MINUTES OF 7th EPCG COMMITTEE MEETING HELD UNDER THE CHAIRMANSHIP OF SHRI SATYAN SHARDA, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 11.00AM ON 29.11.2018.

Following officers attended the meeting:

a. Shri Vaibhav Bhatnagar, OSD, Department of Revenue
b. Shri Rajbir Sharma, Joint Director General of Foreign Trade, DGFT
c. Shri Randheep Thakur, Deputy Director General of Foreign Trade, DGFT

II. Minutes of the last Meeting held on 01.11.2018 were confirmed.

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

Sl. No.	Firm's Name and Numbers	EPCG Authorisation No.	Subject	Decision of the Committee
1.	M/s Suzuki Powertrain India Ltd, New Delhi 01/37/218/48/ AM-15/EPCG-II	i.0530143838 date. 07.06.2007 ii.0530145424 dated. 15.01.2008 iii.0530145423 dated 15.01.2008	Clarification regarding consideration of export made by Group Company if the name of authorization holder, authorization number and date are not mentioned in S/Bills-	The Committee noted that: EPCG Authorizations were issued to M/s Suzuki Powertrain India Ltd with the obligation to export Diesel/Petrol Engines for Motor Vehicles and Components thereof. • Maruti Suzuki India Ltd, Group Company of Suzuki Powertrain India Ltd has manufactured and exported passenger cars and Suzuki Powertrain India Ltd wants the same to be considered towards fulfilment of their export obligation. • Maruti Suzuki India Ltd has further declared that the Passenger Cars manufactured and exported by them were towards fulfilment of export obligation on behalf of Suzuki Powertrain India Ltd. The Committee deliberated upon the case and decided to **reject** it as the export obligation was to export Diesel/Petrol Engine for Motor Vehicles and Components thereof and, therefore, export of Motor Vehicles cannot be considered towards fulfilment of EO.
2.	M/s Sundram Fasteners Limited, Hosur 01/37/218/121 /AM-17/EPCG-II	0430001021 dated 13.03.2003	Condonation of procedural lapse for mentioning multiple EPCG numbers in 64 shipping bills submitted for redemption-	The Committee noted that of the various shipping bills submitted to RA for redemption, 64 are such shipping bills which contain other EPCG Authorisation nos. 0430001159 & 0430001400. Out of these two, Authorisation nos. 0430001159 has already been redeemed by RA. Now party has applied for condonation of procedural lapse for mentioning multiple EPCG numbers in 64 shipping bills submitted for redemption The Committee deliberated upon the case and decided to **reject** the request as there is no merit in considering excess exports of redeemed EPCG authorisation to another.

3.	M/s Ramakrishna Forgings Limited, Kolkata 01/37/218/244 /AM-17/EPCG-II	i.0230008836 dated 14.05.2013 ii.0230008908 dated 25.06.2013 iii.0230009103 dated 08.10.2013	Request for waiver of composition fee for extension in EOP and waiver of average export obligation-	The Committee deliberated upon the case and noted that the comments of DoR have been called for vide letter dated 04.04.2018 and also a reminder dated 12.09.2018. The reply from the DoR is yet to be received. The committee decided to **defer** the case for reminding DoR again.
4.	M/s Uniglobe Packaging Pvt Ltd, Mumbai 01/37/218/319 /AM-17/EPCG-II	0330018156 dated 20.11.2007	Request for waiver of EO on account of loss of machinery imported under EPCG Scheme to their group Company M/s. Amcor Flexibles India Pvt. Ltd, towards 100% fulfilment of EO	The Committee noted that the party was asked to appear for PH but the representative of the party did not appear for PH. The Committee deliberated upon the case and decided to **defer** it to call the party for PH.
5.	M/s Uniglobe packaging Pvt Ltd., Mumbai 01/37/218/318 /AM-17/EPCG-II	i.0330020491 dated 30.06.2008 ii.0330020120 dated 28.05.2008	Request for transfer of the capital goods from Uniglobe Packaging Pvt Ltd to their Group Company M/s. Amcor Flexibles India Pvt Ltd,	The Committee noted that the party was asked to appear for PH but the representative of the party did not appear for PH. The Committee deliberated upon the case and decided to **defer** it to call the party for PH.
6.	M/s Bajaj Carpet Industries Ltd., Greater Noida 01/36/218/12/ AM-18/EPCG-I	0530130600 dated 01.10.1999	Request for fulfilment of EO by third party exports already made by their Group Company M/s. Mayur industries, Pune From 2008 to 2014	M/s Bajaj Carpet Industries Ltd., has requested for regularization of exports made by alternate product, i.e., Non woven felt carpet mattings tufted for fulfilment of EO in respect of EPCG Authorization no. 0530130600 dated 01.10.1999. The Committee noted that the subject EPCG authorisation has been issued when there was no provision for counting of exports of alternative products. The Committee deliberated upon the case and decided to **reject** it as there is no merit for considering alternate products when at the time of issuance of subject EPCG authorisation such provision was not there.
7.	M/s Daejung Moparts Pvt Ltd., Tamil Nadu 01/36/218/98/ AM-18/EPCG-I	i.0430001649dated 21.04.2004 ii.0430003620 dated 17.04.2006 iii.0430004038 dated 01.09.2006 iv.0430004039 dated 01.09.2006	Consideration of third party export for fulfilment of EO and condonation of procedural lapse for not-mentioning EPCG authorization number in third party shipping bills.	The Committee noted that the party has requested for consideration of third party exports for fulfilment of EO and condonation of procedural lapse for not mentioning EPCG authorization number in third party shipping bills. The party has submitted that they could not make direct exports due to adverse market conditions and recession. The Committee deliberated upon the case and decided to **reject** it as there is no merit in considering third party exports.
8.	M/s Genus Apparels	0530159325 dated	Request for change in	The Committee took into account submission of the party that capital goods were imported by applicant Genus

	Limited, New Delhi 01/36/218/133 /AM-18/EPCG-I	20.09.2012	installation address	Apparels Limited and the same were to be installed at their sister concern Genus Apparels, Plot No. 5-14/3, Mathura Road, Faridabad DLF New DLF Faridabad. However, due to the facts that they were in process of restructuring of their business entities, the capital goods were installed at their own premises, i.e., Singhania Chowk 14/4, Mathura Road, Village Atamadpur Faridabad. The Committee deliberated upon the case and decide **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** shifting of capital goods from Plot No. 5-14/3, Mathura Road, Faridabad DLF New DLF Faridabad to Singhania Chowk 14/4, Mathura Road, Village Atamadpur, Faridabad, Haryana, subject to verification by Central Excise Authority and any investigation/ adjudication proceeding by DRI/ Customs/ ECA action is not contemplated/pending in respect of the subject EPCG authorisation. **This has the approval of DG.**
9.	M/s NTL Electronics India Ltd., Noida 01/37/218/337 /AM-18/EPCG-II	i.0530155567 dated 24.05.2011 ii.0530155887 dated 01.07.2011	Request for re-fixation of Average export obligation.	The Committee noted that the party has stated that they have obtained EPCG authorisation for import of capital goods to manufacture LED lights and lamps. They had never exported LED lights and lamps before obtaining the said EPCG authorisation. They had applied for EPCG authorisation with supporting CA Certificate under Appendix 26A for Financial Year 2008-09, 2009-10 and 2010-11 during which they had exported “Ballast for CFL”, which was entirely different item from “LED Lamps and Lights”, but due to oversight the authorisation was issued on the basis of Appendix 26A with average export performance. However, the average Export performance should be nil for LED lights and lamps. The Committee deliberated upon the case and decided to **refer the matter to RA** to examine it as per prevailing policy provisions.
10.	M/s Sri Jayajothi Textile Mills (P) Ltd, Tamil Nadu 01/37/218/378 /AM-18/EPCG-II	i.3530002091 dated 31.10.2006 ii.3530002090 dated 31.10.2006 iii.3530001982 dated 05.09.2006 iv.3530001906 dated 26.07.2006	Condonation of procedural lapse of mentioning different EPCG authorization number, not-mentioning of EPCG authrorization number in shipping bills assessed under drawback scheme for EO fulfilment-	The Committee noted that the party has made following request in respect of EPCG authorization No.3530002091 dated 31.10.2006 issued to them: i. Condonation of mentioning different EPCG License Numbers in shipping bills; ii. Non-mentioning of any EPCG License No. in the shipping bills relating to export effected for fulfilment of Export Obligation. against EPCG License No.3530002091 dated 31.10.2006 as per policy circular No.7 /2002. iii. Accounting of third party shipping bills assessed under Drawback scheme for EO fulfilment. iv. Accounting of third party exports towards fulfilment of both Specific EO and Annual Average EO and maintenance of Annual Average Export Obligation in Toto and Not Year-wise.

				The Committee deliberated upon the case and decided to **reject** it as there is no merit in the above claims of the party.
11.	M/s Sri Kumarswamy Mineral Exports, Bangalore 01/37/218/371/AM-18/EPCG-II	i.0730006486 dated 07.01.2008 ii.0730006499 dated 09.01.2008	Request for condonation of maintenance of annual average and regularization/closure of 02 EPCG authorizations.	The Committee noted that the party has stated that following: i. They were regularly exporting "Iron Ore Fines" to China & other countries but due to ban on mining in Karnataka, imposed by the Hon'ble Supreme Court, they were forced to stop all export activities and they could not maintain Annual Average in respect of subject EPCG authorisations. ii. Para 5.20 of HBP stipulates that whenever a ban/restriction is imposed on export of any product, export obligation period in respect of EPCG authorisations already issued prior to imposition of ban on such export products would stand automatically extended for a period equivalent to duration of such ban, without any composition fee & authorisation holder would not be required to maintain average E.O. as well. iii. Therefore, AEO be condoned. The Committee observed that there was no general ban on export of iron ore from the country. The Committee took into account the report of Department of Mines and Geology, Government of Karnataka that the Government of Karnataka had initiated several measures to curb the illegal mining and imposed ban on export of iron ore from 10 small ports of Karnataka and subsequently, prohibited issuing mineral despatch permits for Iron ore for the purpose of export. Subsequently, the Hon'ble Supreme Court of India had suspended the mining operations in Bellary and extended the ban to Chitradurga and Tumkur districts. The Committee noted that the matter has already been examined in consultation with DoR pertaining to request of M/s. MSPL Limited, Hospet, Karnataka. In this connection, DoR vide OM dated 24.10.2018 has stated as following: Para 5.11 of HBP 2009-14 provides for automatic extension of export obligation period equivalent to the duration of the ban/restriction imposed on export of any product. In the present case, there appears to be no ban on export of Iron ore pellets/fines from India except in case of iron ore produced in Karnataka from the mines which were subject matter of SC judgment cited by the

				petitioner. Therefore**,** the provision regarding automatic extension of EO period does not appear to be applicable in this case. The Committee deliberated upon the case and decided to **defer** the matter for examination of the issue on file.
12.	M/s Gem Machining Centre Pvt Ltd, Chennai- clarification sought by RA, Chennai 18/64/AM-19/P-5	0430009657 dated 11.03.2011	Clarification on EO fulfilled by job work of items exported by third party wherein endorsement of both third party & job worker/license and authorization number endorsed in shipping bills.	The Committee noted that the clarification has been sought regarding fulfilment of Export Obligation by export of final product manufactured by third party in which EPCG authorisation holder has done job work, i.e., machining of the part. The Committee deliberated upon the case and decided to **reject** it as there is no merit in counting of job work done in the final export product manufactured by the third party.
13.	M/s MSPL Limited, Hospet, Karnataka 18/46/AM-16/P-5	i.730007913 dated 24.03.2009 ii.730008083 dated 03.07.2009 iii.730008036 dated 10.06.2009 iv.730008369 dated 13.11.2009 v.730008433 dated 10.12.2009 vi.730008672 dated 05.03.2010 vii.730008786 dated 06.04.2010	Request for re-fixation of Annual Average EO and extension of EOP in the event of ban of export product.	The Committee noted the first request for re-fixation of Annual Average EO has been considered in its meeting held on 29.08.2018 and was remanded back to RA to consider the request based on nexus certificate. Regarding the second request of the party, the Committee took into account submission of the party that due to ban on export of iron ore from Karnataka they could not fulfil Export Obligation.The Committee noted that in their report the Department of Mines and Geology, Government of Karnataka has stated that Government of Karnataka had initiated several measures to curb the illegal mining and imposed ban on export of iron ore from 10 small ports of Karnataka and subsequently, prohibited issuing mineral despatch permits for Iron ore for the purpose of export. Subsequently, the Hon'ble Supreme Court of India had suspended the mining operations in Bellary and extended the ban to Chitradurga and Tumkur districts. In their comments, DoR vide OM dated 24.10.2018 has stated as following: Para 5.11 of HBP 2009-14 provides for automatic extension of export obligation period equivalent to the duration of the ban/restriction imposed on export of any product. In the present case, there appears to be no ban on export of Iron ore pellets/fines from India except in case of iron ore produced in Karnataka from the mines which were subject matter of SC judgment cited by the petitioner. Therefore**,** the provision regarding automatic extension of EO period does not appear to be applicable in this case. The Committee deliberated upon the case and decided to **defer** the matter for examination of the issue on file.

14.	M/s Amarnath Enterprises, Visakhapatnam 01/36/218/48/ AM-19/EPCG-I	i.2630000778 dated 11.02.2010 ii.2630000788 dated 23.03.2010 iii.2630000789 dated 24.03.2010 iv.2630000792 dated 08.04.2010	Request for acceptance of photocopies of FIRCs in lieu of its originals which are misplace along with original EPCG authorizations.	The Committee took into account the submission of the party that due to the negligence of their staff, all the original EPCG Authorizations along with some of original Foreign Inward Remittance Certificates {FIRCs} issued by American Express Bank are misplaced in transit. They have filed Police Compliant and submitted the photocopy of FIR to RA, Vizag for information. Further, FIRCs issued by AMEX Bank are System Generated documents which don't carry issuing authority details like Name of the issuing Person, Designation, Stamps etc. All these FIRCs are issued by the Bank from their Central Servers located at Delhi/Mumbai based on the swiping of the international credit and debit cards through their swiping machines. The Committee deliberated upon the case and decided to **remand the case back to RA** to accept photocopies of FIRCs in lieu of its originals for discharge of the EO.
15.	M/s Santosh Handtex, Panipat 01/37/218/78/ AM-19/EPCG-II	33300002134 dated 22.09.2011	Clarification on Nexus between Weaving Machines, sectional Warping Machines, Cone Winder and Shuttle less Automatic Rapier Loom and export product Fabric	The party has stated that they are manufacturers and exporter of Polyester Cotton Fabric/ Polyester Cotton Made Ups/Bath Mats/Rugs mats of Hand Loom etc. and obtained an EPCG Authorization for import of "Weaving Machines, Sectional Warping Machines and Cone Winder and Shuttle Less Automatic Rapier Looms" for weaving of Fabric which is base material for export product as endorsed in the license. RA, Panipat, vide their deficiency letter has stated that "handmade' items cannot be considered for EO fulfilment against mechanical weaving machines imported under the above mentioned EPCG authorisation. The Committee deliberated upon the case and decided to **reject** the request as "handmade' items cannot be considered for EO fulfilment against the import of 'Weaving Machines, Sectional Warping Machines and Cone Winder and Shuttle Less Automatic Rapier Looms' imported under the above mentioned EPCG authorisation.
16.	M/s WTW Global Delivery & Solutions India Pvt. Ltd, Mumbai 18/127/AM-19/P-5	i.0330041073 dated 25.02.2015 ii.0330041076 dated 25.02.2015 iii.0330041284 dated 20.03.2015	Request for condonation of delay for payment of fees for Excess Duty save value utilization	The Committee took into account the deficiency letter dated 20.02.2017 raised by RA, Mumbai that in terms of Para 5.16(a) of HBP, the party was obliged to furnish additional fee to cover excess import effected, in terms of duly saved amount, to the RA, within one month of excess imports taking place. Ra advised the party to submit the additional fee and approach EPCG committee for condonation of delay in submission to this office. The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20** for condonation of procedural lapse of delay in payment of fee for excess duty saved amount as envisaged in Para 5.16(a) of HBP. **This has the approval of DG.**
17.	M/s Escorts Limited, Faridabad	05301356624 dated 23.01.2004	Request for condonation of delay in	The Committee noted that the import of capital goods was made on 20.02.2004 but the installation certificate was issued by Central Excise Authority on 27.02.2013.

	01/36/218/08/ AM-19/EPCG-I		submission of installation certificate.	The Committee deliberated upon the case and decided to **defer** it with the direction to call from the party the reasons for obtaining the Installation Certificate after such enormous delay.
18.	M/s The Lakshmiammal Matches Industry, Tamil Nadu 01/37/218/79/ AM-18/EPCG-II	3530003720 dated 22.07.2009	Review of the decision of EPCG Committee- Request for fulfilment of export obligation through third party not assessed under EPCG Scheme-	The Committee observed that the request of the party was first placed in its meeting held on 25.08.2017 and was reject as free shipping bills are not allowed under EPCG Scheme. The Committee noted that party has now submitted that the subject shipping bills are not ‘free shipping bills’ but are ‘drawback shipping bills’. The Committee deliberated upon the case and decided to **defer** the case for examination on file.
19.	M/s Avanti feeds Limited, Hyderabad 18/148/AM-19/P-5	i.0930003063 dated 10.04.2007 ii.0930003285 dated 22.06.2007 iii.0930007281 dated 14.07.2011 iv.0930007717 dated 30.11.2011 v.0930007929 dated 14.02.2012	Request for review of decision taken by EPCG Committee at its meeting held on 06.02.2013 on nexus between shrimp feed and shrimp processing and export	The representative of the party presented their case before the EPCG Committee in the PH. The Committee heard the submission made by the representative of the party and decided to **defer** it with the direction to call the comments of RA along with a copy of the rejection letter.
20.	M/s Indorub Industries, Gurgaon 01/36/218/126 /AM-19/EPCG-I	i.0530142811 dated 10.01.2007 ii.0530143012 dated 05.02.2007	Request for waiver from maintenance of Average EO for goods exported to Agriculture Sector.	The Committee noted that the party has requested for waiver from maintenance of annual average EO in respect of EPCG Authorizations. The party has stated that they are engaged in the manufacture of Rubber Hose Pipes and its export to Argentina, Vietnam and Iran which are to be used for Agriculture and Aqua-culture. They have obtained two EPCG authorisations but due to agricultural crisis and recession in 2008 in the Argentina, Vietnam and Sanction of USA in Iran, export performance of license holder was hit in a big way and imbalanced export performance which resulted into non fulfillment of Average EO within stipulated period. However, they have obtained extension of EO from 8 years to 10 years and able to meet specific EO for both the authorisations. The party has referred to para 5.11.2 of HBP 2004-09 for seeking relaxation under ‘force majeure’ clause. The party has further submitted that the exported Rubber Hose pipes can be used for multipurpose applications. However, the exports made by them are to be used in Agriculture for irrigation only and referred to Para 5.7.6 of HBP 2004-09 for provides exemption from maintenance of Average Export Obligation (AEO). The Committee deliberated upon the case and decided to **reject** it as only export of goods relating to sectors

				specified in para 5.7.6 of HBP 2004-09 are counted for waiver and not export of goods which can be used for multipurpose applications.
21.	M/s Alliance Formulation Solan (H.P) 01/36/218/115 /AM-18/EPCG-I	i.2230001057dated 12.12.2008 ii.2230001136 dated 11.05.2009	Review of the decision of EPCG Committee- Condonation of procedural lapse for mentioning wrong EPCG authorization number in shipping bills-	The Committee observed that the case was first taken up in its meeting held on 20.02.2018 wherein it was decided to reject it with the direction that RA may consider the request for clubbing purpose as per policy/provisions. Now, the party has submitted that they applied for clubbing at RA Chandigarh office on 16.01.2017 which is delayed only by 36 days after expiry of EPCG authorization No.2230001057 dated 12.12.2008. They were not fully aware of all rules and conditions required to fulfil EPCG obligations and this error occurs only because of unawareness and this is not done intentionally. The Committee deliberated upon the case and decided to **defer** it with the direction to call report from RA.
22.	M/s UPL Limited, Mumbai 01/37/218/96/ AM-19/EPCG-II	0330041336 dated 25.03.2015	Request for condonation for delay in submitting enhancement fees after prescribed time limit.	The Committee took into account submission of the party that RA, Mumbai in their deficiency letter has asked them to approach DGFT, EPCG Committee for condonation of delay in payment of additional fees to cover the excess duty saved amount. They have received calculation for excess duty saved amount of Rs.750/- from RA, Mumbai for which they have submitted Demand Draft on 03.05.2017. The Committee deliberated upon the case and decided **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to** condonation of procedural lapse of delay in payment of fee of Rs.750/- for excess duty saved amount. **This has the approval of DG.**
23.	M/s Sai Supreme textiles Pvt. Ltd, Puducherry 01/37/218/106	i.2530000081 dated 22.08.2007 ii.2530000087dated 14.11.2007 iii.2530000082 dated 24.09.2007	Condonation of wrong mentioning of EPCG authorization Number in shipping bills in	The Committee took into account submission of the party that they had obtained 12 EPCG licenses and since they were new to the export business in 2006, their export department erroneously repeated the licence numbers of the first 6 licences on all shipments. This meant that for the first 6 licences (licence numbers 1-6) against an export obligation of Rs 8.84 crores, they had
	/AM-19/EPCG-I	iv.2530000063 dated 21.11.2006 v.2530000073 dated 28.03.2007 vi.2530000062 dated 15.11.2006 vii.2530000113 dated 19.09.2008 viii.2530000112 dated 18.09.2008 ix.2530000104 dated	respect of 12 EPCG authorizations.	exported Rs 17.17 crores substantially more than their EO. In respect of licence numbers 7-12 they did not mention any licence numbers due to clerical oversight. However, against export obligation of Rs. 8.84 crores in respect of EPCG authorisation from Sl No.1 to 6 they have exported an excess of Rs 8.34 crores, which should be considered. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** condonation of wrong mentioning the EPCG authorization No. i.2530000081 dated 22.08.2007, ii. No.2530000087 dated 14.11.2007, iii.No.2530000082 dated 24.09.2007, iv.No.2530000063 dated 21.11.2006, v.No.2530000073 dated 28.03.2007 and vi.No.2530000062 dated 15.11.2006. RA to

		22.07.2008 x.2530000106 dated 22.07.2008 xi.2530000105 dated 22.07.2008 xii.2530000057 dated 13.04.2006		facilitate EODC/closure of cases by way of clubbing, subject to the condition that: (i) Conditions of clubbing as well as EODC are met with; (ii) If some exports are outside the EO period, then such exports are to be regularised in terms of para 5.11 of the HBP; (iii) No free shipping bills/third party exports are to be counted; and (iv) There is no double counting of exports and payment of a composition fee of Rs.200/- per export document is made by the party. **This has the approval of DG.**
24.	M/s Gravis Hospitality Ltd, Mumbai 01/36/218/125 /AM-19/EPCG-I	0330026190 dated 01.06.2010	Request for waiver and allowing to fulfil balance AEP from subsequent years.	The Committee noted that the party has sought waiver from fulfilment of annual average EO due to decline in their business on account of terror incidents in recent past. The Committee deliberated upon the case and decided to **reject** it as there is no merit for waiver of Annual Average EO in the ground mentioned by the party.
25.	M/s NAC Electro Works, Mumbai 01/37/218/100 /AM-19/EPCG-II	0330040221 dated 18.11.2014	Request for condonation of procedural lapse and acceptance of DSV enhancement fees for redemption of EO.	The Committee took into account submission of the party that RA, Mumbai in their deficiency letter has asked them to approach DGFT, EPCG Committee for condonation of delay in payment of additional fees to cover the excess duty saved amount. They have received calculation for Excess duty saved amount of Rs.300/- from RA, Mumbai for which they have submitted DD on 20.06.2018. The Committee deliberated upon the case and **decided to recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to condonation of procedural lapse of delay in payment of fee of Rs.300/- for excess duty saved amount. **This has the approval of DG.**
26.	M/s Jagudguru Textiles Limited, Guntur 01/36/218/137 /AM-15/EPCG-I	0930002156 dated 13.04.2006	Request for amendment of duty saved amount as Rs.31,18,454/- and waiver of payment of 50% custom duty on second extension in EOP up to 13.04.2019 in respect of EPCG Authorisation No. 0930002156 dated 13.04.2006	The Committee observed that the case was first placed in its meeting held on 04.10.2017 wherein it was decided to defer it with a direction to call for a detailed report from RA concerned. The Committee noted that the request of the party for extension of block-wise EO and extension of EOP for 2 years was placed before the EPCG Committee meeting held on 26.02.2015, wherein the committee granted extension of block-wise EOP and extension of EOP for two years. In its meeting held on 30.01.2017, second extension in EOP for one year, i.e., up to 13.04.2017 was granted by the EPCG Committee with a condition that 50% of duty payable in proportion to the EO unfulfilled in terms of provisions contained in Para 5.11 of HBP(RE: 2006). Now, the party seek waiver of payment of 50% of duty payable for which there is no

				provision in FTP. The Committee deliberated upon the case and decided to **reject** it as there is no merit in its claim for waiver of custom duty payable for second extension in EOP in terms of Para 5.11 of HBP.
27.	M/s Metal Forms Pvt Ltd, Chennai 01/36/218/132 /AM-19/EPCG-I	0430011487 dated 25.07.2012	Request for condonation of procedural lapses of non-inclusion of third party details and regularization of exports prior to additional part inclusion amendment date.	The Committee deliberated upon the case and decided to **defe**r it as the party requested to defer it for next meeting since their representative could not reach the venue in time.
28.	M/s Sri Balaji Alloys, Chennai 01/37/218/364 /AM-18/EPCG-II	0430001045 dated 31.03.2003	Request for condonation from submission of Bill of Export.	The Committee noted that the party has requested for condonation of non-submission of Bill of Exports in respect of SEZ supplies made through third party. The Committee deliberated upon the case and decided to **reject** it as there was no merit in its request for such condonation.
29.	M/s Larsen & Toubro, Chennai 01/36/218/303 /AM-18/EPCG-II	0430004137 dated 21.09.2006	Request for waiver of requirement of installation certificates, average export obligation as service provider and acceptance of services rendered in Indian Rupees to SEZ Developer towards discharge of E.O.	The Committee observed that the case was first placed in its meeting held on 27.09.2018 and was deferred for calling comments from DoR. The DoR vide their OM dated 28.11.2018 has offered the comments and stated as following: "The requests made by the Authorisation holder relate to certain provisions of FTP/HBP covering the concerned EPCG Authorisations. From representation dated 27.11.2018 (copy enclosed), it is noted that DGFT has already issued various Policy Circulars/ Public Notices or made provisions in HBP in respect of issues raised by the Authorisation holder. Accordingly, DGFT is required to decide coverage of the relevant Policy Circulars/Public Notices in respect of case in hand. The request made by the EPCG Authorisation holder is, therefore, not required to be deliberated upon by the EPCG Committee unless it is decided by DGFT that the PN/Policy Circulars etc. cited by the Authorization Holder do not cover his case. In view of the above, no comments are offered by DoR. The Committee deliberated upon the case and decided to **defer** it with the direction to examine the matter on file with reference to the policy provisions.

30.	M/s Xindia Steel Limited, Bangalore 01/37/218/11/AM-16/EPCG-II	i.0730008401 dated 27.11.2009 ii.0730008402 dated 27.11.2009 iii.0730008512 dated 05.01.2010 iv.0730008541 dated 19.01.2010 v.0730010074 dated 04.05.2011 vi.0730011384 dated 26.06.2012 vii.0730013381 dated 01.05.2014	Request for automatic extension in EOP during the ban period under Para 5.11.3 of HBP 2009-14	The Committee noted the party's submission of automatic EO extension in the event of ban of export of Iron Ore in the state of Karnataka. The Committee observed that there was no general ban on export of iron ore from the country. The Committee took into account the report of Department of Mines and Geology, Government of Karnataka stating that the Government of Karnataka had initiated several measures to curb the illegal mining and imposed ban on export of iron ore from 10 small ports of Karnataka and subsequently, prohibited issuing mineral despatch permits for Iron ore for the purpose of export. Subsequently, the Hon'ble Supreme Court of India had suspended the mining operations in Bellary and extended the ban to Chitradurga and Tumkur districts. The matter has already been examined in consultation with DoR pertaining to M/s MSPL Limited, Hospet, Karnataka. In this connection, DoR vide OM dated 24.10.2018 has stated as following: "Para 5.11 of HBP 2009-14 provides for automatic extension of export obligation period equivalent to the duration of the ban/restriction imposed on export of any product. In the present case, there appears to be no ban on export of Iron ore pellets/fines from India except in case of iron ore produced in Karnataka from the mines which were subject matter of SC judgment cited by the petitioner. Therefore**,** the provision regarding automatic extension of EO period does not appear to be applicable in this case". The Committee deliberated upon the case and decided to **defer** the matter for examination of the issue on file.
31.	M/s Deesan Cotex Pvt Ltd., Mumbai 01/36/218/260/AM-18/EPCG-I	i.0330034946 dated 30.01.2013 ii.0330035925 dated 24.09.2013 iii.0330035213 dated 01.03.2013 iv.0330035284 dated 11.03.2013	Request for change of factory address.	The committee observed that the case was placed in its meetings held on 29.08.2018, 27.09.2018 and 01.11.2018 and was deferred for calling the party for PH in the next meeting. The Committee decided to **defer** it to give one last chance to the party to present their case in the next meeting, failing which ex-party decision will be taken.
32.	M/s Aalikh Polymers Pvt Ltd., New Delhi 01/36/218/220/AM-	05301332332 dated 23.08.2002	(i). Extension in Export Obligation Period (EOP) till 22.08.2020, (ii). Re fixation of export obligation on the basis of duty	The Committee observed that the party had filed Writ Petition No.7419/2018 in the Hon'ble High Court of Delhi, against Show Cause Notice (SCN) dated 09.01.2018 issued by CLA, Delhi in which Hon'ble High Court vide order dated 20.07.2018 has ordered the respondents to consider the petitioner's response to the SCN dated 27.03.2018

	17/EPCG-I		save; and (iii). Change of name in the records of DGFT from Aalekh Polymers Private Limited to APPL Industries Limited	and take an appropriate decision thereon, if not taken earlier, and the same shall be communicated to the petitioner within a period of eight weeks from today. In compliance of the order of Hon'ble High Court the representative of the party was called to present their case before the EPCG Committee meeting held on 27.08.2018. The Committee heard the submission made by the representative of the party who appeared for the PH. The Committee noted that the party has not made any exports even after 16 years of obtaining subject EPCG authorisation and has obtained 1st Extension allowed upto 22.08.2012, 2nd extension allowed upto 22.08.2014 paying 50% duty of the total duty utilised. The Committee had deliberated upon the case and decided to defer it for comments of DoR. The Committee deliberated upon the case and took the following decision: i. The Committee noted that the party has submitted that Para 5.1 of FTP 2002-07 and Para 5.7A of the FTP 2002-07 stipulate that EO relating to the EPCG licence shall be reckoned with reference to the duty saved value on the CIF value of capital goods actually imported and not CIF value of capital goods and thus the calculation of Export obligation given in its EPCG License and subsequently given in the show cause notice on the basis of 5 times of the CIF value of goods is erroneous and inaccurate. The Committee noted that the request for re-fixation of EO on the basis of duty saved amount cannot be considered as the subject EPCG authorisation was issued on 23.08.2002 and is governed by para 5.1 of FTP 2002-2007, effective from 01.04.2002, which stipulates that the import of capital goods under the scheme is subject to an export obligation equivalent to 5 times the CIF value of capital goods to be fulfilled over a period of 8 years. ii. The Committee noted that the party has not made any exports even after 16 years of obtaining subject EPCG authorisation and has obtained 1st Extension allowed upto 22.08.2012, 2nd extension allowed upto 22.08.2014. Considering the failure of the party to do any exports even after such a long export period, the Committee did not find any merit in the claim of the party that it would be able to export if its request for further extension in Export Obligation Period is accepted. The Committee, therefore, **rejected** the request of the party for further extension in Export Obligation Period till 22.08.2020. iii. Regarding the request for change of name, the Committee decided that the name of the company

				may be changed by RA after obtaining the relevant documents like Certificate of Incorporation from the ROC etc., showing the amendment in the name. The RA is also advised to take further necessary action under FT (D&R) Act, 1992, initiated vide SCN dated 27.03.2018.
33.	M/s Business Broadcast News Pvt. Ltd, Mumbai. 01/36/218/02/AM-19/EPCG-I	i.0330018447 dated 17.12.2007 ii.0330018482 dated 19.12.2007 iii.0330018273 dated 03.12.2007 iv.0330018797 dated 16.01.2008 v.0330018380 dated 11.12.2007 vi.0330018405 dated 13.12.2007	Request for regularization of exports of alternate products exported through group company.	The Committee noted that M/s Business Broadcast News Private Limited (BBNPL), Mumbai has requested for regularization of exports of alternate product "Royalty Against Entertainment Related Business" made through their Group Companies prior to the endorsement of the said alternate product in the six EPCG authorization issued to them. The Committee observed that the case was first placed in its meeting held on 29.08.2018 and was deferred for calling the representative of the party for PH in the next meeting. Thereafter, the case was again placed in the meeting held on 27.09.2018 and it was decided to defer it for further examination on file. The case was again placed in the EPCG Committee meeting held on 29.11.2018 and the representative of the party appeared in PH. The Committee heard the submission made by the representative of the party who stated that: (i) BBNPL (previously known as UTV News Ltd) is a subsidiary of Business Broadcast News Holdings Limited (BBNHL). BBNHL was primarily owned by UTV group. 26% stake was transferred to Reliance Capital Limited in June, 2010 and additional 51% stake got transferred to Reliance Land Private Limited (Also Reliance ADA Group Company) in March 17. (ii) In view of the changes in the ownership, BBNPL has not fulfilled the export obligation against these Authorisations and, therefore, obtained extension of first block of the Authorisations to second block during 2013-14 and extension of export obligation for one year during 2015-16 and second extension during 2016-17. (iii) Further, due to procedural lapses, they could not make application for endorsement of Group Company for addition of alternate product in Authorizations immediately after change of the Management. However, they had obtained the Group Company endorsement in November, 2017 in terms of para 5.4 of FTP 2004-09. (iv) They had obtained endorsement of M/s. Reliance Big Entertainment Private Ltd as

				Group Company for three Authorisations and endorsement of M/s. Phantom Films Private Ltd as Group Company for the other three Authorisations for counting of the alternate products to be exported by these Group Companies w.e.f. 13.11.2017. (v) Attention is also invited to a case of M/s Century Pulp and Paper, Nainital (File No. 01/36/218/121/AM-17/EPCG-I) wherein the EPCG Committee in its meeting dated 06.12.2017 had allowed regularization of exports of alternate products made by group company prior to endorsement of alternate products. The matter was considered by the EPCG Committee. The Committee noted from the License Amendment Sheet dated 23.01.2018 issued in all the six authorisations that (a) RA, Mumbai has, *inter-alia,* changed the exporter type from Manufacturer Exporter to Service Provider; (b) the name of M/s. Reliance Big Entertainment Private Ltd, Mumbai has been endorsed as Group Company on three Authorisations and the name of M/s. Phantom Films Private Ltd., Mumbai has been endorsed as Group Company on the other three Authorisations; (c) Alternate export item 'Royalty against entertainment related business' (ITC HS No. 85230000) has been added and the exports of this alternate export item by the group company w.e.f. 13.11.2017 will be considered; (d) royalty payments received in free convertible currency shall only be counted for discharge under EPCG and (e) additional export obligation imposed shall be over and above average exports achieved by the company/group company in preceding three years. The Committee also noted that the request of the Authorisation Holder is to count the exports of alternate products made by its Group Companies prior to endorsement of alternate products on the Authorisations for discharge of its export obligation, and the Authorisation and the Committee also noted that it had in its meeting dated 06.12.2017 in the case of M/s Century Pulp and Paper, Nainital allowed counting of exports of alternate products made by group company prior to endorsement of alternate products. The Committee deliberated upon the case and **decided to recommend the case to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** counting of exports of alternate product made by the said group companies from 01.04.2012 onwards for discharge of the export obligation of the Authorisation Holder, subject to the compliance of the other terms and conditions mentioned the Authorisation/Amendment Sheet. The party would

				also maintain average export obligation in respect of the subject EPCG authorisations as well that of the group companies as per relevant policy. However, the above decision is subject to the following conditions: (i) RA should check that the group companies who have an endorsement on the Authorisations are qualified as group companies of BBNPL in terms of the group company related provisions of the applicable FTP. (ii) Exports of only 'Royalty against entertainment related business' made by the group companies from 01.04.2012 onwards shall be allowed for consideration towards discharge of export obligation of the Authorisation Holder. **This has the approval of DG.**
34.	M/s Videocon Industries Limited, Aurangabad 01/37/218/347/AM-17/EPCG-II	i.0330004520 dated 17.10.2003 ii.0330004732 dated 19.11.2003 iii.0330004763 dated 28.11.2003 iv.0330006771 dated 05.10.2004	i. Regularization of EO fulfilment of export of Service/ alternate products by the group Company. ii. Request of condonation of shortfall in fulfilment of block-wise EO period and waiver of endorsement of EPCG authorization; and iii.EO extension by one block i.e. by two years.	The case was withdrawn from the Agenda as the Committee was informed that the company has been referred to NCLT for corporate insolvency resolution process (CIRP) of the company.
35.	M/s Vadinar Oil Company Limited, Mumbai 01/37/218/55/AM-18/EPCG-II	i.03300004229 dated 01.09.2003 ii.0330009886 dated 30.09.2005 iii.0330008027 dated 28.02.2005 iv.0330008028 dated 28.02.2005 v.0330010739 dated 04.01.2006 vi.0330013069 dated 29.08.2006	Request for condonation of delay in installation of imported capital goods.	The Committee deliberated upon the case and decided to **defer** it with the direction to call for report from RA.
36.	M/s Vadinar Oil Company Ltd, Jamnagar 01/37/218/114/AM-18/EPCG-II	0330012925 dated 17.08.2006	Request for condonation of delay in installation of imported capital goods	The Committee deliberated upon the case and decided to **defer** it with the direction to call for report from RA.

37.	M/s Naihati Jute Mills Company Ltd, Kolkata 18/88/AM-17/P-5	0230001704 dated 17.08.2006	Appeal for condonation of average Export obligation in respect of EPCG authorization No. 0230001704 dated 17.08.2006	The Committee noted that the request of the party is for consideration of export of jute products under the provision of para 5.7.6 of HBP 2004-09 which allows waiver of maintenance of Annual Average EO. The Committee decided **to examine** the case on file.
38.	M/s Sterling graphics Pvt. Ltd, New Delhi 01/37/218/252/AM-17/EPCG-II	05301146452 dated 19.06.2008	i. Request for extension of block wise EOP for 1st block period, ii. Condonation of non-mentioning of name of EPCG authorization holder in the shipping bills.	The Committee observed that the case was first placed in the EPCG Committee meeting held on 04.05.2017 and it was decided to ask RA to decide the request of the party as per the policy. The Committee took into account the submission of the party for condonation of mistake of procedural lapse of not mentioning the name of Authorisation Holder in 16 Shipping Bills used for discharge of EO under EPCG License. In this regard, the party has submitted that 100% EO has been completed within original EOP; License holder company and third party exporter are sister concerns; there are common directors / partners in both the units; both the units, i.e., License holder and Third Party Exporter are located at same address; being sister concerns, matter could not be taken seriously by export documentation department and this mistake of procedural lapse was occurred by our sister concern and also our third party exporter**.** The Committee deliberated upon the case and decided to **reject** the request being devoid of any merit and remanded the case back to RA to take further action as per the prevailing policy.
39.	M/s Vadinar Power Company Ltd, Mumbai 01/37/218/87/AM-19/EPCG-II	i.0330023210 dated 25.06.2009 ii.0330023208 dated 25.06.2009	Request for delay in submission of installation certificate	The representative of the party appeared for PH in the meeting presented their case. The Committee heard the submission of the party and decided to **defer** the case for further examine the matter on file as there is involvement of DRI in one of the authorizations.
40.	M/s Vadinar Power Company ltd, Mumbai 01/37/218/190/AM-17/EPCG-II	i.0330004228 dated 01.09.2003 ii.0330004230 dated 01.09.2003	Request for delay in installation of capital goods	The representative of the party appeared for PH in the meeting presented their case. The Committee heard the submission of the party and decided to **defer** the case for further examine the matter on file as there is involvement of DRI in one of the authorizations.
41.	M/s Malu Paper Mills Ltd, Nagpur 18/84/AM-16/P-5	i.0330014747 dated 15.01.2007 ii.0330012954 dated 21.08.2006	Request for extension in EOP without payment of composition fees and without imposition of penalty.	The case was **deferred** for further examination of the case on file.

42.	M/s Canara Traders & Printers Pvt Ltd., Chennai 01/36/218/34/AM-17/EPCG-I	0430006723 dated 15.10.2008	Request for regularization of export obligation in respect of EPCG authorization No. 0430006723 dated 15.10.2008	The representative of the party appeared for PH in the meeting presented their case. The Committee heard the submission of the party and decided to **defer** the case to await the report from RA, Chennai.

DGFT = Directorate General of Foreign Trade, DG = Director General, FTP = Foreign Trade Policy, HBP v1 = Handbook of Procedure Vol. I, EO = Export Obligation, EODC = Export Obligation Discharge Certificate, EOP = Export Obligation Period, B.O.E.=Bill of Entry, EPCG = Export Promotion Capital Goods, RA = Regional Authority, BG = Bank Guarantee, FFE = Free Foreign Exchange, IEC = Importer-Exporter Code, DoR = Department of Revenue, IEM = Industrial Entrepreneurs Memorandum, RCMC = Registration-cum-Membership Certificate.