

**NOIDA SPECIAL ECONOMIC ZONE**

(Deptt. of Commerce, Ministry of Commerce & Industry, Govt. of India)  
Noida-Dadri Road, Phase-II, Noida- 201305

**Minutes of 12<sup>th</sup> meeting (2013 Series) of Unit Approval Committee for Joint Monitoring of EOUs under the Chairmanship of Shri Jayant Misra, Development Commissioner, NSEZ held on 15.02.2013 at Chandigarh.**

12<sup>th</sup> meeting (2013 Series) of Unit Approval Committee (UAC) for joint monitoring of EOUs falling under jurisdiction of **Central Excise Commissionerate Chandigarh –I, Ludhiana & Jammu**, held on 15.02.2013 under the Chairmanship of Shri Jayant Misra, Development Commissioner, Noida SEZ in the Central Excise Commissionerate office, C.R. Building, Plot No. 19, Sector-17-C, Chandigarh-160017 in terms of Appendix 14-I-G of Hand Book of Procedure, Vol II 2009-14. List of officers participated in the meeting is enclosed at Annexure-I.

The Chairman welcomed representatives of EOUs and participants of the UAC; and briefed importance and relevancy of the joint monitoring for effective coordination among the authorities and stake holders. Thereafter joint monitoring of each unit was taken up.

**12.1 (13): Joint monitoring of EOUs falling under jurisdiction of Central Excise Commissionerate, Chandigarh-I:**

1. **M/s Alpex Exports Pvt Ltd.:** The Committee reviewed performance of the unit. It was noted that the nature of the export i.e. "GCA" or "RPA" has not been mentioned by the unit in the APRs. Deemed export of Rs.942.01 in the year 2011-12 reported under para 6.9 (f) of the FTP. Foreign exchange equivalent to Rs. 3.60 crore is pending realization against the exports in the year 2010-11.

The Committee, therefore, directed that jurisdictional Central Excise authorities may examine nature of the deemed export under para 6.9 of the FTP and the physical export done by the unit and send a report.

The Committee directed the unit to submit shipping bill wise details of export shipments, which are pending realization as on date. The Committee clarified that export incentives against the unrealized export shipments beyond specified period are required to be paid. Therefore, the jurisdictional Central Excise authority may also examine the above aspects.

2. **M/s. F.E. Industries Pvt. Ltd.:** The Committee reviewed performance of the unit. It is noted that the unit is undertaking deemed exports and exports in RPA. However, the details submitted in the APR are not correctly posted as well as without any certification of the Chartered Accountant. It is also noted that unit has done DTA sale in the year 2011-12.

The Committee, therefore, directed jurisdictional Central Excise authorities to examine export, deemed export and DTA sale as against the required permissions from the Development Commissioner and send a detailed report.

The Committee directed unit to submit correct APR with proper certification of the CA.

- 3. M/s. Havells India Ltd.:** The Committee reviewed performance of the unit and noted that the unit had undertaken deemed export for Rs. 184.25 lakhs in the year 2007-08. It was also noted that the unit has undertaken DTA sale under intimation to the Development Commissioner once in a year.

The Committee, therefore, directed jurisdictional Central Excise authorities to examine the DTA sale and the deemed export undertaken by the unit and send a report.

The Committee advised the unit to report pending foreign exchange in value term in the APR instead of number of consignment being reported by them. Further, the Committee directed the unit to submit shipping bill wise details of exports, which are pending realization as on date. The Committee clarified that export incentives against the unrealized export shipments beyond specified period are required to be paid. Therefore, the jurisdictional Central Excise authority may also examine the above aspects.

- 4. M/s. Landmark Crafts Pvt. Ltd.:** The Committee noted that LOP to the unit has been recently issued and bonding by the Central Excise is yet to be done.

The Committee desired to expedite bonding so that unit can operate under EOU scheme.

- 5. M/s. Navran Advanced Nanoproducts Development:** The Committee reviewed performance of the unit and found that NFE of the unit is negative. In this regard, a report on correctness of the data has been sought by NSEZ.

The Committee directed jurisdictional Central Excise authorities to verify data of imports, exports, deemed exports and DTA sale etc and send a detailed report consisting of year wise data on the same.

- 6. M/s. Quantum Solutions India:** The Committee reviewed performance of the unit and found it satisfactory.

- 7. M/s. Sahajanand Technologies:** The Committee reviewed performance of the unit and noted that this is a new EOU and recently started production.

- 8. M/s. Seal Universal Pvt. Ltd.:** The Committee noted that status of the unit is not known and the LOP expired on 27.02.2011. No further extension of the LOP has since been sought.

The Committee, therefore, directed jurisdictional Central Excise authorities to inform status of the unit alongwith details of import, export, DTA sale, deemed export etc. Further, they may issue "No-Dues" certificate after safe guarding the interest of the revenue, so as to consider final debonding of the unit.

**9. M/s. Shivalik Bimetal Controls Ltd.:** The Committee reviewed performance of the unit and noted that "in-principle" exit permission from EOU scheme has been granted on 10.02.2011. However, certain amount of foreign exchange is shown pending. Also, the unit has sold unutilized raw material in domestic market.

The Committee directed the unit to expedite shipping bill wise details of exports, which are pending realization and clarify the sale of un-utilized raw material. The Committee clarified that export incentives against the unrealized export shipments beyond specified period are required to be paid.

Therefore, jurisdictional Central Excise authorities may also examine the above aspects as they have already issued "NOC" for final exit from EOU scheme on 03.07.2012.

**10. M/s. Srijan Exports:** The Committee reviewed performance of the unit and noted that BOA in 2006 has allowed refurbishing/rectification of goods which are similar to the goods being manufactured, subject to no DTA sale.

The Committee, therefore, directed the unit not to undertake any DTA sale and clarify as to whether or not, they are undertaking process of refurbishing/rectification.

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## 12.2 (13): Joint monitoring of EOUs falling under jurisdiction of Central Excise Commissionerate, Ludhiana:

1. **M/s. A.G. Foods Ltd.:** The Committee noted that the unit is lying closed and LOP is valid till 31.03.2013. A SCN has been issued to the unit by the Development Commissioner, which is being adjudicated.

2. **M/s. Broadway Overseas Ltd. (Unit-II):** The Committee reviewed performance of the unit. It is noted that the unit is undertaking DTA sale of waste and Scrap.

The Committee directed jurisdictional Central Excise authorities to examine DTA sale vis-à-vis the permissions from the Development Commissioner for such sale and SION for such goods.

The Committee further noted that the unit has paid Income Tax in the year during the period of exemption from Income tax to the EOU. The Committee desired examination of the reasons for payment of the income tax.

3. **M/s. Chand Engineering:** The Committee reviewed performance of the unit and found it satisfactory. However, the Committee noted that unit is clearing capital goods in DTA without any permission from the Development Commissioner prior to its debonding. Also, the unit is in manufacture of engineering goods, but no wastage has been accounted for.

The Committee, therefore, directed jurisdictional Central Excise authorities to examine the above aspect and submit a report regarding wastage accountal vis-à-vis SION for such goods.

4. **M/s. Double Barrel Jeans India Ltd.:** The Committee reviewed performance of the unit and found it satisfactory. However it is noted that unit is in manufacturing Jeans & Trousers but no wastage has been accounted for.

The Committee, therefore, directed jurisdictional Central Excise authorities to examine the above aspect and submit a report regarding wastage accountal vis-à-vis SION for such goods.

5. **M/s. Euro Foot wears Pvt. Ltd.:** The Committee noted that the status of the unit is not known. Unit stated production on 04.11.2012 and the LOP was valid upto 31.03.2012. Unit has neither obtained extension of the LOP nor has followed exit formalities from EOU scheme. It is also noted that unit has imported capital goods and raw materials.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may inform status of the unit along with a report on export, import and duty free procurement etc. Further, they may issue "No-Dues" certificate after safe guarding the interest of the revenue, so as to consider final debonding of the unit.

- 6. M/s. Gurunanak Auto Enterprises Ltd.:** The Committee reviewed performance of the unit. The Committee noted that DTA sale done by the unit.

The Committee directed that jurisdictional Central Excise authorities to examine DTA sale of the unit vis-à-vis the permissions from Development Commissioner for such sale and send a report.

The Committee advised the unit not to post DTA sale as deemed export also in the APR/QPR.

- 7. M/s. Ladumbir E.O. Industries:** The Committee noted that the status of the unit is not known.

The Committee directed jurisdictional Central Excise authorities to examine case of the unit and inform its status alongwith export, import etc. Further, the Range officer may discuss the matter along with the file of the unit with NSEZ authorities, so that concerted action can be devised to safe- guard the revenue and fulfillment of export obligation under FTDR Act etc.

- 8. M/s. Leather line Tanneries Pvt. Ltd.:** The Committee reviewed performance of the unit and noted that the LOP of the unit expired on 31.03.2011. The unit has not sought extension of the LOP thereafter. A SCN issued by the Development Commissioner on 16.08.2010 is also pending against the unit. The Committee also noted the substantial import of the capital goods by the unit. It is also noted that writ filed by the unit in the matter with banks is pending in the Court, where Development Commissioner is also a respondent.

Taking into account the above, the Committee directed that jurisdictional Central Excise may examine matter thoroughly and inform status of the unit along export, import and duty free procurement etc., so as to devise action on the fulfillment of export obligation and consequential action under FTDR Act. Further, the necessary action to safe-guard the revenue may also be initiated.

- 9. M/s. Lee Steels Fasteners:** The Committee noted that the status of the unit is not known. Unit stated production on 30.04.2008 and the LOP was valid upto 26.07.2010. Unit has neither obtained extension of the LOP nor has followed exit formalities from EOU scheme.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine matter and inform status of the unit along with a report on export, import and duty free procurement etc. Further, the Range

officer may discuss the matter along with the file of the unit with NSEZ authorities, so that concerted action can be devised to safe-guard the revenue and fulfillment of export obligation under FTDR Act etc.

- 10. M/s. Medieval Glass India Pvt. Ltd.:** The Committee reviewed performance of the unit. It is noted that unit is undertaking DTA sale of waste and Scrap.

The Committee directed jurisdictional Central Excise authorities to examine and send a report on the DTA sale vis-à-vis the permissions from the Development Commissioner for such sale and SION for such goods.

The Committee advised the unit not to post DTA sale as deemed export also in the APR/QPR.

- 11. M/s. Mitra Inc:** The Committee noted that the status of the unit is not known. LOP issued to the unit on 24.04.2008, was valid upto 23.04.2011. Unit has neither obtained extension of the LOP nor has followed exit formalities from EOU scheme.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine matter and inform status of the unit along with a report on export, import and duty free procurement etc. Further, they may issue "No-Dues" certificate after safe guarding the interest of the revenue, so as to consider final debonding of the unit.

- 12. M/s. Modern Orthodontics:** The Committee reviewed performance of the unit and found it satisfactory.

- 13. M/s. National Export Corporation:** The Committee reviewed performance of the unit and noted that the "in-principle" exit from EOU scheme granted on 12.11.2012.

- 14. M/s. Niagra Metals India Limited:** The Committee reviewed performance of the unit and noted that transactions of the unit are being investigated by the Central Excise Preventive Unit. A large number of discrepancies are being noticed relating to DTA sale, deemed exports and trading.

The Committee directed to complete investigation so as to decide the action under FTDR Act and to safe-guard the revenue.

- 15. M/s. Nova Surgicos Pvt. Ltd.:** The Committee noted that the status of the unit is not known. Unit stated production on 02.02.1995 and the LOP was valid upto 01.02.2000. Unit has neither obtained extension of the LOP nor has followed exit formalities from EOU scheme.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine matter and inform status of the unit along with a report on export, import and duty free procurement etc. Further, the Range officer may discuss the matter along with the file of the unit with NSEZ authorities, so that concerted action can be devised to safe-guard the revenue and fulfillment of export obligation etc.

- 16. M/s. Omkar Textiles Mills:** The Committee noted that the status of the unit is not known. LOP issued to the unit on 11.07.2008, was valid upto 10.07.2011. Unit has neither obtained extension of the LOP, nor has followed exit formalities from EOU scheme.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine the matter and inform status of the unit along with a report on export, import and duty free procurement etc. Further, they may issue "No-Dues" certificate after safe guarding the interest of the revenue, so as to consider final debonding of the unit.

- 17. M/s. R.K. Overseas:** The Committee reviewed performance of the unit and noted that permission dated 27.05.2011 for "in-principle" exit from EOU scheme has expired on 26.11.2011.

The Committee noted the pending foreign exchange and directed the unit to submit shipping bill wise details of export-shipments, which are pending realization as on date. The Committee also clarified that export incentives against the unrealized export shipment beyond specified period are required to be paid. Therefore, the jurisdictional Central Excise authorities may also examine the above aspects.

- 18. M/s. Roses Floriculture Ltd.:** The Committee noted that the status of the unit is not known. Unit started production on 31.03.2001 and the LOP was valid upto 30.03.2006. Unit has neither obtained extension of the LOP, nor has followed exit formalities from EOU scheme. It is also noted that unit has not fulfilled export obligation during the specified period and a SCN dated 19.03.2009 issued by the Development Commissioner in this regard.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine matter and inform status of the unit along with a report on export, import and duty free procurement etc. so as to devise action to safe-guard the revenue and under the FTDR Act.

- 19. M/s. Royal Industries Ltd.:** The Committee noted that the status of the unit is not known. Unit started production on 20.05.1996 and the LOP was valid upto 31.03.2007. Unit has neither obtained extension of the LOP, nor has followed exit formalities from EOU scheme. Certain amount of duty, fine etc has been confirmed by the Central Excise. The LOP of the unit was later cancelled by the

Development commissioner on 25.02.2009.

Taking into account the above, the Committee directed that jurisdictional Central Excise may examine the matter and send the "No-dues" certificate.

**20. M/s. Sakshi Impex:**

performance of the unit and found it satisfactory.

The Committee reviewed

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### **12.3 (13): Joint monitoring of EOUs falling under jurisdiction of Central Excise Commissionerate, Jammu:**

1. **M/s. FIL Industries Limited:** The Committee reviewed performance of the unit and noted that the export of the unit is gradually decreasing over the year.

The unit representative explained that they are in food industry and facing huge competition from China. Price of apple is increasing as well availability of raw material is becoming difficult. He further explained that they have approached concerned Ministry for fixation of minimum support price.

The Committee suggested that they may also represent their problems to the Commerce Ministry so that any relevant matter to support export can be taken up.

2. **M/s. Jakson Limited:** The Committee noted that this is a new EOU and recently started production. The export in RPA in the year 2012-13 was made to Bangladesh as well as they are undertaking deemed export to EPCG license holder.

3. **M/s. Kashmir Walnut Overseas Pvt Ltd.:** The Committee noted that the status of the unit is not known. LOP issued to the unit on 14.06.2007, was valid upto 13.06.2010. Unit has neither obtained extension of the LOP, nor has followed exit formalities from EOU scheme.

Taking into account the above, the Committee directed that jurisdictional Central Excise authorities may examine matter and inform status of the unit along with a report on export, import and duty free procurement etc. so as to devise action to safe-guard the revenue and under the FTDR Act. Also, the Committee advised to examine whether benefit availed under any other scheme during the validity of the LOP.

4. **M/s. Satya Metals:** The Committee reviewed performance of the unit and noted that all clearances of the unit are under deemed export category under para 6.9 (b) of the FTP. Besides such clearances, the unit has done substantial DTA sale. The clearances under para 6.9 (b) of the FTP require foreign exchange remittances from overseas buyers against the clearances made to the consignee in India.

The Committee, therefore, directed jurisdictional Central Excise authorities to examine the above aspects and send a detailed report including a report on the DTA sale vis-à-vis permission granted by the Development Commissioner.

Foreign exchange remittances may also be examined for fulfilling criteria of eligibility of para supra.

- 5. M/s. Sudhir Gensets Limited:** The Committee reviewed performance of the unit and noted deemed export to the EPCG license holder and the DTA sale done by the unit.

The jurisdictional Central Excise officer informed that they have issued SCNs on the clearances under EPCG as the relevant Customs & Central Excise notification does not permit clearances from EOU to EPCG License holder. The

Committee desired that the copy of the SCN and the further proceedings in this regard may please be send to NSEZ.

Also, the Committee directed the jurisdictional Central Excise authorities to examine DTA sale vis-à-vis permission granted by the Development Commissioner and send a report.

*Encl: annexure- 1*

Sd/-  
(Development Commissioner )

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**Annexure- I**

**List of Participants**

1. Shri Jayant Misra, Development Commissioner , NSEZ .....Chairman.
2. Shri S.J.Singh, Commissioner of Central Excise, Chandigarh-I
3. Shri Rajiv Bhatia, Commisioner of Central Excise, Ludhiana
4. Shri Rajesh Jindal, Addl. Com;missioner of Central Excise, Jammu & Kashmir
5. Shri Atul Hauda, Joint Commissioner of Central Excise, Chandigarh-I
6. Shri Kumar Gaurav Dhawan, Dy Commissioner of Central Excise, Ludhiana
7. Shri Kuldeep Singh, Dy Commissioner of Central Excise, Chandigarh-I
8. Shri Tuleshwar Prasad, Asstt. Commissioner of Central Excise, Chandigarh-I
9. Shri Rakesh Agarwal, Asstt. Development Commissioner, NSEZ, Noida