Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Anup Wadhawan, IAS on 01.03.2016

Meeting No. 24/AM16 held on 01.03.2016 at 2:15 pm

List of members present in the meeting is given below:

1.	Shri D. K. Singh	Addl. DGFT
2.	Shri Jaikant Singh	Addl. DGFT
3.	Shri Darshan Singh	Addl. DGFT
4.	ShriS. K. Samal	Jt. DGFT
5.	Shri Jay Karan Singh	Jt. DGFT
6.	Shri AkashTaneja	Jt. DGFT
7.	Shri J. M. Gupta	Jt. DGFT
8.	Dr. S. K. Bansal	Jt. DGFT
9.	Shri S.K. Mohapatra	Dy. DGFT
10.	Ms. Nivedita Roy Choudhury	FTDO

Following cases were discussed. The decision taken on the individual cases are as under:-

Case 1 : M/s. Torrent Pharmaceuticals Ltd., Ahmedabad

F.No. 01/60/162/759/AM16/ EFGC (PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: -Request for Revalidation of DEPB License No. 0810115060 dt. 12.09.2012 not utilized during the validity period due to authorization details not reflecting in Custom server due to data error.

Decision:

The Committee noted that the applicant could not utilize the above Authorisation due to data transmission error. The DEPB License No. 0810115060 dt. 12.09.2012 was valid upto 31.03.2014 whereas as per EDI/NIC report, the authorisation got accepted by Customs only on 10.12.2015. Due to which, the applicant could not utilize the Authorisation. Hence, the Committee decided to revalidate the aforesaid Authorisation for 12 months from the date of endorsement or upto 31.03.2016 whichever is earlier. The applicant is directed to get the endorsement from RA within one month from the date of uploading of PRC minutes on the Directorate website.

(Action: RA, Ahmedabad)

Case No.2 : M/s. Frontier Textiles Pvt. Ltd., Kolkata (W.B)

F.No. 01/60/162/802/AM16/ EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for exemption from non-compliance of stipulated procedure, Advance Authorization no. 0210135322 dt. 16.12.2009

Decision:

The Authorisation was obtained under Para 4.7 of HBP. NC-V had rejected the case in 2009. In terms of Para 4.7.5(a) of HBP, request for review of request for fixation of norms must be submitted within four months. However, request was made after laps of 4 years. The committee, therefore, deferred the case for seeking comments of Norms Committee-V.

(Action: NC-V)

Case No.3: M/s. Puneet Exports, New Delhi
F.No. 01/60/162/370/AM16/ EFGC(PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: - Request for extension in validity of DEPB no. 0510325011 dt. 16.05.2012
Decision:

The committee noted that the DEPB was issued on 16.05.2012. However, the same has not yet accepted in the Customs server. EDI has reported error code 96 and 97. The committee, therefore, decided that NIC may be requested to resolve the issue and submit report for consideration of the applicant's request.

(Action: EDI)

Case No.4: M/s. Bharat Timber & Construction Co. Hubli (Bengaluru)
F.No. 01/60/162/679/AM16/ EFGC (PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: -Request for EOP extension of Advance Authorization no. 0710099484 dt. 07.11.2013 by relaxation of 0.5% composition fee on shortfall in EO

Decision:

The Committee noted that in terms of para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided minimum 50% exports are fulfill. In this case, the applicant has fulfilled only 40.70% export so far. There is no merit to consider EOP extension beyond 24 months. Since the extension is not allowed, question of relaxation and payment of composition fee does not arise. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA Bengaluru : If the applicant fails to get the case regularized within a month from the date of publication of these minutes on the Directorate website, necessary penal action as per provision under FT(DR) Act, 1992, as amended, should be initiated by the RA)

Case No.5 : M/s. Adcock Ingram, Bangalore
F.No. 01/60/162/682/AM16/EFGC(PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: - Request for EOP extension of 3 months against Advance Authorization no. 0710094153 dt. 11.03.2013 issued under PC-9 condition for regularization.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported drugs through a consignment on 28.05.2013. Accordingly, initial obligation period was upto 28.05.2014. 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 30.11.2014.

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. Shortfall, if any, shall be regularised in terms of Para 4.49 of HBP, 2015-2020.
VI. PC-18 dated 30.10.2007 condition to be followed.

(Action: RA, Bangalore)

Case No.6: M/s. Wockhardt Limited, Mumbai

F.No. 01/60/162/680/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - EOP extension of Advance Authorization No. 0310782172 dated 20.05.2015 issued under PC-9 Condition

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported drugs through a consignment on 02.06.2014. Accordingly, initial obligation period was upto 30.06.2015. The applicant 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.
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 unfulfilled FOB value.
V. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
VI. Shortfall, if any, shall be regularised in terms of Para 4.49 of HBP, 2015-2020.
VII. PC-18 dated 30.10.2007 condition to be followed.

(Action: RA, Mumbai)

Case No.7: M/s. Sadhana Nitro Chem Ltd., Mumbai

F.No. 01/60/162/697/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: -Request for EOP extension of Advance Authorization no. 0310721251 dt. 17.01.2013

Decision:

The Committee noted that in terms of para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided minimum 50% exports are fulfill. In this case, the applicant has fulfilled only 12% export so far. Therefore, there is no merit to consider EOP extension beyond 24 months. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020.

(Action: RA Mumbai : If the applicant fails to get the case regularized within a month from the date of publication of these minutes on the Directorate website, necessary penal action as per provision under FT(DR) Act, 1992, as amended, should be initiated by the RA)

Case No.8: M/s. Jindal Aluminium Ltd., Bangalore
F.No. 01/60/162/693/AM16/EFGC(PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: - Request for revalidation of Advance Authorization no. 0710086787 dt. 06.03.2012

Decision:
The Committee observed that the Authorisation was issued having initial validity of 24 months to import. RA has already granted one revalidation for six months. Hence the applicant had have 30 months to import. 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.9 : M/s. Minex Metallurgical Co Ltd. Mumbai
F.No. 01/60/162/694/AM16/EFGC(PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: - Request for Revalidation of Advance Authorization no. 0310712539 dt. 12.10.2012

Decision:

The Committee observed that the Authorisation was issued having initial validity of 12 months to import. RA has already granted one revalidation for six months. Hence the applicant had have 18 months to import. 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.10 : M/s. Minex Metallurgical Co Ltd., Mumbai
F.No. 01/60/162/695/AM16/EFGC(PRC)
PRC Meeting No. 24/AM16 dated 01.03.2016
Subject: - Request for Revalidation of Advance Authorization no. 0310713273 dt. 19.10.2012

Decision:

The Committee observed that the Authorisation was issued having initial validity of 12 months to import. RA has already granted one revalidation for six months. Hence the applicant had have 18 months to import. 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.11 : M/s. Mangalam Drugs and Organics Ltd., Mumbai
F.No. 01/60/162/696/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months of Advance Authorization No. 0310788371 dt. 26.08.2014 issued under PC-9 condition

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 11.09.2014 & 16.05.2015. Accordingly, initial obligation period was upto 30.09.2015 & 30.05.2016 respectively. The applicant 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 against each consignment, i.e. upto **31.03.2016 & 30.11.2016** respectively.
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, even on pro-rata basis, were made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB value.
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.12 : M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/692/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months against each consignments of import of Advance Authorization no. 0810127079 dt. 13.12.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 22.07.2014 & 07.10.2014. Accordingly, initial obligation period was upto 30.07.2015 & 31.10.2015 respectively. 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 against each consignment, i.e. upto **31.01.2016 & 30.04.2016** respectively.
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, Ahmedabad)

Case No.13 : M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/691/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months against each consignments of import made against Advance Authorization no. 0810124675 dt. 11.09.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 18.09.2013 & 27.01.2014. Accordingly, initial obligation period was upto 30.09.2014 & 31.01.2015 respectively. The applicant 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 against each consignment, i.e. upto **31.03.2015 & 31.07.2015** respectively.
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, even on pro-rata basis, were made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
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, Ahmedabad)

Case No.14 : M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/690/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months against each consignments of import made against Advance Authorization no. 0810126140 dt. 30.10.2013 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 04.11.2013 & 05.03.2014. Accordingly, initial obligation period was upto 30.11.2014 & 31.03.2015 respectively. The applicant 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 against each consignment, i.e. upto **31.05.2015 & 30.09.2015** respectively.
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, even on pro-rata basis, were made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of unfulfilled FOB value.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.15 : M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/684/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension for 1 months against Advance Authorization no. 0810119601 dt. 20.03.2013 issued under PC-9 condition for regularization

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through a consignment on 28.03.2013. Accordingly, initial obligation period was upto 28.03.2014. 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 **30.09.2014**.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.16 : M/s. Adcock Ingram, Bangalore

F.No. 01/60/162/681/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension of Advance Authorization no. 0710093947 dt. 27.02.2013 issued under PC-9 condition for regularization.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with appendix 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 25.10.2013 & 21.01.2014. Accordingly, initial obligation period was upto 25.10.2014 & 31.01.2015 respectively. The applicant 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 against each consignment, i.e. upto **30.04.2015 & 31.07.2015** respectively.
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, even on pro-rata basis, were made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB value.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Bangalore)

Case No.17 : M/s. M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/686/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months against each consignments of import of Advance Authorization no. 0810117708 dt. 21.01.2013 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 applicant has imported goods through 2 consignments i.e. on 07.02.2013 & 15.03.2013. Accordingly, initial obligation period was upto 28.02.2014 & 31.03.2014 respectively. 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 against each consignment, i.e. upto **31.08.2014 & 30.09.2014** respectively.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.18: M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/688/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Request for EOP extension by 6 months against each consignments of import made against Advance Authorization no. 0810131516 dt. 21.05.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 18.06.2014 & 16.10.2014. Accordingly, initial obligation period was upto 30.06.2015 & 31.10.2015 respectively. 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 against each consignments, i.e. upto **31.12.2015 & 30.04.2016** respectively.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.19 : M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/689/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Request for EOP extension by 6 months against each consignments of import made against Advance Authorization no. 0810129188 dt. 25.02.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix- 30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 30.07.2014 & 03.11.2014. Accordingly, initial obligation period was upto 30.07.2015 & 30.11.2015 respectively. The applicant 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 against each consignment, i.e. upto **31.01.2016 & 31.05.2016** respectively.
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, even on pro-rata basis, were made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 0.5% per month of FOB value.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.20: M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/685/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Request for EOP extension by 6 months of Advance Authorization no. 0810114684 dt. 30.08.2012 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 read with Appendix-30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through a consignment on 05.09.2012. Accordingly, initial obligation period was upto 05.09.2013. 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 **31.03.2014**.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No. 21: M/s Cadila Healthcare ltd., Ahmedabad

F.No. 01/60/162/687/AM16/EFGC(PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Request for EOP extension by 6 months against each consignments of import of Advance Authorization no. 0810132721 dt. 15.07.2014 issued under PC-9 condition.

Decision:

The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-30A which allows 12 months period for EO fulfilment from import of each consignment. The applicant has imported goods through 2 consignments i.e. on 26.07.2014 & 29.10.2014. Accordingly, initial obligation period was upto 30.07.2015 & 31.10.2015 respectively. 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 against each consignment, i.e. upto **31.01.2016 & 30.04.2016** respectively.
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 unutilized inputs and shall follow the provisions of PC-18 dated 30.10.2007.

(Action: RA, Ahmedabad)

Case No.22: M/s. Famy Care Ltd. Fort Mumbai

F.No. 01/92/171/14/AM16

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Condonation of delay in submission of Deemed export draw back claims for the period April 2010 to June 2010 for Rupees 35628179

Decision:

The Committee noted that in terms of Para 8.3.1(iv) of HBP, 2009-2014 read with 9.3 of said HBP, Application for claiming duty drawback could be filed within three years from the date of supplies with applicable late cut. In this case, the supplies were made during April, 2010 to June, 2010. Accordingly, claim should had been filled by June, 2013 with 10% late cut. The applicant did not give any reason/justification which could make out the case of genuine hardship. Further, verification of genuineness of the supply documents by excise Authority is not possible after laps of five years. The committee, therefore, did not accede to the request of the applicant.

Case No.23: M/s. Famy Care Ltd. Fort Mumbai

F.No. 01/92/171/12/AM16

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Condonation of delay in submission of Deemed export draw back claims for the period January 2010 to March 2010 for Rupees 84444.12

Decision:

The Committee noted that in terms of Para 8.3.1(iv) of HBP, 2009-2014 read with 9.3 of said HBP, Application for claiming duty drawback could be filed within three years from the date of supplies with applicable late cut. In this case, the supplies were made during January, 2010 to March, 2010. Accordingly, claim should had been filled by March, 2013 with 10% late cut. The applicant did not give any reason/justification which could make out the case of genuine hardship. Further, verification of genuineness of the supply documents by excise Authority is not possible after laps of more than five years. The committee, therefore, did not accede to the request of the applicant.

Case No.24 : M/s. Famy Care Ltd. Fort Mumbai

F.No. 01/92/171/11/AM16

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Condonation of delay in submission of Deemed export draw back claims for the period October 2009 to December 2009 for Rupees 61422.30

Decision:

The Committee noted that in terms of Para 8.3.1(iv) of HBP, 2009-2014 read with 9.3 of said HBP, Application for claiming duty drawback could be filed within three years from the date of supplies with applicable late cut. In this case, the supplies were made during October, 2009 to December, 2009. Accordingly, claim should had been filled by December, 2012 with 10% late cut. The applicant did not give any reason/justification which could make out the case of genuine hardship. Further, verification of genuineness of the supply documents by excise Authority is not possible after laps of more than five years. The committee, therefore, did not accede to the request of the applicant.

Case No.25 : M/s. Famy Care Ltd. Fort Mumbai

F.No. 01/92/171/10/AM16

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject: - Condonation of delay in submission of Deemed export draw back claims for the period July 2009 to September 2009 for Rupees 56457.31

Decision:

The Committee noted that in terms of Para 8.3.1(iv) of HBP, 2009-2014 read with 9.3 of said HBP, Application for claiming duty drawback could be filed within three years from the date of supplies with applicable late cut. In this case, the supplies were made during July, 2009 to September, 2009. Accordingly, claim should had been filled by September, 2012 with 10% late cut. The applicant did not give any reason/justification which could make out the case of genuine hardship. Further, verification of genuineness of the supply documents by excise Authority is not possible after laps of more than five years. The committee, therefore, did not accede to the request of the applicant.

Case No.26 : Choice Clothing Co. Pvt. Ltd., Gurgaon

F.No. 01/84/171/141/AM15/DES-V (PRC)

PRC Meeting No. 24/AM16 dated 01.03.2016

Subject:- Relaxation for non-mentioning the GSM on Bill of Entry/Shipping Bills in respect of Annual Advance Authorization No. 051067723 dt. 30.09.2005 for redemption purpose.

Decision:

The committee noted that as per the condition stipulated in the general note of SION book, exporter should mention GSM of relevant fabrics in the import and export documents. Formula for calculation of GSM of fabric is given at Sl. No 19 of General Note. However, calculation is possible if net weight of fabrics and quantity in squire meter is declared. In this case, the item of import was 100% cotton fabrics and items of export were Readymade Garments made out of cotton fabrics. Exports were made mentioning resultant product in Nos of pieces and not in squire meters. Therefore, it is not possible to calculate GSM of the fabrics used in the resultant product exported by the applicant.

However, the committee observed that duty structure on import of all cotton fabrics is same. Wastage norms is fixed on the basis of per piece export of readymade garment and not on the basis of fabrics exported in squire meter. As the item of import was 100% cotton fabrics and item of export is readymade garments made out of 100% cotton fabrics, scope of mis-use of the scheme is ruled out. The committee, therefore, decided the following:

i. Exports made towards discharge of export obligation against Authorisation No 051067723 dt. 30.09.2005 without mentioning GSM of the fabrics be allowed.
ii. The applicant shall submit an affidavit-cum-indemnity bond affirming therein that the raw materials imported against the Authorisation only were used in the resultant product and imported goods were not diverted in the local market. In case of any loss/demurrage to the exchequer is noticed in future, he shall pay immediately the same with applicable interest without any protest.

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

****