

## **Minutes of the 59<sup>th</sup> meeting of the SEZ Board of Approval held on 30<sup>th</sup> August 2013 to consider proposals for setting up Special Economic Zones and other miscellaneous proposals**

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The fifty ninth (59<sup>th</sup>) meeting of the SEZ Board of Approval (BoA) was held on 30.08.2013 under the chairmanship of Shri S.R. Rao, Secretary, Department of Commerce, at 10.30 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 Board of Approval members, the Chairman informed that so far 576 formal approvals have been granted for setting up of SEZs out of which presently 392 SEZs stand notified. He further informed that as on 29.08.2013, over Rs. 2,60,252.42 crores have been invested in the SEZs and direct employment of 11,35,649 persons has been generated in the SEZs. During the financial year 2012-13, total exports to the tune of Rs. 4,76,159 crores have been made from the SEZs, registering a growth of about 31% over the exports for the year 2011-12. Exports in the current financial year, up to 30.06.2013, have been to the tune of Rs. 1,13,299 crores registering a decline of 4.25% over the exports of the corresponding period of FY 2011-12.

### **Item No. 59.1: Proposals for setting up of SEZs**

(i) **Proposal of M/s. Transcendent Developers Pvt. Ltd., for setting up of a sector specific Special Economic Zone for IT/ITES at Wagholi & Bhavadi, Taluka Haveli, Dist. Pune, Maharashtra, over an area of 13.01 hectares**

The Board noted that DC SEEPZ had sought for certain information/documents from the developer and had not furnished its recommendations to the above proposal. Accordingly, the Board decided to **defer** the proposal.

(ii) **Proposal of M/s. iGate Global Solutions Ltd., for setting up of a sector specific Special Economic Zone for Electronic Hardware & Software including ITES at Plot No. IT-3, IT-4, Airoli Knowledge Park, TTC Industrial Area, MIDC, Navi Mumbai, over an area of 14.17 hectares**

The Board noted that the Developer was in possession of the land. The Board was also informed that the land was in the name of M/s Patni Computers Ltd which later became M/s iGate.....which was merged with M/s iGate Global Solutions Ltd. The Government of Maharashtra had also recommended the proposal for formal approval vide their letter dated 04.06.2013. Board noted that MHA had yet to offer its comments and asked that comments be sent within the next 30 days. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. iGate Global Solutions Ltd., for setting up of a sector specific Special Economic Zone for Electronic Hardware & Software including ITES at Plot No. IT-3, IT-4, Airoli Knowledge Park, TTC Industrial Area, MIDC, Navi Mumbai, over an area of 14.17 hectares, subject to MHA comments.

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

The Board noted that the developer was in possession of the land. The Government of Gujarat had also recommended the proposal for approval. However, DC KASEZ/APSEZ had raised certain issues relating to independent access to the proposed SEZ etc. Board noted that

MHA had yet to offer its comments and asked that comments be sent within the next 30 days. Board after deliberations, decided to grant in-principle approval to the proposal of M/s. Adani Ports and Special Economic Zone Ltd. (APSEZL) for setting up of Multi Product Special Economic Zone at Mundra Taluka, District Kutch, Gujarat, over an area of 1856.5335 hectares. Before grant of formal approval BoA directed DoC to constitute a committee to examine the outstanding issues and furnish its report to BoA.

**Item No. 59.2: Proposal for conversion of in-principle to formal approval**

**(i) Request for conversion of in-principle approval into formal approval for setting up of a sector specific Special Economic Zone for Power/Engineering at Bhadreshwar, Mundra, Kutch, Gujarat by M/s. OPGS Power Gujarat Pvt. Ltd., over an area of 55.249565 hectares**

The Board noted that the Developer was in possession of the land. The Government of Gujarat had also recommended the proposal for approval of 55.2495 ha vide their letter dated 29.08.2013. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. OPGS Power Gujarat Pvt. Ltd., for setting up of a sector specific Special Economic Zone for Power at Bhadreshwar, Mundra, Kutch, Gujarat, over an area of 55.249565 hectares.

**Item No.59.3: Requests for co-developer**

All BoA sanctioned approvals to 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 the cases of co-developers approved by the BoA in this meeting. The Board further directed that proposals for grant of co-developer status should be accompanied by lease deed/draft lease deed which must inter-alia contain the details of financial transactions/arrangements between developer and proposed co-developer. The decision of the BoA on the proposal is as under:-

**Request of M/s. DLF Utilities Ltd. for co-developer in the sector specific SEZ for IT/ITES at New Town, Rajarhat, Kolkata, West Bengal, being developed by M/s. DLF Limited**

After deliberations, the Board approved the request of M/s. DLF Utilities Ltd. for becoming a co-developer in the above mentioned SEZ, to carry out infrastructure facilities/authorized operations over an area of 10.4813 hectares as under:

- (a) Development and/or operation and maintenance of SEZ buildings.
- (b) Engineering Maintenance including electrical and mechanical works; heating, ventilation and air conditioning (HVAC) systems; fire detection & Alarm Systems, water supply, storm drainage and sewage disposal, building upkeep services including maintenance of lift, lobby, conference hall, parking area utility area, garbage and scrap disposal, horticulture, pest control, façade cleaning services.
- (c) Security services
- (d) Fire & life safety measures

(e) Generation of Electricity & for Chilled water

in accordance with the co-developer agreement date 19<sup>th</sup> February, 2013 entered into with the developer.

**Item No. 59.4: Requests for Authorized Operations**

**(i) Proposal of M/s. DLF Utilities Limited, a co-developer in sector specific SEZ for IT/ITES at Chennai, Tamil Nadu developed by M/s. DLF Info City Developers (Chennai) Limited for inclusion of additional authorized operation in the processing area of the SEZ**

After deliberations, the Board approved the following authorized operations in the processing area:-

- (i) Development and/or Operation and maintenance of SEZ buildings
- (ii) Engineering Maintenance including electrical and mechanical works; heating, ventilation and air conditioning (HVAC) systems; fire detection & Alarm Systems, water supply, storm drainage and sewage disposal, building upkeep services including maintenance of lift, lobby, conference hall, parking area utility area, garbage and scrap disposal, horticulture, pest control, façade cleaning services.
- (iii) Security services
- (iv) Fire & life safety measures

The above approval would be subject to the condition that the above authorized operations shall be available for use of the SEZ only and there would be proper delineation of assets between the developer and co-developer. Further that the developer/co-developer would submit a revised bond cum LUT for change in projections.

**(ii) Proposal of M/s. DLF Utilities Limited, a co-developer in sector specific SEZ for IT/ITES at Sector 30, Village Silokhera, Gurgaon, Haryana developed by M/s. DLF Limited for inclusion of additional authorized operation in the processing area of the SEZ**

After deliberations, the Board approved the following authorized operations in the processing area:-

- (i) Development and/or Operation and maintenance of SEZ buildings
- (ii) Engineering Maintenance including electrical and mechanical works; heating, ventilation and air conditioning (HVAC) systems; fire detection & Alarm Systems, water supply, storm drainage and sewage disposal, building upkeep services including maintenance of lift, lobby, conference hall, parking area utility area, garbage and scrap disposal, horticulture, pest control, façade cleaning services.
- (iii) Security services
- (iv) Fire & life safety measures

The above approval would be subject to the condition that the above authorized operations shall be available for use of the SEZ only and there would be proper delineation of assets between the developer and co-developer. Further that the developer/co-developer would submit a revised bond cum LUT for change in projections.

**(iii) Proposal of M/s. DLF Utilities Limited, a co-developer in sector specific SEZ for IT/ITES at Sector 24&25 A, DLF Cyber City, Gurgaon, Haryana developed by M/s. DLF Cyber City Limited for inclusion of additional authorized operation in the processing area of the SEZ**

After deliberations, the Board approved the following authorized operations in the processing area:-

- (i) Development and/or Operation and maintenance of SEZ buildings
- (ii) Engineering Maintenance including electrical and mechanical works; heating, ventilation and air conditioning (HVAC) systems; fire detection & Alarm Systems, water supply, storm drainage and sewage disposal, building upkeep services including maintenance of lift, lobby, conference hall, parking area utility area, garbage and scrap disposal, horticulture, pest control, façade cleaning services.
- (iii) Security services
- (iv) Fire & life safety measures

The above approval would be subject to the condition that the above authorized operations shall be available for use of the SEZ only and there would be proper delineation of assets between the developer and co-developer. Further that the developer/co-developer would submit a revised bond cum LUT for change in projections.

**(iv) Proposal of M/s. DLF Utilities Limited, a co-developer in sector specific SEZ for IT/ITES at Gachibowli Village, Ranga Reddy Mandal, Ranga Reddy District, Andhra Pradesh developed by M/s. DLF Commercial Developers Limited for inclusion of additional authorized operation in the processing area of the SEZ**

After deliberations, the Board approved the following authorized operations in the processing area:-

- (i) Development and/or Operation and maintenance of SEZ buildings
- (ii) Engineering Maintenance including electrical and mechanical works; heating, ventilation and air conditioning (HVAC) systems; fire detection & Alarm Systems, water supply, storm drainage and sewage disposal, building upkeep services including maintenance of lift, lobby, conference hall, parking area utility area, garbage and scrap disposal, horticulture, pest control, façade cleaning services.
- (iii) Security services
- (iv) Fire & life safety measures

The above approval would be subject to the condition that the above authorized operations shall be available for use of the SEZ only and there would be proper delineation of assets between the developer and co-developer. Further that the developer/co-developer would submit a revised bond cum LUT for change in projections.

**Item No. 59.5: Request for withdrawal of formal approval**

**(i) Withdrawal of formal approval granted to M/s. Claridges SEZ Developers Pvt. Ltd. for setting up of sector specific SEZ for Multi Services at Village Sarang, Taluka Khalapur, District Raigad, Maharashtra**

The Board decided to approve the request of M/s. Claridges SEZ Developers Pvt. Ltd. for withdrawal of formal approval granted to them for setting up of sector specific SEZ for Multi Services at Village Sarang, Taluka Khalapur, District Raigad, Maharashtra, over an area of 108 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

**Item No. 59.6: Requests for de-notification**

**(i) Request from M/ Khed Economic Infrastructure Pvt. Limited, developer of Multi-product SEZ at Taluka Shirur and Khed District, Pune, Maharashtra for:**

- (a) Decrease in the notified area of 1000 ha to 100 ha and;**
- (b) Retention of balance 100 ha as Sector Specific SEZ i.e. Engineering & Electronics.**

The Board decided to approve the request of M/ Khed Economic Infrastructure Pvt. Limited, developer of Multi-product SEZ at Taluka Shirur and Khed District, Pune, Maharashtra for:

- (a) Decrease in the notified area of 1000 ha to 100 ha and;**
- (b) Retention of balance 100 ha as Sector Specific SEZ i.e. Engineering & Electronics.**

The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either not availed any tax/duty benefits under SEZ Act/Rules or has refunded any such benefits availed by it with respect to the denotified portion of the land and further subject to the State Govt furnishing its no objection certificate to the proposal of partial denotification of the above SEZ land. A certificate from the DC is also necessary that the remaining 100 Ha of land parcel is contiguous and fulfills all conditions for notification as a sector specific SEZ.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**(ii) Request from M/s. Orient Craft Infrastructure Ltd., a sector specific SEZ for Textile at Village Jhund Sarai, Bhangrola & Bans Hariya, Distt. Gurgaon, Haryana, for de-notification of its SEZ notified over an area of 142.1024 hectares.**

After deliberations, the Board decided to approve the request of M/s. Orient Craft Infrastructure Ltd. for de-notification of the sector specific SEZ for Textile at Village Jhund Sarai, Bhangrola & Bans Hariya, Distt. Gurgaon, Haryana, notified over an area of 142.1024 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**(iii) Request from M/s. Orient Craft Infrastructure Ltd., a sector specific SEZ for IT/ITES at Village Bans Hariya, Distt. Gurgaon, Haryana, for de-notification of its SEZ notified over an area of 26.56019 hectares.**

The Developer requested that the proposal be deferred. Accordingly the Board decided to defer the proposal.

**(iv) Request from M/s. Uttam Galva Steel Ltd., a sector specific SEZ for IT/ITES at Village Dahivali, Taluka Khalapur, Dist. Raigad, Maharashtra, for de-notification of its SEZ notified over an area of 14-43-2 hectares.**

The Board decided to approve the request of M/s. Uttam Galva Steel Ltd., a sector specific SEZ for IT/ITES at Village Dahivali, Taluka Khalapur, Dist. Raigad, Maharashtra, for de-notification of its SEZ notified over an area of 14-43-2 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**(v) Request from M/s. Uttam Galva Steel Ltd., a sector specific SEZ for Biotechnology at Village Devnave, Taluka Khalapur, Dist. Raigad, Maharashtra, for de-notification of its SEZ notified over an area of 10-71-9 hectares.**

The Board decided to approve the request of M/s. Uttam Galva Steel Ltd., a sector specific SEZ for Biotechnology at Village Devnave, Taluka Khalapur, Dist. Raigad, Maharashtra, for de-notification of its SEZ notified over an area of 10-71-9 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**(vi) Request from M/s. Vatika Jaipur SEZ Developers Ltd., a sector specific SEZ for IT/ITES at Jaipur, Ajmer Expressway, Jaipur, Rajasthan, for de-notification of its SEZ notified over an area of 20.1366 hectares.**

After deliberations, the Board decided to approve the request of M/s. Vatika Jaipur SEZ Developers Ltd. for de-notification of the sector specific SEZ for IT/ITES at Jaipur, Ajmer Expressway, Jaipur, Rajasthan, notified over an area of 20.1366 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**(vii) Request from M/s. Suncity Haryana SEZ Developers Pvt. Ltd., a sector specific SEZ for IT at Village Jhund Sarai and Bhangrola, Distt. Gurgaon, Haryana, for de-notification of its SEZ notified over an area of 67.64 hectares.**

After deliberations, the Board decided to approve the request of M/s. Suncity Haryana SEZ Developers Pvt. Ltd. for de-notification of the sector specific SEZ for IT at Village Sarai and Bhangrola, Distt. Gurgaon, Haryana, notified over an area of 67.64 hectares. The approval is subject to the DC furnishing a certificate in the prescribed format certifying that the developer has either 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.

Chairman of the Board directed that in all such cases information must invariably be sent to CBDT and CBEC for necessary action.

**Item No. 59.7: Requests for extension of validity of formal approvals from 5<sup>th</sup> to 7<sup>th</sup> year**

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. DLF Info Parks (Pune) Limited (formally known as M/s. DLF Ackruti Info Parks (Pune) Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Rajiv Gandhi Infotech Park, Phase – II, Village Hinjewadi & Mann. Taluka Mulshi, Pune, beyond 26<sup>th</sup> June, 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 26<sup>th</sup> June, 2014.

**(ii) 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, 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 16<sup>th</sup> March, 2014.

**(iii) Request of M/s. Golden Tower Infratech 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. 8, Sector 144, Noida, Uttar Pradesh, beyond 2<sup>nd</sup> September, 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 2<sup>nd</sup> September, 2014.

**(iv) Request of Andhra Pradesh Industrial Infrastructure Corporation Ltd. (APIIC) Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gambheeram Village, Anandapuram Mandal, Visakhapatnam District, Andhra Pradesh, beyond 24<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 24<sup>th</sup> June, 2014.

**(v) 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 Chikkanahalli Village, Bangalore, Karnataka, beyond 29<sup>th</sup> October 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 29<sup>th</sup> October, 2014.

**(vi) Request of M/s. Ansal Colours Engineering SEZ Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Agro and Food processing Products at Village Bhagan, Tehsil Ganaur, Sonapat and Village Kurar Ibrahimpur, Tehsil Sonapat, Haryana, beyond 17<sup>th</sup> June 2013**

The Board after deliberations directed that before approving the said request of the developer, the opinion of State Government be obtained on the issue of contiguity of the SEZ land. Till such time the request for extension will be in abeyance.

**(vii) Request of M/s. GMR Hyderabad International Airport Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Multi Services with International Financial Services Centre at GMR Hyderabad International Airport, Shamshabad, Hyderabad, beyond 24<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 24<sup>th</sup> June, 2014.

**(viii) Request of Andhra Pradesh Industrial Infrastructure Corporation Ltd. (APIIC) Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Madikonda Village, Hanamkonda Mandal, Warangal District, Andhra Pradesh, beyond 25<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 25<sup>th</sup> June, 2014.



**(ix) Request of M/s. Velankani Technology Park (P) Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware and Software including ITES at Sriperumbudure, Chennai, Tamil Nadu, beyond 22<sup>nd</sup> May 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 22<sup>nd</sup> May, 2014.

**(x) Request of M/s. Rudradev Township (P) Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Cholankurini village, Madurai, Tamil Nadu, beyond 25<sup>th</sup> July, 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 25<sup>th</sup> July, 2014.

**(xi) Request of M/s. Parsvnath Infra Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Aluva Taluk, Ernakulam, beyond 30<sup>th</sup> June, 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 30<sup>th</sup> June, 2014.

**(xii) Request of M/s. Stargaze Properties Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Kancha Imarat, Raviryala Village, Maheswaram Mandal, Ranga reddy District, Andhra Pradesh, beyond 30<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the formal approval for one year up to 30<sup>th</sup> June, 2014.

**Item No. 59.8: Request for extension of In-Principal Approval/Formal Approval**

**Request for grant of extension of in-principle and formal approval to M/s. Hindalco Industries Limited for setting up of a sector specific SEZ for Aluminium and Aluminium Products at Sambalpur, Odisha**

The Board after deliberations extended the validity of both in-principle and formal approvals up to 31<sup>st</sup> December, 2013.

**Item No. 59.9: Requests for extension of LoP beyond 3<sup>rd</sup> Year onwards**

**(i) Request of M/s Kusum Healthcare Pvt. Ltd., a unit in Indore SEZ for extension of validity period of its LoP beyond 13<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the LoP up to six months from the date of BoA (30<sup>th</sup> August, 2013) i.e. up to 28<sup>th</sup> February, 2014.

**(ii) Request of M/s Lupin Ltd., a unit in Indore SEZ for extension of validity period of its LoP beyond 12<sup>th</sup> June 2013**

The Board after deliberations extended the validity of the LoP for a period of one year up to 12<sup>th</sup> June, 2014.

**(iii) Request of M/s BioGenex Life Sciences Pvt. Limited, a unit in M/s. APIIC Limited, SEZ for Precision Engineering at Adibatla Village, Ibrahimpatnam Mandal, Ranga Reddy District, Andhra Pradesh for extension of validity period of its LoP beyond 2<sup>nd</sup> August 2013**

The Board after deliberations extended the validity of the LoP for a period of one year up to 2<sup>nd</sup> August, 2014.

**(iv) 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 2013**

The Board after deliberations extended the validity of the LoP for a period of one year up to 31<sup>st</sup> August, 2014.

**Item No. 59.10: Cases for ratification of Miscellaneous cases for LoA extensions**

**(i) Request of M/s. Gopalpur SEZ for fourth extension of validity period of its formal approval for setting up a multi product SEZ at Gopalpur, District Gangam Orissa beyond 17<sup>th</sup> June, 2013**

The Board after deliberations ratified the decision of Department of Commerce to extend the validity period of formal approval up to 17<sup>th</sup> June, 2014.

**(ii) Request of M/s. Metro Valley Corporation for seeking extension of validity period of its formal approval for setting up of a sector specific SEZ for IT/ITES SEZ at 5<sup>th</sup> Milestone, Village Gwal Pahari, Gurgaon, Haryana beyond 5<sup>th</sup> May 2013**

The Board after deliberations ratified the decision of Department of Commerce to extend the validity period of formal approval up to 5<sup>th</sup> November, 2013.

**(iii) Request of M/s. Crystal City Developers Pvt. Ltd. (formally known as M/s. Uppal Developers Pvt. Ltd.) for re-consideration of their proposal for extension of formal approval for developing multi services SEZ at Gurgaon**

The Board after deliberations ratified the decision of Department of Commerce to extend the validity period of formal approval up to 30<sup>th</sup> September, 2013.

**Item No. 59.11: Cases for ratification of Miscellaneous cases for LoP extension of units**

**(i) Request of M/s. ONGC C2-C3 plants, a unit in Dahej SEZ beyond 5<sup>th</sup> August, 2013**

The Board after deliberations ratified the decision of Department of Commerce to extend the validity of LoP of the unit up to 5<sup>th</sup> August, 2014.

**Item No. 59.12: Miscellaneous cases**

**(i) Request of M/s Adani International Container Terminal Private Limited (AICTPL), Co-developer of Multi product SEZ at Kutch, Gujarat, being developed by M/s Adani Port and Special Economic Zone Limited (APSEZL) for approval for allotment of 50% equity to JV partner**

The Board after deliberations **approved** the proposal for allotment of 50% equity to JV partner.

**(ii) Request of M/s DLF Info Parks (Pune) Ltd. for transfer of formal approval granted to M/s. DLF Ackruti Info Parks (Pune) Ltd. for development of sector specific SEZ for IT/ITES at Rajiv Infotech Park Phase II, Village Hinjewadi and Mann, Taluka Mulshi, Pune, Maharashtra**

The Board after deliberations **approved** the request of M/s DLF Info Parks (Pune) Ltd. for transfer of formal approval granted to M/s. DLF Ackruti Info Parks (Pune) Ltd. for development of sector specific SEZ for IT/ITES at Rajiv Infotech Park Phase II, Village Hinjewadi and Mann, Taluka Mulshi, Pune, Maharashtra, 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 the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue.
- (v) The assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability of the amount arising out of the transfer of equity.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

**(iii) Request of M/s. Tech Mahindra Ltd., Mumbai for transfer of co-developer status granted to M/s. Satyam Computer Services Limited, operating as co-developer in ELCOT IT/ITES SEZ at Sholinganallur, Kancheepuram District, Chennai, Tamil Nadu consequent upon their merger**

The Board after deliberations **approved** the request of M/s. Tech Mahindra Ltd., Mumbai for transfer of co-developer status granted to M/s. Satyam Computer Services Limited, operating as co-developer in ELCOT IT/ITES SEZ at Sholinganallur, Kancheepuram District, Chennai, Tamil Nadu consequent upon their merger, 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 the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue.
- (v) The assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability of the amount arising out of the transfer of equity.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

**(iv) Request of M/s. Tech Mahindra Ltd., for transfer of formal approval granted to M/s. Satyam Computer Services Limited, developer of sector specific SEZ for IT/ITES SEZ at Bahadupally village, Qutubullapur Mandal, Ranga Reddy District, Andhra Pradesh consequent upon their merger**

The Board after deliberations **approved** the request of M/s. Tech Mahindra Ltd., for transfer of formal approval granted to M/s. Satyam Computer Services Limited, developer of sector specific SEZ for IT/ITES SEZ at Bahadupally village, Qutubullapur Mandal, Ranga Reddy District, Andhra Pradesh consequent upon their merger, 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 the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue.
- (v) The assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability of the amount arising out of the transfer of equity.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

**(v) Request of M/s. Tech Mahindra Ltd., for transfer of formal approval granted to M/s. Satyam Computer Services Limited, developer of sector specific SEZ for IT/ITES SEZ at Plot No. 23-34, Hi-tech City, Madhapur, Serilingampally Mandal, RR. Dist. Hyderabad consequent upon their merger**

The Board after deliberations **approved** the request of M/s. Tech Mahindra Ltd., for transfer of formal approval granted to M/s. Satyam Computer Services Limited, developer of sector specific SEZ for IT/ITES SEZ at Plot No. 23-34, Hi-tech City, Madhapur, Serilingampally Mandal, RR. Dist. Hyderabad consequent upon their merger, 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 the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue.
- (v) The assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability of the amount arising out of the transfer of equity.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

**(vi) Proposal of M/s L&T Chennai Projects Private Limited, Chennai, developer of sector specific SEZ for IT/ITES at Vallancheri Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu for transfer of their entire equity to M/s. Zoho Corporation Private Limited, Chennai**

The Board after deliberations **approved** the request of M/s L&T Chennai Projects Private Limited, Chennai, developer of sector specific SEZ for IT/ITES at Vallancheri Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu for transfer of their entire equity to M/s. Zoho Corporation Private Limited, Chennai, 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 the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue.
- (v) The assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability of the amount arising out of the transfer of equity.
- (vi) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

**(vii) Request of M/s. OPGS Power Gujarat Private Limited, developer of sector specific SEZ for Power at Bhadreshwar, Mundra, Kutch, Gujarat for change in sector of SEZ from 'Power' to 'Engineering'**

The Board noted that the developer had sought a change of sector from Power to Engineering. The power plant under construction in the SEZ would be captive in nature for supply of power to the SEZ units. Further the developer had given an undertaking that no duty benefit will be availed on investments made prior to notification of the SEZ and that the power plant will be set up in the non-processing area of the proposed Engineering SEZ. However the DC, KSEZ submitted that certain further facts were required to be examined. Accordingly, the Board after deliberations deferred the proposal.

**(viii) Request for change in sector in respect of sector specific Petrochemicals and Petroleum SEZ at Baikampady, Mangalore, developed by M/s Mangalore SEZ, Mangalore**

The Board after deliberations decided to **approve** the request for change in sector in respect of sector specific Petrochemicals and Petroleum SEZ at Baikampady, Mangalore, developed by M/s Mangalore SEZ, Mangalore from sector specific SEZ to Multi Product SEZ.

**Item No. 59.13: Appeals before BoA**

**(i) Appeal of M/s. Tata Consultancy Services Limited, a unit (1) in IT/ITES SEZ set up by M/s. CMC Limited at Gachibowli, Hyderabad against order dated 28<sup>th</sup> June 2013 of the UAC**

**(ii) Appeal of M/s. Tata Consultancy Services Limited, a unit (3) in IT/ITES SEZ set up by M/s. CMC Limited at Gachibowli, Hyderabad against order dated 28<sup>th</sup> June 2013 of the UAC**

**(iii) Appeal of M/s. Tata Consultancy Services Limited, a unit (4) in IT/ITES SEZ set up by M/s. CMC Limited at Gachibowli, Hyderabad against order dated 28<sup>th</sup> June 2013 of the UAC**

**(iv) Appeal of M/s. Tata Consultancy Services Limited, being operated in the IT/ITES SEZ co-developed by M/s. TSI Business Parks (Hyd) Pvt. Ltd. at Nanakramguda village, Serilingampally Mandal, Hyderabad against order dated 28<sup>th</sup> June 2013 of the UAC**

The Board after considering the above appeals deliberated upon the subject and decided that as the subject matter was already under consideration with DoC a suitable decision may be taken by DoC in this regard at the earliest.

**(v) Appeal of M/s. Ipca Laboratories Limited, being operated under the Indore SEZ at Plot No. 1, Phase – II, Pithampur, District Dhar, Madhya Pradesh against order dated 23<sup>rd</sup> July, 2013 of the UAC**

The Board after deliberations decided to remand the issue back to the UAC with directions to reconsider the matter after giving an opportunity to the Unit to present all the facts of the case.

**(vi) Appeal of M/s. India Sales Corporation, a unit in MEPZ against order dated 10<sup>th</sup> June, 2013 Appeal of the UAC**

The Board after hearing the appellant and subsequent deliberation directed to take the opinion of D/o Law before taking decision in the matter.

**(vii) Appeal of M/s. Satguru Polyfab Pvt. Ltd., a unit under KASEZ against order dated 21<sup>st</sup> May 2013 of the UAC**

The Board noted that keeping in view the issue involved it was necessary that the opinion of Department of Corporate Affairs be obtained on the facts of the case. Accordingly, the Board after deliberations, **deferred** the appeal.

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 30<sup>th</sup> August, 2013 under the Chairmanship of Commerce Secretary, Department of Commerce**

1. Shri S. R. Rao, Chairman BOA & Secretary, Department of Commerce.
2. Shri A.K. Pujari, DGFT, Director General of Foreign Trade
3. Shri Ram Tirath, DGEP, Department of Revenue, Ministry of Finance
4. Shri Apurva Chandra, Principal Secretary (Industries), Government of Maharashtra
5. Dr. L. B. Singhal, Additional DGFT, Director General of Foreign Trade
6. Shri M.K. Arora, Additional Director, DGEP, Department of Revenue, Ministry of Finance
7. Shri Krishna Pratap Singh, ADG, DGEP
8. Ms. Deepshikha Sharma, Deputy Secretary (ITA 1), CBDT, Department of Revenue, Ministry of Finance
9. Shri Vikas Gupta, Director, Industries & Commerce, Haryana
10. Shri G. Manjunath Gouda, Resident Director, Karnataka Udyog Mitra Karnataka Bhavan – 3, Khelgaon Marg, New Delhi
11. Shri O.P. Kapoor, Deputy DG, EPCES
12. Shri S.K. Chhikara, Under Secretary, Ministry of Home Affairs
13. Shri P.K. Gupta, DGM (LS-I), Ministry of Home Affairs.
14. Shri Dharmendra Sharma, Investigator, TCPO, Ministry of Urban Development
15. Shri Dhruv Dhar, OSD, CSIDC, New Delhi
16. Shri Gurpreet Singh, Section Officer, Industries Department, Government of Punjab
17. Dr. S.K. Sahoo, Office of Development Commissioner (MSME), Ministry of MSME, Nirman Bhawan.
18. Shri J.Saini, G.M. Department of Industries & Commerce, Government of Punjab
19. Shri A.K. Gupta Chief General Manager, RIICO, Government of Rajasthan, Jaipur, Rajasthan
20. Shri Parthe Tripathy, Odisha Industrial Infra Development Corporation (IDCO), Government of Odisha
21. Shri R.D. Meena, Research Assistant, TCPO, Ministry of Urban Development
22. Shri A.K. Dham, Liaison Officer, IDCO, New Delhi

**LIST OF DEVELOPMENT COMMISSIONERS**

23. Shri Sanjeev Nandwani, Development Commissioner, Falta, Kolkata
24. Shri Jayant Misra, Development Commissioner, Noida SEZ, Uttar Pradesh
25. Shri N.P.S. Monga, Development Commissioner, SEEPZ SEZ
26. Dr. Safeena AN, Development Commissioner, Cochin SEZ
27. Shri Vijay N. Shewale, Development Commissioner, Surat SEZ, Surat
28. Shri Mahendra Jain, Development Commissioner, NMSEZ and KASEZ
29. Shri S. Kishore, Development Commissioner, APSEZ
30. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
31. Smt. Lata Shukla, Development Commissioner, Mundra SEZ
32. Shri Ved Prakash, Development Commissioner, Mihan SEZ
33. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhya Pradesh.

**LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE**

34. Shri Rajeev Arora, Joint Secretary, Department of Commerce.
35. Shri Sanjeet Singh, Director, Department of Commerce.
36. Shri Kabiraj Sabar, Under Secretary, Department of Commerce
37. Shri S.S. Kumar, Under Secretary, Department of Commerce
38. Shri Pankaj Gangwar, Section Officer, Department of Commerce
39. Shri R.K. Dutta, Section Officer, Department of Commerce.