

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 12/AM13 HELD ON 03.07.2012 AT 11.45 A.M. UNDER THE CHAIRMANSHIP OF Dr. A.K PUJARI, DIRECTOR GENERAL OF FOREIGN TRADE.

PRC Meeting was held under the Chairmanship of DGFT and list of officers present in the meeting is given below:

- | | |
|--------------------------|---------------|
| 1. Shri D.K Singh | Addl. DG |
| 2. Shri. V.K. Srivastava | Addl. DG |
| 3. Shri N.P.S. Monga | Addl. DG |
| 4. Dr. L.B.S. Singhal | Addl. DG |
| 5. Shri Mukesh Bhatnagar | Addl. DG |
| 6. Dr. Rajiv Arora | Jt. DGFT |
| 7. Shri A.K. Singh | Jt. DGFT |
| 8. Shri Jaikant Singh | Jt. DGFT |
| 9. Shri Ashutosh Mishra | Jt. DGFT |
| 10. Smt. Shubhra | Jt. DGFT |
| 11. Shri D.C. Sharma | Stats Advisor |
| 12. Shri A. Mishra | Stats Advisor |
| 13. Shri Sanjay Kumar | Dy. DGFT |
| 14. Smt. Sonika Khattar | FTDO |

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

Case No.1. M/s. National Steel & Agro Industries Limited, Mumbai

F.No. 01/60/162/489/AM12/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of advance authorization no. 1110018442 dated 19.09.2008.

The Committee noted that the case was earlier rejected in PRC Meeting No. 26/AM12 dt. 18.10.2011 on account of no exports. However, Subsequently, the firm has made exports more than 50% quantity wise during the period from 20.7.2011 to 19.9.2011 i.e. within the valid EOP. Therefore, it was decided to extend EOP against the aforesaid advance authorization for 6 months from the date of communication, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to exports beyond export obligation period. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.2. M/s. GPT Steel Industries Limited, Mumbai

F.No. 01/60/162/1609/AM10/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of advance authorization no. 0810056210 dated 09.05.2006 and 0810058641 dt. 2.08.2006.

The Committee considered the request and noted that the request of EOP extension in respect of advance authorization no. 0810056210 dated 09.05.2006 was considered in PRC Meeting No. 12/AM11 dt. 26.11.2010 and rejected on account of low exports. The Committee also noted that both the above mentioned Advance Authorizations were issued in 2006 and export obligation fulfilled within the valid EOP in both the advance authorizations is less than 50%. Hence, The Committee rejected the request.

Case No.3. M/s. BHEL Jhansi

F.No. 01/60/162/654/AM12/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for Revalidation of Advance Authorization No. 0610014562 dated 10.11.2008.

The Committee noted that there was no inordinate delay on the part of RA and decided to reject as the reasons cited did not establish any genuine hardship warranting relaxation under Para 2.5 of FTP.

Case No.4. M/s. Krishna Antioxidants Pvt. Ltd, Mumbai

F.No. 01/60/162/222/AM13/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for Revalidation of Advance Authorization No. 0310534092 dated 18.08.2009.

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of FTP have been given by the firm.

Case No.5. M/s. Vital Laboratories Private Ltd, Mumbai

F.No. 01/60/162/340/AM10/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of Advance Authorization No. 0310363446 dated 17.01.2006 issued under PC-9 condition.

The committee noted that the advance authorization was issued with PC-9 condition. It was further noted that the PRC has already granted EOP extension upto 31.7.2007. The committee decided that no further extension can be granted beyond 31.7.2007. The Committee decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these imports subject to verification by RA. However, the default in terms of duty saving proportionate to the default in export outside the EO upto 31.7.2007 as stated above may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization and evaluate the duty-saving default and take necessary action as per the policy provisions.

Case No.6. M/s. Geetanjali Woollens Pvt. Ltd, Mumbai

F.No. 01/60/162/205/AM13/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of Advance Authorization No. 0310364854 dated 27.01.2006 for regularization purpose.

The Committee decided to grant extension for 1 month beyond the permitted 36 months for the purpose of regularization and closure, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP and also subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation beyond the permissible export obligation period of 36 months. RA is directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher.

Case No.7. M/s. Jain Packaging Pvt. Ltd, Mumbai

F.No. 01/60/162/218/AM13/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of time bond performance for Advance Authorization No. 0310528105 dated 09.07.2009.

The Committee noted that the firm have made nil exports during the valid EOP and, therefore, decided to reject the case on account of no exports made both quantity and value wise in the valid EOP.

Case No.8. M/s. Jyoti Structures Ltd, Mumbai

F.No. 01/60/162/206/AM13/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for EOP Extension of Advance Authorization No. 0310420358 dated 21.02.2007.

The Committee rejected the request of the firm as there is no merit for consideration as the authorization is too old. It was decided that the cases may be finalized as per the provisions of the FTP.

Case No.9. M/s. Gharda Chemicals Limited, Mumbai

F.No. 01/60/162/127/AM13/EFGC(PRC)

PRC Meeting No. 12/AM13 dated: 03.07.2012

Subject:- Request for relaxation of time-barred period and accept their application for DEPB on their export of 2005 vide six shipping bills no.

1. 36448527/11.08.2005
2. 3641567/09.08.2005
3. 3687685/31.08.2005
4. 3641559/09.08.2005
5. 36485141/11.08.2005
6. 3636805/06.08.2005

The Committee noted that the firm could not apply for DEPB since they obtained the BRCs only on 26.7.2011 from the concerned banks. The Committee also noted that as such no detailed justification has been provided either by the firm or by the banks about the delay in issuance. However, keeping in view the facts, the Committee decided that the DEPB may be issued by RA subject to fulfillment of other

conditions/procedures with a late cut of 10% on the entitlement.

Case No.10. M/s. TCP Limited, Chennai
F.No. 01/60/162/217/AM13/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject:- Request for Revalidation of Advance Authorization No. 0410106065 dated 13.07.2009 (Deemed Export).

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

Case No.11. M/s. TCP Limited, Chennai
F.No. 01/60/162/216/AM13/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject:- Request for Revalidation of Advance Authorization No. 0410106586 dated 31.07.2009 (Deemed Export).

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

Case No.12. M/s. Smruthi Organics Ltd
F.No. 01/60/162/198/AM13/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject:- Request for Clubbing of two Advance Authorizations No. 3110020540 dated 16.05.2005 with 3110036145 dated 20.11.2008 for regularization purpose.

The Committee noted the request of the firm and decided to reject as the gap between the above three authorizations is substantial and the Committee therefore did not agree to club these authorizations

Case No.13. M/s. Syed Naifulla Hussainin, Hyderabad
F.No. 0189/180/07/AM13/PC-2(A)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for one unit Hummer-2 Model 2008, Car imported.

The Committee noted that there was no cogent reasons which would warrant relaxation of the import policy under Para 2.5 for importation of the one unit Hummer-2 Model 2008. The Committee therefore decided to reject the case.

Case No.14. M/s. Delphi Automotives Systems Pvt. Limited, Greater Noida UP
F.No. 0189/180/08/AM13/PC-2(A)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for relaxation in import policy of New Car for R&D purpose.

The Committee considered the case and granted ex-post facts approval to relax the provisions of Para 2(II) (d) of Import Licensing Note of Chapter 87 for import of the New Car for R&D purpose subject to the following :

- (i) The vehicles will be used for R&D purpose and will not ply on public roads.
- (ii) The vehicle will be dismantled after completion of R&D activities.

Case No.15. M/s. Kesoram Industries Limited
F.No. 01/60/162/148/AM13/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject:- Request for Revalidation of 5 Advance Authorizations No. (i) 0210126719 dated 19.05.2009, (ii) 0210126720 dated 19.05.2009, (iii) 0210129272 dated 20.07.2009, (iv) 0210130783 dated 25.08.2009 & (v) 0210134095 dated 19.11.2009.

The committee discussed the case and noted that there was delay on account of non-transmission of data through EDI system and therefore the case be processed on file with these details after obtaining inputs from ADG(LBS). .

Case No.16. M/s. Department for Fertilizers

F.No. 0189/180/102/AM02/PC-2(A)/Pt.
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject:- Import of Urea.

The committee discussed the case and decided to be processed on file.

Case No.17. M/s. Arshiya International Limited, Mumbai
F.No. 0189/180/06/AM13/PC-2(A)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for relaxation of import of Automobiles from Arshiya FTWZ.

The committee considered and granted ex-post-facto approval for relaxation of the provisions of Import Licensing Note No. 2(II) (d) of Chapter 87 of ITC(HS) 2012, schedule-1 (Import Policy) for import of 144 vehicles.

Case No.18. M/s. Garden Silk Mills Limited, Surat
F.No. 0189/180/42/AM13/PC-2(A)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for allow revalidation of DEPB Authorization No. 5210029450 dated 20.01.2010.

The committee noted that there was the inordinate delay on the part of Land Customs Station, Raxaul to confirm TRA and therefore decided to revalidate advance authorization no. 5210029450 dated 20.01.2010 for 6 months from the date of communication of the decision of PRC.

Case No.19. M/s. Cipla Limited, Mumbai
F.No. 01/60/162/1181/AM12/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for clubbing of 7 Advance Authorizations No. (i) 0310350866 dated 07.10.2005, (ii) 0310502229 dated 12.01.2009, (iii) 0310512350 dated 19.03.2009, (iv) 0310512828 dated 23.03.2009, (v) 0310528138 dated 09.07.2009 (vi) 0310528648 dated 13.07.2009 & (vii) 0310544908 dated 10.11.2009 issued under PC-9 condition for redemption purpose.

The committee decided to club the advance authorizations mentioned at sl. no. 2-6 for the purpose of regularization. The committee did not consider the request for clubbing of authorization no. 0310350866 dated 07.10.2005 as there is no merit for consideration as the authorization is too old. The committee also rejected the request for clubbing of advance authorization no. 0310544908 dated 10.11.2009 as the gap between this authorization and the above 5 authorizations (2-6) is substantial. RA may grant necessary extension in EO required with the stipulated composition fee for clubbing and regularization not exceeding 6 months from the expiry of 6 months of EOP from the date of first import. RA is also directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.

Case No.20. M/s. Rama Cylinders Pvt. Limited, Mumbai
F.No. 01/60/162/1751/AM11/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for EOP Extension for 6 months of Advance Authorization No. 0310435549 dated 10.07.2007.

The committee discussed the case and decided to be processed on file.

Case No.21. M/s. Shyam Chem Impex, Bangalore
F.No. 01/60/162/1010/AM11/EFGC(PRC)
PRC Meeting No. 12/AM13 dated: 03.07.2012
Subject: - Request for Revalidation of Advance Authorization No. 0710051312 dated 18.04.2002a.

The committee discussed the case and decided to be processed on file.
