

Minutes of the 54th meeting of the SEZ Board of Approval held on 14th September 2012 to consider proposals for setting up Special Economic Zones and other miscellaneous proposals

The fifty fourth (54th) meeting of the SEZ Board of Approval (BoA) was held on 14.09.2012 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 for setting up of Special Economic Zones (SEZ) and other miscellaneous requests 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 588 formal approvals have been granted for setting up of SEZs out of which presently 386 stand notified. He further informed that as on 30.06.2012, over Rs. 2,13,605.54 crores have been invested in the SEZs and direct employment of 9,20,243 persons has been generated in the SEZs. During the financial year 2011-12, total exports to the tune of Rs. 3,64,477.73 crores have been made from the SEZs, registering a growth of about 15.39% over the exports for the year 2010-11. Exports in the current financial year for the first quarter i.e. up to 30.06.2012, have been to the tune of Rs. 1,18,321.56 crores registering a growth of about 64% over the exports of the corresponding period of FY 2011-12.

Item No. 54.1: Proposals for setting up of SEZs.

(i) **Proposal of M/s. Cybercity Builders & Developers Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Balanagar Mandal, Kukatpally Municipality, Greater Hyderabad Municipal Corporation, Andhra Pradesh, over an area of 10.12 hectares.**

The proposal was withdrawn by the developer.

Item No.54.2: 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 decisions of the proposals are as under:-

(i) **Request of M/s. Pritech Projects for co-developer in the sector specific SEZ for IT/ITES at Ballandur village, Varthur Hobli, Bangalore East Taluka, Bangalore Urban District, Karnataka, being developed by M/s. Primal Projects Limited**

The Board considered the report of DC CSEZ submitted before it as per its direction in the last meeting and after deliberations, the Board **approved** the request of M/s. Pritech Projects for becoming a co-developer in the above mentioned SEZ, for development of infrastructure over an area of 2.023 hectares in accordance with the co-developer agreement entered into with the developer.

(ii) Request of M/s. A2Z Online Services Private Limited for co-developer in the sector specific SEZ for IT/ITES at Village-Kharadi, Taluka Haveli, Pune, Maharashtra, being developed by M/s. Eon Kharadi Infrastructure Private Limited

The request was deferred as representative of CBDT pointed out that the financial details of the proposed agreement had not been provided for examination.

Item No.54.3: Requests for Authorized Operations

(i) Request of M/s. DLF Assets Private Limited, a co-developer in the sector specific SEZ for IT/ITES at Gachibowli, Hyderabad, Andhra Pradesh, being developed by M/s. DLF Commercial Developers Limited

The representative of CBEC raised objections on the authorized operations stating that such activities are not meant to be carried out in the processing area. It was pointed out that similar requests had been approved by the Board in the past as they were permitted under the norms. Furthermore the developer had submitted that no tax/duty concessions would be availed by it for such authorised operations. However in view of CBEC's objections to the proposal the Board after deliberations **deferred** the request.

(ii) Request of M/s. Satyam Computer Services Limited, a co-developer in the sector specific SEZ for IT/ITES at Kancheepuram, Chennai, Tamil Nadu, being developed by Electronic Corporation of Tamil Nadu Limited (ELCOT)

The Board observed that such activities are not permitted in the processing area. The Board, therefore, **rejected** the request of the co-developer.

(iii) Request of M/s. G.P. Realtors Private Limited for authorized operations in sector specific SEZ for IT/ITES at village Behrampur, District Gurgaon, Haryana

(iv) Request of M/s. G.P. Realtors Private Limited for authorized operations in sector specific SEZ for IT/ITES and Electronic Hardware at village Behrampur, Balola and Bandhwari, District Gurgaon, Haryana

DC, NSEZ informed that Board that the developer has yet to start development of the processing area of the SEZs. The Board observed that the requests for authorized operations are pre-mature and accordingly, the proposals were **deferred**.

Item No. 54.4: Request for increase/decrease in area

(i) Request of Andhra Pradesh Industrial Corporation Limited (APIIC) for de-notification of a portion of land in the Multi Product SEZ at Atchutapuram and Rambilli Mandals, Visakhapatnam District, Andhra Pradesh

After deliberation, the Board decided to **approve** the request of Andhra Pradesh Industrial Corporation Limited (APIIC) for de-notification of 905.21 hectares from the SEZ thereby making the total area of the SEZ as 1300.82 hectares. The approval is also subject to the contiguity of the SEZ being maintained the DC furnishing a certificate that 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 de-notified.

(ii) Request of M/s MADC for decrease in area of the notified multi product SEZ at Mihan, Nagpur, Maharashtra

After deliberation, the Board decided to **approve** the request of M/s. Maharashtra Airport Development Corporation (MADC) for de-notification of 10.12 hectares in the non-processing area on which M/s. Dr. D.Y. Patil Educational Enterprises Private Limited has set up an International School, as a co-developer. With this approval the co-developer status granted to M/s. Dr. D.Y. Patil Educational Enterprises Private Limited, in the BoA meeting held on 8th December, 2008, also stands withdrawn. The approval is subject to the contiguity of the SEZ being maintained and the DC furnishing a certificate that 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 de-notified.

(iii) Request of M/s. Metro Valley Business Park Private Limited for addition of land in the sector specific SEZ for Information Technology (IT) at Gurgaon, Faridabad Road, Gurgaon, Haryana

The Board after deliberations **approved** the request of M/s. Metro Valley Business Park Private Limited for addition of an area of 1.7275 Ha, thereby making the total area of the SEZ as 12.9441 Ha. The approval is, however, subject to the following conditions:-

- a) Establishment of contiguity as proposed by developer
- b) No duty concessions would be available for construction of such structures to achieve contiguity in the SEZ, to the developer.
- c) The additional area would be notified only after the contiguity is established by the developer

(iv) Request of M/s. Cochin Port Trust for de-notification of a portion of land in the for setting up of sector specific SEZ for Port based at Vallarpadam, Cochin

After deliberation, the Board decided to **approve** the request of M/s. Cochin Port Trust for de-notification of 4.8035 hectares from the SEZ thereby making the total area of the SEZ as 110.4465 hectares. The approval is subject to the contiguity of the SEZ being maintained and the DC furnishing a certificate that 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 de-notified.

Item No. 54.5: Request for withdrawal of formal approval

(i) Withdrawal of formal approval granted to M/s. Pradip Overseas Limited, for setting up of sector specific SEZ for Textile at village Bhamasra, Taluka Bawla, District Ahmedabad, Gujarat

The Board decided to **approve** the request of M/s. Pradip Overseas Limited for withdrawal of formal approval granted to them for setting up of sector specific SEZ for Textile at village Bhamara, Taluka Bawla, District Ahmedabad, Gujrat, over an area of 109.48 hectares. The approval is subject to the contiguity of the SEZ being maintained and the DC furnishing a certificate that the developer has either not availed or has refunded all the tax/duty benefits availed under SEZ Act/Rules.

Item No. 54.6: Requests for de-notification

(i) Request of M/s. Bengal Shapoorji Infrastructure Development Limited for de-notification of the sector specific SEZ for IT/ITES at Bidhannagar Township Durgapur, District Burdwan, West Bengal, notified over an area of 10.12 hectares

After deliberations, the Board decided to approve the request of M/s. Bengal Shapoorji Infrastructure Development Limited for de-notification of the sector specific SEZ for IT/ITES at Bidhannagar Township Durgapur, District Burdwan, West Bengal, notified over an area of 10.12 hectares. The approval is subject to the contiguity of the SEZ being maintained and the DC furnishing a certificate that 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 de-notified.

Item No. 54.7: Request of M/s. Akshaypatra Infrastructure Private Limited for change of location of the sector specific SEZ for Food Processing

DC KASEZ informed the Board that the recommendation of Government of Gujarat on the request of the developer has not yet been received. Further, Board also noted that developer presently has possession of only 30.0782 hectares of land in the new location. The Board, therefore, after deliberations, **rejected** the request of the developer for change of location. The Board also observed that the developer may apply for a fresh formal approval as and when it fulfills the prescribed conditions for setting up a SEZ.

Item No.54.8: Requests for extension of validity of formal approvals beyond 5th & 6th year

The Board advised the Development Commissioners to recommend the requests for extension of formal approval beyond 5th 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. Accordingly, the decisions of the requests are as under:-

(i) 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 villages Behrampur & Balola, District Gurgaon, Haryana, beyond 25th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(ii) Request of M/s. Adityapur Industrial Area Development Authority for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Automobiles/Auto Components at Adityapur, Jharkhand, beyond 13th June 2012 (beyond 6th year)

The Board after deliberations extended the validity of the formal approval for a period of six months beyond 13th June, 2012 (i.e. up to 13th December, 2012).

(iii) Request of Kerala Industrial Infrastructure Development Corporation (KINFRA) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronics Industries at Thrikkakara village, Kanayannur Taluk, Ernakulam District, Kerala beyond 20th August 2012 (beyond 6th year)

The Board after deliberations extended the validity of the formal approval up for a period of six months beyond 20th August, 2012 (i.e. up to 20th February, 2013).

(iv) Request of Electronic Corporation of Tamil Nadu (ELCOT) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Iandhaikulam village, Madurai, Madurai North Taluk, Madurai District, Tamil Nadu beyond 25th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(v) Request of Electronic 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, Tirunelveli, Tamil Nadu 25th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(vi) Request of Electronic 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 village, Madurai South Taluk and Kinnimangalam village, Tirumangalam Taluk, Madurai II, Madurai District, Tamil Nadu beyond 25th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(vii) Request of Electronics Corporation of Tamil Nadu Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Hosur, Tamil Nadu, beyond 25th July, 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(viii) Request of Electronic 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 Jagir Ammapalayam village, Salem Taluk, Salem District, Tamil Nadu beyond 25th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(ix) Request of M/s. True Developer Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware including IT/ITES at Arasur village, Coimbatore, Tamil Nadu, beyond 29th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(x) Request of M/s. Foxconn India Developer Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/EH at Sriperumbudur, Tamil Nadu, beyond 25th July, 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(xi) Request of M/s. Rudradev Township Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Solankurini village, Madurai Taluk, Madurai District, Tamil Nadu, beyond 25th July, 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 25th July, 2013.

(xii) Request of M/s. Gopalan Enterprises (India) Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mahadevapura & Kaggadaspura, K.R. Puram, Whitefield, Bangalore, Karnataka, beyond 2nd July, 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 2nd July, 2013.

(xiii) Request of M/s. H.N. Company for extension of the validity period of formal approval, granted for setting up of Multi Product SEZ at Dimapur, Nagaland beyond 29th July 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 29th July, 2013.

(xiv) Request of M/s. Tata Consultancy Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at I.T Plot (IIF/3), Action Area-II, New Town, Kolkata, West Bengal, beyond 13th December, 2012 (beyond 5th year)

The Board after deliberations extended the validity of the formal approval up to 13th December, 2013.

(xv) Request of Orissa Industrial Infrastructure Development Corporation (IDCO) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at villages Gaudakashipur and Arisal, Tehsil Jatni, District Khurda, Orissa, beyond 24th October 2012 (beyond 6th year)

The Board after deliberations extended the validity of the formal approval up to for a period of six months beyond 24th October 2012 (i.e. up to 24th April, 2013)

(xvi) Request of M/s. GHI Finlease and Investment Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Bhondsi, Tehsil Sohna, District Gurgaon, Haryana, beyond 24th August 2012 (beyond 6th year)

The Board after deliberations extended the validity of the formal approval up to for a period of six months beyond 24th August, 2012 (i.e. up to 24th February, 2013)

(xvii) Request of Kerala Industrial Infrastructure Development Corporation (KINFRA) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Food Processing sector at Kakkanchery in Chelembra village, Thirurangadi Taluk, Malappuram District, Kerala, beyond 5th July 2012 (beyond 6th Year)

The Board after deliberations extended the validity of the formal approval up to for a period of six months beyond 5th July, 2012 (i.e. up to 5th January, 2013)

(xviii) Request of M/s. Metro Valley Business Park Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Information Technology (IT) at Gurgaon, Faridabad Road, Gurgaon, Haryana, beyond 5th November 2012 (beyond 6th year)

The Board after deliberations extended the validity of the formal approval up to for a period of six months beyond 5th November, 2012 (i.e. up to 5th May, 2013)

Item No.54.9: Delayed requests for extension of validity of formal approvals

(i) Request of Kerala State Information Technology Infrastructure Limited (KSITIL) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Cheemeni village in Kasaragod District, Kerala beyond 18th September, 2011

The Board after deliberations extended the validity of the formal approval up to 18th September, 2013.

Item No. 54.10: 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, over an area of 3487.076 Ha, beyond 30th July, 2011.

The Board observed that the developer has already acquired 1898 hectares which is more than the minimum land required for a multi product SEZ. The Board, therefore, sought a report from DC, Indore SEZ on the contiguity of the land so far acquired by the developer, before taking a final decision of the request. Accordingly, the request was **deferred**.

Item No.54.11: Request for extension of LoP of units beyond 4th year

(i) Request of M/s. Moser Baer Solar Limited, a unit in the SIPCOT SEZ at Oragadam, Tamil Nadu beyond 27th August 2012

DC MEPZ has informed that Board that the unit is awaiting 20% Capital Subsidy against the SIPS scheme from Govt of India and has not started construction work at the site despite lapse of more than four years.. The Board noted that the unit has not taken sufficient steps toward implementation of the project and therefore, after deliberations, **rejected** the request of the unit for extension of LoP beyond 27th August, 2012.

Item No. 54.12: Requests for extension of LoP of units beyond 5th year

(i) Request of M/s. ONGC Mangalore Petrochemicals Limited, a unit in M/s. Mangalore SEZ a for extension of Letter of Permission (LOP) beyond 6th November 2012

The Board, noted that the unit had made large investments and the project was nearing completion and therefore after deliberations, extended the LoP of the unit up to 6th November, 2013.

Item No. 54.13: Requests of SEZ units for procurement of restricted items

(i) Request for procurement of mother of pearl from DTA by units in SEEPZ SEZ

The Board, after deliberations, **approved** the requests, for procurement of mother of pearl from DTA for studding in Gold & Silver Jewellery, in r/o the following units:-

- (a) M/s Sunjewels International Limited
- (b) M/s Elegnaza Jewellery Limited
- (c) M/s Aditi Jewels Private Limited

The approval is however subject to the condition that there shall no DTA transaction.

(ii) Request of M/s. L&T Shipbuilding Limited, a unit in Heaving Engineering SEZ at Kattupalli village, Ponneri Taluk, Tamil Nadu for procurement of restricted items

The Board, after deliberations, **approved** the request of M/s. L&T Shipbuilding Limited is a unit for procurement of the restricted items as mentioned below, subject to the conditions stated below:

Name of the Item	IT HS Code	Quantity required	Remarks
Radar	85261000	6	End use Certificate obtained from the Indian Coast Guard, Ministry of Defence for 3 ship sets of X-Band Rador
Night Vision Googles	90049010	6	End use Certificate obtained from the Indian Coast Guard, Ministry of Defence.

The above approval is subject to the following conditions:

- (i) In terms of Section 9 of the SEZ Act, 2005, BoA is the Licensing Authority for setting up of defence units in SEZs. Once a proposal has been approved by the BoA, the licence will be issued by DIPP on receipt of the minutes of BoA.
- (ii) Exports of such items may be regulated as per the provisions of Foreign Trade Policy and ITC (HS) Code.
- (iii) The licensing conditions will be finalized in consultation with the DIPP, the Department of Defence Production and the Ministry of Home Affairs. This is because the special conditions incorporated for industrial licenses for the defence sector have been incorporated by DIPP on the recommendations of the Department of Defence Production, which in turn, consulted the Ministry of Home Affairs in the matter.
- (iv) Each of the consignment of supply to DTA must be thoroughly examined by Development Commissioner.
- (v) While selling in the domestic area, only Government Agencies would be allowed to procure the equipments.
- (vi) All consignment will be accompanied by an authorized person of the Government procuring agency.

Item No. 54.14: Request of M/s. Sapient Consulting Private Limited for merger of two SEZ units located in the IT/ITES SEZ of M/s. Gurgaon Infospace Limited at Gurgaon, Haryana

The Board, after deliberations, remanded the request back to UAC with the directions that proposals which are within the competence of UACs / DCs need not be brought before BoA.

Item No. 54.15: Requests for Contiguity Relaxation

(i) Request of M/s. Kakinada SEZ Private Limited, for relaxation of the contiguity of the multi product SEZ at Ponnada, Mulapeta, Ramanakkapeta villages in Kakinada, East Godavari District, Andhra Pradesh

The Board, after deliberation, **deferred** the request.

(ii) Request of M/s. Reliance Haryana SEZ Limited (RHSL) for relaxing contiguity of the multi services SEZ

DC, NSEZ informed the Board that in this case the contiguity relaxation is being sought at the instance of HUDA who has requested for Right of Way (RoW) for construction of the Northern Peripheral Road from Dwarka to Kherki Daula. The DC also informed the Board that the validity of the SEZ stands expired w.e.f. 20th June, 2012 and no further extension has been sought by the developer. DC further informed that the developer has not taken steps towards operationalisation of the SEZ. The Board, therefore, after deliberations, decided not to grant further extension to the project. Accordingly, HUDA may go ahead with construction of the portion of the Northern Peripheral Road passing through the SEZ.

Item No. 54.16: Request for transfer of unit from one SEZ to another

(i) Request of M/s. iSpace Global Solutions Private Limited a unit in the Navayuga Legala Estates Private Limited, IT/ITES SEZ at Serilingampally, Ranga Reddy District, Andhra Pradesh for shifting its location to another SEZ in Andhra Pradesh

(ii) Request of M/s. Atos India Private Limited a unit in MWC-IT SEZ at Kancheepuram District, Tamil Nadu for shifting its location to Indian Green Grid Group Limited - SEZ

(iii) Request of M/s. Inspop.com a unit in the sector specific SEZ for IT/ITES at Gurgaon, Haryana, being developed by M/s. DLF Cyber City Developers Limited for shifting its location to Gurgaon Infospace Limited SEZ at Gurgaon, Haryana.

(iv) Request of M/s. Tech Mahindra Limited a unit in the IT/ITES SEZ at Perungalatur, Chennai by M/s. Shriram Properties & Infrastructure Private Limited SEZ for shifting its location to ELCOT SEZ at Sholinganallur, Tamil Nadu

BoA after deliberation approved all the above requests for shifting its location, subject to condition that the assessing officer under the Income Tax Act, 1961, shall have the right to assess the taxability arising out of the transfer of the unit.

Item No. 54.17: Requests for change of name/transfer of equity

(i) Request of M/s. Pune Embassy Projects Private Limited (PEPPL) for changing the share holding pattern of the company

The Board after deliberations approved the request of M/s. Pune Embassy Projects Private Limited for changing the share holding pattern of the company as under:-

S. No.	Name	Shareholding percentage
1	Pune Dynasty Projects Private Limited (PDPPL)	100.00%

The approval is, however, subject to 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 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.

(ii) Request for change of name of the developer of IT/ITES SEZ at Bangalore Karnataka from M/s. Adarsh Prime Projects Private Limited to M/s. RMZ Ecoworld Infrastructure Private Limited

The Board noted that in its meeting held on 28th November, 2011 the developer was granted approval for transfer of entire shares of M/s. Adarsh Prime Projects Private Limited

to M/s. RMZ Infotech Private Limited and now the request is for change of name of the developer. The Board, after deliberations, granted approval to the request of M/s. Adarsh Prime Projects Private Limited for changing its name to M/s. RMZ Ecoworld Infrastructure Private Limited.

(iii) Request of M/s. J.B. SEZ Private Limited, developer of the sector specific SEZ for Pharmaceutical at Panoli near Ankleshwar, Bharuch District, Gujarat for changing the name and the share holding pattern of the company

The Board after deliberations approved the request of M/s. J.B. SEZ Private Limited for changing the share holding pattern of the company as under:-

S. No.	Name	Shareholding percentage
1	HBS Realtors Private Limited	34.30
2.	HBS Group Co. an Association of Person comprising of HBS Realtors Private Limited and Arihant Developers through their partners Bipin C. Shah & Sandeep B. Shah	35.70
3.	IL&FS Trust Company Limited	0.97
4.	IIRF India Realty VI Limited	29.03
	Total	100

The approval is, however, subject to 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 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.

Item No. 54.18: Appeals before BoA

(i) Appeal of M/s. MAS GMR Aerotechnic Limited, a unit in the sector specific SEZ for Aviation being developed by M/s. GMR Hyderabad Aviation SEZ Limited at Shamshabad Mandal, Ranga Reddy District, Andhra Pradesh against denial of permission to use certain specialized equipment outside SEZ

The Board after deliberations allowed the appeal subject to the condition that the tow tractors which may be required to operate outside the SEZ boundary shall be appropriately colour-coded to be easily distinguishable from those from the tow tractors operated by DTA operators. UAC may decide upon additional conditions to be imposed in the instant case to ensure that there is no risk of revenue loss. Accordingly, the appeal was remanded back to UAC for reconsideration of its decision.

Decisions on Supplementary Agenda

Item No.54.19: Request of M/s. Smart City (Kochi) Infrastructure Private Limited for addition of land in the sector specific SEZ for IT/ITES at Kanayanoor Taluk, Ernakulam District, Kerala

This request will be examined on file by Department of Commerce after receipt of comments from CBEC.

Item No. 54.20: Requests for Authorized Operations

(i) Request of M/s. SEZ Biotech Services Private Limited for authorized operations in sector specific SEZ for Biotechnology at Manjari Budruk, Taluka Haveli, District Pune, Maharashtra

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

In the Processing area:-

S. No.	Name of the authorized activity	Quantum approved
1.	Power Generation 20MW (including power back up facilities)	20 MW
2.	Cold storage 2° to 8° C -20° C	8365 sqm 5580 sqm
3.	Generation and distribution of Raw Steam	45 Tons/Hour
4.	Generation and distribution of Pure Steam	30 Tons/Hour
5.	Generation and distribution of Compressed Air	2005 Feet/Min.
6.	Purification and Distribution of purified water	60 Cubic meter/Hour
7.	Storage and distribution of potable water	20000 cubic meter
8.	Generation and distribution of distilled water	36000 ltrs/Hour
9.	Generation and distribution of Hot water	72000 KW/Hour
10.	Storage and distribution of Nitrogen gas + other gases	205 sqm.
11.	Housekeeping services and sterile environment maintenance services	Numerous

In the non-Processing area:-

S. No.	Name of the authorized activity	Quantum requested (in sqm)
1.	First aid post, or 20 bedded clinic/poly clinic/pharmacy/medical centre, one hospital up to 50 bed	9295

(ii) Request of M/s. Unitech Realty Projects Limited for authorized operations in sector specific SEZ for IT/ITES at Tikri, Gurgaon, Haryana

(iii) Request of M/s. ASF Insignia SEZ Private Limited for authorized operations in the sector specific SEZ for IT/ITES at Gurgaon, Haryana

(iv) Request of M/s. GHI Finlease and Investments Limited for authorized operations in sector specific SEZ for IT/ITES at Bhondsi, Tehsil Sohna, District Gurgaon, Haryana

In the above three cases (ii), (iii) and (iv) the Board considered the report of DC NSEZ submitted before it as per its direction in the 53rd meeting. DoR expressed a view that the non-processing area is primarily meant to accommodate infrastructural facilities for supporting the units in the processing area and therefore, there is no apparent justification for IT/ITES office space in the non-processing area of an IT/ITES SEZ as the same is liable to be commercially exploited by entities outside the SEZ. The Board, therefore, **deferred** the above requests of the developer for authorized operations including construction of IT/ITES office space in the non-processing area.

Item No. 54.21: Request of M/s. Torrent Energy Limited for approval for taking out 508 mm dia MS Effluent pipeline from their project site in Dahej SEZ to GIDC disposal point outside SEZ area

The Board, after deliberations, approved the request of M/s. Torrent Energy Limited for taking out 508 mm dia MS Effluent pipeline from their project site in Dahej SEZ to GIDC disposal point outside SEZ subject to condition that the duty benefits shall be restricted to the activities carried out inside the SEZ.

Item No. 54.22: Requests for grant of third extension of in-principle approval.

(i) The request of M/s. Maharaja Multitrade Private Limited for third extension of the validity period of in-principle approval, granted for setting up of sector specific SEZ for multi services at Village Taloshi, Taluka Igatpur, District Nasik, Maharashtra beyond 17th June 2012

The Board noted that even after lapse of more than three years, the developer has acquired only 20 hectares of land out of an area of 106.755 hectares which had been approved in-principle for setting up of the SEZ. The Board, therefore, after deliberation, **rejected** the request for grant of extension beyond 17th June, 2012. The developer may apply for a formal approval as and when it fulfills the necessary prescribed conditions, including possession of the minimum land required for setting up a SEZ.

Item No. 54.23: Request of M/s. Arihant Worldwide Limited for setting up a unit in FSEZ

This item was withdrawn by DC, FSEZ for reconsideration in the UAC.

Item No. 54.24: Requests for change of name/transfer of equity

(i) Request of M/s. Three C Facility Management Private Limited, a co-developer for changing the share holding pattern of the company

The Board after deliberations approved the request of M/s. Three C Facility Management Private Limited for changing the share holding pattern of the company as under:-

S. No.	Name	Shareholding percentage
1	Supreet Singh Suri	33.333
2.	Nirmal Singh	33.333
3.	Vidur Bharadwaj	33.333
	Total	100

The approval is, however, subject to the 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, 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 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.

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

Annexure - 1

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 14th September, 2012 under the Chairmanship of Commerce Secretary, Department of Commerce

1. Shri S. R. Rao, Chairman BOA & Secretary, Department of Commerce.
2. Smt. Ruchira Pant, Director General (DG), Department of Revenue, Ministry of Finance
3. Shri Jitendra Kumar, Additional Director (DGEP), Department of Revenue
4. Ms. Surabhi Sharma, Under Secretary, (ITA 1), CBDT, Department of Revenue, Ministry of Finance
5. Shri A.K. Pujari, DGFT, Director General of Foreign Trade
6. Shri Vivek Ranjan, Additional Director, Department of Revenue, Ministry of Finance
7. Dr. L. B. Singhal, Joint DGFT, Director General of Foreign Trade
8. Smt. Jyoti Kalash, Resident Commissioner, Nagaland House, New Delhi
9. Shri G. Manjunath Gouda, Resident Director, Karnataka Udyog Mitra Karnataka Bhavan – 3, Khelgaon Marg, New Delhi
10. Shri Pradeep Kumar, Additional Resident Commissioner, Government of Maharashtra
11. Shri Subhash Sharma, O.S.D. OSIDC Limited, Government of Chhattisgarh
12. Shri A.S. Das, Head of SEZ, IDCO/State, Government of ODISHA
13. Dr. S.K. Sahoo, Office of Development Commissioner (MSME), Ministry of MSME, Nirman Bhawan.
14. Shri R.S. Rawal, Deputy Director, Department of Inclubatore, Commerce, Haryana
15. Shri T.A. Khan, (RO), TCPO, Ministry of Urban Development, E-Block, Vikas Baan, New Delhi
16. Shri R.D. Meena, Research Assistant, TCPO, Ministry of Urban Development
17. Shri A.K. Dham, Liaison Officer, IDCO, New Delhi

LIST OF DEVELOPMENT COMMISSIONERS

18. Shri Sanjeev Nandwani, Development Commissioner, Falta, Kolkata
19. Shri CPS Bakshi, Development Commissioner, Noida SEZ, Uttar Pradesh
20. Shri N.P.S. Monga, Development Commissioner, SEEPZ SEZ
21. Shri Vijay N. Shewale, Development Commissioner, Surat SEZ, Surat
22. Shri Mahendra Jain, Development Commissioner, NMSEZ and Indiabulls SEZ
23. Shri S. Kishore, Development Commissioner, APSEZ
24. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
25. Smt. Lata Shukla, Development Commissioner, Mundra SEZ
26. Shri Ved Prakash, Development Commissioner, Mihan SEZ
27. Shri Anil Bamba, Development Commissioner, Sricity SEZ
28. Shri. S.N. Patil, Joint Development Commissioner, Dahej SEZ
29. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhya Pradesh

LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE

30. Shri Anup Wadhawan, Joint Secretary, Department of Commerce.
31. Shri Sanjeet Singh, Director, Department of Commerce
32. Shri Kabiraj Sabar, Under Secretary, Department of Commerce
33. Shri S.S. Kumar, Under Secretary, Department of Commerce
34. Shri Achint Kumar, Section Officer, Department of Commerce
35. Shri R.K. Dutta, Section Officer, Department of Commerce