



भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नौएडा विशेष आर्थिक क्षेत्र
नौएडा दादरी रोड, फेज-II, नौएडा - 201305
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दिनांक: 13/06/2022

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 07/06/2022 को पूर्वाह्न 11:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की यूनिट 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 07/06/2022 को पूर्वाह्न 11:30 बजे विडियो कॉन्फ्रेंसिंग द्वारा 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 पावर 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 प्रदूषण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा।

: सूचनार्थ

उप विकास आयुक्त

दिनांक 07/06/2022 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त

नौएडा विशेष आर्थिक क्षेत्र

(दिनांक 07/06/2022 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 07/06/2022 through video conferencing.

A. The following members of the Approval Committee were present through video conferencing 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 Anil Kumar, Dy. Commissioner of Industries, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP).
3. Shri Sunil Kumar, Superintendent, Customs, Noida Commissionerate.
4. Shri Chaman Lal, FTDO, O/o Addl. DGFT, CLA, New Delhi
5. Shri Sunil Kumar, 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, Assistant Development Commissioner, NSEZ, (iii) Arun Singh Parihar, Stenographer, Project Section, NSEZ, (iv) Satya Vijay Verma, AEE, UPPCB, Noida and (v) 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.

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 04/05/2022.

It was informed that no reference against the decisions of the Approval Committee held on 04/05/2022 has been received. The Approval Committee took note of the same and accordingly, Minutes of the meeting held on 04/05/2022 were unanimously ratified by the Approval Committee.

(2) J & S Exports - Review of LOA.

2.1 Shri Dhruv Jalan, partner appeared before the Approval Committee and explained the proposal. Shri Jalan informed that they have gone through a very rough patch in their business since the past 5-6 years and have only now started to rebuild financials to capitalise business including tying up with some foreign collaborators. Shri Jalan further informed that towards this motive, the partnership firm has been reconstituted as Private Limited Company for which they will be submitting proposal of change in constitution and renewal of LOA very soon. The Approval Committee was informed that the unit had earlier given commitments of clearing the lease rent but had failed to deposit the outstanding lease rent.

2.2 The Approval Committee, discussed the agenda in detail and after due deliberations, deferred the proposal with the direction to unit to clear the entire outstanding lease rent and submit its complete proposal along with business plan, copy of orders, documents related to change of constitution etc. within 15 days of the issue of communication in this regard failing which no further opportunity would be given to the unit and decision shall be taken on the basis of documents available on records. The Committee also directed the unit to forward copies of documents which were previously received regarding alleged change of constitution of firm from partnership to Proprietorship (as indicated in its email dt. 05.06.2022). The matter would then be placed in the next UAC.

(3) Amiga Informatics Pvt. Ltd. - Revision in the authorized operations & change in sector of business and extension in the validity of LOA.

3.1 Shri Dhananjay Pratap Singh, Director appeared before the Approval Committee and explained their proposal. Shri Singh informed that due to leave of officials during Covid, they were not able to file for LOA extension earlier. Moreover, due to the pandemic, they could not start the project of manufacturing of readymade

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garments and now due to uncertainty in export enhancement of garments they would like to utilise their factory for IT/ITES and manufacturing of packing material on separate floors of their NSEZ premises. He further informed that they are already running their IT/ITES business in DTA at A43, Sector 63, Noida and made a turnover of approx. Rs. 30 Crores. They also stated that business tie-ups with many companies viz. Tech Mahindra Ltd. and HCL Limited etc.

3.2 The Approval Committee observed that in its proposal unit had only applied for replacing the existing authorized operations viz. '*Manufacturing of readymade garments & job-work for eShakti.com Pvt. Ltd.*' with "Manufacturing of Cartons, boxes and cases of corrugated paper or paperboard (48191010, 48195010)". There is no proposal for IT/ITES.

3.3 The Approval Committee further observed that the instant proposal is for 4th & 5th year extension in the validity of LOA, beyond 19/02/2021. Further, unit has neither applied for extension of 4th year nor has submitted CE certificate regarding completion of 2/3rd of activities due to which the matter does not fall within the ambit of DC, NSEZ under Rule 19(4) of SEZ Rules, 2006. Hence, the Competent Authority for consideration of any further extension in this case is Board of Approval.

3.4 The Approval Committee discussed the agenda in detail and after due deliberations, directed the unit to submit following:

- (i) Online application for LOA Extension.
- (ii) Complete project report along with details related to IT/ITES.
- (iii) Step by step implementation schedule for the project at Plot No. 115, NSEZ.
- (iv) Chartered Engineer certificate stating that 2/3rd of activities including construction, relating to the setting up of the Unit is complete.



(v) Details of business plan, investment made & incremental investment and physical progress till date as per format prescribed by DOC.

(vi) Reasons for non-compliance with terms & conditions i.e. non-execution of Bond-cum-LUT in respect of LOA Amendment letter dated 24/02/2022.

(vii) Detailed reasons for delay in implementation of project.

(viii) Complete audited Balance sheet of the company for previous two years.

3.5 The Approval Committee further empowered the Development Commissioner to examine the documents/ information submitted by the unit as well as the statements made by them during this UAC meeting. Any further necessary action/decision can be taken on file.

(4) Cooper Pharma Limited - Inclusion of additional authorized operations in LOA.

4.1 Shri Rakesh Bhargava, authorized representative of the unit appeared before the Approval Committee and explained the proposal. The Approval Committee observed that Drug License issued for additional manufacturing activities is for a specific buyer i.e. Mohammed Jahangir Trading LLC, Dubai, UAE and the quantities have been indicated.

4.2 The Approval Committee, discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of additional trading activities as proposed by the unit subject to submission of copy of license for trading items. The Approval Committee also granted approval for proposed additional manufacturing activities only for the specific transaction i.e. exports of the specified quantities (whether in a single or multiple shipments/export documents/dates) to Mohammed Jahangir Trading LLC, Dubai, UAE till the validity of current block of five years in terms of Drug License issued.

(5) Digiflex India Ltd. - Revival of LOA.



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5.1 Shri Arun Khanna, director appeared before the Approval Committee and explained their proposal. The Approval Committee observed that as already communicated to the unit vide letter dt. 26.02.2020, the submitted proposal by the unit is not in line with the decision of High Court.

5.2 The Approval Committee discussed the agenda in detail and after due deliberations, deferred the matter with the direction to the unit to submit its detailed proposal for revival of LOA in line with the scheme of revival approved by Hon'ble High Court along with complete details of proposed authorized operations along with ITC(HS) Code, list of raw material, capital goods, projection for next five years, deposition of outstanding lease rent etc. The unit was also asked to provide reply to the issues raised in the office letter dated 26.02.2020.

(6) Advance Ispat (India) Pvt. Ltd. - Renewal of LOA and Monitoring of Performance.

6.1 It was informed that unit vide its email dated 06/06/2022 has requested to defer the proposal. The Approval Committee, after due deliberations, deferred the proposal for its next meeting.

(7) M.M. Knitwears - Renewal of LOA and Monitoring of Performance.

7.1 Shri Ajit Raghav, authorized representative of the company appeared for the meeting and explained the proposal. The Approval Committee observed that lease rent of nine quarters in respect of Plot No. 100, NSEZ is outstanding. Shri Raghav informed that they will clear entire lease rent by end of June 2022.

7.2 The Approval Committee, discussed the agenda in detail and after due deliberations, directed the unit to clear entire lease rent first. The Approval Committee further empowered DC, NSEZ to examine and consider request of LOA renewal of file subject to deposition of lease rent. The Committee also monitored the performance of the unit upto 31.03.2021 and noted achievement of positive NFE earnings by the unit. The Committee also directed the unit to ensure filing of transaction details of all activities, including intra zone job work in sezone system.



(8) Proteam Computer - Renewal of LOA and Monitoring of Performance.

8.1 No one from the unit appeared for the meeting. The Approval Committee, after due deliberations, deferred the matter for its next meeting.

(9) APK Identification (Delhi) - Change in partners & profit/loss sharing ratio of the firm.

9.1 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal and took note of change in partners & profit/loss sharing ratio subject to submission of documents as observed on file.

(10) Kapoor Technology - Change in partners & profit/loss sharing ratio of the firm.

10.1 The Approval Committee discussed the agenda in detail and and took note of change in partners & profit/ loss sharing ratio. After due deliberations, it approved the proposal subject to submission of relevant documents .

(11) Capgemini Technology Services India Limited (Unit-I & III) - Proposal to operate cafeteria / canteen, medical, crèche and Gym facility in their NSEZ premises in terms of instruction No. 95.

11.1 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal of unit subject to submission of clear copy of layout/floor plan with details of the location. This would include the total area, floor, plot No. etc which is proposed to be used for operating Canteen, Medical Room, Gymnasium and Crèche. The permission is also be subject to compliance with conditions as mentioned in Instruction No. 95 .

(12) Divya Creations - Request for amendment in conditions of LOA.

12.1 The Approval Committee discussed the agenda in detail and after due deliberations, decided to amend the conditions in respect of Manufacturing of Gold Jewellery studded with Lab Grown Diamonds (71131930) as under:

(i) Declaration by unit in respect of details of lab grown diamonds including number of pieces, its value and purity.



(ii) Unit shall maintain one on one correlation between import & export of lab grown diamonds.

(iii) Drawing of sample of the lab grown diamonds by NSEZ Customs for its testing as regard to purity/caratage.

(13) Matter related to issuance of GST Exemption certificate in the absence of enabling provisions for issuance of such certificate.

13.1 The Approval Committee, discussed the agenda in detail and observed that there is no specific provision to issue such certificate in respective SEZ Acts/rules. However, the Committee noted that individual certificate issued by this office in the past were on specific request of individual units for facilitating their business activities to overcome the difficulties in local procurement from specific suppliers. The Committee further noted that all the provisions viz. provisions of section 26 of SEZ Act, 2005; provisions of section 16(1)(b) of IGST Act, 2017 dealing with such exemptions are already in public domain. Besides, as per SEZ Rule 19(6), valid LOA issued to the unit shall be construed as a licence for all purposes related to authorised operations. Hence, there appears to be no need to issue separate/individual certificate henceforth especially in the absence of enabling provisions.

13.2 The Approval Committee, after due deliberations, directed to issue a general Circular/Public Notice for all units in NSEZ reg. exemption available to SEZ units including Zero rated IGST under Section 16 of IGST Act, 2017 for their operational ease.

(14) Coperion Ideal Pvt. Ltd. - Monitoring of performance in terms of Rule 54 of SEZ Rules, 2006.

14.1 The Approval Committee monitored the performance of unit in terms of Rule 54 of SEZ Rules, 2006 and noted achievement of positive NFE Earnings by the unit. The Approval Committee further directed the Project Section, NSEZ to examine the matter of issuance of final exit on file.

(15) Supra India Tech Pvt. Ltd. - Change of name/directors/shareholding pattern & registered office address and renewal of LOA.



15.1 The Approval Committee discussed the agenda in detail and after due deliberations, took note of change in name & change in directors/ shareholding pattern of company in terms of Instruction No. 109 dated 18/10/2021 subject to submission of remaining documents as observed on file. The Approval Committee also noted change in registered office address.

15.2 The Approval Committee also decided to renew the LOA of the unit for the 3rd block of five years i.e. from 01/03/2022 to 28/02/2027. The Approval Committee further deferred the matter for monitoring of performance and directed the unit to submit details of currency of payment against DTA service supplies during the previous block of five years. The Committee also warned the unit to be cautious in timely compliance with the terms and conditions of LOA and Bond cum Legal Undertaking (BLUT) in future.

(16) Lingo Impex - Updation of ITC(HS) Code of authorized operations.

16.1 No one from the unit appeared for the meeting. The Approval Committee, after due deliberations, deferred the matter for its next meeting.

(17) Shinpak Overseas Exports - Ratification of permission granted for enhancement of production capacity and Monitoring of performance.

17.1 The Approval Committee discussed the agenda in detail and after due deliberations, ratified the approval for enhancement of production capacity as conveyed to the unit. However the Committee deferred the matter for monitoring of performance with the direction to the unit to submit details of supplies made under Rule 53(A) duly verified by NSEZ Customs.

(18) Herbul Henna Export House - Change in partners & Profit/loss share ratio of firm and Monitoring of performance.

18.1 The Approval Committee discussed the agenda in detail and after due deliberations, took note of change in partners & Profit/loss share ratio of firm in terms of Instruction No. 109 dated 18/10/2021 subject to submission of revised partnership deed duly registered with Registrar of Firms. The Approval Committee also monitored the performance of unit in terms of Rule 54 of SEZ Rules, 2006 and

noted achievement of positive NFE Earnings by the unit as on 31.03.2021. The Committee also advised the unit to ensure timely intimation of any such changes in respect of the unit in future.

(19) The Kavaliers - Inclusion of additional authorized operations in LOA.

19.1 Shri Vishal Joshi, proprietor of the firm appeared before the Approval Committee and explained the proposal. It was informed that prior approval of BOA is required for the Prohibited / Restricted items (in case of procurement from DTA).

19.2 The Approval Committee, discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of additional export products, except Mother of Pearls (96019020). The units would also make a submission of separate list of imported/ indigenous raw materials & their ITC(HS) Code.

(20) Ajit Exports - Revival of LOA.

20.1 Shri Ajit Singh, Partner and Shri Mahendra Singh, representative of unit appeared before the Approval Committee and explained the proposal. The Approval Committee observed that lease rent amounting to Rs. 10,68,882/- in respect of Plot No. 129G/09, NSEZ is outstanding against the unit. The Approval Committee further observed that Noida Customs Commissionerate has informed that the department is going to file an appeal against the Hon'ble CESTAT Order dated 31/01/2022.

20.2 The Approval Committee, discussed the agenda in details and after due deliberations and in the light of the decision to appeal by Noida Customs, decided to defer the matter. A detailed report/ comments would be sought from Noida Customs and NSEZ Customs. The Approval Committee further directed to examine the matter on receipt of report/ comments and place before it for further consideration.

Meeting ended with a vote of thanks to the Chair.

(Nitin Gupta)
Dy. Development Commissioner

(A. Bipin Menon)
Development Commissioner