

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 30/AM13 HELD ON 27.11.2012 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. 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.	Smt. Sonika Khattar	FTDO

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

Case No.1. M/s Drytech Processes (I) Pvt. Limited, Mumbai

F.No. 01/60/162/491/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP period against advance licence No. 0310531366 20.7.2009.

The committee noted that no considerable exports, which form merit, of the case have been made by the firm within the original validity hence the committee did not agree with the request.

Case No.2. M/s Medreich Limited, Bangalore

F.No. 01/60/162/1659/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for No. (1) for Waiver of PC-18 condition (2) EOP extension for regularization (3) Clubbing of 6 advance authorizations no.

- i) 0710056403 dt. 14.3.2008
- ii) 0710057322 dt. 8.5.2008
- iii) 0710058625 dt. 18.7.2008
- iv) 0710058663 dt. 22.7.2008
- v) 0710058662 dt. 22.7.2008
- vi) 0710061410 dt. 28.11.2008

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

- I. To allow clubbing of 6 above advance authorizations as referred above.
- II. Exports effected within 12 months from the date of import of first consignment shall only be taken into account for clubbing purpose.
- III. Extension of 6 months from the expiry of initial obligation period is allowed. This is 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 to 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. Waiver of PC-18 is allowed for inputs consumed and exported outside the EO period. However, the firm is liable to pay Custom duty in terms of Para 4.28 of HBP on such inputs.
- V. RA may do clubbing subject to the condition that no adjudication is issued against any licence to be clubbed.

(Action : RA, Bangalore)

Case No.3. M/s Unicure Remedies Pvt Limited, Baroda

F.No. 01/60/162/589/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of advance authorization No. 3410028934 dt. 27.12.2010.

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

- I. Request for EOP extension for prospective exports is rejected.
- II. The supply of 4200 tablets as free sample is allowed to be considered for discharge of export obligation for the purpose of qty. wise export only.
- III. Excess import and shortfall in value terms, if any may be regularized in terms of Para 4.28 of HBP.
- IV. PC-18 condition shall be adhered to for unutilized material.

(Action ; RA Baroda 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.4. M/s Aditya Industries, Mumbai

F.No. 01/60/162/564/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of advance authorization no. 0310530961 dt. 28.7.2009.

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 30.6.2013 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 is more than 50% within the valid EOP.
- iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.
- v) RA shall take action against the party under Rule 7 read with Rule 14 of FT(Regulation) Rules, 1993 if statement of more than 50% of exports (even if pro-rata) already made is found to be false/incorrect.

(Action : RA Mumbai)

Case No.5. M/s Supermax Personal Care Pvt Limited, Mumbai

F.No. 01/60/162/552/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of advance licence no. 0310514610 dt. 3.4.2009

The committee noted that no considerable exports, which form merit of the case, have been made by the firm within the original validity hence the committee did not agree with the request.

Case No.6. M/s Hindalco Industries Limited, Gujarat

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

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of DEPB authorization no. 0510259275 dt. 23.2.2010

The Committee noted that Customs Authority, Dahej vide their letter dt. 5.7.2012 has confirmed that the above scrip expired in their custody due to pending enquiry at the end of DRI. The Committee therefore, decided to revalidate the aforesaid DEPB scrip 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 for necessary amendment and endorsement .

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

Case No.7. M/s Riddhi Pharma

F.No. 01/60/162/578/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of advance authorization no. 3410025774 dt. 2.12.2009

The reason cited by the firm that due to commercial viability they could not utilize the licence is not convincing to the committee hence rejected.

Case No.8. M/s Tina Organics Pvt. Limited

F.No. 01/60/162/579/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of advance authorization no. 0510255174 dt. 23.12.2009

The Committee examined 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.

Case No.9. M/s Riddhi Pharma

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

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of advance authorization no. 3410026098 dt. 11.1.2010.

The reason cited by the firm that due to commercial viability they could not utilize the licence is not convincing to the committee hence rejected.

Case No.10. M/s Krishna Antioxdants Pvt Limited, Mumbai

F.No. 01/60/162/ 590/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of advance licence no. 0310562118 dt. 25.2.2010.

The justification given by the firm for not utilizing authorization is not convincing to the committee. Thus the request is rejected.

Case No.11. M/s Maruti Techno Rubber Pvt. Limited

F.No. 01/60/162/ 591 /AM13/EFGC(PRC)

F.No. 01/60/162/591/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Revalidation of advance authorization no. 0510248892 dt. 7.9.2009

The Committee examined the request of the firm and decided to reject the case because justification given is not convincing to the committee for relaxation.

Case No.12. M/s Ideal Textiles, Bangalore

F.No. 01/162/100/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of 22 DFIA's.

The committee noted that the said 22 DFIA were obtained during 2008-09 period and utilized fully without undertaking stipulated export obligation. They have not disclosed that what they have done with the raw material imported before 3 years. The reason and justification cited is not convincing to the committee hence decided to reject the request.

(Action : RA Bangalore is requested to initiate action against the party under FT(D&R) Act. 1992 if the firm fails to get the case regularized in terms of Para 4.28 of HBP within a month.

Case No.13. M/s National Brass Engineering, Jalandhar

F.No. 01/94/180/442/AM12/PC-4

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for close the old case for grant of redemption/closure of advance licence No. 2941914 dt. 30.3.1981.

The committee noted that as per the Order in Original no. 9/53/85/ECA-III dt. 30.10.1991 the exports had been completed against the licence no. P/W/2941914 dt. 30.3.1981 within the extended period and foreign exchange against the export so made has duly been realized. It was also noticed that the Adjudicating Authority himself has withdrawn the Show Cause Notice No. 9/53/85/ECA-III dt. 30.9.1991. Hence the case may be regularized as per HBP Vol. I.

(Action : RA Ludhiana)

Case No.14. M/s Aditya Biral Novu Limited, UP

F.No. 01/60/162/565/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request to consider the export made against E com .

The committee decided that the exports made against the E-com number of the application may be considered against advance authorizations if the authorization is issued against the same E-com reference. RA is directed to take necessary action regarding considering of those exports for

discharge of export obligation.

(Action : RA Varanasi)

Case No.15. M/s Vidut Metalics Pvt Limited, Mumbai

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

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for regularization and EOP extension of advance licence no. 0310317465 dt. 18.2.2005 upto 15.7.2009.

Deferred for further examination.

Case No.16. M/s Vidut Metalics Pvt Limited, Mumbai

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

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for regularization and EOP extension of advance licence no. 0310317008 dt. 16.2.2005 upto 30.4.2009.

Deferred for further examination.

Case No.17. M/s Orbits International, Mumbai

F.No. 01/60/162/634/AM12/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of DFIA No. 0310490234 dt. 14.10.2008.

The committee noted that there was no inordinate delay on the part of RA and did not find any reason warranting policy relaxation under para 2.5 of FTP hence rejected the request.

Case No.18. M/s Krishna Antioxidants Pvt Limited, Mumbai

F.No. 01/60/162/415/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of advance licence no. (1) 0310540597 dt. 7.10.2009 (2) 31052156 dt. 22.12.2009

The committee noted that the firm had sufficient time with them for making imports even after issuance of duplicate authorizations and the reason cited by the firm can not be considered as a genuine hardship warranting policy relaxation. The committee therefore rejected the request.

Case No.19. M/s Maruti Koatsu Cylinders Limited, Vadodara

F.No. 01/60/162/452/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation/granting for EODC BH-LUT waiver of DFIA No. 3410020282 dt. 10.12.2007

The committee noted that there was no inordinate delay on the part of RA and did not find any reason warranting policy relaxation under para 2.5 of FTP hence rejected the request.

Case No.20. M/s Su-kam Systems Limited

F.No. 01/60/162/294/AM12/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension in advance licence no. 0510231987 dt. 2.12.2008.

The committee examined the matter again in light of factual position furnished by Norms Committee-II and noted that there was no inordinate delay on the part of Norms Committee and did not find any reason warranting policy relaxation under para 2.5 of FTP hence rejected the request.

(Action : RA CLA, New Delhi is requested to initiate action against the party under FT(D&R) Act. 1992 if the firm fails to get the case regularized in terms of Para 4.28 of HBP within a month.)

Case No.21. M/s Rawalwasia Systhetics Pvt Limited, Surat

F.No. 01/60/162/72/AM12/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of advance licence no. 2312312 dt. 3.2.1995.

After detailed discussion , it was decided to reject the request for EOP extension as the exports made beyond 48 months can not be taken into account for discharge of export obligation.

(Action : RA, Surat is requested 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 .

Case No.22. M/s Tube Trading Company

F.No. 01/60/162/345/AM12/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for non issue of DEPB against export .

Transferred to DEPB committee.

Case No.23. M/s. Indira Gandhi National Centre for Arts, New Delhi

F.No. 01/53/162/609/AM10/i-11/IC

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of import licence no. 0550001799 dt. 7.4.2010.

The Committee considered the request for revalidation of import authorization no. 0550001799 dt. 7.4.2010 as the goods could not be imported as CITES permission issued by US Government expired. The same has now been renewed with validity of 27.12.2012. Committee accordingly granted 6 months extension in validity of import.

Case No.24. M/s Govind Rubber Limited

F.No. 01/94/180/460/AM12/PC-4

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for issuance of DEPB on realization made on 3.08.2007/28.7.2007 due to system based problem of EDI.

Withdrawn to be examined on file.

Case No.25. M/s Sudarsanam Spinning Mills, Rajapalaiyam and M/s. Rajapalaiyam Textiles, Perumalpatti

F.No. 01/94/180/245/AM13/PC-4(B)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for grant of DEPB on against Free Shipping Bills dated 16.8.2011 and 18.8.2011 of export of Grey Cotton yarn regarding.

The Committee examined 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.26. M/s Prachi Pharmaceuticals Pvt Limited, Mumbai

F.No. 01/60/162/576/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for clubbing of 4 advance licence for redemption/regularization of export obligation:

- i) 0310396987 dt. 29.8.2006
- ii) 0310510030 dt. 3.3.2009
- iii) 0310509144 dt. 25.2.2009
- iv) 0310549028 dt. 3.12.2009

After deliberating the case in length the following decision was taken:

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- i) To allow clubbing of advance authorizations no. 0310396987 dt. 29.8.2006, 0310510030 dt. 3.3.2009 and 0310509144 dt. 25.2.2009
- ii) This is only for regularization and closure purpose and not for any further exports/imports.
- iii) The advance authorization no. 0310549028 dt. 3.12.2009 was not considered for clubbing as the same was not issued in continuity with a distinct overlap of 36 months.
- iv) RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP of earliest licence 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.
- v) RA may do clubbing subject to the condition that the case is not adjudicated.

Case No.27. M/s Blue Star Limited Mumbai

F.No. 01/60/162/577/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for 2nd revalidation of advance licence no. 0310544095 dt. 5.11.2009.

The committee noted that the firm has failed to utilize the licence within the original validity of 30 months and justification given is not convincing to the committee. Hence, the request is rejected.

Case No.28. Reference from DC, NSEZ and request from M/s.Personal Creations Pvt. Limited an EOU

F.No. 01/92/180/166/AM10/PC-IV

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for claiming CST Refund, condition of furnishing photocopies of C-form be relaxed.

The committee noted the request and decided to allow reimbursement of CST against the counter foil of C-form instead of photocopy subject to the condition that Development Commissioner will check that there is no double benefit.

Case No.29. M/s Renault Nisan Technology & business Center India Pvt Limited, Tamilnadu

F.No. 01/89/180/30/AM10/PC-2(A)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for import of one used LHD car for trial, testing and programming (Model No. Nissan Leaf 5 Door H/B EM 61 X Grade 2 WD).

The Committee considered the case and granted approval to relax the provisions of Para 2(II) (a) (ii) and (f) of Import Licensing Note of Chapter 87 for import of the one used LHD car for trial, testing and programming (Model No. Nissan Leaf 5 Door H/B EM 61 X Grade 2 WD).for R&D purpose.

Case No.30. M/s Sakthi Sugars Limited, Coimbatore

F.No. 01/60/162/321/AM12/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for EOP extension of advance licence no. 3210029022 dt. 9.6.2005

The committee observed that vide Public Notice No. 29/2009-2014 dt. 7.1.2010, EOP was extended upto 31.3.2011 for licences issued between 21.9.2004 and 25.4.2008 for import of raw sugar. In spite of this general amnesty scheme, the applicant did not fulfill balance export obligation. The committee did not see any reason to allow further extension beyond this period hence rejected the request.

Case No.31. M/s Laffans Petrochemicals Limited, Mumbai

F.No. 01/60/162/572/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of 13 advance licences

- 1) 310378515 dt 02.05.2006
- 2) 310433500 dt 22.06.2007
- 3) 310438674 dt 07.08.2007
- 4) 310444532 dt 27.09.2007
- 5) 310446307 dt 15.10.2007
- 6) 310453667 dt 12.12.2007
- 7) 310461861 dt 20.02.2008
- 8) 310468030 dt 28.02.2008
- 9) 310473617 dt 09.06.2008
- 10) 310484481 dt 29.08.2008
- 11) 310485233 dt 04.09.2008
- 12) 310495622 dt 25.11.2008
- 13) 310499840 dt 24.12.2008

The Committee considered 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.32. M/s Krishnapatnam Port Co. Limited

F.No. 01/60/162/145/AM13/EFGC(PRC)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for revalidation of SFIS scrips no 0310536147 dt. 2.9.2009.

Deferred.

Case No.33. M/s Mercedes – Benz India Pvt Limited Pune

F.No. 01/89/180/51/AM13/PC-2(A)

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for sale of vehicle imported for R&D as per Notification No.2(RE-2006) dated 7.4.2006.

The committee observed that the said vehicle was imported for R&D purpose under para 2(II) (f) of Chapter 87. M/s. Mercedes – Benz India Pvt Limited Pune utilized the vehicle for the said purpose and no longer require the vehicle and have requested for sale or transfer to Sahaj Marg Spirituality Foundation for their aged person who needs medical attention. Since the vehicle can serve the purpose of carrying the aged person using a wheel chair, under this imported vehicle will not be registered under CMVR Rules and ply on Indian roads, the firm has requested for to relax the provision of para 2(II) (f) of Chapter 8, which is allowed..

Case No.34. M/s Ford India Pvt Limited, Gurgaon

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

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject:- Request for permission to one Petrol Ecosport vehicle to India from Germany..

The Committee considered the case and granted approval to relax the provisions of Para 2(II) (f) of Import Licensing Note of Chapter 87 for import of the one Petrol Ecosport vehicle to India from Germany.

Case No.35. Reference received from Norms Committee-I

PRC Meeting No. 30/AM13 dated: 27.11.2012

Subject: Cases for PRC where the firm has represented beyond 4 months and placed before NC in October 2012.

Sl. No.	Name of the firm	Adv. Autho. No.	M. No. & Date	Date of communication of earlier decision	Representation submitted on	Present status
1.	M/s. Saraswati Industrial Ltd., Yamuna Nagar	0510206703 dt. 25.07.2007	NC No. 14/13 dt.03.10.2012	30.03.2010	09.12.2012	Approved
2.	M/s. Saraswati Industrial Ltd., Yamuna Nagar	0510261713 dt. 05.04.2010	NC No. 14/13 dt.03.10.2012	15.11.2011	10.09.2012	Approved
3.	M/s. Nicomet Industrial Ltd., Goa	(1)0310405902/ 30.10.2006; (2)0310407977/ 14. 11.2006;	NC No. 15/13 dt.16.10.2012	08.02.2010	15.09.2011 and 23.08.2012	Approved

		(3)0310412125/ 13.12.2006; (4)0310426392/ 11.4.2006; (5)0310437167/ 23.7.2007; (6)0310442729/ 12.9.2007; (7)0310432639/ 14.6.2007; (8)0310435985/ 12.7.2007; (9)0310459253/ 25.1.2008; (10)0310498704/ 18.12.2008.				
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The Committee ended with the Vote of Thanks to the Chair.
