

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 22/AM13 HELD ON 25.09.2012 AT 2.00 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 Hardeep Singh | 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. Smt. Sonika Khattar | FTDO | |

The decisions taken are as under:-

Case No.1. M/s. P.P. International, Mumbai

F.No. 01/60/162/394/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization no. 0310461094 dt. 14.02.2008 under PC -9 condition.

It was noticed by the Committee that the applicant has fulfilled 100% exports though outside the EOP. Therefore the following decisions were taken for regularization purpose.

- I. Export obligation period is extended from 6 months to 12 months from the date of first import consignment.
- II. This is only for regularization and closure purpose.
- III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP i.e. 31.1.2009 and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP.

(Action : RA, Mumbai)

Case No.2. M/s. Gajanany Silk Fabrics, Bangalore

F.No. 01/60/162/336/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for deletion of EO period condition imposed as per no.60/2009-14 dated 6.5.2010 in issued authorization no. 0710076967 dt. 28.1.2011 and EOP extension.

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

(Action : RA, Bangalore may be requested to start Action under FTDR Act., if the case is not regularized under para 4.28 of HBP)

Case No.3. M/s. Bhansali Engineering Polymers Ltd, Mumbai

F.No. 01/60/162/354/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for redemption of advance authorization no. 0310410257 dt. 30.11.2006.

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.

(Action : RA, Mumbai)

Case No.4. M/s. Grauer & Weil (India), Mumbai

F.No. 01/60/162/389/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of adv authorization Nos. 0310337267 dt. 1.7.2005 & 0310365495 dt. 2.2.2006.

The committee decided to obtain a detailed report regarding fAct of the case whether the request of the applicant was for EODC or redemption of AA no. 0310365495 dt. 2.2.2006 from RA, Mumbai and after that the case may be placed before PRC.

(Action : RA, Mumbai)

Case No.5. M/s. Medreich Ltd., Mumbai

F.No. 01/60/162/384/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization no. 0710036653 dt. 11.03.2005 issued under PC-9 condition.

It was noticed by the Committee that the applicant has fulfilled 87% exports obligation within original validity and 12.36% outside the validity period. Therefore the following decisions were taken for regularization purpose.

- I. Export obligation period is extended from 6 months to 12 months from the date of first import consignment.
- II. This is only for regularization and closure purpose.
- III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP i.e. 30.9.2005 and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP.
- IV. The shortfall of 5.77% may be regularized on payment of Custom duty + interest. However condition of PC-18 may be waived off the party subject to submission of certificate from the excise authority that the imported goods have been consumed fully in the resultant product.

(Action : RA, Mumbai)

Case No.6. M/s. Apollo Tyres, Gurgaon.

F.No. 01/60/162/907/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for revalidation of advance authorization no. 0510240045 dt. 21.4.2009..

The committee noted that the firm themselves had approached the RA after 4 months from the date of endorsement of revalidation stating EDI problem. However original licence was not submitted to RA for further Action at this end. There was no inordinate delay on the part of RA.. The committee did not find any reason warranting policy relaxation under para 2.5 of FTP and rejected the request.

Case No.7. M/s. Intas Pharmaceuticals Ltd, Ahmedabad

F.No. 01/60/162/353/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for removal of Name of M/s. Dolphin Laboratories Ltd, from DEL list on account of Sanctioned scheme of BIFR of licence no. P/L/3158941/c dt. 13.9.1986.

The committee decided to obtain a complete copy of BIFR order from the applicant and after that the case may be placed before PRC. So far as DEL is concerned, PRC is not the right forum. The applicant should file appeal before Appellate Authority under Section 15 of FTDR Act.

(Action : Applicant)

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

F.No. 01/60/162/617/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension for 6 months to meet export obligation against advance authorization no. 0210106581 dt. 28.11.2007.

The committee has decided not to allow further extension in EOP if the applicant did not meet 50% benchmark fixed i.e. EO fulfilled within valid EOP. Therefore, decided to reject the case on account of low exports made in the valid EOP.

Case No.9. M/s. Ashish Life Science Pvt. Ltd, Mumbai

F.No. 01/60/162/352/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for regularization purpose against advance authorization no. 0310537518 dt. 14.9.2009.

Not a PRC case. Norms Committee to examine the issue.

Case No.10. M/s. Eastman International, Ludhiana

F.No. 01/94/180/157/AM11/PC-4PRC

Meeting No. 22/AM13 dated: 18.09.2012

Subject:- Regarding 9 DFIA which could not be utilized due to temporary interruption EDI systems at Ludhiana remaining down leading to consequent delays from 4 months i.e. from Jan,2010 to April 2010..

Deferred. May be put up with detailed report.

Case No.11. M/s. Jyoti Ltd, Vadodara

F.No. 01/94/180/448/AM12/EFGC/PEC

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Clarification regarding acceptance old documents for redemption purpose where license number and scheme could not be mentioned on the EP copy of shipping bill against adv auth no. 3410014723 dt. 31.10.2005..

The committee noted that the party has exported goods without mentioning advance authorization no. on shipping bill no. 4734793 dt 9.11.2006. It was therefore decided that the shipping bill no. 4734793 dt 9.11.2006 shall be taken into account towards discharge of export obligation against the said licence subject to the following condition:

- I) If shipping bill bear file no or
- II) If ARE-1 bear the licence no. and shipping bill no for correlation.
- III) If export items are same.
- IV) No other benefits availed against the said shipping bill.
- V) Shortfall in value terms, if any, may be regularized in terms of Para 4.28 of HBP.

(Action : RA, Vadodara)

Case No.12. M/s. Western Cablex Engineering Pvt., Mumbai

F.No. 01/60/162/386/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for extension in validity of advance license no. 310540617 dt. 7/10/2009 due to loss of validity period in late faulty transmission of amendment date to customs.

The committee decided to obtain the time taken for transmission of amendment 3 & 4 from EDI Section and after that the case may be placed before PRC.

(Action : EDI Section)

Case No.13. M/s. Sterlite Technology Ltd, Mumbai

F.No. 01/60/162/311/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for DEPB for export made in 2006.

This case was considered in the last meeting held on 4.9.2012 under case no. 3. However, the party has informed that by mistake they have submitted this request on letter head of M/s. Sterlite Network whereas DEPB is obtained in the name of M/s. Sterlite Technology Ltd. considering genuine mistake, the committee decided to change the name of applicant from M/s. Sterlite Network to M/s. Sterlite Technology Ltd., in the PRC decision which have already been taken.

(Action : RA, Mumbai)

Case No.14. M/s. India Fashions Ltd, Mumbai

F.No. 01/60/162/395/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for extension of EOP extension of advance authorization no. 0310442917 dt. 13.9.2009..

Not for PRC. Case transferred to Norms Committee-V

Case No.15. M/s. Alstom Projects India Ltd, Mumbai

F.No. 01/60/162/391/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of advance authorization no. 0310567657 dt. 31.03.2010 & 0310580285 dt. 23.6.2010.

Deferred for re-examination.

Case No.16. M/s. M.G.S. Govindharaajulu Chettiar & Sons, Karur

F.No. 01/60/162/242/AM10/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of Advance authorization no. 3210032869 dt. 23.6.2006..

The case was rejected in meeting no. 16/AM12 dt. 26.7.2011 on the ground that as per export order raw material was to be sourced free of cost from the buyer hence reason of recession given by the applicant is not acceptable. However, on the request case was again placed before the committee held on 24.4.2012 and the case was rejected due to no merit in the case. Now the party has again represented saying that goods were not procured free of cost and submitted the copy of bill of entry. However, committee after detailed discussion decided to reject the case as sought for EOP extension beyond 48 months from the date of licence .

Case No.17. M/s. Chillies Export House Ltd, Tamilnadu

F.No. 01/60/162/390/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for extension of EOP of advance authorization no. 1) 3510025995 dt. 4.3.2009. 2) 3510034157 dt. 2.6.2011 3) 3510035474 dt. 13.9.2011.

The applicant did not meet the minimum 50% benchmark of export obligation achieved within original validity period, hence the committee decided to reject the request on the ground that nil export so far.

Case No.18. M/s. Digvijay Export, Bangalore

F.No. 01/60/162/363/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of DFIA's on the lines of advance authorization & EO extension for DFIA no. 0710065568 dt. 24.6.2009..

Under DFIA scheme authorization or item imported there under are openly transferable after fulfillment of stipulated export obligation. Hence clubbing facility is not allowed under the scheme. Therefore the committee rejected the request for clubbing of DFIA's.

Case No.19. M/s. Indian Design Team Pvt Ltd, Chennai

F.No. 01/60/162/396/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for redemption against advance authorization no. 0410074679 dt. 22.9.2005.

Norms Committee case, hence transferred to Norms Committee- V.

Case No.20. M/s. Bakul Pharma Pvt. Mumbai

F.No. 01/60/162/168/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for accept S/B dated instead of Vessel sailing dated License no. 0310097880 dt. 16.8.2001..

After deliberating the case in length the following decisions were taken:

- I. Export obligation period is extended up to 3.3.2003.
- II. This is only for regularization and closure purpose.
- 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. This is also subject to the condition that the case has not been adjudicated.

(Action : RA, Mumbai)

Case No.21. M/s. Kora Amruta Exports, Mumbai

F.No. 01/60/162/1116/AM11/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for revalidation of DFIA advance authorization no. 0310510130 dt. 3.3.2009.

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

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

F.No. 01/60/162/901/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization no. 0310491550 dt. 22.10.2008.

After deliberating the case in length the following decisions were taken:

- i) As more than 50% export obligation has been fulfilled within original validity hence export obligation period is extended for 6 months from the date of endorsement. However, request for endorsement to RA must be made within a month from the date of communication of PRC decision.
- ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

(Action : RA Mumbai,)

Case No. 23. M/s. S.J. Parekh, Mumbai

F.No. 01/94/180/44/AM10/PC-2(A)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject: Import of Rolls Royce Model : 1984 (Registration No. DXB 81423 in Dubai).

Case was withdrawn for examination on file.

Case No. 24. M/s. MannTourist Transport Service Pvt Ltd, New Delhi.

F.No. 01/94/180/30/AM13/PC-2(A)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for relaxation in norms in importing vehicle from Japan.

Deferred for obtaining report from Ministry of Tourism.

Case No. 25. M/s. Arshiya Internationa Ltd, Mumbai

F.No. 01/94/180/06/AM13/PC-2(A)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for relaxation of import of automobiles from Arshiya FTWZ.

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 353 vehicles.

Case No. 26. M/s. Phillips carbon Black Ltd, Kolkata

F.No. 01/60/162/109/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of following 6 advance licenses for closure purpose.

1. 0210054032 dated 19.08.2003

2. 0210060248 dated 23.01.2004
3. 0210060250 dated 23.01.2004
4. 0210060251 dated 23.01.2004
5. 0210067173 dated 15.07.2004
6. 0210067174 dated 15.07.2004

As per report received from RA, Kolkata the application for clubbing was filed on 18.2.2008 which was rejected in terms of Para 4.20 of HBP. Again the party submitted request on 29.2.2012 in terms of PN 79 dt. 13.10.2011. Therefore the committee decided to allow clubbing of above referred 6 licences under the provisions of PN 79. Accordingly following decisions were taken:

- i) To allow clubbing of 6 above advance authorizations.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- 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 no adjudication order is issued against any licence to be clubbed.

(Action : RA, Kolkata)

Case No. 27. M/s. Bharat Timber & Construction Co.

F.No. 01/60/162/393/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for condo nation of procedural papse of not mentioning adv auth no and date on the shipping bill relating to exports effected for fulfillment of EO advance authorization no. 0710065592 dt. 26.6.2009..

There was no need of registration of licence if export is made prior to import. Export could be made by mentioning file no. on shipping bill. Therefore justification given by the party is not acceptable to the committee. Hence decided to reject the case as no cogent and justified reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP have been provided.

Case No.28. M/s. D.K. Jaganath Silk Twisting FActory, Bangalore

F.No. 01/60/162/405/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization no. 0710065227 dt. 4.6.2009

The committee noted that the firm has not made any exports under the Advance Authorization No. 0710065227 dt. 4.6.2009. The Committee further noted that in this case except for the severe recessionary trends, no other reason has been cited evidencing genuine hardship as to why the exports could not be made within stipulated period. It was also noted that they have not disclosed the status of raw material imported 3 years back. The Committee therefore did not consider the reason as genuine hardship warranting policy relaxation and rejected the case.

(Action : RA, Bangalore may be requested to start Action under FTDR Act., if the case is not regularized under para 4.28 of HBP)

Case No. 29. M/s. Kumari Overseas Pvt Ltd, Bangalore

F.No. 01/60/162/404/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization no. 0710065254 dt. 5.6.2009.

The committee noted that the firm has not made any exports under the Advance Authorization No. 0710065254 dt. 5.6.2009. The Committee further noted that in this case except for the severe recessionary trends, no other reason has been cited evidencing genuine hardship as to why the exports could not be made within stipulated period. It was also noted that they have not disclosed the status of raw material imported 3 years back. The Committee therefore did not consider the reason as genuine hardship warranting policy relaxation and rejected the case.

(Action : RA, Bangalore may be requested to start Action under FTDR Act., if the case is not regularized under para 4.28 of HBP)

Case No. 30. M/s. Galaxy SurfActants Ltd, Mumbai

F.No. 01/60/162/407/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for revalidation of advance authorization no. 0310548570 dt. 1.12.2009.

The justification that ethylene oxide is not importable due to hazardous nature of the product and it is available only from M/s. Reliance Industry being sole supplier in the country is not acceptable to the committee. Hence the committee rejected the request.

Case No.31. M/s. Alkem Laboratories Ltd, Mumbai

F.No. 01/60/162/406/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of advance authorization No. 0310437128 dt. 23.7.2007.

After deliberating the case in length the following decisions were taken:

- I. Export obligation period is extended up to 31.8.2010.
- II. This is only for regularization and closure purpose.
- 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. This is also subject to the condition that the case has not been adjudicated.

(Action : RA, Mumbai)

Case No. 32. M/s. Haldia Petrochemicals Ltd, Kolkata

F.No. 01/60/162/402/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of 3 advance authorizations no., 0210123201 dt. 13.2.2009 , 0210125805 dt. 23.4.2009 and 0210126006 dt. 29.4.2009.

After deliberating the case in length the following decisions were taken:

- I. Export obligation period is extended for licence no. (i) 0210123201 dt. 13.2.2009 upto 30.4.2012, (ii) 0210125805 dt. 23.4.2009 upto 31.5.2012 and (iii) 0210126006 dt. 29.4.2009 upto 31.7.2012.
- II. This is only for regularization and closure purpose.
- 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. This is also subject to the condition that the case has not been adjudicated.

(Action : RA, Kolkata)

Case No. 33. M/s. Haldia Petrochemicals Ltd, Kolkata

F.No. 01/60/162/398/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of advance authorization Nos. 0210131651 dt. 17.9.2009 & 0210181085 dt. 21.8.2012

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Deferred.

Case No.34. M/s. Haldia Petrochemicals Ltd, Kolkata

F.No. 01/60/162/401/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of advance authorization Nos. 0210122410 dt. 21.01.2009. with 0210170336 dt. 8.12.2011.

After deliberating the case in length and taking into consideration the facts of the case, the following decisions were taken:

- i) To allow clubbing of 2 above advance authorizations.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- 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 no adjudication order is issued against any licence to be clubbed.

(Action : RA, Kolkata)

Case No.35. M/s. Themis Medicare Ltd, Mumbai

F.No. 01/60/162/70/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension against advance authorization no. 0310115439 dt. 21.12.2001.

The case was discussed in detail in view of report from RA, Mumbai and decided to reject the request on the ground that there was no genuine hardship warranting relaxation under Para 2.5 of FTP. This is a case of 2001 and still pending for Action without any justifiable reason.

(Action : RA, Mumbai is here by directed to initiate Action immediately under FT (D&R), AC, if the applicant is failed to get the case regularized in terms of Para 4.28 of HB within a month from the date of receipt of minutes.)

Case No.36. M/s. Limtex India Ltd, Kolkata

F.No. 01/60/162/1159/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of two advance authorization Nos. 0210127159 dt. 1.6.2009 & 0210127558 dt. 11.6.2009.

The Committee reiterated its earlier decision of PRC meeting no. 43/AM12 dt. 13.6.2012 and once again rejected the request of the firm as there is no merit for reconsideration on account of one redeemed authorization. It was decided that the case may be finalized as per the provisions of Para 4.28 of HB. In case the party fails to get this case regularized, necessary Action under FT (D&R), ACT shall be initiated.

(Action : RA, Kolkata)

Case No.37. M/s. Sterlite Industries (I) Ltd, Tamilnadu

F.No. 01/94/180/813/AM10/PC-IV/EFGC/PRC

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for EOP extension of AA NO. 0310359987 dt. 19.12.2005.

After detailed discussion it was decided to reject the request for waiver of fee. Precedent quoted by the party is of different nature where waiver was granted by GRC either on the ground of excess fee paid or in the case where levy of fee was not required at all. In this case EOP extension request was considered taking into account genuine hardship subject to payment of composition fee. The committee further decided that in case composition fee is not paid within a months from the date of communication of minutes for regularization of export made beyond the EO period, the PRC decision of dt. 29.8.11 would have no effect and the same may be treated as withdrawn.

(Action : RA, Mumbai and the applicant)

Case No.38. M/s. Haldia Petrochemicals Ltd, Kolkata

F.No. 01/60/162/399/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for clubbing of advance authorization Nos. 0210121216 dt. 17.12.2008. 0210158992 dt. 18.5.2011 & 0210159186 dt. 20.5.2011.

The unit has now been acquired by West Bengal Government fully, hence taking into consideration the genuine difficulty, the following decisions were taken:

- i) To allow clubbing of 3 above referred advance authorizations.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- 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 no adjudication order is issued against any licence to be clubbed.

(Action : RA, Kolkata)

Case No.39. Shri Nitin Dossa, Mumbai

F.No. 01/89/180/31/AM13/PC-2(A)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for import of a second hand body and engine.

After detailed discussion, Committee allowed the request to import of a second hand body and engine of Vintage and Classic Car Cadillac 62 Series.

(Action: Policy-2A)

Case No.40. M/s. Shiva Exports, Varanasi

F.No. 01/60/162/275/AM13/EFGC(PRC)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for revalidation and amendment in description of DFIA no.1510009687 dt. 24.2.2010.

The Committee noted the contents of the request made by the firm and decided to reject the case on the ground that import should have been made in accordance with the permission given in the authorization. This declaration can't justify delay. The applicant has failed to give reasons establishing genuine hardship warranting relaxation under Para 2.5 of the FTP.

Case No.41. M/s. Simmonds Marshall Ltd. , Mumbai

F.No. 01/81/162/319/AM09/DE-II
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for amendment in items of import and revalidation of advance authorization no. 0310481894 dt. 8.8.2008.

Deferred.

Case No.42. M/s. Kim Chemicals Ltd., Mumbai

F.No. 01/60/162/1001/AM12/EFGC(PRC)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for revalidation of advance authorization no.0310492891 dt. 4.11.2008.

Justification and reasoning cited by the applicant are not convincing to the committee hence rejected the same reiterating the earlier decision of PRC meeting held on 21.02.2012.

Case No.43. M/s. Nirmal Poly Plast Ltd., Mumbai

F.No. 01/60/162/870/AM12/EFGC(PRC)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for revalidation of advance authorization no.0310512524 dt. 30.3.2009.

Deferred for obtaining report from EDI Section/NIC.

Case No.44. M/s. Umedica Laboratories Pvt. Ltd., Mumbai

F.No. 01/60/162/1927/AM11/EFGC(PRC)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for EOP extension of advance authorization no.0310426584 dt. 13.4.2007 issued under PC-9 condition for regularization purpose.

After deliberating the case in length the following decisions were taken:

- I. Second EOP extension granted wrongly by RA upto 2.11.2008 is regularized.
- II. No further extension beyond 2.11.2008 is allowed.
- III. The applicant has to pay duty +interest on inputs consumed and exported after 2.11.2008.
- IV. PC-18 condition is waived on this exports to the extent of re-export/destruction certificate on export made outside the extended EOP.

(Action : RA, Mumbai)

Case No.45. M/s. Garware Polyester Ltd., Mumbai

F.No. 01/60/162/877/AM11/EFGC(PRC)
PRC Meeting No. 22/AM13 dated: 25.09.2012
Subject:- Request for EOP extension of advance auth no.0310385200 dt. 19.6.2006.

After detailed discussion , it was decided to reject the request for EOP extension beyond 48 months from the date of Authorization and directed that advance Authorization may be regularized as per provisions of Para 4.28 of HB within two months from the date of communication of PRC decision. In case of failure, Action under the provisions of FT(D&R) Act shall be initiated .

(Action : RA, Mumbai and applicant)

Case No.46. M/s. DuPont India Pvt. Ltd.

F.No. 01/60/162/397/AM13/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Seeking clarification under appendix 28 AT Sr, No. 4(e) of FTP.

The case was discussed in details and it was decided to accept the Appendix 28 as the total qty. and value has been certified by Central Excise Authority on the second page of the certificate.

(Action : RA, Vadodara)

Case No.47 . M/s. Zenith Birla (India) Ltd, Mumbai

F.No. 01/60/162/714,642,606,643,641,567,/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for 2nd revalidation of the following 7 advance authorizations.

1. 0310499554 dt. 23.12.2008

2. 0310499246 dt. 22.12.2008

3. 0310499237 dt.22.12.2008

4. 0310499228 dt. 23.12.2008

5. 0310499801 dt. 24.12.2008

6. 0310499903 dt. 24.12.2008

7. 0310500646 dt. 31.12.2008

The committee did not find any new Acts in the request and rejected the same reiterating the earlier decision of PRC.

Case No.48. M/s. Ostern Engineering Pvt. Ltd, Kolkata

F.No. 01/60/162/948/AM12/EFGC(PRC)

PRC Meeting No. 22/AM13 dated: 25.09.2012

Subject:- Request for revalidation of DFIA no. 0210100956 dt. 21.5.2007.

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

The Committee ended with the Vote of Thanks to the Chair.
