MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI JAIKANT SINGH, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 1430 Hours ON 19.09.2014

Following officers attended the meeting:

a. ShriAkashTaneja, Joint Director General of Foreign Trade, DGFT
b. Shri V. K. Kohli, Director, O/o Textile Commissioner, Noida
c. ShriGajraj Singh, Sr. Development Officer, Department of Heavy Industry
d. Shri G. S. Bains, Technical Officer (DBK), Department of Revenue

II. Minutes of the last Meeting held on 24.07.2014 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. and date	Subject	Decision of the Committee
1.	M/s Autotech Industries (India) Pvt. Ltd. 01/36/218/385/AM-14/EPCG-I	0430001901 dated 27.08.2004	Condonation of block-wise EO	The Committee observed that the firm has fulfilled 100% EO during the fourth block of EOP and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block,subject to payment of composition fee of 2% 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 (RE:2013)/Para 5.8.3 of HBP v1 (RE:2012). **This has the approval of DG.**
2.	M/s I-life Medical Devices Pvt. Ltd. 01/36/218/388/AM-14/EPCG-I	0530146906 dated 18.08.2008 0530147485 dated 16.10.2008	Condonation of non-mentioning the date of installation on installation certificate issued by the central excise department	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
3.	M/s Emke Foot Care Products 01/36/218/51/AM-15/EPCG-I	1030000881 dated 06.06.2006	Extension in EOP for 2 years	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP, subject to confirmation by RA of shipping-bill wise statement furnished by the firm with their representation. **This has the approval of DG.**
4.	M/s Kamat Construction and resorts Pvt. Ltd. 01/36/218/19/AM-15/EPCG-I	1730000645 dated 14.05.2007	Condonation of delay in installation of capital goods	The Committee observed that the firm is a hotel and as such is not required to furnish certificate from Central Excise for Installation of Capital Goods. The firm have already furnished a certificate issued by Chartered Engineer. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital

				goods. **This has the approval of DG.**
5.	M/s Megha Punch Forms Pvt. Ltd. 18/8/AM-15/P-5	0730003885 dated 02.03.2006 0730004716 dated 16.10.2006	Extension of block-wise period (2 years)	The Committee observed that the firm have neither furnished the Installation Certificate nor have furnished evidence of any proof of fulfilment of EO so far against the subject EPCG Authorization and, therefore, decided to **reject** the case.
6.	M/s NPT Offset Press Pvt. Ltd. 18/26/AM-15/P-5	0430004173 dated 04.10.2006	Condonation of block-wise EO	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**condonation from condition of fulfillment of block-wise EO,as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, subject to payment of composition fee of 2% 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 (RE:2013)/Para 5.8.3 of HBP v1 (RE:2012). **This has the approval of DG.**
7.	M/s MVS Designs 01/36/218/352/AM-14/EPCG-I	0530151204 dated 09.02.2010	Condonation of block-wise EO	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, subject to payment of composition fee of 2% 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 (RE:2013)/Para 5.8.3 of HBP v1 (RE:2012). **This has the approval of DG.**
8.	M/s AnsunMultitech (India) Limited 01/36/218/34/AM-15/EPCG-I	0530135529 dated 09.01.2004	Condonation of delay in submission of installation certificate	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
9.	M/s Aditya Birla Nuvo Limited 01/36/218/28/AM-15/EPCG-I	0330036170 dated 21.06.2013 0330030340 dated 19.08.2011 0430012691 dated 04.07.2013 0430012184 dated 14.02.2013 0430011427 dated 10.07.2011	Approval of transaction relating to transfer of ownership of capital goods of EPCG authorizations and EO to SKI Carbon Black (India) Private Limited under Para 2.5 of FTP	The case was discussed. The representative of DoR handed over the letter dated 10.9.2014 received by Drawback Division from Commissioner Central Excise, Mumbai. The Drawback Division representative opined that the request of the party for transfer of capital goods imported under 5 EPCG authorizations to M/s SKI Carbon Black (India) Pvt. Ltd. under a business transfer agreement, should not be agreed to in view of the above letter. The main reason put forth was that the party has approached DGFT for relaxation only after detection of the case. The issue had earlier been examined on file. Initially central excise had raised the point that certain authorisations were issued in the name of seller after 1.4.2013 i.e. the appointed date from which the transfer of business became effective. To this the party had already clarified that as per the Business Transfer Agreement the seller was to run the business till 31.8.2013, the date by which all formalities had to be completed. They have

				further raised the point that the capital goods imported should be subject to AU condition till EO is completed i.e. should not be disposed of by transfer or sale till the completion of EO and in this case EO has so for not been completed. The Committee observed that in past cases where the entire unit alongwith plant and machinery had been sold out/transferred on court orders or business compulsions even before completion of EO, relaxation has been allowed under para 2.5 of FTP to prevent undue hardship in such cases. Further even if a case is regularised by DGFT it does not prevent other regulatory authorities from taking action against any offence that may have been committed by the party. The Committee therefore decided to **recommend the matter to DG for consideration for relaxation of policy under Para 2.5 of FTP.** **This has the approval of DG.**
10.	M/s Arush Metal Castings Pvt. Ltd. 01/36/218/355/AM-14/EPCG-I	2130000006 dated 02.08.2004	Acceptance of installation certificate issued by O/o of the Asstt. Commissioner, Central Excise	The Committee observed that the as per the letter dated 19-20/08.2013 of O/o Assistant Commissioner, Central Excise Division-III, Adityapur, Jamshedpur has confirmed that the goods for which installation certificate had been requested by the firm are physically present in the Factory Laboratory. The Committee, therefore, decided to accept that certificate as Installation Certificate and also decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
11.	M/s Lloyd Insulation (India) Limited 01/36/218/238/AM-13/EPCG-I	0530134557 dated 23.07.2003	Deletion of condition of submission of Installation Certificate and to accept the certificate issued by UP State Industrial Development Corporation stating therein that the capital goods imported were damaged	The Committee observed that: a. the request of the firm is to grant them exemption from submission of installation certificate. b. They have furnished a certificate from UPSIDC specifying that the CGs are installed in the UPSIDC Agro Park, however, due to unavoidable circumstances and natural calamity(flood in 2008) unit never operated as machines got damaged and are beyond repair. c. The firm have completed the EO against the subject licence by export of alternate product; d. They have not applied to the excise department for installation certificate as this was not excisable goods or item of export being agriculture products. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** for exemption from submission of Installation Certificate in view of the genuine hardships faced by the firm. **This has the approval of DG.**
12.	M/s Ford India Pvt. Ltd. 01/36/218/60/AM-	Applied for	Issuance of EPCG authorization for Electric Forklift Charges	The case was referred to DHI for comments. As per UO No. 6(4)/2014-TSW(B) dated 15.09.2014 of DHI, the import item namely “Chargers for Electric Forklifts” does not fall

	15/EPCG-I			under the scope of Notification No. 7 dated 18.04.2013. The Committee accepted the views of Department of Heavy Industry and decided that EPCG Authorization can be issued for import of Chargers for Electric Forklifts.
13.	M/s Balar Synthetics Pvt. Ltd. 01/36/218/36/AM-15/EPCG-I	1330001947 dated 10.10.2008	Inclusion of alternate product	The technical representative of Ministry of Textiles informed that the alternate items cannot be manufactured by the capital goods imported against the subject EPCG Authorization. However, the Committee observed that as per the relevant provision in force at the time of issuance of EPCG Authorization 50% EO can be fulfilled by export of alternate products, however relaxation is required for counting of exports already made by the firm. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow** counting of exports of alternate items upto the extent of 50% of EO only and subject to refixation of Average EO against the subject EPCG Authorization. **This has the approval of DG.**
14.	M/s Caparo Engineering India Limited 01/36/218/198/AM-14/EPCG-I	0530142872 dated 16.01.2007 0530143489 dated 18.04.2007 0530148498 dated 25.02.2009	a. To amend the description of EO item from existing "machine tool, dies & their parts" to "machine tools, dies & their parts" & "Sheet Metal Components/Aluminium Casting all types for motor vehicles" b. To allow transfer of 1 machine imported against EPCG authorization No. 0530143489 dated 18.04.2007 from M/s Caparo Engineering India Limited, Chennai to their Group Company M/s CaparoMaruti Limited, Bawal; c. To allow transfer of 1 machine imported against EPCG authorization No. 0530145498 dated 25.02.2009 from M/s caparo Engineering India Limited, Chennai to their group company M/s CaparoMaruti Limited, Bawal.	The Committee deliberated upon the case and decided to **defer** it with the direction to call for comments of Department Heavy Industry in the matter.
15.	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 case was placed before EPCG Committee in its meeting held on 27.06.2014 wherein it was decided to defer the case with the directions to call for comments from DIPP in the matter. The Committee was informed that DIPP vide ID No. IPP/6/P/2014-TSW/dated 30.07.2014 has stated that the function of each type of instruments/appliances at eight digit of

				ITC(HS) code is different from each other. The Committee decided to **defer** the case for further examination after obtaining details of capital goods imported under the EPCG authorization and the ITC(HS) code of goods actually exported by the firm.
16.	M/s MaithanIspat Limited 01/36/218/255/AM-14/EPCG-I	15 EPCG authorization s issued during the period AM-07 to AM-08	Regularisation of EO by allowing third party export in terms of Para 5.7 of HBP v1 read with Policy Circular No. 7/2002 dated 11.07.2002	The case was placed before EPCG Committee in its meeting held on 24.07.2014 wherein it was decided to defer the case with the direction to call for comments from DOR of their field formations before clearing the matter. The representative of the DOR furnished a copy of their general letter regarding Policy Circular No. 7 dated 11.07.2002 wherein issue regarding rigours examination of Shipping Bills other than non-EPCG Shipping bills (e.g. a free shipping bills, etc.) has been raised. However, during the deliberations in the Committee, it was opined that if the Shipping Bills produced towards fulfilment of EO are not free shipping bills, these can be accepted. The Committee also noted that RA has forwarded EPCG Licence-wise statement of exports reflecting corroborative evidence regarding exports made by the firm through third party showing Shipping Bill No. and date, ARE No. and date, Invoice No. and date. The said Shipping Bills contain the details of ARE 1, as an evidence of supplies from the supporting manufactures i.e. M/s MaithanIspat Limited for exports through M/s Maithan International in respect of 15 numbers of EPCG Authorizations issued to M/s MaithanIspat Limited. 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 firm would produce corroborative evidence to RA regarding exports made by them through third party and also to the conditions that free shipping bills would not be counted and there is no double counting of exports.
17.	M/s Elecon Engineering Company Limited 01/36/218/374/AM-14/EPCG-I	3430000321 dated 16.07.2004 3430000414 dated 04.11.2004 3430000516 dated 28.02.2005 3430000511 dated 23.02.2005 3430000583 dated 30.05.2005 3430000582 dated 30.05.2005	Condonation of procedural lapse of mentioning different EPCG authorization Nos. on the shipping bills	The case was placed before EPCG Committee in its meeting held on 27.06.2014 wherein it was decided to defer the case with the direction to RA to submit the details regarding Shipping Bill numbers, Shipping Bill Date , EPCG Authorization number endorsed on the Shipping Bill and EPCG Authorization number towards which the Shipping Bill is requested to be counted. Besides the above, RA was also requested to obtain an undertaking from the firm that Shipping Bill has not been utilized towards discharge of EO against any other licence/s. RA, Vadodara has forwarded licence-wise details and declaration submitted by the firm. The Committee after due deliberation decided to **recommend to DG for relaxation under Para 2.5 of FTP to** condone procedural lapse of mentioning

				different EPCG authorization numbers on the shipping bills subject to the condition that there is no double counting of exports/Shipping Bills. The Committee further recommended imposition of a composition fee of Rs. 200/- on each such shipping bill where more than one EPCG authorization number has been endorsed and which are being counted for fulfilment of EO. **This has the approval of DG.**
18.	M/s APM Terminals Limited 01/36/218/291/AM-14/EPCG-I	0330008331 dated 31.03.2005 0330009232 dated 21.07.2005 0330009814 dated 23.09.2005 0330010231 dated 16.11.2005 0330010407 dated 05.12.2005	To treat the imports made under 100% EOU scheme as imports made under EPCG authorizations	The case was placed before EPCG Committee in its meeting held on 24.07.2014 wherein it was decided to defer the case with the direction to call for copies of Bills of entry and furnish the same to DOR. The Committee observed that a. the firm had initially imported some Capital goods for providing services under 5 EPCG Authorizations issued to them by RA Mumbai in 2005; b. However the firm did not utilize the EPCG authorizations fully and imported the other capital goods under EOU scheme as they had become an EOU on 29.03.2006; c. Subsequently the Board of Approval took a decision for cancellation of EOU permission abinitio and directed the unit to import under the EPCG scheme. d. The Committee observed that on the date of import and clearance of goods under as 100% EOU, the firm was in possession of valid EPCG authorizations for the same capital goods; e. The firm has represented that the board of approval had cancelled the 100% EOU status and prior to this decisionall the imports were made and cleared as per procurement certificates issued by the competent authority i.e., the Development Commissioner, Mumbai; f. As per the firm's representation, they have fulfilled the EO required to be complied with bothunder the EOU scheme or under the EPCG scheme. Department of Revenue in their comments have furnished a copy of the letter dated 18.09.2014 received from O/o Commissioner of Customs, Mumbai Zone-II wherein it has been stated that as the EPCG Authorizations issued in 2005 have remained unutilized because imports were made under 100% EOU scheme, the party's request to treat such imports under EPCG licences is reasonable. If such request is approved by the EPCG Committee, then the three SCNs issued by the JNCH will be decided taking into consideration such approval. The Committee, in view of the above facts decided to **recommend to DG for relaxation under Para 2.5 of FTP to allow relief to the firm as under:**

				a. all the capital goods, including spares, made under 100% EOU Scheme, which are presently under bond, be treated as imports made under EPCG authorizations issued to them in 2005. They are also allowed to clear additional spares to the extent of the authorization value. b. All the 5 EPCG Authorizations shall be deemed to be valid. c. RA Mumbai will issue fresh EPCG authorizations for additional goods cleared under the EOU Scheme, and presently under bond, but not covered by the EPCG authorizations issued in the year 2005 for goods already arrived and cleared; d. The foreign exchange earned by rendering port services may be counted towards the export obligation to be fixed once the imports made by the 100% EOU are treated as imports made under EPCG Schemes and subsequently the case may be examined for issue of the EODC; e. The concessional rate of customs duty prevalent on the date of import may be charged without interest (as a special case) by treating the imports as imports made under EPCG Scheme. **This has the approval of DG.**
19.	M/s Sri Nirmala Yarn Mill (P) Ltd. 01/37/218/08/AM-15/EPCG-II	3530001299 dated 20.10.2005	Condonation of block-wise EO	The Committee observed that the firm have fulfilled 100% EO during the second block of EOP and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, subject to payment of composition fee of 2% 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 (RE:2013)/Para 5.8.3 of HBP v1 (RE:2012). **This has the approval of DG.**
20.	M/s Spark AutomotivesPvt. Ltd. 01/37/218/188/AM-14/EPCG-II	0530154263 dated 15.12.2010	Condonation of delay in submission of installation certificate	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
21.	M/s Sri Saravana Tex Exports India (P) Ltd. 01/37/218/11/AM-15/EPCG-II	3530000824 dated 02.02.2005	Extension in export obligation period	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**extension in EOP on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP.

				This has the approval of DG.
22.	M/s Posco India Steel Processing CenterPvt. Ltd. 01/37/218/69/AM-15/EPCG-II	3130001763 dated 25.05.2006	Extension in EOP for one year	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**extension in EOP for one year on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. **This has the approval of DG.**
23.	M/s Net Park 01/37/218/94/AM-15/EPCG-II	3530001564 dated 13.03.2006	Condonation of block-wise EO and extension in EOP for 2 years	The Committee observed that the firm have stated that they are small exporters and could not fulfill the entire EO during the EOP due to oversight. As per the firm's representation, the firm have fulfilled EO for the value of $ 53853.598 as against total EO of $ 723,938.98 endorsed on the licence. However, the firm have stated that they are in a position to fulfill the EO within the extended time period and shall face hardship in case block-wise extension and EOP extension are not granted. The Committee, after due deliberation, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**: (a) condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, 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(RE:2013)/Para 5.8.3 of HBP v1 (RE:2012); and (b) extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. **This has the approval of DG.**
24.	M/s Paramount Surgimed Ltd. 01/37/218/159/AM-14/EPCG-II	0530135474 dated 31.12.2003	Condonation of delay in submission of installation certificate	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
25.	M/s Polycab Wires Pvt. Ltd. 01/37/218/68/AM-	0330005078 dated 20.01.2004	Condonation of delay in installation of capital goods	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG**

	15/EPCG-II			**for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
26.	M/s Tata Motors Limited 01/37/218/41/AM-15/EPCG-II	0330002600 dated 25.09.2002 0330008322 dated 3103.2005 0330012905 dated 14.08.2006	Change of Supporting Manufacturer and place of installation of capital goods	The Committee deliberated upon the case and decided to **allow** endorsement of supporting manufacturer and shifting of Capital goods from their present place of installation to proposed place as indicated below subject to the submission of fresh Installation Certificate within 6 months of shifting:

EPCG authorization No.	Capital goods		Qty	Present place of installation	Revised place of installation
	Sl. No. in Lic.	Details of capital goods			
0330002600 dated 25.09.2002	45	Comec make mould for dash board skin RHD for Sumo Facelift along with QMC plate and inspection Fixture and Accessories.	1 set	Tata Auto Plastic System, Survey No.235 & 245, Village: Hinjewadi, Pune	Tata Autocomp Systems Limited, Plot No.66, Sector 11, IIE Pantnagar, SIDCUL, Udhamsingh Nagar, Rudrapur, Uttarakhand-263153.
0330008322 dated 31.03.2005 0330008300	28	Makino make CNC Horizontal machining centre, Model a81 alongwith accessories, hydraulic fixtures, toolings and MMC system	1 set	Tata Motors Limited, Jamshedpur	Tata Motors Limited, Pune
	28.2	Essential Accessories	1 set	-do-	-do-
0330012905 dated 14.08.2006	24	Makino make CNC Horizontal machining Centre Model a71	1 No.	Tata Motors Limited, Pune	Tata Motors Limited, Uttarakhand
	27	Accessories such as: Load Assist, AC Panel Cooler, Air Dryer, Mist Collector, Secondary Coolant Filtration Unit, Coolant Filtration System, Hi pr Coolant Pump, Power Fail monitor for braking of all 3 axes, Auto greecing device, Pr/Switch/flow switch for through spindle coolant, foundation pads, pallet clamp confirmation function & No. Nozzle coolant supply at the spindle nose, lift-up chip conveyor, Fanuc Warranty.	1 set	-do-	-do-

27.	M/s Tata Steel Limited 01/37/218/81/AM-15/EPCG-II	230008583 dated 28.01.2013 230008695 dated 15.03.2013 230008409 dated 09.11.2012 230005253	Extension in time for submission of installation certificates	The Committee observed that the company has obtained Installation Certificate in respect of EPCG Authorization No. 230008583 dated 28.01.2013. However, they have not been able to install the capital goods due to the following reasons stated below: a. the firm have been expanding its production capacities through

		dated 12.05.2010		Brown field expansion (Jamshedpur Steel plant and mines and collieries) and through Green Field Steel Plant at Kalingnagar, Odisha; b. two of these projects (Jamshedpur and West Bokaro) are in Brownfield environment; c. The capital equipment imported under the EPCG licences are to be installed with extreme care during shutdown; d. Installation of some of the equipment is likely to get delayed due to change in availability of shutdown; e. Due to delay in allotment of land the project at Kalinganagar got delayed though the equipment has been ordered as per schedule. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow** extension in time for submission of Installation Certificate upto June, 2015. **This has the approval of DG.**
28.	M/s Sterlite Technologies Limited 01/37/218/64/AM-15/EPCG-II	3130004287 dated 03.11.2009 3130004750 dated 16.04.2010	Shifting of capital goods from one unit to other unit	The Committee observed that both the addresses of the unit i.e. the unit where the capital goods are installed at present and the unit where the capital goods are to be shifted are incorporated in IEC and RCMC. The firm has also produced copies of Installation Certificates to RA confirming installation at the former unit. The Committee, therefore, decided to **grant permission** to shift the capital goods from their unit located at S. NO. 68/1, North Wing, Madhuban Dam Road, Rakholi, Silvassa – 396230 to their another unit located at Build. C PTB Div. survey No. 209 & 203/2, Phase-II, Piparia Industrial Estate, Piparia, UT of D&N Haveli - 396230 subject to the condition that the company will furnish fresh installation certificate to the RA concerned within 6 months from the date of shifting of CG.
29.	M/s The Supreme Match Works 01/37/218/10/AM-15/EPCG-II	3530002756 dated 18.07.2007	Acceptance of third party shipping bills without bearing the name of authorization holder towards maintenance of average EO	The Committee observed that the copies of ARE-I submitted by the firm have been signed by both the firms i.e. authorization holder and the third party. Further Shipping Bills number havebeen indicated in ARE-I which has been certified by Customs Authority. The Committee, therefore, decided to **allow** counting of exports made through third party subject to the condition that the firm would produce corroborative evidence to RA regarding exports made by them through third party and also to the condition that free shipping bills would not be counted for EO fulfilment and there is no double counting of exports.
30.	M/s T. International 01/37/218/225/AM-14/EPCG-II	0530141874 dated 04.09.2006	Change of name of supporting manufacturer	The Committee deliberated upon the case and decided to **defer** it with the direction to call for the details as to whether any investigation/ECA action is contemplated/pending against the firm and also as to when the capital goods were shifted. RA will obtain a certificate asto

				whether the Capital Goods are installed at the location claimed by the firm.
31.	M/s Maurya Printers 01/36/218/243/AM-14/EPCG-I	0530156862 dated 03.11.2011	Condonation of delay in obtaining installation certificate	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
32.	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 without permission	Representative from DOR indicated that comments from field office are required to be called for in the matter. The Committee, therefore, decided to **defer** the case.
33.	M/s HF Metal Art Pvt. Ltd. 01/36/218/32/AM-15/EPCG-I	1330001341 dated 14.07.2006 1330001306 dated 27.06.2006 1330001324 dated 06.07.2006	Extension in EOP for 2 years	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. **This has the approval of DG.**
34.	M/s Sampark Industries Limited 18/14/AM-13/EPCG-II	0530132877 dated 21.05.2002	Extension in export obligation period for 2 years i.e. upto 20.05.2014 without payment of customs duty	The case was last considered in EPCG Committee meeting held on 27.06.2014 wherein it was deferred with the direction to the firm to submit a Report to Department of Revenue (DOR) who in turn will furnish comments in the matter. The Director of the firm ShriChiragAggarwal appeared before the Committee and apprised the Committee that the firm is not in a position to pay 50% customs duty payable in proportion to the unfulfilled export obligation (EO) for grant of second extension of 2 years i.e. from 21.5.2012 to 20.5.2014, imposed in terms of Para 5.11 (b) of HBP v1 and requested for exemption. The representative of the DOR however did not agree to the firm's request for waiver of 50% customs duty. The Committee therefore decided to **reject** the request. The firm is required to pay 50% customs duty as per the decision taken by the Committee in its meetings held on 18.9.2012 and 9.1.2013. No further extension in EOP would be permitted and the party shall pay duty and interest on unfulfilled portion of EO.
35.	M/s Bajaj Carpet Industries Limited 01/36/218/14/AM-15/EPCG-I	0530130600 dated 01.10.1999	Condonation of block-wise EO, extension in EOP, re-fixation of EO upon conversion from CIF based to duty based EO and to consider 25 shipping bills on which number of some EPCG	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**: a. condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date

			Authorization is mentioned as the shipping bills were common for two EPCG authorizations.	of expiry of the first block, 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(RE:2013)/Para 5.8.3 of HBP v1 (RE:2012); and b. extension in EOP on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. c. counting of 25 shipping bills which were common for exports against EPCG Licence Number 0530130600 dated 01.10.1999 currently under reference and also for another EPCG Licence No. 0530136079 dated 17.04.2004 but wrongly these shipping bills were endorsed with only EPCG Licence No. 0530436079 dated 17.04.2004 subject to condition that there is no double counting of exports. For request regarding refixation of EO upon conversion from CIF based to duty based EO, the firm may approach the concerned RA. The Committee further recommended imposition of a composition fee of Rs. 200/- on each such shipping bill where more than one EPCG authorization number has been endorsed and which are being counted for fulfilment of EO. **This has the approval of DG.**
36.	M/s Arudra Engineers Pvt. Ltd. 01/36/218/101/AM-15/EPCG-I	Applied For	Issuance of EPCG authorization for service providers – Double Pass Pigging Unit – Repairs & Maintenance of furnace coils in refineries.	The Committee deliberated upon the case and decided to **defer** it for comments of DOR in the matter.
37.	M/s Aradhya Steel Wires Pvt. Ltd. 01/36/218/413/AM-14/EPCG-I	0730004443 dated 11.08.2006	Condonation of delay in submission of installation certificate	The Committee observed that the Installation Certificate has already been obtained from the Central Excise and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **condone** the delay in installation of capital goods. **This has the approval of DG.**
38.	M/s Minda Industries Ltd. 01/36/218/44/AM-13/EPCG-I	0530136463 dated 28.06.2004	Import of second hand scanning 10W systems laser with computer – clarification whether the import items is a personal computer or not – sought by CLA, New Delhi	The Committee deliberated upon the case and decided to **defer** it with the direction to call for comments of DIT in the matter.
39.	M/s Alstone International 01/36/218/52/AM-15/EPCG-I	0530144040 dated 04.07.2007	Redemption and acceptance of export documents	The Committee decided to **defer** the case as the technical representative from DIPP was not present in the meeting.

<table>
<tr><td>40.</td><td>M/s EncubeEthicalsPvt. Ltd.

01/36/218/57/AM-15/EPCG-I</td><td>0330010882 dated 19.01.2006
0330010874 dated 19.01.2006</td><td>Clubbing and redemption of EPCG authorization</td><td>The Committee observed that:

a. there is shortfall in Average EO during the years from 2005-06 to 2008-09 and in 2010-11;
b. However, that shortfall is covered by the Average EO fulfilled during the remaining years of EOP;
c. As the firm could not fulfill the Average EO annually, relaxation is required under Para 2.5 of FTP;
d. Similarly, as the firm could not fulfill the Average EO, the exports made by the firm towards specific EO would not be counted without allowingcondonation of condition of fulfillment of block-wise EO.

The Committee also noted that the firm have fulfilled Average EO in toto and also fulfilled the specific EO and, therefore, decided to recommend to DG for relaxation under Para 2.5 of FTP to allow:

a. condonation from condition of fulfillment of block-wise EO 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(RE:2013)/Para 5.8.3 of HBP v1 (RE:2012); and
b. condonation from anuual maintenance of Average EO as the firm have covered the shortfall in Average EO during some years by excess exports made during the remaining years.

This has the approval of DG.</td></tr>
<tr><td>41.</td><td>M/s Genus Electrotech Limited

01/36/218/128/AM-14/EPCG-I</td><td>25 EPCG authorizations issued during the period AM-05 to AM-07</td><td>Permission to include the export made by group company in fulfilment of EO in EPCG authorization from the date of issuance of authorization.</td><td>The Committee took cognizance of relevant Policy prevalent at the time of issuance of Authorizations as per which “Alternatively, export obligation may also be fulfilled by exports of other good(s) manufactured or service(s) provided by the same firm/company or group company/ managed hotel which has the EPCG licence. However, in such cases, the additional export obligation imposed under EPCG scheme shall be over and above the average exports achieved by the unit/company/group company/ managed hotel in preceding three years for both the original and the substitute product(s) /service (s) even in cases where the average is exempt for the substitute product (s)/ service (s) as given in para 5.7.6 of the Handbook (Vol 1)”. The Committee, therefore, decided to recommend to DG for relaxation under Para 2.5 of FTP to grant permission to includeexports made by group company in terms of para 9.28 of FTP towards fulfilment of EO against the subject 25 EPCG authorizations from the date of issuance of authorization subject to the following conditions:

(i) fixation of average EO of same and similar items exported by the group company; and</td></tr>
</table>

				(ii) verification of the fact that relevant EPCG authorization number is endorsed on the shipping bills being counted towards specific EO fulfilment. **This has the approval of DG.**
42.	M/s The Andhra Pradesh Paper Mills Limited 01/37/218/198/AM-14/EPCG-II	0930001455 dated 30.03.2005 0930001502 dated 17.05.2005 0930001504 dated 19.05.2005 2630000295 dated 24.10.2005 2630000299 dated 11.11.2005 2630000302 dated 06.12.2005 2630000411 dated 29.11.2006 2630000412 29.11.2006 2630000415 dated 01.12.2006 2630000431 dated 05.01.2007	Acceptance of shipping bills having multiple EPCG authorization numbers and date of discharge of export obligation of EPCG authorizations	The case was placed before EPCG Committee in its meeting held on 27.06.2014. During that meeting, representative of the DOR informed the Committee that report in the matter is awaited from the Visakhapatnam port. The Committee deferred the case. During this meeting, the representative of the DOR furnished a copy of their general letter regarding Policy Circular No. 7 dated 11.07.2002 wherein issue regarding rigorous examination of Shipping Bills other than non-EPCG Shipping bills (e.g. a free shipping bills, etc.) has been raised. However, during the deliberations in the Committee, it was opined that if the Shipping Bills produced towards fulfilment of EO are not free shipping bills, these can be accepted. The Committee deliberated upon the case and decided to **condone** the procedural lapse of mentioning multiple EPCG Authorization Nos. on the Shipping Bills and acceptance of Shipping Bills for discharge of export obligation against the authorizations subject to the condition that there is no double counting of exports and also to the condition that the Shipping Bills pertaining to a particular RA would be considered by that RA itself and not by other RA. The Committee further recommended imposition of a composition fee of Rs. 200/- on each such shipping bill, where more than one EPCG authorization number has been endorsed and which are being counted for fulfilment of EO.
43.	Tata Steel Limited 01/37/218/15/AM-15/EPCG-II	0230006236 dated 17.01.2011 0230004986 dated 02.03.2010 0230004947 dated 16.02.2010 0230002997 dated 12.02.2008 0230001517 dated 09.05.2006 0230008135 dated 20.07.2012	Acceptance of installation certificate issued by chartered Engineer.	The case was considered in EPCG Committee in its meeting held on 24.07.2014 wherein it was deferred with the direction to call for comments of DOR. As per the comments received from DOR, the company has never approached the Central Excise for issuance of Installation Certificate in respect of two EPCG Authorizations out of the 6 EPCG Authorization in question. The Committee, therefore, decided to **defer** the case with the direction to call for reasons from the company as to why they did not approach the Central Excise for issuance of Installation Certificate.
44.	M/s Reliance Infratel Limited 18/18/AM-13/EPCG-II	0330021083 dated 26.08.2008 0330019821 dated 16.04.2008 0330019815 dated	Counting of foreign exchange earnings of the parent company M/s Reliance Communications Limited for fulfilment of export obligation of EPCG authorizations	The written comments of the Department of Telecommunications were considered by the Committee. Department of Telecommunications in response to the queries raised in the EPCG Committee meeting held on 24.7.2014 viz. whether the tower infrastructure which was imported by the company under the EPCG scheme can

		11.04.2008 0330019775 dated 08.04.2008 0330019692 dated 01.04.2008		help in generating foreign exchange and whether in the absence of any foreign company holding operator licence in India, the tower infrastructure can generate foreign exchange has stated that when a foreign consumer under the international roaming visits the country, then the tower infrastructure of the local operator is used in telecommunication and foreign consumer has to pay the charges in their country and thus the tower infrastructure helps in generating foreign exchange. The Committee also took into account the submission of the firm that M/s RCOM (Group company of Reliance Infratel Ltd.) is holder of International Long Distance (ILD) License from DOT and has agreements with various foreign carriers for pick up and carriage of international calls to the called end customer to different parts of the country irrespective of the service provider in India to which the called number belongs and that it is for this total service M/s RCOM is receiving compensation in foreign exchange. The report received from RA, Mumbai was also placed before the Committee. The Committee observed that that applications for four out of the five authorizations were made before the release of FTP RE 2008 (date of release of FTP was 11.4.2008 and FTP was made effective from 1.4.2008) while application for one authorization was made on 21.8.2008 i.e. after the release of the FTP RE 2008. The Committee also took into account the observations of the DoR forwarded vide letter dated 22.8.2014. The views of DRI forwarded by DoR were also taken on record. The Committee took into account the contention of DRI that EPCG authorizations cannot be issued to non-exporters i.e. appropriation of export earnings of their parent company (RCOM) cannot be made if RITL themselves are non-exporters. The Committee noted that the firm M/s Reliance Infratel Limited is holding a valid IEC Number and has obtained the EPCG authorizations with an intention to earn foreign exchange by export of services through their group company in the period when this facility was available in the policy. The Committee also noted that the FTP provision in the policy periods preceding grant of EPCG authorization to the firm, permitted 100% fulfilment of export obligation through group company and the same was reduced to 50% in the FTP announced on 11.4.2008 effective from 1.4.2008. The Committee also took into account the observation of DRI that the telecom towers of RITL are not being exclusively used by RCOM and that RCOM is utilising the towers of not only RITL, but also of other companies and therefore it is impossible to

				allocate & apportion foreign exchange earnings of RCOM to utilisation of RITL towers. It was decided that the company should produce documentary evidence to RA that foreign exchange earned by their group company M/s RCOM being counted for EO fulfilment has been earned by use of the capital goods imported under the EPCG authorizations. The Committee accordingly decided to maintain its earlier decision taken in the meeting dated 18.9.2012 i.e. the company may avail the provision of FTP as amended w.e.f. 1.4.2008 and may therefore fulfil upto 50% EO by exports made by its group company M/s RCOMsubject to apportioning of foreign exchange earnings of RCOM to utilisation of RITL towers.
45.	M/s Tata Steel Limited 01/37/218/47/AM-15/EPCG-II	0230003829 dated 28.11.2008 0230003833 dated 01.12.2008 0230004702 dated 01.12.2009 0230004942 dated 15.02.2010 0230004958 dated 18.02.2010 0230006009 dated 25.11.2010 0230008617 Dated 12.02.2013 0230008717 dated 22.03.2013 0230008854 dated 21.05.2013 0230009002 dated 06.08.2013	Extension in time for submission of installation certificate	The Committee deliberated upon the case and decided to **defer** it with the direction to call for RA's Report, inter alia, whether any ECA action/Investigation is contemplated/pending against the Authorizations Holder.
46.	M/s Vardhman Textiles Limited 01/37/218/108/AM-15/EPCG-II	-----	Issuance of EPCG authorization for import of Transformer	The technical member from Department of Heavy Industry informed that the capital goods in question are required for distribution of power in manufacturing unit and is not for transmission of electricity and as such is not covered under Notification No. 7 dated 18.04.2013. Therefore, the Committee decided to **allow** issuance of EPCG Authorization for import of "Distribution Transformer".
47.	M/s Unipack Industries 18/152/AM-13/EPCG-II	0530137291 dated 28.10.2004	Condonation of block-wise EO and extension in EOP	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**: a. condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, 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(RE:2013)/Para 5.8.3 of HBP v1 (RE:2012); and b. extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. **This has the approval of DG.**
48.	M/s Safire Polymers Ltd. 01/37/218/76/AM-15/EPCG-II	0530141228 dated 02.06.2006	Condonation of block-wise EO and extension in EOP	The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to **allow**: a. condonation from condition of fulfillment of block-wise EO, as the firm could not apply to RA within the prescribed period of 3 months from date of expiry of the first block, 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(RE:2013)/Para 5.8.3 of HBP v1 (RE:2012); and b. extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfiled 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, as the firm could not apply to RA within the prescribed period of 30 days from date of expiry of original EOP. **This has the approval of DG.**
49.	M/s Shriram Pistons & Rings Ltd. 01/37/218/85/AM-15/EPCG-II	0530157662 dated 15.02.2012	Shifting of capital goods from one unit to other unit.	The Committee observed that both the addresses of the unit i.e. the unit where the capital goods are installed at present and the unit where the capital goods are to be shifted are incorporated in IEC. The firm have stated the said machine had been installed on 01.01.2013 in their Pathredi plant and they intimated to the Central Excise Authority on 12.04.2013 for issuance of Installation Certificate. These facts have been confirmed by CLA. The Committee, therefore, decided to **grant permission** to shift the capital goods from their unit located at SP-1, 892 & 893, Pathredi Industrial Area, Near Chopanki, Bhiwadi, Alwar, Rajasthan to their another unit located at A-4 to A-7, Industrial Area-3, Meerut Road, Ghaziabad, UP-201003 subject to the condition that the company will furnish fresh installation certificate within 6 months of shifting of CG.
50.	M/s SreParthasarathi Hotels Pvt. Ltd. 01/37/218/105/AM-	-----	Issuance of EPCG authorization for import of Escalators and Elevators for use	The technical members present in the meeting confirmed that import of Escalators and Elevators are capital goods for the service industry and can be allowed under

	15/EPCG-II		in Hotel Services	EPCG Scheme for use in Hotel Services. The Committee endorsed the views.
51.	M/s Jindal Stainless Limited 01/36/218/72/AM-15/EPCG-I	3330001992 dated 29.03.2011	Revalidation and duty enhancement	The Committee deliberated upon the case and decided to **defer** it with the direction to call for comments of DOR in the matter.
52.	M/s Dong –A India Automotive Pvt. Ltd. 01/36/218/327/AM-14/EPCG-I	0430000836 dated 27.11.2002	Second extension in EOP	The Committee observed that as per the report of RA, the case was adjudicated and the firm has filed an appeal against the same. The Committee, therefore, decided to **defer** the case.
Out of the Agenda Case				
53	M/s Mohan Spintex India Limited (Reference received from RA, Hyaderabad) 18/67/AM-15/P-5	Applied For	Issuance of EPCG Authorization for import of electrical motors and cable for humidification plant.	The technical member from Department of Heavy Industry informed that the capital goods in question is not for transmission/supply of electricity and as such is not covered under Notification No. 7 dated 18.04.2013. Therefore, the Committee decided to **allow** issuance of EPCG Authorization for import of "Electrical motors and cable for humidification plant".

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
DHI = Department of Heavy Industry
DOT=Department of Telecommunication

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