

MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI JAIKANT SINGH, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 1430 Hours ON 19.12.2013

Following officers attended the meeting:

- a. Shri Akash Taneja, Joint Director General of Foreign Trade, DGFT
- b. Shri K. K. Tiwari, Industrial Adviser, Department of Heavy Industry
- c. Shri K. K. Sinha, Industrial Adviser, D/o Industrial Policy and Promotion
- d. Shri A.K Pandey, Senior Technical Officer (DBK), D/o Revenue

II. Minutes of the last Meeting held on 18.11.2013 were confirmed.

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

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
1.	M/s Sheena Exports, Panipat 18/75/AM-13/EPCG-II	3330000669 dated 06.12.2006 3330000739 dated 29.03.2007 3330000791 dated 04.07.2007 3330000872 dated 30.10.2007 3330000980 dated 10.04.2008 3330000974 dated 07.04.2008	Grant of benefit of Para 5.7.6 of HBP v1	Since the Technical Member from M/o Textiles was absent the Committee decided to defer the case.
2.	M/s Reliance Infrastructure Limited 18/184/AM-13/EPCG-II	0330029636 dated 01.06.2011 0330029874 dated 30.06.2011 0330030896 dated 21.10.2011	Import of cranes under EPCG scheme for providing services in terms of 3(E) of Appendix 10	The Committee noted that the case was deferred in its last meeting for want of comments from DoR. The representative of DoR conveyed that they have examined the matter in consultation with the field formation viz. Chennai Customs Commissionerate who has issued show cause notice to the firm on the grounds that the exports proposed to be made for fulfillment of export

DG = Director General
FTP = Foreign Trade Policy
HBP v1 = Handbook of Procedure Vol. I
EO = Export Obligation
EODC = Export Obligation Discharge Certificate
EOP = Export Obligation Period
EPCG = Export Promotion Capital Goods
RA = Regional Authority
BG = Bank Guarantee
FFE = Free Foreign Exchange
FE = Foreign Exchange

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
				Decisions are deemed to be final which cannot be counted for fulfillment of EO and in view of the quasi-judicial proceedings being underway, post-facto regularization of the case does not seem tenable. The Committee observed that the firm the firm has obtained the EPCG Authorization Nos. 0330029636, 0330029874 and 0330030896 under the 3% EPCG scheme, between June and October 2011 and they have a time of 8 years to fulfill the EO. The firm has represented that they would fulfill the EO in terms of Para 9.53 (ii) of FTP i.e. by supply of a 'service' from India to service consumer of any other country in India. The firm has also provided a copy of the agreement for providing such service with M/s Northern Heavy Industry Group Co. Ltd. (NHI) which is a corporation duly organized and existing under and by virtue of the laws of Peoples Republic of China dated 27.06.2013. The firm would receive payment for the services provided by them in free foreign exchange. The Committee noted that the above is covered in terms of Para 9.53(ii) of FTP read with policy circular 61 dated 13.02.2009. The firm may approach RA Mumbai for amendment in export product after finalization of the SCN issued by Customs.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
3.	M/s SRV Synthetics 01/37/218/171/AM-14/EPCG-II	0330029621 dated 31.05.2011	Condonation of delay in installation of capital goods	The Committee observed that the firm have already obtained Installation Certificate from Jurisdictional Central Excise Authority and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.
4.	M/s Poly Medicare Limited 01/37/218/123/AM-14/EPCG-II	0530149916 dated 24.09.2009 0530150849 dated 05.01.2010 0530151314 dated 19.02.2010 0530153163 dated 23.08.2010 0530153271 dated 03.09.2010 0530156104 dated 28.07.2011	Acceptance of installation certificate issued by Chartered Engineer	The case was deferred by EPCG Committee meeting held on 23.10.2013 with the direction to obtain confirmation from Central Excise Authority about the installation of Capital Goods. The Central Excise has confirmed that the capital goods imported against the 6 EPCG Authorizations have been found installed at the factory premises of M/s Polymedicure Limited, Plot No. 104-105, Sector-59, HSIDC Ballabhgarh, Faridabad. The Committee, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for acceptance of the installation certificate issued by Chartered Engineer. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
5.	M/s Saurer Embroidery Systems (India) Pvt. Ltd. 01/37/218/163/AM-14/EPCG-II	Original EPCG Authorization No. 0530139200 dated 28.07.2005; Amended EPCG Authorization(in lieu of Original Authorization) No. 0530157234 dated 20.12.2011	Condonation of block-wise EO for the 1 st block	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/Para 5.8.2 of HBP v1 (RE: 2013). This has the approval of DG.
6.	M/s Plascare Industries Pvt. Ltd. (Formerly M/s Suiyo Plastics Pvt. Ltd.) 01/37/218/154/AM-14/EPCG-II	0430002621 dated 03.05.2005	Condonation of block-wise EO for the 1 st block.	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/Para 5.8.2 of HBP v1 (RE: 2013). This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
7.	M/s Sesa Sterlite Limited 01/37/218/165/AM-14/EPCG-II	28 EPCG Authorizations issued during the period AM-08 to AM-11	Condonation of delay in installation of capital goods	The Committee observed that the firm have already obtained Installation Certificate from Jurisdictional Central Excise Authority and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.
8.	M/s Sesa Sterlite Limited 01/37/218/179/AM-14/EPCG-II	359 EPCG Authorizations issued during the period AM-05 to AM-14	Fulfilment of export obligation of 359 EPCG Authorizations issued to M/s Vedanta Aluminium Ltd by M/s Sesa Sterlite Limited	The Committee observed that as per Madras High Court Order dated 25.07.2013 Vedanta Aluminium Limited (Authorization Holder) has amalgamated with M/s Sesa Sterlite Limited (formerly Sesa Goa Limited). The Committee, therefore, decided to allow change in name of the Authorization Holder from M/s Vedanta Aluminium Limited to M/s Sesa Sterlite Limited. The Committee also decided to allow fulfilment of export obligation of 359 EPCG Authorizations issued to M/s Vedanta Aluminium Ltd by M/s Sesa Sterlite Limited. The Company should furnish fresh Bond/BG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
9.	M/s Sesa Sterlite Limited 01/37/218/178/AM-14/EPCG-II	87 EPCG Authorizations issued during the period from AM-07 to AM-12	Condonation of delay in installation of capital goods and spares	The Committee observed that the firm have already obtained Installation Certificate from Jurisdictional Central Excise Authority and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.
10.	M/s Jindal Paddings Private Limited 01/36/218/136/AM-14/EPCG-I	0530141642 dated 31.07.2006 0530141449 dated 10.07.2006	Condonation of non-fulfilment in block-wise E.O for the first block in respect of EPCG Authorization Nos. 0530141642 dated 31.07.2006 and 0530141449 dated 10.07.2006	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/Para 5.8.2 of HBP v1 (RE: 2013). This has the approval of DG.
11.	M/s Kumar Printers Private Limited 01/36/218/262/AM-14/EPCG-I	0530134617 dated 06.08.2003	a. Condonation from the maintenance of average exports year-wise as they have completed the same in totality by the	The Committee observed that there is shortfall in Average EO in the year 2003-04 only, however, they have fulfilled the Average EO as well as specific EO within EO period. The Committee, therefore, recommended to DG for relaxation

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
			and for the 9th year b. Condonation of block-wise EO in terms of Para 5.8.3 of HBP v1 for the 2nd and 3rd block c. Extension in EOP upto 31.03.2012 (by 8 months) in terms of Para 5.11 of HBP v1.	Decision on Para 2.5 of FTP for the Committee Decision of shortfall in Average EO for the year 2003-04 which was fulfilled in remaining blocks. b. 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/Para 5.8.2 of HBP v1 (RE: 2013). c. 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. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
12.	M/s Global Hospitality Services (Reference received from RA, Hyderabad) 01/36/218/203/AM-14/EPCG-I	0930003108 dated 20.04.2007	Condonation of delay in installation of capital goods in respect of EPCG Authorization No. 0930003108 dated 20.04.2007	The Committee observed that the firm, being a service provider, have already obtained Installation Certificate from Chartered Engineer and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.
13.	M/s Gillanders Arbuthnot & Company Limited 01/36/218/215/AM-13/EPCG-I	0230007117 dated 13.09.2011 0230007590 dated 25.01.2012	Extension in time upto June, 2013 for submission of installation certificate in respect of EPCG Authorization Nos. 0230007117 dated 13.09.2011 and 0230007590 dated 25.01.2012	The Committee observed that the firm could not install the imported machinery due to labour unrest. The firm has furnished sufficient proof to establish that there was labour unrest in the factory. The Committee, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of extension in time upto June, 2013 for submission of installation certificate. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
14.	M/s Anest Iwata Motherson Limited 01/36/218/233/AM-14/EPCG-I	0530157111 dated 02.12.2011 0530145571 dated 08.02.2008	Permission for adjustment of excess exports made against EPCG Authorization No. 0530145571 dated 08.02.2008 for fulfilment of EO against other EPCG Authorization No. 0530157111 dated 02.12.2011(issued in lieu of Original EPCG Authorization No. 0530139797 dated 27.10.2005)	The Committee deliberated upon the case and decided to defer the case with the direction to call for a report from the concerned Regional Authority with respect of EPCG Authorization issued in 2011 (in lieu of EPCG Authorization No. 0530139797 dated 27.10.2005).

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
15.	M/s A & A Modular Systems 01/36/218/17/AM-14/EPCG-I	2230000087 dated 30.03.2004 2230000273 dated 10.02.2006 2230000219 dated 27.09.2005	Condonation in block-wise EO and extension in EOP for two years in respect of 3 EPCG Authorizations	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/Para 5.8.2 of HBP v1 (RE: 2013). The Committee further 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. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
16.	M/s Hindalco Industries Limited 01/36/218/107/AM-14/EPCG-I	3430002389 dated 07.06.2013	Certification of nexus in respect of EPCG Authorization No. 3430002389 dated 07.06.2013 issued to M/s Hindalco Industries Ltd.	Two representatives of the firm appeared for PH before the Committee and stated that the plant is an Integrated copper manufacturing unit and during the production of copper, sulphur gas is generated which is not allowed to be released in the environment and hence it is scrubbed and converted into sulphuric acid and in turn converted into Phosphoric Acid due to limited disposal possibility of Sulphuric Acid. They further stated that production of copper and sulphuric acid plant are inter-connected and inter-linked. The technical members of the Committee confirmed that the phosphoric acid plant is an essential component of the Integrated copper manufacturing plant. Hence, the Committee certified the nexus.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
17.	M/s Convenio Foods International Private Limited 01/36/218/254/AM-14/EPCG-I	0430002576 dated 13.04.2005	Condonation of block-wise E.O for the first block in respect of EPCG Authorization No. 0430002576 dated 13.04.2005	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/Para 5.8.2 of HBP v1 (RE: 2013). This has the approval of DG.
18.	M/s MGM Pooja Buildtech Private Limited 01/36/218/279/AM-14/EPCG-I	0730011690 dated 03.10.2012	Extension in time for 12 months for production of installation certificate from Central Excise Authority in respect of EPCG Authorization No. 0730011690 dated 03.10.2012	The Committee noted the following facts furnished by the firm: - The firm has imported a huge machine viz. 16 T Forging hammer – Model No. M 2152 YOM 1986 against EPCG Authorization No. 0730011690 dated 03.10.2012; - Since the complete machine came through two different vessels in dismantled condition, they have cleared against two Bills of entry on different dates; - After customs clearance of second lot against Bill of Entry No. 8662800 dated 04.12.2012, it took almost 55 days for them to transport

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
				d. Since this is a very big machine with weight of total 485 MTS and with a single frame weight of 180 MTS, they took minimum of 3 years to dismantle the machine and to bring it out from the foundation of Russia; e. It took a lot of time for transportation, unloading in their factory premises; f. For foundation work, they are planning to go for vibration free foundation with German Technology, since this a very big Forging Hammer; g. So, the machine is still not assembled. The Committee, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of extension in time for 12 months for submission of installation certificate. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
19.	M/s GMR Hotels & Resorts Limited (Formerly GMR Hyderabad International Airport Ltd.) 01/36/218/264/AM-14/EPCG-I	0930003602 dated 06.11.2007 0930003525 dated 10.10.2007 0930003843 dated 13.02.2008 0930003591 dated 01.11.2007	Condonation of delay in installation of capital goods imported against 4 EPCG Authorization Nos. 0930003602 dated 06.11.2007, 0930003525 dated 10.10.2007, 0930003843 dated 13.02.2008 and 0930003591 dated 01.11.2007	The Committee observed that the firm could not install the capital goods due to increase in capacity of the hotel from 180 rooms to 305 rooms. The firm, being a service provider, have already obtained Installation Certificate from Chartered Engineer and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
20.	M/s Thomson Press (India) Limited 01/37/218/187/AM-14/EPCG-II	11 EPCG Authorizations issued during the period from AM-07 to AM-10	Counting of excess exports made against two EPCG Authorizations No. 0530134125 dated 07.05.2003 & 0530149311 dated 06.06.2009 for fulfilment of EO of 11 other EPCG Authorizations issued during the period July, 2006 to July 2009	The Committee observed that the request of the firm is regarding counting of excess exports made against EPCG Authorizations No. 0530134125 dated 07.05.2003 & 0530149311 dated 06.06.2009 towards fulfilment of EO against 11 other EPCG Authorizations issued during the period July, 2006 to July, 2009. The Committee, therefore, decided to recommend to DG under Para 2.5 of FTP for counting of excess exports made against EPCG Authorizations No. 0530134125 dated 07.05.2003 & 0530149311 dated 06.06.2009 towards fulfilment of EO against 11 other EPCG Authorizations issued during the period July, 2006 to July, 2009 provided the exports made are within the EO period of EPCG Authorizations and subject to the condition that there will be no double counting of exports. This has the approval of DG.
21.	M/s Rashmi Metaliks Limited 18/12/AM-14/EPCG-II	0230004900 dated 03.02.2010	Import of PEB Steel structure for ductile iron pipes under EPCG scheme.	The Committee deliberated upon the case and decided to defer it with the direction to call for specific list of items of import alongwith their quantity and brief note on the usage of these items in the plant.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
22.	M/s Rishab Appeal Private Limited 01/37/218/175/AM-14/EPCG-II	0330015817 dated 18.04.2007 0330016006 dated 09.05.2007	Regularization of installation of capital goods at a different place.	The Committee observed that the address of the unit (Gala No. 103 & 105, BLDG. NO. 17AB, Adarsh Samhita Premises CHS Ltd, A. D. Road, Sakinaka, Andheri-E, Mumbai) at which the capital goods have been installed are already incorporated in the IEC and therefore, decided, to allow shifting for regularization of the case.
23.	M/s Ultimate Flexipack Limited 01/37/218/185/AM-14/EPCG-II	0530149958 dated 01.10.2009	Condonation of block-wise EO for the 1 st block.	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/Para 5.8.2 of HBP v1 (RE: 2013). This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
24.	M/s Shriram Pistons & Rings Limited 01/37/218/190/AM-14/EPCG-II	0530147373 dated 03.10.2008	Permission to send back capital goods imported under EPCG authorization for repair.	The Committee decided to recommend to DG under Para 2.5 of FTP for relaxation of provision of Para 5.16 of HBP v1 to allow the re-export of the capital goods subject to furnishing of an undertaking that the firm would re-import the same capital goods after repairs and subject to the condition that the firm shall pay customs duty at the time of re-import on repair charges/freight/insurance if paid by them. This has the approval of DG.
25.	M/s Bharat Aluminium Company Limited 01/36/218/290/AM-14/EPCG-I	29 EPCG Authorizations issued during the AM-05 to AM-13	Condonation of installation beyond six months in respect of 29 EPCG Authorizations	The Committee observed that the firm have already obtained Installation Certificate from Jurisdictional Central Excise Authority, in respect of 28 Authorizations and from Chartered Engineer in respect of 1 Authorization for spares and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of condonation of delay in submission of Installation Certificate. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
26.	M/s Bharat Aluminium Company Limited 01/36/218/121/AM-14/EPCG-I	0530149779 dated 10.09.2009	Extension in time till February, 2014 for installation of capital goods in respect of EPCG Authorization No. 0530149779 dated 10.09.2009	The Committee observed that the firm could not install the capital goods due to various technical issues and chimney incident in their factory and therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of extension in time till February, 2014 for installation of capital goods. This has the approval of DG.
27.	M/s Honda Motorcycle and Scooter Private Limited 01/36/218/218/AM-14/EPCG-I	0530156035 dated 20.07.2011	Permission for shifting of capital goods in respect of EPCG Authorization No. 0530156035 dated 20.07.2011	The Committee observed that the addresses of both the units {i.e. at which it was installed as per EPCG Authorization (Manesar Plot No. 1&2, Sector-3, IMT, Manesar, Gurgaon – 122050) and at which it is to be shifted (KIADB, Narasapura Industrial Area, Malur Taluk, Distt. Kolar, Karnataka – 563133)} are mentioned in IEC and RCMC. The Committee, therefore, allowed shifting of capital goods from their Manesar Unit to Kolar Unit.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
28.	M/s EIH Limited 01/36/218/126/AM-12/EPCG-I	16 EPCG Authorizations issued to M/s EIH Limited and 3 EPCG Authorizations issued to M/s Mercury Rentals Limited	100% waiver of average E.O for the years 2008-09 and 2009-10 in respect of the Authorizations issued to M/s EIH Limited during 2007-08 to 2008-09 and also in respect of Authorizations issued to M/s Mercury Car Rentals (a Group Company of M/s EIH Limited) in 2007-08 due to closure of hotels due to terror attack	The Committee observed that the hotels Trident-Nariman Point, Mumbai and Oberoi, Nariman Point, Mumbai had to be closed due to major terrorist attack on 26.11.2008. The hotels were reopened only after 18 months i.e. on 25.04.2010. The Committee felt that this was a genuine hardship faced by the company and, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for reduction in average E.O for the years 2008-09 and 2009-10 in respect of the Authorizations issued to M/s EIH Limited during 2007-08 to 2008-09 and also in respect of Authorizations issued to M/s Mercury Car Rentals (a Group Company of M/s EIH Limited) in 2007-08. However this may be limited to the extent of Average Service provided by these units in FFE in the previous three years (applicable for the period of 18 months during which the units were shut and they could not earn FE). This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
29.	M/s Tenco Systems & Switchgears Pvt. Ltd. 01/37/218/160/AM-14/EPCG-II	5630000261 dated 13.03.2013 5630000414 dated 31.10.2013	Exemption from Actual User Condition in respect of damaged capital goods.	The Committee deliberated upon the case in detail and decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy that exemption from actual user condition in respect of damaged capital goods may be granted for disposal of the damaged capital goods subject to the condition that both the authorization should be clubbed as per Para 5.18 of HBP v1 and the firm is required to fulfil the export obligation against both the authorizations which will be endorsed on the single clubbed authorization. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
30.	M/s Nypro Forbes Products Limited 01/37/218/180/AM-14/EPCG-II	0430001108 dated 20.05.2003	Counting of export of Group Company	The Committee observed that whereas the licence was issued in 2003 the provision regarding counting of exports of Group Company came into effect from 28.01.2004. The Committee, therefore, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy to allow counting of exports of Group Company with effect from 28.01.2004 only subject to the condition of fulfilment of criteria of Group Company as mentioned in Para 9.28 of FTP and as clarified by PIC and also subject to maintenance of average EO of the Group Company in respect of the product. This has the approval of DG.

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
31.	M/s Balkrishna Industries Limited 01/36/218/190/AM-13/EPCG-I	0330031269 dated 12.12.2011 0330031712 dated 25.01.2012 0330032735 dated 25.05.2012 0330032942 dated 20.06.2012 0330033043 dated 29.06.2012 0330033440 dated 14.08.2012 0330034711 dated 02.01.2013	Extension in time for installation of capital goods imported against 7 EPCG Authorizations	The Committee decided to defer the case with the direction to call for the information from the Central Excise whether the capital goods imported against the authorizations are in possession of the company.
32.	M/s Bharat Aluminium Company Limited 01/36/218/120/AM-14/EPCG-I	0530142511 dated 28.11.2006	Regularization of CG procured after the validity of the invalidation letter in respect of EPCG Authorization No. 0530142511 dated 28.11.2006	The Committee observed that: a. EPCG Licence bears the date 28.11.2006 b. On the licence, it is mentioned that the licence is made invalid for direct import. Invalidation letter No. 174 dated 28.11.2006 is issued. c. Invalidation letter was valid upto November, 2009 d. Contract for supply was made on 09.01.2004 e. 15% advance Payment was made through Instrument No. 103651-HDFC dated 25.03.2004 as reflected in Appendix 22B (Bank Certificate

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
				for Payments of Domestic Supplies (Order placed with PSU which was in deep financial crisis and also referred to BIFR) f. Invoices, under which supplies were made, bear the dates 27.03.2010, 22.02.2011, 12.05.2011 and 24.08.2011 The Committee, in view of the facts of the case, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for regularization of CG procured after the validity of the invalidation letter by extending the validity of Invalidation letter till the date of last supply. This case should not be quoted as precedence. This has the approval of DG.
33.	M/s Essar Steel India Limited 01/36/218/180/AM-14/EPCG-I	5230007436 dated 27.08.2010	Permission to sell oxygen plant on completion of export obligation for proportionate value and based on partial EODC issued against EPCG Authorization No. 5230007436 dated 27.08.2010	The Committee observed that: a. The CGs for the Plant were imported into the SEZ and in 2010 the company exited from SEZ under EPCG Scheme; b. The firm have already fulfilled the proportionate EO corresponding to the duty saved value on the oxygen plant;

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
				They have fulfilled the EO of Rs. 1220.18 Crores as against total EO of Rs. 11829 Cr.; d. EO in respect of Oxygen Plant would work out to be Rs. 966 Crores if we take duty saved amount i.e. Rs. 161 Crores; e. The firm's request is for selling of oxygen plant as they have fulfilled the corresponding EO and a partial EODC has been issued by the concerned RA. They have further informed that even after sale, the capital goods will be in the same location and that they would be supplying Oxygen to the steel plant as at present. The Committee, deliberated upon the case in detail and, thereafter, decided to recommend to DG for relaxation under Para 2.5 of Foreign Trade Policy for grant of permission to sell the oxygen plant subject to the condition that: (a) Location of the plant will continue to remain at the same place where it is installed; (b) The plant/CG will continue to be used for intended purpose for which

S. No.	Firm's Name and Numbers	EPCG Authorization No.	Subject	Decision of the Committee
				they are reported; (c) The company to which the CGs are being sold will be supplying the oxygen required for steel manufacturing till EO is completed by M/s Essar Steel India Limited against the EPCG Authorization; (d) The companies (M/s Essar Steel India Limited and M/s Inox Air Products Limited) will file a joint undertaking that they will be fulfilling the aforesaid conditions at (a), (b) and (c) till EO is completed. This has the approval of DG.