No. K-43014(22)/25/2020-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

Udyog Bhawan, New Delhi
Dated the 13th October, 2020

OFFICE MEMORANDUM

Subject: Minutes of 100th meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) held on 25th September, 2020 - regarding.

Please find enclosed herewith Minutes of the 100th meeting of the Board of Approval for SEZs held on 25th September, 2020 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce for information and necessary action.

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

(Darshan Kumar Solanki)
Under Secretary to the Government of India
Tel: 2306 2496
Email: dk.solanki@nic.in

To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc ‘G’ & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7thFloor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastr i Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Lal Chand Dabara, Assistant Legal Adviser), M/o Law & Justice, Shastri Bhawan, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhawan, New Delhi.
21. Director General, Export Promotion Council for EOUS/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (FAX: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Benngerhata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara – 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)
44. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
45. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
46. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
47. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
48. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
49. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
50. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
51. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.
53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneswar – 751001 (Fax: 0671-536819/2406299).
55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-255960).
56. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce, Kohima, Nagaland.
60. Government of Chattisghar, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh. (Fax: 0771-2583651).

Copy to: PPS to CS / PPS to AS (SK) / PPS to DS (SNS).
Minutes of the 100th meeting of the Board of Approval for SEZs held on
25th September, 2020

The Hundredth (100th) meeting of the Board of Approval (BoA) for Special Economic
Zones (SEZs) was held on 25th September, 2020 under the Chairmanship of Shri Anup
Wadhawan, Secretary, Department of Commerce, at 11.30 A.M. in Room No. 141, Udyog
Bhawan, New Delhi. The list of participants is annexed (Annexure-I).

Item no. 100.1 Confirmation of the minutes of the 99th meeting of the Board of Approval
for SEZs held on 31st July, 2020.

DGEP vide their OM dated 18.08.2020 i.r.o. Agenda point no. 99.6(ii) regarding
approval of cancellation of co-developer status of M/s Artha builders LLP in M/s Artha
Infratech Pvt. Ltd. SEZ at Plot no. 21, Sector-Techzone-IV, Greater Noida (UP) had
suggested that SEZ Act needs to be amended to provide for cancellation of LoA of co-
developer as law cannot work on precedents. Accordingly, this Department had sought for the
legal opinion from the Department of Legal Affairs in this matter.

The Board noted that the Department of Legal Affairs as per their ID note dated
23.09.2020, have inter-alia held that since there is no bar under the SEZ Act for cancellation
of a Letter of Approval granted to a co-developer for infrastructure development in a special
economic zone, it appears that Letter of Approval granted to the co-developer M/s Artha
Builder can be cancelled by invoking the provisions of Section 21 of the General Clauses Act,
1897. However, the administrative department is advised to appropriately amend the SEZ Act
and Rules to have a clear enabling provision for cancellation of Letter of Approval in such
situations.

In view of the foregoing, the Board decided to ratify the minutes of the 99th meeting
of the BoA held on 31st July, 2020.

100.2 Extension of Formal Approval to developer (Four proposals)

Item no. 100.2 (i) Request of M/s Manipur IT SEZ Project Development Company
Limited (MIPDCO) for further extension of the validity period of the formal approval
granted for setting up a Sector Specific SEZ for IT/ITES SEZ at Imphal, Manipur over

The Board, after deliberations, decided to regularize the intermittent period and extend
the validity of formal approval further for a period of one year upto 29.10.2021.

Item no. 100.2(ii) Request of M/s. Mikado Realtors Pvt. Ltd. for further extension of
the validity of formal approval, granted for setting up of IT/ITES SEZ at Village
Behrampur, Gurgaon (Haryana) beyond 29.10.2020.

The Board, after deliberations, approved extension of validity of formal approval for a
period of one year, i.e. upto 29.10.2021.

Item no.100.2 (iii) Request of M/s. Gopalan Enterprises (India) Private Limited (Fortune
City) for extension of the validity period of formal approval, granted for setting up of

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IT/ITES SEZ at Mahadevapura & Kaggadaspura, K.R. Puram, Whitefield, Bangalore, Karnataka from 03.07.2020 to 02.07.2021.

The Board, after deliberations, approved extension of validity of formal approval for a period of one year, i.e. upto 02.07.2021.

Item no.100.2(iv) Request of M/s. Rudradev Township Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Solankurunai village, Madurai, Tamil Nadu, beyond 31.07.2018.

The Board, after deliberations, decided to regularize the intermittent period and extend the validity of formal approval further for a period upto 31.07.2021.

100.3 Requests for extension of LoAs of units (three proposals)

Item no. 100.3(i) Request of M/s Ananth Technologies Pvt. Ltd, a unit in M/s. TSIIC Limited SEZ at Adibatla Village, Ibrahimpatnam Mandal, Ranga Reddy District, Telangana for Precision Engineering for extension of Letter of Approval (LOA) beyond 15.9.2020 for one year upto 15.9.2021.

The Board, after deliberations, approved extension of validity of LoA for a period of one year, i.e. up to 15.09.2021.

Item no. 100.3(ii) Request of M/s. JBF Petrochemicals Limited, a unit in Mangalore SEZ, Karnataka for extension of LoA beyond 15th September, 2020.

As regards the NCLT proceedings, DC, CSEZ informed the Board that a Resolution Professional has been appointed in the case. The Tribunal has taken a note of interest shown by the investor and the restructuring role in the company. The unit continues to pay salaries to its employees. The Board was further informed that the matter is now listed for 08.10.2020 in the NCLT and shall be settled.

The Board, after deliberations, approved extension of validity of LoA of the unit for a period of one year, i.e. up to 15.09.2021.


The Board, after deliberations, approved extension of validity of LoA for a period of one year, i.e. up to 31.07.2021.

100.4 Request for change of name/shareholding pattern/merger-demerg
t(six proposals)

Item no. 100.4(i) Request for change of Developer of M/s L&T Shipbuilding SEZ at Kattupalli, Tiruvallur, Tamil Nadu in view of merger of M/s. L&T Shipbuilding Limited
The Board, after deliberations, approved the proposal for change of Developer of L&T Shipbuilding SEZ from M/s. L&T Shipbuilding Limited to M/s. Larsen & Toubro Limited in view of the merger of the Companies with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

Item no. 100.4(ii) Proposal of M/s. Candor Kolkata One Hi-Tech Structures Pvt. Ltd., a sector specific SEZ for IT/ITES at Plot No. 1, Block No. DH, Street No. 316, New Town, Rajarhat, Kolkata for change in shareholding pattern of the Company.

The Board noted that the process of acquisition of shareholding of the developer by Brookfield REIT is under process and further Brookfield REIT is pending registration with SEBI. The Board, after deliberations, decided to grant an ‘in-principle approval’ to the proposed change in shareholding pattern subject to regulatory compliances being met by the developer with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those
relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the
developer to CBDT.

Item no.100.4 (iii) Proposal of M/s NIIT Technologies Limited, Developer of IT/ITES
SEZ at Plot No. TZ-02 & 2A, Techzone, Gr. Noida (Uttar Pradesh) for change of name
of the company to “COFORGE Limited”.

The Board, after deliberations, approved the proposal for change of name of the
company to “COFORGE Limited”, with the following conditions:-

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

Item no.100.4(iv) Request of M/s. Embassy Commercial Projects (Whitefield) Private
Limited (ECPPL), co-developer in M/s Vikas Telecom Pvt. Ltd. SEZ for change of
shareholding pattern and change in directors.

The Board, after deliberations, approved the proposal for change in shareholding
pattern and change in directors subject to approval by relevant statutory bodies with the
following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and
obligations for the altered co-developer entity;
ii. Fulfilment of all eligibility criteria applicable to co-developer, including security
clearances etc., by the altered co-developer entity and its constituents;
iii. Applicability of and compliance with all relevant rules of Revenue/Company
Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer,
taxability etc.
iv. Full financial details relating to change in equity/merger, demerger, amalgamation or
transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT,
Department of Revenue and to the jurisdictional Authority.
v. The Assessing Officer shall have the right to assess the taxability of the gain/loss
arising out of the transfer of equity or merger, demerger, amalgamation, transfer and

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ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.

Item no. 100.4 (v) Request of M/s. Nxtra Data Ltd. SEZ, Co-Developer located at Plot No.28 & 13/10A, 13/10B in MIDC-IT/ITES SEZ, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune for approval of Change in Shareholding Pattern.

The Board, after deliberations, approved the proposal for change in shareholding pattern subject to approval by relevant statutory bodies with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;

ii. Fulfilment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.


The Board, after deliberations, approved the proposal for change of Entrepreneurship from M/s. Gera Development Pvt. Ltd. (GDPL) to M/s. Gera Resorts Pvt. Ltd. (GRPL) with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or
transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

Item no. 100.4(vii) Request of M/s. Sai Wardha Power Generation Limited SEZ (developer), for change in shareholding pattern and list of directors of the company post NCLT order.

The Board, after deliberations, approved the proposal for change in shareholding pattern and list of directors of the company with the following conditions:

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

100.5 Requests for co-developer (seven proposals)

Item no. 100.5(i) Request of M/s. KDS Omega Areas LLP for co-developer status in M/s GAR Corporation Pvt. Ltd. SEZ at Sy. No. 89(P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal of M/s. KDS Omega Areas LLP for construction of IT/ITES building and operating and maintaining the facility within framework of SEZ in an area of 38,220 sq.ft. on part of 3rd Floor in Tower-9 of the above SEZ in accordance with the co-developer agreement dated 08.02.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no. 100.5(ii) Request of M/s. Hycom Properties LLP for co-developer status in M/
s GAR Corporation Pvt. Ltd. IT/ITES SEZ at Sy. No. 89(P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal of M/s. Hycom Properties LLP for investment in the development of internal and external infrastructure, operation and maintenance in an area of 29,400 sq.ft. in part of 2nd Floor in Tower-9 in the SEZ in accordance with the co-developer agreement dated 22.02.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no.100.5 (iii) Request of M/s. Sirishanthi Commercial Spaces LLP for co-developer status in M/s GAR Corporation Pvt. Ltd. IT/ITES SEZ at Sy. No. 89(P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal of M/s. Sirishanthi Commercial Spaces LLP for construction of IT/ITES building and operating and maintaining the facility within the framework of SEZ in an area of 20,330 sq.ft. in part of 2nd floor & 3rd floor in Tower-9 in the SEZ in accordance with the co-developer agreement dated 07.02.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no. 100.5(iv) Request of M/s. Spacotech SEZ Developers Pvt. Ltd. for co-developer status in M/s Phoenix Tech Zone Pvt. Ltd. SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal of M/s. Spacotech SEZ Developers Pvt. Ltd. for making further investment to upgrade, develop infrastructure and undertake operation and maintenance of the constructed area leased by the Developer to the proposed co-developer in an area of 47,010 sq.ft. located on the 12th Floor of Tower – B in the above SEZ in accordance with the co-developer agreement dated 16.07.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no. 100.5(v) Request of M/s. Squarespace SEZ Pvt. Ltd. for co-developer status in M/s Phoenix Tech Zone Pvt. Ltd. SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal of M/s. Squarespace SEZ Pvt. Ltd. for making further investment to upgrade, develop infrastructure and undertake operation and maintenance of the constructed area leased by the Developer to the proposed co-developer in an area of 24,306 sq.ft. located on the 11th Floor of Tower – B in the above SEZ in accordance with the co-developer agreement dated 16.07.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no. 100.5(vi) Request of M/s. ACE SEZ Developers Pvt. Ltd. for co-developer status in M/s Phoenix Tech Zone Pvt. Ltd. SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana.

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The Board, after deliberations, approved the proposal of M/s. ACE SEZ Developers Pvt. Ltd. for making further investment to upgrade, develop infrastructure and undertake operation and maintenance of the constructed area leased by the Developer to the proposed co-developer in an area of 1,39,385 sq.ft. located on the 14th to 16th Floors of Tower – B in the above SEZ in accordance with the co-developer agreement dated 16.07.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

Item no. 100.5(vii) Request of M/s. Phoenix IT Infrastructure India Pvt. Ltd. for co-developer status in the M/s. Phoenix Infocity Pvt. Ltd SEZ at Sy. No. 30 (P), 34 (P), 35 (P) & 38 (P), Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana for development, operation and maintenance of the SEZ and other activities.

The Board, after deliberations, approved the proposal of M/s. Phoenix IT Infrastructure India Pvt. Ltd to develop, market, lease, operate and maintain the Co-Developer Property (the co-developer space and co-developer land of 1.04 Ha along with all rights, interests, benefits attached thereto collectively referred as Co-developer’s property as defined in the Co-Developer Agreement) and also carry out default authorized operations in accordance with the co-developer agreement dated 08.09.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

100.6 Miscellaneous cases (eleven proposals)

Item no. 100.6(i) Request of M/s. Panama Petrochem Limited, a unit in Dahej SEZ for granting permission for import of Used Cooking oil (HSN 15180040) with other grades of Vegetables oils for manufacturing.

The Board, after deliberations, decided to approve the proposal subject to the condition that goods manufactured out of such prohibited imported goods are exported in its entirety.

Item no. 100.6(ii) Extension of LoA of used and worn clothing units and plastic recycling units located at Kandla, Falta and Noida SEZ in terms of Rule 18(4) of the SEZ Rules, 2006.

The Board noted that the validity of LoA of 47 units including both the plastic recycling units and worn and used clothing units from Kandla, Falta and Noida was last extended by the Board of Approval in its 99th meeting held on 31.07.2020 for a period upto 30.09.2020. As the policy is under deliberations amongst the stakeholder departments, the Board, decided to grant a further extension of three months i.e. upto 31.12.2020 to the said units or final policy decision on the subject whichever is earlier.

Item no. 100.6(iii) Request of M/s Tastel Finefood Pvt. Ltd., Kandla SEZ for permission for import of Beef RTE (Ready to Eat) and Pork RTE products.

The Board took note of the recommendations of DC, KASEZ, observations of
Department of Revenue and the sensitive nature of the proposal in the State of Gujarat.

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

Item no. 100.6(iv) Proposal of M/s Apex Lubricant, a unit in KASEZ for Broad-banding of additional items in Trading Activity.

DC, KASEZ apprised the Board on his observations of diversion of goods through foreign bound vessels and coastal vessels in some cases.

The Board, after deliberations, decided to defer the matter and return the proposal to DC, KASEZ for reconsideration.

Item no. 100.6(v) Proposal of Oxygen Business Park Pvt. Ltd., Developer for approval of additional authorized operation in the processing area of IT/ITES SEZ at Plot No. 07, Sector-144, Noida (U.P.).

The Board, after deliberations, decided to approve the proposal of the developer for retail space such as Super Store (essentials cum medical General Store), Book & Gift Shop, Salon, Concierge service etc. in the processing area of the SEZ subject to the condition that these activities shall be available for use of the SEZ only and no tax benefits/exemptions shall be allowed to the developer for such activities.

Item no. 100.6(vi) Request of M/s. Phoenix Tech Zone Pvt. Ltd, IT/ITES SEZ at Sy. No. 115/35, Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana for approval for amendment to Co-Developer Agreement to M/s. Phoenix IT Hub Pvt. Ltd.

The Board, after deliberations, approved the proposal of M/s. Phoenix Tech Zone Pvt. Ltd., (developer) for amendment in the terms of co-developer agreement dated 22.02.2019 with M/s Phoenix IT Hub Pvt. Ltd (co-developer) in accordance with the Supplemental co-developer agreement dated 09.09.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. Resultantly, the co-developer will have the leasehold interest over an area of 3 acres for infrastructure development in place of 1.20 acres as earlier.

Item no. 100.6(vii) Request of M/s. Nxtra Data Ltd. (Co-Developer) in MIDC IT/ITES SEZ, Pune located at Plot No. 28 and Plot No.13/10/A & Plot No. 13/10/B, Rajiv Gandhi Infotech Park, MIDC, Hinjewadi, Phase-III, Pune, for increase in area from existing 2.40 Ha to 9.28 Ha. i.e. increase by 6.88 Ha (68800 sq.mtrs.) located at plot No. P-1/1 & P-1/2.

The Board, after deliberations, approved the proposal of M/s. Nxtra Data Ltd., co-developer for expansion in area from 2.40 Ha to 9.28 Ha at Plot no. P-1/1 & P-1/2 to the existing SEZ located at Plot no. 28 & Plot no. 13/10/A & 13/10/B, Rajiv Gandhi Infotech Park, MIDC, Hinjewadi, Phase III, Pune subject to execution of necessary agreement with the

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developer and compliance with relevant provisions of SEZ Act & Rules.

Item no. 100.6 (viii) Requests for procurement of Sand by Developers/Co-Developers/Units in SEZs in Telangana.

The Board, after deliberations, decided to approve the proposal i.r.o. listed developer/co-developer/units (nine) in the agenda subject to the condition that the allowed items are actually used in the SEZ.

Item no. 100.6(ix) Procurement of Sand/Soil by SEZ Developers and SEZ units and ratification of approval granted under Delegation of Powers granted to Development Commissioner.

The Board noted that the proposals received from the listed developers/units (Eight) in the agenda were considered and approved under the powers delegated to the Development Commissioner in terms of DoC’s letter dated 18.05.2020.

The Board, after deliberations, decided to ratify the approvals granted by the Development Commissioner subject to the condition that it should be ensured that the allowed items are actually used in the SEZ.

Item no. 100.6(x) Request of M/s. Indian Oil Corporation Limited, Southern Region Pipelines, Chennai for allotment of Land for setting up of Sectionalizing Valve (SV) Station and also pipeline corridor for connectivity of 6” Pipeline to M/s. Saint Gobain inside SIPCOT Industrial Park, SEZ Sriperumbudur, Kancheepuram (Dist), Tamil Nadu.

The Board noted that the SEZ law does not have provision for allowing outside entity for constructing any infrastructure within the SEZ premises. The Board, after deliberations decided to defer the proposal.

Item no. 100.6 (xi) Reconsideration of extension/renewal of LoA of M/s Sameer Industries in pursuance to the directions of the Hon’ble High Court of Gujarat at Ahmedabad in Special Civil Application No. 13735 of 2019.

In its 89th meeting, held on 22nd April, 2019, the Board had rejected the proposal for renewal of LoA of M/s Sameer Industries in terms of rule 18(4)(d) of the SEZ Rules, 2006. Agenda item No. 89.14 (i) refers. Before rejecting the proposal the Board noted that—

i. There was an instance of violation of Customs Act, 1962 in the year 2005 by the unit wherein the jurisdictional Kandla Customs Authorities booked a case for illegal importation and DTA clearance of “druid” grade copper scrap and jelly filled copper cables restricted for import and allowed to be sold in DTA only to registered CPCB recyclers and also seized the goods lying in the premises and that only after payment of all the duties and penalties and redemption fine as per the CESTAT Order, the seizure was vacated and the goods were ordered to be cleared only to CPCB registered recyclers

ii. The unit was issued SCN for mis-declaration for providing false information in their APR for the year 2005-06 and that a complaint against the Chartered Accountant (CA)
was also made by department to Institute of Chartered Accountants for taking appropriate action against the CA for certifying false APR

iii. The unit consistently failed to achieve positive NFE both during the period 2005-2010 and 2014-2019 (for period 2010-14, LoA was not renewed by BoA).

The above decision of the Board was challenged by the unit in the High Court of Gujarat at Ahmedabad through Special Civil Application No. 13735 of 2019. The High Court quashed and set aside the impugned decision of the BoA taken in the 89th meeting held on 22nd April, 2019 and directed to reconsider the application filed by the petitioners for renewal/extension of LoA after giving adequate opportunity of hearing to the petitioners with a period of three months from the date of receipt of the writ of the order.

As directed by Hon'ble High Court, the Board heard Shri Paresh M. Dave, Advocate of M/s Sameer Industries at length. During the course of hearing, the representative of the unit reiterated the points made in his written submission which are given below:

i. The adverse decision taken by the Board in its 89th meeting held on 22.04.2019 is wrong and unjustified because an instance of violation of Customs Act in 2005 by the unit wherein Kandla Custom Authorities booked a case is an old case and not a justified reason for rejection of their application. In spite of the case in 2005, the unit had been allowed extension and renewal in 2009, 2014 and 2016.

ii. The appellant has admittedly achieved positive NFE during FY 2017-18 and 2018-19. The appellant has paid the shortfall in NFE under the provisions of Rule 80 of the SEZ Rules and therefore the default has been regularized.

iii. The appellant did not include the value of the confiscated goods for the purpose of calculating APR for the year 2005-06, because the ownership of confiscated goods vests in the Government.

The Board, after hearing the submissions, deliberated on the request and noted that the unit admitted that there have been clear irregularities on its part both under the Customs Act and SEZ Act. The Board also noted that the unit was found involved not only in violation of Customs Act during the year 2005 but also in other irregularities such as mis-declaration/providing false information in APRs for which SCN was issued on 03.07.2017.

The Board held that mere deposition of the amount specified in Rule 80 The SEZ Rules, 2006 does not imply regularization of the default. The appropriate Authority shall have to regularize each such case after taking into account the reasons, compulsions, efforts and the bona fides thereof. Only in cases of bona fide default, the shortfall is allowed to be regularized after the unit deposits an amount equal to one per cent of shortfall in Free on Board Value. Suo motu deposit of one percent of NFE shortfall while the SCN was undecided and pending for hearing and adjudication does not absolve the unit of its violations and does not give it a right to be considered for extension/renewal of LoA. Further, the Board also noted that the Unit did not bring out anything new on how it can achieve the norms. The fact that the unit has not been able to achieve a positive Net Foreign Exchange in two five year cycles coupled with its track record of violations indicates that the business as a SEZ unit is not sustainable.

In view of the foregoing, the Board decided to reject the request of the Unit for extension of LoA.

[Signature]
Decision on Supplementary Agenda

100.7 Requests for co-developer

Item no. 100.7(i) Request of M/s. BVC Logistics Pvt. Ltd., Basement, SDF III for co-developer status in SEEPZ SEZ at SEEPZ SEZ, Andheri (E), Mumbai.

The Board, after deliberations, decided to send back the proposal to DC, SEEPZ for reconsideration.

100.8 Request for change of ownership

Item no. 100.8(i) Request for change of ownership due to Business Transfer Agreement between M/s. Embassy Property Development Pvt Ltd, Co-Developer of M/s SNP SEZ and ESNP Property Builders Developers Pvt. Ltd.

The Board, after deliberations, approved the proposal for change of ownership with the following conditions:-

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

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