Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, IAS on 31.05.2016

Meeting No. 08/AM17 held on 31.05.2016 at 10:00 AM

List of officers 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 A.K. Srivastava	Jt. DGFT
7. Shri Jay Karan Singh	Jt. DGFT
8. Shri AkashTaneja	Jt. DGFT
9. Shri J. M. Gupta	Jt. DGFT
10. Shri S.P. Roy	Jt. DGFT
11. Dr. S. K. Bansal	Jt. DGFT
12. Shri Rajbir Sharma	Jt. DGFT
13. Shri Rakesh Kumar	Dy. DGFT
14. Shri Lokesh H.D.	Dy. DGFT

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

Case No 1: M/s. J. Duncan Healthcare Pvt. Ltd., Thane.

F.No. 01/60/162/257/AM17/PRC

PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: -Request for waiver of PC-18 condition requiring destruction certificate of alleged excess imported quantity of raw materials against Advance Authorization No.0310717294 dt. 14.12.2012.

Decision:

The Committee noted that the applicant has imported 370kgs drugs from unregistered sources and exported resultant product containing 331.154kgs inputs. There was shortfall of 38.846kgs. However, the applicant has claimed that they no raw materials balance for destruction, as they consumed 1.23gram drug in each vial of export instead of 1gram. However, the committee noted that in the shipping bills the applicant has declared resultant product containing 1gram drug only. The committee, therefore, decided the following:

i. PC-18 dated 30.10.2007 conditions to the extent of requirement of destruction certificate stands waived on 38.846kgs unaccounted raw materials.

ii. This will, however, be subject to payment of applicable duties and interest to the customs Authority on unaccounted quantity and Rs.50,000(Fifty thousand only) to RA as composition fee.

(Action: RA Mumbai)

Case No 2: M/s. Swiss Parenterals P. Ltd., Gujarat.
F.No. 01/60/162/255/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for E.O. extension against Advance Authorization No. 0810099159 dt. 10.05.2011 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization no. 0810099159 dt. 10.05.2011 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 30.05.2011. Accordingly, initial obligation period was upto 30.05.2012. The applicant has completed 93% exports during the initial export obligation period and remaining 7% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **30.11.2012**.
II. This is only for accounting and regularization of exports already effected.
III. This will, however, be subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. RA shall check that minimum 50% exports against each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No 3: M/s. Lee Pharma Ltd., Hyderabad.
F.No. 01/60/162/194/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for condonation of delay in submitting of drawback claims for the period April – June, 2011 to October – December,2012 (7 claims).

Decision:

The committee noted that the applicant's submission that he was not aware of the benefits of Duty Drawback available to him, does not seem to be convincing because he has set up the unit knowing all the benefits of duty exemption/refund available to an EOU. The applicant could not establish the case of any genuine hardship. The committee, therefore, did not accede to the request.

Case No 4: M/s. Wockhardt Ltd., Mumbai.
F.No. 01/60/162/187/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject:- Request for E.O. extension against Advance Authorization No. 0310793641 dt. 06.02.2015 issued under PC-9 condition.

Decision:

The committee noted that the Advance Authorization no. 0310793641 dt. 06.02.2015 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 07.03.2015. Accordingly, initial obligation period was upto 31.03.2016. The applicant has completed 58.64% exports during the initial export obligation period. Taking into consideration all these facts, 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 payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
III. RA shall check that minimum 50% exports against the each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No 5 : M/s. Aurochem Laboratories (India) Pvt. Ltd., Mumbai.
F.No. 01/60/162/219/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for extension of EOP and waiver of PC-18 condition against Advance Authorization No. 0310791438 dt. 26.11.2014 issued under PC-9 condition.

Decision:

The committee noted that the Advance Authorization no. 0310791438 dt. 26.11.2014 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 19.12.2014. Accordingly, initial obligation period was upto 31.12.2015. The applicant has completed 59.66% exports during the initial export obligation period and 35.89% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **30.06.2016**.
II. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
III. RA shall check that minimum 50% exports against the each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. For unaccounted quantity, PC-18 dated 30.10.2007 condition shall be followed.

(Action: RA, Mumbai)

Case No 6: M/s. Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/204/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension EOP of Advance Authorization No. 0810095074 dt. 29.12.2010 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization no. 0810095074 dt. 29.12.2010 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 05.02.2011, 03.03.2011 & 04.07.2011. Accordingly, initial obligation period was upto 28.02.2012, 31.03.2012 & 31.07.2012, respectively. The applicant has completed 68% exports during the initial export obligation period and remaining 32% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **31.08.2012, 30.09.2012 & 31.01.2013,** respectively.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. RA shall check that minimum 50% exports against the each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No 7: M/s. Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/206/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension of EOP of Advance Authorization No. 0810114836 dt. 07.09.2012 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization no. 0810114836 dt. 07.09.2012 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 01.10.2012 & 23.02.2013. Accordingly, initial obligation period was upto 31.10.2013 & 28.02.2014, respectively. The applicant effected NIL export during the initial export obligation period but completed 100% obligation thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **30.04.2014 & 31.08.2014,** respectively.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% per month of FOB value of exports 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.

(Action: RA, Ahmedabad)

Case No 8: M/s. Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/222/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension of EOP of Advance Authorization No. 0810134706 dt. 03.03.2015 issued under PC-9 condition.

<u>**Decision:**</u>

The Committee noted that the Advance Authorization no. 0810134706 dt. 03.03.2015 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfilment from import of each consignment. The imports against the Authorisation was made on 05.03.2015. Accordingly, initial obligation period was upto 31.03.2016. The applicant has completed 23.11% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **30.06.2016.**
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% per month of unfulfilled FOB value of exports 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. For shortfall, the applicant shall follow the procedure prescribed in Policy Circular 18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No 9: M/s. Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/205/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension of EOP of Advance Authorization No. 0810121286 dt. 21.05.2013 issued under PC-9 condition.

<u>**Decision:**</u>

The Committee noted that the Advance Authorization no. 0810121286 dt. 21.05.2013 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 against the Authorization was made on 25.05.2013. Accordingly, initial obligation period was upto 31.05.2014. The applicant has completed 77.18% exports during the initial export obligation period and 19.37% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **30.11.2014.**
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. RA shall check that minimum 50% exports against the each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
VI. For shortfall, the applicant shall follow the procedure prescribed in Policy Circular 18 dated 30.10.2007

(Action: RA, Ahmedabad)

Case No 10: M/s. Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/244/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension of EOP of Advance Authorization No. 0810132320 dt. 13.06.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization no. 0810132320 dt. 13.06.2014 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 against the Authorization was made on 23.06.2014 & 09.03.2015. Accordingly, initial obligation period was upto 30.06.2015 & 31.03.2016, respectively. The applicant has completed 73.08% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, i.e. upto **31.12.2015 & 30.09.2016,** respectively.
II. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
III. RA shall check that minimum 50% exports against the each import consignment were made within the initial export obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No 11: M/s. DSM Sinochem Pharmaceuticals India Pvt. Ltd., Gurgaon.

F.No. 01/60/162/892/AM16/PRC

PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: - Request for clubbing of 2 Advance Authorizations No.2210005750 dt. 10.07.2006 & 2210005756 dt. 11.07.2006 for regularization purpose.

Decision:

The committee noted that one of the inputs allowed for import against the above Advance Authorizations was Penicillin G Potassium for which, in terms of Policy Circular No 1 dated 17.09.2004, export obligation period was 6 months from the date of import consignment. Import in the first Authorisation was made on 09.10.2006. Accordingly, initial obligation period in this Authorisation was upto 30.04.2006. Hence, the committee decided as following:

i. Request for clubbing of above referred Authorisation be allowed.
ii. Export obligation period be extended from 6 months to 12 months i.e. upto **31.10.2007** against the Authorizations No 2210005750 dt. 10.07.2006.
iii. This will, however, be subject to payment of composition fee @ 0.5% of FOB value of clubbed Authorisation made after **30.04.2006**.
iv. Value Addition of 15 % shall be maintained.
v. Accounting of exports made after **31.10.2007** shall not be allowed.
vi. Shortfall, if any, shall be regularized in terms of Para 4.28 of HBP 2009-2014.

(**Action: RA Chandigarh)**

Case No 12: M/s. Ducol Organics & Colours Pvt. Ltd., Mumbai.

F.No. 01/60/162/218/AM17/PRC

PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: - Request for 2nd revalidation of Advance Authorization No. 0310786936 dt. 17.07.2014.

Decision:

The committee observed that the applicant has already been granted one revalidation of six months by the RA, despite that the applicant could not utilize the Authorization. No case of genuine hardship. Hence, the committee did not accede to the request.

Case No 13: M/s. Century Overseas, New Delhi.

F.No. 01/60/162/201/AM17/PRC

PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: -Request for Extension EOP of Annual Advance Authorization No. 0510319244 dt. 01.03.2012.

Decision:

The committee noted that the Authorization was issued having initial export obligation period of 36 months. The applicant has fulfilled 61% export obligation within initial obligation period but did not make any export thereafter and extendable period upto 48 months has also lapsed. There is no merit in the case to allow extension beyond 48 months. The committee therefore, did not accede to the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 read with Policy Circular No 18 dated 30.10.2007.

(Action: RA, CLA New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated)

Case No 14: M/s. Chemi-Kleen (India) Pvt. Ltd., New Delhi.
F.No. 01/60/162/112/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for relaxation in respect of submission of BRC against Advance Authorization No.P/L/3492254 dt. 29.03.1995, DEEC NO.167232.

Decision:

The committee noted that the applicant has exported goods towards discharge of export obligation against the above mentioned Authorisation through two shipments. However, they are unable to submit BRC against these shipping bills, as the same were not available with them and the Bank was not co-operating because the matter is 20 years old. They have FIRC and the bank is willing to confirm the receipt of the payments on the basis of FIRCs but not willing to give in writing that the payments have been received against the same Shipping Bills. However, in support of realization of payments against these two bills, the applicant vide their letter dated 09.05.2016 has submitted a copy of the XOS statement issued by RBI, which establishes that no amount is outstanding. However, the committee was under apprehension that it could not be established from XoS if GR were waived partially or fully. The committee, therefore, decided the following:

I. The applicant shall submit a certificate from the concerned Bank that the GR was not waived against these two shipping Bills No 005146 dated 21.03.1995 and 7079 dated 19.04.1995.
II. The applicant shall also furnish an indemnity bond-cum-affidavit affirming therein that in case of any loss/demurrage to the exchequer is noticed in future, they will pay immediately an amount equal to loss with applicable interest to RA without raising any dispute.
III. On the basis of these documents, RA shall allow redemption of BG/LUT against the Authorisation provided no Adjudication order is passed by DGFT against the Authorisation.

(Action: RA, CLA, New Delhi)

Case No 15: M/s. Bhandari Foils and Tubes Ltd., Mumbai
F.No. 01/60/162/162/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for Extension of EOP of Advance Authorization No. 0310468095 dt. 10.04.2008 for S/Bill exported beyond EOP.

Decision:

The committee noted that the above mentioned Authorization was issued having initial obligation period of 36 months. The applicant has fulfilled 38% obligation within initial obligation period and 62% thereafter. The committee, therefore, decided the following:

I. Export obligation period be extended from 36 months to 48 months for regularisation of exports already effected.
II. This will, however, be subject to payment of composition fee @ 0.5% per month of FOB value of exports made after 36th month but upto 42nd month and @ 1% per month of FOB value of export made after 42nd month but upto 48th month.
III. Minimum 15% value addition shall be maintained.

(Action: Applicant/RA, Mumbai)

Case No 16: M/s. Lion Rubber Industries Pvt. Ltd., Mumbai.
F.No. 01/60/162/956/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for condonation of delay in claim of benefit of DEPB in terms of Para-4.3 of FTP (2009-14) for the Shipping Bills applied under File No.00004/AM16.

Decision:

The committee noted that in this case, the exports were effected during 27.07.2009 to 27.09.2011. In terms of para 4.46 of HBP, 2009-2014, time period for submission of application for DEPB claim was 12 months from the date of export or six months from the date of realization of payments or three months from the of printing of shipping bills, whichever is later. And, in terms of Para 9.3 of HBP, 2009-2014, application can be filled within 2 years from the prescribed time period with 10% late cut. However, the applicant has submitted application on 24.07.2015 i.e. after 5 years from the date of exports. The applicant could not give any cogent reason of not filling application within three years with prescribed late cut. There is no case of genuine hardship. The committee, therefore, did not accede to the request.

Case No 17: M/s. Plastiblends India Ltd., Mumbai.
F.No. 01/60/162/543/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for revalidation of Advance Authorization No.0310586616 dt. 09.08.2010.

Decision:

The case was deferred for seeking the related file under which said Authorisation was issued from RA, Mumbai to verify if exports have been made in excess and has been reported by exporter to RA.

(Action: RA, Mumbai shall furnish licence file to PRC within 10 days from the date of uploading of these minutes on the Directorate website.)

Case No 18: M/s. Radwins Garments, Hyderabad.

F.No. 01/60/162/243/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject:- Request for grant of EOP extension of Advance Authorization No.0910057605 dt. 18.09.2013.

Decision:

The committee noted that the above mentioned Authorization was issued having initial obligation period of 18 months. RA has extended the obligation period upto 24 months. The applicant has fulfilled 48% obligation within extended period. The committee, therefore, decided the following:

I. Export obligation period be extended from 24 months to 36 months i.e. upto **30.09.2016.**

II. This will, however, be subject to payment of composition fee @ 0.5% per month of unfulfilled FOB value of exports made after 24th month but upto 30th month and @ 1% per month of unfulfilled FOB value of export made after 30th month but upto 36th month.

III. The applicant shall submit a certificate from the concerned Excise Authority certifying that the balance raw materials, imported duty free against the Authorization, are in the possession of the applicant.

(Action: Applicant/RA, Hyderabad)

Case No 19: M/s. Chemocid Impex Pvt. Ltd., Mumbai.
F.No. 01/60/162/233/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for 2nd revalidation of Advance Authorization No.0310777264 dt. 07.04.2014.

Decision:

The committee observed that the Authorization was issued having initial validity of 12 months to import. RA has already granted one revalidation for six months. Hence the applicant had 18 months to import. Despite that the applicant could not utilize the Authorization. No cogent reason is given, which could establish the case of genuine hardship. Therefore, the committee did not accede to the request.

Case No 20: M/s. GES Polymers Pvt. Ltd., Mumbai.
F.No. 01/60/162/213/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for revalidation of Advance Authorization No.0310786197 dt. 01.07.2014.

Decision:

The committee observed that the Authorization was issued having initial validity of 12 months to import. The Authorisation was issued on 01.07.2014. Accordingly, the initial validity was up to 30.06.2015. RA has already extended validity upto 30.12.2015. Hence the applicant had 18 months to import. Despite that the applicant could not utilize the Authorization. No cogent reason is given, which could establish the case of genuine hardship. Therefore, the committee did not accede to the request.

Case No 21: M/s. Alkyl Amines Chemicals Ltd., Mumbai.
F.No. 01/60/162/216/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for 2nd revalidation of Advance Authorization No.0310785246 dt. 12.06.2014.

Decision:

The committee observed that the Authorization was issued having initial validity of 12 months to import. RA has already granted one revalidation for six months. Hence the applicant had 18 months to import. Despite that the applicant could not utilize the Authorization. The amendment No 4 was issued on 22.7.2015, which was accepted by the Customs server on 31.07.2015. The Authorisation was remain valid upto 11.012.2015. Hence, the applicant was enough time to utilise the Authorisation. There is no cogent reason of genuine hardship. Therefore, the committee did not accede to the request.

Case No 22: M/s. VDH Chemtech Pvt. Ltd., Ghaziabad.
F.No. 01/60/162/202/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for revalidation of Advance Authorization No.0510388792 dt. 18.06.2014.

Decision:

The Committee noted that the company has not furnished any valid justification/reasons for not importing the goods within validity of the Authorisation. Authorization was obtained under para 4.7 of HBP vol.1. Hence the Authorisation holder should have imported the goods at his own risk without waiting for norms on ad-hoc basis. As such there is no merit for consideration of the request for revalidation, as there is no cogent reason of genuine hardship.

Case No 23: M/s. Tina Organics Pvt. Ltd., New Delhi.
F.No. 01/60/162/151/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for condonation of the procedural lapse in obtaining the Bill of Exports of Advance Authorization No.0510278028 dt. 26.11.2010.

Decision:

The committee noted that the supplies of goods to SEZ unit are considered as physical exports. Hence, supplies must be made against Bill of Export and payment realization should be in Appendix -22A, which are prescribed documents for redemption of Advance Authorisation. The committee did not find any reason of waiving these documents. The applicant did not submit any cogent reason for not producing these prescribed documents. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated)

Case No 24: M/s. Tina Organics Pvt. Ltd., New Delhi.
F.No. 01/60/162/152/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for condonation of the procedural lapse in obtaining the Bill of Exports of Advance Authorization No.0510267699 dt. 07.07.2010.

Decision:

The committee noted that the supplies of goods to SEZ unit are considered as physical exports. Hence, supplies must be made against Bill of Export and payment realization should be in Appendix -22A, which are prescribed documents for redemption of Advance Authorisation. The committee did not find any reason of waiving these documents. The applicant did not submit any cogent reason for not producing these prescribed documents. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated)

Case No 25: M/s. Tina Organics Pvt. Ltd., New Delhi.
F.No. 01/60/162/150/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for condonation of the procedural lapse in obtaining the Bill of Exports of Advance Authorization No.0510245912 dt. 15.07.2009.

Decision:

The committee noted that the supplies of goods to SEZ unit are considered as physical exports. Hence, supplies must be made against Bill of Export and payment realization should be in Appendix -22A, which are prescribed documents for redemption of Advance Authorisation. The committee did not find any reason of waiving these documents. The applicant did not submit any cogent reason for not producing these prescribed documents. The committee, therefore, did not accede to the request.

The applicant is hereby directed to get the cases regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated)

Case No 26: M/s. Cargill India Pvt. Ltd., New Delhi.
F.No. 01/60/162/128/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for 2nd revalidation of Advance Authorization No.0510390677 dt. 22.08.2014.

Decision:

The committee observed that the Authorization was issued having initial validity of 12 months to import. RA has already granted one revalidation for six months. Hence the applicant had 18 months to import. Despite that the applicant could not utilize the Authorization. The applicant had submitted 30 Invoices out of 45 Invoices on 03.02.2016 for EODC and subsequently submitted remaining 15 Invoices on 19.02.2016 whereas the Authorisation was remain valid only upto 21.02.2016. Thus, delay in issuance of EODC could not be attributed to RA. There is no case of genuine hardship established. Therefore, the committee did not accede to the request.

Case No 27: M/s. KEC International Ltd., Mumbai.
F.No. 01/60/162/214/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for clubbing of two Advance Authorizations No.0310336312 dt. 28.06.2005 & 0310353185 dt. 12.12.2005.

Decision:

The Committee noted that the above referred two Advance Authorizations were issued within 36 months and the export obligation in the subsequent Authorisation has been completed within 24 months of first Authorisation. The Committee, therefore, decided the following:

I. Clubbing of the 2 Advance Authorizations, as referred above be allowed.
II. Exports made upto 30.06.2007 shall only be taken into account towards clubbing and discharge of EO.
III. RA shall examine the case in terms of Para 4.09 of FTP (2015-2020) and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement shall be applied on the clubbed FOB and CIF of the Authorizations.
IV. RA shall ensure proper accounting of the duty free inputs with reference to the export product while clubbing the Authorizations. On clubbing, shortfall if any, shall be regularized on payment of Customs Duty and applicable Interest in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Mumbai)

Case No 28: M/s. KEC International Ltd., Mumbai.
F.No. 01/60/162/215/AM17/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for clubbing of three Advance Authorizations No.0310269400 dt. 19.05.2004; 0310344684 dt. 26.08.2005 & 0310355291 dt. 11.11.2005.

Decision:

The Committee noted that the above mentioned three Advance Authorizations were issued within 36 months and the exports in the subsequent Authorizations are made within the initial/extendable export obligation period of the first Authorizations. The Committee, therefore, decided the following:

I. Clubbing of the 3 Advance Authorizations, as referred above be allowed.
II. Export obligation period against Authorization No 0310269400 dt. 19.05.2004 be extended from 30 months to 42 months that is upto 30.11.2007.
III. Exports made upto 30.11.2007 shall only be taken into account towards clubbing and discharge of EO.
IV. This will be allowed subject to payment of composition fee @ 0.5% per month of FOB value of exports made after 30th month but upto 36th month and @ 0.5% per month of FOB value of export made after 36th month but upto 42nd month.
V. RA shall examine the case in terms of Para 4.09 of FTP (2015-2020) and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement shall be applied on the clubbed FOB and CIF of the Authorizations.
VI. RA shall ensure proper accounting of the duty free inputs with reference to the export product while clubbing the Authorizations. On clubbing, shortfall if any, shall be regularized on payment of Customs Duty and applicable Interest in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Mumbai)

Case No 29: M/s. SRS Pharmaceuticals Pvt. Ltd., Mumbai.
F.No. 01/60/162/883/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for EOP extension of Advance Authorization No.0310754848 dt. 22.10.2013 under PC 9 condition.

Decision:

The committee noted that the Authorisation No.0310754848 dt. 22.10.2013 was issued under PC 9 condition. The applicant has made almost 40% imports but did not effect any exports so far. Normally, the committee allows six months extension in such cases. However, this extendable period has lapsed. No permission is required to re-export the raw materials to the same supplier if it was unfit to use.

The committee, therefore, did not accede to the request for EOP extension. The applicant is hereby directed to follow the condition of PC-18 dated 30.10.2007 and get the case regularized in terms of Para 4.49 of HBP, 2015-2020.

(Action: Applicant/RA, Mumbai: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of F.T.(DR)Act, shall be initiated)

Case No 30: M/s. Alstom T & D India Ltd., Vadodara.
F.No. 01/60/162/637/AM15/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: -Request for extension of E.O. period and waiver of composition fee against Advance Authorization No.3410034815 dt. 07.08.2012.

Decision:

Deferred for seeking report from RA whether the Authorisation was issued against a PAC/contract issued by a turnkey project.

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

Case No 31: M/s. Innovative Material Technologies P. Ltd., Jaipur.
F.No. 01/60/162/090/AM16/PRC
PRC Meeting No. 08/AM17 dated 31.05.2016
Subject: - Request for condonation of non-mentioning of Licence No./File No. on the Bill of Exports against Advance Authorization No.1310034272 dt. 31.12.2010, for exports to SEZ unit.

Decision:

The committee noted that supplies in this case were made to SEZ unit against Bill of Export without indicating Authorisation details therein. However, the applicant has mentioned the Authorisation details in the Annexure-III to the Bill of Export but the said Annexure was not signed by the respective Excise/Customs Authority. The committee was of the view that there is no need of any policy relaxation, as the exports were made against Bill of Export. The Authorisation holder should approach the concerned Customs Authority and get the Annexure certified from them and submit the same to RA for redemption of the Authorisation.

(Action: Applicant)

Case No 32: M/s. Dott Services P. Ltd., Hyderabad.
F.No. 01/89/180/Misc-14/AM10/ PC-2(A)/Part/
PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: - Request for relaxation in conditions of CMVR 1989, Rule-126 of CMVR 1989 and clause I[II][a][b][i][ii] and [iii[, [c][d][iv] of Chapter 87 of ITC [HS], 2012 for import of used "Off Highway Mining Dump Trucks" [Dumping Trucks] for "Exclusive use" in the Mining Industry.

Decision:

Deferred for comments of Policy-2

(Action: Policy-2)

Case 34: Reference received from Shri Kushaldeep Singh Dhillon, Chandigarh

F.No. 01/53/8/9/AM-14/K1/IC

PRC Meeting No. 08/AM17 dated 31.05.2016

Subject: - Request for grant in relaxation of para 2.20 of HBP to allow revalidation of import of Authorization No. 2250000225 dated 14.02.2014

Decision:

The committee noted that the above mentioned Import Authorisation was issued to allow import of two Hunting Trophies from South Africa having validity upto 14.08.2015. RA is empowered to revalidate such Authorisation for further six months on request. However, the applicant did not approach to RA and the extendable period has lapsed. As the trophies have landed at port, the committee, therefore, considered the request of the applicant to allow revalidation of the said Authorisation till 30.05.2016. The applicant is hereby directed to produce the said Authorisation immediately to the concerned RA for necessary endorsement.

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

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