

Minutes of the 152nd Unit Approval Committee Meeting of Kandla SEZ held on 10.01.2020 at 11:30 hrs. under the Chairmanship of Dr. Amiya Chandra, Development Commissioner, Kandla Special Economic Zone.

Following were present:

1. Shri. Dipak Zala : Deputy 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. Kanak P. Der : General Manager, DIC, Bhuj.

Absentees:-

1. Director (Banking)
2. SDM
3. DGFT

Review/Confirmation of the minutes of last meeting (151st UAC) of the Approval Committee: -

Minutes of the last meeting of Approval Committee was confirmed.



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152.1 NEW UNIT APPLICATION

AGENDA ITEM NO. 152.1.1

Application for setting up of a unit in KASEZ namely M/s. Jai Dwarkadhish Enterprises.

A proposal was submitted by M/s. Jai Dwarkadhish Enterprises, Delhi for setting up a unit in Kandla SEZ for manufacturing activity and trading activity.

Shri Syed Asad Ali, Partner of the firm appeared before the Approval Committee and explained their proposal. Shri Syed stated that they intend to set up a unit in KASEZ for manufacturing of Fabricated structures and items of iron & steel, tanks & vessels and other fabricated articles and also for trading activity. He further stated they will also make exports of their manufactured items.

The Committee asked the applicant that how they can set up a unit for manufacturing and trading activity with initial investment of Rs. 10 lakhs only. Shri Syed stated that they will invest Rs. 40 lakhs and submitted details of financial strength for development of the project.

The Committee noted that the applicant has requested for manufacturing and trading of following items: -

Manufacturing activity

Sl. No.	Item	ITC-HS Code
01.	Fabricated structures and items of iron and steel.	73089010, 73089090
02.	Tanks and vessel	73090030, 73090040
03.	Other fabricated articles	73261990

Trading Activity

Sr. No.	Item	ITC-HS Code
01.	Paper	48025690
02.	Threading Bars/ Articles of Iron and Steel	73269099
03.	Stationary Items	48201010 to 48209090
04.	Hardware Items	83024190

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05.	Readymade Garments	62159090
06.	Paints and Varnish	32099090
07.	Solvents and Diluents	38140010
08.	Colored Printing Ink	32151990
09.	Wooden Pallets	44152000
10.	Articles of Iron and Steel	73261100, 73269060, 73269099
11.	Tiles	69072300
12.	Aluminium Foil	76071190
13.	Lubricants	27101990

The Approval Committee after due deliberation decided to approve the proposal of manufacturing activity and trading activity subject to standard terms and conditions and also subject to the unit earmarking separate space & maintaining separate accounts for manufacturing and trading activity. Further, this approval will be subject to the conditions that the items falling under Chapter 72 & 73 will be subject to compulsory registration under Steel Import Monitoring System (SIMS) and none of the items which are restricted or prohibited will be allowed to be traded and any restrictions on import/export of any items will apply. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

AGENDA ITEM NO. 152.1.2

Application for setting up of a unit in KASEZ namely M/s. Krishna Enterprise, Plot No. 402, IOC Colony, Ward 11/A, Gandhidham- Kutch 370 201.

A proposal was submitted by M/s. Krishna Enterprise, Gandhidham for setting up a unit in Kandla SEZ for trading and warehousing activity.

Shri Mahesh Matiya, Proprietor of the firm appeared before the Approval Committee and explained their proposal. Shri Mahesh stated that he intend to set up a trading and warehousing unit in KASEZ.

The Committee noted that the applicant has requested for trading and warehousing of following items: -

Trading Activity

Sr. No..	Product Name	ITC-HS Code
1	Edible Salt	25010010
2	Black Salt	25010090
3	Rock Salt	25010020

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4	Spices Powder	09109990
5	Indian Grocery Cumin / Jeera etc	09093200
6	New Tyres	40112010, 40111010
7	Automobile Parts	87081010 to 87089900
8	Chocolates	18069010
9	Paper Straw	48070010
10	Crude Oil	27101990

Warehousing Service Activity

Sr. No.	Product Name	ITC-HS Code
1	Footwear	64021990
2	Used Electronic items (100% export only)	85171290
3	Snow Spray	95059090
4	New Jacket- Mix (Leather, Polyester)	62019300
5	Tempered Glass	85299090
6	New Undergarments	61082100
7	PVC Leather Car Mats Material	39269029
8	Food Supplements	21061000
9	Stocklot of Tarpaulin Fabric	63061990
10	New Tyres	40112010, 40111010

The Approval Committee after due deliberation decided to approve the proposal for trading activity except Sr. No. 7 and warehousing service activity except Sr. No. 2 & 3 subject to standard terms and conditions. The approval is also subject to the additional condition that the applicant should seek a prior approval of any additional items they intend to warehouse and submit KYC details of clients to the Office of the Development Commissioner before undertaking the authorised warehousing activity. Further, none of the items which are restricted or prohibited will be allowed to be traded/warehoused and any restrictions on import/export of any items will apply. Further, the traded/warehoused item viz. New Tyres [Sr. No. 6 (trading) & Sr. No. 10 (Warehousing)] will be allowed to be traded/warehoused subject to the Policy Conditions specified in DGFT's ITC HS Code 4011 2010 & 4011 1010 i.e. Automotive vehicles-Pneumatic tyres for commercial vehicles-Diagonal and radial ply must conform to IS 15636 and Automotive vehicles- Pneumatic tyres for passenger car vehicles - Diagonal



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and radial ply must conform to IS 15633. However, with respect to warehoused item Sr. No. 8 viz. Food Supplements, the Committee directed the applicant to give an undertaking that the said warehoused item will be 100% re-exported and also whenever any said warehoused item is cleared into DTA the same shall be subject to compliance of FSSAI norms and all other statutory compliance viz. NOC from Animal Husbandry Department, etc. before such clearance. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

152.2 REQUEST FOR BROADBANDING

AGENDA ITEM NO. 152.2.1

Request of M/s. H.L. Commodities LLP, KASEZ for Broad-banding of Trading activity in their existing LoA for Manufacturing activity.

M/s. H.L. Commodities LLP, KASEZ is an approved unit for manufacturing activity of Gutkha, Khaini, Zarda, Pan Masala, Chewing Tobacco and Preparation containing Chewing Tobacco vide Letter of Approval F.No. KASEZ/IA/17/2018-19 dated 28.11.2018, as amended.

Now the unit has requested for broad-banding of their LoA for trading activity for following item: -

Sl. No.	Item	ITC (HS) Code
1	Indian Flavoured Betel Nut/Sweet Supari	08028020, 21069030

The Committee noted that the unit will procure the traded item from DTA market only and will not import the above item and will export the same.

The Approval Committee after due deliberation decided to approve the broad-banding of trading activity of above item in their existing LoA for manufacturing activity subject to the condition that the said item will be 100% exported on net to net basis and no wastage/reject of any traded item will be allowed and no import of any raw material for the said traded item & no DTA sale will be allowed. Further, the unit will maintain separate accounts for manufacturing and trading activity.

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AGENDA ITEM NO. 152.2.2

Request of M/s Hazel Mercantile Limited, KASEZ for Broad Banding of their LoA for inclusion of 64 trading items.

M/s. Hazel Mercantile Ltd., KASEZ is an approved unit for manufacturing activity of Paper & Allied Products (Sorting-Cutting-Slitting-Sizing-Trimming-Packing), Ceramics & Table Ware (Sorting-Washing-Cleaning-Checking-Spotting-Packing) and Pharmaceuticals (Packing-Export) vide Letter of Approval F.No. KASEZ/IA/1939/2003-04/2326 dated 16.06.2003, as amended.

Now the unit has requested for broad-banding of their LoA for trading activity for following items: -

Sl. No.	Item	ITC (HS) Code
1	Acetone	29141100
2	Butyl Acrylate Monomer	38249090
3	Butyl Di Glycol Ether	29094300
4	Butyl Glycol Ether	29094300
5	C 9	27075000
6	Cyclohexanone- Bulk	29142200
7	ISO Propyl Alcohol (IPA)	29051220
8	Linear Alkyl Benzene (LAB)	38170011
9	Methanol	29051100
10	Methyl Ethyl Ketone	29141200
11	Methyl ISO Butyle Ketone	29141300
12	Mixed Xylene (Solvent Grade)	27075000
13	N Butanol	29051300
14	N Butyl Alcohol	29051300
15	N Butyl Acetate	29153300
16	N Butyl Acrylate	29161210
17	N Propanol	29051210
18	N Propyl Acetate	29153990
19	N Hexane	29011000
20	Phenol	29071110
21	Toulene	29023000
22	Vinyl Acetate Monomer	29153200
23	Woven Fabrics of Flax: Unbleached	53091110
24	Woven Fabrics of Flax: Bleached	53091120
25	Woven Fabrics of Flax: Dyed	53091910
26	Woven Fabrics of Flax: Printed	53091920
27	Woven Fabrics of Other Vegetable Textile Fibres: Bleached	53110012
28	Woven Fabrics of Other Vegetable Textile	53110013

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	Fibres: Dyed	
29	Woven Fabrics of Other Vegetable Textile Fibres: Printed	53110014
30	Man-made Filaments: Nylon Tyre Yarn	54021910
31	Nylon or other Polyamides	54025100
32	Of Polyesters	54025200
33	Of Polypropylene	54025300
34	Artificial Filament Yarn: Viscose Rayon Tyre Yarn 1233 decitext	54031010
35	Acetate Rayon Filament Yarn, 83,111,133,167,& 333 decitext	54034210
		54034220
		54034230
		54034240
		54034250
36	Synthetic Monofilament Yarn: Of Polypropylene	54041200
37	Strip & the like of Synthetic Fibre	54041920
38	Polyster Suitings	54071016
39	Other Polyster Fabrics	54071019
40	Unbleached: Nylon Georgette	54074112
41	Nylon Sarees	54074119
42	Bleached: Nylon Georgette	54074112
43	Nylon Sarees	54074124
44	Printed: Nylon Georgette	54074420
45	Nylon Sarees	54074440
46	Polyster Shirtings	54076110
47	Polyster Suitings	54076120
48	Lungies	54078460
49	Rayon Shirtings	54082217
50	Rayon Sarees	54072218
51	Printed Fabric of Rayon: Rayon Suitings	54083416
52	Rayon Shirtings	54083417
53	Rayon Sarees	54083418
54	Special Woven Fabric: Wool or Fine Animal Hair	58011000
55	Of Cotton: Cut Corduroy Solely of Cotton	58012210
56	Other Weft Pile Fabrics	58012300
57	Warp Pile Fabrics, Cut	58012720
58	Pile & Chenille Fabrics of Silk Containing 50% Silk	58019010
59	Terry Towelling & Similar Woven Terry Fabrics: Bleached, Piece Dyed, Yarn Dyed, Printed, Of Handloom	58021910
		58021920
		58021930
		58021940
		58021950
60	Embroidery in the Piece, in Strips or In Motifs:	58109100

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	Of Cotton	
61	Quilted Textile Products:	58110010 58110020
62	Other Made up Textile Articles: Worn Clothing & Worn Textile Articles, Rugs: Blankets & Travelling Rugs	63012000 63013000
63	Bed Line, Table Linen, Toilet Linen & Kitchen Linen	63021010 63021100
64	Curtains & Interior Blinds: Of Cotton, Of Synthetic Fibres, Napkins & Terry Towels	63039100 63039200 63049219 63049250

Shri Mayank Parekh, CEO-IT of the company appeared before the Approval Committee and explained their proposal.

The Approval Committee after due deliberation decided to approve the proposal for trading activity except Sr. No. 10 subject to standard terms and conditions. The approval is also subject to the additional condition that the applicant will strictly follow the norms of concerned State/Central Act for storage/handling of hazardous chemicals and the unit will undertake 100% export of the above trading items. Further, none of the items which are restricted or prohibited will be allowed to be traded and any restrictions on import/export of any items will apply. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

AGENDA ITEM NO. 152.2.3

Permission for broad banding of warehousing (Addition of new items) & trading activity - Request of M/s. Venith International Energy Solutions Pvt. Ltd., KASEZ.

M/s. Venith International Energy Solutions Pvt. Ltd., KASEZ is an approved unit with LoA No. 11/2019-20 dated 16.10.2019, for warehousing service activity subject to certain terms and conditions enumerated in the aforesaid Letter of Approval.

Now the said unit requested for Broad banding of authorized operations by addition of trading activity and addition of new items in warehousing service activity in their LoA:

Trading Activity

Sr. No.	Description Of Goods	ITC HS Code
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1	Mineral Water	22011010
2	Aerated Water	22011020
3	Others	22019090
4	Rough Marble Blocks	25151210
5	Polished Marble Slabs	68022190
6	Polished Granite Slabs	68022390
7	Mosaic/Slate/Cube/Butches	68022110
8	Rough Onyx Marble blocks	68159990
9	Basalt Tiles	69039020
10	Rough Travertine & Alabaster Blocks	68029100
11	Rough Alabaster Blocks	25152010
12	Granite Blocks/Tiles	68022310
13	Marble Blocks/Tiles	68022110
14	Paper (A4 Size)	48025890
15	Cashew Nuts (In shell)	08013100
16	Cashew Nuts (Kernell Whole)	08013220
17	Cashew Nuts (Kernell Broken)	08013210
18	Brazil nuts (In Shell)	08012100
19	Almond Dried (In Shell)	08021100
20	Walnuts Dried (In Shell)	08023100

Warehousing Service Activity

Sr. No.	Description Of Goods	ITC HS Code
1	Hardware Items	83024190
2	Automobile Parts	87141010 to 87149990 87081010 to 87089900
3	Zinc Ingots	79011100
4	Tiles	69072300
5	GI Coils	72104900
6	Stainless Steel Pipes	73049000, 73044100
7	Stainless Steel Coils & Sheets	72199013, 72199090

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8	Edible oils in drums & cans	15119010, 15119020
9	Ready to eat foods	21069099
10	Stocklot of Tarpaulin Fabric	63061990
11	Stocklot of Cargo Webbing Net	56079090
12	Betel Nut Powder known as Supari	21069030
13	Dichloromethane (Methylene Chloride)	29031200
14	Phenol	29071110
15	Melamine	29336100
16	Betelnut	08028010 to 08209000
17	Salt	25010010 to 25010090

Further, the unit has also requested to change the description of following 04 items approved in 150th UAC meeting held on 11.11.2019:

Sr. No.	Description of goods as per 150th UAC	Description of goods as per unit's request	HSN Code
1	Rough Marble	Rough Marble Blocks	25151210
2	Onyx Marble	Rough Onyx Marble Blocks	68159990
3	Travertine & Alabaster	Rough Travertine & Alabaster Blocks	68029100
4	Alabaster	Rough Alabaster Blocks	25152010

Shri Kiran Nair, authorised representative of the company appeared before the Approval Committee and explained their proposal.

The Approval Committee after due deliberation decided to approve the proposal for trading activity and warehousing service activity (except Sr. No. 2 & 8) subject to standard terms and conditions. The approval is also subject to the additional condition that the applicant should seek a prior approval of any additional items they intend to warehouse and submit KYC details of clients to the Office of the Development Commissioner before undertaking the authorised warehousing activity. Further, none of the items which are restricted or prohibited will be allowed to be traded/warehoused and any restrictions on import/export of any items will apply. The Committee also approved the above change in product descriptions as requested by the applicant. Further, the traded/warehoused items will be allowed to be traded/warehoused subject to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

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152.3 MISCELLANEOUS ITEMS

AGENDA ITEM NO. 152.3.1

Request of M/s. Jyoti Industries for renewal/revival of their LOA for Manufacturing activity.

M/s. Jyoti Industries was an approved unit for manufacturing activity of Aluminium caps for bottles & aluminium containers, Plastic inserts for aluminium caps, Plastic caps for bottles and Plastic formed items vide Letter of Approval F.No. KASEZ/IA/032/2005-06 dated 26/27.12.2005.

The unit was a partnership firm consisting three partners i.e. Shri Ramesh Kanji Dedhia, Smt. Smita Ramesh Dedhia and Shri Hiren Ramesh Dedhia. The unit was allotted Plot No. 64 & 65, Sector No. I, KASEZ. The unit commenced its authorized operations in KASEZ w.e.f. 31.10.2008. Accordingly, their LoA was valid for five years period from date of commencement up to 30.10.2013.

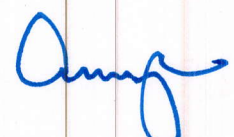
For non-payment of plot rent and used charges, the unit was evicted from the public premises on 29.09.2016 as they have arrears of rental dues & user charges of Rs. 2,25,489/-.

Now, Smt Smita Dedhia, Partner of the firm, vide letter dated 21.11.2019, has requested for revival of their unit in KASEZ and submitted that due to death of her husband and her son (other two partners/family members) they could not pay attention to their business in KASEZ.

Smt Smita Dedhia along with Ms. Mittal Dedhia appeared before the Approval Committee and explained their proposal.

Ms. Mittal stated that due to death of his father and brother, they could not pay attention to their unit in KASEZ and requested to kindly allow them to renew their LoA so that they can start their activity in KASEZ. Ms. Mittal further stated that they were doing activity of manufacturing in KASEZ for plastic caps for bottles, aluminium caps for bottles, etc. and at present they are also having purchase orders for USD 1,76,856/- for their finished products.

The Committee noted that the unit has already been evicted by the Development Commissioner on 29.09.2016 and therefore, the Approval Committee after due deliberation decided to refer their matter to Board of Approval for consideration.



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AGENDA ITEM NO. 152.3.2

Intimation for change in name of the company from M/s Syndicate Printers Limited, KASEZ to M/s. Siva Inotec Limited and also change in registered office address.

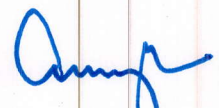
M/s Syndicate Printers Limited, KASEZ is an approved unit for manufacturing activity and trading activity vide Letter of Approval No. KASEZ/IA/13/2009-10/5130 dated 13.07.2009, as amended.

The said unit vide its letter dated 04.12.2019 has intimated that their company's name stands changed from "**Syndicate Printers Limited**" to "**Siva Inotec Limited**" with effect from 19.09.2019. Further, their registered office address also stands changed to "Flat 108, C-240, Pandav Nagar, Delhi - 110 092". The unit has submitted the copy of 'Certificate of Incorporation pursuant to change of name' dated 19.09.2019, copy of Company Master Data with updated registered address and copy of PAN.

The Committee noted that Department of Commerce vide Instruction No. 89 dated 17.05.2018 has 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.

Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in the name of the unit from "**Syndicate Printers Limited**" to "**Siva Inotec Limited**" and change in registered office address "Flat 108, C-240, Pandav Nagar, Delhi - 110 092" as above subject to following conditions: -

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,



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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. 152.3.3

Intimation of change in Partnership Deed of M/s SRB Foods India, KASEZ.

M/s SRB Foods India, KASEZ is an approved unit for manufacturing of Pan Masala, Gutkha, Zarda, Khaini, Filter Khaini & Pandapuri Khaini and Shessa Tobacco in Kandla Special Economic Zone vide Letter of Approval No. KASEZ/IA/19/2015-16 dated 23.02.2016, as amended.

Now the said unit has intimated regarding change in partners of the firm wherein Shri Sanjay Singla has retired from the firm w.e.f. 07.11.2019 and the share of profit/loss has been contributed to the continuing partners.

The Committee noted that before retirement of one partner from Partnership firm, the details of partners along with their profit and loss ratio were as under:-

Sl.No.	Name of Partners	profit and loss ratio
01.	Shri Sanjay Singla	50%
02.	Shri Tanishk Garg	25%
03.	Shri Sumit Singh Rawat	25%
	Total	100%

After retirement of one partner as per partnership deed dated 07.11.2019, the details of partners along with their profit and loss ratio are as under:-

Sl. No.	Name of Partners	profit and loss ratio
01.	Shri Tanishk Garg	50%
02.	Shri Sumit Singh Rawat	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

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of name, change of shareholding pattern, etc. may be undertaken with the prior approval of Approval Committee in respect of units.

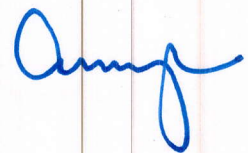
The Committee further noted that the change in share in profit/loss of the firm is to the extent of 50%. Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in profit/loss sharing ratio of the firm as above subject to following conditions:

1. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered unit entity.
2. Fulfilment 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. 152.3.4

Intimation for change in Partnership of M/s Hindustan Oil Industries, KASEZ

M/s. Hindustan Oil Industries, KASEZ is an approved unit for manufacturing activity of Light Solvents, Fuel Oil, Light Fuel Oil, Light Viscosity Base Oil, High Viscosity Base Oil, Rubber Process Oil/Residue only for Crude Oil processing vide Letter of Approval F.No. KASEZ/IA/006/2013-14/4965-67 dated 08.08.2013, as amended.



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Now the said unit has intimated regarding change of constitution wherein the existing one partner has retired and submitted copy of deed of retirement cum Reconstitution of Partnership firm dated 13.06.2018.

The Committee noted that before change in the partnership, the share of profit & loss of the firm was as below :

Sl. No.	Name of the Partners	Share Profit/Loss	in
1.	Mr. Narendra B Nimbawat	44.00%	
2.	Mr. Harjyot Baldev Singh Vijan	22.00%	
3.	Mr. Baldevsingh Isharsingh Vijan	12.00%	
4.	Mr. Tilak M. Choudhary	12.00%	
	TOTAL	100%	

The unit further submitted that in February 2014 one more partnership deed was executed wherein there were 04 partners in the firm and the share of profit & loss of the firm was as below:

Sl. No.	Name of the Partners	Share Profit/Loss	in
1.	Mr. Narendra B Nimbawat	30.00%	
2.	Mr. Harjyot Baldev Singh Vijan	30.00%	
3.	Mr. Tilak M. Choudhary	10.00%	
4.	Mr. Pankil S Mohatta (Sleeping Partner)	30.00%	
	TOTAL	100%	

The unit further submitted that in March 2015 the partnership deed of February 2014 was amended wherein percentage of profit and loss was changed and amended the share of profit & loss of the firm was as below:

Sl. No.	Name of the Partners	Share of Profit	Share of Loss	Share in any other profit/loss
1.	Mr. Narendra B Nimbawat	40.00%	45.00%	45.00%
2.	Mr. Harjyot Baldev Singh Vijan	20.00%	22.00%	22.00%
3.	Mr. Tilak M. Choudhary	10.00%	0.00%	0.00%
4.	Mr. Pankil S Mohatta	30.00%	33.00%	33.00%
	TOTAL	100%	100%	100%

Now, after change in Partnership of the firm on 13.06.2018, the shareholding pattern/profit-loss sharing ratio of the firm is as under:

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Sl. No.	Name of the Partners	Share of business Profit	Share in any other profit/loss and in any kind of assets/liability in the firm
1.	Mr. Narendra B Nimbawat	70.00%	78.00%
2.	Mr. Harjyot Baldev Singh Vijan	20.00%	22.00%
3.	Mr. Tilak M. Choudhary	10.00%	0.00%
	TOTAL	100%	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 further noted that the change in share in profit/loss of the firm is below 50%. Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in profit/loss sharing ratio of the firm as above subject to following conditions:

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

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7. The unit shall furnish details of PAN and jurisdictional assessing officer of the unit to CBDT.

AGENDA ITEM NO. 152.3.5

Intimation of change in Directorship - Request of M/s. Amrit Plastochem Pvt. Ltd., KASEZ.

M/s. Amrit Plastochem Pvt. Ltd., KASEZ is an approved unit with LoA No. KASEZ/IA/017/2005-06 dated 03.08.2005, for manufacturing & trading activity, as amended.

Now the said unit has informed regarding the Cessation of Sh. Sushil Vijaisingh Mehta as company's Director and appointment of Sh. Pramila Mehta as Additional Director and submitted copies of Form No. DIR-12 (particulars of changes among the directors) and also submitted the shareholding pattern prior to resignation vis-a-vis subsequent appointment of new director.

The Committee noted that before the cessation and appointment of new director, they had following Directors on Board:

1. Shri Amrit Vijaisingh Mehta
2. Shri Sushil Vijaisingh Mehta

Now, they have the following Directors on Board:

1. Shri Amrit Vijaisingh Mehta
2. Smt. Pramila Mehta

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.

Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in Directors of the company as above subject to following conditions: -

1. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered unit entity.
2. Fulfilment of all eligibility criteria applicable to unit, including security clearances etc. by the altered unit entity and its constituents.

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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. 152.3.6

Intimation of change in Board of Director & shareholding pattern – Request of M/s. Capital Foods Pvt. Ltd., KASEZ.

M/s. Capital Foods Pvt. Ltd., KASEZ is an approved unit with LoA No. KSEZ/IA/1962/2003-04 dated 24.10.2003, for manufacturing & trading activity, as amended.

Now, the said unit has intimated about the change in Board of Director & shareholding pattern of the company and submitted a copy of DIR-12 containing particulars of changes among the directors.

The Committee noted that before the appointment of new director, they had following Directors on Board:

1. Sh. Ajay Kumar Gupta
2. Sh. Francis Cukierman
3. Sh. Shantanu Rastogi

Now, after appointment of new Director, they have following Directors on Board:

1. Sh. Ajay Kumar Gupta
2. Sh. Francis Cukierman
3. Sh. Shantanu Rastogi

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4. Sh. Kabir Sahni

The Committee also noted that, as submitted by the unit, the shareholding pattern of the company as on 17.12.2019 is as under:

Name of the Shareholders	No. of Equity Shares	No. of CCPS
Mr . Ajay Kumar Gupta	89100	0
Wildflower Private Trust	771430	0
M/s. General Atlantic Singapore CF Pte. Ltd.	1193679	18066326
M/s. Artal Asia Pte. Ltd.	1395700	0
Total	3449909	18066326

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.

Therefore, the Approval Committee after due deliberation decided to approve and take on record the proposal of change in Directors of the company and change in shareholding pattern as above subject to following conditions: -

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

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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. 152.3.7

Permission to warehouse goods on behalf of DTA client – Request of M/s. Commodities Trading (SEZ Warehousing Division), KASEZ.

The Committee noted that M/s. Commodities Trading (SEZ Warehousing Division) requested for permission to warehouse goods on behalf of DTA client and submitted list of 4 items to be warehoused in KASEZ along with KYC of clients.

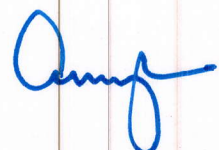
The Committee after due deliberation decided to take on records only two items mentioned at Sr. No. 2 & 3 and did not allowed Sr. No. 1 & 4 to be warehoused by the above unit on behalf of DTA client as submitted by the unit subject to the condition that none of the items which are restricted or prohibited will be allowed to be warehoused and any restrictions on import/export of any items will apply. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

AGENDA ITEM NO. 152.3.8

Permission to warehouse goods on behalf of Foreign client – Request of M/s. Kanishk Overseas Pvt. Ltd., KASEZ.

The Committee noted that M/s. Kanishk Overseas Pvt. Ltd. requested for permission to warehouse goods on behalf of foreign client and submitted list of 4 items to be warehoused in KASEZ.

The Committee after due deliberation decided to take on records the items to be warehoused by the above unit on behalf of foreign client as submitted by the unit subject to the condition that none of the items which are restricted or prohibited will be allowed to be warehoused and any restrictions on import/export of any items will apply. However, with respect to item listed at Sr. No. 1 viz. WPC 80 & WPC 90, the Committee directed the unit to give an undertaking that the said warehoused goods will be re-exported to the tune of 75% to 80% and also whenever any warehoused goods are cleared into DTA the same shall be subject to compliance of FSSAI norms and all other statutory compliance viz. NOC from Animal Husbandry Department, etc. before clearance. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.



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AGENDA ITEM NO. 152.3.9

Clarification in respect of Warehousing units of KASEZ – Request of M/s. Bajaj Warehousing Services, M/s. Global Warehousing & Trading, M/s. Sky Enterprises, M/s. Easy Warehousing & M/s. Oswal Tradex, KASEZ.

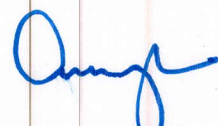
M/s. Bajaj Warehousing Services, M/s. Global Warehousing & Trading, M/s. Sky Enterprises, M/s. Easy Warehousing & M/s. Oswal Tradex, KASEZ vide letter dated 19.12.2019 has submitted a request seeking clarification in respect of warehousing units.

The above units have submitted that Rule 18 (1) says that UAC may approve or approve with modification or reject the proposal for issue of fresh LOA. Once the LOA is issued any condition of LOA cannot be changed at the time of renewal. However Rule 19 (2) prescribes that UAC can impose any limitations on DTA sales. The UAC has power of modification/ rejection and imposing of other conditions, more particularly limitations in DTA sales pertaining to LOA of SEZ units. The power is so vested in accordance with Rule 19 (2) of SEZ Rules, 2006.

Further, Rule 76 provides that warehousing units can provide warehousing service within the SEZ and imposing such restriction will be contrary to Rule 76. This fundamental change of not allowing the units to warehouse used clothes will alter the entire module of business although their original LOA has no such restriction. This may result in avoidable and unwanted litigation. Imposing such condition will result in non-viability of warehousing units which did not have such condition in their original LOA, thereby resulting in complete closure apart from rendering large number of un-employment and will result in huge investment as non-fertile.

In view of above, the above warehousing units have requested for the following:

- a) The LOAs issued between 22.12.2008 to 11.07.2011 may be allowed to continue to warehouse the worn/used clothing without bringing any restriction at the time of renewal.
- b) The LOAs issued after 11.07.2011 may continue with the original condition that they will not be allowed to warehouse the worn/used clothing.
- c) All the warehousing units will continue their Authorized Operations as per the conditions laid down in original LOAs.



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Shri R. G. Chellani, Partner of M/s. Global Warehousing & Trading and Shri Jitu Khushalani, Proprietor of M/s. Sky Enterprises appeared before the Approval Committee and explained their proposal. Shri Chellani stated that LoAs for warehousing issued between 22.12.2008 to 11.07.2011 were allowed to continue to warehouse worn/used clothing viz. no import was permitted but these LoAs were allowed to warehouse worn/used clothing in their warehouse. Further for warehousing LoAs issued after 11.07.2011, they were not allowed to import or warehouse worn/used clothing in their warehouse. Thus, they were afraid that if at the time of renewal the condition of not allowing the warehousing units to warehouse worn/used clothing will result in non-viability of their warehousing units which did not have such condition in their original LoA.

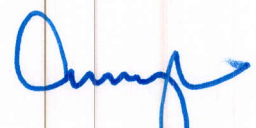
The Committee deliberated on the issue and also took legal opinion of Advocate Shri Chiranjeev Tandon so as to enable the Committee to decide the matter.

The Legal Opinion of Shri Tandon is as under: -

a) The provisions of Section 2(z), 18 and 19 of the SEZ Act read with Rule 18, 19 and 76 of the SEZ Rules nowhere provides for any restriction in respect to storage of used and worn clothing into warehousing units. Further, Policy Circular dated September 17, 2013 in respect to used and worn clothing SEZ units nowhere provides for any restriction on worn and used clothing units to store their goods into warehousing units. Therefore, in absence of any provision in the SEZ Act and SEZ Rules read with Policy dated September 17, 2013 specifically restricting/prohibiting storage of used and worn clothing units into warehousing units, it is opined that the warehousing units may be allowed to store used and worn clothing material into warehousing units subject to compliance of terms and conditions of the SEZ Act and SEZ Rules.

b) Further, as used and worn clothing units are special category of units in terms of Rule 18(4) of the SEZ Rules, it is hereby opined that UAC may in order to ensure that there is no violation of Policy Circular dated September 17, 2013 and provisions of the SEZ Act and SEZ Rules during the procedure and storage of goods by worn and used clothing units into warehousing units, impose additional terms and conditions on warehousing units and used/worn clothing units.

In view of the above, since there is no specific provision restricting/prohibiting storage of used and worn clothing material in warehouses, warehousing units can store used and worn clothing material.



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The Committee also noted that the above 5 warehousing units are NFE positive units. Therefore, the Approval Committee after due deliberation decided that there will be no change in the warehousing LoAs and the same shall be renewed at the time of their renewal with original conditions. However, the Committee decided to amend the decision taken in the 116th Committee meeting by further restricting to the extent that the warehousing of only one worn/used clothing unit will be allowed in each warehouse (apart from other items) and the warehousing units will submit an undertaking to that effect, in order to maintain clarity of accounts in terms of worn clothing, which was acceded to by Shri Chellani, when asked by the Committee.

TABLE AGENDA ITEM NO. 152.4.1

Application for setting up of a unit in KASEZ namely M/s. Vasudhapro Nourishing Meal Pvt. Ltd. having its registered office at 3/28, Subhash Nagar, Sonipat Road, Rohtak, Haryana-124001.

A proposal was submitted by M/s. Vasudhapro Nourishing Meal Pvt. Ltd., Rohtak, Haryana for setting up a unit in Kandla SEZ for manufacturing activity and trading activity.

Shri Tarin Garg, Director of the company appeared before the Approval Committee and explained their proposal. Shri Garg stated that they intend to set up a unit in KASEZ for manufacturing of Handicraft items of metals, Wall Paper, etc. and also for trading activity of the said items. He further stated that they will do manufacturing of only handicraft items and rest items they will do trading activities. He further stated the for manufactured items viz. handicrafts they will export the same to the tune of 85% and rest 15% will be sold in DTA.

The Committee noted that the applicant has requested for manufacturing and trading of following items: -

Manufacturing activity and Trading Activity

Sr. No.	Item	ITC-HS Code
01.	Leather	4202
02.	Wallpaper	4814
03.	Shoes	6404
04.	Imitation Jewellery	7117
05.	Handicraft of brass	7419
06.	Handicraft of copper	7419
07.	Speakers and Microphones	8518
08.	Memory card	8523

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The Approval Committee after due deliberation decided to approve the proposal of manufacturing activity for only Handicraft items and trading activity in above items except those mentioned at Sr. No. 8 & 9 subject to standard terms and conditions. The above permission is also subject to condition that the unit shall maintain separate accounts for manufacturing and trading activity and earmark separate space for both the activities. Further, none of the items which are restricted or prohibited will be allowed to be traded and any restrictions on import/export of any items will apply. Further, the items will be subjected to the Policy Conditions specified in DGFT's ITC HS Code wherever applicable.

TABLE AGENDA ITEM NO. 152.4.2

Permission to take over the assets of M/s. Trimurti Fragrances (P) Ltd. situated at Shed No. 258, A-II Type, Sector-III, KASEZ under Rule 74A of SEZ Rules, 2006 – Request of M/s. Trimurti Fragrances & Flavours Pvt. Ltd., KASEZ.

M/s. Trimurti Fragrances & Flavours Pvt. Ltd., KASEZ vide letter dated 06.01.2019 has made a request seeking permission to take over the assets & liabilities of M/s. Trimurti Fragrances (P) Ltd. situated at Shed No. 258, A-II Type, Sector-III, KASEZ under Rule 74A of SEZ Rules, 2006.

In this regard, they have also submitted NOC for transfer of assets & liabilities issued by M/s. Trimurti Fragrances (P) Ltd. situated at Shed No. 258, A-II Type, Sector-III, KASEZ.

Shri Rajesh Soni, Director of M/s. Trimurti Fragrances (P) Ltd. and Shri Arpit Kyal, authorised representative of M/s. Trimurti Fragrances & Flavours Pvt. Ltd. appeared before the Approval Committee and explained their proposal. They have stated that in one company viz. M/s. Trimurti Fragrances (P) Ltd., Shri Pradeep Agarwal is Director and in other company viz. M/s. Trimurti Fragrances & Flavours Pvt. Ltd., Shri Sarvesh Agarwal is Director who are father and son and the said transfer is within their family.


The Committee noted that M/s. Trimurti Fragrances (P) Ltd. situated at Shed No. 258, A-II Type, Sector-III, KASEZ is holding a valid Letter of Approval No. 008/2014-15 dated 08.08.2014 and has commenced production from 08.04.2015 and the transferee, M/s. Trimurti Fragrances & Flavours Pvt. Ltd., KASEZ fulfils all eligibility criteria applicable to a unit and has been issued in-principle approval which was valid up to 12.11.2019 (the unit has applied for extension of in-principle approval for another one year vide letter dated 23.12.2019).

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The Committee further noted that M/s. Trimurti Fragrances (P) Ltd. intends to exit from the SEZ and M/s. Trimurti Fragrances & Flavours Pvt. Ltd. want to take over the said company under Rule 74A of the SEZ Rules, 2006.

Therefore, the Approval Committee after due deliberation approved their proposal under Rule 74A of SEZ Rules, 2006.

The meeting ended with vote of thanks of the chair.



(Dr. Amiya Chandra)
Development Commissioner