

Noida Special Economic Zone

(Minutes of Meeting of Approval Committee of Noida SEZ held on 07/10/2015)

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Minutes of the meeting of the Approval Committee of Noida SEZ held under the chairmanship of Dr. L.B. Singhal, Development Commissioner (DC), Noida SEZ at 02:30 PM on 07/10/2015 in the Conference Hall of NSEZ.

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

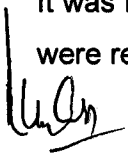
- 1 Shri S.S. Shukla, Jt. Development Commissioner, NSEZ
- 2 Shri R. K. Sharma, Asstt. Commissioner, Customs, Noida Commissionerate.
- 3 Shri T. R. Prasad, Jt. DGFT, CLA, New Delhi.
- 4 Shri Pankaj Srivastava, Dy. Commissioner, Income Tax Deptt., Noida.
- 5 Shri V. K. Kaushal, Asstt. Commissioner, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).

2. Besides, during the meeting S/Shri) Rakesh Kumar, Dy. Development Commissioner, NSEZ, ii) R.K. Srivastava, Dy. Development Commissioner, NSEZ, iii) A.K. Srivastava, Specified Officer, NSEZ, iv) R. P. Verma, Asstt. Development Commissioner, NSEZ, v) Rajendra Mohan Kashyap, PA to JDC, NSEZ vi) Shyam Milan Yadav, SDO, UPPCL, Noida and vi) Kapil Muni, JE, UPPCL, Noida were also present to assist the UAC.

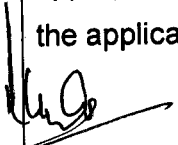
3. At the outset, DC, NSEZ welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations as well as interaction with the applicants / representatives of the units, the following decisions were taken:-

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

It was informed that no reference against the decisions of the UAC held on 02/09/2015 were received and therefore, minutes of the meeting held on 02/09/2015 were ratified.



Item wise decisions on proposals included in agenda:

- | | |
|----|---|
| 1. | <p>Application of M/s. Ameritas Technologies India Pvt. Ltd. for setting up a new Unit in NSEZ.</p> <p>It was informed to the UAC that the applicant has proposed to set up a new unit in NSEZ to undertake the service activities i.e. Computer Software Services including Information Enabled Services, Support & Consultancy, Data Processing with projected exports of Rs. 11250 Lakhs and the NFE of Rs. 10560 Lakhs over a period of five years.</p> <p>Shri. Ved Prakash Sharma, Director, attended the meeting. He stated that the proposed unit in NSEZ shall be an offshore unit of Ameritas USA with 76.04% share. He informed that 100% of the services shall be exported.</p> <p>UAC informed that there is space constraint in NSEZ and as on date no Plot of any size is available in NSEZ for allotment. However, they may be allotted one or two SDF units of 500 sq. mtrs. approx as per availability. In this regard Shri Sharma requested that to begin with they have no problem in starting export production from SDF.</p> <p>After due deliberations, the Unit Approval Committee approved the proposal of M/s. Ameritas Technologies India Pvt. Ltd. for setting up a new unit in Noida SEZ, subject to execution of Bond-cum-LUT.</p> |
| 2. | <p>Proposal of M/s. Soyuz Trading Company Ltd. for setting up a unit in NSEZ – UAC rejected the case in its meeting held on 07/05/2015 – BOA remanded back the case to UAC.</p> <p>It was informed to the UAC that the said proposal was rejected by the UAC in its earlier meeting held on 07.05.2015 as general consensus could not take place on the explanation given by the applicant on the services to be provided to foreign buyers. The applicant preferred an appeal against the decision of UAC and the same was heard by BOA in its meeting held on 27.08.2015. The BOA after deliberations held that the Management Consultancy Services are covered within the term "Other Services" in Rule 76. Accordingly, the BOA remanded the case back to UAC for appropriate decision after examining the business model and other relevant details of the applicant.</p>  |

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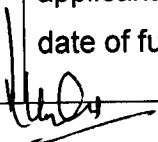
Shri V.K. Gupta, Director attended the meeting. He informed that their company is in the field of similar business since 1981. They are specialised in product outsourcing and machine optimization for DTA companies of BC Jindal Group. The main item of Jindal group is Poly Propylene and Poly film packaging. As on date there are 30 employees in their company and 5-6 of the employees are stationed at their Kolkata office. Remaining employees are generally stationed at sites of the clients at various places.

Representative of Income Tax Deptt. raised his concerns about the classification of the Income shown in the balance sheets of the company. His queries could not be replied properly by the Director of company. It was informed by the Director that he is not drawing salary from this company.

After due deliberations, it was decided by UAC to call for following information/documents from the applicant:-

1. Details of services, nature of services and list of clients along with details of value of services received from each of the clients, yearwise for previous three years.
2. Existing shareholding pattern with documentary evidence.
3. Details of salary paid to the employees including the address.
4. Write up on existing operations at Kolkata office.
5. Documentary evidence of business carried out by their parental company in Middle East and other countries.
6. Clarification on classification of the income shown in the balance sheets with rule position as per Income Tax Act.
7. Details of expertise and list of experts engaged with the company.
8. Details of investments made out of the profits derived from the existing operations.
9. Copy of agreement with Jindal Films America (JFA).

The UAC decided to defer the case and also directed that on receipt of above information/documents, the same may be sent to the Income Tax Deptt. and Noida Customs Deptt. for examination. UAC further requested both these departments to ensure that their observations along with site inspection report of Kolkata Office of the applicant firm by the Income Tax Deptt. is sent to DC, NSEZ within 15 days from the date of furnishing of above documents to them.



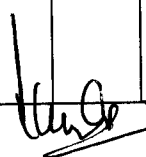
3. Application of M/s. PC Jeweller Ltd. for setting up a third Unit in NSEZ.

It was informed to the UAC that the applicant has proposed to set up its third unit in NSEZ for i) Manufacture of plain & studded Gold, Diamond, Silver Jewellery & Gold Coins, Articles of gold, gold components, mountings, findings etc. and ii) Repair & remake of old Gold/Silver (plain & studded) Jewellery with projected exports of Rs. 600000 Lakhs and the NFE of Rs. 43610 Lakhs over a period of five years. It was further informed that corrected Form-F as well as separate Value addition details in respect of Plain & Studded Jewellery as well as for repair/remaking are awaited from the applicant.

Shri Rakesh Sharma, Director attended the meeting. He informed the UAC that they are going to start new range of fashion jewellery (mainly studded), which can be used for multiple purposes. The said jewellery shall be made in combination of coloured gems, diamonds, findings, mountings with gold/silver/platinum or plain jewellery of gold/silver/platinum. The proposed jewellery would be handmade only. He requested that initially they will require two SDFs to start the business.

It was informed to the applicant that as per DOC's letter dated 19.07.2013, the jewellery units are required to achieve value addition of 3% for plain jewellery and 5% for studded jewellery. In the FTP, 2015-20 the said value addition has been enhanced and now jewellery units are required to achieve value addition of 3.5% for plain jewellery. The value addition norms for studded jewellery have been revised as 6% if colored gems are used and 7% if diamonds are used. Further, it was informed that earlier another jewellery unit viz. M/s. M.D. Overseas had submitted a proposal to allow manufacture and export of all permissible Gem & Jewellery items under Para 4.61 of HBOP, 2015-20 as under:-

SI No	Items of export	Minimum Value Addition
a)	Plain gold jewellery, Articles, and ornaments like Mangalsutra containing gold and black beads / imitation stones, except in studded form of jewellery.	3.5 %
b)	All types of Studded gold	6.0% (for those studded with coloured Gem stones) and 7.0% (for those studded with diamonds).



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c)	Any jewellery / articles manufactured by fully mechanised process	2.0 %
d)	Gold medallions & coins (excluding coins of nature of legal tender)	1.5 %
e)	Gold / silver / platinum findings / mountings manufactured by mechanised process	2.5 %

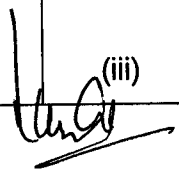
In response to the aforesaid reference, DOC vide letter dated 11.08.2015 has clarified that in view of the instructions issued vide letters dated 25.04.2013 and 19.07.2013, the request of M/s. M.D. Overseas Ltd. allowing^{dox} manufacturing and exporting all permissible Gem & Jewellery items under FTP may not be accepted. Thus as per DOC letter dated 11.08.2015 read with their earlier letters dated 25.04.2013 & 19.07.2013 only two activities in the jewellery sector indicated at (a) and (b) above are permitted in SEZ. The Deptt. of Commerce in its another instruction No. 51 has prescribed guidelines to be followed by the units engaged in the repair/remaking of jewellery. It was informed to the applicant that the said guidelines as well as the prescribed value addition norms shall also be applicable on the activities of repair & remaking of old Gold/Silver (plain & studded) Jewellery. Shri Sharma agreed to comply with the same.

After due deliberations, UAC approved the proposal of M/s. P C Jeweller Ltd. for setting up of third unit in NSEZ for Manufacture of plain gold/silver/platinum jewellery and studded Gold/silver/platinum/diamond Jewellery and ii) Repair & remake of old Gold/Silver (plain & studded) Jewellery subject to submission of corrected Form F as well as separate Value addition details in respect of Plain & Studded Jewellery as well as for repair/remaking and execution of Bond-cum-LUT.

4. Proposal of M/s. Gujeswori Apparels for renewal of LOA for next five years.

It was informed that as decided by the UAC in its earlier meeting held on 25.11.2014, Order-in-Original dated 23.01.2015 was issued to unit for cancellation of LOA as well as cancellation of allotment of Plot No. 92, NSEZ on the following grounds:

- (i) Non-performance since 2011-12,
- (ii) Change of constitution from Partnership to Proprietorship without dissolving the partnership deed and
- (iii) Non-compliance of exit formalities.



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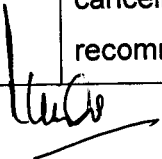
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The promoters had preferred an appeal against the above said order dated 23.01.2015. This appeal was heard by the BOA in its meeting held on 19.05.2015 and BOA had decided to remand the case back to DC, NSEZ to reconsider the request of the appellant and to pass a speaking order after giving the opportunity to them for personal hearing and examining all relevant facts of the case and the applicable rule position. In compliance with the decision of BOA, the case was placed before the UAC held on 05.08.2015, where it was decided to constitute a Committee headed by JDC and comprising of concerned DDC and concerned ADC to examine the matter in the light of facts and provisions of SEZ Act, Rules, SEZ Authority Rules, other legal provisions as the original request of unit for withdrawal of Order-in-Original also include request for transfer of its assets & liabilities to M/s. Ved & Sons Products Pvt. Ltd.

Accordingly, said Committee headed by JDC met on 11.08.2015 and heard the promoters. Mrs. Savita Anand, Mrs. Mala Kumar, Mr. Y.K. Anand and Mr. Sudheer Kumar were present. Mrs. Savita Anand stated that Mrs. Mala Kumar may be taken on records as 'Proprietor' as she has sold her share to Mrs. Mala Kumar. The Committee directed them to submit a copy each of passport and dissolution deed of partnership duly registered with Registrar of Firms. The unit vide its letter dated 01/09/2015 & 18/09/2015, had submitted copy of passport of Mrs. Savita Anand and copy of Form C issued by the Registrar of Firms regarding dissolution of partnership deed.

It was informed to the UAC that out of three grounds on the basis of which Order-in-Original for cancellation of LOA/Plot was issued, one ground i.e. issue relating to ownership of firm was resolved. It was also informed that second ground i.e. non-compliance of exit formalities was also attributable to ownership dispute to some extent. However, the third ground i.e. non-performance of the unit since 2011-2012 still holds good. Nevertheless, if a unit has applied for exit, the same is not expected to carry out export production. The UAC was informed that in view of facts and circumstances of the case, the Committee headed by JDChad recommended to withdraw Order-in-Original dated 23.01.2015 issued for cancellation of LOA as well as cancellation of allotment of Plot No. 92, NSEZ. The Committee had further recommended that no request from the unit for transfer of assets/building under rule



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74A of the SEZ Rules, 2006 should be considered in next five years in view of the fact that it would not be meeting the requirement of operation for two year and holding valid LOA/Lease Deed for five years after revival of LOA. In case unit wants to exit from SEZ scheme before five years the unit will surrender the allotted plot along with building to the NSEZ Authority for further necessary action under the prevailing provisions.

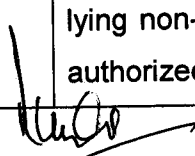
It was further informed to the UAC that meanwhile unit vide its letter dated 28.08.2015 has submitted request for renewal of LOA for five years.

Smt. Mala Kumar, Proprietor and her husband Shri Sudheer Kumar attended the meeting. She requested that their earlier proposal for transfer of assets may be treated as withdrawn as she wants to operate the unit herself for manufacture and export of readymade garments. She categorically re-iterated that business shall be done by her own unit and now she is not interested in transfer of its assets. She, in her final prayer, requested UAC to renew the LOA to start the business within six months. She further submitted that in case her unit fails to start export production within six months, she will surrender the plot to NSEZ Authority.

After due deliberations, UAC decided that in view of the fact that after issuance of Order-in-Original, case has been remanded back to UAC by BOA, the Order-in-Original dated 23.01.2015 stands withdrawn. The UAC further decided to renew the LOA for six months from the date of issue of LOA and revised export/import projection with the conditions that i) the date of commencement of production shall be intimated afresh, ii) business shall be started within six months from the date of renewal and iii) if unit fails to start production in the stipulated time period, it will surrender the Plot to NSEZ Authority, iv) Unit shall convey its written acceptance to above terms & conditions and v) will execute Bond-cum-Legal Undertaking.

5. **Proposal in respect of M/s. Jindal Dyechem Industries Pvt. Ltd. for Adjudication of SCN, Renewal & Amendment of LOA.**

It was informed to the UAC that the unit was issued an SCN dated 16/04/2015 for lying non-functional and non-utilization of space allotted for the purpose to carry out authorized operations & earn foreign exchange. The unit has submitted its reply to the



above SCN on 18/06/2015 stating that their exports were hampered largely due to change in Govt. Policies and restrictions imposed. They have contended that they could not procure orders from the overseas parties and their exports could not be executed in time/ remained held up. The unit had further mentioned that they have now decided to undertake the manufacturing of Sputtering Targets for export to their customer abroad.

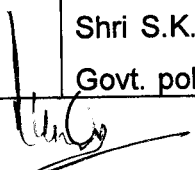
The said proposal of unit was placed before the Approval Committee in its meeting held on 22/07/2015, where the Committee deferred the case with direction to unit to submit i) revised Project Report, ii) Projections, iii) Profit & Loss Account iv) Details of destination of export, v) Annual production capacity and vi) Details of employment generation etc. The unit, in compliance of the decision of UAC dated 22/07/2015, vide its letter dated 31/08/2015 submitted revised Form-F showing projections, as under:-

	In Rs. Lakhs
FOB Value of export	: 942899.40
Foreign exchange outgo	: 924411.18 (Breakup of foreign exchange not given in detail)
NFE Earnings	: 18488.22
Indigenous CG	: 93.225
Indigenous Raw material	: 202143.92 (Gold 202125.00 + Copper 18.92)

Accordingly, the case was again placed before the UAC in its meeting held on 02/09/2015. Since no one from the unit turned up for the meeting held on 02.09.2015, the Committee deferred the proposal for its next meeting with a direction to the unit to submit i) ITC HS Code of the proposed item, ii) Value addition proposed to be achieved, and iii) Photograph of proposed item. The same has been submitted by unit vide its letter dated 21.09.2015 as under:

1. ITC HS Code of the proposed activity is 71159010 (article of precious metal).
2. That they shall be exporting Sputtering targets with a value addition of approx. half percent (0.5%).
3. Photographs of the proposed items of manufacture have been enclosed.

Shri S.K. Jindal, Director attended the meeting. He informed that due to change in Govt. policy, they have decided to diversify the operations in NSEZ and now wish to



manufacture and export Sputtering Targets as article of precious metal covered under ITC(HS) Code 71159010. He stated that these sputtering targets are used in electroplating (for layering of microfilm of gold) and each piece will contain in terms of value more than 99% of gold and remaining portion will be copper.

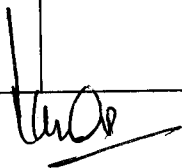
UAC informed to Shri Jindal that his unit has projected 0.5% value addition and the same is below value addition norms prescribed in the HBP 2015-2020. He was further informed that if the value of indigenous inputs of Rs. 202143.92 Lakhs as projected by the unit is added to the value of imported inputs of Rs. 924411.18 Lakhs, the value addition comes to (-)16.3% approx, making the proposal unviable. In this regard, Shri Jindal expressed his apology for the calculation mistake and reiterated that value addition to be achieved is 0.5%.

The UAC examined the proposal in detail and observed as under:-

- i) The item proposed to be exported is covered under ITC (HS) Code 71159010 as article of precious metals, which requires value addition of 2% as per Para 4.61(c) of HBP, 2015-2020. Since the company has proposed value addition of 0.5%, it does not meet the criteria of value addition.
- ii) As per DOC letter dated 19.07.2013, only following two activities with minimum value addition by SEZ units engaged in manufacture and export of gold jewellery are allowed:-

Sl. No.	Item of Export	Minimum Value Addition
a.	Plain gold jewellery and articles and ornaments like Mangalsutra containing gold and black beads/imitation stones, except in studded form of jewellery	3%
b.	All types of studded gold jewellery and articles thereof	5%

- iii) In this regard, it was observed that earlier another jewellery unit viz. M/s. M.D. Overseas had submitted a proposal to allow for manufacture and export of all permissible Gem & Jewellery items under Para 4.61 of HBOP,



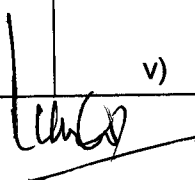
2015-20 as under:-

SI No	Items of export	Minimum Value Addition
a)	Plain gold jewellery, Articles, and ornaments like Mangalsutra containing gold and black beads / imitation stones, except in studded form of jewellery.	3.5 %
b)	All types of Studded gold	6.0% (for those studded with coloured Gem stones) and 7.0% (for those studded with diamonds).
c)	Any jewellery / articles manufactured by fully mechanised process	2.0 %
d)	Gold medallions & coins (excluding coins of nature of legal tender)	1.5 %
e)	Gold / silver / platinum findings / mountings manufactured by mechanised process	2.5 %

This request of M/s. M.D. Overseas was referred by NSEZ to DOC vide letter dated 25.05.2015. In response to the aforesaid reference, DOC vide letter dated 11.08.2015 has clarified that in view of the instructions issued vide letters dated 25.04.2013 and 19.07.2013, the request of M/s. M.D. Overseas Ltd. for manufacturing and exporting all permissible Gem & Jewellery items under FTP 2015-2020 may not be accepted. Thus as per DOC letter dated 11.08.2015 read with their earlier letters dated 25.04.2013 & 19.07.2013 only two activities in the jewellery sector indicated at (a) and (b) are permitted in SEZ.

iv) Unit has mentioned that they are exploring possibilities of getting orders from various countries in the world. However, they have enclosed only one copy of agreement with a foreign buyer namely M/s. Regal Unity Ltd., Hong Kong. This is letter from trading company. This is letter from trading company. There is no specific tie-up with any manufacturing unit requiring sputtering target.

v) The unit has proposed exports of Rs. 942899.40 Lakhs but it has failed to



produce any marketing tie-up which is genuinely required for manufacturing.

- vi) The Committee also observed that the past performance of the unit has been mainly on account of trading of gold coins etc.

In view of the above observations, the UAC rejected the proposal of the unit and directed that full facts of the case may be sent to DOC also.

6. Proposal in respect of M/s. Jindal Exports & Imports Pvt. Ltd. for Adjudication of SCN, Renewal & Amendment of LOA.

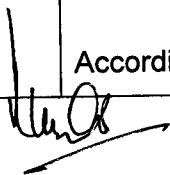
It was informed to the UAC that the unit was issued an SCN dated 16/04/2015 for lying non-functional and non-utilization of space allotted for the purpose to carry out authorized operations & earn foreign exchange. The unit has submitted its reply to the above SCN on 18/06/2015 stating that their exports were hampered largely due to change in Govt. Policies and restrictions imposed. They have contended that they could not procure orders from the overseas parties and their exports could not be executed in time/ remained held up. The unit had further mentioned that they have now decided to undertake the manufacturing of Sputtering Targets for export to their customer abroad.

The said proposal of unit was placed before the Approval Committee in its meeting held on 22/07/2015, where the Committee deferred the case with direction to unit to submit i) revised Project Report, ii) Projections, iii) Profit & Loss Account iv) Details of destination of export, v) Annual production capacity and vi) Details of employment generation etc. The unit, in compliance of the decision of UAC dated 22/07/2015, vide its letter dated 31/08/2015 submitted revised Form-F showing projections, as under:-

In Rs. Lakhs

FOB Value of export	: 942899.40
Foreign exchange outgo	: 924411.18 (Breakup of foreign exchange not given in detail)
NFE Earnings	: 18488.22
Indigenous CG	: 93.225
Indigenous Raw material	: 202143.92 (Gold 202125.00 + Copper 18.92)

Accordingly, the case was again placed before the UAC in its meeting held on



02/09/2015. Since no one from the unit turned up for the meeting held on 02.09.2015, the Committee deferred the proposal for its next meeting with a direction to the unit to submit i) ITC HS Code of the proposed item, ii) Value addition proposed to be achieved, and iii) Photograph of proposed item. The same has been submitted by unit vide its letter dated 21.09.2015 as under:

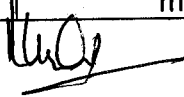
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2. That they shall be exporting Sputtering targets with a value addition of approx. half percent (0.5%).
3. Photographs of the proposed items of manufacture have been enclosed.

Shri S.K. Jindal, Director attended the meeting. He informed that due to change in Govt. policy, they have decided to diversify the operations in NSEZ and now wish to manufacture and export Sputtering Targets as article of precious metal covered under ITC(HS) Code 71159010. He stated that these sputtering targets are used in electroplating (for layering of microfilm of gold) and each piece will contain in terms of value more than 99% of gold and remaining portion will be copper.

UAC informed to Shri Jindal that his unit has projected 0.5% value addition and the same is below value addition norms prescribed in the HBP, 2015-2020. He was further informed that if the value of indigenous inputs of Rs. 202143.92 Lakhs as projected by the unit is added to the value of imported inputs of Rs. 924411.18 Lakhs, the value addition comes to (-)16.3% approx, making the proposal unviable. In this regard, Shri Jindal expressed his apology for the calculation mistake and reiterated that value addition to be achieved is 0.5%.

The UAC examined the proposal in detail and observed as under:-

- i) The item proposed to be exported is covered under ITC (HS) Code 71159010 as article of precious metals, which requires value addition of 2% as per para 4.61(c) of HBP, 2015-2020. Since the company has proposed value addition of 0.5%, it does not meet the criteria of value addition.
- ii) As per DOC letter dated 19.07.2013, only following two activities with minimum value addition by SEZ units engaged in manufacture and export of



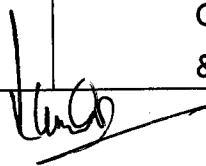
gold jewellery are allowed:-

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b.	All types of studded gold jewellery and articles thereof	5%

- iii) In this regard, it was observed that earlier another jewellery unit viz. M/s. M.D. Overseas had submitted a proposal to allow value addition for manufacture and export of all permissible Gem & Jewellery items under Para 4.61 of HBOP, 2015-20 as under:-

SI No	Items of export	Minimum Value Addition
a)	Plain gold jewellery, Articles, and ornaments like Mangalsutra containing gold and black beads / imitation stones, except in studded form of jewellery.	3.5 %
b)	All types of Studded gold	6.0% (for those studded with coloured Gem stones) and 7.0% (for those studded with diamonds).
c)	Any jewellery / articles manufactured by fully mechanised process	2.0 %
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e)	Gold / silver / platinum findings / mountings manufactured by mechanised process	2.5 %

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DOC letter dated 11.08.2015 read with their earlier letters dated 25.04.2013 & 19.07.2013 only two activities in the jewellery sector indicated at (a) and (b) are permitted in SEZ.

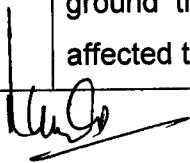
- iv) Unit has mentioned that they are exploring possibilities of getting orders from various countries in the world. However, they have enclosed only one copy of agreement with a foreign buyer namely M/s. Al Ain Jewellery Trading DMCC, Dubai. This is letter from trading company. This is letter from trading company. There is no specific tie-up with any manufacturing unit requiring sputtering target.
- v) The unit has proposed exports of Rs. 942899.40 Lakhs but it has failed to produce any marketing tie-up which is genuinely required for manufacturing.
- vi) The Committee also observed that the past performance of the unit has been mainly on account of trading of gold coins etc.

In view of the above observations, the UAC rejected the proposal of the unit and directed that full facts of the case may be sent to DOC also.

7. Proposal in respect of M/s. Pana Exports for Monitoring of performance and Renewal of LOA.

It was informed to the UAC that the LOA of unit was last extended for a period of one year upto 24/09/2015 by the UAC in its meeting held on 17/10/2014. The UAC had decided that further extension would be considered on review of performance of unit after one year. As per the APR for the year 2014-15 (25.09.2014 to 31.03.2015), the unit has made exports of Rs. 100.14 Lakhs with NFE of Rs. 89.25 Lakhs.

Shri Anil Aggarwal, Proprietor attended the meeting. He informed the UAC that their 50% of export sale is destined to China. He is expecting more export orders in future which shall be boosting their export performance. He accepted that during the year 2011-12 to 2013-14 their export turnover was around Rs. 30 Lakhs on the ground that one of their important buyer was declared bankrupt which adversely affected the export activities of M/s. Pana Exports. He requested to renew the LOA for



remaining period of four years. The projections of exports have been indicated as Rs. 785.14 Lakhs with NFE Earnings of Rs. 480.25 Lakhs during the period of four years.

The UAC noted that the performance of unit is satisfactory and the exports have increased in the year 2014-15 as compared to their past performance. After due deliberations, UAC decided to renew the LOA for remaining period of four years i.e. up to 24.09.2019 subject to execution of Bond-cum-LUT.

8. Proposal of M/s. Shinpak Overseas Exports for change in partnership deed, monitoring of performance & Renewal of LOA.

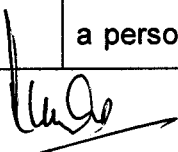
It was informed to the UAC that the unit had applied for renewal of LOA beyond 17.08.2015. While examining the proposal it was observed that there was a change in the partners of the Firm w.e.f. 01.04.2010 as under:-

S.No.	Name of Partners	Share Holding Ratio
1.	Mr. MordhwajBaweja	10%
2.	Mr. Deepak Shingla	10%
3.	Mrs. AmlaShingla	10%
4.	Mr. KunalShingla	35%
5.	Mr. KanavShingla	35%

It was also informed that above changes were required to be intimated to NSEZ forthwith. However, unit intimated the same on 19/09/2014 i.e. expiry of more than 4 years of change, which is a violation of condition No. 14 of Bond-cum-LUT executed by the unit wherein it is mentioned that they shall intimate any changes in the Board of Directors/ Partners, telephone No., E-mail address, Web-Site, Passport No., Bank Address and Factory address, forthwith, to the Development Commissioner and the Specified Officer.

Shri Deepak Shingla, Partner in the firm attended the meeting. He was informed about the violation of condition No.14 of the BLUT.

Shri Deepak Shingla accepted delay in intimation about the change in partners to NSEZ. It was informed to him that as per section 11(4) of the Foreign Trade (Development & Regulation) Act, there is a penalty provision to settle the cases where a person admits any contravention. Shri Shingla consented to settle the case as per



section 11(4) of the FT(D&R) Act, 1992. He further requested for renewal of LOA for next five years i.e. upto 17.08.2020.

In the light of facts & circumstances of the case, DC, NSEZ on the recommendation of UAC imposed a penalty of Rs. 10000/- on the unit in terms of section 11(4) of FT(D&R) Act, 1992.

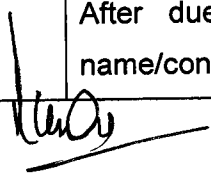
After due deliberations, the UAC decided to take note of change of partners w.e.f. 01.04.2010 subject to deposit of penalty of Rs. 10,000/-. The UAC also decided to renew the LOA upto 17.08.2020 subject to execution of Bond-cum-LUT.

**9. Proposal of M/s. Syscom Corporation Ltd. for change of name/constitution-
Violation of condition No.14 of the Bond-cum-LUT.**

It was informed to the UAC that the unit has informed about the change in name/constitution of the company from 'M/s. Syscom Corporation Ltd.' to "M/s. Syscom Corporation Pvt. Ltd." on 04.06.2015 w.e.f. 28.05.2015 and unit submitted shareholding pattern on 30.09.2015. It was further informed that there were appointments of two Directors on 22.02.2012 & 12.11.2014 and cessation of one director on 28.08.2013. Such changes in the Board of Directors were required to be intimated to NSEZ forthwith. However, unit intimated about the change of directors on 13.08.2015. This act of unit is a violation of condition No. 14 of Bond-cum-LUT executed by the unit wherein it has been categorically mentioned that they shall intimate any changes in the Board of Directors/ Partners, telephone No., E-mail address, Web-Site, Passport No., Bank Address and Factory address, forthwith, to the Development Commissioner and the Specified Officer.

Shri N. K. Prusthy, General Manager, attended the meeting. He admitted the lapse on their part for not submitting the intimation in time. It was informed to him that as per section 11(4) of the Foreign Trade (Development & Regulation) Act, there is a penalty provision to settle the cases where a person admits any contravention. In the light of facts & circumstances of the case, DC, NSEZ on the recommendation of UAC imposed a penalty of Rs. 10000/- on the unit, for which Shri Prusthy gave his consent.

After due deliberations, the UAC decided to take note of change in the name/constitution of the company from "M/s. Syscom Corporation Ltd." to "M/s.

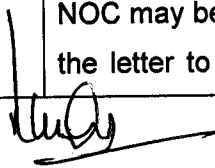


Noida Special Economic Zone

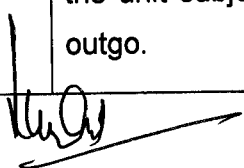
(Minutes of Meeting of Approval Committee of Noida SEZ held on 07/10/2015)

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	<p>Syscom Corporation Pvt. Ltd." w.e.f. 28.05.2015 and change of directors w.e.f. dates mentioned above, subject to deposit of penalty of Rs. 10,000/- and execution of B-LUT.</p>
10.	<p>M/s. Interactivity Broadband Telecommunications Private Limited – Change of Name / Constitution, Non filing of Softex Forms.</p> <p>Shri Kajal Sarkar appeared before the UAC and requested to adjourn the case as the director is not available. Accordingly, UAC decided to defer the case for its next meeting scheduled to be held in November, 2015.</p>
11.	<p>Proposal of M/s. G. Metals Company for inclusion of Electro plating process for manufacturing of jewellery.</p> <p>It was informed that M/s. G. Metals vide LOA dated 28/10/2010 is allowed to manufacture precious metals including non-ferrous alloys at Plot No. 98, NSEZ. The unit is yet to implement its already approved project. Unit has proposed to include electroplating process for manufacturing of jewellery in the LOA for which unit has also applied for NOC from UP Pollution Control Board.</p> <p>Shri Rohit Gupta, Partner attended the meeting. He submitted that his unit is planning to consolidate their operations at NSEZ. Accordingly, he has proposed to include the electroplating process in the LOA to avoid sub-contracting of the same process in DTA.</p> <p>Shri Rohit Gupta further informed that the validity of the said LOA which was extended by BOA is going to expire on 27.10.2015 and he is not in a position to start commercial production within the extended period. He informed to the UAC that the construction of the building has already been completed and application for building completion certificate has been filed with Noida Authority. The unit has also applied for obtaining NOC from the UP Pollution Control Board and he expects that its issuance will take some more time. He requested to intervene in the matter for early issuance of NOC from UP Pollution Control Board and requested to recommend his proposal for extension of the validity of LOA to BOA.</p> <p>After due deliberations, the UAC decided to permit inclusion of electroplating process in the LOA. UAC also decided that in view of reasons beyond the control of unit the request of the unit for extension of LOA may be recommended to the BOA alongwith photographs etc of the building. It was further decided by the UAC that the matter for early issuance of NOC may be taken up at appropriate level with UP Pollution Control Board with a copy of the letter to Principal Secretary, Infrastructure & Industrial Development, Govt. of Uttar</p>



	Pradesh, for expediting the NOC.
12.	<p>Proposal of M/s. J & S Exports for Amendment in LOA.</p> <p>It was informed that unit has requested to include relabeling/ repackaging/ trading activities of following items in their authorized operations:</p> <ol style="list-style-type: none">1. All kinds of ladies/Men's Garments2. All kind of kids/Child Garments3. All kind of Boys/Girls Garments.4. All kind of artificial jewellery. <p>Shri Dhruv Jalan, Partner attended the meeting. He stated that his unit has a lot of orders in hand for the proposed activities. He further stated that his unit will not sell the goods in DTA. He also mentioned that unit will be doing approx. 60% manufacturing and approx. 40% trading activities.</p> <p>After due deliberations, the UAC approved the inclusion relabeling/ repackaging/ trading activities of the above items in their LOA as authorized operations, subject to execution of Bond-cum-LUT. The UAC further directed that the unit shall maintain separate area earmarked each for manufacturing and trading activities and maintain separate records/accounts of NFE each for manufacturing and trading activities. No DTA sale shall be permitted, against trading activities.</p>
13.	<p>Proposal of M/s. Lister Moessner (I) Pvt. Ltd. for Amendment of authorized items in LOA</p> <p>It was informed to the UAC that unit has requested to include 1. Builder Hardware made out of MS., C.R., H.R. Aluminium, Stainless Steel, Copper & Brass (ITC HS Code – 83024190)2. Clamps made out of M.S. Strip, Coils, Sheet & Wire, Aluminium, Stainless Steel & Plastic washer (ITC HS Code – 73079990). It was further informed to the UAC that APR for the year 2014-15 is awaited. Besides, unit has not submitted bifurcation of forex outgo.No one from the unit turned up for the meeting.</p> <p>After due deliberations, the UAC approved the amendment in LOA as proposed by the unit subject to submission of APR for the year 2014-15 and bifurcation of forex outgo.</p>



14. Proposal of M/s. Samsung Overseas Ltd. for Transfer of assets & liability upon Exit under Rule 74A of SEZ Rules, 2006.

It was informed to the UAC that the unit has submitted a proposal for transfer of its assets & liabilities at Plot No.114, NSEZ to M/s. Herboveda India. It was also informed that the unit was issued two LOAs i.e. one dated 04.08.2009 and another dated 05.10.2012.

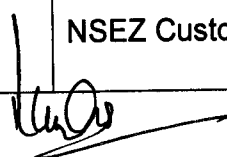
Shri Ashish K Satija, Director attended the meeting. He stated that due to less orders in hand, his company is not interested to perform in the SEZ unit. He requested that in order to capitalize the amount spent by his company on construction of building in NSEZ, it has been decided to transfer the building at Plot No.114, NSEZ to M/s. Herboveda India.

After due deliberations, the UAC informed to the applicant that M/s. Samsung Overseas Ltd. had commenced its operations on 15/04/2013 against LOA dated 05.10.2012. Therefore this unit does not satisfy conditions prescribed under Rule 74A for having held a valid LOA as well as Lease of land for not less than five years as on date. Then Shri Satija argued that his first LOA in respect of Unit No.-I was issued on 04.08.2009 for carrying out export production at the same plot in NSEZ and thus as on date his Unit has held valid LOA/Lease Deed for five years. Then it was pointed out to him that against this LOA dated 04.08.2009, unit did not carry out any export production and hence Unit No-I does not meet the criteria of being operational at least for two years.

Accordingly, the UAC rejected the proposal of M/s. Samsung Overseas Ltd. for transfer of assets and liabilities in respect of Plot No.114, NSEZ to M/s. Herboveda India.

15. Adjudication of Show Cause Notice issued to M/s. Kishan Lal Jewels Pvt. Ltd.

It was informed to the UAC that the unit has requested to defer the proposal, to which UAC agreed. UAC further directed that status of the case may be obtained from NSEZ Customs.



16. **Adjudication of Show Cause Notice dt. 02/06/2015 issued to M/s. Bera Enterprises.**

It was informed to the UAC that M/s. Bera Enterprises were served a show cause notice dated 02.06.2015 for non-achievement of prescribed value addition norms. As against prescribed value addition of 3%, the unit could achieve value addition of 1.005% in the year 2013-14.

Shri Saikat Bera, Partner attended the meeting. He stated that the unit commenced export production on 23.10.2013. While finalizing purchase orders, the value addition was targetted at 3% – 3.5% in dollar terms, but due to currency fluctuation, the unit could achieve value addition of 2.924% in dollar terms. He assured that the unit will achieve the prescribed value addition in its future business.

The UAC informed Shri Bera that value addition is to be achieved in Rupee terms and not in Dollar terms. Further, UAC was of the view that Value Addition should be calculated in line with the monitoring guidelines as have been prescribed under Annexure-I to Rule 54 of the SEZ Rules, 2006. In other words the UAC felt that achievement of Value Addition norms should be monitored cumulatively for five years and accordingly it was felt that the matter was perhaps not ripe for issue of SCN.

After due deliberations, the UAC decided that a reference may be sent to DOC to clarify guidelines for monitoring of achievement of Value Addition by Gem & Jewellery units on the lines of the monitoring guidelines on NFE as prescribed under Annexure-I to Rule 54 of the SEZ Rules, 2006.

The UAC further decided to defer the case.

17. **Proposal in respect of M/s. NKB Hardware Products for extension of LOA beyond 4th year.**

It was informed to the UAC that M/s. NKB Hardware Products was issued LOA dated 28/10/2010 for manufacture and export of Builders Hardware. The unit was allotted Plot No. 129G/13, NSEZ admeasuring 800 Sq. Mtrs. However, the unit has not commenced its manufacturing and export activities till date. Validity period of LOA of the unit which was extended upto 27/10/2012.



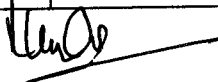
While reviewing the implementation of LOA of the unit, the Approval Committee in its meeting held on 25/11/2014 observed that Unit had neither started export production nor requested for extension of validity of LOA beyond 27/10/2012. In the circumstances, the UAC decided to issue a Show Cause Notice to the unit for non-performance, lapse of validity of LOA and non-payment of lease rent; and directed to issue notice under the P.P. Act for eviction of Plot No. 129G/13. Accordingly, SCN was issued on 29/01/2015. Unit has submitted its reply to the above SCN on 29/05/2015.

The promoters were granted a personal hearing before adjudication of SCN by the UAC in its meeting held on 22.06.2015. The representative of the unit had explained the circumstances under which the unit could not commence export activities. The Committee had directed the promoter to submit credible business plan for next five years and clear the outstanding lease rent against Plot No. 129G/13, so as to consider their request for renewal of LOA. The Committee, after due deliberation, had also decided to withdraw the SCN dated 29/01/2015. Since requisite credible plan was not submitted by the promoters, and therefore an email dated 15/09/2015 was sent to them requesting to comply with the directions of Unit Approval Committee.

The unit, vide its email dated 19/09/2015 stated that unit, vide their letter dated 01.07.2015, had already submitted list of imported & indigenous of machinery and raw materials along with revised projections and revised profitability details. The unit further stated that they have submitted the building plan of the unit for sanction and shall begin the construction of the unit within 60 days from approval of building plans.

It was observed that the request of unit for approval of building plan was forwarded to Noida Authority on 10.10.2011. The comments received from the Noida Authority were forwarded to the unit on 14.08.2012 with an advice to submit requisite documents directly to the Authority under intimation to this office. The unit, vide this office letter dated 20.05.2013 was again requested to submit status of the said case along with documentary evidence to this office, however unit did not intimate the status of building plan to this office.

Shri Amrish Gupta, Partner attended the meeting. He submitted that the UAC in its meeting held on 22.06.2015 had been kind enough to withdraw the SCN. The credible



business plan for next five years, as directed by the UAC was submitted by the unit on 01.07.2015. He admitted that due to certain family and financial problems, his unit at NSEZ could not start export production. He requested that extension of LOA may be granted to the unit as per the business plan submitted by him on 01.07.2015.

The UAC informed Shri Gupta that the LOA dated 28.10.2010 had already expired on 27.10.2012 and unit did not apply for extension on due date. There has been no activity at the plot allotted to him so far. Unit had been defaulter even in payment of lease rent. UAC invited his attention to 2nd Proviso of Rule 19 (4) of SEZ Rules, 2006 which was read as under:-

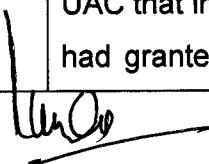
“Provided further that the Development Commissioner may grant further extension of one year subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a chartered engineer’s certificate to this effect is submitted by the entrepreneur.”

In view of above rule position, the UAC observed that LOA was issued on 28.10.2010 and since then 4 completed years have passed and it is not within the powers delegated to UAC to extend the validity of LOA beyond 4th year. After examining the request of the unit in the light of facts and circumstances of the matter and keeping in view the Rule position, the UAC rejected the request of the unit for extension of validity of LOA as per Rule 19(4) of SEZ Rules, 2006.

Thereafter, Shri Gupta requested that his case may be forwarded to BOA. On his specific request, UAC agreed to forward full facts of the case to DOC with comments that in view of no progress in last 5 years, UAC does not recommend the proposal.

18. Proposal of M/s. Complete Surveying Technologies Pvt. Ltd. for amendment in LOA - Inclusion of Additional items in authorized operation.

It was informed to the UAC that unit has requested to include Manufacturing of (i) Components/Spares of Professional work bench; and (ii) Components/Spares of PTC Tile Cutter in the approved authorized operations of LOA. It was further informed to UAC that in view of urgency shown by the unit, this office vide letter dated 09.09.2015 had granted one time permission for export of Components/Spares of Professional



Work Bench and Components/Spares of PTC Tile Cutter for a consolidated value of US \$ 280 in order to execute the export order in hand, subject to ratification by the Approval Committee. No one from the unit turned up for the meeting.

After due deliberations, the UAC ratified one time permission dated 09/09/2015 given to unit. The UAC also approved inclusion of additional items in authorized operations as proposed by unit subject to execution of Bond-cum-LUT.

19. **Proposal in respect of M/s. H & S Industries for Monitoring of performance and renewal of LOA.**

It was informed that the Approval Committee decided to extend the validity of LOA for six months from date of UAC meeting i.e. 07/05/2015 subject to condition that no request for transfer of building shall be entertained. Besides, the Committee also directed unit to commence activities within the extended validity of LOA. The Committee had further decided that if authorized operations could not be commenced within six months, possession of the Plot No. 151 shall be taken over.

Shri Satinder Singh, Partner attended the meeting. He requested for renewal of LOA beyond 27.09.2015 as per the projections submitted by the unit. He also submitted that his unit has done export of worth US\$ 19,645 on 08.09.2015, which has been confirmed by NSEZ Customs.

Shri Satinder Singh submitted that he was under the impression that his LOA was valid upto 27.09.2015. In this regard, the UAC clarified Shri Satinder Singh that his LOA is valid upto 06.11.2015.

After due deliberations, the UAC observed that the LOA is still valid upto 06.11.2015 and accordingly decided to defer the proposal. However, the UAC directed the NSEZ Customs to visit the unit for on the spot inspections and submit a report on i) the activities being carried out in the unit, ii) number of employees and iii) details of procurements as well as details of export & import activities carried out by them so as to review the performance of unit in the next meeting of UAC.




20. **Proposal of M/s. Gripwel Fasteners Pvt. Ltd. for approval of additional list of Services.**

It was informed to the UAC that M/s. Gripwel Fasteners Pvt. Ltd., an approved unit at NSEZ, has requested for approval for additional service i.e. "Management or Business Consultant Service" for availing service tax exemption. It has been further informed that such requests need approval of UAC as per guidelines laid down in Instruction No. 79 dated 19.11.2013 and DOC letter dated 24th June, 2014.

No one appeared before on behalf of the unit. The UAC, however, acceded to the request of M/s. Gripwel Fasteners Pvt. Ltd. and approved "Management or Business Consultant Service" as additional service to the unit.

Meeting ended with thanks to the Chair.


Do. L. B. SINGHAL
D.C.

(Dr. L. B. SINGHAL)
Development Commissioner
Noida Special Economic Zone
Ministry of Commerce & Industry
Govt. of India, Noida-201305 (U.P.)