Directorate General of Foreign Trade
(PRC-section)

Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT Shri A.K. Bhalla,Director General of Foreign Trade on 29.11.2016

Meeting No. 25/AM17 held on 29.11.2016 at 12:30 AM

The following Members were present in the meeting:

1. Shri K.C. Rout Addl. DGFT
2. Shri Jaikant Singh Addl. DGFT
3. Shri Darshan Singh Addl. DGFT
4. Shri J.V. Patil Addl.DGFT
5. Shri S.B.S. Reddy Addl.DGFT
6. Shri Jay Karan Singh Jt. DGFT
7. Shri Rakesh Kumar Jt. DGFT
8. Shri Lokesh H.D. Jt. DGFT
9. Shri S.K. Mohapatra Dy. DGFT
10. Shri Sudhir Kumar Sharma FTDO

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

Case No.1:M/s. Bholanath Industries Ltd. and M/s. BIL Continental Ltd., Varanasi.
F.No. 01/60/162/645/AM16/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for Policy relaxation under Para 2.42 and 9.60 of FTP, 2015-20– accounting of exports made through third party without indicating details of EOU on shipping bills for DTA Sale permission.

Decision: The matter was discussed at length, it was observed from report provided by the DC, NSEZ that the applicant did not submit all requisite documents. The committee was of the view that this case does not pertains to PRC. It is for the Development Commissioner to decide the case on merits as appropriate.
(Action: Applicant / DC, NSEZ, Noida)

Case No.2:M/s. Renault Nissan Technology & Business Centre India Pvt. Ltd., Tamil Nadu.
F.No. 01/60/162/677/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for seeking relaxation of Para 2.29 of FTP, 2015-20 for import of new/second hand automobile parts/ components of automobiles, without an Authorization, for contract research.

Decision: The Committee observed that the import items mentioned in the application are neither prototypes nor samples. Hence, the Committee decided that

that the applicant may apply for import authorization for importing these items. **(Action: Applicant)**

Case No.3: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/100/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for waiver of PC-18 condition for import of drugs against Advance Authorization No.0310790130 dt. 10.10.2014 issued under PC-9 condition.

Decision: The committee noted that the applicant has stated to have imported 50 Kgs. of Cefaxoline Sodium USP from unregistered source. There is shortfall of 7.47 Kgs (CIF value of Rs.47, 355/-) due to process loss. The applicant has claimed that they have already paid customs duty plus interest on the unaccounted quantity. The committee, therefore, decided the following:

PC-18 dated 30.10.2007 conditions stands waived on 7.47Kgs to the extent of requirement of destruction certificate from Excise Authority. This will, however, be subject to payment of composition fee of Rs. 50,000/- (Rupees Fifty Thousand only) to RA. This will be further, be subject to production of proof of payment of duty and applicable interest paid on unaccounted quantity to the RA. **(Action: Applicant / RA, Mumbai)**

Case No.4: M/s. Sentiss Pharma P. Ltd., New Delhi.
F.No. 01/60/162/413/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for condonation of requirement of destruction certificate stipulated in PC-9 dt. 30.06.2003 and subsequent Circular No.15 dt. 17.09.2003 in respect of Advance Authorization No.0510160876 dt. 29.06.2005 for regularization purpose

Decision: The committee took a serious view of the fact that Authorisation issued in 2005 is still pending for closure with RA. RA concerned may send detailed reasons for not deciding the case since 2005.

It was noted that the applicant has stated to have imported 150 Kgs. of Captopril for a CIF value of Rs.2,82,150/- from unregistered sources. As per Policy Circular-9 dated 30.06.2003, the export obligation period against the Authorisation was six months from the date of first import consignment. The applicant has exported 2.795 Kgs. within initial obligation period and 7.324 Kgs. after obligation period. The applicant has claimed that they have exported 10.119 Kgs out of 150kgs.They have also claims to have exported 139.88kgs against Authorisation No 0510174222 dated 13.01.2006. They have claimed to have paid duty plus interest against entire shortfall quantity of 147.35 Kgs.

The matter was deliberated at length and committee was of the view that the applicant has failed to establish co-relation between goods imported from unregistered sources and utilization of the same for export purpose. The justification given by the applicant was not found acceptable by the committee. The exporter was duty bound to submit proof of utilisation of the exempt material for export purposes within six months from the date of import. Drugs imported from unregistered sources are not allowed to be diverted to domestic market, as per Drugs and cosmetic Act, 1940. Advance

Authorisation is issued with Actual User condition and sale of inputs are not permitted even after fulfillment of export obligation as per FTP. Therefore, keeping in view the considerable unaccounted quantity and no documentary proof of export of the inputs (after processing) there is a possibility of inputs got diverted to the domestic market. The committee decided not to accede to the request of the applicant and RA is directed to take action as per the provisions of FT (DR) Act, 1992, as amended.

Since, import of drugs from unregistered sources and consequent diversion to domestic market an offence under Drugs and Cosmetic Act, 1940, the matter may, also be referred to the Drug Controller General of India by RA for necessary action.
(Action: Applicant / RA, CLA, New Delhi / Drug Controller General)

Case No.5: M/s. Sentiss Pharma P. Ltd., New Delhi.
F.No. 01/60/162/412/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for condonation of requirement of destruction certificate stipulated in PC-9 dt. 30.06.2003 and subsequent Circular No.15 dt. 17.09.2003 in respect of Advance Authorization No.0510181841 dt. 01.05.2006 for regularization purpose.

Decision: The committee took a serious view of the fact that Authorisation issued in 2006 is still pending for closure with RA. RA concerned may send detailed reasons for not deciding the case since 2005.

It was noted that the applicant has stated to have imported 350Kgs of Captopril USP for a CIF value of Rs.8,97,750/- from unregistered sources. As per Policy Circular-9 dated 30.06.2003, the export obligation period against the Authorisation was six months from the date of first import consignment. The applicant has exported 308Kgs against 343.137kgs export obligation. However, the applicant has exported 50.65 Kgs. within initial obligation period and 257.14 Kgs thereafter. They have claimed that some excess exports have been against Authorisation No 0510174222 dated 13.01.2006. They have, however, paid duty plus interest against entire shortfall quantity.

The matter was deliberated at length and committee was of the view that the applicant has failed to establish co-relation between goods imported from unregistered sources and utilization of the same for export purpose. The justification given by the applicant was not found acceptable by the committee. The exporter was duty bound to submit proof of utilisation of the exempt material for export purposes within six months from the date of import. Drugs imported from unregistered sources are not allowed to be diverted to domestic market, as per Drugs and cosmetic Act, 1940. Advance Authorisation is issued with Actual User condition and sale of inputs are not permitted even after fulfillment of export obligation as per FTP. Therefore, keeping in view the considerable unaccounted quantity and no documentary proof of export of the inputs (after processing) there is a possibility of inputs got diverted to the domestic market. The committee decided not to accede to the request of the applicant and RA is directed to take action as per the provisions of FT (DR) Act, 1992, as amended.

Since, import of drugs from unregistered sources and consequent diversion to domestic market an offence under Drugs and Cosmetic Act, 1940, the matter may, also be referred to the Drug Controller General of India by RA for necessary action. (Action: Applicant / RA, CLA, New Delhi / Drug Controller General)

Case No.6: M/s. Sentiss Pharma P. Ltd., New Delhi.
F.No. 01/60/162/414/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for condonation of requirement of destruction certificate stipulated in PC-9 dt. 30.06.2003 and subsequent Circular NO.15 dt. 17.09.2003 in respect of Advance Authorization No.0510156539 dt. 29.04.2005 for regularization purpose

Decision:_ The committee took a serious view of the fact that Authorisation issued in 2005 is still pending for closure with RA. RA concerned may send detailed reasons for not deciding the case since 2005.

The committee noted that the applicant has stated to have imported 250 Kgs. drug of Captopril for a CIF value of Rs.6,27,000/-from unregistered sources. As per Policy Circular-9 dated 30.06.2003, the export obligation period against the Authorisation was six months from the date of first import consignment. Hence, the applicant was under obligation to export 245.098 Kgs resultant product within six months from the date of import. However, the applicant has exported only 203.44kgs within initial obligation period and 35.50Kgs after expiry of export obligation period. The applicant has claimed that they have exported 238.94 Kgs against obligation of 245.098kgs. They have, however, paid duty plus interest against entire imported quantity.

The matter was deliberated at length and committee was of the view that the applicant has failed to establish co-relation between goods imported from unregistered sources and utilization of the same for export purpose. The justification given by the applicant was not found acceptable by the committee. The exporter was duty bound to submit proof of utilisation of the exempt material for export purposes within six months from the date of import. Drugs imported from unregistered sources are not allowed to be diverted to domestic market, as per Drugs and cosmetic Act, 1940. Advance Authorisation is issued with Actual User condition and sale of inputs are not permitted even after fulfillment of export obligation as per FTP. Therefore, keeping in view the considerable unaccounted quantity and no documentary proof of export of the inputs (after processing) there is a possibility of inputs got diverted to the domestic market. The committee decided not to accede to the request of the applicant and RA is directed to take action as per the provisions of FT (DR) Act, 1992, as amended.

Since, import of drugs from unregistered sources and consequent diversion to domestic market an offence under Drugs and Cosmetic Act, 1940, the matter may, also be referred to the Drug Controller General of India by RA for necessary action. **(Action: Applicant / RA, CLA, New Delhi / Drug Controller General)**

Case No.7: M/s. Parshva Food International, Nagpur.
F.No. 01/60/162/804/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for revalidation of VKGUY No.5010002106 dt. 05.06.2014.

Decision: The committee noted that the concerned transferable duty credit scrip under VKGUY scheme was issued having validity of 18 months to import. Para

2.13.1 of HBP v1 2009-14 permits revalidation of such scrip only if the scrip expired in the custody of Customs or RA and such revalidation , as per para 2.13.2 is for a maximum period of the custody with Customs/ RA.In the present case there is no evidence furnished that scrip expired in custody of Customs/RA. The committee, therefore, did not accede to the request.
(Action: Applicant / RA, Nagpur)

Case No.8: M/s. Elin Appliances Pvt. Ltd., New Delhi.
F.No. 01/60/162/816/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for revalidation of Advance Authorization No.0510393673 dt. 20.03.2015.

Decision: The applicant claimed that RA did not issue EODC in time and insisted the applicant to submit original EP copy of shipping bills whereas shipment were made from EDI port and no hard copy of shipping is required for EDI shipment. The Committee noted that one revalidation has already been granted to the applicant. The committee decided to defer the case for seeking report from RA informing of the chronological events.
(Action: RA, CLA, New Delhi)

Case No.9: M/s. Plastiblends India Ltd., Mumbai
F.No. 01/60/162/543/AM14/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for revalidation of Advance Authorization No.0310586616 dt. 09.08.2010.

Decision: The Committee noted that the applicant had submitted Authorisation to RA on 11.10.2012 requesting for enhancement of CIF value & FOB value of Authorisation and EODC with revalidation, as they had fulfilled more than the stipulated export obligation in time. However, RA, Mumbai, vide letter dated 16.11.2012 raised a query asking the firm to pay customs duty etc. on excess imports. The applicant replied to RA on 06.03.2013 stating they had already paid duty etc. on excess imports. Accordingly, RA allowed enhancement and EODC vide amendment sheet no. 1 dated 15.03.2013 and allowed revalidation till 28.02.2013 vide amendment sheet No.2 dated 24.05.2013.

The committee noted that giving revalidation in May 2013 up to 28.02.2013 prevented the applicant from utilizing the Authorisation and the action was devoid of any logic. Keeping the circumstances of the case the Committee, decided to allow revalidation of the Advance Authorisation No. 0310586616 dt.09.08.2010 for 3 months from the date of endorsement. The applicant is directed to submit the Authorisation for endorsement to RA, Mumbai within a month from the date of uploading of the minutes of PRC Committee on the DGFT website.
(Action: Applicant / RA, Mumbai)

Case No.10: M/s. Premier Mills Pvt. Ltd., Coimbatore.
F.No. 01/60/162/281/AM14/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016

Subject:-Request for exemption from non-compliance of procedure regarding DEPB No.3210055030 dt. 11.06.2012.

Decision: The committee noted that DEPB on export of cotton was withdrawn with effect from 21.04.2010 and later it was restored with effect from 01.04.2011 vide Public Notice No 67 dated 04.08.2011. Taking into consideration the retrospective effect of the said Notification,DEPB against free shipping bills made between 01.04.2011 till 04.08.2011 were allowed vide Policy Circular No 47 dated 08.11.2011.RA, Coimbatore's report did not explain under what authority they have issued DEPB was issued against free shipping bill dated 09.08.2011.

RA shall therefore submit report/ explanation for exceeding their powers by way issuance of DEPB. On receipt of report from RA, Coimbatore file may be submitted to DG for taking further necessary action.
(Action: RA, Coimbatore and PRC)

Case No.11: M/s. Renaissance RTW Asia Pvt. Ltd., Tamil Nadu
F.No. 01/60/162/981/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for extension of EOP against Advance Authorization No.3210051346 dt. 09.12.2011 without imposition of composition fee.

Decision: The Committee noted that in terms of Para 4.42 of HBP, 2015-2020, extension in EOP is allowed provided minimum 50% stipulated export obligation is fulfilled. In present case, no exports have been effected within the initial export obligation period of 36 months whereas imports have been made to the extent of 100%. Therefore, the Committee observed that there is no merit in the case to consider EOP extension beyond 36 months. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.
(Action: RA, Coimbatore : If applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, action as per provisions of FT (D&R) Act, 1992, as amended shall be initiated by RA).

Case No.12 :M/s. Renaissance RTW Asia Pvt. Ltd., Tamil Nadue.
F.No. 01/60/162/824/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for extension of EOP against Advance Authorization No.3210049129 dt. 29.07.2011 without imposition of composition fee.

Decision: The Committee noted that in terms of Para 4.42 of HBP, 2015-2020, extension in EOP is allowed provided minimum 50% stipulated export obligation is fulfilled. In present case , no exports have been effected within the initial export obligation period of 36 months whereas imports have been made 100%. Therefore, the Committee observed that there is no merit in the case to consider EOP extension beyond 36 months. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.
(Action: RA, Coimbatore : If applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website,

action as per provisions of FT (D&R) Act, 1992, as amended shall be initiated by RA).

Case No.13 :M/s. Renaissance RTW Asia Pvt. Ltd., Tamil Nadue.
F.No.01/60/162/823/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for extension of EOP against Advance Authorization No.3210051882 dt. 30.12.2011 without imposition of composition fee.

Decision: The Committee noted that in terms of Para 4.42 of HBP, 2015-2020, extension in EOP is allowed provided minimum 50% stipulated export obligation is fulfilled. In this case, no exports have been effected within the initial export obligation period of 36 months whereas imports have been made 100%. Therefore, the Committee observed that there is no merit in the case to consider EOP extension beyond 36 months. The applicant is hereby directed to get the case regularized in terms of Para 4.49 of HBP, 2015-2020.
(Action: RA, Coimbatore : If applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, action as per provisions of FT (D&R) Act, 1992, as amended shall be initiated by RA).

Case No.14: M/s. Wieland Metals India P. Ltd., Bangalore.
F.No. 01/60/162/813/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for condonation of non-filing of bill of exports for supplies made to SEZ under Advance Authorization No.0710093248 dt. 22.01.2013.

Decision: The committee noted that application for redemption of Advance Authorisation is submitted in ANF-4F. And, under Para (a) (ii) of guidelines for application in the ANF-4F (HBP, 2009-2014 Vol-I), it was categorically mentioned that exporter shall submit 'Bill of Export' along with other prescribed documents. And, in terms of Para 4.12 of FTP, exporter shall indicate consumption of inputs in the export documents. Further, for getting incentive on supply of goods to SEZ, Bill of Export is a prescribed document under Rule 30 of SEZ, Rule, 2006. The committee was of the view that requirement of Bill of Export provided for in the SEZ Rules, in addition to the FTP, cannot be dispensed with. The applicant is hereby directed to get the case regularised as per the provisions in Para 4.29 of HBP, 2009-2014.
(Action: RA Bangalore : 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.15: M/s. Ruksh Exim Pvt. Ltd., Kanpur.
F.No. 01/60/162/855/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for revalidation of Advance Authorization No.0610038072 dt. 19.02.2015

Decision: The Committee deferred the case for seeking report from RA / EDI confirming transmission status report of amendment Sheet No.3 and amendment Sheet No.4 issued against the authorisation. **(Action: RA, Kanpur / EDI)**

Case No.16: M/s. Vision Products Pvt. Ltd., Vadodara.
F.No. 01/60/162/857/AM16/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016

Subject:-Request for extension of export obligation period and to allow transfer of S/Bills of Advance Authorization No.3410041152 dt. 20.04.2015 to Advance Authorization No. 3410032138 dt. 14.11.2011.

Decision: The Committee after due deliberations decided the following:

I. Export obligation period against Authorization No 3410032138 dt. 14.11.2011 be extended from 36 months to 42 months that is upto **31.05.2015**.
II. This will, however, be subject to payment of composition fee @ 0.5% of FOB value stipulated in the Authorisation.
III. The accounting of 4 shipping bills made during 30.04.2015 till 01.05.2015 indicating Advance Authorisation No. 3410041152 dt. 20.04.2015 shall be taken into account towards fulfilment of EO against Advance Authorization No. 3410032138 dt. 14.11.2011 subject to payment of Rs.200/- per shipping bill, to the RA.
IV. RA shall ensure that these 4 shipping bills have not been accounted for discharge of export obligation against Advance Authorisation No. 3410041152 dt. 20.04.2015.
V. The applicant shall furnish an affidavit on stamp paper duly Notorised and affirming therein that these 4 shipping bills have not been taken in to account towards discharge of export obligation against Authorisation No. 3410041152 dt. 20.04.2015 and shall not be used towards discharge of EO other than Authorisation No. 3410032138 dt. 14.11.2011.

(Action: RA, Vadodara)

Case No. 17: M/s. Jubilant Life Sciences Ltd., Noida.
F.No. 01/60/162/812/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for relaxation of time period for filing of Chapter-3 export incentive applications under Para 2.58 of FTP, 2015-20.

Decision: The committee noted that the applicant is seeking time beyond 36 months for allowing them FM Scrips with 10 % Cut on the ground that one of their staff members , who was looking after the Chapter 3 benefits left and hence they could not file the claim within 36 months.

in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of said HBP, application for duty credit scrip under FMS could be filed within 36 months from the date of export with 10% late cut.

The committee noted that management of any company cannot blame employees who left the job and plead the matter as one of genuine hardship as an afterthought. It is a clear case of gross negligence by the Company. Committee did not find the case of any genuine hardship in the case and hence it was decided to reject the request.

Case No. 18: M/s. Toshiba JSW Power Systems Pvt. Ltd., Tamil Nadu.
F.No. 01/60/162/783/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for permission to claim duty drawback on import of duty paid material imported as replacement for the same material imported under Advance Authorization but damaged during the floods in Chennai in Non.-Dec.2015.

Decision: The Committee observed that there is no provision to allow drawback against duty free inputs used towards discharge of export obligation against Advance Authorisation. The applicant may claim insurance on goods damaged due to floods. Hence, the Committee did not accede to the request. The applicant, however, has the option to regularise the Advance Authorisation on payment of duty plus interest and then claim drawback on duty paid inputs.

Case No. 19: M/s. SS UV Services Pvt. Ltd., Kanpur.
F.No. 01/60/162/964/AM16/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for revalidation of two DFIAs No.0610024034 dt. 04.10.2011 & 0610026372 dt. 26.03.2012.

Decision: The committee noted that the DFIAs were issued having initial validity period of 24 months. The validity period of both the DFIAs has been further extended by 6 months by the RA. The applicant had enough time to complete the imports. No cogent reasons for not completing imports within 30 months period has been furnished by the applicant and hence applicant failed to establish a case of genuine hardship. The committee, therefore, did not accede to the request.
(Action: Applicant / RA, Kanpur)

Case No. 20: M/s. Prabhu Polycolor Ltd., Chennai.
F.No. 01/60/162/803/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for EOP extension of Advance Authorization No.0410130643 dt. 21.11.2011.

Decision: The committee noted that the above mentioned Authorisation was issued having initial export obligation period of 36 months. However, in terms of Para 4.42 of HBP, 2015-2020, second extension in EOP is allowed provided the applicant approaches after fulfilling minimum 50% export obligation. The applicant, in this case, has imported only 17.5% and effected exports towards discharge of obligation to the extent of 15% within initial obligation period and 2.5% beyond the initial export obligation period. Hence, the Committee observed that the applicant has fulfilled more than 50% of its stipulated export obligation on pro –rata basis. The Committee, therefore, decided the following:

a. Export obligation period be extended from 36 months to 42 months i.e. upto **31.05.2015**.

b. This will, however, be subject to payment of composition fee @ 0.5% of FOB value of exports made after 36th month but upto 42nd month.
c. Minimum 15% value addition shall be maintained.

(Action: Applicant / RA, Chennai)

Case No. 21: M/s. Technovaa Plastic Industries Pvt. Ltd., Rajpur (Gujarat).
F.No. 01/60/162/808/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for (i) EOP extension of AA No.0810127926 dt. 09.01.2014 and (ii) to count export of S/Bill No.9544454 dt. 13.05.2015 against the said AA towards discharge of EO instead of AA No.0810125021 dt. 24.09.2013.

Decision: The committee noted that the Authorization No.0810127926 dt. 09.01.2014 was issued having initial export obligation period of 18 months. RA has allowed one extension of six months i.e. upto 30.01.2016. The applicant has fulfilled 75.62% of its stipulated export obligation within initial obligation period and 12.98% after EOP. The Committee, therefore, decided the following:

i. Export obligation period be extended from 24 months to 36 months i.e. upto 31.01.2017 against the Advance Authorization No.0810127926 dated 09.01.2014.
ii. This will, however, be subject to payment of composition fee @ 0.5% per month for exports made beyond 24th months but upto 30th months and @ 1% per month for exports made beyond 30th months but upto 36th months on unfulfilled FOB.
iii. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained. The accounting of Shipping Bill No.9544454 dt. 13.05.2015 indicating Advance Authorization No.0810125021 dt. 24.09.2013 shall be taken into account towards fulfillment of E.O. against Advance Authorization No.0810127926 dt. 09.01.2014 subject to payment of Rs.200/- per shipping bill to the RA.
iv. RA shall ensure that the above shipping bill have not been accounted for discharge of export obligation against Advance Authorisation No. 0810125021 dt. 24.09.2013. The applicant shall submit an affidavit on stamp paper duly Notorised and affirming therein that Shipping Bill No 9544454 dt. 13.05.2015 has not been taken into account towards discharge of EO against AA No 0810125021 dt. 24.09.2013 and shall not be taken into account towards discharge of EO other than AA No 0810127926 dt. 09.01.2014.

(Action: Applicant / RA, Ahmedabad)

Case No. 22: M/s. Sun Pharmaceuticals Industries Ltd., Mumbai.
F.No. 01/60/162/817/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for EOP extension of Advance Authorization No.0310790332 dt. 17.10.2014 issued under PC-9 condition.

Decision: The Committee noted that the Authorization No. 0310790332 dt. 17.10.2014 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 imports were made on 10.12.2014 & 17.02.2015. Accordingly, initial obligation period was upto 31.12.2015 & 29.02.2016, respectively, against each import consignments. 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 import consignments i.e. upto **30.06.2016 & 31.08.2016**, respectively.
II. This will, however, be subject to a payment of composition fee @ 0.5% per month on FOB value of export made after initial obligation period.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.
IV. RA shall ensure that minimum 50% EO have been completed within initial obligation period. If not, composition fee will be charged @ 1% per month on unfulfilled FOB.

(Action: Applicant / RA, Mumbai)

Case No. 23: M/s. Rama Cylinders Pvt. Ltd., Mumbai.
F.No. 01/60/162/814/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for EOP extension of Advance Authorization No.0310778704 dt. 21.04.2014.

Decision: The Committee noted that the firm has already obtained one extension of six months from RA and export so far made is only 2.77%. In terms of Para 4.22 of HBP, second extension is allowed provided minimum 50% EO is completed. As such there is no merit in the case for consideration. The Committee, therefore, did not accede to the request. The applicant is hereby directed to get their case regularized 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. 24: M/s. Speciality Chemicals, Mumbai. (M/s. Rajsons Exports, Rajkot have transferred the DFIA in the name of M/s. Speciality Chemicals, Mumbai).
F.No. 01/60/162/001/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for 2nd revalidation of DFIA No.2410036340 dt. 09.05.2012 issued from RA, Rajkot..

Decision: The committee noted that the DFIA was issued having initial validity of 24 months. RA has allowed further six months validity. As per submission of the applicant the said DFIA was made transferable on 26.12.2012. The DFIA was valid till 08.11.2014 and item deleted was restored on 28.02.2014. From the history of the case, it is noted that DFIA remained valid for 9 months from restoration of item which was deleted wrongly as contended by the applicant . The committee noted that there was sufficient time available to the applicant to effect imports and that it was not a case of genuine hardship. Therefore, it was decided not to accede to the request of the applicant.

Case No. 25: M/s. Maruti Suzuki India Ltd., Gurgaon.
F.No. 01/89/180/51/AM09/PC-2(A)
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for policy relaxation for allowing import of 3 Nos. of Model PeroduaAxia and 2 Nos. of Suzuki Super Carry Passenger Cars under R&D certification.

Decision: The Committee decided to relax the provisions of Policy Conditions under the Para 1 [II] [b], [c], [d] [i] [ii] [iii] & [e] under Chapter of Chapter 87 of ITC [HS], 2012, import of 3 Nos. of Model PeroduaAxia and 2 Nos. of Suzuki Super Carry Passenger Cars under R&D certification. This will, however, be subject to the condition that:

I. Import should be made through the authorized ports only.
II. The vehicle will be used exclusively for R&D purpose and will not run on public roads.
III. The vehicle will not be registered in India.
IV. The vehicle will be dismantled after completion of R&D activities.

(Action: Policy-2)

Case No. 26: M/s. Neelam Jewels, Maharashtra.
F.No.01/60/162/836/AM17/PRC
PRC Meeting No. 25/AM17 dated 29.11.2016
Subject:-Request for condonation of 3 days delay and issue a certificate to the Deputy Commissioner of Customs, BandraKurla, Mumbai in this regard.

Decision: The committee noted that in terms of Para 4.80(c)(i)(a) of HBP, 2015-2020, re-import of unsold jewellery exported for exhibition purpose is allowed provided it is imported within 60 days from end of exhibition. In the instance case, there is delay of 3 days. The committee, therefore, decided the following:

i. Import of unsold jewellery exported to various venues for exhibition cum sale, as per GJEPC letter dated 28.11.2014, be allowed.
ii. The Customs Authority shall ensure that the jewellery being imported are the same, which were exported.
iii. Delay of 3 days is condoned.

(Action: RA, Mumbai/ Customs, Mumbai)

The meeting ended with a vote of thanks to the chair.

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