



Government of India
Ministry of Commerce & Industry
Department of Commerce
Office of the Development Commissioner
Indore Special Economic Zone
207, 2nd Floor, Atulya IT Park, Near Crystal IT Park
Khandwa Road, Indore - 452001, Ph. 0731-2971128, 2971129
E-mail: dcisezind-mp@gov.in, Website: www.indoresez.gov.in

F. No. D-3/ISEZ/2006-07/ **782**

Dated: 26.09.2022

OFFICE – MEMORANDUM

Sub: Sixth Meeting (2022-23 series) of the Approval Committee for Indore SEZ to be held on 28.09.2022 at 4:00 p.m. – Reg.

The undersigned is directed to inform you that the Sixth Meeting (2022-23 series) of the Approval Committee constituted by the Govt. of India vide Notification dated 07.02.2007 has been scheduled to be held in this office at 4:00 p.m. on 28.09.2022 under the chairmanship of the Development Commissioner, Indore SEZ through Video Conference (webex). Agenda Item(s) for the same are enclosed as Annexure A.

2. You are requested to kindly make it convenient to attend the meeting through Video Conference. A weblink for the meeting shall be shared by this office shortly.

(Ravi Chhangani)

Asstt. Development Commissioner
For Development Commissioner

To

1. The Commissioner, Indore Division, Moti Bungalow, Indore (**Member representing Govt. of Madhya Pradesh**) or his nominee of suitable seniority.
2. The Managing Director, MPIDC, Cedmap Bhawan, 16-A, Jail Road, Arera Hills Bhopal (**Member representing Govt. of Madhya Pradesh**) or his nominee of suitable seniority.
3. The Commissioner, Customs, Office of the Commissioner of Customs, B-Zone, Business Space, 3rd Floor, 12/27 & 12/28 Village Pipliakumar, Nipania, Indore-452010 (M.P.) (**Member representing Deptt. of Revenue, Govt. of India**) or his nominee of suitable seniority.
4. The Commissioner of Income Tax (CIT-I), Office of the Chief Commissioner of Income Tax, Aayakar Bhawan Annexe, Opp. White Church, Indore-1 (**Member representing Deptt. of Revenue, Govt. of India**) or his nominee of suitable seniority.

5. The Addl. Director General of Foreign Trade, Nirman Sadan, Arera Hills, Hoshangabad Road, Bhopal (**Member**) or his nominee.
6. The Executive Director, MPIDC Regional Office, 1st Floor, Atulya IT Park, Near Crystal IT Park, Khandwa Road, Indore or his representative (**Special Invitee**).
7. The Dy. Secretary to the Govt. of India, Ministry of Commerce & Industry, Deptt. of Commerce, SEZ, Udyog Bhawan, New Delhi (**Member**) or his nominee.
8. The Dy. Secretary (IF-I), Ministry of Finance, Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi (**Member**) or his nominee.
9. The Specified Officer, Indore SEZ (**Special Invitee**).

INDORE SPECIAL ECONOMIC ZONE**AGENDA FOR THE SIXTH MEETING OF UNIT APPROVAL COMMITTEE
(2022-23 series) TO BE HELD AT 4:00 p.m. ON 28.09.2022**

Venue: Office of the Development Commissioner, Indore SEZ
207, 2nd Floor, Atulya IT Park, Near Crystal IT Park, Khandwa
Road, Indore

Time: 4:00 p.m.

ITEM NO - 1

Ratification of the Minutes of the Fifth Meeting (2022-23 series) held on 30.08.2022 as at Appendix 'X'.

ITEM NO - 2**PROPOSALS FOR NEW UNITS**

M/s Nanofil Technologies Pvt. Ltd.

<u>I. COMPANY/UNIT PROFILE</u>										
(a) Name and address, telephone/fax/email id	<p>M/s Nanofil Technologies Pvt. Ltd. Address: DTJ 326, 3rd Floor, Tower B, DDA District Center, Jasola, New Delhi – 110 025 Telephone No.: 011-40375900 E-mail id: ritendra@nanofil.in</p>									
(b) Status of the company i.e. Proprietorship / Partnership / Private Limited / Limited and statute under which registered with registration no. & year of registration	<p>Proprietorship / Partnership / Private Limited / Limited / Limited Liability Partnership</p> <table border="1"> <thead> <tr> <th>Registration</th> <th>Number</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>Private Limited</td> <td>U25194WB2009PTC140211</td> <td>2009</td> </tr> </tbody> </table>	Registration	Number	Year	Private Limited	U25194WB2009PTC140211	2009			
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Private Limited	U25194WB2009PTC140211	2009								
(c) Financial capability of the company	<table border="1"> <thead> <tr> <th colspan="3">Accounts of the company</th> </tr> <tr> <th>2018-19</th> <th>2019-20</th> <th>2020-21</th> </tr> </thead> <tbody> <tr> <td>40.81 crores</td> <td>40.39 crores</td> <td>41.18 crores</td> </tr> </tbody> </table>	Accounts of the company			2018-19	2019-20	2020-21	40.81 crores	40.39 crores	41.18 crores
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40.81 crores	40.39 crores	41.18 crores								
(d) IEC No / date/ issued by	<p>Number: 0210023597 Date: 14.12.2010 Issued by: DGFT, New Delhi Status - Manufacturing unit</p>									

(e) Whether manufacturer / trader/ company warehouse/Service provider	Manufacturer
II. <u>PROJECT PROFILE</u>	
(i) Product to be manufactured/trading/services to be rendered	Manufacturing of (i) PP Woven Fabric (ITC(HS) – 63053200) – 500.00 M.Tons; (ii) Flexible Intermediate Bulk Container (FIBCs) (ITC(HS) – 63053300) – 5000.00 M.Tons; and (iii) PP Woven Sacks (ITC(HS) – 54072090) – 500.00 M.Tons
(ii) Brief detail of the project	<p>M/s Nanofil Technologies Pvt. Ltd. was incorporated vide Certificate of Incorporation dated 15.12.2009. The Company is having its Registered office and Corporate office at New Delhi. As per the project report, the Company is involved in the business of Compounding of Engineering thermoplastics mainly for automotive, electrical and appliances sectors. The Company has started R&D centre for providing technical support for developing advanced polymer formulations. The Company has fully automated plant to ensure consistent material quality and safe working environment and has penetrated the Indian markets fully supplying the materials to OEMs and Tier-1 customers. The Company started export business of a FIBC bags in the year 2018. Their FIBCs find applications in packing of various materials such as cement, grains, sugar and various types of food materials including meat products, floor, fish and animal foods etc. with the carrying capacity of 0.5 - 2MT.</p> <p>As part of the background indicated in the project report, it has been informed that the Company was 100% subsidiary of Flexituff Ventures International Limited. Subsequently the shares of Nanofil was sold to third parties namely Arun Mukhiya and Virendra Pratap Singh. Thereafter, Usha Gupta acquired 100 percent i.e. 10,000 shares of Nanofil. Usha Gupta then settled 9990 shares of Nanofil in a trust by the name of Usha Gupta Trust and since then the shareholding of Nanofil is as under:</p> <ul style="list-style-type: none"> (i) Usha Gupta Trust - 9990 shares - 99.90 % holding (ii) Usha Gupta - 10 share – 0.10 % holding. <p>As per the project proposal, the present Directors of the Company are:</p> <ul style="list-style-type: none"> (i) Mr. Pawan Kumar Jain (ii) Mr. Ritendra Nath Mallick <p>As per the application form, the applicant has proposed an investment of Rs. 1.00 crores in Plant & Machinery (Indigenous – Rs. 80.00 lacs and Imported – Rs. 20.00 lacs) which is proposed to</p>

be financed through promoters fund amounting to Rs. 75.00 lacs and Bank funding of Rs. 25.00 lacs. The unit in its project report has proposed the above as an immediate investment and has stated that a further proposed future investment in machinery would be Rs. 1.50 crores.

The Company has not provided the Total Project Cost proposed to be incurred in the project under other various heads viz. Land, Building, Others along with recurring expenditure etc. and the means of finance regarding the same.

The Company proposes to procure raw materials viz. LDPE granules, PP granules, LLDPE and HD granules from Reliance, IOCL, GAIL, Haldia, Sigma Chemtrade, SafeFlex International and Zetwek and the semi-finished goods viz. Tape, PP thread, Fabric, Belt Liner etc. will be procured through jobwork.

(iii) Whether confirmation regarding land allotted or proposed to be allotted or an assurance for allotment of land obtained

Yes	No
√	-

The Developer has proposed that MPIDC can provide space to the Company in SEZ Phase II.

PROJECTIONS - YEAR-WISE

1. Investment

S. No.	Plant & Machinery	Rs. In Lacs
(a)	Indigenous	80.00
	Imported (CIF Value)	20.00
	Total (i) + (ii)	100.00
(b)	Details of Source(s) of finance	Promoter – 75.00 lacs Bank Funding – 25.00 lacs

2. Import & indigenous requirement of materials and other inputs

		Import	Indigenous
(a)	Capital Goods	20.00	80.00 lacs
(b)	Raw Material, components, consumables, packing material, fuel etc.	4500.00	1200.00 lacs
(c)	Input Services	100.00	200.00
	Total	4620.00	1480.00 lacs

3. Requirement of Land/ built-up area (Area in Sq. Mtrs.)	<table border="1"> <tr> <td>i.</td> <td>Factory & Offices</td> <td>1675.00 sq.mtr.</td> </tr> <tr> <td>ii.</td> <td>Warehousing/ Storage</td> <td>0.00</td> </tr> <tr> <td>iii.</td> <td>Others, Specify</td> <td>0.00</td> </tr> <tr> <td colspan="2">Total</td> <td>1675.00 sq.mtr.</td> </tr> </table>	i.	Factory & Offices	1675.00 sq.mtr.	ii.	Warehousing/ Storage	0.00	iii.	Others, Specify	0.00	Total		1675.00 sq.mtr.																							
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5. Foreign Exchange Balance Sheet	<p style="text-align: right;">(Rs. in lacs)</p> <table border="1"> <thead> <tr> <th></th> <th>1st Year</th> <th>2nd Year</th> <th>3rd Year</th> <th>4th Year</th> <th>5th Year</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>FOB Value</td> <td>5000.</td> <td>6500.0</td> <td>9500.0</td> <td>10500.</td> <td>13500.</td> <td>4500</td> </tr> <tr> <td>Exports</td> <td>00</td> <td>0</td> <td>0</td> <td>00</td> <td>00</td> <td>0.00</td> </tr> <tr> <td>Foreign Exchange Outgo for the first five years</td> <td>4000.00</td> <td>5000.00</td> <td>6000.00</td> <td>7000.00</td> <td>8000.00</td> <td>30000.00</td> </tr> <tr> <td>Net Foreign Exchange Earning</td> <td>1000.00</td> <td>1500.00</td> <td>3500.00</td> <td>3500.00</td> <td>5500.00</td> <td>15000.00</td> </tr> </tbody> </table>		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total	FOB Value	5000.	6500.0	9500.0	10500.	13500.	4500	Exports	00	0	0	00	00	0.00	Foreign Exchange Outgo for the first five years	4000.00	5000.00	6000.00	7000.00	8000.00	30000.00	Net Foreign Exchange Earning	1000.00	1500.00	3500.00	3500.00	5500.00	15000.00
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6. Effluent Treatment	<table border="1"> <tr> <td>Quantum & Nature of effluent</td> <td>Nil</td> </tr> <tr> <td>Mode of disposal</td> <td>-</td> </tr> <tr> <td>Specify whether own Effluent Treatment Plant will be created</td> <td>No</td> </tr> </table>	Quantum & Nature of effluent	Nil	Mode of disposal	-	Specify whether own Effluent Treatment Plant will be created	No																													
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7. Whether Foreign Technology Agreement is Envisaged	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td>-</td> <td>√</td> </tr> </table>	Yes	No	-	√																															
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-	√																																			
III. DOCUMENTATION	<ul style="list-style-type: none"> (i) Copy of the draft of Rs. 5000/- towards fees (ii) Application in Form F (iii) Copy of Project Report (iv) Copy of Audited Balance sheets of the company for 2018-19 to 2020-21 and ITRs of 2019-20 to 2021-22. (v) Address Proof of Directors along with ITRs (vi) Memorandum and Articles of Association (vii) Copy of Certificate of Incorporation (viii) Copy of PAN Card (ix) Copy of IEC (x) Copy of Trust deed 																																			
Request of the company	Approval for setting up of a manufacturing unit in Indore SEZ.																																			

Rule provision w.r.t SEZ Act, 2005 & SEZ Rules, 2006	Rule No. 18 read with Rule 17 of SEZ Rules 2006 applies to the issue.
Decision required from UAC	Permission for setting up of a manufacturing unit for manufacturing of PP Woven Fabric (ITC(HS) – 63053200) – 500.00 M.Tons; (ii) Flexible Intermediate Bulk Container (FIBCs) (ITC(HS) – 63053300) – 5000.00 M.Tons; and (iii) PP Woven Sacks (ITC(HS) – 54072090) – 500.00 M.Tons
DECISION OF THE UAC	

ITEM NO - 3

PROPOSAL RELATED TO EXISTING UNIT(S)

PROPOSAL NO. 3 (i): M/s Geotech Worldwide (a division of New Corp International Ltd.) and M/s Commercial Syn Bags Ltd.

<u>I. COMPANY/UNIT PROFILE</u>	
(a) Name and address, telephone/fax/email id	M/s Techtex (a unit of Commercial Syn Bags Limited) Address: 'Commercial House', 3-4 Jaora Compound, M.Y.H Road, Indore – 452 001
(b) Issue	<p>Acquisition of leasehold land, building and allied structures, plant and machinery of Geotech Worldwide, a division of New Corp International Ltd.- Application for transfer of LoA in the name of M/s Techtex (a unit of Commercial Syn Bags Limited) :-</p> <p>M/s Geotech Worldwide (a division of New Corp International Ltd.) was granted LoA No. C-57/ISEZ/Proj./2010-11/1861 dated 15.02.2011 for manufacturing Low Shrinkage Carpet Fabric, Geotextile, Ground cover, PP Woven Fabric (Ventilated) and PP Tape. The unit executed lease deed of plot Nos. A-12 & A-13 in SEZ Phase II, Pithampur with the Developer, MPIDC Ltd., Regional Office, Indore (erstwhile MPAKVN (Indore) Ltd.) on 27.04.2011. As per records, the unit commenced production on the allotted plots on 02.04.2013. Upon the request of the unit the subject LoA was renewed for a further period of five years and is presently valid up to 31.03.2023.</p> <p>M/s Commercial Syn Bags Ltd. is holding LoA No. C-114/ISEZ/Proj./2016-17/1543 dated 02.12.2016 for manufacturing and export of Jumbo Bags (FIBCs), PP/HDPE Woven Sacks/Bags, PP/HDPE Woven Fabric & HDPE/PP Tarpauline and is operational on plot Nos. 16 to 18 in SEZ Phase I.</p>

M/s Commercial Syn Bags Ltd. submitted the captioned request intimating this office that they have acquired the subject assets i.e. leasehold land, building and allied structures, plant and machinery of M/s Geotech Worldwide, a division of New Corp International Ltd. lying at plot Nos. A-12 & A-13 admeasuring 16,423 sq. mtrs. in SEZ Phase II, Pithampur, Distt. Dhar, M.P. under an e-auction from the Official Liquidator with the bid amount of Rs. 30,51,46,643/- on 30.06.2022.

The Company informed that they have accepted the Letter of Intent dated 02.07.2022 for sale of assets issued by the Official Liquidator and has made the full payment of the sale consideration pursuant to which the Certificate of Sale and possession letter has been issued to them by the Official Liquidator.

The Company further informed that as per the certificate of sale dated 22.07.2022 and Hon'ble NCLT, Mumbai Bench Order dated 05.08.2021, M/s Geotech Worldwide, a division of New Corp International Ltd. has been sold as a going concern by the Official liquidator appointed by the Hon'ble NCLT, Mumbai Bench through the Order dated 05.08.2021 to them. Further, as per the Certificate of Sale dated 22.07.2022, the above assets have been sold to the purchaser against receipt of Rs. 30,51,46,643/- and that the Official Liquidator has handed over the possession of the said property to them. The Letter of Possession is on "as is where is basis" and the Certificate of Sale is being made without any encumbrances and liabilities on their part.

The proposal was placed before the Committee for consideration in terms of provisions of Rule 19(2) read with Rule 74A of SEZ Rules, 2006 and Instruction No. 109 dated 18.10.2021 of MOC&I in its third meeting held on 30.08.2022. The minutes of the meeting are reiterated below:

"Deferred. The Committee deliberated in detail on the contents of the Agenda. The Committee was informed that M/s Geotech Worldwide (a division of New Corp International Ltd.) was granted Letter of Approval (LoA) No. C-57/ISEZ/Proj./2010-11/1861 dated 15.02.2011 for manufacturing Low Shrinkage Carpet Fabric, Geotextile, Ground cover, PP Woven Fabric (Ventilated) and PP Tape. The unit executed lease deed of plot Nos. A-12 & A-13 in SEZ Phase II, Pithampur with the Developer, MPIDC Ltd., Regional Office, Indore (erstwhile MPAKVN (Indore) Ltd.) on 27.04.2011 and as per records, the unit commenced production on the allotted plots on 02.04.2013. The LoA is presently valid up to 31.03.2023.

M/s Commercial Syn Bags Ltd. is holding LoA No. C-114/ISEZ/Proj./2016-17/1543 dated 02.12.2016 for manufacturing and export of Jumbo Bags (FIBCs), PP/HDPE Woven Sacks/Bags, PP/HDPE Woven Fabric & HDPE/PP Tarpauline and is operational on plot Nos. 16 to 18 in SEZ Phase I.

M/s Commercial Syn Bags Ltd. was represented by Sh. Anil Choudhary, Managing Director, Sh. Virendra Pamecha, Director and Sh. Abhishek Jain, CFO who informed the Committee that they have acquired the subject assets i.e. leasehold land, building and allied structures, plant and machinery of M/s Geotech Worldwide, a division of New Corp International Ltd., (in Liquidation) lying at plot Nos. A-12 & A-13 admeasuring 16,423 sq. mtrs. in SEZ Phase II, Pithampur, Distt. Dhar, M.P. under an e-auction from the Official Liquidator with the bid amount of Rs. 30,51,46,643/- on 30.06.2022. The representative informed that they have accepted the Letter of Intent dated 02.07.2022 for sale of assets issued by the Official Liquidator and has made the full payment of the sale consideration pursuant to which the Certificate of Sale and possession letter has been issued to them by the Official Liquidator. The representatives further informed that as per the Certificate of Sale dated 22.07.2022 and Hon'ble NCLT, Mumbai Bench Order dated 05.08.2021, M/s Geotech Worldwide, a division of New Corp International Ltd. has been sold as a going concern by the Official liquidator appointed by the Hon'ble NCLT, Mumbai Bench through the Order dated 05.08.2021 to them. Further, the Official Liquidator has handed over the possession of the said property to them vide Letter of Possession dated 22.07.2022 on "as is where is basis" and as per the Certificate of Sale, the said assets have been made without any encumbrances and liabilities on their part.

The Committee noted that the provisions of Rule 19(2) read with 74A of SEZ Rules, 2006 provides for change of entrepreneur of an approved unit, if the incoming entrepreneur undertakes to take over the assets and liabilities of the existing unit and that Instruction No. 109 dated 18.10.2021 provides inter-alia for reorganisation including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution, change of Directors, etc. which may be undertaken by the unit Approval Committee (UAC) concerned subject to the condition that the unit shall not opt out or exit out of the Special Economic Zone and continues to operate as a going concern.

All liabilities of the unit shall remain unchanged on such reorganization which shall be subject to the safeguards mentioned in instruction No. 109 of MOC&I.

In view of the afore-stated provisions, the instant case falls into the category of change of entrepreneur pursuant to the sale of assets and properties owned by M/s Neo Corp International Limited which as per the Sale Notice and Letter of Possession, dated 22.07.2022 is a unit in the name of M/s GeoTech Worldwide (a division of NeoCorp International Limited) comprising of lease hold land, building & allied structures, plant & machinery lying at plot Nos. A-12 & A-13 admeasuring 16,423 sq. mtrs in SEZ Phase II, Pithampur, Dhar, M.P. sold as a going concern by the official liquidator appointed by the Hon'ble NCLT, Mumbai Bench through the Order dated 05.08.2021 to M/s Commercial Syn Bags Ltd.. Accordingly, the incoming entrepreneur i.e. M/s Commercial Syn Bags Ltd. will require to comply with the provisions of Rule 19(2) read with Rule 74A of SEZ Rules, 2006 and instruction No. 109 dated 18.10.2021 of MOC&I.

The representatives of M/s Commercial Synbags Ltd. stated that they have submitted an application in the name of M/s Techtex (a unit of M/s Commercial Syn Bags Ltd.) and that they have proposed to incur an investment of Rs. 51.00 crores for operationalising the acquired unit. The representatives informed that as regards the legal status of M/s Techtex, they have named the unit as 'Techtex' as it will be in the business of manufacturing of Technical textile and this unit would be like their other units and will work under M/s Commercial Syn Bags Limited. The representatives informed that the GST of this unit will be applied after the receipt of LoA and it will also carry Techtex as trade name and Commercial Syn Bags Limited as a legal name. The representatives submitted that they will not opt out or exit out of the SEZ and will continue to operate the acquired unit as a going concern.

The Committee was informed that the applicant unit, M/s Techtex (a unit of M/s Commercial Syn Bags Ltd.) was advised to submit an Undertaking to the effect that all the applicable duties and liabilities as well as export obligations of M/s GeoTech Worldwide (Transferor unit) shall stand transferred to M/s Tectex (a unit of Commercial Syn Bags Ltd.) (Transferee unit) who shall be under obligation to discharge the same on the same terms and conditions as the Transferor unit. The unit was also advised to submit an Undertaking regarding taking over the assets and liabilities of M/s GeoTech Worldwide. Further, an NOC from the Developer

regarding transfer of the lease deed of land bearing plot Nos. A-12 & A-13 admeasuring 16,423 sq. mtrs. in SEZ Phase II, Pithampur in the name of M/s Techtex (a unit of M/s Commercial Syn Bags Limited) was also called.

The Specified Officer informed the Committee that a letter in the matter had already been issued by his office to the Official Liquidator. The applicable duties and liabilities as per Rule 74A would stand transferred to M/s Techtex (a unit of Commercial Syn Bags Ltd.). It was further informed that the capital goods, raw material (if any) whether imported or procured duty free are still lying in the factory premises of the unit and as and when the same is cleared, the duty liability will be assessed at the time of clearance. A letter to this effect will also be submitted.

The representative of the Developer vide letter No. 4960 dated 30.08.2022 submitted during the meeting informed that transfer of lease hold rights in respect of plot Nos. A-12 & A-13, SEZ Phase II admeasuring 16423 sq. mtrs. in favour of the applicant unit would be done in terms of the provisions M.P. Land Management Rules, 2019, as amended, pursuant to payment of pending dues and compliance of the terms and conditions of M.P. Land Management Rules, 2019.

The representative of the income Tax department informed that there are huge demands outstanding against M/s Neo Corp International Ltd., which have duly been conveyed by the Income Tax Department to the Resolution Professional as appointed by the NCLT, Mumbai Bench, Mumbai. He further stated that while approving transactions/arrangements between M/s Geotech Worldwide (a division of M/s Neo Corp International Ltd.) and M/s Techtex (a unit of M/s Commercial Syn Bags Ltd.) it should be ensured that the interests of the Revenue are not effected adversely.

The Committee noted that as regards the requirement for submission of Undertaking(s) as per the applicable Rule provisions, the applicant has submitted inter-alia that they have acquired the said assets through e-auction under the IBC, 2016 which give the title of assets free from all the past liabilities and encumbrances and any liabilities of the previous owner are not payable by them. Further, all the liabilities of the previous owner by virtue of any act will be settled by the liquidator and they are absolved from it by virtue of IBC, 2016. Accordingly all the liabilities would be required to be intimated to the liquidator who will admit and settle it as per the provision of IBC, 2016.

The representatives stated that they are being asked submission of undertaking as per the provisions of SEZ Act and the Rules made thereunder. The representatives submitted that they have acquired the leasehold land, building and allied structures, plant and machinery of Geotech Worldwide (a division of Neo Corp International Ltd.) and further the provision of IBC, 2016 will prevail over all the other act and rules made thereunder and per se they are not supposed to give any undertaking for the liability of previous owner.

The representatives added that the dues pertaining to the lease hold land are being dealt with the Developer of Land i.e. MPIDC Ltd., RO-Indore, who have issued a demand note for the transfer and maintenance charges, security deposit, application fees and dues of the previous owner. It was informed that they have made the payment as per the demand note of the Developer, except the dues of the previous owner. The dues of previous owner have ben intimated by MPIDC Ltd., RO Indore to the Official Liquidator and they have admitted their claim in full. As regards, the Building and allied structures as well as plant & machinery being constructed / acquired without payment of duty, the liability may arise for Custom duty in respect of the acquired assets only under the SEZ Act and the rules made thereunder.

The representative submitted that they may be informed of any liability as mentioned above that may arise in future and that they reserve the absolute right to protest that liability in the court of law/Tribunal and seek the relief from the court/Tribunal/appellate authority(s).

The representatives further stated that they undertake to pay the liability only after extinguishing all our legal remedy that is available to them from the court of law/tribunal/appellate authority(s) and as per their final verdict and that except this, they are no way liable for any liabilities and obligation of previous owner.

The Committee noted that this is the first such proposal related to NCLT and transfer/modification in IEC which is being dealt. The Committee discussed the case in detail with Stake Holders. The Committee members representing the Developer, Income Tax department and Specified Officer were informed by the chair about their dues to the concerned NCLT unit. The Developer, MPIDC Ltd., RO, Indore submitted their reply in the meeting. The representative of the Income tax department and the Specified Officer sought some more time to submit their comments on the subject matter. The chair proposed that all the replies should be

gathered and sent to the applicant for their reply and comments in the light of the decision of NCLT. Accordingly, after deliberations, the Committee decided to defer the proposal till receipt of reply and comments from M/s Techtex (a unit of M/s Commercial Syn Bags Limited)."

In view of the decision of the Approval Committee, the decision of the Committee along with the replies received from the Developer, MPIDC Ltd., RO, Indore, Specified Officer, Indore SEZ, Pithampur and comments of the Income Tax department as contained in the minutes of the meeting word forwarded to the unit with the advice to provide their reply/comments on the same.

In response, the applicant unit vide letter dated 15.09.2022 submitted its reply/comments stating inter-alia as under:

Abstract of reply on points raised by Developer, MPIDC:

"We have made the payment of Rs. 41,18,812/- (including TDS of Rs. 99,924/-) towards the transfer fee, lease rent, maintenance charges, security deposit, development charges and application fee as per the demand note received from the Developer. We have not made the payment towards lease rent and maintenance charges, water charges and electricity dues of previous owner.

In our multiple correspondence with the Developer, we have invariably mentioned that we are not responsible to make the payment of dues of previous owner as we have acquired the said assets through e-auction under the IBC,2016 which give the title of assets free from all the past liabilities and encumbrances. Further, the dues to the previous owner has been admitted in full by the Official liquidator who has communicated the acceptance to the Developer along with signed final admission of claim. Therefore any demand against us is not tenable. The claim admission document has also been submitted."

Abstract of reply on points raised by Income Tax Department:

"Income tax department has raised the point for the huge outstanding demand on Neo Corp International Limited. This demand is being communicated to the resolution professional by the department. The demand of the department is on Neo Corp International Limited as a whole and we have purchased Geotech Worldwide, which is a division of Neo Corp International Limited. Further this division is in Special Economic Zone and by virtue of the exemption as provided in the Income Tax Act, 1961, the income from the SEZ operations is exempted from tax. So per se

<p>Rule provision w.r.t SEZ Rules, 2006</p>	<p>there will be no liability of this unit under the income tax. Further, the demand of Income Tax Department is being admitted by the official liquidator and is mentioned at serial number four of the list of operational creditors (government dues - copy also enclosed). Therefore the applicant is not responsible for previous liabilities and compliance.”</p> <p><u>Abstract of reply on points raised by Specified Officer:</u></p> <p>“As mentioned in the letter the Specified Officer has already made a communication with the official liquidator. The letter does not mention for the liabilities of the previous owner. We are not aware about the status of plant and machinery whether same is imported or indigenous. We will pay the applicable duty at the time of its clearance from our factory.”</p> <p>The above comments of the the applicant unit were accordingly forwarded to the Developer, MPIDC, Income tax department, Customs Commissionerate, DGFT and Specified Officer for their reply/comments and the same is awaited.</p> <p>The provisions of Rule 19(2) read with Rule 74A of SEZ Rules, 2006 and instruction No. 109 dated 18.10.2021 of MOC&I applies to the issue.</p> <p>The proposal of M/s Techtex (a unit of Commercial Syn Bags Limited) regarding acquisition of leasehold land, building and allied structures, plant and machinery of Geotech Worldwide, a division of New Corp International Ltd. in terms of NCLT Mumbai Bench Order dated 05.08.2022 for transfer of LoA in their name as a case of change of entrepreneur is therefore placed before the Committee for consideration in terms of provisions of Rule 19(2) read with Rule 74A of SEZ Rules, 2006 and instruction No. 109 dated 18.10.2021 of MOC&I.</p>
<p>Decision required from UAC</p>	<p>Acquisition of leasehold land, building and allied structures, plant and machinery of Geotech Worldwide, a division of New Corp International Ltd.- Request for transfer of LoA issued to M/s Geotech Worldwide in the name of M/s Techtex (a unit of Commercial Syn Bags Limited)</p>
<p>DECISION OF THE UAC</p>	

PROPOSAL NO. 3(ii): M/s Balaji Steroids and Hormones Pvt. Ltd.

COMPANY/UNIT PROFILE

(a) Name and address, telephone/fax/email id

M/s Balaji Steroids and Hormones Pvt. Ltd.
Address: Plot No. F-24, SEZ Phase I, Sector 3, Pithampur, Distt. Dhar

(b) Issue

Request for broad-banding of LoA by addition of new items of manufacture under LoA No. C-117/ISEZ/Proj./2016-17/2039 dated 06.02.2017 – Amendment / Broad-banding of LoA

M/s Balaji Steroids and Hormones Pvt. Ltd has submitted the captioned request for addition of new items of manufacture in the existing LoA. The unit was granted LoA dated 06.02.2017 for manufacturing of various types of APIs namely, Dexamethason Sodium Phosphate, Beta Methasone Sodium Phosphate, Beta Methasone Valerate, Momentason Furate, Triamcinolone Acetonide, Clobetasol and variants etc. The unit is operational with effect from 01.01.2019 on plot No. F-24, SEZ Phase I.

The unit has now proposed to manufacture and export following new API products under the broad-banding activities :-

ITC(HS) Code	Name of the product – Item description	Annual Capacity
29372900	Budesonide	100 kg
29389090	Etoposide	150 kg
29335400	Fluorouracil	50 kg
29372200	Fluticasone Propionate	50 kg
29362690	Methylcobalamin	1000 kg
29397900	Paclitaxel	50 kg

According to the unit, for manufacturing the proposed products no new additional imported and indigenous plant machinery or utilities would be required and the unit would be using the existing installed plant and machinery utilities etc. within its premises for manufacturing these items.

The unit has submitted the following in support of their broad-banding proposal:

- (i) General information related to the product;
- (ii) Process flow diagram and summarised manufacturing process; Financial summary of the proposal;
- (iii) Copy of Drug manufacturing licence in Form 28;
- (iv) Good Manufacturing Certificate issued by FDA, Madhya Pradesh;
- (v) Good laboratory practices certificate issued by FDA, Madhya Pradesh;

Pradesh;

(vi) Letter dated 10th June 2022 22nd June 2022 guarding inclusion of the items requested for broadbanding in the drug manufacturing licence in Form 28.

All the licences submitted are having validity upto 08.09.2024

As per the General introduction of the proposed APIs, the medicinal use of each is as under:

- (i) Budesonide : Asthama, Inflammatory bowel disease, Allergic rhinitis, Eosinophilic esophagitis and Berger's disease.
- (ii) Etoposide : Used as a form of Chemotherapy for cancers such as, Kaposi's sarcoma, Ewing's sarcoma, lung cancers, lymphoma, nonlymphocytic leukemia etc.
- (iii) Fluorouracil : Topical skin treatment.
- (iv) Fluticasone Propionate : Prophylaxis os asthama, used in nasal spray for allergic rhinitis, mouth ulsers and skin conditions such as eczema, psoriasis, rashes.
- (v) Methylcobalamin : Peripheral neuropathy, diabetic neuropathy etc.
- (vi) Paclitaxel : Ovarion, breast, lung, bladder, prostate etc. and other types of soild tumor cancers

The unit has submitted the following Undertaking(s) in respect of the proposed items:

- (i) The items proposed for manufacturing are not categorised / fall under Special Chemicals, Organisms, Materials, Equipments and Technologies (SCOMET) licence category and it is ascertained that our customers will not be using the same for purpose specified under the SCOMET law.
- (ii) Items proposed for manufacturing are not reserved for Public Sector by Government of India and Government of Madhya Pradesh.
- (iii) Items proposed for manufacturing will be manufactured from Chemical synthesis and no items involving use of any specific cell / tissues targeted for mutations. The raw material is not source from any source which is involving use of any specific cell / issues targeted for mutations. All the items proposed to be manufactured do not contain animal derived materials in

<p>(c) Rule provision w.r.t SEZ Rules, 2006</p>	<p>either the components, in the processing aids or in the process used for the manufacture. As such, there is no concern about these products containing TSE (Transmissible Spongiform Encephalopathy) / BSE (Bovine Spongiform Encephalopathy).</p> <p>(iv) Undertaking regarding environmental and pollution control norms according to Environmental Protection Act, 1986, Water Prevention and Control of Pollution Act, 1974 and Public Liability Insurance Act 1889</p> <p>The unit has not submitted the revised foreign exchange balance sheet figures in five years in view of the proposed request for broad-banding of their LoA.</p> <p>Rule No. 19 of SEZ Rules 2006 applies to the issue.</p> <p>The first proviso of Rule 19(2) of SEZ Rules, 2006 stipulates as under:</p> <p>“Provided that the Approval Committee may also approve proposals for broad-banding, diversification, enhancement of capacity of production, change in the items of manufacture or service activity, if it meets the requirement of Rule 18.”</p> <p>In the instant case the requirements of Rule 18 is already met as the LoA dated 06.02.2017 has been issued to the unit and the unit is operational in the Zone.</p> <p>Considering the submissions made by the unit and the afore-stated applicable Rule provisions, the proposal for broad-banding of LoA by way of addition of new items of manufacture is placed before the Approval Committee for consideration under the provisions of Rule 19(2) .</p>
<p>Decision required from UAC</p>	<p>Request for broad-banding of LoA by way of addition of new items of manufacture under LoA dated 06.02.2017 under the provisions of Rule 19(2).</p>
<p>DECISION OF THE UAC</p>	

ITEM NO- 4

Any other proposal, if received.