

Minutes of the 136th Unit Approval Committee Meeting of Kandla SEZ held on 17.10.2018 at 11:30 hrs. under the Chairmanship of Dr. Amiya Chandra, Development Commissioner, Kandla Special Economic Zone.

Following were present:

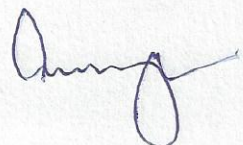
1. Shri. Satyadeep Mahapatra : Joint Development Commissioner, KASEZ.
2. Shri. Sanjay Kumar : Joint Commissioner of Income Tax, Gandhidham.
3. Shri. A. K. Moria : Assistant Commissioner, Customs, Kandla, Gandhidham-Representative of Commissioner of Customs Kandla.
4. Shri. P. C. Ravindran : Assistant DGFT, Rep. of Jt. DGFT, Rajkot.
5. Shri. Jaykumar S. Shah : Representative of DIC, Bhuj.

Absentees:-

1. Director (Banking)
2. SDM

Review/Confirmation of the minutes of last meeting (135th UAC) of the Approval Committee: -

Minutes of the last meeting of Approval Committee was confirmed.



Minutes of the 136th Unit Approval Committee Meeting of Kandla SEZ held on 17.10.2018 at 11:30 hrs. under the Chairmanship of Dr. Amiya Chandra, Development Commissioner, Kandla Special Economic Zone.

136.1 NEW UNIT APPLICATION

AGENDA ITEM NO. 136.1.1

Application for setting up of a unit in KASEZ namely M/s. Plastene India Ltd., H. B. Jirawala House, 13, Navbharat Society, Opp. Panchshil Bus Stop, Usmanpura, Ahmedabad – 380 013.

Their proposal was for setting up a unit in Kandla SEZ for trading activity of PP Woven Big Bags/FIBC, PP & HDPE Tarpaulin, PP & HDPE Woven Fabric Coated & Uncoated, PP Woven Sacks (Small Bags), etc.

Shri. Prakash Parekh, Managing Director & Shri Pritesh Parekh, Director of the company appeared before the Approval Committee and explained their proposal.

Shri Prakash stated that they are the 2nd largest manufacturer of Jumbo Bags/ FIBC Bags in India and their annual sales of their group company was Rs. 450 crores last year and their 90% of the sales are exported. They are already having an unit in KASEZ in the name of M/s. Oswal Extrusion Ltd., for manufacture of FIBC Bags and allied products. For their present trading proposal their will procure FIBC bags and allied items from other parties from India and will open, check and re-pack the traded items and will export the same to US & Europe countries and no import & DTA Sale is envisaged in their present proposal.

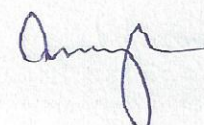
The Approval Committee after due deliberation decided to defer the proposal with the request to the applicant to come up with a proposal for manufacturing activity along with their present trading activity.

AGENDA ITEM NO. 136.1.2

Application for setting up of a unit in KASEZ namely M/s. Global Paper Terminal, C-143, Greater Kailash -1, New Delhi – 110048

Their proposal was for setting up a unit in Kandla SEZ for manufacturing activity of Paper Straw.

Shri. Atul Saluja, HUF, Proprietor of the firm appeared before the Approval Committee and explained their proposal.



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Shri Saluja stated that he was in the business since last 40 years and are already having an exporting unit in Noida SEZ. For better proximity to Ports they want to set up unit in Kandla SEZ and will mostly procure their raw materials domestically. Their main raw material is paper, adhesive and ink which are all edible food grade and that they will import and procure indigenous machinery to the tune of Rs. 186.00 lakhs and Rs. 61.00 lakhs respectively. Further, he clarified that their working capital will be to the tune of Rs. 70 lakhs.

The Approval Committee after due deliberation approved the proposal subject to standard terms and conditions

AGENDA ITEM NO. 136.1.3

Application for setting up of a unit in KASEZ namely M/s. Trimurti Fragrances & Flavours Pvt. Ltd., Plot No. 104, F.I.E., Patparganj, New Delhi – 110 092.

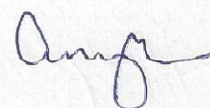
Their proposal was for setting up a unit in Kandla SEZ for manufacturing activity of – Pan Masala, chewing Tobacco, Zarda, Preparation containing chewing tobacco, Khaini, guthka, Filter Khaini.

Shri. Arpit Kyal, authorised signatory of the company appeared before the Approval Committee and explained their proposal.

Shri Arpit stated that they are in the business of pan masala since 1994 and they already have a unit in Kandla SEZ in the name of M/s. Trimurti Fragrances Pvt. Ltd., wherein one of the Director's father is the Director in the said company.

The Approval Committee informed the applicant that import of Betal nuts (supari) will not be allowed and no DTA sale of any goods or waste will be permitted.

The Approval Committee after due deliberation approved the proposal subject to standard terms and conditions for such units which include no DTA Sale/clearance of any goods and no import of Betel nuts (supari) and also subject to furnishing an affidavit/undertaking for use of plastic packaging as detailed under Item No. 117.1.2 in terms of the Apex Court's judgement.



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136.2 REQUEST FOR BROADBANDING

AGENDA ITEM NO. 136.2.1

Request of M/s. Blaze International, KASEZ for broad-banding for additional manufacturing activity in their existing Letter of Approval.

Nobody appeared for personal hearing to explain their proposal. However, the Committee noted that the unit is a plastic recycling unit and that they have very negligible physical export performance as compared to their imports and hence decided not to accede to their proposal for broad-banding.

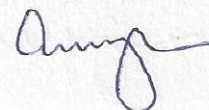
AGENDA ITEM NO. 136.2.2

Request of M/s Hwatsi Chemical Pvt. Ltd., Plot No. 586/587, New Area, KASEZ for Broad-banding of 14 new items into their Trading Activity.

M/s Hwatsi Chemical Pvt. Ltd., Plot No. 586/587, New Area, KASEZ, Gandhidham has been permitted for Manufacturing Activity of Thinners (HS Code 38140000) and Trading Activity of Chemical and Solvents vide LoA No. 004/2011-12 dated 13.05.2011 issued vide F. No. KASEZ/IA/004/2011-12 dated 13.05.2011. The unit has commenced their activities with effect from 11.04.2013. In the line of decision taken in 116th UAC meeting, Manufacturing Activity of the unit has been separated vide LoA F. No. KASEZ/IA/004/2011-12 dated 14.06.2018.

Now, the unit has requested for addition of following items into their Trading Activity:-

S. No.	Description of goods submitted by the unit	ITC-HS Code	Description of goods as per import/export policy	Import/export policy
1	PTHALIC ANHYDRIDE	29173500	Phthalic anhydride	FREE
2	VINYL ACETATE MONOMER	29153200		FREE
3	VEOVA - 10	29153200	Vinyl acetate	FREE
4	N HEXANE	29012990	other	FREE
5	PERCHLOROETHYLENE	29032300	Tetrachloroethylene (prechloroethylene)	FREE

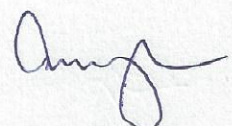


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6	C - 9 SOLVENT	27075000	Other aromatic hydrocarbon mixtures of which 65 % or more by volume (including losses) distils at 250 C by the ISO 3405 method (equivalent to the ASTM D 86 method)	FREE
7	FURNACE OIL	27101950	Fuel Oil	FREE
8	MINERAL TERPENTINE OIL W/S	27101990	other	FREE
9	SBP SOLVENT	38140010	Organic composite solvents and thinners, not elsewhere specified or included	FREE
10	ETHYL ALCOHOL	22072000	Ethyl alcohol and other spirits, denatured, of any strength	FREE
11	CASTOR OIL	15153090	Other	FREE
12	CASTOR HYDROGENATED	15162039	other	FREE
13	MP DIOL	29053990	Other	FREE
14	EPMJ0010	40027000	Ethylene - propylene- non-conjugated diene	FREE

Their above proposal was also discussed in the 133rd UAC meeting held on 16.08.2018 wherein it was decided to examine the requirement of compliance of all the statutory safe-guard conditions relevant to such products.

Shri Anand Mehta, authorised signatory of the company appeared before the Approval Committee and explained their proposal.



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Shri Mehta stated that they had a separate manufacturing activity of chemicals and that they are holding solvent licence for storage of hazardous cargo; for furnace oil they have requisite statutory licence of Explosive Department, Nagpur and Solvent licence from DM, Bhuj. He further stated that they are in KASEZ since 5 years and this is their 6th year and to expand their business they want to add certain items for trading purpose. He also explained that they are exporting their products to Middle East and African countries.

The Approval Committee after due deliberation decided to approve the broad-banding of trading activity of above items in their existing LoA for trading activity.

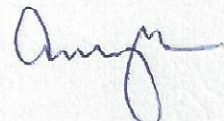
136.3 MISCELLANEOUS ITEMS

AGENDA ITEM NO. 136.3.1

Delayed submission of Form F1 and evaluation of criteria as per the amended Rule 19(6A) & 19(6B) of SEZ Rules, 2006 for renewal of LoA of M/s. Sujan Oil & Gas Infra Logistics, KASEZ.

The Committee noted that the unit has applied for renewal of their LoA on 04.09.2018 i.e. before amendment in SEZ Rules, 2018 made applicable w.e.f. 19.09.2018. However, after the amendment of SEZ Rules, 2006 on 19.09.2018, the unit vide letter dated 15.10.2018 have also applied in prescribed Form F1. The Committee condoned the delay of filing the application in Form F1 as the unit as already submitted its application for renewal on 04.09.2018.

Further, the Approval Committee taken note of the evaluation the five years performance of the unit as per the criteria laid down in Rule 19 (6B) of the SEZ Rules and after due deliberation approved the request of the unit for renewal of their LoA for further period of five years w.e.f. 05.10.2018 subject to the confirmation that the rentals has been collected by the EM Section as per revised rent and also the unit was also requested to clarify about the initial export projection made by them of Rs. 400 crores in their first five year block period.



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AGENDA ITEM NO. 136.3.2

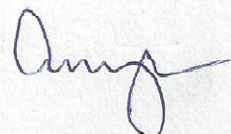
Renewal/Extension of validity of Letter of Approval No. KASEZ/IA/1917/2002-03 dated 17.03.2003 of M/s MGA & Associates, Plot No. 262-263, Sector IV, Kandla Special Economic Zone, Gandhidham.

M/s MGA & Associates, KASEZ (formerly known as M/s Sri Baxer Andrew Michael) is an approved unit for Manufacturing Activities vide letter F.No. KASEZ/IA/1917/2002-03 dated 17-03-2003 as amended from time to time for 'Repairs, Re-engineering, Re-conditioning, Remarking, Segregation etc of obsolete, outdated discarded electrical, Electronics Devises etc. The said unit has commenced their authorized operation w.e.f. 06-08-2003. The unit had applied for extension of the validity of their LOP for further five years i.e. up to 14.08.2023.

As per the APR for five year block period 2013-18, the said unit is having neutral NFE i.e. ZERO NFE, in other words the unit was inactive for whole five years block period.

The then D.C., KASEZ has renewed the LoA of the said unit on 02.08.2018 for further five years period i.e. 14.08.2013 and given direction to issue SCN for negative (Zero) NFE and non-activity, accordingly, Show Cause Notice vide F. No. KASEZ/IA/1917/2002-03-6466-68 dated 07.09.2018 was issued to the Unit proposing for cancellation of their LoA under Section 16 of the SEZ Act, 2005 and imposition of penalty under FT (D&R) Act for non-achieving of NFE in the last five year block and in line of the principle of natural justice, Personal Hearing was granted to them on 17.09.2018. Another opportunity for Personal Hearing was granted to the unit on 03.10.2018. During the proceeding of personal hearing Sh. Gulab Gidwani, Partner of the unit appeared before the D.C. KASEZ and he inter-alia stated the following :-

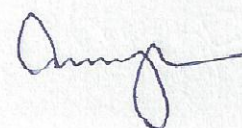
- He has other units also running in the Zone and he could not concentrate on this business;
- He was of the opinion that as norms in this sector has eased out, he may be given another chance;
- However, he had not explanation on the issue that why there was zero business during the last 5 years.



Further, in their subsequent written explanation dated 11.10.2018 on the issue as to whether they had actually commenced any activity after the renewal of their LoA on 03.08.2018, the unit confirmed that they did not commence any activity after renewal and that there is no confirmed foreign buyer for their product and they are still negotiating for the same. In nutshell, they could not explain any tangible reason for their non-activity in the past 5 years and that they had no concrete future plan to revive their activities.

The Approval Committee noted that their approved activities relates to the provision of Rule 18(4)(d) wherein the import of second hand goods are allowed only on one-to-one co-relation on re-export basis and normally such activities is not permitted without any concrete plan meeting to the requirement of the said Rule. The Committee further noted that observing the principle of natural justice sufficient opportunity was granted to the unit to present their case and defend the reason for non-activity. However, it is evident from their explanation before adjudicating authority as well as written submission, they have neither concrete reason for the non-activity for the past five years as well as no future concrete plan to revive the unit and considering the sensitive nature of import of second hand electronic items which was otherwise permitted for import only for the purpose of repair, reengineering, reconditioning etc. on re-export basis only. The Committee also noted that they had not submitted their APRs of their each of the annual year of the five year block within the stipulated time under Rule 22 read with condition of BLUT. The Committee also noted that there is employment of only one person reflected in their APR and that they had not made any additional new investment. The Committee noted that their activities are not in consonance with the objectives laid down under Section 5 of the SEZ Act, 2005 and the Committee was of the consensus view that they had persistently violated the terms and conditions of the LoA as well as that of BLUT executed by them under which they were under obligation to achieve positive NFE under the requirement of Rule 53 and thus this is a fit case for cancellation of their LoA under Section 16 of the Act for violation of the condition of terms and conditions of LoA and its obligation as laid down in the SEZ Act and Rules made thereunder.

Therefore, the Approval Committee after due deliberation decided to cancel the LoA of the unit and directed the DC being the adjudicating authority to adjudicate the case and impose penalty as deemed fit under the FT (D&R) Act, 1992 as proposed in the SCN dated 07.09.2018.



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AGENDA ITEM NO. 136.3.3

Intimation for change in Partnership of M/s Ashwin Enterprise, KASEZ

M/s Ashwin Enterprises, Plot No. 471, Sector-I, KASEZ, is an approved unit for Warehousing Service Activity vide LoA No. 043/2010-11 dated 29.11.2010 issued vide F. No. KASEZ/IA/043/2010-11/677-680 dated 29.11.2010 as amended from time to time.

Now, the said unit has intimated regarding retirement of one partner i.e. Shri Anurudh Lalshab Mishra, and they have submitted copy of notarized partnership deed alongwith their application.

Before retirement of Shri Anurudh Lalshab Mishra, the share in profit/loss of the firm was as below:

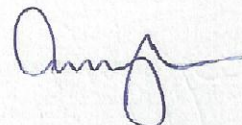
Sl. No.	Name of the partners	Share in Profit/Loss
1	Shri Anurudh Lalshab Mishra	50%
2	Shri Lalit Kumar	25%
3	Shri Abhinav Gupta	25%
Total		100%

The current share in profit/loss of the firm is as given below:

Sl. No.	Name of the partners	Share in Profit/Loss
1	Shri Lalit Kumar	50%
2	Shri Abhinav Gupta	50%
	Total	100%

The Committee noted that Department of Commerce vide Instruction No. 89 dated 17.05.2018 had issued guidelines regarding change in shareholding pattern, name change pertaining to SEZ units wherein change of name, change of shareholding pattern, etc. may be undertaken with the prior approval of Approval Committee in respect of units.

The Committee noted that the changes in shareholding pattern of the firm is to the extent of 50%. Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in share in Profit/Loss of the firm subject to following conditions: -



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1. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered unit entity.
2. Fulfillment of all eligibility criteria applicable to unit, including security clearances etc. by the altered unit entity and its constituents.
3. Applicability of and compliance with all Revenue/Company Affairs/SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
4. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member(IT), CBDT, Department of Revenue and to the Jurisdictional Authority.
5. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
6. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
7. The unit shall furnish details of PAN and jurisdictional assessing officer of the unit to CBDT.

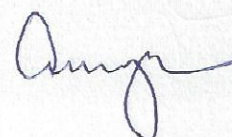
AGENDA ITEM NO. 136.3.4

Monitoring the performance of Plastic Recycling Units

- A. Monitoring the performance of plastic recycling units for the five year block period 2013-14 to 2017-18 based on the APRs with regard to achievement of NFE.**
- B. Monitoring of physical export performance as per the changed export obligation as per DoC's Policy guidelines dated 17.09.2013, as amended vide letter dated 13.02.2018 for six months period.**

AGENDA ITEM NO. 136.3.5

Monitoring the performance of Worn and Used Clothing Units



- A. Monitoring the performance of Worn and Used Clothing Units for the five year block period 2013-14 to 2017-18 based on the APRs with regard to achievement of NFE.**
- B. Monitoring of physical export performance as per the changed export obligation as per DoC's Policy guidelines dated 17.09.2013, as amended vide letter dated 13.02.2018 for six months period.**

AGENDA ITEM NO. 136.3.6

Delayed submission of Form F1 as per the amended Rule 19(6A)(1) of SEZ Rules, 2006 for renewal of LoAs of Plastic Recycling Units

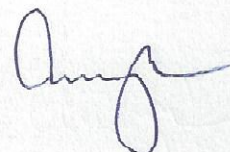
AGENDA ITEM NO. 136.3.7

Delayed submission of Form F1 as per the amended Rule 19(6A)(1) of SEZ Rules, 2006 for renewal of LoAs of Worn and Used Clothing Units

JDC, KASEZ briefed the Committee about the obligation of the such units under the policy guidelines dated 17.09.2013 for functioning of both these two recycling industries and also enlighten the committee about the piece-meal renewal of LoA till 30.11.2013 after the expiry of their previous five year block of 2006-2011 and break of the chain of five year blocks after 2011 and extension of validity of LoA for further five years block from 01.12.2013 to 30.11.2018.

JDC, KASEZ further raised the issue of the inquiry of the trade as to what would be the base to be taken for calculating the physical export obligation of 50% (by volume) in the case of worn & used clothing units, the Chairman clarified that imported quantum is to be taken for calculating the value based physical export obligation of 2/3rd (66.67%) as well as the physical export obligation of 50% (by volume) for worn & used clothing units.

After due deliberation, the Chairman directed to call for their performance of the past five years starting from 01.12.2013 till 30.09.2018 in a particular format from all such worn clothing as well as plastic recycling units.



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Therefore, the Approval Committee decided to defer the above four agenda items for monitoring till next UAC only after obtaining the said data of their performance in the specific formats.

AGENDA ITEM NO. 136.3.8

Permission to warehouse goods on behalf of foreign clients as well as DTA clients - Request of M/s Mysore Scents Company - Unit II, a Warehousing Service Units of KASEZ.

In the 116th UAC meeting held on 19.07.2017, it was decided that the warehousing units in KASEZ will have to seek permission for any new items which they intend to warehouse on behalf of foreign clients as well as DTA clients and submit KYC of the client before warehousing the items.

The Committee noted that M/s. Mysore Scents Company (Unit-II) requested for permission to warehouse goods on behalf of DTA clients and submitted list of items to be warehoused in KASEZ alongwith KYC of clients.

The Committee after due deliberation decided to take on records the items to be warehoused by the above unit for respective DTA clients as submitted by the unit.

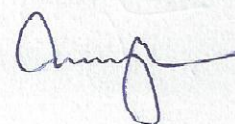
AGENDA ITEM NO. 136.3.9

Intimation for change in the name of the unit and Partnership of M/s Aries International, KASEZ

M/s Aries International, Shed No. 80, Sector 1, Kandla Special Economic Zone, Gandhidham, is an approved unit for Trading and Manufacturing Activities vide LoA No. F. No. KASEZ/IA/1893/2002-03/ dated 31.10.2002 as amended from time to time. In the line of decision taken in 116th UAC meeting, Trading Activity of the unit has been separated vide LoA F. No. KASEZ/IA/1893/2002-03 dated 22.06.2018.

Now, the said unit has intimated regarding change in the name of the unit and partnership. They have submitted copy of notarized partnership deed alongwith their application.

The unit has intimated that in order to successfully operate the current business affairs and expand the business there is need to introduce new force and capital in the business. For the better management and better efficacy of the firm and to further boost the activity from the KASEZ unit



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new partner has been inducted in the form and also name of the firm has been changed from '**ARIES INTERNATIONAL**' to '**LAXMI IMPEX**'. The same has been processed as per the provisions of Companies Act, 2013.

Before retirement of two partners, the share in profit/loss of the firm was as below:

Sl. No.	Name of the partners	Share in Profit/Loss
1	Shri Rahul Mahesh Yadav	50%
2	Smt. Gauriben Maheshbhai Yadav	40%
3	Shri. Denu Ashok Kapania	10%
Total		100%

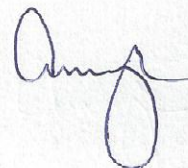
Further, a new partner Shri Prakash Prabhul Mohatta has been introduced as new partner in the unit and two previous partners have been exited. The current the share in profit/loss of the firm was as below:

Sl. No.	Name of the partners	Share in Profit/Loss
1	Shri Rahul Mahesh Yadav	50%
2	Shri Prakash Prabhul Mohatta	50%
Total		100%

The Committee noted that Department of Commerce vide Instruction No. 89 dated 17.05.2018 had issued guidelines regarding change in shareholding pattern, name change pertaining to SEZ units wherein change of name, change of shareholding pattern, etc. may be undertaken with the prior approval of Approval Committee in respect of units.

The Committee noted that the changes in shareholding pattern of the firm is to the extent of 50%. Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change of name of the firm from '**ARIES INTERNATIONAL**' to '**LAXMI IMPEX**' and change in share in Profit/Loss of the firm subject to following conditions: -

1. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered unit entity.



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2. Fulfillment of all eligibility criteria applicable to unit, including security clearances etc. by the altered unit entity and its constituents.
3. Applicability of and compliance with all Revenue/Company Affairs/SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
4. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member(IT), CBDT, Department of Revenue and to the Jurisdictional Authority.
5. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
6. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
7. The unit shall furnish details of PAN and jurisdictional assessing officer of the unit to CBDT.

AGENDA ITEM NO. 136.3.10

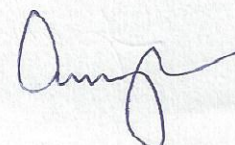
Ratification of issues already approved in file

The Approval Committee ratified the permission granted to M/s. Mysore Scents Company (Unit-II), KASEZ by O/o. DC for warehousing of goods on behalf of DTA client as requested by the unit.

TABLE AGENDA ITEM No.136.4.1

Application for setting up of a unit in KASEZ namely M/s. R R Exports, Shop No. 19, Nahari Ka Naka, Jhotwara Road, Jaipur, Rajasthan, India – 342 001.

Their proposal was for setting up a unit in Kandla SEZ for manufacturing activity of – Panmasala, Zarda, Chewing Tobacco, Khaini & Panmasala containing Tobacco, Zarda (Gutkha), Shessa Tobacco.



Minutes of the 136th Unit Approval Committee Meeting of Kandla SEZ held on 17.10.2018 at 11:30 hrs. under the Chairmanship of Dr. Amiya Chandra, Development Commissioner, Kandla Special Economic Zone.

Their proposal was earlier discussed in the 135th UA meeting held on 25.09.2018 wherein the applicant was asked to submit the details of working capital, present experience of the promoters, financial standing of both partners, marketing tie-ups, copy of export orders and other documentary evidence in support of the above.

Shri. Rajnish Kumar, Partner of the firm appeared before the Approval Committee and explained their proposal.

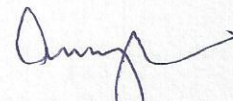
Shri Rajnish stated that they have now submitted details of financial strength, marketing arrangements and details of export order. The project cost for the proposed project will be Rs. 60 lakhs.

The Committee taken note of the clarifications and documentary evidence submitted by the applicant vide their letter dated 11.10.2018 in support of clarifications called for by the Committee in the earlier meeting.

The Approval Committee informed the applicant that import of Betal nuts (supari) will not be allowed and no DTA sale of any goods or waste will be permitted.

The Approval Committee after due deliberation approved the proposal subject to standard terms and conditions for such units which include no DTA Sale/clearance of any goods and no import of Betel nuts (supari) and also subject to furnishing an affidavit/undertaking for use of plastic packaging as detailed under Item No. 117.1.2 in terms of the Apex Court's judgement.

The meeting ended with vote of thanks of the chair.



(Dr. Amiya Chandra)

Development Commissioner