

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 24/AM13 HELD ON 09.10.2012 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 Mukesh Bhatnagar | Addl. DG |
| 2. Dr. L.B. Singhal | Addl. DG |
| 3. Shri Jaikant Singh | Jt. DGFT |
| 4. Shri Hardeep Singh | Jt. DGFT |
| 5. Shri Jaikaran Singh | Jt..DGFT |
| 6. Shri S.K. Samal | Jt. DGFT |
| 7. Shri K.C. Raut | Jt. DGFT |
| 8. Shri A. Mishra | Stats Advisor |
| 9. Shri. Sanjay Kumar | DDG |
| 10. Smt. Sonika Khattar | FTDO |

Case No.1. M/s. Umedica Laboratories Pvt Limited, Mumbai

F.No. 01/60/162/449/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension for regularization purpose of advance license No. 0310430426 dt. 23.5.2007 issued under PC-9 condition.

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

- I. Second EOP extension granted wrongly by RA upto 1.2.2009 is regularized.
- II. No further extension beyond 1.2.2009 is allowed.
- III. The applicant has to pay duty +interest on inputs consumed and exported after 1.2.2009.
- IV. PC-18 condition is waived on this exports to the extent of requirement of re-export/destruction certificate on export made outside the extended EOP.

(Action : RA, Mumbai)

Case No.2. M/s. Umedica Laboratories Pvt Limited, Mumbai

F.No. 01/60/162/464/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension for regularization purpose of advance license No. 0310354047 dt. 27.10.2005 issued under PC-9 condition.

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

- I. Export obligation period is extended from 6 months to 12 months from the date of import of first consignment.
- II. Goods exported within 12 months from the date of re-import of exported goods is also allowed.
- III. This is only for regularization and closure purpose.
- IV. 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.
- V. The applicant has to pay duty +interest on inputs consumed and exported after 12 months from date of import.
- VI. PC-18 condition is waived on this exports to the extent of requirement of re-export/destruction certificate on export made outside the extended EOP.

(Action : RA, Mumbai)

Case No.3. M/s. Umedica Laboratories Pvt Limited, Mumbai

F.No. 01/60/162/454/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension for regularization purpose of advance license No. 0310445577 dt. 09.10.2007 issued under PC-9 condition.

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

- 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 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 this exports to the extent of requirement of re-export/destruction certificate on export made outside the extended EOP.

(Action : RA, Mumbai)

Case No.4. M/s. Umedica Laboratories Pvt Limited, Mumbai

F.No. 01/60/162/450/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension for regularization purpose of advance license No. 0310447759 dt. 24.10.2007 issued under PC-9 condition.

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

- 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 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 this exports to the extent of re-export/destruction certificate on export made outside the extended EOP.

(Action : RA, Mumbai)

Case No.5. M/s. Pam Glatt Pharma Technologies Pvt. Limited, Thane

F.No. 01/60/162/442/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for acceptance of certificate issued by SEZ Pithampur for redemption against advance licence No. 0310522873 dated 5..6.2009.

Deferred for consideration by PC-IV.

[Action : JDG(JS)]

Case No.6. M/s. Pam Glatt Pharma Technologies Pvt. Limited, Thane

F.No. 01/60/162/443/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for acceptance of certificate issued by SEZ Pithampur for redemption against advance license No. 0310503640 dated 23..01.2009.

Deferred for consideration by PC-IV.

[Action : JDG(JS)]

Case No.7. M/s. Pam Glatt Pharma Technologies Pvt. Limited, Thane

F.No. 01/60/162/445/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for acceptance of certificate issued by SEZ Pithampur for redemption against advance licence No. 0310554489 dated 08.01.2010.

Deferred for consideration by PC-IV.

[Action : JDG(JS)]

Case No.8. M/s. Pam Glatt Pharma Technologies Pvt. Limited, Thane

F.No. 01/60/162/444/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for acceptance of certificate issued by SEZ Pithampur for redemption against advance license No. 0310484413 dated 29.08.2008.

Deferred for consideration by PC-IV.

[Action : JDG(JS)]

Case No.9. M/s. Shreeyam Power And Steel Industries Limited, Mumbai

F.No. 01/60/162/428/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license Nos. 1110019957 dt. 30.3.2009 (2) 1110019955 dt. 27.3.2009 (3) 1110019457 dt. 23.1.2009.

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 considering no merit.

(Action : RA, Bhopal)

Case No.10. M/s. Shreeyam Power And Steel Industries Limited, Mumbai

F.No. 01/60/162/431/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license Nos. 1110019427 dt. 19.1.2009 (2) 1110019429 dt. 19.1.2009 (3) 1110019817 dt. 13.3.2009 (4) 1110019956 dt. 27.3.2009.

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

- i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.5.2013 which ever is earlier against all four licences as referred above.
- 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.
- iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
- iv) The applicant is advised to submit all these licences for endorsement to RA as early as possible.

(Action : RA Indore/ Applicant)

Case No.11. M/s. K. S. Instruments Pvt. Limited, Bangalore

F.No. 01/60/162/437/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license No. 0710061076 dt. 17.11.2008 or to allow shipping bills without mentioning licence number on it.

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

- i. If the firm is able to get the shipping bill amended from Customs then the exports already made will be taken for discharge of export obligation.
- ii. If not, Export obligation period is extended for 6 months from the date of endorsement or upto 31.5.2013 which ever is earlier.
- 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 under para 4.1.6 of FTP.
- iv. This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.

(Action : RA Bangalore/ Applicant)

Case No.12. M/s. Khanna Industrial Pipe Pvt. Limited, Mumbai

F.No. 01/60/162/447/AM13/EFGC(PRC)
PRC Meeting No. 24/AM13 dated: 09.10.2012
Subject:- Request for EOP extension of advance license No. 0310531556 dt. 30.7.2009.

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

- I. Export obligation period is extended for 6 months from the date of endorsement or upto 31.5.2013 which ever is earlier.
- 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.
- III. This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
- IV. The applicant is advised to approach RA Mumbai alongwith licence and documents, as early as possible, for getting necessary endorsement.

(Action : RA Mumbai/ Applicant)

Case No.13. M/s. Su-Kam Power Systems Limited, Delhi

F.No. 01/60/162/294/AM13/EFGC(PRC)
PRC Meeting No. 24/AM13 dated: 09.10.2012
Subject:- Request for EOP extension of advance license No. 0510231987 dt. 26.11.2008.

Deferred for re-examination by NC-II.

[Action : JDG(HS)]

Case No.14. M/s. Puneet Resins Limited, Mumbai

F.No. 01/60/162/327/AM12/EFGC(PRC)
PRC Meeting No. 24/AM13 dated: 09.10.2012
Subject:- Request for issue of EODC of advance license No. 0310482914 dt. 19.8.2008.

The committee decided that since exports have already been effected, description, quantity and quality mentioned in the shipping bills can not be changed now. It was, therefore, decided to regularize the case on the basis of Chartered Engineer Certificate which has been attested by Superintendent of Central Excise & Customs, Nasik.

Case No.15. M/s. Sky Industries Limited, Mumbai

F.No. 01/60/162/331/AM11/EFGC(PRC)
PRC Meeting No. 24/AM13 dated: 09.10.2012
Subject:- Request for revalidation of advance license no. 0310438746 dt. 8.8.2007.

The committee noted that the firm themselves had approached the RA after almost 5 months from the date of communication of decision of PRC. Hence 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.16. M/s. Umedica Laboratories Pvt. Limited, Mumbai

F.No. 01/60/162/1528/AM11/EFGC(PRC)
PRC Meeting No. 24/AM13 dated: 09.10.2012
Subject:- Request for EOP extension beyond 48 months of the advance license no. 0310322515 dt. 22.3.2005.

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.17. M/s. Godrej Industries Limited, Mumbai

F.No. 01/60/162/1182/AM11/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for revalidation and enhancement of advance license no. 0310413521 dt. 26.12.2006.

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 7.02.2012.

Case No.18. M/s. Go Airlines India Limited, Mumbai

F.No. 01/61/180/0117/AM13/PC-3

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for revalidation of Duty Credit Scripps issued under SFIS of FTP

- i) 081001991 dt. 8.9.2010.
- ii) 081009187 dt. 3.9.2010
- iii) 0810091872 dt. 3.9.2010

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

Case No.19. M/s. Panchmahal Steel Limited

F.No. 01/60/162/580/AM10/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license No. 3410017896 dt. 17/1/2007.

After deliberating the case in length, the committee noted that it is an unusual case where there is communication gap and the following decisions were taken:

- I. Exports effected upto 30.5.2011 shall be accepted towards regularization of the case as per PRC decision dt. 9.11.2010.
- II. This is only for regularization and closure purpose.
- III. This is subject to a payment of composition fee as per PRC decision dt. 9.11.2010 or @ 0.5% of FOB value of export made outside the original EOP which ever is more and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP.

(Action : RA, Vadodara)

Case No.20. M/s. Vini International, Mumbai

F.No. 01/60/162/440/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for condo nation of non-mentioning the details of advance license no. 0310086448 dt. 30.5.2001.

Deferred for obtaining the details of exports and imports made against both the licences alongwith list of shipping bills which were accounted for discharge of export obligation in the licence which has been redeemed. List of balance shipping bills which needs to be clubbed with the licence pending for redemption.

Action : RA, Mumbai/ applicant)

Case No.21. M/s. Synthiko Foils Limited ,Thane

F.No. 01/60/162/441/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for revalidation of advance license no. 031054557 dt. 13.11.2009.

Deferred for obtaining details from EDI Section and shall be placed in the next meeting alongwith report..

[(Action : EDI Section/ DDG(SK)]

Case No.22. M/s. Nivas Exports, Bangalore

F.No. 01/60/162/433/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license No. 0710064318 dt. 22.4.2009.

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 considering no merit in the case.

(Action : RA, Bangalore)

Case No.23. M/s. Aarti Drug Limited, Mumbai

F.No. 01/60/162/436/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP extension of advance license no. 0310433522 dt. 22.6.2007 for regularization purpose.

The EOP was extended from 24 months to 36 months vide Public Notice no. 151 dt. 26.2.2009 read with Policy circular no. 80 dt. 13.4.2009. The committee is unable to understand as to why RA did not allow the same? After consideration of complete facts, the following decisions were taken:

- i. Export obligation period is extended from up to 36 months from the date of issue of authorization.
- ii. This is only for regularization and closure purpose.
- iii. RA should inform the reason of not extending the EOP.

(Action : RA, Mumbai)

Case No.24. M/s. SAS International, Faridabad

F.No. 01/60/162/505/AM12/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for clubbing of advance licenses nos. (1) 0410056494 dt. 29.4.2004 (2) 0410063526 dt. 28.10.2006 (3) 0410092397 dt. 29.11.2007. (4) 0410115965 dt. 2.08.2010.

Withdrawn. Policy- IV will decide on file.

(Action- Policy-IV)

Case No.25. M/s. Hindustan Platinum Pvt. Ltd., Mumbai

F.No. 01/60/162/51/AM10/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for revalidation and enhancement of CIF value and quantity of Advance licence no. 0310334504 dt. 15.6.2005, 0310322166 dt. 18.3.2005 and 0310321233 dt. 14.3.2005..

The committee observed that the concept of the minimum 15% value addition was incorporated by Public Notice no. 23 dt. 4.12.2009 hence all licences issued from this date or renewed for further import have to maintain at least 15% value addition. The licences as referred above were issued prior to Public Notice 23 which required only positive value addition to maintain. The committee noted that the applicant should have made imports within the original validity of 24 months or extended validity of 30 months which they have failed to avail. There is no nexus between import and EODC. Imports could be made without EODC and that is the purpose of issuance of advance authorization. Any how, the committee do not see any merit to allow revalidation beyond 30 months. Hence rejected the request.

Case No.26. Reference from Shri Vitthalbhai H. Radadiya ,Hon'ble MP (LS)

F.No. 01/91/180/774/AM10/Export Cell

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- To allow (1) M/s Aricent Impex Pvt Limited Thaltej, Ahmedabad, (2) M/s. Raghuvir Oil Mills, Junagarh to export edible oil under the provisions of Para 1.5 of FTP against the LCs open prior to ban.

The committee considered the case and decided to reject the case as the reason cited by the firms do not warrant relaxation under Para 2.5 of FTP.

(Action : Export cell)

Case No.27. M/s. Hindustan Zinc Limited, Udaipur

F.No. 01/89/180/67/AM09/PC-2(A)/Pr-II

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for import of underground mining equipments.

The Committee noted that the request made by M/s.Hindustan Zinc Limited, Udaipur is to import underground mining equipments for underground mining operations. The Committee considered the request of the firm and granted permission in relaxation of the provisions of para 2(II) (b) (c) (i) (ii) (iii) of Import Licensing Note of Chapter 87 for import of equipments subject to the conditions that the equipments shall not be used for commercial purpose and shall not be registered with RTO for the purpose to run on road and would be used only for the purpose it is sought for.

Case No.28. M/s. Kopran Limited, Mumbai

F.No. 01/60/162/187/AM13/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for EOP Extension & Clubbing of 3 Advance Authorization No. 0310408804 dated 20.11.2006, 0310438246 dated 06.08.2007 & 0310543241 dated 29.10.2009 issued under Policy Circular No.9 for regularization.

The committee did not find any merits in the request and decided to reject the request of the firm.

Case No.29. M/s. Rubber Product Limited, Thane

F.No. 01/60/162/240/AM10/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for waiver from payment of composition fee in respect of the advance licence No. 0310395262 dt. 21.8.2006.

The committee did not find any merits in the request and rejected the same reiterating the earlier decision of PRC meeting held on 3.4.2012.

Case No.30. M/s. Drytech Processes (I) Pvt. Limited

F.No. 01/60/162/652/AM12/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for further extension of EOP by six months against advance license No. 0310481090 dt. 4.8.2008.

Justification and reasoning cited by the applicant are not convincing to the committee hence rejected the same. The applicant is directed to get the case regularized in terms of Para 4.28 of HBP within a month of the date of communication of the decision.

(Action :RA, Mumbai shall initiate action under the provision of FT (D&R) Act, if the case is not regularized.)

Case No.31. M/s. SJK Silks, Bangalore

F.No. 01/60/162/191/AM10/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for extension in EOP for further one year against advance license No. 0710040649 dt. 04.10.2005.

Justification and reasoning cited by the applicant are not convincing to the committee hence rejected the same. The applicant is directed to get the case regularized in terms of Para 4.28 of HBP within a month of the date of communication of the decision.

(Action :RA, Bangalore shall initiate action under the provision of FT (D&R) Act, if the case is not regularized.)

Case No.32. M/s. Bajaj Electrical Limited , Mumbai

F.No. 01/60/162/1056/AM11/EFGC(PRC)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for regarding submission of documents towards fulfillment of EOP against advance license No. P/K/3475084 dt. 19.10.1992 (2) 0100177 dt. 12.6.1993 and (3) P/K/ 001523829 dt. 26.11.1992.

The committee noted that the licences were issued during 1992-93 period and exports were effected before May 1995. Therefore it would be impossible for banks to issue BRC now after lapse of 17 years. It was therefore decided to accept the 'XOS' of RBI and certificate issued by Chartered Accountant certifying that no exports bills prior to 1995 are pending for realization. The applicant has to give an affidavit cum indemnity bond also to the effect. The same may be accepted in lieu of BRC for regularization purpose. Other action as per PRC decision dt. 20.9.2011.

(Action : RA, Pune)

Case No.33. M/s. ECOS (I) Mobility & Hospitality (P) Limited, New Delhi

F.No. 01/89/180/34/AM13/PC-2(A)

PRC Meeting No. 24/AM13 dated: 09.10.2012

Subject:- Request for waiving of the condition of the production of Homologation Certificate.

Deferred for re-examination by obtaining original file from RA.

(Action : PC-2(A) & RA Delhi)

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