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 01.02.2017

Meeting No. 30/AM17 held on 01.02.2017 at 03:30 PM

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 N.K. Srivastava	Addl. DGFT
7.	Shri Jay Karan Singh	Jt. DGFT
8.	Shri Akash Taneja	Jt. DGFT
9.	Shri Rakesh Kumar	Jt. DGFT
10.	Shri Lokesh H.D.	Jt. DGFT
11.	Shri S.K. Mohapatra	Dy. DGFT

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

Case No.1: M/s. Hindustan Platinum Pvt. Ltd., Mumbai. (P.H. Case)
F.No. 01/60/162/068/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject: - Revalidation of Advance Authorization No.0310731763 dt. 18.04.2013.

Mr Karthik Venkataraman, DGM Commercial from M/s Hindustan Platinum Pvt. Ltd. Mumbai appeared before the committee and made the following submissions:

1. That the applicant is a manufacturer of industrial products like catalysts, chemicals, crucibles, contacts etc. made of previous metals and that they are in business for the last 20 years.
2. They have beenstatus Holder having Export House status since many years and hence they were eligible clear the imports under Advance Authorisations. However, despite this the Customs Authority insisted for furnishing 100% Bank Guarantee against Advance Authorisation for import against which exports were completed 100% on the ground that they received a communication from Excise Authorities to check whether their firm has taken double benefit against the exports made.
3. First there was delay in accepting documents by Customs besides a lot of time was spent in the investigations causing delay and later 25% Bank Guarantee was insisted on all their imports.
4. The applicant has stated that finally after investigating for nearly 18 months, the Customs Authority concluded that no double benefit was taken by the applicant. This delay caused a lot of financial burden on them as the inputs in their cases are of high value for which arranging the Bank Guarantees

made it extremely difficult for them to function and to import inputs , whereas , being an Export House, they were eligible to clear consignments against Legal Undertaking (LUT).

5. Hence, the applicant has requested for allowing second revalidation of the above authorization.

Decision: The Committee noted that the applicant could not utilize the subject Advance Authorization due to investigations conducted by the Customs Authorities which caused delay. The Committee observed that though the Authorisation had not expired in the custody of the Customs Authorities but the applicant was not in a position to utilize the Authorisation due to investigations being carried out by the Customs Authorities. Hence, this was a case of genuine hardship since the process of investigations prevented the applicant from import with LUT facility. The investigations of customs by customs led to a conclusion that the firm was not guilty of availing double benefits. Hence Committee decided to revalidate the Advance Authorization No. 0310731763 dt. 18.04.2013 for 6 months from the date of endorsement. The applicant is directed to approach RA for endorsement within one month from the date of uploading of these minutes on the Directorate's website.

(Action: RA, Mumbai/ Applicant)

Case No.2: M/s. Hindustan Platinum Pvt. Ltd., Mumbai. (P.H. Case)
F.No. 01/60/162/051/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Revalidation of Advance Authorization No.0310716794 dt. 10.12.2012.

Mr Karthik Venkataraman, DGM Commercial from M/s Hindustan Platinum Pvt. Ltd. Mumbai appeared before the committee and made the following submissions:

1. That the applicant is a manufacturer of industrial products like catalysts, chemicals, crucibles, contacts etc. made of previous metals and that they are in business for the last 20 years.
2. They have been status Holder having Export House status since many years and hence they were eligible clear the imports under Advance Authorisations. However, despite this the Customs Authority insisted for furnishing 100% Bank Guarantee against Advance Authorization for import against which exports were completed 100% because they received a communication from Excise Authorities to check whether their firm has taken double benefit against the exports made.
3. First there was delay in accepting documents by Customs besides a lot of time was spent in the investigations causing delay and later 25% Bank Guarantee was insisted on all their imports.
4. The applicant has stated that finally after investigating for nearly 18 months, the Customs Authority concluded that no double benefit was taken by the applicant. This delay caused a lot of financial burden on them as the inputs in their cases are of high value for which arranging the Bank Guarantees made it extremely difficult for them to function and to import inputs, whereas

, being an Export House, they were eligible to clear consignments against Legal Undertaking (LUT).

5. Hence, the applicant has requested for allowing second revalidation of the above authorization.

Decision: The Committee noted that the applicant could not utilize the subject Advance Authorization due to investigations conducted by the Customs Authorities which caused delay. The Committee observed that though the Authorisation had not expired in the custody of the Customs Authorities but the applicant was not in a position to utilize the Authorisation due to investigations being carried out by the Customs Authorities. Hence, this was a case of genuine hardship since the process of investigations prevented the applicant from import with LUT facility. The investigations of customs by customs led to a conclusion that the firm was not guilty of availing double benefits. Hence Committee decided to revalidate the Advance Authorization No. 0310731763 dt. 18.04.2013 for 6 months from the date of endorsement. The applicant is directed to approach RA for endorsement within one month from the date of uploading of these minutes on the Directorate's website.

(Action: RA, Mumbai/ Applicant)

Case No.3: M/s. Unimark Remedies Ltd., Mumbai. (P.H. Case)
F.No. 01/60/162/923/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for extension of EOP against Advance Authorization No.0310718252 dt. 27.12.2012 issued under PC-9 condition.

Decision: The case was listed in the last meeting but no one appeared for Personal Hearing nor the firm sent any request for postponement. However, Committee once again decided to defer the case to enable the applicant to avail PH before Committee.

(Action:Applicant)

Case No.4: M/s. Marine Chemicals, Cochin.
F.No. 01/60/162/480/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request to condone delay in filing VKGUY application.

Decision: The Committee observed that the applicant failed to apply for the VKGUY scrips within the time stipulated in FTP/HBP and reasons for delay in filing VKGUY application furnished by the applicant is that the shipping Bills were misplaced and found out after the stipulated time in the Policy/Procedures. The submission by the applicant were not considered to be case of genuine hardship. Hence, the Committee did not accede to the request.

Case No.5: M/s. Raj & Company, Rajkot.
F.No. 01/60/162/717/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject: - Request for revalidation of DFIA No.2410040643 dt. 20.01.2014.

Decision: The case was deferred for seeking report from RA. RA, Rajkot is directed to furnish report within 5 working days from uploading of these minutes on DGFT website. The report should give complete details of the action taken [date wise] by the said office with reference to the averments by the applicant.

(Action: RA, Rajkot)

Case No.6: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/1029/AM17/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 12 Shipping Bills as per Annexure pertains to 2008-09 to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 12 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period withthe applicable latecut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.7: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/455/AM14/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 4 Shipping Bills No 1147967, 1151102, 1160835 and 7743291 pertains to AM 2009-10 period to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 4 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period with the applicable late cut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.8: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/1027/AM17/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 3 Shipping Bills No 2193885, 3985382 and 2169412 pertains to AM 2009-10 period to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 3 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period with the applicable late cut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.9: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/1026/AM17/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 2 Shipping Bills No 1155412 and 1155414 pertains to AM 2001-10 period to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 2 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period with the applicable late cut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.10: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/1028/AM17/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 18 Shipping Bills pertains to AM 2008-09 period to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 18 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period with the applicable late cut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.11: M/s. Metro Exporters P. Ltd., Mumbai.
F.No. 01/60/162/456/AM14/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for relaxation for eligibility of Time Barred 20 Shipping Bills pertains to AM 2008-09 & 2009-10 period to allow claim under Chapter-3.

Decision: The committee noted that in terms of Para 3.11.9 of HBP, 2009-2014 read with Para 9.3 of HBP, claim (FMS) against the above mentioned 20 Shipping Bills could be filed within 36 months from the date of exports or 30 months from the date of realization of payments, whichever is later with 10% late cut. The applicant has not given any cogent reason for not filing the claim/application within the prescribed time period time period with the applicable late cut. Hence, it is not a case of genuine hardship. The committee, therefore, did not accede to the request.

Case No.12: M/s. Medicamen Biotech Ltd., New Delhi.
F.No. 01/60/162/668/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for accepting S/Bill No.7337472 dt. 05.09.2013 towards discharge of EO under Advance Authorization No.0510357639 dt. 20.06.2013.

Decision: The Committee observed that the the shipping bill No. 7337472 dt. 05.09.2013 is a 'free shipping bill' and 'free shipping bill' is not assessed by the Customs Authority. Thus, the same cannot be accounted towards discharge of export obligation against Advance Authorization No.0510357639 dt. 20.06.2013 as this is not a shipping Bill under any scheme.Hence Committee did not accede to the request of the applicant. The applicant is directed to get their case regularized in terms of Para 4.49 of HBP 2015-2020.

(Action: Applicant/RA, CLA)

Case No.13: M/s. River Engineering Pvt. Ltd., New Delhi.
F.No. 01/60/162/171/AM17/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request to allow TED Refund for supplies till August 2012 to 100% EOU which is prior to PIC decision and Notification No.4 dt.18.04.2013 Para 4.23 of HBP 2009-14.

Decision: The committee after due deliberations observed that the applicant has not furnished any new facts or evidences which could prove that the applicant was forced by government agencies to pay duty while procuring goods from DTA despite exemption permitted to such supplies in the Rules. Hence, the Committee decided not to accede to the request and decided to reiterate its earlier decision taken in PRC meeting No. 07/AM17 dated 24.05.2016.

Case No.14: M/s. Thomson Press (India) Ltd., New Delhi.
F.No. 01/60/162/418/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject: - Request for furnishing export documents for redemption without Bank Realization Certificate in Advance Authorization NO.0510276720 dt. 10.11.2010

Decision: The Committee noted that the supplies of goods were made by applicant to M/s Moser Baer, which has been registered under BIFR due to financial crisis. Thus, payment against such supplies were not made by the recipient. Matter was discussed in the Committee. It is noticed that under the Foreign Trade Policy/ Procedures 2009-14 there is no provision to allow redemption or regularization of a case unless the exports/supplies are made and payment is realized.There are only specific paragraphs 2.25.1, 2.25.2 and 2.25.4 of HBP v1 2009-14 under which the non-realisation of export proceeds is permitted but in the instant case the applicant has not averred their case to be falling under any of these paragraphs. Therefore, the FTP/ HBP do not permit discharge of Export Obligation against Advance Authorisation merely on supply of goods without realization of export proceeds.

Hence, the Committee decided not to accede to the request. The applicant is directed to get the case regularised as per Para 4.49 of HBP, 2015-2020.

(Action: RA, CLA New Delhi: if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website, necessary action as per the provisions of FT (DR) Act 1992 as amended , may be taken)

Case No.15: M/s. East End Silks P. Ltd., Kolkata.
F.No. 01/60/162/294/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for 2nd EOP extension against Advance Authorization No.0210196620 dt. 21.11.2013.

Decision: The committee noted that the Advance Authorization was issued to M/s East End Silks (P) Ltd., Kolkata with an additional condition that the firm has to fulfill export obligation within 90 days from the date of clearance of first consignment by Customs Authority. Therefore, the Authorisation holder was aware that export obligation period was restricted by RA as stated in the condition sheet of the Authorisation. There is no provision in the FTP/HBP which permits RA to allow extension in EOP in such cases. Despite that RA has allowed one extension of six months. However, the applicant has failed to discharge the stipulated export obligation.

The committee noted that as per SL No 6 of Appendix-4J,export obligation period against import of silk is 9 months from the date of import of each consignment. RA has mentioned obligation period wrongly restricting it to 90 days. Therefore, it was decided to seek explanation from RA as to why export obligation was mentioned as 90 days instead of 9 months andalso under which provisions extension of six months was allowed by RA.

However, keeping in view the provisions of the HBP 2009-14 and the specific circumstances of this case, the committee decided the following:

i. Initial export obligation period be restored to 9 months from import of each consignment.
ii. 4½ months extension be allowed in continuation of 9 months against each consignment.
iii. However, this will be subject to payment of composition fee @ 0.5% per month of FOB value of exports made after initial obligation period of 9 months.
iv. Minimum 15% value addition shall be maintained.

(Action: RA, Kolkata/Applicant)

Case No.16: M/s. Merchem Ltd., Cochin.
F.No. 01/60/162/699/AM14/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017

Subject: - Request for condoning the procedural lapse of non-mentioning the Advance Authorization No.1010029842 dt. 18.06.2008 in shipping bills for redemption purpose.

Decision: The committee noted that exports were made without mentioning File Number /Authorisation Number on shipping Bills. Such shipping bills are not assessed by the customs Authority for valuation and further the consumption of inputs cannot be verified by the customs. Hence, such free shipping bills, cannot be taken into account towards discharge of export obligation. The committee, therefore, did not accede to the request and reiterated its earlier decision taken in PRC meeting No. 31/AM14 dated 03.12.2013.

(Action: RA, Cochin)

Case No.17: M/s. SuvikramPlastex (P) Ltd., Bangalore.
F.No. 01/60/162/404/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject: - Request for 2nd revalidation of DFIA No.0710106781 dt. 29.09.2014.

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by the RA, despite that the applicant did not utilise the Authorisation. The Committee also perused the report received from the Regional Authority wherein it was noticed that there is no delay on the part of the Regional Authority because the applicant had approached them only 12 days before expiry of the extendable period. Therefore, it is not a case of genuine hardship. Therefore, the Committee did not accede to the request.

Case No.18: M/s. Alps Industries Ltd., Ghaziabad.
F.No. 01/92/180/197/AM-14/Pc-vi/Pt./PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for refund of TED submitted after the stipulated time period under Para-8.2 © of FTP, 2009-14.

Decision: The committee noted that in terms of Para 8.3.1(ii) of HBP 2009-14 read with Para 9.3 of said HBP, claim of TED refund could be filed within 36 months from the date of realization of payment with 10% late cut. However, the application for claim was submitted by applicant on 27.01.2015 against the supplies made during October, 2008. The applicant's submissions that they could not submit claim within prescribed time due to non-receipt of BRC from the supplier was not tenable because in the instant case applicant is recipient and payment was made by applicant only. The application in such cases is filed by the applicant along with Appendix 22B. Hence, no case of genuine hardship is established from the supporting documents. The committee, therefore, did not accede to the request.

Case No.19: M/s. DSM Sinochem Pharmaceuticals India P. Ltd., Gurgaon.
F.No. 01/60/162/483/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for (i) extension EOP from 12 months to 18 months and (ii) Clubbing of 2 Advance Authorizations No.2210010552 dt. 21.10.2010 & 2210012341 dt. 22.12.2011.

Decision: The committee noted that the above referred two Authorisations were issued under Appendix-30A of HBP 2009-14. As per the conditions of Appendix 30 A , a period of 12 months period is allowed for fulfilment of export obligation from import of each consignment. In the instant case, first consignment was imported on 29.10.2010. Hence, initial export obligation was upto 31.10.2011. It was also noted that imports of "Penicillin G Potassium" are made from registered sources and exports in the second Authorisation were completed within 18 months of first import consignment. The committee, therefore, decided the following:

i. Export obligation period be extended from 12 months to 18 months against first import consignment i.e. upto 30.04.2012.
ii. This will, however, be subject to a composition fee @ 0.5% per month of FOB value of export made after 31.10.2011.
iii. Clubbing of both the Authorisations be allowed. However, accounting of exports made till 30.04.2012 shall only be allowed.
iv. Value addition of 15% shall be maintained. Value addition shall be derived on entire CIF and FOB value of clubbed Authorisation, as per Para 4.08 of FTP.
v. RA shall ensure accounting of duty free inputs as per SION.

(Action: RA, Chandigarh)

Case No.20: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/934/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for EOP extension of Advance Authorization No.0310795997 dt. 19.05.2015 issued under PC-9 conditions.

Decision: The committee noted that the above referred Authorisation was issued under Appendix-4-J of HBP 2015-20 . As per the conditions of Appendix 4-J , a period of 12 months period is allowed for fulfilment of export obligation from import of each consignment. The applicant has stated to have imported 72% Colesevelam HCL from unregistered sourced on 27.05.2015. Accordingly, export obligation was required to be completedby 26.05.2016. However, no exports are made so far. The applicant has submitted that they could not export due to reasons not in their control. It has been contended by the applicant that they had submitted application with USFDA in April, 2010 for drug approvalbut the approval has not been yet received. The committee was of the views that the applicant should not have obtained Authorisation in 2015 without prior approval of USFDA because the application for approval was pending since 2010. Hence, the Committee decided not to accede to the request. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020 read with PC-18 dated 30.10.2007.

(Action: RA, Mumbai; if the applicant fails to get the case regularized within a month from the date of uploading of these minutes on the Directorate website,

necessary action as per the provisions of FT (D&R) Act 1992 , may be initiatedby RA)**

Case No.21: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/936/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for EOP extension of Advance Authorization No.0310796317 dt. 29.05.2015 issued under PC-9 conditions.

Decision: The committee **noted that the above referred Authorisation was issued under Appendix-4-J of HBP 2015-20.** As per the conditions**of Appendix 4-J,** a period of 12 months period is allowed for fulfilment of export obligation from import of each consignment. The imports were made on 27.06.2015 and 02.11.2015. Accordingly, initial obligation period was upto 26.06.2016 and 02.11.2016, respectively. The applicant has stated to have fulfilled more than 50% of its stipulated export obligation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto**25.12.2016 and 1.05.2017**, respectively.
II. This is subject to a payment of composition fee @ 0.5% per month of 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. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.
V. RA shall check that 50% exports against each consignment were made within initial export obligation period. If not, composition fee will be charged @ 1% per month of unfulfilled FOB.

(Action: RA, Mumbai)

Case No.22: M/s. Lupin Ltd., Mumbai.
F.No. 01/60/162/937/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for EOP extension of Advance Authorization No.0310796162 dt. 22.05.2015 issued under PC-9 conditions.
Decision: The Committee noted that the above mentioned Authorization 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 imports were made on 27.08.2015. Accordingly, initial obligation period was upto 26.08.2016. The applicant has stated to have fulfilled NIL export obligation during the initial export obligation period. Taking all these facts into account, the Committee decided the following:

I. Export obligation period be extended from 12 months to 18 months i.e. upto**28.02.2017**.
II. This is subject to a payment of composition fee @ 1% per month of 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. The applicant has to pay duty plus interest on inputs consumed and exported after 18 months from the date of import consignment.

(Action: RA, Mumbai)

Case No.23: M/s. Navrang Theatres (P) Ltd., Delhi.
F.No. 01/60/162/867/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for condonation of 2 days delay in the export period

Decision:

The Committee noted that in terms of Para 4.83(b) of HBP, 2015-2020, the exports shall be effected within a maximum period of 90 days from outright purchase of precious metal. However, in the instant case exports were made delay by 2 days for 3.600Kgs out of 30.00kgs from the date of tax invoice. The Committee, after due deliberations decided the following:

I. Export Obligation period be extended by 2 days, from 90 days to 92 days i.e. upto 12.08.2016.
II. This is subject to a payment of composition fee @ 0.5% of FOB value of 3.600 Kgs of gold which was exported beyond 90 days.

(Action: RA, CLA/STC)

Case No.24: M/s. Jell Pharmaceuticals P. Ltd., Mumbai.
F.No. 01/60/162/403/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017Subject:- Request for 2nd revalidation & EOP extension of Advance Authorisation No.0310789837 dt. 30.09.2014.

Decision: The Committee noted that the applicant has already been granted one revalidation of six months by the RA and the applicant has completed import and export on prorata basis. No purpose would be served by allowing further revalidation without extending export obligation period for which no request is made. Therefore, the Committee did not accede to the request.
The applicant is hereby directed to get his case redeemed and obtain a fresh Authorisation, if he has further orders to be executed.

Case No.25: M/s. Bayer VapiPvt. Ltd., Gujarat.
F.No. 01/60/162/093/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for 2nd EO extension of Advance Authorization No.0310757577 dt. 12.11.2013.

Decision: The Committee observed that the Authorisation in question was issued on 12.11.2013 having initial export obligation period of 18 months. RA has allowed one extension of six months. However, inadvertently, it was recorded as 36 months in the minutes of PRC meeting No. 05/17 dated 10.05.2016 (case No 23) due to information provided by RA. Thereafter RA informed of the correct position. In view of the new facts, the committee, decided to review its earlier decision as under:

I. Export Obligation period be extended from 24 months to 36 months i.e. upto 30.11.2016.
II. This is subject to a payment of composition fee @ 0.5% per month of FOB value of export made after 24 months but upto 30th month and 1% per month of FOB value of export made after 30th month but upto 36th month.
III. The minimum value addition of 15% as prescribed under Para 4.09 of FTP(2015-2020) shall be maintained.

(Action: Mumbai)

Case No.26: M/s. B.S. Industries, Mumbai.
F.No. 01/60/162/888/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for revalidation of DFIA No.0310760341 dt. 03.12.2013.

Decision:

The Committee noted that the applicant could not utilize the above Authorisation due to data transmission error. The DFIA No.0310760341 dt. 03.12.2013 was valid for import upto 30.06.2015. However, as per EDI/NIC report, amendment no. 3 made to the Authorisation got accepted on 01.07.2015 and 4th amendment was accepted on 06.07.2015. The 5th amendment was accepted on 17.07.2015 whereas the Authorization got expired on 30.06.2015 due to which, the applicant could not utilize the Authorisation. The Committee, therefore, decided to revalidate the aforesaid Authorisation for 2 months from the date of endorsement. 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, Mumbai)

Case No.27: M/s. Orient Refractories Ltd., New Delhi.
F.No. 01/60/162/148/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject: - Request for revalidation of DEPB No.0510395670 dt. 18.09.2015.
Decision: The Committee noted that the said DEPB is issued on 18.09.2015 having validity of 18 months. However, vide amendment sheet No 1 dated 21.09.2015 RA has wrongly restricted validity till 31.10.2015 which was accepted by ICEGATE on 15.07.2016. The committee took a serious note of the wrong validity mentioned on the DEPB. It was, therefore, decided to seek explanation of concerned officer as to why validity of the scrip was restricted for a month and half instead of 18 months, as mentioned in para 2.12 of HBP.

However, since the applicant could not utilize the DEPB due to reasons mentioned above, the committee decided to direct the RA to restore the validity of the DEPB for a period equal to the original periodfrom the date of endorsement on the DEPB.

(Action: RA, CLA)

Case No.28: M/s. Dhirendra International Pvt. Ltd., Neemuch (MP).
F.No. 01/60/162/938/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for EOP extension of Advance Authorization No.5610004907 dt. 17.05.2016 issued under Appendix-4J. (issued from RA, Indore)
Decision:

The committee noted that in terms of SL No 1(c) of Appendix 4J, export obligation period for export of spices is 90 days from the date of import of each consignment. Import was made on 20.07.2016. Accordingly, initial obligation period was upto 19.10.2016. However, the applicant has exported upto 28.12.2016. The applicant has stated to have completed 20.47% obligation within 90 days and 53% thereafter. Taking these facts into account, the Committee decided the following:

I. Export obligation period be extended from 90 days to 135 days against import of each consignments i.e. upto**14.12.2016**.
II. This is only for accounting and regularization of exports already effected.
III. This is subject to a payment of composition fee @ 0.5% per month on FOB value of export 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 shall pay duty plus interest against shortfall as per para 4.49 of HBP, 2015-2020.

(Action: RA, Indore/Applicant)

Case No.29: M/s. RPG Life Sciences Ltd., Mumbai.
F.No. 01/60/162/1099/AM11/ PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for revalidation of 2 DEPB Scrip No.0310512830 dt. 23.03.2009 & 0310473624 09.06.2009 due to non-transmission of licence on Customs site.

Decision: The Committee noted that the applicant could not utilize the above mentioned DEPB scrips No.0310512830 dt. 23.03.2009 & 0310473624 09.06.2009 despite PRC had allowed 3 months validity in its meeting dated 05.02.2013. It is reported by NIC that the said DEPB scrip could not be transmitted due to incorrect customs Notification mentioned in the scrip. The committee, therefore decided to instruct the RA concerned to rectify the error by endorsing correct Customs Notification and retransmit the scrips after endorsing 3 months further validity. 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, Mumbai)

Case No.30: M/s. Lyka BDR International Ltd., Mumbai.
F.No. 01/60/162/190/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017

Subject:- Request for waiver of destruction certificate as per Policy Circular No.18 in Advance Authorization No.0310739893 dt. 02.07.2013.

Decision: The committee noted that the Authorisation was issued with PC-9 condition, which allows import of drugs from unregistered sources with pre-import condition and 12 months period for fulfilment of export obligation. Further , as per PC-18 dated 30.10.2007, if raw materials imported from unregistered sources are not consumed fully and exported within the stipulated period then Authorisation holder is liable to pay whole of customs duty plus applicable interest on it. In addition to that the said raw materials are required either to be destroyed in the presence of the Excise Authority or proof of re-export of the same needs to be submitted to the Licensing Authority.

In the instance case the applicant has imported full quantity as permitted in the Authorisation from unregistered sources. Out of six resultant products, the applicant has completed 100% export against two resultant products. Against rest of the resultant products, the applicant has fulfilled only 83%, 97%, 86.78% and 0%. The applicant has not given detailed proof which establish the accounting of the remaining unutilised raw materialsby export of the same . The committee, therefore, did not accede to the request.

RA, Mumbai is hereby directed to initiate action as per provisions of FT(D&R) Act, 1992, as amended against the applicant and the co-licensee. RA shall also request Drug Controller office for necessary action against the applicant and co-licensee as per Drug and cosmetic Act.

(Action: RA, Mumbai)

Case No.31: M/s. Fresenius Kabi Oncology Ltd., New Delhi.
F.No. 01/60/162/685/AM17/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017
Subject:- Request for EOP extension of Advance Authorization No.0510366554 dt. 24.09.2013 issued under PC-9 condition.

Decision: The Committee noted that it is mandatory to export the raw materials imported from unregistered by using the same in resultant product meant for export. If the authorization holder is not able to export the resultant product, the raw material imported from unregistered sources has to be destroyed in the presence of Excise Authority or re-exported as provisions mentioned in the per PC 18 dated 30.10.2007. The applicant has stated that they have exported resultant product under DBK instead of Advance Authorisation under which imports were made. The committee, therefore, was of the view that it is not a case which require Policy Relaxation. The applicant is directed to approach RA with relevant proof of payment of duty and applicable interest to the paid to the customs Authority and proof of export/re-export of imported goods.

(Action: CLA)

Case No.32: M/s. Suntec Enterprises, New Delhi.
F.No. 01/60/162/776/AM16/PRC
PRC Meeting No. 30/AM17 dated 01.02.2017

Subject: - Request for regularization of Advance Authorization No.0510259184 dt. 23.02.2010 of export made beyond original validity period of 36 months of export obligation but within 50 months.

Decision:

The Committee after detailed deliberations observed that the Policy Relaxation is not a matter of right. Relaxation is allowed on the basis of genuine hardship and adverse impact on trade. In the instant case, Authorisation was issued having initial obligation period of 36 months. The committee in its meeting dated 15.03.2016 has already allowed extension upto 48 months subject to the conditions therein,

RA, CLA is hereby directed to initiate action as per the rules if the applicant fails to get the case regularised within a month from uploading of these minutes. Committee decided to re-iterate its decision taken in Meeting No. 26/16 held on 15.03.2016.

(Action: RA, CLA)

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

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