

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 19/AM13 HELD ON 28.08.2012 AT 11.30 A.M. UNDER THE CHAIRMANSHIP OF Dr. A.K PUJARI, DIRECTOR GENERAL OF FOREIGN TRADE.

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

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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 Hardeep Singh | Jt. DGFT |
| 8. Shri Jaikaran Singh | Jt..DGFT |
| 9. Shri Ajay Kumar Srivastava | Jt. DGFT |
| 10. Shri K.C. Raut | Jt. DGFT |
| 11. Shri D.C. Sharma | Stats Advisor |
| 12. Shri A.K. Mishra | Stats Advisor |
| 13. Smt. Sonika Khattar | FTDO |

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

Case No.1. M/s. Shiva Exports, Varanasi

F.No. 01/60/162/274/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for revalidation of DFIA No. 1510010341 dated 12.5.2010.

The Committee noted the contents of the request of the firm that DFIA has already been endorsed with transferability and keeping in view all facts 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.2. M/s. Eastern Silk Industries

F.No. 01/60/162/331/AM12/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for permission for discharge of export obligation by supplying the finished goods against two advance licence no. 0710053110 dated. 30.8.2007 and 0710056554 dated 24.03.2008.

The Committee rejected the request of the firm as there is no merit for consideration as the authorizations are too old. It was decided that the cases may be regularized in terms of Para 4.28 of FTP.

Case No.3. M/s. Kopran Ltd.

F.No. 01/60/162/792/AM10/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for clubbing of advance authorizations no. i) 0310072961 dt. 13.2.2001 with 0310289977 dt. 8.9.2004 and ii) 0310073528 dt. 16.2.2001 with 0310289976 dt. 8.9.2004.

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

- i) To allow clubbing of advance authorizations no. i) 0310072961 dt. 13.2.2001 with 0310289977 dt. 8.9.2004 and ii) 0310073528 dt. 16.2.2001 with 0310289976 dt. 8.9.2004.
- ii) This is only for regularization and closure purpose not for any further exports/imports.
- iii) EOP extension against the authorization may be granted as decided by GRC in its meeting held on 10.4.2006. Composition fee @ 1% per month shall be charged on exports made beyond stipulated EO period.
- iv) RA is also directed to examine the case in terms of Para 4.1.6 of FTP and make necessary endorsements regarding value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorization. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- v) RA may do clubbing subject to the condition that the case has not been adjudicated.

Case No.4. M/s. Man Structural Pvt. Ltd.

F.No. 01/60/162/333/AM12/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for revalidation of DFIA no. 1310026670 dt. 7.8.2008.

The Committee reiterated its earlier decision of PRC meeting no. 21/AM12 dt. 6.9.2011 and once again rejected the request of the firm as there is no merit in the facts/reasons for reconsideration.

Case No.5. M/s. Victor Chemi-Colour India Pvt. Ltd.

F.No. 01/60/162/779/12/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for revalidation of advance authorization no. 0310503738 dated 23.01.2009.

The Committee reiterated its earlier decision of PRC meeting no. 30/AM12 dt. 29.11.2011 and once again rejected the request of the firm as there is no merit in the facts/reasons for reconsideration.

Case No.6. M/s. Wockhardt Ltd.

F.No. 01/94/180/792/AM10/PC-4

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject:- Request for redemption of two advance authorization no. 0310395100 dt. 18.8.2006 and 0310395582 dt. 22.8.2006.

The committee deliberated the case in length and it was decided to allow subsuming of export obligation of these two advance authorizations in the EOU. The RA shall close these licences and request DC (SEEPZ) to subsume obligation in the EO unit of the company. The DC(SEEPZ) shall verify and ensure that the goods imported under these two licences were inventoried in the EOU book of accounts and finished goods have been exported physically and not treated as deemed export or sold otherwise in DTA.

Case No.7. M/s. Dorf Ketal Chemicals India Ltd.

F.No. 01/60/162/307/13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for clubbing of two advance authorization no. 0310379599 dt. 9.5.2006 with 0310533727 dt. 13.8.2009.

The Committee noted the contents of the firm and decided to reject the case as the licences were not issued in continuity with a distinct overlap of 36 months. Therefore did not agree to club these authorizations.

Case No.8. M/s. Bonney Polyplast Pvt. Ltd. Delhi

F.No. 01/60/162/1253/13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for (i) To club 3 AAs which was considered in PRC meeting no. 11/AM11 dt. 9.11.2010 in which EODC was issued in one authorization and (ii) To club of one authorization no. 0510300432 dt. 26.8.2011 with earlier 3 authorizations

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

- i) To allow clubbing of advance authorizations no. 0510196148 dt. 12.12.06, 0510213616 dt. 17.12.07, 0510229697 dt. 22.10.2008
- ii) This is only for regularization and closure purpose and not for any further exports/imports.
- iii) The advance authorization no. 0510300432 dt. 26.8.2011 was not considered for clubbing as the same was not issued in continuity with a distinct overlap of 36 months.
- iv) RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- v) RA may do clubbing subject to the condition that the case is not adjudicated.

Case No.9. M/s. Oil Country Tubular Ltd, Hyderabad

F.No. 01/60/162/280/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for Revalidation/EOP extension of Advance Authorization No. 0910037755 dated 24.04.2009

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

- i) Export obligation period is extended for 6 months from the date of endorsement however, request for endorsement to RA shall be made within a month from the date of communication of PRC decision.
- ii) The request for revalidation is rejected.
- iii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed and para 4.1.6 of FTP.

Case No.10. M/s. Aventis Pharma Ltd.

F.No. 01/60/162/583/AM10/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for revalidation of advance authorization no. 0310406387 dated 2.11.2006.

The committee rejected the request for revalidation as the firm did not avail the benefit of revalidation granted by PRC vide its meeting no. 02/AM11 dt. 11.6.2010 against licence no. 0310406387 dated 2.11.2006.

Case No.11. M/s. BGH Exim Ltd.

F.No. 01/60/162/1220/AM12/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for EOP extension of advance authorization no. 0210124155 dt. 12.3.2009 and 0210031072 dt. 2.9.2009.

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

- i) Export obligation fulfilled within 6 months from the date of import of each consignment shall be accepted towards regularization.
- ii) Shortfall, if any, in exports shall be regularized in terms of Para 4.28 of HBP.
- iii) This is subject to payment of composition fee @ 0.5% of FOB value of export made outside the original EOP

Case No.12. M/s. Tractors and Farm Equipment Ltd.

F.No. 01/60/162/804/AM12/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request to expedite acceptance of 11 DEPB shipping bills against authorization no. 0410111246 dt. 3.2.2010.

The committee decided to obtain a detailed report from RA, Chennai and after that the case may be placed before PRC.

Case No.13. M/s. Medreich Limited

F.No. 01/60/162/310/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for EOP extension of advance authorization no. 0710050465 dated 06.03.2007 for regularization.

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

- i) Export obligation period is extended upto 30.12.2007.
- ii) This is only for regularization and closure purpose.
- iii) This is subject to payment of composition fee @ 0.5% of FOB value of export made outside the original EOP.

Case No.14. M/s. India Glycols Limited, UP

F.No. 01/60/162/319/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for clubbing of advance authorization no. i) 0510124396 dt. 27.4.2004 with o510250014 dt. 29.9.2009 and ii) 0510126004 dt. 17.5.2004 with 0510209637 dt. 27.9.2007.

The Committee noted the contents of the firm and decided to reject the case as the licences were not issued in continuity with a distinct overlap of 36 months. Therefore did not agree to club these authorizations.

Case No.15. M/s. Lastolite Imaging Solutions Pvt. Ltd, T.N.

F.No. 01/60/162/308/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for redemption of advance authorization no. 0410095227 dated 15.04.2008.

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

- i) Export obligation period is extended upto 30.11.2011.
- ii) This is only for regularization and closure purpose.
- iii) This is subject to payment of composition fee @ 0.5% of FOB value of export made outside the original EOP.

Case No.16. M/s. Cipla Limited, Mumbai

F.No. 01/60/162/295/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for revalidation of DEPB authorization no. 0310538374 dated 17.09.2009.

The Committee noted the contents 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.17. M/s. Mass Tech Controls Pvt. Ltd

F.No. 01/60/162/276/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for clubbing of AA nos. 0310431011 dated 29.05.2007 & 0310431026 dated 29.05.2007.

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

- i. To allow clubbing of advance authorizations no. 0310431011 dated 29.05.2007 & 0310431026 dated 29.05.2007.
- ii. This is only for regularization and closure purpose not for any further exports/imports.
- iii. RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be

- applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- iv. RA may do clubbing subject to the condition that the case is not adjudicated.

Case No.18. M/s. Addon Export House Ltd, Mumbai

F.No. 01/60/162/309/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for revalidation of DFIA no. 0310501882 dated 09.01.2009.

The Committee noted the contents 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.19. M/s. Gravita India Ltd, Jaipur

F.No. 01/60/162/306/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for acceptance of endorsement of E-com reference on shipping Bills instead of file no. against advance license no. 1310030466 dt.10.11.2009, 1310030786 dt. 16.12.2009,1310034174 dt.23.12.2010,1310027031 dt. 26.09.2008, 1310027777 dt. 02.01.2009 & 1310026416 dt. 07.07.2008 in the following advance file nos.

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1. 13/21/040/00100/AM2010 dated 09.11.2009.
 2. 13/21/040/00115/AM2010 dated 16.12.2009
 3. 13/21/040/00111/AM2011/ dated 10.12.2010
 4. 13/21/040/00087/AM2009/ dated 26.09.2008
 5. 13/21/040/00129/AM2009 dated 31.12.2008
 6. 13.21.040/00048/AM2009 dated 30.06.2008

The committee decided that the exports made against the E-com number of the application may be considered against advance authorizations if the authorization is issued against the same E-com reference. RA is directed to take necessary action regarding considering of those exports for discharge of export obligation.

Case No.20. M/s. Arshiya international Ltd,

F.No. 01/61/180/0069/AM13/PC-3

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for revalidation of SFIS scrip no. 0310546713 dated 20.11.2009.

The committee decided to obtain a detailed report from JNPT Customs whether the SFIS scrip no. 0310546713 dated 20.11.2009 was debited twice or not as stated by the firm and after that the case may be placed before PRC.

Case No.21. M/s. Krishnapatanam Port Co. Ltd

F.No. 01/60/162/145/AM13/EFGC(PRC)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for revalidation of SFIS scripts no. 0310536147 dated 02.09.2009.

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

As per report of RA, there was no delay on their part. The duty credit scrip was submitted by the party to RA on 5.9.2011 for endorsement and the scrip had expired on 2.9.2011 i.e. before submitting to RA. The committee did not find any merit in the case and decided to reject the request.

Case No.22. M/s. Provogue (India) Ltd, Mumbai

F.No. 01/94/180/164/AM13/PC-4

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for change of SION from J-315 to J-49 against DFIA Nos. (i) 0310574717 dated 17.05.2010, (ii) 0310579094 dated 16.06.2010 & (iii) 0310600565 dated 09.11.2010.

The committee decided to obtain a detailed report regarding details of items of imports, export and EO fulfilled qty. wise including technical characteristic of exports from RA, Mumbai and after that the case may be placed before PRC.

Case No.23. M/s. SIGMA Vibracoustic India Pvt. Ltd, Punjab

F.No. 01/94/180/0100/AM13/PC-3

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Extension of validity of Licence issued under SHIS for 6 months.

The Committee noted the contents 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.24. M/s. Jaypee Sports International Ltd.

F.No. 01/89/180/12/AM12/PC-2(A)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Formula 1 Grand Prix Motor Racing Events in India at Jaypee (Buddh) International Circuit, Greater Noida to be held in Last week of October 2012; exemption under Foreign Trade Policy for import of goods.

After discussing the case in length, the committee decided to allow:

- i) Import of second hand goods required for the formula one race event and second hand car (including parts thereof) under import licensing note 2(II) (a) to (d) of Chapter 87.
- ii) To permit import licence for import of all second-hand goods required for the Formula one race event.
- iii) To permit import licence for import of all second-hand cars and parts thereof required for Formula one race event.
- iv) Waive off the conditions prescribed in the import licensing notes to chapter 87 of ITC (HS) for import of race cars and parts thereof required for the Formula one race event.
- v) Waive off the conditions for compliance with domestic laws for import of goods into India, as provided in Para 2.2 of FTP, for import of goods for the Formula one race event.
- vi) Waive off the conditions for realization of export proceeds on re-export of goods imported for the race event by the participating teams.

Case No.25. M/s. Arshiya Northern FTWZ, Ltd, New Delhi

F.No. 01/89/180/06/AM13/PC-2(A)

PRC Meeting No. 19/AM13 dated: 28.08.2012

Subject: - Request for interim relaxation for import of New Vehicles.

The committee considered and granted ex-post-facto approval for relaxation of the provisions of Import Licensing Note No. 2(II) (d) of Chapter 87 of ITC(HS) 2012, schedule-1 (Import Policy) for import of 14 vehicles.
