

Agenda for the 51st meeting of the Board of Approval to be held on 13th March 2012 at 10.30 A.M. in the Room No. 47, Udyog Bhawan

Item No. 51.1: Proposals for setting up of SEZs

| S. No | Name of the Developer | Location | Sector | Area (in ha) | Land Possession | SGR* | Status of application |
|-------|--|---|-----------------------------|--------------|-----------------|-----------|---|
| (i) | M/s. Infosys Limited | Village Tikgarita, Badsha and Badangarda, Near Super Corridor near Indore, Indore, Madhya Pradesh | Information Technology (IT) | 52.643 | Yes | Yes | New |
| (ii) | M/s. Jubilant Infrastructure Limited | Kallahalli village, Nanjangud Taluk, Mysore District, Karnataka | Biotech (Pharma) | 10 | Yes | Yes | New |
| (iii) | M/s. Ruchi Realty Holdings Limited | Village Kaanadia, Tehsil & District Indore, Madhya Pradesh | IT/ITES | 14.25 | Yes | Yes | New |
| (iv) | M/s. SEZ Bio-Tech Services Private Limited | Manjri Budruk, Taluka Haveli, District Pune, Maharashtra | Biotechnology | 11.50675 | Yes | No | <i>Deferred in the BoA meeting held on 24th January, 2012 due to non receipt of SGR. The SGR is likely to be received. To be considered, subject to receipt of SGR before the meeting.</i> |

*State Government Recommendation

Item No.51.2: Requests for co-developer

(i) Request of M/s. Chella Software (P) Limited for co-developer in the sector specific SEZ for IT/ITES at Ilandhaikulam village, Madurai, Tamil Nadu being developed by Electronics Corporation of Tamil Nadu Limited (ELCOT)

The above mentioned SEZ was notified on 30th April, 2008 over an area of 11.6994 Ha. The request of M/s. Chella Software (P) Limited for becoming a co-developer in the aforesaid SEZ for development of infrastructure facilities, over an area of 0.91 Hectares was considered in the BoA meeting held on 24th January, 2012 and was deferred for want of lease agreement. A copy of the lease deed has since been made available to the Department of Revenue.

The proposal is placed before BoA for consideration

(ii) Request of M/s. Khed Textile Park Private Limited for co-developer in the multi-product SEZ at Taluka Khed & Shirur, District Pune, Maharashtra being developed by M/s. Khed Economic Infrastructure Private Limited

The above multi product SEZ stands notified over an area of 1000 Ha. The request of M/s. Khed Textile Park Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development of infrastructure facilities, covered under default authorized operations, over an area of 32.38 Hectares was considered in the BoA meeting held on 24th January, 2012. The proposal was deferred for want of lease agreement. A copy of the lease deed has since been made available to the Department of Revenue.

Accordingly, the proposal is placed before BoA for consideration

(iii) Request of M/s. Embassy Services Private Limited 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

The above mentioned SEZ was notified on 16th November 2006 over an area of 26.1937 hectares. The request of M/s. Embassy Services Private Limited for becoming a co-developer in the aforesaid SEZ for operation and maintenance of Buildings and other infrastructure facilities, in the above mentioned SEZ was considered in the BoA meeting held on 28th November, 2011 and was deferred. The minutes are as under:-

The proposal was objected to by DoR that co-developer status could not be approved for carrying out merely O&M activities. DC however argued that such activities have been approved in the past by the BoA. The Board deferred the consideration of the proposal with the observation that the DC may put up a detailed report in this regard along with the justification for the project for consideration of the BoA.

A report dated 17.02.2012 from DC CSEZ has been received, wherein, the DC has recommended for grant of co-developer status to M/s. Embassy Services Private Limited. The report is at **Annexure – 1 (page no. 29-30)**.

The proposal is placed before BoA for consideration.

(iv) Request of M/s. Adani International Container Terminal Private Limited (AICTPL) for becoming a co-developer in the Multi Product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL)

Multi Product SEZ at Kutch, Gujarat by M/s. Mundra Port and Special Economic Zone Limited stands notified over an area of 6472.8684 hectares. The request of M/s. Adani International Container Terminal Private Limited, a 100% subsidiary of the developer, for becoming a co-developer in the aforesaid SEZ to develop, operate and maintain container terminal and related infrastructure facilities & services, over an area of 43 hectares was considered in the BoA meeting held on 28th November, 2011 and was deferred. The minutes are as under:-

“DGEP stated that four container terminals are already in operation at the SEZ and there was no justification for another additional terminal. This was

*not accepted by the Board which observed that such project proposals cannot be denied merely on the grounds of non economic viability, especially when the investment was being made by the private developer. The Board also noted that in the last BoA meeting held on 28th Nov. 2011, the representative of the Department of Revenue had objected to the proposal on the basis that the land proposed to be leased to the co-developer is under reclamation and sought deferment of the proposal till the land is added to the SEZ. The DC submitted that after inspection of the proposed site it had been confirmed that the land under question is a part of approved SEZ. The Board however directed DC, Mundra to submit a report indicating the location of the existing CTSS i.e. located in the Processing Area or in the Non-Processing Area of the SEZ. The matter was accordingly **deferred.**”*

A report in the matter from DC, MPSEZ has been received (**Annexure-1A, page no. 31-33**).

The matter is placed before BoA consideration.

(v) Request of M/s. IL&FS Township and Urban Assets Limited (ITUAL) for co-developer in the sector specific SEZ for ‘Multi Services’ at villages Phirozpur and Ratanpur, District Gandhinagar, Gujarat being developed by M/s. GIFT SEZ Limited

The above mentioned SEZ was notified on 18th August, 2011 over an area of 105.4386 Ha. M/s. IL&FS Township and Urban Assets Limited (ITUAL) has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development of 3 million sqft of built up area in the SEZ. Co-developer agreement dated 4th January, 2012 entered into with the developer has also been provided. The draft lease agreement proposed to be executed has also been provided. DC KASEZ has recommended the proposal. The request of the co-developer is submitted for consideration of BoA.

(vi) Request of M/s. Shakti Bhog Foods Limited for co-developer in the sector specific SEZ for Agro & Food Processing Products at village Bhagan and Kurar Ibrahimpur, Murthal, Sonapat, Haryana, being developed by M/s. Ansal Colours Engineering SEZ Limited

The above mentioned SEZ was notified on 7th July, 2008 over an area of 101.24 Ha. M/s. Shakti Bhog Foods Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development of infrastructure on the entire area of 101.24 Ha. It has been informed that in-lieu of the development cost for physical infrastructure and services for the entire of 101.24 hectares of land, 15 acres in processing area & 5 acre in the non-processing area will be allotted on lease basis for setting up of the SEZ unit and other facilities. Co-developer agreement dated 11th October, 2011 entered into with the developer has also been provided. Draft lease deed has also been provided. DC, NSEZ has recommended the proposal.

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

(vii) Request of M/s. MindTree Limited for co-developer in the sector specific SEZ for IT/ITES at Chandaka Industrial Estate, Bhubaneswar, Orissa, being developed by Orissa Industrial Infrastructure Development Corporation (OIIDC)

The above mentioned SEZ was notified on 25th October, 2006 over an area of 58.5 Ha. M/s. MindTree Limited has submitted a proposal for becoming a co-developer in

the aforesaid SEZ for infrastructure facilities, over an area of 20 acres (8.094 hectares). Co-developer agreement dated 22nd December, 2011 entered into with the developer has also been provided. Lease deed has also been provided. DC, FSEZ has recommended the proposal.

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

Item No. 51.3: Requests for Authorized operations.

(i) Request of M/s. GIFT SEZ Limited for authorized operations in the sector specific SEZ for ‘Multi Services’ at villages Phirozpur and Ratanpur, District Gandhinagar, Gujarat

The above mentioned SEZ was notified on 18th August, 2011 over an area of 105.4386. The developer has requested for the following authorized operations in the **processing area/non-processing area** of the SEZ:-

In the processing area

| S. No. | Name of Authorized Activity | No. of units | Area per Unit as per FSI norms as applicable | Total area |
|--------|---------------------------------------|--------------|--|------------|
| (i) | (2) | (3) | (4) | (5) |
| 1. | Elevated Walkways including structure | -- | Length 5000 m average width – 10 m | 50000 sqm |
| 2. | Travellators | -- | Length 2500 m average width – 5 m | 12500 sqm |
| 3. | Bridge | 1 | 1000 sqm. | 1000 sqm |
| 4. | Water Fountain | 2 | -- | -- |
| 5. | Pumping station | 1 | -- | -- |
| 6. | Service Trench | -- | Length 5000 m average width – 10 m | 50000 sqm |

In the non-processing area

| S. No. | Name of Authorized Activity | No. of units | Area per Unit (in sqm.) as per FSI norms as applicable | Total area |
|--------|---------------------------------------|--------------|--|----------------------------|
| (i) | (2) | (3) | (4) | (5) |
| 1. | Elevated Walkways including structure | -- | Length 5000 m average width – 10 m | 50000 sqm |
| 2. | Travellators | -- | Length 2500 m average width – 5 m. | 12500 sqm |
| 3. | Bridge | 1 | 1250 sqm. | 1250 sqm |
| 4. | Water Fountain | 2 | -- | -- |
| 5. | Pumping station | 1 | -- | -- |
| 6. | Helipad | 1 | 11500 sqm | 11500 sqm |
| 7. | Air conditioning systems | 1 | -- | 69000 Ton of Refrigeration |
| 8. | Service Trench | -- | Length 5000 m average width – 10 m | 50000 sqm |

DC KASEZ has recommended the proposal. The request of the developer is placed before the BoA for consideration.

(ii) Request of M/s. Adani International Container Terminal Private Limited (AICTPL), for authorized operations as a co-developer in the Multi Product SEZ at Kutch, Gujarat, being developed by M/s. Mundra Port and Special Economic Zone Limited (MPSEZL) [the consideration this item is subject to the grant of co-developer status to M/s AICTPL, under consideration vide item no. 51.2(ii) above]

Multi Product SEZ at Kutch, Gujarat by M/s. Mundra Port and Special Economic Zone Limited stands notified over an area of 6472.8684 hectares. In this BoA meeting vide item no. 51.2 (iv) the request of AICTPL is under consideration for grant of co-developer status to develop, operate and maintain container terminal and related infrastructure facilities & services, over an area of 43 hectares. M/s. ACTIPL has requested for the following authorized operations in the **processing area**:-

| S. No. | Authorized operations | No. of units | Area per unit (in sqm) as per FSI/FAR norms as applicable | Total area (in sqm) |
|--------|--|--------------|---|---------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Container Jetty and related facilities | ---- | NA | 43740 |
| 2. | Container Yard and related facilities | ---- | NA | 422750 |

The request was deferred in the last meeting of the BOA as the request of M/s AICTPL for grant of co-developer status was deferred.

The consideration of this request by the Board is subject to grant of co-developer status to M/s AICTPL.

(iii) Request of M/s DLF Cyber City Developers Limited for authorized operations in the IT/ITES SEZ at DLF Cyber City District, Gurgaon, Haryana

The above mentioned SEZ was notified on 13.4.2007 over an area of 10.73 hectares. The developer has requested for construction Helipad on the roof top of the building no. 14 in the **processing area** of the SEZ. The developer has stated that said facility shall accommodate operations of helicopters which would be required primarily but not limited to, for the rescue operations etc. The developer has intimated that the structure of the roof top would be modified to strengthen the building roof and rest of the structure/building will remain same. The developer has undertaken that all requisite approvals from the concern department i.e. Airport Authority of India, DGCA, BCAS, MHA, PCB, MOEF etc. will be obtained prior to start the facility in the said premises. DC NSEZ has forwarded the proposal for consideration of the BoA.

Item No. 51.4: Request of M/s. Infopark, the Developer of sector specific SEZ for IT/ITES at Kerala, for permission to allot space to Indian Institute of Management, Kozhikode for creating facility for training Executives in the SEZs

The above mentioned SEZ stands notified over an area 32.6246 hectares. The Developer, a body registered under the Societies Act, is fully owned by the Government of

Kerala. The total built up area is 1.56 lakh sq. mtrs and there are 60 units employing around 10,000 persons. Total exports from the Zone during the year up to December 11 was Rs. 609.44 crores.

The developer has submitted a proposal to DC, CSEZ for creating a facility for up-gradation of management skill of the employees in the Zone. An area of 12500 sqft of built up space in “Athulya” IT Complex belonging to the Developer will be leased to the Indian Institute of Management (IIM) Kozhikode for running an off campus facility and they will be functioning as a facilitator like Bank, ATM etc.

DC, CSEZ has stated that the default list of authorized operations does not include setting up of training center in the processing area of the SEZ. However, the permission sought is limited to leasing the built up area to the IIM. The Developer of the IIM will not claim any duty/ tax exemptions on this operation. The created facility shall be offered to the employees of the existing units and co- developer of SEZs. The second phase of Infopark has been notified and is expected to be ready for occupation within the next two years. The training facility will be shifted to the non-processing area of the Phase II of Infopark SEZ and when it becomes ready for occupation.

DC has also informed that the facility so created will be useful to the existing occupants of the SEZs for upgradation of skills of their employees. This will help them to retain the skilled manpower for longer periods. DC, CSEZ has, therefore, recommended the proposal subject to the following conditions:

- 1) The setting up the Training facility and its operations shall not be eligible for any duty/tax exemptions:
- 2) The training facility shall be limited to the employees of the units, co-developer and Developer of SEZs only:
- 3) The facility shall be shifted to the non- processing area of the Infopark Phase II as and when it becomes ready for occupation.

The proposal is placed before BoA for consideration.

Item No. 51.5: Requests for increase/decrease in area

(i) Request of M/s. Infosys Limited, a co-developer in the sector specific SEZ for IT/ITES at villages Gaudakashipur and Arisal, Tehsil Jatni, District Khurda, Orissa being developed by Orissa Industrial Infrastructure Development Corporation, for increase in area of their operations

The above mentioned SEZ was notified on 4th January, 2011 over an area of 106.260 hectares. In the BoA meeting held on 28th November, 2011, M/s. Infosys Limited for granted co-developer status for setting up of software development facility for IT/ITES & allied activities on an area of 45.85 acres (18.55 hectares). Now the co-developer has requested to develop additional area of 5.069 acres (2.06 hectares), thereby, making the total area of its operations to 50.919 acres (20.605 hectares). As regards the reasons for the proposed increase in area, the co-developer has informed that the increased area would be developed for parking space, bus bay and other services area. DC, FSEZ, has recommended the proposal.

The request of the co-developer for increase in area is submitted for consideration of the Board of Approval.

(ii) Request of M/s. Mahindra World City (Jaipur) Limited for addition of land in the sector specific SEZ for IT/ITES including Software and Hardware Manufacturing at village Kalwara, Tehsil Sanganer, District Jaipur, Rajasthan

In the BoA meeting held on 14th January, 2011 formal approval was granted for setting up of the above SEZ over an area of 33.2545 hectares. The LoA was issued on 04.01.2012. The notification of the SEZ is under process in the Department of Commerce. In the mean time the developer has requested to add a part of land admeasuring 23.6585 hectares to the already notified SEZ, thereby making the total area of the SEZ as 56.9130 hectares. DC, NSEZ has recommended the request stating that the land proposed to be added is vacant, contiguous and is in possession of the developer. Government of Rajasthan has also recommended the proposal.

The request of the developer for increase in area is submitted for consideration of the Board of Approval.

(iii) Request of M/s. MAS Fabric Park (India) Private Limited for increase as well as decrease in area of the sector specific SEZ for Textile and Apparel at Chintavaram village, Chillakru Mandal, Nellore District, Andhra Pradesh

The above mentioned SEZ stands notified over an area of 235.07 hectares. The developer has requested for addition as well as de-notification of an area of land admeasuring 18.12 hectares and 150.78 hectares respectively, making the area of the SEZ to 102.41 hectares. DC, VSEZ has informed that because of the developments in the economic scenario over the past three years and also the proposed changes in various policies, the developer has decided to realign the SEZ, as proposed above, for better efficiency and utilization of space. It has been informed that the land proposed to be added is vacant, contiguous and is in possession of the developer. Further, the developer has also undertaken to refund the duty benefits availed in r/o the land being de-notified. DC, VSEZ has recommended the request and has also informed that after the proposed addition/de-notification SEZ would remain contiguous would meet the minimum land requirement for the sector.

The request of the developer for increase as well as decrease in area of the SEZ is submitted for consideration of the BoA.

Item No.51.6: Requests for extension of validity of formal approvals beyond 3rd to 5th year

(i) Request of M/s. Suncity Haryana SEZ Developers Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Information Technology (IT) at Jhund Sarai Viran & Bhangrola Pataudi Road, Gurgaon, Haryana, beyond 13th November 2011

The developer was granted formal approval vide LoA dated 14th November 2006. The SEZ was notified on 18th October 2007 over an area of 67.64 hectares. The developer has already been granted two extensions. The validity of the last extension was up to

13th November, 2011. The developer has given details of the steps taken to implement the project. The developer has informed that the contiguity has been disturbed by the master plan road of Gurgaon-Manesar Urban Complex 2021. Further the Master Plan of the SEZ, without integration of sector roads, is pending for approval by the Government of Haryana. The developer needs more time complete the project and has, therefore, requested for grant of further extension of validity of the formal approval beyond 13th November, 2011. DC, NSEZ, has recommended the request of the developer.

(ii) Request of M/s. Velankani Technology Parks Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Electronic Hardware and Software including ITES at Sriperumbudur, Chennai, Tamil Nadu beyond 22nd May 2012

The developer was granted formal approval for setting up the above mentioned SEZ, over an area of 58.3 hectares, vide LoA dated 23rd May 2007. The SEZ was notified on 11th December 2007, over an area of 57.46 hectares. The developer has already been granted two extensions. The validity of the last extension is up to 22nd May, 2012. The developer has given the details of steps taken to implement the project and has cited global recession as the reason for not implementing the project as scheduled. The developer needs more time to implement the project and, therefore, has requested for further extension of the validity of formal approval. DC MEPZ has recommended the request and has informed that the developer has already completed major items of works in the SEZ and is keen to implement the project. Further, the developer has already invested Rs. 152 crores in the project.

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

(iii) Request of M/s. Cochin Port Trust for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Port based at Puthuvypeen Ernakulam District, Kerala, beyond 17th April 2012

The developer was granted formal approval for setting up the above mentioned SEZ, over an area of 285 hectares, vide LoA dated 18th April 2006. The SEZ was notified on 2nd November 2006 over an area of 285.8413 hectares. The developer was subsequently granted extension up to 17th April 2012. The developer has given the details of the steps taken to implement the project and has submitted that it needs some more time to complete the infrastructure and commence operation of the units. The developer has, therefore, requested for grant of further extension of validity of the formal approval. DC, CSEZ has also recommended grant of further extension to the developer for a period of one year beyond April 2012.

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

(iv) 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 at Dronagiri, Navi Mumbai, Maharashtra, beyond 29th July 2012

The developer was granted formal approval for setting up of multi product SEZ at Dronagiri, Navi Mumbai, Maharashtra vide LoA dated 30.07.2007. The SEZ was notified on 21.11.2007 over an area of 1233.6767 hectares. The developer has already been granted two extensions. The validity of the last extension is 29th July, 2012. The developer has given the

details of the steps taken towards implementation the project and has also informed that till December, 2011 Rs. 2986.35 crores have been invested in the project. The developer needs more time to implement the project and has, therefore, requested for extension of validity of formal approval by one year. DC, SEEPZ SEZ has recommended the request of the developer.

The request is placed before the BoA for consideration.

(v) 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 at Kalamboli, Navi Mumbai, Maharashtra, beyond 25th July 2012

The developer was granted formal approval for setting up of IT/ITES SEZ at Kalamboli, Navi Mumbai, Maharashtra vide LoA dated 26th July 2007. The SEZ was notified on 19th May 2009 over an area of 103.0727 hectares. The developer has already been granted two extensions. The validity of the last extension was up to 25th July, 2012. The developer has given the details of the steps taken towards implementation the project and has also informed that till December, 2011 Rs. 228.99 crores have been invested in the project. The developer needs more time to implement the project and has, therefore, requested for extension of validity of formal approval by one year. DC, SEEPZ SEZ has recommended the request of the developer.

The request is placed before the BoA for consideration.

(vi) 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 2012

The developer was granted formal approval for setting up of IT/ITES SEZ at Kalamboli, Navi Mumbai, Maharashtra vide LoA dated 26th July 2007. The SEZ was notified on 28th August 2008 over an area of 176.7080 hectares. The developer has already been granted two extensions. The validity of the last extension was up to 25th July, 2012. The developer has given the details of the steps taken towards implementation the project and has also informed that till December, 2011 Rs. 302.83 crores have been invested in the project. The developer needs more time to implement the project and has, therefore, requested for extension of validity of formal approval by one year. DC, SEEPZ SEZ has recommended the request of the developer.

The request is placed before the BoA for consideration.

(vii) Request of M/s. Haaciendaa Infotech & Realtors Private Limited for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at No. 51, Sholinganallur village, Old Mahabalipuram Road, Tambaram Taluk, Kancheepuram District, Tamil Nadu, beyond 24th October 2011

The developer was granted formal approval vide LoA dated 25th October 2006. The SEZ was notified on 11th April 2007 over an area of 26.615 hectares. The developer has already been granted two extensions. The validity of the last extension was up to 24th October, 2011. The developer has made a **delayed request** for extension of the validity. DC, MEPZ has informed that the developer has stated that due to continued global recession

they were not able to implement the project and have now expressed confidence in the revival of IT sector and subsequent demand for SEZ space. DC, as further informed that the developer is keen to implement the project within the period of one year sought for extension. DC, MEPZ, has recommended the request of the developer and also condoning the delay in seeking extension, by the developer.

The request is placed before BoA for consideration.

(viii) Request of Orissa Industrial Infrastructure Development Corporation (IDCO) for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at villages Gaudakashipur and Arisal, Tehsil Jatni, District Khurda, Orissa, beyond 24th October 2010

The developer was granted formal approval vide LoA dated 25th October 2006. The SEZ stands notified over an area of 106.260 hectares. The developer was granted extension up to 24th October, 2010. Thereafter, no request was made by the developer seeking further extension. The developer has given details of the steps taken to implement the project and has made a **delayed request** for further extension to complete the project. M/s. Infosys Limited is a co-developer in the SEZ for setting up of software development facility for IT/ITES & allied activities on an area of 45.85 acres (18.56 hectares). DC, FSEZ informed that due to oversight the developer did not seek timely extension and has recommended grant of further extension for period of two years w.e.f. 25th October, 2010 by condoning the delay.

The request is placed before BoA for consideration.

(ix) Request of M/s. Vedanta Aluminium Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Manufacture and Export of Aluminium along with 1215 MW captive power plant, at village Bhurkamunda & Bhagkipalli Tehsil & District Jharsuguda, Orissa beyond 22nd May, 2010.

Formal approval was granted vide LoA dated 23rd May, 2007. The SEZ stands notified over an area of 220.568Ha. The validity of formal approval stands expired w.e.f. 23rd May, 2010 as, DC, FSEZ has informed that, the developer had not requested for further extension, as inadvertently the UAC on 12.3.2010 had taken a decision for extension of validity of the developer as per Instruction No. 16 issued by Department of Commerce. Now the developer has requested for extension of formal approval up to 22nd May, 2013. The developer has given the details of the steps taken to implement the project. DC, has informed that the developer has invested a huge amount and has taken necessary steps for implementation of the project. Further, the SEZ is likely to commence operations by December, 2012 and exports are likely to commence by March, 2013. DC, FSEZ has, therefore, recommended grant of further extension to the developer and also for **condoning the delay**.

The request is placed before BoA for consideration

(x) Request of Nagaland Industrial Development Corporation Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for Agro and Food processing, at Dimapur, Nagaland beyond 11th October 2010

Formal approval was granted vide LoA dated 12th October, 2007. The SEZ was notified on 9th July, 2009 over an area of 50.70 Ha. The validity of the formal approval has

expired w.e.f. 12th October, 2010 as the developer had not requested for further extension inadvertently. Now the developer has requested for extension of formal approval to enable them complete the project. The developer has given the details of the steps taken to implement the project. DC, FSEZ has informed that the developer has taken adequate steps to implement the project in a disadvantageous geographical location. DC, FSEZ has, therefore, recommended grant of further extension to the developer and also for condoning **the delay**.

The request is placed before BoA for consideration

(xi) Request of M/s. Hyderabad Metropolitan Development Authority for third extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Kokapet village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Andhra Pradesh, beyond 22nd October 2011

The developer was granted formal approval for setting up the above mentioned SEZ, over an area of 47.6 hectares, vide LoA dated 23rd October 2006. The SEZ was notified on 13th June 2007 over an area of 47.6 hectares. The developer has already been granted two extensions. The validity of the last extension was up to 22nd October, 2011. The developer has made a **delayed request** for extension of the validity. The developer has given the details of steps taken to implement the project. There are six units and one co-developer approved in the SEZ. The developer has stated that several batches of Writ Petitions were filed before the Hon'ble High Court claiming the ownership and payment of compensation of the land in Kokapet village, Rajendra Nagar Mandal, Ranga Reddy District, Andhra Pradesh. The Court cases are still pending and thereby the unit holders could not obtain the required permission from the concerned Authorities. The developer has stated that the project would be completed by 22.10.2012. DC VSEZ has recommended the request of the developer.

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

Item No.51.7: Requests for extension of validity of formal approvals beyond 6th year

(i) Request of M/s. Ansal IT City & Parks Limited for extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Plot No. TZ-06, Tech Zone, Greater Noida, Uttar Pradesh, beyond 6th April 2012

The developer was granted formal approval for setting up the above mentioned SEZ, over an area of 30.41 hectares, vide LoA dated 7th April 2006. The SEZ was notified on 29th August, 2006 over an area of 30.41 hectares. The developer has been granted three extensions of one year each. The validity of the last extension is up to 6th April 2012. The developer has given the details of the steps taken towards implementation of project and has intimated that the boundary wall, site office, DC cum Custom Office and small electrical sub-station has already been constructed and approximately 250000 sqft. of IT/ITES structure nearing completion. The developer has further stated that due to the economic slowdown in the IT sector, the company was unable to implement the project as envisaged. However, now the business enquiries have started generating from the IT companies. M/s. Earth Iconic Infrastructures Private Limited has submitted a proposal for becoming a co-developer in the aforesaid SEZ for development of infrastructure facilities over an area of 15.20 hectares. Three companies have also submitted applications for setting up of units in the SEZ. Further, the developer has also appointed an International Broker Consultant based at Singapore who

is arranging meetings and site visits of the parties for multinational IT companies. The developer needs more time to implement the project and has, therefore, requested for further extension of the validity of the formal approval.

DC NSEZ has recommended the request and has informed that the developer has taken necessary steps towards implementation the project and has made an investment of Rs. 82.95 crores as on 31st January, 2012.

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

Item No. 51.8: Request for grant of second extension of in-principle approval.

(i) Request of M/s. Posco-India Private Limited for extension of in-principle approval granted for setting up of a Multi Product SEZ, over an area of 1620.496 hectares, at Jagatsinghpur District, Orissa, beyond 25th October, 2011

In-principle approval was granted to the proposal vide LoA dated 26th October 2006. Thereafter, de-novo in-principle approval w.e.f. 26th October, 2009 was granted vide LoA dated 22nd December, 2009. Subsequently, one extension was also granted. The validity of which has expired on 25th October, 2011. The developer has requested for extending the validity further stating that Government of Orissa has leased 245.778 Ha of land to the developer. MoEF on 2nd May, 2011 has accorded approval to Govt. of Orissa for diversion of 1253 Ha of forest land. The forest land is likely to be leased by December, 2011. DC FSEZ has recommended the request.

The proposal was deferred in the BoA meeting held on 28th November, 2011 on the request of representative of Orissa Government. The State Government, vide letter dated 27.01.2012, has now recommended extension of the in-principle approval up to 25.10.2012. Accordingly, the matter is placed before BoA for consideration.

Item No. 51.9: Requests for de-notification

(i) Request of M/s. Bannari Techno Park Private Limited for de-notification of the sector specific SEZ for IT/ITES at Kalapatty village, Coimbatore, Tamil Nadu, notified over an area of 24.055 hectares

The above mentioned SEZ was notified on 23rd April, 2007 over an area of 24.055 hectares. Now, the developer has requested for de-notification of the SEZ citing inadequate response from IT/ITES entrepreneurs as the reason for the same. DC, MEPZ, has recommended the request of the developer and has informed that no duty benefits have been availed by the developer.

The request of the developer for de-notification of SEZ is placed before the BoA for consideration.

(ii) Request of Maharashtra Industrial Development Corporation (MIDC) for de-notification of the sector specific SEZ for Pharmaceuticals at Lote Parashuram, District Ratnagiri, Maharashtra, notified over an area of 141.6920 hectares

The above mentioned SEZ was notified on 23rd April, 2009 over an area of 141.6920 hectares. Now, the developer has requested for de-notification of the SEZ stating that the land on which the SEZ was proposed falls a part of 3000 acre proposed to be allotted to M/s. Hindustan Petroleum Corporation Limited for setting up of refinery project. Government of Maharashtra has also recommended the request. DC SEEPZ has recommended the proposal

The request of the developer for de-notification of SEZ is placed before the BoA for consideration.

(iii) Request of M/s. Bajaj Holdings & Investment Limited for de-notification of the sector specific SEZ for Engineering at Wajuj, Aurangabad, Maharashtra, notified over an area of 100.26 hectares

The above mentioned SEZ was notified on 17th April 2007, over an area of 100.26 hectares. Now, the developer has requested for de-notification of the SEZ citing lack of demand due to changing macro-economic & taxation scenario as the reason for the same. DC SEEPZ has recommended the proposal.

The request of the developer for de-notification of SEZ is placed before the BoA for consideration.

Item No. 51.10: Request for withdrawal of formal approval

(i) Withdrawal of formal approval granted to M/s. Vibhu Developers Private Limited for setting up of sector specific SEZ for IT/ITES at village Ghotawade, Taluka Mulshi, District Pune, Maharashtra

M/s. Vibhu Developers Private Limited was granted formal approval for setting up of a sector specific SEZ for IT/ITES at village Ghotawade, Taluka Mulshi, District Pune, Maharashtra, over an area of 28.34 hectares, vide LoA dated 19th May, 2009. The SEZ is yet to be notified. Now, the developer has requested for withdrawal of formal approval citing imposition of MAT on developer & SEZ units and withdrawal of Income Tax Benefit for the units set up after March 2014, as the reasons for the same. The developer has further stated since the SEZ has not been notified no duty benefits and tax exemptions have been availed by them pursuant to grant of formal approval. DC SEEPZ has recommended the request of the developer.

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

Item No.50.11: Request for extension of LoP of units beyond 3rd year

(i) Request of M/s. Moser Baer Solar Limited, a unit in the SIPCOT SEZ at Oragadam, Tamil Nadu beyond 27th August 2011

M/s. Moser Baer Solar Limited was granted LoP for setting up a unit in the above SEZ, vide LoP dated 28th August, 2008, for manufacture of “Thin film solar modules and parts, thereof”. Subsequently, on request of the unit, DC had extended LoP of the unit up to 27th August, 2011. The unit had requested for further extension however, since the unit could not submit a certificate regarding completion of two-third activity, further extension could not be granted by the DC. DC MEPZ has informed that the unit is keen to implement the project and has enclosed a time schedule of activities proposed to be undertaken by them, according to which it expects to be operational by August 2013. DC has, therefore, recommended further extension for a period of one year w.e.f. 28th August, 2011.

As per rule 19 (4) of the SEZ rules 2006, the DC may grant extension of one year, beyond third year, subject to condition that two-third of activities including construction relating to the setting up of unit is complete and a chartered engineer’s certificate to this effect is submitted by the entrepreneur. However, in this case two third activities are not complete, therefore, DC has requested for placing the request before BoA.

In view of the above position the request of the unit for grant of further extension of LoP beyond 28th August, 2011 is placed before the BoA for consideration.

Item No. 51.12: Requests for extension of LoP of units beyond 4th year

(i) Request of M/s. Fulcrum Logic India Private Limited, a unit in the sector specific SEZ for IT/ITES at Phase-II, Hinjewadi, Pune being developed by Maharashtra Industrial Development Corporation (MIDC) beyond 27th February 2012

M/s. Fulcrum Logic India Private Limited was granted approval for setting up a unit in the above mentioned SEZ, vide LoP dated 28th February 2008. The unit was granted two years extensions beyond the original validity by DC. Thereafter, one year’s extension granted by BoA in the meeting held on 31st May, 2011. The unit has requested for further extension stating that the developer has permitted the unit to complete the construction by November 2012. The unit has stated that it plans to commence commercial production by October 2012. DC SEEPZ has recommended the request.

The request is placed before BoA for consideration.

(ii) Request of M/s. iGATEpatni Computer Systems Limited, a unit in the sector specific SEZ for IT/ITES at Phase-II, Hinjewadi, Pune being developed by Maharashtra Industrial Development Corporation (MIDC) beyond 4th February 2012

M/s. iGATEpatni Computer Systems Limited was granted approval for setting up a unit in the above mentioned SEZ, vide LoP dated 5th February 2008. The unit was granted two years extensions beyond the original validity by DC. Thereafter, one year’s extension granted by BoA in the meeting held on 31st May, 2011. The unit has requested for further extension stating that the developer has granted extension of time for construction of building

and other infrastructure facility only on 14th December, 2011. The unit has stated that the master plan duly certified by the architect has been finalized and the first phase is likely to be complete by March, 2013. DC SEEPZ has recommended the request.

The request is placed before BoA for consideration.

(iii) Request of M/s. Tata Consultancy Services Limited, a unit in MIHAN SEZ, Nagpur, Maharashtra for extension of Letter of Permission (LOP) beyond 23rd April, 2012

M/s. Tata Consultancy Services Limited was granted LoP for setting up an IT/ITES unit in MIHAN SEZ, vide LoP dated 24th April, 2008. Subsequently, on request of the unit, the validity of LoP of the unit was extended up to 23rd April, 2011 by DC. Further extension for a period of 1 year was granted by BoA in the meeting held on 22nd July, 2011. The unit has requested for further extension of the validity of the LoP for a period of two years i.e. up to 23rd April, 2014. The unit has informed that due to certain unforeseen obstacles, it is unable to start construction of the facility and could not implement the project within the time limit.

DC MIHAN SEZ has recommended the request stating that TCS is prestigious project for MIHAN SEZ. On 19th December 2011, Hon'ble Chief Minister of Maharashtra laid the foundation stone for Phase 1 of the project. Further, delay in implementation of project is due to global slowdown and now the company is serious above project and expects to start operation in 2014.

In view of the above position the request of the unit for grant of further extension of LoP beyond 23rd April, 2012 is placed before the BoA for consideration.

(iv) Request of M/s. XL Energy Limited, a unit in the sector specific SEZ for Semiconductors being developed by M/s. FAB City SPV (India) Private Limited at Raviryala village, Maheswaram Mandal, Ranga Reddy District, Andhra Pradesh, for extension of Letter of Permission (LOP) beyond 27th March 2012

M/s. XL Energy Limited was granted approval for setting up a unit vide LoP dated 28th March 2008 for manufacture of solar photovoltaic cell (capacity – 120 MW) and solar photovoltaic modules (capacity – 40 MW). The unit has been granted three extensions beyond the original validity by DC. The last extension is valid up to 27th March, 2012. The unit has requested for further extension and has informed that it expects to start its operations by the end of December 2012. DC VSEZ has recommended the request and has informed the unit has already made an investment of Rs. 211 crores.

The request is placed before BoA for consideration.

(v) Request of M/s. Wipro Limited, a unit in the sector specific SEZ for IT/ITES at Bhubaneswar, Orissa, being developed by Industrial Developer Corporation of Orissa (IDCO), beyond 5th March, 2012

M/s. Wipro Limited was granted approval for setting up a unit in the above mentioned SEZ, vide LoP dated 6th March, 2008. The unit was granted subsequent extensions beyond the original validity by DC. The validity of the last extension is going to expire on 6th March,

2012. The unit has requested for further extension stating that the entire construction work for infrastructure has been completed but it has not been able to commence export due to lack of export orders for its Bhubaneswar unit. The unit has intimated that it had made an investment of Rs. 41.34 crores (excluding cost of land) and expects to commence production from Q3 of 2012-13. DC FSEZ has recommended grant of extension for a period of six months i.e. from 06.03.2012 to 05.09.2012.

The request is placed before BoA for consideration

Item No. 51.13: Requests for extension of LoP of units beyond 5th year

(i) Request of M/s. Eurocircuits India Limited, a unit in the sector specific SEZ for Electronic developed by Gujarat Industrial Development Corporation (GIDC) at Gandhinagar, Gujarat for extension of LoP beyond 13th March 2012

M/s. Eurocircuits India Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 14th March 2007, for manufacture and export of electronic components and printed circuit boards.

Subsequently, on request of the unit, DC had extended LoP of the unit from time to time, for a total period of 3 years up to 13th March, 2011. Further, in the BoA meeting held on 23rd March, 2011 the developer was granted one year's extension up to 13th March, 2012. The unit has requested for further extension of the validity of LoP. DC, KASEZ, has intimated that unit has reported that they have applied for HT power and shall commence production by 13.06.2012 and has, therefore, recommended further extension up to 13.06.2012.

Rule 19(4) of SEZ Rules, 2006 have been amended vide notification dated 10.11.2010. The amendment has enabled BoA to grant further extension of the validity of the LoP of a unit, beyond fourth year (one year, at a time) on the request of the entrepreneur.

In view of the above position the request of the unit for grant of further extension of LoP for a period of three months i.e. up to 13.06.2012 is placed before the BoA for consideration.

(ii) Request of M/s. Shahlon Industries Private Limited, a unit in Surat Apparel Park – SEZ, Sachin, Surat, Gujarat, for extension of LoP beyond 8th June 2011

M/s. Shahlon Industries Private Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 9th June 2006, for manufacture and export of apparels & Madeups. Subsequently, on request of the unit, DC had extended LoP of the unit up to 8th June, 2010.

DC has informed that as per the report of the specified officer of the SEZ the unit has invested Rs.145 lakhs in factory building and Rs.90 lakhs in machineries. However, due to global recession and lack of export orders they could not commence commercial production and export. Moreover, due to oversight the unit could not obtain necessary approval for extension of LoA beyond 8th June, 2010 as result of this the LoP stands lapsed in terms of Rule 19 (5) of the SEZ Rules, 2006.

DC has informed that the unit is confident to start production and export and has, therefore, requested for extension of validity beyond 8th June, 2011. Keeping in view the substantial investment made by the unit and its intention commenced commercial production DC, KASEZ, has recommended grant of further extension.

The request is placed before the BoA for consideration.

(iii) Request of M/s. Godrej & Boyce Manufacturing Company Limited, a unit in M/s. Dahej SEZ Limited, Gujarat for extension of LoP beyond 29th May 2012

M/s. Godrej & Boyce Manufacturing Company Limited was granted LoP for setting up a unit, in the above mentioned SEZ, vide LoP dated 30th May 2007. Subsequently, on request of the unit, DC had extended LoP of the unit up to 29th May 2010. Further, extensions beyond 29th May, 2010 are being granted by BoA. The last extension up to 29th May, 2012 was granted in the BoA meeting held on 31st May, 2011. The unit has requested for further extension of the validity of LoP. DC Dahej has stated that the unit could not start the development activity as there were in encroachment issues (Ashram and Temple) in the plot and inclusion of non-processing zone by the developer in the SEZ area due to which unit has to reduce the plot area by 10000 sqm. Moreover, the requisite infrastructure was not ready up to the end of 2009. Despite the above difficulties unit has completed boundary wall around their plot isolating Ashram, but could not complete their project. The unit has obtained CRZ clearance on 20.12.2011. However, NOC from Gujarat Pollution Control Board is yet to be obtained. The unit needs more time to complete the project. DC Dahej SEZ has recommended grant of further extension for a period of one year i.e. up to 29.05.2013.

In view of the above position the request of the unit for grant of further extension of LoP for a period of one year is placed before the BoA for consideration.

The request is placed before the BoA for consideration.

Item No. 51.14: Requests for extension of LoP of units beyond 6th year

(i) Request of M/s. Jash Pharma Private Limited, a unit in the Surat SEZ for extension of LoP beyond 9th February, 2011

M/s. Jash Pharma Private Limited was granted LoP for setting up a unit in the above mentioned SEZ, vide LoP dated 10th February, 2006, for manufacture and export of Pharmaceuticals.

The unit had been granted subsequent extensions from time to time. The validity of the last extension was up to 9th February, 2011. The unit has requested for further extension of the validity beyond 9th February, 2012. DC, Surat SEZ has informed that the unit could not commence the commercial production due to non-availability of permanent power connection from the electricity company. Further, the unit has procured and installed 100% capital and is ready to start commercial production soon after getting permanent power connection. DC has also informed that the unit has so far made an investment of Rs. 4.59 crore and has already got orders worth \$4 lakhs in hand.

DC, Surat SEZ has, therefore, recommended the grant of further extension for a period of two year from the date of expiry of last extension (i.e. up to 9th February, 2013).

Rule 19(4) of SEZ Rules, 2006 have been amended vide notification dated 10.11.2010. The amendment has enabled BoA to grant further extension of the validity of the LoP of a unit, beyond fourth year (one year, at a time) on the request of the entrepreneur.

In view of the above position the request of the unit is placed before the BoA for consideration.

Item No. 51.15: Requests for import of restricted/prohibited item

(i) Request of M/s. Reliance Industries Limited, a unit in M/s. Reliance Special Economic Zone at Jamnagar, Gujarat for procurement of Crude Oil from M/s. Cairn India Limited, a unit in DTA

M/s Reliance Industries Limited has established a 27 MMTPA Refinery and a PP complex in Jamnagar SEZ. The unit imports its entire crude requirement for their refinery in SEZ from various countries in the world. The unit has request for permission for procurement of crude oil from DTA from M/s. Cairn India Limited. The unit has stated that the DTA unit is producing 6 million tons per annum (MMTPA) of crude from Mangala field in Rajasthan and the company is expected to increase the output from 6 million tons per annum (MMTPA) to 7.5 million tons per annum (MMTPA) and perhaps even more when Bhagyam fields starts producing more. Further, Mangala crude is very heavy with API gravity between 25-30. Mangala crude also has very high pour point 42° C. The waxiness of the crude makes it solid at room temperature. Transportation of Mangala crude therefore, requires special heating arrangements in the pipeline to keep the crude in a liquid form. Most Indian domestic refineries lack the configuration to process Mangala crude due to its quality. Others face logistical issues.

It has also been stated that the RIL's refinery complex at Jamnagar consists of a DTA refinery (33MMTPA) & an SEZ refinery (27 MMTPA) connected by a heated pipeline to the Mangala field. Currently the DTA refinery is already processing the maximum feasible quantity of about 4 MMTPA of Mangala crude in conjunction with other crudes. However, the SEZ refinery, which is designed to process far heavier crudes, is unable to use Mangala crude as the same has been classified as restricted item under the current Foreign Trade Policy (FTP) provisions. The unit has, therefore, sought approval of the BoA for the importing crude oil from M/s. Cairn India Limited in terms of instruction no. 47 issued by Department of Commerce.

DC Jamnagar SEZ has recommended the request. The report of the DC along with the detailed request of the unit is at **Annexure -2 (page no. 34-39)**

The request is placed before the BoA for consideration.

(ii) Request of M/s Pipavav Defence & Offshore Engineering Company Limited, a unit in the sector specific SEZ for engineering sector in District Amreli, Gujarat being developed by M/s E.Complex Private Limited

The unit is engaged in the process of manufacturing/building vessels for exports, and supplies to public sector and defence units. The unit has received an order for building of warships for the Indian Navy. The unit has sought approval from DC, KASEZ for procurement of restricted items as mentioned below:-

- (i) Permission to procure restricted items for warships to be manufactured for Indian Navy. The letter dated 12th December, 2011 of the unit containing the details the items proposed to be imported is at **Annexure - 3 (Page no. 40-42)**
- (ii) Permission to procure navigational wireless communication equipment's for manufacture of PANAMEXZ Vessel, Offshore Vessel and warships for Indian Navy. The letter dated 12th December, 2011 of the unit containing the details the items proposed to be imported is at **Annexure – 4 (Page No.43-45)**

DC KASEZ has forwarded the above requests of the above requests of the unit for consideration of the Board in terms of instruction no. 47 issued by this department.

Accordingly, the request is placed before the BoA for consideration.

(iii) Request of M/s. Mundra Port and Special Economic Zone Limited for importing, storing and re-exporting vegetable oil on account of cargo owners in the earmarked FTWZ area

Multi Product SEZ at Kutch, Gujarat by M/s. Mundra Port and Special Economic Zone Limited stands notified over an area of 6472.8684 hectares. The developer has sought approval for importing, storing and re-exporting vegetable oil on account of cargo owners in the earmarked FTWZ area.

The developer has informed that some reputed foreign parties have shown interest in bringing crude/refined vegetable oils in to the FTWZ area, store the cargo and then re-export. A large percentage of this will be crude vegetable oil which cannot be consumed directly without refining. Further, Customs duty on crude vegetable oil at present is nil. As per the Foreign Trade Policy in force, vegetable oils (chapter 15) are allowed to be imported freely without any restriction **but export of the same is prohibited**. However, Rule 45 (1) of SEZ Rules, 2006 and Instruction No. 47 dated 04.03.2010, items prohibited for export could be allowed to be exported from SEZ with the approval of BoA provided such prohibited goods cannot be procured from DTA.

The report of the DC is at **Annexure - 5 (page no.46-48)**. The report of DC, MPSEZ has recommended for placing the matter before the BoA.

(iv) Request of M/s. Abhijeet Ferrotech Limited, a unit of APSEZ at Atchutapuram, Visakhapatnam for grant of permission for import of “Ferro Manganese Slag”, a restricted item

M/s Abhijeet Ferrotech Limited has requested DC, APSEZ approval for import of “Ferro Manganese Slag” which it is one of the important raw material for the finished

product i.e. Silico Manganese. “Ferro Manganese Slag” is covered under the Customs tariff heading no. 26209900 and the same is “Restricted” as per ITC (HS) Classification of Import and Export items. The unit has intimated that as per the production plan for 12 months the required quantity of the said raw material is 204000 MT (i.e. 17000 MT per month).

The request was considered in the BoA meeting held on 24th January, 2012 and was deferred. The minutes are as under:-

*“The Board, after deliberations and taking into consideration the observations of the representative of Ministry of Environment & Forests, **deferred** the request, as details regarding the entire chain of import/export activity planned and DTA implications, if any, were not provided and MoEF approval had also not been obtained. DC may clarify.”*

A report in the matter from DC APSEZ has been received. DC has informed that there would not be any DTA implication on the proposed import of Ferro Manganese Slag. DC has also informed that since the project is on the verge of starting and has, therefore, requested for approval subject to clearance from MoEF. The report of the DC is at **Annexure –5A (page no.49-54)**.

The request is placed before BoA for consideration

Item No. 51.16: Request of M/s. DRK Metallurgical Private Limited, a unit in FSEZ for inclusion of processed Special Metal scrap such as Titanium, Nickel, Tungsten, Molybdenum and Cobalt Scrap in LoP

M/s. DRL Metallurgical had been granted LoP on 09.05.2006 for manufacture and export of Ferro Vanadium, Ferro Molybdenum, Ferro Tungsten, Ferro Nickel and Cobalt Oxide. The unit was later granted approval for inclusion of items viz, Ferro Titanium, LC Ferro Manganese, MC Ferro Manganese, LC Ferro Chrome, by FSEZ.

The unit has now request for inclusion of Processed Special Metal Scrap such as Titanium, Nickel, Tungsten, Molybdenum and Cobalt scrap in LoP as backward integration. The unit has stated that no additional CG will be required for this purpose. It has also been stated that the process will involve activities such as drying, sorting, sizing, grinding and packaging.

The request of the unit was considered in the UAC meeting held on 15.02.2012. The Committee observed that all the items (except Nickel scrap) fall under restricted category of waste/scrap. Further, the unit has further added Segregation as one of the process involved. UAC, therefore, decided to defer the request to the BoA.

Accordingly, the proposal is placed before BoA for consideration.

Item No. 51.17: Validity/Continuance of formal approval granted to M/s. Chervil Infrastructure Private Limited (formerly M/s. Nipiam Infotech Private Limited) for setting up of sector specific SEZ for IT at Gram Nimeta, Taluka Waghodiya, Vadodara, Gujarat

Formal approval was given to M/s. Nipiam Infotech Private Limited (NIPL), for setting up of a sector specific SEZ for IT Sector at Gram Nimeta, Taluka Waghodiya, Vadodara, Gujarat, over an area of 220 hectares. Later, on the request of the developer formal approval was transferred in the name of M/s. Chervil Infrastructure Private Limited (CIPL) vide LoA dated 30th June 2010. Subsequently, a complaint was received from NIPL that M/s. CIPL has fraudulently got the formal approval transferred in its name. A counter complaint was also received from CIPL alleging that the company is experiencing detrimental non co-operation from particular directors who do not want to further move with the vision of development and that the company has been experiencing un-regulatory obstacles towards the objective of development of SEZ. Further, both the companies had filed complaints against each other in ROC as well as in Police. A report was accordingly, sought from DC KASEZ seeking information as to which party has a clear title over the land proposed to develop as SEZ. DC has submitted a report after consulting Collector, Vadodara. DC in his report has stated that none of the parties are having rightful and legal possession of the land proposed to be developed as SEZ. There is litigation on the said land as such said land is not free from all encumbrances. Since none of the disputing parties have land in possession, it is desirable that the formal approval be cancelled.

Accordingly, the matter was placed before the BoA in its meeting held on 28th November, 2011. The request was deferred. The minutes are as under:-

*“DC, KASEZ informed that both the parties viz. Nipiam Infotech Private Limited and M/s. Chervil Infrastructure Private Limited have now resolved their disputes and reached an agreement and requested deferment. The Board directed DC, KASEZ to give a clear report on the matter, before the next meeting and accordingly, **deferred** the proposal.”*

A report dated 3.2.2012 (**Annexure - 6, page no.55-56**) from DC, KASEZ has been received. DC, KASEZ has intimated that M/s Nipiam Infotech Private Limited has submitted a compromise decree. As per the compromise decree, the dispute between M/s NIPL & M/s CIPL stands resolved. DC, has also informed that since the land on which the SEZ was proposed to be setup was disputed and the company is looking for alternate land. From the current report as well as earlier report dated 16th June, 2011 (**page no.57-63**) of DC, KASEZ it appears that none of the parties have a clear title over the land on which formal approval for setting up of a sector specific SEZ for IT/ITES SEZ has been granted. Further, clear title over land is a pre-requisite for the validity of formal approval.

The matter is placed before the BoA for a decision in the matter.

Item No. 51.18: Request for Additional Gates

(i) Proposal of DC, KASEZ, for approval of an additional entry/exit gate in the new area for movement of Over Dimensional Cargo (ODC) cargo

KASEZ has informed that the SEZ is spread over an area of 971.25 acres, out of which 271.25 acres is known as new area. Both the new area and old area are separated by a public road. Therefore, to have contiguity as per SEZ Act/Rules, both the old and new area were connected with a ROB. BoA in its 43rd meeting held on 18th November, 2010 approved the proposal for an additional entry/exit gate for ODC cargo, which has been made in the old area of KASEZ, where the units manufacturing and exporting ODC cargo exists.

It has also been informed that Zone Administration has allotted 100 acres of land for development of FTWZ. Two co-developers have already been approved for this purpose by the Ministry viz. M/s. Integrated Warehousing Kandla Project Development Private Limited and M/s. Worlds Window Infrastructure and Logistics Private Limited. The above co-developers have requested for an ODC gate in the new area of the zone considering that they are going to allot the land for storage of ODC cargo like timber logs and machineries which cannot move in/out from regular gate and also through the flyover due to its length/size and weight. Maximum weight, which can pass through the fly over is only 60T. Therefore, over weight cargo cannot be permitted to be moved through flyover.

KASEZ has further stated that, in view of the above, opening of another entry/exit gate at a suitable location in the new area of zone is essential for the movement of such cargo. The additional gate is proposed to be located just behind the parking area created near the new area.

KASEZ has, therefore, requested for approval of the Board of Approval for an additional Exit/entry gate at, in terms of the provision of Rule 11(2) of the SEZs Rules, 2006.

The request is placed before the BoA for consideration.

Item No. 51.19: Requests for setting up of Disaster Recovery Site

(i) Request of M/s. Tata Consultancy Services Limited, a unit in DLF Info City SEZ, Chennai for setting up disaster recovery site in case of a disaster in SEZ location

M/s. Tata Consultancy Services Limited (TCSL) is a unit in the IT/ITES SEZ at Chennai being developed by M/s DLF Infocity Developers.

M/s. Tata Consultancy Services Limited has requested for permission for setting up of a disaster recovery site in the TCS unit located in the IT/ITES SEZ at Mumbai, being developed by M/s. Hiranandani Builders SEZ. The unit has stated that as part of their business continuity plan they propose to move the employees temporarily to their unit in the Hiranandani SEZ, in the event of natural calamity/disaster. However, there will be no movement of material and assets. DC, MEPZ has forwarded the request for consideration of the BoA.

The request is placed before BoA for consideration. .

(ii) Request of M/s. Tata Consultancy Services Limited, a unit in Unitech Infospace SEZ, Kolkata for setting up disaster recovery site in STPI location, Bangalore in case of a disaster at SEZ location

M/s. Tata Consultancy Services Limited (TCSL) is a unit in the Unitech Infospace SEZ, Kolkata. TCSL is a 100% subsidiary of M/s. TCS e-Serve International Limited which has an STP unit at EPIP Industrial Area Bangalore. The unit has requested for permission for setting up of a disaster recovery site at the STP unit at Bangalore. The unit has cited the following reasons for preferring the above location over other locations:-

- (i) Physical security controls setup specifically for the Client: - Access control to premises, Biometric access control CCTV monitoring, frisking, restriction of access to printer, scanner etc.
- (ii) Restrictions in the work area specific to each client: - Specific access controls in computers at work, network separation, access to applications need to be enabled from specific IP addresses as part of connectivity design, Server and Firewall controls as specifically required by each client.

DC, FSEZ has forwarded the request for consideration of the BoA. The letter of DC, FSEZ alongwith the detailed request of the unit is at **Annexure - 7 (page no.64-66)**

The request is placed before BoA for consideration

(iii) Request of M/s. Accenture Services Private Limited, a unit in Shriram Properties & Infrastructure Services Private Limited for setting up disaster recovery site in case of a disaster at SEZ location

M/s. Accenture Services Private Limited has submitted the following proposals for Business Continuity Plan in case of natural calamities/disaster at SEZ location.

Scenario I- Back up facilities within Chennai

The company has 1 SEZ site and 2 STPI Sites at Chennai. In the event of disaster the SEZ unit is proposed to move to either of the 2 STPI centres at Chennai. In case of disaster at the STPI centres, Chennai the STPI units would shift to the SEZ Site.

Scenario I- Back up facilities for SEZ Chennai in other cities in case of disaster at SEZ and 2 STPI Centres within Chennai

The company has enclosed list of SEZ/STPI Centres outside Chennai (located at different cities) to which SEZ Chennai projects (1SEZ and 2STPI units) are proposed to be moved in case of disaster to the city. Vice Versa the SEZ site at Chennai could be a back up to any of the STPI/SEZ facilities at other cities.

DC, MEPZ has forwarded the request for consideration of the BoA. The letter of DC, MEPZ alongwith the detailed request of the unit is at **Annexure – 8 (page no.67-75)**.

The request is placed before BoA for consideration

Item No. 51.20: Requests for change of name/transfer of equity

(i) Request of M/s. Mundra Port and Special Economic Zone Limited (MPSEZL) for changing its name to M/s. Adani Ports and Special Economic Zone Limited

M/s. Mundra Port and Special Economic Zone Limited is developer of the following SEZs at Mundra, Kutch, Gujarat:-

| S. No. | Sector | Status | Area |
|--------|---------------|-------------------|--------------|
| 1. | Multi product | Notified | 6472.8684 Ha |
| 2. | Multi product | Formally approved | 1840 Ha |
| 3. | FTWZ | Formally approved | 168.41 Ha |

The developer has sought approval for changing the name of the company to “M/s. Adani Ports and Special Economic Zone Limited”. The developer has stated that MPSEZL is a subsidiary of Adani Enterprises Limited. Hence, in order to align to the Adani brand and also to give it a singular identity within the Group, it has been decided by the company to change its name to M/s. Adani Ports and Special Economic Zone Limited. The developer has also stated that the change of name was necessitated to reflect the group identity and the global business of the company. The developer has, therefore, requested to record the change of name of the company in all the approvals, notifications issued in the name of MPSEZL.

A fresh certificate of incorporation consequent upon change of name issued on 6th January, 2012 issued by Registrar of Companies, Gujarat has been furnished. As per report of DC, MPSEZ there is only change in the name of the company and there is no change in the shareholding pattern or the ownership or the Board of Directors. DC has, therefore, recommended the request of the developer.

The request is placed before BoA for consideration.

(ii) Request of M/s. Perot Systems TSI (India) Private Limited for changing its name to M/s. Dell International Services India Private Limited

M/s. Perot Systems TSI (India) Private Limited is a co-developer in the sector specific SEZ for IT/ITES at Keernatham village Coimbatore (N) Taluk, Coimbatore District, Coimbatore, Tamil Nadu. The co-developer has sought approval for changing the name of the company to “M/s. Dell International Services India Private Limited. A fresh certificate of incorporation consequent upon change of name issued on 21st October, 2011 issued by Registrar of Companies, Karnataka has been furnished. An undertaking abiding all the conditions as are being imposed by BoA while approving such cases has also been furnished. As per report of DC, MEPZ there is only change in the name of the company and there is no change in the shareholding pattern, of the company. The developer also has no objection to the request.

The request is placed before BoA for consideration.

(iii) Request of M/s. Ascendas Mahindra IT Park Private Limited for changing its name to M/s. Ascendas IT SEZ (Chennai) Private Limited

M/s. Ascendas Mahindra IT Park Private Limited is a co-developer in the sector specific SEZ for IT, Hardware and Bio-informatics at Chengalpattu, Chennai, being developed by M/s. Mahindra World City Developers Limited. The co-developer has sought approval for changing the name of the company to “Ascendas IT SEZ (Chennai) Private Limited”. The co-developer was a JV between Mahindra World City Developers Limited (MWCDL) with M/s Ascendas Land International Private Limited (ALI) in which MWCDL held 26% equity. In the BoA meeting held on 11th February, 2010 approval was granted to MWCDL for divesting its 26% to ALI paving the way for ALI to hold 100% equity in the co-developer entity. The change of name is a corollary to acquisition 26% of shares of MWCDL by ALI. A fresh certificate of incorporation consequent upon change of name issued on 27th September, 2010 issued by Registrar of Companies, Tamil Nadu has been furnished. An undertaking abiding all the conditions as are being imposed by BoA while approving such cases has also been furnished. The developer also has no objection to the request. There is almost no change in the shareholding pattern pursuant to the approval for divestment of equity as stated above. DC, MEPZ has recommended the proposal.

The request is placed before BoA for consideration.

(iv) Request of M/s. Ajanta Projects (India) Limited for changing its name to M/s. Inspira Infra (Aurangabad) Limited

M/s. Ajanta Projects (India) Limited is developer of the following SEZs:-

| S. No. | Sector/Location | Date of notification | Area |
|---------------|--|-----------------------------|-------------|
| 1. | Non-Conventional Energy including Solar Energy Equipment (originally Biotechnology) at Shendre, District Aurangabad, Maharashtra | 5.08.2008 | 10 Ha |
| 2. | Pharmaceuticals SEZ at Shendre, District Aurangabad, Maharashtra | 22.10.2008 | 100 Ha |

M/s. Ajanta Projects (India) Limited has informed that its name has been changed to **M/s. IG3 Infra Limited** and has requested to change the name in the above mentioned SEZs wherein it is developer. A fresh certificate of incorporation consequent upon change of name issued on 10th August, 2011 issued by Registrar of Companies, Maharashtra has been furnished. As per report of DC, SEEPZ there is only change in the name of the company and there is no change in the shareholding pattern, Directors and the management of the company.

As per the report of DC the request falls under category-I in the already approved categories in respect of “Transfer of In-principle or Formal approval issued to a SEZ Developer to its subsidiary or SPV”. However, since the SEZs are notified, the proposal is placed before BoA for consideration.

(v) Request of M/s Flagship Infrastructure Private Limited for de-merger of the company resulting into three companies and transfer of approval to one of the de-merged company

The sector specific SEZ for IT/ITES at village Hinjewadi, Taluka Mulshi, District Pune, Maharashtra stands notified over an area of 10.1766 Ha. DC, SEEPZ has informed that the developer company viz M/s Flagship Infrastructure Private Limited (FIPL) has demerged into the following companies:-

- (i) M/s. Flagship Infrastructure Private Limited (FIPL)
- (ii) Neopro Technologies Private Limited (NTPL)
- (iii) Flagship Developers Private Limited (FDPL)

The said de-merger has been done by the company bench of the Hon'ble High Court of Judicature at Bombay, vide order dated 14.10.2011, in Company Scheme Petition Nos. 504, 505 and 506 of 2011.

The developer (FIPL) has proposed to transfer ownership of all the land of their SEZ and the existing construction to M/s Neopro Technologies Pvt. Ltd. (NTPL), who shall replace them as Developer. Other resulting company apropos to the de-merger i.e. Flagship Developers Pvt. Ltd. (FDPL) will utilize the balance/additional FSI available as per MIDC, DC Rules and shall introduce the same into the SEZ for additional/extra construction as per the said DC Rules and shall come in as co-developer. The shareholders of all the said three companies are common.

The developer has requested to allow them to transfer the ownership of the SEZ to their de-merged company i.e. Neopro Technologies Pvt. Ltd. (NTPL). The developer had also sought approval of FDPL as co-developer which was approved in the last BoA meeting. However, the request for transfer of approval was deferred. The minutes are as under:-

*“The representative of CBDT requested that the financial details of the new arrangements between the newly formed companies be made available for examination. Therefore, the proposal was **deferred** with the directions to DC, SEEPZ to furnish the necessary details to CBDT.”*

The information has since been provided to CBDT. The request is, therefore, placed before the BoA.

(vi) Request of M/s Cambridge Builders Private Limited (CBPL), a co-developer, for transfer of 100% of their shareholding to M/s. Xchanging Technology Services India Private Limited (XTSI)

M/s Cambridge Builders Private Limited was granted LoA on 29th November, 2010 for becoming a co-developer, for development of IT infrastructure over an area of 6 acres, in the IT/ITE SEZ at Shimoga, Karnataka being developed by KEONICS. The co-developer (A Xchanging Group Company) has now sought approval for transfer of 100% of their shareholding to M/s. Xchanging Technology Services India Private Limited (also Xchanging Group Company) as part of internal re-organization with Xchanging Group. M/s. XTSI has submitted an undertaking to the effect that further to their acquisition of shares of M/s. CBPL, M/s. CBPL would continue to exist and operate as a separate company and no further

assets or liabilities are acquired pursuant to such purchase of shares. DC CSEZ has recommended the proposal.

The proposal was placed in the BoA meeting held on 24th January, 2012 and was deferred. The minutes are as under:-

*“The Board was informed that the co-developer (a Xchanging Group Company) has now sought approval for transfer of 100% of their shareholding to M/s. Xchanging Technology Services India Private Limited (also a Xchanging Group Company) as part of internal re-organization within the Xchanging Group. The representative of CBDT requested that the financial details of the new arrangement between the group companies be made available for examination. Therefore, the proposal was **deferred** with the directions to DC, CSEZ to furnish the necessary details to CBDT.”*

Necessary details have been furnished to CBDT. The proposal is placed before BoA for consideration.

Item No. 51.21: Request for reconsideration of the decision of BoA regarding grant of co-developer status to M/s. SGS India Private Limited and M/s. Basix Academy for Building Lifelong Employability (B-ABLE in the non-processing (as against their request for setting up such facility in the processing area)

The sector specific SEZ for food processing at Tuticorin District, Tamil Nadu, being developed by M/s. CCCL Pearl City Food Port SEZ Limited, stands notified over an area of 119.145 hectares. In the BoA meeting held on 24th January, 2012 the following co-developers were approved

- (a) M/s. SGS India Private Limited for setting up a food testing lab facility and offer food testing and certification services over an area of 5000 sq ft., as infrastructure facility in the non-processing area
- (b) M/s. Basix Academy for Building Lifelong Employability (B-ABLE) for setting up a skill development Center, over an area of 2000 sq ft., as infrastructure facility in the non-processing area

Now the co-developers have requested to re-consider of the decision and grant approval for setting up of the above facilities in the processing area. The detail justification furnished in this regard is at **Annexure 8A-**, (page no.76-77). The report of DC MEPZ is at **Annexure 8B-**, (page no.77A-77B).

The proposal is placed before BoA for consideration.

Item No. 51.22: Appeals before BoA

(i) Appeal of M/s. Sun Aromatics against rejection of its request for setting up a unit, in NSEZ

M/s. Sun Aromatics had applied for setting up a unit in the NSEZ for manufacturing aromatics and allied product. The application was considered by the UAC and was rejected.

The decision was conveyed to the appellant vide letter dated 25.11.2011. Aggrieved by the decision of the Approval Committee, M/s. Sun Aromatics has preferred an appeal before the BoA. The appeal was considered in the BoA meeting held on 24th January, 2012 and was deferred. The minutes are as under:-

“The appellant was granted personal hearing by the Board. He said that the appellant firm is a distinct legal entity for the proposed business project in the SEZ and it was unfair to deny right to SEZ unit just because one of the promoters has been issued SCN. The Board, after deliberations, directed DGEP to look into the SCN, its nature and magnitude and to revert back to the BoA.”

A report as per directions of BoA has been received from DGEP (**Annexure - 9, page no.78-79**). The appeal is placed before the BoA for consideration.

(ii) Appeal of M/s. Indiabulls Realtech Limited against rejection of its request to include “renting of immovable property” services under specified services required for authorized operation

M/s. Indiabulls Realtech Limited is a co-developer in the multi-product SEZ at village Musalgaon & Gulvanch, Taluka Sinnar, Nashik, Maharashtra being developed by M/s. Indiabulls Industrial Infrastructure Limited. The co-developer had requested to include “renting of immovable property” services under specified services required for authorized operation. The request was considered in the meeting of UAC held on 4.1.2012 and was rejected. Aggrieved by the decision of the UAC, M/s. Indiabulls Realtech Limited has preferred an appeal before the BoA. The ground on which appeal has been filed as furnished by the unit and the minutes of the UAC meeting are at **Annexure – 10 (page no.80-84)**.

The appeal is placed before the BoA for consideration.

(iii) Appeal of M/s. Jeevan Technologies India Private Limited against cancellation of LoP for setting up of a unit in the sector specific SEZ for IT/ITES at Chennai, Tamil Nadu being developed M/s. DLF Info City Developers Limited

M/s. Jeevan Technologies India Private Limited was granted approval for setting up of unit for providing IT/ITES services in the above mentioned SEZ vide LoP dated 14th August, 2007. Vide letter dated 9.11.2011, DC MEPZ has cancelled the LoP w.e.f. 8.11.2011 on a ground of non-compliance of provisions of Rule 18(2)(1) of SEZ Rules, 2006. Thereafter, Specified Officer made a demand for a sum of Rs. 4571808 being the duty exemption availed by the unit vide letter dated 30.12.2011. The unit represented against the above decisions. The representation was considered by DC MEPZ and rejected vide letter dated 09.02.2012. The letters dated 9.11.2011, 30.12.2011 and 09.02.2012 are at **Annexure – 11 (page no.85-87)**.

Aggrieved by the above, M/s. Jeevan Technologies India Private Limited has preferred an appeal before the BoA. The ground on which appeal has been filed as furnished by the unit is at **Annexure – 12, (page no.88-92)**

The appeal is placed before the BoA for consideration.
