Minutes of the DEPB Committee Meeting
held on 07/01/2005

The DEPB Committee meeting was held under the Chairmanship of Shri Vipin Saxena, Export Commissioner. The following officers were present:-

S.No	Name of the representatives & their Designation	Deptt.
1.	Shri A.C.R. Das, Addl.IA	Min of Steel
2.	Shri R.K. Talajia, OSD(DBK)	Deptt of Revenue
3.	Shri S.B.S. Reddy, Jt.DGFT	DGFT
4.	Shri V.B. Saxena, Dy.DGFT	DGFT
5.	Shri S.K. Shrivastava, Dy.DGFT	DGFT
6.	Shri Jaswant Singh, Dy.DGFT	DGFT
7.	Shri P.C. Kotia, FTDO	DGFT
8.	Shri Girish Chandra, FTDO	DGFT
9.	Shri U.C. Bhardwaj, FTDO	DGFT
10.	Shri M.K.Parimoo, Dy.DGFT	DGFT

At the outset, in the minutes of the meeting No.06/05 held on 25.11.2004 in respect of M/s Sun Pharmaceutical Industries Ltd, Mumbai against their F.No.01/82/162/1553/AM04/DES-IV, it was pointed out that the description of the export product for which adhoc DEPB rate of 5% was fixed was wrongly mentioned as 4-Methoxy Ethyl Phenol whereas the export product is Metroprolol Tartrate. Accordingly, it was decided to correct the description of the export product in respect of this case to read as **"Metroprolol Tartrate"**. Thereafter, the individual agenda was taken up for discussion and decision taken thereof are detailed below:

DES- I DIVISION

Case No.66	M/s Electrosteel Castings Ltd, Kolkata
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/1248/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The representative from the Deptt of Revenue stated that the Agenda had been received by them only on 6.1.2005 and he had not been able to study the same. It was therefore decided to defer the case for the next meeting scheduled for 13.1.2005.

Case No.67	M/s Addl.Collector of Customs, Delhi
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/561/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The Committee agreeing to the recommendation of the ALC decided to confirm to the Customs authorities that the item in question was not a linkage pin and therefore not covered for DEPB benefits under Sl.No.287 of the DEPB schedule for Engineering Products as claimed by the exporter in the instant case.

Case No.68	M/s Cherry International Ref. from Additional Commissioner of Customs, Delhi
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/973/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The Committee observed that the issue involved in the instant case was technical in nature and ALC was in a better position to give specific recommendation after consulting Technical Authorities. Therefore, it was decided to refer the case back to the ALC to have clear recommendation which could subsequently be considered by the DEPB Committee.

Case No.69	Audit of DEPB files of Jt.DGFT, Pondicherry
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/621/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The Committee observed that the issue involved in the instant case was technical in nature and ALC was in a better position to give specific recommendation after consulting Technical Authorities. Therefore, it was decided to refer the case back to the ALC to have clear recommendation which could subsequently be considered by the DEPB Committee.

Case No.70	Ref. from Jt.DGFT, CLA, New Delhi
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/854/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The Committee agreeing with the recommendation of ALC decided to add the following in the General Instructions for DEPB Rates after the existing entry No.12:-

"13. Standard Tools and accessories which are supplied with vehicles and are not separately priced in the Shipping Bill or Invoice etc. may be covered under the relevant entries for those vehicles."

Case No.71	M/s Deepak Industries Ltd., Faridabad
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/595/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The representative from the Deptt of Revenue stated that the Agenda had been received by them only on 6.1.2005 and he had not been able to study the same. It was therefore decided to defer the case for the next meeting scheduled for 13.1.2005.

Case No.56	M/s Mahindra & Mahindra Ltd., Mumbai
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/1780/AM04/DES-I

The Committee considered the case as per details given in the Agenda. The representative from Deptt of Revenue was not ready with the comments and sought last deferment which was permitted by the Chair. The case is come up again on 13.1.2005.

Case No.72	Audit Objections raised by Accountant General (Audit), Andhra Pradesh
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/86/ 40/55/AM01/DES-I II/DES-I

The Committee considered the case as per details given in the Agenda. The representative from Deptt of Revenue stated that the issue in question is being examined by them and they will shortly come up with a reply. It was decided to defer the case and to be relisted on 13.1.2005.

Case No.73	M/s Aditya Overseas, Hyderabad Ref. EEPC:OSD:DEPB:2004 dt.23.12.2004.
DEPB Meeting No.19/05 dt.07.01.20054	F.No.01/80/162/1182/AM05/DES-I

The Committee considered the case as per details given in the Agenda. The Committee observed that in the earlier meeting it had been decided that the applicant should approach the Committee alongwith the data through the Export Promotion Council concerned. However, ALC was silent on this aspect and no specific recommendation had been made to be considered by the DEPB Committee. It was decided to refer the case back to the ALC for a specific recommendation based upon the data etc. to be obtained through the EPC concerned.

DES- II DIVISION

Case No.D-1	M/s Uttam Galva Steel Ltd
DEPB Meeting No.20/05 dt.07.01.2005	F.No.01/81/162/1007/AM05/DES-II

The Committee considered the case as per details given in the Agenda. In the instant case the issue raised in respect of CR coils, the value cap has been fixed at Rs.26.50/Kg CR Coils as an input for colour coated coils whereas for the end product i.e. CRGB/CRGC Colour Coated Coils the value cap has been fixed at a lower rate of Rs.25.50/Kg. The applicant had therefore sought correction in this anomaly as also increase of these value caps, pleading that the one in place is not realistic. The representative from Deptt of Revenue sought deferment to enable him to examine the issue as the value cap in the instant case has been fixed on the recommendation of Deptt of Revenue. The case is to be relisted on 13.1.2005.

Case No.D-2	M/s Punjab Stainless Steel Industries
DEPB Meeting No.20/05 dt.07.01.2005	F.No.01/81/162/250/AM04/DES-II

The Committee considered the case as per details given in the Agenda. The Committee observed that this case had already been considered and rejected and there is no scope for reopening of the same. Moreover, it is to clarify that provisional assessment of S/Bill for a particular scheme does not entitle any exporter to seek finalization of the same. Further, the amended entry notified in June 2004 cannot be given any retrospective effect and as also the policy does not provide for the same. It was decided to maintain the rejection.

DES- III Division

Case No.1	M/s Emmellen Biotech Pharma Ltd, Mumbai
DEPB Meeting dt.07.01.2005	F.No.01/82/162/255/AM05/DES-III

The Committee considered the case as per details given in the Agenda. The Committee agreeing with the recommendation of ALC decided to amend the description in respect of entry at Sl.No.710 of the DEPB schedule for Chemical items to read as under:-

> **"Pseudo Ephedrine Hcl / Pseudo Ephedrine Base/ Pseudo Ephedrine Sulphate".**

Case No.2	M/s Matrix Laboratories Ltd., Hyderabad
DEPB Meeting dt.07.01.2005	F.No.01/82/162/6376/AM05/DES-III

The Committee considered the case as per details given in the Agenda. The representative from the Deptt of Revenue stated that the Agenda had been received by them only on 6.1.2005 and he had not been able to study the same. It was therefore decided to defer the case for the next meeting scheduled for 13.1.2005.

DES- V Division

Case No.39	M/s Legend International Pvt Ltd, New Delhi
DEPB Meeting No.17/05 dt.07.01.2005	F.No.01/84/162/854/AM05/DES-V

The Committee considered the case as per details given in the Agenda. The Committee after deliberating upon the issue opined that the item in question was not covered under either of the entries of DEPB schedule and not entitled for any DEPB benefits and hence it was decided to reject the case.

Case No.40	Ref. from Jt.DGFT, Ludhiana
DEPB Meeting No.17/05 dt.07.01.2005	F.No.01/84/162/951/AM05/DES-V

The Committee considered the case as per details given in the Agenda. It was observed that the issue related to SION and not DEPB schedule and DEPB Committee does not have any mandate to deal with the SION for the purposes of classification. It was for the ALC-II to decide what should be appropriate classification for the item in question. Accordingly, it was decided to refer back the case to ALC.

Case No.41	Ref. from ICD Patparganj
DEPB Meeting No.17/05 dt.07.01.2005	F.No.01/84/162/879/AM05/DES-V

The Committee considered the case as per details given in the Agenda. The case related to DFRC for which DEPB Committee has no mandate. It was accordingly decided to send back the case to ALC for appropriate disposal.

DES- VIII DIVISION

Case No.1	M/s Jalpac India Ltd., New Delhi
DEPB Meeting No.1/05 dt.07.01.2005	F.No.01/87/162/644/AM04/DES-VIII

The Committee considered the case as per details given in the Agenda. The representative from the Deptt of Revenue stated that the Agenda had been received by them only on 6.1.2005 and he had not been able to study the same. It was therefore decided to defer the case for the next meeting scheduled for 13.1.2005.

Case No.2	Ref. from Plastic Export Promotion Council, Mumbai (M/s Reliance Industries Ltd., Mumbai)
DEPB Meeting No.1/05 dt.07.01.2005	F.No.01/87/162/644/AM04/DES-VIII

The Committee considered the case as per details given in the Agenda. The representative from the Deptt of Revenue stated that the Agenda had been received by them only on 6.1.2005 and he had not been able to study the same. It was therefore decided to defer the case for the next meeting scheduled for 13.1.2005.

The meeting ended with vote of thanks to the Chair.

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