

No. K-43014(22)/9/2021-SEZ  
Government of India  
Ministry of Commerce and Industry  
Department of Commerce  
(SEZ Section)

Udyog Bhawan, New Delhi  
Dated the 27<sup>th</sup> July, 2021

**OFFICE MEMORANDUM**

**Subject: Supplementary Agenda for the 105<sup>th</sup> Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) scheduled to be held on 29<sup>th</sup> July, 2021 at 4.00 P.M -reg.**

In continuation to this Department's O.M.s of even number dated 6<sup>th</sup> July, 2021 and 20<sup>th</sup> July, 2021 on the above mentioned subject, the undersigned is directed to enclose herewith the Supplementary Agenda for the 105<sup>th</sup> meeting of the BoA for SEZs scheduled to be held on 29<sup>th</sup> July, 2021 at 4:00 P.M. for information and necessary action. The supplementary agenda has also been hosted on the website: [www.sezindia.gov.in](http://www.sezindia.gov.in).

2. The addressees are requested to kindly make it convenient to attend the meeting through Video Conferencing. A web link for the same shall be shared by this Department shortly.

  
(Sumit Kumar Sachan)

Under Secretary to the Government of India  
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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. Shri Anil Agarwal, Additional Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhawan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7<sup>th</sup> Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.

10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, 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 Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8<sup>th</sup> Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4<sup>th</sup> 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, AtladraPadra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, UdyogBhawan, 9<sup>th</sup> Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.

40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, VikasSaudha, 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 (4<sup>th</sup> 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), LalBahadurShastriBhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce UdyogBhawan), Sector -17, Chandigarh- 160017.
53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneshwar – 751001 (Fax: 0671-536819/2406299).
55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), VallabhBhavan, Bhopal (Fax: 0755-2559974)
56. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
60. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2<sup>nd</sup> Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

**Copy to:** PPS to CS / Consultant to AS (SK) / PPS to JS (AK)/ PPS to Dir (SNS).

**Supplementary Agenda for the 105<sup>th</sup> meeting of the Board of Approval to be held on 29<sup>th</sup> July, 2021 at 4.00 P.M. through Video Conferencing**

**105.10 Miscellaneous Cases (One proposal)**

**105.10 (i) Proposal for grant of in-principle approval to initiate the process of allotment of space in SDF-VIII in SEEPZ SEZ.**

The provisional allotments of units in the SDF-VIII building in SEEPZ SEZ were cancelled on account of irregularities viz. construction and design, non obtaining of Building Completion Certificate and Fire NoC and alleged allotments made in haste. Further, appeals filed by five of the allottees against the said cancellation were placed before the Board of Approval in its 84th meeting held on 12.09.2018 wherein the appellants were heard and represented through their advocate. The BoA in its follow up meeting held on 05.10.2018 deliberated on the said matter and observed the following:

- a) The conditions of provisional allotment clearly indicates that final allotment and possession will be granted on approval of the project by the UAC and on receipt of BCC/OC from MIDC. Since the feasibility report did not find the building appropriate for the G&J units, the provisional LoAs were cancelled.
- b) The Customs Receipt Audit, in their audit had opined that earlier UAC did not scrutinize all mandatory norms in depth and issued provisional LoA in hasty way.
- c) As regards allotment of SEEPZ Tower 1&2 constructed for locating electronics initially and subsequently allotted to G&J units without any structural change (as alleged in the appeals), those SDF buildings were constructed by MIDC on RCC Structure and hence, were found suitable for G&J units. However, pre-fabricated engineering design constructed for SDF VIII building is not meant for G&J units.

The Board rejected the appeals on the ground that SEZ units are envisaged to undertake their business with full functionality and partial functionality of units due to restrictions of the structure of the building, cannot be allowed.

JDC & Secretary, SEEPZ SEZ Authority vide letter dated 13.07.2020 furnished a detailed information in this regard informing the following in connection to this matter:

**Status of litigation** : No court case is pending as on date. No interim order has been passed by Hon'ble Court. The petitioner has withdrawn the petition.

**Proposed allotment criteria** : Allotment to all eligible entrepreneurs including Gems & Jewellery, Electronics Hardware and IT/ITES with the proviso that in case the incoming unit is a G&J unit, it shall not be permitted to set up refinery, scrubber or any other similar machinery/mechanism. A Committee will be evaluating deserving eligible entrepreneurs based on parameters/criteria.

**Status of Tower completion** : The building is yet to be taken over subject to MIDC furnishing an Undertaking for deviation cost, electricity and other charges for rectification of shortfalls by MIDC.

**Structure** : Pre-fabricated building and as per feasibility report by MIDC architect, cannot be allotted to G&J units who require scrubber, compressor, refinery set up etc. For G&J units a separate common facility centre may need to be set up.

**Criteria** : Applications to be submitted in Form F (as per Rule 17 of the SEZ Rules for consideration of Approval Committee) with details of criteria based on growth, employment, export, investment etc.

Vide letter dated 24.08.2020 , DC, SEEPZ was requested to submit a detailed proposal for consideration of the Board after diligently examining all aspects of necessary compliance in terms of structure, safety and security including the following issues, if the SDF is supposed to be offered to G&J units:

- feasibility of having a common facility centre for processes in the nature of scrubber, compressor, refinery set up which cannot be undertaken in the SDF VIII building owing to the issues of structural load-bearing capacity.
- availability of a suitable space for such common facility centre.
- proposed ownership and operational details for such common facility centre.

Subsequently, DC, SEEPZ SEZ vide their letter dated 21.12.2020 requested DoC for an in-principle approval to take over the newly constructed building SDF-VIII from MIDC and to initiate process of allotment of space in SDF-VIII, presently for Hardware Units only, citing all the parameters of the existing building and subject to final approval by MoC/BoA.

After deliberations, DoC vide letter dated 22.01.2021 , informed SEEPZ that taking over the building from MIDC is within the purview of DC, SEEPZ who should ensure all necessary compliances. In so far as allotment of units in SDF-VIII building was concerned, DC was requested to furnish a clear proposal along with recommendations for placing before the BoA.

Now, DC, SEEPZ vide letter dated 07.07.2021 has informed that the space thus identified for Common Facility Centre is being discussed with the stakeholders for construction and operationalization and would take some time, hence till then the space in SDF VIII can be put out to use for Electronic Hardware Manufacturers by floating the advertisement and defining the relevant parameters as is being followed presently. SEEPZ Authority is in the process of taking over the said building after completing due procedure and final joint inspection alongwith MIDC officials.

#### **Recommendations of DC, SEEPZ :**

DC, SEEPZ SEZ has requested MoC&I for grant of an in-principle approval to initiate the process of allotment of space in SDF-VIII, presently for Electronic Hardware manufacturing units only citing all the parameters of the existing building and subject to final approval by MoC/BoA.

#### **Observations of DoC:**

Though the proposal for allotment of space to unit is within the purview of UAC, it may be placed before BOA with regard to observation of BOA in the meeting held on 05.10.2018. While the instant proposal seeks to initiate process of allotment of space in SDF-VIII building to Electronic Hardware manufacturing units only, it is pertinent to note that given the fact that it is a multi-sector SEZ, such allotment may be kept open to potential units from any sector other than G&J sector subject to the condition that the building is considered safe for housing such units. This would widen the pool of entities seeking to bid for the space and would enhance the competition for the same.

The proposal is placed before the BoA for consideration.

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