



भारत सरकार
वाणिज्य और उद्योग मंत्रालय
विकास आयुक्त का कार्यालय
सूरत विशेष आर्थिक क्षेत्र
सचिन, सूरत - 394230

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एसएसईजेड / बी / एसी / 30 / 2014-15 / वॉल्यूम IV / 106

दिनांक: - 25 अप्रैल, 2019

स्वीकृति समिति के सदस्यों के लिए: -

- | | |
|---|-----------------------------|
| 1) संयुक्त सचिव (एसईजेड), एमओसी और आई, नई दिल्ली; | |
| 2) निदेशक, एमओसी और आई, नई दिल्ली; | फैक्स नंबर (011) 2306-3418 |
| 3) संयुक्त डीजीएफटी, सूरत; | फैक्स नंबर (0261) 245-2216 |
| 4) सीमा शुल्क आयुक्त, अहमदाबाद; | फैक्स नंबर (07 9) 27542343 |
| 5) आयकर आयुक्त; -1, सूरत; | फैक्स नंबर (0261) 265-0102 |
| 6) निदेशक (बैंकिंग), बैंकिंग डिवीजन एमओएफ, नई दिल्ली; | फैक्स नंबर (011) 2336-7702 |
| 7) जिला कलेक्टर, सूरत जिला; | फैक्स नंबर (0261) 246-5116 |
| 8) महाप्रबंधक, डीआईसी, सूरत; | फैक्स नंबर (0261) 246-5929 |
| 9) डेवलपर (डीजीडीसी), सूरत. | फैक्स नंबर (0261) 23 9-7664 |

विषय: - सूरत के लिए स्वीकृति समिति की 81 वीं बैठक - एसईजेड

महोदय,

सूरत विशेष आर्थिक क्षेत्र के लिए स्वीकृति समिति की 81 वीं बैठक के अजेंडे को फॉरवर्ड किया जा रहा है, जो 30 अप्रैल, 2019 को सूरत विशेष आर्थिक क्षेत्र के विकास आयुक्त श्री वीरेंद्र सिंह की अध्यक्षता में 12:00 बजे, सूरत विशेष आर्थिक क्षेत्र, सचिन, सूरतके सभा कक्ष में आयोजित किया जाएगा.

संलग्न: उपर्युक्त

आपका आभारी,

निर्दिष्ट अधिकारी,

सूरत विशेष आर्थिक क्षेत्र,
सचिन, सूरत - 394230.

**O/O DC, SSEZ,
SACHIN, SURAT.**

**AGENDA FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL COMMITTEE
FOR SURAT – SEZ TO BE HELD ON 30.04.2019, AT 12:00 HOURS, IN THE
CONFERENCE ROOM OF SURAT SPECIAL ECONOMIC ZONE, SACHIN, SURAT.**

**Confirmation of the Minutes of the 80th Meeting held on 12.03.2019 by the
Approval Committee Members.**

81-A – Fresh Proposals for Surat – SEZ (SSEZ):-

Sr. No	Name of the Applicant	Brief Subject
01	M/s Kamnathan Trading Enterprise, Navi Mumbai	Proposal for setting up SEZ unit for Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code- 71131930] (2) Plain Gold Jewellery [ITC (HS) Code- 71131110] (3) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120]
02	M/s Trading Acumen Enterprise, Mumbai	Proposal for setting up SEZ unit for Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code- 71131930] (2) Plain Gold Jewellery [ITC (HS) Code- 71131110] (3) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120] (4) Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]
03	M/s RHCGlobal Exports Pvt. Ltd, Mumbai	Proposal for setting up SEZ unit for Manufacturing of (1) Cut & Polished Diamonds [ITC (HS) Code-71023910] (2) Cut & Polished Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (3) Plain Gold Jewellery [ITC (HS) Code-71131910] (4) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code- 71131120] (5) Cut & Polished Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]
04	M/s Europea Makeover Jewel Pvt. Ltd, Surat.	Proposal for setting up SEZ unit for Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code- 71131930] (2) Plain Gold Jewellery [ITC (HS) Code- 71131910] (3) Precious & Semi Precious Stone Studded Gold Jewellery [ITC (HS) Code-71131940] (4) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code- 71131120]

81-B- Deferred Cases

- (1) Request made by M/s Fragomatrix Global for change in name of firm from Fragomatrix Global to Sawai Fragrances w.e.f. 01.04.2018 and also change in constitution of partners.

81-C- Other cases

- (1) Request made by M/s Dindayal Commodities Pvt. Ltd for change in directors.
- (2) Request made by M/s Maa Padma Exports for surrender their rental premises i.e. Unit No. 11-12 on Plot No. 296 in Surat SEZ from their existing LoA.
- (3) Request made by M/s New Diamond Era for change in constitution of partnership firm during the period 01.09.2017 to 04.01.2019. And request for acceptance of Bond Cum-Legal undertaking in the name of M/s NDE Eternal Diamonds due to change in name.
- (4) Request made by M/s Diamond Nation for change in constitution of Partnership & Name of the Company has also been changed from M/s Diamond Nation to M/s DN Eternal Diamonds vide Deed of Partnership dated 20.11.2017.
- (5) Request made by M/s MIV Therapeutics (India) Pvt. vide their letter dated 11.04.2019 has requested to allow them to merge (transfer) company's assets and liabilities of SEZ unit to M/s Purple Medical Solutions Pvt. Ltd by way of transfer of ownership under Rule 74-A of SEZ Rules, 2006.
- (6) Request made by M/s S. S. Impex, Unit No. 359 on Plot No. 239, Surat SEZ vide their letter dated 22.04.2019 intimated that the name of the company has been changed from M/s. S. S. Impex to M/s. Shubharatna Gems & Jewels Pvt. Ltd. as well as converted from Proprietorship to Private Limited Company.

**AGENDA NOTE FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL
COMMITTEE FOR SURAT SPECIAL ECONOMIC ZONE**

Fresh Case No. 81-A-01

Name of the applicant.	M/s Kamnathan Trading Enterprise. (PAN: AAUFK1796P)
Sector	Gems & Jewellery
Address (Regd. Office)	S-78, 2 nd Floor, Haware Fantasia Business Park Sec-30A, Vashi, Navi Mumbai-400703.
Factory address (Proposed)	Unit No. 109 on Plot No. 301 in Surat SEZ
Type of firm	Partnership Firm
Details of property	NA
Details of documents of () above	NA
Whether adjudicated or not, if so details of adjudicating authority	NA
Area of land/factory	1000 Sq. ft. area
Proposed items of manufacturing	Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code- 71131930] (2) Plain Gold Jewellery [ITC (HS) Code-71131110] (3) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120]
Proposed Annual Capacity:	(1) 10000 Grams (2) 15000 Grams (3) 3200000 Grams
Whether conversion from existing DTA unit into EOU/SEZ	New undertaking.
Name of the Promoter:- (Proprietor/ Partners /Directors)	Name of Partners:- (1) Shri Chanakya Arvind Dhanda; ✓ (2) Shri Yogesh Shankar Holker
Proposed Import of Capital goods	Rs. 0.00 lakhs (in 5 yrs period)
Proposed Import of Raw material, components, packing material, fuel etc.	Rs. 236382.00 lakhs (in 5 yrs period)
Other FE outgo.(Foreign Travels + SC)	Rs. 0.00 (in 5 yrs period)
FOB value of Exports	Rs. 251717.00 lakhs (in 5 yrs period)
DTA Sales	Rs. Nil (in 5 yrs period)
NFE	Rs. 15335 lakhs (in 5 yrs period)(6.49%)
Proposed Indigenous Raw material, Components, Packing Material etc.	Rs. 0.00 lakhs (in 5 yrs period)
Indigenous Capital Goods	Rs. 13.00 lakhs (in 5 yrs period)
Cost of Project (Rs. In lakhs)	
Plant & Machinery including Building	Rs. 35.00
Working capital	Rs. 10.00
Miscellaneous & Contingency	Rs. 5.00
Total Cost	Rs. 50.00 Lakhs
Sources of funds	
Own Fund	Rs. 50.00
Total: - (Rs. In Lakhs)	Rs. 50.00 Lakhs
Marketing arrangements as given in the proposal.	Major Market in the Far East and Middle East main distribution points being USA, Hong Kong, UAE, Singapore.

Whether the items of manufacture and export are restricted or not Remarks as per Exim Policy	No
Whether the unit falls under fraudulent list	Affidavit filed by the applicant that no case is booked against the unit/directors for illegal diversion of goods.
Jurisdiction of Customs/Central Excise(Specify Commissionerate and Range)	SO, SSEZ, Sachin.
Employment	14 Persons (8 Men, 6 Women)

Brief Note

The proposal of M/s Kannathan Trading Enterprise, Navi Mumbai is for setting up a new unit in the Surat-SEZ, for "Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (2) Plain Gold Jewellery [ITC (HS) Code-71131110] (3) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120]". For the proposed project, FOB value of exports for the 5 years period is projected as Rs. 251717.00 Lakhs, with outgo of foreign exchange as Rs. 236382.00 Lakhs, resulting NFE of Rs. 15335.00 Lakhs (6.49%), from manufacturing activity. The Developer (M/s. DGDC Ltd.) vide letter dated 06.04.2019 has earmarked the Unit No. 109 on Plot No. 301 with area admeasuring 1000 Sq. ft. for the proposed project in the SEZ and also confirm the space. On scrutiny of the application form submitted by the applicants, it appears that the total investment is amounting to Rs. 50.00 Lakhs, which will be arranged from their own funds.

In view of the above, the proposal for setting up of the unit is placed before Approval Committee for consideration, and personal interview of the Partner. The same is recommended for approval in terms of the Rule-18 of the SEZ Rules, 2006.

**AGENDA NOTE FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL
COMMITTEE FOR SURAT SPECIAL ECONOMIC ZONE**

Fresh Case No. 81-A-02

Name of the applicant.	M/s Trading Acumen Enterprise. (PAN: AAOFT4907F)
Sector	Gems & Jewellery
Address (Regd. Office)	S-12/50, Haware Centurion, Plot 88-91, Sec-19A, Nr. Seawoods Station, Nerul (E), Mumbai-400706.
Factory address (Proposed)	Unit No. 110 on Plot No. 301 in Surat SEZ
Type of firm	Partnership Firm
Details of property	NA
Details of documents of () above	NA
Whether adjudicated or not, if so details of adjudicating authority	NA
Area of land/factory	1000 Sq. ft. area
Proposed items of manufacturing	Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (2) Plain Gold Jewellery [ITC (HS) Code-71131110] (3) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120] (4) Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]
Proposed Annual Capacity:	(1) 8000 Grams (2) 10000 Grams (3) 2500000 Grams (4) 25000 Grams
Whether conversion from existing DTA unit into EOU/SEZ	New undertaking.
Name of the Promoter:- (Proprietor/ Partners /Directors)	Name of Partners:- (1) Shri Omkar Balshiram Thorat; (2) Shri Satpal Vinayak Wable
Proposed Import of Capital goods	Rs. 0.00 lakhs (in 5 yrs period)
Proposed Import of Raw material, components, packing material, fuel etc.	Rs. 190367.00 lakhs (in 5 yrs period)
Other FE outgo.(Foreign Travels + SC)	Rs. 0.00 (in 5 yrs period)
FOB value of Exports	Rs. 202600.00 lakhs (in 5 yrs period)
DTA Sales	Rs. Nil (in 5 yrs period)
NFE	Rs. 12233.00 lakhs (in 5 yrs period)(6.43%)
Proposed Indigenous Raw material, Components, Packing Material etc.	Rs. 0.00 lakhs (in 5 yrs period)
Indigenous Capital Goods	Rs. 16.00 lakhs (in 5 yrs period)
Cost of Project (Rs. In lakhs)	
Plant & Machinery including Building	Rs. 46.00
Working capital	Rs. 15.00
Miscellaneous & Contingency	Rs. 5.00
Total Cost	Rs. 66.00 Lakhs
Sources of funds	
Own Fund	Rs. 66.00
Total: - (Rs. In Lakhs)	Rs. 66.00 Lakhs
Marketing arrangements as given in the proposal.	Multi-faceted experience of 3+ years in the areas of sales, marketing, general administration & business leadership

	in Gem & Jewellery sector. Conducting various Sales & Marketing events and have successfully organized various wholesale marketing and sales shows at local and domestic platforms.
Whether the items of manufacture and export are restricted or not Remarks as per Exim Policy	No
Whether the unit falls under fraudulent list	Affidavit filed by the applicant that no case is booked against the unit/directors for illegal diversion of goods.
Jurisdiction of Customs/Central Excise(Specify Commissionerate and Range)	SO, SSEZ, Sachin.
Employment	15 Persons (9 Men, 6 Women)

Brief Note

The proposal of M/s Trading Acumen Enterprise, Mumbai is for setting up a new unit in the Surat-SEZ, for "Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (2) Plain Gold Jewellery [ITC (HS) Code-71131110] (3) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120] (4) Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]". For the proposed project, FOB value of exports for the 5 years period is projected as Rs. 202600.00 Lakhs, with outgo of foreign exchange as Rs. 190367.00 Lakhs, resulting NFE of Rs. 12233.00 Lakhs (6.43%), from manufacturing activity. The Developer (M/s. DGDC Ltd.) vide letter dated 06.04.2019 has earmarked the Unit No. 110 on Plot No. 301 with area admeasuring 1000 Sq. ft. for the proposed project in the SEZ and also confirm the space. On scrutiny of the application form submitted by the applicants, it appears that the total investment is amounting to Rs. 66.00 Lakhs, which will be arranged from their own funds.

In view of the above, the proposal for setting up of the unit is placed before Approval Committee for consideration, and personal interview of the Partner. The same is recommended for approval in terms of the Rule-18 of the SEZ Rules, 2006.

**AGENDA NOTE FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL
COMMITTEE FOR SURAT SPECIAL ECONOMIC ZONE**

Fresh Case No. 81-A-03

Name of the applicant.	M/s RHCGlobal Exports Pvt. Ltd. (PAN: AAJCR3808D)
Sector	Gems & Jewellery
Address (Regd. Office)	212, Floor-2, Plot No. 31, Sharda Chamber, Narsinatha Street, Bhat Bazar Masjid, Chinchbunder, Mumbai-400 009.
Factory address (Proposed)	Unit No. 146 on Plot No. 255 in Surat SEZ
Type of firm	Private Limited Company
Details of property	NA
Details of documents of () above	NA
Whether adjudicated or not, if so details of adjudicating authority	NA
Area of land/factory	1000 Sq. ft. area
Proposed items of manufacturing	Manufacturing of (1) Cut & Polished Diamonds [ITC (HS) Code-71023910] (2) Cut & Polished Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (3) Plain Gold Jewellery [ITC (HS) Code-71131910] (4) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120] (5) Cut & Polished Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]
Proposed Annual Capacity:	(1) 800 Carats (2) 10000 Grams (3) 5000 Grams (4) 650000 Grams (5) 15000 Grams
Whether conversion from existing DTA unit into EOU/SEZ	New undertaking.
Name of the Promoter:- (Proprietor/Partners/ Directors)	Name of Directors:- (1) Shri Rahil Hiteshbhai Chovatia; (2) Shri Hiteshkumar P. Chovatiya
Proposed Import of Capital goods	Rs. 0.00 lakhs (in 5 yrs period)
Proposed Import of Raw material, components, packing material, fuel etc.	Rs. 193741.00 lakhs (in 5 yrs period)
Other FE outgo.(Foreign Travels + SC)	Rs. 0.00 (in 5 yrs period)
FOB value of Exports	Rs. 208374.00 lakhs (in 5 yrs period)
DTA Sales	Rs. Nil (in 5 yrs period)
NFE	Rs. 14633.00 lakhs (in 5 yrs period)(7.55%)
Proposed Indigenous Raw material, Components, Packing Material etc.	Rs. 0.00 lakhs (in 5 yrs period)
Indigenous Capital Goods	Rs. 15.00 lakhs (in 5 yrs period)
Cost of Project (Rs. In lakhs)	
Plant (Building)	Rs. 22.00
Machinery (Capital Goods)	Rs. 15.00
Working capital	Rs. 13.00
Miscellaneous & Contingency	Rs. 05.00

Total Cost	Rs. 55.00 Lakhs
Sources of funds	
Other (Friend)	Rs. 55.00
Total: - (Rs. In Lakhs)	Rs. 55.00 Lakhs
Marketing arrangements as given in the proposal.	Major Market in the Far East and Middle East main distribution points being China, Hong Kong, USA. Reputed Wholesaler in Hong Kong, China, USA.
Whether the items of manufacture and export are restricted or not Remarks as per Exim Policy	No
Whether the unit falls under fraudulent list	Affidavit filed by the applicant that no case is booked against the unit/directors for illegal diversion of goods.
Jurisdiction of Customs/Central Excise(Specify Commissionerate and Range)	SO, SSEZ, Sachin.
Employment	21 Persons (13 Men, 8 Women)

Brief Note

The proposal of M/s RHCGlobal Exports Pvt. Ltd, Mumbai is for setting up a new unit in the Surat-SEZ, for "Manufacturing of (1) Cut & Polished Diamonds [ITC (HS) Code-71023910] (2) Cut & Polished Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (3) Plain Gold Jewellery [ITC (HS) Code-71131910] (4) Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120] (5) Cut & Polished Diamond Studded Silver Jewellery [ITC (HS) Code-71131120]". For the proposed project, FOB value of exports for the 5 years period is projected as Rs. 208374.00 Lakhs, with outgo of foreign exchange as Rs. 193741.00 Lakhs, resulting NFE of Rs. 14633.00 Lakhs (7.55%), from manufacturing activity. The Developer (M/s. DGDC Ltd.) vide letter dated 19.04.2019 has earmarked the Unit No. 146 on Plot No. 255 with area admeasuring 1000 Sq. ft. for the proposed project in the SEZ and also confirm the space. On scrutiny of the application form submitted by the applicants, it appears that the total investment is amounting to Rs. 55.00 Lakhs, which will be arranged from their Friend.

In view of the above, the proposal for setting up of the unit is placed before Approval Committee for consideration, and personal interview of the Partner. The same is recommended for approval in terms of the Rule-18 of the SEZ Rules, 2006.

**AGENDA NOTE FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL
COMMITTEE FOR SURAT SPECIAL ECONOMIC ZONE**

Fresh Case No. 81-A-04

Name of the applicant.	M/s Europea Makeover Jewel Pvt. Ltd. (PAN: AAFCE4412Q)
Sector	Gems & Jewellery
Address (Regd. Office)	102, Diamond Apartment, Nagoriwad, Saiyadpura, Surat-395003.
Factory address (Proposed)	Unit No. 401 on Plot No. 247, Surat SEZ
Type of firm	Private Limited Company
Details of property	NA
Details of documents of () above	NA
Whether adjudicated or not, if so details of adjudicating authority	NA
Area of land/factory	1000 Sq. ft. area
Proposed items of manufacturing	Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (2) Plain Gold Jewellery [ITC (HS) Code- 71131910] (3) Precious & Semi Precious Stone Studded Gold Jewellery [ITC (HS) Code-71131940] (4) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120]
Proposed Annual Capacity:	(1) 10000 Grams (2) 10000 Grams (3) 60000 Grams (4) 1800000 Grams
Whether conversion from existing DTA unit into EOU/SEZ	New undertaking.
Name of the Promoter:- (Proprietor/Partners/ Directors)	Name of Directors:- (1) Shri Jagdishbhai V. Surtariya; (2) Shri Suresh R. Jagetiya
Proposed Import of Capital goods	Rs. 0.00 lakhs (in 5 yrs period)
Proposed Import of Raw material, components, packing material, fuel etc	Rs. 127416.00 lakhs (in 5 yrs period)
Other FE outgo.(Foreign Travels + SC)	Rs. 0.00 (in 5 yrs period)
FOB value of Exports	Rs. 136503.00 lakhs (in 5 yrs period)
DTA Sales	Rs. Nil (in 5 yrs period)
NFE	Rs. 9087.00 lakhs (in 5 yrs period)(7.13%)
Proposed Indigenous Raw material, Components, Packing Material etc.	Rs. 0.00 lakhs (in 5 yrs period)
Indigenous Capital Goods	Rs. 16.00 lakhs (in 5 yrs period)
Cost of Project (Rs. In lakhs)	
Plant (Unit Price)	Rs. 22.00
Machinery (Capital Goods)	Rs. 16.00
Working capital	Rs. 07.00
Miscellaneous & Contingency	Rs. 05.00
Total Cost	Rs. 50.00 Lakhs
Sources of funds	
Own Fund	Rs. 50.00
Total: - (Rs. In Lakhs)	Rs. 50.00 Lakhs
Marketing arrangements as given in the proposal.	Major Market in the Far East and Middle East main distribution points being USA, Hong Kong, UAE.

Whether the items of manufacture and export are restricted or not Remarks as per Exim Policy	No
Whether the unit falls under fraudulent list	Affidavit filed by the applicant that no case is booked against the unit/directors for illegal diversion of goods.
Jurisdiction of Customs/Central Excise(Specify Commissionerate and Range)	SO, SSEZ, Sachin.
Employment	20 Persons (12 Men, 8 Women)

Brief Note

The proposal of M/s Europea Makeover Jewel Pvt. Ltd, Surat is for setting up a new unit in the Surat-SEZ, for "Manufacturing of (1) Diamond Studded Gold Jewellery [ITC (HS) Code-71131930] (2) Plain Gold Jewellery [ITC (HS) Code-71131910] (3) Precious & Semi Precious Stone Studded Gold Jewellery [ITC (HS) Code-71131940] (4) Diamond Studded Silver Jewellery, Precious & Semi Precious Stone Studded Silver Jewellery [ITC (HS) Code-71131120]". For the proposed project, FOB value of exports for the 5 years period is projected as Rs. 136503.00 Lakhs, with outgo of foreign exchange as Rs. 127416.00 Lakhs, resulting NFE of Rs. 9087.00 Lakhs (7.13%), from manufacturing activity. The Developer (M/s. DGDC Ltd.) vide letter dated 22.04.2019 has earmarked the Unit No. 401 on Plot No. 247, with area admeasuring 1000 Sq. ft. for the proposed project in the SEZ and also confirm the space. On scrutiny of the application form submitted by the applicants, it appears that the total investment is amounting to Rs. 50.00 Lakhs, which will be arranged from their own funds.

In view of the above, the proposal for setting up of the unit is placed before Approval Committee for consideration, and personal interview of the Partner. The same is recommended for approval in terms of the Rule-18 of the SEZ Rules, 2006.

AGENDA NOTE FOR 81st (EIGHTY FIRST) MEETING OF THE APPROVAL COMMITTEE FOR SURAT SPECIAL ECONOMIC ZONE

81-B- Deferred Cases

- (1) Request made by M/s Fragomatrix Global for change in name of firm from Fragomatrix Global to Sawai Fragrances w.e.f. 01.04.2018 and also change in constitution of partners. Approved

M/s Fragomatrix Global, Plot No. 64 & 65, SSEZ, Surat vide their letter dated 10.09.2018 informed that the name of their partnership firm has been changed from **M/s Fragomatrix Global to M/s Sawai Fragrances w.e.f. 01.04.2018** and constitution of the partners and shareholding pattern of their firm have also been changed w.e.f. 01.04.2017.

In support of above, the unit has submitted the following self certified documents:

1. Certified copy of New Partnership Deed.
2. Copy of Registrar of Firm.
3. Partners profit sharing ratio.
4. Supplementary deed for change of name
5. Copy of revised IEC
6. PAN card of the new firm and partners
7. Aadhar card of all the partners for address proof.

The details of shareholding pattern of the unit are as under:

Sr. No	Name of the Partner (S/Shri/Smt)	profit/loss sharing ratio(%)		Remarks
		Previous (upto 31.03.2017)	New (w.e.f. 01.04.2017)	
1	Fragomatrix Global Pvt. Ltd.	95	25	Continuing partner
2	Shri Anoop Kumar Jain	5	-----	Retired w.e.f. 01.04.2017
3	Pushkar Jain	-----	45	New partner
4	Prabhat Chandra Jain	-----	15	New partner
5	Shikha Prabhat Chandra Jain	-----	15	New partner
	Total	100	100	

During scrutiny of the documents submitted by the unit, it was noticed that one of the partners of the firm is M/s Fragomatrix Global Pvt. Ltd., which is registered with the RoC on the same premises where the current partnership firm i.e. M/s Fragomatrix Global is running.

The above matter had been put up before the 78th Meeting of UAC held on 14.11.2018. In the Meeting, the authorised person of the unit had been called for to appear before the committee but no one appeared before the committee.

After due deliberations, the Approval Committee decided to refer the matter to the Registrar of Companies for clarification and necessary action regarding

legality of whether M/s Fragomatrix Global Pvt. Ltd., which is registered with the RoC and shown to have existed on the same premises where the current SEZ partnership firm is running and deferred the case till clarification is received.

As directed by the UAC, this office vide letter dated 20.11.2018 addressed to the Registrar of Companies, Ahmadabad conveying the above issue for clarification.

The RoC vide their letter F.No. ROC-GJ/Liq./Compl./2019/6737 dated 20.02.2019 have informed that M/s Fragomatrix Global Pvt. Ltd. was incorporated in the name and style of M/s Fragomatrix Global Pvt. Ltd. on 29.05.2009 under the Companies Act, 1956. As per the MCA portal record, the registered office of the captioned company is situated at "Flat No.-479, Tower No. D20, 4th Floor, Raj-Abhishek City Home, Palsana Highway, Sachin, Surat, Gujarat-394230. Further, it is informed that this office functions as registry of records, relating to the companies & Limited Liabilities Partnership registered under the jurisdiction of this office and under the purview of the Companies Act, 2013 and LLP Act, 2008 and Rules made there under.

As directed, a letter dated 06.03.2019 was written to the Authorised Officer, SSEZ, Surat with a request to verify the premises of M/s Fragomatrix Global Pvt. Ltd., at Flat No. 479, Tower No. D 20, 4th Floor, Raj-Abhishek City Home, Palsana Highway, Sachin, Surat with detailed report.

The Specified Officer vide letter F.No. SSEZ/Cus/Bond/Frago/2010-11 dated 12.03.2019 has submitted the report that the Preventive Officer visited the premises for verification of the address of M/s Fragomatrix Global Pvt. Ltd., at Flat No. 479, Tower No. D 20, 4th Floor, Raj-Abhishek City Home, Palsana Highway, Sachin, Surat on 07.03.2019. during the visit, it was noticed that " Raj Abhishek City Home" is a residential society and a family of an employee of M/s Fragomatrix Global is residing in Flat No. 479, Tower No. D 20, 4th Floor, Raj-Abhishek City Home, Palsana Highway, Sachin, Surat-394230.

The Specified Officer further informed that M/s Fragomatrix Global Pvt. Ltd. vide its letter dated 07.03.2019 has stated that during 2011 to 20.01.2019, M/s Fragomatrix Global Pvt. Ltd. was located at premises 64-65, Surat SEZ. And now they have shifted its office to Flat No. 479, D-20, 4th Floor, Raj-Abhishek City Home, Palsana Highway, Sachin, Surat-394230. They have submitted following documents in this regard:

1. A copy of rent agreement dated 21.01.2019 of the said premises,
2. ITR for Assessment Year 2018-19,
3. Form No. MGT-7(Annual Return) for F.Y. 2017-18

M/s Fragomatrix Global Pvt. Ltd. further stated that they do not carry any manufacturing activity at the above premises and it is registered office of the company where only regular books of accounts are maintained.

As per the Companies Act and Rules, the Registered Office of a company cannot be a vacant land or building under construction and there is also no requirement for the registered office to be a commercial or industrial property.

In this regard, attention is invited to the Para5(ii) of the Instruction No. 89 dated 17.05.2018, it has been instructed that re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern.

Later vide Instruction No. 90 dated 03.08.2018, it has been clarified that the phrase prior approval of 'Board of Approval(BoA)/Unit Approval Committee(UAC)' in para 5(i) & (ii) of the Instruction No. 89 dated 17.05.2018 in respect of Developer/SEZ Units means that approval of BoA/UAC, as the case may be, taken before the SEZ entity/unit is recognized by the new name or such arrangement in all records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Law Tribunal as is being done some cases came to the notice of this Department.

In view of the above clarification of the RoC and confirmation of registered Office of the Company. Hence, the matter is placed before the Approval Committee for consideration and suitable decision.

81-C- Other cases

(1) Request made by M/s Dindoyal Commodities Pvt. Ltd for change in directors.

M/s Dindoyal Commodities Pvt. Ltd., Unit No. 122, Plot No. 295, Surat SEZ have been granted Letter of Approval bearing No. SSEZ/II/14/2019-10/1285 dated 08.01.2010 renewed upto 15.07.2020 vide letter dated 29.10.2015 for manufacturing activity, in terms of Rule 19(6) of the SEZ Rules, 2006.

M/s Dindoyal Commodities Pvt. Ltd, Unit No. 122 on Plot No. 295, Surat SEZ vide letter dated 25.03.2019 informed that there is following change in their management, for which they have submitted the (1) copy of Appointment Form DIR-12 filed with Register of Companies, (2) copy of Resignation Form DIR-12 filed with Register of Companies (3) copy of amended IEC.

1. Resignation
Mr. Sandip Khandelwal, Director
2. Appointment
Mr. Rishi Biyani, Director

In this regard, attention is invited to the Para5(ii) of the Instruction No. 89 dated 17.05.2018, it has been instructed that re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern.

As the unit is not opting out from the SEZ scheme and continues to operate in the SEZ. Hence, the matter is put up before the Approval Committee for consideration and suitable decision.

- (2) Request made by M/s Maa Padma Exports for surrender their rental premises i.e. Unit No. 11-12 on Plot No. 296 in Surat SEZ from their existing LoA.**

M/s Maa Padma Exports, at Unit No. 4-N, Plot No. 240, Surat SEZ vide letter dated 11.03.2019 have informed that they want to surrender their rental premises which is located at Plot No. 296, Unit No. 11-12, Surat SEZ as they are not doing any manufacturing activity at this location. They further submitted that they are doing their authorised operation at Plot No. 240, Unit No. 4-N, Surat SEZ.

M/s Maa Padma Exports have been granted Letter of Approval bearing No. SSEZ/II/02/2017-18/342 dated 10.08.2017 for manufacturing activity at Unit No. 4-N, Plot No. 240, Surat SEZ and on the request of the Unit, this office vide letter dated 21.05.2018 conveyed the approval of the UA for inclusion of additional Unit No. 11-12 on Plot No. 296 on rental basis in their existing LOA.

Hence, the matter is put up before the Approval Committee for consideration and suitable decision.

- (3) Request made by M/s New Diamond Era for change in constitution of partnership firm during the period 01.09.2017 to 04.01.2019. And request for acceptance of Bond Cum-Legal undertaking in the name of M/s NDE Eternal Diamonds due to change in name.**

M/s New Diamond Era, Plot No. 24-25, 62-63 & 222, Surat SEZ has been granted Letter of Approval dated 1.07.2011 valid upto 18.12.2022 for manufacturing activity.

The Unit vide letter dated 18.09.2017 also intimated to this office that there is change in constitution of partnership firm w.e.f. 01.04.2017.

As there was more than 50% change in shareholding pattern, the proposal for change of shareholding had been placed before BOA in its 81st meeting held on 05.02.2018. The Ministry vide letter F.No. F.2/7/2017-SEZ dated 15.02.2018 informed that the BOA in its Meeting held on 05.02.2018 has approved the

proposal. The same was intimated the Unit vide this office letter of even No. dated 13.03.2018.

Recently vide letter dated 19.03.2019, the Unit has submitted the Bond-cum-Legal Undertaking in connection of renewal of LOA given on 29.12.2017. The Unit further intimated that there has been change in constitution of the Partnership Firm after approval. One of the Partner M/s Gogreen Diamonds LLP was retired and Mr. Shailesh Bhogibhai Patel has joined as new partner.

They further added that they have failed to intimate timely regarding the change in the constitution and change of Name of Company due to non-availability of Certificate from Registrar of Firms(RoF) as required. Their application regarding addition of Partner in their firm has been rejected by RoF and they have preferred appeal to Hon'ble High Court against the order of RoF and the case is pending in the Hon'ble High Court with reference to Special Civil Application No. 5231 of 2018.

In view of the above and on scrutiny of the concerned file, it has been noticed that during the period September, 2017 to January, 2019, following changes have been effected in the Deed of Partnership of the Firm:

DEED OF PARTNERSHIP DATED 01.09.2017				
Sr. No.	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 31.08.2017	New w.e.f. 01.09.2017	
1	Shri Chiragkumar B. Limbasiya	29.10%	29.90%	Continuing Partner
2	Harsh M Desai	50.00%	30.00%	Continuing Partner
3	Shri Shaileshbhai B. Patel	7.27%	---	Retiring Partner
4	Shri Sunilbhai B. Patel	7.27%	---	Retiring Partner
5	Kuldis H Khichadiya	6.36%	---	Retiring Partner
6	M/s Gogreen Diamonds LLP	---	26.10%	Joining Partner
7	Shri Nirav S. Patel	---	7.00%	Joining Partner
8	Niranjanaben S. Patel	---	7.00%	Joining Partner

Vide Addendum dated 20.12.2017 to the Deed of Partnership dated 01.09.2017, the name of the Company was changed from M/s New Diamond Era at Plot No. 24-25, 62-63 & 222 Surat SEZ, Sachin, Surat to M/s NDE Enternal Diamonds.

DEED OF PARTNERSHIP DATED 12.07.2018				
Sr. No	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 11.07.2018	New w.e.f. 12.07.2018	
1	Shri Chiragkumar B. Limbasiya	29.90%	28.10%	Continuing Partner
2	Harsh M Desai	30.00%	20.00%	Continuing Partner
3	Niranjanaben S. Patel	26.10%	5.40%	Continuing Partner
4	M/s Gogreen Diamonds LLP	7.00%	26.10%	Continuing Partner
5	Shri Nirav S. Patel	7.00%	1.80%	Continuing Partner
6	Shri Ghanashyambhai N Patel	---	15.00%	Joining Partner
7	Shri Shaileshbhai B. Patel	---	3.60%	Joining Partner

DEED OF PARTNERSHIP DATED 04.01.2019				
Sr. No	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 03.01.2019	New w.e.f. 04.01.2019	

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1	Shri Chiragkumar B. Limbasiya	28.10%	38.00%	Continuing Partner
2	Harsh M Desai	20.00%	48.00%	Continuing Partner
3	Niranjanaben S. Patel	5.40%	7.00%	Continuing Partner
4	Shri Nirav S. Patel	26.10%	1.80%	Continuing Partner
5	Shri Shaileshbhai B. Patel	1.80%	5.20%	Continuing Partner
6	Shri Ghanshyambhai N Patel	15.00%	---	Retiring Partner
7	M/s Gogreen Diamonds LLP	3.60%	---	Retiring Partner

In this regard, attention is invited to the Para5 (ii) of the Instruction No. 89 dated 17.05.2018, it has been instructed that re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern.

Later vide Instruction No. 90 dated 03.08.2018, it has been clarified that the phrase prior approval of 'Board of Approval(BoA)/Unit Approval Committee(UAC)' in para 5(i) & (ii) of the Instruction No. 89 dated 17.05.2018 in respect of Developer/SEZ Units means that approval of BoA/UAC, as the case may be, taken before the SEZ entity/unit is recognized by the new name or such arrangement in all records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Law Tribunal as is being done some cases came to the notice of this Department.

As per the clarification Instruction dated 03.08.2018, the Unit of SEZ need not to take prior approval of the Approval Committee for approaching the Registrar of Companies or the National Law Tribunal regarding **change of name, change of shareholding pattern**. However, it is to submit as per the records available with this office, the Unit has not changed the name of the Company or any records as per the SEZ Rules. As the Matter is pending in the Hon'ble High Court of Gujarat, the Unit has requested to accept the Bond-cum Legal undertaking and Partnership Deed till the final judgment in the matter.

Hence, the matter is put up before the Approval Committee for consideration and suitable decision.

(4) Request made by M/s Diamond Nation for change in constitution of Partnership & Name of the Company has also been changed from M/s Diamond Nation to M/s DN Eternal Diamonds vide Deed of Partnership dated 20.11.2017.

M/s Diamond Nation, Surat SEZ has been granted Letter of Approval No. SSEZ/II/014/2014-15/1095 dated 18.11.2014 for manufacturing activity and the same is valid upto 31.08.2020.

M/s Diamond Nation vide letter dated 18.04.2019 has informed that there has been change in constitution of Partnership with effect from the following dated 16.08.2017, 11.12.2017, 12.07.2018 and 04.01.2019. The Unit further submitted that the name of the Company has also been changed from M/s Diamond Nation to M/s DN Eternal Diamonds vide Deed of Partnership dated 20.11.2017.

They further added that they could not intimate regarding the change in the constitution and change of Name of Company due to non-availability of Certificate from Registrar of Firms(RoF) as required. Their application regarding addition of Partner in their firm has been rejected by RoF and they have preferred appeal to Hon'ble High Court against the order of RoF and the case is pending in the Hon'ble High Court with reference to Special Civil Application No. 5230 of 2018.

In view of the above and on scrutiny of the concerned file, it has been noticed that during the period August, 2017 to January, 2019, following changes have been effected in the Deed of Partnership of the Firm:

DEED OF PARTNERSHIP DATED 16.08.2017				
Sr. No.	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 15.08.2017	New w.e.f. 16.08.2017	
1	Shri Mukeshbhai N Deasi	90.00%	30.00%	Continuing Partner
2	Shri Chiragkumar B. Limbasiya	---	29.90%	Joining Partner
3	Shri Nirav S Patel	---	7.00%	Joining Partner
4	Niranjanaben Sunilbhia Patel	---	7.00%	Joining Partner
5	M/s Gogreen Diamonds LLP	---	26.10%	Joining Partner
6	Shri Lalit Labhshankar Pandya	5.00%	---	Retiring Partner
7	Shri Sunishkumar B. Tnakar	5.00%	---	Retiring Partner

DEED OF PARTNERSHIP DATED 11.12.2017				
Sr. No.	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 10.12.2017	New w.e.f. 11.12.2017	
1	Mukeshbhai N. Desai	30.00%	---	Retiring Partner
2	Shri Chiragkumar B. Limbasiya	29.90%	29.90%	Continuing Partner
3	Shri Nirav S Patel	7.00%	7.00%	Continuing Partner
4	Niranjanaben Sunilbhia Patel	7.00%	7.00%	Continuing Partner
5	M/s Gogreen Diamonds LLP	26.10%	26.10%	Continuing Partner
6	Shri Harsh M. Desai	---	30.00%	Joining Partner

Vide the said Deed of Partnership dated 11.12.2017, the name of the Company was changed from M/s Diamond Nation to M/s DN Enternal Diamonds.

DEED OF PARTNERSHIP DATED 12.07.2018				
Sr. No.	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 11.07.2018	New w.e.f. 12.07.2018	
1	Shri Harsh M. Desai	30.00%	20.00%	Continuing Partner
2	Shri Chiragkumar B. Limbasiya	29.90%	28.10%	Continuing Partner
3	Niranjanaben Sunilbhia Patel	7.00%	5.40%	Continuing Partner
4	M/s Gogreen Diamonds LLP	26.10%	26.10%	Continuing Partner
5	Shri Nirav S Patel	7.00%	1.80%	Continuing Partner
6	Shaileshbha B. Patel	---	3.60%	Joining Partner
7	Ghanashyambhai N. Patel	---	15.00%	Joining Partner

DEED OF PARTNERSHIP DATED 04.01.2019				
Sr. No.	Name of the Partner	Profit/loss sharing ratio		Remarks
		Previous upto 03.01.2019	New w.e.f. 04.01.2019	
1	Shri Chiragkumar B. Limbasiya	28.10%	46.00%	Continuing Partner

2	Shri Nirav S Patel	1.80%	1.80%	Continuing Partner
3	M/s Gogreen Diamonds LLP	26.10%	52.20%	Continuing Partner
4	Niranjanaben Sunilbha Patel	5.40%	---	Retiring Partner
5	Shaileshbha B. Patel	3.60%	---	Retiring Partner
6	Shri Harsh M. Desai	20.00%	---	Retiring Partner
7	Shri Ghanashyambhai N. Patel	Joined as Partner on 12.07.2018 and retired on same day.		Retiring Partner

In this regard, attention is invited to the Para5(ii) of the Instruction No. 89 dated 17.05.2018, it has been instructed that re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern.

Later vide Instruction No. 90 dated 03.08.2018, it has been clarified that the phrase prior approval of 'Board of Approval(BoA)/Unit Approval Committee(UAC)' in para 5(i) & (ii) of the Instruction No. 89 dated 17.05.2018 in respect of Developer/SEZ Units means that approval of BoA/UAC, as the case may be, taken before the SEZ entity/unit is recognized by the new name or such arrangement in all records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Law Tribunal as is being done some cases came to the notice of this Department.

As per the clarification Instruction dated 03.08.2018, the Unit of SEZ need not to take prior approval of the Approval Committee for approaching the Registrar of Companies or the National Law Tribunal regarding **change of name, change of shareholding pattern**. However, it is to submit as per the records available with this office, the Unit has not changed the name of the Company or any records as per the SEZ Rules. As the Matter is pending in the Hon'ble High Court of Gujarat, the Unit has requested to take the cognizance and accept the Partnership Deed till the final judgment in the matter.

Hence, the matter is put up before the Approval Committee for consideration and suitable decision.

- (5) **Request made by M/s MIV Therapeutics (India) Pvt. vide their letter dated 11.04.2019 has requested to allow them to merge (transfer) company's assets and liabilities of SEZ unit to M/s Purple Medical Solutions Pvt. Ltd by way of transfer of ownership under Rule 74-A of SEZ Rules, 2006.**

The unit had been given LOA No. SSEZ/B-2/152/2003-04/1277 dated 16.12.2003 to set up the unit for **manufacturing of Endo/Cardio-Vascular Equipments for annual capacity of 81600 Nos and broad banding of Mounted Stent, Bare Metal Stent for annual capacity of 6950 Pieces, 6950 Pieces**. The unit had commenced their authorized operation of manufacturing activity w.e.f. 03.06.2004 and unit's LOA will be expired on 02.06.2019.

M/s MIV Therapeutics (India) Pvt. Ltd. vide their letter dated 11.04.2019 has requested to allow them to merge (transfer) company's assets and liabilities of SEZ unit to M/s Purple Medical Solutions Pvt. Ltd. by way of transfer of ownership under Rule 74-A of SEZ Rules, 2006 for which M/s MIV Therapeutics (India) Pvt. Ltd. has submitted the following documents.

1. Certificate of incorporation and memorandum of articles(Both).
2. List of Directors along with Share holding pattern(Both).
3. Copy of Sublease (MIV Therapeutics(India) Pvt. Ltd.).
4. Copy of PAN Cards, GSTN, IEC(Both).
5. Copy of Existing Valid LOA(MIV Therapeutics(India) Pvt. Ltd.).
6. KYC of Director's(Both).
7. Stock of Imported and Indigenous Raw Material (MIV Therapeutics(India) Pvt. Ltd.).
8. Stock of Finished and unfinished goods (MIV Therapeutics(India) Pvt. Ltd.).
9. List of Fixed Assets along with Capital Goods(MIV Therapeutics(India) Pvt. Ltd.).
10. Board resolution for scheme of Amalgamation (Both).
11. APR's for the F.Y. 2014-15 to 2017-18 and Provisional APR for F.Y. 2018-19(MIV Therapeutics (India) Pvt. Ltd.).
12. Form - F 1.

As per the provisions of Rule 74-A, the unit may opt out of SEZ by transferring its assets and liabilities to another person by way of transfer of ownership including sale of SEZ units subject to the following conditions:-

- (i) The unit has held a valid LOA as well as lease of land for not less than a period of five years on the date of transfer.
- (ii) The unit has been operational for a minimum period of two years after commencement of production as on the date of transfer.
- (iii) Such sale or transfer transactions shall be subject to the approval of the Approval Committee.
- (iv) The transferee fulfils all eligibility criteria applicable to a Unit; and
- (v) The applicable duties and liabilities, if any, as calculated under Rule 74, as well as export obligations of the transferor unit, if any, shall stand transferred to the transferee unit which shall be under obligation to discharge the same on the terms and conditions as the transferor unit.

The present unit of SEZ i.e. M/s. MIV Therapeutics (India) Pvt. Ltd. has fulfilled the said conditions as follows:-

- (i) M/s. MIV Therapeutics (India) Pvt. Ltd. is having valid LOA upto 02.06.2019, also, the unit having valid sub lease of land at Plot No.136/B registered between M/s. DGDC Ltd and M/s. Biosync Scientific Pvt. Ltd. (now known as M/s. MIV Therapeutics (India) Pvt. Ltd.) w.e.f 20.09.2006 till 15 years i.e. 19.09.2021.

- (ii) The unit has commenced their production w.e.f. 03.06.2004 and has completed 15 years with the authorised operation in Surat SEZ.
- (iv) The transferee i.e. M/s. Purple Medical Solutions Pvt. Ltd. has given undertaking (duly notarized) that "they are interested to take over all the assets and liabilities including purchase of SEZ Plot No.136-B from M/s. MIV Therapeutics (India) Pvt. Ltd. under Rule 74-A of SEZ Rules, 2006. They also undertake liabilities such as Customs or Central Excise Duty / Taxes / Penalties / any type of Govt. dues etc. accrued against M/s. MIV Therapeutics (India) Pvt. Ltd. (SEZ Unit) and are liable to pay any such dues related to the Office of the Development Commissioner or Office of the Deputy Commissioner of Customs, Surat SEZ. They further undertake if any document / correspondence pending such as proof of export, RWC etc will be submitted in stipulated time duration as per SEZ law and also maintain positive NFEE during the period of valid LOA.
- (v) The transferee unit i.e. M/s. Purple Medical Solutions Pvt. Ltd. has given the undertaking as mentioned at (iv) above. Further, in continuation of letter dated 11.04.2019, M/s. MIV Therapeutics (India) Pvt. Ltd. has provided the list of Imported & Indigenous Raw Material, Finished Goods and Assets (including Capital Goods) in stock as on 31.01.2019 informing that the unit is in running condition and they doing routine clearance such as Import, Export & Local Sales and purchase, so the stock will vary till the time of approval and will provide the final stock statement once they got approval for transfer of their SEZ unit.

In view of the condition no. (iii) of Rule 74-A of SEZ Rules, 2006 that "such sale or transfer transactions shall be subject to the approval of the Approval Committee". Hence, the matter is put up before the Approval Committee for consideration and suitable decision.

(6) Request made by M/s S. S. Impex, Unit No. 359 on Plot No. 239, Surat SEZ vide their letter dated 22.04.2019 intimated that the name of the company has been changed from M/s. S. S. Impex to M/s. Shubharatna Gems & Jewels Pvt. Ltd. as well as converted from Proprietorship to Private Limited Company.

M/s. S. S. Impex, Unit No. 359 on Plot No. 239, Surat SEZ has been granted Letter of Approval bearing No. SSEZ/II/007/2016-17/627 dated 24.10.2016 for manufacturing activity in the Surat SEZ. The LOA is valid upto 09.08.2022.

The Unit vide letter dated 22.04.2019 intimated that the name of the company has been changed from M/s. S. S. Impex to M/s. Shubharatna Gems & Jewels Pvt. Ltd. as well as converted from Proprietorship to Private Limited Company. The Unit has submitted the following documents in support of the above effect:-

- 1) Business Transfer Agreement Deed [SS Impex (Seller) and Shubhratna Gems & Jwells Pvt. Ltd. (Buyer)]
- 2) Form 'F'
- 3) Certificate of Incorporation (Shubhratna Gems & Jewels Pvt. Ltd.),
- 4) MOA & AOA,
- 5) Directors Details,

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- 6) Share Holding Pattern,
- 7) Directors KYC,
- 8) Revised IEC,
- 9) PAN Card & Others Proof,
- 10) Copy of ROC,
- 11) Copy of Memorandum of Association,
- 12) Articles of Association,
- 13) Copy of Form No. INC-22,
- 14) Copy of Business Transfer Agreement.

The details of shareholding pattern in new Firm i.e. M/s Shubharatna Gems & Jewels Pvt. Ltd. are as under:

Sr. No.	Name of the Share holder	No. of Shares held	Total Amount(Rs.)	% of Share holding	Date becoming Member	of
1.	Shri Puneet Kapila	5000	50,000	50	17/08/2017	
2.	Shri Siddhant Bhaskar Bhosle	2500	25,000	25	27/04/2018	
3.	Shri Sanjay Himmat Joshi	2500	25,000	25	24/05/2018	
Total		10,000	100,000	100		

As per the Para5(ii) of the Instruction No. 89 dated 17.05.2018, re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of Units located in SEZs may be undertaken with the prior approval of Approval Committee in respect of Units subject to the condition that the Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern.

Later vide Instruction No. 90 dated 03.08.2018, it has been clarified that the phrase prior approval of 'Board of Approval(BoA)/Unit Approval Committee(UAC)' in para 5(i) & (ii) of the Instruction No. 89 dated 17.05.2018 in respect of Developer/SEZ Units means that approval of BoA/UAC, as the case may be, taken before the SEZ entity/unit is recognized by the new name or such arrangement in all records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Law Tribunal as is being done some cases came to the notice of this Department.

As per the provisions of Rule 74-A, the unit may opt out of SEZ by transferring its assets and liabilities to another person by way of transfer of ownership including sale of SEZ units subject to the following conditions:-

- (i) The unit has held a valid LOA as well as lease of land for not less than a period of five years on the date of transfer.
- (ii) The unit has been operational for a minimum period of two years after commencement of production as on the date of transfer.
- (iii) Such sale or transfer transactions shall be subject to the approval of the Approval Committee.
- (iv) The transferee fulfils all eligibility criteria applicable to a Unit; and
- (v) The applicable duties and liabilities, if any, as calculated under Rule 74, as well as export obligations of the transferor unit, if any, shall stand

transferred to the transferee unit which shall be under obligation to discharge the same on the terms and conditions as the transferor unit.

The present unit of SEZ i.e. M/s. S. S. Impex has fulfilled the said conditions as follows:-

- (i) M/s. S. S. Impex is having valid LOA upto 09.08.2023, also, the unit has submitted the sub lease of land at Unit No. 359 on Plot No. 239 registered between M/s. DGDC Ltd and M/s. S. S. Impex.
- (ii) The unit has commenced their production w.e.f. 10.08.2017 and is completing two years with the authorised operation in Surat SEZ.
- (iii) The transferee i.e. S. S. Impex has given undertaking (duly notarized) that "they are interested to take over all the assets and liabilities including purchase of SEZ Unit No. 359 on Plot No. 239 from M/s. S. S. Impex under Rule 74-A of SEZ Rules, 2006. They also undertake liabilities such as Customs or Central Excise Duty / Taxes / Penalties / any type of Govt. dues etc. accrued against M/s. S. S. Impex (SEZ Unit) and are liable to pay any such dues related to the Office of the Development Commissioner or Office of the Deputy Commissioner of Customs, Surat SEZ. They further undertake if any document / correspondence pending such as proof of export, RWC etc will be submitted in stipulated time duration as per SEZ law and also maintain positive NFEE during the period of valid LOA.
- (iv) The transferee unit i.e. M/s. Shubharatna Gems & Jewels Pvt. Ltd. has given the undertaking as mentioned at (iv) above. Further, in continuation of letter dated 22.04.2019, M/s. S. S. Impex has provided the list of Imported & Indigenous Raw Material, Finished Goods and Assets (including Capital Goods) in stock as on 22.04.2019 informing that the unit is in running condition and they doing routine clearance such as Import, Export & Local Sales and purchase, so the stock will vary till the time of approval and will provide the final stock statement once they got approval for transfer of their SEZ unit.

In view of the condition no.(iii) of Rule 74-A of SEZ Rules, 2006 that "such sale or transfer transactions shall be subject to the approval of the Approval Committee", therefore, orders are solicited to place the request of M/s. S. S. Impex, Surat SEZ before the Approval Committee for consideration and suitable decision.

O/O DC, SSEZ,
SACHIN, SURAT.

SUPPLEMENTARY AGENDA FOR 81st (EIGHTY FIRST) MEETING OF THE
APPROVAL COMMITTEE FOR SURAT – SEZ TO BE HELD ON 30.04.2019, AT
12:00 HOURS, IN THE CONFERENCE ROOM OF SURAT SPECIAL ECONOMIC
ZONE, SACHIN, SURAT.

81-C – Other Cases:-

- (7) **Request for exit from SEZ Scheme made by M/s. Jindal Dyechem Industries Pvt. Ltd., Unit No. 06 on Plot No. 296, Surat SEZ**

The Unit vide letter dated 24.04.2019 in the form of 'Review Application against UAC Order dated 12.03.2019 received from M/s Jindal Dyechem Industries Pvt. Ltd.

In the said letter, M/s Jindal Dyechem Industries Pvt. Ltd. have quoted the decision of the UAC taken in its 80th Meeting held on 12.03.2019 wherein the UAC has directed **to regularize the minimum specified Net Foreign Exchange in terms of Rule 80 of the SEZ Rules, 2006 which says that if an Special Economic Zone Unit, in case of bona fide default, fails to achieve the minimum specified Net Foreign Exchange or specified value addition, then such shortfall may be regularized after the Unit deposits an amount equal to one per cent of shortfall in Free on Board of Approval Value.**

The Unit under exit has submitted to review its above decision due to new/fresh facts depicted as under:

The stated Order is wrongly based on Rule 80 of the SEZ Rules 2006, which was not being prevailing during the period of Import/Export took place i.e. FY 2012-13 & 2013-14. It is recorded fact that the said Rule 80 of the SEZ Rules, 2006 was inserted when the Central Government made the "Special Economic Zone(Amendment) Rule, 2018 vide Notification No. GSR 909(E) dated 19.09.2018 which came into effect from 19.09.2018. Hence, their case should not be dealt under the guidelines which were not into force at the time of their business transaction. Further, this is not out of place to mention here that they had formally applied for exit from SEZ' vide their letter dated 17.01.2017 when the this rule was not in existence eve. They may also addt hat directions contained in the said Rule 80 cannot be implemented from Retrospective effect.

In Para 2 of their letter, they have stated their case is fully and squarely covered by the then prevailing guidelines of Instruction No. 41 dated November 2009. Their case

needs to be looked into the light of this notification only and the said notification can not be ignored. The directive contents of the said Notification are produced as under

The matter has been examined in this department and it is clarified that NFE is to be calculated in rupee terms only. In case a unit is NFE negative and claims that it is due to foreign exchange fluctuation, the Approval Committee may consider such cases provided that the unit gets the computations certified by the Authorised Bank, on a case to case, basis.

They have further added that every condition of the said Instruction is met as shown below:

Sr. No.	Term of Notification(Instruction) No. 41	Status	Remarks
1	In case a unit is NFE negative and claims that it is due to foreign exchange fluctuation	In terms of Foreign Currency(USD) their unit is not NFE negative, however, due to Foreign Exchange Fluctuation, the said being reflected as NFE negative in terms of INR.	Condition complied with.
2	The Approval Committee may consider such cases	The Approval Committee is competent authority to consider their case. The review Application is being put up before the Approval Committee(UAC)	Condition complied with.
3	Provided that the unit gets the computations certified by the authorised bank, on the case to case basis.	The Computations duly certified by concerned bank(s) are enclosed.	Condition complied with.

In light of the above stated facts, they have submitted as under:

- (i) In terms of Foreign Currency(USD) their unit is not NFE negative, however, due to Foreign Exchange Fluctuation, same being reflected as NFE negative in terms of Rupee was well understood/ anticipated by the Instruction No. 41.
- (ii) To substantiate their claim the data for the relevant period has been depicted below:

Year	CIF in USD	FOB in USD	NFE in USD	CIF INR	FOB in INR	NFE in INR
2012-13	357396901	357208764	-188137	19693109167	19352880104	-340229063
2013-14	274228101	274639458	411357	16220388798	15966415060	-253973738
TOTAL	631625002	631848222	223220	35913497965	35319295164	-594202801

Hence, the above mentioned facts & figures evidently establish that their case is NFE positive in terms of dollar without any scratch of doubt and it is fully and squarely covered by the Instruction No. 41.

Further, a letter dated 26.04.2019 via mail has been received dated 29.04.2019 from the Unit.

In the said letter dated 26.04.2019, the Unit holder have turned its stand down that their NFE in INR as well as USD is Negative. The Unit has claimed that their NFE in USD as well INR is positive. The details of the same has been furnished as under:

They stated that their unit is not NFE negative either in terms of USD or in terms of INR. To substantiate their claim, the data for relevant period has been depicted below (Copies of Bank Certificates confirming Remittance realized through respective Banks has been submitted.):

TOTAL IMPORT		TOTAL IMPORT		TOTAL DIFFERENCE	
IN USD	IN INR	IN USD	IN INR	IN USD	IN INR
39073687.0 0	23196186.56	235339344. 00	13526180831. 37	196265657.0 0	13502984644.8 1
65740508.0 0	4111151280.37	21279940.0 0	1331115363.5 9	- 44460568.00	- 2780032916.78
7265000.00	409749814.13	229826771. 00	12760674568. 21	222561771.0 0	12350924754.0 8
36850723.0 0	2191498706.86	59942066.0 0	3378005492	23091343.00	1186506785.14
146260629. 00	8604909502.61	51298333.0 0	2880582100.0 0	- 94962296.00	- 5724327402.61
336432947. 00	19733559788.3 7	34266169.0 0	1965793376.2 5	302166778.0 0	17767766412.1 2
63162349 4.00	35074065278. 90	63195262 3.00	3584235473 1.42	329129.00	768289452.52

Hence, in light of the above, the Unit has claimed that their case is NFE Positive in terms of USD as well as INR and does not attract any penalty at all without any scratch of doubt. The Order dated 12.03.2019 in question is untenable and stand vitiated. However, genuineness of the said Computation Certificate issued by the Banks is still awaited from the respective banks.

In view of the above, the Unit has requested that revisit/review & withdraw the Order dated 12.03.2019 of the UAC and they may be allowed exit from the SEZ Scheme.

Hence, orders are solicited as to whether the above request of the Unit is placed before the UAC for consideration and suitable decision.