

**Agenda for the 70<sup>th</sup> meeting of the Board of Approval to be held on 28<sup>th</sup> April, 2016, in the Room No. 47, Udyog Bhawan, New Delhi**

**Item No. 70.1 Requests for extension of validity of formal approvals**

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

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

**(i) Request of M/s. Smart City (Kochi) Infrastructure Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Block 9, Kakkanad Village, Kanayannor Taluk, Ernakulam District, Kerala, beyond 20<sup>th</sup> April, 2016**

**Name of the developer:** M/s. Smart City (Kochi) Infrastructure Pvt. Ltd.

**Sector :** IT/ITES

**Location:** Block 9, Kakkanad Village, Kanayannor Taluk, Ernakulam District, Kerala

**Extension:** The developer has been granted five extensions, validity period of which was upto 20<sup>th</sup> August, 2016.

**Basic facts:** Formal approval to the developer was granted on 21<sup>st</sup> April, 2008. The SEZ stands notified as on date.

The developer has made following investments/plans:

- (i) The developer has completed Phase- I with a total investment of Rs. 160 crores and proposes to complete Phase – II with an estimated total investment of Rs. 1314 crores.
- (ii) Investment proposed by the developer for the period from 2016 to 2020 on infrastructure development is around Rs. 298 crores.
- (iii) The master plan envisages development of 13 million sq.ft. of built up area, out of which 6.5 million sq.ft. is for IT/ITES units.
- (iv) The first building (SCK-01), consisting 7 floors with a total area of 6.5 lakh sq.ft. was completed and inaugurated on 20.02.2016. The building has many high end features like NBC fire compliance, 10 lifts, RCC/Paved roads and drop off points, low energy consumption, solar power plant etc. Grid

Interactive Rood Top Solar Power Plant with the capacity to generate 6.5 M. units per year is finalized for award of work. Infrastructure viz. bridge connectivity with public roads and 3.5 KM of internal road with utility corridor, access bridges to land A from PWD road, entry bridge etc. are completed in the first phase. Other infrastructure components such as water distribution, power supply distribution works are progressing and almost completed. Waste management system is finalized. LoAs to seventeen units were issued and these units have executed lease agreement with the developer and started fit out works in the first building.

DC CSEZ has recommended the proposal for extension by one year.

The request of the developer is accordingly placed before BoA for its consideration.

**(ii) Request for further extension of LoA from M/s. Mayar Infrastructure Development Pvt. Ltd. for setting up of Biotechnology SEZ at village Rahaka & Nimoth District Gurgaon, Haryana beyond 13<sup>th</sup> July, 2016**

**Name of the developer:** M/s. Mayar Infrastructure Development Pvt. Ltd.

**Sector :** Biotechnology

**Location:** village Rahaka & Nimoth District Gurgaon, Haryana

**Extension:** The developer has been granted five extensions, validity period of which is upto 13<sup>th</sup> July, 2016.

**Basic facts:** Formal approval to the developer was granted on 14<sup>th</sup> July, 2008. The SEZ stands notified as on date.

The developer has requested for further extension so as to implement the project.

The developer has made following investments/plans.

- (i) Investment of Rs. 51.30 crores on land
- (ii) Other investment Rs. 203.20 crores
- (iii) Incremental investment made is Rs. 17.81 crores**
- (iv) **Details of physical progress till date:** Construction of bio port building admeasuring 24277 sqm. completed. The developer has already obtained Occupation Certificate in respect of said building.
- (v) Construction of Custom house admeasuring 233.78 sqm. completed.
- (vi) Development of Roads and infrastructure has been done
- (vii) Landscaping work 100% completed
- (viii) 165 KLD capacity STP installed and commissioned
- (ix) 11 nos of lifts installed, tested and functional
- (x) Interior work of ground floor 100% done
- (xi) 3000 KW electrical load is sanctioned out of which 500 KW load is in use
- (xii) 100% power backup in place

- (xiii) False ceiling is done in common areas on ground floor and framing is done for rest of the floors
- (xiv) Centralized AC installed & commissioned
- (xv) Infrastructure work completely done and street lighting installed and functional
- (xvi) Fire alarm & public address system 100% commissioned
- (xvii) Fire fighting system and fire pump room 100% commissioned
- (xviii) All bore well and underground water tanks are fully functional
- (xix) Physical progress since last extension:** Installation of Fire Alarm system, Chiller Plant, Current relay & water softener plant been taken place during last extension.

DC NSEZ has recommended the proposal for extension by one year.

The request of the developer is accordingly placed before BoA for its consideration.

**(iii) Request for further extension of LoA from M/s. Wipro Limited for setting up of IT/ITES/BPO SEZ at Kodathi village, Varthur hobli, Sarjapur Road, Bangalore, Karnataka beyond 26<sup>th</sup> May 2016**

**Name of the developer:** M/s. Wipro Limited

**Sector :** IT/ITES/BPO

**Location:** Kodathi village, Varthur hobli, Sarjapur Road, Bangalore, Karnataka

**Extension:** The developer has been granted two extensions, validity period of which is upto 26<sup>th</sup> May, 2016.

**Basic facts:** Formal approval to the developer was granted on 27<sup>th</sup> May, 2011. The SEZ stands notified as on date.

The developer has requested for further extension so as to implement the project.

The developer has made following investments/plans.

- (i) Total investment made in the project is Rs. 68.14 crores as on December 2015 including land acquisition.
- (ii) Amount committed vide purchase order/work orders for design and other related works is Rs. 35 crores.
- (iii) Contract signed with L&T on 28<sup>th</sup> Jan 2016 for Rs. 989 crores. L&T will be responsible to deliver the project in two phases 1A and 1B and would be completed in 24 & 30 months respectively.
- (iv) They intend to complete the construction in 3 phases. The first phase is divided into two sub phase 1A & 1B for fitting out and operations. Phase 1A will house 5000 employees in block – B4 and 5000 employees in bloc – B1 respectively, totaling to 10,000 employees.
- (v) Site clearance work completed and awaiting clearance from BDA for further activities.

- (vi) Appointed Architects and Consultants with a committed fee of Rs. 22.62 crores. Completed 90% of design and drawings and the same have been released for construction. The master plan, design of Building Architecture, structure and utilities such as electrical, Air-Conditioning, plumbing and fire fighting have been completed.
- (vii) In the first phase, they would be constructing 43.5 lac sq.ft. of built up area with basement parking area of 15 lacs sq.ft.
- (viii) As a sub phase 1A, they intent to construction 10.5 lacs of built up area (BUA) in block B1 & B2
- (ix) As a sub phase 1B, their plan is to construct 14.5 lacs sq.ft of built up area (BUA) in block B3 & B4.
- (x) The construction plan for other two phases would be given once first phase construction activities are completed.
- (xi) The construction plan approval is expected in a week time from Bangalore Development Authority (BDA).

DC CSEZ has recommended the proposal for extension by one year.

The request of the developer is accordingly placed before BoA for its consideration.

**(iv) Request of M/s. Brooke Bond Real Estate Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES/BPO/Electronic Hardware at “Brooke fields”, Village Kundalahalli, Hobli Krishnarajapuram, Taluk Bangalore South, Karnataka, beyond 31<sup>st</sup> March 2015**

**Name of the developer:** M/s. Brooke Bond Real Estate Private Limited

**Sector :** IT/ITES/BPO/electronic Hardware

**Location:** “Brooke fields”, Village Kundalahalli, Hobli  
Krishnarajapuram, Taluk Bangalore South, Karnataka

**Extension:** The developer has been granted three extensions, validity period of which was upto 31<sup>st</sup> March, 2016.

**Basic facts:** Formal approval to the developer was granted on 31<sup>st</sup> March, 2010. The SEZ stands notified as on date.

The developer has requested for further extension so as to implement the project.

The developer has made following investments/plans.

- (i) The project cost proposed is Rs. 700 crores and have already incurred an expenditure of Rs. 9.00 crores.
- (ii) Balance Rs. 691 crores will be spent over a period of three years during the FY 2016-17 (Rs. 100 crores), FY 2017-18 (Rs. 250 crores) and 2018-19 (Rs. 341 crores)
- (iii) Demolition of existing structures has been completed
- (iv) Internal Architects are appointed and the designs, etc are in advances stages

- (v) All MEP, landscaping and structural consultants appointed and the work are in progress.
- (vi) Permission obtained from Bangalore Corporation (BBMP) for cutting of Trees
- (vii) NoC from Bangalore Airport Authorities obtained
- (viii) Development Plan from Bangalore Development Authority (BDA) approved in their Committee Meeting held on 29.12.2015.
- (ix) Applied for NoC for water, power (BESCOM). Fire environment Clearance (EC) and consent for establishment.

DC CSEZ has recommended the proposal for extension by one year.

The request of the developer is accordingly placed before BoA for its consideration.

**(v) Request of M/s. Vedanta Aluminium Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Manufacture and Export of Aluminium at village Bhurkamunda & Bhagkipalli Tehsil & District Jharsuguda, Odisha beyond 22<sup>nd</sup> May, 2016**

**Name of the developer:** M/s. Vedanta Aluminium Limited

**Sector :** Manufacture and Export of Aluminium

**Location:** village Bhurkamunda & Bhagkipalli Tehsil & District Jharsuguda, Odisha

**Extension:** The developer has been granted six extensions, validity period of which is upto 22<sup>nd</sup> May, 2016.

**Basic facts:** Formal approval was granted vide LoA dated 23<sup>rd</sup> May, 2007. The SEZ stands notified as on date.

The developer has requested for further extension so as to implement the project.

The developer has made following investments/plans.

- (i) The Board had approved the project for setting up of 1.25 MTPA Aluminum Smelter with an estimated project cost of \$ 3625 Mn (Rs. 14500 cr.) (cost MT \$2900).
- (ii) However, the developer has 400 KV transmission line & switchyard charged & permanent power is available to all major shops. Load testing of Rectifier 3 & Rectifier 4 completed, Rectifier 5 & 6 are under pre-commissioning completed 100% HT cable laying LT cabling work is going on well in all area and is being scheduled to be completed in line with Pot Line commissioning.
- (iii) Infrastructure development: - 100% construction of road, 99% Drain work Horticulture work is in progress completed development of 1.61 lakh SQM landscape in plant 2 with plantation of more than 14000 trees.

Area wise completion progress is as under:-

(i)	Potline area	95.05%
(ii)	Cast House	97.56%
(iii)	Carbon area	99.00%
(iv)	Electrical	98.99%
(v)	Utilities	99.80%
(vi)	Infrastructure	99.60%
(vii)	Overall completion	96.48%

DC FSEZ has recommended the proposal for extension by one year.

The request of the developer is accordingly placed before BoA for its consideration.

#### **Item No. 70.2: Requests for extension of validity of in-principle approval**

##### **(i) Proposal of M/s. Avash Logistic Park Private Limited for extension of the validity of in-principle approval for setting up of a FTWZ at villages Mota Layaja, Godhara & Bayath Taluka – Mandvi, District Kutch, Gujarat, beyond 12<sup>th</sup> May 2016**

In-principle approval was granted afresh to the developer on 13.05.2014 over an area of 496 hectares. The developer has been granted one extension. The validity of last extension is up to 12<sup>th</sup> May, 2016.

- (i) The conversion of agricultural land to NA (Non agricultural) is in progress.
- (ii) NA conversion of 250 acres has been completed in FY 2015-16
- (iii) NA conversion of a total of 719 acres has been completed till date.
- (iv) Applications have been made to MoEF for EC in December 2014 and to GCZMA for CRZ clearance in January, 2015
- (v) Subsequent to the Technical Committee meeting of GCZMA and site visit conducted during FY 2015-16. Sea Turtle Nesting Study and Sand Dune Study have been completed and are being finalized for CRZ clearance.
- (vi) CRZ clearance for the SEZ project is in progress and the EC for the SEZ is expected in the 3-4 months.

DC KASEZ has recommended extension of in-principle approval.

The case is, accordingly, placed before BoA for consideration.

##### **(ii) Proposal of M/s. Sealand Ports Private Limited for extension of the validity of in-principle approval for setting up of multi product SEZ at Villages – Layaja, Ratadiya, Godhra, Bayath & Undoth, Taluka – Mandvi, District-Kutch, Gujarat, beyond 12<sup>th</sup> May, 2016**

In-principle approval was granted afresh to the developer on 13.05.2014 over an area of 1112 hectares. The developer has been granted one extension. The validity of last extension is up to 12<sup>th</sup> May, 2016.

- (i) The conversion of agricultural land to NA (Non agricultural) is in progress.
- (ii) NA conversion of 256 acres has been completed in FY 2015-16

- (iii) NA conversion of a total of 913 acres has been completed till date.
- (iv) Applications have been made to MoEF for EC in December 2014 and to GCZMA for CRZ clearance in January, 2015
- (v) Subsequent to the Technical Committee meeting of GCZMA and site visit conducted during FY 2015-16. Sea Turtle Nesting Study and Sand Dune Study have been completed and are being finalized for CRZ clearance.
- (vi) CRZ clearance for the SEZ project is in progress and the EC for the SEZ is expected in the 3-4 months.

DC KASEZ has recommended extension of in-principle approval.

The case is, accordingly, placed before BoA for consideration.

### **Item No. 70.3 : Requests for extension of LoP beyond 3<sup>rd</sup> Year onwards**

- As per Rule 18(1) of the SEZ Rules, the approval Committee may approve or reject a proposal for setting up of Unit in a Special Economic Zone.
- Cases for consideration of extension of Letter of Permission (LoP)s i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that an LoP shall be valid for one year. First Proviso grants power to DCs for extending the LoP not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoP for one more year but subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a Chartered Engineer's certificate to this effect is submitted by the entrepreneur.
- Extensions beyond 3<sup>rd</sup> year (*in cases where two-third activities are not complete*) and 4<sup>th</sup> year are granted by BoA.
- BoA can extend the validity for a period of one year at a time.
- There is no time limit up to which the Board can extend the validity

#### **(i) Request of M/s. Hangers Plus (India) Pvt. Ltd., a unit in Mahindra World City – Apparel and Fashion Accessories SEZ, Kancheepuram Distt, Tamil Nadu for extension of LoP beyond 31<sup>st</sup> March, 2016.**

- **LoP issued:** 28<sup>th</sup> March, 2007 for manufacture of 'Cloth Hangers'.
- **Extensions:** 8 (eight) up to 31<sup>st</sup> March, 2016
- **Request:** For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) The unit has invested Rs. 13.75 crores which is inclusive of imported machinery worth Rs. 1.45 crore.
- (ii) **Incremental Investment since last extension:** The unit has invested Rs. 1.25 crore towards civil & electrical works and by the end of February, 2016, another 1.00 crores will be invested towards purchase of cranes, DG set.
- (iii) **Details of physical progress till date in quantifiable terms:** The unit has stated that they have applied for EB connection and awaiting final inspection.

- (iv) Water sump for the fire fighting and construction compound wall are in progress.
- (v) Timeline for completion of the project and making it operational: The unit has sought time for commencing commercial production by September, 2016 timeline to complete entire project is another six months time.

DC MEPZ has recommended the proposal of extension for six months (**Annexure-1**).

The request is placed before BoA for its consideration.

**(ii) M/s. CHL Limited a unit in NSEZ for extension of LoP beyond 18<sup>th</sup> June, 2009.**

- **LoP issued:** 19<sup>th</sup> June, 2008 for pharmaceutical formulations.
- **Extensions:** 1 (one) up to 18<sup>th</sup> June, 2009.
- **Request:** For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) The unit has been given possession of two plots namely plot no. 62 & 185 measuring 3937 sq. mtrs & 637.89 sq. mtrs. respectively. Lease rent of Rs. 15,77,619/- is currently outstanding against the unit. The building erected on said plots were purchased from DRT through auction.
- (ii) In the UAC held on 06/04/2016, the authorized representative of the company had informed that NSEZ Customs filed an appeal in DRAT against the order of DRT due to which the installation/set up of unit was held up & they could not apply for LOA extension. Further, they have informed that they have won the cases filed by Custom Depptt. for its alleged dues, at DRAT, DELHI & Hon'ble High Court of Delhi, 2015 and now want to start the operation on NSEZ.
- (iii) Further, the Unit informed that they cleared the garbages from the plots, clearance from the all departments, apply for fresh drug license and to modify the plant as per latest guidelines of mandatory law will take at least 6 months and another six to start their operations.

DC NSEZ has recommended the proposal of extension for one year.

The request is placed before BoA for its consideration

**(iii) Request of M/s. Soncoya Solutions Pvt. Ltd., a unit in M/s. Mahindra World City (Jaipur) Ltd. for sector specific SEZ for IT/ITES at Village Kalwara, Tehsil Sanganer, District Jaipur, Rajasthan for extension of LoP beyond 1<sup>st</sup> February 2016.**

- **LoP issued:** 2<sup>nd</sup> February, 2012 for IT/ITES (Computer software & Remote Maintenance)
- **Extensions:** 3 (three) up to 1<sup>st</sup> February, 2016.
- **Request:** For further extension.

The company has invested Rs. 40.83 lakhs towards land development and construction of walls in addition to payment of Rs. 5 lakhs to the architect for making the plan of building. They have assured that the construction facility will be completed within this year as per following schedule:-

- (i) Completion of construction - 3 months from the receipt of extension permission
- (ii) Interior work - 5 months from the receipt of extension permission
- (iii) Installation of computers and commencement of production – 6 months from the receipt of extension permission

DC, NSEZ, has recommended the request of extension of the unit for a period of one year to the BOA.

The request is placed before BoA for its consideration.

**(iv) Request of M/s. Indofil Industries Limited, a unit in the multi product SEZ being developed by M/s. Dahej SEZ at Bharuch, Gujarat for extension of LoP beyond 13<sup>th</sup> March 2016**

- **LoP issued:** 14<sup>th</sup> March, 2012 for manufacture and export of “Fungicide, Insecticide, herbicide technical”
- **Extensions:** 3 (three) up to 13<sup>th</sup> March, 2016.
- **Request:** For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) As on 22.02.2016, they have made total investment of Rs. 151 crores. Investment on land is Rs. 7.00 crores and on other infrastructure is Rs. 144 crores.
- (ii) Incremental investment is Rs. 135 crores from the date of last extension.
- (iii) Since last extension they have completed civil work.
- (iv) Tank erection is completed and piping work is in progress.
- (v) RCC frame work & grade slab completed in Main Plant set up.
- (vi) The unit has completed 90% of civil infrastructure facilities like Administration & Canteen Security cabin, Raw Material & Finish Goods warehouses, UG water tank.

DC, Dahej SEZ, has recommended the request of extension of the unit upto 31.12.2016.

The request is placed before BoA for its consideration.

**(v) Request of M/s. Ajanta Pharma Limited, a unit in the multi product SEZ being developed by M/s. Dahej SEZ at Bharuch, Gujarat for extension of LoP beyond 1<sup>st</sup> April 2016**

- **LoP issued:** 2<sup>nd</sup> April, 2012 for manufacture and export of (i) tablet (ii) Capsules (iii) powder in 1 gm.
- **Extensions:** 3 (three) up to 1<sup>st</sup> April, 2016.
- **Request:** For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) Investment made till date is Rs. 232.96 crores.
- (ii) 90% of project work is completed.
- (iii) All the major buildings including manufacturing block, admin block, utility block etc have been completed.
- (iv) Most of the main plant & machinery for the project have been installed.

DC, Dahej SEZ, has recommended the request of extension of the unit for a period of one year.

The request is placed before BoA for its consideration.

**(vi) Request of M/s. Lupin Ltd., a unit in MIHAN SEZ, for extension of Letter of Permission (LoP) beyond 22<sup>nd</sup> April 2016**

- **LoP issued:** 23<sup>rd</sup> April, 2012 for manufacture of pharmaceutical products
- **Extensions:** 3 (three) up to 22<sup>nd</sup> April, 2016.
- **Request:** For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) The unit has invested Rs. 14.84 crores as on 31.03.2015
- (ii) The company has incurred around Rs. 103.94 crores for civil construction and erection of plant and machinery, electrical installation etc. as against their proposed total investment of Rs. 350 crores.
- (iii) **Incremental investment since last extension:** Total investment of Rs. 103.94 crores as on 31.01.2016. Also, as against the proposed built area of 29,000 sq.mt. they have constructed 9,483 sq. mt. i.e. 33%.
- (iv) **Details of physical progress till date:** The unit has projected built up area of 29,000 sq. mt. out of which they have already constructed 9483 metres, which come to 33% of total built area.

DC, MIHAN SEZ, has recommended the request of extension of the unit.

The request is placed before BoA for its consideration.

**(vii) Request of M/s. Godrej & Boyce Manufacturing Company Limited, a unit in the multi product SEZ being developed by M/s. Dahej SEZ at Bharuch, Gujarat for extension of LoP beyond 29<sup>th</sup> May 2015**

- LoP issued: 30<sup>th</sup> May, 2007 for manufacture and export of “Critical equipments for process industries like Columns, Reactors, Vessels Heat-Exchangers, Trays & Tower internals, Reactor Internals, Waste Heat Boilers”
- Extensions: 8 (eight) up to 29<sup>th</sup> May, 2016.
- Request: For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) Invested Rs. 223.52 crore on land, building, machinery equipment and other infrastructure
- (ii) Incremental investment is Rs. 93.54 crore from the date of last extension.
- (iii) Since last extension the unit has completed 90% of structural work, and 90% of flooring work. The unit has imported machinery worth Rs. 26 crore which shall be installed by May 16.
- (iv) The unit has also informed that additional machinery worth Rs. 76 crore has been finalized for financial year 2016-17 which will be received and installed from April 16.

For not completing the project in time, the unit has given following reasons:-

- (i) Their main export cargo is over dimensional cargo which requires water front for transportation. The 60% of the production will be ODC consignments, accordingly, they require captive jetty at the SEZ unit for which approval from the Government of Gujarat, Gujarat Maritime Board (GMB), was received by them only in November, 2013.
- (ii) Subsequent to the approval from GMB the developer was allotted land in non-processing area for construction and operation of RO-RO jetty (roll on and Roll off) in December, 2013. They got final approval for construction of RO-RO jetty from GMB in the month September, 2015.

DC Dahej SEZ has recommended the proposal for extension of LoP for six months i.e. up to 29.11.2016.

The request is placed before BoA for its consideration.

**(viii) Request of M/s Yash Technologies Pvt. Ltd., a unit in MIDC at Plot No. 23/1, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune, Maharashtra for extension of validity period of its LoP beyond 10<sup>th</sup> May, 2016**

- LoP issued: 10<sup>th</sup> November, 2010 for developer of computer software/ITES(Back office/Remote Data Entry/Call Centre
- Extensions: 4 (four) up to 10<sup>th</sup> May, 2016.
- Request: For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) Invested is Rs. 3553 lakhs on land, construction, other overheads, indigenous plant & machinery and imported plant & machinery.
- (ii) 90% of the construction work completed.

Physical progress on ground till date

S. No.	Authorized activity	% of completion as on 31.03.2016
1.	Software development blocks/BPO Blocks/Arrival Block/Food Court/Amenity Block	90%
2.	Parking space/health & fitness space/rest rooms	95%
3.	Generator room/electric substation/Fo generators (to augment MSEB power) chiller plant/UPS Room/distribution substation/HSD yard	85%
4.	Internal roads with street lighting and signage's	90%
5.	Boundary wall/gates/fencing/ security office/security posts	95%
6.	All civil and/electrical work/BMS/Air conditioning/ Fire protection system/ rain water storage tank/gas bank/biogas plant	Civil 90% Fire 85%
7.	Development of landscaping/garden space	0%
8.	Sewage treatment plant/water treatment plants	60%
9.	Interior work	15%

DC SEEPZ SEZ has recommended the proposal for extension of LoP.

The request is placed before BoA for its consideration.

**(ix) Request of M/s. Surya Gems & Jewellery, a unit in Sitapura SEZ at Jaipur for extension of LoP beyond 29<sup>th</sup> January 2016.**

- LoP issued: 30<sup>th</sup> January, 2012 for manufacture and export of gems & jewellery
- Extensions: 3 (three) up to 29<sup>th</sup> January, 2016.
- Request: For further extension.

The unit has submitted Chartered Engineer Certificate stating that constructed the built up area is as 2327.25 sq. ft. (approx) and their all works related with buildings like structural, finishing & etc. is completed & the works related with machineries are in process & are not completed, due to the certain personnel unavoidable causes.

DC NSEZ has recommended the proposal for extension of LoP for a period of one year.

The request is placed before BoA for its consideration.

**(x) Request of M/s. Ramdev Chemical Industries, a unit in the multi product SEZ being developed by M/s. Dahej SEZ at Bharuch, Gujarat for extension of Letter of Permission (LOP) beyond 31<sup>st</sup> March, 2016**

- LoP issued: 1<sup>st</sup> December, 2008 for manufacture and export of Pigment Blue 15:3, 15:4 and Pigment Phthalocycnine Crude
- Extensions: 7 (seven) up to 31<sup>st</sup> March, 2016.
- Request: For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) Total investment of Rs. 12.09 crore on various activities like land and infrastructure, factory building, plant and machineries and land site development.
- (ii) Incremental investment is Rs. 1.65 crore from the last extension.
- (iii) The unit has completed the civil work of the plant building, utility building & effluent treatment plant; plant equipment's/ machineries like ball mill, steam boiler, reaction vessels, steam boiler, transformer etc.
- (iv) Since last extension the unit has completed main building ball mill section roof of 600 sq.mt. utility building, & ETP plant civil work; about 800 KL capacity treatment tanks.

DC Dahej SEZ has recommended the proposal for extension of LoP for a period of six months.

The request is placed before BoA for its consideration.

**(xi) Request of M/s. Icreon Communications Pvt. Ltd. (Unit-II), a unit in NSEZ at Noida, Uttar Pradesh for extension of validity period of its LoP beyond 28<sup>th</sup> February 2016**

- LoP issued: 29<sup>th</sup> February, 2012 for IT/ITES
- Extensions: 3 (three) up to 28<sup>th</sup> March, 2016.
- Request: For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) Building plans submitted for a new building at plot no. 96 which was forward to Noida Authority on 26.09.2013 by NSEZ to Chief Architect Planner. In spite of several reminders, no reply has received so far.
- (ii) D.O. letter also forwarded from DC NSEZ to Chairman Noida Authority. However, no reply has received till date. Due to above circumstance which is beyond the control of the unit.

DC NSEZ has recommended the proposal for extension of LoP for a period of one year.

The request is placed before BoA for its consideration.

**(xii) Proposal of M/s Trishiraya Recycling (India) Pvt. Ltd. a unit in MEPZ for renewal of LoA**

- LoP issued: 4<sup>th</sup> April, 2000 for recycling of ferrous/non ferrous/electrical and other scrap and converted into SEZ scheme w.e.f. 01.01.2003
- Request: For further extension.

The matter further placed before the 56<sup>th</sup> meeting held on 18.01.2013 for renewal of their SEZ status for five year period from 01.01.2013 to 31.12.2017 BoA after deliberation approved the renewal of LoA for one year upto 01.01.2014 subject to condition that no DTA sale will be permitted. Again the matter also considered 61<sup>st</sup> meeting of BoA held on 3.01.2014 and after deliberation BOA extended the validity of LoA for a further period of two years i.e. 03.04.2016 subject to condition that no broad banding of any other item shall be allowed.

The performance of the unit for 3 years from 01.03.2013 to 31.01.2016 is given below:-

FOB value of Exports	:	Rs. 1348.40 lakhs
FE Outgo	:	Rs. 501.83 lakhs
NFEE	:	Rs. 846.57 lakhs

The projection for remaining period in 3<sup>rd</sup> five year block from 04.04.2016 to 31.12.2017 are as follows:-

FOB Value of exports	:	Rs. 800 lakhs
FE Outgo	:	Rs. 300 lakhs
NFEE	:	Rs. 500 lakhs

DC MEPZ has recommended the proposal for extension of LoP for a period of one year.

The request is placed before BoA for its consideration.

**Item No. 70.4 : Case for ratification by the BoA**

**(i) Request of M/s. Vedanta Ltd., a unit in Vedanta Aluminium Ltd. SEZ at Jharsuguda, Odisha, for extension of Letter of Permission (LoP) beyond 7<sup>th</sup> April, 2016**

- LoP issued: 9<sup>th</sup> April, 2009 for setting up aluminum manufacturing facilities
- Extensions: 4 (four) up to 7<sup>th</sup> April, 2016.
- Request: For further extension.

The unit has requested for further extension so as to implement the project.

The unit has made the following investment/plans:-

- (i) The LoA of the unit was expired on 7<sup>th</sup> April, 2016, the company invested Rs. 13000 crores to set up the facilities for manufacture of aluminum

- (ii) The SEZ has already started trial run production and currently running with 6% of rated capacity. The company used to gate raw material and consumables procured from domestic as well as foreign market.
- (iii) The unit operating through the SEZ online for filing of the bill of entry shipping bills, bills of exports, clearance of ARE-1 etc.
- (iv) The unit had already applied for extension of LoA through DC FSEZ and DC FSEZ recommended proposal for the consideration before BoA.

The DC FSEZ had recommended the proposal for extension of LoP for a period of one year.

In anticipation of the approval by the BoA, the proposal was considered in the DoC on file and extension has been granted to the unit up to 7<sup>th</sup> May, 2016.

The proposal is, accordingly, placed before BoA for ratification.

#### **Item No. 70.5 : Requests for co-developer**

- (i) Request of M/s. Brigade (Gujarat) Projects Pvt. Ltd. for co-developer in the sector specific SEZ for multi services at Ratanpur, District Gandhinagar, Gujarat, being developed by M/s. GIFT SEZ Ltd.**

The above mentioned SEZ stands notified over an area 105-43-86 hectares.

M/s. Brigade (Gujarat) Projects Pvt. Ltd. has submitted a proposal for becoming a co-developer in the aforesaid SEZ to develop, maintain and operate office building for units to undertake export of services in the processing area of GIFT SEZ, over an area of 2,60,000 acres.

Co-developer agreement dated 29<sup>th</sup> January, 2016 entered into with the developer has been provided. Draft Agreement to Lease-Cum- Development has also been provided. Lease period is 99 years. The co-developer shall pay a total consideration of approximately Rs. 2,60,000/- @ Rs. 1,000/- per sq.ft. of 2.60,000 sq. ft. of BUA. In case of any change in the building plan and consequential increase in BUA, a supplemental agreement will be executed between the parties for grant of the additional development rights and the co-developer shall pay the consideration for such development rights for those additional BUA at the rate of Rs. 1,000/- per sq. ft of BUA.

DC KASEZ has recommended the proposal.

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

- (ii) Request of M/s. Kings Canyon SEZ Private Limited for co-developer in the sector specific SEZ for IT/ITES at Village Gwal Pahari, Tehsil Sohna, District Gurgaon, Haryana, being developed by M/s. ASF Insignia SEZ Pvt. Ltd.**

The above mentioned SEZ stands notified over an area 19.3028 hectares.

M/s. Kings Canyon SEZ Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for operation and maintenance of infrastructure existing in the

identified SEZ area admeasuring 2.751 acres within processing zone of ASF Insignia SEZ Pvt. Ltd. being Kings Canyon SEZ Building having built up space of 1100466 sqft. including BloA-A (Ground floor plus 14 floors), block B (Ground floor plus 12 floor), Block-C (Ground floor plus 12 floor) and basement underneath.

**As per the Hon'ble Delhi High Court Order dated 10.12.2015, the scheme shall become effective on the date on which DoC/BoA approves the co-developer status to resulting company.(1) M/s Kings Canyon SEZ Pvt. Ltd and resulting company (2) M/s Grand Canyon SEZ Pvt. Ltd. in terms of clause 8.9(ii) of the Scheme of Demerger and Arrangement signed between ASF Insignia SEZ Pvt Ltd and M/s Kings Canyon SEZ Pvt Ltd. As per scheme of Demerger and Arrangement, inter alia, all the assets & liabilities of demerged underrating-1 and demerged undertaking-2 of demerged company(ASF Insignia SEZ Pvt. Ltd) be transferred without further act or deed to the resulting company No. 01 and Resulting Company No 02 i.e M/s Kings Canyon SEZ Pvt. Ltd. and M/s. Grand Canyon SEZ pvt. Ltd. respectively.**

Co-developer agreement dated 3<sup>rd</sup> February, 2016 entered into with the developer has been provided. Draft Lease Deed has also been provided. Lease period is 30 years. Lessee shall pay INR 17,70,000/- as fixed annual lease rental to the Lessor. The Lease Rental shall be payable in advance, on a yearly basis, on or before 15<sup>th</sup> day of January of every calendar year, for the subsequent year lease.

It may also be stated that M/s. Kings Canyon SEZ Pvt. Ltd. vide LoA dated 21.03.2013 was granted LoA for development and operation and maintenance of infrastructure over 741036 sqft. built up area and over land area of 3.648 acres, in the processing area of SEZ. However, M/s. Kings Canyon SEZ Pvt. Ltd. had not implemented the said approval. Further M/s. Kings Canyon SEZ Pvt. Ltd. vide letter dated 02.05.2014 addressed to Director (SEZ)/DoC has intimated that they are not able implement the co-developer approval and surrendered the co-developer approval dated 21.03.2013. A copy of the cancellation deed to the co-developer agreement dated 16.02.2013 signed with the developer had also submitted with the said letter. Further, the reason for non implementing earlier approval had been call for and M/s. Kings Canyon Private Limited vide letter dated 11.03.2016 has given its clarification for non implementing the earlier approval of co-developer dated 21.03.2013 granted by DoC. The approval was granted subject to the condition that this approval will be applicable to such infrastructure which is/will be built by the co-developer after seeking approval of the Board. The applicant further stated that the said stipulation was i.r.o. infrastructure built by the co-developer, it gave an impression as though operation and maintenance of infrastructure previously completed by the developer prior to creation of the co-developer was not covered in ambit of said approval.

DC NSEZ has recommended the proposal.

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

**(iii) Request of M/s. Grand Canyon SEZ Pvt. Ltd. for co-developer in the sector specific SEZ for IT/ITES at Village Gwal Pahari, Tehsil Sohna, District Gurgaon, Haryana, being developed by M/s. ASF Insignia SEZ Pvt. Ltd.**

The above mentioned SEZ stands notified over an area 19.3028 hectares.

M/s. Grand Canyon SEZ Pvt. Ltd. has submitted a proposal for becoming a co-developer in the aforesaid SEZ to co-develop (including operation and maintenance of SEZ area to be developed) the identified area of 3.739 acres, namely Grand Canyon SEZ Building with built up space of 1420198 sqft. comprising ground floor plus 17<sup>th</sup> floor each in Block A,B,C,D and E and 3 level basements' in the processing area of SEZ, over an area of 3.739 acres.

Co-developer agreement dated 3<sup>rd</sup> February, 2016 entered into with the developer has been provided. Draft Lease Deed has also been provided. Lease period is 30 years. Lessee shall pay INR 24,30,000/- as fixed annual lease rental to the Lessor ("Lease Rental"). The Lease Rental shall be payable in advance, on a yearly basis, on or before 15<sup>th</sup> day of January of every calendar year, for the subsequent year lease.

DC NSEZ has recommended the proposal.

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

**(iv) Request of M/s. MPSEZ Utilities Private Limited for co-developer in the multi product SEZ at Mundra, Kutch, Gujarat, being developed by M/s. Adani Ports and Special Economic Zone Ltd. (APSEZL)**

The above mentioned SEZ stands notified over an area 1856.535 hectares.

M/s. MPSEZ Utilities Private Limited (100% subsidiary of the developer) has submitted a proposal for becoming a co-developer in the aforesaid SEZ to provide utilities like power, water & gas distribution facilities, CETP and related infrastructure facilities, Co-developer will provide the facilities in the entire area of SEZ.

Co-developer agreement dated 12<sup>th</sup> January, 2016 entered into with the developer has been provided. Draft Lease Deed has also been provided. Lease period is 30 years. Annual Lease rent of Rs. 200/- per square meter payable annually. Annual Lease Rent shall be paid in advance in full without any deductions and shall be escalated every three years at the rate of twenty percent. The Lessee shall pay SEZ maintenance charges being the maintenance charges the SEZ @ 18/- per square meter per annum for the maintenance and upkeep of all the infrastructure facilities provided around the land.

DC KASEZ has recommended the proposal.

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

**(v) Request of M/s. Volupia Developers Pvt. Ltd. for co-developer in Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, being developed by M/s. GIFT SEZ Ltd. for additional built up area of 50,237 sq.ft.**

The above mentioned SEZ stands notified over an area of 105.43.86 hectares.

M/s. Volupia Developers Pvt. Ltd. has already been conferred the co-developer status in the aforesaid SEZ on 1<sup>st</sup> July, 2015 to develop, maintain and operate office building for units to undertake export of services in the processing area, over a built up area of 2,50,000 sq.ft.

Now the co-developer has requested for the additional built up area of 50,237 sq.ft. with the developer supplementary agreement as a result the total built up area will be 3,00,237 sq.ft..

Supplemental Agreement to co-development agreement dated 29<sup>th</sup> January, 2016 entered into with the developer has been provided. Draft Supplemental Agreement to Lease Cum Development Agreement has also been provided. Lease period is 30 years. The co-developer agreed to pay the approximately Rs. 25,00,000/- @ Rs. 1,000/- per sq.ft of 2,50,000/- sq.ft. of BUA to be paid by the co-developer.

DC KASEZ has recommended the proposal.

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

**(vi) Request of M/s. UST Global Technology Services (India) Private Limited for co-developer in the sector specific SEZ for IT/ITES at Puthencruz and Kunnathunade village, Taluk Kunnathunadu, Ernakulam District, Kerala, being developed by M/s. Infopark**

The above mentioned SEZ stands notified over an area of 41.3064 hectares.

M/s. UST Global Technology Services (India) Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development of IT infrastructure along with relevant amenities and facilities, over an area of 3.5543 hectares.

Co-developer agreement dated 17<sup>th</sup> June, 2015 entered into with the developer has been provided. Lease Deed dated 29<sup>th</sup> April, 2015 has also been provided. Lease period is 90 years. As per the memorandum of Understanding, USTIPL was allowed to remit the lease premium by way of installments in a period of 12 months and the installment terms were as follows:-

**(a) First installment**

1. 40% of the total lease premium at a base price of Rs. 2,29,95,000/-
2. The lease premium to be paid is Rs. 11,03,76,000/-
3. The dead line for the payment of first installment is 31<sup>st</sup> March, 2014

**(b) Second installment**

1. 30% of total lease premium with a 15% escalation on the base price Rs. 2,29,95,000 i.e. 2,64,44,250/-
2. The lease premium to be paid is Rs. 9,51,99,300/- (inclusive of 15% increase for FY 2014-15)
3. The dead line for the payment of second installment is 30<sup>th</sup> September, 2014.

**(c) Third installment**

1. 30% of total lease premium at Rs. 2,64,44,250/-
2. The lease premium to be paid is Rs. 9,51,99,300/- (inclusive of 15% increase for FY 2014-15)

3. The dead line for the payment of third installment is 31<sup>st</sup> March, 2015.

DC CSEZ has recommended the proposal.

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

#### **Item No. 70.6 : Proposals for setting up of SEZs**

**(i) Request of M/s. Chhindwara Plus Developers Ltd. for multi product SEZ at Tehsil Sausar, Distt. Chhindwara, Madhya Pradesh, over an area of 1320.065 hectares.**

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(i)	M/s. Chhindwara Plus Developers Ltd.	Tehsil Sausar, Distt. Chhindwara, Madhya Pradesh	Multi Product	1320.065	Yes	No	New

DC Indore SEZ has recommended the proposal.

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

**(ii) Request of M/s. Infosys Limited for setting up of a sector specific SEZ for IT/ITES at Bangalore, Karnataka, over an area of 4.063 hectares.**

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(i)	M/s. Infosys Limited	Bangalore, Karnataka	IT/ITES	4.063	Yes	No	New

DC CSEZ has recommended the proposal.

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

#### **Item No. 70.7 : Miscellaneous Cases**

**(i) Request of M/s Seaview Developers Ltd., developer of sector specific SEZ for IT/ITES at Plot No. 20 & 21, Sector – 135, Noida, U.P. for change of name/constitution & shareholding pattern of the company**

The above mentioned SEZ was granted formal approval on 21.06.2006. The SEZ was notified on 12<sup>th</sup> December, 2007 over an area of 12 hectares. The SEZ is operational as on date.

The developer has informed that constitution/name of the company has changed from Public Limited to Private Limited Company as 'Seaview Developer Private Limited'.

Existing shareholding pattern

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
1.	Dotterel Estates Ltd., Mauritius (an indirect wholly owned subsidiary of Unitech Corporate Parks PLC)	41090	60.00
2.	BSREP India Office Holdings Pte. Ltd., Singapore, an affiliate of Brookfield Property Group, New York	27399	40.00
	Total	68489	100

The developer has submitted a proposal for change in its shareholding pattern as under:-

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
3.	BSREP India Office Holdings IV Ptd. Ltd.	68,483	99.99
4.	BSREP Moon C1L.P.	1	0.0015
5.	BSREP Moon C2 L.P.	1	0.0015
6.	BSREP Moon C3 L.P.	1	0.0015
7.	BSREP Moon C4 L.P.	1	0.0015
8.	BSREP Moon C5 L.P.	1	0.0015
9.	BSREP Moon C6 L.P.	1	0.0015
	Total	68,489	100

The developer has informed that, as per agreement dated 10.06.2014, the entire 100% shareholding of Unitech Realty Projects Ltd. has now been transferred to BSREP India Holdings Ptd. Ltd's nominees

Change of name from Seaview Developers Limited to Seaview Developers Private Limited Pvt. Ltd. has been approved by Registrar of Companies, New Delhi on 21<sup>st</sup> October, 2015.

DC NSEZ has recommended the proposal.

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

**(ii) Request of M/s Unitech Realty Project Ltd., developer of sector specific SEZ for IT/ITES at Tikri, Sector, 48, Gurgaon, Haryana for change of name/constitution & shareholding pattern of the company**

The above mentioned SEZ was granted formal approval on 30.07.2007. The SEZ was notified on 09.01.2008 over an area of 10.041 hectares. The SEZ is operational as on date.

The developer has informed that constitution/name of the company has changed from Unitech Realty Project Ltd. to Candor Gurgaon One Developers and Projects Pvt. Ltd.

Existing shareholding pattern

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
1.	Tulipa Investments Inc. Mauritius (an indirect wholly owned subsidiary of Unitech Corporate Parks PLC)	35102	60.00
2.	BSREP India office Holdings Pte. Ltd., Singapore (an affiliate of Brookfield Group, New York)	23400	40.00
	Total	58502	100.00

The developer has submitted a proposal for change in its shareholding pattern as under:-

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
1.	BSREP India Office Holdings II Ptd. Ltd.	58,496	99.99
2.	BSREP Moon C1L.P.	1	0.0017
3.	BSREP Moon C2 L.P.	1	0.0017
4.	BSREP Moon C3 L.P.	1	0.0017
5.	BSREP Moon C4 L.P.	1	0.0017
6.	BSREP Moon C5 L.P.	1	0.0017
7.	BSREP Moon C6 L.P.	1	0.0017
	Total	58502	100

The developer has informed that, as per agreement dated 10.06.2014, the entire 100% shareholding of Unitech Realty Projects Ltd. has now been transferred to BSREP India Holdings Ptd. Ltd's nominees

Change of name from Unitech Realty Project Ltd. to Candor Gurgaon One Developers and Projects Pvt. Ltd. has been approved by Registrar of Companies, New Delhi on 19<sup>th</sup> January, 2016.

DC NSEZ has recommended the proposal.

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

**(iii) Request of M/s Unitech Developers & Projects Ltd., co-developer in sector specific SEZ for IT/ITES being developed by M/s Gurgaon Infospace Ltd. at Dundaheera, Gurgaon, Haryana for change of name/constitution & shareholding pattern of the company**

The above mentioned SEZ was granted formal approval on 19.06.2007. The SEZ was notified on 03.12.2007 over an area of 11.2021 hectares. The SEZ is operational as on date.

M/s Unitech Developers & Projects Ltd. was granted approval as Co-developer in the above mentioned SEZ on 21.01.2008.

The co-developer has informed that constitution/name of the company has changed from Unitech Developers & Projects Ltd. to Candor Gurgaon Two Developers and Projects Pvt. Ltd.

Existing shareholding pattern

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
1.	Gladiolys Realty Inc. Mauritius (an indirect wholly owned subsidiary of Brookfield)	45733	60.00
2.	BSREP India Office Holdings Ptc. Ltd., Singapore, an affiliate of Brookfield Property Group, New York	30489	40.00
	Total	76222	100.00

The co-developer has submitted a proposal for change in its shareholding pattern as under:-

S. No.	Name of shareholder	No. of shares	% Shareholding (approx)
1.	BSREP India Office Holdings III Ptd. Ltd.	76,216	99.99
2.	BSREP Moon C1L.P.	1	0.0013
3.	BSREP Moon C2 L.P.	1	0.0013
4.	BSREP Moon C3 L.P.	1	0.0013
5.	BSREP Moon C4 L.P.	1	0.0013
6.	BSREP Moon C5 L.P.	1	0.0013
7.	BSREP Moon C6 L.P.	1	0.0013
	Total	76222	100

The co-developer has informed that, as per agreement dated 10.06.2014, the entire 100% shareholding of Unitech Realty Projects Ltd. has now been transferred to BSREP India Holdings Ptd. Ltd's nominees

Change of name of the co-developer from Unitech Developers & Projects Ltd. to Candor Gurgaon Two Developers and Projects Pvt. Ltd. has been approved by Registrar of Companies, New Delhi on 19<sup>th</sup> January, 2016.

DC NSEZ has recommended the proposal.

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

**(iv) Request of M/s GMR Hyderabad Aviation SEZ Ltd. for inclusion of pharma sector in SEZ**

The above mentioned SEZ was granted formal approval on 26.07.2007 for setting up of a sector specific SEZ in Aviation Sector at Mamidipally village, Shamshabad Mandal, Ranga Reddy District, Telangana over an area of 101.92 hectares. The SEZ stands notified over an area of 101.92 hectares.

The name of the SEZ was changed from GMR Hyderabad International Airport Limited to M/s. GMR Hyderabad Aviation SEZ Limited on 03.03.2010.

The sector of the above SEZ was changed from Aviation to SEZ in an Existing Airport on 08.08.2011.

The developer had requested to DC VSEZ for allowing Pharma unit to come up in their SEZ. A US based pharma company has approached the developer to set up a state of the art Pharma manufacturing set-up using robotics. The facility will contribute towards export volumes of around 1500 tons of high value pharmaceutical products per year and 95% of the exports is targeted towards US and European markets and will create direct and indirect employment for over 500 employees.

The developer has submitted a letter dated 29.01.2016 stating that at present the units in their SEZ are under Aerospace & Defence Industry and now they intend to house units belonging to pharma industry in their SEZ

DC VSEZ has referred the matter to the DoC for deciding the case to be put for before the BoA on allowing additional sector under Rules 2(zc) of SEZ Rules, 2006. Further, Rule 5(2)(b)(i) says that a Special Economic Zone for a sector specific sector or for one or more services or in a port or airport, shall have a contiguous area of 50 hectares or more and for each contiguous 50 hectares land, an additional sector can be allowed. Hence, the request of M/s. GMR Hyderabad Aviation SEZ Limited for an additional sector (Pharma) can be considered as the land available (more than 100 hectares) is sufficient under proviso (A) to Rule 5(2)(b)(i). Further, such projects bring much needed investment in SEZ and will contribute significantly to export.

DC VSEZ has recommended the proposal.

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

#### **Item No. 70.8: Cancellation of Formal Approvals**

In terms of Rule 6(2)(a) of SEZ Rules, Formal Approval is valid for a period of three years by which time at least one unit has to commence production and the SEZ becomes operational from the date of commencement of such production. Proviso to this rule provides for extension of this Formal Approval by Board of Approval, for which the Developer will submit his application in Form C1 to the concerned DC, who shall, within 15 days forward it to the Board with his recommendations.

In the following cases, formal approval has been granted by the DoC. However, since there is no significant progress made by the Developer, the concerned DC has proposed for cancellation of formal approval granted to the Developer. The details of cases are as under:-

<b>Sr. No.</b>	<b>Name of the Developer/co-developer</b>	<b>Sector</b>	<b>Date of formal approval</b>	<b>Zone</b>	<b>Remarks</b>
1.	M/s. Abex Infocom (P) Ltd. (Kakshin Kehirpur, P.S. Kassipore, South 24 Parganas, West Bengal)	IT Sector	20.12.2007	FSEZ	<p>The formal approval granted to the developer has expired on 19.12.2010.</p> <p>The developer has neither any request for extension nor any effort for development of the project seems to have been taken by them. In fact, as on dated, the LoA stands expired.</p> <p>The developer was issued letters on 19.06.2012, 31.07.2012 and 21.08.2012 requesting to submit requisite documents for notification of their project. But they did not submit any documents till today.</p>

					<p>Moreover, the developer was given an opportunity of Personal Hearing on 28.10.2013 but nobody turned up.</p> <p>DC has recommended for cancellation of formal approval.</p>
2.	M/s. Orion IT Parks Pvt. Ltd. (Rajarhat, Kolkata)	IT/ITES	23.03.2008	FSEZ	<p>The formal approval granted to the developer has expired on 23.03.2011.</p> <p>But the developer did not apply for further extension of formal approval. The developer was issued letter on 03.1.208 requesting to submit requisite documents for notification of their project. As no response was received, letters dated 18.06.2012, 13.08.2012, 31.08.2012 and 31.10.2012 were issued to their registered office address and Directors of the company requesting to intimate about the present status of the project. But the postal authority had returned the letters with comments “Left/intimation served”. Moreover, the undersigned had given an opportunity of personal hearing on 28.10.2013 but nobody turned up.</p> <p>DC has proposed for cancellation of formal approval.</p>
3.	M/s. Salarpuria Properties Pvt. Ltd. (Basanti Highway, Bhangor, South 24 Parganas, West Bengal)	IT/ITES	09.08.2008	FSEZ	<p>The formal approval granted to the developer has expired on 08.08.2011.</p> <p>But the developer did not apply for further extension of formal approval. The developer was issued letter on 23.11.2012 requesting to submit requisite documents for notification of their project. But they did not submit any documents till today.</p> <p>Moreover, the developer was given an opportunity of personal hearing on 11.11.2013 but nobody turned up. But till date, neither any response was received nor had they preferred any formal application for extension of formal approval.</p> <p>DC has recommended for cancellation of formal approval.</p>
4.	M/s. Bengal Shristi Infrastructure Development Ltd. (Asansol, Burdwan)	IT/ITES	14.01.2008	FSEZ	<p>The formal approval granted to the developer has expired on 14.01.2011.</p> <p>But the developer did not apply for further extension of formal approval. The developer was issued letters on 07.02.2008, 25.08.2008 and 19.06.2012 requesting to submit requisite documents for notification of their project. But they did not submit any documents till today.</p> <p>Moreover, the developer was given an opportunity of personal hearing and during personal hearing held on 15.11.2012, the Direct had been advised to submit in writing within a</p>

					<p>week regarding their plan of action. But till date, neither any response was received nor they had preferred any formal application for extension of formal approval.</p> <p>DC has recommended for cancellation of formal approval.</p>
5.	M/s. M.L. Dalmia & Co. Ltd. (Calcutta leather complex project, Bantala)	IT/ITES	16.06.2006	FSEZ	<p>The formal approval granted to the developer has expired on 15.06.2009.</p> <p>The developer neither had come up with a request for extension of formal approval nor had the SEZ never attained the stat of notification.</p> <p>DC has forwarded for cancellation of formal approval.</p>

### **Item No. 70.9 : Appeals before BoA**

**(i) Appeal of M/s. Morgan Tectronics Ltd., a unit in NSEZ against order dated 23<sup>rd</sup> February, 2016 of the Development Commissioner NSEZ/UAC.**

The unit was issued letter of approval by NSEZ vide letter No.08/07/91/NEPZ dated 31.07.1991 permitting them to set up a unit for manufacturing of consumer electronic hardware items, manufacturing of loader with lens for VCD players and trading activities and /or as amended from time to time, subject to the condition imposed therein. The unit commenced its export productions w.e.f. 10.08.1991 and has been doing the same for the last 25 years with persistent unblemished track record of earning foreign exchange as per law and to the satisfaction of the authorities. And that in the last 25 years there has been no case where may any goods were found to be illegally removed in D.T.A.

The UAC meeting held on 14.01.2016 has reviewed authorized operations of M/s. Morgan Tectronics Ltd in the wake of number of reports about contravention of provisions of SEZ Act, 2005. The UAC observed that unit has been persistently contravening the provision of SEZ Act, Rules, LOA and has been regularly indulging in mis-declaration of goods. The facts placed before the UAC categorically pointed out that the unit was not doing any export activity, which is the main objective of SEZ scheme rather than the unit is working only a conduit for domestic importer by importing the goods and selling it entirely in the domestic market and on top of it, it has been indulging in mis-declaration of goods.

The D.R. I, New Delhi, on intelligence of undervaluation of imported goods for trading activity, found that M/s. Morgan Tectronics Ltd. imported disassembled LED TVs by mis declaring the same as LED panels and clearing the same into DTA after availing exemption of Basic Customs duty. The investigation of the DRI further indicated that M/s. MTL., was playing the role of facilitator for actual importer of the goods. The duty free goods imported after availing benefit of customs duty exemption in the name of SEZ units were cleared as DTA clearances to the actual importer of the goods.

Further a letter dated 23.10.2015 from Assistant Commissioner (SIIB) addressed to the Specified Officer(Customs), NSEZ mentioning that intelligence that an NSEZ unit would be attempting to mis-declare the goods for clearance from Noida SEZ, a watch was kept on the movement of goods imported in the name of M/s. MTL. The observation/ findings of Asstt. Commissioner(SIIB) are as follows:-

It was observe M/s. Morgan had filled Bill of Entry No. NEZ0008568 dated 05.10.2015 for which the goods arrived at ACC import, New Delhi for onward transfer to NSEZ under Custom Squard. Preventive Check was applied in r/o the consignment. Examination of consignment covered under NSEZ bill of entry No NEZ0008568 dated 5.10.2015 was conducted in the presence of the importer Sh. Proamod Vijay Khullar of MTL and two independent witnesses and also in the company of Sh. Padam Chand Agarwal, Preventive Officer (Customs), NSEZ. Upon examination, it was found that the shipment was consisting of mobile phones of HTC brand model desire 820G+(592 pieces),ZTE Brand model Star1 (1400 pieces) and V 811W(2000 pieces). It was found that the importer had not declared the brand HTC in the NSEZ bill of entry. The RSP of the said mobile phones was also not declared whereas R.S.P. stickers reflecting the R.S.P. of Rs. 20900 for HTC desire 820G+ Rs. 1000/- for both the ZTE brand phones were found affixed. Further, in respect of the HTC Desire 820G+ mobile phones, name and address of the importer was mentioned as M/s. MPS Telecom Pvt. Ltd. the import price of all the mobile phones was declared at USD 16 per piece. Since the declared price of USD 16 per piece did not appear to be representing the correct value of goods under import especially in respect of HTC brand mobile phones, where the R.S.P. stickers suggested the retail sale price as Rs. 20,900/- and also the mobile phones were declared as Chinese mobile phones. Whereas the brand HTC had not been declared by the importer, it appear to be a case of mis-declaration of brand, description and value of and accordingly the said consignment with a declared value of Rs. 42,67,384/- was seized under section 110 of Customs Act 1962. Three sealed samples were also drawn for market enquiry and to determine the appropriate value of goods under import. (**Annexure-2**)

The UAC after taking into consideration of the above and written reply submitted by the unit, has decided to cancel the LoA no. 08/07/91-NEPZ dated 31.07.1991 issued to M/s. Morgan tectronics Ltd. forthwith under Section 16 of SEZ Act, 2005. No further import & export will be allowed to the unit. NFE will be calculated as per SEZ Rules and in case unit has failed to achieve positive NFE suitable action in terms of Rule 54 of SEZ Rules, 2006 read with Section 11 of the Foreign Trade (Development & Regulation) Act, 1992 may be taken. The unit shall complete exit formalities under Rule 74 of SEZ Rules, 2006. The above actions would be without prejudice to any other action under any other law.

Aggrieved by the above decision the appellant has stated that the UAC had given weightage to the evidence adduced and the submission made and not to decide the matter in haste as done by the UAC as “Justice Hurried is Justice Buried”. The appellant stated that they were not given ample opportunity to hear and defend their problem and only went through the document being available. It is prejudged as UAC had already taken the decision to suspend their function and rest of hearing and passing of the order was a mere formality as it had surrendered its judgment to some letter written by DRI in which wild allegations were made that the appellant was “acting as a conduit to some importer”.

The appellant also complained that UAC had failed to appreciate and address their averment as the UAC term as persistent offender on the basis of two or three stray cases (which are also far from truth/beyond our control) of last 2/3 months totally ignoring/discarding their longstanding unblemished record of 25 years of operation from the zone. The suspension of LoA with immediate effect without giving a fair chance to explain their points which clearly violated Section 10(3) of SEZ Act, 2005.

The appellant has filed the instant appeal against the above rejection (**Annexure-3**).

The appeal is placed before the BoA for consideration.

**(ii) Appeal of M/s. space Matrix Madia Pvt. Ltd., a unit in FSEZ against order at the UAC dated 25.01.2016.**

The unit was issued LoA No. FSEZ/LIC/S-102/2007/4329 dated 26.12.2007 for manufacturing of proprietary Storage optical device incl. recorded and unrecorded Media.

FSEZ vide memorandum No. FSEZ/LIC/S-102/2007/2626 dated 20.10.2014 informed the unit that the validity of LoA has expired on 25.12.2008 and the unit had neither commenced production nor had applied for extension within the validity period. The unit has applied for extension only after expiry of two years i.e. 22.11.2010 without stating any reason for non-commencement of production. It is also revealed that the unit have made import to the tune of Rs. 15,20,50,81/- (against 04 invoices) and duty foregone on the same is Rs. 6,25,23,228/-. Further the unit had not commenced any commercial production and the unit have rental dues of Rs. 1,76,728/- upto September, 2014 including interest of Rs. 25,615/-. The unit also have not furnished annual performance report since 2011-12 for which monitoring of performance could not be undertaken.

Therefore, the unit was issued show cause as to why the duty foregone amount of Rs. 6,25,23,228/- will not be recovered and penalty should not be imposed and the letter of permission No. FSEZ/LIC/S-102/2007/4329 dated 26.12.2007, deemed to be cancelled for violation of foreign Trade Policy, Handbook of Procedures, the LoP and Bond-cum-LUT under Section 9 & 11 of Foreign Trade (Development & Regulation) Act, 1992, read with the FR(D&R) Amendment Act, 2010 Rule 10 of Foreign Trade (Regulation) Rules, 1993 and for violation of provisions of Section 16 of SEZ Act, 2005 & SEZ Rules, 2006.

The appellant vide its letter dated 12.12.2014 has stated that the DC, FSEZ has cancelled the LoP as “deemed cancelled” without any notice to the appellant contrary to the provisions under Section 16 of the SEZ Act, 2005. The appellant objected to the order of the DC communicated under the memo dated 20.10.2014 that LoP cannot be cancelled or held to be deemed cancelled by DC. Further, the appellant stated that deemed cancellation order was passed along with other proceeding for demand of duty and penalty. Since the subject of the Show Cause Notice issued to the appellant was never discussed in Approval Committee and issue of Show Cause Notice was neither approved by the Approval Committee which is a collective action of the Approval Committee and the DC had no such power to demand duty and to hold LoP as deemed cancelled, the proceeding was bad in law.

Further, the appellant received the impugned corrigendum only on 04.03.2016. By this corrigendum “deemed cancellation” of LoP is ratified or confirmed by the Approval Committee. The appeal is maintainable under Section 16 of the SEZ 2006. Both proceeding cannot be clubbed in one proceeding. The cancellation of the licence is a proceeding distinct under Section 16 of the Act, and the said proceeding cannot be clubbed with the other proceeding for recovery. Condition precedent no longer exists. Therefore, the proceedings are bad in law.

The appellant has filed the instant appeal (**Annexure-4**) against the above rejection and prayed to set aside the proceeding under the memorandum dated 20.10.2014 and Deemed cancelation of LoP dated 23.12.2007.

The appeal is placed before the BoA for consideration.

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