



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)

फा०सं० 10/20/2007-सेज /

दिनांक : 13/06/2019

सेवा में,

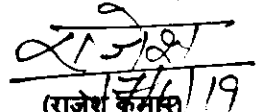
1. निदेशक, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली- 110001 ।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली - 110002 ।
3. आयुक्त, सीमा शुल्क, नॉएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - 201306.
4. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नोएडा ।
5. उपसचिव आई एफ - 1, बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
6. मुख्य कार्यकारी अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नोएडा (उत्तर प्रदेश)।
7. मुख्य कार्यकारी अधिकारी, ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण, प्लॉट नं 01, नॉलेज पार्क -4, ग्रेटर नोएडा, गौतम बुद्ध नगर, (उत्तर प्रदेश)।
8. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नोएडा (उत्तर प्रदेश) ।
9. उपाध्यक्ष, बुलन्दशहर खुर्जा विकास प्राधिकरण, ओल्ड जी टी रोड, श्री आनंद वाटिका कॉलोनी, खुर्जा- 203131
10. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता ।

**विषय:** दिनांक 07/06/2019 को पूर्वाह्न 11.00 बजे प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

उपरोक्त विषय के सन्दर्भ में डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 07/06/2019 को पूर्वाह्न 11.00 बजे प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त संलग्न है।

संलग्नक : उपरोक्त

भवदीय,  
  
(राजेश कुमार)  
उप विकास आयुक्त

प्रतिलिपि:-

सहायक विकास आयुक्त (प्रशासन) - कार्यवृत्त की एक प्रति हिंदी अनुवाद हेतु संलग्न है।

## नोएडा विशेष आर्थिक क्षेत्र

नोएडा, ग्रेटर नोएडा और खुर्जा में स्थित निजी विशेष आर्थिक क्षेत्रों के संबंध में अनुमोदन समिति की दिनांक 07.06.2019 को पूर्वाह्न 11:00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा (उत्तर प्रदेश) में डॉ० एल० बी० सिंघल, विकास आयुक्त की अध्यक्षता में आयोजित बैठक की कार्यवृत्त |

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

- (i) Shri S. S. Shukla, Joint Development Commissioner, NSEZ.
- (ii) Shri Rajesh Sharma, Asstt. Commissioner (Customs), Noida.
- (iii) Shri Jitender Kumar, Asstt. Commissioner, CGST, Noida-I.
- (iv) Shri J.N. Meena, FTDO, O/o of Addl. DGFT, New Delhi.
- (v) Shri Mayank Kumar, Asstt. Manager, DIC, G.B. Nagar
- (vi) Representative of SEZ Developers concerned, Special Invitee.

❖ Besides, during the meeting i) Shri Rajesh Kumar, DDC, ii). Shri S.K. Tyagi, Specified Officer(I/C), iii) Shri Prakash Chand Upadhyay, ADC & iv) Shri Mohan Veer Ruhella, ADC, were also present to assist the Approval Committee.

❖ 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 / representatives of the developers / units, the following decisions were taken:-

### 1. दिनांक 03.05.2019 को आयोजित अनुमोदन समिति की बैठक की कार्यवृत्त का अनुसमर्थन :-

The Approval Committee was informed that no reference against the decisions of the Approval Committee held on 03.05.2019 was received from any of the members of the Approval Committee or Trade and therefore, Minutes of the Meeting held on 03.05.2019 were ratified.

### 2. विकासकर्ता, मै० सीव्यू डेवलपर्स प्रा० लि० का प्लॉट संख्या- 20 एवं 21, सेक्टर- 135, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में अधिकृत संचालन के लिए सामग्री की सूची के अनुमोदन का प्रस्ताव सम्बन्धी |

2.1. It was brought to the notice of the Approval Committee that M/s. Seaview Developers Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P) had submitted proposal for approval of a list of materials to carry on following default authorized operations in their SEZ:-

S. No.	Name of Authorized Operations	Sl.No at default Auth. Opr. as per Inst. No.50 & 54	Estimated Cost (Rs. In Lakhs)
(i).	Access Control and Monitoring system	24	61.13

2.2. Shri Amrik Singh, AGM-SEZ Compliance appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.



2.3. After due deliberations, the Approval Committee approved the proposed list of materials.

3. मै० ऑक्सीजन बिजनेस पार्क प्राइवेट लिमिटेड, विकासकर्ता का प्लॉट सं० 7, सेक्टर- 144, नोएडा (उत्तर प्रदेश) स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में अधिकृत संचालन के लिए सामग्री की सूची के अनुमोदन का प्रस्ताव।

3.1. It was brought to the notice of the Approval Committee that M/s. Oxygen Business Park Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 7, Sector-144, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lakhs)
(i)	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	2078.26
(ii)	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	269.88
(iii)	Air Conditioning of processing area	21	67.72
(iv)	Access Control and Monitoring System.	24	129.18
(v)	Parking including Multi-Level Car Parking (automated / manual)	18	107.72
(vi)	Fire protection system with sprinklers, fire and smoke detectors.	07	137.42
(vii)	Telecom and other communication facilities including internet connectivity.	05	135.12
(viii)	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity.	02	92.51
	<b>Total :</b>		<b>3017.81</b>

3.2. Shri Rajiv Banerjee, Authorised Signatory, Shri Sunny Ahuja, Mahager-Finance & Shri Pradeep, Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials. The representative of the developer informed that the proposed Cameras are CCTV Cameras, UVS & IP Camera.

3.4. After due deliberations, the Approval Committee approved the proposed list of materials.

4. विकासकर्ता, मै० ऑक्सीजन बिजनेस पार्क प्राइवेट लिमिटेड का प्लॉट सं० 7, सेक्टर -144, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र के प्रसंस्करण क्षेत्र में 'फूड कोर्ट' (12 Nos.) स्थापित करने हेतु निर्मित क्षेत्र का आवंटन तथा 'फूड कोर्ट' स्थापित करने हेतु निर्मित क्षेत्र क्षेत्र के आवंटन के लिए दिए गए 06 अनुमति पत्रों को रद्द करने का प्रस्ताव।

4.1. It was informed that the proposal of M/s. Oxygen Business Park Pvt. Ltd., Developer for approval for allotment of built-up space to 10 different facility providers/vendors to setup & operate

*Rajiv*

'Food Court' in the processing area of IT/ITES SEZ at Plot No. 7, Sector-144, Noida was placed before the Approval Committee in its meeting held on 04.01.2019. During the meeting the representative of the developer had informed that the existing 'Food Court' in Phase-I is to be shifted in this 'Podium floor'. The representative of the developer had further informed that some of the existing facility provider/vendor approved by the Approval Committee in the past to setup their 'Food court / canteen' will also continue their operations in newly constructed food court in 'Podium floor'. However, representatives of the developer were not able to inform exact name and number of such facility provider/vendor. Further, on being asked as to whether specific approval of BoA to setup 'Food Court' in the processing area of SEZ was obtained by them, the representative of the developer had shown their unawareness about obtaining such approval from the BoA. Further, the Approval Committee clarified that the provisional offer of space shall be for the specific purpose i.e. for 'Food court' and not for 'Retail Space'.

4.2. It was further informed that after due deliberations, the Approval Committee had deferred the proposal and directed the representative of the developer to submit copy of approval, if any, obtained from the BoA for construction of 'Food Court' in the Processing area of SEZ along with complete information showing area-wise details of existing facility provider/vendor operating in SEZ, facility provider/vendor proposed to be discontinued and new facility provider/vendor being proposed for allotment of space. The Approval Committee had also directed the representative of the developer to submit i) copy of Occupancy Certificate of "Podium floor" along with revised provisional offer of space and other requisite documents and ii). 'NOC' from the companies which are going out.

4.3. Further, it was informed that the developer vide its letters dated 27.12.2018 had submitted another 02 proposals for allotment of built-up space to 2 different facility providers/vendors (in addition to 10 proposals earlier submitted) to setup & operate 'Food Court' in the processing area of SEZ. The details of total 12 Nos. proposals for allotment of space for 'Food Court' in Podium Building of SEZ submitted by the developer are as under:-

S. No.	Name of Service provider / Vendor	Area & location proposed to be allotted	Purpose for allotment of space
(i)	M/s. Thaliwada Foods Private Limited.	288 sqft. built-up area (leasable area 1988 Sqft.) at Kiosk No. FC-03, Podium floor.	Cafeteria / Canteen for staff
(ii)	M/s. Mohana Enterprises	278 sqft. built-up area (leasable area 1393 Sqft.) at Kiosk No. FC-07, Podium floor.	Cafeteria / Canteen for staff
(iii)	M/s. Foodiana Enterprises	267 sqft. built-up area (leasable area 1340 Sqft.) at Kiosk No. FC-08, Podium floor.	Cafeteria / Canteen for staff
(iv)	M/s. Kimmaaya Beverages Pvt. Ltd.	278 Sqft. built-up area (leasable area 1393 Sqft.) at Kiosk No. FC-09, Podium floor.	Cafeteria / Canteen for staff
(v)	M/s. Kannu Ki Chai Pvt. Ltd.	664 sqft. built-up area (leasable area 2001 Sqft.) at Kiosk No. FC-10, Podium	Cafeteria / Canteen for staff

*Saposh*

		floor.	
(vi)	M/s. Not Just Grubs Pvt. Ltd.	665 Sqft. built-up area (leasable area 2005 Sqft.) at Kiosk No. FC-11, Podium floor.	Cafeteria / Canteen for staff
(vii)	M/s. One World Retail	275 sqft. built-up area (leasable area 2168 Sqft.) at Kiosk No. FC-12, Podium floor.	Cafeteria / Canteen for staff
(viii)	M/s. Bercos Melody House	284 sqft. built-up area (leasable area 2241 Sqft.) at Kiosk No. FC-13, Podium floor.	Cafeteria / Canteen for staff
(ix)	M/s. Dex Retail Pvt. Ltd.	284 sqft. built-up area (leasable area 2241 Sqft.) at Kiosk No. FC-14, Podium floor.	Cafeteria / Canteen for staff
(x)	M/s. Maxwell Food & Beverages India	289 sqft. built-up area (leasable area 2277 Sqft.) at Kiosk No. FC-15, Podium floor.	Cafeteria / Canteen for staff
(xi)	M/s. A M Trades and Services	411.13 Sqft built-up area (leasable area 2679 Sqft.) at Kiosk No. FC-01 & FC-02, Podium floor.	Cafeteria / Canteen for staff
(xii)	M/s. A F Foods & Services	496 sqft. built-up area (leasable area 1509 Sqft. built-up space (Kiosk No. FC-16) at Podium floor.	Cafeteria / Canteen for staff

4.4. It was further informed that the developer vide its letters dated 26.12.2018 had submitted 06 proposals for cancellation of permission letters granted to them for allotment of built-up space to following 06 Nos. different facility providers/vendors to setup & operate 'Food Court / Canteen' in the processing area of said SEZ:-

S. No.	Permission letter & date	Name of Service provider / Vendor	Location & area proposed to be allotted	Purpose for allotment of space
(i)	No.10/103/2007-SEZ/10740 dated 15.11.2016	M/s. Totipotency Hospitality Pvt. Ltd.	563 Sqft. (Kiosk No. FC-04) at Ground Floor, Tower-A	Food Court
(ii)	No.10/103/2007-SEZ/10739 dated 15.11.2016	M/s. Not Just Grubs Pvt. Ltd.	280 Sqft. (Kiosk No. FC-02) at Ground Floor, Tower-A	Food Court
(iii)	No.10/103/2007-SEZ/10109 dated 24.10.2016	M/s. Chillz N Chillz	152 Sqft. (Kiosk No. FC-01) at Ground Floor, Tower-A	Canteen
(iv)	No.10/103/2007-SEZ/10110 dated 24.10.2016	M/s. A M Trades and Services	659 Sqft. (Kiosk No. FC-05) at Ground Floor, Tower-A	Canteen
(v)	No.10/103/2007-SEZ/3395 dated 20.03.2017	M/s. Kimmaaya Beverages Pvt Ltd.	183 Sqft. (Kiosk No. FC-06) at Ground Floor, Tower-A	Food Court
(vi)	No.10/103/2007-SEZ/12304 dated 29.12.2016	M/s. Unipal Enterprise	383 Sqft. (Kiosk No. FC-03) at Ground Floor, Tower-A	Food Court

4.5. It was informed that keeping in view the directions of the Approval Committee the developer had been requested vide this office email dt. 28.01.2019 to submit following documents / information, in respect of all proposals (including above proposals for allotment of space and cancellation of permission letters not included in Agenda of UAC dt.04.01.2019):-

*Rajesh*

- (i) Copy of approval, if any, obtained from the BoA for construction of 'Food Court' in the Processing area of SEZ.
- (ii) Complete information showing area-wise details of existing facility provider/vendor operating in SEZ, facility provider/vendor proposed to be discontinued and new facility provider/vendor being proposed for allotment of space.
- (iii) Revised provisional offer of space issued to proposed facility providers / vendors for the specific purpose i.e. 'Food Court' and not for 'Retail space'.
- (iv) Copy of Occupancy Certificate of "Podium floor" along with revised provisional offer of space and other requisite documents and ii). 'NOC' from the companies which are going out.
- (v) Copies of consent letter / NOC from facility providers / vendors for cancellation of respective permission letters issued by this office.

4.6. It was informed that the developer vide its letter dated 27.05.2019 had submitted following documents / information / submissions:-

- (i) Copy of approval, if any, obtained from the BoA for construction of 'Food Court' in the Processing area of SEZ: In this regard, developer had stated that Instruction No. 50 dated.15.03.2010 issued by DOC states inter-alia that "The DC/UAC may allow Developers / approved Co-developers duty free goods and services for these default authorized operations from the date of notification of the SEZ. The default authorized operations notified under Instruction No.50 includes inter-alia the following:-

Sl. No. 13:	Common Data Centre with inter-connectivity.
Sl. No. 14:	Play Ground
Sl. No. 19:	Recreational facilities such as Indoor/Outdoor games, gymnasium/Employee's restroom in processing area.
Sl. No. 20:	Employees welfare facilities like Creche, Medical Centre and other such facilities.
Sl. No. 25:	Space for Bank/ATM
Sl. No. 27:	Cafeteria / Canteen for staff in processing area.

The developer has stated that in their view, operating canteen services / facilities within processing area is a pre-approved operations and does not need a separate approval from BoA. The Approval Committee is empowered by Instruction No.50 to grant approvals for such pre-approved operations.

- (ii) Complete information showing area-wise details of existing facility provider/vendor operating in SEZ, facility provider/vendor proposed to be discontinued and new facility provider/vendor being proposed for allotment of space: Developer has submitted a separate sheet showing area-wise details of 07 nos. old approved Food court / canteen facility providers (06 permissions proposed for cancellation out of 07 permissions except M/s. Design Xcellance) at Ground floor, Tower-A and area-wise details of 12 nos. new proposed food court facility providers at Food court in Podium floor of SEZ.

*Sayed*

- (iii) Revised provisional offer of space issued to proposed facility providers / vendors for the specific purpose i.e. 'Food Court' and not for 'Retail space': Developer had submitted revised provisional offer for "Cafeteria / Canteen for staff" in respect of 12 Nos. new proposals showing built-up area & leasable area proposed to be allotted these facility providers.
- (iv) Copy of Occupancy Certificate of "Podium floor": Developer had submitted copy of Occupancy Certificate in respect of 'Tower-3 & Food Court (39326.207 Sqmt) issued by Noida Authority vide letter dt.29.11.2018.
- (v) Copies of consent letter / NOC from facility providers / vendors for cancellation of respective permission letters issued by this office: Developer had also submitted copies of 'No Dues upon termination of Leave & License Agreement' of 06 Nos. old facility providers which have been proposed for cancellation.
- (vi) Developer had also submitted required documents in respect of 12 nos. new canteen facility providers, as requested vide this office email dated 18.01.2019.

4.7. It was further informed that the developer had stated that the SEZ had originally 6 operational towers with total leasable space of 14,32,031 Sqft. and employee base of 12500 and a canteen / food court space of 20,964 Sqft. in Tower-A. Now with the completion of Tower-3 for 4,59,434 Sqft. area the employment will be increase to 17,500 Nos. and with two more additional towers (Tower 1 & Tower-2) of 13,16,270 Sqft. under construction which once completed will result total leasable space of 32,07,735 Sqft. another 11500 employees are expected to be added. On the basis of these facts the existing 20964 Sqft of Canteen / Food court space in Tower-A having an overall capacity of 400 persons would be insufficient to support the ultimate final employee base of around 29000 employee. Hence, new canteen / food court of 31,033 Sqft. at Podium floor having an overall capacity of 1200 persons has been developed considering the total anticipated employee base.

4.8. Shri Rajiv Banerjee, Authorised Signatory, Shri Sunny Ahuja, Manager-Finance & Shri Pradeep, Manager appeared before the Approval Committee on behalf of the developer and explained the proposal. Representatives of the developer informed that 'Cafeteria / Canteen for staff in processing area' has been approved by Deptt. of Commerce as a default authorized operation vide Instruction No. 50 dated 15.03.2010, hence, no separate approval is required to be obtained from BoA. They further informed that the previous canteen / food court space was setup over an area of 20,964 Sqft. in Tower-A when the total employment in SEZ was approx. 12500. Now with the completion of Tower-3 for 4,59,434 Sqft. area, the employment will increase to 17,500 Nos. and with two more additional towers (Tower 1 & Tower-2) of 13,16,270 Sqft. under construction which once completed will result in total leasable space of 32,07,735 Sqft. and another 11500 employees are expected to be added. On the basis of these facts, the existing 20964 Sqft of Canteen / Food court space in Tower-A having an overall capacity of 400 persons would be insufficient to support the ultimate final employee base of around 29000 employee. Hence, new canteen / food court of 31,033 Sqft. at Podium floor having an overall capacity of 1200 persons has been developed considering the total anticipated employee base. The representative of the developer requested to consider the



proposal for allotment of space for 'Cafeteria / Canteen for staff' in terms of Instruction No.50 dated 15.03.2010 issued by DOC.

4.9. After due deliberations, the Approval Committee approved the proposal for allotment of space to aforesaid 12 nos. new facility providers/vendors (as mentioned at Para 4.3 above) to setup & operate 'Cafeteria / Canteen for staff' at Podium floor in the processing area of SEZ, in terms of Instruction No.50 dated 15.03.2010 issued by DOC, subject to the condition that no tax / duty benefit shall be available to these facility providers to setup, operate & maintain such facility in the processing area of the SEZ and they shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of SEZ & units located therein. The Approval Committee also approved the proposal of the developer for cancellation of 06 Nos. old permission letters for allotment of space for 'Food court/canteen' in Tower-A (as mentioned at Para 4.4 above).

5. सह-विकासकर्ता, मै० ट्रस्टोन वेगमंस डेवलपर्स प्रा० लि० का मै० आर्या इंफ्राटेक प्रा० लि० के प्लॉट सं० 21 सेक्टर-टेकज़ोन-4, ग्रेटर नोएडा (उत्तर प्रदेश) में स्थित इलेक्ट्रॉनिक हार्डवेयर एवं सॉफ्टवेयर सहित आईटी /आईटीईएस विशेष आर्थिक क्षेत्र में अधिकृत संचालन के लिए सामग्री की सूची के अनुमोदन का प्रस्ताव।

5.1. It was brought to the notice of the Approval Committee that M/s. Trustone Wegmans Developers Pvt. Ltd., Co-developer of Electronics Hardware & Software including IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone-IV, Greater Noida, had submitted proposal for approval of list of materials to carry on following default authorized operations:-

S.No.	Name of Authorized Operations	Sl.No at default list of materials as per Inst. No.50 and 54	Estimated Cost (Rs. in lakhs)
(i).	Construction of all type of buildings in processing area as approved by the Unit Approval Committee.	22	109.37
(ii).	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	25.25
(iii).	Access Control and Monitoring System.	24	18.38
(iv).	Telecom and other communication facilities including internet connectivity.	05	36.88
(v).	Landscaping and water bodies	08	8.62
		<b>Total:</b>	<b>198.50</b>

5.2. Shri Rajiv Baghel, Sr. Manager & Md. Sahid Khan, Manager appeared before the Approval Committee on behalf of the Co-developer and explained the requirement of proposed materials. The representative of the Co-developer assured to submit Quarterly and Half yearly report upto March' 19, within one week.

5.3. After due deliberations, Approval Committee approved the proposed list of materials.





6. मै० जेविएंट सॉफ्टवेयर सोल्युसंस इंडिया प्रा० लि० (इकाई-2) का मै० सीव्यू डेवलपर्स प्रा० लि० के प्लॉट संख्या- 20 एवं 21, सेक्टर- 135, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में स्थापित इकाई के क्षेत्र विस्तार एवं प्रोजेक्सन में संशोधन का प्रस्ताव।

6.1. It was brought to the notice of Approval Committee that M/s. Xavient Software Solutions India Pvt. Ltd. (Unit-II) had applied for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (U.P.). It was informed to the Committee that presently unit has been occupied an area of 108264 Sqft. 18910 Sqft. at 5<sup>th</sup> floor (18910 Sqft.), Building No. 5, Upper Ground floor (30473 Sqft.), 4<sup>th</sup> floor (30915 Sqft.) & 5<sup>th</sup> floor (27966 Sqft.), Building No.6. It was informed that the unit has requested for addition of 30915 Sqft. at 3<sup>rd</sup> floor, Building No.6 of SEZ. It was informed that the SEZ developer has given provisional offer for allotment of proposed additional space to the unit.

6.2. It was also informed that the unit has submitted revised projections, as given below, on account of proposed expansion of unit:-

(Rs. in lakhs)

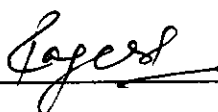
Particulars (for five years)	Existing Projection	Revised Projection
Projected FOB value of exports	34537.01	41697.00
Foreign Exchange Outgo	3200.00	4000.00
NFE Earnings	31337.01	37697.00
Imported Capital Goods	1600.00	2000
Indigenous Capital Goods	1600.00	2000

6.3. Further, it was informed that in Projection sheet, unit has mentioned that they 'yet to commence operation', whereas, unit vide its letter dated 03.05.2019 had submitted intimation for commencement of operation along with copy of first commercial invoice, which have been taken on records. It was further informed that unit has not yet submitted copy of registered lease deed in respect of its approved premises.

6.4. Shri Ashish Jain, Director appeared before the Approval Committee on behalf of the unit and explained the proposal. He informed that the unit had commenced operation w.e.f. 30.04.2019 and they had submitted intimation letter to this office. He further informed that lease deed has been got registered and they will submit copy of registered lease deed within one week.

6.5. After due deliberations, the Approval Committee approved the proposed expansion of area and revised projections of the unit.

7. मै० एनटीटी डाटा इन्फोर्मेशन प्रोसेसिंग सर्विसेज प्रा० लि० (इकाई-2) का मै० ओक्सीजन बिज़नस पार्क प्राइवेट लिमिटेड के प्लॉट सं० 7, सेक्टर -144, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में स्थापित इकाई के क्षेत्र विस्तार एवं प्रोजेक्सन में संशोधन का प्रस्ताव।



7.1. It was brought to the notice of Approval Committee that M/s. NTT DATA Information Processing Services Pvt. Ltd.(Unit-II) had applied for expansion of area of the unit located in the IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd. at Plot No.7, Sector-144, Noida (Uttar Pradesh). It was informed to the Committee that presently unit has been operating over an area of 113214 Sqft at 4<sup>th</sup> to 7<sup>th</sup> floor, Tower-E and 54949 Sqft. at 6<sup>th</sup> & 7<sup>th</sup> floor, Tower-F. It was informed that the unit has requested for addition of 52632 Sqft. at 8<sup>th</sup> & 9<sup>th</sup> floor, Tower-E of SEZ. It was informed that the SEZ developer has given provisional offer for allotment of proposed additional space to the unit.. It was also informed that unit has submitted revised downward export /NFE projections for five years, as given below:-

(Rs. in lakhs)		
Particulars (for five years)	Existing Projection	Revised Projection
Projected FOB value of exports	188852.72	100186.10
Foreign Exchange Outgo	4135.41	1624.97
NFE Earnings	184717.31	98561.13
Imported CG	4135.41	1624.97
Indigenous CG	3083.06	3083.06

7.2. The Approval Committee observed that unit has proposed for expansion of area by addition of 52632 Sqft built-up area, whereas downward revised export / NFE projections have been given. Further, no additional employment generation have been proposed.

7.4. Shri Asan Dasari, Director-Facilities & Shri Amit Sharma, Sr. Accounting Advisor appeared before the Approval Committee on behalf of the unit and explained the proposal. As regards proposed downward export / NFE projections, the representative of the unit clarified that although they got LOA in February, 2017, but they actually started business in December, 2017 which reduced total exports during first year. Additionally, after buyout of Dell business by NTT Data they were expecting to grow business but to its contrary they lost couple of projects resulting in reduction of offshore work and total head count was also not growing. The representative of the unit informed that the presently 1460 Nos. employees are working in this unit. They further informed that some of the projects they were expecting to work in double shift, but the company lost global contracts, headcount were reduced, hence they couldn't meet projected numbers.

7.5. After due deliberations, the Approval Committee approved the proposed expansion of area and downward export / NFE projections of the unit.

8. मै० आर१ आरसीएम ग्लोबल प्राइवेट लिमिटेड का मै० सीव्यू डेवलपर्स प्रा० लि० के प्लॉट संख्या- 20 एवं 21, सेक्टर- 135, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में स्थापित इकाई के लिए आयातित एवं स्वदेशी पूंजीगत वस्तुओं के मूल्य में वृद्धि एवं प्रोजेक्सन में संशोधन का प्रस्ताव।

8.1. It was brought to the notice of the Approval Committee that M/s. R1 RCM Global Private Limited had submitted proposal for enhancement in the value of imported & indigenous capital goods

*Signature*

& revision in Export / NFE projections of the unit in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (Uttar Pradesh), as per details given below:-

(Rs. in lakhs)		
Particulars (for 5 years)	Existing Projections	Revised Projections
Projected FOB value of exports	47132.85	57930.28
Foreign Exchange Outgo	3196.05	3536.95
NFE Earnings	43936.80	54393.33
Imported Capital Goods	724.80	1397.78
Indigenous Capital Goods	0.00	202.00

8.2. Shri Uday Goel, AGM-Legal, Shri Amit Bansal, Director-Finance & Shri Vimal Sharma, Manager appeared before the Approval Committee on behalf of the unit and explained the proposal.

8.3. After due deliberations, the Approval Committee approved the proposal.

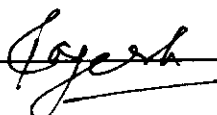
9. मै० क्लीनमैक्स कोजेन सोलुशंस प्राइवेट लिमिटेड का मै० सीव्यू डेवलपर्स प्रा० लि० के प्लॉट संख्या- 20 एवं 21, सेक्टर- 135, नोएडा (उत्तर प्रदेश) में स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में इकाई की स्थापना हेतु आवेदन।

9.1. It was brought to the notice of the Approval Committee that M/s. Clean Max Cogen Solutions Pvt. Ltd. has submitted a proposal for setting up of unit for 'Photo Voltaic Plant for Generation of Power' in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. located at Plot No. 20 & 21, Sector-135, Noida (Uttar Pradesh) with projected exports of Rs.104.05 lakhs and the cumulative NFE of Rs.104.05 lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.151.91 lakhs towards indigenous capital goods and other cost of project shall be met from internal sources i.e. funding from parent company M/s. Clean Max Enviro Energy Solutions Pvt. Ltd.. It was further informed that the applicant has submitted provisional offer of space for allotment of 3454 Sqmt. on rooftops of (Building No.1-775 Sqmt., No.3-775 Sqmt., No.5- 680 Sqmt., No.9-612 Sqmt. and No.10- 612 Sqmt.), issued by SEZ Developer vide letter dated 01.05.2019.

9.2. It was informed that following documents / information required to be submitted which has been communicated to the applicant:-

- Value of indigenous Capital goods in Para VII (a) has been given in 'Rupees' instead of 'Lakhs'.
- Affidavit on non-judicial stamp paper of Rs. 100/- duly notarized required to be submitted in original not scanned.

9.3. It was further informed that the applicant company have its two existing SEZ units one each in Gurgaon Infospace Ltd. and Candor Gurgaon One Realty Projects Pvt. Ltd. having LOA No. 10/19/2016-SEZ/4183 dt.04.05.2016 and LOA No.10/18/2016-SEZ/4184 dt.04.05.2016 respectively. It was informed that as per APRs these units have not shown any FOB value of Export & NFE is also negative. Though, units have shown DTA Sales in APR for the year 2016-17. It was further informed



that these units have also not submitted copies of registered lease deed executed with respective SEZ Developer.

9.4. Shri Udyat Goyal, B.D. Manager, Shri Rohit Gogoi, B.D. Manager & Md. Harun Sayad, Manager appeared before the Approval Committee and explained the proposal. The representative of the unit informed that capacity of proposed Solar Plant is 345 Kilo Watt. They further clarified that proposed capital goods will be procured from the domestic market and no import has been proposed. As regards negative NFE in respect of exiting SEZ units in Gurugram, the representative of the unit informed that power generated by these SEZ units had been supplied to SEZ Developer, however, inadvertently mentioned DTA Sale in APRs. They further clarified that all the capital goods in respect of these units have been procured from domestic market. The representative of the unit assured to submit copies of registered lease deed in respect of existing SEZ units.

9.5. After due deliberations, the Approval Committee approved the proposal subject to submission of required documents. Further, the Approval Committee directed representatives of the unit to submit rectified APRs and copies of registered lease deed in respect of existing units. Approval Committee further directed the representative of the unit to ensure timely compliance in respect of existing units, in future.

10. मै० एचसीएल टेक्नोलॉजीज लि०, विकासकर्ता का प्लॉट सं० 3A, 3B & 2C, सेक्टर- 126, नोएडा (उत्तर प्रदेश) स्थित आईटी / आईटीईएस विशेष आर्थिक क्षेत्र में अधिकृत संचालन के लिए सामग्री की सूची के अनुमोदन का प्रस्ताव सम्बन्धी।

10.1. It was brought to the notice of the Approval Committee that M/s. HCL Technologies Ltd., Developer of IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida (U.P) had submitted proposal for approval of list of materials to carry on following default authorized operations in their SEZ:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54	Estimated Cost (Rupees in lakhs)
i)	Construction of all types of building in Processing area as approved by UAC.	22	602.20
ii)	Power (including power backup facilities) for captive use only.	23	122.34
iii)	Air Conditioning of Processing area.	21	106.91
iv)	Telecom and other communication facilities including internet connectivity.	05	69.68
v)	Common Data Centre with inter-connectivity.	13	5.08
vi)	Access Control and Monitoring System.	24	274.54
vii)	Fire protection system with sprinklers, fire and smoke detectors.	07	11.98
viii)	Water treatment plant, water supply lines (dedicated	02	0.60

*Signature*

lines up to source), sewage lines, storm water drains and water channels of appropriate capacity.		
	<b>Total:</b>	<b>1193.33</b>

10.2. Mr. D.K. Sharma, General Manager-Commercial & Mr. Subhash Chandra, Dy. Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items.

10.3. After due deliberations, Approval Committee approved the proposed list of materials.

11. मै० सिंडिकेट इनोवेशंस इंटरनेशनल लिमिटेड का मै० अर्शिया नोर्दर्न एफटीडब्ल्यूजेड लिमिटेड की ग्राम इब्राहिमपुर, जुनैदपुर उर्फ मौजपुर, तहसील खुर्जा, जिला-बुलंदशहर (उत्तर प्रदेश) स्थित फ्री ट्रेड एंड वेयरहाउसिंग जोन में स्थापित इकाई के लिए "Restricted items" के अनुमोदन के प्रस्ताव के सन्दर्भ में।

11.1. It was informed that the Approval Committee in its meeting held on 01.12.2017 had approved the proposal of M/s. Syndicate Innovations International Ltd. for setting up a unit over an area of 186 Sqmt. (2000 Sqft.) in the Free Trade & Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. located at Village Ibrahimpur, Junaidpur urf Maujpur, Distt- Bulandshahr (U.P.) to undertake authorized activities strictly in accordance with Rule 18(5) of SEZ Rules, 2006, as follows:-

*"Warehousing, Trading with or without labeling, packing or re-packing without any processing, Assembly of Completely Knocked Down or Semi Knocked Down kits for the items as per the list attached except followings:-*

<b>43031010</b>	Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010 falling under 'Prohibited items'.	<b>Prohibited</b>
<b>9302</b>	(Revolvers and Pistols, other than those of heading 9303 or 9304)	<b>Restricted</b>
<b>9303</b>	(Other Firearms and Similar Devices Which Operate by the Firing of an Explosive Charge (For Example, Sporting Short guns and Rifles, Muzzle loading Firearms, Very Pistols and Other Devices Designed to Project Only Signal Flares, Pistols and Revolvers for Firing Blank Ammunition, Captive-Bolt Humane Killers, Line-Throwing Guns)	<b>Restricted</b> (Except 930310 00 which is Free subject to Policy conditions)
<b>9304</b>	(Other Arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading 9307)	<b>Restricted</b>
<b>93051000</b>	(Parts and Accessories of Articles of Headings 9301 to 9304 of Revolvers or Pistols)	<b>Restricted</b>
<b>9306</b>	(Bombs, Grenades, Torpedoes, Mines, Missiles and Similar Munitions of War and Parts Thereof; Cartridges and Other Ammunition and Projectiles and Parts Thereof, Including Shot and Cartridge Wads (except Air Gun Pellets)	<b>Restricted</b>
<b>97050010</b>	(Stuffed animals and birds (taxidermy)	<b>Restricted</b>
<b>97050090</b>	(Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological,	<b>Restricted</b>

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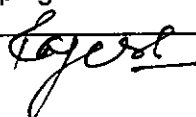
	paleontological, ethnographic or numismatic interest: Others)	
<b>81083000</b>	(Titanium and Articles Thereof, Including Waste And Scrap – Waste An Scrap)	<b>Restricted</b>
<b>90051000</b>	Night Vision Binoculars / Passive Night Vision Devices- PNVs are 'Restricted' from import.	<b>Restricted</b>

11.2. It was informed that the Approval Committee had observed that the import of the items in SEZ/FTWZ, which is 'Restricted' and 'Prohibited' for import/export can be allowed only by BoA in terms of Instruction No.47 dated 04.03.2010 and hence it was decided by the Approval Committee that in respect of these items the case may be referred to BoA along with the justification and the documents provided by the applicant. Further, the Committee had decided that since these items primarily belongs to defence sector and are restricted for import, keeping in view the sensitivity involved in its handling / movement, while referring the matter to BoA for inclusion of these items in LOA it may not be recommended for such inclusion.

11.3. It was informed that as per approval granted by the Approval Committee, Letter of Approval was issued to M/s. Syndicate Innovations International Ltd. on 25.01.2018. Besides, as directed by the Approval Committee, the proposal in respect of M/s. Syndicate Innovations International Ltd. for consideration of following items which are falling under 'Restricted / Prohibited' category had been forwarded to BoA vide this office letter dated 01.01.2018, clearly mentioned that 'in view of the sensitivity involved in its handling / movement as these items primarily belongs to defence sector and are restricted / prohibited for import, the DC, NSEZ did not recommend the inclusion of above items in LOA':-

- (i) ITC HS Code: 43031010- Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010 falling under 'Prohibited items'.
- (ii) All items under Exim Code / ITC HS Code 9302, 9303, 9304, 93051000, 9306 (except Air Gun Pellets), 97050010, 97050090, 81083000 falling under 'Restricted category'.
- (iii) In ITC HS Code: 90051000 –Night Vision Binoculars / Passive Night Vision Devices- PNVs are 'Restricted' from import.

11.4. Further, it was informed that the proposal was discussed in the BoA meeting held on 05.02.2018 and BoA decided to defer the proposal with direction that the proposal may be examined by DGFT and MHA for further inputs. It was further informed that Under Secretary (SEZ), DOC had endorsed a copy of O.M. No. F.2/7/2017-SEZ dated 16.05.2018 addressed to Dy. DGFT, New Delhi, with a copy to this office enclosing therewith a copy of DGFT's O.M. No. 01/53/8/602/AM16/S-136/IC dated 03.04.2018 with request for comments of this office on the findings of DGFT in its O.M. dated 03.04.2018. O/o. DGFT in its O.M. dated 03.04.2018 had inter alia mentioned that M/s. Syndicate Innovation has been issued Show Cause Notice by O/o. DGFT for shortcomings and not accounting for the air rifles & pistols imported by them during the year 2016-17 and the adjudication process is on and not yet over. Accordingly, keeping in view the serious allegations made against the firm in the



DGFT O.M. dt. 03.04.2018 and further, keeping in view the security implications involved in the proposed items and doubts raised on the credentials of the firm, this office had forwarded comments to DOC clearly mentioned that this office does not recommend the approval of items which are restricted for import, proposed by M/s. Syndicate Innovations International Ltd. and supports the views of O/o. DGFT.

11.5. It was further informed that with reference to this office letter dated 01.01.2018 & subsequent letter dated 11.06.2018, Under Secretary (SEZ), DOC vide letter No. F.2/7/2017-SEZ dated 10.09.2018 had informed that as per directions of the Board of Approval in its 81<sup>st</sup> meeting held on 05.01.2018, the proposal was examined in consultation with DGFT. US(SEZ), DOC had informed that as regards, the import / export of items which comes under "Restricted /Prohibited category", the DGFT has on 29.08.2018 clarified as under:-

S. No.	Item description	Clarification received from DOC
(i)	ITC HS Code: 43031010 – Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010 falling under 'Prohibited items';	Prohibited items are not permissible for import by SEZ unit.
(ii)	All items under Exim Code / ITC HS Code 9302, 9303, 9304, 93051000, 9306, 97050010, 97050090, 81083000 falling under "Restricted Category".	These are military weapons / arms / armaments. All these have security implications as far as DTA is concerned. That is why these are subject to very elaborate licensing system for the DTA. Though SEZ units are allowed restricted items, these items are not normal tradable goods. <u>BoA has to take a decision after security clearance from MHA and MoD.</u>
(iii)	In ITC HS Code: 90051000 – Night Vision Binoculars / Passive Night Vision Devices – PNVs are "Restricted" from import.	This is again a restricted item from security angle. <u>SEZ Division / BoA may obtain clearance from Department of Telecommunication.</u>
(iv)	In ITC HS Code 93060000- Airgun is 'Restricted' but Footnote No.4 of Chapter 93 of ITC(HS) 2017 says that "Policy of import of Air Gun Pellets is free".	It had been mentioned in the DOC letter that the DGFT has already clarified that the Policy Condition No.4 to Chapter 93 of ITC(HS), 2017 Schedule-1 (Import Policy) prescribes "Policy for import of 'Air Gun Pellets' is 'free'.

11.6. It was informed that DOC had requested that a fresh proposal along with the necessary documents for seeking security clearance from MHA / MoD / DoT in the prescribed proforma (three proforma attached with DOC's letter dt.10.09.2018) may be furnished to DOC. It was informed that clarification in respect of 'Prohibited items' & 'Restricted items' along with prescribed proforma, as received vide DOC's letter dated 10.09.2018, had been communicated to the unit, vide this office letter dated 18/23.10.2018, with request to submit necessary documents for seeking security

*Agarwal*

clearance from MHA/Mod/DoT in the prescribed proforma, to this office, so that same may be forwarded to DOC for further necessary action.

11.7. It was further informed that the unit vide its letter dated 06.12.2018 had submitted additional information giving exact HS Codes of 06 items in which they intend to deal, as given below:-

HS Code	Description and comments as given by the unit	Items description As per ITC(HS) 2017 Schedule 1 (Import Policy) available at DGFT's website.	Policy & Policy conditions
93040000	<b>Description:</b> Air Pistols / Air Rifles of .177 Caliber – less than 20 joules - Exempted from Arms Act 1959. <b>Comments:</b> Air Guns to be traded by FTWZ are exempted under GSR 991 issued by Ministry of Home Affairs. But at the same time they also have license to manufacture air gun which require license. License No. 01 M.S./2018 (Ghaziabad) is issued by Home Department, Uttar Pradesh	Other Arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading 9307.	<b>Restricted</b> However, import of 0.177 bore air guns and air pistols will be free for shooters registered with Rifle Clubs or District/ State /National Rifles Association. Free import of 0.177 bore air guns and air pistols will also be allowed to National Rifle Association of India (NRAI) for supplying the same to the eligible State Rifle Association / Clubs and to the eligible Shooters. NRAI shall be required to keep appropriate account of the imported weapons.
93020000	<b>Description:</b> Revolvers and Pistols, other than those of Heading 9303 or 9304 with caliber less than 12.7mm. <b>Comments:</b> Security Clearance already done. License No. M/New/0007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018.	Revolvers and Pistols, other than those of heading 9303 or 9304	<b>Restricted</b>
9303	OTHER FIREARMS AND SIMILAR DEVICES WHICH OPERATE BY THE FIRING OF AN EXPLOSIVE CHARGE (FOR EXAMPLE, SPORTING SHORTGUNS AND RIFLES, MUZZLELOADING FIREARMS, VERY PISTOLS AND OTHER DEVICES DESIGNED TO PROJECT ONLY SIGNAL FLARES, PISTOLS AND REVOLVERS FOR FIRING BLANK AMMUNITION, CAPTIVE-BOLT HUMANE KILLERS, LINE-THROWING GUNS)		
93032000	<b>Description:</b> Other Sporting and target shooting shotguns, including combination shotguns-rifles with caliber less than 12.7mm. <b>Comments:</b> Security Clearance already done. License No. M/New/0007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018.	Other Sporting, hunting or target- shooting shotguns, including combination shotguns-rifles.	<b>Restricted</b>

*Signature*



93033000	<b>Description:</b> Other Sporting and target-shooting Rifles with caliber less than 12.7mm <b>Comments:</b> Security Clearance already done. License No. M/New/0007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018.	Other Sporting, hunting or target-shooting rifles.	Restricted
9306	<b>BOMBS, GRENADES, TORPEDOES, MINES, MISSILES AND SIMILAR MUNITIONS OF WAR AND PARTS THEREOF; CARTRIDGES AND OTHER AMMUNITION AND PROJECTILES AND PARTS THEREOF, INCLUDING SHOT AND CARTRIDGE WADS</b>		
93062100	<b>Description:</b> Cartridges <b>Comments:</b> Security Clearance already done. License No. M/New/0008/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018.	Cartridges	Restricted
93063000	<b>Description:</b> Other Cartridges and parts thereof <b>Comments:</b> Security Clearance already done. License No. M/New/0007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018.	Other Cartridges and parts thereof	Restricted

11.8. It was informed that the request of the unit for addition of Restricted items against above 06 Nos. Exim codes had been forwarded to DOC vide this office letter dated 13.12.2018 for consideration by BoA. Further, vide this office letter dated 28.12.2018, a clarification had been sent to DOC clearly indicating that keeping in view the security implications and sensitivity involved in the handling / movement of proposed items, which are restricted for import and doubts raised on the credentials of the firm by Office of DGFT in its OM dated 03.04.2018, DC, NSEZ does not recommend the approval of items, proposed by M/s. Syndicate Innovations International Ltd. It was informed that with reference to this office letter dated 28.12.2018, DOC vide its letter dated 06.02.2019 had clarified as under:-

*"xxxx the matter has been examined in this department keeping in view all relevant aspects related to this case. It has been decided by the competent authority that Unit Approval Committee (UAC) may consider the request of the unit, since items for which approval has been sought by the unit falls under 'Restricted category'.*

11.9. Further, it was informed that with reference to this office letter dt. 13.12.2018 and 20.02.2019, Ministry of Commerce (SEZ Division) vide letter dated 02.05.2019 has informed that aforesaid matter has been re-examined in consultation with DGFT. The DGFT has informed that the adjudication proceedings against the firm was withdrawn vide their Order-in-Original dated 16.04.2018. MOC requested this office to provide exact justifications for not recommending the proposal earlier and to ensure that the justifications being submitted now should be absolutely logical and as per extant rules and regulations.

*Tajesh*

11.10. It was informed that w.r.t. this office letter dated 13.12.2018, M/s Syndicate Innovations International Ltd. vide its letter dated 14.05.2019 reconfirmed that they are only interested in following 6 ITC (HS) Codes of as per the table given below. Unit had also mentioned security protocol for each 06 HS Codes which shall be followed for the protection and safety of the items traded through FTWZ Unit :-

S.No.	HS Code	Description and comments as given by the Unit	Security Protocol
(i)	93040000	<u>Description:</u> Air Pistols/Air Rifles of .177 caliber - Less than 20 Joules - Exempted from Arms Act 1959 <u>Comments:</u> Air Guns to be traded by FTWZ are exempted under GSR 991 issued by Ministry of Home Affairs. But at the same time they also have license to manufacture air gun which require license No. 01/M.S./2018 (Ghaziabad) is issued by Home Department, Uttar Pradesh	Unit has mentioned that as these articles are exempted from Arms Act and are freely allowed to be possessed by every citizen of the Country there is no special security measure required for this product. However, security as per standard protocol of Arshiya Northern FTWZ Limited shall be provided.
(ii)	93020000	<u>Description:</u> Revolvers and Pistols, other than those of heading 9303 or 9304 with caliber less than 12.7mm. <u>Comments:</u> Security Clearance already done. License No. M/New/007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018	Unit has mentioned that Free Trade Warehousing Zone at present is maintained by Arshiya Northern FTWZ Limited. They maintain 4 tier security system. Detailed Security Systems maintained by them are attached
(iii)	93032000	<u>Description:</u> Other sporting and target-shooting shotguns, including combination shotgun-rifles with caliber less than 12.7mm. <u>Comments:</u> Security Clearance already done. License No. M/New/007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018	with this letter. In addition to it Unit has also assured to install Special Vault at the location for these items as additional security measure. In case of air shipments transportation shall be done by the service provider in Secured Vehicles.
(iv)	93033000	<u>Description:</u> Other sporting and target-shooting rifles with caliber less than 12.7mm. <u>Comments:</u> Security Clearance already	

*Rajesh*

		done. License No. M/New/007/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018	
(v)	93062100	<u>Description:</u> Cartridges <u>Comments:</u> Security Clearance already done. License No. M/New/008/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018	
(vi)	93063000	<u>Description:</u> Other Cartridges and parts thereof <u>Comments:</u> Security Clearance already done. License No. M/New/008/MHA/2018 issued by Ministry of Home Affairs on 12.03.2018	

11.11. Further, it was informed that the unit had also mentioned following Security / Safety measures to be taken by them in respect of proposed additional items with request to reconsider the proposal as all articles which shall be treated falls under "Sports Category":-

- Their first line of defense includes fenced walls or razor wires that are good in preventing the average by-passer from entering our security perimeter.
- Protective barriers are used for preventing forced entry of persons or vehicles, and should always be complemented by a sort of gates and other points of security checks.
- Their 24/7 physical security also incorporates surveillance cameras.
- Their Physical Security is *covering* all entry points of the facility while also securing business critical areas indoors. Water-, smoke- and heat detectors, as well as fire-fighting systems for protection against fire. Also they have deployment of Gun Man at all sensitive locations.
- To defense against unauthorized access we do use of smart cards, biometric identification, and in-person clearance aimed at allowing only authorized personnel get into a restricted area.
- There is a control room manned by an outsourced security company employees who keep a close watch on the footage captured by all the CCTVs across the complete facility. Even the employees of Arshiya need a written approval from the management to enter this control room.
- In addition to the above there is a provision where the unit holders are allowed to install the vaults in our premises for the storage of their high value items. The cost of the vault shall be borne by the unit holder.

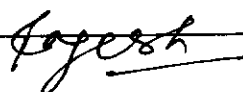
*Syesh*

11.12. It was informed that a reminder letter dated 16.05.2019 had been received from Under Secretary, DOC requesting this office to expedite reply in r/o. DOC letter dated 02.05.2019. It was informed that DOC has been informed vide this office letter dated 20.05.2019 that the matter will again be placed before the next Approval Committee for consideration and appropriate decision in the wake of safety measures submitted by the unit. Based on fresh decision of the Approval Committee, proposal shall again be referred to DOC/BOA with appropriate recommendation.

11.13. It was further informed that Specified Officer (In-charge) vide his letter dated 03.06.2019 has forwarded his comments in respect of proposed 06 Nos. Exim codes and Security / Safety measures given by the unit.

11.14. Shri Ashok Rai, Managing Director appeared before the Approval Committee and explained the proposal in detail. Shri Rai made following submissions:-

- (i) Against their application submitted on 21.11.2017, they got the approval on 24.01.2018 for all the items except the ITC- HS Codes 9302, 3203, 9304, 93051000, 9306, 97050010, 97050090 and 81083000 which included restricted items for Sports/Defense and Prohibited items. In subsequent correspondence with this office they clarified their intentions to handle only sports Arms and Ammunition. On 18.10.2018 they were granted approval for "Air Gun Pellets". Later on date 16.12.2018 they had exact HS Codes of 8 digits which are 93040000, 93020000, 93032000, 93033000, 93062100 and 93063000 excluding prohibited items as well as items under Ministry of Defence.
- (ii) HS Code 93040000: This code only consists of Air Rifles and Air Pistols which are exempted from Arms Act 1959 by way of GSR 991 issued by Ministry of Home Affairs. As they are also manufacturers of these air weapons and have Manufacturing License no. 01 MS/2018 issued by Home Department, Lucknow, Uttar Pradesh, they intend to stock "Made in India" Air Guns in FTWZ unit for Export Purposes, mainly to Asian market. They also intend to import European brands in FTWZ-SEZ for purpose of supplying in time to Sports Services Control Board, Sports Authorities of States, Sports Authority of India and International/Renowned Sportsman, etc. against Customs Notification with zero duty. On 18.10.2018 they were granted approval for "Air Gun Pellets" but without permission for handling Air Guns they are unable to launch its e-platform for Global Exports/Sales from FTWZ-SEZ unit. They understand that air guns are free for Exports but restricted for imports but allowed as OGL items for categories as defined under FTP which they intended to supply.
- (iii) 93020000, 93032000, 93033000, 93062100 and 93063000: Under all these HS Codes they wish to handle only Sports Arms and Ammunition which are less than 12.6 mm and thus come under purview of Ministry of Home Affairs. They already have manufacturing license for the same issued by MHA. Also FTWZ(SEZ) being a deemed foreign territory only meant for units to handle Imports/Exports. As the powers to handle imports/exports for the same have been delegated by Ministry of Home Affairs vide its Notification No. S.O. 5607(E) dated 1st



November 2018, to the Secretary, Ministry of Commerce, he requested to recommend its proposal to The Secretary, MOC or any committee authorised under his direction to approve Unit's request. He also handed over a copy of Notification No. S.O. 5607(E) dated 1st November 2018.

He further informed that the company have its manufacturing unit in Sahibabad Industrial Area, Ghaziabad and their customers are Sports Services Control Board (SSCB) of Army, Sports Authorities of various States like Bihar, Gujarat etc., Sports Authority of India (SAI) and International/Renowned Sportsman. The item description of earlier proposed ITC(HS) Code and revised item description submitted by the unit, are as under:-

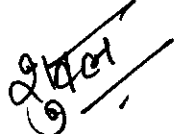
HS Code / Import Policy	Item description earlier given by the unit	Revised item description
43031010 (Prohibited)	Articles of apparels & accessories of wild animal covered under Wild Life Protection Act, 1972 & 43039010 falling under 'Prohibited items'.	<b>Not proposed in revised list.</b> <b>DOC vide letter dated 10.09.2019 had clarified that 'Prohibited' items not permissible for import by SEZ unit.</b>
9302 (Restricted)	Revolvers and Pistols, other than those of heading 9303 or 9304.	Revolvers and Pistols, other than those of heading 9303 or 9304 with caliber less than 12.7mm.
9303 (Restricted)	Other Firearms and Similar Devices Which Operate by the Firing of an Explosive Charge (For Example, Sporting Short guns and Rifles, Muzzle loading Firearms, Very Pistols and Other Devices Designed to Project Only Signal Flares, Pistols and Revolvers for Firing Blank Ammunition, Captive-Bolt Humane Killers, Line-Throwing Guns.	<b>93032000:</b> Other sporting and target-shooting shotguns, including combination shotgun-rifles with caliber less than 12.7mm. <b>93033000:</b> Other sporting and target-shooting rifles with caliber less than 12.7mm.
9304 (Restricted)	Other Arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading 9307.	Air Pistols/Air Rifles of .177 caliber - Less than 20 Joules - Exempted from Arms Act 1959.
93051000 (Restricted)	Parts and Accessories of Articles of Headings 9301 to 9304 of Revolvers or Pistols.	<b>Not proposed in revised list.</b>
9306 (Restricted)	Bombs, Grenades, Torpedoes, Mines, Missiles and Similar Munitions of War and Parts Thereof; Cartridges and Other Ammunition and Projectiles and Parts Thereof, Including Shot and Cartridge Wads (except Air Gun Pellets).	<b>93062100:</b> Cartridges. <b>93063000:</b> Other Cartridges and parts thereof.
97050010 (Restricted)	(Stuffed animals and birds (taxidermy)	<b>Not proposed in revised list.</b>
97050090 (Restricted)	(Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, paleontological, ethnographic or numismatic interest: Others)	<b>Not proposed in revised list.</b>


*Signature*

81083000 (Restricted)	(Titanium and Articles Thereof, Including Waste And Scrap – Waste An Scrap)	Not proposed in revised list.
90051000 (Restricted)	Night Vision Binoculars / Passive Night Vision Devices- PNVs are 'Restricted' from import.	Not proposed in revised list.

11.15. After due deliberations, on the basis of explanation given by the representative of the unit and comments received from the Specified Officer, the Approval Committee decided to recommend the proposal to BoA for consideration specifically in view of the fact MHA vide its Notification No. S.O. 5607(E) dated 01.11.2018 has delegated the powers to Secretary, Ministry of Commerce, subject to the condition that the unit shall only supply these items to Sports Services Control Board (SSCB), Sports Authorities of States, Sports Authority of India (SAI) and International/Renowned Sportsman, and shall provide documentary evidence against each of the transaction / supply, to Specified Officer.

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

  
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संयुक्त विकास आयुक्त

  
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विकास आयुक्त