MINUTES OF THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 06/AM12 HELD ON 18.05.2011 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:

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| 1. | Shri Amitabh Jain | Addl. DG |
| 2. | Shri V.K. Gupta | Addl. DG |
| 3. | Shri N.P.S. Monga | Addl. DG |
| 4. | Shri L.B. Singhal | Jt. DGFT |
| 5. | Shri Rajiv Arora | Jt. DGFT(PRC) |
| 6. | Shri R.S. Ratna | Jt. DGFT |
| 7. | Shri Hardeep Singh | Jt. DGFT |
| 8. | Shri A.K. Singh | Jt. DGFT |
| 9. | Ms. Vibha Bhalla | Jt. DGFT |
| 10. | Ms. Shubra | Jt. DGFT |
| 9. | Shri A. Mishra | Stats Advisor |
| 10. | Shri D.C. Sharma | Stats Advisor |
| 11. | Smt. Sonika Khattar | FTDO |

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

Case No.01 M/s Micro Inks Ltd. Mumbai
F.No. 01/60/162/1/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of advance authorization No. 0310472486 dt. 29.5.2008

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship have been provided by the firm.
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Case No.02 M/s Glenmark Pharmacuticals Lts
F.No. 01/60/162/31/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- EOP extension of advance authorization no. 0310348020 dt. 20.9.2005.

The Committee considered the request of the firm and noted that the firm did not export at all within 6 months. The exports have been made in a much delayed time period. Therefore the committee did not agree to grant any extension for regularization.. The Committee however decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these. However, the default in terms of duty saving proportionate to the default in export outside the prescribed EO period may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization closely and carefully and evaluate the duty-saving default and take necessary action as per the policy provisions. The committee also directed that the composition fee paid by the firm should be refunded expeditiously.

Case No. 03 M/s Nikhil Thermoplast Ltd. New Delhi
F.No. 01/60/162/1916/AM11/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of advance authorization No. 0510199210 dt. 8.2.2007.

The Committee considered the request of the firm and noted that the firm had completed exports prior to the date of fire in their factory. Imports could be made after fire though the firm had an authorization validity of one year. The committee considered this to be a case of genuine hardship. The Committee therefore decided to revalidate the aforesaid advance authorization for a period of six months from the date of endorsement or from 1.7.2011 which ever is earlier, subject to payment of composition fee @ 1% of the unutilized cif value of the authorization and also subject to verification by RA of EO fulfillment status, as claimed by the firm. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher at the time of revalidation at the time of revalidation.

Case No. 04 M/s Ultra Tech Cement Ltd. Mumbai
F.No. 01/60/162/35/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of advance authorization no. 0310423572 dated 20.03.2007

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

Case No. 05 M/s Dorf Ketal Chemial India Pvt. Ltd.
F.No. 01/60/162/46/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of advance authorization no. 0310474035 dated 10.06.2008.

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

Case No. 06 M/s. Minex Metllurgical Co. Ltd. Mumbai
F.No. 01/60/162/77/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of advance authorization no. 0310452393 dated 2.12.2007.
The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship have been provided by the firm.

Case No. 07  M/s. BSL Ltd. Mumbai
F.No.  01/60/162/36/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:-  EOP extension of Advance Authorization No. 1310025563 dated 08.01.2008

The Committee noted that the firm have made less than 50% exports during the valid EOP and, therefore, it was decided to reject the case as it does not merit consideration due to low exports made both quantity and value wise in the valid EOP.

Case No. 08  M/s. JWF Exports Bangalore
F.No.  01/60/162/80/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:-  Revalidation of DFIA no. 0710057775 dated 09.06.2008.

The Committee considered the request of the firm and decided to call for the complete details from the firm regarding date of exports, exports completed within the validity, date on which the partner expired, current status of the firm, status of other authorizations presently held by the firm, and specific reasons as to how partner's death affected firm's performance. After obtaining these details, the case be placed before PRC for a decision.

Case No. 09  M/s. Maruti Coatsu Cylindersf Pvt. Ltd.
F.No.  01/60/162/38/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:-  Revalidation of DFIA no. 3410021197 dated 15.04.2008.

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

Case No. 10  M/s. Maruti Coatsu Cylindersf Pvt. Ltd.
F.No.  01/60/162/59,67,69/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:-  Revalidation of 3 DFIAs as per details given below:--

1. 3410021752 dt. 07.07.2008
2. 3410017419 dt. 17.11.2006
3. 3410016598 dt. 01.08.2006

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship have been provided by the

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship have been provided by the firm and also DFIAs are already endorsed as transferred.

Case No. 11 M/s. Maruti Coatsu Cylindersf Pvt. Ltd.
F.No. 01/60/162/68/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of DFIA no. 3410016541 dated 24.7.2006

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

Case No. 12 M/s. Maruti Coatsu Cylindersf Pvt. Ltd.
F.No. 01/60/162/50/AM12/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of DFIA no. 3410018178 dated 26.2.2007

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

Case No. 13 M/s. Kaleesuwari Refinery Pvt. Ltd.
F.No. 01/60/162/1481/AM11/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of Advance authorization No. 0410081189 dated 10.5.2006.

The Committee considered the request of the firm and noted that the firm completed their export by March/ April 2008 and even submitted their request for EODC in April 2008, which was granted to them on 5.9.2008 and thereafter the firm had almost 2 months to complete imports. The Committee noted that the advance authorization stipulated that the imports could be undertaken only after completion of exports. Therefore, the firm could make imports only after EODC. JDG(PRC) highlighted that while the firm's contention regarding export ban was not tenable, RA had taken five months to grant EODC though this has not been highlighted as a ground by the firm. The committee decided that revalidation of advance authorization be granted due to the administrative delay on the part of RLA to grant EODC. The revalidation be granted for six months from the date of endorsement or from 1.7.2011 which ever is earlier, subject to payment of composition fee @ 1% of the unutilized cif value of the authorization and also subject to verification by RA of EO fulfillment status, as claimed by the firm. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher at the time of revalidation at the time of revalidation.

Case No. 14 M/s. Associated Capsules Pvt Ltd, Mumbai
F.No. 01/60/162/1886/AM11/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- EO extension/revalidation of 9 Advance authorization 1.0310388973 dt 11.7.2006 2.0310469574 dt 25.4.2008 3.0310444343 dt

Subject:- EO extension/revalidation of 9 Advance authorization [illegible] dt. [illegible] dt. [illegible] dt
26.9.2007, 4.0310404769 dt. 18.10.2006, 5. 0310430390 dt. 23.5.2007, 6. 0310430393 dt. 23.5.2007, 7. 0310375584 dt. 12.4.2006, 8. 0310404772 dt.18.10.2006, and 9. 0310428264 dt. 30.4.2007 for the purpose of clubbing

The Committee considered the request of the firm and decided to allow to club above 9 advance authorizations for the purpose of regularization. RA may revalidate the concerned advance authorizations subject to payment of composition fee @1% of the unutilized CIF value of the authorization and also subject to verification of EO fulfillment status as claimed by the firm by RA. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 6.1.2010. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.

Case No. 15 M/s. Hindustan Platinum Pvt. Ltd.
F.No. 01/60/162/51/AM10/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation and enhancement of CIF value and quantity of advance authorization No. 0310334504 dt. 15.6.2005.

The Committee considered the request of the firm and noted that the firm has not specified any reasons of not importing during the initial validity of the advance authorization. The committee also noted that RA has in its report provided details regarding the delay on the part of the firm in submitting complete documentation for EODC. The committee desired that the firm should categorically state the reasons for not making imports during the initial validity of the licence and also RA should also clarify regarding the documentation sought for by them for EODC viz. need of furnishing Central Excise attested invoices.

Case No. 16 M/s. Paras Petrofils Ltd. Surat
F.No. 01/94/180/09/AM10/PC-IV/ EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- EOP extension of 4 advance authorization 5210013739 dt. 22.6.2004, 5210013740 dt. 22.6.2004 , 5210013741 dt. 30.6.2004 and 5210014540 dt. 30.6.2004
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The Committee considered the request of the firm and noted that PRC in their meeting no 06/AM08 dt. 16.10.2007 granted EOP extension of 6 months in respect of the 2004 authorizations. The firm has stated that there was a delay on the part of RA to grant EO extension and therefore they would able to get EOP extension for less than 4 months. The committee in view of the aforesaid decided to grant 2 months EOP from the date of endorsement or 1.7.2011 which ever is earlier subject to verification of the aforesaid facts by RA. Since this is an administrative delay on the part of RA, the committee decided that no composition fee should be charged.

Case No. 17 M/s. Bhima Palathara exports Alleppy

F.No. 01/60/162/735/AM10/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Revalidation of Advance authorization No. 1010023605 dated 24.5.2006.

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

Case No. 18 M/s. Deepa Export Jetpur
F.No. 01/60/162/1954/AM11/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Amendment in DFIA no. 2410029653 dt. 24.9.2010 after issuing of EODC

The Committee considered the request of the firm and noted that the firm was granted EODC by RA Rajkot as per documents furnished by the firm. However subsequently the firm made a request to RA to rectify the EODC requesting to add some additional shipping bills were not included earlier. The RA had rejected the request since the EODC had been issued and transferability endorsed. PRC also noted the report of RA regarding error made by the firm regarding the same and decided that in case the firm has made an error in not submitting the complete export documents to RA, they should be given an opportunity to have the same included in the EODC now subject to verification by RA with due diligence as per the FTP Policy and Provisions.

Case No. 19 M/s. Stonemann Royale Ltd., Mumbai
F.No. 01/89/180/70/AM 09/PC 2(A)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Request is for: To allow import of polished Agglomerated Marble at a price lower than the floor price of US $ 50 per Sq. Meter against contract No. BY/SRL/AMS/1001 dated 27.8.2007 as per Hon'ble High Court's Order dated 2.9.2010 and in relaxation of paragraph.

The Committee considered the request of the firm and noted that the PRC has already taken a decision in PRC meeting held on 12.10.2010. The committee therefore reiterated its earlier decision.

Case No. 20 M/s. Jubiliant Organosys Ltd.
F.No. 01/60/162/675/AM10/EFGC(PRC)
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Clubbing of 4 DFIAs i) 0510190785 dt. 13.9.2006, ii) 0510190791 dt. 13.9.2006, iii) 0510197125 dt. 2.1.2007 and iv) yet to be issued

The Committee considered the request of the firm and noted that the firm had obtained 3 DFIAs in 2006 and 2007 wherein there was a default in exports. The firm had thereafter also applied for/ obtained a DFIA in 2010 wherein they have undertaken exports with no imports. The committee noted that in case of advance authorization wherein although the clubbing facility was available, the committee had not agreed to requests of the clubbing in cases where the authorizations were having a wide spread with no overlap in the validity period. In case of DFIAs, the committee noted that there was no facility of clubbing available in the policy and that in the instant case the authorizations sought to be clubbed are even though otherwise not permissible in the policy had been issued way back in 2006-07 which are proposed to be clubbed with the authorization applied in 2010 which has a wide spread. The committee therefore did not find any genuine hardship and accordingly rejected the request for clubbing of DFIAs.

Case No. 21 M/s. Bakul Pharma Ltd.
F.No. 01/83/162/1226/AM02/DES-III
PRC Meeting No. 06/AM12 dated: 18.05.2011
Subject:- Request for condonation for obtaining separate authorizations for regularization for excess import of restricted items under Para 4.28 (b) of HBP against advance licence no. 0310089676 dt. 22.6.2001

The Committee considered the request and it was decided that such cases be considered in accordance with the transitional arrangements as per Para 4.27 of HBP- Vol.I.