

No. K-43014(22)/9/2021-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

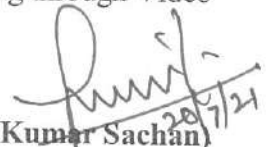
Udyog Bhawan, New Delhi
Dated the 20th July, 2021

OFFICE MEMORANDUM

Subject: Agenda for the 105th Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) scheduled to be held on 29th July, 2021 at 4.00 P.M -reg.

In continuation to this Department's O.M. of even number dated 6th July, 2021 on the above mentioned subject, the undersigned is directed to enclose herewith the Agenda for the 105th meeting of the BoA for SEZs scheduled to be held on 29th July, 2021 at 4:00 P.M. for information and necessary action. The agenda has also been hosted on the website: www.sezindia.gov.in.

2. The addressees are requested to kindly make it convenient to attend the meeting through Video Conferencing. A weblink for the same shall be shared by this Department shortly.


(Sumit Kumar Sachan)

Under Secretary to the Government of India

Tel: 2306 2496

Email: sumit.sachan@nic.in

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. Shri Anil Agarwal, Additional Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), UdyogBhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, ShastriBhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, KrishiBhawan, 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, NirmanBhavan, 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, PariyavaranBhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, ShastriBhavan, 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, ShastriBhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, VikasBhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, UdyogBhavan, 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, AtladraPadra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, UdyogBhawan, 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, VikasSaudha, 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), LalBahadurShastriBhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce UdyogBhawan), 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), VallabhBhavan, 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 / Consultant to AS (SK) / PPS to JS (AK)/ PPS to DS (SNS).

Agenda for the 105th meeting of the Board of Approval to be held on
29th July, 2021 at 4.00 P.M. through Video Conferencing

105.1 Ratification of the minutes of the 104th meeting of the Board of Approval held on 28.05.2021.

105.2 Request for extension of validity of formal approval of developer (three proposals)

In terms of Rule 6(2) of the SEZ Rules, 2006, the letter of approval of a developer shall be valid for a period of three years within which time at least one unit has commenced production and the SEZ become operational from date of commencement of such production. The Board may on an application by the developer as the case may be, for reasons to be recorded in writing expand the validity period.

105.2(i) Request of M/s. Mikado Realtors Pvt. Ltd. for further extension of the validity of formal approval, granted for setting up of IT/ITES SEZ at Village Behrampur, Gurgaon (Haryana) beyond 29.10.2021 – Regarding.

Name of the developer : M/s. Mikado Realtors Pvt. Ltd.
Sector : Electronic Hardware, IT/ITES
Location : Village Behrampur, Distt- Gurugram (Haryana)
Date of LoA : 30.10.2008
Extension : After revival of LOA, BoA had granted four extensions in the validity period of LOA upto 29.10.2021. Now, the developer has submitted request for LOA extension upto 29.10.2022.

Present Progress:

(a) Details of business plan:-

S. No.	Type of Cost	Proposed Investment (Rs. in Crore)
1	Land Cost	44.91
2	Construction Cost	984.60
3	Plant & Machinery	130.00
4	Other Overheads	435.10
	Total:	1594.61

(b) Investment made so far & incremental investment since last extension:-

S. No.	Type of Cost	Total Investment made so far (Rs. in Crore)	Incremental investment since last extension (Rs. in Crore)
1	Land Cost	44.91	--
2	Material Procurement	20.51	5.88
3	Service Cost	488.60	109.98
4	Other Overheads	173.12	45.22
	Total:	727.14	161.08

(c) Details of Physical progress till date :-

S. No.	Authorised activity	% completion as on date	% completion during last one year	Deadline for completion of balance work
1	Phase 1A – Two Tower			
	Tower – 1	100%	8%	July, 2021.
	Tower – 2	80%	8%	Nov, 2021.
	Common Basement	90%	5%	Nov, 2021.
	Tower-3- Structure and masonry work	94%	45%	July, 2021
	Tower-4- Structure and masonry work	95%	35%	July, 2021.

The developer has also enclosed Development Plan of Phase-1 as given below:-

S. No.	Project Milestone		Area	%
1	Sub-Structure (Combined for Tower 1 – 4)	Foundation Work		100%
		Basement 3	332458 Sqft.	100%
		Basement 2	314169 Sqft.	100%
		Basement 1	357160 Sqft.	100%
2	Super-Structure			
	Tower-1	Structure	459739 Sqft.	100%
		Common Area Finishing		100%
		Services Work		100%
	Tower-2	Structure	459739 Sqft.	100%
		Common Area Finishing		72%
		Services Work		72%
	Tower-3	Structure	459739 Sqft.	94%
	Tower-4	Structure	459739 Sqft.	95%
Investment Plan				
S. No.	Year	(Rs. in Crore)	Remarks	
1	2021-22	118	April 21 to March 22	
2	2022-23	25	April 22 to March 23	
3	2023-24	87	April 23 to March 24	

Reasons for seeking extension:

The developer has stated that during Covid-19 pandemic, construction activities were shut down completely from 23.03.2020. The resumed construction activities only after obtaining necessary approvals on 24.04.2020 from the concerned authority with Single Shift and limited labourers as per the safety conditions released by the Ministry of Home Affairs & DC, Gurugram. Remobilization of labour took considerable time. Further, the second wave of Covid-19 has again left the manpower demobilize and progress of the work has suffered.

DC, NSEZ has informed that the developer has submitted certificate dated 22.07.2020 of Chartered Engineer showing total built up area constructed so far as 269143.478 Sqmt. Hence, requirement of minimum built up area (50000 Sqmt. in case of IT/ITES SEZ) within a period of ten years from the date of notification in terms of Rule 5(7) of SEZ Rules, 2006, has been complied with. Further, the developer has submitted a CA certificate dated 12.06.2021 showing total investment of Rs.727.14 crores made upto 31.03.2021. Developer has also submitted photographs showing infrastructure created in SEZ so far.

Recommendation by DC:

DC and ADC, NSEZ undertook a site inspection on 23.06.2021 wherein it was found that Tower-2 was nearly complete while work was in progress in Tower-3 and 4. The Occupation Certificate had been obtained for Tower-1. Work at site was ongoing and it was mentioned that the developer was in discussion with some potential units. DC, NSEZ has recommended the request of extension of LOA of M/s. Mikado Realtors Pvt. Ltd. for a period of one year upto 29.10.2022.

105.2(ii) Proposal of M/s State Industries Promotion Corporation of Tamil Nadu Ltd. (SIPCOT) Industrial Park, Bargur for extension of validity of LoA in respect of Multi Sector SEZ for granite processing at Bargur, Uthangarai & Pochampalli Taluk, Krishnagiri District, Tamil Nadu.

LoA date : 10.03.2010

LoA valid upto : 10.03.2020

Extensions granted earlier : Validity extended on four occasions for one year each time and the last extension was for four years upto 10.03.2020 granted by the BoA on 08.05.2019.

Extension sought for : Four years beyond 10.03.2020 upto 10.03.2024

M/s SIPCOT Industrial Park, the developer of Multi sector SEZ for Granite Processing at Bargur, Uthangarai & Pochampalli Taluk, Krishnagiri District, Tamil Nadu and stands notified over an area of 95.54 Ha.

Reasons for delay: Due to introduction of MAT and DDT by the Government of India, industries are reluctant to take up lands in SEZ, since their proposed project in SEZ are not viable when compared to DTA besides low demand due to general industrial recession. However, SIPCOT is reiterating that they are taking effective steps to operate this SEZ through the interested entrepreneurs for setting up their project.

The developer has also informed that they have developed all infrastructures like internal roads, water supply system, street lights and compound wall at a cost of Rs.36 cr along with TNEB sub-station.

Details of business plan:

Sl. No.	Type of Cost	Proposed Investment (Rs. In lakhs)
1	Land cost	294.98
2	Development work cost (As per execution)	2297.36
3	Layout approvals	14.33
4	Providing sign boards	0.97
	Total cost	2607.64

Incremental investment since last extension: Nil

Details of physical progress till date:

Sl. No.	Authorized Activity	% of completion	% of completion during last one year	Deadline for completion of balance work
1	Development work cost	95% (except litigation area)	-	After the litigation is over
2	Layout approval	100%	100%	-
3	Providing sign boards	100%	100%	-

The litigation involves two land parcels vested with SIPCOT and physical possession was handed over to SIPCOT on 25.05.2018. The details thereof are as follows:

Sl. No.	Case	Land detail	Remarks of DC office
1	G. Kanthammal W/o Goviandan W.P. no. 5485/2021-1.06Ac	Sy. No. 60/3 Olaipatti Village	The case was filed while removing encroachments.
2	Govindan S/o Kathiriappan & Others W.P. no. 53279/2021-11.13 Ac	Sy. No. 28/4A, 50/4B, 50/8C, 51/1B, 51/2B, 52/6, 52/7, 59/5B, 59/5D Olaipatti Village	For legal heirs of Kathiriappan, already a comprise was entered and alternate land was allotted. For balance land, enhanced compensation is to be given for which they filed a case, which will be resolved.

Recommendations of DC, MEPZ:

In view of the reasons cited by the developer, their request for extension of formal approval of LoA for further period of four years w.e.f. 11.03.2020 to 10.03.2024 is recommended for consideration by the BoA.

105.2(iii) Request of M/s. Nissi Engineering Solutions Pvt. Ltd, a unit in AMRL Hi Tech City Ltd. Multi Product SEZ, Nanguneri, Tirunelveli District, Tamil Nadu for extension of Letter of Approval (LOA) from 01.08.2021 to 31.07.2022.

- LoA issued on : 31.07.2017
- Nature of business of the unit : Service Activities like Scientific & Technical Consultancy Services, Erection, commissioning & installation service, Maintenance of repair services/Technical inspection & certification agency service, Design service other than interior decoration & fashion designing, Supply of Tangible Goods Service, Information technology Software Service & other taxable Services other than the ones mentioned above.
- No of Extensions : 3 times by DC, MEPZ SEZ
- LoA valid upto : 31.07.2021.
- Extension sought : for further extension from 01.08.2021 to 31.07.2022

Present Progress:

a. Details of Business Plan:

Sl. No.	Type of cost	Proposed (Rs. In Lakh)
1.	Investment	206.00
2.	Plant & Machinery	366.00
3.	Raw Material	50.00
4.	FOB Value of export	1175.00
5.	FE Outgo	460.00
6.	NFEE	715.00

b. Incremental investment since last extension:-

Sl. No.	Type of cost	Total Investment made so far (Rs. In lakh)	Incremental investment (Rs. In lakh) since last extension
1	Land	53.34	Nil
	Total	53.34	Nil

c. Details of physical progress till date:-

Sl. No.	Authorized activity	% completion	% completion during last one year	Deadline for completion of balance work
1	Infra-structure	0.00	0.00	Proposed as 9 to 10 months from date of Directorate of Town and Country Planning approval

Detailed Reasons for delay: The reasons submitted by the unit for not starting their activities given by them are as under:

- Tried to apply for permission over single window system from Aug 2018 and not able to apply due to lots of bugs in the website.
- Consequently applied for building approval directly to DTCP on Nov 2019, and the unit got the building plan approval only on 02.07.2021.
- Also applied for NOC at District Office (Fire & Safety), Tirunelveli
- The unit has informed that the construction of building will take minimum 9 to 10 months to complete and start their business.

Recommendation by DC:-

The Development Commissioner, MEPZ SEZ has recommended the request of extension of LoA for the period from 01.08.2021 to 31.07.2022.

105.3 Request for extension of LoA of the units (three proposals)

- 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 Approval i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that LoA shall be valid for one year. First Proviso grants power to DCs for extending the LoA for a period not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoA for one more 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.
- Extensions beyond 3rd year (in cases where two-third activities are not complete) and onwards 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.

105.3(i) Request of M/s. Knitpro International (Unit-III) in Mahindra World City (Jaipur) Ltd., Multiproduct SEZ at Village- Kalwara, Tehsil-Sanganer, Jaipur (Rajasthan) for third extension of Letter of Approval (LOA) for a further period of one year i.e. upto 07.03.2022.

Name of Unit : Knitpro International (Unit-III)

Nature of Business of the unit: Decorative Products & parts thereof, Hand Knitting Tools & Accessories Construction related products Hobby related products & parts thereof, Furniture & other related products & parts thereof, Household Products & parts thereof

LOA issued on : 08.03.2018
 No. of Extensions : Unit had been granted two extensions by the DC.
 LOA valid upto : 07.03.2021
 Request : Unit has requested for one year extension i.e. upto 07.03.2022.

Present Progress:

(a) Details of business plan:-

S. No.	Type of Cost	Proposed Investment(Rs. in Crores)
1	Building	3.50
2	Plant & machinery	3.25
3	Furniture & Fixture	0.25
4	Others	0.15
	Total:	7.15

(b) Investment made so far & incremental investment since last extension:

S. No.	Type of Cost	Total Investment made so far (Rs. in Cr)	Incremental investment since last extension (Rs. in Cr)
1	Boundary Wall	0.27	0.27
2	Purchase of Steel & cement	0.58	0.58
3	Excavation work for foundation and basement raft	0.16	0.16
4	Mobilisation advance to contractor	0.32	0.32
	Total:	1.33	1.33

(c) Details of Physical progress till date :-

S. No.	Authorised activity	% completion as on date	% completion during last one year	Deadline for completion of balance work
1	Construction of boundary wall	100%	100%	NA
2	Purchase of construction related steel and cement for basement	50%	50%	31.08.2021
3	Excavation for foundation and basement raft	5%	5%	31.10.2021

(d) Detailed reasons for delay:-

The unit has stated that they had started construction work on their plot no. PA-010-003 after appointing an architect and awarding the contract for the factory building to the contractor. However, due to consecutive lockdowns on account of Covid pandemic in 2020 & 2021, their work came to a grinding halt on more than one occasion as the contractor was finding it very hard to source material and find workforce needed for construction.

Rule Position: Rule 19(4) proviso 3 of SEZ Rules, 2006, says: “Board of Approval may, upon a request in writing by 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”.

Recommendation by DC, NSEZ:

Given the pandemic related lockdown and the exceptional performance of the unit in both NSEZ and Mahindra SEZ, DC, Noida SEZ has recommended the extension of LOA for a further period of one year i.e. upto 07.03.2022.

105.3(ii) Request of M/s Shankar Soya Concepts in Indore SEZ for extension of LoA beyond 30.06.2021 for a further period up to 29.11.2021.

- LoA issued on : 30.05.2017
- Nature of business of the Unit : Manufacturing of API, Bulk Drugs
- No. of Extensions : (03) by DC Indore SEZ beyond original validity and temporary extension of one month beyond 29.05.2021 i.e. up to 30.06.2021 in view of Covid-19 pandemic situation and in terms of DoC letter No. K-43022/7/2020-SEZ dated 07.05.2021.
- LoA valid upto : 30.06.2021
- Request : Further extension up to 29.11.2021 to commence production.

a. Details of Business plan:

S.No.	Type of Cost	Proposed Investment (Rs. in crores)
1.	Leasehold Land	0.54
2.	Civil Construction Work	2.00
4.	Plant & Machinery (including of Electrical Installation, Utilities and Computers)	3.03
5.	Other Fixed Assets	0.25
Total		5.82

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

The incremental investment incurred up to 29.05.2021 as per the Certificate issued by the Chartered Accountant, M/s S. Tripathi & Associates, Indore and the Chartered Engineer, is as under:

(Rs. In Crores)

S.No.	Type of Cost	Total investment made so far	Investment till last extension	Incremental Investment since last extension
1.	Leasehold Land and site development	0.69	0.69	--
2.	Civil Construction Work	1.81	1.54	0.27
3.	Plant & Machinery (including of Electrical Installation, Utilities and Computers)	1.97	1.67	0.30
4.	Advance for Building, Plant & Machinery, Electrical Installation, Utilities and Computers	0.27	0.21	0.06
5.	Other Fixed Assets	0.10	0.02	0.08
Total		4.84 crores	4.13 crores	0.71 crores

(c) Details of physical progress till date :-

S.No.	Activity	% completion till 29.05.2021	% completion during last one year	Deadline for completion of balance work
1.	Lease hold land	100%	100%	--
2.	Civil Construction work	91%	16%	1-2 months
3.	Plant & Machinery including advances (inclusive of electrical installations, utilities and computers)	74%	10%	3-4 months
4.	Other Fixed Assets	40%	30%	2-3 months
Total		83.16%		

(d) Detailed reasons for delay –

The unit was not able to commence commercial production before the extended date of validity of LoA i.e. up to 29.05.2021 due to the reason that the second wave of Covid-19 pandemic in the country and complete lockdown imposed in the State of Madhya Pradesh in the months of April and May 2021 halted the project and severely affected their project implementation activities as the movement of capital goods was restricted, fabrication work at factory site could not be completed due to shortage of Industrial Oxygen and the supply of various utility items etc. which were expected to arrive in April 2021 also got delayed. The unit has assured that they will speed up the project implementation and complete the balance activities within next 3-4 months and start the trial run in the subsequent month and thereafter start the commercial production.

(e) Steps taken to implement the project:

- i. The civil construction work of the factory building at plot No. M-47, SEZ Phase II is almost on completion stage. The plant and machinery and utilities installation activities along with fabrication activities are being carried out at full speed at the factory site.
- ii. A number of machineries, equipment and utilities have been installed or under installation while other equipment and utilities have been ordered and will be installed within the next 2-3 months.
- iii. The unit has the approval of building plans and the civil construction of the factory building is in progress.
- iv. The unit has obtained registration under Contract Labour (R & A) Act, 1970.
- v. The unit has obtained Consent to Establish (CTE) from M.P. Pollution Control Board.
- vi. The unit has obtained permanent power connection and permanent water connection at site from the Developer, MPIDC, RO, Indore.
- vii. The unit is regularly paying all the Govt. statutory dues on time like annual lease rent, annual maintenance charges, monthly power and water charges for FY 2021-22 to the Developer, MPIDC, RO, Indore.

In the instant case, beyond the original validity of one year of LoA ending on 29.05.2018, three extensions ending on 29.05.2021 were granted to the unit by the Development Commissioner in terms of 3rd proviso of Rule 19(4) of SEZ Rules, 2006. The unit applied for a further extension of six more months i.e. up to 29.11.2021 vide email dated 26.05.2021 during the period of lockdown imposed by the District Administration amidst the second wave of Covid-19 pandemic. Therefore, to avoid any undue hardships and considering that the unit at the time of application had made an investment of Rs. 480.00 lakhs out of the proposed Rs. 582.00 lacs and completed 82.47% of the project, and further that the DoC vide letter dated 07.05.2021 has inter-alia directed / empowered the DCs to relax compliances regarding LoA extensions of SEZ units which may expire during this period of disruption, and that all extensions may be facilitated through electronic mode in a time bound manner and may be considered for extension without prejudice till 30.06.2020, on further instruction of DoC on the matter, the validity of LoA was extended up to 30.06.2021 on the sezone portal.

The unit was advised to submit a Chartered Engineer Certificate regarding the details of activities including percentage of activities completed, a Chartered Accountant certificate certifying the investment made in the project along with actual site photographs. The requisite documents have now been submitted and the unit has requested to extend the validity of LoA up to 29.11.2021.

Recommendation by DC:

DC Indore SEZ has recommended the request of extension of LoA for a further period up to 29.11.2021 in view of the following:-

The unit has been allocated land in the SEZ by the Developer and the lease deed has also been registered. As per the Chartered Engineer's certificate dated 18.06.2021, a total capital expenditure of Rs. 4.84 crores has been incurred in the project and 83.16% activities are complete. The Chartered Accountant has certified that an investment of Rs. 4.84 crores has been made by the unit till 29.05.2021. The unit is nearing completion of its project in the Zone, and accordingly, the proposal for extension of validity of LoA dated 30.05.2017 for a further period up to 29.11.2021, as requested by the unit, is recommended for approval of the BoA as per Rule 19(4) of SEZ Rules, 2006.

105.3(iii) Request of M/s. CTR Manufacturing Industries Ltd. located at Plot No. AL 25 & AL 26, Five Star Industrial Area, Shendra, Aurangabad for extension of validity period of LOA for setting up SEZ unit beyond four years up to 18.07.2022.

Name of the Unit : M/s. CTR Manufacturing Industries Ltd.
Sector : Engineering (Manufacturing of Nitrogen Injection Explosion prevention and Fire Extinguishing systems)
LOA : 19.07.2017
Extension : Two extensions granted by DC and one by BoA. The Unit has requested for further extension up to 18.07.2022.

(A) Progress of the Project :

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

Proposed Investment in Project(Rs. In cr)	Investment made till date (Rs. In cr)	Incremental Investment made since last extension (Rs. In cr)
11.37	3.92	1.85

ii. Plan of implementation of project at location AL 25 & AL 26, Shendra, SEZ MIDC, Aurangabad:

Sr	Activity	Expected Completion-date	Remarks
1	Leveling of land considering substantial upheaval in the property	Completed	
2	Completion of civil work	31.01.2022	Four Buildings completed(15% overall)
3	Procurement of machinery	28.02.2022	All Indigenous
4	Installation of machinery	30.04.2022	All Indigenous
5	Procurement of Raw Material	30.04.2022	All Indigenous
6	Trial Run	30.06.2022	
7	Commencement of commercial production	15.07.2022	

The unit has furnished the Chartered Accountant and the Chartered Engineer's Certificates regarding the same.

Detailed reason for delay:

They were unable to construct factory building plinth due to severe lockdown imposed in Aurangabad. They have already placed order on Bajaj Steel Industries Ltd., Nagpur for Pre-Engineered Building (PEB) and are in process of starting commercial activities including

manufacturing at their SEZ facility located at AL 25 & AL 26, Shendra, SEZ MIDC, Aurangabad but could not do so due to COVID pandemic.

Specified Officer's report:

- The jurisdictional Specified Officer vide letter dated 25.06.2021 has submitted the following:
- In the month of June 2020, they started the construction activity but development work is not satisfactory due to obstacles in COVID pandemic.
 - Proposed investment Rs. 11,37,06,838/-, Investment made till date Rs. 3,92,50,156/-and Incremental investment made since last extension Rs. 1,85,59,962/- (same as mentioned in the above table).
 - In view of situation explained in the verification report, SO-office recommended the request of the company for extension of LOA for a further period of one year.

Recommendation by DC SEEPZ:

DC, SEEPZ SEZ has recommended the request for 4th extension of LoA for a period of one year i.e. up to 18.07.2022.

105.4 Change of name, shareholding pattern, merger/demerger etc. (seven proposals)

105.4(i) Request for change of name by M/s. Media Systems India Soft Solutions Pvt. Ltd., a Co-developer in Infoparks Kerala SEZ, Brahmapuram PO, Puthencruz, Ernakulam District, Kerala from M/s Media Systems India Soft Solutions Private Limited to M/s Sunya Ek Cyber Park Private Limited .

M/s. Media Systems India Soft Solutions Pvt. Ltd. is a co-developer in Infoparks Kerala SEZ, Brahmapuram P O, Puthencruz, Ernakulam District was issued LoA dated 17th March 2015 for providing infrastructure facilities and development of IT sector industry over an area of 0.40 hectares.

The co-developer has informed that they have changed their name from M/s Media Systems India Soft Solutions Private Limited to M/s Sunya Ek Cyber Park Private Limited and has submitted Certificate of Incorporation pursuant to change of name issued by the office of Registrar of Companies on 15.10.2019 and a resolution passed at the extra ordinary general meeting of the company for the same. In addition to above documents, the co-developer has also submitted a CA Certificate showing the details of Board of Directors and shareholding pattern after name change and also a NoC from the developer. There is no change in share holding pattern of the company.

Recommendation by DC, CSEZ:

The proposal is recommended for consideration by the Board of Approval.

105.4(ii) Request of M/s Bayline Infocity Limited, developer for taking on record the change of shareholding pattern and the appointment of new Directors of the Developer.

M/s. Bayline Infocity Limited is the Developer of Bayline Infocity SEZ, an IT/ITES SEZ spread over an area of 10.37 hectares at Old Mahabalipuram Road, Chennai, Tamil Nadu. This is an operational SEZ.

DC, MEPZ has informed that earlier they had received an email from M/s. Bharucha & Partners, legal counsels to M/s. Beacon Trusteeship Limited, to not take any further action in relation to the change of Shareholding pattern as it was sub-judice before the National Company Law Tribunal, Chennai. The BoA was informed about the application filed by the individual investors before NCLT, Chennai and BoA deferred the proposal.

The Developer made a request that they have made one time settlement to the investors and the investors have withdrawn the case filed in the NCLT. Again the proposal for change in shareholding pattern and appointment of new Directors was placed before the BOA in its 104th meeting held on 28.5.2021. The Board deferred the proposal stating that the matter is sub-judice and the outcome of the petition remains uncertain at this stage.

Now, the developer has submitted a copy of the order dated 11.06.2021 issued by NCLT that the matter has been settled between the two parties before its admission and case stands dismissed as withdrawn.

The details of the present and the new Shareholding Pattern are as follows :

Sl. No.	Name of the shareholder	Number of shares	Percentage	Name of the shareholder	Number of shares	Percentage
	Existing			Proposed		
1	KKN Holdings Pt. Ltd.	11,66,09,345	94.00	Sandhya Constructions & Estates Private Limited	3,53,02,272	28.46
2	Mr. Boggaram Venkatamarkandeya Sarma	1	0	Sandhya Realtors P Ltd.	5,87,84,593	47.38
3	Mr. B Bharathan Kanthimathinathan	1	0	Saranala Sreedhar	1,49,82,816	12.08
4	Mr. Raghuram Nath	1	0	Sandhya Saranala	1,49,82,816	12.08
5	Mr. Srinivasan Sethuraman	1	0	Jayalakmi Saranala (Nominee shareholder)	1	0
6	Mr. K. Balasubramanian	3,66,227	0.30	Raja Duggirala (Nominee shareholder)	1	0
7	Mr. Tarbir Shahpuri	70,76,923	5.70	Muralidhar Saranala (Nominee shareholder)	1	0
8	Mr. Iyappan Nithiyanandam	1	0		1	0
	Total	12,40,52,500	100	Total	12,40,52,500	100

It has further been informed that consequent upon the change in shareholding pattern of the company there will be three additional directors:

DIN No.	Name of Director	Designation
01717936	Mr. Saranala Sreedhar	Director
01717899	Mrs. Sandhya Saranala	Director
02980260	Mr. Raja Duggirala	Director

Recommendation by DC, MEPZ :

The request of the developer for taking on record the change in shareholding pattern and appointment of 3 new Directors is recommended for consideration of BoA in terms of Instruction no. 89 and 90 issued by the DoC.

105.4(iii) Proposal of M/s. Candor Kolkata One Hi-Tech Structures Pvt. Ltd., co-developer of M/s Gurgaon Infospace Limited IT/ITES SEZ at Village Dundahera, Sector – 21, Gurugram (Haryana) for change in shareholding pattern of the company.

M/s. Candor Kolkata One Hi-Tech Structures Pvt. Ltd. (formerly known as Candor Gurgaon Two Developers & Projects Private Limited) was granted LOA on 21.01.2008 as Co-developer of Gurgaon Infospace Limited IT/ITES SEZ at Village Dundahera, Sector-21, Gurugram (Haryana) for construction of IT Buildings in the said SEZ.

Details of shareholding pattern of the company are given below:

- Shareholding pattern of the company at time of amalgamation of the company approved by the BoA in its meeting held on 14.02.2020:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings V Pte. Ltd.	58504	99.970
2	BSREP Moon C1 L.P.	3	0.005
3	BSREP Moon C2 L.P.	3	0.005
4	BSREP Moon C3 L.P.	3	0.005
5	BSREP Moon C4 L.P.	3	0.005
6	BSREP Moon C5 L.P.	3	0.005
7	BSREP Moon C6 L.P.	3	0.005
Total:		58522	100%

- On 12.08.2020, 18 equity shares of the Company that is 3 equity shares held by each BSREP Moon C1 to C6 L.P. were collectively transferred to BSREP India Office Holdings Pte. Ltd.
- On 01.12.2020, 1024 Compulsory Convertible Debentures (CCDs) held by BSREP India Office Holdings V Pte. Ltd. were converted into equivalent number of fully paid-up equity shares and allotment of 1024 equity shares made to BSREP India Office Holdings V Pte. Ltd.
- On 08.02.2021, (i) 59528 equity shares of the company held by BSREP India Office Holdings V Pte. Ltd. were transferred to Brookfield India Real Estate Trust, (ii) 17 equity shares out of 18 equity shares held by BSREP India Office Holdings Pte. Ltd. were transferred to Brookfield India Real Estate Trust and balance 1 equity share was transferred to Candor India Office Parks Private Limited (as nominee of Brookfield India Real Estate Trust), (iii). 45535 Compulsory Convertible Debentures (CCDs) held by BSREP India Office Holdings III Pte. Ltd. were transferred to Brookfield India Real Estate Trust. Subsequently, the shareholding pattern became as follows:-

S. No.	Name of Shareholder	No. of shares	% share (Approx.)
i.	Brookfield India Real Estate Trust	59545	99.9983
ii.	Candor India Office Parks Private Limited (as nominee of Bookfield India Real Estate Trust)	1	0.0017
Total:		59546	100%

- iv. The Co-developer further informed that on 01.04.2021, 45535 Compulsory Convertible Debentures (CCDs) held by Brookfield India Real Estate Trust has been converted by allotment of 37981 fully paid-up equity shares @Rs.10/- each to Brookfield India Real Estate Trust and return with Registrar of Companies has been filed on 17.05.2021 for allotment of shares upon conversion.

The Co-developer has informed that with the above said transfer of shares and CCDs within the group companies, the post transfer of shareholding pattern of the company as under:-

S. No.	Name of Shareholder	No. of shares	% share (Approx.)
i.	Brookfield India Real Estate Trust	97526	99.9989
ii.	Candor India Office Parks Private Limited (as nominee of Brookfield India Real Estate Trust)	1	0.0011
	Total:	97527	100%

Recommendation by DC, NSEZ:

DC, NSEZ has recommended the proposal.

105.4(iv) Request of M/s. Anomalous Infra Private Limited (co-developer) at Arshiya Limited-FTWZ, Panvel, Raigad for change in shareholding pattern of the company.

M/s. Anomalous Infra Private Limited has been granted approval as a co-developer on 22.11.2018 for construction, operation, maintenance and leasing of two new warehouses over an area of 2.30 ha. at Village-Sai, Taluka Panvel, District Raigad, Arshiya FTWZ.

The Co-Developer has stated that the present and post shareholding pattern of the company upon completion of development and leasing of the warehouse building by the company is as under:

Present shareholding pattern			Proposed shareholding pattern	
S. No.	Name of the shareholders	Percentage	Name of the shareholders	Percentage
1.	Arshiya Limited	99.91%	Ascendas Property Fund (India) Pte Ltd.	99.91%
2.	Arshiya Limited (Jointly with Mr. Navnit Jugal Kishore Choudhary)	0.09%	Nominee Shareholder of Ascendas Property Fund (India) Pte Ltd.	0.09%
	Total	100%		100%

DC, SEEPZ has stated that the co-developer is a 100% step down subsidiary of Arshiya Limited. Arshiya Ltd. has built a world class FTWZ at Sai Village, Panvel, Maharashtra spread in 164 acres of land. Arshiya Ltd. with the intent to further develop the zone has sought investment from M/s Ascendas Property Fund (India) Pte. Ltd. for construction of the warehouse, repayment of the construction finance and repayment of other liabilities of Arshiya Limited. The details of the Directors pre as well as post change of shareholding pattern are:

Sl. No.	Name of the Director	DIN
1	Mr. Navnit Choudhary	00613576
2	Mr. Pramod Raghavan	07634838

Recommendation by DC, SEEPZ:

The application is scrutinized which is found in order. Hence, the proposal for change in shareholding pattern of M/s. Anomalous Infra Private Limited is recommended to BoA for consideration in terms of Instruction no. 89 and 90 issued by the DoC.

105.4(v) Proposal of M/s. Seaview Developers Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P.) for approval of proposed changes in shareholding pattern of the company.

The Developer, M/s. Seaview Developers Private Ltd. had been granted LOA on 21.06.2006 for setting up of IT/ITES SEZ and was notified over an area of 12 hectares vide Gazette Notification dated 12.12.2007. The said SEZ is operational.

Details of shareholding pattern of the company are given below:

- Shareholding pattern of the company approved by the BoA in its meeting held on 27.11.2020:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings IV Pte Ltd.	17,375	99.965
2	BSREP India Office Holdings Pte. Ltd.	6	0.035
	Total:	17,381	100%

The Developer has informed that as on the date of this application, the details of the equity shares and compulsorily convertible debentures ("CCDs") issued by the Company, are set out below:-

S. No.	Name of the debenture holder	No. of equity shares	No. of CCDs
1.	BSREP India Office Holdings IV Pte. Ltd.	17,375	6,501
2.	BSREP India Office Holdings Pte. Ltd.	6	-
	Total	17,381	6,501

Proposed changes in shareholding pattern:-

- Option 1:**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	17,381	6,501

- Option 2:**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	23,882	-

Reasons for changes in shareholding pattern:

The Developer has informed that :-

- i. The Company and its shareholders have entered into an agreement on 13.01.2021 with *inter alia* Brookfield India Real Estate Trust ("**Brookfield REIT**"), a real estate investment trust registered with the Securities and Exchange Board of India under the provisions of Securities and Exchange Board of India (Real Estate Investment Trusts) Regulations, 2014). As per this Agreement, the Brookfield REIT has the right to acquire ("**Right to Purchase**") the entire shareholding of the Company from its shareholders at any time over a period of 12 months (or such time period as may be mutually agreed between the parties to the Agreement) starting from 15.08.2021.
- ii. As per the Agreement, in the event the Brookfield REIT exercises the Right to Purchase and chooses to acquire the entire shareholding of the Company, in exchange for such acquisition, the Brookfield REIT may choose to (i) either pay cash; (ii) allot its units and pay cash or (iii) pay in any other manner (as agreed between the parties to the Agreement), to the selling shareholders of the Company. Furthermore, as of the date of this application, the Company has issued CCDs and it is proposed that **(i) Option 1:** the Brookfield REIT will acquire such CCDs along with all the equity shares of the Company or **(ii) Option 2:** such CCDs will be converted into equity shares of the Company and the Brookfield REIT will then acquire all the equity shares of the Company. As per the Agreement, in the event the Brookfield REIT does not exercise the Right to Purchase within the period of 12 months (or such time period as may be mutually agreed between the parties to the Agreement) starting from 15.08.2021, the Right to Purchase will fall away and the proposed change in the shareholding pattern of the Company will not take place.

DC, NSEZ has informed that the Developer has undertaken and confirmed that there will be seamless continuity of the special economic zone activities on the Company SEZ Land and compliance with the responsibilities and obligations of the Company as per applicable law. The Developer has further mentioned that post BOA approval they shall intimate when acquisition of shareholding of the Company is consummated and submit certificate of company secretary pre & post acquisition.

Recommendation of DC:

Development Commissioner, NSEZ has recommended the proposal.

105.4(vi) Proposal of M/s. Sak Synergy Realty Private Limited, Co-developer of ASF Insignia SEZ Private Limited IT/ITES SEZ at Village GwalPahari, Gurugram (Haryana) for change in shareholding pattern of the company.

M/s. Sak Synergy Realty Pvt. Ltd. had been granted LOA on 20.08.2019 as Co-developer of IT/ITES SEZ of M/s. ASF Insignia SEZ Pvt. Ltd. located at Village Gwal Pahari, Distt- Gurugram (Haryana) for "Construction, development, operations, management and maintenance of 'Office cum Training Centre Facility' to the extent 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”.

Details of shareholding pattern of the company are given below:

- **Existing Shareholding pattern of the company:-**

Name of Shareholder	No. of shares	% share
M/s. ASF Insignia SEZ Private Limited	9000	60%
M/s. K.H. Steel Casting Private Limited	6000	40%
Total:	15000	100%

- **Revised shareholding pattern (as on 01.03.2021):**

Name of Shareholder	No. of shares	% shareholding (Approx.)
Mr. Amit Singh Trehan	1650	11%
Mr. Arvind Trehan	1650	11%
Mr. Anu Trehan	1650	11%
Mr. Gaurav Trehan	10050	67%
Total:	15000	100%

Reason for change in shareholding:

The Co-developer has informed that for infusion of equity / investment, the shareholding pattern of the company has changed. The Co-developer undertakes that pursuant to the change of shareholding pattern of the company, they will maintain seamless operation of the Co-developer's activity in ASF Insignia SEZ, Gurugram (Haryana), commensurate with the provisions of SEZ Act, 2005 & SEZ Rules, 2006.

Recommendation of DC:

Development Commissioner, NSEZ has recommended the proposal.

105.4(vii) Request of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd., Developer of IT/ITES SEZ at Village-Tikri, Sector-48, Gurugram (Haryana) for approval of proposed changes in shareholding pattern of the company.

M/s. Candor Gurgaon One Realty Projects Pvt. Ltd, Developer has been granted LOA on 30.07.2007 for setting up of IT/ITES Special Economic Zone. The SEZ was over an area of 10.041 hectares vide Gazette Notification dated 09.01.2008. The said SEZ is operational.

Details of shareholding pattern of the company are given below:

- Shareholding pattern of the company approved by the BoA in its meeting held on 27.11.2020:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte. Ltd.	10,057	99.94

2	BSREP India Office Holdings Pte. Ltd.	6	0.06
	Total:	10,063	100%

The Developer has informed that as on the date of this application, the details of the equity shares and compulsorily convertible debentures (“CCDs”) issued by the Company, are set out below:-

S. No.	Name of the debenture holder	No. of equity shares	No. of CCDs
1.	BSREP India Office Holdings II Pte. Ltd.	10,057	9,120
2.	BSREP India Office Holdings Pte. Ltd.	6	-
	Total	10,063	9120

Proposed changes in shareholding pattern:-

• **Option 1:**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	10,063	9120

• **Option 2:**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	19,183	-

Reasons for changes in shareholding pattern:

The Developer has informed that :-

- i. The Company and its shareholders have entered into an agreement dated 13.01.2021 with inter alia Brookfield India Real Estate Trust (“Brookfield REIT”), a real estate investment trust registered with the Securities and Exchange Board of India under the provisions of Securities and Exchange Board of India (Real Estate Investment Trusts) Regulations, 2014. As per this Agreement, the Brookfield REIT has the right to acquire (“Right to Purchase”) the entire shareholding of the Company from its shareholders at any time over a period of 12 months (or such time period as may be mutually agreed between the parties to the Agreement) starting from 15.08.2021.
- ii. As per the Agreement, in the event the Brookfield REIT exercises the Right to Purchase and chooses to acquire the entire shareholding of the Company, in exchange for such acquisition, the Brookfield REIT may choose to (i) either pay cash; (ii) allot its units and pay cash or (iii) pay in any other manner (as agreed between the parties to the Agreement), to the selling shareholders of the Company. Furthermore, as of the date of this application, the Company has issued CCDs and it is proposed that (i) **Option 1:** the Brookfield REIT will acquire such CCDs along with all the equity shares of the Company or (ii) **Option 2:** such CCDs will be converted into equity shares of the Company and the Brookfield REIT will then acquire all the

equity shares of the Company. As per the Agreement, in the event the Brookfield REIT does not exercise the Right to Purchase within the period of 12 months (or such time period as may be mutually agreed between the parties to the Agreement) starting from 15.08.2021, the Right to Purchase will fall away and the proposed change in the shareholding pattern of the Company will not take place.

The Developer has mentioned that the shareholding pattern of the Company pursuant to such acquisition (when consummated) by the Brookfield REIT is set out below:

• **Option 1:-**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	10,063	9120

• **Option 2:-**

S. No.	Name of the shareholder	No. of equity shares held	No. of CCDs held
i.	Brookfield India Real Estate Trust (together with its nominees)	19,183	-

DC, NSEZ has informed that the developer undertakes that there will be seamless continuity of the special economic zone activities on the Company SEZ Land and compliance with the responsibilities and obligations of the Company as per applicable law. The Developer has further mentioned that post BOA approval they shall intimate when acquisition of shareholding of the Company is consummated and submit certificate of company secretary pre & post acquisition.

Recommendation of DC:

Development Commissioner, NSEZ has recommended the proposal.

105.5 Procurement of restricted items from DTA (eleven proposals)

105.5(i) Permission for procurement of sand, a restricted item, from Domestic Tariff Area by M/s. Arima Minerals & Metals Pvt. Ltd., VSEZ.

M/s. Arima Minerals & Metals Pvt. Ltd., a unit in VSEZ was granted LoA on 03.11.2020. The unit seeks permission to bring sand, a restricted item of a quantity of 200 MT from DTA for undertaking certain civil works in their unit.

DC, VSEZ states that the unit has informed that work orders were issued for (i) construction of basement concrete for the purpose of installation of the machinery and all other related parts for erection of the proposed plant and (ii) construction of 300 mtrs length compound wall. The unit further stated that they will submit copies of online booking receipts for the sand from the Govt. of Andhra Pradesh in respect of the purchase. The unit undertakes that they will follow the SOP/guidelines of MHA, Govt. of India in view of the Covid Pandemic and the sand will be utilised only for the proposed civil works inside their Unit.

First proviso to sub-rule (1) of Rule 27 of the SEZ Rules, 2006 stipulates that, *for supply of Restricted Items by a Domestic Tariff Area Unit to Special Economic Zone Developer or Unit, the*

Domestic Tariff Area Unit may supply such items to a Special Economic Zone Developer or Unit for setting up of infrastructure facility or for setting up of a Unit and it may also supply raw material to Special Economic Zone unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending, subject to the prior approval of Board of Approval.

Recommendation by DC, VSEZ:

The request of the unit for procurement of Sand is recommended for a quantity of 200 MT for consideration in terms of Rule 27(1) of SEZ Rules, 2006, for it being a restricted item and requires BoA's approval to enable DC office to accord necessary permission to the Unit.

The request is placed before BOA for its consideration.

105.5(ii) Ratification of permission for procurement of sand a restricted item from Domestic Tariff Area granted to M/s. Kusalava International Ltd., VSEZ.

M/s. Kusalava International Ltd., a unit in VSEZ, Duvvada, Visakhapatnam has been granted permission to procure sand for a quantity of 100 MT on 06.07.2021 for constructing compound wall, internal CC Road and repair work in their premises, as per directions of DoC vide letter dated 18.05.2020.

Recommendation by DC, VSEZ:

The proposal for procurement of sand of a quantity of 100 MT by the unit is recommended for ratification by the BoA.

105.5(iii) Ratification of permission granted to M/s Sustain Properties Pvt. Ltd. developer of IT/ITES SEZ located at Knowledge City, Raidurg Village, Serilingampally Mandal, Ranga Reddy District, Telangana for procurement of sand/soil.

DC, VSEZ has vide letter dated 29.06.2021 granted an approval to M/s Sustain Properties Pvt. Ltd. developer of IT/ITES SEZ located at Plot no. 16/A/1 (P), 16/A/2 (P) and Sy.no. 83/1, Knowledge City, Raidurg Village, Serilingampally Mandal, Ranga Reddy District, Telangana for procurement of following items for a value of Rs.2,00,21,520/- in terms of DoC's letter dated 18.05.2020 for carrying out construction and development of the SEZ building.

Sl. No.	Name of item	Quantity	Value (in Rs)
1	Backfilling Earth/soil	22000 cu.m.	77,00,000
2	Crusher sand	2,500 MT	17,00,000
3	River sand	3,793 MT	1,06,21,520

Recommendation by DC, VSEZ:

The request of the unit is recommended for consideration by the BoA in terms of Rule 27(1) of SEZ Rules, 2006 for ratification.

The request is placed before BOA for its consideration.

105.5(iv) Procurement of sand/soil by Kandla SEZ units and ratification of approval granted under delegation of powers granted to Development Commissioner.

DC, KASEZ has granted permission/approval to following SEZ units in Kandla SEZ for procurement of sand/soil and other infrastructure material for undertaking authorized operations in SEZ, in terms of provisions of Rule 27 of SEZ Rules, 2006 under delegation of powers to the Development Commissioner vide MoC&I letter dated 18.05.2020: -

Sr. No.	Name of the Unit	Materials permitted	Quantity Permitted	Date of approval
1.	Renew Plastics	Sand	3 dumpers	28.05.2021
2.	Prasar Enterprises (Unit-II)	Sand	1 tractor	04.06.2021
3.	Isha Impex	Sand	3 dumpers	04.06.2021
4.	Presto Industries (Exports)	Sand	1 dumper	04.06.2021
5.	S. R. Warehousing & Trading Co.	Sand	1 truck	04.06.2021
6.	Kandla Polyplast (India) Pvt. Ltd.	Sand	3 dumpers	16.06.2021
7.	Shri Guru Shipping & Logistics	Sand	150 cubic meter	29.06.2021
8.	Shreeji Exports	Sand	300 MT	29.06.2021
9.	Euro India Cylinders Ltd.	Sand	20 MT	29.06.2021

Recommendation by DC, KASEZ:

The permission granted to above units is submitted before the BoA for ratification.

105.5(v) Proposal for procurement of restricted items by M/s Godrej & Boyce Mfg. Co. Ltd., a unit in Dahej SEZ for infrastructure development & repairing facility in terms of Rule 27 of SEZ Rules 2006.

M/s Godrej & Boyce Mfg Co Ltd., a unit of Dahej SEZ was granted LoA on 30.05.2007. DC, Dahej SEZ has informed that the unit vide their letter dated 24.06.2021 requested for the permission for procurement of following items for setting up and repairing of infrastructure facilities :

Description	Estimated Quantity
Sand (including sand used for RMC)	14426 MT
Stone (including stone used for RMC, Road WMM & Bitumen carpet	30005 MT
Granite	09 MT

DC, Dahej SEZ has approved the proposal of M/s. Godrej & Boyce Mfg Co. Ltd. to procure restricted items for repairing of infrastructure facility as per conditions of DoC's 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.

Recommendations of DC, Dahej:

As per the condition no. 2 (iv) of DoC's letter dated 18.05.2020, this matter is forwarded to Board of Approval for ratification.

105.5(vi) Procurement of sand/soil by units of GIDC, EPSEZ, Gandhinagar and GIDC Ahmedabad Apparel Park SEZ, Ahmedabad and ratification of approval granted under delegation of powers granted to DC.

DC, KASEZ has granted approvals to the following units of GIDC Electronic Park SEZ, Gandhinagar and GIDC Ahmedabad Apparel Park SEZ, Ahmedabad for procurement of sand/soil and other infrastructure material for undertaking authorized operations in SEZ in terms of proviso under

Rule 27 (1) of the SEZ Rules, 2006 and under delegation of powers to DC vide DoC's letter dated 18.05.2020:

Sl. No.	Name of the unit	Material	Quantity	Date of approval
1	M/s Omni Lens Pvt. Ltd. SEZ, EPSEZ, Gandhinagar	Sand (HS Code 25051020) Soil (HSN Code 25059000)	300 Tonnes 500 Metric Tonnes	09.06.2021
2	M/s ET Elastomer Technik (I) Pvt. Ltd., EPSEZ, Gandhinagar	Sand (HSN Code 25051020) Soil (HSN Code 25059000)	1000 Tonnes 1000 Tonnes	19.06.2021
3	M/s IntraAction Electronics, EPSEZ, Gandhinagar	Filtered Sand (HSN Code 25051020) Simple Sand (HSN Code 25051020) Black Soil (HSN Code 25059000) Yellow Soil (HSN Code 25059000)	2000 Tonnes 2000 Tonnes 2000 Tonnes 1500 Tonnes	30.06.2021
4	M/s Worldwide Safety Pvt. Ltd., AAP SEZ, Ahmedabad	Aggregate (HSN Code 25051020) Sand (HSN Code 25051020)	195 cu.mt. 750 cu.mt.	28.06.2021
5	M/s Worldwide Safety Pvt. Ltd. (Unit-II), AAP SEZ, Ahmedabad	Aggregate (HSN Code 25051020) Sand (HSN Code 25051020) Filling Sand (HSN Code 25051020) Murram (HSN Code 25059000)	195 cu.mt. 750 cu.mt. 1630 cu.mt. 1846 cu.mt.	07.07.2021

Recommendations of DC:

DC, KASEZ has recommended the proposals for ratification by the BoA in terms of condition stipulated by the DoC vide letter dated 18.05.2020.

105.5(vii) Proposal of M/s. Sarveshwar Logistics Services Private Limited located at JNPT SEZ for approval of sand required for their Authorized Operations.

M/s Sarveshwar Logistics Services Private Limited, a unit located at JNPT, SEZ at Uran, Navi Mumbai was granted an LoA on 17.02.2020 for business services such as Inventory Management Services, Order Processing Services, Custom Clearance Services, Maintenance, Repair, Assembly and servicing equipments, services auxilliary to all modes of transport like logistics and related services, cargo handling services, transport services like freight and related services and warehousing services. The LoA of the unit is valid upto 24.03.2026.

DC, SEEPZ has informed that the unit had proposed to procure following items for their authorised operations amounting to Rs.30,47,000/-

Sl. No.	Item	Quantity (cu.m.)
1	River sand	2500
2	Crusher Sand (Grit Powder)	1750

DC's Recommendation:

As per the provisions of DoC's letter dated 18.05.2020, the proposal of the unit i.r.o. approval of River sand & Crusher sand amounting to Rs. 30,47,000 is recommended to BOA for ratification.

105.5(viii) Request of M/s. Roma Builders Pvt., Ltd, Developer of an IT/ITES SEZ at Hiranandani Estate Off. Ghodbundar Road, Village Kevesar, Thane for approval of Sand procurement for construction activity as per default authorized operations.

DC, SEEPZ has informed that M/s Roma Builders Ltd. developer IT/ITES SEZ at Hiranandani Estate was granted permission for procurement of sand (Rs.5,00,000) for construction activity as per default authorised operations in terms of powers delegated by DoC vide letter dated 18.05.2020. The quantity of sand procured as per the Chartered Engineers Certificate is 80 cu.m.

A verification report of the Specified Officer has also been submitted in this regard.

Recommendations of DC:

As per the provisions of DoC's letter dated 18.05.2020, the proposal of the Developer i.r.o. approval of Sand amounting to Rs. 5,00,000 is recommended to BOA for ratification.

105.5(ix) Request of M/s. Larsen & Toubro Infotech Limited, developer of IT/ITES SEZ at Plot no.EL-200 (Part), TTC Industrial Area, Village Mahape, Navi Mumbai for approval of procurement of Crusher Sand bearing HSN Code (25171090) required for their various construction activity as per default authorized operations.

DC, SEEPZ has informed that the proposal of the developer for procurement of material for construction activity was placed in the Approval Committee Meeting held on 21.05.2021. The Committee approved the proposal except for Crusher Sand (Quantity 17,000 MT, Rs. 127.5 Lakhs) and decided that approval of sand is to be taken by DC and to be ratified by BOA.

Recommendations of DC:

As per the provisions of DoC's letter dated 18.05.2020, the proposal of the Developer i.r.o. approval of Crusher Sand bearing HSN Code (25171090) is recommended to BOA for ratification.

105.5(x) Proposal of M/s. Nhava Sheva Business Park Private Limited (Co-Developer) located at JNPT SEZ for approval of procurement of Sand required for their Authorized Operations.

The co-developer namely M/s Nhava Sheva Business Park Private Limited at JNPT SEZ , Taluka Uran, Distt. Raigad, Maharashtra had proposed for procurement of sand [i.e. Coarse

Sand/Crusher Sand] (Quantity – 67443 units) amounting to Rs. 505.83 lakhs required for their Authorized Operations.

DC, SEEPZ has informed that the said goods (i.e. Coarse Sand/Crusher Sand) were certified and confirmed by the Chartered Engineer. The Specified has verified the goods (i.e. Coarse Sand/Crusher Sand) and was found to be fit for Authorized Operations.

Recommendations of DC:

As per the provisions of DoC's letter dated 18.05.2020, the proposal of the Co-Developer i.r.o. approval of Sand (i.e. Coarse Sand/Crusher Sand) (Quantity – 67443 units) amounting to Rs. 505.83 lakhs is recommended to BoA for ratification.

105.5(xi) Proposal of M/s Laxmi Ideal Interiors for procurement of 'Mother of Pearl' as raw material in respect of its unit located in the Multi-Product SEZ of M/s Mahindra World City (Jaipur) Ltd. at Village Kalwara, Jhai, Bhamboriya, Bagru Khurd & Newta, Tehsil-Sananer, Distt. Jaipur, Rajasthan.

M/s. Laxmi Ideal Interiors was granted LoA on 06.01.2020 for setting up of unit in the Handicraft SEZ (now merged as Multi-Product SEZ) of Mahindra World City (Jaipur) Ltd. at Jaipur (Rajasthan) subsequently amended on 13.04.2021 for manufacturing of handicraft items. The unit had commenced its operation w.e.f. 08.06.2012 and after completion of first five years, the LOA of the unit has been renewed upto 07.06.2022.

The unit had proposed inclusion of additional items in the LoA. The Approval Committee in its meeting held on 22.03.2021 had approved the proposal for inclusion of various items, while considering the proposal of the unit for inclusion of above additional items of manufacture in LOA, the Approval Committee clarified that procurement of Mother of Pearl (ITC HS Code 96019090) is 'Restricted', hence procurement of Mother of Pearl from DTA shall not be allowed. However, Approval Committee pointed out that procurement of the restricted item i.e. Mother of Pearl from DTA can be allowed by Board of Approval.

As informed by DC, NSEZ, the unit has requested to allow procurement of Mother of Pearl (ITC HS Code 96019090) from DTA for manufacturing of following items:-

Items description	ITC(HS) Code
i. Artistic/Handicraft item made of Bone Inlay, Mother of Pearl, Iron, brass, aluminium, silver leather, ceramic, glass & other handicraft items	96019090, 4414000
ii. Handicraft Stone tiles, Handicrafted Raku Ceramic Tiles, Handicrafted Shattered Glass tiles (with & without inlay work), Handicrafted Wooden with Metal Tiles, Handicrafted glass with Metal Tiles, Handicrafted marble (with & without inlay work) Limistone Sandstone, Granite (with & without work) sand stone, Quartzite, Handicrafts all type of stone with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates & Other Coloured stones, Handicrafts glass tiles with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates & Other Coloured Stones.	68022900, 69149000, 74199930, 70139900, 70200090

The fourth proviso under Rule 27(1) of the SEZ Rules, 2006 stipulates that *for supply of Restricted items by a DTA unit to SEZ Developer / Unit, the DTA unit may supply such items to a SEZ Developer or unit for setting up infrastructure facility or for setting up of a unit. It may also supply raw material to SEZ unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending subject to the prior approval of BOA.*

Recommendation by DC:

The proposal of M/s. Laxmi Ideal Interiors for DTA procurement of 'Mother of Pearl', which is 'Restricted under ITC(HS) Code 96019090 is recommended for consideration by BoA and shall be subject to permission and NOC for the non-violation of CITES/Wildlife Crime Control Bureau.

The proposal is placed before BoA for consideration.

105.6 Request for co-developer status (four proposals)

105.6(i) Request of M/s. Fulcrum Worldwide Software Pvt. Ltd. for approval as a Co-Developer in the MIDC IT/ITES SEZ at Plot no. 23/4, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune.

The said SEZ was granted formal approval on 03.04.2006 for total area of 223.56 Hectare and notified on 07.06.2007.

M/s. Fulcrum Worldwide Software Pvt. Ltd. has submitted a proposal for becoming a co-developer in the aforesaid SEZ for the purpose of construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ units and all other authorized operations over an area of 0.60 hectares(6000 sq. mtr).

DC has informed that M/s FWSPL was granted LOA as a unit on 28.02.2008 over an area of 6000 sq. mtrs and the LoA is valid upto 12.08.2023. The unit was experiencing slow growth in their SEZ business hence intended to transfer their running business on Slump Sale basis via Business Transfer Agreement to M/s. Fulcrum Digital Pvt. Ltd.(FDPL)who are operating similar business and have great potential to expand this business and generate substantial revenue, they submitted proposal for approval as a co-developer status, subsequent to which they will be giving effect to the Business Transfer Agreement.

The proposal of the unit for approval as a Co-developer status was placed before the BoA in its 102nd meeting held on 06.01.2021. While furnishing their comments on the agenda, DoR has raised the observation that outgoing unit must first exit from SEZ Scheme by transferring assets and liabilities as per terms and conditions prescribed in Rule 74A of SEZ Rules to the incoming unit. After transfer of assets upon exit, the Co-developer status as provisions under SEZ law. The unit withdrew their application from the BOA.

DC has informed that in line with the observation raised by DoR, FWSPL transferred their business to FDPL on the basis of Business Transfer Agreement dated 01.02.2021. And FWSPL discharged all the applicable duties and taxes of Rs. 26,53,297/- on the assets being retained by them.

Accordingly, now, FWSPL has again submitted proposal for approval as a Co-developer in the aforesaid SEZ for construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ Units and all other authorised operations as stipulated in Instruction No. 50 issued by MOC&I.

Co-developer Agreement dated 11.10.2019 entered into with the Developer has been provided. The proposed amount of investment by the co-developer is Rs. 21 crores.

Recommendation of DC SEEPZ:

DC SEEPZ SEZ has recommended the proposal for grant of Co-developer status to M/s Fulcrum Worldwide Software Pvt. Ltd. in terms of Section 3(11) of SEZ Act, 2005.

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

105.6(ii) Request of M/s. Infinit Infratech LLP., for approval as a Co-Developer in Plot No. 13/4, MIDC-IT/ITES SEZ, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune.

The said SEZ has been granted formal approval on 03.04.2006 for total area of 223.56 Hectare and notified on 07.06.2007.

M/s. Infinit Infratech LLP has submitted a proposal for becoming a co-developer in the aforesaid SEZ for construction of all type of buildings in processing area, operation and maintenance of infrastructure and leasing of floors to SEZ units over an area of 8216 sqm.

Earlier a LOA was issued to M/s. Infinit Technovision Pvt. Ltd. as an IT/ITES Unit on the same plot, Plot No. 13/4, MIDC-SEZ on 30.04.2015. As the unit did not commence operations within one year period and also did not apply for extension of LOA, the LOA of the Unit lapsed on 29.3.2016. The plot has been subsequently transferred to M/s Infinit Infratech LLP by MIDC vide order dated 14.06.2021. Now with the change in promoter they have applied for change in status from unit to co-developer and construct new IT space which will be leased to prospective units in SEZ who will generate additional export revenue and employment.

Co-developer Agreement dated 16.06.2021 entered into with the Developer has been provided. The proposed amount of investment by the co-developer is Rs. 13.61 crores (total proposed construction of Rs. 9.00 crores + land cost of Rs. 4.61 crores).

Recommendation of DC SEEPZ:

DC SEEPZ SEZ has recommended the proposal for grant of approval as Co-Developer status to M/s. Infinit Infratech LLP under Section 3(11) of SEZ Act, 2005.

The request is placed before BOA for its consideration.

105.6(iii) Request of M/s. Arshiya Panvel FTWZ Services Pvt. Ltd. for Co-developer status in the Free Trade and Warehousing Zone of M/s. Arshiya Ltd. FTWZ at Sai Village, Panvel Taluka, District Raigad, Maharashtra.

The above mentioned Free Trade and Warehousing Zone of M/s. Arshiya Ltd. stands notified over an area of 57.898 hectare.

M/s. Arshiya Panvel FTWZ Services Pvt. Ltd. has submitted a proposal for becoming a co-developer in the aforesaid FTWZ for operation and maintenance of one warehouse i.e. WH-03 over an area of 5.5083 acres for six years.

DC has informed that M/s. Arshiya Panvel FTWZ Services Pvt. Ltd. has presently entered into a Co-Development agreement with M/s. Anomalous Infra Pvt. Ltd and M/s. Arshiya Limited (Developer). M/s. Anomalous Infra Pvt. Ltd. has been granted co-developer status on 22.11.2018 for construction, operation & maintenance and leasing of new two warehouses over an area of 2.30 hectares. M/s. Anomalous Infra Pvt. Ltd has stated that they have developed 2 warehouses, one on another in warehouse No. 03 which is a multi-storey warehouse, and the entire land is used for building both the warehouses.

As per the proposal there is a lease agreement between M/s. Arshiya Limitd (Developer) and M/s. Anomalous Infra Pvt. Ltd. (Co-developer) wherein it is mentioned that sub-lease of 30 years or more to be created in favour of the Co-developer M/s. Anomalous Infra Pvt. Ltd. in respect of the said land. Accordingly w.e.f. 26.07.2019 (Lease agreement date), 2.30 hectares has been leased by M/s. Arshiya Limited (Developer) to M/s. Anomalous Infra Pvt. Ltd. (Co-developer). M/s. Anomalous Infra Pvt. Ltd. (Co-developer) will give Warehouse No.03 to M/s. Arshiya Panvel FTWZ Services Pvt. Ltd. for operation and maintenance for a period of 6 years. Since the major invest of Construction of warehouse is already done, they require marginal funds of Rs. 30.00 Crores which they will get from further leasing the warehouse to units. For every new warehouse that is constructed, a new vertical is created for ease of fund raising and controls. Hence, with every new infrastructure a new Co-Developer will be introduced.

The co-developer agreement dated 19.05.2021 has been provided and the proposed amount of investment by the co-developer is Rs. 30 crores.

Recommendation of DC SEEPZ:

The request of the applicant M/s.Arshiya Panvel FTWZ Services Pvt. Ltd. as a co-developer status for operation and maintenance of new warehouse i.e. WH-03 at Arshiya-FTWZ, Raigad over an area of 5.5083 acres for six years from the date of approval is recommended to the BoA for consideration.

The request is placed before BOA for its consideration.

105.6(iv) Proposal of M/s. Unrivalled Infrastructure Pvt. Ltd. for approval of Co-Developer status in the Free Trade and Warehousing Zone of M/s. Arshiya Ltd. FTWZ at Sai Village, Panvel Taluka, District Raigad, Maharashtra.

The above mentioned Free Trade and Warehousing Zone of M/s. Arshiya Ltd. stands notified over an area of 57.898 hectare.

M/s. Unrivalled Infrastructure Pvt. Ltd., a subsidiary company of M/s. Arshiya Limited has entered into a Co-Development agreement with M/s. Arshiya Limited (developer) for construction, Operation, Maintenance and leasing of one warehouse (WH-02) on 12.03.2021 over an area of 2.69 Ha.

As informed in the proposal, Arshiya Limited arranges funds for their subsidiary through Bank/Financial Institutions. In the matter of earlier Co-developers, the funds of Rs.534.00 Crores were arranged from M/s. Ascendas which is a company owned by Singapore Government. In the similar pattern for present Co-Developer and future projects, Ascendas (Now Capital Land) will fund the projects, hence there will no constraint in funding the projects. The net worth of M/s Arshiya Ltd. is Rs. 694.76 cr

The directors of the Co-developer company are Executive Directors and are also working in the Arshiya group of companies including the developer company. As per the group's infrastructure, fund raising and monetisation policy, the developer keep on developing the infrastructure through co-developers and lease out to other co-developers for Operation and Maintenance. For every new warehouse that is constructed, a new vertical is created for ease of fund raising and controls. Hence, with every new infrastructure a new Co-Developer will be introduced. The cost of the project will be 84.25 cr.

Recommendations of DC:

The request of the applicant, M/s. Unrivalled Infrastructure Pvt. Ltd., for Codeveloper status for Construction, Operation, Maintenance and leasing of one warehouse (W.H. No.02) at Arshiya Limited-FTWZ over an area of 2.69 Ha. is recommended to the Board of Approval for consideration.

105.7 Miscellaneous cases (two proposals)

105.7(i) Permission for setting up of Indian Regional Office of New Development Bank at GIFT SEZ IFSC, Gandhinagar.

New Development Bank (NDB) is a multi lateral development bank established by Brazil, Russia, India, China and South Africa in 2014 with the objective to mobilize resources for infrastructure and sustainable development projects in BRICS and other emerging market economies and developing countries (EMDCs). To meet the objectives, the Bank supports its members for infrastructure developing through loans, guarantees, equity participation and other financial instruments.

As of today, India is the largest recipient of NDB financings amongst the member countries with the investment portfolio of 16 approved sovereign-backed projects with the total loan assistance of approximately USD 5.4 billion. In addition, 15 sovereign projects amounting USD 4.7 billion of loan assistance have been posed to NDB for financing in different States in India.

To promote effective and extensive investment operations by NDB in India, establishment of the proposed regional office of NDB in India would be a key driver. On 29.07.2020, the Union Cabinet had approved the signing and ratification of an agreement between the GoI and NDB on hosting the NDB's IRO at GIFT City, Gandhinagar, Gujarat. Consequently, the Board of Directors of NDB accorded approval on 10.09.2020 for signing the Host Country Agreement (HCA) with India and the HCA on the IRO was signed on 11.12.2020.

DEA has also received permission from IFSCA on 01.01.2021 for opening IRO at GIFT IFSC SEZ. Subsequently, the Department of Commerce vide notification no. GSR 424(E) dated 16.06.2021 inserted Rule 21A in the SEZ Rules, 2006 inter-alia allowing a multilateral agency to set up their local or regional office in the IFSC as a unit. As per the said notification,

- The application for setting up and operation of such unit in the IFSC shall be made before the BoA through the concerned DC.
- The terms and conditions for setting up and operations by such units shall be laid down by the Board of Approval based on the recommendations of the Development Commissioner.
- Notwithstanding anything contained under the Rules, the BoA may exempt such units from any provisions of these Rules including provisions relating to positive NFE earning or filing of APR or such other exemption, based on the recommendations of the DC.
- The proposal for extension of LoA of such units shall be considered by the BoA.

Accordingly, the Department of Economic Affairs has proposed for setting up of IRO/unit along with certain relaxations/exemptions. The justification on the relaxations sought is as follows:

Operationalization of IRO is one of the important agenda items of BRICS, 2021 under India's Chairship and the announcement on operationalization of IRO is expected to be made in the BRICS Leaders' Summit to be held on 09.09.2021.

DC, GIFT City SEZ has recommended that the Board may like to exempt the IRO from certain provisions of SEZ Rules as per the following table:-

Sr. No.	Items for exemption	Specific Act/Rule provisions from which exemption is sought
1	Information related to Bank Account, PAN, IEC Number	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
2	Payment of application fee	Under Rule-17 of the SEZ Rules, 2006 (Form-F – Application)
3	Annual Performance Report	Under Rule-22 of the SEZ Rules, 2006
4	Details related to Net Foreign Exchange Earning	Under Rule-53 of the SEZ Rules, 2006
5	Details of equity including foreign investment	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
6	Directors details	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
7	Details of items of manufacture/service activity	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
8	Details of investment, source of finance & material and input required	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
9	Details related to infrastructure (space, water, power etc.)	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
10	Details of employment	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)
11	Details of marketing collaboration and industrial license	Under Rule-17 & 18 of the SEZ Rules, 2006 (Form-F – Application)

Recommendations of DC, GIFT City SEZ :

The proposal of the Department of Economic Affairs for setting-up of Indian Regional Office (IRO) of the New Development Bank (NDB) at GIFT-multi-services-SEZ including IFSC (International Financial Services Centre), Gandhinagar, Gujarat is recommended as the same is multilateral financial institution of the BRICS nations, which is of national and strategic important to regional and especially the IFSC-SEZ, developed by M/s. GIFT SEZ Limited. The same shall further give boost for greater economic activities.

The request is placed before the BoA for consideration.

105.7(ii) Proposal of M/s Mission Pharma Logistics India Pvt. Ltd., KASEZ for export of "Restricted items" under Trading Activity after procuring the same from DTA.

M/s Mission Pharma Logistics India Pvt. Ltd. is a unit in KASEZ engaged in trading and export of pharmaceutical products and especially catering to WHO and related Humanitarian Supply Chain Providers across the globe for their medical aid requirements in various countries across the globe.

DC, KASEZ has vide their letter dated 09.07.2021 has informed that as per their business trade agreement with WHO, they have contracted for export of "Amphotericin B Injection" (ITC HS 30049029/30049099) alongwith other medicines which was freely exportable from India and KASEZ as well. However, vide Notification No. 07/2015-20 dated 01.06.2021 ITC, (HS) Export Policy-Schedule 2 has been amended whereby "Amphotericin B Injection" has been revised as "Restricted for Export".

It has been mentioned that the unit will procure goods from DTA which are manufactured under BP (British Pharmacopoeia) for their export purpose, whereas in India only IP (Indian Pharmacopoeia) are being sold. The Procurement of the said goods for further export will not in any way affect the Indian Domestic Market as the same are not recommended to be sold in India.

DC, KASEZ has cited the following rule positions in this regard:

(a) **Rule 26** of the SEZ Rules, 2006 provides for *export of goods and services including agro-products, partly processed goods, sub-assemblies, components, by-products, rejects, waste or scrap except prohibited items of exports indicated in the ITC (HS) Classifications of Export and Import items.*

(b) As per **Rule 45 (1)** of SEZ Rules, 2006, *a unit may export goods or services as per the terms and conditions of Letter of Approval including agro-products, partly processed goods, sub-assemblies and components except Prohibited items under the ITC (HS) classification of Export and Import items and the unit may also export by-products, rejects, waste scrap arising out of the manufacturing process.*

(c) Further, regarding Procurement, Import and Export of Prohibited and Restricted Goods Instruction No. 47 dated 04.03.2010 has been issued by the DoC, relevant contents of which reads as follows:

"As per present Foreign Trade Policy, SEZ units cannot export "prohibited items of exports". However, they do not require any permission to export "restricted items of export". To appreciate perspective and the background of this Policy, interactions with the O/o DGFT revealed that prohibitions on exports is imposed keeping the National requirements in view. Therefore, SEZ units should not be permitted to procure these items from domestic area and export the same....."

It has been decided that SEZ units should be permitted-

(iii) In respect of supply of Restricted Items by a DTA unit to SEZ Developer/Unit, the DTA unit can supply such items to a SEZ Developer or unit for setting up infrastructure facility or for setting up of a unit. It can also supply raw material to SEZ unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending. However, it will require prior approval of BOA.

(d) Later, Rule 27 of SEZ Rules, 2006 was amended on 19.09.2018 vide Special Economic Zones (Amendment) Rules, 2018 and following para was inserted:

“Provided also that for supply of Restricted Items by a Domestic Tariff Area Unit to Special Economic Zone Developer or Unit, the Domestic Tariff Area Unit may supply such items to a Special Economic Zone Developer or Unit for setting up infrastructure facility or for setting up of a Unit and it may also supply raw material to Special Economic Zone Unit for undertaking a manufacturing operation except refrigeration, cutting, polishing and blending, subject to the prior approval of Board of Approval:

Provided also that supplies from Domestic Tariff Area to Special Economic Zones shall attract export duty, in case, export duty is leviable on items attracting export duty.

Recommendations by DC, KASEZ:

There being no mention of any conditions/restrictions related to the export of “restricted items” from an SEZ trading unit and in view of Instruction No. 47 dated 04.03.2010 and the aforesaid rule positions, DC, KASEZ has recommended the request for consideration by the BoA.

The matter is placed before the Board for deliberations.

105.8 Industrial License (One proposal)

105.8(i) Application of M/s Reliance Defence Ltd., an SEZ unit under MihaN SEZ for Industrial License under IDR Act, 1951.

M/s. Reliance Defence Ltd., a unit under MIHAN SEZ has proposed for Design, Development and manufacturing of following items at Plot-12, Dhirubhai Ambani Defence Park, Sector – 11, Khapri, MIHAN SEZ, Nagpur, Maharashtra :

i) Infrared/Image Intensifier/Thermal Imaging based night vision devices & component to include:

- a) Night Vision Binoculars, Night Vision Monoculars and Night Vision Goggles
- b) Reflex Sights & Aiming Devices
- c) Electro-Optics Systems for Armoured Vehicles
- d) Long Range Electro-Optic Observation Systems
- e) Image Intensifier Based Night Sights for Weapons
- f) Thermal Imager Night Sights for Weapons

g) Thermal Imager Night Sights for Armoured Vehicles and Aerospace Applications

h) Thermal Imaging Fire Control Systems including Head Mirror Assembly, Laser Range Finder (LRF) for Armoured Vehicles

i) Electronics, Optical and Mechanical Assemblies for Night Vision Devices &

ii) Navigational & Control Equipment

It is to be mentioned that as per Sr. No. iii(1)(i) , Sr. No. iii(1)(ii) & Sr. No. iii(4) of Annexure-I of DPIIT's Press Note 1(2019 series) dated 01.01.2019 , the ibid defence items require license under IDR Act, 1951. Further, DoC is empowered to issue Industrial License under IDR Act, 1951 to SEZ/EOU. Accordingly, the application of the unit was shared with the concerned departments for their comments/clearances on 01.12.2020 and the comments received there from are as follows:

Sr. No.	Department	Comments/clearance
1	IS-I Division (Security Desk), MHA	<p>Vide OM dated 28.05.2021 ,Security Desk, MHA has conveyed security clearance in r/o the subject unit and its Directors namely, S/Shri Sateesh Seth, Rajesh Kumar Dhingra, Jai Ansul Ambani and Partha Pratim Sarma.</p> <p>Further, inputs shared vide MHA OM No. 20034/01/2020-Security dated 22.03.2021 may be considered appropriately.</p> <p>MoD may recommend appropriate security and auditing procedures for the firm as well as its supply-chain depending upon the threat perception and sensitivity of the products to be manufactured as per the security instruction/architecture prescribed in the Security Manual for Licensed Defence Industries, Issued by MoD.</p> <p>The Ministry of Commerce & Industry should ensure that all security instructions/architecture prescribed in the Security Manual for Licensed Defence Industries, issued by MoD from time to time are strictly adhered to.</p>
2	IS-Division (Arms Section), MHA	Vide OM dated 03.02.2021 , Arms Section, MHA offered no comments as the subject items do not fall under the category of small Arms and Ammunitions as per Arms Act, 1959 and Arms Rule, 2016.
3	D/o Defence Production	D/o Defence Production vide OM No. 1(61)/2020/D(DIP) dated NIL has conveyed No Objection subject to standard terms and conditions under IDR Act, 1951. Further, the company may be directed to follow the security guidelines for Category 'A' mentioned in the Security Manual available at DDP's website while undertaking manufacturing of items for defence use.
4	M/o Civil Aviation	Vide OM dated 10.03.2021, M/o Civil Aviation has offered no comments. However, supports the proposal of the unit.
5	DPIIT	Vide OM dated 20.01.2021 , DPIIT has conveyed No Objection to the proposal from FDI and Explosive angle.
6	M/o EF&CC	<p>Vide OM dated 23.02.2021 , M/o EF&CC has submitted the following observations:</p> <p>i) The project doesn't attract the provisions of the EIA Notification, 2006</p>

		as manufacturing activities mentioned in the application are not listed in the scheduled of the EIA Notification, 2006. Hence, EC is not applicable for the project. ii) However, a separate application for EC would have to be considered as per EIA Notification, 2006, if required for MIHAN SEZ.
7	Govt. Maharashtra	of Vide letter dated 28.01.2021 , the Directorate of Industries, State Govt. of Maharashtra has stated that with a view to attract more investment in the state, and as a part of ease of doing business initiatives, the State has scrapped Industrial Location Policy which in existence in Mumbai Metropolitan Region from 1974. An Industrial unit can be set up anywhere in the state, subject to compliance of relevant regulations. In r/o of the industrial License application that may be filed in future, concurrence of Government of Maharashtra may please be taken as granted and Industrial License may please be issued without any reference of state.
8	MIHAN SEZ	Vide letter dated 24.12.2020, MIHAN SEZ had submitted their observations and informed that the unit has revised their item description as per ITC (HS) classification.

Relevant provision: As per section 9 (e) of the SEZ Act, 2005 , the Board has powers and functions of granting, notwithstanding anything contained in the Industries (Development and Regulation) Act, 1951, a license to an industrial undertaking referred to in clause (d) of section 3 of that Act, if such undertaking is established, as a whole or part thereof, or proposed to be established, in a Special Economic Zone.

Since clearances have been received from all concerned departments, the proposal of the unit is placed before the BOA for grant of Industrial Licence under IDR Act, 1951.

105.9 Appeal (One appeal)

105.9(i) Appeal dated 29.06.2021 filed by M/s Indian Heritage Perfumers under Rule 55 of the SEZ Rules, 2006 against the decision of Approval Committee which had unanimously decided not to renew the LoA for 2nd block. .

Brief of the case: The unit namely, M/s Indian Heritage Perfumers situated at Plot No. L-05, Pocket B, Moradabad SEZ was granted LoA on 16.05.2013 for manufacturing and export of Perfumery Incense Compound, Sandalwood Incense sticks, Sandalwood handcrafted gift wares and perfumery oil chips. The unit commenced their production w.e.f. 14.05.2015. The LoA of the unit had expired on 13.05.2020. The unit submitted a proposal for their renewal which was placed before the Unit Approval Committee. The UAC in its meeting dated 02.11.2020 unanimously decided not to renew the proposal for the second block of five years. The appeal has been filed by the unit in terms of Rule 55 of the SEZ Rules against the decision of the UAC.

Contentions of the Appellant: The unit submits that :

- They are permanent residents of Chennai and have business over there. They were working hard to setup their unit in Moradabad SEZ to explore business possibilities in North India.
- The performance of the unit during the first 5 year block is as follows:-

	Export (Rs. In lakhs)	Import (Rs. In lakhs)	NFE achieved (Rs)
5 Year block 2015-2021	70.11	8.01*	62.10
Total	70.11	8.01*	62.10

- c. Mr. Suhail Haroon, the partner submits that his father who looked after the business fell seriously ill and he himself was very young at that time and not much involved in business. It took them years to financially recover from losses due to ill health.
- d. Until the recovery of his father, Shri Suhail Haroon started looking after the Chennai unit. His brother-in-law, having his own business of perfumery compounds in Kannauj is keen to help and look after their set up at Moradabad.
- e. When they approached Moradabad SEZ for restarting their business, they came to know that they had huge developer dues which were to be cleared before start of production. They cleared the outstanding Forex, dues of UPSIDA amounting to Rs.41 lakhs and got NOC from them. They reached the SEZ office to claim and clear their imported container and came to know that their LoA has expired in the meantime on 13.05.2020.
- f. The unit applied for renewal of their LoA which was placed before the UAC in its meeting held on 02.11.2020 and personal hearing was granted. Since it was the first time they were attending a virtual meeting and there were technical glitches, they were unable to explain their business plan in their next block if their LoA renewal was considered.
- g. The unit submits that they have huge investments already made in their SEZ unit and since inception have installed plant and machinery of approximately Rs.1.00 cr. The plant and machinery available with the records of the DC office is what was procured for processing of handicrafts but the distillation plant and other set up for processing the perfumery compounds is not in any records of Moradabad SEZ as the distillation and purification plants are setup in the unit by fabrication of raw material in the unit.
- h. That their factory in SEZ just need minor overhauling for starting production, which would not take longer than 15 days for them to start working again.
- i. The Approval Committee did not approve renewal of LoA and instead vide letter dated 11.11.2020 issued by Moradabad SEZ, they were informed of the decision of the Approval Committee asking them to submit their formal request for exit from SEZ scheme.
- j. The unit has invested crores for setting up and recently cleared dues of developer (UPSIDA) amounting to Rs.41 lakhs with the intention to revive their unit. The unit assures that they will start production within two months from the date they receive their valid LoA and if their commitment fails they can take action against them whatever deems fit.

The Appellant submits an Affidavit for late filing of the appeal for being tested positive for Corona and came to know about the letter issued by Moradabad SEZ only on 15.11.2020. It is mentioned that the unit had approached DC office wherein they were informed to approach the BoA.

Rule position :

In terms of Rule 56 of the SEZ Rules, an appeal shall be preferred by the aggrieved person within a period of thirty days from the date of receipt of the order of the Approval Committee under Rule 18 of the said rules.

Rule 19(6) of the SEZ Rules stipulates that the Letter of Approval shall be valid for five years from the date of commencement of production or service activity and it shall be construed as a licence for all purposes related to authorized operations, and, after the completion of five years from the date of commencement of production, the Development Commissioner may, at the request of the Unit, extend validity of the Letter of Approval for a further period of five years, at a time.

Observations of the Approval Committee:

- a. NFE has been far from satisfactory (Rs. 0.70 cr in the last 5-year period).
- b. They were not working for past 4 years and lying in the state of disuse.
- c. The authorised representatives were based at Chennai and Kannauj and had not been able to focus on the Moradabad unit.
- d. There was no concrete business plan.
- e. Manufacturing process stated by the unit for cutting of bigger sandalwood logs into small pieces of 50 grams each for burning which does not make any sense and is not a value-added proposition. Rather such an activity reduces the value of sandalwood log.

The Approval Committee unanimously decided not to renew the LoA for 2nd block. The Committee also directed the unit to complete the exit formalities and UPSIDA may take necessary actions w.r.t. plot as deemed fit and necessary.

The appeal is placed before the BoA for consideration.
