

मुरादाबाद विशेष आर्थिक क्षेत्र

(08/07/2021 को आयोजित मुरादाबाद विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त)

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श्री अ० बिपिन मैन्न, क्षेत्रीय विकास आयुक्त, नॉएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 08/07/2021 को सुबह 11:00 बजे वीडियो कॉन्फ्रेंसिंग द्वारा आयोजित मुरादाबाद विशेष आर्थिक क्षेत्र की अनुमोदन समिति की बैठक का कार्यवृत्त

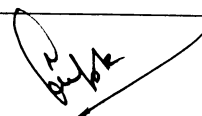
The following members of the Approval Committee participated in the meeting through Video Conferencing :-

- 1) Shri Jayant Mishra, Principal Commissioner, Income Tax, Moradabad.
- 2) Shri Nitin Gupta, Dy. Development Commissioner, NSEZ, Noida (Nominee of Deptt. Of Commerce in terms of letter dated 23/09/2008).
- 3) Shri Manoj Prabhakar, Dy. Commissioner, ICD Moradabad.
- 4) Shri Shobhit Sinha, Dy. Commissioner, CGST Moradabad.
- 5) Shri Jogendra Singh, Additional Statistical Officer, O/o Jt. C. I. Moradabad.
- 6) Shri Rakesh Kumar Singh, FTDO, DGFT, New Delhi.
- 7) Shri Sanjeev Kumar Bedi, Area Manager, UPSIDA, Moradabad SEZ.

Besides, during the meeting (i) Shri Amit Kumar Gupta, Specified Officer, Moradabad SEZ and (ii) Dr. V. P. Sharma, Asstt. Development Commissioner, Moradabad SEZ also participated in the meeting through Video Conferencing to assist the Approval Committee. It was informed that the Quorum is complete and the meeting can be convened.

At the outset, the chairman welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations among the members of the Approval Committee as well as interaction with the applicants/ representatives of the units, the following decisions were taken:-

1	<p>Ratification of Minutes of last meeting of the Approval Committee held on 10/06/2021</p> <p>As no reference in respect of the decisions of the Approval Committee held on 10/06/2021 was received from any of the members of the Approval Committee or Trade, Minutes of the meeting held on 10/06/2021 were unanimously ratified.</p>
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<p>2</p> <p>2.1</p>	<p>Monitoring of performance for following units</p> <p>M/s Brassex Exports :-</p> <p>i) It was informed to the Approval Committee that M/s Brassex Exports was granted LOA by Approval Committee in its meeting held on 28.02.2008 and the LOA was issued to the unit on 30.04.2008 for Manufacturing & Export of Handicraft items made of Brass, Aluminum, Iron & Glass Artware. The unit commenced commercial production w.e.f. 29.04.2011 and the unit has completed their 2nd block of five years term on 28.04.2021. The unit has made exports to the tune of Rs. 68.36 Lakhs (01.04.2016 to 31.03.2021) and total Foreign Exchange Outgo is NIL. The net Foreign Exchange Earnings by the unit stand at Rs. 68.36 Lakhs and the Foreign Exchange pending for realization beyond stipulated period of nine months is NIL.</p> <p>ii) The Approval Committee was also informed that the LOA of the unit has already been renewed by competent authority for 3rd block of 5 years from 29.04.2021 up to 28.04.2026.</p> <p>iii) Shri Sanjeev Kumar Bedi, Area Manager, UPSIDA informed the committee that the developer has no reservations in the matter.</p> <p>iv) Shri Puneet Sharma, Manager appeared before Approval Committee in its meeting held on 08.07.2021. He informed the committee that they are in the business of manufacturing and export of mainly garden handicraft products made of Iron, Aluminum, Brass etc. They did not have export orders in 2020-21 due to outbreak of COVID and hence did not work. Now they will start working since the market has improved post COVID and restriction have been eased out.</p> <p>v) The Approval Committee noted that the unit has achieved positive NFE. The committee, after due deliberations, also noted the performance of the unit.</p>
<p>3</p> <p>3.1</p>	<p>Inclusion of additional manufacturing activities as authorised operations in LOA</p> <p>M/s Guildart Unit-II :-</p> <p>i) It was informed to the Approval Committee that M/s Guildart Unit-II was granted LOA No. NSEZ/4-169/2003-MBD/443 dated 05.07.2005 for manufacturing and export of Handicrafts made of Brass, Iron, Aluminium, Copper, EPNS, Glass, Wood, Fabric, Partly Leather and Combination of these articles and other Indian handicrafts the unit commenced in production on 19.05.2009. The unit has made exports to tune of Rs. 2389.10 Lakhs (01.04.2019 to 31.03.2021)</p>



and the total Foreign Exchange Outgo is Rs. 235.27 Lakhs. The net Foreign Exchange Earnings by the unit stand at Rs. 2153.83 Lakhs and Foreign Exchange pending for realization beyond stipulated period of nine months is 1.60 lakhs as on 01.07.2021.

ii) The Committee was further informed that the unit vide their letter dated 31.05.2020 received in this office on 19.06.2021 requested for inclusion of additional manufacturing items as authorized operations in their LOA. The unit had submitted revised projection for their 3rd block and manufacturing flow chart for proposed items alongwith their specific ITC (HS) code. The unit had also submitted CA certified export sale for the F.Y. 2020-21. It may be mentioned here that this office issued discrepancy/ deficiency vide letter No. NSEZ/4-169/2003-MBD/14981 dated 16.06.2021 to the unit for discrepancies observed in their proposal for broad-banding of LOA. Thereafter the unit vide their letter dated 30.06.2021 had submitted reply to this office letter dated 16.06.2021 and the discrepancies observed were removed.

iii) Shri Sanjeev Kumar Bedi, Area Manager, UPSIDA informed the committee that the unit has not yet submitted application with the developer for change in constitution of firm as directed by the Approval Committee in its meeting held on 10.06.2021.

iv) Shri Vikas Arora, Partner appeared before Approval Committee in its meeting held on 08.07.2021. He informed the committee that he has requested for inclusion of additional manufacturing activities as authorised operations so as to fulfill new market requirements and demand of existing clients for products with mixed materials. Shri Vikas further informed that the ITC(HS) code of the final export product is defined based on the weight and value of raw materials used in the product. He was informed by the committee that the ITC(HS) code submitted by them for Leather items mentioned in their list at Sr. No. 8 does not match with the description provided. Shri Vikas further informed that they will be using leather in very less proportions in their products (Lamps) for decoration purpose only and they do not intend to export Leather handicrafts products as of now.

v) The Approval Committee, after due deliberations, decided to approve the proposal of M/s Guildart Unit-II for inclusion of additional manufacturing items as per annexure-I as authorized operations in their LOA subject to condition that (i) ITC(HS) codes/ items mentioned at Sr. No. 8 (Handicrafts of Leather) are removed and (ii) unit submit request for change in constitution with developer i.e. UPSIDA as directed in the Approval Committee meeting held on 10.06.2021.

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Annexure-I

List of authorised operations with their ITC(HS) codes

Sr. No.	Description	ITC(HS) Code	Specific name of products
1	Handicrafts made of Brass artwares	74199930	brass tray, brass table, brass table lamp, brass floor lamp, brass wall lamp, brass hanging lamp, brass pendant, brass pendant kit, brass hanging light, brass desk lamp, brass finial, brass chandelier, brass shade
2	Handicrafts made of copper artwares	74199940 74199990	copper tray, copper table, copper table lamp, copper floor lamp, copper wall lamp, copper hanging lamp, copper pendant, copper pendant kit, copper hanging light, copper desk lamp, copper finial, copper chandelier, copper shade
3	Handicrafts made of iron artwares	73269099 73262090	iron tray, iron table, iron table lamp, iron floor lamp, iron wall lamp, iron hanging lamp, iron pendant, iron pendant kit, iron hanging light, iron desk lamp, iron finial, iron candle stand, iron chandelier, iron shade, iron stool, iron chair, iron furniture
4	Handicrafts made of aluminium artwares	76169990	aluminium tray, aluminium table, aluminium table lamp, aluminium floor lamp, aluminium wall lamp, aluminium hanging lamp, aluminium pendant, aluminium pendant kit, aluminium hanging light, aluminium desk lamp, aluminium finial, aluminium candle stand, aluminium chandelier, aluminium stool, aluminium chair, aluminium furniture
5	Handicrafts made of wood artwares	44219990 44219160 44219170 44140000	wood table, wood table lamp, wood floor lamp, wood hanging lamp, wood pendant, wood hanging light, wood desk lamp, wood finial, wood candle stand, wood stool, wood chair, wood furniture
6	Handicrafts made of glass artwares	70200090 70200019 70200029	glass table lamp, glass floor lamp, glass desk lamp, glass pendant, glass table top, glass shade
7	Handicrafts made of fabric artwares	94051090 58062000 63039990	fabric lamp shade, fabric pendant,
8	Handicrafts of lamp artwares	94051010 94051020 94055010	lamp artware, wall lamp, hanging lamp, table lamp, floor lamp, complete fitting, others
9	Handicrafts of marble/stone artwares	68159990	handicrafts of marble/stone artware
10	Handicrafts of ceramic artwares	69149000	handicrafts of ceramic artware
11	Handicrafts of rattan jute artwares	56090030	handicrafts of rattan jute artware



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3.2 M/s Bright Star Impex :-

i) It was informed to the Approval Committee that M/s Bright Star Impex was granted LOA No. NSEZ/4-381/2003-MBD/49412 dated 07.03.2016 for manufacturing and export of Handicrafts made of Brass, Iron, Glass, Copper, Aluminium, EPNS, Wood, Leather, Resin, Textile, Tin & Stainless Steel. The unit commenced in production on 16.01.2019. The unit has made exports to tune of Rs. 27.42 Crores (16.01.2019 to 31.12.2020) and the total Foreign Exchange Outgo is Rs. NIL. The net Foreign Exchange Earnings by the unit stand at Rs. 27.42 Crores and Foreign Exchange pending for realization beyond stipulated period of nine months is NIL as on 01.07.2021.

ii) The Committee was further informed that the unit vide their letter received in this office on 03.07.2021 has submitted request for amendment in their approved ITC(HS) codes viz 44209090 & 44219060 under 'Handicrafts of Wood' category. The details of amendment are as under:

Sr. No.	Item Description	Approved ITC (HS) code	Revised/ amended ITC(HS) code
01	Handcrafted other articles of wood (Other than restricted category)	44209090 (Restricted as per DGFT)	44209010
02	Parts of domestic decorative articles used as tableware & kitchenware	44219060 (does not exist in the current FTP)	44140000

iii) Shri Sanjeev Kumar Bedi, Area Manager, UPSIDA informed the committee that the unit has pending dues of developer amounting to Rs. 116196.00 (Rs. 58098 for plot no G-15 and Rs. 58098 for plot no G-16) which should be cleared immediately. It was also informed that the unit has constructed one building on both the plots but has not applied for amalgamation of plots yet. The unit must submit request for amalgamation of Plot no G-15 & G-16 with the developer at the earliest.

iv) Shri Sameer Khan, Proprietor appeared before Approval Committee in its meeting held on 08.07.2021. He informed the committee that he has requested for amendment in approved ITC(HS) codes as 44209090 code is restricted as per DGFT and 44219060 code does not exist in the policy now so he will be exporting on 44209010 and 44140000 codes which cover his export products. He informed the committee that he has mango wood products consignment ready to be exported to Belgium. He is mainly exporting to America and Belgium. He further informed that

as soon as the restrictions are removed, he will be able to travel abroad and expand his business.

v) Shri Amit Kumar Gupta, Specified Officer, Moradabad SEZ informed the committee that restricted products can also be exported from SEZ subject to prior approval of same by the BoA as per Department of Commerce Instruction No. 47 dated 04.03.2010.

vi) The Approval Committee, after due deliberations, decided to approve the proposal of M/s Bright Star Impex for amendment in their approved ITC(HS) codes under Handicrafts of wood by removing ITC(HS) codes 44209090 & 44219060 and inserting new ITC(HS) codes 44209010 & 44140000 in their LOA subject to examination/ appraisalment of export goods by Customs to check if the ITC(HS) codes match the description of final export products. Approval Committee further decided that the matter may be referred to DoC for seeking clarity in the matter of restricted/ prohibited products.

4 Monitoring of non-realization of Foreign Exchange beyond stipulated time period and action under FTDR Act, 1992

4.1 M/s Superior Metal Overseas :-

i) Approval Committee was informed that M/s Superior Metal Overseas having LOA No. NSEZ/4-321/2003-MBD/5201 dated 12.07.2012 for manufacturing and export of Handicrafts made of Brass, Aluminium, Cooper, Zinc, Iron & Alloy products. The LOA of the unit expired on 30.09.2020.

ii) It was also informed that the case of unit for monitoring of Foreign Exchange pending for realization beyond nine months was put up in the Approval Committee meeting held on 07.09.2020 wherein the Committee was informed that the unit has export proceeds to the tune of Rs. 53,97.50,818.00 pending for realization beyond nine (09) months. The Approval Committee, after due deliberations, took serious note of the fact that large amount of Foreign Exchange is still pending for realization by the unit beyond stipulated time period of nine months and unanimously decided to initiate action under FTDR Act, 1992.

iii) Approval Committee was also informed that as per its direction, Show Cause Notice dated 07.10.2020 under FTDR Act, 1992 was issued to the unit. The unit was given reasonably sufficient opportunities of being heard and the unit appeared in 04 out of 05 personal hearings given between Dec. 2020 up to June 2021. It has been observed that there is no progress in

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realization of outstanding Forex. Therefore, the unit was given a final chance to appear before Approval Committee on 08.07.2021.

iv) Shri Sanjeev Kumar Bedi, Area Manager, UPSIDA informed the committee that the unit has Rs. 48,852.00 pending dues of the developer which they must clear immediately.

v) Approval Committee was further informed that as per records available, the Foreign Exchange pending for realization beyond nine months on the unit amounts to Rs. 54,01,11,044.00 (i.e. Rs. 54.01 crores) as on 01.07.2021.

vi) Shri Ghazi Arif, partner from M/s Superior Metal Overseas appeared before Approval Committee in its meeting held on 08.07.2021. He informed the committee that due to COVID he is not able to realize the pending Forex but his buyers have given him time up to Dec. 2021 for releasing all the forex pending. When asked about extension from RBI/ AD Bank, Shri Ghazi informed that RBI was approached by them for seeking time extension on the pending forex but their request was turned down stating that they have already barred the time limit by which they had to apply for time-extension. Hence no extension was given by RBI. When asked about ongoing investigation by DGGI, Shri Ghazi informed that the investigation is being carried out by DGGI on M/s Dollar Impex, a DTA unit in Moradabad. Since M/s Dollar Impex has made sale/ purchase transaction in past with M/s Superior Metal Overseas and M/s Modern Metals Overseas, both SEZ units were investigated by DGGI and no outcome has yet come out of that investigation. When asked about his involvement with any other SEZ unit, Shri Ghazi informed that his father Shri Mohammad Arif is one of the two partners in M/s Modern Metals Overseas.

vii) The Approval Committee, after due deliberations, took a serious view on non-realization of large Forex amount pending beyond stipulated time period. Approval Committee further decided to give one final chance to the unit to show substantial progress in the matter of realization of pending Forex. The case is to be placed before Approval Committee in its September 2021 meeting for monitoring of pending Forex and if the unit fails to show any progress, then suitable action will be initiated against the unit without any further delay including Exit from SEZ scheme. Approval committee also directed the representative of unit i.e., Shri Ghazi to (i) give complete detailed information to the ADC, Moradabad SEZ in the matter of investigation by DGGI and (ii) clear all the dues of developer i.e., UPSIDA at the earliest.

4.2

M/s S. F. Star International :-