

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 29/AM13 HELD ON 20.11.2012 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:

1.	Shri D.K Singh	Addl. DG
2.	Shri. V.K. Srivastava	Addl. DG
3.	Shri Mukesh Bhatnagar	Addl.DG
4.	Dr. L.B. Singhal	Addl. DG
5.	Shri K.C. Raut	Addl. DGFT
6.	Shri Jaikant Singh	Jt. DGFT
7.	Shri S.K. Samal	Jt. DGFT
8.	Shri Jaikaran Singh	Jt..DGFT
9.	Shri Hardeep Singh	Jt. DGFT
10.	Shri A.K. Mishra	Stats Advisor
11.	Shri Sanjay Kumar	DDG
12.	Smt. Sonika Khattar	FTDO

Case No.1. M/s. Garware Wall Ropes Limited, Pune

F.No. 01/60/162/355/AM10/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for legitimate Amendment in import qty. and corresponding CIF value and revalidation in the redeemed license no. 3110023414 dt. 27.12.2005.

The Committee examined the request and noted that there is no cogent reason given by the applicant. The Committee therefore decided to reject the request.

Case No.2. M/s. Konega International Pvt Limited, Mumbai

F.No. 01/60/162/187/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of 3 advance authorisation Nos. 0310141448 dt. 11.6.2002, 0310234006 dt. 31.10.2003, 0310159712 dt. 23.9.2002.

The Committee examined the request and observed that there is no order of BIFR recommending extension in time. PRC therefore rejected the request .

(Action : RA, Mumbai is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.3. M/s. Jindal Polyfilms Limited, New Delhi

F.No. 01/60/162/219/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for clubbing of two authorization no. 0510130262 dt. 25.6.2004 (ii) 0510131255 dt. 6.7.2004.

Withdrawn, to be examined on file.

Case No.4. M/s. Fresenius Kabi Oncology Limited, New Delhi

F.No. 01/60/162/1161/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorization no. 0510214717 dt. 9.1.2008 issued under PC-9 condition.

The Committee examined the request of the firm for EOP extension for another 6 months and decided to maintain the earlier decision of PRC taken in its meeting No. 45/AM12 dt. 27.3.2012. Public Notice 135 dated 15.1.2009 clearly indicate that the facility of extension shall not be allowed in case of advance authorisation as mentioned in Appendix 30 A which includes licenses issued under PC-9 condition. As the RA has already allowed 6 months extension as per procedure prior to Public Notice no. 135 dt. 15.1.2009, request for further extension is not agreed.

(Action : RA, CLA, New Delhi is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.5. M/s. Bhushan Power & Steel Limited, Kolkata

F.No. 01/60/162/521/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of 4 DFIs out of 13 DFIs.

The Committee examined the request of the firm for 2nd revalidation in respect of 13 DFIs. This case was considered earlier also and rejected as no valid ground for revalidation was given by the firm. This time also no cogent reason has been given by the firm, thus PRC rejected the case.

Case No.6. M/s. Keshoram Industries Limited,

F.No. 01/60/162/148/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for Revalidation of 5 Advance Authorizations No. 1). 0210129272 dated 20.07.2009, 2). 0210130783 dated 25.08.2009, 3) 0210126719 dated 19.05.2009, 4). 0210126720 dated 19.05.2009 and 5). 0210134095 dated 19.11.2009.

After discussion in details following decisions were taken:

- I. The request for revalidation of advance authorizations appearing at sr. no. 1,3 and 5 is rejected as it was noted from the report received from the EDI that there was no considerable delay in transmission of data/amendment to the Customs Authority.
- II. For authorizations at sl. No. 2 and 4, it was decided to call for the report from RA and EDI Section that when amendment was carried out by RA and on which date the data was accepted by Customs Server. On receipt of the report, the case will be examined on file.

(Action : RA,Kolkata/EDI)

Case No.7. M/s. Uniworth Textiles, Kolkata

F.No. 01/60/162/513/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorization no. 0210108401 dt. 22.1.2008 for regularization purpose.

Withdrawn, as the request has already been considered in PRC meeting no. 28/AM13 held on 6.11.2012 (case was repeated).

Case No.8. M/s. D.K. Jaganath Silk Twisting Factory, Bangalore

F.No. 01/60/162/527/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of EOP beyond 36 months against the advance licence no. 0710065655 dt. 29.6.2009.

The committee noted that the firm has not made any exports within the original EO period. As no exports were made during a long period of 36 months this was initially available to firm as validity and no cogent reason given by them, there is no justification in extending EO period further.

(Action : RA, Bangalore is be requested to start Action immediately under FTDR Act., if the applicant failed to get the case regularized under para 4.28 of HBP)

Case No.9. M/s. D.K. Jaganath Silk Twisting Factory, Bangalore

F.No. 01/60/162/526/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of EOP beyond 36 months against the advance licence no. 0710065656 dt. 29.6.2009.

The committee noted that the firm has not made any exports within the original EO period. As no exports were made during a long period of 36 months this was initially available to firm as validity and no cogent reason given by them, there is no justification in extending EO period further.

(Action : RA, Bangalore is be requested to start Action immediately under FTDR Act., if the applicant failed to get the case regularized under para 4.28 of HBP)

Case No.10. M/s. Electro Copper & Alloys Mfg Co., Kolkata

F.No. 01/60/162/518/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorization no. 0210102175 dt. 5.7.2007.

The Committee rejected the request to allow further extension beyond 48 months. However, export affected within 48 months from the date of issue of authorization shall be regularized subject to the following condition :

- I. This is only for regularization and closure purpose.
- II. 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, Kolkata)

Case No.11. M/s. Autoline Industries Limited, Pune

F.No. 01/60/162/566/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorization no. 3110035537 dt. 25.9.2008

The committee observed that the firm has not exported considerable quantity in original validity and therefore have no merit for extension in EO period.

(Action : RA, Pune is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.12. M/s. Modern Petrofils, Baroda

F.No. 01/60/162/979/AM11/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for extension of EOP for 6 months from the date of endorsement against advance authorization no. 0310351323 dt. 11.10.2005.

The firm has requested for 3rd extension in EOP on the ground that the firm is under BIFR but have not submitted copy of any such order of BIFT. The committee therefore rejected the request.

(Action : RA, Mumbai is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.13. M/s. National Steel & Agro Industries Limited, Indore

F.No. 01/60/162/558/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for clubbing of advance authorization no. 111006466 dt. 24.7.2003 with 0540837 dt. 14.3.2012 on for redemption purpose.

The Committee noted the contents of the firm and decided to reject the case as the licences were not issued in continuity with a distinct overlap of 36 months. The Committee therefore decided to reject the case considering no merit. The applicant is directed to get the case redeemed separately by regularization under Para 4.28 of HBP.

(Action : RA, Bhopal is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.14 M/s. Hindon River Mills, Ghaziabad

F.No. 01/60/162/1123/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for extension of export obligation period in advance authorization No. P/W/3492103 dt. 21.3.2005.

The Committee examined the request and observed that there is no Rehabilitation Package for revival of the unit. Hence rejected the request considering no merit.

(Action : RA, New Delhi is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.15. M/s. Lasons India Pvt Limited, Mumbai

F.No. 01/60/162/1123/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorization no.0310509101 dt. 25.3.2009.

Deferred for (1) obtaining a report from RA to ascertain whether the firm has achieved a value addition of 15% or not; and (2) to obtain a copy of licence and statement of actual FOB value achieved in US\$ and actual imports made so far from firm..

(Action: RA, Mumbai/Applicant)

Case No.16. M/s. Minex Metallurgical Co. Limited, Mumbai

F.No. 01/60/162/78/AM12/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0310460558 dt. 12.2.2008

The Committee observed that the licence is obtained under self-declaration scheme, under Para 4.7 of BHP which allows imports before norms are fixed. There was no bar or restriction to make imports before norms are fixed. Therefore, the Committee decided to reject the case considering no merits.

Case No.17. M/s. Wires & Fabriks (S.A.) Limited,

F.No. 01/60/162/547/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0210124813 dt. 25.3.2009.

The Committee noted that the licence under question was issued with the validity of 24 months from the date of issue of authorization. However, they could not utilized the same within this original validity. RA further extended the import validity from 31.03.2011 to 24.09.2011 through Amendment Sheet dated 11.08.2011. The firm brought transmission of data problem only two days before the expiry of the extended validity of authorization. Hence the Committee decided to reject the request considering no merit.

Case No.18. M/s. Supermax Personal Care Pvt Limited, Mumbai

F.No. 01/60/162/514/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorisation no. 0310482470 dt. 13.8.2008.

The committee observed that the firm has not exported considerable quantity in original validity and therefore have no merit for extension in EO period.

(Action : RA, Mumbai is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.19. M/s. Supermax Personal Care Pvt Limited, Mumbai.

F.No. 01/60/162/551/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorisation no. 0310463635 dt. 04.03.2008.8.2008.

The committee observed that the firm has not exported considerable quantity in original validity and therefore have no merit for extension in EO period.

(Action : RA, Mumbai is requested to take action as per the provision of FT(D&R) Act 1992 ,as amended, if the licensee is failed to get the case regularized in terms of Para 4.28 of HBP within a month from the receipt of the minutes)

Case No.20. M/s. Dhanuka Laboratories Limited, Gurgaon

F.No. 01/60/162/553/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for clubbing of advance authorisation no. 0510168036 dt. 5.10.2005 & 0510217272 dt. 29.2.2008

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

- i) To allow clubbing of 2 above advance authorizations as referred above.
- ii) This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
- iii) RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
- iv) RA may do clubbing subject to the condition that no adjudication order has been issued till date against any licence to be clubbed.

(Action : RA, CLA, New Delhi)

Case No.21. M/s. GSC Glass Limited, New Delhi

F.No. 01/60/162/474/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 11.09.2009.

The Committee noted the request of the firm and decided to reject the request 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.22. M/s. GSC Glass Limited, New Delhi

F.No. 01/60/162/475/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0510256117 dt. 12.1.2010

The Committee noted the request of the firm and decided to reject the request 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.23. M/s. Gandhar Oil Refinery India Limited, Mumbai

F.No. 01/60/162/517/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0310550347 dt. 11.12.2009.

The Committee noted the request of the firm and decided to reject the request 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.24. M/s. Filter Catalysts & Chemicals Limited

F.No. 01/60/162/548/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no 0310535988 dt. 01.09.2009.

The Committee noted the request of the firm and decided to reject the request 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.25. M/s. Wire and Fabriks (S.A.)

F.No. 01/60/162/546/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0210124815 dt. 25.3.2009

The Committee noted that the licence under question was issued with the validity of 24 months from the date of issue of authorization. However, they could not utilized the same within this original validity. RA further extended the import validity from 31.03.2011 to 24.09.2011 through Amendment Sheet dated 11.08.2011. The firm brought transmission of data problem only two days before the expiry of the extended validity of authorization. Hence the Committee decided to reject the request considering no merit.

Case No.26. M/s. Wire and Fabriks (S.A.)

F.No. 01/60/162/545/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0210126261 dt. 06.5.2009.

The Committee noted that the licence under question was issued with the validity of 24 months from the date of issue of authorization. However, they could not utilize the same within this original validity. RA further extended the import validity from 31.03.2011 to 24.09.2011 through Amendment Sheet dated 11.08.2011. The firm brought transmission of data problem only two days before the expiry of the extended validity of authorization. Hence the Committee decided to reject the request considering no merit.

Case No.27. M/s. Lucky Forms Pvt Limited, Mumbai

F.No. 01/60/162/543/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0310541608 dt. 23.10.2009.

The Committee noted the request of the firm and decided to reject the request 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.28. M/s. Devharsh Infotech Pvt Limited, Mumbai

F.No. 01/60/162/555/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of advance authorisation no. 0310538823 dt. 22.9.2009.

The Committee noted the request of the firm and decided to reject the request 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.29. M/s. Lucky Goldstar Company Limited, Kolkata

F.No. 01/60/162/554/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of DFIA's no. 0210129697 dt. 27.7.2009 & 0210128588 dt. 3.7.2009.

The Committee observed that as per the party statement, there was delay on the part of Customs for verification of DFIA. The Committee therefore decided to get the report from the Customs Authority to ascertain the extent of actual delay on their part. If the Customs certify that there was delay on their part and licence lost its validity in Customs possession, the RA shall consider request of the party for revalidation for such period of delay in terms of Para 2.12.2 of HBP.

(Action: RA Kolkata)

Case No.30. M/s. Indosol Drug Limited, Mumbai

F.No. 01/60/162/484/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for clubbing of 11 AA review earlier decision of PRC meeting dt. 27.10.2010.

0310093727-dt.08.08.2001
0310115938-dt.26.12.2001
0310115967-dt.26.12.2001
0310124796-dt.14.02.2002
0310124806-dt.14.02.2002
0310125362-dt.19.02.2002
0310127338-dt.04.03.2002
0310127343-dt.04.03.2002
0310219586-dt.19.08.2003
0310254875-dt.25.02.2004
0310320444-dt.09.03.2005

Deferred. Policy- IV will examine the request in light of earlier request of the firm made to Policy-IV Section.

(Action- Policy-IV)

Case No.31. M/s. Medreich Limited, Bangalore

F.No. 01/60/162/548/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for EOP extension of advance authorization no. 0710078286 dt. 24.3.2011.

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

- I. Export obligation period is extended for another 6 months i.e. upto 18 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 18 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.
- VI. To justify the consumption of 100% imported raw material, applicant shall submit certificate from the concerned Excise Authority.

(Action : RA, Bangalore)

Case No.32. M/s. Arun International Delhi

F.No. 01/60/162/531/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for permission to file manual application for transferability on DFIA licence no. 0510293179 dt. 13.6.2011.

The Committee observed that no purpose would be served if manual DFIA is permitted by RA. It will be difficult for Customs to allow imports as system will not accept manual Bill of Entry against DFIA. Therefore, the case is transferred to EDI Section for doing needful.

(Action: EDI Section)

Case No.33. M/s. Hindalco Industries Limited, Gujarat

F.No. 01/60/162/533/AM13/EFGC(PRC)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for revalidation of DEPB authorization no. 0510260866 dt. 19.3.2010.

The Committee noted that Customs Authority, Dahej vide their letter dt. 5.7.2012 confirmed that the above authorisation was in the custody of Customs and expired in the custody of Customs due to pending enquiry at the end of DRI. The Committee therefore, decided to revalidate the aforesaid DEPB for 6 months from the date of endorsement. The applicant is instructed to submit said DEPB to RA concerned within a month from the date of communication of the PRC decision.

(Action: RA,CLA, New Delhi/Applicant)

Case No.34. M/s. ITC Limited, Chennai

F.No. 01/91/180/1256/AM12/PC-3

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for relaxation for the grant of Chapter--3 benefits/incentives under the FTP

The Committee noted that option was available with firm to submit any of 6 documents prescribed under Para 3.8.3 as a proof of landing of export consignment for claiming FMS incentives. Hence waiting for tracking report is not a justification and convincing reason for relaxation. Hence committee rejected request considering no merit.

Case No.35. M/s. SMS Pvt Limited, Mumbai

F.No. 01/89/180/14/AM-13/PC2(A)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request of relaxation in CC capacity of diesel engine.

Deferred for re-examination.

Case No.36. M/s. Kesar Enterprises Limited, New Delhi

F.No. 01/89/180/32/AM-11/PC2(A)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for import of one unit of Toyota Hiace Vehicle from Japan.

The committee did not find any merits in the request and rejected the same reiterating the earlier decision of PRC meeting held on 15.2.2011.

Case No.37. M/s. SCS Pvt Limited, Mumbai

F.No. 01/89/180/13/AM-11/PC2(A)

PRC Meeting No. 29/AM13 dated: 20.11.2012

Subject:- Request for cc capacity of diesel engine.

Deferred for re-examination.

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