



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. स.10/173/2007-सेज/

दिनांक: 11/12/2017

सेवा में,

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, केंद्रीय उत्पाद शुल्क (नोएडा- प्रथम), सी - 56/42, सेक्टर - 62, नोएडा।
4. आयुक्त, केंद्रीय उत्पाद शुल्क (नोएडा- द्वितीय), फॉर्मूला- एक होटल, वेगमॅस बिजनेस पार्क, प्लॉट नं. 3, नॉलेज पार्क -3, ग्रेटर नोएडा।
5. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नोएडा।
6. उपसचिव (आई एफ - 1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
7. मुख्य कार्यकारी अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नोएडा।
8. मुख्य कार्यकारी अधिकारी, ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण, 169 चितवन एस्टेट, सेक्टर गामा - द्वितीय, ग्रेटर नोएडा, गौतम बुद्ध नगर, (उत्तर प्रदेश)।
9. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नोएडा।
10. उपाध्यक्ष, बुलन्दशहर खुर्जा विकास प्राधिकरण, ओल्ड जी टी रोड, श्री आनंद वाटिका कॉलोनी, खुर्जा - 203131 (उत्तर प्रदेश)।
11. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता।

विषय: दिनांक 01/12/2017 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 - एतद संबंधी।

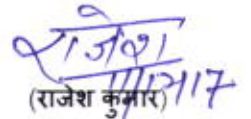
महोदय,

उपरोक्त विषय के सन्दर्भ में डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 01/12/2017 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।

इसे विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र, नोएडा का अनुमोदन प्राप्त है।

संलग्नक : उपरोक्त

भवदीय,

  
(राजेश कुमार)

उप 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 01.12.2017 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. Shri Rajesh Sharma, Asstt. Commissioner, Customs, Noida.
3. Ms. Kokil Pandey, Asstt. Commissioner, Central GST, Noida-I.
4. Shri Harish Kumar, Asstt. Commissioner, Central GST, Noida-II.
5. Shri Pankaj Jain, Income Tax Officer, HQ, Noida
6. Shri Gobinda Banerjee, FTDO, O/o. Addl. DGFT, New Delhi.
7. Shri Amit Kumar, Additional Statistical Officer, DIC, G.B. Nagar
8. 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 03.11.2017:-**

The Approval Committee was informed that no reference against the decisions of the Approval Committee held on 03/11/2017 was received from any of the members of the Approval Committee or Trade and therefore, Minutes of the Meeting held on 03/11/2017 were ratified.

**2. 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 two proposals 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) |
|-------------------|---|---|----------------------------------|
| <b>Proposal-I</b> |   |   |                                  |
| 1.                | Construction of all types of building in Processing area as approved by UAC | 22  | 31.50                            |

*Handwritten signature/initials*

|                     |   |                      |               |
|---------------------|---|----------------------|---------------|
| 2.                  | Fire protection system with sprinklers, fire and smoke detector.  | 07                   | 63.01         |
| 3.                  | Access Control and Monitoring System  | 24                   | 52.66         |
| 4.                  | Telecom and other communication facilities including internet connectivity.   | 05                   | 4.29          |
|                     |   | <b>Total:</b>        | <b>151.46</b> |
| <b>Proposal –II</b> |   |                      |               |
| 5.                  | Construction of all types of building in Processing area as approved by UAC   | 22                   | 60.56         |
| 6.                  | Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.          | 04                   | 83.02         |
| 7.                  | Fire protection system with sprinklers, fire and smoke detector.  | 07                   | 18.40         |
| 8.                  | Air Conditioning of Processing area   | 21                   | 21.75         |
| 9.                  | Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains, and water channels of appropriate capacity. | 02                   | 15.99         |
|                     |   | <b>Total:</b>        | <b>199.72</b> |
|                     |   | <b>Grand Total :</b> | <b>351.18</b> |

Shri Sanjay Yadav, VP-Legal & Compliance, Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items.

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

3. **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 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 1601 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. Sunshine Teahouse Pvt. Ltd. to setup & operate a 'Café', for use by the employees of SEZ. & units located therein. It was informed that the developer had also submitted details of area approved by BoA for such facility, area already allotted to facility providers & balance space in the processing area of SEZ.

However, it was informed that the details of allotted area shown by the developer do not match with the area approved by the Approval Committee. The Approval Committee observed that the actual allotted area in respect of each facility providers have been shown less than the area approved by the Approval Committee. Also the area approved by the Approval Committee is exceeding the area approved by the Board of Approval for food court etc.

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Shri Sanjay Yadav, VP-Legal, Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of the developer and informed that in the details submitted they have shown built up space allotted to each facility providers instead of super built up area.

After due deliberations, Approval Committee **deferred** the proposal and directed the representatives of 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.

4. **Proposal of M/s. Seaview Developers Private Limited, Developer for allotment of built up space to M/s. MG 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 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 630 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. MG Foods to setup & operate a 'Quick Service Restaurant', for use by the employees of SEZ. & units located therein. It was informed that the developer had also submitted details of area approved by BoA for such facility, area already allotted to facility providers & balance space in the processing area of SEZ.

However, it was informed that the details of allotted area shown by the developer do not match with the area approved by the Approval Committee. The Approval Committee observed that the actual allotted area in respect of each facility providers have been shown less than the area approved by the Approval Committee. Also the area approved by the Approval Committee is exceeding the area approved by the Board of Approval for food court etc.

Shri Sanjay Yadav, VP-Legal, Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of the developer and informed that in the details submitted they have shown built up space allotted to each facility providers instead of super built up area.

After due deliberations, Approval Committee **deferred** the proposal and directed the representatives of 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.

5. **Proposal of M/s. Genpact India Pvt. Ltd. (Unit-II) 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 brought to the notice of Approval Committee that M/s. Genpact India Pvt. Ltd.(Unit-II) 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 occupying an area of 41682 Sqft at 9<sup>th</sup> & 10<sup>th</sup> floor, Building No.8 and the unit has requested for addition of 44416 Sqft at upper ground floor & 1<sup>st</sup> floor, Building No.5 of SEZ. It was also informed that the unit has submitted revised projections, as given below, on account of proposed expansion of unit:-

| Particulars (for five years)   | (Rs. in lakhs)      |                    |
|--------------------------------|---------------------|--------------------|
|                                | Existing Projection | Revised Projection |
| Projected FOB value of exports | 53424.00            | 81431.00           |
| Foreign Exchange Outgo         | 3722.00             | 8033.00            |
| NFE                            | 49702.00            | 73398.00           |
| Imported CG                    | 2834.00             | 4747.00            |
| Indigenous CG                  | 1050.00             | 1870.00            |

Shri Shiv Singh, AVP appeared before the Approval Committee on behalf of the unit and explained the proposal. He further informed that upon the customer's request they need to add one more floor i.e. 22111 Sqft. at 2<sup>nd</sup> floor, Building No.5. He also handed over provisional offer of space issued by the developer vide letter dated 29.11.2017 for allotment of 22111 Sqft. at 2<sup>nd</sup> floor, Building No.5. He requested before the Approval Committee to consider the addition of this floor also. He further informed that there will be no change in revised projections submitted by them with the proposal vide their letter dated 16.11.2017.

After due deliberations, the Approval Committee **approved** the expansion of unit by addition of 44416 Sqft at upper ground floor & 1<sup>st</sup> floor and 22111 Sqft. at 2<sup>nd</sup> floor, Building No.5 and revised projections of the unit subject to execution of Bond-cum-LUT.

**6. 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.     | Access Control and Monitoring System.  | 24  | 0.95                          |
| 2.     | Construction of all type of buildings in processing area as approved by the Unit Approval Committee. | 22  | 187.47                        |
| 3.     | Telecom and other communication facilities including internet connectivity.                          | 05  | 4.00                          |
| 4.     | Cafeteria / Canteen for staff in processing area.  | 27  | 18.00                         |
|        |  | <b>Total:</b>                                       | <b>210.42</b>                 |



It was informed that Board Resolution in favour of Mr. Mukesh Kumar Chauhan, who has signed the instant proposal, required to be given.

Shri Mukesh Chauhan, Group Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials. He also handed over copy of Board Resolution in his favour to sign proposals for approval of list of materials on behalf of the developer.

After due deliberations, the Committee **approved** the proposed list of materials, except items proposed at Sl. No. 1 to 41 (Housekeeping Consumables) under authorized operations namely 'Construction of all types of building in processing area as approved by the UAC'.

7. **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  | 335.04                       |
| 2.             | Fire protection system with sprinklers, fire and smoke detectors.                                    | 07  | 12.75                        |
| 3.             | Power (including power backup facilities) for captive use only.                                      | 23  | 4.15                         |
| 4.             | Cafeteria / Canteen for staff in processing area.  | 27  | 0.50                         |
| 5.             | Access Control and Monitoring System.  | 24  | 15.93                        |
| 6.             | Rain Water Harvesting Plant  | 06  | 69.92                        |
| <b>Total :</b> |  |   | <b>438.29</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.

8. **Proposal of M/s. HCL Technologies Ltd. (Unit-II) for enhancement in the value of imported capital goods of the unit located in the IT/ITES SEZ of M/s. HCL Technologies Ltd. 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. (Unit-II) had submitted a proposal for enhancement in the value of imported and revision in export / NFE projections of the unit located in the IT/ITES SEZ of M/s. HCL Technologies Ltd. at Plot No. 3A, 3B & 2C, Sector-126, Noida (U.P.), as given below:-

(Rs. in lakhs)

| Particulars                    | Existing Projection | Revised Projection |
|--------------------------------|---------------------|--------------------|
| Projected FOB value of exports | 322317.00           | 380748.00          |
| Foreign Exchange Outgo         | 9570.00             | 29070.00           |
| NFE over a period of 5 years   | 312747.00           | 351678.00          |
| Imported Capital Goods         | 7000.00             | 22500.00           |
| Indigenous Capital Goods       | 1000.00             | 1000.00            |

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

After due deliberations, the Approval Committee approved the proposal, subject to execution of Bond-cum-LUT.

**9. Proposal of M/s. HCL Technologies Ltd. (Unit-XI) for approval of additional services to carry on authorized operations in IT/ITES SEZ of M/s. HCL Technologies Ltd. at Plot No. 3A, 3B & 2C, Sector-126, Noida (U.P.)**

It was brought to the notice of the Approval Committee that M/s. HCL Technologies Ltd. (Unit-XI) had submitted a proposal for approval of following additional service, in addition to the list of 66 Nos. default services, in terms of Notification No. 12/2013-ST dated 01.07.2013 to carry on authorized operations in the IT/ITES SEZ of M/s. HCL Technologies Ltd. at Plot No. 3A, 3B & 2C, Sector-126, Noida:-

| S. No. | Proposed Service                  | Justification for requirement of proposed service given by the unit  |
|--------|-----------------------------------|--|
| 1.     | Business Auxiliary Services       | 'Business Auxiliary Service' means any service in relation to, (i) promotion or marketing or sale of goods produced or provided by or belonging to the client; or (ii) promotion or marketing of service provided by the client; |
| 2.     | Management or Business Consultant | To hire various management and business consultants which provides advice, consultancy and technical assistance for developing SEZ.  |
| 3.     | Event Management                  | To organized promotional events related to Authorised Operations.  |

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



After due deliberations, the Approval the Approval Committee approved the following additional services in respect of said unit:-

1. Management or business consultant's service – specifically consultancy services related to the authorized operations actually to be rendered within the SEZ.
2. Event management service – specifically for the event related to the authorized operations to be organized within the SEZ only.

The Committee deferred the proposal for approval of 'Business Auxiliary Service' with a direction to the representatives of the unit to submit specific name of service along with the detailed justification that how it is related to the authorised operations of the SEZ unit.

**10. Proposal of M/s. Trustone Wegmans Developers Pvt. Ltd., co-developer for approval of list of materials to carry on authorized operation in IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector- Techzone-IV, Greater Noida.**

It was brought to the notice of the Approval Committee that M/s. Trustone Wegmans Developers Pvt. Ltd., Co-developer of Electronics Hardware & Software including IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone-IV, Greater Noida, had submitted a proposal for approval of list of materials to carry on following default authorized operations:-

| S.No. | Name of Authorized Operations  | Sl.No at default list of materials as per Inst. No 50 and 54 | Estimated Cost (Rs. in lakhs) |
|-------|--|--|-------------------------------|
| 1.    | Fire protection system with sprinklers, fire and smoke detectors.                                    | 07   | 749.75                        |
| 2.    | Construction of all type of buildings in processing area as approved by the Unit Approval Committee. | 22   | 179.50                        |
|       |  | Total:   | 929.25                        |

Shri Rajiv Baghel, Manager & Shri Ashish Garg, Manager appeared before the Approval Committee on behalf of the Co-developer and explained the requirement of proposed materials.

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

**11. Proposal of M/s. Syndicate Innovations International Ltd. for 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. Syndicate Innovations International Ltd. had submitted a proposal for setting up a unit over an area of 186 Sqmt. (2000 Sqft.) in the Free Trade & Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. located at Village Ibrahimpur, Junaidpur urf Maujpur, Distt- Bulandshahr (U.P.) to undertake "Warehousing,



Trading, Labeling, Packing, Re-packing, Reselling & Re-invoicing, Re-export of the imported goods, Assembly of CKD/SKD Kits, Segregation, Mixing in respect of items given in Annexure-I".

It was informed to the Approval Committee that the unit had projected exports of Rs. 27563 Lakhs and the cumulative NFE of Rs.15433 Lakhs over a period of five years. It was also informed that the cost of Rs. 12130 Lakhs towards imported raw material etc.; Rs.15485 lakhs towards indigenous raw materials etc. and other cost of project shall be met by the unit from its internal accruals. It was further informed that the SEZ developer, as required under Rule 18(2) of SEZ Rules, 2006, has given provisional offer for allotment of proposed space to the applicant.

It was also informed that the following discrepancies were observed in the application in the first instance:-

1. Proposed activities i.e. "Warehousing, Trading, Labeling, Packing, Re-packing, Reselling & Re-invoicing, Re-export of the imported goods, Assembly of CKD/SKD Kits, Segregation, Mixing" are not specifically mentioned in the main objectives of the MoA of the company.
2. A declaration from the applicant is required to the effect the proposed items are not covered under SCOMET items and inform whether these items are hazardous or non-hazardous.
3. Information related to Income Tax Department also required to be submitted as per prescribed format.
4. In Project Report, Direct Operating Cost for 5 years has been mentioned as Rs.27615 lakhs, whereas total value of Exports for five years has been projected as Rs.27563 lakhs. Hence, earnings of applicant unit shall become negative of Rs. (-) 52 lakhs.
5. Value of Operating Revenue of Rs.30625 lakhs for 5 years shown in Project Report is much more than the projected Exports of 5 years for Rs.27563 lakhs as mentioned in Para XI of Form-F. Hence, applicant needs to clarify other projected source of revenue by this proposed FTWZ unit.
6. In online Form-F requirement of land need to be kept blank. Besides, Para X(1) (ii) has been left blank.
7. Application date has been mentioned as 16.11.2017 in Affidavit which needs to be clarified and correct affidavit duly notarized needs to be given.

It was further informed that the applicant had enclosed list of 70 Nos. of Exim Code and their items description and ongoing through the list it has been observed as under:-

- i) Some Exim Code / items fall under 'Prohibited items' viz. Exim Code No. 4303 (43031010:Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010).
- ii) Items at Exim Code / ITC HS Code 9302, 9303, 9304, 93051000, 9306, 97050010 (Stuffed animal & birds (taxidermy)) & 97050090 (others), 81083000 (Waste & Scrap) are Restricted.
- iii) ITC HS Code: 90051000 – Binoculars is allowed except Night Vision Binoculars / Passive Night Vision Devices- PNVs are 'Restricted' from import.
- iv) Items at ITC HS Code No. 42050090, 43031020, 43039020, 73121030, 81082000, 85362030, 85362040, 85365020, 85423300, 93052010, 93052090, 93070000 are allowed for import but subject to certain policy conditions.

Shri Ashok Rai, Managing Director appeared before the Approval Committee on behalf of the applicant and explained the proposal. He assured to submit pending documents shortly.

The Approval Committee observed that proposed activities are covered under the activities mentioned in MoA of the company however, some of the proposed activities i.e. Segregation & Mixing, are not in accordance with Rule 18(5) of SEZ Rules, 2006.

After due deliberations, the Approval Committee approved the proposal to undertake authorized activities strictly in accordance with Rule 18(5) of SEZ Rules, 2006, 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 for the items as per the list attached except followings:-*

1. ITC HS Code: 43031010- Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010 falling under 'Prohibited items'.
2. All items under Exim Code / ITC HS Code 9302, 9303, 9304, 93051000, 9306 (except Air Gun Pellets), 97050010, 97050090, 81083000 falling under 'Restricted category'.
3. In ITC HS Code: 90051000 –Night Vision Binoculars / Passive Night Vision Devices- PNVs are 'Restricted' from import.

Further, the Approval Committee observed that in ITC HS Code: 93060000 – Airgun is 'Restricted' but footnote No.4 Chapter 93 of ITC(HS) 2017 says that 'Policy for import of 'Air Gun Pellets' is 'free'. Hence, Approval Committee decided to allow 'Air Gun Pellets'. However, before permitting 'Air Gun Pellets' a proposal to be referred to BoA to get confirmation of DGFT.

The Approval Committee further decided that this approval is subject to the following terms & conditions:-

- (i). The scope of authorized operations of the unit will be strictly as per Rule 18(5) of SEZ Rules, 2006.
- (ii). No export / import of any items will be allowed, which comes under Prohibited/Restricted items under Import policy given in ITC(HS) Classification or any other law and/or covered under SCOMET list as per DGFT Notifications / Public Notice / Instructions issued from time-to-time.
- (iii). Port restrictions as per DGFT Notifications / Public Notice / Instructions issued from time-to-time, shall be applicable.
- (iv). If the goods held by FTWZ unit in warehouse in SEZ on behalf of foreign supplier & buyer and DTA supplier & buyer and thus rendering warehousing services, the value of goods kept in warehouse in SEZ will not be part of NFE calculations.

- (v). All transactions shall only be in convertible foreign currency in terms of proviso to Rule 18(5) of SEZ Rules, 2006.

The Approval Committee further observed that in terms of Instruction No.47 dated 04.03.2010; SEZ units should be permitted:

- (i) To export prohibited items, provided they import raw-material for the same. However, each such case will be placed before BOA for approval so that views of DGFT, DoR and others can be considered before taking a decision.
- (ii) In respect of items which are prohibited for import, SEZ units will be permitted to import the same provided they export goods made out of the same. As in the case of exports, each such case will be placed before BOA for consideration and approval.
- (iii) In respect of supply of Restricted Items by a DTA unit to SEZ Developer/Unit, the DTA unit can supply such items to a SEZ Developer or unit for setting up infrastructure facility or for setting up of a unit. It can also supply raw material to SEZ unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending. However, it will require prior approval of BOA.

The representative of the applicant informed that some of the sports organisations namely 'Sports Authority of Gujarat, Directorate of Sports and Youth Welfare, Madhya Pradesh & Nalanda Rifle Club' have been importing / buying goods like '.177 Air Pistol, .22 STD Pistol, .22 Rifle & Shotgun 12 bore etc.' at zero rated. The representative of the applicant produced copies of supply orders before the Approval Committee. He further informed that in Arshiya FTWZ, Panvel, Raigarh some of the items like 'Other Arms (for example, Spring, Air or Gas Guns and Pistols, Truncheons) excluding those of Heading 9307 (ITC HS Code: 93040000); Cartridges (Shotgun ammunition) (for sports purpose only) (ITC HS Code:93062100) & Others (ammunition) (for Sports purpose only) (ITC HS Code:93069000)' were permitted to a unit M/s. Hub Shooting Sports. Minutes of the Approval Committee meeting of SEEPZ, SEZ dated 15.07.2016 also provided.

The Approval Committee observed that the import of the items in SEZ/FTWZ, which is restricted and prohibited for import/export can be allowed only by BoA and hence it was decided by the Approval Committee that in respect of these items the case may be referred to BoA along with the justification and the documents provided by the applicant.

The Committee further decided that since these items primarily belongs to defence sector and are restricted for import, keeping in view the sensitivity involved in its handling / movement, while referring the matter to BoA for inclusion of these items in LOA it may not be recommended for such inclusion.

12. Proposal of M/s. Laxmipati Balaji Exim Trading Ltd. for approval of Additional list of items 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.) and ratification of corrigendum letter dated 29.11.2017.

It was informed as approved by the Approval Committee in its meeting held on 03.11.2017, the approval of revised list of items under LOA dated 08.08.2017 had been issued to M/s. Laxmipati Balaji Exim Trading Ltd. in respect of its unit located in the Free Trade and Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (U.P.), vide this office letter dated 29.11.2017, except followings:-

- i) Item under ITC HS Code 13021100 (Opium).
- ii) All items under Exim Code 4012, 8525, 8529, 9304,
- iii) Item under ITC HS Code 85437091 (RF (Radio Frequency) power amplifier and noise generators for communication jamming equipment, static and mobile or man-portable).
- iv) Items under ITC HS Code 29141200.

It was informed that meanwhile the unit vide its letter dated 03.11.2017 & subsequent letter dated 14.11.2017 has informed that the list of items submitted by them on 02.11.2017, which had been discussed in UAC held on 03.11.2017 is **ADDITIONAL** List of items in addition to list of items approved vide LOA dated 08.08.2017. The unit further informed that as per direction of UAC held on 06.10.2017 they had prepared a onetime comprehensive list of items (1300 items approx.) incorporating items traded during last three years in Arshiya Panvel & Khurja and further they had prepared a request letter for approval of aforesaid comprehensive list and mentioned that this be approved in lieu of the list approved earlier. The unit has further stated the after meeting on 02.11.2017 they had been advised to reduce the list and delete the items traded in Arshiya Panvel facility and the items which is already approved earlier vide LOA dated 08.08.2017. Further, the unit had informed that they did the same and submitted revised list on 02.11.2017 however they forgot to delete wording "**in lieu of the list approved earlier**", in the covering letter.

It was further informed that the unit vide its letters dated 21.11.2017 & 27.11.2017 had submitted request for approval of following additional items under LOA dated 08.08.2017:-

| S. No. | Item Description  | Exim Code / ITC HS Code |
|--------|---|-------------------------|
| 1.     | Article of Iron of steel wire – others  | 73262090                |
| 2.     | Glass of Heading 70.03, 70.04 or 70.05 Bent, Edge-Worked, Engraved, Drilled Enamelled or Otherwise Worked, But not framed or fitted with other materials. | 7006                    |
| 3.     | Other lifting, handling, loading or unloading Machinery (for example Lift, Escalators, Conveyors, Teleferics)   | 8428                    |
| 4.     | Machines and Mechanical Appliances having Individual functions not specified or included elsewhere in this chapter.                                       | 8479                    |



However, it has been observed that the item description proposed by the unit in respect of Sl. No. 2 under Exim Code; 7006 is not mentioned in ITC(HS)-2017 available at DGFT Portal.

Further, it was informed to the Approval Committee that with reference to letter dated 16.10.2017 issued to M/s. Laxmipati Balaji Exim Trading Ltd. regarding revised authorized operations, a letter dated 30/31.10.2017 had been received from Specified Officer, Arshiya FTWZ, Khurja requesting therein to inform whether the unit is authorized to undertake the activity of "Warehousing" at FTWZ, Khurja. In this regard, a corrigendum to letter dated 16.10.2017 had been issued vide this office letter dated 29.11.2017, for following authorized activities:-

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

After due deliberations, the Approval Committee decided to approve the list of items issued vide this office letter dated 29.11.2017 as ADDITIONAL List of items in addition to list of items approved vide LOA dated 08.08.2017. The Approval Committee also approved the above items proposed by the unit vide letter dated 21.11.2017 & 27.11.2017, except items under Exim Code 7006, subject to following terms & conditions:-

- (i). The scope of authorized operations of the unit will be strictly as per Rule 18(5) of SEZ Rules, 2006.
- (ii). No export / import of any items will be allowed, which comes under Prohibited/Restricted items under Import policy given in ITC(HS) Classification or any other law and/or covered under SCOMET list as per DGFT Notifications / Public Notice / Instructions issued from time-to-time.
- (iii). Port restrictions as per DGFT Notifications / Public Notice / Instructions issued from time-to-time, shall be applicable.
- (iv). If the goods held by FTWZ unit in warehouse in SEZ on behalf of foreign supplier & buyer and DTA supplier & buyer and thus rendering warehousing services, the value of goods kept in warehouse in SEZ will not be part of NFE calculations.
- (v). All transactions shall only be in convertible foreign currency in terms of proviso to Rule 18(5) of SEZ Rules, 2006.

The Committee also ratified the corrigendum to letter dated 16.10.2017 issued vide this office letter dated 29.11.2017.

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

  
(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)  
Development Commissioner