



GOVERNMENT OF INDIA  
MIN. OF COMMERCE & INDUSTRY, DEPTT. OF COMMERCE  
OFFICE OF THE DEVELOPMENT COMMISSIONER  
NOIDA SPECIAL ECONOMIC ZONE  
NOIDA DADRI ROAD, PHASE-II, NOIDA-201305  
DISTT. GAUTAM BUDH NAGAR (UP)

फा०सं० 10/173/2007-सेज/

दिनांक: 09/03/2018

सेवा मे ,

1. निदेशक, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली -110001 ।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इन्द्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली - 110002 ।
3. आयुक्त, सीमा शुल्क, नॉएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुध नगर, उत्तर प्रदेश- 201306.
4. आयुक्त, सेन्ट्रलजीएसटी (नोएडा- प्रथम), सी - 56/42, सेक्टर - 62, नोएडा, जिला- गौतम बुध नगर, (उत्तर प्रदेश)।
5. आयुक्त, सेन्ट्रलजीएसटी (नोएडा- द्वितीय), फॉर्मूला- वन होटल, वेगमॅस बिजनेस पार्क, प्लॉट नं. 3, नॉलेज पार्क -3, ग्रेटर नोएडा, जिला- गौतम बुध नगर, (उत्तर प्रदेश) ।
6. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नोएडा ।
7. उपसचिव (आई एफ - 1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
8. मुख्य कार्यकारी अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नोएडा।
9. मुख्य कार्यकारी अधिकारी, ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण, प्लॉट नं 01, नॉलेज पार्क- 4, ग्रेटर नोएडा, गौतम बुध नगर, (उत्तर प्रदेश) ।
10. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नोएडा ।
11. उपाध्यक्ष, बुलन्दशहर खुर्जा विकास प्राधिकरण, ओल्ड जी टी रोड, श्री आनंद वाटिका कॉलोनी, खुर्जा - 203131 (उत्तर प्रदेश)।
12. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता ।

**विषय:** दिनांक 05/03/2018 को पूर्वाह्न 11.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त - एतद् संबंधी।

महोदय,

उपरोक्त विषय के सन्दर्भ में डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 05/03/2018 को पूर्वाह्न 11.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त संलग्न है।

संलग्नक : उपरोक्त

भवदीय,

(प्रकाश चंद उपाध्याय)

सहायक विकास आयुक्त

**NOIDA SPECIAL ECONOMIC ZONE**

**Minutes of meeting of the Approval Committee of Private SEZs located in Noida, Greater Noida & Khurja (Uttar Pradesh) held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner, Noida SEZ at 11:00 AM on 05.03.2018 in the Conference Hall of NSEZ.**

The following members of Approval Committee were present during the meeting:-

1. Shri S. S. Shukla, Joint Development Commissioner, NSEZ.
2. Ms. Kokil Pandey, Asstt. Commissioner, Central GST, Noida-I.
3. Ms. Divya Kaushik, Supdt., Central GST, Noida-II.
4. Ms. Aashima, FTDO, O/o. Addl. DGFT, New Delhi.
5. Representative of SEZ Developers concerned, Special Invitee.

2. Besides, during the meeting i) Shri Rajesh Kumar, DDC, ii) Md. Salik Parwaiz, Specified Officer, iii). Shri Prakash Chand Upadhyay, ADC, & iv) Shri Mohan Veer Ruhella, ADC were also present to assist the Approval Committee.

3. At the outset, the Chairman welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the developers / units, the following decisions were taken:-

**1. Ratification of Minutes of last meeting of the Approval Committee held on 02.02.2018:-**

The Approval Committee was informed that no reference against the decisions of the Approval Committee held on 02/02/2018 was received from any of the members of the Approval Committee or Trade and therefore, Minutes of the Meeting held on 02/02/2018 were ratified.

**2. Proposal of M/s. Accenture Solutions Pvt. Ltd for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida.**

It was brought to the notice of Approval Committee that M/s. Accenture Solutions Pvt. Ltd. had applied for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (U.P.). It was informed to the Committee that presently unit has been operating over an area of 228396 Sqft at Ground to 5th floor, Building no. 3 & 8<sup>th</sup> to 10<sup>th</sup> floor, Building No. 9 and the unit has requested for addition of 22111 Sqft. at 4<sup>th</sup> floor, Building No.5 of SEZ. It was informed that the SEZ developer has given provisional offer for allotment of proposed additional space to the unit. It was also informed that the unit has submitted revised projections, as given below, on account of proposed expansion of unit:-



(Rs. in lakhs)

Particulars (for five years)	Existing Projection	Revised Projection
Projected FOB value of exports	176494.00	183569.00
Foreign Exchange Outgo	18673.00	19629.00
NFE	157821.00	163940.00
Imported CG	1022.00	1270.00
Indigenous CG	328.00	599.00

It was further informed that unit has made DTA sale of Rs.3863.73 lakhs during the year 2014-15 to 2016-17, hence, breakup details of DTA Sales viz i). Services rendered in DTA and payment realized in free foreign exchange & ii). Services rendered in DTA against payment in INR has been requested from the unit and the same is awaited.

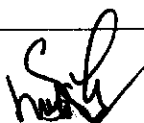
Mr. Ashish Sharma, Manager appeared before the Approval Committee on behalf of the unit and explained the proposal. He informed that they are in process to collect the required information and submit the same within a week's time.

After due deliberations, the Approval Committee **approved** the expansion of area and revised projections of the unit subject to execution of Bond-cum-LUT. Regarding DTA sale in INR, Approval Committee informed the representative of the unit that it is violation of Section 2(z) of SEZ Act, 2005 and thus very serious matter. Approval Committee directed the representative of the unit to submit details of DTA sales within a week's time. Approval Committee further directed that the reply received from the unit may be placed before the next Approval Committee meeting.

**3. Proposal of M/s. Seaview Developers Pvt. Ltd., Developer for approval of list of materials to carry on authorized operations in IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida.**

It was brought to the notice of Approval Committee that M/s. Seaview Developers Private Limited, Developer of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P) had submitted proposal for approval of list of materials to carry on following default authorized operation in their SEZ:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54	Estimated Cost (Rupees in lakhs)
1.	Construction of all types of building in Processing area as approved by UAC.	22	18.66
2.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary substations of appropriate capacity, pipeline network etc.	04	358.65
3.	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains, and water channels of appropriate capacity.	02	29.10



4.	Air Conditioning of Processing area.	21	111.64
5.	Access Control and Monitoring System.	24	304.93
6.	Telecom and other communication facilities including internet connectivity.	05	8.00
7.	Solid and liquid waste collection, treatment, and disposal plants including pipelines & other necessary infrastructure for sewage and garbage disposal, sewage treatment plants.	3	4.00
		<b>Total:</b>	<b>834.98</b>

It was informed that in Chartered Engineer Certificate the total value of proposed list of materials has been mentioned as Rs.822.98 lakhs instead of Rs.834.98 lakhs.

Shri Jay Kumar, Head-SEZ Compliance, Shri Amrik Singh, Sr. Manager & Shri Ankur Khandelwal, Building Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items. The representatives of the developer apologized for mistake in total value of proposed items in CE Certificate and gave their assurance that such lapses will not recur in future.

After due deliberations, the Approval Committee **approved** the proposed list of materials amounting to Rs.834.98 lakhs. The Approval Committee took a serious view on certification of list by the Chartered Engineer in a very casual manner. The Committee directed to call for revised CE Certificate with corrected value and also seek an explanation from the Chartered Engineer in this regard and place the same before its next meeting for taking a view.

**4. Proposal of M/s. Seaview Developers Private Limited, Developer for allotment of built up space to M/s. Sunshine Teahouse Pvt. Ltd. to setup & operate a Café in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector- 135, Noida (U.P).**

It was informed that the Approval Committee in its meeting held on 01.12.2017 had deferred the proposal of M/s. Seaview Developers Pvt. Ltd., developer for allotment of built-up space of 1601 Sqft. at Ground floor, Amenity Block-II on lease basis to M/s. Sunshine Teahouse Pvt. Ltd. to setup & operate a 'Café' in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P.) with direction to the developer to submit details of area actually leased out to each facility providers vis-à-vis area approved by the Approval Committee to assess availability of space for 'Cafeteria / Food Court' against the total area approved by BoA for this purpose.

It was brought to the notice of the Approval Committee that the developer vide its letter dated 31.01.2018 had submitted area-wise details of such activities approved by BOA, area-wise details of approvals given by the Approval Committee for allotment for such activities & area actually leased out to such facility providers as given below :-



S. No.	Activities approved by BoA in processing area	Area approved by BoA	Total area approved by Approval Committee for allotment of space to facility providers	Area actually leased out by the developer to facility providers
1.	Food services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities.	3000 Sqmt.	1334.74 Sqmt.	1334.74 Sqmt.
2.	Employee welfare facilities like Creche, Medical Centre.	1000 Sqmt.	592.26 Sqmt.	592.26 Sqmt.
3.	Shopping arcade / retail space	950 Sqmt.	178.19 Sqmt.	178.19 Sqmt.

The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

*'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.*

Shri Jay Kumar, Head-SEZ Compliance, Shri Amrik Singh, Sr. Manager & Shri Ankur Khandelwal, Building Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

After due deliberations, Approval Committee **approved** the proposal, subject to condition that no tax / duty benefit, including service tax benefits, shall be available to M/s. Sunshine Teahouse Pvt. Ltd. to setup, operate & maintain such facility in the processing area of the SEZ and M/s. Sunshine Teahouse Pvt. Ltd. shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of SEZ & units located therein.

**5. Proposal of M/s. Seaview Developers Private Limited, Developer for allotment of built up space to M/s. M.G. Foods to setup & operate a 'Quick Service Restaurant' in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector- 135, Noida (U.P).**

It was informed that the Approval Committee in its meeting held on 01.12.2017 had deferred the proposal of M/s. Seaview Developers Pvt. Ltd., developer for allotment of built-up space of 630 Sqft. at Ground floor, Amenity Block-II on lease basis to M/s. M.G. Foods to setup & operate a 'Quick Service Restaurant' in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P.) with direction to the developer to submit details of area actually leased out to each facility providers vis-à-vis area approved by the Approval Committee to assess availability of space for 'Cafeteria / Food Court' against the total area approved by BoA for this purpose.



It was brought to the notice of the Approval Committee that the developer vide its letter dated 31.01.2018 had submitted area-wise details of such activities approved by BOA, area-wise details of approvals given by the Approval Committee for allotment for such activities & area actually leased out to such facility providers as given below :-

S. No.	Activities approved by BoA in processing area	Area approved by BoA	Total area approved by Approval Committee for allotment of space to facility providers	Area actually leased out by the developer to facility providers
1.	Food services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities.	3000 Sqmt.	1334.74 Sqmt.	1334.74 Sqmt.
2.	Employee welfare facilities like Creche, Medical Centre.	1000 Sqmt.	592.26 Sqmt.	592.26 Sqmt.
3.	Shopping arcade / retail space	950 Sqmt.	178.19 Sqmt.	178.19 Sqmt.

The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

*'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.*

Shri Jay Kumar, Head-SEZ Compliance, Shri Amrik Singh, Sr. Manager & Shri Ankur Khandelwal, Building Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

After due deliberations, Approval Committee **approved** the proposal, subject to condition that no tax / duty benefit, including service tax benefits, shall be available to M/s. M.G. Foods to setup, operate & maintain such facility in the processing area of the SEZ and M/s. M.G. Foods shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of SEZ & units located therein.

**6. Proposal of M/s. Seaview Developers Private Limited, Developer for allotment of built up space to M/s. Edesia Corp to setup & operate a 'Quick Service Restaurant' in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector- 135, Noida (U.P).**

It was brought to the notice of Approval Committee that the Developer, M/s. Seaview Developers Pvt. Ltd. had submitted a proposal for allotment of built-up space of 441 Sqft. at Ground floor, Amenity Block-II in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P.) on lease basis to M/s. Edesia Corp to setup & operate a 'Quick Service Restaurant', for use by the employees of SEZ. & units located therein.

It was informed that the developer had submitted area-wise details of such activities approved by BOA, area-wise details of approvals given by the Approval Committee for allotment for such activities & area actually leased out to such facility providers as given below :-

S. No.	Activities approved by BoA in processing area	Area approved by BoA	Total area approved by Approval Committee for allotment of space to facility providers	Area actually leased out by the developer to facility providers
1.	Food services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities.	3000 Sqmt.	1334.74 Sqmt.	1334.74 Sqmt.
2.	Employee welfare facilities like Creche, Medical Centre.	1000 Sqmt.	592.26 Sqmt.	592.26 Sqmt.
3.	Shopping arcade / retail space	950 Sqmt.	178.19 Sqmt.	178.19 Sqmt.

The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

*'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.*

Shri Jay Kumar, Head-SEZ Compliance, Shri Amrik Singh, Sr. Manager & Shri Ankur Khandelwal, Building Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

After due deliberations, Approval Committee **approved** the proposal, subject to condition that no tax / duty benefit, including service tax benefits, shall be available to M/s. Edesia Corp to setup, operate & maintain such facility in the processing area of the SEZ and M/s. Edesia Corp shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of SEZ & units located therein.

**7. Proposal of M/s. Seaview Developers Private Limited, Developer for allotment of built up space to M/s. Bharti Airtel Ltd. to setup & operate a 'Airtel Telecommunication Store' in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector- 135, Noida (U.P).**

It was brought to the notice of Approval Committee that the Developer, M/s. Seaview Developers Pvt. Ltd. had submitted a proposal for allotment of built-up space of 371 Sqft. at Ground floor, Amenity Block-II in the processing area of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P.) on lease basis to M/s. Bharti Airtel Ltd. to setup & operate a 'Airtel Telecommunication Store', for use by the employees of SEZ. & units located therein.



It was informed that the developer had submitted area-wise details of such activities approved by BOA, area-wise details of approvals given by the Approval Committee for allotment for such activities & area actually leased out to such facility providers as given below :-

S. No.	Activities approved by BoA in processing area	Area approved by BoA	Total area approved by Approval Committee for allotment of space to facility providers	Area actually leased out by the developer to facility provirlers
1.	Food services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities.	3000 Sqmt.	1334.74 Sqmt.	1334.74 Sqmt.
2.	Employee welfare facilities like Creche, Medical Centre.	1000 Sqmt.	592.26 Sqmt.	592.26 Sqmt.
3.	Shopping arcade / retail space	950 Sqmt.	178.19 Sqmt.	178.19 Sqmt.

Shri Jay Kumar, Head-SEZ Compliance, Shri Amrik Singh, Sr. Manager & Shri Ankur Khandelwal, Building Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

After due deliberations, Approval Committee **approved** the proposal under "Shopping arcade/retail space" as approved by BoA, subject to condition that no tax / duty benefit, including service tax benefits, shall be available to M/s. Bharti Airtel Ltd. to setup, operate & maintain such facility in the processing area of the SEZ and this facility shall be used exclusively by the employees of SEZ & units located therein..

**8. Proposal of M/s. NIIT Technologies Ltd., developer for approval of list of materials to carry on authorized operations of their IT/ITES SEZ at Plot No. TZ02 & 2A, TechZone, Gr. Noida.**

It was brought to the notice of the Approval Committee that M/s. NIIT Technologies Limited, Developer of IT/ITES SEZ at Plot No. TZ-2 & 2A, Sector-Techzone, Greater Noida (U.P) had submitted proposal for approval of a list of materials to carry on following default authorized operations in their SEZ:-

S. No.	Name of Authorized Operations	Sl.No at default Auth. Opr. as per Inst. No.50 & 54	Estimated Cost (Rs. In Lakhs)
1.	Construction of all type of buildings in processing area as approved by the Unit Approval Committee.	22	12.50
2.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	30.67
3.	Air Conditioning of processing area.	21	26.00





4.	Cafeteria / Canteen for staff in processing area.	27	11.00
5.	Telecom and other communication facilities including internet connectivity.	05	13.00
		Total:	93.17

No one from the developer appeared before the Approval Committee.

After due deliberations, the Approval Committee approved the proposed list of materials.

**9. Proposal of M/s. HCL Technologies Ltd., developer for approval of list of materials to carry on authorized operations in their IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida.**

It was brought to the notice of the Approval Committee that M/s. HCL Technologies Ltd., Developer of IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations in their SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lakhs)
1.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	496.62
2.	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity. (in PZ)	02	11.65
3.	Power (including power backup facilities) for captive use only.	23	221.46
4.	Fire protection system with sprinklers, fire and smoke detector.	07	199.69
5.	Air Conditioning of processing area	21	67.03
6.	Access Control and Monitoring System	24	682.47
7.	Common data centre with inter-connectivity	13	12.29
		<b>Total :</b>	<b>1691.21</b>

Shri Sunil Agarwal, AVP, Shri D.K. Sharma, General Manager & Shri Subhash Chandra, Dy. Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items.

After due deliberations, Approval Committee approved the proposed list of materials.



**10. Proposal of M/s. Laxmipati Balaji Exim Trading Ltd. for inclusion of additional item in the Annexure-I of LOA dated 08.08.2017 granted to setting up a unit in the Free Trade Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (U.P.).**

It was brought to the notice of the Approval Committee that M/s. Laxmipati Balaji Exim Trading Ltd., has submitted proposal for inclusion of following item in the Annexure-A of LOA dated 08.08.2017 of the unit located in the Free Trade Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (U.P.):-

S. No.	Item Description	ITC (HS) Code
1.	Other – Ceramic wares for laboratory, chemical or other technical uses, Ceramic troughs, tubs and similar receptacles of a kind used in agriculture, Ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods- Ceramic wares for laboratory chemical or other technical uses.	69191990 (Free)
2.	Others - Parts suitable for use solely or principally with the apparatus of heading <u>8529 to 8528</u> [Mobile Flip Cover / Mobile Screen Guard / Selfie Stick].	85299090 (Free)
3.	Other – Wrist watches, pocket-watches and other watches, including stop watches, other than those of heading 9101 [Smart watch / Fitness watch].	91029990 (Free)

It was informed that the proposed ITC (HS) Code - 69191990 is not available in ITC (HS) Schedule 1 Import Policy 2017, however, item description shown by the unit against ITC (HS) 69191990 is covered under main Exim Code 6909. Further, items proposed under HS Code 85299090 also not available in Chapter 85.

Shri D.K. Taunk, DGM appeared before the Approval Committee on behalf of the unit and explained the proposal. On being asked about activities carried out in FTWZ unit in respect of items proposed at Sl. No. 3 above namely 'Smart watch / Fitness watch', he informed that their another unit located in Panvel FTWZ is already engaged in carrying out activity in respect of 'Smart watch / Fitness watch' on behalf of its client namely 'Huawei'.

After due deliberations, the Approval Committee approved the proposal for addition of items proposed at Sl. No. 1 & 2 above subject to submission of correct HS Code in consultation with SEZ Customs. Regarding Item No.3 i.e. Smart Watch/Fitness watch it was observed that there would be valuation issue. The Approval Committee **deferred** the proposal in respect of Sl. 3 above i.e. 'Smart watch / Fitness watch' with direction to the representative of the unit to submit details of activities to be carried out by FTWZ unit in respect of these items along with details of activities being carried out by the unit located in Panvel FTWZ during last one year on behalf of its client namely 'Huawei' along with details of import/export/DTA sale of these items from Panvel FTWZ.



**11. Proposal in respect of M/s. Buhariwala Logistics for renewal of LOA, monitoring of performance, review of authorized operations and decision on non-submission of regd. Lease deed by FTWZ units located in the Free Trade and Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Villages Ibrahimpur, Junaidpur Urf Maujpur, Distt. Bulandshahar (U.P.)**

It was brought to the notice of the Approval Committee that M/s. Buhariwala Logistics had been granted LOA No. 10/47/2012-SEZ/5245 dated 18.07.2012 & subsequent amendment letter dated 22.01.2013 for setting up of unit in the Free Trade and Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Villages Ibrahimpur, Junaidpur Urf Maujpur, Distt. Bulandshahar (U.P.) to undertake authorized operation namely "Trading, Warehousing, Labeling, Packing or re-packing with or without any processing as per owner's instruction (Foreign supplier or buyer / DTA supplier or buyer), Transport services & Distribution services (excluding retail services), Assembly of CKD / SKD, Cutting, Polishing, Blending, Segregation, Mixing, weighing, fumigation, quality control, safety control, testing and survey service". The unit had commenced activities w.e.f. 18.03.2013 and accordingly LOA is valid up to 17.03.2018. It was informed that the performance of the unit during first five years of operation, as per APRs verified by CA firm, NSEZ, is as under:-

(Rs. in lakhs)		
Year	FOB Value of export	NFE Earning
2012-13	26.20	24.93
2013-14	62.54	45.30
2014-15	52.81	40.24
2015-16	62.95	46.92
2016-17	99.44	64.68
<b>Total</b>	<b>303.94</b>	<b>222.07</b>

It was further informed that unit had applied for renewal of LOA for next five years beyond 17.03.2018 with following export / NFE projections:-

Projections of Export/ NFE for next five years.		(Rs. in lakhs)	
		FOB value of Export	:
Forex Outgo (Payment to Developer)	:	96.73	
NFE Earning	:	224.55	
Projections of Indigenous/ Imported requirements.	<u>Capital Goods:</u>		
	Imported : Nil		
	Indigenous : Nil		
	<u>Raw Materials:</u>		
Imported : Nil			
Indigenous : Nil			

Further, it was informed that in terms of Rule 18(2)(ii) of SEZ Rules, 2006, the unit is required to submit copy of Registered Lease Deed executed by SEZ Developer within six months from the issuance of the Letter of Approval. It was informed that the unit has submitted un-registered copy of Unit Holder Agreement dated 10.08.2012 executed with FTWZ Developer. However, a copy of Registered Lease Deed has not yet been submitted.

Shri S.M. Sachdeva, CEO appeared before the Approval Committee on behalf of the unit. He informed that they had submitted a representation regarding lease deed to this office vide letter dated 29.10.2012. However, no response had been received by them in respect of said letter. He produced copy of the said letter before the Approval Committee.

The Approval Committee noted that the unit has been operating from 5 years without submitting copy of registered lease deed which is non-compliance of Rule 18(2)(ii) of SEZ Rules, 2006. The Approval Committee discussed that the matter regarding non-submission of copy of Registered Lease Deed by M/s Arshiya Supply Chain Management Pvt. Ltd., another unit in Arshiya Northern FTWZ Ltd. Free Trade and Warehousing Zone, Khurja whose matter was taken up with the DOC. In this regard DOC vide their letter dt. 02/08/2017 has clarified that:-

*"The FTWZ developer i.e. M/s. Arshiya Northern FTWZ Ltd. and the FTWZ unit i.e. M/s Arshiya Supply Chain Management Pvt. Ltd. are separate legal entities, in terms of proviso to Rule 18(2) of the SEZ Rules, 2006, the Registered lease deed should be furnished to the DC, within six months of issue of LOA and in case of failure to do so, the Approval Committee may take action to withdraw the LOA after giving an opportunity of being heard to the unit. DC, NSEZ may therefore take action in the matter as per the said proviso to Rule 18(2)".*

After due deliberations, keeping in view of the submissions of Shri Sachdeva that he had made representation regarding lease deed vide letter dated 29.10.2012 and had not received any response and also keeping in view the fact that unit has been working for 5 years, the Approval Committee decided to grant extension of LOA for a period of two months i.e. upto 17.05.2018 so that their activities doesn't suffer and directed the representative of the unit to submit copy of Registered Lease Deed within extended period of LOA. In case of failure to do so, the Approval Committee may not extend of LOA issued to the unit further.

The Approval Committee also reviewed the authorized activities of unit and observed that scope of service activities mentioned in the authorized operation of LOA of the unit is not in accordance with Rule 18(5) e.g. *'Transport services & Distribution services (excluding retail services), Cutting, Polishing, Blending, Segregation, Mixing, weighing, fumigation, quality control, safety control, testing and survey service'*. The Committee decided that the description of activities should be strictly in accordance with Rule 18(5) of SEZ Rules, 2006. Accordingly, the activities to be permitted to the unit were amended to read as follows :-

*"Warehousing, Trading with or without labeling, packing or re-packing without any processing, Assembly of Completely Knocked Down or Semi Knocked Down kits except prohibited & restricted items."*



The Approval Committee further clarified Para VI of Instruction No. 49 dated 10.03.2010 issued by DOC provides that the request for allowing cutting, polishing, blending etc. may be considered by the Approval Committee on a case to case basis based on the merits of the case. Hence, proposal for allowing these activities may be considered by the Approval Committee on receipt of proper justification in this regard.

**12. M/s. OSE Infrastructure Ltd., Developer – Review of the implementation of Formal Approval No. F.2/243/2006-EPZ dated 06.11.2006 granted by DOC for setting up of IT Sector SEZ at Plot No.001, Block-C, Sector-67, Noida (U.P.).**

It was informed that review of implementation of Formal Approval No.F.2/243/2006-EPZ dt.06.11.2006 granted to M/s OSE Infrastructure Ltd. for setting up of IT Sector SEZ at Plot No. 001, Block –C, Sector-67, Noida (U.P) had been placed before the Approval Committee in its meeting held on 02.02.2018 wherein no one from the developer appeared before the Approval Committee, in spite of email communication sent to the developer on all available emails. After due deliberations, the Approval Committee had directed to send a formal letter to Registered Office of developer as well as residential addresses of all the directors indicating that the LOA had expired on 12/12/2013 and this is a fit case for cancellation of Formal Approval / Notification. Further, Approval Committee had directed to comply with the documentary requirements for cancellation of Formal Approval / De-notification of SEZ, within three weeks' time. Approval Committee also directed that NOC from the State Government may be sought in view of the fact that any duty benefit might have been availed by the developer. The Approval Committee also directed that a site inspection may be carried out by DC(Customs) & DDC (Private SEZ) and submit their report about factual position on the ground. The Approval Committee further directed that the reply from the developer, if any, along with site inspection report may be placed again before the next Approval Committee meeting.

It was informed that as per direction of the Approval Committee, a letter dt.13.02.2018 was written to the developer and all current directors conveying the decision of UAC and requesting to submit the documents listed therewith in the letter dt.13.02.2018, within three weeks from the date of issue of letter. It was informed that copy of said letter was also endorsed to MD, PICUP with the request to forward 'NOC' of the State Govt. for de-notification of entire area of said SEZ, in light of criteria prescribed at Para 5 of the DOC, Letter No.D.12/45/2009-SEZ dt.13.09.2013 including availment/ refund of any tax/duty benefits by the developer along with confirmation of refund of stamp duty exemption on notified SEZ land.

It was informed that till date no reply has been received from the developer or MD, PICUP. As regards site inspection, it was informed that the same has been carried out by Sh. Salik Parwaiz, DC Customs and Sh. Rajesh Kumar, DDC at 4:30 P.M on 27.02.2018. The findings of the team as per inspection report are as under:



"The team of the two officers reached Plot no. C-3, Sector-67, Noida at 4:30 P.M on 27.02.2018 from where M/s. Haldiram has been operating its factory. The adjacent plot appeared to be Plot No. C-1, as per Noida Authority Map. However, no one was available to confirm about it. The plot was surrounded by tall Boundary Wall, filled with bushes and from outside no construction activity appeared to have done or continuing. In spite of efforts, we are unable to find any representative/security man who can let us inside the plot to have a look on the ground."

After due deliberations, the Approval Committee directed to forward the case to DOC with complete status in chronological order with the recommendation to BoA for cancellation of Formal Approval / Notification issued in respect of said SEZ. Approval Committee further recommended that BoA may call the representative of State Government. Approval Committee further directed that it may be ascertained from the representative of the State Government present in BoA meeting as to whether the developer has availed any duty benefits including stamp duty exemption and may be asked for 'No Objection' of the State Government for de-notification of SEZ in terms of Para 5 of the DOC's letter No. D.12/45/2009-SEZ dated 13.09.2013.

**13. Proposal of M/s. Oxygen Business Park Pvt. Ltd., developer for approval of list of goods to carry on authorized operation in IT/ITES SEZ at Plot No. 7, Sector-144, Noida.**

It was brought to the notice of the Approval Committee that M/s. Oxygen Business Park Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 7, Sector-144, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lakhs)
1.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	3216.85
2.	Fire protection system with sprinklers, fire and smoke detectors.	07	597.00
3.	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity.	02	508.24
4.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	1087.65
5.	Power (including power backup facilities) for captive use only.	23	406.46
6.	Air Conditioning of processing area	21	1302.79
7.	Access Control and Monitoring System.	24	359.44
8.	Telecom and other communication facilities including internet connectivity.	05	42.05
	<b>Total :</b>		<b>10520.48</b>

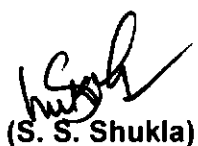
The Approval Committee observed that some of the items have been proposed under those authorized operation which is not related to it.



Shri Sunny Ahuja, Manager-Finance & Shri Sudhakar Sridevi, DGM-Operations appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials. The representatives of the developer apologized for the mistakes in the proposed list and gave their assurance that such lapses will not recur in future. The representatives of the developer further informed that they have proposed '125 nos. CCTV Camera and Accessories under authorized operation 'Access Control and Monitoring System and '10 Nos. Basic Phone' under authorized operation 'Telecom and other communication facilities including internet connectivity'. Further, the representatives of the developer informed that the items proposed under 'Power (including power backup facilities) for captive use only' are to be used for power backup only.

After due deliberations, the Committee **approved** the proposed list of materials, except '5000 Nos. Kitchen Equipment & 10 Nos. Microwave' proposed at Sl. No. 184 & 191 under authorized operation 'Construction of all type of buildings in processing area as approved by UAC' which are not related to the proposed authorized operation. The Approval Committee directed the representative of the developer to submit detailed item-wise justification duly certified by Chartered Engineer. Approval Committee also directed the representatives of the developer to be careful while submitting the proposals to this office. The Approval Committee took a serious view on certification of list of materials by the Chartered Engineer in a very casual manner. The Committee directed to call for an explanation from the Chartered Engineer in this regard and place the same before it in next meeting.

The meeting ended with a vote of thanks to the Chair.



(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)

Development Commissioner