

MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI V.K. GUPTA, ADGFT AT 11.00 A.M. ON 25.04.2012

Following officers attended the meeting:

- (a) Shri Anil Kumar Singh, Joint Director General, DGFT
- (b) Dr. R. A. Lal, Director, O/o Textile Commissioner, Noida
- (c) Shri K. K. Sinha, Industrial Adviser, Department of Industrial Policy and Promotion
- (d) Shri A. K. Pandey, Senior Technical Officer, Department of Revenue
- (e) Dr. S. S. Tak, Joint Industrial Adviser, Ministry of Steel
- (f) Shri B. C. Nayak, Development Officer, Department of Heavy Industry
- (g) Mrs. Rita Mahana, Deputy Director General, DGFT
- (h) Shri A. K. Gopal, Foreign Trade Development Officer (EPCG.I), DGFT
- (i) Shri S. K. Swarnkar, Foreign Trade Development Officer (EPCG.II), DGFT

2. Minutes of the last Meeting held on 30.03.2012 were confirmed.

3. The Committee deliberated upon all the cases and following decisions were taken:

Sl. No.	Firm's Name/File Number	Licence No./ Date	Subject	Decision of the Committee
1.	M/s Leakless Gasket India pvt Ltd., Gurgaon 01/36/218/236/AM-12/EPCG-I	0530142892 Dated 18.01.2007	Condonation for delay in installation of Capital goods	The Committee observed that the date of installation as per the Installation Certificate issued by Central Excise Authorities is 10.09.2007. As the date of completion of imports was 29.01.2007 there is merely a delay of less than 3 months. The delay was due to the fact that the imported equipment was installed for the first time in India and Japanese expert was specially sent from the abroad to install the plant. The committee therefore decided to recommend to DG to condone the delay in installation of less than 3 months. DG has approved the case.
2.	M/s Infocus marketing and Services Ltd 01/36/218/02/AM-13/EPCG-I	3230008516 Dated 4.12.2006	Condonation of procedural lapse of not mentioning EPCG License No. 3230008516 dated. 4.12.2006 and name on Third Party Shipping Bills (IEC No. 3206011779)	The Committee observed that the firm have not given corroborative evidence in support of their claim of making exports through third party and hence decided to defer the case.
3.	M/s Cargill India Pvt. Limited 01/36/218/04/AM-13/EPCG-I	0530134250 Dated 28.05.2003, 0530134968 Dated 01.10.2003	Condonation for shortfall in block-wise export obligation in respect of EPCG Authorization No. 0530134250 dated 28.05.2003 and 0530134968 dated 01.10.2003 in terms of Para 5.8.3 of HBP Vol. I	The Committee decided to allow condonation of block-wise export obligation as per the provisions of Para 5.8.3 of HBP (Vol. I) subject to payment of composition fees of 2% on duty saved amount in proportion to the shortfall at the end of each block.
4.	M/s Biltube India	3130000954	Counting of	The Committee observed that

	Limited, 01/36/218/46/AM-12/EPCG-I	Dated 14.12.2004	exports of alternate product i.e Kraft Paper made by group company viz. M/s Siddharth Core Boards Ltd. (Now M/s Biltube Industries Limited)	the firm M/s Biltube India Ltd. have requested to count the exports of 'Kraft Paper' made by M/s Biltube Industries Ltd. the earlier name of which was Siddharth Core Boards Ltd. towards fulfillment of export obligation against EPCG Licence issued to M/s Biltube India Limited for import of capital goods for exporting products viz. 'Paper Tubes'. The firm M/s Biltube India Ltd. have stated that M/s Biltube Industries Ltd. happens to be their group company. The Committee, therefore, decided to refer this case to RA to examine in terms of Para 9.28 read with Para 5.5 (i) of FTP.
5.	M/s Alpine Wineries Private Limited 01/36/218/134/AM-12/EPCG-I	0730010546 Dated 14.09.2011	Ratification of import of Agricultural narrow tractor for Grape vineyard against License No.0730010546 dated 14.09.2011.	The technical members perused the technical details of the capital goods (Agriculture Narrow Tractor) and sought more time to go through them. The Committee, therefore deferred , the case.
6.	M/s Gold Plus Glass Industry Limited., Delhi 01/36/218/27/AM-09/EPCG-I	0530146782 Dated 30.07.2008	Revision of decision taken by the EPCG Committee dated 12.09.2008 regarding requirement of Tin Ingots for production of Float Glass	The Case was placed before the committee in its last meeting held on 30.03.2012 wherein it was deferred with the directions that the firm would furnish the required designs, details and CEC to the technical members. Shri. Lalit Wadhwa, Chief Finance Officer, appeared before the committee and informed that the requisite information had already been furnished to the technical members. The Technical members perused the installation certificate from excise department confirming the installation/use of Tin Ingots and confirmed the requirement of 191 MT of 'Primary Tin Ingots (Unwrought and Unalloyed)' for initial setup of the Float Glass Manufacturing Plant. The Committee therefore decided to approve the nexus for 191 MT of Primary Tin Ingots in respect of EPCG Authorization No. 0530146782 dated 30.07.2008.
7.	M/s Lakshmi Packaging Private Limited 01/36/218/141/AM-12/EPCG-I	3230003988 Dated 31.01.2005	Fulfilment of Export Obligation against EPCG Authorization No.3230003988 dated 31.01.2005 through third party exports and condonation of procedural lapse of not mentioning company name on	Shri M. Muthukumar appeared before the committee and requested that the value of flexible packaging material like Pouches, Rolls, Poly bags etc. supplied by the firm M/s Lakshmi Packaging Private Ltd., Salem to some other firms which are using the entire material for export of products manufactured by them should be counted towards fulfillment

			Company name on the Export Promotion copy of Shipping Bills	be counted towards fulfillment of EO as third party exports against EPCG Licence issued to M/s Lakshmi Packaging Private Ltd. The Committee didn't consider the case as there is no corroborative evidence that the supply made by the firm have been ultimately exported.
8.	M/s Iskraemeco Regent Limited, Trichy 01/36/218/196/AM-12/EPCG-I	0430000695 Dated 15.07.2002	Widening of nexus for adding more products for exports against EPCG Authorization No. 0430000695 dated 15.07.2002 issued to M/s Iskraemeco Regent Limited (Licence issued in the name of M/s Seahorse Industries Limited, Chennai)	The technical members of the Committee observed that the firm have requested for widening of nexus as they believe that the Capital Goods had the broader capabilities and could have been used for manufacturing a wide variety of products. However, details of the Capital Goods have not been furnished by the firm. The Committee, therefore, deferred the case with the direction to call for the details of the Capital Goods and export products.
9.	M/s Frick India Ltd., New Delhi 01/36/218/221/AM-12/EPCG-I	0530141467 Dated 12.07.2006	Acceptance of Installation certificate by an Independent Chartered Engineer for redemption	The Committee observed that the issue raised by the firm is regarding the Policy Provisions at the time of issuance of licence and completion of imports and, therefore, decided to drop the case to be examined on file.
10.	M/s ANG Automotive Industries Pvt. Ltd 01/36/218/225/AM-12/EPCG-I	0530134306 Dated 06.06.2003	Redemption of EPCG Licence - Amended nexus Approval-regarding.	The Committee observed that the firm have not furnished the catalogue of the Capital Goods and it is not clear whether the machinery can produce automobile parts other than Gears. The Committee, therefore, didn't consider the case.
11.	M/s Apollo Tyres Ltd 01/36/218/209/AM-12/EPCG-I	24 Licences issued during AM-09 to AM-12	Shifting of tyre Moulds Cleared under EPCG Licences from Limda (Baroda) to Oragadam (Chennai)	The Committee decided to allow shifting of Capital Goods from one unit of the firm at Limda (Baroda) to their another unit at Oragadam (Chennai) subject to the condition that the firm will produce IEC, RCMC and IEM/IL/Registration Certificate with name of unit endorsed on them. The firm will furnish fresh installation certificate within a period of 6 months.
12.	M/s Krishna Filament Ltd., Mumbai 01/36/218/223/AM-12/EPCG-I	P/CG/2134335 Dated 08.06.1995	Regularization of EPCG Licence	The case was discussed in detail and it was observed by the Members that although the firm have furnished a copy of the Certificate from the Central Excise Authorities confirming procurement/installation of the indigenous machinery procured by the firm, the direct confirmation from the Excise

				confirmation from the Local Authorities is not available as was decided to seek on the licence file of the firm. In view of this, the Committee decided to defer the case with the directions that the concerned Regional Office will obtain confirmation of the Certificate of procurement/installation of the indigenous machinery from Local Central Excise Authorities within 10 days. The firm may also come up for Personal Hearing in the next meeting.
13.	M/s Fuso Glass 18/47/AM-08/EPCG-I	0430001102 Dated 19.05.2003, 0430001123 Dated 26.05.2003, 0430001238 Dated 11.08.2003, 0430001245 Dated 13.08.2003, 0430006516 Dated 21.08.2008, 0430007830 Dated 11.11.2009, 0430006619 Dated 09.09.2008, 0430006721 Dated 15.10.2008, 0430006938 Dated 11.12.2008, 0430007074 Dated 23.01.2009 & 0430009026 Dated 29.09.2010	Relaxation under Para 2.5 of FTP for the procedural lapse of mentioning wrong EPCG licence Nos. on the Bill of Exports and ARE-1 by accepting – similar dispensation given to the firm twice in the past by EPCG Committee.	The Committee observed that similar dispensation was given to the firm earlier on two occasions by the EPCG Committee. The Committee, therefore, decided to recommend to DG to condone the procedural lapse of endorsing wrong EPCG Authorization Nos. on the B/E and ARE-I towards fulfillment of EO against the 11 Authorizations subject to condition that no more request of the firm in this regard will be entertained in future. DG has approved the case.
14.	M/s Bengal Chemicals Pharmaceuticals Ltd., Kolkata 01/36/218/200/AM-12/EPCG-I	0230000038 Dated 28.07.2000	Extension in EOP for 5 years or counting of exports of other product for fulfillment of EO	The Committee observed that - the company is a CPSU under D/o Pharmaceuticals; - the company could not export the export product (Anti Snake Venom Serum) endorsed on the EPCG Authorization due to injunction from Hon'ble Kolkata High Court suspending all construction activities including plant for manufacturing Anti Snake Venom Serum w.e.f. September, 2010; - The production of ASVS has been totally suspended for last 5 years due to lack of WHO-GMP certificate which is prerequisite for export; - The company had

				the company has exported other medicines worth US\$ 335000 during 2000-01 to 2004-05 and exports non-medicine products on regular basis and have requested for counting of exports done during that period; e. Joint Secretary, D/o Pharmaceuticals has requested us to consider the case. In view of the above, the Committee recommends to DG to relax the provisions of Policy/ PN No. 42 dated 28.01.2004 allowing the PSU to count their exports of other medicines/non-medicine products during 2000-01 to 2004-05 towards fulfillment of Export Obligation in terms of provisions of Para 2.5 of FTP as there is genuine hardship. DG has approved the case.
15.	M/s Chhaya Gems, Mumbai 01/36/218/171/AM-12/EPCG-I	0330002646 Dated 04-10-2002, 0330005702 Dated 05-05-2004, 0330009309 Dated 04-08-2005 & 0330010756 Dated 6-1-2006	For Re-Fixation of Average Export Obligation due to split in the Partnership firm against the above EPCG Licenses	The Committee decided to defer the case with the direction to call for representative of the firm for Personal Hearing for easy understanding of the case. The Committee also decided to call for RA's Report in detail.
16.	M/s. Sarda Energy and Minerals Ltd, Raipur 18/162/AM-12/EPCG-II	1130000829 Dated 29.03.2007 & 0330016957 Dated 31.07.2007	To waive the requirement of installation certificate	Mr. Alok Beswal appeared before the EPCG Committee and explained that the firm has imported three coal based turbine sets under subject EPCG authorization and installed one set in the factory premises. The representative said that due to ban imposed by State Govt and High Court on the installation of coal based plant, they could not install the capital goods. He therefore, requested for exemption from submission of installation certificate. The Committee then advised them that exemption from submission from installation certificate is not allowed. However, they may come up with an alternative proposal like shifting of capital goods in the premises of supporting manufacturer to enable the Committee to consider the case.
17.	M/s. Deepa Steels	2220017560	Regularization of	The technical members of the

17.	M/s. Roopa Stearn Calendering Works, Tirpur 18/203/AM-12/EPCG-II	3230017300 Dated 23.01.2012	Regularization of import of 'Therminol 55 Oil'	The technical members of the Committee perused the documents available in the file and confirmed that 'Therminol 55 Oil' is required for transmitting the heat energy from the machine and it is not a consumable item. The Committee regularized the import of 'Therminol 55 Oil' alongwith the plant/machinery.
18.	Jt. DGFT Cochin((M/s. Nirmala Filaments 18/198/AM-12/EPCG-II	1030001765 Dated 02.07.2010	Clarification regarding shifting of machineries	The Committee observed that both the addresses are not covered under IEC and RCMC and, therefore, allowed shifting of machineries from 535, Podanut Road, Vellalore, Coimbatore - 641111 to SF NO.356/4, Thoppampalayam Road, Valukkuparai, P.O. Othakkal Mandapam, Coimbatore-641032 only after endorsement of both the addresses in IEC, IEM/IL/Registration Certificate and RCMC. Installation Certificate is to be furnished to RA by the exporter within a period of 6 months.
19.	M/s. Tata Motors Ltd. Mumbai 18/123/AM-12/EPCG-II	033008322 Dated 31.03.2005	Endorsement of M/s Tata Cummins Ltd, Jamshedpur as supporting manufacturer in EPCG authorization No. 033008322 dated 31.03.2005.	The Committee decided to allow endorsement of the name of supporting manufacturer viz. M/s Tata Cummins Ltd., Jamshedpur on the EPCG Authorization No. 033008322 dated 31.03.2005 issued to M/s Tata Motors Ltd., Mumbai.
20.	Ricco Auto Industries Ltd 18/04/AM-123/EPCG-II.	0530140213 Dated 10.01.2006; 0530140256 Dated 10.01.2006; 0530140524 Dated 24.02.2006 & 0530142130 Dated 16.10.2006	Permission for shifting of machineries imported under EPCG authorizations from Rico Auto Industries Ltd., 38 KM Stone, Delhi-Jaipur Highway, Gurgaon-122001 to Rico Auto Industries Ltd., Plot No.84, Sector 8, IMT Manesar, Gurgaon-122050.	The Committee observed that both the addresses are covered under IEC & RCMC and, therefore, allowed shifting of machineries from Rico Auto Industries Ltd., 38 KM Stone, Delhi-Jaipur Highway, Gurgaon-122001 to Rico Auto Industries Ltd., Plot No.84, Sector 8, IMT Manesar, Gurgaon-122050 subject to condition that the firm will furnish the IEM/IL/Registration Certificate with the name of the unit endorsed on it. The firm will also submit fresh installation certificate within a period of 6 months.
21.	M/s. Thomson Press India Ltd. New Delhi 18/05/AM-13/EPCG-II	25 licences	Permission for shifting of machineries imported under EPCG	The Committee observed that both the addresses are covered under IEC & RCMC and, therefore, allowed shifting of machineries from Thomson

			EPCG authorizations from one unit to other units.	machineries from Thomson Press (India) Limited, Plot No.5 & 5A, TTC Indl. Area, Thane-Belapur Road, Kalwa, New Mumbai-400708 to the following units: (j) Thomson Press (India) Limited, Post Box No.705, Delhi Mathura Road, Faridabad-121007; Thomson Press (India) Limited, C-35, Phase-II, Noida, Ghaziabad-201305, subject to condition that the firm will furnish the IEM/IL/Registration Certificate with the name of the unit endorsed on it. The firm will also submit fresh installation certificate within a period of 6 months.
22.	M/s. Polyplex Corporation 18/192/AM-12/EPCG-II	0530147786 Dated 19.11.2008	Acceptance of supply of Capital Goods made by M/s Lipid Systems Engineers Pvt. Ltd. instead of M/s Bran Engineering Pvt. Ltd. against the invalidation of EPCG Licence No. 0530147786 dated 19.11.2008 which was done in the name of M/s Bran Engineering Pvt. Ltd.	It was decided to examine the case on file in terms of Policy Provisions.
23.	M/s. Vedanta Aluminum P Ltd. 18/168/AM-12/EPCG-II	0530147354 Dated 30.09.2008 & 0530146567 Dated 02.07.2008	Refund of T.E.D. against EPCG authorization No.0530147354 dated 30.09.2008 & No.0530146567 dated 02.07.2008	On views of Committee, decision under Para 2.5 of FTP pending.
24.	M/s. Nitco Mining Company Ltd. 18/154/AM-12/EPCG-II	1330000112 Dated 24.01.2002	The firm has requested to allow Marble Blocs, Granite (tiles and slabs) and sandstone as alternate product to fulfill export obligation. The firm has also requested for condonation of block-wise EO and extension in EOP for four years.	The Committee decided to allow Extension in EOP for 4 years on payment of composition fee / customs duty in terms of provisions contained in Para 5.11 of HBP Vol. I. Similarly, the Committee decided to allow condonation in fulfilment of block-wise EO 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 5.8.3 of HBP (Vol. I). As regards inclusion of other products, the Committee decided to advise RA to take action as per Para 5.5(i)

				of FTP.
25.	M/s. Shreebhumii Synthetic India's Ltd 18/177/AM-12/EPCG-II	0230000221 Dated 16.05.2002	The firm has requested for condonation of block-wise EO and extension in EOP for four years without any composition fee/extension fee.	The Committee decided to allow Extension in EOP for 4 years on payment of composition fee / customs duty in terms of provisions contained in Para 5.11 of HBP Vol. I. Similarly, the Committee decided to allow condonation in fulfilment of block-wise EO 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 5.8.3 of HBP (Vol. I).
26.	Sagar Mines P. Ltd. 18/184/AM-12/EPCG-II	1330000861 Dated 25.01.2005 & 1330000432 Dated 13.01.2004	The firm has requested to allow Marble slabs as alternate product to fulfill export obligation. The firm has also requested for condonation of block-wise EO and extension in EOP for two years.	The Committee decided to allow Extension in EOP for 4 years on payment of composition fee / customs duty in terms of provisions contained in Para 5.11 of HBP Vol. I. Similarly, the Committee decided to allow condonation in fulfilment of block-wise EO 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 5.8.3 of HBP (Vol. I). As regards inclusion of other products, the Committee decided to advise RA to take action as per Para 5.5(i) of FTP.
27.	M/s. Southern Petrochemical Industries 18/99/AM-12/EPCG-II	3230001154 Dated 16.04.2002	Inclusion of 'alternate products' namely alluminium fluoride w.e.f 28.01.2004.	The case was considered by the EPCG Committee in its meeting held on 20.07.2011 wherein the following decision was taken: "The authorization holder can fulfil its export obligation by export of other products/ alternate products. The Committee, therefore, allowed inclusion of alternate product from the date of initial application of the firm submitted to RA subject to the condition that the firm would maintain annual export obligation in respect of alternate product so included." The Committee observed that the benefit of Public Notice 42 dated 28.01.2004 cannot be extended prior to 28.01.2004. However, it can be granted from the date of issuance of Public Notice in cases of licences

				obtained prior to 28.01.2004 and therefore allowed inclusion of alternate product w.e.f 28.01.2004 subject to submission of affidavit that the shipping bills submitted toward counting of export of alternate product towards fulfilment of EO and average EO should not be used for fulfilment of AEO against other EPCG authorizations and also subject to the condition that the firm will maintain average EO in respect of alternate product.
28.	M/s. Unison Hotel 18/138/AM-12/EPCG-II	No.0530143859 Dated 11.06.2007; 0530143860 Dated 11.06.2007; 0530143858 Dated 11.06.2007; 0530148027 Dated 19.12.2008 & 0530149544 Dated 04.08.2009.	Waiver of annual average EO against the EPCG authorizations	On views of Committee, decision under Para 2.5 of FTP pending.
29.	M/s. R. J. Knitwear 18/139/AM-12/EPCG-II	0330003760 Dated 11.06.2003; 0330004001 Dated 21.07.2003; 0330004025 Dated 04.08.2003; 0330004045 Dated 07.08.2003; 0330004189 Dated 26.08.2003; 0330004636 Dated 03.11.2003.	Reduction in average EO in respect of 6 EPCG authorizations as NIL.	On views of Committee, decision under Para 2.5 of FTP pending.
30.	M/s Tatia Intimate Exports Ltd.	2133681 dated 25.11.1994	Extension in EOP upto 2006 and condonation of procedural lapse of not mentioning EPCG Authorization and date on the third party shipping bills.	The committee decided to defer the case with a direction to call the representative for Personal Hearing to explain the case as per Court's directions.
