Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, on 06.07.2016

Meeting No. 10/AM17 held on 06.07.2016 at 9:30 AM

The following Members were present in the meeting:

1.	Shri K.C. Rout	Addl. DGFT
2.	Shri Jaikant Singh	Addl. DGFT
3.	Shri Darshan Singh	Addl. DGFT
4.	Shri J.V. Patil	Addl.DGFT
5.	Shri S.B.S. Reddy	Addl.DGFT
6.	Shri Jay Karan Singh	Jt. DGFT
7.	Shri AkashTaneja	Jt. DGFT
8.	Shri S.K. Mohapatra	Dy. DGFT
9.	Shri Sudhir Kumar Sharma	FTDO

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

Case No 1: M/s. Medicamen Biotech Ltd., Delhi.
F.No. 01/60/162/488/AM16/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for accepting of free Shipping Bills towards fulfillment of Export Obligation under Advance Authorization No.0510365610 dt. 16.09.2013.
Decision:

The Committee deliberated at length the review request of the applicant. It was noted that the applicant has made exports under Chapter-3 to claim incentives. However, in order to discharge export obligation against an Advance Authorisation, the applicant should have files shipping bill under Advance Authorisation Scheme. They should have also declared the consumption of duty free inputs in the said shipping bills, in terms of Para 4.12 of FTP. Accounting of duty free materials in the resultant product is mandatory condition and, such condition cannot be waived. The committee, therefore, did not accede to the request of the applicant. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP 2015-20.

(Action: RA, CLA; if the applicant fails to get the case regularised within a month from the date of uploading of these minutes on the Directorate website, necessary penal action as per the provisions of FT(D&R)Act, 1992, as amended shall be initiated.)

Case No 2: M/s. Global Exim, Mumbai.
F.No. 01/60/162/1994/AM11/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request of Revalidation of 15 Transferable DFIA issued to various exporters by Jt.DGFT Ahmedabad and 5 Transferable DFIA issued to M/s. Gemi Motors, Faridabad in terms of provisions of para 2.13.2 of Hand Book.
Decision:

The Committee considered the report received from RA, Ahmedabad and from the office of the Commissioner of Customs (Export Promotion), Mumbai. It was noted that there was no evidence that the 15 DFIAs obtained from RA, Ahmedabad could not be utilised because of denial of clearance of goods by any Customs Authority. So far as 5 DFIAs obtained from RA, CLA is concerned, it is evident that two DFIAs (No 0510197802 dated 15.01.2007 and 0510197804 dated 15.01.2007) were presented before the Customs

Authority for clearance of goods against B/E dated 27.04.2009 and the said two DFIAs were remain valid till 31.07.2009. The Commissioner of Customs, Mumbai vide letter dated 12.02.2016 has informed that the appeal filed against M/s Global Exim has been dismissed by Mumbai High court on 07.07.2010 and the same has been accepted by the then commissioner. However, they have not indicated whether it is the intension of the customs to ask that they will now allow import against the said two DFIAs if the same are revalidated by the DGFT.

The Committee, therefore, decided to refer the case again to Customs Authority for seeking specific information as to whether validity of these two DFIAs had expired in their custody or for not allowing imports within its validity and their specific recommendation in this regard.

(Action: PRC/Customs, Mumbai)

Case No 3: M/s. Euro Expro, New Delhi.
F.No. 01/60/162/347/AM14/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization 0510255456 dt. 31.12.2009.

Decision:

The Committee considered the review request and discussed it at length. It was noted that the Authorisation No 0510255456 dated 31.12.2009 was issued having initial obligation period of 36 months. The applicant has imported 100% duty free inputs permitted in the Authorisation and completed only 27.81% exports within initial obligation period. The committee allows extension in such cases provided the applicant approaches PRC after fulfilling minimum 50% export obligation. PRC also allows extension beyond 36 months but upto 48 months provided 100% export obligation are fulfilled within this period. That is not the case here. The applicant could export only 61% so far. As the extension in export obligation period beyond 48 months is not considered, the committee reiterated its earlier decision taken in PRC Meeting No 18/AM15 dated 13.02.2015. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP 2015-20.

(Action: RA, CLA; if the applicant fails to get the case regularised within a month from the date of uploading of these minutes on the Directorate website, necessary penal action as per the provisions of FT(D&R)Act, 1992, as amended shall be initiated and shall submit report.)

Case No 4: M/s. M/s. Diamines & Chemicals Ltd., Vadodara.
F.No. 01/60/162/460/AM16/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for waiver from submission of Customs attested invoices and packing list towards redemption of Advance Authorization No.P/L/0022703 dt. 07.03.1997.

Decision:

The committee noted that the case was deferred in PRC Meeting No. 18/AM16 dated 06.01.2016 for seeking report from RA, Vadodara as to why RA was asking for invoices and packing list from the applicant when vide Public Notice 79 dated 02.01.2006, requirement of Audited DEEC Book was waived if the licensee submits original EP copy of Shipping Bills and Non-availment of MODVAT certificate. RA, Vadodara vide their report dated 16.02.2016 have informed that the applicant had obtained quantity based Advance Authorization No.P/L/0022703 dt. 07.03.1997 along with DEEC No.241254 dated 10.03.1997 which was adjudicated by RA. The applicant had then approached to

the Appellate Authority who remanded back the case to the Adjudicating Authority for de nova consideration. RA, Vadodara had examined the applicant's request as per Public Notice 79 dated 02.01.2006, read with PN No. 2 dated 11.04.2008 because the applicant had failed to submit DEEC Audited by Customs. The committee observed that the applicant has fulfilled the export obligation to the tune of 52.6% and has submitted all necessary documents to RA, Vadodara as per Public Notice No. 79 dated 02.01.2006, except for Customs attested invoice and packing list which are not available with the party. Moreover, RA, Vadodara had accepted all the documents submitted by the applicant for issuance of EODC. Taking these facts into consideration, the committee decided the following:

i. RA shall allow EODC on the basis of original EP copy of Shipping Bill provided it does not indicate any remarks on it that details are as per Invoice/Packing List attached.
ii. Other documents such as Non-availment of MODVAT, BRC and consumption of inputs certificate on Appendix 23 shall be submitted.
iii. Shortfall in value and quantity shall be regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Vadodara)

Case No 5: M/s. K.N. Resources Pvt. Ltd., Mumbai.
F.No. 01/60/162/963/AM16/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/87/087/80772/AM15.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during May, 2011 to July, 2011 and payments are realised during May, 2011 to July, 2011. Hence, the claim should have been filed by 12.05.2014 from date of export or by 27.11.2013 from date of realization of proceeds. Whereas, the application was submitted to RA on 02.09.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 6: M/s. K.N. Resources Pvt. Ltd., Mumbai.
F.No. 01/60/162/291/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/87/051/00013/AM15.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during September, 2009 to July, 2010 and payments are realised during

September, 2009 to August, 2010. Hence, the claim should have been filed by 07.09.2012 from date of export or by 24.03.2012 from date of realization of proceeds. Whereas, the application was submitted to RA on 30.06.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 7: M/s. K.N. Resources Pvt. Ltd., Mumbai.
F.No. 01/60/162/292/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/87/051/00015/AM15.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during August, 2011 to September, 2011 and payments are realised during October, 2011. Hence, the claim should have been filed by 19.08.2014 from date of export or by 02.02.2014 from date of realization of proceeds. Whereas, the application was submitted to RA on 30.06.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 8: M/s. Anant Trafina P. Ltd., Mumbai.
F.No. 01/60/162/303/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/81/051/00079/AM14.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during March, 2009 to April, 2010 and payments are realised during March, 2010 to April, 2011. Hence, the claim should have been filed by 30.03.2012 from date of export or by 30.09.2012 from date of realization of proceeds. Whereas, the application was submitted to RA on 26.08.2013. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 9: M/s. Anant Trafina P. Ltd., Mumbai.
F.No. 01/60/162/302/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/81/051/00078/AM14.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during Jun, 2009 to December, 2009 and payments are realised during July, 2009 to January, 2010. Hence, the claim should have been filed by 19.06.2012 from date of export or by 15.01.2012 from date of realization of proceeds. Whereas, the application was submitted to RA on 21.08.2013. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 10: M/s. Anant Trafina P. Ltd., Mumbai.
F.No. 01/60/162/962/AM16/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/81/087/80691/AM15.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during December, 2009 to January, 2010 and payments are realised during January, 2010 to March, 2010. Hence, the claim should have been filed by 30.12.2012 from date of export or by 14.07.2012 from date of realization of proceeds. Whereas, the application was submitted to RA on 24.07.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 11: M/s. K.N. Resources P. Ltd., Mumbai.
F.No. 01/60/162/293/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive Focus Market Scheme and DEPB for the Shipping Bills applied under File No.03/87/087/80449/AM15.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during July, 2010 to August, 2010 and payments are realised during July, 2010 to August, 2010. Hence, the claim should have been filed by 12.07.2013 from date of export or by 14.01.2013 from date of realization of proceeds. Whereas, the application was submitted to RA on 14.07.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 12: M/s. Indoco Remedies Ltd., Mumbai.
F.No. 01/60/162/290/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for condonation of delay in claim of benefit of DEPB in terms of Para 4.3 of FTP (2009-2014) for the Shipping Bills applied under File No.03/82/051/00075/AM14.

Decision:

The committee observed that in terms of Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during June to July, 2008 and payments are realised during July to December, 2008. Hence, the claim should have been filed by 19.06.2011 from date of export or by 16.01.2011 from date of realization of proceeds. Whereas, the application was submitted to RA on 27.02.2014. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 13: M/s. Indoco Remedies Ltd., Mumbai.

F.No. 01/60/162/289/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for condonation of delay in claim of benefit of DEPB in terms of Para 4.3 of FTP (2009-2014) for the Shipping Bills applied under File No.03/82/051/00434/AM13.

Decision:

The committee observed that in terms of Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during March, 2007 to January, 2008 and payments are realised during July to May, 2007 to June, 2008. Hence, the claim should have been filed by 28.03.2010 from date of export or by 10.11.2009 from date of realization of proceeds. Whereas, the application was submitted to RA on 27.02.2012. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 14: M/s. Indoco Remedies Ltd., Mumbai.

F.No. 01/60/162/959/AM16/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for condonation of delay in claim of benefit of DEPB in terms of Para 4.3 of FTP (2009-2014) for the Shipping Bills applied under File No.03/82/051/00112/AM13.

Decision:

The committee observed that in terms of Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during October, 2006 to September, 2007 and payments are realised during June, 2007 to April, 2008. Hence, the claim should have been filed by 08.10.2009 from date of export or by 05.01.2010 from date of realization of proceeds. Whereas, the application was submitted to RA on 26.03.2012. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 15: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(1)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510029270 dt. 24.02.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 24.02.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had ~~have~~ remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 99.91% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within initial export obligation period. In case of shortfall in fulfillment of EO, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months. Further, no extension in EOP is required where EO has been fulfilled in quantity terms. Shortfall in value can be regularised on payment of composition fee, in terms of Para 4.49 of HBP, 2015-2020.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **28.02.2014** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.08.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 28.02.2014.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 16: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(2)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030450 dt. 03.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 03.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled only 25.49% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial obligation period.

As such there is no merit in the case. Hence, the Committee decided to reject the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP 2015-20.

(**Action: RA Chennai** - If the firm fails to get the case regularized in terms of Para 4.49 of HBP,2015-20 within a month from the date of uploading of these minutes on the directorate website, RA shall take action against the company under the provision of FT (D&R) Act. 1992 as amended and shall submit an Action Taken Report).

Case No 17: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(3)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030471 dt. 04.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 04.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled only 12.62% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial obligation period.

As such there is no merit in the case. Hence, the Committee decided to reject the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP 2015-20.

(**Action: RA Chennai** - If the firm fails to get the case regularized in terms of Para 4.49 of HBP,2015-20 within a month from the date of uploading of these minutes on the directorate website, RA shall take action against the company under the provision of FT (D&R) Act. 1992 as amended and shall submit an Action Taken Report).

Case No 18: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(4)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030537 dt. 11.06.2010 without levying composition fee on account of force majeure like situation..

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 11.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 89.28% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. As there was shortfall in fulfillment of EO, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2014** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2014.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 19: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(5)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030580 dt. 14.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 14.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as

force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 86.82% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2014** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2014.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 20: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(6)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030581 dt. 14.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 14.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 97.51% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.
However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2014** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2014.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 21: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(7)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030593 dt. 15.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 15.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 99.88% exports in quantity terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2014** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2014.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 22: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(8)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510030590 dt. 15.06.2010 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee

comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 15.06.2010 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 101.36% exports in quantity terms and 87.97% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2014** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2013 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2014.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 23: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(9)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310636999 dt. 17.06.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 17.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 86.84% exports in quantity terms and 68% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 24: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(10)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310636983 dt. 17.06.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 17.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 99.99% exports in quantity terms and 88% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 25: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(11)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310636970 dt. 17.06.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 17.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 87.79% exports in quantity terms and 65.20% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 26: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(12)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310637648 dt. 21.06.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 21.06.2011 having

initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 99.95% exports in quantity terms and 95.77% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 27: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(13)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310637650 dt. 21.06.2011 without levying composition fee on account of force majeure like situation.

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

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 21.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 98.33% exports in quantity terms and 92.68% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 28: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(14)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310637651 dt. 21.06.2011 without levying composition fee on account of force majeure like situation.

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

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 30.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 102.46% exports in quantity terms and 85.76% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 29: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(15)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310637649 dt. 21.06.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 21.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 127.60% exports in quantity terms and 92.43% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 30: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(16)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.0310642197 dt. 13.07.2011 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 13.06.2011 having initial obligation period of 36 months. Hence, these 108 days cannot be construed to as force majeure because the applicant had have remaining 32 months, which were more than enough for fulfillment of EO. The applicant has fulfilled 80.77% exports in quantity

terms and 79.43% in value terms, within the initial obligation period of 36 months. The committee allows extension in export obligation period upto 48 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 36 months.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **30.06.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36 months but upto 42 months i.e. upto 31.12.2014 and @ 0.5% per month of FOB value of exports made after 42 months but upto 48 months i.e. upto 30.06.2015.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 31: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(17)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510039462 dt. 12.10.2012 without levying composition fee on account of force majeure like situation.

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

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 12.10.2012 having initial obligation period of 18 months. RA is empowered to allow two extension of six months each on payment of composition fee, in terms of Para 4.42 of HBP, 2015-2020. Further six months extension is considered by PRC on merit of the case. Hence, these 108 days cannot be construed to as force majeure because the applicant had option of getting extension beyond 18 months. The applicant has fulfilled 84.05% exports in quantity terms and 70.29% in value terms, within the initial obligation period of 18 months. The committee allows extension in export obligation period upto 36 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the concerned RA/PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 18 months. However, the applicant has approached the PRC after laps of more than two years of EOP expiry.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **31.10.2015** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 18th month but upto 24th month and @ 0.5% per month of FOB value of exports made after 24th month but upto 30th month and @ 1% per month of FOB value of exports made after 30th month but upto 36th month.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 32: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.

F.No. 01/60/162/183(18)/AM17/PRC

PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510039463 dt. 12.10.2012 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 12.10.2012 having initial obligation period of 18 months. RA is empowered to allow two extension of six months each on payment of composition fee, in terms of Para 4.42 of HBP, 2015-2020. Further six months extension is considered by PRC on merit of the case. Hence, these 108 days cannot be construed to as force majeure because the applicant had option of getting extension beyond 18 months. The applicant has fulfilled 84.05% exports in quantity terms and 70.29% in value terms, within the initial obligation period of 18 months. The committee allows extension in export obligation period upto 36 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the concerned RA/PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 18 months. However, the applicant has approached the PRC after laps of more than two years of EOP expiry.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **31.10.2015** for regularization of exports, if any, made after expiry of initial obligation period.

II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 18th month but upto 24th month and @ 0.5% per month of FOB value of exports made after 24th month but upto 30th month and @ 1% per month of FOB value of exports made after 30th month but upto 36th month.

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case No 33: M/s. Vedanta Ltd. (formerly known as M/s. Sterlite Industries (I) Ltd.), Tamil Nadu.
F.No. 01/60/162/183(19)/AM17/PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for grant of additional time of 108 days to fulfill export obligation against Advance Authorization No.3510039483 dt. 18.10.2012 without levying composition fee on account of force majeure like situation.

Decision:

It was observed that TNPCB had issued a closure order dated 29.03.2013 which was found to be unjustified by NGT. The NGT constituted a Special Expert Committee comprising of eminent persons and the Committee found that the unit was not causing any pollution as alleged by TNPCB due to which the unit remained shut for 108 days. However, the committee noted that the Authorisation was issued on 18.10.2012 having initial obligation period of 18 months. RA is empowered to allow two extension of six months each on payment of composition fee, in terms of Para 4.42 of HBP, 2015-2020. Further six months extension is considered by PRC on merit of the case. Hence, these 108 days cannot be construed to as force majeure because the applicant had option of getting extension beyond 18 months. The applicant has fulfilled 86.17% exports in quantity terms and 71.31% in value terms, within the initial obligation period of 18 months. The committee allows extension in export obligation period upto 36 months from the date of issue of Authorisation provided minimum 50% of its stipulated export obligation is completed within the initial export obligation period. There was shortfall in fulfillment of EO hence, the applicant should had approached the concerned RA/PRC immediately after expiry of said EO period. No Authority has prevented him for seeking extension in continuation of 18 months. However, the applicant has approached the PRC after laps of more than two years of EOP expiry.

However, taking these facts into consideration the committee decided the followings:

I. Export obligation period be extended upto **31.10.2015** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 18th month but upto 24th month and @ 0.5% per month of FOB value of exports made after 24th month but upto 30th month and @ 1% per month of FOB value of exports made after 30th month but upto 36th month.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Chennai / applicant)

Case 34: M/s. United Phosphorus, Mumbai.
F.No. 01/60/162/326/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for consideration of S/Bill Nos.6284724, 6272326, 6201950 dt. 22.11.2014 towards completion of EO for redemption against the Advance Authorization No.0310649396 dt. 19.08.2011.

Decision:

The committee noted that the Authorisation was issued having initial obligation period of 36th month. The applicant had fulfilled export obligation to the tune of 94.93% in quantity terms within the initial period obligation period. Balance exports were made

after expiry of said obligation period through three shipments. Hence, the committee decided the following:

I. Export obligation period be extended for further six months i.e. upto 28.02.2015 for regularization of exports made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36^{th} month but upto 42^{nd} month.
III. Three S/Bill Nos.6284724, 6272326, 6201950 all dated 22.11.2014 shall be accounted towards discharge of export obligation against the Authorisation No.0310649396 dt. 19.08.2011 provided the file number or said Authorisation number is indicated on these shipping bills.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
V. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Mumbai / applicant)

Case No 35: M/s. Poly World, Dadri and Nagar Haveli.
F.No. 01/60/162/327/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for revalidation period by six months of Advance Authorization No.0310785537 dt. 18.06.2014..
Decision:

The committee noted that the Authorization was issued having initial validity of 12 months. RA has allowed one revalidation of six months. Despite that the applicant could not utilize the Authorization. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case No 36: M/s. Cadila Healthcare Ltd., Ahmedabad.
F.No. 01/60/162/308/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.0810132804 dt. 23.07.2014 issued under PC-9 conditions.
Decision:

The Committee noted that the Authorization No. 0810132804 dt. 23.07.2014 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 were made on 25.07.2014, 26.07.2014, 29.01.2015 & 06.04.2015. Accordingly, initial obligation period was 31.07.2015, 31.07.2015, 31.01.2016 & 30.04.2016, respectively against each import consignment. The applicant has fulfilled less than 50% of its stipulated export obligation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months against import of consignments i.e. upto 31.01.2016, 31.01.2016, 31.07.2016 & 31.10.2016, respectively.
II. This is subject to a payment of composition fee @ 0.5% per month on unfulfilled FOB value of export made/to be made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No 37: M/s. Cadila Healthcare Ltd., Ahmedabad.
F.No. 01/60/162/309/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.0810132791 dt. 23.07.2014 issued under PC-9 conditions.

Decision:

The Committee noted that the Authorization No. 0810132791 dt. 23.07.2014 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 were made on 06.10.2014. Accordingly, initial obligation period was upto 31.10.2015. The applicant has made no export towards discharge of EO during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.04.2016
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month on unfulfilled FOB value of export made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.
V. Shortfall, if any, shall be regularised in terms of Para 4.49 of HBP, 2015-2020 read with PC –18 dated 30.10.2007.

(Action: RA, Mumbai)

Case No 38: M/s. Canberra Chemicals, Baroda.
F.No. 01/60/162/320/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.3410039082 dt. 23.01.2014.

Decision:

The committee noted that the Authorisation was issued having initial obligation period of 18 months. In terms of Para 4.42 of HBP, 2015-2020, RAs are empowered to allow two extension of six months each on payment of composition fee. However, the applicant did not avail the said facility. They have imported 100% and fulfilled only 16.89% export obligation within the initial obligation period. Therefore, the applicant should had approached the concerned Regional Authority for first six months extension. However, second extension is allowed provided 50% of stipulated export obligation has been completed. As the applicant has completed only 16.89% obligation and no case of genuine hardship is established, the committee, therefore, did not accede to the request. The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP 2015-20.

(**Action: RA Vadodara -** If the firm fails to get the case regularized in terms of Para 4.49 of HBP, 2015-2020 within a month from the date of uploading of these minutes on the Directorate website, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 , as amended.)

Case No 39: M/s. Sun Pharmaceutical Industries Ltd., Mumbai.
F.No. 01/60/162/323/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for EOP extension of Advance Authorization No.0310788823 dt. 05.09.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorization No. 0310788823 dt. 05.09.2014 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 were made on 01.06.2015. Accordingly, initial obligation period was upto 01.06.2016. The applicant has fulfilled exports to the tune of 46.45% in quantity terms during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto **31.12.2016**.
II. This is subject to a payment of composition fee @ 0.5% per month on unfulfilled FOB value of exports made/to be made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No 40: M/s. Aarti Industries Ltd., Mumbai.
F.No. 01/60/162/322AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for revalidation of Advance Authorization No.0310788920 dt. 09.09.2014.

Decision:

The committee noted that the Authorization was issued having initial validity of 12 months. RA has allowed one revalidation of six months. They have completed 100% imports against most of items leaving balance against one items. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case No 41: M/s. Vikas Globalone Ltd., New Delhi.
F.No. 01/60/162/277/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for clubbing of 2 Advance Authorizations No.0510259478 dt. 25.02.2010 & 0510350475 dt. 01.04.2013.

Decision:

The committee observed that the Advance Authorization No.0510259478 dt. 25.02.2010 has been issued with an export obligation period of 36 months and the other Advance Authorization No. 0510350475 dt. 01.04.2013 has been issued with an export obligation period of 18 months. Clubbing of Authorisation issued beyond 36 months are not allowed. However, accounting of exports made in subsequent Authorisation is allowed provided all shipments are effected within initial obligation period of first Authorisation. The export obligation against first Authorisation was upto 28.02.2013 whereas shipments against second Authorisation are made after that date. As such accounting of such export is not allowed. The committee, therefore, did not accede to the request of the applicant. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP 2015-20.

(**Action: RA CLA New Delhi -** If the firm fails to get the case regularized 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 submit an Action Taken Report).

Case No 42: M/s. Maharashtra Seamless Ltd., New Delhi.
F.No. 01/60/162/064/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for clubbing of 2 Advance Authorizations No.0510207203 dt. 06.08.2007 & 0510218634 dt. 28.03.2008.

Decision:

The Committee noted that above referred two Advance Authorizations were issued in 2007 & 2008. Initial export obligation was 24 months in both Authorizations. The date of last export against the second Authorisation is also within the initial obligation period of the first Authorisation. The Committee, therefore, decided the following:

I. Clubbing of the 2 Advance Authorizations No.0510207203 dt. 06.08.2007 & 0510218634 dt. 28.03.2008 be allowed.
II. Exports made upto 31.08.2009 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.
V. On clubbing, shortfall if any, shall be regularized in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA New Delhi)

Case No 43: M/s. Aarti Industries Ltd., Mumbai.
F.No. 01/60/162/340/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.0310707520 dt. 04.09.2012.

Decision:

The committee observed that the Authorisation was issued having initial obligation period of 18 months. RA has allowed six months extension and the applicant has fulfilled more than 50% of its stipulated export obligation within the initial export obligation period. Hence, the committee decided the following:

I. Export obligation period be extended upto **30.09.2015** for regularisation.
II. The extension is 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 @ 1.0% per month of unfulfilled FOB value of exports made after 30th month but upto 36th months.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Mumbai / applicant)

Case No 44: M/s. D.L. Tanumal P. Ltd., Mumbai.
F.No. 01/60/162/321/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for condonation of delay in claim of benefit of Chapter 3 Incentive for the Shipping Bill NO.7001205 dt. 06.01.2012, 4664175 dt. 22.07.2011 and 7139705 dt. 16.01.2012.

Decision:

The committee observed that in terms of Para 3.11.9 and Para 4.46 of HBP 2009-2014 read with Para 9.3 of said HBP, claim for Chapter-3 incentive and DEPB could be filed within 36 months from the date of export or 30 months from the date of realization of export proceeds, whichever is later, with 10% late cut. The exports in this case were made during July, 2011 to January, 2012 and payments are realised during July, 2011 to January, 2012. Hence, the claim should have been filed by 21.07.2014 from date of export or by 25.01.2014 from date of realization of proceeds. Whereas, the application was submitted to RA on 30.01.2015. No cogent reason of genuine hardship is given. The committee was of the view that 3 years period is more than enough for filing such claims. The committee, therefore, did not accede to the request.

Case No 45: M/s. Aarti Industries Ltd., Mumbai.
F.No. 01/60/162/324/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for revalidation of Advance Authorization No.0310788741 dt. 04.09.2014.

Decision:

The committee noted that the Authorization was issued having initial validity of 12 months. RA has allowed one revalidation of six months. Despite that the applicant could not utilize the Authorization fully. They have imported 100% against one item. Hence, no justification for not making import against other items within the validity period. No cogent reason of genuine hardship is established. The committee, therefore, did not accede to the request.

Case No 46: M/s. Skyrise Overseas P. Ltd., Kolkata.
F.No. 01/60/162/318/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.0210194884 dt. 27.09.2013 for regularization purpose.

Decision:

The Committee observed that the Authorisation was issued having initial obligation period of 9 months from the date of import of each consignment. The applicant has imported almost 100% but did not make any export during the initial obligation period. However, they have exported 100% thereafter. Hence, the Committee decided the following:

I. Export obligation period be extended further by 4 months i.e. upto 30.11.2014 for regularization of exports effected within that period.
II. This is subject to a payment of composition fee @ 0.5% per month on FOB value of export made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Kolkata / applicant)

Case No 47: M/s. Jewel Consumer Care Pvt. Ltd., Baroda.
F.No. 01/60/162/337/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.3410027604 dt. 03.08.2010.

Decision:

The committee noted that the Authorisation was issued having initial obligation period of 36 months. The applicant has imported 83% and effected exports more than 50% within the initial obligation period. Hence, the committee decided the following:

I. Export obligation period be extended upto **31.08.2014** for regularization of exports, if any, made after expiry of initial obligation period.
II. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month and @ 0.5% per month of FOB value of exports made after 42nd month but upto 48th month.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Vadodara / applicant)

Case No 48: M/s. William Goodacre & Sons India P. Ltd., Cochin.
F.No. 01/60/162/329/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for clubbing 2 Advance Authorizations No.1010041575 dt. 24.01.2011 and 1010051806 dt. 30.11.2012.

Decision:

The Committee noted that above referred Advance Authorizations dated 24.01.2011 was issued having initial obligation period of 36th month and Authorisation dated 30.11.2012 was issued having initial obligation period of 18th month. Both Authorisations are issued within overlapping period of 36th month and exports in the second Authorisations were completed within the initial obligation period of first Authorisation. The Committee, therefore, decided the following:

I. Clubbing of the 2 Advance Authorization No. 1010041575 dt. 24.01.2011 and 1010051806 dt. 30.11.2012 be allowed.
II. Exports made upto 31.01.2014 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.
V. 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, Cochin)

Case No 49: M/s. Universal Oleoresins, Cochin.
F.No. 01/60/162/310/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.1010044058 dt. 05.07.2011 for regularization purposes.

Decision:

The committee noted that the Authorisation was issued having initial export obligation period of 120 days from the date of each import consignment being import of spices as inputs. The applicant has imported 87% and effected 64.62% exports within the initial export obligation period and remaining 35.94%. Hence, the committee decided the following:

I. Export obligation period be extended further by 60 days against each consignment as given below:

S.No.	Date of import	EOP (120 days)	Extended EOP (by 60 days)
1	29.07.2011	29.11.2011	28.01.2012
2	12.08.2011	12.12.2011	11.02.2012
3	10.10.2011	10.02.2012	09.04.2012
4	05.12.2011	05.04.2012	04.06.2012
5	03.01.2012	03.05.2012	02.07.2012
6	25.01.2012	25.05.2012	24.07.2012
7	23.03.2012	23.07.2012	22.09.2012
8	16.10.2012	16.02.2013	15.04.2013
9	03.04.2013	03.08.2013	02.10.2013

II. This is subject to a payment of composition fee @ 0.5% on unfulfilled FOB value of export made after initial obligation period.
III. RA shall ensure that 50% exports were made against each consignment within the initial obligation period. If not, composition fee will be charged @ 0.5% per month on unfulfilled FOB value.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
V. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, Cochin)

Case No 50: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/275/AM17/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for EOP extension of Advance Authorization No.0310790316 dt. 16.10.2014 issued under the PC-9 condition.

Decision:

The Committee noted that the Authorization No. 0310790316 dt. 16.10.2014 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 were made on 30.12.2014 & 06.02.2015. Accordingly, initial obligation period was 30.12.2015 & 28.02.2016, respectively. The applicant has imported 58% and effected exports to the

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extent of 48% only. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months against each import of consignments i.e. upto 30.06.2016 & 31.08.2016, respectively.
II. This is subject to a payment of composition fee @ 0.5% per month on unfulfilled FOB value of export made/to be made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No 51: M/s. Dott Services P. Ltd., Hyderabad.
F.No. 01/89/180/Misc-14/ AM10/PC-2(A)/Part
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for Clarification/Relaxation in provision CMVR 1989, Rules 126 of CMVR 1989 and clause 1(II) (a) (b) (i) (ii) & (iii), [c][d][I, II and III] 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:

The Committee decided to relax the provisions of Policy Conditions under clause 1[II][a][b][i][ii] and [iii[, [c][d][I, II &III] of Chapter 87 of ITC [HS], 2012, Schedule – I (Import Policy) for import of used "Off Highway Mining Dump Trucks" [Dumping Trucks] for "Exclusive use" in the Mining Industry for the following 19 underground mining equipments:

Sl.No.	Equipment Description	Model	Qty in numbers
01.	Old/Used & Second Hand Komatsu HD785-5 Off Highway Mining Dump Trucks	KOMATSU Model: HD785-5, Year 2005	07
02.	Old/Used & Second Hand Caterpillar 777D Off Highway Mining Dump Trucks	Caterpillar, Model : 777D, Year 2004	12
	Total		19

This will, however, be subject to the following conditions that:

I. Import should be made through the authorized ports only.
II. Vehicles shall not ply on public roads except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site.
III. The equipment so imported shall be re-exported on completion of the project.
IV. To that effect, the applicant shall execute a Legal Undertaking with the Customs Authority before clearance of the goods.

(Action: Policy-2/Applicant)

Case No 52: M/s. Mahashakti Energy Ltd., Punjab.
F.No. 01/60/162/575/AM15/ PRC
PRC Meeting No. 10/AM17 dated 06.07.2016

Subject:- Request for EOP extension upto 31.12.2016 of Advance Authorization No.3010088915 dt. 10.09.2012.

Decision:

The Committee observed that the Authorisation was issued having initial obligation period of 18 months. RA has allowed one extension of six months as per policy. The applicant has imported one item fully out of three items permitted and has effected only 33% of its stipulated export obligation within the initial export obligation period. The Committee normally grants extension in case the applicant approaches PRC after effecting minimum 50% exports. However, in this case Authorisation was obtained to export Transformers to Ethiopia. After making of 33% shipment the Ethiopian buyer requested to stop supply because he was not in position to open LC due to crisis of foreign currency in his country. The applicant then managed order from Syria and effected 33% export to Syrian buyer. However, due to civil war in Syria, the buyer cancelled the order. Hence, taking into consideration the genuine hardship and force majeure, the committee decided the following:

I. Export obligation period be extended upto 31.12.2016.
II. This is subject to a payment of composition fee @ 0.5% on unfulfilled FOB value of export made/to be made after 24^{th} month.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: RA, Chandigarh)

Case No 53: M/s. Thriveni Earthmovers P. Ltd., Bhubaneswar.
F.No. 01/89/180/67/AM-09/ PC-2(A)/Vol-V
PRC Meeting No. 10/AM17 dated 06.07.2016
Subject:- Request for Relaxation in provision CMVR 1989, Rules 126 of CMVR 1989 and clause 1(II) (a) (b) (i) (ii) & (iii), [c][d][iv] of Chapter 87 of ITC (HS) 2012, Schedule I (Import Policy) for import of 19 used, Off Highway Dump Trucks.

Decision:

The Committee decided to relax the provisions of Policy Conditions under clause 1(II) (a) (b) (i) (ii) & (iii), [c] of Chapter 87 of ITC (HS) 2012, Schedule I (Import Policy) for import of 19 used, Off Highway Dump Trucks. This will, however, be subject to the following conditions that:

I. Import should be made through the authorized ports only.
II. Vehicles shall not ply on public roads except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site.
III. The equipments so imported shall be re-exported on completion of the project.
IV. To that effect, the applicant shall execute a Legal Undertaking with the Customs Authority before clearance of the goods.

(Action: Policy-2/Applicant)

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

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