

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: 16/08/2019

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, प्लाट सं.- ए-2डी, सेक्टर 24, नौएडा।
4. आयुक्त, सीमा शुल्क, नौएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - २०१३०६.
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 07/08/2019 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 07/08/2019 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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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 07/08/2019 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 Aman Singh Lohan, Asstt. DGFT, O/o Addl. DGFT, CLA, New Delhi.
- 4) Shri Sachin Jain, Asstt. Commissioner, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.)
- 5) Smt. Nisha Gupta, 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) Javir Ali, Steno, NSEZ, and (v) Kapil Muni, 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 03/07/2019.

It was informed that no reference against the decisions of the Approval Committee held on 03/07/2019 was received and, therefore, Minutes of the meeting held on 03/07/2019 were ratified.



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Item wise decisions on proposals included in agenda:

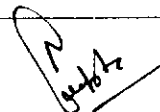
1. एवीवी मीडिया सर्विसेज एलएलपी - नौएडा विशेष आर्थिक क्षेत्र में नई इकाई लगाने हेतु प्रस्ताव।

It was informed to the Approval Committee that the M/s. AVV Media Services LLP has proposed to set up a new unit in NSEZ for "IT/ITES i.e. Web-design & Development, Internet Marketing, Software Development, App Development, Digital Marketing & Affiliation Services, Search Engine Optimization, Search Engine Marketing, Media Buying through SSA's" with projected exports of Rs. 3451.68 Lakhs and NFE earnings worth Rs.3422.68 Lakhs and proposed investment of Rs. 16 Lakhs and Rs.22.04 Lakhs in imported and indigenous plant & machinery/capital goods respectively, over a period of five years.

1.2 Shri Ved Priy Pandey, partner in the firm appeared before the Approval Committee to explain the project. He informed that AVV Media Services LLP is a software and digital marketing entity. They deal with the web and mobile app development to cater the varied range of users. He also stated that they have strong presence into affiliate and digital marketing industry. They are also specialized in targeting Geo's, states, carrier and gender to help their partners get optimized and better results.

1.3 Shri Pandey further informed that all the partners have good experience in the field and they have successfully delivered a good number of web service projects on both mobile applications and web development.

1.4 The Approval Committee observed that detailed work experience/background of promoters of the firm have not been given in the project report. Shri Pandey informed that the promoters have another ventures in DTA where they are already working. He also claimed to have already submitted relevant documents of their other firms engaged in the same services. However, he could not produce any supporting documents nor did he find any such documents to have been submitted with their application made to O/o DC, NSEZ.



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1.5 The Approval Committee further observed that there have been some deficiencies observed in the application which have been conveyed to the applicant for rectification vide this office letter dated 06/08/2019.

1.6 The Approval Committee, after due deliberations, deferred the proposal with the directions to Shri Pandey to furnish the following before it is again taken up for consideration:

- (i). Details of educational background and prior experience of all partners along with name, address, date of incorporation and annual turnover of other ventures of promoters, duly supported with documentary evidence.
- (ii). Rectification of deficiencies as conveyed vide this office letter dated 06/08/2019.

1.7 Shri Pandey was also directed by the Approval Committee to ensure presence of all three partners before the Approval Committee in its next meeting to be held in September, 2019.

2. कम्पलीट सर्वेयिंग टेक्नोलॉजीज प्राइवेट लिमिटेड (यूनिट-I) का यूनिट-II एवं यूनिट-III सहित SEZ नियमावली 2006 के नियम 74A के तहत SEZ से निकास एवं प्लॉट सं. 129G/45 पर स्थित भवन के साथ अपनी अस्तियों तथा दायित्वों को मैसर्स कम्पलीट सर्वेयिंग टेक्नोलॉजीज प्राइवेट लिमिटेड (यूनिट-IV) को हस्तांतरित करने हेतु प्रस्ताव।

It was informed that a proposal dated 24/06/2019 was received from M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-I) along with its other two unit (Unit-II and Unit-III) (transferor) for exit from SEZ scheme and transfer of their assets & liabilities including building at Plot No.129G/45, NSEZ in favour of M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-IV). A letter dated 24/06/2019 from transferee showing its willingness for transfer of building at above respective plot in their favour was also received.

2.2 It was informed that M/s. Complete Surveying Technologies Pvt. Ltd. has been issued three LOAs which are already running from NSEZ. Plot No. 129G/45, NSEZ has been allotted to Unit-I (i.e. against LOA issued on

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27/04/2011). Other two units (Unit-II & Unit-III - both LOAs issued on 17/03/2016) are working on sharing basis with Unit-I at Plot No. 129G/45, NSEZ.

2.3 It was further informed that the said request of M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-I) along with its other two unit (Unit-II and Unit-III) (transferor) for exit from SEZ scheme and transfer of their assets & liabilities including building at Plot No.129G/45, NSEZ in favour of M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-IV) was considered by the Committee constituted to examine the cases under Rule 74 (A) and 3rd proviso to Rule 19 (2) of SEZ Rules, 2006.

2.3.1. Brief details of the proposal are given below:-

1.	Whether formal request for exit from SEZ Scheme has been made by the transferor.	Yes																								
2.	Name & Address of Transferor	M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-I) Plot No.129G/45, NSEZ																								
3.	Details of LOA of Transferor: Date of LOA DCP Date of LOA validity	27/04/2011 06/10/2014 05/10/2019																								
4.	Main Authorized Operations of Transferor	1.Manufacturing of Professional work bench 2.Manufacturing of PTC Tile Cutter i.e. PTC640 and PTC470 3.Manufacturing of Components/ Spares of Professional Work Bench. 4.Manufacturing of Components/ Spares of PTC Tile Cutter.																								
5.	Yearwise performance of Transferor unit during last five years	<p align="right">Values in Rs. Lakhs</p> <table border="1"> <thead> <tr> <th>Year</th> <th>FOB Value of Export</th> <th>Forex Outgo</th> <th>NFE Earning</th> </tr> </thead> <tbody> <tr> <td>2014-15</td> <td>227.16</td> <td>117.45</td> <td>109.71</td> </tr> <tr> <td>2015-16</td> <td>122.82</td> <td>55.45</td> <td>67.37</td> </tr> <tr> <td>2016-17</td> <td>181.39</td> <td>82.69</td> <td>98.70</td> </tr> <tr> <td>2017-18</td> <td>337.17</td> <td>98.77</td> <td>238.40</td> </tr> <tr> <td>Total</td> <td>868.54</td> <td>354.36</td> <td>514.18</td> </tr> </tbody> </table>	Year	FOB Value of Export	Forex Outgo	NFE Earning	2014-15	227.16	117.45	109.71	2015-16	122.82	55.45	67.37	2016-17	181.39	82.69	98.70	2017-18	337.17	98.77	238.40	Total	868.54	354.36	514.18
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6.	Whether the unit (transferor) has held a valid Letter as on date.	Yes																								

N
04/08/19

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7.	Whether the unit (transferor) has held a valid lease of land for not less than a period of five years on date of transfer.	Yes, Sub lease deed is valid upto 30/11/2026.
8.	Whether the unit has been operational for a continuous period of minimum two years after the commencement of production as on the date of transfer.	Yes
9.	a. Whether NOC for mortgage of building has been granted to any Bank/Financial institution. b. If yes, whether No Dues Certificate has been received	No
10.	Whether No Dues Certificate from EM section received	No
11.	Whether any Show Cause Notice has been served to the unit under FT(D&R) Act, 1992.	No
12.	Whether any penalty under FTDR Act has been imposed	No
13.	Whether any notice under P.P. Act, 1971 has been issued.	No
14.	Name & Address of Transferee	M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-IV).
15.	Authorized operations of Transferee	Metal Sawhorse (ITC HS Code 82060090)
16.	Whether the transferee fulfils all eligibility criteria applicable to a unit; if yes, details of LOA of transferee: Date of LOA DCP Date of LOA Validity	26/04/2019 N/A 25/04/2020
17.	Performance of the transferee	Unit has not yet commenced its activities
18.	Whether the transferee has submitted an undertaking on Rs.100/- non judicial stamp paper for taking over assets & liabilities of transferor unit.	Yes

A. Gupta

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2.3.2. Details of Unit -II & Unit-III are as under:-

	Unit -II	Unit-III				
LOA Date	17/03/2016	17/03/2016				
DCP	18/07/2016	14/07/2016				
LOA Validity	17/07/2021	13/07/2021				
Authorized operations	Manufacturing of Articles and Equipments for Table Tennis and accessories/ spares thereof.	Manufacturing of (i) Metal Detector (Magnetic Locator), (ii) Spare/Parts of Metal Detector (Magnetic)				
Performance	Values in Rs. Lakhs					
	Year	Export	NFE Earning	Year	Export	NFE Earning
	2016-17	85.57	39.54	2016-17	46.64	38.92
	2017-18	150.50	72.94	2017-18	0.00	0.00
	Total	236.37	112.48	Total	46.64	38.92

2.4 It was informed that in terms of Rule 19(2) proviso 3 of SEZ Rules, 2006 "Provided also that and subject to the provisions of Rule 74A, the Approval Committee may also approve change of the entrepreneur of an approved unit, if the incoming entrepreneur undertakes to take over the assets and liabilities of the existing Unit".

2.5 It was also informed that Rule 74A of the said Rules inter alia provides as under:-

"The unit may opt out of Special Economic Zone by transferring its assets and liabilities to another person by way of transfer of ownership including sale of Special Economic Zone units inter alia subject to the following conditions:-

- (i). *The unit has held a valid Letter of Approval as well as lease of land for not less than a period of five years on the date of transfer.*
- (ii). *The unit has been operational for a minimum period of two years after the commencement of production as on the date of transfer.*
- (iii). *Such sale or transfer transactions shall be subject to the approval of the Approval Committee;*
- (iv). *The transferee fulfils all eligibility criteria applicable to a unit;*

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and

(v). *The applicable duties and liabilities, if any, as calculated under rule 74, as well as export obligations of the transferor Unit, if any, shall stand transferred to the transferee Unit which shall be under obligation to discharge the same on the same terms and conditions as the transferor Unit."*

2.6 It was further informed that the said Committee observed that the transferor unit has held a valid LOA and lease deed is valid upto 31.05.2026 and has been in operation for more than two years. The Committee was further informed that transferee unit has also valid LOA and has given an undertaking on Rs.100/- non-judicial stamp paper bearing No. EY 257972 to take over all the assets & liabilities of transferor unit.

2.7 It was also informed that Plot No. 129G/45, NSEZ has been allotted to Unit-I only and other two units are working on sharing basis from the same plot. However, proposal has been given for exit & transfer of all three existing units (Unit-I, II & III) of same company to new unit of same company.

2.8 It was further informed to the Approval Committee that the said Committee has decided not to recommend the above proposal as the transferor and transferee are same person.

2.9 Shri Vishwani Puri, director of the company appeared before the Approval Committee. He informed that they have planned to close their existing NSEZ units (Unit-I, II & III) as the export orders for those respective products are very low.

2.10 It was informed to Shri Puri that in terms of Section 2(v) of SEZ Act, 2005 the definition of persons is as under:

"person" includes an individual, whether resident in India or outside India, a Hindu undivided family, co-operative society, a company, whether incorporated in India or outside India, a firm, proprietary concern, or an association of persons or body of



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individuals, whether incorporated or not, local authority and any agency, office or branch owned or controlled by such individual, Hindu undivided family, co-operative, association, body, authority or company;

2.11 It was further informed that in terms of Rule 74A, a unit may opt out of SEZ by transferring its assets and liabilities to another person. However, in this case proposal is for transfer of assets & liabilities of one unit to another unit of same company, which does not meet criteria of "another person".

2.12 It was also informed that even in case of plots where sharing permission have been given, if original allottee is non-functional and unit on sharing permission is working, permission for transfer of assets & liabilities under Rule 74A is not being accorded. Original allottee is required to surrender the plot to NSEZ Authority.

2.13 The Approval Committee, after due deliberations, rejected the proposal of M/s. Complete Surveying Technologies Pvt. Ltd. (Unit-I) along with its other two unit (Unit-II and Unit-III) (transferor) for exit from SEZ scheme under Rule 74A of SEZ Rules, 2006 by transferring their assets & liabilities including building at Plot No.129G/45, NSEZ in favour of their 4th unit.

3. **डॉ. फ्रेश एसेट्स लिमिटेड - LOA में अतिरिक्त अधिकृत परिचालनों को शामिल करने हेतु प्रस्ताव**

It was informed to the Approval Committee that M/s. Dr. Fresh Assets Ltd. has been issued an LOA dated 19/12/1995 for "Trading, sorting, grading and packaging of: (i) Essential Oils such as Lemon Gross, Lavender, Rosemary, Rose Geranium and Peppermint oil etc. (ii) Turmeric Powder, Ginger Powder, Peppercorns Powder & Dry Extract, Cow Ghee, Honey, Dates and Nuts bars, Ashwagandha Powder, Triphala Tablets, Guduchi Powder, Amaranth Muesli, Oats Granola, Other related products. (iii) Organic Ragi Flour, Himalayan Rock Dark Pink Salt, Paper Bags (printed craft), Arimedadi Oil and Neelibhrigandi Oil. (iv) Amukkura Choornam (12119049), Meera Herbal Hair Wash Powder (30049011), Cinnamon Powder (09062000), Dhanwantaram Tab (30039011),

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Green Cardamom Seeds Powder/Mixed Spices (09109100), Chukku Kappi (09109020), Vata, Pitta, Kapha & Turmeric Soap(34011190), Glass Bottles (70109000), Cardboard Box (48191010), Stickers (49089000), Plastic bottles for packaging(39241090), Printed Labels (58071020), Curcuma Longa Jelly (30049079), Organic Desi Chana (ITC HS 0713)". The unit commenced its export production w.e.f. 15/06/1996 and its LOA is valid till 14/06/2021.

3.2 It was further informed that unit has submitted a proposal for inclusion of Trading of Copper Lota (ITC HS 74181022) in its authorized operations.

3.3 Shri Vijay Pathak, director of the company appeared before the Approval Committee. He informed that they intend to procure the proposed product from domestic market and the packaging and branding will be carried out in the factory for these products. He further stated that they will not claim any Income Tax exemption for such trading export in terms of Instruction No. 4. He further informed that they have made exports worth approx. Rs. 50 Lakhs during May-July 2019.

3.4 It was informed that LOA of the unit was previously amended vide this office letter dated 25/06/2019 (*after approval granted by Approval Committee held on 12/06/2019*) to include trading of Organic Desi Chana in its authorized operations. However, unit has neither submitted acceptance of the said letter nor has executed Bond-cum-LUT, which is non-compliance of terms & conditions of LOA amendment letter dated 25/06/2019.

3.5 It was further informed that Unit, in reply to this office letter dated 29/07/2019 vide its letter dated 29/07/2019 has submitted acceptance of LOA Amendment letter dated 25/06/2019. However, Bond-cum-LUT has still not been executed.

3.6 It was informed to Shri Pathak that the Bond-cum-LUT contains the approval letter no. and its date and it is required to execute revised Bond-cum-LUT before starting procurement for the approved operations. The Approval Committee warned the unit to be careful in compliances of approval



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letters issued to them in future.


3.7 The Approval Committee, after due deliberations, approved the proposal of M/s. Dr. Fresh Assets Ltd. for inclusion of trading of Copper Lota (ITC HS 74181022) in its authorized operations subject to compliance with export policy in force as on date of export and further subject to the following conditions:

- (i). Import and/or Export of restricted/prohibited items as per ITC(HS) of DGFT will not be allowed.
- (ii). Unit shall comply with pending statutory compliances already communicated earlier.
- (iii). Unit shall comply with other prescribed statutory norms, wherever applicable.
- (iv). 100% physical export shall be done and no DTA sale shall be carried out by the unit.
- (v). Unit shall not claim Income Tax benefits for trading of items procured from DTA in terms of Instruction No.4 dated 24/05/2006.

4. **सायेंट लिमिटेड – निदेशकों एवं शेयरहोल्डिंग में बदलाव से संबंधित प्रस्ताव**

It was informed to the Approval Committee that M/s. Cyient Ltd. has been issued an LOA dated 10/11/2008 for Development of Software & IT Enabled Services. The unit commenced its export activities w.e.f. 31/07/2012 and its LOA is valid till 30/07/2022.

4.2 Shri Sanjit Kumar Pal, authorized representative of the company, appeared before the Approval Committee. He informed that three directors namely Ms. Krishnan Ramachandran, Mr. Paterson John Paul and Mr. Andrea Higgins Bierce have resigned from board of directors w.e.f. 06/06/2019. He further informed that now there are 9 directors in the company as under:



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1. Mr. BVR Mohan Reddy
2. Mr. Krishan Bodanapu
3. Mr. MM Murugappan
4. Mr. Alain A De Taeye
5. Mr. Som Mittal
6. Mr. Vinai Kumar Thummalapally
7. Mr. Vikash Sehgal
8. Ms. Matangi Gowrishankar
9. Mr. Vivek Narayan Gour

4.3 It was informed that there have been around 42% changes in shareholding pattern of the company now with respect to the shareholding pattern intimated by the unit earlier and already taken on records as per following changes:-

Category	Shareholding in percentage	
	Shareholding pattern (as on 13.07.2017)	Shareholding pattern (as on 06.06.2019)
Foreign portfolio Investors	38.65	44.45
Promoters	22.18	22.79
Foreign Collaborators	13.49	1.36
Mutual Funds	6.19	14.74
Foreign Institutional Investors	6.01	-
Resident Individual	5.02	6.23
Bodies Corporates	4.65	0.88
Non Resident Indians	2.68	2.68
Employees	0.41	0.94
Foreign Nationals	0.27	0.26
Trusts	0.14	0.15
Non Resident Indian Non Repatriable	0.10	0.10
HUF	0.08	0.13
Banks	0.01	0.09
NBFC	0.00	0.00
IEPF	-	0.08
Clearing Members	-	0.03
Alternate Investment Fund	-	0.02
Insurance Company	-	3.95

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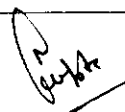
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4.4 It was informed that the DOC vide Instruction No. 89 dated 17/05/2018 has issued guidelines regarding change in shareholding pattern, name change of SEZ Developer and SEZ Units which inter alia states as under:

“5(ii) Re-organisation including Change of name, change in shareholding pattern, business transfer arrangements, court approved mergers and demergers, change in constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the unit shall not opt out or exit out of the Special Economic Zone and continues to operate as a going concern. All liabilities of the unit will remain unchanged on such reorganization.

6. Such reorganization shall be subject to the following safeguards:

- i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity;*
- ii) Fulfilment of all eligibility criteria applicable, including security clearances etc., by the altered entity and its constituents;*
- iii) Applicability of and compliance with all Revenue / Company Affairs / SEBI etc. Acts/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.*
- iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, and Department of Revenue and to the jurisdictional Authority.*
- v) The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.*
- vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.*



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vii) The unit shall furnish details of PAN and jurisdictional assessing officer of the unit to CBDT."

4.5 It was further informed that DOC vide Instruction No. 90 dated 03/08/2018 has also clarified that "Prior approval of BOA/UAC means approval of BOA/UAC, as the case may be, taken before the SEZ entity/unit is recognized by the new name or such arrangement in all records. It may not be interpreted that prior approval of BOA/UAC is to be taken before approaching the Registrar of Companies or the National Company Law Tribunal as is being some in some cases came to the notice of this department".

4.6 The Approval Committee, after due deliberations, approved the intimation of M/s. Cyient Limited for change in directors and shareholding pattern of the company in terms of Instruction No. 89 dated 17/05/2018 & Instruction No. 90 dated 03/08/2018.

5. **किशन लाल ज्वेल्स प्राइवेट लिमिटेड - इकाई के LOA की वैधता के नवीनीकरण एवं उत्पादन क्षमता में वृद्धि हेतु प्रस्ताव।**

It was informed that M/s. Kishan Lal Jewels Pvt. Ltd. has been issued an LOA dated 28/08/2008 for Manufacturing & Export of Gold, Silver, Platinum Jewellery and Artificial Jewellery with production capacity of 800 kgs per annum. The unit commenced its export production w.e.f. 26/08/2009 and its LOA is valid till 25/08/2019.

5.2 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 800 kgs to 1500 kgs per annum.

5.3 It was further informed that unit has submitted details of value addition achieved in respect of Plain Gold jewellery during current block of five years (upto 31/03/2019) in INR and USD as under:

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Value in Rs. Lakhs					
Year	:	Export	Inputs used	Value addition required	Value addition achieved
2014-15	:	7067.24	7018.58	3%	0.69%
2015-16	:	14500.81	14368.71	3.5%	0.92%
2016-17	:	12200.31	12180.16	3.5%	0.16%
2017-18	:	14593.97	14507.25	3.5%	0.60%
2018-19	:	23480.89	23274.84	3.5%	0.88%

Value addition in USD terms:

Value in USD					
Year	:	Export	Inputs used	Value addition required	Value addition achieved
2014-15	:	11606498	11373526	3%	2.04%
2015-16	:	22226779	21669108	3.5%	2.57%
2016-17	:	18443910	17867868	3.5%	3.22%
2017-18	:	22932229	22200300	3.5%	3.29%
2018-19	:	33945944	32884128	3.5%	3.22%

5.4 Shri Ajay Gupta, director of the company and Shri Sanjay Gupta appeared before the Approval Committee. He informed that they have achieved prescribed value addition in USD. However, due to foreign exchange fluctuation and difference in import custom rates of USD, it does not show value addition of 3% and 3.5% in INR. He further stated that sometimes there is even gold rates fluctuation, hence the value addition in terms of INR seems less but they have achieved the minimum value addition in terms of USD for every invoice.

5.5 Shri Gupta further informed that currently there are approx. 48 employees in the unit. They have installed machinery worth Rs. 35 Lakhs and 100% manufacturing is done in-house.

5.6 It was informed that unit has been issued a Show Cause Notice on 20/02/2015 for Violation of SEZ Rules & Act and non-fulfilment of terms & condition of LOA in view of the seizure of 6.225 kgs. Gold & Gold Jewellery of 22 cts. Purity (3 kgs Gold & 3.225 kgs gold jewellery) by NSEZ Customs of value about Rs. 1.73 Crores while leaving the zone with an intention to evade custom duty of approx. Rs. 25 Lakhs. The said SCN is yet to be adjudicated.

5.7 It was further informed that a Show Cause Notice was also issued

Ajay Gupta

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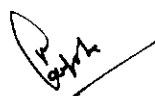
against M/s. Kishan Lal Jewels, Plot No. 164, NSEZ dated 27.01.2016 by the Additional Commissioner, Noida Customs Commissionerate and subsequently the case was adjudicated vide impugned Order-in-Original No. 01/JC/CUS/ICD-DD/17 dated 25.01.2017 wherein the Joint Commissioner, Noida Customs Commissionerate has ordered for confiscation of goods and imposition of penalty on the unit, its directors and others.

5.8 Shri Ajay Gupta stated that their employee had made an error of negligence without the director's knowledge on 29/01/2015, where he was exchanging jewellery with gold. At the same time, SEZ Custom verified their stock found as per book and issued the stock clearance certificate. Jt. Commissioner, Noida Custom Commissionerate demanded a duty of Rs. 35,82,110/- before which they had deposited amount of Rs. 35 Lakhs to safeguard against any duty evasion. He further stated that they have been regularly exporting after this incident since 4-5 years and there has been no violation on their side in these years.

5.9 Shri Gupta further informed that they have also filed an appeal against the Order-in-Original No. 01/JC/CUS/ICD-DD/17 dated 25.01.2017 issued by the Joint Commissioner, Noida Customs Commissionerate at CESTAT, Allahabad which is still under consideration and is expected to come for hearing in October 2019.

(A) It was informed that NSEZ Customs vide this office Internal Memo dated 27/06/2017 was requested to provide details of other offences, irregularities committed by the unit earlier, details of violations to SEZ Act, 2005 and SEZ Rules, 2006, if any along with details of import and export made by the unit during 2016-17 and 2017-18. NSEZ Customs, in reply to Internal Memo dated 27/06/2017 vide their internal note dated 06/08/2019 has informed as under:

“As per information available with this office, it is informed that a Show Cause Notice was issued against M/s. Kishan Lal Jewels, Plot No. 164, NSEZ dated 27.01.2016 by the Additional Commissioner,



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Noida Customs Commissionerate and subsequently the case was adjudicated vide impugned Order-in-Original No. 01/JC/CUS/ICD-DD/17 dated 25.01.2017 by the Joint Commissioner, Noida Customs Commissionerate.

Further, it is also informed that the prosecution complaint has also been filed against Shri Ajay Gupta, director of M/s. Kishan Lal Jewels and Shri Aminul Islam, one of the employees on 27.05.2019 before Chief Judicial Megistrate (Economic Offences), Meerut with prior approval of Chief Commissioner, Meerut Zone. Further, as per 335-J Register, it is informed that no other offences, irregularities has been noticed against M/s. Kishan Lal Jewels.”

The details of import and export made by the unit during 2016-17 & 2017-18 has also been given as under:

Year	Export (FOB Value)	Import
2016-17	Rs. 1,22,00,31,338/-	Rs. 1,23,55,44,860/-
2017-18	Rs. 1,53,64,05,841/-	Rs. 1,50,66,60,454/-

(B) It was further informed that there are some mismatch in data of import & export given in APRs for the year 2016-17 & 2017-18 as compared to details received by NSEZ Customs.

5.10 It was informed to the Approval Committee that there is an Instruction No. 41 issued by Deptt. of Commerce which clarifies that in case a unit is NFE negative and claims that it is due to foreign exchange fluctuation, the Approval Committee may consider such cases provided that the unit gets the computations certified by the Authorised Bank, on a case to case, basis. Accordingly, unit vide this office letter dated 05/08/2019 inter alia has been asked to submit yearwise computation details of value addition for current block of five years duly certified by Authorized Bank in terms of Instruction No.41.

5.11 The Approval Committee directed the unit to submit following details:

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- (i) Status of their appeal filed against Order-in-Original issued by Noida Customs Commissionerate.
- (ii) Yearwise computation details of value addition for current block of five years duly certified by Authorized Bank in terms of Instruction No.41.
- (iii) Other details/documents as requested vide this office letter dated 05/08/2019.
- (iv) Reconcile the data as indicated by them in APRs with the data provided by Customs, NSEZ and submit reconciled data along with revised APRs to this office giving reasons of variation.

5.13 The Approval Committee, after due deliberations, decided to renew the LOA of the unit for a period upto 31/03/2020 subject to condition that unit shall carry 100% in-house manufacturing and no sub-contracting shall be allowed. The Approval Committee further directed that the case for further renewal be placed before it on receipt of the information/documents from the unit after examination thereof including achievement of value addition, on file. The Approval Committee also directed to find out the current status of Customs case against the unit and place before it along with other reply from unit for consideration of further renewal of LOA and adjudication of SCN.

6. एडवांस इस्पात (इंडिया) लिमिटेड - इकाई के अपील पर BOA के निर्णय के अनुसार इकाई के अनुरोध पर पुनर्विचार हेतु प्रस्ताव।

It was informed to the Approval Committee that M/s. Advance Ispat (India) Pvt. Ltd was granted an LOA dated 01/06/2004 for Manufacturing & Export of Scaffolding. The unit has commenced its export production w.e.f. 24/11/2006 and LOA of the unit was valid up to 23/11/2016.

6.2 It was further informed that the Approval Committee in its meeting held on 05/12/2018 had decided to treat LOA of M/s. Advance Ispat (India) Ltd. as cancelled as already lapsed w.e.f. expiry of its validity i.e. from 23/11/2016 (conveyed to the unit vide this office letter dated 28/12/2018) on the following

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grounds:

- i) In view of no export by the unit from 2010-11;
- ii) LOA has already been expired on 23.11.2016 and consequently lease deed has also expired in terms of Rule 11(5) on 23.11.2016;
- iii) Unit has not applied for extension of LOA and
- iv) Despite opportunity no one has appeared before the Approval Committee to explain its position with regard to extension of LOA.

6.3 It was also informed that the unit filed an appeal before the BOA against the said order dated 28/12/2018, which was considered by the BOA in its meeting held on 25/02/2019. As per the minutes of BOA received vide DOC's letter dated 08/03/2019:

"The Board heard the appellant and noted that they were not provided sufficient opportunity to be heard before the cancellation of their LOP. The appellant also stated that during the alleged period when exports were not affected due to unfavourable market conditions, the unit was engaged in job work of other SEZ units. The appellant has further stated that the details of such job work done & clearances made would be submitted to the jurisdictional DC. The case was remanded to the UAC, NSEZ for reconsideration."

6.4 It was also informed that in pursuance of above directions of BOA this office vide letter dated 26/04/2019 had requested the unit to submit details of job-work done & clearance made by them. The unit vide its letter dated 06/06/2019 submitted details of job-work done and clearances made by it from 1st April 2015 to 31st March 2018 along with job-work challan.

*P
9/4/19*