MINUTES OF THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO.13/AM11HELD ON 04.01.2011 AT 11:00 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 Amitabh Jain	Addl. DG
2)	Shri V.K. Srivastava	Addl. DG
3)	Shri V.K. Gupta	Addl. DG
4)	Shri Rajiv Arora	Jt. DGFT
5)	Shri L.B. Singhal	Jt. DGFT
6)	Shri Satyan Sharda	Jt. DGFT
7)	Shri Tapan Mazumdar	Jt. DGFT
8)	Shri R.S. Ratna	Jt. DGFT
9)	Shri Hardeep Singh	Jt. DGFT
10)	Ms. Shubhra	Jt. DGFT
11)	Smt. Sonika Khattar	FTDO

The decision taken on the individual cases are as under:

Case No. 1: M/s Lumino Industries Ltd., Kolkata.
File No. 01/60/162/1721/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0210109495 dt. 25.02.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 2: M/s Symbiotec Pharmalab Ltd., Indore.
File No. 01/60/162/1634/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Waiving of the pre-import condition and revalidation of Advance Authorization No. 1110017051 dt. 08.04.2008.

The Committee noted the request of the firm on the above mentioned Advance Authorization and decided to reject as the advance authorization was issued under Policy Circular-9 dated 30.06.2003 condition under which pre-import is the basic pre-requisite condition which cannot be relaxed.

Case No. 3: M/s Uniflex Cables Ltd., Mumbai.
File No. 01/94/180/09/AM10/PC-4/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation & EOP extension of 2 Advance Authorization Nos. 0310231177 dt. 16.10.2003 & 0310240217 dt. 18.12.2003.

The Committee noted the request for revalidation & EOP extension of 2 Advance Authorization Nos. 0310231177 dt. 16.10.2003 & 0310240217 dt. 18.12.2003. The authorizations were issued in 2003 whereas the application is made on 05.03.2009. The reason given is that the company was taken over by M/s Uniflex Cables Ltd., during 2008 and observed that both licences is pending for redemption. The Committee noted that at the time of take over of another company, due-diligence is exercised and all assets and liabilities are looked into. Therefore, it would be apparent that this kind of liability would have been in the notice of the applicant firm. Therefore, consideration of a 7 years old licence for revalidation does not merit relaxation as the application is badly delayed and genuine hardship does not get justified.

Case No. 4: M/s Prakash Steelage Ltd., Mumbai.
File No. 01/60/162/1631/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310423044 dt. 14.03.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 5: M/s TANFAC Industries Ltd., Chennai.
File No. 01/60/162/1677/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Clubbing of 3 Advance Authorization Nos.

i. 0410073558 dt. 19.08.2005
ii. 0410073559 dt. 19.08.2005
iii. 0410079781 dt. 22.03.2006

The Committee considered the request of the firm and decided to club advance authorizations nos. 0410073558 dt. 19.08.2005, 0410073559 dt. 19.08.2005 and 0410079781 dt. 22.03.2006 for the purpose of regularization. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 6: M/s Bombay Rayon Fashions Ltd., Mumbai.
File No. 01/60/162/1683/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310436822 dt. 19.07.2007.

The Committee noted that the EO fulfilled is quite low during the valid EOP and that there are no specific reasons given establishing genuine hardship. Therefore, it was decided to reject the case as it does not merit consideration due to low exports made both quantity and value wise in the valid EOP.

Case No. 7: M/s Prakash Steelage Ltd., Mumbai.

File No. 01/60/162/1637/AM11/EFGC(PRC)

File No. 01/60/162/1627/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310467747 dt. 08.04.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 8: M/s Ravin Cables Ltd., Mumbai.
File No. 01/60/162/1696/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310441488 dt. 31.08.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 9: M/s Heni Exports, Mumbai.
File No. 01/94/180/158/AM09/PC-4
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of DFRCs Nos. 0310214374 dt. 16.07.2003 and 0310214964 dt. 16.07.2003.

The Committee noted the request of the firm and decided to re-examine the case especially with reference to the exact number of days of delay in Customs and then place before the PRC.

Case No. 10: M/s Intas Pharmaceuticals Ltd., Ahmedabad.
File No. 01/60/162/1688/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 081008880 dt. 31.07.2009 issued under Policy Circular No. 9 dated 30.06.2003.

The Committee noted that the firm have made less than 50% exports during the valid EOP and, therefore, it was decided to reject the case as it does not merit consideration due to low exports made both quantity and value wise in the valid EOP.

Case No. 11: M/s Shilpa Medicare Ltd., Raichur.
File No. 01/60/162/1691/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0710021299 dt. 23.05.2003.

The Committee noted that the firm have made a request for EOP extension of above mentioned advance authorization after the period of expiry of more than 1½

The Committee noted that the firm have made a request for EOP extension of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 12: M/s Lavino-Kapur Cottons Pvt. Ltd., Mumbai.
File No. 01/85/162/103/AM07/DES-V
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Modification of SION, K-103 for Absorbent Cotton & SION, K-104 for Absorbent Uncarded Cotton against import of raw cotton and (ii) for retrospective application of adhoc norms fixed.

The Committee noted that since the SIONs for export product, already exists and the Policy does not permit providing adhoc Norms for such products with notified SION, the Committee could not accede to the request for allowing adhoc norms with higher wastage than that allowed in the SION, from retrospective effect. Committee also could not recollect any such precedence of allowing higher wastage by PRC. Accordingly the case was rejected.

Case No. 13: M/s Bharat Petroleum Corporation Ltd., Mumbai.
File No. 01/60/162/1685/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Redemption of Advance Authorization No. 0310215092 dt. 21.07.2003.

The Committee considered the case and noted that the original Export Promotion Shipping Bill was misplaced by the firm and not by any Government Agency. Hence, the Committee rejected the request of the firm.

Case No. 14: M/s Prakash Steelage Ltd., Mumbai.
File No. 01/60/162/1633/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310429865 dt. 18.05.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 15: M/s Prakash Steelage Ltd., Mumbai.
File No. 01/60/162/1629/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310417296 dt. 24.01.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 16: M/s Prakash Steelage Ltd., Mumbai.

Case No. 16: M/s Prakash Steelage Ltd., Mumbai.
File No. 01/60/162/1632/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310443184 dt. 14.09.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 17: M/s Prakash Steelage Ltd., Mumbai.
File No. 01/60/162/1628/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310458455 dt. 21.01.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 18: M/s Shree Satyaguru Rubber Mills, Amritsar.
File No. 01/60/162/1665/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of DFIA No. 1210005516 dt. 28.01.2008.

The Committee noted that above mentioned DFIA has already been endorsed as transferable. The Committee therefore rejected the request of the firm.

Case No. 19: M/s Lyka BDR International Ltd., Mumbai.
File No. 01/94/180/51/AM11/PC-4
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Shortage in import entitlement due to free samples in Advance Authorization Nos. 0310411657 dt. 11.12.2006 & 0310371310 dt. 13.03.2006.

The Committed considered the case and noted that the intention of Policy Circular 18 dated 30.10.2007 was to ensure that the imported raw material under Policy Circular -9 dated 30.06.2003 does not get diverted to the domestic market. The imported raw material needs to be fully accounted for by re-export or the end product produced from it for export or the material is destroyed as per the specific provisions of Policy Circular No.18 dated 30.10.2007. Subject to accounting of the imported raw material as above, the Committee allowed the request of the firm. However, Custom duty and interest on account of default will be required to be paid as per Policy Circular No.18 dated 30.10.2007 for regularization.

Case No. 20: M/s Geltec Pvt. Ltd.(Banner Pharmacaps (I) Pvt. Ltd.), Mumbai.
File No. 01/60/162/930/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Clubbing of 3 Advance Authorization Nos.

i. 0310269575 dt. 19.05.2004

ii. 0310333025 dt. 03.06.2005
iii. 0310336698 dt. 29.06.2005

The Committee noted that the firm have made a request for clubbing of above mentioned advance authorizations after the period of expiry of more than 4 years from the date of expiry of authorizations. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 21: M/s Indiacraft, Gurgaon.
File No. 01/60/162/1679/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0002272079 dt. 21.06.1995.

The Committee noted that the firm have made a request for EOP extension of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 22: M/s Geltec Pvt. Ltd., Mumbai.
File No. 01/60/162/911/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Clubbing of 6 Advance Authorization Nos.
i. 0310256334 dt. 04.03.2004
ii. 0310265349 dt. 23.04.2004
iii. 0310263544 dt. 13.04.2004
iv. 0310271904 dt. 01.06.2004
v. 0310356952 dt. 25.11.2005
vi. 0310374904 dt. 04.04.2006

The Committee noted that the firm have made a request of advance authorizations at Sr. no. 1 to 4 for clubbing after the period of expiry of more than 4 years from the date of expiry of authorizations. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

The Committee, however, considered the request of the firm for Advance Authorization Nos. 0310356952 dt. 25.11.2005 & 0310374904 dt. 04.04.2006 and decide to permit clubbing of these authorizations. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 23: M/s Vital Health Care Pvt. Ltd.,
File No. 01/94/180/768/AM10/PC-IV/PRC
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Clubbing of 2 Advance Authorization Nos. 0310287202 dt. 19.08.2004 & 0310298844 dt. 26.10.2004.

The Committee considered the request of the firm and decided to club advance authorizations nos. 0310287202 dt. 19.08.2004 & 0310298844 dt. 26.10.2004 for the purpose of regularization. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 24: M/s J.K. Papers Ltd., Delhi.
File No. 01/60/162/1155/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of 2 DEPB Nos. 0510144152 dt. 29.11.2004 & 0510156598 dt. 02.05.2005.

The Committee noted the request of the firm and decided to re-examine the case on the basis on the reasons given by firm, earlier PRC decision and then place before the PRC.

Case No. 25: M/s Shree Pushkar Petro Products Ltd., Mumbai.
File No. 01/60/162/1267/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310273653 dt. 09.06.2004.

The Committee noted the request of the firm and found that PRC has already approved EOP extension in Meeting No. 05/AM09 dated 30.09.2008 and subsequently RA extended EO Period upto 58 months i.e. upto 30.04.2009. The firm's contention that the goods were ready for export in validity period but due to closure of border road, they have to send through Sea-port instead of road which caused delay of 8 days seems to be genuine hardship and therefore, the Committee decided to extend EOP against the aforesaid advance authorization for a period of 10 days i.e. upto 10.05.2009 for regularization purpose, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 26: M/s Bombay Rayon Fashions Ltd., Mumbai.
File No. 01/60/162/1681/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310436816 dt. 19.07.2007.

The Committee noted that the firm have made less than 50% exports during the valid EOP and, therefore, it was decided to reject the case as it does not merit consideration due to low exports made both quantity and value wise in the valid EOP.

Case No. 27: M/s Geltec Pvt. Ltd., Mumbai.
File No. 01/60/162/910/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Clubbing of 4 Advance Authorization Nos.

i. 310335044 dt. 20.06.2005
ii. 0310340248 dt. 20.07.2005
iii. 0310390199 dt. 19.07.2006
iv. 0310394428 dt. 11.08.2006

The Committee noted that the firm have made a request of advance authorization nos. 310335444 dt. 20.06.2005 & 0310340248 dt. 20.07.2005 for clubbing after the period of expiry of more than 4 years from the date of expiry of authorizations. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

The Committee, however, considered the request of the firm for Advance Authorization Nos. 0310390199 dt. 19.07.2006 & 0310394428 dt. 11.08.2006 and decide to permit clubbing of these authorizations. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 28: M/s Delton Cables Ltd., New Delhi.
File No. 01/60/162/1656/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0510212061 dt. 14.11.2007.

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

Case No. 29: M/s Sun Plast Mumbai.
File No. 01/60/162/1657/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310464769 dt. 12.03.2008.

The Committee noted the request of the firm and decided to reject as no details supported with any cogent and justified reasons have been provided to establish genuine hardship.

Case No. 30: M/s Bombay Rayon Fashions Ltd., Mumbai.
File No. 01/60/162/1682/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310431204 dt. 31.05.2007.

The Committee noted that the export obligation fulfilled in respect of aforesaid Advance authorization was 83.89% Qty.-wise and 85.42% value-wise within the valid EO period. Therefore, the Committee decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of valid EO period. Therefore, the Committee decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 31: M/s Vital Health Care Pvt. Ltd., Mumbai.
File No. 01/60/162/1664/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310383216 dt. 06.06.2006 for regularization.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and noted that NC allowed less quantity than the quantity import by the firm. Therefore the firm further exported to account for the excess import. Therefore the committee decided to extend EOP against the aforesaid advance authorization upto 18.9.2007 for regularization purpose only, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 32: M/s Ravin Cables Ltd., Mumbai.
File No. 01/60/162/1675/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310163060 dt. 16.10.2002.

The Committee noted that the firm have made a request for revalidation of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 33: M/s GHCL Ltd., Gujarat.
File No. 01/60/162/1649/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 310426378 dt. 11.04.2007.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 34: M/s Shabari Trading Co. Kerla

Case No. 34: M/s Shaban Trading Co. Kerla.
File No. 01/60/162/762/AM10/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 1010022516 dt. 30.12.2005.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months on pro-rata basis to account for imports already made for the purpose of regularization from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 35: M/s Rapsi Engg. Industries Ltd., Bangalore.
File No. 01/60/162/1610/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0710055780 dt. 11.02.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 36: M/s JSW Steel Ltd., Mumbai.
File No. 01/60/162/1672/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310477108 dt. 02.07.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 37: M/s FDC Ltd., Mumbai.
File No. 01/60/162/1662/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310344925 dt. 29.08.2005.

The Committee considered the request and granted EO extension upto 30.08.2007 for the purpose of regularization. The Committee also desired that the Policy Division should examine the aspect of considering EOP from the date of import of each consignment rather than the 1st consignment.

Case No. 38: M/s Enzal Chemicals (India) Ltd., Mumbai.
File No. 01/60/162/1697/AM11/EFGC(PRC)

PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Clubbing of 4 Advance Authorization Nos.

i. 310052800 dt. 11.09.2000
ii. 310177691 dt. 10.01.2003
iii. 310181342 dt. 30.01.2003
iv. 310224957 dt. 16.09.2003

The Committee noted that the firm have made a request for clubbing of above mentioned advance authorizations after a period of expiry of more than 4 years from the date of expiry of authorizations. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 39: M/s Intas Pharmaceuticals Ltd., Ahmedabad.
File No. 01/60/162/1687/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0810078984 dt. 27.03.2009 issued under Policy Circular No. 9 dated 30.06.2003.

The Committee noted that the firm have made less than 50% exports during the valid EOP and, therefore, it was decided to reject the case as it does not merit consideration due to low exports made both quantity and value wise in the valid EOP.

Case No. 40: M/s Hind Terminals Pvt. Ltd., Mumbai.
File No. 01/89/180/68/AM09/PC-2(A)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Request for exemption from production of TAC for import of one Reach Stackers Model : DRF 45060S5.

The Committee considered the request and decided to grant relaxation from the requirement of Type Approval Certificate (TAC) in respect of import of one Reach Stackers Model : DRF 45060S5 with the condition that vehicle will be off the highway.

Case No. 41: M/s Kirloskar Brothers Ltd., Pune.
File No. 01/94/180/03/AM10/PC-4
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation and EOP extension of Advance Authorization No. 3110023958 dt. 21.02.2006.

The Committee considered the request of the firm and decided to grant revalidation of the above said authorization upto 30.5.2011, subject to payment of composition fee @ 1% of the unutilized cif value of the authorization and EOP extension also upto 30.5.2011 as the project involves high technology which requires continuous modification.

Case No. 42: M/s Bhushan Steel Ltd., Sahibabad.
File No. 01/60/162/1713/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011

Subject: Revalidation of Advance Authorization No. 0510219306 dt. 15.04.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 43: M/s Shalina Laboratories Pvt. Ltd., Mumbai.
File No. 01/60/162/1416/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310487181 dt. 22.09.2008 issued under Policy Circular No. 9 dated 30.06.2003.

The Committee noted the request of the firm and decided to reject as the reasons given by the firm are not cogent and justified.

Case No. 44: M/s Plastiblends India Ltd., Mumbai.
File No. 01/60/162/1725/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310387740 dt. 30.06.2006.

The Committee noted that the firm has made a request for revalidation of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 45: M/s Ravin Cables Ltd., Mumbai.
File No. 01/60/162/1710/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310446655 dt. 16.10.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 46: M/s Alkem Laboratories Limited Mumbai
File No. 01/60/162/1740/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP Extension of advance licence No. 0310407931 dt. 14.11.2006.

The Committee noted that the firm has made a request for EOP Extension of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 47: M/s Oil country Tubular Limited Hyderbad.

File No. 01/60/162/1760/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0910031024 dt. 01.08.2007.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 48: M/s The Indure Pvt. Ltd.,
File No. 01/60/162/1731/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation and EOP extension of Advance Authorization No. 0510215640 dt. 30.01.2008.

The Committee considered the request of the firm and decided to grant revalidation of the above said authorization upto 31.03.2011, subject to payment of composition fee @ 1% of the unutilized cif value of the authorization and EOP extension upto 31.03.2011 as the project involves high technology which requires continuous modification.

Case No. 49: M/s Bhushan Steel Limited Sahiabad
File No. 01/60/162/1717/AM11/EFGC(PRC)
PRC Meeting No. 13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0510220744 dt. 21.05.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 50: M/s Prayag Polytech P. Ltd.,
File No. 01/60/162/753/AM10/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization no. 0510204263 dt. 30.05.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 51: M/s PRS Tyres Limited Tamilnadu

Case No. 51: M/s PRS Tyres Limited Tamilnadu.
File No. 01/60/162/1705/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 3210036285 dt. 25.09.2007.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 52: M/s Bhusan Steel limited Sahibbad.
File No. 01/60/162/1719/AM11/EFGC(PRC)
PRC Meeting No: 03/AM11 dated: 29.7.2010
Subject: Revalidation of Advance Authorization No. 0510220746 dt. 21.05.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 53: M/s Euro Ceramics Limited.
File No. 01/60/162/1722/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310443503 dt. 18.09.2007.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 54: M/s Oil country Tubular Ltd., Hyderabad.
File No. 01/60/162/1757/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0910030628 dt. 21.06.2007.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 55: M/s Plastiblends India Ltd., Mumbai.
File No. 01/60/162/1723/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310412691 dt. 19.12.2006.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 56: M/s JSW Steel Limited Mumbai.
File No. 01/60/162/1670/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310467010 dt. 02.04.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 57: M/s Bhushan Steel ltd., Sahibabad.
File No. 01/60/162/1716/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0510220745 dt. 21.05.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 58: M/s Technova Imaging Systems P. Limited Mumbai.
File No. 01/60/162/1724/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310460780 dt. 13.02.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 59: M/s Plastiblends India Ltd.. Mumbai.

File No. 01/60/162/1728/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310374576 dt. 03.04.2006.

The Committee noted that the firm has made a request for revalidation of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 60: M/s JSW Steel Ltd., Mumbai.
File No. 01/60/162/1673/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310474531 dt. 13.06.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 61: M/s Lumino Industries Ltd., Kolkata.
File No. 01/60/162/1718/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0210109500 dt. 25.02.2008.

The Committee considered the case and noted that the applicant has stated that they could not import the inputs in time owing to price fluctuation in the international market. Since price fluctuation in the international market is essentially a commercial risk, it cannot be treated as genuine hardship warranted for relaxation. In view of this, the Committee rejected the case for Policy Relaxation.

Case No. 62: M/s Superna Chemicals Ltd., Mumbai.
File No. 01/60/162/1729/AM11/EFGC(PRC)

PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310468394 dt. 15.04.2008.

The Committee noted the request of the firm and decided to reject as the reasons given by the firm are not cogent and justified.

Case No. 63: M/s Radha Madhav Corporation Ltd., Daman.
File No. 01/60/162/1735/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: EOP extension of Advance Authorization No. 0310439737 dt. 16.08.2007.

The Committee noted the request of the firm in respect of aforesaid Advance authorization and decided to extend EOP against the aforesaid advance authorization for a period of six months from the date of communication of the decision of PRC, subject to verification by RA of EO claimed to have been fulfilled by the firm within the valid EOP, subject to payment of composition fee @ 6% of the duty saved amount for the balance inputs in proportion to export obligation 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. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 64: M/s Plastiblends India Ltd., Mumbai.
File No. 01/60/162/1726/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of Advance Authorization No. 0310367046 dt. 15.02.2006.

The Committee noted that the firm has made a request for revalidation of above mentioned advance authorization after the period of expiry of more than 1½ year from the date of expiry of EO period of authorization. The Committee rejected the request of the firm as there are no merits for consideration due to highly delayed request.

Case No. 65: M/s Cadila Healthcare Ltd., Ahmedabad.
File No. 0160/162/1593/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject : Clubbing of Advance Authorization No. 0810057522 dt. 22.06.2006 with 0810064986 dt. 22.05.2007.

The Committee considered the request of the firm and decided to club advance authorizations nos. 0810057522 dt. 22.06.2006 with 0810064986 dt. 22.05.2007 for the purpose of regularization. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 66: M/s Rexello Castors P. Ltd., Mumbai.
File No. 01/60/162/973/AM11/EFGC (PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Revalidation of DEPB No. 0310071756 dt. 05.02.2001 as per O-in-A No. 84/02 MCH dated 30.01.2002 issued by CC (Appeals) Mumbai.

The Committee noted that CESTAT's has stated as under : -

> "In the instant case, the DEPB scrip in question was issued to the appellants by DGFT on the basis of exports made by the appellants. It is the case of the Revenue that most of these exports did not comply with a condition attached to the BAL issued by DGFT. It was for the DGFT which issued the Brand Approval Letter to the appellants, to verify the records and to find out whether any condition attached to the BAL had not been complied with. That the exports in question were made between 1.9.2000 (the date on which the exporter's application for brand approval was received by DGFT) and 3.11.2000 (the date on which Branch Approval Letter was received by the appellants) is another matter, pertinent though. Going by the ruling of the Hon'ble High Court, we hold that it was not open to the Deputy Commissioner of Customs to sit in judgement over the quantum of DEPB credit allowed by DGFT under the licence in question. He would, at best, convey the results of his verification to the licensing authority. For that matter, the decision of the Commissioner (Appeals) affirming that of the Deputy Commissioner is also not sustainable. The impugned order is set aside and this appeal is allowed."

Even though the CESTAT has set aside the order of Deputy Commissioner (Appeals), it has stated in its order that the appropriateness of the DEPB value was for DGFT to decide. The Committee decided that RA should look into the appropriateness of the value of DEPB as also mentioned in the CESTAT's order and in case the same is in order, revalidate the DEPB for a period of 6 months from the date of communication of this decision. In case the value needs to be altered, RA may do so as per the Policy provisions and thereafter revalidate the modified DEPB for 6 months from the date of communication of this decision.

Case No. 67: M/s Hindustan Polymides & Fibres Ltd., Mumbai.
File No. 01/60/162/1742/AM11/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Clubbing of 2 Advance Authorization No. 0310444517 dt. 27.09.2007 & 0310431330 dt. 01.06.2007.

The Committee considered the request of the firm and decided to club advance authorizations nos. 0310444517 dt. 27.09.2007 & 0310431330 dt. 01.06.2007 for the purpose of regularization. RA may revalidate advance authorization subject to payment of composition fee @1% of the unutilized Cif value of the authorization as required for purpose of clubbing. RA should verify EO fulfillment status as claimed by the firm. Extension in EO required for clubbing and regularization of authorizations where there is shortfall will be done by imposing a composition fee @5% per year as already decided in the PRC meeting held on 06.01.2010. RA is further directed to examine the case in terms of Public Notice No. 23 dated 4.12.2009 and take necessary action and make necessary endorsements at the time of revalidation. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization and not just on the unutilized CIF.

Case No. 68: M/s Kopran Ltd., Mumbai.
File No. 01/60/162/658/AM10/EFGC(PRC)
PRC Meeting No.13/AM11 dated: 04.01.2011
Subject: Request for extension in export obligation period of authorizations no. 0310498802 dt. 19.12.2008 and 0310498808 dt. 19.12.2008 issued with re-import condition under Policy Circular No. 9 dated 30.06.2003.

The Committee considered the request of the firm and decided to transfer the matter to Policy Division for processing clarification request.

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