

Minutes of the 102<sup>nd</sup> Unit Approval Committee Meeting of Kandla SEZ held on 03.10.2016 at 11:30 hrs. under the Chairmanship of ShriUpendraVasishth, Development Commissioner, Kandla Special Economic Zone.

---

---

**Following were present:**

1. Shri. Krishan Kumar : Joint Development Commissioner, KASEZ.
2. Shri. Pradeep Sharma : Assistant Commissioner, Customs, Kandla, Gandhidham-Representative of Commissioner of Customs Kandla.
3. Shri. Dilip Kumar : Income Tax Officer, Income tax Office- Representative of Additional Commissioner of Income Tax.
4. Shri. R. R. Virda : AEE, GPCB, Kutch (East).

**Absentees:-**

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

**Review/Confirmation of the minutes of last meeting (101<sup>st</sup> UAC) of the Approval Committee:-**

Minutes of the last meeting of Approval Committee was confirmed.

**102.1 MISCELLANOUS APPLICATION**

**AGENDA – Item No. 102.1.1**

**Intimation of change in constitution of M/s. Bharti Enterprise**

M/s. Bharti Enterprise is an approved unit for manufacturing activity of Pan Masala, Guthka, Zarda, Khaini and Betal Nut Product.



Minutes of the 102<sup>nd</sup> Unit Approval Committee Meeting of Kandla SEZ held on 03.10.2016 at 11:30 hrs. under the Chairmanship of ShriUpendraVasishth, Development Commissioner, Kandla Special Economic Zone.

---

The representative of the unit did not appear for personal interview. Their request is for change in constitution of the firm from proprietorship to partnership.

The Approval Committee noted that the unit has not commenced their authorised operation within one year of issuance of LoA, thus validity of LoA was extended upto 01.03.2017. As per the partnership deed, the new partner share in profit is 90% and the existing proprietor's share is only 10%. As the change in share of original proprietor is more than 50% even without commencement of authorised operation, the Approval Committee after due deliberation decided to reject the request of the unit for change in constitution, as per Rule 74-A of SEZ Rules.

**AGENDA- Item No.102. 1.2**

**Ratification of request already approved on File - M/s. R. B. Industries**

As per Rule 19 (2) of SEZ Rules and clarification given by BoA in its 69<sup>th</sup> meeting held on 23.02.2016 and as original partners' profit share is 60%, the applicability of Rule 74-A does not apply in this case. The Committee ratified the addition of new partner of M/s. R. B. Industries which were already approved on file by the Development Commissioner under Rule 19(2) of SEZ Rules.

**SUPPLEMENTARY AGENDA - Item No. 102.2**

**AGENDA- Item No. 102.2.1**

**M/s Tex-Poly India Limited, KASEZ - regarding transfer of used clothing division and change in constitution**

M/s Tex-Poly India Limited (earlier M/s C. J. Plastics Pvt. Ltd.), is an approved unit for two separate LoA i.e. one for manufacturing activity of



Minutes of the 102<sup>nd</sup> Unit Approval Committee Meeting of Kandla SEZ held on 03.10.2016 at 11:30 hrs. under the Chairmanship of ShriUpendraVasishth, Development Commissioner, Kandla Special Economic Zone.

---

Clothing and wipers made out of Worn/Used garments vide letter dated 28-12-2010 and another for plastic waste scrap recycling.

The present request is to transfer the used clothing division and change in constitution from M/s Tex-Poly India Limited (Used Clothing Division) to M/s. Texpoly Impex, as a partnership firm.

Shri. Gulab Gidwani, Director of the unit appeared before the Approval Committee.

The Chairman wanted to know the shareholding pattern of the existing company i.e. M/s Tex-Poly India Limited (Used Clothing Division)

After due deliberation, the Approval Committee decided to defer the proposal and examine the case on file before it is again put up before UAC.

**TABLE AGENDA – Item No. 102.3**

**AGENDA- Item No. 102.3.1**

**Application for setting up a reconditioning unit in KASEZ by M/s UBIX INC., New Delhi**

Their proposal is for setting up a unit for Reconditioning of Empty Printer Cartridges in Kandla SEZ, Gandhidham. Shri. Peyush Miglani, Proprietor of the unit appeared before the Approval Committee.

Shri Miglani explained that they are in the similar business and holding an LoA dated 10.03.2010 in the Partnership firm with the same name. Now, they want to set up the unit in the same name and as a proprietorship firm.





Minutes of the 102<sup>nd</sup> Unit Approval Committee Meeting of Kandla SEZ held on 03.10.2016 at 11:30 hrs. under the Chairmanship of ShriUpendraVasishth, Development Commissioner, Kandla Special Economic Zone.

---

The Approval Committee after due deliberation directed the AO (IA-I) and Shri Ashish Sinha, P.O. to find out the working of the existing similar unit and to confirm whether any DTA Sale or any waste clearance have been done or any waste has been dumped or destroyed. Accordingly, the case was deferred

**AGENDA – Item No. 102.3.2**

**Request by M/s MGA & Associates, KASEZ for change in constitution from Proprietorship to Partnership firm of Unit-II**

The Unit-II of M/s MGA & Associates, KASEZ is approved for Warehousing & Trading activity vide LoA No. KASEZ/IA/005/2012-13 dated 26-10-2012. The said Unit – II has commenced their authorized operation on 11-11-2014.

Shri. Prakash Mandavia, Proprietor of the existing unit along with Shri Gulab Gidwani, one of the incoming partner of the firm that wants to take over the unit appeared before the Approval Committee. Shri Mandavia stated that they are running the Unit-I & Unit-II in the same premises and the LoA for Unit-II was taken for additional activity in the same company and same premises. Also the PAN No. and balance sheet of Unit-I & II are common.

Their request is for transferring of both the Units which in fact is a single entity, in favour of the partnership firm having Shri Gulab Gidwani and Smt. Radhika Gidwani, as partners. The existing Proprietor of the unit conveyed his no objection for transferring Unit – I and Unit – II together to the partnership firm, the transferee who undertakes to take over, all the existing Assets and Liabilities and which may arise in future.





Earlier their proposal for exit and transfer of assets and liabilities for both the two unit being a proprietorship concern of Shri Prakash Mandavia under Rule 74-A, was discussed in the 99<sup>th</sup> UAC Meeting held on 07-07-2016. The Committee had observed that both the units i.e. Unit - I & II of M/s MGA & Associates are having similar address. The committee decided that there is no objection to transfer LoA of Unit-I, as the said unit is operational since 2003. However, in case of Unit-II, was not eligible as it did not completed two years which is pre-condition under Rule 74-A of SEZ Rules, 2006.

The Approval Committee after due deliberation decided to amend the decision taken in its 99<sup>th</sup> UAC meeting considering the fact that Unit-II took up additional activity in the same name and same premises with same PAN and one Balance Sheet and thus their additional activity may be taken as a broad-banding activity.

The Approval Committee approved the proposal of transfer of both units M/s. MGA & Associates (Unit-I) & (Unit-II) to the partnership firm with same name & style "MGA & Associates" and subject to condition that they will furnish legal undertaking jointly (by existing proprietor and partnership firm taking over the unit) incorporating therein the following conditions: -

- (i) Transfer of Assets and Liabilities with list of assets separately annexed with its value with duty liability as calculated under Rule 74.
- (ii) The transferor unit will exit from the SEZ.
- (iii) The transferee unit will be liable to discharge all the pending export obligation and also any other liability existing or arising out of any previous act of omission or commission.





Minutes of the 102<sup>nd</sup> Unit Approval Committee Meeting of Kandla SEZ held on 03.10.2016 at 11:30 hrs. under the Chairmanship of ShriUpendraVasishth, Development Commissioner, Kandla Special Economic Zone.

---

- (iv) The transferee will also be responsible for all the dues or any proceedings under any other Central/State laws/local bodies rules/regulations etc. or to any other parties.
- (v) The transferee unit will furnish PAN No. and they will intimate the IT Authority regarding such transfer of unit.
- (vi) The transferee unit shall continue to operate with same terms and conditions

The meeting ended with vote of thanks of the chair.

**(UPENDRA VASISHTH)**

Development Commissioner