

Minutes of the 42nd meeting of the SEZ Board of Approval held on 16th September 2010 to consider proposals for setting up of Special Economic Zones

The forty second (42nd) meeting of the SEZ Board of Approval was held on 16.09.2010 under the chairmanship of Shri Rahul Khullar, Secretary, Department of Commerce in Room No. 47, Udyog Bhawan, New Delhi to consider proposals for setting up of Special Economic Zones and other miscellaneous requests in respect of notified/approved SEZs. A list of participants is enclosed (**Annexure -1**).

2. Addressing the Board of Approval members, the Chairman informed that so far 577 formal approvals have been granted for setting up of SEZs out of which 363 have been notified. He further informed that over 1,66,526 crores have been invested in the Special Economic Zones and direct employment of the order of 5,50,323 persons has been generated in the Special Economic Zones. During the financial year 2009-10, total export of 2,20,711 approx. crore has been made from SEZs. The export in the first quarter of financial year 2010-11, has been to the tune of 58,685.46 crores approx. registering a growth of 68% over the exports of corresponding period of the previous financial year.

Item No. 42.1: Proposals for setting up of SEZs

(A) Decisions for Formal Approvals:

1. **Request for setting up of a sector specific Special Economic Zone for IT/ITES at Sulikere village, Kengari Hobli, Bangalore South Taluk, Bangalore, Karnataka by M/s. Poornimadevi Tech Park Private Limited, over an area of 13.11 hectares (Item No. 42.1 –Sl. No. i):**

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Poornimadevi Tech Park Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Sulikere village, Kengari Hobli, Bangalore South Taluk, Bangalore, Karnataka, over an area of **13.11 hectares**.

2. **Request for setting up of a sector specific Special Economic Zone for Biotechnology at Chillamaturu and Gorantla Mandal, Ananthapur District, Andhra Pradesh by M/s. Lepakshi Knowledge Hub Private Limited, over an area of 11.88 hectares (Item No. 42.1 –Sl. No. ii):**

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Lepakshi Knowledge Hub Private Limited, for setting up of a sector specific Special Economic Zone for Biotechnology at Chillamaturu and Gorantla Mandal, Ananthapur District, Andhra Pradesh, over an area of **11.88 hectares**.

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3. Request for setting up of a sector specific Special Economic Zone for Aerospace & Precision Engineering at Chillamaturu Mandal, Ananthapur District, Andhra Pradesh by M/s. Lepakshi Knowledge Hub Private Limited, over an area of 115.41 hectares (Item No. 42.1 –Sl. No. iii):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Lepakshi Knowledge Hub Private Limited, for setting up of a sector specific Special Economic Zone for Aerospace & Precision Engineering at Chillamaturu Mandal, Ananthapur District, Andhra Pradesh, over an area of **115.41 hectares**.

4. Request for setting up of Free Trade Warehousing Zone at Chillamaturu Mandal, Ananthapur District, Andhra Pradesh by M/s. Lepakshi Knowledge Hub Private Limited, over an area of 40 hectares (Item No. 42.1 –Sl. No. iv):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Lepakshi Knowledge Hub Private Limited, for setting up of Free Trade Warehousing Zone at Chillamaturu Mandal, Ananthapur District, Andhra Pradesh, over an area of **40 hectares**.

5. Request for setting up of a sector specific Special Economic Zone for Electronic Hardware and Software including ITES at Village Koorgalli, Itwala, Hobli, Mysore Taluk, Mysore District, Karnataka by M/s. Gopalan E-Park, over an area of 11.35 hectares (Item No. 42.1 –Sl. No. v):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Gopalan E-Park, for setting up of a sector specific Special Economic Zone for Electronic Hardware and Software including ITES at Village Koorgalli, Itwala, Hobli, Mysore Taluk, Mysore District, Karnataka, over an area of **11.35 hectares**.

6. Request for setting up of a sector specific Special Economic Zone for IT/ITES at Mouza - Tulasideipur, Chandaka, Bhubaneswar, Orissa by M/s. Suryo Infra Projects Private Limited, over an area of 10.526 hectares (Item No. 42.1 –Sl. No. vi):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Suryo Infra Projects Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Mouza - Tulasideipur, Chandaka, Bhubaneswar, Orissa, over an area of **10.526 hectares**.

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7. Request for setting up of a sector specific Special Economic Zone for Information Technology (IT) at Sarjapur village & Billapur Village, Anekal Taluk, Bangalore, Karnataka by M/s. Infosys Technologies Limited, over an area of 24.446 hectares (Item No. 42.1 –Sl. No. vii):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Infosys Technologies Limited, for setting up of a sector specific Special Economic Zone for Information Technology (IT) at Sarjapur village & Billapur Village, Anekal Taluk, Bangalore, Karnataka, over an area of **24.446 hectares**.

(B) Decisions for in-principle approval:

1. Request for setting up of a sector specific Special Economic Zone for Chemicals & Pharmaceuticals – (Bulk/APIs/Formulations) at Boyapalem, Naruva & Chittivalasa villages, Ranasthalam Mandal, Srikakulam District, Andhra Pradesh by M/s. Vivimed Labs Limited, over an area of 131.68 hectare (Item No. 42.1 –Sl. No. viii):

The Board noted that the State Government had recommended the proposal and also that the Developer was having partial possession of the land. After deliberations, the Board decided to grant **in-principle approval** to the proposal of M/s Vivimed Labs Limited for setting up of a sector specific Special Economic Zone for Pharmaceuticals – (Bulk/APIs/formulations) at Boyapalem, Naruva & Chittivalasa villages, Ranasthalam Mandal, Srikakulam District, Andhra Pradesh, over an area of **131.68 hectares**.

Item No. 42.2: Policy for setting up of units for recycling of plastics in SEZs

The Board decided to defer this item in view of the points raised by Department of Chemicals and Petrochemicals as also Department of Revenue.

Item No. 42.3: Guidelines on establishing contiguity in Special Economic Zone

The points raised by Department of Revenue were discussed in the meeting. It was felt that considering the size of multi product SEZs, and the need to strengthen them, it was important to consider the guidelines carefully. It was, therefore, decided that the proposal would be examined on file by Department of Commerce.

Item No. 42.4: Refund of service tax paid on taxable services provided in relation to the authorized operations in SEZs.

It was pointed out that the issue raised is essentially procedural and Department of Revenue should consider simplifying the procedure laid by them. On the request of the representative of the Department of Revenue the proposal was deferred and it was agreed that Department of Revenue would furnish their views before the next meeting of the Board of Approvals.

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Item No. 42.5: Request for relaxation of the Rule 41 of SEZ Rules, 2006

BoA discussed the proposal and it was noted that the issue was in respect of PIPVAV Shipyards and unique to them and is not a general issue. The representative of the Department of Revenue said that since it is a specific case, instead of amending the rules, the proposal can be considered on a standalone basis. The Board accordingly decided that the proposal can be considered by Department of Commerce in consultation with Department of Revenue.

Item No.42.6: Requests for co-developers

BoA sanctioned approvals to the co-developers subject to the condition that particular terms and conditions of lease 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 Income Tax Act. This is applicable for all the cases for co-developers mentioned below:-

(i) Request of M/s. MAS GMR Aerospace Engineering Company Limited for co-developer in the sector specific SEZ for Aviation sector at Mamidipalli village, Hyerabad, Andhra Pradesh, being developed by M/s. GMR Hyderabad International Airport Limited

After deliberations, the Board decided to grant **approval** to the request of M/s. MAS GMR Aerospace Engineering Company Limited for co-developer for development, construction and maintenance of MRO infrastructure over an area of 10 hectares in the above mentioned SEZ.

(ii) Request of M/s. Gujarat State Petronet Limited for co-developer in the sector specific SEZ for Pharmaceutical at Panoli near Ankleshwar, Bharuch District, Gujarat, being developed by M/s. J.B. SEZ Private Limited

After deliberations, the Board decided to grant **approval** to the request of M/s. Gujarat State Petronet Limited for co-developer for setting up gas transmission and distribution network in the above mentioned SEZ.

(iii) Request of M/s. Mundra International Airport Private Limited for co-developer in the multi product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL)

Representative of the Department of Revenue indicated that the proposal is for setting up a full-fledged international airport which will handle cargo as well as passengers. Considering that Mundra SEZ has very small complement of custom staff, they will not be able to manage the airport. Further, the airport will handle DTA and SEZ cargo and if it is set up in the processing area of the zone, it will be difficult for the Revenue Authorities to manage the cargo. After discussions, it was decided that Department of Revenue would crystallise their views and bring it before the BoA during its next meeting. Accordingly, the consideration of the proposal was deferred.

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(iv) Request of M/s. Mundra LNG Limited for co-developer in the multi product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL)

After deliberations, the Board decided to grant **approval** to the request of M/s. Mundra Mundra LNG Limited for co-developer for development, operation and maintenance of following infrastructure facilities i.e. LNG Terminal, storage & re-gasification facilities, gas based power generation plant (capacity upto 2000 MW) and related facilities, over an area of around 136 hectares, in the above mentioned SEZ.

(v) Request of M/s. Worlds Window Infrastructure & Logistics Private Limited for co-developer in the Kandla Special Economic Zone (KASEZ)

After deliberations, the Board decided to grant **approval** to the request of M/s. Worlds Window Infrastructure & Logistics Private Limited for co-developer for setting up of Free Trade Warehousing Zone (FTWZ) over an area of 25 acres, in the above mentioned SEZ.

(vi) Request of M/s. Hind Terminals (Mundra) Private Limited for co-developer in the multi product SEZ at Mundra, Kutch, Gujarat, developed by M/s. Mundra Port and Special Economic Zone Limited

It was noted that the issue has not been resolved so far and the request of the co-developer has been considerably delayed. Since Department of Revenue, has reservations about this proposal, it is preferable that they also indicate a line of action. After discussions, it was decided that Department of Revenue would crystallise their views and bring it before the BoA during its next meeting. Accordingly, the consideration of the proposal was deferred

Item No. 42.7: Request of M/s GMR Hyderabad International Airport Limited for authorized operations in the sector specific SEZ for aviation at Mamidipalli village, Hyderabad, Andhra Pradesh

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **processing area**, as given in the table:-

S. No.	Name of the authorized activity	No. of units	Total area (in sqm)
1.	Construction of Apron	1	85280 sqm (length 533 meters & 160 meters)

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Item No. 42.8: Requests for first extension of validity of formal approvals

After deliberations, the Board decided to grant first extension of validity of formal approval in respect of each of the following 13 (Thirteen) developers for a period of one year beyond the expiry of the validity period:

(i) Request of M/s. Omnibus Industrial Development Corporation of Daman & Diu and Dadra & Nagar Haveli Limited (OIDC) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Gems & Jewellery at Kharadpada, Naroli, Dadra & Nagar Haveli, beyond 25th July 2010.

(ii) Request of M/s. Bhartiya International SEZ Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Leather & Leather products at Tada Mandal, Nellore District, Andhra Pradesh, beyond 29th July 2010.

(iii) Request of M/s. Mansarovar Industrial Development Corporation for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Handicraft at Kaparda, Jodhpur, Rajasthan, beyond 24th June 2010.

(iv) Request of Andhra Pradesh Industrial Infrastructure Corporation Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Putlampally village, Kadapa Mandal, Kadapa District, Andhra Pradesh, beyond 29th July 2010.

(v) Request of Andhra Pradesh Industrial Infrastructure Corporation Limited for 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 25th June 2010.

(vi) Request of M/s. V.R. Enterprises for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Ananthasagar village, Hasanparthy Mandal, Warangal District, Andhra Pradesh, beyond 29th July 2010.

(vii) Request of M/s. Naya Raipur Development Authority for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware, Software including IT/ITES at Naya Raipur, Chhattisgarh, beyond 29th July 2010.

(viii) Request of M/s. Sterling SEZ and Infrastructure Limited for extension of the validity period of formal approval, granted for setting up of multi product SEZ at Jambusar, District Bharuch, Gujarat, beyond 30th September 2010.

(ix) Request of M/s. Wipro Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gopanapally and Vattungalapally villages, Serilingampally Mandal, Ranga Reddy District, Andhra Pradesh, beyond 24th June 2010.

(x) Request of Electronic Corporation of Tamil Nadu Limited (ELCOT) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for

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IT/ITES at Gangaikondan village, Tirunelveli Taluk, Tirunelveli District, Tamil Nadu, beyond 25th July 2010.

(xi) Request of AMRL International Tech City Limited for extension of the validity period of formal approval, granted for setting up of multi product SEZ at Nanguneri Taluk, Tirunelveli District, Tamil Nadu, beyond 22nd May 2010.

(xii) Request of Gujarat Industrial Development Corporation (GIDC) for extension of validity of the formal approval granted to its SPV viz Gujarat Growth Centres Development Corporation Limited (GGCDCL) for setting up of sector of sector specific SEZ for Handicraft and Artisan at village Moti Chirai, District Kutch, Gujarat, beyond 24th June 2010.

(xiii) Request of M/s. Haaciendaa for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at No.51, Sholinganallur Village, Old Mahabalipuram Road, Tambaram Taluk, Kancheepuram District, Tamilnadu beyond 24th October, 2009.

Item No. 42.9: Requests for second extension of validity of formal approvals

After deliberations, the Board decided to grant second extension of validity of formal approvals in respect of each of the following 9 (Nine) cases for a period one year beyond the expiry of the validity period.

(i) Request of M/s. Mahindra & Mahindra Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at village Owale, Ghodbunder Road, District Thane, Maharashtra, beyond 20th August 2010.

(ii) Request of M/s. Whitefield Paper Mills Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Writing and Printing Paper Mill at Tadipudi village, near Kovvur, Tallapudi Mandal, West Godavari District, Andhra Pradesh, beyond 20th August 2010.

(iii) Request of M/s. Sanghi SEZ Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Ranga Reddy District, Hyderabad, Andhra Pradesh, beyond 25th June 2010.

(iv) Request of M/s. Unitech Kochi SEZ Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Village Kunnathundau, Taluk Morkala Desam, Ernakulam, Kerala beyond 22nd August 2010.

(v) Request of Karnataka Industrial Areas Development Board (KIADB) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceuticals at Hassan, Karnataka, beyond 25th October 2010.

(vi) Request of M/s. Enfield Exports Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Non-conventional energy

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including Solar Energy Equipment (formerly IT/ITES) at Kanksa, Panagarh Bazar, District Burdwan, West Bengal, beyond 22nd August 2010.

(vii) Request of Karnataka Biotechnology and Information Technology Services (KBITS) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at Electronics City Phase III, Bangalore, Karnataka, beyond 23rd August 2010.

(viii) Request of M/s. Ansal SEZ Projects Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Village Badshapur, Gurgaon, Haryana, beyond 5th November 2010.

(ix) Request of M/s. Wockhardt Infrastructure Development Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceutical at MIDC Industrial Area, Shendre, Aurangabad, Maharashtra, beyond 2nd November 2010.

Item No. 42.10: Requests for grant of second extension of in-principle approval.

After deliberations, the Board decided to grant second extension of validity of in-principle approval granted to M/s. Reliable Smartcity Limited for setting up of multi product SEZ at Pachma (Abdullah Pur) District, Sehore, Madhya Pradesh for a period one year beyond the expiry of the validity period (i.e. beyond 9th September 2010).

Item No. 42.11: Requests for grant of third extension of in-principle approval.

After deliberations, the Board decided to grant extension of validity of in-principle approval granted to M/s. Amira Foods (India) Limited for setting up of a sector specific Special Economic Zone for Agro Based at between Karnal & Ambala District, Haryana, for a period one year beyond the expiry of the validity period (i.e. beyond 25th July 2010).

Item No. 42.12: Requests for de-notification

(i) Request of M/s. Base Realty Private Limited for de-notification of the notified sector specific SEZ for IT/ITES at Village Hinjewadi, Taluka Mulshi, Pune, Maharashtra

After deliberations, the Board decided to **approve** the request of M/s. Base Realty Private Limited for de-notification of notified sector specific SEZ for IT/ITES at village Hinjewadi, Taluka Mulshi, Pune, Maharashtra, over an area of 10.56.15 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits including service tax exemption, which might have been availed under the SEZ Act/Rules.**

(ii) Request of M/s. Raheja Universal Limited for de-notification of the notified sector specific SEZ for IT/ITES at Raheja Infocity – 1, Plot No. 2/1/B, Block –D, Trans – Thane, Maharashtra

After deliberations, the Board decided to **approve** the request of M/s. Raheja Universal Limited for de-notification of notified sector specific SEZ for IT/ITES at Raheja

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Infocity – 1, Plot No. 2/1/B, Block – D, Trans – Thane, Maharashtra, over an area of 10.524 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits including service tax exemption, which might have been availed under the SEZ Act/Rules.**

Item No. 42.13: Requests for withdrawal of formal approval

(i) Withdrawal of formal approval granted to Uttar Pradesh State Industrial Development Corporation Limited for setting up of sector specific SEZ for IT/ITES at Tronica City, Ghaziabad, Uttar Pradesh, over an area of 10.975 hectares

The Board decided to **approve** the request of Uttar Pradesh State Industrial Development Corporation Limited for setting up of sector specific SEZ for IT/ITES at Tronica City, Ghaziabad, Uttar Pradesh for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

(ii) Withdrawal of approval granted to M/s. Mahindra Holidays & Resorts India Limited for co-developer in the sector specific SEZ for IT , Hardware and bio-informatics at Chennai developed by M/s. Mahindra World City Developers Limited

The Board decided to **approve** the request of M/s. Mahindra Holidays & Resorts India Limited, a co-developer in the sector specific SEZ for IT, Hardware and Bio-informatics at Chennai developed by M/s. Mahindra World City Developers Limited for withdrawal of formal approval, **subject to DC's certificate that the co-developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

(iii) Withdrawal of formal approval granted to M/s. Glenmark Pharmaceuticals Limited for setting up of sector specific SEZ for Biotechnology at Shendra Five Star Industrial Area, Maharashtra, over an area of 11.89 hectares

The Board decided to **approve** the request of M/s. Glenmark Pharmaceuticals Limited for setting up of sector specific SEZ for Biotechnology at Shendra Five Star Industrial Area, Maharashtra for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

(iv) Withdrawal of formal approval granted to Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for Biotech (originally IT/ITES) at Ambernath, District Thane, Maharashtra, over an area of 16.5 hectares

The Board decided to **approve** the request of Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for Biotech (originally IT/ITES) at Ambernath, District Thane, Maharashtra for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

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(v) **Withdrawal of formal approval granted to M/s. Strength Real Estate Private Limited for setting up of sector specific SEZ for IT/ITES at Vemali District, Vadodara, Gujarat, over an area of 13.74 hectares**

The Board decided to **approve** the request of M/s. Strength Real Estate Private Limited for setting up of sector specific SEZ for IT/ITES at Vemali District, Vadodara, Gujarat for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

Item No. 42.14: Requests for increase/decrease in area

It was brought to the notice of the Board that the requests regarding increase/decrease in areas of SEZs need not be brought before the Board as long as the minimum area requirement is not changed. After deliberations, the Board while approving the proposals placed before it, directed that in future, requests seeking an increase/decrease up to 10% of the notified area, need not be brought before the Board as long as the changed area meets the minimum contiguous land requirement. All other cases not falling under the above mentioned category should be brought before the Board for its consideration.

(i) **Request of M/s Arshiya Northern FTWZ Limited for addition of area in the FTWZ at village Ibrahimpur, Junaidpur Urf, Moujpur, Bulandshar, Uttar Pradesh**

After deliberations, the Board decided to **approve** the request of M/s. Arshiya Northern FTWZ Limited for increasing the area of the formally approved SEZ by adding 11.363 hectares to the formally approved area of 40.076 hectares, thereby making the total area of the proposed SEZ as 51.439 hectares.

(ii) **Request of M/s. Bagmane Developers Private Limited for decrease in area in the notified sector specific SEZ for IT/ITES at Raman Nagar, K.R. Puram, Bangalore Karnataka**

After deliberations, the Board decided to **approve** the request of M/s. Bagmane Developers Private Limited for decreasing the area of the formally approved SEZ by 5.08 hectares from the formally approved area of 15.5 hectares thereby making the total area of the formally approved SEZ as 10.42 hectares, **subject to contiguity of the SEZ being maintained and also DC's certificate that the developer has refunded all the tax/duty benefits including service tax exemption, which might have been availed under the SEZ Act/Rules, in respect of the area removed.**

Item No. 42.15: Request of M/s. Enfield Realtors Limited for restoration of formal approval granted for setting up of sector specific SEZ for Biotechnology at Kanksa, Pangarh, District Burdwan, West Bengal and for changing of the sector of the SEZ to Non-conventional Energy including Solar Energy Equipment/cell

After deliberations, the Board restored the formal approval of the developer. The Board also approved the request of the developer for changing the sector of the formally

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approved SEZ from “**Biotechnology**” to “**Non-conventional including Solar Energy Equipment/cell**”.

Item No. 42.16: Request of Gujarat Growth Centres Development Corporation Limited (GGCDCL) for transfer of formal approval, decrease in area and change of sector of the sector specific SEZ for Handicraft and Artisan at village Moti Chirai, District Kutch, Gujarat

After deliberations, the Board approved the following requests of the developer:-

- (i) Transfer of formal approval from Gujarat Growth Centres Development Corporation Limited to Gujarat Industrial Development Corporation
- (ii) Reduction in the area of the SEZ from 131-59-62 hectares to 15 hectares
- (iii) Change of the sector of the SEZ from “Handicraft and Artisan” to “Handicraft”

Item No. 42.17: Request of M/s. Indiabulls Realtech Limited, a co-developer in the multi product SEZ being developed by M/s. Indiabulls Industrial Infrastructure Limited at Nasik, Maharashtra, for waiver of the condition prohibiting trading bricks and blocks made out of thermal ash in the DTA

The representative of the Department of Revenue said that earlier when the applicant’s proposal was considered for co-developer, it was decided that the fly ash bricks which will be made out of the fly ash can be utilized in the SEZ but cannot be sold in DTA as the applicant was a co-developer and not a unit. BoA considered that in terms of the regulations prescribed by Central Pollution Control Board, the fly ash has to be utilized by the power plant by conversion in to bricks and other fly ash products. Since the applicant has to meet this requirement sale of bricks beyond the use in SEZ is unavoidable. A method to resolve this requirement has to be worked out. The proposal was accordingly deferred and the BoA would consider this proposal in its next meeting by which time the Revenue Authorities may indicate possible solutions for its consideration.

Item No. 42.18: Request of M/s. Apollo Hospitals Enterprise Limited for authorized operations as co-developer in the manufacture and assembling of electronics, telecommunication and IT hardware and development of software, R&D services and other services in telecommunication SEZ at Sriperumbudur, Tamil Nadu developed by M/s. Nokia India Private Limited

The Board noted that M/s. Apollo Hospitals Enterprise Limited was allowed to set up a 60 bedded hospital subject to certain conditions. The firm has come back with the request that this conditions may be waived as it interferes with their professional medical ethics, is not commercially viable and can cause serious operational ineffectiveness leading to loss of life. The Board decided to defer the consideration of the proposal for a more detailed study of the proposal and directed that the proposal be placed before it in its next meeting.

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Item No. 42.19: Request of M/s. Tata Consultancy Services Limited, a unit in Siruseri SEZ, Chennai for setting up disastrous recovery site in case of a disaster in SEZ location like terrorist attack and natural calamities

After deliberations, the Board approved the request of M/s Tata Consultancy Services Limited for setting up disastrous recovery site in the unit of M/s TCS e-Serve International Limited, in DLF SEZ, Chennai. This will be subject to the operation being done through sitcom connections from their SEZ, there will be no specific network connection exclusively for the same.

Item No. 42.20: Contiguity Relaxation

(i) Request of M/s. Navi Mumbai SEZ Private Limited for relaxation of conditions of LoA regarding contiguity and multiple entry/exit gates

BoA noted that in its meeting held on 5th November 2009 the developer's request for certain relaxations were considered and thereafter the entire matter referred to the Revenue Authorities for a report. The Revenue Authorities have not supported the relaxations proposed by the developer.

Since then the developer has modified his request as under:-

- (i) Connectivity by 2 Skywalks in place of ROB, to provide contiguity has been done away with,
- (ii) Processing area No. 2 has been segregated from the multi product SEZ to provide 2 sector specific SEZ of FTWZ & Apparel SEZ, all of which fulfil minimum area requirement
- (iii) The number of gates in the revised proposal has been brought down to 3 instead of 7

The representative of the Department of Revenue indicated that they did not get sufficient time to study the revised proposal. The Board thereafter approved the proposal subject to Department of Revenue conveying their no-objection to the same.

Item No. 42.21: Requests for transfer of units from one SEZ to another

(i) Request of M/s Tech Mahindra Limited, a unit in Mahindra World City SEZ, Chennai (MWC SEZ) for transfer of the unit to Shriram Properties & Infrastructure Private Limited, Chennai (Shriram Gateway SEZ)

After deliberations, the Board **approved** the request of M/s Tech Mahindra Limited, a unit in Mahindra World City SEZ, Chennai for shifting its location to the Shriram Properties & Infrastructure Private Limited, Chennai

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(ii) Request of M/s Gujarat Textiles, a unit in FALTA SEZ for transfer of the unit to Kandla SEZ

After deliberations, the Board did not approve the request of the unit for shifting its location to Kandla SEZ.

Item No. 42.22: Requests for additional entry/exit gate

(i) Requests for additional entry/exit point in respect of multi product SEZ at Nasik, Maharashtra by M/s. Indiabulls Industrial Infrastructure Limited

(ii) Requests for additional entry/exit point in respect of multi product SEZ at village – Kendurs, Nimgaon, Dawdi and Kanhersar, District Pune, Maharashtra by M/s. Khed Economic Infrastructure Private Limited

The Board, after deliberations, remanded these requests to UAC for consideration and only in case of disagreement, the same should be brought back to the Board for its consideration.

Item No.42.23: Ex-post facto approval by Board of Approval

(i) Request of Indian Strategic Petroleum Reserves Ltd. (ISPRL) for co-developer in the sector specific SEZ for Petrochemicals and Petroleum sector at Baikampady, near Mangalore, Dakshina Kannada District, Karnataka, being developed by M/s. Mangalore SEZ Limited

The decision was ratified by the Board.

Item No. 42.24: Appeals before BoA

(i) Appeal of M/s. Arshiya International Limited against the order of DC SEEPZ SEZ rejecting its request for Duty free Import/procurement of diesel for the authorized operations

The representative of Department of Revenue indicated that there are revenue implications considering that diesel is a widely used fuel. Further, the instruction dated 12th March, 2010 issued by the Department of Commerce does not take into account the relevant provisions under Rule 27(1) of the SEZ Rules read with Rule 2 of the SEZ Rules which will make it clear that the developer cannot get duty free diesel. After discussions, it was decided that the matter would be examined on file before it is placed back before BoA for its consideration. Accordingly the appeal of the developer was deferred.

(ii) Appeal of M/s. Sarvan Commercial Private Limited, a unit in Manikanchan Special Economic Zone, Kolkata against the order of DC Manikanchan SEZ rejecting its request of the unit for further extension of LoP

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(iii) Appeal of M/s. Purbanchal Power Company Limited, a unit in Manikanchan Special Economic Zone, Kolkata against the order of DC Manikanchan SEZ rejecting its request of the unit for further extension of LoP

(iv) Appeal of M/s. Janaki Marketing Private Limited, a unit in Manikanchan Special Economic Zone, Kolkata against the order of DC Manikanchan SEZ rejecting its request of the unit for further extension of LoP

(v) Appeal of M/s. Anchita Commercial Private Limited, a unit in Manikanchan Special Economic Zone, Kolkata against the order of DC Manikanchan SEZ rejecting its request of the unit for further extension of LoP

The Board considered the appeals carefully and noted that the units had not commenced any activity. Further, the comments of WBIDC were also obtained which had recommended that the LoP of the units should not be extended. The appellants were not present for the Board to give them personal hearing. The Board, after deliberations, rejected the appeals as there was no merit in the appeals.

(vi) Appeal of M/s. Erba Diagnostics Mannheim GmbH against rejection of the request for setting up a unit, in SEEPZ Special Economic Zone, Mumbai

The Board considered the appeal. The appellant was not present. The Board after taking into account the recommendations made by DC SEEPZ, rejected the appeal.

(vii) Appeal of M/s. Meghmani Industries Limited, a unit in Dahej SEZ against cancellation of its LoP

(viii) Appeal of M/s. Meghmani Chemtech Limited, a unit in Dahej SEZ against cancellation of its LoP

The Board, after deliberations, allowed the appeals listed at sl.no. (vii) to (viii) and restored the Letters of Approval of the units.

(ix) Appeal of M/s. Golkunda Diamonds and Jewellery Limited, a unit in Surat SEZ against cancellation of its LoP

The board granted personal hearing to the appellant who requested for a time of 06 months so that the production can commence. The Board assessed the situation and after getting the views of DC, Surat SEZ came to the conclusion that the unit will not be able to commence exports within six months time as the unit has not even made preliminary preparations for the same. Accordingly, the Board rejected the appeal.

(x) Appeal of M/s. Pet Plastics Limited, a unit in KASEZ SEZ against proposal for recovery of penalty on the basis of non-compliance of the order of the Appellate Committee

The board granted personal hearing to the appellant. It was noted that the appellant was given adequate opportunity by the appellate authority but due to reasons best known to

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them, the appellant did not dispose off the material and accordingly failed to utilize the opportunity given. In view of this position, the Board decided to reject the appeal.

Decisions on the Supplementary Agenda

Item No. 42.1: Proposals for setting up of SEZs

(A) Decisions for Formal Approvals:

1. Request for setting up of a sector specific Special Economic Zone for IT/ITES at Kodathi village, Varthur Hobli, Sarjapur Road, Bangalore by M/s. Wipro Limited, over an area of 19.46 hectares (Item No. 42.1 –Sl. No. i):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Wipro Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Kodathi village, Varthur Hobli, Sarjapur Road, Bangalore, over an area of **19.46 hectares**.

2. Request for setting up of a sector specific Special Economic Zone for IT/ITES at Belagola Industrial Area, Mogarhalli village, Belagola Hobli, Srirangapatna Taluk, Mandya District, Mysore, Karnataka by M/s. Wipro Limited, over an area of 29.94 hectares (Item No. 42.1 –Sl. No. ii):

The Board noted that the Developer was in possession of the land. The State Government has also recommended the proposal. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Wipro Limited, for setting up of a sector specific Special Economic Zone for IT/ITES at Belagola Industrial Area, Mogarhalli village, Belagola Hobli, Srirangapatna Taluk, Mandya District, Mysore, Karnataka, over an area of **29.94 hectares**.

3. Request for conversion of in-principle approval into formal approval for setting up of a Port Based Multi Product Special Economic Zone at Navi Mumbai, Mumbai, Maharashtra by M/s. Jawaharlal Nehru Port Trust (JNPT) over an area of 277 hectares (Item No. 42.2 –Sl. No. i):

The Board noted that the Developer was in possession of the land. The State Government also recommended the proposal. However, SH-24 bifurcates the Zone into two separate areas and the issue of establishing contiguity has to be considered. Since the proposed guidelines of establishing contiguity are yet to be finalized, the Board granted **formal approval** for setting up of a Port Based Multi Product Special Economic Zone at Navi Mumbai, Mumbai, Maharashtra by M/s. Jawaharlal Nehru Port Trust (JNPT) over an area of **277 hectares, subject to the developer following the guidelines regarding contiguity as and when finalized.**

Item No.42.3: Requests for co-developers

(i) Request of M/s. Kalyani Global Engineering Private Limited for co-developer in the multi product SEZ at Taluka Khed & Shirur, District Pune, Maharashtra, being developed by M/s. Khed Economic Infrastructure Private Limited

It was noted by the Board that the co-developer agreement does not reflect the status of the co-developer correctly. The agreement is more by way of a services contract between an employer and a contractor. The Board accordingly deferred the consideration of the proposal and directed that the co-developer agreement must be drawn up in line with the SEZ regulations.

(ii) Request of M/s. Flamingo Infra Developers Private Limited for co-developer in the sector specific SEZ for Pharmaceutical at Krushnoor, District Nanded, Maharashtra, being developed by Maharashtra Industrial Development Corporation Limited (MIDC)

After deliberations, the Board decided to grant **approval** to the request of M/s. Flamingo Infra Developers Private Limited for co-developer for providing infrastructural facilities by undertaking all the default Authorized Operations over an area of 20.23 hectares (50 acres) in the above mentioned SEZ.

Item No. 42.4: Request for de-notification

(i) Request of M/s. JSL Limited for de-notification of the notified sector specific SEZ for Stainless Steel at Kalinga Nagar, Orissa

After deliberations, the Board decided to **approve** the request of M/s. JSL Limited for de-notification of notified sector specific SEZ for Stainless Steel at Kalinga Nagar, Orissa, over an area of 142.115 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits including service tax exemption, which might have been availed under the SEZ Act/Rules.**

Item No. 42.5: Requests for withdrawal of formal approval

(i) Withdrawal of formal approval granted to Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for power generation at Bhadravati Industrial Area, District Chandrapur, Maharashtra

The Board decided to approve the request of Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for power generation at Bhadravati Industrial Area, District Chandrapur, Maharashtra for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

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(ii) Withdrawal of formal approval granted to Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for power generation at Usar Industrial Area, District Raigad, Maharashtra

The Board decided to approve the request of Maharashtra Industrial Development Corporation Limited (MIDC) for setting up of sector specific SEZ for power generation at Usar Industrial Area, District Raigad, Maharashtra for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

(iii) Withdrawal of formal approval granted to M/s. JSW Bengal Steel Limited for setting up of sector specific SEZ for Steel and Allied products at Godapiasal, Alboni, West Medinipur, West Bengal

The Board decided to approve the request of M/s. JSW Bengal Steel Limited for setting up of sector specific SEZ for Steel and Allied products at Godapiasal, Alboni, West Medinipur, West Bengal, for withdrawal of formal approval, **subject to DC's certificate that the developer has refunded the tax/duty benefits, if any, which might have been availed under the SEZ Act/Rules.**

Item No. 42.6: Request for increasing / decreasing area

(i) 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 deliberations, the Board decided to **approve** the request of M/s. Adarsh Prime Projects Private Limited for de-notification of 3.062 hectares of land from the above mentioned SEZ, thereby making the total area of SEZ 18.41 hectares **subject to contiguity of the SEZ being maintained and also DC's certificate that the developer has refunded all the tax/duty benefits including service tax exemption, which might have been availed under the SEZ Act/Rules, in respect of the land being de-notified**

Item No. 42.7: Requests for first extension of validity of formal approvals

After deliberations, the Board decided to grant first extension of validity of formal approval in respect of each of the following 6 (Six) developers for a period of one year beyond the expiry of the validity period:

(i) Request of M/s. Mittal Infratech Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at village Sewah, GT Road, District Panipat, Haryana, beyond 14th October 2010.

(ii) Request of M/s. AMRL International Tech City Limited for extension of the validity period of formal approval, granted for setting up of multi product SEZ at Nanguneri Taluk, Tirunelveli District, Tamil Nadu, beyond 22nd May 2010.

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(iii) Request of M/s. Karle Infra Projects for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Nagavara village, Bangalore North Taluk, Karnataka, beyond 18th June 2010.

(iv) Request of M/s. Platinum Holdings Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Hardware and Software at Navallur village, Chengulpet Taluk and Semmencherry village, Tambaram Taluk, Kancheepuram District, Tamil Nadu, beyond 5th November 2009.

(v) Request of M/s. CCCL Pearl City Food Port SEZ Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for food processing at Tuticorin District, Tamil Nadu, beyond 25th July 2010.

(vi) Request of M/s. Gopalan Enterprises (India) Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mahadevpura, Kaggadapura, K.R. Puram, Whitefield, Bangalore, Karnataka, beyond 2nd July 2010.

Item No. 42.8: Requests for second extension of validity of formal approvals

After deliberations, the Board decided to grant second extension of validity of formal approvals in respect of each of the following 7 (Seven) cases for a period one year beyond the expiry of the validity period.

(i) Request of Karnataka Industrial Areas Development Board (KIADB) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mangalore, Karnataka, beyond 25th June 2010

(ii) Request of M/s. Indu Techzone Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mamidipalli village, Saroornagar Mandal, Ranga Reddy District, Andhra Pradesh, beyond 25th October 2010

(iii) Request of M/s. OSE Infrastructure Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Plot No. C-01, Sector 67, Noida, Uttar Pradesh beyond 5th November 2010

(iv) Request of M/s. CPL Infrastructure Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceuticals at Ahmedabad, Gujarat beyond 26th June 2010

(v) 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 Electronics Industries at Thrikkakara village, Kanayannur Taluk, Ernakulam District, Kerala beyond 20th August 2010

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(vi) Request of M/s. Gujarat Hira Bourse for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Gems and Jewellery at Ichhapor, Surat, Gujarat beyond 6th April 2009

(vii) Request of M/s. Bannari Techno Park Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Kalapatty village, Coimbatore District, Tamil Nadu beyond 24th October 2010

Item No. 42.9: Request of M/s. Silkroad Sugars Private Limited, a unit in the sector specific SEZ for food processing at Kakinada, Andhra Pradesh being developed by M/s. Parry Infrastructure Company Private Limited, for waiver of import duty on incidental generation of electricity

The Board noted that the customs tariff rate has been brought down from 16% advalorem to approximately 3% advalorem and the unit should be in a position to bear this tariff.

Item No. 42.10: Appeal of M/s. NSL SEZ (Hyderabad) Private Limited against the decision of the BoA rejecting the request of the developer for waiver of the condition of exclusive use of residential apartments by SEZ employees

The Board considered the proposal and desired further details from DC VSEZ. Accordingly, the consideration of the proposal was deferred.

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Annexure - 1

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 16th September, 2010 under the Chairmanship of Commerce Secretary, Department of Commerce

1. Shri Rahul Khullar, Chairman BOA & Secretary, Department of Commerce.
2. Smt. Praveen Mahajan, Director General (DG), Department of Revenue, Ministry of Finance
3. Sh. Raman Chopra, Director (ITA), CBDT, Department of Revenue, Ministry of Finance
4. Shri Gurdeep Singh, Additional Director, Department of Revenue, Ministry of Finance
5. Shri Vivek Ranjan, Additional Director, Department of Revenue, Ministry of Finance
6. Dr. L. B. Singhal, DG, Export Promotion Council of EOUs and SEZs.
7. Shri Sunil Arora, Principal Secretary Industries, Government of Rajasthan, Jaipur
8. Shri Rajeev Ranjan, Principal Secretary, Industries, Government of Tamil Nadu
9. Shri Neel Kamal Darbari, Joint Secretary, department of Chemical & Petroleum
10. Shri S. K. Rathore, Resident Commissioner, Government of Orissa, New Delhi.
11. Shri Ravi Inder Singh, Director, Ministry of Home Affairs.
12. Shyamal Misra, Director, Department of Industry and Policy Promotion
13. Shri M. Pandey Director (Coordination), Ministry of Defence, New Delhi
14. Shri Manjunath Gonda, Resident Director, Karnataka Udyog Mitra Karnataka Bhavan - 3, Khelgaon Marg, New Delhi
15. Shri Manny Y. Daxini, Joint Commissioner, Industries, Government of Gujarat
16. Dr. G.J. Samathanam, Advisor & Head, Ministry of Science and Technology, Technology Bhavan, New Mehrali Road, New Delhi.
17. Shri Wazir Singh, Additional Director, Department of Industries & Commerce, Haryana
18. Shri Rajiva Kumar, Deputy Director General of Foreign Trade, O/o DGFT
19. Shri Sudhir K. Agarwal, Assistant Director (EP&WTO), M/o MSME, O/o DC (MSME), Nirman Bhawan, New Delhi
20. Ms. Nilima Verma, SRO, TCPO, E-Block, Vikas Bhavan, New Delhi

LIST OF DEVELOPMENT COMMISSIONERS

21. Shri M.S. Rao, Development Commissioner, VSEZ, Visakhapatnam, Andhra Pradesh.
22. Shri Arun Kumar Bit, Development Commissioner, Falta SEZ, Kolkata.
23. Smt. Anita Agnihotri, Development Commissioner, SEEPZ SEZ, Mumbai.
24. Shri Mahendra Jain, Development Commissioner, Navi Mumbai SEZ, Mumbai
25. Shri Vijay Shewale, Development Commissioner, Surat SEZ, Surat
26. Shri CPS Bakshi, Joint Development Commissioner, Noida SEZ.

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27. Smt. Swarna. S., Joint Development Commissioner, MEPZ SEZ, Chennai.
28. Shri S. Kishore, Development Commissioner, AP SEZ
29. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
30. Shri Upendra Vasishth, Development Commissioner, Reliance SEZ, Jamnagar, Gujarat
31. Shri Pravir Kumar, Development Commissioner, Dahej & Mundra SEZ
32. Sh. S.N.Patil, Joint Development Commissioner, Dahej SEZ
33. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhra Pradesh.
34. Shri C.V.D.Ramprasad, Director, STPI (IT/ITES), SEZ, Noida
35. Shri J.Parthasarathy, Director STPI (IT/ITES), SEZ, Chennai, Tamil Nadu
36. Shri P. Venugopal, Director STPI, DC (IT/ITES), Hyderabad, Andhra Pradesh
37. Shri S. K. Agarwal, Director STPI, DC (IT/ITES), SEZ Maharashtra
38. Shri R. Rajalakshmi, Director STPI & Development Commissioner, Bangalore, Karnataka
39. Shri P.K. Das, Director STPI & Development Commissioner, Eastern Zone, Guwahati, Assam
40. Shri Ajay Sharma, Development Commissioner (IT/ITES), SEZ, Gujarat
41. Shri K. Ramesh Kumar, Development Commissioner IT/ITES SEZ, Kerala.
42. Smt. Vandana Srivastava, Additional Director, STPI, Delhi

LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE

43. Shri D.K. Mittal, Additional Secretary, Department of Commerce.
44. Shri Anil Mukim, Joint Secretary, Department of Commerce.
45. Shri T. Srinidhi, Joint Secretary, Department of Commerce
46. Shri R. K. Pandey, Under Secretary, Department of Commerce
47. Shri G. Muthuraja, Under Secretary, Department of Commerce
48. Shri Achint Kumar, Section Officer, Department of Commerce