



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: 08/12/2015

सेवा मे ,

1. निदेशक, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली -110001 ।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ 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. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता ।

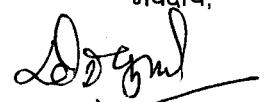
विषय: दिनांक 04.12.2015 को अपराह्न 12.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी सेज की यूनिट अनुमोदन समिति बैठक का कार्यवृत्त - एतद संबंधी ।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता मे दिनांक 04.12.2015 को अपराह्न 12.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा मे आयोजित आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी सेज की यूनिट अनुमोदन समिति बैठक का कार्यवृत्त प्रेषित का निर्देश हुआ है

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

संलग्नक : उपरोक्त

भवदीय,

(राकेश कुमार)
उप विकास आयुक्त

प्रतिलिपि:

विकास आयुक्त - सूचनार्थ ।

NOIDA SPECIAL ECONOMIC ZONE

Minutes of the meeting of the Unit Approval Committee (UAC) 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 12.00 PM on 04/12/2015 in the Conference Hall of NSEZ.

The following members of UAC were present during the meeting:-

1. Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
 2. Shri D.D. Mangal, Dy. Commissioner, Central Excise, Noida-I
 3. Shri Rajiv Kumar Soni, Asstt. DGFT, New Delhi
 4. Shri A.K. Agarwal, Asstt. Commissioner, Central Excise, Noida-II
 5. Shri V.K. Kaushal, Asstt. Commissioner, DIC, G.B. Nagar
 6. Shri Manoj Kumar, Income Tax Officer, Noida
 7. Shri W. Sukhbir Singh, Ex. (Planning), GNIDA.
 8. Representative of SEZ Developers.
2. Besides, during the meeting i) Shri Rakesh Kumar, DDC, NSEZ, ii) Ms. Jyoti Wadhawan, Specified Officer, iii) Shri A.K. Srivastava, Specified Officer, iv). Shri Ram Baboo, ADC, and v) Shri Prakash Chand Upadhyay, ADC were also present to assist the UAC.
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 amongst the members of UAC as well as interaction with the applicants / representatives of the developers / units, the following decisions were taken:-

(i) Ratification of Minutes of last meeting of the Approval Committee:-

It was informed that no reference against the decisions of the UAC held on 06/11/2015 has been received from any of the members of the Committee or Trade and accordingly, Minutes of the meeting held on 06/11/2015 were ratified.

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



1. Proposal of M/s. HCL Technologies Ltd., Developer for approval of list of material to carry on authorized operations in IT/ITES SEZ at Sector-126, Noida

It was brought to the notice of UAC that M/s. HCL Technologies Ltd., Developer had applied for approval of list of material to carry on following authorized operations in its IT/ITES SEZ at Plot No. 3A & B, Sector-126, Noida:-

| List -I | S. No. | Authorized Operation | Sl. No. at default list of materials as per Inst. No. 50 | Estimated Cost (Rs. in Lacs) |
|---------|--------|---|--|------------------------------|
| | 1. | Air Conditioning of processing area. | 21 | 305.94 |
| | 2. | Power (including power backup facilities) for captive use only. | 23 | 359.48 |
| | 3. | Construction of all types of building in processing area. | 22 | 7.00 |
| | 4. | Fire protection system with sprinklers, fire and smoke detectors. | 07 | 22.17 |
| | | Total : | | 694.59 |
| List-II | 5. | Construction of all types of building in processing area. | 22 | 2363.82 |
| | 6. | Power (including power backup facilities) for captive use only | 23 | 67.50 |
| | 7. | Air Conditioning of processing area. | 21 | 178.52 |
| | 8. | Access Control and Monitoring System | 24 | 0.14 |
| | | Total : | | 2609.98 |
| | | Grand Total: | | 3304.57 |

Shri Sunil Agarwal, AVP & Shri D.K. Sharma, GM, appeared before the UAC on behalf of the developer and explained the requirement of proposed material. The representative further explained that items proposed under the authorized operation namely 'Power (including power backup facilities) for captive use only' are not required for power generation and these items are electrical items which are required to be used as electrical fittings inside the building.

After due deliberations, the UAC approved the proposed list of material.

2. Proposal of M/s. HCL Technologies Ltd. (Unit - V) for expansion of area in existing unit in IT/ITES SEZ of M/s. HCL Technologies Ltd. at Plot No. 3A & B, Sector - 126, Noida (U.P).

It was brought to the notice of UAC that M/s. HCL Technologies Ltd. (Unit-V) had applied for expansion of area & revised projections in respect of its unit located in IT/ITES SEZ of M/s.

hws

HCL Technologies Ltd. at Plot No. 3A & B, Sector – 126, Noida (U.P). It was also informed that the unit has been operating over an area of 26901.29 Sqm. at 1st & 2nd floor, SDB– II, Ground floor, 1st, 5th, 6th, 8th & 11th floor, SDB – V and has now requested for addition of 4345 Sqm. at 2nd floor, SDB – IV. It was further informed that, on account of proposed expansion, unit has submitted revised projections, as given below:-

Rs. (in lacs)

| Particulars (for five years) | Existing Projection (As per records) | Revised Projection |
|--------------------------------|---|--------------------|
| Projected FOB value of exports | 123072.76 | 129092.77 |
| Foreign Exchange Outgo | 3240.17 | 9260.18 |
| NFE over a period of 5 years | 119832.59 | 119832.59 |
| Imported Capital Goods | 1766.27 | 7786.27 |
| Indigenous Capital Goods | 1353.37 | 2853.37 |

Shri Sunil Agarwal, AVP & Shri D.K. Sharma, GM, appeared before UAC on behalf of the unit and explained the proposal.

After due deliberations, UAC approved the expansion of area as well as revised projections of the unit subject to execution of Bond-Cum-LUT.

3. Proposal of M/s. NIIT Technologies Ltd. for approval of list of material to carry on authorized operations in the IT/ITES SEZ at Plot No. TZ-2 & 2A, Sector – Tech Zone, Greater Noida (U.P).

It was brought to the notice of UAC that M/s. NIIT Technologies Ltd., developer of IT/ITES SEZ located at Plot No. TZ 2& 2A, Sector-Techzone, Greater Noida had submitted a proposal for approval of a list of material to carry on following default authorized operations:-

| S. No. | Authorized Operation | Sl. No. at default list of materials as per Inst. No. 50 | Estimated Cost (Rs in Lacs) |
|--------|---|--|-----------------------------|
| 1. | Construction of all types of building in processing area. | 22 | 41.05 |
| 2. | Telecom and other communication facilities including internet connectivity. | 05 | 20.00 |
| 3. | Cafeteria / Canteen for staff in processing | 27 | 3.70 |

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|-------|--|----------------------|
| area. | | |
| | | Total : 64.75 |

Shri Devendra Gupta, Sr. V.P., appeared before UAC and explained the requirement of proposed material.

After due deliberations, the UAC approved the proposed list of material.

4. Proposal of M/s. P.L.G. Incubation Services Pvt. Ltd., Co-Developer for approval of list of material to carry on authorized operations in IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone, Greater Noida.

It was brought to the notice of UAC that M/s. P.L.G. Incubation Services Pvt. Ltd., Co-Developer of the IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone, Greater Noida had applied for approval of list of material to carry on following default authorized operations in SEZ:-

| S. No | Name of Authorized Operation | Sl. No. at default list of materials as per Inst. No. 50 | Estimated Value of the goods (Rs. in Lacs) | | |
|----------------|--|--|--|----------------|----------------|
| | | | Import | Indigenous | Total |
| 1. | Construction of all types of building in processing area. | 22 | - | 200.00 | 200.00 |
| 2. | Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity. | 02 | - | 256.42 | 256.42 |
| 3. | Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc. | 04 | - | 270.60 | 270.60 |
| 4. | Fire protection system with sprinklers, fire and smoke detectors. | 07 | - | 654.32 | 654.32 |
| 5. | Telecom and other communication facilities including internet connectivity. | 05 | - | 67.32 | 67.32 |
| 6. | Weigh Bridges | 28 | - | 20.00 | 20.00 |
| Total : | | | - | 1468.66 | 1468.66 |

h. S. Gupta

Shri Ashish Garg, Manager, appeared before the UAC on behalf of the co-developer and explained the requirement of proposed material. He further explained that items proposed under the authorized operation namely 'Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.' are required to setup electrical distribution network in SEZ.

After due deliberations, the UAC approved the proposed list of material.

5. Proposal of M/s. Moser Baer Solar Ltd. (Unit-I) for adjudication of SCN and consideration of renewal of LOA of its unit located in Non-conventional Energy SEZ of M/s. Moser Baer India Ltd. at Plot No. 66B, Udyog Vihar, Greater Noida (U.P).

It was brought to the notice of the UAC that M/s. Moser Baer Solar Ltd. (Unit-I) had commenced its operations w.e.f. 12.04.2009 against LOA dated 22/05/2007 which was valid up to 11.04.2014. Unit vide its letter dated 11.04.2014 had applied for renewal of LOA. However, it was observed that the unit had achieved negative NFE of Rs. 37757.40 Lacs. Accordingly, the unit was SCN dated 16.06.2014 for achieving negative NFE to the tune of Rs.37757.40 Lacs. The Unit submitted its reply to the SCN vide its letter dated 11.08.2014 wherein unit had claimed that actual negative NFE earnings as on 31.03.2013 to be Rs.7467.31 Lacs and not Rs.37757.40 Lacs.

The UAC noted that M/s. Moser Baer Solar Ltd. vide its letter dated 03.02.2014 had applied for merger of its Unit-I with Unit-II and the same was placed before UAC in its meeting held on 22.08.2014 for consideration. However, the UAC deferred the proposal till final adjudication of SCN issued to Unit-I. The unit had submitted its reconciled APRs upto 2014-15 on 25.05.2015 & the same was verified by CA firm of NSEZ. As per fact sheet M/s. Moser Baer Solar Ltd. (Unit-I) has achieved negative NFE of Rs.11131.21 Lacs for five years i.e. upto 31.03.2015.

It was further informed that the unit was given a PH on 29.10.2015 before the Development Commissioner. On behalf of the unit, Mr. Prabhu D. Mishra, GM of the unit accompanied by Mr. Pramod Kumar Rai, Counsel appeared before the Development Commissioner on 29.10.2015 at 11.00 AM wherein they stated that NFE calculation is to be



seen upto 11.04.2014. They also gave written submissions in their defence. It was informed that as per NSEZ calculation NFE shortfall is to the extent of Rs.73.06 Crores. In case they have some difference in calculation, they will submit the same by 02.11.2015.

Accordingly unit submitted revised APRs for 2014-15 for 11 days i.e. from 01.04.2014 to 11.04.2014 (date of LOA validity), vide its letter dated 02.11.2015 which was scrutinized by CA firm. As per proportionate NFE details given in the revised APRs the cumulative NFE of unit during five years from 2009-10 to 2014-15 works out in negative by Rs. 6822.80 lakhs. .

The UAC was further informed that the unit had made detailed submissions vide its letter dated 29.10.2015. The unit also informed that they are registered with BIFR and thus for revival and they are eligible for extension in the period for fulfillment of Positive Net Foreign Exchange for a further period of five years. This fact has also been separately intimated by unit vide its letter dated 30.10.2015.

The unit had prayed as under:-

- a) The impugned Show Cause Notice may kindly be dropped.
- b) The LOA be extended at the earliest so that they can start their operations.
- c) The period for fulfillment of Positive Net Foreign Exchange be extended for a further period of five years. The period for which LOA is in suspended animation on account of non extension be excluded while calculating the said period of five years.

Shri P.D. Mishra, AVP appeared before UAC and submitted before the UAC that the company is under the process of revival package under BIFR and procedure for declaration is underway involving secured creditors and company. He further informed that hearing has not yet been given to the company by BIFR Authority which will take around one month.

In view of above, the UAC deferred the case to the next meeting with the directions to the unit to furnish complete up-to-date details of the revival package approved by BIFR as required under rule 72 of the SEZ Rules, 2006, for perusal / decision by the UAC.



6. Proposal of M/s. Moser Baer Solar Ltd. (Unit-II) for review of performance.

It was brought to the notice of the UAC that M/s. Moser Baer Solar Ltd. (Unit-II) is holding an LOA dated 24.06.2010. The unit had commenced its operations w.e.f. 09.09.2011 and accordingly the LOA is valid upto 08.09.2016. However, it had been observed that the unit had achieved negative NFE to the tune of Rs. 9085.52 Lacs cumulatively during the year 2011-12 to 2014-15.

It was further informed that the M/s. Moser Baer Solar Ltd. vide its letter dated 03.02.2014 had applied for merger of its Unit-I with Unit-II and the same was placed before UAC in its meeting held on 22.08.2014 for consideration. However, the UAC had deferred the proposal till final adjudication of SCN issued to Unit-I. The adjudication proceedings in respect of the said unit are underway separately.

Shri P.D. Mishra, AVP appeared before UAC and informed that they are getting export orders and are quite hopeful to achieve positive NFE cumulatively within five years operations i.e. up to 08/09/2016 and pleaded not to issue any SCN for now.

The UAC, after due deliberations, gave six months' time to the unit and decided to review the NFE position after six months from now.

7. Proposal of M/s. Aachvis IT SEZ Infra Pvt. Ltd., Co-developer for approval of list of goods to carry on authorized operation in the IT/ITES SEZ of M/s. Oxygen Business Park Pvt. Ltd. (Formerly known as Aachvis Softech Pvt. Ltd.) at Plot No. 7, Sector-144, Noida.

It was brought to the notice of UAC that M/s. Aachvis IT SEZ Infra Pvt. Ltd., Co-Developer of the IT/ITES SEZ of M/s. Oxygen Business Park Pvt. Ltd. (Formerly known as Aachvis Softech Pvt. Ltd.) at Plot No. 7, Sector-144, Noida had applied for approval of list of material to carry on following default authorized operations in SEZ:-

| S. No. | Authorized Operation | Sl. No. at default list of Authorised Operation as per Inst. No. 50 | Estimated Cost (Rs in Lacs) |
|--------|--|---|-----------------------------|
| 1. | Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity. | 02 | 21.83 |



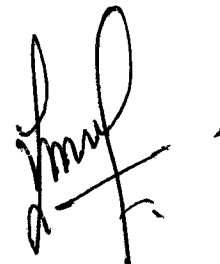
| | | | |
|----|---|---------|--------|
| 2. | Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc. | 04 | 89.43 |
| 3. | Solid and liquid waste collection, treatment and disposal plant including pipelines and other necessary infrastructure for sewage and garbage disposal, Sewage treatment plant. | 03 | 6.00 |
| 4. | Road with Street lighting, Signals and Signage | 01 | 14.10 |
| 5. | Construction of all types of building in processing area. | 22 | 365.80 |
| 6. | Air Conditioning of processing area. | 21 | 22.25 |
| 7. | Fire protection system with sprinklers, fire and smoke detectors. | 07 | 107.50 |
| 8. | Access Control and Monitoring System | 24 | 200.00 |
| 9. | Telecom and other communication facilities including internet connectivity. | 05 | 8.00 |
| | | Total : | 834.91 |

It was informed to the UAC that the co-developer had not indicated appropriate unit & quantity in respect of each of the items proposed at Sl. No. 1 under authorized operation namely 'Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity'. Further, the co-developer is required to justify the requirement of 10 Nos. Window AC for LMR proposed at S. No. 43 under 'Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.' and 121 Nos. CCTV Camera proposed under 'Access Control & Monitoring System'. It was also informed that proposed 05 Nos. Desktop / Laptop computer at Sl. No. 3 under 'Construction of all types of building processing area' which are not related to the proposed authorized operation.

Shri Sunny Ahuja, Manager, appeared before the UAC on behalf of the co-developer and explained the requirement of proposed material.

After due deliberations, the UAC approved the proposed list of material.

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



(Dr. L.B. Singhal)
Development Commissioner