

MINUTES OF THE POLICY RELAXATION COMMITTEE (PRC) MEETING No. 05/07-08 HELD ON 31-08-2007 AT 4.00 PM UNDER THE CHAIRMANSHIP OF SHRI R.S. GUJRAL, DGFT.

PRC Meeting was held under the Chairmanship of DGFT, and list of officers present in the meeting is given in **Annexure –I**.

2. Individual cases taken up for discussion and following decision were taken. Decisions are elaborated in **Annexure –II**.

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S.No.	Name of the firm	File Number	Subject/Request	Decision Taken
1.	M/s Birla VXL Limited, Jamnagar	01/94/180/162/AM08/PC-I	Grant of DEPB claim for Rs. 1,12,306/- and Rs. 2,04,176/- against supplies made to SEZ unit with delay condonation.	Approved.
2.	M/s Ravi Dyeware Co. Ltd., Mumbai	01/94/180/GRC-Ravi/AM08/PC-I	Extension in EO period against their advance licence No. 0310224941 dt. 16.09.03.	Approved for EOP extension upto 31.3.2008 subject to 1% composition fee.
3.	M/s Vidhi Dyestuffs Mfg. Ltd.	01/94/180/138/AM08/PC-I	Revalidation of adv. Lic. No.031025288 dt. 13.02.04 up to 30.09.07.	Approved for revalidation upto 31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
4.	M/s Aga Fruits (P) Limited, Bangalore	01/94/180/134/AM08/PC-I	Extension in EO period against their adv. Lic. No.0710020625 dated 17.04.2003.	Approved for EOP extension upto 31.3.2008 with 1% composition fee.
5.	M/s Aga Fruits (P) Limited, Bangalore	01/94/180/135/AM08/PC-I	Extension in EO period against their adv. Lic. No. 0710020626 dated 17.4.2003	Approved for EOP extension upto 31.3.2008 with 1% composition fee.
6.	M/s Gland Pharma Ltd. Hyderabad	01/94/180/223/AM08/PC-I	Revalidation and extension in EOP of their adv. Lice.	Rejected.

			No.0910011982 dt. 13.11.2002.	
7.	M/s Apar Industries Limited, Vadodara	01/94/180/174/AM08/PC-I	Extension in EOP for 4 months against adv.	Approved for EOP extension upto 31.3.2008 without composition fee.
8.	M/s S.A. Rawther Spices (P) Ltd. Bangalore	01/94/162/1159/AM07/PC-I	Extension in EOP for 1 month	Approved for EOP extension upto 31.10.2007 subject to payment of composition fee @ 2% of the duty saved amount for the balance Export obligation.
9.	M/s Grover Vineyards Ltd., Bangalore	01/94/162/243/AM08/PC-I	Extension in EOP against 6 adv. Licences for a period of 6 months	Approved for EOP extension upto 31.3.2008 without composition fee.
10.	M/s GMR Industries Ltd, Hyderabad	1/53/8/350/AM06/G-34/ILS	Permission for conversion of category of aircraft from Private to Passenger (Public Category)	Approved.
11.	M/s Margra Industries Limited, Noida	01/85/162/024/AM05/DES.VI 01/85/162/521/AM05/DES.VI 01/85/162/109/AM02/DES.VI	Condonation of lapse of not mentioning Advance Licence No. on SB, Relaxation of para 5 of P.N. 79 and clubbing, etc.	Approved as per conditions detailed in the minutes.
12.	M/s McNally Bharat Engineering Co. Ltd., Kolkata	01/94/162/54/AM08/PC-I	Relaxation from the requirement of Bank Certificate when project authority payment certificate furnished to substantiate relaxation of supply proceeds against Advance Licence No.0210048926 dated 6.5.2003	Approved.
13.	M/s DCW Ltd, Gujarat	Misc 123/AM07/DBK Cell	Condonation of delay in submission of 2 applications for TED refund.	Approved.
14.	M/s Shreya Life Sciences P. Limited, Mumbai	01/94/180/209/AM08./PC-I	EOP Extension against advance licence No.0310164707 dt.	Approved for EOP extension upto

			28.10.2002 up to 27.10.2005.	31.3.2008 with 1% composition fee.
15.	M/s Ayako Hase, A Japanese Citizen living in Delhi	01/93/180/014/AM08/PC-I (B)	Request to permit import of a second hand car made in 1994 from Japan to India for personal use.	Approved.
16.	M/s Tata Motors Limited, Mumbai	01/93/180/050/AM07/PC-1 (B)	Permission to import two Second Hand Vehicles for R&D purpose (details in agenda)	Approved.
17.	M/s Reliable Ware Pvt. Limited, Cochin	01/36/218/236/AM03/EPCG-I/II	Extension of EOP period by 4 years up to 29.06.2008, beyond the original EO period of 5 years ending on 29.06.2004.	Committee decided to refer back the case to EPCG Committee.
18.	M/s Pacific Cotspin Limited, Kolkata	01/92/180/112/AM07/PC.II	Extension of time for adjustment of availed advance DTA sale by 18 months.	Approved.
19.	M/s Bloom Dekor Ltd., Ahmedabad	01/85/162/885/AM07/DES-VI/PC-I	Request for grant of E.O. extension of advance licences No.0810031037 dated 24.7.2003 for a period of 6 months from the date of endorsement.	Approved for EOP extension upto 31.3.2008.
20.	M/s Havell's India Limited, Noida	01/94/180/213/AM08/PC-1	Revalidation of advance licence no.0510106140 dated 21.10.03 upto 20.10.07.	Approved for revalidation upto 31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
21.	M/s FDC Limited, Mumbai	01/94/180/287/AM08/PC-1	Revalidation of 8 DEPB licences (details in agenda)	Approved for revalidation for six months upto 31.3.2008.
22.	M/s Agri Impex, Karnal	01/94/180/226/AM08/PC-1	Revalidation of advance licence No.3310005900 dated 21.12.04 for six months from the date of endorsement.	Approved for revalidation upto 31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
23.	M/s Videocon Appliances	01/94/180/136/AM08/PC-1	Revalidation and extension in EO period	Approved for revalidation upto

	Limited, Aurangabad		of advance licence no. 0310294772 dated 01.10.04.	31.3.2008 with payment of composition fee @ 2% for the CIF value of the balance import and EOP extension upto 31.3.2008 with 1% composition fee.
24.	M/s Hindustan Petroleum Coporation Limited, Mumbai	01/94/180/245/AM08/PC-1	Revalidation of advance licence No.0310236757	Approved for revalidation upto 31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
25.	M/s Gland Pharma Limited, Hyderabad	01/94/180/222/AM08/PC-1	EOP Extension against their advance licence No.0910014744 dated 18.6.03.	Approved for EOP extension upto 31.3.2008 with 1% composition fee.
26.	M/s Zenith Birla (India) Limited, Thane	01/94/180/124/AM08/PC-1	Revalidation of advance licence No.0310284839 dated 9.8.04 for six months.	Approved for revalidation upto 31.3.2008 without payment of composition fee.
27.	M/s BASF India Limited, Mumbai	01/94/180/377/AM08/PC-1	Revalidation of two advance licence nos. 0310224781 dated 15.09.03 and 0310234893 dated 6.11.03 for six months.	Approved for revalidation upto 31.3.2008 without payment of composition fee.
28.	M/s Arch Pharmalabs Limited, Mumbai	01/94/180/207/AM08/PC-1	Extension in EO period against their advance licence no.0310298357 dated 21.10.04 for six months.	Rejected.
29.	M/s Asian Exports, Kolkata (Original licence Holder is M/s SAIL (BSP, Bhilai)	01/81/162/184/AM07/DES-II 01/81/162/666/AM07/DES-II	Revalidation of 2 DFRCs issued to Ms. SAIL, Bhilai by the RA, Bhopal (details in agenda)	Deferred.
30.	M/s Kanpur Plastipack Limited, Kanpur	01/87/162/665/AM07/DES- VIII	Revalidation of the Advance Licence No.0610006504 dated 9.12.2003.	Approved for revalidation upto 31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
31.	M/s Ballarpur	20/925/AM96/EPCG-1	(i) Request in EO	Such cases to be looked

	Industries Limited, New Delhi		period by 2 years up to 11.01.2010 beyond the period of 12 years already granted to the firm (ii) extension without composition fee/higher export obligation.	after by EPCG Committee as per para 2.5 of FTP.
32.	M/s Kumar Adhesive Pvt. Limited, Kolkata	01/94/180/454/AM08/PC-1	Revalidation of advance licence no.0210066048 dated 22.06.04 for six months.	Approved for revalidation upto 31.3.2008 without payment of composition fee.
33.	M/s EMCO Limited, Thane	01/80/162/3/AM06/DES-1	Extension in the export obligation period under Advance Licence No.0310140834 dated 6.6.02 for a period of six months from the date of endorsement of the license.	Rejected.
34.	M/s Hindustan Zinc. Limited, Udaipur	01/80/162/1328/AM07/DES1	Request for condoning the delay in submission of hard copies of 22 applications for grant of DEPB licenses.	Approved.
35.	M/s M.P. Dye Chem Industries Limited	01/82/162/639/AM07/DES-III	Revalidation of advance Authorization in respect of advance licence 1110007726 dated 10.2.04.	Approved for revalidation upto 31.3.2008 without payment of composition fee.
36.	1. M/s Sarita Handa Exports, New Delhi 2. M/s Sarita Handa Exports Pvt. Ltd, New Delhi	F. No 01/94/180/232/AM08/PC-I	Request for correction of period in the Status Certificate (details in agenda)	Rejected.
37.	M/s Nirma Limited (Formerly Core Health Care Ltd)	F. 20/821/AM96/ EPCG.1 F. 20/1204/AM96/ EPCG.1	EOP Extension for 3 years after the expiry of the extended EO period i.e., from the date on which Nirma took over the Core Health Care Limited, Ahmedabad.	Approved for EOP extension for three years after the expiry of the EOP i.e. from 7.2.2008 upto 7.2.2011.
38.	M/s Haldia Petrochemicals	01/82/162/1093/AM07/DES-IV	Revalidation of 3 advance licences (details	Approved for revalidation upto

	Ltd, Kolkata		in agenda)	31.3.2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.
39.	M/s Renuga Soft-X Towels, Theni	01/84/162/510/AM06/DES-V	Condonation of delay in filing of DEPB application	Approved.
40.	M/s Jubilant Expro Pvt. Limited, Bangalore	01/93/180/61/AM07/PC-I (B)	Permission to import one Q7 3.0 Tdi (CIF price apro. 50,000 Euros) and one Audit car A8 3.0 Tdi LWB (CIF price approx. 50,000 Euros) for Demo	Approved.
41.	M/s Tilda Riceland (P) Limited, Gurgoan	01/53/8/46/AM08/T-1/ILS	Grant of Import Licence with stock and sale condition	Deferred.
42.	M/s H.R. Johnson (India) Limited, Mumbai	01/36/22/20/AM97/EPCG-II	To Grant 4 years extension in E.O. (details in agenda)	Approved for EOP extension for two years w.e.f. 15.10.2006 i.e upto 15.10.2008.
43.	M/s Foam Mattings (India) Limited	18/83/AM07/EPCG-I/II	(i) Request for extension in EO period by 2 years up to 19.01.2007, beyond the original EO period of 5 years ending on 19.01.2005; (ii) Waiver of condition to maintain average EO on the ground of their export product being covered under agriculture product in terms of Para 6.5 (vii) of foreign Trade Policy and (iii) Refixation of EO on duty saved basis.	Approved.
44.	M/s The Indian Scientific Instruments	01/94/180/401/AM08/PC-1	Revalidation of advance licence No.3310004829 dated 16.07.04 for six months.	Approved for revalidation upto 31.3.2008 with payment of composition fee @ 2%

	Factory, Ambala Cantt.			for the CIF value of the balance import.
45.	M/s Am-tech Pack Limited, Mysore	01/92/180/312/AM06/PC.II	Request for extension of the validity period of Advance DTA sales up to 30.06.2008.	Rejected.
46.	M/s Schlumberger Asia Services Limited, New Standard Engineering Estate, Western Express Highway, Goregaon (East), Mumbai	01/93/180/010/AM07/PC-I (B)	Permission for import MSLC (Medium Service Land Carrier) Logging Truck by waiving off the requirement of a homologation certificate.	Approved.
47.	M/s Bravo Healthcare Ltd., Mumbai	01/94/180/153/AM 08/PC I/	Revalidation and regularisation of exports made prior to import against advance licence No. 0310234629 dated 5.11.2003 or accept the imports.	Approved
48.	M/s R.D. Extrusions P Ltd., Haryana	F.No. 20/944/EPCG II	To rectify the minutes of the PRC meeting No. 04/08 held on 7-8-2007 to consider re-export of capital goods imported under EPCG Scheme as E.O fulfillment.	Approved, rectified the Minutes of PRC Meeting dated 7-8-07

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ANNEXURE--I

LIST OF OFFICERS PRESENT IN PRC MEETING HELD ON 31.8.2007 AT 4.00 PM

1. Shri R.S. Gujral, DGFT - in the Chair
2. Dr. Shyam Agarwal, Addl.DGFT
3. Dr Maya D. Kem, Addl.DGFT

4. Shri S.K. Prasad, Addl.DGFT
5. Smt Sangeeta Singh, Jt DGFT
6. Smt. Aditi Das Rout,Jt.DGFT
7. Shri S. K. Samal, Jt.DGFT
8. Shri Amitabh Jain, Jt.DGFT
9. Shri A.K. Singh, Jt.DGFT
10. Shri Anil Agarwal, Jt.DGFT
11. Shri O.P. Hisaria, Jt.DGFT
12. Shri Tapan Mazumder, Jt. DGFT
13. Shri S.N. Dubey, Dy.DGFT

ANNEXURE—II

Details of decision taken against individual cases:

Case No.1: M/s Birla VXL Limited, Jamnagar

F. No. 01/94/180/162/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Grant of DEPB claim for Rs. 1,12,306/- and Rs. 2,04,176/- against supplies made to SEZ unit with delay condonation.

The Committee noted that the FTP in 2004 provided for the benefit of DEPB for supplies to SEZ units whereas the amendments in the corresponding provisions of the Customs Act were made operational subsequent to the exports. The Committee also noted the fact that the case was earlier rejected by the Office of Jt.DGFT Rajkot for want of enabling provision in the Customs Notification during the period of exports. Since, the exports to the SEZ units were made as per policy provision and denial of the benefit (legitimate claim) would lead to legal consequences, the Committee decided to allow the benefit of DEPB against the two claims as per agenda.

Case No.2: M/s Ravi Dyeware Co. Ltd., Mumbai

F. No.94/180/GRC-Ravi/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EO period against their advance licence No.

0310224941 dt. 16.09.03.

The Committee noted the facts from the agenda and observed that 85% of export obligation after pro-rate reduction of E.O was fulfilled within the validity period and the balance 15% was beyond the EOP but within 15-9-06. So, the Committee decided to extend the export obligation period up to 30-9-2006 for the purpose of regularisation of exports already affected subject to payment of composition fee @ 1% per month of the duty saved amount for the balance quantity.

Case No.3: M/s Vidhi Dyestuffs Mfg. Ltd.

F. No. 01/94/180/138/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of adv. Lic. No.031025288 dt. 13.02.04 up to 30.09.07.

The Committee noted that the export obligation had been fulfilled to the extent of 100%. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 with payment of composition fee @ 2% for the CIF value of the balance import.

Case No.4: M/s Aga Fruits (P) Limited, Bangalore

F. No. 01/94/180/134/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EO period against their adv. Lic. No.0710020625 dated 17.04.2003.

The Committee noted the facts from the agenda and observed that 89% of export obligation was fulfilled within the validity period and the balance could not be exported within the export obligation period because of the difficult market situation for the mango pulp industry. So, the Committee decided to extend the export obligation period for six month i.e. up to 31-3-2008 subject to payment of composition fee @ 1% per month of the duty saved amount for the balance quantity.

Case No.5: M/s Aga Fruits (P) Limited, Bangalore

F. No. 01/94/180/135/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EO period against their adv. Lic. No. 0710020626
dated 17.4.2003.

The Committee noted the facts from the agenda and observed that 89% of export obligation was fulfilled within the validity period and the balance could not be exported within the export obligation period because of the difficult market situation for the mango pulp industry. So, the Committee decided to extend the export obligation period for six month i.e. up to 31-3-2008 subject to payment of composition fee @ 1% per month of the duty saved amount for the balance quantity.

Case No.6: M/s Gland Pharma Ltd. Hyderabad

F. No. 01/94/180/223/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation and extension in EOP of the adv. Lic.
No.0910011982 dt. 13.11.2002.

The Committee noted that the exports fulfilled within the E.O period was to the extent of 5.2% only. It was also noted that the imports could be affected to the extent of Rs. 14,79,443/- only for four import items out of the total CIF value of Rs. 29,94,699/- for 13 import inputs allowed under the advance licence. Committee could not find merit in the case and decided to reject the request of the firm for revalidation and EOP extension.

Case No.7: M/s Apar Industries Limited, Vadodara

F. No. 01/94/180/174/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EOP for 4 months against adv. authorisation.

The Committee noted that the export obligation was fulfilled to the extent of 100% within the original EO Period. The extension in E.O had been sought for re-export of the defective material exported earlier. The Committee decided to extend the Export obligation period for six months i.e. upto 31-3-2008 without payment of composition fee.

Case No.8: M/s S.A. Rawther Spices (P) Ltd. Bangalore

F. No. 01/94/162/1159/AM07/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EOP for 1 month.

The Committee noted from the Agenda that the firm could not fulfil the export obligation because of the labour problem and defect in the processing machines. It also noted that the Spices Board had recommended for extension of the export obligation period in this case. Accordingly, the Committee decided to extend the export obligation period for one month i.e. upto 31-10-07 subject to payment of composition fee @ 2% of the duty saved amount for the balance Export obligation.

Case No.9: M/s Grover Vineyards Ltd., Bangalore

F. No. 01/94/162/243/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EOP against 6 adv. Licences (as mentioned below)
for a period of 6 months:

- i) 0710026113 dated 18-12-2003
- ii) 0710026897 dated 20-1-2004
- iii) 0710027597 dated 23-2-2004
- iv) 0710028209 dated 22-3-2004
- v) 0710030434 dated 24-6-2004
- vi) 0710030423 dated 23-6-2004

The Committee noted from the agenda that the request was earlier considered by PRC in its meeting held on 4.1.2007 wherein it was decided that the Regional Authority concerned should be asked to provide details within 15 days and thereafter the facts should be brought up before the PRC to enable it to take a decision in the matter. Committee further noted the reply of RA for non-extension of any FTP benefit because of the DEL status of the firm. Accordingly, Committee decided to extend EOP for the 6 advance licences for a period of six months i.e. upto 31-3-2008 without payment of composition fee.

Case No.10: M/s GMR Industries Ltd, Hyderabad

F. No. 1/53/8/350/AM06/G-34/ILS

Meeting No: 5/08 Date: 31-8-07

Subject Permission for conversion of category of aircraft from Private to Passenger (Public Category).

The Committee noted the recommendation of DGCA and accordingly decided to relax the actual user condition for conversion of category of aircraft from 'Private' to 'Passenger' (Public Category).

Case No.11: M/s Margra Industries Limited, Noida

F. No. 01/01/85/162/024/AM05/DES.VI

F. No. 01/85/162/521/AM05/DES.VI

F. No. 01/85/162/109/AM02/DES.VI

Meeting No: 5/08 Date: 31-8-07

Subject (I) Request for Condonation of lapse of not mentioning Advance Licence No. on SBs (3 cases);
 (II) Request for Relaxation of para 5 of P.N. 79 dated 2.1.2006 and clubbing, etc.
 (III) Request for relaxation for clubbing of 2 advance licences which are not valid as on date and revalidation of one licence.
 (IV) Request for keeping DEL orders in abeyance for one year.

The Committee noted the facts from the Agenda and took the following decision for the four types of requests stated above:

- I. Committee decided to condone the lapse of mentioning the advance licence No. on the shipping bill in the following cases on account of available documentary evidence substantiating co-relation of endorsement in L/C No. mentioned in the advance licence application to that of the Bill of Lading and the endorsement of said Bill of Lading in the corresponding shipping Bill:

- i. Advance licence No. 3230937 dated 21-12-1988
- ii. Advance licence No. 3267124 dated 6-4-1989
- iii. Advance licence No. 0101360 dated 15-2-1999

Committee also noted from the file that in case No. ii) above, the request for modification of size of export product was made on 5-11-1990 vide receipt No. 018841, i.e. prior to making the shipments and accordingly the Committee accepted the request to consider export of alternative product, as per request of the firm.

II. Committee discussed the following four advance licence cases related to non-logging of DEEC books vis-à-vis- the relaxation allowed under PN 79 dated 2.1.2006:

- i. Advance licence No. 3230937 dated 21-12-1988
- ii. Advance licence No. 2273087 dated 2-8-1995
- iii. Advance licence No. 2048850 dated 17-11-1992
- iv. Advance licence No. 3267124 dated 6-4-1989

For advance licence at (i) and (ii) above, Committee decided to relax the provision for requirement of submission of logged DEEC books. It was also decided that the facts of the case would be endorsed to customs authority in the port of registration along with EODC.

For Advance licence at Sl. No. (iii) above, Committee allowed for the two shipping bills logged and not the third shipping bill (not logged) for the purpose of Export obligation fulfillment.

For Advance licence at Sl. No. (iv) above, Committee decided that the matter would be checked from the documents in the file as to whether the firm applied for change in thickness prior to effecting exports. Thereafter, approval of D.G in file may be taken.

III. Committee noted the details from the agenda and observed that for (i) above advance licence No. 3267124 dated 6.4.1989 neither falls under 1992-97 nor 1997-2002 period. Further it noted that clubbing is permitted for expired licences for the period 1992-97 as per policy and there is no revalidation and accordingly the Committee allowed clubbing of four advance licences barring the licences of 1989.

For (ii) above, since expired licence of 1992-97 are allowed for clubbing, Committee decided that there is no need for revalidation of the licences and so no relaxation is required.

IV. Committee decided to keep defaulter order in abeyance for a period of three months from the issue of abeyance orders in all the 9 cases of advance licences listed in the Agenda.

Case No.12: M/s McNally Bharat Engineering Co. Ltd., Kolkata

F. No. 01/94/162/54/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Relaxation from the requirement of Bank Certificate when project authority payment certificate furnished to substantiate realisation of supply proceeds against Advance Licence No.0210048926 dated 6.5.2003.

The Committee noted from the agenda that the firm had submitted the payment certificate from the project authority evidencing receipt of payment. Committee further noted that because of completion of project and non-operation of Bank Account in the State Bank of Hyderabad, Ramagundam Branch, the firm is unable to get a separate bank certificate in Appendix 22 B. Accordingly, the Committee decided to accept the request of the firm thereby dispensing with the requirement of submission of Appendix 22 B in this case provided the payment certificate from the Project Authority along with other required documents prescribed in Policy had been submitted by the firm. Committee also decided that the Policy Division should review the requirement of Bank Certificate in Appendix 22 B in case Project Authority Payment certificate has been furnished, for future amendment, if any, in the existing policy provision.

Case No.13: M/s DCW Ltd, Gujarat

F. No. 01/Misc 123/AM07/DBK Cell

Meeting No: 5/08 Date: 31-8-07

Subject Condonation of delay in submission of 2 applications for TED refund.

The Committee noted from the facts of the case from the Agenda that the delay in filing the TED claim with the RA was due to wrong refund of Excise Duty by Range Central Excise Authority and decided to condone a few days delay in submission of the 2

Terminal Excise Duty refund applications earlier filed in the Office of RA Rajkot.

Case No.14: M/s Shreya Life Sciences P. Limited, Mumbai

F. No. 01/94/180/209/AM08./PC-I

Meeting No: 5/08 Date: 31-8-07

Subject EOP Extension against advance licence No.0310164707 dt.
28.10.2002 up to 27.10.2005.

The Committee noted the facts from the agenda and observed that 93.73% of export obligation was fulfilled within the validity period and the balance could not be exported because of the unfavourable market condition. So, the Committee decided to extend the export obligation period for six month i.e. up to 31-3-2008 subject to payment of composition fee @ 1% per month of the duty saved amount for the balance quantity.

Case No.15: M/s Ayako Hase, A Japanese Citizen living in Delhi

F. No. 01/93/180/014/AM08/PC-I (B)

Meeting No: 5/08 Date: 31-8-07

Subject Request to permit import of a second hand Toyota Crown Car
made in 1994 from Japan to India for personal use.

The Committee noted the fact from the agenda and observed that the request is by a foreign student undergoing learning in India and accordingly decided to relax the existing policy provision, thereby allowing import of a second hand car (made in 1994) from Japan to India for personal use.

Case No.16: M/s Tata Motors Limited, Mumbai

F. No. 01/93/180/050/AM07/PC-1 (B)

Meeting No: 5/08 Date: 31-8-07

Subject Permission to import two Second Hand Vehicles for R&D
purpose:

1. Renault Traffic Customs Authorities with Load Body (Van),
2 Door Diesel, 1870cc, 44KW, LHD, Paylaod-1510 kg.
(Year of manufacture 2002)
2. Suzuki Twin Car, 3 Doors, Petrol, 650 cc, RHD, (Year of
manufacture 2004)

The Committee noted the fact from the agenda. Committee observed that the Department of heavy Industries have recommended for the relaxation of the policy provision for import of aforesaid two second hand vehicles for R&D purpose. Accordingly, the Committee acceded with the request of the firm.

Case No.17: M/s Reliable Ware Pvt. Limited, Cochin

F. No. 01/36/218/236/AM03/EPCG-I/II

Meeting No: 5/08 Date: 31-8-07

Subject Request for Extension in E.O period by 4 years upto 29-6-08
beyond the original EOP of 5 years ending on 29-06-2004.

The Committee noted that as per the present policy provision (paragraph 2.5 of FTP), relaxation for EPCG cases are required to be considered by the EPCG Committee and need not be placed before PRC. Accordingly, the Committee decided to refer back the case to EPCG Committee.

Case No.18: M/s Pacific Cotspin Limited, Kolkata

F. No. 01/92/180/112/AM 07/PC .II

Meeting No: 5/08 Date: 31-8-07

Subject Request for extension of time for adjustment of availed advance
DTA sale by 18 months.

The Committee noted the facts from the agenda and observed that the machineries for which expansion was allowed are yet to be installed. It further noted that the Board of Approval had also recommended the case. Accordingly, the Committee decided to accede to the request of the firm by allowing time upto 31-12-2007 to achieve required NFE for adjustment against advance DTA sales.

Case No.19: M/s Bloom Dekor Ltd., Ahmedabad

F. No. 01/85/162/885/AM07/DES-VI/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Request for grant of E.O. extension of advance licence
No.0810031037 dated 24.7.2003 for a period of 6 months from the
date of endorsement.

The Committee noted from the agenda that export obligation had been fulfilled to the extent of 155.42% and 85.32% quantity-wise for the two products. It also noted that EOP extension could not be granted to the firm by RA earlier because the firm was under DEL and by the time firm was taken out of DEL, RA was not in a position to grant EOP extension beyond the limit allowed under policy. Accordingly, the Committee decided to extend EOP of the aforesaid advance licence for a period of six months i.e. upto 31-3-2008.

Case No.20: M/s Havell's India Limited, Noida

F. No. 01/94/180/213/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence no.0510106140 dated 21.10.03
upto 20.10.07.

The Committee noted that the export obligation had been fulfilled to the extent of 100%. Hence, the Committee decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.

Case No.21: M/s FDC Limited, Mumbai

F. No. 01/94/180/287/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of 8 DEPB licences as per details given below:

- i) 0310283037 dated. 27.7.04
- ii) 0310283038 dated. 27.7.04
- iii) 0310283845 dated. 30.7.04

- iv) 0310277410 dated. 28.6.04
- v) 0310277416 dated. 28.6.04
- vi) 0310277413 dated. 28.6.04
- vii) 0310275997 dated. 21.6.04
- viii) 0310289170 dated. 31.8.04

The Committee noted that the firm could not register the DEPBs with customs at the port of registration due to DRI investigation and the Alert Note (DEL List) issued by RA, Mumbai. Since the firm has been withdrawn from the DEL list, the Committee decided to revalidate the 8 DEPBs for a period of six months i.e. upto 31-3-2008.

Case No.22: M/s Agri Impex, Karnal

F. No. 01/94/180/226/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence No.3310005900 dated 21.12.04
for six months from the date of endorsement.

The Committee noted from the agenda that the export obligation had been fulfilled to the extent of 100%. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.

Case No.23: M/s Videocon Appliances Limited, Aurangabad

F. No. 01/94/180/136/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation and extension in EO period of advance licence no.
0310294772 dated 01.10.04.

The Committee noted the facts from the agenda. Committee observed that the firm had fulfilled E.O to the extent of 71% quantity-wise and imports to the extent of 100% for 17 items and 11% for the remaining one item. Committee also noted that the firm could not complete the imports and exports due to difficult market situation internationally. Accordingly, the Committee decided to extend EOP for six months i.e. upto 31-3-2008 subject to payment of composition fee @ 1% per month for the duty saved amount of the excess import

quantity and revalidation for a period of six months i.e. upto 31-3-2008 subject to payment of 2% fee on the CIF value of the balance import quantity (to be imported).

Case No.24: M/s Hindustan Petroleum Corporation Limited, Mumbai

F. No. 01/94/180/245/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence No.0310236757.

The Committee noted that the export obligation had been fulfilled to the extent of 100% quantity-wise. Committee also noted that the case was earlier considered in the Norms Committee on 14-2-07 and NC had also recommended for revalidation. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.

Case No.25: M/s Gland Pharma Limited, Hyderabad

F. No. 01/94/180/222/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject EOP Extension against their advance licence No.0910014744
dated 18.6.03.

The Committee noted the facts from the agenda and observed that 97% of export obligation (Quantity-wise) was fulfilled within the validity period and the balance could not be exported because the licence was in RA, Hyderabad for reduction in the quantity. So, the Committee decided to extend the export obligation period for six month i.e. up to 31-3-2008 subject to payment of composition fee @ 1% per month of the duty saved amount for the excess imported quantity.

Case No.26: M/s Zenith Birla (India) Limited, Thane

F. No. 01/94/180/124/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence No.0310284839 dated 9.8.04 for six months.

The Committee noted from the agenda that the export obligation had been fulfilled to the extent of 100%(Quantity-wise). It also noted that the firm could not complete the imports due to difficult market situation internationally. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of fee @ 2% of the CIF value of balance imports.

Case No.27: M/s BASF India Limited, Mumbai

F. No. 01/94/180/377/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of two advance licence nos. 0310224781 dated 15.09.03 and 0310234893 dated 6.11.03 for six months.

The Committee noted from the agenda that the export obligation had been fulfilled to the extent of 98.83%(Qty.-wise) in first licence and 100% in the 2nd licence (Quantity-wise). The firm received back their licences amended (name of the import items) from concerned ALC in DGFT Headquarters only after the expiry of the licences. Accordingly, the Committee decided to allow revalidation of the aforesaid two aforesaid advance licences for a period of six months i.e. up to 31-3-2008.

Case No.28: M/s Arch Pharmalabs Limited, Mumbai

F. No. 01/94/180/207/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Extension in EO period against their advance licence no.0310298357 dated 21.10.04 for six months.

The Committee noted from the facts in the agenda that the exports fulfilled within the E.O period was to the extent of 15% only. It was also noted that the imports have been affected to the extent of more than 50% quantity-wise for import of one of the inputs allowed under the advance licence. Committee could not find merit in the case and decided to reject the request of the firm for EOP extension.

Case No.29: M/s Asian Exports, Kolkata
(Original licence Holder is M/s SAIL (BSP, Bhilai))

F. No. 01/81/162/184/AM07/DES-II

01/81/162/666/AM07/DES-II

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of 2 DFRCs issued to Ms. SAIL, Bhilai by the RA,
Bhopal.

The Committee deliberated upon the issue and decided that the justification for delay in applying for revalidation may be examined in the first instance by the concerned Division and then the case may again be placed before the PRC for a decision.

Case No.30: M/s Kanpur Plastipack Limited, Kanpur

F. No. 01/87/162/665/AM07/DES-VIII

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of the Advance Licence No.0610006504 dated
9.12.2003.

The Committee noted that the export obligation had been fulfilled to the extent of 100%. The firm could not complete the imports due to difficult market situation internationally. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.

Case No.31: M/s Ballarpur Industries Limited, New Delhi

F. No. 20/925/AM96/EPCG-1

Meeting No: 5/08 Date: 31-8-07

Subject (i) Request for extension in EO period by 2 years up to 11.01.2010
beyond the period of 12 years already granted to the firm.
(ii) Extension without composition fee/higher export obligation.

The Committee noted that as per the present policy provision (paragraph 2.5 of FTP), relaxation for EPCG cases are required to be considered by the EPCG Committee and need not be placed before PRC. Accordingly, the Committee decided to refer back the case to

EPCG Committee.

Case No.32: M/s Kumar Adhesive Pvt. Limited, Kolkata

F. No. 01/94/180/454/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence no.0210066048 dated 22.06.04 for six months.

The Committee noted that the export obligation had been fulfilled to the extent of 66%. The firm could not complete the imports as their request for No Bond certificate / Waiver, applied within the validity period, was pending in RA Kolkata and RA issued the said Bond Certificate on 31-01-2007, by which time, the validity of their advance licence expired. The Committee deliberated upon the issue and decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008.

Case No.33: M/s EMCO Limited, Thane

F. No. 01/80/162/3/AM06/DES-1

Meeting No: 5/08 Date: 31-8-07

Subject Extension in the export obligation period under Advance Licence No.0310140834 dated 6.6.02 for a period of six months from the date of endorsement on the license.

The Committee noted that the exports fulfilled within the E.O period was to the extent of 47% in value and only 32% in quantity terms. It was further noted that the Norms Committee in its meeting dated 15-5-2007 had considered the request of the firm and had not recommended it. Committee also could not find any merit in the case and decided to reject the request of the firm for EOP extension.

Case No.34: M/s Hindustan Zinc. Limited, Udaipur

F. No. 01/80/162/1328/AM07/DES1

Meeting No: 5/08 Date: 31-8-07

Subject Request for condoning the delay in submission of hard copies of 22 applications for grant of DEPB licenses as per agenda.

The Committee noted the facts of the case from the agenda and observed that the firm had filed on-line application within the time. However, they could submit hard copies beyond the specified time period. So, the Committee decided to condone the delay in submission of hard copies of the 22 applications for grant of DEPB licence with 10% cut.

Case No.35: M/s M.P. Dye Chem Industries Limited

F. No. 01/82/162/639/AM07/DES-III

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance Authorization in respect of advance licence 1110007726 dated 10.2.04

The Committee noted the facts from the agenda that the export obligation had been fulfilled to the extent of 80%. The firm could not complete the imports due to delay in fixation of norms by ALC. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008.

Case No.36: 1. M/s Sarita Handa Exports, New Delhi

2. M/s Sarita Handa Exports Pvt. Ltd, New Delhi

F. No. 01/94/180/232/AM08/PC-I

Meeting No: 5/08 Date: 31-8-07

Subject Request for correction of period in the Status Certificate (details as per agenda).

The Committee noted that the mistake of misplacing the original applications for grant of Status for both the above firms lie with the applicant themselves. Accordingly, the Committee decided that it would not be proper to condone the lapse on the part of applicant as this could set a bad precedent. Accordingly, the Committee rejected the request for relaxation.

Case No.37: M/s Nirma Limited (Formerly M/s Core Health Care Ltd)

F. No. 20/821/AM96/EPCG.1 & F. No. 20/1204/AM96/EPCG.1

Meeting No: 5/08 Date: 31-8-07

Subject EOP Extension for 3 years after the expiry of the extended EO

period i.e., from the date on which M/s Nirma Ltd. took over the Core Health Care Limited, Ahmedabad against the following two EPCG licences:-

- (i) No. 1500240 dated 8.2.96 and
- (ii) No. 1500241 dated 8.2.1996.

The Committee noted from the agenda that the original licensee M/s Core Health Care Ltd. became sick and got itself registered under BIFR in 2001. It also noted that the case was pending in the Hon'ble High Court of Gujarat for taking over of M/s Core Health Care by M/s Nirma Ltd. Committee further noted that M/s Nirma Ltd. took over the company on 1-3-2007 and till then no exports were made against the two licences by M/s Core Health Care Ltd. The Committee noted the merits of the case and the recommendation of EPCG Committee and decided to extend the export obligation period for 3 years after the expiry of the E.O. period i.e. from 7.2.2008 upto 7.2.2011.

Case No.38: M/s Haldia Petrochemicals Ltd, Kolkata

F. No. 01/82/162/1093/AM07/DES-IV

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of 3 advance licences (details in agenda).

- (i) 0210062006 dated 11-3-2004
- (ii) 0210062076 dated 12-3-2004
- (iii) 0210062209 dated 16-3-2004

The Committee observed from the agenda that the 3 advance licences mentioned above are similar cases to that of 39 Nos. of advance licences of the firm, earlier considered in the PRC meeting held on 19-7-2007. Accordingly, the committee decided to allow revalidation of aforesaid three advance licences for a period of six months i.e. up to 31-3-2008 subject to payment of fee @ 2% for the CIF value of the balance import.

Case No.39: M/s Renuga Soft-X Towels, Theni

F. No. 01/84/162/510/AM06/DES-V

Meeting No: 5/08 Date: 31-8-07

Subject Condonation of delay in filing of DEPB application.

The Committee considered the case as per Agenda and noted that in view of the delayed grant of NOC from Preventive Unit of the Central Excise, there was delay in filing the DEPB application. Accordingly, the Committee decided to condone the delay in this case.

Case No.40: M/s Jubilant Expro Pvt. Limited, Bangalore

F. No. 01/93/180/61/AM07/PC-I (B)

Meeting No: 5/08 Date: 31-8-07

Subject Permission to import one Q7 3.0 Tdi (CIF price approx. 50,000 Euros) and one Audit car A8 3.0 Tdi LWB (CIF price approx. 50,000 Euros) for Demo.

The Committee noted the details from the agenda. It deliberated upon the issue and decided to permit the import of aforesaid Q 73.0 Tdi and one Audit car A83.0 Tdi LWB for display and demonstration, evaluate market response and vehicle performance under Indian conditions. Thereafter, the firm would be allowed to sale the said vehicles.

Case No.41: M/s Tilda Riceland (P) Limited, Gurgoan

F. No. 01/01/53/8/46/AM08/T-1/ILS

Meeting No: 5/08 Date: 31-8-07

Subject Grant of Import Licence with stock and sale condition.

The Committee noted the details from the agenda. It also noted that the requisite comments from the Ministry of Agriculture had not been received in the matter. The Committee deferred the case with the direction that the concerned Division would take up the matter with Ministry of Agriculture for their comments and thereafter place the case again to PRC Committee for a decision.

Case No.42: M/s H.R. Johnson (India) Limited, Mumbai

F. No. 01/36/22/20/AM97/EPCG-II

Meeting No: 5/08 Date: 31-8-07

Subject To Grant 4 years extension in E.O. against EPCG licence No. 01500541 dated 16.10.1996.

The Committee noted the details as per agenda and based on the decision of GRC dated 04-7-07, granted extension in export obligation period for two years w.e.f. 15.10.2006 i.e upto 15.10.2008. Committee further decided that in future, such relaxation cases would be considered by the EPCG Committee in terms of para 2.5 of FTP.

Case No.43: M/s Foam Mattings (India) Limited

F. No. 18/83/AM07/EPCG-I/II

Meeting No: 5/08 Date: 31-8-07

Subject (i) Request for extension in EO period by 2 years up to 19.01.2007, beyond the original EO period of 5 years ending on 19.01.2005 against EPCG lic. No. 2135276 dated 20.1.2000.

(ii) Waiver of condition to maintain average EO on the ground of their export product being covered under agriculture product in terms of Para 6.5 (vii) of foreign Trade Policy and

(iii) Refixation of EO on duty saved basis.

The Committee noted the details of the case from the agenda.

- (i) It observed that the case was earlier discussed in the Grievance Committee. Further, based on the comments received from the Ministry of Agriculture and Ministry of Agro & Rural Industries, the Committee decided to grant extension in export obligation period without any penalty for two years w.e.f. 19.01.2005 ie. upto 19.01.2007.
- (ii) The firm's other two requests at (ii) and (iii) as mentioned above, the Committee decided to accept the same. It was also decided by the Committee that in future, such cases for relaxation might be considered by EPCG Committee.

Case No.44: M/s The Indian Scientific Instruments Factory, Ambala Cantt.

F. No. 01/94/180/401/AM08/PC-1

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation of advance licence No.3310004829 dated 16.07.04
for six months.

The Committee noted from the agenda that the export obligation had been fulfilled to the extent of 95% (Quantity-wise). It also noted that the firm had stated that suitable raw material was not available in international market. Hence, it was decided to allow revalidation of the advance licence for a period of six months i.e. up to 31-3-2008 subject to payment of composition fee @ 2% for the CIF value of the balance import.

Case No.45: M/s Am-tech Pack Limited, Mysore

F. No. 01/92/180/312/AM06/PC.II

Meeting No: 5/08 Date: 31-8-07

Subject Request for extension of the validity period of Advance DTA sales
up to 30.06.2008.

The Committee noted that the firm had already been given extension in Advance DTA sale period upto 20-9-2006. The Committee further noted that the firm had not given any justification for consideration of further extension of Advance DTA sales period. So, the Committee decided to reject the request of the firm.

Case No.46: M/s Schlumberger Asia Services Limited, New Standard

Engineering Estate, Western Express Highway, Goregaon (East), Mumbai

F. No. 01/93/180/010/AM07/PC-I (B)

Meeting No: 5/08 Date: 31-8-07

Subject Permission for import MSLC (Medium Service Land Carrier)
Logging Truck by waiving off the requirement of a homologation
certificate.

The Committee noted the details as per the Agenda and the firm's request for import of MSLC (Medium Service Land Carrier) Logging Truck by waiving off the requirement of homologation certificate. It further observed that the import of the said vehicle is required for oil exploration on behalf of the oilfield companies. In view of above and based on the recommendation of Department of Heavy Industry, the Committee decided to approve the aforesaid request of the firm subject to the condition that the equipment would be re-exported after usage. The approval is also subject to a further condition that the vehicle should remain "off road".

Case No.47: M/s Bravo Healthcare Ltd., Mumbai

F. No. 01/94/180/153/AM08/PC.I

Meeting No: 5/08 Date: 31-8-07

Subject Revalidation and regularisation of export made prior to import against advance licence No. 0310234629 dated 5-11-2003 or accept the imports. Firm is ready to pay import duty and interest on excess imports made by them.

The Committee noted the facts from the agenda and observed that the firm had completed 100% exports. It was further noted that the firm had made import of its first consignment on 18-3-04 and it was required to fulfill its export obligation within 6 months of its first import i.e. by 17-9-2004. Committee also noted that the pre-import condition imposed in the licence. It also noted that the prior import condition was endorsed by RA after completion of exports. Since the firm had already fulfilled the export obligation against the balance quantity of imports, the request of the firm was acceded to by the Committee.

Case No.48: M/s R.D. Extrusion P. Ltd., Haryana

F. No. 20/944/94/EPCG.III

Meeting No: 5/08 Date: 31-8-07

Subject To rectify the decision taken in the PRC meeting dated 7.8.2007 in respect of M/s R.D. Extrusion P. Ltd., Haryana for fulfillment of E.O against the EPCG licence No.P/CG/2133733 dated 21.12.1994.

The Committee noted that the firm's request for being allowed to re-export the imported capital goods and the sale proceeds to be counted towards fulfillment of their export obligation was considered by the PRC Committee in its meeting held on 7.8.07 wherein the committee approved the request subject to the condition that the firm shall submit Bank Guarantee for the duty saved amount and interest thereof to RA concerned. However, by mistake the minutes was drafted otherwise. So, the Committee decided to rectify the minutes of the last PRC by stating that by re-export of the capital goods imported. It was further decided that in future, such cases for relaxation might be considered by EPCG Committee.
