MINUTES OF EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI MUKESH BHATNAGAR , ADGFT AT 1430 Hours ON 06.02.2013

Following officers attended the meeting:

a. ShriJaikant Singh, Joint Director General, DGFT
b. Shri R. A. Lal, Director, O/o Textile Commissioner, Noida
c. Shri A. K. Pandey, Sr. Technical Officer, D/o Revenue
d. ShriGajraj Singh, Sr. Development Officer, D/o Heavy Industry
e. Smt. 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
h. Smt. Rekha Sharma, Foreign Trade Development Officer (P-5), DGFT

2. Minutes of the last Meeting held on 09.01.2013 were confirmed.

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

Case No.	**Firm's Name and File Number**	**Licence No(s)./ Date**	**Subject**	**Decision of the Committee**
1.	M/s Gujarat Siddhee Cement Limited 01/36/218/189/AM-13/EPCG-I	2430000413 dated 30.03.2005	Condonation of delay and submission of Installation Certificate (issued form Central Excise)	The Committee observed that the date of completion of imports as per B/E is 06.05.2005 whereas the date of Installation Certificate issued by Central Excise is 01.11.2006 as per which date of installation is 29.04.2006. The committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to condone the delay in submission of installation certificate. **DG has approved the case.**
2.	M/s Independent News Service Pvt. Ltd. 01/36/218/196/AM-13/EPCG-I	0530135793 dated 01.03.2004	Condonation form shortfall in fulfillment of stipulated percentage of EO during 3rd and 4th block and extension in EOP for 2 years	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow condonation from condition of fulfillment 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.**
3.	M/s Eastman Voyages India Private Limited 01/36/218/198/AM-13/EPCG-I	0530134004 dated 26.03.2003	Condonation form shortfall in fulfillment of stipulated	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow condonation from condition

			percentage of EO during 2nd and 3rd blocks	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. **DG has approved the case.**
4.	M/s Monnet EcomaisterEnviroPvt. Ltd. 01/36/218/193/AM-13/EPCG-I	0530158401 dated 22.05.2012	Clarification regarding import of Slag Pot Carrier including consumable spares etc.	***The case was deferred as the Member from M/o Steel could not attend the meeting.***
5.	M/s Kapico Resorts Limited 18/57/AM-13/P-5	N. A.	Clarification regarding import of Mattresses and Pillows under EPCG Scheme	***The Committee deliberated the case in detail and decided that Mattresses and Pillows should not be allowed under EPCG Scheme.***
6.	M/s FCI OEN Connectors Limited 01/36/218/127/AM-12/EPCG-I	7 Authorizations	Approval of transfer of ownership of Capital Goods imported under EPCG authorizations to Group Company	The Committee decided to **defer** the case with the direction to call for the following information: a. Details of period-wise EO discharge; b. Who has fulfilled the EO – M/s FCI OEN or M/s FCI Technologies; c. Whether Assets and liabilities have been completely transferred or not; d. Why transfer of ownership was effected in 2011 when the decision was taken in2007?
7.	M/s Bhopal Dhule Transmission Co. Ltd. 01/36/218/151/AM-13/EPCG-I	Applied For	Issue of EPCG Authorisation under EPCG Scheme for export of (a) Power Transmission and Distribution of Electricity Service and (b) Telecom and Broadband Services – Reference received from O/o Zonal DGFT, Mumbai	The Committee observed that the information given by the firm regarding fulfilment of EO by Electricity transmission services and their coverage under Para 9.53 of FTP is not satisfactory and, therefore, decided to **reject** the case.
8.	M/s Avanti Feeds Limited 01/36/218/112/AM-13/EPCG-I	Applied for	Import of Capital Goods for manufacture of Shrimp Feed	*The Committee decided to **reject** the case as there was no direct nexus of the Capital Goods to be imported with the export product 'Processed Shrimps'.*
9.	M/s C&S Electric Limited 01/36/218/183/AM-13/EPCG-I	0530144062 dated 06.07.2007 0530144077 dated 10.07.2007 0530139512 dated 09.09.2005	Condonation for delay in submission of Installation Certificate	The committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to condone the delay in submission of installation certificate. **DG has approved the case.**
10.	M/s Henkel Teroson India Limited 01/36/218/219/AM-13/EPCG-I	0530135264 dated 25.11.2003 0530135467 dated 30.12.2003	a. Condonation of shortfall in block-wise EO b. Condonation of nor-mentioning of the date of installation in the Central Excise Certificate in respect of EPCG Authorisation No.	(a) 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. (b) The

				Committee observed that although the firm have obtained the Installation Certificates from Central Excise Authorities, the date is either not mentioned on the Certificate or it is not legible because it has been stamped right on the same. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** for condonation for non-mentioning of date of installation in the Installation Certificate obtained from Central Excise. **DG has approved the case.**
11.	M/s Hitech Auto Emission Control Limited 01/36/218/136/AM-13/EPCG-I	0330008084 dated 09.03.2005	Condonation of delay in submission of Installation Certificate	The committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to condone the delay in submission of installation certificate. **DG has approved the case.**
12.	M/s Asbesco (India) Private Limited 01/36/218/195/AM-13/EPCG-I	0230007263 dated 25.10.2011	Extension in time for submission of Installation Certificate	The committee observed that the date of completion of import of CG is 21.05.2012 and the installation of the same by the engineers of the importing country, Italy is still under process and likely to be completed by 31.03.2013. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** for extension in time for submission of Installation Certificate upto 15.04.2013. **DG has approved the case.**
13.	M/s Godawari Power and Ispat Limited, Raipur 01/36/218/199/AM-13/EPCG-I	N. A.	Clarification regarding import of Steel Structural Items under EPCG Scheme	The Committee decided to **reject** the case as it has already been clarified to the firm that Steel Structure Items cannot be treated as Capital Goods.
14.	M/s Dhanuka Laboratories Limited, Gurgaon 01/36/218/04/AM-13/EPCG-I	0530132831 dated 09.05.2002	Nexus approval in respect of EPCG Licence NO. 0530132831 dated 09.05.2002	The Committee decided to **defer** the case as comments from Department of Industrial Policy and Promotion were awaited.
15.	M/s GTN Industries Limited, Hyderabad 01/36/218/139/AM-13/EPC-I	1030000189 dated 20.06.2002	Reinstatement of the export product's description as originally allowed in EPCG Authorisation No. 1030000189 dated 20.06.2002	The case has been **deferred**.
16.	M/s Alchemist Limited, New Delhi 01/36/218/101/AM-13/EPCG-I	0230000561 dated 20.04.2004	Condonation from shortfall in stipulated block-wise EO during the 2nd and 3rd block and extension in EOP for 2 years	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.**
17.	M/s Meghalaya BitchemPvt. Limited, Meghalaya 01/36/218/19/AM-13/EPCG-I	0230002999 dated 12.02.2008 023003993 dated 29.01.2009	Waiver of Annual Average Export Obligation against EPCG Authorisation No. 0230002999 dated 12.02.2008 and 023003993 dated 29.01.2009	The Committee decided to **defer** the case as comments sought for from the DOR were awaited.
18.	M/s Mafatlal Industries Limited, Mumbai 01/36/218/156/AM-12/EPCG-I	01500721 dated 30.03.1998	The EPCG Authorisation No. 01500721 dated 30.03.1998 be amended, in terms of Customs Notification No. 29/97 dated	The Committee decided to **defer** the case as comments sought for from the DOR were awaited.
19.	M/s Sneha International, Mumbai 18/169/AM-13/EPCG-II	0330007491 dated 27.12.2004	Condonation of block-wise EO and extension in EOP for two years.	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.**
20.	M/s SPM Autocomp Systems Pvt. Ltd. 18/145/AM-13/EPCG-II	0530136795 dated 13.08.2004	Condonation of delay in submission of installation certificate, Condonation of block-wise EO	The committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.5 of FTP** to condone the delay in submission of installation certificate. 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. **DG has approved the case.**
21.	M/s Rajshreeuptop Footwear Pvt. Ltd., Haridwar 18/132/AM-13/EPCG-II	0530136895 dated 26.08.2004	Condonation of block-wise EO and extension in EOP for two years	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.**
22.	M/s Reliance Electronics, Pune 18/160/AM-13/EPCG-II	3130001045 dated 17.02.2005	Condonation of block-wise EO	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. **DG has approved the case.**
23.	M/s PLN Construction Pvt. Ltd. 18/141/AM-13/EPCG-II	0530134424 dated 26.06.2003 0530140211 dated 05.01.2006 0530142091 dated 06.10.2006	Counting of export of group company w.e.f. the year 2006-07 instead of w.e.f July 2009 to fulfill export obligation of EPCG Authorisation	The Committee observed that out of three licences in question, two had been issued after 28.01.2004 whereas one had been issued prior to the said date. The provision for fulfilment of EO through exports of alternate product manufactured by Group Company was introduced w.e.f. 28.01.2004. The firm's request is to allow them the benefit of counting of exports of Group Company from 2006. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of** ***FTP*** *to allow the firm counting of exports of Services by the Group Company from 2006-07* for fulfilment of EO against all the three licences. **DG has approved the case.**
24.	M/s Takshasila Healthcare and Research Service Pvt.		Import of Elevator against EPCG Authorisation.	The Committee observed that elevators **can be treated** as Capital Goods for

	Ltd. 18/170/AM-13/EPCG-II			providing health care services in a hospital and hence, certified the nexus.
25.	M/s RMI Cycles Pvt. Ltd., Rajpura 18/03/AM-13/EPCG-II	P/CG/2107011 dated 05.06.1996 P/CG2017075 dated 07.11.1997	Re-fixation of average export obligation against two EPCG Authorizations	The Committee observed that Average Export Obligation is fixed on the basis of exports of same and similar products and, therefore, decided to **reject** the case.
26.	M/s GLS Film Industries Private Limited 01/36/218/184/AM-13/EPCG-I	0530135779 dated 26.02.2004	Condonation form shortfall in fulfillment of stipulated percentage of EO during 2ndand 3rd blocs	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. **DG has approved the case.**
27.	M/s Jupiter International Limited 01/36/218/218/AM-13/EPCG-I	0230000637 dated 28.07.2004	Condonation form condition of fulfillment of block-wise EO to set off the unfulfilled EO of 2nd block with the excess export made during the 4thblock	The Committee observed that the request of the firm to set off the shortfall in 2nd block with the excess exports made in 4th block is not covered in the Policy. Since the firm have already completed the EO within EOP, condonation of shortfall in the 2nd block can be granted. The Committee, therefore, 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. **DG has approved the case.**
28.	M/s Accent Industries Limited, Mumbai 01/36/218/213/AM-13/EPCG-I	0330030522 dated 08.09.2012	Amendment form Zero Duty EPCG Scheme to 3% EPCG Scheme	The Committee decided to **defer** the case as comments in a similar case were awaited from the DOR.
29.	M/s Bhushan Steel Limited 01/36/218/209/AM-13/EPCG-I		Clarification regarding issuance of EPCG Authorization for import of Industrial Sweeper	The Committee decided to **defer** the case with the direction to call for details regarding export products and a copy of ANF 5A from the firm.
30.	M/s Eaton Fluid Power Limited, Pune 01/36/218/202/AM-13/EPCG-I	3130005700 dated 03.05.2011 3130005740 dated 31.05.2011 3130000734 dated 03.06.2004	a. Relaxation by way of deleting Average Exports due to debonding of 100% EOU Status of major customer in respect of EPCG Authorisation No. 3130005700 dated 03.05.2011 and	(a) The Committee decided to **reject** the request. (b) The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** for acceptance of exports (direct and deemed) of other products (viz. Hydraulic Valve and Parts, Hydraulic Pumps and Parts, Hydraulic motors and Parts, Hydraulic Cylinder and

			3130005740 dated 31.05.2011 b. Permission for counting export of other products already exported by the firm	Parts) already made in the year 2004 onwards towards fulfilment of Average/Specific EO imposed against EPCG Authorization NO. 3130000734 dated 03.06.2004 subject to refixation of Average EO.**DG has approved the request.**
31.	M/s Indian Immunologicals Limited 01/36/218/131/AM-13/EPCG-I	0930000832 dated 08.01.2004 0930000759 dated 13.11.2003 0930001002 dated 28.06.2004	Condonation of Procedural lapse of not mentioning EPCG Authorisation Number and date on the S/Bs relating to export – Relaxation for considering the NO EXPORT INCENTIVE SHIPPING BILLS for completion of EO against the EPCG Authorisation Nos.	The Committee observed that a. The firm is a Public Sector Undertaking (a wholly owned subsidiary of National Dairy Development Board); b. The request of the firm is for allowing them to count the exports made through No Export Incentive Shipping Bills (EPCG Authorization No. and Date not mentioned) towards completion of EO against the EPCG Authorizations; c. The export product which were exported were manufactured by using the Capital Goods imported against the licences in question; d. Owing to ignorance of Policy Procedure neither the Licence Number, File Number nor the Scheme was mentioned on the Shipping Bills by the firm; e. They have also submitted all the original EP Copies of Shipping Bills and Bank Realization Certificates as stipulated in Appendix 26A certified by Chartered Accountant; f. No double benefit can be claimed by the firm in future; g. The exports can be counted for EODC purpose. The Committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** for condonation of procedural lapse of not mentioning EPCG Authorization Number and date on S/Bs relating to exports and for allowing them to count the exports made through No Export Incentive Shipping Bills (EPCG Authorization No. and Date not mentioned) towards completion of EO against the EPCG Authorizations. **DG has approved the case.**
32.	M/s Emami Paper Mills Limited 01/36/218/124/AM-13/EPCG-I	32 Authorizations of AM-12	Extension in time for 3 years for installation of 2nd Hand Capital Machinery and subsequent submission of	The Committee deliberated upon the case in detail and decided to **defer** it with the direction to call for the following details:

			Installation Certificate in respect of 32 EPCG authorizations	a. Details of machinery for which Installation work is pending. b. By what time remaining machines are to be imported. c. Whether the Plant for which Capital Goods have been imported is an integrated plant? d. Whether all the 32 licences were taken for one integrated plant? e. Details of the project.
33.	M/s ARB Bearings Limited, New Delhi 01/36/218/71/AM-13/EPCG-I	0530141594 dated 26.07.2006 0530141645 dated 01.08.2006	Condonation of delay in submission of Installation Certificates	The Committee observed that (a) the firm had earlier requested for acceptance of Chartered Engineer Certificate for Installation of Capital Goods; (b) they were requested to submit Installation Certificate from Central Excise Authorities (c) the firm obtained the Installation Certificate from Central Excise as per which the Dates of import against the EPCG Authorization Nos. 0530141594 dated 26.07.2006 and 0530141645 dated 01.08.2006 are 20.11.2006 and 21.09.2006 respectively. The Installation Certificates issued by Central Excise Authorities bear the date 06.11.2012.The Committee, therefore, decided to condone the delay in installation. The committee, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to condone the delay in submission of installation certificate. **DG has approved the case.**
34.	M/s Kumaragiri Spinners Limited 01/36/218/73/AM-13/EPCG-I	3230007650 dated 22.08.2006	Condonation of procedural lapse of procuring EPCG machinery without obtaining invalidation for claim of TED refund	The Committee observed that: a. Due to inadvertent clerical error, the firm could not obtain invalidation letter from the RA in respect of 2 items (Sl. Nos. 1 and 2 of the List of imports) out of the total 36 items; b. They took delivery of these items from the Manufacturers paying full duty; c. They claimed terminal duty benefits for all items excepting these two items as invalidation was not applied and got prior to take delivery; d. GRC has, in its meeting held on 17.10.2012, decided to drop the case advising the firm to approach DGFT in the first place. The Committee, keeping in view of the genuine intent of the firm, decided to

				recommend to DG for relaxation under Para 2.5 of FTP for condonation of procedural lapse of not obtaining invalidation from the concerned RA before procuring Capital Goods indigenously in respect of 2 items out of total 36 items against the subject EPCG Authorization making them eligible for claiming TED Refund against these two items as well. **DG has approved the case.**
35.	M/s HariomarmoGraniPvt. Ltd. 01/36/218/137/AM-12/EPCG-I	1330000174 dated 21.10.2002 1330000196 dated 11.12.2002 1330000170 dated 11.10.2002	Inclusion of alternate products 'Slabs' and 'Tiles' and counting of exports of the same form the date of submission of their application in the Hqrs.	The Committee decided to **recommend to DG for relaxation under Para 2.5 of FTP** for inclusion of alternate product 'Slabs' and 'Tiles' and counting of exports of the same from the date of submission of their application in the Hqrs. **DG has approved the case.**
36.	M/s Shree Yamuna Proteins, Godhra. 18/161/AM-13/EPCG-II	3430000441 dated 03.12.2004	Allow fulfillment of 100% EO in respect of EPCG Authorisation by export of other product and acceptance of exports of other products already made.	The Committee observed that the provision of fulfilment of EO through exports of other products manufactured by same company was introduced in the Policy w.e.f. 01.04.2003 and, therefore, decided to **recommend to DG for relaxation under Para 2.5 of FTP** to allow counting of exports of 'Rice' and other grains (instead of Processed Pulses endorsed on the EPCG Authorization) already made by the firm towards fulfilment of EO. **DG has approved the case.**
37.	M/s Unitech Developers & Hotels Pvt. Ltd., Gurgaon 18/90/AM-12/EPCG-II		Condonation from submission of fresh BG	The Committee decided to **defer** the case as comments sought for from the Department of Revenue were awaited.
38.	M/s Siemens Ltd.,Mumbai 18/130/AM-13/EPCG-II	0330030117 dated 26.07.2011	Conversion of EPCG Authorisation from Zero Duty to 3% Duty Scheme	The Committee decided to **defer** the case as comments sought for from the Department of Revenue were awaited.
39.	M/s Sterlite Technologies Ltd., Mumbai 18/122/AM-13/EPCG-II		Conversion of 29 EPCG Authorizations from Zero Duty to 3% Duty Scheme	The Committee decided to **defer** the case as comments sought for from the Department of Revenue are awaited.

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