Minutes of the Policy Relaxation Committee

Meeting no. 17/AM14 held on 06.08.2013 at 11.30 A.M.

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

1.	Shri D. K. Singh,	Addl. DG
2.	Shri V.K. Srivastava	Addl. DG
3.	Shri L.B. Singhal	Addl. DG
4.	Shri K.C. Rout	Addl. DG
5.	Shri Jaikant Singh	Jt.DGFT
6.	Shri S.K. Samal	Jt. DGFT
7.	Shri Jay Karan Singh	Jt. DGFT
8.	Shri Hardeep Singh	Jt.DGFT
9.	Shri R. Selvam	Jt. DGFT
10.	Shri S.K. Mohapatra	Dy. DGFT
11.	Smt. Sonika Khattar	FTDO

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

Case No.1. M/s Progressive Exim Ltd., Raipur.
F.No. 01/60/162/348/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 6310000521 dated 14.01.2010.

The committee noted that no considerable exports within EO period (36 months), which form merit of the case, have been made by the, hence the request is rejected. The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP.

(**Action: RA Raipur**. If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.2. M/s Bharat Parenterals Ltd, Vadodara.
F.No. 01/60/162/350/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013

Subject: - Request for EOP extension of Advance Authorization No. 3410027086 dated 25.05.2010.

The committee noted that there is nil export towards discharge of export obligation against the Authorization in question. The applicant's plea that resultant product manufactured by utilizing imported raw material have been exported under DEPB Scheme by third party. The last date of export is 25.7.2011, hence The Authorization was remain valid for obligation till 30.5.2013. Further, it has not been disclosed that the firm or the third party has availed benefit of DEPB against the referred shipment made under DEPB scheme or not. The firm has even time to export under Advance Authorization till May, 2013. The Committee therefore did not accede to the request.

The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP.

(**Action : RA Vadodara**. If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act, 1992 and submit an Action Taken Report.

Case No.3. M/s Haldia Petrochemicals Ltd.
F.No. 01/60/162/331/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0210142919 dated 04.06.2010.

Considering the force majeure i.e. fire accident in the plant, the following decisions were taken:

I. Export obligation period is extended upto 31.01.2014.
II. This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.
III. The applicant is advised to submit the license for endorsement to RA as early as possible. They are further advised to start discharging their stipulated balance export obligation on the basis of this minute without waiting for the endorsement is done on the Authorization.

(Action: RA Kolkata)

Case No.4. M/s Kopran Ltd, Mumbai.
F.No. 01/60/162/358/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0310323675 dated 29.03.2005.

The committee noted that the firm has completed the exports qty. wise 98.61% within original obligation period and 1.39% outside the obligation period. Export made vide Shipping Bill NO. 2009807 dt. 24.06.2005 through third party when the remittance against the said shipment has been realized but the matter is pending before International Court for a settlement since 2008.

The Committee is of the view that if GR is waived by the RBI then RA may consider this export towards discharge of export obligation. In this situation, shortfall in value terms may be regularized in terms of Para 4.28(b) of HBP. However, the Committee did not agree to allow extension in EOP beyond 48 months from the date of issue of Authorization. Therefore, export made within 48 months may only be taken into account towards discharge of export obligation. However, this is subject to payment of composition fee @ 0.5%on exports made outside the original validity period as per Para 4.28 of HBP.

Case No.5. M/s KEI Industries Limited, New Delhi.
F.No. 01/60/162/189/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0510186581 dated 13.07.2006.

The committee deliberated the case at length and decided to defer for examining the aspect whether the shortfall on account of lower norms fixation corroborates with the shortfall in EO and if this is the case, PRC can consider for grant of further extension in EOP.

Case No.6. M/s Timken India Limited, Bangalore.
F.No. 01/60/162/359/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0210100362 dated 27.04.2007 and removal of firm's name from the Denied Entity List.

This case was discussed in detail. After considering all the facts, Committee decided that this Advance Authorization is dated 27.04.2007 which is quite old and accordingly request of extension of export obligation period can not be considered in this case. As regards the second request of the firm relating to removal of the name of the firm from Denied Entity List, Committee decided that this matter is to be decided by RA, depending upon whether applicant submits documents showing completion of export obligation or submits evidence of payment of custom duty and interest on the excess imports corresponding to shortfall in export obligation. In view of this, Committee decided to reject the request of the firm for extension in export obligation in this Advance Authorization as well as other Advance Authorizations of the firm issued in 2007-08.

Case No.7. M/s Glenmark Generics Ltd, Mumbai.
F.No. 01/60/162/338/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0310615528 dated 10.02.2011 issued under PC-9 condition.

After deliberating the case at length the following decisions were taken:

i. Export obligation period is extended upto 31.03.2012.
ii. This is only for the purpose of regularization and closure.
iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iv. Shortfall if any may be regularized in terms of Para 4.28 of HBP read with PC-18 dt. 30.10.2007.

(**Action : RA Mumbai**)

Case No.8. M/s Himalaya International Limited, Gurgaon.
F.No. 01/60/162/324/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0510229606 dated 21.10.2008.

The committee noted that no considerable exports, which form merit of the case, have been made by the firm within the original export obligation period, hence the request is rejected. The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP.

(**Action: RA CLA, New Delhi**. If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.9. M/s Bharat Parenterals Ltd, Vadodara.
F.No. 01/60/162/351/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 3410030676 dated 23.06.2011 issued under PC-9 condition.

The Committee noted that the Authorization- is issued under PC-9 condition with 12 months obligation period from import of each consignment. In such cases, Committee allows maximum 6 months extension on merit. However, in this case, even if 6 months extension is allowed, the extended validity gets expired in March, 2013. The Committee therefore did not agree to accede to the request.

(**Action : RA Vadodara**. If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report.

Case No. 10. M/s Euro Expo, New Delhi.
F.No. 01/60/162/347/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0510255456 dated 31.12.2009.

The committee noted that no considerable exports, which form merit of the case, have been made by the firm within the original export obligation period, hence the request is rejected. The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP.

(**Action: RA CLA, New Delhi**. If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.11. M/s Haldia Petrochemicals Ltd, Kolkata.
F.No. 01/60/162/332/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 0210143018 dated 07.06.2010.

Considering the force majeure i.e. fire accident in the plant, the following decisions were taken:

I. Export obligation period is extended upto 31.01.2014.
II. This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

III. The applicant is advised to submit the license for endorsement to RA as early as possible. They are further advised to start discharging their stipulated balance export obligation on the basis of this minute without waiting for the endorsement is done on the Authorization.

(Action: RA Kolkata)

Case No.12. M/s Shilpa Medicare Limited, Raichur, Karnataka.
F.No. 01/60/162/361/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of Advance Authorization No. 0710074179 dated 15.09.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.13. M/s Aristo Exports, Mumbai.
F.No. 01/60/162/343/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of Advance Authorization No. 0310610785 dated 12.01.2011.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.14. M/s Krishna Antioxidants Pvt. Ltd, Mumbai.
F.No. 01/60/162/344/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of Advance Authorization No. 0310572436 dated 30.04.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.15. M/s Nitrex Chemicals India Limited, New Delhi.
F.No. 01/60/162/329/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of Advance Authorization No. 0510275507 dated 22.10.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request was not considered.

Case No.16. M/s Transformers and Electricals Kerala Limited, Kerala.
F.No. 01/60/162/360/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for additional validity extension of five Advance Authorizations.
1. 1010041419 dated 12.01.2011
2. 1010041414 dated 11.01.2011
3. 1010041609 dated 27.01.2011
4. 1010041610 dated 27.01.2011

5. 1010042080 dated 11.03.2011

The committee did not agree with the reasons and justification given by the applicant. Hence, the request for revalidation is rejected. However, the last Authorization is still valid for import upto 30.9.2013 so the applicant can utilize the same.

Case No.17. M/s Indo Rama Synthetics (India) Ltd, Nagpur.
F.No. 01/60/162/354/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of 13 Advance Authorizations Nos. issued by different RAs.

1. 1110017999 dated 31.07.2008
2. 1110018962 dated 14.11.2008
3. 1110018961 dated 14.11.2008
4. 1110019916 dated 25.03.2009
5. 1110020707 dated 20.07.2009
6. 1110021312 dated 19.11.2009
7. 1110021384 dated 03.12.2009
8. 5010000459 dated 30.11.2010
9. 5010000497 dated 13.01.2011
10. 5010000639 dated 05.04.2011
11. 5010000721 dated 09.06.2011
12. 5010000723 dated 09.06.2011
13. 5010000770 dated 28.06.2011.

After deliberating the case at length the following decisions were taken:

i. Clubbing of the 13 advance authorizations as referred above is allowed, subject to the condition that no redemption letter or adjudication order is issued against any authorization to be clubbed.
ii. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which is affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.
iii. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
iv. Even after clubbing, shortfall if any, may be regularized on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

(**Action: RA, Nagpur** is directed to forward the files pertaining to Advance Authorizations to RA Bhopal for clubbing of the authorization. RA, Bhopal is requested to take necessary action as per PRC decision under intimation to RA Nagpur and Hqr.)

Case No.18. M/s Indo Rama Synthetics (India) Ltd, Nagpur.
F.No. 01/60/162/355/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of 5 Advance Authorizations issued by different RAs.

1. 1110020876 dated 10.08.2009
2. 5010000685 dated 19.05.2011
3. 5010000992 dated 05.10.2011
4. 5010001103 dated 08.12.2011
5. 5010001203 dated 27.01.2012.

After deliberating the case at length the following decisions were taken:

i. Clubbing of the 5 advance authorizations as referred above is allowed, subject to the condition that no redemption letter or adjudication order is issued against any authorizations to be clubbed.
ii. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which is affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.
iii. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
iv. Even after clubbing, shortfall if any, may be regularized on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

(**Action : RA, Nagpur** is directed to forward the files pertaining to Advance Authorizations to RA Bhopal for clubbing of the authorization. RA, Bhopal is requested to take necessary action as per PRC decision under intimation to RA Nagpur and Hqr.)

Case No.19. M/s K K Polycolor Asia Ltd, Kolkata.
F.No. 01/60/162/366/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of Advance Authorization Nos. 0210140358 dated 31.3.2010 & 0210181504 dated 30.8.2012.

The Committee deliberated the case at length and decided that the applicant may choose one option out of the following two options:

Option 1:

i. Clubbing of the 2 advance authorizations as referred above is allowed, subject to the condition that no redemption letter or adjudication order is issued against any authorizations to be clubbed.
ii. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which are affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.

iii. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
iv. Even after clubbing, shortfall if any, may be regularized on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

OR

Option 2: Authorizations holder has option to get both the authorizations regularized independently**.** The authorization no**.** 0210181504 dated 30.8.2012 is still valid for export upto 28.2.2014 hence the applicant has also option to discharge balance obligation.

(**Action: RA, Kolkata/ Applicant**)

Case No.20. M/s K K Polycolor Asia Ltd, Kolkata.
F.No. 01/60/162/366/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of Advance Authorization Nos. 0210154601 dated 7.2.2011 & 0210185726 dated 22.1.2013.

Committee discussed the case**.** As both authorizations are still valid for imports and exports, hence the applicant has option to utilize both authorizations independently.

(**Action: RA, Kolkata/ Applicant**)

Case No.21. M/s K K Polycolor Asia Ltd, Kolkata.
F.No. 01/60/162/367/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of Advance Authorization Nos. 0210148738 dated 30.09.2010 & 0210181083 dated 21.08.2012.

Committee discussed the case**.** As both authorizations are still valid for imports and exports, hence the applicant has option to utilize both authorizations independently.

(**Action: RA, Kolkata/ Applicant**)

Case No.22. M/s Foods Fats & Fertilisers Ltd, Chennai.
F.No. 01/60/162/339/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of Advance Authorization Nos. 0410094803 dated 26.03.2008 & 0410112751 dated 29.03.2010.

After deliberating the case at length the following decisions were taken:

i. Clubbing of the 2 advance authorizations as referred above is allowed, subject to the condition that no redemption letter or adjudication order is issued against any authorization to be clubbed.
ii. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which is affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.

iii. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
iv. Even after clubbing, shortfall if any, may be regularised on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

(**Action : RA, Chennai)**

Case No.23. M/s Gokul Exim, Mumbai.
F.No. 01/60/162/342/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of Advance Authorization No. 0310565296 dated 18.03.2010.

There was no bar or restriction to wait for Norms committee decision for making import as authorization had been obtained under self declaration scheme. Therefore the reasons cited by the applicant are not convincing to the committee hence did not agree to accede to the request.

Case No.24. M/s AT&S India Pvt. Ltd, Mysore.
F.No. 01/60/162/346/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for revalidation of DEPB Authorization No. 0710080672 dated 15.07.2011.

The Committee noted that due to data transmission error the firm could not utilize the DEPB in question. Therefore, it was decided to revalidate the aforesaid scrip for 3 months from the date of transmission of said amendment to ICEGATE Custom. The EDI Section will ensure that DEPB is transmitted to Custom server at the earliest.

(**Action : EDI/RA, Bangalore**)

Case No.25. M/s Flexituff International Ltd, Dhar (MP).
F.No. 01/60/162/353/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for EOP extension of Advance Authorization No. 1110022562 dated 08.06.2010.

As the applicant has fulfilled more than 94% export obligation within its original validity period, therefore, after deliberating the case at length the following decisions were taken:

I. Export obligation period is extended upto 28.02.2014.
II. This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

III. This is further subject to verification by RA that EO as claimed to have been fulfilled is more than 50% (even if prorata) within the valid EOP.

IV. The applicant is advised to submit the authorization for endorsement to RA as early as possible. They are further advised to start discharging their stipulated balance export obligation on the basis of this minutes without waiting for the endorsement on the Authorisation.

(**Action : RA Bhopal/Applicant**)

Case No.26. M/s Vivimed Labs Ltd, Hyderabad.
F.No. 01/60/162/340/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of 4 Advance Authorizations.

1. 0910042034 dated 14.05.2010
2. 0910045678 dated 23.02.2011
3. 0910054181 dated 29.10.2012
4. 0910054228 dated 01.11.2012.

After deliberating the case at length the following decisions were taken:

i. Clubbing of the 4 advance authorizations as referred above is allowed, subject to the condition that no redemption letter or adjudication order is issued against any authorization to be clubbed.

ii. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which is affected within the extended validity of earliest authorization shall only be taken into account for clubbing purpose.

iii. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.

iv. Even after clubbing, shortfall if any, may be regularised on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

(**Action : RA, Hyderabad)**

Case No.27. M/s HMT Machine Tools Limited, Pinjore, Harayana.
F.No. 01/60/162/363/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for regularization of Export Obligation by permitting to accept free/ drawback shipping bill for discharge of EO of 4 Advance Authorization Nos.

1. 2210003057 dated 12.03.2004
2. 2210003352 dated 08.06.2004
3. 2210004001 dated 13.12.2004

4. 2210001610 dated 26.02.2003.

The committee noted the request and it was decided to accept the documents towards discharge of export obligation if S/bill bear the same invoice number and ARE-1 which bears the details of advance authorization under which goods were removed for export purpose. RA may check that ARE-1 bears the details of authorization on it and no drawback has been claimed on duty free inputs. However, free shipping bills may not be accounted for.

Action : RA Chandigarh)

Case No.28. M/s Himalya International Limited, New Delhi.
F.No. 01/36/218/117/AM14/EPCG-I
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for acceptance of Exports made under EPCG/Advance Authorization.

Deferred for seeking clarification from the applicant as the committee noted that the request is not clear. The applicant needs to give details of the referred shipping bill and the nature of relaxation sought.

(Action : Applicant)

Case No.29. M/s Arihantanam Organics, Mumbai.
F.No. 01/60/162/333/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for regularization of the exports effected under Advance Authorization No. 0310463462 dated 03.03.2008.

After deliberating the case at length the committee decided to reject the request as the exports have been made prior to imports which is inviolation of PC-9 condition. The applicant is hereby directed to get their case regularized in terms of Para 4.28 of HBP read with Policy Circular 18 dt. 30.10.2007.

(**Action: RA Mumbai**. If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.30. M/s Kopran Limited, Mumbai.
F.No. 01/60/162/357/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013

Subject: - Request for extension in export obligation period of Advance Authorization No. 0310652762 dated 09.09.2011 and clubbing of the same along with Advance Authorization No. 0310623342 dated 25.03.2011 issued under PC-9 condition.

After deliberating the case at length the following decisions were taken:

I. Clubbing of 2 Advance Authorizations as referred above is allowed.

II. EO Period under AA 0310652762 dated 09.09.2011 is extended upto 31.3.2013.

III. This is subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP and 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.

IV. Exports made against subsequent authorizations but within 18 months from the date of import of first consignment against earliest authorization shall only be taken into account for clubbing of authorizations.

V. This is subject to payment of Customs Duty + Interest on excess consumption.

VI. Shortfall in any may be regularized in terms of Para 4.28 of HBP read with PC-18.

VII. However, clubbing is allowed subject to the condition that no redemption letter/adjudication order has been issued against any Authorization to be clubbed.

(**Action: RA, Mumbai)**

Case No.31. M/s Alstom Projects India Ltd, Mumbai.
F.No. 01/60/162/391/AM11/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for clubbing of 2 Advance Authorizations Nos. 0310567657 dated 31.03.2010 & 0310580285 dated 23.06.2010 where exports made under free shipping bill and import items are different in both authorizations.

After detailed discussion, the committee noted that imports under both the authorization are different and imports were made under AA no. 0310580285 dated 23.06.2010 whereas exports were made under AA dt. 0310567657 dated 31.03.2010 i.e. prior to imports. Moreover, free shipping bill can not be accepted towards discharge of export obligation. The committee, therefore did not accede to the request. The applicant is directed to get both the authorization regularized separately.

(**Action: RA Mumbai**. If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.32. M/s Shri Govendaraja Mills Limited, Tamil Nadu.
F.No. 01/60/162/235/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request re-instatement of DEPB no. 3510036343 dated 25.11.2011.

The Committee deliberated the case at length and considered the report of RA and rejected the request of the firm as the shipments were made after issue of Public Notice 67 dt. 4.8.2011. Hence, the justification is not acceptable to the Committee.

Case No.33. M/s PME Power Solutions (India) Limited, New Delhi.
F.No. 01/60/162/23/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for review of decision taken PRC meeting no. 4/AM14 dt. 30.4.2013 for redemption of Advance Authorization No. 0510272123 dated 06.09.2010.

The committee noted the request and decided to reject the request as details of Advance Authorization or file no. has not been mentioned on s/bill nor on the other export documents like invoices/ ARE-1. The earlier decision of PRC quoted is not applicable in this case.

(**Action : RA, CLA New Delhi** If the party fails to get the case regularized in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT (D&R) Act. 1992 and submit an Action Taken Report).

Case No.34. M/s Glenmark Generics Ltd, Mumbai.
F.No. 01/60/162/40/AM14/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013
Subject: - Request for review of PRC meeting no. 03/AM14 dt. 23.4.2013 for EOP extension of Advance Authorization No. 0310656746 dated 29.09.2011 issued under PC-9 condition for regularization purpose.

On reconsideration of review request, it was found that the applicant completed the exports within 6 months from the expiry of initial export validity. Hence after deliberating the case at length the following decisions were taken:

i. Export obligation period is extended upto 31.01.2013.
ii. This is only for the purpose of regularization and closure.
iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iv. The applicant has to pay duty +interest on inputs consumed and exported after 18 months from date of first import consignment.
v. Shortfall if any may be regularized in terms of Para 4.28 of HBP read with PC-18 dt. 30.10.2007.

(**Action : RA Mumbai**)

Case No.35. M/s Hind Rectifiers Ltd, Mumbai.
F.No. 01/60/162/1221/AM12/EFGC (PRC)
PRC Meeting No. 17/AM14 dated 06.08.2013

Subject: - Request for EOP extension of Quantity Based Advance Authorization No. 0329226 dated 17.11.1994.

The case was deferred for examination.

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

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