

## **Minutes of the 49<sup>th</sup> meeting of the SEZ Board of Approval held on 28<sup>th</sup> November 2011 to consider proposals for setting up Special Economic Zones and other miscellaneous proposals**

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The forty ninth (49<sup>th</sup>) meeting of the SEZ Board of Approval (BoA) was held on 28.11.2011 under the chairmanship of Dr. Rahul Khullar, Secretary, Department of Commerce, at 3.00 P.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. A list of participants is annexed (**Annexure -1**).

2. Addressing the Board of Approval members, the Chairman informed that so far 582 formal approvals have been granted for setting up of SEZs out of which 382 have been notified. He further informed that as on 30.09.2011, over Rs. 2,77,258.79 crores have been invested in the SEZs and direct employment of the order of 7,32,839 persons has been generated in the SEZs. During the financial year 2010-11, total exports to the tune of Rs. 3,15,867.85 crores have been made from the SEZs, registering a growth of about 43.11% over the exports for the year 2009-10. Exports in the current financial year (i.e. up to 30.09.2011) have been to the tune of Rs. 1,76,479.69 crores.

### **Item No. 49.1: Proposals for setting up of SEZs.**

**(i) Proposal of M/s. Manipal ETA Infotech Limited, for setting up of a sector specific Special Economic Zone for Electronic Hardware and Software including IT/ITES at Agara and Jakkasandra village, Begur Hobli, Bengaluru, Karnataka, over an area of 11.2 hectares.**

The Board noted that the Developer was in possession of the land. The Government of Karnataka had also recommended the proposal for formal approval vide their letter dated 20.10.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Manipal ETA Infotech Limited, for setting up of a sector specific Special Economic Zone for Electronic Hardware and Software including IT/ITES at Agara and Jakkasandra village, BegurHobli, Bengaluru, Karnataka, over an area of 11.2 hectares.

**(ii) Proposal of M/s. Mundra Port and Special Economic Zone Limited, for setting up of FTWZ at Village Dhrub, Taluka Mundra, District Kutch, Gujarat, over an area of 168.41 hectares.**

The Board noted that the Developer was in possession of the land. The Government of Gujarat had also recommended the proposal for formal approval vide their letter dated 16.09.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Mundra Port and Special Economic Zone Limited, for setting up of FTWZ at Village Dhrub, Taluka Mundra, District Kutch, Gujarat, over an area of 168.41 hectares.

**(iii) Proposal of M/s. Mundra Port and Special Economic Zone Limited, for setting up of Multi Product SEZ at Taluka Mundra, District Kutch, Gujarat, over an area of 1840 hectares.**

The Board noted that the Developer was in possession of the land. The Government of Gujarat had also recommended the proposal for formal approval vide their letter dated 16.09.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Mundra Port and Special Economic Zone Limited, for setting up of Multi Product SEZ at Taluka Mundra, District Kutch, Gujarat, over an area of 1840 hectares.

**(iv) Proposal of M/s. Gigaplex Estate Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Gigaplex, Plot No. 5, MIDC Knowledge Park, Airoli, Navi Mumbai, Maharashtra, over an area of 13.15 hectares.**

The Board noted that the Developer was in possession of the land. The Government of Maharashtra had also recommended the proposal for formal approval vide their letter dated 08.11.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Gigaplex Estate Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Gigaplex, Plot No. 5, MIDC Knowledge Park, Airoli, Navi Mumbai, Maharashtra, over an area of 13.15 hectares.

**(v) Proposal of M/s. Kakinada SEZ Private Limited, for setting up of Multi Product SEZ at Ponnada, Mulapeta, Ramanakkapeta villages in Kakinada, East Godavari District, Andhra Pradesh, over an area of 1013.6 hectares.**

The Board noted that a fax copy of the letter conveying State Government's recommendation for the proposal was received very late not allowing any time for circulation and consideration by the Board members. BoA observed that necessary proposals and supporting documents must be filed well within time to allow sufficient time for proper consideration by the Board. The consideration of the proposal was **deferred** till the next meeting.

**(vi) Proposal of M/s. PRP Granites Exports, for setting up of a sector specific Special Economic Zone for Granite at Kalkurichi, Chandran Kulam and Mallankinari Villages, Kariyapati Taluk, Virudhnagar District, Tamil Nadu, over an area of 104.373 hectares.**

The Board noted that the recommendation of the Government of Tamil Nadu has yet not been received. Therefore, the Board decided to **defer** consideration of the proposal till the receipt of State Government's recommendations

#### **Item No.49.2: Request 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:-

**(i) Request of M/s. Infosys Limited for co-developer in the sector specific SEZ for IT/ITES at villages Gaudakashipur and Arisal, Tehsil Jatni, District Khurda, Orissa being developed by Orissa Industrial Infrastructure Development Corporation**

After deliberations, the Board **approved** the request of M/s. Infosys Limited for becoming a co-developer in the above mentioned SEZ, for setting up of software development facility for IT/ITES & allied activities over an area of 45.85 acres (18.56 hectares), in accordance with the co-developer agreement entered into with the developer.

**(ii) Request of M/s. Adani International Container Terminal Private Limited (AICTPL) for becoming a co-developer in the Multi Product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL)**

It was observed by the representative of the Department of Revenue that the land proposed to be leased to the co-developer is under reclamation and sought deferment of the proposal till the land is added to the SEZ. DoR also requested that financial details of the proposal may be provided. Board, **deferred** the proposal on DOR's request and asked DC to clarify the issue raised by DoR.

**(iii) Request of M/s. Hirise Hospitality Private Limited for becoming a co-developer in the Multi Product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL)**

The Board was informed that two proposals for setting up hotels by two existing co-developers, namely, M/s. Eon-Hinjewadi infrastructure Private Limited and M/s. D.B. Hospitality approved by the BOA were showing no progress in implementation even after a lapse of two years. The DC also informed that there was need for creating Hotel facility at this location for SEZ purposes and the proposed facility was in a lower class than the earlier approved 5 star facilities. Therefore, after deliberations, the Board **approved** the request of M/s. Hirise Hospitality Private Limited for becoming a co-developer in the above mentioned SEZ, for setting up a hotel, in accordance with the co-developer agreement entered into with the developer subject to the condition that only a maximum of 150 hotel rooms would be set up under the project and this approval does not cover the construction of proposed service apartments.

**(iv) Request of M/s. Embassy Services Private Limited for co-developer in the sector specific SEZ for Electronic Hardware and Software including IT/ITES at Rachenhalli and Nagavara villages, Hobli, Outer Ring Road, District Bangalore, Karnataka, being developed by M/s. Manyata Promoters Private Limited**

The proposal was objected to by DoR that co-developer status could not be approved for carrying out merely O&M activities. DC however argued that such activities have been approved in the past by the BoA. The Board deferred the consideration of the proposal with the observation that the DC may put up a detailed report in this regard along with the justification for the project for consideration of the BoA.

**Item No. 49.3: Delayed request for extension of formal approval**

**(i) Request of M/s. Indian Green Grid Group Limited (Formerly M/s. ETL Infrastructure Services Limited) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Textile at Uthukuli village, Erode District, Tamil Nadu, beyond 30<sup>th</sup> May 2009.**

The Board after deliberations condoned the delay and extended the validity of the formal approval up to 30<sup>th</sup> May, 2012.

**Item No.49.4: Requests for third extension of validity of formal approvals**

**(i) Request of M/s. K. Raheja Corporation Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for multi services at Verna Industrial Area, Goa, beyond 24<sup>th</sup> October 2011**

**(ii) Request of M/s. Paradigm Logistics & Distribution Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Verna Industrial Area, Goa, beyond 24<sup>th</sup> October 2011**

The Board noted that the matter is *sub-judice* before the Apex Court in SLP Nos. 36458 of 2010 and 127 of 2011. Therefore, the Board, after deliberations, deferred the above two requests till the outcome of the SLPs pending before the Hon'ble Supreme Court.

**(iii) Request of M/s. Gitanjali Gems Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Gems & Jewellery at Panvel, Maharashtra, beyond 24<sup>th</sup> October 2011**

The Board noted that the acquired land is notified by MMRDA as a green zone and the company is yet to get permission from the State Government for setting up of a Gem & Jewellery SEZ. After deliberations, the Board deferred the proposal for want of requisite permission of the State Government.

**(iv) Request of M/s. J.T. Holdings Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Maheshwaram Mandal, District Ranga Reddy, Andhra Pradesh, beyond 25<sup>th</sup> October 2011**

The Board after deliberations extended the validity of the formal approval up to 25<sup>th</sup> October 2012.

**(v) Request of M/s. Stargaze Properties Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Raviriyal village, District Ranga Reddy, Andhra Pradesh, beyond 25<sup>th</sup> October 2011**

The Board after deliberations extended the validity of the formal approval up to 25<sup>th</sup> October 2012.

**(vi) Request of M/s. Calica Construction & Impex Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Ahmedabad, Gujarat, beyond 5<sup>th</sup> November 2011**

The Board after deliberations extended the validity of the formal approval up to 5<sup>th</sup> November, 2012.

**(vii) Request of M/s. Somani Worsted Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware and Software/ITES at Bhiwadi, District Alwar, Rajasthan, beyond 20<sup>th</sup> August 2011**

The Board noted that the Government of Rajasthan has not recommended grant of further extension of the validity period of formal approval to the developer. However, it was noted that the matter is *sub judice* before the Hon'ble High Court of Rajasthan, Jaipur bench which has directed that status quo on the project land be maintained. The Board, therefore, decided to **defer** the matter till stay on the land in question is vacated.

**(viii) Request of M/s. CPL Infrastructure Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceuticals at Ahmedabad, Gujarat beyond 26<sup>th</sup> June 2011**

DC, KASEZ informed that Board the developer has not taken any concrete action to create the required basic infrastructure. DC, KASEZ, therefore, did not recommend grant of further extension to the project. The Board, therefore, after deliberations **rejected** the request of the developer.

**(ix) Request of M/s. Balaji Infra Projects Limited for third extension of the validity period of formal approval, granted for setting up of a port based multi product SEZ inclusive of FTWZ, at Dighi Port, District Raigad, Maharashtra, beyond 22<sup>nd</sup> October 2011**

The Board after deliberations extended the validity of the formal approval up to 22<sup>nd</sup> October, 2012.

**(x) Request of M/s. Adityapur Industrial Area Development Authority for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Automobiles/Auto Components at Adityapur, Jharkhand, beyond 13<sup>th</sup> June 2011**

The Board after deliberations extended the validity of the formal approval up to 13<sup>th</sup> June, 2012.

**(xi) Request of M/s. Parsvnath SEZ Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Nedumbassery and Chengamanadu villages, Aluva Taluk, Ernakulam District, Kerala, beyond 25<sup>th</sup> October 2011**

The Board after deliberations extended the validity of the formal approval up to 25<sup>th</sup> October, 2012.

**Item No. 49.5: Request for grant of first extension of in-principle approval.**

**(i) Request of M/s. Drugs & Pharmaceuticals Manufacture Association for extension of in-principle approval granted for setting up of a sector specific SEZ for Pharmaceuticals- bulk/APIs/ formulations at NakkapalliMandal, Visakhapatnam District, Andhra Pradesh, beyond 15<sup>th</sup> August, 2011.**

The Board after deliberations extended the validity of the in-principle approval up to 15<sup>th</sup> August, 2012.

**Item No. 49.6: Request of M/s. RNB Infrastructure Private Limited for extension of in-principle approval granted for setting up of a sector specific SEZ for Textile at Coimbatore, Tamilnadu, beyond 24<sup>th</sup> June 2009**

The Board, after deliberations, extended the validity of the in-principle approval up to 30<sup>th</sup> June, 2012 (w.e.f. 25<sup>th</sup> June, 2009). The Board also directed DC, MEPZ to submit a report regarding total land in possession of the developer for setting up of SEZ.

**Item No. 49.7: Request for grant of second extension of in-principle approval.**

**(i) Request of M/s. Posco-India Private Limited for extension of in-principle approval granted for setting up of a Multi Product SEZ at Jagatsinghpur District, Orissa, beyond 25<sup>th</sup> October, 2011.**

The Orissa Government representative requested deferment without giving any reasons. The Board observed that this was not a transparent practice and gave opportunity for a reasoned submission by Government of Orissa before the end of the day. Subsequently, a faxed request was received from Government of Orissa, stating that it would submit its views later. No reasoned submission has been provided. Without condoning this practice, the matter is deferred to the next meeting, before which the State Government may make a reasoned submission.

**Item No. 49.8: Requests for grant of third extension of in-principle approval.**

**(i) Request of M/s. Reliable Smartcity Limited for extension of the validity period of in-principle approval, granted for setting up of a Multi Product SEZ at Pachama (Abdullah Pur) District Sehore, Madhya Pradesh, beyond 9<sup>th</sup> September, 2011**

The Board, after deliberations, extended the validity of the in-principle approval up to 9<sup>th</sup> September, 2012. The Board, observed that the implementation of the project is taking an unduly long time. DC may provide a report on the status of the project and the likelihood of the land requirement being met.

**(ii) Request of M/s. Vikram Logistic and Maritime Services Private Limited for extension of the validity period of in-principle approval, granted for setting up of FTWZ at Ponneri Taluk, Tiruvallur District, Tamil Nadu, beyond 15<sup>th</sup> October 2011**

The Board, after deliberations, extended the validity of the in-principle approval up to 15<sup>th</sup> October, 2012

**Item No. 49.9: Request of GIFT SEZ Limited for approval of “International Financial Services Centre” in the notified sector specific SEZ for ‘Multi Services’ at villages Phirozpur and Ratanpur, District Gandhinagar, Gujarat.**

After deliberations, BOA approved the proposal for setting up of IFSC in the notified SEZ in village, Phirozpur and Ratanpur, District Gandhi Nagar, Gujarat subject to the contingent conditions as per section 18 the SEZ Act, 2005 being fulfilled. The approval was subject to necessary approvals from RBI, SEBI, IRDA and other such concerned authorities through the Ministry of Finance.

**Item No. 49.10: Requests for increase/decrease in area**

**(i) Request of M/s. Infoparks Kerala for addition of land in the sector specific SEZ for IT/ITES at villages Puthencruz and Kunnathunadu, Taluka Kunnathunadu, District Ernakulam, Kerala**

After deliberation, the Board decided to **approve** the request of M/s. Infoparks Kerala for addition of land admeasuring 27.0477 hectares in the SEZ thereby making the total area of the SEZ as 39.6281 hectares. The approval is subject to the contiguity of the SEZ being maintained.

**(ii) 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.**

The representative of the Govt. of Kerala invited reference to their letter dated 13.10.2010 and stated that creation of a separate SEZ for the additional land proposed is not conducive as it will force the processing area to be fragmented. The State Govt reiterated its request to form a single SEZ and asked that the additional parcel of land be added to the existing notified SEZ. It further informed the Board that the land parcel proposed to be added was connected to the existing SEZ by an existing road and a bridge. Additional bridges were proposed to be built as and when required by growth in traffic. The State Govt representative further added that, the additional area was proposed to be entirely a non-processing area. It was also affirmed that all necessary conditions directed by the Board including fencing of processing area and the adjoining non processing areas etc would be strictly adhered to. The State Govt therefore, requested the Board that the additional land parcel may be notified immediately without waiting for construction of new bridges.

The representative of the Department of Revenue objected to the proposal stating that prior to notification it was essential that contiguity be established as such a condition had not been waived in the past. In this regard the State Govt representative invited a reference to the decision of BoA in the matter of M/s. IFFCO Kisan Union, a notified SEZ in Andhra Pradesh where a similar situation existed.

After deliberation, the Board decided that the all the facts and circumstances of the case would be considered, including decisions taken by the Board in the past, and the matter would be decided on file by DoC.

**(iii) Request of M/s. Mahindra World City (Jaipur) Limited for increase as well as decrease in area of the sector specific SEZ for Handicraft SEZ at Jaipur (Rajasthan).**

After deliberation, the Board decided to **approve** the request of M/s. Mahindra World City (Jaipur) Limited for addition & de-notification of land admeasuring 52.093 hectares and 1.095 hectares respectively in the SEZ thereby making the total area of the SEZ as 153.7639 hectares. The approval is also subject to the contiguity of the SEZ being maintained and the DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act in respect of the area to be de-notified.

**(iv) Request of M/s. Mahindra World City (Jaipur) Limited for addition of land in the sector specific SEZ for Light Engineering including automotive/ automotive component sector at Jaipur (Rajsthan)**

After deliberation, the Board decided to **approve** the request of M/s. Mahindra World City (Jaipur) Limited for addition of land admeasuring 119.4955 hectares in the SEZ thereby making the total area of the SEZ as 222.6730 hectares. The approval is subject to the contiguity of the SEZ being maintained.

**(v) Request of M/s. Mahindra World City (Jaipur) Limited for addition of land in the sector specific SEZ for Gems and Jewellery sector at Jaipur (Rajsthan)**

After deliberation, the Board decided to **approve** the request of M/s. Mahindra World City (Jaipur) Limited for addition of land admeasuring 0.9440 hectares in the SEZ thereby making the total area of the SEZ as 11.08 hectares. The approval is subject to the contiguity of the SEZ being maintained.

**(vi) Request of M/s. M.L. Dalmiya & Co. Limited for addition of land in the sector specific SEZ for IT/ITES at Bantala, South 24 Parganas, West Bengal**

After deliberation, the Board decided to **approve** the request of M/s. M.L. Dalmiya & Co. Limited for addition of land admeasuring 16.1874 hectares in the SEZ thereby making the total area of the SEZ as 64.7497 hectares. The approval is subject to the contiguity of the SEZ being maintained.

**(vii) Request of M/s. Coimbatore Hitech Infrastructure Private Limited for decrease in area of operation of the existing co-developer**

After deliberation, the Board decided to **approve** the request for decrease the area of the co-developer viz M/s. Berggruen Properties (Nagpur) Private Limited from 30.42 acres to 2.25 acres.

**(viii) Request of M/s Adarsh Prime Projects Pvt. Ltd. for de-notification of a portion of land in the notified IT/ITES SEZ at Bangalore, Karnataka.**

After deliberation, the Board decided to **approve** the request of M/s. Adarsh Prime Projects Pvt. Ltd. for de-notification of 7.399 hectares from the SEZ thereby making the total area of the SEZ as 10.559 hectares. The approval is also subject to the contiguity of the SEZ being maintained and the DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act in respect of the area to be de-notified.

**Item No. 49.11: Requests for de-notification**

**(i) Request of M/s. NSL SEZ (Chennai) Private Limited for de-notification of the sector specific SEZ for IT/ITES at Sholinganallur, Tambaram Taluk, Kanchipuram District, Tamil Nadu, notified over an area of 18.604 hectares**

After deliberations, the Board decided to **approve** the request of M/s. NSL SEZ (Chennai) Private Limited for de-notification of the sector specific SEZ for IT/ITES at Sholinganallur, Tambaram Taluk, Kanchipuram District, Tamil Nadu, notified over an area of 18.604 hectares, subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.

**(ii) Request of M/s. B.A. Tech Park Private Limited for de-notification of the sector specific SEZ for IT/ITES at Thumbe village, Bantwal Taluk, Dakshin Kannada District, Karnataka, notified over an area of 12.80067 hectares**

After deliberations, the Board decided to **approve** the request of M/s. B.A. Tech Park Private Limited for de-notification of the sector specific SEZ for IT/ITES at Thumbe village,



Bantwal Taluk, Dakshin Kannada District, Karnataka, notified over an area of 12.80067 hectares, subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.

**(iii) Request of M/s. City Gold Realities Private Limited for de-notification of the sector specific SEZ for IT/ITES at Sanathal (Sarkhej-Bavla Highway) Taluka Sanand, District Ahmedabad, Gujarat, notified over an area of 10.5146 hectares**

After deliberations, the Board decided to **approve** the request of M/s. City Gold Realities Private Limited for de-notification of the sector specific SEZ for IT/ITES at Sanathal (Sarkhej-Bavla Highway) Taluka Sanand, District Ahmedabad, Gujarat, notified over an area of 10.5146 hectares, subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.

**(iv) Request of M/s. Dr. Reddy's Laboratories Limited for de-notification of the sector specific SEZ for Pharmaceuticals at Lingampally & Melasangam villages, Munipally Mandal, Medak District, Andhra Pradesh, notified over an area of 103 hectares**

After deliberations, the Board decided to **approve** the request of M/s. Dr. Reddy's Laboratories Limited for de-notification of the sector specific SEZ for Pharmaceuticals at Lingampally & Melasangam villages, Munipally Mandal, Medak District, Andhra Pradesh, notified over an area of 103 hectares, subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.

**Item No. 49.12: Requests for extension of LoP of units beyond 1<sup>st</sup> to 3<sup>rd</sup> year**

**(i) Request of M/s. Zeon Solution Private Limited, a unit in MADC SEZ, Nagpur for extension of Letter of Permission (LOP), beyond 4<sup>th</sup> February, 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 4<sup>th</sup> February, 2012*).

**(ii) Request of M/s. KSK Surya Photovoltaic Venture Private Limited, a unit in the sector specific SEZ for Semiconductors being developed by M/s. FAB City SPV (India) Private Limited at Raviryala village, Maheswaram Mandal, ranga Reddy District, Andhra Pradesh, for extension of Letter of Permission (LOP), beyond 11<sup>th</sup> November 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 11<sup>th</sup> November, 2012*).

**(iii) Request of M/s. Sigachi Cellulos Private Limited, a unit in M/s. Dahej SEZ Limited, Gujarat for extension of LoP, beyond 31<sup>st</sup> August 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 31<sup>st</sup> August, 2012*).

**(iv) Request of M/s. Shankar Packaging Limited, a unit in M/s. Dahej SEZ Limited, Gujarat for extension of LoP, beyond 31<sup>st</sup> December 2010**

DC, KASEZ informed the Board that the unit has not undertaken any development work. Further, the developer had also cancelled the plot allotted to the unit on 11.08.2011. The Board, therefore, after deliberations rejected the request of the unit for grant of further extension of the validity of the LoP.

**(v) Request of M/s. Torrent Pharmaceuticals (Dahej), a unit in M/s. Dahej SEZ Limited, Gujarat for extension of LoP, beyond 2<sup>nd</sup> December, 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 2<sup>nd</sup> December, 2012*).

**(vi) Request of M/s. Vigor Laboratories, a unit in Indore SEZ for extension of Letter of Permission (LOP), beyond 21<sup>st</sup> January, 2011**

The Board, after deliberations, extended the LoP of the unit up to 21<sup>st</sup> January, 2013.

**(vii) Request for extension of letters of permissions of M/s. Cipla Limited (Unit I) & M/s. Cipla Limited (Unit I), units in the sector specific SEZ for Pharmaceuticals at Bhut Khamb, Kerim, Ponda, Goa being developed by M/s. Meditab Specialities Private Limited, beyond 11.09.2011**

The Board noted that the matter of the SEZ in question is *sub-judice* before the Apex Court. Therefore, the Board, after deliberations, deferred the above requests till the outcome of the SLP pending in Hon'ble Supreme Court.

**(viii) Request of M/s. Satyam Computers Services Limited, a unit in MIHAN SEZ for extension of LoP, beyond 27<sup>th</sup> July 2009**

The Board, after deliberations, condoned the delay and extended the validity of the unit up to 27<sup>th</sup> July, 2012 (w.e.f. 27<sup>th</sup> July, 2009).

**(ix) Request of M/s. Ramdev Chemical Industries, a unit in M/s. Dahej SEZ Limited, Gujarat for extension of LoP, beyond 30<sup>th</sup> November, 2011**

The Board, after deliberations, extended the LoP of the unit up to 31<sup>st</sup> May, 2012 and directed that the unit must be operational by the said date.

**Item No. 49.13: Requests for extension of LoP of units beyond 4<sup>th</sup> year**

**(i) Request of M/s. TAL Manufacturing Solution Limited, a unit in MADC SEZ, Nagpur for extension of Letter of Permission (LOP) beyond 2<sup>nd</sup> December 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 2<sup>nd</sup> December, 2012*)

**(ii) Request of M/s. ONGC Mangalore Petrochemicals Limited, a unit in M/s. Mangalore SEZ a for extension of Letter of Permission (LOP) beyond 6<sup>th</sup> November 2011**

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 6<sup>th</sup> November, 2012*)

**Item No. 49.14: Request for transfer of unit from one SEZ to another**

- (i) **Request of M/s. Resbird Technologies Private Limited a unit in the NSEZ for shifting its location to sector specific SEZ for IT/ITES at Gurgaon, Haryana, being developed by M/s. DLF Cyber City Developers Limited**
- (ii) **Request of M/s. InterGlobe Technology Quotient Private Limited, a unit in Noida SEZ for shifting its location to sector specific SEZ for IT/ITES at Gurgaon, Haryana, being developed by M/s. Gurgaon Infospace Limited.**

The representative of CBDT pointed out that since these units are already operational shifting of such units may not be allowed. The DC and the DGFT representative clarified that such requests had been allowed in the past and supported the contention that in such cases of shifting of units, income tax benefit should be allowed for the balance period in terms of section 10AA of the Income Tax Act, 1961. After deliberations, Board directed to examine on these case on file keeping in view the decisions taken in similar cases in the past. Accordingly, the proposals were **deferred**.

**Item No. 49.15: Request of M/s. PAREXEL International (India) Private Limited a unit in the sector specific SEZ for IT/ITES at Hyderabad by M/s. DLF Cyber City SEZ for waiver of the condition imposed while according approval for shifting its location to sector specific SEZ for IT/ITES at Madhapur, Ranga Reddy District, Andhra Pradesh, being developed by M/s. Sundew Properties Private Limited (RahejaMindspace SEZ)**

The representative of CBDT pointed out that since these units are already operational shifting of such units may not be allowed. The DC and the DGFT representative clarified that such requests had been allowed in the past and supported the contention that in such cases of shifting of units, income tax benefit should be allowed for the balance period in terms of section 10AA of the Income Tax Act, 1961. After deliberations, Board directed to examine on these case on file keeping in view the decisions taken in similar cases in the past. Accordingly, the proposals were **deferred**.

**Item No. 49.16: Request of M/s. Balaji polymers for setting up of a trading unit in FTWZ at village Sai, TalukaPanvel, District Raigad, Maharashtra being developed by M/s. Arshiya International Limited**

The Board noted that the UAC considered the proposal and took a view that the blending activity may amount to manufacturing. Accordingly, the proposal has been remitted to the BOA. After deliberations, Board directed to examine the matter on file and **deferred** the proposal.

**Item No. 49.17: Requests for change of name/transfer of equity**

- (i) **Request of M/s. Zeus Infrastructure Limited for changing its name to M/s. Sunstream City Private Limited**

The Board noted that though there is change in the shareholding pattern of the company, the original shareholders have retained nearly 70% stake in the new entity viz M/s. Sunstream City Private Limited. Therefore, the Board after, deliberations **granted approval** to the request of M/s. Zeus Infrastructure Limited for changing its name to M/s. Sunstream City Private Limited subject to conditions laid down by the BoA in similar matters.

**(ii) Request of M/s. Infosys Technologies Limited for changing its name to M/s. Infosys Limited**

The Board was informed that M/s Infosys Technologies Limited has simply changed its name to M/s Infosys Limited and there is no change in the shareholding of the company. The Board, after deliberations, **granted approval** to the request of M/s. Infosys Technologies Limited for changing its name to M/s. Infosys Limited in the following SEZs where it is developer/co-developer:-

S. No.	Sector/Location	Status	Dated of notification /approval	Area (in hectares)
1.	IT/ITES SEZ at Mysore, Karnataka	Developer	26.04.2007	25.45
2.	IT/ITES SEZ at Pune, Maharashtra	Developer	26.04.2007	31.49
3.	IT/ITES SEZ at DakshinKannad, Karnataka	Developer	22.06.2007	123.61
4.	IT/ITES SEZ at RR District, Andhra Pradesh	Developer	03.09.2009	60.94 + 120.09 = 181.03
5.	IT/ITES SEZ at Jaipur, Rajasthan by Mahindra World City (Jaipur) Ltd	Co-developer	14.08.2008	59.5
6.	IT SEZ at Kanchipuram, Tamil Nadu by Mahindra World City Developers Ltd	Co-developer	09.05.2007	52.21
7.	IT/ITES SEZ at Trivandrum, Kerala by Electronics Technology Park	Co-developer	22.06.2007	34.4750
8.	IT SEZ at Bangalore, Karnataka	Developer	01.06.2011	24.446

**(iii) Request of M/s Adarsh Prime Projects Pvt. Ltd. for transfer of 100% equity to the entire equity shareholding to M/s. RMZ Infotech Private Limited**

The Board, after deliberation, granted **approval** for transfer of entire shares of M/s. Adarsh Prime Projects Private Limited, the developer of the sector specific SEZ for IT/ITES at Bangalore Karnataka, to M/s. RMZ Infotech Private Limited, subject to the following:-

- (a) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (b) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (c) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- (d) The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

The Board further directed that full financial details relating to the transfer of equity shall be furnished immediately to the Member (IT) CBDT, Department of Revenue. It was also clarified that in such cases 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.

**Item No. 49.18: Cancellation of formal approval granted to M/s. Nipiam Infotech Private Limited for setting up of sector specific SEZ for IT at Gram Nimeta, Taluka Waghodiya, Vadodara, Gujarat.**

DC, KASEZ informed that both the parties viz. Nipaim Infotech Private Limited and M/s. Chervil Infrastructure Private Limited have now resolved their disputes and reached an agreement and requested deferment. The Board directed DC, KASEZ to give a clear report on the matter, before the next meeting and accordingly, **deferred** the proposal.

**Item No. 49.19: Requests for seeking ex-post facto approval of BoA**

**(i) Request of DC SEEPZ SEZ for ex-post facto approval granted for 2 Nos. Of Entry/Exit points and manner of fencing in the sector specific SEZ for multi services at village Bhokarpada, Taluka Panvel, District Raigad, Maharashtra being developed by M/s Sunny Vista Realtors Private Limited**

After deliberations, Board accorded ex-post-facto approval for two entry and exit points and putting up of the boundary wall of total height of 3.00 m comprising a minimum 600 mm high un-coursed rubble masonry wall, 1.8 m high chin link and top 600 mm barbed wire fencing.

**(ii) Proposal of DC FSEZ for regularization of extension of LoP of M/s Gujarat Textiles a unit in FALTA SEZ**

The decision of the UAC of FSEZ to extend the LoP of M/s Gujarat Textiles w.e.f. 01.01.2008 to 31.12.2012 was ratified by the Board. However, no DTA transaction shall be allowed.

**Item No. 49.20: Appeal before BoA**

**(i) Appeal of M/s. UPS Logistic Private Limited, a unit, against rejection of its request for approval of certain Input Services for authorized operations**

The Board decided to grant personal hearing to the appellant. However, the appellant was not present in the meeting. The Board, therefore, after deliberations decided that the appeal would be examined on file by the Department of Commerce.

### **Decisions on the Supplementary Agenda**

#### **Item No. 49.21: Sale of residential flats by Reatox Builders and Developers Private Limited, a co-developer in the Multi Product SEZ at Nagpur, Maharashtra being developed by M/s. Maharashtra Airport Development Company Limited (MADC).**

The representative of the developer, Maharashtra Airport Development Company Limited (MADC) pointed out that because of certain contractual obligations prior to the notification of Mihan SEZ, the co-developer, namely, M/s. Reatox Builders and Developers Private Limited were permitted to construction and sell residential flats in the non-processing area of the SEZ to persons not connected with the SEZ. Further, on the directions of the BOA, the term 'sale' was substituted by the term 'lease'. There were however no explicit directions of the BOA to the co-developer that residential flats cannot be leased out to the persons outside the SEZ. DC, Mihan also pointed out that a request had been made on 8<sup>th</sup> December, 2008 for de-notification of entire non-processing area. However, BOA had approved the de-notification of 338.28 hectares only, excluding 12.55 hectares and 10.12 hectares being developed by co-developers, namely, M/s. Reatox and Dr. D.Y. Patil International School. This decision had been subject to contiguity of the balance area. However, this contiguity had not been possible due to a road between the SEZ and this 12.55 & 10.12 Ha area. Hence the entire requested area (338.28 Ha) was required to be de-notified.

The Board observed that the situation had arisen due to the fact that the agreement between the developer (MADC) and the co-developer (Reatox) predated the SEZ Act coming into force. After deliberations, BOA decided to de-notify the land area allotted to M/s. Reatox subject to the refund of all benefits availed by any entity with regard to the project and also directed that DOC reserves right to impose such penalty as deemed fit. It was also underlined the fact that the decision in this particular case was in light of the peculiar circumstances and may not be quoted as a precedent.

DC may report on the issue of contiguity proposing any further action that may be required.

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

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**List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 28<sup>th</sup> November, 2011 under the Chairmanship of Commerce Secretary, Department of Commerce**

1. Dr. Rahul Khullar, Chairman BOA & Secretary, Department of Commerce.
2. Shri Raman Chopra, Director (ITA), CBDT, Department of Revenue, Ministry of Finance
3. Shri Vivek Ranjan, Additional Director, Department of Revenue, Ministry of Finance
4. Ms. H.K. Prasad, Additional Director (Export Promotion), DGEP, Department of Revenue, Ministry of Finance.
5. Shri Najib Shah, DGEP, Department of Revenue, Ministry of Finance
6. Dr. L. B. Singhal, Joint DGFT, Director General of Foreign Trade
7. Shri Shiwendra Singh, Secretary, NADA, Jamsedpur, Government of Jharkhand
8. Shri A.K. Gupta Chief General Manager, RIICO, Government of Rajasthan, Jaipur, Rajasthan
9. Shri B.M. Lal Das, General Manager, DIC Hazaribagh, Department of Industries, Government of Ranchi
10. Shri Manjunath Gonda, Resident Director, Karnataka Udyog Mitra Karnataka Bhavan – 3, Khelgaon Marg, New Delhi
11. Shri U.K.S. Chauhan, Resident Commissioner, Kerala, New Delhi
12. Shri Manny Daxini Gas, Joint Commissioner of Industries, Government of Gujarat, Industries Department
13. Shri O.P. Kapoor, Joint DG, EPCES
14. Ms. Suchitra Sinha, Joint Director (Industry), Government of Jharkhand
15. Shri R.C. Dahra, Additional Director, Government of Haryana, Industries, Haryana, Chandigarh
16. Shri M.S. Teotia, Additional Director, Office of Development Commissioner (MSME), Ministry of MSME.
17. Shri Pravin Rawat, Deputy Secretary, M/o Finance (DFS)
18. Shri A.K. Singh, Deputy Secretary, Department of Industry and Policy Promotion
19. Shri UPS Madan, Vice Chairman & Managing Director, MADCO Ltd., Mumbai
20. Shri A.K. Agarwal, Additional Industrial Adviser, Department of Chemical & Petrochemical, Ministry of Chemicals and Fertilizer, New Delhi
21. Smt. Nandini Awade, Assistant, R.C. O/o Resident Commissioner, Government of Maharashtra
22. Shri T.K. Khan, (RO), TCPO, Ministry of Urban Development
23. Shri R.D. Meena, Research Assistant, TCPO, Ministry of Urban Development
24. Shri A.K. Dham, Liaison Officer, IDCO, New Delhi

**LIST OF DEVELOPMENT COMMISSIONERS**

25. Shri M.S. Rao, Development Commissioner, VSEZ, Visakhapatnam, Andhra Pradesh
26. Shri Suresh Chandra Panda, Development Commissioner, Noida SEZ, Uttar Pradesh

27. Shri Sanjeev Nandwani, Development Commissioner, Falta, Kolkata
28. Shri Vijay N. Shewale, Development Commissioner, Surat SEZ, Surat
29. Shri S. Kishore, Development Commissioner, AP SEZ
30. Shri Pravir Kumar, Development Commissioner, KASEZ & Dahej SEZ
31. Smt. Lata Shukla, Development Commissioner, Mundra SEZ
32. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
33. Shri Ved Prakash, Development Commissioner, Mihan SEZ
34. Shri Anil Bamba, Development Commissioner, Sricity SEZ
35. Smt. F.D. Initha, Deputy Development Commissioner, MSEZ
36. Sh. S.N.Patil, Joint Development Commissioner, Dahej SEZ
37. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhya Pradesh.

**LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE**

38. Shri Anup Wadhawan, Joint Secretary, Department of Commerce.
39. Shri Sanjeet Singh, Director, Department of Commerce
40. Shri R. K. Pandey, Under Secretary, Department of Commerce
41. Shri Achint Kumar, Section Officer, Department of Commerce