

Minutes of the Policy Relaxation Committee

Meeting no. 22/AM14 held on 24.09.2013 at 11.30 A.M.

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

1. Shri D. K. Singh,	Addl. DGFT
2. Shri V.K. Srivastava	Addl. DGFT
3. Shri L.B. Singhal	Addl. DGFT
4. Shri Jaikant Singh	Addl. DGFT
5. Shri Jay Karan Singh	Jt. DGFT
6. Shri Hardeep Singh	Jt. DGFT
7. Sh. Ajay Kumar Srivastava	Jt. DGFT
8. Shri AkashTaneja	Jt. DGFT
9. Shri S.K. Mohapatra	Dy. DGFT
10. Smt. Sonika Khattar	FTDO

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

Case No.1.M/s. Ranbaxy Laboratories Ltd.

F.No. 01/60/162/486/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension of Advance Authorization No. 0510255872 dated 7.1.2010.

The committee observed that there is no policy relaxation involved in the case. RA is empowered to grant extension of Export Obligation Period under Para 2.12.4 of HBP even for authorization issued under Policy Circular No. 9 dated 30/06/2003. However, the following decisions were taken:

- I. Export obligation period is extended upto 28.2.2011.
- II. This is only for regularization and closure purpose.
- III. This is subject to minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

(Action: RA, CLA, New Delhi)

Case No.2.M/s Simpex Pharma Ltd. New Delhi

F.No. 01/60/162/487/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension of Advance Authorization No. 0510256045 dated 11.1.2010.

The Committee delivered the following decisions:

- I. Export obligation period is extended. upto 31.3.2011.
- 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 exports made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

(Action: RA, CLA, New Delhi)

Case No.3.M/s Humboldt Wedag India Pvt. Ltd, New Delhi.

F.No. 01/60/162/469/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for Revalidation of DEPB Authorization no. 0510291085 dated 19.05.2011.

The Committee noted that due to data transmission error the firm could not utilize the DEPB in question. Therefore, it was decided to revalidate the aforesaid scrip for 3 months from the date of transmission of the said amendment to ICEGATE Customs. The EDI Section will ensure that DEPB is transmitted to Customs server at the earliest.

(Action: RA, CLA, New Delhi/EDI Section, Hq.)

Case No.4.M/s Oil Country Tubular Limited, Hyderabad

F.No. 01/60/162/451/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation of Advance Authorization No. 0910045022 dated 3.1.2011.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.5.M/s Mittal Polypacks Pvt. Ltd, Kolkata.

F.No. 01/60/162/473/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation /enhancement of Advance Authorization no. 0210146508 dated 13.08.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.6.M/s Minda Industries, New Delhi

F.No. 01/60/162/663/AM12/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation of DEPB no. 0510241443 dt. 14.5.2009.

The Committee noted that due to data transmission error the firm could not utilize the DEPB in question. Therefore, it was decided to revalidate the aforesaid scrip for 3 months from the date of transmission of the said amendment to ICEGATE Customs. The EDI Section will ensure that DEPB is transmitted to Customs server at the earliest.

(Action: RA, CLA, New Delhi /EDI Section, Hq.)

Case No.7.M/s Nirmal Poly Plast Pvt. Ltd., Mumbai

F.No. 01/60/162/870/AM12/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation of Advance Authorization no. 0310512524 dt.20.3.2009.

It was decided to call a detailed report from RA indicating amendments after grant of EODC.

(Action: EDI Section, Hq./RA, Mumbai)

Case No.8.M/s Madura Coats Pvt. Ltd.

F.No. 01/60/162/485/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for Clubbing of two Advance Authorizations no. 3510021639 dated 13.09.2007 and 3510027769 dated 24.09.2009 for regularization purpose.

The Committee delivered the following decisions:

The majority of the exports are outside 48 months of earliest authorisation, therefore, the request of clubbing cannot be considered.

(Action: RA, Madurai)

Case No.9.M/s. Metro Exporters Pvt. Ltd. Mumbai

F.No. 01/60/162/456/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for relaxation for eligibility of Time Barred Shipping bills pertaining to 2008-09, under FMS.

The case was discussed at length. The Committee noted the reference of earlier cases quoted by the applicant under which relaxation was granted. The Committee observed that intention of the Committee was to allow benefits imposing additional cut over & above the late cut provision available under para 9.3 of HBP. However the minutes do not seem to have been recorded in clear words.

The Committee, therefore, decided to review all such cases and RA concerned may be requested to adjust benefits under future claim if no additional cut was imposed as per above observations. If no claim is pending, recovery may be made.

The case of M/s Metro Exporter Pvt. Ltd., Mumbai may be brought again after getting report from RA, New Delhi and RA, Pudducherry. Similar other cases should be reviewed.

Case No.10.M/s. Vijai Eletricals Ltd., Hyderabad

F.No. 01/60/162/1983/AM11/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for consideration of supplies made prior to the date of filling of the application for fulfillment of export obligation under Advance Authorization no. 0910035165 dt.28.8.2008.

The committee after considering the RA's report noted that the firm had made supplies even before generation of E-com reference to the application for the Advance Authorization. Hence the supplies made prior to E-com reference cannot be taken into account for discharge of fulfillment of export obligation under the advance authorization. The request is rejected. The applicant is advised to get the case regularized in terms of para 4.28 of HBP or under P.N. 22 dated 12/08/2013.

(Action : RA, Hyderabad; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and submit an action taken report)

Case No.11.M/s. Cipla Ltd. Mumbai

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

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation of DEPB no. 0310538374 dt. 17.9.2009.

The Committee noted that the issue pertains to Customs Authority. The DEPB was issued correctly and there was no delay on the part of RA. It was therefore decided that the applicant should approach the concerned Customs Authority for remedial action.

Case No.12.M/s Symega Savoury Technology Ltd., Ernakulam

F.No. 01/60/162/200/AM13/EFGC (PRC)
PRC Meeting No. 22/AM14 dated 24.09.2013
Subject: - Request for EOP extension of Advance Authorization No. 1010050064 dated 20.6.2012 for **regularization** purpose.

Deferred

Case No.13.M/s Maruti Koatsu Cylinders Ltd., Panchmahal

F.No. 01/60/162/541/AM13/EFGC (PRC)
PRC Meeting No. 22/AM14 dated 24.09.2013
Subject: - Request for clubbing of 13 DFIA's

Deferred

Case No.14.M/s. Cadila Healthcare Pvt. Ltd., Ahmedabad

F.No. 01/60/162/573/AM13/EFGC (PRC)
PRC Meeting No. 22/AM14 dated 24.09.2013
Subject: - Request for review of decision of PRC meeting no. 31/AM13 dt. 4.12.2012 for clubbing of 5 advance authorization no. 1.) 0810076387 dated 02.12.2008, 2.) 0810080700 dated 12.06.2009, 3.) 0810085873 dated 20.01.2010, 4.) 0810089940 dated 23.06.2010 & 5.) 0810096353 dated 17.02.2011 issued under PC-9 condition.

Deferred

Case No.15.M/s. Cartoon Sanitation Pvt. Ltd. Delhi

F.No. 01/60/162/1/AM14/EFGC (PRC)
PRC Meeting No. 22/AM14 dated 24.09.2013
Subject: - Request for appeal against decision taken by PRC in meeting no. 07/AM14 dt.28.5.2013 regarding extension of EOP of 3 Advance Authorization.

Deferred

Case No.16.M/s. Shalina Laboratories Pvt. Ltd. Mumbai

F.No. 01/60/162/686/AM13/EFGC (PRC)
PRC Meeting No. 22/AM14 dated 24.09.2013
Subject: -Request for review of decision of PRC meeting no. 02/AM14 dt. 9.4.2013 for clubbing of two Advance Authorization No. 0310477994 dated 09.07.2008, (2) 0310488616 dated 01.10.2008 issued under PC-9 condition for redemption.

Deferred

Case No.17.M/s. Cadila Healthcare Pvt. Ltd., Ahmedabad

F.No. 01/60/162/588/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for review of decision of PRC meeting no. 31/AM13 dt. 4.12.2012 for EOP/clubbing of (3) advance authorization no. 0810079469 dated 22.04.2009, 0810084860 dated 14.12.2009 & 0810090004 dated 24.06.201 issued under PC-9 condition.

Deferred

Case No.18.M/s. Cadila HealthcarePvt. Ltd. Ahmedabad

F.No. 01/60/162/268/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for review of decision of PRC meeting no. 15/AM13 dt.24.7.2012 for EOP extension/clubbing of 3 advance authorization Nos. (1) 0810072178 dt. 29.5.2008 (2) 0810084865 dt. 14/12/2009 & (3) 0810089627 dt. 11.06.2010 issued under PC-9

Deferred

Case No.19.M/s VidyutMetallicsPvt. Ltd. Thane

F.No. 01/60/162/994/AM12/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for review of decision of PRC meeting no. 41/AM12 dt. 24.7.2012 for regularization and EOP extension by 6 months, beyond 48 months, for Advance Authorization no. 0310317465 dt.18.2.2005.

Deferred

Case No.20.M/s VidyutMetallicsPvt. Ltd. Thane

F.No. 01/60/162/995/AM12/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for review of decision of PRC meeting no. 40/AM12 dt. 7.2.2012 for regularization and EOP extension by 3 months, beyond 48 months, for Advance Authorization no. 0310317008 dt.16.2.2005.

Deferred

Case No.21.M/s Vivimed Labs Ltd, Hyderabad

F.No. 01/60/162/476/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for Clubbing of 4Advance Authorizations no. 0910036819 dated 27.01.2009, 0910040437 dated 30.12.2009, 0910044017 dated 22.10.2010 and 0910050328 dt. 21.12.2011.

The Committee delivered the following decisions:

- I. Clubbing of the four advance authorizations as referred above is allowed.
- II. This is only for regularization and closure purpose and not for any further exports/imports. However, exports which are affected within 48 months of earliest authorization shall only be taken into account for clubbing purpose.
- III. Extension upto 48 months in EOP in the first authorization is allowed subject to payment of composition fee @ 0.5% on FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15%. 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. Even after clubbing, shortfall if any may be regularised on payment of Customs Duty + Interest in terms of Para 4.28 of H.B.P.

(Action: RA, Hyderabad)

Case No.22.M/s Siechem Technologies Pvt. Ltd. Chennai

F.No. 01/60/162/337/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for revalidation of Advance Authorization no. 0410117356 dated 22.09.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.23.M/s India Silk International, Bangalore

F.No. 01/60/162/470/AM14/EFGC(PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for Revalidation / enhancement of DFIA of Authorization no. 0710071054 dated 20.04.2010.

The committee did not agree with the reasons and justification given by the applicant. Hence, the request is rejected.

Case No.24.M/s Techno Economics Services Pvt. Ltd. Thane.

F.No. 01/60/162/460/AM14/EFGC(PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for regularization of two s/bills dt. 8.12.2006 & 8.1.2007 for discharge of EO of Advance Authorization no. 0310410710 dated 4.12.2006 issued under PC-9 condition.

The committee noted that the firm had made exports prior to the date of first import against the Advance Authorization issued under Policy Circular No. 9 dt. 30.6.2003, which was not in consonance with the pre-import conditions. Hence the supplies made under the two S/bills dt. 8.12.2006 & 8.1.2007 cannot be taken into account for discharge of export obligation under the Advance Authorization. The request is rejected. The applicant is advised to get the case regularized in terms of para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.25.M/s Techno Economics Services Pvt. Ltd. Thane

F.No. 01/60/162/463/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension of Advance Authorization no. 0310218880 dated 14.8.2003 issued under PC-9 condition for regularization.

The Committee delivered the following decisions:

- I. Export obligation period is extended from 06 months to 12 months i.e. upto 30.9.2004 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 and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.
- IV. The applicant has to pay duty +interest on inputs consumed and exported after 12 months from date of first import.
- V. PC-18 condition is waived on these exports to the extent of requirement of re-export/destruction certificate on export made outside the extended EOP.

(Action: RA, Mumbai)

Case No.26.M/s Techno Economics Services Pvt. Ltd. Thane

F.No. 01/60/162/483/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension and waiver off PC-18/30.10.2007 to regularize and closure of Advance Authorization 0310394665 dated 14.08.2006.

The Committee delivered the following decisions:

- I. Export obligation period is extended. upto 30.4.2007.
- 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.

(Action: RA, Mumbai)

Case No.27.M/s Techno Economics Services Pvt. Ltd. Thane

F.No. 01/60/162/482/AM14/EFGC (PRC)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension & waiver from PC-18 condition to regularize and closure of Advance Authorization no. 0310298863 dated 26.10.2004.

The Committee delivered the following decisions:

- I. Export obligation period is extended from 06 months to 12 months i.e. upto 31/10/2005 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 and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.
- IV. The applicant has to pay duty +interest on inputs consumed and exported after 12 months from date of first import.
- V. PC-18 condition is waived on these exports to the extent of requirement of re-export/destruction certificate on export made outside the extended EOP.

(Action: RA, Mumbai)

Case No.28.M/s Techno Economics Services Pvt. Ltd. Thane

F.No. 01/89/180/20/AM14/PC-2(A)

PRC Meeting No. 22/AM14 dated 24.09.2013

Subject: - Request for EOP extension & waiver from PC-18 condition to regularize and closure of Advance Authorization no. 0310237630 dated 20.11.2003.

The Committee delivered the following decisions:

- I. Export obligation period is extended from 06 months to 12 months i.e. upto 31/12/2004 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 and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.

IV. The applicant has to pay duty +interest on inputs consumed and exported after 12 months from date of first import.

(Action: RA, Mumbai)

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