



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:/09/2024

सेवा मे,

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

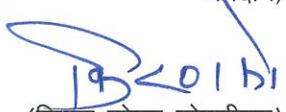
विषय: दिनांक 27/08/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी ।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और श्री ए. बिपिन मेनन, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 27/08/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त

भवदीय,

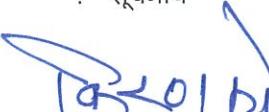

(किरण मोहन मोहांडीकर)

उप विकास आयुक्त

प्रतिलिपि:

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

: सूचनार्थ


उप विकास आयुक्त

Minutes of the meeting of Approval Committee held on 27/08/2024

नौडा विशेष आर्थिक क्षेत्र

(दिनांक 27/08/2024 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 27/08/2024 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 Naveen Karnwal, Assistant Commissioner, Customs, Noida Commissionerate.
- (3) Shri Phani Kiran, Assistant DGFT, O/o Addl. DGFT, CLA, New Delhi.
- (4) Smt. Geeta Goel, FTDO, O/o Addl. DGFT, CLA, New Delhi.
- (5) Shri Vinay Kumar, Representative of New Okhla Industrial Development Authority, Noida.

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

C. At the outset, the Chairman welcomed the participants. After a brief introduction, the agenda items were taken up sequentially. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the units, 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 12/08/2024.

It was informed to the Approval Committee that there were neither any

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references nor objections against the decisions of the Approval Committee held on 12/08/2024. Hence, the Approval Committee took note of the same and accordingly, the Minutes of the meeting held on 12/08/2024 were unanimously ratified by the Approval Committee.

(2) Intertabac Unitrade Pvt. Ltd. - Setting up a unit in NSEZ .

2.1 It was informed that M/s. Intertabac Unitrade Pvt. Ltd. had submitted a proposal for setting up a unit in NSEZ for "*Manufacturing of Tobacco, Cigar and Cheroots, cigarettes, Biris, Chewing tobacco, Snuff etc.*".

2.2 Shri Siddharth Mohindru and Shri Brij Mohan Taparia, Directors appeared before the Approval Committee and explained the proposal. Shri Taparia informed that he is in the business of tobacco manufacturing since 1994 and is also a director/promoter of various other companies. He further stated that they will procure the raw tobacco from local market and after manufacturing the finished goods shall be exported to UAE., Europe, Africa. Shri Mohindru informed that he is in the business of shipping & logistics.

2.3 The Approval Committee discussed the agenda in detail and after due deliberations, deferred the proposal with a direction to applicant to submit following:

- (i) List of all companies/firms in which Shri Brij Mohan Taparia is a Director giving therein name & address, date of incorporation, activities being carried out and turnover of these companies and Project section of DC office to verify their antecedents.
- (ii) Total net worth of M/s. Intertabac Unitrade Pvt. Ltd. giving details of money infused by promoters so far, advances given and current balance along with net worth of its promoters. The financial flow chart (as per format) would also be submitted.
- (iii) Manufacturing flow-charts of all goods sought in the LOA. This would include the HS codes of the raw materials, intermediates and capital goods as well as the final good being exported.
- (iii) Copy of export orders for Cigarettes from Europe.

Minutes of the meeting of Approval Committee held on 27/08/2024

2.4 The Approval Committee further directed to examine the matter internally on receipt of above information from applicant and place before it with complete information.

(3) CHL Limited - Renewal of LOA and monitoring of performance.

3.1 The Approval Committee monitored the performance and noted achievement of positive NFE Earnings by the unit. The Approval Committee also noted that no export proceeds have been shown pending for realization as on 31.03.2024.

3.2 The Approval Committee further observed that unit has made warehousing services worth Rs. 17,40,000/- against which payment has been received in INR and this is a violation of Rule 18(5) of SEZ Rules, 2006 as well as Section 2(z) of SEZ Act, 2005.

3.3 Shri Navneet Dhawan, Corporate Director and Shri R. Juyal, authorized representatives appeared before the Approval Committee and explained the proposal. Shri Dhawan informed that due to some misinterpretation of rules from their end, they were raising invoices for warehousing services in INR. However, when informed on the need for services to be invoiced in foreign currency, they immediately rectified their error. Hence from May 2024, the invoices were raised in US Dollars which they agreed would be continued. Moreover, the unit has started to file each transaction through SEZonline system.

3.4 In this regard, the Approval Committee informed the unit representatives the following provisions of section 11 of Foreign Trade (Development & Regulation) Act, 1992, as amended:

11 (2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the foreign trade policy, he shall be liable to a penalty of not less than ten thousand rupees and not more than five times the value of the goods or services or technology in respect of which any contravention is made or attempted to be made, whichever is more.

11 (4) Where any person, on a notice to him by the adjudicating Authority, admits any contravention, the Adjudicating Authority may, in such class or classes or cases and in such manner as may be prescribed, determine, by way of settlement, an amount to be paid by that person.

3.5 The representatives of the unit took note of above provisions and

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gave their consent requesting to determine the matter imposing appropriate penalty under section 11(4) to settle the matter relating to violation of SEZ rule 18(5) and section 2(z) of SEZ Act, 2005.

3.6. A personal hearing was granted to the unit in the Committee by DC, NSEZ and an adjudication order would be issued accordingly. The Committee empowered office of DC, NSEZ to take a final decision on renewal of LOA on file, after completion of pending formalities, if any.

(4) Ionique Research Limited - Renewal of LOA and monitoring of performance.

4.1 The Approval Committee observed that lease rent amounting to Rs. 38,95,773/- is outstanding against the unit as on date. Further, no status of commencement of export activities has been given.

4.2 Smt Mrinalini Gupta, representative of Venture Capital Fund appeared on behalf of Ionique Research Limited and explained the proposal. She informed that Venture Capital Fund has invested in the funding of M/s. Ionique Research. One prototype is almost ready and will be put up for testing and homologation in few days. She requested to extend the validity of LOA for a longer time period.

4.3 The Approval Committee discussed the agenda in detail and after due deliberations, directed the unit to first deposit entire outstanding lease rent for further consideration of renewal of LOA as well as submit a concrete business plan. Besides, the Approval Committee also directed the unit to clarify as to how they are going to generate foreign exchange from the authorised operations.

(5) Ebixcash Limited - Change in Directors/shareholding pattern and monitoring of performance.

5.1 Shri Rishabh Gupta and Shri Ankit Pathak, authorized representatives of the unit appeared before the Approval Committee and explained the proposal.

5.2 The Approval Committee discussed the agenda in detail and after due deliberations, took note of the change in Directors of the company with no change in shareholding, in terms of Instruction No. 109 dated 18/10/2021. The Approval Committee further monitored the performance of Unit-I and noted achievement of positive NFE Earnings

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by the unit during 2019-20 to 2022-23. The Approval Committee further noted that no export proceeds have been shown pending for realization as on 31/03/2023.

(6) Taurus Englobe Pvt. Ltd. - Ratification of permission granted for import of balance goods.

6.1 The Approval Committee was informed that as per information just received from NSEZ Customs, the unit has used ITC HS code 85185000 in place of 85184000 this time for import of goods and the same has been allowed by Customs. The Approval Committee took note of same.

6.2 The Approval Committee discussed the agenda in detail and after due deliberations, also ratified the permission dated 20/08/2024 granted for import of balance goods in continuation to earlier approval dated 24/07/2024 & 26/07/2024.

(7) Om Nanotech Pvt. Ltd. (Trading Unit) - Monitoring of performance

7.1 Shri Atul Khosla, Director appeared before the Approval Committee and explained the proposal.

7.2 The Approval Committee monitored the performance of unit and noted achievement of positive NFE Earnings by the unit during first & second block of five years. The Approval Committee also noted that no export was made by the unit during third block of five years. The Approval Committee further noted that no export proceeds have been shown pending for realization as on 31/03/2023.

7.3 The Approval Committee observed that unit had made DTA Sale of finished goods worth Rs. 0.08 Lakhs during 2009-10 and the payment for the same was received in INR which is a violation of Section 2(z)(iii) of SEZ Act, 2005. Shri Khosla informed that those goods were sample IC Chips.

7.4 The Approval Committee discussed the agenda in detail and after due deliberations, empowered office of DC, NSEZ to adjudicate the matter and take decision on final exit request on file. Since a personal hearing had already been given by DC, NSEZ to the unit, an adjudication order would be issued for the DTA sales of services in INR.

(8) Kundan Rice Mills Ltd. - Monitoring of performance.

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8.1 Shri Deepak Gupta and Shri Sanjay Jadon, authorized representatives appeared before the Approval Committee and explained the proposal.

8.2 The Approval Committee monitored the performance of unit and noted achievement of positive NFE Earnings and prescribed value addition by the unit during second block of five years i.e. from 2013-14 (20.07.13-31.03.14) to 2017-18. The Approval Committee further noted that no export proceeds have been shown pending for realization as on 31/03/2023.

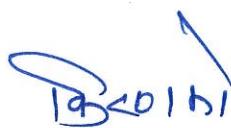
8.3 The Approval Committee further observed that NSEZ Authority took possession of 4.80 carat diamonds of unit in 2021. Subsequently, these diamonds were deposited in CWC. Shri Gupta stated that these diamonds were purchased by them from DTA in the year 2012 and they have already struck off these so-called diamonds from their books and their value is negligible. He further requested for its auction.

8.4 The Approval Committee observed that Rule 74(3) of SEZ Rules, 2006 provides that *"In the event of a gems and jewellery unit ceasing its operation, gold and other precious metals, alloys, gem and other materials available for manufacture of jewellery shall be handed over to an agency nominated by the Central Government at a price to be determined by that agency."*. The Approval Committee also observed that currently no nominated agency is working in NSEZ.

8.5 The Approval Committee discussed the agenda in detail and after due deliberations, directed to seek a clarification from Department Of Commerce whether these diamonds can be cleared into DTA by the unit or transferred to any other unit in NSEZ or NSEZ Authority could auction the same. It may be brought to the notice of DOC that the unit is unable to give these to any nominated agencies as they are either non functional and others unwilling to take such a quantity.

(9) Digiflex India Limited - Revival of Sick unit under Rule 72 of SEZ Rules, 2006 and transfer of assets to M/s. Knitpro International.

9.1 Shri Arun Khanna, Managing Director of M/s. Digiflex India and Shri R.C. Jain, partner of M/s. Knitpro International appeared before the Approval Committee and explained the proposal.



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9.2 The Approval Committee observed that Rule 72 of SEZ Rules, 2006 states as under:

- "(1) A unit which has been declared sick by the appropriate authority shall submit a revival package through Development Commissioner to Board for consideration and the Board shall consider the extension in the period for fulfilment of Positive Net Foreign Exchange for a further period up to a maximum of five years at the prevalent norms.
- (2) On extension of the period, unutilized raw material and imported or domestically procured capital goods shall be allowed to be carried forward at their original value and the Bond-cum-Legal Undertaking executed by the unit shall be revised accordingly.
- (3) In case a new entity is willing to take over all the assets and liabilities of a sick Unit, transfer of such assets and liabilities as provided under sub-rule (1) shall be considered by the Board.
- (4) Where a Unit is granted extension of period for fulfilment of Positive Net Foreign Exchange Earning under sub-rule (1), the space would continue to be in its possession.
- (5) Where a Unit is taken over by another unit, the liability shall pass on to the new unit which is taking over the sick unit."

9.3 The Approval Committee discussed the agenda in detail and after due deliberations, directed that the matter may be examined by project section and proposal may be forwarded to Department Of Commerce with complete details, for further consideration of BOA in terms of Rule 72 of SEZ Rules, 2006.

(10) M.D. Overseas Pvt. Ltd. - Inclusion of additional authorized operations in LOA.

10.1 It was informed that M/s. M.D. Overseas Pvt. Ltd. had submitted an application for inclusion of 'Trading of Platinum Unwrought or semi-manufactured form or in powder form (7110)' in its LOA.

10.2 Shri Amit Mittal, General Manager of the unit appeared before the Approval Committee and explained the proposal.

10.3 The Approval Committee observed that as per DOC's letter dated 31.12.2013 and 18.06.2014, proposed trading activities cannot be allowed.

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10.4 The Approval Committee discussed the agenda in detail and after due deliberations, rejected the proposal of unit.

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



(Kiran Mohan Mohadikar)
Dy. Development Commissioner



(A. Bipin Menon)
Development Commissioner