

Noida Special Economic Zone

Minutes of Meeting of Joint monitoring of EOUs held on 16.08.2018

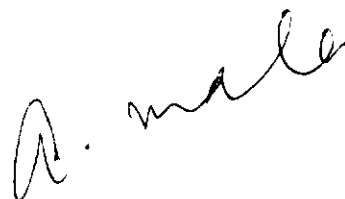
Minutes of 3rd meeting (2018 series) of Unit Approval Committee for Joint Monitoring of EOUs under the chairmanship of Dr. L.B. Singhal, Development Commissioner, NSEZ held on 16.08.2018 at 11.30 AM in the O/o Development Commissioner, Noida Special Economic Zone, Noida-Dadri Road, Phase-II, Noida-201305.

3rd Meeting (2018 series) of Unit Approval Committee (UAC) for Joint Monitoring of EOUs falling under the jurisdiction of Customs Commissionerates of Chandigarh, Jalandhar, Jammu, Ludhiana, Jodhpur, Shimla, Udaipur was held on 16.08.2018 under the chairmanship of Dr. L.B. Singhal, Development Commissioner, Noida SEZ in the O/o Development Commissioner, Noida Special Economic Zone, Noida-Dadri Road, Phase-II, Noida-201305. List of officers is enclosed at Annexure-I.

At the outset, DC(NSEZ) welcomed the participants. In his introductory remarks, DC (NSEZ) emphasized the need for having Joint monitoring meeting. He stated that these meetings not only help in reviewing the performance of the unit but also provide unique opportunity to EOUs for redressal to their common problems through interaction with both NSEZ and Customs authorities. It was, therefore, emphasized that participation at senior level is desirable in such meetings. Further, it was stated NSEZ has been disseminating latest notifications/circulars etc. related to EOUs to all EOUs through bulk mail. Therefore, all EOUs were requested to give their updated e-mail IDs. Thereafter joint monitoring of each unit was taken up.

3.1 (18): Joint monitoring of EOUs falling under jurisdiction of Customs Commissionerate, Chandigarh in terms of Appendix 6E of IHP:

1. **M/s Srijan Exports:** The Committee reviewed the performance of the unit and found the same satisfactory. However the Committee noted that the unit has shown Rs. 34.35 lakh as pending foreign exchange remittances beyond the stipulated nine months period in its APR for the period 2017-18. The Committee directed the representative of the unit to get extension of time from its AD bank and/or furnish proof of realisation at the earliest. Further, the Committee directed the unit to intimate the action taken on the pending remittances within 7 days along with documentary evidence. The representative of the unit agreed to comply with the directions of the Committee. Further, he submitted that their containers, which are stuffed at factory premises under self-sealing procedure, are being opened at Custom ports for examination. He further submitted that on an average 50% of the factory sealed containers have been opened in last a few months. He also submitted that the unit has not faced this kind of problem before. The Committee directed that a specific letter in this regard be sent at the level of JDC to Chief Commissioner at the earliest.
2. **M/s T.K. India (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. Further the unit submitted that export proceeds of Rs.9.46 lakh realisation of which has been shown as pending beyond 9 months would be realised shortly. The Committee directed the unit to submit the status within 7 days along with documentary evidence.

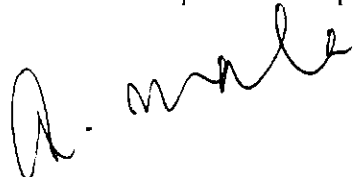


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3. **M/s Agro Dutch Industries Ltd.:** The Committee was informed that the unit commenced operation in 1994 and validity of its licence expired in 2015. Further, it was informed that two show cause notices have been issued to the unit. One SCN dated 27.06.2013 was issued for unauthorized DTA sale and another SCN dated 02.07.2013 was issued to the unit for pending foreign exchange realization. Personal hearing was granted but Chartered Accountant of the unit informed that assets of the unit have been taken over by bank under SARFAESI Act. He requested for relevant documents in respect of the SCN so as to enable him to furnish written reply in the matter. All the relevant documents were made available to him but till date written submission has not been submitted despite reminders. It was further informed that the IEC of the unit is still in Denied Entity List (DEL). The Committee requested all officials concerned to pursue these cases in the right earnest and take all possible steps to safeguard Government revenue. Further the Committee also desired that adjudication process of the pending show cause notices be completed at the earliest.
4. **M/s Taurus Agile Technology Corpn (P) Ltd.:** It was informed that SCN was issued to the unit for non-achievement of positive NFE criteria in the first five year block. The SCN has been adjudicated and a penalty amount of Rs. 53.00 lakh has been imposed. Further it was informed that the unit has preferred an appeal with DGFT, which is pending.

3.2 (18): Joint monitoring of EOUs falling under jurisdiction of Customs Commissionerate, Jalandhar in terms of Appendix 6E of HBP:

5. **M/s Guru Nanak Auto Enterprises Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. However, no representative of the unit attended the meeting. The Committee viewed this seriously and directed that all directors / partners of the unit be apprised that no one from the unit appeared for the meeting despite confirming participation and desired that the displeasure of the Committee be conveyed to all the directors/partners for not according due importance to such performance review meeting.
6. **M/s Medieval Glass India (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. However, no representative of the unit attended the meeting. The Committee viewed this seriously and directed that all directors / partners of the unit be apprised that no one from the unit appeared for the meeting despite confirming participation and desired that the displeasure of the Committee be conveyed to all the directors/partners for not according due importance to such performance review meeting.
7. **M/s Euro Footwears (P) Ltd:** It was informed that the unit commenced operation in 2002 and validity of its licence expired in 2012. Further, it was informed that the unit has not been operating since 2012. However, no action for cancellation of LOP could be taken as information regarding status of the unit, pending duty liability etc. of the unit has not yet been received from jurisdictional Central Excise/ Customs authorities despite several reminders. The Committee requested all officials concerned to pursue these cases in right earnest and take all possible steps to safeguard Government



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revenue. The Committee requested the Customs authorities concerned to carry out physical verification of the unit and submit a report of the present status of the unit. Further, NSEZ officials were asked to provide complete export import details of the unit since inception to the Customs authorities.

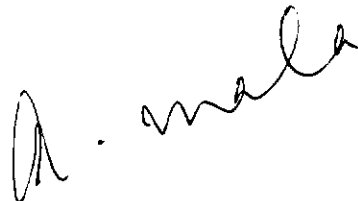
8. **M/s Lee Steel Fasteners:** It was informed that LOP was issued to the unit in 2007 and validity of its licence expired in 2010. Further, it was informed that the unit did not commence operation. However, it was informed, letters to Customs authorities and Income Tax authorities have been sent to check whether the unit have simultaneously availed duty drawback and Income tax benefit during the validity of its license. The Committee desired that the matter would be pursued and concluded expeditiously. Further the Committee also desired that Income tax officials be invited in future whenever such case of availment of Income tax is found.

3.3 (18): Joint monitoring of EOUs falling under jurisdiction of CGST Commissionerate, Jammu in terms of Appendix 6E of HBP:

9. **M/s Jakson Limited:** The Committee reviewed the performance of the unit and found the same satisfactory. However, jurisdictional Customs officer pointed out that the import figures shown in the APR data for 2013-14 does not match with the data available in their records. The representative of the unit was asked to check and intimate the correct data to both Customs authorities and NSEZ authorities. Further, the Committee directed unit to submit revised APR in case of discrepancy in import data of APR.
10. **M/s Sudir Power Limited:** The Committee reviewed the performance of the unit and found the same satisfactory.

3.4 (18): Joint monitoring of EOUs falling under jurisdiction of CGST Commissionerate, Ludhiana in terms of Appendix 6E of HBP:

11. **M/s A.G. Foods Limited:** The Committee was informed that although the unit was not in operation between 2014-15 to 2016-17, yet the unit has shown an export of Rs. 12.48 lakh for all the three years in its APR. The Committee directed that a written clarification may be sought from the Managing Director of the unit.
12. **M/s F.E. Industries (P) Limited:** The Committee reviewed the performance of the unit and found the same satisfactory.
13. **M/s Ind Swift Limited:** The Committee reviewed the performance of the unit and found the same satisfactory.



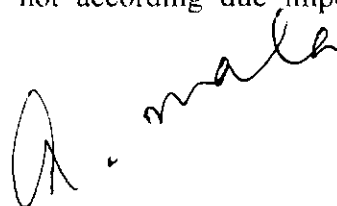
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14. **M/s Modern Orthodontics:** The Committee reviewed the performance of the unit and found the same satisfactory. Further, it was noted that the unit has not submitted APR for the period 2017-18. No representative of the unit attended the meeting. The Committee viewed this seriously and directed that all directors / partners of the unit be apprised that no one from the unit appeared for the meeting despite confirming participation and desired that the displeasure of the Committee be conveyed to all the directors/partners for not according due importance to such performance review meeting. Further, the Committee directed that a notice be issued to the unit for non-submission of APR within the prescribed period.
15. **M/s Saksi Impex :** The Committee reviewed the performance of the unit and found the same satisfactory. The representative of the unit submitted that their containers, which are stuffed at factory premises under self-sealing procedure, are being opened at Custom ports for examination. He further submitted that on an average 2-3 factory sealed containers have been opened in last 2 months. He also submitted that the unit has not faced this kind of problem before. The Committee directed that a specific letter in this regard be sent at the level of JDC to Chief Commissioner at the earliest.
16. **M/s Leatherline Tanneries (P) Ltd.:** It was informed that the unit commenced operation in 2001 and validity of its licence expired in 2011. Further, it was informed that the unit has not been operating since 2011. However, no action for cancellation of LOP could be taken as information regarding status of the unit, pending duty liability etc. of the unit has not yet been received from jurisdictional Central Excise/ Customs authorities despite several reminders. The Committee requested all officials concerned to pursue these cases in right earnest and take all possible steps to safeguard Government revenue. The Committee requested the Customs authorities concerned to carry out physical verification of the unit and submit a report of the present status of the unit. Further, NSEZ officials were asked to provide complete export import details of the unit since inception to the Customs authorities.
17. **M/s Niagara Metals India Limited:** It was informed that a penalty of Rs. 50.00 lakh has been imposed against the unit for non-fulfilment of NFE criteria and the unit has filed an appeal before DGFT, which is yet to be concluded.

3.5 (18) Joint monitoring of EOUs falling under jurisdiction of CGST Commissionerate, Jodhpur in terms of Appendix 6E of HBP:

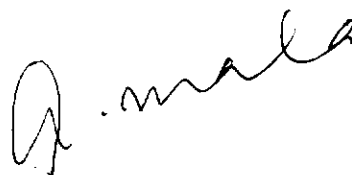
18. **M/s Cosmo Stone Impex:** The Committee reviewed the performance of the unit and found the same satisfactory. However, no representative of the unit attended the meeting. The Committee viewed this seriously and directed that all directors / partners of the unit be apprised that no one from the unit appeared for the meeting despite confirming participation and desired that the displeasure of the Committee be conveyed to all the directors/partners for not according due importance to such performance review meeting.



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19. **M/s Divine Stone Enterprise:** The Committee reviewed the performance of the unit and found the same satisfactory. Customs authorities pointed out that the import data of 2013-14 available with them do not match with the import data indicated in the APR 2013-14. The representative of the unit was asked to check and intimate the correct data to both Customs authorities and NSEZ authorities. Further, the unit was asked to submit revised APR in case of discrepancy in import data of APR.
20. **M/s Pelican Grani Marmo (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
21. **M/s Pelican Quartz Stone:** The Committee reviewed the performance of the unit and found the same satisfactory.
22. **M/s Shree Ram Granites:** The Committee reviewed the performance of the unit and found the same satisfactory. However the Committee noted that as per APR 2017-18 the remittances with Rs. 16.33 lakh were pending for realisation beyond 9 months. The representatives of the unit were asked to inform whether any action to realise or seek extension of time for realisation has been taken by the unit. The representatives were not able to furnish any detail in respect of the pending remittances. The Committee viewed this seriously and directed that a letter may be written to all the directors/partners and inform that their representatives were not able to answer any query posed by the Committee and that due care should be taken by the unit to send senior representatives who are well conversant with the subject.
23. **M/s Vegan Colloids Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
24. **M/s Vikas WSP Limited (Unit-II):** The Committee reviewed the performance of the unit and found the same satisfactory. Customs authorities pointed out that the data available with them do not match with the APR data provided. The representative of the unit was asked to check and intimate the correct data to both Customs authorities and NSEZ authorities. Further, the unit was asked to submit revised APR in case of discrepancy in import data of APR. Further when the unit representative of the unit was asked for the reason for declining exports, the representative submitted that the export market is down and that they had around Rs. 400.00 crore of unrealised pending remittances. The Committee noted that the unit has not indicated any pending remittances in its APR. Therefore, it was desired that a letter be sent to all the directors/partners of the company and seek clarification on the matter.
25. **M/s Vikas WSP Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. Customs authorities pointed out that the data available with them do not match with the APR data provided. The representative of the unit was asked to check and intimate the correct data to both Customs authorities and NSEZ authorities. Further, the unit was asked to submit revised APR in case of discrepancy in import data of APR.



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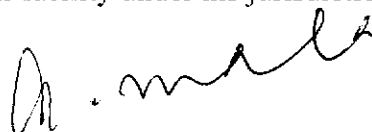
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3.6 (18) Joint monitoring of EOUs falling under jurisdiction of CGST Commissionerate, Shimla in terms of Appendix 6E of HBP:

26. **M/s Alpex Exports (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
27. **M/s Navran Advanced Nanoproducts Development International (P) Ltd.:** The Committee noted that the NFE of the unit is positive and the LOP of the unit is valid till 2020. However the Committee also noted that as per APR, the unit has pending remittances beyond prescribed time period for realisation. The Committee was informed that Insolvency resolution process of the unit has been initiated by National Company Law Tribunal (NCLT) under applicable provisions of Insolvency and Bankruptcy Code, (IBC) 2016. Further, moratorium period has been declared inter alia prohibiting institution of suits or continuation of pending suits or proceedings against the Corporate Debt or including execution of any judgement, decree or order in any court of law, tribunal, arbitration panel or other authority. Further it was informed that NCLT has been apprised of pending FE remittances of the unit.
28. **M/s RCI Copper:** The Committee noted that the proportion of deemed export to the total exports is high. Further, the Committee desired to know from the representative of the unit the category under which deemed export supplies have been made by the unit. The representative of the unit informed that the supplies have been effected in DTA against foreign exchange remittances from Overseas (Dubai), i.e. under para 6.9 (b) of FTP. The Committee desired that the details may be examined and verification be carried out, wherever warranted.
29. **M/s Regal Kitchen Foods Limited:** The Committee reviewed the performance of the unit and found the same satisfactory.

3.7 (18) Joint monitoring of EOUs falling under jurisdiction of CGST Commissionerate, Udaipur in terms of Appendix 6E of HBP:

30. **M/s Abhishek Exports:** The Committee reviewed the performance of the unit and found the same satisfactory.
31. **M/s Florence Sand Stone (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. The representative of the unit submitted that due to recent reorganisation of Customs formation and associated administrative constraints, the unit has been facing hardship as they have to travel a long distance to sort out their problem with Assistant Commissioner. The Committee informed that the Noida Commissionerate has set up EPCs to tackle such problems and facilitate exporters. Further the Committee desired that the matter be taken up with Commissioner, Customs for setting up similar facility under his jurisdiction.



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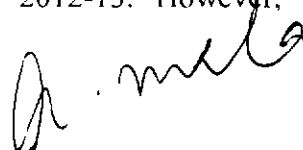
32. **M/s Gnine Marmograni Impex Exports (P) Ltd.:** The Committee was informed that although the unit has not indicated any pending remittances in their APR but it has indicated pending remittances amounting to US\$ 89270/ in proforma-III. The representative of the unit submitted that it will be cleared in 3-4 months. The Committee directed the unit to seek extension from the AD bank and submit revised APR reflecting the pending remittances.
33. **M/s Harmony Plastic (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
34. **M/s Inani Marble & Granites:** The Committee reviewed the performance of the unit and found the same satisfactory. When asked about the pending remittances indicated in their APRs, the representative of the unit informed the Committee that their pending remittances have been written off. The Committee directed the unit to furnish complete details of the write off including documentary evidence. It was represented that the unit has been facing problems in respect of third party exports after introduction of electronic sealing of containers. It was informed that the Custom officers at port are not accepting RFID seal of EOU unit in case of third party exports and are insisting on using RFID seal of merchant exporters, which has resulted in procedural difficulty affecting their export orders. Further, it was informed that the merchant exporter has to take self-sealing permission separately for each of the manufacturing unit on behalf of whom they export their goods. The Customs department takes between 1-3 months for granting the permission. Therefore, the unit desired that third party exports be permitted under RFID seal of EOU unit. The Committee directed that the matter may be taken up with DGEP by NSEZ.
35. **M/s Jain Grani Marmo (P) Ltd:** The Committee reviewed the performance of the unit and found the same satisfactory. However, the Custom officials informed that import data available in their records do not match with the data indicated in the APRs. The Committee directed that the unit be asked to reconcile the data with Custom authorities. In case APR data furnished by the unit is not correct, unit may be asked to revise the APR and furnish the same to NSEZ authorities at the earliest.
36. **M/s Karnawat International:** The Committee reviewed the performance of the unit and found the same satisfactory.
37. **M/s Marvellous Exports:** The Committee reviewed the performance of the unit and found the same satisfactory.

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38. **M/s Natural Slate & Sand Stone Exports (P) Ltd.** The Committee reviewed the performance of the unit and found the same satisfactory.
39. **M/s Pacific Industries Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory. However Custom authorities pointed out that import figures for 2017-18 available in their records do not match with APR figures indicated in the data sheet. The representative of the unit was asked to check and intimate the correct data to both Customs authorities and NSEZ authorities. Further, the unit was asked to submit revised APR in case of discrepancy in import data of APR.
40. **M/s Parth Natural Stones (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
41. **M/s Perival Exports:** The Committee reviewed the performance of the unit and found the same satisfactory.
42. **M/s Rama Arts &Exports:** The Committee reviewed the performance of the unit and found the same satisfactory. It was noted that although the unit has not indicated any pending remittances in their APR it has indicated pending remittances amounting to US\$ 117604.19 in proforma-III. The representative of the unit submitted that it will be cleared in 3-4 months. The Committee directed the unit to seek extension from the AD bank and submit revised APR reflecting the pending remittances.
43. **M/s Rishabh Green Marbles (P) Ltd.:** The Committee reviewed the performance of the unit and found the same satisfactory.
44. **M/s United Natural Stones:** The Committee reviewed the performance of the unit and found the same satisfactory. The Committee noted that as per the figures shown in APR 2017-18 the remittances to the tune of Rs. 8.86 crore of the unit was pending beyond prescribed time of 9 months. The Committee desired to know the status of the pending remittances. The representative of the unit informed that some remittances have already been realised and others would also be realised at the earliest. The unit was asked to give evidence of realisation and/or extension of time from AD bank for realisation.
45. **M/s Gaurika Gems & Jewel (P) Ltd.:** The Committee reviewed the performance of the unit. The jurisdictional Customs authorities submitted that CBI has registered a case against the unit. It was also informed that SCN has also been issued to the unit by NSEZ authorities.
46. **M/s Stone On Net (India) (P) Ltd.:** It was informed that the unit commenced operation in 2002 and validity of its licence expired in 2017. Further, it was informed that the unit has not been operating since 2012-13. However, no action for



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cancellation of LOP could be taken as information regarding status of the unit, pending duty liability etc. of the unit has not yet been received from jurisdictional Central Excise/ Customs authorities despite several reminders. The Committee requested all officials concerned to pursue these cases in right earnest and take all possible steps to safeguard Government revenue. The Committee requested the Customs authorities concerned to carry out physical verification of the unit and submit a report of the present status of the unit. Further, NSEZ officials were asked to provide complete export import details of the unit since inception to the Customs authorities.

47. **M/s Sun Optical Mastering (P) Ltd:** The Committee reviewed the performance of the unit. The jurisdictional Customs authorities informed that CBI has registered a case against the unit for various violations. Customs authorities were asked to provide complete details of the case so as to enable NSEZ to take appropriate action against the unit. The Committee directed NSEZ authorities to recheck the NFE of the unit to ascertain whether the unit has achieved NFE criteria.



(Dr L.B. Singhal)
Development Commissioner

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Annexure- I

List of Participants

1. Dr. L.B. Singhal, Development Commissioner . NSEZChairman
2. Shri S.S. Shukla, Joint Development Commissioner, NSEZ, Noida.
3. Smt Mala Rangarajan. Dy. Development Commissioner. NSEZ, Noida
4. Shri Ravi Kumar Srivastava, Dy. Development Commissioner, NSEZ, Noida
5. Shri Shivratan, Asstt. Commissioner. Customs. Ludhiana.
6. Shri M.L. Shera, Asstt. Commissioner, Customs, Jodhpur.
7. Shri Basant Kumar, Asstt. Commissioner. Customs, Amritsar.
8. Shri R.L. Meena, FTDO, Zonal DGFT, CLA, New Delhi.
9. Shri Ram Baboo, Asstt. Development Commissioner, NSEZ, Noida.
10. Shri S.K. Jha, Asstt. Development Commissioner, NSEZ, Noida