

MINUTES OF EPCG COMMITTEE HELD AT 2.30 P.M ON 03.02.2010 IN ROOM NO. 04, UDYOG BHAVAN, NEW DELHI UNDER THE CHAIRMANSHIP OF SHRI V.K. GUPTA, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE.

Export Promotion Capital Goods (EPCG) Committee Meeting was held at 2.30 PM on 03.02.2010. Following officials participated:

S. No. Name and Designation

1. Shri V.K. Gupta, Addl. DGFT & Chairman
2. Shri Akash Taneja, Jt. DGFT.
3. Shri Saish Kumar, Industrial Adviser, DIPP.
4. Shri S.K.Jain, Development Officer, DIPP.
5. Shri Promod Kumar, Technical Officer, D/o Revenue, Ministry of Finance.
6. Shri Ishwar Singh, Dy. DGFT.
7. Shri Kamlesh Kumar, FTDO (EPCG-I).

2. Minutes of last Meeting dated 12.11. 2009 were confirmed.

3. The Committee, after deliberations, took the decisions as indicated against each of the following cases:

Sl. No.	Name of the firm	License No. & Date	Export & Import Items	Request of the firm	Decision of the Committee
01 (A-1)	M/s. Hindustan Constructions Co Ltd. Mumbai F.No.23/1353/AM03/EPCG.I	03300002475 Dt.27.8.2002	Import Item: Comedil "Flat Top "Tower Crane, Type ctt 331 -12 /HD 23 , winch FU 45-63 /5 Complete with spares etc. Export Item: In situ compacted reinforced concrete of grade M-30(B) In situ Compacted Restressed Concrete of grade 50(C) Reinforcement structure manufactured from Mild steel bars and High yield strength Deformed Bars	Deletion of condition for earning in free foreign exchange imposed by EPCG Committee while approving the nexus in its meeting held on 24.10.02 and acceptance of Indian rupees under deemed exports towards fulfillment of export obligation.	The Committee perused the application of the firm submitted to RA for issuance of EPCG Authorization and observed that the firm had proposed that the EO would be fulfilled under Deemed Export Category. The Committee also perused the Minutes of EPCG Committee dated 19.12.2002 and observed that there was no ground/justification to impose the condition that the EO would be fulfilled through earnings in free foreign exchange. Hence, the Committee approved nexus and allowed fulfillment of export obligation by realization in Indian Rupees under Deemed Exports Category as per Para 8.2 of FTP.

Sl. No.	Name of the firm	License No. & Date	Request of the firm	Decision of the Committee
02 (A-2)	M/s. Oil & Natural Gas Corpn Ltd., Mumbai F.No.1/36/218/071/AM10/EPCG.I	0330017179 dt.22.8.07	Clarification as to whether Cementing Units mounted on left Hand Drive Movers are allowed for import under EPCG Scheme.	The Representative of DOR raised a doubt whether the cementing units imported under the EPCG Scheme are in- built or assembled/ mounted on truck. The Committee observed that the cementing units do not attract the provisions of Circular No. 48 dated 19.12.2008 and decided to clear the case from EPCG angle. The case would be referred to Policy Cell – I for exemption from homologation.
03 (A-3)	M/s. Astra Lighting Ltd., Chandigarh 1/36/218/89/AM03/EPCG.I	3493790 dt.26.10.98	Implementation of GRC decision dated 27.2.06 & EOP extension upto 31.7.09 under policy relaxation for regularization of licence on fulfillment of export obligation,	The Committee decided to implement the decision of Grievance Redressal Committee dated 27.02.2006 regarding extension in EOP and endorsement of additional export products. The Committee also approved extension in EOP upto 31.07.2009 under Policy Relaxation for regularization purposes.
04 (A-4)	M/s. Aar Vee Controls Pvt. Ltd. N.Delhi F.No.01/36/218/35/AM10/EPCG.I	0530142273 dt.9.11.2006	Acceptance of 3 rd party exports toward fulfillment of export obligation on the basis of ARE-1 instead of shipping Bills.	The Committee considered the request and it was decided that DOR Representative will get the ARE I verified from Central Excise.

05 (A-5)	M/s. Dharnidara Spinning Mills (P) Ltd., Salem F.No.01/36/218/081/AM10/EPCG.I	3230011342 dt.21.1.09 & 3230010903 dt.01.11.07	Permission for issuance of invalidation letter under para 2.5. Of FTP after procurement of Capital Goods indigenously.	The Committee decided to reject the request specially when it is not known whether procurement was made before or after issuance of EPCG licences.
06 (A-	M/s. Jai Prakash Industries Ltd.	0530131569	Deletion of condition for	The Committee observed

6)	Noida F.No.01/93/180/65/AM09/EPCG.I	dt.12.2.01 and others	earning in free foreign exchange imposed by EPCG committee while approving the nexus in its meeting held on 24.10.02 and acceptance of Indian rupees under deemed exports towards fulfillment of export obligation.	that the firm has not submitted certificate of Chartered Accountant in evidence of fulfillment of export obligation against the subject licences. The Committee decided to call for a detailed report from CLA, Delhi alongwith copy of applications submitted by the firm in each case for issuance of EPCG Authorizations.
07 (A-23)	M/s. Larsen & Toubro Ltd, Chennai F.No.01/36/218/69/AM10/EPCG.I	Clarification	Clarification as to whether realization under Deemed Export through "Services" is acceptable for EO Fulfillment under EPCG Scheme.	The Representative of DOR stated that the Foreign Trade Policy as well as the corresponding Custom Notification do not allow the facility of Deemed Export for ' Services '. Hence, it was decided to refer the case to PIC.
08 (A-24)	M/s. Kansara Modler Ltd. Jodhpur F.No.19/612/AM09/EPCG. II	01500538 Dt.11.10.96	Conversion of Zero duty EPCG Licence into 10% duty scheme-implementation of order of supreme Court dated 11.12.09 regarding status of fulfillment of EP by firm	It was decided to withdraw the case for examining on file.

09 (A-25)	M/s. Reliance Communications Infrastructure Ltd., Mumbai F.No. 01/36/218/43/AM10/EPCG.I	Clarification	Clarification as to whether the incentive payment made by supplier of chips (M/s. Qualcomm) to the Authorization Holder (M/s. Reliance Communication Infrastructure Limited) who uses handsets enables with QUALCOMM technology to provide telecom services is	Shri S.P. Singh, Representative of Reliance Communications appeared before the Committee and made submissions in support of request. It was decided to call for written submissions in support of the request.
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			acceptable for fulfillment of EO under EPCG Scheme.	
10 (A-31)	M/s. Jai Gurudev Apparels Pvt. Ltd. Jaipur F.No.01/36/218/110/AM10/EPCG-I	1330001540 dated 9.3.07 1330001681 dt. 19.9.07	Regularization of re-export of CG. Refixation of EO Redemption/ closure of EPCG Licences	The Committee observed that the firm has already re-exported the capital goods without permission of concerned RA/Customs to the firm other than the foreign supplier and hence violated the provisions of Para 5.16 of HBP Vol.I. The Committee directed that the firm may be asked to regularize the licence by payment of Customs duty and applicable interest as per Para 5.14 of HBP Vol.I.
11 (A-35)	M/S. Sterlite Technologies Ltd. F.No.18/03/AM10/EPCG-II	14 EPCG authorizations issued in 2000-2001 and 2001-2002	Clubbing of EPCG Licence issued under different licencing years under Policy Relaxation.	The Committee noted that the firm has fulfilled the conditions, namely the licences were issued from the same RA, for the same export product and under the same Custom Notification, except the condition of 'same year'. As there is no condition as such in the current policy, the Committee therefore, approved the clubbing of the EPCG licences.

12 (A-33)	M/S. J.C. Textiles P. Ltd. F.No.01/36/218/41/AM-10/EPCG-I	087971 dt.28.11.97	Deletion of condition that 'Not less than fifty percent of the export obligation undertaken shall be achieved by way of non-quota exports' and issuance of EODC on fulfillment of EO	The Committee noted that the EPCG licence holder is a SSI unit. The condition that "not less than 50% of the export obligation undertaken shall be achieved by way of non - quota exports" was for the non- SSI units. Therefore, the Committee
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				decided that the condition be deleted after ascertaining that unit had SSI Registration at the time of issuance of EPCG licence.
13 (A-32)	M/S.Gateway Terminals India (P)Ltd. 01/94/180/35/AM/09/EPCG-I	3033002157 dated 10.10.08	Disposal of two damage Rubber tyred Gantry Cranes out of 11 and permission to import two RTGC and extension in installation time	The Committee took cognizance of the submissions of the firm that it proposes to get the damaged RTGCs repaired and installed instead of re-exporting the same. The Committee agreed to grant extension of period upto December, 2010 for installation of two RTGs in relaxation of provision of Para 5.3.2 of HBP Vol.I.
14 (A-26)	M/s. Vallish, Bangalore F.No.01/36/218/74/AM10/EPCG.I	0530141673 dt 4.8.06	Transfer of Capital Goods and Change of Name	The Committee approved the change of name from M/s Vallish, Bangalore to Sireenaa Rocks Pvt. Limited, Tirupati subject to the condition that the new Entity would submit fresh Bank Guarantee / LUT as per Policy / Custom Notification, submit fresh Installation Certificate to RA within a period of six months and get necessary changes endorsed on IEC & RCMC.

15 (A-27)	M/s. Spentex Industries Ltd. Delhi F.No.18/42/AM09/EPCG.II	1130000781 Dt.9.1.07 1130000780 Dt.9.1.07 1130000698 Dt.27.09.06 1130000583 Dt14.3.06	Change in the name as per Delhi High Court decision.	Shri Priyadarshi Manish Representative of firm appeared before the Committee and made submissions that Hon'ble Delhi High Court has approved the amalgamation of M/s Indo
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		1130000637 Dt.27.6.06 1130000700 Dt.27.9.06 1130000460 Dt.29.7.05 1130000501 Dt.07.10.05 1130000529 Dt.23.11.05 1130000530 Dt.23.11..05		Rama Textiles Ltd. and M/s Spentex Industries Ltd., New Delhi. It was further submitted that the Capital Goods would remain installed at the same premises. In view of this, the Committee approved the change of name from M/s Indorama Textile Limited, MP to M/s Spentex Industrial Ltd., New Delhi subject to the condition that the new entity would furnish a fresh Bank Guarantee/LUT as per policy/custom notification and necessary changes endorsed on IEC & RCMC.
16 (A-28)	M/s. Vallalar Textiles Pvt. Ltd. Coimbatore F.No.01/36/218/30/AM10/EPCG.I	3230005467 Dt.19.10.05	Change in name in four EPCG licenses issued in the name of M/s. Manneswar Textiles Pvt. Ltd. To M/s. Vallalar Textiles Pvt. Ltd.	The Committee approved the change of name from M/s Manneswar Textiles Pvt. Ltd to M/s. Vallalar Textiles Pvt. Ltd. subject to the condition that the firm would furnish a fresh Bank Guarantee/LUT as per HBP Vol.I and necessary changes be endorsed on IEC/RCMC.

17 (A-29)	M/s. MGM Forgings Pvt. Ltd., Mysore 01/36/218/02/AM10/EPCG.I	0730003139 dt 8.8.05 0730003983 dt 29.3.06 0730004020 dt 12.04.06 0730004022 dt 12.04.06 0730004089 dt 02.05.06	Change in the name in twelve EPCG Licences issued in the name of M/s MGM forgings Pvt. Ltd, Mysore to AMW-MGM Forgings Pvt. Limited.	The Committee approved the change of name from M/s MGM forgings Pvt. Ltd, Mysore to AMW-MGM Forgings Pvt. Limited subject to the condition that the firm would furnish a fresh Bank Guarantee/LUT and would get necessary changes endorsed on IEC & RCMC.
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		0730004183 dt 02.06.06 0730004221 dt 12.06.06 0730004297 dt 29.06.06 0730004298 dt 29.06.06 0730004768 dt 27.10.06 0730005127 dt 12.01.07 0730005535 dt 23.04.07		
18 (A-30)	M/s. Megatrends marketing Pvt. Ltd, New Delhi F.No.01/36/218/111/AM10/EPCG.I	0530141673 dated 4.08.06	Change of name from M/s Megatrands Marketing Pvt. Ltd to M/s Vam Hi-fashion Garments Pvt. Ltd.	The Committee observed that the proposal is for change of name on the ground that the licensee firm has transferred the business and the original firm is still in existence. It was therefore decided to call for copy of agreement before finally deciding the case.

The Committee **approved** the following nexus cases:

Sl. No.	Name of the firm	License No. & Date	Export Items	Import Items	Decision of the Committee
01 (A-8)	M/s. El Dupont India Ltd. Mumbai 23/08/AM10/EPCG.	I3430000014 Dt. 17-1-2001	Pesticides & Chemicals	Premier Super Mills (models SM200) Complete with necessary attachments Accessories & spares	The Committee certified the nexus.

02 (A-15)	M/s. OM Overseas F.No.18/28/AM-10/EPCG-II	3330000104 24.07.2003	Panther shuttles second hand weaving looms ww340 CM year 1998 with bonas Electronic jacquard 2688 hooks ylaer1998 IBJ with 250 Controler 4 weft feeder complete with harness 1.5 cloth roller, 1.5 beam all price c and f Delhi -6000 Number	Curtains, Placemats, Cushion Covers Throws & Fabrics ETC (Home Furnishing Products).	The Committee certified the nexus.

03 (A-16)	M/s.Gaba Overseas Pvt. Limited, F.No.18/28/AM-10/EPCG-II	3330000106 28.07.2003	As per Agenda	- Madeups. Cushion Covers, Rugus, Mats, Bed covers, flour -shing, Table Covers, plaids, throws.	The Committee certified the nexus.
04 (A-17)	M/s. Sigma Fibres F.No.18/28/AM-10/EPCG-II	33300000126 03.09.2003	Second Hand cut chenille Machine Yushin No of spindle 20 spindles year of Production 1997 made	4,000Number	The Committee certified the nexus.
05 (A-18)	M/s. Encorp F.No.18/28/AM-10/EPCG-II	33300000128 9.9.2003	Barudan Multhead computerised Embroidery Machine Model Bedsh-YN-B18S With standard accessories -2000 Set	All kind of textile products including garments , Furnishing Fabrics made-ups etc.	The Committee certified the nexus.
06 (A-19)	M/s. Sunny Export F.No.18/28/AM-10/EPCG-II	33300000135 23-09.2003	Escorts Daewoo forklift Model D-30E with FFT Mast & Pneumatic Typres	Cotton, woolen, made-ups, Rugs, Durries, Fabrics.	The Committee certified the nexus.
07 (A-20)	M/s.Best Food International	33300000138 30.09.2003	Heat exchanger for paddy drying plant-6000	RICE	The Committee certified the nexus.

	Pvt. Limited, F.No.18/28/AM- 10/EPCG-II		Number		
08 (A-21)	M/s.Burns Philp India Pvt. Limited, Pune F.No.18/28/AM- 10/EPCG-II	3130000401 11.09.2003	As per Agenda	Forged and Machined Components	The Committee certified the nexus.
09 (A-22)	M/s. Ranbaxy Laboratories Limited., Mohali F.No.18/24/AM- 10/EPCG-II	0530134811 09.09.2003 And 0530134811 09.09.2003	As per Agenda	Bulk Drugs & Formulations	The Committee certified the nexus.
10 (A-34)	M/s. Tamil Nadu Newsprint and Papers Limited, Chennai F.No.18/60/AM- 10/EPCG-II	0430000882 Dated 24.12.2002	1 Rotary Screens for pith dewatering.	Newsprint/ Printing paper /Writing paper/Copier paper	The Committee certified the nexus.

The Committee **deferred** the following cases:

Sl. No.	Name of the firm	License No. & Date	Export Items	Import Items	Decision of the Committee
01 (A-9)	M/s. Dolphin Ceramics Pvt. Ltd. 23/62/AM09/EPCG.I	2430000135 Dt. 14-11-2003	Ceramic Glazed wall & Floor tiles	Second hand Machinery	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital Goods and its end use may be obtained from the firm and sent to DIPP.

02 (A-10)	M/s. Ormate Ceramics (P) Ltd. 23/62/AM09/EPCG.I	2430000119 Dt. 24-10-2003	Glazed Tiles	Klin Loading/Unloading Unit Type MCF-99JC etc.	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital Goods and its end use may be obtained from the firm and sent to DIPP.
03 (A-11)	M/s. Rolex Ring (P) Ltd. 23/62/AM09/EPCG.I	2430000114 Dt. 30-9-2003	Alloy Steel Forging (machined)	As per Agenda	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital Goods and its end use may be obtained from the firm and sent to DIPP.
04 (A-12)	M/s. Welder Engg. (P) Ltd. 23/62/AM09/EPCG.I	2430000022 Dt.15-03-2002	Punch Press	Sinumaric 802D CNC Controller	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital

					Goods and its end use may be obtained from the firm and sent to DIPP.
05 (A-13)	M/s. Pulsar Ceramics 23/62/AM09/EPCG.I	2430000120 Dt. 24-10-2003	Glazed Tiles	Sachmi Press etc.	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital Goods and its end use may be obtained from the firm and sent to DIPP.
06 (A-14)	M/s.Pragati Hightech Products Pvt. Limited F.No.18/28/AM- 10/EPCG-II	3330000089 24.06.2003	2K-Xtreme Mix-68-1 including mix tube 15 M static Mixture & Seal set for the pump-1000 Number	Ply & Ply Boards	The Representative of DIPP informed the Committee that a complete set of application, copy of licence, catalogue of the Capital Goods and its end use may be obtained from the firm and sent to DIPP.

The Committee **rejected** the following case:

Sl. No.	Name of the firm	License No. & Date	Export Items	Import Items	Decision of the Committee
01 (A-7)	M/s. Sunhills Ceramics Pvt. Ltd. Rajkot 23/62/AM09/EPCG.I	2430000103 Dt.26-08-2003	Floor & Wall Glazed Tiles	Q 300 Diamond Squaring Wheel etc.	The Representative of DIPP stated that the import items are consumables and not the capital goods which are allowed under EPCG Scheme. Hence, the Committee rejected the case.

The Meeting ended with a vote of thanks to the Participants.
