



भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नौएडा विशेष आर्थिक क्षेत्र
नौएडा दादरी रोड, फेज-II, नौएडा - 201305
टेलीफोन: 0120-2567268/69/70



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दिनांक:...../07/2024

सेवा में,

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

विषय: दिनांक 24/06/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और श्री ए. विपिन मेनन, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 24/06/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

भवदीय,

संलग्नक: उपरोक्त


(किरण मोहन मोहाडीकर)

उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ
3. विनिर्दिष्ट अधिकारी, नौएडा विशेष आर्थिक क्षेत्र - सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
4. सचिव, नौएडा विशेष आर्थिक क्षेत्र प्राधिकरण - सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
5. कार्यपालक अभियंता, उत्तर प्रदेश पावर कारपोरेशन लिमिटेड, इ.यु.डी.डी.-II, सेक्टर - 18, नौएडा।
6. उप आयुक्त, व्यापार कर, खण्ड-14, सेक्टर -18, नौएडा।
7. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा।

: सूचनार्थ


उप विकास आयुक्त

नौएडा विशेष आर्थिक क्षेत्र

(दिनांक 24/06/2024 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

Minutes of meeting of the Approval Committee of Noida SEZ held under the Chairmanship of Shri A. Bipin Menon, Development Commissioner (DC), Noida SEZ at 10.30AM on 24/06/2024 through hybrid mode.

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

- (1) Shri Surender Malik, Joint Development Commissioner, NSEZ (Nominee of Deptt. of Commerce in terms of letter dated 23/09/2008).
- (2) Shri Navin Karnwal, Assistant Commissioner, Customs, Noida Commissionerate.
- (3) Shri Mayank Kumar, Assistant Manager, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- (4) Shri Phani Kiran, Asstt. DGFT, O/o Additional DGFT, CLA, New Delhi.
- (5) Shri Vishambhar Jha, Income Tax Officer, Income Tax Department, Noida.

B. Besides, during the meeting S/Shri (i) Kiran Mohan Mohadikar, Dy. Development Commissioner, NSEZ, (ii) Amit Gupta, Specified Officer, NSEZ, (iii) Pramod Kumar, Assistant Development Commissioner, NSEZ, and (iv) Bharat Bhushan, Assistant, Project Section, NSEZ were also present to assist the Approval Committee. It was informed that the stipulated quorum for holding the meeting was available and meeting could proceed.

C. At the outset, the Chairman welcomed the participants. After a brief introduction, the agenda was taken up sequentially. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the units, the following decisions were unanimously taken:-

D. Item wise decisions on proposals included in agenda:

(1) Ratification of Minutes of last meeting of the Approval Committee held on 13/06/2024.



There were neither any references nor objections against the decisions of the Approval Committee held on 13/06/2024. Hence, the Approval Committee took note of the same. Accordingly, the minutes of the meeting held on 13/06/2024 were unanimously ratified by the Approval Committee.

(2) Sterling Ornaments Pvt. Ltd. - Amendment in authorized operations and enhancement in production capacity.

2.1 It was informed that M/s Sterling Ornaments Private Limited had submitted a proposal for amendment in authorized operations and enhancement in production capacity as per the following details:

- “(i) Plain Silver Jewellery (71131141) (40 M.Tons/annum)
- (ii) Silver Jewellery studded with Pearls (71131142) (40 M.Tons/annum)
- (iii) Silver Jewellery studded with Diamonds of heading 7102 (71131143) (40 M.Tons/annum)
- (iv) Silver Jewellery studded with other precious and semi-precious stones (71131145) (40 M.Tons/annum)
- (v) Other Silver Jewellery (71131149) (40 M.Tons/annum)
- (vi) Parts of Silver Jewellery (71131190) (40 M.Tons/annum)
- (vii) Plain Gold Jewellery (71131911) (40 Kgs/annum)
- (viii) Remaking, re-melting, repairing of used/unused, new or broken silver jewellery. (71131141, 71131142, 71131143, 71131145, 71131149, 71131190)(500 kgs/annum)
- (ix) Remaking, re-melting, repairing of used/unused, new or broken gold jewellery. (7113911) (40 kgs/annum)
- (x) Jewellery made up of gold filled wire (71131911) (1000 Kgs/annum);
- (xi) Imitation jewellery (Cufflinks and Studs) (71171100) (8 M.Tons/annum)
- (xii) Imitation jewellery of Base Metal coated or uncoated with Precious Metal (71171990) (8 M.Tons/annum)
- (xiii) Imitation jewellery studded with imitation pearls or imitation or synthetic stones (71179010) (8 M.Tons/annum)
- (xiv) Other Imitation Jewellery/ Parts of Imitation Jewellery (71179090) (8 M.Tons/annum)”

2.2 Mr. Prashant Srivastava, authorized representative appeared before the Approval Committee and explained the proposal. He informed that by mistake they had mentioned production capacity for the five years as annual production capacity in their proposal and requested to allow the unit to amend the same.

2.3 The Approval Committee discussed the agenda in detail and after



due deliberations, approved the proposal of unit for amendment in authorized operations and enhancement in production capacity, subject to submission of revised and correct production capacity of each product. On receipt of correct details of production capacity, a letter regarding amendment in authorised operations and enhancement in production capacity would be issued with the approval of DC, NSEZ, on file.

(3) Interra Infotech (India) Private Limited - change in directors .

3.1 The Approval Committee discussed the agenda in detail and after due deliberations, took note of the change in directors of the unit in terms of Instruction No. 109 dated 18/10/2021.

(4) Lakeland Gloves and Safety Apparels Pvt. Ltd. - Updation of production capacity, change in Directors of the company and monitoring of performance.

4.1 Shri Vishal Kumar, Director appeared before the Approval Committee and explained the proposal. The Approval Committee observed that the 8 digit HS Code of authorized operations had not been given.

4.2 After due deliberations, the Approval Committee took the following decisions:

(i) The Approval Committee monitored the performance and noted achievement of positive NFE Earnings by the unit during previous block of five years i.e. from 2018-19 (23.10.18-31.03.19) to 2022-23. The Approval Committee also noted that no foreign exchange has been shown pending for realization as on 31/03/2023.

(ii) The Approval Committee took note of the change in directors of the unit in terms of Instruction No. 109 dated 18/10/2021 subject to submission of pending documents regarding appointment of new director. The Approval Committee also approved the proposal for enhancement of production capacity as proposed by the unit subject to submission of 8 digit ITC(HS) Code of each product of manufacture.

(5) GSR Industries - Ratification of one time permission for export of paper bags.



5.1 The Approval Committee discussed the agenda in detail and after due deliberations, ratified the one time permission dated 18/06/2024 granted for export of paper bags.

(6) APK Identification - Ratification of approval granted for enhancement of production capacity and Monitoring of performance.

6.1 The Approval Committee discussed the agenda in detail and after due deliberations, ratified the permission dated 16/04/2024 granted for enhancement of production capacity. The Approval Committee also monitored the performance and noted achievement of positive NFE by the unit during the previous block of five years i.e. from 2018-19 (01.12.18-31.03.19) to 2022-23. The Approval Committee also noted that no foreign exchange had been shown pending for realization as on 31/03/2023.

(7) eShakti.Com Private Limited - Monitoring of performance.

7.1 Shri Ashish Pradhan and Shri Vivek Palliwal authorized representatives of the unit appeared before the Approval Committee. The Approval Committee observed that unit had been allotted various SDFs in NSEZ and currently total lease rent of around Rs. 2.50 Crores is outstanding. Shri Pradhan informed that due to corona, their business went down and they were still recovering from the same. He further stated that they were paying monthly lease rent of Rs. 22 Lakhs since January 2024. Further, during April to September 2024, they would deposit amount to the tune of Rs. 33 Lakhs per month which was more than their monthly rentals. He further requested that they wanted to surrender three of their SDFs which are currently not being used due to low volume of business. He also requested to renew their LOA which was expiring on 30.06.2024.

7.2 The Approval Committee observed that LOA of the unit was valid till 30.06.2024. The Approval Committee monitored the performance and noted achievement of positive NFE during 2018-19 to 2021-22. The Approval Committee further observed that unit had not submitted APR for the period 2022-23 till date.

7.3 The Approval Committee discussed the agenda in detail and after due deliberations, decided to renew the LOA for a period upto



31/12/2024, subject to submission of Form-F1 and APR for the period 2022-23. The Approval Committee further directed the unit to deposit the outstanding lease rent of SDFs which they wanted to surrender and submit their proposal which will be considered by the NSEZ Authority.

(8) DIN Engineering LLP, NSEZ, Noida - Request for guidance under Rule 27(2) of SEZ Rules, 2006 in respect of endorsement of service Invoices.

8.1 It was informed that NSEZ Customs vide letter dated 20/06/2024 had referred the matter on the subject above to DC, NSEZ with the details/ observation as under:

"2. M/s. DIN Engineering Services LLP, Noida vide its letter dated 01.08.2023 has requested for endorsement of the Invoices bearing No. 202104 dated 20.03.2021 and 202108 dated 31.03.2021 for Rs.4,00,000/- and Rs. 2,69,00,000/- respectively issued by M/s Candle Advisors Pvt. Ltd. for provision of Service under HSN 998311.

3. It is submitted that on the perusal of e-mail dated 11.10.2023 & engagement letter/Agreement dated 24.06.2020, it is observed that the services availed by the unit are related to divestment by way of sale of the controlling stake in the business to specific buyer i.e. M/s Enphase Energy Inc.

4. Further, vide email dated 23.05.2024 the unit has clarified that the transaction was a Business Transfer agreement signed between M/s. DIN Engineering Services LLP, NSEZ & M/s. Enphase Energy Pvt Ltd, NSEZ and not a share purchase agreement. The unit has also enclosed a copy of UAC's (held on 25.02.2021) approval for said transaction for the proposal of M/s DIN Engineering LLP to transfer "IT/IT enabled services for solar energy" to M/s Enphase Solar Energy Pvt. Ltd. For the said transaction, M/s. Candle Advisors Pvt Ltd advised the unit for the proposed M & A Transaction and the invoice raised was for the M&A work done towards the conclusion of the deal.

5. In this regard, it is pointed out that the authorized operations, as per LOA No 05/03/2016-PROJ./5917 dated 20.06.2016 accorded to the Unit, are IT/IT enabled services required for solar Energy, Telecom Services, Architectural and GIS Services. Unit in its submission vide letter dated 19.02.2024 has iterated that Management Consultancy under HSN 998311 includes:

.....(iv) financial consulting services related to mergers, acquisitions, etc. such as advice on methods of valuations, method of payments, methods of control, international finance.

Unit has submitted that the term 'Management Consultancy used by Noida SEZ as under Default List of Services approved for



Authorised Operations is a broad term, and further submitted that such a broad term should necessarily include the specific defined service and it may further include certain other allied services which otherwise may not be forming part of the definition.

6. Further, the unit has claimed that the same falls within the Default list of Authorized Services. Unit has also requested that it has divested its stake to M/s Enphase Energy, which may be considered under the broader term of authorised operations as mentioned above.

7. In view of the foregoing discussion, it is requested that guidance may kindly be imparted under Rule 27(2) of the SEZ Rules, 2006 as to whether the "Management Consultancy" services provided by M/s Candle Advisors Pvt. Ltd. to the unit fall within their Authorized Operations."

2. The Approval Committee went through the agenda. The Approval Committee, after due deliberations, took note of the services availed by the unit i.e. 'Management Consultancy' and directed the Specified Officer to examine other fulfilment criteria and consider endorsement of said services availed by the unit subject to compliance with relevant provisions of SEZ Act/ Rules and GST Act/Rules.

Meeting ended with a vote of thanks to the Chair.


(Surender Malik)
Joint Development
Commissioner


(A. Bipin Menon)
Development Commissioner