

THE POLICY RELAXATION COMMITTEE (PRC) MEETING NO. 41/AM13 HELD ON 26.02.2013 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 Mukesh Bhatnagar	Addl.DG
3. Shri L.B. Singhal	Addl. DG
4. Shri K.C. Raut	Addl. DG
5. Shri S.K. Samal	Jt. DGFT
6. Shri Hardeep Singh	Jt.DGFT
7. Shri Jaikant Singh	Jt. DGFT
8. Shri Ajay Kumar Srivastava	Jt. DGFT
9. Shri A.K. Mishra	Stats Advisor
10. Smt. Sonika Khattar	FTDO

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

Case No.1. M/s Murli Export, Mumbai.

F.No. 01/60/162/909/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation of DFIA No. 0310590582 dated 01.09.2010.

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

Case No.2. M/s Paras Plastic, Mumbai.

F.No. 01/60/162/908/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation Advance Authorization No. 0310545091 dated 12.11.2009.

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

Case No.3. M/s Sun-Grow Brake Liners Pvt. Limited, NOIDA.

F.No. 01/60/162/937/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation of Advance Authorization No. 0510260676 dated 17.3.2010.

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

Case No.4. M/s Rallis Limited, Mumbai.

F.No. 01/60/162/949/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation of Advance Authorization No. 0310576660 dated 1.6.2010.

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

Case No.5. M/s Galaxy Surfactants Limited, Mumbai.

F.No. 01/60/162/948/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation of Advance Authorization No. 0310559408 dated 10.2.2010.

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

Case No.6. M/s Narispor Chemicals Pvt. Ltd, Mumbai.

F.No. 01/60/162/950/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for revalidation of Advance Authorization No. 0310567059 dated 29.3.2010.

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

Case No.7. M/s H&S Exports Corporation, Mumbai.

F.No. 01/60/162/883/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for 2nd revalidation of Advance Authorization No. 0310587673 dated 13.8.2010.

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

Case No.8. M/s GVG Industries (P) Limited, Tamilnadu.

F.No. 01/60/162/479/AM12/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorization No. 3210035371 dated 11.5.2007.

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

- i. Export made upto 31.8.2010 is regularized.
- ii. No further extension beyond 31.8.2010 is allowed.
- iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP.
- iv. 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, Coimbatore)

Case No.9. M/s Lotus Global Pvt Limited, Mumbai.

F.No. 01/60/162/1498/AM11/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorizations No. 0310143908 dated 25.6.2002 & 310273393 dated 8.6.2004 for regularization purpose.

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

- i. Export obligation period is extended upto 48 months from the date of issue of above authorizations.
- ii. This is only for regularization and closure purpose.
- iii. This is subject to a payment of composition fee @ 0.5% of FOB value of export made outside the original EOP and minimum value addition of 15% as prescribed under Para 4.1.6 of FTP.
- iv. 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.10. M/s Mak Control & Systems (P) Limited, Coimbatore.

F.No. 01/60/162/689/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorization No. 3210037022 dated 7.1.2008.

The committee observed that there was no need of applying for duplicate Advance Licence. Export could have been effected against file no. also, utilization certificate issued by customs Authority suffice the purpose for redemption of the case. Hence, the request is rejected.

Case No.11. M/s Wockhardt Limited, Mumbai.

F.No. 01/60/162/916/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorization No. 0310625177 dated 06.04.2011 issued under PC-9 condition for regularization.

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

- I. Export obligation period is extended from 12 months to 13 months (in continuation i.e. upto 31.12.2012) from the date of first import consignment.
- 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.

(Action : RA, Mumbai)

Case No.12. M/s Conros Steels Pvt Limited, Mumbai.

F.No. 01/60/162/939/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorizations No. 0310479795 dated 23.7.2008 & 0310479801 dated 23.7.2008.

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, Pune; 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.13. M/s S. Shoday Silk Twisting Factory, Bangalore.

F.No. 01/60/162/941/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorization No. 0710066726 dated 28.8.2009.

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

- i. Export obligation period is extended for 3 months from the date of endorsement or upto 30.6.2013 which ever is earlier.
- ii. This is subject to payment of composition fee @ 0.5% on unfulfilled FOB value of exports and minimum value addition of 15% as prescribed under para 4.1.6 of FTP.
- iii. This is further subject to verification by RA that EO as claimed to have been fulfilled is more than 50% within the valid EOP.
- iv. The applicant is advised to submit the licence for endorsement to RA as early as possible.
- v. The applicant may start discharging this export obligation without waiting for endorsement from RA on the basis of these minutes.

(Action : RA Bangalore)

Case No.14. M/s Madura Industries Textiles Mumbai

F.No. 01/60/162/938/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for EOP extension of Advance Authorization No. 0310450512 dated 16.11.2007.

The Committee rejected the request of the firm as there is no merit for consideration of further extension in EOP as the authorization is too old. The applicant is advised to get this 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.15. M/s Bhilosa Industries Pvt. Limited, Mumbai

F.No. 01/60/162/904/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for clubbing of 7 Advance Authorizations for regularization purpose. Advance Authorizations Nos:-

1. 0310398845 dated 08.09.2006

2. 0310399023 dated 11.09.2006

3. 0310409489 dated 24.11.2006
4. 0310426173 dated 10.04.2007
5. 0310444030 dated 24.09.2007
6. 0310486862 dated 18.09.2008
7. 0310542130 dated 23.10.2009

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

- i. To allow clubbing of 7 Advance Authorizations as referred above. The applicant has the option to club the authorizations of his choice subject to the condition that the gap between the authorizations is not more than 36 months from the date of issuance of earliest authorization.
- 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 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, Mumbai)

Case No.16. M/s India Foils Limited, Kolkata.

F.No. 01/60/162/720/AM13/EFGC (PRC)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for non-compliance of stipulated procedure of Advance Authorization No.0210097679 dated 31.01.2007. Regularization of Advance Authorization against ARO.

The case was discussed in detail. On perusal of reports of RA Kolkata and RA Mumbai, it was observed that neither ultimate Authorization holder nor Advance holder (intermediate goods supplier against ARO) has obtained any other deemed export benefits except Advance Authorization, therefore the Committee decided to regularize the case. PRC is relaxing by treating ARO as invalidation as no double benefit has been obtained and there is no mala fide. RAs shall ensure that no TED refund and duty drawback is allowed against the said ARO in future.

(Action : RA Kolkata)

Case No.17. M/s Mineral Enterprises Limited.

F.No. 01/91/180/2406/AM-09/PC-3

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Permission of sell/dispose off the capital equipment import under TPS Licence No. 0410081870 dated 02.06.2006.

After discussion in detail, it was decided to allow sale/ transfer of the goods, if the goods so imported under duty credit script issued under TPS have completed more than five years from the date of imports.

Case No.18. M/s Sieves Manufacturers (I) Pvt. Limited.

F.No. 01/61/180/144/AM13/PC-3

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Relaxation for eligibility of "Time barred" 8 shipping Bills for the period 2008-09 for claiming benefits under FMS.

The Committee decided to reject the request on the ground that no cogent reason and justification is given.

Case No.19. M/s Fiat Group Automobiles India Pvt. Limited, Mumbai

F.No. 01/89/180/65/AM13/PC-2(A)

PRC Meeting No. 41/AM13 dated: 26.02.2013

Subject: - Request for import of new vehicles.

Deferred.

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