

भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग  
विकास आयुक्त का कार्यालय  
नौएडा विशेष आर्थिक क्षेत्र  
नौएडा दादरी रोड, फेस-II, नौएडा-201305, जिला - गौतमबुद्ध 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)

फा. सं.12/01/2017 -प्रोज/

दिनांक: 13/09/2017

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. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नौएडा ।
4. आयुक्त, सीमा शुल्क, नौएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - २०१३०६.
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, गेट, नौएडा।

विषय: दिनांक 06/09/2017 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 डॉ. एल बी सिंघल, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता मे दिनांक 06/09/2017 को पूर्वाह्न 11:30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नौएडा विशेष आर्थिक क्षेत्र, नौएडा मे आयोजित नौएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक : उपरोक्त

भवदीय  
श्री वास्तव  
(आर.के. श्रीवास्तव)  
उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त के सूचनार्थ।
3. निर्दिष्ट अधिकारी, नौएडा विशेष आर्थिक क्षेत्र - सूचनार्थ एवं आवश्यक कार्यवाही के लिए.
4. उप विकास आयुक्त, सम्पदा अनुभाग, नौएडा विशेष आर्थिक क्षेत्र, सूचनार्थ एवं आवश्यक कार्यवाही के लिए.

उप विकास आयुक्त

**Minutes of the meeting of the Approval Committee of Noida SEZ held under the chairmanship of Dr. L.B. Singhal, Development Commissioner (DC), Noida SEZ at 11:30 AM on 06/09/2017 in the Conference Hall of NSEZ.**

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

- 1) Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
- 2) Shri Gobinda Banerjee, FTDO, O/o Addl. DGFT, CLA, New Delhi.
- 3) Shri Rajesh Sharma, Asstt. Commissioner, Customs, Noida Commissionerate.
- 4) Shri Tribhuvan Nath Patel, Addl. Statistical Officer, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- 5) Shri Mukesh Goyal, Associate Architect, (Rep. of Noida Authority).

2. Besides, during the meeting S/Shri (i) Rajesh Kumar, Dy. Development Commissioner, NSEZ, (ii) Rajendra Mohan Kashyap, PA to JDC, NSEZ and (iii) G.P. Singh, SDO, UPPCL, Noida were also present to assist the Approval Committee.

3. At the outset, DC, NSEZ welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations as well as interaction with the applicants / representatives of the units, the following decisions were taken:-

**(i) Ratification of Minutes of last meeting of the Approval Committee held on 02/08/2017:-**

It was informed that no reference against the decisions of the Approval Committee held on 02/08/2017 was received and therefore, Minutes of the meeting held on 02/08/2017 were ratified.



**Item wise decisions on proposals included in agenda:**

1.	<p><b>Proposal of M/s. Cooper Pharma Limited for setting up a new Unit in NSEZ.</b></p> <p>It was informed to the Approval Committee that the applicant has proposed to set up a new unit in NSEZ to undertake Manufacturing &amp; export of <i>pharmaceuticals products like Tablets, Capsules, Syrup, Ointment, Liquid Injectables and Dry Injections</i> with projected exports of Rs. 3600 Lakhs and NFE earnings worth Rs. 2655 Lakhs over a period of five years.</p> <p>Shri Rakesh Bhargawa, Director, appeared before the Approval Committee to explain the project. He informed that the company is a group company of Cooper Pharma which was founded in 1981. The instant company is more than 3 decade old company having a state of art factory in Dehradun spread over in around 8500 sq. yards with latest machineries for manufacturing and R&amp;D Centre. About 250 persons are working and they have got GMP and WHO certification. Annual turnover is more than 30 crores out of which 50% is export. He further informed that they are exporting to Vietnam, Philippines, Russia, Nigeria, Latin America and several other countries.</p> <p>He further informed that they already have Drug License for their Dehradun unit and they will apply for the requisite Drug License for NSEZ unit after having the possession of premises in NSEZ.</p> <p>The representative of Noida Customs informed that there were few cases against the company under Customs Act or Central Excise Act. In one case, an SCN was issued by Central Excise on 10/09/2012, which was adjudicated on 01/03/2013 and a penalty of Rs. 2 Lakhs was imposed on Mr. Rakesh Bhargava. Also demand of duty amounting to Rs. 9.12 Lakhs was raised and equal amount of penalty was also imposed against the company.</p> <p>Shri Rakesh Bhargava informed that the said case pertains to their partnership firm "Cooper Pharma" which has already been closed in 2010. He further stated that in the said case, at first there was order for recovery of duty amount worth Rs. 1.54 Crores. They filed an appeal against the said order and the Tribunal adjudicated the same in their favour by setting aside the Central Excise order and directed to return Rs. 1.34 Crores to the firm. He further stated that they have again filed an appeal against order of Tribunal</p>
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## Noida Special Economic Zone

(Minutes of Meeting of Approval Committee of Noida SEZ held on 06/09/2017)

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for relieving from all the duty amounts, which is under process. The Approval Committee directed Shri Bhargava to furnish their written submission in this regard alongwith copies of appeal filed by them and order passed by the concerned authority.

Shri Bhargava informed that they will not be shifting their Dehradun unit and has proposed to set up an additional facility in NSEZ. Initially there will be 15 persons employed in the proposed unit.

The Approval Committee, after due deliberations, approved the proposal of M/s. Cooper Pharma Ltd. for setting up a unit in NSEZ subject to submission of the above documents by them. However, in view of the past cases by Central Excise against the promoters, the Approval Committee decided that the consignment of import/export would be subject to random check/inspection by the customs. Besides, Customs may also carry out inspections in terms of Rule 27 (10) and Rule 46 (1) (d) of the SEZ Rules, 2006.

2. **Proposal of M/s. Mohit Jewellers for setting up a new Unit in NSEZ.**

It was informed to the Approval Committee that the applicant has proposed to set up a new unit in NSEZ to undertake Manufacturing & export of Handcrafted/Machine-made Plain Gold Jewellery with projected exports of Rs. 36777.30 Lakhs and NFE earnings worth Rs. 1497.30 Lakhs over a period of five years.

Shri Mohit Agrawal appeared before the Approval Committee to explain the project. Shri Agrawal informed that he had started working as an artisan about 13 years back and is now a big contractor for manufacturing of gold jewellery and has a lot of manpower under him. He stated that he has been associated with M/s. Al Fiza Jewellers, an SEZ unit located at Plot No. 171, NSEZ and during the said period he developed good contacts with many clients in Dubai to manufacture and export of gold jewellery to them.

He informed that the said firm has been working since last 6.5 years and has work experience in manufacturing & trading in domestic market. He has a jewellery manufacturing unit in Bulandshahar of 10x20 ft. size.

It was informed that the Approval Committee in its meeting held on 02/08/2017 had directed the proprietor to submit copy of documentary evidence of his business of last 6.5 years of export and DTA sale, separate turnover of manufacturing and trading activities



along with invoices etc.

It was further informed that as per information received from the applicant, it has been observed that the applicant has not made any export till date. Further, applicant could do business of total 141 kgs of gold only (approx.) in 6.5 years. The annual capacity of the existing business on an average basis was 21-22 kgs. per annum.

The Approval Committee observed that the applicant has projected export of Rs. 367.77 Crores with very small investment of Rs. 5.71 lakh only. Further, they have projected employment of 15 persons only. The Approval Committee further observed that the applicant has proposed the capacity of 400 kgs. per annum as against existing capacity of 21-22 kgs per annum based on average of their total business during 6.5 years. As such, the proposed annual capacity is unrealistic. The Approval Committee did not find the export projections of Rs. 36777.30 Lakh feasible in view of inexperience & financial background of the promoter.

The Approval Committee, after due deliberations, observed that in view of no export experience of proprietor, disproportionately very low investment/projected manpower by him, very high export projections and relatively very small income of the proprietor, project is not viable and rejected the same in terms of section 15(3) of SEZ Act, 2005 & Rule 18(1) of SEZ Rules, 2006.

**3. Proposal of M/s. Reyam Impex for setting up a new Unit in NSEZ.**

It was informed to the Approval Committee that the applicant has proposed to set up a new unit in NSEZ to undertake Manufacturing & export of Plain Gold Jewellery, Plain Silver Jewellery, Gold Jewellery studded with Pearls, Silver Jewellery studded with Pearls with projected exports of Rs. 18000 Lakhs and NFE earnings worth Rs. 2085 Lakhs over a period of five years.

Shri Sandeep Aggarwal, proprietor and Smt. Pooja Aggarwal appeared before the Approval Committee to explain the project. Shri Aggarwal informed that he has vast experience in the business of manufacturing/import/export/distribution of various goods for more than 20 years. He further informed that he does not have any experience in manufacturing of Gems & Jewellery sector.

He further informed that initially he had submitted the application for setting up the unit



in NSEZ as a proprietorship firm. However, now the constitution of the firm has been changed to partnership firm with his wife Smt. Pooja Aggarwal as second partner.

He further informed that his wife Smt. Pooja Aggarwal has worked with British Airways at IGI Airport from 2007-2013 as ground staff and is experienced in handling the import/export cargo of jewellery through air cargo & dealing with Custom clearance etc. She also has done course from Gemological Institute of America. After British Airways, she joined Jewellers and assisted in jewellery designing.

Smt. Pooja Aggarwal informed that they have planned to invest approx. Rs. 10 Lakhs in the proposed manufacturing facility and 20-25 skilled craftsmen will be employed initially. She further informed that most of the jewellery shall be Handmade jewellery. 100% manufacturing shall be done in-house and no job-work shall be undertaken.

It was informed that Approval Committee in its earlier meeting held on 05/07/2017 had directed that a team from NSEZ shall undertake physical inspection of the DTA premises of the applicant. Accordingly, a team from NSEZ visited the address of the company in Punjabi Bagh, Delhi on 31/07/2017. The team in its inspection report stated as under:

"The promoters are working at the current location since 17/06/2017. There were three staff members, a Coordinator and two designers. The above designers are working in the firm for last one and half month. No machinery was installed in the premises and only work of designing of jewellery is carried on by the promoters.

The promoters told that as on date they are getting orders from foreign countries and designing the jewellery as per their requirement. After finalization of designs/order, the promoters give the order to other jewellers and the jewellers export the jewellery to the foreign buyers."

The Approval Committee observed that both promoters have done only one week course that too in Diamond/Gem Stone grading. Further, the promoters do not have any experience at all in the field of manufacturing and export of Jewellery. The Approval Committee also observed that the applicant has projected export of Rs. 180 Crores against meagre investment of Rs. 10 lakhs only. The Approval Committee also observed that the



	<p>premise at Punjabi Bagh has been hired just three days before filing the application for setting up unit in NSEZ.</p> <p>The Approval Committee, after due deliberations, observed that in view of no export experience of promoters, disproportionately very low investment/projected manpower by them, very high export projections and relatively very small income of the promoters, project is not viable and <u>rejected</u> the same in terms of section 15(3) of SEZ Act, 2005 &amp; Rule 18(1) of SEZ Rules, 2006.</p>
4.	<p><b>Proposal in respect of M/s. Narayan Exports for inclusion of additional items in its authorized operations.</b></p> <p>It was informed to the Approval Committee that the unit has been issued LOA dated 30/11/2005 for Manufacturing &amp; export of Readymade Garments and Fabric Made-ups. The unit has commenced its export production w.e.f. 24/03/2009 and LOA of the unit was valid till 23/03/2019.</p> <p>It was informed to the Approval Committee that the unit has submitted a proposal for inclusion of Headgear and Parts thereof under Chapter 65 as authorized operations in their LOA.</p> <p>Shri Naresh Sharma, authorized representative of the company appeared before the Approval Committee. Shri Sharma informed that they have good orders of BERETS(round hat/visor less woolen cap) from a French company "LAULHERE SAS" and as per their contract, the order value will be more than EURO 50,000 per annum. He further stated that they have been permitted for manufacturing of fabric products in their LOA under Chapter 52, 57, 61, 62, 63 &amp; 94. However, BERETS fall under chapter heading 65 and due to that they cannot export the same.</p> <p>The Approval Committee, after due deliberations, <u>agreed</u> to the request of unit for inclusion of Headgear and Parts thereof under Chapter 65 in its authorized operation in LOA.</p>



5.	<p><b>Proposal in respect of M/s. Royal Refinery Pvt. Ltd. for inclusion of additional items in its authorized operations.</b></p> <p>No one appeared on behalf of the unit. Hence, the Approval Committee deferred the proposal.</p>
6.	<p><b>Proposal of M/s. Knitpro International (Unit-I) for inclusion of additional authorized operations in LOA.</b></p> <p>It was informed to the Approval Committee that M/s. Knitpro International has been issued LOA dated 22/05/2013 for manufacturing of <i>Hand Knitting Tools &amp; Accessories, Beauty Tools, Hobby Related Products (like sewing, embroidery, quilting, stitching) and Trading of above items.</i> The unit has commenced its activities w.e.f. 03/01/2014 and LOA is valid till 02/01/2019.</p> <p>It was informed to the Approval Committee that the unit has submitted a proposal for inclusion of Manufacturing of Cable Components and Hand Knitted Products as authorized operations in their LOA.</p> <p>Shri RC Jain and Shri Shirish Jain, promoters of the unit appeared before the Approval Committee. Shri Jain informed that proposed items have already been approved in their another LOA. He further stated that the reason for proposed amendment is due to (i) similarity of productions technique to make cable; (ii) use of common machines (iii) Common usage of hand Knitted Tools and Products and (iv) similar customer base for the proposed products.</p> <p>Shri Jain informed that that they have neither done any trading activities nor have made any DTA sales during current block of five years. Shri Jain further informed that although they are currently not carrying out Trading activities, they may require doing trading activities at a later stage. Hence, they would like to retain the Trading activities.</p> <p>The Approval Committee, after due deliberations, agreed to the request of unit for inclusion of manufacturing of Cable Components and Hand Knitted Products as authorized operation in its LOA. The Approval Committee also decided that trading will be permitted not more than 5% of export turnover during previous financial year and it will be subject to the condition of 100% physical export.</p>





**7. Proposal of M/s. Knitpro International (Unit-II) for amendment in authorized operations in LOA.**

It was informed to the Approval Committee that M/s. Knitpro International (Unit-II) has been issued an LOA dated 13/01/2016 for Manufacturing of i) Cable Components, ii) Hand Knitted Products, iii) Hand Crocheted Products, iv) Hand Woven Products, v) Handmade Accessories, vi) Knitting Yarn, and vii) Hobby and Craft Kits. The unit has commenced its export production w.e.f. 26/08/2016 and LOA is valid till 25/08/2021.

It was informed to the Approval Committee that the unit has submitted a proposal for revision of authorized operations to Manufacturing of i) Handmade Accessories and parts thereof, ii) Hobby and Craft Kits & parts thereof, iii) Household & Furniture Products & parts thereof, iv) Decorative Products & parts thereof and v) Fashion & imitation Jewellery & parts thereof. The unit also requested to remove (i) Cable Components, (ii) Hand Knitted Products, (iii) Hand Crocheted Products, (iv) Hand Woven Products and (v) Knitting Yarn.

Shri RC Jain and Shri Shirish Jain, promoters of the unit appeared before the Approval Committee. He further stated that they will not be using sandalwood to manufacture any of the items. He also stated that fashion & imitation jewellery market has witnessed rise owing to the factors such as increasing price of gold, silver and other precious gems & jewellery.

The Approval Committee, after due deliberations, approved the request of unit for revision of authorized operations for Manufacturing of (i) Handmade Accessories and parts thereof, (ii) Hobby and Craft Kits & parts thereof, (iii) Household & Furniture Products & parts thereof, (iv) Decorative Products & parts thereof and (v) Fashion & imitation Jewellery & parts thereof. The Approval Committee also approved request of the unit to remove (i) Cable Components, (ii) Hand Knitted Products, (iii) Hand Crocheted Products, (iv) Hand Woven Products and (v) Knitting Yarn.



8.	<p><b>Proposal in respect of M/s. Hotz Industries Ltd. for Renewal of LOA and Monitoring of performance.</b></p> <p>It was informed to the Approval Committee that M/s. Hotz industries Ltd. was issued an LOA dated 26/04/2007 for manufacturing of Quilts, Cushion Covers, Curtains, Table Cover, Napkins &amp; Garments. Unit commenced its export production w.e.f. 10/12/2008 and LOA of the unit was valid till 07/07/2017. Unit has been lying non-functional since 2010-11. Unit has been allotted Plot No. 25 &amp; 26, NSEZ.</p> <p>It was informed that the Approval Committee in its meeting held on 07/05/2015 had extended the validity of LOA upto 07/07/2017 subject to the condition that further renewal shall be considered on the basis of performance of unit during the extended period of validity of LOA.</p> <p>Shri Gaurav Jain, director appeared before the Approval Committee. He informed that due to certain constraint they were unable to earlier initiate the production at the unit and are now please to inform that they have moved capital goods in June 2017 and also installed a DG set to ensure uninterrupted power supply. He further stated that they have started production in the unit and approx. 1.5 M.Tons products are ready for export.</p> <p>Shri Jain further stated that they will start the export activities within 7 days of getting the approval for extension in the validity of LOA.</p> <p>The Approval Committee, after due deliberations, <u>decided to extend the validity of LOA</u> of M/s. Hotz Industries Ltd. for one year i.e. upto 07/07/2018 and decided that further renewal shall be considered on the basis of performance of unit during the extended period of validity of LOA.</p>
9.	<p><b>Proposal in respect of M/s. Ameks Techfab Pvt. Ltd. for Monitoring of performance and renewal of LOA.</b></p> <p>It was informed to the Approval Committee that the unit has been issued LOA dated 25/04/2006 for Manufacturing &amp; Export of Home Textile, Made- Ups Clothing, Uniform Safety Jackets &amp; Accessories - Defence.</p> <p>It was informed to the Approval Committee that last and final extension in the validity of</p>



LOA granted by the Development Commissioner was valid till 24/04/2010. Based on the intimation by the unit, DCP of the unit was taken on records as 22/09/2009 and LOA was revalidated for five years upto 21/09/2014. However, as observed from APRs they have not made any export during the said period since inception.

Shri Rahul Bhatnagar, director of the company appeared before the Approval Committee. Shri Bhatnagar informed that there has been change in board of directors and shareholding of the company. New directors have been brought on the board to support the company financially. Shri Bhatnagar informed that their core set up is for producing protective gear for ballistic protection for defense application in International export market and National Defense & Internal Security.

Shri Bhatnagar informed that they they had started production and manufactured 200 jackets in 2009. Out of which total 40 jackets as samples were sent to DRDO for testing. He further informed that Industrial License was not required at that time. However, it has been made compulsory to obtain Industrial License since year 2014 and they are in process to obtain the same. He also informed that despite being non-functional due to above said period, they have been incurring expenses on NSEZ unit with the hope to restart the business.

It was informed that Industrial License is required to manufacture Bullet Proof jackets and other protective gears related to Defence items. Shri Bhatnagar informed that they have applied to DIPP for Industrial License and the same is awaited.

It was informed to the Approval Committee that NSEZ Customs in its report has informed that the unit has not made any export or DTA clearance. It was further informed that the samples sent to the DRDO cannot be counted as DTA sale as the same were sent to DRDO for testing purpose. It has also been informed that machines have been installed in the premises and approx. 200 jackets have also been found manufactured in the premises of the unit.

The Approval Committee observed that there is change in 100% shareholding of the company. Further, as the unit has been allowed manufacturing of defense items now requiring industrial license w.e.f. June 2014, the proposal for renewal or extension in the



	<p>validity of LOA does not come within the ambit of Approval Committee. Hence, in both cases, the proposal has to be sent to BOA for consideration.</p> <p>The Approval Committee observed that machines have already been installed in the factory and the promoters have projected investment worth Rs. 1.75 Crores in the unit.</p> <p>The Approval Committee, after due deliberations, decided that the proposal in respect of the unit may be forwarded to the BOA for extension in the validity of LOA and Change in shareholding along with its recommendation subject to receipt of Industrial License from the unit.</p>
10.	<p><b>Proposal of M/s. GPL Exports Ltd. for time extension for trading activity.</b></p> <p>It was informed to the Approval Committee that M/s. GPL Exports has been issued an LOA dated 28/02/2013 for Manufacturing &amp; Trading activities. The unit has commenced its export production w.e.f. 01/05/2003 and LOA of the unit is valid till 30/04/2018.</p> <p>It was further informed that It may be recalled that while review of the authorized operations by the Approval Committee in its meeting held on 01/02/2017, the authorized representative of unit informed that currently some goods are lying at the unit for clearance in DTA under Rule 53 of SEZ Rules, 2006 and requested to give permission for clearing these goods in DTA against free foreign exchange as permissible under Rule 53 of SEZ Rules, 2006. The Approval Committee allowed time upto 31/08/2017 for clearance of goods already imported and lying in the stock of the unit, as on date of its meeting i.e. on 01/02/2017, in DTA against freely convertible currency as permissible under Rule 53 of SEZ Rules, 2006. Thereafter, no DTA clearance for trading goods shall be allowed.</p> <p>Shri Vikas Rungta, authorized representative of the company appeared before the Approval Committee. He informed that they are working in the zone from 2003 and the stocks have been accumulated during the course of time. He further informed that t their stock position as on 01/02/2017 was Rs. 245.92 Lakhs but due to slowdown in the export market, they were able to dispatch materials worth approx. 82.78 Lakhs only and they still have a stock of Rs. 163.15 Lakhs.</p> <p>The Approval Committee, after due deliberations, decided to grant six months time i.e. upto 29/02/2017 for clearance of goods already imported and lying in the stock of the</p>



	<p>unit, as on 01/02/2017, in DTA against freely convertible currency as permissible under Rule 53 of SEZ Rules, 2006. Thereafter, no DTA clearance of trading goods shall be allowed. Also no import of such fresh good intended to cleared in DTA as part of these trading activity would be allowed.</p>
11.	<p><b>Proposal in respect of M/s Braahmam Net Solutions Pvt. Ltd. for Monitoring of performance.</b></p> <p>It was informed to the Approval Committee that M/s. Braahmam Net Solutions Pvt. Ltd. has been issued LOA dated 20/07/2011 for E-Learning, Localization, Audio Engineering, QA and Testing. Unit has commenced its export activities w.e.f 10/04/2012 and LOA is valid till 09/04/2022.</p> <p>It was informed that while monitoring the performance of the unit, the Approval Committee in its meeting held on 02/08/2017 has observed that forex Rs.96.65 Lakhs are pending for realization as on 31/03/2017. The Approval Committee deferred the matter for its next meeting and directed that current status of pending foreign exchange may be ascertained from the unit. The Approval Committee further directed the unit to submit realization certificate if the foreign exchange has already been realized or permission from RBI for time extension if the foreign exchange has not been realized within the specified time period.</p> <p>Shri Biraj Rath and Shri Ravi Kumar, authorized representatives of the company appeared for the meeting. He informed that out of Rs. 96.95 Lakhs, they have realized forex of Rs. 82.63 Lakhs. However, foreign exchange worth Rs. 14.32 Lakhs are still outstanding for realization. He further stated that they have not taken the approval from RBI on the delay in realization of outstanding foreign exchange till now. The Approval Committee observed that some of these forex are pending since the year 2012-13.</p> <p>The Approval Committee, after due deliberations, directed the unit to submit permission from RBI for time extension for realization of outstanding foreign exchange within 3 months, failing which necessary action shall be taken against them.</p>



**12. Proposal of M/s. JMD Overseas for Monitoring of performance.**

It was informed to the Approval Committee that M/s. JMD Overseas was issued LOA dated 13/02/2015 for Manufacturing & export of handcrafted/ machine made Gold jewellery Plain/ Studded with precious/semi-precious/synthetic stones, pearls & diamond. LOA of the unit was valid till 12/02/2016.

It was informed that Unit has applied for exit from SEZ scheme. This office vide letter dated 17/01/2017 requested the unit to submit NOCs from different departments and other requisite documents for consideration of final exit. The unit has till date not complied with the exit formalities.

The Approval Committee observed that unit has not commenced its export activities and has requested for exit. It was informed that lease rent of Rs. 6,09,447/- is outstanding against the unit.

The Approval Committee, after due deliberations, directed to inform the unit to complete exit formalities as conveyed by this office letter dated 17/01/2017 at the earliest.

**13. Proposal of M/s. Advance Informatics for Exit and transfer of assets & building at Plot No. 142A/20A, NSEZ to M/s. Advance Nanomed under Rule 74A of SEZ Rules, 2006.**

It was informed to the Approval Committee that M/s. Advance Informatics has submitted a proposal for exit from SEZ scheme and transfer of its assets & Building at Plot No. 142A/20A, NSEZ to M/s. Advance Nanomed under provisions of Rule 74A of SEZ Rules, 2006 as per following details:

Name & Address of Transferor	M/s. Advance Informatics Plot No. 142A/20A, NSEZ
Whether formal request for exit from SEZ Scheme has been made by the transferor	Yes
<b><u>Details of LOA of transferor</u></b>	
Date of LOA	20/09/2005
DCP	25/09/2007
Date of LOA validity	24/09/2017
Whether the unit (Transferor) has held lease of land for not less than a period of	Sub-lease deed is valid upto 31/10/2020.

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5 years on the date of transfer	
Name & Address of Transferee	M/s. Advance Nanomeds D-1070, New Friends Colony, New Delhi - 110065
Whether the transferee fulfils all eligibility criteria applicable to a unit; if yes, details of LOA of transferee:	
Date of LOA	16/05/2017
DCP	--
Date of LOA validity	15/05/2018

It was informed to the Approval Committee that the above proposal of M/s. Advance Informatics was placed before the Committee constituted under the chairmanship of JDC, NSEZ to examine the case under Rule 74A and 3<sup>rd</sup> proviso to Rule 19(2) held at NSEZ on 04/09/2017. The Committee noted that Rule 74A of the SEZ Rules, 2006 inter alia provides as under:-

*'The unit may opt out of Special Economic Zone by transferring its assets and liabilities to another person by way of transfer of ownership including sale of Special Economic Zone units inter-alia subject to the following conditions:-*

- (i) The unit has held a valid Letter of Approval as well as Lease of Land for not less than a period of five years on the date of transfer;*
- (ii) The unit has been operational for a minimum period of two years after the commencement of production as on the date of transfer;*
- (iii) Such sale or transfer transactions shall be subject to the approval of the Approval Committee.'*
- (iv) The transferee fulfils all eligibility criteria applicable to a unit; and*
- (v) The applicable duties and liabilities, if any, as calculated under rule 74, as well as export obligations of the transferor Unit, if any, shall stand transferred to the transferee Unit which shall be under obligation to discharge the same on the same terms and conditions as the transferor Unit."*

It was further informed that the said Committee observed that the transferor unit meets all the conditions of Rules 74A and the transferee units also have valid LOA. Accordingly the Committee recommended the proposal of M/s. Advance Informatics for exit and transfer of assets & Building at Plot No. 142A/20A, NSEZ to M/s. Advance Nanomeds in



terms of Rule 74A of SEZ Rules.

Shri Sunil Agarwal, promoter of M/s. Advance Informatics and M/s. Advance Nanomeds appeared before the Approval Committee. Shri Agarwal informed that both the units are held by same promoters and their shareholding is also same. He further informed that they hope to start export activities from M/s. Advance Nanomeds in 2019 and also hope to make export worth Rs. 10 Crores in first five years.

The Approval Committee, after due deliberations, approved the proposal of M/s. Advance Informatics for exit from SEZ scheme under Rule 74A of SEZ Rules, 2006 and transfer of its assets & building at Plot No. 142A/20A, NSEZ to M/s. Advance Nanomeds subject to fulfillment of exit formalities by M/s. Advance Informatics; payment of applicable transfer charges and submission of an undertaking by incoming entrepreneur regarding taking over the assets & liabilities of existing unit.

**14. Proposal in respect of M/s. Honey-Mc Dew Gold Inc. for Review of LOA.**

It was informed to the Approval Committee that M/s. Honey-Mc Dew Gold Inc. was issued an LOA dated 18/01/2007 for Manufacturing of Handcrafted/Machine Made Gold Jewellery Plain/Studded with Diamonds, Pearls, Precious, Semi-Precious & Synthetic Stones. The unit commenced its export production w.e.f. 29/06/2007 and LOA is valid till 28/06/2017.

It was informed that the Approval Committee in its meeting held on 02/09/2015 while considering proposal of unit for change in directors observed that unit is lying non-functional since 2012-13 and directed the unit as under:

- (i) To obtain permission from RBI for extension of time for realization of the pending forex and submit a copy of the same to this office.
- (ii) To re-start operations expeditiously.

The Approval Committee in its meeting held on 02/09/2015 had also decided that if the unit fails to do export, their LOA shall be liable to be cancelled under section 16 of the SEZ Act, 2005. Shri Muni Ram Verma, partner in the firm present during the said meeting dated 02/09/2015 agreed to re-start the export activities, at the earliest.





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No one from the unit appeared before the Approval Committee. The Approval Committee observed that unit has not made any export and lying non-functional since 2012-13. Further, LOA of the unit has already expired on 28/06/2017 and the unit has not even applied for its renewal. Besides, lease right being coterminous with validity of LOA also stands expired on 28/06/2017 in terms of provisions of Rule 11(5) of SEZ Rules, 2006.

The Approval Committee, after due deliberations, decided not to extend the validity of LOA further. The Approval Committee further decided that LOA of the unit stands expired w.e.f. expiry of its validity on 28/06/2017 and consequently lease right of Plot No.129G/2, NSEZ being co-terminus with validity of LOA also stands expired on 28/06/2017 in terms of provisions of Rule 11(5) of SEZ Rules, 2006. The Approval Committee directed the Estate Management section to take necessary action against the unit as appropriate under provisions of P.P. Act to takeover possession of space allotted to it.

Meeting ended with thanks to the Chair.

  
(S. S. Shukla)  
Jt. Development Commissioner

  
(Dr. L. B. Singhal)  
Development Commissioner