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डॉ. एल॰ बी॰ सिंघल, विकास आयुक्त, नॉएडा विशेष आर्थिक क्षेत्र की अध्यक्षता मे दिनांक 27/11/2019 को दोपहर 12:00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नॉएडा विशेष आर्थिक क्षेत्र, नॉएडा मे आयोजित मुरादाबाद विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त

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

- 1) Shri S. S. Shukla, Jt. Development Commissioner, NSEZ, Noida.
- 2) Ms. Supriya Yadav, Deputy Commissioner of Customs, ICD Dadri, Noida.
- 3) Smt. Nimisha Sharma, Dy. General Manager (Planning), UPSIDA, Kanpur.
- 4) Shri Chaman Lal, F.T.D.O., O/o Add. DGFT CLA, New Delhi.
- 5) Shri Jogendra Singh, Addl. St. O., O/o Jt. C. I. Moradabad.
- 6) Shri Santosh Kumar, Regional Manager, UPSIDA, Moradabad SEZ.
- 7) Shri Sanjeev Kumar Oberai, Draftsman, UPSIDA, Bareilly.
- 2. Besides, during the meeting (i) Shri R. K. Srivastava, Dy. Development Commissioner, NSEZ (ii) Shri Tapan Bhattacharyya, Specified Officer, Moradabad SEZ, (iii) Dr. V. P. Sharma, Asstt. Development Commissioner, Moradabad SEZ were also present to assist the Approval Committee.
- 3. At the outset, Development Commissioner, NSEZ welcomed the participants. After brief introduction, the performance of the Zone during 2018-19 was informed to the Approval Committee. The Approval Committee was informed that during 2018-19 Exports was Rs. 273.55 Crores and direct/indirect Employment was 6146.
- 4. Approval Committee was informed that after issue of notification for conversion of Moradabad SEZ into three sector specific Zones namely (i) Handicrafts broad banded with engineering sector, (ii) Textile & its broad banded products and (iii) Broad banded IT/ITES/Electronic components & Hardware manufacturing on 21st November 2017 a meeting held under the Chairmanship of Development Commissioner, NSEZ on 12.07.2019 with the developer i.e., UPSIDA for expediting the issues relating to infrastructure development. Thereafter a number of follow up meetings have been held with representatives of UPSIDA at the level of DC/JDC. Also a Joint Committee has also been constituted by Development Commissioner under chairmanship of Jt. Development Commissioner, NSEZ, Noida comprising

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of officials of UPSIDA and Moradabad SEZ officials for reviewing the progress on the issues being faced in Moradabad SEZ.

5. The officials of UPSIDA (formerly LIPSIDC Ltd.) were requested to expedite the issues related to infrastructure development especially regarding (i) making installed Effluent Treatment Plant operational and (ii) installation of Weigh-bridge in the Zone.

Smt. Nimisha Sharma, Deputy General Manager (Planning), UPSIDA informed the Approval Committee that the operationalization of CETP is in advance stage and specific note on its progress will be forwarded by UPSIDA to Moradabad SEZ at an early date. It was also informed that the matter of Weigh Bridge will be immediately taken up with the Managing Director, UPSIDA.

- 6. The Approval Committee again emphasised on the need to take necessary steps for operationalization of already installed CETP and installation of Weigh Bridge in the Zone at the earliest.
- 7. The Approval Committee also emphasized the following in respect of working of units in Moradabad SEZ that:
  - 1. Import and/or use of any item/s which are restricted/ prohibited not to be allowed.
  - 2. The items of export must fall in handicrafts category as per clarification issued by DGFT in Note 1 of Chapter 44 of ITC (HS) Schedule-2 which is as under:
    - "Definition of handicrafts for the purpose of classification:
    - (a) A handicraft must be predominantly made by hand. Machinery can also be used in the manufacturing process as a secondary process.
    - (b) It must be graced with visual appeal in the form of ornamentation or in-lay work or some similar work lending it an element of artistic improvement and such ornamentation must be of a substantial nature and not a mere pretence."
- 8. Approval Committee also directed Specified Officer, Moradabad SEZ and Assistant Development Commissioner, Moradabad SEZ to regularly monitor the working of units in Moradabad SEZ.



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9. Thereafter, each item of the agenda was 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:-

#### 9.1 Ratification of Minutes of last meeting of the Approval Committee held on 16/05/2019

It was informed that no reference against the decisions of the Approval Committee held on 16/05/2019 has been received, and therefore, Approval Committee ratified the Minutes of meeting held on 16/05/2019.

#### 9.2 Proposal of M/s R. J. Creation Inc. to establish new unit in MSEZ – regarding.

- i) It was informed to the Approval Committee that the applicant has proposed to set up a new unit in Moradabad SEZ for manufacturing & export of handicrafts made of Leather, Wooden, Prayer Rugs & Druggets, Glass, Other Handicrafts of Glass, Fashion Accessories (Including costume jewellery), Tin, Box, Iron Artwares, Brass Artwares, Copper Artware, Aluminium Artwares with projected exports of Rs. 942.30 Lakhs and the NFE of Rs. 522.49 Lakhs over a period of five years.
- Shri Najmul Hasan, Partner appeared before the Approval Committee to explain the project. He informed that he is already in the export business for the past 4-5 years and is having a DTA unit for casting which currently employs approximately 10 people. He further informed that the export from DTA unit was to the tune of Rs. 80-90 Lakhs per year during last 4-5 years. He further informed that the proposed SEZ unit is a partnership firm having Shri Najmul Hasan and Shri Mohd. Ali as partners. He also informed that their project would be financed through the partners own funds, through loan from bank and through unsecured loans. He further informed that the proposed unit shall start operation in approx. 06 months, and shall export handcrafted furniture, home decorative items, door handles etc. and will employ approx. 35 persons initially.
- iii) The Approval Committee was informed that M/s R. J. Creation Inc. have not submitted provisional offer of allotment of space by developer and Form-1 (registration Certificate from Registrar of Firms) alongwith Registered Partnership Deed in their proposal for setting up new unit in SEZ.
- iv) Developer (UPSIDA) informed that their servers were hacked in June-July 2019, so it might be the reason due to which the unit's application has not reached their office but they will



surely help in tracking the unit's application for allotment of space after receiving reference number from the unit.

The Approval Committee, after due deliberations, accorded 'In principle' approval to the v) proposal of M/S R. J. Creation Inc. for setting up a new unit in Moradabad SEZ for Manufacturing & export of handicrafts made of Leather, Wooden, Prayer Rugs & Druggets, Glass, Other Handicrafts of Glass, Fashlon Accessories (Including costume jewellery), Tin, Box, Iron Artwares, Brass Artwares, Copper Artware, Aluminium Artwares as per ITC(HS) code list mentioned below:-

	Material	ITC Code	Specific Name Of Products
1	Handicrafts Made Of Brass	74199930	Kitchenware, Tray, Fruit Bowl, Face mask,
	Artwares		Rabbit, Planter, Flower Vase
2	Handcrafted Brass Table	74187419	
	with Glass Top		
3	Handicrafts of Aluminium	76169990	Kitchenware, Tray, Fruit Bowl, Face mask,
	Artwares		Rabbit, Planter, Flower Vase
4	Handcrafted Aluminum	76157616	
	Table with Glass Top		
5	Handicrafts of Glass	70200090	Kitchenware, Tray, Fruit Bowl, Face mask,
	Artwares	;	Rabbit, Planter, Flower Vase
6	Handicrafts of Iron Artwares	73239410	Kitchenware, Tray, Fruit Bowl, Face mask,
			Rabbit, Planter, Flower Vase
7	Handcrafted Leather Items	42022220	Handbags with metal handle, Men's Wallet
8	Handicrafts made of Textile	56050010	Handmade prayer Rugs and Druggets
9	Tin Boxes	80070090	
10	Copper Artwares	74181022	Copper Lota
11	Wooden Artwares	44140000	
12	Fashion Accessories	7117	Artificial Costume Jewellery

However, the Approval Committee directed that the LOA will be issued subject to the vi)



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fulfillment of following conditions:

- 1) The unit submits CA certified report of their Export from DTA unit as claimed by them in the Approval Committee meeting alongwith documentary proof.
- 2) Letter of provisional offer of allotment of space from developer i.e. UPSIDA.
- 3) The unit submits the Registered Partnership deed & Form-1 from Registrar of Firms.

# 9.3 Proposal of M/S Jainsons International – renewal of LOA for next block of 5 years as per provisions of Rule 19(6) of SEZ Rules, 2006.

- i) Approval Committee was informed that M/s Jainsons International was issued LOA No. NSEZ/4-207/2003-MBD/978 dated 14.09.2006. The unit has been allotted Plot No. A-04, Pocket-"A". The unit commenced production on 12.04.2007 and the unit completed their 2nd block of five year on 11.04.2017. It was informed that total export of the unit during 2nd block of 5 years was to the tune of Rs.24.99 lakhs and total Foreign Exchange Outgo was Rs. Nil. Thus, the net foreign exchange earnings by the unit were Rs. 24.99 Lakhs. The Committee was also informed that the Foreign Exchange Pending for realization is NIL.
- ii) It was informed that the LOA of the unit had expired on 11.04.2017 and no request for renewal of LOA was made by the unit, the case was put up in the Approval Committee meetings held on 14.09.2018, 15.02.2019 & 16.05.2019 for review. However during these meetings no one from the unit appeared before the Approval Committee. The Approval Committee in its meeting held on 16.05.2019 had directed that a communication mentioning all the details be sent to the promoters of the unit through registered/speed post on all the official/residential addresses available in our records asking them to ensure the presence of either the partner(s) or authorised representative of the unit along with duly signed authorization letter in the next meeting of Approval Committee failing which decision will be taken on merit on the basis of records available to this office. The Approval Committee had deferred the case for its next meeting.
- iii) Approval committee was informed that now the unit has submitted a letter dated 26.07.2019 stating the reasons for not working in Moradabad SEZ after 01.04.2012. Further, the unit has also submitted revised projection for renewal of LOA in Form F1 as prescribed in Rule 19 (6A) (1) of the amended SEZ Rules, 2006. The unit has also submitted the flow chart and the



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list of ITC (HS) code of specific items.

- Shri S. K. Banerjee, Manager, Jainsons International appeared before the Approval Committee and informed that they were one of the first units to start production in Moradabad SEZ and that they worked continuously for 5 years till 2012 with export amounting to approximately Rs. 1.00 Crores. However during a regular tax assessment by Income Tax Department in 2011, a case was filed against them and a huge tax was imposed. Since Income Tax exemption is one of the major incentive for SEZ unit and that was being questioned they decided to first settle this issue. Due to this they stooped production. He informed that the case is still pending with High Court, Allahabad. However, now they want to restart their manufacturing and export activities in their SEZ unit. He also informed that they have a plot of 20,000 square metres in Moradabad SEZ and that is still under their possession. He further mentioned that they also have a DTA unit for which export sales for year 2018-19 were approximately 15 Crores. Approximately 150 persons are working in that unit.
- v) The Approval Committee, after due deliberations, decided to renew the LOA of the unit for remaining period of 3<sup>rd</sup> block of 5 years i.e. from 12.04.2017 up to 11.04.2022 and directed the unit to start their authorised operations immediately.

## 9.4 Proposal of M/s. SRG Impex - for monitoring of performance in terms of Rule 54 of SEZ Rules, 2006 and renewal of LOA.

- i) The Approval Committee was informed that exports made by the unit in last 5 years of operations are to the tune of Rs. 11534.46 Lakhs and total Import during the same period is to the tune of Rs 3373.55 Lakhs. It was further informed that NFE earned during the said period is to the tune of Rs 8160.91 Lakhs. It was also informed that Foreign Exchange amounting to Rs 5843.48 Lakhs is pending beyond nine months for realization (as on 01.11.2019).
- ii) The Approval Committee was also informed that in its meeting held on 14.09.2018, Shri Gulam Rasool, Partner had appeared before the Approval Committee and stated that they have realized some of the amount pending for realization beyond 9 months. He had also informed that they will try to get it realized within two months' time.
- iii) Approval Committee in its meeting held on 14.09.2018 had directed the representative of unit as under:-



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- to realize the export proceeds before 30.09.2018 and submit proof thereof to ADC, Moradabad SEZ and Specified Officer, Moradabad SEZ or
- 2. to seek extension from AD Bank or RBI as the case may be and submit the same to ADC, Moradabad SEZ and Specified Officer before 30.09.2018 or
- 3. return the drawback amount availed in the matter before 30.09.2018
- iv) It was also directed by the Approval Committee that if the unit fails to take any of the three actions mentioned above, the Specified Officer, Moradabad SEZ will submit a draft Show Cause Notice to Jurisdictional Customs Commissioner for approval by 1st week of October, 2018. It was also directed that in respect of Income Tax benefits the details of such cases should be sent to the concerned Income Tax authorities. The Committee had also decided that this action of recovery shall be independent of any other action, as may be taken under FT (D&R) Act or any other Act/Rules/Regulation by any agency.
- v) Approval Committee was also informed that the Asstt. Commissioner (BRC), ICD Dadri has issued a Demand—cum-Show Cause Notice dated 15.01.2019 to the unit for failing to produce proof of realization of export proceeds to the tune of Rs. 57,47,48,598/- during F.Y. 2016-17 & 2017-18. The SCN has not been adjudicated till date. Ms. Supriya Yadav, Dy. Commissioner Customs, ICD Dadri informed that some old records are required from the unit in connection with adjudication of the same.
- vi) Shri Santosh Kumar, Regional Manager, UPSIDA informed the approval Committee that the unit has pending dues of UPSIDA amounting to approximately Rs. 8.00 Lakhs pertaining to maintenance & other charges.
- vii) Shri Ghulam Rasool, Partner of the unit appeared before the Approval Committee and stated that due to sudden demise of his wife approximately 10 months back, he was not able to focus on business. In addition he also fell ill during that period. He also stated that he was under treatment in Sir Ganga Ram Hospital, Delhi and Apollo Hospital, Delhi for last 9-10 months and now he is feeling better and will be back in business very soon. Shri Rasool stated that at present approximately 15 people are working in his SEZ unit. He also stated that he will apply for time extension for realization of Export proceeds pending beyond nine months with AD Bank/ RBI within 15 days' time and will submit extension from AD Bank/ RBI within 2 months. Shri Rasool also stated that he did not receive any communication about any dues from the Developer and



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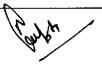
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that he will pay the dues as soon as demand is made by the developer.

- viii) The Approval Committee, after due deliberations, decided as under:
  - 1. Keeping in mind the performance of the unit in its 1<sup>st</sup> block of 5 years, the committee decide to renew the LOA of the unit for 2<sup>nd</sup> block of 5 years (i.e., from 21.11.2019 up to 20.11.2024).
  - 2. Show Cause Notice will be issued to the unit under provisions of the FTDR Act, 1992, if the unit fails to submit BRCs and/or extension from AD Bank/ RBI, as the case may be, within 3 months' time, for unrealized export proceeds pending beyond nine months.
  - 3. The unit must clear all the pending dues of developer i.e. UPSIDA as soon as demand is made.
- ix) Approval Committee also advised representative of the unit to get in touch with Ms. Supriya Yadav, Dy. Commissioner of Customs, ICD Dadri and produce all relevant e-BRCs and other documents as asked for so that the Show Cause Notice dated 15.01.2019 can be adjudicated.

## 9.5 Proposal of M/s Pooja Overseas – Inclusion of additional manufacturing activities as authorized operations in LOA.

- i) Approval Committee was informed that M/s Pooja Overseas was issued LOA No. NSEZ/4-375/2003-MBD/9128 dated 22.08.2016 for "Manufacturing & Export of Handicrafts made of Brass, Aluminium, Iron & Steel Artwares and Handicrafts made of Glass, Wood, MDF Boards & alloy of Metals & Home Décor". The unit vide their letter dated 06.09.2019 had submitted a request for inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts made of Copper, Marble & Stone, Cane/rattan/Bamboo, Bone, Horn, Mop, Resin, Imitation Bead, Ceramic, Hurricane/Lanterns/Lamps and PU Leather" as Authorised Operations in their LOA.
- ii) Approval Committee was informed that prior to submitting request for inclusion of additional manufacturing activities, the unit vide their request dated 01.08.2019 sought one time approval for export of Natural & composite Marble/ Granite/ Other Stone products with ITC(HS) code 68159990.



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- iii) In view of urgency shown by the unit, the Competent Authority, NSEZ had granted one-time permission vide Letter No NSEZ/4-375/2003-MBD/13871 dated 07.08.2019 subject to ratification of decision by the Approval Committee on the following conditions:
  - a) The permission granted is solely for the current order/s not exceeding total Export value of 161691.50 Euro as indicated by unit in their email dated 01.08.2019.
  - b) Only indigenously procured marble/ stone will be used in the products to be exported.
  - c) The products to be exported must fulfill the definition of handicrafts as per Note 1 of Chapter 44 of ITC(HS), schedule-2.
- iv) Shri Dinesh Kapoor, Partner appeared before the approval committee and submitted that they had achieved export sales amounting to Rs. 485.00 Lakhs in 2018-19 and approximately Rs. 400.00 Lakhs in current Financial Year 2019-20 (from 01.04.2019 up to 31.10.2019). 30 persons are working in the unit.
- After due deliberations, the Approval Committee ratified the decision of the Competent Authority, NSEZ for granting one-time permission for export of Natural & composite Marble/Granite/Other Stone products with ITC(HS) code 68159990. Approval Committee also approved the proposal of the unit for inclusion of additional manufacturing activities (as mentioned in para 7.5(i) above) as authorized operations in LOA of M/s Pooja Overseas.

# 9.6 Proposal of M/s Gemini Enterprises – Inclusion of additional manufacturing activities as authorized operations in LOA.

- i) Approval Committee was informed that M/s Gemini Enterprises was issued LOA No. NSEZ/4-403/2003-MBD/12187 dated 22.06.2017 for "Manufacturing & Export of Handicrafts made of Brass, Aluminium, Copper, Iron, and Leather Viz. Planters, Candle Stands, Christmas Hanging, Stars and Dolls." The unit vide their letter dated 06.09.2019 has submitted a request for inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts made of Steel, Zinc, Glass, Wood, Tin and Stone" as Authorised Operations in their LOA.
- ii) Approval Committee was also informed that as on 01.11.2019 the unit has Rs. 0.36 Lakhs of Foreign Exchange pending for realization beyond nine months.
- iii) Shri Sudhir Dutt, Proprietor appeared before the approval committee and submitted that unit has achieved export sales amounting to Rs. 1142.63 Lakhs in current Financial Year 2019-20



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(from 01.04.2019 up to 31.08.2019). He also stated that he is receiving good orders from Overseas buyers for handicraft items and hence export business from his unit is good. Shri Dutt also submitted a copy of email from bank stating that the Foreign Exchange of Rs. 0.36 Lakhs which was pending has already been realized and the e-BRC for the same will be uploaded on DGFT website within a weeks' time.

iv) After due deliberations, the Approval Committee approved the inclusion of additional manufacturing activities as authorized operations (as mentioned in para 9.6(i) above) in LOA of M/s Gemini Enterprises.

#### 9.7 Proposal of M/s Sehar Overseas –

- i) Approval Committee was informed that M/s Sehar Overseas was issued LOA No. NSEZ/4-405/2003-MBD/12423 dated 29.09.2017 for "Manufacturing & Export of Handicrafts made of Brass, Aluminium, Copper, Iron, Wood and Leather Artware." The unit vide their letter dated 20.09.2019 had submitted request (a) for inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts made of Zinc, Glass, Steel & Tin Artware." as Authorised Operations in their LOA and (b) for change in constitution of firm from proprietorship to partnership (with other two partners i.e. Mohd. Adnan Arif and Smt. Shaheen Sabri).
- ii) Approval Committee was informed that the unit commenced in production on 24.09.2018 and that the unit has no Foreign Exchange pending for realization beyond nine months as on 01.11.2019.
- iii) Approval Committee was informed that shareholding pattern of the partners will be as under:-

Mohd. Fahim Ahmad

51 % Share (Current Proprietor)

Mohd. Adnan Arif

39 % Share (New Partner)

Smt. Shaheen Sabri

10 % Share (New Partner)

iv) The Approval Committee was also informed that M/s Sehar overseas has submitted duly notarised partnership deed registered in the office of Registrar of firms. Unit submitted Certificate of registration of firm as Partnership firm along with Form-1 containing list of partners. Company



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PAN Card, IEC, GSTIN in the name of Partnership firm has also been submitted by the unit including, the background portfolio and other documents of two new entered partners i.e. PAN, Passport and ITR of last three years.

- v) Approval Committee was also informed that the Department of Commerce vide their Instruction No. 89 dated 17.05.2018, delegated power/s to Approval Committee as under:
  - "5. (ii) Re-organisation including change of name, change of shareholding pattern, business transfer arrangement, court approved mergers and demergers, change of constitution of units 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."
- vi) Further, the Department of Commerce vide their Instruction No. 90 dated 03.08.2018, issued clarification on Instruction No. 89, which read as under:

"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 units 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 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 this department."

- vii) Mohd Adnan Arif, Proposed Partner appeared before the approval committee and submitted that he is joining the existing firm M/s Sehar Overseas with a share of 39%. He stated that he is currently in metal import business and had a turnover of approximately Rs. 24 Crores in last financial year 2018-19. He currently imports metals from overseas and sells these in DTA market. He stated that once their request for broad-banding in LOA and change in constitution of firm is accepted by Approval Committee, they will start production immediately.
- viii) Shri Santosh Kumar, Regional Manager, UPSIDA informed the Approval Committee that the lease deed of the unit also needs to be updated/executed as per the new constitution of the firm, which has not yet been done by developer.



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- ix) After due deliberations, the Approval Committee approved the following:
- (a) Inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts made of Zinc, Glass, Steel & Tin Artware." as Authorised Operations in the LOA dated 29.09.2017 of M/s Sehar Overseas.
- (b) change in constitution of firm i.e. M/s Sehar Overseas from proprietorship to partnership.

Subject to the condition that the unit must submit consent letter from the developer (i.e. UPSIDA) regarding change in constitution of firm from Proprietorship to partnership.

#### 9.8 Proposal of M/s Neeraj Handicrafts and Packaging Industries –

- i) Approval Committee was informed that M/s Neeraj Handicrafts and Packaging Industries were issued LOA No. NSEZ/4-334/2003-MBD/7580 dated 17.10.2013 for "Manufacturing of Corrugated sheets, Carton box, Printing Box and Duplex Box". The unit has been allotted Plot No. G-85, Pocket-"A". The unit commenced production on 30.06.2014 and the unit completed their 1st block of five year on 29.06.2019. It may be seen hereto above that total export income generated by the unit was to the tune of Rs. 0.63 lakhs and total Foreign Exchange Outgo was Rs. Nil for the 1st block of 5 years i.e. from 30.06.2014 to 29.06.2019. The net foreign exchange earnings by the unit stand at Rs. 0.63 Lakhs and Foreign Exchange Pending for realization is NIL. Approval Committee was informed that the unit did not work in the 1st block of 5 year term except for an IntraSEZ transfer of Goods vide IntraSEZ Transfer No. 0000025 dated 30.06.2014 amounting to Rs. 63410.00.
- since, the LOA of the unit has expired on 29.06.2019 and no request for renewal of LOA was received in this office in time. Now the unit has submitted a letter dated 27.09.2019 stating the reasons for not working in Moradabad SEZ after 30.06.2014 and requested for (a) renewal of LOA for 2nd block of 5 years as per provisions of Rule 19(6) of SEZ Rules 2006 and (b) inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts items made of Iron, Brass, Aluminium, Glass, Leather, Textile, Wood, Horn & Bone and Stainless steel." Further, the unit also submitted revised projection for renewal of LOA in Form F1 as prescribed in Rule 19 (6A) (1) of the amended SEZ Rules, 2006. The unit has also submitted the flow chart and the list of ITC (HS) code of specific items.
- iii) Shri Santosh Kumar, Regional Manager, UPSIDA informed the Approval Committee that



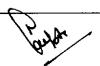
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the unit has dues to the tune of approximately Rs. 7.00 Lakhs of UPSIDA pertaining to maintenance and other charges.

- iv) Shri Dheeraj Rathore, Partner appeared before the Approval Committee and informed that he has a DTA unit in New Delhi which incurred huge losses during 2014-15 and due to this they had to stop production as they did not have sufficient funds for running the SEZ unit. Since the financial conditions have improved so now they want to restart their manufacturing and export activities in their SEZ unit. He also informed that they have Plot No G-85in Pocket-'A' in SEZ and that is still under their possession. Shri Rathore informed the committee that he will export decorative handicraft items and estimated export sales will be approximately Rs. 372.00 Lakhs during 2<sup>nd</sup> block of 5 years (i.e., from 30.06.2019 up to 29.06.2024). Approximately 10-15 persons will be working in the unit. He also stated that once they restart production activities in their SEZ unit, the dues of developer will be paid.
- v) After due deliberations, the Approval Committee approved the following:
  - a) inclusion of additional manufacturing activities viz- "Manufacturing and exports of handicrafts items made of Iron, Brass, Aluminium, Glass, Leather, Textile, Wood, Horn & Bone and Stainless steel." as Authorised Operations in their LOA dated 17.10.2013 and,
  - b) Renewal of LOA of the unit for 2<sup>nd</sup> block of 5 years i.e. from 30.06.2019 up to 29.06.2024 and directed the unit to start their authorised operations immediately.
  - c) The unit must clear all the pending dues of developer i.e. UPSIDA as soon as demand is made.
- 9.9 Proposal of M/s Bright Star Impex— Inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.
  - i) Approval Committee was informed that M/s Bright Star Impex was issued LOA No. NSEZ/4-381/2003-MBD/9412 dated 07.03.2016 for "Manufacturing & Export of Handicrafts items made of Brass, Iron, Glass, Copper, Aluminium, EPNS, Wood, Leather, Resin, Imitation Jewellery, Textile, Tin & Stainless Steel." The unit vide their letter dated 29.08.2019 submitted a request for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.



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- ii) Approval Committee was informed that the request of unit for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA was approved by the Development Commissioner, NSEZ on 03.10.2019 subject to ratification of decision by the Approval.
- iii) After deliberations, the Approval Committee ratified the decision of the Development Commissioner, NSEZ for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.

## 9.10 Proposal of M/s Indian Allied Exports – Inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.

- i) Approval Committee was informed that M/s Indian Allied Exports was issued LOA No. NSEZ/4-48/2003-MBD/8109 dated 31.01.2014 for "Manufacturing and export of Handicrafts items made of Brass, Iron, Glass, Copper, Aluminium, Wood, Stainless Steel, Hand crafted Home décor and Home furnishing and other Indian Handicrafts." The unit vide their letter dated 06.09.2019 submitted a request for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.
- ii) Approval Committee was informed that the request of unit for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA was approved by the Development Commissioner, NSEZ on 03.10.2019 subject to ratification of decision by the Approval.
- iii) After deliberations, the Approval Committee ratified the decision of the Development Commissioner, NSEZ for inclusion of new/additional ITC(HS) Code 44209090 under 'wooden artware/ handicrafts of wood' in Authorised Operations in LOA.

#### 9.11 Proposal of M/s Rajkamal International – Inclusion of ITC(HS) Codes in LOA.

i) Approval Committee was informed that M/s Rajkamal International was granted LOA No. NSEZ/4-313/2003-MBD/4747 dated 03.08.2011for "Manufacturing and export of Metal & Handicrafts Artware." The unit commenced in production on 14.08.2015. The unit has made exports to the tune of Rs. 1844.82 Lakhs (01.04.2015 to 31.03.2019) and total Foreign Exchange Outgo is Rs. 81.98 Lakhs. The net Foreign Exchange Earnings by the unit stand at Rs. 1762.84 Lakhs and Foreign Exchange pending for realization beyond stipulated period of nine months is



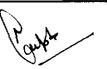
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77.89 Lakhs as on 01.11.2019. It may be mentioned here that the unit was granted LOA for manufacturing and export of Metal & Handicrafts Artware but no specific ITC (HS) codes were submitted by the unit at time of initial LOA.

- ii) Approval Committee was informed that now the unit vide their letter dated 23.09.2019 received in this office on 25.10.2019 has submitted ITS(HS) codes for inclusion in their LOA. The Specified Officer, Moradabad SEZ was requested to furnish his comments, S. O. has submitted that he has examined and tallied the ITC HS codes and item description provided by the unit with list of Handicrafts items published by Export Promotion Council for Handicrafts and found that some of the items are not falling under the said list. However, S. O. suggested that the items may fall in the definition of Handicrafts and may be accepted as handicrafts, only if the unit provide Handicrafts certificate from EPCH for all those ITC(HS) codes not falling in EPCH list.
- iii) Shri Ankit Agarwal, Partner appeared before the Approval Committee and submitted that they were granted LOA for "Manufacturing and export of Metal & Handicrafts Artware" and in the last 04 years have achieved export sales of approximately Rs. 18.50 Crores. He stated that they have submitted ITC(HS) codes for inclusion in their LOA as per requirement of Customs Authorities, Moradabad SEZ. Shri Agarwal also informed the committee that they do not have any Foreign Exchange pending for realization but due to some technical issues with SEZ Online & Bank system, their e-BRC's are not able to upload in time. The committee advised him to explain the issue to JDC who will take up the same with NSDL for early resolution.
- iv) After deliberations, the Approval Committee decided as follows:-
  - The ITC(HS) codes mentioned in Table A below which are already in the EPCH (Export Promotion Council for Handicrafts) approved list of Handicrafts items may be included in LOA of the unit.
  - 2. The ITC(HS) codes mentioned in Table B below which are not in the EPCH (Export Promotion Council for Handicrafts) approved list of Handicrafts items may be included in LOA subject to submission of Certificate of Handicrafts from EPCH by the unit for all specific ITC(HS) codes/items.

#### TABLE - A: -

ITC(HS)/ Items already in the EPCH approved list of Handicrafts.



_	···	
	ITC(HS) CODE	Handicraft Artware of Brass
	74199930	Articles of brass
	ITC(HS) CODE	Handicraft Artware of Copper
	74199940	Copper worked articles
	ITC(HS) CODE	Handicraft Artware of Aluminium
	76169990	Others Articles Of Aluminium N.E.S
	76151030	Other table, kitchen or household articles
İ	ITC(HS) CODE	Handicraft Artware of Glass
	70200029	Other Gls Chimneys
	70200090	Other Articles Of Glass Nes
		Glass Domes, Votives, Lanterns, Jars etc.
	ITC(HS) CODE	Handicraft Artware of Ceramic
	69120020	Ceramic kitchenware
	69120010	Ceramic tableware (e.g. Of imitation porcelain/or semi-porcelain)
	ITC(HS) CODE	Handicraft Artware of Wood
	44209090	Others
	44201000	Statuettes and other ornaments, of wood
	44209010	Wood marquetry and inlaid wood
	44140000	WOODEN FRAMES FORPAINTINGS, PHOTOGRAPHS, MIRRORS OR
		SIMILAR OBJECTS
	94035090	Other Wooden Furniture Used In Bedroom
	94039000	Parts Of Furniture Of Heading 9403
	94036000	Other wooden furniture
	83063000	Photograph, picture or similar frames; mirrors
	94036000	Other Wooden Furniture
	94034000	Wooden furniture of a kind used in the kitchen
	94035090	Other Wooden Furniture Used In Bedroom
	44219060	Parts Of Domestic Decor Articles For Table/Kitchenware
	ITC(HS) CODE	Handicraft Artware of Steel/Iron
	73239200	Of cast iron, enamelled
	ITC(HS) CODE	Handicraft Artware of Lamps and Lighting
	94051020	Wall lamps
	· · · · · · · · · · · · · · · · · · ·	······································



94051010	Hanging lamps, complete fittings
94055010	Hurricane lanterns
ITC(HS) CODE	Handicraft Artware of Horn and Bone
96019040	Worked horn, coral and other animal carving material and articles thereof
96019030	Wrkd Bone(Excl. Whale Bone)And Articles Thereof
ITC(HS) CODE	Handicraft Artware of other Resin, Jute, Leather
96020020	Moulded or carved articles of wax, stearin, natural gumsand resins and
	other mouldedor carved articles

#### <u>TABLE - B :-</u>

ITC(HS)/ Items not	in the EPCH approved list of Handicrafts.
70200021	For lamps and lanterns
44199090	other
94034000	Wooden furniture of a kind used in the kitchen
ITC(HS) CODE	Handicraft Artware of Wax
34049090	Other Artfcl waxes and Prepd waxes Nes.
29157020	Stearic Acid (Wax)
38231190	Other Stearic Acid / Stearin (Wax)
38231119	Palm Stearin: Other (Wax)
34049020	Polyethylene Wax
ITC(HS) CODE	Handicraft Artware of Steel/Iron
73239990	Other Household Utensils And Its Parts N.E.S
73269099	All Other Articles Of Iron/Steel Nes Other Steering Or Rudder Equipment
	For Ships And Boats, N.E.S.
73262090	Other Articles Of Iron Or Steel Wire For Other Use
73239200	Of cast iron, enamelled
94032010	Steel Furniture
94052010	Table Lamps, Complete Fittings
94055010	Hurricane lanterns
94054090	Other Electric Lamps and fittings
94055051	Other Oil Lamps, Metal



ITC(HS) CODE	Handicraft Artware of other Resin, Jute, Leather
83089031	Beads and spangles of base metal for garments made ups, knitwear, plastic and leather goods
41152010	Cuttings of leather
42029100	With outer surface of leather, of composition leather or of patent leather
42050090	Leather handicrafts
53109099	Jute
ITC(HS) CODE	Handicraft Artware of Clocks
91039000	Other Clock with watch movements
91052900	Other Wall Clocks

#### 9.12.1 Proposal of M/S Global Export House – review of performance as per provisions of Rule 54 of SEZ Rules, 2006 - regarding.

- **i**) The Approval Committee was informed that M/s Global Export House was issued LOA No. NSEZ/4-367/2003-MBD/8579 dated 19.09.2014. The unit has been allotted Plot No. G-28, Pocket-"A". The unit commenced production on 20.01.2016 and the LOA is valid up to 19.01.2021.
- It was informed to the Approval Committee that remittances in respect of export proceed ii) amounting to Rs. 89.96 Lakhs (as on 01.11.2019) pertaining to exports made from 01.04.2015 to 31.01.2019 have not been realized within the prescribed time period of nine months.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019 as the unit had Foreign Exchange pending for realization beyond nine months. An email dated 16.05.2019 was received from Shri Mohan Maheshwari, CEO, M/s Global Export House informing that due to sudden demise of his son-inlaw on 13.05.2019 in Meerut, he was unable to attend the Approval Committee meeting. He had also informed that the pending Foreign Exchange amounting to USD 40000.00 has been realized in their Account and the e-BRC for the same will be updated in 2-3 days on DGFT website. He had also informed that he will send the e-BRC through email by 20.05.2019. The Approval Committee, after due deliberations, had taken note of the email dated 16.05.2019 received from Shri Mohan Maheshwari and deferred the case for its next meeting.
- iv) Shri Mohan Maheshwari, CEO, appeared before Approval Committee and submitted bank



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statement stating that Rs. 53.00 Lakhs from the pending Foreign Exchange have already been realized. He stated that he has already applied for time extension to AD Bank/ RBI and the remaining Foreign Exchange will be realized in three installments by December 2019.

- v) Approval Committee, after deliberations, directed the representative of the unit to (i) submit e-BRC's or Bank Certificates clearly mentioning the Shipping Bill Number and its date and (ii) submit extension from AD Bank/ RBI, as the case may be for the Foreign Exchange which has been realized after stipulated permitted period of nine months.
- vi) Further, the Approval Committee deferred the case for monitoring under Rule 54 of SEZ Rules 2006 to its next meeting.

## 9.12.2 Proposal of M/S Guildart Unit-II – review of performance as per provisions of Rule 54 of SEZ Rules, 2006 - regarding.

- i) The Approval Committee was informed that M/s Guildart Unit-II was issued LOA No. NSEZ/4-169/2003-MBD/443 dated 05.07.2005. The unit has been allotted Plot No. D-08, Pocket-"A". The unit commenced production on 18.05.2009 and the LOA is valid up to 17.05.2019.
- ii) Approval Committee was also informed that no Foreign Exchange as on 01.11.2019 in respect of export proceeds pertaining to exports for the period from 01.04.2015 to 31.01.2019 is pending for realization the prescribed time period of nine months.
- Approval Committee was further informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019 as the unit had Foreign Exchange pending for realization beyond nine months. This office vide letter dated 04.06.2019 asked the unit to submit (i) proof of realization of the Foreign Exchange pending beyond nine months or (ii) submit time extension from AD Bank or RBI, as the case may be, for regularization of the Foreign Exchange realized after the stipulated time period of 9 months. The unit vide their letter dated 09.10.2019 submitted documents/ e-BRC for the pending remittance and now no Foreign Exchange is pending for realization beyond nine months.
- iv) Approval Committee took on record, the documents submitted by the unit and noted no Foreign Exchange is pending for realization beyond nine months.

9.12.3 Proposal of M/S Indian Heritage Perfumers – review of performance as per provisions of



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#### Rule 54 of SEZ Rules, 2006 - regarding.

- i) Approval Committee was informed that M/s Indian Heritage Perfumers was issued LOA No. NSEZ/4-342/2003-MBD/7069 dated 16.05.2013. The unit has been allotted Plot No. L-05, Pocket-"A". The unit commenced production on 14.05.2015 and the LOA is valid up to 13.05.2020.
- ii) Approval Committee was informed to the Approval Committee that remittances in respect of export proceed amounting to Rs. 69.76 Lakhs (as on 01.11.2019) pertaining to exports made from 01.04.2015 to 31.01.2019 have not been realized within the prescribed time period of nine months.
- Approval Committee was also informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019 as the unit had Foreign Exchange pending for realization beyond nine months. Shri Suhail Haroon, Partner and Shri Bijendra Singh had appeared before the Approval Committee and informed that they are based in Chennai and due to some other commitments they were not able to look after their Moradabad SEZ unit. They had informed that after completion of Ramzan they will inform Customs Authrities, Moradabad SEZ and will open the container for examination of the contents. They had also informed the Committee that the Foreign Exchange pending for realization has already been realized in the stipulated time but the e-BRC have not been generated by their AD Bank and he also submitted the proof of realization to the Approval Committee.
- iv) The Approval Committee had directed ADC, Moradabad SEZ to check the documents submitted by the unit and get them verified by the issuer AD Bank. The Approval Committee had also directed Shri Suhail Haroon, Partner to actively co-operate with the Customs Officers, Moradabad SEZ in examination of the sealed container lying outside their unit and deferred the case for its next meeting.
- v) Approval Committee was informed that multiple correspondences have been made to the bank issuing realization Certificate for verification of the same but no response has been received from the Bank till date. Neither has the partners shown up for clearance of the container lying outside their unit.
- vi) The unit vide its email dated 19.11.2019 informed ADC, Moradabad SEZ that they will not be able to attend the Approval Committee meeting scheduled on 27.11.2019 due to some



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prior engagements.

- vii) Approval Committee, after due deliberations, directed this office to make efforts to contact the concerned bank for verification of the Bank Realization Certificates.
- viii) Approval Committee further took note of the unit's email dated 19.11.2019 and deferred the case for its next meeting.

#### 9.13.1 Proposal of M/S Switamber International – review of Expired/Lapsed LOA- regarding

- i) The Approval Committee was informed that M/s Switamber International was issued LOA No. NSEZ/4-337/2003-MBD/7582 dated 17.10.2013 for Manufacturing & Export of "Handicrafts & Artware made of Brass, Iron, Stainless Steel, Aluminium, Copper, Ferrous, Non-Ferrous Metal, Glass, Stone, Wax, Horn, Bone, Shell, Wood, Leather & Resine" in Moradabad SEZ. The unit has been allotted Plot No. D-05, Pocket-"A", Moradabad SEZ.
- ii) It was also informed to the Approval Committee that as per records their LOA was valid up to 16.10.2017 and no request for renewal of LOA has been received.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019. It was informed to the Approval Committee that, Unit has not submitted any proof till date to this office regarding transfer proceedings of their plot with UPSIDC Ltd. as stated in their email dated 13.02.2019.
- iv) The Regional Manager, UPSIDA (formerly UPSIDC Ltd.) informed the Approval Committee that no decision can be taken by the developer w.r.t. to the plot of the unit until the unit submits Time Extension Fee (TEF).
- v) No one from the unit appeared before the Approval Committee in its meeting held on 27.11.2019.
- vi) The Approval Committee, after due deliberations, decided that since the unit did not commence in production and since LOA has expired on 16.10.2017 and that no request for extension of LOA is received till date, the LOA of the unit may be treated as cancelled as expired/ lapsed. Approval Committee also directed the developer (i.e., UPSIDA) to take appropriate necessary action at their end in the matter.



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#### 9.13.2 Proposal of M/S Dollar Overseas – review of Expired/ Lapsed LOA- regarding

- i) Approval Committee was informed that M/s Dollar Overseas was issued LOA No. NSEZ/4-345/2003-MBD/7071 dated 16.05.2013 for Manufacturing & Export of "Handicrafts made of Brass, Aluminum, Copper, Zinc, Iron and their Alloy Products" in Moradabad SEZ. The unit has been allotted Plot No. D-10, Pocket-"A", Moradabad SEZ.
- ii) Approval Committee was also informed that as per records the LOA was valid up to 15.05.2015 and no request for renewal of LOA has been received in this office.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019. It was informed to the Approval Committee that no further correspondence with this office has been made by Shri Akhtar Rasool in this matter.
- iv) No one from the unit appeared before the Approval Committee in its meeting held on 27.11.2019.
- v) The Approval Committee, after due deliberations, decided that since the unit did not commence in production and since LOA has expired on 15.05.2015 and that no request for extension of LOA is received till date, the LOA of the unit may be treated as cancelled as expired/ lapsed. Approval Committee also directed the developer (i.e., UPSIDA) to take appropriate necessary action at their end in the matter.

#### 9.13.3 Proposal of M/S Designco Overseas – review of Expired/ Lapsed LOA- regarding

- i) The Approval Committee was informed that M/s Designco Overseas Pvt. Ltd. was issued LOA No. NSEZ/4-379/2003-MBD/9414 dated 07.03.2016 for Manufacturing & Export of "Handicrafts made of Wood, Iron Steel, Steering & Rubber equipment of Ship and glass" in Moradabad SEZ.
- ii) The committee was also informed that as per records the LOA was valid up to 06.03.2017 and no request for renewal of LOA has been received.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019.
- iv) No one from the unit appeared before the Approval Committee in its meeting held on



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v) The Approval Committee, after due deliberations, decided that since the unit did not commence in production and since LOA has expired on 06.03.2017 and that no request for extension of LOA is received till date, the LOA of the unit may be treated as cancelled as expired/ lapsed. Approval Committee also directed the developer (i.e., UPSIDA) to take appropriate necessary action at their end in the matter.

#### 9.13.4 Proposal of M/S Shree Jee Exports – review of Expired/ Lapsed LOA- regarding

- i) Approval Committee was informed that M/s Shree Jee Exports was issued LOA No. NSEZ/4-382/2003-MBD/9411 dated 07.03.2016 for Manufacturing & Export of "Handicrafts made of Brass, Iron, Glass, Copper, Aluminum, Wood, Leather, Imitation Jewelry, Textiles, Tin, Stainless Steel, Home Décor & Furnishing, Rugs & druggets, and Fashion Accessories" in Moradabad SEZ. The unit has been allotted Plot No. F-13, Pocket-"A", Moradabad SEZ.
- ii) Approval Committee was also informed that as per records the LOA was valid up to 06.03.2018 and no request for renewal of LOA has been received in this office.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019.
- iv) No one from the unit appeared before the Approval Committee in its meeting held on 27.11.2019.
- v) The Approval Committee, after due deliberations, decided that since the unit did not commence in production and since LOA has expired on 06.03.2018 and that no request for extension of LOA is received till date, the LOA of the unit may be treated as cancelled as expired/ lapsed. Approval Committee also directed the developer (i.e., UPSIDA) to take appropriate necessary action at their end in the matter.

#### 9.13.5 Proposal of M/S Intra Overseas – review of Expired/ Lapsed LOA- regarding

i) The Approval Committee was informed that M/s Intra Overseas was issued LOA No. NSEZ/4-366/2003-MBD/8578 dated 19.09.2014 for Manufacturing & Export of "Handicrafts made of Brass, Iron, Glass, Copper, Aluminium, Mirror and Acrylic items" in Moradabad SEZ.



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The unit has been allotted Plot No. G-72, Pocket-"A", Moradabad SEZ.

- ii) Approval Committee was also informed that as per records the LOA was valid up to 31.12.2017 and no request for renewal of LOA has been received in this office.
- iii) It was informed that the case of unit was considered in the Approval Committee meetings held on 14.12.2018, 15.02.2019 and 16.05.2019.
- iv) No one from the unit appeared before the Approval Committee in its meeting held on 27.11.2019.
- v) The Approval Committee, after due deliberations, decided that since the unit did not commence in production and since LOA has expired on 31.12.2017 and that no request for extension of LOA is received till date, the LOA of the unit may be treated as cancelled as expired/ lapsed. Approval Committee also directed the developer (i.e., UPSIDA) to take appropriate necessary action at their end in the matter.

#### 9.14 Proposal for approval of Building Plan of the unit by Approval Committee

- i) It was informed to the Approval Committee that Building Plan of M/s Crafts Exim on plot No. H-38, Pocket 'A' have been received after technical evaluation by the UPSIDC Ltd. It was informed that the technical Branch of UPSIDC Ltd has examined the Building Plans of M/s Crafts Exim on plot No. H-38, Pocket- 'A' and found it in order as per relevant building byelaws.
- ii) Shri Bilal Khan, Proprietor appeared before the Approval Committee and stated that construction work on his unit is already complete and they have also commenced in production on 18.06.2019.

The Approval Committee accordingly approved the Building Plans in respect of M/s Crafts Exim.

Meeting ended with thanks to the Chair.

(S. S. Shukla)

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(liam)

(Dr. L. B. Singhal)

Jt. Development Commissioner Zonal Development Commissioner