

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)

No.10/13/2006-Proj/

Dated: 06/08/2015

To

1. The Chief Executive Officer, New Okhla Industrial Development Authority, Main Administrative Building, Sector-6, Noida.
2. The Zonal Addl. Director General of Foreign Trade, C.L.A., "A" Wing, I.P. Bhavan, I.P. Estate, New Delhi.
3. The Commissioner of Income Tax, A-2D, Aaykar Bhawan, Sector-24, Noida.
4. The Commissioner of Customs, Noida Custom Commissionerate, Inland Container Depot, Tilpata, Dadri, Gautam Budh Nagar (U.P.) 201306.
5. The Director, Department of Commerce (SEZ Section), Udyog Bhavan, New Delhi.
6. Deputy Secretary (IF-I), Ministry of Finance, Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi- 110 001.
7. The General Manager, District Industry Centre, Sector-20, Noida, Dist: G.B. Nagar (Representative of Principal Secretary, Industries, Govt. of U.P. Lucknow).

Sub: Minutes of Meeting of the Approval Committee of Noida SEZ held on 05.08.2015.

Sir,

I am directed to refer to the subject cited above and to forward herewith a copy of minutes of the meeting of Approval Committee of Noida SEZ held on **05.08.2015**, for your information/necessary action.

Yours faithfully,

Encl: As above

(Rakesh Kumar)

Dy. Development Commissioner

Copy to:-

1. P.S. to Development Commissioner – for information.
2. P.A. to Jt. Development Commissioner – for information.
3. The Specified Officer, NSEZ – (along with copy of minutes) for information & necessary action.
4. ADC, EM Section, NSEZ – (along with copy of minutes) for information & necessary action.

Dy. Development Commissioner

Noida Special Economic Zone

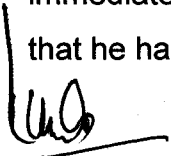
Minutes of the meeting of the Approval Committee of Noida SEZ held under the chairmanship of Dr. L.B. Singhal, Development Commissioner (DC), Noida SEZ at 11:30 AM on 05/08/2015 in the Conference Hall of NSEZ.

The following members of UAC were present during the meeting:-

- 1 Shri S.S. Shukla, Jt. Development Commissioner, NSEZ
- 2 Shri Rohit Dwivedi, Dy. Commissioner, Customs, Noida Commissionerate.
- 3 Shri U.K. Acharya, Dy. DGFT, CLA, New Delhi.
- 4 Shri Rajesh Kumar, Dy. Commissioner, Income Tax Deptt., Noida.
- 5 Shri G.P. Goswami, Asstt. Manager, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- 6 Shri A.K. Mishra, Sr. Town Planner, Noida. (Rep. of the CEO, Noida Authority)
- 7 Shri Bhuvan Yadav, AEE, UPPCB, Noida.

2. Besides, during the meeting S/Shri i) Rakesh Kumar, Dy. Development Commissioner, NSEZ, ii) A.K. Srivastava, Specified Officer, NSEZ, iii) R.P. Verma, Asstt. Development Commissioner, NSEZ, iv) Rajendra Mohan Kashyap, PA to JDC, NSEZ, v) Sudheer Kumar, Associate Architect, Noida Authority, vi) Akshay Kumar, SDO, UPPCL, Noida and vii) Kapil Muni, JE, UPPCL, Noida were also present to assist the UAC.

3. At the outset, DC, NSEZ welcomed the participants. After brief introduction, DC informed that NSEZ Entrepreneurs Association has requested that a meeting with the officers of various user departments who are members of UAC may be held periodically to discuss various issues/concerns. This meeting would be useful in sharing the latest instructions/guidelines and redressal of grievances of the trade in a time bound manner. All the members of UAC agreed to the proposal. Accordingly, it was decided that henceforth interactive meeting in the form of Open House shall be convened immediately after the UAC meeting periodically. DC also informed all the participants that he has decided a fixed day for upcoming meetings of UACs and the communication



to this effect has been sent to all members and trade. Also the UAC schedule has been displayed on the NSEZ website. DC requested the members of UAC to ensure their presence in each meeting.

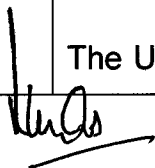
4. Thereafter, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations as well as interaction with the applicants / representatives of the units, the following decisions were taken:-

(i) Ratification of Minutes of last meeting of the Approval Committee:-

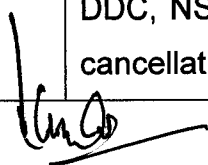
DDC, NSEZ informed the Committee that no reference(s) against the decisions of the UAC held on 22/07/2015 were received from any of the members or the Trade and therefore, minutes of the meeting held on 22/07/2015 may be ratified. Accordingly, the said minutes were ratified. DC directed that action points emerged in earlier UAC meetings may be tabulated and wherever follow up actions have not been taken so far, the same may be taken expeditiously in time bound manner.

(ii) Item wise decisions on proposals included in agenda:

1.	<p>Application of M/s. IDN Home Pvt. Ltd. for setting up a unit in NSEZ.</p> <p>DDC, NSEZ informed the UAC that the applicant has proposed to set up a new unit in NSEZ to undertake the manufacturing & export of Home Furnishing items & Handicrafts with projected exports of Rs. 4744 Lakhs and the NFE of Rs. 4120 Lakhs over a period of five years. He further mentioned that the estimated cost of the project of Rs. 100 Lakhs shall be met from the own sources & unsecured loans by the promoters. DDC, NSEZ also informed that the promoters are already running three units at NSEZ namely M/s. Golden Peacock Overseas Ltd., M/s. Indo Dan Lampshades Pvt. Ltd. and M/s. GPL Exports Ltd. All these three units are doing good exports. He added that the proposed unit shall be initially set up on an area of 1000 Sq. Mtrs., to be obtained on sharing basis at Plot No.20 from M/s. Indo Dan Lampshades Pvt. Ltd.</p> <p>After due deliberations, the UAC approved the application of M/s. IDN Home Pvt. Ltd. for setting up a unit in Noida SEZ.</p> <p>The UAC further decided that sharing of space shall be permitted to the applicant as</p>
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	per the prevalent guidelines of NSEZ Authority on the subject.
2.	<p>Proposal in respect of M/s. Honey-Mc Dew Gold Inc. for change of partners & monitoring of performance.</p> <p>DDC, NSEZ informed the UAC that the unit has submitted a request for change of partners. However, registered partnership deed is awaited from them. The unit is lying non-functional since year 2012 and Rs. 381.83 Lakhs are lying unrealized.</p> <p>The promoters were called to attend the meeting. However no one turned up. After due deliberations, UAC decided that the matter may be deferred and meanwhile, requisite documents/information like copy of registered partnership deed, status of realization of pending foreign exchange remittance of Rs. 381.83 Lakhs and the reasons for non-performance be obtained from the unit for placing the case before the next UAC.</p>
3.	<p>Proposal in respect of M/s. NTT Data Global Delivery Services Ltd. for change of name/constitution.</p> <p>DDC, NSEZ informed the UAC that the unit has submitted a proposal for change of name/constitution of the company from M/s. NTT Data Global Delivery Services Ltd. to M/s. NTT Data Global Delivery Services Pvt. Ltd. for which Fresh Certificate of Incorporation along with details of existing & revised shareholding pattern have been furnished. The major shareholding shall remain unchanged except couple of minor changes of around 3% of the existing shareholding pattern.</p> <p>Shri Ashutosh Vats and Shri Javed Alam appeared on behalf of the company before the UAC to explain the proposed changes. They informed that they are having five units in various SEZs and the performance is very good.</p> <p>After due deliberations, the UAC decided that the change of name/constitution of the company from M/s. NTT Data Global Delivery Services Ltd. to M/s. NTT Data Global Delivery Services Pvt. Ltd. may be taken on records.</p>
4.	<p>Proposal of M/s. Gujeswori Apparels for withdrawal of Order dated 23.01.2015 issued by DC, NSEZ and transfer of assets & liabilities under Rule 74A.</p> <p>DDC, NSEZ informed that Order-in-Original dated 23.01.2015 was issued to unit for cancellation of LOA as well as cancellation of allotment of Plot No. 92, NSEZ on the</p>

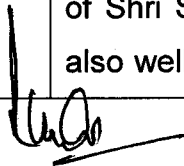


ground of (i) non-performance since 2011-12, (ii) change of constitution from Partnership to Proprietorship without dissolving the partnership deed and (iii) non-compliance of exit formalities. The promoters had preferred an appeal against the above said order dated 23.01.2015. This appeal was heard by the BOA in its meeting held on 19.05.2015 and BOA had decided to remand the case back to DC, NSEZ to reconsider the request of the appellant and to pass a speaking order after giving the opportunity to them for personal hearing and examining all relevant facts of the case and the applicable rule position. He added that the main issue in this case is uncertainty over the legitimate constitution/ownership of the firm.

Smt. Mala Kumar, Partner appeared before the UAC. S/Shri Sudheer Kumar Aggrawal, Y.K. Anand and Sarthak Gupta (Director of Ved & Sons Pvt. Ltd.) also accompanied her to explain the case. DDC, NSEZ informed them that the firm was originally approved as a proprietary concern having Smt. Savita Anand as its proprietor. After that there have been several requests for changes in the constitution, sometimes to a Pvt. Ltd. company from Proprietorship firm or to a Partnership firm from a Proprietorship firm and lastly to a Proprietorship firm from a Partnership firm in which Smt. Savita Anand & Smt. Mala Kumar are partners. As per available records, the approved constitution of the firm is a partnership firm which was registered on 22.08.2010 with Registrar of Firms. He further added that the change from Partnership firm to a proprietorship firm having Smt. Mala Kumar as its proprietor was requested on 24.12.2011. Copy of partnership dissolution deed was though given, but the same was not registered with Registrar of Firms and therefore the dissolution of partnership deed was not taken on records by NSEZ.

DC, NSEZ informed them that presence of Smt. Savita Anand is essential to consider/decide the case and directed that presence of Smt. Savita Anand be ensured in the next UAC, failing which the matter shall be decided on merits.

Shri Sudheer Kumar informed that he is husband of Smt. Mala Kumar and he is well versed with the matter. He insisted that Smt. Savita Anand, Shri Y.K. Anand & Smt. Mala Kumar had submitted affidavits on 13.01.2014 to take note of name of Smt. Mala Kumar as the proprietor of the firm. Shri Y.K. Anand also endorsed the version of Shri Sudheer Kumar and stated that being husband of Smt. Savita Anand, he is also well versed with the case. Shri Anand informed that his son is not well and Smt.



Savita Anand is right now staying in Kathmandu, Nepal with him. He shall inform by next week, the availability of Smt. Savita Anand for attending the next UAC.

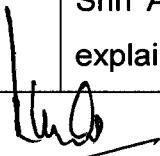
Shri Sudheer Kumar informed on behalf of Smt. Mala Kumar that she had paid a loan of Rs. 40 Lakhs to the bank. The exit request was initiated during the year 2012 and now they have signed an agreement with M/s. Ved & Sons Pvt. Ltd. for transfer of assets & liabilities in respect of Plot No.92. He further mentioned that as per the terms of the said agreement, M/s. Ved & Sons Pvt. Ltd. have also paid them a sum of Rs. 40 Lakhs. DC, NSEZ categorically informed them that the Plot is a property of NSEZ Authority and such financial transactions without approval from UAC/NSEZ Authority is completely illegal. DC, NSEZ directed them to submit details of such financial transactions along with copies of agreement signed by them.

After due deliberations, it was decided to constitute a Committee headed by Shri S.S. Shukla, JDC and comprising of S/Shri Rakesh Kumar, DDC and R.P. Verma ADC to examine the matter in the light of facts and provisions of SEZ Act, Rules, SEZ Authority Rules, other legal provisions. Smt. Savita Anand and all interested parties of the case shall be given opportunity of personal hearing by the said Committee on a mutually convenient date & time. Committee will submit its detailed report with specific recommendations to UAC. Smt. Mala Kumar & others appeared on behalf of the unit were also directed to give documents in support of their claim. UAC directed that Smt. Savita Anand, Smt. Mala Kumar and all interested parties including M/s. Ved & Sons Pvt. Ltd. should be present in next UAC. DC, NSEZ directed Shri Y.K. Anand, in person, to ensure the presence of Smt. Savita Anand for which he agreed. It was also mentioned that LOA of unit in any case would expire on 25.09.2015

5. Proposal in respect of M/s. India Craft Loom for amendment of items in LOA.

DDC, NSEZ informed the UAC that unit had proposed to include "Manufacturing of Hand Pump Pipe" which was approved in the UAC held on 17.10.2014. Now, the unit has requested to rectify the item of manufacture as "Manufacturing of Hand Pump, Pipe". The process flow chart for manufacturing of Pipe has been given and the unit was asked to submit process flow chart of manufacturing of Hand Pump also.

Shri Anil Kumar Singhal, Senior VP of the company appeared before the UAC to explain the case. Shri Bhuvan Yadav, requested him that as to whether the process of



galvanization shall be done in-house in the SEZ unit. In this regard Shri Anil Singhal informed that they are having a DTA unit in Greater Noida and the process of galvanization shall be done in DTA unit. After due deliberations, UAC approved the proposal for amendment of items in LOA from "Manufacturing of Hand Pump Pipe" to "Manufacturing of Hand Pump, Pipe".

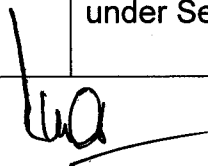
6. Proposal in respect of M/s. Corep Lighting India Pvt. Ltd. for renewal of LOA & monitoring of performance.

DDC, NSEZ informed the UAC that the unit is engaged in manufacturing & export of lamp & lampshades from NSEZ since 15.07.2005 and has achieved NFE earnings of Rs.20.16 Crores. He further informed that the unit has applied for renewal of LOA from 15.07.2015 to 14.07.2020. It has been observed that the Bond-cum-LUT for second 5 years' operation was submitted by the unit but due to certain deficiencies it was returned to them. Subsequently, unit could not re-submit the Bond-cum-LUT and the promoters have accepted the lapse. He added that in view of the same, the LOA of the unit has been provisionally revalidated upto 14.09.2015.

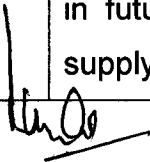
S/Shri Dinesh Gautam and Manu Sareen, Director appeared before the UAC to explain the case. Shri Gautam informed that their unit has been making a good export turnover at NSEZ. He added that the lapse was unintentional and he regretted for this.

DC, NSEZ informed that as per section 11(3) of the Foreign Trade (Development & Regulation) Act, there is a penalty provision to settle the cases where a person admits any contravention. In the light of facts & circumstances of the case, DC, NSEZ on the recommendation of UAC imposed a penalty of Rs. 10000/- on the unit, for which promoters of the unit gave their consent. They also assured that such lapse shall not occur in future.

After due deliberations, UAC approved the proposal of M/s. Corep Lighting India Pvt. Ltd. for renewal of LOA upto 14.07.2020 subject to payment of penalty of Rs.10000/- under Section 11(3) of FT(D&R) Act.

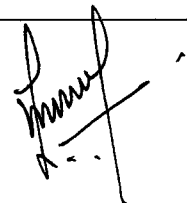


7.	<p>Proposal in respect of M/s. Phoenix Lamps Ltd. for change in Board of Directors.</p> <p>DDC, NSEZ informed the UAC that the unit has informed about changes in Board of Directors w.e.f. 18.06.2015 for which copies of relevant Form DIR-12 have been submitted. On scrutiny of the case, it has come to notice that major shareholding shall be with Suprajit (51%) and thus this is a case of change of entrepreneur by way of transfer of more than 50% shareholding of M/s. Phoenix Lamps Ltd. for which transfer charges are liable to be paid as per guidelines of NSEZ Authority.</p> <p>Shri Mohan Srinivasan Nagamangala, CEO & Shri Gagandeep, CFO appeared before the UAC to explain the case. Shri Mohan informed that Suprajit is leading manufacturer of automobile parts and they have 40 factories all over India. Shri K Ajit Kumar Rai is the Managing Director of the company. As on date they are exporting their products to Europe, Middle East Countries etc. DC, NSEZ enquired about their future plan and further investment in the SEZ unit. Shri Mohan informed that they shall focus on expansion and further investment shall be made accordingly.</p> <p>After due deliberations, the UAC decided to take note of changes in Board of Directors of M/s. Phoenix Lamps Ltd. subject to the condition that transfer charges shall be paid by them as per the prevalent guidelines of NSEZ Authority on the subject.</p>
8.	<p>Proposal in respect of M/s. KnitPro International for ratification of approval to carry out trial production of cable components used in automobile microphones & other equipment.</p> <p>DDC, NSEZ informed that the unit has been given one time permission for trial production & export of cable components worth Rs. 50 Lakh used in automobile microphones to M/s. Elektro Technik und Montage GmbH, Germany subject to ratification by the UAC.</p> <p>Shri Sirish Jain, Partner of the firm appeared before the UAC to explain the case. He informed that they are in the business of Hobby related products and they are operating units from Noida SEZ as well as one unit from Mahindra SEZ, Jaipur. Their buyer is engaged in automobile sector and they expect potential business with them in future. Once the trial production is exported and their buyer places confirmed supply orders on regular basis, they shall apply for inclusion of cable components in</p>



	<p>their LOA.</p> <p>After due deliberations, UAC ratified the one time permission to M/s. KnitPro International to allow trial production & export of cable components worth Rs. 50 Lakh used in automobile microphones to M/s. Elektro Technik und Montage GmbH, Germany.</p>
9.	<p>Proposal in respect of M/s. Lakshman Overseas for addition of manufacturing activities of Diamond Cutting Tools.</p> <p>DDC, NSEZ informed that the unit has proposed for addition of manufacturing activities of Diamond Cutting Tools in the existing LOA. The unit has projected FOB value of Exports of Rs.1488 Lacs with NFE of Rs.297 Lacs from the proposed product over a period of five years. He also mentioned that subsequent to restoration of LOA by the BOA to undertake manufacturing activities only, the unit has intimated that they have re-started operations at Noida SEZ w.e.f. 27.04.2015 and have been performing very nominal exports. This has to be cross checked and report of Asstt. Commissioner (Customs), NSEZ shall be examined separately.</p> <p>Shri Vipul Agarwal, Proprietor, his father Shri Ashwini Agrawal and Shri Vishal Malik appeared before UAC to explain the case. They informed that due to sickness of family member, they could not perform good export turnover since 27.04.2015. However, they assured to improve the export performance in future. On being asked from the Proprietor about the use of the proposed item of manufacture, he stated that the said tool is a abrasive which is used for the polishing work. As regards use of the raw materials i.e. Synthetic Diamond powder, resin powder & other materials, they informed that the same will be used in the manufacturing of Diamond Cutting Tools.</p> <p>After due deliberations, the UAC approved inclusion of 'Manufacturing of Diamond Cutting Tools' in the LOA of the unit subject to condition that performance of the unit shall be reviewed on quarterly basis and the unit shall make endeavors to improve the export activities.</p>

Meeting ended with vote of thanks to the Chair.



(Dr. L. B. Singhal)

Development Commissioner