Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, IAS on 15.12.2015

Meeting No. 17/AM16 held on 15.12.2015 at 11:00 AM

List of members present in the meeting is given below:

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

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

Case No.1: M/s Glenmark Pharmaceutical, Mumbai

F.No. 01/60/162/621/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for EOP extension of Advance Authorization no. 0310771609 dt. 24.02.2014 issued under PC-Condition for regularization purpose.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated in PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 01.04.2014 and accordingly the export obligation period was upto 30.04.2015. The date of import of second consignment was 20.10.2014 and accordingly the export obligation period was upto 31.10.2015. The firm has completed less than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.10.2015 in the case of first import consignment and upto 30.04.2016 in the case of 2nd import consignment.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% on FOB value of exports made after initial obligation period in case exports made is more than 50%. However, for exports made less than 50% a payment of composition fee @ 0.5% per month on FOB value of exports made.

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 inputs consumed and exported after 18 months from date of import of each consignment.

(Action: RA, Mumbai)

Case No.2 : M/s. Meyer Organics Pvt. Ltd., Mumbai

F.No. 01/60/162/652/AM16/EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - 1. Waiver of destruction certificate under conditions of PC-18 dated 30.10.2007

2. Acceptance of six drawback shipping Bills under Advance license no. 0310705552 dt. 17.08.2012 for fulfillment of E.O. for Export of harmless medicines containing item of Import. Vitamin E (AS D – Alpha Tocopheryl Acid Succinate).

Decision:

The Committee noted that as per duty exemption scheme, exporter must declare consumption of exempted materials on the Shipping Bill while making shipment. However, under DBK scheme, there is no such requirement. Further, the applicant did not submit copy of DBK shipping bills evidencing export of same resultant product. The committee, therefore, decided the following:

I. Exports made against DBK shipping Bills cannot be taken into account towards discharge of export obligation.

II. The applicant has to pay duty along with applicable interest on unutilised imported materials in proportion to shortfall in fulfillment of EO.

III. PC-18 condition can't be waived unless proof of exports of goods imported from unregistered sources is submitted. Hence, the applicant should submit DBK shipping bill of equivalent quantity to RA, in order to prove export of such goods for getting PC-18 waiver. Therefore, RA may take necessary action as per policy provisions.

(Action: RA, Mumbai/applicant)

Case No.3: M/s. Pharmanza (India) Pvt. Ltd., Vadodara

F.No. 01/60/162/647/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for extension of EOP in Advance Authorization No. 3410028977 dated 30.12.2010 issued under PC-9 Condition.

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 25.01.2011 and accordingly the export obligation period was upto 31.01.2012.The firm has completed less than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

i. Export obligation period be extended from 12 months to 18 months from the date of import consignment i.e. upto 31.07.2012.
ii. This is only for accounting and regularization of exports already effected.
iii. This is subject to a payment of composition fee @ 0.5% per month on FOB value of export 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 inputs consumed and exported after 18 months from date of import of first consignment.

(Action: RA, Vadodara)

Case No.4 : M/s. MM Aqua Technologies Ltd., New Delhi

F.No. 01/60/162/654/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Permission for acceptance of supply under Deemed Export affected vides E.Com Ref No. which has been finally ratified by E. Com file no and issuance of Authorization no. 0510212822 dt. 30.11.2007 & withdrawal of DEL status in-spite of submission of documents in terms of Para 4.25 of Hand book.

Decision:

The Committee observed that in terms of Para 4.27 of HBP, supply made from the date of generation of EDI File Number may be accepted towards discharge of Export Obligation. Supplies made prior to generation of EDI File Number are not accepted. Under duty exemption scheme, exporter is require to declare the File No or the Authorisation No on export documents under which export obligation is intended to be discharged. This is necessary for accounting of exports against specific Authorisation. Accepting of documents without having specific File number or Authorisation number would be prone to misuse of the scheme. The Committee, therefore, did not accede to the request.

The applicant is hereby directed to get the case regularized in terms of Para 4.28 of HBO, 2009-2014.

(Action: RA, CLA. If the applicant fails to get the case regularized within a month from the date of publishing of the minutes on the Directorate website, RA shall initiate action as per FT(D&R)Act, 1992, as amended and report.)

Case No.5 : M/s. Sri Vasavi industries Ltd., Kolkata

F.No. 01/60/162/307/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: -Request for condonation of Non-mentioning the details of one DFIA No. 0210119333 dt. 05.11.2008 in 15 Shipping Bills common for two DFIA no. 0210113153 dt. 03.06.2008 and 0210119333 dt. 05.11.2008 for regularization purpose. (One DFIA No. 0210113153 mentioned but omitted to type the 2nd DFIA

No. 0210119333 in Shipping Bills common for both) – E.O. Completed 100 % in both the DFIAs..

Decision:

The committee noted that resultant product exported was same in the two Authorisations. Combined export obligation imposed in two Authorisations seems to have been fulfilled. The committee, therefore, decided to allow accounting of surplus quantity exported against 15 shipping bills mentioning Authorisation No 0210113153 dt. 03.06.2008, toward discharge of export obligation against Authorisation No 0210119333 dt. 05.11.2008 subject to payment of composition fee of Rs. 200 per S/Bill. However, before allowing such accounting, RA shall ensure that no other benefits have been availed by the exporter against the surplus quantity exported against 15 S/Bills by mentioning DFIA No 0210113153 dt. 03.06.2008.

(Action: RA, Kolkata)

Case No.6: M/s. Lupin Limited, Mumbai
F.No. 01/60/162/593/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject:-Request for EOP extension of Advance Authorization no. 0310762533 dated 19.12.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended time to time, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 31.03.2014 and accordingly the export obligation period was upto 31.03.2015. The date of import of second consignment was 27.10.2014 and accordingly the export obligation period was upto 31.10.2015. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.09.2015 in the case of first import consignment and upto 30.04.2016 in the case of last import consignment.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% on 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 inputs consumed and exported after 18 months from date of import of each consignment.

(Action: RA, Mumbai)

Case No.7 : M/s. Medicamen Biotech ltd. Delhi
F.No. 01/60/162/425/AM15/EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for acceptance of all the export shipments for fulfillment of EO & waiver/relaxation as per Para 2.5 of FTP from condition imposed in PC-18 as the raw material imported under registered sources against Advance Authorization no. 0510263003 dt. 26.04.2010 issued under PC-9 condition.

Decision:

The committee noted that the Authorisation was issued with pre-import condition under PC-9 dated 30.06.2003. Hence, the applicant should have imported inputs first and then exported the resultant product manufactured out of that goods imported from unregistered sources. In this case, the exports were effected first and imports were made later on. However, imports were made from the registered sources only. In this regards, Directorate has already issued Policy Circular No 12 dated 27.06.2005 clarifying that:

> "*In case where Advance Licence holders are exporting the goods which are manufactured from the raw materials procured from local sources, then they are not allowed to import from unregistered sources. In case exporters intend to procure the material either from registered sources or from local sources through ARO and Invalidation then the exemption facility given on the Advance Licences for importing from unregistered sources may be withdrawn and shall be modified to import from registered sources only. Once the imports are from registered sources, conditions governing normal Advance Licences are applicable in these cases-which include normal validity period and normal EO period.*"

The committee was, therefore, of the view that no policy relaxation in this case is required. RA may examine the request for redemption of Authorisation, if imports made against Authorisation were from registered sources only.

(Action: RA, CLA)

Case No.8 : M/s. Medicamen Bioteck Ltd., Delhi
F.No. 01/60/162/63/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for extension of EOP and waiver of PC-18 condition in Advance Authorization no. 0510304837 dated 10.10.2011 issued under PC-9 Condition.

Decision:

It was decided to withdraw the case, as the applicant did not pay the requisite fee, as prescribed in the Appendix -2k for review of PRC decision.

(Action: Applicant)

Case No.9 : M/s. Medicamen Bioteck Ltd., Delhi
F.No. 01/60/162/657/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for extension of EOP in Advance Authorization no. 0510365608 dated 16.09.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import was 01.10.2013 and accordingly the export obligation period was upto 31.10.2014. The applicant has completed less than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 30.04.2015, from the date of import consignment.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export 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 inputs consumed and exported after 18 months from date of import of first consignment.

(Action: RA, CLA, New Delhi)

Case No.10 : M/s Cadila Pharmaceuticals Ltd., Ahmedabad
F.No. 01/60/162/624/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for clubbing of two Advance Authorization Nos. 0810129691 dated 13.03.2014 and 0810133330 dt. 15.09.2014 issued under PC-9 condition for regularization purpose.

Decision:

The committee noted that the applicant has obtained two Authorisations with pre-import condition of PC-9. The export obligation period was 12 months from the date of import of first consignment. Import against Authorisation No 0810129691 dated 13.03.2014 was made on 28.05.2014. Accordingly, initial export obligation was upto 31.05.2015. It was further noted that shipments against two Authorisations were completed by 06.05.2015 i.e. within initial obligation period of first Authorisation. Taking into consideration these facts, the committee decided the following:

I. Clubbing of the 2 Advance Authorizations, as referred above, be allowed.
II. Exports made upto 31.05.2015 shall only be taken into account towards clubbing.
III. RA shall examine the case in terms of Para 4.09 of FTP (2015-2020) and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement shall be applied on the clubbed FOB and CIF of the Authorizations.
IV. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the Authorizations. On clubbing, shortfall, if any, shall

be regularized on payment of Customs Duty and applicable Interest in terms of Para 4.49 of H.B.P.

V. For unutilised imported materials, if any, PC-18 condition shall be followed.

(Action: RA, Ahmedabad)

Case No.11 : M/s. Medreich Ltd, Bangalore

F.No. 01/60/162/628/AM16/ EFGC(PRC))

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for EOP extension of Advance Authorization no. 0710104410 dared 23.05.2014 issued under PC-9 condition – (import from un-registered).

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 29.07.2014 and accordingly the export obligation period was upto 31.07.2015. The firm has completed less than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months from the date of import consignment i.e. upto 31.01.2016.

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

III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

IV. 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, Bangalore)

Case No.12: M/s. Medreich Ltd, Bangalore

F.No. 01/60/162/629/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for EOP extension of Advance Authorization no.0710098916 dated 10.10.2013 issued under PC-9 condition (import from un-registered).

Decision:

The Committee noted that the Authorisation was issued with pre – import conditions under PC-9 dated 30.06.2003 read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import consignment was 22.10.2013 and accordingly the export obligation period was upto 31.10.2014. The firm has completed more than 50% of its 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, from the date of import consignment i.e. upto 30.04.2015.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
V. The applicant has to pay duty plus interest as applicable on unutilised inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Bangalore)

Case No.13 : M/s. Medreich Ltd, Bangalore

F.No. 01/60/162/630/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for clubbing of 2 Advance Authorization no. (1) 0710104931 dt. 10.06.2014 and (2) 0710107134 dt. 05.12.2014 issued under PC-9 condition – imports made from unregistered

Decision:

The committee noted that the applicant has obtained two Authorisations with pre-import condition of PC-9. The export obligation period was 12 months from the date of import of first consignment. Imports against Authorisation No 0710104931 dated 10.06.2014 was made on 12.08.2014. Accordingly, initial export obligation period was upto 31.08.2015. It was further noted that shipments against two Authorisations were completed by 29.04.2015 i.e. within initial obligation period of first Authorisation. Taking into consideration these facts, the committee decided the following:

i. Clubbing of the 2 Advance Authorizations, as referred above, be allowed.
ii. Export obligation period for the clubbed Advance Authorisations would be 12 months from the date of import of the first consignment.
iii. This is only for regularization of exports already effected and closure purpose and not for any further exports/imports.
iv. RA shall examine the case in terms of Para 4.09 of FTP (2015-2020) and ensure value addition of minimum 15%. The 15% value addition for evaluating entitlement shall be applied on the clubbed FOB and CIF of the Authorizations.
v. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the Authorizations. Even after clubbing, shortfall, if any, shall be regularized on payment of Customs Duty + Interest in terms of Para 4.49 of H.B.P.

(Action: RA, Bangalore)

Case No.14 : M/s. Medreich Ltd, Bangalore

F.No. 01/60/162/632/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: -Request for EOP extension / regularization of Advance Authorization no. 0710103292 dated 28.03.2014 issued under PC-9 condition – imports made from unregistered

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended time to time, which allows 12 months period for exports from import of each consignment. The date of import consignment was 14.04.2014 and accordingly the export obligation period was upto 30.04.2015. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.10.2015, from the date of import consignment.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. RA shall check that minimum 50% export obligation have actually been completed (even on pro-rata basis) within initial 12 months obligation period.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
VI. 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, Bangalore)

Case No.15 : M/s. Medreich Ltd, Bangalore

F.No. 01/60/162/631/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject:-Request for EOP extension / regularization of Advance Authorization no. 0710103988 dt. 09.05.2014 issued under PC-9 condition – imports made from unregistered

Decision:

The Committee noted that the Authorisation was issued with condition stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 02.06.2014 and accordingly the export obligation period was upto

30.06.2015. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto 31.12.2015, from the date of import consignment.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under 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, Bangalore)

Case No.16 : M/s. Veekay Polycoats Ltd., New Delhi

F.No. 01/60/162/602/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for EOP extension of Advance Authorization no. 0510263550 dt. 03.05.2010 by six months from the date of approval.

Decision:

The Committee noted that the applicant has fulfilled more than 84.47% of its stipulated export obligation (Qty. wise) within initial export obligation period. Initial export obligation period, in this case, was upto 31.05.2013. However, the applicant has approached the PRC on 04.09.2015 that is after lapse of more than two years from the date of expiry of initial EOP. The committee, normally, allows further 12 months in such cases that has expired on 31.05.2014. However, the Committee decided the following:

i. Export obligation period be extended upto 31.05.2014 for regularisation of exports, if any, made after expiry of initial obligation period.
ii. The extension is subject to payment of composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month i.e. upto 30/11/2013 and @ 0.5% per month of FOB value of exports made after 42nd month and up to 48th month i.e. upto 31/05/2014.
iii. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
iv. This is further subject to verification by RA that EO as claimed to have been fulfilled is more than 50% in proportion to imports made within original export obligation period.
v. Shortfall, if any, shall be regularized in terms of Para 4.49 of HBP (2015-2020).

(Action: RA, CLA)

Case No.17 : M/s. Gulabdas & Co. Mumbai

F.No. 01/60/162/267/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of 24 DFIA Nos.

1. 0310749848 dt. 17.09.2013
2. 0310749874 dt. 17.09.2013
3. 0310749867 dt.17.09.2013
4. 0310747243 dt. 28.08.2013
5. 0310745094 dt. 13.08.2013
6. 0310744606 dt. 08.08.2013
7. 0310735333 dt. 23.05.2013
8. 0310736651 dt. 05.06.2013
9. 0310744557 dt. 07.08.2013
10. 0310743979 dt. 02.08.2013
11. 0310743130 dt. 29.07.2013
12. 0310739892 dt. 02.07.2013
13. 0310751267 dt. 26.09.2013
14. 0310756461 dt. 31.10.2013
15. 0310756820 dt. 06.11.2013
16. 0310756464 dt. 31.10.2013
17. 0310753044 dt. 10.10.2013
18. 0310753035 dt. 10.10.2013
19. 0310752564 dt. 08.10.2013
20. 0310752550 dt. 08.10.2013
21. 0310752393 dt. 07.10.2013
22. 0310751467 dt. 27.09.2013
23. 0310751274 dt. 26.09.2013
24. 0310751290 dt. 26.09.2013

Decision:

The Committee noted that the above mentioned DFIAs were obtained against export of printed cotton fabrics of specific GSM. The applicant was entitled to import relevant "cotton processed fabric" of GSM+/- 10%, as mentioned in EP copy of Shipping Bill. It was came to the notice of DRI that some exporters were importing 100% cotton woven fabrics against the permitted 'relevant cotton processed fabrics'. DRI, therefore, had issued alert Circular No 6 dated 28.04.2014 sensitizing field formations not to allow inputs which has not been consumed in the resultant product. However, the applicant did not submit any documentary evidence which could prove that they were importing inputs as per their eligibility and Customs Authority did not allow the same. As a result their DFIAs lost its validity. The Committee, therefore, did not accede to the request.

Case No.18 : M/s. Gulabdas & Co. Mumbai
F.No. 01/60/162/685/AM15/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of 24 DFIA Nos.

1. 0310736651 dt. 05.06.2013
2. 0310735333 dt. 23.05.2013
3. 0310752393 dt. 07.10.2013
4. 0310752550 dt. 08.10.2013
5. 0310751267 dt. 26.09.2013

6. 0310749867 dt. 17.09.2013
7. 0310751467 dt. 27.09.2013
8. 0310749874 dt. 17.09.2013
9. 0310751274 dt. 26.09.2013
10. 0310756464 dt. 31.10.2013
11. 0310752564 dt. 08.10.2013
12. 0310753044 dt. 10.10.2013
13. 0310756820 dt. 06.11.2013
14. 0310751290 dt. 26.09.2013
15. 0310745094 dt. 13.08.2013
16. 0310749848 dt. 17.09.2013
17. 0310743979 dt. 02.08.2013
18. 0310756461 dt. 31.10.2013
19. 0310743130 dt. 29.07.2013
20. 0310744557 dt. 07.08.2013
21. 0310747243 dt. 28.08.2013
22. 0310744606 dt. 08.08.2013
23. 0310739892 dt. 02.07.2013
24. 0310753035 dt. 10.10.2013

Decision:

The Committee noted that the above mentioned DFIAs were obtained against export of printed cotton fabrics of specific GSM. The applicant was entitled to import relevant "cotton processed fabric" of GSM +/- 10%, as mentioned in EP copy of Shipping Bill. It was came to the notice of DRI that some exporters were importing 100% cotton woven fabrics against the permitted 'relevant cotton processed fabrics'. DRI, therefore, had issued alert Circular No 6 dated 28.04.2014 sensitizing field formations not to allow inputs which has not been consumed in the resultant product. However, the applicant did not submit any documentary evidence which could prove that they were importing inputs as per their eligibility and Customs Authority did not allow the same. As a result their DFIAs lost its validity. The Committee, therefore, did not accede to the request.

Case No.19 : M/s. Eastern Silk Industries Ltd., Kolkata

F.No. 01/60/162/238/AM14/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for revalidation of two DFIA No. (1) 0210129323 dated 21.07.2009 (2) 0210134162 dt. 20.11.2009

Decision:

The applicant has claimed that they could not utilise their DFIAs because the same had expired in the possession of Customs Authority and were returned to him after expiry of validity. The Committee noted that in terms of Para 2.20 of HBP, 2015-2020. Regional Authority is empowered to allow revalidation if Authorisation has lost its validity in the possession of Government agency. Hence, the Committee decided to remand back the case to the concerned Regional Authority. The concerned Regional Authority may consider revalidation in terms of Para of HBP, 2015-2020.

(Action: RA, Kolkata)

Case No.20 : M/s. J.Dye Chem Industries, Ahmedabad
F.No. 01/60/162/653/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for Revalidation of 3 Advance Authorization no.

1. 0810112070 dt. 29.05.2012
2. 0810115848 dt. 19.10.2012
3. 0810121157 dt. 15.05.2013

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. No case of genuine hardship is established. Therefore, the Committee did not accede to the request.

Case No.21 : M/s. Rishab Apparel Pvt. Ltd., Mumbai
F.No. 01/60/162/648/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of DFIA no. 0310717557 dt. 18.12.2012 for 6 months w.e.f. 17.09.2014

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. No case of genuine hardship is established. Therefore, the Committee did not accede to the request.

Case No. 22 : M/s. Meghachem Industries, Ahmedabad
F.No. 01/60/162/601/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of Advance Authorization no. 0810095500 dt. 12.01.2011
Decision:

Justification and reasons cited by the applicant are not convincing enough to establish any genuine hardship. Hence, the Committee did not accede to the request.

Case No.23 : M/s. M.K.Overseas Pvt. Ltd., New Delhi
F.No. 01/60/162/529/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for Revalidation of Six DEPB Nos.

1. 0510268232 dt. 14.07.2010
2. 0510293374 dt. 14.06.2011
3. 0510293373 dt. 14.06.2011
4. 0510293229 dt. 13.06.2011
5. 0510268231 dt. 14.07.2010
6. 0510265800 dt. 09.06.2010

Decision:

The applicant has submitted that he could not utilised the said DEPBs because Customs Authority had issued alert notice which was withdrawn subsequently on 27.02.2015. It was, therefore, decided to seek a report from the RA. Hence the case was deferred.

(Action: RA, CLA)

Case No.24 : M/s. M.K.Overseas Pvt. Ltd., New Delhi
F.No. 01/60/162/527/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for Revalidation of Six DEPB Nos.

1. 0510272350 dt. 08.09.2010
2. 0510272349 dt. 08.09.2010
3. 0510268230 dt. 14.07.2010
4. 0510272409 dt. 08.09.2010
5. 0510265797 dt. 09.06.2010
6. 0510272351 dt. 08.09.2010

Decision:

The applicant has submitted that he could not utilised the said DEPBs because Customs Authority had issued alert notice which was withdrawn subsequently on 27.02.2015. It was, therefore, decided to seek a report from the RA. Hence the case was deferred.

Case No.25 : M/s. Nucon Switchgears pvt. Ltd., Ludhiana
F.No. 01/60/162/503/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of Advance Authorization no. 3010094304 dt. 31.05.2013

Decision:

Justification and reasons cited by the applicant are not convincing enough to establish any genuine hardship. Hence, the Committee did not accede to the request.

Case No.26 : M/s. Masturlal Pvt. Ltd., Bangalore
F.No. 01/60/162/589/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of Advance Authorization no. 0710100727 dt. 19.12.2013

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. There

is no case of genuine hardship is established. Therefore, the Committee did not accede to the request.

Case No.27 : M/s Eastern Silk Industries Ltd., Kolkata
F.No. 01/60/162/428/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of DFIA no. 0210151833 dated 09.12.2010

Decision:

The applicant has submitted that they could not utilise the said DFIA because it had lost validity in the possession of the Customs Authority and were returned to them after expiry. Committee noted that in terms of Para 2.20 of HBP, 2015-2020. Regional Authority is empowered to allow revalidation if Authorisation has lost its validity in the possession of Government agency. Hence, the Committee decided to remand back the case to the concerned Regional Authority. The concerned Regional Authority may consider revalidation in terms of Para of HBP, 2015-2020.

(Action: RA, Kolkata)

Case No.28 : M/s Cadila Healthcare Ltd., Ahmedabad
F.No. 01/60/162/656/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for EOP extension of Two Advance Authorization no. (i) 0810110000 dt. 22.03.2012 and (ii) 0810109598 dated 13.03.2012 issued under PC-9 condition for regularization purpose.

Decision:

The Committee noted that the Authorisation was issued with the conditions stipulated in PC-9 dated 30.06.2003 condition read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 25.07.2012 and accordingly the export obligation period was upto 31.07.2013 in Advance Authorisation No. 0810110000 dt. 22.03.2012. The date of import of first consignment was 04.04.2012 and accordingly the export obligation period was upto 30.04.2013 in Advance Authorisation No. 0810109598 dated 13.03.2012. The applicant has completed more than 50% exports during the initial export obligation period against both Authorisations. Taking into consideration all these facts, the Committee decided the following:

i. In Advance Authorisation No. 0810110000 dated 22.03.2012, export obligation period be extended from 12 to 18 months from the date of first import consignment i.e. upto 31.01.2014.
ii. In Advance Authorisation No. 0810109598 dated 13.03.2012, export obligation period be extended from 12 to 18 months from the date of first import consignment i.e. upto 31.10.2013.
iii. This is only for accounting and regularization of exports already affected.

iv. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
v. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
vi. The applicant has to pay duty plus interest on unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.29: M/s. Medicamen Bioteck Ltd., Delhi

F.No. 01/60/162/658/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject:- Request for extension of EOP in Advance Authorization no. 0510372970 dt. 09.12.2013 issued under PC-9 condition

Decision:

The Committee noted that the Authorisation was issued with conditions as stipulated in PC-9 dated 30.06.2003 read with Appendix 30A, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 31.12.2013 and accordingly the export obligation period was upto 31.12.2014. The applicant has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months from the date of import consignment i.e. upto 30.06.2015.
II. This is only for accounting and regularization of exports already affected.
III. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
V. The applicant has to pay duty plus interest on unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, CLA, New Delhi)

Case No.30 : M/s Cadila Healthcare Ltd., Ahmedabad

F.No. 01/60/162/655/AM16/ EFGC(PRC)

PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for Export Obligation Period extension of Advance Authorization no. 0810123911 dt. 19.08.2013 waiver of destruction certificate as per PC-18 against Advance Authorization no. 0810123911 dt. 19.08.2013 and 0810126267 dt. 01.11.2013 issued under PC-9 condition for regularization purpose.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated in PC-9 dated 30.06.2003 condition, as amended, which allows 12 months period for exports from import of each consignment. The date of import of first consignment was 26.08.2013 and accordingly the export obligation period was upto 31.08.2014. The firm has completed more than 50% exports during the initial export obligation period. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months from the date of import of first consignment i.e. upto 28.02.2015.

II. This is only for accounting and regularization of exports already affected.

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

IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

V. So far as second request is concerned, the applicant has to pay duty plus interest on unutilized inputs and should submit destruction certificate as per PC-18 dated 30.10.2007 to the satisfaction of RA.

(Action: RA, Ahmedabad)

Case No.31 : M/s. Tata Global Beverages Ltd., Bangalore
F.No. 01/60/162/662/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for waiver of procedural requirement as per HBP.

Decision:

The applicant, being EOU, has imported 16044kgs tea for blending and export. The committee noted that as per Para 6.06(c)(ii) of HBP, 2015-2020, exports of imported tea must be completed within 180 days from the date of import. Sale of imported tea in domestic market is not allowed. Therefore, the applicant has no option but to export it. As the unit has failed to export the imported tea within prescribed time period and sought time for export upto 31.03.2016, the committee decided the following:

I. Export obligation for export of 16044Kgs tea be extended upto 31.03.2016.

II. The unit has to pay composition fee @ 0.5% of CIF value of imported tea in their possession to DC concerned.

III. The unit shall submit a certificate from tea board that tea so imported is hygienic and fit for human consumption.

IV. The unit shall ensure the image of the country by not exporting inferior quality or unhygienic tea.

V. DC shall ensure compliance of the above conditions.

(Action: EOU/ DC, Bangalore)

Case No.32 : M/s. Nocil Limited, Mumbai
F.No. 01/60/162/767/AM14/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015

Subject: - Request for Clubbing of 3 Advance Authorization no.

1. 0310450977 dt. 21.11.2007
2. 0310450982 dt. 21.11.2007
3. 0310578263 dt. 10.06.2010

Decision:

The case was deferred for examination by Policy-4.

(Action: Policy-4)

Case No.33: M/s. New India Extrusions Pvt. Ltd., Mumbai
F.No. 01/60/162/883/AM14/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for revalidation of Annual Advance Authorization no. 0310590053 dt. 30.08.2010

Decision:

The committee noted that under duty exemption scheme, Annual Advance Authorisation is issued to facilitate exporter by allowing duty free import of inputs to meet their whole year requirement. The applicant has to import goods first then export the resultant product made out of it. The question of waiver of bond, in such cases, does not arise. Hence, the plea taken by the applicant that RA did not allow waiver of bond in time and raised unwanted queries has no justification. The committee, therefore, did not accede to the request and reiterate its decision dated 08.07.2014.

Case No.34 : M/s. P. K. Textiles Ltd., Kolkata
F.No01/60/162/429/AM16/ EFGC(PRC)
PRC Meeting No. 17/AM16 dated 15.12.2015
Subject: - Request for Revalidation of Six DFIA no.

1. 0210149743 dt. 27.10.2010
2. 0210149863 dt. 29.10.2010
3. 0210149869 dt. 29.10.2010
4. 0210151309 dt. 30.11.2010
5. 0210151310 dt. 30.11.2010
6. 0210152208 dt. 15.12.2010

Decision:

The applicant has submitted that they could not utilised the said DFIAs because it had lost validity in the possession of the Customs Authority and the same were returned to them after expiry. Committee noted that in terms of Para 2.20 of HBP, 2015-2020. Regional Authority is empowered to allow revalidation if Authorisation has lost its

validity in the possession of Government agency. Hence, the Committee decided to remand back the case to the concerned Regional Authority. The concerned Regional Authority may consider revalidation as per the said Para of HBP.

(Action: RA, Kolkata)

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

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