Directorate General of Foreign Trade
(PRC-section)

Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of Shri Alok Vardhan Chaturvedi, Director General of Foreign Trade

Meeting No. 10/AM19 held on 09.08.2018 at 10:30 AM

The following members were present in the meeting:

1.	Shri K. C. Rout	Addl. DGFT
2.	Shri J. V. Patil	Addl. DGFT
3.	Shri S.B.S. Reddy	Addl. DGFT
4.	Shri N K Srivastava	Addl. DGFT
5.	Shri Jay Karan Singh	Jt. DGFT
6.	Shri AkashTaneja	Jt. DGFT
7.	Shri Rajbir Sharma	Jt. DGFT
8.	Shri Lokesh H. D	Jt. DGFT

Following cases were discussed. The decision taken on the individual cases are as under:-

Case No.01:M/s. Cadila Pharmaceuticals Ltd., Kolkata
F. No.01/60/162/773/AM17/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Review of relaxation of policy provision for clubbing of advance authorisation No.0810117686 dated 21.02.2013 with advance authorisation No.0810133557 dated 10.10.2014 redemption/regularisation purpose.

1. The firm has applied for clubbing of above advance authorization for redemption / regularization purpose to RA Mumbai.

2. RA has raised the query in respect of Point No. (III) of the PRC decision and asking them for proof of procurement of import item from registered sources.

3. They have explained that the things and submitted the brief description of manufacturing process along with flow chart to RA that the item imported under the above a advance authorisation i.e. Trans-4-isopropyl cyclohextyl carboxylic acid, D-phenyl Alanine and Acetonitrile were key raw materials / intermediates for preparation of finished products Nateglinde (Bulk Drug) and were not bulk drug, hence no need to procure the same from registered sources these were not drug / bulk drug.

4. Even after submission herewith brief description of manufacturing process and flow chart which shows that the items imported under above advance authorization wee raw materials/ intermediates for preparation of Bulk Drug and were not drug / bulk drug.

5. The firm has requested to review their case and delete / remove Point No. (iii) (RA shall ensure that imports against this authorization were not made from unregistered sources.

Decision: The Committee went through the statements made by the firm in its application and noted that one of the conditions stipulated in the decision by the PRC in its meeting No.33/2017 dated 23.03.2017 while allowing clubbing of the relevant authorizations, was that the RA shall ensure that import against the relevant authorizations were not made from unregistered sources. The firm has in the request for review stated that the import items under the subject authorizations were not bulk drugs and hence the said condition is to be deleted. The issue had been referred to the technical experts who have confirmed that the import items are not bulk drugs and are raw materials/intermediaries to manufacture the bulk drug. Hence the Committee decided to delete the conditions No. (iii) imposed in the PRC decision in Meeting No.33/2017 dated 21.03.2017

(Action: Applicant)

Case No.02: M/s. Vilas Transcore Ltd., Vadodara
F. No.01/60/162/554/AM15/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:(i) To consider EO fulfillment by making intermediate supplies against invalidation letter dated 24.8.2011 which was issued subsequent to issuance of AA no.3410027783 dated 25.8.2010 and (ii) Clarification on rejection by RA with reference to annual Advance Authorization which is issued in bulk once in a year and EO is fulfilled against invalidation letter.

1. They have fulfilled EO within validity of Authorization by making intermediate supplies to ultimate exporter against their invalidation letter issued subsequent to issuance of their authorization. They obtained authorization no. 3410027783 dated 25.08.2010. Subsequently invalidation letter no. 035901674 dated 24.08.2011 was received and EO was fulfilled making these supplies. As per FTP, Advance Authorization / Annual Authorization is granted and EO can be fulfilled thru Physical export, SEZ supplies, Intermediate supplies against invalidation letter. With this

bonafide belief, they obtained Advance Authorization dated 25.08.2010. Subsequently invalidation letter dated 24.08.2011 was received and EO was fulfilled making such supplies. Enclosures :

2. Statement of export & statement of import – they fulfilled EO making intermediate supplies against invalidation letter dated 24.08.2011 which was issued subsequent to issuance of their Authorization dated 25.08.2010.

3. The RLA, Vadodara has rejected the supplies for EO in terms of para 4.13 (b) of HB. The reason mentioned : the invalidation letter of ultimate exporter dated 24.08.20111 which is issued subsequent to issuance of their Authorization dated 25.08.2010 in which intermediate supplies were made and EO is fulfilled.

4. They seek relaxation (A) to consider such supplies as EO fulfilment. (2) Please clarify weather rejection by RLA is correct in the context to Annual Advance Authorization.

Decision: The Committee went through the statements made by the firm in its application and decided that Policy-4 Division shall examine the case.

(Action: Policy 4 Division DGFT HQs)

Case No.03: M/s. Big Bags International Private Limited, Bengaluru
F. No.01/60/162/218/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Relaxation of para 4.29 (vi) of FTP 2015-20 by allowing the exports made using the DFIA file number through Cochin – Sea (INCOK1), revalidation of DFIA No. 0710111564 dated 09.05.2017 for six months.

1. They have stated that exports made under the DFIA's at multiple port of exports. After filing the documents for redemption and transferability they observed that exports made under different ports cannot be considered as per policy Para 4.29 (vi) of FTP 2015-20, Accordingly RA, Bangalore issued DFIA transferability by taking only exports made at Bangalore ICD port (INWFD6). They agree that it has happened by oversight without observing the condition in the policy.

2. The firm is holding the status of one star Export house vide certificate no JA/3060 are continuously obtaining the DFIA, and Advance Authorization and successfully

fulfilling the obligations without defaulting any export obligations. Their export pricing is always made by considering the export incentives and duty exemption schemes to have a competitive pricing in international market. Losing the benefit under duty exemption will not support them to be internationally competitive.

3. Consider the fact that exporting in different ports is only happened by oversight without noticing the para 4.29 (vi) of FTP 2015-20 and exports made are compensated with export benefits, they request for allow below indicted four DIFA Authorization as follows:

4. DFIA no. 0710111564 dated 09.05.2017. List of the Shipping Bills to be consider under DFIA:-

S.N	S.B. No.	S.B. Date	Port of Export
1.	1702180	10.07.2015	Cochin sea
2.	1708218	10.07.2015	Cochin sea
3.	1824647	16.07.2015	Cochin sea
4.	1835995	16.07.2015	Cochin sea
5.	1951741	22.07.2015	Cochin sea
6.	2046768	27.07.2015	Chennai sea

5. They have made the more exports than the imports indicated in the authorization. They request to allow them to enhance the import eligibility as based on the pro rata exports made along with the revalidation.

6. Hence, they have requested to allow them the relaxation of Para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports above under DFIA and allow them to claim the DFIA benefit with revalidation.

Decision: The Committee went through the statements made by the firm in its application and noted that the Para 4.29 (vi) has been amended vide Notification No. 13 dated 20th June 2018 to allow exports from different EDI ports to be allowed to be counted towards a single DFIA. Hence the committee decided to accept the request of the firm. The Committee also decided that Policy 4 Division shall examine the issue for granting one time relaxation for all similar class of cases for exports from EDI ports,

(Action: Applicant/ Policy 4 Division DGFT HQs)

Case No.04: M/s. Big Bags International Private Limited, Bengaluru
F. No.01/60/162/123/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Relaxation of Para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports under DFIA No. 0710111971 dated 04.08.2017.

1. They have stated that exports made under the DFIA's at multiple port of exports. After filing the documents for redemption and transferability they observed that exports made under different ports cannot be considered as per policy Para 4.29 (vi) of FTP 2015-20, Accordingly RA, Bangalore issued DFIA transferability by taking only exports made at Bangalore ICD port (INWFD6). They agree that it has happened by oversight without observing the condition in the policy.

2. The firm is holding the status of one star Export house vide certificate no JA/3060 are continuously obtaining the DFIA, and Advance Authorization and successfully fulfilling the obligations without defaulting any export obligations. Their export pricing is always made by considering the export incentives and duty exemption schemes to have a competitive pricing in international market. Losing the benefit under duty exemption will not support them to be internationally competitive.

3. Consider the fact that exporting in different ports is only happened by oversight without noticing the para 4.29 (vi) of FTP 2015-20 and exports made are compensated with export benefits.

4. Some more shipment made using the DFIA no through Cochin-Sea (INCOK1) and Mangalore Sea (INNML1). List of the Shipping Bills to be consider under DFIA:-

S.N	S.B. No.	S.B. Date	Port of Export
1.	1528953	01.07.2015	Mangalore sea
2.	1589324	04.07.2015	Cochin sea
3.	1569151	03.07.2015	Cochin sea
4.	1579549	03.07.2015	Mangalore sea
5.	1647518	07.07.2015	Mangalore sea
6.	1647519	07.07.2015	Mangalore sea
7.	1672646	08.07.2015	Cochin sea
8.	1689685	09.07.2015	Cochin sea
9.	1794097	15.07.2015	Cochin sea

10	1783430	14.07.2015	Cochin sea
11.	1819814	16.07.2015	Mangalore sea
12.	1787876	16.07.2015	Mangalore sea
13.	1831548	16.04.2015	Mangalore sea
14	1860672	17.07.2015	Cochin sea
15	18611571	17.07.2015	Cochin sea

5. Hence, they have requested to allow them the relaxation of Para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports under above DFIA and allow them to claim the DFIA benefit with revalidation.

Decision: The Committee went through the statements made by the firm in its application and noted that the Para 4.29 (vi) has been amended vide Notification No. 13 dated 20th June 2018 to allow exports from different EDI ports to be allowed to be counted towards a single DFIA. Hence the committee decided to accept the request of the firm. The Committee also decided that Policy 4 Division shall examine the issue for granting one time relaxation for all similar class of cases for exports from EDI ports,

(Action: Applicant/ Policy 4 Division DGFT HQs)

Case No.05: M/s. Big Bags International Private Limited, Bengaluru
F. No.01/60/162/219/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Relaxation of para 4.29 (vi) of FTP 2015-20 and revalidation of DFIA No. 0710111567 dated 09.05.2017.

1. They have stated that exports made under the DFIA's at multiple port of exports. After filing the documents for redemption and transferability they observed that exports made under different ports cannot be considered as per policy Para 4.29 (vi) of FTP 2015-20, Accordingly RA, Bangalore issued DFIA transferability by taking only exports made at Bangalore ICD port (INWFD6). They agree that it has happened by oversight without observing the condition in the policy.

2. The firm is holding the status of one star Export house vide certificate no JA/3060 are continuously obtaining the DFIA and Advance Authorization and successfully fulfilling the obligations without defaulting any export obligations. Their export pricing is always made by considering the export incentives and duty exemption

schemes to have a competitive pricing in international market. Losing the benefit under duty exemption will not support them to be internationally competitive.

3. Consider the fact that exporting in different ports is only happened by oversight without noticing the para 4.29 (vi) of FTP 2015-20 and exports made are compensated with export benefits.

4. Some more shipment made using the DFIA no through Cochin – Sea (INCOK1. List of the Shipping Bills to be consider under DFIA:-

S.N	S.B. No.	S.B. Date	Port of Export
1.	1710520	10.07.2015	Cochin sea
2.	1807720	15.07.2015	Cochin sea
3.	1868268	17.07.2015	Cochin sea
4.	1949541	22.07.2015	Cochin sea

5. In view of facts stated above, they have requested to allow them the relaxation of Para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports under above DFIA and allow them to claim the DFIA benefit with revalidation.

Decision: The Committee went through the statements made by the firm in its application and noted that the Para 4.29 (vi) has been amended vide Notification No. 13 dated 20th June 2018 to allow exports from different EDI ports to be allowed to be counted towards a single DFIA. Hence the committee decided to accept the request of the firm. The Committee also decided that Policy 4 Division shall examine the issue for granting one time relaxation for all similar class of cases for exports from EDI ports,

(Action: Applicant/ Policy 4 Division DGFT HQs)

Case No.06: M/s. Big Bags International Private Limited, Bengaluru
F. No.01/60/162/220/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Relaxation of para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports under DFIA No. 0710112000 dated 09.08.2017.

1. They have stated that exports made under the DFIA's at multiple port of exports. After filing the documents for redemption and transferability they observed that exports made under different ports cannot be considered as per policy Para 4.29 (vi)

of FTP 2015-20, Accordingly RA, Bangalore issued DFIA transferability by taking only exports made at Bangalore ICD port (INWFD6). They agree that it has happened by oversight without observing the condition in the policy.

2. The firm is holding the status of one star Export house vide certificate no JA/3060 are continuously obtaining the DFIA and Advance Authorization and successfully fulfilling the obligations without defaulting any export obligations. Their export pricing is always made by considering the export incentives and duty exemption schemes to have a competitive pricing in international market. Losing the benefit under duty exemption will not support them to be internationally competitive.

3. Consider the fact that exporting in different ports is only happened by oversight without noticing the para 4.29 (vi) of FTP 2015-20 and exports made are compensated with export benefits.

4. Some more shipment made using the DFIA no through Cochin – Sea (INCOK1) and Chennai Sea (INMAA1). List of the Shipping Bills to be consider under above DFIA are as under:-

S.N	S.B. No.	S.B. Date	Port of Export
1.	1702180	10.07.2015	Cochin sea
2.	1708218	10.07.2015	Cochin sea
3.	1824647	16.07.2015	Cochin sea
4.	1835995	16.07.2015	Cochin sea
5.	1951741	22.07.2015	Cochin sea
6.	2046768	27.07.2015	Chennai sea

5. In view of facts stated above, they have requested to allow them the relaxation of Para 4.29 (vi) of FTP 2015-20 by allowing the exports made through different ports under above DFIA and allow them to claim the DFIA benefit with revalidation.

Decision: The Committee went through the statements made by the firm in its application and noted that the Para 4.29 (vi) has been amended vide Notification No. 13 dated 20th June 2018 to allow exports from different EDI ports to be allowed to be counted towards a single DFIA. Hence the committee decided to accept the request of the firm. The Committee also decided that Policy 4 Division shall examine the issue for granting one time relaxation for all similar class of cases for exports from EDI ports,

(Action: Applicant/ Policy 4 Division DGFT HQs)

Case No.07:M/s. Sree Padmini Silk World, Bangalore
F. No.01/60/162/221/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Clubbing of three Advance authorizations No. (i) 0710012123 dated 17.01.2002 (ii) 0710022504 dated 18.07.2003 (iii) 0710047270 dated 07.09.2006.

1. They are a partnership firm engaged in the Manufacture and Export of Pure Silk Fabrics. They are in this business for the last 35 years. They have been exporting Pure Silk Fabrics across the Globe and are earning foreign exchange. Their contribution to the exchequer for last fifteen years (i. e. 2003 – 2018 is around Rs. 36 crores).

2. They have obtained Advance Authorization for Annual Requirements bearing No. 0710012123 dated 17.01.2002, in terms of para 7.4A of export import policy and Para 7.54 of Hand book of Procedures 1997-2002 as amended from time to time.

3. In the first Authorization bearing no. 0710012123 dated 17.01.2002, they have achieved EO in terms of value in full (in excess of 30 %)

4. They had started exporting under the latest Advance Authorization, without completing the Quantity in the first Advance Authorization, assuming that the EO is completed in excess of 30 % by value and consequently the EO by quantity is also completed. Hence, there is short fall in quantity of export to the extent of 3 % (actual quantity shortfall is MRSA 455 Kgs, Dupion-650kgs)

5. In view of the above assumption, there is excess import quantity of inputs proportionately to the extent of 3273.60 kgs in Mulberry Silk and 5298 Kgs in Dupion Silk. This has been utilized in exports made against authorization bearing nos. 0710022504 dated 18.07.2003 & 0710047270 dated 07.09.2006.

6. Under these two Advance Authorizations, they have already completed the EO and the EODC was also issued.

7. However, the Export products and import products are the same in all three above Advance Authorizations.

8. In the Advance Authorizations nos. 0710022504 dated 18.07.2003 & 0710047270 dated 07.09.2006 they have exported excess quantity by utilising the inputs imported under Advance Authorizations no. 0710012123 dated 17..01.2012.

9. In this connection, RA has served them SCN directing them to regularize the case, by payment of customs duty and interest thereon on excess quantity of import.

10. Incidentally, the redemption letters in respect of Advance Authorizations 0710022504 dated 18.07.2003 and 0710047270 dated 07.09.2006 have been issued.

11. The export which should have been accounted for fulfillment of EO against Advance Authorization no. 0710012123 dt. 17.01.2002 have been accounted in Advance Authorization no. 0710022504 dated 18.07.2003 and 0710047270 dated 07.09.2006.

12. They could realise this error only on submission of their application for redemption and DL issued by RA.

13. They have exported much more in terms of Quantity and Value than undertaken under all the three Advance Authorizations combined together.

14. They have submitted their reply to RA in response to their SCN requesting them to redeem the Advance Authorization by clubbing all the three Advance Authorizations.

15. In view of the facts stated above, they have requested to clubbing all three Advance Authorization in terms of para 4.20 of HBP 2004-09. Advice RA to accept their submissions and arrange to issue the redemption letter in respect of Advance Authorization no. 0710012123 dated 17.01.2002.

<u>**Decision**</u>: The Committee went through the statements made by the firm in its application and noted that the some of the advance authorizations have already been redeemed and in certain authorization the quasi judicial action has also been initiated. The firm was not able to specify any grounds of genuine hardships caused to it. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.08: M/s. Lupin Limited, Mumbai
F. No.01/60/162/514/AM16/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:PC 18 waiver of Advance Authorisation No. 0310776878 dated 03.04.2014.

1. They submit herewith statement of export & import for Advance Authorization nos. 0310771349 & 0310776878 as required.

2. As informed though their earlier letter, they could not restrict the exports against first authorization net of process loss / rejection. Due to which, surplus exports done in first authorization need to be appropriated against second authorization as shown in below table.

License no.	Date	Actual Import done Kg	Tablets destroyed due to quality failure kg	Process Loss Kg	Export post. Process loss / rejection kg	Actual Exports done kg	Exports done excess Kg
310771349	21.02.2014	20000	678.680	1136.820	18184.500	20004.000	1819.500
310776878	03.04.2014	30000	954.570	1695.00	27350.430	27958.129	607.699
					Total	Surplus	2427.199

3. First case out of the above has been issued EODC as shipping bills produced match the export obligation (2000 kgs) of License. In the second case, EODC is not issued as shipping bills have been produced for 27958.129 Kgs as against license obligation of 30000 kgs. In reality, as per refer last column of above table, they have exceeded the EO in both the cases when rejection of material (col 4) & process loss (col 5) are accounted for.

4. They have already paid customs duty on differential exports of 2.41971 Kgs (3000-27958.129) and submitted the proof of which to RA. It is observed that that through oversight they could not restrict the exports against each authorization net of process loss/rejection. Due to which, surplus exports happened in each of authorization gets carried forward to subsequent authorisations towards counting of E.O.

5. They have requested for waiver of PC 18 condition against advance authorisation No.0310776878 dated 03.04.2014 so that RA would be able to issue EODC.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has provided contradictory statements in the sense that the firm has shown that it has exported more than the imported drug material. Further, the firm has not been able to show any genuine hardship caused to it and hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.09: M/s. Ribbel International Ltd., New Delhi
F. No.01/60/162/192/AM18/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: To accept documents for EODC Against Advance Authorization No. 0510309107 dated 23.11.2011 and 0510342972 dated 10.01.2013 (Clubbing).

1. The firm have completed the E.O. in due time against above mentioned Advance Authorizations and they have not availed any Duty Drawback in these exports. The quantity exported and value addition against inputs is accepted by RA.

2. Advance Authorization No.0510342972, the grades were mentioned in the application but mistakenly omitted by DGFT and the same is the case of Customs, some shipping bill shows the Grade some SB not.

3. They can also submit the SPECTRO lab chemicals test report of the surgical blades produced with these steel grades, shipped in these licenses, they have the controlled samples as per ISO 9001 norms

4. Most of the B/E of imports do not show grade, though they have enclosed the test certificate of the steel imports along with shipper Invoices which clearly shows the grade. At the time of import. When they are importing under the Authorization, there is no question raised by concerned officials. If the grade is not shown on bill of entries As well as at the time of exports no one told to add the grade in Shipping bills even the exports products were under the advance authorizations.

5. The firm has requested to accept their EODC application submitted to RA CLA, New Delhi under above mentioned RA file Nos. and issue them the EODC to regularize the

above mentioned advance authorization since their exports are being held up in Customs.

Decision: The Committee went through the statements made by the firm in its application and noted that the facts of the case have not been clearly specified by the firm and hence decided to call the firm for personal hearing.

(Action: Applicant)

Case No.10: M/s. Magnum Lubricants (India) Pvt. Ltd., Mumbai
F. No.01/60/162/167/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Clubbing of three Advance Authorization (1) 0310766868 dated 20.01.2014, (2) 0310773445 dated 07.03.2014 and (3) 0310805704 dated 24.06.2016.

1. Due to certain market condition they could not complete export obligation and imports within limitation period and authorizations got expired. However in some of the authorization they have made excess export which they wish to adjust / club with authorization in which export obligation could not be completed.

2. They approached RA, Mumbai for clubbing of the authorization but their request has been denied on technical grounds vide dated 15.02.2018 stating that " Request for clubbing of all the three licenses are rejected as 0310805704 dated 24.06.2-016 is not issue within 18 months of the first license No.0310766868, secondly E.O. of AA No.0310773445 is fulfilled outside E.O. period of the first license and thirdly there is no shortfall in fulfillment of E.O. in the first license hence clubbing is not permitted in terms of P.N. No.32 dated 15.10.2017.

3. Hence, they have requested to clubbing of above three advance authorization.

Decision: The Committee went through the statements made by the firm in its application and noted that the EO is fulfilled outside the extendable period of EO of the first authorization and there is not shortfall in EO of the final authorization. The firm has not been able to state any grounds of hardships caused to it. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.11: M/S. Lona Industries Limited, Mumbai

F. No.01/60/162/164/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Second Revalidation of advance authorization No. 0310807863 dated 16.09.2016.

1. They have obtained above said license from RA, Mumbai and fulfilled the EO to the extent of 92% on quantity basis.

2. Due to increase of raw material rates/ heavy price fluctuation in the international market, they could not import the goods within extended validity period.

3. This is to inform that due to the have price fluctuation in the international market, they could not import item No.1, Urea TG and 54% of item No.3, Copper Scrap in spite of their completing 92% of Export Obligation as their export price is on the basis of prices of raw materials at the time of their quote. However, now prices are stabilized and they are confident to complete the balance import during the next 2/3 months.

4. In view of the facts stated above, they have requested for revalidation of above advance authorization for a period of six months from the date of approval.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has stated that they were not able to complete the imports due to increase of raw material rates/ heavy price fluctuation in the international market. The Committee was of the view that the reason stated by the firm cannot be considered as grounds of hardships caused to it. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.12: M/S Envisage Consultancy, Parganas. (West Bengal)
F. No.01/60/162/186/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Revalidation of import Licence No.05250000433 dt.10.02.2017.

1. They have obtained above said restricted import license from RA, Kolkata for import of ornament fish. They have already imported ornament fish 60% but balance 40% could not import due to some financial problem and market situation.

2. They are a small trader, trading their products with very competitive price not keeping any direct profit.

3. In view of the facts stated above, they have requested to extend the import validity of above license for the period as we think best.

Decision: The Committee went through the statements made by the firm in its application and decided to inform the firm to approach the jurisdictional Regional Authority for examination of their case in terms of Para 2.20(a) of the Handbook of Procedures.

(Action: Applicant)

Case No.13: M/s. JK Tyre& Industries Ltd., New Delhi
F. No.01/60/162/184/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Redemption of Advance Authorization No. 0510393512 dated 11.03.2015.

1. They have obtained above advance authorization and fulfilled 100 % EO. They have submitted a request for redemption of above advance authorization in RA but CLA, New Delhi has informed vide letter dated 09.03.2018 that they had not followed the pre import condition.

2. They have clarified that 6 month EOP condition on import of natural rubber was notified by DGFT PN No. 81 dated 09.01.2015 and thus they are required to fulfill 6 month EO condition under this captioned advance authorization. They have accordingly fulfilled 6 month EO condition as per statement already provided at the time of redemption.

3. Vide DGFT PN No. 35/2015-20 dated 11.09.2015, Six months EOP condition on import of natural rubber with the retrospective effect from 01.04.2015 along with pre import condition was notified.

4. The Advance Authorization was issued to them on 11.05.2015, and after completing registration formalities at customs, based on import viability and availability of inputs, their first import was made on Aug 15 and total Natural Rubber entitlement under this advance authorization was completed in August 2015 itself i.e. prior to the Pre-import condition Notification was issued (on 11.09.2015).

5. Thus it was practically not possible for them to comply with the Pre-Import condition as was notified in Sep 15 with retrospective effect, since by the time the import was

completed and neither they are aware nor they can anticipate the pre import condition which was issued after they complete their import of Natural Rubber in August -2015.

6. They have submitted, that since the captioned Advance Authorization was issued prior to the PN No. 35 dated 11.09.2015, they pre-import condition notified on 11.09.2015, will not be applicable and this condition is required to be fulfilled for those Advance Authorization which are issued on or after 11th September 2015.

7. Hence, they have requested to seeking relaxation from the condition of PN no. 35 dated 11.09.2015 for the above Advance Authorization issued to them since pre import condition cannot be fulfilled retrospectively.

Decision: The Committee went through the statements made by the firm in its application and decided to direct the Policy 4 Division to examine the issue for appropriate instructions for all similarly placed cases.

(Action: Applicant)

Case No.14: M/s. Indo Rama Synthetics (India) Ltd., Bhopal
F. No.01/60/162/176/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Permission to discharge Export Obligation in Clubbing of 3 Advance Authorization No.(1) 1110021433 dated 15.12.2009, (2) 5010001410 dated 09.07.2012 and (3) 5010001777 dated 12.07.2013 (RA Nagpur-2 & RA, Bhopal-1).

1. They have exported just to complete three number of Advance Authorisations, 2 issued by RA Nagpur and 1 by RA Bhopal just for including their other final products for which they could hardly arrange orders for export to complete export obligation and in last two Advance Authorisations, they have not imported anything.

2. The raw material imported for intended purpose is consumed fully and export obligation they completed in full with their own manufactured goods 100% in quantity with combining 3 nos of Advance Authorisations.

3. It is submitted that fresh Advance Authorization taken to explore the possibility to include their other products so that they can complete export obligation in proportion to raw material imported against first Advance Authorization, where export orders of corresponding final product they could not arrange for completion of export obligation. i.e. they have included three Advance Authorization just to

include other their final products for completion of first Advance Authorization; in last two Advance Authorizations Nil Import done. It is requested that clubbing be considered grounding on EOP of first Advance Authorization & composition fees may be applicable on export completed beyond 36 months.

4. They are manufacturing five final products (Poy, PSF, DTY, FDY and PET Chips) and Advance AUthorizaiton taken for each final product separately. Raw materials for all final products are common (PTA, MEG, SB2O3, TIO2 & SFO). Market trend for export of their final products declined from 2011 and w.e.f. 05.06.2012 EOP of Advance Authorization reduced to 18 Months from 36 months. It has caused very hardship to close outstanding Advance Authorization individually. Actually, they have incurred huge loss because their five years long term contract for import could not sustain. Long terms contract input procurement is cheaper provided other terms & conditions of export are met.

5. In spite of all possible efforts including installed capacity to export; they could not cover up as planned for export based on FTP during 2010-11 versus changed on 05.06.2012.

6. Their products excluded from MEIS incentive and thus extra freight etc. from pocket, earlier it was shared by the govt. by way of FPS/FMS/SFMS.

7. Hence, they have requested to allow clubbing of three Advance Authorizations issued by RA, Nagpur and discharge EO in clubbing and EOP extension of base Adv. Authorization having initial EOP 36 Months. Request to grant approval to consider EO completed within 48 Months from the date of initial Advance Authorization.

Decision: The Committee went through the statements made by the firm in its application and noted that the advance authorizations issued in the year 2009 cannot be clubbed with the advance authorizations issued in the year 2013 and further the advance authorizations have been issued by different regional authorities. The firm was not able to specify any grounds of genuine hardships caused to it. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.15: M/s Fresenius Kabi Oncology Limited, New Delhi
F. No.01/60/162/ 260/AM17/EFGC(PRC)
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:EOP extension of Advance Authorization No. 0510222000 dated 12.06.2008 issued under PC-9 condition.

1. They had submitted application to RA under PC-9 condition. However, RA granted license without PC-9 condition with EOP of 24 months, RA further extended EOP from 24 months to 30 months and from 30 months to 36 months. They accordingly completed exports and submitted redemption application. RA informed them that exports made beyond 12 months cannot be considered for redemption purpose. They took up the issue with RA in view of the above fact and RA advised them to approach DGFT Hqrs on 12.02.2014.

2. Hence, they have requested for relaxation valid for 36 months from issuance of license, as has been extended by CLA for regularisation purpose.

Decision: The Committee went through the statements made by the firm in its application and noted that the advance authorizations have been issued with bulk drug condition and hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.16:M/s. Rockwool India Private Ltd., Hyderabad
F. No.01/60/162/701/AM18/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:2nd and 3rd EO Extension in respect of Advance Authorization no. 0910061389 dated 15.12.2014 on account of non-fulfillment of EO (Quantity wise) but value fulfilled 100%.

Fulfilled EO value wise well within the EO Period, But quantity could not be fulfilled since the exports were made under free shipping bills without mentioning the Advance Authorization details. Hence, they have requested for EO extension from the date of approval.

Decision: The Committee went through the statements made by the firm in its review application and noted that there has sufficient time for EO fulfillment as per the relevant FTP/HBP provisions and firm has not been able to specify any grounds of genuine hardships which prevented it from fulfilling the EO. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.17: M/s. Dulce Celia Designs, Kolkata
F. No.01/60/162/161/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Condonation of condition of minimum 50% EO fulfillment in terms of Para 4.42 of the HBP 2015-20 and allow Second EOP Extension of Advance Authorization No. 0210206564 dated 22.03.2016.

1. They have fulfilled almost 16.053 % of their Export Obligation in terms of quantity and 44.60 % in terms of value based on actual imports and the required minimum Value addition of 15. But this is in short of 50 % required for further EOP extension in terms of para 4.42 (c) of the HBP 2015-20.

2. The shortfalls in exports were due to reasons beyond their control. They could not arrange for shipments as per the delivery schedule of the foreign buyers due to several procedural difficulties at their end, and the buyer refused to take late delivery. But now the said delivery has been rescheduled, and they would like to complete the delivery of the export consignments towards fulfillment of the required export obligation within the requested extension period up to 22.09.2018.

3. Since, their export item needs certain precision embroidery work as per the specific preference and order of the foreign buyer, hence, again if they did not fulfill the delivery schedule, this whole export ready material would be a dead stock for them.

4. Hence, they have requested to condone the condition to fulfill a minimum of 50 % export obligation as specified in para 4.42 (c) of HBP 2015-20 and allow EOP extension for a further period of 6 months i.e up to 22.09.2018 (30 Months) against above Advance Authorisation. They are ready to pay the required composition fees for the desired EOP extension.

Decision: The Committee went through the statements made by the firm in its application and noted that the request for waiver of 50% EO fulfillment cannot be waived as the firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.18: M/s. SM Herbals Pvt.Ltd., New Delhi
F. No.01/60/162/163/AM/19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Acceptance of One manually amended shipping bill no.3329411 dated 09.01.2017 for MEIS benefit.

1. They have exported 10-Deacetyl Baccatin-III technically named as "Other Vegetable Alkaloids" which is eligible for MEIS benefit as per appendix 3B of the MEIS Schedule.

2. While submitting the shipping bill no. 3329411 dated 09.01.2017 to customs their CHA has inadvertently mentioned the wrong HS Code as 29398000 instead of 29397900.

3. They approached to customs for amendment of shipping bill and on scrutiny of the documentary evidence at the time of export of goods an correctness of the amendment sought , customs allowed amendment in the above shipping bill as under:

S/Bil no. & date	ITC HS code before amendment	ITC HS code after amendment
3329411dated 09.01.2017	29398000	29397900

4. As the amendments could not be carried out in the EDI system after completion of exports, customs has issued a post export certificate of amendment vide file no.VIII/12/ACE/CRU/AMD.362/17 Dated 16.11.2017 in lieu of such amendment in EDI System.

5. Since system does not facilitate transmission of such correction/amendment in the shipping bill and product description is eligible for MEIS benefit, they have requested to allow MEIS benefit against above shipping bill.

Decision: The Committee went through the statements made by the firm in its application and noted that the customs authority has amended the shipping bill for rectifying the wrong HS Code and hence decided that EDI/NIC will create a facility to allow the MEIS benefits to the firm as per HS Code amended by the Customs Authorities.

(Action: EDI/NIC)

Case No.19 to 31: M/s. Grover Zampa Vineyards Limited, Bangalore

F. No.01/60/162/181(A) to 181(M)/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Condonation in delay to fulfill the Export Obligation against following 13 Advance Authorizations:

No. (1) 0710059642 dated 09.09.2008 and allowed EO Extension up to 26.09.2017,
(2) 0710055099 dated 20.12.2007 and allowed EO Extension up to 13.09.2017,
(3) 0710030423 dated 23.06.2004 and allowed EO Extension up to 27.01.2015,
(4)0710038222 dated 31.05.2005 and allowed EO Extension up to 30.03.2015,
(5) 0710054141dated 26.10.2007 and allowed EO Extension up to 07.12.2016,
(6) 0710054142 dated 26.10.2007 and allowed EO Extension up to 12.08.2015,
(7) 0710055063 dated 19.12.2007 and allowed EO Extension up to 18.06.2016,
(8) 0710030434 dated 24.06.2004 and allowed EO Extension up to 26.02.2015,
(9) 0710048619 dated 28.11.2006 and allowed EO Extension up to 19.08.2016,
(10) 0710049874 dated 31.01.2007and allowed EO Extension up to 31.03.2017,
(11) 0710049858 dated 31.01.2007 allowed EO Extension up to 04.03.2017,
(12) 0710049857 dated 31.01.2007 allowed EO Extension up to 01.09.2016 and
(13) 0710055061 dated 19.12.2007 allowed EO Extension up to 22.04.2016.

1. As Ageing is the main part of their process for making of their export product if it not processed under proper temperature its volatile acid content goes higher beyond permissible limited.

2. During the processing of wine which is imported under authorization there is an major breakdown in their machineries (I.e. cross flow filtration plant, reverse osmosis machine & temperature controller) and after rectification of the machineries they had reprocessed these wines but it doesn't match the standard which is required by their buyers inpite of their sincere efforts there is delay in fulfilling of EO.

Decision: The Committee went through the statements made by the firm in its application and noted that the said advance authorizations are issued between AM 2005 to AM08 and the firm had sufficient periods for EO fulfillment and the firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.32: M/s Galaxy Bearings Limited, Ahmedabad
F. No.01/60/162/185/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Status Holder Incentive Scrip for the year 2010-11 and 2011-1012.

1. They have submitted Status Holder Incentive Scrip application for the year 2010-11 and 2011-12 on 17.02.2014 manually in RA, Rajkot. That time their old EO pending and their firm was in DEL, hence their application returned with EO queries and informed them to apply through online.

2. Then after they have solved all the queries related to EODC and cleared all their pending Export Obligation was due to DEL. They have filed online application on 27.11.2015. From their part they are OK but due to EODC procedure they have received continue query and they have given all the answer of the entire query.

3. They have also done Personal Hearing with RA, Rajkot. Now their application rejected by RA giving the reason that their application is time barred.

4. They have already filed their application manually within time periods as per pare 9.3 of HBP (Volume-I) 2009-2014 but due to their firm in DEL and queries of EODC they have filed online application on 27.11.2015.

5. In the light of above, they have requested to treat their applications for Status Holder Incentive Scrip for the year 2010-11 and 2011-1012 is in time.

Decision: The Committee went through the statements made by the firm in its application and noted that there was no restriction in the application module for filing the application for the SHIS benefits within the prescribed time limit even though a firm was under the Denied Entity List. Further, the firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.33: M/s. Jindal Aluminium Ltd., Bangalore
F. No.01/60/162/214/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Extension in EOP with pre-import condition of Advance Authorization No. 0710112460 dated 27.11.2017.

1. The firm has stated that due to non-appearance of license on the ICEGATE / DGFT website they were not able to fulfil their export obligation within the stipulated time of 90 days from the date of clearance of import shipment so there was a delay in fulfilling export obligation. But after license started appearing on ICEGATE website, they completed export obligation. But after license started appearing on ICEGATE website. they completed export obligation in much less than the time period of 90 days.

2. During the time of non-appearance of advance license i.e. January, February and March 2018, they diverted their export shipments to another advance license which could have been counted toward fulfilment of export obligation against subject license if it was appearing online so as such they were in a position to fulfil export obligation within the stipulated time limit but was unable to do it due to above mentioned reasons or for no fault of theirs.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.34: M/s. CNH Industrial (India) Pvt. Ltd.,Gurgaon
F. No.01/60/162/182/AM/19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Grant of MEIS benefit against Exports made vide shipping bill no. 3053772 dated 26.12.2016.

1. Due to change in the ITC HS code of their export product namely "Agricultures Tractors" w.e.f 01.01.2017 they are not able to file their application for MEIS benefit against shipping bill number 3053772 dated 26.12.2016 (LEO date 08.01.2017).

2. Hence they have filed their request for allowing MEIS benefit against said shipping bill date is falling before the issuance of new notification for change in ITC HS codes and at the time of filing said shipping bill, the new ITC HS code was not prevailing.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has not been able to claim the benefit of MEIS on account of the LEO date falling after 01.01.2017 for the shipping bill filed prior to 01.01.2017 during which transition time the HS code of the product had been changed on account of the change in HS Classification. Hence the Committee decided that EDI/NIC will create a facility to allow the MEIS benefits to the firm as per HS Code used by the firm at the time of filing the shipping bill prior to 01.01.2017

(Action: EDI/NIC)

Case No.35: M/s Herbochem Industries,Barabanki
F. No.01/60/162/191/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Relaxation to claim MEIS against subsequently issued e-BRC. (MEIS No.0619018687 dated 24.05.2018) against shipping bill No. 3339983 dated 08.03.2018.

1. They are Export House manufacturer exporter of Menthol Oil. They applied for MEIS benefit with RA Kanpur on 24.5.2018. MEIS was against shipping Bill No.3339983 dated 08.03.2018 and RA has issued the same.

2. However, against the same shipping bill No.3339983 dated 08.03.2018 they have received the remittance in two parts and this banker issued E BRC only one part which has been attach with the shipping while claiming MEIS. Subsequently they came to know that this banker EBRC of balance payment. Further they also came to know about subsequently issued of E BRC 2nd part. But due to oversight they could claim MEIS benefit against only EBRC first part. Now the system does not allow to claim MEIS against the subsequently issued EBRC against Shipping Bill No.3339983 dated 08.03.2018

3. Hence they have requested to grant them relaxation in claiming their balance entitlement against the said shipping bill.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has already availed the benefit of MEIS instead of waiting for complete realization of the export proceeds. The firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.36: M/s ACG Associated Capsules Pvt. Ltd., Mumbai
F. No.01/60/162/459/AM/18/PRC

PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:To accept 105 Shipping Bills (as per annexure 'A') for granting MEIS benefit for not mentioning scheme rewards 'Yes'.

1. As per Public notice no.47dt.08.12.2015 shipping bills ,where declaration of intent 'Y' has not been marked and 'N' has been ticked inadvertently in the 'reward item box' while filing s/bills in customs for exports made between 01.06.2015 to 30.09.2015,shall be transmitted by CBEC to DGFT.

2. They have given their documents to clearing agent for passing the s/bills for Bangladesh. Their clearing agent was not aware of P.N. no. 47dt.08.12.2015 and they passed the s/bill scheme reward as No instead of Yes.

3. As per statement of 105 Shipping Bills they have exported total FOB value for Rs.9,18,11,290/- and also realized foreign exchange. Due to scheme reward printed as No they are unable to get benefit of MEIS and are losing the huge amount of MEIS benefit.

4. Hence they have requested to accept 105 Shipping Bills to grant MEIS benefit for not mentioning scheme rewards 'Yes'.

Decision: The Committee went through the statements made by the firm in its application and noted that the declaration of intent is mandatory as per Para 3.14 (a) of the HBP 2015-20 while filing EDI shipping bills and only shipping bills with declaration of intent as "Y" are transmitted by Customs to the DGFT. In the absence of declaring "Y" such shipping bills will not be transmitted to DGFT by Customs and will not be eligible for MEIS benefits. The firm has also not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.37:M/s Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No.01/60/162/173/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Extension in EOP of Advance Authorization No. 0310802723 dated 19.02.2016 because of fire accident occurred in their factory on 31st January 2017.

1. They have stated that fire occurred in their factory at Dahej Gujrat on 31st January 2017.

2. In this accident their lot of raw material which was cleared under DEEC, finish good which was manufactured with duty free material and semi-finished goods has been destroyed.

3. Hence, they have requested for EOP extension against above Advance Authorisation.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm was put into hardships beyond its control on account of the fire at their factory and hence decided to extend the EOP for a period of 6 months from the date of endorsement subject to payment of composition fee @ 1.0% per month on the unfulfilled EO.

(Action: Applicant)

Case No.38: M/s. Sterling Auxiliaries Pvt. Ltd., Mumbai
F. No.01/60/162/172/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Extension in EOP of Advance Authorization No. 0310789164 dated 15.09.2014 because of fire accident occurred in their factory on 31st January 2017.

1. They have stated that fire occurred in their factory at Dahej Gujarat on 31st January 2017. Copy of newspaper dated 03.02.2017 in file.

2. In this accident their lot of raw material which was cleared under DEEC, finish good which was manufactured with duty free material and semi finished goods has been destroyed.

3. Hence, they have requested for EOP extension against above Advance Authorisation.

Decision: The Committee went through the statements made by the firm in its application and noted that the EOP had expired much before the date on which the fire accident happened in the factory of the firm (31.01.2017). Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.39: M/s Fermenta Biotech Limited, Thana

F. No.01/60/162/171/AM/19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Revalidation of two MEIS Scrips (1) 3719000687 dated 03.06.2016 and (2) 3719000789 dated 02.07.2016.

1. The subject MEIS Scrips were obtained from Kandla FT against export from Dahej SEZ unit (Port code INBHD6) with a validity of 18Months.As Dahej, SEZ is non-EDI Port; they have obtained RA in favour of Nhava Sheva Customs.

2. Subsequently, this directorate had extended the validity of the MEIS Scrips from 18 months to 24 months vide Public Notice no.33/2015-20 dated 23.10.2018 and hence the above scrips stands valid for 24months.

3. These scrips are partially utilized within 18 months validity period. They are unable to utilize the balance credit only because there is no provision available in the system at Kandla FT for extending the validity of above scrips in the system. Alternatively, Kandla FT has issued a letter dated 18.04.2018 declaring that the above referred scrips are valid for 24 months.

4. They had approached Nhava Sheva Customs with original scrips and validity extension letter on several occasions. However, they have rejected their case as the validity extension in EDI has to be done at Kandla FT.

5. In the light of above, they have requested to grant extension in validity of the above MEIS scrips for six months so that they can utilize the balance credit.

Decision: The Committee went through the statements made by the firm in its application and the documents including the copies of the scrips made available to the Committee and noted that the JNPT has already got the genuineness of the RA confirmed from the relevant port and also debited the Scrip and therefore, the statement by the firm that JNPT could not debit the Scrips is not tenable. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.40: M/s. Acknit Industries Ltd., Kolkata
F. No.01/60/162/134/AM19/PRC

Subject:Transferability, Enhancement and Revalidation of DFIA Authorization no. 0210186500 dated 15.02.2013.

1. They had procured this authorization benefit on 15th Feb., 2013 and they managed to complete the export obligation within 2 months i.e. by April, 2013.

2. In respect of two of their shipping bills, benefit was claimed under duty drawback scheme because of their negligence of being unaware and new on how to file application on line for FPS benefit. This process took them a long period to get it clear and get back on the correct procedure which kept them waiting for them to apply for the said purpose.

3. As per the norm, they were allowed extension of six months and in this case, if six months given would end on 15.02.2015 but they submitted on 04.02.2015 technically before completion of the extended period. On 10.02.2015 RA Kolkata intimated that their request cannot be considered as the authorisation validity has expired. Further to this, they had sent in requisition for the above said purpose on the ground that the problem related shipping bills were genuine and they were in a fix to mend the procedure.

4. The application for said purpose was undone as while claiming chapter 3 benefit by mistake their representative selected the Drawback Scheme instead of DFIA scheme due to which the shipping bill got utilised and it was not again available for the said purpose. On numerous reminders and follow up with local RA, the problem did not solve as all the system lies with DGFT, New Delhi and hence the authorisation was bearing expiry. The problem finally got solved on the DGFT server just few days before its expiry leaving hardly any time for making use of it. A small mistake from their end took a long time to rectify which in turn led to a huge loss their business.

5. Hence, they have requested to consider their case and ignore their negligence and help them by transferring, enhancing and revalidating their authorization for 6 months validity from the date of endorsement as it has been waiting since long time and bearing losses and putting themselves in a difficult position to survive which such huge loss.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has not exercised due diligence while filing the shipping bills and has selected the drawback scheme. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.41: M/s.Gupta Synthetics Ltd., Surat
F. No.01/60/162/644/AM16/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Request for EOP extension & Clubbing of 9 Advance Authorization for redemption: (1) 5210020954 dated 11.01.2007, (2) 5210021422 dated 09.04.2007,(3) 5210026437 dated 06.05.2009, (4) 5210026446 dated 06.05.2009, (5) 5210028178 dated 11.09.2009, (6) 5210030156 dated 31.03.2010, (7) 5210029637 dated 11.02.2010, (8) 5210030939 dated 03.06.2010 and(9) 5210031369 dated 15.07.2010.

1. The polyester Yarn can be manufacture either from Polyester Chips or from Fully Drawn Yarn / Polyester Filament yarn. The process of manufacturing of Polyester Yarn is as under:

2. (Polyester Chips---->Polyester Filament Yarn / Fully Drawn Yarn -----→Polyester Textured Filament Yarn / Draw texturised Filament Yarn ----→ Polyester Partially Oriented Yarn)

3. The Polyester Textured Filament Yarn / Draw Texturised Filament Yarn can be manufacture from Polyester Chips.

4. Polyester Chips converted to raw from of yarn i.e. Polyester Partially Oriented Yarn and then by texturizing process they can convert the polyester Partially Oriented Yarn to Polyester Textured Filament yarn / Draw Texturized Filament Yarn.

5. In six licenses their import product is Yarn. In these licenses they avoid the conversion of Yarn from Chips. They directly imported the Yarn and then by texturizing process they converted it to Texturized Yarn.

6. Therefore in some licenses they import the basis raw material of their finished products and in some license they asked supplier to do the first step i.e. conversion of yarn from chips and imported the yarn.

7. In view of the facts stated above, they have requested for EOP extension and clubbing of above Advance Authorizations.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has not fulfilled the EO within the stipulated periods in the authorizations and some of the subsequent authorizations are issued much beyond the extendable EOP of the initial authorizations. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.42: M/S Raia Jewels Pvt. Ltd., Mumbai
F. No.01/60/162/159/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Condonation of delay in export of gold Jewellery vide shipping bill no.1615519 dated 14.10.2016 against gold loan provided by Yes Bank Ltd.,by 1(One) day, beyond the prescribed period of 90 days as per Para 4.84(C) of HBP 2015-20 under Para 2.58 of FTP(2015-20).

1. They have exported a consignment vide shipping bill no.1615519 dated 14.10.2016.There has been delay of 1 (one) day in exportation of Gold Jewellery against gold loan taken from Yes Bank Limited as stipulated in para 4.80(C) of HBP (2015-20) and that too for the reasons, which were beyond their control.

2. As per Para 4.84(C) of HBP(2015-20), the consignment should have been exported by 13.10.2016(90 days from the date of release of Gold on loan basis i.e.13.07.2017).However the said consignment was exported on 14.10.2016 i.e. after delay of one(1) day firm the prescribed time period.

3. Admittedly, goods are exported 01 days after the prescribed limit of 90 days, as stipulated in para 4.84© of HBP (2015-20) and that too for the reasons which were beyond their control. The delay occurred primarily due to system problem at customs- the shipping bill could not regularized in the customs system. The Shipping got connected on 14.10.2016 and it resulted in delay of a day time.

4. In view of the facts stated above, they have requested to Condone the delay in export of gold Jewellery vide shipping bill no.1615519 dated 14.10.2016 against gold

loan provided by Yes Bank Ltd. by 1(One) day, beyond the prescribed period of 90 days as per para 4.84(C) of HBP 2015-20 under Para 2.58 of FTP(2015-20).

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has not been able to fulfill the EO within the stipulated period and the Committee decided not to accede to the request of the firm for relaxation of the provision of export period for the gold jewellery.

(Action: Applicant)

Case No.43: M/s. ArvindGoodhill Suit Manufacturing Pvt. Ltd., Ahmedabad
F. No.01/60/162/179/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Revalidation of three Advance Authorizations No. (i) 0810139560 dated 17.01.2017 (ii) 0810139504 dated 10.01.2017 and (iii) 0810139538 dated 13.01.2017.

1. They had obtained above referred Special Import Authorization towards import of Fabrics & Export of Readymade Garments (With benefit of Drawback), under the custom Notification no. 045/2016 dated 13.08.2016.

2. They have some items left over to import against the said license. And they are bringing to notice that the subject license is expired for import.

3. Hence, they have requested to Revalidation of the above three licenses for further 6 months to enable them to import the balance items.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm had reasonable period to fulfill the imports and has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.44: M/s S.P.Exim's, Tamil Nadu
F. No.01/60/162/187/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject: Extension of EOP and revalidation of Five Advance Authorization Nos.(1) 0410161763dated 31.03.2016, (2) 0410161765dated 01.04.2016, (3) 0410162153dated 01.08.2016, (4) 0410162154dated 01.08.2016 and (5) 0410162218dated 24.08.2016.

1. They have obtained above advance authorizations but could not fulfill Export Obligation.

2. Hence, they have requested to grant revalidation and Export Obligation Period extension for 6 months from the date of order to complete import and export against above Advance Authorisations.

<u>Decision</u>: The Committee went through the statements made by the firm in its application and noted that the firm has not paid the prescribed fee and hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.45: M/s Maiden Pharmaceuticals Ltd., Delhi
F. No.01/60/162/186/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Extension of EOP and regularization of the export against Advance Authorization No.0510398635 dated 24.04.2016.

1. They have stated that they could not fulfill EO due to circumstances beyond their control as their buyer in Afghanistan could not adhere to his part deal due to war turmoil and disturbance in the country. Hence there has been some delayi and slowdown in order to fulfill and did not have substitute buyer during this period, so that they did not file for extension earlier in time as per policy.

2. They need extension of EOP for 6 months, as they have confirm order to complete EO of shortfall 15.84% overall.

3. Hence, they have requested for six months EOP extension against above Advance Authorisation.

<u>Decision</u>: The Committee went through the statements made by the firm in its application and noted that the firm has not been able to specify any grounds of genuine hardships. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.46: M/s. Kopran Research Laboratories Limited, Mumbai
F. No.01/60/162/190/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Extension in EOP of Advance Authorization No. 0310803995 dated 18.04.2016 issued under PC-9 Condition.

1. They have imported 76.47 % of the exempted material for exporting the Resultant Product, Erythromycin Ethyl Succinate tablets 500 mg and due to cancellation of the export order on the following reasons, they could not complete the export obligation within the stipulated time.

2. In this connection, they wish to inform that Export Product, Erythromycin Ethyl Succinate 500mg Tablet is registered in UK, vide PL 30684/0229 with M/s. DAWA Limited as marketing authorization holder. They are registered as manufacturer of Erythromycin Ethyl Succinate 500 mg Tablets for M/s. DAWA Limited (UK). The registration is issued by Medicines and Healthcare Regulatory Agency (MHRA), UK.

3. In pursuance of export order issued by M/s. DAWA Limited, towards supply of Erythromycin 500 mg Tablets, they have imported 780 kg of Erythromycin Ethyl Succinate from M/s. S M Biomed, Malaysia.

4. However following an audit of related facility by MHRA, UK, the marketing authorization of Erythromycin Ethyl Succinate 500 mg Tablets was suspended by MHRA. The suspension would be revoked following remedial action submitted by M/s. DAWA Limited. Distribution and supply of ertthrocyin Ethyl Succinate 500 mg Tablets would commence and otter approval from MHRA.

5. On account of above condition, M/s. DAWA Limited has suspended above order and supply should only be made after revoking of suspension of MA of erythromycin Ethyl Succinate 500 Mg. Tablets. Therefore they are unable to manufacture and export the said product.

6. In view of the above, they have request to kindly grant them extension of export obligation period for a period of 6 months from the date of endorsement in order to procure fresh export order from the clients and complete the export obligation and oblige.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm had been issued an Authorisation with conditions of import of bulk drugs from unregistered sources and the firm has not been able to fulfill the EO within the specified period. Hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.47: M/s. Universal Medicap Ltd.,Vadodara
F. No.01/60/162/120/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Revalidation of Advance Authorization No. 3410042594 dated 17.10.2016.

1. They have completed 100% EO within EOP and 38% import is pending due to market fluctuation in international market, shipment could not be effected in time.

2. They have applied for first revalidation in RA on 14.02.2018 but the same has been granted on 18.04.2018 by RA i.e. after the expiry of six months period (after sixty four days), hence they could not complete import within revalidation period.

3. In view of the facts stated above, they have requested for 2nd revalidation of six months beyond 18 months of above advance authorization to complete the import.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has stated that they could not utilize the authorization has expired while in the custody of the RA. Hence the Committee decided to inform the firm to approach the RA for examination of their case in terms of Para 2.20 of HBP.

(Action: Applicant)

Case No.48: M/S. Apollo International Limited, Gurgaon
F. No.01/60/162/192/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Revalidation of advance authorization No.0510400938 dated 26.12.2016.

1. They could not import the material against above authorization due to technical problem (error code no. 02, 00, 52) at DGFT website .Name of the Co-Licensee and supporting manufacturer was not showing at the customs house at ICD Dasrath.

2. They have stated that the Advance Authorization issued to them license no. 0510400938 dated 26.12.2016 under No Norms, they would like to state that they have been trying to get the same Registered with the Custom Department at ICD Dasrath, but despite repeated trials and transmission, the name of the CO-Licenses and Supporting Manufacturer is not showing at the custom house at ICD Dasrath. It is also Showing Error no. 02, 00,52.

3. For Removal of these Error they had approached DGFT EDI Section and after discussing with the concerned officer of DGFT EDI system, they were told that they have mentioned tow Addresses of their Co Licenses and due to some restriction in Custom Server it is not accepting the same and they have to get one Address of their Co Licensee deleted from server and then retransmit to custom. After that on their request DGFT Department delete Co Licensee Second Address detail from the Advance License & removing the error code 52 from license. However even now the name of the CO licensee not showing in the Customs.

4. In view of the facts stated above, they have requested for revalidation of above advance authorization for a period of one year from the date of approval.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has stated that they could not utilize the authorization was not transmitted error free to the Customs Authorities. Hence the Committee decided to inform firm to approach the RA for examination of their case in terms of Para 2.20 of HBP.

(Action: Applicant)

Case No.49: M/s. GreenplyIndustreis Ltd., New Delhi
F. No.01/60/162/136/AM19/PRC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:(a) Revalidation of Advance Authorization no. 0510391473 dated 07.10.2014 and consider export product, covered under SION Sl. No. : H-68 and Enhance their import entitlement of inputs accordingly.

(b) Consider Export of different thicknesses from already Mentioned in the advance authorization of same export product, as permitted under Sl. No. H-68, Exported under Captioned advance authorization and Enhancement their Entitlement of Inputs by considering exports also.

1. They were the Biggest Exporter of 'Decorative Laminates' from India.

2. Hon'ble Guwahati High Court vide its order dated 31.10.2014 demerged whole business operations of 'Decorative Business'of their company.

3. Decorative Business consists of manufacturing units situated at 'Behror (Rajasthan) and Nalagarh (Himachal Pradesh)'. Resultantly, their Two Units / Factories got Demerged into "Greenlam Industries Ltd. (IEC No.: 1414002017)".

4. Applied for Enhancement / Reduction in CIF / FOB Value along with Enhancement / Reduction in Quantity of import and Export items.

5. During Enhancement, by Mistake, Export item no.: 2 (Thickness : 12 MM) had been Deleted by the officer Concerned in the office of CLA, Delhi.

6. Due to Deletion of Export Product from Export item list, DATA ERROR appeared in Data Transmission Details and necessary Amendment was not reached to the Customs System.

7. Due to DATA ERROR, they could not use Advance Authorization for making import of inputs mentioned at Sl. No.: 1-4 and 6-8 of import item list, by full Quantity, as allowed to them, as 100 % Export Obligation was completed within a Period of one month (Approx.) from the date of issue of Advance Authorization.

8. Further, they office of CLA, New Delhi had not considered their Request of exports made of different thickness of same export product, as per SION Sl. No.: H-68, Exported under captioned Advance Authorization.

9. Due to NON Consideration of Exports of Different Thicknesses of same export product, even though covered under SION Sl. No.: H-68 by the Office of CLA, New Delhi, there would be a loss of their Entitlement of Different inputs, even though they had used the same, in their Exports.

Decision: The Committee went through the statements made by the firm in its application and noted that the firm has stated that they could not utilize the authorization for imports since the authorization was not transmitted error free to the Customs Authorities and hence they have requested for revalidation of the authorization. The firm has also requested for considering the export of different thickness as specified in the relevant SION. The Committee decided to inform the firm to approach the RA for examination of their case for

i. Revalidation in terms of Para 2.20 of HBP.
ii. Considering the export product of different thickens as per accountability of inputs allowed in the relevant SION

(Action: Applicant)

Case No.50: M/s. Silver Spark Apparel Ltd, Mumbai
F. No.01/37/218/03/AM-19/EPCG-II
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Request for conversion of zero duty to 3% EPCG Scheme in terms of provisions of Public Notice No.30/2015-20 dated 08.09.2016 in stipulated time in respect of EPCG authorization Nos. 0730013201 dated 04.03.2014, 0730013176 dated 04.03.2014 and 0730012994 dated 19.12.2013 issued to M/s. Silver Spark Apparel Ltd, Mumbai.

1. M/s. Silver Spark Apparel Ltd, Mumbai vide letter dated Nil, has requested for conversion of zero duty to 3% EPCG Scheme in terms of provisions of Public Notice No.30/2015-20 dated 08.09.2016 in stipulated time in respect of EPCG authorization Nos. 0730013201 dated 04.03.2014, 0730013176 dated 04.03.2014 and 0730012994 dated 19.12.2013 issued to them.

2. The party has stated that they have applied SHIS to RA, Mumbai on 9th April, 2014 for Rs.1,98,46,9 11 .00 as per para 3.1 0.3 of HBP 2009-14 against their exports made in the year 2012 -13 . They have obtained 0 % EPCG Authorisations in the year 2010-11 , 2011-12 and 2012-13, their application was accepted and SHIS Authorisation no. 038808800 dated 29th April, 2014 was issued. In subsequent year i.e. 2013 - 14 EPCG authorisations was issued under 0% scheme for License No. 107300 12994 dated 19th December, 2013. Later Public Notice No. 30 of 2015 to 20 dated 08.09.2016 was issued giving clarity on SHIS or 0% EPCG EPCG Authorisations granting option of return of SHIS /EPCG authorisations. Inadvertently, above public notice has escaped their attention they have not converted the 3% EPCG to 0% EPCG scheme as per para B of the public notice. Therefore, the party has requested for conversion of 0% EPCG authorisation to 3%EPCG authorisation.

3. In this connection, Public Notice No. 30/2015-2020 dated 08.09.2016 allowed option to choose one of the two schemes by return of the one they don't want. However, this option was valid only for nine months from date of issuance of the Public Notice. The party could not opt for this option within 9 months of issuance.

4. Para 5.1 (b) of FTP (RE 2013) stipulates that Zero duty EPCG scheme shall not be available to exporters, who avail in that year, the benefit of Status Holder Incentive Scheme under Paragraph 3.16 of FTP. In case they have already availed SHIS benefit

they would be eligible for Zero Duty Scheme if they surrender or refund SHIS, with applicable interest in case SHIS has been utilized.

Decision: The Committee went through the statements made by the firm in its application and noted that the concessional duty EPCG Scheme was done away w.e.f 18.04.2013 and further the firm has not been able to specify any genuine hardships cased to it and hence the Committee decided not to accede to the request of the firm.

(Action: Applicant)

Case No.51: IIT, Bombay
F. No.01/538/16075/AM18/I-25/IC
PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Import of Restricted Item Drone

1. DGFT had requested DGCA for comments/NoC for import of drone by IIT, Bombay. DGCA did not issue NoC to IIT Bombay stating that the aircraft rules, 1937 have been amended to regulate remotely piloted aircraft system (RPAS), which is a subset of Unmanned Aircraft System subsequently, a Draft Civil Aviation Requirement (CAR) will be finalized and notified on DGCA website. Till such time, the public notice mentioned above remains effective, DGCA has not issued any NOC to the IIT Bombay.

2. IIT, Bombay has informed that they were not aware of the policy and procedures, the said drone was imported by them in the month of November 2016 and is lying on Port awaiting approval of DGFT. Further the drone is required for research purpose for conducting traffic engineering related controlled experiments and not for any trading purpose. They are one of the best institutions for research and academic programmes and with the help of aforesaid drone they will be able to better understand the various traffic parameters of mixed traffic behavior on Indian roads.

Decision: The Committee went through the statements made by the applicant in its application and decided to allow import for R & D purposes. If IIT later wants to fly the import item, they need appropriate clearance/NOC from appropriate agencies concerned.

(Action: Policy 2 Division)

Case No.52:Reference from Department of Commerce [FT(SA) Division] andMinistry of External Affairs [Establishment Division]

F. No.01/89/180/29/AM-09/PC-2[A]/Part-III/Vol-II / [E-1870]

PRC Meeting No. 10/AM19 dated 09.08.2018

Subject:Import of a used Bullet Proof Car from Indian High Commission, Dhaka to Branch Secretariat, Ministry of External Affairs, Kolkata, India.

1. Department of Commerce [FT(SA) Division] vide OM No. 52022/6/2018-FT SA, dated 09.07.2018 has forwarded a copy of Ministry of External Affairs, Establishment Division's I.D. Note No. Q/SP-VM/8730/22/16, dated 03.07.2018 stating that Indian High Commission in Bangladesh propose to bring the condemned Bullet Proof BMW back to India, via Petrapole ICP, for disposing off the same instead of disposing it at the present site due to security reasons. The Customs Authority at ICP Petrapole while referring to the Policy Condition No.1 (II) (d) (iv) which prescribes that Import of second hand / used vehicles shall be allowed only through the customs port at Mumbai, has held up the import of the said car.

2. Since the said car is the property of Ministry of External Affairs, Government of India, it has been decided to grant relaxation of Policy Condition No.1 (II) (d) (iv) of Chapter 87 of ITC (HS), 2017, Schedule – I (Import Policy) vide I.D. Note dated 23.07.2018 and allow import of a Bullet Proof car (BMW Sedan 760 LiRHD) presently with the High Commission of India, Dhaka through ICP Petrapole for the purpose of repair/dispose of the vehicle as deemed appropriate once the vehicle reaches Kolkata.

3. Policy provision reproduced as under:-

   1(II)(d)(iv)of Chapter 87 of ITC HS, 2017: Import of these vehicles shall be allowed only through the customs port at Mumbai.

4. Imports division has examined the case and allowed import of the vehicle.

Decision: The Committee went through the statements made by the applicant and inputs provided the import policy division and decided to give post facto approval for the imports.

(Action: Policy 2 Division)