DIRECTORATE GENERAL OF FOREIGN TRADE
DES-VI (FOOD & MISC)

Minutes of the meeting of NC-VI held on 03.09.2009

Meeting No. 18/AM10 for the licensing year 2009-10 to consider cases under Duty Exemption Schemes (Chapter-4) of Foreign Trade Policy 2004-09 pertaining to Misc. & Food Products was held on 03.09.2009 under the Chairmanship of Shri A.K. SINGH, Jt. DGFT. Following officers were present in the meeting.

S.No.	Name of the Officer	Designation	Department
1.	Shaish Kumar	I.A.	DIPP
2.	Sh. A.K. Ojha	AD	MSME
3.	Sh. T.M. Skaria	DDG	DGFT
4.	Sh. Raghu Nath	FTDO	DGFT

Agenda for individual cases was taken up for discussion. Decision taken in each case is enumerated below. Ad-hoc norms fixed in this meeting are valid for a period of 12 months as per Public Notice 37 dated 23.08.2007.

<table>
<tr><td rowspan="3">1</td><td>382</td><td>M/s. Musaji Tea Co. Pvt. Ltd., Bharuch</td><td>M. No. 18 dt. 03.09.2009</td><td rowspan="2">Status: Approved</td></tr>
<tr><td>HQ File :01/85/162/00731/AM06</td><td>RLA File :34/24/040/00227/AM06</td><td>Lic.No/Date: 3410016126 dt. 31.05.2006</td></tr>
<tr><td colspan="4">The case was considered by the committee as per agenda. Representative of the Firm explained the case. Committee perused the relevant documents. It was observed that in this case applicant has imported 12.40MT i.e. 12440Kgs of CTC Tea in bulk and in 3 SBs i.e. No. 3979916, 4092262 & 4597217, total exported quantity is 26.01MT i.e. 26010Kgs. As per Test Memo dated 26.04.2007 relating to SBs & endorsement dated 06.07.2007 of Chemical Examiner overleaf the test report, it is proved beyond doubt that exported items is blended tea. 'Supreme Gold' and 'Soffy Gold' are the branded name of blended Tea exported.. However blend ratio is not indicated. Since the import is 12.44MT of Tea, with 50:50 blend ratio, EO would be for 24.88MT prorata. As per decision of NC in meeting No. 13/10 held on 30.07.2009, it has been recorded that even when blend ratio is other than 50:50, the main purpose is that the qty. of imported tea should get accounted in export product. In this case, import was 12.440MT and export is 26.01MT which corroborates that for blended tea, quantity of local tea used for blending was 13.57MT. Hence, based on this evidence, the blending ratio is little less than 50%. Accordingly, since the main purpose is to account for imported tea, strict compliance of 50:50 ratio is waived, being a one-off case. The applicant has been adequately cautioned that they should clearly give blend ratio in SBs in future so that confusion of accounting does not arise in future.

Accordingly, the Committee decided that export in the 3 SBs can be taken into account for export obligation purpose. Committee is satisfied that the test report is adequate evidence for confirmation that export product is, indeed, blended tea. Thus Committee is satisfied that imported quantity of 12.44MT is fully accounted in 26.01MT of blended tea exported in these 3 SBs.

RA may regularize the case accordingly.</td></tr>
</table>

2	**383**	M/s. Innovative Foods Ltd., Allappuzha	M. No. 18 dt. 03.09.2009	**Status: Rejected**
	HQ File :01/85/050/00242/AM06/	RLA File :10/81/040/0083/AM06	Lic.No/Date:1010022791 dt. 13.02.2006	
	The case was considered by the committee as per agenda. Committee observed that size of Spring Roll could vary in terms of its diameter and length. Therefore quantifying the export in Nos without indicating its size and content in weight is illogical. It would also be not possible to work out the wastage. Accordingly, without obtaining these details RA can not calculate the wastage and has no powers to finalize norms even if there is a GRC recommendation (vide OM No. 06/08/2009/GRC dated 23.04.2009). Accordingly PH was given to Firm in this case to submit details for enabling the Committee to calculate norms. However representative of Firm has not attended. Case can be finalized even without PH if there is proper explanation of the case, which is not available on record. Committee observed that GRC can only recommend, but cannot finalize norms. NC is the only authority competent to finalize norms, as per FTP. Committee noted that in the earlier Advance Licence No. 1010022792 dt. 13.02.2006, the import item is Spring Roll Pastry Plain for making Samosa and the export product is Frozen Samosa Vegetable Chicken Cheese, whereas in the instant case the import item is Spring Roll Pastry Plain for making Crisper Spring Roll & the export product is Frozen Spring Roll Seafood/Vegetable/Chicken. Hence decision taken in AA No. 1010022792 dt. 13.02.2006 is not relatable to this case, as import and export items are different. Further, on the export side, export is in Nos. while on the import side it is in Kgs in this case. Committee observed that there is no nexus unless import/export in Kgs is known & it would not be possible even to calculate 5% wastage. In view of this NC is clear that decision of NC in Meeting No. 50/06 held on 30.03.206 is required to be implemented in this case. RA may take consequential action.			

3	**384**	M/s. Foods Fats & Fertilizers Ltd., Chennai	M. No. 18 dt. 03.09.2009	**Status: Rejected**
	HQ File :01/85/162/00157/AM 10			
	Request for applicability of Amendment/Corrections in SION Sl. No. E-125 made vide PN No. 184 dt. 05.06.2009			
	The case was considered by the committee as per agenda. Committee observed that applicability of SION amended vide Public Notice No. 184 dated 05.06.2009 can not be given retrospective effect to licence issued before 05.06.2009. Committee decided to reject the case. RLA to take consequential action as per policy/procedure.			

4	**385** **Case No.:5/14/85-ALC3/2009**	M/s. DRYTECH PROCESSES (I)PVT.LTD;	M. No. 18 dt. 03.09.2009	**Status:** **Approved**
	HQ File :01/85/050/00076/AM10/	RLA File :03/94/040/00341/AM10/	Lic.No/Date:0310531366 30.07.2009	

The case was considered by the committee as per agenda. It was observed that an earlier case of the firm was approved in Adv. Lic. No.0310378843 dt. 04.05.2006 by NC in meeting No. 17 held on 26.07.2006 with 5% wastage. In this case also the committee decided to ratify the norms on the same basis, as under:-

Export Item	Qty.	Import Item	Qty.
Spray Dried Gum Arabic Seyal	80MT	Kibbled Gum Arabic Seyal	84MT

RLA may take consequential action as per policy/procedure.

5	**386** **Case No.:3/9/85-ALC3/2009**	M/s. PUNJAB CHEMICALS AND CROP PROTECTION LTD.,	M. No. 18 dt. 03.09.2009	**Status:** **Rejected**
	HQ File :01/85/050/00045/AM10/	RLA File :03/95/040/00123/AM10/	Lic.No/Date:0310522261 02.06.2009	

The case was considered by the committee as per agenda. It was noted that the import item given at Sl. No. 1 does not give specification and percentage of marine oil. Import item at Sl. No. 2 & 3 are brand names. ITC(HS) Code used for export product does not probably pertain to Marine item since at 8-digit level it is fish body oil. Committee is not in a position to fix norms and decided to reject the case.
RLA may take consequential action as per policy/procedure.

6	**387** **Case No.:3/9/85-ALC3/2009**	M/s. PUNJAB CHEMICALS AND CROP PROTECTION LTD.,	M. No. 18 dt. 03.09.2009	**Status:** **Rejected**
	HQ File :01/85/050/00054/AM10/	RLA File :03/95/040/00146/AM10/	Lic.No/Date:0310525463 23.06.2009	

The case was considered by the committee as per agenda. It was noted that the import item given at Sl. No. 1 does not give specification and percentage of marine oil. Import item at Sl. No. 2 & 3 are brand names. ITC(HS) Code used for export product does not probably pertain to Marine item since at 8-digit level it is fish body oil. Committee is not in a position to fix norms and decided to reject the case.
RLA may take consequential action as per policy/procedure.

7	**388** **Case No.:5/36/85-ALC3/2008**	M/s. PUNJAB CHEMICALS AND CROP PROTECTION LTD.,	M. No. 18 dt. 03.09.2009	**Status:**
	HQ File :01/85/050/00251/AM09/	RLA File :03/95/040/00835/AM09/	Lic.No/Date:0310504447 29.01.2009	
	The case was considered by the committee as per agenda. It was noted that the import item given at Sl. No. 1 does not give specification and percentage of marine oil. ITC(HS) Code used for export product does not probably pertain to Marine item since at 8-digit level it is fish body oil. Committee is not in a position to fix norms and decided to reject the case. RLA may take consequential action as per policy/procedure.			

8	**389**	Ref. from Jt. DGFT, Cochin	M. No. 18 dt. 03.09.2009	**Status:** **Transferred**
	HQ File :01/85/162/00143/AM10/	Ref: Jt. DGFT, Cochin No. 01/24/40/00143/AM08		
	Clarification regarding import of Cloves, Cinnamon and Cassia under duty exemption scheme.			
	The case was considered by the committee as per agenda. The Committee observed that Essential Oil/Oleoresin is covered under Chapter 33 of ITC(HS). Import of Clove, Cinnamon & Cassia are largely for manufacturing of essential oil/Oleoresin. In view of this Policy-4 may obtain comments from NC4. NC6 has no comments to offer in this case.			

390	M/s. Parle Products Pvt. Ltd., Mumbai	M. No. 18 dt. 03.09.2009	**Status:** **Deferred**
HQ File :01/85/162/00135/AM10/	Ref: PC-4/RLA's F.No. 03/92/76/0094/AM08		
Inclusion of Dry Fruits under transferable DFIA against export of Biscuits.			
The case was considered by the committee as per agenda. It was decided to link up the relevant file relating to PN No. 82 dated 16.01.2006 and to re-list the case on 01.10.2009.			

10	**391** **Case No.:3/14/85-ALC3/2009**	M/s. NEWBY TEAS OVERSEAS PVT.LTD.,	M. No. 18 dt. 03.09.2009	**Status:** **Rejected**

	HQ File :01/85/050/00074/AM10/	RLA File :02/24/040/00065/AM10/	Lic.No/Date:0210129606 28.07.2009	
	The case was considered by the committee as per agenda. It was noted that the applicant Firm was asked to furnish further information vide letter dated 08.08.2009, reply has not been received. Committee decided to reject the case. RLA to take the consequential action as per policy/procedure.			

11	**392** **Case No.:4/14/85-ALC3/2009**	M/s. GELTEC PRIVATE LIMITED	M. No. 18 dt. 03.09.2009	**Status:** **Rejected**
	HQ File :01/85/050/00075/AM10/	RLA File :03/94/040/00344/AM10/	Lic.No/Date:0310531081 28.07.2009	
	The case was considered by the committee as per agenda. It was noted that the applicant Firm was asked to furnish further information vide letter dated 19.08.2009, reply has not been received. Committee decided to reject the case. RLA to take the consequential action as per policy/procedure.			

12	**393** **Case No.:1/18/85-ALC3/2009**	M/s. ARJAN IMPEX PVT.LTD.	M. No. 18 dt. 03.09.2009	**Status:** **Deferred**
	HQ File :01/85/050/00085/AM10/	RLA File :05/23/040/00005/AM10/	Lic.No/Date:0510248208 24.08.2009	
	The case was considered by the committee as per agenda. Committee decided to seek comments from DES-V. To be re-listed on 08.10.2009.			

13	**394** **Case No.:3/18/85-ALC3/2009**	M/s. HIMADRI CHEMICALS & INDS. LTD.	M. No. 18 dt. 03.09.2009	**Status:** **Transferred**
	HQ File :01/85/050/00087/AM10/	RLA File :02/24/040/00094/AM10/	Lic.No/Date:0210130726 24.08.2009	Defer Date:
	The case was considered by the committee as per agenda. Committee noted that the case pertains to chapter 27 of ITC(HS). May be transferred to DES.IV.			

14	**395** **Case No.:2/18/85-ALC3/2009**	M/s. HIMADRI CHEMICALS & INDS. LTD.	M. No. 18 dt. 03.09.2009	**Status:** **Transferred**
	HQ File :01/85/050/00086/AM10/	RLA File :02/24/040/00093/AM10/	Lic.No/Date:0210130724 24.08.2009	
	The case was considered by the committee as per agenda. Committee noted that the case pertains to chapter 27 of ITC(HS). May be			

	transferred to DES.IV.

396	M/s. K. PATEL PHYTO EXTRACTIONS PVT. LTD., VALSAD	M. No. 18 dt. 03.09.2009	**Status: Approved**
HQ File :01/85/050/1006/AM07	RLA File :03/94/40/644/AM07	Lic.No/Date: 0310400865 dt. 25.09.2006	

The case was considered by the committee as per agenda. The Committee noted that NC had ratified the case in Meeting No. 14/08 dated 12.07.2007, as applied by the Firm, in which the export items are

(i) Garcinia Mangostana Dry Extract 10% 663.60Kg
(ii) Garcinia Mangostana Dry Extract 20% 331.80Kg

Due to cancellation of export order for Garcinia Mangostana Dry Extract 10%, firm had requested to delete this item. Committee in the meeting on 18.06.2009 allowed the request & amended export qty. as under:-

Export Item	Qty.	Import Item	Qty.
Garcinia Mangostana Dry Extract 10% Garcinia Mangostana Dry Extract 20%	Deleted 995.4Kgs	Dried Mangostana Rind	8295Kg

Firm has represented that consumption of raw material will be double to manufacture Garcinia Mangostana Dry Extract 20% and hence half the qty. of Garcinia Mangostana Dry Extract 10% will be added to existed Garcinia Mangostana Dry Extract 20% & therefore export obligation may be fixed as 663.00Kg. Committee approved that EO may be fixed as 663.00Kg for export of Garcinia Mangostana Dry Extract 20%.

RLA may take consequential action as per policy/procedure.

397	M/s. ADANI EXPORTS LTD., CHENNAI	M. No. 18 dt. 03.09.2009	**Status: Approved**
HQ File :01/85/050/340/AM05	RLA File :04/81/40/235/AM05	Lic.No/Date: 0410067356 DT. 17.02.2005	

The case was considered by the committee as per agenda. It was noted that this licence was issued on 17.02.2005. PN No. 63 dated 28.03.2005 banned the issuance of import of edible oil for export production. This PN No. 63 applies prospectively and not retrospectively. Later, Policy

Circular No. 13 dated 29.06.2005 relaxed the condition of ban imposed vide Public Notice No. 63 and allowed issuance with 'prior export condition'. The Policy circular dated 29.06.2005 also applies prospectively. Thereafter Public Notice No. 44 dated 26.08.2005 amended SION E-121 and it is specified therein that 'first export will take place and after grant of EODC only import will be allowed'. This PN No. 44 also applies prospectively not retrospectively. In view of this, neither PC No. 13 dated 29.06.2005 nor PN No. 63 dt. 28.03.2005, PN 44 dated 26.08.2005 apply to licences already issued prior to these dates and does not apply to advance licence issued in this case on 17.02.2005.

Accordingly, there is 'no prior export condition' in this case as per policy on the date of issue of advance licence. Therefore, prior export condition can not be imposed while considering EODC.

Accordingly, RA may take consequential action for finalization of EODC.