THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 02/AM13 HELD ON 17.04.2012 AT 11.30 A.M. UNDER THE CHAIRMANSHIP OF Dr. A.K PUJARI, DIRECTOR GENERAL OF FOREIGN TRADE.

PRC Meeting was held under the Chairmanship of DGFT and list of officers present in the meeting is given below:

1.	Shri D.K Singh	Addl. DG
2.	Shri. V.K. Srivastava	Addl. DG
3.	Shri N.P.S. Monga	Addl. DG
4.	Dr. L.B. Singhal	Jt. DGFT
5.	Dr. Rajiv Arora	Jt. DGFT
6.	Shri A.K. Singh	Jt. DGFT
7.	Shri R.S. Ratna	Jt. DGFT
8.	Shri.HardeepSingh	Jt. DGFT
9.	Shri S.K. Samal	Jt. DGFT
10.	Smt. Subhra	Jt. DGFT
11.	Shri A. Mishra	Stats Advisor
12.	Shri. D.C. Sharma	Stats Advisor
13.	Smt. Sonika Khattar	FTDO

The decision taken on the individual cases are as under:-

Case No.1. M/s Medreich Limited Bangalore
F.No. 01/60/162/14/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0710060123 dt. 25.9.2008.

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 12 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.2. M/s Asia Pacific Commodities Limited Mumbai
F.No. 01/60/162/19/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for grant of EOP extension of advance licence No. 0410093642 dt. 7.2.2008

The Committee considered the request and decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.3 M/s Jyoti Apparels & Exporters of Fashion Garments New Delhi
F.No. 01/60/162/20/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for grant of EOP of the advance licence No. 0510233065 dt. 19.12.2008

The Committee noted that the firm have made no exports during the valid EOP and, therefore, decided to reject the case on account of no exports made both quantity and value wise in the valid EOP.

Case No.4 M/s Kopran Limited Mumbai
F.No. 01/60/162/1217/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0310498809 dt. 19.12.2008

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 12 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.5 M/s Ajanta Pharma Limited, Mumbai
F.No. 01/60/162/1581/AM11/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance Licence No. 0310388897 dt. 11.7.2006 for regularization issued Under PC 9.

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 12 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher. The Committee also decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these. However, the default in terms of duty saving proportionate to the default in export outside the EO period of 12 months from the date of 1st import as stated above may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization and evaluate the duty-saving default and take necessary action as per the policy provisions.

Case No.6. M/s Medreich Limited Bangalore
F.No. 01/60/162/12/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0710063293 dt. 26.2.2009 issued underPC 9 for regularization.

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 12 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher. The Committee also decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these. However, the default in terms of duty saving proportionate to the default in export outside the EO period of 12 months from the date of 1st import as stated above may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization and evaluate the duty-saving default and take necessary action as per the policy provisions.

Case No.7 M/s Ajanta Pharma Limited, Mumbai
F.No. 01/60/162/1581/AM11/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance Licence No. 0310388897 dt. 11.7.2006 for regularization Under PC 9

Same as case no. 5.

Case No.8. M/s BGH Exim Limited Kolkata
F.No. 01/94/180/470/AM12/PC-IV/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for clarification in respect of EOP for export of tea for advance authorization no. 0210031072 dt. 2.9.2009 and 0210124155 dt. 12.3.2009.

The Committee noted that the policy to consider export obligation period with respect to each consignment had been introduced only in Public Notice 31 dt. 14.2.2011. In the instant case, the firm was granted the authorization in 2009. The committee noted that relaxation of the amended policy retrospectively for past cases was not possible. The committee also noted that there were no grounds of genuine hardship cited by the firm warranting relaxation. The committee therefore rejected the request.

Case No.9 M/s Sanzi Group Imp & Export Mumbai
F.No. 01/60/162/608/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation /EODC/Transferability of DFIA No. 0310476962 dt. 2.7.2008

The committee noted that the firm themselves had inordinately delayed in applying for EODC and various amendments sought by them in the shipping bill from Customs. The time taken by the Customs Authority and Regional Authority of DGFT was not extraordinarily long warranting relaxation on that account. The committee rejected the request.

Case No.10 M/s Tara Lohia Pvt Limited Calcutta
F.No. 01/60/162/442/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for condone the lapse of mentioning advance licence No. shipping bill advance licence No. 0210086406 dt. 17.02.2006

The committee noted that the authorization was issued on 17.2.2006 prior to the introduction of the Customs Valuation Rules, 2007. The shipping bills in question were free shipping bills without any endorsement of the advance authorization number. In view of the aforesaid, the committee felt that the exports made on the free shipping bill can not be considered for the purpose of EO discharge.

Case No.11 M/s Kothari Tradelink Limited
F.No. 01/60/162/1243/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for grant of revalidation of DFIA No. 5210026683 dt. 21.5.2009.

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

Case No.12 M/s Ebullient Packing Pvt Limited Mumbai
F.No. 01/60/162/16/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 0310459439 dt. 29.1.2008

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.13 M/s Krishna Antioxidants Pvt Limited Mumbai
F.No. 01/60/162/15/AM13/EFGC(PRC)

PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 0310525244 dt. 22.6.2009.

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.14. M./s KIM Chemicals Limited Mumbai
F.No. 01/60/162/8/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 0310526604 dt. 30.6.2009.

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.15 M/s Maccaferri Environment Pvt Limited New Delhi
F.No. 01/60/162/442/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 03110035660 dt. 6.10.2008.
The committee noted that a substantial delay was made by the firm themselves in supplying the requisite documents pertaining to excess exports made by them and other clarifications sought by RA regarding the value addition. The committee therefore did not consider grounds stated by the firm as genuine hardship warranting relaxation and therefore rejected the request.

Case No.16 M/s Speedcut Diamond Tools Pvt Limited
F.No. 01/60/162/1601/AM11/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request of revalidation of advance licence No. 0510213375 dt. 11.12.2007.

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.17 M/s Gala Brush Limited Mumbai
F.No. 01/60/162/1209/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for procedural compliance and clubbing of 2 advance licence 031058024 dt. 17.01.2008 and 0310352657 dt. 20.10.2005

The committee noted that firm has imported the granular boric acid and exported the powder form of acid. The committee noted the clarification given by Ministry of Agriculture to their letter dt. 17.5.2006 and also the provision of the Policy Circular no. 16 dt. 22.10.2007 which stipulates that if boric acid is imported for re-export with change in physical form as per SION or adhoc norms as the case may be, condition of CIB registration will continue to be applicable. In view of the policy clarification the committee rejected the request of the firm to relax dispensation of their request regarding registration requirement of the CIB. The committee decided that RA may finalize the case of EO default in accordance with the provisions of FTP & HBP.

Case No.18 M/s Naturol Bio –Energy Limited
F.No. 01/92/180/199/AM10/PC-IV/
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Migration from EOU to EOCG scheme wjile the firm has a negative NFE

Deferred.

Case No.19 M/s Sanathan Allied Industries Hyderabad
F.No. 01/53/8/568/AM12/S-145/Import cell
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for import of 52 nos of Pirelfi TG 85 148/145K Tubeless Tyres
The committee noted that EFC had permitted the import of 52 nos of Pirelfi TG 85 148/145K Tubeless Tyres relaxing the condition of Para 3 (f) of Quality Control Order 2009 as per the recommendation of the Ministry of Defence. The committee granted ex-post-facto approval.

Case No.20. M/s Apar Industries Limited
F.No. 01/92/180/41/AM-11/PC-VI
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Audit Objection regarding TED refund by O/o Jt.DGFT Vadodara

The committee noted that the RA had provided TED refund for supplies made under ICB under para 8.2(d) & 8.3 of FTP. The committee noted that in the instant case the excise duty had to be paid by the supplier on account of delay in obtaining the Project Authority Certificate. The committee therefore endorse the action taken by the RA as special circumstances.

Case No.21 M/s Gold Plus Glass Industry Limited Delhi
F.No. 01/60/162/32/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0510234652 dt. 19.1.2009

The Committee considered the request and observed that the firm has completed more than 50% of the export obligation in accordance with the actual imports undertaken. The committee therefore decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.22 M/s BOS Natural Flavors (P) Limited Kerala
F.No. 01/60/162/28/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 1010035916 dt. 10.11.2009

The Committee noted that the policy to consider export obligation period with respect to each consignment had been introduced only in Public Notice 31 dt. 14.2.2011. In the instant case, the firm was granted the authorization in 2009. The committee noted that relaxation of the amended policy retrospectively for past cases was not possible. The committee also noted that there were no grounds of genuine hardship cited by the firm warranting relaxation. The committee therefore rejected the request.

Case No. 23 M/s Ranabaxy Laboratories Limited Gurgaon
F.No. 01/60/162/1204/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of the advance licence No. 0510257155 dt. 29.1.2010 issued under PC-9.

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 18 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher

Case No. 24 Print House (India) Pvt. Limited.
F.No. 01/60/162/34/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0310480240 dt. 25.7.2008.

The Committee considered the request and decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.25 M/s SAS International Faridabad

F.No. 01/60/162/09/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP of advance licence No. 0410090458 dt. 8.8.2007.

The Committee considered the request and decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.26 M/s Vikram Thermo India Limited Ahmedabad
F.No. 01/60/162/24/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 0810081367 dt. 9.07.2009

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.27 M/s Philoden Agrochem Pvt Limited Karkhadi
F.No. 01/60/162/05/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request of revalidation of advance licence No. 3410021419 dt. 21.05.2008.

The committee noted that the firm had made exports under the said authorization even after the occurrence of the fire. Therefore the reason that the imports were impacted on account of fire were not justified warranting relaxation under Para 2.5 of FTP for revalidation. The committee therefore rejected the request.

Case No.28 M/s Dhruv Industries Limited New Delhi
F.No. 01/60/162/697/AM12/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for clubbing of 7 advance licences for the purpose of redemption

1. 0510164639 dt. 22.07.2005
2. 051067228 dt. 23.09.2005
3. 0510170820 dt. 18.11.2005
4. 0510172770 dt. 22.12.2005
5. 0510168530 dt. 14.10.2005
6. 0510176291 dt. 13.02.2006
7. 0510252142 dt. 10.11.2009

The committee noted that the authorization of 2009 was obtained to account of the default in exports made in earlier authorizations also there was no continuity in issuance of these authorizations and the gap between the above authorizations is substantial. The Committee therefore did not agree to club these authorizations.

Case No.29 M/s Shri Maa Polyfabs Limited Asansol
F.No. 01/60/162/22/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for the revalidation of DFIA No. 0210123191 dt. 13.2.2009.

Withdrawn for sending instructions to RA in accordance with the existing policy/ procedure for such cases.

Case No.30 M/s Hindustan National Glass & Industry Limited Puducherry
F.No. 01/60/162/26/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of DFIA No. 2510002399 dt. 17.3.2009

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

Case No.31 M/s Siddhartha Tubes Limited, Indore
F.No. 01/60/162/151/AM10/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for the 6 advance licences

i) 1110001229 dt. 13.12.2000
ii) 1110001409 sr, 23.01.2001
iii) 1110001410 dt. 23.01.2001
iv) 1110003132 dt. 30.01.2002
v) 1110003303 dt. 04.-3.2002
vi) 1110004469 dt. 19.09.2002

Deferred for considering on file.

Case No.32 M/s Jyoti Apparels New Delhi
F.No. 01/60/162/2/AM13/EFGC(PRC)

PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension of advance licence No. 0510223244 dt. 2.7.2008.

The Committee considered the request and decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.33 M/s Intas Pharmaceuticals Limited Ahmedabad
F.No. 01/60/162/3/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension for regularization purpose of advance licence No. 0810092394 dt. 22.9.2010 issued under PC-9 condition.

The Committee decided to extend EOP against the aforesaid advance authorization for 1 month i.e. total 13 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.34 M/s Intas Pharmaceuticals Limited Ahmedabad
F.No. 01/60/162/21/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for EOP extension for regularization purpose of advance licence No. 0810089370 dt. 2.6.2010 issued under PC-9 dt. 30.6.2003

The Committee decided to extend EOP against the aforesaid advance authorization for six months i.e. total 18 months from the date of first import for the purpose of regularization and closure. RA should verify the EO claimed to be fulfilled by the firm within the valid EOP. The relaxation is subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond export obligation period. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.35 M/s Euro Décor Pvt Limited Mumbai
F.No. 01/60/162/18/AM13/EFGC(PRC)
PRC Meeting No. 02/AM13 dated: 17.04.2012
Subject:- Request for revalidation of advance licence No. 0310519658 dt. 13.5.2009.

The Committee noted the request of the firm and decided to reject as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.5 of FTP.