Minutes of the Policy Relaxation Committee Meeting held under the Chairmanship of DGFT, Shri Ajay Kumar Bhalla, IAS on 21.03.2017

Meeting No. 34/AM17 held on 27.03.2017 at 03.00 PA.M.

List of officers present in the meeting is given below:

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 AkashTaneja	Jt. DGFT
9.	Shri Rakesh Kumar	Jt. DGFT
10.	Shri S.K. Mohapatra	Dy. DGFT

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

Case No.1: M/s. Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/466/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.92,545/- against Invoice No.127 dt. 05.09.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s.Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.

7. They will not mind if the committee considers their request by imposing additional cut.

Decision: Thecommittee discussed the case at length. The committee was not satisfied with the reply given by the representative particularly on the question asked that for how long the Directors were in the custody? In this case, supplies were made on 05.09.2008 and their Directors were arrested on 09.12.2010 then why they did not file claim for subject supply made during 2009-2010 which was much before their arrest? Besides , they had two more years to file claims after release of their Directors, even presuming a year in custody. It was also not convincing that officers in higher management level were completely out of action and could not take decision to submit application. M/s Emami Limted is a public limited company having president/vice president level senior management and they were free to take day to day decisions as they were not behind bars.

Taking all facts into consideration, the committee was of the view that no cogent ground of genuine hardship is established in the present case justifying condonation of delay 6 to 7 years. The committee, therefore, reiterated its decision taken in PRC meeting No 12/AM17 dated 19.07.2016.

(Action: Applicant/ RA, Kolkata)

Case No.2:M/s. Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/546/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.3,50,200/- against Invoice No.44 dt. 05.09.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.

7. They will not mind if the committee considers their request by imposing additional cut.

Decision: The arguments in this case are similar to the one submitted by applicant in case No.1 with difference that condonation for delay of 5-6 years is requsted. The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 16/AM17 dated 29.08.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.3: M/s.Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/605/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.6,68,367/- against Invoice No.26 dt. 26.06.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision: The arguments in this case are similar to the one submitted by applicant in case No.1 . The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 17/AM17 dated 06.09.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.4: M/s.Emami Ltd. Kolkata. (P.H. Case)

F.No. 01/60/162/604/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.1,25,660/- against Invoice No.76 dt. 18.12.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision: The arguments in this case are similar to the one submitted by applicant in case No.1 . The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 17/AM17 dated 06.09.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.5: M/s.Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/603/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.74,160/- against Invoice No.32 dt. 09.07.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

<u>Decision:</u> The arguments in this case are similar to the one submitted by applicant in case No.1 . The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 17/AM17 dated 06.09.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.6: M/s.Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/724/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.85,284/- against Invoice No. 64 dt. 15.02.2010.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.

4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision: The arguments in this case are similar to the one submitted by applicant in case No.1 with difference that delay of 5-6 years is requsted. The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 21/AM17 dated 26.10.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.7: M/s.Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/465/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.6,70,,530/- against Invoice No.472 dt. 02.10.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:

The subject supplies were made in this case in October 2008. The arguments in this case are similar to the one submitted by applicant in case No.1 .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 12/AM17 dated 19.07.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No. 8: M/s.Emami Ltd. Kolkata. (P.H. Case)

F.No. 01/60/162/606/AM17/PRC

PRC Meeting No. 34/AM17 dated 27.03.2017

Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.45,320/- against Invoice No.69 dt. 10.11.2009.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:

The subject supplies were made in this case on 10.11.2009. The arguments in this case are similar to the one submitted by applicant in case No.1 .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 17/AM17 dated 9.06.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.9: M/s.Emami Ltd. Kolkata. (P.H. Case)

F.No. 01/60/162/464/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.20,188/- against Invoice No.1195001209 dt. 29.05.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:

The subject supplies were made in this case on 29.05.2008. The arguments in this case are similar to the one submitted by applicant in case No.1 .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 12/AM17 dated 19.07.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No. 10: M/s.Emami Ltd. Kolkata. (P.H. Case)

F.No. 01/60/162/467/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.3,17,240/- against Invoice No.863 dt. 12.09.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:

The subject supplies were made in this case on 12.09.2008. The arguments in this case are similar to the one submitted by applicant in case No.1 .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 12/AM17 dated 19.07.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.11: M/s.Emami Ltd. Kolkata. (P.H. Case)

F.No. 01/60/162/463/AM17/PRC

PRC Meeting No. 34/AM17 dated 27.03.2017

Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.9,55,140/- against Invoice No.12 dt. 03.07.2008, 22 dt. 21.09.2008 & 40 dt.05.08.2008.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.

3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.
5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:
The subject supplies were made in this case during period July-September 2008. The arguments in this case are similar to the one submitted by applicant in case No.1 .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 12/AM17 dated 19.07.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.12: M/s.Emami Ltd. Kolkata. (P.H. Case)
F.No. 01/60/162/726/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of delay in claim of benefit of refund of TED of Rs.1,03,824/- against Invoice No. 96 dt. 21.02.2010.

The applicant had sought personal hearing in terms of Para 2.59 of FTP, 2015-2020, which was afforded on 27.03.2017. Mr. K.P. Singh, Consultant Representative appeared before the committee on behalf of M/s. Emami Limited, Kolkata and made the following submissions:

1. Earlier, they could not bring to the notice of the committee the reality of hardship in conduct of their business that AMRI Hospital, their group company where all their promoter Directors were also Directors of AMRI, had a fire breakout on 09.12.2010 whereby, all the Directors were called for custody for investigation purpose.
2. Due to FIR against them, they were behind the bars for long period of time. During this period, their company was headless and the remaining heads signatories were in state of shock and clueless about future course of action.
3. It brought trauma and led massive business heads handling operation like exports, sales also left the organization leaving huge void in the system. Consequently, most of the business activities came to standstill. There was a big havoc in the system, specially from operation side.
4. Due to these issues, their documents got misplaced and the entire system was in jeopardy.

5. Hence, they could not file TED refund claim within permissible time of 36 months with late cut. Therefore, RA, Kolkata has rejected their cases considering time barred.
6. He, therefore, requested to condone delay in filing claim within the permissible time.
7. They will not mind if the committee considers their request by imposing additional cut.

Decision:
The subject supplies were made in this case on 21.02.2010. The arguments in this case are similar to the one submitted by applicant in case No.1 with the difference that condonation of delay of 5-6 years is requested .The decision of the Committee in case No. 1 above is re-iterated and accordingly decision taken in PRC meeting No 21/AM17 dated 26.10.2016 is maintained.

(Action: Applicant/ RA, Kolkata)

Case No.13: M/s Primax Industries, Mumbai.
F.No. 01/60/162/1003/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject:-Request of extension of EOP, beyond 12 months, against DFIA issued vide F.No.3/92/076/00221/ AM14.

Decision: The committee noted the submissions made by the applicant. It was noted that in terms of Para 4.29(ii) & (iv) of FTP, 2015-2020, export shall be completed within 12 months from the date of online filing of application and generation of file number and application shall be submitted within 12 months from the date of export or six months from the date of realization of payments, whichever is later.DFIA is issued only after exports are made. The Committee, therefore,did not accede to the request for counting exports made beyond 12 months.

However, it was also decided to inform that Para 4.28 of HBP 2015-20 mentions that Exports/supplies made in anticipation of grant of Advance Authorisation shall be entirely on risk and responsibility of the exporter (also applicable to DFIA as stated in para 4.54(b) of HBP). If the exporter wishes to get the Shipping Bills converted to drawback in terms of para 4.29 of Handbook of Procedures 2015-20, he may approach customs for allowing drawback to them against the subject shipping bills.

(Action: Applicant/ RA, Mumbai**)**

Case No.14:M/s Primax Industries, Mumbai.
F.No. 01/60/162/1004/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject:- Request of extension of EOP, beyond 12 months, against DFIA No.0310807528 dt. 01.09.2016 issued vide F.No.3/92/076/00222/ AM14.

Decision: Decision of PRC in respect of case No 13 is reiterated.
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(Action: Applicant/ RA, Mumbai**)**

Case No.15: M/s IndogulfCorpsciences Ltd., Delhi.
F.No. 01/60/162/1129/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for condonation of export obligation of Advance Authorization No. 0510397736 dated 26.02.2016.

Decision: The Committee noted the submissions made by the applicant that 39 kgs raw materials has been destroyed due to fire accident in their factory. However, export obligation cannot be waived on such ground because imports were permitted without payment of duties by the Government and there is obligation attached to such imports made against Advance Authorisations. Further, normally the affected parties get compensation from insurance agencies in such incedents. Therefore, Committee did not accede to request of the applicant to waive off export obligation. The applicant, therefore, has an option to get the case regularised in terms of Para 4.49 of HBP, 2015-2020 or fulfill balance export obligation by using duty paid materials within stipulated export obligation period i.e. upto 31.08.2017.

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

Case No.16: M/s Larsen & Toubro Ltd. Mumbai,
F.No. 01/60/162/1051/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request of relaxation of policy to waive the requirement of physically transporting the goods outside India against Advance Authorization No. 0310751300 dt. 26.09.2013.

Decision: The committee noted that the applicant has imported goods without payment of applicable duty under Advance Authorisation and hence they were under obligation to fulfil export Obligation (EO) within the stipulated EOP. Therefore, export obligation cannot be waived since the Government has forgone the duties on the imported inputs by the applicant. The argument by the applicant cannot be termed as one of genuine hardship since they had option to export the resultant products to any other buyer in any other country or sell it in the domestic market after payment of duty and applicable interest as per the provisions for regularization of export available in FTP 2015-20 and HBP.

(Action: Applicant/RA, Mumbai.)

Case No.17:M/s Medchl Chemicals & Pharmaceuticals P. Ltd., Secunderabad.
F.No. 01/60/162/1036/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for counting the supply made against Invoice No.22/09-10 dt. 13.07.2009 towards fulfilment of EO against Advance Authorization No.0910039024 dt. 18.08.2009.

Decision: The Committee noted the submissions made by the applicant that they have supplied goods to AA holder i.e. M/s. Axon Drugs Pvt. Ltd. against invalidation letter dated 26.05.2009 with an intention to apply for AA for importing duty free raw material. However, they commenced supplies even before filing application for Advance Authorization to the Regional Authority. Therefore, could not mention Authorization number or File number on the supply invoices.

In this regard it is pertinent to mention that Para 4.30 of HBP 2015-20 clearly mention about the procedure of application by a supplier intending supplies to an ultimate exporter which state that application for grant of Advance Authorisation or DFIA for Intermediate supply may be made on the basis of a tie-up arrangement with an ultimate exporter (physical / deemed) holding an Advance Authorisation or DFIA and the applicant has to first submit the invalidation letter issued by RA of the of ultimate exporter. The applicant clearly did not follow the procedure mentioned in the Policy in this case .

Further as per Para 4.27 (a) of HBP, 2015-2020,"Exports / supplies made from the date of EDI generated file number for an Advance Authorisation, may be accepted towards discharge of EO. Shipping bill/supply documents should be endorsed with File number/ Authorisation number to establish co-relation of exports/supplies with Authorisation".

Hence, exports made without mentioning either the EDI generated file number or the Authorisation number cannot be accounted towards fulfillment of export obligation. The Committee, therefore, did not to accede to the request.

The applicant is hereby directed to get the Advance Authorisation regularised in terms of Para 4.49 of HBP, 2015-2020 within a month of uploading the minutes of the PRC on DGFT Website.

(Action: Applicant/RA, Secunderabad)

Case No.18:M/s. Medchl Chemicals & Pharmaceuticals P. Ltd., Secunderabad.
F.No. 01/60/162/1038/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for count the supply of Invoice No.15/08-09 dt. 08.01.2009 towards fulfilment of EO against Advance Authorization No.0910039025 dt. 18.08.2009.

Decision: This case is of the similar nature as in case No. 17. Only the name of the party to whom supplies were made by the applicant is different i.e. M/s. Macleods Pharmaceuticals Ltd. The decision taken in case No. 17 is re-iterated.

(Action: Applicant/RA, Secunderabad)

Case No.19:M/s. Medchl Chemicals & Pharmaceuticals P. Ltd., Secunderabad.
F.No. 01/60/1035/1035/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for count the supply of 4 Invoices No.47 dt. 25.02.2010; 48 dt. 12.03.2010; 49 dt. 23.03.2010 and 50 dt. 26.03.2010 towards fulfilment of EO against Advance Authorization No.0910041640 dt. 12.04.2010.

Decision: This case is of the similar nature as in case No. 17. Only the name of the party to whom supplies were made by the applicant is different i.e. M/s. Macleods Pharmaceuticals Ltd. The decision taken in case No. 17 is re-iterated.

(Action: Applicant/RA, Secunderabad)

Case No.20:M/s. Medchl Chemicals & Pharmaceuticals P. Ltd., Secunderabad.

F.No. 01/60/162/1034/AM17/PRC

PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for count the supply of 3 Invoices No.40 dt. 16.01.2010; 43 dt. 25.01.2010 & 46 dt. 25.02.2010 towards fulfilment of EO against Advance Authorization No.0910041639 dt. 12.04.2010.

Decision: This case is of the similar nature as in case No. 17. Only the name of the party to whom supplies were made by the applicant is different i.e. M/s. Macleods Pharmaceuticals Ltd. The decision taken in case No. 17 is re-iterated.

(Action: Applicant/RA, Secunderabad)

Case No.21: M/s Gland Pharma Ltd., Hyderabad.
F.No. 01/60/162/1045/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject:-Request for EOP extension of Advance Authorization No.0910062544 dt. 28.08.2015.

Decision: The Committee noted that the Authorization No. 0910062544 dt. 28.08.2015 was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J, which allows 12 months for EO fulfillment from import of each consignment. In this case imports were made on 30.11.2015 and 24.08.2016. Accordingly, export obligation period was upto 29.11.2016 and 23.08.2017, respectively. The applicant has stated to have fulfilled less than 50% (i.e. 10.61% only) of its stipulated export obligation during the initial export obligation period and export obligation period is still valid till 23.08.2017 against second import consignment. Taking all these facts into account, the Committee decided the following:

(i) Export obligation period be extended from 12 months to 18 months against first import consignments i.e. upto 31.05.2017.
(ii) This will, however, be subject to 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 (2015-20) shall be maintained.

(Action: Applicant / RA, Hyderabad)

Case No.22: M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1072/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against S/Bill No.5506031 dt. 06.02.2010 filed vide F.No.31/81/51/197/AM14 dt. 13.01.2014.

Decision: The committee noted that the applicant has requested for issuance of DEPB against Shipping Bill No.5506031 dated 06.02.2010. The online application was submitted through EDI system after 4 years (13.01.2014) and hard copy of application was submitted to RA on 19.08.2016 i.e. after 6 years.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant / RA, Pune)

Case No.23:M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1067/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against S/Bill No.5502204 dt. 03.11.2009 filed vide F.No.31/21/51/1810/AM11 dt. 03.11.2010.

Decision: The committee noted that the applicant has requested for issuance of DEPB claim against Shipping Bill No.5502204 dated 03.11.2009. The online application was submitted through EDI system on 03.11.2010 and hard copy of application was submitted to RA on 19.08.2016 that is after 7 years.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant / RA, Pune)

Case No.24: M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1064/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against S/Bill No.3197745 dt. 12.04.2011 filed vide F.No.31/81/51/211/AM14 dt. 14.02.2014.

Decision: The committee noted that the firm has requested for issuance of DEPB claim against Shipping Bill No.3197745 dated 12.04.2011. The online application was submitted through EDI system on 16.07.2013and hard copy of application was submitted to RA on 18.07.2016 that is after 5 years.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant / RA, Pune)

Case No.25:M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1065/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against S/Bill No.5507700 dt. 11.03.2010 filed vide F.No.31/81/51/224/AM12 dt. 25.05.2011.

Decision: The committee noted that the firm has requested for issuance of DEPB claim against Shipping Bill No.5507700 dated 11.03.2010. RA, Pune has rejected the application stating that reply to the query has been submitted after 5 years and hence the case is time barred. It is observed that the applicant has submitted application for DEPB on 24.05.2011 that was within time. However, RA rejected the request on the ground that date of realisation of payment was not indicated correctly in the BRC. The applicant finally submitted documents on 19.08.2016 after laps of 5 years.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. Incomplete or deficient application is liable to be rejected summarily. Reply to query must be complied in time manner preferably within a month of the query raised. General law of limitation is applicable in all cases. There is no justification to condone delay thereafter. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant/RA, Pune)

Case No.26:M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1066/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against 3 S/Bills No.2114060 dt. 30.12.2010; 4119760 dt. 15.06.2011 & 5519794 dt. 25.10.2010 filed vide F.No.31/81/51/198/AM14 dt. 15.01.2014.

Decision: The committee noted that the firm has requested for issuance of DEPB claim against Three Shipping Bills No.2114060 dated 30.12.2010, 4119760 dated 15.6.2011 and 5519794 dated 25.10.2010. RA Pune has rejected the application stating that online application was filed on 15.01.2014 and hard copy of application was submitted to RA on 12.08.2016 after laps of almost 6 years.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant / RA, Pune)

Case No.27:M/s. Jindal Saw Ltd., New Delhi.
F.No. 01/60/162/1071/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for issuance of DEPB claim against 2 S/Bills No.5383791 dt. 13.09.2011 & 5576611 dt. 26.09.2011 filed vide F.No.31/81/51/149/AM13 dt. 20.04.2012.

Decision: The committee noted that the firm has requested for issuance of DEPB claim against two Shipping Bills No.5383791 dated 13.09.2011 and 5576611 dated 26.09.2011. RA Pune has rejected the application stating that online application was filed on 24.04.2012 whereas hard copy of the application was submitted to the office on 19.08.2016. The Committee observed that the request has been made by the applicant after 5 years and hence time barred.

An application for DEPB can be filed within 12 months from the date of export or 6 months from the date of realisation of payment or three months from the date of release of shipping bill, whichever is later. Further, application can be filed within 36 months from the date of export with 10% late cut. The Committee did not consider this case to be one of genuine hardship and hence , did not accede to the request of the applicant.

(Action: Applicant / RA, Pune)

Case No.28: M/s. Arvind Pipes & Fitting Industries P. Ltd., Mumbai.
F.No. 01/60/162/1044/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for EOP extension of Advance Authorization No.0310775998 dt. 27.03.2014.

Decision: The Committee noted that the Authorization No.0310775998 was issued on 27.03.2014havinginitial Export Obligation period upto 30.09.2015 (18 months). The E.O. period was further extended by the RA upto 30.09.2016 (30 months).The applicant has stated to have completed 85.70% of its stipulated export obligation during the initial and extended export obligation period. Taking into consideration all these facts the Committee decided the following:

i. Export obligation period be extended from 30 months to 36 months i.e 31.03.2017.
ii. This will, however, be subject to payment of composition fee @ 1% per month of FOB value of export made after 30th month but upto 36th month i.e. upto 31.03.2017.
iii. The minimum value addition of 15% as prescribed under para 4.09 of FTP (2015-20) shall be maintained.

(Action: Applicant/RA, Mumbai)

Case No.29:M/s. Cadila Pharmaceuticals Ltd., Ahmedabad.
F.No. 01/60/162/1128/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for EOP extension of Advance Authorization No.0810136499 dt. 10.11.2015 issued under PC-9 condition

Decision: The Committee noted that the Authorization was issued with condition stipulated under PC-9 dated 10.11.2015 read with appendix-4J of FTP, 2015-2020, which allows 12 months for EO fulfillment from import of each consignment. The applicant has imported one consignment i.e. on 30.11.2015. Accordingly, the export obligation period was upto 29.11.2016.However, no exports were made during this period.The applicant has stated to have fulfilled 100% exports on pro-rata basis by 29.12.2016 and requested for regularisation of it. Taking all these facts into account, the Committee decided the following:

(i) Export obligation period be extended upto 31.12.2016 for regularisation of exports already effected against the Authorisation.

(ii) This will, however, be subject to payment of composition fee @ 1% per month of FOB value of export made after initial obligation period.
(iii) RA shall ensure that shipments were effected indicating File number or Authorisation number in question.
(iv) The minimum value addition of 15% as prescribed under para 4.09 of FTP (2015-20) shall be maintained.

(Action: Applicant/RA, Ahmedabad)

Case No.30:M/s. Rusan Pharma Ltd., Mumbai.
F.No. 01/60/162/1062/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject:-Request for waiver PC-18 condition of Advance Authorization No.0310704777 dt. 10.08.2012 issued under PC-9 conditions.

Decision: The Committee decided to defer the case for seeking further details from the applicant to match the consumption details.

(Action: Applicant)

Case No.31: M/s. Associated Colours Industries P. Ltd., Ahmedabad.
F.No. 01/60/162/1118/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: - Request for second Revalidation of Advance Authorization no. 0810134998 dt. 07.04.2015.

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by RA, despite that the applicant could not complete its imports. As the Committee did not find the case to be of genuine hardship, the request was not acceded to.

(Action: Applicant/RA, Ahmedabad)

Case No.32: M/s. Asahi India Glass Ltd, Maharashtra.
F.No. 01/60/162/1037/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for second Revalidation of Advance Authorization no. 0310793717 dt. 09.02.2015.

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by RA, despite that the applicant could not complete its imports. As the Committee did not find the case of any genuine hardship, the request was not acceded to.

The committee further noted that the applicant has imported one item to the extent of 100% whereas export obligation has been fulfilled only to the extent of 90.16%. Therefore, the applicant must approach the RA concern for extension of export obligation if they may so desire to discharge balance export obligation.Otherwise applicant should submit the case for regularisatin as per para 4.49 of HBP 2015-20.

(Action: Applicant/RA, Mumbai)

Case No.33: M/s. BN Pack Corrugated Pvt Ltd., New Delhi.
F.No. 01/60/162/1046/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for Relaxation by acceptance of Manual BRC in lieu of e-BRCs for redemption / regularization of the Advance Authorization No. 0510384367 dt. 17.04.2014.

Decision: Through Public Notice No.2 (RE-2012)/2009-14 dated 5.6.2012, the issuance and transmission of 'e-BRC' by Banks to DGFT in electronic form was made mandatory w.e.f. 5.7.2012.Thereafter Vide Public Notice No. 08 dated 6.7.2012 time up to 16.08.2012 was allowed to the banks for transition from physical BRC to e-BRC.

The plea that exports were made through 907 shipments and being voluminous documents, the Bank had refused to issue e-BRC against each shipments is not acceptable since the Public Notice No. 8 dated 6.07.2012 made it clear about the time line to be followed by the Banks. Further, the applicant has not submitted any supporting documents which proves that the Bank has refused to issue e-BRC. The committee, therefore, did not accede to the request.

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

Case No.34: M/s. J. B. Chemicals & Pharmaceutical Ltd., Mumbai.
F.No. 01/60/162/834/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for EOP extension of Advance Authorization No. 0310798530 dated 27.08.2015 issued under PC-9 condition.

Decision: The Committee noted that the Authorisation was issued with conditions stipulated under PC-9 dated 30.06.2003 read with Appendix-4J of FTP,2015-2020, which allows 12 months for EO fulfillment from import of each consignment. The applicant has imported goods on 14.09.2015, 18.09.2015, 09.10.2015, 15.10.2015, 07.12.2015, 08.01.2016 & 21.01.2016. Accordingly, initial obligation period was upto 13.09.2016, 17.10.2016, 08.10.2016, 14.10.2016, 06.12.2016, 07.01.2017, and 20.01.2017, respectively. The applicant has stated to have 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 31.03.2017 for first consignment, upto 30.04.2017 for second, third and forth consignments, upto 30.06.2017 for fifth consignment and upto 31.07.2017 for sixth and seventh consignments.
II. This will, however, be subject to payment of a composition fee @ 0.5% per month of FOB value of exports made after initial obligation period.
III. RA shall check that minimum 50% exports, even on pro-rata basis, are made against each consignment, within its initial obligation period. If not, composition fee will be charged @ 1% per month of unfulfilled FOB value.
IV. The minimum value addition of 15% as prescribed under Para 4.09 of FTP (2015-2020) shall be maintained.

(Action: RA, Mumbai)

Case No.35: M/s. Cooper Pharma Ltd., Delhi
F.No. 01/60/162/1022/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for EOP extension of Advance Authorization No. 0510396017 dated 26.10.2015 issued under PC 9 Condition.

Decision: The Committee noted that the Authorization was issued with condition stipulated under PC-9 dated 10.11.2015 read with appendix-4J of FTP, 2015-2020, which allows 12 months for EO fulfillment from import of each consignment. The applicant has imported one consignment i.e. on 24.11.2015. Accordingly, the export obligation period was upto 23.11.2016. The applicant has claimed to have completed 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 may be extended from 12 months to 18 months against import consignment i.e 31.05.2017.
(ii) This will, however, be subject to payment of composition fee @ 0.5% per month of FOB value of export made after initial obligation period.
(iii) RA shall check that minimum 50% exports, even on pro-rata basis, are made against each consignment, within its initial obligation period. If not, composition fee will be charged @1% per month of unfulfilled FOB value.
(iv) The minimum value addition of 15% as prescribed under para 4.09 of FTP (2015-20) shall be maintained.

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

Case No.36: M/s. Solvay Specialities India Pvt. Ltd., Mumbai.
F.No. 01/60/162/1025/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for Second Revalidation of Advance Authorization No. 0310796439 dt. 04.06.2015.

Decision: The Committee noted that the one of the imported raw materials namely Hydroquinone premium/photographic Grade was found defective. At the time of re-export, they requested the Customs Authority for re-credit of the quantity and value in the Authorisation but the same was denied by the customs. The firm approached the RA Mumbai also for re-credit of quantity and value but their request was rejected by the RA also.

The case was deliberated in the Committee. Para 4.56 of HBP, 2015-2020 provides this facility to DFIA holder. Taking into consideration the same anylogy, the committee decided the following:

i. The RA shall first check that goods imported under the Advance Authorisation in question were re-exported to the same supplier. It will be co-related with Bill of Entry and Shipping Bill.
ii. Quantity and value so re-exported may be re-credited.
iii. CIF value may be restricted to 95% of CIF debited at the time of import.
iv. Authorisation shall be revalidated for three months from the date of endorsement.
v. Import of Hydroquinone premium/photographic shall only be allowed for import.

(Action: Applicant/RA, Mumbai)

Case No.37: M/s. Solvay Specialities India Pvt. Ltd., Mumbai.
F.No. 01/60/162/1024/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for Second Revalidation of Advance Authorization no. 0310796443 dt. 04.06.2015.

Decision: The circumstances of this case are similar to the case No. 36. Decision in respect of case 36 is re-iterated

(Action: Applicant/RA, Mumbai)

Case No.38: M/s. SMI Coated Product Pvt. Ltd., Mumbai.
F.No. 01/60/162/1043/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for Second Revalidation of Advance Authorization no. 0310792321 dt. 23.12.2014.

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by RA, despite that the applicant could not complete its imports. As the Committee did not find it to be a case of genuine hardship, the request was not acceded to.

(Action: Applicant/RA, Mumbai)

Case No.39: M/s. SMI Coated Product Pvt. Ltd., Mumbai.
F.No. 01/60/162/1042/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for Second Revalidation of Advance Authorization no. 0310786746 dt. 14.07.2014.

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by RA, despite that the applicant could not complete its imports. As the Committee did not find it to be a case of genuine hardship, the request was not acceded to.

(Action: Applicant/RA, Mumbai)

Case No.40: M/s. Sunlord Apparels Mfg. Co. Pvt. Ltd., Noida.
F.No. 01/60/162/930/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for accept fabric consumption as per their production record / Shipping bills i.e. 12029.20 Sqm. Towards fulfilment of EO of Advance Authorization No. 0510344812 dt. 04.02.2013.

Decision: The Committee noted that as per General Note for Textiles under SION book, GSM of fabric is required to be be mentioned in the Bill of Entry while importing and in the Shipping Bill while exporting. As per Policy Circular No.19 dated 15.07.2008 issued by DGFT, consumption of fabrics in Sq. Meters can be calculated as per formula given therein. Hence, in the present case issue of policy relaxation does not arise. If there was any mistake in mentioning of wrong quantity in Shipping Bill, the applicant should have approached the Customs Authority for correcting the mistake after submitting relevant proof to the customs. Therefore, this being a matter not related to Policy Relaxation, PRC cannot allow any relaxation to accept a wrong calculation by the applicant while making shipments. Hence, the Committee did not accede to the request. The applicant is directed to get the shortfall regularized as per Para 4.49 of HBP, 2015-20.

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

Case No.41: M/s. Sunlord Apparels Mfg. Co. Pvt. Ltd., Noida
F.No. 01/60/162/928/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for accept fabric consumption as per their production record / Shipping bills i.e. 30871 Sqm. Towards fulfilment of EO of Advance Authorization No. 0510339099 dt. 19.11.2012.

Decision: Committee decided to re-iterate decision taken in case No. 41 above of the same applicant.

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

Case No.42: M/s. Silverline Plastpacks Pvt. Ltd., Rajkot.
F.No. 01/60/162/1021/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for revalidation of Advance Authorization No.2410041604 dt. 14.10.2014

Decision: The Committee observed that the applicant has already been granted one revalidation of six months by RA, despite that the applicant could not complete its imports. As the Committee did not find it to be a case of genuine hardship, the request was not acceded to.

(Action: Applicant/RA, Rajkot)

Case No.43: M/s. Indogulf Cropsciences Ltd., Delhi.
F.No. 01/60/162/1016/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for condonation of Export Obligation of Advance Authorization no. 0510398231 dated 19.04.2016.

Decision: This case of the firm is of similar nature as in case No. 15 except for the quantity of the material which is 44 Kgs in this case.The decision mentioned in respect of case 15 is re-iterated.

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

Case No.44: M/s. Medicamen Bioteck Ltd., Delhi.
F.No. 01/60/162/658/AM17/PRC
PRC Meeting No. 34/AM17 dated 27.03.2017
Subject: Request for 2nd extension of EO Period and waiver of PC 18 condition of Advance Authorization no. 0510372970 dt. 09.12.2013 issued under PC 9 condition.

Decision: The Committee noted that the above mentioned Authorization was issued with conditions as stipulated in PC-9 dated 30.06.2003 read with Appendix-30A of HBP 2009-14, as amended, which allows 12 months for EO fulfillment. The Committee, in its meeting No.17/AM16 held on 15.12.2015 has already extended E.O. period from 12 months to 18 months from the date of import consignment. The committee did not accede to the request of the applicant to allow further period of 6 months. The applicant is hereby directed to get the case regularised in terms of Para 4.49 of HBP, 2015-2020 following the provisions of PC-18 dated 30.10.2007.

(**Action: Applicant /RA**)

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

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