MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI V.K. GUPTA, ADGFT AT 11.00 A.M. ON 30.01.2012

Following officers attended the meeting:

(a) Shri K. K. Tiwari, Industrial Adviser, Department of Heavy Industry.
(b) Dr. R. A. Lal, Director, O/o Textile Commissioner, Noida
(c) Shri A.K. Pandey, Senior Technical Officer, Department of Revenue
(d) Dr. S. K. Tak, Joint Industrial Adviser, Ministry of Steel
(e) Mrs. Rita Mahana, Deputy Director General, DGFT
(f) Shri A. K. Gopal, Foreign Trade Development Officer (EPCG.I), DGFT
(g) Shri S. K. Swarnkar, Foreign Trade Development Officer (EPCG.II), DGFT

2. Minutes of the last Meeting held on 17.11.2011 were confirmed.

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

SI. No.	Firms Name	EPCG License No. and Date	Request of the firm	Decision of the EPCG Committee
1	M/s Diamstar, Mumbai F.No.01/36/218/89/AM-10/EPCG-I	0330002466 Dated 23.08.2002	Re-fixation of AEP and amendment of export product of M/s Diamstar, Mumbai	The case was placed before the Committee in its last meeting held on 17.11.2011 also where it was deferred with the direction to call the representative of the firm for PH alongwith the proof whether the machinery imported under the EPCG authorization has the capacity to analyse diamonds only in rough condition or it can analyse cut and polished diamonds also. Shri Kiran Mehta appeared before the Committee and distributed the catalogue of the Capital Goods (Machinery. The technical members perused the same and confirmed that the Capital Goods imported by the firm against the said licence is for evaluation of the Marked Rough Diamonds only and it has no role in production of Cut and Polished Diamonds. The export product initially endorsed on the licence was Cut and Polished Diamonds which was trading activity of the firm. They had applied for the import of DIAMOND EVALUATION ANALYSIS SYSTEM WITH THREE LENSES, the end use of which is mapping of grooves, holes and any other concave area on the Rough Diamond Surface.

				They also confirmed that Cut and Polished Diamonds cannot be produced by using the Capital Goods. The Committee, therefore, allowed amendment in Export Product as 'Marked Rough Diamond' and refixation of Average EO on the basis of amended export product.
2	M/s Hindustan Zinc Limited (Rajpura Dariba Mines) F.No.01/36/218/144/AM-12/EPCG-I	1. 1330002007 Dated 20.01.2009 2. 1330002010 Dated 21.01.2009	Permission to install spares imported under EPCG Scheme to the unit created by way of spitting the existing unit.	Mr. Soumendra Chatterjee appeared before the Committee for PH and confirmed that the Spares were imported against the EPCG Authorization issued for their Unit at 'Rajpura Dariba Mines' which has been split into two units viz. 'Rajpura Dariba Mines' and 'Sindesar Khurad Mines' on the direction of Central Excise. The physical distance between the two mines is more than 5 Km. He also produced the details of the spares to be installed at both the units. The technical member of the Committee scrutinized the both the list of spares and confirmed the use of the same for two units of the firm. The Committee, therefore, decided to allow to install spares imported under EPCG scheme to the unit created by way of splitting the existing unit with the condition that the firm will produce CEC in terms of provisions of Para 5.3.3 (ii) of HBP to RA at the time of redemption.
3	M/s AAR ESS International Pvt. Ltd F. No. 18/26/AM-06/EPCG-I	0530134037 Dated 02.04.2003	50% Waiver of export obligation and permission for issuance of fresh Authorization for import of another car under EPCG Scheme in replenishment to a totally lost car for fulfilling the remaining 50% export obligation in respect of the lost car in addition to	Shri S. K. Poddar appeared before the Committee and informed that they are now not interested in replacement of the Car and only interested in waiver of 100% Export Obligation. The Committee observed that after import the Car was attached to the group company (viz. M/s Manu Mahindra Hotel) of the firm for 8 months when it had an accident. The Representative of the firm also informed that no Foreign exchange was

			addition to export obligation that would be prescribed for the another car.	Foreign exchange was earned during these 8 months. Department of Revenue was of the view that since the insurance payment claims are under settlement for Rs. 21,28, 927, the firm may be asked to pay the duty saved amount plus applicable interest. The Committee decided to **reject** the case with the direction to the firm to pay the duty saved amount plus applicable interest.
4	M/s EIH Limited, Delhi F.No.01/36/218/126/AM-12/EPCG-I	0530139210 Dated 01.08.2005 0530151846 Dated 21.04.2010	1. Regularization of EPCG Authorization No. 0530139210 dated 01.08.2005 on fulfillment of export obligation relaxing the condition of policy circular No. 7 dated 07.05.2008.	To be finalised later.
5	M/s Max Specialty Films (A business unit to M/s Max India Limited, Chandigarh) F.No.01/36/218/249/AM-11/EPCG-I	2230000011 Dated 18.12.2001	Nexus approval in respect of items at Sl. No. 4 to 9 of import list.	The case was placed before the Committee in its meeting held on 17.11.2011 wherein it was deferred to call for the technical person of the firm for PH in the next meeting who can explain the whole manufacturing process. Shri N. N. Malhotra, General Manager appeared before the Committee and showed the schematic process diagram and indicated that the 6 items(Sl. No. 4 to 9 of import list attached with EPCG Licence), for which nexus was withdrawn by EPCG Committee in its meeting held on 04.05.2011 for want of requisite details, are essential for Raw Material Feeding System which are required in the process of production. The technical members scrutinized the Schematic Diagram and confirmed that these items are essentially required in the

				production process. The Committee, therefore, approved the nexus.
6	M/s Riddhi Siddhi Gluco Biols Ltd, F. No.18/78/AM-12/EPCG-II	03501102 Dated 11.02.1999 and 0111224 Dated 11.06.1999	The firm has requested for (i) Change of name from M/s Bhavari Starch Ltd (BSL) to M/s Riddhi Siddhi Gluco Biols Ltd; & (ii) Extension in export obligation period for 2 years against EPCG authorization No.03501102 dated 11.02.1999 & No. 0111224 dated 11.06.1999, (iii) Transfer of both the EPCG authorizations from RA, Mumbai to RA, Ahmadabad.	The Committee observed that there is no evidence that M/s Bhavari Starch Ltd. have been taken over by the applicant firm and more than 12 years have passed since the date of issue of licence. Therefore, the Committee decided that the case be examined on file.
7	M/s. Sreerampur Steel (P) Ltd. Kolkata F.No.18/107/AM-12/EPCG-II		Request for (i) condonation of block-wise export obligation for 1st Block & (ii) inclusion of Mineral Products (HS Code: 25000000); Ores, Slag and Ash covered under HS Code -26000000 as other products for fulfillment of entire export obligation in respect of EPCG Authorization No. 0230000733 dated 14.10.2004.	The case was placed before the Committee in its last meeting held on 17.11.2011 wherein the case was deferred to call the representative of the firm for PH. No one appeared for PH before the Committee. The technical members were of the view that no machinery is required for Slag and Ash. The firm have also not indicated the name of the Ore. Therefore, the Committee **rejected** the request of the firm for change of export product. The Committee also decided to accede to the request of the firm for condonation of block-wise export obligation as per the provisions of Para 5.8.3 of HBP (Vol. I) subject to payment of composition fee of 2% on duty saved amount in proportion to the shortfall at the end of each block.
8	M/s. Tata Motors ltd. Mumbai F.No.18/123/AM-12/EPCG-II	033008322 Dated 31.03.2005	Endorsement of M/s Tata Cummins Ltd, Jamshedpur as	The case was placed before the Committee in its last meeting held on 17.11.2011 wherein it

			supporting manufacturer in EPCG authorization No. 033008322 dated 31.03.2005.	was deferred for PH with the request to the firm to submit details. RA's report is also awaited. The Company have not given justification for shifting of machinery to the premises of Joint Venture Partner M/s Tata Cummins Ltd., Jamshedpur. The firm neither submitted the details nor attended the PH. The Committee observed that the firm have shifted the Capital Goods without taking necessary permission of Excise Authorities and RA. Therefore, the Committee **rejected** the request.
9	M/s. Supreme Art Works Chennai F.No.18/24/AM-09/EPCG-II	0430000605 Dated 17.04.2002	Fulfillment of annual average EO by third party (Group Company) in respect of EPCG licence No. 0430000605 dated 17.04.2002.	The case was placed before the Committee in its last meeting held on 17.11.2011 wherein it was decided to call the representative of the firm for PH. Shri Umesh Chandra Dalai appeared before the Committee and tried to explain the matter. However, the Committee observed that the benefit of Group Company cannot be granted to a Proprietary/Partnership firm as per Para 9.28 of FTP. Moreover, the export claimed to be made by the firm towards the fulfilment of EO was not covered under the definition of third party and hence, **rejected** the request of the firm. The representative of the firm further informed that the Minutes issued in respect of the earlier requests of the firm are not clearly mentioning the benefit regarding condonation of the block-wise EO and extension in EOP granted to the firm. The Committee clarified that the firm is allowed for Extension in EOP for 2 years and condonation of blockwise EO subject to payment of requisite extension/composition fee interms of provision

				interms of provision contained in Para 5.11 and Para 5.8.3 of HBP respectively.
10	M/s. Super Max Personal Care P. Ltd. F.No.18/37/AM-12/EPCG-II		The firm has requested for waiver of execution of Bank Guarantee.	The Committee in its meeting held on 29.09.2011 had decided as under: "The Committee noted that M/s Vidyut Metallic Private Ltd., the recipient of EPCG authorization, has been taken over by M/s Supermax Personal Care Private Ltd. with all assets and liabilities under slump sale agreement. The applicant firm has undertaken to fulfil the export obligation imposed on the subject licences using the Capital Goods at the original place of installation. Therefore, the Committee decided to allow transfer of EPCG Authorization issued to M/s Vidyut Metallic Private Ltd. to M/s Supermax Personal Care Pvt. Ltd. subject to the condition that the latter would furnish fresh Bank Guarantee." The Committee clarified that BG/LUT is to be submitted by the applicant as per Para 2.20 of Handbook of Procedure read with Custom Circular No. 58 dated 21.10.2004 amended from time to time.
11	M/s. Wadhawan Holdings Pvt Ltd. Mumbai F.No.18/152/AM-12/EPCG-II		To allow import of cars under EPCG Scheme.	The Committee observed that the firm are coming up with a 4 Star business hotel and are seeking exemption from the conditions imposed in Para 5.2 of FTP for import of vehicles under EPCG Scheme. The Committee also observed that the Hotel is still not operational. Keeping in view the aforementioned facts the Committee did not accede to the request of the firm.
12	M/s. Needle Industries (India) P. Ltd Nirgiris F.No.18/112/AM-12/EPCG-II	0430003916 Dated 26.07.2006	Condonation of shortfall in average export obligation in respect of EPCG	The Committee observed that the duty saved against the said licence is merely Rs. 81,193 whereas Average Export

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<tr><td></td><td></td><td></td><td>respect of EPCG authorization No.0430003916 dated 26.07.2006.</td><td>whereas Average Export Obligation imposed on the firm is Rs. 442333050.33. The committee also observed that despite huge burden of Average EO, the firm have maintained it in the year 2009-10 and 2010-11 but could not maintain it in 2006-07 to 2008-09.

Details of Exports are as follows:

<table><tr><td>Year</td><td>Exports (Rs. in Lakhs)</td></tr><tr><td>2006-07</td><td>3690.28</td></tr><tr><td>2007-08</td><td>2942.40</td></tr><tr><td>2008-09</td><td>3499.70</td></tr><tr><td>2009-10</td><td>4476.13</td></tr><tr><td>2010-11</td><td>4815.23</td></tr></table>
The Committee was of the view that this case is a fit case for relaxation under Para 2.5 of FTP and hence recommended to DG for the same. DG has approved the case.</td></tr>
<tr><td>13</td><td>M/s. Traditional Gallery P. Ltd. Jaipur
F.No.18/148/AM-12/EPCG-II</td><td>1330002590
Dated
19.05.2010</td><td>Change of factory address against EPCG authorization No.
1330002590 dated 19.05.2010.</td><td>The Committee observed that both the factory addresses are mentioned in the IEC. The firm is not covered under Central Excise and, therefore, have furnished CEC as the proof of installation, and, therefore, allowed change of factory address from SP-6&7, Riico Industrial Area, Mansarovar, Jaipur to H-1-77, Mansarovar Industrial Area, Jaipur. Installation Certificate is to be furnished to RA by the exporter within 3 months.</td></tr>
<tr><td>14</td><td>M/s. Tijaria Polypipes Ltd. Jaipur
F.No.18/150/AM-12/EPCG-II</td><td>1330001833
Dated
25.04.2008</td><td>Request for shifting of machineries imported under EPCG Authorization No. 1330001833 dated 25.04.2008 from rented premises to own premises.</td><td>The Committee observed that both the addresses are covered under IEC and, therefore, allowed shifting of machineries from rented premises (Plot No. F-532, Road No. 6D, VKI Area, Jaipur to their own premises (Tijaria Polymers Limited, Plot No. SP-1-2315/2316 and F-2243, Riico Industrial Area, Ramachandrapura Sitapura Extension, Jaipur. Installation Certificate is to be furnished to RA by the exporter within 3 months.</td></tr>
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15	M/s. R.K. Marble Pvt. Ltd. Ajmer 18/159/AM-12/EPCG-II	1330000484 Dated 05.03.2004	The firm has requested for (i) Extension in export obligation period for one year upto 04.03.2013 & (ii) condonation of Block-wise EO for 2nd and 3rd blocks against EPCG authorization No.1330000484 dated 05.03.2004.	The Committee allowed condonation of block-wise performance as per the provisions of Para 5.8.3 of HBP (Vol. I) subject to payment of composition fee of 2% on duty saved amount in proportion to the shortfall at the end of each block. Extension of export obligation for one year upto 04.03.2013 has been allowed subject to payment of composition fee of 2%.
16	M/s. Tata Steel Ltd. New Delhi F.No.18/158/AM-12/EPCG-II	List attached at Annexure-I	Request for acceptance of installation certificate from C.E. instead of Jurisdictional Excise Authority against 03 EPCG authorizations.	The Committee observed that the firm have not furnished the appropriate justification in support of their request. Therefore, the Committee decided to defer the case with a request to call for the representative of the firm for Personal Hearing.
17	M/s. Rubek Balloons Pvt. Ltd. Ernakulam F.No.18/14/AM-11/EPCG-II	1030000316 dated 31.10.2003 and 1030000541 dated 18.02.2005	Consideration of exports of Group Company for fulfillment of export obligation.	The Committee observed that the applicant is a State Government Cooperative and have requested for grant of facility of group company exports to be counted for EO from 28.01.2004 i.e. from the date of issue of Public Notice No. 42. The Committee decided that in respect of the licence issued in 2003, the facility may be granted in terms of the said Public Notice w.e.f. 28.01.2004 and in respect of the licence issued in 2005, the facility may be granted from the date of issuance of licence.
18	M/s. Unison Hotels Ltd, New Delhi. F.No.18/38/AM-12/EPCG-II	(i) 0530143859 Dated 11.06.2007; (ii) 0530143860 Dated 11.06.2007; (iii) 0530143858 Dated 11.06.2007; (iv) 0530148027 Dated 19.12.2008 and	Request of re-fixation of annual average EO against EPCG authorization No.0530143859 dated 11.06.2007; No.0530143860 dated 11.06.2007; No.0530143858 dated 11.06.2007; No.0530148027 dated 19.12.2008 &	The Committee noted that there is a sharp decline in Export Performance after the fire. However, it was not clear to the Members that how as per the existing parameters of Policy reduction in AEP can be allowed. Even if the Committee decided to extend the EOP without composition, the firm do not seem in a position to fulfil Export Obligation. The Committee, therefore, **rejected** the case. However, if the firm still

		and (v) 0530149544 Dated 04.08.2009.	19.12.2008 & No.0530149544 dated 04.08.2009.	However, if the firm still want a Personal Hearing in the matter, the Committee would again consider the case.
19	M/s. Patel Engineering Ltd. Mumbai F.No.18/66/AM-12/EPCG-II	0330004685 Dated 11.11.2003	Acceptance of payment received in INR toward fulfillment of export obligation.	The Committee observed that the firm have not furnished any proof that payment received in INR to be considered as Free Foreign Exchange have been approved by RBI as required under Para 9.53(iv) of FTP. Therefore, the Committee **rejected** the request. RA to take necessary action in the matter.
20	M/s. New Holland Fiat (India) Ltd. F.No.18/145/AM-12/EPCG-II		Request is for clarification that if capital goods imported under EPCG Scheme for Research & Development on the prototypes of Tractors and parts, then export obligation can be fulfilled by export of tractors	The technical member of the Committee confirmed that the first three equipments proposed to be imported are for testing and the remaining are essential for manufacturing of the export product. Therefore, the Committee clarified that the proposed Capital Goods can be imported under EPCG Scheme with the export product as Tractors.
21	M/s. Hariom Marmo Grani Pvt. Ltd. F.No.01/36/218/137/AM-12/EPCG-I	1330000174 Dated 21.10.2002	Request of M/s Hariom Marmo Grani Pvt. Ltd., Udaipur for (a) Condonation for block-wise EO fulfillment (b) Extension of EO for 2 years (c) Amendment in EO product Description to read as "Marble Granite Dolomite and other stones Blocks/ Slabs" instead of "Marble Granite Dolomite and other Stones Blocks".	The Committee observed that adjudication in respect of the subject licence has been done and hence decided to direct the firm to pursue the case with Appellate Authority.
22	M/s. Hotel Leelaventure Limited, Mumbai F.No. 01/36/218/172/AM-12/EPCG-I	0330013236 Dated 14.09.2006	Condonation in delay in registration of 3 cars out of 49 cars imported against EPCG Authorization No. 0330013236 dated	To be finalised later.

			dated 14.09.2006 as required under PC-7 dated 07.05.2008.	
23	M/s Alicon Castalloy Ltd F.No.01/36/218/175/AM-12/EPCG-I	a. 1. 3130002437 Dated 08.05.2007; 2. 3130002438 Dated 08.05.2007; 3. 3130002633 Dated 10.08.2007 ; 4. 3130002654 Dated 20.08.2007; 5. 3130002655 Dated 20.08.2007; 6. 3130002658 Dated 20.08.2007; 7. 3130002665 Dated 20.08.2007; 8. 3130002737 Dated 09.10.2007 b. 1. 3130005365 Dated 16.12.2010 2. 3130005415 Dated 10.01.2011	a. To condonation of annual average export obligation for the years 2009-10 and 2010-11 in respect of 8 licencs issued during AM-08. Reasons given by the firm is decline of exports due to global slowdown. b. To condone annual average export obligation for the years 2010-11 and 2011-12 and to refix AEP equal to average of AM-10 and AM-11 in respect of the 2 licences issued during AM-11. Reasons given are same as mentioned in request 'a' above.	The Committee observed that the reasons given by the firm are not substantive enough for waiver of Export Obligation. Moreover, facility under Para 5.11.2 of HBP is also available to the exporter. The Committee, therefore, decided to **reject** the case.
24	M/s Damodar Threads Limited F.No. 01/36/218/174/AM-12/EPCG-I		Policy Relaxation to the effect that while issuing EPCG Authorizations Merchant Exports are not included in the Past Performance for calculation of Average Export Performance to be maintained by the firm-request by M/s Damodar Threads Limited-reg.	To be finalised later.
25	M/s ITC Limited., Kolkata F.No.01/36/218/181/AM-12/EPCG-I		Import of Fork Lift and High Reach Truck for loading, unloading and stacking of the material within	The technical Members of the Committee perused the catalogue of the Fork Lift Truck and High Reach Truck and confirmed that these are distinctly different from ordinary

			the factory premises	trucks and are essential for the purpose of loading, unloading and stacking of the material within the factory premises. Therefore, the Committee decided to allow these items i.e. Fork Lift and High Reach Truck to be imported under EPCG Scheme.
26	M/s. Gupta Swabs Ltd., Chennai F.No.01/36/218/64/AM-12/EPCG-I	0430000477 Dated 10.12.2001	Extend the EOP against EPCG Authorization No.0430000477 dated 10.12.2001	The Committee decided to extend the Export Obligation Period subject to payment of requisite extension fee in terms of provision contained in Para 5.11 of Handbook of Procedure Vol.I.
27	M/s Electrosteel Steels Limited F.No.01/36/218/142/AM-12/EPCG-I	0230004601 Dated 10.11.2009	Revalidation of EPCG Authorization No. 0230004601 dated 10.11.2009.	The Committee observed that the problem being faced by the firm is technical in nature and may not be resolved without granting revalidation. Therefore, the Committee, decided to grant revalidation for resolving the request of the firm i.e. for regularizing the licence in such a way that the relevant Bill of Entry is assessed on the basis of gross value of shipment and **not** for the purpose of any further import by the firm. Licence will be validated for 3 month only for purpose of debiting by customs and no imports will be permitted in revalidated period. Specific endorsement will be made by RA on the licence.
28	M/s Alok Industries Limited, Mumbai F.No. 01/36/218/129/AM-12/EPCG-I	0330000813 Dated 10.01.2001	Nexus Approval in respect of EPCG licence No. 0330000813 dated 10.01.2001 issued to M/s Alok Industries Limited, Mumbai	The technical Member raised objections on the following counts: a. there is no mention of manufacturing activity of garments and made-ups in the flow chart; b. When these Capital Goods will be installed and for which machine they will be needed. c. Why two types of machines have been imported when the purpose can be solved by one machine. d. The firm should prove how they will manufacture

				Garments and madeups. e. nexus is not proved. The Committee, therefore, decided to **reject** the case.
29	M/s Eye Photonics (India) Pvt. Ltd., Puducherry F.No.01/36/218/167/AM-12/EPCG-I	2530000015 Dated 28.10.2003	Condonation from provisions laid down in Policy Circular No. 7 dated 11.07.2002 against EPCG Authorization No.	The Committee observed that the third party (M/s Appasamy Associates, Chennai) shipping bills accounted for fulfilment of Export Obligation do not bear EPCG Authorisation Number and date etc., as required under Policy Circular 7 dated 11.07.2002. However, BRCs furnished for such exports do bear the EPCG Authorization No. & date. Therefore, the Committee decided to **recommend to DG** to condone the lapse for not mentioning EPCG Authorisation Number and date, as required under Policy Circular 7 dated 11.07.2002. **DG has approved the case.**
30	M/s Caparo Engg. India Pvt. Ltd., Gurgoan F.No. 01/36/218/121/AM-12/EPCG-I	0530144944 Dated 06.11.2007	Condonation in delay in Installation of Capital Goods imported under EPCG Scheme against EPCG Licence No. 0530144944 dated 06.11.2007.	The Committee observed that the firm have not mentioned the specific period of delay in installation of Capital Goods. The Committee, therefore, **deferred** the case.
31	M/s Bharat Silks, Bangalore F.No. 01/36/218/122/AM-12/EPCG-I	0730009874 Dated 25.02.2011 and 0730009969 Dated 24.03.2011	Extension for installation of Machines imported under EPCG Scheme against Authorization No. 0730009847 dated 25.02.2011 issued to M/s Bharat Silks, Banalore.	The Committee observed that due to non-availability of the foreign technicians the firm could not install the Capital Goods/machine. The Committee also perused the letter by the foreign technicians wherein it was mentioned that they would be able to visit for installation only in the month of October, 2011. The Committee, therefore, decided to **recommend to DG** to grant permission to submit installation certificate by 31.03.2012. **DG has approved the case.**
32	M/s CRI Limited., Kolkata F.No. 01/36/218/164/AM-12/EPCG-I	0230000226 Dated 29.05.2002	Condonation of block-wise fulfillment of EO against EPCG	The Committee decided to allow condonation of block-wise performance as

			against EPCG Authorization no. 0230000226 dated 29.05.2002 issued to the firm M/s CRI Limited, Kolkata for discharge of Export Obligation.	per the provisions of Para 5.8.3 of HBP (Vol. I) subject to payment of composition fee of 2% on duty saved amount in proportion to the shortfall at the end of each block.
33	M/s Dhanam's Knit Garments, TamilNadu F.No. 01/36/218/164/AM-12/EPCG-I	P/CG/2142190 Dated 12.01.1999	Issuance of EODC	The Committee observed that the request of the firm is covered independently under Para 6.5(v) of Policy (1997-2002) which stipulates that "If the exporter achieves an export of 75% of the annual value of the production of the relevant export product, the export obligation against the EPCG licence shall be subsumed under that export, provided the aggregate value of such exports during the specified period shall not be less than the aggregate value of the export value of the export obligation fixed under Paragraph 6.2 of this Policy" and decided to allow the benefit of the same subject to approval of DG. **DG has approved the case.**
34	M/s. Claris Lifesciences Ltd. Ahmedabad F.No.01/36/218/182/AM-12/EPCG-I	1. 8300001307 Dated 08.05.06 2. 8300001330 Dated 23.05.06 3. 8300001463 Dated 07.08.06 4. 8300001466 Dated 07.08.06 5. 8300001482 Dated 25.08.06 6. 8300001614 Dated 01.11.06 7. 8300001672 Dated 27.11.06 8. 8300001795 Dated 18.01.07 9. 8300001895 Dated 20.02.07 10. 8300002094 Dated 13.06.07 11. 8300002135 Dated 27.07.07 12. 8300002493	Reduction and re-fixation of Export Obligation and Average Export Obligation of EPCG Licences.	The Committee observed that the firm had started two units viz. Injectable Plant and Infusion Plant in 2002 and 2004 respectively. The Injectable Plant was converted into 100% EOU in July, 2006. The Committee also observed that while fixing Annual Average Export Obligation on the Licences obtained during AM-07 to AM-09 Average of Past three years export performance of both the units had been taken into account. Therefore, the Committee decided that the exports made by Injectable Plant for the years 2003-04, 2004-05 and 2005-06 should be excluded respectively from the total exports during the said

		Dated 24.08.08		years and the average be reduced/refixed on the basis of such exclusion. Exports made by injectable plant from April 2006 to July 2006 will also not be counted towards fulfilment of EO.
35	M/s. I Life Medical devices Pvt Ltd Delhi 01/36/218/179/AM-12/E PCG-I	0530147491 Dated 16.10.2008 and 0530147627 Dated 03.11.2008	Condonation of delay in installation of Capital Goods.	The Committee observed that an Installation certificate of Jurisdictional Central Excise Authority have already been obtained by the firm on 17.10.2011. Moreover, a Chartered Engineer Certificate for confirming installation within 6 months have also been furnished by the firm. Therefore, the Committee decided to **recommend to DG** to condone the delay in submission of installation certificate for the purpose of regularisation/redemption. **DG has approved the case.**
36	M/s. Prism cement Limited, Mumbai F.No.01/36/22/29/-97/EPCG-II	01500541 Dated 16.10.1996	a. Counting of exports made during up to August 2010 towards fulfilment of export obligation against the EPCG Authorization (EOP over by April, 2010) b. Acceptance of Export made by the Group Company viz. Ardex Endura (India) Pvt. Ltd. (Adhesive Exports) and also exports of cement made by Prism Cement Limited.	The Committee allowed acceptance of exports made by the Group Company viz. Ardex Endura (India) Pvt. Ltd. and also exports of cement made by Prism Cement Limited w.e.f. 01.04.2005. The Committee observed that there is merely a delay of 4 months in fulfilment of export obligation. The Committee also observed that more than 90% of the export obligation was fulfilled within the valid period of EOP. However, on DOR's insistence it was decided to levy composition fee of 2% on duty saved amount in proportion to unfulfilled EO per annum. The Committee decided to **recommend to DG** for extension in EOP for 4 months i.e. upto August, 2010 for regularization of the exports already made for issuance of EODC subject to composition fee as above. **DG has approved the case.**

37	M/s Jindal Saw Limited, Mathura F.No.01/36/218/155/AM-12/EPCG	a. 0530150780 Dated 30.12.2009 b. 1. 0530156077 Dated 26.07.2011; 2. 0530156108 Dated 28.07.2011; 3. 0530156110 Dated 28.07.2011; and 4. 0530156111 Dated 28.07.2011	a. Extension in installation time (upto 31.12.2012) due to change in plant site b. Shifting of Capital Goods from Kosi Coating unit to Kosi Pipe Unit and extension in installation in time for 6 months	a. The Committee observed that the firm could not install the imported Capital goods as they had to change their plant site to at IID Centre, Dalgaon, District – Darrang, Assam – 784 116 as per the direction of the Assam Pollution Department. Therefore, the Committee decided to **recommend to DG** to allow extension in time for installation of Capital Goods, at the new site, upto 31.12.2012. **DG has approved the case.** b. The Committee observed that the name of both the units i.e. Kosi Coating Unit and Kosi Pipe Unit are mentioned in the IEC and, therefore, decided to **recommend to DG** to allow shifting of Capital Goods from Kosi Coating unit to Kosi Pipe Unit and extension in installation time upto June, 2012. **DG has approved the case.**
38	M/s JSW Steel Ltd., Mumbai F.No.01/36/218/153/AM-12/EPCG-I	a. N.A. b. 0330004118 Dated 12.08.2003	a. Permission for import of crane and Locomotive in relaxation of Policy Circular 61 dated 13.02.2009 b. Approval of nexus between the machinery and the export product against EPCG Licence No. 0330004118 dated 12.08.2003.	a. Technical Members of the Committee confirmed that the Cranes and Locomotive are essential part of the production process. Therefore, the Committee decided to allow the firm to import crane and Locomotive. Policy Circular 61 dated 13.02.2009 is not applicable in this case as Capital Goods are not for construction but for production. b. The technical members also confirmed that the spares imported against EPCG Licence No. 0330004118 dated 12.08.2003 have clear nexus with the export product viz. Hot rolled Non-alloy steel sheets. Therefore, the Committee decided to approve the nexus.
39	M/s Paprika Wear., Bangalore F. No. 18/61/AM-11/EPCG-II	0730000951 dated 26.03.2003	Consideration of exports of Group Company for fulfilment of	The case was considered by the EPCG Committee in its meeting held on 09.12.2010 wherein the

			fulfilment of export obligation w.e.f. 28.01.2004.	09.12.2010 wherein the following decision was taken: "The Committee considered the case as per agenda. The Committee noted that the request of the firm is covered under the provisions of Public Notice 42 dated 28.1.2004 and hence the request of the firm is acceded to, subject to the condition that the benefit of group company export should be allowed from the date of application of firm made to RA after 28.1.2004 and subject further to maintenance of annual average export obligation as per para 5.5 of FTP in respect to the export products of the group company included for the purpose of fulfillment of licence. RA should also satisfy themselves about group company as per para 9.28 of FTP." 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.

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