

No. F.2/7/2017-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

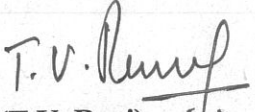
Udyog Bhawan, New Delhi
Dated the 6th February, 2018

OFFICE MEMORANDUM

Subject: 81st (Eighty First) Meeting of the Board of Approval on Special Economic Zones (SEZs) held on 5th February 2018 at 11.30 A.M. – Reg.

Please find enclosed herewith Minutes of the 81st meeting of the Board of Approval for SEZs held on 5th February, 2018 under the Chairpersonship of Ms. Rita Teatota, Secretary, Department of Commerce for information and necessary action.

2. The Development Commissioners are requested to take urgent necessary action, on the directions of BoA requiring follow up action on their part, before the next meeting of the BoA.


(T.V. Ravi)

Director

Tel: 2306 3960

Email: talla.ravi@nic.in

6/2/18

To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)

12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Joint Secretary, (Justice-I), Department of Legal Affairs, M/o Law & Justice, New Delhi (Tel: 2338 3037).
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)

44. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
45. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
46. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
47. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
48. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
49. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
50. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
51. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.
53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneswar – 751001 (Fax: 0671-536819/2406299).
55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-2559974)
56. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
60. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

Copy to: PPS to CS / Sr. PPS to AS (SK) / PA to Dir (TVR).

**Minutes of the 81st meeting of the Board of Approval for SEZ
held on 5th February, 2018**

The Eighty First (81st) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 5th February, 2018 under the Chairpersonship of Ms. Rita Teautia, Secretary, Department of Commerce, at 11.30 A.M. in Room No. 47, Udyog Bhawan, New Delhi. The list of participants is Annexed (Annexure-1).

Item No. 81.1: Requests for extension of validity of formal approvals (6 proposals)

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

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

(i) Request of M/s. TCS Ltd. SEZ Indore for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Indore, Madhya Pradesh, beyond 28th February 2018.

The Board, after deliberations, approved extension of the validity of the formal approval up to 28th February, 2019.

(ii) Request of M/s. G.P. Realtors Pvt. Ltd. for further extension of the validity of formal approval granted for setting up of Electronic Hardware & IT/ITES SEZ at Village Behrampur, Balola & Bandhwari, Distt. Gurgaon (Haryana) beyond 25.01.2018.

The Board, after deliberations, approved extension of the validity of the formal approval up to 25th January, 2019.

(iii) Proposal of M/s. Mahindra World City (Jaipur) Ltd. for extension in the validity period of formal approval granted for setting up of IT/ITES including Software & Hardware Manufacturing SEZ at Village Kalwara, Tehsil-Sanganer, Distt- Jaipur (Rajasthan).

The Board noted that the proposal for issuance of notification for combining five sector specific SEZs into one multi product SEZ had been received in this Department on 31st January, 2018 and was being processed. Since, the aforesaid SEZ was getting subsumed in the combined SEZ, the Board approved extension of the validity of the formal approval for a period of three months up to 30.04.2018.

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(iv) Proposal of M/s. Mahindra World City (Jaipur) Ltd. for extension in the validity period of formal approval granted for setting up of Gems & Jewellery SEZ at Village Bhamboriya, Tehsil-Sanganer, Distt- Jaipur (Rajasthan) – Regarding.

The Board noted that the proposal for issuance of notification for combining five sector specific SEZs into one multi product SEZ had been received in this Department on 31st January, 2018 and was being processed. Since, the aforesaid SEZ was getting subsumed in the combined SEZ, the Board approved extension of the validity of the formal approval for a period of three months up to 30.04.2018.

(v) Request of M/s. SEZ Biotech Services Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at Manjari Budruk, Taluka Haveli, District Pune, Maharashtra over an area of 17.0901 Ha. beyond 27th March, 2018

The Board, after deliberations, approved extension of the validity of the formal approval up to 27th March, 2019

(vi) Request of M/s. Brookefields Real Estates and Projects Private Limited at Brooke fields, village, Kundalahalli, Hobli, Krishnarajapuram, Taluk Bangalore South, Karnataka for extension of Letter of Permission (LOP) beyond 31.03.2018 for extension upto 31.03.2019.

The Board, after deliberations, approved extension of the validity of the formal approval up to 31st March, 2019.

Item No. 81.2: Requests for extension of LoP beyond 3rd Year onward (4 proposals)

(i) Request of M/s. West Bengal Electronics Industry Development Corporation Ltd. (WEBEL Ltd.) a unit in M/s. M.L. Dalmia & Co. IT/ITES SEZ for Letter of Permission (LoP) beyond 22.04.2017 for one year.

The Board, after deliberations, approved extension of the validity of the LoP up to 28th February, 2019.

(ii) Request of M/s. Icreon Communications Pvt. Ltd. (Unit-II) in the Noida SEZ for extension of Letter of Permission (LOP) beyond 28/02/2018 upto 28/02/2019

The Board, after deliberations, approved extension of the validity of the LoP up to 28th February, 2019.

(iii) Request of M/s. Kusum Healthcare Pvt. Ltd. in Indore SEZ for extension of Letter of Permission (LOP) beyond 28.02.2018 for one year upto 28.02.2019

The Board, after deliberations, approved extension of the validity of the LoP up to 28th February, 2019.

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(iv) Extension in validity of Letter of Approval dated 06-02-2013, issued to M/s. Macson Colorchem Pvt Ltd., Dahej-SEZ, Bharuch, Gujarat.

The Board, after deliberations, approved extension of the validity of the LoP up to 5th February, 2019.

Item No. 81.3 Requests for co-developer (4 proposals)

(i) Request of M/s. Synergy Infotech Pvt. Ltd. for Co-developer status in MIDC IT/ITES SEZ, Rajiv Gandhi Infotech Park, Phase-III, Hinjewadi, Pune for construction of buildings and related infrastructure for IT/ITES Units, Development of space of IT/ITES Unit and all default authorized operations for area admeasuring 5.2161 sq. mtrs.

The Board, noted that M/s. Synergy Infotech Pvt. Ltd. had failed to implement the project for setting up of the unit in SEZ and therefore rejected the proposal.

(ii) Request of M/s. LOMA Co-Developers 1 Pvt. Ltd. for Co-developer status in the LOMA IT Park - SEZ for construction of buildings and related infrastructure for IT/ITES Units, Development of space of IT/ITES Unit and all default authorized operations in G 4/1, TTC Industrial Area, Ghansoli, Navi Mumbai.

The Board, after deliberations, approved the proposal of M/s. LOMA Co-Developers 1 Pvt. Ltd. for construction of buildings and related infrastructure in accordance with the co-developer agreement entered into with the developer, subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

(iii) Request of M/s. LOMA Co-Developers 2 Pvt. Ltd. for Co-developer status in the LOMA IT Park - SEZ for construction of buildings and related infrastructure for IT/ITES Units, Development of space of IT/ITES Unit and all default authorized operations in G 4/1, TTC Industrial Area, Ghansoli, Navi Mumbai admeasuring an area of 6.5 Hectares.

The Board, after deliberations, approved the proposal of M/s. LOMA Co-Developers 2 Pvt. Ltd. for construction of buildings and related infrastructure in accordance with the co-developer agreement entered into with the developer, subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

(iv) Request of M/s. Black Canyon SEZ Pvt. Ltd. for co-developer status in the IT/ITES SEZ of M/s. ASF Insignia SEZ Pvt. Ltd. at IT/ITES SEZ at Village Gwal Pahari, Gurgaon (Haryana).

The Board, after deliberations, approved the proposal of M/s. Black Canyon SEZ Pvt. Ltd for Construction, development, re-development, operations, management and maintenance of the Black Canyon Building and its allied infrastructure and the Black Canyon Private Campus Land (hereafter collectively referred to as the "Black Canyon Undertaking") including maintenance / operations / management of electrical and mechanical installations, fire detection and fire-fighting equipment, water supply and waste disposal system and car parking spaces

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pertaining to Black Canyon Undertaking and rendering of security and cleaning services at Black Canyon Undertaking, and it further also includes providing / leasing spaces / infrastructure so constructed / developed within Black Canyon Undertaking to eligible tenants and management of such tenancies in the processing area of SEZ in accordance with the co-developer agreement entered into with the developer, subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

Item No. 81 : Proposals for setting up of SEZs (one proposal)

(i) Request of M/s. Adani Power (Jharkhand) Limited for In-Principle approval for setting up of a sector specific SEZ for Power at Godda District, Jharkhand, over an area of 425 hectares.

The Board noted that the proposal was inconsistent with the Power Guidelines dated 16.02.2016 and also that there was no recommendation from the State Government and after deliberation, decided not to approve the proposal.

Item No. 81.4: Change of Shareholding Pattern Cases (12 proposals)

(i) Request of M/s. Ameks Techfab Pvt. Ltd. for extension of LoA; 100% change in shareholding pattern with change in Directors and grant of Industrial License

The Board, after deliberations decided to grant In-principle approval for extension of LoA beyond 21.09.2014 and the proposed changes in share holding pattern of the unit subject to grant of Industrial License after getting clarification form DGFT on applicability of SCOMET guidelines and clearance from State Government.

(ii) Request of M/s. New Diamond Era, Plot No. 24, 25, 62, 63 & 222 a unit in Surat SEZ, for change of Constitution of Partnership and transfer of shares exceeding 50% to another entity.

The Board approved the proposal subject to following conditions:-

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

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(iii) Request of M/s. Sagar Diamonds Pvt. Ltd., Unit No. 101, Plot No.193 a unit in Surat SEZ, for change of Constitution from Private limited company to Public limited company and transfer of shares exceeding 50% to another entity.

The Board approved the proposal subject to following conditions:-

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

(iv) Request of M/s Goldmine Overseas, a unit in Moradabad SEZ at Plot G-61, Pocket-A, SEZ Moradabad for transfer of shares exceeding 50% to another entity.

The Board approved the proposal subject to following conditions:-

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

(v) Proposal of M/s. John Keells BPO Solutions India Pvt. Ltd., a unit in DLF Cyber City Developers Ltd. IT/ITES SEZ at Gurgaon (Haryana) for transfer of shares exceeding 50% to another entity and change of name of the company to "Personiv Contact Centers India Pvt. Ltd".

The Board approved the proposal subject to following conditions:-

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

(vi) Proposal of M/s. Sopra India Pvt. Ltd., a unit in IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd., Plot No. 20 & 21, Sector-135, Noida for transfer of shares exceeding 50% to another entity consequent to scheme of amalgamation of M/s. Sopra India Pvt. Ltd. with M/s. Steria (India) Ltd approved by The National Company Law Tribunal, Principal Bench at New Delhi vide Order dated 16/29.08.2017.

The Board approved the proposal subject to following conditions:-

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

(vii) Request of M/s. Xavient Software Solutions India Pvt. Ltd., a unit in Noida SEZ, for transfer of shares exceeding 50% to another entity.

The Board approved the proposal subject to following conditions:-

- i) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered unit entity;

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

DC, NSEZ had pointed out that this unit was having another unit in DLF SEZ and the Board may like to approve the change in share holding pattern of the other Unit which was in the same pattern. The Board however, did not agree to the same and directed that the matter may be examined and a decision may be taken for such cases.

(viii) Request of M/s. EY Global Delivery Services India Private Limited, a unit in Infopark SEZ, Kakkanad, Kinfra IT/ITES SEZ, Thiruvananthapuram and Bagmane Developers Pvt. Limited SEZ (II), Bangalore for transfer of shares exceeding 50% to another entity and change in constitution from Private Limited to Limited Liability Partnership.

The Board approved the proposal subject to following conditions:-

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

(ix) Request of M/s Milestone Buildcon Private Limited SEZ at Chokkanahalli village, Bangalore for transfer of Shares exceeding 50% to another entity.

The Board approved the proposal subject to following conditions:-

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

(x) Request of M/s. Pune Embassy Projects Pvt. Ltd. in the sector specific SEZ for IT/ITES at Plot No. PL-3, Rajiv Gandhi Infotech Park, Hinjewadi, Phase II, Village Marunji, Taluka Mulashi, District Pune, Maharashtra for the following grounds:-

- (i) Amalgamation of M/s. Pune Embassy Projects Pvt. Ltd. into M/s. Embassy Office Parks Pvt. Ltd.**
- (ii) 100% transfer of shares from M/s. Embassy Office Parks Pvt. Ltd. to Embassy Office Parks REIT**
- (iii) Consequent upon transfer of 100% shares to M/s. Embassy Office Parks REIT, the name of the SEZ will be in the name of M/s. Embassy Office Parks Pvt. Ltd.**

The Board noted that the amalgamation was approved by the NCLT in its order dated 07.08.2017 and also that the proposal (iii) above was same as (i) above and therefore decided to approve the proposals at (i) and (ii) above subject to following conditions:-

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

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(xi) Request of M/s. Continental Datagraphics Technical Services India Private Ltd., a unit in DLF SEZ, Chennai for transfer of shares exceeding 50% to another entity

The Board approved the proposal subject to following conditions:-

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

(xii) Request of M/s. Symphony Jewels Pvt. Ltd., a unit in Sitapura SEZ, Jaipur for 100% change in shareholding pattern with change in directors of the company

The Board approved the proposal subject to following conditions:-

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

Item No. 81.5 : Miscellaneous Cases (10 proposals)

(i) Request of M/s ANSR Global Corporation Pvt. Ltd. (formerly known as Network Information Global Services India Pvt. Ltd.), Bangalore for Co-Developer status in Manyata Embassy Business Park SEZ, Bangalore for development of the SEZ area specifically to undertake the authorized operations of conversion of bare shell buildings

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into warm shell buildings in an additional area of 64,090 Sq.ft. and to lease the built-up space in the above IT/ITES SEZ.

After deliberations, the Board approved the proposal of M/s. ANSR Global Corporation Pvt. Ltd for additional built up area in accordance with the agreement between the Developer and co-developer dated 30.10.2017 subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period is reduced to a period not exceeding 30 years (Renewable).

(ii) Request of M/s. SEZ Biotech Services Pvt. Ltd for setting up of sector specific SEZ for Biotechnology at Manjari Budruk, Taluka Haveli, District Pune – Maharashtra, for increase an area of 4.1925 hectares.

After deliberations, the Board deferred the proposal as recommendations of the State Government was not available.

(iii) Request of M/s. Estancia IT Park SEZ, developer of sector specific SEZ for IT/ITES at Vallancheri Village, Chenglepet Taluk, Kancheepuram district, Tamil Nadu for increase in area of its SEZ

The Board noted that contiguity of the SEZ, after the proposed increase in area, would be maintained by construction of foot over bridge after obtaining clearance from the appropriate State Government Authority and decided to approve the proposal subject to maintaining contiguity of the SEZ.

(iv) Request of M/s. RMZ Ecoworld Infrastructure Pvt. Ltd. for setting up of sector specific SEZ for IT/ITES at Devarabeesanahalli, Bhoganahalli and Doddakannahalli village, Varthur Hobli, Bangalore, Karnataka, for increase an area of 1.386 hectares.

The Board, after deliberations, approved the proposal.

(v) Further extension of the validity period of formal approval, granted for setting up of eight SEZs by M/s. Navi Mumbai SEZ Pvt. Ltd.

The Board noted that proposals for extension of formal approval of the eight SEZs beyond January/February 2016 had been considered during the 78th meeting of the Board held on 03.7.2017 when it was informed by the Government of Maharashtra that it was in receipt of an application from the Developer for extension of the formal approval and that the Govt. of Maharashtra, CIDCO and the Developer were in the process of resolving certain operational and regulatory issues which would take some time and had therefore requested that the case may be deferred. The BOA had then allowed extension of formal approval to the eight SEZs up to 30.8.2017 with a direction that the operational and regulatory issues may be resolved by that date, failing which the SEZs would automatically stand de-notified.

Further, in the 79th BoA meeting held on 18/09/2107 the Board took note of CIDCO letter dated 16.09.2017 that the State Government of Maharashtra (UDD) and NSMEZ were in the process of resolving certain operational and regulatory issues. CIDCO has informed that the matter was referred to Advocate General of State on 06.10.2016 for legal advice on issues which may be resolved within a period of four months. The representative of the Government of Maharashtra present in the meeting stated that the Government of Maharashtra was seeking

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extension of three more months for resolving the issues. The Board, after deliberations, approved extension of validity of formal approval for setting up of above eight SEZs by Navi Mumbai SEZ Pvt. Ltd. (NMSEZ) for further period of three months beyond 18.9.2017.

In view of the above, the Board noted that ample time had been allowed to the Developer and State Government of Maharashtra for resolving their issues and despite that no concrete action seems to have been taken. The Board, after deliberations, decided to cancel the formal approval granted to the eight SEZs.

(vi) Proposal of M/s. Syndicate Innovations International Ltd. for setting up a unit in the Free Trade Warehousing Zone of M/s. Arshiya Northern FTWZ Ltd. at Village-Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt-Bulandshare (UP)

The Board, after deliberations, decided to defer the proposal with directions that the proposal may be examined by DGFT and MHA for further inputs.

(vii) Request of M/s. Biomax Fuels Limited a unit in VSEZ for manufacture and trading of biodiesel – permission for import of Tallow Oil

The Board, after deliberations, decided to reject the proposal.

(viii) Request of M/s. Abhijeet Ferro Tech. Ltd a unit in APSEZ, Visakhapatnam requested for import of ferro manganese slag

The representative of the Ministry of Environment, Forests & CC informed that the clearance given by that Ministry dated 30.11.2017 had been given by the HMS Division which was the concerned division. The Board, after deliberations, decided to approve the proposal.

(ix) Request of M/s. Deepak Phenolics Limited for grant of permission of laying water supply pipeline through corridor available at Dahej SEZ

The Board, after deliberations, decided to approve the proposal subject to the conditions recommended by DC Dahej SEZ.

(x) Request of M/s. Adani Warehousing Services Pvt. Ltd., a unit in M/s. Mundra SEZ for granting approval for warehousing and further DTA sale of items covered under freely importable category (OGL)

The Board, after deliberations, decided to reject the proposal.

Item no. 81.6: Appeals before BoA (2 Appeal).

(i) Appeal of M/s. DHL Logistics Private Limited a unit in MEPZ against Minutes of the meeting of UAC held on 22.12.2017 passed by UAC, MEPZ.

The Board after deliberations decided to uphold the Appeal.

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(ii) Appeal of M/s. Texool Limited a unit in KASEZ against order dated 29.12.2017 passed by UAC, KASEZ.

The Board, after hearing the Appellant noted that the as per the original LOA dated 22.6.2004, the Unit was authorised to export all its items excluding rejects and sales in the DTA as per provisions of the SEZ Scheme. It was also noted that the Appellant had approached the UAC KASEZ for approval for allowing DTA clearance of rejects i.e. wipers on the ground that they were not importing the worn/ used clothing from outside India. However, as per Section 2(o) of SEZ Act, 2005 procurement from units in SEZs are also import. Therefore, the contention of the unit that they are different from other units operating under Policy guidelines dated 17.9.2013 in respect of Used and Worn Clothing Units is not tenable. Therefore the Board, decided that the appeal is liable for rejection.

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List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 5th February, 2018 under the Chairpersonship of Commerce Secretary, Department of Commerce.

1. Ms. Rita Teotia, Chairperson, BoA & Commerce Secretary, Department of Commerce
2. Shri Alok Vardhan Chaturvedi, DG, DGFT
3. Shri Sunil Kumar, Additional Secretary, Department of Commerce
4. Smt. Deepshikha Sharma, Addl. (CIT) OSD, CBDT, Department of Revenue, Ministry of Finance
5. Shri Saroj Kumar Behera, Joint Director, DGEP, CBEC
6. Shri Sunil Srivastava, Assistant Director, DGEP, Department of Revenue, Ministry of Finance
7. Dr. Rakesh. A.R., Research Assistant TCPO, Ministry of Housing & Urban Affairs.
8. Shri Anil Kant Mishra, Research Assistant TCPO, Ministry of Urban Development, Vikas Bhawan, I.P. Estate, New Delhi
9. Ms. Urmila, Joint Director, Ministry of Environment Forest & Climate Change.
10. Shri Rajiv Malik, Assistant Resident Commissioner, Govt. of Maharashtra, Maha Sadan.
11. Shri Gurpreet Singh, Manager, PSIEC, Chandigarh.
12. Shri Subhash Sharma, O.S.D., Govt. of Chhattisgarh
13. Shri R.C. Dahra, Consultant, Industries Department, Haryana
14. Shri R.K. Singh, Additional Commissioner, Export Promotion Bureau

LIST OF DEVELOPMENT COMMISSIONERS

15. Dr. L.B. Singhal, Development Commissioner, Noida SEZ
16. Dr. M.K.S. Sundram, Development Commissioner, MEPZ-SEZ/ CSEZ/Sri City SEZ
17. Shri Upendra Vashisht, Development Commissioner, KASEZ
18. Ms. Sobhana K.S. Rao, Development Commissioner, VSEZ
19. Shri J.M. Gupta, Development Commissioner, FSEZ/ISEZ
20. Shri R.P. Goyal, Development Commissioner, Reliance SEZ, Jamnagar
21. Dr. Amiya Chandra, Development Commissioner, APSEZ, Mundra
22. Shri S.S. Das, Development Commissioner, Mihan SEZ
23. Shri K.L. Sharma, Development Commissioner, Surat SEZ
24. Shri A.K. Singh, Development Commissioner, Mangalore SEZ
25. Shri G. Seetharam Reddy, Development Commissioner, APIIC SEZ, Atchutapuram, Visakhapatnam.
26. Shri V.P. Shukla, Joint Development Commissioner, SEEPZ-SEZ

LIST OF PARTICIPANTS FROM DEPARTMENT OF COMMERCE

27. Shri T.V. Ravi, Director, Department of Commerce
28. Shri G. Srinivasan, Under Secretary, Department of Commerce
29. Shri K.C. Biswal, Section Officer, Department of Commerce
30. Shri Piyush, Section Officer, Department of Commerce