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

Udyog Bhawan, New Delhi
Dated the 5th August, 2020

OFFICE MEMORANDUM

Subject: Minutes of the 99th Meeting of the Board of Approval (BoA) for Special Economic Zone (SEZs) held on 31st July, 2020 at 3.30 P.M. in Room No. 141- reg.

Please find enclosed herewith Minutes of the 99th meeting of the Board of Approval for SEZs held on 31st July, 2020 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce for information and necessary action.

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



(Darshan Kumar Solanki)

Under Secretary to the Government of India

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To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Joint Secretary, Department of 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(SK) / PPS to DS(SNS).

Minutes of the 99th meeting of the Board of Approval for SEZs held on 31st July, 2020

The Ninety-Ninth (99th) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 31st July, 2020 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce, at 3:30 P.M. in Room No. 141, Udyog Bhawan, New Delhi. The list of participants is annexed (**Annexure-1**).

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

The Board, ratified the minutes of the 98th meeting of the BoA held on 29th May, 2020.

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

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

The Board, after deliberations, approved extension of validity of formal approval for a period of one year, i.e. upto 16.06.2021.

Item No. 99.3 Extension of validity of LoA of units (three proposals)

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

The Board, after deliberations, approved extension of validity of LoA for a period of one year, i.e. upto 18.07.2021.

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

The Board, after deliberations, approved extension of validity of LoA for a period of one year upto 01.12.2020.

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

The Board, after deliberations, approved extension of validity of LoA of the units for a further period of one year as follows:

Sr.No.	Name of the IFSC SEZ unit	Validity further extended upto
1	Ashika Stock Broking IFSC Private Limited;	29.12.2020
2	Star Finvest (IFSC) Private Limited;	04.01.2021
3	Ajmera X-Change (IFSC) Private Limited;	04.01.2021
4	Abans Global Broking (IFSC) Private Limited;	08.02.2021
5	Evermore Global (IFSC) Private Limited;	08.02.2021
6	Tradebulls Financial Services (IFSC) Private Limited;	08.02.2021
7	Bhumika Consultancy IFSC Private Limited;	24.05.2021
8	VT Fincap (IFSC) Private Limited;	24.05.2021
9	Bhansali Value Creations (IFSC) Private Limited;	13.07.2021
10	Basan Equity IFSC Private Limited;	25.07.2021



99.4 Proposal for change of name (one proposal)

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

The Board, after deliberations, approved the proposal for change of name of the developer from M/s Impetus Infotech (India) Private Limited to M/s Impetus Technologies India Private Limited subject to the following conditions:-

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

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

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

The Board, after deliberations, approved the proposal of M/s. Wegmans Trustone Commercial Projects LLP as a Co-developer for conversion of warm shell to total ready to move in infrastructure to be leased out to various SEZ units for export including maintaining and managing facility management over two floors (9th & 10th floor) of Tower No.1 of approx. 64820 Sq ft. super area in the processing area of IT/ITES SEZ in accordance with the co-developer agreement dated 07.07.2020, subject to compliance with relevant provisions of SEZ Act & Rules.

Item No. 99.6 Miscellaneous Cases (four proposals)

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

The Board, after deliberations, decided to defer the proposal.



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

The representatives of DoR suggested that the SEZ Act needs to be amended to provide for cancellation of such cases and law cannot work simply on precedents. The Board agreed to the fact that as per the General Clauses Act, the powers to make also includes the powers to terminate. After deliberations, the Board decided to approve the proposal for cancellation of LoA of the co-developer.

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

The Board, after deliberations, decided to approve the proposal subject to the condition that the allowed items are actually used in the SEZ.

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

The Board, after deliberations, decided to approve the proposal subject to the condition that the allowed items are actually used in the unit.

99.7 Appeal for consideration of BoA (one appeal)

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

The Board, observed the following:

(i) The appeal has been filed by the appellant against the notice for lease rent issued by the VSEZ Authority and not against an order passed by the Approval Committee as stipulated in terms of Rule 55 of the SEZ Rules for filing an appeal. Thus the appeal does not come in the purview of BoA.

(ii) Further, the appeal is hit by limitation of time.

(iii) DoC has vide Instruction no. 96 dated 31.07.2019 already provided guidelines for clearance of unclaimed and abandoned goods kept in SEZs/FTWZs. Further, vide letter dated 01.05.2020 necessary clarification was issued to DC, VSEZ and they were requested to follow the auction procedure as prescribed in Section 150 of the Customs Act, 1962 after ensuring that the material to be auctioned is free from encumbrances.

Accordingly, the Board, after deliberations decided that the appeal is inadmissible.



Decision on Supplementary Agenda

99.8 Proposal for setting up of new SEZ (one proposal)

99.8(i) Request of Department of Information Technology, Government of Sikkim for setting up of an IT/ITES SEZ at Namli, 8th Mile, Ranipol, East Sikkim over an area of 6.82 Hectares.

The Board, after deliberations, decided to grant an "In-principle" approval to the developer.

99.9 Change of name/shareholding pattern of the co-developer (Two proposals)

99.9(i) Proposal for change of name of the co-developer of APSEZ, Mundra from M/s MPSEZ Utilities Pvt. Ltd. to MPEZ Utilities Ltd.

The Board, after deliberations, approved the proposal for change of name of the co-developer from M/s MPSEZ Utilities Private Limited to M/s MPSEZ Utilities Limited subject to the following conditions:-

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

99.9(ii) Request of M/s Combine Realty Private Limited, co-developer at Calica IT/ITES SEZ at Village Ognaj, Taluka Dascroi, District Ahmedabad for change in shareholding pattern.

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

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
- ii. Fulfilment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;
- iii. Applicability of and compliance with all Revenue / Company Affairs /SEBI etc. rules which regulate issues like capital gains, equity change, transfer, taxability etc.



- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.

99.10 Request of co-developer for additional area (Three cases)

99.10 (i) Application of Co-Developer, M/s. ATS Savvy Developers LLP in GIFT Multi Services SEZ for approval of Authorized Operations.

The Board, after deliberations, approved the proposal of M/s. ATS Savvy Developers LLP, co-developer for authorized operations i.e. 'multi-level car parking' to be undertaken in the additional area of 2888 sq. mtrs. of the Processing Area in the SEZ subject to execution of necessary agreement with the developer.

99.10(ii) Request of M/s. ATS Savvy Developers LLP, a Co-Developer in Multi Services Special Economic Zone at Village Ratanpur, District Gandhinagar, Gujarat, being developed by M/s. GIFT SEZ Ltd. for approval of an additional built-up area admeasuring 1671 sq. ft.

The Board, after deliberations, approved the proposal of M/s. ATS Savvy Developers LLP, co-developer for additional area of 1671 sq.ft. of the processing area in the SEZ subject to execution of necessary agreement with the developer.

99.10(iii) Request of Nxtra Data Limited (Co-developer) in MIDC IT/ITES-SEZ located at Rajiv Gandhi Infotech Park, MIDC, Hinjewadi, Phase-III, Pune for increase in area from approved 1.90 Ha to 2.40 Ha i.e. increase by 0.50 Ha.

The Board, after deliberations, approved the proposal of M/s Nxtra Data Limited, co-developer for increase in area by 0.50 Ha subject to execution of necessary agreement with the developer.

99.11 Renewal of LoA of used and worn clothing units and plastic recycling units

99.11(i) Request for extension of LoA of used and worn clothing units and plastic recycling units located at Kandla, Falta and Noida SEZ in terms of Rule 18(4) of the SEZ Rules, 2006.

The Board, after deliberations, decided that the validity of LoA of all the listed units, due to expire on 31.08.2020 may be extended further for a period of one month upto 30.09.2020. Meanwhile, the interdepartmental consultations may be expedited to finalize the policy so that the same may be implemented.



ANNEXURE - I

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held on 31st July, 2020 under the Chairmanship of Commerce Secretary, Department of Commerce.

1. Shri Anup Wadhawan, Chairman, BoA & Commerce Secretary, Department of Commerce.
2. Shri S. Kishore, Addl Secretary, Department of Commerce.
3. Shri Amit Yadav, DG, DGFT.
4. Shri R.P. Goyal, Addl. DGFT and DC, NSEZ.

List of participants connected via Video Conferencing.

1. Dr. Amiya Chandra, Development Commissioner, KASEZ/ Adani Port SEZ, Mundra.
2. Shri Shanmuga Sundaram, Development Commissioner, MEPZ.
3. Shri D.V. Swamy, Development Commissioner, CSEZ.
4. Shri A. Rama Mohan Reddy, Development Commissioner, Visakhapatnam SEZ.
5. Shri R. Muthuraj, Development Commissioner, Sri City SEZ.
6. Shri Anil Kumar Choudhary, Development Commissioner, Dahej SEZ.
7. Shri Virendra Singh, Development Commissioner, Surat SEZ, Gujarat.
8. Shri B.K. Panda, Development Commissioner, Falta SEZ.
9. Shri S.K. Bansal, Development Commissioner, SEEPZ SEZ.
10. Shri Sambhaji Chavan, Development Commissioner, Miha SEZ.
11. Shri C.P.S. Chauhan, Joint Development Commissioner, SEEPZ- SEZ.
12. Shri Ram Chander Sankhla, Pr.ADG, DGEP, M/o Finance.
13. Shri Senthil Nathan S, Deputy Secretary, Department of Commerce.
14. Shri Saroj Kumar Behera, Additional Commissioner, DGEP.