MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI MUKESH BHATNAGAR , ADGFT AT 14.30 P.M. ON 18.09.2012

Following officers attended the meeting:

(a) Shri Jaikant Singh, Joint Director General, DGFT
(b) Shri R. A. Lal, Director, O/o Textile Commissioner, Noida
(c) Shri S. S. Tak, Joint Industrial Adviser, D/o Heavy Industry,
(d) Shri K. K. Sinha, Industrial Adviser, D/o Industrial Policy and Promotion
(e) Shri A. K. Pandey, Sr. Technical Officer, D/o Revenue
(f) Smt. Rita Mahana, Deputy Director General, DGFT
(g) Shri A. K. Gopal, Foreign Trade Development Officer (EPCG.I), DGFT
(h) Shri S. K. Swarnkar, Foreign Trade Development Officer (EPCG.II), DGFT
(i) Smt. Rekha Sharma, Foreign Trade Development Officer (P-5), DGFT

2. Minutes of the last Meeting held on 06.08.2012 were confirmed.

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

Case No.	Firm's Name/File Number	Licence No./ Date	Subject	Decision of the Committee

1	M/s JSL Architecture Limited, Gurgaon (Haryana) 01/36/218/41/AM-13/EPCG-I	0530149562 dated 06.08.2009	Addition of factory address on EPCG Authorisation	The Committee observed that the a. The Capital Goods have been installed in the factory premises i.e. Vill. & PO – Patredi, Bilaspur, Taoru Road, Gurgaon, Haryana – 122 413; b. The address of this factory premise is not mentioned on the EPCG Authorization but the same is mentioned in IEC and RCMC issued to the firm; c. The address mentioned on the EPCG Authorization is of registered office of the firm which has office space only; d. the address of Registered Office is also mentioned in the IEC/RCMC. The Committee, therefore, decided to allow endorsement of the factory address i.e. Vill. & PO – Patredi, Bilaspur, Taoru Road, Gurgaon, Haryana – 122 413 on the EPCG Authorization.

2	M/s Arunodaya Marbles (P) Limited, Nagour 01/36/218/84/AM-13/EPCG-I	1330000513 dated 29.03.2004	Condonation from shortfall in block-wise EO fulfillment and extension in EOP upto 28.03.2015	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow condonation from condition of 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 v1. The Committee observed that at the time of issuance of the subject Authorization, there was provision for grant of extension in EOP for a total period of one/two years only whereas the firm have requested for extension in EOP for 3 years. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to presently allow Extension in EOP for 2 years on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled 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 of current HBP Vol. I subject to the condition that no further extension will be granted if at least 50% of EO is not fulfilled during the extended period. **DG has approved the case.**

3	M/s Deepak Cables (India) Limited, Bangalore 01/36/218/69/AM-13/EPCG-I	0730010721 dated 09.11.2011	Extension in time period for submission of Installation Certificate	The Committee observed that the Capital Goods, which were imported vide B/E No. 5526426 dated 21.12.2011, should have been installed on or before 20.06.2012 as per Para 5.3.1 of HBP v1 but could not be installed due to huge size of the machinery and ongoing civil work at the unit. The firm has requested for additional six months only to complete the installation. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to grant the extension in time period for installation up to December, 2012. **DG has approved the case.**
4	M/s LNM Auto Industries Pvt. Ltd., Faridabad (Haryana) 01/36/218/86/AM-13/EPCG-I	0530136236 dated 19.05.2004, 0530138297 dated 22.03.2005 and 0530142248 dated 30.10.2006	Condonation of delay in installation of Capital Goods imported against EPCG Authorisation Nos. 0530136236 dated 19.05.2004, 0530138297 dated 22.03.2005 and 0530142248 dated 30.10.2006	The Committee observed that a. the firm could not install the machinery within the prescribed time limit for want of expert technician/mechanical engineer; b. they have already furnished Installation Certificate from the Central Excise Authorities; c. the delay in installation of Capital Goods in respect of all the three authorizations is for a period 2-3 years. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** for condonation of delay in Installation of Capital Goods and submission of Installation Certificate. **DG has approved the case.**

5	M/s Hindustan Granites, Bangalore – Advice sought by O/o JDGFT, Bangalore 01/36/218/77/AM-13/EPCG-I	Applied for	Import of EOT overhead crane under EPCG Authorisation by Marble/ Granite Industry- reg.	The technical members of the Committee were of the view that the Capital Goods to be imported i.e. Gantry Crane Double Beam Caisson and EOT overhead crane are essentially required in the manufacturing process of the export product in the factory premises. They have also endorsed that the Capital Goods are not moveable and are fixed on the top of the beam. The Committee decided to **refer the case to DG** for his approval before allowing the import of the said Capital Goods with condition that the same will be used only under factory premises. **DG has approved the case.**

6	M/s KDR Forgings Private Limited, Faridabad (Haryana) 01/36/218/76/AM-13/EPCG-I	0530157675 dated 16.02.2012	a. Change in place of Installation due to shortage of space b. Change in export item details	a. The Committee observed that the address of the unit at Plot No. 32, Sector-25, Faridabad, Haryana – 121004 (i.e. the address endorsed on the EPCG Authorization) and the address of the Unit-IV at Gali No. 2, Krishna Nagar Industrial Area, Opp. Sector-25, Faridabad – 121004 (i.e. the address where the CG is to be installed) are mentioned on the IEC, RCMC and SSI Certificate and, therefore, decided to allow to endorse the address of the Unit-IV on the EPCG authorization. b. The technical members of the Committee observed that the export item (Steel Forgings & Forgings Machinery Components – ITCHS Code 73261990) endorsed on the Authorization and the items (Steel Forging – ITCHS Code 73261990, Bright Bar – ITCHS Code 72155090 and Forgings Machinery Components – ITCHS Code 87081090) proposed to be replaced with it can be manufactured by the Capital Goods imported against the subject Authorization and, hence, the Committee decided to allow the endorsement of the latter export products on the EPCG Authorization subject to the submission of fresh Certificate from Independent Chartered Engineer certifying the nexus.

7	M/s Frick India Limited, New Delhi 01/36/218/221/AM-12/EPCG-I	0530141467 dated 12.07.2006	Condonation of delay in furnishing Installation Certificate	The Committee observed that as per the Installation Certificate dated 12.07.2012 furnished by the Central Excise the date of installation of Capital Goods imported (B/E No. 749074 dated 28.02.2007) against the subject EPCG Authorization is 13.04.2007 and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** for regularization of Authorization by granting condonation of delay in submission of Installation Certificate in terms of Para 5.3.1 of HBP v1. **DG has approved the case.**
8	M/s Lovely International Trust, Jalandhar, Punjab 01/36/218/97/AM-12/EPCG-I	Applied for	Clarification sought by Ludhiana office whether EPCG Authorization can be issued to Educational Institute (Lovely International Trust, Jalandhar) for import of Super Capacitor Coaches, Tourist Trains and Electricity Powered Buses/Van/Coaches, Entrance Locks, Biometric Attendance Machines, Close Circuit TV, LED Display, Printers, Turnstiles, ACs, Projectors, Public Address Systmes, Geysers, LED lights, Traffic Lights, Floor Tiles, Aluminium Panels, Doors, Windows, Hardware Fittings, False Ceiling, Floor Carpets, Floorings, Natural Stones, Panelings, Polycarbonate Sheets, Porta Cabins, PVC Flexible Sheets, Lab equipments, etc.	The Committee observed that only following items of import/CG are directly related to the educational services: a. Projectors b. Biometric Attendance c. Public Address System d. Printers for Computers The Committee, therefore, decided to **recommend** the import of above four items only **to DG** against an EPCG Authorization for educational service providers. **DG has approved the case.**

9	M/s Thomson Press (India) Ltd., Faridabad 18/ 77/AM-12/EPCG-II	15 Authorizations issued during the period from 26.07.2005 to 05.03.2008	Counting of export of other products made against one EPCG Authorization No. 530139182 dated 26.06.2005 for fulfillment of EO in respect of 15 other EPCG Authorizations issued during the period from 26.07.2005 to 05.03.2008	The committee observed that the request of the firm is regarding counting of excess exports made against EPCG Authorization No. 530139182 dated 26.06.2005 towards fulfilment of EO against 15 EPCG Authorizations issued during the period from 26.07.2005 to 05.03.2008. The Committee arrived at the conclusion that exports made under licence No. 530139182 dated 26.06.2005 should be allowed to be used for discharge of export obligation imposed on 15 EPCG Authorizations issued during the period from 26.07.2005 to 05.03.2008 provided the exports made are within the validity period of EOP of the said 15 licences. The Committee, therefore, decided to **recommend the case to DG** for relaxation under Para 2.5 of FTP for counting of excess exports against an EPCG Licence for fulfilment of EO in respect of other EPCG Licences. **DG has approved the case.**
10	M/s Oil and Natural Gas Corporation ltd, Mumbai 18/60/AM-12/EPCG-II	Several Licences	Fulfilment of export obligation under EPCG authorization by export of Naptha from different units of the company	The Committee observed that Para 5.5 (i) of the relevant Foreign Trade Policy stipulates that export obligation can be fulfilled by the export of goods manufactured by the applicant. The Committee, therefore, **recommend to DG** to allow the firm to fulfil EO by export of Naptha, the export product, produced in their different units. **DG has approved the case.**

11	M/s. Ruler Plastics, Mumbai 18/71/AM-13/EPCG-II	0330004808 dated 08.12.2003	Re-fixation of nexus in respect of EPCG authorization No.0330004808 dated 08.12.2003	The Committee observed that the export products mentioned on the Shipping Bills furnished by the firm are different from the products mentioned on the EPCG Authorization and, therefore, decided to **defer** the case with the direction to call for a report from the concerned Regional Office.
12	M/s Victoria Tool Engineers Pvt. Ltd. 18/54/AM-13/EPCG-II	0530156248 dated 17.08.2011 & 0530156249 dated 17.08.2011	Allowing installation of capital goods under EPCG authorizations No.0530156248 dated 17.08.2011 & No.0530156249 dated 17.08.2011 in its own factory premises instead of the factory premises of its supporting manufacturer	The Committee observed that the firm's request is to allow them to install the Capital Goods imported against the subject EPCG Authorizations in its own factory premises instead of the factory premises of its supporting manufacturer as per endorsement of the condition sheet of the Authorization and, therefore, decided to allow the same.
13	M/s P.G. Exports, Bangalore 18/55/AM-13/EPCG-II		Issuance of EPCG authorization for import of Excavator, rock drills etc.	The Committee observed that the lease of the quarry is upto 15.04.2014 only and therefore, even if the licence is issued under the EPCG Scheme now the firm will not get adequate time for starting the manufacturing/production activity and for fulfilment of EO. The Committee, therefore, **rejected** the case.
14	United States Pharmacopeia-India Pvt. Ltd, Hyderabad 18/109/AM-13/EPCG-II		Issuance of EPCG authorization for import of server with accessories, networking equipment, Air conditioning equipment, laboratory equipment-bio safety cabinet.	The Committee observed that the items at Sl. Nos. 1 to 12, and 14 & 15 mentioned in the application form (ANF5A) for EPCG Authorization, forwarded by the concerned Regional Office are essentially required in the Pharmaceutical testing and research and, therefore allowed the same to be imported under EPCG Authorization.

15	M/s Reliance Infratel Limited, Mumbai 18/56/AM-13/EPCG-II	330019821 dated 16.04.2008, 330019815 dated 11.04.2008, 330019775 dated 08.04.2008 & 330019692 dated 01.04.2008	Allowing fulfilment of 100% export obligation through group company in respect of four EPCG authorizations	The Committee observed that the Foreign Trade Policy issued on 11 April 2008 came into force with effect from 01 April 2008. Para 5.4 of FTP states clearly that EPCG authorizations issued prior to 01.04.2008 will be governed by earlier policy provisions. Therefore, EPCG Authorizations issued on or after 01.04.2008 are to be governed by the amended provisions which allowed fulfilment of 50% EO by exports of other goods by Group company. The Committee, therefore, decided to **reject** the request of the firm to grant the benefit of counting of exports of Group Company for fulfilment of 100% EO against the EPCG Authorization. The Company may avail the provisions of FTP as amended w.e.f. 01.04.2008.

16	CLA, Delhi 18/78/AM-13/EPCG-II		Clarification whether Policy Circular No.7 dated 11.02.2002 is applicable in such cases wherein a firm has inadvertently mentioned incorrect EPCG authorization number in Shipping Bills	The Committee observed that the Authorization holder has mentioned EPCG Authorization No. 0530144924 dated 05.11.2011 on the 75 Shipping Bills out of which only 11 were used against the same and the remaining were used against the EPCG Authorization No. 0530146717 dated 22.07.2008. The CLA Office has already redeemed both the licences in terms of Policy Circular No. 7 dated 11.07.2002. The Committee further observed that Custom has raised objections that Policy Circular No. 7 is not applicable in this case as it provides condonation for not mentioning EPCG Authorization Number and date on the Shipping Bills whereas in this case case incorrect Authorization Number and date has been mentioned. The Committee, therefore, **recommended to DG**, to allow the firm to count the exports made vide the 64 Shipping Bills against the EPCG Authorization No. 0530144924 dated 05.11.2011 for fulfillment of EO of EPCG Authorization No. 0530146717 dated 22.07.2008 subject to condition that these Shipping Bills will not be used against any of the other EPCG Authorizations and the exporter furnishes an affidavit to this effect. **DG has approved the case.**

17	M/s. Vintage Wines Pvt. Ltd, Mumbai 18/53/AM-13/EPCG-II	31300001206 dated 30.06.2005	Extension in export obligation period for two years i.e. upto 29.06.2015 against EPCG authorization No.31300001206 dated 30.06.2005 and relaxation in time bound performance	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow condonation from condition of 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 v1. The Committee 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 unfulfilled 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 of HBP Vol. I. **DG has approved the case.**
18	M/s Dixon Technologies (India) Private Limited, Noida (U.P) 01/36/218/29/AM-13/EPCG-I	0530134558 dated 23.07.2003 and 0530135105 dated 22.10.2003	Condonation from the requirement of production of Installation Certificate from the jurisdictional Central Excise Authority	The Committee observed that as per the relevant Policy, the firm was required to furnish Installation Certificate issued by the Jurisdictional Central Excise Authority and, therefore, decided to **defer** the case with the direction to ask the firm to produce the Installation Certificate from the Central Excise. The firm may, thereafter, approach DGFT Hqrs. for delay in submission of Installation Certificate.

19	M/s Phil Corporation Limited, Mumbai 18/ 189/AM-12/EPCG-II	110789 dated 15.03.1999	Counting of export of other products namely Photographic products viz Cameras exported during the period 2001-02 to 2006-07 against EPCG authorization No.110789 dated 15.03.1999	The Committee observed that the technology of Photographic Film Rolls has undergone visible change during the last 10 years. The Committee further observed that provision regarding fulfilment of EO through exports of other goods by the same company was introduced in the Policy w.e.f. 01.04.2003. The Committee, therefore, **recommended to DG** for counting of exports of other goods w.e.f. 01.04.2003 onwards and extension in EOP for a period of 3 years from the date of initial Export Obligation Period subject to payment of requisite composition fee as per Policy. **DG has approved the case.**
20	M/s RF Exports, Alappuzha, Kerala 18/ 64/AM-13/EPCG-II	1030000368 dated 04.03.2004	Re-fixation of average EO in respect of EPCG authorization No.1030000368 dated 04.03.2004	The Committee did not accept the Chartered Accountant Certificate given towards proof for closure of units and decided to **reject** the case.
21	M/s. Ruler Plastics, Mumbai 18/72/AM-13/EPCG-II	0330004824 dated 09.12.2003	Re-fixation of nexus in respect of EPCG authorization No.0330004824 dated 09.12.2003	Shri Ramnik Karia appeared before the Committee and presented the case. The Committee observed that the export products mentioned on the Shipping Bills furnished by the firm are different from the products mentioned on the EPCG Authorization and, therefore, decided to **defer** the case with the direction to call for a report from the concerned Regional Authority.

22	M/s. Sampark Industries Limited, Greater Noida 18/14/AM-13/EPCG-II	0530132877 dated 21.05.2002	The firm has requested for Extension in export obligation period for further two years	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow Extension in EOP for further 2 years (i.e. upto 20.05.2014), due to incident of fire, subject to payment of Custom Duty in terms of provisions contained in Para 5.11 of HBP Vol. I. **DG has approved the case.**
23	Shah Alloys Ltd, Ahmedabad 18/56/AM-09/EPCG-II	0830000493 dated 23.03.2004, 0830000494 dated 23.03.2004, 0830000492 dated 19.03.2004, 0830000464 dated 16.02.2004 & 0830000475 dated 25.02.2004	Irregularities in issuance of EPCG authorizations to M/s Shah Alloys Ltd.	The Committee observed that there was a provision for import of consumables under EPCG Scheme in the relevant Policy (w.e.f. 01.09.2004). However, the Committee was of the view that Furnace Oil could not be treated as consumable.

24	M/s Maithan Alloys Limited, Kolkata 01/36/218/41/AM-12/EPCG-I	0230003059 dated 04.03.2008	Reconsideration of the request to consider items of import against EPCG Authorization No. 0230003059 dated 04.03.2008 as Capital Goods in view of the earlier rejections by the EPCG Committee and in view of the Show Cause Notice given by O/o Zonal JDGFT, Kolkata	Shri B. N. Pal, Advocate appeared before the Committee on behalf of the Company. He drew attention of the Committee to the flow chart of the manufacturing process of the export product viz. Ferro Manganese and Ferro Silico Manganese. The Committee, however, observed that the items viz. THK Plates of various sizes, H. R. Coil cut pieces, M. S. Channels and Angles etc. allowed as Capital Goods against the subject EPCG Authorization were required for erection of Captive Power Plant. The Committee was of the view that these Capital Goods were in the nature of raw materials/components and hence cannot be treated as equipment or accessories to qualify as Capital Goods. The Committee, therefore, decided to maintain the **rejection**.
25	M/s BPL Limited, Bangalore 01/36/218/165/AM-12/EPCG-I	P/CG/2134303 dated 25.05.1995	Refixation of Annual Average Export Obligation on account of closure of units against EPCG Licence No. P/CG/2134303 dated 25.05.1995	One of the technical members of the Committed pointed out that the firm has not mentioned whether it has surrendered Industrial Licences after the closure of the units. The Committee, therefore, **deferred** the case with the direction to call for the requisite information (including the complete chronology of events) about the surrender of the Industrial Licence; export details (in value terms) from the issuance of licence till expiry of EOP and extension in EOP, (if any obtained) details.
26	M/s Corporate Power Limited, New Delhi 01/36/218/73/AM-12/EPCG-I	0230003383 dated 18.06.2008	Reinstatement of EPCG Authorization No. 0230003383 dated 18.06.2008 (Duty saved amount Rs. 18,41,94,743) issued for procurement of Capital Goods for a upcoming Power Project in Chandwa, Ranchi	Shri Swarup Patanaik, Assistant Vice President of the firm appeared before the Committee and informed that they had taken authorization for import of Capital Goods to be used in the production/supply of Power. He further elaborated that the other export products

			The decision of cancellation of EPCG Licence may be withdrawn and in case HR Coils/Steel do not qualify as capital goods, they may be removed from the list with immediate effect. The supply of Power to SEZ units may be treated at par with Physical export of goods. The documentation for evidencing export of power may be clearly spelt out. The EO may be determined on the basis of actual duty saving amount which is only Rs. 1.05 Crores as against Rs. 18.41 Crores endorsed on EPCG Authorization.	viz. Ferro Alloys mentioned on the EPCG Authorization will be exported through their Group Companies. The Committee observed that: a. The Company have so far imported only two items viz. 120 KN Standard Disc Insulators and Fabrication, Galvanizing & Supply of various types of Tower and Tower Parts out of which one is a process; b. the licencee has got endorsed those products on the licence also which they propose to export as other goods by its Group Company; c. the company intend to fulfill 50% of their EO by export of other goods through the exports made by the group company whereas remaining 50% by the export of power to SEZ; d. the EPCG authorization issued has export items viz. Ferro Alloys, Ferro Manganese, Ferro Silico Manganese, Ferro Chromium and Power. As explained by the representative of the Company all the items allowed under EPCG Authorization were for transmission of power and, therefore, export items other than power were incorrectly mentioned on the EPCG Authorization as there was no nexus between items allowed for import and these items viz. Ferro Alloys etc. A detailed discussion took place on the issue to treat power as

				an export product under EPCG Authorization, mode of export, documents evidencing export etc. The Committee **deferred** the case with the advice that the issue be examined in greater detail on file for more clarity.
27	M/s Kerala State Rubber Co-Operative Limited, Kerala 01/36/218/**49/AM-13**/EPCG-I	1030000037 dated 09.09.2000, 1030000045 dated 16.10.2000 and 1030000047 dated 08.11.2000	Deletion of maintenance of Annual Average EO against EPCG Authorization Nos. 1030000037 dated 09.09.2000, 1030000045 dated 16.10.2000 and 1030000047 dated 08.11.2000 as the firm had no manufacture and export of Rubberized Coir Form Mattress/Rubber Tyres and had furnished the export figure of Natural Rubber in their application (for obtaining EPCG Authorizations) against the column "Export of same and similar products" inadvertently/by oversight.	The Committee observed that the opinion of Rubber Board on the issue whether 'Natural Rubber' and 'Rubberized Coir Form Mattress, Rubber Tyres' are totally distinct or can be treated as same and similar product is awaited and, therefore, **deferred** the case.
28	M/s. East End Silks (P) Limited, West Bengal 01/36/218/08/AM-13/EPCG-I	0230004182 dated 07.05.2009, 0230005571 dated 02.08.2010, 0230005053 dated 23.03.2010, 0230004344 dated 21.07.2009 and 0230001241 dated 01.12.2005 (Referred in Customs letter)	Waiver from maintenance of Average Export Performance in terms of Para 5.7.6 of HBP v1 (2009-14) – Audit Objection whether the export product Spun Silk Yarn, Silk Noil Yarn, Silk Top Silver produced from raw silk, cocoon waste or silk waste can be treated as an item of sericulture or not – not incorporated by Audit in final report.	The technical member from the O/o Textile Commissioner after examining the stage of production of the export products viz. Spun Silk Yarn, Silk Noil Yarn, Silk Top Silver was of the view that the Company is not engaged in Sericulture and as such is not eligible for exemption from maintenance of Average Export Performance under Para 5.7.6 of HBP v1. The Committee, therefore, **rejected** the case.

29	M/s. Allcargo Logistics Limited, Mumbai 01/36/218/31/AM-13/EPCG-I	0330005325 dated 01.03.2004, 0330012804 dated 04.08.2006 and 0330010990 dated 10.02.2006	Inclusion of other services in EPCG Authorization Nos. 0330005325 dated 01.03.2004, 0330012804 dated 04.08.2006 and 0330010990 dated 10.02.2006 in terms of Public Notice No. 42/2004 dated 28.01.2004.	The case was placed before the Committee in its meeting held on 06.08.2009 wherein it was deferred with the direction to call for the import item details from the firm. This time, the Committee observed that out of the 7 items proposed to be included as other services, only 3 viz. Cargo Handling Services, Storage and Warehouse Services and Freight Transportation can be allowed for fulfilment of 100% EO in terms of Public Notice 42 dated 28.01.2004.

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