

21/5/2024



भारत सरकार

वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नौएडा विशेष आर्थिक क्षेत्र
नौएडा दादरी रोड, फेज-II, नौएडा - 201305
टेलीफोन: 0120-2567268/69/70

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दिनांक:...../05/2024

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. प्रधान आयकर आयुक्त, आयकर भवन, प्लॉट सं.- ए-2डी, सेक्टर 24, नौएडा।
4. आयुक्त, सीमा शुल्क, नौएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - 201306.
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, ग्रेटर नौएडा।

विषय: दिनांक 15/05/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और श्री ए. बिपिन मेनन, विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 15/05/2024 को पूर्वाह्न 10:30 बजे आयोजित नौएडा विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त अग्रेषित करने का निर्देश हुआ है।

संलग्नक: उपरोक्त

भवदीय,

(किरण मोहन मोहाडीकर)
उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त, नौएडा विशेष आर्थिक क्षेत्र के सूचनार्थ
3. विनिर्दिष्ट 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. उप विकास आयुक्त (एडमिन) - सूचनार्थ एवं कार्यवृत्त के हिंदी अनुवाद के लिए।
6. कार्यपालक अभियंता, उत्तर प्रदेश पावर कारपोरेशन लिमिटेड, इ.यु.डी.डी.-II, सेक्टर - 18, नौएडा।
7. उप आयुक्त, व्यापार कर, खण्ड-14, सेक्टर -18, नौएडा।
8. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, इ-12/1, सेक्टर -1, नौएडा।

: सूचनार्थ

(किरण मोहन मोहाडीकर)
उप विकास आयुक्त

नौएडा विशेष आर्थिक क्षेत्र

(दिनांक 15/05/2024 को आयोजित अनुमोदन समिति की बैठक का कार्यवृत्त)

Minutes of meeting of the Approval Committee of Noida SEZ held under the Chairmanship of Shri A. Bipin Menon, Development Commissioner (DC), Noida SEZ at 10.30AM on 15/05/2024 through hybrid mode.

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

- (1) Shri Surender Malik, Joint Development Commissioner, NSEZ (Nominee of Department of Commerce in terms of letter dated 23/09/2008).
- (2) Shri S.K. Rao, Assistant Commissioner, Customs, Noida Commissionerate.
- (3) Shri Mayank Kumar, Assistant Manager, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).
- (4) Shri Jagdish Chander, Assistant DGFT, O/o Addl. DGFT, CLA, New Delhi.
- (5) Shri Durgesh, Income Tax Officer, Income Tax Deptt., Noida.

B. Besides, during the meeting S/Shri (i) Kiran Mohan Mohadikar, Deputy Development Commissioner, NSEZ, (ii) Amit Gupta, Specified Officer, NSEZ,, (iii) Pramod Kumar, Assistant Development Commissioner, NSEZ, and (iv) Bharat Bhushan, Assistant, Project Section, NSEZ, were also present to assist the Approval Committee. It was informed that the stipulated quorum for holding the meeting was available and meeting could proceed.

C. At the outset, the Chairman welcomed the participants. After a brief introduction, the agenda was taken up sequentially. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the units, the following decisions were unanimously taken:-

D. Item wise decisions on proposals included in agenda:

(1) Ratification of Minutes of last meeting of the Approval Committee held on 29/04/2024.

It was informed that in the minutes of Agenda No. (8) pertaining to Sage Export's proposal for enhancement of production capacity and inclusion of additional authorized operations there was a typo. The production capacity of Lamp Shades (94059900) was mentioned as 10,000 pcs/annum instead of 1,00,000 pcs/annum at Para 8.5 of the minutes. Accordingly, while conveying the approval of UAC, the production capacity of Lamp shades has been mentioned correctly as 1,00,000



pcs/annum. It was further informed that there were neither any references nor objections against the decisions of the Approval Committee held on 29/04/2024. Hence, the Approval Committee took note of the same and accordingly, the Minutes of the meeting held on 29/04/2024 were unanimously ratified by the Approval Committee.

(2) Shree Bhomika International Limited – Revival/Renewal of LOA/sick unit, Broadbanding of authorized operations, renewal of Lease deed.

2.1 It was informed that M/s Shree Bhomika International Ltd. was granted LOA No. 01/01/95-NEPZ/Auto/1630 dated 17.02.95 for manufacturing and export of Cotton Knitted Fabrics and Knitwears. The unit commenced production on 28.03.2000. As per the available records, the unit was not exporting since April, 2003. The unit was allotted Plot No. 59-I measuring 16,100 sq. mtrs. on 24.03.1995 and possession was given on 07.06.1995. The sub-lease deed, executed on 26.10.1995 was valid upto 31.05.2010 and the mortgage permission was also granted to the unit in favor of IDBI, New Delhi on 24.06.1996.

2.2 The unit was not paying lease rent since 1999 and action under P.P. Act, 1971 was taken against the unit. The unit became sick and was registered with B.I.F.R. The Hon'ble BIFR was requested vide NSEZ office letters dated 25.04.2005 & 17.05.2005 to permit eviction proceedings against the unit under P.P Act, 1971 during the pendency of BIFR proceedings. The BIFR vide its order dated 19.06.2006 declared the unit as sick and appointed M/s. IDBI as Operating Agency for sale of building at Plot No. 59-I, NSEZ.

2.3 Stressed Assets Stabilization Fund (SASF) vide letter dated 29.09.2009 proposed to take possession of the assets of the company under Section 13(2) of SARFAESI Act, 2002 and did so on 10.05.2010.

2.4 It was informed that the Committee of Creditors in its 4th meeting dated 06.01.2020 approved the resolution plan submitted by M/s Commodities Trading by 100% voting share and the following resolution was passed, which was also subsequently approved by the NCLT on 05.10.2020:-

"RESOLVED THAT, the Resolution Plan submitted by M/s Commodities Trading for Rs. 4.5. Crore be and is hereby approved in compliance with the provisions of Section 30(4) of the Insolvency and Bankruptcy Code, 2016 by CoC members. Further, the Resolution Professional Mr. Manish Agarwal be and is hereby authorized to move an application under section 31, on behalf of the Committee of creditors, for approval of resolution plan by the Adjudicating Authority."



2.5 It was further informed that in the CIRP process of M/s Shree Bhomika International Ltd, the total accepted Resolution Plan amount was Rs 4.5 Crore and out which IDBI Bank got Rs. 4 crores against their claim of Rs. 325 crore and NSEZ got Rs. 50 Lacs against their claim of Rs. 6.29 crores. M/s. Commodities Trading had deposited an amount of Rs. 50 lacs in NSEZ Authority account as per NCLT Order dt. 05.10.2020.

2.6 It was informed that an application was filed by NSEZ Authority to contest for its rejected claim of Rs.5.79 Crore. The objection raised by this office was dismissed vide Order No. dt. 27.11.2020.

2.7 It was further informed that M/s Shree Bhomika International Ltd. vide its letter dt. 14.12.2020 had submitted request for broad banding and renewal of LOA & Lease Deed of Plot No. 59-I, NSEZ. The unit has also given the reference of rejection of appeal of NSEZ by NCLT. Further the unit has also given references of legal provision i.e. Section 30, 31, 32, 53, 60, 61, 74, 238 of IBC and requested this office to accept the amount of Rs. 50,00,000/- towards the total pending lease rental dues of Rs 6.29 Crores as given in the Resolution Plan approved by NCLT vide their Order dated 05.10.2020. The unit has attached their proposal for revival of LOA with request for broadbanding of LOA for *(1) Warehousing Service Activity for Textiles Products & all other OGL Products and (ii) Designing of Textile related software & other softwares related to all other industries.*

2.8 A legal opinion was further sought in the matter. M/s. Surana & Surana has provided its opinion as under:

"Considering the above referred points and order dated 01.06.2023 passed by the Hon'ble National Company Law Tribunal, New Delhi. We are of the opinion that since the Hon'ble NCLT, New Delhi has approved the Resolution plan which mentions-

"10.9. Exemptions from Noida Special Economic Zone (NSEZ):

There should be exemption of payment to the NSEZ of any types of fees/penalty for renewal of the sublease and/or transfer charges due to change in 100% directorship/shareholding or both in favour of resolution applicant irrespective of the fact that the original Allottee has obtained completion certificate or not."

Therefore, NSEZ should approve their application/request for renewal and/or transfer.

Aside, since the case is pending and the above referred clause 10.9 of the Resolution plan has already been challenged along with other disputes before the Hon'ble Supreme Court of India. This issue can again be raised at the time of hearing before the Hon'ble Supreme



Court of India."

2.9 Shri Devendra Bansal, partner of M/s. Commodities Trading appeared before the Approval Committee and explained the proposal. He informed that they were running a warehousing unit in Kandla SEZ for many years successfully. He also informed that previously they were also running an EOU in the name of M/s Digisoft Outsourcing for export of software and operations but the said EOU are now closed. He informed the Approval Committee that appeal filed before the Hon'ble NCLT/NCLAT by NSEZ Authority had already been dismissed and they are waiting for revival of project in NSEZ for last four years. He further informed that as of now the application for LOA renewal/amendment etc in respect of instant proposal had been signed by him in the capacity of partner of Commodities Trading which has taken over M/s, Shree Bhomika International Ltd. by way of revival plan approved by Hon'ble NCLT. However, they were in the process of completion of MCA formalities reg. change in directors and shareholding and shall submit the necessary documents to this office at the earliest.

2.10 It was further informed that Rule 72 of SEZ Rules, 2006 provides as under:

"(1) A unit which has been declared sick by the appropriate authority shall submit revival package through Development Commissioner to Board for consideration and the Board shall consider the extension in the period for fulfillment of Positive Net Foreign Exchange for a further period up to a maximum of five years at the prevalent norms.

..

(3) In case a new entity is willing to take over all the assets and liabilities of a sick Unit, transfer of such assets and liabilities as provided under sub-rule (1) shall be considered by the Board."

2.11 The Approval Committee went through the case history, application submitted by the resolution applicant, provisions of Rule 72 of SEZ Rules, 2006, informal inputs of the legal firm and after due deliberations, directed the unit to submit the following:

- (i) Clear & complete details of proposed authorized operations giving therein description and 8 digit HS Code as per ITC HS Classification 2022 in respect of proposed warehousing goods and CPC code of proposed services.
- (ii) Clear projections of exports, forex outgo, NFE Earnings, imported & indigenous capital goods, raw materials, input services etc. in Form-F1 along with Board Resolution in favour of authorised signatory of the Company.



(iii) Complete and updated details of directors & shareholding pattern of M/s. Shree Bhomika International Limited including w.r.t. compliance with MCA formalities (*before and after change in directors consequent upon taking over this sick company by M/s. Commodities Trading*).

2.12 The Approval Committee further directed the Project Division, NSEZ that on receipt of reply/ documents from the unit, the proposal may be examined on file for forwarding the same to DOC with a UAC recommendation for revival of LOA in terms of Rule 72 of SEZ Rules, 2006 for supply of services related to *Designing of Textile related software & other softwares related to all other industries*. Further UAC directed to take a report from KASEZ regarding track record of the unit on warehousing, including any violations of SEZ Act, Rules, Customs Act and FTP. It was also directed by the Committee that facts of NCLT approved Resolution plan along with disputes related to exemption from payment to the NSEZ Authority of any types of fees/penalty for renewal of the sublease and/or transfer charges due to change in 100% directorship/shareholding or both and appeal filed by NSEZ Authority before the Hon'ble Supreme Court, may also be informed to DOC.

(3) M/s Advance Ispat India Limited - Monitoring of Performance and Renewal of LOA.

3.1 It was informed that M/s. Advance Ispat (India) Limited was issued an LOA dated 01/06/2004 for manufacturing of scaffolding (73089090)(5000 MT/annum). The LOA of the unit was valid till 31/10/2022. Now, the unit has applied for further renewal of LOA for the remaining period of current block of five years i.e. upto 23/11/2026.

3.2 It was further informed that the Approval Committee in its meeting held on 07/11/2023 considered the proposal of unit for renewal of LOA and observed that there were variations between the inputs provided to the Approval Committee and as mentioned in their letter dated 25/08/2023 and the report submitted by the NSEZ Customs.

3.3 Shri Ashish Aggarwal, Director appeared before the Approval Committee. Shri Aggarwal re-iterated his earlier submissions that they are doing job-work activities for M/s Cliff Scaffoldings Private Limited. On the specific query, Shri Aggarwal stated that they have filed all the transactions online till their LOA was valid.

3.4 The Approval Committee observed that there are variations in the statement of unit's representative and Customs' report. Further, Shri Aggarwal could not explain as to how they have been working without any capital goods or employees.



3.5 The Approval Committee discussed the agenda in detail and after due deliberations deferred the matter with a direction to the unit to submit following:

- (i) Business plan for next block of five years.
- (ii) List of employees of Advance Ispat India Limited along with copy of their employee IDs as well as list of capital goods available with the unit duly supported with documentary evidence.
- (iii) Description and ITC(HS) Codes of goods supplied by M/s. Cliff Scaffolding to M/s. Advance Ispat for undertaking processing
- (iv) Description and ITC(HS) Codes of goods supplied back to M/s. Cliff Scaffolding by M/s. Advance Ispat along with details of exact service activities carried out during job work.
- (v) Copy of proof of transactions filing at SEZonline system.
- (vi) Provide the SEZ rule under which the unit has shown the value of job work in APR as export and calculated against achievement of NFE whereas no job work has been allowed to the unit as authorised operation.

(4) Royal Exports - Monitoring of Performance, renewal of LOA and Inclusion of additional authorized operations.

4.1 It was informed that M/s Royal Exports had applied for renewal of LOA beyond 30/04/2024. Besides, the unit had also proposed to include 'Gold Jewellery studded with Pearls' along with coloured stones in their LOA.

4.2 Shri Manoj Soni, partner appeared before the Approval Committee and explained the proposal. It was informed that few deficiencies had been observed in the application including non-submission of ITC(HS) Code and descriptions of proposed additional authorized operations.

4.3 The Approval Committee discussed the agenda in detail and after due deliberations, decided to renew the validity of LOA for a period of six months i.e. upto 31/10/2024 for proposed authorized operations. The UAC directed the unit to submit of copy of export orders for gold jewellery studded with pearls and rectification of other deficiencies observed in the application. As regards issue relating to procurement of material by M/s, Royal Exports from M/s Global Diamonds Private Limited, the Committee directed that the matter is being examined by an Internal Committee which would submit its report for putting it up



before the Approval Committee.

(5) M/s Aqua Pools & Spas- Inclusion of additional authorized operations in LOA and revision in projections.

5.1 It was informed that M/s. Aqua Pools & Spas had submitted an application for inclusion of "Manufacturing of Bathroom Fittings and Accessories including Bathtub and Builder hardware and designing thereof (39221000, 74182010, 74182020, 69109000m 73181900, 39229000, 70131000, 69072100) as additional authorized operations in LOA.

5.2 Shri Anoop Tandon, authorized representative of the unit appeared before the Approval Committee and explained the proposal.

5.3 It was informed to the Approval Committee that capacity mentioned as 488 No. /annum pertains to existing authorised operations already allowed to the unit. The Committee was informed that there were some discrepancies observed in the application of the unit, which needed rectification.

5.4 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of proposed additional authorised operations. This approval is subject to rectification of the discrepancies observed in the application of the unit.

(6) GKB Eyecare Private Limited- Inclusion of additional authorized operations in LOA.

6.1 It was informed that M/s GKB Eyecare Private Limited had submitted an application for inclusion of 'Trading of Plastic Ophthalmic Lenses (90015000)' as additional authorized operations in LOA.

6.2 Shri Vivek Gupta, Director of the unit appeared before the Approval Committee and explained the proposal.

6.3 The Approval Committee discussed the agenda in detail and after due deliberations, approved the proposal of unit for inclusion of proposed additional authorised operations in the LOA.

(7) Ian Macleod Distillers India Private Limited- Endorsement of Invoices for compliance under GST Rules and approval of additional service, i.e. 'Sponsorship services and brand promotion services (998397)'.

7.1 Shri R.V. Subramanian, Director of the unit appeared before the Approval Committee through video conferencing and explained the proposal. He informed



that the salary paid to Brand Ambassadors at airport duty free shops were covered under Brand Promotion Services which was classified under SAC 998397. The services were an integral part of the business permitted under Authorised Operations by NSEZ in their Letter of Approval (LOA). Further it was mentioned that without the services of Brand Ambassadors at airport duty free shops, it was not possible to sell their brands. In order to carry-out Authorised Operations permitted under LOA, it was necessary to engage Brand Ambassadors at airport duty free shops and pay their salaries, since they promote sale of their brands exclusively at the shop floor.

7.2 The Approval Committee observed that unit needed to submit revised letter/email confirming that they are owner of the brand being promoted for which brand promotion services has been requested. The unit indicated that it was the parent company which were the brand owners.

7.3 The Approval Committee discussed the agenda in detail and after due deliberations, decided to approve the proposal for endorsement of invoices for compliance under GST Rules. The Approval Committee also approved additional service, i.e. 'Sponsorship services and brand promotion services (998397)' to the unit in terms of Instruction No. 79 dated 19/11/2013 for its authorised operations. This is subject to compliance by unit with provisions of SEZ Act/Rules and GST Act/rules. This approval is also subject to submission of revised letter/email stating that they are a subsidiary of the owners of the brand.

(8) Lakeland Gloves and Safety Apparel Private Limited- Change in directors of the company.

8.1 The Approval Committee discussed the agenda in detail and after due deliberations, took note of the following change in directors of the unit in terms of Instruction No. 109 dated 18/10/2021:

Previous Directors	Present Directors
1. Mr. Charles Detwiler Roberson 2. Mr. Vishal Kumar 3. Mr. Anil Thomas	1. Mr. Vishal Kumar 2. Mr. Anil Thomas

8.2 The Approval Committee further directed the unit to submit details of shareholding pattern of the company prior to and after change in directors duly certified by CA.

8.3 The Approval Committee further directed EM Division, NSEZ to examine the



matter regarding levy of transfer charges in respect of change in shareholding pattern, if any, as per the decision of Noida SEZ Authority.

(9) SWG Nutraceuticals- Change in partners and profit/loss sharing ratio of the Firm.

9.1 The Approval Committee discussed the agenda in detail and after due deliberations, took note of the following changes in partners and profit/loss share ratio of the unit w.e.f. 25.01.2024 in terms of Instruction No. 109 dated 18/10/2021:

Previous partners and profit/loss share ratio (%)	Present partners and profit/loss share ratio (%)
1. Mr. Rattandeep Singh (50%) 2. Mr. Pranav Uppal (50%)	1. Mr. Rattandeep Singh (50%) 2. Mr. Sumit (50%)

9.2 The Approval Committee further directed the unit to submit partnership deed duly registered by the Registrar of Firms.

9.3 The Approval Committee further directed EM Division, NSEZ to examine the matter regarding levy of transfer charges in respect of change in shareholding pattern, as per the decision of the Noida SEZ Authority.

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


(Surender Malik)
Joint Development Commissioner


(A. Bipin Menon)
Development Commissioner