

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

Minutes of the meeting of NC-VI held on 15.10.2009

Meeting No. 24/AM10 for the licensing year 2009-10 to consider cases under Duty Exemption Schemes (Chapter-4) of Foreign Trade Policy 2009-14 pertaining to Misc. & Food Products was held on 15.10.2009 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	Sh. Shaish Kumar	I.A.	DIPP
2	Sh. T.M. Skaria	DDG	DGFT
3.	Sh. A..K.Ojha	AD	MSME
4.	Sh. Raghu Nath	FTDO	DGFT

The Committee ratified the minutes of the meeting held on 01.10.2009 & 08.10.2009. Thereafter, 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.

1	495	M/S. INDO GERMAN ALKALOIDS, MUMBAI	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected
	HQ File :01/80/050/00072/AM09/	RLA File :03/94/40/01001/AM08	LIC. NO. 0310457219 DT. 09.01.2008	
	The case was considered by the committee as per agenda. It was noted that the applicant Firm has represented against rejection of case, but has still not given information regarding Mfg. process, stage-wise wastage and active content in percentage in import/export. Therefore, Committee decided to maintain status quo.			

2	496	M/S. CRI LTD., KOLKATA	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected.
	HQ File :01/80/162/214/AM09/	RLA File :02/24/040/00323/AM08/	Lic.No. 0210111922 DT. 30.04.2008	
	The case was considered by the committee as per agenda. It was noted by the Committee that the applicant Firm has failed to furnish information called for vide this office letter dt. 19.8.2009. Committee decided to reject the case.			

3	497	M/S. ENCORE NATURAL POLYMERS LTD., MUMBAI	M.No. 24/10 DT. 15.10.2009	STATUS: Approved.
	HQ File :01/80/162/212/AM10/	RLA File :03/90/039/0003/AM06	Lic No. 0310351562 DT. 13.02.2005	
	The case was considered by the committee as per agenda. Committee perused the documents and decided that the description of export item is amended as “Tamarind Derivatised Grade-PDI containing minimum 3% Preventol CMK (Pera Chloro Meta Cresol)”. Description of import item is modified as “Preventol CMK (Pero Chloro Meta Cresol)”. Committee approved that for 100Kgs of export, 3Kgs of import item may be allowed without wastage subject to accountability.			
	RA to take consequential action as per policy/procedure.			

4	498 Case No.:1/17/85-ALC3/2009	M/S. GELTEC PRIVATE LIMITED	M.No. 24/10 dt. 15.10.2009	STATUS: Withdrawn.
	HQ File :01/85/050/00083/AM10/	RLA File :03/94/040/00390/AM10/	Lic.No/Date:0310533946 18.08.2009	
	This case was considered by the NC in its meeting no. 22/10 held on 01.10.2009 & approved . The case is withdrawn.			

5	499 Case No.:1/16/85-ALC3/2009	M/S. JAIN IRRIGATION SYSTEMS LTD.	M.No. 24/10 DT. 15.10.2009	STATUS Withdrawn
	HQ File :01/85/050/00081/AM10/	RLA File :03/94/040/00405/AM10/	Lic.No/Date:0310533738 13.08.2009	
	This case was considered by the NC in its meeting no. 22/10 held on 01.10.2009 & rejected. The case is withdrawn.			

6	500 Case No.:1/24/85-ALC3/2009	M/S. HALDIA PETROCHEMICALS LTD.	M. No. 24/10 DT. 15.10.2009	STATUS: Transferred
	HQ File :01/85/050/00127/AM10/	RLA File :02/24/040/00114/AM10/	Lic.No/Date:0210132067 30.09.2009	
	The case was considered by the committee as per agenda. It was noted that the item pertains to chapter 27 of ITC (HS). The Committee decided to transfer the case to NC IV.			

7	501 Case No.:2/24/85-ALC3/2009	M/S. NEWBY TEAS OVERSEAS PVT.LTD.,	M. No. 24/10 DT. 15.10.2009	STATUS: Deferred
	HQ File :01/85/050/00128/AM10/	RLA File :02/24/040/00130/AM10/	Lic.No/Date:0210132069 30.09.2009	
	The case was considered by the committee as per agenda. It was decided to call for the following information from the applicant:			
	1. What are infusions? Case to be re-listed on 12.11.2009			

8	502	M/S. NEWBY TEAS OVERSEAS PVT.LTD.,	M. No. 24/10 DT. 15.10.2009	STATUS: Deferred
	Case No.:3/24/85-ALC3/2009			
	HQ File :01/85/050/00129/AM10/	RLA File :02/24/040/00131/AM10/	Lic.No/Date:0210132076 01.10.2009	
	The case was considered by the committee as per agenda. It was decided to call for the following information from the applicant: 1 Geographical origin of imported tea. 2. Whether imported tea is blended with indigenous tea, & if so, the blend ratio 3. Thickness of Aluminium Foil. 4. GSM of Filter Paper Case to be re-listed on 12.11.2009			

9	503	M/S. HIMALYA INTERNATIONAL LIMITED	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected.
	Case No.:4/24/85-ALC3/2009			
	HQ File :01/85/050/00130/AM10/	RLA File :05/23/040/00035/AM10/	Lic.No/Date:0510250237 01.10.2009	
	The case was considered by the committee as per agenda. It was observed that in almonds there is variation in quality in terms of oil content and taste and without specifying these parameters it may not be possible to compute the wastage. Quantitative nexus can not be determined without having mechanism of test report which would quantify the quantity of import items in export product. Therefore, Committee was constrained to reject the case. RA to take consequential action as per policy procedure.			

10	504	M/S. MARINE CHEMICALS,	M. No. 24/10 DT. 15.10.2009	STATUS: Approved.
	Case No.:5/24/85-ALC3/2009			
	HQ File :01/85/050/00131/AM10/	RLA File :10/24/040/00065/AM10/	Lic.No/Date:1010035500 05.10.2009	

The case was considered by the Committee as per agenda. It was noted that a similar case of the same firm for the same export product was approved in NC Meeting No. 19/AM10 dated 10.09. 2009 in advance authorization No.1010034769 dt.31.07.2009 allowing 9.22% wastage. The Committee decided to approve this case on repeat basis, as under:

Export Item	Qty.	Import Item	Qty
AGAR AGAR/POWDER GRADE FOOD/MICRO BIOLOGICAL /BACTERIOLIGAL/PHARMA	15432.600KG	AGAR AGAR POWDER COMMERCIAL GRADE	16855.485KG

RLA to take consequential action as per policy/procedure.

11	505 Case No.:6/24/85-ALC3/2009	M/S. LIMTEX (INDIA) LTD.	M. No. 24/10 DT. 15.10.2009	STATUS: Deferred
	HQ File :01/85/050/00132/AM10/	RLA File :02/24/040/00134/AM10/	Lic.No/Date:0210132202 07.10.2009	
	The case was considered by the committee as per agenda. It was decided to call for the following information from the applicant:- 1. Geographical origin of imported tea. 2. Type and Grade of Black Tea on export side, details to be mentioned to establish one to one correlation.			
	Case to be re-listed on 12.11.2009			

12	506 Case No.:7/24/85-ALC3/2009	M/S. IMSOFER MANUFACTURING (INDIA) PRIVATE LIMITED,	M. No. 24/10 DT. 15.10.2009	STATUS: Approved									
	HQ File :01/85/050/00133/AM10/	RLA File :31/24/040/00118/AM10/	Lic.No/Date:3110040200 07.10.2009										
	The case was considered by the committee as per agenda. It was noted that a similar case of the same firm for the same export product was approved in NC Meeting No. 14/AM10 dated 06.08.2009 in advance authorization No.3110037409 dt. 19.02.2009 allowed to ratify the norms. The Committee decided to approve this case on repeat basis, as under:												
<table><tr><th>S.No.</th><th>Import item</th><th>Wastage</th></tr><tr><td>1</td><td>KJ White Cream Ind/Poland</td><td>6%</td></tr><tr><td>2</td><td>KJ Black Cream Ind/Poland</td><td>8.41%</td></tr></table>					S.No.	Import item	Wastage	1	KJ White Cream Ind/Poland	6%	2	KJ Black Cream Ind/Poland	8.41%
S.No.	Import item	Wastage											
1	KJ White Cream Ind/Poland	6%											
2	KJ Black Cream Ind/Poland	8.41%											

3	KJ Tartufino Ind/Poland	6.82%
4	Kinder Joy Edible side Nynoc 40my+SLKJM 325 my PETRO SalidoNR 173B0BINE (Packing Film)	5.18%
5	Diaframma Lato Prodotto T 16K Joy2Col (Side Seating Lamine)	4.65%
6	Kinder Joy India film in white PA/PVC/PE 312 Microns in thickness 160 MM in Width Printed 5 colours (Plastic Film)	4.92%
7	Kinder Joy Surprise Side Prezzo Riferito A 1000 N Coloured Plastic Film in Rolls (Plastic Film)	4.65%
8	Mix Toys Kinder India	Net to net.

RLA to take consequential action as per policy/procedure.

13	507 Case No.:6/5/85-ALC3/2008	M/S. GODREJ & BOYCE MFG. CO. LTD.,	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected
	HQ File :01/85/050/00061/AM09/	RLA File :03/94/040/00966/AM08/	Lic.No/Date:0310457215 09.01.2008	
	The case was considered by the committee as per agenda. The Committee noted that the applicant Firm was asked vide letter dt. 13.8.2008 to furnish information & documents. Reply has not been received so far. Therefore, the Committee decided to reject the case. RA to take consequential action as per policy procedure.			

14	508 Case No.:1569/26/80-ALC2/2007	M/S. CRI LIMITED	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected
	HQ File :01/80/050/00305/AM08/	RLA File :02/24/040/00104/AM08/	Lic.No/Date:0210102472 18.07.2007	
	The case was considered by the committee as per agenda. The Committee noted that the applicant Firm was asked vide letter dt. 16.6.2008 for information, which has not been received so far. Therefore, the Committee decided to reject the case. RA to take consequential action as per policy procedure.			

15	509	M/S. CHARANKATTU COIR	M. No. 24/10 DT. 15.10.2009	STATUS:
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Case No.:26/2/85-ALC3/2008		MANUFACTURING CO. PVT LTD	Approved
HQ File :01/85/050/00026/AM09/	RLA File :10/24/040/00196/AM08/	Lic.No/Date:1010028999 05.03.2008	
The case was considered by the committee as per agenda. The Committee decided to approve the case with 5 % wastage as under:-			
Export product	Qty	Import item	Qty
DYED/BLEACHED RAPHIA LEAFS IN SPOOLS/HANKS DYED/BLEACHED LEAFS	9524.000 Sq. meter	RAPHIA LEAF IN HANK FORM	10,000 Sq. meter
RA to take consequential action as per policy procedure.			

16	510	M/S. J.M.A. MANUFACTURING PVT. LTD., N. DELHI	M. No. 24/10 DT. 15.10.2009	STATUS: Deferred.
	HQ File :01/85/050/0009/AM10/	RLA File :05/24/40/0007/AM10	Lic.No/Date:0510239832 16.04.2009	
	The case was considered by the committee as per agenda. The Committee decided to call the applicant Firm for PH.. Case to be re-listed on 12.11.2009			

17	511	M/S. MITTULALALAH AND SONS, CHENNAI	M. No. 24/10 DT. 15.10.2009	STATUS: Approved.										
	HQ File :01/85/050/0036/AM10/	RLA File :04/24/40/0019/AM10	Lic.No/Date:0410104772 22.05.2009											
	The case was considered by the committee as per agenda. The Committee felt that not more than 2 % wastage would be adequate for grinding and mixing both export product.. Accordingly, the Committee ratified the norms as under													
	<table><tr><td>Export product</td><td>Qty</td><td>Import item</td><td>Qty</td></tr><tr><td>1. CURRRY POWDER (CONTAINING TURMERIC 10 % AND OTHER 90 % INGREDIENTS TO BE OF LOCALL PRODUCED ITEMS)</td><td>900000 KG</td><td>1.WHOLE TURMRIC WITH MIIMUM 1.5% CURCUMIN.</td><td>91800.000 KG</td></tr><tr><td>2. GROUND TURMERIC (TURMERIC POWDER WITH CURCUMIN MINIMUM 1.5%)</td><td>97346 KG</td><td>2.WHOLE TURMERIC WITH MINIMUM 1.5 % CURCUMIN</td><td>99292.92 KG.</td></tr></table>			Export product	Qty	Import item	Qty	1. CURRRY POWDER (CONTAINING TURMERIC 10 % AND OTHER 90 % INGREDIENTS TO BE OF LOCALL PRODUCED ITEMS)	900000 KG	1.WHOLE TURMRIC WITH MIIMUM 1.5% CURCUMIN.	91800.000 KG	2. GROUND TURMERIC (TURMERIC POWDER WITH CURCUMIN MINIMUM 1.5%)	97346 KG	2.WHOLE TURMERIC WITH MINIMUM 1.5 % CURCUMIN
Export product	Qty	Import item	Qty											
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2. GROUND TURMERIC (TURMERIC POWDER WITH CURCUMIN MINIMUM 1.5%)	97346 KG	2.WHOLE TURMERIC WITH MINIMUM 1.5 % CURCUMIN	99292.92 KG.											
RLA may take consequential action as per policy/procedure.														

18	512	THE CASHEW EXPORT PROMOTION COUNCIL OF INDIA, KOCHIN	M. No. 24/10 DT. 15.10.2009	STATUS: Rejected
	HQ File :01/85/162/0198/AM09/	Request for higher rate of DEPB for Cashew product.		
	The case was considered by the committee as per agenda. It was noted that the applicant has not furnished following information for fixing DEPB: 1. ANF 4C 2. Copy of Shipping Bills 3. Copy Bill of Entry 4. Custom Duty on imports as per SION. In the absence of the above, it would not be possible to fix DEPB. Accordingly, the Committee decided to close the matter. Copy of minutes may be sent to Jt. DG (TM)			

513	M/S. MONARCH CATALYST PVT. LTD., THANE	M. No. 24/AM10 DT. 15.10..2009	Status:
HQ File :01/85/162/299/AM09	RLA File :03/86/40/0067/AM10		
Request for clarification whether Nickel Catalyst containing Ni-23.0+/-1%, Hydrogenated Vegetable Oil 60+/-2% (SION) 3102 falls under category of edible oil.			
The case was considered by the committee as per agenda. Committee observed that the matter whether Nickel Catalyst containing Ni-23.0+/-1%, Hydrogenated Vegetable Oil 60+/-2% falls under the category of Edible Oil is to be seen whether the product falls under Chapter 15 or outside Chapter 15 of ITC(HS). There is no issue on finalization of Norms. NC has no jurisdiction in this matter. Applicant may be informed accordingly.			

514	Reference from Jt DGFT, Hyderabad.	M. No. 24/AM10 DT. 15.10..2009	Status: Deferred.
HQ File :01/85/162/00135/AM10/DES.VI		RLA File :09/Misc./DFIAAM09	
The Committee examined the letter dated 05.10.2009 submitted by Jt DGFT regarding alleged loss of revenue by wrong fixation of SION E-5. The Committee has recently decided the issue regarding dry fruits and it would suffice to mention that the request of M/s. Parle Products Pvt. Ltd., for inclusion of dry fruits as optional was not accepted. Committee decided to send a copy of minutes to Jt. DGFT. The second issue which has been raised in letter dt. 5.10.2009 relates to allowing the import of Cocoa Powder under SION -5 under sub-category of Additives and Bakery ingredients. This case was also examined in detail in the case of M/s. Disha Foods Pvt. Ltd, Hyderabad & M/s. Ravi Foods Pvt Ltd, Hyderabad in NC meeting No. 17 held on 01.09.2009 , M.No. 10/10 dt. 09.07.2009 and decision taken was recorded and finalized in consultation with technical representatives in the meeting. Clearly, the Show Cause Notice/ Demand Notice dt. 23.01.2009 issued by RA Hyderabad were not correct, since the import item is indeed a bakery ingredient which is used to impart cocoa taste in Biscuits. However the Committee felt that Foods Division of MSME may like to examine and revert back in 15 days. Case may be re-listed on 05.11.2009.			

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