

**Agenda for the 84<sup>th</sup> meeting of the Board of Approval  
to be held on 12<sup>th</sup> September 2018 in Room No. 108, Udyog Bhawan, New Delhi.**

**Item No. 84.1: Requests for extension of validity of formal approvals (3 proposals)**

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

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

**84.1 (i) Request of M/s. Golden Tower Infratech Pvt. Ltd. for further extension of the validity of formal approval granted for setting up of IT/ITES SEZ at Plot No. 8, Sector-144, Noida (U.P.) beyond 02.09.2018 and extension in time line.**

Name of the developer : M/s. Golden Tower Infratech Pvt. Ltd.

Sector : IT/ITES

Location : Plot No. 8, Sector-144, Noida (U.P.)

Extension : Formal approval to the developer was granted on 03.09.2008. The developer has been granted 07 extensions, last extension was granted vide DOC letter dated 14.12.2017 which is upto 02.09.2018. The developer has requested for further extension upto 02.09.2019. The SEZ stands notified as on date.

**Present Progress:**

**(a) Details of business plan:-**

| S. No. | Type of Cost      | Proposed Investment<br>(Rs. in Crore) |
|--------|-------------------|---------------------------------------|
| 1      | Land Cost         | 74.55                                 |
| 2      | Construction Cost | 350.00                                |
| 3      | Plant & Machinery | 100.00                                |
| 4      | Other Overheads   | 50.00                                 |
|        | <b>Total:</b>     | 574.55                                |

**(b) Investment made so far & incremental investment since last extension:-**

| S. No. | Type of Cost         | Total Investment made so far (Rs. in Crore) | Incremental investment since last extension (Rs. in Crore) |
|--------|----------------------|---|--|
| 1      | Land Cost            | 88.17                                       | 48.62  |
| 2      | Material Procurement | 50.28                                       | 10.07  |
| 3      | Service Cost         | 21.59                                       | 17.29  |
| 4      | Other Overheads      | 16.79                                       | 9.26   |
|        | Total:               | 176.83                                      | 85.24  |

**(c) Details of Physical progress till date :-**

| S. No. | Authorised activity   | % completion as on date | % completion during last one year | Deadline for completion of balance work |
|--------|---|-------------------------|-----------------------------------|---|
| 1.     | First Tower having approx. 8 lakhs Sqft. of space is almost complete and is ready for leasing. Building is having 02 Basement +GF+8 floors. Chiller, Condenser pumps and primary pumps for chiller has been installed and all necessary connections have been done. LT panels have been installed and testing is in progress. DG have been installed and testing will be done shortly. HT Cabling work from Switch Yard to GTIPL premises is in progress and shall be completed shortly. Façade work is almost complete and the landscape work is in progress. Cafeteria operator has been finalized and LOI has been signed with the operator. | 96%                     | 22%                               | December 2018                           |
| 2.     | Approx. 02 lakhs sqft. excavation work completed for 2 <sup>nd</sup> building – 9 lakhs sqft.   | 2%                      | 0                                 | August 2019                             |

**Reasons for seeking extension:**

The developer has stated that unfortunately, owing to drastic changes in Global financial market and recession in IT/ITES industry, there was a delay in the completing the project within specific time. Further, the developer has mentioned that M/s. Indiabulls Housing Finance Ltd. has sanctioned a loan of Rs.130 Crores for this project and now construction work on the project is in full swing.

As per Rule 5(7) of SEZ Rules, 2006, “*The Developer or; Co-developer shall have to construct the minimum built up area (100000 Sqmt. in case of IT/ITES SEZ) within a period of ten years from the date of notification of the Special Economic Zone in which at least fifty percent of such area to be constructed within a period of five years from the date of such notification.*” In the instant case approx. 9½ years have elapsed from the date of notification. However, the developer has informed that they have completed approx. 8 lakhs Sqft. (approx.74322 Sqmt.) built up area of first building and proposes to construct 2nd Building of approx. 9 lakhs Sqft (approx. 83612 Sqmt) by August 2019. The developer is required to complete minimum prescribed area of 100000 sqmt. within ten years from the date of notification i.e. upto 17.12.2018.

A similar request of M/s Mayar Infrastructure Development Pvt. Ltd. for relaxation in Rule 5(7) of SEZ Rules, 2006 and extension of time lines was placed before the 83<sup>rd</sup> meeting of the Board of Approval. The Board recommended the case for consideration of Hon’ble CIM. The request was not approved.

**Recommendation by DC:**

DC, NSEZ has recommended the request of extension of LOA of M/s. Golden Tower Infratech Pvt. Ltd. for a period of one year upto 02.09.2019.

The request of the developer is submitted for consideration of BoA.

**84.1 (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, Tehsil Sohna, Gurgaon (Haryana) beyond 13.11.2018.**

Name of the developer : M/s. G.P. Realtors Pvt. Ltd.  
Sector : Electronic Hardware & IT/ITES  
Location : Village Behrampur, Distt- Gurgaon (Haryana)  
Extension : Formal approval to the developer was granted on 14.11.2006. The developer has been granted 09 extensions, last extension was granted by BoA held on 17.11.2017 upto 13.11.2018. The developer has requested for further extension upto 13.11.2019. The SEZ stands notified as on date.

Present Progress:

**(a) Details of business plan:-**

| S. No. | Type of Cost      | Proposed Investment<br>(Rs. in Lakhs) |
|--------|-------------------|---------------------------------------|
| 1      | Land Cost         | 16,725.00                             |
| 2      | Construction Cost | 243,275.00                            |
| 3      | Plant & Machinery | -                                     |

|   |                 |            |
|---|-----------------|------------|
| 4 | Other Overheads | -          |
|   | Total:          | 260,000.00 |

**(b) Investment made so far & incremental investment since last extension:-**

| S. No. | Type of Cost         | Total Investment made so far (Rs. in Lakhs) | Incremental investment since last extension (Rs. in Lakhs) |
|--------|----------------------|---|--|
| 1      | Land Cost            | 16,725                                      | -  |
| 2      | Material Procurement | 31,847                                      | 10,583   |
| 3      | Plant & Machinery    | -   | -  |
| 4      | Other Overheads      | -   | -  |
|        | Total:               | 48,572                                      | 10,583   |

**(c) Details of Physical progress till date :-**

| S. No. | Authorised activity         | % completion as on date | % completion during last one year | Deadline for completion of balance work |
|--------|-----------------------------|-------------------------|-----------------------------------|---|
| 3.     | Block 1 of Phase-1 Building | 100%                    | 10%                               | Completed                               |
| 4.     | Block 2 of Phase-1 Building | 95%                     | 42%                               | December, 2018                          |
| 5.     | Boundary wall               | 100%                    | 0%                                | Completed                               |
| 6.     | Customs Office              | 95%                     | 55%                               | December, 2018                          |
| 7.     | Landscaping work            | 90%                     | 80%                               | On-going                                |

Reasons for seeking extension:

The developer has stated that they are striving to construct and operationalize a 14.5 lakhs sqft Phase 1 building in the SEZ-1 by early 2019. The construction of Phase-1 building will see an investment of over Rs.300 crores with future investment plans of Rs.2600 crores to develop the entire SEZ-1. They are committed to developer SEZ-1 of G.P. Realtors and have secured all necessary approvals and steps to complete the construction of the first 14.5 lakhs sqft building.

As per Rule 5(7) of SEZ Rules, 2006, "The Developer or ;Co-developer shall have to construct the minimum built up area (100000 Sqmt.) specified in this rule within a period of ten years from the date of notification of the Special Economic Zone in which at least fifty percent of such area to be constructed within a period of five years from the date of such notification." In the instant case approx. 9 years have elapsed from the date of notification. The developer has mentioned that since last extension company had constructed approx. 12 lakhs Sqft. (approx. 111484 Sqmt.) of two blocks.

**Recommendation by DC:**

DC, NSEZ has recommended the request of extension of LOA for a period of one year upto 13.11.2019.

The request is placed before BOA for its consideration.

**84.1 (iii) Request of M/s. Kumar Builders Township Ventures Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Village Hinjewadi & Mann, Taluka - Mulshi, Pune, Maharashtra, beyond 26<sup>th</sup> August 2017 and change in the shareholding pattern of the Developer entity.**

**Name of the developer:** Kumar Builders Township Ventures Pvt. Ltd.

**Sector :** IT/ITES

**Location :** Village Hinjewadi & Mann, Taluk Mulshi, Pune, Maharashtra

**Extension :** Formal approval to the developer was granted on 28.08.2006. The developer has been granted 08 extensions, last extension was valid upto 26.08.2017. The SEZ stands notified as on date.

**Business Plan****a) Investment made till date:**

The Developer has already made an investment of Rs. 426.45 Crores in the project. The details of the said investment are as under:

| Sl. No. | Type of cost                 | Total investment made so far (Rs. in crores) | Incremental investment made since last extension (Rs. in crores) |
|---------|------------------------------|--|--|
| 1       | Land Cost                    | 368.00                                       | Nil  |
| 2       | Construction and other costs | 58.45  | Nil  |
|         | <b>Total</b>                 | <b>426.45</b>                                | <b>Nil</b>   |

**b) Proposed Investment (Additional investment required):**

The project will require a total investment of Rs. 636.45 crores over the next 4 years. The detailed business plan for development of SEZ is as follows:

| Sl. No. | Type of Cost                | Proposed Investment (Rs. in crores) |
|---------|-----------------------------|-------------------------------------|
| 1       | Construction and other cost | 526.45                              |
| 2       | Premium (IT)                | 50.00                               |
| 3       | Consultancy Fees            | 10.00                               |

|              |                        |               |
|--------------|------------------------|---------------|
| 4            | Administration Expense | 25.00         |
| 5            | Marketing Expenditure  | 25.00         |
| <b>Total</b> |                        | <b>636.45</b> |

**c) Funding of the project:**

The Developer has stated that the cost of the project will be funded by way of internal accruals and term loans from banks.

**Details of physical progress**

The detail of physical work progress till date is as mentioned below:

| Sl. No. | Activity                              | % Completion | % Completion since last extension | Estimated deadline for completion of balance work |
|---------|---------------------------------------|--------------|-----------------------------------|---|
| 1       | Boundary Wall                         | 55%          | Nil                               | March 2022  |
| 2       | Incubation centre admeasuring         | 50%          | Nil                               | March 2022  |
| 3       | 2 <sup>nd</sup> slab for building 'D' | 20%          | Nil                               | March 2022  |

The Developer intends to make the SEZ operational till 2023. The BoA in its 69<sup>th</sup> meeting held on 23.02.2016 had granted extension of Formal Approval to the Developer upto 27.08.2017 with the condition that the approval would be cancelled in case the project is not implemented within the time limit.

The developer has stated that Classic Hotel Management (India) Pvt. Ltd. ('Classic Hotel') part of Solitaire group has agreed to purchase 88.6 % shares of KBTVPL subject to BOA approval. In this regard, the Share Purchase Agreement has been signed with Classic Hotel.

**Existing Shareholding Pattern:**

| Name of shareholding (Equity shares with voting rights) | No. of shares held | Face Value of shares held (INR) | Percentage |
|---|--------------------|---------------------------------|------------|
| Kumar Urban Development Pvt. Ltd.                       | 1,46,19,380        | 10                              | 61.33      |
| Lalitikumar Kesrimal Jain                               | 65,00,000          | 10                              | 27.27      |
| LSO Subco no 4 Company                                  | 23,54,158          | 10                              | 9.88       |
| LREF Subco no 4   | 3,63,234           | 10                              | 1.52       |
| <b>Total</b>  | <b>2,38,36,772</b> |                                 | <b>100</b> |

**Proposed Shareholding Pattern:**

| <b>Name of shareholding (Equity shares with voting rights)</b>                        | <b>No. of shares held</b> | <b>Face Value of shares held (INR)</b> | <b>Percentage</b> |
|---|---------------------------|--|-------------------|
| Atul Ashok Chordia (nominee shareholder of Classic Hotel Management (India) Pvt. Ltd. | 1                         | 10                                     | 0.01              |
| Classic Hotel Management (India) Pvt. Ltd.  | 2,11,19,379               | 10                                     | 88.59             |
| LSO Subco no 4 Company  | 23,54,158                 | 10                                     | 9.88              |
| LREF Subco no 4   | 3,63,234                  | 10                                     | 1.52              |
| <b>Total</b>  | <b>2,38,36,772</b>        |  | <b>100</b>        |

The Developer has stated that Solitaire Group has the necessary capabilities and experience to develop a world class IT/ITES SEZ and is committed to ensure its success. Further, Classic Hotels has already made an investment of approx. INR 368 crores through the share purchase agreement.

| <b>Particulars</b>        | <b>Value as on 31.03.2017</b> |
|---------------------------|-------------------------------|
| Net Worth                 | Rs. 92,53,36,072              |
| Reserves and Surplus      | Rs. 82,53,36,072.28           |
| Cash and Cash equivalents | Rs. 6,68,76,516.25            |

The proposal was considered by the Board of Approval in the 83<sup>rd</sup> meeting held on 19.06.2018. The Board took note that in its 69<sup>th</sup> Meeting held on 23.02.2016, it had directed that the LOA would be cancelled in case the project was not implemented by 26.08.2017. The Board, after deliberations, decided to reject the proposal.

**Recommendation by DC.**

The proposal of the Developer for Extension of Formal approval beyond 26.08.2017 and change in shareholding pattern submitted and recommended before the BoA for consideration.

The request is placed before BoA for its consideration.

**Item No. 84.2: Requests for extension of LoP beyond 3<sup>rd</sup> Year onward (7 proposals)**

- As per Rule 18(1) of the SEZ Rules, the approval Committee may approve or reject a proposal for setting up of Unit in a Special Economic Zone.
- Cases for consideration of extension of Letter of Permission (LoP)s i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that an LoP shall be valid for one year. First Proviso grants power to DCs for extending the LoP not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoP for one more year but subject to the condition that two-thirds of activities including construction, relating to the setting up of the

Unit is complete and a Chartered Engineer's certificate to this effect is submitted by the entrepreneur.

- Extensions beyond 3<sup>rd</sup> year (*in cases where two-third activities are not complete*) and 4<sup>th</sup> year are granted by BoA.
- BoA can extend the validity for a period of one year at a time.
- There is no time limit up to which the Board can extend the validity.

**84.2 (i) Request of M/s. Q3 Infotech Pvt. Ltd. in Mahindra World City (Jaipur) Ltd., Multi Product SEZ at Village Kalwara, Tehsil Sanganer, Jaipur for extension of letter of permission (LoP) for a further period of six months i.e. upto 12.12.2018.**

- **LoA issued on (date)** : 13.06.2014
- **Nature of Business of the unit** : IT/ITES namely Software Development
- **No. of Extension** : 3 (three) up to 12.06.2018
- **LoA valid up to (date)** : 12.06.2018
- **Request:** For further extension for six months up to 12.12.2018

Present Progress :

**(a) Details of Business Plan:**

| SI. No. | Type of Cost      | Proposed Investment (Rs. in Crores) |
|---------|-------------------|-------------------------------------|
| 1       | Land cost         | 1.94                                |
| 2       | Construction cost | 1.55                                |
| 3       | Plant & Machinery | 0.15                                |
| 4       | Other overheads   | 1.20                                |
|         | Total             | 4.84                                |

**(b) Incremental Investment made so far and incremental investment since last extension:**

| SI.K Nol ;           | Type of Cost         | Total Investment made so far (Rs. in Crores) | Incremental Investment since last extension (Rs. in Crores) |
|----------------------|----------------------|--|---|
| 1                    | Land cost            | 1.94   | Nil   |
| (c) 2 <sup>d</sup> e | Material procurement | 1.55   | 1.15  |
| 3 <sup>t</sup> (d) s | Service cost         | 0.0262                                       | 0.0262  |
| 4                    | Other overheads      | 0.6545                                       | 0.6545  |
| o                    | Total                | 4.1707                                       | 1.8307  |



**(c) Details of physical progress till date:-**

| SI. No. | Authorised activity      | % completion as on date | % Completion during last one year | Deadline for completion of balance work |
|---------|--------------------------|-------------------------|-----------------------------------|---|
| 1       | Construction of building | 100                     | 33.33%                            | NA                                      |
| 2       | Interior work            | 50%                     | 50%                               | 12.12.2018                              |
| 3       | Plant & Machinery        | 50%                     | 50%                               | 12.12.2018                              |

**Details reasons for delay: -**

The unit has stated that due to financial stress and planning and construction complications, they were not able to commence the operations within the extended time frame till 12.06.2018. The unit has further mentioned that now they have finalized the plan for execution of the project and the construction are going on in full capacity resulting 100% of the construction has been completed and the interior work and installation of capital goods are around and 50% of the same has been done. The unit has mentioned timeline for commencement of services activities as 12.12.2018.

**Recommendation by DC:**

DC, NSEZ has recommended the extension of LoP for a further period of six months i.e. upto 12.12.2018.

The request of the unit is submitted for consideration of BoA.

**84.2(ii) Request of M/s. JBF Petrochemicals Limited, a unit in Mangalore (Multi Product) SEZ at Mangalore, Bangalore for extension of LoP beyond 15<sup>th</sup> September, 2018**

- **LoP issued** : 16<sup>th</sup> September, 2011.
- **Nature of Business of the unit** : Purified Terephthalic Acid (PTA) & Polyethylene Terephthalate (PET)
- **No. of Extensions** : 6 (six) up to 15<sup>th</sup> September, 2018
- **LoA valid up to (date)** : 15<sup>th</sup> September, 2018
- **Request:** For further extension for one year upto 15.09.2019

**Present Progress :**

The unit already invested Rs. 5603 crores in the PTA plant from inception and Rs. 378 crores from the last extension period. At this point of time, the overall project is 99.6% complete

and expected to finish by end March 2019. The mechanical testing process has almost completed and simultaneously they have started the commissioning also.

**(a) Progress in terms of completion of work:**

| S. No | Description  | Status on last LoA date |                               | Current Status      |                               | Progress % (from the last extension) |
|-------|--------------|-------------------------|-------------------------------|---------------------|-------------------------------|--------------------------------------|
|       |              | % of work completed     | % of work yet to be completed | % of work completed | % of work yet to be completed |                                      |
| 1.    | Engineering  | 100%                    | 0%                            | 100%                | 0%                            | 0.00%                                |
| 2.    | Procurement  | 98.8%                   | 0.2%                          | 99.9%               | 0.1%                          | 0.10%                                |
| 3.    | Construction | 98.1%                   | 1.9%                          | 98.7%               | 1.3%                          | 0.60%                                |
|       | Overall      | 99.3%                   | 0.7%                          | 99.6%               | 0.4%                          | 0.30%                                |

**(b) Progress in terms of investment made:**

The unit had already made investment Rs. 5225 crores at the time of last LoA extension and the investment made till the date is Rs. 5603 crores. The unit is now expecting further investment of Rs. 540 crores from investor to complete the project.

**(c) Some milestone achievement from last LoA extension:-**

| S. No. | Package                               | Target Completion          |
|--------|---------------------------------------|----------------------------|
| 1.     | Insulation & painting                 | Done                       |
| 2.     | ISBL – PTA unit mechanical completion | Mechanical completion done |
| 3.     | Commissioning trials                  | done                       |
| 4.     | 6 nos of bagging machine              | Ready for trial run        |
| 5.     | Nitrogen PSA                          | Commissioned               |
| 6.     | FW system                             | Commissioned               |
| 7.     | Commercial production                 | 25.03.2019                 |

**Reason for delay:**

- (i) The project was initiated with the technology given by Invista (Du Pont). After 1 year British Petroleum offered to sell its superior state of the art technology which was accepted by the unit.
- (ii) The unit has faced excessive delay in supply of some imported and indigenous equipments/machineries. To name some of them, most important titanium clad distillation columns from L&T were delayed because of IR problems (strike) to the tune of over 6 months delay despite L&T shifting half made vessel to some other place to avoid IR issues. Finally vessel landed at site just before monsoon, which further delayed erection of the vessel followed by delay in piping.
- (iii) So also, reactor, the heart of the mother plant was delayed by TSM of South Korea by over six months as company became sick and closed down. Their reactor was the last vessel TSM made with considerable delay.

- (iv) Strike by their own employees recruited under 'Project Disposed Family' scheme by Govt. of Karnataka to the tune of two months.
- (v) The unit lost approximate 1 month due to short supply of contract employees
- (vi) Delay in release of payment by bankers/consortium.

DC, Mangalore SEZ, has recommended the request of the unit for extension of validity of LoP for one year upto 15.09.2019 under 3<sup>rd</sup> proviso of Rule 19(4) of SEZ Rules, 2006.

The request is placed before BoA for its consideration.

**84.2 (iii) Request of M/s. Temple Packaging Pvt. Ltd. in Indor SEZ for extension of Letter of Permission (LoP) beyond 27.07.2018 for one year up to 27.07.2019.**

- **LoA issued on (date)** : 28.07.2014
- **Nature of Business of the unit** : Manufacturing of HDPE containers, CRC & CTC (screw type) closures).
- **No. of Extension** : 3 (three) up to 27.07.2018
- **LoA valid up to (date)** : 27.07.2018
- **Request** : Further extension for one year upto 27.07.2019

**(a) Details of Business Plan:**

| SI. No. | Type of Cost   | Proposed Investment (Rs. in Crores) |
|---------|--|-------------------------------------|
| 1       | Land   | 1.65                                |
| 2       | Site development & Building construction             | 23.40                               |
| 3       | Plant & Machinery including electrical installations | 15.00                               |
| 4       | Pre-operative expense/other misc. CAPEX              | 1.00                                |
|         | Total  | 41.05                               |

**(b) Incremental Investment made so far and incremental investment since last extension:**

| SI. No. | Type of Cost | Total Investment made so far (Rs. in Crores) | Incremental Investment since last extension (Rs. in Crores) |
|---------|--------------|--|---|
| 1       | Land         | 1.66   | 0.00  |

|   |  |       |       |
|---|--|-------|-------|
| 2 | Site Development & building construction             | 22.45 | 11.46 |
| 3 | Plant & Machinery including electrical installations | 7.06  | 6.77  |
| 4 | Pre-operative expense/other misc. CAPEX              | 0.45  | 0.12  |
|   | Total  | 31.62 | 18.35 |

**(c) Details of physical progress till date:-**

| SI. No. | Authorised activity                                  | % completion as on date | % Completion during last one year | Deadline for completion of balance work |
|---------|--|-------------------------|-----------------------------------|---|
| 1       | Land   | 100%                    | --                                | --                                      |
| 2       | Site Development                                     | 95%                     | 20%                               | 1 month                                 |
|         | Building construction                                | 95%                     | 15%                               | 1-2 months                              |
| 3       | Plant & Machinery including electrical installations | 47%                     | 45%                               | 5-6 months                              |
| 4.      | Pre-operative expense/other misc. CAPEX              | 45%                     | 12%                               | 5-6 months                              |
|         | Total  | 77.03%                  |                                   |   |

**Detailed reasons for delay: -**

The indore SEZ unit of the company is on stage of completion, but due to reason as narrated below, the company could not take the commercial production before the date of validity of Letter of Approval (LoA) i.e. up to 27.07.2018.

Being a pharma ancillary project, the company took a very long time to complete the building and civil construction activities in compliance with USFDA Norms, which is required by the Pharma companies. Further, as the machines are technically very advanced, the selection, discussions and negotiations for the machines took a considerably long time. Also, these machines have a very long delivery schedule from supplier side. Thus, the delivery and erection of the machines takes a long time.

Further, all the above said permissions, approvals and registrations taken from various Govt. Deptt. took a lot of time and thereafter the company has started with implementing the project. Presently, the company has completed construction activity on plot no. A-4, Indore SEZ, Phase II, Pithampur and started with installation of plant & machinery and equipments.

The company will undertake best of its efforts to install complete set of plant & machinery within the next 3-4 months for undertaking the trial runs, obtaining approval from USFDA and simultaneously invite the prospective customers to conduct audit and validation of the manufacturing facility during the further requested period of one year.

**Recommendation by DC:-**

DC Indore SEZ has recommended the request of extension of LoP for a further period of one year upto 27.07.2019.

The request is placed before BoA for its consideration.

**84.2 (iv) Request of M/s Benzo Chem Industries Pvt. Ltd., in the Plot No. Z/103/D, Dahej SEZ Part-II, Dahej, Village Lakhigam, Taluka-Vagra, Dist Bharuch, Gujarat, Dahej SEZ for extension of Letter of Approval (LOA) beyond 6<sup>th</sup> Year for one year upto 07-09-2019.**

- LoA issued : 08.09.2011.
- Nature of business of the Unit : Manufacturing of various types of specialized Chemicals.
- No. of Extensions : 6 (six) up to 07.09.2018.
- LoA valid up to : 07.09.2018.
- Request : For further extension for 1 Year, up to 07.09.2019.

**Present Progress**

**Details of Business plan:**

| Sl. No. | Type of Cost                        | Proposed Investment (Rs. in crores) |
|---------|-------------------------------------|-------------------------------------|
| 1       | Land                                | 5.97                                |
| 2       | Land Development & Factory Building | 47.00                               |
| 3       | Plant & Machinery                   | 70.00                               |
| 4       | Utility, Safety Equipment           | 8.50                                |
| 5       | ETP Systems                         | 6.50                                |
| 6       | Piping Erection, Etc.               | 10.50                               |
| 7       | Misc.                               | 1.53                                |
|         | Total                               | 150.00                              |

**Last Incremental Amount Rs. 17.99 Crores.**

Incremental Investment made so far and incremental investment since last extension  
60.33 Crore till 30<sup>th</sup> June, 2018:

| S. No. | Type of Cost               | Total Investment made so far (Rs. 80.00 in Crores) 30.06.2018 | Incremental Investment since last extension (Rs. in Crores) |
|--------|----------------------------|---|---|
| 1      | Capital Work in Progress   | 64.60   | 52.48   |
| 2      | Advances for Capital Goods | 8.15  | 6.53  |
| 3      | Other Expenses             | 5.30  | 1.10  |
| 4      | Other Assets               | 0.35  | 0.34  |
| 5      | Deposits                   | 1.60  | 1.56  |
|        | Total                      | 80.00   | 62.01   |

**Details of physical progress till date:-**

| Sr. No. | Activities  | % completion as on date 30.06.2018) | % Completion during last 9 months of LOA Extension | Deadline for completion of balance work |
|---------|---|-------------------------------------|--|---|
| 1       | Compound Wall   | 100%                                | -  | Completed                               |
| 2       | Land filling  | 100%                                | -  | Completed                               |
| 3       | Security Building & Water Tank  | 100%                                | -  | Completed                               |
| 4       | Manufacturing Plant, Ware House, Utility Building, Tanks Form, Admin. Building. | 85%                                 | 30%  | September 2018                          |
| 5       | Tendering & Order for Misc. Equipments.   | 95%                                 | 10%  | August,2018                             |
| 6       | Electrical Work   | 15%                                 | 10%  | November. 2018                          |
| 7       | Utilities   | 40%                                 | 20%  | September 2018                          |
| 8       | ETP   | 5%                                  | 5%   | October 2018                            |
| 9       | Plant Installation Work   | 65%                                 | 65%  | November. 2018                          |
| 10      | Water Trial   | --                                  | --   | December. 2018                          |
| 11      | Trial & Commercial Production   | --                                  | --   | January 2019                            |

**Reasons for delay in implementation of the project**

- a) Due to market scenario they have added 55 products, deleted 18 products enhanced capacity of 4 products in their existing LOA which were approved by UAC held on 12.06.2018. They have already received standard Terms of Reference (TOR) for obtaining Environment Clearance (EC) from Minister of Environment, Government of India, Delhi
- b) Due to above they have changed their purchase order & other related activity due to this supplied of material also affected.

**Recommendation by DC:-**

In view of the above development activities carried out the applicant unit, the case is recommended to the Board of Approval, for extension in validity of LOA dated 08-09-2011 (extended upto 07-09-2018) for a further period of one year i.e. upto 07-09-2019.

The request is placed before BoA for its consideration.

**84.2 (v) Request of M/s. Ana Industries Private Limited in the Dahej SEZ for extension of Letter of Approval(LoA) beyond 3<sup>th</sup> year for 18 months upto 15/04/2019.**

- LOA issued on (date) : 16-10-2014
- Nature of business of the unit : Manufacturing of Chemicals
- No. of extensions : 3 by DC Dahej SEZ 0 by BOA
- LOA valid upto (date) : 15-10-2017
- Request : For further extension for 18 months upto 15-04-2019

**Present Progress****(a) Details of Business plan:**

| Sl.No. | Type of Cost        | Proposed Investment (Rs. in crores) |
|--------|---------------------|-------------------------------------|
| 1      | Land Improvements   | 1.50                                |
| 2      | Building            | 0.75                                |
| 3      | Plant and machinery | 0.95                                |
|        | Total               | 3.45                                |

**(b) Incremental Investment made so far and incremental investment since last extension:**

| Sl.No. | Type of Cost      | Total investment made so far (In Rs. crores) | Incremental Investment since last extension (in Rs crores) |
|--------|-------------------|--|--|
| 1      | Land improvement  | 1.4976                                       | 0.77   |
| 2      | Building          | -  | -  |
| 3      | Plant & Machinery | -  | -  |
|        | Total             | 1.4976                                       | 0.77   |

(c) **Details of physical progress till date:-**

| S.No. | Activity          | % Completion | % Completion during last one year | Deadline for completion of balance work |
|-------|-------------------|--------------|-----------------------------------|---|
| 1     | Land Improvement  | 50           | 50                                | September,2018                          |
| 2     | Building          | -            | -                                 | December, 2018                          |
| 3     | Plant & Machinery | -            | -                                 | May, 2019                               |

**Detailed reasons for delay:-**

- Awaiting CTE- NOC from GPCB to commence construction.
- Awaiting allotment of larger tract of land from Developer in order to be able to provide Pressure Regulating terminal to receive gas from GSPC in Dahej SEZ

**Recommendation by DC:**

In view of the above, the case is recommended to Board of Approval for extension in validity of LOA dated 16/10/2014 as amended and extended upto 15/10/2017 for a further period of one and half years i.e. upto 15/04/2019 in terms of Rule 19(4) of SEZ Rules, 2006.

The request is placed before BoA for its consideration.

**84.2 (vi) Request of M/s. P. Mittal Manufacturing Pvt. Ltd. in the Noida SEZ for extension of Letter of Permission (LOP) beyond 11/09/2018 upto 11/09/2019.**

- **LoP issued on:** 12/09/2014
- **Nature of business of the Unit:** Manufacturing of Oil Drilling Equipments, Machines, Tools, Parts & Accessories
- **No. of Extensions:** 3 (3 by DC, NSEZ).
- **LOP valid upto:** 11/09/2018
- **Request:** For further extension for one year, upto 11/09/2019



**Present Progress:****(a) Details of Business plan**

| S. No. | Type of Cost      | Proposed Investment (Rs. in Crore) |
|--------|-------------------|------------------------------------|
| 1      | Factory Building  | 3.50                               |
| 2      | Plant & Machinery | 3.75                               |
| 3      | Working Capital   | 2.90                               |
|        | <b>Total:</b>     | <b>10.15</b>                       |

**(b) Investment made so far & incremental investment since last extension**

| S. No. | Type of Cost      | Total Investment made so far (Rs. in Crore) | Incremental investment since last extension (Rs. in Crore) |
|--------|-------------------|---|--|
| 1      | Factory Building  | 2.94  | 0.25   |
| 2      | Plant & Machinery | 0.89  | --   |
| 3      | Working Capital   | --  | --   |
|        | <b>Total:</b>     | <b>3.83</b>                                 | <b>0.25</b>  |

**(c) Details of Physical progress till date :-**

| S. No. | Type of cost      | % completion as on date | % completion during last one year | Deadline for completion of balance work                           |
|--------|-------------------|-------------------------|-----------------------------------|---|
| 1      | Factory Building  | 85%                     | 15%                               | December 2018   |
| 2      | Plant & Machinery | --                      | --                                | Within 30 days from the completion of factory building            |
| 3      | Working Capital   | -                       | -                                 | Within 4-5 months from the date of completion of factory building |

**Detailed reasons for delay:-**

The unit has submitted following reasons for delay in implementation of project:

1. That they could not complete construction work of building due to delayed work by contractor.
2. That they have completed construction upto 85% and remaining 15% is expected to complete by December 2018.

**Recommendation by DC:**

DC, Noida SEZ has recommended the request of extension of LOP for a period of one year beyond 11/09/2018 up to 11/09/2019.

The request is placed before BOA for its consideration.

**84.2 (vii) Request of M/s. Helios Photo Voltaic Ltd., a unit in Non-Conventional Energy sector specific SEZ of M/s. Moser Baer India Ltd. at 66B, Udyog Vihar, Greater Noida (U.P.) for extension of 2<sup>nd</sup> block of five years effective from 17.05.2012 for one year i.e. upto 16.05.2019.**

**LOP issued on** : 12.10.2006

**Nature of business of the Unit** : Manufacturing of Solar Cell & Parts thereof, Solar Module & Parts thereof, High Concentration Photovoltaic Panel and parts thereof, Low concentration Photo Voltaic Panel/ Cells and Parts thereof, Solar Power Systems (Stand Alone/ Grid Tied) 75 MW, Trading Activities of 54 items.

**No. of Extensions** : The unit commenced production w.e.f. 17.05.2007 & LOA has been extended by the Approval Committee upto 16.05.2022.

**LOP valid upto (Date)** : 16.05.2022

Board of Approval in its meeting held on 18.09.2017 had approved the request of the unit for extension of 2<sup>nd</sup> block of five years effective from 17.05.2012 for one year beyond 16.05.2017 i.e. up to 16.05.2018. The unit has submitted proposal for grant of extension of 5 year block period for monitoring of NFE for one more year to the 2<sup>nd</sup> block period, under Rule 72 of the SEZ Rules, 2006.

**Year-wise performance of unit as per APRs:**

(Rs. In lakhs)

| Financial Year       | 2012-13             | 2013-14       | 2014-15             | 2015-16        | 2016-17        | 2017-18**           | Total               |
|----------------------|---------------------|---------------|---------------------|----------------|----------------|---------------------|---------------------|
| FOB value of exports | 3,477.00            | 14,171.70     | 6259.79             | 2647.90        | 7387.54        |                     | <b>33943.93</b>     |
| Total outflow        | 6907.51             | 15099         | 8057.92             | 3462.49        | 3262.73        |                     | <b>36789.65</b>     |
| NFE during the year  | -<br><b>3430.51</b> | <b>-927.3</b> | -<br><b>1798.13</b> | <b>-814.59</b> | <b>4124.81</b> | -<br><b>1554.25</b> | -<br><b>4399.97</b> |

\*\* APR for the year 2017-18 is awaited. However, unit has informed to have negative NFE of Rs.(-) 1554.25 lakhs during the year 2017-18 resulting that cumulative NFE upto 31.03.2018 becomes to Rs.(-)4399.97 lakhs.

The unit has stated that now they hope to turn around because of following two developments:-

- Safeguard duty imposed:** Unit has informed that on 30.07.2018, Government of India vide its Notification No. 1/2018-Customs (SG) dated 30.07.2018 issued by Ministry of Finance has finally imposed Safeguard duty on import of Cells & Modules into Country- thus, putting a tariff barrier on dumping by Chinese and encouraging domestic manufacturing. Unit has further stated that with this imposition of duty on import of Cells & Modules, they are sure to increase in domestic demand and also some margin.

- b) **Proceedings under Insolvency and Bankruptcy Code (IBC)** : Unit has mentioned that they are on the verge of getting admitted into National Company Law Tribunal under Section 7 of Insolvency & Bankruptcy Code, 2016. All hearings are over and the order is awaited any day admitting them into IBC.

Unit has further stated that even though they are yet to get formally admitted into the Insolvency and Bankruptcy proceedings, they feel that they can be classified as a sick unit under Rule 72 of SEZ Rules. Once formally admitted, there shall be a resolution process with a detailed revival plan for the organization, which would be reviewed by the Consortium of Creditors before they are finally approved by the NCLT Bench.

The matter was placed before the Approval Committee in its meeting held on 03.08.2018. The Approval Committee observed that Rule 72(1) of SEZ Rules, 2006 prescribes as under:-

“A unit which has been declared sick by the appropriate authority shall submit a revival package through Development Commissioner to Board for consideration and the Board shall consider the extension in the period for fulfillment of Positive Net Foreign Exchange for a further period up to a maximum of five years at the prevalent norms”.

Although, specific requirement of Rule 72 has not been met, keeping in view the circumstances of the unit, problem faced by the unit and status of admission of the unit into Insolvency and Bankruptcy Code (IBC), Approval Committee decided to recommend the request of the unit for further extension of the last block year by one more year i.e. upto 16.05.2019 for monitoring of NFE, to BoA for their consideration.

**Recommendation by DC / Approval Committee:**

In view of the circumstances of the unit, for further extension of the last block year by one more year i.e. upto 16.05.2019 for monitoring of NFE is forwarded for consideration of BoA. DC, NSEZ in the light of foregoing facts and circumstances recommends this proposal.

The request is placed before BOA for its consideration.

**Item No. 84.3: Requests for co-developer (one proposal)**

**84.3 (i) Request of M/s. Vatten Terros Technik Private Limited for co-developer status in M/s. Kakinada SEZ limited, multi-product SEZ at East Godavari District, Andhra Pradesh.**

The above SEZ stand notified on 23.04.2007 and 08.02.2013 over an area of 1927.8788 hectares (Clubbed).

M/s. Vatten Terros Technik Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ to design, develop, construct, procure, establish, operate,

maintain and manage the water supply system in M/s. Kakinada SEZ Limited as agreed in the co-developer agreement.

Co-developer letter of intent dated 11.01.2018 entered into with the developer has been provided. The proposed amount of investment by the co-developer in the SEZ is Rs. 15 crores

**Recommendation by DC:**

DC VSEZ, has recommended the proposal

The request of the co-developer is submitted for consideration of BoA.

**Item No. 84.4 : Proposals for setting up of SEZs (one proposal)**

**84.4 (i) Request of M/s. Andhra Pradesh Region Development Authority (APCRDA) for setting up of a sector specific SEZ for IT/ITES at Ainovolu Village, Amaravathi Capital City, Andhra Pradesh over an area of 21.48 hectares (53.10 acres).**

| S. No | Name of the Developer                                     | Location  | Sector  | Area (in ha)           | Land Possession | State Govt. Recommendation | Status of application |
|-------|---|---|---------|------------------------|-----------------|----------------------------|-----------------------|
| (i)   | M/s. Andhra Pradesh Region Development Authority (APCRDA) | Ainovolu Village, Amaravathi Capital City, Andhra Pradesh | IT/ITES | 21.48 Ha (53.10 acres) | Yes             | Yes (07.06.2018)           | New                   |

- (i) Proposed Investment : Rs. 285.24 crores for phase 1 (10.75 acres)
- (ii) Projected employment of the project : Direct: 46,800 and Indirect: 1,87,200
- (iii) Foreign Investment : No

DC VSEZ has recommended the proposal.

The proposal of the developer is submitted for consideration of BoA.

**Item No. 84.5: Change of Shareholding Pattern/Change of Name Cases/merger/de-merger (12 proposals)**

**84.5 (i) Proposal of M/s. Dr. Fresh SEZ Phase I Pvt. Ltd. Co-Developer of Electronics Hardware & Software including IT/ITES SEZ of M/s. GTV Tech SEZ Pvt. Ltd. (Formerly Dr. Fresh Healthcare Pvt. Ltd.) at Village Ghamroj, Tehsil-Sohna, Gurgaon-Sohna Road, Gurgaon (Haryana) for change of name of the company to “GTV SEZ Phase I Private Limited” and change of shareholding pattern of the company.**

M/s. Dr. Fresh SEZ Phase I Pvt. Ltd. Co-Developer of Electronics Hardware & Software including IT/ITES SEZ at Village Ghamroj, Tehsil-Sohna, Gurgaon-Sohna Road, Gurgaon

(Haryana) has submitted proposal for change of name of the company to “GTV SEZ Phase I Private Limited” and change in shareholding pattern of the company. The details of existing shareholding & proposed shareholding pattern of the company are as under :-

| Shareholding pattern as approved by BoA in its meeting held on 22.06.2016 |         | Revised shareholding pattern w.e.f. 02.01.2018 |         |
|---|---------|--|---------|
| Name of shareholder   | % share | Name of shareholder                            | % share |
| Mr. Vivek Chand Burman  | 97.71.% | Mr. Vivek Chand Burman                         | 97.71%  |
| The Golden State Capital Pte. Ltd., Singapore                             | 2.28%   | VIC Enterprises Pvt. Ltd.                      | 2.29%   |
| Start EGA Health services Pte. Ltd., Singapore                            | 0.01%   | -  | -       |
| Total :   | 100.00% | Total:   | 100.00% |

The co-developer had informed that Mr. Sumit Nanda and M/s. Golden State Capital Pte. Ltd. have transferred their equity shareholding in the company to M/s. VIC Enterprises Pvt. Ltd. on 02.01.2018. There have been change of 2.29% shareholding of the company.

The developer has submitted copy of Certificate of Incorporation pursuant to change of name from “Dr. Fresh SEZ Phase I Pvt. Ltd.” to “GTV SEZ Phase I Pvt. Ltd.” issued by ROC, Delhi on 18.04.2018.

#### **Recommendation by DC:**

M/s. Dr. Fresh SEZ Phase I Pvt. Ltd., Co-Developer for change of name of the company to “GTV SEZ Phase I Private Limited” and 2.29% changes in shareholding pattern of the company is forwarded herewith for consideration by the Board of Approval, in terms of Instruction No. 89 dated 17.05.2018. This office recommends this proposal.

The request is placed before BoA for its consideration.

#### **84.5 (ii) Proposal of M/s. Sands Infrabuild Private Limited, co-developer of Smartcity (Kochi) Infrastructure Private Limited SEZ, Kochi for change in shareholding pattern.**

The SEZ was notified on 21.04.2008. As on date, they have made a total investment of Rs. 1200 crore for the Development of the SEZ. The implementation of the project is proceeding as per the schedule and the company has spent as on date Rs. 350 crores (equity contribution of Rs. 265 crores and loan contribution of Rs. 85 crores).

M/s. Sands Infrabuild Private Limited, co-developer of Smartcity (Kochi) Infrastructure Private Limited SEZ, Kochi was granted Letter of Approval on 1<sup>st</sup> July 2015 to set up sector specific SEZ for IT/ITES, Infrastructural development, operation and maintenance of buildings and supportive infrastructure projects at Kakkanad village, Ernakulam District, Kerala.

The co-developer has submitted a request for approval for change in their shareholding pattern. Details of shareholding pattern of the company are given below:-

Shareholding pattern before transfer

| Name of Shareholder    | Existing shareholding pattern (Rs. in crore) | % of Shareholding |
|------------------------|--|-------------------|
| Mr. Sharoon Shamsuddin | 125.00                                       | 45.00%            |
| Mrs. Shifa Yusuff Ali  | 152.77                                       | 55.00%            |
| Total                  | 277.77                                       | 100.00%           |

Shareholding pattern after transfer

| Name of Shareholder     | Existing shareholding pattern (Rs. in crore) | % of Shareholding |
|-------------------------|--|-------------------|
| Mrs. Shifa Yusuff Ali   | 220.00                                       | 55.00%            |
| Mr. M.A. Yusuff Ali     | 90.00  | 22.50%            |
| Mrs. Shabira Yusuff Ali | 90.00  | 22.50%            |
| Total                   | 400.00                                       | 100.00%           |

**Recommendation by DC:**

DC, CSEZ has recommended the proposal

The request is placed before BoA for its consideration.

**84.5 (iii) Request of M/s Reliance Utilities and Power Private, co-developer of Reliance Jamnagar Special Economic Zone, Jamnagar for change of name.**

Reliance Utilities and Power Private Limited, a co-developer of Reliance Jamnagar Special Economic Zone, Jamnagar, has intimated that its name has been changed to “Jamnagar Utilities & Power Private Limited with effect from 28.05.2018.

The co-developer has submitted the following:-

- (i) A copy of the “Certificate of Incorporation pursuant to change of name dated 28.05.2018 issued by RoC, Ahmedabad
- (ii) Details of Board of directors and their shareholding pattern duly certified by CA.
- (iii) No objection letter from the developer towards change of name.

**Recommendation by DC:-**

DC, Jamnagar SEZ has recommended the proposal.

The request of the co-developer is submitted for consideration of BoA.

**84.5 (iv) Request of M/s. Loma Co-Developers 1 Pvt. Ltd. a Co-developer in the LOMA IT Park - SEZ at G 4/1, TTC Industrial Area, Ghansoli, Navi Mumbai for change of shareholding pattern of more than 50%.**

M/s. Loma Co-developers 1 Pvt. Ltd. was granted co-developer status on 15.02.2018 for providing infrastructure facility.

The details of shareholding pattern of the company are given below:-

Present shareholding pattern of the company is as follows:

| Name of shareholding        | No. of equity shares | Percentage  |
|-----------------------------|----------------------|-------------|
| Aurum Platz Private Limited | 9999                 | 99.99       |
| Srirang Yashwant athayle    | 1                    | 0.01        |
| <b>Total</b>                | <b>10000</b>         | <b>100%</b> |

Shareholding pattern post the proposed change:

| Name of shareholding   | No. of equity shares | Percentage     |
|--|----------------------|----------------|
| Ascendas Property Fund (India) Pte. Ltd.                       | 9999                 | 99.99%         |
| Nominee Shareholder of Ascendas Property Fund (India) Pte Ltd. | 1                    | 0.01%          |
| <b>Total</b>   | <b>10000</b>         | <b>100.00%</b> |

The co-developer has also stated as per the Share Purchase Agreement dated 12.05.2018, the purchaser will take over all the assets and liabilities of the company and has confirmed to abide by all the SEZ Act Rules, regulations and requirements. The co-developer has also submitted the Share Purchase Agreement executed with Ascenda Property Fund (India) Pte. Ltd., Ascendas Property Fund (FDI) PTE Ltd., VITP Pvt. Ltd.

**Recommendation by DC:**

DC SEEPZ SEZ has recommended the proposal.

The proposal is submitted for consideration of BOA.

**84.5 (v) Request of M/s. Loma Co-Developers 2 Pvt. Ltd. a Co-developer in the LOMA IT Park - SEZ at G 4/1, TTC Industrial Area, Ghansoli, Navi Mumbai for change of shareholding pattern of more than 50%.**

M/s. Loma Co-developers 2 Pvt. Ltd. was granted co-developer status on 15.02.2018 for providing infrastructure facility.

The details of shareholding pattern of the company are given below:-

Present shareholding pattern of the company is as follows:

| Name of shareholding        | No. of equity shares | Percentage  |
|-----------------------------|----------------------|-------------|
| Aurum Platz Private Limited | 9999                 | 99.99       |
| Saurabh Ramesh Sangekar     | 1                    | 0.01        |
| <b>Total</b>                | <b>10000</b>         | <b>100%</b> |

Shareholding pattern post the proposed change:

| Name of shareholding   | No. of equity shares | Percentage     |
|--|----------------------|----------------|
| Ascendas Property Fund (India) Pte. Ltd.                       | 9999                 | 99.99%         |
| Nominee Shareholder of Ascendas Property Fund (India) Pte Ltd. | 1                    | 0.01%          |
| <b>Total</b>   | <b>10000</b>         | <b>100.00%</b> |

The co-developer has also stated as per the Share Purchase Agreement dated 12.05.2018, the purchaser will take over all the assets and liabilities of the company and has confirmed to abide by all the SEZ Act Rules, regulations and requirements. The co-developer has also submitted the Share Purchase Agreement executed with Ascenda Property Fund (India) Pte. Ltd., Ascendas Property Fund (FDI) PTE Ltd., VITP Pvt. Ltd.

**Recommendation by DC:**

DC SEEPZ SEZ has recommended the proposal.

The proposal is submitted for consideration of BOA.

**84.5 (vi) Request of M/s. Quadron Business Park Pvt. Ltd. in the sector specific SEZ for IT/ITES at Plot No. 28, MIDC, Rajiv Gandhi Infotech Park, Phase – II, Hinjewadi, Pune, Maharashtra for change in shareholding pattern.**

The above mentioned SEZ stands notified on 14.09.2007 and 3.10.2007.



The details of shareholding pattern of the company are given below:-

#### Present Shareholding Pattern

| S.No | Name of the shareholder       | Percentage |
|------|-------------------------------|------------|
| 1.   | BRE/Mauritius Investments II* | 99.99      |
| 2.   | Kunal Shah                    | 0.01       |
|      | <b>Total</b>                  | <b>100</b> |

\* An affiliated of the Blackstone Group L.P.

#### Proposed shareholding pattern

| S.No | Name of the shareholder   | Percentage |
|------|---------------------------|------------|
| 1.   | Embassy Office Parks REIT | 100.00     |

#### Recommendation by DC:-

DC SEEPZ SEZ has recommended the proposal.

The proposal is submitted for consideration of BOA.

**84.5 (vii) Request of M/s. Qubix Business Park Pvt. Ltd. a sector specific SEZ for IT/ITES at Rajiv infotech park, Phase-I, Hinjewadi, Pune, Maharashtra for change in shareholding pattern.**

The above mentioned SEZ stands notified on 03.10.2007.

The details of shareholding pattern of the company are given below:-

#### Present Shareholding Pattern

| S.No | Name of the shareholder               | Percentage |
|------|---------------------------------------|------------|
| 1.   | BREP NTPL Holding (NQ) Pte. Ltd. *    | 79.62      |
| 2.   | BREP VII Holding (NQ) Pte. Ltd.*      | 19.89      |
| 3.   | BREP Asia SBS NTPL Holding (NQ) Ltd.* | 0.38       |
| 4.   | BREP VII SBS NTPL Holding (NQ) Ltd.*  | 0.11       |
|      | <b>Total</b>                          | <b>100</b> |

\* An affiliated of the Blackstone Group L.P.

#### Proposed shareholding pattern

| S.No | Name of the shareholder   | Percentage |
|------|---------------------------|------------|
| 1.   | Embassy Office Parks REIT | 100.00     |

**Recommendation by DC:-**

DC SEEPZ SEZ has recommended the proposal.

The proposal is submitted for consideration of BOA.

**84.5 (viii) Request of M/s. Oxygen Business Park Pvt. Ltd., developer of IT/ITES SEZ at Plot No. 7, Sector – 144 Noida, Uttar Pradesh for change in shareholding of the company.**

M/s. Oxygen Business Park Pvt. Ltd. (formerly M/s. Aachvis Softech Pvt. Ltd.) had been granted LoA on 07.02.2008 and the SEZ was notified on 15.05.2008.

The developer has submitted proposal for change in shareholding pattern of the company. The developer has informed that the present shareholding pattern of the company as on 01.08.2018 is as under:-

| S. No. | Name of Shareholder                         | % share |
|--------|---|---------|
| 1.     | BREP Asia SG Oxygen Holding (NQ) Pte. Ltd.* | 79.61%  |
| 2.     | BREP VII SG Oxygen Holding (NQ) Pte. Ltd.*  | 19.89   |
| 3.     | BREP Asia SBS Oxygen Holding (NQ) Ltd. *    | 0.39%   |
| 4.     | BREP VII SBS Oxygen Holding (NQ) Ltd.*      | 0.11%   |
|        | Total                                       | 100%    |

\* Affiliates of the Blackstore Group L.P.

The developer has informed that the shareholding pattern of the company post the proposed restructuring will be as follows:-

| S. No. | Name of Shareholder       | % share |
|--------|---------------------------|---------|
| 1.     | Embassy Office Parks REIT | 100%    |

Reasons for change in shareholding pattern is Embassy Property Development Private Limited (Embassy Sponsor) is the present sponsor of the EOP REIT, which shall directly acquired 100% of the equity share capital of the company from the existing shareholders in exchange for the units of the EOP REIT.

**Recommendation by DC:**

DC NSEZ has recommended the proposal.

The request of the developer is submitted for consideration of BoA.

**84.5 (ix) Request of M/s LOMA IT Parks Developers Pvt. Ltd., a sector specific SEZ for IT/ITES at G-4/1, TTC Industrial Area, Ghansoli, Navi Mumbai for change of name.**

M/s. LOMA IT Park Developers Pvt. Ltd. was granted LoA on 11.01.2016 and stands notified on 15.03.2016.

M/s. LOMA IT Parks Developers Pvt. Ltd. has requested to change in name of the company to M/s. Aurum Platz IT Pvt. Ltd.

The Registrar of Companies has approved the proposal for said name change with effective date from 11.05.2018. Further, developer has stated that there is no change in shareholding pattern and Board of Directors after said change of name.

**Recommendation by DC:-**

DC, SEEPZ SEZ has recommended the proposal.

The request of the developer is submitted for consideration of BoA.

**84.5 (x) Request for approval to the merger as per the Scheme of Amalgamation of M/s. Flagship Developer Private Limited (FDPL) co-developer in M/s. Qubix Business Park Pvt. Ltd. SEZ and M/s. VITP Private Limited (VITPL) and their respective shareholders and change in name post the merger from FDPL to VITP Pvt. Ltd.**

VITPL Private Limited is a company incorporated under the provisions of the Companies Act, 1956. VITP Private Limited has decided to acquire the shares of Flagship Developers Private Limited, which has developed sector specific IT/ITES SEZ in Pune.

FDPL has received LoA on 07.02.2012 as co-developer in M/s. Qubix Business Park Pvt. Ltd. SEZ for setting up of IT/ITES SEZ in the notified area of 1.5 million sq.ft. of IT space along with related development over an area of 5 hectares.

With reference to the subject matter, the Board of Directors of FDPL and VITPL have decided to merge FDPL with VITPL as per the Scheme of Amalgamation approval by National Company Law Tribunal, Hyderabad Bench, However, the Scheme of Amalgamation is subject to requisite consent, approval or permission of any Government Authorities, which by law may be necessary for the implementation of this Scheme.

Further, as per the Scheme of Amalgamation of FDPL and VITPL, the shares of FDPL as held by VITPL shall stand cancelled pursuant to the merger and the name of the co-developer will change from M/s Flagship Developers Pvt. Ltd. to M/s. VITP Pvt. Ltd.

The shareholding patterns before and after the merger are as follows:

The shareholding pattern of VITP Pvt. Ltd. before amalgamation is:-

| S. No. | Name of the equity shareholders          | Percentage  |
|--------|--|-------------|
| 1.     | Ascendas Property Fund (India) Pte. Ltd. | 99.99%      |
| 2.     | Ascendas Property Fund Trustee Pte. Ltd. | 0.01%       |
|        | <b>Total</b>                             | <b>100%</b> |

**The shareholding pattern of FDPL before amalgamation is:-**

| S. No.   | Details of shareholders   | Percentage  |
|----------|---|-------------|
| <b>A</b> | <b>Equity shareholders</b>  |             |
| 1.       | VITP Private Limited  | 99.98%      |
| 2.       | Abhijit Kukade (beneficial interest held by VITP Private Limited) | 0.001%      |
| <b>3</b> | <b>Total</b>  | <b>100%</b> |
| <b>B</b> | <b>Class B Equity shares</b>                                      |             |
| 1.       | VITP Private Limited  | 0.01%       |
|          | <b>Total (A+B)</b>  | <b>100%</b> |

**Recommendation by DC:**

The proposal for Amalgamation of Flagship Developer Private Limited (FDPL) and VITP Private Limited (VITPL) and their respective shareholders (Scheme of Amalgamation) and name change from M/s. Flagship Developers Pvt. Ltd. to M/s. VITP Pvt. Ltd. is recommended for approval of BoA as per the guidelines of the Instruction no. 89 dated 17.05.2018 issued by this MOC.

The request is submitted for consideration of BoA.

**84.5 (xi) Request of M/s. IBS Software Services Private Limited, a co-developer in ETP SEZ-1 for permission for transfer of LoA dated 16.08.2007 to holding company M/s. IBS Software Private Limited in accordance with amalgamation order issued by NCLT.**

M/s. IBS Software Services Private Limited, co-developer is holding a valid LoA dated 16.08.2007 for providing infrastructure facilities in the IT/ITES SEZ at Electronics Technology Park SEZ-1. Now M/s. IBS has informed that M/s. IBS Software Services Private Limited has merged with its holding company, M/s. IBS Software Private Limited by virtue of the Order issued by National Company Law Tribunal on 27<sup>th</sup> March, 2018, whereby, IBS Software Private Limited is surviving company in India. They have filed the confirmation with ROC in 10<sup>th</sup> April, 2018. Consequent upon amalgamation, they have requested for permission to transfer the LoA in the name of IBS Software Private Limited the surviving entity.

Details of shareholding pattern of the company are given below:-

Shareholding pattern before transferor (IBS Software Services Private Limited)

| <b>Name of shareholder</b>                   | <b>% of shareholding</b> |
|--|--------------------------|
| <b>Series A Equity shares of Rs. 10 each</b> |                          |
| IBS Software Private Limited*                | 100%                     |

| <b>Name of shareholder</b>                   | <b>% of shareholding</b> |
|--|--------------------------|
| <b>Series B Equity shares of Rs. 10 each</b> |                          |
| IBS Software Private Limited                 | 96.621%                  |
| V K Mathews                                  | 0.002%                   |
| Latha Mathews                                | 0.000%                   |
| Pietro Cafai                                 | 2.157%                   |
| Philip Ddward Hinton                         | 0.750%                   |
| William James Milne                          | 0.469%                   |
| Total  | 100%                     |

\* Series 'A' equity share having no voting rights.

Shareholding pattern before transferee (IBS Software Private Limited)

| <b>Name of shareholder</b>          | <b>% of shareholding</b> |
|-------------------------------------|--------------------------|
| <b>Equity shares of Rs. 10 each</b> |                          |
| IBS Software Private Limited        | 99.990%                  |
| Sivakumar Puzhankara                | 0.010%                   |
| <b>Total (A)</b>                    | <b>100%</b>              |
| V K Mathews                         | 75%                      |
| Latha Mathews                       | 25%                      |
| <b>Total (B)</b>                    | <b>100%</b>              |

**Shareholding pattern after merger (IBS Software Private Limited)**

|  |                   |
|--|-------------------|
| Name of shareholder  | % of shareholding |
| IBS Software Pte Limited   | 99.990%           |
| Sivakumar Puzhankara   | 0.010%            |
| <b>Total (A)</b>   | <b>100%</b>       |
| <b>Compulsorily Convertible Preference shares of Rs. 10 each</b> |                   |
| V K Mathews  | 75%               |
| Latha Mathews  | 25%               |
| <b>Total (B)</b>   | <b>100%</b>       |
| <b>Compulsorily Convertible Preference shares of Rs. 10 each</b> |                   |
| Pietro Cafai   | 64.017%           |
| Philip Ddward Hinton   | 22.176%           |
| William James Milne  | 13.808%           |
| Total (C)  | 100%              |

As per merger order, all the Series A and Series B equity shares of the transferor company viz., M/s. IBS Software Services Private Limited held by the Transferee company M/s. IBS Software Private Limited was stand cancelled and no shares were issued to Transferee company in lieu of such shares held by it in Transferor company. They were cancelled pursuant to clause 14.1 of the scheme of Amalgamation.

**Recommendation by DC:-**

DC CSEZ has recommended the proposal.

The request of the developer is submitted for consideration of BoA.

**84.5 (xii) Request of M/s. Aspen Infrastructure Limited, the developer of Aspen Infrastructure Limited SEZ, Padubidri for demerger and transfer of Letter of Approval to M/s. Aspen Infra Padubidri Private Limited (AIPPL).**

M/s. Aspen Infrastructures Limited is the developer of Aspen Infrastructures Limited SEZ, Padubidri, Udupi, Karnataka holding a valid Letter of Approval. The developer company filed a Scheme of Arrangement with the National Company Law Tribunal (NCLT) Mumbai and Ahmedabad for demerger as well as transfer of Letter of Approvals to three different companies viz. AspenPark Infra Coimbatore Private Limited (AICPL), Aspen Infra Aspen Infra Padubidri Private Limited (AIPPL) and AspenPark Infra Vadodara Private Limited (AIVPL) of three SEZs locate at Coimbatore, Padubidri and Vadodara respectively.

Aspen Infrastructures Limited (transferor company) has requested to transfer the Letter of Approval granted to them to develop and maintain SEZ at Padubidri, Udupi to M/s. Aspen Infra Padubidri Private Limited (AIPPL) transferee company) and to recognize the transferee company as the developer of the SEZ located at Padubidri, Udupi in continuation and succession of the transferor company. It is submitted by the developer that the proposal is pending for final order with the NCLT and the NCLT, Mumbai in its order dated 05.01.2018 and 21.3.2018 directed the applicant to obtain concurrence from all stake holders including SEZ authorities. The proposals for demerger of Aspen Infrastructures Limited and transfer of LoAs in respect of Vadodara and Coimbatore SEZs were considered and approved in the 83<sup>rd</sup> meeting of the Board of Approvals.

**Recommendation by DC:**

The DC has conveyed earlier no objection for grant of permission provided the developer complies all other formalities with Revenue, Company Affairs/SEBI etc.

The request of the developer is submitted for consideration of BoA.

**Item No. 84.6 : Increase in area developer/co-developer (4 proposals)**

**84.6 (i) Request of M/s. Phoenix Spaces P Ltd. for setting up of sector specific SEZ for IT/ITES at Sy. No. 285/P, Puppalguda Village, Rajendra Nagar Mandal Ranga Reddy District, Telangana, for increase in an area of 3.14 hectares.**

The above mentioned SEZ stands notified over an area of 2.63 hectares.

The developer has requested for addition of an area of 3.14 hectares, thereby making the total area of SEZ after addition will be increased from 2.63 hectares to 5.77 hectares.

DC VSEZ has stated that the State Government Certificate stating that the developer has irrevocable rights – Clause No. 9.24 of Development cum General Power of Attorney states that the owners do hereby declare that the powers and authorities hereby granted are irrevocable till the schedule land is fully developed within a period of 5 years of the Agreement and the project is fully constructed as per the sanctioned plan.

**DC's recommendation:-**

DC VSEZ has recommended the proposal.

The proposal of the developer is submitted for consideration of BoA.

**84.6(ii) Request of M/s. Nalanda Shelters Pvt. Ltd. a sector specific SEZ for IT/ITES at Survey no. 129/1, 130/1, 1311, 128/2, Hinjewadi, Phase 1, Dist. Pune, for increase in an area of 1.6596 hectares.**

The above mentioned SEZ stands notified over an area of 3.4659 hectares.

The developer has requested for addition of an area of 1.6596 hectares, thereby increasing the total area of SEZ after addition from 3.4659 hectares to 5.1255 hectares.

DC SEEPZ has stated that the revised area admeasuring 5.1255 hectares is contiguous in nature and without any public thoroughfare. The additional area of 1.6596 hectares proposed to be added to the existing SEZ is lying vacant and is in possession of the developer.

**The NOC of the State Government is not submitted by the developer.**

**DC's recommendation:-**

DC SEEPZ has recommended the proposal.

It has been stated that the State Government recommendation will be forwarded directly to MOC&I by the Developer.

The proposal of the developer is submitted for consideration of BoA.

**84.6 (iii) Request of M/s ANSR Global Corporation Pvt. Ltd. (formerly known as Network Information Global Services India Pvt. Ltd.), Bangalore, Co-Developer 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 into warm shell buildings for an additional area of 1,15,020 Sq.ft. and to lease the built-up space in the above IT/ITES SEZ.**

The above mentioned SEZ stands notified on 16<sup>th</sup> November, 2006 over an area of 26.2017 hectares.

M/s ANSR Global Corporation Pvt. Ltd. were granted approval for co-developer status in the aforesaid SEZ for undertaking the authorized operations of conversion of bare shell buildings into warm shell buildings and to lease the built-up space (52,301 Sq..ft. comprising of (a) 33,498 sq.ft. in Block Teak [G3], Wing A and (b) 18,803 sq.ft. in Block Mountain Ash[H2] in Wing A. Their requests for additional built-up area of 64,090 Sq..ft. and 90,114 Sq.ft for carrying out the authorized operations were considered and approved by BOA and approval letters dated 15.2.2018 & 16.4.2018 respectively.

M/s ANSR Global Corporation Pvt. Ltd. has now submitted another Expansion application seeking approval for an additional area of 1,15,020 Sq.ft. comprising of the following additional floors:

- (a) 45,057 Sq.ft. in Block Banyan [L1] (4th Floor);
- (b) 51,161 Sq.ft. in Block Banyan [L1] (5<sup>th</sup> Floor); and
- (c) 18,802 Sq.ft. in Block Mountain Ash, H2 (3<sup>rd</sup> Floor)

Co-developer agreement dated 12.06.2018 entered into with the developer has been provided. The proposed amount of investment by the Co-developer in the SEZ is Rs.20.00 Crore.

**Recommendation by DC:**

DC, Cochin SEZ has recommended the proposal.

The request of the Co-developer is submitted for consideration of BoA.

**84.6 (iv) Request of M/s Syngene International Limited, Co-Developer in Mangalore SEZ Limited at Mangalore, Karnataka for increase in area.**

The above mentioned SEZ stands notified over an area of 650.6321 hectares.

M/s. Syngene International Limited was granted approval for co-developer status in the aforesaid SEZ for setting up of Green Field Campus consisting of common infrastructure catering to combination of units, viz. Active Pharmaceutical Ingredients (API), Advanced Intermediates (AI), Agro Chemicals (AC) and the development of common infrastructure for their campus, over an area of 16.2 hectares in MSEZ. Now the co-developer has requested for increase in area of the extent of 2.57 hectares to the existing area of 16.2 hectares.



Draft Co-developer agreement entered into with the developer has been provided.

**Recommendation by DC:**

DC, Mangalore SEZ has recommended the proposal.

The request of the Co-developer is submitted for consideration of BoA.

**Item No. 84.7 : Miscellaneous Cases (9 proposals)**

**84.7 (i) Proposal of M/s. Biocon Limited co-developer in M/s. Ramky Pharma City (India) Pvt. Ltd. for setting up of sector specific SE for pharmaceuticals at Jagannadhapuram, Lemarathi and E-Bonangi, Visakhapatnam District, Andhra Pradesh for authorized operations to be undertaken by co-developer.**

The above mentioned SEZ was stands notified over an area of 247.39 hectares. M/s. Biocon Limited was granted co-developer status on 14.12.2017 for providing infrastructural facilities in the SEZ.

Now the co-developer has requested the following authorized operations:-

| S. No. | Name of Authorized Activity  | No of Units | Area per unit in Sq. Mtrs | Total area in Sq. meter         |
|--------|--|-------------|---------------------------|---------------------------------|
| 1.     | Development and maintenance of the infrastructure including the buildings in the SEZ | NA          | NA                        | 50 acres<br>(202350 sq. meters) |
| 2.     | Fire fighting equipment and water hydrant  |             |                           |                                 |
| 3.     | Cooling tower  |             |                           |                                 |
| 4.     | Multi effective evaporator plant   |             |                           |                                 |
| 5.     | Nitrogen generation plant  |             |                           |                                 |
| 6.     | Solvent storage  |             |                           |                                 |
| 7.     | Solvent recovery area  |             |                           |                                 |
| 8.     | Centralised steam block  |             |                           |                                 |
| 9.     | Compressed air system  |             |                           |                                 |
| 10.    | Chilled brine system   |             |                           |                                 |
| 11.    | Piping distribution  |             |                           |                                 |
| 12.    | Power distribution   |             |                           |                                 |
| 13.    | Water storage and distribution   |             |                           |                                 |
| 14.    | Fuel storage and distribution (SKO, HSD, etc)  |             |                           |                                 |
| 15.    | Parking space  |             |                           |                                 |
| 16.    | Compound wall  |             |                           |                                 |
| 17.    | Landscaping  |             |                           |                                 |
| 18.    | Canteen/Food Court   |             |                           |                                 |
| 19.    | Computer systems, Telecom and other communication facilities                         |             |                           |                                 |

|     |   |  |  |  |
|-----|---|--|--|--|
|     | Other day to day routine activities required to be carried out in the SEZ like: |  |  |  |
| 20. | Security  |  |  |  |
| 21. | House – keeping   |  |  |  |

**Recommendation by DC:**

DC, VSEZ has forwarded the proposal.

The request of the Co-developer is submitted for consideration of BoA.

**84.7 (ii) Request of M/s DLF Commercial Developers Ltd. for transfer of their formal approval to M/s. DLF Info City Hyderabad Limited.**

The above mentioned SEZ was granted formal approval on 23.10.2006 for IT/ITES at Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana in an area of 10.617 hectares. The SEZ was notified on 26.04.2007.

Now, the developer has stated that vide order dated 21.05.2018 issued by National Company Law Tribunal (NCLT), New Delhi in the matter of Scheme of Arrangement/De-merger of M/s. DLF Commercial Developers Ltd. (DCDL) to M/s. DLF Info City Hyderabad Limited (DICHL), the court has given instruction to DCDL to serve a notice of de-merger petition to the concerned regulatory authorities. In view of this, DCDL wishes to intimate VSEZ about the proposed scheme of Arrangement/De-merger of SEZ undertaking of DCDL to (DICHL). The case was last posted before the Hon'ble NCLT on 07.08.2018.

**Recommendation by DC:-**

In view of the above, since the process of demerger (transfer of LOA from DLF Commercial Developers Limited to M/s. DLF Info City Hyderabad Limited) was initiated prior to the issue of Instruction No. 89 dated 17.05.2018, the above proposal of DLF Commercial Developers Limited for transfer of their LoA from DCDL to M/s. DLF Info City Hyderabad Limited is forwarded by DC, VSEZ.

The request of the developer is submitted for consideration of BoA.

**84.6 (iii) Request of M/s. The Manjari Stud Farm Private Limited at village Phursungi, Taluka-Haveli, District Pune, Maharashtra for permission for laying down water pipe line from canal to Domestic Tariff Area (DTA) through SEZ**

M/s. The Manjari Stud Farm Private Limited was granted LoA on 6.11.2006 for setting up sector specific SEZ for IT/ITES and stands notified over an area of 15.79 hectares. The developer has now seeks for approval of laying down water pipe line from canal to Domestic Tarriff Area (DTA) through the SEZ.

The developer has submitted the sketch/line diagram of proposed water pipe line which moves through the SEZ, SP Infocity, S. No. 209 next to Satyapuram Society, Village – Phursungi, Taluka-Haveli, District Pune.

The developer has submitted that the proposed water pipe line would be 1 MTR deep in ground and 150 MM in dia meters.

The developer has forwarded that the pipe line shall be purchased by DTA unit after the payment of all the applicable taxes and no benefits of GST.

**Recommendation by DC:-**

DC, SEEPZ SEZ has stated that the application for the approval of laying down water pipe line from canal to Domestic Tariff Area (DTA) through SEZ for consideration and approval.

The request of the developer is submitted for consideration of BoA.

**84.7 (iv) Request of M/s Dahej SEZ Limited (DSL) developer of Dahej SEZ for Dual use of Road in Non-Processing Area (Port Area)**

M/s Dahej SEZ Limited (DSL) developer of Dahej SEZ has requested for Dual use of Road in Non-Processing Area (Port Area) under survey No. 74/P,75/P,79/P,80/P,81/P,82/P,83/P, 153/P,154/P, 155/P,156/P,157/P, 215/P in (NPA) is Dahej SEZ, Taluka Vagra, District Bharuch Gujarat.

There are Light House, Hari Ashram and Narmada Mata Temple in the NPA of Dahej SEZ which cannot be shifted outside Dahej SEZ. The officials of Light House, GoI are using road in NPA. Hari Ashram & Narmada Mata Temple are very old and visited by Narmada Parikrama Pilgrims and Local People. It is also here mentioned that request for De-Notification of 2509 sq. mtr. (approx.) for boat berthing facility to facilitate Narmada Parikrama Pilgrims is also being sent for approval from Board of Approval. Usage and movement of common masses on this approach road are unavoidable.

In this NPA, DSL has taken up development of road work to facilitate transportation to be used by the units of SEZ and facilities made available in the non-processing area. DSL submitted application under SEZ Rule 11 A for dual use of approach road as stated above. The requirement of land area for approach road is 04-17-34 hectares. The proposed investment other than land cost is Rs.9 crores. DSL applied for NOC from State Government. DSL have not availed of any Central Government Revenue exemptions so far and they do not intend to avail the same on infrastructure creation or on O&M activities. DSL applied for refund of stamp duty to IC Office, Government of Gujarat which is under process. DSL has undertaken to abide with the SEZ Act and Rules and/or any other conditions imposed by the competent authority.

**Recommendation by DC:**

The case is recommended to the Board of Approval for Dual use of Road in Non-Processing Area (Port Area) of Dahej SEZ, subject to NOC from the State Government.

The request is submitted for consideration of BoA.

**84.7 (v) Request of M/s. Abhijeet Ferro Tech Ltd. for import of Ferro Manganese slag.**

M/s. Abhijeet Ferro Tech Ltd was granted LoA dated 05.03.2010 for manufacture and export of Ferro Manganese and Silicon Manganese tec., as amended from time to time. The Unit commenced production on 24.03.2012 and hold a valid consent order from the AP PCB up to 31.12.2022 to operate a facility for collection, storage, treatment & transport etc. for Ferro Manganese and Silico Manganese up to a capacity of 2,38,082 TPA and a hazardous waste authorization order issued on 1.12.2017. The unit effected exports for a value of Rs. 1956.78 crores during the 1<sup>st</sup> 5 year block period and achieved positive NFE to the tune of Rs. 852.67 crores during this period. The unit was granted extension of SEZ status for a further period of 5 years from 24.03.2017 to 23.03.2022.

The unit requires Ferro Manganese Slag as one of the raw materials for their authorized operations to re-cycle & manufacture Silico Manganese. Earlier, the request of the unit for import of Ferro Manganese Slag was considered and approved by the BoA in its 83<sup>rd</sup> meeting on 19.06.2018 for a quantity of 20,000 MT based on the NOC given by the MOEF & climate change.

The MOEF&CC, New Delhi vide letter dated 13.06.2018 issued NOC for import of Ferro Manganese Slag for a quantity of 50,000 MTs for recycling purpose subject to other applicable general conditions.

The present case is being put up as per past practice under Instruction No. 47 dated 04.03.2010 to the BOA as the requested item is restricted under FTP. In addition section 26 of the SEZ Act mandates BoA to grant approval for Import to the SEZ units for the materials requiring permission under any other Law, as this item may require permission from MoEF&CC.

**Recommendation by DC:**

DC, APSEZ recommends the request of M/s. Abhijeet Ferro Tech Ltd. for import of Ferro Manganese slag for a quantity of 50,000 MTs to be placed in the 84<sup>th</sup> meeting of the Board of Approvals for SEZ, for its consideration, since the unit has obtained permission from Ministry of Environment, Forests & Climate Change, New Delhi and holds AP Pollution Control Board consent and authorization order renewed up to 31.12.2022.

The request of the developer is submitted for consideration of BoA.

**84.7 (vi) Sub division of HBS Pharma SEZ Pvt. Ltd., a sector specific SEZ for “Automobile, Automobile ancillary & Engineering” into SEZ Part-A and SEZ Part-B.**

M/s. HBS Pharma SEZ Pvt. Ltd., Panoli, Dist: Bharuch was holding an approval to set-up a sector specific SEZ for Pharmaceutical products at GIDC, Panoli Industrial Estate, Panoli, District Bharuch, Gujarat vide Formal Approval dated 17-06-2008. The SEZ was notified on 09-01-2009 over an area of 125-04-94 hectares. The extension of formal approval is valid upto 16.06.2009.

Subsequently, the BoA, had approved the request for change in sector from “Pharmaceutical” to “Automobile, Automobile ancillary & Engineering” for the above mentioned SEZ in the 83<sup>rd</sup> meeting.

Thereafter, a request was received by the O/o DC, KASEZ from M/s. Mahansaria Tyres Pvt. Limited for setting up of a new unit in the said SEZ. The same was considered by the Unit Approval Committee in the meeting held on 31.07.2018 and has been granted the Letter of Approval dated 02.08.2018 for establishment of the unit in the said SEZ .

Now, M/s. HBS Pharma SEZ Pvt. Ltd. (Developer) has submitted that they have finalized the negotiations for sub-leasing approx. 5,15,000 Sq. Mtrs. i.e. 127 Acres out of 309 Acres (approx. 40% of total SEZ land) to M/s. Mahansaria Tyres Private Limited, an automobile, automobile ancillary & engineering goods manufacturing company with an excellent track record in this business & which is going to set up a Greenfield project at an estimated project cost of Rs. 1000 Crores over three phases. The project would entail exports exceeding Rs. 1500 Crores to over 120 Countries across the globe and will be a Net Foreign Exchange earner within a period of 5 years for the country. Also apart from this, it is also submitted that the Project will also create approximately 1500 employment opportunities. Moreover, they also submitted that the proposed project of said M/s. Mahansaria Tyres Private Limited will involve meeting various international standards for exports and for greater operational efficiency, therefore the said Company i.e. M/s. Mahansaria Tyres Private Limited has put forth a condition that the Land being sub-leased to them be segregated as a separate SEZ. Although M/s. Mahansaria Tyres Private Limited requires only 100 Acres of land but the company is willing to sub-lease approx 127 Acres for making it possible to segregate such land into a separate sector specific SEZ and intended to make it a single unit SEZ as per the SEZ Act & Rules.

Accordingly, M/s. HBS Pharma SEZ Pvt. Ltd. has requested to subdivide the said Automobile, Automobile ancillary & Engineering SEZ into two SEZs namely HBS SEZ Part-A which will be approx. 185 Acres of land comprising of 100 Acres of Processing Zone & 85 Acres of Non-Processing Zone and HBS SEZ Part-B which will cover 127 Acres of Land comprising of approx. 120 Acres of Processing Zone & approx. 7 Acres of Non-Processing Zone. They have also submitted that both the Part-A and Part-B of the SEZ's i.e. HBS SEZ Part-A and HBS SEZ Part-B will be two independent SEZs having separate entry/exit points from the GIDC road and M/s. Mahansaria Tyres Private Limited will be the sole unit in the Part-B of the SEZ. They have also submitted the resolution passed by the Board of Directors of the company for sub-division and also the layout earmarking the said HBS SEZ Part-A and HBS SEZ Part-B.

M/s. HBS Pharma SEZ Pvt. Ltd. has requested to allow and approve the subdivision of the sector specific i.e. Automobile, Automobile ancillary & Engineering SEZ as under:

- a) **HBS SEZ Part-A** as Automobile, Automobile ancillary & Engineering SEZ of 185 Acres.
- b) **HBS SEZ Part-B** as Automobile, Automobile ancillary & Engineering SEZ of 127 Acres.

It pertinent to mention here that the minimum land area requirement for setting up of SEZs is amended by the DoC vide Instruction No. D.12/45/2009-SEZ dated 13.09.2013 which stipulates that “for setting up a Sector Specific SEZ, minimum land area required is 50 Hectares” and accordingly, if sub-division of existing HBS SEZ in Part-A and Part-B is allowed, it would meet the criteria of minimum land requirement, in both the parts, as stipulated in the said instruction.

#### **Recommendation by DC:**

The Zonal Development Commissioner, Kandla – SEZ recommends the request of the Developer, for subdivision of the said Automobile, Automobile ancillary & Engineering SEZ into two SEZs namely HBS SEZ Part-A as Automobile, Automobile ancillary & Engineering SEZ of 185 Acres and HBS SEZ Part-B as Automobile, Automobile ancillary & Engineering SEZ of 127 Acres.

The proposal of the developer is submitted for consideration of BoA.

#### **84.7(vii) Request of M/s. Anita Exports, a unit in Kandla SEZ for renewal of LoA for extension of recycling of plastic waste and scrap**

M/s. Anita Exports a unit for recycling plastic at KASEZ was granted LoA on 15.05.1996 for recycling plastic waste & scrap and for re-processing of worn and used clothing.

Earlier the proposal for renewal of their LoA was rejected by BoA in its 78<sup>th</sup> meeting held on 03.07.2017 [Agenda item No. 78.5(ii)]. The unit filed SCA No. 19048 of 2017 before the Hon’ble High Court of Gujarat at Ahmedabad. Now, the Hon’ble Gujarat High Court vide its order dated 08.05.2018 has quashed and set aside the aforesaid BoA decision rejecting the proposal for extension/renewal. While quashing the decision of the BoA, the Hon’ble Gujarat High Court has observed that: -

*“Considering the aforesaid facts and circumstances of this case, we are of the view that the Petitioner’s case requires re-consideration by the authority particularly to examine the similarity with other existing units which according to the petitioners were granted renewal despite being non operational for extended period.*

*With these observations, this writ petition is hereby partly allowed. The order passed by the respondent no. 2 rejecting the proposal for extension/renewal (as recorded at*

*Item No. 78.5(ii) of the minutes of meeting held on 03.07.2017) and the covering letter dated 14.07.2017 is hereby quashed and set-aside.”*

The observation of the Hon’ble High Court in aforesaid Judgement is based on the claim of M/s. Anita Exports in their SCA before High Court that similar cases of non operational units for extended period were allowed approval for revival and renewal of their LoAs by the BoA in the case of two similar units as claimed by the unit in their petition, one of M/s. R. R. Vibrant Polymers Ltd., KASEZ (68<sup>th</sup> BoA meeting held on 30.12.2015) and another of M/s. Plastic Processors & Exporters Pvt. Ltd., Noida SEZ (69<sup>th</sup> BoA meeting held on 23.02.2016) which was otherwise also lying defunct and dormant and further directed to re-consider the case of the petitioner by the authority particularly to examine the similarity with other existing units which according to the petitioners were granted renewal despite being non operational for extended period.

Accordingly, the unit vide their letter dated 16.05.2018 represented their case for re-consideration in the wake of the aforesaid Court order and has further undertaken that:

- They agree to the policy guidelines dated 17.09.2013 and its amendment dated 13.02.2018 will be acceptable to them.
- They have placed the order for new machinery for resuming the operations and submitted copy of quotation and the purchase order.
- They will employ about 200 persons in this project.
- They will achieve positive NFEE and shall do the physical export as per the Policy of Ministry.
- They have invested Rs. 210 lakhs in Plant & Machinery and Building.

They also submitted Affidavit for compliance of Policy guidelines dated 17.09.2013 and amendment made vide Ministry’s letter dated 13.02.2018 regarding physical export conditions.

As per the Hon’ble High Court observations, similarity of the cases of other units on the basis of Agenda and minutes of their case are tabulated below: -

| Sr. No. | Details of the proposal                         | M/s. R. R. Vibrant Polymers Ltd.   | M/s. Plastic Processors & Exporters Pvt. Ltd.   | M/s. Anita Exports  |
|---------|---|--|---|---|
| 1.      | BoA Agenda items decided in its meeting held on | 68 <sup>th</sup> BoA 30.12.2015 – Item No. 68.5 (vi)   | 69 <sup>th</sup> BoA 23.02.2016 – Item No. 69.11 (v)  | 78 <sup>th</sup> BoA 03.07.2017 – Item No. 78.5 (ii)  |
| 2.      | Original LoA dated                              | 27.11.1996   | 05.11.1997  | 15.05.1996  |
| 3.      | No. of years non-operation                      | 15 years   | 8 years   | 7 years   |
| 4.      | Last valid upto                                 | 31.10.2000   | 30.11.2013  | 30.09.2012  |
| 5.      | Reasons of non-activity claimed by unit         | Fire broke out in their factory in the year 2000 and the insurance company rejected their claim and Bank issued notice to them for | Global recession in 2008 their orders were suspended and unit in loss from 2009-2011. Due to short extension of their | Due to short extension of their LoA in piecemeal basis, they could not place their export orders. |

|     |  |  |   |   |
|-----|--|--|---|---|
|     |  | recovery, huge EM rental dues was pending.   | LoA in piecemeal basis, they could not place their export orders.   |   |
| 6.  | Revised revival plan   | After settlement of their case with Bank and Insurance, they came out with re-organisation of their unit spent Rs. 300 lakhs in plant & machinery. They undertake abide by provisions of Policy dated 17.09.2013 and paid rental dues of Rs. 69.50 lakhs | They undertake abide by provisions of Policy dated 17.09.2013 and plan to have 10 Agglomerator plants with 2 generator sets of 250 KW each with 200 employment and NFE of Rs. 7362.80 lakhs in 5 years. | They undertake to abide by provisions of Policy dated 17.09.2013 and ordered new machinery for resuming operation and invested Rs. 210 lakhs in plant & machinery and building with 200 employment. |
| 7.  | NFE prior to non-activity  | Positive   | Negative  | Positive  |
| 8.  | Whether agreeable to the conditions of Policy guidelines dated 17.09.2013 as amended including physical export condition | Yes  | Yes   | Yes   |
| 9.  | Premises   | They were evicted on 31.03.2005 and after renewal they were re-stored with possession  | Not Known   | They are in possession of 2 plots at a different locations  |
| 10. | Machinery  | Got burnt in fire incidence  | New additional machinery proposed to be brought   | Some old machinery are available and additional new machinery are already ordered   |
| 11. | Electricity connection   | Not there  | Not Known   | Very much there   |
| 12. | Water connection   | Not there  | Not Known   | Very much there   |
| 13. | Whether operational in SEZ scheme the time of defunct  | No   | Not known   | Very much under the SEZ scheme  |
| 14. | Whether arrears of rent  | Rent not paid for 16 year  | Not known   | Rentals paid up to December - 2017  |
| 15. | Consent Order from GPCB  | Not there  | Not known   | GPCB Consent available at the plot allotted in the name of Anita Exports  |
| 16. | Whether their case recommended by DC   | Yes  | Yes   | Yes   |

The proposal was considered in the 83<sup>rd</sup> meeting of the Board of Approval held on 19.06.2018 and the Board, after deliberations, deferred the proposal with the direction to DC, KASEZ to carry out inspection of the Unit and furnish a factual report after checking the records of the Unit and similar cases pointed out by the Hon'ble High Court of Gujarat in its order dated 08.05.2018.



The DC, KASEZ along with the JDC and other officials of KASEZ visited the unit on 22.06.2018. During inspection of the unit, some old machinery for recycling of plastic waste and scrap such as Agglomerate Machine, Generator in covered conditions etc. were found in their allotted plot No. 419-B which are lying idle due to non-operation of the plastic business and non-renewal of their LoA.

The DC has informed that the said unit has already ordered additional new machinery like Agglomerate Machine, Blade Sharpening machine, Steel Trays for collection, Extra electric motor (Heavy Duty), Electric cable, Diesel Generator set (250KVA) at a cost of Rs. 66.80 lakhs for recycling of plastic waste and scrap from M/s. Brahmani Engineering Works, Shed No. K-42, Opp. ITI, GIDC, Gandhidham (Kutch). Also, they have submitted that they have invested Rs. 210 lakhs totally in Plant, Machinery & Building. As regards the consent order from GPCB, the unit will be required to obtain fresh consent order once and if their LoA is renewed by the BoA.

Accordingly, the request of M/s. Anita Exports is placed before the BoA for its re-consideration.

The request is placed before BoA for its consideration.

#### **84.7(viii) Request for approval of co-developer status in respect of M/s. Shreekunj Hospitality Pvt. Ltd. in Dahej SEZ**

M/s. Dahej Hospitality Pvt. Ltd. was granted co-developer status in the multi product SEZ at Bharuch, Gujarat developed by M/s. Dahej SEZ Limited on 26.08.2009 for hospitality project in non-processing area approved by the 35<sup>th</sup> BoA meeting held on 11.08.2009.

The developer (Dahej SEZ Ltd.) and the co-developer (Dahej Hospitality Pvt. Ltd.) entered into a co-developer agreement on 19.03.2009. The co-developer was to stay invested in the project for a period of 30 years and any change in the said status during such period was to be made with the prior approval of the developer. Further, the co-developer shall have right to transfer its leasehold rights on the land to any Bank or Financial Institution, during the currency of the lease period, as security against the loan in respect of project cost subject to approval of developer.

The co-developer, M/s. Dahej Hospitality Pvt. Ltd. (currently known as M/s. Cambay SEZ Hotels Pvt. Ltd.) had taken a loan of Rs. 13.32 crores from Small Industries Development Bank of India (SIDBI), Ahmedabad and failed/defaulted in repayment of loan. Subsequently, the Officers of SIDBI met DC Dahej SEZ on 14.12.2016 and SIDBI with the help of District Collector of Bharuch sealed the premises of co-developer on 7.10.2016 and functioning of the co-developer was stopped after the possession was taken by SIDBI. SIDBI under the provision of the Act and Security Interest Enforcement Rules 2002 had issued Sale Notice of borrower's immovable property together with movable assets at Plot no. Z/4/1 at Dahej SEZ and was published in leading news papers on 19<sup>th</sup> November, 2016 and E-auction was held on 28<sup>th</sup> December, 2016.

DC, Dahej SEZ stated that M/s Shreekunj Hospitality Pvt. Ltd. took possession of the aforesaid plot of M/s. Cambay SEZ Hotels Pvt. Ltd., co-developer of Dahej SEZ from SIDBI under the Securitization and Reconstruction of Financial Assets and Enforcement Security Interest Act, 54 of 2002 (SARFAESI) by issuing the self certification in favour of promoters, directors of proposed SPV viz. Shreekunj Hospitality Pvt. Ltd. (purchaser) the movable and immovable properties of Plot no. Z/4/1, admeasuring about 26302.61 sq.mtrs. in the non-processing area of Dahej SEZ on 20.01.2017.

M/s. Shreekunj Hospitality Pvt. Ltd. had furnished revised co-developer agreement inter-alia stating that the obligation of applicable duties and taxes, if any, enjoyed by the previous co-developer M/s. Cambay SEZ Ltd. as erstwhile co-developer in Dahej SEZ shall stand transferred to the new co-developer M/s. Shreekunj Hospitality Pvt. Ltd. and it shall be under their obligation to discharge the same as continuing obligation as per the same terms and conditions since the new co-developer has taken over the assets under SARFAESI Act.

It is stated that SIDBI has certified that sale certificate of the relevant plot refers to sale of un-expired lease period of the lease hold removable property.

The proposal for co-developer status in respect of M/s. Shreekunj Hospitality Pvt. Ltd. was considered in the 82nd meeting of the BOA held on 04.04.2018. The Board, after deliberations, approved the proposal subject to submission of formal amendment of the sale certificate issued by SIDBI through the Zonal Development Commissioner and cancellation of the Co-developer agreement with M/s. Dahej Hospitality Pvt. Ltd. (now M/s. Cambay SEZ Hotels Pvt. Ltd.).

DC, KASEZ has submitted the amendment of sale certificate dated 24.05.2018 issued by SIDBI in favour of Shreekunj Hospitality Pvt. Ltd. Further, DC, Dahej has informed that co-developer agreement with M/s Dahej Hospitality Pvt. Ltd. (now M/s Cambay SEZ Hotels Pvt. Ltd) has become redundant/superseded. Revised co-developer agreement executed on 23.03.2018 with Shreekunj Hospitality Pvt. Ltd. has also been provided. Thus, conditions specified by BoA have been met.

Meanwhile, a Special Civil Application No. 10376/2018 has been filed by M/s. Cambay SEZ Hotels Pvt. Ltd. before the Hon'ble High Court of Gujarat at Ahmedabad with the prayer to quash and set aside the decision taken by the BoA in its 82<sup>nd</sup> meeting held on 04.04.2018. The case is now listed for hearing on 23.08.2018.

The position in the above para, is brought to the notice of the Board of Approval for consideration.

**84.7(ix) Request of M/s Perspinia Developer Pvt. Ltd. for change in sector of the SEZ from multi-services to IT/ITES SEZ in an area of 5.04 ha.**

M/s Perspinia Developers Pvt. Ltd. (earlier known as M/s Sunny Vista Realtors Pvt. Ltd.) has been granted Formal Approval on 15.10.2007. The SEZ was notified for an area of 139.83

Ha on 19.02.2009. Out of the total notified area of 139.83 Ha, the processing and non-processing areas were 69.92 Ha each.

Due to failure of M/s Sunny Vista Pvt. Ltd. to pay the interest and subsequent auction by the bank, the said SEZ was taken over by M/s Perspinia Developers Pvt. Ltd. with the approval of BoA in its 65<sup>th</sup> meeting held on 19<sup>th</sup> May, 2015. However, the BoA did not approve the proposal for grant of permission for dual use of infrastructure and directed the Developer to de-notify the total area of 1077419 sq.ft. (100094 sq.m.) in the non-processing area where 1012 residential units have been built from the said SEZ, subject to payment of duty benefits availed after obtaining NoC from the State Government. The Developer has simultaneously proposed for decrease in an area of 134.79 Ha out of the total notified area of 139.83 ha which shall be processed on file. The State Government has conveyed their No objection to the proposed de-notification.

Reasons for seeking change in sector:

Since 2009 onwards the developer is developing sector specific multi services SEZ on 139 Ha of land and has invested more than 700 crores, inclusive of land, infrastructure & building development. Now, they are finding that probably due to Global Economic Recession even though they have developed 1,15,000 sq. mtrs. of commercial buildings in processing area along with required infrastructure, enough interest is not shown by the entrepreneurs, hence development of multi service SEZ has become non viable. With the required built up area as per SEZ rules for IT/ITES SEZ the proposed land for change in sector will fulfill the conditions for IT/ITES SEZ.

**Recommendations of DC :**

DC, SEEPZ SEZ recommends the proposal.

**Item no. 84.8 : Appeals before BoA (14 Appeals).**

**84.8(i) Appeal dated 18.05.2018 of M/s. Coastal Energy Limited a unit in FSEZ against order dated 13.04.2018 passed by UAC, FSEZ for imposition of penalty of Rs. 45.21 lakhs (1% of the non-achieved positive NFE to the tune of Rs. 45.21 crores) U/S 13 of the Foreign Trade Development & Regulation Act, 1992 and Section 11 of the said Act.**

**84.8 (ii) Appeal dated 28.06.2018 of Shri Brijesh Kumar Thakur, Director, Coastal Energy Ltd. with the prayer for extension/revalidation of the LoA cancelled by the UAC vide their order dated 02.03.2012.**

**Gist of order appealed against**

M/s. Coastal Energy Limited was granted LOP on 24.3.2006 for manufacture and export of Bio Diesel (main) & Glycerin (by product) and subsequently two more item were included viz. "Soaps & soap Noodles".

The UAC vide its order dated 02.03.2012 cancelled the LoA under section 16 of the SEZ Act, 2005 on the grounds of non-performance and failure to achieve positive NFE which is in violation of provisions of LoA, LUT read with Rule 53 of SEZ Rules, 2006.

The Monitoring of Annual Performance Report of the unit for the period FY 2008-09 to 2010-11 was placed in the 67<sup>th</sup> UAC meeting held on 21.01.2015 and the Committee noted that the firm/unit i.e. M/s. Coastal Energy Limited had failed to achieve positive NFE to the tune of Rs. 45.21 crores.

A Notice dated 23.02.2015 was issued to the unit to Show Cause as to why penalty should not be imposed for violation of Foreign Trade Policy, Handbook of Procedures, the LoP and LUT under Section 11 of Foreign Trade (Development & Regulation) Act, 1992, read with the FT (D&R) amendment Act, 2010 Rule 10 of Foreign Trade (Regulation) Rules, 1993 and for violation of provisions in terms of Section 16 of currently enacted SEZ Act, 2005 & SEZ Rules, 2006 by occupying space in SEZ without any exports. Moreover, they are also directed to show cause as to why an order will not be issued under Rule 9 of the Foreign Trade (Regulation) Rules 1993.

Two personal hearings were given to the unit by the then DC on 11.02.2016 and 01.03.2016. A reply to the show cause was submitted by the unit on 18.11.2016. Another Show Cause Notice was issued to the unit on 16.08.2017.

On examination of records, the UAC in its 97<sup>th</sup> meeting held on 17<sup>th</sup> January, 2018 found that the unit has violated the condition of LoP by failing to achieve positive NFE to the tune of Rs. 45.21 crores cumulatively against Falta SEZ unit, thereby causing pecuniary loss of Government Revenue.

In exercise of the powers vested under Section 13 of the Foreign Trade (Development Regulation) Act, 1992 and Section 11 of the said Act, a penalty of 1% to the tune of Rs. 45.21 lakhs was imposed on M/s. Coastal Energy Limited by the UAC vide order dated 13.04.2018.

### **Contents of Appeals**

The Appellant has stated as under:-

1. That after cancellation of LoA under section 16 of SEZ Act, 2005 the unit was outside the purview of SEZ Act, 2005 and there was no scope to issue any show cause notice under the SEZ Act.
2. No reference of second show cause notice dated 16.08.2017 has been taken into consideration which is still pending for disposal.
3. The order is inconclusive, arbitrary and suffers from legal infirmity. The same is non-speaking, whimsical without any basis of legal requirement.
4. All the actions under the notices are beyond the time limit as prescribed under the law of limitation of state and therefore barred by limitation.
5. The adjudicating authority was himself convinced that under the given situation continuance of the unit was not possible for technical and marketable condition in the

international trade and thus he had unilaterally and arbitrarily, before completion of 1<sup>st</sup> block of 5 years, had cancelled the LoA and the appellant had not litigated that order of cancellation. Instead had taken due permission and disposed off the stock of inputs in DTA market on payment of proper duty. Under such situation his order has been passed in desultory and cavalier fashion without considering merits of the case and the submission of the appellant.

6. Merely enabling a party to make a representation in writing and thereafter without affording opportunity of attending hearing the order has been passed.
7. The notice has been issued by the person and the order has been passed by the same person. Thus bias and arbitrariness are very much existent in the present case. It is settled law prosecutor cannot be the judge. Entire proceeding starting from cancellation of LoA and issuance of notice and thereafter passing of order-in-original are perverse and illegal.
8. The penalty was harsh considering the circumstances of the case and the genuine difficulties faced by the unit/management of the unit.
9. There was no lack of due diligence on their part not any intention to avoid payment. In fact, despite financial difficulties they had paid a hefty amount of rental dues amounting to Rs.86,79,425/- in two instalments. The NFE proceedings against them has been adjudicated and final order has been passed demanding penalty of Rs.45.21 lakhs which was paid by them.

### **Rule Position**

**(Section 11 of The Foreign Trade (Development And Regulation) ACT, 1992 No. 22 OF 1992)**

**Contravention of provisions of this Act, rules, orders and export and import policy.**

11. (1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the export and import policy for the time being in force.

(2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the export and import policy, he shall be liable to a penalty not exceeding one thousand rupees or five times the value of the goods in respect of which any contravention is made or attempted to be made, whichever is more.

(3) Where any person, on a notice to him by the Adjudicating Authority, admits any contravention, the Adjudicating Authority may, in such class or classes of cases and in such manner as may be prescribed, determine, by way of settlement, an amount to be paid by that person.

(4) A penalty imposed under this Act may, if it is not paid, be recovered as an arrear of land revenue and the Importer-exporter Code Number of the person concerned, may, on failure to pay the penalty by him, be suspended by the Adjudicating Authority till the penalty is paid.

(5) Where any contravention of an provision of this Act or any rules or orders made thereunder or the export and import policy has been, is being or is attempted to be made, the goods together with any package, covering or receptacle and any conveyances shall, subject

to such requirements and conditions as may be prescribed, be liable to confiscation by the Adjudicating Authority.

(6) The goods or the conveyance confiscated under sub-section (5) may be released by the Adjudicating Authority, in such manner and subject to such conditions as may be prescribed, on payment by the person concerned of the redemption charges equivalent to the market value of the goods or conveyance, as the case may be.

**(Section 13 of The Foreign Trade (Development And Regulation) ACT, 1992 No. 22 OF 1992).**

### **Adjudicating Authority**

13. Any penalty may be imposed or any confiscation may be adjudged under this Act by the Director General or, subject to such limits as may be specified, by such other officer as the Central Government may by notification in the Official Gazette, authorise in this behalf.

### **Section 16 of SEZ Act, 2005. Cancellation of letter of approval to entrepreneur :**

Section 16(1) of the SEZ Act, 2005 provides that the Approval Committee may, at any time, if it has any reason or cause to believe that the entrepreneur has persistently contravened any of the terms and conditions or its obligations subject to which the letter of approval was granted to the entrepreneur, cancel the letter of Approval:

Provided that no such letter of Approval shall be cancelled unless the entrepreneur has been afforded a reasonable opportunity of being heard.

The appeals are placed before the BoA for consideration (**Annexure-1 & 2**).

**84. 8 (iii) Appeal of M/s. Flawless Jewels requesting to set aside impugned orders dated 01.05.2018 and 21.05.2018 passed by SEEPZ SEZ for cancellation of LoA for Gala No. 102 & 104, SDF-VIII, SEEPZ SEZ.**

**84. 8 (iv) Appeal of M/s. Malhar Jewels requesting to set aside impugned orders dated 01.05.2018 and 21.05.2018 passed by SEEPZ SEZ for cancellation of LoA for Gala No. 301, SDF-VIII, SEEPZ SEZ.**

**84. 8 (v) Appeal of M/s. Pure Gold Jewellers & Diamonds (India) Pvt. Ltd. requesting to set aside impugned orders dated 01.05.2018 and 21.05.2018 passed by SEEPZ SEZ for cancellation of LoA for Gala No. 401, 402, 403 & 404, SDF-VIII, SEEPZ SEZ.**

**84. 8 (vi) Appeal of M/s. Vijay Exports requesting to set aside impugned orders dated 01.05.2018 and 21.05.2018 passed by SEEPZ SEZ for cancellation of LoA for Gala No. 202 & 204, SDF-VIII, SEEPZ SEZ.**

**84. 8 (vii) Appeal of M/s. Limited Jewellery requesting to set aside impugned order dated 01.05.2018 and minutes of UAC meeting dated 02.05.2018 regarding decision for cancellation of LoA for Gala No. 02, SDF-VIII, SEEPZ SEZ.**

**Gist of order appealed against**

The Empowered Committee under ASIDE Scheme, Ministry of Commerce & Industry on 01.02.2011 had approved the project of construction of a new Standard Design Factory (SDF) – VIII Tower with RCC (Reinforced Cement Concrete) construction in SEEPZ SEZ with the total approved cost of Rs.23.40 crores with the Government of India contribution of Rs.19.89 crores under ASIDE Scheme. The SEEPZ SEZ had informed MIDC that the building was for locating manufacturing units other than IT units. The MIDC conveyed that as per the original request of the SEEPZ SEZ, Gems & Jewellery units were not proposed in the tower and the construction of the tower was only for Electronic Hardware (EH) units.

The design of the building was changed from RCC structure to a pre-fabricated composite steel structure (pre-engineering building) at a cost of Rs.51.45 crore. SEEPZ SEZ vide their advertisement dated 09.05.2017 invited applications for setting up of units in SDF-VIII in the new tower for G&J/Electronic Hardware units, without getting the Building Completion Certificate (BCC) and the Occupancy Certificate (OC) of the building.

In June 2017, a Committee of officers from SEEPZ SEZ was constituted for scrutinizing the applications for allotment of space, which found that out of 31 applications received, 28 applications were eligible which included 27 from G&J sector and only 1 from EH sector. The Committee recommended that before provisional allotment in respect of the new units in SDF-VIII were made, the aspect of obtaining BCC, OC and Fire NoC may be looked into.

Thereafter, then DC SEEPZ SEZ on 04.07.2017 approved the allotment and provisional allotments were made to 27 Gems and Jewellery & 1 Electronic Hardware unit subject to approval from UAC with the condition that possession will be given only on receipt of BCC/Fire NoC/OC from MIDC.

The proposals were placed in the 115<sup>th</sup> UAC meeting held on 11.07.2017 and the Committee approved and granted LoA to all the 28 units. In the meantime the new DC joined and in the next UAC meeting held on 18.08.2017 at the time of confirming the minutes of previous UAC meeting dated 11.07.2017 and submitted a detailed report on 29.11.2017 wherein it was suggested that LoA should be given based on some standard norms, minimum limit for investment, employment, quantum of exports for the company etc.

MIDC informed that giving possession of the units in that stage of the building for setting up of G&J units was not advisable as it would lead to complication and safety issues of the building as well as to the employees in the units. MIDC also recommended cancellation of provisional allotment issued to the G&J units. DoC had been receiving complaints/public grievances against the decision of DC, SEEPZ not allowing possession of the units. The DC, SEEPZ, SEZ recommended cancellation of the allotment of units.

The Competent Authority in DoC approved cancellation of provisional allotments and initiation of disciplinary proceedings against the officer responsible. The SEEPZ SEZ was informed of the decision of cancellation of allotments and subsequently the provisional allotments were cancelled by SEEPZ SEZ on 01.05.2018. Further, in the 124<sup>th</sup> UAC meeting held on 02.05.2018, the Committee recommended for the cancellation and formal orders were issued on 21.05.2018.

The issue is also the subject matter of a vigilance enquiry being conducted by the Vigilance Division of DoC.

### **Contents of Appeal**

The Appellants have stated as under:-

That the cancellation of LoA of the provisional allotment without any cogent reason has nothing to show as to how the UAC can review its own decision with the change of its Chairperson without any provision in the SEZ Act/Rules and it is apparent that the subsequent UAC has acted on some pressure/coercion/undue influence with a malafide intent. The cancellation order is silent and not explanatory.

That the proposals were rejected without providing an opportunity for hearing. It has been claimed that the action taken by the subsequent UAC on 02.05.2018 is highly time barred. The appellants have challenged the authenticity of the feasibility report issued by Dr. K. D. Desai stating that the present newly constructed Tower would not be feasible to allot the units to gems and jewellery sector on the basis of which the DC recommended cancellation.

That in the year 2002-2003 and 2003-2004, a building namely SEEPZ ++ Tower I & II originally constructed to locate IT units was put to use for locating Gems & Jewellery manufacturing units as there were no takers from the IT units without any structural change.

### **Rule Position**

#### **Section 15 of SEZ Act, 2005. Setting up of Unit :**

Section 15(3) of SEZ Act, 2005 provides that the Approval Committee may, either approve the proposal without modification, or approve the proposal with modifications subject to such terms and conditions as it may deem fit to impose, or reject the proposal in accordance with the provisions of sub-section (8):

Provided that in case of modification or rejection of a proposal, the Approval Committee shall afford a reasonable opportunity of being heard to the person concerned and after recording the reasons, either modify or reject the proposal.



**Section 16 of SEZ Act, 2005. Cancellation of letter of approval to entrepreneur :**

Section 16(1) of the SEZ Act, 2005 provides that the Approval Committee may, at any time, if it has any reason or cause to believe that the entrepreneur has persistently contravened any of the terms and conditions or its obligations subject to which the letter of approval was granted to the entrepreneur, cancel the letter of Approval:

Provided that no such letter of Approval shall be cancelled unless the entrepreneur has been afforded a reasonable opportunity of being heard.

The appeals are placed before the BoA for consideration (**Annexure-3-7**).

**84. 8(viii) Appeal dated 21.06.2018 of M/s. Apple Textiles a unit in KASEZ against the decision of the 129<sup>th</sup> UAC meeting dated 17.05.2018 for rejection of proposal for setting up of manufacturing unit for segregation/reprocessing of imported old and used clothes.**

**Gist of order appealed against**

The proposal of M/s. Apple Textiles for setting up of unit for manufacturing/ segregation/reprocessing of imported old and used clothes was placed before the 129<sup>th</sup> UAC meeting held on 17.05.2018. The proposal was rejected by the UAC as it was noted that the proposed activity comes under the preview of Rule 18(4)(c) of SEZ Rules, 2006 as import items included second hand materials such as old and used clothes and its reprocessing, which is not permissible for setting up any new unit.

**Contents of Appeal**

The Appellant has stated that the proposed project is for activity of import for the purpose of exports.

**Rule Position**

**Rule 18 of SEZ Rules, 2006: consideration of proposals for setting up of unit in a Special Economic Zone:**

Rule 18(4)(c) of SEZ Rules, 2006 provides that reprocessing of garments or used clothing or secondary textile materials and other recyclable textile materials into clipping or rags or industrial wipers or shoddy wool or yarn or blankets or shawls.

Provided that extension of Letter of Approval for an existing unit shall be decided by the Board.

The appeal is placed before the BoA for consideration (**Annexure-8**).

**84. 8 (ix) Appeal dated 17.07.2018 of M/s. Apple Industry a unit in KASEZ against the decision of the 131<sup>st</sup> UAC meeting dated 10.07.2018 for rejection of proposal for setting up of warehousing unit of plastics waste & imported old and used clothes.**

**Gist of order appealed against**

The proposal of M/s. Apple Industry for setting up of unit for warehousing of plastics waste & imported old and used clothes under Rule 18(5) of SEZ Rules, 2006 was placed before the UAC in its 131<sup>st</sup> meeting held on 10.07.2018. The proposal was rejected after due deliberation by the UAC on the ground that the propose activity comes under the purview of Rule 18(4) of SEZ Rules, 2006, as import items included second hand materials such as old and used clothes and plastic waste scrap and their recycling, which is not permissible for setting up any new unit in SEZ and that Rule 18(5) does not permit such processing amounting to manufacturing of goods as well.

**Contents of Appeal**

The unit proposes for import for the purpose of export on behalf of foreign clients and will 100% export the same.

**Rule Position**

**Rule 18 of SEZ Rules, 2006: consideration of proposals for setting up of unit in a Special Economic Zone:**

Rule 18(4)(a) and (c) of SEZ Rules, 2006 provides that no proposal shall be considered for recycling of plastic scrap or waste and used clothing:

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board;

Rule 18(5) of SEZ Rules, 2006 provides that the Units in Free Trade and Warehousing Zones or Units in Free Trade and Warehousing Zone set up in other Special Economic Zone, shall be allowed to hold the goods on account of the foreign supplier for dispatches as per the owner's instructions and shall be allowed for trading with or without labeling, packing or re-packing without any processing:

Provided that refrigeration for the purpose of storage and assembly of Completely Knocked Down or Semi Knocked Down kits shall also be allowed by the Free Trade and Warehousing units undertaking the said activities:

Provided further that these Units may also re-sell or re-invoice or re-export the goods imported by them:

Provided also that all transactions by a Unit in Free Trade and Warehousing Zone shall only be in convertible foreign currency

The appeal is placed before the BoA for consideration (**Annexure-9**).

**84. 8 (x) Appeal dated 21.06.2018 of M/s. Apple Enterprises a unit in KASEZ against the decision of the 129<sup>th</sup> UAC meeting dated 17.05.2018 for rejection of proposal for setting up of a unit for manufacturing and trading of plastic pre-processed agglomerates/granules.**

**Gist of order appealed against**

The proposal of M/s. Apple Enterprises for setting up of unit for manufacturing and trading of plastic pre-processed agglomerates/granules was placed before the UAC in its 129<sup>th</sup> meeting held on 17.05..2018. The proposal was rejected after due deliberation by the UAC on the ground that the propose activity comes under the purview of Rule 18(4)(a) of SEZ Rules, 2006, as import items included second hand materials such as old and used clothes and plastic waste scrap and their recycling, which is not permissible for setting up any new unit.

**Contents of Appeal**

The unit proposes for import for the purpose of export.

**Rule Position**

**Rule 18 of SEZ Rules, 2006: consideration of proposals for setting up of unit in a Special Economic Zone:**

Rule 18(4)(a) of SEZ Rules, 2006 provides that no proposal shall be considered for recycling of plastic scrap or waste:

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board;

The appeal is placed before the BoA for consideration (**Annexure-10**).

**84. 8 (xi) Appeal dated 22.06.2018 of M/s. Guruji International a unit in KASEZ against the decision of the 129<sup>th</sup> UAC meeting dated 17.05.2018 for rejection of proposal for setting up of a unit for manufacturing of plastic pre-processed crushing/granules from Pet Bottles wastes.**

**Gist of order appealed against**

The proposal of M/s. Guruji International for setting up of unit for manufacturing of plastic pre-processed crushing/granules from Pet Bottles wastes was placed before the UAC in its 129<sup>th</sup> meeting held on 17.05..2018. The proposal was rejected after due deliberation by the UAC on the ground that plastic bottles waste are presently prohibited items for import under ITC (HS) and the proposal involved primarily reprocessing of imported plastic waste and scrap which in terms of Rule 18(4)(a) of SEZ Rules, 2006, cannot be considered.

### **Contents of Appeal**

The unit proposes for import for the purpose of export. The propose unit for import plastic bottles from Asia, Australia and Vietnam and after cleaning/segregation and crushing in machine after making granules, the same will be exported. The unit proposes to make 100% export and no DTA sales.

### **Rule Position**

#### **Rule 18 of SEZ Rules, 2006: consideration of proposals for setting up of unit in a Special Economic Zone:**

Rule 18(4)(a) of SEZ Rules, 2006 provides that no proposal shall be considered for recycling of plastic scrap or waste:

Provided that extension of Letter of Approval for an existing Unit shall be decided by the Board;

The appeal is placed before the BoA for consideration (**Annexure-11**).

**84. 8 (xii) Appeal dated 16.07.2018 of M/s. MRA Fragrances Private Limited a unit in NSEZ against the order dated 14.06.2018 of the UAC for rejection of proposal for setting up of new unit to undertaking manufacturing and export of (i) Filter Tobacco (ii) Hooka Tobacco paste (jurak) (iii) Flavoured Hooka Tobacco (Mossel) (iv) Readymade Khaini (v) Zafrani Zarda (vi) Spit Tobacco (vii) Mouth Freshener (viii) Essential & Carrier Oils (ix) India Attar & Fragrances and (x) Various kinds of Areca Nut under HS Code 2403.**

### **Gist of order appealed against**

The proposal of M/s. MRA Fragrances Private Limited for setting up of new unit to undertaking manufacturing and export of (i) Filter Tobacco (ii) Hooka Tobacco paste (jurak) (iii) Flavoured Hooka Tobacco (Mossel) (iv) Readymade Khaini (v) Zafrani Zarda (vi) Spit Tobacco (vii) Mouth Freshener (viii) Essential & Carrier Oils (ix) India Attar & Fragrances and (x) Various kinds of Areca Nut under HS Code 2403 with the projected exports of Rs. 13500 lakhs and NFE earnings worth Rs. 13500 lakhs over a period of five years was placed before the Approval Committee in its meeting held on 06.06.2018.

The Approval Committee, after due deliberations, rejected the proposal in terms of section 15(3) of the SEZ Act, 2005 & Rule 18 of SEZ Rules, 2006 on the following grounds:

- (i) The address of the firm's office and registered office at Chandni Chowk was found to be a residential address which amounts to gross mis-representation of the facts and providing misleading information for taking approval of this unit in NSEZ.
- (ii) Applicant company has been incorporated only in December 2017 and it has not done any manufacture & export of proposed items.

- (iii) Negative verification report was provided by DC(Customs). Operations of the promoters of the company do not match with ground realities.
- (iv) For financial viability the applicant were banking on the operations of M/s Knock Out Fragrances Pvt. Ltd. Applicant had shown profit on Rs.5758/- only for the year 2016-17 and is projecting to achieve an export of Rs.13500 lakhs in next five years in this firm. Clearly this is absolutely unjustified.
- (v) Lack of experience in the relevant field to achieve Rs.135 crores export turnover in five years.
- (vi) The unit is seeking approval of manufacturing of dissimilar products which is in contravention of Instruction No. 69 of DoC.

### **Contents of Appeal**

The Appellant has stated that the Approval Committee did not provide reasonable opportunity of being heard and the rejection order is almost ex-parte. The grounds of rejection are vague contradictory to the facts/contents and did not support the concept of natural just and equity. The impugned order is against the Government Policy on SEZ for promoting exports.

### **Rule Position**

#### **Section 15 of SEZ Act, 2005. Setting up of Unit :**

Section 15(3) of SEZ Act, 2005 provides that the Approval Committee may, either approve the proposal without modification, or approve the proposal with modifications subject to such terms and conditions as it may deem fit to impose, or reject the proposal in accordance with the provisions of sub-section (8):

Provided that in case of modification or rejection of a proposal, the Approval Committee shall afford a reasonable opportunity of being heard to the person concerned and after recording the reasons, either modify or reject the proposal.

As per DoC's Instruction No. 69, the broad banding and splitting of license for setting up of sub-units shall not be allowed.

The appeal is placed before the BoA for consideration (**Annexure-12**).

**84. 8 (xiii) Appeal dated 03.08.2018 of M/s. TRIL Infopark Ltd. against the decision of the DC, MEPZ order dated 28.06.2018 for rejection of request for allowing advertisement activities in Ramanujan IT City Campus.**

### **Gist of order appealed against**

M/s TRIL Infopark Ltd., Developer was granted LOA dated 20.08.2008 for setting up a sector specific SEZ for IT/ITES sector over an area of 10.115 Ha at Chennai, Tamil Nadu. The zone is operational and has been bifurcated into processing area admeasuring 23.74 acres and non-processing area admeasuring 1.53 acres. The processing area development has been

completed comprising of 6 IT buildings admeasuring 4.5 million sq.feet and about 35 units are operational in the processing zone. The investment made in the zone is around Rs.4000 crores and around 40,000 persons are employed in various capacities.

The appellatant stated that apart from the 40,000 regular employees of the units in the zone, about 5000 persons too visit the zone monthly. The appellatant further submits that almost all the employees as well as the visitors to the zone are persons with high spending capacity and in this regard, the appellatant has received a proposal from an Advertising Agency that the public spaces in the zone can be used for display of banners and bill boards also that rent can be charged from the advertisers. Without hampering activities of the units while generating revenue to the appellatant and also to the Government in the form of GST.

### **Contents of Appeal**

The DC without placing the request of the appellatant in the meeting of the UAC, unilaterally vide letter dated 28.06.2018 rejected the request of the appellatant for permission on the grounds that there is no provision to entertain the request of the appellatant in the extant Act or the Rules made thereunder. The appellatant prefers this appeal to the BoA as per the powers grant to BoA vide Section 9(2)(g) read with section 9(2)(b) of SEZ Act, 2005. The shopping arcade/retail space are included in the list of authorized operations for IT/ITES as per DoC's notification dated 27.10.2006. The display of bill boards and banners does not transgress any of the provision of the SEZ Act and the Rules made there under and in this connection.

### **Rule Position**

#### **Section 9 of SEZ Act, 2005. Duties, powers and functions of Board:**

(b) granting approval of authorised operations to be carried out in the Special Economic Zones by the Developer;

.....

(g) disposing of appeals preferred under sub-section (4) of section 15;

The appeal is placed before the BoA for consideration (**Annexure-13**).

**84. 8 (xiv) Appeal dated 02.08.2018 of M/s. Rain CII Carbon (Vizag) Ltd. against the decision of the UAC order dated 23.07.2018 for rejection of request for amendment of LoA to include manufacture of additional products under broad-banding.**

### **Gist of order appealed against**

M/s Rain CII (Carbon (Vizag) Ltd. was granted LOP dated 14.09.2017 for setting up a unit in M/s. APIIC SEZ at Achuthapuram, and Rambili Mandal, Visakhapatnam District for manufacture of Calcined Petroleum Coke & By-product Electric power. The unit submitted an application for inclusion of manufacture of additional products (Petro Pitch etc), under broad

banding/diversification which was deliberated by 60<sup>th</sup> UAC meeting held on 29.06.2018. The proposal was rejected on the following grounds:-

- (i) There is no common production facility or any backward or forward linkages between the existing and proposed activity.
- (ii) The unit's refusal to abide by the NFE condition proposed to be imposed by the UAC for the new project under section 15(3) of SEZ Act, 2005
- (iii) As the new project is to come for commercial production only after 18 months, UAC could not include the proposed new activity in the LoA as the UAC has no power, abinitio, to permit units to set up beyond one year as per Rule 19(4) of SEZ Rules, 2006.

### **Contents of Appeal**

- (i) The two products i.e. CPC and petro pitch are the main ingredients for manufacture of Anodes which are used in Aluminium Smelting Process. The products proposed by the unit are in line with the company policy for manufacture in the same line of activity i.e. Petroleum related refining products process only. There is a larger synergy for clubbing of these two line of activities as per their manufacturing policy.
- (ii) The unit has not refused for any conditions of NFE provided the same is considered under the same LoA. The unit has projected combined NFE chart wherein they have given clear projection of positive NFE meeting the requirement of SEZ Rules.
- (iii) The construction activity on existing LoA plant has been slowed down to synergize with the new proposed plant. The time to be taken for completion of construction of plant and building an installation of machines will take 16 months from the date of LoA amendment. The combined investment proposed is approximately is Rs. 636.87 crores. No such huge invested proposals can be completed within an year or two inspite of their best effort.

### **Rule Position**

#### **Rule 19 of SEZ Rules, 2006: Letter of Approval to a unit.**

**Rules 19(4)** The Letter of Approval shall be valid for one year within which period the Unit shall commence production or service or trading or Free Trade and Warehousing activity and the Unit shall intimate date of commencement of production or activity to Development Commissioner:

Provided that upon a request by the entrepreneur, further extension may be granted by the Development Commissioner for valid reasons to be recorded in writing for a further period not exceeding two years:

Provided further that the Development Commissioner may grant further extension of one year subject to the condition that two-thirds of activities including construction, relating to the

setting up of the Unit is complete and a chartered engineer's certificate to this effect is submitted by the entrepreneur.

Provided also that the Board of Approval may, upon a request in writing by the entrepreneur, and after being satisfied that it is necessary and expedient so to do grant further extension for a further period not exceeding one year, at a time.

**Rules 22 of SEZ Rules, 2006 : Terms and conditions for availing exemptions, drawbacks and concessions to every developer and entrepreneur for authorized operations.**

**Rule 22(2)** - Every Unit and Developer shall maintain proper accounts, financial year wise, and such accounts which should clearly indicate in value terms the goods imported or procured from Domestic Tariff Area, consumption or utilization of goods, production of goods, including by-products, waste or scrap or remnants, disposal of goods manufactured or produced, by way of exports, sales or supplies in the domestic tariff area or transfer to Special Economic Zone or Export Oriented Unit or Electronic Hardware Technology Park or Software Technology Park Units or Bio-technology Park Unit, as the case may be, and balance in stock:

Provided that unit and developers shall maintain such records for a period of seven years from the end of relevant financial year:

Provided further that the unit engaged in both trading and manufacturing activities shall maintain separate records for trading and manufacturing activities.

The appeal is placed before the BoA for consideration (**Annexure-14**).

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