

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. 12/01/2019-प्रोज/

दिनांक: 19/06/2019

सेवा में,


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. उप सचिव, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली - 110001।
6. उप सचिव (आई एफ-1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
7. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नौएडा।

विषय: दिनांक 12/06/2019 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 में दिनांक 12/06/2019 को पूर्वाह्न 11:30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नौएडा विशेष आर्थिक क्षेत्र, नौएडा में आयोजित नौएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त

भवदीय,

(नितिन गुप्ता)
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. सचिव, नौएडा विशेष आर्थिक क्षेत्र प्राधिकरण- सूचनार्थ एवं आवश्यक कार्यवाही के लिए।
5. सहायक विकास आयुक्त (एडमिन) - सूचनार्थ एवं कार्यवृत्त के हिंदी अनुवाद के लिए।

उप विकास आयुक्त

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(दिनांक 12/06/2019 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

Minutes of 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 12/06/2019 in the Chamber of DC, NSEZ.

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

- 1) Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
- 2) Shri Rajesh Sharma, Asstt. Commissioner, Customs, Noida Commissionerate.
- 3) Shri Chaman Lal, FTDO, O/o Addl. DGFT, CLA, New Delhi.
- 4) Ms. Anjali Meena, Income Tax Officer, Income Tax Deptt., Noida.

2. Besides, during the meeting S/Shri (i) Md. Salik Parwaiz, Specified Officer, NSEZ, (ii) Nitin Gupta, Dy. Development Commissioner, NSEZ, (iii) Pramod Kumar, Asstt. Development Commissioner, NSEZ, (iv) Javir Ali, Steno, NSEZ and (v) Kapil Muni, JE, 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 01/05/2019.

It was informed that no reference against the decisions of the Approval Committee held on 01/05/2019 was received and, therefore, Minutes of the meeting held on 01/05/2019 were ratified.




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Item wise decisions on proposals included in agenda:

1.	<p>आप की पसंद - नौएडा विशेष आर्थिक क्षेत्र में नयी इकाई लगाने हेतु प्रस्ताव ।</p> <p>It was informed to the Approval Committee that the M/s. Aap Ki Pasand has proposed to set up a new unit in NSEZ for Manufacturing of (i) Coffee – 090121; (ii) Black Tea – 090230 (iii) Green Tea – 090210; (iv) White Tea – 090210; (v) Ceramic Tea Accessories – 691200; (vi) Herbal Tea – 12119029. They have projected exports of Rs. 3195.39 Lakhs and NFE earnings of Rs.3143.64 Lakhs with proposed investment of Rs. 16.41 Lakhs in indigenous plant & machinery/capital goods, over a period of five years.</p> <p>1.2 Shri Sanjay Kapur, proprietor and Shri Nikhil Kapur appeared before the Approval Committee. Shri Sanjay Kapur informed that they have started as a tea shop in 1981 in Daryaganj, Delhi and later started manufacturing unit in 1985. He further informed that currently they operate out of its head office in New Delhi, its Tea buying office at Kolkata, a Food grade tea blending and packaging factory at Gurgaon and 10 company owned tea retail stores.</p> <p>1.3 Shri Kapur further informed that they are registered with Tea Board and have 15-20 licenses for manufacturing of different kind of flavoured tea. He also informed that currently they are manufacturing approx. 65 different kind of tea under the brand name of 'SANCHI'.</p> <p>1.4 Shri Kapur also informed that currently their company is facing constraints as well as issues of compliance along with segregation of materials sourced for domestic consumption and materials meant for export production. The chain of custody is difficult to maintain as per International Client requirements in current setup. Further, they are growing at a rapid pace and they require setting up of a new factory with enhanced production facility to blend teas, spices, herbs & coffee.</p> <p>1.5 Shri Kapur further informed that they are going to export special kinds of tea which require special utensils like tea strainers to filter the tea leaves. Utensils are part & parcel of the tea drinking process. These tea accessories</p>
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shall be packed together in consumer packs so that consumer may enjoy tea blend with correct equipment.

1.6 It was informed to Shri Kapur that it has been observed that values of projected exports, outgo, NFE earnings and equity details have not been corrected in Form-F. Hence, they need to file revised Form-F giving correct forex balance sheet; equity details etc. Shri Kapur ensured to file the revised Form-F at the earliest.

1.7 The Approval Committee, after due deliberations, approved the proposal of M/s. Aap Ki Pasand for setting up a unit in NSEZ for Manufacturing & export of (i) Coffee – 090121; (ii) Black Tea – 090230 (iii) Green Tea – 090210; (iv) White Tea – 090210; (v) Ceramic Tea Accessories – 691200; (vi) Herbal Tea – 12119029 subject to submission of corrected Form-F and subject to condition that unit shall obtain necessary permission from FSSAI and other departments as per applicability.

2. ओवरड्राइव इलेक्ट्रॉनिक्स प्राइवेट लिमिटेड - नौएडा विशेष आर्थिक क्षेत्र में नयी इकाई लगाने हेतु प्रस्ताव ।

It was informed to the Approval Committee that the M/s. Overdrive electronics Pvt. Ltd. has proposed to set up a new unit in NSEZ for Manufacturing & Export of (i) Electric and/or LED lamps, Lights, Modules, retrofits and its parts thereof (ITC HS 8539) and (ii) Electric and/or LED Fixtures, Lights, Fittings and its Parts thereof (ITC HS 9405) with projected exports of Rs. 32716.80 Lakhs and NFE earnings worth Rs.8264.66 Lakhs with proposed investment of Rs. 134.28 Lakhs & Rs. 133.09 Lakhs in indigenous & imported plant & machinery/capital goods respectively, over a period of five years.

2.2 Shri Mohit Kumar Mittal and Shri M. K. Aggarwal, directors of the company appeared before the Approval Committee. Shri Mittal informed that earlier they had two units in NSEZ one for IT/ITES and other for manufacturing of electric lamps. Due to unfavourable market conditions and



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very less export orders, they had to shut down those units. However, they continued to work from DTA and sold their products in domestic market.

2.3 Shri Aggarwal informed that they are one of the first and leading manufacturers of LED lights & lamps in India and currently supplying to various companies in India and abroad. They have also done substantial Research & Development for new lighting products to take care of ever-increasing energy efficient lighting products.

2.4 Shri Mittal informed that LED based business is currently growing internationally at over 25% CAGR (Compound Annual Growth Rate). The cost of LED production in India is going down which would help them to provide competitive cost for exports. He further stated that due to tariff war between USA and China, there has been increase in orders from USA. Due to above facts, they have decided to again set up a factory in NSEZ specially to cater to these export orders.

2.5 The Approval Committee, after due deliberations, approved the proposal of M/s. Overdrive Electronics Pvt. Ltd. for setting up a unit in NSEZ for Manufacturing & export of (i) Electric and/or LED lamps, Lights, Modules, retrofits and parts thereof (ITC HS 8539) and (ii) Electric and/or LED Fixtures, Lights, Fittings and Parts thereof (ITC HS 9405).

3. शिम्मर इंटरनेशनल - नौएडा विशेष आर्थिक क्षेत्र में नयी इकाई लगाने हेतु प्रस्ताव।

It was informed to the Approval Committee that the M/s. Shimmer International has proposed to set up a new unit in NSEZ for "(i) Manufacturing of Home Furnishing (5906); (ii) Manufacturing & Trading of Ladies, men's and kids garments, apparel clothing (6202); (iii) Manufacturing of Footwear(6404); (iv) Manufacturing of Imitation jewellery(7117)" with projected exports of Rs.7661.92 Lakhs and NFE earnings worth Rs.6522.92 Lakhs with proposed investment of Rs. 10 Lakhs & Rs. 65 Lakhs in indigenous & imported plant & machinery/capital goods respectively, over a period of five years.

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3.2 Ms. Nidhi Khullar, proprietor of the firm and Shri Pramod Khullar appeared before the Approval Committee. Ms. Khullar informed that she has done Fashion Designing from NIFT and also done MBA in International Business. She further informed that she started Shimmer International in the year 2005 dealing in High fashion women's wear, Garments and fashion accessories. She further informed that their main export markets are USA and UAE.

3.3 The Approval Committee observed that applicant has proposed exports worth Rs. 7661.92 Lakhs against raw materials/finished goods worth Rs. 1084 Lakhs only. The Approval Committee was not convinced as to how the applicant will achieve such a high value addition. Ms. Khullar agreed with the observation of the Committee that the export projection for 5 years is unrealistic and requested to give an opportunity to give revised application/projection.

3.4 The Approval Committee further observed that proposed authorized operations namely "(i) Manufacturing of Home Furnishing (5906); (ii) Manufacturing & Trading of Ladies, men's and kids garments, apparel clothing (6202); (iii) Manufacturing of Footwear(6404); (iv) Manufacturing of Imitation jewellery(7117)", relate to different sector of businesses. It was informed to the representatives that proposed items relate to altogether different sector and as per Instruction No. 69 dated 04/11/2010 issued by Deptt. of Commerce, unrelated items cannot be allowed. The Approval Committee asked Ms. Khullar to specify the products of same category/sector for which they want to set up the unit. Ms. Khullar ensured to submit revised project report and Form-F after amending the proposed products.

3.5 The Approval Committee further observed that total investment has been proposed as Rs. 75 Lakhs which has been proposed to be financed through internal accruals of the company. However, the total income of proprietor is only Rs. 7.29 Lakhs in last year. Ms. Khullar informed that her firm in DTA has achieved turnover of approx. 60 Crores in the FY 2018-19 and

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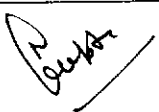
the said turnover is against export of mainly trading goods.

3.6 It was also informed that a team of Officers of NSEZ visited the premises of M/s. Shimmer International and have submitted the site inspection report, which is reproduced as under:

“As directed, I, Ritesh Kumar, Preventive Officer (Customs) along with Shri Pramod Kumar, Assistant Development Commissioner, NSEZ have visited the premises of M/s. Shimmer International, A-130, Ist Floor, Udyog Kendra Extn. II, Echotech-III, Greater Noida on 04/06/2019 and observed as under:

- i) The premises was located on 1st floor of Plot No. 130, Udyog Kendra Extn.II having two halls (approx. 1800-2000 sq.ft. area):
- ii) At the time of visit, only two persons were present there, one of them introduced himself as Shri Pankaj Tiwari, Manager. On enquiring, he told that the said premises is on rent of Rs. 7000/- per month w.e.f. 10/09/2018 for period of 11 months;
- iii) Shri Pankaj Tiwari, Manager failed to give any data regarding export/import/DTA procurement etc., however, he told that the company procured finished goods from local market and sold the goods either in local market or exported them to country like USA, UAE etc.
- iv) Finished goods viz Soap (100-120 cartons approx.), Ankle Socks (40-50 cartons approx.) and Cotton Yarn (80-100 bori approx.) were found in the premises.
- v) The electricity meter was installed in the name of M/s. Shark Technologies Pvt. Ltd. and no separate meter found installed for 1st floor.
- vi) There were only 4-5 chairs, 3-4 tables and a computer system installed in the premises.”

3.7 It was further informed that the letter dated 04/06/2019 issued to the applicant on head office address mentioned in Form-F has been returned by



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the postal authorities with remarks "incomplete address". Further, email sent on the email-id provided by the applicant in the application form has also bounced back. The Approval Committee asked Ms. Khullar to submit a written clarification in this regard along with correct address and email-id.

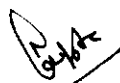
3.8 It was also informed that there were some discrepancies found in the application, which were conveyed to the applicant, vide this office letter dated 04/06/2019, for necessary rectification. The applicant has submitted its reply on 11/06/2019 which is yet to be examined.

3.9 The Approval Committee, after due deliberations, keeping in view unrealistic export/NFE projections vis-a-vis the value of projected raw material and the proposed items being from unrelated sectors, deferred the proposal of M/s. Shimmer International with the directions to the representatives to submit the following for further consideration:

- (i) Revised Form-F and project report indicating proposed products of one and the same sector for which they want to set up the unit, revised projections, list of required raw material and machines (along with ITC HS Codes) corresponding to each proposed item.
- (ii) Details of export turn over made by M/s. Shimmer International during 2018-19 duly certified by CA and supported with documentary evidence viz. shipping bills for exports.
- (iii) Reasons for return of letter from head office address by postal authorities and non-delivery of e-mail on the given e-mail ID along with correct address of the firm as well as correct email ID.

4. ग्लोबल एक्सपोर्ट इम्पोर्ट मार्केट इंटेलिजेंस - नौएडा विशेष आर्थिक क्षेत्र में नयी इकाई लगाने हेतु प्रस्ताव।

It was informed to the Approval Committee that the M/s. Global Export Import Market Intelligence has proposed to set up a new unit in NSEZ for Trading of



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Readymade Garments (ITC chapter 62), Motor Vehicle Parts (ITC HS 85122020), Brassware(74181021, 74199930), Mobile Phone Accessories (under chapter 85, 42 & 39), with projected exports of Rs.4900 Lakhs and NFE earnings worth Rs.4895 Lakhs with proposed investment of Rs. 10 Lakhs in indigenous plant & machinery/capital goods (as per revised Form-F) over a period of five years.

4.2 Shri Lalit Kumar, proprietor of the firm appeared before the Approval Committee. He informed that earlier he was providing consultancy to other companies. He further informed that he has been in business for last two years and also have GST registration.

4.3 The Approval Committee observed that applicant has proposed exports worth Rs. 4900 Lakhs against raw materials/finished goods worth Rs.10 Lakhs only. The Approval Committee was not convinced as to how the applicant will achieve such a high value addition. Shri Lalit Kumar agreed with the observation that the said value addition is unrealistic and requested to give him an opportunity to revise the projections.

4.4 The Approval Committee further observed that applicant has gross income of Rs. 5.53 Lakhs and Rs. 9.83 Lakhs in the year 2017-18 & 2018-19 respectively. It was further informed that in project report applicant has stated that his firm Lalit & Associates has revenue of Rs. 9524950/- during Assessment year 2018-19 and gross total income therefrom was Rs. 9.83 Lakhs only. Shri Lalit Kumar informed that the said revenue/income is against the income from consultancy services, which his firm had provided. He further stated that they have not done any export business on their own till date and only provided consultancy services.

4.5 The Approval Committee further observed that with an income of Rs. 9.83 Lakhs and raw material of Rs. 10 Lakhs only, applicant has proposed export projection of Rs. 49 Crores in trading activities, which by any stretch of imagination is not credible. Shri Kumar agreed that the import/export projections are erroneous and unrealistic requiring revision. He requested for



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an opportunity to submit revised Form-F with revised projections. Further, Shri Kumar informed that apart from his income, his family is ready to invest money in his firm. Further, he has property in his name and banks are ready to give loan against these properties.

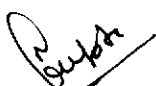
4.6 It was informed that a team of Officers of NSEZ visited the premises of M/s. Global Export Import Market Intelligence and have submitted the site inspection report, which is reproduced as under:

"As directed, I, Ritesh Kumar, Preventive Officer (Customs) along with Shri Pramod Kumar, Assistant Development Commissioner, NSEZ have visited the premises of M/s. Global Export Import Market Intelligence, Office No.6, 1st Floor, Ved Ram Sharma Market, Hoshyarpur, Sector-51, Noida on 04/06/2019 and observed as under:

- *The premises located on 1st floor in Ved Ram Sharma Market, however, no hoarding/board was found there;*
- *The premises having an area of 500 sq.ft.(approx.);*
- *At the time of visit only one person who introduced himself as Shri Mangal Jaiswal, daily wager was present there. On enquiring, he told that he does not know anything about the company (reg. its business).*
- *Shri Mangal Jaiswal, daily wager failed to produce any documents regarding the company and its activity;*
- *No finished goods/material/activity were found in the premises; There were 10-12 chairs 5-6 tables, 3-4 laptops and wardrobes installed in the premises;*

Further, on visiting its 2nd premises located in 203, Pocket -6, Vardhman Plaza, LSC Mayur Vihar Phase-III, Delhi - 110096 on 04.06.2019 and observed as under:

- *The premises was located on Office No.202/2, 2nd floor, Vardhman*



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Plaza, Mayur Vihar, Phase-III, Delhi having an area of 100 sq.ft.(approx.);

- *At the time of visit only one person who introduced himself as Shri Rajesh Singh, office staff was present there. On enquiring, he told that he does not know much about the company (reg. its business). However, he told that the company procured finished goods from domestic market and sold it in domestic market;*
- *Shri Rajesh Singh failed to produce any documents regarding the company and its activity;*
- *No finished goods/material/activity were found in the premises;*
- *There were 3-4 chairs 2-3 tables and a computer system installed in the premises;”*

4.7 It was further informed that the letter issued to the applicant on head office address mentioned in Form-F has been returned by the postal authorities with remarks “incomplete address”. The Approval Committee asked Shri Kumar to submit a written clarification in this regard along with correct address.

4.8 The Approval Committee further observed that applicant has proposed trading of items related to different sectors. The Approval Committee asked Shri Kumar to apply for the items only for which he has orders. Shri Kumar ensured to file revised Form-F and project report.

4.9 The Approval Committee, after due deliberations, deferred the proposal and directed the promoter to submit the following for further consideration:

- (i) Revised Form-F and project report indicating proposed products (with complete & correct ITC(HS) Codes) for which they want to set up the unit alongwith revised & genuine projections.
- (ii) Details of source of funds along with documentary evidence viz.

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	<p>commitment letters/agreement from lenders and bank.</p> <p>(iii) Reasons for variation in addresses of the firm and return of letter (addressed to head office address) by postal authorities along with correct address of the firm.</p> <p>(iv) Copy of Form 26 AS filed by the firm in respect of its DTA operations.</p> <p>(v) Copy of GST registration and GST return filed by the firm.</p>
5.	<p>सबर अरोमा ओवरसीज एलएलपी - नौएडा विशेष आर्थिक क्षेत्र में नयी इकाई लगाने हेतु प्रस्ताव </p> <p>It was informed to the Approval Committee that the M/s. Sabar Aroma Overseas LLP (incorporated on 06/05/2019) has proposed to set up a new unit in NSEZ for Manufacturing & Export of Pan Masala, Gutka (24039990), Zarda Khaini, Filter Khaini (24039930), Chewing Tobacco and preparation (24039910) Gutka without Tobacco (2403), Mouth Freshener(2403), with projected exports of Rs.12465 Lakhs and NFE earnings worth Rs.7203 Lakhs, with proposed investment of Rs. 50 Lakhs & Rs. 75 Lakhs in indigenous & imported plant & machinery/capital goods respectively, over a period of five years.</p> <p>5.2 Shri Deepak Nandwani, partner in the firm appeared before the Approval Committee. He informed that they have been engaged in manufacturing & trading business of sanitary fittings products and have very good experience and presence in the field of manufacturing and marketing. He further informed that they have previously done manufacturing & export of tobacco products from their other unit for 1-2 years during 2006-2007 under the brand name H.K. Gutkha and G.T. Gutkha but had to be discontinued because of its being unviable on account of compounding duty of Excise. He further stated that they made export worth approx. Rs.8-10 Crores.</p>

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5.3 The Approval Committee observed that applicant in its project report has inter-alia mentioned proposed manufacturing items as "Gutka" and "Gutka without tobacco", which needs clarification. Shri Nandwani informed that this was a mistake as there is no Gutka without tobacco. He ensured to submit revised Form-F, at the earliest.

5.4 It was informed that the Govt. of Uttar Pradesh has vide Notification No. 6288/FSDA/FOOD/2012 dated 04/10/2012 in pursuance of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation 2011, prohibited, w.e.f. 1st April 2013, in the state of Uttar Pradesh, the manufacture, storage, sale or distribution of Gutkha and Pan Masala containing tobacco or nicotine as ingredients, by whatsoever name it is available in the market. It was informed to the applicant that NSEZ is situated in Utaar Pradesh and hence, in view of the UP Govt. notification, Gutkha and Pan Masala containing tobacco or nicotine cannot be allowed. The Approval Committee directed the applicant to revise their proposed activities after taking the said notification and other regulations in consideration.

5.5 It was further informed that a team of Officers of NSEZ visited the premises of M/s. Sabar Aroma Overseas LLP and have submitted the site inspection report, which is reproduced as under:

"As directed, I, Rajkumar Gupta, Preventive Officer (Customs) along with Shri Pramod Kumar, Assistant Development Commissioner, NSEZ visited the premises of M/s. Sabar Aroma Overseas LLP (applicant firm), 194, 4th Floor, Deepali Enclave Pitampura, North West Delhi- 110034 on 07/06/2019 where we met Sh. Deepak Nandwani, partner of the applicant firm, and as per information provided by him and visits of following premises, observations are as under:

- (i) **194, 4th Floor, Deepali Enclave Pitampur, North West Delhi-110034**: This premises has two portions. One (600

Rajkumar Gupta

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sq.ft. approx.) is being used as Branch Office of M/s HDA Buildcon Pvt. Ltd. (engaged in Real Estate and some trading). Another adjacent premises (800 sq.ft approx) has been kept as Head office of applicant firm. Both the premises had their separate small size board at their doors displaying names of above two company/firm. There were 5-6 chairs 2-3 tables and two computer system installed in the premises of HDA Buildcon. (copy of Memorandum & Article of Association of M/s HDA Buildcon Pvt. Ltd., copy of Sale deed of plot No. 194 (310.652 sq.m.), Deepali Enclave, Pitampura, Delhi enclosed). Mr. Nandwani, told us that the whole building is owned by HDA Buildcon Pvt. Ltd. and basement to 3rd floor of the building has been rented out to M/s R G Scientific Enterprises Pvt. Ltd. which runs hospital in the name M/s R.G. Urology & Laproscopy Hospital. (copy of Bill dt. 01.06.19 issued by M/s HDA Buildcon Pvt. Ltd. for rent enclosed). (Location map of premises made and signed by Mr. Deepak Nandwani is also enclosed).

(ii) **28, 3rd HDA Buildcon Pvt. Ltd., Deepali Chowk Pithampura, North Delhi-34:** It was informed by Mr. Nandwani that this is the Regd. Office Address of M/s HDA Buildcon Pvt. Ltd. and also his residence however presently is lying vacant.

(iii) **F48, Sector4, DSIDC Industrial Area Bawana, North East Delhi, 110039:** This is the factory premises of M/s Hindustan Enterprises where manufacturing process/assembling work for bathroom fittings items was going on. Around 20 workers were working. (Product catalogue is enclosed).

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(iv) **Ground, H145, Hindustan Enterprises, Sector1, DSIDC Industrial Area Bawana, north East Delhi. 110039:** This premises is the godown of M/s Hindustan Enterprises.

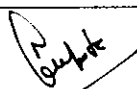
(v) **I-82, Sector-III, D.S.I.D.C. Ubdk. Area, Bawana, Delhi 110039:** It was informed by Mr. Nandwani that this premises is the old address of M/s Hindustan Enterprises and added that they have vacated this premises.

5.6 The Approval Committee, after due deliberations, deferred the matter with a direction to the unit to submit following:

- (i). Written submission along with proof of their experience related to tobacco business including reasons for closing their tobacco business.
- (ii). Details of manufacturing & export made by them for tobacco products duly supported with copy of Shipping bill, Excise registration and returns filed.
- (iii). Details about M/s. Deepak Export i.e. Excise registration number and returns filed during the period it was doing tobacco export.
- (iv). Details of investigation/allegations, if any, of any Department during the period they have done tobacco business.
- (v). Documentary evidence/firm commitment for funding of the current project.
- (vi). CA certified balance sheet of M/s. Hindustan Enterprises.

6. **लिस्टर मोएसनर (इंडिया) प्राइवेट लिमिटेड - इकाई के निदेशकों में बदलाव से सम्बंधित प्रस्ताव**

It was informed to the Approval Committee that M/s. Lister Moessner India Pvt. Ltd. (Unit-II) has been issued an LOA dated 14/12/2018 for Manufacture and export of 1. (i) Hookscrews, Bonds Rings (made of steel wire); (ii)



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Insulators made of plastic; (iii) Builders Hardware made of C.R./H.R. Stainless Steel, Aluminium, Copper and Brass; 2. Clamps made out of M.S. Strip, Coil, Sheet and Wire, Aluminium, Stainless and Plastic Washers. The unit is yet to commence its export production. LOA of the unit is valid till 13/12/2019.

6.2 It was informed to the Approval Committee that unit vide its letter dated 30/04/2019 has informed that Shri Amitav has joined the company as an director w.e.f. 22/01/2019 and has submitted copy of DIR-12 in respect to his appointment. It was informed that there is a delay of around 3 months in intimation of appointment of director.

6.3 Shri Amitav, newly appointed director appeared before the Approval Committee. It was informed that there is no change in shareholding of the company due to above change in directors as per following details:

S.No.	Name of Directors	Before change in Directors	After change in Directors
1.	Shri Sushil Kumar Chaudhry	99%	99%
2.	Shri Brijesh Kumar Gupta	1%	1%
3.	Shri Patrick Arun Chaudhry	0%	0%
4.	Shri Amitav	-	0%

6.4 The Approval Committee, after due deliberations, took note of the intimation of M/s. Lister Moessner India Pvt. Ltd. (Unit-II) for change in directors.

7. निर्मल ओवरसीज लिमिटेड - SEZ नियमावली 2006 के नियम 74A के तहत SEZ से निकास एवं प्लाट सं. 147 पर स्थित भवन के साथ अपनी अस्तियों तथा दायित्वों को M/s. **Lister Moessner (India) Pvt. Ltd. (Unit-II)** को हस्तांतरित करने हेतु प्रस्ताव।

It was informed to the Approval Committee that M/s. Nirmal Overseas Ltd. has been issued an LOA dated 08/04/2008 for "(i) Manufacturing of tube mill ½" to 20", Rolls for Tube Mill, EOT Crane, Cut to Length, Slitting Machine, Galvanising Plant, Hot/Cold Rolling Machine, Rolls for Rolling Mills, H.F./R.F.

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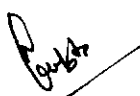
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Welder, End Facing/Threading Machine, Forging Units and (ii) Procurement of Spares/Components up to 10% of FOB value by the unit for export to the foreign buyer of machinery supplied by the unit as per Authorized Operations allowed in LOA". The unit commenced its export production w.e.f. 12/05/2008 and its LOA is valid till 11/05/2023.

7.2 It was further informed that M/s. Nirmal Overseas Ltd. has submitted a request for exit from SEZ scheme and transfer of it's assets & liabilities including building at Plot No.147, NSEZ in favour of M/s Lister Moessner (I) Pvt. Ltd. (Unit-II) (transferee). A letter dated 09/04/2019 from transferee was also submitted along with the above request wherein transferee has stated that they have identified factory building of M/s. Nirmal Overseas Ltd. at Plot No. 147, NSEZ for their recently approved LOA No.02/02/2018-Proj/13879 dated 14.12.2018.

7.3 It was further informed that the said request of M/s. Nirmal Overseas Ltd. for exit from SEZ scheme and transfer of it's assets & liabilities including building at Plot No.147, NSEZ in favour of M/s Lister Moessner (I) Pvt. Ltd. (Unit-II) was placed before the Committee constituted to examine the cases under Rule 74 (A) and 3rd proviso to Rule 19 (2) of SEZ Rules, 2006 as per following details:-

1.	Name of Transferor	M/s. Nirmal Overseas Ltd.
2.	Address of Transferor	Plot No. 147, NSEZ
3.	Details of LOA of Transferor: Date of LOA DCP Date of LOA validity	08/04/2008 12/05/2008 11/05/2023
4.	Main Authorized Operations of Transferor	1. Manufacturing of tube mill ½" to 20", Rolls for Tube Mill, EOT Crane, Cut to Length, Slitting Machine, Galvanising Plant, Hot/Cold Rolling Machine, Rolls for Rolling Mills, H.F./R.F. Welder, End Facing/Threading Machine, Forging Units. 2. Procurement of Spares/Components up to 10% of FOB value by the unit for export to the foreign buyer of machinery supplied by the unit as per Authorized Operations allowed in LOA.



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5.	Yearwise performance of Transferor unit during previous five years	Values in Rs. Lakhs			
		Year	FOB Value of Export	Forex Outgo	NFE Earning
		2013-14	415.68	239.77	175.91
		2014-15	333.39	244.33	89.06
		2015-16	496.93	186.48	310.45
		2016-17	700.91	175.05	525.86
		2017-18	429.68	111.02	318.66
		Total	2376.59	956.65	1419.94
As per NSDL data, the unit has made export of Rs. 48370732.25/- during 2018-19.					
6.	Whether the unit (transferor) has held a valid LOA as on date.	Yes			
7.	Whether the unit (transferor) has held a valid lease of land for not less than a period of five years on date of transfer.	Yes, Lease deed executed on 17/10/2012 for 15 years.			
8.	Whether the unit has been operational for a continuous period of minimum two years after the commencement of production as on the date of transfer.	Yes, as may be seen from performance table above.			
9.	a. Whether NOC for mortgage of building has been granted to any Bank/ Financial institution.	Yes, Permission to mortgage was given in favour HDB Financial Services Ltd. on 11/02/2015.			
	b. If yes, whether No Dues Certificate has been received	NO			
10.	Whether No Dues Certificate from EM section received	Lease rent of Rs. 125011/- for current quarter is pending only.			
11.	Whether any Show Cause Notice has been served to the unit under FT(D&R) Act, 1992.	NO			
12.	Whether any penalty under FTDR Act has been imposed	NO			



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13.	Whether any notice under P.P. Act, 1971 has been issued.	NO
14.	Name & Address of Transferee	M/s. Lister Moessner India Pvt. Ltd. (Unit-II)
15.	Authorized operations of transferee	Manufacture and export of (I) (i) Hookscrews, Bonds Rings (made of steel wire) (ii) Insulators
16.	Whether the transferee fulfils all eligibility criteria applicable to a unit; if yes, details of LOA of transferee: Date of LOA DCP Date of LOA Validity	14/12/2018 Yet to commence 13/12/2019
17.	Performance of the transferee	--
18.	Whether the transferee has submitted an undertaking on Rs.100/- non judicial stamp paper for taking over assets & liabilities of transferor unit.	Yes

7.4 It was informed that Rule 74A of the said Rules 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



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(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."

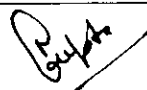
7.5 It was also informed that the said Committee observed that the transferor unit has held a valid LOA and lease deed is valid upto 16.10.2027 and has been in operation for more than two years. The Committee was further informed that transferee unit has also valid LOA and has given an undertaking on Rs.100/- non-judicial stamp paper bearing No. EY 183929 to take over all the assets & liabilities of transferor unit. Thus, the Committee observed that the proposal meets all the conditions of Rule 74A.

7.6 It was informed that the said Committee recommended the proposal of M/s. Nirmal Overseas Ltd. for transfer of assets & Building/Plot at Plot No. 147, NSEZ to M/s. Lister Moessner India Pvt. Ltd. (Unit-II) in terms of Rule 74A of SEZ Rules, 2006.

7.7 Shri R.K. Aggarwal, representative of M/s. Nirmal Overseas Ltd. and Shri Amitav, representative of M/s. Lister Moessner India Pvt. Ltd. (Unit-II) appeared before the Approval Committee. Shri Aggarwal informed that in view of their expansion in domestic market, they have decided to exit from SEZ scheme to a larger space in DTA. Shri Aggarwal requested to accord them permission to exit and transfer their assets & liabilities including building at Plot No. 147, NSEZ to M/s. Lister Moessner India Pvt. Ltd. (Unit-II) in terms of Rule 74(A) of SEZ Rules, 2006.

7.8 The Approval Committee observed that the proposal satisfies all the conditions of Rule 74A of SEZ Rules, 2006 prescribed for transfer of assets & liabilities of SEZ unit.

7.9 The Approval Committee, after due deliberations and keeping in view the recommendations of the abovementioned Committee constituted for examining the case under Rule 74A, approved the proposal of M/s. Nirtmal



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	Overseas Ltd. for exit from SEZ scheme and transfer of its assets & liabilities including building at Plot No. 147, NSEZ to M/s. Lister Moessner India Pvt. Ltd. (Unit-II) under Rule 74A of SEZ Rules, 2006 subject to fulfilment of (i) exit formalities by transferor and (ii) payment of applicable transfer charges.
8.	<p>टेक महिंद्रा लिमिटेड (यूनिट-IV) – Capital Goods की आवश्यकता में वृद्धि हेतु प्रस्ताव।</p> <p>It was informed to the Approval Committee that M/s. Tech Mahindra Ltd. (Unit-IV) has been issued an LOA dated 23/09/2011 for Software Development. The unit commenced its export activities w.e.f. 28/09/2018 and its LOA is valid till 27/09/2023.</p> <p>8.2 It was further informed that the unit has submitted a proposal for enhancement in imported & indigenous capital goods, which was Rs.70 Crores and Rs. 90 Crores respectively.</p> <p>8.3 Shri Pallav Bhatnagar and Shri Arun Nautiyal, authorized representatives of the company appeared before the Approval Committee. Shri Bhatnagar informed that post finalizing the master plan of upcoming building in Plot No. 131-133 and submission of drawings to New Okhla Industrial Development Authority for pre-construction building approvals, they had prepared detailed list of capital goods required to be procured by availing tax benefit. He further informed that they had submitted list of imported and indigenous capital goods worth Rs. 49.48 Crores & Rs. 146.05 Crores respectively and requested to accord them approval for the updated list.</p> <p>8.4 It was informed to the Approval Committee that unit has submitted revised foreign exchange balance sheet, however there is discrepancy in the same as unit had mentioned indigenous values as raw materials instead of capital goods.</p> <p>8.5 The Approval Committee, after due deliberations, approved the request of M/s. Tech Mahindra Ltd. (Unit-IV) for enhancement in capital goods subject to submission of correct foreign exchange balance sheet.</p>

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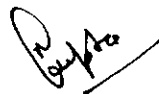
9. डॉ. फ्रेश एस्सेट्स लिमिटेड - LOA में अतिरिक्त अधिकृत परिचालनों को शामिल करने हेतु प्रस्ताव।

It was informed to the Approval Committee that M/s. Dr. Fresh Assets Ltd. has been issued an LOA dated 19/12/1995 for "Trading, sorting, grading and packaging of: (i) Essential Oils such as Lemon Gross, Lavender, Rosemary, Rose Geranium and Peppermint oil etc. (ii) Turmeric Powder, Ginger Powder, Peppercorns Powder & Dry Extract, Cow Ghee, Honey, Dates and Nuts bars, Ashwagandha Powder, Triphla Tablets, Guduchi Powder, Amaranth Muesli, Oats Granola, Other related products. (iii) Organic Ragi Flour, Himalayan Rock Dark Pink Salt, Paper Bags (printed craft), Arimedadi Oil and Neelibhrigandi Oil. (iv) Amukkura Choornam (12119049), Meera Herbal Hair Wash Powder (30049011), Cinnamon Powder (09062000), Dhanwantaram Tab (30039011), Green Cardamom Seeds Powder/Mixed Spices (09109100), Chukku Kappi (09109020), Vata, Pitta, Kapha & Turmeric Soap(34011190), Glass Bottles (70109000), Cardboard Box (48191010), Stickers (49089000), Plastic bottles for packaging(39241090), Printed Labels (58071020), Curcuma Longa Jelly (30049079)". The unit commenced its export production w.e.f. 15/06/1996 and its LOA is valid till 14/06/2021.

9.2 It was further informed that unit has submitted a proposal for inclusion of Trading of Organic Desi Chana (ITC HS 0713) in its authorized operations.

9.3 Shri Vijay Pathak, director of the company appeared before the Approval Committee. He informed that they intend to procure the proposed product from domestic market and the packaging and branding will be carried out in the factory for these products. He further stated that they have already submitted an undertaking that they will not claim any Income Tax exemption for such export trading in terms of Instruction No. 4.

9.4 It was informed that Export policy of ITC HS 0713 is Free however export of Organic pulses and lentils shall be subject to the following



conditions:

- (a) It should be duly certified by APEDA as being organic pulses and lentils;
- (b) Export contracts should be registered with APEDA, New Delhi prior to shipment;
- (c) Exports shall be allowed only from Customs EDI Ports.

9.5 The Approval Committee, after due deliberations, approved the proposal of M/s. Dr. Fresh Assets Ltd. for inclusion of trading of Organic Desi Chana (ITC HS 0713) in its authorized operations subject to compliance with export policy in force as on date of export and further subject to the following conditions:

- (i). It should be duly certified by APEDA as being organic pulses and lentils.
- (ii). Export contracts should be registered with APEDA, New Delhi prior to shipment.
- (iii). Exports shall be allowed only from Customs EDI Ports.
- (iv). Import and/or Export of restricted/prohibited items as per ITC(HS) of DGFT will not be allowed.
- (v). Unit shall comply with other prescribed statutory norms, wherever applicable.
- (vi). 100% physical export shall be done and no DTA sale shall be carried out by the unit.
- (vii). Unit shall not claim Income Tax benefits for trading of items procured from DTA in terms of Instruction No.4 dated 24/05/2006.

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10.	<p>स्टेका बरगन टेक्निकल सोलुशंस प्राइवेट लिमिटेड - Exit से पहले इकाई के प्रदर्शन की निगरानी हेतु प्रस्ताव ।</p> <p>No one from the company appeared for the meeting. The Approval Committee deferred the matter and directed to place the matter after receipt of pending/corrected APRs.</p>
11.	<p>एडवांस इस्पात (इंडिया) लिमिटेड - इकाई के अपील पर BOA के निर्णय के अनुसार इकाई के अनुरोध पर पुनर्विचार हेतु प्रस्ताव।</p> <p>It was informed to the Approval Committee that M/s. Advance Ispat (India) Pvt. Ltd had been granted an LOA dated 01/06/2004 for Manufacturing & Export of Scaffolding. The unit has commenced its export production w.e.f. 24/11/2006 and LOA of the unit was valid up to 23/11/2016.</p> <p>11.2 It was further informed that the Approval Committee in its meeting held on 05/12/2018 had decided to treat LOA as cancelled as already lapsed w.e.f. expiry of its validity i.e. from 23/11/2016 on the following grounds:</p> <ul style="list-style-type: none">i) In view of no export by the unit from 2010-11;ii) LOA has already been expired on 23.11.2016 and consequently lease deed has also expired in terms of Rule 11(5) on 23.11.2016;iii) Unit has not applied for extension of LOA andiv) Despite opportunity no one has appeared before the Approval Committee to explain its position with regard to extension of LOA. <p>11.3 It was also informed that the Approval Committee in the said meeting dated 05/12/2018 had also observed that lease rights of Plot No. 129G/10-12, NSEZ being co-terminus with the validity of LOA also cease to exist on</p>

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23/11/2016 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. The decision of Approval Committee was conveyed to the unit vide this office letter dated 28/12/2018.

11.4 It was also informed that the unit filed an appeal before the BOA against the said order dated 28/12/2018, which was considered by the BOA in its meeting held on 25/02/2019. As per the minutes of BOA received vide DOC's letter dated 08/03/2019:

"The Board heard the appellant and noted that they were not provided sufficient opportunity to be heard before the cancellation of their LOP. The appellant also stated that during the alleged period when exports were not affected due to unfavourable market conditions, the unit was engaged in job work of other SEZ units. The appellant has further stated that the details of such job work done & clearances made would be submitted to the jurisdictional DC. The case was remanded to the UAC, NSEZ for reconsideration."

11.5 It was also informed that the unit, in reply to this office letter dated 26/04/2019, vide its letter dated 06/06/2019 submitted in this office on 07/06/2019, has submitted details of job-work done and clearances made by their unit from 1st April 2015 to 31st March 2018 along with job-work challan and in the first instance, the following observations are made:

- i) Unit did job work during April 2015 to May 2017. However LOA was valid upto 23.11.2016 and permitted for scaffolding.
- ii) Barring 2 entry in which job work has been done for M/s Cliff Scaffolding Pvt. Ltd., an NSEZ unit, all the job work has been done for M.s Trade Perfection, plot No. 199-200, NSEZ and description of job work is given as SLITTED CRGO, and SCRAP.

[Signature]

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iii) Unit has not submitted APRs for 2015-16 and 2016-17.

iv) As per rule 42(4) of SEZ Rules, 2006, (4), a Unit may sub-contract a part of production or production process in another Unit within the same Special Economic Zone subject to the following conditions, namely:—

- a) The movement of goods shall be under serially numbered challans and record of such movement of goods shall be maintained by the Unit;
- b) Raw material imported or procured by the Unit for manufacture of capital goods may be transferred to another unit for the purpose of manufacture or fabrication of capital goods for use by the Unit which had imported or procured the raw materials.

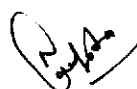
11.6 Shri Aashish Aggarwal, director of company, appeared before the Approval Committee. He accepted mistake on their part for not applying for LOA renewal and non-submission of APRs on time. Shri Aggarwal further informed that they have been doing job-work viz cutting/slitting of CRGO sheets which is already a part of manufacturing process of scaffolding.

11.7 Shri Aggarwal further informed that they can start within a month after getting approval for LOA renewal as they have export orders from Europe. He further stated that he is hoping to make exports worth Rs. 2-3 Crores during current financial year.

11.8 The Approval Committee observed that unit has not been working since 2010-11. Further, its LOA has already expired on 23/11/2016.

11.9 The Approval Committee, after due deliberations, deferred the matter for its next meeting and directed the representative to submit following:

- (i). Application for LOA renewal in Form-F1 along with concrete business plan & projections for five years.
- (ii). Written submission explaining the process which they have carried



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out for job-work.

- (iii). Clarification as to how they carried out activities in NSEZ without having a valid LOA.
- (iv). Online APRs for the year 2015-16 & 2016-17.
- (v). Details of job-work /activities done since 2010-11 onwards.
- (vi). Details of plant & machinery/capital goods installed (imported/procured from DTA) in the factory along with documentary evidence.
- (vii). Information regarding Job-work furnished by the unit be passed on to J.C. Customs, NSEZ for cross verification

Meeting ended with a vote of thanks to the Chair.


(S. S. Shukla)

Jt. Development Commissioner



(Dr. L. B. Singhal)

Development Commissioner