

No.H-5/1/2013-SEZ  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(SEZ Section)  
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Udyog Bhawan, New Delhi  
Dated the 3<sup>rd</sup> August, 2018

To

All Development Commissioners

**Subject : Clarification on Instruction No. 89 on Guidelines regarding Change in Shareholding pattern, Name Change of SEZ Developers and SEZ units – regarding.**

Madam/Sir,

I am directed to refer to Instruction No. 89 dated 17<sup>th</sup> May, 2018 of this Department on the subject cited above and to clarify that the phrase 'prior approval of Board of Approval (BoA)/Unit Approval Committee (UAC)' in para 5 (i) & (ii) of the said guidelines in respect of Developer/SEZ units means that approval of BoA/UAC, as the case may be, taken before the SEZ entity/unit is recognised by the new name or such arrangement in all the records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Company Law Tribunal as is being done in some cases came to the notice of this Department.

2. It is, therefore, requested that all Zonal Development Commissioners may examine such cases and take suitable action accordingly.
3. This issues with the approval of Commerce Secretary.

Yours faithfully,



(Aditya Narayan)

Under Secretary to the Government of India

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