<u>Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, IAS on 20.10.2015</u>
Meeting No. 11/AM16 held on 20.10.2015 at 12:00 Pm.

List of officers present in the meeting is given below:

1.	Shri D. K. Singh	Addl. DGFT
2.	Shri L.B. Singhal	Addl. DGFT
3.	Shri K.C. Rout	Addl. DGFT
4.	Shri Jaikant Singh	Addl. DGFT
5.	Shri Jay Karan Singh	Jt. DGFT
6.	Shri Akash Taneja	Jt. DGFT
7.	Shri J.M. Gupta	Jt. DGFT
8.	Dr. S.K. Bansal	Jt. DGFT
9.	Shri S.K. Mohapatra	Dy. DGFT
10.	Smt N.R. Choudhury	FTDO

P.H. Case No: (i)
M/s Charbhuja Industries Pvt. Ltd., Mumbai
Sub: Extension of export obligation period against Advance Authorisation No 0310509987 dated 03.03.2009.

Dr. M.H. Agarwal, Founder and Shri Vinay Khetan, Cost Accountant of M/s Charbhuja Industries Pvt. Ltd., Mumbai appeared before the Committee for Personal Hearing and made the following submissions:

(1) They imported “Shea Nuts” against the Advance Authorisation in 2009.
(2) They have fulfilled 38.58% export obligation but balance could not be exported within initial obligation period because their supporting manufacturer was declared a sick unit and was registered with BIFR on 15.12.2010.
(3) There were only two manufacturers of the product in India. The goods imported duty free were got rotten. Hence, they destroyed the same in the presence of Gram Panchayat, as the unit was not registered with excise Authority.
(4) They have submitted a letter dated 16.07.2015 from the Solvent Extractors’ Association of India certifying that there were only two members registered with the association who were processing “Shea Nuts”.
(5) Now, they have developed in-house facility of processing the same and willing to fulfill balance export obligation by use of duty paid material to be imported for the purpose.
(6) They therefore requested to allow six months extension in export obligation period from the date of endorsement.

Decision:

The committee examined the facts and submissions made by the representatives. It was observed that the Authorisation was obtained on 03.03.2009 whereas the supporting manufacturer became sick and were under BIFR on 15.12.2010. Effectively the applicant had 19 months from the date of issue of Authorisation for fulfillment of E.O. They had exported 38.58%. This demonstrate that the company did not make adequate effort to complete the balance exports during available time period. Now, the raw materials imported duty free are not available with them. Therefore, for fulfillment of balance exports, they will have to import duty paid raw materials. Whereas, for regularisation of the case, they have to pay duty plus interest. Effectively, in both the situations, duty burden has to be borne by the applicant. Normally, the committee allows extension up to maximum of 48 months from the date of issue of Authorisation and that period has lapsed. Considering all these aspects, the committee had already rejected the request in its meeting dated 16.12.2014. Therefore, the applicant should have paid duty immediately to reduce its interest liability. The committee was of view that no new facts have been brought to the committee. Therefore, the committee 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.

(Action: RA, Mumbai: if the applicant fails to get the case regularized within one month from the date of publication of this minutes in terms of Para 4.49 of HBP, 2015-2020, RA, shall initiate action as per provisions of FT(D&R) Act, 1992 as amended and report)

P.H. Case No. II

M/s ITC Ltd., Chennai.
Sub: Intervention for issue of DEPB against converted DFIA S/Bs.

Shri R. Ramamurthy, Managar Finance and Shri C.H. Chandra Sekhar, Assistant Manager (Commercial) of M/s ITC Limited, Chennai appeared before the Committee for Personal Hearing and made the following submissions:

(1) They had obtained DFIAs between 28.07.2007 and 21.05.2008 and exported goods worth of Rs. 35.08 crore.
(2) Subsequently they realised that import of such large quantities of raw materials were neither viable nor economical therefore they approached the concerned Customs Authority and Excise Authority for conversion of Shipping Bills from DFIA to DEPB. However, Commissioner Customs rejected their request quoting Board Circular No 4.04 dated 16.5.2008 read with Para 2.56 of HBP, 2004-2209.
(3) CSTAT, Chennai, considered their request and directed Commissioner Central Excise, Chennai-VI (in-charge of SEZ Unit) who finally issued NOC vide order dated 10.02.2012 allowing conversion.
(4) Then they surrendered all unutilized DFIAs and filled 32 applications for DEPBs between 29.2.2012 and 31.07.2012.
(5) RA, Chennai rejected their request on the ground that while allowing conversion of Shipping Bills, Commissioner Central Excise did not record the reason, as required under Para 2.56 of HBP, 2004-2009 and DFIAs were surrendered after expiry of the same.
(6) They submitted reply to the rejection letter issued by RA and approached the Hon'ble High Court, Chennai for grant of relief.
(7) Hon'ble High court vide order dated 6.12.2013 quashed the order dated 10.08.2012 issued by FTDO, Chennai and also directed him to issued fresh Notice to M/s ITC and pass appropriate order on merits as per law after giving them opportunity of being head in person.
(8) FTDO, Chennai has informed them vide letter dated 04.07.2014 that the matter was referred to H.Q. for clarification.

(9) They have approached to DGFT for personal hearing in terms of Para 2.59 of FTP, 2015-2020.

They therefore requested to intervene in the matter and issue necessary instructions directing RA, Chennai to issue DEPB against the Shipping Bills converted by the Central Excise Authority.

Decision:

The committee noted the facts of the case and submissions made by the representatives of the company who appeared for PH. It was observed that the direction of the court was for respondent No 2 that is FTDO, Chennai and not for DGFT. FTDO, Chennai has sought some clarification from this Directorate vide letter dated 14.11.2015 and the same were pending in Policy-4. The committee therefore decided that Policy-4 shall examine the case and reply immediately to RA, Chennai for deciding the case on merit as per Hon'ble High Court's order.

(Action-Policy-4 and RA, Chennai)

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

Case No.1: M/s. Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/279/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058983 dt.20.01.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 24.01.2014 and accordingly the export obligation period was upto 31.01.2015.The applicant has completed more than 50% 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 31.07.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.2: M/s. Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/276/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058820 dated 06.01.2014 issued under PC-9 condition.

<u>Decision:</u>

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 27.01.2014 and accordingly the export obligation period was upto 31.01.2015. The applicant has completed more than 50% 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 31.07.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.3. M/s: Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/282/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058787 dated 31.12.2013 issued under PC-9 condition.

<u>Decision:</u>

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 13.01.2014 and accordingly the export obligation period was upto 31.01.2015. The firm has completed more than 50% 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 31.07.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.4: M/s. Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/281/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058788 dated 31.12.2013 issued under PC-9 condition.

<u>Decision:</u>

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 15.01.2014 and accordingly the export obligation period was upto 31.01.2015. The firm has completed more than 50% 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 31.07.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.5: M/s. Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/277/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058268 dated 21.11.2013 issued under PC-9 condition.

<u>Decision:</u>

The Committee noted that the Authorisation dated 21.11.2013 was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 12.03.2014 and accordingly the export obligation period was upto 31.03.2015. The firm has completed more

than 50% 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 30.09.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.6: M/s. Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/280/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for EOP extension of Advance Authorization No.0910058005 dt. 24.10.2013 issued under PC-9 condition.

<u>Decision:</u>

The Committee noted that the Authorisation dated 24.10.2013 was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 21.11.2013 and accordingly the export obligation period was upto 30.11.2014. The firm has completed more than 50% 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 31.05.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.7: M/s. Sanofi India Ltd., Mumbai.
F.No. 01/60/162/292/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310688877 dt. 30.03.2012 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The applicant has imported goods in two instalments. The date of import of first consignment was 28.05.2012 accordingly obligation period for that consignment was upto 31.05.2013. The second consignment was imported on 17.09.2013 and accordingly obligation period was upto 30.09.2014. The committee further observed that the applicant has though completed more than 60% exports within its initial obligation period but it did not disclose how much E.O. was completed, consignment wise, within initial obligation period? Hence, taking into consideration all these facts, the committee decided the following:

- **I.** Export obligation period be extended by six months against each consignment from the expiry of initial obligation period. Accordingly, export obligation period shall be upto 30.11.2013 for first import consignment and 31.03.2015 for second consignment.
- **II.** This will subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports provided minimum 50% exports have been completed within initial 12 months obligation period for each import consignment. If, E.O. competed is less than 50%, composition fee shall be levied @ 0.5% per month.
- **III.** Shortfall, if any, shall be regularised on payment of duty plus interest in terms of Para 4.49 of HBP, 2015-2020 and PC 18 dated 30.10.2007 shall also be followed for unutilised imported materials.
- **IV.** The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.

(Action: Mumbai)

The Meeting was adjourned due to paucity of time and posted on 21.10.2015 at 3.30PM. The meeting continued in the chairmanship of DG on 21.10.2015. The following Officers were present.

01. Shri D. K. Singh	Addl. DGFT
02. Shri K.C. Rout	Addl. DGFT
03. Shri Jaikant Singh	Addl. DGFT
04. Shri Darshan Singh	Addl. DGFT
05. Shri Jay Karan Singh	Jt. DGFT
06. Shri Akash Taneja	Jt. DGFT
07. Dr. S.K. Bansal	Jt. DGFT
08. Shri S.K. Mohapatra	Dy. DGFT
09. Smt. N.R. Choudhury	FTDO(PRC)

The following cases were discussed:

Case No.8: M/s. Sanofi India Ltd., Mumbai.

F.No. 01/60/162/290/AM16/EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310731008 dt. 10.04.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 05.06.2013 and accordingly the export obligation period was upto 31.05.2014. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

VI. Export obligation period be extended from 12 months to 18 months i.e. upto 30.11.2014, from the date of import of first consignment.

VII. This is only for accounting and regularization of exports already effected.

VIII. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.

IX. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.

X. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

Case No.9. M/s. Sanofi India Ltd., Mumbai.

F.No. 01/60/162/291/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310665347 dt. 16.11.2012 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 27.12.2011 and accordingly the export obligation period was upto 31.12.2012. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

XI. Export obligation period be extended from 12 months to 18 months i.e. upto 30.06.2013, from the date of import of first consignment.

XII. This is only for accounting and regularization of exports already effected.

XIII. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.

XIV. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.

XV. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

Case No.10: M/s. Lupin Ltd., Mumbai.

F.No. 01/60/162/274/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310743240 dated 29.07.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 19.09.2013 and accordingly the export obligation period was upto 30.09.2014. The applicant has completed less than 50% 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 31.03.2015, from the date of import of first consignment.
II. This is subject to a payment of composition fee @ 0.5% per month on FOB value of exports made after initial obligation period.
III. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
IV. Shortfall, if any, shall be regularized on payment of Customs Duty + Interest in terms of Para 4.49 of HBP (2015-2020) read with PC-18 dt. 30.10.2007.

(Action: RA, Mumbai / applicant)

Case No.11: M/s. Lupin Ltd., Mumbai.

F.No. 01/60/162/275/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310744341 dated 06.08.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 26.08.2013 and accordingly the export obligation period was upto 31.08.2014. The applicant has completed more than 50% 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 28.02.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Hyderabad)

Case No.12: M/s. Fresenius Kabi Oncology Ltd., New Delhi.

F.No. 01/60/162/164/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Clubbing of two Advance Authorizations No.(i) 0510296460 dt. 13.07.2011 (issued with pre-import condition) and (ii) 0510316491 dt. 03.02.2012 (issued without pre-import condition) for regularization and redemption purpose.

Decision:

The committee noted that the applicant has obtained two Authorisations. Authorisation No 0510296460 dated 13.07.2011 is issued with pre-import condition, of PC-9 and Authorisation No 0510316491 dated 03.02.2012 is issued without pre-import condition for import of goods from registered sources. The date of import of first consignment was 12.10.2011. Thus, the export obligation period against first Authorisation was upto 31.10.2012. E.O. has been completed 53% against the first Authorisation. Whereas, date of import of first consignment against second Authorisation was 25.04.2012 and export obligation have been completed on 06.11.2012. Taking into consideration these facts, the committee decided the following:

I. Clubbing of two Authorisation be allowed.
II. Export obligation period against Authorisation No 0510296460 dated 13.07.2011 be extended by six months i.e. upto 30.04.2013 from expiry of initial obligation period.
III. This extension will be subject to payment of composition fee @0.5% on FOB value of exports to be accounted for.
IV. Exports made in the second Authorisation shall be taken in to account towards clubbing provided goods imported from unregistered sources against first Authorisation is accounted properly. The applicant shall submit proof of documents to that effect to RA.
V. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP, 2015-2020.

Case No.13: M/s. Sun Pharmaceutical Industries Ltd., Mumbai.

F.No. 01/60/162/314/

AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310752022 dated 03.10.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 09.01.2014 and accordingly the export obligation period was upto 31.01.2015. The applicant has made nil 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 31.07.2015, from the date of import of first consignment.
II. This is subject to a payment of composition fee @ 0.5% per month on FOB value of exports made after initial obligation period.
III. Minimum value addition of 15%, as prescribed in the prevalent Policy, shall be maintained.
IV. Shortfall, if any, shall be regularized on payment of Customs Duty + Interest in terms of Para 4.49 of HBP (2015-2020) read with PC-18 dt. 30.10.2007.

(Action: RA, Mumbai / applicant)

Case No.14: M/s. Varroc Engineering Pvt. Ltd., Aurangabad.

F.No. 01/60/162/959/AM13/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Revalidation of DEPB No.0310613525 dated 01.02.2011 – Due to delay in elimination of Technical issue for Transmission of License.

Decision:

The Committee noted that the applicant could not utilize the DEPB No.0310613525 dated 01.02.2011 on account of non- transmission of data in the Custom's server within its validity. The EDI section has confirmed that the said DEPB was transmitted finally to the Customs server on 18.09.2015 that is after expiry of the said DEPB. The committee therefore decided to allow revalidation of said DEPB for six months from the date of endorsement by RA. The applicant is therefore directed to get the endorsement from RA within one month from the date of uploading of PRC minutes.

(Action: RA, Mumbai/ Applicant)

Case No.15: M/s. Rusan Pharma Ltd., Mumbai.

F.No. 01/60/162/306/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for EOP extension of Advance Authorization No.0310761022 dated 09.12.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 02.01.2014 and accordingly the export obligation period was upto 31.01.2015. The firm has completed more than 50%

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 31.07.2015, from the date of import of first consignment.
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. The minimum value addition of 15%, as prescribed under the prevalent Policy, shall be maintained.
V. The applicant has to pay duty plus interest on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Mumbai)

Case No.16: M/s. Automat Industries Pvt. Ltd., New Delhi.
F.No. 01/60/162/268/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.0510254471 dated 14.12.2009.

Decision:

The Committee noted that the applicant has completed 63.15% of total imports permitted in the Authorisation. RA has already granted one revalidation for six months. As such there is no case of genuine hardship. The Committee did not accede to the request.

Case No.17: M/s. Supreme Tex Mart Ltd., Ludhiana.
F.No. 01/60/162/228/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation and E.O. extension of Advance Authorization No.3010085028 dated. 02.04.2012.

Decision:

The Committee noted that the applicant has fulfilled only 29.95% exports within initial 36 months obligation period. As such there is no merit for consideration of further EOP extension. The Committee further noted that the applicant has completed 95% of its permitted imports and no case of genuine hardship for balance import. Hence, the committee did not accede to the request of EOP extension as well as Revalidation of Authorisation.

Case No.18: M/s. Lyka BDR International Ltd., Mumbai.
F.No. 01/60/162/295/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Clubbing for Regularization/Redemption purpose of Advance Authorization No. 0310749892 dated 17.09.2013 and issued under PC-9 condition.

Decision:

The Committee noted that the Authorisations were issued with PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 19.10.2013 and accordingly the export obligation period was upto 31.10.2014 against the first Authorisation. The Committee further noted that there was nil imports against second Authorisation whereas E.O. has been completed 100% and last date of shipment was 12.04.2014. Taking into consideration these facts, the committee decided the following:

I. Clubbing of the 2 Advance Authorizations, as referred above, be allowed.
II. Export obligation period for the clubbed Advance Authorisations would be 12 months from the date of import of the first consignment.
III. This is only for regularization of exports already effected and closure purpose and not for any further exports/imports.
IV. 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 is to be applied on the entire FOB and CIF of the Authorizations to be clubbed.
V. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the Authorizations. Even after clubbing, shortfall, if any, shall be regularized on payment of Customs Duty + Interest in terms of Para 4.49 of H.B.P.

(Action: RA, Mumbai)

Case No.19: M/s. Lyka BDR International Ltd., Mumbai.

F.No. 01/60/162/284/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for waiver of destruction certification as per PC-18 in Advance Authorization No.0310735450 dated 23.05.2013 for regularization purpose.

Decision:

The Committee noted that the applicant has imported 10000kgs raw materials from unregistered sources and exported 98%. The unutilized 198kgs have been claimed as process loss, as samples were sent to buyer and Customs Authority for testing, for which the applicant has paid duty plus interest to the customs Authority. The committee, taking into consideration the facts, decided the following:

I. The PC-18 dated 30.10.2007 condition on 198kgs unaccounted goods stands waived. For that the applicant shall pay Rs. 5000/- as composition fee.
II. V.A. of 15%, as prescribed in the FTP, shall be maintained. In case shortfall in value addition, the same shall be regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA Mumbai)

Case No.20: M/s. Innovative Material Technologies P. Ltd., Jaipur.

F.No. 01/60/162/90/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for condonation of non-mentioning of Advance Licence No./File No. on the Bill of Export against Advance Authorization No.1310034272 dated 31.12.2010, for exports to SEZ unit.

Decision:

The Committee noted that the applicant has supplied goods to SEZ unit endorsing EPCG Authorisation No in Bill of export instead of Advance Authorisation No or File No under which the said Advance Authorisation is issued. Further, the remittance against the said supplies were made by SEZ unit from other than foreign currency account which is mandatory requirement, as per Rule 30 of SEZ Rules, 2006. Hence, the Committee decided not to accede to the request. The applicant is hereby directed to get the cases regularized in terms of Para 4.28 of HBP, 2009-2014.

(**Action: RA, Jaipur- If the party 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.21: M/s. Dynamatic Technologies Ltd., Bangalore.

F.No. 01/60/162/287/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for condonation of non-mentioning of AA No.0710036042 dt. 14.02.2005 in the Shipping Bills endorsed inadvertently the details of the EPCG Authorization No.0730001528 dt. 02.11.2000 for regularization purpose of both Authorizations.

Decision:

The Committee noted that under duty exemption scheme, one of the mandatory requirement is that while making shipments, the applicant shall mention in the shipping bill the Advance Authorisation No or file No under which it is issued and the quantity of exempted materials consumed in the resultant product. The applicant has neither declared consumption of exempted materials nor details of Advance Authorisation in any of the export documents i.e. Shipping Bill or ARE-1. Therefore, the shipments made merely mentioning EPCG Authorisation details cannot be taken into account towards discharge of export obligation against Advance Authorization. Hence, the Committee did not accede to the request. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP, 2015-2020.

(**Action: RA Bangalore - If the party fails to get the case regularized in terms of Para 4.49 of HBP (2015-2020) within a month from the date of communication of this decision, RA shall take action against the applicant under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).**

Case No.22. M/s. Dynamatic Technologies Ltd., Bangalore.

F.No. 01/60/162/286/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for condonation of non-mentioning of the AA No.0710031345 dt. 30.07.2004, in the shipping bills where exports were made by mentioning of EPCG Authorization No.0730001528 dt. 02.11.2000 for regularization purpose of both Authorizations.

<u>Decision:</u>

The Committee noted that under duty exemption scheme, one of the mandatory requirement is that while making shipments, the applicant shall mention in the shipping bill the Advance Authorisation No or file No under which it is issued and the quantity of exempted materials consumed in the resultant product. The applicant has neither declared consumption of exempted materials nor details of Advance Authorisation in any of the export documents i.e. Shipping Bill or ARE-1. Therefore, the shipments made merely mentioning EPCG Authorisation details cannot be taken into account towards discharge of export obligation against Advance Authorization. Hence, the Committee did not accede to the request. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP, 2015-2020.

(**Action: RA Bangalore - If the party fails to get the case regularized in terms of Para 4.49 of HBP (2015-2020) within a month from the date of communication of this decision, RA shall take action against the applicant under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).**

Case No.23: M/s. Dynamatic Technologies Ltd., Bangalore.

F.No. 01/60/162/285/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for condonation of non-mentioning of the AA No.0710036041 dt. 14.02.2005 in the Shipping Bills where exports were made by mentioning the details of EPCG Authorization No.0730001528 dt. 02.11.2000 for regularization purpose of both Authorization.

<u>Decision:</u>

The Committee noted that under duty exemption scheme, one of the mandatory requirement is that while making shipments, the applicant shall mention in the shipping bill the Advance Authorisation No or file No under which it is issued and the quantity of exempted materials consumed in the resultant product. The applicant has neither declared consumption of exempted materials nor details of Advance Authorisation in any of the export documents i.e. Shipping Bill or ARE-1. Therefore, the shipments made merely mentioning EPCG Authorisation details cannot be taken into account towards discharge of export obligation against Advance Authorization. Hence, the

Committee did not accede to the request. The applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP, 2015-2020.

(**Action: RA Bangalore - If the party fails to get the case regularized in terms of Para 4.49 of HBP (2015-2020) within a month from the date of communication of this decision, RA shall take action against the applicant under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).**

Case No.24: M/s. Bodal Chemicals Ltd., Gujarat.
F.No. 01/60/162/258/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of two Advance Authorization No.0810121380 dt. 24.05.2013 & 0810120563 dt. 30.04.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. The applicant has imported two items fully and did not give any cogent reason for not importing two other items within the validity extended by RA. Therefore, the Committee did not accede to the request.

Case No.25: M/s. Saru Copper Alloy Semis (P) Ltd., New Delhi.
F.No. 01/60/162/271/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of two Advance Authorization No.0510347705 dt. 27.02.2013 & 0510345340 dt. 08.02.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority against each Authorisations. Despite the fact the applicant could not complete its imports. Fluctuation in rate of copper cannot be construed as genuine hardship, as the applicant had option of procuring goods from local sources without payment of duties. Therefore, the Committee did not accede to the request.

Case No.26: M/s. Prestige Ceramic, Gujarat.
F.No. 01/60/162/262/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of three DFIAs Nos. 2410036148 dt. 10.04.2012, 2410037784 dt. 14.12.2012 & 2410037783 dt. 14.12.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority against each Authorisations. Despite the fact the applicant could not complete its balance imports. The justification given in the support that due to delay in transmission of data they could not complete their imports does not sound goods, as the applicant has completed partial imports against all items. If the data transmission was the reason then even partial imports should have not been completed. The applicant did not submit any supporting documents for justification. Therefore, the Committee did not accede to the request.

Case No.27: M/s. Metenere Ltd., New Delhi.
F.No. 01/60/162/261/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0510358192 dt. 27.06.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. The Aluminum ingot is not such as the item which was not available in the international market. Hence, the justification given by the applicant could not convince the committee. Therefore, the Committee did not accede to the request.

Case No.28: M/s. Nagode International Pvt. Ltd., New Delhi.
F.No. 01/60/162/192/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.0510340425 dt. 07.12.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. Therefore, the Committee did not accede to the request.

Case No.29: M/s. Superfil Products Ltd., Chennai.
F.No. 01/60/162/140/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0410148765 dt. 20.08.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. The applicant has imported two items completely and did not give any cogent reason for not making imports of other items. Therefore, the Committee did not accede to the request.

Case No.30: M/s. Dabur India Ltd., New Delhi.
F.No. 01/60/162/212/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0510350304 dt. 26.03.2013.

Decision:

The Committee noted that DGFT may, by Notification, impose pre-import condition for inputs under Chapter 4 of FTP 2015-20. All items listed under Appendix 4-J has the pre-import condition, as the obligation period is counted from the date of import only. As per Appendix 4-J, export obligation period for `Coconut Oil' is 90 days from the date of each import consignment. The applicant has exported goods without making any imports against the Authorisation. This act on the part of the applicant tantamount to violation of the export policy for export of oil. Taking all these facts into consideration, the Committee decided to reject the request of the applicant.

(**Action: RA CLA, New Delhi – shall initiate action against the applicant under the provision of FT (D&R) Act. 1992, as amended and shall submit an Action Taken Report).**

Case No.31: M/s. Merit Polyplast, Mumbai.
F.No. 01/60/162/235/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310721336 dt. 18.01.2013.

Decision:

The Committee noted that the applicant has given contradictory statements with regard to fulfillment of export obligation. On the one hand, the applicant has claimed fulfillment of 100% export obligation while on the other hand, they have stated that their buyer cancelled export orders due to some financial crisis and, therefore, they could not import their balance quantity within the validity of the Licence. If that was the case then as to how they imported one item fully and another one upto 40%? The Committee did not find any genuine hardship thus, rejected the request for revalidation.

Case No.32. M/s: Cubex Tubings Ltd., Secunderabad.
F.No. 01/60/162/238/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA Authorization No.0910056124 dt. 24.05.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. The commercial reason cited by the applicant cannot construed as the case of genuine hardship. Therefore, the Committee did not accede to the request.

Case No.33: M/s. Merit Polymers, Mumbai.
F.No. 01/60/162/201/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of four Advance Authorizations No.0310720066 dt. 09.01.2013, 0310729818 dt. 28.03.2013, 0310729824 dt. 28.03.2013 & 0310691957 dt. 24.04.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority against each Authorisations. Despite the fact the applicant could not complete its imports. Reason of financial crisis cited by the applicant cannot be construed as cogent ground of genuine hardship. Therefore, the Committee did not accede to the request.

Case No.34: M/s. Nagode International Pvt. Ltd., New Delhi.
F.No. 01/60/162/240/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.0510337503 dt. 19.10.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. He did not submit any documentary evidence which could prove delay on the part of RA in giving EODC/Transferability. Therefore, the Committee did not accede to the request.

Case No.35: M/s. Paradise Pottery Works, Gujarat.
F.No. 01/60/162/263/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.2410037905 dt. 07.01.2013.

Decision:

The applicant has claimed that he was given EODC on 24.9.2014 leaving only 6 days remain in hands for making imports. The case was deferred for seeking report from RA/EDI.

(Action: RA, Ahmedabad may inform the date of submission of complete application for EODC and reason of delay in action, if any)

Case No.36: M/s. Paradise Pottery Works, Gujarat.
F.No. 01/60/162/264/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.2410038456 dt. 13.03.2013.

Decision:

The Committee observed that the applicant has claimed that due to delay in transmission of data their Authorisation got expired and could not be utilised. This justification could not convince to the committee due to the following:

I. No supporting documents submitted.
II. No justification given as to how they made partial import against all three items permitted in the DFIA, if data were not transmitted?
III. RA has already granted one revalidation for six months. Why imports were not completed within extended validity?

Therefore, the Committee did not accede to the request.

Case No.37: M/s. Singhal Industries Pvt. Ltd., Gujarat
F.No. 01/60/162/679/AM15/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of DFIA No.0810117507 dt. 11.01.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. No cogent reason is given which can justify the genuine hardship for not making imports within 20 months. Therefore, the Committee did not accede to the request.

Case No.38: M/s. Sturdy Industries Ltd., H.P.
F.No. 01/60/162/253/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of three Advance Authorizations No.2210011265 dt. 27.04.2011, 2210011723 dt. 29.07.2011 & 2210011724 dt. 29.07.2011.

Decision:

The committee noted that the applicant has imported 93.22%, 93.59% and 25.40% against Authorisation No.2210011265 dated 27.04.2011, No 2210011723 dated 29.07.2011 and No 2210011724 dated 29.07.2011 respectively. So justifications and reasons cited by the applicant for not importing balance within 24 months could not convince to the Committee. Hence, the committee did not accede to the request.

Case No.39: M/s. Solar Industries India Ltd., Nagpur.
F.No. 01/60/162/323/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.5010001667 dt. 06.05.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. Despite the fact the applicant could not complete its imports. Commercial viability cannot construed as the case of genuine hardship. Therefore, the Committee did not accede to the request.

Case No.40: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/335/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310728797 dt. 19.03.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation for six months by the Regional Authority. He has imported one item fully but no justification given for not making import of other item within the extended validity. Therefore, the Committee did not accede to the request.

Case No.41: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/355/AM16/ EFGC(PRC
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310718710 dt. 31.12.2012.

Decision:

The Committee observed that the applicant had option of getting first revalidation of six months by RA. However, they did not opt for. No cogent reason of genuine hardship is given by the applicant for not making import within initial validity or not getting validity extended from RA. Hence, the committee did not accede to the request.

Case No.42. M/s. Bulkpack Exports Ltd., Indore. M.P.
F.No. 01/60/162/295/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.5610001781 dt. 04.03.2013.

Decision:

The Committee noted that RA has already allowed one revalidation for six months. Hence, the reason cited by the applicant that due to unfavourable global economic scenario, they could not import balance materials, could not convince to the committee, as the applicant had option to procure the goods from domestic sources without payment of duties. The Committee, therefore, did not accede to the request.

Case No.43: M/s. Vem Technologies Pvt. Ltd., Hyderabad.
F.No. 01/60/162/315/AM16/ EFGC(PRC)
PRC Meeting No. 11/AM16 dated 20.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0910055891 dt. 01.05.2013.

Decision:

The Committee noted the request of the firm and decided to reject the request, as the reasons cited are only commercial risk and not genuine hardship warranting relaxation under Para 2.05 of FTP. Moreover, RA has already allowed one revalidation for six months.

Case No.44: M/s. India Carbon Ltd., Kolkata.

F.No. 01/60/162/298/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Revalidation of two Advance Authorizations No.0210173710 dt. 07.02.2012 & 0210177836 dt. 23.05.2012.

Decision:

The Committee noted that the applicant could not import goods due to high price in the international market. However, this cannot be cited as the case of genuine hardship, as the applicant had option to procure the goods from domestic market without payment of duties. Hence, the committee did not accede to the request.

Case No.45. M/s. Vedanta Ltd., (formerly known as M/s. Sterlite Industries (India) Ltd., Tamil Nadu.

F.No. 01/60/162/108/AM16/ EFGC(PRC)

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Clubbing and redemptions of the 108 Advance Authorizations in 19 sets issued prior to 31.03.2009.

Decision:

The committee noted that the applicant has submitted request for clubbing of 108 Advance Authorisation in 19 sets issued prior to 01.04.2009. Due to bulky statements, it was decided that Shri Jaikant Singh, Addl.DG and Shri Akash Taneja, Joint DGFT will examine the case and furnish their comments in the next meeting.

(Action: Addl.(JS) & JDG(AT)

Case No.46. M/s. Fernandes Brothers

F.No. 01/85/50/109/AM15/ DES.VI and 01/85/50/187/AM15/ DES.VI.

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for condonation and consideration of delay in submission of two Advance Authorisation Nos. 0710106184 dt 25.07.2014 & 0710107163 dt. 10.12.2014 under Para 4.4.2 of HBP, 2009-2014 in place of Para 4.7 of HBP, 2009-2014 (vol.I).

Decision:

The Committee taking into consideration the decision of the Norms Committee Meeting No.05 held on 09.07.2015 which has allowed NIL wastage to the applicant, decided to allow conversion of the above two Authorisations deemed to be issued under Para 4.4.2 of HBP 2009-14 (Vol1) instead of under Para 4.7 of HBP, 2009-14 (Vol1) for the purpose of regularization.

(Action: RA, Bangalore/ DES VI)

Case No.47. M/s. Hindustan Zinc Ltd., Udaipur.

F.No. 01/89/180/67/AM09/ PC-2(A)/Pt.

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Policy relaxation for import of underground mining equipments.

Decision:

The Committee decided to grant approval for relaxation of Central Motor Vehicles Act & Rules, 1989, Rules 126, CMVR 1989 and Clause 2 (II) (a) (i) (ii) & (iii) (b), (c) (i) (ii) (iii) and Para 7 of Chapter 87 of ITC(HS) for import of 22 numbers of new underground mining equipments. The same would not ply on public road except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site. The import is subject to "Actual User" condition and these vehicles cannot be alienated to any other person.

Case No.48. M/s. Mariyam Exports, Kanpur.

F.No. 01/94/180/78/AM16/ PC-4

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Amendment in validity period of DFIA No.0610031295 dt. 19.03.2013 due to retention in Custom custody from the date of customs letter dated 19.06.2015 instead of expiry of 1st revalidation period which was 30.09.2014.

Decision:

The Committee noted that the applicant could not utilize the DFIA as the DFIA was in the custody of the Commissioner of Customs, Nhava Sheva, distt. Raigad, for some investigation. The Committee decided to revalidate the aforesaid DFIA for a further period of six months from the date of endorsement. The applicant is directed to produce the said DFIA for endorsement to RA within one month from the date of uploading of PRC minutes.

(Action: RA, Kanpur)

Case No.49. M/s. Global Export & Import, Kerala.

F.No. 01/91/171/78/AM15/EC/549

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for grant of relaxation for export of 5 MTs of Shark Fins procured before imposition of ban on export of Shark Fins vide Notification No.110 dated 06.02.2015.

Decision:

It was noted that pursuant to the order of Hon'ble High Court of Kerala dated 07.04.2015, DG had adjudicated the case and passed an order to place the request of the firm before PRC for considering so that DG may pass suitable orders after consulting the PRC.. The committee noted that the ban on export of Shark Fins has been notified vide Notification No110 dated06.02.2015 and the said ban takes effect from 06.02.2015. The transitional arrangement under Para 1.05 of FTP provides that export of a banned item will ordinarily be permitted not withstanding such restriction/regulation subject to the condition that the export is made within original validity of an irrevocable commercial letter of credit established before such ban and upon registration of such L/C with the concerned RA of the DGFT within 15 days of the ban. However, no such evidence relating to irrevocable L/C has been placed on record by the applicant. The applicant has submitted that they had procured the stock prior to imposition of the ban and they will face heavy loss if export of subject item is not permitted. DGFT vide his order dated 31.08.2015 has considered the facts and the circumstances of the case along with the submissions of the applicant and has stated that **the representation dated 16.02.2015 of the petitioner requesting for grant of relaxation for export of 5 MTs Shark fins, from the ban imposed vide Notification no 110 dated 06.02.2015, cannot be allowed**. The committee noted the submission of the firm. However, since in this case, the regulation imposed is in the nature of ban and neither of the conditions stipulated under Para 1.05 of FTP is complied with, the committee did not accede to the request.

(Action: Export Cell)

Case No.50. M/s. Dott Services P. Ltd., Hyderabad.

F.No. 01/89/180/14/AM-10/ PC-2(A)/Part file-I

PRC Meeting No. 11/AM16 dated 20.10.2015

Subject: - Request for Relaxation of the provisions of Central Motor Vehicles Act & Rules, 1989, Rules 126, CMVR 1989, Policy Condition 1 (II) (a) (b) (i) (ii) & (iii) (c) (d) (i) (ii) & (iii) of Chapter 87 of ITC (HS), 2012.

Decision:

The Committee decided to grant approval for relaxation of Central Motor Vehicles Act & Rules, 1989, Rules 126, CMVR 1989 and Policy Condition 1 (II) (a) (b) (i) (ii) & (iii), (c) (d) (i) (ii) (iii) of Chapter 87 of ITC(HS) 2012 for import of 65 numbers of used “Off Highway Mining Dump Trucks”. The same would not ply on public road except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site. The import is subject to “Actual User” condition and these vehicles cannot be alienated to any other person.

The meeting ended with a Vote of Thanks to the Chair.

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