Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, on 06.09.2016.

Meeting No. 17/AM17 held on 06.09.2016 at 10:00 AM

The following Members were present in the meeting:

1.	Shri K.C. Rout	Addl. DGFT
2.	Shri Jaikant Singh	Addl. DGFT
3.	Shri J.V. Patil	Addl.DGFT
4.	Shri S.B.S. Reddy	Addl.DGFT
5.	Shri Jay Karan Singh	Jt. DGFT
6.	Shri AkashTaneja	Jt. DGFT
7.	Shri Rakesh Kumar	Dy. DGFT
8.	Ms. Divya S. Iyer	Asstt. Secretary

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

PH Case: M/s. BDH Industries Ltd., Mumbai.

F.No. 01/60/162/873/AM14/ PRC
PRC Meeting No. 17/AM17 dated 06.09.2016
Subject:- Revalidation of Annual Advance Authorization No.0310620509 dt. 10.03.2011.

In terms of Para 2.59 of FTP, a personal hearing was afforded to M/s BDH Industries Ltd., Mumbai. Accordingly, Mr. Tushar Powle, Dy. Manager Export was appeared before the committee on 06.09.2016. He made the following submission during the course of personal hearing:

1. They obtained Annual Advance Authorisation on 10.03.2011.
2. As per PC No 46(RE2010)2009-2014, Annual Advance Authorisation is not transmitted online.
3. The Authorisation was registered with JNPT, Customs manually. However, their cargo arrived at Air Cargo, Customs, they therefore requested JNPT custom for issue of "Release Advice". Since, the list of import items was not annexed to the Annual Advance Authorisation, JNPT, customs denied issuance of Release Advice. They, therefore approached the RA, Mumbai to amend the Authorisation.
4. Even after the list of import and export items was attached by RA, the Authorisation was not transmitted electronically.
5. There being no clarity on procedure for online registration of Annual Advance Authorisation at customs, it took around 21 months to resolve the issue. Finally, JNPT, customs had to feed details of import and export items manually and the Authorisation became operational from December, 2012 only.
6. They have imported some of items under the Authorisation. Hence, requested to revalidate the Authorisation for six months to enable them to import balance items.

Decision:

The case was discussed at length. The committee noted that the applicant had obtained Advance Authorisation for Annual Requirement on 10.03.2011. Vide Policy Circular no 46 dated 08.11.2011, it was clarified that "*Message exchange between DGFT and Customs is operational only in respect of Advance Authorization (on and after 01.04.2009), Export Promotion Capital Goods (on and after 01.04.2009), Duty Free Import Authorization (on and after 13.10.2011) and DEPB (which is on EDI mode for almost 6 years). Only these authorizations are therefore available for 'on-line' verification. Annual Advance Authorization, Annual EPCG, SHIS, restricted / SCOMET import / export authorization, Chapter 3 Reward Scheme are yet to be covered under message exchange with customs. Therefore, these authorizations* *need to be registered / operated by custom on production of physical copy of authorization only with no 'on-line' verification.*" Therefore, the applicant was aware with these facts that Authorisation cannot be registered online. Further, in terms of Para 4.24A of HBP, 2009-2014, Annual Advance Authorisation was issued against specific port. The applicant could have obtained maximum 5 Advance Authorisation for Annual Requirement against one port of registration for the same product group. Therefore, rather seeking "Release Advice" they should had obtained separate Authorisation for each port.

The committee further noted that the applicant has claimed to have fulfilled 36.65% export obligation in quantity terms and 22% in value terms and has completed 32% imports in quantity terms. The Authorisation was issued having initial validity of 24 months and RA has allowed six months revalidation i.e. upto 30 months. No Authority has denied to make imports from the port for which Authorisation was obtained i.e. JNPT. The committee was of the views that they were having enough time to complete imports on prorata basis in proportion to exports made. The Authorisation was obtained for JNPT port. Hence imports should had been completed through JNPT only. The committee did not find the case of any genuine hardship. Therefore, did not accede to the request.

Case No.1: M/s. IOL Chemicals & Pharmaceuticals Ltd., Tehsil Barnala.

F.No. 01/60/162/587/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for regularization of export of IBUPROFEN against Advance Authorization No.3010081449 dt. 08.12.2011.

Decision:

The applicant stated that while filing online Application, they mentioned only one resultant product. However, in the hard copy submitted to RA, they mentioned two resultant products but Authorisation was issued having only one resultant product. The Committee, therefore, decided to seek a report from the Regional Authority.

(Action: RA, Ludhiana)

Case No.2: M/s. Intas Pharmaceuticals Ltd., Ahmedabad.

F.No. 01/60/162/589/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for EOP extension of Advance Authorization No.0810134543 dt. 09.02.2015 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization No.0810134543 dt. 09.02.2015 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfillment from import of each consignment. The imports against the Authorization were made on 20.02.2015. Accordingly, initial obligation period was upto 19.02.2016. The applicant stated to have completed 0.28% of its stipulated export obligation during the initial export obligation period and 99.72% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, against the import consignment i.e. upto 31.08.2016.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% per month of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No.3: M/s. Gracure Pharmaceuticals Ltd., New Delhi.

F.No. 01/60/162/04/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for regularize the export made and issue necessary instructions to the Central Licensing Authority to regularize case in the mentioned export proceeds and issue redemption letter at the earliest against Advance Authorization No.0510376951 dt. 24.01.2014.

Decision:

The Committee noted that the Advance Authorization No.0510376951 dt. 24.01.2014 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfillment from import of each consignment. The imports against the Authorization were made on 06.02.2014 and 24.03.2014. Accordingly, initial obligation period was upto 05.02.2015 and 23.03.2015. The applicant stated to have completed 74.19% export obligation during the initial export obligation period and 25% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, against each of the import consignment i.e. upto 31.08.2015 and 30.09.2015.
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. RA shall check that minimum 50% exports are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month on unfulfilled FOB.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
VI. PC-18 conditions to be followed on unutilised quantity.

(Action: CLA, New Delhi)

Case No.4: M/s. Torrent Pharmaceuticals Ltd., Ahmedabad.

F.No. 01/60/162/587/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for EOP extension and waiver of PC-18 conditions of Advance Authorization No.0810134926 dt. 25.03.2015 issued under PC-9 condition.

Decision:

The Committee noted that the Advance Authorization No. 0810134926 dt. 25.03.2015 was issued with conditions stipulated under PC-9 dated 30.06.2003, which allows 12 months period for EO fulfillment from import of each consignment. The imports against the Authorization were made on 21.04.2015. Accordingly, initial obligation period was upto 20.04.2016. The applicant has stated to have completed nil export obligation during the initial export obligation period but fulfilled 108% thereafter. Taking into consideration all these facts, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months, against the import consignment i.e. upto 31.10.2016.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to payment of a composition fee @ 0.5% per month of FOB value of exports made after initial obligation period.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No.5: M/s. GIC Insu-Flex Conductors Pvt. Ltd., Mumbai.

F.No. 01/60/162/224/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for fulfillment of EO with different exports product in three Shipping Bills in which same import items is used, Advance Authorization No.0310716291 dt. 04.12.2012

Decision:

The committee noted that the applicant did not furnish copy of shipping bills and the reason of exporting different item without getting the same endorsed in the Authorisation. The case was, therefore, deferred for seeking the same.
(Action: Applicant)

Case No.6: M/s. Mahashakti Energy Ltd., Bathinda, Punjab.

F.No. 01/60/162/441/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for EOP extension of Advance Authorization No.3010091669 dt. 06.02.2013 issued from RA, Ludhiana.

Decision:

The Committee observed that the Advance Authorization No.3010091669 dt. 06.02.2013 was issued having 12 months validity to import and 18 months to fulfill stipulated export obligation. In terms of Para 4.42 of HBP, 2015-2020, RAs are empowered to allow two extensions of six months each on merit of the case. However, second extension is allowed provided minimum 50% export obligation is discharged within 24 months. In this case, RA has allowed one extension of 6 months. However, despite that the applicant could complete only 22% export obligation. The applicant's plea that they could not export balance because his buyer requested to keep the order on hold, as he has no foreign currency to open L/C. However, the committee was of the view that the applicant was aware that obligation period cannot be extended beyond 24 months if minimum 50% exports are not completed. The applicant should had exported the goods to any other buyers if the same buyer was not in position to pay. Hence, the Committee decided not to accede to the request. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP.
(Action: Applicant/RA, Ludhiana)

Case No.7: M/s. B.R. Traders, Chennai.

F.No. 01/60/162/582/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for policy relaxation for not mentioning "Y" in the Scheme rewards column in the Shipping Bill.

Decision:

The Committee observed that the applicant has not only opted for 'N' in the scheme rewards column but has also failed to declare its intent which is mandatory as per para 3.14(a) of HBP. Since, the exports were made on 23.02.2016, the applicant was well aware with the provisions of policy announced 01.04.2015. Hence, the Committee decided to reject the request.

Case No.8: M/s. Lyka BDR International Ltd., Mumbai.

F.No. 01/60/162/590/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for waiver of destruction certificate as per PC-18 in Advance Authorization No.0310781341 dt. 12.05.2014 for regularization purpose.

Decision:

The Committee observed that against the Advance Authorization No.0310781341 dt. 12.05.2014 the applicant has imported 3100 Kgs drugs from unregistered sources for CIF value of Rs.58,29,858/-. They have fulfilled 97.4% export obligation. Accordingly, they were eligible for import of 3020.45 Kgs. This has resulted shortfall of 79.59 Kgs. Party stated that this shortfall occurred due to less yield achievement and sample drawn for customs purpose and therefore, nothing left with them for destruction. However, they have paid duty plus interest against shortfall. Taking these facts into consideration, the committee decided the following:

i. PC-18 dated 30.10.2007 condition stands waived for 79.59kgs to the extent to requirement of destruction certificate.
ii. This will, however, be subject to payment of composition fee of Rupee Fifty Thousand (Rs. 50000/-) only to RA.

(Action: RA, Mumbai)

Case No.9: M/s. Hetero Labs Ltd., Hyderabad.

F.No. 01/60/162/573/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for EOP extension of Advance Authorization No.0910044466 dt. 26.11.2010 and 0910044465 dt. 26.11.2010 clubbing with Advance Authorization No.0910051142 dt. 07.02.2012 for regularization purpose.

Decision:

The Committee noted that the all three above referred Advance Authorizations were issued having initial export obligation period of 36 months and were issued within 36 months from the first Authorisation No 0910044465 dt. 26.11.2010. The Committee, therefore, decided the following:

I. Clubbing of the 3 Advance Authorizations, as referred above be allowed.

II. Export obligation period against Authorisation No 0910044465 dt. 26.11.2010 be extended upto 30.11.2014.

III. This will, however be allowed subject to payment of composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month and @ 0.5% per month of FOB value of exports after 42nd month but upto 48th month. The dates shall be reckoned from the date of issue of first licence.

IV. Exports made upto 30.11.2014 shall only be taken into account towards clubbing and discharge of EO.

V. 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.

VI. RA shall 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 HBP, 2015-2020.

(Action: RA, Hyderabad)

Case No.10: M/s. Haldia Petrochemicals Ltd., Kolkata.

F.No. 01/60/162/365/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for clubbing of two Advance Authorizations No.0210146325 dt. 12.08.2010 and 0210186478 dt. 14.02.2013 for regularization purpose.

Decision:

The committee noted that the request for clubbing of the two Authorisation was rejected by the committee in its meeting dated 28.10.2015. However, accounting of shipments made in the second Authorisation were allowed to be accounted in the first Authorisation subject to the condition that resultant product exported should be the same as an export obligation imposed in the Authorisation dated 12.08.2010.

However, the committee noted that the provision of clubbing under para 4.38 of HBP allows clubbing of Authorisations where inputs are same. Resultant product could be different but SION should be fixed for such resultant product. The committee further noted that "Naphtha" is common in both the Authorisations. And, exports in the second Authorisation have been completed within initial export obligation period of first Authorisation. The committee, therefore, decided the following:

i. Clubbing of two Authorizations be allowed.

ii. This will, however be allowed subject to payment of composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month and @ 0.5% per month of FOB value of exports after 42nd month but upto 48th month. The dates shall be reckoned from the date of issue of first licence.

iii. Exports made upto 31.08.2013 shall only be taken into account.

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 shall 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 HBP, 2015-2020.

(Action: RA, Kolkata)

Case No.11: M/s. Fresenius Kabi Oncology Ltd., New Delhi.

F.No. 01/60/162/601/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for waiver of PC-18 condition of Advance Authorization No.0510356093 dt. 04.06.2013 issued under PC-9 condition.

Decision:

The Committee observed that the applicant had imported 23962 Grame drugs from un-registered sources. They stated to have fulfilled 99.997% export obligation and shortfall of 0.764gram. The shortfall is negligible. Hence, the Committee decided the following:

i. PC – 18 conditions stands waived on 0.764gram to the extent of requirement of destruction certificate.
ii. This will, however, be subject to payment of composition fee of Rupees two thousand (Rs.2,000/-) only to RA.
iii. The applicant shall furnish proof of duty and interest paid to the customs Authority against shortfall.

(Action: RA, CLA)

Case No.12: M/s. Sapphire Lifesciences Pvt. Ltd., Mumbai.

F.No. 01/60/162/615/AM17/PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for waiver of PC-18 condition in respect of Advance Authorization No.0310266323 dt. 30.04.2004 issued under PC-9 condition.

Decision:

The Committed observed that the applicant has obtained the Authorisation for import of 300kgs Tetracycline HCL for CIF value of Rs. 11,36,137/-. Out of that they have imported 2000kgs (66.66%) from unregistered sources. The applicant stated to have completed 58.68% export obligation in proportion to imports made. However, there is shortfall of 239.48kgs (7.98%) due to error made by their logistics staff. By the time they realised the mistake, export obligation period was already over. However, they have paid customs duty along with interest to the Customs Authority on the excess import of 239.48kgs for CIF value of Rs.1,36,041/-. The Committed after deliberations decided the following:

i. PC-18 conditions stands waived on 239.48kgs to the extent of requirement of destruction certificate.
ii. This will, however, be subject to payment of composition fee of rupees One Lakh (Rs.1,00,000/-) only to RA.
iii. The applicant shall furnish proof of duty and applicable interest paid to the Customs Authority on 239.48kgs.

(Action: RA, Mumbai)

Case No.13: M/s. Galaxy Surfactants Ltd., Mumbai.

F.No. 01/60/162/236/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for clubbing of 9 Annual Advance Authorizations with Advance Authorizations for regularization purpose.

1. 0310697271 dt. 04.06.2012
2. 0310705344 dt. 16.08.2012
3. 0310710623 dt. 26.09.2012

4. 0310716551 dt. 06.12.2012
5. 0310723802 dt. 12.02.2013
6. 0310754484 dt. 21.10.2013
7. 0310737259 dt. 11.06.2013
8. 0310716889 dt. 11.12.2013
9. 0310747438 dt. 28.08.2013

Decision:
The Committee after due deliberations decided to remand back the case to the Regional Authority, as RAs may examine and decide the matter as per policy.

Case No.14: M/s. Kesoram Industries Ltd., Kolkata.

F.No. 01/60/162/033/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for waiver of earlier PRC decision condition No.3 which stipulate them to submit a certificate from Central Excise Authorities in respect to the availability of balance duty free raw materials imported against Advance Authorization No.0210179595 dt. 10.07.2012.

Decision:
The committee noted that the issue has already been addressed in PRC meeting No 03 dated 26.04.2016. The export obligation period was extended from 24 to 36 months provided a certificate from the Excise Authority shall be submitted certifying that raw materials imported duty free are available with them. The applicant's plea that they are not registered with excise Authority being situated in Laksar, Haridwar, Uttrakhand, which is excise exempted area. The committee was of the views that though under Area based Excise Exemption Notification, resultant product is not excisable but for availing CENVAT credit, the manufacturer needs to be register with the Excise Authority. Hence the Plea was not acceptable. However, the committee agreed to allow regularization of Authorisation without insisting upon Excise Certificate provided, 100% export obligation has already been fulfilled, in quantity terms, within 36 months from the date of issue of the Authorisation.

Case No.15: M/s. Fabcord International, Surat.

F.No. 01/60/162/597/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of DFIA No.5210041510 dt. 30.04.2015.

Decision:
The committee noted that the DFIA was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility did not avail by the applicant. Endorsement of transferability is a facility provided for sale/transfer of Authorisation or goods imported thereunder. The Authorisation holder can import goods without having transferability endorsement on it. Therefore, the plea taken by the applicant for non-utilisation of Authorisation that customs did not allow import because transferability endorsement allowed by RA was showing as "No" in their server was not acceptable to the committee. The committee, therefore, did not accede to the request.

Case No.16: M/s. Soft Touch Fabrics P. Ltd., Surat.

F.No. 01/60/162/598/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of DFIA No.5210040487 dt. 10.12.2013.

Decision:
The committee noted that the DFIA was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has been availed by the applicant. Therefore, the Authorisation was remain valid for 18 to import. Endorsement of transferability is a facility provided for sale/transfer of Authorisation or goods imported thereunder. The Authorisation holder can import goods without having transferability endorsement on it. Therefore, the plea taken by the applicant for non-utilisation of Authorisation that customs did not allow

import because transferability endorsement allowed by RA was showing as "No" in their server was not acceptable to the committee. The committee, therefore, did not accede to the request.

Case No.17: M/s. Clariant Chemicals (India) Ltd., Mumbai.

F.No. 01/60/162/594/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of Advance Authorization No.0310786207 dt. 01.07.2014.

Decision:

The committee noted that the Advance Authorisation was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has already been availed by the applicant. Therefore, the Authorisation was remain valid for 18 to import. Applicant's plea that they could not utilized the Authorisation because they could not get the Authorisation registered with the Customs Authority within its validity was not acceptable to the committee on the ground that Authorisation is required to be registered with Customs Authority before effecting export. In this case 100% exports have been effected. For indicating Authorisation number on shipping Bills, Authorisation must have been registered with the Customs Authority. The committee, therefore, did not accede to the request.

Case No.18: M/s. Clariant Chemicals (India) Ltd., Mumbai.

F.No. 01/60/162/593/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of Advance Authorization No.0310791230 dt. 19.11.2014.

Decision:

The committee noted that the Advance Authorisation was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has already been availed by the applicant. Therefore, the Authorisation was remain valid for 18 to import. Applicant's plea that they could not utilized the Authorisation because they could not get the Authorisation registered with the Customs Authority within its validity was not acceptable to the committee on the ground that Authorisation is required to be registered with Customs Authority before effecting export. In this case 100% exports have been effected. For indicating Authorisation number on shipping Bills, Authorisation must have been registered with the Customs Authority. The committee, therefore, did not accede to the request.

Case No.19: M/s. Clariant Chemicals (India) Ltd., Mumbai.

F.No. 01/60/162/592/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of Advance Authorization No.0310786542 dt. 08.07.2014.

Decision:

The committee noted that the Advance Authorisation was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has already been availed by the applicant. Therefore, the Authorisation was remain valid for 18 to import. Applicant's plea that they could not utilized the Authorisation because they could not get the Authorisation registered with the Customs Authority within its validity was not acceptable to the committee on the ground that Authorisation is required to be registered with Customs Authority before effecting export. In this case 100% exports have been effected. For indicating Authorisation number on shipping Bills, Authorisation must have been registered with the Customs Authority. The committee, therefore, did not accede to the request.

Case No.20: M/s. Dhanuka Laboratories Ltd., Gurgaon.

F.No. 01/60/162/308/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for accounting of S/Bill No.3613772 dt. 21.02.2009 against Advance Authorization No.0510230716 dt. 12.11.2009 instead of Advance Authorization No.0510228845 dt. 06.10.2008 (redeemed).

Decision:

The Committee observed that as per the report of the Regional Authority, the Shipping Bill No.3613772 dated 21.02.2009 bearing Advance Authorisation No.0510228845 dated 06.10.2008, has not been utilized/ accounted for redemption purpose against the said Advance Authorisation. The applicant has submitted the original shipping bill No. No.3613772 dated 21.02.2009 with the Advance Authorization No.0510230716 dt. 12.11.2009, for redemption purpose. Hence, the Committed decided the following:

i. Shipping Bill No.3613772 dated 21.02.2009 be allowed to be accounted against Advance Authorization No.0510230716 dt. 12.11.2009, for redemption purpose.
ii. This will, however, be subject to payment of composition fee of Rs.200/- only to RA.
iii. RA shall ensure that the said shipping bill has not been taken into account for discharge of export obligation against any other Advance Authorisation.

(Action: RA CLA)

Case No.21: M/s. Emami Limited, Kolkata.

F.No. 01/60/162/603/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of delay in claim of benefit of refund of TED of Rs.74,160/- against invoice No.32 dt. 09.07.2009 filed vide RLA File No.02/40/83/73/AM15.

Decision:

The committee noted that in terms of para 8.3.1 (iv) of HBP, 2009-2014, time period for submission of application for TED claim was 12 months from the date of payment received. And, in terms of Para 9.3 of HBP, 2009-2014, application can be filled for such claim within 36 months from the prescribed time period with 10% late cut. However, the applicant has not submitted the application within the prescribed time period from the date of payment received. The applicant could not give any cogent reason of not filling application within three years with prescribed late cut. There is no case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.22: M/s. Emami Limited, Kolkata.

F.No. 01/60/162/604/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of delay in claim of benefit of refund of TED of Rs.1,25,660/- against invoice No.76 dt. 18.12.2009 filed vide RLA File No.02/40/83/74/AM15.

Decision:

The committee noted that in terms of para 8.3.1 (iv) of HBP, 2009-2014, time period for submission of application for TED claim was 12 months from the date of payment received. And, in terms of Para 9.3 of HBP, 2009-2014, application can be filled for such claim within 36 months from the prescribed time period with 10% late cut. However, the applicant has not submitted the application within the prescribed time period from the date of payment received. The applicant could not give any cogent reason of not filling application within three years with prescribed late cut. There is no case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.23: M/s. Emami Limited, Kolkata.

F.No. 01/60/162/606/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of delay in claim of benefit of refund of TED of Rs.45,320/- against invoice No.69 dt. 10.11.2009 filed vide RLA File No.02/40/83/75/AM15.

Decision:

The committee noted that in terms of para 8.3.1 (iv) of HBP, 2009-2014, time period for submission of application for TED claim was 12 months from the date of payment received. And, in terms of Para 9.3 of HBP, 2009-2014, application can be filled for such claim within 36 months from the prescribed time period with 10% late cut. However, the applicant has not submitted the application within the prescribed time period from the date of payment received. The applicant could not give any cogent reason of not filling application within three years with prescribed late cut. There is no case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.24: M/s. Emami Limited, Kolkata.

F.No. 01/60/162/605/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of delay in claim of benefit of refund of TED of Rs.6,68,367/- against invoice No. 26 dt. 26.06.2008 filed vide RLA File No.02/40/83/76/AM15.

Decision:

The committee noted that in terms of para 8.3.1 (iv) of HBP, 2009-2014, time period for submission of application for TED claim was 12 months from the date of payment received. And, in terms of Para 9.3 of HBP, 2009-2014, application can be filled for such claim within 36 months from the prescribed time period with 10% late cut. However, the applicant has not submitted the application within the prescribed time period from the date of payment received. The applicant could not give any cogent reason of not filling application within three years with prescribed late cut. There is no case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.25: M/s. Renfro India P. Ltd., Pune.

F.No. 01/60/162/596/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for clubbing of six Advance Authorization Nos.(i) 3110053482 dt. 26.03.2012; (ii) 3110055819 dt. 17.09.2012; (iii) 3110056442 dt. 10.12.2012; (iv) 3110057964 dt. 17.04.2013; (v) 3110058456 dt. 23.05.2013 and (vi) 310059372 dt. 16.07.2013.

Decision:

The Committee observed that the Advance Authorisation No.3110053482 dated 26.03.2012 was issued having initial export obligation period of 36 months and remaining five Advance Authorisations, which are proposed to be clubbed with the Advance Authorisation No.3110053482 dated 26.03.2012, were issued having initial export obligation period of 18 months. There are surplus exports in three Authorisations i.e. (i) to (iii) and shortfall in remaining three Authorisations i.e. (iv) to (vi). Hence, the Committed decided the following:

I. Clubbing of above mentioned 6 Advance Authorizations be allowed.

II. Exports made within 36 months of the first Advance Authorisation No. 3110053482 dt. 26.03.2012 i.e. upto 31.03.2015 shall only be taken in to account in the clubbed Authorisation.

III. Surplus exports made in Authorisations shall be taken in to account for clubbing provided a composition fee is charged for EO extension of authorisations issued after 5.6.2012 as follows:

   a. 18-24 months EO -0.5% flat of unfulfilled EO
   b. 24-30 – 0.5% per month of unfulfilled EO
   c. 30-36 – 1% per month of unfulfilled EO

IV. No EO shall be extended beyond 36 months from the date of issue of first licence.

V. 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.

VI. RA shall 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 in terms of Para 4.49 of HBP, 2015-2020.

Action: RA, Pune)

Case No.26: M/s. RnR International, Gurgaon.

F.No. 01/60/162/945/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of utilized export product (Ladies Blouse Dress, Shirt, Trouser and Scarves made of Silk Fabric) and imported item description written as Textile General in consumption part of S/Bill in the place of actual fabric against Annual Advance Authorization No.0510369983 dt. 31.10.2013.

Decision:

The Committee noted that SION J-270 to J-296 does not applicable on export of silk items. In terms of Para 4.1.10(b) of FTP, 2009-2014, exporter having past two years export performance (in atleast preceding two years) shall be entitled for Advance Authorisation for annual requirement. Therefore, the applicant is required to have and must have been aware of these provisions.

Further, in case import of fabrics, exporter is required to mention GSM of fabrics in the Bill of Entry while importing and in the shipping bills while exporting. Without that it is not possible to establish co-relation between items imported and exported. The applicant has violated both the conditions. Therefore, the Committee decided not to accede to the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA)

Case No.27: M/s. RnR International, Gurgaon.

F.No. 01/60/162/946/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of utilized export product (Ladies Blouse Dress, Shirt, Trouser and Scarves made of Silk Fabric) and imported item description written as Textile General in consumption part of S/Bill in the place of actual fabric against Annual Advance Authorization No.0510272295 dt. 07.09.2010.

Decision:

The Committee noted that SION J-270 to J-296 does not applicable on export of silk items. In terms of Para 4.1.10(b) of FTP, 2009-2014, exporter having past two years export performance (in atleast preceding two years) shall be entitled for Advance Authorisation for annual requirement. Therefore, the applicant is required to have and must have been aware of these provisions.

Further, in case import of fabrics, exporter is required to mention GSM of fabrics in the Bill of Entry while importing and in the shipping bills while exporting. Without that it is not possible to establish co-relation between items imported and exported. The applicant has violated both the conditions. Therefore, the Committee decided not to accede to the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA)

Case No.28: M/s. RnR International, Gurgaon.

F.No. 01/60/162/943/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of utilized export product (Ladies Blouse Dress, Shirt, Trouser and Scarves made of Silk Fabric) and imported item description written as Textile General in consumption part of S/Bill in the place of actual fabric against Annual Advance Authorization No.0510307913 dt. 15.11.2011.

Decision:

The Committee noted that SION J-270 to J-296 does not applicable on export of silk items. In terms of Para 4.1.10(b) of FTP, 2009-2014, exporter having past two years export performance (in atleast preceding two years) shall be entitled for Advance Authorisation for annual requirement. Therefore, the applicant is required to have and must have been aware of these provisions.

Further, in case import of fabrics, exporter is required to mention GSM of fabrics in the Bill of Entry while importing and in the shipping bills while exporting. Without that it is not possible to establish co-relation between items imported and exported. The applicant has violated both the conditions. Therefore, the Committee decided not to accede to the request. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA)

Case No.29: M/s. HPL Additives Ltd., Delhi.

F.No. 01/60/162/583/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for 2nd revalidation of Advance Authorization No.0510380275 dt. 26.02.2014.

Decision:

The committee noted that the said Advance Authorisation was issued having initial validity of 12 months to import. RA has already allowed six months further validity against the said Advance Authorisation. Despite that the applicant could not complete its import. Slowdown in market was their commercial decision and cannot be considered a case of genuine hardship. Slowdown in market would have effected exports and not import. Due to slowdown imports would have become economical. They have completed 100% exports. Hence, the committee did not accede to the request.

Case No.30: M/s. Shashi Cables Ltd., Kanpur.

F.No. 01/60/162/806/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of DFIA No.0610029174 dt. 28.09.2012.

Decision:

The committee noted that the DFIA was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has been availed by the applicant. Therefore, the Authorisation was remain valid for 24 months to import. Out of three inputs permitted, the applicant has imported one item to the extent of 39%. The applicant had enough time to complete balance imports. No cogent reason of not making imports within 24 months is given, which could establish the case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.31: M/s. Kherani Paper Mills P. Ltd., Mumbai.

F.No. 01/60/162/358/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for revalidation of DFIA No.0310782655 dt. 23.05.2014.

Decision:

The committee noted that the DFIA was issued having initial validity of 12 months to import. In terms of Para 4.42 of HBP, RAs are empowered to allow six months revalidation on merit of the case. That facility has been availed by the applicant. Therefore, the Authorisation was remain valid for 24 months to import i.e. upto 22.11.2015. Whereas, as per RA's report dated 10.0.2016, request for EODC, transferability and enhancement of value and quantity on prorate basis was made on 03.02.2016 that was after expiry of validity of the Authorisation. The committee, therefore, did not accede to the request.

Case No.32: M/s. Alstom India Ltd., Mumbai.

F.No. 01/60/162/926/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for 2nd revalidation of DFIA No.0310786768 dt. 14.07.2014.

Decision:

The committee deferred the case for seeking report from RA. The RA shall furnish report within 10 days confirming status that the Authorisation was issued against a contract/ Project Authority certificate (Project not funded by JICA) which is valid till so and so date.

(Action: RA, Mumbai)

Case No.33: M/s. Speciality Chemicals, Mumbai. (M/s. Rajsons Exports, Rajkot have transferred the DFIA in the name of M/s. Speciality Chemicals, Mumbai).

F.No. 01/60/162/001/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for 2nd revalidation of DFIA No.2410036340 dt. 09.05.2012 issued from RA, Rajkot.

Decision:

Deferred examination by PRC on file and thereafter should be placed before committee

Case No.34: M/s. Shiva Pharmachem Ltd., Baroda.

F.No. 01/60/162/828(A)/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condoning the procedural lapse in obtaining the Bill of Exports pertaining to supplies effected to SEZ units against Advance Authorizations No.3410031726 dt. 27.09.2011 and 3410035378 dt. 31.10.2012.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Vadodara shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.35: M/s. Lloyds Steels Industries Engineering Division of Uttam Value Steels Ltd., Mumbai.

F.No. 01/60/162/523/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for waiver of bill of exports requirement for redemption of Advance Authorization No.0310695387 dt. 18.05.2012.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularized as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Mumbai shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.36: M/s. Gujarat Copper Alloys Ltd., Mumbai.

F.No. 01/60/162/886/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for accepting copies of ARE-1 (duly endorsed/attested by the Authorised Customs Officers of respective SEZ Units of SEZ-Bangalore & SEA-Visakhapatnam) & their Excise Invoice issued by mentioning the said Advance Authorization No.0310748360 dt. 04.09.2013 as proof of exports in lieu of submission of Bill of Exports for exports made by them to 2 SEZ units towards fulfillment of Export Obligation.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Mumbai shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.37: M/s. Kone Elevator India P. Ltd., Chennai.

F.No. 01/60/162/048/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condoning the procedural lapse of not producing Bill of Exports against supplies made to SEZ units against Advance Authorization No.0410118791 dt. 11.11.2010.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Chennai shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.38: M/s. Mahendra Industries, Bangalore.

F.No. 01/60/162/296/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of ARE-1 instead of Bill of Exports for issuance of EODC in Advance Authorization No.0710090530 dt. 31.08.2012.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Bangalore shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.39: M/s. Mahendra Industries, Bangalore.

F.No. 01/60/162/287/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of ARE-1 instead of Bill of Exports for issuance of EODC in Advance Authorization No.0710077113 dt. 03.02.2011.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of

Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Bangalore shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.40: M/s. Mahendra Industries, Bangalore.

F.No. 01/60/162/295/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for acceptance of ARE-1 instead of Bill of Exports for issuance of EODC in Advance Authorization No.0710076832 dt. 20.01.2011.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Bangalore shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.41: M/s. Eastern Copper Mfg. Co. Pvt. Ltd., Kolkata.

F.No. 01/60/162/035/AM16/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of non-filing of Bill of Export for the supplies made against DFIA No.0210160808 dt. 21.06.2011.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Kolkata shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.42: M/s. Thyssenkrupp Electrical Steel India P. Ltd., Mumbai.

F.No. 01/60/162/461/AM15/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for relaxation from furnishing specified document (Bill of Export) for the purpose of closure of Advance Authorization No.0310690941 dt. 16.04.2012.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Mumbai shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.43: M/s. Licra Green Technologies, Bangalore.

F.No. 01/60/162/176/AM17/ PRC

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for condonation of requirement of Bill of Exports to discharge export obligation under Advance Authorization No.0710095521 dt. 22.05.2013.

Decision:

The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. In the ANF-4F under Para (a) (ii) of guidelines for application (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, "Bill of Export" is prescribed document under Rule 30 of SEZ, Rule, 2006. It was opined that PRC has no power to relax the documents prescribed under any other Act/Rules than FTP. Therefore, the committee was of the view that requirement of Bill of Export cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.

(Action: Applicant/ RA, Bangalore shall initiate action as per the provisions of FT(DR)Act, against the applicant if they fail to get the case regularized within a month from the date of uploading of these minutes on the Directorate website.)

Case No.44: M/s. P.C. Patel & Co., Kachh.

F.No. 01/89/180/Misc-14/ AM10/ PC-2(A)/Part-I

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request from provisions of import CMVA & R under Policy Condition No.2 [II] 1, b & c of Chapter 87 of ITC (HS), 2012 for import 6 units of Mining Truck LGMG made rigid Truck Model: MT86C from China.

Decision:

The Committee decided to relax the provisions under Policy Conditions No.2 (II) (a), (b) and (c) of Chapter 87 of ITC (HS), 2012 for import of 6 units of Mining Truck LGMG made rigid Truck Model MT86C from China. This will, however, be subject to the following condition:

I. Import should be made through the authorized ports only.
II. Vehicles shall not ply on public roads except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site and shall be re-exported after completion of work.

(Action: Policy-2).

Case No.45: M/s. Maruti Suzuki India Ltd., Gurgaon.

F.No. 01/89/180/51/AM09/ PC-2(A)

PRC Meeting No. 17/AM17 dated 06.09.2016

Subject:- Request for policy relaxation of provisions Para 1 [II] [b], [c], [d] & [e] under Chapter 87 of ITC (HS), 2012, for allowing import of 7 Nos. of under R&D Certification.

Decision:

The Committee decided to relax the provisions under Para 1 [II] [b], [c], [d] (i), (ii) & (iii) & [e] under Chapter of Chapter 87 of ITC [HS], 2012 for import of 7 numbers from VW-U.K., Suzuki Supper Carry-Angola and Suzuki Ciaz-Japan for R&D purpose:

(i) 1 no of Model – VW Golf 1.6L diesel
(ii) 1 no of Model – VW Passat 1.6L diesel
(iii) 1 no of Suzuki Super Carry
(iv) 4 Nos of Suzuki Ciaz

This will, however, be subject to the condition that:

I. Import should be made through the authorized ports only.
II. Vehicles shall not ply on public roads except at the time of mobilization and de-mobilization and that the equipment would be used only at the project site and shall be re-exported after completion of work.

(Action: Policy-2).

The meeting ended with a vote of thanks to Chair.

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