

No. K-43014(22)/30/2020-SEZ  
Government of India  
Ministry of Commerce and Industry  
Department of Commerce  
(SEZ Section)

Udyog Bhawan, New Delhi  
Dated the 18<sup>th</sup> November, 2020

**OFFICE MEMORANDUM**

**Subject:** 101<sup>st</sup> Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) scheduled to be held on 27<sup>th</sup> November, 2020 at 11.00 A.M in Room No. 141 - forwarding of Agenda thereof – Reg.

In continuation to this Department's O.M. of even number dated 29<sup>th</sup> October, 2020 on the above mentioned subject, the undersigned is directed to enclose herewith the Agenda for the 101<sup>st</sup> meeting of the BoA for SEZs scheduled to be held on 27<sup>th</sup> November, 2020 at 11:00 A.M. for information and necessary action. Soft copy of the agenda has also been hosted on the website: [www.sezindia.gov.in](http://www.sezindia.gov.in).

2. The addressees are requested to make it convenient to attend the meeting through Video Conferencing and shall provide their IP address and location details. A weblink for the meeting shall be shared by this Department shortly.



**(Darshan Kumar Solanki)**

Under Secretary to the Government of India

Tel: 2306 2496

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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. 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, 7<sup>th</sup> 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, 8<sup>th</sup> 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, 4<sup>th</sup> 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, 9<sup>th</sup> 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 (4<sup>th</sup> 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, Bhubaneshwar – 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, 2<sup>nd</sup> Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

**Copy to:** PPS to CS / PPS to AS (SK) / PPS to JS(AK) / PPS to DS (SNS).

**Agenda for the 101<sup>st</sup> meeting of the Board of Approval to be held on  
27<sup>th</sup> November, 2020 at 11:00 A.M. in Room No. 141, Udyog Bhawan, New Delhi**

**Item No. 101.1: Confirmation of minutes of the meeting of the 100<sup>th</sup> BoA held on 25<sup>th</sup> September, 2020.**

**101.2 Request for extension of LoA beyond 3<sup>rd</sup> year onwards (four 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 Permission (LoP)s i.r.o units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that an LoP shall be valid for one year. First Proviso grants power to DCs for extending the LoP not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoP for one more year but 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 3<sup>rd</sup> year (in cases where two-third activities are not complete) and 4<sup>th</sup> year 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.

**101.2(i) Request of M/s Axiom Chemicals Pvt. Ltd. at Plot No Z/80, Dahej SEZ Ltd, Dahej, Village: Luvara, Tal: Vagra, Dist: Bharuch, Gujarat for extension of validity of the Letter of Approval (LOA) upto 26.10.2021.**

- LOA issued on : 27.10.2017.
- Nature of business of the unit : Manufacturing of items under Chapter 28 (Inorganic Chemicals) and Chapter 29 (Organic Chemicals)
- No. of Extensions : 2(Two) by DC Dahej SEZ
- LoA valid upto : 26.10.2020.
- Request : For further extension for 1 (One) year upto 26.10.2021.

**Present Progress:**

**a. Details of Business Plan:**

Sr No	Type of Cost	Proposed Investment (Rs)
1	Land	7594724.00
2	Building	26950000.00
3	Compound Wall	1343083.00

4	Land filling	4243959.00
5	Misc	1276234.00
6	Plant & Machinery	10920000.00
	<b>Total</b>	<b>5,23,28,000.00</b>

**b. Incremental Investment made so far and incremental investment since last extension:**

Sr No	Type of Cost	Total Investment made so far (In Rs)	Incremental Investment since last extension (In Rs)
1	Land to Developer	7535927.00	7535927.00
2	Site cleaning work	30000.00	30000.00
3	Land filling work	4243959.58	4243959.58
4	Payment towards Service charges to Developer	58800.00	58800.00
5	Payment made to contractor	7000.00	7000.00
6	Other Expenses	7000.00 18000.00	7000.00 18000.00
7	Payment for Civil work (Compound Wall)	1343083.00	00.00
8	Payment for water	61617.00	00.00
9	Entry Road Culvert	516367.00	00.00
10	Security	106948.00	106948.00
	<b>Total</b>	<b>1,39,28,701.58</b>	<b>1,20,07,634.58</b>

**c) Details of the physical progress till date:**

Sr No	Activities	%tage completion	%tage completion during last one year of LoA extension	Deadline for the Completion of the Balance work
1	Land	100%		
2	Possession	100%		
3	Land filling work	100%		
4	Application to GPCB (GPCB NOC)	100%		
5	Appointment of Architect for preparation of building plan	100%		
6	Application for building plant approval	100%		
7	Appointment of civil contractor	100%		
8	Civil Work		10%	26.06.2021
9	Electricity		50% (Temporary connection)	Oct 2020
10	Water Connection	100%	-	-
11	Procurement and Installation of Plant and Machinery	10%	Finalized	26.07.2021

12	Commercial Production		26.08.2021
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### **Detailed Reasons for Delay:**

- They started working on the project as per the plan to complete it on time but due to unavoidable circumstances and financial crisis in market for the last three years worldwide economy has gone down which has affected the chemical industries a lot. Therefore, to start a new project under such circumstances was a difficult task and also it was very difficult to complete the project by taking loan from market/financial institution on heavy interest.
- It took a lot of time for the approval from Gujarat Pollution Control Board, after that they got permission of sanctioned lay-out building plan from the concerned department because of which it got delayed.
- They were also working on the design of the project that was set as per the Dahej SEZ norms and conditions which took time to start the project.
- They also got the NOC on 19.03.2020 and was about to implement to project. And when they started to establish the project at the time pandemic Covid-19 and sudden lockdown acted as hindrance in the completion of the project.

### **Recommendation by DC, Dahej SEZ:**

In view of the above development activities carried out by the applicant unit, the case is recommended to the Board of Approval, for extension in validity of LOA dated 27.10.2017 (extended upto 26-10-2020) for the further period of one year i.e. upto 26.10.2021.

The request is placed before BOA for its consideration.

### **101.2 (ii) Request of M/s Indo UK Healthcare Pvt. Ltd. Sector 19, MIHAN SEZ, Nagpur a unit in MIHAN SEZ for extension of LoA beyond 09.03.2020 upto 09.03.2021.**

- LoA issued on : 10.03.2017
- Nature of business : Hospital with Pharmacy and diagnostic services
- Number of extensions : 2 (two) extensions upto 09.03.2020
- Last extension valid upto : 09.03.2020
- Request : For further extension for one year upto 09.03.2021.

### **(a) Proposed investment:**

S. No.	Proposed Investment	(Rs. in Lakhs)
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1.	Land Cost	1066.11
2.	Cost for construction of Building	491.36
3.	Computers, Software's Licenses etc., Medical Equipment and Diagnosis Machines, Other Capital Goods including AV Equipment's, Access Control System, IP Phones etc	0.00
4.	Office Furniture, Chairs, Seating Systems etc	490.11
	<b>Total</b>	<b>2047.58</b>

**(b) Incremental investment since last extension and Total Investment made as on date:**

S. No.	Type of Cost	Incremental Investment since last extension (Rs. in Lakhs)	Total Investment made so far (Rs. in Lakhs)
1	Land Cost	0.00	1066.11
2	Cost for construction of Building	137.38	491.36
3	Computers, Software's Licenses etc., Medical Equipment and Diagnosis Machines, Other Capital Goods including AV Equipment's, Access Control System, IP Phones etc.	0.00	0.00
4	Office Furniture, Chairs, Seating Systems, other capital expenditure etc.	490.11	490.11
	<b>Total</b>	<b>627.49</b>	<b>2047.58</b>

**(c) Details of Physical Progress till date:-**

S. No.	Activity	% Completion as on date	% Completion during last one year	Deadline for completion of balance work
1.	Generator Room/Electric Substation/FO Generators (To augment MSE B Power)/UPS Room/Distribution substation/HSD Yard	Nil	Nil	Estimated till November 2021
2.	Internal Roads with street Lighting and signage's	Nil	Nil	Estimated till November 2021
3.	Boundary walls/ Gates/ Fencing/ Security office/ Security Posts	90%	10%	Estimated till November 2021
4.	All civil and Interior work/Electrical work/BMS/Air Conditioning/Fire Protection system	Nil	Design Work Under Process	Estimated till November 2021
5.	Development of Landscaping/Garden space	Nil	Design Work Under Process	Estimated till November 2021
6.	Recruitment of employees	Nil	To be hired as need arises	Estimated till November 2021
7.	Building completion certificate and occupancy certificate	Nil	To be obtained after completion of work	Estimated till November 2021

**Detailed reasons for delay:**

The major reasons for delay in implementation of the project is due to the fact that IUIH cannot treat Domestic patient as there is a mandatory requirement to get payment in foreign currency as per section 2(z) of SEZ Act, 2006.

The unit has also submitted the Chartered Engineer Certificate issued by M/s IM Cost Management Pvt. Ltd. (Regd. No. F-18961) certifying the progress of the SEZ project as on 15/02/2020.

The Chartered Accountant M/s Anand Dua & Associates has also certified the investment made by the SEZ Unit for implementation of Project. As per the certificate Rs.2047.58 Lakhs has been invested so far and Investment made during last one year is Rs.627.49 Lakhs.

The Unit has stated that they had already series of meeting with various authorities regarding relaxation with respect to foreign currency earning norms as per SEZ Act for treating domestic patients along with foreign patient under medical tourism.

The unit has also informed that construction work for diagnostic Centre in the Phase1, which they are expecting to get completed by 30.09.2020 and they will start 1st phase of operation from their SEZ unit from the said Diagnostic Centre initially and gradually they will expand over period of time.

**Recommendation by DC, MIHAN SEZ:**

Since the applicant has invested an amount of Rs.2047.58 Lakhs for creating infrastructure and stated that their construction work of diagnostic Centre in the Phase-I will get completed by 30.09.2020 for 1st phase of operation, it is recommended to grant extension of validity of LOA beyond 09.3.2020 for a period of one year.

The request is placed before BOA for its consideration.

**101.2(iii) Request of M/s. Arya Fin-Trade (IFSC) Pvt. Ltd., for 3<sup>rd</sup> extension of Letter of Approval in Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, developed by M/s. GIFT SEZ Ltd.**

- LoA issued on : 08.03.2017
- Nature of Service : Financial services
- Number of extensions : 2 (two) extensions
- Last extension valid upto : 07.09.2019(which was extended for 6 months only)
- Reason for seeking extension : Pending approval from RBI for infusion of capital.



DC has stated that in case of GIFT – Multi-services-SEZ, Gandhinagar, the approved Co-Developer(s) provide ready to occupy built-in premises/space (plug and play) for the approved SEZ unit(s). Therefore, the second proviso of Rule-19(4) regarding completion of two-thirds of activities including construction cannot be squarely applied to these financial services/IFSC unit(s). Further, the requirement of incremental investment cannot be examined as there is no activity of construction for these approved IFSC SEZ units requiring obtaining of Chartered Engineer's certificate as per the aforesaid rule provisions. As such, the unit is awaiting necessary approval from RBI for infusion of capital to commence operations.

### **Recommendations of DC:**

Board may like to extend the validity of LOA dated 08-03-2017 for a period beyond 08-03-2020 for one year more i.e. upto 07-03-2021.

The case is put-up before the Board of Approval for consideration.

**101.2(iv) Request of M/s Wockhardt Ltd., a unit at Shendre, Aurangabad, Maharashtra for extension of validity period of LoA for oral solid dosage for human usage for a period of one year upto 24.10.2021.**

- LoA issued on : 25.10.2013
- Nature of business : Oral solid dosage for human usage
- Number of extensions : 6 (six) extensions upto 24.10.2020
- Last extension valid upto : 24.10.2020
- Request : For further extension for one year upto 24.10.2021.

#### **a. Present Progress:**

Sr. No.	Activity	Total Area	Deadline for completion of work
1	Approved area	22,382 SQM	(already completed)
2	Constructed area so far	22,382 SQM	
	Incremental construction since last extension	Nil	
	Percentage wise Progress since last extension	Nil	

#### **(b) Investment details:**

Sr. No.	Type of Cost	Total Investment made so far (Rs in Cr.)	Incremental Investment since last extension (Rs. In Cr.)
1	Construction cost including material procurement	8.41	0.00
2	Plant & Machinery	72.37	
	<b>Total</b>	80.78	

**CA Certificate details:** The Unit has submitted Chartered Accountant's Certificate issued by CA-Mr. J. L. Thakkar [Regn. No. 110898W]. The CA has certified the total capital investment of Rs.80.78 cr upto 21.09.2020.

**Details from CE's Certificate:** The Unit has submitted the Chartered Engineer's Certificate, issued by CE-Mrs. Swapna Khandekar (Regn. No. CA/2001/28101). The details from the CE's certificate are as follows:

- a. Approved area as per the approved plan 22382 sq.mtr.
- b. Constructed area so far 22382 sq.mtr.
- c. Incremental area constructed since last extension of LOA – NIL
- d. Material used is of approved quality
- e. All structural work including brick walls, roofing, plastering, etc. are being implemented to satisfaction.

**Specified Officer's Report:**

Specified Officer in his report dated 04-12-2018 had already stated that on physical inspection of the site it was observed that the construction work (22382 sq.mtr.) is already complete and the unit has installed the machinery procured through Import and DTA procurement.

**(c) Detailed reason for delay:**

- i. The unit has further submitted that they have paid USFDA inspection fees for the current year till 31.12.2020 regarding USFDA approval and they are expecting site inspection from USFDA any time before 31.12.2020. They have further stated that, due to the ongoing Global COVID-19 pandemic there is delay in getting USFDA approval, however they are hopeful that once the situation is back to the normal they shall start their commercial production in due course after obtaining certain mandatory statutory licenses /approvals which can only be obtained after Unit is ready for commencement of production.
- ii. Furthermore, they have submitted that they are in process of exploring other potential markets like Europe i.e. ROW (Rest of World) and also in process of applying for statutory licenses and approvals of the respective countries.

**Recommendation of DC:**

The proposal for seventh extension of LOA for the period 25.10.2020 to 24.10.2021 is recommended for approval of the BOA as per Rule 19(4) of SEZ Rules, 2006.

**101.3 Proposal for change of shareholding pattern/ name/change of control/merger (seven proposals)**

In terms of DoC's Instruction No. 89 dated 17.05.2018, re-organization in respect of developer and co-developer including change in shareholding pattern, business transfer

arrangements, court approved mergers and de-mergers in case of developer/co-developer etc. are to be undertaken by the Board of Approval.

**101.3(i) Request of M/s. Sai Wardha Power Limited a sector specific SEZ for power at Warora Growth Centre, Warora, Chandrapur, Maharashtra for change of name to M/s. Sai Wardha Power Generation Limited.**

The above mentioned SEZ was notified on 14.03.2008.

Now, the developer has stated that the name of their SEZ has been changed to M/s. Sai Wardha Power Generation Limited with effect from 7.11.2016 and the necessary certificate to this effect has been issued by the Registrar of Companies, Ministry of Corporate Affairs.

The developer has submitted a copy of Certificate of Incorporation dated 7.11.2016 issued by Registrar of Companies, Telangana.

DC, SEEPZ SEZ has stated that there is no change in the shareholding pattern and management of the company.

**Recommendation by DC:**

DC, SEEPZ SEZ has recommended the proposal.

The proposal is placed before the BoA for consideration.

**101.3 (ii) Proposal of M/s. Kakinada SEZ Limited, developer of port based multi product SEZ at Ramanakkapeta and A.V. Nagaram Villages in East Godavari District, Kakinada, Andhra Pradesh for change in shareholding pattern of the company.**

M/s. Kakinada SEZ Ltd. has been granted LOA on 13.01.2016 for setting up a port based multi product SEZ which is a clubbed multi product SEZ of KSEZ-1(Multi Product) and KSEZ II (multi product) in an area of 2049.3088 hectares.

The developer has informed that they propose to divest 99.74% of equity shareholding in KSEZ to Aurobindo Realty & Infrastructure Private Limited (ARIPL). Aurobindo Realty & Infrastructure Private Limited (ARIPL) has expressed interest in acquiring further 99.74% of equity in KSEZ from Kakinada Infrastructure & Holdings Private Limited (KIHPL), Veda Infra Projects (India) Private Limited (Veda Infra) and Mr. K. Venkateswara Rao.

ARIPL is engaged in the business of development and building constructions and diversified into strategic business areas, which are predominantly into infrastructure and is aiming to be one of India's largest and most diversified groups with specialization in the areas of infrastructure development and industrial parks creation. ARIPL has an impressive portfolio of EPC contracts of several upcoming projects which displays its strong leadership stand as pioneers and upcoming trendsetter in infrastructure development.

The pre and post shareholding pattern transaction is as detailed below:

S. No.	Existing shareholding pattern			Proposed shareholding pattern upon receipt of BoA approval	
	GMR SEZ & Port Holdings Limited	9,97,40,010	51%	--	--
2.	Aurbindo Realty & Infrastructure Pvt. Ltd.	--	--	19,50,61,611	99.74%
3.	K. Venkateswara Rao	5,71,601	0.29%	--	--
4.	Kakinada Infrastructure Holdings Pvt. Ltd.	6,60,00,000	33.75%	--	--
5.	Veda Infra Projects (India) Pvt. Ltd.	2,87,50,000	14.70%	--	--
6.	IL&FS Financial Services Ltd.	5,07,055	0.26%	5,07,055	0.26%
7.	T.Nagarjuna (holding on behalf of GMR SEZ)	10	0.00%	--	--
8.	S. Srinivasa Rao (holding on behalf of GMR SEZ)	10	0.00%	--	--
9.	GSV Ranga	--	--	10	0.00%
10.	O. Kodanda Ram Reddy	--	--	10	0.00%
11.	Total	19,55,68,686	100.00%	19,55,68,686	100.00%

The present and proposed composition of Board of Directors of Kakinada SEZ Ltd. is as follows:

Sl. No.	Existing Composition of Directors	Proposed composition of directors
1	Shri G. M. Rao	Shri G S V Ranga
2	Shri G. Kiran Kumar	Shri O. Kodanda Ram Reddy
3	Shri B V N Rao	Shri GTSL Prasad
4	Shri K. Venkateshwara Rao	
5	Shri P. Jayadev	

DC, VSEZ has stated that M/s. Aurobindo Realty & Infrastructure Private Limited has given a consent letter that there will be seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity in the Kakinada SEZ land as required under Instruction No. 89 dated 17.05.2018.



**Recommendation by DC:**

The office of DC, VSEZ has forwarded the proposal.

The proposal is placed before the BoA for consideration.

**101.3(iii) Request of M/s. Festus Properties Pvt. Ltd. (Developer) a sector specific SEZ for IT/ITES at Powai, Mumbai, Maharashtra for approval of change in shareholding pattern of the company.**

M/s. Festus Properties Pvt. Ltd. was granted Formal Approval on 19.06.2006 as Developer in respect of the IT/ITES sector specific Special Economic Zone located at Powai, Mumbai, Maharashtra admeasuring about 12.5891 hectares notified on 13.04.2007 and was subsequently amended on 5.11.2018 whereby a portion of the larger SEZ Land admeasuring about 8.96 hectares was de-notified thereby leaving a balance area of 3.62 hectares.

M/s. Festus Properties Pvt. Ltd. has proposed to transfer the equity shares of their company to Brookfield India Real Estate Trust (together with its nominees) which is registered under the SEBI (Real Estate Investment Trusts).

The REIT (Real Estate Investment Trusts) shall acquire the entire shareholding of Festus from its current shareholders and in exchange for such acquisition, the REIT will allot its units to the selling shareholders of Festus. Furthermore, as of the date of this application, certain shareholder of Festus hold compulsorily convertible debentures (“CCDs”) issued by Festus and it is proposed that all such CCDs along with any interest due thereto will be converted into equity shares of Festus and the REIT will then acquire the equity shares of Festus.

The pre and post shareholding pattern transaction is as detailed below:

Name of Security Holder	Equity Shares	Compulsory Convertible Debentures (CCDS)	Name of Security Holder	Class of Security	Equity Shares
Kairos Property Managers Pvt. Ltd.	5,00,09,999	NIL	Brookfield Real Estate Trust (together with its Nominees)	Equity	46,46,41,122
BSERP II India Office Holdings II Pte. Ltd.	1	3,60,00,000			
<b>Total</b>	<b>5,00,10,000</b>	<b>3,60,00,000</b>			

**Recommendation by DC, SEEPZ SEZ:**

DC, SEEPZ SEZ has recommended the proposal.

The proposal is placed before the BoA for consideration.

**101.3(iv) Request for transfer of Co-developer Business Undertaking by M/s. Prestige Estates Projects Limited to M/s. Kochi Cyber Greens Private Limited by way of a slump sale on a going concern basis and subsequent change in shareholding pattern and Board of Directors.**

M/s Prestige Estates Projects Limited, Bangalore, Co-developer in Smartcity (Kochi) Infrastructure Pvt. Ltd. SEZ, is holding a Formal Letter of Approval dated 12.7.2016 for providing infrastructure facilities and development of IT/ITES industry. They propose to construct an IT campus comprising of two phases with a total built up area of 1558200 sq.ft. in Smartcity SEZ over an area of 7.97 acres. Construction and development of the Phase-I project admeasuring 81564.20 sq. mtrs. of built-up area is under progress. The Phase-II project with a built up area of 57628.31 sq. mtrs. is yet to commence.

M/s. Smart City (Kochi) Infrastructure Private Limited, SEZ is holding a valid Letter of Approval dated 21<sup>st</sup> April, 2008 for setting up a sector specific SEZ for IT/ITeS at Block-9, Kakkanad Village, Kanayanoor Taluk, Ernakulam District, Kerala over an area admeasuring 93.9165 Ha. The Zone is operational w.e.f.17.6.2016.

M/s. Prestige Estates Projects Limited is currently implementing a group restructuring plan to achieve business objectives and is contemplating a transfer of the Co-developer Business Undertaking held by them (comprising of the business, activities, all assets and properties, rental agreements, licensing including the Co-developer license, approved authorized operations, lease hold agreements, contracts and arrangements in all forms, liabilities pertaining to the SEZ) by way of a slump sale on a going concern basis to its wholly owned subsidiary entity, M/s. Kochi Cyber Greens Private Limited (KCGPL). Subsequently, M/s. Kochi Cyber Greens Private Limited (Transferee) proposes dilution of 50% equity stake in KCGPL to a foreign investor resulting in a change in shareholding of KCGPL and Board of Directors as given below:

**Current Shareholding pattern as on date and proposed shareholding pattern:**

Sl.No.	Name of the equity shareholder	Current shareholding pattern	Shareholding pattern of KC GPL (Transferor) post dilution
		% of equity stake	% of equity stake
1	Prestige Estates Projects Ltd.	100	50
2	Investors (BREP Asia II Indian Holding Co.VII (NQ) Pte. Ltd. and/or its affiliates)	-	50
	Total	100	100

**Change in composition of the Board of Directors pursuant to the dilution:**

Sl.No.	Board of Directors before proposed change in shareholding	Sl. No.	Board of Directors after proposed change in shareholding
1	Mohmed Zaid Sadiq	1	Mohmed Zaid Sadiq
2	Zayd Noaman	2	Zayd Noaman

		3	Shravan Sharma
		4	Abhishek Patil

**Recommendations of DC:** The proposal has been recommended.

**101.3 (v) Proposal of M/s. ANSR Global Corporation Pvt. Limited, Co-Developer for merger of their other 2 Co-Developers with their company.**

M/s. ANSR Corporation Pvt. Ltd was accorded approvals for Co-Developer status for M/s. Laxmi Infobahn Pvt. Ltd, IT/ITES SEZ at Sy. No. 107 (P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana as under:

Sl. No.	Name of the Co-Developer	Formal Approval and Date	Area allotted (in sq. ft.)	Floors and Tower
1	M/s. ANSR Global Corporation Pvt. Ltd	F. 1/4/2016-SEZ dated 2.7.2019	8,000	1 <sup>st</sup> Floor of Tower-2
2	M/s. ANSR Global Corporation Pvt. Ltd	F. 1/4/2016-SEZ dated 2.7.2019	1,01,168	49,977 sq. ft., in 14 <sup>th</sup> Floor and 51,191 sq. ft. in 15 <sup>th</sup> Floor, Tower-2
3	M/s. ANSR Global Corporation Pvt. Ltd	F. 1/4/2016-SEZ dated 20.8.2019	2,08,221	81,852 sq. ft on the 14 <sup>th</sup> and 15 <sup>th</sup> Floors and Rs. 1,23,369 sq. ft. on 11 <sup>th</sup> to 13 <sup>th</sup> Floors in Tower-4 and 3,000 sq. ft. on Ground Floor Lobby
<b>Total</b>			<b>3,17,389</b>	

As informed by DC, the Co-Developer has stated that the above mentioned approvals were applied at different points in time and the company instead of applying for expansion, inadvertently applied for separate licenses. The above mentioned locations are located under the same Developer/SEZ and the company wishes to apply for consolidation of the above mentioned approvals from which would result in easier administration for the Authority and avoid duplication of compliances.

It has further been mentioned that the above mentioned approvals are under a single Co-Developer and not as separate Co-Developers. The company has also stated that currently service invoices are being raised only on the above Co-Developer address which has Formal Approval dated 2.7.2019 since it is the registered office as per GST authorities at Hyderabad and invoices are being mapped against the BLUT for the said premises while the BLUT for other premises are currently being un-utilized. Post the consolidation of the approvals, SEZ operations would be undertaken from a single premise i.e., approval dated 2.7.2019. Post this, the company would apply for issue of a fresh BLUT and a single SEZ login.

The company has also stated that there will be no change in the shareholding pattern of the Co-Developer pursuant to consolidation of the above mentioned approvals. The shareholding pattern of the Co-Developer pre and post the postponed consolidation is as under:

Equity including Foreign Investment (Pre-merger and Post-merger)		
Equity	Rs. In Lakhs	\$ in Thousand (USD)
Authorized	270.00	385.71
Subscribed	264.13	377.33
Paid up	264.13	377.53

Reasons for unification/consolidation of the licenses/Co-Developer approvals:

- Single SEZ license will enhance the operational efficiencies from business perspective, reduce the operating costs and increase the productivity;
- There will be no impact in forecast of revenue and NFE due to proposed unification/merger

Additionally, as informed by DC, the company has stated that they shall also separately file an intimation/letter for the consolidation of the approvals pursuant to this filing. The other Co-Developers of ANSR with different Formal Approvals dated 2.7.2019 and 20.8.2019 are getting merged with M/s. ANSR Global Corporation Pvt. Ltd, Co-Developer with Formal Approval No. F. 1/4/2016-SEZ dated 2.7.2019 as Co-Developer in M/s. Laxmi Infobahn Pvt. Ltd, SEZ for IT/ITES at Sy. No. 107 (P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana for development of SEZ area specifically to undertake the authorized operations of conversion of bare shell buildings into warm shell buildings and to lease the built-up space under different Formal Approvals of ANSR over a total area of 3,17,389 sq. ft. The Developer viz., M/s. Laxmi Infobahn Pvt. Ltd vide letter dated 12.8.2020 has provided NOC to that effect.

#### Recommendations of DC:

Development Commissioner, VSEZ has recommended the above proposal for merger of the Co-Developers pertaining to M/s. ANSR Global Corporation Pvt. Ltd, in terms of Instruction No. 89 read with Instruction No. 90 issued by Ministry of Commerce & Industry vide letter dated 3.8.2018.

#### **101.3(vi) Request of M/s Seaview Developers Pvt. Ltd., developer of Plot No. 20 & 21, Sector-135 for change in shareholding pattern of the company.**

M/s. Seaview Developers Private Ltd. had been granted LOA on 21.06.2006 by the DOC for setting up of IT/ITES SEZ. The developer had executed Bond-Cum-Legal Undertaking for Rs.100.21 Crore and the same had been accepted by the Competent Authority. 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 28.04.2016:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings IV Pte. Ltd.	68483	99.99



2	BSREP Moon C1 L.P.	1	0.0015
3	BSREP Moon C2 L.P.	1	0.0015
4	BSREP Moon C3 L.P.	1	0.0015
5	BSREP Moon C4 L.P.	1	0.0015
6	BSREP Moon C5 L.P.	1	0.0015
7	BSREP Moon C6 L.P.	1	0.0015
	<b>Total:</b>	<b>68489</b>	<b>100%</b>

- Revised shareholding pattern:- (w.e.f. 12.08.2020)

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
	<b>Total:</b>	<b>17,381</b>	<b>100%</b>

### Reason for change in shareholding:

The developer has informed that they have obtained approval in year 2016 from Bombay High Court and in year 2017 and 2019 from NCLT, Bombay respectively, for scheme of capital reduction, and reduced its share capital respectively as under:

In 2016, from 68489 equity shares to 31721 equity shares by cancelling 36768 equity shares with effect from 08.09.2016. Consequent to such capital reduction, the share capital of Co-developer company was revised as on, as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings IV Pte. Ltd.	31,715	99.981
2	BSREP Moon C1 L.P.	1	0.003
3	BSREP Moon C2 L.P.	1	0.003
4	BSREP Moon C3 L.P.	1	0.003
5	BSREP Moon C4 L.P.	1	0.003
6	BSREP Moon C5 L.P.	1	0.003
7	BSREP Moon C6 L.P.	1	0.003
	<b>Total:</b>	<b>31721</b>	<b>100%</b>

In year, 2017, from 31721 equity shares to 24961 equity shares by cancelling 6760 equity shares with effect from 29.11.2017. Consequent to such capital reduction, the share capital of Co-developer company was revised as on, as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings IV Pte. Ltd.	24,955	99.975
2	BSREP Moon C1 L.P.	1	0.004
3	BSREP Moon C2 L.P.	1	0.004
4	BSREP Moon C3 L.P.	1	0.004
5	BSREP Moon C4 L.P.	1	0.004
6	BSREP Moon C5 L.P.	1	0.004

7	BSREP Moon C6 L.P.	1	0.004
	<b>Total:</b>	<b>24961</b>	<b>100%</b>

In year 2019, from 24961 equity shares to 17381 equity shares by cancelling 7580 equity shares with effect from 16.10.2019. Consequent to such capital reduction, the share capital of Co-developer company was revised as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings IV Pte. Ltd.	17,375	99.965
2	BSREP Moon C1 L.P.	1	0.005
3	BSREP Moon C2 L.P.	1	0.005
4	BSREP Moon C3 L.P.	1	0.005
5	BSREP Moon C4 L.P.	1	0.005
6	BSREP Moon C5 L.P.	1	0.005
7	BSREP Moon C6 L.P.	1	0.005
	<b>Total:</b>	<b>17381</b>	<b>100%</b>

As regards change in shareholding pattern two times in the FY 2017 and 2019 respectively (pursuant to approval from BoA in its meeting held on 28.04.2016) the developer has clarified that they had reduced paid up capital in 2017 and 2019 pursuant to the order passed by Hon'ble High Court of Bombay and by Hon'ble NCLT, Mumbai Bench and there was no change in shareholding structure of the company with the reduction of capital. Further, developer has clarified that as per Instruction No.89 issued by MOC it mandates prior approval in case of change of shareholding pattern. Therefore, in view of the same they had not sought approval as it was reduction in total capital amount instead of change in shareholding pattern.

#### **Recommendation of DC:**

Development Commissioner, NSEZ has recommended the proposal.

#### **101.3(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 change in shareholding pattern of the company.**

Candor Gurgaon One Realty Projects Pvt. Ltd, Developer has been granted LOA on 30.07.2007 by the DOC for setting up of IT/ITES Special Economic Zone. DOC has notified 10.041 hectares area of this SEZ at Village Tikri, Sector-48, Gurugram (Haryana) vide Gazette Notification S.O. No. 61(E) dated 09.01.2008. The developer had executed Bond-cum-Legal Undertaking which has been accepted by the Competent Authority. 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 28.04.2016:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte. Ltd.	58496	99.99
2	BSREP Moon C1 L.P.	1	0.0017
3	BSREP Moon C2 L.P.	1	0.0017
4	BSREP Moon C3 L.P.	1	0.0017
5	BSREP Moon C4 L.P.	1	0.0017
6	BSREP Moon C5 L.P.	1	0.0017
7	BSREP Moon C6 L.P.	1	0.0017
	<b>Total:</b>	<b>58502</b>	<b>100%</b>

- Revised shareholding pattern:- (w.e.f. 12.08.2020)

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte Ltd.	10,057	99.940
2	BSREP India Office Holdings Pte. Ltd.	6	0.060
	<b>Total:</b>	<b>10,063</b>	<b>100%</b>

#### Reason for change in shareholding:

The developer has informed that they have obtained approval in year 2016 from Bombay High Court and in year 2017 and 2019 from NCLT, Bombay respectively, for scheme of capital reduction, and reduced its share capital respectively as under:

In 2016, from 58502 equity shares to 26502 equity shares by cancelling 32000 equity shares with effect from 05.08.2016. Consequent to such capital reduction, the share capital of Co-developer company was revised as on, as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte. Ltd.	26,496	99.977
2	BSREP Moon C1 L.P.	1	0.003
3	BSREP Moon C2 L.P.	1	0.003
4	BSREP Moon C3 L.P.	1	0.003
5	BSREP Moon C4 L.P.	1	0.003
6	BSREP Moon C5 L.P.	1	0.003
7	BSREP Moon C6 L.P.	1	0.003
	<b>Total:</b>	<b>26,502</b>	<b>100%</b>

In year, 2017, from 26502 equity shares to 19063 equity shares by cancelling 7439 equity shares with effect from 29.11.2017. Consequent to such capital reduction, the share capital of Co-developer company was revised as on, as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte. Ltd.	19,057	99.968
2	BSREP Moon C1 L.P.	1	0.005
3	BSREP Moon C2 L.P.	1	0.005

4	BSREP Moon C3 L.P.	1	0.005
5	BSREP Moon C4 L.P.	1	0.005
6	BSREP Moon C5 L.P.	1	0.005
7	BSREP Moon C6 L.P.	1	0.005
	<b>Total:</b>	<b>19,063</b>	<b>100%</b>

In year 2019, from 19063 equity shares to 10063 equity shares by cancelling 9000 equity shares with effect from 16.10.2019. Consequent to such capital reduction, the share capital of Co-developer company was revised as given below:-

S. No.	Name of Shareholder	No. of shares	% shareholding (Approx.)
1	BSREP India Office Holdings II Pte. Ltd.	10,057	99.940
2	BSREP Moon C1 L.P.	1	0.010
3	BSREP Moon C2 L.P.	1	0.010
4	BSREP Moon C3 L.P.	1	0.010
5	BSREP Moon C4 L.P.	1	0.010
6	BSREP Moon C5 L.P.	1	0.010
7	BSREP Moon C6 L.P.	1	0.010
	<b>Total:</b>	<b>10,063</b>	<b>100%</b>

As regards change in shareholding pattern two times in the FY 2017 and 2019 respectively (pursuant to approval from BoA in its meeting held on 28.04.2016), the developer has clarified that they had reduced paid up capital in 2017 and 2019 pursuant to the order passed by Hon'ble High Court of Bombay and by Hon'ble NCLT, Mumbai Bench and there was no change in shareholding structure of the company with the reduction of capital. Further, developer has clarified that Instruction No.89 issued by MOC mandates prior approval in case of change of shareholding pattern. Therefore, in view of the same they had not sought approval as it was reduction in total capital amount instead of change in shareholding pattern.

#### **Recommendation of DC:**

Development Commissioner, NSEZ has recommended the proposal.

### **101.4 Miscellaneous cases (eight proposals)**

**101.4(i) Procurement of restricted items such as sand, soil etc. for infrastructure development in SEZ and post ratification by BoA in terms of DoC's letter dated 18.05.2020.**

**(a) Proposal of M/s. Godrej & Boyce Mfg Co Ltd. for procurement of restricted items for SEZ Developer 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 having LoA dated 30.05.2007 has requested for permission for procurement of restricted items such as Sand (including sand used for RMC), Stone (including stone used for RMC, Road WMM & Bitumen carpet), Granite setting up & repairing of Infrastructure facilities in terms of Rule 27 of SEZ Rules, 2006.



M/s. Godrej & Boyce Mfg Co Ltd., a unit of Dahej SEZ, has requested for permission to procure following restricted items for repairing of Infrastructure facilities:-

Description	Estimated Quantity
Sand (including sand used for RMC)	8000 MT
Stone (including stone used for RMC, Road WMM & Bitumen carpet	29000 MT
Granite	120 MT

#### **Recommendation by DC, Dahej SEZ:**

In view of the above, DC, Dahej SEZ has approved the proposal of M/s. Godrej & Boyce Mfg Co Ltd., a unit of Dahej SEZ 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. As per the condition no. 2 (iv), this matter is forwarded to Board of Approval for ratification.

The proposal is placed before the BoA for consideration.

#### **(b) Ratification sought by DC, VSEZ in respect of four units**

Sl. No	Name of the Unit	Name of the SEZ	Material	Permitted Quantity	Date of Approval
1	M/s. PharmaZell (India) Pvt. Limited	Ramky SEZ	Sand	1250 MT	27.10.2020
2	MIs. Biocon Biosphere Limited	Ramky SEZ	River Sand	5000 MT	23.10.2020
3	M/s Aequis Estones Private Limited	APIIC Bldg. Product SEZ	Gravel	90,000 Tons	23.10.2020
4	M/s Aequis Estones Private Limited	APIIC Bldg. Product SEZ	Sand	15,000 Tons	23.10.2020

#### **Recommendation by DC, VSEZ:**

A list showing the details of the permissions/approval granted during Lockdown for necessary consideration for placing the same before Board of Approval for ratification of the same by the Board.

#### **(c) Procurement of Sand/Soil by Kandla SEZ units and ratification of approval granted under Delegation of Powers granted to Development Commissioner.**

The requests of the following Developers/Co-Developers/Units for procurement of Sand from DTA for Construction purpose, in terms of fourth proviso to Rule 27 (1) of SEZ Rules, 2006, has been received for placing the same before the BoA:

Sr. No.	Name of the Unit	Materials permitted	Quantity Permitted	Date of approval
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1.	Milak warehouse	Sand (For construction)	350 MT	03.07.2020
2.	Navin Saxena Research & Tech Pvt Ltd.,	Sand (for construction)	5 trucks/ 100MT	03.07.2020
3.	OswalAgrimpex	Sand Cement Kakri	5 dumpers 3 tractors 2 dumpers	03.07.2020
4.	Dynamic Duty Free Houses	Sand	80 MT	03.07.2020
5.	Gokul Overseas	Sand	28 MT	03.07.2020
6.	Om Aromatic Solvents	Sand, Soil, Cement	3 trucks	03.07.2020
7.	Ponpure Chemical India Pvt Ltd.,	Sand ,Soil and Black Stone	100 trucks of sand and soil; 80 trucks of black stone	03.07.2020
8.	MESO Pvt Ltd.,	Sand for repairs/maintenance	25 MT	03.07.2020
9.	Sky Enterprises,	Sand Cement	100 foot 10 bags.	03.07.2020
10.	IFGL Refractories Ltd.,	Sand Aggregate	80 Cub Meter 100 Cub Meter	08.07.2020
11.	Zetts Cosmetics Pvt Ltd.,	Sand (for construction only)	9 trucks/200 MT	08.07.2020
12.	Anita Exports	Sand Aggregate Cement Blocks	1 truck load 1 truck load 2 truck load	08.07.2020
13.	Praj Industries Ltd.,	Sand Kapchi	400 CFT 400 CFT	08.07.2020
14.	Everest Kanto Cylinder Ltd.,	Sand Kapchi	500 MT 500 MT	14.07.2020
15.	Harsh Global	Sand Kapchi	375 MT 250 MT	16.07.2020
16.	Kishore Export House	Sand Kapchi	250 MT 250 MT	16.07.2020
17.	Trimurti Fragrances & Flavours Pvt Ltd.,	Sand & Soil	375 MT(13-14 trucks)	14.07.2020
18.	Aum Solvchem	Sand & Soil Black stone (Kala Pathar&Kakri)	80 MT 110 MT	14.07.2020
19.	Global Commodities Trading Impex	Pathar/Kakri	375 MT (13-15 trucks)	14.07.2020
20.	Ganpati Overseas	Black stone(kala patthar&Kakri) Sand and Soil	3 trucks 3 trucks	13.07.2020
21.	Marvel Fragrances Company	Sand Cement Aggregate	80 MT 500 Bags 60 MT	21.07.2020
22.	Anandini Warehousing & Foods LLP	Sand	2 MT	21.07.2020
23.	Dyna Glycols Pvt Ltd	Sand  Aggregate Black stone  Cement  Parrow blocks Curbing blocks	15 truck approx 14 trucks approx 2000 bags approx 40000 Nos 2000 Nos	24.07.2020
24.	Jindal Fibres	Sand Aggregate Black stone Cement	1 truck 2 trucks 50 bags	31.07.2020

		Colour spray machine Used empty barrel for colouring Blocks	2 Nos 2 Nos 600 Nos.	
25.	Sujan Oil & gas infra logistics	Steel(10 mm) Cement  Sand  Aggregate  Malba	5 MT 1100 bags x 50 Kgs 10 trucks(400 CFT/truck) 15 Trucks(400 CFT/truck) 2 trucks(400 CFT/truck)	31.07.2020
26.	Creative Free Trade Warehousing Pvt Ltd.,	Reti(Sand) Kankri(Black stone) Kapchi	50 MT 25 MT 25 MT	31.07.2020
27.	Transworld Furtichem Pvt Ltd.,(Unit I)	Reti(Sand) Kankri(Black stone) Kapchi	100 MT 50 MT 50 MT	31.07.2020
28.	Om Siddh Vinayak Impex Pvt Ltd.,	Sand	5 Ton	31.07.2020
29.	Royal Petro Oil Refinery LLP,	Sand	24655 kgs	31.07.2020
30.	GKN Enterprises	Rock pieces	40 trucks	07.08.2020
31.	Gokul Overseas	Sand	300 MT	07.08.2020
32.	Rusan Pharma Ltd.,	Sand	600 MT	07.08.2020
33.	Ipca Lab Ltd.,	Sand Cement Steel Kapchi	30 MT 30 MT 30 MT 30 MT	07.08.2020
34.	United Drilling Tools Ltd.,	Cement Sand M.S.Door M.S.Window Cement Blocks Aggregate	20 bags 10 MT 1 No 2 No 7000 Nos 5 MT	11.08.2020
35.	Adinath Warehousing Co.	Sand Bricks Blocks Crush metal Iron Cement Sheet Cement	15 trucks 15000 pieces 15000 pieces 100 trucks 250 MT 10000 Nos 1000 MT	11.08.2020
36.	Maruti Exports	Sand Bricks Blocks Crush metal Iron Cement Sheet Cement	15 trucks 15000 pieces 15000 pieces 100 trucks 250 MT 10000 Nos 1000 MT	11.08.2020
37.	Everest Kanto Cylinder Ltd.,	Sand Kapchi	500 MT 500 MT	13.08.2020
38.	United Drilling Tools Ltd.,	Sand/Dust Cement/Malba	75 MT 300 MT	17.08.2020
39.	International Warehousing & Trading,	Sand	100 MT	17.08.2020

40.	Mission Pharma Logistics India Pvt Ltd.,	Sand	100 MT	21.08.2020
41.	Bajaj warehousing services,	Sand	25 MT	21.08.2020
42.	Schmetz India Pvt Ltd.,	Sand	22 MT	21.08.2020
43.	Harish Processors Pvt Ltd.,	Sand	10 trucks (400 CFT/ truck)	25.08.2020
44.	New Plastomers India Ltd.,	Sand	8-10 bags of 25 kgs each	27.08.2020
45.	Nakoda Sales Corporation,	Sand	3 tractor	01.09.2020
46.	Texool Spinners	Sand	10 dumpers	01.09.2020
47.	Unilever India Exports Ltd.,	Sand	600 MT	03.09.2020
48.	Gokul Overseas,	Sand	400 MT	03.09.2020
49.	Vijay Tanks & Vessels (P) Ltd.,	Sand	500 CFT	03.09.2020
50.	Prasar Enterprises,	Sand	2 tractor	07.09.2020
51.	Commodities Trading,	Sand	150 MT	09.09.2020
52.	Aum Solvchem,	Sand	200 MT	09.09.2020
53.	AVB International,	Sand	60 MT	11.09.2020
54.	Hindustan Oils Industries,	Sand	8 MT	14.09.2020
55.	Capital Foods Pvt Ltd.,	Sand	150 MT	21.09.2020
56.	Presto Industries (Exports)	Sand	7 dumpers (500 CFT each)	22.09.2020
57.	Flax Apparels Pvt Ltd.,	Sand	18 trucks (500 CFT)	22.09.2020
58.	Oswal Extrusion Ltd.,	Sand	100 MT	05.10.2020
59.	Amax International warehousing Pvt Ltd.,	Sand	500 MT	05.10.2020
60.	Euro India Cylinders Ltd.,	Sand	30 MT	07.10.2020
61.	Royal Petro Oil Refinery LLP,	Sand	25 dumpers	07.10.2020
62.	Shrine Chemicals Pvt Ltd.,	Sand	500 MT	07.10.2020
63.	Vijay Tanks & Vessels (P) Ltd.,	Sand	500 CFT	09.10..2020
64.	Texool Spinners & Clothing,	Sand	10 dumpers	09.10..2020
65.	IFGL Refractories Ltd.,	Sand	6000 CFT	09.10..2020
66.	Suhavi Pharma,	Sand	1 truck load	16.10.2020
67.	Babu International	Sand	7 dumpers	26.10.2020
68.	Rama Clinders Pvt. Ltd.	Sand	25 MT	28.10.2020
69.	Brews Barron LLP	Sand	90 MT	28.10.2020

DC has further stated that the units will be asked to comply with the instructions laid down in DOC's Letter dated 18.5.2020. Hence, necessary approval may kindly be obtained from the BoA.

#### **Recommendations of DC, KASEZ:**

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

#### **(d) Ratification of action taken by DC, GIFT SEZ, Gandhinagar in allowing procurement of restricted item viz. soil from DTA.**

M/s GIFT SEZ Ltd. had sought approval/permission to procure 50,000 MTs soil for landscaping, land filling and other infrastructure work in GIFT Multi Services SEZ, Gandhinagar.

Soil is restricted item under ITC(HS) classification and in terms of Rule 27(1) of the SEZ Rules, 2006 require approval/clearance of BoA.

The request was approved by Dc, GIFT SEZ in terms of DoC's letter dated 18.05.2020 as per the power delegated to DC for construction subject to conditions therein.

#### **Recommendations of DC, GIFT SEZ:**

The case is put up before the Board for ratification.

#### **101.5(ii) Request of M/s Brandix India Apparel City Pvt. Ltd., at Achuthapuram Mandal, Visakhapatnam, Andhra Pradesh for permission for Chain-link fencing.**

M/s Brandix India Apparel City Pvt. Ltd. SEZ Developer was granted approval on 21.08.2006 for setting up of a Textile Sector SEZ at Achuthapuram Mandal, Visakhapatnam, Andhra Pradesh.

Approval granted to M/s Brandix India Apparel City Pvt. Ltd. SEZ Developer on 06.08.2020 for partial de-notification of 17.894 Ha. from the total notified area of 404.70 Ha.

As required under, Instruction No. 25 dated. 16.07.2009 of DoC the Developer was advised to segregate the Processing Area and DTA by constructing a partition wall (A) In respect of IT/ITES SEZs, the height of the wall will be decided by the DC and (13) In respect of other SEZs, the wall could either be 2.4 meters in height or 1.8 meters in height plus 0.6 meters of barbed wire fencing.

Any deviation of the above need to be brought to the notice of BoA for the approval. M/s Brandix India Apparel City Pvt. Ltd. SEZ vide letter dated. 14.10.2020 has requested DC office to permit them to construct a chain link fence for separation of the de-notified area and SEZ area, and pleaded that the proposed chain link fence will help them in shifting of boundary, in future whenever they extend the DTA boundary and also will maintain the aesthetic look of the park and also they have informed vide e mail dated. 10.11.2020 that the total length of the fence will be 1.665 KM and total height is 8 ft (6 ft chain link fence and 2 ft barbed wires). The total cost for the compound wall will be 9 million INR and cost of chain link fence will be cost only Rs. 5.5 million and difference is 3.5 million.

#### **Recommendation by DC, VSEZ:**

The request of M/s Brandix India Apparel City Pvt. Ltd. SEZ for construction of chain link fence for separation of de-notified area and SEZ area is recommended and forwarded for necessary consideration and approval of BoA.

The request is placed before BOA for its consideration.

**101.5(iii) Proposal for the surrender of co-developer status and merger of the entity with the existing unit.**

Adani International Container Terminal Pvt. Ltd. (AICTPL), Adani Ports and Special Economic Zone (APSEZ), Mundra, has been initially approved as a co-developer in processing area at Container Terminal Operator -3 of APSEZ vide LoA dated 08.04.2013.

Later, in 2016, AICTPL applied for the additional authorized operation (CT-5) which was considered in the agenda of the 69th Board of Approval (BoA) and BoA rejected the proposal. Subsequently, AICTPL applied to become unit for the additional operations (CT-5) which were approved in the 48th Unit Approval Committee (UAC) held on 30.08.2016 of the APSEZ, Mundra with NFE obligation.

In the instant application AICTPL has proposed to merge the area of CT-3 (the area in the co-developer LoA) with the LoA of AICTPL's SEZ unit (CT-5) and surrender the Co-Developer status given by BoA vide LoA dated 08.04.2013. This has been proposed sighting that the operations of CT-5 (AICTPL SEZ Unit) and CT-3 (AICTPL-CO Developer) are identical.

AICTPL has submitted that post approval, the value of assets of the co-developer will be accounted for calculation of NFE of the SEZ Unit as a single entity and data sheet showing estimated foreign exchange Inflow/Outflow, subsequent to the consolidation of operations has also been submitted.

**Recommendation by DC, APSEZ:**

Business activity of the unit shall improve after merger of the area. As the AICTPL shall continue to operate as SEZ Unit and the assets of the AICTPL co-developer shall be accounted in the NFE of the AICTPL SEZ Unit, no refund of duties/taxes is required. Accordingly, the proposal is recommended by Development Commissioner and is submitted for consideration of the Board of Approval.

The request is placed before BOA for its consideration.

**101.5(iv) Request of M/s ACE SEZ Developers Pvt. Ltd., co-developer for M/s Phoenix Tech Zone Pvt. Ltd. IT/ITES SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana for approval for reduction in space of their co-developer.**

M/s Ace SEZ Developers Pvt. Ltd. was issued Formal Approval on 21.10.2020 as co-developer in an area admeasuring 1,39,385 sq. ft. on 14<sup>th</sup> to 16<sup>th</sup> Floors in Tower B to develop, upgrade, operate and maintain the constructed area in M/s Phoenix Tech Zone Pvt. Ltd. SEZ for IT/ITES on a contiguous stretch of land measuring 2.02 ha (5 acres).

DC has further informed that the developer has presently requested the co-developer for the purpose of operational convenience to restrict their space to only 16<sup>th</sup> Floor in Tower B in an area admeasuring 47,010 sq. ft. They have agreed for the same and executed the amendment to co-developer agreement dated 06.11.2020 and requested for reduction in space of the co-developer in the above SEZ.

The developer has provided NOC dated 06.11.2020 to that effect.

**Recommendations of DC:**

DC, VSEZ has recommended the proposal of the co-developer for reduction in space from 1, 39,385 sq. ft. in 14<sup>th</sup> to 16<sup>th</sup> Floor, Tower B to 47,010 sq. ft in 16<sup>th</sup> Floor, Tower B in M/s Phoenix Tech Zone Pvt. Ltd. SEZ for placing before the BoA.

**101.5(v) Request of M/s Squarespace SEZ Pvt. Ltd. for M/s Phoenix Tech zone Pvt. Ltd. IT/ITES SEZ at Sy. No. 115/35, Nanakramguda Village , Serilingampally Mandal, Ranga Reddy District, Telangana for approval for increase in space of their co-developer.**

M/s Squarespace SEZ Pvt. Ltd. was issued formal approval on 21.10.2020 for co-developer status in an area admeasuring 24, 306 sq. ft. in 11<sup>th</sup> Floor in Tower B to develop, upgrade, operate and maintain the constructed area in M/s Phoenix Tech Zone Pvt. Ltd. SEZ for IT/ITES at Sy. No. 115/35 at Nanakramguda Village, Serilingampally Mandal, Telangana on a contiguous stretch of land admeasuring 2.02 hectares (5 acres).

Now, the co-developer has stated that after mutual agreement, they have decided to amend the co-developer space from 24,306 sq. ft. in 11<sup>th</sup> Floor in Tower B to an area of 92, 375 sq. ft. in 14<sup>th</sup> and 15<sup>th</sup> Floors and executed the amendment to co-developer agreement dated 06.11.2020. The co-developer has requested for approval for increase in space.

The developer has provided NOC dated 06.11.2020 to that effect.

**Recommendations of DC:**

DC, VSEZ has recommended the proposal of the co-developer for increase in space from 24, 306 sq. ft. in 11<sup>th</sup> floor, Tower B to 92, 375 sq. ft. in 14<sup>th</sup> and 15<sup>th</sup> Floors, Tower B in M/s Phoenix Tech Zone Pvt. Ltd SEZ for placing the same in the BoA meeting.

**101.6 Appeals (six cases)**

**101.6(i) Appeal of Sh. Gordhan Das Maheshwari (partner of M/s. G. K. Jewellers) against the decision of the UAC, Noida Special Economic Zone meeting held on 14.09.2020 declining renewal of LoA and the Exit from SEZ Scheme.**

**Gist of order appealed against:**

M/s. G.K. Jewellers was issued LoA dated 22.11.2011 at Plot No. F-27, SEZ-II, JSEZ, Sitapura, Jaipur. The LoA was valid upto 14.06.2020. Subsequently, vide letter dated 03.03.2020 ADC, JSEZ informed the unit the their LoA would expire on 14.06.2020 and hence they were advised to apply for further extension of LoA along with projection for next five years in the prescribed Form-F1 along with requisite documents.



However, due to COVID-19, the Unit could not apply in time and vide letter dated 24.06.2020 it requested to the ADC to extend their LoA for further five years. The ADC, JSEZ vide letter dated 25.06.2020 pointed out some deficiencies. The unit rectified all the deficiencies vide its letter dated 15.07.2020 and requested ADC to extend their LoA for five years.

The ADC vide letter dated 17.09.2020 informed the Unit that the Approval Committee in its meeting held on 14.09.2020 had decided to not to renew their LoA (which has already expired/lapsed on 14.06.2020) and directed them to complete the exit formalities.

### **Contentions of Appeal:**

- i. The Unit has stated that they are a very small entrepreneur, and due to certain domestic problems and at some point of time problem at buyers' end could not pay attention towards their export business and they could make only a single export worth Rs. 0.80 lacs during 2015-16. Thereafter, due to one or other problems in family could not pay any attention towards their business and could not make any exports during the period 2016-17 to 2019-2020.
- ii. During the current financial year, no export could be made by them due to the pandemic COVID-19 but now the business has started moving slowly, and their domestic/family problems are resolved. Moreover, they have certain pending orders (of precious and semi-precious stones) with them, which need to be exported during 2020-21 (copy of the same is enclosed).
- iii. The Unit vide e-mail dated 06.10.2020, once again requested DC, Noida, SEZ to re-consider the decision taken in the UAC on 14.09.2020 and extend their LoA, but so far, no message/correspondence has been received by them.
- iv. Even Central Government is leaving no stone unturned and making all sincere efforts to revive the economy, while they are being asked to exit from the SEZ, thought they even have the orders with them.

In light of above stated facts, the Unit has requested to re-consider the decision of the UAC held on 14.09.2020 and extend their LoA for further five years. They assure that all sincere efforts will be made by them to revive the unit and achieve their export targets/ make good exports from their unit in times to come.

### **Rule Position:**

#### ***Rule 19. Letter of Approval to a Unit***

*(6) 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.*

*(6A) (1) The Units which intend to renew the validity of Letter of Approval shall submit, before two months from the date of expiry of the Letter of Approval, the completed application in Form F1 along with requisite document, to the Development Commissioner, duly signed by the proprietor or managing partner or if it is a company, by the Managing Director or the Director(s) or any person who has or have been duly authorized for this purpose by a resolution of the Board of Approval of Directors of the Company;*

*Provided that in case and application is not submitted before the said period of two months, such application shall be placed before the Approval Committee and the said Committee, if it is satisfied that there was sufficient cause for not filling the same before the said period, may direct for entertainment of such application.*

- 2. In case of non-compliance of the procedures specified in clause (1), the letter of Approval shall not be considered for renewal.*
- 3. The Development Commissioner may renew the Letter of Approval for a period of five years or for a shorter period, in form F2, based on the evaluation of the Unit as per sub-rule (6B).*

*(6B) The renewal of Letter of Approval shall be based on the evaluation of the following criteria, namely: -*

- i. Export performance of the Unit in the last block vis-à-vis the initial export projection submitted by the Unit.*
- ii. Projected employment with reference to actual employment generated.*
- iii. Instance of violation of applicable statutes related to the functioning of the Unit.*
- iv. Cases of default, if any, of statutory payments.*
- v. Undertaking of any activity not sanctioned or approved by the Development Commissioner.*
- vi. The decision of the Developer Commissioner or Approval Committee in this regard shall be final and binding on the Unit except in cases where the Unit prefers an appeal before the Board of Approval in accordance with rule 55.*

The appeal is placed before the Board of Approval.

**101.6(ii) Appeal of M/s. Punam Jewels & Beads Inc. against the decision of the UAC, Noida Special Economic Zone meeting held on 14.09.2020 declining renewal of LoA and the Exit from SEZ Scheme.**

**Gist of order appealed against:**

M/s. Punam Jewels & Beads Inc. was issued LoA on 21.05.2014 at H-121, SEZ II, Sitapura, Jaipur. In November, 2019 meeting of UAC, Noida SEZ considering their efforts for marketing &

restarting business from SEZ Unit, the LoA was renewed till June 2020 and accordingly, they planned to make export for new season in March-April 2020. However, due to COVID-19 led lockdown their planned business activity could not be done, and when normal business activity was in place, their LoA expired in June 2020 for which they applied for renewal before expiry in June.

The Unit has stated that all those earlier years which have seen NIL business from Unit, they have been working on viable Products development for regular business, marketing efforts to get clients who can provide regular orders to be manufactured in SEZ Unit, and surely these efforts although took time, but resulted in getting export orders for SEZ unit. These efforts have been recognized by every meetings of Approval Committee, by giving renewal extension year to year.

So, raising the question of all those earlier years, doing no activity or efforts for business from SEZ Unit, is like going back to whole process & their submissions to UAC meetings every year in past. If this COVID situation has not been there, their Unit could have shown production, export & full compliance in given LOA validity period. But such situations are beyond any one's control & require reasonable consideration as guided by Circular issued by MOC, Govt. of India.

**Reasons as to why decision needs review:**

- i. Due to COVID-19 led lockdown in March, 2020 the Unit could not export as planned for March-April 2020.
- ii. After Normalcy came in business activity, because their LOA Expired in June 2020 so, they could not restart business from the Unit.
- iii. They have export orders which once supplied have potential to bring regular business for their SEZ Unit in future.
- iv. They have done investment in Land & Building, done lot of efforts in marketing & product development, & will surely get positive NFE & employment through their SEZ Unit on regular basis in future.
- v. Request for relaxation in compliance as per Circular of Ministry of Commerce, Govt. of India.

Informing about their future plans, the Unit has stated that during all those years they came across with many clients, business offers & they see lot of opportunities for export business & manufacturing from this SEZ Unit & have many plans for future. But they have to work on them step by step as these plans require lot of planning, man power, administrative people, investments & feedback from markets, which they are very sure to do as the business grows & things come in line after such uncertain business conditions comes to normal.

In light of above stated facts, the Unit has requested to re-consider the decision of the UAC held on 14.09.2020.

The appeal is placed before the Board of Approval.

**101.6(iii) Appeal of M/s. N.K.M. Jewels against the decision of the UAC, Noida Special Economic Zone meeting held on 14.09.2020 declining renewal of LoA and the Exit from SEZ Scheme.**

**Gist of order appealed against:**

M/s. N.K.M. Jewels was issued LoA on 21.05.2014 at H1-126, SEZ II, Sitapura, Jaipur. In November, 2019 meeting of UAC, Noida SEZ considering their efforts for marketing & restarting business from SEZ Unit, the LoA was renewed till June 2020 and accordingly, they planned to make export for new season in March-April 2020. However, due to COVID-19 led lockdown their planned business activity could not be done, and when normal business activity was in place, their LoA expired in June 2020 for which they applied for renewal before expiry in June.

The Unit has stated that all those earlier years which have seen NIL business from Unit, they have been working on viable Products development for regular business, marketing efforts to get clients who can provide regular orders to be manufactured in SEZ Unit, and surely these efforts although took time, but resulted in getting export orders for SEZ unit. These efforts have been recognized by every meetings of Approval Committee, by giving renewal extension year to year.

So, raising the question of all those earlier years, doing no activity or efforts for business from SEZ Unit, is like going back to whole process & their submissions to UAC meetings every year in past. If this COVID situation has not been there, their Unit could have shown production, export & full compliance in given LOA validity period. But such situations are beyond any one's control & require reasonable consideration as guided by Circular issued by MOC, Govt. of India.

**Reasons as to why decision needs review:**

- i. Relaxation in compliance to SEZ Units as per Guidelines due to COVID, by Ministry of Commerce, Govt. of India.
- ii. They have done investment in Land & Building, with lot of planning for future expansion, in past years they have done lot of efforts in marketing & product development, & will surely get NFE positive & employment through their SEZ Unit on regular basis in future.
- iii. They planned restarting exports from unit in March-April 2020, However, due to COVID-19 led lockdown in March 2020, the unit could not export.
- iv. After Normalcy came in business activity, because their LOA Expired in June 2020 so they could not restart business from Unit.
- v. They have export orders which clients agreed for delayed supply due to COVID, once supplied, have potential to get response.

Informing about their future plans, the Unit has stated that during all those years they came across with many clients, business offers & they see lot of opportunities for export business & manufacturing from this SEZ Unit & have many plans for future. But they have to work on them step by step as these plans require lot of planning, man power, administrative people, investments

& feedback from markets, which they are very sure to do as the business grows & things come in line after such uncertain business conditions comes to normal.

In light of above, the Unit has requested to re-consider the decision of the UAC held on 14.09.2020.

The appeal is placed before the Board of Approval.

**101.6(iv) Appeal of M/s. Sh. Suresh Narayan Sarraf (proprietor of M/s. Balaji Silver Crafts) against the decision of the UAC, Noida Special Economic Zone meeting held on 14.09.2020 declining renewal of LoA and the Exit from SEZ Scheme.**

**Gist of order appealed against:**

M/s. Balaji Silver Crafts was issued LoA dated 08.01.2007 at SEZ-II Jaipur SEZ, Sitapura, Jaipur. The LoA was valid upto 03.09.2020. The Unit vide letter dated 01.04.2019 requested for renewal of LoA for five years. However, the ADC, JSEZ, Jaipur informed the unit that the UAC had extended the LoA only for a year subject to the condition that further extension of the LoA will be considered after monitoring the export performance. Subsequently, the Unit vide letter dated 17.08.2020 has requested to DC, NSEZ to extend the LoA (expiring on 03.09.2020) further for five years and also submitted their export projections for the next five years, but the same was not considered for renewal and rejected.

The ADC vide letter dated 17.09.2020 informed the Unit that the Approval Committee in its meeting held on 14.09.2020 had decided to not to renew their LoA (which has already expired/lapsed on 14.06.2020) and directed them to complete the exit formalities.

**Contentions of Appeal:**

- i. The Unit has stated that they are a very small entrepreneur, and due to certain domestic problems could not pay attention towards their export business, and have been making export in small quantity/value. However, during financial year 2018-19 and 2019-20 they could not make any single export, sometime due to their domestic problem or at some point of time problem at buyers' end.
- ii. During the current financial year, no export could be made by them due to the pandemic COVID-19 but now the business has started moving slowly, they have certain pending orders with them, which need to be exported during 2020-21 (copy of the same is enclosed).
- iii. The Unit vide e-mail dated 03.10.2020, once again requested DC, Noida, SEZ to re-consider the decision taken in the UAC on 14.09.2020 and extend their LoA, but so far, no message/correspondence has been received from their end.
- iv. Even Central Government is leaving no stone unturned and making all sincere efforts to revive the economy, while they are being asked to exit from the SEZ, thought they even have the orders with them.

In light of above, the Unit has requested to re-consider the decision of the UAC held on 14.09.2020 and extend their LoA for further five years. They assure that all sincere efforts will be made by them to revive the unit and achieve their export targets/ make good exports from their unit in times to come.

The appeal is placed before the Board of Approval.

**101.6(v) Appeal of M/s. Bairaj International against the decision of the UAC, Noida Special Economic Zone meeting held on 12.10.2020 declining renewal of LoA and directed completion of exit formalities from SEZ Scheme.**

**Gist of order appealed against:**

M/s. Bairaj International was issued LoA on 17.10.2007 at H-166, SEZ-II, Sitapura, Jaipur. The LoA was valid upto 10.10.2020. The UAC, Noida SEZ in its meeting held on 12.10.2020 has observed that *enough opportunities have been given to the unit to show export activity. There was no export from the unit during 2015-16 and since the year 2017-18 again there has been no export. Only in 2016-17 a meagre export of Rs. 1.72 Lakhs had been made. Now also there does not seem to be any intention of the unit to make exports. In light of the dismal export performance of the unit, the Committee felt that there is no use to keep the SEZ assets blocked without any economic activity and hence unanimously decided not to renew the LOA The unit be asked to complete exit formalities. Further, regarding taking over possession of plot, RIICO (the developer) will take necessary action.*

**Reasons as to why the decision needs review:**

- i. They have sufficient order of Rs.16.99 lacs (US\$ 23125.00) from their old customer that is i.e. M/s. Gauri International Co. Ltd., Tokyo, Japan.
- ii. As per scenario of international market due to COVID-19, old customers promised to give more orders which was hold due to COVID-19.
- iii. Now international market is growing with heavy demand of Indian product. Also gems & jewelry sector is growing in Japan.

In light of above, the Unit has requested to re-consider the decision of the UAC held on 12.10.2020 and give them one more opportunity to show export activity.

The appeal is placed before the Board of Approval.

**101.6(vi) Appeal filed by M/s Ionique Research Ltd., unit located at Noida SEZ, Gautam Budh Nagar, Uttar Pradesh against decision of the UAC conveyed vide letter dated 19.10.2020 thereby directing to cancellation of LoA and completion of exit formalities.**

**Gist of order appealed against:**

The unit was granted an LOA on 23.11.2005 for data broadcast, movie merchandising Assembly of Specialty vehicles having fuel cells and solid state batteries. The unit commenced its exports w.e.f. 25.03.2008 and LoA was valid till 24.03.2018. The UAC in its meeting dated 21.09.2020 considered the request of the unit for renewal of LoA and it was noticed that the unit has not been working and lying non functional since 2015-16. That earlier the UAC in its meeting held on 05.12.2018 granted in principle approval for renewal of LoA for one year subject to deposition of entire lease rent by 31.03.2019. As the unit did not clear the lease rent LoA was not renewed.

The UAC was informed that the lease rent of Rs.57,51,936/- is outstanding as on 30.09.2020. The UAC observed that the unit did not comply with the directions of the UAC dated 05.12.2018. Accordingly, extension of LoA upto 31.03.2019 could not be granted and hence the LoA stood expired w.e.f. 24.03.2018. In the circumstances, the Approval Committee unanimously decided to treat the LoA of the unit ceased to exist w.e.f. its date of expiry i.e. 24.03.2018 and directed the unit to complete exit formalities.

**Grounds for request for review as mentioned by the appellant:**

- i.
  - i. Extreme prejudice will be caused not just to the appellant but also to all the suppliers of the capital goods for the proposed project as orders for custom built machinery have already been placed in compliance with the project report of December, 2018.
  - ii. The business plan of the company was changed as per interim LoA approval dated 05.12.2018 only after which orders could be placed for equipment. The company has progressed at the fastest rate possible. The project report for Rs270 cr electric vehicle/battery project based on indigenous capital goods of Rs.180 cr with target NFE of Rs.364 cr was submitted on 15.11.2018 with a target date of commencement of March 2021. The ongoing project of the company is in the area of electric vehicles and batteries which is a focus area of the country and this would be one of the pioneer indigenous technology units in this area.
  - iii. The LoA was renewed only for a period of four years on 23.09.2014 till 24.03.2018 against the five years specified in the SEZ Act/Rules causing prejudice to the company which has now been further added to by the cancellation of LoA through the order being challenged.
  - iv. Cancellation of LoA is a very harsh step with irreversible consequences to the appellant as well all the suppliers and related entities totalling Rs.150 cr. The rent outstanding pertains to rent liabilities on the plot of the plot allottee from whom the plot was acquired by the appellant on 2006. The same was subject matter of an arbitration that was decided in favour of the company in 2007. The amount was finally clear for release in March 2020 but before the same could be transferred to NSEZ, the courts closed down. NSEZ is also aware of the court proceedings. The unit has deposited the balance Rs.14 lacs already. The last Rs.5 lacs was deposited on 20.09.2020 to ensure that the amount due to NSEZ including penal interest did not



exceed the amount to be paid from the court pursuant to the mediation award.

The appeal of the unit is placed before the Board for consideration.

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