

APIO

December 5, 2019.

To,
CPIO,
Kandla Special Economic Zone,
Gandhidham.



Sub:- Information with regards to Ansa Polymers Ltd., KASEZ under RTI Act.


Sir,

I, Deepak Manuja, seek following information under RTI Act I am seeking this information in capacity of citizen of India. Please provide this information within 24 hrs as it relates to rights and liberty of under signed.

Certified true copy of all correspondence of KASEZ with kandla customs and Ministry of Commerce regarding importability of Plastic scrap/waste by Ansa Polymers Ltd., KASEZ in 2019-2020.

The respective fee by way of Pay order of Rs. 10-00 is enclosed with the application.

Yours truly,


Deepak Manuja,
Shed Nos. 253 to 256, A-II Type, Sector-III, Kandla Special Economic Zone,
Gandhidham.

5/12/19
आवक लिपिक
क.वि.आ.डी. शासन
गांधीधाम (कच्छ)

CIN No. : U25209DL1994PLC264752

REGD. OFFICE : Unit No. 508, Crown Heights, Twin District Centre, Plot No.3B1, Sector-10, Rohini New Delhi-110085 (India).

Factory : Shed No. 253 To 256, A-II Type, Sector-III, Kandla Special Economic Zone, Gandhidham (Kutch) 370 230.

Tel. : 253507 Fax : 253508 E-mail : accounts@ansapolymers.com, manuja2050@gmail.com



KASEZ

Office of the Development Commissioner

Kandla Special Economic Zone

Ministry of Commerce & Industry

Gandhidham-Kutch-370 230

Phone (02836)-253300, 252475, 252273

Fax (02836) – 252250 & 252194

E-mail: admn.kasez-gj@gov.in

Website: www.kasez.gov.in

F.No. KASEZ/ RTI/46/2019-20/1002

Dated: 05.12.2019

By Speed Post / Hand delivery

To,

Shri Deepak Manuja,
Shed No. 253 to 256,
A-II Type, Sector- III,
KASEZ,
Gandhidham

Gentlemen,

Sub: RTI application dated 05.12.2019 - seeking information under RTI Act, 2005- m/r.

Please refer to your RTI application dated 05.12.2019 received in this office on 05.12.2019.

In this regard, as per information received from concerned branch/section, the desired information is as under:-

Please find enclosed herewith certified copy of all correspondence of KASEZ with Kandla Customs and Ministry of Commerce regarding importability of Plastic scrap/waste by Ansa Polymers Ltd. KASEZ in 2019-20 as **Annexure- 'A'** (containing pages from Sl. No. 01 to 20).

This information is being supplied under section 7 of the RTI Act, 2005. In case, the applicant is not satisfied with the information supplied, he may prefer an appeal within 30 days from the receipt of this information before the Development Commissioner, KASEZ.

Encl:- As above(20 Sheets).

Yours faithfully,

AK
5/12

(Arun Kumar)

Deputy Commissioner of Customs/CPIO
Kandla Special Economic Zone. *de*

3
20/12/19



Office of the Development Commissioner
Kandla Special Economic Zone
Ministry of Commerce & Industry
Gandhidham-Kutch-370 230
Phone (02836)-253300, 252475, 252273
Fax (02836) – 252250 & 252194
E-mail kandlasez@gmail.com
Website: www.kasez.gov.in

KASEZ

F.No.: KASEZ/CUS/P&I/Misc/2018-19

Date. 04.12.2019

To,
Shri Senthil Nathan S.,
Deputy Secretary (SEZ Division),
Department of Commerce,
Ministry of Commerce & Industry,
Udyog Bhawan, New Delhi

Sub: Importability of Solid Plastic Waste (CTH-3915) by Plastic Recycling SEZ Units.

Please refer to Letter F.No. D.12/20/2015-SEZ (Vol.-V) dated 02.12.2019 issued by your office to consider all issues related to recycling of plastics and used/worn clothing in SEZs. This SEZ is facing a policy issue as captioned above; the details of the same are given below.

2. As you are aware that sub rule 4(a) of Rule 18 of SEZ, Rules 2006 provides that no proposal shall be considered for recycling of plastic scrap or waste and extension of Letter of Approval (LOA) for existing units shall be decided by the Board of Approval (BoA). Accordingly, BoA in its meeting No. 60 dated 08.11.2013 has granted renewal of LoA of existing units for recycling of plastic waste/scrap for the period of five years from 01.12.2013 to 30.11.2018. Subsequently, BoA in its 86th meeting held on 22.11.2018, extended the LoA of existing units for further one year from 01.12.2018 to 30.11.2019.
3. In the mean time Ministry of Environment, Forest and Climate Change (MoEF&CC) vide Notification GSR 178(E) dated 01.03.2019 amended Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016 vide which Import of Solid Plastic Waste (B3010) has been prohibited in the country including Units in SEZ & EOUs. Subsequently, MoEF&CC vide OM issued from F.No. 23/4/2009-HSM dated 07.03.2019, has provide a window of six month i.e. upto 31.08.2019 to the units operating in SEZ & EOU to comply with the prohibition of import of plastic scrap and during this period units may be allowed the import of plastic scrap.
4. Though the copy of OM dated 07.03.2019 of (MoEF&CC) was addressed to the DGFT also besides CBIC, DGFT has not amended the policy condition of the Solid Plastic waste from the restricted to prohibited till the latest amended Import Policy- ITC (HS) 2017, Notification No. 31/2015-2020 dated 13.11.2019. Regarding prohibition, notification/circular/instruction/PN has not been issued yet from MOC/DGFT.

5. Thereafter, BoA in view of MoEF&CC OM dated 07.03.2019 constituted a Committee on Policy for plastic recycling and worn and used clothing units to discuss the policy matter and also vide item no. 93.7 of Minutes of 93rd Meeting of BoA held on 15.11.2019, granted an extension of validity of LoA for a period of six months, beyond 30.11.2019 i.e. upto 31.05.2020 to the existing plastic recycling units in KASEZ.

6. It is pertinent to mention that the latest extension of LOA for six months has been granted by BoA in 93rd meeting having representative from CBIC (DGEP) and MoEF&CC with cognizance of MoEF&CC OM dated 07.03.2019. There was no objection received in the BoA, either from CBIC or from MoEF&CC and BoA collectively decided to provisionally extend the LOA for further six months. BoA has nowhere held that the import of the plastic scrap is prohibited. Neither any instruction/ notifications/circular have been issued in this regard by MOC/DGFT/BoA prohibiting the import of plastic scrap.

7. Also the BoA directed to call a meeting with the Committee on policy for plastic recycling and worn and used clothing units, constituted by BoA, to discuss the policy matters, is scheduled on 06.12.2019. Till any further decision by BoA based on the findings of the Committee on policy matters, import of plastic scrap, DTA and Exports of goods manufactured from plastic scrap are allowed by BoA in its 93rd Meeting.

8. In the meanwhile, Jurisdictional Customs formation (Kandla Customs Commissionerate) has put on hold all plastic scrap(CTH 3915) consignments imported after 31.08.2019 which is in violation of the decision of BoA, an inter-ministerial body having representative from CBIC and MoEF&CC. There appears that the decision of BoA is violated by the Kandla Customs Commissionerate despite the facts that the BoA took collective decision of the extension of LOA for further six months with representation from CBIC and MoEF&CC .

9. The above action of the Kandla Customs appears to be in violation of the decision of BoA and also in violation of the following provisions of the SEZ Act , 2005 and SEZ Rules,2006

- I. Rule 27 of SEZ Rules, 2006 - A Unit or Developer may import goods without payment of duty except **prohibited items** under the Import Trade Control (Harmonized System) Classifications of Export and Import. Further, the same Rule also provides that items prohibited for import can be procured by a SEZ unit or Developer from a place outside India to the SEZ with the prior approval of Board of Approval (BoA).
- II. Section 51 of SEZ, Act, 2005 to have overriding effect. - the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- III. Section 58 of SEZ Act, 2005 - All rules made or purporting to have been made or all notifications issued or purporting to have been issued under any Central Act relating to the Special Economic Zones shall, in so far as they relate to matters for which provision is made in this Act or rules made or notification issued there under and are

not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.

10. As per Office Memorandum dated 07.03.2019 issued by MoEF&CC, the import of Plastic Scrape is prohibited (units in SEZ too) as on date, however in terms of the amended Import Policy- ITC (HS)2017, import of Plastic Scrap is restricted. There appears to be inconsistency between MoEF&CC & DGFT. In view of such inconsistency, any Notification/OM issued by MoEF&CC are not deemed to be issued under SEZ Act, 2005 in terms of Section 58 of SEZ Act, 2005. Further, Section 51 of SEZ Act,2005 have overriding effect not withstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

11. With harmonious reading of BoA decisions, Rule 27 of SEZ Rules, 2006 read with Section 51 & 58 of SEZ Act, 2005, considering Plastic scrap as restricted item, import of the same can be allowed in SEZ. It is pertinent to mention here that BoA has power to approve even prohibited items for import into SEZ in terms of Rule 27 of SEZ Rules, 2006.

12. Recently, few plastic units of KASEZ have filed Bills of Entry for the import of Plastic Scrap- 39151000 & LDPE Film for Recycling - 39159090. All the Bills of Entries have been assessed provisionally by taking undertaking from the units that "they will not utilize the goods/material till the test report received from CIPET, Ahmedabad and further direction from the department and subject to fulfilment of condition laid down under Public Notice No. 392(PN)/92-97 dated 01.01.1997."

13. However, not to precipitate the issue, the goods (plastic scrap - 3915) imported by the units are kept on hold in their premises as per directions of Custom House Kandla. This, being a policy issue, the same is referred to the Committee on Policy for plastic recycling and worn and used clothing units committee for further deliberation.

It is pertinent to mention that in view of BoA decisions and above policy provisions, I am of the firm view that the import of plastic scrap by SEZ units, export & DTA sale of goods manufactured from imported plastic scrap, was allowed till 30.11.2019 and further allowed for period of six months, beyond 30.11.2019 i.e. upto 31.05.2020 vide item no. 93.7 of Minutes of 93rd Meeting of the BoA held on 15.11.2019.



(Dr. Amiya Chandra)
Development Commissioner, KASEZ

File No. D.12/20/2015-SEZ (Vol.-V)
Government of India
Ministry of Commerce & Industry
Department of Commerce
(SEZ Division)

Udyog Bhawan, New Delhi
the 2nd December, 2019

To,

1. Development Commissioner, KASEZ (It is requested that a soft copy of the presentation may please be forwarded to this department well in advance of the aforesaid meeting.)
2. Dr. L.B. Singhal, Development Commissioner, NSEZ, Noida.
3. Shri B.K. Panda, Development Commissioner, FSEZ, Falta.
4. Shri Saroj Kumar Behera, Additional Director, DGEP, 8G, 8th Floor, Jeevan Bharti Building, Tower-2, Connaught Place, New Delhi-110001.
5. Shri S.P Roy, Jt. DGFT, DGFT, Udyog Bhawan, New Delhi.
6. Shri Sonu Singh, Scientist 'D', HSM Division, M/o Environment, Forest & Climate Change, Level III, Jal Block, Indira Paryavaran Bhawan, Jor Bagh Road, Ali Ganj, New Delhi - 110003

Subject: Committee Constituted to consider all issues related to recycling of plastic and used/worn clothing in SEZs - reg.

Sir,

I am directed to refer to the subject mentioned above and to state that it was decided during the 93rd BOA meeting (item 93.11 of the minutes refers) held on 15.11.2019, to hold a separate meeting on the recommendations and finding of the committee constituted on policy for plastic recycling and used/worn clothing unit.

2. Accordingly, it is informed that Commerce Secretary will hold a meeting-com-
presentation on 06.12.2019 at 04.00 PM in Room No. 141, Udyog Bhawan, New Delhi.
3. All addressees are requested to make it convenient to attend the meeting.

Yours faithfully,



(D.K. Solanki)
Under Secretary to the Govt. of India
Tel. 011-2306 2496
Email: dk.solanki@nic.in

Copy for information to:

PPS to CS/ PPS to AS(BBS)/ PPS to DS(SNS)

Services Tax Act, 2017 (13 of 2017), State Goods and Services Tax Acts, Union Territory Goods and Services Tax Act, 2017 (14 of 2017) and the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992)] and the enactments specified in the First Schedule to the Act, as the case may be:

PROVIDED that if there is a failure to achieve positive net foreign exchange earning, by a Unit, ¹[or stipulated Value addition, such entrepreneur shall also be liable] for penal action under the provisions of Foreign Trade (Development and Regulation) Act, 1992 and the rules made there under.

26. General Conditions of Import and Export

A Unit may export goods and services, including agro-products, partly processed goods, sub-assemblies, components, by-products, rejects, waste or scrap except prohibited items of exports indicated in the Import Trade Control (Harmonized System) Classifications of Export and Import Items:

PROVIDED that export of Special Chemicals, Organisms, Materials, Equipment and Technologies shall be subject to fulfillment of the conditions indicated in the Import Trade Control (Harmonized System) Classifications of Export and Import Items:

PROVIDED FURTHER that if any permission is required for import under any other law, the same shall be allowed with the approval of the Board of Approval:

²[PROVIDED ALSO that the Foreign Trade Policy restrictions on State Trading Enterprises shall not apply to Special Economic Zone manufacturing Units:

PROVIDED ALSO that export of ³[or supply from Domestic Tariff Area, of any ore] shall be subject to the conditions as imposed by the Central Government:]

⁴[PROVIDED ALSO that Special Economic Zone Units shall be permitted to export prohibited items, if they import raw-material for the same, but each such case shall be placed before Board of Approval for approval:

PROVIDED ALSO that items which are prohibited for import, Special Economic Zone Units shall be permitted to import the same if they export goods made out of the same but each such case shall be placed before Board of Approval for approval.]

27. Import and Procurement

(1) A Unit or Developer may import or procure from the Domestic Tariff Area without payment of duty, taxes or cess or procure from Domestic Tariff Area after availing export entitlements or procure from other Units in the same or other Special Economic Zone or from Export Oriented Unit or Software Technology Park unit or Electronic Hardware Technology Park unit or Bio-technology Park unit ⁴[or warehouse], all types of goods, including capital goods (new or second hand), raw materials, semi-finished goods, (including semi-finished Jewellery) component, consumables, spares goods and materials for making capital goods required for

1 ²Substituted for "such entrepreneur shall be liable" vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018.

2 Inserted vide SO 562(E), dt. 3-8-2009, w.e.f. 3-8-2009.

3 ³Substituted for "iron-ore" vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018.

4 Inserted, ibid.

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³ Substituted for "iron-ore" vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018.

⁴ Inserted, ibid.

authorized operations except prohibited items under the Import Trade Control (Harmonized System) Classifications of Export and Import Items:

¹[PROVIDED that exemptions from payment of duty, taxes or cess, drawbacks and concessions on all types of goods and services, required for setting up and maintenance of the factory building, allowed to a unit shall also be available to the contractors ²[including sub-contractors] appointed by such unit and all the documents in such cases shall bear the name of the unit along with the contractor and these shall be filed jointly in the name of the unit and the contractor :

PROVIDED FURTHER that the unit shall be responsible and liable for proper utilization of such goods and services in all cases:]

³[PROVIDED ALSO that items prohibited for import can be procured by a Special Economic Zone unit or Developer from a place outside India to the Special Economic Zone with the prior approval of Board of Approval:]

²[PROVIDED ALSO that for supply of Restricted Items by a Domestic Tariff Area Unit to Special Economic Zone Developer or Unit, the Domestic Tariff Area Unit may supply such items to a Special Economic Zone Developer or Unit for setting up infrastructure facility or for setting up of a Unit and it may also supply raw material to Special Economic Zone Unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending, subject to the prior approval of Board of Approval:

PROVIDED ALSO that supplies from Domestic Tariff Area to Special Economic Zones shall attract export duty, in case, export duty is leviable on items attracting export duty.]

(2) In case of any doubt as to whether any goods or services are required by a Unit or Developer for authorized operations or not, it shall be decided by the Development Commissioner.

(3) The import of ²[and domestic procurement] duty-free material for setting up educational institutions, hospitals, hotels, residential and/or business complex, leisure and entertainment facilities or any other facilities in the non-processing area of the Special Economic Zone shall be as approved by the ⁴[Approval Committee and import and procurement of goods from Domestic Tariff Area] of no duty-free material shall be permitted for operation and maintenance of such facilities:

PROVIDED FURTHER that any goods for the personal use of, or consumption by officials, workmen, staff, owners or any other person in relation to a Unit or Developer, shall not be eligible for exemptions, drawback and concessions or any other benefit in accordance with the provisions of section 7 or 26.

(4) A Unit or Developer may also source capital goods, without payment of duty, taxes or cess from a domestic or foreign leasing company, under a valid lease agreement and in such cases the Unit or Developer and the domestic or foreign

1 Inserted vide SO 393(E), dt. 16-3-2007, w.e.f. 16-3-2007.

2 Inserted vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018.

3 Inserted vide GSR 732(E), dt. 7-9-2010, w.e.f. 7-9-2010.

4 Substituted for "Board and import" vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018.

authorized operations except prohibited items under the Import Trade Control (Harmonized System) Classifications of Export and Import Items:

¹[PROVIDED that exemptions from payment of duty, taxes or cess, drawbacks and concessions on all types of goods and services, required for setting up and maintenance of the factory building, allowed to a unit shall also be available to the contractors ²[including sub-contractors] appointed by such unit and all the documents in such cases shall bear the name of the unit along with the contractor and these shall be filed jointly in the name of the unit and the contractor :

PROVIDED FURTHER that the unit shall be responsible and liable for proper utilization of such goods and services in all cases:]

³[PROVIDED ALSO that items prohibited for import can be procured by a Special Economic Zone unit or Developer from a place outside India to the Special Economic Zone with the prior approval of Board of Approval:]

²[PROVIDED ALSO that for supply of Restricted Items by a Domestic Tariff Area Unit to Special Economic Zone Developer or Unit, the Domestic Tariff Area Unit may supply such items to a Special Economic Zone Developer or Unit for setting up infrastructure facility or for setting up of a Unit and it may also supply raw material to Special Economic Zone Unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending, subject to the prior approval of Board of Approval:

PROVIDED ALSO that supplies from Domestic Tariff Area to Special Economic Zones shall attract export duty, in case, export duty is leviable on items attracting export duty.]

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(3) The import of ²[and domestic procurement] duty-free material for setting up educational institutions, hospitals, hotels, residential and/or business complex, leisure and entertainment facilities or any other facilities in the non-processing area of the Special Economic Zone shall be as approved by the ⁴[Approval Committee and import and procurement of goods from Domestic Tariff Area] of no duty-free material shall be permitted for operation and maintenance of such facilities:

PROVIDED FURTHER that any goods for the personal use of, or consumption by officials, workmen, staff, owners or any other person in relation to a Unit or Developer, shall not be eligible for exemptions, drawback and concessions or any other benefit in accordance with the provisions of section 7 or 26.

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4 Substituted for "Board and import" vide GSR 909(E), dt. 19-9-2018, w.e.f. 21-9-2018

(b) delegating the powers conferred upon any person or authority under any State Act to the Development Commissioner in relation to the Developer or the entrepreneur.

✓ 51. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

✓ 52. Certain provisions not to apply.—(1) The provisions contained in the Chapter XA of the Customs Act, 1962 (52 of 1962) and the Special Economic Zones Rules, 2003 and the Special Economic Zones (Customs Procedure) Regulations, 2003 made thereunder shall not, with effect from such date as the Central Government by notification appoint, apply to the Special Economic Zones.

(2) Notwithstanding anything contained in sub-section (1), all offences committed, before the commencement of this Act, under any provisions of the Customs Act, 1962 (52 of 1962) and the Special Economic Zones Rules, 2003 and the Special Economic Zones (Customs Procedure) Regulations, 2003 made thereunder, shall continue to be governed by the said Act or rules, as the case may be.

(3) Anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued or any permission or authorisation or exemption granted or any document or instrument executed under the said provisions of the Act, rules and regulations referred to in sub-section (1) shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done or taken or made or issued or granted under the corresponding provisions of the Act or rules or regulations referred to in that sub-section.

53. Special Economic Zones to be ports, airports, inland container depots, land stations, etc., in certain cases.—(1) A Special Economic Zone shall, on and from the appointed day, be deemed to be a territory outside the customs territory of India for the purposes of undertaking the authorised operations.

(2) A Special Economic Zone shall, with effect from such date¹ as the Central Government may notify, be deemed to be a port, airport, inland container depot, land station and land customs stations, as the case may be under section 7 of the Customs Act, 1962 (52 of 1962):

Provided that for the purposes of this section, the Central Government may notify different dates for different Special Economic Zones.

1. The Central Government as *Vide* S.O. 319(E), dated 14th March, 2006, appointed 14th March, 2006 as the date from which following Special Economic Zones shall be deemed to be port under section 7 of the Customs Act, 1962:—

1. Kandla Special Economic Zone, Gandhidam
2. SEEPZ Special Economic Zone, Mumbai
3. Noida Special Economic Zone, Noida
4. Madras Special Economic Zone, Chennai
5. Cochin Special Economic Zone, Cochin
6. Falta Special Economic Zone, Kolkata
7. Visakhapatnam Special Economic Zone, Visakhapatnam
8. Surat Special Economic Zone, Surat
9. Manikanchan Special Economic Zone, Kolkata
10. Jaipur Special Economic Zone, Jaipur
11. Indore Special Economic Zone, Indore
12. Salt Lake Electronic City, Kolkata
13. Mahindra City, Chennai
14. Jodhpur Special Economic Zone, Jodhpur.

section 58

***57. Amendment of certain enactments**

With effect from such date as the Central Government may, by notification, appoint, the enactments specified in the Third Schedule shall be amended in the manner specified therein:

PROVIDED that different dates may be appointed on which the amendments specified in the Third Schedule shall apply to a particular Special Economic Zone or a class of Special Economic Zones or all Special Economic Zones.

***58. Savings**

All rules made or purporting to have been made or all notifications issued or purporting to have been issued under any Central Act relating to the Special Economic Zones shall, insofar as they relate to matters for which provision is made in this Act or rules made or notification issued thereunder and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.]

THE FIRST SCHEDULE

(Refer sections 7 and 54)

ENACTMENTS

1. The Agricultural Produce Cess Act, 1940 (27 of 1940).
2. The Coffee Act, 1942 (7 of 1942).
3. The Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946).
4. The Rubber Act, 1947 (24 of 1947).
5. The Tea Act, 1953 (29 of 1953).
6. The Salt Cess Act, 1953 (49 of 1953).
7. The Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
8. The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957).
9. The Sugar (Regulation of Production) Act, 1961 (55 of 1961).
10. The Textiles Committee Act, 1963 (41 of 1963).
11. The Produce Cess Act, 1966 (15 of 1966).
12. The Marine Products Export Development Authority Act, 1972 (13 of 1972).
13. The Coal Mines (Conservation and Development) Act, 1974 (28 of 1974).
14. The Oil Industry (Development) Act, 1974 (47 of 1974).
15. The Tobacco Cess Act, 1975 (26 of 1975).
16. The Additional Duties of Excise (Textiles and Textile Articles) Act, 1978 (40 of 1978).
17. The Sugar Cess Act, 1982 (3 of 1982).



प्रधान आयुक्त का कार्यालय
नवीन सीमा शुल्क भवन, नया कांडला
बालाजी मंदिर के पास, कांडला, कच्छ, गुजरात
फोन : 02836-271468-469, फ़ैक्स : 271467

F.No. S/15-04/SIIB/ 2019-20

Date: 26.11.2019

To,

The Development Commissioner,
Kandla Special Economic Zone,
Gandhidham - 370230.

Sir,

Subject: Holding of Cargo of M/s Ansa Polymers Limited, Shed No. 255-256,
Sector, KASEZ m/r.

Please refer to this office letter of even no. dated 22.11.2019 and your office letter F.No. KASEZ/CUS/P & I/Misc/2018-19 dated 22.11.2019 on the subject mentioned above.

2. In the subject matter, please refer to the Hazardous and Other Wasters (Management and Transboundary Movement) Amendment Rules, 2019 vide which, the import of solid Plastic Waste (B3010) in the country had been prohibited including units in Special Economic Zones (SEZ) and Export Orient Units (EOU). However, vide Office Memorandum Dated 07.03.2019 issued from F.No. 23/4/2009-HSM dated 07.03.2019, a window of six months i.e. up-to 31st August, 2019 had been provided to the units operating in SEZ and EOU to comply with the prohibition of import of plastic scrap. It was also informed vide the said Memorandum dated 07.03.2019 that during the said period, units may be allowed the import of plastic scrap.
3. Now, it had been noticed that M/s Ansa Polymers Limited, Shed No. 255-256, Sector, KASEZ has imported Solid Plastic Wastes and the same are being cleared as per the Public Notice No. 392(PN)/92-97 dated 01.01.1997 issued by DGFT and Schedule-1 of the Import Policy ITC (HS), 2012 for Chapter 39. It is pertinent to mention that as per the modified Schedule-1 of the Import Policy ITC (HS), 2017 for Chapter 39, import of Solid Plastic Waste is restricted and as per above mentioned Office Memorandum dated 07.03.2019, import of Solid Plastic Waste is prohibited.
4. In view of the above, it is requested to inform this office regarding the current practice of the import of Plastic Waste and the clearances thereof by the units situated in KASEZ and to inform whether any other unit has imported and cleared Solid Plastic Waste after 31st August, 2019.
5. This issues with the approval of Hon'ble Principal Commissioner, Custom House, Kandla.

[Handwritten signature]
25.11.2019
D: 40

Yours faithfully,

[Handwritten signature]
(G. C. Jain)

Additional Commissioner

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93.6(i) Request of M/s. Tripura Industrial Development Corporation (TIDC) Limited for setting up of a Single Sector SEZ in Agro Based Food Processing at Pashim Jalefa, South Tripura District of Tripura over an area of 16.35 Ha.

The Board, after deliberations, decided to grant 'formal approval' to the proposal for setting up of a Single Sector SEZ in Agro Based Food Processing at Pashim Jalefa, South Tripura District of Tripura over an area of 16.35 Ha.

93.6(ii) Request of M/s. Infosys Ltd. seeking Formal Approval for setting up a sector specific SEZ for IT/ITES at No. 138, Old Mahabalipuram Road, Sholinganallur, Kancheepuram District, Tamil Nadu over an area of 5.37 Ha (13.27 acres).

The Board, after deliberations, approved the proposal for setting up of a sector specific Special Economic Zone for IT/ITES at No. 138, Old Mahabalipuram Road, Sholinganallur, Kancheepuram District, Tamil Nadu over an area of 5.37 Ha (13.27 Acres).

✓ 93.7 Proposals of the plastic recycling units and worn and used clothing units in KASEZ for renewal of their LOAs (as listed in Annexure A of agenda).

93.11 Proposals of the plastic recycling units and worn and used clothing units in Falta SEZ and plastic recycling unit in NSEZ for renewal of their LOAs (as listed in Annexure B of supplementary agenda).

The Board, after deliberations, decided to grant an extension of validity of LoA for a period of six months, beyond 30.11.2019 i.e. upto 31.05.2020 to the listed plastic recycling units and worn and used clothing units in KASEZ, Falta SEZ and NSEZ. The Board directed to call a meeting with the Committee on policy for plastic recycling and worn and used clothing units to discuss the policy matters and while the policy provisions are deliberated, the physical exports of the units shall be assessed on annual basis.

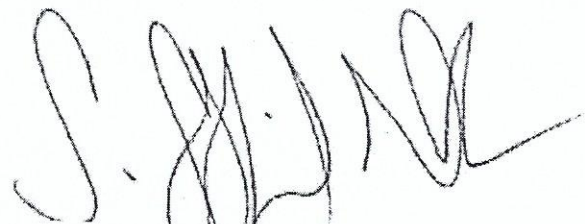
Decision on Supplementary Agenda

Item No. 93.8 Setting up of SEZ (one proposal)

93.8 (i) Request of M/s. Infosys Ltd. seeking Formal Approval for setting up a sector specific SEZ for IT/ITES at Plot no. 1, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-I, Pune - 411057 over an area of 10 Ha.

The Board, after deliberations, approved the proposal for setting up of a sector specific Special Economic Zone for IT/ITES at Plot No. 1, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-I, Pune over an area of 10 Ha.

Item No. 93.9 Request from Co-developer for amendment in LoA (one proposal)



ITC (HS), 2017
SCHEDULE 1 - IMPORT POLICY

Section VII

Chapter-39

3913 90 11	Chlorinated Rubber	Free	
3913 90 19	Other	Free	
3913 90 20	Hardened proteins (such as hardened casein, gelatin)	Free	
3913 90 30	Dextran	Free	
3913 90 90	Other	Free	
3914	ION-EXCHANGERS BASED ON POLYMERS OF HEADINGS 3901 TO 3913, IN PRIMARY FORMS		
3914 00	<i>Ion-exchangers based on polymers of headings 3901 to 3913, in primary forms:</i>		
3914 00 10	Ion-exchangers of the condensation, polycondensation or polyaddition type	Free	
3914 00 20	Ion-exchangers of polymerisation or co-polymerisation type	Free	
3914 00 90	Other	Free	
	II. WASTE, PARINGS AND SCRAP; SEMI-MANUFACTURES; ARTICLES		
3915	WASTE, PARINGS AND SCRAP, OF PLASTICS		
3915 10 00	Of polymers of ethylene	Restricted	
3915 20 00	Of polymers of styrene	Restricted	
3915 30	<i>Of polymers of vinyl chloride:</i>		
3915 30 10	Of copolymers of vinyl chloride	Restricted	
3915 30 90	Other	Restricted	
3915 90	<i>Of other plastics:</i>		
3915 90 10	Of polypropylene	Restricted	
	<i>Of polymers of vinyl acetate:</i>		
3915 90 21	Of copolymers of vinyl acetate	Restricted	
3915 90 29	Other	Restricted	
3915 90 30	Of acrylic polymers and methlyacrylic copolymers	Restricted	

	<i>Of alkyds, polyesters and epoxide resins:</i>		
3915 90 41	Of alkyds and polyesters	Restricted	
3915 90 42	Of PET Bottles	Prohibited	
3915 90 49	Of epoxide resins	Restricted	
3915 90 50	Of polyamides	Restricted	
	<i>Of Amino resins and phenolic resins and polyurethanes:</i>		
3915 90 61	Of phenoplast	Restricted	
3915 90 62	Of aminoplast	Restricted	
3915 90 63	Of polyurethanes	Restricted	
	<i>Of cellulose and its chemical derivatives:</i>		
3915 90 71	Of regenerated cellulose	Restricted	
3915 90 72	Cellulose plastic waste such as cellulose nitrates film scrap non-plasticised	Restricted	
3915 90 73	Cellulose plastic waste such as cellulose nitrates plasticized	Restricted	
3915 90 74	Cellulose plastic waste such as cellulose acetate film scrap non-plasticised	Restricted	
3915 90 75	Cellulose plastic waste such as cellulose acetate film scrap plasticized	Restricted	
✓ 3915 90 90	Other	Restricted	
3916	MONOFILAMENT OF WHICH ANY CROSS-SECTIONAL DIMENSION EXCEEDS 1MM, RODS, STICKS AND PROFILE SHAPES, WHETHER OR NOT SURFACE-WORKED BUT NOT OTHERWISE WORKED, OF PLASTICS		
3916 10	<i>Of polymers of ethylene:</i>		
3916 10 10	Rods of polyethylene	Free	
3916 10 20	Canes	Free	
3916 10 90	Other	Free	
3916 20	<i>Of polymers of vinyl chloride:</i>		
	<i>Of poly (vinyl chloride) copolymers:</i>		
3916 20 11	Canes	Free	
3916 20 19	Other	Free	
	<i>Other:</i>		
3916 20 91	Canes	Free	
3916 20 99	Other	Free	

To be Published in the Gazette of India Extraordinary Part-II, Section -3, Sub-Section (ii)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan

Notification No. 31/2015-2020
New Delhi, Dated: 13th November, 2019

Subject: Notification of ITC (HS), 2017 – Schedule-1 (Import Policy)

S.O. (E): In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (as amended from time to time) read with paragraph 2.01 of the Foreign Trade Policy, 2015-2020, the Central Government hereby notifies the Exim codes introduced / deleted / split / merged / changed in description vide the Finance (No. 2) Act, 2019 dated 1st August, 2019 in the ITC (HS), 2017 as Annexed to this Notification.

Effect of this Notification: ITC (HS) 2017-Schedule-1 Import Policy is amended in sync with the Finance (No. 2) Act, 2019 dated 1st August, 2019.

This issues with the approval of Minister of Commerce & Industry.



(Amit Yadav)

Director General of Foreign Trade &
Ex- officio Addl. Secretary to the Government of India

(Issued from F.No.01/89/180/11/AM-17/PC-2A)

Note: The principal notification No. 36/2015-2020, dated the 17th January, 2017 was published in the Gazette of India, Extraordinary vide number S.O. 172 (E), dated the 17th January, 2017.

E. No. 23/4/2009-HSM
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Level-II, Jal Wing
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-110003

Date: 07 March 2019

OFFICE MEMORANDUM

Sub: Prohibition of import of solid plastic waste as per Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2019 - regarding

This is to inform that the Ministry of Environment, Forest and Climate Change has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2019 vide notification G.S.R. 178(E) dated 01 March 2019. A copy of the notification is enclosed for your kind reference. As per the notification a complete prohibition of import of solid plastic waste (B3010) in the country has been made including units in Special Economic Zones (SEZ) and to the Export Oriented Units (EOU).

2. In view of ongoing industrial activities in such units and to ensure smooth compliance of these norms, a window of six (06) months, i.e. up to 31st August, 2019 may be provided to the units operating in SEZ and EOU to comply with the prohibition of import of plastic scrap. During this period the units may be allowed the import of plastic scrap.

Encl: as above

Sonu Singh

(Sonu Singh)
Joint Director
Ph: 24695418

Email: sonu.singh@nic.in

1. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi- 110 032.
2. The Director General, DGFT, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi-110011.
3. The Chairman, Central Board of Indirect Taxes & Customs, North Block, New Delhi.

Notification 05th March 2019 - G.S.R. 178(E)

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 158]

No. 158]

नई दिल्ली, मंगलवार, मार्च 5, 2019/फाल्गुन 14, 1940

NEW DELHI, TUESDAY, MARCH 5, 2019/PHALGUNA 14, 1940

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 1st March, 2019

G.S.R. 178(E).—In exercise of powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rule in public interest, hereby makes the following rules further to amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, namely: -

- (1) These rules may be called the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment, Rules, 2019.
(2) They shall come into force on the date of their publication in the Official Gazette.

- In the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: -

(i) in rule 3, after clause 39, the following clause shall be inserted, namely: -

“40. “waste collector” means a person who collects hazardous and other wastes on behalf of actual user or operator of disposal facility from the occupier;”;

(ii) in rule 6, after sub-rule (1), the following shall be inserted, namely: -

“(1A) An occupier shall not be required obtain an authorisation under this rule, from the State Pollution Control Board, in case the consent to establish or consent to operate, is not required from the State Pollution Control Board or Pollution Control Committee under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981);

Provided that the hazardous and other wastes generated by the occupier shall be given to the actual user, waste collector or operator of the disposal facility, in accordance with the Central Pollution Control Board guidelines.”;

(iii) in rule 12, sub-rule “6A” shall be omitted;

(iv) in Schedule III, in Part B, -

(a) the entry

B3010	Solid plastic waste Polymethyl methacrylate
-------	--

shall be omitted;

(b) against the Basel No. "B3030", for the words and brackets "Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock)

- Not carded or combed
- Other", the following shall be substituted, namely: -

"Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock) **

- Not carded or combed
- Other

** Export of silk waste is exempted from requiring permission from the Ministry of Environment, Forest and Climate Change.;"

(v) in Schedule III, in Part D, against Basel No. B1110, in column (2), after the entries, at the end the following entries shall be inserted; namely: -

"Electrical and electronic assemblies and components manufactured in and exported from India if found defective or non-functional can be imported back by Original Equipment Manufacturers (OEMs) within twelve months from the date of export."

(vi) in Schedule VI, against Basel No. B3010, in column (2), -

(a) the Note "Note. -Import is permitted to the units in Special Economic Zones and Export Oriented Units notified by the Central Government." shall be omitted;

(b) after the word "Polysiloxanes", the words "Polymethyl methacrylate" shall be inserted.

(vii) in Form 1, in the heading under sub-heading Part D the following shall be substituted, namely: -

"Part D: To be filled by recyclers or pre-processors or co-processors or waste collectors or users of hazardous and other wastes"

[F. No. 23/4/2009-HSM]

RITESH KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 395 (E), dated the 4th April 2016 and subsequently amended vide G.S.R. 670(E) dated the 6th July, 2016; G.S.R. 177(E) dated the 28th February, 2017; and G.S.R. 544(E) dated the 11th June 2018.



सत्यमेव जयते

KASEZ

F.No.: KASEZ/CUS/P&I/Misc/2018-19

Date. 04.12.2019

Office of the Development Commissioner

Kandla Special Economic Zone

Ministry of Commerce & Industry

Gandhidham-Kutch-370 230

Phone (02836)-253300, 252475, 252273

Fax (02836) - 252250 & 252194

E-mail kandlasez@gmail.com

Website: www.kasez.gov.in

To,
Pr. Commissioner of Customs,
Custom House,
Kandla

Sir,

Sub: Holding of Cargo of various Plastic Recycling Units of Kandla Special Economic Zone (KASEZ) - m/reg.

- References: 1. F.No. S/15-04/SIIB/2019-20/4063 dated 26.11.2019
2. F.No. S/15-04/SIIB/2019-20 dated 02.12.2019
3. F.No. S/15-04/SIIB/2019-20 dated 22.11.2019

Please refer to your office letters on above mentioned subject. The whole issue pertains to importability of Solid Plastic Waste by SEZ Units.

2. Sub rule 4(a) of Rule 18 of SEZ, Rules 2006 provides that no proposal shall be considered for recycling of plastic scrap or waste and extension of Letter of Approval (LOA) for existing units shall be decided by the Board of Approval (BoA). Accordingly, BoA in its meeting No. 60 dated 08.11.2013 has granted renewal of LoA of existing units for recycling of plastic waste/scrap for the period of five years from 01.12.2013 to 30.11.2018. Subsequently, BoA in its 86th meeting held on 22.11.2018, extended the LoA of existing units for further one year from 01.12.2018 to 30.11.2019.

3. In the mean time Ministry of Environment, Forest and Climate Change (MoEF&CC) vide Notification GSR 178(E) dated 01.03.2019 amended Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016 vide which Import of Solid Plastic Waste (B3010) has been prohibited in the country including Units in SEZ & EOUs. Subsequently, MoEF&CC vide OM issued from F.No. 23/4/2009-HSM dated 07.03.2019, has provide a window of six month i.e. upto 31.08.2019 to the units operating in SEZ & EOU to comply with the prohibition of import of plastic scrap and during this period units may be allowed the import of plastic scrap.

4. Though the copy of OM dated 07.03.2019 of (MoEF&CC) was addressed to the DGFT also besides CBIC, DGFT has not amended the policy condition of the Solid Plastic waste from the restricted to prohibited till the latest amended Import Policy- ITC (HS) 2017, Notification No. 31/2015-2020 dated 13.11.2019. Regarding prohibition, notification/ circular/ instruction/ PN has not been issued yet from MOC/DGFT.

5. Thereafter, BoA in view of MoEF&CC OM dated 07.03.2019 constituted a Committee on Policy for plastic recycling and worn and used clothing units to discuss the policy matter and also vide item no. 93.7 of Minutes of 93rd Meeting of BoA held on 15.11.2019, granted an extension of validity of LoA for a period of six months, beyond 30.11.2019 i.e. upto 31.05.2020 to the existing plastic recycling units in KASEZ.

6. It is pertinent to mention that the latest extension of LOA for six months has been granted by BoA in 93rd meeting having representative from CBIC (DGEP) and MoEF&CC with cognizance of MoEF&CC OM dated 07.03.2019. There was no objection received in the BoA, either from CBIC or from MoEF&CC and BoA collectively decided to provisionally extend the LOA for further six months. BoA has nowhere held that the import of the plastic scrap is prohibited. Neither any instruction/ notifications/circular have been issued in this regard by MOC/DGFT/BoA prohibiting the import of plastic scrap.

7. Also the BoA directed to call a meeting with the Committee on policy for plastic recycling and worn and used clothing units, constituted by BoA, to discuss the policy matters, is scheduled on 06.12.2019. Till any further decision by BoA based on the findings of the Committee on policy matters, import of plastic scrap, DTA and Exports of goods manufactured from plastic scrap are allowed by BoA in its 93rd Meeting.

8. In the meanwhile, your office has put on hold all plastic scrap(CTH 3915) consignments imported after 31.08.2019 which is in violation of the decision of BoA, an inter-ministerial body having representative from CBIC and MoEF&CC. There appears that the decision of BoA is violated by the Kandla Customs Commissionerate despite the facts that the BoA took collective decision of the extension of LOA for further six months with representation from CBIC and MoEF&CC .

9. The above action of the Kandla Customs appears to be in violation of the decision of BoA and also in violation of the following provisions of the SEZ Act , 2005 and SEZ Rules,2006

- I. Rule 27 of SEZ Rules, 2006 - A Unit or Developer may import goods without payment of duty except prohibited items under the Import Trade Control (Harmonized System) Classifications of Export and Import. Further, the same Rule also provides that items prohibited for import can be procured by a SEZ unit or Developer from a place outside India to the SEZ with the prior approval of Board of Approval (BoA).
- II. Section 51 of SEZ, Act, 2005 to have overriding effect. - the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- III. Section 58 of SEZ Act, 2005 - All rules made or purporting to have been made or all notifications issued or purporting to have been issued under any Central Act relating to the Special Economic Zones shall, in so far as they relate to matters for which provision is made in this Act or rules made or notification issued there under and are

not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.

10. As per Office Memorandum dated 07.03.2019 issued by MoEF&CC, the import of Plastic Scrape is prohibited (units in SEZ too) as on date, however in terms of the amended Import Policy- ITC (HS)2017, import of Plastic Scrap is restricted. There appears to be inconsistency between MoEF&CC & DGFT. In view of such inconsistency, any Notification/OM issued by MoEF&CC are not deemed to be issued under SEZ Act, 2005 in terms of Section 58 of SEZ Act, 2005. Further, Section 51 of SEZ Act,2005 have overriding effect not withstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
11. With harmonious reading of BoA decisions, Rule 27 of SEZ Rules, 2006 read with Section 51 & 58 of SEZ Act, 2005, considering Plastic scrap as restricted item, import of the same can be allowed in SEZ. It is pertinent to mention here that BoA has power to approve even prohibited items for import into SEZ in terms of Rule 27 of SEZ Rules, 2006.
12. In respect of Para 4 of your office letter, it is to inform that four units of KASEZ (M/s Ansa Polymers Limited, M/s Luckystar International, M/s Mokshstar International and M/s SatguruPolyfeb Pvt Ltd) has filed Bills of Entry for the import of Plastic Scrap- 39151000 & LDPE Film for Recycling - 39159090. All the Bills of Entries have been provisionally assessed by taking undertaking from the units that "they will not utilize the goods/material till the test report received from CIPET, Ahmedabad and further direction from the department and subject to fulfilment of condition laid down under Public Notice No. 392(PN)/92-97 dated 01.01.1997." It is pertinent to mention that not to precipitate the issue, the goods (plastic scrap - 3915) imported by the units are kept on hold in their premises as per directions of your office. This, being a policy issue, the same is referred to the Committee on Policy for plastic recycling and worn and used clothing units committee for further deliberation which is scheduled to be held on 06.12.2019. Till that time, all Bills of Entry of Plastic Scrap (3915) are being assessed provisionally as discussed above and the outcome of the decision of Committee on Policy will be communicated to your office for necessary actions.

Yours faithfully



(Dr. Amiya Chandra)

6/2 Development Commissioner, KASEZ