

Agenda for the 66th meeting of the Board of Approval to be held on 27th August, 2015, in the Room No. 47, Udyog Bhawan, New Delhi

Item No. 66.1: Requests for extension of validity of formal approvals

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

*“The Board advised the Development Commissioners to recommend the requests for extension of formal approval beyond 5th 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. Gopalan Enterprises (India) Private Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mahadevapura & Kaggadapura, K.R. Puram, Whitefield, Bangalore, Karnataka, beyond 2nd July, 2015

Formal approval to the developer was granted on 3rd July, 2007. The SEZ stands notified as on date. The developer has been granted five extensions of the formal approval, the validity of which was up to 2nd July, 2015.

The developer has requested for extension of validity of formal approval for a period of one more year.

Reason for delay:- The developer has stated that in spite of SEZ being notified on 04.05.2009, due to uncertain business environment, global recession, unwillingness of banks to provide finance and negative scenario which was changed in 2011-12 they have started applying for various approval from September, 2012, from BDA, NOC for water supply, approval from Pollution Control Board etc. Some of the approvals have now been received and a few are still pending. In addition the developer has also stated that due to condition imposed by the Karnataka Government for 20% land to be earmarked for open spaces which has now been recommended to be 10% by BDA. The matter is still pending with Karnataka Government. The delay in implementing the project was thus beyond their control.

The developer has made following investments/plans:

Total investment till date is stated to be Rs. 9.08 crores, which includes Legal charges, approval charges, betterment charges and other miscellaneous expenses. They have projected a further investment of Rs. 2,136.00 crores over a period of 3-4 years ahead. Out of this projected investment of Rs. 100 crores to be made immediately in this year beginning August, 2015 for the preliminary work (excavation/ underground facilities/ machineries/ equipment etc.

DC, CSEZ has recommended the proposal for extension of validity of formal approval by one year.

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

(ii) 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 31st March 2015

Formal approval to the developer was granted on 31st March, 2010. The SEZ stands notified as on date. The developer has been granted two extensions validity period of which has expired on 31st March, 2015.

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

The developer has made following investments/plans.

- (i) Change of ownership of shares in the name of new entity Brigade Group was approved in 64th BoA meeting held on 20th February, 2015.
- (ii) Acquisition of shareholding in the company took place post obtaining approval from BoA.
- (iii) New management i.e. the Brigade Group has acquired the stake in the company within intention to develop a world class SEZ.
- (iv) The group is developing an SEZ in Cochin and is in the process of setting up of second SEZ at Mangalore and therefore, sufficiently experienced in developing SEZs.
- (v) They are presently in the process of complying with the provisions of the companies Act 2013 and other relevant statutes in giving effect to the change in shareholding in the company.
- (vi) The company is also in the process of complying with post BoA formalities.
- (vii) So soon as they received required NoCs for the proposed development from relevant authorities, efforts to development of the SEZ will be made at the earliest. This would take 12-15 months.
- (viii) The company plans to complete the development over a period of five years and is committed to continue the development of SEZ even in the light of the economic slowdown, unfavorable changes in growth/expansion plans of global companies in IT/ITES and withdrawal of MAT and DDT exemptions.

In view of the proposed revival plan of the new entity, DC VSEZ has recommended the proposal for extension of validity of formal approval by one year for consideration of BoA.

The request is placed before BoA for consideration.

(iii) Request of M/s. Adityapur Industrial Area Development Authority for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Automobiles/Auto Components at Adityapur, Jamshedpur, beyond 13th June, 2015

Formal approval to the developer was granted on 14th June, 2006. The SEZ stands notified as on date. The developer has been granted six extensions of the formal approval, the validity of which was up to 13th June, 2015.

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

The developer has requested for further extension stating that 54.18 acres of land out of notified 90 acres, is to be de-notified by MOEF and that the process of de-notification is at concluding stage in the Ministry. Chief Secretary of Jharkhand has sent a letter for de-notification to MoEF. After de-notification setting up of SEZ will proceed.

DC FSEZ has **not recommended** further extension in view of the fact that no development has taken place on ground since the notification in 2006.

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

(iv) Request of M/s. Gopalpur Special Economic Zone Ltd. for further extension of validity period of its formal approval for setting up a multi product SEZ at Gopalpur, District Ganjam, Odisha beyond 17th December, 2014 and change of name of the developer to Tata Steel Special Economic Zone Ltd.

The developer was granted formal approval for setting up the above mentioned SEZ on 18th June, 2007. The SEZ is yet to be notified. The developer has been granted five extensions of the formal approval, the validity of which was up to 17th December, 2014.

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

The developer has made following investments/plans

- (i) Boundary wall completed
- (ii) Approach roads developed
- (iii) Construction of Anchor projects outside SEZ area worth Rs. 800 crores is under construction after necessary statutory clearances.
- (iv) 500.15 hectares land allotted by IDCO in favour of Tata Steel SEZ.
- (v) Land registration in final stages.
- (vi) **Proposed time frame for completion of the project: Post SEZ notification, within 6 months a detailed master plan along with infrastructure development plan would be submitted.**
- (vii) **Reasons for extension:- Although Government of Odisha has approved registration of 500 hectares in favour of Tata SEZ Ltd., inclusion of sub-leasing cause is awaiting Government of Odisha approval.**

DC FSEZ has recommended the proposal for:

- (i) Change of name of Gopalpur SEZ Ltd. to Tata Steel Special Economic Zone Ltd., which has been approved by the Ministry of Corporate Affairs and Certificate of Incorporation pursuant of change of name has been issued by the said Ministry on 12.11.2014.
- (ii) Extension of formal approval by a period of one year i.e. from 18.12.2014 to 17.12.2015 **with the condition that this shall be the last and final extension.**

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

(v) Request for further extension of formal approval from M/s. HBS Pharma SEZ Pvt. Ltd. for setting up of Pharmaceutical SEZ at GIDC, Panoli Industrial Estate, Panoli, District Bharuch, Gujarat beyond 16th June, 2015

Formal approval to the developer was granted on 17th June, 2008. The SEZ stands notified as on date. The developer has been granted four extensions validity of which has expired on 16th June, 2015.

The developer has requested for further extension so as to complete his project.

The developer has made following investments/plans.

- (i) They have invested a total of Rs. 175.14 crores, out of which in land is Rs. 70.47 crore and for other infrastructure facilities is Rs. 104.67 crores for the SEZ project;
- (ii) They intend to have an investment of Rs. 5000 crores by the developer and units; with direct and indirect employment to about 15,000 people. Their SEZ is strategically located on N.H. 8 between Mumbai and New Delhi.
- (iii) All related infrastructure for the SEZ, like 6 kms compound wall, internal access roads, footpaths along the road network; street light; RCC storm water drains; underground cables & pipelines (fresh, recycled, effluent, & sewerage); all administrative buildings with interiors, provision for bank, availability of gas, power & water, etc, are in place;
- (iv) **Incremental investment since last extension is Rs. 12 crores;**
- (v) They intend to be operational by June, 2017.

In view of infrastructure development and investment mentioned above, DC KASEZ has recommended the proposal of further extension for one year.

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

(vi) Request for further extension of LoA from Gujarat Industrial Development Corporation (GIDC) for setting up an IT/ITES SEZ at Gandhinagar-Sarkhej Highway, Gandhinagar, Gujarat, beyond 6th January 2015

Formal approval to the developer was granted on 7th January, 2008. The SEZ stands notified as on date. The developer has been granted four extensions of the formal approval, the validity of which was up to 6th January, 2015.

The developer vide his letter dated 20th December, 2014 has sought for further extension of his LoA beyond 6th January, 2015. The reasons cited by the developer for the delay are due to various factors like slow of global economy thus few takers for SEZ unit, imposition of MAT on SEZ unit, and 11 KV power line passing above the allotted plots in SEZ, wherein the units have requested for shifting of the same and the matter is now pending between power department and Govt. of Gujarat.

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

The developer has made following investments/plans.

- (i) The developer has made an investment of Rs. 24.66 crore for land
- (ii) Rs. 16.49 crore on other infrastructure work
- (iii) Construction of boundary wall is completed
- (iv) Plots are earmarked
- (v) Internal roads, drainage and street light works completed
- (vi) Water distribution network work is completed
- (vii) They have approved allotment of one unit (i.e. E-Infochip), they have also requested them to obtain LoA form Development Commissioner
- (viii) They have received application from one unit (i.e. Reddix) for allotment of plot in mega IT park, which is under positive consideration of the GIDC
- (ix) Security personnel are deployed.

DC KASEZ has recommended the proposal for further extension by one year.

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

(vii) Request of M/s. Calica Construction and Impex Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Village Ognaj, Taluka Dascroi, District Ahmedabad, Gujarat, beyond 6th May, 2015

Formal approval to the developer was granted on 6th November, 2006. The SEZ stands notified as on date. The developer has been granted six extensions validity period of which has expired on 6th May, 2015.

The developer has requested for further extension so as to complete his project

The developer has made following investments/plans.

- (i) They propose to construct 7,00,000 sq.ft of leasable space
- (ii) Till date invested about Rs. 2 crores on land and Rs. 16 crores towards creating infrastructure.
- (iii) During the last year have invested Rs. 2 crores for developing the infrastructure.**
- (iv) Since last extension, they have built 75,000 sq.ft of space**
- (v) They have given a timeline to operationalize the SEZ before the expiry of the next extension.

As regards, the overall development work accomplished, the developer has –

- (i) Completed the compound wall;
- (ii) Internal roads completed
- (iii) Office premises for customs staff under construction
- (iv) Bore wells for water supply constructed; and;
- (v) Obtained electricity supply for the SEZ.

DC KASEZ has recommended the proposal for extension by six months upto 05.11.2015.

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

(viii) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Salem, Tamil Nadu, beyond 7th May, 2015.

Formal approval to the developer was granted on 26th July, 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 7th May, 2015.

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

The developer has made following investments/plans.

- (i) The creation of Common infrastructure works such as Road, compound wall, data cable ducts, storm water drainage, culverts are completed
- (ii) The construction of 50000 sq. ft IT building as incubation centre has commenced. The water pipeline, Admn. IT Building, sewage collection cump, electrical lights works are under progress.
- (iii) They are taking special efforts to attract IT companies to create this location as a potential IT destination by way of advertisement, promotion campaign, one-to-one meetings.
- (iv) **The developer has spent Rs. 3.04 crores during the year 2014-15 and plans to invest Rs. 12 crores during the financial year 2015-16.**

DC MEPZ has recommended the proposal for further extension by one year.

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

(ix) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Hosur-Viswanathapuram, Tamil Nadu, beyond 7th May, 2015

Formal approval to the developer was granted on 26th July, 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 7th May, 2015.

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

The developer has made following investments/plans.

- (i) The common infrastructure works such as road, compound wall, administrative block, STP water pipeline, overhead tank, sump, culverts are completed and street light work are in progress and expected to be completed by December 2015.
- (ii) The construction of 50000 sq. ft. IT building as incubation centre is expected to be completed by December, 2015 at an estimated cost of Rs. 15 crores
- (iii) They are taking special efforts to attract IT companies to create this location as a potential IT destination by way of advertisement, promotion campaign, one-to-one meetings.
- (iv) **The developer has spent Rs. 6.84 crores during the year 2014-15 and plans to invest Rs. 12.39 crores during the financial year 2015-16.**

DC MEPZ has recommended the proposal for further extension by one year.

The request is placed before BoA for consideration.

(x) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gangaikondan village, Tirunelveli, Tamil Nadu, beyond 7th May 2015

Formal approval to the developer was granted on 26th July, 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 7th May, 2015.

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

The developer has made following investments/plans.

- (i) The common infrastructure works such as Road, compound wall, culverts, storm water drainage, data cable ducts. Electrical cable ducts, STP and street light have been completed for 100 acres.
- (ii) The construction of 50000 sq. ft. IT building is completed.
- (iii) The water sump, water pipeline works are under progress and will be completed by April 2016.
- (iv) 100 acres of land was allotted to M/s. Syntel International Pvt. Ltd. and they have obtained co-developer status on 27.12.2011 and started their construction work.
- (v) A unit namely M/s. Kompos Media Pvt. Ltd. was allotted 9388 sq. ft. built up space in the 50000 sq. ft. IT building. They have started their operations and expected to export their consignment by August 2015.

DC MEPZ has recommended the proposal for consideration by BoA.

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

(xi) Request of Electronics Corporation of Tamil Nadu (ELCOT) for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Vadapalanji, Madurai, Tamil Nadu, beyond 7th May, 2015

Formal approval to the developer was granted on 26th July, 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 7th May, 2015.

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

The developer has made following investments/plans.

- (i) The common infrastructure works such as Road, compound wall, culverts, storm water drainage, data cable ducts. Electrical cable ducts, STP and street light are completed with an investment of Rs. 15 crores.
- (ii) The contract for construction of Road Over Bridge across Railway line between Madurai – Usilampatti railway station at an estimated cost of Rs. 17.37 crores has been given to highways development depository work and in association with Southern Railway.
- (iii) The tender for construction of 50000 sq. ft. IT Building is being floated.
- (iv) The water sump, water pipeline works are being developed.
- (v) Board of ELCOT has approved the construction of 50000 sq.ft. of IT Building and the developer has already invested Rs. 14.02 crores in the construction of compound wall and basic infrastructure.
- (vi) **Reason for delay:- In this SEZ the work is delayed due to recession in the IT sector and there is no takers for this SEZ. M/s. Satyam, HCL and Sutherland have withdrawn their allotment of 115 acres of land due to recession in IT sector.**

DC MEPZ has recommended the proposal for consideration by BoA.

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

(xii) Request of M/s. Navi Mumbai SEZ Private Limited for extension of the validity period of formal approval, granted for setting up of multi product SEZ at Dronagiri, Navi Mumbai, Maharashtra, beyond 29th July 2015

The developer was granted formal approval for setting up of multi product SEZ at Dronagiri, Navi Mumbai, Maharashtra on 30th July 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 29th July, 2015.

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

The developer has made following investments/plans.

- (i) Investment of Rs. 3850.27 crores has been made on the project till April 2015.
- (ii) Construction of Boundary wall 55.88 kms completed
- (iii) Construction of 3.93 kms of Storm Water Drains and 2.32 kms of internal roads

- (iv) 1.48 kms each of water lines and sewerage lines laid.
- (v) External pipeline for feeding SEZ, 7.1 kms long
- (vi) Development of open yards
- (vii) Installation and operation of fuel storage tank and fuel station
- (viii) Power cables laid 1.8 kms
- (ix) Construction of Central Lab
- (x) Construction of Administrative Building and the DC's office
- (xi) Setting up of nursery for landscaping and plantation
- (xii) Super/sub structure 5557 sqm.
- (xiii) Investment made by the developer since last extension is 221.14 crores**

It is stated that the formal approval of the said SEZ on 30.07.2007 was given with the condition of establishing contiguity as per the provisions of the SEZ Rules. The cost of establishing contiguity is Rs. 500 crores, which the developer has stated, will make the project uncompetitive. The developer has submitted revised proposal for breaking up of existing notified area into five SEZs. The Zonal office has requested developer on 18th June, 2015 to submit the recommendation of State Government i.r.o. their proposal. The recommendation of State Government is awaited.

DC SEEPZ has **not recommended** the proposal for 6th extension of the validity period of formal approval as the developer has not submitted the recommendation of the State Government.

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

(xiii) Request of M/s. Navi Mumbai SEZ Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES-A at Kalamboli, Navi Mumbai, Maharashtra, beyond 25th July 2015

The developer was granted formal approval for setting up of IT/ITES SEZ at Kalamboli, Navi Mumbai, Maharashtra on 26th July 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which will expire on 25th July, 2015.

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

The developer has made following investments/plans.

- (i) Total investment of Rs. 323.71 crores till April 2015. Investment in land is Rs. 100.81 crores and investment in development is Rs. 225.56 crores.
- (ii) Construction of boundary wall of 3.47 kms, 0.4 kms of Chain link fencing is done.
- (iii) Internal roads of 1500 sqm. done.
- (iv) Construction of custom bounded area for storage of material for authorized operations is completed.
- (v) Investment made by the developer since last extension is Rs. 23.68 crores.**

The developer has furnished the following reasons/difficulties faced in operationalizing the SEZ:-

- (i) Imposition of MAT & DDT.
- (ii) Severe global recession of 2008-2013 which is still continuing.
- (iii) Frequent Policy Changes by GOI and in case of Maharashtra non-enactment of Maharashtra SEZ Act has rendered the SEZs in Maharashtra uncompetitive.
- (iv) The local issues of Project Affected People (PAPs) vis-avis CIDCO were unresolved. Due to this reason, the villagers were not allowing NMSEZ to carry out any work in this SEZ.
- (v) CIDCO had advised NMSEZ that the issues of PAPs would be addressed only after the issues of the PAPs for the proposed Navi Mumbai International Airport (NMIA) are resolved.
- (vi) Now that the issues of the PAPs at the proposed NMIA are more or less addressed, CIDCO will now take up the issues at Kalamboli for resolution and they are hopeful that they would be able to restart the work in the SEZ by September, 2015.

The developer has given following grounds for seeking extension:-

- (i) Government of Maharashtra realized the above problem of SEZ Developer(s) and Units(s) and to address the same, they initiated the development of Integrated Industrial Area (IIA) in its Industrial Policy in February 2013.
- (ii) This policy provides an exit route for the de-notified SEZs to effectively use their land to set up Industrial Areas but without the benefits of the SEZ. In light of unresolved constraints, NMSEZ approached CIDCO and Government of Maharashtra to suggest a way forward for Navi Mumbai SEZ vis-à-vis IIA.

Finally now, as per the advice of GoM and CIDCO and “Make in India” initiative of GOI the developer has decided to continue to develop NMSEZ.

DC SEEPZ has recommended the proposal for last extension for consideration by BoA.

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

(xiv) Request of M/s. Navi Mumbai SEZ Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Multi Services at Kalamboli, Navi Mumbai, Maharashtra, beyond 25th July 2015

The developer was granted formal approval for setting up of Multi Services SEZ at Kalamboli, Navi Mumbai, Maharashtra on 26th July 2007. The SEZ stands notified as on date. The developer has been granted five extensions validity period of which has expired on 25th July, 2015.

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

The developer has made following investments/plans.

- (i) Total investment of Rs. 428.08 crores till April 2015. Investment in land is Rs. 133.31 crores and investment in development is Rs. 298.30 crores.
- (ii) Construction of boundary wall of 3.47 kms, 0.4 kms of Chain link fencing is done.

- (iii) Internal roads of 3295.31 sqm. done.
- (iv) Construction of custom bounded area for storage of material for authorized operations is completed.
- (v) **Investment made by the developer since last extension is Rs. 31.31 crores.**

The developer has furnished the following reasons/difficulties faced in operationalizing the SEZ:-

- (i) Imposition of MAT & DDT.
- (ii) Severe global recession of 2008-2013 which is still continuing.
- (iii) Frequent Policy Changes by GOI and in case of Maharashtra non-enactment of Maharashtra SEZ Act has rendered the SEZs in Maharashtra uncompetitive.
- (iv) The local issues of Project Affected People (PAPs) vis-avis CIDCO were unresolved. Due to this reason, the villagers were not allowing NMSEZ to carry out any work in this SEZ.
- (v) CIDCO had advised NMSEZ that the issues of PAPs would be addressed only after the issues of the PAPs for the proposed Navi Mumbai International Airport (NMIA) are resolved.
- (vi) Now that the issues of the PAPs at the proposed NMIA are more or less addressed, CIDCO will now take up the issues at Kalamboli for resolution and they are hopeful that they would be able to **restart the work in the SEZ by September, 2015.**

The developer has given following grounds for seeking extension:-

- (i) Government of Maharashtra realized the above problem of SEZ Developer(s) and Units(s) and to address the same, they initiated the development of Integrated Industrial Area (IIA) in its Industrial Policy in February 2013.
- (ii) This policy provides an exit route for the de-notified SEZs to effectively use their land to set up Industrial Areas but without the benefits of the SEZ. In light of unresolved constraints, NMSEZ approached CIDCO and Government of Maharashtra to suggest a way forward for Navi Mumbai SEZ vis-à-vis IIA.

Finally now, as per the advice of GoM and CIDCO and “Make in India” initiative of GOI the developer has decided to continue to develop NMSEZ.

DC SEEPZ has recommended the proposal for last extension for consideration by BoA.

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

(xv) Request of M/s. Suyog Realtors Pvt. Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Pot No. 1-4 (formally known as Plot-able land No. PL-23), IT Park Butibori, District Nagpur, Maharashtra, beyond 29th July 2010

Formal approval to the developer was granted on 30th July, 2007. The SEZ stands notified as on date. Formal approval was valid upto 29th July, 2010. This request is for the first extension.

The developer has requested on 28.10.2013 for first extension so as to implement the project.

The developer has made following investments/plans.

- (i) Investment on land is Rs. 8 crores
- (ii) Investment in fencing, site office, furniture and on payment to various consultants is Rs. 2.36 crores.
- (iii) Physical progress: - Lease agreement with MIDC for 17.189 hectares land
- (iv) Water connection obtain on 27.11.2007
- (v) Approach road, fencing to the boundary is completed
- (vi) Site office completed on 24.12.2008
- (vii) Architect appointed on 15.12.2007 and structural consultant was appointed on 12.01.2008.
- (viii) The work could not be executed due to rains and marshy area.
- (ix) Clearing of weeds and vegetation was executed in November, 2010.
- (x) Entire layout as per plan was demarcated on 24.12.2012 and layout submitted for verification to MIDC, Mumbai on 06.01.2011.
- (xi) The work could not start due to Environmental Clearance
- (xii) A writ petition was filed by developer in Bombay High Court. Their case was presented before MoEF Committee on 13.03.2013 and they received NOC on 18.05.2013.
- (xiii) The developer has stated vide C-1 form dated 28.10.2013 that since they were under the impression that the time limit will start from the date of the notification hence request for condonation of delay.

DC SEEPZ SEZ has recommended for first extension of the validity period of formal approval for one year.

The request is placed before BoA for consideration.

(xvi) Request of M/s. Shantha Biotechnics Limited for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology and related activities at Muppireddypalli village, Toopran Mandal, Medak District, Andhra Pradesh, beyond 21st July 2015

Formal approval to the developer was granted on 22nd July, 2010. The SEZ stands notified as on date. The developer has been granted two extensions validity period of which has expired on 21st July, 2015.

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

The developer has made following investments/plans.

- (i) The developer has invested an amount of Rs. 234.09 crores as on 30.04.2015.
- (ii) The civil construction is almost completed and installation of plant and machinery is completed. The mechanical commissioning is completed 100%
- (iii) The equipments & facility qualifications is in progress and expected to be completed on 30.9.2015.

- (iv) The first SEZ unit in the SEZ is for manufacturing of bulk and finished product for Shantha Biotech (unit). The unit is expected to be ready for manufacturing by 30.11.2015 and commercialization of the unit is 31.12.2015.

DC VSEZ has recommended the proposal for extension of the validity period of formal approval for consideration by BoA.

The request is placed before BoA for consideration.

Item No. 66.2: Requests for extension of validity of in-principle approval

(i) Request of M/s. Chhindwara Plus Developers Limited for extension of the validity of in-principle approval, granted for setting up of Multi Product SEZ at Saurar Tehsil, Chhindwara District, Madhya Pradesh, beyond 29th July, 2015.

In-principle approval was granted to the developer on 30th July, 2007 over an area of 2000 hectares. Subsequently, in the BoA meeting held on 22nd September 2008 the developer was granted approval for inclusion of additional area to the extent of 1487.076 hectares to the in-principally approved area, thereby making the total area of the SEZ as 3487.076 hectares. The developer has already been granted seven extensions. The validity of last extension was up to 29th July 2015.

The BoA in its 63rd BoA meeting held on 18.09.2014 extended the in-principle approval upto 29th July, 2015 with the direction to the developer to expedite the acquisition of remaining land and came up with the proposal for formal approval in a time bound manner.

Out of the presently proposed area of land of 1322.149 ha, the developer has acquired 1112.293 ha of land and 209.856 ha of land is under process of acquisition. The developer has stated that the time required for acquisition of balance land would be one year.

The present status of 1322.145 ha land is as under:-

- (i) 573.806 ha of Bhumiswami land purchased and located inside the boundary.
- (ii) 112.428 ha of GOvt. land under possession and located inside the boundary.
- (iii) As per rewards earlier 40 ha of revenue forest land was under process of possession. However, after detailed survey, the revenue forest area was re-established as 80.74 ha for which a revised application is under process under the Forest Conservation Act and the process of acquisition will be completed by January – February 2016.
- (iv) 17.132 ha of land pertaining to ‘sadak for which Collector has approved allotment, possession deed and agreement registration process is going on and would take 60 days, the agreement is proposed to be executed in September, 2015.
- (v) 30.389 ha of land stated as ‘pani ke niche ki bhumi’ for which Collector has decided to land over the ownership possession which is under process.
- (vi) 386.67 ha of ‘bhumiswami land in possession.
- (vii) 111.984 ha ‘bhumiswami land’ projected to be in possession by 31.12.2015.
- (viii) Permission for forest boundary wall obtained.

- (ix) **Reasons for seeking extension:-** (i) to achieve contiguity; and (ii) delay caused in land acquisition as State Govt. Rules for land acquisition were notified in April, 2015.

Progress made so far:-

- (i) Revised application made to forest authorities as per forest conservation Act.
(ii) NOC from District Collection obtained.
(iii) Land is offered in lieu of 80.74 ha of land to forest department which will be transferred in 90 days.

Since the developer is making serious efforts for acquiring land and making the SEZ contiguous, DC ISEZ has recommended the proposal for extension of in-principle approval by one year.

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

Item No. 66.3 : Requests for extension of LoP beyond 3rd 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 3rd year (*in cases where two-third activities are not complete*) and 4th 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. BEML Limited, a unit in KIADB SEZ, Bangalore for extension of LoP beyond 5th January, 2015

M/s. BEML Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 6th January, 2012 for manufacture and export of **Aerospace Mechanical Components**. The unit has been granted two extensions. The validity of last extension was upto 5th January, 2015.

The unit requires extension in validity of LoP for the fourth year and beyond in the absence of completion of two-third of activities including construction in terms of second proviso of Rule 19 (4) of SEZ Rules, 2006.

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

Reason for delay: As the contractor has not fulfilled contractual conditions/obligations, a dispute has arisen between them which is with Arbitration centre of Karnataka and is pending with Arbitral Tribunal. This has halted their work.

In the allotted area of 25 acres by KIADB they have already constructed the boundary wall and carried out leveling work. Apart from the statutory clearances they also have obtained building plan approved by the developer with overall spending (Investment) of Rs. 65.94 crores which is 1/8th of the total proposed project capital investment of Rs. 455 crores in first four years towards establishing BEML Aerospace.

Investment details of the units is as under:-

(i)	Land cost	- 51.26 crores
(ii)	Compound wall construction	- 0.90 crores
(iii)	Machineries	- 13.15 crores
(iv)	KIADB and Pollution Control Board fees	- 0.29 crores
(v)	Consultancy charges	- 0.34 crores

DC, CSEZ, has recommended the request of the unit for extension of validity of LoP for one year.

The request is placed before BoA for its consideration.

(ii) Request of M/s. Western Ghat Agricultural Products Processing Pvt. Ltd (WAPCO), a unit in KINFRA SEZ, (Agro based food processing) at Kakkanchery, Malappurma District, Kerala for extension of LoP beyond 22nd July, 2015

M/s. Western Ghat Agricultural Products Processing Pvt. Lt. was granted LoP on 22nd July, 2011 for **undertaking authorized operations of processing and export of coffee and spices**. The unit has been granted three extensions the validity of last extension is upto 22nd July, 2015.

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

The unit has made the following investment/plans:-

- (i) The unit so far has invested Rs. 80.43 lakhs on lease rent Rs. 503.47 lakhs on construction and Rs. 118.09 lakhs on machineries.
- (ii) During the extension, the unit has completed almost all work related to construction of factory shed, for coffee powdering and coffee processing building with 20000 sq.ft. ground area and machineries for processing.
- (iii) The unit had proposed to commence production by February, 2015 but could not do so due to untimely demise of its MD.

DC, CSEZ, has recommended the request of the unit to the BOA for discussion and deliberation for extension of validity of LoP by six months.

The request is placed before BoA for its consideration.

(iii) Request of M/s. Pidilite Industries Limited a unit in Dahej SEZ, Bharuch for extension of LoP beyond 15th August, 2015,

M/s. Pidilite Industries was granted LoP on 16th August, 2007 for **manufacture and export of (i) Synthetic Elastmer (PCR); (ii) Chlorinated Polyolefins; (iii) Sulfer Chlorinated Polyolefins; (iv) Butenediols; (v) 1,4 Butane Diol and; (vi) Tetra Hydro Furan (THF)**. The unit has been six extensions the validity of last extension is upto 15th August, 2015.

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 made a total investment of Rs. 365 crores as per following details:-
 - (a) Land - Rs. 17.5 crore
 - (b) Civil infrastructure - Rs. 22.5 crores
 - (c) Other infrastructure - Rs. 12 crores
 - (d) Others - Rs. 313 crores
- (ii) Incremental investment since last extension: An investment of Rs. 4 crores has been made.**
- (iii) Physical progress since last extension:**
 - (a) Commissioning of quality control equipments
 - (b) Completion of Engineering of Process Control System
 - (c) Completion of Refurbishment of equipments, valves, pipelines, electrical and instruments
 - (d) Proper storage space for refurbished equipment
- (iv) Erection and commissioning of plant will be around March, 2018**
- (v) Reason for delay:- (a) Based on amended Environment Clearance application for amending NOC has submitted to GPCB on 21st June, 2014. NOC is yet to be received; (b) Increase of project cost from Rs. 500 crores to 800 crores; (c) the process of finalizing of strategic partner to enhance the profitability of the project is taking additional time; and, (d) economic slowdown has also impacted the demand for their product which has forced them to slowdown the execution.

DC, Dahej, has recommended the request of the unit to the BOA for extension of validity of LoP by one year.

The request is placed before BoA for its consideration.

(iv) Request of M/s. Shree Saibaba Petroleum, a unit in KASEZ for extension of LoP beyond 9th June 2012

M/s. Shree Saibaba Petroleum was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 10th June, 2009 for **Petroleum and Petroleum Products**. The unit has been granted two extensions, the validity of last extension is upto 9th June, 2012. The Unit has requested to the Zone only on 3.12.2014 to extend the validity upto 30.12.2015.

The unit has undertaken that they will complete their project by 1.01.2016 and they will not approach for any further extension. The unit has submitted Chartered Engineer Certificate stating that 75% of the total expenditure to be incurred towards the construction work and fabrication and procurement work has been complete.

They have also mentioned that they are in the process of obtaining license from D/o Explosive and other statutory clearances which they will get within six months.

DC, KASEZ, has forwarded the request of the unit to the BOA for discussion and deliberation for extension of validity of LoP.

The request is placed before BoA for its consideration.

(v) 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 31st March, 2015.

The above mentioned unit was granted LoP on 28th March, 2007 for manufacture of ‘Cloth Hangers’. The unit was granted 7 extensions to the validity of LoP. The validity of last extension was up to 31st March, 2015.

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

The unit has made the following investment/plans:-

- (i) Invested Rs. 12.5 crores (including machineries valued Rs. 1.45 crores imported since last extension and Rs.75 lakhs on civil and electrical works.
- (ii) The unit has invested Rs. 1.00 crores on land.
- (iii) The unit plans to invest Rs.1.00 crores on civil and electrical works during the current financial year.
- (iv) The unit is in the process of applying for Electricity Board and machinery installation.
- (v) Additional machinery value Rs. 1.50 crores have been imported and water and electrical works for the machines have been laid out.
- (vi) The unit has stated that they need another 6-8 months time to complete the balance civil works/installation of machinery/trial run/electrical works/pre-production etc.

In view of the progress made by the unit in implementation of the project and commitment made by it to begin operations within 6-8 months, DC MEPZ has recommended the proposal for further extension by one year.

The request is placed before BoA for its consideration.

(vi) 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 1st February 2015

M/s. Soncoya Solutions Pvt. Ltd. was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 2nd February, 2012 for IT/ITES. The unit has been granted two extensions, the validity of last extension is upto 1st February, 2015.

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. They have assured that the construction facility will be completed within this year as per following schedule:-

- (i) Completion of construction - November 2015
- (ii) Interior work - January, 2016
- (iii) Installation of computers - January, 2016

Since the unit has not submitted Chartered Engineer Certificate i.r.o. completion of two-third activities of the unit, DC NSEZ has forwarded the proposal as per proviso 2 to Rule 19(4) of the SEZ Rules, 2006.

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.

(vii) Request of M/s. Tech Mahindra Limited, a unit in MIHAN Multi-Product SEZ at Nagpur, Maharashtra, for extension of LoP beyond 27.07.2015.

M/s. Tech Mahindra Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 28th July, 2008 for IT and ITES. The unit has been granted six extensions. The validity of last extension was upto 27th July, 2015.

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

The unit has made the following investment/plans:-

- The unit has stated that they have completed 50% of the construction work with a total investment of Rs. 5,039/- lakhs as against the total investment of Rs. 10738.46 lakhs so far under various heads.
- **Total Incremental investment of Rs. 1613 lakhs has been made since last extension which is in material procurement, services cost and other overheads.**
- Physical progress till date: 90% of Software development block/ BPO Blocks/Arrival Block/Food court/Amenity Block.
- 60% of Parking space/fitness room/ rest room completed.
- 40% of generator room/electric substation/FO generators/Chiller plant/ UPS Room etc completed.
- 30% of internal roads/street lighting completed.
- 90% of boundary wall/gates/security office completed.
- 50% of landscaping completed.

The unit is planning to start commercial operation for phase – I of the project by December, 2015.

DC, SEEPZ, has recommended the request of the unit for extension of validity of LoP.

The request is placed before BoA for its consideration.

(viii) Request of M/s Artura Pharmaceuticals Pvt. Ltd., a unit in M/s. Sri City SEZ at Chittoor District, Andhra Pradesh for extension of validity period of its LoP beyond 4th July 2015

The above mentioned unit was granted LoP on 5th July, 2010. The unit has been granted four extensions, validity of which was up to 4th July, 2015.

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 started construction of factory in June, 2013 only after sanction of term loan from Bank.
- (ii) The unit has appointed contractors to undertake various works viz civil, engineering installation of HVAC system, electrical fire protection system etc. The unit has obtained all statutory approvals from Industries, Commercial Tax, Electricity Factories, Fire Service, Service Tax Departments.
- (iii) As per Chartered Engineer certificate dated 8th July, 2015, 100% of Civil work has been completed.
- (iv) Investment of Rs. 20.95 crores has been made till date on the project.
- (v) **The unit has stated that they need another 6 months to receive regulatory clearance from Drug Controller of India and complete the balance installation of machinery/trial run. Commercial production to begin from January, 2016.**

DC Sri City SEZ has recommended the proposal for extension of LoP for a period of one year.

The request is placed before BoA for its consideration.

(ix) Request of M/s. Lanco Solar Private Limited, a unit in M/s. Lanco Solar Private Limited SEZ at Village Mehrumkhurd & Chawardhal, Rajnandgaon Dist., Chhastigarh for extension of LoP beyond 28th June, 2015

M/s. Lanco Solar Private Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 29th June, 2011 for manufacture of **Polysilicon, Ingots & Wafers & associated materials/products**. The unit has been granted three extensions, the validity of last extension was upto 28th June, 2015.

The company has invested Rs. 741.51 crores (3.22 crores on land and Rs. 738.29 crores on civil and in structural work and plant and machinery) and furnished a Chartered Engineering Certificate to this effect. The unit plans to start trial production by March, 2016.

DC VSEZ has recommended the proposal as per proviso 2 to Rule 19(4) of the SEZ Rules, 2006 for extension of the validity of the LoP by another two years.

The request is placed before BoA for its consideration.

(x) Request of M/s Shantha Biotechnics Limited, Unit-1 in M/s Shantha Biotechnics Ltd. SEZ at Muppireddypalli Village, Toopran Mandal, Medak District, Andhra Pradesh for extension of validity period of its LoP beyond 28th September, 2015

The above mentioned unit was granted LoP on 29th September, 2010 for manufacturing of vaccines. The unit has been granted four extensions, the validity of which is upto 28th September, 2015.

The unit has applied for further extension of its validity period by one year.

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

The unit has made the following investment/plans:-

- (i) Investment on land/building construction/capital equipments is Rs. 74.96 crores.
- (ii) **Incremental investment since last extension on building construction and capital equipments is Rs. 7.55 crores.**
- (iii) **Physical progress since last extension: (a) 100% interior works and HVAC qualification (IQ/OQ) of central warehousing completed; (b) 100% work of central parking completed; (c) 100% of the installation and qualification activities in suite 2A completed; (d) All black utilities commissioned, purified water generation completed; (e) All the clean utility generation equipment commissioned.**
- (iv) The unit has completed all construction activities.
- (v) 100% installation of plant, machinery and mechanical commissioning completed.
- (vi) The equipments and facility qualifications are in progress and IOQ completed by 30.09.2014.

DC VSEZ has recommended the proposal for extension of LoP by one year.

The request is placed before BoA for its consideration.

(xi) Request of M/s Anjani Udyog Pvt. Limited, a unit in multi-product SEZ developed by M/s Adani Port & SEZ at Mundra, Gujarat for extension of validity period of its LoP beyond 31st March 2015

The above mentioned unit was granted LoP on 28th March, 2008 for manufacture of “Rolled Goods for Cotton Pads, Rolled Goods for Wipes, 100 GSM Rolled Goods”. The unit has been granted six extensions, validity of which is upto 31st March, 2015.

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

The unit has made the following investment/plans:-

- The unit has stated that they have completed 90% of civil work (approximately 18000 sqm.) and only 2000 sqm. of civil work and procurement of machineries (order already placed) is pending.
- They have already invested Rs. 24.28 crores. Total investment by November would be 40 crores.
- Civil construction to be completed by August, 2015.
- Production to commence from October/November, 2015.
- Reason for delay: the unit has stated that the main cause of delay for commencing production was non availability of unskilled labour for civil construction due to Diwali and Holi

The unit has sought further extension of its validity period by one year as the High Court of Gujarat has ordered not to carry out any development work in the SEZ till Environment Clearance is granted by the M/o Environment and Forest to the developer. Therefore, the project could not be completed.

DC APSEZ has requested for consideration of the request of the unit for extension by one year.

The request is placed before BoA for its consideration.

Item No. 66.4 : Requests for co-developer

(a) In the 65th BoA it was decided to approve co-developer proposals, subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period be reduced to a period not exceeding 30 years (Renewable).

In this regard a communication has been received from the Government of Kerala (Principal Secretary, Industries & IT) which states that it has been the policy of the State Government to lease out land for industrial purposes for a period of 90 years. On all previous occasions, co-developer approval has been issued based on the lease agreement signed for 90 years. In many of the upcoming projects, commercial agreement are finalized on 90 years lease of the property and it will be impossible to revisit and de-negotiate these understandings and doing so will cause heavy financial and credibility lose adversely affecting prestigious projects. It has been requested while co-developer agreements may be limited to 30 years lease agreements may be permitted to be continued as originally envisaged in respect of co-developer proposals from Kerala.

In a representation forwarded by DC CSEZ, M/s. Sands Infrabuild Pvt. Ltd. (co-developer) has stated that the reduction of lease hold period of 30 years (renewable) as against 95 years as per the co-developer agreement with developer Smart City (Kochi) Infrastructure Pvt. Ltd. will affect the implementation of the project as the project viability calculation, project planning etc were based on the lease period of 95 years which is co-terminus with the lease period of the developer.

As per rule 7 of SEZ Rules, 2006 which provides for furnishing of details for issuing notification for declaration of an area as SEZ, the minimum lease period mentioned is not less than 20 years. Maximum lease period has not been stipulated in the SEZ Act.

Accordingly, the proposal is put for consideration of BoA for doing away with the requirement of minimum lease period of 30 years.

(i) Request of M/s. Thefra Technopark Pvt. Ltd. for co-developer in the sector specific SEZ for IT/ITES at Kakkanad, Village, Ernakulam District, Kerala, being developed by M/s. SmartCity (Kochi) Infrastructure Pvt. Ltd.

The above mentioned SEZ stands notified over an area of 93.9165 hectares.

M/s. Thefra Technopark Pvt. Ltd. had submitted a proposal for becoming a co-developer in the aforesaid SEZ for IT/ITES and supporting facilities/food court, Recreational facilities, fitness facilities, business centre etc for IT, BPO and other services, over an area of 6.28 acres.

Co-developer agreement dated 1st February, 2015 entered into with the developer has been provided. Draft Sub-Lease Deed has also been provided. Lease period is 94 years. An aggregate amount of Rs. 6,90,58,000 shall be paid by lessee as Advanced/Lumpsum rental. In addition, the lessee shall pay fixed amount of Rs. 1 lakh per acre as maintenance charges. It is agreed that the first calendar year will commence from July 1, 2017 and the said operational and maintenance charge shall be Rs. 4,00,000 per acre, subject to escalation not exceeding 15% every 3 years.

The proposal was deferred in the 65th BoA meeting held 19th May, 2015. The minutes are reproduced as under:-

“The Board noted that the co-developer had not furnished details of ‘other services’ and that the lease period proposed exceeded 30 years. After deliberations, the Board sought details of ‘other services’ from the developer and deferred the proposal.”

DC CSEZ has stated that the co-developer has clarified that the other services mentioned in Form A 1 was an erroneous inclusion. The co-developer has now submitted a revised form in which IT/ITES and supporting facilities/food court, Recreational facilities, fitness facilities, business centre etc for IT/ITES has been mentioned for which co-developer status has been sought. However, revised lease deed reducing the lease period upto 30 years has not been provided.

DC CSEZ has recommended the proposal.

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

(ii) Request of M/s. Virtus IT Services Private Limited for co-developer in the sector specific SEZ for IT/ITES at Attipra, Taluk and District Thiruvananthapuram, Kerala, being developed by M/s. Electronics Technology Parks - Kerala

The above mentioned SEZ stands notified over an area of 22.73.88 Hectares.

M/s. Virtus IT Services Private Limited has already been conferred the co-developer status in the aforesaid SEZ on 27th March, 2012 for providing infrastructure facilities and development of IT sector industry, over an area of 50.2 cents in Survey no. 292 part.

Due to changes in master plan by the aforesaid developer, the co-developer has been re-allocated 1 acres plot bearing no 349-part & 350 part for the co-developer. Hence the company has applied afresh for co-developer status. Co-developer agreement dated 19th May, 2015 entered into with the developer has been provided. Lease Deed dated 19th May, 2015 has also been provided. Lease period is 90 years. Initial down payment of Rs. 1,79,36,500/- for one acre of land has been paid. Annual lease rent is Rs. 10000 per acre.

DC, CSEZ has recommended the proposal.

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

(iii) Request of M/s. Gopalan Enterprises for co-developer in the sector specific SEZ for IT/ITES at Bangalore, Karnataka, being developed by M/s. Gopalan Enterprises (India) Private Limited

The above mentioned SEZ stands notified over an area of 10.3092 hectares.

M/s. Gopalan Enterprises has submitted a proposal for becoming a co-developer in the aforesaid SEZ which is their sister concern for where Shri C. Gopalan is a managing partner and CEO and MD in both the companies. The proposal for co-developer is for electrification/DG Power Back up/Air-conditioning and warm shell completion, over an area of 1.015 hectares.

Co-developer agreement dated 6th January, 2015 entered into with the developer has been provided. Lease Deed has not been provided.

DC CSEZ has recommended the proposal.

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

(iv) Request of M/s. Padiyath Innovationworld Private Limited for co-developer in the sector specific SEZ for IT/ITES at Puthencruz and Kunnathunade village, Taluk Kunnathunadu, Ernakulam, Kerala, being developed by M/s. Infopark (Phase – II)

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

M/s. Padiyath Innovationworld Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development & marketing of infrastructure facilities in the SEZ, over an area of 4.11 acres.

Co-developer agreement dated 24th April, 2015 entered into with the developer has been provided. Lease Deed dated 15th December, 2014 has also been provided. Lease period is 90 years. One time land lease premium is Rs. 3,10,84,000/- per acre amounting to a total lease premium of Rs. 12,77,55,240/- for 4.11 acres of land has been paid by the co-developer vide two cheques.

DC CSEZ has recommended the proposal.

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

(v) Request of DC KASEZ for cancellation of co-developer status granted to M/s. Worlds Window Infrastructure & Logistics Pvt. Ltd. of FTWZ in Kandla SEZ

DC KASEZ has recommended for cancellation of co-developer status to the above co-developer. The co-developer status was granted on 20.09.2010. The co-developer was originally allotted 25 acre which was later reduced to 21.724 acre. The co-developer has not been able to implement the project so far even after 4^{1/2} years from the date of allotment. Hence the zone feels that the cancellation of approval of co-developer is fully justified.

DC has recommended for cancellation of co-developer status.

(vi) Request of M/s. Ashray Logistics India Private Limited for co-developer in the multi product SEZ at Nanguneri, Tirunelveli District, Tamil Nadu, being developed by M/s. AMRL Hitech City Ltd.

The above mentioned SEZ stands notified over an area of 1019.22.5 hectares.

M/s. Ashray Logistics India Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for Logistics Park including warehousing facilities and supply chain management, over an area of 9 hectares as per co-developer agreement dated 6th May, 2015, which has later been amended vide first amendment to co-developer agreement dated 26th June, 2015 in which land area has been increased to 10.49 hectares.

Co-developer agreement dated 6th May, 2015 entered into with the developer has been provided. Lease Deed has not been provided

DC MEPZ has forwarded the proposal for consideration of BoA.

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

(vii) Request of M/s. Trustone Wegmans Developers Pvt. Ltd. for co-developer in the sector specific SEZ for IT/ITES at Plot No. 21, Sector-Techzone IV, Greater Noida, being developed by M/s. Artha Infratech Pvt. Ltd.

The above mentioned SEZ stands notified over an area of 10.006754 hectares.

M/s. Trustone Wegmans Developers Pvt. Ltd. has submitted a proposal for becoming a co-developer in the aforesaid SEZ for constructing one tower of approximately 38000 sqm. super built up area over 0.4450 hectares of land in the processing area for IFSC and IT/ITES including Electronic Hardware and Software.

Co-developer agreement dated 13th June, 2015 entered into with the developer has been provided. Proposed Tripartite Sub-Lease Deed between Greater Noida Industrial Development Authority, Artha Infrastructure Pvt. Ltd. and Trustone Wegmans Developers Private Limited has also been provided. Lease period is 90 years. One time premium is Rs. 70 crores out of which Rs. 10 lakhs have been paid by the said company.

DC NSEZ has recommended the proposal.

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

(viii) Request of M/s. Wockhardt Ltd. for co-developer in the sector specific SEZ for Pharmaceuticals at Shendre, Aurangabad District, Maharashtra, being developed by M/s. Wockhardt Infrastructure Development Ltd.

The above mentioned SEZ stands notified over an area of 107.06 hectares.

M/s. Wockhardt Ltd. has submitted a proposal for becoming a co-developer in the aforesaid SEZ to construct, manage and operate a world class school in the non-processing zone of the aforementioned SEZ over an area of 77000 sqm. The BoA in its meeting held on 8th August, 2007 has, among others, already approved one school upto 12th standard with a built up area not exceeding 10000 sqm. as authorized operation in the said SEZ. Now the proposal is for the following:-

- (i) Grant of co-developer status
- (ii) Approval for increase in built space upto approximately 1600 sqm. in it total land area of upto 77000 sqm. which would include other infrastructure required for a school such as playground, administrative block, roads and parks etc.
- (iii) Approval for dual use of infrastructure (School) in non-processing area.

Mutual Development agreement dated 3rd June, 2015 entered into with the developer has been provided. Draft Sub Lease Deed dated has also been provided. Lease period is 30 years. Annual ground sub-lease rent of Rs. 6,96,20,880/- shall be paid by the lessee.

DC SEEPZ has made following recommendation:-

- (i) Grant of co-developer status to M/s. Wockhardt Ltd.
- (ii) Approval for increase in built space upto approximately 1600 sqm. for setting up a school in non-processing area of pharmaceutical SEZ
- (iii) Approval for dual use of infrastructure (School) in non-processing area, subject to NOC from State Government

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

(ix) Request of M/s. Wipro Limited for co-developer in the sector specific SEZ for IT/ITES at Bhubaneswar, Odisha, being developed by M/s. Orissa Industrial Infrastructure Development Corporation (IDCO)

The above mentioned SEZ stands notified over an area of 69.15 hectares.

M/s. Wipro Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for site development, boundary wall, roads, installation of water supply & sanitation & sewage system, power distribution system, telecom facilities, air conditioning system, warehouse, welfare centre including a first aid centre and crèche & employee business stay facilities, cafeteria, fuel storage, software development office bldg. and other activity as may be required in processing area, over an area of 26 acres.

Co-developer agreement dated 15th July, 2015 entered into with the developer has been provided. Lease Deed dated 31st August, 2005 has also been provided. Lease period is up to 13th February, 2076. Lease premium is Rs. 3,12,00,000/-.

DC FSEZ has recommended the proposal.

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

Item No. 66.5 : Proposals for setting up of SEZs

(i) Request of M/s. HCL IT City Lucknow Private Limited for setting up of a sector specific SEZ for IT/ITES at Village Kanjehara & Mastemau, Chack Gajaria Farms, Sultanpur Road, Lucknow, over an area of 40.469 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(i)	M/s. HCL IT City Lucknow Private Limited	Village Kanjehara & Mastemau, Chack Gajaria Farms, Sultanpur Road, Lucknow	IT/ITES	40.469	Yes	Yes (16.06.2015)	New

DC NSEZ, while recommending the proposal, has stated that the piece of land where the said SEZ is proposed to be setup was earlier notified in the name of M/s. U.P. Electronics Corporation Ltd. However, the said land has been leased out in favour of M/s. HCL IT City Lucknow Private Limited vide lease agreement dated 17.03.2015 i.e. prior to de-notification of SEZ of M/s. U.P. Electronics Corporation Ltd. This aspect may be kept in view while considering the above cited proposal.

It is stated in this regard that the SEZ notified in the name of M/s. U.P Electronics Corporation Ltd. was de-notified by the Department on 10th July, 2015.

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

(ii) Request of M/s. M/s. North Mumbai International Commodity Township Pvt. Ltd. for in-principle approval for setting up of FTWZ at Kaman-Bhiwandi Road, District Thane, Maharashtra, over an area of 60.70 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(ii)	M/s. North Mumbai International Commodity Township Pvt. Ltd.	Kaman-Bhiwandi Road, District Thane, Maharashtra	FTWZ	60.70	No	Yes* (12.05.2015)	New (in-principle approval)

*Subject to the condition that the developer while acquiring the land and before obtaining formal approval of the Govt. of India, will comply with all the legal requirements

of the State Government under various Acts/Rules/Regulations & orders concerning land & other related matters including the GOI's prevailing SEZ Guidelines in force.

DC SEEPZ has recommended the proposal for in-principle approval.

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

(iii) Request of M/s. M/s. Reliable Exports (India) Pvt. Ltd. for setting up of a sector specific SEZ for IT/ITES at Gat No. 31(B) at village Ilthan, Airoli, Thane Belapur Road Thane, Navi Mumbai, over an area of 2.48 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(iii)	M/s. Reliable Exports (India) Pvt. Ltd.	Gat No. 31(B) at village Ilthan, Airoli, Thane Belapur Road Thane, Navi Mumbai	IT/ITES	2.48	Yes	Yes (01.06.2015)	New

DC SEEPZ has recommended the proposal.

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

(iv) Request of M/s. M/s. Loma IT Park Developers Pvt. Ltd. for setting up of a sector specific SEZ for IT/ITES at G-4/1, TTC Industrial Area, Ghansoli, Navi Mumbai, over an area of 6.5 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(iv)	M/s. Loma IT Park Developers Pvt. Ltd.	G-4/1, TTC Industrial Area, Ghansoli, Navi Mumbai	IT/ITES	6.5	Yes	Yes (12.05.2015)	New

DC SEEPZ has recommended the proposal.

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

(v) Request of M/s. M/s. Mantri Developers Private Limited for conversion from in-principle approval to formal approval for setting up of a sector specific SEZ for Electronic Hardware and Software including IT/ITES at Nanakramguda village, Gachibowli, Serilingampally Mandal, Ranga Reddy District, Telangana, over an area of 1.0504 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(v)	M/s. Mantri Developers Private Limited	Nanakramguda village, Gachibowli, Serilingampally Mandal, Ranga Reddy District, Telangana	Electronic Hardware and Software including IT/ITES	1.0504	Yes	Yes (31.07.2015)	Conversion from In-principle approval to formal approval

DC VSEZ has recommended the proposal.

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

(vi) Request of M/s. M/s. Aqua Space Developers Pvt. Ltd. for setting up of a sector specific SEZ for IT/ITES at Raidurg village, Serilingampally Mandal, Ranga Reddy District, Telangana, over an area of 1.85 hectares.

S. No	Name of the Developer	Location	Sector	Area (in ha)	Land Possession	State Govt. Recommendation	Status of application
(vi)	M/s. Aqua Space Developers Pvt. Ltd.	Raidurg village, Serilingampally Mandal, Ranga Reddy District, Telangana	IT/ITES	1.85	Yes	Yes (01.08..2015)	New

DC VSEZ recommendation is awaited.

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

Item No. 66.6 : Cases for ratification by the BoA

(i) Request of M/s. Lupin Ltd., a unit in Indore SEZ, M.P, for extension of Letter of Permission (LoP) beyond 12th June 2015

M/s. Lupin Ltd had been issued LoP on 13th June, 2010 for manufacturing of Anti-asthma, Dermatology and other therapeutic formulations in the form of Cream/ Ointment/ Gel/ Lotion, Metered Drug Inhaler and Dry Powder Inhaler.

Upon the request of the unit, the validity of their LoA was extended from time to time in terms of the provisions laid in Rule 19(4) of the SEZ Rules, 2006. The last extension (5th) was granted by DoC up to 12.06.2015 which was ratified by the BoA for SEZs in its 62nd meeting held on 24.07.2014.

The present request of the unit is for extension of validity period of their LoA beyond 5th year for further period of 1 year i.e up to 12.06.2016. The DC has recommended the proposal.

The unit has intimated that for its ongoing project in the Zone, the total projected CAPEX was Rs. 135.38 crores. The unit submitted that it has already made investments of 67.16 crores i.e 49.60% till 31st March, 2015 out of which Rs.1.14 crores expenditure has been incurred during the period of last extension of LoA.

The unit has informed that they have developed certain exhibit batches pertaining to its eight products and on the basis of these batches, have made application to various regulatory authority like USFDA etc. seeking approval for marketing the products in the respective countries.

The unit has stated that the main reasons for the delay in implementation of the project is long time required for obtaining approval from Regulatory Authorities in various countries. Only after receipt of final approval from the authorities, which generally takes 24 to 48 months, commercial production can be commenced in the unit. The unit was awaiting such approvals.

The DC NSEZ had recommended the proposal for extension of LoP.

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 12th June, 2016.

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

Item No. 66.7 : Miscellaneous Cases

(i) Request of M/s Torrent Energy Ltd. (co-developer in Dahej SEZ), for laying 813 MM Dia MS Raw Water Supply Pipeline from Dahej-II RWSR to their existing pipeline near Dahej-I RWSR for the Power Project in Dahej SEZ

M/s. Torrent Energy Ltd. co-developer status in Dahej SEZ on 10th October, 2008 in Dahej SEZ Ltd. at Bharuch, Gujarat for power generation upto 1500 MW and necessary transmission and distribution network in the said SEZ. M/s. Torrent Energy Ltd. (TEL) also holds LoP as a unit for electricity generation and distribution with capacity of 380 MW in Dahej SEZ. TEL has requested to lay down 813 MM Dia MS Water Supply Pipeline of 11.626 Kms out of which 2.85 Kms Pipeline will be passing through Dahej SEZ corridor. The depth will be around 1.2 meter below the ground level.

Their earlier request of 914 mm Dia MS water pipeline from GIDC Reservoir in Dahej to their power project was approved by the 53rd BoA meeting held on 6th July, 2012 subject to the condition that the duty benefits shall be restricted to the activities carried out inside the SEZ. The developer has verified the proposed route and issued them in-principle approval on 17th March, 2015.

The proposal was placed in UAC on 9th July, 2015 in which UAC observed that in the past request for laying water pipelines of TEL, ONGC and Anushakti Specialities were considered by the BoA. UAC, therefore, has recommended the request of M/s. TEL for consideration of BoA subject to the condition that they will not take any exemption on the material being used outside the SEZ area and pay all the duties as prescribed by the Government

In terms of the approval the co-developer is setting up a power generation plant with an installed capacity of 1200 MW. Commercial generation of power is yet to start. M/s Torrent Energy Ltd. was also issued LoP as a unit on 22.05.2009 for electricity generation and distribution with capacity of 380 MW, within Dahej SEZ processing area. Both the co-developer & unit are in the processing area of Dahej SEZ.

DC Dahej SEZ has recommended the proposal (**Annexure-1**).

The proposal is placed before BoA for its consideration.

(ii) Request for de-notification of 2nd phase of SEZ for Apparel Sector at Ahmedabad over an area of 7.62 Hectares out of Notified area of 38.04 Hectares – Amendment of Rules

This is regarding insertion of necessary amendment to SEZ Rules, 2006 in order to consider the request of M/s. Gujarat Industrial Development Corporation (GIDC) for de-notification of 2nd phase of SEZ for Apparel Sector at Ahmedabad over an area of 17.62 hectares out of notified area of 38.04 hectares.

As per SEZ rules, 2006, minimum land area requirement for sector specific SEZ was 100 hectares, which was reduced to 50 hectares vide amendment notification dated 12th August, 2013. However, minimum land area requirement for in the sector specific SEZs in the Textile and Article of Textiles situated in the State of Gujarat as per column (2) of the of SEZ rules 2006 is 38 hectares.

The proposal came up in the 32nd BoA meeting held on 23.02.2009. *The Board noted that the above mentioned SEZ was notified under Rule 5 (3) of SEZ Rules, 2006, after due confirmation from the State Government regarding the contiguity of the land. In the present proposal, the State Government of Gujarat has indicated that there is an existing road and hence it will be easy to denotify the areas identified by them. BoA held the opinion that in the first place the Government of Gujarat should have indicated clearly whether the contiguity of the SEZ is available. The issue of de-notification is being raised after a lapse of 3 years and after Government of Gujarat had indicated that there is a existing road. It may be pointed out that this SEZ was notified under Rule 5 (3) of the SEZ Rules, which prescribes the requirement of minimum area of land. As per Annexure II to Rule 5 (3) of SEZ Rules, 2006, the requirement of minimum area of land in this particular case is 38 hectares. This was done to ensure that these SEZs which do not fulfil the criteria of minimum land requirement continue to function. Hence, further reduction of land in this case is not advisable. It is preferable that Gujarat Government re-considers its decision on this issue. Accordingly, BoA decided to refer the matter back to Government of Gujarat. In case Gujarat Government reiterates its position, the matter will have to be placed before EGoM for a decision.*

Govt. of Gujarat has reiterated its earlier submitted proposal and confirmed that it stands by its decision to use the land proposed to be de-notified for the purposes stated earlier.

DC KASEZ has recommended the proposal for partial de-notification of an area of 17.62464 hectares since the land after de-notification will be used for projects involving public interest at large, long lasting infrastructure and education. Moreover, the contention of the developer that their SEZ has failed to garner business on account of present market scenario and tax regime, bleak export scenario in the apparel sector appears to be acceptable as could be observed from the performances of Apparel SEZs of Gujarat.

Comments in the matter were sought from DGEP to which it has informed that the proposal for reduction in area has no revenue implications. Therefore, DoC may take a call on whether the minimum land area requirement for the SEZ be reduced further from 38.04 hectares to 20.4 hectares. However, reduction in area can be implemented only after amending Rule 5 of SEZ Rules, 2006. The matter was considered in the 65th BoA held on 19th May, 2015. The minutes are as under:-

After deliberation, the Board decided to defer the proposal as the matter was under consideration of the Department of Commerce.

The Rule 5 of SEZ Rules 2006 has been processed separately. Now, the minimum area requirement in Annexure II, in serial number 3, for the State of Gujarat for Textile and Article of Textiles has been reduced from 38 hectares to 20 hectares vide notification dated 16th July, 2015 (**Annexure-2**).

Accordingly, the proposal is placed before BoA for information.

(iii) Request of M/s.IG3 Infra Ltd. sector specific SEZ for Textiles at Utukulli Village, Erode District, Tamil Nadu for enhancing the capacity of power generation

The above mentioned SEZ stands notified over an area of 103.64.57 hectares.

The developer has already given approval for power generation of 40 MW under the authorized operations in the non-processing area. The developer has now requested for enhancing the capacity of the power generation from 40 MW to 48 MW in the non-processing area. The reasons for enhancement are (i) textile manufacturing units are power intensive and have a need for uninterrupted power supply (ii) own generation will provide uninterrupted power supply to units inside the SEZ and the power generated will be supplied at competitive price (iii) since the units have decided to run their plants on three shifts, they envisaged a requirement of 48 MW.

Details of the activities in the non-processing area for which approval has been sought:-

S. No.	Name of the authorized activity	No. of units	Area per unit (in sqm.) as per FSI/FAR norms a applicable	Total area (in sqm.) capacity (in MW)
1.	Enhancement of power project from 40 MW to 48 MW	2	20 acres	

DC MEPZ has recommended the proposal.

The proposal is placed before BoA for its consideration.

(iv) Request of M/s. Arshiya International Limited for FTWZ at Pune, Maharashtra for change in shareholding pattern

The above mentioned SEZ stands notified over an area of 57.045 hectares.

There is a request from the developer for change of name from M/s.Arshiya International Limited to M/s. Arshiya Limited. The matter was examined in this Department and it has been noticed that there is change of shareholding pattern as well alongwith change of name. It has, therefore, been decided to place the matter before the BoA.

The present shareholding pattern of M/s. Arshiya International Limited is as under:-

S. No.	Name of shareholder	% of Shareholding at the time of formal approval	% of Shareholding at the time of change of name
1.	Archana A. Mittal	38.69	31.949
2.	Ajay S. Mittal	--	4.928
3.	Mr. Richard Bolte Jr.	0.28	--
4.	Mr. Rishabh Shah	0.01	0.01
5.	Mr. Francis X Bolte Jr.	0.28	--
6.	Other (public)	60.73	63.09

The proposal is placed before BoA for its consideration.

(v) Proposal of M/s. GMR Aero Technic Limited, unit in M/s. GMR Hyderabad Aviation SEZ Limited SEZ in an Existing Airport at Mamidipalli village, Shamshabad Mandal, Ranga Reddy District, Telangana for approval for Establishing a Crash gate for Emergency vehicle entry to MRO Building

The above mentioned SEZ stands notified over an area of 101.20 hectares.

The LoP to the unit has been issued for carrying out maintenance, repair and overhaul (MRO) operations in the above mentioned SEZ. The unit already has two gates and has requested for additional gate. Reason given is that in case of an emergency they have fully automated fixed fire fighting systems within the building, they will additionally require immediate support from Airport rescue and fire fighting unit (ARFF) which is a kilometer away. At present APFF emergency vehicles are responding for MRO emergency from the main SEZ gate via land side which is taking 15 minutes to reach MRO building. The response time will not suffice their requirement as any emergency will become severe and uncontrollable within no time due to involvement of large aircrafts.

The matter was placed in UAC which has advised the DC to refer the matter to BoA as the unit already has two gates.

DC VSEZ has accordingly forwarded the proposal for consideration of BoA.

The request is placed before the BoA for consideration.

(vi) Request of M/s.TSI Business Parks (Hyderabad) Pvt. Ltd., Co-developer in M/s. APIIC Ltd., sector specific SEZ for IT/ITES at Nanakramguda village, Serilingampally Mandal, Ranga Reddy District, Telangana for change in shareholding pattern

The above mentioned SEZ stands notified over an area of 16.48 hectares.

The present shareholding pattern of M/s. TSI Business Parks (Hyderabad) Pvt. Ltd. is as under:-

S. No.	Name of shareholder	% Shareholding (approx)
1.	IDBI Trusteeship Services Limited (A/C, India Advantage Fund III)	24.22
2.	IDBI Trusteeship Services Limited (A/C, India Advantage Fund IV)	25.78
3.	TS Hyderabad 12A	50
	Total	100

Post the transfer, the shareholding pattern of TSI-BP would be as under:

S. No.	Name of shareholder	% Shareholding (approx)
1.	Reco Rock Private Limited	50
2.	TS Hyderabad 12A	50
	Total	100

Preference shares

S. No.	Name of shareholder	% Shareholding (approx)
1.	IDBI Trusteeship Services Limited (A/C, India Advantage Fund III)	25
2.	IDBI Trusteeship Services Limited (A/C, India Advantage Fund IV)	25
3.	TS Hyderabad 12A	50
	Total	100

Preference shares

S. No.	Name of shareholder	% Shareholding (approx)
3.	Reco Rock Private Limited	50
4.	TS Hyderabad 12A	50
	Total	100

The co-developer has stated that they are co-developer in TSIIC formerly known as APIIC. It is stated that the developer i.e. M/s. APIIC Ltd. has not submitted any request for change of name and the SEZ stands known as APIIC at present.

DC VSEZ has recommended the proposal.

The proposal is placed before BoA for its consideration.

(vii) Inclusion of simulators in the approved list of items for Industrial Licence already approved by BoA in its 61st meeting held on 3rd April, 2014 in respect of M/s Syrma Technology Pvt. Ltd., SEZ unit in Chennai.

This is regarding the issuance of Industrial Licence to M/s Syrma Technology Pvt. Ltd., Chennai for manufacturing of Defence Products like Radio & Satellite Communication Equipment, optronics and electro optronics systems. The BoA approved the proposal for issue of IL in its meeting held on 03.04.2014 for the above mentioned items. The Board approved the annual capacity of 500 Nos. subject to conditions as prescribed by MoD/MHA. The decision of BoA is reproduced below:

“After deliberations the Board decided to approve the proposal for issue of LoP to M/s Syrma Technology Pvt. Ltd. for manufacture of Radio & Satellite communication equipment and optronics & optoelectronic system only with proposed annual capacity of 500 Nos. subject to conditions as prescribed by MoD/MHA. LoP for the same shall be issued by the concerned Development Commissioner in terms of Section 9(2)(e) of SEZ Act, 2005 and Rule 1891) read with Rule 19(4) of SEZ Rules, 2006”.

Clarification was sought by Department of Defence Production (DoDP) in respect of the individual annual capacity of the approved items. DoDP vide letter dated 27.07.2015 has informed that in view of the defence products list notified vide Press Note 3 of 2014 series, the IL is required for undertaking manufacturing of simulators designed for military application from defence angle. It is further informed that DIPP notified the de-regulation of annual capacity for defence IL vide Press Note 9 of 2014 series. DoDP recommended that DoC may grant IL for manufacture of communication equipments including simulators, optronics and Opto Electronics System specifically designed for military application subject to standard terms and conditions for licensing and the extant FDI Policy guidelines applicable to defence sector and clearance of MHA.

In view of the above, since the Board has already approved two items viz. Radio & Satellite Communication Equipment, optronics and electro optronics, therefore the proposal is placed before BoA for the approval of ‘simulators’.

Item No. 66.8 : 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/co-developer, the concerned DC has proposed for cancellation of formal approval granted to the Developer. The details of cases are as under:-

Sr. No.	Name of the Developer/co-developer	Sector	Date of formal approval	Zone	Remarks
1.	M/s. M.M. Tech Towers (Kozhencherry, Pathanmthitta, Kerala)	IT/ITES	18.06.2009	CSEZ	<p>The formal approval granted to the developer has expired on 17.06.2012.</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. The developer has, therefore, failed to comply with the terms and conditions laid down in the formal approval issued to them. The Principal Secretary, Industries department, Government of Kerala has conveyed the no-objection of the State Government for the cancellation of the LoA.</p> <p>DC has recommended for cancellation of formal approval.</p>
2.	M/s. Emmar MGF Land Ltd. (ECE House, 28 Kasturba Gandhi Marg, New Delhi)	IT related SEZ	18.06.2009	CSEZ	<p>The formal approval granted to the developer has expired on 17.06.2012.</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. The developer has, therefore, failed to comply with the terms and conditions laid down in the formal approval issued to them. The Principal Secretary, Industries department, Government of Kerala has conveyed the no-objection of the State Government for the cancellation of the LoA.</p> <p>DC has recommended for cancellation of formal approval.</p>
3.	M/s. Hindustan Newsprint Ltd. (Newsprint Nagar, District Kottayam, Kerala)	Pulp & Paper	18.11.2009	CSEZ	<p>The formal approval granted to the developer has expired on 17.11.2012.</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. The developer has, therefore, failed to comply with the terms and conditions laid down in the formal approval issued to them. The Principal Secretary, Industries department, Government of Kerala has conveyed the no-objection of the State Government for the cancellation of the LoA.</p> <p>DC has recommended for cancellation of formal approval.</p>

Item No. 66.9 : Appeals before BoA

(i) Appeal of M/s. Jindal International against the order passed by the Development Commissioner of Kandla Special Economic Zone dated 29th May, 2015.

The unit was granted permission to set up a unit for manufacturing all types yarn, blankets and home furnishing articles vide Letter of Approval No.KASEZ/1A/1888/2002-03 dated 14th October, 2002.

Initially there were three partners namely Shri Amit Kumar Jindal, Shri Nitin Kumar Jindal and Shri Puneet Kumar Jindal having equal share in firm. Later on, vide letter dated 3rd June, 2003, the unit submitted copy of new partnership deed alongwith retirement deed. The older partners Shri Nitin Kumar Jindal and Shri Puneet Kumar Jindal retired from the firm and Shri Atul Jindal joined therein.

Shri Amit Jindal had challenged his retirement from the firm in the civil court of panipat and obtained status quo regarding change in constitution of the firm. Accordingly the unit was instructed to suspend business activities.

The other partners of unit filed a special civil application in the Hon'ble High Court of Gujarat, Ahmedabad. The Hon'ble High Court directed DC, KASEZ to pass an appropriate order in accordance with law and the provisions contained under the Act and rules framed there under.

Accordingly, vide letter dated 29th May, 2015 DC, KASEZ directed the unit to start normal business activity in KASEZ subject to condition that they have to pay 50% of arrears dues of Rs.46,27,002/- within 30 days and remaining 50% of arrears within 6th months period. The appellant has filed the instant appeal (**Annexure-3**) against the above decision of not waiving the rental arrear dues.

The appellant has given following reasons for appeal:-

All exports orders were cancelled and imported raw materials including finished goods got damaged, decayed and deteriorated which led to total waste of millions of rupees, due suspension imposed on the business unit during December, 2010 to April, 2014.

(ii) Appeal of M/s. Converse Network Systems Private Limited Unit-1 against the order passed by the UAC, NSEZ in its meeting held on 23rd June, 2015.

Converse India had set up its Special Economic Zone, Unit in DLF Assets Private Limited SEZ, Gurgaon to provide IT/ITES services to its customers outside India. The unit commenced its operations from 23rd June, 2015.

The unit-I has executed a local Business Transfer Agreement (BTA) with Amdocs Centre India Private Limited (Amdocs) for transfer of assets and liabilities related to Business Support Services (BSS) from converse India to Amdocs.

Pursuant to the proposed transfer as per the BTA, SEZ Unit-1 would continue to operate as it is currently operating, though under a new entrepreneur (i.e Amdocs).

With the above intention, the appellant has made an application for transfer of SEZ unit-1 to a new entrepreneur (i.e. Amdocs) in accordance third proviso of Rule 19(2) of SEZ Rules.

The UAC Committee of Noida SEZ in its meeting held on 23rd June, 2015 noted that the proposal does not fulfill conditions prescribed in Rule 19(2) read with Rule 74A of SEZ Rules, 2006 (as amended). Accordingly, the Committee rejected the proposal.

The appellant has given following reasons for appeal:-

Pursuant to the transfer the SEZ Unit-1 would continue to operate as it is currently operating, though under an new entrepreneur (i.e. Amdocs).

Pursuant to such transfer, Amdocs would undertake to abide by the terms and conditions subject to which LoA was initially granted to subject SEZ unit, in the capacity of incoming entrepreneur.

Such transfer does not constitute exit of unit-1 from the SEZ Scheme and is only a transfer of approved unit to a new entrepreneur (i.e. Amdocs) which is permitted under Rule 19 of the SEZ Rules.

The appellant has filed the instant appeal against the above rejection (**Annexure-4**).

The appeal is placed before the BoA for consideration.

(iii) Appeal of M/s. Converse Network Systems Private Limited Unit-2 against the order passed by the UAC, NSEZ in its meeting held on 23rd June, 2015.

Converse India had set up its Special Economic Zone, Unit in DLF Assets Private Limited SEZ, Gurgaon to provide IT/ITES services to its customers outside India. The unit commenced its operations from 23rd June, 2015.

The unit-2 has executed a local Business Transfer Agreement (BTA) with Amdocs Centre India Private Limited (Amdocs) for transfer of assets and liabilities related to Business Support Services (BSS) from converse India to Amdocs.

Pursuant to the proposed transfer as per the BTA, SEZ Unit-2 would continue to operate as it is currently operating, though under a new entrepreneur (i.e Amdocs).

With the above intention, the appellant has made an application for transfer of SEZ unit-2 to a new entrepreneur (i.e. Amdocs) in accordance third proviso of Rule 19(2) of SEZ Rules.

The UAC Committee of Noida SEZ in its meeting held on 23rd June, 2015 noted that the proposal does not fulfill conditions prescribed in Rule 19(2) read with Rule 74A of SEZ Rules, 2006 (as amended). Accordingly, the Committee rejected the proposal.

The appellant has given following reasons for appeal:-

Pursuant to the transfer the SEZ Unit-2 would continue to operate as it is currently operating, though under an new entrepreneur (i.e. Amdocs).

Pursuant to such transfer, Amdocs would undertake to abide by the terms and conditions subject to which LoA was initially granted to subject SEZ unit, in the capacity of incoming entrepreneur.

Such transfer does not constitute exit of unit-2 from the SEZ Scheme and is only a transfer of approved unit to a new entrepreneur (i.e. Amdocs) which is permitted under Rule 19 of the SEZ Rules.

The appellant has filed the instant appeal against the above rejection (**Annexure-5**).

The appeal is placed before the BoA for consideration.

(iv) Appeal of M/s. Soyuz trading company limited against the order passed by the Development Commissioner of Noida Special Economic Zone dated 20th May, 2015.

The Development Commissioner vide his order dated 20th May, 2015 has rejected the proposal of the above firm for setting up of unit for the purpose of the export of the Management Consultancy Services as the general consensus could not take place on the explanation given by the firm on the services to be provided to the foreign buyers.

The appellant has given following reasons for appeal:-

The services in question "Management Consultancy Service" were duly covered under Rule 76 of the SEZ Rules issued under section 2(z) of SEZ Act, under the head "Other Business Services".

The order has been passed without giving any reason for rejecting the said application.

The said order is also against the objective of the SEZ Act and the Rules.

The appellant has filed the instant appeal against the above rejection (**Annexure-6**).

The appeal is placed before the BoA for consideration.

(v) Appeal of M/s. Pitambra Hardware & Metal Exports Pvt. Ltd. against the order passed by the DC, NSEZ dated 10th April, 2015.

The approval committee in its meeting held on 12th March, 2015 noted the dismal performance of both the above unit and observed that the unit is not working since 2010-11. On request of unit, the committee decided to allow to exit from the SEZ scheme in terms of Rule 74 of SEZ Rules, 2006. Further, the Approval Committee also decided to cancel the allotment of Plot No.166, 168 & 169, NSEZ and advised the unit to handover the possession of said plots at the earliest failing which proceedings under Public Premises (Eviction of Unauthorized occupants) Act, 1971 shall be initiated.

The appellant has given following reasons for appeal:-

The cancellation of allotment of above plots without considering all facts and circumstances is unjustified.

The allotted plot is lawfully in possession of the allottee and it has been used for the purpose it was allotted, lease rentals and all other dues are paid up to date hence treating the plot as public property is totally illegal, unjustified.

The appellants has complied with all terms and conditions of LoA and has held valid LoA for more than 5 years, had done exports for several years and thus eligible to exit from SEZ by transfer of all assets.

The appellant has filed the instant appeal against the above rejection (**Annexure-7**).

The appeal is placed before the BoA for consideration.

(vi) Appeal of M/s. Etrastar Hardware & Exports (p) ltd against the order passed by the DC, NSEZ dated 10th April, 2015.

The approval committee in its meeting held on 12th March, 2015 noted the dismal performance of the above unit and observed that the unit is not working since 2010-11. On request of unit, the committee decided to allow to exit from the SEZ scheme in terms of Rule 74 of SEZ Rules, 2006. Further, the Approval Committee also decided to cancel the allotment of Plot No.166, 168 & 169, NSEZ and advised the unit to handover the possession of said plots at the earliest failing which proceedings under Public Premises (Eviction of Unauthorized occupants) Act, 1971 shall be initiated.

The appellant has given following reasons for appeal:-

The cancellation of allotment of above plots without considering all facts and circumstances is unjustified.

The allotted plot is lawfully in possession of the allottee and it has been used for the purpose it was allotted, lease rentals and all other dues are paid up to date hence treating the plot as public property is totally illegal, unjustified.

The appellants has complied with all terms and conditions of LoA and has held valid LoA for more than 5 years, had done exports for several years and thus eligible to exit from SEZ by transfer of all assets.

The appellant has filed the instant appeal against the above rejection (**Annexure-8**).

The appeal is placed before the BoA for consideration.

(vii) Appeal of M/s. Ess Ess Traders against the order passed by the DC, NSEZ dated 22nd April, 2015.

M/s. Ess Ess Traders has been issued LoA No. 09/22/2007-Proj/222 dated 05th March, 2007 for trading of various items. The unit commenced operation w.e.f 01st April, 2008 and LoA was valid upto 31st March, 2013.

The unit has neither submitted credible business plan nor its sister concerns have completed the exit formalities, as directed by the committee. The LoA of the above unit has

expired on 31st March, 2013. No physical exports have been effected since inception and the unit is also not paying lease rentals.

The Committee, therefore, decided not to renew the LoA and initiate action under PP Act for eviction proceeding against the unit.

The appellant has given following reasons for appeal:-

The unit had a record turnover of Rs. 30 crores net foreign exchange earnings in the Zone during its operation in the Zone being exporter of builders hardware to B&Q stores in UK alone.

Before cancellation of LoA there has been no show cause notice.

The unit has complied with all the formalities of exit and the Zone had given all the permissions for disposal of assets of these units in the Zone.

The unit requested for a space to work for the sister concern and the Zone allotted a first floor SDF overlooking the requirement of the plant. Although the ground floor factory was available but our request was overlooked and another company which is a large scale company was favoured against a small unit.

The appellant has filed the instant appeal against the above rejection (**Annexure-9**).

The appeal is placed before the BoA for consideration.

(viii) Appeal of M/s. Bhartiya Industries against the order passed by the DC, NSEZ dated 16th April, 2015.

M/s. Bhartiya Industries was issued a Letter of Approval No.09/13/2006-Proj/11512 on 12th October, 2006 for setting up of unit for manufacturing of Leather Hard Goods, Leather Furniture, Leather & Iron Accessories, items made of Wood, Glass, Iron Brass, Copper, Aluminium or from any other metal. The unit commenced its activities on w.e.f 19th November, 2007. The unit was functional upto the years 2008-09 and thereafter no business has been carried out from the allotted plot. An SCN was issued on 23th January, 2015 for non-performance, non-submission of APRs and non-payment of lease rent. The Committee further noted that the LoA has already been lapsed on 18th November, 2011 and the premise is lying unutilized since 2009. Therefore, the committed decided to treat the LoA cancelled.

The appellant has given following reasons for appeal:-

Recession in the international market recession during the set up of unit i.e. 2008.

Not been given personal hearing in the matter and decision has been taken by the DC unitarily.

Management Consultance Services provided by the appellant are duly covered under main heading “other business services” of Foreign Trade Policy, 2015-20- Para. 2.04

The appellant has filed the instant appeal against the above rejection (**Annexure-10**).

The appeal is placed before the BoA for consideration.

(ix) Appeal of M/s. Sona Overseas, a unit in NSEZ against order dated 25th November, 2014 of the UAC.

The Unit was issued LOA on 8.5.2003 for manufacturing of plain and studded jewellery and trading in gems and jewellery. The unit started its activities on 11th January, 2004. The unit was functional upto the years 2010-11 and thereafter no business was carried out from the allotted plot. The LoA had already been lapsed on 10th January, 2014. Premises is lying unutilized since 2011-12 and lease rent of Rs. 144427/- is outstanding towards the unit. Therefore the UAC Committee has cancelled the LoA of the unit.

The appellant has given following reasons for appeal:-

- (i) The order is too harsh and against the facts and circumstances of the case
- (ii) Letters filed by the unit have not been considered.
- (iii) Circumstances leading to non-functioning of the unit for the last two years have not been heard and considered.

The appeal was considered in the 65th BoA held on 19th May, 2015. Since no representative from the appellant appeared for personal hearing, the Board decided to give another opportunity to the appellant. The appeal is at (**Annexure-11**).

The appeal is therefore placed before the BoA for consideration.

(x) Appeal of M/s. Indo Widecom International Ltd., a unit in NSEZ against order dated 17th October, 2014 of the UAC

The Unit was issued LOA on 21.10.1997 for manufacturing of wide format fax machines. The unit started its activities on 06th October, 1998 and the LoA of the unit was valid till 30.04.2013. The Unit is lying non-functional since 2009-10. During last five years block, unit has made export of Rs. 1.02 Lacs and achieved NFE of Rs. 12000/- only.

The unit has not submitted APRs on time. APRs were submitted in March, 2012 after inordinate delay and even submitted APRs had incorrect figures.

The unit has not submitted rectified Bond-Cum-Legal-Undertaking and thus non-compliance of terms of LoA/SEZ Act/Rules.

The unit failed to pay rent and the Zone authorities had auctioned the premises of the unit. Now, unit has no building to operate. Therefore, the UAC has cancelled the LoA of the above unit.

The appellant has given following reasons for appeal:-

- (i) SCN dated 04.02.2010 was illegal and wrong which was duly replied by the unit and the issues raised by the appellant were not adjudicated by the DC
- (ii) After the wrongly locking of the premises of the appellant and illegally taking overs the documents, stocks plant machinery the appellant has suffered use loses

The appeal was considered in the 65th BoA held on 19th May, 2015. Since no representative from the appellant appeared for personal hearing, the Board decided to give another opportunity to the appellant. The appeal is at (**Annexure-12**).

The appeal is placed before the BoA for consideration.

(xi) Writ Petitions 2622/2014 filed by M/s. Ellenbarrie Exim Limited v/s Union of India & ors. before Hon'ble High Court at Calcutta

M/s. Ellenbarrie Exim Ltd. had filed an appeal against order dated 25th February, 2014 of the Development Commissioner. The DC FSEZ had cancelled the LoP issued to the unit based on the decision taken by the UAC on 10th January, 2014 due to the following reasons:-

- (i) The firm is a defaulter of rent and earlier SCN was also issued in this regard.
- (ii) The firm failed to keep all their commitments with respect to rental dues clearance as given by them
- (iii) The firm failed to realize an amount of Rs. 92,93,30,408.01 which outstanding against their unit for the half year ended 30th June, 2013 for which is a separate Show Cause Notice has been issued and proceedings underway.

Aggrieved by the decision of UAC, the unit preferred an appeal before the BoA for SEZs. The appeal was placed before the 62nd BoA meeting held on 24th July, 2014 and after examining the matter and hearing the appellant, the BoA decided to reject the appeal.

Aggrieved by the BoA's decision, M/s. Ellenbarrie Exim Ltd. has preferred a Writ Petition No. 2622/2014 before the Hon'ble Calcutta High Court. Vide its order dated 24.02.2015, Hon'ble high Court ordered that in its view since the appeal has been rejected by a one-sentence order without giving any reason, the order passed in the appeal cannot be sustained and is, thus, set aside and quashed. In view of the same, it has been decided to give the petitioner an opportunity to be heard before the BoA for SEZs.

The appeal was considered in the 65th BoA held on 19th May, 2015. On the request of the appellant, BoA had deferred the appeal till next BOA meeting.

The appeal is therefore placed before the BoA for consideration.

(xii) Appeal of M/s. Suchi Specialty Fasteners against the order passed by the Development Commissioner of Surat Special Economic Zone dated 25th February, 2015.

Development Commissioner vide his order dated 25th February, 2015 has cancelled the LoA of the unit and the unit has not submitted LoA extension before the expiry time i.e before 30th June, 2014.

The unit vide letter dated 06th April, 2015 requested the Development Commissioner to condon the delay and to give extension of LoA according to Rule, 19 (6) of SEZ Rules, 2006. The DC, KASEZ in his reply rejected the request of above unit on wrong interpretation of above rule. The unit has to apply for renewal of LoA before expiry of current LoA.

The appellant has given following reasons for appeal:-

The appellant has not been given an opportunity for hearing.

The unit has never contravened the terms and conditions of LoA

The unit has achieved positive NFE during last five years.

The appellant has filed the instant appeal against the above rejection (**Annexure-13**).

The appeal is placed before the BoA for consideration.
