

No. F.2/4/2019-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)


Udyog Bhawan, New Delhi
Dated the 13th August, 2019

OFFICE MEMORANDUM

Subject: 91st (Ninety First) Meeting of the Board of Approval on Special Economic Zones (SEZs) held on 6th August, 2019 at 11.30 A.M. – Reg.

Please find enclosed herewith Minutes of the 91st meeting of the Board of Approval for SEZs held on 6th August, 2019 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce for information and necessary action.

2. The Development Commissioners are requested to take urgent necessary action, on the directions of BoA requiring follow up action on their part, before the next meeting of the BoA.


(Aditya Narayan)

Under Secretary to the Government of India

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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 Industrial Policy and Promotion, 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. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
19. Development Commissioner, Noida Special Economic Zone, Noida.
20. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
21. Development Commissioner, Falta Special Economic Zone, Kolkata.
22. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
23. Development Commissioner, Madras Special Economic Zone, Chennai
24. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
25. Development Commissioner, Cochin Special Economic Zone, Cochin.
26. Development Commissioner, Indore Special Economic Zone, Indore.
27. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
28. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
29. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
30. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
31. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
32. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
33. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
34. Development Commissioner, Miha Special Economic Zone, Nagpur, Maharashtra
35. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
36. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
37. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
38. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
39. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)
40. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
41. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
42. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
43. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).

44. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
45. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
46. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
47. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
48. 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 (BBS) / PPS to DS (SNS).

**Minutes of the 91st meeting of the Board of Approval for SEZs
held on 6th August, 2019**

The Ninety First (91st) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 6th August, 2019 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce, at 11:30 A.M. in Room No. 108, Udyog Bhawan, New Delhi. The list of participants is Annexed (Annexure-1).

Item No. 91.1: Confirmation of minutes of the meeting of the 90th BoA held on 18th June, 2019.

The Board, ratified the minutes of the 90th meeting of the BoA held on 18th June, 2019.

Item No. 91.2: Requests for extension of validity of formal approval (six proposals)

91.2(i) Request of M/s. Electronics Corporation of Tamil Nadu Ltd. (ELCOT Ltd.) for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Gangaikondan, Tirunelveli for a further period of six months beyond 07.05.2019 up to 07.11.2019.

The Board, after deliberations, approved extension of the validity of the formal approval up to 7th November, 2019.

91.2(ii) Request of M/s. Electronics Corporation of Tamil Nadu Ltd. (ELCOT Ltd.) for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Viswanathapuram, Hosur, Tamil Nadu for a further period of six months beyond 07.05.2019 up to 07.11.2019.

The Board, observed that despite substantive investment, the developer has constructed a very small portion of the built up area. The Board, after deliberations, decided that a well defined roadmap from the developer for meeting the necessary requirements of built up area laid down in Rule 5(7) of the SEZ Rules, 2006 be obtained through DC, MEPZ, and put up in the BoA.

91.2(iii) Request of M/s. Electronics Corporation of Tamil Nadu Ltd. (ELCOT Ltd.) for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Vadapalanji, Madurai for a further period of one year beyond 07.05.2019 up to 07.05.2020.

The Board, observed that despite substantive investment, the developer has constructed a very small portion of the built up area. The Board, after deliberations, decided that a well defined roadmap from the developer for meeting the necessary requirements of built up area laid down in Rule 5(7) of the SEZ Rules, 2006 be obtained through DC, MEPZ, and put up in the BoA.

91.2(iv) 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 for Automobile, Automobile Ancillary & Engineering sector at Panoli Industrial Estate, District Bharuch, Gujarat beyond 16.06.2019 upto 16.06.2020.

The Board, after deliberations, approved extension of the validity of the formal approval up to 16th June, 2020.



91.2(v) Request of M/s. Electronics Technology Parks Kerala (ETP IV) for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Andoorkonam Village, Trivandrum, Kerala for a further period of one year beyond 15.05.2019 up to 15.05.2020.

The Board, after deliberations, approved extension of the validity of the formal approval up to 15th May, 2020.

91.2(vi) Request of M/s. Electronics Technology Parks Kerala (ETP V) for further extension of the validity period of formal approval, granted for setting up of sector specific IT/ITES SEZ at Pallipuram and Veiloor Village, Trivandrum, Kerala for a further period of one year beyond 15.05.2019 up to 15.05.2020.

The Board, after deliberations, approved extension of the validity of the formal approval up to 15th May, 2020.

Item No. 91.3 Requests for extension of LoP beyond 3rd Year onwards (seven proposals)

91.3(i) Request of M/s. Gaston Energy India Pvt. Ltd. a unit in M/s. Mahindra World City (Jaipur) Ltd., Multi Product SEZ at Village Kalwara, Tehsil-Sanganer, Jaipur for extension of Letter of Permission (LoP) for a further period of six months i.e. upto 10.12.2019.

The Board, after deliberations, approved extension of the validity of the LoP up to 10th December, 2019.

91.3(ii) Request of M/s. Bremels Rubber Industries Pvt. Ltd., a unit in Plot No. 12 of M/s. Aspen Infrastructure Ltd. SEZ, Padubidri, Udupi for extension in the validity period of Letter of Approval beyond 26.06.2019 for a further period of one year i.e. up to 25.06.2020.

The Board, after deliberations, approved extension of the validity of the LoA up to 25th June, 2020.

91.3 (iii) Request of M/s. Raghukaushal Textile Pvt Ltd in the Apparel Park SEZ, Khokhra, Ahmedabad for extension of Letter of Permission (LOP) beyond 24.07.2019 for 1 year upto 24.07.2020.

The Board, after deliberations, approved extension of the validity of the LoP up to 24th July, 2020.

91.3(iv) Request of M/s. BEML Ltd., a unit in KIADB Aerospace SEZ located at Bangalore, Karnataka for extension of validity of Letter of Approval (LoA) beyond 05.01.2019 for a period of one year i.e. upto 05.01.2020.

The Board, after deliberations, approved extension of the validity of the LoA up to 5th January, 2020.



91.3(v) Request of M/s. ET Elastomer Technik Pvt Ltd. in the Electronic Park SEZ located at Gandhinagar for extension of validity of Letter of Permission (LOP) w.e.f. 13.03.2019 for 1 year upto 12.03.2020.

The Board, after deliberations, approved extension of the validity of the LoP up to 12th March, 2020.

91.3(vi) Request of M/s. Omni Lens Pvt Ltd in the Electronic Park SEZ, located at Gandhinagar for extension of Letter of Permission (LOP) beyond 01.09.2019 for 1 year upto 31.08.2020.

The Board, after deliberations, approved extension of the validity of the LoP up to 31st August, 2020.

91.3(vii) Request of M/s. JBF Petrochemicals Limited, a unit in Mangalore SEZ at Mangalore, Bangalore for extension of LoP beyond 15th September, 2019.

The Board observed that the unit has already made a substantial investment. The DC informed the Board that the company is facing proceedings in NCLT for bankruptcy. The Board, directed that the interest of the Union of India should be carefully projected and protected before the Tribunal. Considering the substantial investment, and the need for the opportunity to address various pending issues, the Board approved extension of LoP beyond 15th September, 2019 up till 15th September, 2020 and directed DC, Mangalore SEZ to get a clear roadmap from the unit and submit his report.

Item No.91.4 Proposal for setting up of new SEZ (FTWZ) (One proposal)

91.4(i) Request of M/s. Integrated Chennai Business Park (India) Private Limited seeking formal approval for setting up of a Free Trade Warehousing Zone (FTWZ) at Vallur & Edyanchavadi Villages in Ponneri Taluk, Thiruvallur District, Tamil Nadu over an area of 50.49 hectares (124.765 Acres).

The Board, after deliberations, approved the proposal for setting up of Free Trade Warehousing Zone (FTWZ) at Vallur & Edyanchavadi Villages in Ponneri Taluk, Thiruvallur District, Tamil Nadu over an area of 50.49 hectares (124.765 Acres).

Item No. 91.5 Requests for co-developer (five proposals)

91.5(i) Request of M/s. Phoenix Infobuild India Pvt. Ltd. for co-developer status in M/s. Phoenix Spaces Pvt. Ltd. SEZ at Sy. No. 285 (P), Puppalguda Village, Gandipet District, Telangana for development, operation and maintenance of the SEZ and other activities.

The Board, after deliberations, approved the proposal of M/s. Phoenix Infobuild India Pvt. Ltd. for construction of IT/ITES building and operating and maintaining the facility within the framework of SEZ in an area of 1.214 hectares in accordance with the co-developer agreement entered into with the developer subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).



91.5(ii) Request of M/s. Phoenix IT Hub Pvt. Ltd. for co-developer status in M/s. Phoenix Tech Zone Pvt. Limited SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally District, Telangana for development, operation and maintenance of the SEZ and other activities.

The Board, after deliberations, approved the proposal of M/s. Phoenix IT Hub Pvt. Ltd. for construction of IT/ITES building and operating and maintaining the facility within the framework of SEZ in an area of 0.49 hectares in accordance with the co-developer agreement entered into with the developer subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

91.5(iii) Request of M/s. Phoenix SEZ Spaces Pvt. Ltd. for co-developer status in M/s. Phoenix Tech Zone Pvt. Limited SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally District, Telangana for development, operation and maintenance of the SEZ and other activities.

The Board, after deliberations, approved the proposal of M/s. Phoenix SEZ Spaces Pvt. Ltd. for construction of IT/ITES building and operating and maintaining the facility within the framework of SEZ in an area of 0.45 hectares in accordance with the co-developer agreement entered into with the developer subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

91.5(iv) Request of M/s. ANSR Global Corporation Pvt. Ltd for co-developer status in the M/s. Laxmi Infobahn Pvt. Ltd SEZ at Sy. No. 107 (P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana for development of the SEZ area specifically to undertake the authorized operations of conversion of warm shell buildings into fully fitted office spaces and to lease the built-up space in the SEZ as contracted.

The Board, after deliberations, approved the proposal of M/s. ANSR Global Corporation Pvt. Ltd. for development of the SEZ area specifically to undertake the authorized operations of conversion of warm shell buildings into fully fitted office spaces and to lease the built-up space in the SEZ in the space of 2,08,221 sq. ft in accordance with the co-developer agreement entered into with the developer subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

91.5(v) Request of M/s. Sak Synergy Realty Pvt. Ltd. for Co-developer status in the IT/ITES SEZ of M/s. ASF Insignia SEZ Pvt. Ltd. at IT/ITES SEZ at Village Gwal Pahari, Gurugram (Haryana).

The Board, after deliberations, approved the proposal of M/s. Sak Synergy Realty Pvt. Ltd. for construction, development, operations, management and maintenance of "Office cum Training Centre Facility" to the extent of 3,10,000 Sqft., including maintenance / operation / management of electrical and mechanical installations, fire detection and fire-fighting equipment, water supply and waste disposal system and car parking spaces pertaining to said Facility and rendering of security and cleaning services at the said facility, and for providing / leasing spaces / infrastructure so constructed / developed within the Office cum Training Centre Facility to eligible entities and management of such relationship within the SAK Synergy Private Campus Land admeasuring 1.627 Acres (0.6583 Hectares) in Non-Processing Area of SEZ in accordance with the co-developer agreement entered into with the developer subject to standard terms and

conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).

Item No. 91.6 Change of Shareholding Pattern/Change of name (four proposals)

91.6(i) Request of M/s. Embassy VTV Infrastructure Management Private Limited a co-developer in M/s Vikas Telecom Private Limited SEZ located in Bangalore for change of name from "Embassy VTV Infrastructure Management Private Ltd" to "VTV Infrastructure Management Private limited".

The Board, after deliberations, approved the proposal with the following conditions:-

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
- ii. Fulfillment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;
- iii. Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.

91.6(ii) Request of M/s. Brookefields Real Estates and Projects Pvt. Ltd SEZ located at Bangalore (Developer) for transfer amalgamation/merger as per the Scheme of Amalgamation.

The Board, after deliberations, approved the proposal subject to the following conditions:-

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- ii. Fulfillment of all eligibility criteria applicable to developer, including security clearances etc., by the altered developer entity and its constituents;
- iii. Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.



- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

91.6(iii) Request of M/s. TSI Business Parks (Hyderabad) Pvt. Ltd, Co-Developer in M/s. TSIC SEZ, IT/ITES SEZ at Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana for change in Shareholding Pattern of their company.

The Board, after deliberations, approved the proposal subject to approval by relevant statutory authorities with following conditions:-

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
- ii. Fulfillment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;
- iii. Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.

91.6(iv) Request of M/s Nalanda Shelter Pvt. Ltd. SEZ Developer, Pune, for approval for change in shareholding pattern of the company.

The Board, after deliberations, approved the proposal subject to approval by relevant statutory authorities with following conditions:-

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
- ii. Fulfillment of all eligibility criteria applicable to developer, including security clearances etc., by the altered developer entity and its constituents;
- iii. Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.



- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

Item No. 91.7 Change in Sector/Broad-banding (two proposals)

91.7(i) Request of M/s. Flextronics Technologies India Private Limited a sector specific SEZ for Electronic Hardware at Sriperumbudur, Tamil Nadu for change in sector to IT/ITES Electronic components & Hardware manufacturing & related services sector.

The Board, after deliberations, approved the proposal of M/s. Flextronics Technologies India Private Limited for change in sector from Electronic Hardware to IT/ITES Electronic components & Hardware manufacturing & related services sector.

91.7(ii) Proposal of M/s. Artha Infratech Pvt. Ltd., Developer at Plot No. 21, Sector-Techzone IV, Greater Noida (Uttar Pradesh) for amendment in sector nomenclature of "Electronic Hardware & Software including IT/ITES SEZ" into "IT/ITES Sector".

The Board, after deliberations, approved the proposal of M/s. Artha Infratech Pvt. Ltd. for amendment in sector nomenclature of "Electronic Hardware & Software including IT/ITES SEZ" to "IT/ITES Sector".

91.8 Miscellaneous Cases (Five proposals)

91.8(i) Request of M/s. Aarti Industries Limited at (Plot No.Z/103/H) for permission for laying steam pipe rack above ground from Plot No.Z/103/H to Z/111/B in Dahej SEZ.

The Board, after deliberations, decided to approve the proposal subject to compliance of rules and regulations prevailing in SEZ area and norms/instruction of concerned authorities viz., Pollution Control Board and GIDC.

91.8(ii) Request of M/s. Abhijeet Ferro Tech Ltd. of APSEZ, Visakhapatnam for import of Ferro Manganese slag for a quantity of 50,000 mts.

The Board, after deliberations, approved the proposal subject to NoC from Ministry of Environment, Forest & Climate Change and prescribed conditions.

91.8(iii) Review of lease period in case of developer, co-developer and units in Special Economic Zones.

The representative from Department of Revenue in the meeting of the Board of Approval requested to place on record that since there is no revenue implication in the matter, they do not have any objection to the proposal. The Board, noted that in the 65th and the 66th meeting of the Board held on 19.05.2015 and 27.08.2015, it was decided to reduce the lease period to a period not exceeding 30 years (renewable) except in the State of Kerala where the Government leases out land for industrial purpose for a period of 90 years.

The Board, took cognizance of the recommendations of the Group constituted under the Chairmanship of Shri Baba Kalyani, Chairman, M/s Bharat Forge to review the SEZ policy and the recommendations of the Uniformity Committee for administrative reforms, which advocate



long terms lease agreement in line with the State policies for the sake of flexibility, ease of doing business, to avoid discrimination between the developer and co-developer for lease rights and administrative convenience.

The Board, after deliberations, decided that,

- (i) As stipulated in Rule 11(5) of the SEZ Rules, 2006, the lease rights cease to exist in case of the expiry or cancellation of the Letter of Approval. The lease period for developer, co-developer as well as the units may be for a period not exceeding the respective State Government's/UT's policy.
- (ii) The existing bar of 30 years lease period as laid down by the Board of Approval in its 65th meeting is dispensed away with.
- (iii) It is mandatory to have a registered lease deed in order to ensure legal sanctity of the documents.
- (iv) The existing agreements based on 30 years norms may be accordingly considered administratively for amendment of tenure clause. Alternatively, the same could be considered at the time of next renewal.

The recommendations of the Board may be taken on file for approval of the Competent Authority.

91.8 (iv) Irregularities and compliance issues in the port based SEZ developed by Cochin Port Trust in Puthuvypeen, Ernakulam, District, Kerala.

The Board, after deliberations, directed DC, CSEZ to work out settlement of NFE status and necessary recovery of dues. The Board, directed that the matter may be deliberated on file based on receipt of necessary inputs from the DC and concerned parties viz. the developer, M/s Cochin Port Trust; the co-developer, M/s Petronet LNG Limited and the unit, M/s GAIL (India) Ltd. Thereafter, the case may be brought before the Board for further consideration.

91.8(v) Request of M/s Shreekunj Hospitality Pvt. Ltd. for permission to take up authorization operations as a Co-developer in Dahej SEZ.

DC, Dahej SEZ informed the Board that Debt Recovery Tribunal, vide their judgment dated 15.07.2019, in Securitization Application No. 84 of 2014 before the Debt Recovery Tribunal, Ahmedabad held that sale certificate dated 20.01.2017 (in favour of M/s Shreekunj Hospitality Pvt. Ltd.) has no value in the eye of law and sale certificate dated 07.01.2017 (in favour of 4 persons/promoters) would prevail over sale certificate, subsequently issued. The Board was also informed that the SCA No. 10376/2018 is listed for hearing on 13.08.2019 in the Hon'ble High Court of Gujarat.

The Board, after detailed deliberations, decided to seek report from DC enumerating all legal issues involved and the future course of action and deferred the matter.

91.8(vi) Request of M/s ZF Wind Power Coimbatore Pvt. Ltd. for review of decision of the Board of Approval in connection to their proposal for undertaking repair/re-engineering etc. of gear box units manufactured by DTA Units.

The Board deliberated on the issue and also heard submissions by the representatives of M/s ZF Wind Power Coimbatore Pvt. Ltd. who also submitted a written brief on the issue. After deliberations, the Board directed DC, MEPZ to examine the proposal from M/s ZF



Wind Power, especially the mode of assessment of goods as well as the service portion of the transaction as proposed by the unit and submit to the Board for consideration.

91.8 (vii) Request for revocation/de-notification of SEZ status given to M/s. Ansal IT City & Parks Ltd. (developer) and M/s. Earth Iconic Infrastructure Pvt. Ltd. (co-developer) and illegal sale of land at Tech Zone-06, Greater Noida.

DC, NSEZ informed that the Resolution Professional has requested them to call for a meeting with the representatives of GNIDA who have also issued a Show Cause Notice to the developer and the co-developer. The Board, after deliberations, decided that DC, NSEZ may hold the meeting as requested by the Resolution Professional and based on the outcome of the meeting, approach this Department/BoA with his recommendations for the further course of action.

91.9 Industrial License (one proposal)

91.9(i) Proposal of M/s. Deccan Fine Chemicals (India) Private Limited, unit in M/s. Deccan Fine Chemicals (India) Private Limited SEZ for issue of Industrial License for manufacture of Phosgene.

DC, VSEZ informed the Board that the Environmental Clearance from MoEF&CC and Consent for Establishment from Andhra Pradesh Pollution Control Board has been received. The Board, after deliberations, decided to approve the proposal of the unit, M/s Deccan Fine Chemicals (India) Private Limited for grant of Industrial License for manufacture of Phosgene subject to necessary permissions and safety/security standards laid down under relevant law.

91.10 Appeal (one appeal)

91.10(i) Appeal dated 13.06.2019 filed by M/s. Jay Bholenath Waybridge against the decision of the UAC, KASEZ in its meeting held on 30.01.2019 for rejection of proposal for broad-banding of manufacturing activity and cancellation of their in-principle LoA dated 29.03.2016.

The Board noted that the appeal was time barred, however, the appellant requested for condonation of delay. The Board also noted that in view of the fact that the unit neither commenced any activity during the three years period since grant of in-principle approval on 29.03.2016 nor made any request for extension of their in-principle LoA, the UAC rejected the proposal for broad-banding for manufacturing activity and decided to cancel the in-principle LOA validity of which had already lapsed.

The Board, heard the appellant. The appellant stated that they could not commence the activity as they were not allotted land by the DC. The appellant assured to generate revenue, employment and earn foreign exchange.

The decision of the UAC dated 30.01.2019 for rejecting the request of the unit for broad-banding of manufacturing activity was found to be in order by the Board. Further, the Board, decided to uphold the appeal to the limited extent that the authorized operations permitted to the unit vide in-principle LoA dated 29.03.2016 i.e. setting up of weigh bridge and broad-banding permission dated 07.07.2017 for trading activity of melamine, plastic agglomerates, plastic floor sweepings and plastic grindings may be considered by UAC, KASEZ subject to allotment of land after following all norms.



Decision on Supplementary Agenda

91.11 Proposal for setting up of SEZ (Two proposals)

91.11 (i) Request of M/s. Mahataa Information India Pvt. Ltd. seeking formal approval for setting up a new Sector Specific SEZ for IT/ITES at Plot No. 8B, Sy No. 115/3, 115/5, 115/7 and 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana over an area of 2.90 Ha (7.172 Acres).

The Board, after deliberations, approved the proposal for setting up of a sector specific Special Economic Zone for IT/ITES at Plot No. 8B, Sy No. 115/3, 115/5, 115/7 and 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana over an area of 2.90 Ha (7.172 Acres).

91.11(ii) Request of M/s Clear Trail Technologies Pvt. Ltd. seeking formal approval for setting up sector specific Special Economic Zone for IT/ITES over an area of 2.183 hectares at Plot No. 02 A, Scheme No. 166 IDA, Near Super Corridor, Distt. Indore, Madhya Pradesh.

The Board, after deliberations, approved the proposal for setting up of a sector specific Special Economic Zone for IT/ITES at Plot No. 02 A, Scheme No. 166 IDA, Near Super Corridor, Distt. Indore, Madhya Pradesh over an area of 2.183 Ha.

91.12 Requests for co-developer (one proposal)

91.12(i) Request of M/s. Nhava Sheva Business Parks Pvt. Ltd. for co-developer status in M/s. JNPT SEZ, Navi Mumbai to set up an FTWZ for Infrastructure Facilities- Modular Warehouses, container yard, Office Complex, Open Spaces, Roads, Operations-Leasing of Project infrastructure and supply of utilities at JNPT SEZ for an area of 17.97 Ha.

The Board, after deliberations, approved the proposal of M/s. Nhava Sheva Business Parks Pvt. Ltd. to set up an FTWZ for Infrastructure Facilities- Modular Warehouses, container yard, Office Complex, Open Spaces, Roads, Operations-Leasing of Project infrastructure and supply of utilities at JNPT SEZ over an area of 17.97 Ha. in accordance with the co-developer agreement entered into with the developer subject to standard terms and conditions as per SEZ Act and Rules provided that the lease period does not exceed 30 years (Renewable).



ANNEXURE - I

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 6th August, 2019 under the Chairmanship of Commerce Secretary, Department of Commerce.

1. Shri Anup Wadhawan, Chairman, BoA & Commerce Secretary, Department of Commerce
2. Shri R.P. Goyal, Additional, DGFT
3. Shri Bidyut Behari Swain, Additional Secretary, Department of Commerce
4. Shri Senthil Nathan S, Deputy Secretary, Department of Commerce.
5. Ms. Prajna Paramita, Director, CBDT, Department of Revenue, Ministry of Finance.
6. Shri Saroj Kumar Behera, Additional Director , DGEP, CBIC
7. Shri R.K. Pattanayak, Additional, LC, Legislative Department, M/o Law & Justice
8. Shri Sonu Singh, Joint Director, Ministry of Environment, Forest and Climate Change.
9. Shri V.L. Shukla, Director, M/o MSME
10. Shri Arvind Choudhary, director, Ministry of Shipping
11. Shri Parmeshwar Bali, CO (ports), Ministry of Shipping
12. Shri L.C. Dabaria, Assistant legal Adviser, M/o Law and Justice, D/o Legal Affairs.
13. Dr. S.K. Husain, TCPO/ M/o HUA, New Delhi
14. Shri R.C. Dahra, Consultant, O/o Director Industries Department, Haryana
15. Shri Vijay Kayarkar, Assistant Resident Commissioner, Govt. of Maharashtra,
16. Shri Subhash Sharma, OSD, Govt. of Chhattisgarh

LIST OF DEVELOPMENT COMMISSIONERS

1. Dr. L.B. Singhal, Development Commissioner, Noida SEZ
2. Shri Shanmuga Sundram, Development Commissioner, MEPZ
3. Shri Meeta Rajivlochan, Development Commissioner, SEEPZ-SEZ
4. Shri D.V. Swamy, Development Commissioner, Cochin SEZ
5. Dr. Amiya Chandra, Development Commissioner, KASEZ/ Adani Port SEZ, Mundra
6. Shri A. Rama Mohan Reddy, Development Commissioner, Visakhapatnam
7. Shri B.K. Panda, Development Commissioner, Falta SEZ
8. Shri S.K. Bansal, Development Commissioner, Indore SEZ
9. Shri R. Muthuraj, Development Commissioner, Sri City SEZ
10. Shri G. Seetharam Reddy, Development Commissioner, APIIC, Visakhapatnam
11. Shri S. Sasi Kumar, Development Commissioner, Mangalore SEZ
12. Shri Anil Kumar Choudhary, Development Commissioner, Dahej SEZ
13. Shri Virendra Singh, Development Commissioner, Surat SEZ, Gujarat
14. Shri Jay Karan Singh, Development Commissioner, Mihan SEZ, Nagpur.
15. Shri Saju K Surendran, Deputy Development Commissioner, Cochin SEZ
16. Shri A.s. Naveen Kushalappa, Joint Development Commissioner, Cochin SEZ
17. Shri Vasanta Kiran Babu, Joint Development Commissioner, VSEZ



