 सत्यमेव जयते 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
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File No. RTI/469/2021-22 / 447

Dated: 15.02.2021

To

Shri. Hemakumar. S,
 LOM Supply Chain India Pvt. Ltd,
 C/o J. Matadee Free Trade Warehousing Zone,
 Survey No. 436/2A & 20/3B, Perumbakkam Road,
 Mannur Village,
 Sriperumbudur – 602 105.

Sir,

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

Kindly refer to your RTI application dated 19.01.2021 with the required fee received in this office on 19.01.2021. The information as available in this office records are provided herewith in respect of this office:

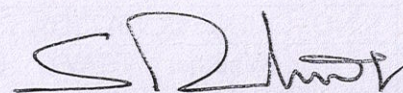
S.NO	INFORMATION REQUESTED	INFORMATION FURNISHED
1.	<p>Whether FTWZ Unit can collect charges in Indian Rupees for the following services, when the services are offered to Indian Customers who are in DTA.</p> <ol style="list-style-type: none"> Storage charges Transportation Charges from Port to Zone Transportation Charges from Zone to Customer in India In bound Customs Clearance Charges Out bond customs clearance charges (DTA) Importer on Record Registration fee Destuffing and stuffing charges at Zone Processing Charges 	<p>It is a hypothetical question. Moreover, the question of applicant involves interpretation/clarification of Rules which is beyond the purview of CPIO under the RTI Act, 2005.</p> <p>The Hon'ble Central Information Commission in its Order dated 03.03.2017 in Appeal No. CIC/SB/A/2016/001025/CBECE-BJ (in the case of Mr.SubrataGuha Ray Vs. CPIO) has stated the following:-</p> <p>"At the outset the Commission observed that under the provision of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of grievance, reason for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."</p>

		<p>From the above Case Law, it is evident that the CPIO is not supposed to create information that is not part of the records.</p> <p>Accordingly, the information sought do not fall under the purview of RTI Act 2005 as per definition under section 2(f) of RTI Act 2005.</p> <p>However, as per the available records, Rule 18(5) of SEZ Rules, 2006 specifically states that, "all transactions by a Unit in Free Trade and Warehousing Zone shall only be in convertible foreign currency".</p> <p>A copy of Rule 18(5) of the SEZ Rules which deals with the subject is attached herewith.</p>
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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 Vikas Pal, I.R.S,
Deputy Commissioner(Customs),
MEPZ-Special Economic Zone,
N.H. 45, Tambaram, Chennai-600 045.

Yours sincerely,



(BALASUBRAMANIAM S)

CPIO/Assistant Development Commissioner

Encl: as above

ET 075685383 IN

DESPATCHED ON

15-2-2021

Despatcher/Meoz-Sez

18 (5) The Units in Free Trade and Warehousing Zones or Units in Free Trade and Warehousing Zone set up in other Special Economic Zone, shall be allowed to hold the goods on account of the foreign supplier for dispatches as per the owner's instructions and shall be allowed for trading with or without labelling, packing or re packing without any processing: Provided that refrigeration for the purpose of storage and assembly of Completely Knocked Down or Semi Knocked Down kits shall also be allowed by the Free Trade and Warehousing units undertaking the said activities:

Provided further that these Units may also re-sell or re-invoice or re-export the goods imported by them:

Provided also that all transactions by a Unit in Free Trade and Warehousing Zone shall only be in convertible foreign currency.

