

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)

### NOIDA SPECIAL ECONOMIC ZONE

#### Minutes of the Approval Committee meeting in respect of 100% Export Oriented Units held under the chairmanship of Shri R.P. Goyal, Zonal Development Commissioner, NSEZ at 11.30 AM on 07.09.2020 through Video Conferencing.

The following members of the Approval Committee participated in the meeting through video conferencing:-

1. Shri S.S. Shukla, Joint Development Commissioner, NSEZ, Noida.
2. Shri Sheopat Singh, Assistant Commissioner (Customs), Commissionerate of Customs (Preventive), Gautam Budh Nagar, Noida.
3. Shri Lubendu Das, Assistant Commissioner (Customs), Commissionerate of Customs (Preventive), Delhi.
4. Shri Amarjeet Singh, Assistant Commissioner (Customs), Commissionerate of Customs (Preventive), Delhi.
5. Shri Anirudh, Assistant Commissioner of Customs, Jodhpur.
6. Shri Rakesh Kumar, FTDO, Office of the Additional DGFT, Central Licensing Authority, New Delhi.

\* Besides, during the Approval Committee meeting (i) Shri R.K. Srivastava, Dy. Development Commissioner, and Shri Subodh Kumar Jha, Assistant Development Commissioner, NSEZ were also present to assist the Approval Committee. It was informed that the quorum is available and the meeting can proceed.

\* At the outset, the Chairman welcomed the participants. After brief introduction, each 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 / units wherever required, the following decisions were taken:-

#### **1. Ratification of the Minutes of the Approval Committee meeting held on 17.01.2020:-**

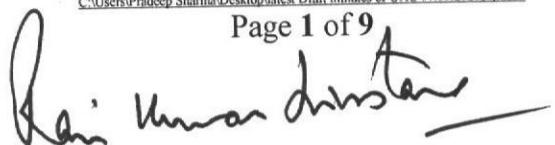
As no reference in respect of the decisions of the Approval Committee held on 17.01.2020 was received from any of the members of the Approval Committee or Trade, Minutes of the Meeting held on 17.01.2020 were unanimously ratified.

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## 2. Proposal of M/s POI India Biotech Private Limited for setting up of a 100%EOU for manufacture and export of DNA / RNA Intermediates - reg.

2.1 It was informed to the Approval Committee that the proposal of M/s POI India Biotech Private Limited received is for setting up of a 100%EOU at Plot No. 13, Sector-3A, SIDCUL, IIE Haridwar Uttarakhand-249403 (Plot area 900 sq.mtr) for manufacture and export of below-mentioned items:-

S.No.	Particulars / Item Name	Annual Capacity	HS Code
1)	DNA / RNA INTERMEDIATES	28 Kgs	38220019

2.2 The Approval Committee was also informed as under:-

- (i) the export projections for five years is Rs.1560.00 lakhs and projected NFE is Rs.1273.46 lakhs.
- (ii) M/s POI India Biotech Pvt Ltd. is a small-scale speciality biotechnology company being started to exploit a niche in the specialty biotech products and services sector. It sells its products to pharmaceutical drug manufacturers and medical device makers to enhance their research and development programs. In Phase-I, the unit will manufacture the DNA, RNA and PNA intermediates - organic and bio-organic chemicals. These are 'designer molecules' that are most often used as intermediates in drug companies' research and production processes.
- (iii) M/s POI India Biotech Pvt Ltd in collaboration with PolyOrg Inc. (USA based Corporation), which has an international presence. For POI India Biotech geography will not a constraint. Shri Saroj Kumar Roy is the President and CEO in PolyOrg
- (iv) the cost of the project is Rs.402.21 lakhs. Out of this Rs.302.21 lakhs will be company's owned funds, Rs.65.00 lakhs term loan and Rs.35.00 lakhs cash credit limit.
- (v) The Approval Committee was further informed that in the antecedent verification reports from different SEZs nothing adverse has been observed. Report from KASEZ is still awaited.
- (vi) The jurisdictional Customs Authority have furnished their site inspection report dated 25.06.2020 and recommended the proposal for setting up of 100%EOU at the said location.

2.3 Sh. Saroj Kumar Roy, Director of the unit was contacted and he informed that they were trying to be present in the meeting, but due to some technical error they were not able to attend the meeting.

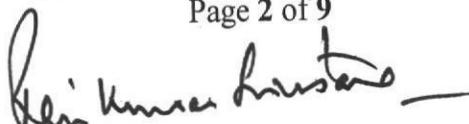
2.4 After due deliberations, the Approval Committee unanimously approved the proposal of M/s POI India Biotech Private Limited for setting up a 100%EOU at Plot No. 13, Sector-

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3A, SIDCUL, IIE Haridwar Uttarakhand-249403 for manufacture and export of DNA / RNA Intermediates subject to condition that in case any other license from Drug Controlling Authority is required, the unit will procure the same. Simultaneously, the Committee decided to ask KASEZ to reply to the letter seeking NOC.

**3. Proposal of M/s Cooper Pharma Limited for setting up of a 100%EOU for manufacture and export of Tablets, Capsules, Syrups, Liquid Injectables, Dry Injections, Ointments – reg.**

3.1 It was informed to the Approval Committee that the proposal of M/s Cooper Pharma Limited received is for setting up of a 100%EOU at Plot No. C-3 (Plot area 740 Sq.mtr), Industrial Area Selaqui, Dehradun-248197 for manufacture and export of following items:-

S.No.	Particulars / Item Name	Annual Capacity	HS Code
1)	<u>Tablets</u>	200 Million	3004 9099
2)	<u>Capsules</u>	60 Million	3004 5090
3)	<u>Syrups</u>	300 KL	3004 9029
4)	<u>Liquid Injectables</u>	1200 Million	3004 9039
5)	<u>Dry Injections</u>	750 Million	3004 9039
6)	<u>Ointments</u>	45 Tons	3004 9099

3.2 The Approval Committee was also informed as under:-

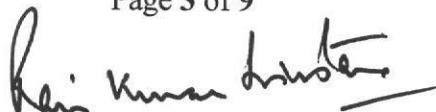
- (i) the export projections for five years is Rs.1800.00 lakhs and projected NFE is Rs1265 lakhs.
- (ii) an SEZ unit under same name and IEC Number is running in NSEZ at SDF No. D-16, NSEZ. As informed by the unit, the exports from the NSEZ unit during the period 2018-19 and 2019-20 are Rs.330.86 lakhs and Rs.935.94 lakhs respectively.
- (iii) as per project report, unit is a three decade old company and well established in domestic and international markets. The unit have some trusted buyers abroad who want to import pharma products from the unit on regular basis provided unit offer the competitive price comparable to China.
- (iv) the cost of the project is Rs.154.00 lakhs. Out of which Rs.100.00 lakhs will be Term Loan from Financial Institutions and Rs.54.00 lakhs will be Promotors' Share Capital.
- (v) as per antecedent reports received from other SEZs nothing adverse has been noticed.

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- (vi) The jurisdictional Commissioner of Customs Noida has sent site inspection report dated 25.06.2020 according to which the proposed area for operating new 100%EOU is substantially intermingled with the existing manufacturing unit of the same group, and that too manufacturing the same commodity i.e. pharmaceuticals, the applicant needs to make certain alterations in the existing building/ structure, such as (i) separate staircase from outside the building to reach directly on first floor to EOU area; (ii) separate entry / exit gate opening towards the main road for to and fro movement of raw material/ finished goods exclusively pertaining to EOU; (iii) Boundary wall surrounding the proposed EOU area on first floor needs to be built; and (iv) Separate storage area for EOU's raw material/ finished goods may be earmarked.

3.3 Shri Rakesh Bhargava (MD) of the unit attended the meeting. He stated that they are already running a DTA unit at the same location. He also stated that they will be segregating the area of the proposed EOU from the existing DTA unit. He also informed that in the SEZ unit located at Noida SEZ, they are manufacturing pharmaceutical products. In the DTA unit located at Dehradun, they are manufacturing the pharmaceutical products which are different from the products proposed to be manufactured in the proposed EOU. In the proposed EOU, they will install modern capital goods and will manufacture some different items. On being enquired about the raw materials, he informed that the raw materials required in the proposed EOU at Dehradun will be almost same as in the DTA unit at Dehradun. Some additional raw material would also be required. He also informed that they are making exports from their DTA unit at Dehradun which is approximately Rs.20.00 crore and the export from the proposed EOU unit will be separate from existing export of DTA unit. On being enquired, he informed that in respect of the existing location at Plot No. C-3, Industrial Area Selaqui, Dehradun-248197, the area is acquired on lease from UPSIDC and is presently in the name of M/s Cooper Pharma Limited, Uttarakhand.

3.4 After due deliberation, the Approval Committee unanimously decided to defer the proposal with the direction to representatives of the unit to address the concerns raised by jurisdictional Customs Authority in their inspection report. Further, after unit carries out necessary alterations to ensure separate entry / exit, the Jurisdictional Customs Authorities would again carry out site inspection and submit report with categorical recommendation as deemed appropriate. After receipt of the same, proposal will again be examined and placed before UAC in its next meeting. It was also decided to have antecedent verification report from other SEZs.

#### **4. Proposal of M/s Bikanervala Foods Private Limited for conversion of existing DTA unit into 100%EOU for manufacture and export of Sweets and Ready to Eat Foods, Chips – reg.**

4.1 It was informed to the Approval Committee that the proposal of M/s Bikanervala Foods Private Limited is for conversion of existing DTA unit into 100%EOU at Ground Floor, Plot No. 2269-2271 (Plot area 2130.20 sq.M), Food Park, Industrial Estate, HSIIDC,

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Phase-II, RAI, (District Sonepat) Haryana for manufacture and export of below-mentioned items:-

<u>Items</u>	<u>Capacity</u>	<u>ITC (HS) Code</u>
Sweets & Ready to Eat Food	27400 MT / ANNUM	21069099
Chips	3600 MT / ANNUM	21069099

4.2 The Approval Committee was also informed as under:-

- (i) the export projections for five years is Rs.59477.00 lakhs and projected NFE is Rs.59276.19 lakhs.
- (ii) as per ANF-6A, unit is not under any obligation to export under either Advance Licence Scheme or EPCG Scheme.
- (iii) Cost of the project is Rs. 2.17 crore which shall be 100%borne by the promoters' equity.
- (iv) it was informed that Plot No. 2269-2271, Food Park, Industrial Estate, HSIIDC, Phase-II, RAI, (District Sonepat) Haryana has been taken on lease from Bikano Foods Private Limited.
- (v) the Approval Committee was informed that AC Customs EPC Faridabad in its report dated 02.09.2020 has stated that the request of M/s Bikanervala Foods Private Limited for conversion of existing DTA unit into EOU may be considered favourably.

4.3 Mr. Anil Raheja (DGM) of the unit attended the meeting. Unit's representative stated that they are already operating DTA unit from first floor and second floor of the same location i.e. Plot No. 2269-2271, Food Park, Industrial Estate, HSIIDC, Phase-II, RAI, (District Sonepat) Haryana. He further informed that their proposed EOU will be located at Ground Floor of the same location. However, the EOU will be having separate entry and exit. Only the main entry/exit gate would be common. He mentioned that in EOU unit they will be manufacturing Sweets, Chips and Ready to Eat like Rajma Chawal. He also stated that they have mentioned this in their application and had also provided ITC (HS) Code. On being enquired about the ingredients and spices proposed to be used, he informed that it will be usual ingredients and spices.

4.4 The representative of Delhi Customs Sh. Amarjeet Singh, who attended the meeting, informed that the unit's proposal for conversion of existing DTA unit into 100%EOU at Ground Floor, Plot No. 2269-2271, Food Park, Industrial Estate, HSIIDC, Phase-II, RAI, (District Sonepat) Haryana needs to be re-looked as the unit is already operating DTA unit at first floor and second floor at the same location and there is only one main entry / exit gate for all floors. Therefore, segregation of activities of EOU unit from DTA unit has to be ensured so that there is absolutely no intermingling of duty free goods of EOU with that of DTA unit located in the same premises.

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4.5 After due deliberation, the Approval Committee unanimously decided to defer the proposal and requested the representative of Commissioner of Customs (Preventive) Delhi to carry out fresh site inspection to ensure that there is separate entry & exit to the premises and there is absolutely no scope of intermingling of raw materials / finished goods of EOU and DTA unit of the same promoters. The Customs Authority, in view of above concerns, should give categorical recommendation as deemed appropriate, regarding the proposal of the unit for conversion of existing DTA unit into 100%EOU at Ground Floor, Plot No. 2269-2271, Food Park, Industrial Estate, HSIIDC, Phase-II, RAI, (District Sonepat) Haryana. The Committee also directed the unit to file revised sub-lease for the proposed location with Bikano Foods Private Limited after ensuring that as per the bye-laws of HSIIDC, sub-lease deed can be registered. Also details of raw materials and spices to be used for manufacture of Sweets, Chips and Ready to Eat Foods shall be provided by the unit. It was also decided to ask the party to (i) submit details of the wastages involved and input / output norms for manufacturing the export products; (ii) details of the exact export products and as to how the same are different from those manufactured in the DTA units on other floors; and (iii) export turnover for 2019-20.

### **5. Proposal of M/s Repro India Limited for setting up of a 100%EOU for manufacture and export of Trade Books, Education Books, Children Books and Magazines – reg.**

5.1 It was informed to the Approval Committee that the proposal of M/s Repro India Limited received is for setting up of a 100%EOU at Khasra No. 13/9, 22, 17/1/1, (Area 600 sq.ft.) Village Malpura, Mau Road, Tehsil-Dharuhera, Rewari, Haryana-123110 for manufacture and export of following items:-

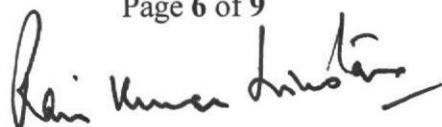
S.No.	Particulars / Item Name	HS Code
1)	Educational Books	4901101000
2)	Rules/Un-ruled/Printed with soft/hard cover with or without PVC / BOPP jacket / laminated stationery items like Book / Diary/ Notebook/ Register/ Writing Pad/ Drawing Book	4820200001
3)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of printing and writing paper	4820200002
4)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of cream wove paper	4820200004
5)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of Maplitho paper	4820200004
6)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of MG	4820200005

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	Tissue Paper	
7)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of Art Paper / Board	4820200006
8)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made grey board / pulp board.	4820200007
9)	Registers, accounts books, note books, order books, receipt books, letter pads, memorandum pads, diaries, exercise books, made of straw board / mill board.	4820200008
10)	Single / Multi colour printed books with / without soft / hard, PVC BOPP laminated jacket cover.	4901990001
11)	Books all sorts, other than those made of newsprint and excluding educational books made out of duty paid writing / printing paper.	4901990002
12)	Children's picture, drawing or colouring books	4903

- The annual capacity of these items would be six crore pages.

#### 5.2 The Approval Committee was also informed as under:-

- (i) the export projections for five years is Rs.1584.00 lakhs and projected NFE is Rs.1417.91 lakhs.
- (ii) unit has mentioned that the area of proposed location is 18900 sq.ft. and has submitted a copy of sub-lease deed between M/s Repro Books Limited and M/s Repro India Limited for the proposed location for a period of nine years which is not registered.
- (iii) the cost of the project is Rs.205.98 lakhs and the means of finance are 100% Promotors' funding.
- (iv) as per the antecedent verification reports from other SEZs nothing adverse has been observed.

5.3 The Approval Committee was also informed that the Deputy Commissioner of Customs, EPC, Faridabad Vide e-mail dated 28.07.2020, has stated that the said unit M/s Repro India Ltd, Khasra No. 13/09, 22, 17/1/1, Village Malpura, Mau Road, Tehsil Dharuhera, Rewari-123110 was visited by the officers of EPC, Faridabad on 22.07.2020 and noticed that the area demarcated for conversion into EOU (approx. 600 sq.feet) has separate entry and exit point, and feasible for conversion into EOU.

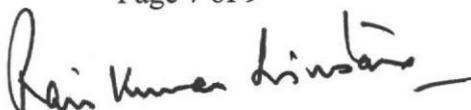
5.4 Mr. Sanjeev Vohra (M.D.) and Mr. Mukesh Dhurve, Executive Director of the unit attended the meeting. They stated that they have an SEZ unit in Surat SEZ in same title "Repro India Limited" with LOA NO. SSEZ/II/52/2008-09/77 dated 09.05.2008 valid upto 20.07.2023. They informed that Repro Group is in printing business for more than 30 years

सिटी ऑफिस: स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इण्डिया लिमिटेड, चतुर्थ तल, जवाहर व्यापार भवन, टॉलस्टॉय मार्ग, नई दिल्ली-110001.

दूरभाष जोन कार्यालय: 0120-2567270; 3021444 से 46, /फैक्स 0120-2562314, 0120-2567276

सिटी ऑफिस टेलीफ़ोन: 011-23701096; वेबसाइट: [www.nsez.gov.in](http://www.nsez.gov.in); ई-मेल: <[dc@nsez.gov.in](mailto:dc@nsez.gov.in)>

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and the company was incorporated in 1993 and presently they are exporting to more than 22 countries. As an EOU, they would deal with top MNC publishers in India like Penguin, Pearson, Oxford etc. Through EOU they would Print on Demand any international title in India for these MNC publishers in the shortest possible lead time and make it available for sale at most competitive price.

5.5 On being enquired as to how they will run an EOU in an area of 600 sq.ft., unit's representative informed that the current area earmarked for EOU unit is 600 sq.ft.. However, as the height of the place is around 30 ft, the effective area would be 1200 sq.ft. as they would be operating on two floors. The machines installed are very sophisticated and would require less space as they are digital and fully computerized. The books will be published on demand after confirmation of order and the entire process of printing and binding would be digitally done by the machines. They also stated that since the entire area has to be centrally air-conditioned, the cost of operations would substantially increase by increasing the area and therefore, presently they are opting for only 600 sq.ft. area for EOU unit.

5.6 They also informed that they will submit the revised sub-lease deed for an area of 600 sq.ft and the duly registered copy of the lease deed will be submitted once the registration office opens.

5.7 After due deliberations, the Approval Committee unanimously approved the proposal of M/s Repro India Limited for setting up 100% EOU at an area of 600 sq.ft at Khasra No. 13/9, 22, 17/1/1, Village Malpura, Mau Road, Tehsil-Dharuhera, Rewadi, Haryana-123110 for manufacture and export of Trade Books, Education Books, Children Books and Magazines. However, the approval committee also directed the unit to submit the duly registered revised sub-lease deed for an area of 600 sq.ft at Khasra No. 13/9, 22, 17/1/1, Village Malpura, Mau Road, Tehsil-Dharuhera, Rewadi, Haryana-123110 prior to execution of LUT with this office.

## 6. Proposal of M/s Vaibhav Global Limited for setting up of a 100%EOU for manufacture and export of Solar Energy.

6.1 It was informed to the Committee that the proposal of M/s Vaibhav Global Limited received is for setting up of a 100%EOU (Area 2.02 Hectares) at Village Kotri, Tehsil-Kolayat, Distt. Bikaner (Rajasthan) for manufacture and export of Solar Energy.

6.2 The approval Committee was also informed as under:-

- (i) the export projections for five years is Rs.272.16 lakhs and projected NFE is Rs.129.82 lakhs.
- (ii) as per project report, the electricity generated by the 100%EOU will be utilized by the unit by their own SEZ unit situated at Jaipur SEZ.
- (iii) the proposal was placed before the Unit Approval Committee meeting held on 16.10.2019 and on 17.01.2020 and the Approval Committee in its meeting held on 17.01.2020 deliberated the proposal and decided to defer the case till the

सिटी ऑफिस: स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इण्डिया लिमिटेड, चतुर्थ तल, जवाहर व्यापार भवन, टॉलस्टॉय मार्ग, नई दिल्ली-110001.

दूरभाष जोन कार्यालय: 0120-2567270; 3021444 से 46, / फैक्स 0120-2562314, 0120-2567276

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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)

adjudication of Show Cause Notice dated 22.10.2019 issued by Office of the Deputy Commissioner, Customs Division, Bikaner (Raj.) and submission of proof of uploading of online lease submitted to this office.

6.3 The Approval Committee was informed that vide e-mail dated 04.06.2020, unit has submitted the following documents as directed by Approval Committee:-

- 1) Copy of online Registry (lease deed) of the said location; and
- 2) Copy of OIO dated 22.05.2020 against SCN dated 22.10.2019, vide which penalty of Rs.15,68,068/- (inclusive of IGST and Cess) has been imposed in terms of Section 28(8) of the Customs Act, 1962 alongwith interest under the proviso of Section 28AA of the Act. A penalty of Rs.50,000/- also imposed on the importer firm under Section 112(a)(ii) of Customs Act, 1962.
- 3) Unit has also stated in its e-mail that they wish to file appeal against the order in Appellate Tribunal within permissible time-limit.

6.4 In the Approval Committee meeting, the representative of Customs Jodhpur Preventive Shri Anirudh AC Customs informed that the unit has filed an appeal against the said OIO, which is pending for adjudication.

6.5 Sh. Prabhash Kumar Jha, Deputy General Manager of the unit attended the meeting. On being asked, he informed that the said OIO was issued for wrong availment of exemption from Customs Duty on re-export of goods He also stated that they have already filed an appeal against the said OIO dated 22.05.2020.

6.6 The Approval Committee was also informed that a similar case of conversion of DTA unit into EOU unit for generation and export of power has been referred to DGFT by the Department of Commerce for clarification.

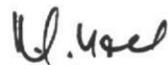
6.7 After due deliberations, the Approval Committee unanimously decided to defer decision and refer the proposal to Department of Commerce for clarification as to whether Solar Power units can be set up as 100%EOU. The Committee directed the representative of the unit to furnish (i) a copy of appeal filed by them alongwith copy of OIO dated 22.05.2020 passed by the Commissioner of Customs Jodhpur; and (ii) copy of online Registry (lease deed) of the said location to the jurisdictional Customs authority.

The meeting ended with vote of thanks to the Chair.



(S.S. Shukla)

Joint Development Commissioner



R.P. Goyal

Development Commissioner

सिटी ऑफिस: स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इण्डिया लिमिटेड, चतुर्थ तल, जवाहर व्यापार भवन, टॉलस्टोय मार्ग, नई दिल्ली-110001.

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