

No. K-43014(22)/13/2021-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

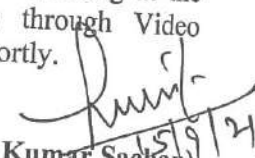
Udyog Bhawan, New Delhi
Dated the 15th September, 2021

OFFICE MEMORANDUM

Subject: 106th Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) scheduled to be held on 28th September, 2021 at 4.00 P.M –Forwarding of agenda -reg.

In continuation to this Department's O.M. of even number dated 1st September, 2021 on the above mentioned subject, the undersigned is directed to enclose herewith the Agenda for the 106th meeting of the BoA for SEZs scheduled to be held on 28th September, 2021 at 4:00 P.M. in Room no. 47, Udyog Bhawan, New Delhi under the Chairmanship of the Commerce Secretary for information and necessary action. The agenda has also been hosted on the website: www.sezindia.nic.in.

2. The local addressees may kindly make it convenient to attend the meeting at the above venue and time. Other participants may attend the meeting through Video Conferencing. A web link for the same will 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, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.

10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. 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, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr.Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, AtladraPadra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, UdyogBhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.

40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, 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 (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), 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, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

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

**Agenda for the 106th meeting of the Board of Approval to be held on
28th September, 2021 at 4.00 P.M. through Video Conferencing**

**106.1 Ratification of the minutes of the 105th meeting of the Board of Approval held on
29.07.2021.**

As regards agenda point no. 105.7(i) regarding permission for setting up of Indian Regional Office of New Development Bank at GIFT IFSC SEZ, Gandhinagar, the Board, after deliberations, decided to approve the proposal with the condition that the Department of Revenue may re-examine their views and highlight their concerns, if any, after due consultation with the Department of Economic Affairs (DEA) on or before 09.08.2021. In case, no comment in this regard is received from the DoR by 09.08.2021, the aforesaid conditional approval would be treated as a regular approval. It is proposed to take on record the following development in this matter:

The DEA, had vide their OM dated 05.08.2021 furnished their detailed views to DoR along with the justification/clarification on exemptions sought for the IRO. Considering the proposed announcement of operationalizing of IRO during the upcoming BRICS Leaders' Summit, DEA had requested DoR to support their proposal to enable the BoA/DoC to approve the same. In response, DGEP, vide their OM dated 06.08.2021, had endorsed the comments of the DEA for necessary action at the end of DOC.

Accordingly, the conditional approval granted by the Board of Approval in its meeting dated 29.07.2021 has been treated as a regular approval and conveyed to the stakeholders vide letter dated 11.08.2021.

106.2 Request for extension of LoA of the Developer (one proposal)

In terms of Rule 6(2) of the SEZ Rules, 2006, the letter of approval of a developer shall be valid for a period of three years within which time at least one unit has commenced production and the SEZ become operational from date of commencement of such production. The Board may on an application by the developer as the case may be, for reasons to be recorded in writing expand the validity period.

106.2(i) Request of M/s. DLF Info Park (Pune) Ltd. for further extension of the validity period of Formal Approval for setting up of a IT/ITES Special Economic Zone at Plot No.29 & PL-2, Rajiv Gandhi Infotech Park, Phase II, Hinjewadi, Pune, Maharashtra.

Name of the Developer : M/s. DLF Info Park (Pune) Ltd.
Sector : IT/ITES
Date of LoA : 27.06.2008

Extension : Developer has been granted 9 extensions. Last extension was granted for a period upto 25.06.2020. The Developer had requested for further extension upto 26.06.2021 vide their letter dated 01.06.2020. Thereafter, since the developer had not done any construction activity since 2017, the proposal was not forwarded to BoA. Now, the Developer has again submitted application for extension of their Formal Approval upto 26.06.2022. The SEZ stands notified as on 27.10.2014.

Progress of the Project:

a. Details of Investment made and Incremental investment made since last extension:

Developer has invested an amount of Rs. 310,44,90,606/- on Land, Development of the SEZ site and construction of the buildings, as detailed below:

Description	Investment made till 31.03.2019 (Rs. In Cr)	Investment made till 31.03.2020 (Rs. In Cr)	Incremental investment made since last extension (Rs. In Cr)	Break-up of incremental investment made since last extension (Rs. In lakh)
Cost Incurred on Land	26.6466	26.6466	0.00	
Cost Incurred on development of land	167.7875	168.5818	0.7943	Legal and Prof. fees - 21.67 Diesel Charges - 0.85 Environmental consultancy - 2.85 Depreciation - 0.17 CRB - 9.22 MIDC Water Charges - 20.02 Security Guard Charges - 29.21 Maintenance - 1.75 Unclaimed amount - (6.34)
Cost incurred on other external developments	115.2206	115.2206	0.00	No incremental investment made.
Total	309.6547	310.4491	0.7943	

Observation of DC :

The developer has not made any incremental investment towards construction of the project since last extension in 2017. Also, there are no such other investments during the FY 2020-21.

b. Project Status:

Project Name	Block No.	Construction Work Completed	Part Occupation Area and Consent to Operate (CTO) Area approved	Remark
DLF Info Park (Pune) Ltd.		Civil Work		
	5	75%	26,354.76 Sq. Mtr.	Total area of 28,235.35 Sq. Mtr. (20%) Area has been approved for occupation/leasing on 15.11.2016
	6	38%	1880.59 Sq. Mtr.	
	7	36%	NIL	

c. **Project current status (Proposed Vs. Completed and Balance Floor to be completed):**

Sr. No.	No. of Building	No. of Floors proposed	Developed Floors	Balanced Floors to be completed	Time line required for completion as stated by Developer since 2017
1	Block No.5	Basement + 13	+ Basement + 7	6	12-16 months
2	Block No.6	Basement + 13	+ Basement + 4	9	On completion of Block No.5, developer will start the construction work of Block No.6
3	Block No.7	Basement + 13	+ Basement + 4	9	On completion of Block No.6, developer will start the construction work of Block No.7

Observations of DC:

The entire construction detailed in (b) & (c) above is in unfinished state.

d. **Other developments**

1. Boundary Wall: 80% completed. 20% secured by GI sheets.
2. Plumbing Work: Completed 50% in only building no.5 (Work in progress)
3. Inside Roads: Completed 80%
4. Power Supply: Un-interrupted power supply through DG sets for permanent power supply already application has been filed with MSEDCL.

Observations of DC :

The above condition of the building as given in Point No. (c) & (d) above is since 2017 without any change.

e. **Physical progress since last extension:**

There is no construction or physical activities towards construction of the project since last 5 years.

f. **Detail reasons for delay:**

- i. Developer has stated that the permissible FSI has been increased from 2FSI to 3FSI in Hinjewadi area where the SEZ land exists w.e.f. 16.07.2016. As such, they had filed revised building Master plan drawing to MIDC on 05.03.2018 opting to avail 3 FSI permissible area by depositing the first installment of 50% fee and other charges of Rs. 7.27 Cr. Unless and until the revised Building Master plan is approved by MIDC, they cannot carry out any concrete construction at the site.
- ii. Pune Metropolitan Region Development Authority (PMRDA) has finalized the Metro Alignment for the Metro Rail project from Hinjewadi to Shivaji Nagar Metro Line-3. One of the stations is passing through front corner of their land in Plot No. 29. PMRDA has directed them to handover the land admeasuring 238.05 sq. mtr. required for Entry/Exit on

04-09-2019 & their Land Lessor i.e., MIDC has also directed them to make available / handover the land parcel required for Metro alignment.

g. Present status of approvals obtained/pending-

- (i) In continuation to online scrutiny of their drawings by MIDC, they have received Pre DCR approval (online drawing approval) with some of the queries raised by MIDC. As suggest/advised by MIDC, they are in the process of compiling / incorporating the corrections.
- (ii) Pune Metropolitan Region Development Authority (PMRDA) finalized the Metro Alignment for the Metro Rail project from Hinjawadi to Shivaji Nagar Metro line-3. As one of the station alignment is passing through the front corner area of the Plot No.29, they had received letter from PMRDA to handover the land required for Entry/Exit on 04.09.2019.
- (iii) Further, land lessor MIDC vide letter Ref. Mo. MIDC/RO(II) Pune/46/2020 dated 07.01.2020 has directed to handover the land parcel required for Metro alignment. In continuation to the letter, the Developer have given their consent for handing over the required area to MIDC as mentioned by Land Lessor vide their letter Ref. No. DIPPL/MIDC/RO/Land 2/2/2021 dated 13.01.2020.
- (iv) Following approvals which is the part of final approval or their revised Building Plan Approval -

1. Grant of Revised Provisional FIRE NOC for proposed construction at their Plot No.29 & PL2 by MIDC vide their Letter Ref. No. MIDC/Fire/A-96971 dated 14.03.2020.
2. Grant of approval of Building plans for additional FSI on Plot No.29 & PL-2 for payment of additional premium to be made in favor of Under Secretary, Urban Development department, Govt. of Maharashtra, Mumbai by Executive Engineer, MIDC-IT Division, Pune. vide their letter No.EE/IT/TB/A-96616 of 2020 dated 13.03.2020.

- h. Further as per directions given in the BOA meeting held on 04-10-2019, the following approval has been received/ pending with reference to setting up of SEZ:

Sr. No.	During Last Extension period (Till June 2019) MIDC Pending Approvals	Approvals obtained as on June 2020	Approval yet to receive as on date
1.	Area Finalization for Metro station alignment falling in Front Corner Area of our SEZ, Plot No,29 BY PMRDA	Received Area finalization for ENTRY-AND EXIT alignment passing through SEZ vide PMRDA Letter dated 04/09/2019	
2.	Handing over of Plot Area as earmarked by PMRDA for the Metro Alignment (Entry and EXIT) to MIDC (Land lessor) which need to be earmarked in Final Building Plan approval	As per the decision agreed between-PMRDA AND MIDC received letter from MIDC for making availability / handing over of the Land for construction of Staircase through their letter dated 07/01/2020. Further, consent for making the space availability was given by them on 13-01-2020. There is no physical transfer of Land to MIDC. RO2, MIDC, Land	

		division vide mail dated 07 07-2020 has confirmed the same.	
3.	Submitted the Revised Master Building Plan approval online on 12/02/2020 earmarking Metro Alignment Area and other queries raised by MIDC on 17/12/2019		-
4.	Revised Fire Provisional No Objection Certificate for the proposed construction on Plot No.29 and PL2, considering the Revised FSI Area	Provisional Fire NOC received from Chief Fire Officer & Fire Adviser, MIDC, Mumbai on 14/03/2020.	-
5.	Approval of Building Plans for Additional FSI Area on DLF info Park, Plot No.29 & PL-2	Approval Of Building Plans for Additional FSI received on 16/03/2020	-
6	Final Approval of Master Building Plan approval		Pending with MIDC due to COVID-19 Pandemic Lock down.

i. **Inspection Report:**

The details submitted by the Developer was physically verified by the jurisdictional Specified Officer, as well as verified along with documentary evidence. It has been observed that:

- the major incremental investment made by the Developer of Rs. 70.88 lakhs out of the total incremental investment made of Rs.79.43 lakhs, as claimed by the Developer, is towards Legal & Professional fees, water charges & Security Guard charges, as detailed in table (a) above, and no incremental investment has been made towards construction activity since last extension granted.
- MIDC vide letter dated 13-03-2020 has given in-principal approval for additional FSI area and granted revised Fire NOC for proposed revised construction subject to payment of Rs. 11.71 Crores immediately for issuance of final Master Building Plan approval by MIDC.
- The Developer has given consent for handing over the land required. for Metro realignment and area required for Entry/Exit claiming compensation for the same in form of additional FSI.
- Overall, there is no progress in construction and development activity at the site since last extension period (in fact since 2017)
- Approx. 80% area is covered by boundary wall and rest is covered by GI Sheets.

j. Timeline for completion of project and making it operational:

Timeline required for the completion of the Phase I (Block No.5) will be 12-16 months. On completion of Block no.5, construction of Block No.6 and subsequently Block No.7 will be undertaken.

Recommendation by DC, SEEPZ SEZ:

The Developer has obtained all necessary permission from MIDC, except for final Master Building Plan approval. The Developer can carry out construction activity only after the said approval is issued by MIDC. The developer has relied on the COVID situation in the country for no progress of their SEZ, despite the fact that the COVID epidemic began in March 2020 and the developer has not undertaken any construction activity nor have made any incremental investment towards construction activity since 2017. Their relying on Covid Pandemic for extension of LOA does not seem to be justified. Therefore, this office is not in a position to recommend the proposal for extension to BoA.

However, the proposal of the Developer for extension of Formal Approval for a further period upto 26.06.2022 is forwarded for decision, as deemed fit.

106.3 Request for extension of LoA of the units (five 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 Approval i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that LoA shall be valid for one year. First Proviso grants power to DCs for extending the LoA for a period not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoA for one more 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.
- Extensions beyond 3rd year (in cases where two-third activities are not complete) and onwards 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.

106.3(i) Request of M/s Mahadi Organics Pvt. Ltd., a unit in Plot No. Z/51 & Z/52 Dahej SEZ Ltd. at Village Luvara, Taluk Vagra, Distt. Bharuch, Gujarat for extension of the Letter of Approval (LoA) upto 03.09.2022.

- LoA issued on : 04.09.2018
- Nature of business of the unit : Manufacturing of items under Chapter 29 & 38 i.e. Organic Chemicals and Miscellaneous Chemical Products.
- No. of Extensions : 2(Two) by DC Dahej SEZ,
- LoA valid upto : 03.09.2021
- Request : For further extension for 1 (One)

Year upto 03.09.2022.

Present Progress furnished by applicant unit:-

a. **Details of Business Plan:**

Sr. No	Type of Cost	Proposed Investment(INR in Cr)
1	Land	2.15
2	Building	3.20
3	Plant & Machinery	9.00
4	Others	3.00
	Total	17.35

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

Sr No	Type of cost	Total Investment made So far (INR in Cr)	Incremental investment since last extension (in Cr)
1	Land & Improvement	2.24	---
2	Building	---	---
3	Plant & Machinery	---	---
4	Others	---	0.04
	Total	2.24	0.04

c. **Details of the physical progress till date:**

Sr No	Activities	% completion	%completion during last 1 year	Deadline for completion of balance work
1.	Land & Improvement	Land Filling & levelling	100%	
2.	Building	-	-	Already applied for Consent to Establish (CTE) to GPCB. They have been granted Provisional CTE on 20.04.2021.
3.	Plant & Machinery	-	-	

As informed by DC, the unit received possession on 12.04.2019 and land filling was completed in December, 2019. They have stated that due to Covid-19 outbreak and lockdown from March 2020, there was delay in getting CTE from Pollution Control Board. They received CTE provisionally on 20th April, 2021 and the final copy on 28th May, 2021.

Recommendation by DC, Dahej SEZ:

In view of the above development activities carried out by the applicant unit, the case is recommended to the Board of Approval, for extension in validity of LoA dated 04.09.2018 (extended upto 03.09.2021) for the further period of one year i.e. up to 03.09.2022.

106.3(ii) Request of M/s Axiom Chemicals Pvt. Ltd. in Plot No. Z/80, Dahej SEZ Ltd, Dahej, Village Luvara, Taluk Vagra, Distt. Bharuch, Gujarat for extension of the Letter of Approval (LoA) for one year beyond 26.10.2021 upto 26.10.2022.

- LOA issued on (Date) : 27.10.2017.
- Nature of business of the unit : Manufacturing of items under Chapter 28
(Inorganic Chemicals) and Chapter 29 (Organic Chemicals)
- No. of Extensions : 2 by DC Dahej SEZ & 1 by BOA
- LoA valid upto : 26.10.2021.
- Request : For extension for 1 year upto 26.10.2022.

Present Progress:

a. Details of Business Plan:

Sr No	Type of Cost	Proposed Investment (Rs in Lakhs)
1	Land	75.94
2	Building	269.50
3	Compound Wall	13.43
4	Land filling	42.43
5	Misc	12.76
6	Plant & Machinery	109.20
	Total	523.26

b. Incremental Investment made so far and incremental investment since last extension:

Sr No	Type of Cost	Total Investment made so far (In lakh Rs)	Incremental Investment since last extension (In lakh Rs)
1	Land to Developer	75.36	75.36
2	Site cleaning work	0.3	0.3
3	Land filling work	42.44	42.44
4	Payment towards Service charges to Developer	0.59	0.59
5	Payment made to contractor	0.07	0.07
6	Other Expenses	0.07 0.18	0.07 0.18
7	Payment for Civil work	13.43	13.43

	(Compound Wall)		
8	Payment for water	0.61	0.61
9	Payment for water connection & pipeline	0.94	0.94
10	Entry Road Culvert	6.59	6.59
11	Security fees plan approval, cess for guj. Bld & construction welfare, Deposit for tree plantation	1.06	1.06
12	Green belt Development cost	7.99	00.00
13	Electrical expenses-Dahej	0.46	0.46
14	Electricity Connection Charges	0.53	00.00
15	Electricity Expense	0.49	0.00
16	Government fees	3.74	0.00
17	Insurance expenses	0.21	0.00
18	Lease rent expenses	3.82	0.00
19	Plant Building	96.36	00.00
	Total	255.24	139.27

C) Details of the physical progress till date:

Sr No	Activities	%tage completion	%tage completion during last one year of LoA extension	Deadline for the Completion of the Balance work
1	Land	100%	-	-
2	Possession	100%	-	-
3	SEZ Online Registration	100%	-	-
4	Site cleaning work	100%	-	-
5	Land filling work	100%	-	-
6	Application for LUT	100%		
7	Application for exemption certificate	100%		
8	Application to GPCB (GPCB NOC)	100%		
9	Application for pharmaceuticals & organic products as per norms	Under Process		30.11.2021
10	Green belt Development as per GPCB norms	100%		
11	Appointment of Architect for preparation of building plan	100%		
12	Application for building plant approval	100%		

13	Procurement construction materials	100%		
14	Appointment of civil contractor	100%		
15	Civil Work		35%	30.03.2022
16	Electricity		100% (Temporary connection)	
17	Water Connection	100%	-	-
18	Commercial Production			30.04.2022
19	Plant Approval Pharmaceuticals	100%		

Detailed Reasons for Delay:

- They started working on the project as per the plan to complete it on time but due to unavoidable circumstances and financial crisis in market it was very difficult to complete the project by taking loan from market/financial institution on heavy interest.
- They have applied for new plan for the category of Bulk Drugs-General-API and received approval on 17.03.2021. As they were working on the revised design of the project that was set as per the Dahej SEZ norms and conditions it took time to start the project.
- Construction work got delayed due to insufficient manpower in the time of Covid-19.
- Due to pandemic Covid-19 the work was shutdown for 60 days.

Recommendation by DC, Dahej SEZ:

In view of the above development activities carried out by the applicant unit, the case is recommended to the Board of Approval for extension in validity of LoA for a further period of one year i.e. upto 26.10.2022.

106.3(iii) Request of M/s. Sands Infrabuild Private Limited, unit in Smartcity (Kochi) Infrastructure Private Limited SEZ for extension of the Letter of Approval (LoA) beyond 25.9.2021 for a period of one year i.e. up to 25.9.2022.

LoA issued on (Date)	:	26.9.2017
Nature of the Business of the unit	:	Backup Power Generation for IT Units
No. of extensions	:	02 extension by DC, CSEZ (for a period of 3 years) beyond normal validity of one year
LoA valid up to (Date)	:	25.9.2021
Request	:	For further extension for 4 th year upto 25.09.2022.

Details of Business Plan:

Sl. No.	Type of Cost	Space allotted for DG Room	Proposed Investment (Rs. in Cr.)
1	Land & Building (Leasehold land) Area allotted for Power Plant/DG Room	12997 sq ft	22.83
2	Machinery: DG Sets procured/installed	12 Nos.	

Investment made so far & incremental investment since last extension (Rs. In Cr)

Sl No.	Type of cost	Total proposed Investment	Total investment made so far	Incremental Investment since last extension
1	Land and building	Leasehold Land	Leasehold Land	Leasehold Land
2	Machinery:			
	DG	14.82	14.82	2.52
	Accessories	08.01	04.68	
	Total	22.83	19.50	2.52

Details of physical progress as on 30.6.2021:

Sl. No.	Activity	% completion	% completion during last one year	Deadline for completion of balance work
1	Land & Building of Co-developer	90%		One year
2	Machinery:		4%	
	DG	100%		
	Accessories	58%		
	Total	85%		

Detailed reasons for delay:-

M/s. Sands Infrabuild Private Limited is a unit being set up by the Co-developer, M/s. Sands Infrabuild Private Limited in Smartcity (Kochi) Infrastructure Pvt. Ltd., for generation of backup power to the upcoming IT Units in the SEZ. The IT Building of the Co-developer admeasuring 3330712 sq.ft. is under construction. A total area of 12997 Sq.ft. is allotted by the Co-developer for the project and has invested Rs.19.50 crore for the DG unit so far. The unit was not able to commence commercial production before the extended date of validity of the LoA i.e. 25.9.2021 due to the reason that the construction activities of IT building of the Co-developer, where the power unit is being established, were severely affected by the flood in Kerala during 2018 & 2019. The Covid-19 pandemic and initial lockdown from March 2020 onwards hindered the work adversely. The civil works were progressing slowly during the year end, however, the second pandemic wave in 2021 has halted the project due to acute shortage of manpower and they are struggling hard to bring back the site to normalcy.

Recommendation by DC:

The extension of LoA may be considered.

106.3(iv) Request of M/s. Anthea Aromatics, a Unit in Mangalore SEZ, Karnataka for extension of LoA beyond 30th October 2021.

LoP issued	: 31 st October, 2018
Nature of Business of the Unit	: Manufacure and export of Undecavertrole, Anethole, Boisamber, Cyclamenaldehyde-Hydroxy Bezaldehyde, Sylvial, Mesityl Oxide, Tonalid, Kephalis, Raspberry Ketone, Ethyl Safranate, Herbanate, Peonile,

Karanal, Tops and Higher Boiling fractions of above products.

No. of Extensions : 1st extension (2 years) up to 30.10.2021

Request : For further extension of one year up to 30.10.2022.

Progress of Project from Last LOA extension:

a. Production, employment generation and estimated investment in plant and machinery

Products proposed to be manufactured.	Employment proposed to be generated.	Estimated Investment in plant and machinery.
Undecavertrole, Anethole, Boisamber, Cyclamenaldehyde, P-Hydroxy Bezaldehyde, Sylvial, Mesityl Oxide, Tonalid, Kephalis, Raspberry Ketone, Ethyl Safranate, Herbanate, Peonile, Karanal, Tops and Higher Boiling fractions of above products.	240 people	200 crores

b. Investment :-

The Unit had already invested Rs.14 crores for acquiring 10 acres of land and they are planning to invest Rs.200 crores in the future.

c. Estimated Net Foreign Exchange Earnings :-

The Unit is projected Rs.16,510/- Crore for exports first five years with NFE of Rs.11,097- Crore.

d. Commencement of Production :-

The Unit assured that they will start production by the end of April 2022.

Reasons for delay in implementing the project

- The unit authorities have stated that the main reason for not starting the project this year was the lockdown imposed due to the Covid-19 Pandemic. The lockdown adversely affected the supply of labourers, transportation of raw materials for construction and all other allied activities required for the execution of the project.
- The delay in getting Environmental Clearance was another reason affecting the project. Without Environmental clearance (EC) the State Pollution Control Board will not give consent to construct the plant and the building.

After much effort, the Environmental Clearance was obtained on 22.06.2021. After the receipt of the same, the Unit has now expedited the process for getting the State Pollution Control Board's consent so that the construction of the plant and building can be initiated soon. The factory/engineering design is in the final stage.

- c. The fire incident that happened recently on 24.04.2021 in the plant of M/s. Catasynth Speciality Chemicals Private Limited,, another Unit of the same management in Mangalore SEZ, was another reason for the project's delay. As a result of this fire incident, a significant portion of investment, workforce, and resources kept for the Anthea Unit were diverted for the revival of the Catasynth Unit, which already commenced their exports.

As a result of the aforesaid reasons, the project activities continued to remain severely hampered, and the progress was minimal and slow.

Recommendation by DC, Mangalore SEZ:

The Unit was not able to finish two-thirds of activities, including construction, relating to the setting up of the Unit even after its first extension of LoA and the same will expire on 30.10.2021. There is another unit under the same management, M/s. Catasynth Speciality Chemicals Private Limited, which has commenced their operation on 19.03.2020. M/s. Anthea Aromatics could not implement the project due to delay in getting the Environmental Clearance (EC) and other reasons as stated above.

In view of the above, the Unit's request for extension of LoA for a further period of one year, i.e. up to 30.10.2022 may please be considered favorably.

The request is placed before the BoA for its consideration.

106.3(v) Request of M/s. JBF Petrochemicals Limited, a Unit in Mangalore SEZ, Karnataka for extension of LoA beyond 15th September 2021.

LoA issued : 16th September, 2011

Nature of Business of the Unit : Manufacture and Export of Purified Terephthalic Acid (PTA) and Poly Ethylene Terephthate (PET)

No. of Extensions : 8th extension (9 years) upto 15.09.2021

Request : For further extension of one year upto 15.09.2022

Progress of Project from Last LOA extension:

A) Progress in terms of completion of work-

A comparative statement showing percentage of completion of work from last LOA extension application date to current application date is as follows:

Sl. No.	Description of Activity	Status on last LOA date		Current Status	
		% of work completed	% of work yet to complete	% of work completed	% of work yet to complete
1	Engineering	100.0%	0%	100.0%	0%
2	Procurement	99.8%	0.2%	99.9%	0.1%
3	Construction	98.1%	1.9%	98.7%	1.3%
	Overall	99.3%	0.7%	99.6%	0.4%

(B) Progress in terms of investment made

The unit has invested Rs 6,680 crores so far. The Unit is now expecting further investment of Rs 600 crores from investor to complete/ commission the plant. The investment made by the unit are as follows:-

Break-up of Cost incurred during last LOA extension to this LOA extension application (in Rs. Crores)				
S.No.	Particulars	Last LOA	During the period	Current LOA
1	Salaries & wages	75.34	8.35	83.69
2	Staff welfare expenses	1.05	0.03	1.08
3	Other Expenses:			
3.1	Tangible Fixed Assets (Incl. material and civil work)	3,529.83	-	3,529.83
3.2	Intangible Fixed Assets(Software License)	1.30	-	1.30
3.3	Technology, License & Construction Related Fees	545.05	-	545.05
3.4	Legal & Professional Fees and Guarantee Commission	293.22	-	293.22
3.5	Miscellaneous expenses (Power, Diesel, Admin exp., Rent, Travelling & Conveyance etc.)	370.77	80.00	450.77
3.6	Borrowing cost (Interest)	1,206.36	261.00	1,467.36
3.7	Foreign Exch. Fluctuation	148.02	-	148.02
3.8	Fixed Assets	160.13	0.005	160.14
Total		6,331	349	6,680

(C) Some achievements

	S. No.	Package	Target Completion
ISBL	1	ISBL-PTA Unit Mechanical Completion	Mechanical Completion done
	2	Commissioning trials	Commissioning trials of individual system done
OSBL	1	Nitrogen PSA	Commissioned
	2	FW System	Commissioned
	3	6 Nos of bagging machine	Ready for trial run
	4	Cooling Water System	Commissioned
	5	Insulation & Painting	Done
	6	Commercial production	31.01.2022

(D) Completion of work

S. No.	Package	Target Completion
1	Solo run of process air compressor	Completed
2	Commissioning of oxidation system	Completed
3	Commissioning of vent gas system	Completed

4	Commissioning PTA feed & Filtration system	Completed
5	Commissioning of bagging system	Completed
6	Final commissioning i.e. PX cut – in	Waiting for funds from investor to start

Reasons for delay in implementing the project:

- 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 Management.
- The Unit had faced excessive delay in supply of some imported and indigenous equipments / machineries. Some of the important equipment like titanium clad Distillation Columns from L&T were delayed because of industrial related problems like strikes.
- The reactor which is the heart of the mother plant was delayed by TSM of South Korea by over six months, and this was another reason for delay.
- Strike by their own employees recruited under 'Project Disposed Family' scheme by Govt. of Karnataka was another reason for delay.
- Delay in release of payment by bankers / consortium also created delay.

The BoA in its 100th meeting held on 25.09.2020 had approved the extension of validity of LoA for the Unit for a period of one year i.e. upto 15.09.2021 by observing that the unit had already made a substantial investment.

Recommendation by DC, Mangalore SEZ:

Even though JBF had made substantial investment of Rs.6,680 crores in setting up the Unit, it is understood that despite the eight extensions already given to the Unit, the financial stress of the Unit is still continuing and they have many liabilities to repay. During last extension (100th meeting of BoA held on 25th September 2020), the Board extended the LoA upto 15th September 2021 by observing that the unit had already made a substantial investment. At present, the unit had informed that on July 2021, the Banker (IDBI) had published an advertisement inviting Expression of Interest (EoI) for sale of debt of JBF Petrochemicals Ltd. They have also informed that the bidding will be completed in a month.

The Unit is now planning further investment of Rs.600 crores after the 9th extension of LoA and the commencement of production will start by January 2022.

In view of the above, the request of the unit for extension of LoA upto 15th September 2022, may please be considered favorably.

The request is placed before the BoA for its consideration.

106.4 Request for co-developer status (five proposals)

106.4(i) Request for Approval of M/s. Uma Corporation as Co-developer for Weigh Bridge facility in Dahej SEZ (Part-1 & Part-2) at Dahej SEZ, Dist. Bharuch.

M/s. Dahej SEZ Ltd., Developer, Dahej SEZ has entered into a Co-developer agreement with M/s. Uma Corporation to develop facilities for providing & running Weigh Bridge Service in Dahej SEZ (Total-2 Weigh Bridges, one each in SEZ Part-1 and Part-2) for an area of approx. 100 sq. mtr. in each part of Dahej SEZ.

As informed by DC, Dahej, M/s Uma Corporation has entered into a co-developer agreement with the developer on 07.07.2021. The proposed amount of investment by the co-developer is Rs.80 lakh approx. The net worth of the proposed co-developer is Rs.8,17,31,941/- cr.

Recommendation by DC, Dahej SEZ:

It is recommended to Board of Approval to consider the request of M/s. Uma Corporation as Co-developer to develop facilities for providing & running Weigh Bridge Service in Dahej SEZ(Part I and Part 2).

106.4(ii) Request of M/s. Mindspace Infratech Pvt. Ltd., an IT/ITES Unit for approval as Co-Developer status in MIDC-IT/ITES SEZ, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune 411 057 for the purpose of construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ units.

MIDC, Pune SEZ was notified on 07.06.2007 over an area of 223.560 Ha.

M/s. Mindspace Infratech Pvt. Ltd. was granted LoA as a Unit on 20.08.2019 at Plot No.13/2, MIDC-IT/ITES-SEZ. Construction activity has not yet started on the said plot. The Unit has obtained NOC dated 09.04.2021 from the Developer for obtaining Co-Developer status, for the aforesaid activities in processing area. After getting the Co-Developer approval, M/s Mindspace Infratech Pvt. Ltd. will construct and develop the land parcel for optimum utilisation with available FSI and lease out plug & place spaces to prospective IT companies for running their business from the SEZ Campus which will contribute to export growth and generate additional employment. The Specified Officer has issued 'No Dues Certificate' dated 12.07.2021 for cancellation of Letter of Approval of the SEZ-Unit. The unit has been granted Final Exit order from SEZ Scheme under Rule 74 of SEZ Rules, 2006 on 03.09.2021.

Reasons for change in Status from Unit to Co-Developer :

The Unit had stated that they have not started the commercial operation from the said plot of land in the capacity of a Unit holder and due to COVID-19 pandemic, their business is badly impacted, therefore, they don't foresee utilization of entire land of their own use as one of the biggest contracts with one overseas company could not be concluded for which they were planning for such a big infrastructure for setting up SEZ Unit. Therefore, no construction activity was started from the said plot of land and their management has decided to develop said plot of land with application for obtaining Co-Developer status instead of Unit, as of now and subsequently set up their own Unit on 1st Floor of IT-ITES purpose and lease the balance space to other small prospective SEZ Units.

They intend to invest an amount of Rs. 10.0012 Cr. for the project. The Net Worth of the Company is Rs.50.31 crores.

The Co-developer propose to undertake co-developer activities over an area of 4391 sq. mtrs and to construct total 47264.72 sq.ft. of built up area and has proposed total revenue of Rs. 1070.83 Lacs with total employment of 486 (including direct and indirect employment from the units in the SEZ) over a period of 5 years.

M/s. Mindspace Infratech Pvt. Ltd. has entered into a Co-developer Agreement dated 25.03.2021 with the Developer i.e. MIDC.

Recommendation by DC, SEEPZ SEZ:

DC SEEPZ SEZ has recommended the proposal for grant of Co-Developer status to M/s. Mindspace Infratech Pvt. Ltd. under Section 3(11) of SEZ Act, 2005.

106.4(iii) Request of M/s. Infinit Infratech LLP., for approval as a Co-Developer in Plot No. 13/4, MIDC-IT/ITES SEZ, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune 411 057 for the purpose of construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ units.

The said SEZ has been granted formal approval on 03.04.2006 for total 223.56 Ha and notified on 07.06.2007.

DC has informed that LoA was issued to M/s. Infinit Technovision Pvt. Ltd. as an IT/ITES Unit on the same plot, Plot No. 13/4, MIDC-SEZ on 30.04.2015. As the unit did not commence operations within one year period and also did not apply for extension of LOA, the LOA of the Unit lapsed on 29.3.2016.

The plot was initially allotted to M/s. Infinit Technovision Pvt. Ltd. and the same has subsequently been transferred to M/s. Infinit Infratech LLP by MIDC Plot transfer-order dated 14.06.2021 for plot bearing No. 13/4 admeasuring 8216 sq. mtrs. As such, now the plot has been allotted by MIDC to M/s. Infinit Infratech LLP.

Now, M/s. InfinitInfratech LLP which is a newly incorporated Limited Liability Partnership firm in February 2021, intends to take approval as a Co-developer status for construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ units in terms of Instruction No. 50 issued by MOC&I.

The proposal for co-developer status was earlier considered in the 105th meeting of the BoA held on 29.07.2021 wherein DoR noted that it is not clear from the proposal if the unit has remitted all the dues payable at the time of exit and accordingly directions were given to confirm the status of dues and exit of the unit in writing.

DC has informed that based on the observations of BoA, M/s Infinit Technovision Pvt. Ltd. had applied for final exit from SEZ scheme under Rule 74 of the SEZ Rules, 2006. M/s Infinit Infratech LLP has been granted final exit order on 06.09.2021.

M/s. Infinitv Infratech LLP has entered into a co-developer agreement dated 16.06.2021 with MIDC (Developer).

a. Investment and Source of Finance:

As per the proposal, they have projected the following:

	Amt. (Rs. In Lacs)
Cost of project	
Land Cost	461.88
Security Complex, Utility Bldg., SEZ Office etc.	100.00
Boundary Wall, roads other utilities	200.00
Building Construction etc	600.00
TOTAL	1361.88

- b. **Source of Finance :** The project is proposed to be financed from the Promoters in the form of Loans and advances to the tune of Rs. 1361.88 lakhs

• **Reasons for change in status from Unit to Co-Developer :**

M/s. Infinit Technovision Pvt. Ltd had not started commercial operations from the said plot of land in the capacity of a Unit. Therefore, no construction activity had been started on the said plot of land. The Unit intend to become co-developer to construct and develop the existing and remaining land parcel for optimum utilisation with available FSI and lease out plug & place spaces to prospective IT companies for running their business from the SEZ Campus which will contribute to export growth and generate additional employment.

As such, M/s. Infinit Infratech LLP propose to become a Co-Developer and construct new IT space which will be leased to prospective SEZ units in turn who will generate additional export revenue and employment

Space/Land details and proposal for construction:

Total land parcel – 8216 sq.mtrs. (88436.29 sq.ft.)

The unit has proposed a total revenue of Rs. 906.24 Lacs with total employment of 425 (including direct and indirect employment from the SEZ Units) over a period of 5 years.

Recommendation by DC, SEEPZ SEZ:

In pursuance of No dues issued by the Specified Officer and Final Exit order granted to M/s Infinit Technovision, DC, SEEPZ SEZ has recommended the proposal for grant of approval as Co-Developer status to M/s. Infinit Infratech LLP under Section 3(11) of SEZ Act, 2005.

106.4(iv) Proposal of M/s. AEML SEEPZ Limited for Co-Developer status for implementation of reduction of tariff charges for electricity in SEEPZ SEZ.

SEEPZ has two existing distribution licensees namely, M/ s. Adani Electricity Mumbai Limited- AEML (Earlier Reliance Infrastructure (Limited) and M/s. Tata Power Company Limited-TPC, to supply electricity to the Units (consumers) within SEEPZ through their own networks. The cost of power presently being supplied by AEML and TPC is approximately in the range of Rs.9-10 per unit for various categories of consumers within the SEEPZ Area. In order to reduce manufacturing costs and to enable manufacturers in SEEPZ to sustain in the face of competition, it was important that apart from the fiscal benefits, units in SEEPZ-SEZ should have a separate Tariff so that cost of export production is lowered with consequential increase in their competitiveness.

It was discussed in the Video conference held with the Hon'ble CIM with the representative of GJEPC and the Association requesting Ministry to intervene in the matter for lowering the tariff burden on the industries which would help majority on consumers and eliminate cross subsidy and the tariff can be reduced from the present rate resulting in lower power cost to consumers.

SEEPZ-SEZ Authority accordingly initiated the process for a separate distribution licensee thereby appointing a separate company as Co-Developer subject to approval of MERC as per the section 17 of Electricity Act, 2003.

SEEPZ-SEZ Authority placed the proposal in the 42nd Authority Meeting held on 30.09.2020 for reduction of tariff charges for electricity in SEEPZ and the Authority approved the implantation of reduction of tariff charges for electricity in SEEPZ-SEZ and agreed to float a tender viz. Expression of Interest and also directed to scrutinize the EOI for which a consultant may be appointed for the execution of the said proposal.

On the basis of NIT for Expression of interest for developing a methodology for reducing current Electricity Tariff of consumers within SEEPZ area by taking adequate steps to operationalize the Deemed Distribution License as per provision of Electricity Act, 2003 or by any other method only one agency viz. M/s. AEML SEEPZ Ltd. participated in the tender. The Tender Committee recommended, to award the tender of M/s. AEML, subject to approval as a co-developer by BOA.

The selection of M/s. AEML SEEPZ Ltd. was placed in the 44th Authority meeting held on 03.03.2021 informing the members that the work order is being issued to M/s. AEML.

Further, M/s. AEML SEEPZ Ltd. has submitted a Form A-1 vide letter dated 07.09.2021 and stated that AEML shall file an application before Hon'ble MERC under Section 17 (3) of the Electricity Act, 2003, for transfer of assets of AEML Regulatory books in SEEPZ-SEZ area to AEML SEEPZ Limited including, normative regulatory loan, etc. as may be approved by Hon'ble MERC. Upon grant of approval by Hon'ble MERC, AEML SEEPZ Ltd. shall carry out the distribution operations in SEEPZ-SEZ area with the assets transferred from AEML. There will not be any requirement of a Network Rollout Plan. Hence no capital expenditure will be required for network roll out. The co-developer proposes to cover the total area of SEEPZ SEZ i.e. 3,75,013 sq. mtr and the additional area of 11 acres merged in 2002.

However, yearly capital expenditure shall be required for augmentation/ improvement of distribution network for catering to additional load of consumers in SEEPZ-SEZ area. Additional capitalization of Rs.5 crore per annum is considered towards network improvement for catering to additional load of existing consumers. This would be however, subject to the actual development and consequently the actual load materialization over-time, subject to approval by the Hon'ble MERC.

AEML SEEPZ Ltd. is an SPV of Adani Electricity Mumbai Limited (AEML), a Distribution Licensee holding a licence issued by the Hon'ble MERC. The net worth of AEML for FY 20-21 till 30th September, 2020 is Rs.4,512.15 crore. A copy of Agreement between SEEPZ-SEZ Authority and M/s. AEML SEEPZ Limited has been provided.

Recommendation by DC, SEEPZ SEZ:

The proposal has been examined and recommended with the following observations:

- i. M/s AEML SEEPZ Ltd. has submitted Form A1 in prescribed format.
- ii. The applicant has submitted application for approval of co-developer status for developing methodology for reducing current Electricity Tariff of consumers within SEEPZ area by taking adequate steps to operationalize the Deemed Distribution License as per provision of Electricity Act, 2003 or by any other method.

Therefore, the proposal is recommended for approval of co-developer for implementation of reduction of tariff charges for electricity in SEEPZ SEZ for consideration of the BoA.

106.4(v) Request of International Financial Services Centres Authority (IFSCA), for Approval as Co-Developer in Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, developed by M/s. GIFT SEZ Limited.

M/s. GIFT SEZ Limited, Gandhinagar, was approved by the Government of India, vide Formal Approval dated 07.01.2008, for setting-up sector specific SEZ for multi-services at Villages Ratanpur and Phiropur, District Gandhinagar, Gujarat, and notified vide Notification dated 18.08.2011 over an area of 105.4386 hectares.

Thereafter, the Government of India enacted the International Financial Services Centres Authority Act, 2019 (No. 50 of 2019) by which functions and powers of 1) The Reserve Bank of India; 2) The Securities and Exchange Board of India; 3) The Insurance Regulatory and Development Authority of India; and 4) The Pension Fund Regulatory and Development Authority, were unified exclusively for servicing/regulating approved units in IFSC-SEZ at GIFT-multi-services-SEZ, Gandhinagar. Further, the Government of India vide Notification No. S.O. 1383 (E), dated 27.04.2020, notified establishment of IFSC Authority (IFSCA) and the head office of the Authority to be at Gandhinagar, Gujarat.

Now, the said IFSC Authority vide their application in Form-A1, dated 04.09.2021 have sought approval as a Co-Developer in GIFT-multi-services-SEZ Gandhinagar, Gujarat, for development and regulation of International Financial Services Centres and has the development rights for 3,00,000 sq. ft. (27,870.91 sq. mtrs.) of built-up area for development of IFSCA Headquarters (IFSCA HQ) building within GIFT-SEZ processing area. The said application is accompanied by Co-developer's Agreement, and draft lease-cum-development Agreement (Lease Deed). The draft lease agreement is for 99 years.

Since the GIFT-multi-services SEZ, Gandhinagar is functional with over 300 plus broad sector services units approved including the financial services units of Banks, Insurance companies, Stock Exchanges, Clearing Houses, related units aviation products/services leasing companies, other ancillary services units, and upcoming products exchanges, marines services units, which requires the facilitation, guidance, services of the IFSC Authority, it is appropriate for the said Authority to have its own premises to cater to their requirement and other approved entities.

Recommendation by DC, GIFT SEZ:

In view of the increase in economic activity and other developments at GIFT-SEZ, Gandhinagar, DC has recommended the proposal of International Financial Services Centres Authority, Gandhinagar, as a Co-Developer in the above notified SEZ, subject to approval by the Board of Approval.

106.5 Change of name, shareholding pattern, merger/demerger etc. (five proposals)

106.5(i) Request for approval of change of 100% shareholding pattern in the co-developer entity – Mundra International Airport Pvt. Ltd. (MIAPL) from Adani Ports and SEZ Ltd. to Adani Airport Holdings Limited.

Mundra International Airport Pvt. Ltd. (MIAPL), a subsidiary of Adani Ports and SEZ Ltd. had been granted co-developer status in Adani Ports and Special Economic Zone, Mundra, Kutch to develop, operate and maintain a full-fledged airport with required facilities for cargo and passenger facilities.

MIAPL proposes to transfer 100% of their equity shareholding from APSEZL to Adani Airport Holdings Limited (AAHL), thereby MIAPL shall become a 100% subsidiary of AAHL. AAHL is the 100% subsidiary of Adani Enterprise Ltd. which is currently operating several airports in the country and also developing greenfield airport at Navi Mumbai. The proposal of transfer of shareholding has been approved through a Board Resolution dated 14.07.2021.

It has been stated that the airport operations require vigorous monitoring for safety and regulatory compliances, therefore to undertake activities in a focused manner, they have decided to consolidate all airport business activities of the group into the Airport Company in Adani Airport Holdings Pvt. Ltd (AAHL).

The Co-Developer has further informed that apart from change in shareholding pattern, there is no change in the co-developer status of the Company and MIAPL shall continue as a co-developer to operate the activities in APSEZ as going concern and agree to fulfil the conditions stipulated in Instruction no.89 dated 17.05.2018.

The details of existing and proposed shareholding pattern is as below:

Authorized Capital : 35,00,000 Equity Shares of Rs.10 each

Paid-up Capital : 35,00,000 Equity shares of Rs.10 each

Shareholding pattern - Current			Shareholding pattern – after transfer		
Members	Shares Held	%	Members	Shares Held	%
Adani Ports and Special Economic Zone Limited (APSEZL)	34,99,900	100	Adani Airport Holdings Limited (AAHL)	34,99,900	100
Kunjal Mehta (Nominee of APSEZL)	50	0	Mr. Ravi Taparia (Nominee of AAHL)	50	0
Kamlesh Bhagia (Nominee APSEZL)	10	0	Mr.Dharmesh Desai (Nominee of AAHL)	10	0
Anish Shah (Nominee of APSEZL)	10	0	Mr.Viresh Chauhan (Nominee of AAHL)	10	0
Jaymeen Patel (Nominee of APSEZL)	10	0	Mr.Tushar Shah (Nominee of AAHL)	10	0
Abhishek Bansal (Nominee of APSEZL)	10	0	Mr.Kapil Batra (Nominee of AAHL)	10	0
Janmejay Bhatt (nominee of APSEZL)	10	0	Mr.Ashu Shah (Nominee of AAHL)	10	0
Total	35,00,000	100		35,00,000	100

Recommendation by DC, APSEZ, Mundra:

The proposal is recommended by DC, APSEZ, Mundra for placing before the Board of Approval.

106.5(ii) Request for approval of transfer of 100% equity shareholding in MPSEZ Utilities Limited (co-developer) from Adani Ports and SEZ Ltd. to Adani Transmission Limited.

MPSEZ Utilities Limited (MUL) has been granted co-developer status in Adani Ports and Special Economic Zone, Mundra, Kutch for carrying out the business of distribution of electricity and other utilities within the SEZ.

The co-developer has proposed to transfer 100% of their equity shareholding from Adani Ports and Special Economic Zone Ltd (APSEZL) to Adani Transmission Limited (ATL) in order to enable the co-developer leverage the expertise developed by ATL in the distribution arena. It has been stated that such transfer of the shareholding shall also enable them extend world class experience to the end customers in the SEZ. The proposal of transfer of shareholding has been approved through their Board Resolution dated 14.07.2021.

The Co-Developer has further informed that apart from change in shareholding pattern, there is no change in the co-developer status of the Company and MUL shall continue as a co-developer to operate the activities in APSEZ as going concern.

The details of existing and proposed shareholding pattern is as below:-

Authorized Capital : 1,31,50,000 Equity Shares of Rs.10 each

Paid-Up Capital : 1,31,35,000 Equity Shares of Rs.10 each

Shareholding pattern- current			Shareholding pattern – After transfer		
Members	Shares held	%	Members	Shares held	%
Adani Ports and Special Economic Zone Limited (APSEZL)	1,31,34,900	100	Adani Transmission Limited (ATL)	1,31,34,900	100
Kunjali Mehta (Nominee of APSEZL)	50	0	Mr.Jaladhi Shukla (Nominee of ATL)	50	0
Kamlesh Bhagia (Nominee of APSEZL)	10	0	Mr. Jay Ambani (Nominee of ATL)	10	0
Anish Shah (Nominee of APSEZL)	10	0	Mr.Chetania Shah (nominee of ATL)	10	0
Jaymeen Patel (Nominee of APSEZL)	10	0	Mr.Pritesh Shah (Nominee of ATL)	10	0
Abhishek Bansal (Nomine of APSEZL)	10	0	Mr.ChiragSoni (Nominee of ATL)	10	0

Janmejaya Bhatt (Nominee of APSEZL)	10	0	Mr. Ravi Jain (Nominee of ATL)	10	0
Total	1,31,35,000	100		1,31,35,000	100

Recommendation by DC, APSEZ, Mundra:

The proposal is recommended by DC, APSEZ, Mundra for placing before the Board of Approval.

106.5(iii) Request for change of name of M/s Nokia Telecom SEZ Park Society, co-developer at Nokia Telecom SEZ located at SIPCOT Industrial Park, Kancheepuram Distt., Tamil Nadu to M/s Salcomp Industrial Park Society.

M/s. Nokia Telecom SEZ Park Society is the Co-Developer at Nokia Telecom SEZ, SIPCOT Industrial Park, Phase-III- A1, Sriperumbudur, Kancheepuram District, Tamil Nadu, an IT/ITES SEZ spread over a notified area of 63.6132 hectares. The SEZ is operational.

As informed by DC, the co-developer has submitted that M/s Salcomp Industrial Park Society have become the major shareholder in M/s Nokia Telecom SEZ Park Society hence, the management of M/s Salcomp Industrial Park Society has decided to change the name of the Society. The same has been proposed and approved in the Society's General Body meeting held on 13st January, 2021. The Co-Developer has also stated that consequent upon the change, there have not been any other changes made other than to society name change. They have also submitted an Undertaking in a non-judicial stamp paper, for seamless continuity of their SEZ activities with unaltered responsibilities and obligations for the altered entity.

The co-developer has provided the Certificate of Registration in the name of M/s Salcomp Industrial Park Society issued under Tamil Nadu Societies Registration Act, 1975 on 24.02.2021.

Recommendation by DC, MEPZ SEZ:

The request of the Co-Developer for approval of their change of name of the Society from M/s Nokia Telecom SEZ Park Society to M/s Salcomp Industrial Park Society is recommended for consideration of BOA.

106.5(iv) Request of M/s. Experion Hospitality (Hyderabad) Pvt. Ltd. for approval for transfer of their shares to M/s. Phoenix Ventures Pvt. Ltd., developer of the IT/ITES SEZ at Ranga Reddy District, Telangana.

M/s. Phoenix Ventures Pvt. Limited was issued formal approval on 26.04.2017 for setting up an IT/ITES SEZ at Sy. No. 35 P & 36, Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana and stands notified over an area of 2.89 hectares.

M/s. Experion Hospitality (Hyderabad) Pvt. Ltd. was issued formal approval on 1.10.2018 as co-developer for providing infrastructure facilities and other operations in built up space of 83,610 sq.ft. in the above SEZ.

The co-developer has informed that the developer has proposed to acquire the entire ownership of their company through purchase of shares from the present shareholders of Experion.

The present shareholders have issued their consent for sale of shares of Experion to the above developer.

The change in shareholding is as under:

Present shareholding		Post shareholding pattern	
Name of shareholder	Shareholding %	Name of shareholder	Shareholding %
M/s. Experion Hospitality (Hyderabad) Pvt. Ltd. and its nominees	100	M/s. Phoenix Ventures Pvt. Ltd. and its nominees	100

DC informed that the Office of the Directorate of Enforcement, Jaipur vide letter dated 10.07.2020 had informed of certain inquiries being conducted by their office under the provisions of FEMA, 1999 against M/s. Experion Hospitality Hyderabad Pvt. Ltd. (formerly known as Gold Resorts and Hotel (Hyderabad) Pvt. Ltd.), RoC –Delhi claiming FDI investment for purchase of land.

The matter was examined in DoC and vide letter dated 09.08.2021 requested ED, Jaipur to convey the status of the enquiry along with their comments/no objection to the proposed transfer of shares to the Developer. In response, Assistant Director, ED, Jaipur vide letter dated 17.08.2021 has informed that investigation in the matter is underway. That, no such direction to take No Objection Certificate from them has been given. Therefore, suitable action as per applicable law may be taken in the matter.

It was decided to invite representative of ED Jaipur in the BOA meeting for this matter.

Recommendation by DC, VSEZ:

The request of M/s. Experion Hospitality (Hyderabad) Pvt. Ltd. for transfer of shareholding pattern of their company to M/s. Phoenix Ventures Pvt. Ltd. has been forwarded for consideration.

106.5(v) Request of M/s. TRIL InfoPark Limited (Developer) for taking on record change in shareholding pattern of the developer.

M/s. TRIL Infopark Limited is the Developer of TRIL Infopark Limited SEZ an IT/ITES SEZ bearing LOA dated 20.08.2008 spread over an area of 10.115 hectares at Old Mahabalipuram Road, Chennai, Tamil Nadu. This is an operational SEZ.

The developer has intimated about the change in shareholding pattern and consequent change in the Board of Directors of the company for approval of BoA. The sale of shares has been approved by the Board Resolution. The details of the present and the new Shareholding Pattern are as follows:

Current Share Holding Pattern			Proposed Shareholding pattern		
Name of shareholder	% of Shareholding	No. of shares held	Name of shareholder	% of Shareholding	No. of shares held
Equity shares					
Tata Realty and Infrastructure Limited (TRIL)	83.85	628,899,994	Tata Realty and Infrastructure Limited (TRIL)	100	74,99,99,994
Tata Realty and	0.00	6	Tata Realty and	0	6

Infrastructure Limited Jointly with individuals 6			Infrastructure Limited Jointly with individuals 6		
The Indian Hotels Company Limited (IHCL)	9.48	7,11,00,000			
Tamil Nadu Industrial Development Corporation Limited (TIDCO)	6.67	5,00,00,000			
Total	100.00	75,00,00,000		100	75,00,00,000

Consequent upon the change in shareholding pattern of the company, the company has submitted the present and post list of Directors which are as follows:

Present list of Directors as on 01.09.2021			Proposed list of Directors	
Sl. No.	Name of the Director	DIN No.	Name of the Director	DIN No.
1.	Mr. Sanjay Dutt (Nominated by Tata Realty)	05251670	Mr. Sanjay Dutt (nominated by Tata Realty)	05251670
2.	Mr. Bhavesh Madeka (Nominated by Tata Realty)	06604406	Mr. Bhavesh Madeka (Nominated by Tata Realty)	06604406
3.	Ms. Reshma Chheda (Nominated by Tata Realty)	08364424	Ms. Reshma Chheda (Nominated by Tata Realty)	08364424
4.	Mr. Senthil Kumar (Nominated by TIDCO)	07283218		

Recommendation by DC, MEPZ:

The request of the developer for taking on record the change in shareholding pattern and consequent change in the Board of Director is recommended for consideration of BoA.

106.6 Procurement of restricted items from DTA (three proposals)

106.6(i) Procurement of sand/soil by Kandla SEZ units and ratification of approval granted under delegation of powers granted to Development Commissioner.

DC, KASEZ has granted permission/approval to following SEZ units in Kandla SEZ for procurement of sand/soil and other infrastructure material for undertaking authorized operations in SEZ, in terms of provisions of Rule 27 of SEZ Rules, 2006 under delegation of powers to the Development Commissioner vide MoC&I letter dated 18.05.2020: -

Sr. No.	Name of the Unit	Materials permitted	Quantity Permitted	Date of approval
1.	Schmetz India Pvt. Ltd.	Sand	100 MT	05.07.2021
2.	JMBM Warehousing	Sand	60 MT	05.07.2021
3.	Mission Pharma Logistics (India) Pvt. Ltd.	Sand	350 MT	09.07.2021
4.	Transworld Furtichem Pvt.	Sand	300 MT	05.08.2021

	Ltd.			
5.	Kutch Polymers	Sand	60 MT	05.08.2021

Recommendation by DC, KASEZ:

The permission granted to above units is submitted before the BoA for ratification.

106.6(ii) Procurement of sand/soil by SEZ units in various SEZs under DC, VSEZ and ratification of approval granted under delegation of powers granted to Development Commissioner.

DC, VSEZ has granted permission/approval to following SEZ units for procurement of sand/soil and other infrastructure material for undertaking authorized operations in SEZ, in terms of provisions of Rule 27 of SEZ Rules, 2006 under delegation of powers to the Development Commissioner vide MoC&I letter dated 18.05.2020: -

Sl. No.	Name of the Unit	Name of SEZ	Material	Permitted quantity	Date of approval
1.	M/s. Mylan Laboratories Ltd.	Ramky SEZ	Sand	200 MT	20.11.2020
2.	M/s. Eisai Pharmaceuticals India Pvt. Ltd.	Ramky SEZ	Sand	200 MT	26.04.2021
3.	M/s. Granules Omnichem Pvt. Ltd.	Ramky SEZ	M. Sand	2,200 cubic meter	16.08.2021
4.	M/s. Granules Omnichem Pvt. Ltd.	Ramky SEZ	River Sand	3,600 cubic meter	16.08.2021
5.	M/s. Granules Omnichem Pvt. Ltd.	Ramky SEZ	Soil (Murram)	800 cubic meter	16.08.2021
6.	M/s. Jyothi Quartz Surfaces	APIIC Bldg. Product SEZ	Sand	1500 MT	16.08.2021

Recommendation by DC, VSEZ:

The permission granted to above units is submitted before the BoA for ratification.

106.6(iii) Proposal of M/s Laxmi Ideal Interiors for procurement of 'Mother of Pearl' as raw material in respect of its unit located in the Multi-Product SEZ of M/s Mahindra World City (Jaipur) Ltd. at Village Kalwara, Jhai, Bhamboriya, BagruKhurd&Newta, Tehsil-Sananer, Distt. Jaipur, Rajasthan.

M/s. Laxmi Ideal Interiors was granted LoA on 06.01.2020 for setting up of unit in the Handicraft SEZ (now merged as Multi-Product SEZ) of Mahindra World City (Jaipur) Ltd. at Jaipur (Rajasthan) subsequently amended on 13.04.2021 for manufacturing of handicraft items. The unit had commenced its operation w.e.f. 08.06.2012 and after completion of first five years, the LOA of the unit has been renewed upto 07.06.2022.

The unit had proposed inclusion of additional items in the LoA. The Approval Committee in its meeting held on 22.03.2021 had approved the proposal for inclusion of various items, while considering the proposal of the unit for inclusion of additional items of manufacture in LOA, the Approval Committee clarified that procurement of Mother of Pearl (ITC HS Code 96019090) is

‘Restricted’, hence procurement of Mother of Pearl from DTA shall not be allowed. However, Approval Committee pointed out that procurement of the restricted item i.e. Mother of Pearl from DTA can be allowed by Board of Approval.

As informed by DC, NSEZ, the unit requested to allow procurement of Mother of Pearl (ITC HS Code 96019090) from DTA for manufacturing of following items:-

Items description	ITC(HS) Code
i. Artistic/Handicraft item made of Bone Inlay, Mother of Pearl, Iron, brass, aluminium, silver leather, ceramic, glass & other handicraft items	96019090, 4414000
ii. Handicraft Stone tiles, Handicrafted Raku Ceramic Tiles, Handicrafted Shattered Glass tiles (with & without inlay work), Handicrafted Wooden with Metal Tiles, Handicrafted glass with Metal Tiles, Handicrafted marble(with & without inlay work) Limistone Sandstone, Granite (with & without work) sand stone, Quartzite, Handicrafts all type of stone with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates & Other Coloured stones, Handicrafts glass tiles with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates & Other Coloured Stones.	68022900, 69149000, 74199930, 70139900, 70200090

The BoA in its meeting held on 29.07.2021, while considering the proposal of the Unit for procurement of “Mother of Pearl” as raw material observed as below:

“fourth proviso under Rule 27(1) of the SEZ Rules, provides for supply of raw material (restricted) to SEZ unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending with the prior approval of BoA. The issue that the proposed manufacturing activity of the unit involved cutting and grinding was raised.

The Board, after deliberations, decided to defer the proposal with the direction to DC, NSEZ to examine the activity proposed by the unit and submit a report.”

As informed by DC, NSEZ, the unit has submitted manufacturing process of “Articles decorated with Mother of Pearl”. The same is reproduced below:-

Step No.	Procedure
1	Wooden product manufactured with carving/plain product of the design in SEZ unit on which inlay should happen
2	Product sent to DTA for job work for Mother of Pearl Inlay
3	DTA Vendor will fill & Affix The Mother of Pearl as per the design in the carved portion of the wood or on the plain/top of the surface.
4	Quality Check is done at vendors place and if the product is found ok, it is sent back by vendor (DTA unit) to SEZ unit
5	After receipt of article decorated with Mother of Pearl hardware is fixed and clear Lacquer is sprayed and final quality is checked before shipping/exported to counters like Australia, Europe, USA etc.

Recommendation by DC, NSEZ:

The matter has been examined and this seems to be case of both sub-contracting covered under Rule 41 and domestic procurement of restricted items under Rule 27. This shall be subject to permission and NOC for the non-violation of CITES/Wildlife Crime Control Bureau. Since, this would provide flexibility to the Unit to meet its value added export orders, DC NSEZ recommends this proposal.

The proposal is placed before BoA for consideration.

106.7 Miscellaneous cases (two proposals)

106.7(i) Request of M/s. Pooja Scrap Industries, a unit in VSEZ for extension/renewal of validity of LoA for the balance period of three years i.e. from 31.08.2021 to 30.08.2024 in the block of five years i.e. 31.08.2019 to 30.08.2024.

M/s. Pooja Scrap Industries, a unit in VSEZ was granted Letter of Approval on 15.12.1997 for recycling of imported scrap (Ferrous & Non-Ferrous). The unit had commenced production w.e.f 31.09.1999 and continuing its operations in the zone since then. The Letter of Approval granted to the unit was extended from time to time as per the provisions of the SEZ Rules, 2006. The last extension was granted by DoC vide letter on 16.01.2020 for a further period of two years i.e. from 31.08.2019 to 30.08.2021 in the block period of five years i.e., from 31.08.2019 to 30.08.2024 to see the performance of the unit and further extension shall be considered by the Board.

DC has informed that during the extended period of two years i.e. from 31.08.2019 to 30.08.2020, the unit has affected exports for a value of Rs.9448.00 lakhs and imported goods for a value of Rs.9285.00 Lakh. Upon expiry of the Letter of Approval the unit has requested for extension of the validity of the LoA for the balance period of three years i.e., 31.08.2021 to 30.08.2024. As per the provisions of the SEZ Rules 2006, the performance of the unit has been reviewed for extended period of two years i.e., 31.08.2019 to 30.08.2021 to see the performance of the unit and the review of the performance revealed that the unit has a positive NFE of Rs. 163.00 lakhs.

At the time of submission of the request earlier for extension/renewal of the Letter of Approval for a further period of five years, the unit had informed that they have taken additional space and added new machinery in the unit like Rotary Furnace, Skelner Furnace, ingot casting machine, Spectrometer, Pollution control equipment with an additional investment of Rs.2.80 crores. The unit has informed that they are planning to manufacture value added products like Aluminum Ingots, Aluminum Billets, Aluminum circles with the help of the above machinery and export the same to the international customers. The unit has furnished the projections earlier for the next five years as per which the exports projected were Rs.157.75 Cr. and foreign exchange outflow is Rs.140.00 Cr. and NFE is Rs.17.75 crores. The unit has informed that they will employ nearly 105 persons both of skilled and semi-skilled work force. Keeping in view of the above, the unit has requested for extension of the validity of the Letter of Approval for a further period of five years from 31.08.2021 to 30.08.2024.

In terms of Rule 18(4) (d) of SEZ Rules,2006 — No proposal shall be considered for import of other used goods for recycling provided that extension of letter of approval for an existing unit shall be decided by the Board.

As M/s. Pooja Scrap Industries was granted Letter of Approval vide LoA dated 15.12.1997 and the unit is continuing its operations in the Zone for the last 24 years and running the operations since then in the zone, the unit is an existing unit as such M/s.Pooja Scrap Industries is covered under sub-rule(d) of Rule-18(4) of SEZ Rules,2006 (import of other used goods for recycling which requires the approval of BoA.

Recommendation by DC, VSEZ:

The request of M/s.Pooja Scrap Industries for extension/renewal of the validity of the Letter of Approval for the balance period of three years i.e., from 31.08.2021 to 30.08.2024 for recycling of imported scrap (Ferrous and Non-ferrous) is forwarded duly recommending the proposal for extension/renewal of the validity of the Letter of Approval for a further period of three years i.e., from 31.08.2021 to 30.08.2024.

106.7(ii) Request of M/s. Reliance Aerostructure Ltd., co-developer, MIHAN SEZ for increase in area from existing 104 acre to 123.85 acre i.e. increase by 19.85 acre at Plot No.4B, Sector-9, Mihan SEZ.

M/s Reliance Aerostructure Ltd. has been granted Formal Approval on 19.07.2017 as Co-Developer for providing infrastructure facilities at MIHAN SEZ over an area of 104 acres at Plot No. 3 & 4 A, MIHAN SEZ.The Bond cum LUT for Co-Developer has been executed and accepted by Development Commissioner, MIHAN SEZ on 30.10.2017. Draft Co-developer Agreement entered into with the Developer has been provided.

Now, M/s Reliance Aerostructure Ltd. has requested for addition of area i.e. Plot No. 4B, Sector-9, MIHAN SEZ admeasuring area of 19.85 acre.

Recommendation by DC, MIHAN SEZ:

The proposal of M/s Reliance Aerostructure Ltd. Co-Developer for addition of area i.e. Plot No. 4B, Sector-9, MIHAN SEZ admeasuring area of 19.85 acreis recommended for BOA consideration.

106.8 Request for Change in sector (one proposal)

106.8(i) Application of M/s. Arshiya Limited for change of sector of its Free Trade Warehousing Zone at Village Sai, Taluka-Panvel, Dist. Raigad, Maharashtra into 'Multi Sector SEZ' in terms of Rule 6(A)(i) of the SEZ Rules, 2006.

M/s. Arshiya Limited was granted LoA on 27.02.2009 by the DOC for setting up of Free Trade Warehousing Zone at Village Sai, Taluka-Panvel, Dist. Raigad, Maharashtra. The FTWZ stands notified over an area of 57.898 ha and is operational.

DC, SEEPZ SEZ has informed that the developer vide their letter dated 05.11.2020 has submitted proposal in Form-C3 for change of sector from 'Free Trade Warehousing Zone' to 'Multi-Sector SEZ'. The Industries, Energy and Labour Department of Government of Maharashtra has vide letter dated 27.07.2021 conveyed their 'No objection' for the change of FTWZ SEZ to Multi-sector SEZ. It has further been informed that the entire notified area of 57.898 Ha is contiguous and meeting all the following conditions:

- Minimum contiguous land area requirement under the SEZ Act & Rules.
- Minimum processing area requirement.
- FTWZ area duly demarcated being exclusively used for trading and warehousing purpose.
- Entry/Exit for each pocket of sector in total notified area of 57.898 Ha.

As per Rules 5(2)(a) of SEZ Rules, 2006 (as amended vide Notification No. 940(E) dated 17.12.2019), "A Special Economic Zone or Free Trade Warehousing Zone other than a Special Economic Zone for Information Technology or Information Technology Enabled Services, Biotech or Health (other than hospital) service, shall have a contiguous land area of fifty hectares or more."

Recommendations of DC, SEEPZ SEZ:

In view of the above, the request of the applicant M/s. Arshiya Limited FTWZ for change in sector from Free Trade and Warehousing Zone to Multi Sector – SEZ in terms of Rule 6(A)(i) of SEZ Rules, 2006 is recommended to the Board of Approval for consideration.

106.9 Proposal for setting up of SEZ (two proposals)

106.9(i) Request of M/s. Dahej SEZ Limited for setting up of a Multi-Product SEZ at Pakhajan, Tal. Vagra, Dist. Bhaurch, Gujarat over an area of 650 Ha.

As per DoC's letter dated 07.01.2019, the documents/conditions required for setting up of a Special Economic Zone in terms of the SEZ Act, 2005 and the SEZ Rules, 2006, and the latest status thereof are as below:

S. No.	Conditions /Documents required	Status
A.	Documents required for setting up of SEZ in terms of Rule 3 of SEZ Rules, 2006:	
(i)	Completed Form-A (with enclosures) <ul style="list-style-type: none"> Total Proposed investment : Rs. 955 Crore FDI (in US \$) : Nil Proposed Exports : Rs. 290041 Crores by FY 2025 Employment (in Nos.) : 1st Year = 22908, 2nd Year = 34362, 3rd Year = 45816, 4th Year = 57270 and 5th Year = 68726 	Yes, provided
(ii)	DC's Inspection Report	Yes, provided
(iii)	State Government's Recommendation	Yes, provided
(iv)	Recommendation for National Security Clearance (NSC) from Ministry of Home Affairs as per Rule 3 of SEZ Rules, 2006.	DC, Dahej SEZ vide letter dated 08.09.2021 has informed that so far as guidelines of MHA, Govt regarding (i) Country Sensitivity, (ii) Geographical Sensitivity and (iii) Sector Sensitivity are concerned, <u>National Security Clearance from MHA is not required for the proposed new Multi Product SEZ at Pakhajan.</u>

		Tal. Vagra, Dist. Bhaurch
B.	Minimum area requirement (50 Ha) in terms of Rule 5 of SEZ Rules, 2006.	Yes, the condition is met as the proposed land area is 650 Ha.
C.	Details to be furnished in terms of Rule 7 of SEZ Rules, 2006:	
	(i) Certificate from the concerned State Government or its authorised agency stating that the Developer has: <ul style="list-style-type: none"> • Legal Possession, and • Irrevocable rights to develop the said area as SEZ, and • That the said area is free from all encumbrance. 	DC has stated that the Developer has got the possession of approx. 485 hectares of land from GIDC and remaining area of land is in process of acquisition. The Certificate will be obtained and submitted on completion of remaining land acquisition process. Possession Letter dated 12.11.2020 issued by GIDC handing over land area admeasuring 485.8475 Ha to DC, Dahej SEZ has been provided.
	(ii) Whether the Developer has leasehold right over the identified area. The lease shall be for a period not less than twenty years.	DC has informed that on acquisition of land of proposed SEZ, the Developer will execute the Lease Deed with GIDC.
	(iii) The identified area shall be Contiguous, Vacant and No thoroughfare.	DC has stated that the area is contiguous, vacant and no thoroughfare.

Rule position :

In terms of Rule 6(1) of the SEZ Rules, 2006 regarding LoA to the Developer;

The Central Government shall, within a period of thirty days of the communication received by it under clause (a) or clause (b) of Sub-section (9) of Section 3 of the Act grant following approvals: —

(a) formal approval in the cases where land is in possession of the developer in Form-B to the person or the State Government concerned or in Form-C, if the approval is for providing infrastructural facilities in the Special Economic Zone, incorporating additional conditions, if any, specified by the Board while approving the proposal;

(b) in-principle approval in other cases in Form-B 1 to the person or the State Government concerned, incorporating additional conditions, if any specified by the Board while approving the proposal.

Recommendations by DC, Dahej SEZ:

DC, Dahej has recommended the above proposal to grant **In-principle approval** with a validity period of one year.

106.9(ii) Proposal of M/s. VSF Projects Limited for setting up of a Multi-Product FTWZ at Ankulpaturu Village, SPSR Nellore District, Andhra Pradesh over an area of 50 Ha (132.96 Acres).

As per DoC's letter dated 07.01.2019, the documents and conditions required for setting up of a new SEZ and the status thereof are as below: -

S. No.	Conditions /Documents required	Status
A.	Documents required for setting up of SEZ in terms of Rule 3 of SEZ Rules, 2006:	
(i)	Completed Form-A (with enclosures) A. Total Proposed investment : Rs.439.86 Crore B. FDI (in US \$) : 31 million C. Source of FDI : M/s. Red Cliffee Capital, London, UK D. Employment (in Nos.) : 100 to 600	Yes, provided
(ii)	DC's Inspection Report	Yes, provided
(iii)	State Government's Recommendation	Yes, provided
(iv)	Recommendation for National Security Clearance (NSC) from Ministry of Home Affairs as per Rule 3 of SEZ Rules, 2006.	DC has confirmed that NSC is not required.
B.	Minimum area requirement in terms of Rule 5 of SEZ Rules, 2006.	Yes, the condition is met. The proposed area is 50 Ha.
C.	Details to be furnished in terms of Rule 7 of SEZ Rules, 2006:	
(v)	Certificate from the concerned State Government or its authorised agency stating that the Developer has: <ul style="list-style-type: none"> Legal Possession, and Irrevocable rights to develop the said area as SEZ, and That the said area is free from all encumbrance. 	Clear certificate/ recommendation for irrevocable rights is not available. However, A Certificate from Revenue Inspector, Chillakur Mandal, SPSR Nellore District stating that the proposed land (132.96 Ha) is in possession of the Developer and <u>they have the right to develop SEZ</u> - has been provided. Encumbrance certificates have been provided.
(vi)	Whether the Developer has leasehold right over the identified area. The lease shall be for a period not less than twenty years.	Sale deeds provided

(vii)	The identified area shall be Contiguous, Vacant and No public thoroughfare	DC has stated that the land is contiguous and vacant.
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Recommendations of DC, VSEZ:

The proposal has been recommended by DC for consideration and approval by the BoA.

106.10 Appeal (one appeal)

106.10(i) Appeal dated 18.08.2021 filed by M/s Mikado Realtors Private Limited against the decision of the UAC, NSEZ rejecting the request for exemption for the labour charges paid for installation of electric cable from Electricity Department outside the zone to the power station in the zone.

Background of the case: M/s Mikado Realtors Private Limited was granted formal approval for setting up of sector specific SEZ for Electronic Hardware, IT/ITES over an area of 11.028 Ha at village Behrampur & Balola District, Gurgaon, Haryana on 30.10.2008.

In the course and process of performing their authorized operations, the appellant is required to establish certain facilities including uninterrupted supply of power to the units to be established in the zone. They had accordingly approached the electricity department to provide electrical connection of ultimate load 25992 KW and the electrical department on 02.06.2020 advised them to arrange for laying of cable from their outlet to the zone. They were also advised to engage an authorized contractor for laying of the cable and accordingly they had engaged M/s Serge Engineers for laying the cable. The developer has issued two separate contracts inter alia for supply of materials (goods) and for installation of materials (services).

The developer had applied to the Development Commissioner for permission to lay down the electrical cable from the source to their zone. The Unit Approval Committee in its meeting held on 04.03.2021 deliberated on the request of the developer and vide letter dated 24.03.2021 the developer was granted approval for authorized operation of Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.

Contentions of the appellant:

The appellant submits that in the said approval it has been specified that no tax benefits would be extended to any construction activity outside the premises from source to the SEZ without differentiating the fact that there is an inherent difference between the supply of goods and its utilization thereof and supply of services and its utilization thereof and there cannot be a standard application of law for both as each stand on a different footing and are independent of each other.

The decision of the UAC was received by the developer on 07.04.2021. Being aggrieved by the decision of rejecting approval for exemption from taxes for supply of services, the appellant is preferring this appeal to the BoA as per the powers granted to the board under Section 9(g) read with Section 9(2b) of the SEZ Act, 2005.

The appellant submits that the period provided for in Rule 56 of the SEZ Rules has expired and the appeal is being preferred after the expiry of 45 days from the date of communication of the order of the DC. The appellant takes plea that the appeal is maintainable in terms of order of the

Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No. 3 of 2020 dated 08.03.2021 regarding cognizance for extension of limitation due to onset of Covid-19 pandemic.

Grounds of Appeal :

- i. As per Section 16(1)(b) of the IGST Act, 2017, supply of goods or services or both to a SEZ developer of unit is zero rated supply and as per Section 7(5)(b) of the IGST Act, the supply of goods or services or both to a SEZ developer or unit shall be treated to be a supply of goods or services or both in the course of inter-State trade or commerce.
- ii. The IGST Act, 2017 provides for place of supply of services where location of supplier and recipient is in India.
- iii. The service provided by the contractor, M/s Serge Engineers squarely covered under sub-section 12(3)(a) of the IGST Act, 2017 and it is therefore submitted that the place of supply of the services of installation and laying of the electrical cable would be the location of the appellant, which is a SEZ.
- iv. On conjoint reading of the MoC&I notification dated 27.10.2006, Section 12 and Section 16 of the IGST Act, 2017, it emerges that supply of power to units is an authorized operation for a developer of a zone and the place of supply of services of laying and installation of the electrical cable in the zone and the same stands zero rated or exempted and it is therefore submitted that the supply of services by the contractor is exempt ab initio.
- v. As per uniform list of services circulated by the DoC on 02.01.2018, the uniform list of services for authorised operation by the developer/units for which upfront exemption is available, erection, commissioning and installation service has been listed.
- vi. That the five member constitutional bench of the Hon'ble Supreme Court in the case of Collector of C. Ex. Vadodara Vs Dhiren Chemical Industries has held that if there are circulars issued by the CBEC which place an interpretation which is inconsistent with the interpretation taken by the Supreme Court, then Revenue will be bound to follow the interpretation taken by the Board. Thus, it was clearly held that the board circulars will be binding on Department even if a different interpretation has been given by the Supreme Court.
- vii. In terms of the approval granted by the BoAs, the developer/appellant is required to ensure uninterrupted supply of stable electricity and craves leave that the LoA mandates supply of uninterrupted power.

Prayer/Relief of the appellant: To allow upfront exemption while supplying the services of laying the cable from the outlet outside the zone to the power room in the zone and to grant tax benefits for the persons setting up the facilities.

Rule position :

Section 9(2) (b) of the SEZ Act, 2005 stipulates that,

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the powers and functions of the Board shall include-

.....
(b) granting approval of authorized 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;

Section 15(4) of the SEZ Act, stipulates that,

(3) 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.

(4) Any person aggrieved by an order of the Approval committee, made under sub-section (3), may prefer an appeal to the board within such time as may be prescribed.

Observations:

As per Gazette notification S.O.1846(E) dated 27.10.2006, the Central Government has notified authorized operations in the SEZ which would qualify for exemptions, concessions and drawback. The list includes 'Electrical, Gas & Petroleum Natural Gas Distribution Network including necessary substations of appropriate capacity, pipeline network etc. The Department of Commerce vide letter dated 02.01.2018 specified the uniform list of services including 'Erection, Commission and installation services'.

The appeal is placed before the Board of Approval for consideration.
