

भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग विकास आयुक्त का कार्यालय

नौएडा विशेष आर्थिक क्षेत्र

नौएडा दादरी रोड, फेस-॥, नौएडा.201305, जिला गौतम बुद्ध नगर Government of India, Min. of Commerce & Industry, Deptt. of Commerce, Office of the Development Commissioner



NOIDA SPECIAL ECONOMIC ZONE

Noida Dadri Road, Phase-II, NOIDA-201305, Distt. Gautam Budh Nagar (UP)

फा. सं. 12/01/2019-प्रोज/ **954**0

दिनांक: \$3./12/2020

सेवा में,

- मुख्य कार्यपालक अधिकारी, न्यू ओखला औधोगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर 6,
- अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उधोग 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 उधोग मंत्रालय, भारत सरकार, उधोग भवन, नई दिल्ली -110001 5.
- उप सचिव (आई एफ-1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग,वित्त मंत्रालय, भारत सरकार, तृतीय तल, 6. जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
- महाप्रबंधक, जिला उधोग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नौएडा।

विषय: दिनांक 04/12/2020 को पूर्वाहन 11:00 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 04/12/2020 को पूर्वाहन 11:00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नौएडा विशेष आर्थिक क्षेत्र, नौएडा मे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत अग्रेषित करने का निर्देश हुआ है।

भवदीय,

संलग्नकः उपरोक्त

(नितिन गुप्ता)

उप विकास आय्क्त

प्रतिलिपि:

- 1. विशेष कार्याधिकारी विकास आयुक्त के सूचनार्थ।
- 2. वैयक्तिक सहायक संयुक्त विकास आयुक्त के सूचनार्थ।
- 3. निर्दिष्ट अधिकारी, नौएडा विशेष आर्थिक क्षेत्र सूचनार्थ एवं आवश्यक कार्यवाही के लिए ।
- 4. सचिव, नौएडा विशेष आर्थिक क्षेत्र प्राधिकरण- सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
- 5. सहायक विकास आयुक्त (एडमिन) सूचनार्थ एवं कार्यवृत के हिंदी अनुवाद के लिए।

उप विकास आय्क्त



भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग विकास आयुक्त का कार्यालय

नौएडा विशेष आर्थिक क्षेत्र

नौएडा दादरी रोड, फेस-॥, नौएडा.201305, जिला गीतम बुद्ध नगर Government of India, Min. of Commerce & Industry, Deptt. of Commerce, Office of the Development Commissioner



NOIDA SPECIAL ECONOMIC ZONE

Noida Dadri Road, Phase-II, NOIDA-201305, Distt. Gautam Budh Nagar (UP)

फा. सं.12/01/2019 -प्रोज/ **354** L

दिनांक: 🐫 ./12/2020

सेवा मे,

- कार्यपालक अभियंता, उत्तर प्रदेश पॉवर कारपोरेशन लिमिटेड, इ.यु.डी.डी.-II, सेक्टर 18, नौएडा ।
- उप आयुक्त, व्यापर कर/ SGST, खण्ड-14, सेक्टर -18, नौएडा ।
- क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रद्षण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा ।

विषय: दिनांक 04/12/2020 को पूर्वाहन 11:00 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 04/12/2020 को पूर्वाहन 11:00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नौएडा विशेष आर्थिक क्षेत्र, नौएडा मे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत अग्रेषित करने का निर्देश हुआ है।

संलग्नकः उपरोक्त

(नितिन ग्प्ता) उप विकास आयुक्त

(दिनांक 04/12/2020 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 11:30 AM on 04/12/2020 through video conferencing.

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

- 1) Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
- 2) Shri Ashok Kumar, Superintendent, Customs, Noida Commissionerate.
- 3) Shri Rakesh Kumar, FTDO, O/o Addl. DGFT, CLA, New Delhi.
- 4) Ms. Anjali Meena, Income Tax Officer, Income Tax Deptt., Noida.
- 5) Shri Mukesh Goyal, Manager, New Okhla Industrial Development Authority, Noida.
- 6) Shri Mayank Kumar, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- 2. Besides, during the meeting S/Shri (i) Amit Kumar Gupta, Specified Officer, NSEZ, (ii) Nitin Gupta, Dy. Development Commissioner, NSEZ, (iii) Pramod Kumar, Asstt. Development Commissioner, NSEZ, (iv) Arun Singh Parihar, Stenographer, Project Section, NSEZ, (v) K.M. Srivastava, AEE, UPPCB, Noida and (vi) S.K. Bharti, JE, UPPCL, Noida were also present to assist the Approval Committee. It was informed that the stipulated quorum for holding the meeting is available and meeting can proceed.
- 3. At the outset, the Chairman welcomed the participants. After brief introduction, items included in the agenda were taken up for deliberation one by one. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the units, the following decisions were unanimously taken:-

(i) Ratification of Minutes of last meeting of the Approval Committee held on 19/10/2020.

It was informed that no reference against the decisions of the Approval Committee held on 19/10/2020 was received and, therefore, Minutes of the meeting held on 19/10/2020 were unanimously ratified by the Approval Committee.

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(ii) Item wise decisions on proposals included in agenda:

1. Proposal of M/s. Taurus Englobe for setting up a new unit in NSEZ.

- 1.1 The Approval Committee was informed that M/s. Taurus Englobe has proposed to set up a new unit in NSEZ for "Manufacturing of Welding Machine Tools and accessories (ITC HS 84689000) (725000 pieces/annum)" with projected exports of Rs. 1990 Lakhs, NFE earnings worth Rs.1990 Lakhs, proposed investment of Rs. 35.00 Lakhs in indigenous plant & machinery/capital goods and; employment of 50 persons, over a period of five years.
- 1.2 Shri Vilas Gupta and Shri Akshit Gupta, partners appeared before the Approval Committee through video conferencing and explained the proposal. Shri Gupta informed that they have already one LOA issued in the name of M/s. Turus Englobe Limited for similar line of business. However, the instant proposal is for different consumers. He further stated that their vision is to produce state-of-the-art welding accessories namely Electrode Holders, Earth Clamps, Ground Clamps, Cable Connectors, Machine Panel Plugs/Sockets, Chipping Hammers, Electrode Quivers/Bench Ovens and MIG/TIG Torches. Their range of products allows customers to buy high quality products from one single supplier, while at the same time providing cost-effective, reliable and user-friendly products. Their primary focus will be on export markets like Europe, UK, USA, South America, Canada, Australia and New Zealand.
- 1.3 Shri Gupta further stated that they will also sub-contract part of manufacturing processes like Forging/casting, Electroplating, Plastic Moulding etc. in DTA which will be approx. 10-15% of the total production process.
- 1.4 The Approval Committee observed that the applicant has not given registered partnership deed of the firm. Shri Gupta informed that they will submit the registered partnership deed at the earliest.
- 1.5 The Approval Committee, after due deliberations, unanimously approved

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the proposal of M/s. Taurus Englobe for "Manufacturing of Welding Machine Tools and accessories (ITC HS 84689000) (725000 pieces/annum)" subject to availability of space. The Approval Committee also directed the applicant to submit copy of partnership deed duly registered with Registrar of Firms.

2. Proposal of M/s. Reyan Impex for setting up a new unit in NSEZ.

- 2.1 The Approval Committee was informed that M/s. Reyan Impex has proposed to set up a new unit in NSEZ for "Manufacturing of Black Pepper Oil (33012935)(6600kgs/annum); Clove Oil(33012918)(1350kgs/annum); Cinnamon Oil (33012907)(900kgs/annum); Almond Oil (33013099)(2350kgs/annum); Cashew Oil (33013099)(1150kgs/annum); Walnuts Oil (33013099) (3250kgs/annum); Black Pepper Powder (09041200)(42900 kgs/annum); Clove Powder(09072000)(12150kgs/annum); Cinnamon Powder (09062000) (26100 kgs/annum); Almond Powder (09109929)(2150kgs/annum); Cashew Powder (09109929) (3350 kgs/annum); Walnuts Powder (09109929)(1250 kgs/annum)" with projected exports of Rs. 2630.00 Lakhs and NFE earnings worth Rs.760.29 Lakhs and proposed investment of Rs. 19.06 Lakhs in indigenous plant & machinery/capital goods and employment of 16 persons, over a period of five years.
- 2.2 It was further informed that the said proposal was also considered by the Approval Committee in its meeting held on 21.09.2020 wherein it had observed that the representative of the applicant firm have no experience of manufacturing and export of the proposed product. The Approval Committee also directed to obtain views of the Spice Board on the various aspects of the project.
- 2.3 Shri Sandeep Aggarwal and Mrs. Pooja Aggarwal, Partners of the firm and Shri Bhorik Yadav, technical person of the applicant firm appeared before the Approval Committee in the said meeting through video conferencing and explained the proposal.
- 2.4 Shri Aggarwal informed that there are 3 major products i.e. essential oils of Clove, Cinnamon, Black pepper. He further informed that they will also

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export the by-products to US, UK. He further informed about the extraction of yield of oils in the following manner:

Raw material	Types of Oil	Oil Extraction %	By- product Spices/ Powder	Total recovery (approx.)	Material Loss (approx.)
Black Pepper	Essential	10-15%	70-75%	90%	10%
Clove	Essential	8-10%	75-80%	90%	10%
Cinnamon	Essential	2-3%	80-87%	90%	10%
Almond	Fixed	45-50%	35-40%	90%	10%
Cashew	Fixed	20-25%	60-65%	90%	10%
Walnut	Fixed	60-70%	15-20%	90%	10%

2.5 On specific enquiry, Shri Aggarwal provided the following yield figures per 100 Kgs of the relevant spices:

Spices	Oil	Powder	Loss
Black Pepper	12-13 kgs	75-80 kgs	7-13 kgs
Clove	8-9 kgs	75-80 kgs	11-17 kgs
Cinnamon	2-3 kgs	80-85 kgs	12-18 kgs

2.6 The Approval Committee noted that there is a variation upto 50% in yield of the different oils. The Approval Committee further observed that Spice Board has informed following:

"As per the details reported by Spice oil/oleoresin Industry, the industrial yield of essential oil of these spices are given below:

Item	Average yield of essential oil (%)
Black Pepper	2-2.5
Clove	15
Cinnamon	2.5-5

It may please be noted that as per the practice followed by the Industry, the by-product after the distillation of spice oil will be used for extracting oleoresin. The average industrial yield reported for spice oleoresin is 15-20%. Once the oleoresin is extracted the remaining material will be termed as spent / husk which cannot be further used for production of spice powders due to the possible residues of solvents used for oleoresin extraction, in the raw



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material.

It is learnt that usage of deoiled spices (raw material after extraction of oil) for producing spice powders are theoretically possible. However, once the spices are subjected to steam distillation, the colour profile, texture and natural feel of material undergoes a significant change and hence it is not advisable to use the deoiled spices for producing spice powders, as proposed by M/s. Reyan Impex.

In view of the above, it is reported that the total recovery of 90% reported by M/s. Reyan Impex for Black Pepper, Cinnamon and Clove does not seem to be practically feasible, as per the prevailing industry practise."

- 2.7 The Approval Committee, after due deliberations, unanimously decided to defer the proposal with following directions:-
 - (i) Matter may again be referred to Spice Board for the 3 spices duly incorporating the submission made by the representatives of the unit as indicated in Para 2.5 above and comments may be sought.
 - (ii) Matter relating to Almonds/Walnut/Cashew may be referred to Cashew Board and APEDA.
 - (iii)In addition matter may be referred to other SEZs seeking clarification as to whether such units are working under their jurisdiction and if so what are details of yield of Oil, powder and wastage per 100 kgs in respect of Black Pepper, Clove and Cinnamon. The details provided by the applicant may also be shared with them.
- 2.8 The Approval Committee also directed that once above clarifications are received, matter may again be placed before Approval Committee for consideration.



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3. Proposal of Maa Amabalika Manufacturers Private Limited for withdrawal of their request for setting up a unit in NSEZ.

- 3.1 The Approval Committee was informed that Maa Amabalika Manufacturers Private Limited had submitted a proposal to set up a new unit in NSEZ for "Manufacturing & Export of Imitation Jewellery (Plain / Studded) (71171100, 71171910, 71171920, 71171990, 71179010, 7119090)[Capacity: 25000kgs/annum]" which was earlier considered by the Approval Committee in its meeting held on 24.08.2020 and subsequent meeting held on 21.09.2020.
- 3.2 It was further informed that the applicant vide its email dated 20.10.2020 has stated that since the company is not able to fulfil the requirements and criteria for setting up a unit in NSEZ, they would like to withdraw their application. The applicant has requested not to deliberate upon the application further in the forthcoming meetings of Approval Committee and consider it withdrawn.
- 3.3 The Approval Committee unanimously took note of the submissions made by applicant and allowed withdrawal of the application as requested by the applicant.

4. Proposal of SynapseIndia Outsourcing Pvt. Ltd. for Renewal of LOA and monitoring of performance.

4.1 The Approval Committee was informed that SynapseIndia Outsourcing Pvt. Ltd. has applied for renewal of LOA for 3rd Block of five years. It was also informed that performance of unit during previous block of five years are as under:

Year	Export	Forex Outgo	NFE Earning	DTA Sale
2015-16	747.96	9.00	738.96	53.27
2016-17	758.50	9.08	749.42	45.14
2017-18	848.13	9.08	839.05	86.74
2018-19	933.11	9.41	923.70	47.47
2019-20	827.91	10.18	817.73	2.44
Total	4115.61	46.75	4068.86	235.06



- 4.2 It was further informed that unit has stated that they have received all the payments against DTA sales in Indian Rupees.
- 4.3 It was also informed that as per Section 2(z)(iii) of SEZ Act 2005, "Services means such tradable services which earn foreign exchange". Hence, the above services worth Rs. 235.06 Lakhs, which have been rendered in DTA against payment in INR, are not as per SEZ Act/Rules.
- 4.4 Shri Vikash Munshi, Manager appeared before the Approval Committee through Video Conferencing. He informed that they are mainly doing exports to USA (approx. 90%) and Britain/ Japan/ Germany etc. He further stated that earlier they were doing DTA sales. However, as soon as they come to know that DTA sale against payment in INR is not allowed, they have stopped the same and during 2019-20, they have done DTA sales worth Rs. 2.44 Lakhs only.
- 4.5 The Approval Committee, after due deliberations, unanimously decided to renew the validity of LOA of the unit for third block of five years i.e. upto 01.04.2025. The Approval Committee also took note of positive NFE earnings by the unit during previous block of five years. The Approval Committee further directed to issue an SCN under Foreign Trade (Development & Regulation) Act for violation of Section 2(z)(iii) of SEZ Act 2005 for receipt of payment against DTA sales of services in INR.
- 5. Proposal in respect of M/s. Thomson Digital [A Division of Thomson Press (India) Limited] for Change in directors and shareholding pattern of the company.
 - 5.1 The Approval Committee was informed that unit has informed about change in directors & shareholding as under:

निदेशको व	के विव	रण (B	efore	
change	as	per	this	
office red	cords)	K.		4
				ı

- 1. Shri Aroon Purie
- 2. Shri D.N. Puri
- 3. Shri Ankoor Purie
- 4. Shri Ashok Kapur
- 5. Shri R.C. Bhargava



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	6. hri R.K. Malh	otra		
परिवर्तन की विवरण				
	Cessation	Appointment		
	1. Shri D.N.	1. Shri Cushrow Jal		
	Purie (w.e.f.	Jassawala (w.e.f.		
	31.03.2009)	01.04.2009)		
	2. Shri Ashok	2. Shri Vinay Kumar		
	Kapur (w.e.f.	Singh (w.e.f.		
	15.11.2014)	01.04.2009)		
		3. Smt. Koel Purie Rinchet		
		(wf. 31.03.2015)		
वर्तमान निदेशको का विवरण	1. Shri Aroon Purie			
(after taking in account	2. Shri Ravindra Chandra Bhargava			
(after taking in account	3. Shri Rakesh Malhotra			
the changes informed	4. Shri Ankoor Purie			
by the unit.)	5. Shri Cushrow Ja			
by the unit.)	6. Shri Vinay Kumar Singh			
	7. Smt. Koel Pu ie Rinchet			

5.2 Details of changes in Shareholding pattern of the company since 2014 have been given as under:-

S.No.	Name of shareholder/	2014/ 2015	2016/ 2017	2018/ 2019	2020
	Director	2015			
1	Mr. Aroon Purie	3.46%	3.46%	3.5%	3.5%
2	Mrs. Rekha Purie	1.04%	1.04%	1.6%	1.6%
3	Mr. Ankoor Purie	2.08%	2.08%	0.5%	0.5%
4	World Media Pvt. Ltd.	58.03%	83.81%	83.81%	93.4%
5	All India Finance & Commerce Pvt. Ltd.	9.6%	9.6%	9.6%	-
6	All India Investment Corporation Pvt. Ltd.	20.3%	-	-	-
7	All India Film Corporation Pvt. Ltd.	5.4%	_	-	-
8	Ms. Kalli Purie Bhandat (Nominee of World Media Pvt. Ltd.)	= 1	0.00% (1 share)	0.00% (1 share)	0.00% (1 share)
9	Ms. Radhika Purie (Nominee of World Media Pvt. Ltd.)	12	0.00% (1 share)	0.00% (1 share)	0.00% (1 share)
10	Ms. Kalli Purie Bhandal	-	-	0.5%	0.5%
11	Ms. Koel Purie Rinchet	-	-	0.5%	0.5%
Chang	e in shareholding		25.7%	26.8%	35.3%
	n as compared to		(new	(new	(new
the sa	me in 2014		shareholders	shareholders	shareholders



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- 0.00%) - 1%) - 1%)

5.3 From the above change in shareholding pattern, it has been observed that mainly there is change in shareholding within the existing shareholders of the company. New shareholders have joined during 2016 & 2018 with only 1% of shares.

5.4 It was informed that as per condition No. 14 of Bond-cum-LUT executed by the unit, the unit is required to intimate any changes in the Board of Directors/Partners, telephone No., E-mail address, Web-Site, Pass port No., Bank Address and Factory address, forthwith, to the Development Commissioner and the Specified Officer.

In the instant case, there were changes in directors during the years 2009, 2014 & 2015. However, unit has never intimated about cessation of old directors/appointment of new directors to this office which should have been intimated forthwith. Further, changes in shareholding pattern were also not informed to this office. This is a violation of condition No. 14 of Bond-cum-LUT executed by unit.

5.5 It was also informed that the DOC vide Instruction No. 89 dated 17/05/2018 has issued guidelines regarding change in shareholding pattern, name change of SEZ Developer and SEZ Units which inter alia states as under:

"5(ii) Re-organisation including Change of name, change in shareholding pattern, business transfer arrangements, court approved mergers and demergers, change in 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.

- 6. 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) Fulfilment 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. Acts/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 in 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 the gain/loss arising out of 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."
- 5.6 It was further informed that DOC vide Instruction No. 90 dated 03/08/2018 has also clarified that "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 some in some cases came to the notice of this department".
- 5.7 The Approval Committee was also informed that M/s. Thomson Digital (LOA dated 16/12/1987) had opted to exit from SEZ scheme. This office vide letter dated 26/03/2018 requested them to complete exit formalities, so as to enable this office to consider issuance of final exit from SEZ scheme. The Approval Committee in its meeting held on 06/06/2018 had extended the validity of LOA upto 31.10.2018 with the direction to the unit to complete the exit formalities within the extended period. However, unit has not completed any exit formalities till date. As ascertained from EM Division, NSEZ, the space allotted to the unit i.e. SDF No. A-5&6, B-11,12,16, NSEZ have been surrendered by the unit.
- 5.8 Shri Mohan Bansal, Account Head of the company, appeared before the Approval Committee through Video Conferencing. He accepted the lapse on the side for not intimating about the changes in directors and shareholding pattern of the company. He further stated that they will submit all the documents related to exit formalities i.r.t. the LOA dated 16/12/1987 at the earliest.
- 5.9 The Approval Committee, after due deliberations, expreseed its



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displeasure on non-compliance of abovementioned condition of the Bond-cum-LUT and directed the representative of the unit to be more careful in future in so far as compliances are concerned. The Approval Committee also directed to inform the unit about the pending documents/ information required for completion of exit formalities in respect of LOA dated 16/12/1987.

6. Proposal of Chandigarh Sweets Limited for Change in directors and shareholding pattern of the company.

6.1 The Approval Committee was informed that unit has informed about change in directors & shareholding as under:

निदेशको के विवरण (Before change as per this office records)	 Mr. Ramesh Aggarwal Mrs. Santosh Aggarwal Mr. Kashish Aggarwal Mr. Sahil Aggarwal 	
परिवर्तन की विवरण		
	Cessation	Appointment (w.e.f. 01.09.2020)
41	Mr. Kashish Aggarwal Mr. Sahil Aggarwal	Mr. Madhu Sudan Aggarwal Mr. Pankaj Aggarwal Mr. Amit Aggarwal
वर्तमान निदेशको का विवरण (after taking in account the changes informed by the unit.)	 Mr. Madhu Sudan A Mr. Pankaj Aggarwa Mr. Amit Agarwal Mr. Ramesh Aggarwa Mrs. Santosh Aggar 	val

6.2 Details of Shareholding pattern before & after change in directors are as under:-

S.No.	Name of shareholder	Before char director		After Change in Directors	
		No. of shares	%	No. of shares	%
1.	Ramesh Aggarwal	1130600	45.22	830600	20.52
2.	Santosh Aggarwal	784400	31.38	568255	14.04
3.	Shiv Shankar	15000	0.60	-	
4.	Hemant Bansal	60000	2.40	0	_
5.	Gajal Bansal	10000	0.40	-	-
6.	Kamlesh Singla	100000	4.00	_	2=
7.	Kashish Aggarwal	157500	6.30	95131	2.35
8.	Sahil Aggarwal	120000	4.80	120000	2.96
9.	Pawan Jain	122500	4.90	-	-
10.	Alka Aggarwal	-	-	5487	0.14



shar	eholding				
Total change in			60.	13%	
	Total	2500000	100	4048434	100
14.	Rishabh Jain	-	-	30000	0.74
13.	Pioneer Securities Pvt. Ltd.	-	-	62369	1.54
12.	Pioneer Facor IT Infradevelopers Pvt. Ltd.	2	3	272013	6.72
11.	Haldiram Manufacturing Company Pvt. Ltd.		-	2064579	51.00

- 6.3 From above, it has been observed that there is 60.13% of change in shareholding pattern of the company. Now, M/s. Haldiram Manufacturing Company Pvt. Ltd. has major shareholding in the company with 51% of shares.
- 6.4 Smt. Taru Gupta, authorized representative of the company, appeared before the Approval Committee through Video Conferencing. She informed that now the company has been taken over by M/s. Haldiram Manufacturing Company Pvt. Ltd. becoming the major shareholder and the new directors are directors of Haldiram Manufacturing Company Pvt. Ltd.
- 6.5 It was informed to her that the change in shareholding pattern is permissible. However, transfer charges are applicable in terms of Authority rules in case the change in shareholding pattern is more than 50%.
- 6.6 It was informed that the DOC vide Instruction No. 89 dated 17/05/2018 has issued guidelines regarding change in shareholding pattern, name change of SEZ Developer and SEZ Units which inter alia states as under:
 - "5(ii) Re-organisation including Change of name, change in shareholding pattern, business transfer arrangements, court approved mergers and demergers, change in 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.
 - 6. 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) Fulfilment 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

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- /SEBI etc. Acts/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 in 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 the gain/loss arising out of 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."
- 6.7 It was further informed that DOC vide Instruction No. 90 dated 03/08/2018 has also clarified that "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 some in some cases came to the notice of this department".
- 6.8 The Approval Committee, after due deliberations, unanimously took note of change in directors and shareholding pattern of company in terms of Instruction No. 89 dated 17/05/2018 read with Instruction No. 90 dated 03/08/2018 subject to submission of remaining documents/information as observed on file and payment of transfer charges in terms of Authority decision.

7. Proposal of M/s. Sriram Compounds for change in partners.

7.1 The Approval Committee was informed that unit has informed about change in directors & shareholding as under:

साझेदारों का विवरण (Existing as	1.Shri Shubh Gautam – 95%
per this office records)	2.Sriram Chempro Pvt. Ltd. – 5%
वर्तमान साझेदारों का विवरण (after	1.Shri Shubh Gautam – 95%
taking in account the changes	2.R S Investments & Holdings – 5%
informed by the unit.) w.e.f.	
01.01.2020	



- 7.2 It was informed that revised partnership deed has been given however the same is not registered by the Registrar of the Firms. It was further informed that the change in partnership has only come to notice after specific query made to the unit by this office vide letter dated 06/03/2020 and unit did not intimate the changes on its own as per Condition No. 14 of Bond-cum-LUT, unit needs to intimate such changes forthwith to Development Commissioner and Specified officer.
- 7.3 Smt. Neetika Deewan, authorized representative of the firm appeared before the Approval Committee through video conferencing. She informed that they are making exports to approx. 52 countries. However, during previous few years, many export orders were cancelled and due to the same their export performance was very low. It was also stated that adverse forex fluctuations also affected them. She mentioned that the induction of R.S. Investments & Holding would enable them to get new export orders given the expertise of the new partner.
- 7.4 It was also informed to the Approval Committee that the validity of LOA of the unit has been extended upto 31/12/2020. The unit has submitted documents/ information related to renewal of LOA which will be examined on file in terms of Rule 19(6A) of SEZ Rules, 2006.
- 7.5 The Approval Committee, after due deliberations, unanimously took note of change in partners and profit/loss sharing ratio of the firm in terms of Instruction No. 89 dated 17/05/2018 read with Instruction No. 90 dated 03/08/2018. On specific request from the representative of unit, the Approval Committee further renewed the validity of LOA of the unit upto 31/03/2021 so that their working will not suffer. A report on export performance would be sought from the firm at the end of the renewed LOA period.
- 8. Proposal in respect of M/s. Agra Products Pvt. Ltd. for review of LOA in view of closure of Case initiated against the unit by Customs.
 - 8.1 The Approval Committee was informed that M/s. Agra Products has been



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issued an LOA dated 18/03/2002 for following activities:

Manufacturing of:

- a) Silver Jewellery studded with stones.
- b) Silverware & gold, diamond jewellery.
- c) Jewellery of silver, gold, palladium and platinum studded and plain, studded with diamond, precious and semi-precious stones and enamel.
- d) Jewellery in white metal and brass plain and studded with real and artificial stones and plain.
- e) Import of semi-finished articles and jewellery in silver, gold, palladium and platinum studded and plain, studded with diamond, precious and semi-precious stones and enamel for further processing and re-export.
- f) Jewellery of other materials viz rubber, wood, threads, leather, steel, any white and yellow metal with silver, gold, platinum and palladium or without them.
- g) Jewellery of other materials viz rubber, wood, threads, leather, steel, any white and yellow metal with silver, gold, platinum and palladium or without them, studded or in combination with precious or semi-precious stones.

Service Activities:

Export of jewellery designing, prototyping and development or any related services pertaining to jewellery industry.

- 8.2 It was further informed that the NSEZ Customs vide its letter dt. 14.10.2020 has informed as under:
 - "1. In year 2017 an inquiry was initiated against M/s. Agra Products Pvt Ltd, Plot No. 94 & 99, NSEZ, Noida on the issue of valuation of goods cleared by unit in DTA. This inquiry resulted into the detection of following issues:
 - a) Unauthorised Operation During the year 2014-15 unit has manufactured 0.999 fineness for which unit imported duty free Fine Silver Grains. But, manufacturing of silver coins was not covered in Letter of Approval (LOA) granted to unit vide F.No. 07/11/2001-Proj/7860 dated 26.07.2013 amended from time to time.

As per Rule 27 of the SEZ Rules, 2007 "A Unit or Developer may import or procure from the Domestic Tariff Area without payment of duty, taxes or cess for authorised operation". But, as per Rule 34 of the SEZ Rules, 2006 "The goods admitted into a Special Economic Zone shall be used by the Unit or the Developer only for carrying out



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the authorized operations but if the goods admitted are utilized for purposes other than for the authorized operations or if the Unit or Developer fails to account for the goods as provided under these rules, duty shall be chargeable on such goods as if these goods have been cleared for home consumption".

Therefore, exemption from payment of import duty which the unit has availed while importing silver grains was wrong and they were not entitled for it as they have utilized duty free imported silver grains for unauthorised operations i.e. manufacturing of Silver Coins. Hence, in terms of Rule 34 of the SEZ Rules, 2006 unit was liable to pay the duty foregone i.e. amounting to Rs. 58,01,746/-along with applicable interest.

b) Under valuation of Goods sold to DTA buyer - During the period 2017-18 unit sold silver items to M/s. ITAL Chains, Wave Mall, Sector-18, Noida who is related party of M/s Agra Products Pvt Ltd, NSEZ. The goods were sold to M/s ITAL Chains at the undervalued price to evade the applicable duty. Therefore, unit was liable to pay the duty on differential value.

In another similar case, M/s Agra Products Pvt Ltd, NSEZ sold the silver beads to M/s Banaras Beads Limited, Varanasi. But, due to quality issue M/s Banaras Beads Limited rejected the said goods. Therefore, unit took the custody of goods and transferred it to its related buyer i.e. M/s ITAL Chains on undervalued price to avoid payment of duty on actual value of the goods. Therefore, in this matter also unit was liable to pay the duty on differential value.

c) Non-payment of appropriate Duty on the "other charges" - During the scrutiny of DTA sale invoices of unit, it was observed that in the invoice unit deliberately splits assessable value of goods into FOB and other charges and pay the duty on FOB value only. But, other charges are nothing but the cost incurred in the



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designing/development of the Jewellery and therefore it should be integral part of the assessable value. Hence, unit was liable to pay the duty on the "other charges" also.

- 2. The investigation process on the above said issues results in the total duty evasion of Rs. 70,18,086/-, interest of Rs. 37,21,086/- and penalty of Rs. 11,70,000/-. However, during the course of investigation M/s Agra Products Pvt Ltd agreed to above issues raised by NSEZ Customs and unit voluntarily deposited all the dues along with applicable interest and penalty vide TR-6 Challans. Further, as the unit deposited the duty along with interest and penalty, therefore unit vide their letter dated 10.06.2019 requested for the closure of case without issuance of Show Cause Notice.
- 3. Further, to consider the request of unit, the case file of M/s Agra Products Pvt Ltd, Plot No. 94 & 99, NSEZ in original was forwarded to competent authority i.e. The Principal Commissioner of Customs, CONCOR Complex, ICD Dadri for perusal and further action. In response to this, Principal Commissioner, Noida Customs Commissionerate, Noida on dated 09.07.2020 accorded the permission on file for closure of the said case."
- 8.3 The Approval Committee was further informed that though the Customs case has been closed, however agreeing to the allegations of violations of prescribed provisions and voluntarily deposition of duty/penalties by the unit proves that the unit has violated the provision of SEZ Rules.
- 8.4 In this regard, Rule 54 of SEZ Rules, 2006 provides as under:
 - "(2) In case the Approval Committee comes to the conclusion that a Unit has not achieved positive Net Foreign Exchange Earning or stipulated Value Addition as specified in Rule 53 or failed to abide by any of the terms and conditions of the Letter of Approval or Bond-cum-Legal Undertaking, without prejudice



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to the action that may be taken under any other law for the time being in force, the said Unit shall be liable for penal action under the provisions of the Foreign Trade (Development and Regulation) Act, 1992."

- 8.5. The Approval Committee, after due deliberations, unanimously decided to issue an SCN to the unit under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 for failing to abide by the terms & conditions of LOA and Bond-cum-LUT.
- 9. Proposal of M/s. Lakshman Overseas for inclusion of additional authorized operations in LOA and review of condition of 100% examination of warehousing goods.
 - 9.1 The Approval Committee was informed that M/s. Lakshman Overseas has submitted a request for inclusion of list of goods for warehousing under ITC HS Chapters (08-15, 17-22, 24-25, 27-34, 37-76, 78-85, 87-88, 90-98) in its authorized operations.
 - 9.2 It was informed that the Approval Committee in its meeting held on 10/06/2020 had allowed to include warehousing of General Merchandising, Industrial Raw Material, Plant & Machinery, Fabrics and Garments, Components and Parts, Spare Parts in its authorized operations of the unit. Now, unit has stated that during the said meeting, it was instructed that submission of HSN Codes in regard to goods intended to be warehoused should be provided to DC office and accordingly they have submitted the list of goods.
 - 9.3 It was informed that no such instruction was issued by Approval Committee in its meeting held on 10/06/2020 as would be evident from the minutes of the said meeting.
 - 9.4 Shri Vikas Aggarwal, representative of the company appeared before the Approval Committee through video conferencing. He informed that Customs has raised the issue regarding categorization of the items under



- 9.4 Shri Vikas Aggarwal, representative of the company appeared before the Approval Committee through video conferencing. He informed that Customs has raised the issue regarding categorization of the items under General Merchandising. He further informed that goods imported by them for manufacturing activity are being subjected for 100% examination by NSEZ Customs. Further, the same procedure is being adopted by Customs for the goods imported/export for warehousing by clients. He stated that examination by opening manufacturing seals of merchandise items leave goods unfit for sale in overseas as well as Indian Market. For example a consumer would never like to buy an open Air-conditioner or a Television Set. He requested to review the condition of 100% examination so that goods do not get damaged during examination.
- 9.5 The Approval Committee observed that the firm has not submitted item wise specific list instead submitted four digit exim codes with broad chapter heading which have many items/goods under ITC HS Chapters which have either import/export policy conditions or are restricted/prohibited for import/export.
- 9.6 The Approval Committee, after due deliberations, unanimously deferred the matter for its next meeting with a direction to unit to submit specific list of items with 8 digit ITC (HS) Code in respect of items for which unit has orders in hand. As regards review of condition of 100% examination of the items imported for warehousing, it was decided that request/concerns raised by the representative of the unit be referred to Specified Officer, NSEZ, for examining the pros and cons and make suitable recommendations for framing guidelines which may be placed before UAC in its next meeting for consideration.
- 10. Proposal of M/s. Knitpro International (Unit-II) for inclusion of additional authorized operations in LOA.
 - 10.1 The Approval Committee was informed that M/s. Knitpro International (Unit-II) has submitted a request for inclusion of manufacturing of Tools &



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exclusively for using the same in their units at NSEZ & Mahindra Worldcity SEZ, Jaipur.

10.2 Shri Shirish Jain, partner and Shri R.C. Jain, Chairman of the firm appeared before the Approval Committee through video conferencing and explained the proposal. Shri RC Jain informed that in order to manufacture various products which are approved in the LOA, they use different types of machineries and other equipment for which different types of Tools, Dies, Spares, Machine Parts, Special Purpose Machineries, etc. are required from time to time in order to ensure smooth functioning of production operations. He further informed that they are currently having a Tool Room/Machine Shop at Plot no. 28-29, NSEZ where such Tools, Dies, Spares, Machine Parts, Special Purpose Machines, etc. are made by a team of highly skilled engineers and technicians. Apart from use of such items at their unit at Plot no. 28-29, NSEZ, they also need these items at their main unit at Mahindra Worldcity SEZ, Jaipur where these can be used for smooth & efficient working of all the machineries and other equipment.

- 10.3 Shri Jain further informed earlier they were undertaking these activities from their DTA unit in Noida. However, their DTA unit is closed last year and they would shift operations to the SEZ for having a tool room to service their machinery.
- 10.4 The Approval Committee, after due deliberations, unanimously approved the proposal of M/s. Knitpro International (Unit-II) for inclusion of manufacturing of Tools & Dies, gauge, Jigs & Fixtures, Machine Spares, Special Purpose Machines (SPM), Machine Components and parts thereof 82072000, (ITC HS 8207300, 82078000, 84592990, 84604019)(Capacity: 60000 Nos/annum) in its LOA exclusively for using the same in their units at NSEZ & also supply to their unit in Mahindra Worldcity SEZ, Jaipur subject to condition that the unit shall not sell/supply these manufactured goods to any third party and unit shall comply with all relevant statutory provisions applicable for such transfer/supply.



- Proposal of M/s. Anantaa GSK Innovations Pvt. Ltd. for setting up a new unit in NSEZ.
 - 11.1 The Approval Committee was informed that M/s. Anantaa GSK Innovations Pvt. Ltd. has proposed to set up a new unit in NSEZ for Trading of Medical Devices & products, Nutrients, Food Supplements, Medicines (all types & brands) (Total 67 items) with projected exports of Rs. 8000 Lakhs and NFE earnings worth Rs.3600 Lakhs and proposed investment of Rs. 30.00 Lakhs in indigenous plant & machinery/capital goods and employment of 15 persons, over a period of five years.
 - 11.2 Shri Hemant Kumar Sharma, director appeared before the Approval Committee through video conferencing and explained the proposal. Shri Sharma informed that they are basically involved in Trading & Distribution of Medical Devices belonging to different divisions like Neurology, Nephrology, Cardiology, Urology and Oncology. Apart from these, company is also working on (i) Personal Care products, (ii) Healthcare Supplements, (iii) Skin Care products (Cosmetics), Non woven Fabric and Pharma.
 - 11.3 Shri Sharma further stated that initially they are proposing to start with trading activities. However, in future, they will involve in manufacturing also with some specific items related to neurology division. In this context, their R&D team will work on it. They are doing market analysis for product consumption in India and globally as well. He further stated that for manufacturing, they will apply separately to take approval accordingly to their project in future. He further stated that
 - 11.4 The Approval Committee observed that Shri Sharma has experience only in the field of Medical Device. The Approval Committee accordingly did not agree to Trading of Nutrients, Food Supplements, Medicines.
 - 11.5 The Approval Committee also observed that Mrs. Arti Sharma, director is also a director in one other company "M/s. New Okhla Engineering and Trading Co. Pvt. Ltd.". It has been further observed that other director in the said company i.e. "M/s. New Okhla Engineering and Trading Co. Pvt. Ltd." is



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a director in M/s. Uniperm International Pvt. Ltd. (an approved NSEZ unit).

11.6 The Approval Committee, after due deliberations, unanimously approved the proposal of M/s. Anantaa GSK Innovations Pvt. Ltd. for "Trading of Medical Devices and products" subject to condition that no DTA sale shall be allowed and further subject to availability of space and submission of revised Form-F and remaining documents. The Approval Committee also directed the applicant to submit a written clarification regarding their relation to M/s. Uniperm International Pvt. Ltd.

12. Proposal of M/s. Om Nanotech Pvt. Ltd. for inclusion of additional authorized operations in LOA.

- 12.1 The Approval Committee was informed that M/s. Om Nanotech Pvt. Ltd. has submitted a request for inclusion of manufacturing of Solid State Drive (SSD) (85235100) in their authorized operations.
- 12.2 Shri Atul Khosla, MD appeared before the Approval Committee through video conferencing and explained the proposal. Shri Khosla informed that global demand for SSD is rapidly increasing. The SSD are very similar to Flash drives that they already manufacture and has the same target customers. He further informed that they will achieve approx. 15-20 % value addition in the said product.
- 12.3 The Approval Committee, after due deliberations, unanimously approved the proposal of M/s. Om Nanotech Pvt. Ltd. for inclusion of manufacturing of Solid State Drive (SSD) (85235100) in their authorized operations.

Meeting ended with a vote of thanks to the Chair.

Jt. Development Commissioner

Development Commissioner