THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 35/AM13 HELD ON 08.01.2013 AT 11.30 A.M. UNDER THE CHAIRMANSHIP OF Dr. A.K PUJARI, DIRECTOR GENERAL OF FOREIGN TRADE.

PRC Meeting was held under the Chairmanship of DGFT and list of officers present in the meeting is given below:

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

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

Case No.1. M/s Citicap Channel Ltd.
F.No. 01/60/162/712/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for revalidation of DEPB no. 0510270911 dated 19.08.2010

The Committee noted that the firm could not utilized the DEPB on account of non transmission of DEPB due to error code ‘2’ and ‘93’. The committee on the basis of the technical records decided to revalidate the aforesaid supplementary DEPB for 6 months from the date of endorsement or upto 31.7.2013 The applicant is directed to get the endorsement from RA within one month from the date of uploadation of PRC minutes.

(Action : RA, CLA New Delhi)

Case No.2. M/s MITC Rolling Mills Pvt. Ltd, Mumbai
F.No. 01/60/162/680/AM13/EFGC(PRC)

PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for revalidation of 26 DEPB's.

1	310534981	25.08.2009
2	310541828	23.10.2009
3	310549460	07.12.2009
4	310509931	02.03.2009
5	310549458	07.12.2009
6	310545479	13.11.2009
7	310545061	12.11.2009
8	310509933	02.03.2009
9	310536183	02.09.2009
10	310534713	21.08.2009
11	310510954	09.03.2009
12	310510703	06.03.2009
13	310535824	31.08.2009
14	310535586	28.08.2009
15	310533663	13.08.2009
16	310533423	12.08.2009
17	310533426	12.08.2009
18	310533431	12.08.2009
19.	310540285	05.10.2009
20	310539866	30.09.2009
21	310542046	23.10.2009
22	310547007	23.11.2009
23	310533435	12.08.2009
24	31.0534717	21.08.2009
25	310534980	25.08.2009
26	310535827	31.08.2009

Deferred for examination of EDI related issued/problem and alternative option.

Case No.3. M/s Merino Industries Ltd, Kolkata
F.No. 01/60/162/329/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for revalidation of AA No. 0210162785 dated 21.07.2011

The committee did not find any cogent reason given by the firm warranting relaxation. Request is rejected.

Case No.4. M/s Steel Gujarat Limited, Gujarat
F.No. 01/60/162/747/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for revalidation of DFIA No. 3410025457 dated 29.10.2009

The Committee discussing the case and found the case unusual. Taking into consideration the Order dt. 23.7.2012 of Hon'ble High Court Judicature at Bombay, the Committee decided to allow revalidation of DFIA for further period of 6 months from the date of endorsement or upto 31.7.2013 whichever is earlier. This is subject to payment of composition fee @ 1% of the unutilized CIF value of the authorization and also subject to verification by RA about EO fulfillment status, as claimed by the firm.

(Action : RA Vadodara)

Case No.5. M/s Jabs International Pvt. Ltd, Mumbai
F.No. 01/60/162/769/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No 0310580217 dated 22.03.2010 for regularization purpose.

The committee noted that authorization is issued for import of Raw Caraway Seeds and export of sterilized Caraway Seeds with pre-import and limited obligation condition. It was very well know to the party that import of Raw Seeds is allowed with condition that export must be completed within 4 months from the date of import. Actually the licensee should have imported raw material only after getting confirmed LC in his favour. In this case, exports are completed only after 16 months from the date of import. Thus, the justification given by applicant is not acceptable to the committee. Hence, the request is rejected.

The applicant is directed to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.6. M/s Jabs International Pvt. Ltd, Mumbai
F.No. 01/60/162/766/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No 0310570962 dated 23.04.2010 for regularization purpose.

The committee noted that authorization is issued for import of Raw Caraway Seeds and export of sterilized Caraway Seeds with pre-import and limited obligation condition. It was very well know to the party that import of Raw Seeds is allowed with condition that export must be completed within 4 months from the date of import. Actually the licensee should have imported raw material only after getting confirmed LC in his favour. In this case, exports are completed only after 16 months from the date of import. Thus, the justification given by applicant is not acceptable to the committee. Hence, the request is rejected.

The applicant is directed to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.7. M/s Jabs International Pvt. Ltd, Mumbai
F.No. 01/60/162/768/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No 0310566251 dated 24.03.2010 for regularization purpose.

The committee noted that authorization is issued for import of Raw Caraway Seeds and export of sterilized Caraway Seeds with pre-import and limited obligation condition. It was very well know to the party that import of Raw Seeds is allowed with condition that export must be completed within 4 months from the date of import. Actually the licensee should have imported raw material only after getting confirmed LC in his favour. In this case, exports are completed only after 17 months from the date of import. Thus, the justification given by applicant is not acceptable to the committee. Hence, the request is rejected.

The applicant is directed to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.8. M/s Nexus Electro Steel Limited, Chennai
F.No. 01/60/162/750/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No 0410093159 dated 11.01.2008.

The Committee rejected the request of the firm considering no merit in the case. However, it is advised to the party to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Chennai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.9. M/s Nexus Electro Steel Limited, Chennai
F.No. 01/60/162/752/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No 0410093155 dated 11.01.2008.

The Committee rejected the request of the firm considering no merit in the case. However, it is advised to the party to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Chennai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.10. M/s Merchem Limited, Cochin
F.No. 01/60/162/755/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA No. 1010027605 dated 10.10.2007 for regularization purpose.

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

I. Export obligation period is extended upto 31.12.2010.
II. This is only for regularization and closure purpose.
III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP is maintained.
IV. This is also subject to the condition that the case has not been adjudicated.

(Action :RA Cochin)

Case No.11. M/s C.N.C Precision Mechanical Pvt. Ltd.
F.No. 01/60/162/753/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 3010051398 dated 29.03.2007

The Committee rejected the request of the firm considering no merit in the case. However, it is advised to the party to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Ludhiana; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.12. M/s Kopran Ltd, Mumbai
F.No. 01/60/162/670/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310623333 dated 25.03.2011

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

I. The request for EOP extension for further export is rejected. However, Export obligation period is extended from 12 months to 18 months (in continuation) from the date of first import consignment. The exports, if any, have already been made within this period shall be regularised.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

IV. For balance unutilized imported goods, the applicant has option to export the goods within 3 months from publication of this minute and that export will be regularized on payment of customs duty with interest. However, waiver of PC-18 shall be allowed on that export. Or alternatively, they can follow the procedure of PC-18.

(Action : RA, Mumbai)

Case No.13. M/s Ducol Organics & Colour Pvt. Ltd
F.No. 01/60/162/167/AM12/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310471638 dt. 19.06.2008 & 0310461489 dt. 18.02.2008.

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

i. The request for EOP extension for further export is rejected. However, Export obligation period is extended upto 48 months from the date of issue of authorizations for the purpose of regularization of export, if any, made during this period under these authorisations.

ii. This is only for regularization and closure purpose.

iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP is maintained.

iv. This is also subject to the condition that the case has not been adjudicated.
v. Shortfall, if any, shall be regularized in terms of Para 4.28 of HBP.

(Action : RA Mumbai)

Case No.14. M/s Aarti Drugs Ltd, Mumbai
F.No. 01/60/162/713/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310505929 dated 06.02.2009.

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

I. Export obligation period is extended upto 30.4.2010.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value on export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained .

(Action : RA, Mumbai)

Case No.15. M/s Aurochem Laboratories (India) Pvt. Ltd, Mumbai
F.No. 01/60/162/264/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310449743 dated 08.11.2007.

The committee did not find any merits in the request and rejected the same reiterating the earlier decision of PRC meeting held on 17.8.2012.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.16. M/s L&T Limited, Mumbai
F.No. 01/60/162/468/AM12/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310459450 dated 29.01.2008 for regularization purpose.

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

I. Export obligation period is extended upto 30.11.2011.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Mumbai)

Case No.17. M/s Galentic Pharma (India) Pvt. Ltd, Mumbai
F.No. 01/60/162/931/AM12/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for consideration of third-party export documents without disclaimer certificate from the third-party towards regularization of exports against of AA no. 0310349964 dated 03.10.2005.

After long detailed discussion, it was decided to accept the party's request because the third-party has been non-operative to the applicant as well as to RA, Mumbai. This is subject to the submission of following documents:

i) All original EP copy of shipping bills.
ii) All original BRCs.
iii) Indemnity bond-cum-affidavit.

Case No.18. M/s K.B. Dhondale Silk Throwing Factory Bangalore
F.No. 01/60/162/754/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0710065823 dated 08.07.2009.

The committee noted that the firm has not made any exports under the above Advance Authorizations and reason cited that due to cancellation of export order, they could not find alternative buyer is not acceptable to the Committee. The Committee therefore did not consider the reason as genuine hardship warranting policy relaxation. Thus, request is rejected.

(Action : RA, Bangalore; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.19. M/s Ashish Life Science Pvt. Ltd, Mumbai

F.No. 01/60/162/765/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0310594159 dated 28.09.2010 issued under PC-9 condition.

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The case was placed before the Committee and after deliberating the case in length the following decisions were taken:

I. Export obligation period is extended from 12 months to 18 months from the date of first import consignment.
II. This is only for regularization and closure purpose.
III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP is maintained.

(Action : RA, Mumbai)

Case No.20. M/s Oil Country Tubular Ltd, Hyderabad
F.No. 01/60/162/761/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for EOP extension of AA no. 0910038413 dated 03.07.2009 for regularization purpose.

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

I. Export obligation period is extended upto 31.10.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Hyderabad)

Case No.21. M/s PME Power Solutions (India) Ltd, New Delhi
F.No. 01/60/162/698/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for clubbing and redemption of AA no. 0510241497 dated 15.05.2009 & 0510241502 dated 15.05.2009 where EODC has been issued against one authoristion.

After deliberating the case in length the committee noted that waiver of bond is only facility to allow import without execution of bond with customs and this is allowed where exports are made prior to import. Redemption is done where exports and imports are completed. Therefore, it was decided to allow clubbing of authorization where EODC issued only for waiver of bond. Accordingly the following decision was taken:

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

(Action : RA, CLA Delhi)

Case No.22. M/s Calyx Chemicals and Pharmaceuticals Ltd, Mumbai
F.No. 01/60/162/383/AM13/EFGC(PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for clubbing of 5 Advance Authorizations Nos. 0310283101 dated 27.07.2004, 0310321294 dated 15.03.2005, 0310379529 dated 09.05.2006, 0310409327 dated 24.11.2006 & 0310249192 dated 22.01.2004.

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

i) To allow clubbing of advance authorizations no. 0310283101 dated 27.07.2004, 0310321294 dated 15.03.2005, 0310379529 dated 09.05.2006, 0310409327 dated 24.11.2006 only.
ii) Licence NO. 0310249192 dated 22.01.2004 has been redeemed hence can't be clubbed.
iii) This is only for regularization and closure purpose and not for any further exports/imports.
iv) RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP of earliest licence for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
v) RA may do clubbing subject to the condition that the case is not adjudicated.

(Action : RA Mumbai)

Case No.23. M/s PME Power Solutions (India) Ltd, New Delhi
F.No. 01/60/162/80/AM13/EFGC(PRC)

PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject:- Request for clubbing and redemption of AA nos. 0510227537 dated 16.09.08 & 0510227532 dated 16.09.08.

Withdrawn to be considered on file.

Case No.24. M/s Apex International, Noida
F.No. 01/94/180/232/AM12/PC-4
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request to count the period for claiming DEPB from the date of clarification letter i.e. 26.04.2012 issued by DGFT.

Deferred.

Case No.25. M/s MMP Technologies Pvt. Ltd, Bangalore
F.No. 01/60/162/954/AM12/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation/permission to club the AA nos. 0710048373 dt. 13.11.06 & 0710069915 dt. 09.02.2010.

The committee did not find any merits in the request and rejected the same reiterating the earlier decision of PRC meeting held on 27.1.2012.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.26. M/s Fancy Fitting Ltd, Mumbai
F.No. 01/60/162/776/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation of AA no. 0310571642 dated 28.04.2010.

The committee did not find any cogent reason given by firm warranting relaxation. Request is rejected.

Case No.27. M/s Fancy Fitting Ltd, Mumbai
F.No. 01/60/162/764/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation of AA no. 0310571641 dated 28.04.2010.

The committee did not find any cogent reason given by firm warranting relaxation. Request is rejected.

Case No.28. M/s Haldia Petrochemicals Ltd, Kolkata
F.No. 01/60/162/757/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210122853 dated 04.02.2009 for regularization purpose.

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

I. Export obligation period is extended upto 30.09.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Kolkata)

Case No.29. M/s Haldia Petrochemicals Ltd, Kolkata
F.No. 01/60/162/758/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210129506 dated 24.07.2009 for regularization purpose.

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

I. Export obligation period is extended upto 31.10.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Kolkata)

Case No.30. M/s Pat International Pvt. Ltd, Bangalore
F.No. 01/60/162/771/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013

Subject: - Request for EOP extension of AA no. 0710068043 dated 05.11.2009.

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

i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.7.2013 which ever is earlier.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% (even if Pro-rata) within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA Bangalore)

Case No.31. M/s Petro Carbon and Chemicals Pvt. Ltd, Kolkata
F.No. 01/60/162/773/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210131789 dated 18.09.2009.

The committee noted that no considerable exports have been made by the firm within the original period, hence the committee did not agree with the justification given. Therefore request is rejected.

(Action : RA, Kolkata; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.32. M/s R L Fine Chem, Bangalore
F.No. 01/60/162/762/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0710069721 dated 01.02.2010.

The committee noted that the EO period is still valid upto 28.2.2013, hence the committee did not agree to extend EOP further. Justification is not acceptable because licence is obtained in Feb. 2010 and fire accident happen in Feb. 2012.

Case No.33. M/s R L Fine Chem. , Bangalore
F.No. 01/60/162/763/AM13/EFGC (PRC)

PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0710069600 dated 22.01.2010.

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

i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.7.2013 which ever is earlier.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA Bangalore)

Case No.34. M/s R L Fine Chem. , Bangalore
F.No. 01/60/162/774/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0710069723 dated 01.02.2010.

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

i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.7.2013 which ever is earlier.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA Bangalore)

Case No.35. M/s R L Fine Chem, Bangalore.
F.No. 01/60/162/775/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0710069599 dated 22.01.2010.

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

i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.7.2013 which ever is earlier.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA Bangalore)

Case No.36. M/s Kumari Overseas (P) Ltd, Bangalore
F.No. 01/60/162/751/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0710067257 dated 29.09.2009.

The committee noted that the firm has not made any exports under the above Advance Authorizations. The Committee further noted that no cogent reason has been cited evidencing genuine hardship as to why no exports could be made within stipulated period. The Committee therefore did not consider the reason as genuine hardship warranting policy relaxation. Thus, request is rejected.

(Action : RA, Bangalore; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.37. M/s Jabs International Pvt. Ltd, Mumbai
F.No. 01/60/162/767/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0310570575 dated 21.04.2010.

The committee noted that authorization is issued for import of Raw Caraway Seeds and export of sterilized Caraway Seeds with pre-import and limited obligation condition. It was very well know to the party that import of Raw Seeds is allowed with condition that export must be completed within 4 months from the date of import. Actually the licensee should have imported raw material only after getting confirmed LC in his favour. In this case, exports are completed only after 18 months from the date of import. Thus, the justification given by applicant is not acceptable to the committee. Hence, the request is rejected.

The applicant is directed to get the case regularized in terms of Para 4.28 of HBP.

(Action : RA, Mumbai; If the party fails to get the case regularised in terms of Para 4.28 of HBP within a month from the date of communication of this decision, RA shall take action against the firm under the provision of FT(D&R) Act. 1992 and report)

Case No.38. M/s Wockhardt Ltd, Mumbai
F.No. 01/60/162/786/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0310656449 dated 27.09.2011.

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

I. Export obligation period is extended from 12 months to 18 months (in continuation) from the date of first import consignment export, if any made during this period shall be regularized.

II. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

III. For balance unutilized materials if exports are completed within 3 months from the date of release of this minutes, the same shall be regularized on payment of customs duty + interest. Waiver of PC-18 is allowed in that case. Alternative option of PC-18 is available to applicant.

(Action : RA, Mumbai)

Case No.39. M/s Tirupati Containers Pvt. Ltd.
F.No. 01/60/162/784/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0510250568 dated 09.10.2009.

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

i) Export obligation period is extended for 6 months from the date of endorsement or upto 31.7.2013 which ever is earlier.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA CLA Delhi)

Case No.40. M/s Parkwood Farms Pvt. Ltd, Kolkata

F.No. 01/60/162/728/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for regularization of AA no. 0210122172 dated 14.01.2009.

Deferred.

Case No.41. M/s Hiran Orgochem Ltd, Mumbai
F.No. 01/60/162/746/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for clubbing of 4 Advance Authorizations No. 0310526466 dated 30.06.2009, 0310555292 dated 14.01.2010, 0310583116 dated 12.07.2010 and 0310583114 dated 12.07.2010 where EODC has been issued against authorization no. 0310526466 dated 30.06.2009 .

After deliberating the case in length, the following decision was taken by the committee:

i. To allow clubbing of4 Advance Authorizations as referred above.
ii. This is only for regularization and closure purpose and not for any further exports/imports. Excess import if any may be regularized in terms of Para 4.28 of HBP.
iii. RA may grant necessary extension in EO subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para 4.1.6 of FTP and ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.
iv. This is subject to condition that only EODC for waiver of bond has been allowed against the advance authorization no. 0310526466 dated 30.06.2009 but not redeemed so far.

v. RA may do clubbing subject to the condition that no adjudication order is issued against any licence to be clubbed.

(Action : RA, Mumbai)

Case No.42. M/s SJK Silk, Bangalore
F.No. 01/60/162/772/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for clubbing of AA nos. 0710040941 dated 18.10.2005 & 0710037858 dated 13.05.2005.

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

I. To allow clubbing of 2 Advance Authorizations as referred above.
II. Extension in EOP upto 31.5.2008 is allowed for AA no. 0710040941 dated 18.01.2005. This is subject to composition fee @ 0.5% of FOB value of export made beyond the stipulated EOP for clubbing and regularization. RA is also directed to examine the case in terms of Para

4.1.6 of FTP and to ensure value addition of minimum 15% or as stipulated in the authorization whichever is higher. The 15% value addition for evaluating entitlement is to be applied on the entire FOB and CIF of the authorizations to be clubbed. RA should ensure proper accounting of the duty free inputs with reference to the export product while clubbing the authorizations.

III. Exports effected upto 31.5.2008 shall only be taken into account for clubbing purpose.
IV. Shortfall if any shall be regularized in terms of Para 4.28 of HBP.
V. RA may do clubbing as the Appellate Authority has remanded back the case to PRC.
VI. If applicant fails to get the case regularized on clubbing within a month from the date of communication of this decision, the case may be remanded back to the Appellate Authority for final action/ order.

(Action : RA, Bangalore)

Case No.43. M/s Integrated Fire Protection Pvt. Ltd.
F.No. 01/60/162/748/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Condonation of procedure for not mentioning the file no. of the AA no. 0210078164 dated 12.05.2005 in the S/bill.

The committee noted that file no. has been mentioned in licence slip issued by the Customs and that registration number has been shown in the EO copies of shipping bills. However, this is allowed only against submission of original EP copy of shipping bills and disclaimer that no other benefits have been availed against these shipping bills by the party.

Case No.44. M/s Indo Rama Synthetics (I) Ltd
F.No. 01/60/162/764/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation and EOP extension of 44 authorizations under AA due to EDI problem.

1. 1110020706 dt. 20.07.2009
2. 1110020707 dt. 20.07.2009
3. 1110020876 dt. 10.08.2009
4. 1110021032 dt. 10.09.2009
5. 1110021072 dt. 18.09.2009
6. 1110021114 dt. 05.10.2009
7. 1110021215 dt. 29.10.2009
8. 1110021312 dt. 19.11.2009
9. 1110021433 dt. 15.12.2009
10. 1110021473 dt. 22.12.2009

11. 1110021612 dt. 14.01.2010
12. 1110021636 dt. 25.01.2010
13. 1110021834 dt. 19.02.2010
14. 1110022007 dt. 12.03.2010
15. 1110022095 dt. 25.03.2010
16. 5010000419 dt. 14.10.2010
17. 5010000434 dt. 28.10.2010
18. 5010000437 dt. 15.11.2010
19. 5010000459 dt. 30.11.2010
20. 5010000497 dt. 13.01.2011
21. 5010000522 dt. 25.01.2011
22. 5010000531 dt. 02.02.2011
23. 5010000533 dt. 04.02.2011
24. 5010000536 dt. 09.02.2011
25. 5010000537 dt. 09.02.2011
26. 5010000600 dt. 09.03.2011
27. 5010000619 dt. 14.03.2011
28. 5010000540 dt. 15.02.2011
29. 5010000539 dt. 15.02.2011
30. 5010000638 dt. 05.04.2011
31. 5010000639 dt. 05.04.2011
32. 5010000654 dt. 03.05.2011
33. 5010000680 dt. 13.05.2011
34. 5010000685 dt. 19.05.2011
35. 5010000682 dt. 18.05.2011
36. 5010000684 dt. 19.05.2011
37. 5010000721 dt. 09.06.2011
38. 5010000722 dt. 09.06.2011
39. 5010000723 dt. 09.06.2011
40. 5010000771 dt. 28.06.2011
41. 5010000770 dt. 28.06.2011
42. 5010000775 dt. 09.06.2011
43. 5010000776 dt. 09.06.2011
44. 5010000777 dt. 09.06.2011

The committee did not find any cogent reason given by firm warranting relaxation as the migration from ICES 1.0 to 1.5 version was for nationwide and no such complain has been received from any other exporter that they are facing problem to utilize authorization due to change in software . Hence request is rejected.

Case No.45. M/s United Phosphorus Ltd
F.No. 01/60/162/759/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation of AA no. 0310549734 dated 08.12.2009.

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

Case No.46. M/s Haldia Petrochemicals Ltd, Kolkata
F.No. 01/60/162/779/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210132067 dated 30.09.2009 for regularization purpose.

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

I. Export obligation period is extended upto 31.10.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

IV. This is subject to verification that exports have been fulfilled on pro-rata basis within extended validity.

(Action : RA, Kolkata)

Case No.47. M/s Haldia Petrochemicals Ltd, Kolkata
F.No. 01/60/162/778/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210131662 dated 17.09.2009 for regularization purpose.

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

I. Export obligation period is extended upto 31.10.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Kolkata)

Case No.48. M/s Haldia Petrochemicals Ltd, Kolkata
F.No. 01/60/162/777/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210130184 dated 07.08.2009 for regularization purpose.

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

I. Export obligation period is extended upto 31.10.2012.

II. This is only for regularization and closure purpose.

III. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.

(Action : RA, Kolkata)

Case No.49. M/s BGH Exim Ltd, Kolkata
F.No. 01/60/162/760/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0210142914 dated 04.06.2010 for regularization purpose.

The case was placed before the Committee and after deliberating the case in length the following decision was taken:

i) Export obligation fulfilled within 6 months from the date of import of each consignment shall be accepted towards regularization.
ii) Shortfall, if any, in exports shall be regularized in terms of Para 4.28 of HBP.
iii) This is subject to payment of composition fee @ 0.5% of FOB value of export made outside the original EOP

(Action : RA Kolkata)

Case No.50. M/s Meenakshi (India) Ltd, Chennai
F.No. 01/60/162/788/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013

Subject: - Request for EOP extension of AA no. 0410099371 dated 21.10.2008.

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

i) Export obligation period is extended upto 28.02.2013.
ii) This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP is maintained.
iii) This is further subject to verification by RA that EO as claimed to have been fulfilled more than 50% (even if Pro-rata) within the valid EOP.
iv) The applicant is advised to submit the licence for endorsement to RA as early as possible.

(Action : RA Chennai)

Case No.51. M/s Meenakshi (India) Ltd, Chennai
F.No. 01/60/162/787/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for EOP extension of AA no. 0410094368 dated 12.03.2008.

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

i. The request for EOP extension for further export is rejected. However, Export obligation period is extended upto 48 months from the date of issue of authorization for the purpose of regularization of exports already made, if any.

ii. This is only for regularization and closure purpose.
iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP is maintained.
iv. This is also subject to the condition that the case has not been adjudicated.
v. Shortfall, if any, shall be regularized in terms of Para 4.28 of HBP.

(Action : RA Chennai)

Case No.52. M/s Texmaco Rail & Engineering Ltd, Kolkata

F.No. 01/92/180/194/AM13/PC-VI
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Refund of TED in respect of supply to Mega Power Projects when ICB procedure has been followed.

The committee noted that in spite of exemption from payment of duty was available to the party, they have paid duty while removing goods from factory to supply the same to Project Authority. Thus, on the contrary the applicant is loose. Since Power Project can't avail benefit of CENVAT credit, there is no change of double payment as such. It was therefore decided to regularize the refund of TED made to the applicant.

Case No.53. M/s Shreen Electric Ltd.
F.No. 01/92/180/76/AM12/PC-VI
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - In view of the supplies to a project covered under Para 8.2 (d), whether the goods supplied by the Main Contractor, outsourced from others shall be eligible for deemed export benefit.

Deferred

Case No.54. M/s United Phosphorus Ltd.
F.No. 01/60/162/756/AM13/EFGC (PRC)
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request for revalidation of AA no. 0310529516 dated 17.07.2009.

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

Case No.55. M/s Hindustan Zinc Ltd, Udaipur
F.No. 01/89/180/67/AM09/PC0-2(A)/Pt.II
PRC Meeting No. 35/AM13 dated: 08.01.2013
Subject: - Request relaxation from provisions of CMVR 1989 and Rule 126 of CMVR 1989 for import.

The Committee noted that the request made by M/s.Hindustan Zinc Limited, Udaipur is to import underground mining equipments for underground mining operations. The Committee considered the request of the firm and granted permission in relaxation of the provisions of para 2(II) (b) (c) (i) (ii) (iii) of Import Licensing Note of Chapter 87 for import of equipments subject to the conditions that the equipments shall not be used for commercial purpose and shall not be registered with RTO for the purpose to run on road and would be used only for the purpose it is sought for.

Case No. 56 Reference received from Norms Committees

F.No. Nil

Subject:- PRC condoned delay in filing representation beyond 4 months for consideration by NC-IV in following cases.

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S.No.	Name of the firm	Adv. Autho. No.	M.No. & Date	Date of communication of earlier decision	Representation submitted on	Present status
1.	VIC Inds. Ltd, Goa	1710001730 dated 10.8.2007	36/13 5.12.12	2008	23.7.2011	Approved
2.	Gokul Exim, Mumbai	0310565296 Dated 18.3.2010	36/13 5.12.12	10.9.2010	28.8.2012	- do -
3.	Kiran Pondy Ltd, TN	0410079771 dated 22.03.2006	37/13 12.12.12	2006	8.5.2012	- do -
4.	Versatile Chemicals Ltd, Mumbai	0310577223 dated 3.6.2010	37/13 12.12.12	29.4.2011	5.2.2012	- do -

The committee considered ex-post-facto approval for consideration of request beyond 4 months for fixation of norms in terms of Para 4.7.6 of HBP.

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

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