

NOIDA SPECIAL ECONOMIC ZONE

Minutes of the Approval Committee meeting in respect of private SEZs located in Noida, Greater Noida & Khurja held under the Chairmanship of Shri A. Bipin Menon, Development Commissioner, NSEZ at 11:00 AM on 04.02.2021 through Video Conferencing.

The following members of Approval Committee participated in the meeting through video conferencing:-

- (i) Shri Rajesh Kumar, DDC, NSEZ.
- (ii) Shri Ashok Kumar, Supdt. (Customs), Noida.
- (iii) Ms. Anjali Meena, Income Tax Officer, Noida.
- (iv) Ms. Garima Mishra, Asstt. Manager, DIC, Noida
- (v) Shri Rakesh Kumar, FTDO, O/o Addl. DGFT, CLA, New Delhi.

❖ Besides, during the meeting i) Shri Amit Gupta, Specified Officer, ii) Shri Prakash Chand Upadhyay, ADC, (iii) Shri Mohan Veer Ruhella, ADC, and (iv) Shri Rajendra Mohan Kashyap, Steno Gr.II were also present to assist the Approval Committee. It was informed that the quorum is available and the meeting can proceed.

❖ At the outset, the Chairman welcomed the participants. After brief introduction, each item included in the agenda was taken up for deliberations one by one. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the developers / units, wherever required, the following decisions were taken:-

1. Ratification of the Minutes of the Approval Committee meeting held on 07.01.2021 :-

As no reference in respect of the decisions of the Approval Committee held on 07.01.2021 was received from any of the members of the Approval Committee or trade, therefore, Minutes of the Meeting held on 07.01.2021 were unanimously ratified.



Item No.2: Proposals for approval of list of materials for authorized operations:-

2.1. M/s. Golden Tower Infratech Pvt. Ltd., Developer.

2.1.1. M/s. Golden Tower Infratech Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 8, Sector-144, Noida (U.P) has submitted proposal for approval of list of materials to carry on default authorized operations in their SEZ:-

| S. No. | Name of Authorized Operation | S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54 | Estimated Cost (Rupees in lakhs) |
|--------|---|---|----------------------------------|
| (i) | Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity. | 02 | 86.21 |
| (ii) | Solid and liquid waste collection, treatment and disposal plants including pipelines & other necessary infrastructure for sewage and garbage disposal, sewage treatment plants. | 03 | 119.36 |
| (iii) | Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc. | 04 | 1124.62 |
| (iv) | Fire protection system with sprinklers, fire and smoke detectors. | 07 | 462.91 |
| (v) | Air Conditioning of processing area | 21 | 2076.97 |
| (vi) | Construction of all types of building in processing area as approved by the Unit Approval Committee. | 22 | 5716.76 |
| (vii) | Power (including power backup facilities) for captive use only. | 23 | 458.10 |
| (viii) | Access control and monitoring system | 24 | 42.00 |
| | | Total: | 10086.93 |

2.1.3. Shri Amul Gupta, Sr. V.P., Shri B.D. Joshi, Sr. Manager-Liaison & Shri Anshul Babbar, Manager of M/s. Golden Tower Infratech Pvt. Ltd. joined the meeting through video conferencing and explained the requirement of proposed materials. On being asked by the Approval Committee about the requirement of 'DG Sets' & 'Transformers', the representative of the unit informed that proposed DG Sets are required for power backup facility only and 'Transformer' is required for conversion of electricity from HT to LT and distribution of electricity in SEZ. The requirement of power in SEZ is approx. 10 MW and at least 1 MW backup power through DG Sets is required. He further informed that proposed 'Air Pollution

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Mask' is required for construction labour & staff working in SEZ which is necessary requirement keeping in view the current COVID-19 pandemic situation. Further, he informed that 'RFID Cards' shall be used in movement of vehicles in SEZ.

2.1.4. After due deliberations, Approval Committee unanimously approved the proposed list of materials, subject to the condition that Specified Officer shall ensure that no 'Restricted / Prohibited' item shall be allowed. Keeping in view the current COVID-19 pandemic situation the Approval Committee also approved 'Air Pollution Mask' for construction labour & staff working in SEZ.

2.2. M/s. HCL Technologies Ltd., Developer

2.2.1. M/s. HCL Technologies Ltd., Developer of IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida (U.P) has submitted proposal for approval of list of materials to carry on default authorized operations in their SEZ:-

| S. No. | Authorized Operation | Sl. No. at default list of Autho.Opr. as per Inst. No. 50 & 54 | Estimated Cost (Rs. in lakhs) |
|--------|--|--|-------------------------------|
| (i) | Construction of all types of buildings in processing area as approved by the Unit Approval Committee | 22 | 91.30 |
| (ii) | Power (including power backup facilities) for captive use only. | 23 | 63.60 |
| (iii) | Air Conditioning of processing area | 21 | 47.07 |
| (iv) | Fire protection system with sprinklers, fire and smoke detector. | 07 | 55.02 |
| | | Total: | 256.99 |

2.2.2. Shri D.K. Sharma, Associate Director of HCL Technologies Ltd. joined the meeting through video conferencing and explained the proposal. He informed that the proposed materials are required for operation & maintenance in SEZ.

2.2.3. After due deliberations, Approval Committee unanimously approved the proposed list of materials, subject to the condition that Specified Officer shall ensure that no 'Restricted / Prohibited' item shall be allowed.



Item No.3: Proposals for allotment of space to provide facilities / cancellation of such approvals:

3.1. M/s. Seaview Developers Pvt. Ltd..

3.1.1. M/s. Seaview Developers Pvt. Ltd.. Developer had submitted proposal for cancellation of permission letter No. 10/46/2006-SEZ/3083 dated 30.04.2012 issued to them for allotment of 1091 Sqft. at Unit-I, Amenity Block in the processing area of the said SEZ to M/s. Amalgamated Bean Coffee Trading Co. Ltd. (now known as M/s. Coffee Day Global Limited) to setup & operate a fast food / coffee services under brand name 'Café Coffee Day'. Developer had furnished consent letter dated 02.12.2020 from M/s. Coffee Day Global Limited regarding cancellation of said approval.

3.1.2. After due deliberations, the Approval Committee unanimously approved the proposal for cancellation of letter No. 10/46/2006-SEZ/3083 dated 30.04.2012, subject to submission of 'NOC' from Specified Officer with regard to duty exemption, if any, availed by M/s. Amalgamated Bean Coffee Trading Co. Ltd. (now known as M/s. Coffee Day Global Limited) for setup & operate such facility in SEZ.

Item No. 4: Proposals for approval of additional services:

4.1. M/s. Optum Global Solutions (India) Pvt. Ltd.

4.1.1. M/s. Optum Global Solutions (India) Pvt. Ltd. filed an appeal before the Board of Approval against the decision of the Approval Committee regarding 'Leasing services in relation to business assets procured on lease' in respect of its two SEZ units in the Oxygen Business Park Pvt. Ltd. IT/ITES SEZ at Noida (Uttar Pradesh), wherein the Approval Committee restricted the said services 'Exclusively for leasing of 'Laptops & Printers' only to carry out authorized operations of the unit' whereas unit had also sought leasing services for motor vehicles, which was not approved by the Approval Committee. Appeal against the decision of the Approval Committee filed by M/s. Optum Global Solutions (India) Pvt. Ltd. was placed before the BoA held on 06.01.2021. The BoA remanded the case back to concerned UAC to reconsider the case on merit after giving necessary hearing opportunity to the unit and issue a speaking order.

4.1.2. Shri Anuj Jain, Director Tax and Shri Rakesh Dubey, Manager-Taxation of M/s. Optum Global Solutions (India) Pvt. Ltd. joined the meeting through video conferencing. They informed that Optum is the registered owner of the vehicle and the RC is in firm's name. The vehicle is hypothecated to the lessee. The vehicle is treated a fixed asset and is a business



expense in the books of account of the lessor. Moreover, it was pointed out that no Input Tax Credit under GST is available on Vehicles.

4.1.3. After due deliberations, the Approval Committee unanimously rejected the proposal keeping in view the following reasons:-

- (i) No clear mechanism is available to ensure whether the vehicle will be used for authorized operation of the Unit or for personal use of its employees.
- (ii) The Car is an asset of the company, ownership rest with the Unit as the Registration Certificate (RC) of the Car is in the name of the Unit and it is hypothecated to the leasing company. Since the car is owned by the Unit, it is not clear how Invoice will be raised by the lessee for availing car leasing service by the Unit against car owned by the Unit.
- (iii) For Income Tax purposes, the car is being shown as asset and benefit of depreciation is being availed.

In light of above, the Approval Committee decided not to approve "Leasing services for Motor vehicle" as authorized service of the unit. A speaking order on above lines be issued to the unit with a copy to BoA.

Item No.5: Proposals for inclusion of additional item in LOA.

5.1. M/s. Arshiya 3PL Services Pvt. Ltd.

5.1.1. M/s. Arshiya 3PL Services Pvt. Ltd. submitted proposal for inclusion of following items with Exim Codes, in the LOA dated 30.10.2018 of its unit located in the Arshiya Northern FTWZ Ltd. Free Trade and Warehousing Zone at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (U.P.):-

| Sl. No. | ITC(HS) / Exim Code proposed by the unit | Item description | DGFT Policy |
|---------|--|---|-------------|
| (i). | 4814 | Wallpaper and similar wall coverings; window transparencies of paper. | Free |
| (ii). | 7113 | Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal. | Free |
| (iii). | 8305 | Fittings for loose-leaf binders or files, letter clips, letter corners, paper clips, indexing tags and similar office articles, of base metal; staples in strips (for example, for offices, upholstery, packaging), of base | Free |



| | | | |
|-------|------|--|------|
| | | metal. | |
| (iv). | 8461 | Machine-tools for planing, shaping, slotting, broaching, gear cutting, gear grinding or gear finishing, sawing, cutting-off and other machine-tools working by removing metal or cermets, not elsewhere specified or included. | Free |
| (v). | 8464 | Machine-tools for working stone, ceramics, concrete, asbestos cement or like mineral materials or for cold working glass. | Free |

5.1.2. The unit has submitted KYC documents along with business details of their customer namely M/s. Konka Lock Station, Aligarh (U.P.) who wants to do trading of these items.

5.1.3. Specified Officer informed that as per ITC(HS) all the proposed items are freely importable. However, items having CTH 7113 (Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal) needs an expert for appraisalment of the same at the time of DTA clearance. Presently at Arshiya FTWZ, Khurja, no jewellery expert for appraisalment of article of jewellery are posted there.

5.1.4. Shri Vikram Chikara, AVP-Regulatory of M/s. Arthiya 3PL Services Pvt. Ltd. and Md. Shoeb Arfeen, Proprietor of M/s. Konka Lock Station joined the meeting through video conferencing and explained the proposal. Md. Shoeb Arfeen informed that they will import the items under HS Code 4814, 8305, 8461 & 8464 from China and HS Code 7113 from China & Vietnam for trading in DTA. On being asked about items proposed under HS Code 7113, he informed that these are low cost artificial jewelley made of brass metal.

5.1.5. After due deliberations, the Approval Committee unanimously approved the proposal for inclusion of aforesaid items, except items proposed under HS Code 7113, subject to the following terms & conditions:-

- (i). No export / import of any item will be allowed which comes under "Prohibited/Restricted" items/Negative list under Import policy given in ITC(HS) Classification or any other law and/or covered under SCOMET list as per DGFT Notifications / Public Notice / Instructions issued from time-to-time.
- (ii). In case import or export of any item is 'Restricted' by any conditions under FTP / Customs or any other rule / guidelines, such item should be imported / exported subject to such conditions.



- (iii). Port restrictions as per DGFT Notifications / Public Notice / Instructions issued from time-to-time, shall be applicable.
- (iv). The scope of authorized operations of the unit will be strictly as per Rule 18(5) of SEZ Rules, 2006.
- (v). Any sale in DTA shall be only in convertible foreign currency in terms of proviso to Rule 18(5) of SEZ Rules, 2006.

Item No.6: Proposals for expansion of area:

6.1. M/s. Axtria India Private Limited.

6.1.1. M/s. Axtria India Private Limited has submitted proposal for expansion of the unit by addition of '39161 Sqft. on 16th floor, Building No.11' in its total existing approved area of 18910 Sqft. of its unit located in the Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (Uttar Pradesh). Unit has submitted copy of undated digitally signed Agreement to Lease with SEZ Developer in respect of proposed space. The unit also submitted revised projections, as under:-

(Rs. in lakhs)

| Particulars (for five years) | Existing Projection | Revised Projection |
|--------------------------------|---------------------|--------------------|
| Projected FOB value of exports | 9299.00 | 32333.00 |
| Foreign Exchange Outgo | 309.00 | 1040.00 |
| NFE Earnings | 8990.00 | 31293.00 |
| Imported Capital Goods | 279.00 | 860.00 |
| Indigenous Capital Goods | 430.00 | 1598.00 |

6.1.2. The Approval Committee observed that the SEZ developer has not obtained 'Occupancy Certificate' in respect of Building No.11, where the expansion of the unit has been proposed.

6.1.3. Shri Aditya Sharma & Shri Anurag Agarwal from M/s. Axtria India Pvt. Ltd. joined the meeting through video conferencing and explained the proposal. Shri Jai Kumar & Shri Amrik Singh both Authorised Representative of M/s. Seaview Developers Pvt. Ltd. (SEZ Developer) also joined the meeting and informed that Fire NOC in respect of Building No. 11 has been received and they are hopeful to obtain the 'Occupancy Certificate' soon.

6.1.4. After due deliberations, the Approval Committee unanimously approved the proposal of addition of '39161 Sqft. on 16th floor, Building No.11' and revised projections, subject to submission of CPC (Provisional Code) of the services being provided by the unit, provisional



offer of space and further subject to the condition that the unit will commence operation from the aforesaid additional area only after receipt of Occupancy Certificate in respect of Building No.11 by the SEZ Developer.

Item No.7: Proposals for partial deletion of area:

7.1. M/s. Conduent Business Services India LLP.

7.1.1. M/s. Conduent Business Services India LLP had submitted proposal for partial deletion of area i.e. '30915 Sqft. at 6th floor, Building No.6' from its total approved area of 183843 Sqft. of its unit located the Seaview Developers Pvt. Ltd. IT/ITES SEZ of at Plot No. 20 & 21, Sector-135, Noida (Uttar Pradesh). The SEZ developer vide its letter dated 20.01.2021 has given 'NOC' for surrender of aforesaid area. The unit has mentioned that there would be no changes in manpower and export projections due to reduction of area.

7.1.2. No one from unit joined the meeting.

7.1.3. After due deliberations, the Approval Committee unanimously decided to approve the proposal for partial deletion of '30915 Sqft. at 6th floor, Building No.6', subject to submission of 'No Dues Certificate' from the Specified Officer and submission of CPC (Provisional Code) of the services being provided by the unit.

Item No.8: Proposals for change of entrepreneur:

8.1. M/s. CNH Industrial (India) Pvt. Ltd.

8.1.1. M/s. CNH Industrial (India) Private Limited, a unit in Artha Infratech Pvt. Ltd. IT/ITES SEZ at Plot No. 21, Sector- Techzone-IV, Greater Noida (Uttar Pradesh) has submitted proposal for change in entrepreneur in respect of LOA No. 10/12/2020-SEZ/3181 dated 19.03.2020 from 'CNH Industrial (India) Private Limited to 'CNH Industrial Technology Services (India) Private Limited' pursuant to the Business Transfer Agreement dt. 21.01.2021 signed between both companies. M/s. CNH Industrial (India) Private Limited and M/s. CNH Industrial Technology Services (India) Private Limited have entered into Business Transfer Agreement (BTA) dt. 21.01.2021 for transfer of ownership of aforesaid SEZ unit on a slump sale basis. As per ARTICLE-3: PURCHASE CONSIDERATION of Business Transfer Agreement dt. 21.01.2021, a) The consideration for the sale and transfer of the SEZ unit undertaking on ongoing concern basis in accordance with the Agreement, the Purchaser (M/s. CNH Industrial Technology Services (India) Pvt. Ltd.) shall pay a value of Rs.

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40,20,000/- . The unit has requested to consider its request as per Instruction No. 89 dt. 17.05.2018 and Instruction No. 90 dated 03.08.2018. In this regard, the unit has submitted following documents:-

- (i) Copy of Business Transfer Agreement dt. 21.01.2021 signed between M/s. CNH Industrial (India) Private Limited (Seller) & M/s. CNH Industrial Technology Services (India) Private Limited (Purchaser). However, LOA details & location of SEZ unit not mentioned therein.
- (ii) Copy of Board Resolution dated 21.01.2021 of M/s. CNH Industrial (India) Pvt. Ltd. approval (Seller) to sign Business Transfer Agreement with M/s. CNH Industrial Technology Services (India) Private Limited and also resolution in favour of authorized signatories to sign documents on behalf of the company. However, this Board Resolution is in respect of SEZ unit in DLF Cyber City SEZ, Gurugram and not in r/o. SEZ Unit in Artha SEZ, Gr. Noida.
- (iii) Copy of Board Resolution dated 21.01.2021 of M/s. CNH Industrial Technology Services (India) Pvt. Ltd. (Purchaser) approval of sign Business Transfer Agreement with M/s. CNH Industrial (India) Private Limited in relation to SEZ Unit located at Building No. 14, 12th floor, Tower-B, DLF Cyber City, Phase-III, Gurugram and also resolution in favour of authorized signatories to sign documents on behalf of the company. However, this Board Resolution is related to SEZ unit in DLF Cyber City SEZ, Gurugram and not in r/o. SEZ Unit in Artha SEZ, Gr. Noida.
- (iv) Undertaking from M/s. CNH Industrial Technology Services (India) Pvt. Ltd. to takeover all the assets and liabilities of M/s. CNH Industrial (India) Pvt. Ltd. in respect of LOA No. 10/12/2020-SEZ/3181 dated 19.03.2020 upon change of entrepreneur. There will be no change in the activities already approved under the aforesaid LOA and undertake to abide the terms & conditions of the aforesaid LOA complying with the SEZ Act 2005 and the SEZ Rules 2006 read with relevant rules / orders / instructions issued time to time.
- (v) Copy of Certificate of Incorporation dt. 30.09.2020, copy of MOA & PAN Card No. AAJCC0077F of M/s. CNH Industrial Technology Services (India) Pvt. Ltd.
- (vi) List of directors of M/s. CNH Industrial (India) Pvt. Ltd.
- (vii) Shareholding pattern of M/s. CNH Industrial (India) Pvt. Ltd. duly certified by Company Secretary, as given below:-

| Name of Shareholder | Nos. of shares | % of shares |
|---|----------------|-------------|
| CNH Industrial Asian Holding Limited NV | 124169001 | 99.99% |
| CNH Industrial Belgium NV | 1 | 0.01% |
| Total : | 124169002 | 100% |

- (viii) Shareholding pattern of M/s. CNH Industrial Technology Services (India) Pvt. Ltd. duly certified by Company Secretary, as given below:-

| Name of Shareholder | Nos. of shares | % of shares |
|---|----------------|-------------|
| CNH Industrial (India) Pvt. Ltd. | 99999 | 99.99% |
| Case New Holland Construction Equipment (India) Private Limited | 1 | 0.01% |
| Total : | 100000 | 100% |

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8.1.2. Vide Instruction No. 89 dated 17.05.2018, DOC has issued guidelines regarding change in shareholding pattern, name change of SEZ Developers and SEZ Unit. As per Para 5(ii) of said guidelines *“Re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of unit located in SEZs may be undertaken with the prior approval of Approval Committee in respect of units subject to the condition that the unit shall not opt out or exit out of the Special Economic Zone and continues to operate as a going concern. All liabilities of the unit will remain unchanged on such reorganization”*.

8.1.3. Further, as per Para 6 of said guidelines, such reorganization shall be subject to the following safeguards:-

- i) *Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity.*
- ii) *Fulfillment of all eligibility criteria applicable, including security clearances etc., by the altered entity and its constituents;*
- iii) *Applicability of and compliance with all Revenue / Company Affairs / SEBI etc. Act/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.*
- iv) *Full financial details relating to change in equity / merger, demerger, amalgamation or transfer of ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.*
- v) *The Assessing Officer shall have the right to assess the taxability of gain / loss arising out the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.*
- vi) *The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.*
- vii) *The unit shall furnish details of PAN and jurisdictional assessing officer of the unit to CBDT.*

8.1.4. Vide Instruction No. 90 dated 03.08.2018, DOC has further clarified that the phrase *‘prior approval of Board of Approval (BoA) / Unit Approval Committee (UAC)’* in para 5(i) & (ii) of the said guidelines in respect of Developer / SEZ unit means that approval of BoA/UAC, as the case may be, taken before the SEZ entity / unit is recognized by the new name or such

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arrangement in all the records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Company Law Tribunal as is being done in some cases came to the notice of the DOC.

8.1.5. Shri Abhinav Singh, CFO, Shri Ashish Sharma, Head-ITC & Shri Rahul Garg, Authorised Representative of M/s. CNH Industrial (India) Pvt. Ltd. joined the meeting through video conferencing and explained the proposal. The representative of the unit informed that M/s. CNH Industrial (India) Pvt. Ltd. is one of the few manufacturers in India who provide complete agriculture solution with the wide range of product like Tractor, Combine Harvester, Sugarcane Harvester, Small square Balers and other agricultural equipment. Currently, M/s. CNH Industrial (India) Pvt. Ltd. is engaged in manufacturing and selling of agriculture equipment from its two manufacturing plants in India (i) Greater Noida Plant: Tractor and Components & (ii) Pune: Combine Harvester and Sugarcane Harvester. It has employed close to 2000 people across its plants and offices across India and has a network of more than 475 dealers across the country to serve the tractor customers. M/s. CNH Industrial (India) Pvt. Ltd. also have large number of resources working for research and development work for the products being manufactured in India. CNH Industrial (parent of CNH India) has decided to leverage the skilled resource pool available in India to expand the footprint of research and development work in India and has already established a new legal entity "CNH Industrial Technology Services India Pvt. Ltd." for performing the R&D work. This new entity will not only perform R&D services for India but also for other CNH Group entities across the world and they expect to employ more than 500 people for the R&D Work. In this regard, M/s. CNH Industrial (India) Pvt. Ltd. has applied for change of entrepreneurship and transfer of LOA No. 10/12/2020-SEZ/3181 dt. 19.03.2020 to M/s. CNH Industrial Technology Services India Pvt. Ltd. The representatives informed that they have submitted the reply of queries received from this office.

8.1.6. After due deliberations, Approval Committee unanimously approved the proposal for change of entrepreneur in respect of LOA No. 10/12/2020-SEZ/3181 dated 19.03.2020 from 'CNH Industrial (India) Private Limited to 'CNH Industrial Technology Services (India) Private Limited' in terms of Instruction No. 89 dated 17.05.2018 & subsequent clarification issued by DOC vide Instruction No. 90 dated 03.08.2018, subject to compliance of safeguards prescribed therein and further subject to on file examination of documents submitted by the unit.



Item No.9: Proposal for exit from SEZ Scheme - Monitoring of performance.

9.1. M/s. NEC Technologies India Pvt. Ltd.

9.1.1. M/s NEC Technologies India Pvt. Ltd. (Unit-I), a unit located at 6th Floor, Building No.9 of Seaview Developers Pvt. Ltd.IT/ITES SEZ at Plot No. 20 & 21, Sector- 135, Noida (U.P.) had applied for exit from SEZ Scheme. The unit had informed that the business operation for Unit-1 has been closed with effect from 31.12.2019 and the last Softex was filed on 06.01.2020. The unit had submitted requisite documents for exit from SEZ Scheme except 'No Dues Certificate' from Local Tax Deptt. i.e. VAT/CST (now SGST) regarding their due up to 30.06.2017 and 'No Dues Certificate' from the Service Tax Deptt. (now CGST/IGST). Letter dt. 05.11.2020 were sent to these departments to forward their 'No Dues Certificate' within 15 days, failing which it would be presumed that their departments have 'No objection' for allowing exit to the unit. However, no reply from these departments has been received so far.

9.1.2. In the meantime, the unit had submitted proposal for change of name to 'NEC Corporation India Pvt. Ltd.', change in shareholding & director of the company, which was placed before the Approval Committee meeting held on 07.01.2021. The Approval Committee observed that the proposal of the unit for change of name & shareholding pattern is not covered under Para 5(ii) of Instruction No. 89 dated 17.05.2018 as the unit has applied for exit from SEZ scheme. The Approval Committee rejected the proposal for change of name.

9.1.2. The performance of the unit as per APRs since inception, is as under:

(Rs. in lakhs)

| Year | FOB value of export | NFE Earnings | Pending Foreign Exchange realization |
|---------------|---------------------|-----------------|--------------------------------------|
| 2014-15 | 8156.8 | 5478.11 | 0.00 |
| 2015-16 | 11148.18 | 8188.82 | 0.00 |
| 2016-17 | 7793.8 | 4519.82 | 0.00 |
| 2017-18 | 5952.57 | 3222.95 | 0.00 |
| 2018-19 | 5847.54 | 3286.60 | 0.00 |
| 2019-20 | 1276.31 | 1095.62 | 0.00 |
| Total: | 40175.2 | 25791.92 | 0.00 |

9.1.3. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 31.03.2020. The Approval Committee also decided to allow exit of the unit after receipt of 'No

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Dues Certificate' from Local Tax Deptt. i.e. VAT/CST (now SGST) regarding their due up to 30.06.2017 and 'No Dues Certificate' from the Service Tax Deptt. (now CGST/IGST).

9.2. **M/s. In2IT Technologies Pvt. Ltd.**

9.2.1. M/s In2IT Technologies Pvt. Ltd. a unit located at Tower-2 of Artha Infratech Pvt. Ltd. IT/ITES SEZ at Plot No.21, Techzone IV, Greater Noida (U.P.) had applied for exit from SEZ Scheme. Accordingly, the unit has been requested to submit requisite NOCs & other documents. The performance of the unit as per APRs since inception, is as under:-

(Rs. in lakhs)

| Year | FOB value of export | NFE Earnings | DTA Sales | Pending Foreign Exchange realization |
|-------------------------|---------------------|-----------------|-------------|--------------------------------------|
| 2014-15 | 217.80 | 217.80 | 0.00 | 0.00 |
| 2015-16 | 1118.00 | 1118.00 | 0.00 | 0.00 |
| 2016-17 | 3991.65 | 3991.65 | 0.00 | 0.00 |
| 2017-18 | 2358.68 | 2358.68 | 0.00 | 0.00 |
| 2018-19 | 1706.15 | 1706.15 | 0.00 | 0.00 |
| 2019-20 (April-June) | 1039.10 | 1039.10 | 0.00 | 0.00 |
| Total: | 10431.38 | 10431.38 | 0.00 | 0.00 |

9.2.2. The unit has requested to grant extension in LOA till 31.03.2021 to complete the exit formalities.

9.2.3. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 30.06.2020. The Approval Committee also decided to extend the LOA of the unit upto 31.03.2021 to complete the exit formalities only, subject to the condition that no import and DTA procurement shall be allowed.

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


(Rajesh Kumar)

Dy. Development Commissioner


(A. Bipin Menon)

Development Commissioner