

## **Minutes of the 63<sup>rd</sup> meeting of the Board of Approval for SEZ held on 18<sup>th</sup> September 2014 to consider proposals for setting up Special Economic Zones and other miscellaneous proposals**

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The Sixty Second (63<sup>rd</sup>) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZ) was held on 18<sup>th</sup> September, 2014 under the Chairmanship of Shri Rajeev Kher, Secretary, Department of Commerce, at 11.30 A.M. in Room No. 47, Udyog Bhawan, New Delhi, to consider proposals in respect of notified/approved SEZs. The list of participants is annexed (**Annexure-1**).

2. Addressing the members of Board of Approval, the Chairman informed that so far 563 formal approvals have been granted for setting up of SEZs out of which 388 SEZs stand notified. He further informed that as on 30.06.2014, over Rs. 3,01,655.71 crores have been invested in the SEZs and employment to 12,77,645 persons is being provided in the SEZs. During the financial year 2014-15, total exports to the tune of Rs. 1,21,637 crores were made from the SEZs, registering a growth of about 7.36% over the exports for the year 2013-14.

### **Item No. 63.1: Requests for extension of validity of formal approvals**

BoA in its meeting held on 14<sup>th</sup> September, 2012, examining similar cases observed as under: -

*“The Board advised the Development Commissioners to recommend the requests for extension of formal approval beyond 5<sup>th</sup> year and onwards only after satisfying that the developer has taken sufficient steps towards operationalisation of the project and further extension is based on justifiable reasons. Board also observed that extensions may not be granted as a matter of routine unless some progress has been made on ground by the developers. **The Board, therefore, after deliberations, extended the validity of the formal approval to the requests for extensions beyond fifth years for a period of one year and those beyond sixth year for a period of 6 months from the date of expiry of last extension**”.*

**(i) Request of M/s. Milestone Buildcon Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Chokkanahalli Village, Bangalore, Karnataka, beyond 29<sup>th</sup> October 2014**

The Board after deliberations extended the validity of the formal approval up to 29<sup>th</sup> October, 2015.

**(ii) Request of M/s. Kerala State IT Infrastructure Ltd. (KSITIL) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Eramam Village, Kannur District, Kerala, beyond 18<sup>th</sup> September 2014**

The Board after deliberations extended the validity of the formal approval up to 18<sup>th</sup> September, 2015.

**(iii) Request of M/s. Kerala State IT Infrastructure Ltd. (KSITIL) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Cheemeni Village, Kasargod District, Kerala, beyond 18<sup>th</sup> September 2014**

The Board after deliberations extended the validity of the formal approval up to 18<sup>th</sup> September, 2015.

**(iv) Request of M/s. Karnataka Industrial Areas Development Board (KIADB) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mangalore, Karnataka, beyond 26<sup>th</sup> June 2014**

The Board after deliberations extended the validity of the formal approval up to 26<sup>th</sup> June, 2015.

**(v) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gangaikondan village, Tirunelveli, Tamil Nadu, beyond 8<sup>th</sup> May 2014**

The Board after deliberations extended the validity of the formal approval up to 8<sup>th</sup> May, 2015.

**(vi) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Vadapalanji, Madurai, Tamil Nadu, beyond 8<sup>th</sup> May, 2014**

The Board after deliberations extended the validity of the formal approval up to 8<sup>th</sup> May, 2015.

**(vii) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Salem, Tamil Nadu, beyond 7<sup>th</sup> May, 2014**

The Board after deliberations extended the validity of the formal approval up to 7<sup>th</sup> May, 2015.

**(viii) Request of M/s. Mayar Infrastructure Development Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at village Rahaka & Nimoth District Gurgaon, Haryana beyond 13<sup>th</sup> July, 2014**

The Board after deliberations extended the validity of the formal approval up to 13<sup>th</sup> July, 2015.

**(ix) Request of M/s. Uppal IT Projects Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Plot No. TZ – 07, Sector IT Park, Tech Zone, Greater Noida, beyond 16<sup>th</sup> March, 2014**

The Board noted that the progress made by the developer since the last extension is not satisfactory. The Board, after deliberations, **rejected** the proposal of further extension and

directed that DC, NSEZ will issue show cause notice to the Developer for non implementation of the project.

**(x) Request of M/s. G.P. Realtors Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at village Behrampur, District Gurgaon, Haryana, beyond 13<sup>th</sup> November 2014**

The Board after deliberations extended the validity of the formal approval up to 13<sup>th</sup> November, 2015.

**(xi) Request of M/s. Navi Mumbai SEZ Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES-A at Ulwe, Navi Mumbai, Maharashtra, beyond 24<sup>th</sup> October 2014**

The Board after deliberations extended the validity of the formal approval up to 24<sup>th</sup> October, 2015.

**(xii) Request of M/s. Navi Mumbai SEZ Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES-B at Ulwe, Navi Mumbai, Maharashtra, beyond 24<sup>th</sup> October 2014**

The Board after deliberations extended the validity of the formal approval up to 24<sup>th</sup> October, 2015.

**(xiii) Request of M/s. Navi Mumbai SEZ Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES-C at Ulwe, Navi Mumbai, Maharashtra, beyond 21<sup>st</sup> November 2014**

The Board after deliberations extended the validity of the formal approval up to 21<sup>st</sup> November, 2015.

#### **Item No. 63.2: Requests for extension of validity of in-principle approval**

**(i) Request of M/s. Chhindwara Plus Developers Limited for extension of the validity of in-principle approval, granted for setting up of Multi Product SEZ at Saurar Tehsil, Chhindwara District, Madhya Pradesh, beyond 29<sup>th</sup> July, 2011.**

The Board after deliberations extended the validity of the in-principle approval up to 29<sup>th</sup> July, 2015. The Board also directed to the developer to expedite the acquisition of remaining land and come up with the proposal for formal approval in a time bound manner.

#### **Item No. 63.3 : Requests for extension of LoP beyond 3<sup>rd</sup> Year onwards**

**(i) Request of M/s Anjani Udyog Pvt. Limited, a unit in multi-product SEZ developed by M/s Adani Port & SEZ at Mundra, Gujarat for extension of validity period of its LoP beyond 30<sup>th</sup> September, 2014**

The Board after deliberations extended the validity of the LoP up to 31<sup>st</sup> March, 2015.

**(ii) Request of M/s Pidilite Industries, a unit in multi-product SEZ developed by Dahej at Bharuch Gujarat for extension of validity period of its LoP beyond 15<sup>th</sup> August, 2014**

The Board after deliberations extended the validity of the LoP up to 15<sup>th</sup> August, 2015.

**(iii) Request of M/s Air India Limited, a unit in MIHAN SEZ for extension of validity period of its LoP beyond 31<sup>st</sup> August 2014**

The Board after deliberations extended the validity of the LoP up to 31<sup>st</sup> August, 2015.

**(iv) Request of M/s. Cura Technologies Limited, a unit in APIIC SEZ for extension of Letter of Permission (LOP) beyond 16<sup>th</sup> December 2013**

The Board after deliberations extended the validity of the LoP up to 16<sup>th</sup> December, 2014.

**(v) Request of M/s. ACN Infotech (India) Private Limited, a unit in the sector specific SEZ for IT/ITES being developed by M/s. APIIC at Hill No. 2, Madhurawada, Visakhapatnam, Andhra Pradesh for extension of Letter of Permission (LOP) beyond 22<sup>nd</sup> July, 2013**

The Board after deliberations extended the validity of the LoP up to 21<sup>st</sup> January, 2015.

**(vi) Request of M/s Colour Chips New Media Limited, a unit in APIIC IT SEZ at Madhurwada, Visakhapatnam, Andhra Pradesh for extension of validity period of its LoP beyond 4<sup>th</sup> March, 2014**

The Board after deliberations extended the validity of the LoP up to 4<sup>th</sup> March, 2015.

**(vii) Request of M/s Shantha Biotechnics Limited, Unit-1 in M/s Shantha Biotechnics Ltd. SEZ at Muppireddypalli Village, Toopran Mandal, Medak District, Andhra Pradesh for extension of validity period of its LoP beyond 28<sup>th</sup> September, 2014**

The Board after deliberations extended the validity of the LoP up to 28<sup>th</sup> September, 2015.

**Item No. 63.4 : Requests for co-developer**

Approvals for co-developers are subject to the condition that particular terms and conditions of lease agreement/co-developer agreement will not have any bearing on the treatment of the income by way of lease rentals/down payment/premium etc., for the purposes of assessment under the prevalent Income Tax Act and Rules. The Assessing Officer, will have the right to examine the taxability of these amounts under the SEZ Act and Income Tax Act as applicable. This is applicable to all cases of co-developers approved by the BoA in this meeting. The decisions of the BoA on the proposals are as under:-

**(i) Request of M/s. T&V Holdings Private Limited for co-developer in the sector specific SEZ for IT/ITES at Vallancherry village, Guduvanchery, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu, being developed by M/s. Estancia IT Park Pvt. Ltd.**

After deliberations, the Board approved the request of M/s. T&V Holdings Private Limited for setting up, operations and maintenance of the area, over an area of 5.27 hectares for

carrying out the following authorized operations, in accordance with the co-developer agreement entered into with the developer:-

1. Development, maintenance & repair of infrastructure at site including Security services
2. Building management systems for an optimal level of building intelligence, facilitating predictive maintenance
3. Fire Protection system
4. Water treatment
5. Storm drainage and Sewage disposal
6. Water supply distribution network and sewerage system network
7. House-keeping services
8. Access control and monitoring
9. Road network
10. Centralized air conditioning with systems for human and machine comfort
11. Adequate amenities/ support services like restaurant/ food court, Conferencing to support the main activity
12. Common area Maintenance services: These relate to operation and maintenance of common areas, terraces/ refuge areas etc.

**(ii) Request of M/s. Elephant Developers Pvt. Ltd. for co-developer in the sector specific SEZ for IT/ITES including Electronic Hardware and Software at Plot No. 21, Tech Zone-IV, Greater Noida, being developed by M/s. Artha Infratech Pvt. Ltd.**

After deliberations, the Board approved the request of M/s. Elephant Developers Pvt. Ltd. for construction of one tower (Tower No. 3) of approximately 30600 sqmt. super area including basement in the processing area of the SEZ, over an area of 4428 sqm, in accordance with the co-developer agreement entered into with the developer.

**(iii) Request of M/s. East Godavari Power Distribution Company Pvt. Ltd. for co-developer in the multi product SEZ at Villages Ponnada, Mulapeta and Ramnakkapeta, Kakinada, East Godavari District, Andhra Pradesh, being developed by M/s. Kakinada SEZ Pvt. Ltd.**

After deliberations, the Board approved the request of M/s. East Godavari Power Distribution Company Pvt. Ltd. for undertaking the following operations over an area of 1013.64 hectares, in accordance with the co-developer agreement entered into with the developer:-

- (i) Electrical Distribution Network including necessary sub-stations of appropriate capacity, pipeline network, power back up facilities etc.
- (ii) Procurement and setting up of infrastructural facilities and equipment required for distribution of power.
- (iii) Undertake operation and maintenance of the infrastructure facilities and equipment procured and setup for undertaking power distribution function
- (iv) Undertake power distribution function.

### **Item No. 63.5 : Proposals for setting up of SEZs**

**(i) Proposal of M/s. Mumbai Futuristic Economic Zone Pvt. Ltd. (Formally M/s. Quippo Infrastructure Equipment Ltd.), for conversion of in-principle approval granted to the developer for sector specific SEZ for Engineering into formal approval for setting up two sector specific SEZs for Biotech and IT/ITES (including 3D Animation, E-learning, Visual Effect and related Services etc.) at Village Shahabaj and Dehenkoni, Dist. Raigad, Maharashtra, and change of name of the developer from M/s. Mumbai Futuristic Economic Zone Pvt. Ltd. to M/s. Attivo Economic Zone (Mumbai) Pvt. Ltd.**

The Board noted that the Government of Maharashtra has recommended the proposal vide their letter dated 27.08.2014 subject to confirmation from the Competent Authority that the subject land is not reserved for forest. The Board noted that the Developer is in possession of the land and it has proposed conversion of in-principle approval into formal approval by setting up two sector specific SEZs as under:-

- (i) Sector specific SEZ for Biotech, over an area of 24.04 hectares
- (ii) Sector specific SEZ for IT/ITES (including 3D Animation, E-learning, Visual Effect and related Services etc.), over an area of 10.47 hectares

The Board also noted that the developer has also requested for change of name from M/s. Mumbai Futuristic Economic Zone Pvt. Ltd. to M/s. Attivo Economic Zone (Mumbai) Pvt. Ltd.

Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Mumbai Futuristic Economic Zone Pvt. Ltd., for setting up two sector specific SEZs – (i) for Biotech, over an area of 24.04 hectares; and (ii) for IT/ITES(including 3D Animation, E-learning, Visual Effect and related Services etc.), over an area of 10.47 hectares subject to the confirmation from the Competent Authority that the subject land is not reserved for forest.

The Board also approved the change of the name of the Developer from M/s. Mumbai Futuristic Economic Zone Pvt. Ltd. to M/s. Attivo Economic Zone (Mumbai) Pvt. Ltd. subject to each entity independently fulfilling the following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(ii) Proposal of M/s. Wipro Limited for setting up of sector specific SEZ for IT/ITES at Resapuvanipalem Village, Visakhapatnam, Andhra Pradesh, over an area of 1.22 hectares.**

The Board noted that the Developer is in possession of the land. The Government of Andhra Pradesh has also recommended the proposal vide their letter dated 12.08.2014. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Wipro Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Resapuvanipalem Village, Visakhapatnam, Andhra Pradesh, over an area of 1.22 hectares.

**(iii) Proposal of M/s. Adani Ports and Special Economic Zone Ltd. (APSEZL), for setting up of Multi Product SEZ at Mundra Taluka, District Kutch, Gujarat, over an area of 1856.5335 hectares.**

The Board noted that DoR has sought some more information and requested to defer consideration of the proposal. Therefore, the Board, after deliberations, decided to defer the proposal.

**Item No. 63.6 : Miscellaneous Cases**

**(i) Request of M/s. Southern Online Bio Technologies Ltd., a unit of APSEZ, Atchutapura, Visakhapatnam District, Andhra Pradesh for sale of biodiesel derived from used cooking oil in DTA**

After deliberations, the Board decided to remand the case back to Development Commissioner, VSEZ for taking a decision on the merits of the case and in terms of existing provisions in the SEZ Act and Rules.

**(ii) Request of Bhabha Atomic Research Centre (BARC) for permission for transportation of construction material through APSEZ road at Atchutapuram, Visakhapatnam District, Andhra Pradesh**

After deliberations, the Board decided to approve the proposal for permission for transportation of construction material through APSEZ road at Atchutapuram, Visakhapatnam District, Andhra Pradesh subject to the following conditions:-

- (i) Prior intimation in writing will be given by BARC to the concerned Authority indicating details of material and time
- (ii) The vehicle will be escorted by BARC employees
- (iii) The BARC gate for entry and exit of vehicle transported through APSEZ will be kept locked and shall be guarded by Security personnel under supervision by BARC Security Officers. This gate shall be opened only during transportation of material.
- (iv) Any other condition, DC APSEZ may like to prescribe.

**(iii) Request of M/s. Anjaney Alloys Ltd., a Unit in APSEZ, Atchutapurma, Visakhapanam District, Andhra Pradesh for permission for import of 60,000 MT Ferro Manganese Slag**

The Board noted that the unit had earlier been granted permission for import of 40000 MT of Ferro Manganese Slag by the BoA in its 53<sup>rd</sup> meeting held on 06.07.2012. After deliberations, the Board decided to defer the proposal and directed the DC VSEZ to furnish report on the utilization of material imported by the unit. The Board also directed DC VSEZ

to resubmit the proposal after obtaining the NOC from MoEF along with the report on utilization on 40000 MT of Ferro Manganese Slag imported earlier.

**(iv) Request of M/s Manipal ETA Infotech Limited for amendment to the area given in the formal approval dated 4.1.2012 by increasing the same from 11.20 hectares to 17 hectares**

After deliberations, the Board decided to approve the request of M/s. Manipal ETA Infotech Limited for increasing the area of the formally approved SEZ by 5.80 hectares from the formally approved area of 11.20 hectares thereby making the total area of the formally approved SEZ as 17 hectares, subject to contiguity of the SEZ being maintained.

**(v) Request of M/s Stylus Commercial Services Pvt. Ltd., co-developer in M/s. Manyata Embassy Business Park SEZ, a sector specific SEZ for IT/ITES at Bangalore, Karnataka for shifting of operations from C2 Tower to increased office space in H2 Tower**

After deliberations, the Board approved the request of M/s Stylus Commercial Services Pvt. Ltd. for shifting of operations from C2 Tower to H2 Tower having built up area of 37,605 sq. ft. for providing business centre facilities and services, in accordance with the amended co-developer agreement entered into with the developer.

**(vi) Request from M/s. Vedanta Aluminium Ltd., developer of sector specific SEZ for Manufacture and Export of Aluminium at Jharsuguda, Odisha for change of name of the SEZ to M/s. Sesa Sterlite Ltd. SEZ**

The Board approved the proposal of M/s. Vedanta Aluminium Ltd. for change of name of the developer from M/s. Vedanta Aluminium Ltd. to M/s. Sesa Sterlite Ltd., subject to each entity independently fulfilling the following conditions:

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.



**(vii) Request of M/s Unitech Hi-tech Structures Developers Ltd., a developer in sector specific SEZ for IT/ITES at Rajarhat Dist. North 24 Parganas, Kolkata, West Bengal for change in shareholding pattern**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(viii) Request of M/s OPGS Power Gujarat Pvt. Ltd., a co-developer in M/s. OPGS Infrastructure Pvt. Ltd., a sector specific SEZ for Engineering at Bhadreshwar, Mundra, Kutch, Gujarat for change of nature of power plant from Captive to Group Captive**

The Board noted that the BoA, in its 61<sup>st</sup> meeting held on 3<sup>rd</sup> April, 2014, had granted co-developer status to M/s. OPGS Power Gujarat Pvt. Ltd. for generation of power over an area of 20 hectares in the non-processing area of the SEZ. The Board also noted that M/s. OPGS Power Gujarat Pvt. Ltd. has requested for change of nature of power plant from Captive to Group Captive so that it can supply power to other SEZs and EoUs. The Board, after deliberations, noted that there is no concept of "Group Captive" in SEZ Act & Rules. However, the Board observed that the permission to supply power in SEZ includes the permission to supply power to other SEZs and EoUs after following the due procedure.

**(ix) Proposal of M/s. MMG Impex, a unit in MEPZ for production of machine finished Sandalwood Products and finished handicraft products of Sandalwood**

The Board noted that the unit has applied for fresh LoP for manufacture of following items:-

- (i) Sandalwood handicraft products
- (ii) Sandalwood machine made products
- (iii) Sandalwood chips (upto 50 grams per piece)
- (iv) Sandalwood power/dust
- (v) Sandalwood flakes/scrap/waste

The Board also noted that MoEF has granted NOC to the proposal for setting up export unit in respect of machine finished sandalwood products & finished handicraft products of sandalwood.

After deliberations, the Board approved the proposal for setting up export unit in respect of machine finished sandalwood products (ITC(HS) Code 44090000) & finished handicraft products of sandalwood (ITC(HS) Code 44200000).

**(x) Request of M/s Unitech Developers & Projects Ltd., co-developer in sector specific SEZ for IT/ITES being developed by M/s Gurgaon Infospace Ltd. at Dundaheera, Gurgaon, Haryana for change in shareholding pattern**

After deliberations, the Board approved the request of the co-developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to co-developers, including security clearances etc., by the altered co-developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xi) Request of M/s Unitech Infra-con Ltd., developer of sector specific SEZ for IT/ITES at Plot No. TZ-04, Greater Noida (U.P.) for change in shareholding pattern**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xii) Request of M/s Unitech Realty Projects Ltd., developer of sector specific SEZ for IT/ITES at Village Tikri, Gurgaon (Haryana) for change in shareholding pattern**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xiii) Request of M/s Seaview Developers Ltd., developer of sector specific SEZ for IT/ITES at Plot No. 20 & 21, Sector – 135, Noida, U.P. for change in shareholding pattern**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xiv) Request of M/s Neopro Technologies Private Limited (NTPL), developer of sector specific SEZ for IT/ITES at Rajiv Gandhi Info Tech Park, Phase-I, Hinjewadi, Pune, Maharashtra for sale/transfer of equity shareholding of the Company**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xv) Request of M/s Kenexa Technologies Private Limited, co-developer in sector specific SEZ for IT/ITES being developed by M/s APIIC at Madhurawada Village, hill No. 3, Visakhapatnam, Andhra Pradesh for transfer of ownership to M/s IBM India Private Limited and change of name of the co-developer to M/s IBM India Private Limited**

After deliberations, the Board approved the request of the co-developer for change in shareholding pattern of the company and change of name of the co-developer to M/s IBM India Private Limited, subject to following conditions:-

- (i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
- (ii) Fulfillment of all eligibility criteria applicable to co-developers, including security clearances etc., by the altered co-developer entity and its constituents;
- (iii) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (iv) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (v) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (vii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

**(xvi) Request of M/s Pooja Scrap Industries (Partnership), a unit in VSEZ for extension of validity of LoP for the next block of five years from 31.08.2014**

The Board, after deliberations, approved the proposal for extension of validity of LoP for a period of one year with the condition that the unit shall fulfill all the pending export obligations during the extended period. The further extension would be considered only after satisfactory performance of the unit during the extended period, which will be monitored by DC VSEZ.

**(xvii) Request of M/s. Aricent Technologies (Holdings) Ltd., a unit in M/s. Unitech Realty Project Ltd., IT/ITES SEZ, Gurgaon for undertaking ITES**

The Board noted that M/s. Aricent Technologies (Holdings) Ltd. has applied for setting up their unit in M/s. Unitech Realty Project Ltd., Gurgaon by shifting their operations from STP Scheme to SEZ Scheme. The Board, after deliberations, approved the proposal for setting up a unit for rendering IT/IT Enabled Services including computer software services, content development and research & development services over an area of 43,061.50 sq. mts. The Board also directed DC NSEZ to take further necessary action for issue of LoP to the unit.

**Item No. 63.7 : Cancellation of Formal Approvals**

The Board examined the 9 cases of the agenda for cancellation of formal approval. The Board noted that the progress made by the following developers/co-developers is not satisfactory. The Board, after deliberations, decided to cancel the formal approval/notification/co-developer status, as the case may be, in the following 9 cases. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has not availed any tax/duty benefits under SEZ Act/Rules or has refunded any such benefits availed by it and subject to the State Govt. furnishing it's no objection certificate to the proposal:-

Sr. No.	Name of the Developer/co-developer	Sector	Date of formal approval	Zone
1.	M/s. Hindalco Industries Ltd. (Sambalpur, Odisha)	Aluminium product	30.07.2007	FSEZ
2.	M/s. Essar Jamnagar SEZ Ltd. (Jamnagar, Gujarat)	Multi Product	21.08.2006	KASEZ
3.	M/s. Asia Pacific Corporation Ltd. (Village Bhimsar, Taluka Anjar, Dist. Kutch Gujarat)	Polymer based	07.01.2008	KASEZ
4.	M/s. Adani Townships & Real Estate Company Pvt. Ltd. (Village Dantali, SG Highway, Ahmedabad, Gujarat)	IT/ITES	12.06.2007	KASEZ
5.	M/s. Gaurinandan Property Holders Pvt. Ltd. (Village Badarabad Taluka Daskaroi, Dist. Ahmedabad, Gujarat)	IT/ITES	21.11.2008	KASEZ
6.	M/s. Gujarat Industrial Development Corporation (Jhagadia Bharuch, Gujarat)	Ceramic and Glass Industry	21.08.2006	KASEZ
7.	M/s. Integrated Warehousing Kandla Project Development Pvt. Ltd. - Co-developer in Kandla SEZ	FTWZ	15.02.2007	KASEZ
8.	M/s. Chennai Business Park Pvt. Ltd. (Madhuranthagam Taluka, Kanchipuram District, Tamil Nadu)	IT/ITES	19.06.2007	MEPZ
9.	M/s. Viraj Profiles Ltd. (Village Amgaon, Taluka Wada, Dist. Thane, Maharashtra)	Stainless Steel Engineering Products	21.08.2006	SEEPZ

**Item No. 63.8 : Applications for grant of Industrial Licence**

**(i) Application of M/s L&T Shipbuilding Ltd., Chennai for issue of industrial licence for Defence Equipments**

After deliberations the Board decided to approve the proposal for issue of LoP to M/s. L&T Shipbuilding Ltd. for manufacture of Defence Equipments viz. design and construction of Warships, submarines, weapon platforms (offshore, floating & submerged) including Auxiliary Vessels, High Speed Boats & Crafts, Barges, etc.; Conversion, alteration, refit, repairs of Defence Ships and Submarines, Manufacture of parts and accessories of ships and boats in SEZ subject to the standard terms & conditions for licensing and the extant FDI Policy guidelines applicable to Defence sector and appropriate security & auditing

procedures prescribed by MoD/MHA. LoP for the same shall be issued by the concerned Development Commissioner in terms of Section 9 (2)(e) of SEZ Act, 2005 and Rule 18(1) read with Rule 19(4) of SEZ Rules, 2006.

**(ii) Request of M/s L&T Shipbuilding Ltd. a unit in L&T Shipbuilding Ltd. at Katupalli, Tamil Nadu requesting for permission for delivery of interceptor boats to Indian Coast Guard**

The Board noted that the present proposal has been placed before the BoA since Industrial Licence has not been issued to the unit. Since the Board has now approved the proposal for grant of Industrial Licence, there is no need for separate permission for supply of interceptor boats to the Indian Coast Guard. The Board directed the DC MEPZ to allow supply of interceptor boats to the Indian Coast Guard, subject to applicable duties.

**Item No. 63.9 : Appeals before BoA**

**(i) Appeal of M/s. Stable Packaging Private Limited, a unit in NSEZ against order dated 19.06.2014 based on decision of the UAC**

The Board heard the appellant and after examining the matter directed DC NSEZ to issue LoP to the unit without prescribing any mandatory conditions for physical/ deemed exports other than what is prescribed in the SEZ Act and Rules.

**(ii) Appeal of M/s. Silvershine Corporation, a unit in Dahej SEZ against order dated 03.07.2014 of the UAC**

The Board heard the appellant and noted that the case is not covered under Rule 18(4)(d) of SEZ Rules, 2006. Therefore, the Board decided to reject the appeal.

**Decisions on Supplementary Agenda**

**Item No. 63.10 : Miscellaneous cases**

**(i) Request of M/s Adani Power Dahej Ltd. (APDL) for grant of permission for Right of Way to install Coal Conveyor through Dahej SEZ for 4 X 660 MW Thermal Power Project**

The Board noted the proposal is for grant of permission for Right of Way to install Coal Conveyor through Dahej SEZ for Thermal Power Project being developed by M/s Adani Power Dahej Ltd. in the DTA area. After deliberations, the Board decided to grant in-principle approval for grant of permission for Right of Way to install Coal Conveyor through Dahej SEZ for 4 X 660 MW Thermal Power Project. However, the Board decided to form a Committee consisting of DC KASEZ, DC Dahej SEZ Ltd., Developer of Dahej SEZ Ltd. and Jurisdictional Commissioner of Customs & Central Excise to examine the conditions to be imposed for such permission and submit their recommendations to Deptt. of Commerce, which shall take a decision on file after consideration of recommendations of the Committee.

**(ii) Request from M/s. Bagmane Developers Private Limited (BDPL) (SEZ-I), developer of IT/ITES SEZ at Mahadevapura K.R. Puram, Bangalore, Karnataka for extension of validity of formal approval, beyond 30<sup>th</sup> June, 2014 and for reduction in the area of formally approved SEZ from 10.42 hectares to 6.31 hectares**

After deliberations, the Board decided to approve the request of M/s. Bagmane Developers Private Limited (BDPL) for reduction in the area of the formally approved SEZ by 4.11 hectares from the formally approved area of 10.42 hectares thereby making the total area of the formally approved SEZ as 6.31 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying inter alia that the contiguity of the SEZ is maintained, the developer has either not availed or has refunded all the tax/duty benefits availed under SEZ Act/Rules in respect of the area to be reduced, the State Govt has no objection to the proposal, etc.

After deliberations, the Board also approved the proposal for extension of validity of the formal approval up to 30<sup>th</sup> June, 2015.

**(iii) Proposal for cancellation of Formal Approval granted to M/s Ruchi Reality Holdings Ltd., developer of sector specific SEZ for IT/ITES at village Kannadia, Tehsil and Distt. Indore, M.P.**

The Board noted that the progress made by M/s Ruchi Reality Holdings Ltd. is not satisfactory. The developer has also informed that they are not able to make the land contiguous and are not in a position to comply with the formalities pertaining to issue of notification. The developer has requested not to consider their application for setting up the SEZ.

The Board, after deliberations, decided to cancel the formal approval granted to the developer subject to the DC furnishing a certificate in the prescribed format certifying that the developer has not availed any tax/duty benefits under SEZ Act/Rules or has refunded any such benefits availed by it and subject to the State Govt. furnishing its no objection certificate to the proposal.

**(iv) Request of M/s Aachvis Softech Private Limited, developer of sector specific SEZ for IT/ITES at Noida, Uttar Pradesh for change in shareholding pattern**

After deliberations, the Board approved the request of the developer for change in shareholding pattern of the company, subject to following conditions:-

- (i) The developer shall provide the details of board of directors of the existing developer and the new purchaser company and a copy of Purchase Agreement entered between the developer and the purchaser company immediately on entering into such agreement.
- (ii) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (iii) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (iv) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.

- (v) Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- (vi) The Assessing Officer shall have the right to examine and assess the taxability and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- (vii) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- (viii) The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

The meeting ended with a vote of thanks to the Chair.

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**Annexure - 1**

**List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 18<sup>th</sup> September, 2014 under the Chairmanship of Commerce Secretary, Department of Commerce**

1. Shri Rajeev Kher, Chairman, BoA & Commerce Secretary, Department of Commerce.
2. Shri Ram Tirath, DGEP, Department of Revenue, Ministry of Finance
3. Shri Jitendra Kumar, Additional DGEP, CBEC, Department of Revenue.
4. Smt. Sarda Jain, Joint Secretary, Ministry of Law & Justice
5. Dr. L. B. Singhal, Additional DGFT, Dte. General of Foreign Trade
6. Shri Tej Pal Singh, ADG, DGEP, CBEC, Department of Revenue
7. Ms. Deepshikha Sharma, Deputy Secretary (ITA-1), CBDT, Department of Revenue, Ministry of Finance
8. Shri Gulab Singh, Deputy Secretary, Department of Financial Services
9. Shri Mahesh Tyagi, Dy. Legal Adviser, Ministry of Law & Justice
10. Shri P.K. Gupta, DGM, Ministry of Home Affairs
11. Shri R.N. Singh, Under Secretary, Ministry of Home Affairs
12. Shri R.D. Meena, Research Assistant, TCPO, Ministry of Urban Development
13. Dr. S.K. Sahoo, Office of Development Commissioner (MSME), Ministry of MSME, Nirman Bhawan.
14. Shri B. Bhattacharya, SIO, DGEP, Department of Revenue
15. Sh.A.K. Pathania, SIO, DGEP, Department of Revenue
16. Shri V. K. Sharma, Consultant, Ministry of Shipping
17. Shri A.P. Singh, Sr. Dev. Officer, DIPP
18. Smt. Sandhya Pawar, Asst. Resident Commissioner, Government of Maharashtra
19. Shri Vishnu Mohan Dev, Asstt. Liaison Officer, O/o the DC, Government of Maharashtra
20. Shri Subhash Sharma, O.S.D., Government of Chhattisgarh
21. Shri Gurpreet Singh, S.O. PSIEC, Government of Punjab
22. Shri Vipin Saxena, Spl. Resident Commissioner, Govt. of Odisha
23. Shri A.K. Dham, Govt. of Odisha, New Delhi

**LIST OF DEVELOPMENT COMMISSIONERS**

24. Shri Sumeet Jerath, Development Commissioner, NSEZ
25. Shri S. Kishore, Development Commissioner, VSEZ
26. Dr. Safeena AN, Development Commissioner, CSEZ
27. Shri Sanjeev Nandwani, Development Commissioner, Falta, Kolkata
28. Shri N.P.S. Monga, Development Commissioner, SEEPZ SEZ
29. Shri A.K. Choudhary, Development Commissioner, MEPZ
30. Shri Vijay Shewale, Development Commissioner, KASEZ
31. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
32. Smt. Lata Shukla, Development Commissioner, Mundra SEZ
33. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhya Pradesh.
34. Shri Rakesh Kumar, Deputy Development Commissioner, Noida SEZ
35. Smt. Mala Rangarajan, Deputy Development Commissioner, Noida SEZ

**LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE**

36. Shri Madhusudan Prasad, Additional Secretary, Department of Commerce
37. Shri Rajeev Arora, Joint Secretary, Department of Commerce
38. Shri Madhup Vyas, Director, Department of Commerce
39. Shri S.S. Kumar, Under Secretary, Department of Commerce
40. Shri Kabiraj Sabar, Under Secretary, Department of Commerce
41. Shri Vinod Kumar, Section Officer, Department of Commerce
42. Shri R.K. Dutta, Section Officer, Department of Commerce