

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 05/AM14 HELD ON 07.05.2013 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 Mukesh Bhatnagar	Addl..DG
4. Shri L.B. Singhal	Addl. DG
5. Shri K.C. Raut	Addl. DG
6. Shri S.K. Samal	Jt. DGFT
7. Shri Hardeep Singh	Jt.DGFT
8. Shri Jaikant Singh	Jt. DGFT
9. Shri Jaykaran Singh	Jt. DGFT
10. Shri Ajay Kumar Srivastava	Jt. DGFT
11. Shri S.K. Mohapatra	DDG
12. Smt. Sonika Khattar	FTDO

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

Case No.1. M/s Geltec Private Limited, Mumbai.

F.No. 01/60/162/56/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for EOP extension of Advance Authorization No. 0310438245 dated 06.08.2007 for regularization purpose.

Report has been received in F.No. 01/60/162/858/AM12/EFGC (PRC) from RA. The export product is not a drug. The party did not approach RA to get the condition deleted which was imposed wrongly. RA is therefore requested to re-examine the case and consider it with normal condition and export made within 24 months from the date of issue of Authorization may be regularized.

(Action : Applicant/RA)

Case No.2. M/s DSM Anti-Infectives India Limited.

F.No. 01/60/162/71/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for EOP extension of Advance Authorization No. 2210005015 dated 28.11.2005 issued under PC-9 condition.

After deliberating the case in length the following decisions were taken:

- i) Export obligation period is extended upto 31.08.2006.
- ii) This is only for regularization and closure purpose.
- iii) This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

(Action : RA, Chandigarh)

Case No.3. M/s Medreich Limited, Mumbai.

F.No. 01/60/162/384/AM13/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for waiver the requirement of consumption certificate and to allow to pay the customs duty for 1.140 Kgs against Advance Authorization No. 0710036653 dated 11.03.2005.

Deferred for obtaining the clear/complete facts and data of the authorization no. 0710036653 dated 11.03.2005 and 0710040576 dt. 30.9.2005.

(Action : Applicant)

Case No.4. M/s Fresenius Kabi Oncology Limited. (Formerly Dabur Pharma Limited, New Delhi.

F.No. 01/60/162/73/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for clubbing of Advance Authorization No. 0510251204 dated 21.10.2009 (2) 0510263837 dated 07.05.2010 issued under PC-9 conditions.

After deliberating the case in length, the following decisions were taken:

- i) To allow clubbing of 2 Advance Authorizations as referred above.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- iii) EOP is extended upto to 31.8.2011 against Advance Authrisation No. 0510251204 dated 21.10.2009. This is subject to payment of composition fee @ 0.5% on FOB value of export made outside the original EOP and maintaining 15% value addition.
- iv) Export made upto 31.08.2011 under both the Authorisations may only be taken into account towards clubbing.
- v) RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorisations.

- vi) RA may do clubbing subject to the condition that no adjudication order is issued against any licence to be clubbed.

(Action: RA, CLA, New Delhi)

Case No.5. M/s Kopran Limited, Mumbai.

F.No. 01/60/162/83/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for clubbing of (5) Advanced Authorizations Nos. 0310439354 dated 13.08.2007, 0310561840 dated 24.02.2010, 0310563667 dated 09.03.2010, 0310563658 dated 09.03.2010 & 0310566523 dated 25.03.2010 issued under PC-9 condition.

After deliberating the case in length, the following decisions were taken:

- i) To allow clubbing of 5 Advance Authorizations as referred above.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- iii) RA may examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- iv) RA may do clubbing subject to the condition that no adjudication order is issued against any licence to be clubbed. Exports made within 6 months from the validity of earliest licence may be taken into account for clubbing subject to payment of composition fee @ 0.5%.

(Action: RA, Mumbai)

Case No.6. M/s Tetra Pak India Pvt. Limited, Mumbai.

F.No. 01/60/162/75/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for clubbing of redemption of (5) Advance Authorizations Nos. 1.3110034705 dated 05.08.2008, 2.3110034763 dated 07.08.2008, 3.3110042295 dated 10.03.2010, 4.3110044678 dated 16.09.2010, 5.3110046236 dated 31.12.2010 for regularization purpose.

After deliberating the case at length. The committee observed that all Authorizations issued within 36 months and firm has made the last shipment within 48 months from the date of issuance of the first authorization therefore the following decisions were taken:

- i. To allow clubbing of 5 advance authorizations as referred above.
- ii. This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP. Only exports which is affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.

- iii. RA may grant extension upto 48 months in EOP in the first authorization subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- iv. RA may do clubbing subject to the condition that no adjudication order is issued against any licence to be clubbed.

(Action : RA, Mumbai)

Case No.7. M/s DGM Textiles, Tirupur.

F.No. 01/60/162/02/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for granting necessary permission to consider their redemption documents dispensing with the pre-intimating the free of charge material to be used in the garments exported under Advance Authorization No. 3210030616 dated 19.10.2005

After deliberating the case at length the committee decided to accept the certificate from CA for discharge of export obligation and condoned the procedural lapse of not mentioning the free of cost material to be imported under the licence. However, value addition shall be calculated as per para 4.1.8 of FTP.

(Action : RA Coimbatore)

Case No.8. M/s Sudarsanam Spinning Mills Rajapalaiyam & M/s Rajapalaiyam Textiles Perumalpatti.

F.No. 01/94/180/244/AM13/PC-4(B)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request grant of DEPB against Free Shipping Bills dated 10.08.2011 (2 in nos.) 16.08.2011 (one in no.) and 18.08.2011 (2 in nos.)

The Committee reiterated its earlier decision of PRC meeting no. 30/AM13 dt. 27.11.2012 and once again rejected the request of the firm as the shipments were made after 6 to 12 days of Public Notice 67 dt. 4.8.2011. Hence, the justification is not acceptable to the Committee.

Case No.9. M/s Fashionage Corporation Pvt. Limited, Faridabad.

F.No. 01/60/162/68/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for revalidation of duplicate DEPB Authorization No. 0510345117 dated 07.02.2013 issued in lieu of original DEPB Authorization No. 0510287275 dated 31.03.2011.

The Committee noted that the firm could not utilize the DEPB on account of non transmission of DEPB. The committee decided to revalidate the aforesaid DEPB for 3 months from the date of transmission of said DEPB to ICEGATE Custom.

(Action : EDI/RA, CLA, New Delhi)

Case No.10. M/s Saru Copper Alloy Semis Pvt. Limited.

F.No. 01/60/162/471/AM13/EFGC (PRC)

PRC Meeting No. 05/AM14 dated 07.05.2013

Subject: - Request for revalidation of Advance Authorization No. 0510250243 dated 01.10.2009.

The Committee reiterated its earlier decision of PRC meeting no. 25/AM13 dt. 19.10.2012 and once again rejected the request of the firm as there is no merit in the case for reconsideration.

Case No.11. M/s PCI Papers Limited, Kolkata.

F.No. 01/94/180/779/AM10/PC-4EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of Advance Authorization No. 0210086107 dated 07.02.2006.

The committee noted that import item is paper and as per General Condition under SION, mentioning of GSM for this product is must. Since, the firm is not entitled for import, question of allowing revalidation does not arise.

Case No.12. M/s Vastrangangotri Silk Exports, Bangalore.

F.No. 01/60/162/80/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of DFIA Authorization No. 0710068601 dated 02.12.20029.

The committee did not find any cogent reason given by the firm warranting relaxation. Hence, the request is rejected.

Case No.13. M/s Ambica Steels Limited, Delhi.

F.No. 01/94/180/425/AM10/PC-4

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for issue of duplicate DEPBs and revalidation of in view of lost DEPB Nos. (1) 0510266005 dated 14.06.2010 and (2) 0510269478 dated 02.08.2010.

The Committee noted that the requests for issuance of duplicate DEPBs were not submitted in prescribed documents. Documents were submitted only after expiry of DEPBs, hence no mistake on the part of RA. The request is therefore rejected.

Case No.14. M/s S. Duraisamy and Sons, Tirupur.

F.No. 01/61/180/248/AM13/PC3

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of SHIS scrip Nos. (1) 3510032515 dated 20.01.2011

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.15. M/s Essar Steel India Limited, Pune.

F.No. 01/94/180/18/AM-14/PC-4

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of DFIA No. 0310577221 dated 03.06.2010.

The Committee noted that DFIA is transferable instrument, therefore they should have transferred the same if their plant was not under operation for 21 months. Therefore, the request is rejected.

Case No.16. M/s Amod Exports, Mumbai.

F.No. 01/61/180/0100/AM13/PC-3

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for extension of validity of Authorization No. 0300000117 dated 13.12.2010 issued under SHIS for 6 months.

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.17. M/s Medreich Limited, Bangalore.

F.No. 01/60/162/395/AM12/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for EOP extension of Advance Authorization no. 0710064496 dt. 4.5.2009.

The committee checked the initial application of the firm wherein the firm had submitted that it has fulfilled only 56% of EO and sought extension for prospective exports which was rejected. Now the firm has approached again with the submission that they have completed 91% EO within 12 months from the date of imports which is not harmonious with their earlier statement. Hence, the Committee rejected the request.

Case No.18. M/s. United Phosphorous Limited, Mumbai.

F.No. 01/60/162/74/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for clubbing/EOP extension of (2) Advance Authorizations Nos. 0310434240 dated 27.06.2007 & 0310611167 dated 17.01.2011.

The Committee noted the request of the firm and decided to reject the request of clubbing as the gap between above two authorizations (even the file no.) is beyond 36 months the Committee therefore did not agree to club these authorizations. The applicant is advised to get the cases regularized separately in terms of para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.19. M/s Genom Biotech Pvt. Limited, Mumbai.

F.No. 01/60/162/59/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for regularization of Advance Authorization No. 0310315348 dated 04.02.2005 issued under PC-9 condition

Withdrawn. RA will examine the issue of FORM 10 being not a prescribed document.

(Action: RA, Mumbai)

Case No.20. M/s Rallis Limited, Mumbai.

F.No. 01/60/162/949/AM13/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of Advance Authorization No. 0310576660 dated 01.06.2010.

The Committee reiterated its earlier decision of PRC meeting no. 41/AM13 dt. 26.02.2013 and once again rejected the request of the firm as there is no merit in the case for reconsideration.

Case No.21. M/s Genom Biotech Pvt. Ltd., Mumbai.

F.No. 01/60/162/58/AM14/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for regularization of Advance Authorization No. 0310304665 dated 01.12.2004 issued under PC-9 condition.

Withdrawn. RA will examine the issue of FORM 10 being not a prescribed document.

(Action: RA, Mumbai)

Case No.22. M/s Ganesh Polychem Ltd., Mumbai.

F.No. 01/60/162/120/AM12/EFGC (PRC)

PRC Meeting No. 05/AM14 dated: 07.05.2013

Subject: - Request for revalidation of Advance Authorization No. 0310506364 dated 10.02.2009.

The Committee reiterated its earlier decision of PRC meeting no. 26/AM12 dt. 18.10.2011 and once again rejected the request of the firm as there is no merit in the case for reconsideration.

The Committee ended with the Vote of Thanks to the Chair.
