

SPEED POST / A C K



Government of India

Government of India
Ministry of Commerce & Industry
Office of the Development Commissioner
Admin Office Building, MEPZ - Special Economic Zone,
National Highway - 45, Tambaram, Chennai - 600 045
Fax: 044 2262 8218, Email Id: dc@mepz.gov.in

File No. RTI/400/2019-2020

/ 3100

Dated: 10.06.2019

To

Shri. K.S.JAIN,
#27, IAS OFFICERS' COLONY,
16TH MAIN, 5TH B CROSS,
BTM LAYOUT, II ND STAGE,
BANGALORE - 560 076.

Sir,

Sub: Information required under RTI Act, 2005 -Reg.

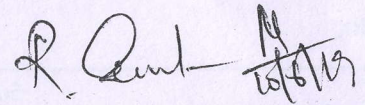
Kindly refer to your RTI application dated 15-05-2019 with the required fee received in this office on 16-05-2019. The information as available in this office records is provided herewith in respect of this office:

S.NO.	INFORMATION REQUESTED	INFORMATION FURNISHED
1	Action taken report, on my letters No.J5/0015/2019 dtd:14-05-19. I am enclosing a copy of my said letter for your ready reference.	<p>1. Letter dated 14.05.2019 said to have been enclosed (for ready reference) in the RTI Application dt. 15.05.2019 is not received in this office. Letter No.J5/0015/2019 dt. 4.4.2019. was received as enclosure in the RTI application dt. 15.5.2019.</p> <p>2. Reply to your letter dated 04.04.2019 enclosed as annexure to RTI Application dated 15.05.2019 was sent vide this office letter no. A/2018/015/EOU-TN dated 23.05.2019</p>
2	Further action on our letter No .J5/510/2018 dtd 06-12-2018 after your letter No. A/2008/015/EOU-TN dtd 27-03-2019.	As informed in our letter dt. 23.05.2019 referred above, necessary legal opinion has been sought from the Branch Secretariat, Ministry of Law, Justice & Company Affairs, Chennai through this office letter dated 27.03.2019.
3	Xerox copy of internal note sheet generated on and after receipt of above letter, copy of reply/ reference made if any to legal department and reply received	Xerox copy of internal note sheet after 27.03.2019, copy of reference made to legal department dated 27.03.2019, reply dt. 29.03.2019 received from legal department and this office letter dated 23.05.2019 to legal department are enclosed.

2. If you are not satisfied with the information furnished above, you may prefer an appeal with the 1st Appellate Authority detailed below within 30 days of the date of this letter.

Shri.D.Anandan,IAS,
Joint Development Commissioner,
MEPZ-Special Economic Zone,
N.H. 45, Tambaram,
Chennai-600 045.
Tel-22628233

Yours sincerely,



(R.GULZAR BEGUM,I.R.S.)
CPIO/Joint Commissioner of Customs

ET 159699245 IN
DESPATCHED ON
S. Suresh
10.6.19.
Despatcher/Meoz-Sez

BY SPEED POST

F.No. A/2008/015/EOU-TN
Dt. 23.05.2019

To
M/s. Jeevan Diesels & Electricals Ltd.
R.S. No. 55/1, Cuddalore Main Road,
Kattukuppam, Manapet
PONDICHERRY - 607 402.

Sir,

Sub : MEPZ-SEZ -100% EOU - Clarification called for regarding DTA sale - reg.

Ref : 1. LOP No. A/2008/015/EOU-TN dt. 17.07.2008
2. Your letter dated 04.04.2019.

Please refer to your letter cited above.

2. As informed earlier, we are taking legal opinion regarding your case.
3. In these circumstances, you are requested to provide the following details:
 - a. As per this office records, it is found that you were permitted to sell your manufactured products in DTA against the periods 2008-09 and 2009-10 vide this office letters dated 08.03.2010 and 01.04.2011 respectively.
 1. In this regard, you are requested to provide the actual DTA sale utilised against the permitted value and the period of availment.
 - b. You are requested to inform this office for the periods for which you have applied for DTA sale since inception of your unit and the particulars of DTA sale availed by your unit yearwise till date, apart from 2008-09, 2009-10.
 - c. You are requested to submit the particulars of the products sold as per the DTA sale entitlement given to your unit.
 - d. It is seen from the APR filed through online for the period 2009-10 that the value against the DTA sale column is mentioned as ₹11284.00 lakh. Please confirm the correctness as this exceeds the entitled amount.
 - e. It is seen from the office records that your LOP for the 2nd five year block period starting from 23.03.2014 to 22.03.2019 was renewed on 18.03.2016. In this circumstances, you are requested to clarify as to how you had made the exports to the tune of ₹193.00 lakh for the period 2014-15 and to the tune of ₹9.53 lakh against GCA exports and ₹11.65 lakh against deemed exports for the period 2015-16.

- f. It is seen from the office records that you have not intimated to this office regarding the DTA sales affected on a quarterly basis as per condition No.(d) laid in the DTA sale permission issued to your unit as per condition no. (d) laid in the DTA sale permission issued to your unit, You may kindly explain the reasons for the same.
- g. As per condition (d) laid in the DTA sale permission issued to your unit vide this office letters of even no. dated 08.03.2010 and 01.04.2011, you were obligated to file returns on a quarterly basis to this office. In that regard, the following details may be provided to us in the below format:

Sl.No.	Exports	Deemed Exports	DTA sale entitlement by DC MEPZ	DTA sale utilised	Items sold in DTA	Concessional Duty availed

You are requested to submit the above details immediately.

Yours sincerely,

(Signature)

(S. ELAMURUGAN)

ASST. DEVELOPMENT COMMISSIONER

O/C

ET 159696663 EN

T-Singh

23.5.19

P23

ON - Consequent upon the unit LOP renewal and since the LUT & GC has been approved vide NP 120 & 121, the same may be attested & signed pl.

Ku
28/3/19

ADJ

Above noting may be seen please.

It requested that LUT & GC approved, may be kindly be attested and signed please.

P. Singh
28/3/2019

POC Sign
28/3

ADJ

ON - In this report is placed below for approval & Sign pl.
Let's only signed on 24-04-19.

Ku
5/4/19

P. Singh
5/4/2019

Please refer noting sheet page 117, P-121, page-122 and letter dt 29.3.2019 addressed to Deputy Legal Advisor - Unmanned.

Legal opinion on the request for DTA sale in respect 100Y. BOLD MID Terevan Diesel & Electrical Ltd - Panchkhera received from Mr Jasraj Singh Dhanraj, I.L.S., Asst Legal Advisor vide their letter dated 20 Mar 2019, is placed below for perusal and further advice please.
Also, letter dt 04.04.2019 received from unit is placed below for your perusal along with this file pl.

Flag 'A'

Flag 'B'

Contd. --- Pl 124

Above are submitted please.

P. Alamy
09.04.2019

(A)

D/L Pls speak to DLA, explain the issue is
JDL about compensation premium
9/4 & eligibility of unit for
that.

P. Alamy
9/4

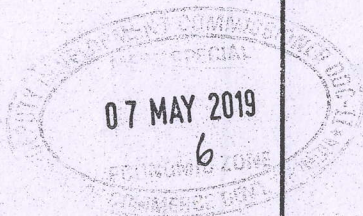
ADC



Madam.

A draft letter addressed to unit against their
letter dt 04.04.2019 is placed below please.

P. Alamy
07/05/2019

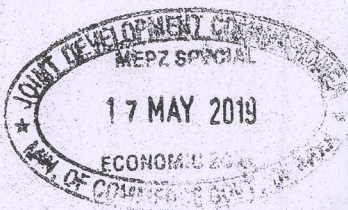


P. Alamy
17/5

P. Alamy
17/5

P. Alamy
JDL

P. Alamy
20/5



P. Alamy
JDL

P. Alamy
21/05/19

Four letters addressed to unit against their
letter dt 04.04.2019 is issued on 23.05.2019.

P. Alamy
23/5/2019

As instructed at (A) above, draft letter
is put up for approval. Fair letter is
issued.

P. Alamy
23/5/19

ADC

P. Alamy
23/5/2019



सत्यमेव जयते

By Special
Messenger

F.No. A/2008/015/EOU-TN
Dated. 27.3.2019

By Special Messenger

भारत सरकार, वाणिज्य एवं औद्योगिक मंत्रालय
वाणिज्य विभाग, विकास आयुक्त का कार्यालय,
मेप्स विशेष आर्थिक क्षेत्र, तमिलनाडु, पांडिचरी,
अंडमान और निकोबार द्वीप समूह के शत-प्रतिशत
निर्यात अभिमुख एकक, चेन्नै - 45.

Government of India, Ministry of Commerce and Industry,
Department of Commerce,
Office of the Development Commissioner,
**MEPZ SPECIAL ECONOMIC ZONE &
HEOUs in Tamil Nadu, Pondicherry,
Andaman & Nicobar Island**
Administrative Office Building,
National Highway-45, Tambaram, Chennai - 600 045.

To
Smt.R.Jayalakshmi,
Deputy legal Advisor,
Third Floor, Shastri Bhavan Annexe,
Branch Secretariat, Chennai,
Department of Legal Affairs,
Ministry of Law & Justice,
Government of India,
No.26, Haddows Road,
Chennai – 600 006.
Ph:044 28277523.

Sir,

Sub: MEPZ SEZ, legal opinion called for with regard to a 100% EOU – Reg.

Ref:1.LOP No.A/2008/015/EOU-PY dated 17.7.2008.

2. Letters dated 31.7.2018, 17.10.2018, 6.12.2018 received from the unit.

3.This office reply letters to the unit dated 11.9.2018, 12.11.2018.

The above references may please be seen. M/s. Jeevan Diesels & Electricals Ltd., a 100% EOU situated at R.S. No. 55/1, Cuddalore Main Road, Kattukuppam, Manapet, Pondicherry - 607 402 coming under the jurisdiction of the Development Commissioner, MEPZ SEZ was issued LOP vide no. A/2008/015/EOU-PY dated 17.7.2008 and the unit's date of commencement of production was on 23.3.2009. The unit's LOP was renewed for the 3rd five year block period of five years from 23.3.2019 to 22.3.2024.

The unit was issued SCN by Central Excise, Cudalore for not complying with the provisions and procedures of FTP & HBP and another SCN was issued by MEPZ (for achieving negative NFEE). The unit was given an opportunity to be heard in person and called for a personal hearing with the Development Commissioner, but the unit had not turned up. Later a penalty of Rs. 25 lakh was imposed for which the unit went on an appeal and later charges in the SCN was dropped. Under these circumstances the units LOP had expired on 22.3.2014 and the same was renewed on 18.3.2016 which was valid from 23.3.2014 to 22.3.2019.

Later, the unit had applied for DTA sale permission vide their letter dated 31.7.2018 (copy enclosed) for the periods 2013-14, 2014-15 & 2015-16 against the FOB value of exports made for the relevant periods. This office had replied to the unit vide this office letter dated 11.9.2018 (copy enclosed) stating that they are in-eligible for the periods 2013-14, 2014-15 and informed the unit regarding eligibility for DTA sale for the period 2015-16 quoting as per provisions in the FTP 2015-20 prescriptions and has asked the unit to apply for the period 2015-16 in the prescribed format (the unit had not applied for).

Contd.....

F.No: A/2008/015/EOU-TN

Dated: 23.05.2019

TO

Smt. R.Jayalakshmi,
Deputy Legal Advisor,
Third Floor, Shastri Bhavan Annexe,
Branch Secretariat, Chennai,
Department of Legal Affairs,
Ministry of Law & Justice,
Government of India,
No.26, Haddows Road,
Chennai - 600006.
Ph: 044 28277523.

Sir,

Sub: MEPZ-SEZ - Legal re-opinion called for with regard to 100% EOU - Reg.

Ref: 1. This office letter dated 27.03.2019 and reply legal opinion received
vide your letter No. dated 29.03.2019.

2. Telephonic conversation between Legal Advisor and Shri. S.Elamurugan
Asst. Development Commissioner of this office on 09.04.2019.

1. With reference to the above subject, please find enclosed the letter No. J5/0015/2019 dated 04.04.2019 received from M/s. Jeevan Diesels & Electricals Ltd along with this office letter dt. 27.03.2019. All relevant documents are also forwarded herewith for your re-opinion on admissibility of compensation and eligibility of the unit for DTA sale at this belated stage.

2. It is again submitted that the unit's request for DTA sale for the period 2013-2014 & 2014-15 was not considered, as they applied for the same on 31.07.2018 (since the period of entitlement of DTA sale is only 3 years that has already elapsed). The unit has stated that as the charges in the show cause notice were dropped, the unit are in no fault; therefore the said unit is again and again demanding to set right the damage caused to their unit through loss of DTA sale. Also, the unit has sought remedy from the Development Commissioner; otherwise they propose to go to the Hon'ble High Court of Madras for justice. In this connection, please peruse the Letter no. J5/0015/2019 dated 04.04.2019 received from the unit on the subject matter. As this office has not handled such case previously due to absence of such "set right" procedures in Foreign Trade policy, it is again requested that your office may kindly provide legal re-opinion in the matter. If necessary, we will depute our representative to explain the issue in person, on hearing from your office.

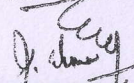
...2

...2...

3. The following documents are once again enclosed for your ready reference
- a. Relevant chronology of events of the happenings.
 - b. Copies of the unit's letters and the reply given by this office.
 - c. LOP copy and LOP renewal copy.
 - d. The Annual Performance reports.
 - e. Appendix-6G (guidelines for DTA sale as prescribed in Hand Book of Procedures).
 - f. Copy of this office letter A/2008/015/EOU-TN dated 27.03.2019

We will be ready to provide any additional details/ document as may be sought.

Yours sincerely,



(S. ELAMURUGAN)

ASST. DEVELOPMENT COMMISSIONER

Encl: As above.

olc