



भारतसरकार/Government of India
फलताविशेष आर्थिक क्षेत्र/FALTA SPECIAL ECONOMIC ZONE
वाणिज्यविभाग/Department of Commerce

वाणिज्यऔरउद्योगमंत्रालय/Ministry of Commerce & Industry

निज़ामपैलेस, दूसराएमएसओभवन, चौथीमंजिल/Nizam Palace, 2nd MSO Building, 4th Floor
234/4 एजेसीबोसरोड, कोलकाता-700 020/ 234/4 AJC Bose Road, Kolkata-700 020;
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Falta SEZ



F.No. MKSEZ/LIC/S-4/2004/1487-1492

Date: 07-03-2024

SHOW CAUSE NOTICE

M/s SUMIT Jewels Private Limited (herein after referred as Unit) having their registered Office at 3-B, Upper Wood Street, Kolkata-700017 had been permitted vide Letter of Approval No. MSEZ/LIC/S-4/ 2003/ 1454 dated 26-05-2004 and subsequent Lr. dated 14-12-2005 for manufacture and export of Plain Gold Jewellery (Studded/ un-studded with precious and semi-precious stones), Plain Gold/ Silver/Platinum/ Imitation Jewellery- finished or unfinished of any purity and fineness – studded or un-studded – with or without precious/ semi-precious/ Synthetic stones and/or pearls in Manikanchan Special Economic Zone (MKSEZ).

WHEREAS, the Unit was allotted a module 2 - SE, SDF Building at MKSEZ. The Bond cum Legal Undertaking (BLUT) has been executed on 27-12-2005. The date of commencement of Production (DCP) as stated by the Unit was 21-05-2010.

WHEREAS, Rule 19(6) of SEZ Rule, 2006 says *"The Letter of Approval shall be valid for five years from the date of commencement of production or service activity and it shall be construed as a license for all purposes related to authorised operations, and, after the completion of five years from the date of commencement of production, the Development Commissioner may, at the request of the Unit, extend validity of Approval for a further period of five years, at a time."*

WHEREAS, Rule 74(1) of SEZ Rule, 2006 says *"The Unit may opt out of Special Economic Zone with the approval of the Development Commissioner and such exit shall be subject*

to payment of applicable duties on the imported or indigenous capital goods, raw materials, components, consumables, spares and finished goods in stock:

PROVIDED that if the Unit has not achieved positive Net Foreign Exchange, the exit shall be subject to penalty that may be imposed under the Foreign Trade (Development and Regulation) Act, 1992."

WHEREAS, Rule 22(3) of SEZ Rules, 2006 says "The Unit shall submit Annual Performance Reports in the Form I, to the Development Commissioner and the Development Commissioner shall place the same before the Approval Committee for consideration."

WHEREAS, the LOA of the Unit has expired on 20/05/2015 in terms of Rule 19(6) of SEZ Rule, 2006. The Unit has not performed any activity since long (herein counted from the period of non-submission of APRs). The Unit has neither applied for extension of validity of Letter of Approval in terms of Rule 19(6) of SEZ Rule, 2006 nor, applied for exit from the SEZ in terms of Rule 74(1) of SEZ Rules, 2006 and thus, leading to contravention of SEZ Rules, 2006 read with terms and conditions of LOA and BLUT.

WHEREAS, Section 16(1) of SEZ Act, 2005 says "The Approval Committee may, at any time, if it has any reason or cause to believe that the entrepreneur has persistently contravened any of the terms and conditions or its obligations subject to which the Letter of Approval was granted to the entrepreneur, cancel the Letter of Approval:

PROVIDED that no such Letter of Approval shall be cancelled unless the entrepreneur has been afforded a reasonable opportunity of being heard."

WHEREAS, Rule 54 of SEZ Rules, 2006 says "(1) Performance of the Unit shall be monitored by the Approval Committee as per the guidelines given in Annexure appended to these Rules. (2) In case the Approval Committee comes to the conclusion that a Unit has not achieved positive Net Foreign Exchange Earnings or failed to abide by any of the terms and conditions of the Letter of Approval or Bond-cum-Legal Undertaking, without prejudice to the action that may be taken under any other law for the time being in force, the said Unit shall be liable for penal action under the provisions of the Foreign Trade (Development and Regulation) Act, 1992."

THEREFORE, pursuant to decision of Unit Approval Committee in 171st Unit Approval Committee meeting held on 26/12/2023, the Unit is hereby asked to Show Cause as to why their Letter of Approval No. MSEZ/LIC/S-4/ 2003/ 1454 dated 26-05-2004 should not be cancelled and penalty should not be imposed under the provisions of Foreign Trade (Development & Regulations) Act, 1992.

WHEREAS, the Unit may file their written reply within **Thirty (30)** days from the date of issue of this notice and if they wish to be heard in person, they may say so within this period after prior appointment with the undersigned, failing which action as deemed fit may be taken ex-parte on the basis of records available before this Office.

WHEREAS, it may please be noted that these are quasi-judicial proceedings and therefore, personal hearing will be allowed only to the Directors, if they are not in a position to appear for sufficient and valid reasons, they may depute an employee of the firm or any other functionary directly connected with their concern, who has intimate knowledge and full facts of the case. They may, if they so desire, also be represented by a practicing Advocate. Such employee/functionary/practicing advocate should submit their forwarding letter and special power of attorney on stamp paper duly executed in his favour authorizing him to appear in these particular proceedings and statement/submissions/depositions made will be legally binding upon the firm/concern.

This issues without prejudice to any other actions that may be taken against the said firm under any other Rules/Law in force.



(Deen Bāndhu Singh)

Zonal Development Commissioner

To,

- 1) M/s Sumit Jewels Pvt. Ltd.
Module No. 2 SE, SDF Building,
Manikanchan Special Economic Zone
Sector-V, Salt Lake City
Kolkata-700091.

दीन बंधु सिंह/ DEEN BANDHU SINGH
विकास आयुक्त/ Development Commissioner
फाल्ता विशेष आर्थिक क्षेत्र/Falta Special Economic Zone
भारत सरकार/Government of India
व्यवसाय एवं उद्योग विभाग/Ministry of Commerce & Industry
मिर्जापूर पैलेस, कोलकाता/Mizam Palace, Kolkata-700 020

2) Mr. Ashok Sahni

Director to M/s Sumit Jewels Pvt. Ltd.
Suite 413, Vardaan Market, 4th Floor
25A, CAMAC Street, Kolkata-700016.

3) Mr. Sanjeet Sharma

Director to M/s Sumit Jewels Pvt. Ltd.
Suite 413, Vardaan Market, 4th Floor
25A, CAMAC Street, Kolkata-700016.

4) M/s Sumit Jewels Pvt. Ltd.

3-B, Upper Wood Street,
Kolkata-700017.

Copy to:

1) The Specified Officer, Manikanchan SEZ, Sector-V, Salt Lake City, Kolkata-700091

2) The Executive Director, WBIDC Ltd., 'PROTITI', 23, Abanindranath Thakur Sarani
(Camac Street), Kolkata-700017



(Deen Bandhu Singh)

Zonal Development Commissioner

दान बंधु सिंह/ DEEN BANDHU SINGH
विकास आयुक्त/ Development Commissioner
फलाता विशेष आर्थिक क्षेत्र/Fala Special Economic Zone
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निजाम पैलस, कोलकाता/Nizam Palace, Kolkata-700 028

जारी किया / ISSUED

हस्ताक्षर / SIGNATURE

दिनांक / DATE 07/03/24