

Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Foreign Trade

Public Notice No. 57 / 2015-20
New Delhi, Dated the 14th February, 2023

Subject: Procedure for allocation of quota, for year 2023-24, for import of (i) Calcined Pet Coke for Aluminium Industry and (ii) Raw Pet Coke for CPC manufacturing industry –reg.

The Hon'ble Supreme Court in the Writ Petition No. 13029/1985 vide its order dated 9th October 2018, has decreed that the import of raw material for use as Calcined Pet coke (CPC) in Aluminium Industry cannot exceed 0.5 million MT per annum in total. Similarly import of Raw Pet Coke for CPC manufacturing industry cannot exceed 1.4 Million MT per annum. In light of the Order of the Hon'ble Supreme Court, the import policy condition of Pet Coke was amended vide Notification No. 42 dated 23rd October, 2018 and wherein it had been indicated that the regulation and monitoring of such imports will be as per the guidelines of Ministry of Environment, Forest and Climate Change issued vide OM No Q-18011/54/2018-CPA dated 10th September, 2018.

2. The allocation of said quota for year 2023-24, for import of (i) Calcined Pet Coke for Aluminium Industry and (ii) Raw Pet Coke for CPC manufacturing industry shall be subject to Judgement of the Hon'ble High Court of Delhi dated 10.01.2023 in the LPA 25/2021 & CM Applications 2070/2021, 13380/2021, 44359/2022 and any further orders/judgements.

3. Pursuant to the above and in exercise of the powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 as amended from time to time read with Para 2.04 of the Foreign Trade Policy (2015-2020), the Director General of Foreign Trade hereby notifies the procedure/ mechanism to implement the restriction imposed on import of Calcined Pet Coke and Raw Pet Coke for year 2023-24, as under:

Conditions and modalities of application for import of Pet coke.

- i. Imports will be subject to guidelines laid down by MoEF&CC issued vide OM No Q-18011/54/2018-CPA and para wise compliance may be submitted with the application for consideration of release of quota.
- ii. The annual quantity limitation in import will be operated on fiscal year basis. Accordingly, the total quantity permitted for import per annum by the Hon'ble Supreme Court and available for import is (i) Calcined Pet Coke for use as Calcined Pet coke in Aluminium Industry is 0.5 million MTs and (ii) Raw Pet Coke for CPC manufacturing industry is 1.4 million MTs. This is available for all industrial units in these two sectors.
- iii. All eligible entities desiring to avail quota as mentioned above, may apply for import license as per procedure mentioned in Trade Notice No. 49 dated 15th March, 2019 along with State Pollution Control Board Certificate (SPCB)/ Pollution Control Committee (PCC) indicating capacity of the unit as on 9.10.2018 (Hon'ble Supreme Court Order in Writ Petition No. 13029/1985) and also valid consent certificate from SPCB/ PCC, in the name of user industrial

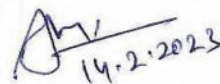


units indicating the quantity permitted for import and its usage on a monthly and yearly basis.

- iv. **Completed online application form and the documents mentioned at (iii) above must reach on or before 28th February, 2023.** Application fee shall be paid in accordance with the procedure as in Appendix 2K of Appendices & Aayat Niryat Forms and deposited online along with the application. **Further, Applicants are required to submit undertaking regarding utilization of import license issued to them for FY 2022-23 and surrender any unutilised quantity by 28.02.2023. Failure to do so would result in deduction of such quantity from their quota for the year 2023-24.**
- v. If documents received are found in order, application will be considered by Exim Facilitation Committee (EFC) in DGFT (Hqrs) for grant of import authorisation. The import authorization will be valid till 31.03.2024 only for the purpose of imports.
- vi. If, after obtaining permission/license for the year 2023-24, importer cannot utilize/ import the entire quantity for which the license has been issued, the applicant shall intimate the same to DGFT through email at **policy2-dgft@gov.in** and **import-dgft@nic.in** on or before 31.12.2023 in order to facilitate distribution of the unutilized quota to other applicants who had applied initially. Failure to utilize allotted quantity and non – surrender will disqualify the applicant for future quota and the unutilized quantity will be deducted from their entitlement.
- vii. **Further, the quantity allocated during FY 2023-24 to the user applicants, if not utilized or surrendered to DGFT; the quantity left unutilized will be deducted from the quota for which applicant would be eligible in FY 2024-25, for better resource utilization.**
- viii. Holders of the license for import of Pet Coke would keep the Regional Authority informed of the details of his import consignments, i.e., the quantity of import, source, and date of import along with details of Bill of entry in respect of each consignment on clearance of goods from Customs. Subsequently, a consolidated report within 30 days of the expiry of import authorization period must be submitted to the Regional Authority, giving consolidated details of all imports made during the period.
- ix. EFC in DGFT will evaluate and allocate quota among applicants and licenses will be issued by the DGFT Hqrs.
- x. Imports have to be completed before 31.03.2024 i.e. consignments must be cleared by customs authorities before this date.

4. **Effect of this Public Notice:**

The procedure for allocation of quota for import of (i) Calcined Pet Coke for use in Aluminium Industry; and (ii) Raw Pet Coke for CPC manufacturing industry for the year 2023-24 is notified.


14.2.2023

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