



भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नौएडा विशेष आर्थिक क्षेत्र
नौएडा दादरी रोड, फेज-II, नौएडा - 201305
टेलीफोन: 0120-2567268/69/70

ईमेल: dc@nsez.gov.in, वेबसाइट: www.nsez.gov.in



दिनांक:...../03/2024

सेवा मे,

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।

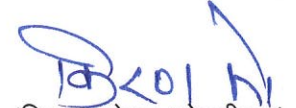
विषय: दिनांक 05/03/2024 को पूर्वाह्न 11:00 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और श्री ए. बिपिन मेनन, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 05/03/2024 को पूर्वाह्न 11:00 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त


भवदीय,


(किरण मोहन मोहाडीकर)
उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ
3. विनिर्दिष्ट 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।
6. कार्यपालक अभियंता, उत्तर प्रदेश पॉवर कारपोरेशन लिमिटेड, इ.यु.डी.डी.-II, सेक्टर - 18, नौएडा।
7. उप आयुक्त, व्यापार कर, खण्ड-14, सेक्टर -18, नौएडा।
8. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा।

: सूचनार्थ


उप विकास आयुक्त

Minutes of the meeting of the Approval Committee, NSEZ held on 05/03/2024**नौएडा विशेष आर्थिक क्षेत्र**

(दिनांक 05/03/2024 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

Minutes of meeting of the Approval Committee of Noida SEZ held under the Chairmanship of Shri A. Bipin Menon, Development Commissioner (DC), Noida SEZ at 11:00 AM on 05/03/2024 through hybrid mode.

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

- (1) Shri Surender Malik, Joint Development Commissioner, NSEZ (Nominee of Department of Commerce in terms of letter dated 23/09/2008).
- (2) Shri S.K. Rao, Assistant Commissioner, Customs, Noida Commissionerate.
- (3) Shri Mayank Kumar, Assistant Manager, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- (4) Shri Jagdish Chander, O/o Additional DGFT, CLA, New Delhi.
- (5) Shri Amit Verma, Income Tax Officer, Income Tax Department, Noida.
- (6) Shri Vinay Kumar, Representative of New Okhla Industrial Development Authority, Noida.

B. Besides, during the meeting S/Shri (i) Kiran Mohan Mohadikar, Dy. Development Commissioner, NSEZ, (ii) Amit Gupta, Specified Officer, NSEZ,, (iii) Prakash Chand Upadhyay, Assistant Development Commissioner, NSEZ, (iv) Bharat Bhushan, Assistant, Project Section, NSEZ, and (v) Rajeev Kumar, J.E., UPPCL were also present to assist the Approval Committee. It was informed that the stipulated quorum for holding the meeting was available and the meeting could proceed.

C. At the outset, the Chairman welcomed the participants. After a brief introduction, the agenda was taken up sequentially. 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:-

D. Item wise decisions on proposals included in agenda:**(1) Ratification of Minutes of last meeting of the Approval Committee held on 20/02/2024.**

There were neither any references nor objections against the decisions of the

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Approval Committee held on 20/02/2024. Hence, the Approval Committee took note of the same and accordingly, the Minutes of the meeting held on 20/02/2024 were unanimously ratified by the Approval Committee.

(2) Balaji Export Co. - Renewal of LOA, amendment in authorized operations and enhancement/updation of production capacity and monitoring of performance.

2.1 It was informed that M/s. Balaji Export Co. had submitted a proposal for renewal of LOA for fifth block of five years i.e. upto 12/10/2028 for "(i) Manufacturing of Plain Gold Jewellery (71131911) (970 kgs/annum); (ii) Import of Outdated, Old Jewellery and Melting the same for Manufacturing of Fresh Jewellery (71131911) (0 kgs/annum); (iii) Manufacturing of Studded Gold Jewellery Precious Semi- Precious Stone (71131915) (100 kgs/annum); Manufacturing of Plain Silver Jewellery (71131141) (400 kgs/annum); (v) Manufacturing of Studded Silver Jewellery (71131145) (210 kgs/annum)".

2.2 It was further informed that unit has not made any export since 2020-21 and currently forex of Rs. 14.24 Lakhs (*pertaining to export dated 12.10.2018 as mentioned in APR*) has been sown pending for realization.

2.3 Shri Sujit Jha, authorized representative of the unit appeared before the Approval Committee and explained the proposal. Shri Jha informed that currently they do not have any export order with them and they are exploring the market for export orders. Shri Jha, however, could not explain the future business plan for renewal of LOA. Shri Jha also informed that they are in process to write-off the pending forex with their bank as the buyer is not paying the amount.

2.4 The Approval Committee discussed the agenda in detail and after due deliberations, decided to defer the proposal with a direction to the unit to submit a proper business plan for the next block of five years along with satisfactory replies to the deficiencies observed. The Approval Committee took a serious view that seniors from the unit were not present for the meeting which was in hybrid mode. Further it directed the unit to ensure that the partners of the firm attend the meeting.

(3) Xavient Software Solutions India Private Limited – Renewal of LOA, amendment in authorized operations and monitoring of performance.

3.1 It was informed that M/s. Xavient Software Solutions India Private Limited had submitted a proposal for renewal of LOA for 4th block of five years i.e. upto



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31/08/2028 for "(i) Software IT & ITES Consulting & Support Services (SAC: 998313); (ii) Software Design, Development and Deployment (SAC: 998314)".

3.2 It was further informed that performance of the unit during the previous block of five years are as under:

Values in Rs. Lakhs						
Year	Export		Forex Outgo	NFE Earning	DTA Sale of finished goods/ services	Pending FE
	Physical	Under Rule 53A(h)				
2018-19 (01.09.18 – 31.03.19)	9434.02	0.00	103.66	9330.36	0.00	0.00
2019-20	15998.65	0.00	110.93	15887.72	0.00	0.00
2020-21	0.00	14546.89	104.77	14442.12	0.00	0.00
2021-22	0.00	17442.21	100.63	17341.58	0.00	0.00
2022-23	0.00	23674.40	113.29	23561.11	0.00	5201.39
Total	25432.67	55663.50	533.28	80562.89	0.00	5201.39

As per NSDL data, unit has made exports (softex) worth Rs. 190.68 Crores during 2023-24 (upto 31.01.2024)

3.3 The Approval Committee monitored the performance of the unit and noted achievement of positive NFE earnings during previous block of five years from 2018-19 (01.09.18-31.03.2019) to 2022-23. The Approval Committee further observed that forex of Rs. 5201.39 Lakhs has been shown pending for realization as on 31.03.2023. The Approval Committee also observed that the unit had shown its export under Rule 53A(h) of SEZ Rules, 2006 during 2020-21 onwards.

3.4 Shri Sanjay Kumar Sharma, authorized representative of the unit appeared before the Approval Committee and explained the proposal. Shri Sharma informed that the pending forex of Rs. 5201.39 Lakhs has already been realized within the prescribed time limit.

3.5 The Approval Committee discussed the agenda in detail and after due deliberations, decided to renew the LOA of unit for remaining period of 4th block of five years i.e. upto 31/08/2028 for the proposed authorized operations. This approval is subject to submission of CPC code of proposed items and a clarification on the exports mentioned under Rule 53A(h) of SEZ Rules, 2006 along with rectification and replies to the deficiencies observed.

(4) Bhatia Software Technologies – (i) Transfer of assets & liabilities at SDF No. 1,3,5-8,12, Trading Block, NSEZ under Rule 74A of SEZ Rules, 2006 in favour of M/s. Bhatia Software Technologies Pvt. Ltd. and (ii) Monitoring of performance.

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4.1 It was informed that M/s. Bhatia Software Technologies had applied for exit from SEZ scheme and transfer of its assets & liabilities including SDF No. 1,3,5-8,12, Trading Block, NSEZ . This transfer was under Rule 74A of SEZ Rules, 2006 in favour of M/s. Bhatia Software Technologies Private Limited. The transfer was approved in-principle by the Approval Committee in its meeting held on 06/12/2022 subject to (i) fulfillment of exit formalities by M/s. Bhatia Software Technologies; and (ii) payment of applicable transfer charges as per NSEZ Authority policy. The unit has submitted documents/NOCs for exit purposes which are being examined separately.

4.2 The Approval Committee observed that the performance of the unit was as under:

Values in Rs. Lakhs					
Year	Export	Forex Outgo	NFE Earning	DTA Sales	Pending FE
1st Block (17.02.2013-16.02.2018)					
2013-14	80.83	0.00	80.83	0.00	0.00
2014-15	270.79	0.00	270.79	0.00	0.00
2015-16	542.80	11.02	531.78	0.00	0.00
2016-17	700.78	1.02	699.76	0.00	0.00
2017-18	684.54	2.98	681.56	0.00	0.00
2018-19 (01.04.18- 16.02.19)	620.29	8.81	611.48	0.00	0.00
Total	2900.03	23.83	2876.20	0.00	0.00
2nd block (17.02.2018-Aug' 23)					
2018-19 (17.02.19- 31.03.19)	122.83	0.00	122.83	0.00	0.00
2019-20	847.22	10.64	836.58	0.00	0.00
2020-21	926.71	0.00	926.71	0.00	0.00
2021-22	1082.85	0.00	1082.85	0.00	0.00
2022-23	1328.47	0.00	1328.47	0.00	0.00
2023-24 (upto Aug 23)	605.37	0.00	605.37	0.00	0.00
Total	4913.45	10.64	4902.81	0.00	0.00

4.3 The Approval Committee monitored the performance and noted achievement of positive NFE Earnings by the unit. The Approval Committee also noted that no export proceeds had been shown pending for realization.

4.4 The Approval Committee further discussed the agenda in detail and after due deliberations, decided to grant final approval to M/s. Bhatia Software Technologies for transfer of assets & liabilities at SDF No. 1,3,5-8,12, Trading Block, NSEZ under Rule 74A of SEZ Rules, 2006 in favour of M/s. Bhatia Software Technologies Private Limited. This approval is subject to (i) fulfilment of exit formalities by M/s. Bhatia Software Technologies; and (ii) payment of applicable transfer charges as per NSEZ Authority policy. The Approval Committee further directed the Project Section, NSEZ to examine the matter of issuance of final exit on file.

Minutes of the meeting of the Approval Committee, NSEZ held on 05/03/2024**(5) Embarc Information Technology Pvt. Ltd. – Monitoring of performance.**

5.1 It was informed that M/s. Embarc Information Technology Pvt. Ltd. had been issued an LOA dated 18/04/2007 for "Vehicle Tracking unit and Accessories along with Software Development Personal Trackers". The LOA of the unit was valid till 20/05/2023. the Unit vide its letter dated 17/11/2022 had applied for exit from the SEZ scheme. The unit had submitted documents/NOCs for exit purposes which were being examined separately.

5.2 The Approval Committee observed that the performance of unit was as under:

Values in Rs. Lakhs					
Year	Export	Forex Outgo	NFE Earnings	DTA Sales	Pending FE
1st block					
2007-08 (21.11.07-31.03.08)	9.85	7.30	2.55	0.39	0.00
2008-09	193.06	71.06	122.00	3.47	0.00
2009-10	132.36	59.69	72.67	15.35	0.00
2010-11	145.17	70.68	74.49	20.28	0.00
2011-12	221.15	112.68	108.47	46.87	0.00
2012-13 (01.04.12-20.11.12)	174.27	109.37	64.90	19.43	0.00
Total	875.86	430.78	445.08	105.79	0.00
2nd Block					
2012-13 (21.11.12-31.03.13)	60.31	33.51	26.80	4.61	0.00
2013-14	347.86	160.53	187.33	18.80	0.00
2014-15	411.37	163.27	248.10	18.67	0.00
2015-16	759.92	137.77	622.15	4.79	0.00
2016-17	295.58	100.04	198.54	0.00	0.00
2017-18 (01.04.17-20.11.17)	29.52	24.37	5.15	7.04	0.00
Total	1907.56	619.49	1288.07	53.91	0.00
3rd Block					
2017-18 (21.11.17-31.03.18)	94.52	28.33	66.19	2.13	0.00
2018-19	101.04	33.75	67.29	6.16	0.00
2019-20	163.54	27.27	136.27	1.60	0.00
2020-21	149.25	18.64	130.61	18.30	0.00
2021-22	155.62	23.47	132.15	0.00	0.00
2022-23	117.34	20.15	97.19	0.00	0.00
Total	781.31	151.61	629.70	28.19	0.00

5.3 It was further informed that Unit had undertaken DTA sale of Rs. 187.89 lakh as per submitted APRs. As per details, unit had made DTA sale of services worth Rs. 36.7 lakh and the currency of receipt of the above sale is in INR. As per Section 2(z)(iii) of SEZ Act, 2005, Services means such tradable services which earn foreign exchange. Hence, this was a violation of Section 2(z)(iii) of SEZ Act, 2005.

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5.4 The Approval Committee monitored the performance and noted the achievement of positive NFE Earnings by the unit. The Approval Committee also noted that no export proceeds had been shown pending for realization.

5.5 The Approval Committee discussed the agenda in details and after due deliberations, directed to grant a personal hearing to the unit in the matter of receipt of payment in INR against DTA sale of services. The payment in INR was a violation of Section 2(z)(iii) of SEZ Act 2005 and it empowered office of DC, NSEZ to adjudicate the matter. The Approval Committee further directed the Project Section, NSEZ to examine the matter of issuance of final exit on file.

(6) Matter related to procurement made by M/s. Royal Exports from M/s. Global Diamonds Private Limited (referred as M/s. GDPL).

6.1 It was informed that as per information received from NSEZ Customs, M/s. Royal Exports had procured Gold/Silver/Platinum/ Diamonds from M/s. Global Diamonds Private Limited in July 2016. The four (4) invoices vide which the goods have been supposedly been transferred to M/s. Royal Exports, NSEZ were as under:

SN	Invoice	Description of item	Amount (INR)
1.	GDPL/2016/001 dtd 21.07.2016	Platinum (Purity 94%) & Platinum Heads & Clips (Purity 94%)	49,59,350/-
2.	GDPL/2016/002 dtd 21.07.2016	Gold(24K), Glod Heads 14K, Gold Clips 14K, Diamonds, Silver, Mixed Alloy, Gold Mounting 10 k	Total 12,15,53,644/- (including diamonds 9418.92 Cts amounting to 11,92,34,108/-)
3.	GDPL/2016/003 dtd 25.07.2016	Platinum	18,00,000/-
4.	GDPL/2016/004 dtd 26.07.2016	Platinum	18,00,000/-
	Total		13,01,12,994/-

6.2 It was also informed that the above transactions were undertaken by M/s GDPL after expiry/cancellation of its LOA by UAC. Further, M/s. Royal Exports had procured goods inter-alia platinum, silver, diamonds from M/s GDPL in July 2016 whereas the platinum/silver jewellery was not a part of the authorized operation. It was pertinent to note that manufacturing of "Silver/Platinum Jewellery plain & studded with diamonds & colour stones" was incorporated in the LOA issued on 30/09/2016.

6.3 Shri Manoj Soni, Partner in M/s. Royal Exports appeared before the Approval Committee and explained the proposal.

6.4 The Approval Committee discussed the agenda in detail and after due deliberations, deferred the proposal with a direction to constitute an Internal

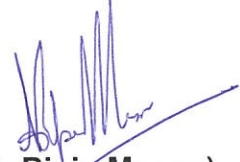
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Committee to examine the matter in detail and submit its report.

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



(Surender Malik)
Joint Development Commissioner



(A. Bipin Menon)
Development Commissioner