

No. K-43022(54)/2022-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

Vanijya Bhawan, New Delhi
Dated the 10th November, 2022

OFFICE MEMORANDUM

Subject: 112th Meeting of the Board of Approval on Special Economic Zones (SEZs) held on 29th October, 2022 at 03.00 P.M. – Reg.

Please find enclosed herewith Minutes of the 112th meeting of the Board of Approval for SEZs held on 29th October, 2022 at Gift City SEZ, Gandhi Nagar, Gujarat under the Chairmanship of Shri Sunil Barthwal, Secretary, Department of Commerce for information and necessary action.

2. The Development Commissioners are requested to take urgent necessary action, on the directions of BoA.

Encl: As above


(Sumit Kumar Sachan)

Under Secretary to the Government of India
Tel: 23039829
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, Joint Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.

10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra

39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)
44. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
45. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
46. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
47. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
48. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
49. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
50. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
51. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
52. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.
53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneswar – 751001 (Fax: 0671-536819/2406299).
55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-2559974)
56. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
60. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

Copy to:- PPS to CS/ PPS to AS(LSS)/ PPS to JS(VB)/ PPS to DIR(SNS).

**Minutes of the 112th meeting of the Board of Approval for SEZs
held on 29th October, 2022**

The One Hundred and Twelfth (112th) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 29th October, 2022 under the chairmanship of Shri Sunil Barthwal, Secretary, Department of Commerce at 3:30 P.M. in GIFT City SEZ, Gandhinagar through hybrid mode. The list of participants is annexed at (Annexure-I).

112.1 Ratification of the minutes of the 111th meeting of the Board of Approval held on 28th July, 2022.

The Board ratified the minutes of the 111th meeting of the BoA held on 28th July, 2022.

112.2 Request for extension of validity of formal approval of developer (one proposal)

112.2(i) Proposal of M/s Venkatesh Coke and Power Limited for setting aside the 3.87 Ha land and notify 42.84 Ha of land from the total area of 46.71 ha for which 'formal approval' was granted for setting up of FTWZ at Athipattu, Nandiambakkam & Puzhuthivakkam Villages, Ponneri Taluk, Thiruvallur District, Tamil Nadu.

The Board, after deliberations, approved extension of the validity of formal approval for a period of one year upto 2nd October, 2023 and also approved request of the Developer for notifying the area of 42.84 Ha subject to the necessary procedure and submission of required documents. The Board, further directed DC, MEPZ that the contiguity of the SEZ shall be maintained and there should be no violation of SEZ Rules.

112.3 Request for extension of LoA of units (four proposals)

112.3(i) Request of M/s. Anthea Aromatics Private Limited, a unit in Mangalore SEZ, Karnataka for extension of LoA beyond 30th October 2022.

The Board, after deliberations, approved extension of the validity of LoA upto 30th October, 2023.

112.3(ii) Request of M/s Sands Infrabuild Private Limited, a unit in Smartcity (Kochi) Infrastructure Private Limited SEZ for extension of validity of Letter of Approval upto 25th September, 2023.

The Board, after deliberations, approved extension of the validity of LoA upto 25th September, 2023.



112.3(iii) Request of M/s Axiom Chemicals Pvt. Ltd. in the Plot No Z/80, Dahej SEZ Ltd, Dahej, Village Luvara, Taluka Vagra, Distt. Bharuch, Gujarat for extension of the Letter of Approval by one year upto 26th October, 2023.

The Board, after deliberations, approved extension of the validity of LoA for a period of **six months upto 26th April, 2023** subject to review of performance and projected production.

112.3(iv) Request of M/s Soft Rainbow Color Private Limited at Plot No Z/71 & Z/72 Dahej SEZ Ltd, Dahej, Village Luvara, Taluk Vagra, Distt. Bharuch, Gujarat for extension of Letter of Approval by one more year upto 31st October, 2023.

The Board, after deliberations, approved extension of the validity of LoA for a period of **six months upto 30th April, 2023** subject to review of performance and projected production.

112.4 Request for co-developer status (one proposal)

112.4(i) Request of M/s. Blue Star Realtors Limited for approval as Co-Developer in multi product SEZ developed by M/s. Adani Port and SEZ Ltd. at Mundra.

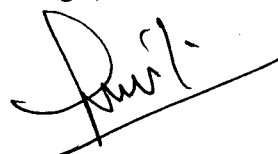
The Board, after deliberations, approved the proposal of M/s. Blue Star Realtors Limited for co-developer status to develop, operate and maintain sheds/warehouses, logistics, ready to use facilities including built-to-suit and Standard Design Factories across the entire Mundra SEZ area on need basis in accordance with the co-developer agreement dated 23rd August, 2022 entered into with the developer subject to standard terms and conditions as per the SEZ Act and Rules and conditions and observations of CBDT and CBIC, which will be mentioned in LoA to be issued subsequently. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019.

112.5 Proposal for setting up of SEZ (two proposals)

112.5(i) Proposal of M/s. Siemens Healthcare Private Limited for setting up of an IT/ITES SEZ at Bommisandra Village, Anekal Taluk, Bangalore District, Karnataka over an area of 3.0315 Ha.

The Board, after deliberations, approved the proposal for setting up of IT/ITES (Research & Experimental Development Services in Inter-Disciplinary Sciences like Bio-medical Engineering/Science alongwith other activities incidental or related thereto and IT Services such as Software Design, Application and Software Development Services etc.) SEZ at Bommisandra Village, Anekal Taluk, Bangalore District, Karnataka over an area of 3.0315 Ha.

112.5(ii) Proposal of M/s. Hilltop SEZ Development India Pvt. Ltd. for setting up of a SEZ for Footwear Manufacturing at Innagaluru Village, Srialahasthi Revenue



Mandal, Chittoor District, Andhra Pradesh over an area of 116.307 Ha (287.40 acres).

The Board, after deliberations, approved the proposal for setting up of a SEZ for Footwear Manufacturing at Innagaluru Village, Srikalahasthi Revenue Mandal, Chittoor District, Andhra Pradesh over an area of 116.307 Ha (287.40 acres).

112.6 Renewal of LOA of plastic recycling units

112.6(i) Request for renewal of LoA of the plastic recycling units in Kandla SEZ, Falta SEZ and Noida SEZ for a period of five years.

The Board was informed that in the previous Board meeting (111th meeting held on 28.07.2022), it was decided that the plastic recycling units which did not fulfill the three obligations stipulated vide DoC's policy dated 27.05.2021 viz. - 1. NFE obligation; 2 . turnover based exports and 3. tonnage based exports - would not qualify for renewal of validity of their Letter of Approvals beyond 26.08.2022. Total 14 SEZ units (7 units in KASEZ, 6 units in FSEZ and 1 unit in NSEZ) which could not qualify have approached the respective Development Commissioners for consideration of extension of validity of their LoAs.

DC, KASEZ recommended extension of LoA of these units subject to the condition that till the units fulfil their NFE and export obligations, they shall not be allowed any DTA sale. DC, Falta SEZ recommended that since such units are generating women employment and unskilled labour, extension may be granted subject to the condition that the units may undertake not to do any DTA sale till they comply with the necessary conditions.

DC, NSEZ informed that the unit under their jurisdiction is not functional since past two years. The unit also had a fire incident and did not resume operations since then. Further, that if the Board decides to grant an extension, the same may be subject to no DTA sale condition.

Department of Revenue (DoR), in its written comments, has stated that the extension should not be considered since these units had failed to meet the obligations of the policy dated 27.05.2021. During the course of discussions in BoA, ADG, DGEP representing DoR reiterated the position highlighting the non-compliance of policy conditions (i.e. NFE and other export obligations) by the units and opposed their further extension.

The representative from MoEF&CC informed the Board that in the light of submissions from the units as well as the position of the Development Commissioners concerned, they are inclined to support the proposal of conditional renewal of the units to allow these units to fulfill their shortfall in achievement of their obligations, despite the fact that the obligations stipulated in DOC policy dt. 27.05.2021 were not fulfilled by these units earlier.



During further discussions, DoR again stated that its opposition is based primarily on policy conditions including shortfall in NFE. It was also noted that several units were not operational or they have not exported during the 18 month period of extension so there seems to be no intent of fulfilling the obligation by them. This may be also be considered by the BoA.

While deliberating on the proposal, Board noted that-

- The sector has significant employment potential and provides employment to several thousand employees;
- These employees are mainly in the category of unskilled labour and especially, unskilled women;
- This sector also has considerable export potential in terms of value added products manufactured from the imported plastic waste;
- The industry has suffered due to lockdown during the Covid pandemic and is trying to revive;
- Except a few of units, most of the units have shown their intent to fulfill the NFE as well as export threshold obligations;
- If the units have demonstrated their intent to comply with the obligations and have fallen short despite their best efforts, it is appropriate to give one more chance to fulfill their obligations rather than to close them abruptly on account of their shortfall;
- However, units which have not fulfilled NFE and export threshold obligations may not be allowed DTA sale until they fulfil the shortfall in their obligations.

In the light of aforesaid observations and after detailed deliberations, BoA, by consensus, decided to extend the validity of LoA on temporary basis of only those units which fulfill the following conditions.

1. Units should have been functional and carried out at least some production during the stipulated period of 18 months (i.e. 27th January, 2021 to 26th July, 2022).
2. Units should have made at least some exports during the stipulated period of 18 months (i.e. 27th January, 2021 to 26th July, 2022).
3. Units shall undertake not to carry out any DTA sales till they fulfil the shortfall of NFE and export obligations for the period upto their period of expiry of validity i.e. 26th August 2022. On fulfillment of shortfall in NFE and other export obligations as stipulated above which shall be confirmed by the jurisdictional DC, and the DC may allow DTA sale to units subject to fulfilling of policy dated 27.05.2021.
4. The extension would be granted for a further period upto five years from 27th August, 2022 onwards to align the validity with other units. Such extension shall be on temporary basis only, which will be reviewed by Development Commissioner concerned from time to time.

A handwritten signature in black ink, appearing to be 'P. K. Singh', written in a cursive style.

The Board further directed that all the concerned Development Commissioners shall take necessary action accordingly and submit a report to the BoA in the next meeting.

112.7 Miscellaneous cases (two proposals)

112.7(i) Request of the developer, M/s GIFT SEZ Ltd. located at Ratanpur, District Gandhinagar, Gujarat for construction of boundary wall between processing area, non processing area –SEZ exclusive and dual use area.

DC, GIFT SEZ informed the Board that presently only the financial/service units are operating in the SEZ and no manufacturing activity is being undertaken in the zone.

The Board noted that at present there are only financial or services units (i.e. not involving any supply of goods). Accordingly, the Board, after deliberations, approved the request of the developer for construction of boundary wall i.e. Chain Link Fencing with concertina wire (1.80 meter chain link fencing plus 0.60 meter concertina razor wire) between processing area, non processing area (SEZ exclusive area and dual use area) provided that in case of any manufacturing unit or service units involving supply of goods is permitted to be set up in the zone, the Development Commissioner may apprise the same to the Board of Approval.

112.7(ii) Request of M/s Abhijeet Ferrotech Ltd., APSEZ, Atchutapuram, Andhra Pradesh for permission to import Ferro Manganese Slag for authorized operations.

The Board, after deliberations, decided to approve the proposal subject to the condition that the unit may be permitted to import 1,00,000 MT of Ferro Manganese Slag and all other conditions as stipulated by the MoEF&CC vide their letter dated 01.08.2022 are complied with.

The meeting ended with the vote of thanks from Director (SEZ) to the Chair and the participants.

A handwritten signature in black ink, appearing to be 'Runit', with a long horizontal line extending from the end of the signature.

ANNEXURE - I

List of Participants of the Meeting of the Board of Approval for Special Economic Zones held on 29th October, 2022 under the Chairmanship of Commerce Secretary, Department of Commerce.

1. Shri Sunil Barthwal, Chairman, BoA & Commerce Secretary, Department of Commerce.
2. Shri L. Satya Srinivas, Additional Secretary, Department of Commerce.
3. Shri Santosh Kumar Sarangi, DG, Directorate General of Foreign Trade.
4. Shri Manish Kumar, Addl. DG, DGEP, Department of Revenue
5. Dr. Shanmuga Sundaram, Development Commissioner, MEPZ.
6. Shri D.V. Swamy, Development Commissioner, CSEZ and VSEZ (Addl charge).
7. Shri Shyam Jagannathan, Development Commissioner, SEEPZ SEZ.
8. Shri Satish Kumar, Development Commissioner, Falta SEZ.
9. Dr. V. Sraman, Development Commissioner, Mihan SEZ.
10. Shri Vipul Bansal, Joint Secretary, Department of Commerce.
11. Shri A. Bipin Menon, Development Commissioner, Noida SEZ.
12. Dr. Amiya Chandra, Development Commissioner, Adani Ports & SEZ, Mundra.
13. Shri Akash Taneja, Development Commissioner, Kandla SEZ.
14. Shri Vijay Kumar, Development Commissioner, GIFT City SEZ/Dahej SEZ/Reliance SEZ.
15. Shri Shah Suvidh Prabodhkumar, Development Commissioner, Indore SEZ.
16. Shri Alex Paul Menon, Joint Development Commissioner, MEPZ.
17. Shri R. A. Praveen Kumar, Joint Development Commissioner, APSEZ (APIIC).
18. Shri Roshan Lal, Additional Director, DGEP.
19. Shri Senthil Nathan S, Director, Department of Commerce.
20. Shri Vikas Singh, Director, ITA-1, CBDT.
21. Shri Ved Prakash Mishra, Director, HSM Division, MoEF&CC.
22. Shri Boni Prasada Rao, Deputy Development Commissioner, CSEZ.
23. Shri Nirmal Kumar, Assistant Director, DGEP.

