

**Draft Minutes of the meeting of the Grievance Redressal
Committee held
on 27.11.2008 at 1500 Hours**

Item No. 1 : M/s. Ahuja Impex Pvt. Ltd., Distt. Mohali (F.No. 06/18/2008/GRC)

- **Prayer in brief** : The petitioner's request to the Committee is for non-transmittance of DEPB No. 2210006637 dated 30th March, 2007 to Nhava Sheva Customs.

- **Grounds of prayer** : The petitioner has represented that in the DEPB licence No. 2210006637 dated 30th March, 2007 the port of registration was mentioned as Achra i.e. Inachi. As per their request dated 10.4.2007, the port of registration was changed by Jt. DGFT, from Inachi to Innsai i.e. from Achra to Nhava Sheva. They approached Nhava Sheva customs for registration of the above said DEPB but they refused saying that DEPB in question is "invalid licence and date". Since the time of issuing the above DEPB they are continuously requesting Nhava Sheva Customs Jt. DGFT, Chandigarh and DGFT, Delhi but till date no relief has been granted to them. The current status of the above DEPB on DGFT website is being shown as "error code (3): Port Code does not match with Shipping Bill:"

- **GRC decision** : The Committee noted that the petitioner's request. The petitioner has not presented himself and case was decided in absentia. Representative from Finance pointed out in the meeting that for the same Shipping Bill No. 4939980 licence has been issued against another DEPB, Jt. DGFT clarified that for one shipping bill DEPB rates and discipline can be different. Committee directed Jt. DGFT to sort out the issue by asking NIC to get clarification from Customs and after receiving the said information, decision may be taken on the file.

Item No. 2 : M/s. Ciron Drugs & Pharmaceuticals Pvt. Ltd., Mumbai (F.No.06/46/2008-GRC)

- **Prayer in brief** : The petitioner's prayer to the Committee is regarding benefit for Target Plus Scheme.

- Grounds of prayer :** The petitioner has represented that they had submitted their application to Jt. DGFT Mumbai for Target Plus Scheme for export effected during 2005-06 well within the stipulated period and complete in all respect. Jt. DGFT Mumbai rejected their application on the ground that they did not have Export House Status for AM-06 although they are holding Export House Certificate No.A-00336 dated 19.9.2007 (One Star House) effected from 1st April, 2005 to 31st March, 2009. As per Foreign Trade Policy effective from 1st Sept., 2004, company being a SSI unit was entitled to become One Star Export House since the total FOB export performance during the current plus previous 3 years were well over Rs.15 crores. He has quoted the decision wherein relaxation for condoning the delay in filing status certificate application in time has been given and they are of the view that the intention of the Government is not to deny a benefit to the genuine exporter merely because the firm had not obtained the Status Holder's Certificate from DGFT for export for a particular year although he was entitled for such a certificate.
- GRC decision :** The Committee noted the petitioner's request. Committee directed that as the first step in getting benefit under the Target Plus Scheme is to get Status Holders Certificate, therefore, he should first apply for Status Holder's Certificate as on 1st April, 2005. Delay will be condoned for consideration by the Jt. DGFT for Status Holder's Certificate but the benefit under Target Plus Scheme will be considered after obtaining the Status Holder's Certificate.

Item No 3 : M/s. Cotton Jersey, NOIDA, UP (F.No.06/48/2008/GRC)

- Prayer in brief :** The petitioner has represented regarding amendment in import licence for Target Plus Scheme.
- Grounds of prayer :** The petitioner has made an application for issuance of duty free credit entitlement against the import for the year 2005-06. They enclosed a list of output and their corresponding input for about 51 items for endorsement on the licence as required by Appendix 17(b). They got licence for the same value but it has shown only 8 items allowable to be imported through the licence. They have made an application seeking amendment of the licence showing all

the items in the application and especially endorsement of item 50 of the list i.e. fabric made of mixture of cotton and silk. They have enclosed copy of Shipping Bills and evidence of similar inputs used in exporting year 2005-06 for which licence was issued.

- **GRC decision** : It was pointed out by a representative from DGFT that in the Norms Committee meeting held on 24th July, 2008, Committee considered the case and observed that the Target Plus Scheme as indicated by the applicant is for the year 2005-06. The Shipping Bill No. 56788 dated 19.8.2005 indicate as cotton / silk and velvet skirt. As per the representation of the applicant, they are seeking finalisation of cotton / silk and velvet blended fabric as an input. The Committee decided that the cotton/silk and velvet blended as well as cotton/silk velvet blended fabric have nexus with the export product. The concerned Jt, DGFT was requested to examine with reference to the available inputs and the Committee will take a decision on file.

Item No. 4 : M/s. Sidhartha Tubes Ltd., Indore (F.No. 06/56/2008-GRC)

- **Prayer in brief** : The petitioner has requested for clubbing of 6 Advance Licences as follows :-
 - (1) 1110001229 dated 13.12.2002
 - (2) 1110001409 dated 23.01.2001
 - (3) 1110001410 dated 23.01.2001
 - (4) 1110003132 dated 30.01.2002
 - (5) 1110003303 dated 04.03.2002
 - (6) 1110004469 dated 19.09.2002
- **Grounds of prayer** : Petitioner has represented that they had obtained various advance licences and most of them were surrendered after fulfilling export obligations. Due to certain unavoidable circumstances company became sick and registered with BIFR and BIFR vide their letter dated 20.10.2006 declared their company a sick industrial company. Only six advance licences are pending for which they had applied for clubbing of the licences on 29th January, 2004. Their request for clubbing was rejected by Policy Relaxation Committee in

their meeting held on 14.09.2006 on the grounds that they had fulfilled their export obligation of Licence No.1110004469 dated 19.9.2002 and it was redeemed by the Regional Licensing Authority on 25th February, 2003. The Authority had ignored the fact that the input-output norms was under dispute which was amended 5 times and it was finally concluded by ALC on 10th January, 2005, hence licence cannot be treated as redeemed until the input-output norms for importability of zinc was finalised.

- **GRC decision** : Committee directed that the case may be referred back to the PRC with a request to favourably dispose of as only a minor relaxation is required. Moreover the PRC in its earlier meeting did not consider the fact that licence under dispute cannot be treated as redeemed until the input-output norms for importability of zinc were finalised.

Item No. 5 - M/s. Sonic Biochem Extractions Ltd., Indore (F.No. 06/59/2008-GRC)

- **Prayer in brief** : Petitioner has represented regarding reconsideration of SION's fixed by ALOC against Advance Licence No. 3100371339 dated 14.3.2006 and No.1110010370 dated 24th March, 2008.
- **Grounds of prayer** : The petitioner has represented that they have obtained three Advance Licences to import Acetone (input) for the period between 2004-06 for export of Lecithin Powder (output). ALC has sanctioned norms of 0.76 kgs. of Acetone import against export of 1 kg of Lecithin powder for Advance Licence No. 1110007812 dated 24th February, 2004 but in subsequent licences recoverable wastage of main raw material i.e. liquid lecithin was deducted from consumption of Acetone resulting in reduction of norms to 0.549 kg instead of 0.760 kg. They have made following clarifications to keep input norms of Acetone as 0.760 kgs instead of 0.549 kgs.
 - (1) The recoverable wastage logically cannot be deducted from the process material cost. If this is followed for fixing the norms the fixation of SION for Entry No. E-42 "Soyabean Extraction (Soyabean De-Oiled cake or meal") will not justify and on the contrary becomes negative.

(2) Instead of restricting quantity import of Acetone 109.877 MT they should be allowed to import Acetone 200 MT as per licence quantity and further be permitted to export quantity in ratio as finalised by the competent authority.

(3) During financial year 2007-08 they have exported 165 MT of Lecithin powder and they are the only manufacturer and exporter of this product from India.

- **GRC decision** : Committee directed that as the Company has not imported any raw material, it may be referred to Norms Committee for reconsideration of the matter.

Item No. 6 – M/s. Claris Lifesciences Ltd., Ahmedabad (F.No. 06/58/2008/GRC)

- **Prayer in brief**: Petitioner has requested for revalidation of Advance Licences.
- **Grounds of prayer** : The petitioner has represented to DGFT on 31.12.2007 for revalidation of the 8 Advance Licences. Their application was taken in Policy Relaxation Committee held on 31.07.2008 for discussion. Out of 8 licences, 3 Advance Licences were not taken into consideration and were not revalidated. They have requested for the revalidation of 3 Advance Licences for the purpose of clubbing and closure of 15 Advance Licences for which the demand has already been issued by DGFT, Ahmedabad. In support of their request, they have given a reference of previous PRC meetings where the decisions have been granted for revalidation of licences of the year 2002 for the purpose of clubbing and closure.
- **GRC decision** : Committee directed that if in similar cases PRC had approved in the past, this case may also be examined on file and Hon'ble C&M's approval may be obtained.

Item No. 7 : M/s. Bharath Exporters, Hyderabad (F.No. 06/62/2008/GRC)

- **Prayer in brief** : The petitioner has requested for relaxation of prohibition on export of non-basmati rice.

- **Grounds of prayer** : Petitioner has requested that prohibitions on export of non-basmati rice may be relaxed or at least they may be permitted to export balance contracted quantities or at least they may be permitted to export stock available at their premises at ICD, Hyderabad and Mumbai Port and stocks available at Mumbai warehouses. In support of their request they have submitted that the Notification of ban for export of non-basmati rice from a 100% Export Oriented Unit is completely against the principles of natural justice. The 100% Export Oriented Units are issued letter or permissions to export its entire production excluding rejects and domestic tariff sale subject to a maximum of 50% of FOB value of export sale.
- **GRC decision** : Committee rejected the case as there was no merit in it.

Item No. 8 : M/s.Winsome Network Pvt. Ltd., Kolkata (West Bengal) (F.No.06/69/2008/GRC)

- **Prayer in brief** : The petitioner has requested extension of EOP for 2 years for Advance Licence No. P/W/3496477/C without payment of composition fee.
- **Grounds of prayer** : Petitioner has represented that the Office of DGFT through the PRC has granted an extension of EOP for only 6 months i.e. upto January, 2009 to only one licence of associate group company M/s. R.S.I. Ltd., by inadvertently overlooking the request of the extension of the other absolute similar licence of the other group company under absolute identical and same circumstances. Petitioner has represented in lieu of extension of EOP for 2 years without composition fee, it volunteers to undertake 50% additional export obligation in value without availing any further incentives and the flexibility of export of any product within same group. The Company's inability has been due to the sudden unfortunate adverse and compelling circumstances beyond control resulting from the cancellation of the order by the foreign buyer and the disturbances in the existing units.

- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is upto January 2009 after which the case of M/s. Winsome Network Pvt. Ltd. can be reviewed in the GRC meeting. Committee also directed that till that time DGFT should not take any action against the company.

Item No.9 : M/s. ESTC Ltd., Kolkata (F.No.06 /70/2008/GRC)

- **Prayer in brief** : The petitioner has requested extension of export obligation period for 2 years without payment of composition fee for Advance Licence No. P/W/3496476/C.
- **Grounds of prayer** : Petitioner has represented that the Office of DGFT through the PRC has granted an extension of EOP for only 6 months i.e. up to January, 2009 to only one licence of associate group company M/s. R.S.I. Ltd., by inadvertently overlooking the request of the extension of the other absolute similar licence of the other group company under absolute identical and same circumstances. Petitioner has represented in lieu of extension of EOP for 2 years without composition fee, it volunteers to undertake 50% additional export obligation in value without availing any further incentives and the flexibility of export of any product within same group. The Company's inability has been due to the sudden unfortunate adverse and compelling circumstances beyond control resulting from the cancellation of the order by the foreign buyer and the disturbances in the existing units.
- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is up to January 2009 after which the case of M/s. ESTC Ltd., Kolkata, can be reviewed in the GRC meeting. Committee also directed that till that time DGFT should not take any action against the company.

Item No. 10 : M/s. R.S.I. Ltd., Kolkata (F.No.06/71/2008/GRC)

- **Prayer in brief** : The petitioner has requested extension of export obligation period for 2 years without payment of composition fee for Advance Licence No. P/W/3496478/C.

- **Grounds of prayer** : Petitioner has represented that the Office of DGFT through the PRC has granted an extension of EOP for only 6 months i.e. upto January, 2009 to only one licence of associate group company M/s. R.S.I. Ltd. Time is too short to create infrastructure and complete EO for very high volume of export during this period. Petitioner has represented that in lieu of extension of EOP for 2 years without composition fee, it volunteers to undertake 50% additional export obligation in value without availing any further incentives and willing to abide by any other feasible directive that the Government may require to stipulate.

- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is upto January 2009 and their case can be reviewed in the GRC meeting after the expiry of the validity of the licence.

Minutes of the meeting of the Grievance Redressal Committee
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- **Grounds of prayer** : The petitioner has represented that in the DEPB licence No. 2210006637 dated 30th March, 2007 the port of registration was mentioned as Achra i.e. Inachi. As per their request dated 10.4.2007, the port of registration was changed by Jt. DGFT, from Inachi to Innsai i.e. from Achra to Nhava Sheva. They approached Nhava Sheva customs for registration of the above said DEPB but they refused saying that DEPB in question is "invalid licence and date". Since the time of issuing the above DEPB they are continuously requesting Nhava Sheva Customs Jt. DGFT, Chandigarh and DGFT, Delhi but till date no relief has been granted to them. The current status of the above DEPB on DGFT website is being shown as "error code (3): Port Code does not match with Shipping Bill:"
- **GRC decision** : The Committee noted that the petitioner's request. The petitioner has not presented himself and case was decided in absentia. Representative from Finance pointed out in the meeting that for the same Shipping Bill No. 4939980 licence has been issued against another DEPB, Jt. DGFT clarified that for one shipping bill DEPB rates and discipline can be different. Committee directed Jt. DGFT to sort out the issue by asking NIC to get clarification from Customs and after receiving the said information, decision may be taken on the file.

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- **Grounds of prayer** : The petitioner has represented that they had submitted their application to Jt. DGFT Mumbai for Target Plus Scheme for export effected during 2005-06 well within the stipulated period and complete in all respect. Jt. DGFT Mumbai rejected their application on the ground that they did not have Export House Status for AM-06 although they are holding Export House Certificate No.A-00336 dated 19.9.2007 (One Star House) effected from 1st April, 2005 to 31st March,

2009. As per Foreign Trade Policy effective from 1st Sept., 2004, company being a SSI unit was entitled to become One Star Export House since the total FOB export performance during the current plus previous 3 years were well over Rs.15 crores. He has quoted the decision wherein relaxation for condoning the delay in filing status certificate application in time has been given and they are of the view that the intention of the Government is not to deny a benefit to the genuine exporter merely because the firm had not obtained the Status Holder's Certificate from DGFT for export for a particular year although he was entitled for such a certificate.

- **GRC decision** : The Committee noted the petitioner's request. Committee directed that as the first step in getting benefit under the Target Plus Scheme is to get Status Holders Certificate, therefore, he should first apply for Status Holder's Certificate as on 1st April, 2005. Delay will be condoned for consideration by the Jt. DGFT for Status Holder's Certificate but the benefit under Target Plus Scheme will be considered after obtaining the Status Holder's Certificate.

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- **Prayer in brief** : The petitioner has represented regarding amendment in import licence for Target Plus Scheme.
- **Grounds of prayer** : The petitioner has made an application for issuance of duty free credit entitlement against the import for the year 2005-06. They enclosed a list of output and their corresponding input for about 51 items for endorsement on the licence as required by Appendix 17(b). They got licence for the same value but it has shown only 8 items allowable to be imported through the licence. They have made an application seeking amendment of the licence showing all the items in the application and especially endorsement of item 50 of the list i.e. fabric made of mixture of cotton and silk. They have enclosed copy of Shipping Bills and evidence of similar inputs used in exporting year 2005-06 for which licence was issued.
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- **GRC decision :** Committee directed that the case may be referred back to the PRC with a request to favourably dispose of as only a minor relaxation is required. Moreover the PRC in its earlier meeting did not consider the fact that licence under dispute cannot be treated as redeemed until the input-output norms for importability of zinc were finalised.

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of Acetone resulting in reduction of norms to 0.549 kg instead of 0.760 kg. They have made following clarifications to keep input norms of Acetone as 0.760 kgs instead of 0.549 kgs.

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- (2) Instead of restricting quantity import of Acetone 109.877 MT they should be allowed to import Acetone 200 MT as per licence quantity and further be permitted to export quantity in ratio as finalised by the competent authority.
- (3) During financial year 2007-08 they have exported 165 MT of Lecithin powder and they are the only manufacturer and exporter of this product from India.

- **GRC decision** : Committee directed that as the Company has not imported any raw material, it may be referred to Norms Committee for reconsideration of the matter.

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- **GRC decision** : Committee directed that if in similar cases PRC had approved in the past, this case may also be examined on file and Hon'ble C&M's approval may be obtained.

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- **Prayer in brief** : The petitioner has requested for relaxation of prohibition on export of non-basmati rice.
- **Grounds of prayer** : Petitioner has requested that prohibitions on export of non-basmati rice may be relaxed or at least they may be permitted to export balance contracted quantities or at least they may

be permitted to export stock available at their premises at ICD, Hyderabad and Mumbai Port and stocks available at Mumbai warehouses. In support of their request they have submitted that the Notification of ban for export of non-basmati rice from a 100% Export Oriented Unit is completely against the principles of natural justice. The 100% Export Oriented Units are issued letter or permissions to export its entire production excluding rejects and domestic tariff sale subject to a maximum of 50% of FOB value of export sale.

- **GRC decision** : Committee rejected the case as there was no merit in it.

Item No. 8 : M/s.Winsome Network Pvt. Ltd., Kolkata (West Bengal) (F.No.06 /69/2008/GRC)

- **Prayer in brief** : The petitioner has requested extension of EOP for 2 years for Advance Licence No. P/W/3496477/C without payment of composition fee.
- **Grounds of prayer** : Petitioner has represented that the Office of DGFT through the PRC has granted an extension of EOP for only 6 months i.e. upto January, 2009 to only one licence of associate group company M/s. R.S.I. Ltd., by inadvertently overlooking the request of the extension of the other absolute similar licence of the other group company under absolute identical and same circumstances. Petitioner has represented in lieu of extension of EOP for 2 years without composition fee, it volunteers to undertake 50% additional export obligation in value without availing any further incentives and the flexibility of export of any product within same group. The Company's inability has been due to the sudden unfortunate adverse and compelling circumstances beyond control resulting from the cancellation of the order by the foreign buyer and the disturbances in the existing units.
- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is upto January 2009 after which the case of M/s. Winsome Network Pvt. Ltd. can be reviewed in the GRC meeting. Committee also directed that till that time DGFT should not take any action against the company.

Item No.9 : M/s. ESTC Ltd., Kolkata (F.No.06 /70/2008/GRC)

- **Prayer in brief** : The petitioner has requested extension of export obligation period for 2 years without payment of composition fee for Advance Licence No. P/W/3496476/C.
- **Grounds of prayer** : Petitioner has represented that the Office of DGFT through the PRC has granted an extension of EOP for only 6 months i.e.

up to January, 2009 to only one licence of associate group company M/s. R.S.I. Ltd., by inadvertently overlooking the request of the extension of the other absolute similar licence of the other group company under absolute identical and same circumstances. Petitioner has represented in lieu of extension of EOP for 2 years without composition fee, it volunteers to undertake 50% additional export obligation in value without availing any further incentives and the flexibility of export of any product within same group. The Company's inability has been due to the sudden unfortunate adverse and compelling circumstances beyond control resulting from the cancellation of the order by the foreign buyer and the disturbances in the existing units.

- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is up to January 2009 after which the case of M/s. ESTC Ltd., Kolkata can be reviewed in the GRC meeting. Committee also directed that till that time DGFT should not take any action against the company.

Item No. 10 : M/s. R.S.I. Ltd., Kolkata (F.No.06/71/2008/GRC)

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- **GRC decision** : Committee directed that first M/s. R.S.I. Ltd., Kolkata should show their export performance till the validity of their licence which is upto January 2009 and their case can be reviewed in the GRC meeting after the expiry of the validity of the licence.
