

No. K-43014(22)/21/2020-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

Udyog Bhawan, New Delhi
the 17th July, 2020

OFFICE MEMORANDUM

Subject: 99th Meeting of the Board of Approval (BoA) for Special Economic Zone (SEZs) scheduled to be held on 31st July, 2020 at 11.30 A.M. in Room No. 141 – forwarding Agenda thereof – Reg.

In continuation to this Department's O.M. of even number dated 6th July, 2020 on the above mentioned subject, the undersigned is directed to forward herewith the Agenda for the 99th meeting of the BoA for SEZs scheduled to be held on 31st July, 2020 at 11:30 A.M. for information and necessary action. Soft copy of the agenda has also been hosted on the website: www.sezindia.gov.in.

2. The addressees are requested to make it convenient to attend the meeting through Video Conferencing and shall provide their IP address and location details. A weblink for the meeting shall be shared by this Department shortly.



(Darshan Kumar Solanki)

Under Secretary to the Government of India

Tel: 2306 2496

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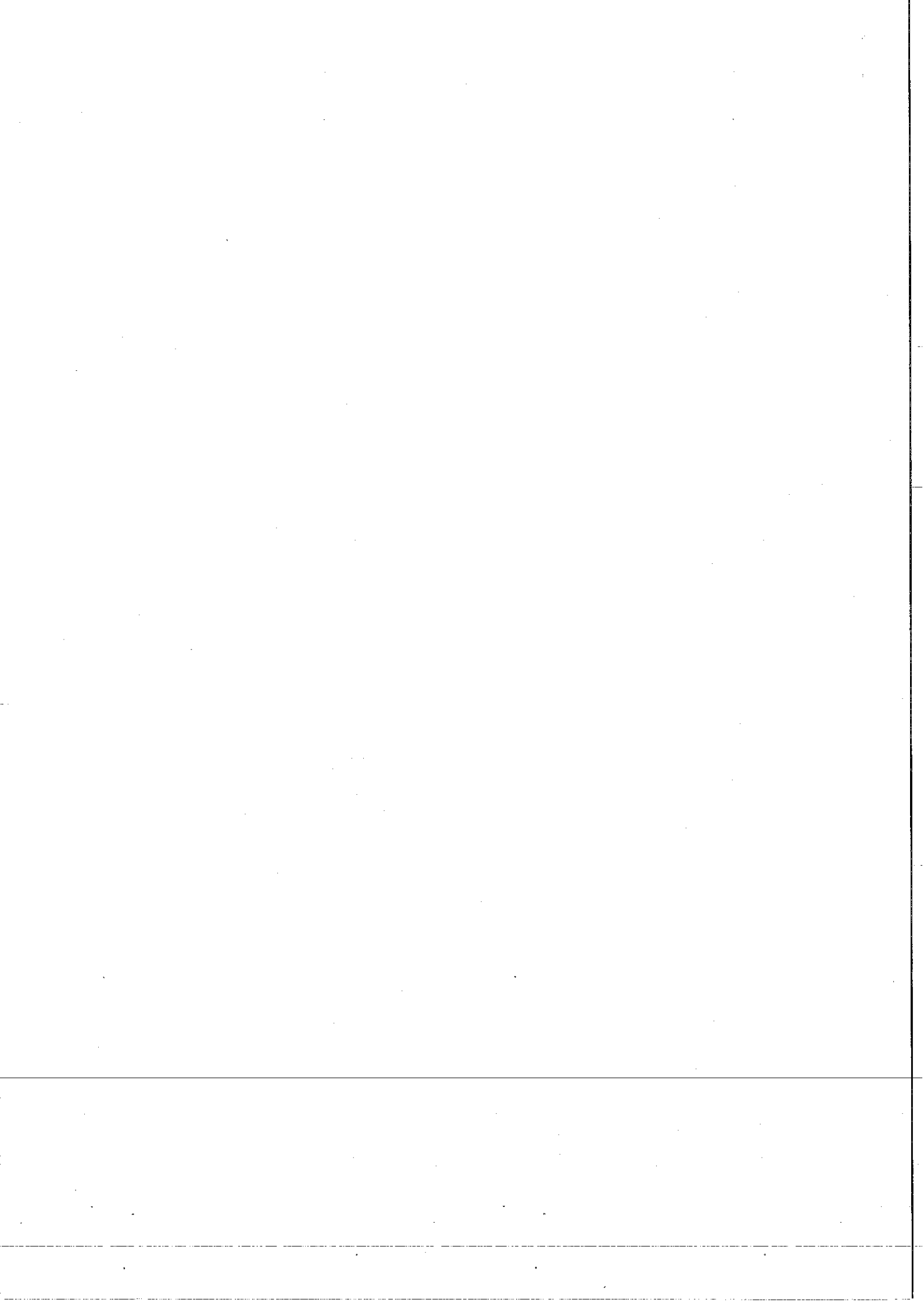
To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Joint Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).

11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakypuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)

44. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
45. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
46. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
47. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
48. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
49. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
50. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
51. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.
53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneshwar – 751001 (Fax: 0671-536819/2406299).
55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-2559974)
56. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
60. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

Copy to: PPS to CS / PPS to AS(SK) / PPS to DS(SNS).



**Agenda for the 99th meeting of the Board of Approval to be held on
31st July, 2020 at 11:30 A.M. in Room No. 141, Udyog Bhawan, New Delhi**

Item No. 99.1: Confirmation of minutes of the meeting of the 98th BoA held on 29th May, 2020.

Item No. 99.2: Requests for extension of validity of formal approval (one proposal)

Relevant Rules/Instructions

BoA in its meeting held on 14th September, 2012, while examining such proposals observed as under: -

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

99.2(i) Request of M/s. HBS Auto and ANC SEZ Pvt. Ltd., for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ now changed to Automobile, Automobile Ancillary & Engineering sector at Panoli Industrial Estate, District Bharuch, Gujarat beyond 16.06.2020.

Name of the developer: M/s. HBS Auto and ANC SEZ Private Limited

Sector : Automobile, Automobile Ancillary & Engineering

Location : Panoli Industrial Estate, District Bharuch, Gujarat

Extension : Formal approval to the developer was granted on 17.06.2008.

The developer has been granted 08 (eight) extensions, last extension validity period was extended upto 16.06.2020. The developer has requested for further extension in validity by one year more viz. upto 16.06.2021. The SEZ stands notified as on date.

Present Progress:

a. Details of business Plan:-

| Sr. No. | Type of cost | Proposed Investment (Rs. in lakhs) |
|---------|-------------------|------------------------------------|
| 1. | Land Cost | 6990.00 |
| 2. | Construction Cost | 8060.00 |
| | Total | 15050.00 |

b. Incremental investment since last extension:-

| Sr.No. | Type of Cost | Total Investment made so far (Rs. in lakhs) up to 25.04.2017 | Incremental investment (Rs. in lakhs) since last extension during 2019 |
|--------|----------------------------|--|--|
| 1. | Land cost | 7047.00 | 390.00 |
| 2. | Material Procurement | 5678.00 | 00.00 |
| 3. | Construction | 7975.00 | 3154.00 |
| 4. | Admin, fees, interest etc. | - | 7178.00 |
| | Total | 20700.00 | 10722.00 |

(c) Details of physical progress till date:-

The Developer had already carried all infrastructure work relating to the development of notified SEZ area like preparation of site, boundary walls, administrative block, electrification, roads, water pipelines, etc. They have also informed that as a Developer they will further invest Rs. 50 crores in coming years in the SEZ. An approved unit viz. M/s. Mahansaria Tyres Pvt. Ltd. has already invested an amount of Rs. 350 crores for the project in SEZ.

Detailed Reasons for delay:

The developer had got approval of the Government for change of sector from Pharmaceutical to Automobile, Automobile Ancillary & Engineering during 2018 and at present they have leased substantial area of the SEZ to green field tyre manufacturing company i.e. M/s. Mahansaria Tyres Pvt. Ltd. The said unit has been successful to obtain LOA from the office of the Development Commissioner, KASEZ for setting-up of unit in SEZ. The said unit has started construction work and has planned an additional investment of Rs. 1000 crores for setting-up their manufacturing unit, over three phases. DC has further informed that as per project report of the unit, they will export goods worth more than Rs. 1500 crores to over 100 countries across the globe. This project is expected to create approximately 1500 employment opportunities.

Recommendation by DC, KASEZ:

DC, Kandla SEZ recommends that further extension in the validity of Formal Approval may be granted for a further period of one year, i.e. upto 16.06.2021.

The request is placed before BOA for its consideration.

99.3 Extension of validity of LoA of units (three proposals)

Relevant Rules/Instructions

- As per Rule 18(1) of the SEZ Rules, the Approval Committee may approve or reject a proposal for setting up of Unit in a Special Economic Zone.
- Cases for consideration of extension of Letter of Permission (LoP)s i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that an LoP shall be valid for one year. First Proviso grants power to DCs for extending the LoP not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoP for one more year but subject to the condition that two-thirds of

activities including construction, relating to the setting up of the Unit is complete and a Chartered Engineer's certificate to this effect is submitted by the entrepreneur.

- Extensions beyond 3rd year are granted by BoA.
- BoA can extend the validity for a period of one year at a time.
- There is no time limit up to which the Board can extend the validity.

99.3(i) Request of M/s. CTR Manufacturing Industries Ltd. for 3rd extension of the validity period of LOA granted for setting up Unit for manufacturing of Nitrogen Injection Explosion prevention and Fire Extinguishing systems at Plot No. AL 25 & AL 26, Five Star Industrial Area, Shendra, Aurangabad.

Name of the Unit : M/s. CTR Manufacturing Industries Ltd.
 LOA issued on : 19.07.2017
 Nature of Business : Manufacturing of Nitrogen Injection Explosion prevention and Fire Extinguishing systems
 Number of Extensions : 2 by DC SEEPZ, SEZ upto 19.07.2020

(A) Progress of the Project :

(i) Details of Investment made and Incremental investment made since last extension :

| Proposed Investment in Project | Investment made till date | Incremental Investment made since last extension |
|--------------------------------|---------------------------|--|
| Rs. 11,37,06,838/- | Rs. 2,06,90,194/- | Rs. 83,80,901/- |

(ii) Project Status, other developments, physical progress since last extension, present status of approvals obtained/pending:

1. Details of physical progress till date:

| | | Date |
|---|--|------------|
| 1 | NOC from MIDC | 09.10.2018 |
| 2 | Consent to establish from MPCB | 17.10.2018 |
| 3 | Water connection from MIDC | 27.11.2018 |
| 4 | Provisional NOC from Fire Department | 27.03.2019 |
| 5 | Commencement Certificate for construction of buildings from MIDC | 13.04.2019 |
| 6 | MSEDCL sanction letter received. Power connection was made available | 23.12.2019 |

The Unit has submitted schedule of plan duly certified by the Chartered Engineer for implementing the project. The CE has further stated that only 10% of the work is completed.

| Sr | Activity | Expected Completion-date | Remarks |
|----|--|--------------------------|---------|
| 1 | Levelling of land considering substantial upheaval in the property | Completed | |

| | | | |
|---|---------------------------------------|------------|---------------------------|
| 2 | Completion of civil work | 31.03.2021 | Construction work started |
| 3 | Procurement of machinery | 30.04.2021 | All Indigenous |
| 4 | Installation of machinery | 30.06.2021 | All Indigenous |
| 5 | Procurement of Raw Material | 31.08.2021 | All Indigenous |
| 6 | Trial Run | 30.09.2021 | |
| 7 | Commencement of commercial production | 31.10.2021 | |

(B) Detail reasons for delay :

- The unit did not have any electrical or water connection for 18 months from the date of possession of the land.
- They received electrical connection in the last week of December 2019 only, upon which they started the construction activity.
- Owing to sudden outbreak of Covid-19 Pandemic and nationwide lockdown declared w.e.f. 24-03-2020, the construction work was stopped.

(C) Inspection Report :

The jurisdictional Specified Officer has submitted following report :

- The Senior Authorized Officer visited the Unit on 06.07.2020 and verified that the Plot No.AL-25 & AL-26 MIDC-SEZ, Shendra, Aurangabad, belongs to M/s. CTR Manufacturing Ind. Ltd. and checked the work progress done by the company which is satisfactory.
- As soon as they received MSEDCL power connection in the month of December 2019, they have started construction work in January 2020. The work was in full swing, however, due to COVID-19 pandemic and subsequent lockdown compelled them to stop the construction.
- In the month of June 2020, they started the construction activity and now development work is satisfactory.
- They have so far invested Rs.2,06,90,194/- against the proposed investment of Rs.11,37,06,838/- for the project.
- The unit has invested an incremental sum of Rs. 83,80,901/- since last extension of LOA for various activities approvals, permissions.
- The unit has done levelling of 60000 sq. mtrs. and have completed fencing work.
- Construction of 4 numbers of RCC buildings are in progress. Overall 10% of the work is completed till date.
- The unit has constructed 8 underground water tank with capacity of 192000 ltrs. and overhead tank of 7000 ltrs. Capacity.

Since the unit has completed only 10% of the construction work for setting up of unit as certified by the Chartered Engineer M/s. Core Consultants, the proposal for third extension of LOA is beyond the purview of the Development Commissioner.

Recommendation by DC, SEEPZ SEZ:

The proposal for extension of LOA for a further period of one year from 19.07.2020 to 18.07.2021 is recommended for approval of the BOA as per Rule 19(4) of SEZ Rules, 2006.

The request is placed before BoA for its consideration.

99.3(ii) Request of M/s Rusan Pharma Ltd. in Indore SEZ for extension of LoA beyond 01.12.2019 for one year up to 01.12.2020.

- LoA issued on : 02.12.2016
- Nature of business of the Unit: Manufacturing of API, Bulk Drugs
- No. of Extensions : (02) by DC Indore SEZ beyond original validity
- LoA valid upto : 01.12.2019
- Request : Further extension for one year, upto 01.12.2020

a. Details of Business plan:

| S.No. | Type of Cost | Proposed Investment (Rs. in crores) |
|--------------|-----------------------------|--|
| 1. | Land | 3.20 |
| 2. | Site Development | 3.70 |
| 3. | Civil Construction Work | 13.00 |
| 4. | Plant & Machinery | 33.35 |
| 5. | Other Pre-Operative Expense | 5.69 |
| Total | | 58.94 |

(b) Incremental Investment made so far and incremental investment since last extension-

As per the Certificate issued by the Chartered Accountant, M/s Gupta Saharia & Co., Mumbai, the details are as under:

| S.No. | Type of Cost | Total investment made so far (Rs. in crores) Before 01.12.2019 | Incremental Investment since last extension up to 01.12.2019 (Rs. in crores) |
|--------------|---|--|--|
| 1. | Land | 3.19 | 0.00 |
| 2. | Lease Rent | 0.05 | 0.00 |
| 3. | Legal & Professional fee | 0.06 | 0.1480 |
| 4. | Permission Expenses | 0.04 | 0.00 |
| 5. | Lease Rent | 0.12 | 0.00 |
| 6. | Interest on lease rent paid to the Developer | 0.02 | 0.00 |
| 7. | Application fee paid to SEIAA charges for Environmental Clearance | 0.0075 | 0.00 |
| 8. | Other Expenses | 0.0067 | 0.00 |
| Total | | 3.49 crores | 0.1480 crores |

(c) Details of physical progress till date :-

Apart from acquisition of land, no work has been started at site till date. As no physical activity has been undertaken at site, no Chartered Engineer's Certificate has been submitted. The Company has further submitted the following road map in connection with their proposed project:

| S.No. | Activity | Start Date | End Date |
|-------|--|------------|------------|
| 1. | Land Development & Roads | 20.08.2020 | 31.08.2021 |
| 2. | Civil work and its final building finishes | 01.10.2020 | 30.06.2021 |

| | | | |
|----|-----------------------|---------------------|------------|
| 3. | Ordering of Machinery | 01.09.2020 | 31.10.2021 |
| 4. | Delivery of Machinery | 15.05.2021 | 01.10.2021 |
| 5. | Installation | 20.05.2021 | 20.10.2021 |
| 6. | Commissioning | 25.10.2021 | 30.11.2021 |
| 7. | Trial Run | 01.12.2021 | 31.12.2021 |
| 8. | Commercial Production | 01.01.2022 onwards. | |

(d) Detailed reasons for delay:

- i. While registering the lease deed, the concerned Sub-Registrar Office was erroneously imposing Rs. 77,15,112/- as stamp duty on the allotted plot and owing to this legal issue the Company represented before the State Govt., and the matter was finally heard and decided by the Commissioner, Indore Division in favour of the Company on 11.09.2019. Accordingly, the registered lease deed could only be handed over to the Company in the month of November, 2019.
- ii. Without the original lease deed, the finance could not be extended and therefore the project got delayed. The Company has now applied to the Bank for availing a finance of 80% of the project cost and sanction is expected by this month. Further, the Company has already allocated the remaining 20% of funds to start the site activities as soon as the validity of LoA is extended.
- iii. As per the norms of MP Pollution Control Board (MPPCB), no Bulk Drug and Active Pharmaceutical Ingredient (API) manufacturing unit can start its project implementation at its site in the Industrial area before taking Environment Clearance from the Competent Authority i.e. the SEIAA and the Ministry of Environment, Forest and Climate Change (MoEF&CC). As the EC Clearance is still awaited, the company could not start with the project implementation activities.

(e) Steps taken to implement the project:

- i. The Company has obtained GST Registration certificate.
- ii. The Documentation and Presentations for obtaining the Environment Clearance and Consent to Establish before the SEIAA has been done on 20.05.2020 and approval is expected soon.
- iii. The Company has appointed Architects and technical consultants, M/s Doshi Consultants, Indore for planning of factory building and supervision of building construction. The building map has also been finalized for submission to the appropriate authorities.
- iv. The Company has identified the suppliers of plant & machinery and utilities.
- v. The Company has shortlisted the Civil Contractor and work allocation will be done after the extension of validity of LoA.

Recommendation by DC, Indore SEZ:

The unit has been allocated land in the SEZ by the Developer and the lease deed has also been registered. Since the unit has made an investment of Rs. 3.64 crores in the project and is hopeful to receive the Environmental Clearance very soon, they appear to be serious to implement the proposed project. Accordingly, the proposal for extension of validity of LoA dated 02.12.2016 for a

further period of one year up to 01.12.2020, as requested by the unit, is recommended for approval of the BoA as per Rule 19(4) of SEZ Rules, 2006.

The proposal is submitted for consideration of the BoA.

99.3(iii) Request of 10 units for 3rd extension of Letter of Approvals in Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, developed by M/s. GIFT SEZ Ltd.

Sector Specific SEZ for Multi-services, developed by M/s. GIFT SEZ Ltd., Gandhinagar was notified for an area of 105.4386 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18.08.2011.

Further, in this notified SEZ, three (03) Co-Developers are also approved viz. 1) M/s. Volupia Developers Pvt. Ltd; 2) M/s. Brigade (Gujarat) Projects Pvt. Ltd; and 3) M/s. ATS Savvy Developers LLP. The Co-Developers were approved for construction development, maintenance and operation of SEZ building for units to undertake export of service in the processing area of SEZ. The Co-Developers provide ready built office premises/space, basically plug-in play facilities for approved SEZ units.

After the notification for International Financial Services Centre (IFSC) Guidelines, April, 2015 for the respective financial sectors like Banking, Insurance, Stock Market Intermediary, over 100 (hundred) plus financial sector companies were approved to set-up new unit in GIFT – Multi-services-SEZ, Gandhinagar. This financial sector IFSC SEZ units have longer gestation period of over one (01) year for want of Regulatory Approvals from Authorities like IRDAI, RBI, and SEBI. This Regulatory Approvals especially from the SEBI takes over 18 to 24 months for consideration and approval of respective IFSC financial services units' proposals. Thus, the approved SEZ units approached the DC's Office seeking extension in validity of Letter of Approval (LOA) from the initial validity of one year, and thereafter the extended validity.

List of IFSC SEZ units seeking extension in validity of LOA beyond 3 years in GIFT-SEZ, Gandhinagar, Gujarat.

| Sr. No. | Name of the IFSC SEZ unit | Date of LOA | Date of LOA validity extended by the DC under Rule-19 (4) | Reasons for seeking LOA validity beyond three (03) years. |
|---------|--|-------------|---|--|
| 01) | Ashika Stock Broking IFSC Private Limited; | 30-12-2016 | 29-12-2019 | Regulatory approvals in place, waiting for favourable market conditions. |
| 02) | Star Finvest (IFSC) Private Limited; | 05-01-2017 | 04-01-2020 | Pending Regulatory approvals from SEBI and its related compliances |
| 03) | Ajmera X-Change (IFSC) Private Limited; | 05-01-2017 | 04-01-2020 | Regulatory approvals in place, waiting for favourable market conditions. |
| 04) | Abans Global Broking (IFSC) Private Limited; | 09-02-2017 | 30-06-2020 (extended as per DOC's OM dated 13-04-2020) | Regulatory approvals in place, waiting for favourable market conditions. |
| 05) | Evermore Global (IFSC) Private Limited; | 09-02-2017 | 08-02-2020 | Pending Regulatory approvals from SEBI and its |

| | | | | |
|-----|---|------------|---|--|
| | | | | related compliances |
| 06) | Tradebulls Financial Services (IFSC) Private Limited; | 09-02-2017 | 08-02-2020 | Pending Regulatory approvals from SEBI and its related compliances |
| 07) | Bhumika Consultancy IFSC Private Limited; | 25-05-2017 | 30-06-2020 (extended as per DOC's OM dated 13-04-2020) | Pending Regulatory approvals from SEBI and its related compliances |
| 08) | VT Fincap (IFSC) Private Limited; | 25-05-2017 | 30-06-2020 (extended as per DOC's OM dated 13-04-2020) | Regulatory approvals in place, waiting for favourable market conditions. |
| 09) | Bhansali Value Creations (IFSC) Private Limited; | 14-07-2017 | 13-07-2020 | Pending Regulatory approvals from SEBI and its related compliances |
| 10) | Basan Equity IFSC Private Limited; | 26-07-2017 | - | Pending Regulatory approvals from SEBI and its related compliances |

The third extension of LOA has been sought under the provisions of Rule 19 of the Special Economic Zones Rules, 2006, which provides as under:

*“Rule-19 (4) The Letter of Approval shall be valid for **one** year within which period the Unit shall commence production or service or trading or Free Trade and Warehousing activity and the Unit shall intimate date of commencement of production or activity to Development Commissioner:*

*Provided that upon a request by the entrepreneur, further extension may be granted by the Development Commissioner for valid reasons to be recorded in writing for a further period not exceeding **two** years:*

*Provided further that the Development Commissioner may grant further extension of **one** year subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a chartered engineer's certificate to this effect is submitted by the entrepreneur”*

“Provided also that the Board of Approval may, upon a request in writing by the entrepreneur, and after being satisfied that it is necessary and expedient so to do grant further extension for a further period not exceeding one year, at a time.”

In the case of GIFT – Multi-services-SEZ, Gandhinagar, wherein the approved Co-Developer(s) provide ready to occupy built-in premises/space (plug and play) for the approved SEZ unit(s) the second proviso of Rule-19 (4) regarding completion of two-thirds of activities including construction cannot be squarely applied to these financial services/IFSC units. And the requirement of incremental investment cannot be examined as there is no activity of construction for these approved IFSC SEZ units requiring obtaining of Chartered Engineer's certificate as per the aforesaid rule provisions.

Further, as per the directions of the Government of India, Department of Commerce, vide OM dated 13.04.2020 (from file No. K-43022/7/2020-SEZ) in some cases the validity of LOA was extended up to 30.06.2020 due to lock-down conditions on account of COVID-19. However, these

measures were not sufficient for the approved IFSC SEZ units to commence the approved activities/operations in view of the disturbed conditions.

Recommendation by DC, GIFT SEZ:

In view of non-existence of enabling provision for extension in validity of LOA for IFSC SEZ units beyond the normal three years (one + two years) validity, the Board may kindly like to extend the validity of respective LOA, and/or provide an enabling provision under the Rule-19 of the SEZ Rules, 2006 for IFSC SEZ units.

The request is placed before BoA for its consideration.

99.4 Proposal for change of name (one proposal)

Relevant Rules/Instructions

In terms of DoC's Instruction No. 89, dated 17.05.2018, re-organization proposals of developers and co-developers including change in name, shareholding pattern, business transfer arrangements, court approved mergers and de-mergers etc. are to be undertaken by the Board of Approval.

99.4(i) Request of M/s Impetus Infotech (India) Private Limited, Developer of IT/ITES SEZ at Survey No. 291, Village Badiyakeema, Distt. Indore for change of name of the developer.

M/s. Impetus Infotech (India) Private Limited stands notified on 05.02.2013.

As per the Chartered Accountant Certificate dated 08.07.2020 issued by M/s R.B. Bandi & Associates, Indore, pursuant to Rule 29 of the Companies (Incorporation) Rules, 2014, the name of M/s Impetus Infotech (India) Private Limited has been changed as M/s Impetus Technologies India Private Limited with effect from 28th August 2019 as per the Certificate of Incorporation issued by the Office of the Registrar of Companies (RoC), Gwalior, M.P. The Chartered Accountant has certified that there is **no change in Board of Directors and their Share holding pattern** in the Company as per the below mentioned details:

| S. No. | As on 27 th August 2019 (i.e., prior to change of name) | | As on 28 th August 2019 (i.e., after change of name) | |
|--------|---|--------------|--|--------------|
| | Name of Director | No. of Share | Name of Director | No. of Share |
| 1. | Praveen Kankariya | 10 | Praveen Kankariya | 10 |
| 2. | Prakashchand Kankariya | 0 | Prakashchand Kankariya | 0 |
| 3. | Ritu Bapna | 0 | Ritu Bapna | 0 |

The Chartered Accountant has certified that there is **no change in the shareholding pattern** in the Company prior and post the change of name as below:

| Shareholding Pattern of the Company Prior and Post Change of Name | | | | | |
|---|---------------------------|--|-------------------|---|-------------------|
| S. No. | Name of shareholder | As on 27 th August 2019 (i.e. Prior change of name) | | As on 28 th August 2019 (i.e. Post change of name) | |
| | | No. of Shares | % of Shareholding | No. of Shares | % of Shareholding |
| 1. | Impetus Technologies Inc. | 4781983 | 84.4542% | 4781983 | 84.4542% |

| | | | | | |
|----|---------------------|---------|----------|---------|----------|
| 2. | Praveen Kankariya | 10 | 0.0002% | 10 | 0.0002% |
| 3. | Other shareholders* | 880227 | 15.5456% | 880227 | 15.5456% |
| | Total | 5662220 | 100.00% | 5662220 | 100.000% |

* The Other shareholders includes total 198 shareholders of equity shares of Class B which is not carrying any voting rights. And there is no change in respective individual shareholding of total 198 other shareholders between 27th August 2019 and 28th August 2019.

The Developer undertakes that “pursuant to change of name of our company, the SEZ Developer shall not opt out or exit out of the SEZ and continue to operate as going concern and that all liabilities of Developer will remain unchanged on such reorganization.”

DCs recommendation:

The Development Commissioner, Indore SEZ has recommended the proposal of M/s Impetus Infotech (India) Private Limited, Developer of IT/ITES SEZ for change of name to M/s Impetus Technologies India Private Limited in terms of the provisions of Instruction No. 89 dated 17.05.2018.

The proposal is placed before the BoA for consideration.

Item No. 99.5 Request for co-developer status (one proposal)

99.5(i) Request of M/s. Wegmans Trustone Commercial Projects LLP for Co-developer status in the IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. located at Plot No. 21, Sector-Techzone IV, Greater Noida (Uttar Pradesh).

The IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. located at Plot No. 21, Sector-Techzone IV, Greater Noida (Uttar Pradesh) stands notified on 11.05.2011 & 11.09.2019 over an area of 5.006754 hectares.

M/s. Wegmans Trustone Commercial Projects LLP has submitted a proposal for becoming a co-developer for “Conversion from warm shell to total ready to move in infrastructure to be leased out to various SEZ units for export including maintaining and managing facility management [Two floors (9th & 10th floor) of Tower No.1 of approx. 64820 Sq ft. super area in the processing area of IT/ITES SEZ]”.

Co-developer Agreement dated 07.07.2020 entered amongst M/s. Artha Infratech Pvt. Ltd. (Developer), M/s. Trustone Wegmans Developers Pvt. Ltd. (Existing Co-developer) & M/s. Wegmans Trustone Commercial Projects LLP (Proposed Co-developer) has been provided. The proposed amount of investment by the Co-developer in the SEZ is Rs. 20.0942 Crore.

Recommendation of DC NSEZ:

The proposal has been examined and recommended for grant of co-developer status to M/s Wegmans Trustone Commercial Projects LLP in respect of IT/ITES of M/s Artha Infratech Pvt.

Ltd. located at Plot no. 21, Tech Zone-IV, Greater Noida (Uttar Pradesh) for "Conversion from warm shell to total ready to move in infrastructure to be leased out to various SEZ units for export including maintaining and managing facility [Two floors (9th & 10th floor) of Tower No. 1 of approx.64820 sq.ft. super area in the processing area of the said IT/ITES SEZ]".

The request is placed before BoA for its consideration.

Item No. 99.6 Miscellaneous Cases (four proposals)

99.6(i) Request for one time permission for usage of SEZ Jetty facility/water front of M/s. L&T Hydrocarbon Engineering Ltd., a SEZ unit for transit/despatch of the Modules Manufactured by their DTA unit to M/s. HPCL, Vizag without payment of customs duty.

M/s. L&T Hydrobarbon Engineering Limited (LTHE), a wholly owned subsidiary of Larsen & Toubro Limited (L&T), are engaged in the business of delivering "design to build" engineering and construction solutions across the hydrocarbon spectrum. They are executing more than 25 projects in India and abroad and thereby earning significant amount of foreign exchange for India. The company has both SEZ and DTA operations.

The company's DTA unit at Mumbai has received an "Engineering, Procurement, Construction" (EPC) order from M/s. Hindustan Petroleum Corporation Limited for Residue Upgradation Facility as part of modernization plan in HPCL, Vizag Refinery. It has been stated that with the said plant, the output efficiency of the total HPCL refinery will be increased significantly and the success of this project and technology will invite several other projects in India with this technology.

Since the project site of HPCL at Vizag is congested that would lead to construction bottlenecks and also difficulties in movement and storage of materials at the site, LTHE proposes to set up a DTA facility at Kattupalli by de-notifying a portion of the L&T Shipbuilding SEZ, fabricate the plant modules at this DTA facility and then commission/erect the modules at HPCL, Vizag on plug and play model.

M/s. L&T Hydrocarbon Engineering Limited proposes to use the jetty available in SEZ for transporting heavy and over dimensional modules by sea route which would involve transit of the DTA goods through the SEZ. LTHE has requested permission for transit of the DTA goods (modules) through the L&T shipbuilding SEZ without unloading/unpacking/repacking the goods and for the usage of jetty for the transportation of goods through sea route, without any customs duty implication.

The request is for a specific period i.e. January to November, 2021. Only on approval of BoA, LTHE would initiate the partial de-notification process for setting up the DTA facility where the modules will be built.

The decision of the BoA is required for allowing the request of LTHE to transit the DTA goods through the SEZ and to use jetty to transport the goods by sea route to Vizag, without filing of any Bill of Entry/Shipping Bill and without any Customs Duty implications.

DC, MEPZ states that there is no provision for allowing DTA goods to be brought into an SEZ merely for the purpose of transit and transport. Here, the SEZ is being used as a conduit to transport the goods from the DTA facility to its destination. The SEZ's role is nothing more than a passage through which the goods can be transported to its destination since the other port facilities around the area seems to be non suitable for this purpose.

Reasons as stated by the unit for using SEZ unit's facilities are as follows:

- i. The difficulties involved in using the other Ports facilities are listed below:
 - a. Load out by Axles on barge from Adani Port is not possible as the port Quay is not having needed depth (at higher elevation);
 - b. Load bearing capacity is not adequate for the usage of 1000 MT on higher crane capacity; and
 - c. Modules cannot be transported by road up to Kamarajar port due to height and width restrictions in road.
 - d. SEZ jetty alone has the technical capabilities and infrastructure facilities for transporting the goods by sea.

(ii) LTHE will use the SEZ jetty only for transit/transport of heavy and over-dimensional modules by sea. Fruther it has stated that the transit time for the movement of goods through the SEZ will be maximum of few working days depending on tide availability.

(iii) The supplies of Modules are meant for residue upgradation facility as a part of modernisation plan of HPCL Vizag Refinery, a PSU of GOI. The project is of enormous national importance and the technology is first of its kind in India and only third such plant in the world. With this plant the output efficiency of the HPCL refinery will be increased significantly. The success of this project and Technology will invite several other projects in India with this technology.

Recommendation by DC, MEPZ SEZ:

Considering the importance of this project, the proposal of LTHE for using the SEZ Jetty Facility to transit/transport DTA goods through the sea route for a specific period from January to November, 2021 without involving any Customs Duty implications is recommended in public interest.

The request is placed before BOA for its consideration.

99.6(ii) Proposal of M/s. Artha Builders LLP for cancellation of their co-developer status in respect of IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector – Techzone-IV, Greater Noida (U.P).

M/s. Artha Builders LLP was granted co-developer status on 17.07.2012 for constructing one tower of approximately 3 lakhs sqft. super area over the processing area of 0.436921 hectares in IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. The co-developer had executed Bond-Cum-LUT for

Rs. 1356.70 lakh and a tripartite sub-lease deed dated 02.04.2014 had been executed amongst Greater Noida Industrial Development Authority (GNIDA), SEZ Developer & M/s. Artha Builders LLP, Co-developer.

The co-developer has stated that due to unavoidable circumstances they are no longer willing to continue as a co-developer in the said SEZ and hence, wishes to surrender the LoA.

The co-developer has submitted following documents: -

- i. 'No Objection' letter dated 16.06.2020 of M/s. Artha Infratech Pvt. Ltd. (SEZ Developer) for surrender of co-developer status of M/s. Artha Builders LLP.
- ii. Board Resolution dated 04.06.2020 of M/s. Artha Builders LLP deciding surrender of co-developer LoA.
- iii. An Undertaking on Rs. 100/- non-judicial stamp paper to the effect that M/s. Artha Builders LLP had executed Tripartite Sub-lease deed with SEZ Developer & GNIDA on 02.04.2014. The co-developer has mentioned that due to COVID-19 work in GNIDA, the work is not running smoothly. The co-developer has undertaken that after BoA approval for cancellation of their co-developer LoA they will surrender the said Tripartite Sub-lease deed to GNIDA and also submit copy of surrender sub-lease deed. The co-developer has further undertaken that if any kind of liability arises on them by GNIDA, then they will pay it in full and will submit a copy of the NOC/No Dues certificate given to them by GNIDA to SEZ authorities.
- iv. The co-developer has mentioned that this is vacant land and they did not construct anything on land and they did not take any type of tax benefit.
- v. The land sub-leased to M/s. Artha Builders LLP will remain part of the SEZ and will follow all guidelines.

Specified Officer has also informed that said co-developer, M/s. Artha Builders LLP has not procured any tax free services after approval of list of services. Hence as on date, no dues are pending with the said co-developer.

Rule position:

Section 2(g) of the SEZ Act, defines Developer as, "a person who, or a State Government which, has been granted by the Central Government a letter of approval under sub-section (10) of section 3 and includes an Authority and a co-developer";

Section 10 of the said Act provides for Suspension of Letter of Approval and sub-section (3) stipulates that *no letter of approval shall be suspended under sub-section (1) unless the Board has given to the Developer not less than three months' notice, in writing, stating the grounds on which it proposes to suspend the letter of approval, and has considered any cause shown by the Developer within the period of that notice, against the proposed suspension.*

Since the co-developer is also covered under the definition of developer, the suspension of LoA of co-developer shall also be governed by Section 10 of the SEZ Act. There is no specific provision for cancellation of LoA, however, on the recommendation of the Development Commissioner for such cancellation on the ground of co-developer not fulfilling the necessary requirement/obligations

in terms of SEZ Act/Rules or on the request by the co-developer, such cancellation has been considered by the BoA in earlier cases.

Recommendation by DC, NSEZ:

DC, NSEZ has recommended the proposal.

The request is placed before BOA for its consideration.

99.6(iii) Proposal of M/s Dahej SEZ Ltd. developer for procurement of restricted items for infrastructure development & repairing facility in terms of Rule 27 of SEZ Rules, 2006.

M/s Dahej SEZ Ltd, Developer of Dahej SEZ granted approval for setting up multi products SEZ was notified on 20.12.2006.

The developer has requested for permission for procurement of restricted items such as Cement, Sand , Stone/Aggregate, Copper Slag, Hollow Block Bricks, Bricks (Fly Ash & Clay), Fly Ash, Bituminous items, Soil (yellow & black), TMT Steel for repairing of Infrastructure facilities in terms of Rule 27 of the SEZ Rule 2006. The details of items are as follows:

| Description | Approx Quantity |
|-------------------------|-----------------|
| Cement | 150000 Bag |
| Sand | 15000 MT |
| Stone/Aggregate | 30000 MT |
| Copper Slag | 15000 CUM |
| Hollow Block Bricks | 187500 Nos |
| Bricks (Fly Ash/ Clay) | 175000 Nos |
| Fly Ash | 15000 CUM |
| Bituminous items | 8000 CUM |
| Soil (Yellow) | 150000 CUM |
| Soil (Black) | 350000 CUM |
| TMT Steel | 3000 MT |

Recommendation by DC, Dahej SEZ:

DC, Dahej SEZ has approved the proposal of M/s. Dahej SEZ Limited., Developer of Dahej SEZ to procure restricted items for repairing of infrastructure facility as per conditions of MoCI Letter dated 18.05.2020 to facilitate the stakeholders during the lock down situation in the country under delegation of the powers to the Development Commissioner. As per the condition no. 2 (iv), the matter is forwarded to Board of Approval for ratification.

The request is placed before BOA for its consideration.

99.6(iv) Proposal of M/s Annie Chemie Pvt. Ltd., an SEZ unit in Dahej SEZ for procurement of restricted items for infrastructure development & repairing facility in terms of Rule 27 of SEZ Rules 2006.

M/s Annie Chemie Pvt Ltd, a unit in Dahej SEZ was granted Letter of Approval (LOA) on 16.02.2014 for manufacturing of Organic & Inorganic chemicals products etc. The LoA is valid upto 31.03.2025.

The unit has requested for permission for procurement of restricted items, such as stones, soil and sand, as detailed below for repairing of infrastructure facilities in terms of Rule 27 of SEZ Rules, 2006.

| Description | Estimated Quantity |
|-------------|--------------------|
| Stones | Up to 1500 MT |
| Soils | Up to 1000 MT |
| Sand | Up to 1000 MT |

Recommendation by DC, Dahej SEZ:

DC, Dahej SEZ has approved the proposal of M/s. Annie Chemie Pvt. Ltd., to procure restricted items for repairing of infrastructure facility as per conditions of MoCI Letter dated 18.05.2020 to facilitate the stakeholders during the lock down situation in the country under delegation of the powers to the Development Commissioner. As per the condition no. 2 (iv), the matter is forwarded to Board of Approval for ratification.

The request is placed before BOA for its consideration.

99.7 Appeal for consideration of BoA (one appeal)

99.7(i) Appeal dated 09.03.2020 filed by M/s. Oil Field Warehouse and Services Ltd., a unit in VSEZ against final notice dated 30.10.2017 issued by the O/o DC, VSEZ Authority for payment of lease rent, water charges and maintenance charges.

M/s. Oil Field Warehouse and Services Ltd. was issued LoP on 10.02.2006 for setting up of a unit in VSEZ for export of services viz. logistics and related services, maintenance and repair of equipment and supply of personnel (man power).

There are two cases indicated by the appellant which are as detailed below.

a) **Case 1:** Jiva International-USA, S.V. Oil-Mauritius and Natural Oil and Gas Mauritius, the three clients, engaged in the business of material management signed an agreement with the unit on 19.10.2006 for material management, warehousing and freight forwarding for a period of 5 years. However, they did not pay the dues (last transaction held in Feb 2010) and nor vacated the space despite reminders. Taking this as abandoned goods, the unit started the procedure of auction with advertisement in newspapers asking the owner to claim the goods, pay the dues and clear the space but none came forward. Meanwhile, the three clients filed Writ Petitions nos.14515, 14520 and 14521 of 2014 in the Hon'ble Hyderabad High Court in June 2014. The Court on 15.05.2014

passed an interim order directing the respondents not to proceed with the sale of the equipments belonging to the petitioner lying in VSEZ. The lease agreement had expired in 2011 and the clients failed to renew the same amounting to abandoning of balance goods lying in the premises. The cases were disposed of by the Hon'ble High Court vide order dated 20.02.2020 with the liberty to petitioners to approach DC, VSEZ for ventilating their grievances. Meanwhile, the material made of steel remained warehoused in the open yard exposed to weather and is now just scrap and the unit was forced to pay the rental for 7 years and they could not pay the dues for the last 3 years due to financial crunch.

b) **Case 2** :In 2014, one of their clients from Dubai parked their drilling rig for 3 months to find clients for it to be rented. Dues for 3 months were paid; but rigs could not be rented out due to recession and dues got piled up. Despite notices, visit and advertisement, no one came forward and the unit began the auction process. The successful buyer had made highest bid of 3.2 million US dollars. The Bill of Entry was on payment of Custom Duty amounting to Rs.5.67 crore. The appellant alleges that the Bill of Entry was rejected by the order of the Specified Officer for hypothetical and vague reasons. Aggrieved with the order, the unit filed an appeal with the Commissioner of Custom at Visakhapatnam Customs House, which is said to have been withdrawn by the appellant and subsequently, they moved to the High court for relief. Meanwhile, the value of rigs depreciated from USD 2,268,000 in 2017 to USD 450,000 in March, 2020.

The appellant states that they had approached M/o Commerce for issue of guidelines for disposal of such abandoned goods. A letter addressed to all DCs was issued stating that such cases be handled under Section 48 of the Customs Act. However, still many queries were raised by the Specified Officer. The unit approached DoC for detailed guidelines and vide Instruction no. 96 dated 30.07.2019, exhaustive procedures to be adopted under Section 48 and Section 150 were circulated. That the Specified Officer again referred the matter to DoC for clarification in connection to share of authority in the balance of proceeds in such clearances.

The unit has filed the appeal with the following prayer:-

- i. Condone delay from their end in submission of application of appeal within stipulated time period.
- ii. Waiver of lease rentals to the tune of 90% because there has been no business in this period of 10 years for the space that remained in active.
- iii. They be allowed to dispose of abandoned goods and clear their space strictly as per Instruction No.96 dated 30.07.2019 so that such cleared space can be put to business.

Facts and position:

The instant appeal has been filed by the appellant against the order dated 30.10.2017 issued by the VSEZ Authority to clear the outstanding dues amounting to Rs.66,31,352/- as on 26.10.2017 towards lease rent, water charges and maintenance charges. The unit was informed that supply of water would be disconnected if the dues to VSEZ were not cleared within one week.

In so far as clearance of unclaimed and abandoned goods kept in SEZs/FTWZs are concerned, DoC vide Instruction no. 96 dated 31.07.2019, clarified that the units holding goods on behalf of clients in SEZ/FTWZ shall be deemed to have the custody of these goods under Section 48 of the Customs Act for the purpose of sale in DTA, in case such goods are abandoned or unclaimed by their clients. Further, the procedure to be adopted to ensure fair and transparent disposal of such unclaimed and abandoned cargo by units has been laid down in terms of Section 48 of the Customs Act, 1962 read with circulars issued by CBIC in this regard.

Further, on specific reference from VSEZ on this issue, DoC, vide letter dated 01.05.2020, clearly specified to DC, VSEZ that the balance of proceeds cannot be paid to the SEZ Authority. As per proviso to Section 150 of the Customs Act, 1962, in place of depositing the balance of proceeds into the Authority fund, it is to be remitted to Consolidated Fund of India under the appropriate head. DC, VSEZ was requested to ensure that auction procedure was followed as prescribed under Section 150 of the Customs Act, 1962 after ensuring that the material to be auctioned is free from all encumbrances. DoC clarification was for disposal of abandoned goods as per Instruction No.96 dated 30.07.2019, however, it does not cover the other issue of waiver of lease rentals to the tune of 90% raised by the unit in their appeal.

Further, as per Rule 56(1) of the SEZ Rules, 2006, an appeal shall be preferred within a period of 30 days from the date of receipt of the order of the Approval Committee under Rule 18. Further, in terms of proviso to Rule 56(2), if the Board is satisfied that the appellant had sufficient causes for not preferring the appeal within the aforesaid period, the Board may admit the appeal **after the expiry of 30 days period but before the expiry of 45 days** from the date of communication to him of the order of the Approval Committee.

In the instant case, though the unit has also filed an affidavit for condonation of delay, the order was issued by VSEZ on 30.10.2017 and the maximum time limit for filing an appeal against this order i.e. 45 days has already been passed almost 2.5 years back.

Submitted for consideration of the BoA.

