authorization for import of excavator machines.	The Committee noted that the case was earlier rejected in the EPCG Committee meeting held on 25.05.2015 on the grounds that the products proposed to be imported are excavator machines on which testing will be done by use of other capital goods and such capital goods shall not be used for production of any goods/services. The Committee observed that no new facts have been presented in their appeal and decided to **reject** the appeal.

33.	M/s Screen Art & Graphics 01/37/218/84/AM-16/EPCG-II	-----	Import of second hand capital goods under EPCG	The Partner of the company appeared before the Committee for PH and explained that capital goods intended to be procured by the company is a unused/ partially used for testing purpose second hand printing equipment. The Committee noted that as per 5.01(f) of FTP 2015-20, second hand capital goods shall not be permitted to be imported under EPCG Scheme. The Committee, therefore, decided to **reject** the case.

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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
