

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART-II, SECTION-3, SUB-SECTION (i))

MINISTRY OF COMMERCE AND INDUSTRY
(DEPARTMENT OF COMMERCE)

New Delhi, the 14th June, 2010

NOTIFICATION

G.S.R. 501(E). – In exercise of the powers conferred by section 55 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government hereby makes the following rules further to amend the Special Economic Zones Rules, 2006, namely:-

1. (1) These rules may be called the Special Economic Zones (Amendment) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the principal rules, for rule 3, the following rule shall be substituted, namely:-

“3. Proposal for setting up of Special Economic Zone. - Every proposal under sub-sections (2) to (4) of section 3 shall be made in Form ‘A’ and be submitted to the concerned Development Commissioner as specified in Annexure-III, who, within a period of fifteen days, shall forward it to the Board with his inspection report, State Government’s recommendation and other details specified under rule 7.”.

3. After rule 3 of the principal rules, the following rule shall be inserted, namely : -

“3A. Proposal for approval as Co-developer. - The proposal under sub-section (11) of section 3 for providing infrastructural facilities in the Special Economic Zone shall be made in Form A1 to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations .”.

4. In rule 5 of the principal rules, -

(i) in sub-rule (5), for clause(c), the following clause shall be substituted, namely :-

“(c) allow generation, transmission and distribution of power within a Special Economic Zone ;”;

(ii) after sub-rule (6), the following sub-rule shall be inserted, namely :-

“(7) The Developer or Co-developer shall have to construct the minimum built up area specified in this rule within a period of ten years from the

date of notification of the Special Economic Zone in which at least fifty percent of such area to be constructed within a period of five years from the date of such notification.”.

5. In rule 6 of the principal rules, in sub-rule (2), -

(i) for clause (a) and the proviso of thereof, the following clause and provisos shall be substituted, namely :-

“(a) The letter of approval of a Developer granted under clause (a) of sub-rule (1) shall be valid for a period of three years within which time at least one unit has commenced production and the Special Economic Zone become operational from the date of commencement of such production:

Provided that the Board may, on an application by the developer or the co-developer, as the case may be, for reasons to be recorded in writing extend the validity period:

Provided further that the Developer or Co-developer as the case may be, shall submit the application in Form C1 to the concerned Development Commissioner as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.”;

(ii) after clause (a), the following clause shall be inserted, namely : -

“(aa) Where the Special Economic Zone becomes operational, the letter of approval granted under clause (a) shall be valid till the period of validity of notification of such Special Economic Zone;”;

(iii) in clause (b), for the proviso, the following provisos shall be substituted, namely :-

“Provided that the Board may, on an application by the developer, for reasons to be recorded in writing, extend the validity period:

Provided further that the Developer shall submit the application in Form C2 to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.”.

6. After rule 6 of the principal rules, the following rule shall be inserted, namely :-

“6A. Power of Central Government to review letter of approval. - The Central Government may review the letter of approval granted under sub-rule (1) of rule 6 on the recommendation of the Board in the following circumstances, namely:-

(i) the Developer submits application in Form C3 for change of the sector to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days shall forward it to the Board with his recommendations;

(ii) the Developer submits application in Form C4 for increase in the area to the concerned Development Commissioner, as specified in Annexure

III, who, within a period of fifteen days, shall forward it to the Board with his recommendations;

(iii) the Developer submits application in Form C5 for decrease in the area to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.”.

7. In rule 8 of the principal rules, the following proviso shall be inserted, namely: -

“Provided that the Central Government may, on the recommendation of the Board on the application made by the Developer, if it is satisfied, modify, withdraw or rescind the notification of a Special Economic Zone issued under this rule:

Provided further that the Developer shall submit his application for withdrawal of notification in Form C6 to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.”.

8. In rule 9 of the principal rules, for the words “submit to the Board”, the words “submit in Form C7 to the Development Commissioner who within a period of fifteen days, shall forward it to the Board with his recommendations,” shall be substituted.

9. In rule 11 of the principal rules, -

(i) for sub-rule (1), the following sub-rule shall be substituted, namely : -

“ (1) The Development Commissioner shall demarcate the area and issue demarcation order under the provision of section 6, specifying the survey numbers and boundaries of area of the Special Economic Zone as specified in the notification issued under rule 8.”;

(ii) in sub-rule (2), the following provisos shall be inserted, namely : -

“Provided that in case of a Special Economic Zone for information technology or information technology enabled services or electronic hardware or biotechnology , the Development Commissioner shall approve such measures and inform the Board accordingly:

Provided further that in case the developer proposes to create two hundred and forty centimeter high wall with top sixty centimeter being barbed wire fencing and single entry and exit point, no separate approval shall be required under this sub-rule”.

10. In rule 12 of the principal rules, in sub-rule (1), for the words “procure goods”, the words “procure goods and services” shall be substituted.

11. After rule 77 of the principal rules, the following rule shall be inserted, namely:-

“78. E-filing. – Every developer and unit shall file applications and returns electronically on the Special Economic Zone online system, within a period of one month of the system being commissioned.”.

12. After Form A to the principal rules, the following Form shall be inserted, namely : -

“FORM – A1

**APPLICATION FORM FOR APPROVAL OF CO-DEVELOPER
[Refer rule 3 A]**

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Type of Special Economic Zone :
Multi-Product / Sector Specific :
4. If Sector specific, name of the sector for which approval has been given :
5. Date of notification of the Special Economic Zone :
6. Total area of the Special Economic Zone (in hectare) :
7. Name and address of the proposed co-developer :
8. Details of the infrastructure facilities/authorised operations which will be undertaken by the co-developer (mention :)
9. Total area on which the activities are to be performed by the co-developer :
10. Proposed amount of investment by the co-developer (in Rs. crore):
11. Level of equity held by the Developer in the entity proposed to create business/recreational/residential facilities in the Special Economic Zone :
12. Net worth of the co-developer (in Rs. crore) :
13. (a) Whether an agreement has been entered into between the developer and the co-developer : Yes / No
(b) if yes, whether a copy of this agreement has been enclosed with this application form : Yes / No

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that

any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

| | |
|--------|----------------------------|
| Place: | Signature of the Applicant |
| Date: | Name in Block Letters |
| | Designation |
| | Official Seal/Stamp |
| | Tel. No |
| | E-mail |
| | Web-Site, if any |
| | Full Residential Address |

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner”.

13. After Form C to the principal rules, the following Forms shall be inserted, namely: -

“FORM –C1

**APPLICATION FOR EXTENSION OF VALIDITY OF APPROVAL GRANTED
UNDER RULE 6(2)(a)
[Refer rule 6(2)(a)]**

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Type of Special Economic Zone : Multi-Product / Sector Specific
:
4. If Sector specific, name of the sector for which approval
has been given :
5. Date of grant of formal approval :
6. Expiry date of Formal approval of the Special Economic Zone :
7. Whether application for extension has been made before
the expiry date of present formal approval ?
if yes, date of application of extension :
8. Date upto which extension has been sought :
9. Whether the Special Economic Zone has been notified ? If yes, date of
Notification :
10. If notified, has the demarcation order into processing and non-processing
area been issued by Development Commissioner :
11. Please list out the other steps which have been taken for
implementation of the project within the stipulated time frame
of 3 years. List the default operations carried out like preparation of the site,
boundary walls, administrative block, electrification, roads, water pipelines,
other authorized activities etc for implementing the Special Economic Zone.
Please give descriptive details :
12. Proposed time frame for completion of the project :
13. Reasons for seeking extension :

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to

the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

| | |
|--------|----------------------------|
| Place: | Signature of the Applicant |
| Date: | Name in Block Letters |
| | Designation |
| | Official Seal/Stamp |
| | Tel. No |
| | E-mail |
| | Web-Site, if any |
| | Full Residential Address |

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner

**APPLICATION FOR EXTENSION OF VALIDITY OF APPROVAL GRANTED
UNDER RULE 6(2)(B)**

[Refer rule 6(2)(b)]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Type of Special Economic Zone : Multi-Product / Sector Specific :
4. If Sector specific, name of the sector for which approval has been given :
5. Expiry date of In-principal approval of the Special Economic Zone:
6. Whether application for extension has been made before the expiry date of present in-principal approval ?
if yes, date of application of extension :
7. Date upto which extension has been sought :
8. Whether the request is for first extension or for second extension :
9. What is total proposed area of the land (in hectares) for this Special Economic Zone :
10. How much land has been acquired so far :
11. Estimated time required for acquisition of the balance land :
12. Reasons for seeking extension

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

Place:

Signature of the Applicant

Date:

Name in Block Letters

Designation

Official Seal/Stamp

Tel. No

E-mail

Web-Site, if any

Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner

APPLICATION FOR SEEKING CHANGE IN SECTOR
[Refer rule 6A (i)]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Name of the sector for which approval has been given :
4. Name of sector to which change sought :
5. Date of grant of formal approval :
6. Expiry date of Formal approval of the Special Economic Zone :
7. Whether the Special Economic Zone has been notified ? If yes, date of Notification:
8. Reasons for seeking change in sector :
9. I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

Place:

Date:

Signature of the Applicant

Name in Block Letters

Designation

Official Seal/Stamp

Tel. No

E-mail

Web-Site, if any

Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner

APPLICATION FOR INCREASE IN AREA
[Refer rule 6A (ii)]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Name of the sector for which approval has been given :
4. Present Area of Special Economic Zone (in hectare) :
5. Additional area sought (in hectare) :
6. Whether the additional area is vacant, contiguous and in possession and fulfils all the conditions of rule 7 :
7. Total area after addition :
8. Whether additional area to be included contiguous to the already notified area :
9. Date of grant of formal approval :
10. Expiry date of Formal approval of the Special Economic Zone :
11. Whether the Special Economic Zone has been notified ? If yes, date of Notification:
12. Reasons for increase in area :
13. I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

Place:

Signature of the Applicant

Date:

Name in Block Letters

Designation

Official Seal/Stamp

Tel. No

E-mail

Web-Site, if any

Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner

APPLICATION FOR DECREASE IN AREA
[Refer rule 6A (iii)]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Name of the sector for which approval has been given :
4. Present Area of Special Economic Zone (in hectare) :
5. Decrease of area sought (in hectare) :
6. Total area after decrease :
7. Whether after decrease in area, remaining area would be contiguous :
8. Date of grant of formal approval :
9. Expiry date of Formal approval of the Special Economic Zone :
10. Whether the Special Economic Zone has been notified ? If yes, date of Notification:
11. Total Duty benefits and tax exemption availed on the area proposed to be deleted (in Rupees Crore)
12. Reasons for decrease in area :
13. I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

Place:
Date:

Signature of the Applicant

Name in Block Letters
Designation
Official Seal/Stamp
Tel. No
E-mail
Web-Site, if any
Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner

APPLICATION FORM FOR DENOTIFICATION
[Refer rule 8]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Name of the sector for which approval
has been given :
4. Present Area of SEZ (in hectare) :
5. Date of grant of formal approval :
6. Date of Notification :
7. Reasons for seeking withdrawal of notification of SEZ :
8. Total Duty benefits and tax exemption availed on the
area proposed to be deleted (in Rupees crore) :
9. I/We hereby declare that the above statements are true and correct to the
best of my/our knowledge and belief. I/We will abide by any other condition,
which may be stipulated by the Government of India. I/We fully understand
that action may be taken having regard to the circumstances of the case if
it is found that any of the statements or facts therein are incorrect or false.

10. Place: Signature of the Applicant

11. Date: Name in Block Letters

Designation
Official Seal/Stamp
Tel. No
E-mail
Web-Site, if any
Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

- a) There is no unit in the Zone / Units in the Zone have been debonded.
- b) No duty exemption has been availed by the Developer./An amount equivalent to the tax/duty exemption availed has been deposited to the Government Account.

Signature of Development Commissioner

APPLICATION FOR APPROVAL OF AUTHORISED OPERATIONS
[Refer rule 9]

1. Name and address of the Developer :
2. Letter of Approval No. and date :
3. Type of Special Economic Zone :
Multi-Product / Sector Specific :
4. If Sector specific, name of the sector for which approval has been given :
5. Date of notification of the Special Economic Zone :
6. Total area of the Special Economic Zone (in hectare) :
7. Total processing area of the Special Economic Zone (in hectare):
8. Total non-processing area of the Special Economic Zone (in hectare) :
9. Total proposed investment in the Special Economic Zone (in Rs. Crore):
10. Investment already made so far (in Rs. Crore) :
11. Total number of people proposed to be employed in the Special Economic Zone :
12. Details of the activities in the processing area for which approval have been sought :

| S. No | Name of the authorized activity | No. of Units | Area per unit (in sq.mtrs) as per FSI/FAR norms as applicable | Total area (in sq.mtr) / capacity (in MW) |
|-------|---------------------------------|--------------|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | | | | |

Note : Wherever information is not required, please indicate "NA".

13. Justification for approval sought under S.No. 12.:

14. Details of the activities in the non-processing area for which approval have been sought :

| S. No | Name of the authorized activity | No. of Units | Area per unit (in sq.mtrs) as per FSI norms as applicable | Total area (in sq.mtr) / capacity (in MW) |
|-------|---------------------------------|--------------|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | | | | |

Note : Wherever information is not required, please indicate "NA".

15. Justification for approval sought under S.No. 14.

I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

Place:

Date:

Signature of the Applicant

Name in Block Letters

Designation

Official Seal/Stamp

Tel. No

E-mail

Web-Site, if any

Full Residential Address

Recommendation of Development Commissioner

The proposal has been examined and my recommendation is as follows:

Signature of Development Commissioner".

14. After Annexure II to the principal rules, the following Annexure shall be inserted namely:-

“ANNEXURE III
(Refer rule 3, 3A, 6(2)(a), 6(2)(b), 6A, 8, 9)

Development Commissioners and the States under their jurisdiction

| Sl.No. | Development Commissioner | States |
|---------------|---|--|
| (1) | (2) | (3) |
| 1 | Development Commissioner, Kandla Special Economic Zone | Gujarat |
| 2 | Development Commissioner, MEPZ Special Economic Zone | Tamil Nadu, Andaman and Nicobar Islands, Union Territory of Pondicherry excluding Mahe and Yanam |
| 3 | Development Commissioner, SEEPZ Special Economic Zone | Maharashtra, Goa, Daman and Diu, Dadra and Nagar Haveli |
| 4 | Development Commissioner, Noida Special Economic Zone | Uttar Pradesh, Madhya Pradesh, Rajasthan, Delhi, Punjab, Haryana, Chandigarh, Uttarkhand, Himachal Pradesh and Jammu and Kashmir |
| 5 | Development Commissioner, Cochin Special Economic Zone | Kerala, Karnataka, Lakshadweep and Mahe |
| 6 | Development Commissioner, Falta Special Economic Zone | West Bengal, Orissa, Jharkhand, Nagaland, Tripura, Manipur, Meghalaya, Sikkim and Arunachal Pradesh |
| 7 | Development Commissioner, Vishakapatnam Special Economic Zone | Andhra Pradesh, Chattisgarh and Yanam |

(F.No. C.2/3/2008-SEZ)

Sd/-
(ANIL MUKIM)
Joint Secretary to the Government of India

Note. - The principal rules were published in the Gazette of India, Extraordinary vide number G.S.R. 54 (E), dated the 10th February, 2006 and subsequently amended vide notifications as under :-

| Sl. No. | G.S.R | Dated |
|---------|----------|---------------------|
| 1. | 470 (E) | 10th August, 2006 |
| 2. | 393 (E) | 16th March, 2007 |
| 3. | 1744 (E) | 12th October, 2007 |
| 4. | 2661 (E) | 14th November, 2008 |
| 5. | 72 (E) | 3rd February, 2009 |
| 6. | 1293 (E) | 20th May, 2009 |
| 7. | 562 (E) | 3rd August, 2009 |

