Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup wadhawan, IAS on 28.10.2015

Meeting No. 12/AM16 held on 28.10.2015 at 10:00AM.

List of members present in the meeting is given below:

1.	Shri D. K. Singh	Addl. DGFT
2.	Shri K.C.Rout	Addl. DGFT
3.	Shri Jaikant Singh	Addl. DGFT
4.	Shri Darshan Singh	Addl.. DGFT
5.	Shri S.K.Samal	Jt. DGFT
6.	Shri Jay Karan Singh	Jt. DGFT
7.	Dr. S.K. Bansal	Jt.DGFT
8.	Shri AkashTaneja	Jt. DGFT
9.	Shri J. M. Gupta	Jt. DGFT
10.	Shri S.K. Mohapatra	Dy. DGFT

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

Case No.1: M/s. Sanofi India Ltd., Mumbai.
F.No. 01/60/162/107/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for EOP extension of Advance Authorization No.0310690547 dt.12.04.2012 issued under PC-9 condition for regularization purpose.**

Decision:

The Committee noted that the Authorization was issued with pre-import conditions under PC-9 dated 30.06.2003, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment in this case was 04.12.2012 and accordingly the export obligation period was upto 31.12.2013.The applicant has fulfilled less than 50% of the stipulated export obligation during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.06.2014, 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% per month of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
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.2: M/s: Lupin Ltd., Mumbai.
F.No. 01/60/162/273/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015

Subject: - **Request for waiving of PC-18, requirement of destruction certificate against Advance Authorization No.0310721010 dt. 16.01.2013 for regularization purpose.**

Decision:

The Committee observed that the applicant has imported 74.410Kgs Rifapentine for CIF value of Rs. 14, 28,404/- The applicant in its application has stated that due to process loss, the wastage occurred was 11%. Thus, 8.18 Kgs raw materials could not be accounted for. The committee noted that as per SION, only 2% wastage is permitted for formulation of tablets. The wastage claimed by the applicant is too high. However, the applicant has paid duty plus interest on excess imports and the Chartered Accountant has certified the utilisation of imported raw materials. The committee decided to waive of the PC-18 conditions subject to a payment of Rs.10,000/- as composition fee.

(Action: Applicant/RA, Mumbai)

Case No.3: M/s. Positive Packaging Industries Ltd., Mumbai.
F.No. 01/60/162/172/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for relaxation in transfer of the ownership of imported raw materials against 4 Advance Authorizations and Export Obligation from their company i.e. M/s. Positive Packaging Industries Ltd., (PPIL) to M/s. RenewSys India Pvt. Ltd., (RIPL) proposed de-merger of their company.

Decision:

The committee noted that the applicant M/s Positive Packaging Industries Ltd., had obtained Advance Authorisation No 0310719764 dated 08.01.2013, 0310786527 dated 08.07.2014, 0310787384 dated 28.07.2014 and 0310787467 dated 31.07.2014 from RA Mumbai. Now, company board has unanimously resolved to demerge the solar division of their company into a separate company by name M/s RenewSys India Pvt. Ltd. subject to approval of that demerger by Hon'ble high Court. And, Hon'ble High Court has allowed demerger of the company vide order dated 01.08.2014. The committee, therefore, taking into consideration the above facts decided the following:

i. The name of M/s RenewSys India Pvt. Ltd. be endorsed in all 4 AA as supporting manufacturer/co-licensee.
ii. The applicant shall submit to RA a joint LUT/BG, as the case may be, affirming therein that both company shall collectively and severely be responsible for discharge the stipulated export obligation within the stipulated export obligation period or period extended by RA.

Case No.4: M/s. Emami Ltd., Kolkata.
F.No. 01/60/162/65/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for 2nd EOP extension of Advance Authorization No.0210155350 dt. 24.02.2011.

Decision:

The Committee observed that the Committee in its Meeting No.03/AM15 dated 24.06.2014 had decided to grant extension of 6 months obligation period i.e. upto 31.12.2014, against the of Advance Authorization No.0210155350 dt. 24.02.2011. The applicant has fulfilled 92.72% of the stipulated export obligation within the extended obligation period. Taking these into consideration the Committee decided the following:

I. Export obligation period be extended further by 6 months i.e. upto 30.06.2015. Accordingly, exports effected within 48 months from the date of issue of the Authorisation shall be taken into account towards discharge of export obligation.
II. This EOP extension is allowed subject to payment of composition fee @ 0.5% per month on FOB value of exports made after 42nd month.
III. Minimum value addition of 15% as prescribed under Para 4.1.6 of FTP shall be maintained.

(Action: RA, Kolkata / applicant)

Case No.5: M/s. Sentiss Pharma Pvt. Ltd., Delhi.
F.No. 01/60/162/420/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for waiver from destruction certificate as per PC.18 dt. 30.10.2007 in respect of imported drugs from unregistered sources for regularization/closure of Advance Authorization No.0510315838 dt. 30.01.2012.

Decision:

The Committee noted that there was a manufacturing process loss of 0.314 Kg. of imported raw material and the firm has exported a quantity of 0.035 Kg against another Advance Authorisation No.0510352314 dated 25.4.2013. Hence, the Committee decided the following:

i. PC-18 condition stands waived to the extent of requirement of destruction certificate/re-export subject to a payment of Rs.5000/- as composition fee.
ii. The applicant shall submit proof of duty plus interest paid to the Customs Authority on unutilized excess quantity of 0.314kgs to RA.

(Action: Applicant / CLA, Delhi)

Case No.6: M/s. DSM Sinochem Pharmaceuticals India Pvt. Ltd., Gurgaon.
F.No. 01/60/162/72/AM14/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Clubbing of 4 Advance Authorizations No. (i) 2210005378 dt. 29.03.2006, (ii) 2210005759 dt. 12.07.2006, (iii) 2210006310 dt. 19.12.2006, and (iv) 2210006541 dt. 27.02.2007 (not issued under PC-9 condition) for redemption purpose.

Decision:

The Committee noted that the request of the applicant for clubbing of above referred Authorisations was allowed by the committee in its meeting No 25.06.2013. However, exports made within 12 months from the date of import of first consignment under earliest Authorisation were allowed to be accounted for. The applicant again approached the PRC with request to allow exports made upto 36 months waving PC-9 condition, as imports were made from registered sources. The committee in its meeting dated 06.09.2014 discussed the case and rejected the request on the ground that import item was Pencillin G and export obligation period for Pencillin G was six months from the date of import of first consignment, as per Appendix 30A, irrespective of the facts that imports were made from registered sources. Further, vide Policy Circular no 1 dated 17.09.2004, it has been clarified that export obligation period for Pencillin G would be 6 months from the date of import. However, while rejecting the request, clubbing of Authorisation was also rejected but exports made within 12 months from the date of imports were allowed for accounting. Now the applicant has requested to restore the decision of PRC dated 25.06.2013. The committee noted that PRC allows clubbing in such cases if exports are made within 12 months from the date of imports of first consignment. Hence, decided the following:

I. Clubbing of 4 Advance Authorizations as referred above be allowed.
II. Exports made against subsequent authorizations but within 12 months from the date of import of first consignment against earliest authorization shall only be taken into account for clubbing of authorizations.
III. RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated 6 months EOP for clubbing and regularization.
IV. Value addition of minimum 15% as stipulated in the FTP shall be ensured. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
V. Customs Duty + Interest on excess consumption, if any, shall be paid.
VI. Shortfall in any may be regularized in terms of Para 4.28 of HBP, 2009-2014.
VII. RA may do clubbing subject to the condition that no adjudication order is issued against any licence to be clubbed

(Action: RA, Chandigarh)

Case No.7: M/s. Gencor Pacific Auto Engg. Pvt. Ltd., Chennai.
F.No. 01/60/162/289/AM16/ EFGC (PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation/EOP extension of Advance Authorization No.04100142303 dt. 02.01.2013.

Decision:

The Committee observed that the applicant has requested for revalidation as well as extension of export obligation period of the Authorisation. In his submissions he stated that the Customs Authority has re-credit 75000kgs quantity for imports. Therefore requested for revalidation of Authorisation. However, the Committee observed that the Authorisation was issued allowing import of "Aluminum Allow Ingots" whereas the

applicant imported "Stone Chips" and filed B/E by mis-declaring the facts. The Customs Authority confiscated the goods and imposed fiscal penalty of Rs. 19,00,000/-. Though the appellate Authority has allowed re-credit but upheld the order of Lower Adjudicating Authority for confiscation. However, so far no credit note has been issued by the Customs Authority. The Committee further observed that the applicant has obtained revalidation of Authorisation for 6 months from the Regional Authority. There is no case of genuine hardship. The things happened for his own mis-conduct. Hence, the Committee did not accede to the request for revalidation.

With regard to the request for extension of export obligation period is concerned, the Committee observed that the applicant has imported only 91.08% and has fulfilled more than 97% exported obligation. Hence, there is no requirement of EOP extension, as EO has been fulfilled on pro-rata basis.

(Action: RA, Chennai)

Case No.8: M/s: Plasticizers & Allied Chemicals, New Delhi.
F.No. 01/60/162/376/AM15/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject:- Request for relaxation of norms against Advance Authorization No.0510186773 dt. 17.07.2006.

Decision:

The Committee observed that the applicant has requested for clubbing of two different inputs i.e. Cresol and Phosphorous Oxychloride. As clubbing of two different inputs are not allowed, hence, the Committee did not accede to the request. The applicant is hereby directed get the case regularised by paying duty with interest on excess import of Cresol.

(Action: if the applicant fails to get the case regularised in terms of Para 4.28 of HBP, 2009-2014, within a month from the date of publication of these minutes on the office website, RA shall initiate action under the provision of FT(D&R)Act, 1992 as amended and report**.)**

Case No.9: M/s. Eastern Copper Mfg. Co. Pvt. Ltd., Kolkata.
F.No. 01/60/162/35/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for condonation of non-filing of Bill of Export for the supplies made against DFIA No.021016-808 dt. 21.06.2011 to SEZ uint.**

Decision:

The Committee observed that under Rule 30 of SEZ Rules, 2006, export to SEZ unit must be made against Bill of exports if supplier wish to avail exports incentives against such supplies. And, in terms of Para 4.12 of FTP the Authorisation holder shall declare the consumption of exempted materials used in the resultant products in the export documents while effecting exports. Therefore, the Bill of Export is an essential document for discharging the export obligation against Advance Authorisation. It is further observed that since the applicant neither has filled Bill of Export nor declared exempted materials even in the ARE-1. Further, valuation of such supplies are not been done by the Customs, hence, the Committee decided not to accede to the request. The applicant is directed to get the case regularised in terms of Para 4.28 of HBP, 2009-2014.

(Action: RA, Kolkata, if the applicant fails to get the case regularised in terms of Para 4.28 of HBP, 2009-2014, within a month from the date of publication of these minutes on the office website, RA shall initiate action under the provision of FT(D&R)Act, 1992 as amended and report**.)**

Case No.10: M/s. Trimurti Polymers, Mumbai.
F.No. 01/60/162/400/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for revalidation of Advance Authorization No.0310720790 dt. 15.01.2013.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to volatile market, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.11: M/s. Trimurti Polymers, Mumbai.
F.No. 01/60/162/399/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for revalidation of Advance Authorization No.0310723664 dt. 11.02.2013.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to volatile market, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.12: M/s. Brass Copper & Alloys (India) Ltd., Mumbai.
F.No. 01/60/162/312/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 27.10.2015
Subject: - **Request for revalidation of DFIA No.0310700450 dt. 02.07.2012.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to non – availability of LC limit with their bank, cannot be construed as genuine hardship. Hence, the Committee did not accede to the request.

Case No.13: M/s. Rio Care India P. Ltd., Mumbai.
F.No. 01/60/162/397/AM16/ EFGC (PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for revalidation of Advance Authorization No.0310746634 dt. 23.08.2013.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to delay in fixation of norms, cannot be construed as genuine hardship, as delay in fixation of norms does not affect imports at all. The Authorisation was obtained under self-declaration scheme. Thus, imports should had been completed within the validity of Authorisation. Hence, the Committee did not accede to the request.

Case No.14: M/s. Sri Balmukund Polypack Pvt. Ltd., Raipur.
F.No. 01/60/162/348/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for revalidation of Advance Authorization No.6310000897 dt. 13.06.2012.**

Decision:

The Committee noted that the justification given by the applicant that they could not import goods as Reliance Industries advised them to get TRA for Jamnagar Customs cannot be construed the case of genuine hardship. The RA has allowed one revalidation for six months. Hence, the Committee did not accede to the request.

Case No.15: M/s. Bankim Plast P. Ltd., Mumbai.
F.No. 01/60/162/387/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for revalidation of Advance Authorization No.0310740372 dt. 04.07.2013.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to Customs Alert, cannot be construed as genuine hardship. They were placed under “Alert List” by the Customs for the fault on their part. Hence, the Committee did not accede to the request.

Case No.16: M/s. The Asian Traders (India), Mumbai.
F.No. 01/60/162/342/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015

Subject: - **Request for Revalidation of 7 DFIAs No.0310734533 dt. 16.05.2013, 0310735336 dt. 23.05.2013, 0310735339 dt. 23.05.2013. 0310738593 dt. 21.06.2013, 0310737497 dt. 13.06.2013, 0310734527 dt. 16.05.2013 & 0310734247 dt. 14.05.2013.**

<u>Decision:</u>

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to non-registration of licenses. However, the applicant did not submit any documents in support of their contention. Further, for affecting exports against DFIA, the Authorisation is required to be registered with the Customs Authority. And, the applicant has fulfilled 100% exports. Hence, the justification is not sustainable. The Committee, therefore, did not accede to the request.

Case No.17: M/s. Sanya Plastics, Mumbai.
F.No. 01/60/162/394/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.0310648035 dt. 11.08.2011.**

<u>Decision:</u>

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to fluctuation in raw material, cannot be construed the case of genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.18: M/s. Alok Industries, N. Delhi.
F.No. 01/60/162/395/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.0510352610 dt. 29.04.2013.**

<u>Decision:</u>

The Committee noted the justification that they could not complete imports due to uncompetitive price in the international market. This cannot be construed case of genuine hardship because the applicant had option of procure goods from domestic market without payment of duties. As the RA has allowed one revalidation for six months, the Committee did not accede to the request.

Case No.19: M/s. Krishna Antioxidants P. Ltd., Mumbai.
F.No. 01/60/162/350/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.0310695090 dt. 17.05.2012.**

<u>Decision:</u>

The Committee noted that the applicant has imported two items fully and one item partially leaving 100% balance against one item. The firm has not furnished any valid justification/reasons not importing the balance quantity. As such there is no merit in the case for consideration for request, as there is no cogent reason of genuine hardship**.**

Case No.20: M/s. New (India) Imaging Industries Ltd., Mumbai.
F.No. 01/60/162/398/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of 2 Advance Authorizations No.0310746237 dt. 21.08.2013 & 0310736883 dt. 06.06.2013.

Decision:

The Committee noted that the firm has not furnished any valid justification/reasons for not importing the balance quantity. As such there is no merit for consideration of the request for revalidation, as there is no cogent reason of genuine hardship.

Case No.21: M/s. Neccon Power & Infra Ltd., Assam.
F.No. 01/60/162/352/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.1410000539 dt. 30.11.2012.**

Decision:

The Committee observed that the applicant has made 68.77% exports without making any imports. RA has allowed one extension but he has failed to utilize the Authorisation. Therefore, the Committee did not accede to the request for revalidation. As no imports have been made, no obligation on the part of Authorisation holder. Therefore, the applicant has option to surrender the Authorisation unutilized.

(Action: Applicant)

Case No.22: M/s. Gotawat Industries, Bangalore.
F.No. 01/60/162/401/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.0710095285 dt. 09.05.2013.**

Decision:

The Committee noted the justification that they could not import goods because his supplier was not able to supply the material within the validity of the Authorisation. However, this cannot be construed the case of genuine hardship, as the applicant had option to procure the goods without payment of duties either from domestic market or from any other supplier in the international market. Hence, the Committee did not accede to the request.

Case No.23: M/s. Cubex Tubings Ltd., Secunderabad.
F.No. 01/60/162/344/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of DFIA No.0910056124 dt. 24.05.2013.**

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to negative market conditions, cannot be construed the case of genuine hardship. Hence, the Committee did not accede to the request.

Case No.24: M/s. The Asian Traders (India), Mumbai.
F.No. 01/60/162/341/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Two DFIAs No.0310742428 dt. 22.07.2013 & 0310740021 dt. 03.07.2013.

Decision:

The Committee noted the justification that they could not complete their imports within the validity of the Authorisation due to non-registration of Authorisation at Customs end seems to be wrong, as the Authorisation bear remarks of Customs Authority "No Alert". It means Authorisation was presented to the Customs Authority for registration and the same had been registered too. Hence, the Committee did not accede to the request.

Case No.25: M/s. Krishna Antioxidants P. Ltd., Mumbai.
F.No. 01/60/162/345/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310696575 dt. 29.05.2012.

Decision:

The Committee observed that the Advance Authorization No. 0310696575 has been issued on 29.05.2012 wherein the initial validity period was 24 months. Moreover, the applicant has already been granted one revalidation of six months by RA. Thus, the applicant had 30 clear months to complete its import. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within 30 months validity period. Hence, the Committee did not accede to the request.

Case No.26: M/s. Vem Technologies Pvt. Ltd., Hyderabad.
F.No. 01/60/162/349/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0910056490 dt. 28.06.2013.

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to adverse market conditions, cannot be construed as genuine hardship, as the applicant had option to procure the

goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

The Committee further observed that since the applicant has imported item No (1) about 95% and (2) 59%. Therefore, the applicant is under obligation to fulfill minimum 95% export obligation whereas EO fulfillment status is only 79.35%. Therefore, the applicant, if desires, may approach the Regional Authority for grant of extension of export obligation period by 12 months i.e. upto 31.12.2015 with the following conditions:

I. Extension for first 6 months be allowed i.e. upto 30.06.2015 subject to payment of a composition fee @ 0.5% of FOB value of exports to be made and extension beyond 24 months but upto 30 months i.e. upto 31.12.2015 shall be allowed on payment of composition fee @ 0.5% per month of FOB value of exports to be made.
II. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: Applicant)

Case No.27: M/s. Neuland Laboratories Ltd., Hyderabad.
F.No. 01/60/162/353/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0910052939 dt. 08.06.2012.

Decision:

The Committee observed that the Advance Authorization have been issued with initial validity period was 24 months. Moreover, the applicant has already been granted one revalidation of six months by RA. Thus, the applicant had 30 clear months to complete its import. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within 30 months validity period. Hence, the Committee did not accede to the request**.**

Case No.28: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/332/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of DFIA No.0310722089 dt. 28.01.2013.**

Decision:

The Committee observed that the Advance Authorization have been issued with initial validity period was 14 months. Moreover, the applicant has already been granted one revalidation of six months by RA. Thus, the applicant had 20 clear months to complete its import. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within 20 months validity period. Hence, the Committee did not accede to the request.

Case No.29: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/310/AM16/ EFGC(PRC))
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of DFIA No.0310719021 dt. 02.01.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months by RA. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within extended validity period. Hence, the Committee did not accede to the request.

Case No.30: M/s. UPL Ltd., Mumbai.
F.No. 01/60/162/311/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 27.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310737714 dt. 14.06.2013.

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to high cost of raw material, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.31: M/s. Haldia Petrochemicals Ltd., Kolkata.
F.No. 01/60/162/365/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Clubbing of two of Advance Authorizations No.0210146325 dt. 12.08.2010 & 0210186478 dt. 14.02.2013 for regularization purpose.

Decision:

The Committee observed that the Advance Authorization No.0210146325 dt. 12.08.2010 has been issued with an export obligation period of 36 months and the other Advance Authorization No. 0210186478 dt. 14.02.2013 has been issued with an export obligation period of 18 months. The applicant has imported 80% against Authorisation dated 12.08.2010 but no exports. Whereas, Nil imports against Authorisation dated 14.02.2013 but exported 103%. The last date of shipment is 12.07.2013. The Authorisation of 18 months obligation period if clubbed with Authorisation having initial obligation period of 36 months then exports made upto 30 months from the date of issue of earliest Authorisation may only be accounted for. Hence, the Committee decided not to accede to the request clubbing.

The Committee, however, decided that shipping bills effected under Advance Authorization No. 0210186478 dt. 14.02.2013 be accounted for discharge of

export obligation against Advance Authorization No.0210146325 dt. 12.08.2010, subject to the following conditions:

i. The applicant shall pay Rs.200/- per shipping bill which will be accounted for against the Advance Authorization No.0210146325 dated 12.08.2010.
ii. Shipments effected by 31.08.2013 only shall be accepted.
iii. Resultant product exported should be the same as an obligation imposed in the Authorisation 0210146325 dated 12.08.2010.
iv. RA shall ensure that these shipping bills have not been taken into account towards discharge of export obligation against any other Authorisation.

(Action: RA, Kolkata)

Case No.32: M/s. Jyoti Impex, Mumbai.
F.No. 01/60/162/169/AM15/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of DEPB Scrip No.0310713455 dated 23.10.2012.

Decision:

The Committee observed that the DEPB was issued on 23.10.2012 and the same was accepted by the Customs server on 06.07.2015 that is after expiry of the said scrip. As DEPB Scrip No.0310713455 dated 23.10.2012 could not be utilized by the firm within its validity, the committee on the basis of the technical report from EDI decided to revalidate the aforesaid DEPB for six months from the date of endorsement. The applicant is directed to get the endorsement from RA within one month from the date of uploading of these minutes on the Directorate website.

Case No.33: M/s. Gencor Pacific Auto Engineering Pvt. Ltd., Chennai.
F.No. 01/60/162/288/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.04100135761 dt. 20.04.2012.

Decision:

The Committee observed that the Advance Authorization No. 04100135761 has been issued on 20.04.2012 wherein the initial validity period was 24 months. Moreover, the applicant has already been granted one revalidation of six months by RA. Thus, the applicant had 30 clear months to complete its import. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within 30 months validity period. Hence, the Committee did not accede to the request.

Case No.34: M/s. Rio Care India Pvt. Ltd., Mumbai.
F.No. 01/60/162/360/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310746634 dt. 23.08.2013.

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months by RA. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within extended validity period. Hence, the Committee did not accede to the request.

Case No.35: M/s. Neuland Laboratories Ltd., Hyderabad.
F.No. 01/60/162/404/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Two Advance Authorization No.0910056372 dt. 18.06.2013.**

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months by RA. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within extended validity period. Hence, the Committee did not accede to the request**.**

Case No.36: M/s. Sturdy Industries Ltd., Chandigarh.
F.No. 01/60/162/402/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of Advance Authorization No.2210013623 dt. 04.02.2013.**

Decision:

The Committee noted that as per Para 4.23 of HBP, RA is empowered to revalidate Authorisation for further six months. However, the applicant did not avail the option. The justification, however, given by the applicant expressing inability to complete their imports within the initial validity period, due to market slump, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.37: M/s. Perfect Colouants & Plastics Pvt. Ltd., Vadodara.
F.No. 01/60/162/351/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for Revalidation of two Advance Authorizations No.3410034750 dt. 27.07.2012 & 3410033967 dt. 25.04.2012.**

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months in each Authorisation by RA. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within extended validity period. Hence, the Committee did not accede to the request.

Case No.38: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/291/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310713987 dt. 31.10.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months by RA. Despite that the applicant could not utilize the Authorization and has not submitted any reason of genuine hardship for not utilizing the Authorisation within extended validity period. Hence, the Committee did not accede to the request.

Case No.39: M/s. B&A Packaging India Ltd., Kolkata.
F.No. 01/60/162/358/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0210175574 dt. 021.03.2012.

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to fluctuation of exchange rate of foreign currency, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.40: M/s. SI Group-India Ltd., Mumbai.
F.No. 01/60/162/255/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310737443 dt. 13.06.2013.

Decision:

The Committee noted that the justification given by the applicant expressing inability to complete their imports within the initial as well as the extended validity granted by the RA, due to short supply of raw material and rise in prices, cannot be construed as genuine hardship, as the applicant had option to procure the goods without payment of duties from domestic market. Hence, the Committee did not accede to the request.

Case No.41: M/s. Krishna Antioxidants Pvt. Ltd., Mumbai.
F.No. 01/60/162/293/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0310713989 dt. 31.10.2012.

Decision:

The Committee observed that the applicant has already been granted one revalidation of six months by RA. He has imported partially leaving only 46.03% balance. He has not submitted any reason of genuine hardship for not importing balance quantity within extended validity period. Hence, the Committee did not accede to the request.

Case No.42: M/s. Jubilant Life Sciences Ltd.
F.No. 01/94/180/106/AM15/ PC-4
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Addition of the name of Jubilant Generics Ltd. as co-licensee in 15 Advance Authorizations and extension of EOP.

Decision:

The Committee noted that M/s Jubilant Life Science Ltd.(JLSL) has created a separate subsidiary by name of M/s Jubilant Generics Ltd.(JGL) through the business transfer agreement on 20.06.2014. Under this plan, they have transferred all assets and liabilities relating to Pharma/API business including 41 Advance Authorisations obtained in the name of M/s Jubilant Life Science Ltd.(JLSL) and the materials imported there under during 2011-2014. Para 4.16 of HBP, 2009-2014 permits incorporation of supporting manufacturer/job-worker as co-licensee. Hence, the RA has rejected the request.

The Committee further noted that the said Advance Authorisations were issued with Actual User conditions. Hence, transfer of the said Authorisation or the goods imported against there under is not permissible. However, taking into consideration the business transfer agreement between two entities, the committee decided the following:

i. The name of M/s Jubilant Generics Ltd.(JGL) be endorsed as co-licensee in remaining Authorisations where export obligation yet to be fulfilled.
ii. The applicant shall execute BG/LUT, as the case may be, affirming therein that they will collectively and severely be liable to discharge the stipulated export obligation.
iii. Request for further extension in EOP be considered by RA in terms of PN 16 dated 04.06.2015. No further imports would be allowed against the Authorisations.

(Action: RA, CLA)

Case No.43: M/s. Bankim Plast Pvt. Ltd., Mumbai.

F.No. 01/60/162/389/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request for Revalidation of Advance Authorization No.0810116316 dt. 19.11.2012.

Decision:

The Committee noted that the justification given by the applicant that their production activities were shut down for three months due to technical problem. However, the applicant had 23 clear months in hands to import within the initial as well as the extended validity granted by the RA. Hence, the Committee did not accede to the request**.**

Case No.44: M/s. Umedica Laboratories Pvt. Ltd., Mumbai.
F.No. 01/60/162/101/AM16/ EFGC(PRC)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for grant EOP extension against Advance Authorization No.0310698529 dt. 14.06.2012 issued under PC-9 condition for regularization purpose.**

Decision:

The Committee noted that the Authorisation was issued with pre-import conditions under PC-9 dated 30.06.2003, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 07.08.2012 and accordingly the export obligation period was upto 31.08.2013. The applicant has 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 28.02.2014, from the date of import of first consignment for regularisation of exports if any made.
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 under Para 4.09 of FTP (2015-2020) 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.45: M/s. Paccar India Private Limited, Pune Maharashtra
F.No. 01/89/180/09/AM-16/PC-2(A)
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Request for grant of permission for import of 3 new, medium-or-heavy duty PACCAR commercial Vehicles into India for research and development purposes.**

Decision:

The Committee decided to grant approval for relaxation of Policy Condition No. 7 of ITC (HS), 2012, Schedule – I for import of 3 new, medium or heavy duty PACCAR commercial vehicles into India for research and development purposes subject to the condition that these vehicles will neither operate commercially in India, nor will they drive on

Indian roads, highways or motorways. These trucks which are being imported for demonstration purpose will be scrapped after it serves the purpose.

(Action: PC-2)

Case No.46: M/s. Tata Consultancy Services Ltd., Mumbai
F.No. 01/89/180/54/AM-13/PC-2(A)/Pt
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - **Relax the provisions of Policy Conditions No. 2 (ii) (f) of Chapter 87 of ITC (HS), 2012 Schedule 1 (Import Policy) for the imported 4 numbers of JLR car models from JLR, UK for verifying the car infotainment software developed for JLR.**

Decision:

The Committee decided to relax the provisions of Policy Conditions No. 2 (ii) (f) of Chapter 87 of ITC (HS), 2012 Schedule 1 (Import Policy) for the imported 4 numbers of JLR car models from JLR, UK for verifying the car infotainment software developed for JLR subject to the condition that the vehicles shall be re – exported to its origin after completion of the testing before the end of year 2017.

(Action: PC-2)

Case No.47: M/s. Tata Consultancy Services Ltd., Mumbai
F.No. 01/93/180/18/AM-16/PC-2(B)/Pt
PRC Meeting No. 12/AM16 dated 28.10.2015
Subject: - Request to Policy Relaxation Committee for relaxation form the Policy Condition No. 2 (ii) of Chapter 87 of ITC (HS) 2012 Schedule 1 (Import Policy) of 1 no JLR XY Replacement Car make form jaguar Land Rover UK – reg.

Decision:

The Committee decided to relax the provisions of Policy Conditions No. 2 (ii) of Chapter 87 of ITC (HS), 2012 Schedule 1 (Import Policy) for the imported 4 numbers of JLR car models from JLR, UK for verifying the car infotainment software developed for JLR subject to the condition that the vehicles shall be re – exported before the end of year 2016 after completion of the activity.

(Action: PC-2)

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

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