Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, on 22.04.2016

Meeting No. 02/AM17 held on 22.04.2016 at 9:30 AM

List of Members present in the meeting is given below:

1.	Shri D. K. Singh	Addl. DGFT
2.	Shri K.C. Rout	Addl. DGFT
3.	Shri Jaikant Singh	Addl. DGFT
4.	Shri Darshan Singh	Addl. DGFT
5.	Shri S. K. Samal	Jt. DGFT
6.	Shri Jay Karan Singh	Jt. DGFT
7.	Shri AkashTaneja	Jt. DGFT
8.	Shri J. M. Gupta	Jt. DGFT
9.	Dr. S. K. Bansal	Jt. DGFT
10.	Shri S.K. Mohapatra	Dy. DGFT
11.	Shri Sudhir Kumar Sharma	FTDO

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

Case 1 : M/s. Lupin Limited, Mumbai
F.No. 01/60/162/559/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for EOP extension of Advance Authorization No. 0310743240 dt. 29.07.2013 issued under PC-9 Condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 19.09.2013. Accordingly, initial obligation period was upto 30.09.2014. The applicant has fulfilled more than 50% export obligation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.03.2015.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.
VI. RA shall check that 50% exports against each consignment were made within initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.

(Action: RA, Mumbai)

Case 2 : M/s. Lupin Limited, Mumbai
F.No. 01/60/162/950/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for extension EOP of Advance Authorization No. 0310786305 dt. 02.07.2014 issued under PC-9 Condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 11.08.2014. Accordingly, initial obligation period was upto 31.08.2015. The applicant has fulfilled less than 50% export obligation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 28.02.2016.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.

(Action: RA, Mumbai)

Case 3 : M/s. Gracure Pharmaceuticals Ltd., New Delhi
F.No. 01/60/162/902/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for extension EOP of Advance Authorization No. 0510380400 dt. 26.02.2014 issued under PC-9 Condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 24.03.2014. Accordingly, initial obligation period was upto 31.03.2015. The applicant has effected no export against the Authorisation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.09.2015.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

V. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.

(Action: RA, CLA)

Case 4 : M/s. Glenmark Pharmaceutical Ltd., Mumbai
F.No. 01/60/162/948/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for condonation in endorsement of re-export quantity 399.98 Kgs. On debit sheet of Advance Authorization No. 0310748922 dt. 10.09.2013 issued under PC-9 condition for regularization purpose.

Decision:

The committee noted that the applicant had imported 760kgs drugs vide B/E dated 05.02.2014 and re-exported 399.98kgs vide S/b dated 04.12.2014. However, quantity mentioned in S/b does not match. Further, it is not clear that the raw material were re-exported to the same supplier or not. The committee, therefore, deferred the case for seeking full details along with supporting documents from the applicant.

(Action: Applicant)

Case 5 : M/s. Repro India Ltd., Mumbai
F.No. 01/60/162/838/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for waiver of Public Notice No. 16 dated 04.06.2015 in the matter of Clubbing with redemption of two Advance Authorization no. (i). 0310329128 dt. 06.05.2005 and 0310339086 dt. 12.07.2005.

Decision:

The Committee noted that the above mentioned Authorisations were issued in 2007 and EOP was upto 24 months from the date of issue of Authorisations. In terms of Para 4.24 of HPB, 2004-2009, the applicant shall submit documents for discharge of export obligation with two months from the date of expiry of stipulated export obligation. The applicant has claimed that application was submitted for clubbing before P.N. 16 dated 04.06.2015 and the matter is pending for 6 years. The committee wanted to know from RA concerned whether the applicant had submitted documents in time for clubbing/redemption of the Authorisations within the prescribed period. If so, why the cases were not redeemed? If not, why action under the provision of FT(DR)Act, 1992 was not initiated?

(Action: RA, Mumbai shall submit report within 10 days from the date of uploading of these minutes on the Directorate website)

Case 6: M/s. Fresenius Kabi Oncology Ltd., New Delhi
F.No. 01/60/162/933/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for relaxation in imported inputs indicated in SB No. 6513012 dated 03.12.2011 covered under Advance Authorization no. 0510303712 dt. 26.09.2011 issued with Pre-import condition as per PC-9 dt. 30.06.2003.

Decision:

The committee noted that the applicant has exported 200 Carboplatin Injection 450mg (each vials containing 4.4725gm drug) under SION 62/269. However, inadvertently, in the Shipping bill, net weight of consumption of inputs has been shown only 0.473gm for 200 vials instead of 94.500gm. As the net weight of resultant products exported is 84.411kgs thus, the net weight of inputs cannot be 0.473gm. The committee was of the view that it appears to be per vial consumption rather total consumption. Taking into consideration this fact, the committee decided that RA shall allow accounting of inputs @ 0.473gm/vial.

(Action: RA, CLA)

Case 7 : M/s. Caterpillar India Pvt.Ltd., Chennai
F.No. 01/60/162/951/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for condonation of procedural lapse for acceptance of ARE-1 as proof of export / supply of SEZ Developer in lieu of "Bill of Exports" for supply one D.G. Set 1500 KVA under Advance Authorization No. 0410150712 dt. 07.10.2013 and for supply of 6 D.G. Sets under Re-imbursement of Duty (ROD) in Lieu of drawback for supply of goods to SEZ Developers.

Decision:

The case was deferred for seeking comments of DoR.

(Action: Policy-4 shall take up the issue with DoR)

Case 8: M/s. Unimark Remedies Ltd., Mumbai
F.No. 01/60/162/923/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for EOP extension of Advance Authorization no. 0310718252 dt. 27.12.2012 issued under PC-9 condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 10.01.2013 and 09.04.2013. Accordingly, initial obligation period was upto 31.01.2014 & 30.04.2014 respectively, against each import consignment. The applicant has fulfilled only 1.79% export obligation during the initial obligation period. The committee, normally, allows 6 months extension on merit. However, in this case, it is noticed that no exports are made after initial obligation period but within extendable period i.e. 18 months from the date of import. The committee, therefore, did not accede to the request. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020 read with PC-18 dated 30.10.2007.

(Action: Applicant/RA, Mumbai; If the applicant fails to get the case regularised within a month, from the date of publication of these minutes on the Directorate website, necessary penal action per the provisions of F.T.(DR)Act, 1992, as amended shall be initiated.)

Case 9: M/s. Shiva Pharmachem Ltd., Baroda
F.No. 01/60/162/903/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for relaxation to count exports made from SEZ unit against Advance Authorization no. 3410039176. 03.02.2014.

Decision:

The committee noted that under Rule 43 of SEZ, Rule, 2006 SEZ unit is allowed to do job work for DTA unit provided permission of DC is obtained and duty paid materials are supplied by DTA unit. In this case duty free raw material imported against Advance Authorisation were supplied to SEZ unit for processing and exporting the same towards discharge of export obligation against Advance Authorisation. The committee was of the view that there could be occurrence of double benefits against the same export, as exports from SEZ unit enjoy the benefit of Income Tax. The committee, therefore, deferred the case for seeking comments of the concerned Development Commissioner.

(Action: DC, Dahej, Vadodra)

Case 10 : M/s. Intas Pharmaceutical Ltd., Ahmedabad
F.No. 01/60/162/949/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for EOP extension of Advance Authorization no. 0810132371 dt. 18.06.2014 issued under PC-9 condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 05.07.2014. Accordingly, initial obligation period was upto 31.07.2015. The applicant has effected no export, towards discharge of export obligation against the Authorisation, during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.01.2016.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.

(Action: RA, Ahmedabad)

Case 11 : M/s. Radiant RSCC Specialty Cable Pvt. Ltd., Medak

F.No. 01/60/162/947/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for extension of EOP in Advance Authorization no. 0910047350 dt. 28.06.2011.

Decision:

The committee noted that the above mentioned Authorisation was issued having export obligation period of 36 months. No further extension in EOP was allowed under the prevalent procedure. After 05.06.2012, export obligation period has been reduced to 18 months and RA is empowered to allow two extension of six months each. However, in terms of para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided the applicant approaches after fulfilling minimum 50% export obligation. The applicant, in this case, has imported two items almost 100% but effected exports, towards discharge of obligation, to the extent of only 8.64%. Therefore, there is no merit in the case. The committee, therefore, did not accede to the request. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Hyderabad. If the applicant fails to get the case regularised within a month, from the date of publication of these minutes on the Directorate website, necessary penal action per the provisions of F.T.(DR)Act, 1992, as amended shall be initiated.)

Case 12 : M/s. Calyx Chemicals and Pharmaceuticals Ltd., Mumbai
F.No. 01/60/162/955/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for clubbing of two Advance Authorization No. 0310489495 dt. 08.10.2008 and 0310591022 dt. 06.09.2010.

Decision:

The committee noted that both the above mentioned Authorisations were issued within 36 months and exports were completed within 48 months from the date of issue of first Authorisation. The committee, therefore, decided the following:

I. Clubbing of two Authorisations, as mentioned above, be allowed.
II. Export obligation period against Authorisation No. 0310489495 dt. 08.10.2008 be extended from 36 months to 48 months i.e. upto 31.10.2012.
III. This will allowed subject to payment of composition fee @ 0.5% of FOB value of exports made after 36^{th} month but upto 42^{nd} month and @ 0.5% per month of FOB value of export made after 42^{nd} month but upto 48^{th} month.
IV. On clubbing this will be treated as one Authorisation for all purpose and no further export and import shall be allowed.
V. Accounting of inputs as per norms shall be ensured.
VI. Minimum 15% value addition shall be maintained.
VII. On clubbing, shortfall if any, shall be regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Mumbai)

Case 13 : M/s. Meghmani Industries Ltd., Gujarat
F.No. 01/60/162/928/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject:- Request for EOP extension of Advance Authorization no. 0810107662 dt. 11.01.2012.

Decision:

The committee noted that the above mentioned Authorisation was issued having export obligation period of 36 months. No further extension in EOP was allowed under the prevalent procedure. After 05.06.2012, export obligation period has been reduced to 18 months and RA is empowered to allow two extension of six months each. However, in terms of para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided the applicant approaches after fulfilling minimum 50% export obligation. The applicant, in this case, has imported 98% against first item and 77% against second item but effected exports to the extent of only 26.80%. Therefore, there is no merit in the case. The committee, therefore, did not accede to the request. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Ahmedabad. If the applicant fails to get the case regularised within a month, from the date of publication of these minutes on the Directorate website, necessary penal action per the provisions of F.T.(DR)Act, 1992, as amended shall be initiated.)

Case 14 : M/s. Arvind Ltd., Ahmedabad
F.No. 01/60/162/979/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for second extension of EOP in respect of Advance Authorization no. 0810123788 dt. 14.08.2013..

Decision:

The committee noted that the above mentioned Authorisation was issued having initial export obligation period of 18 months. RA is empowered to allow two extension of six months each. The applicant has obtained first extension of six months from RA. However, in terms of para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided the applicant approaches after fulfilling minimum 50% export obligation. The applicant, in this case, has imported 91.40% and effected exports towards discharge of obligation to the extent of 137% but after 24 months. The committee, therefore decided the following:

I. Export obligation period be extended from 24 months to 30 months i.e. upto 29.02.2016.
II. This will allowed subject to payment of composition fee @ 0.5% per month of FOB value of exports made after 24th month but upto 30th month.
III. Minimum 15% value addition shall be maintained.

(Action: RA, Ahmedabad)

Case 15: M/s. Indoco remedies Ltd., Mumbai

F.No. 01/60/162/957/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for EOP extension of Advance Authorization no. 0310793105 dated 20.01.2015 issued under PC-9 condition

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 16.02.2015. Accordingly, initial obligation period was upto 16.02.2016. The applicant has effected no export, towards discharge of export obligation against the Authorisation, during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.08.2016.
II. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
IV. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.
V. PC-18 condition shall be followed for shortfall, if any.

(Action: RA, Mumbai)

Case 16: M/s. Indoco Remedies Limited, Mumbai

F.No. 01/60/162/958/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for EOP extension of Advance Authorization no. 0310791351 dated 24.11.2014 issued PC-9 Condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 09.03.2015. Accordingly, initial obligation period was upto 09.03.2016. The applicant has effected no export, towards discharge of export obligation against the Authorisation, during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.09.2016.
II. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
IV. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.
V. PC-18 condition shall be followed for shortfall, if any.

(Action: RA, Mumbai)

Case 17 : M/s. Wockhardt Limited, Mumbai

F.No. 01/60/162/974/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for extension of EOP of Advance Authorization No. 0310792430 dt. 29.12.2014 issued under PC-9 condition.

Decision:

The Committee noted that the above mentioned Authorization was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfillment from import of each consignment. The imports were made on 13.01.2015. Accordingly, initial obligation period was upto 31.01.2016. The applicant has effected no export, towards discharge of export obligation against the Authorisation, during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.07.2016.
II. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
IV. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.
V. PC-18 condition shall be followed for shortfall, if any.

(Action: RA, Mumbai)

Case 18 : M/s. Phillips Carbon Black Ltd., Kolkata.

F.No. 01/60/162/20/AM17/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject:- Request for relaxation for considering exports made under Advance Authorization no. 0210186915 dt. 27.02.2013 during 24.05.2014 to 17.09.2014 (30 Shipping Bills) towards fulfillment of export obligation against AA no. 0210201154 dt. 14.03.2014.

Decision:

The committee noted that the applicant had obtained two Authorisations No 0210186915 dt. 27.02.2013 and 0210201154 dt. 14.03.2014. He had completed stipulated export obligation against AA dated 27.02.2013. However, inadvertently they continued to be exporting against the said Authorisation, which lead excess exports that was

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intended to be shipped against the AA dated 14.03.2014. The committee further noted that 30 shipments were effected during 24.05.2014 to 17.09.2014 i.e. during the initial obligation period of Authorisation dated 14.03.2014. The committee, therefore, decided the following:

I. Exports made during 24.05.2014 to 17.09.2014 through 30 shipping bills (quantity 1501MT) indicating AA No 0210186915 dt. 27.02.2013 shall be taken in to account towards discharge of export obligation against AA No 0210201154 dt. 14.03.2014.
II. This will allowed subject to payment of Rs. 200/- per shipping bill to RA.
III. The RA shall ensure that these 30 Shipping Bills have not been taken into account towards discharge of AA No 0210186915 dt. 27.02.2013 or any other Authorisation.
IV. The applicant shall submit an indemnity-cum- affidavit affirming therein that they have not availed any benefits against these 30 Shipping bills. In case of any loss/demurrage to the exchequer is notice in future, they shall pay immediately an amount equivalent to loss plus applicable interest without any protest, to the RA concerned.

(Action: RA, Kolkata)

Case 19 : M/s. Man Industries (India) Ltd., Mumbai

F.No. 01/60/162/21/AM17/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for clubbing of six Advance Authorization no. (1). 0310435544 dt. 10.072007, (2). 0310435576 dt. 10.07.2007, (3). 0310436866 dt. 19.07.2007, (4). 0310493982 dt. 12.11.2008, (5). 0310494879 dt. 20.11.2008, (6). 0310502832 dt. 19.01.2009.

Decision:

The committee noted that above mentioned 6 Advance Authorisations were issued within 36 months and exports were also completed within 36 months of first Authorisations. The committee, therefore decided the following:

I. Clubbing of 6 above mentioned Authorisations be allowed.
II. Value addition of minimum 15% shall be maintained.
III. Inputs shall be accounted as per SION.
IV. Shortfall, if any, shall be regularised in terms of para 4.49 of HBP, 2015-2020.
V. However, this clubbing is allowed subject to the condition that no adjudication order has been issued against these clubbed Authorisations.

(Action: RA, Mumbai)

Case 20 : M/s. e-shakti.com Pvt. Ltd., Chennai

F.No. 01/60/162/05/AM17/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for waiver of procedural requirement as per HBP.

Decision:

The committee noted that the applicant has neither submitted copy of Bill of Entry nor any documents related to exports, which were used towards discharge of export obligation against the Advance Authorisation. The case was, therefore, deferred for seeking said documents from the applicant. On receipt of the said documents, the concerned Norms Committee shall examine accountability of inputs used in the resultant product and submit report to PRC for waiver of prescribed documents, if any required.

(Action: applicant/NC-V)

Case 21: M/s. Alstom India Ltd., Mumbai
F.No. 01/60/162/926/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for 2nd revalidation of Advance Authorization no. 0310786768 dt. 14.07.2014.

Decision:

The committee noted that in terms of Para 4.17(ii) of FTP, 2015-2020, validity of Advance Authorisation shall be co-terminus with the contractual duration of the project. It is not known why RA did not allow second revalidation? The case was, therefore, deferred for seeking report from RA, concerned.

The committee also noted that the applicant has imported two inputs partially and fulfilled only 58.34% export obligation but did not seek extension in EOP. Therefore, the applicant shall explain the reason of seeking only revalidation.

(Action: RA, Mumbai/Applicant)

Case 22 : M/s. Jindal Drugs Pvt. Ltd., Mumbai
F.No. 01/60/162/932/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for 2nd revalidation of Advance Authorization no. 0310782145 dt. 20.05.2014.

Decision:

The committee noted that the applicant has obtained one revalidation of six months from the concerned RA and has made 75% imports against the Authorisation. The reason cited by the applicant that they could not import balance materials due to non-availability of the same in the international market seems to be contradictory, as the applicant has imported 75%. There is no cogent reason of genuine hardship established. Hence, the committee did not accede to the request.

Case 23: M/s. HPL Additives Ltd., New Delhi
F.No. 01/60/162/931/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for 2nd revalidation of Advance Authorization no. 0510380275 dt. 26.02.2014.

Decision:

The committee noted that the applicant has obtained one revalidation of six months from the concerned RA and has completed more than 75% imports against the Authorisation. The reason cited by the applicant that they could not import balance materials due to show down in the international market seems to be contradictory, as the applicant has exported 100%. Slow down effects export and not import. There is no cogent reason of genuine hardship established. Hence, the committee did not accede to the request.

Case 24: M/s. K. S. Agro Export. Punjab

F.No. 01/60/162/919/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for revalidation of DFIA License no. 1210009345 dt. 20.05.2014.

Decision:

The committee noted that the applicant has obtained the said DFIA against shipments effected from both EDI and non-EDI ports. Online transmission of data is not possible where exports were effected from non-EDI port. The applicant should had not clubbed such shipping bills. The RA should had also not issued DFIA against such shipping bills. However, taking into consideration the limitation of system and genuine hardship is being faced by the applicant, the committee decided the following:

i. The applicant shall surrender the DFIA No1210009345 dt. 20.05.2014.
ii. RA shall cancel the said DFIA and request EDI, Section at H.Q. for reactivation of shipping bills used while obtaining the said DFIA.
iii. EDI shall reactivate such shipping bills.
iv. The Applicant shall file applications for EDI and Non-EDI shipping Bills separately.

(Action: Applicant/RA, Chandigarh/EDI)

Case 25: M/s. Indo Phyto Chemicals Pvt. Ltd., New delhi

F.No. 01/60/162/897/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for revalidation of Advance Authorization no. 0510336430 dt. 04.10.2012.

Decision:

The committee noted that the Authorisation was issued having initial validity of 17th month i.e. upto 31.03.2014. The applicant had option to obtain one revalidation of six months from the RA concerned but did not opt for the same. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case 26: M/s. Royal Touch Fablon (P) Ltd., Kolkata

F.No. 01/60/162/937/AM16/PRC

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject: - Request for revalidation of Advance Authorization no. 0210185226 dt. 09.01.2013.

Decision:

The committee noted that the Authorisation was issued having initial validity of 14th month i.e. upto 31.03.2014. The applicant had option to obtain one revalidation of six months from the RA concerned but did not opt for the same. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case 27: M/s. Premium Polyalloys Pvt. Ltd., Baroda
F.No. 01/60/162/920/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for 2nd Revalidation of Advance Authorization no. 3410040345 dt. 08.07.2014.

Decision:

The committee noted that the Authorisation was issued having initial validity of 12 months i.e. upto 31.07.2015. The applicant had obtained one revalidation of six months from the RA concerned. So effectively the Authorisation was remain valid for 18 months. Despite that they could not complete its imports. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case 28: M/s. Kushaldeep Singh Dhillon, Chandigarh
F.No. 01/60/162/939/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for revalidation of import license no. 2250000225 dt. 14.02.2014.

Decision:

The committee noted that the Authorisation was issued having initial validity of 12 months. The applicant had option to obtain one revalidation of six months from the RA concerned but did not opt for the same. The Authorisation has expired on 13.02.2015 and the applicant has approach the PRC on 21.03.2016 that is after one year without any justification whereas revalidation is allowed in continuation. It is not known why Authorisation was obtained by the applicant if supplier was not equipped with all required procedural formalities of their country? No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case 29: M/s. Shalimar Precision Enterprises P. Ltd., Delhi
F.No. 01/60/162/494/AM16/PRC
PRC Meeting No. 02/AM17 dated 22.04.2016
Subject: - Request for Revalidation of DEPB License no. 0510344782 dt. 04.02.2013.

Decision:

The committee noted that the said DEPB scrip was issued on 04.02.2013 having validity upto 04.08.2014. However, due to system error, the said DEPB was accepted by the Custom's server on 20.08.2014 that is after expiry of the validity. Taking into consideration the genuine hardship, the committee decided to allow six months revalidation from the date of endorsement. The applicant shall submit the said Scrip to RA concerned within one month from the date of uploading of these minutes on the Directorate website.

(Action: RA, CLA)

Case 30: M/s. Birla Tyres Prop. Kesoram Industries Ltd; Kolkata

F.No. 01/89/180/209/AM-02/PC-2(A)

PRC Meeting No. 02/AM17 dated 22.04.2016

Subject:- Clearing the import consignment of "Natural Rubber" imported at Haldia Port Customs vide Bill of Entry no. 4179860 dated 08.02.2016 where the bill of lading date is 20.01.2016 (date of shipment) which is overlapping with the date of Notification No. 32 dated 20.01.2016.

Decision:

The committee noted that vide Notification No 32/2015-20 dated 20.01.2016 clearance of import of Natural Rubber was restricted from Chennai and Nhava Sheva(LNPT) port. However, the applicant has imported 100.80MT of natural rubber from Palembang, Indonesia and goods were shipped against Bill of Leading No PLMHAL 160000001 dated 20.01.2016, which shall be landed at Haldia Port. Now, the goods have arrived at Halia Port but customs Authority did not allow clearance, as the said Notification does not allow Haldia Port for clearance of Natural Rubber.

The committee further noted that the said Notification was published through Extra Ordinary Gazette on 20.01.2015 after 8:00PM. And goods were handed over to Shipping Agency on or before 20.01.2016, as Bill of Lading date is 20.01.2016. Hence, it was not possible for the importer to change the port of landing after issue of Bill of Lading. Taking into consideration this facts, the committee decided the following:

i. Clearance of 100.80MT Natural Rubber arrived at Haldia Port be allowed.
ii. Clarence shall be allowed subject to condition that B/L No PLMHAL 160000001 dated 20.01.2016 was issued before 24:00hours on 20.01.2016.

(Action: Customs Haldia Port)

The meeting ended with a vote of thanks to the chair.

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