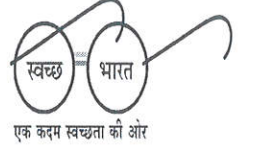




भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग  
विकास आयुक्त का कार्यालय  
नौएडा विशेष आर्थिक क्षेत्र  
नौएडा दादरी रोड, फेस-II, नौएडा-201305, जिला गौतम बुद्ध नगर  
Government of India, Min. of Commerce & Industry, Deptt. of Commerce,  
Office of the Development Commissioner  
NOIDA SPECIAL ECONOMIC ZONE  
Noida Dadri Road, Phase-II, NOIDA-201305, Distt. Gautam Budh Nagar (UP)



फा. सं. 12/01/2019-प्रोज/ 386

दिनांक: 12/01/2021

सेवा में,

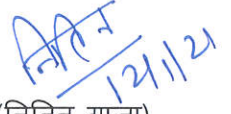
1. मुख्य कार्यपालक अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नौएडा।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली।
3. प्रधान आयकर आयुक्त, आयकर भवन, प्लॉट सं.- ए-2डी, सेक्टर 24, नौएडा।
4. आयुक्त,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

**विषय: दिनांक 05/01/2021 को पूर्वाह्न 11:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।**

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और श्री ए. बिपिन मेनन, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 05/01/2021 को पूर्वाह्न 11:30 बजे विडियो कॉन्फ्रेंसिंग द्वारा आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अद्योषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त

भवदीय,  
  
(नितिन गुप्ता)  
उप विकास आयुक्त

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. उप विकास आयुक्त (एडमिन) - सूचनार्थ एवं कार्यवृत्त के हिंदी अनुवाद के लिए।

उप विकास आयुक्त

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**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 05/01/2021 through video conferencing.**

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

- 1) Shri Ashok Kumar, Superintendent, Customs, Noida Commissionerate.
- 2) Shri Rakesh Kumar, FTDO, O/o Addl. DGFT, CLA, New Delhi.
- 3) Shri Manish Kumar, Income Tax Officer, Income Tax Deptt., Noida.
- 4) Shri Mukesh Goyal, Manager, New Okhla Industrial Development Authority, Noida.
- 5) Shri Garima Mishra, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).

2. Besides, during the meeting Dr. Sharda Sunanda, Secretary General, Confederation of Indian Textile Industry (CITI); 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) Satya Vijay, AEE, UPPCB, Noida, (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 04/12/2020.**

It was informed that no reference against the decisions of the Approval Committee held on 04/12/2020 was received and, therefore, Minutes of the meeting held on 04/12/2020 were unanimously ratified by the Approval Committee.



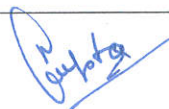


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**(ii) Item wise decisions on proposals included in agenda:**

1.	<p><b>Proposal of M/s. Lakshman Overseas for inclusion of additional authorized operations in LOA and review of condition of 100% examination of warehousing goods.</b></p> <p>1.1 The Approval Committee was informed that M/s. Lakshman Overseas has submitted a request for inclusion of list of 207 items along with their complete ITC HS Code for warehousing in its authorized operations.</p> <p>1.2 It was informed that the said proposal was also considered by the Approval Committee in its meeting held on 04/12/2020 wherein it had 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.</p> <p>1.3 The Approval Committee in its meeting held on 04/12/2020 had 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 considerations.</p> <p>1.4 Shri Vipul Aggarwal, proprietor, Shri Vikas Aggarwal and Shri Ashwani Aggarwal, representatives of the firm appeared before the Approval Committee through video conferencing. Shri Vipul Aggarwal informed that stated that they have a large infrastructure in NSEZ and they intend to build a world class warehousing ecosystem for Indian and foreign companies. He further informed that they have submitted list of 207 items out of which they have few orders for some items and for others the clients are in touch with them.</p> <p>1.5 The Approval Committee observed that unit has also mentioned ITC HS</p>
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40121200 and 40121990 which is for retreaded tyres. The Approval Committee further observed that against some of the proposed items, export or import policy is Restricted/Prohibited.

1.6 The Approval Committee was informed that representatives of APEDA, AEPC, ATMA, TEXPROCIL, CLE, CITI and ACMA were invited for their experts comments on the items proposed to be warehoused but only Dr. S. Sunanda, Secretary General, CITI could attend the meeting.

1.7 Dr. S. Sunanda, Secretary General, CITI present during the meeting raised concern over the import of readymade garments as the same will affect the concept of 'Atmanirbhar Bharat' and will pose a challenge of local garments manufacturers. She further stated that the comments from other departments may also be obtained before taking a decision on the Textile & Garment products.

1.8 Shri Aggarwal informed that the retreaded tyres will be imported as well as procured from DTA and then exported to Malaysia, Bangladesh etc. He further stated that they will ensure that the duties on the imported goods are paid and there will not be any duty diversion.

1.9 With regard to the review of condition of 100% examination of warehousing goods, the matter was discussed and it was informed that NSEZ Customs has provided their comments which is reproduced as under:

*"The matter has been examined and it is submitted that the provision of 100% examination of goods in respect of export, import, DTA sale has been provided by the UAC in its wisdom while giving LOA to the unit. Further the physical examination of the subjected goods is conducted as per CBIC norms and in order to ascertain the veracity of quantity, description, classification and valuation declared by the concerned unit.*

*To that end, and also to obviate the possibility of any revenue leakage, verification of marks, numbers and serial numbers related to the goods is also undertaken along with the visual inspection, due to which opening of packaging of the goods becomes necessary.*

*It may also be mentioned that the warehousing permission was initially given to the unit for a period of eighteen months vide letter*



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*F.No.03/03/2002-Proj/4036 dated 26.06.2020. It is therefore proposed that the UAC may review the matter after expiry of the remaining period of eighteen months and based on the performance of the concerned unit."*

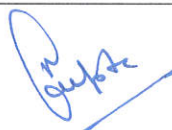
1.10 The Approval Committee observed that the condition for 100% examination of all export/import/DTA clearance of Warehousing goods by Customs in terms of quantity and value, were put by it in its meeting held on 10.06.2020. If the unit was aggrieved of such decision, it could have filed an appeal before the BOA. However, the unit had never approached the BOA against such conditions, especially the condition imposed for 100% examination. Accordingly, it was observed that aforesaid condition cannot be reviewed by this office or Approval Committee.

1.11 The Approval Committee, after due deliberations, deferred the matter for inclusion of additional authorized operations in LOA with the direction to obtain comments from APEDA, AEPC, ATMA, TEXPROCIL, CLE and ACMA on the proposed list and place the matter before it in its next meeting with the comments of these organizations.

**2. Proposal of AF Ferrari Secure Logitech Private Limited for Setting up a new unit in NSEZ.**

2.1 The Approval Committee was informed that M/s. AF Ferrari Secure Logitech Private Limited has proposed to set up a new unit in NSEZ for Warehousing of leather goods, Warehousing of Watches with Precious Metal, Warehousing of other watches with projected exports of Rs. 263.60 Lakhs and NFE earnings worth Rs.231.89 Lakhs and proposed investment of Rs. 38.00 Lakhs in indigenous plant & machinery/capital goods and employment of 3 persons, over a period of five years.

2.2 Shri Rohit J Kharadkar, director, Shri Dauji Gupta and Shri Ashish K Verma authorized representatives of the company appeared before the Approval Committee through video conferencing and explained the proposal. Shri Gupta informed that AF Ferrari brings together the expertise and capabilities of the secured logistics of gems & jewellery and luxury goods as



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well as end-to-end logistics solutions in India, hence providing a bridge for customers between India and the world, filling the gap of a much needed experienced and professional secure logistics service provider in India.

2.3 Shri Kharadkar informed that AF Ferrari Secure Logitech Private Limited is a subsidiary of Ferrari Group incorporated in November 2013 and growing since then. AF Ferrari has presently offices in Mumbai, Surat, New Delhi, Jaipur and Kolkata. He further informed that the company offers quality service, timeliness, flexibility and responsiveness with accurate and customized solutions for high-value merchandise and commodities. He also informed that they also cater to the client in SEEPZ, Mumbai. However, they do not have office in SEEPZ SEZ, Mumbai.

2.4 The Approval Committee observed that the applicant in the project report has informed that a demand of INR 1.25 Crores has been raised by Income Tax Deptt. on company in Dec 2019 against some expenditure disallowance of INR 1.23 Crores. The disallowed expense was for reimbursement of support cost incurred by Ferrari Logistics Middle East for India operations. They have filed an appeal on 01/01/2020 which is due for hearing. Shri Kharadkar informed that they have already deposited 20% of the demand raised as suggested by the Income Tax Deptt. The Approval Committee directed the representative of Income Tax Deptt. to examine the matter and provide his comments on the same as to whether the Income Tax matter reflected by the unit shall have any bearings on the proposal being considered by the Approval Committee.

2.5 The Approval Committee also observed that the applicant has envisaged area of 125 sq.mtrs. It was informed to the applicant that space of 125 sq.mtrs. is currently not available and presently SDFs having area of approx. 500 sq.mtrs are available with zone authority. Shri Kharadkar requested to provide them some time to reassess their proposal as currently they do not require such big space.

2.6 It was also informed to the Approval Committee that few deficiencies



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have been observed in the application.

2.7 The Approval Committee, after due deliberations, unanimously allowed the applicant to submit their revised proposal with respect to the requirement of area in NSEZ along with removal of deficiency as observed in their application. The Committee also directed to send a letter to the member from Income Tax as discussed in para 2.4 above. The Approval Committee further directed to resubmit the proposal before Approval Committee on receipt of revised proposal from the applicant and status of penalty imposed by Income Tax department.

3. **Proposal in respect of M/s. B.S. Fashions for matter related to taking the DCP on records.**

3.1 It was informed that M/s. B.S. Fashions was issued an LOA dated 18/12/2019 for (i) Manufacturing & Export of Cotton Knits Dress (61044200), Cotton Woven Dress (62044220) and Polyester Woven Dress (62044390), (ii) Job-work activity under Rule 41 (1) on behalf of M/s. eShakti.com Pvt. Ltd. subject to condition that 'All the payments against job-work activity shall be realized in Free Foreign Exchange in terms of Section 2(z) of SEZ Act, 2005 and Rule 53(A)(h) of SEZ Rules, 2006'.

3.2 It was further informed that M/s. B.S. Fashions has intimated this office about commencement of production w.e.f. 13/03/2020. However, unit could not file online application for intimation of DCP at SEZonline system as the unit has done job-work activity for M/s. eShakti.com Pvt. Ltd. Further, unit has received payment against such job-work from M/s. eShakti.com Pvt. Ltd. in INR which should have been received in Free Foreign Exchange as per condition of LOA put by the Approval Committee at the time of approval of the project.

3.3 Shri Bhim Singh Yadav, proprietor of firm and Shri Ashish Pradhan, representative of M/s. eShakti.com Pvt. Ltd. appeared before the Approval Committee through video conferencing. Shri Pradhan informed that they are

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currently paying in INR to M/s. B.S. Fashions. He further informed that the first invoice was raised by M/s. B.S. fashions on 13/03/2020. However, the payment against such job-work was released by them in FY 2020-21 in INR.

3.4 It was informed that as per condition of LOA, all the payments against job-work activity should be realized in Free Foreign Exchange. Shri Pradhan assured that he will ensure to abide by the condition and release all the payments in free foreign exchange in future. He further informed that in respect of past payments made in INR, he will review the same and look for mechanism to make payment in free foreign exchange.

3.5 It was also informed that lease rent amounting to Rs. 8,11,254/- (3 qtrs.) is currently outstanding in respect of SDF No. D-15, NSEZ allotted to M/s. B.S. Fashions. Shri Yadav stated that they will clear all the outstanding lease rent by March 2021.

3.6 The Approval Committee after due deliberation deferred the matter with the following directions :-

- (i). M/s B.S. Fashions shall first file all records, including previous ones, for Intra zone transfer/job-work at SEZonline system w.r.t. the invoices raised for job-work activity till date;
- (ii). M/s B.S. Fashions shall make 50% payment of the outstanding lease rent immediately and rest by March, 2021.
- (iii). M/s B. S. Fashions shall ensure that all the payments of job-work activities, including previous ones, received from M/s E-Shakti.com Pvt. Ltd. are realized in Free Foreign Exchange.
- (iv). On receipt of compliance with reference to above directions, the proposal may again be placed before Approval Committee in the next meeting.



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4.

**Proposal of Tech Mahindra Limited (Unit-III) for Enhancement in Capital Goods limit.**

4.1 It was informed that M/s. Tech Mahindra Limited (Unit-III) has submitted an application for enhancement of capital goods to Rs. 7000 Lakhs and Rs. 1100 Lakhs against imported & indigenous Capital Goods respectively.

4.2 Shri Pallav Bhatnagar, representative of the unit appeared before the Approval Committee through video conferencing. Shri Bhatnagar informed that they have utilized imported CG limit of Rs. 977.84 Lakhs. As per their future plans, they need additional imported and indigenous capital goods. Accordingly, they have submitted proposal of enhancement in capital goods.

4.3 Shri Bhatnagar further informed that these capital goods are required by the company to establish Software Testing Labs to test compatibility of the devices. He further informed that they exporting to softwares majorly to USA and UK.

4.4 The Approval Committee observed that unit has been issued LOA for Software Development only and not for software testing lab activity. The Approval Committee also asked Shri Bhatnagar about the CPC Codes of Software Development. Shri Bhatnagar requested for some time to check and inform the same. The Approval Committee informed Sh. Bhatnagar that the LOA needs to be amended before Capital enhancement of software testing activities for devices allowed.

4.5 The Approval Committee, after due deliberations, unanimously approved the proposal of capital goods enhancement with the direction to the unit to submit a proposal for inclusion of software testing lab activity in its LOA for which capital enhancement has been requested. The Approval Committee also directed the unit to confirm the CPC Codes of services i.e. Software Development, being undertaken by the unit along with application for LOA amendment.

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**5. Proposal in respect of Plastic Processors & Exporter Pvt. Ltd. for matter related to violation of condition No. 14 of Bond-cum-LUT regarding non-intimation of Change in director & regd. Office address.**

5.1 It was informed to the Approval Committee that while examining the Bond-cum-LUT executed by M/s. Plastic Processors & Exporter Pvt. Ltd., it was observed that there has been change in directors and regd. Office address of the company. Accordingly, the unit was asked to submit the details related to change in directors and regd. Office address of the company.

5.2 It was further informed that the unit has submitted following details of change:

<b>Directors before change</b>	<b>Directors after change</b>
1. Shri Deo Kishan Kalwani 2. Shri Rajneesh Sharma 3. Shri Asipi Uma Chandra Rao	1. Shri Deo Kishan Kalwani 2. Shri Surendra Kumar Surana (w.e.f. 01.06.2018) 3. Shri Samir Kumar Datta (w.e.f. 01.06.2018)
<b>Registered office before of change</b>	<b>Registered office after of change</b>
R/o H.No. 1087, Katra Ghulam Mohd, Lal Kuan, New Delhi-6	Unit-1007, D mall A1, Netaji Subhash Place, Pitampura Delhi-110034 (w.e.f. 17.10.2016)
Unit-1007, D mall A1, Netaji Subhash Place, Pitampura Delhi-110034	2B, Pretoria Street, Kolkata-700071 (Since 18.09.2018)

5.3 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. However, in the instant case, there were changes in directors during the years June 2018 and changes in regd. Office address during 2016 & 2018. However, unit has never intimated about

*W  
Dy/10/21*



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cessation of old directors/appointment of new directors and change in regd. Office address to this office which should have been intimated forthwith. This is a violation of condition No. 14 of Bond-cum-LUT executed by unit.

5.4 Shri Rajneesh Sharma, representative of the unit appeared before the Approval Committee through video conferencing. He accepted the mistake on their part stated that due to unawareness of the rules they could not intimate this office about change in directors and change in regd. Office address of the company. He assured that such lapse/mistake will not happen in future and apologized for the lapse. He further informed that there is no change in shareholding pattern of the company due to change in directors.

5.5 The Approval Committee, after due deliberations, expressed its displeasure on non-compliance of the condition of the Bond-cum-LUT and warned the representative of the unit to be more careful in future in so far as compliances are concerned. The Approval Committee also unanimously decided to take on records the change in director and change in regd. Office address of the company.

6. **Proposal in respect of M/s. Radha Jewellery Pvt. Ltd. for Monitoring of performance in terms of Rule 54 of SEZ Rules 2006 before issuance of Final Exit.**

6.1 The Approval Committee considered proposal in respect of Radha Jewellery Private Limited for monitoring of performance in view of exit request by the unit. The Approval Committee observed that performance of the unit are as under:

(Rupees in Lakhs)			
Year	Exports	Forex Outgo	NFE Earnings
2012-13	1284.61	1259.62	24.99
2013-14	2003.86	1947.09	56.77
2014-15	1875.91	1872.97	2.94
2015-16	1496.17	1488.42	7.75
2016-17	2119.57	2141.56	-21.99
2017-18	612.75	617.25	-4.50
<b>Total</b>	<b>9392.87</b>	<b>9326.91</b>	<b>65.96</b>

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(दिनांक 05/01/2021 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

\*As per verification sheet provided by nominated CA firm has all APRs have been reported correctly.

6.2 It was also informed that the details of Value addition achievement by the unit against Studded Gold Jewellery from 01.04.2012-31.03.2018 are as under:-

Details received from unit					Details received from Customs NSEZ	
Year	Exports	Inputs	Value Addition achieved	Value addition prescribed	Input	Value addition achieved
22.07.2013-31.03.2014	1,305.57	1248.81	4.55	5	1,923.06 (FY 2013-14)	4.20
01.04.2014-31.03.2015	1,456.86	1387.61	5.00	5	1,384.85	5.20
01.04.2015-31.03.2016	769.43	727.43	5.79	6-7	725.68	6.03
01.04.2016-31.03.2017	763.41	720.29	6.00	6-7	718.51	6.25
01.04.2017-31.03.2018	174.94	165.05	6.00	6-7	164.72	6.20

6.3 The Approval Committee observed that during 2013-14, unit has achieved value addition of 4.20% in respect of studded jewellery as against the prescribed VA norms of 5%. As such there is shortfall of 0.80% of value addition achievement by the unit. The Approval Committee informed the representative of the unit that this shortfall can be regularized on payment of an amount equal to 1% of shortfall in FOB value in terms of Rule 80 of SEZ Rules, 2006. The representative of the unit agreed to pay the amount as soon as they receive a communication in this regard from Noida SEZ.

6.4 Shri Ramesh Dhanak, director and Shri Ajay Dubey, authorized representative of the company appeared before the Approval Committee through video conferencing. Shri Dubey informed that as the main promoter of the company is retiring due to his old age, they have decided to exit from SEZ scheme.

6.5 The Approval Committee monitored the performance in terms of Rule 54



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of SEZ Rules, 2006 and noted achievement of positive NFE earnings by the unit. The Approval Committee also noted that no foreign exchange is pending for realization. The Approval Committee, however directed the unit to pay an amount equal to 1% of shortfall in FOB value in terms of Rule 80 of SEZ Rules, 2006, which shall be calculated and communicated to the unit by the Project Section.

Meeting ended with a vote of thanks to the Chair.



**(Nitin Gupta)**

**Dy. Development Commissioner**



**(A. Bipin Menon)**

**Development Commissioner**