Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, IAS on 19.01.2016

Meeting No. 20/AM16 held on 19.01.2016 at 12:00 AM

List of officers present in the meeting is given below:

1.	Shri D.K. Singh	Addl. DGFT
2.	Shri K.C. Rout	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.	Dr. S.K. Bansal	Jt. DGFT
8.	Shri S.K. Mohapatra	Dy. DGFT
9.	Ms. Nivedita Roy Choudhury	FTDO

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

Case No.1 : M/s. DSM Sinochem Pharmaceuticals India Pvt. Ltd., Gurgaon
Personal Hearing case in terms of para 2.59 of FTP
F.No. 01/60/162/647/AM14/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for Clubbing of 3 Advance Authorization No.2210010492 dt. 05.10.2010; 2210010678 dt. 25.11.2010 and 2210012586 dt. 02.03.2012 with EOP extension from 12 to 18 months from the date of import of 1st consignment of Pen.G for closure purpose.

Being aggrieved by the Policy Relaxation Committee decision dated 26.11.2013, 11.09.2015 and 22.09.2015, M/s DSM Sinochem Pharmaceuticals India Pvt Limited, Gurgaon sought Personal Hearing before Policy Relaxation Committee, in terms of Para 2.59 of FTP. Accordingly, a personal hearing was accorded to them. Shri Rajeev Balyan (Manager-Exim) and Shri Vikram Chopra (Senior Officer – Exim) appeared before the Committee on 19.01.2015. During the course of hearing they made the following submissions:

1. That they have exported 90% in quantity terms without making any imports against Advance Authorisation No. 2210010492 dt. 05.10.2010. They used domestic goods for export purpose.
2. That for manufacturing of end product, they have always used imported Penicillin G whether for manufacturing and sale in the local market or for export purpose.
3. That they have used Penicillin G imported from registered sources and hence they have not violated any policy provisions.
4. They explained that the purpose of imposition of condition of importing the material and exporting it within 12 months was not defeated as they used the imported material only in the exports made under Advance Authorisation No. 2210010492 dt. 05.10.2010.
5. Policy Circular No 1 dated 17.09.2004 stipulates that in case export obligation is fulfilled prior to importation of the material then unapproved drugs cannot be imported against the licence and only approved drugs can be imported during the validity period of the licence. Therefore, they have not violated any condition, as they have used Penicillin G imported subsequently from registered sources only.
6. They therefore requested to allow 6 months extension and clubbing of three Authorisations.

Decision:

The Committee deliberated the case at length. It was noted that while release of new FTP, 2009-2014 on 27.08.2009, the Appendix 30A was also amended. As per the said appendix, export obligation period has been fixed 12 months from the date of import of first consignment where Penicillin and its salt are inputs. Hence, in other words, export in such cases can be affected only after import. The three Advance Authorisations in question were issued after 27.08.2009. Therefore, pre-import condition become inevitable. The Committee felt that the applicant was well aware with the provisions of the Public Notice No 2 dated 27.8.2009 thereby said Appendix 30A was amended. Thus, the provisions of Policy circular no 1 dated 19.09.2004 has no relevance, as quoted by the applicant.

The export obligation against remaining two Authorisations appears to have been fulfilled within 12 months from the date of import consignment. Thus, no extension in EOP is required. The committee, therefore, decided to reiterate its earlier decision of PRC Meeting No. 08/AM16 dated 22.09.2015. Accordingly, the applicant has option to get their case regularized individually in terms of Para 4.49 of HBP, 2015-20.

(Action: Applicant/RA, Chandigarh)

Case No.2: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/756/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension of Advance Authorization No.0310776878 dt. 03.04.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment., The applicant has imported goods through 2 consignments i.e. on 25.04.2014 and 30.06.2014. Accordingly, initial obligation period was 30.04.2015 and 30.06.2015 respectively. He has completed less 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, i.e. upto 31.10.2015 & 31.12.2015 respectively from the date of import of each 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% 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.
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, Mumbai)

Case No.3: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/757/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension of Advance Authorization No.0310776877 dt. 03.04.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of first import consignment is 02.06.2014. Accordingly, initial obligation period was 30.06.2015. He has made completed less 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, i.e. upto 31.12.2015, from the date of import of first 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% per month of FOB value of exports made after initial obligation period subject to verification of RA.
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, Mumbai)

Case No.4: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/755/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension of Advance Authorization No.0310778811 dt. 21.04.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of first import consignment is 28.05.2014. Accordingly, initial obligation period was 31.05.2015. He 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, i.e. upto 30.11.2015 from the date of import of first 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% exports are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB.
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, Mumbai)

Case No.5: M/s. Intas Pharmaceuticals Ltd., Ahmedabad.
F.No. 01/60/162/672/AM16/ EFGC (PRC)

PRC Meeting No. 20/AM16 dated 19.01.2016

Subject: - Request for EOP extension of Advance Authorization No.0810123286 dt. 29.07.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of first import consignment is 13.01.2014. Accordingly, initial obligation period was 31.01.2015. He 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, i.e. upto 31.07.2015 from the date of import of first 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% exports are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB.

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

(Action: RA, Ahmedabad)

Case No.6: M/s. Intas Pharmaceuticals Ltd., Ahmedabad.

F.No. 01/60/162/671/AM16/ EFGC (PRC))

PRC Meeting No. 20/AM16 dated 19.01.2016

Subject: - Request for EOP extension of Advance Authorization No.0810129841 dt. 20.03.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of first import is 23.04.2014. Accordingly, initial obligation period was 30.04.2015. The applicant has completed less 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, i.e. upto 31.10.2015 from the date of import of first 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% per month of FOB value of exports made after initial obligation period subject to verification of RA.

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.7 : M/s. Cadila Healthcare Ltd., Ahmedabad.

F.No. 01/60/162/610/AM16/ EFGC(PRC)

PRC Meeting No. 20/AM16 dated 19.01.2016

Subject:- Request for EOP extension of Advance Authorization No.0810131514 dt. 21.05.2014 issued under PC-9 condition for regularization purpose.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of import of first consignment is 24.06.2014. Accordingly, initial obligation period was 30.06.2015. He 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, i.e. upto 31.12.2015 from the date of import of first 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% exports are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: RA, Ahmedabad)

Case No.8: M/s. Cadila Healthcare Ltd., Ahmedabad.

F.No. 01/60/162/773/AM16/ EFGC (PRC)

PRC Meeting No. 20/AM16 dated 19.01.2016

Subject:- Request for EOP extension of Advance Authorization No.0810100356 dt. 13.06.2011 and count 3 S/Bills for fulfilment of E.O. for above licence instead of 0810124961 dt. 19.09.2013.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The date of import of first consignment is 08.01.2013. Accordingly, initial obligation period was 31.01.2014. He has completed 80.64% (117.74Gram) exports obligation during the initial export obligation period against the Authorisation. 28.27Gram exports were made against Shipping Bill No 9079566 dated 20.12.2013, No 9199693 dated 27.12.2013 and 9200031 dated 27.12.2013 mentioning AA No 0810124961 dated 19.09.2013. However, these three Shipping Bills have not been taken into account towards discharge of export obligation against said Authorisation. 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 31.07.2014 from the date of import of each consignment
II. This is only for accounting and regularization of exports already effected.
I. This is subject to payment of a composition fee @ 0.5% of FOB value of exports made after initial obligation period.

III. 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 of FOB.

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.

VI. PC-18 dated 30.10.2007 condition stands waived against 28.27Gram Octreotide Acetate exported through 3 shipping bills (i) 9079566 dated 20.12.2013, (ii) 9199693 dated 27.12.2013 & (iii) 9200031 dated 27.12.2013 provided the same have not been accounted for against AA No 0810124961 dated 19.09.2013. RA shall ensure the same.

(Action: RA, Ahmedabad)

Case No.9: M/s. Cadila Healthcare Ltd., Ahmedabad.
F.No. 01/60/162/771/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension of Advance Authorization No.0810121285 dt. 21.05.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported drugs through 2 consignments i.e. on 29.06.2013 & 16.01.2014. Accordingly, initial obligation period was 31.06.2014 & 31.01.2015 respectively. He 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, i.e. upto 31.12.2014 & 31.07.2015 respectively from the date of import of each 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% exports are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB.

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

(Action: RA, Ahmedabad)

Case No.10: M/s. Cadila Healthcare Ltd., Ahmedabad.
F.No. 01/60/162/772/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension and waiver of destruction certificate against Advance Authorization No.0810113607 dt. 23.07.2012 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 which allows 12 months period for EO fulfilment

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from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 28.07.2012 & 04.02.2013. Accordingly, initial obligation period was 31.07.2013 & 28.02.2014 respectively. He has completed less 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, i.e. upto 31.01.2014 & 31.08.2014 respectively from the date of import of each 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% 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.
V. The applicant has to pay duty plus interest in proportion to shortfall.
VI. Condition of PC-18 dated 30.10.2007 stands waived for shortfall, as remaining materials have been exported after 31.08.2014 against the Authorisation.

(Action: RA, Ahmedabad)

Case No.11: M/s. Umedica Laboratories Pvt. Ltd., Mumbai.
F.No. 01/60/162/743/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension from 36 months to 48 months (i.e. 12 months upto 11.04.2016) in Advance Authorization No.0310690464 dt. 12.04.2012.

<u>**Decision:**</u>

The Committee observed that the applicant has imported the raw material from the registered source. Hence, the export obligation period against the Advance Authorization No.0310690464 dt. 12.04.2012 shall be of 36 months. It was also observed that the applicant has completed less than 50% of its stipulated export obligation during the initial obligation period of 36 months. Hence, the Committee did not accede to the request. Thus, the applicant is hereby directed to get their case regularized in terms of Para 4.49 of HBP, 2015-20.

(Action: Applicant/ RA, Mumbai shall initiate penal action as per provisions of FT(DR)Act, 1992, as amended, if the applicant fails to get the case regularised within one month from the date of publication of these minutes on the Directorate website.)

Case No.12: M/s. Supreme Petrochem Ltd., Mumbai.
F.No. 01/60/162/739/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for EOP extension 24 months to 33 months (i.e. August, 2015) in Advance Authorization No.0310715567 dt. 23.11.2012 for regularization purpose
<u>**Decision:**</u>

The Committee observed that the Authorisation was issued having initial obligation period of 18 months. Hence, it was valid for export upto 31.05.2013. The RA, Mumbai has allowed one extension of 6 months extending obligation period upto 30.11.2013. As per P.N. 16 dated 04.06.2015 read with P.N. 20 dated 09.06.2015 RA has been empowered to allow second extension of 6 months provided minimum 50% exports are made. The applicant has fulfilled 75.07% exports on pro-rata basis in proportion to imports made within 30 months and remaining 24.14% after 30th month but within 36th month. The Committee, therefore, decided the following:

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I. Export obligation period against Authorisation No. No.0310715567 dt. 23.11.2012 be extended upto 36 months i.e. upto 30.11.2015.
II. This is only for accounting and regularization of exports already effected.
III. The applicant has to pay a composition fee @ 0.5% per month of consolidated FOB value of exports made after 24th month but upto 30th month i.e. upto 31/05/2015 and @ 1% per month of consolidated FOB value of exports made after 30th month but up to 36th month i.e. upto 30/11/2015.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.13: M/s. Mohan Jute Bag Mfg. Co., Kolkata.
F.No. 01/60/162/116/AM15/ EFGC (PRC)(Part file)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for Revalidation of DEPB No.0210146924 dt. 24.08.2010.

Decision:

The Committee, on perusal of EDI report, observed that the DEPB could not be transmitted to Customs Server due to mis-match in description of the resultant product. The committee, therefore decided the following:

i. RA, Kolkata shall check description of the resultant product from original Shipping Bills and take necessary action to correct it.
ii. On transmission of correct data to ICEGATE, said DEPB shall be revalidated for 6 months from the date of endorsement.

(Action: RA, Kolkata and EDI)

Case No.14: M/s. Oil Country Tubular Ltd., Hyderabad.
F.No. 01/60/162/683/AM16/ EFGC (PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for (i) EOP extension for regularization purpose and (ii) Clubbing of 2 Advance Authorizations No.0910051061 dt. 01.02.2012 and (2) 0910054349 dt.20.11.2012.

Decision:

The Committee observed that the Advance Authorization No.0910051061 dt. 01.02.2012 is issued having obligation period of 36 months whereas the Advance Authorization No. 0910054349 dt.20.11.2012 is issued having obligation period of 18 months. However, RA has allowed one extension of 6 months against Authorisation dated 20.11.2012. In terms of Para 4.38 of HBP, 2015-2020 as amended vide P.N. 16 dated 04.06.2015 read with P.N. 20 dated 09.06.2015, the export obligation period will reduced by 30 months if it is clubbed with the Authorisation issued prior to 05.06.2012 which have initial obligation period of 36 months. The committee further noted that against Authorisation dated 01.02.2012, the applicant has fulfilled 76.19% export obligation within 36th month and remaining 23.81% within 43rd month. Similarly, export obligation against Authorisation dated 20.11.2012 has been fulfilled 97.89% within 24 month and remaining 2.11% after 24th month but within 30th month. Hence these

Authorisations can be closed independently. The Committee, hence, decided the following:

I. Clubbing of Advance Authorizations No.0910051061 dt. 01.02.2012 and 0910054349 dt.20.11.2012 shall not be allowed.
II. However, export obligation period against Advance Authorization No.0910051061 dt. 01.02.2012 be extended upto 48 months i.e. upto 28.02.2016.
III. The applicant has to pay a composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month i.e. upto 30/08/2015 and @ 0.5% per month of FOB value of exports made after 42nd month but up to 48th month i.e. upto 28/02/2016.
IV. Export obligation period against Advance Authorization No. 0910054349 dt.20.11.2012 be extended upto 30 months i.e. upto 31.05.2015.
V. The applicant has to pay a composition fee @ 0.5% per month of FOB value of exports made after 24th month but upto 30th month i.e. upto 31/05/2015.
VI. Minimum value addition of 15% as prescribed under Para 4.1.6 of FTP shall be maintained.

(Action: RA, Hyderabad)

Case No.15: M/s. Jindal Aluminium Ltd., Bangalore.
F.No. 01/60/162/675/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for Revalidation of Advance Authorization No.0710094243 dt. 14.03.2013.

<u>**Decision:**</u>

The committee noted that the applicant had the option to approach Regional Authority for getting first revalidation for six months but they did not do so. There is no case of genuine hardship established. Hence, the Committee did not accede to the request.

Case No.16 M/s. Jindal Aluminium Ltd., Bangalore.
F.No. 01/60/162/676/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for Revalidation of Advance Authorization No.0710091247 dt. 09.10.2012.

<u>**Decision:**</u>

The Committee observed that the applicant has already been granted one revalidation for six months by RA, despite that the applicant could not utilize the Authorization. There is no case of genuine hardship established. Therefore, the Committee did not accede to the request.

Case No.17 M/s. Bharat Heavy Electricals Ltd., Bangalore.
F.No. 01/60/162/673/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for EOP extension of Advance Authorization No.0710084747 dt. 16.12.2011.

<u>**Decision:**</u>

The committee noted that the Authorisation was obtained for export of Control and Instrumentation Package for Turbine and steam Generator to Syria under Govt. India Line of Credit. Due to disturbed Political condition in Syria, no shipping line was ready to lift the goods. Further, as per advice of Second Secretary, Embassy of India in Syria, the operation at project site was suspended. The item manufactured as per requirement of Syrian buyer cannot be exported to any other country. Taking into consideration the genuine hardship and force majeure, the committee decided the following:

i. Extension in export obligation period be allowed upto 31.03.2018 without any composition fee under force majeure.
ii. This will subject to the condition that the applicant shall submit a certificate from the Concerned Excise Authority that the duty free inputs imported against the Authorisation have been consumed fully in resultant product and the same are in the possession of the applicant.

(Action: Applicant/RA, Bangalore)

Case No.18 M/s. Godrej & Boyce Mfg. Co. Ltd., Mumbai.
F.No. 01/60/162/607/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for time limit extension upto 17th Nov.,2012 in terms of PC No.99 dt. 11.08.2009 for A/A No.0310668956 dt. 07.12.2011.

Decision:

The committee noted that as per PC 99 dated 11.08.2009, the applicant was under obligation to obtain licence for export of SCOMET items within 4 months from the date of issue of Advance Authorisation. Whereas, the application for SCOMET licence was submitted after 5 months from the date of issue of Advance Authorisation. However, the Committee was of the view that SCOMET licence is required to track the end user of SCOMET items. Therefore, exporter is required to obtain SCOMET licence before effecting exports against Advance Authorisation. In this case, shipments have been made only after obtaining SCOMET licence i.e. after 07.05.2012. Hence, there is no violation of export Policy for export of SCOMET items. The Committee, therefore, decided to accede to the request to regularise the case.

(Action: RA, Mumbai)

Case No.19 M/s. Narendra Plastic Pvt. Ltd., Mumbai.
F.No. 01/60/162/742/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: -Request for Revalidation of Advance Authorization No.0310752321 dt. 04.10.2013.

Decision:

The applicant has claimed that the customs had registered the Authorisation but did not allow import due to mis-match in quantity. The applicant therefore approached to RA for correction and RA has carried out three amendments in the Authorisation. The Authorisation was valid upto 31.10.2014 whereas amendments were carried out after that date. The case was therefore deferred for seeking report from RA.

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(Action: RA, Mumbai shall submit report within 5 working days from publication of these minutes on the Directorate website)

Case No.20 M/s. Shree Balaji Poly Films, M.P.
F.No. 01/60/162/615/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:-Request for Revalidation of Advance Authorization No.5610002502 dt. 18.07.2013.

Decision:

The committee noted that the applicant had the option to approach Regional Authority for getting first revalidation for six months but they did not do so. There is no case of genuine hardship established. Hence, the Committee did not accede to the request.

Case No.21 M/s. Jindal Aluminium Ltd., Bangalore.
F.No. 01/60/162/677/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for revalidation of Advance Authorization No.0710096879 dt. 19.07.2013.

Decision:

The Committee observed that the request made by the applicant to the RA was for reduction of CIF value and not for enhancement which was allowed by the RA on 19.12.2014 and the Advance Authorisation was valid upto 31.01.2015. Reduction in value and quantity was not required to make import. The applicant could import on prorata basis of exports made. Hence, the Committee did not to accede to the request of the applicant as there is no merit in the case.

Case No.22 M/s. Indian Steel Corporation Ltd., Mumbai.
F.No. 01/60/162/620/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for revalidation of DFIA No.0310706490 dt. 27.08.2012.

Decision:

The Committee observed that the submissions made by the applicant do not indicate any genuine hardship on the part of the applicant. Hence, the Committee did not accede to the request, as there is no merit in the case.

Case No.23 M/s. My Favourite Lady Export Pvt. Ltd., Mumbai.
F.No. 01/60/162/371/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for revalidation of DFIA No.0310664024 dt. 09.11.2011.

Decision:

The Committee, on perusal of EDI report, concluded that all the amendments carried out in the DFIA No.0310664024 dt. 09.11.2011 were transmitted / accepted within the validity of the DFIA. The DFIA was valid for a month from the last amendment. Hence, the Committee did not accede to the request.

Case No.24 M/s. Finolex Cables Ltd., Pune.
F.No. 01/60/162/734/AM16/ EFGC(PRC)
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for clubbing of Advance Authorizations Nos.3110020955 dt. 27.06.2005 & 3110036075 dt.14.11.2008.

Decision:

The Committee observed that the Authorisation dated 14.11.2008 was issued after 36 months from the date of issue of Authorisation dated 27.06.2005. Further, exports against Authorisation No. 3110036075 dt.14.11.2008 is made beyond 48 months from the date of issue of the Advance Authorisation No. 3110020955 dt. 27.06.2005. Thus, no merit in the case. The Committee, therefore, did not accede to the request of the applicant. The applicant is hereby directed to get the cases regularised individually in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA, Pune shall initiate penal action against the party as per the provisions of FT(DR)Act, 1992, as amended if he fails to get the cases regularised within one month from the date of publication of these minutes on the Directorate website.)

Case No.25 M/s. Sterlite Copper (Merged into M/s. Sesa Goa Limited)
Ref: Refer by Norms Committee-2
F.No. 01/81/171/298/AM16/ DES-II
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject: - Request for reduction in the value addition in respect of SION C-1950 Anode Slime 71129990

Decision:

The Committee decided to defer the case, as request and agenda is not clear. Further, for seeking any relaxation in Policy/Procedure, there is prescribed fee as per Appendix 4K of Aayat Niryat Form of FTP, 2015-2020 which has not been paid by the applicant.

(Action: NC-2)

Case No.26 M/s. M/s. Choice Clothing Co. Pvt. Ltd., New Delhi.
Ref: Refer by Norms Committee(DES-V)
F.No. 01/84/171/141/AM15/ DES-V
PRC Meeting No. 20/AM16 dated 19.01.2016
Subject:- Request for waiver of GSM condition in respect of Annual Advance Authorization No.0510167723 dt. 30.09.2005.

Decision:

The Committee was of the view that for export of Fabric/Garment, export is required to mention GSM at both stages i.e. while importing inputs and exporting the resultant products. However, for calculating GSM, formula is given at Sl No 19 of General Note for Textiles in SION Book. Therefore, condition of waiver of GSM is not warranted.

(Action: NC-5)

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

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