

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 18/AM13 HELD ON 17.08.2012 AT 2.30 P.M. UNDER THE CHAIRMANSHIP OF Dr. A.K PUJARI, DIRECTOR GENERAL OF FOREIGN TRADE.

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

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| 1. Shri D.K Singh | Addl. DG |
| 2. Shri. V.K. Srivastava | Addl. DG |
| 3. Shri Mukesh Bhatnagar | Addl.DG |
| 4. Dr. L.B. Singhal | Addl. DG |
| 5. Shri Jaikant Singh | Jt. DGFT |
| 6. Shri S.K. Samal | Jt. DGFT |
| 7. Shri Jaikaran Singh | Jt..DGFT |
| 8. Shri Ajay Kumar Srivastava | Jt. DGFT |
| 9. Shri K.C. Raut | Jt. DGFT |
| 10. Shri D.C. Sharma | Stats Advisor |
| 11. Shri A.K. Mishra | Stats Advisor |
| 12. Smt. Sonika Khattar | FTDO |

The decision taken are as under:-

Case No.1. M/s. Panama Petrochem Ltd, Mumabi

F.No. 01/60/162/65/AM07/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Representation to the Grievance Committee against the advance authorization no. 0310244334 dated 30.12.2003.

The committee noted that this is a case of Norms Committee. It does not involve any policy issue that needs to be relaxed. Therefore, it was decided that the Norms Committee-IV may look into this expeditiously.

(Action : Norms Committee-IV)

Case No.2 M/s. SKY Industries Ltd, Mumbai

F.No. 01/60/162/105/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of advance authorization no. 0310531914 dated 03.08.2009.

Deferred. (Applicant has to provide the reasons for the delay)

Case No.3 M/s. Glenmark Generics Ltd, Mumbai

F.No. 01/60/162/300/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for EOP extension of advance authorization no. 0310617859 dated 24.02.2011 for regularization purpose.

The case was placed before the Committee and after deliberating the case in length the following decisions were taken:

- i) Export obligation period is extended from 12 months to 18 months from the date of first import.
- ii) This is only for regularization and closure purpose and not for any further exports.
- iii) This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

(Action : RA, Mumbai)

Case No.4 M/s. Yasho Industries pvt. Ltd, Mumbai

F.No. 01/60/162/271/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of advance authorization no. 0310541774 dated 23.10.2009.

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

(Action : RA, Mumbai)

Case No.5 M/s. Aurochem laboratories (India) Pvt. Ltd, Mumbai

F.No. 01/60/162/264/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for acceptance of exports made within the validity of EOP against AA no. 0310449743 dated 08.11.2007.

The Committee noted that the pre-import condition was imposed after issuance of authorization and therefore decided that the exports already made before the condition was imposed may be counted towards the discharge of export obligation. The following decisions were taken:

- i) Export obligation period is extended from 12 months to 18 months from the date of first import.
- ii) This is only for regularization and closure purpose not for any further exports.
- iii) This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.
- iv) The Committee also decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these. However, the default in terms of duty saving proportionate to the default in export outside the EO period of 12 months from the date of 1st import as stated above may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization and evaluate the duty-saving default and take necessary action as per the policy provisions.

(Action : RA, Mumbai)

Case No.6 M/s. GDJD Exports, Chennai

F.No. 01/94/180/00029/AM13/PC-4(B)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Grant of DEPB against "Free Shipping" bills dated 06.08.2011.

The committee deliberated the issue in length and taking into consideration the bonafide mistake, it was decided to allow DEPB benefit against shipping bills filed on 08.08.2011.

The committee deliberated the issue in length and taking into consideration the bonafide mistake, it was decided to allow DEPB benefit against shipping bills filed on 6.8.2011 because DEPB benefit on exports of cotton was restored w.e.f 1.4.2011 vide Public Notice No. 67 dt. 4.8.2011.

(Action : RA, Chennai)

Case No.7 M/s. Yasho Industries Pvt. Ltd, Mumbai

F.No. 01/60/162/272/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of advance authorization no. 0310524509 dated 17.06.2009.

The Committee noted the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

Case No.8 M/s. Bhushan Power & Steel Ltd, Kolkata

F.No. 01/60/162/266/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of DFIA no. 0210130690 dated 21.08.2009.

The Committee noted the contents of the request of the firm and decided to reject as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided by the firm.

(Action : Norms Committee-IV)

Case No.9 M/s. Alembic Ltd, Vadodara

F.No. 01/91/180/539/AM10/PC-IV/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for EOP extension of advance authorization no. 3410015297 dated 23.01.2006 for regularization purpose.

The Committee decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported material fully by exporting the product manufactured from these and had also paid duty + interest. . RA may check and verify the aspect of raw material utilization and payment of duty + interest and if found to be true, the case may be regularized.

(Action : RA Vadodara)

Case No.10 M/s. Hind Rectifiers Ltd, Mumbai

F.No. 01/60/162/1221/AM12//EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for EOP extension of advance authorization no. 0329226 dated 17.11.1994 for regularization.

The Committee noted the contents of the request and decided that in the first instance, it may be ascertained from the RA as to why the case of 1994 has still not been finalized. Reasons thereof and details of adjudication, if any, etc. may be informed.

(Action : RA, Mumbai)

Case No.11 M/s. Glow Pharma Pvt. Ltd,

F.No. 01/60/162/1091-1092/AM12/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for waiver of pre-import condition issued under PC-9 against two AA no. 0310258966 dated 17.03.2004 & 0310359809 dated 16.12.2005.

The Committee decided that the condition of re-export/destruction of imported raw material as stipulated in Policy Circular 18 dt. 30.10.2007 be waived as the firm has stated to have already utilized the imported raw material fully by exporting the product manufactured from these. However, the default in terms of duty saving proportionate to the default in export outside the EO period of 12 months from the date of 1st import as stated above may be paid by the firm in accordance with the stipulated policy provisions. RA to check and verify the aspect of raw material utilization and evaluate the duty-saving default and take necessary action as per the policy provisions for regularization of the case.

(Action : RA, Mumbai)

Case No.12 M/s. BDH Industries Ltd, Mumbai

F.No. 01/60/162/1397/AM11/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of advance authorization no. 0310454780 dated 20.12.2007 for clubbing with authorization no. 0310172695 dt. 16.12.2002.

The Committee noted the contents of the request of the firm for clubbing of two advance authorizations and decided to reject as the gap between the above two authorizations is substantial and the Committee therefore did not agree to club these authorizations. The committee also rejected the request for revalidation as the firm did not avail the benefit of revalidation granted by PRC vide its meeting dt. 20.10.2010 against licence no. 0310454780 dated 12.12.2007.

Case No.13 M/s. Zodiac Clothing Company Ltd, Mumbai

F.No. 01/94/180/777/AM10/PC-4/(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for clubbing of 3 AAs No. 03026919 dated 18.12.1998, 03027108 dated 04.01.1999 & 0310116786 dated 31.12.2001.

Deferred for processing on file.

(Action : PRC Section)

Case No.14 M/s. Vigneshware Exports Limited Mumbai

F.No. 01/94/180/135/835/AM09/PC-4/(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of DFRC No. 0310381415 dt. 23.5.2006.

The committee did not find any merits in the request and rejected the same reiterating the earlier decision of PRC meeting held on 18.10.2011.

Case No.16 M/s. Smruthi Organics Limited Solapur

F.No. 01/60/162/219/AM13/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- (1)Request for "One Time regularization and issue of EODCs" on account of additional consumption of raw material under the following advance licences Product
ACID DIHYDRAZIDE

Sl. No.	Advances Licences Nos	Date
1.	3110006244	20.02.2002

2.	3110009528	13.01.2003
3.	3110010812	28.4.2003
4.	3110013121	4.11.2003
5.	3110013489	2.12.2003

(2) Request for one time Regularization on account of additional consumption of raw material under the following advances licences – Product : Carbidopa.

1. Advance Licence: 3110014556 dt. 19.2.2004
2. Advance Licences 3110011068 dt. 20.5.2003

(3) Request for Clubbing/Redemption of advance licence – Product : Ciprofloxacin HCL

1. Advance Licence No.3110020527 dt. 16.5.2005 with AA No 3110036144 dt. 28.11.2008
2. Advance Licence No.3110020540 dt. 16.5.2005 with AA No. 3110036145 dt. 20.11.2008

The committee decided that the case be referred to Norms Committee.

(Action : Norms Committee-IV)

Case No.17 M/s. Evergreen International Limited Gurgaon

F.No. 01/60/162/501-524/AM11/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for removal from DEL against of following 6 advance authorizations submitted for clubbing.

1. 0510084279 dt. 27.03.2003
2. 0510077748 dt. 14.01.2003
3. 0510047880 dt. 28.11.2001
4. 0510063005 dt. 10.07.2002
5. 0510119122 dt. 25.02.2004
6. 0510030938 dt. 23.01.2001

The party's request for clubbing of six licences was rejected by PRC dt. 17.7.2012. Now they have requested to give abeyance against DEL order issued by RA, CLA. It was observed by the committee that provision of an appeal is available under Section 9 of FTDR Act. Hence proper appeal should be made by the party before Appellate Authority.

(Action : Exporter)

Case No.18 M/s. Ganesh Polychem Limited Mumbai

F.No. 01/94/180/190/AM10/PC-4/(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for clubbing of the advance licence No. 0310167132 dt. 14/11/2002 & 0310507606 dt. 17/2/2009.

The Committee noted the representation of the firm and decided to maintain rejection as no cogent and justified reasons along with any further no new facts, establishing genuine hardship warranting relaxation under Para 2.5 of FTP, have been provided by the firm.

Case No.19 M/s. Dharam Industries Ltd. Delhi

F.No. 01/60/162/1544/AM11/EFGC(PRC)

PRC Meeting No. 18/AM13 dated: 17.08.2012

Subject:- Request for revalidation of DEPB licence no. 0510159931 dt. 16.6.2005.

Deferred for processing on file.

(Action : PRC Section
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