

APPENDIX – 14-I-F

FORM OF LEGAL AGREEMENT FOR EOUs
(Please see Para 6.3.1 and 6.10.1 of HBP Vol. 1)

NOTE: PLEASE SEE PARA 6.4.1 OF THE CHAPTER 6 OF THE HANDBOOK OF PROCEDURES (Vol.-
I)

An agreement made this _____ day of _____ 201____ between M/s. _____ (indicate legal status i.e. a company or firm) an Export Oriented Unit / having its registered office at _____ and factory/service unit at _____ (hereinafter referred to as "the unit" which expression shall include its successors and assigns) of the one part and the President of India acting through Development Commissioner (DC) ofSEZ (hereinafter referred to as "Government" which expression shall include his successors in office and assigns) of the other part.

Whereas the Government has communicated vide Letter No. _____ dated _____ to the Unit the terms and conditions for setting up the EOU unit for manufacture/service of _____ and the Unit has duly accepted the said terms and conditions vide their letter No. _____ dated _____.

AND WHEREAS the unit has been permitted to import/purchase indigenously Plant and Machinery, raw materials, components, spares and consumables free of Import / Central excise duty as per details given at Annexure I.

And whereas a license has been granted to the unit by the Government, subject to the achievement of positive NFE as provided for in EOU Scheme.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. The unit shall achieve positive NFE as per Para 6.5 of FTP.
2. Such performance shall be subject to annual monitoring by the Development Commissioner (DC) having jurisdiction over its activities under the guidelines issued by the Ministry of Commerce, Government of India from time to time and the unit shall be liable for penalty under the Foreign Trade (D&R) Act, 1992 as amended from time to time for failure to fulfill such obligation. For the purpose of counting NFE under the EOU scheme, exports to Nepal or Bhutan shall qualify, if payment is made in Foreign Exchange.
3. The unit shall intimate the date of commencement of the production for export within one month of such date to the concerned Development Commissioner.
4. The unit shall not dispose of its production in the domestic market except in terms of the provisions of EOU Scheme and/or when specifically allowed by the competent authority.
5. The unit under implementation shall submit quarterly report to the concerned Development Commissioner in the prescribed format at Annexure II.
6. The Unit shall after the commencement of production/operation, submit to the concerned Development Commissioner, quarterly performance report in the prescribed format at Annexure III for the period ending March/June/September and December every year within 30 days of the close of quarter through e-mail giving details of the imports/exports effected and purchases made from the Domestic Tariff Area by the Unit during the period. An annual performance report shall also be submitted in the prescribed format given at Annexure - IV within a period of 90 days following the close of financial year failing which further imports and DTA sale will not be permitted. Annual Performance Reports shall be certified by a Chartered Accountant. In case of wrong submission of such information or failure to submit such information within the stipulated time, DC may withdraw the permission granted to the unit for operation.

7. In the event of the Unit failing to fulfill the terms & conditions of Letter of Permission(LOP) / Letter of Intent (LOI) and NFE as prescribed in the EOU Scheme, except when the fulfillment of such conditions is prevented or delayed because of any law & order, proclamation, regulation/ordinance of the Government or the shortfall in fulfillment of NFE is within the permissible norms specified in the monitoring guidelines given at Appendix-14-I-G of the EOU Scheme, the unit would be liable for penal action under the provisions of Foreign Trade (Development & Regulation)Act, 1992 and the Rules & Orders made thereunder.

8. The unit shall also be subject to the conditions stipulated and required for availing exemption from duty of Customs and Excise under the relevant Customs & Excise Notifications and any customs duties/Excise duties and interest payable to / leviable by the Government for failure to fulfill such conditions shall also, without prejudice to any other mode of recovery be recoverable in accordance with the provisions of Section 142 of the Customs Act, 1962/Section II of the Central Excise Act, 1944 and rules made thereunder and/or from any payment due to the Unit from the Government.

9. Any order issued by the Government in this regard shall be final and binding and the Unit thereby undertakes to comply unconditionally with such an order.

10. The unit shall be bound by the changes made in the provisions of EOU Scheme from time to time.

11. The unit shall have an operational Web-Site.

12. Any changes in the Board of Directors/Partners, telephone No., E-mail address, Web-Site, Pass port No., Bank Address and Factory address shall be duly intimated by the unit within a fortnight.

13. Any Stamp Duties payable on this document or any document executed thereunder shall be borne by the Unit.

In witness thereof the common seal of _____ has been here into affixed and for and on behalf of _____ has set and subscribed his hands here into. Common seal of the within named Unit has been affixed here into in the presence.

Signature of (I) Shri _____
(Residential address)

Director and (ii) Shri _____ Director who have been duly authorized for the purpose by a resolution of the Board of Directors of the Company passed at the meeting held on _____ and who have signed in the presence of _____.

1. _____ (Name, Designation and Address)
(Tel. No.
(E-mail Address & web-site)

2. _____ (Name, Designation and Address)
(Tel. No.
(E-mail Address & web-site)

Signed for and on behalf of the President of India

By Shri _____ in the presence of

1. _____ (Name, Designation and Address)

2. _____ (Name, designation and Address)

EXEMPTION MATERIALS

1. Plant, Machinery and Equipment to be imported.

| No. | Description of goods |
|-----|----------------------|
| | |

2. Raw Materials, Components and Consumables to be imported.

| No. | Description of material |
|-----|-------------------------|
| | |

3. Plant, Machinery and Equipment and Raw Material, Components and Consumables to be indigenously produced and purchased without payment of Central Excise Duties.

| No. | Description of material |
|-----|-------------------------|
| | |
| | |

Period of reporting: (April-June) (July-Sept.) (Oct-Dec) (Jan-March) Quarterly Progress Report for the EOU/ units which are under implementation:

1. Details of the unit :
 - (a) Name of the unit :
 - (b) IEC No. :

2. Location of the Factory & Full Address:
 - a. Address :
 - b. Phone No. :
 - c. Fax No. :

3. Regd. Office
 - a. Address :
 - b. Phone No. :
 - c. Fax No. :
 - d. Permanent E-Mail Address:
 - e. Web-Site :

4. Approval No. and date :

5. Item of manufacture/service – Annual Capacity
(Details of all items to be provided)
 - a)
 - b)

6. Green Card No. and date
and the period of validity :

7. Present position in regard to
setting up of the unit (Tick whichever
is applicable)

| | | | | |
|----|----------------------|---|---|----------------------|
| a. | Acquisition of land | : | Yes | No |
| b. | Erection of Building | : | To Start/ Started Over/Building purchased | |
| c. | Electricity | : | Not applied | Applied on Available |
| d. | Water | : | Not applied | Applied on Available |
| e. | Telephone/Fax | : | Not applied | Applied on Available |

8. Employment:

| | | | | | |
|----|---|--|-------------------|----------------|------------------|
| a) | No. of Men Workers employed in the unit | | <u>Managerial</u> | <u>Skilled</u> | <u>Unskilled</u> |
| b) | No. of Women workers employed in the unit | | <u>Managerial</u> | <u>Skilled</u> | <u>Unskilled</u> |
| c) | TOTAL: | | | | |

9. Imports during the quarter (Rupees in Lakhs)

| | | |
|----|--|--------------------|
| | Cumulative | During the Quarter |
| a. | Value of Capital Goods imported | |
| b. | Value of Raw Materials, Components etc. imported | |

c. Value of indigenous Capital Goods purchased.

d. Value of Industrial Raw Materials Components etc. purchased.

10. Sanction of bonding facilities: Yes No

a. if "yes" date on which warehousing licence issued

b. if "no" date on which customs/ excise approached.

11. Date likely to commence production :

12. Any other information :

(Signature with seal of the company)

Place: _____

Date: _____

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ANNEXURE-IIIFORMAT FOR QUARTERLY REPORT FOR THE WORKING UNITS

Period -----

PERIOD OF REPORTING: QUARTERLY (APRIL-JUNE)(JULY-SEPTEMBER)(OCTOBER DECEMBER)(JANUARY-MARCH).

1. Name of the Unit & location
2. (a) Permanent E-mail Address (Compulsory)
- (b) Web Site

3. Date of commencement of production

Details of production figures

Quantity(MT/pieces) Value(Rs. in lakhs)

- | | <u>EXPORT(INFLOW)</u> | <u>(Rs. in Lakhs)</u> | <u>\$ in Million</u> |
|-------|--|-----------------------|----------------------|
| 4(i). | FOB value of exports for the Quarter | | |
| | a) | GCA exports | |
| | b) | RPA exports | |
| | c) | Total: | |
| ii). | Deemed export for other categories during the quarter | | |
| iii). | Cumulative exports/deemed export up to the current quarter | | |

IMPORT(OUTFLOW) (Rs. in Lakhs)

- 5(i). Cumulative import of RM/consumable etc. during the quarter
- ii). Cumulative import of RM/Consumables etc., consumed up to the quarter
- iii). Cumulative import of capital goods including spares up to the quarter.

6. Net foreign exchange earning Achieved
(NFE)(Column 4 – Column 5 {ii}+Column 5 {iii})

DTA SALE

7. DTA sale Quantity Value

8. Cases of pending Foreign Exchange

Cases of pending Foreign Exchange realisation outstanding for more than 360 days at the end of last quarter/ financial year

| Date of export : | Name of Importer: | Address : | Amount |
|------------------|-------------------|-----------|--------|
|------------------|-------------------|-----------|--------|

(SIGNATURE)
With Seal of Co.

Notes :-

1. The above information should be given separately for each Letter of Permission.
2. QPRs must be submitted electronically only if the zones have provided online facilities.
3. The signature of the authorised signatory of the unit must be sent to the zone electronically.

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FORMAT FOR ANNUAL PROGRESS REPORT FOR THE WORKING UNITS

Period -----

PERIOD OF REPORTING: ANNUAL (APRIL-MARCH)

1. Details of the Unit

- a) Name of the Unit
- b) IEC. No.

2. PERIOD OF REPORTING

3. Approval No. & Date

4. Item of manufacture/service – Annual Capacity
(Details of all items to be provided)

- a)
- b)

5. Factory Location/Address/
Telephone No.

6. Regd. Office Address/Tel/Fax No

7. (a) Permanent E-mail Address (Compulsory)

(b) Web Site

8. Date of commencement of
production

Details of production figures

Quantity(MT/pieces) Value(Rs. in lakhs)

9. Details of Foreign Exchange
Inflow/Outflow

EXPORT(INFLOW) (Rs. in Lakhs) \$ in Million

10. FOB value of exports for the
Year

- a) GCA exports
- b) RPA exports
- c) Total:

11. (a) Goods sold in DTA in terms of Para 6.9(b) of the Chapter 6 of the Foreign Trade Policy
for year

(b) Deemed export for other categories during the year
Total

12. Cumulative exports up to the current year

13. Cumulative exports up to the previous year

14. Country-wise details of exports

(Rs. in Lakhs) \$ in Million

15. Opening balance of imported
RM, Consumables etc.,
during the year

16. Raw Materials/consumables /components etc. imported during the year
 17. RM/consumables etc. transferred to other units during the year
 18. RM/consumables etc. received under the inter-unit transfer during the year
 19. Cumulative import of RM/consumable etc. during the year
 20. Imported RM/Consumables/ etc., consumed during the year
 - 20(A) Imported RM/consumables etc. not utilised beyond five years.
 21. Closing balance of imported RM/Consumables etc. at the end of year
 22. Opening balance of imported capital goods including spares (Value of capital goods year-wise since inception to be annexed)
 23. Import of capital goods including spares during the year
 24. Capital goods including spares received under inter-unit transfer
 25. Capital goods including spares transferred under inter-unit transfer
 26. Cumulative imports of capital goods including spares during year.
- Sub-Total [Column No. 20 + Column 26]
27. Other FE Outflow (Royalty/ technological know-how/investment /Dividend payment/Travel/Commission etc.) during the year
- TOTAL OUTFLOW [Column No. 20 + 26 +27]
28. Net foreign exchange earning Achieved
 29. Opening balance of indigenous capital goods including spares during the year
 30. Purchase of indigenous capital goods during the year
 31. Cumulative balance of indigenous capital goods purchased during the year

32. Opening balance of indigenous RM/Consumables etc., during the year
33. Purchase of indigenous RM/Consumables etc during the year
34. Cumulative balance of indigenous RM/consumables purchased during the year
- 34(A) Imported RM/consumables etc. not utilised beyond five years.

DTA SALE

| | | | | | |
|-----|--|-------|---|----------------|------------------|
| 35. | (a)Sales of goods effected in DTA if any | | <u>Quantity</u> | | <u>Value</u> |
| | (b)Sales of rejects in DTA if any: | | <u>Quantity</u> | | <u>Value</u> |
| | (c)Sale of Waste/Scrap/Remnant | | <u>Quantity</u> | | <u>Value</u> |
| | d) Sale of by product | | | | |
| | (e)Total | | <u>Quantity</u> | | <u>Value</u> |
| 36. | DTA sale on full duty | | <u>Quantity</u> | | <u>Value</u> |
| 37. | Items of manufacture/service Annual capacity (at the end of financial year) | | | | |
| 38. | Foreign/NRI/Indian investment (to be submitted annually) | | <u>Foreign/NRI</u> | | <u>Indian</u> |
| | i) Authorised capital | | | | |
| | ii) Paid up capital | | | | |
| | iii) Foreign Direct Investment - | | (I) Approved (II) Actual Inflow during the year (III) Cumulative balance for the year | | |
| | iv) NRI capital | | (I) Approved (II) Actual Inflow during the year (III) Cumulative balance for the year | | |
| 39. | <u>Employment:</u> | | | | |
| a) | No. of Male Workers employed in the unit | Total | <u>Managerial</u> | <u>Skilled</u> | <u>Unskilled</u> |
| b) | No. of Women workers employed in the unit | Total | <u>Managerial</u> | <u>Skilled</u> | <u>Unskilled</u> |
| c) | TOTAL: (a + b) | | | | |

40. OTHER INFORMATION :

| a | <u>Overseas investment</u> | | | | | | | | | | | |
|----------------|--|-----------------------------------|----------------------------|-----------------------------------|----------------------------|-----------------------------|--|--|--|--|--|--|
|) | Overseas investment made by the unit at the end of last year | | | | | | | | | | | |
| | a) Less than one year Amount in \$ | | | | | | | | | | | |
| b | <u>Cases of pending Foreign Exchange</u> | | | | | | | | | | | |
|) | Cases of pending Foreign Exchange realisation outstanding for more than 180/360 days at the end of financial year | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Date of export</th> <th>Name & address of importer</th> <th>Date and number of Shipping Bills</th> <th>Amount pending realization</th> <th>Reasons for non realization</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Date of export | Name & address of importer | Date and number of Shipping Bills | Amount pending realization | Reasons for non realization | | | | | | |
| Date of export | Name & address of importer | Date and number of Shipping Bills | Amount pending realization | Reasons for non realization | | | | | | | | |
| | | | | | | | | | | | | |
| c | <u>External commercial borrowing</u> | | | | | | | | | | | |
|) | External commercial borrowing pending at the end of last year | | | | | | | | | | | |
| | (a) Less than three years Amount in \$ | | | | | | | | | | | |
| | (b) More than three years -do- | | | | | | | | | | | |
| d | <u>Revenue contribution</u> | | | | | | | | | | | |
|) | Revenue contribution by units | | | | | | | | | | | |
| | (a) Excise duty on DTA sale during the financial year | | | | | | | | | | | |
| | (b) Income tax paid, if any, during the financial year | | | | | | | | | | | |
| | (c) State taxes, cess duties & levies (including CST paid on domestic procurement). | | | | | | | | | | | |
| | (d) Tax deducted at source in respect of employees. | | | | | | | | | | | |

It is certified that no shipment other than mentioned above are pending realization beyond stipulated period/period as extended by RBI.

(SIGNATURE)
With Seal of Co.

Notes :-

- 1) The above information should be given separately for each Letter of Permission.
- 2) The information given in the formats for APRs should be authenticated by the authorized signatory of the unit and should be certified for its correctness by a Chartered Accountant with reference to the account records and registers maintained by the unit.
- 3) APRs must be submitted electronically only if the zones have provided online facilities.
- 4) The signature of the authorised signatory of the unit must be sent to the zone electronically.