

भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नौएडा विशेष आर्थिक क्षेत्र

नौएडा दादरी रोड, फेस-II, नौएडा.201305, जिला - गौतमबुद्ध नगर
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)

फा. सं. 12/01/2019-प्रोज/

दिनांक:/10/2019

सेवा में,

1. मुख्य कार्यपालक अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नौएडा।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली।
3. प्रधान आयकर आयुक्त, आयकर भवन, प्लॉट सं.- ए-2डी, सेक्टर 24, नौएडा।
4. आयुक्त, सीमा शुल्क, नौएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - 201306.
5. उप सचिव, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली - 110001
6. उप सचिव (आई एफ-1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
7. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नौएडा।

विषय: दिनांक 04/11/2019 को पूर्वाह्न 11:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डॉ. एल बी सिंघल, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 04/11/2019 को पूर्वाह्न 11:30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नौएडा विशेष आर्थिक क्षेत्र, नौएडा में आयोजित नौएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त

भवदीय,



(नितिन गुप्ता)

उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त के सूचनार्थ।
3. निर्दिष्ट अधिकारी, नौएडा विशेष आर्थिक क्षेत्र - सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
4. सचिव, नौएडा विशेष आर्थिक क्षेत्र प्राधिकरण- सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
5. सहायक विकास आयुक्त (एडमिन) - सूचनार्थ एवं कार्यवृत्त के हिंदी अनुवाद के लिए।

उप विकास आयुक्त

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(दिनांक 04/11/2019 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

Minutes of meeting of the Approval Committee of Noida SEZ held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner (DC), Noida SEZ at 11:30 AM on 04/11/2019 in the Conference Hall of NSEZ.

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

- 1) Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
- 2) Shri Rajesh Sharma, Asstt. Commissioner, Customs, Noida Commissionerate.
- 3) Shri Chaman Lal, Asstt. FTDO, O/o Addl. DGFT, CLA, New Delhi.
- 4) Smt. Sandhya Maurya, Income Tax Officer, Income Tax Deptt., Noida.

2. Besides, during the meeting S/Shri (i) Md. Salik Parwaiz, Specified Officer, NSEZ, (ii) Nitin Gupta, Dy. Development Commissioner, NSEZ, (iii) Pramod Kumar, Asstt. Development Commissioner, NSEZ, (iv) Arun Singh Parihar, Assistant, NSEZ, and (v) S.K. Bharti, JE, UPPCL, Noida were also present to assist the Approval Committee.

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

(i) Ratification of Minutes of last meeting of the Approval Committee held on 09/10/2019.

It was informed that no reference against the decisions of the Approval Committee held on 09/10/2019 was received except a representation from M/s Knitpro International regarding inclusion of ITCHS 51071020, 51072090 and 52062200 also in hand dyeing of knitted yarn, which was allowed to be included in its Authorized operations by the Approval Committee in its meeting held on 09.10.2019. The Committee ratified the Minutes of the said meeting along with ratification of additional ITCHS Code included in the permission letter dated 29.10.2019 issued to M/s Knitpro International.

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(ii) Item wise decisions on proposals included in agenda:

1.	<p>लाइवसेल्समैन - नौएडा विशेष आर्थिक क्षेत्र में नई इकाई लगाने हेतु प्रस्ताव।</p> <p>It was informed to the Approval Committee that M/s Livesalesman has submitted its application for establishing a <i>Business Process Outsourcing unit to facilitate overseas clients and generate foreign exchange for our country</i>. The matter was placed before last Approval Committee meeting however the applicant had informed through email that as the proprietor is traveling for business purposes, they will not be able to attend the meeting. Accordingly, Approval Committee deferred the proposal for its next meeting.</p> <p>1.2 It was informed to the Approval Committee that the applicant has informed through email 02.11.2019 that the proprietor of the unit has changed his mind and he did not want to set up unit in Noida Special Economic Zone. Hence unit has requested to ignore their application.</p> <p>1.3 The Approval Committee took note of the request received from the applicant and allowed withdrawal of the application as requested by the applicant.</p>
2.	<p>फ्यूचरिस्टिक एलईडी प्राइवेट लिमिटेड - नौएडा विशेष आर्थिक क्षेत्र में नई इकाई लगाने हेतु प्रस्ताव।</p> <p>It was informed to the Approval Committee that the M/s. Futuristic LED Pvt. Ltd. has proposed to set up a new unit in NSEZ for "<i>Licensing Services for the Right to use Computer Software and Database, Information Technology Design and Development Services, Hosting and Information Technology (IT) Infrastructure Provisioning Services, Other IT Services</i>" with projected exports of Rs. 3358 Lakhs and NFE earnings worth Rs.2235 Lakhs and proposed investment of Rs. 1123 Lakhs and Rs. 160 Lakhs in imported and indigenous plant & machinery/capital goods respectively, over a period of five years.</p> <p>2.2 It was informed to the Approval Committee in its meeting held on 09/10/2019 the Committee had considered the proposal of M/s. Futuristic LED Pvt. Ltd. for setting up a new unit in NSEZ and deferred the same for its</p>



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next meeting with the directions to the representative of applicant unit to submit amended Memorandum and Articles of Association after incorporating the proposed service activities in its main objects. The Approval Committee also directed to examine the reply received from the applicant and inform them queries, if any, for rectification.

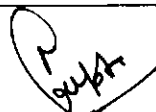
2.3 Accordingly, the reply dated 01/10/2019 submitted by applicant was examined in accordance with the decision of Approval Committee held on 09/10/2019 and the applicant vide this office letter dated 23/10/2019 was requested to rectify following deficiencies:

- (i) As the promoters have been issued another LOA under SEZ scheme, the same needs to be mentioned at S.No.XII(ii) of Form-F.
- (ii) Revised and corrected Form-F needs to be submitted in terms of this office letter dated 26/09/2019 and their reply dated 01/10/2019.
- (iii) Copy of amended Memorandum and Articles of Association after including the proposed service activities in its main objects has not been given.
- (iv) Undertaking for compliance with Environmental & Pollution Control Norms needs to be given as per the requirement of SEZ provisions.
- (v) Copy of INC-22A submitted by you shows different registered office address. Hence, copy of INC-22 is required in support of registered office address as shown by you in Form-F.

2.4 Applicant vide its letter dated 24/10/2019 has submitted amended Memorandum & Articles of Association after incorporating the proposed service activities in its main objects along with certificate of alteration in object clause issued by ROC.

2.5 Sh. Hemendra Bhardwaj, Sh. Manish Agarewal & Smt. Neha Gairola representatives of the company appeared before the Approval Committee and explained that they have now submitted all required documents and also submitted revised online Form-F after making necessary amendment.

2.6 It was informed to the Approval Committee that reply from the unit regarding remaining queries has been received on 01/11/2019 and the same is being examined.



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2.7 The Approval Committee, after due deliberations, approved the proposal of M/s. Futuristic LED Private Limited for setting up a new unit in NSEZ for "Licensing Services for the Right to use Computer Software and Database, Information Technology Design and Development Services, Hosting and Information Technology (IT) Infrastructure Provisioning Services, Other IT Service" subject to rectification of deficiencies observed in their application.

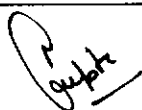
3 **विषय: M/s. Ritzy Hardware Pvt. Ltd. - नौएडा विशेष आर्थिक क्षेत्र में नई इकाई लगाने हेतु प्रस्ताव.**

It was informed to the Approval Committee that M/s. Ritzy Hardware has proposed to set up a new unit in NSEZ for "Manufacturing & Export of :

- (i) Builders Hardware & Engineering Goods- Plastic Builders Hardware (39259090)(2000000pieces/annum)
- (ii) Builders Hardware & Engineering Goods- Plastic Bins (39269099) (10000pieces/annum)
- (iii) Builders Hardware & Engineering Goods-Water Harvesting System fitting as Galvanizing Clamps, Sheet Gutter Hooks (73079910) (4000000 pieces/annum)
- (iv) Builders Hardware & Engineering Goods- G I Junction Box (73089090) (200000pieces/annum)
- (v) Builders Hardware & Engineering Goods- Copper fitting Water Harvesting System fittings as Clamps, Sheet, Gutter hooks etc (74122090)(125000pieces/annum)
- (vi) Builders Hardware & Engineering Goods-Iron & SS Hinges (83021010) (3000000pieces/annum)
- (vii) Builders Hardware & Engineering Goods-Brass Hinges (83021020) (25000pieces/annum)
- (viii) Builders Hardware & Engineering Goods-Fitting for Door & Windows (83024110) (5000000pieces/annum)
- (ix) Builders Hardware & Engineering Goods-Other Fitting for Door & Windows (83024200) (4000000 pieces/annum)
- (x) Builders Hardware & Engineering Goods-Fitting for Furniture (83024900) (4000000pieces/annum)"

3.2 It was informed that the applicant have projected the exports of Rs. 2200 Lakhs and NFE earnings worth Rs.2180 Lakhs and proposed investment of Rs.350 Lakhs in indigenous plant & machinery/capital goods, over a period of five years.

3.3 Sh. Harshvardhan Sharma, and Arun Kumar, Directors of the company appeared before the Approval Committee. They stated that hardware industry in India has a huge potential on account of low cost of material and labour. The core business strategy of the company is built around



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direct customer model, relevant technologies and solutions and highly efficient manufacturing & logistics. They further stated that they are expecting good number of orders from the United States of America and European market.

3.4 The representative of the company further stated that the manufacturing process includes the cutting of the raw material and its moulding through pneumatic power press into designer handles, hinges, knobs and other fittings.

3.5 They further informed about the requirement of sub-contracting for part of production process i.e. "Electroplating, Powder coating, Forging, Casting, Machining, Tapping, Welding, Buffing, Polishing" from DTA.

3.6 It was informed to the Approval Committee that applicant in the list of raw material has shown requirement of "Plastic Granules/Scrap". Sh. Sharma clarified that the granules/scrap will be used for some plastic product proposed by them. It was informed to the applicant that import of Plastic Scrap in SEZ is not allowed.

3.7 It has also been observed that applicant has shown requirement of land as 1000 sq.mtrs. and built-up area as 600 sq. mtrs. Sh. Sharma informed that they would go for MSTC Online Auction procedure to acquire one plot/building for the proposed unit.

3.8 It was informed to Sh. Sharma that as per ITRs submitted, Shri Arun Kumar, director is an employee of M/s. Bholi Hardware Pvt. Ltd., Plot No. 170, NSEZ and he has been showing his address in all ITRs as Plot No. 170, NSEZ. Sh. Sharma informed that during the filing the ITRs Sh. Arun Kumar had no permanent address in Noida hence Sh. Kumar has used Plot No. 170 in his ITRs. He was not aware of this fact that industrial address can not be shown in ITRs. He assured to rectify the same.

3.9 It was informed to the Approval Committee that following shortcomings have been observed in the application which have been conveyed to the



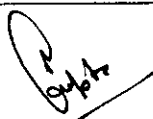
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applicant vide this office letter dated 24/10/2019 for necessary rectification:-

- i) At S.No. X(1)(ii) of Form-F, applicant has shown total equity of Rs. 2 Lakhs (Rs. 1 lakh for non-repatriable NRI company/individual holding and resident holding each). However, total paid up capital has been shown as Rs. 1 Lakh only at S.No. X(1)(i). Hence, the same needs clarification and corrections. Besides, existing equity details not mentioned in relevant column.
- ii) Copies of passport of promoters have not been given.
- iii) Applicant has mentioned 'Not applicable' in S.No. XII of FORM F, which needs to be mentioned as either 'Yes' or 'No'. Further, as the promoters of the company have already been issued another LOA in NSEZ, the details of said unit also need to be mentioned at S.No. XII(ii) of Form-F.
- iv) Applicant in the list of raw material has also shown requirement of "Plastic Granules/Scrap", which needs clarification.
- v) Copy of sanction letter from bank/Financial Inst. in support of loan/financial assistance has not been given.
- vi) Complete address of registered office needs to be given in Form-F.
- vii) Applicant has shown requirement of land as 1000 sq.mtrs. and built-up area as 600 sq.mtrs. A clarification in this regard needs to be given.

3.10 The Approval Committee, after due deliberations, approved the proposal of M/s. Ritzy Hardware for setting up a new unit in NSEZ for manufacturing and export of "Builders Hardware & Engineering Goods- Plastic Builders Hardware (39259090)(20000000pieces/annum), Builders Hardware & Engineering Goods- Plastic Bins (39269099) (100000pieces/annum), Builders Hardware & Engineering Goods-Water Harvesting System fitting as Galvanizing Clamps, Sheet Gutter Hooks (73079910) (4000000 pieces/annum), Builders Hardware & Engineering Goods- G I Junction Box (73089090) (200000pieces/annum), Builders Hardware & Engineering Goods- Copper fitting Water Harvesting System fittings as Clamps, Sheet, Gutter hooks etc (74122090)(125000pieces/annum), Builders Hardware & Engineering Goods-Iron &



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SS Hinges (83021010) (3000000pieces/annum), Builders Hardware & Engineering Goods-Brass Hinges (83021020) (25000pieces/annum), Builders Hardware & Engineering Goods-Fitting for Door & Windows (83024110) (5000000pieces/annum), Builders Hardware & Engineering Goods-Other Fitting for Door & Windows (83024200) (4000000 pieces/annum), Builders Hardware & Engineering Goods-Fitting for Furniture (83024900) (4000000pieces/annum)" subject to condition that Plastic Scrap shall not be allowed and unit shall ensure applicable environmental compliances and rectification of deficiencies observed in their application.

4. **विषय: M/s. Romsons International (Unit-II) - LOA की वैधता के नवीनीकरण एवं Capacity enhancement हेतु प्रस्ताव - reg.**

It was informed that M/s Romsons International (Unit-II) has been issued an LOA dated 05/10/2006 for Manufacturing of instruments & appliances used in medical, surgical, dental or veterinary sciences (disposable medical devices) (Capacity: 100000000 pieces/annum) and Trading in 110 (45+41+12+12) instruments/ equipments used for medical, surgical, dental or veterinary purpose (as per list in file) [subject to condition that trading will be allowed only upto 10% of FOB value of export]. The unit commenced its export production w.e.f. 01/12/2009 and its LOA is valid till 30.11.2019.

4.2 It was further informed that unit has submitted application for renewal of its LOA for third block of five years and enhancement in production capacity from 100000000 pieces/annum to 200000000 pieces/annum.

4.3 It was informed to the Committee that amount of Rs. 76.79 lakh has been pending as on 31.03.2019 for realisation.

4.4 Sh. Mukesh Aggarwal, General Manager of the unit appeared before Approval Committee and informed that all amount has been realized except Rs. 6 lacs which is pending as Govt. of Sri Lanka has hold 10 % as per agreement and the said balance amount will be realized soon. He also informed that they have also filed application with RBI for time extension to

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realize the outstanding export proceeds made during 2016-17 to 2018-19..

4.5 It was informed to the Approval Committee that following deficiencies have been observed in the application:-

- i) It was informed to the Committee that amount of Rs. 76.79 lakh has been pending as on 31.03.2019 for realisation.
- ii) It has been observed that there is variation in figures of APRs vis-à-vis total given for manufacturing and trading performance during last five years. Hence, the same needs to be clarified and break-up details of manufacturing and trading for last five years needs to be given duly certified by CA and in conformity with APRs figures.
- iii) As per break-up of forex outgo submitted vide its letter dated 18/10/2019, it has been observed that unit has mentioned projected values of imported capital goods and raw material etc. incorrectly in Form-F1. Online application has been returned to the unit for making necessary corrections in projected value of imported capital goods/raw materials. Reply of unit is awaited.

4.6 The Approval Committee, after due deliberations, decided to renew the validity of LOA of M/s. Romsons International for next five years i.e. upto 30.11.2024 with revised production capacity subject to rectification of deficiencies observed in their application.

4.7 The Approval Committee also directed the unit to submit updated status of realization/pendency of export proceeds.

5 **विषय: M/s. Taiba International - LOA की वैधता के नवीनीकरण, उत्पादन क्षमता में वृद्धि एवं अधिकृत परिचालनों में संशोधन हेतु प्रस्ताव - reg.**

It was informed to the Approval Committee that M/s. Taiba International has been issued an LOA dated 31.12.2008 for Manufacturing & Export of Handcrafted/machine-made Gold /Platinum/ Silver Jewellery, Plain /Studded with Colour Stones. (production capacity - 300Kgs/annum). Unit commenced its export production w.e.f. 16.11.2009. Second block of five years is valid upto

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15.11.2019.

5.2 It was informed to the Approval Committee that unit has applied for renewal of LOA for the third block of five years. The unit has submitted details of value addition achieved by them during previous block of five years as under:

Value in Rs. Lakhs						
Year	:	Export	Inputs used (imported+ indigenous)	Value addition value	Value addition required	Value addition achieved
2014-15	:	178.91	195.25	-16.34	3%	-8.37%
2015-16	:	20534.72	19887.67	647.05	3.5%	3.25%
2016-17	:	23557.68	23551.11	6.57	3.5%	0.03%
2017-18	:	23616.68	24033.65	-416.97	3.5%	-1.73%
2018-19	:	38972.66	38204.72	767.94	3.5%	2.01%

It was also informed to the Approval Committee that unit has informed to this office that during F.Y 2014-15 and 2017-18, their NFE was negative due to the fact that imports were more than exports and the same is reflected in the APRs. However, cumulative NFE of the five years is as per prescribed norms. It has been observed that there has been shortfall in achievement of value addition.

5.3 Authorized Operation:-

Existing	Proposed for renewed period
Manufacturing & Export of Handcrafted/machine-made Gold /Platinum/ Silver Jewellery, Plain /Studded with Colour Stones. (production capacity - 300Kgs/annum)	1. Manufacturing of Handcrafted/ Machine made gold jewellery plain /studded with colour stones. (71131910, 71131920, 71131930, 71131940) [Production capacity-1390kgs/annum] 2. Import of rejected or damaged Plain or Studded Jewellery for Repairing (71131910) [Production capacity-10kgs/annum]

5.4 अगले ब्लाक के लिए प्रस्तावित फोरेक्स मुद्रा तुलनपत्र)FOREX Balance Sheet proposed for next block((in Rs. Lakhs):

क्रम सं.	मद	पहला	दूसरा	तीसरा	चौथा	पांचवा	कुल
1	पहले पांच वर्षों के निर्यात का पोत पर्यंत मूल्य	49985.16	50339.52	50802.26	51510.97	51973.71	254611.62

P. Gupta

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2	पहले पांच वर्षों के लिए विदेशी मुद्रा बहिर्गमन	47899.71	48221.90	48629.82	49314.20	49722.11	243787.74
3	शुद्ध विदेशी मुद्रा उपार्जन पहले पांच वर्षों (1-2) के लिए	2085.45	2117.62	2172.44	2196.77	2251.60	10823.88

5.5 It was informed to the Approval Committee that unit has made following submissions in its LOA renewal application:-

- i) Unit has stated that they have not effected any export of articles or medallions as per the amendment in authorized operations vide letter dated 05/09/2013 and there shall also be no export of articles and medallions.
- ii) Unit has also stated that they do not want to export Silver or platinum jewellery as such they have removed the same for proposed authorized operations in Form-F1.
- iii) Unit has further stated that during the previous block of five years, they have made exports of only plain gold jewellery. During the said period there was no export of studded gold jewellery or silver/platinum jewellery. Further they have not paid any interest to foreign supplier.

5.6 It was informed to the Approval Committee that as per Rule 18(3)(b) of SEZ Rules, 2006 as amended vide SEZ Amendment Rules, 2018 dated 19/09/2018,

“for Gems and Jewellery, the minimum Value Addition earning requirement shall be as specified in the prevailing Foreign Trade Policy or Handbook of Procedures, as amended from time to time.”;

Hence, the unit was required to achieve value addition of 3 & 3.5% for plain gold jewellery. However, as per details given above, there is shortfall in value addition achievement.

5.7 Sh. Shaikh Samim, Proprietor of the company and Sh. Rupak Jha appeared before the Committee. They were not able to explain the reason for shortfall in value addition during the year 2014-15 to 2018-19. He requested for some time to give proper justification.

5.8 Approval Committee observed that Letter of Approval is going to expire on 15.11.2019 hence decided to renew it for further period of 2 months as per



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existing authorized operations. The Approval Committee also directed the unit to give proper justification for shortfall in value addition along with year-wise details of value addition duly certified by Chartered Accountant.

5.9 The Approval Committee directed to examine the matter again on receipt of reply from the unit regarding shortfall in value addition and place the same before it for consideration of renewal of LOA for remaining period and also to consider unit's proposal regarding change in existing authorized operation.

6 **विषय: मैसर्स ग्लोबल डेंट एड्स प्राइवेट लिमिटेड - LOA में अतिरिक्त अधिकृत परिचालनों को शामिल करने हेतु प्रस्ताव।**

It was informed to the Approval Committee that M/s. M/s. Global Dent Aids Pvt. Ltd. has been issued an LOA dated 28/12/2005 for 1. *Manufacturing of Denture Brush, Plastic Holder, Tooth Brush, Tooth Paste Handles, Tooth Paste, Twisted Wire Brush.* 2. *Manufacturing of Tooth Picks, Brush sticks, Plastic holder with brush, Inter dental brush, Plastic Mouth Mirrors, Metal mouth mirrors, Dental picks & scaler, PVC pouch, Polythene bags, All types of products made of plastic (like plastic tray, different types of plastic handles, plastic clips, plastic cases, plastic syringe etc) subject to condition that all these items will be solely for oral care.* Unit commenced its export production w.e.f. 01/04/2007. Letter of Approval of the unit is valid upto 31.03.2022.

6.2 Unit has proposed for inclusion of Manufacturing & Export of (i) Denture Cleaning Powder (ITC HS 33061090) and Dental Cement (ITC HS 30064000) in its authorized operations with revised NFE projections.

6.3 Sh. Pradeep Debnath, General Manager of the company appeared before the Approval Committee and stated that proposed items are related to Dental Oral Care only. He further stated that to manufacture these products they would require powder/mixture of dental cement, vials, product labels and granules for denture cleaning material, plastic bottles, plastic spoon, mono cartons etc. and no machinery will be imported only indigenous machinery

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shall be used. This machine will be assembled and purchased from the local market.

6.4 It was informed the Approval Committee that unit has also shown additional projection of indigenous raw materials and capital goods worth Rs. 17 Lakhs and 37 Lakhs respectively.

6.5 Approval Committee after due deliberation decided to approve the request of the unit for inclusion of manufacturing & Export of (i) Denture Cleaning Powder (ITC HS 33061090) and Dental Cement (ITC HS 30064000) in the authorized operation of the unit. Besides the Approval Committee also approved the revised NFE projections submitted by the unit.

7 विषय: मैसर्स विद्या मंत्रा एड्युसिस्टम्स प्राइवेट लिमिटेड - इकाई के परिसर SDF No. D-08, NSEZ में cafeteria, crèche एवं gymnasium स्थापित करने हेतु प्रस्ताव।

It was brought to the notice of the Approval Committee that M/s Vidya Mantra Edusystems Pvt. Ltd. has been issued an LOA dated 08/05/2019 for carrying out authorized operations namely "Computer Software Services and Enabled Services, Support Centres and Web-Site Services, Content Development or Animation, Human Resources Services, Call Centres, Research and Development Services, Professional Services, Medical Transcription, Educational Services, Hospital Services, Other Human Health Services, Rental/Leasing Services Without Operators, Audio-Visual Services, Back-Office Operations, Remote Maintenance, Data Processing, Engineering And Design, Graphic Information System Services, Payroll, Revenue Accounting, Other Business Services". The unit is yet to execute Bond-cum-LUT and commence its export activities. LOA of the unit is valid till 07/05/2020. Unit has been allotted SDF No. D-8 measuring 619 Sq. mtr.

7.2 It was informed to the Approval Committee that unit vide its letter dated 27/08/2019 had requested this office to grant permission for facilities of cafeteria, crèche & gymnasium for their employees and stated that no exemptions, drawback, concessions or any other benefit available under Section 7 or Section 26 of SEZ Act, for creating or operations such facilities would be taken. Unit in reply of this office letter dated 17/09/2019, vide its



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email dated 17/09/2019 has submitted following information:

(i) Details of area/layout plan: It has been stated that area of the SDF No. D-08 is 619 sq.mtrs. and all the areas of crèche, cafeteria and gym combined together would not exceed 15% of total area.

(a) Creche: 10-20 sq.mtrs. (approx.)

(b) Cafeteria: 15-25 sq.mtrs (approx.)

(c) Gymnasium: 10-20 sq.mtrs(approx.)

(ii) It has been stated that all these facilities will be operated by themselves.

7.3 It was informed to the Approval Committee that in terms of Proviso 1 to Rule 11(5) of SEZ Rules "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, creche and such other facilities as may be required for the exclusive use of the Unit".

7.4 Further, It was informed that Deptt. of Commerce vide letter dt. No. B-17/2/2018-SEZ-Part(1) dt.11.06.2019 has issued Instruction No. 95, wherein it has been stated that the permission for setting up cafeteria, crèche, gymnasium and similar facilities in the premises of unit for exclusive use of such units can be granted subject to following conditions:-

a) The facilities as envisaged under the proviso to Rule 11(5) of the SEZ Rules could also be created by a unit for its exclusive use subject to obtaining a NOC from the Developer as well as necessary NOCs/ clearances/ approvals from the relevant statutory authorities, such as Fire, Health etc.

b) The unit shall not be eligible for any exemptions, drawback, concessions, or any other benefit available under Section 7 or Section 26 of SEZ Act, for creating or operating such facilities.

7.5 It was informed to the Approval Committee that Estate Management Section, Noida SEZ has informed that space of 5.1 sq.mtrs for pantry in SDF No. D-08, NSEZ already exists. Estate Management Section, NSEZ has also conveyed its NOC for setting up of cafeteria, crèche and gymnasium in terms

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of Instruction No. 95 dated 11/06/2019 issued by DOC, if UAC considers and approves the proposal of unit. Unit has provided a copy of layout plan.

7.6 Shri Jay Gupta, Director of the company appeared before the Approval Committee and explained the proposal.

7.7 After due deliberations, the Approval Committee approved the proposal, subject to statutory compliance and subject to the condition that neither the unit nor its vendor(s) shall be eligible for any exemptions, drawback, concessions or any other benefit available under SEZ Act / SEZ Rules, for creation & operation and maintenance of such facilities. The unit shall obtain necessary NOCs/ clearances/ approvals such as Fire, Health etc. from the relevant statutory authorities as required under Instruction No. 95 dated 11.06.2019 mentioned above.

8 **विषय: M/s. AMS Fashions Pvt. Ltd. – SEZ से Exit से पहले इकाई के प्रदर्शन की SEZ नियम 54 के अंतर्गत निगरानी हेतु प्रस्ताव।**

It was informed to the Approval Committee that M/s. AMS Fashions Pvt. Ltd. has been issued an LOA dated 20.04.2006 for manufacturing of “*Readymade Garments*”. The unit commenced its export activities w.e.f. 31.08.2006 and LOA is currently valid till 30.08.2021.

8.2 It was informed to the Approval Committee that there are variations in the data of APRs for the year 2016-17 to 2018-19 (during current block) vis-à-vis the data obtained from SEZ Online System. Accordingly vide this office letter dt. 01.11.2019 unit was requested to clarify the same along with documentary evidence.

In reply to aforesaid query unit has vide its letter dated 01/11/2019, submitted its clarification in respect of variations as under:-

2016-17	APRs Export Amount: 15.29 lac	NSDL Export amount: 17.23 lac	Difference: 1.94 lac	Clarification:-Export of 1.94 lac was made in 31.03.2016 vide SB No. 0006057 dt. 31.03.2016 and they have taken the same in 2015-16 APR (Copy of Export document viz Shipping bill and invoice submitted)
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2018-19	APR Amount: 3.60 lac	DTA	NSDL Amount: 5.66 lac	DTA	Difference: 2.06 lac	Clarification:-Unit has provided the breakup of DTA Sale of 2.06 along with copy of Bills of Entry/TR6 challans and clarified that the same has been taken in F.Y. 2019-20.
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8.3 It was informed that the unit has made exports worth Rs. 1.08 Lakhs and earned positive NFE earnings worth Rs. 1.04 Lakhs during current block of five years i.e. from 2016-17 to 2019-20.

8.4 It was informed to the Approval Committee that the Approval Committee in its meeting held on 13/03/2019 had approved the proposal of M/s. AMS Fashions Pvt. Ltd. for exit from SEZ scheme and transfer of its assets & liabilities including building at Plot No. 59G, NSEZ to M/s. Impetus Infotech (India) Pvt. Ltd. (Unit-III) under Rule 74A of SEZ Rules, 2006 subject to fulfilment of (i) exit formalities by transferor, (ii) payment of applicable transfer charges and (iii) submission of undertaking regarding payment of labour dues if any which may arise in future, as there was one labour case pending against the unit in High Court and in ILO.

8.5 Accordingly, M/s. AMS Fashions Pvt. Ltd. vide this office letter dated 27/05/2019 was requested to submit NOCs and complete exit formalities under Rule 74 of SEZ Rules, 2006. Now, unit vide its letter dated 15/10/2019 has submitted requisite NOCs/documents related to exit from SEZ scheme as asked vide this office letter dated 27/05/2019

8.6 It was informed to the Approval Committee that M/s. AMS Fashions Pvt. Ltd. vide its letter dated 08/04/2019 had submitted an undertaking that M/s. AMS Fashions Pvt. Ltd. agrees and undertake to indemnify, defend and hold harmless Impetus, its employees, officers and/or directors, in respect of any payments made or any costs incurred towards any liability arising out of, or in connection with, the Labour Case, on any claim or demand being raised by Impetus, provided such claim or demand is supported by relevant proof of payment of amount or incurrance of cost.



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- 8.7 It was informed to the Approval Committee that M/s. Impetus Infotech (India) Pvt. Ltd. (Unit-III) vide its letter dated 16/05/2019 had also submitted undertaking mentioning that they are aware of the labour case pending against M/s. AMS Fashions Pvt. Ltd. before Hon'ble Allahabad High Court and they will pay all the liabilities related to it, if any arises in future and in case M/s. AMS Fashions Pvt. Ltd. fails to pay it.
- 8.8 It was informed that Labour Deptt., NSEZ has also issued NOC to M/s. AMS Fashions Pvt. Ltd. subject to condition that the unit shall be liable to pay any amount/dues in future, if found, after court order or audit/inspection
- 8.9 It was further informed that in terms of Rule 74 of SEZ Rules, 2006, "if the unit has not achieved positive Net Foreign Exchange, the exit shall be subject to penalty that may be imposed under the Foreign Trade (Development and Regulation) Act, 1992". Further, in terms of Rule 54 of SEZ Rules, 2006, it is for Approval Committee to arrive at conclusion that unit has achieved positive NFE.
- 8.10 Shri Sanjay Gupta, director of the company appeared before the Approval Committee and explained about their working in the Zone and decision of exit from NSEZ.
- 8.11 It was further informed that the unit is under the exit process and vide its letter dated 15/10/2019 and subsequent letter dated 23/10/2019 and 01/11/2019 has submitted all the NOCs/ relevant documents/clarifications related to exit from SEZ scheme as asked vide this office letter dated 27/05/2019 & subsequent letters. NSEZ Customs has also issued NOC to the unit on 11/10/2019.
- 8.12 The Approval Committee monitored the performance of the unit under Rule 54 of SEZ Rules, 2006 on the basis of APRs and took note of the achievement of positive NFE by the unit. The Approval Committee further observed that no foreign exchange is pending for realization as on date.

