MINUTES OF 11th MEETING OF EPCG COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SHRI SATYAN SHARDA, ADDITIONAL DIRECTOR GENERAL OF FOREIGN TRADE AT 3.00 PM ON 24.01.2020 IN COMMITTEE ROOM NO. 11, H WING, UDYOG BHAWAN, NEW DELHI.

Following officers attended the meeting:

i. Shri Vaibhav Bhatnagar, OSD, Department of Revenue
ii. Shri A.K. Mishra, A.I.A, Ministry of Steel
iii. Shri Ganjesh Bangar, Deputy Director, Textile Committee, Office of Secretary Textiles Committee, Gurgaon
iv. Shri Randheep Thakur, Deputy Director General of Foreign Trade, DGFT

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

Sl No	Firm's Name and File Number	EPCG Authorisation No.	Subject	Decision of the Committee
1.	M/s. Beico Industries Limited., Mumbai 18/224/AM-19/P-5	0330007517 dated 30.12.2004	Writ Petition (L) No. 3034 of 2019 in the High court of Judicature at Bombay filed by M/s. Beico Industries Limited., Mumbai-Regarding	The Committee noted that the firm vide letter dated 14.12.2016 had requested for condonation of delay in obtaining installation certificate and acceptance of ARE-I instead of Bill of Exports for supplies made to SEZ in respect of EPCG Authorization No. 0330007517 dated 30.12.2004. The requests were taken up in the EPCG Committee meeting held on 29.08.2018 and the request for waiver of submission of Bill of Export for SEZ supplies was rejected on the ground that Bill of Export for SEZ supplies is a mandatory document for claiming benefit under FTP as per Clause 30(3) of the SEZ Rules, 2006. The party, vide letter addressed to RA, Mumbai, forwarded a copy of Order dated 13.6.2019 passed by Hon'ble High Court of Bombay in respect of EPCG Authorization No. 0330007517 dated 30.12.2004. The case was again taken up in EPCG Committee meeting held on 30.08.2019 and the matter was deferred for further examination. The Hon'ble High Court has held that non availability of Bill of Export would not lead to denial of benefit of export made to SEZ, if the export to SEZ is evidenced from other contemptuous documents. The Committee deliberated upon the case and decided to **defer** the case for further examination.

2.	Clarification sought by CLA New Delhi- regarding M/s. Jindal Poly Films Ltd 01/36/218/72 /AM-13/EPCG-I	0530135756 dated 25.02.2004	Clarification in respect of Annual Average of EO fixed against EPCG authorization no. 0530135756 dated 25.02.2004 issued in favour of M/s. Jindal Poly Films Ltd.	Zonal RA, CLA, New Delhi has sought clarification regarding the request of the company for re-fixation of annual average EO as per the following :- a. The subject EPCG Authorization was obtained by the company for manufacture/export of 'Metallized Film'; b. The company informed that they had also made export of 'Bi-axially films' which is not same and similar to 'Metallised Film'; c. As they did not have past export of Metallised Film they did not maintain any past export average; d. On the basis of documents submitted by them, the case was redeemed on 14.09.2011; e. Vide their letter dated 14.05.2012, Customs informed the Company that they obtained the above authorization by mis-representing the facts as Biaxial Oriented Polyester Film produced by the company is same and similar to "Metallised Film" and hence they should have maintained average of both the products; f. Company in their representation informed that "Metalized Films" and "Bi-axially Oriented Polyester Film" are covered under ITCHS Code 39219094 and ITCHS Code 39206220 respectively and hence both products are different. The Committee noted that the main issue involved in this case is whether "Bi-axially Oriented Polyester Film" is same and similar product as "Metallized Film" for which the party obtained the authorization and got it redeemed without maintaining average of past export of "Bi-axially Oriented Polyester Film". The Committee deliberated upon the case and decided that it is not a case of relaxation of policy provision but of clarification. It was, therefore, decided to **withdraw** the case with the direction to seek comments of DoR.
3.	M/s. Bajaj Carpet industries Ltd., Greater Noida 01/36/218/12 /AM-	0530130600 dated 01.10.1999	Request for review of decision taken in EPCG Committee meeting held on 29.11.2018 regarding	The Committee noted that earlier the request of the party was taken up in the EPCG Committee meeting held on 29.11.2018 and following decision was taken: M/s Bajaj Carpet Industries Ltd., has requested for regularization of exports made by alternate product, i.e., Nonwoven felt carpet mattings tufted for fulfilment of EO in respect of EPCG

	18/EPCG-I		regularization of exports made by alternate product i.e. Non woven felt carpet matting tufted for fulfillment of EO.	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. Now, the party has requested for review of the above decision. The Committee heard the submission made by the representative of the party who came for PH. The Committee deliberated upon the case and decided to maintain the decision of **rejection** taken in its meeting held on 29.11.2018 for the reasons recorded in the minutes.
4.	M/s. Thermosol Glass Pvt. Ltd., Ahmedabad 01/37/218/129/AM-19/EPCG-II	i. 0830004980 dated 25.07.2012 ii. 0830004636 dated 19.01.2012 iii.0830004541 dated 30.11.2011	Request for extension of EOP for two years in respect of EPCG authorizations.	The Committee noted that the request for block-wise extension and extension in EOP was taken up in its meeting held on 13.02.2019 and the request was rejected as no merit in the request was found. Subsequently, the party requested for review of the decision taken in the EPCG Committee meeting held on 13.02.2019 and submitted copy of installation certificate in respect of three captioned EPCG Authorizations. The request was taken up in EPCG Committee meeting held on 29.03.2019 and it was decided to remand the case to RA to examine the request on merit in terms of provisions of Public Notices No. 35, 36 & 37/2015-20 dated 25.10.2017 read with Public Notice No. 78/2015-20 dated 11.03.2019. RA has informed them that they were unable to process extension request because of the DRI investigation in the matter. The Committee heard the submission made by the representative of the party who came for PH. The Committee deliberated upon the case and decided to **reject** the request for EOP extension being devoid of merit for the reason that in the allocated EOP party has not made any exports.
5.	M/s. Ess Kay Auto Engineer., Ludhiana 01/60/162/55	3030005793 dated 30.09.2009	Request to accept regularization of EPCG authorization no. 3030005793	The request of the party is for regularization of EPCG authorization no.3030005793 dated 30.09.2009 by allowing one time extension in terms of Public notice No.22 dated 12.08.2013 which allowed regularization of all pending cases of default in meeting Export Obligation (EO) on payment of

	0/AM20/PRC		dated 30.09.2009 by allowing one time extension of Public notice No. 22 dated 12.08.2013 where interest component shall not exceed the amount of customs duty payable for pertain to RA file No. 30/21/021/00667/AM-10.	applicable customs duty, corresponding to the shortfall in export obligation, along with interest on such customs duty but with the condition that the interest component to be so paid shall not exceed the amount of customs duty payable for this default. The Committee noted that the provision of Public Notice No. 22/2009-14 dated 12.08.2013 were subject to the condition that "Any authorisation holder choosing to avail this benefit must complete the process of payment on or before 31st March 2014". The Committee deliberated upon the case and decided to **reject** it as there is no merit in the request.
6.	M/s. Asia Spintex Limited., Ludhiana 01/60/162/549/AM20/PRC	3030004510 dated 09.09.2008		The request of the party is for regularization of EPCG authorization no. 3030004510 dated 09.09.2008 by allowing one time extension of Public notice No. 22 dated 12.08.2013 which allowed regularization of all pending cases of the default in meeting Export Obligation (EO) on payment of applicable customs duty, corresponding to the shortfall in export obligation, along with interest on such customs duty but with the condition that the interest component to be so paid shall not exceed the amount of customs duty payable for this default. The Committee noted that the provision of Public Notice No. 22/2009-14 dated 12.08.2013 were subject to the condition that "Any authorisation holder choosing to avail this benefit must complete the process of payment on or before 31st March 2014". The Committee deliberated upon the case and decided to **reject** it as there is no merit in the request.
7.	M/s. Orbit Textiles Mills Private Limited, Tirupur 01/60/162/034/AM20/PRC	i.3230012599 dated 29.09.2008 ii.3230012601 dated 29.09.2008 iii.3230014582 dated 16.03.2010 iv.32300126	To allow 100% alternate export product of same sector i.e. cotton made ups, cotton bags and fabrics to fulfill export obligation against six	The request of the party is for allowing fulfillment of 100% EO by export of alternate products in respect of EPCG authorisations issued during the period from 29.09.2008 to 02.06.2010 when there was a provision for allowing fulfillment of only 50% EO by export of alternate products. The Committee deliberated upon the case and decided to **reject** being devoid of any merit.

		00 dated 29.09.2008 v.3230014036 dated 24.11.2009 vi.3230014983 dated 02.06.2010	EPCG authorizations.	
8.	M/s. DMG Polypack Pvt Ltd., Noida 01/36/218/253/AM-19/ EPCG-I	0530159048 dated 21.08.2012	Request for acceptance of installation certificate issued by independent Chartered Engineer instead of Central Excise Authority.	The Committee noted that as per EPCG authorisation the capital goods are 45 kVA/36KVW silent DG set and vide Notification No.7 dated 18.4.2013 import of new CGs for power production and transmission was stopped. The Committee deliberated upon the case and decided to **defer** it for further examination.
9.	M/s. Michelin India Private Limited., Saligramam 01/36/218/217/AM-20/ EPCG	0430010204 dated 18.08.2011	Request for condonation of delay in payment of excess utilization fee and condonation of delay in submission of installation certificate in respect of EPCG authorization No. 0430010204 dated 18.08.2011.	The Committee noted that due to fluctuation in exchange rate, the Authorisation was utilized by the company for import of CGs in excess of duty saved amount by more than10%. In this regard, Para 5.16(a) of HBP 2015-20 provides that if authorization issued has been utilized for import of goods in excess of duty saved amount indicated on the authorization by not more than 10%, the authorization shall be deemed to have been enhanced by that proportion. Customs shall automatically allow clearance of such goods without endorsement by RA concerned. The authorization holder shall furnish additional fee to cover excess imports effected, in terms of duty saved amount, to RA concerned, within one month of excess imports taking place. Export obligation shall automatically stand enhanced proportionately. The company says that they have fulfilled the export obligation and submitted the documents for redemption to the RA but could not pay fee for excess utilization within one month's time. The company has requested to allow regularization of late payment of additional fee to cover excess imports. 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 of more than a month in payment of fee for excess duty saved amount as envisaged in the para 5.16(a) of HBP 2015-20.

				This has the approval of DG.
10.	M/s. Cebon Apparel Pvt Ltd., Mumbai 01/36/218/79 /AM-20/ EPCG	0330025250 dated 19.02.2010	Request for regularizing of exports made through group company for fulfillment of 50% Export Obligation.	The Committee noted that the request of the party is for regularisation of exports made through group company M/s. Tropical Clothing Company Pvt Ltd for fulfilment of 50% EO in respect of EPCG authorisation no. 0330025250 dated 19.02.2010 issued to them. The Committee heard the submission made by the representative of the party who came for PH. The Committee noted that as per RA's report dated 30.07.2019, the party has not maintained Annual Average Export Obligation. The Committee deliberated upon the request and decided to **reject** it as specific EO is counted only after annual average EO is fulfilled.
11.	M/s. Royal Carbon Black Pvt Ltd., Mumbai 01/37/218/293 /AM-17/ EPCG-II	i.0330030484 dated 06.09.2011 ii.0330030614 dated 20.09.2011	Extension in EOP for further two years	The request of the party is for extension of EOP for 2 years in respect of zero duty EPCG authorisation No. 0330030484 dated 06.09.2011 and No. 0330030614 dated 20.09.2011. The party has stated that they could not fulfill the EO for the reason that DGFT has banned import of Tyre Scrap for the manufacture of Tyre Pyrolysis Oil. They have further stated that they had set up the Unit based on import of tyres scrap and during the manufacturing process, Tyre Pyrolysis Oil, Carbon Black and Steel Scrap are produced. They could not fulfil the EO due to government policy of not allowing imports of tyre scrap for tyre pyrolysis, thereby their inability to produce carbon black and steel scrap for export. Now, the party has requested for extension in EOP for 2 years for fulfilment of EO by exporting alternate products like Masterbatch, Footwear etc. along with Carbon Black. The Committee deliberated upon the case and decided to **reject** it as there is no merit in the request.
12.	M/s. R.P. Autostyles, Dehradun 01/37/218/372 /AM-18/ EPCG-II	i.0530159295 dated 18.09.2012 ii.0530160735 dated 29.04.2013 iii.0530163425 dated 22.09.2014	Request for condonation for wrong mentioning of EPCG authorization no. in 13 shipping bills.	The request of the company is for condonation for wrong mentioning of EPCG Authorization No. 0530161190 dated 11.07.2013 in 13 shipping bills for fulfilment of EO in respect of EPCG Authorizations No. 0530159295 dated 18.09.2012, No. 0530160735 dated 29.04.2013 and No.0530163425 dated 22.09.2014 issued to them. The Committee took into account the submission of the company that they have endorsed the EPCG Authorization

				No.0530161190 dated 11.7.2013 on 19 Shipping bills but they have used only 06 shipping bills to redeem the said Authorisation. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **condone** the procedural lapse of mentioning EPCG Authorisation No. 0530161190 dated 11.07.2013 in shipping bills Nos. 3681719 dated 21.10.2015, 8056314 dated 26.02.2015, 8676983 dated 30.03.2015, 3366127 dated 05.10.2015 and 3248092 dated 28.09.2015 instead of EPCG authorisation No. 0530159295 dated 18.09.2012; mentioning EPCG authorisation No. 0530161190 dated 11.07.2013 in shipping bills Nos. 9839192 dated 28.05.2015, 9943335 dated 02.06.2015, 8878313 dated 08.04.2015, 8566221 dated 24.03.2015, 9797327 dated 26.05.2015, 9725294 dated 22.05.2015 and 3382712 dated 05.10.2015 instead of EPCG authorisation No. 0530160735 dated 29.04.2013; and mentioning EPCG authorisation No. 0530161190 dated 11.07.2013 in shipping bill No. 9318859 dated 30.04.2015 instead of EPCG authorisation No. 0530163425 dated 22.09.2014, subject to the conditions that: (i) The Company had not submitted the shipping bills to be counted to the RA for redemption of EPCG Authorization No. 0530161190 dated 11.7.2013. RA to verify this aspect carefully. (ii) The EPCG authorisations other than EPCG Authorization No. 0530161190 dated 11.7.2013 have not been redeemed. (iii) These are not free shipping bills. (iv) All the EPCG Authorisations under consideration including the redeemed Authorisation have the same export product. (v) All the EPCG Authorisations under consideration including the redeemed Authorisation are issued in the same Policy period. (vi) Block-wise Export Obligation has been met

				with in all EPCG Authorisations under consideration and also the exports are made within the valid EOP. (vii) There is no double counting of exports. These Shipping Bills have not been/shall not be considered towards the discharge of E.O. against any other EPCG Authorsation. (viii) Annual Average EO, if imposed, has to be maintained in respect of the EPCG Authorisations. (ix) Payment of a composition fee of Rs. 200/- per export document is to be made by the party. (x) Any investigation/adjudication proceeding by DRI/ Customs/ECA action is not pending in respect of the subject EPCG authorisations. **This has the approval of DG.**
13.	M/s. Right Tight Fasteners Pvt Ltd., Mumbai 01/37/218/43 /AM-19/ EPCG-II	3130005493 dated 03.02.2011	Request for consideration of deemed export supplies to FTWZ units in respect of EPCG authorization No. 3130005493 dated 03.02.2011 issued to them.	The Committee noted that the subject matter of the request is of the nature of seeking clarification and not relaxation of the Policy provision. It was, therefore, decided to **withdraw** the case for examination on file.
14.	M/s. Shiv Shakti Thermo Pvt Ltd., Kantkabirnagar (U.P) 01/37/218/ 121/AM-19/ EPCG-II	1530000683 dated 07.03.2011	Request for acceptance of FIRC in lieu of E BRC for grant of EODC.	The Committee noted that the request was taken up in EPCG Committee meeting held on 24.05.2019 and following decision was taken: The Committee noted that the party has made exports to Nepal by road and stated that as their export document is bill of export, and not shipping bill, they have not been issued e-BRC and instead they have FIRC which may be accepted for EODC. The Committee decided to call for a report from RA on these issues. RA, Varanasi in their report dated 27.08.2019 has stated that the firm has made exports to Nepal through Land Customs Stations and submitted copy of Bill of Export. In most of the cases, the Bill of Export does not contain the EPCG Authorisation number whereas the Authorisation number is mentioned on the copy of self-attested Export Invoice.

				The Committee deliberated upon the case and decided to **reject** the request as Shipping Bill is required in case of export to Nepal.
15.	M/s. BST Textiles Mills Pvt Ltd., Mumbai 01/36/218/231/AM-19/EPCG-I	i.0330032093 dated 14.03.2012 ii.0330026581 dated 12.07.2010 iii.0330025220 dated 16.02.2010 iv.0330023722 dated 03.09.2009 v.0330032819 dated 06.06.2012 vi. 0330033758 dated 21.09.2012 vii.0330033917 dated 11.10.2012 viii.0330035254 dated 06.03.2013 ix.0330036891 dated 26.09.2013 x.0330044740 dated 05.07.2016 xi.0330025837 dated 26.04.2010 xii.0330028625 dated 08.02.2011	Request for condonation of incorrect mentioning of license number on shipping bill.	The Committee noted that the party has submitted 40 nos. of shipping bills for condonation of lapse of mentioning of incorrect EPCG authorisation number. The Committee noted that the case was first taken up in EPCG Committee meeting held on 26.07.2019 and it was decided to **defer** it to call a report from RA. RA, Mumbai, vide email dated 03.10.2019, has stated that Annual Average Export EO has not been maintained by the party against all above authorisations except authorisation no.0330035254 dated 6.3.2013. The Committee heard the submission made by the representative of the party who came forPH. The Committee deliberated upon the case and decided to **reject** it as specific EO is counted only after annual average EO is fulfilled.
16.	M/s. Ford India Pvt. Ltd., Chennai 01/36/218/09/AM-20/EPCG	i.0430012690 dated 04.07.2013 ii.0430013240 dated 08.01.2014	Request for condonation of non-mention of post export EPCG authorization Number in shipping bills.	The Committee noted that the Company has stated that as the Customs portal is not enabled to register the post export EPCG licence for import and export, they could not endorse the licence number on the shipping bills. The Committee deliberated upon the case and decided to **defer** it for further examination.
17.	M/s. Sterling Technotex Private Limited, Rajapalayam 01/36/218/17	i.3530001952 dated 21.08.2006 ii.3530001953 dated 21.08.2006 iii.353000196	(i) Permission to fulfill export obligation by way of export of value added products.	The Committee noted that the party has requested for (i) permission to fulfil the export obligation by way of export of value added products in respect of EPCG Authorization Nos 3530001952 dated 21.08.2006, 3530001953 dated 21.08.2006, 3530001968 dated 29.08.2006, 3530001969 dated 29.08.2006 and 3530001972 dated 29.08.2006 and (ii) condonation

	5/AM-19/EPCG-I	8 dated 29.08.2006 iv.3530001969 dated 29.08.2006 v.3530001972 dated 29.08.2006	(ii) Condonation of wrong mentioning of EPCG Authorization number viz. 3530001969 dt. 29.08.2006 in shipping bills meant for fulfillment of EO against EPCG Authorization no. 3530001953 dt. 21.08.2006.	of wrong mentioning of EPCG Authorization number viz. 3530001969 dated 29.08.2006 in shipping bills meant for fulfillment of EO against EPCG Authorization no. 3530001953 dt. 21.08.2006. The party has stated that they have fulfilled the export obligation partially by way of export of Cotton Yarn. However, in the case of export product viz. "Knitted Socks", they have manufactured and supplied yarn to M/s Meneka Mills Limited, who in turn manufactured "knitted socks" (value added products) and made third party exports of knitted socks to fulfill the export obligation against the respective EPCG Authorizations. The Committee deliberated upon the case and decided that if the authorization holder has supplied only the cotton yarn to third party exporter, then export of cotton knitted socks by third party cannot be accepted. The Committee, therefore, **rejected** the request.
18.	M/s. Premier Tissues India Ltd., Bangalore 01/37/218/141/AM-20/EPCG	0730008776 dated 05.04.2010	Request for regularization of EO in respect of EPCG authorization no. 0730008776 dated 05.04.2010 issued to M/s Premier Tissues India Ltd. Bangalore.	The Committed noted that the party has requested for waiver of CVD and SAD for regularization of EO default in respect of EPCG authorisation no. 0730008776 dated 05.04.2010 by payment of only BCD saved and Ed Cess and applicable interest. The Committed deliberated upon the case and decided that the case can be regularized only by depositing the full duty saved amount in proportion to exports not made along with applicable interest. The request was, therefore, **rejected.**
19.	M/s. Mangal Murti Fabrics Pvt Ltd., Ahmedabad 01/36/218/172/AM-19/EPCG-I	0830002812 dated 24.02.2009	Request for Block wise extension in EOP and extension in EOP in respect of EPCG Authorization No. 0830002812 dated 24.02.2009 issued to M/s. MangalMurti Fabrics Pvt Ltd., Ahmedabad.	The Committee noted that the party has stated that RA, Ahmadabad has issued amendment sheet No. 3 dated 11.02.2019 duly endorsing the EOP extension upto 24.02.2019. However, it is not possible to export within a short period which was allowed and endorsed in the authorization and, therefore, they once again request to allow an EOP for the further 1 year time period upto 24.02.2020. The Committed deliberated upon the case and decided to **defer** it for calling report from RA.

20.	M/s. Repro India Ltd., Mumbai 01/36/218/165/AM-20/EPCG	i.0330029488 dated 18.05.2011 ii.0330029879 dated 30.06.2011	Request for clarification regarding maintenance of AEP by SEZ export mentioned in one IEC.	The Committee heard the submission made by the representative of the party who came forPH. The Committee noted that the party has stated that they have one IEC for their DTA and SEZ Unit and whereas while issuing the Authorisations, RA, Mumbai had considered the exports from their SEZ Unit as well for fixation of Annual Average Export Obligation, now when they have completed the exports and want to redeem the case, RA, Mumbai insists for re-fixation of AEP by removing export of SEZ Unit. The Committed deliberated upon the case and decided to **defer** it for calling report from RA, Mumbai.
21.	M/s. Sudhan Spinning Mills Pvt Ltd., Thadicombu, Dindigul District, Tamil Nadu 18/19/AM-20/P-5	3230006097 dated 02.02.2006	Request for clarification about clearance of capital goods under EPCG Authorization No. 3230006097 dated 02.02.2006, issued by RA., Coimbatore, and fulfillment of export obligation	The Committee heard the submission made by the representative of the party who came for PH. The Committee noted that the request is a clarification and does not seek relaxation of Policy provision. The Committee deliberated upon the case and decided to **withdraw** the request for examination on file.
22.	M/s. Rukshmani Syntex Private Limited., Mumbai 01/37/218/177/AM-19/EPCG-II	i.0330019534 dated 19.03.2008 ii.0330024009 dated 08.10.2009	Request for acceptance of installation certificate issued by Chartered Engineer instead of central excise.	The Committee noted that the party has stated that they had inadvertently obtained installation certificate from Chartered engineer instead of Jurisdictional Central Excise Authority. The Committee deliberated upon the case and noted that the current FTP allows that the Authorization holder can produce the installation certificate from the jurisdictional Customs authority or an independent Chartered Engineer, at the option of the authorisation holder and further that where the authorisation holder opts for independent Chartered Engineer's certificate, he shall send a copy of the certificate to the jurisdictional Customs Authority for intimation/ record. The Committee decided **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** acceptance of installation certificate from Chartered Engineer, subject to intimation to the

				Jurisdictional Customs Authority and subject to payment of composition fee of Rs. 5000/- against each Authorisation. Further, RA to verify that no ECA/DRI/Customs is pending. **This has the approval of DG.**
23.	M/s. Punjab Engineers, Ludhiana 01/36/218/89 /AM-20/EPCG	3030006331 dated 23.02.2010	Request for second extension of EOP for 2 years in respect of zero duty EPCG authorization No. 3030006331 dated 23.02.2010 issued to M/s. Punjab Engineer., Ludhiana	The party has sought second extension in the EOP for 2 years from the date of endorsement against zero duty EPCG authorization as they could not export in the EOP because of some family dispute. The Committee noted that even after more than nine years of obtaining the subject EPCG authorization, the party has not made any exports. The Committee deliberated upon the case and decided to **reject** it as there is no merit in the request.
24.	M/s. Maa Mangal Cotton Pvt.Ltd., (Odisha) 18/210/AM-16/P-5	2330000841 dated 25.06.2012	Request to issue clarification regarding export of cotton lint/ cotton Bale and Raw cotton are one and same product in respect of EPCG authorization no. 2330000841 dated 25.06.2012	The Committee heard the submission made by the representative of the party who came for PH. The Committee noted that the Authorisation was issued for export of Cotton Lint/Cotton Bale (ITC HS Code 52010000); Cotton Seed (ITC HS Code 12072010) and Cotton Waste (ITC HS Code 52029900) but the party has exported Raw Cotton. RA, Cuttack has issued deficiency letter to the party stating that the description of the export product and ITC HS Code mentioned in the shipping bills against the said EPCG authorisation are not matching. The request of the party is to accept export of Raw Cotton on the ground that Raw Cotton and Cotton Lint/Cotton Bale are one and the same items. The Committee deliberated upon the case. The representative of the Office of the Textile Commissioner present in the meeting informed thatRaw Cotton is different from Cotton Lint/Cotton Bale. The Committee, therefore, decided to **reject** the request of the party.
25.	M/s. Sikka Ports & Terminals Ltd. (formerly M/s.	Redeemed EPCG authorizations: i.0330030637 dated 21.09.2011 ii.0330031082	Clarification regarding amendment of description of export services of Port Services	The Committee noted that the matter pertains to 5 redeemed and 3 unredeemed EPCG authorisations of the party where the DRI has opined that in these cases only 3 Services, viz., 'Port Terminal Service', 'Port Tonnage Charges' and 'Berth Hiring Charges', can be allowed for fulfilment of export obligation.

	Reliance Ports and Terminals Limited.) 18/103/AM-20/P-5	dated 18.11.2011 iii.0330037159 dated 30.10.2013 iv. 0330029662 dated 06.06.2011 v. 033027538 dated 18.10.2010 Unredeemed EPCG authorisations: i.0330037145 dated 29.10.2013 ii.0330028623 dated 08.02.2011 iii.0330031272 dated 12.12.2011	against EPCG Scheme issued to M/s. Reliance Ports and Terminals Limited.	The RA, Mumbai has clarified its position on the policy to the DRI vide its letter dated 13.11.2019 clarifying that a Port is an aggregator of services and in a way it provides a bouquet of services, many of which are intrinsically linked to one another, which effectively means that services cannot be straightjacketed. The Committee discussed the matter and opined that if the Authorisation holder has sufficient exports of 3 Services, viz., 'Port Terminal Service', 'Port Tonnage Charges' and 'Berth Hiring Charges' to fulfill its entire export obligation in the eight impugned Authorisations, i.e., 5 redeemed and 3 unredeemed, then RA, Mumbai may accept these exports and close the 5 already redeemed cases once again and 3 unredeemed cases, provided these three services are covered by Public Notice No. 4/2015-20 dated 3rd May, 2016. The Committee, accordingly, decided **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** acceptance of exports of 3 Services, viz., 'Port Terminal Service', 'Port Tonnage Charges' and 'Berth Hiring Charges' towards fulfillment of entire export obligation in respect of eight impugned Authorisations, i.e., 5 redeemed and 3 unredeemed, by RA, Mumbai to close the 5 already redeemed cases once again and 3 unredeemed cases, after verifying that these three services are covered by Public Notice No. 4/2015-20 dated 3rd May, 2016. Further, RA to verify that no ECA/DRI/Customs action is pending. **This has the approval of DG.**
26.	M/s. Ford India Private Limited., Chennai 01/36/218/241/AM-20/EPCG	0430015142 dated 29.10.2015	Request for relaxation as supporting manufacturer's name has not been endorsed in the shipping bills in respect of EPCG authorization No. 0430015142 dated 29.10.2015.	The request of the party is for relaxation for non-mentioning of supporting manufacturer's name in the shipping bills in respect of EPCG authorization No. 0430015142 dated 29.10.2015. The Committee deliberated upon the case and decided to **reject** it as mentioning of supporting manufacturer's name in the shipping bills is a mandatory requirement.

27.	M/s. Sanjeev Auto Parts Manufacturers Pvt Ltd., Aurangabad 01/36/218/140/AM-20/EPCG	0330017780 dated 15.10.2007	Acceptance of installation certificate issued by Chartered Engineer instead of Central Excise.	The Committee noted that the party has stated that due to oversight they have not obtained installation certificate from Jurisdictional Central Excise Authority. They have submitted installation certificate issued by Chartered Engineer. The Committee deliberated upon the case and noted that the current FTP allows that the Authorization holder can produce the installation certificate from the jurisdictional Customs authority or an independent Chartered Engineer, at the option of the Authorisation holder and further that where the authorisation holder opts for independent Chartered Engineer's certificate, he shall send a copy of the certificate to the jurisdictional Customs Authority for intimation/ record. The Committee decided **to recommend to DG for relaxation under Para 2.58 of FTP 2015-20 to allow** acceptance of installation certificate from Chartered Engineer, subject to intimation to the Jurisdictional Customs Authority and subject to payment of composition fee of Rs. 5000/- against the Authorisation. Further, RA to verify that no ECA/DRI/Customs is pending. **This has the approval of DG.**
28.	M/s. Saint Gobain Pvt Ltd., Chennai 01/37/218/190/AM-20/EPCG	i.430007332 dated 01.05.2009 ii.430008248 dated 24.02.2010 iii.430008521 dated 12.05.2010 iv.430009130 dated 01.11.2010 v.430009725 dated 30.03.2011	Request for consideration of wrongly mentioned/ excess E.P. Shipping Bills on EPCG No. towards the fulfillment of Specific E.O. in respect of 05 EPCG Authorizations	The Committee considered the case as per agenda. The Committee noted that the Company has requested for consideration of wrongly mentioned/excess Shipping Bills towards fulfillment of Specific E.O. in respect of 05 EPCG Authorizations. The Company has stated that in order to fulfill the entire specific EO Block wise and within the original EOP, they are required to switch EP Copies of wrongly mentioned/excess SBs from one EPCG Authorisation to another EPCG Authorisation. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** consideration of wrongly mentioned/excess Shipping Bills on EPCG Nos towards fulfillment of Specific EO in respect of 05 EPCG Authorizations, as per the details enclosed, subjecttothecondition that: (i) The Company had not submitted the shipping bills to be counted to the RA for redemption of EPCG Authorization. RA to verify this aspect

				carefully. (ii) The EPCG authorisations have not been redeemed. (iii) These are not free shipping bills. (iv) All the EPCG Authorisations under consideration have the same export product. (v) All the EPCG Authorisations under consideration are issued in the same Policy period. (vi) The specific export obligation that was to be fulfilled within the Block and within the EOP has been fulfilled within the valid EOP. (vii) There is no double counting of exports. These Shipping Bills have not been/shall not be considered towards the discharge of E.O. against any other EPCG Authorsation. (viii) Annual Average EO, if imposed, has to be maintained in respect of the EPCG Authorisations. (ix) Payment of a composition fee of Rs.200/- per export document is to be made by the party. (x) Any investigation/adjudication proceeding by DRI/Customs/ECA action is not pending in respect of the subject EPCG authorisations. **This has the approval of DG.**
29.	M/s. Saint Gobain Pvt. Ltd., Chennai 01/37/218/183/AM-20/EPCG	i.430009810 dated 27.04.2011 ii.430009811 dated 27.04.2011 iii.430009945 dated 06.06.2011 iv.430009983 dated 20.06.2011 v.430010479 dated 09.11.2011 vi.430010625 dated 16.12.2011 vii.430010633 dated 19.12.2011 viii.430010858 dated 16.02.2012 ix.430010914 dated	Request for consideration of wrongly mentioned/ excess E.P. Shipping Bills on EPCG No. towards the fulfillment of Specific E.O. against 10 EPCG Authorisations as these Shipping Bills have not been / shall not be considered towards the discharge of E.O. against any other EPCG Authorisation.	The Committee considered the case as per agenda. The Committee noted that the Company has requested for consideration of wrongly mentioned/excess Shipping Bills towards fulfillment of Specific E.O. in respect of 10 EPCG Authorizations. The Company has stated that in order to fulfill the entire specific EO Block wise and within the original EOP, they are required to switch EP Copies of wrongly mentioned/excess SBs from one EPCG Authorisation to another EPCG Authorisation. The Committee deliberated upon the case and decided to **recommend to DG for relaxation under Para 2.58 of FTP 2015-20** to **allow** consideration of wrongly mentioned/excess Shipping Bills on EPCG Nos towards fulfillment of Specific EO in respect of 10 EPCG Authorizations, as per the details enclosed, subject to the condition that: (i) The Company had not submitted the shipping bills to be counted to the RA for redemption. RA to verify this aspect carefully. (ii) The EPCG authorisations have not been

		02.03.2012 x.430010915 dated 02.03.2012		redeemed. (iii) These are not free shipping bills. (iv) All the EPCG Authorisations under consideration have the same export product. (v) All the EPCG Authorisations under consideration are issued in the same Policy period. (vi) The specific export obligation that was to be fulfilled within the Block and within the EOP has been fulfilled within the valid EOP. (vii) There is no double counting of exports. These Shipping Bills have not been/shall not be considered towards the discharge of E.O. against any other EPCG Authorsation. (viii) Annual Average EO, if imposed, has to be maintained in respect of the EPCG Authorisations. (ix) Payment of a composition fee of Rs.200/- per export document is to be made by the party. (x) Any investigation/adjudication proceeding by DRI/Customs/ECA action is not pending in respect of the subject EPCG authorisations. **This has the approval of DG.**
30.	M/s. Jacinth Engineering Pvt. Ltd, Mumbai 01/37/218/209/AM-19/ EPCG-II	0330024855 dated 07.01.2010	Request for review of decision for (i) regularizing of exports made through Group Company for fulfilment of 50% EO and (ii) condonation of delay in installation of capital goods in respect of EPCG authorization No. 0330024855 dated 07.01.2010 from date of issuance of licence for export of same and similar products.	The Committee considered the case as per agenda. The Committee noted that the request of Jacinth Engineering Pvt. Ltd., Mumbai (formally known as West-Cost Gratings Pvt Ltd., Mumbai) is for regularizing of exports made through Group Company for fulfilment of 50% EO and condonation of delay in installation of capital goods in respect of EPCG authorization No.0330024855 dated 07.01.2010. The Committee noted that the request was placed in EPCG Committee meeting held on 30.08.2019 and it was decided to reject the requestas theshipping bills were without name of the EPCG authorisation holder and EPCG authorisation number and date. The Committee heard the submission made by the representative of the party who came for PH. The party submitted that they are having direct as well as third party exports and request for regularising of exports made through group company for fulfillment of 50% Export Obligation and acceptance of delayed installation certificate issued by Chartered Engineer instead of Central Excise.

				The Committee deliberated upon the case and decided to **defer** it for further examination.
31.	M/s. Narmathaa Textiles Ltd., Chennai 01/36/218/65 /AM-20/ EPCG	i. 01500374 dated 23.04.1996 ii.0430000008 dated 15.09.1999	(i) One time E.O. Extension of 2 years without imposing composition fee (or) additional E.O. (ii) allow refixation of Export obligation for the balance obligation on the basis of duty saved amount in terms of para 5.19(c) of H.B.P announced on 1/4/2005 and iii) Deletion of erroneously fixed Annual Average in terms of para 5.7.4 of HBP.	The Committee considered the case as per agenda. The Committee noted that the request of the party is for one time EOP extension of 2 years without imposing additional composition fee (or) additional EO; to allow re-fixation of Export obligation for the balance obligation on the basis of duty saved amount in terms of para 5.19(c) of HBP announced on 1/4/2005 instead of obligation based on CIF value and deletion of erroneously fixed Annual Average. The Committee heard the submission made by the representative of the party who came for PH. The Committee deliberated upon the case and decided to **defer** it for calling a report from RA.

DGFT = Directorate General of Foreign Trade, DG = Director General, FTP = Foreign Trade Policy, HBPv1 = 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.