F. No. A/2008/015/EOU-TN Dated: 06.09.2019

M/s. Jeevan Diesels & Electricals Ltd., R.S. No. 55/1, Cuddalore Main Road, Kattukuppam, Manapet, PONDICHERRY - 607 402. त्र विकास स्वास्त्र मंत्रात्वय को विकास के विकास के अपन्य का कार्यालय, को विकास आवित्र के त्राप्तनाडु, पाडिचरी, विकास क्ष्मित क्षमित्रका होएं समूह के **शत-प्रतिशत** विकास क्षमित्रहा क्षमार **मे**हें - 45

Gare more and india, Ministry or Commerce and Industry,

Office or the Development Commissioner, NSA 71, BARLOIA C ECONOMIC ZONE &

Howline Tame Meda. Pandicherry,

yarranın erve Öldige Bullding, 1. Tanalın ışlımavı 48. Tambarom, Chennai - 800 045.

go go

Sir

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

Ref: 1. Your LOP No. A/2008/015/EOU-TN 17.7.2008,

2. Your Office Letter No.J5/0200/2019 dated 03.07.2019 and

3. Your Office Letter No.J5/0200/2019 dated 15.07.2019.

1. Please refer to your letters dated 03.07.2019 and 15.07.2019 cited above.

2. We would like to reiterate with regards to your letter dated 15.07.2019 that the actions taken by this office in respect of your unit were in good faith, as stated earlier in our Letter dated 26.06.2019. As per the Legal opinion given by the competent authority, all the issues raised regarding EOUs can only be addressed within the frame work of the FTP and HBP.

- 3. With regards to your unit letter dated 03.07.2019 wherein you have responded to our queries raised in this office letter dated 23.05.2019, you may kindly clarify the following:
 - a) You have made GCA Exports of Rs.9.53 Lakh and Deemed exports of Rs.11.65 Lakhs during the period of 2015-16, whereas your Green Card and LOP both expired on 23.03.2014 (ie. 5 Years from the Date of commencement of production). As per condition sub para (i) of ibid Your LOP dated 17.07.2008, the unit shall export its entire production/service, excluding rejects and sales in the domestic tariff are as per provisions of EOU Scheme for a period of 5 years from the date of commencement of production. Therefore in light of the above, kindly clarify regarding exports made after the completion of 5 years from date of DCP or after expiry of your Green Card/LOP.
 - b) Please give us data of DTA sales from 2008-09 to 2014-15 clearly mentioning DTA sales done with concessional duty and DTA sale done with full duty.
 - c) Please mention the periods when you utilised the concessional DTA sale related to a particular year of allotment namely 2009-10 and 2010-11.

You are requested to submit the above details on priority.

ET 236968065 TV
DESPATCHEDON

Transcopping az-Ser

Yours sincerely,

R. Aunel

(R. ANITHA NANDHIN!)
DEPUTY DEVELOPMENT COMMISSIONER

nive Lusi Emali de@mapa.gov.in

Please refer Noting at page - 123 & 124 on 69.04.2019 and somarks of DDL Madam on 09.04.2019.

It is submitted that the repeated unit request a set oight dampes on OTA SAIR for the period 2013-14, 2014-15 \$ 2015-16 against unit Letter dt 31.07-2018-17.10.2018 and 06.12.2018 has been referred to Deputy Lagar Advisor - Debt of Lagar Attnir Chennoi vide om office Letter dt A/2008/ 015/ EDD-TN OH 27.3.2019 (FlOY X). In turn septy recoived from Asct Logal. Advisor vide turis TODNO. 254/19/Jed/ adw/chn. dated 29.08.2019. (Flay'B')

The said issue his again Leon referred to Deputy Logal Advisor on admichibility of compensation and eligibility of DTA calle in vion of a leater de ou ov. 2019 sourced from unit and se motoriched by DPL modern vide our lotter detal No. A (2008) 015/ EDV-TN dt 28.05.2019. (Flag 'C') The matter him been distanced with DLA, Dept of took Legal ablir on 07.06.2019 with ADL as alled took Legal ablir on MD 9m+ Jeyalakhuni, ILS DLF vide twee Latter dated 28.05. 2019

Necessary Lugar spinion on admisibility of compensation and eligibility of the work too DTD SAIR ORCHIVED From MED R. JAMA CAKSAMI, ILS - Deputy legal Advisor of Dept of Legal Affino on the sound were vide meir LEHER NO. 440/19/852/Advichn. dated 07.06.2019 is placed below /pr wp tor to more into modion

De (1)6

10.06.2019

2 JUN 2019



surable reply to the Unit. The DLA, we may send a For approval pl. 1 3 JUN 2019 ECONOMIC ZONE 13 JUN 2019 ECONOMIC ZUNE MOIS AGE Above noting may please be seen. A don't letter addressed to wnit is placed below for approved plan. LCIAL 17:06:2019 DAL COL) 2019 Jok ZUNE OF DC Revised draft as corrected, is part of apply pl. Ruguid number to corrected, is part of production of the power of the pow

Kef: Lor NO. J5/0200/2019 dt. 03.07.2019 from MS. Jeevon DiesDls & Electricals Ltd., Puducherny.

Pl. see the reficited.

In response to this office bride 23.05.2019 and bride 26.209, m15.

Jeeven Diesels & Electricals Ltd., have from had details viz yearnine DTA sules made from Look-09. to 2017-18 and particulars of products sold. Also, and particulars of products sold. Also, they have furnished the statement of they have furnished the statement of DTA sales entitlement, DTA sales untiling. DTA sales entitlement, DTA sales untiling. DTA sales entitlement, and the concernional Duty. The sales are the same, they are not availed as per the same, they are DTA sale.

Put up for perusal 4 orders, pl.

18/7/19

ADIC

Above noting may please be seen.

It is submitted that the brit has
thrusthed septy to Para 2 (a) to (f) of
our letters No. A/2008/015/EOU-TN If
25.05.2019. The brit has also tempthed
copies relevant involves for Export made
and copies of Apra for me year 2008-9 to
2014-15.

The limit has stated vide rue is it is id letter that they are expectly this office to count compainate them without approachly the count to Therine.

tor supraw.

Above are substant to poural of limit Leven and tustoes or down Pl.

Jec as disum



The matter has been discussed with DDC madam on 01.08.2019 and asked to compile unit reply furnished vide their Letter No.J5//0200/2019 dated 03.07.2019. The following are observed:-

- {Reply to point no.3(a)(1)}. The unit has stated the DTA sale permission letters issued by this office for the periods 2008-09 dated 8.3.2010 which was valid upto 31.3.2012 and 2009-10 dated 1.4.2011 which is valid upto 31.3.2013. As stated by the unit the unit has not availed the DTA sale permission within the stipulated time limit whereas the unit have made DTA sale for the periods from 2010-11 to 2012-13 to the tune of Rs.947.74 without permission of DC.
- {Reply to point no.3(b)}. The unit has submitted the details of the DTA sale done by the unit since inception upto 2018-19
- 3. {Reply to point no.3(c)}. The unit has submitted the items sold by them in DTA.
 - (Item no.1 is correct and item 2 & 3, are not mentioned in the Green Card).
- 4. {Reply to point no.3(d)}. The unit has stated that DTA sale done by them for the period 2009-10 was Rs.16,11,284 with payment of full duty is correct and they have accepted that Rs.11284 lakhs earlier mentioned is incorrect. And the unit has requested to correct in our records. We may call for proof of documents for corrective action.
- 5. {Reply to point no.3(e)}. With regard to the clarification called for the exports done during the absence of valid Green Card and renewal of LOP to the tune of Rs.193.48 lakhs, 9.53 lakhs and Rs.11.65 lakhs. The unit has confirmed that they had done the exports and stated that since there was no direction from MEPZ for not to make exports from their inventory they had.
- 6. {Reply to point no.3(f)}. The unit has stated that they had submitted the QPR's under which the DTA sale details were furnished. It is pertinent to mention here that that Condition No. d of the DTA sale permission Letter stipulates that the unit should furnish a report on quarterly basis through the bond officer with the details sales effected, showing the details of assessable value, duty paid thereon to be communicated to this office. The reply furnished by the unit is in correct.
- 7. {Reply to point no.3(g)}. The unit has furnished the DTA sale done by them as requested by this office in the prescribed format.

From the above it is observed that the following are intentionally done by the unit and violated the provisions of the FTP/HBP. Therefore the unit is liable to explain the same by issuing SCN from our office, if approved please.

- (a) Unit has done DTA Sale without prior permission of DC-MEPZ as elaborated in ibid para 1.
- (b) When there is no valid LOP, the unit has made Exports during the year 2014-2015 as elaborated in ibid para 5.
- (c) NO intimation regarding DTA Sales has been given by unit in accordance with para "d" of DTA Sales permission issued by MEPZ as elaborated in ibid para 6.



With reference to M/s. Jeevan Diesel and Electricals Ltd letter dated 15.07.2019. Chronological events in respect of M/s. Jeevan Diesel and Electricals Ltd is placed below as directed by DC.

In this regard legal Opinion has been obtained on 08.06.2019 from Deputy Legal Advisor, Department of Legal Affairs, Chennai on admissibility of compensation and eligibility DTA Sales in view of said unit letter dated 04.04.2019, Deputy Legal Advisor advised that our Department may give suitable reply based on the provisions and relevant Acts and Rules and Still if the unit approaches the court, not satisfied with the reply given by the Department, the same may be defended at the point of time. Accordingly, reply has been sent to unit on 26.06.2019.

Now, the unit has again referred the subject issue vide their letter dated 15.07.2019 under information to DGFT and Union Commerce Minister, New Delhi.

We may give same reply to unit as advised by Deputy Legal Advisor vide their letter dated 08.06.2019, if approved please.

And Bare submitted for further orders please.

Chromological order of events placed for Di's permal.

That heen read though. Pls see if they took advance

DIA sale? Recheck pt 1.

Ph see if the items sold in DTA (243) are

related to their approl items of manufacture.

"What is the provision as per FTP for exporting

luyard liver proid.

Agk

(Non W. Padma)



from bedode.

Pl-see DDC's queries at propage.

- 1) The unit was irrned Lof on 17.07.2008.

 The unit's DCP was 23.03.2009. In the interior period, the unit has not availed interior period, the unit has not availed any advence DTA sale, which may plobe seen at P.13/NF.
- 2) The items approved in Lot and Diesel Generaling Sets with control formel, Switch Gears, Enclosure & Accessories. The items sold in DTA as per & Accessories. The items sold in DTA as per units br. olt. 03.07.2019 are Diesel Generator Sets units br. olt. 03.07.2019 are Diesel Generator Sets units base forme and with control famel, Engines with base forme and Alternators with Base Frame.
 - As per 6.01 (b) (i) 4 HBP 2015-20, once unit commences Production, LOP/LOI issued shall be valid for a period of 5 years for its activities. This period may be extended further by DC for a period of 5 years at a time. In terms of furn 6.01 (1) of HBP, on completion of approval period, where mit opts to continue, DC will extend approval, period. It no intimation is seed. from unit within a period of six months of expiry of appliperiod, DC will take action suo moto to cancel to approval under 50 schon where critigive their option to continue atters expiry of six mosts as stipulated above, DC will grant extension after obtaining approval of BOA.

Submitted, pl.

27/8/19

Above noting may ploase Le soon (P-128-P-120)
The gave to DOC so above.

too peausal and trathon ordions pleane.

DOCCOL) Ide Pl. examine à put up



29 AUG 2019

ECONOMIC ZONE

COMMERCE GOVE TO

DOF

Diseased with ADC(SE). The response from the mit is not clear on the details sought. Homen, ADL may 12/0 shaft letter to unit suky the clanfications. further, we may retlerate our position uponding

lyal opion so what to the mil

AOC (Ist)

Above noting my please Sean/Remarks of DDC Nature on 44.9. 2019

unit seeing Doubt letter addressed to tor Placed the denitication trom twom Pleaner approval

60 - 3 - CO 03.09.2019

DEC

JDC

The draft has been corrected for errors.

Ph specify the LOP condition that authorized export and manufacture with the validity period. Lot- conditions

@ Put up winnedeality after correction.

13/2

Remarko of DDL madem on 03-9.25 Afe my ple

Devised don't letter addressed to prit duty incooperating the top details a reliability penied placed below for peakers and turner ording pleme

0 w. 09. 2019

De / 1/1

VELOPMENT COMMIS MEP7 SPECIAL 03 SEP 2019 ECONOMIC ZONE



6 5 SEP 2019 ECONOMIC ZUNE

FRE SHERIAL

0**6 SEP** 2019

PHATEREE BENT

Fair letter in approved addressed to unit 30 Placed for signature preave.

6.9.2019

20/ tala

ADC