

Minutes of the 48th meeting of the SEZ Board of Approval held on 19th September 2011 to consider proposals for setting up Special Economic Zones

The forty eight (48th) meeting of the SEZ Board of Approval (BoA) was held on 19.09.2011 under the chairmanship of Dr. Rahul Khullar, Secretary, Department of Commerce, at 10.30A.M.in Room No. 47, UdyogBhawan, New Delhi, to consider proposals for setting up of Special Economic Zones (SEZ) and other miscellaneous requests in respect of notified/approved SEZs. A list of participants is enclosed (**Annexure -1**).

2. Addressing the Board of Approval members, the Chairman informed that so far 585 formal approvals have been granted for setting up of SEZs out of which 381 have been notified. He further informed that as on 30.06.2011, over Rs. 2,12,914.36Crore has been invested in the SEZs and direct employment of the order of 7,14,412 persons has been generated in the SEZs. During the financial year 2010-11, total exports to the tune of Rs. 3,15,867.85 Crore has been made from the SEZs, registering a growth of about 43.11% over the exports for the year 2009-10. Exports during the first quarter of the current financial year i.e. up to 30.06.2011 have been to the tune of Rs. 72,255.49Crore.

Item No. 48.1: Proposals for setting up of SEZs.

(i) Request for setting up of a sector specific Special Economic Zone for Petroleum and Oil & Gas Industry at Rajayyapeta village, Visakhapatnam District, Andhra Pradesh by M/s. Planet SEZ Private Limited, over an area of 108 hectare

The Board noted that the Government of Andhra Pradesh had recommended the proposal vide letter dated 10.08.2011. Since, the land was not in possession of the Developer, the Board decided to grant **in-principle approval** to the proposal of M/s Planet SEZ Private Limited, for setting up of a sector specific Special Economic Zone for Petroleum and Oil & Gas Industry at Rajayyapeta village, Visakhapatnam District, Andhra Pradesh, over an area of **108 hectares**.

(ii) Proposal of M/s. Indian Strategic Petroleum Reserves Limited, for setting up of FTWZ at Padur, Karnataka, over an area of 41.20 hectares.

The Board noted that the Developer was in possession of the land. The Government of Karnataka had also recommended the proposal for formal approval vide their letter dated 26.08.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Indian Strategic Petroleum Reserves Limited, for setting up of FTWZ at Padur, Karnataka, over an area of 41.20 hectares.

(iii) Proposal of M/s. Bhuvana Comforts Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES including Electronic Hardware at B.M. Kaval and Rachanamadu villages, KengeriHobli, Bangalore, Karnataka, over an area of 12.4 hectares.

The Board noted that the Developer was in possession of the land. The Government of Karnataka had also recommended the proposal for formal approval vide their letter dated 11.04.2011. Accordingly, the Board decided to grant **formal approval** to the proposal of M/s. Bhuvana Comforts Private Limited, for setting up of a sector specific Special Economic Zone for IT/ITES including Electronic Hardware at B.M. Kaval and Rachanamadu villages, KengeriHobli, Bangalore, Karnataka, over an area of 12.4 hectares.

Item No.48.2: Request for co-developer

All BoA sanctioned approvals to co-developers are subject to the condition that particular terms and conditions of lease agreement/co-developer agreement will not have any bearing on the treatment of the income by way of lease rentals/down payment/premium etc., for the purposes of assessment under the prevalent Income Tax Act and Rules. The Assessing Officer, will have the right to examine the taxability of these amounts under the SEZ Act and Income Tax Act as applicable. This is applicable to all the cases of co-developers approved by the BoA in this meeting:-

(i) Request of M/s. Hyderabad Infratech Private Limited for co-developer in the sector specific SEZ for IT/ITES at Gachibowli village, SerilingampallyMandal, R.R. District, Andhra Pradesh, being developed by M/s. Phoenix Infocity Private Limited

After deliberations, the Board **approved** the request of M/s. Hyderabad Infratech Private Limited for becoming a co-developer in the above mentioned SEZ, for development and investment in the required interiors, infrastructure along with the operations and maintenance of tower H01A and H08 forming part of the SEZ, in accordance with the co-developer agreement entered into with the developer.

(ii) Request of M/s. Stylus Commercial Services Private Limited (SCSPL) for co-developer in the sector specific SEZ for Electronic Hardware and Software including IT/ITES at Rachenhalli and Nagavara villages, Hobli, Outer Ring Road, District Bangalore, Karnataka, being developed by M/s. Manyata Promoters Private Limited

After deliberations, the Board **approved** the request of M/s. Stylus Commercial Services Private Limited for becoming a co-developer in the above mentioned SEZ, for undertaking development of about 21,696 sq. ft. of built up space, in accordance with the co-developer agreement entered into with the developer.

(iii) Request of M/s. Pandit Deendayal Petroleum University for co-developer in Multi Product SEZ at Vagra, District Bharuch, Gujarat, being developed by M/s. Dahej SEZ Limited

After deliberations, the Board **deferred** the proposal, as a reply is awaited to certain queries addressed to Chief Secretary, Gujarat, in response to a reference made by him.

(iv) Request of M/s. Artha Builders LLP for co-developer in the sector specific SEZ for Electronic Hardware and Software including IT/ITES at Greater Noida, Uttar Pradesh, being developed by M/s. ArthaInfratech Private Limited

Representative of CBDT pointed out that no financial details on the rental arrangement and upfront fees, if any, to be paid by the co-developer, had been provided in the report of DC, NSEZ. DC, NSEZ was asked to furnish the desired information for further examination of the matter by DoC. It was agreed that to avoid unnecessary delay, the matter would be decided on file by DoC after obtaining the comments of CBDT.

(v) Request of M/s. Syntel International Private Limited for co-developer in the sector specific SEZ for IT/ITES at Gangaikondan village, Tirunelveli District, Tamil Nadu, being developed by Electronics Corporation of Tamil Nadu Limited (ELCOT)

The Board noted that the land for which co-developer approval is being sought has not yet been notified. BoA was informed that the necessary documents in this regard have been made available by the Developer and are being processed for notifying the land. Therefore, after deliberations, the Board **approved** the request of M/s. Syntel International Private Limited for becoming a co-developer in the above mentioned SEZ, for providing adequate infrastructure facilities for the purpose, to operate and maintain IT/ITES, over an area of 100 acres, in accordance with the co-developer agreement entered into with the developer, subject to the notification of the land area.

(vi) Request of M/s. Villavarayar & Sons for co-developer in the sector specific SEZ for Food Processing at Tuticorin District, Tamil Nadu, being developed by M/s. CCCL Pearl City Food Port SEZ Limited

After deliberations, the Board **approved** the request of M/s. Villavarayar & Sons for becoming a co-developer in the above mentioned SEZ, for setting up a warehousing zone with required facilities like container yard, parking area, warehousing space over an area of 4 acre, in accordance with the co-developer agreement entered into with the developer.

(vii) Request of M/s. SGS India Pvt. Ltd. for co-developer in the sector specific SEZ for Food Processing at Tuticorin District, Tamil Nadu, being developed by M/s. CCCL Pearl City Food Port SEZ Limited

The proposal was deliberated by the BoA. It was noted that while the significance of value added services offered by the food testing laboratory to the SEZ's exporting units could not be discounted, the proposal contained a number of issues like request for serving non-SEZ entities, which require further examination on file in consultation with departments concerned, to find suitable resolution. Accordingly, the proposal was **deferred**.

(viii) Request of M/s. Basix Academy for Building Lifelong Employability (B-ABLE) for co-developer in the sector specific SEZ for Food Processing at Tuticorin District, Tamil Nadu, being developed by M/s. CCCL Pearl City Food Port SEZ Limited

The proposal was deliberated by the BoA. It was noted that while the importance of value added services offered by a skill-development centre to the SEZ exporting units could not be denied, the proposal contained a number of issues which required further examination on file in consultation with departments concerned. Accordingly, the proposal was **deferred**.

Item No. 48.3: Requests for Authorized Operations

BoA considered the proposals for authorized operations and it is clarified that all approvals for authorized operations are subject to the development guidelines approved by EGoM in its meeting dated 24th October 2008, which was noted by the members of the BoA, and State Government Representatives in its meeting held on 8th December 2008. Accordingly, the DCs will ensure that all the authorized operations approved by the BoA in this meeting, are in line with the guidelines. These conditions, inter-alia, include the position that authorized facilities created by developers and co-developers in the non-processing area also shall be for the exclusive use of SEZ entities.

(i) Request of M/s. Anrak Aluminnium Limited for authorized operations in the sector specific SEZ for Aluminium at Visakhapatnam District, Andhra Pradesh

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **non-processing area** of the SEZ, as given in the table, subject to the condition that the housing facilities shall be for the exclusive use of SEZ employees: -

S. No.	Name of Authorized Activity	No. of Units		Area per Unit (in sqm.) as per FSI norms as applicable	Total unit area	Total area (in sqm.)
(i)	(2)	(3)		(4)	(5)	(6)
1.	“A” Type Quarters (Ground+2)	(6x18)	108	122	13176	82886
2.	“B” Type Quarters (Ground +2)	(9x18)	162	107	17334	
3.	Club House (Ground +1)	(1x2)	2	56	112	
4.	Guest House (Ground +1)	(1x2)	2	389	778	
5.	HOD Quarters (Ground +1)	(7x2)	14	240	3360	
6.	School & Play Ground	(1x1)	1	17910	17910	
7.	Swimming Pool	(1x1)	1	180	180	
8.	Compound Wall (Total: 906 RTMR)	(1x1)	1	453	453	
9.	Sheds	(296x1)	296	98	29008	
10.	Fencing (Total: 2300 RTMR)	(1x1)	1	575	575	

(ii) Request of M/s. IFFCO Kisan SEZ Limited (IKSEZ) for authorized operations in multi product SEZ at Nellore, Andhra Pradesh

The Board, after deliberations, **rejected** the request of the developer for setting of integrated diary project over an area of 225 acres in the non-processing area of the SEZ as the request is not in conformity with the SEZ Act and Rules.

(iii) Request of M/s. Khed Economic Infrastructure Private Limited for authorized operations in multi product SEZ at Taluka Shirpur and Khed, District Pune, Maharashtra

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **non-processing area** of the SEZ, as given in the table, subject to the condition that the housing facilities shall be for the exclusive use of SEZ employees: -

S. No.	Name of Authorized Activity	Quantum Approved (in sqm.)
1.	Residential	
	A. Workers Hostel – 160 units	18000
	B. Studio Apartment – 1 Building – 320 units	8600
	C. 1 BHK Apartment – 1 Building – 160 units	7000

	D. 2 BHK Apartment – 1 Building – 320 units	27000
	E. 3 BHK Apartment – 1 Building – 320 units	51500
	Total	112100
2.	Commercial	
	A. Workers Canteen and Club	2000
	B. Retail Market	1000
	Total	3000

(iv) **Request of M/s. Indian Strategic Petroleum Reserves Ltd. (ISPRL), a co-developer in the sector specific SEZ for Petrochemicals and Petroleum sector at Baikampady, near Mangalore, Dakshina Kannada District, Karnataka, being developed by M/s. Mangalore SEZ Limited, for authorized operations**

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **processing area** of the SEZ, as given in the table: -

S. No.	Name of the authorized activity	No. of Units	Area per Unit (in sqm) as per FSI/FAR Norms as applicable	Total Area/capacity
1.	2.	3.	4.	5.
1.	Underground strategic crude oil storage in unlined rock caverns (involving creation of underground rock caverns and setting up of above ground process facilities)	1	4,23,705.80 (104.7 acres)	Capacity 1.5 million metric tons

(v) **Request of M/s. L&T Shipbuilding Limited for amendment in the authorized operations, in sector specific SEZ for Heavy Engineering at Kattuppalli village, Tiruvallur District, Tamil Nadu, approved by BoA in the meeting held on 31st May, 2011**

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **non-processing area** of the SEZ, as given in the table, which were earlier approved in the processing area: -

S. No.	Authorised operations	Quantum Requested		Quantum Approved (in sqm)
		No. of units	Total area (in sqm)	
(1)	(2)	(3)	(4)	(5)
1.	Container Berths along with Shore with Fenders, Bollards Crane Rails	3	73525	73525
2.	Container Freight Station	1	102000	102000
3.	Open Stock Yard	1	180000	180000
4.	Car Stock Yard	1	30000	30000
5.	Other Berths	2	50000	50000
6.	Gate Complex Entry & Exit	1	3000	3000
7.	Shore Protection bunds	1	12500	12500
8.	Connecting Platforms between Breakwater and Berths	1	2000	2000

9.	Utility Buildings for Control Tower, Pump House, Typical Security, P&M Workshop	7	7150	7150
10.	Other utilities – Substation of Fuel, Quay, Receiving Yard and Workshop Parking Bay, Weighbridge, Parking Area Water Tank & Washing Area	9	26,000	26,000
11.	Facilities for Internal Connectivity (in Kms)	1	30 Kms	30 Kms

(vi) Request of M/s. Artha Infratech Private Limited for authorized operations in the sector specific SEZ for Electronic Hardware and Software including IT/ITES at Greater Noida, Uttar Pradesh

After deliberations, it was decided that Director (SEZ), Department of Commerce, would visit the SEZ site and submit a factual report before the BoA for facilitating a decision in the matter.

(vii) Request of M/s. Anant Raj Industries Limited for authorized operations, in sector specific SEZ for IT/ITES at TP-1, Rai, Sonapat, Haryana

The BoA perused the proposal and after deliberations, the Board decided to **approve** the request for setting up a Bank Branch in the non-processing area of the SEZ. The Bank Branch shall be within the area of 6826.55 sqm already approved, by the BoA in its meeting held on 15th January, 2009, for retail space and utilities like telephone kiosk, food kiosks etc., in the non-processing area.

(viii) Request of M/s. Canton Buildwell Private Limited for authorized operations in the sector specific SEZ for IT/ITES at Gurgaon, Haryana

After deliberations, it was decided that Director (SEZ), Department of Commerce, would visit the SEZ site and submit a factual report before the BoA for facilitating decision in the matter.

(ix) Request of M/s. G.P. Realtors Private Limited for authorized operations in sector specific SEZ for IT/ITES at village Behrampur, District Gurgaon, Haryana

After deliberations, it was decided that Director (SEZ), Department of Commerce, would visit the SEZ site and submit a factual report before the BoA for facilitating decision in the matter.

Item No. 48.4: Request for withdrawal of formal approval

(i) Withdrawal of formal approval granted to Maharashtra Industrial Development Corporation for setting up of sector specific SEZ for Biotechnology at Ranjangaon, District Pune, Maharashtra

The Board decided to **approve** the request of Maharashtra Industrial Development Corporation (MIDC) for withdrawal of formal approval granted to them for setting up of sector specific SEZ for Biotechnology at Ranjangaon, District Pune, Maharashtra, over an

area of 30 hectares, **subject to DC's certificate that the developer has not availed of any tax/duty benefits under the SEZ Act/Rules or have been refunded, as the case may be.**

Item No. 48.5: Requests for de-notification

(i) Request of M/s. Benchmark Realty Private Limited for de-notification of the sector specific SEZ for IT/ITES at village Mouje Punawale, Taluka Mulshi, District Pune, Maharashtra, notified over an area of 10.01 hectares

After deliberations, the Board decided to approve the request of M/s. Benchmark Realty Private Limited for de-notification of the sector specific SEZ for IT/ITES at village Mouje Punawale, Taluka Mulshi, District Pune, Maharashtra, notified over an area of 10.01 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.**

(ii) Request of Maharashtra Industrial Development Corporation (MIDC) for de-notification of the sector specific SEZ for Agro Processing at District Akola, Maharashtra, notified over an area of 100 hectares

After deliberations, the Board decided to approve the request of Maharashtra Industrial Development Corporation (MIDC) for de-notification of the sector specific SEZ for Agro Processing at District Akola, Maharashtra, notified over an area of 100 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.**

(iii) Request of M/s. Vivo Biotech Limited for de-notification of the sector specific SEZ for Biotech at village Pregnapur, Gajwel Mandal, Medak District, Andhra Pradesh, notified over an area of 10.926512 hectares

After deliberations, the Board decided to approve the request of M/s. Vivo Biotech Limited for de-notification of the sector specific SEZ for Biotech at village Pregnapur, Gajwel Mandal, Medak District, Andhra Pradesh, notified over an area of 10.926512 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.**

Item No. 48.6: Requests for increase/decrease in area

(i) Request of M/s. Arshiya International Limited for addition of land in the FTWZ at village Sai, Taluka – Panvel, District Raigad, Maharashtra

After deliberation, the Board decided to **approve** the request of M/s. Arshiya International Limited for addition of land admeasuring 3.410 hectares to the already notified SEZ area of 53.635, thereby making the total area of the SEZ as 57.045 hectares. The approval is subject to the contiguity of the SEZ being maintained.

BoA further decided that in case the request for notification of additional land for a notified SEZ is within the area for which formal approval had earlier been granted by the BoA, then it need not be brought before the BoA again and may be decided on file by DoC.

(ii) Request of M/s. International Biotech Park Limited for decrease in area of the notified sector specific SEZ for Biotechnology at District Pune, Maharashtra

After deliberation, the Board decided to **approve** the request of M/s. International Biotech Limited for de-notification of 2.299 Ha from the SEZ thereby making the total area of the SEZ as 10.571 Ha. The approval is also subject to the contiguity of the SEZ being maintained and the DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act in respect of the area to be de-notified.

(iii) Request of M/s. Maytas Hill County SEZ Private Limited for decrease in area of the notified sector specific SEZ for IT/ITES at Bachupally village, QutubullapurMandal, Ranga Reddy District, Andhra Pradesh

After deliberation, the Board decided to **approve** the request of M/s. Maytas Hill County SEZ Private Limited for de-notification of 8.01 Ha from the SEZ thereby making the total area of the SEZ as 13.22 Ha. The approval is also subject to the contiguity of the SEZ being maintained and the DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act in respect of the area to be de-notified.

(iv) Request of M/s. Smart City (Kochi) Infrastructure Private Limited for addition of land in the sector specific SEZ for IT/ITES at Kanayanoor Taluk, Ernakulam District, Kerala

The proposal was deliberated upon by the BoA. The DoR was of the view that since a large expenditure was involved in establishing contiguity, and as the additional land area proposed to be added to the already notified SEZ met the minimum land requirement of an IT/ITES SEZ, the SEZ developer may consider seeking approval for an independent SEZ, instead of seeking to add the land parcel to the existing notified SEZ. The Board also considered the option to approve the addition of land to the SEZ subject to the condition that such additional land would be notified only after contiguity with the existing SEZ is established. The Board, accordingly, decided that to give its in-principle consent to:

- (i) Addition of the additional land to the approved SEZ, subject to the condition that the additional area would **not** be notified till contiguity is established, and alternatively, to,
- (ii) In-principle approval for the additional land parcel as a separate SEZ subject to State Government approval and fulfillment of all formalities and applicable conditions.

The representative of the Government of Kerala sought time to examine the options and revert back on the choice to be exercised by them and the developer.

Item No. 48.7: Requests for first extension of validity of formal approvals

After deliberations, the Board decided to grant extension of validity of formal approval in respect of each of the following 14 (fourteen) developers for a period of one year beyond the expiry of the validity period:

- (i) Request of M/s. Capstone Developer Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at 24 Parganas (South), West Bengal, beyond 29th October, 2011.

- (ii) Request of M/s. Primrose Buildworth Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware including IT/ITES at village Sehola, Tehsil Taoru, District Nuh, Haryana, beyond 24th June, 2011.
- (iii) Request of M/s. Navi Mumbai SEZ Private Limited for extension of the validity period of formal approval, granted for setting up of a sector specific SEZ for Multi-Services at village Ulwe, Navi Mumbai, Maharashtra, beyond 26th February, 2012.
- (iv) Request of M/s. Navi Mumbai SEZ Private Limited for extension of the validity period of formal approval, granted for setting up of a sector specific SEZ for Gems and Jewellery at village Ulwe, Navi Mumbai, Maharashtra, beyond 26th February, 2012.
- (v) Request of M/s. Golden Tower Infratech Private Limited for extension of the validity period of formal approval, granted for setting up of a sector specific SEZ for IT/ITES at Noida, Uttar Pradesh, beyond 2nd September, 2011
- (vi) Request of M/s. Khed Economic Infrastructure Private Limited for extension of the validity period of formal approval, granted for setting up of Multi Product SEZ at Taluka Shirpur & Khed, District Pune, Maharashtra, beyond 1st January, 2012.
- (vii) Request of M/s. DLF Commercial Developers Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Sector 143A, Noida, Uttar Pradesh, beyond 2nd July, 2011.
- (viii) Request of M/s. DSRK Holding (Chennai) Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Sholingnallur village, Tambaram Taluk, Kanchipuram District, Tamil Nadu, beyond 29th October, 2011.
- (ix) Request of M/s. Mayar Infrastructure Development Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at village Rahaka & Nimoth, Tehsil Sohna, District Gurgaon, Haryana, beyond 13th July, 2011 (*Notified over an area of 15.0877 ha.*)
- (x) Request of M/s. Mayar Infrastructure Development Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at village Rahaka & Nimoth, Tehsil Sohna, District Gurgaon, Haryana, beyond 13th July, 2011 (*Notified over an area of 25.7177 ha.*)
- (xi) Request of M/s. Best on Health Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotech at Gurgaon, Haryana, beyond 26th February 2012
- (xii) Request of M/s. Gujarat Hydrocarbon and Power SEZ Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Oil and Gas including its derivatives (Petrochemicals) at village Vilayat, Taluka Vagra, District Bharuch, Gujarat, beyond 5th February 2012
- (xiii) Request of M/s. Concord India Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Kadugondi

Industrial Area, Kadugondi Plantation village, BidarahalliHobli, Bangalore East Taluk, Karnataka, beyond 29th October 2011

(xiv) Request of M/s. Bangalore International Airport Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Airport at Devanahalli, Bangalore, Karnataka, beyond 28th September 2011

Item No. 48.8: Delayed request for first extension of formal approval

(i) **Request of M/s. Inox Mercantile Company Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at Verna, Goa, beyond 18th June, 2010.**

(ii) **Request of M/s. Planetview Mercantile Company Private Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Gems & Jewellery at Verna, Goa, beyond 26th June, 2010.**

The Board noted that the matter is *sub-judice* before the Apex Court in SLP Nos. 527 and 501 of 2011. Therefore, the Board, after deliberations, deferred the above requests till the outcome of the SLPs pending in Hon'ble Supreme Court.

Item No. 48.9: Requests for second extension of validity of formal approvals

After deliberations, the Board decided to grant second extension of validity of formal approval in respect of each of the following 8 (Eight) developers for a period of one year beyond the expiry of the validity period:

(i) Request of Electronics Corporation of Tamil Nadu Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Hosur, Tamil Nadu, beyond 25th July, 2011.

(ii) Request of M/s. Canton Buildwell Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gurgaon-Faridabad Road, Haryana, beyond 25th July, 2011

(iii) Request of M/s. Tata Consultancy Services Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gandhinagar, Gujarat, beyond 16th December 2011

(iv) Request of M/s. Sunny Vista Realtors Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Multi Services at TalukaPanvel, District Raigad, Maharashtra, beyond 14th October, 2011

(v) Request of M/s. Raheja SEZ Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Engineering at villages Hamipur, Khetawas, Saidpur&Wazirpur, District Gurgaon, Haryana, beyond 9th August, 2011.

(vi) Request of M/s. Parsvnath SEZ Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotech at village Karkapatla, MandalMulugu, District Medak, Andhra Pradesh, beyond 21st August, 2011.

(vii) Request of M/s. Rudradev Township Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Solankurini village, Madurai Taluk, Madurai District, Tamil Nadu, beyond 25th July, 2011

(viii) Request of M/s. Sterling SEZ and Infrastructure Limited for second extension of the validity period of formal approval, granted for setting up of a multi product SEZ at Jambusar, District Bharuch, Gujarat, beyond 30th September, 2011

BoA further decided that, in the future, the requests for first and second extension of validity of formal approvals would be examined and decided on file by DoC.

Item No.48.10: Requests for third extension of validity of formal approvals

After deliberations, the Board decided to grant third extension of validity of formal approval in respect of each of the following 9 (Nine) developers for a period of one year beyond the expiry of the validity period:

(i) Request of M/s. International Biotech Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at District Pune, Maharashtra beyond 24th October 2011

(ii) Request of M/s. Dr. Fresh Health Care Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Gurgaon, Haryana beyond 25th June 2011

(iii) Request of M/s. Platinum Holdings Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Hardware and Software at Navallur village, ChengulpetTaluk and Semmencherry village, TambaramTaluk, Kancheepuram District, Tamil Nadu, beyond 5th November 2011

(iv) Request of Kerala Industrial Infrastructure Development Corporation (KINFRA) for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronics Industries at Thrikkakara village, KanayannurTaluk,ErnakulamDistrict, Kerala beyond 20th August 2011

(v) Request of M/s. Wockhardt Infrastructure Development Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceutical at MIDC Industrial Area, Shendre, Aurangabad, Maharashtra, beyond 2nd November 2011

(vi) Request of M/s. GHI Finlease and Investment Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Bhondsi, Tehsil Sohna, District Gurgaon, Haryana, beyond 24th August 2011

(vii) Request of M/s. Newfound Properties and Leasing Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Juinagar, District Thane, Maharashtra, beyond 20th August 2011

(viii) Request of M/s. Claridges SEZ Developers Private Limited for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Multi Services at Raigad District, Maharashtra, beyond 26th June 2011

(ix) Request of M/s. Karanja Infrastructure Private Limited for third extension of the validity period of formal approval, granted for setting up of Free Trade Warehousing Zone (FTWZ) at village Chanje, Taluka Uran, District Raigad, Maharashtra, beyond 30th October 2011

The Board noted that issues related to the following 02 (two) proposals were *sub-judice* before the Apex Court, therefore, the Board, after deliberations, deferred the following two requests till the outcome of the SLPs pending in Hon'ble Supreme Court.

(i) Request of M/s. Peninsula Pharma Research Centre Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Biotechnology at Sancoale, **Goa**, beyond 24th October 2011

(ii) Request of M/s. MeditabSpecialities Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Pharmaceuticals at BhutKhamb, Kerim, Ponda, **Goa**, beyond 22nd August 2011

Item No. 48.11: Requests for extension of in-principle approval beyond fourth year.

(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, over an area of 3487.076 Ha, beyond 30th July, 2011.**

The Board sought a report from the Principal Secretary (Industry), Government of Madhya Pradesh about the justification for the request and the progress made in the implementation of the project. The Zonal DC concerned may take up the matter accordingly. Accordingly, the request was **deferred**.

Item No. 48.12: Requests for extension of in-principle approval beyond fifth year.

(i) **Request of M/s. Bengal SREI Infrastructure Development Limited for extension of the validity of in-principle approval, granted for setting up of sector specific SEZ for Auto Components at Kharagpur, West Bengal, over an area of 200 Ha, beyond 21st June, 2011.**

The Board sought a report from the Principal Secretary (Industry), Government of West Bengal about the justification for the request and the progress made in the implementation of the project. The Zonal DC concerned may take up the matter accordingly. Accordingly, the request was **deferred**.

Item No. 48.13: Request of M/s. Rewas Port Limited for re-consideration of the decision of the BoA rejecting its request for grant of fourth extension of in-principle approval for setting up of a Multi Product SEZ at Rewas District, Raigarh, Maharashtra, over an area of 2850 hectares

The Board, after deliberations, did not find any merit to reconsider its earlier decision taken in its meeting held on 31st May, 2011, to deny further extension of in-principle approval to the developer. Accordingly, the request was **rejected**.

Item No. 48.14: Request for transfer of unit from one SEZ to another

(i) **Request of M/s. PAREXEL International (India) Private Limited a unit in the sector specific SEZ for IT/ITES at Hyderabad by M/s. DLF Cyber City SEZ, for shifting its location to sector specific SEZ for IT/ITES at Madhapur, Ranga Reddy District, Andhra Pradesh, being developed by M/s. Sundew Properties Private Limited (RahejaMindspace SEZ)**

CBDT representative was of the view that if it is an operational unit then upon shifting it would not be eligible for deduction u/s 10AA of the Income Tax Act. This would however not apply in the case of a non-operational unit. Subject to this condition the Board approved the proposal of M/s. PAREXEL a unit in sector specific SEZ for IT/ITES at Hyderabad being developed by M/s. DLF Cyber City SEZ, for shifting its location to the sector specific SEZ for IT/ITES at Madhapur, Ranga Reddy District, Andhra Pradesh, being developed by M/s. Sundew Properties Private Limited (RahejaMindspace SEZ).

Item No. 48.15: Requests for setting up of Unit for export of Restricted/Prohibited Items

(i) **Proposal of M/s. Punit Agro Industries for setting up unit in the multi product SEZ at Jambusar, Bharuch, Gujarat, being developed by M/s Sterling SEZ and Infrastructure Limited, for processing of pulses**

(ii) **Request of M/s. Jabs International Private Limited a unit in the FTWZ at village Sai, TalukaPanvel, District Raigad, Maharashtra, being developed by M/s. Arshiya International Limited over an area of 53.635 hectares, for import/export of prohibited goods (pulses) and procurement of restricted items from DTA for export**

(iii) **Request of M/s. Haji SattarHabib& Sons for setting up of unit for trading of pulses in the FTWZ at village Sai, TalukaPanvel, District Raigad, Maharashtra, being developed by M/s. Arshiya International Limited, over an area of 53.635 hectares**

(iv) **Proposal of M/s. SRSS Foods for setting up unit in KASEZ for processing of Pulses falling under the chapter heading No. 0713 of the ITC-HS**

Board expressed its concern over the possibility of DTA transactions in the restricted items and directed the respective Development Commissioners to submit detailed reports as to how they propose to ensure that there no such DTA transactions occur. BoA directed that the matter would be examined by D/o Commerce on file.

Item No. 48.16: Requests for extension of LoP of units beyond 3rd year

(i) Request of M/s. MeghmaniUnichem LLP, a unit in Dahej SEZ for extension of Letter of Permission (LOP) beyond 25th September, 2011

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 25th September, 2012*).

(ii) Request of M/s. IT Shastra (India) Private Limited, a unit in MADC SEZ, Nagpur for extension of Letter of Permission (LOP) beyond 17th July, 2011

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 17th July, 2012*).

Item No. 48.17: Requests for extension of LoP of units beyond 4th year

(i) Request of M/s. Foxconn Technology (India) Private Limited, a unit in SIPCOT SEZ, Sriperumbudur, Tamil Nadu, for extension of Letter of Permission (LOP) beyond 29th August, 2011

The Board, after deliberations, extended the LoP of the unit for period of one year from the date of expiry of the validity of the last extension (*i.e. up to 29th August, 2012*).

(ii) Request of M/s. Finestar Diamonds, a unit in SEEPZ SEZ, Andheri East, Mumbai, for extension of Letter of Permission (LOP) beyond 7th December, 2008

The Board, after deliberations, condoned the delay and extended the validity of the unit up to 7th December, 2012 (w.e.f. 7th December, 2008).

Item No. 48.18: Request of M/s. Biocon Limited for broad banding of the sector of the SEZ for “Biotechnology” at Anekal Taluk, Bangalore, Karnataka as “Bio-pharmaceuticals” covering biotech and pharmaceutical products

The BoA deliberated upon the proposal of M/s Biocon. M/s Biocon has requested approval of the BoA to extend their current range of bio-pharmaceuticals products to include pharmaceuticals of synthetic and organic origin. The process currently followed by them involves converting the molecules produced by fermentation to active form and purification through chemical reaction. The developer has submitted that the synthetic and organic pharmaceuticals would be a further extension of their existing line and would allow them to optimally utilize their production facilities and other infrastructure, consistent with the business model of biotechnology firms the world over. The views of Dept. of Biotechnology were also called for in this regard. These views conveyed vide letter No. JS(A)/Dy.No.1741/2011 dated 15 Sep 2011, state that according to the accepted definition, Biotechnology is the application of science & technology to living organisms as well as parts, products etc, to alter living or non-living materials for the production of knowledge, goods and services. It goes on to state that for the purpose of business, commerce and trade, the term ‘Biotechnology’ includes a variety of activities / products mentioned therein. The Board noted that the developer’s request is made on the grounds that they wish to optimize the utilization of the expensive infrastructure created by them, enhance global competitiveness

vis a vis biotech competitors operating under this globally accepted business model and increase exports. In light of these grounds the Board approved the proposal, subject to the condition that it would not exceed the limits specified in the above letter dated 15th Sep. 2011 from the Department of Biotechnology, to ensure that the essential nature of the business of the developer and the SEZ would continue to be Biotech.

Item No. 48.19: Request for duty free procurement of Diesel/Fuel required for default authorized operations in respect of Multi Product SEZ at Taluka Shirur and Khed, District Pune, Maharashtra by M/s. Khed Economic Infrastructure Private Limited

The Board, after deliberations **rejected** the request as the same is not in conformity with the SEZ Rules.

Item No. 48.20: Requests for Industrial License for setting up units in SEZ for supply to Defence Forces

(i) Application of M/s. L&T Shipbuilding Limited, a unit in the sector specific SEZ for Heavy Engineering at Kattuppallivillage, Tiruvallur District, Tamil Nadu for grant of Industrial Licence to build, repair, refit and convert all types of defence and commercial ships/vessels and partsthereof

After deliberations the Board **approved** the proposal of M/s. L&T Shipbuilding Limited for grant of Industrial License to build, repair, refit and convert all types of defence and commercial ships/vessels and partsthereof as detailed below, subject to the following conditions:

S. No.	Equipment Description	Quantity/per annum
1.	Defense/Strategic Vessels	36
2.	Special Purpose vessels	20
3.	Commercial ships/VLCC	8
4.	Repair/Refit of defence vessels and manufacture of parts/aggregates	100
5.	Repair/ Refit of Commercial ships and manufacture of parts/ aggregates	100

Conditions:

- (i) In terms of Section 9 of the SEZ Act, 2005, BoA is the Licensing Authority for setting up of defence units in SEZs. Once a proposal has been approved by the BoA, the license will be issued by DIPP on receipt of the minutes of BoA.
- (ii) Exports of such items may be regulated as per the provisions of Foreign Trade Policy and ITC (HS) Code.
- (iii) The licensing conditions will be finalized in consultation with the DIPP, the Department of Defence Production and the Ministry of Home Affairs. This is because the special conditions incorporated for industrial licenses for the defence sector have been incorporated by DIPP on the recommendations of the Department of Defence Production, which in turn, consulted the Ministry of Home Affairs in the matter.

- (iv) Each of the consignment of supply to DTA must be thoroughly examined by DC.
- (v) While selling in the domestic area, only Government Agencies would be allowed to procure the equipments.
- (vi) All consignment will be accompanied by an authorized person of the Government procuring agency.

(ii) Application of M/s. Indian Rotocraft Limited grant of Industrial Licence for manufacture of Helicopter

After deliberations the Board approved the proposal of M/s. Indian Rotocraft Limited for setting up a defence production unit in the GMR Aerospace Park SEZ at Samshabad, Hyderabad, Andhra Pradesh for manufacture of Helicopter, subject to the following conditions:

- (i) In terms of Section 9 of the SEZ Act, 2005, BoA is the Licensing Authority for setting up of defence units in SEZs. Once a proposal has been approved by the BoA, the licence will be issued by DIPP on receipt of the minutes of BoA.
- (ii) Exports of such items may be regulated as per the provisions of Foreign Trade Policy and ITC (HS) Code.
- (iii) The licensing conditions will be finalized in consultation with the DIPP, the Department of Defence Production and the Ministry of Home Affairs. This is because the special conditions incorporated for industrial licenses for the defence sector have been incorporated by DIPP on the recommendations of the Department of Defence Production, which in turn, consulted the Ministry of Home Affairs in the matter.
- (iv) Each of the consignment of supply to DTA must be thoroughly examined by DC.
- (v) While selling in the domestic area, only Government Agencies would be allowed to procure the equipments.
- (vi) All consignment will be accompanied by an authorized person of the Government procuring agency.

(iii) Application of M/s. PMI Engineering Exports Pvt. Ltd. a unit in MEPZ for grant of Industrial Licence for manufacture of High Precision Components for Aero space and other industries

After deliberations the Board approved the proposal of M/s. PMI Engineering Exports Pvt. Ltd. for setting up a defence production unit in the MEPZ for manufacture of High Precision Components for Aerospace and other industries, subject to the following conditions:

- (i) In terms of Section 9 of the SEZ Act, 2005, BoA is the Licensing Authority for setting up of defence units in SEZs. Once a proposal has been approved by the BoA, the licence will be issued by DIPP on receipt of the minutes of BoA.
- (ii) Exports of such items may be regulated as per the provisions of Foreign Trade Policy and ITC (HS) Code.
- (iii) The licensing conditions will be finalized in consultation with the DIPP, the Department of Defence Production and the Ministry of Home Affairs. This is because the special conditions incorporated for industrial licenses for the defence sector have been incorporated by DIPP on the recommendations of

the Department of Defence Production, which in turn, consulted the Ministry of Home Affairs in the matter.

- (iv) Each of the consignment of supply to DTA must be thoroughly examined by DC.
- (v) While selling in the domestic area, only Government Agencies would be allowed to procure the equipments.
- (vi) All consignment will be accompanied by an authorized person of the Government procuring agency.

Item No.48.21: Request of M/s. SE Forge Limited a unit in M/s. Synefra Engineering SEZ at Vadodara, Gujarat for undertaking Job-work processing for M/s. Mishra Dhatu Nigam Ltd. (MIDHANI) a unit in DTA

The Board was informed that keeping in view the national interest and the urgency involved, and the earlier position to this effect taken by the Board, the request was examined and approved on file on the same terms and conditions on which the previous approval was granted. The Board, accordingly, ratified the decision.

Item No. 48.22: Appeals before BoA

(i) Appeal of M/s. Futuristic Metal Trading Private Limited against rejection of its request for setting up a unit, in KASEZ for manufacturing activity i.e. Segregation of Imported Scrap

(ii) Appeal of M/s. Globus Metal Trading Private Limited against rejection of its request for setting up a unit, in KASEZ for manufacturing activity i.e. Segregation of Imported Scrap

The BoA granted personal hearing to representatives of the appellants. The Board noted that the appeal is against the provisions of Rule 18 (4) (d) of the SEZ Rules, 2006 and rejected the appeals in the above two matters.

(iii) Appeal of M/s. Sanmina – SCI India Private Limited, a unit in SIPCOT SEZ against the decision of UAC taken in its meeting held on 28.06.2011

The BoA granted personal hearing to representative of the appellant. After detailed deliberations the Board directed that the matter be examined and decided on file by D/o Commerce.

(iv) Appeal of M/s. Mclloyd Polymers Private Limited against order of Development Commissioner, Surat SEZ cancellation of extension of validity of LoP

The BoA granted personal hearing to representative of the appellant and sought a report from DC, Surat SEZ as to the grounds for the cancellation of the extension of the Unit's LoP validity for a period of five years beyond, 31.10.2005 (i.e. up to 31.10.2010) and whether the request of the unit for extension of LoP beyond 31.10.2005 was referred to the BoA for a decision thereafter, which is the competent authority in such cases. After receipt of report from the DC, the appeal will be examined on file by the Department of Commerce and decided.

Decisions on the Supplementary Agenda

Item No. 48.1: Request for first extension of validity of formal approvals

(i) **Request of M/s. Enfield Energy Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for non-conventional Energy including Solar Energy Equipment/Cell at Kanksa, Panagarh, District Burdwan, West Bengal, beyond 25th June, 2011.**

After deliberations, the Board extended the validity of formal approval for a period of one year, beyond 25th June, 2011.

Item No. 48.2: Delayed requests for first extension of formal approval

(i) **Request of M/s. Enfield Realtors Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Non-conventional Energy including Solar Energy Equipment/Cell at Kanksa, Panagarh, District Burdwan, West Bengal, beyond 22nd May, 2010.**

The Board after deliberations condoned the delay and extended the validity of the formal approval up to 22nd May, 2012.

(ii) **Request of M/s. Enfield Infrastructure Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Chandpur Champagachi, near Rajarhat District, 24 Parganas (N), West Bengal, beyond 22nd May, 2010.**

The Board after deliberations condoned the delay and extended the validity of the formal approval up to 22nd May, 2012.

(iii) **Request of M/s. Enfield Infrastructure Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Mouza – Uttar Gazipur, South 24 Parganas, West Bengal, beyond 14th October, 2010.**

The Board after deliberations condoned the delay and extended the validity of the formal approval up to 14th October, 2012.

Item No. 48.3: Requests for second extension of validity of formal approvals

After deliberations, the Board decided to extend the validity of formal approval in respect of each of the following 02 (Two) developers for a period of one year beyond the expiry of the validity period:

(i) **Request of Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Madikonda village, Hanamkonda Mandal, Warangal District, Andhra Pradesh, beyond 25th June, 2011**

(ii) Request of State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT) for second extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Engineering goods at SIPCOT Industrial Complex, Ranipet, Phase – III, Tamil Nadu, beyond 29th July 2011

Item No.48.4: Request for third extension of validity of formal approvals

(i) **Request of M/s. Jubilant Infrastructure Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Chemicals at Bharuch, Gujarat, beyond 20th August 2011**

After deliberations, the Board extended the validity of the formal approval for a period of one year, beyond 20th August, 2011.

Item No. 48.5: Request for Authorized Operations

(i) **Request of M/s Divi's Laboratories Ltd. for authorized operations in the sector specific SEZ for Pharmaceuticals at Chippada village, BhimiliMandal, Visakhapatnam, Andhra Pradesh**

The BoA perused the proposal and after deliberations, the Board decided to **approve** the authorized operations, in the **non-processing area** of the SEZ, as given in the table, subject to the conditions specified with item 48.3: -

S. No.	Authorized Operations	No of Units	Area per unit (<i>in sqm</i>) as per FSI/FAR norms as applicable	Total area (<i>in sqm</i>)
(1)	(2)	(3)	(4)	(5)
1.	Employee Hostels	400	9	3600
2.	Dining Halls	2	288	576
3.	Recreation Halls	2	216	432
4.	Community Stores	2	72	144
5.	Warden room	2	9	18
6.	Common Areas (Stairs, Toilets, Corridors, Sewage)			7200
			Total	11970

Item No. 48.6: Request for de-notification

(i) **Request of M/s. Omnibus Industrial Development Corporation of Daman & Diu and Dadra & Nagar Haveli Limited for de-notification of the sector specific SEZ for Gems & Jewellery at Kharadpada, Naroli, Dadra & Nagar Haveli, notified over an area of 10.30 hectares**

After deliberations, the Board decided to approve the request of M/s. Omnibus Industrial Development Corporation of Daman & Diu an Dadra & Nagar Haveli Limited for de-notification of the sector specific SEZ for Gems & Jewellery at Kharadpada, Naroli, Dadra

& Nagar Haveli, notified over an area of 10.30 hectares, **subject to DC's certificate that the developer has refunded all the tax/duty benefits availed under SEZ Act/Rules.**

Item No. 48.7: Approval of list of goods to be imported for authorized operations and default operations at the sector specific SEZ for chemicals at Vilayat, TalukaVagra, Dist. Bharuch, Gujarat being developed by M/s. Jubilant Infrastructure Limited

After deliberations, the Board approved the list of goods to be imported by M/s. Jubilant Infrastructure Limited for the authorized operations relating to setting up of the power plant as forwarded by DC, KASEZ vide his letter dated 14th July, 2010.

Item No. 48.8: Request of M/s. Zeus Infrastructure Private Limited for reduction of height of the boundary wall of the SEZ and approval for construction of FRP boundary wall

After deliberations, the Board granted approval for:-

- (i) Reduction of height of the boundary wall of the SEZ from 2.4 m to 1.8 m and
- (ii) Construction of FRP boundary wall.

Item No. 48.9: Revision of guidelines dated 27th February, 2009 regarding power generation, transmission and distribution in SEZs

Representatives of Department of Revenue (DGEP) sought more time to offer their comments. The Chairman BoA granted two weeks time for the same. It was, decided that, thereafter, the matter would be examined and decided on file by D/o Commerce.

Item No. 48.10: Clarification on issues related to dilution of equity in the developer company, transfer of promoter's equity etc.

Board was informed that a number of cases seeking clarification on issues related to dilution of equity in the developer company, transfer of promoter's equity, transfer of developer JV, amalgamation / merger of developer company etc are being received from various SEZs. Similar requests, which were considered in the BoA meeting held on 25th March 2011 were not approved as the representatives of D/o Revenue reiterated their objection that these transactions would amount to sale of the land, which is not permissible under the SEZ Act/Rules.

In light of representations received in this regard, the D/o Commerce sought legal advice of D/o Legal Affairs as to whether change in equity structure through transfer / sale / amalgamation etc. are in the nature of sale of land barred by rule 11(9) of the SEZ Rules or it is a sale of business rather than sale of land. D/o Legal Affairs have clarified that identity of a company does not change with any change in management or pattern of shareholding. Further, a share is not a sum of money, it represents an interest measured by a sum of money. Therefore, change in equity structure through transfer / sale / amalgamation etc. and consequent change in the management cannot be said transfer or sale of land. The land would continue to vest in the company. It has also been clarified that while it may be considered as sale or transfer of the business of the company but not a sale of land.

The Board accordingly accepted the above position and noted that in view of the above interpretation by D/o Law the requests of transfer of equity be approved subject to the following conditions:-

- (a) Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- (b) Fulfillment of all eligibility criteria applicable to developers, including security clearances etc., by the altered developer entity and its constituents;
- (c) Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.

With regard to the following cases, the BoA decided that a report may be sought from the DCs concerned regarding the above conditions and approval issued on file, subject to the above conditions being fulfilled:

- **M/s. Aachvis Softech Private Limited** and its co-developers for change/transfer of equity of the companies.
- **M/s. DLF Ackruti Info Parks (Pune) Ltd.** for sale of shares of the company to the foreign Investor.
- **M/s. Sterling AddlifeMundra Hospital Private Limited (M/s. SAMHPL).** **Approval** of the scheme of amalgamation between M/s. SAMHPL and M/s. Sterling Addlife India Limited (M/s. SAIL), by the Hon'ble High Court of Gujarat at Ahmedabad.

The meeting ended with a vote of thanks to the Chair.

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 19th September, 2011 under the Chairmanship of Commerce Secretary, Department of Commerce

1. Dr. Rahul Khullar, Chairman BOA & Secretary, Department of Commerce.
2. Shri A.K. Pujari, Director General of Foreign Trade
3. Smt. Ruchira Pant, Director General of Export Promotion, D/o Revenue, Ministry of Finance
4. Shri Raman Chopra, Director (ITA.I), CBDT, D/o Revenue, Ministry of Finance
5. Shri Vivek Ranjan, Additional Director, DGEP, Department of Revenue, Ministry of Finance
6. Dr. L. B. Singhal, Joint DGFT, Director General of Foreign Trade
7. Shri U.K.S Chauhan, Resident Commissioner, Kerala
8. Shri O.P. Kapoor, Joint DG, EPCES
9. Shri T.A. Khan, ATCP, TCPO, Ministry of Urban Development
10. Shri R.C. Dahra, Additional Director, Government of Haryana, Industries, Haryana, Chandigarh
11. Shri G. Manjunath Gonda, Resident Director, Karnataka Udyog Mitra Karnataka Bhavan – 3, Khelgaon Marg, New Delhi
12. Smt. Nandini Awade Assustabt Resident Commissioner Government of Maharashtra Resident Commissioner Officer New Delhi
13. Shri Sudhir A. Agarwal, Additional Director, Office of Development Commissioner (MSME), Ministry of MSME.
14. Shri A.K. Dham, Liaison Officer, IDCO, New Delhi
15. Shri A.K. Agarwal, Joint Industrial Adviser, Department of Chemical & Petrochemical, Shastri Bhawan, New Delhi
16. Shri R.D. Meena, Research Assistant, TCPO, Ministry of Urban Development
17. Dr. Ashish Kumar Senior Officer DIPP
18. Alok Trivedi, OSD, GoCG, Commerce & Industry

LIST OF DEVELOPMENT COMMISSIONERS

19. Smt. Anita Agnihotri, Development Commissioner, SEEPZ SEZ, Mumbai
20. Shri M.S. Rao, Development Commissioner, VSEZ, Visakhapatnam, Andhra Pradesh
21. Shri Suresh Chandra Panda, Development Commissioner, Noida SEZ, Uttar Pradesh
22. Shri Sanjeev Nandwani, Development Commissioner, Falta, Kolkata
23. Shir Upendra Vasishth, Development Commissioner, Jamnagar SEZ, Gujarat
24. Shri Pravir Kumar, Development Commissioner, KASEZ & Dahej SEZ
25. Smt. Lata Shukla, Development Commissioner, Mundra SEZ
26. Shri K.L. Sharma, Development Commissioner, Sterling SEZ, Gujarat
27. Shri Ved Prakash, Development Commissioner, Miha SEZ
28. Shri Anil Bamba, Development Commissioner, Sricity SEZ
29. Shri A.K. Rathore, Joint Development Commissioner, ISEZ, Indore, Madhya Pradesh.
30. Shri S.N.Patil, Joint Development Commissioner, Dahej SEZ
31. Ms. Deborah Initha, Dy. Development Commissioner MEPZ, SEZ

LIST OF PARTICIPANTS OF DEPARTMENT OF COMMERCE

32. Shri P.K. Chaudhery Additional Secretary, Department of Commerce
33. Shri Anup Wadhawan, Joint Secretary, Department of Commerce.
34. Shri Sanjeet Singh, Director, Department of Commerce
35. Shri R. K. Pandey, Under Secretary, Department of Commerce
36. Shri Achint Kumar, Section Officer, Department of Commerce