

 <p>आज़ादी का अमृत महोत्सव</p>	<p>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: <a href="mailto:dc@nsez.gov.in">dc@nsez.gov.in</a> वेबसाइट: <a href="http://www.nsez.gov.in">www.nsez.gov.in</a></p>
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दिनांक: 12/09/2022

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, प्लाट 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 06/09/2022 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 06/09/2022 को पूर्वाह्न 11:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

भवदीय,



(नितिन गुप्ता)

उप विकास आयुक्त

संलग्नक: उपरोक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र - - सूचनार्थ।
2. निर्दिष्ट अधिकारी, नौएडा विशेष आर्थिक क्षेत्र - सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
3. सचिव, नौएडा विशेष आर्थिक क्षेत्र प्राधिकरण - सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
4. उप विकास आयुक्त (एडमिन) - सूचनार्थ एवं कार्यवृत्त के हिंदी अनुवाद के लिए।
5. कार्यपालक अभियंता, उत्तर प्रदेश पॉवर कारपोरेशन लिमिटेड, इ.यु.डी.डी.-II, सेक्टर - 18, नौएडा।
6. उप आयुक्त, व्यापार कर, खण्ड-14, सेक्टर -18, नौएडा।
7. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदुषण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा।

: सूचनार्थ



उप विकास आयुक्त

(दिनांक 06.09.2022 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

**नौएडा विशेष आर्थिक क्षेत्र**

(दिनांक 06/09/2022 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 06/09/2022 through hybrid mode.**

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

1. Shri Nitin Gupta, Dy. Development Commissioner, NSEZ (Nominee of Deptt. of Commerce in terms of letter dated 23/09/2008).
2. Shri Sunil Kumar, Superintendent Customs, Noida Commissionerate.
3. Smt. Pompei Das, Asstt. Commissioner, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
4. Shri Chaman Lal, Asstt. DGFT, O/o Addl. DGFT, CLA, New Delhi
5. Shri Amit Kumar Verma, Income Tax Officer, Income Tax Deptt., Noida.
6. Smt. Minakshi Narang, Manager, New Okhla Industrial Development Authority, Noida.

B. Besides, during the meeting S/Shri (i) Amit Gupta, Specified Officer, NSEZ, (ii) Pramod Kumar, Asstt. Development Commissioner, NSEZ, (iii) Arun Singh Parihar, Stenographer, Project Section, NSEZ, (iv) Satya Vijay Verma, AEE, UPPCB, Noida and (v) Rajeev Kumar, 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.

C. 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:-

D. Item wise decisions on proposals included in agenda:

**(1) Ratification of Minutes of last meeting of the Approval Committee held on 04/08/2022.**



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It was informed that M/s. Onnsynex Ventures Pvt. Ltd. has submitted a representation for reconsideration against the decision of Approval Committee held on 04/08/2022 which has been included as a separate agenda in the instant meeting. Besides, no other reference against the decisions of the Approval Committee held on 04/08/2022 has been received. The Approval Committee took note of the same and accordingly, Minutes of the meeting held on 04/08/2022 were unanimously ratified by the Approval Committee.

**(2) Indian Ceramic House – Setting up a new unit in NSEZ.**

2.1 Shri Samridh Agarwal and Mr. Sunil Agarwal, partners appeared before the Approval Committee and explained their proposal. The Approval Committee observed that some deficiencies have been observed in the application.

2.2 The Approval Committee discussed the agenda in detail and after due deliberations, directed the applicant to submit copy of GST Return, Procurement & sale invoices of DTA unit along with rectification of deficiencies & submission of documents/ information observed in application and further subject to submission of clarification on mention of uranium in project report.

2.3 The Approval Committee also granted in-principle approval for setting up a unit in NSEZ for proposed items, subject to condition that no DTA Sale shall be allowed. The final approval shall be subject to examination of reply of applicant and ITC(HS) Code of proposed product, on file. The Approval Committee empowered office of DC, NSEZ for examination of information provided by unit and issuance of LOA .

**(3) Taku Medtech Pvt. Ltd. – Setting up a new unit in NSEZ.**

3.1 Shri B.K. Hari, director and Shri Aklush Hari, representative appeared before the Approval Committee and explained their proposal. The Approval Committee observed that some deficiencies have been observed in the application.

3.2 The Approval Committee discussed the agenda in detail and after due deliberations, directed the applicant to rectify the deficiencies & submit documents/ information observed in application along with revised projections & correct annual production capacity.



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3.3 The Approval Committee also granted in-principle approval for setting up a unit for proposed items i.e. "ECG Electrodes (Echo Cardiograph) (90181920)". The final approval shall be subject to examination of reply of applicant on file. The Approval Committee empowered office of DC, NSEZ for examination of information provided by unit and issuance of LOA .

**(4) Popular Card Technology Pvt. Ltd. - Renewal of LOA, enhancement in production capacity, inclusion of additional authorized operations in LOA, change in directors/ shareholding pattern and Monitoring of performance.**

4.1 Shri Jayant Kumar Sahoo, director appeared before the Approval Committee and explained the proposal. He informed that they have not made any physical exports and were only supplying to other units in NSEZ under Rule 53(A). He further informed that proposed additional services will also be done for the same client. Shri Sahoo also informed that earlier they had given production capacity on daily basis whereas now in Form-F1, annual capacity has been mentioned.

4.2 The Approval Committee discussed the agenda in detail and after due deliberations, took following decisions:

(1) The Approval Committee renewed the LOA of unit for remaining period of 3rd block of five years i.e. upto 31/01/2027 for proposed authorized operations/ production capacity given in Form-F1.

(2) The Approval Committee also approved inclusion of additional service activities viz. 'Printing of Plastic Sheets (9988) (39 Lakhs Nos/annum)' & 'Packing of Plastic Card Products (998519)' in LOA subject to the condition that payment against services shall be received in Free Foreign exchange in terms of Section 2(z) of SEZ Act, 2005.

(3) The Approval Committee also took note of change in directors and change in shareholding pattern of the company in terms of Instruction No. 109 dated 18/10/2021 and warned the unit to be careful in timely compliance under SEZ Act/Rules in future.

(4) The Approval Committee further monitored the performance of the unit on

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the basis of submitted APRs and noted achievement of positive NFE by the unit during previous block of five years upto 2020-21. The Approval Committee also directed the unit to submit revised APR for the year 2017-18 mentioning correct details of physical export & supplies under Rule 53(A). The Approval Committee also directed the unit to ensure filing of all the transactions in respective module at SEZonline system.

**(5) Ionique Research Limited - Renewal of LOA.**

5.1 Shri Satish Mehta, director appeared before the Approval Committee and explained the proposal. The Approval Committee observed that unit has been paying lease rent as per given schedule.

5.2 The Approval Committee discussed the agenda in detail and after due deliberations, decided to renew the LOA upto 31/03/2023. The Approval Committee further directed to place the case for further renewal along with complete APRs for review of implementation of project in its meeting to be held in March 2023.

**(6) Kassia Couture LLP - Review of LOA.**

6.1 Shri Pramod Khullar, partner and Shri Vishal Khullar, representative appeared before the Approval Committee and explained the proposal. They informed that they have some export orders of clothing for babies and requested to extend the validity of LOA.

6.2 The Approval Committee observed that lease rent amounting to Rs. 13,31,122/- is outstanding against the unit as on 30.09.2022. Shri Khullar informed that they will deposit Rs. 3 Lakhs against outstanding lease rent in this month and rest shall be cleared soon.

6.3 The Approval Committee discussed the agenda in detail and after due deliberations, decided to extend the validity of LOA of unit upto 15/10/2022 and directed the unit to submit copy of documents related to cancellation of GST of M/s Shimmer International and deposit Rs. 3 lakhs against outstanding lease rent immediately. The approval Committee also directed that further renewal would be



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based on deposit of rent and performance of the unit.

**(7) Pertech Exports Pvt. Ltd. – (i) Renewal of LOA; (ii) clarification regarding transfer of any shipment to any SEZ/EOU/EHTP/STPI company; (iii) Permission to allow DTA sales against foreign exchange on regular basis.**

7.1 Shri Vishal Khullar, director and Shri Pramod Khullar appeared before the Approval Committee and explained the proposal. The Approval Committee observed that lease rent amounting to Rs. 17,18,744/- is outstanding against the unit as on 30.09.2022. Shri Vishal Khullar informed that they will deposit Rs. 3 Lakhs against outstanding lease rent immediately and rest shall be cleared soon.

7.2 The Approval Committee discussed the agenda in detail and after due deliberations, directed the unit to deposit Rs. 3 lakhs against outstanding lease rent immediately and also submit pending documents, including APRs/information reg. change in shareholding/directors etc. The Approval Committee further empowered office of Development Commissioner, NSEZ to take decision on file on receipt of payment of Rs. 3 Lakhs from the unit.

**(8) Novo Technologies Pvt. Ltd. – Intimation in change of Director of the company and inclusion of additional authorized operations in LOA.**

8.1 No one from the unit appeared before the Approval Committee. The Approval Committee observed that initially 50% shareholding was with Mr. Vinay Agarwal and the remaining 50% with Mrs. Parul Agarwal. However, with effect from 30/09/2013, Vinay Agarwal (HUF) is holding 99.5% while the remaining 0.5% is with Mrs. Parul Agarwal.

8.2 The representative of Income Tax Department informed that an individual and HUF are separate entities having separate PAN. Hence, Mr. Vinay Agarwal and Vinay Agarwal (HUF) are different entities.

8.3 The Approval Committee discussed the agenda in detail and after due deliberations, took note of the fact that Mr. Vinay Agarwal and Vinay Agarwal as an HUF are different entities and directed EM Division, NSEZ to examine the matter

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regarding levy of transfer charges, in terms of above observations. The Approval Committee further deferred the proposal of unit for inclusion of additional authorized operations and directed the unit to submit necessary documents/information as asked vide this office letter dated 17/08/2022.

**(9) Lakshman Overseas - Inclusion of additional authorized operations in LOA.**

9.1 Shri Vipul Aggarwal, proprietor of the unit appeared before the Approval Committee and explained the proposal. The Approval Committee observed that description given against one of the ITC(HS) Code i.e. 8537 is incorrect.

9.2 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of additional 6 warehousing items subject to submission of correct ITC(HS) Code/description of the product mentioned with HS 8537 in the agenda.

**(10) Aarshi Overseas Pvt. Ltd. - Inclusion of additional authorized operations in LOA.**

10.1 Shri Raghav Jhunjunwala, director, appeared before the Approval Committee and explained the proposal.

10.2 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of additional warehousing items as per list attached with agenda note with revised code against serial number 12 & 1,3 as intimated by the unit.

**(11) Gujeswori Apparels - Change of name of firm to "M/s. Cenit Inc."; change in partners; ratification of permission granted for inclusion of additional ITC(HS) Codes along with LOA Renewal and Monitoring of performance.**

11.1 The Approval Committee observed that unit needs to submit some documents related to change of name/partners including proof of registration of revised partnership deed. The Approval Committee further observed that unit has been allowed various ITC(HS) Codes, however, the description of authorized operations have been given as "Readymade Garments" only.

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11.2 The Approval Committee discussed the agenda in detail and after due deliberations, took following decisions:

(i) The Approval Committee took note of change of name of firm, change in partners, profit/loss share ratio of the firm in terms of Instruction No. 109 dated 18/10/2021 subject to submission of required documents in this regard including proof of registration of revised partnership deed.

(ii) The Approval Committee ratified the permission dated 29/06/2022 for inclusion of additional ITC(HS) Codes in authorized operations.

(iii) The Approval Committee directed the unit to submit detailed description of each of ITC(HS) Codes allowed under LOA.

(iv) The Approval Committee also monitored the performance of unit for the previous block period i.e. 26 September 2015 to 25 September 2020 as also for the year 2020-21 on the basis of APRs submitted. It noted the achievement of positive NFE earnings by the unit during the said period. The Approval Committee also noted that no export proceeds have been shown pending for realization as on 31/03/2021.

**(12) Dialmaz Exports - Request for remittance of payment of bill of Entry No. 1008229 dated 10/10/2018.**

12.1 The Approval Committee observed that as per Rule 29(7) of SEZ Rules 2006, "A unit may import the goods exported by it which are either found to be defective or damaged by the overseas buyer or have not been taken delivery of by the overseas buyer or when the payment is not forthcoming from the buyer as per agreed schedule after having taken delivery of goods or when buyers return goods due to change of fashion and other market factors by following the procedure under sub-rule (2) and subject to the following conditions namely:- (i) the identity of the goods is established at the time of re-import; and (ii) the goods are re-imported within the warranty period or the validity of the maintenance contract or a period of one year from the date of export, whichever is later".

12.2 The Approval Committee further observed that as per information received



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from NSEZ Customs, "Out of the total gold jewellery purchased by the buyer (M/s Prive Fine Jewellery DMCC, Dubai), 454.31 gm gold jewellery (.750 fineness) having value of USD 37121.55 was returned by the buyer, which was re-imported by the unit vide B/E No.1008229 dt.10.10.2018 i.e within the period of three years in terms of rule 29(7) of SEZ Rules, 2006".

12.3 The Approval Committee, discussed the agenda in detail and after due deliberations came to conclusion that the unit has imported the exported jewellery as per SEZ rules. The Committee directed the office of DC, NSEZ to inform RBI/ unit accordingly.

**(13) Sunglass Palace Pvt. Ltd. – Withdrawal of request for exit & transfer of assets & liabilities at Plot No. 129G/64, NSEZ to M/s. Saanvre FTWZ Services 2006.**

13.1 Shri Arun Malhotra, director, appeared before the Approval Committee and informed that they are in talk with some foreign buyers and expecting to revive its exports business soon. The Approval Committee observed that the unit has been lying non-functional since 2019-20.

13.2 The Approval Committee, discussed the agenda in detail and after due deliberations, deferred the matter with the directions to the unit to submit concrete business plan for revival of unit with updated ITC HS Codes in HS 2022 nomenclature. It decided to review the same in its meeting to be held in November' 2022.

**(14) SSA Infosystems Pvt. Ltd. – Monitoring of performance before consideration of final exit from SEZ scheme.**

14.1 The Approval Committee monitored the performance of unit for the previous & current block period i.e. 2013-14 to 2018-19 (upto 29.09.2018) & 2018-19 (from 30.09.18) to 2021-22 on the basis of APRs submitted upto 2021-22 and noted achievement of positive NFE Earnings by the unit during the said period. The Approval Committee also noted that no export proceeds have been shown pending for realization as on 31/03/2021.

14.2 The Approval Committee also observed that unit has made supplies worth Rs.

105.14 Lakhs under Rule 53A(h) of SEZ Rules, 2006 and all the payments against these supplies have been received in INR. The Approval Committee further observed 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. 105.14 Lakhs, which have been rendered under Rule 53A(h) against payment in INR, are not as per SEZ Act/Rules.

14.3 The Approval Committee, after due deliberations, directed to issue an SCN under Foreign Trade (Development & Regulation) Act, 1992 for violation of Section 2(z)(iii) of SEZ Act 2005 for receipt of payment against supplies of services under Rule 53A(h) in INR. The Approval Committee also empowered the Development Commissioner, NSEZ to issue the SCN and also adjudicate the same upon receipt of written reply/grant of personal hearing and consider the final Exit on file.

**(15) On-graph Technologies Pvt. Ltd. - Monitoring of performance.**

15.1 The Approval Committee monitored the performance of unit for the previous block period i.e. 01/11/2016-31/10/2021 on the basis of APRs submitted upto 2020-21 and noted achievement of positive NFE earnings by the unit during the period. The Approval Committee also noted that no export proceeds have been shown pending for realization as on 31/03/2021.

**(16) Issues related to requirement of Softex Forms.**

16.1 It was informed to the Approval Committee that some of the units have submitted representation against requirement of filing of Softex Forms reasoning that they are not into Software Development or related services but undertake other services like "Marketing research Services, Advertising Services, Design Service across domain" etc.

16.2 The Approval Committee, discussed the agenda in detail and after due deliberations, directed to obtain clarification from RBI on the services being rendered by such units and requirement of filing of Softex against these services.

**(17) La Moda Eleganza - Review of LOA in view of outstanding lease rent.**



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17.1 No one from the unit appeared for the meeting. The Approval Committee took serious note of non-deposition of lease rent and non-appearance of promoters before it.

17.2 The Approval Committee, after due deliberations, deferred the matter and directed to inform the unit to ensure its presence physically before the Approval Committee in the next meeting. It further directed the office of NSEZ that action under the P.P. Act may continue.

**(18) UUDS Magnum Aero Pvt. Ltd. – Review of LOA in view of outstanding lease rent.**

18.1 No one from the unit appeared for the meeting. The Approval Committee took serious note of non-deposition of lease rent and non-appearance of promoters before it.

18.2 The Approval Committee, after due deliberations, deferred the matter and directed to inform the unit to ensure its physical presence before the Approval Committee in the next meeting. It further directed the office of NSEZ that action under the P.P. Act may continue.

**(19) Onnsynex Ventures Pvt. Ltd. - Representation against the decision of Approval Committee.**

19.1 Shri Harshpaul Singh Takkar, director, appeared before the Approval Committee through video conferencing and explained his proposal. The Approval Committee observed that performance of unit during current financial year 2022-23 upto August 2022 is not encouraging.

19.2 The Approval Committee, discussed the agenda in detail and after due deliberations, deferred the matter. It decided to review the same in its December' 2022 meeting based on the performance of unit.

**(20) Bullet International - Exit and Transfer of assets & liabilities including building at Plot No. 187,188,189, NSEZ to M/s. GSR Industries.**

20.1 No one from the unit appeared before the Approval Committee. The Approval



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Committee took serious note of non-compliance with exit formalities by the unit and transfer of assets and liabilities. The Approval Committee directed the Project Section to examine the exit related compliance on file and further directed the unit to submit all the remaining documents related to exit formalities immediately.

20.2 The Approval Committee, after due deliberations, deferred the matter and directed to inform the unit to ensure its presence physically before the Approval Committee in the next meeting.

Meeting ended with a vote of thanks to the Chair.



(Nitin Gupta)  
Dy. Development Commissioner



(A. Bipin Menon)  
Development Commissioner