

No. F.2/5/2019-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

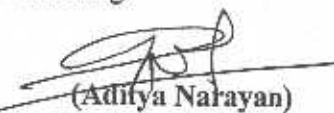
Udyog Bhawan, New Delhi
Dated the 1st September, 2019

OFFICE MEMORANDUM

Subject: 92nd Meeting of the Board of Approval (BoA) for SEZs scheduled to be held on 4th October, 2019 at 11:30 A. M. – forwarding of Agenda thereof – regarding.

In continuation to this department's O.M. of even number dated 2nd September, 2019 on the subject cited above, the undersigned is directed to enclose herewith the Agenda for the 92nd meeting of the BoA for SEZs scheduled to be held on 4th October, 2019 at 11:30 A.M. in Room No. 108, Udyog Bhawan, New Delhi for information and necessary action. Soft copy of the agenda has also been hosted on the website www.sezindia.gov.in. The addressees located outside Delhi are requested to download the agenda from the above mentioned website.

2. The addressees are requested to make it convenient to attend the meeting.


(Aditya Narayan)
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To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).

11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi - 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, Shastri Bhawan, 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, Mihaan 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 (BBS) / PPS to DS (SNS).



**Agenda for the 92nd meeting of the Board of Approval to be held on
4th October, 2019 at 11:30 A.M.in Room No. 108,Udyog Bhawan, New Delhi**

Item No. 92.1: Confirmation of minutes of the meeting of the 91st BoA held on 6th August, 2019.

Item No. 92.2: Requests for extension of validity of formal approval (two proposals)

BoA in its meeting held on 14th September, 2012, while examining such proposals observed as under: -

"The Board advised the Development Commissioners to recommend the requests for extension of formal approval beyond 5th year and onwards only after satisfying that the developer has taken sufficient steps towards operationalisation of the project and further extension is based on justifiable reasons. Board also observed that extensions may not be granted as a matter of routine unless some progress has been made on ground by the developers. The Board, therefore, after deliberations, extended the validity of the formal approval to the requests for extensions beyond fifth years for a period of one year and those beyond sixth year for a period of 6 months from the date of expiry of last extension".

92.2(i) Request of M/s. Mikado Realtors Pvt. Ltd. for further extension of the validity of formal approval, granted for setting up of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurgaon (Haryana) for one year beyond 29.10.2019.

Name of the developer	: M/s. Mikado Realtors Pvt. Ltd.
Sector	: Electronic Hardware, IT/ITES
Location	: Village Behrainpur, Distt- Gurugram (Haryana)
LoA issued on	: 30.10.2008
Notified on	: 29.10.2009
Extension	: The last extension granted by the BoA is valid upto 29.10.2019. Now, the developer has submitted request for LOA extension upto 29.10.2020.

Present Progress:

(a) Details of business plan:-

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

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

S. No.	Type of Cost	Total Investment made so far (Rs. in Crore)	Incremental investment since last extension (Rs. in Crore)
1	Land Cost	44.91	--
2	Material Procurement	0.44	0.44
3	Service Cost	251.32	234.49
4	Other Overheads	38.07	37.87
	Total:	334.74	272.80

(c) Details of Physical progress till date :-

S. No.	Authorised activity	% completion as on date	% completion during last one year	Deadline for completion of balance work
	Phase 1A — Two Tower			
	Tower — 1	65%	65%	June, 2020.
	Tower — 2	48%	48%	Sept., 2020.
	Common Basement	60%	60%	March, 2020.

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

S. No.	Project Milestone		Area	%
1	Sub-Structure (Combined for Tower 1 — 4)	Foundation Work		100%
		Basement 3	332458 Sqft.	100%
		Basement 2	314169 Sqft.	100%
		Basement 1	357160 Sqft.	88%
2	Tower4	Structure	459739 Sqft.	97%
		Common Area Finishing		50%
		Services Work		25%
	Tower-2	Structure	459739 Sqft	83%
		Common Area Finishing		25%
		Services Work		15%
		Structure	459739 Sqft	6%
		Structure	459739 Sqft.	5%
Investment Plan				
S. No.	Year	(Rs. in Crore)	Remarks	
1	2019-20	185	July 19 to March 20	
2	2020-21	144	April 20 to March 21	
3	2021-22	90	April 21 to March 22	

Reasons for seeking extension:

As per the Chartered Engineer's Certificate submitted by the developer, they have constructed 187615.139 sq. mt. total built-up area. Hence, requirement of minimum built up area (100000 Sqmt. in case of IT/ITES SEZ) within a period of ten years from the date of notification in terms of Rule 5(7) of SEZ Rules, 2006, has been complied with.

The developer has further mentioned that they have also completed substantial work in area of Fire-fighting, Plumbing, Air Conditioning, Lift installation, Electrical, Incubation space fit outs, interior finishes & external development etc. They have setup complete infrastructure like batching plant, tower cranes, electro-mechanical workshops, full-fledged construction office setup including Labour camp & other necessary setup to complete the work on priority basis. Further, developer has stated that this project is one of the best in class USGBC LEED Platinum rated & has potential to generate more than 20000 jobs. As per Form C-1 submitted by the developer, the proposed time frame for completion of project is March 2023.

Recommendation by DC:

Keeping in view the incremental investment of Rs.272.80 crore, physical progress made till date, completion of the construction of more than minimum prescribed built up area, DC, NSEZ has recommended the proposal for extension in the validity of LoA of the developer for a period of one year i.e. upto 29.10.2020, in terms of Rule 6(2) (a) of the SEZ Rules, 2006.

The request is placed before BOA for its consideration.

92.2(ii) Request of M/s DLF Info Park, (Pune) Ltd. for further extension of the validity period of formal approval, granted for setting up of sector specific SEZ for IT/ITES at Rajiv Gandhi Infotech Park, Hinjewadi, Phase-II, Pune, Maharashtra beyond 26.06.2019.

Name of the developer: M/s DLF Info Park (Pune) Ltd.
Sector : IT/ITES
Location: Rajiv Gandhi Infotech Park, Hinjewadi, Phase-II, Pune, Maharashtra.
LoA issued on : 27.06.2008
SEZ notified on : 27.10.2014

Extension : The developer has been granted eight extensions and the last extension is valid upto 26.06.2019. The developer has requested for further extension upto 26.06.2020.

Progress of the project:

(a) Details of investment made and Incremental investment made since last extension

Developer has invested Rs. 309,65.47 Lakhs on land, development of the SEZ site and construction of the Buildings:

Description	Investment made as on June 2018 as per the audited books as	Investment made till 31 st March 2019	Incremental investment made from last extension	(Rs. In lakhs)
				Break-up of incremental investment made since last extension
Cost Incurred on land	2664.66	266.4.66	0	--
Cost incurred on development of land	16645.01	16778.75	133.75	Water charges = 21.24 Security 28.91 CRB - 12.42 Development Exp. 9.57 Insurance - 0.88 Legal & Prof. Fees= 50.20 communication - 0.12m Soil testing & design Consultant - 10.02 Depreciation 0.22 Misc. 17
Cost incurred on other developments	7349.09	11522.05	4172.96	
Total	2,66,58.76	3,09,65.47	43,06.71	

The developer has not made any incremental investment since last extension, towards construction of the project since 2017.

(b) Project status:

Project Name	Block No.	Construction work completed	Part occupation area and consent to operate (CTO) area approval	Remark
		Civil Work		
DLF Info Park Pune Limied	5	75%	2,354.76 sq.m.	Total area of 28235.35 (sq.m.) (20% area has been approved for occupation/leasing by MIDC w.e.f. 15.11.2016
	6	38%	1880.59 sq.m.	
	7	36%	Nil	

(c) Project current status (Proposed vs. Completed and Balanced floor to be completed):

S. No.	No. of buildings	No. of floors proposed	Developed floor	Balance floor to be completed	Time line required for completion
1.	Block No. 05	Basement +13	Basement + 7	6	12 months
2.	Block No. 06	Basement + 13	Basement + 4	9	On completion of block no. 5 developer will start the construction work of building no. 06
3.	Block No. 07	Basement + 13	Basement + 4	9	On completion of block no. 6 developer will start the construction work of building no. 07

(d) Physical progress since last extension:- There is no construction or physical activities towards construction of the project since last 3 years.

Detail reasons for delay:

The permissible FSI has been increased from 2FSI to 3FSI in Hinjewadi area where the SEZ land exists. As such, they have filed revised building Master Plan drawing to MIDC opting to avail 3 FSI permissible area, by depositing the first installment of 50% fee & other charges of Rs. 7.27 crores. That unless and until the revised Building Master Plan is not approved by MIDC, they cannot carry out any concrete construction at the site. However, the increase FSI was available to the developer since August 2016.

Recommendation by DC:

Since, the developer has not done any construction activity for development of the SEZ since 2017, the proposal of the developer for extension of one year upto 25.06.2020 is forwarded to BoA for decision.

The proposal is placed before the BoA for consideration.

Item No. 92.3 Requests for extension of LoP beyond 3rd Year onwards (two 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.e. 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 3rd year (in cases where two-third activities are not complete) and 4th 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.

92.3(i) Request of M/s. Algolog Systems Pvt. Ltd., a unit in the IT/ITES SEZ of Ansal IT City & Parks Ltd. at Plot No. TZ-06, Techzone, Greater Noida for extension of LOP dated 26.10.2015 upto 25.10.2021.

Name of Unit:	: M/s. Algolog Systems Pvt. Ltd.
LoP issued on:	: 26.10.2015
Nature of Business of the unit	: Software Development.
No. of Extensions	: NIL
LOP valid upto:	: 25.10.2016
Request:	: Unit has requested for extension upto 25.10.2021.

Present Progress:

(a) Details of Business Plan:

S.No.	Type of Cost	Proposed Investment (Rs. in Crore)
1.	Land Cost	1.182
2.	Construction Cost	9.0
3.	Plant & Machinery	2.0
4.	Other Overheads	-
	Total:	12.182

(b) Investment made so far : Incremental investment since last extension is not available

S.No.	Type of Cost	Total Investment made so far (Rs. in Crore)
1.	Land Cost	1.182
2.	Material Procurement	-
3.	Service Cost	-
4.	Other Overheads:	
	Preparation of Project :	0.0075
	Land Registration:	0.0015
	Membership fee of export promotion council:	0.0012
	Business Meet:	0.0075
	Travelling:	0.0075
	Total:	1.2072

(c) Details of Physical progress till date:-

S. No.	Authorised Activity	% completion as on date	% completion during last one year	Deadline for completion of balance work
1.	Land taken on lease and registration	100%	100%	-
2.	Appointment of architect	100%	100%	-
3.	Submission and approval drawings	100%	100%	-

4.	Appointment of construction agency	100%	100%	-
5.	Completion of construction	NIL	NIL	July 2021 (Construction to start after receipt of LOA extension in July 2019 i.e. This month of this year).
6.	Installation of Machineries	NIL	NIL	
7.	Trial Production	NIL	NIL	
8.	Commercial Production & Export	NIL	NIL	

Reason for delay:-

Unit has stated that they had applied for sanction of layout plan on 23.07.2016 which was sanctioned by the Greater Noida Authority for construction of SEZ unit on 03.01.2019. There was delay in awarding the sanction plan by Gr. Noida Authority on the ground that the SEZ Developer has not submitted No Dues Certificate against the unit to Gr. Noida Authority. However, on scrutiny GNIDA found that M/s. Algolog Systems Pvt. Ltd had already paid more than the required amount to the developer, for the entire lease period in respect of plot allotted to them. Hence, GNIDA has granted the Sanction of layout plan on 03.01.2019. Besides unit has stated that the company has a plan to apply for a part occupation of the building at the end of the first year and start the business of the SEZ even before completion of the complete building. Unit has promised to complete construction up to the first floor of sanction plan within the first year itself and will make the SEZ project part operational immediately. The unit has given a construction plan consisting of four phases of 3 months each.

Rule position:-

In terms of proviso (ii) to Rule 19(4) of SEZ Rules, 2006, "Development Commissioner may grant 3rd year extension (upto 25.10.2019 in instant case) 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". However, in the instant case, unit has yet not started construction activity, due to the compelling reasons mentioned above.

Recommendation by DC:

DC, Noida SEZ has recommended the extension of LOA for a period upto 25.10.2020.

The request is placed before BOA for its consideration.

92.3(ii) Request of M/s. Tech Mahindra Ltd. in MIDC SEZ at Plot No. 4, Rajiv Gandhi Infotech Park, MIDC SEZ, Hinjewadi, Phase III, Pune, Maharashtra for extension of Letter of Permission (LOP) beyond 21.10.2019 upto 20.10.2020.

- LoP issued on: 21.10.2014
- Nature of business of the Unit: IT/ITES

- No of Extensions: 4 by DC, SEEPZ SEZ up to 20.10.2019
- LOP valid upto: 20.10.2019
- Request: For further extension for one year, upto 20.10.2019

Investment details:

Investment as on date	Investment since last extension	Total proposed investment
60.25 crores	35.4 crores	80.35 crores

(a) Detail of current physical progress:

- The unit has commenced the construction of their IT Block 1 and related utility blocks with super built up area of 150000 sq.ft.
- On overall percentage of work around 75% work is completed since June 2018
- The structural work is completed 100%
- All work are lined up in coordination with various stakeholders of the project to meet the total readiness of the area as per schedule before January 2020.

(b) Reason for delay:

The delay in construction was on account of delay in construction of boundary wall by the developer i.e. MIDC. As such, the construction of the building was delayed. Now, upon earmarking of the area, the unit have themselves started constructing the boundary wall for safeguarding their building premises and consequently they started the construction of their building and the same is now almost 75% completed.

Time line for completion of project and making it operational:

- All Ground + 4 floors has been completed and in terms of overall percentage around 75% of work is completed since June 2018.
- The structure along with façade work is 100% completed for main Block No. 1 & utility blocks
- The high side and low side MEP work is progressing and around 70% work is completed.
- The interior and office fit out work is at a brisk pace and around 60% is completed
- The balance work is expected to be completed by end of December 2019 and they are proposing to start operations from January 2020 onwards.

Recommendation by DC:

The proposal for fourth extension of LoA upto 20.10.2020 is recommended for approval of the BoA as per Rule 19(4) of the SEZ Rules, 2006.

The request is placed before BoA for its consideration.

92.4 Cancellation of co-developer status (two proposals)

92.4(i) Request of M/s. Okaya Infocom Pvt. Ltd., co-developer in M/s ELCOT IT/ITES SEZ at Viswanathapuram Village, Hosur Taluk, Krishnagiri Distt. Tamil Nadu for cancellation of LoA.

M/s. Okaya Infocom Private Limited was granted co-developer status on 25.04.2014 for providing infrastructure facilities in the IT/ITES SEZ developed by M/s Electronic Corporation of Tamil Nadu Ltd. at Viswanathapuram Village, Hosur Taluk, Krishnagiri Distt., Tamil Nadu.

Now, M/s. Okaya Infocom Private Limited has requested for cancellation of Co-Developer status due to delay in development of SEZ by ELCOT and change in the economic scenario. DC, MEPZ has informed that the Developer has given the "No Objection Certificate" for the exit of M/s. Okaya Infocom Private Limited from IT/ITES SEZ although M/s. ELCOT Limited took every effort to keep the client in the SEZ. DC has further informed that the Authorised Officer of the SEZ has reported that the Co-Developer has not carried out any activity in the space of land allotted to them from 2011 onwards and the same is lying vacant till date.

Recommendation by DC:

DC, MEPZ SEZ has recommended the proposal for cancellation of co-developer status.

The request is placed before BOA for its consideration.

92.4(ii) Request of M/s. Syngene International Limited, co-developer for cancellation of LoA in M/s Mangalore SEZ Limited at Mangalore, Karnataka.

M/s. Syngene International Limited was granted co-developer status on 17.03.2015 for setting up of Green Field Campus consisting of common infrastructure catering to combination of units, viz. Active Pharmaceutical Ingredients (API), Advanced Intermediates (AI), Agro Chemicals (AC) and the development of common infrastructure for their campus, over an area of 16.2 hectares in MSEZ, and LoA dated 01.10.2018 for increase in area to the extent of 2.57 hectares to the existing area of 16.2 hectares.

Syngene, has submitted an application for setting up an SEZ -Unit in Mangalore SEZ, Mangaluru for carrying out authorized operations viz., manufacture of Advanced Intermediaries (AI) and Active Pharmaceutical ingredients (API). The application was approved by the Approval Committee of MSEZ in its 48th meeting held on 28.08.2019 and subsequently the LoA dated 28.08.2019 was issued to the Unit.

DC, Mangalore has informed that since Syngene is currently a co-developer in MSEZ and they want to set up only one SEZ Unit of their own in the land allotted to them as a Co-Developer, it was decided in the meeting to reconcile the concurrent holding of two statuses, namely co-developer status and Unit status of the company and examine it. The company should have taken only Unit status, if the infrastructure is created for their own unit, rather than taking the co-developer status initially.

Recommendations by DC:-

Since there is no enabling provision in the SEZ Act to hold two statuses, it is felt appropriate to propose to BoA to cancel the LOA of M/s.Syngene International Limited as Co-developer in MSEZ.

The proposal is placed before the BoA for consideration.

92.5 Proposal for change of shareholding pattern/ name/change of control (four 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.

92.5(i) Request of M/s. DLF Info Park (Pune) Ltd. SEZ at Plot No. 29 & PL-2, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-II, Pune for change in shareholding pattern of the company.

The above mentioned SEZ was granted LoA on 27.06.2008 and notified on 27.10.2014.

The details of the shareholding pattern of the company :

Equity of shares : Existing

S. No.	Name of shareholders	%age
1.	M/s. DLF Limited along with its 6 Nominees	100

Equity of shares : Proposed

S. No.	Name of shareholders	%age
1.	M/s. DLF Limited along with its 6 Nominees	71.43
2.	M/s. DLF Commercial Developers Ltd. (wholly owned subsidiary of DLF Limited)	28.87
	Total	100

Optional Convertible Redeemable Preference Shares (OCRPS):

S. No.	Name of shareholders	Existing %age	Proposed %age
1.	M/s. DLF Limited	-	--
2.	M/s. DLF Commercial Developers Ltd. (wholly owned subsidiary of DLF Limited)	-	100
	Total	-	100

Recommendation by DC:-

The formal approval issued to the developer for development of the SEZ was valid upto 20.06.2019. The developer has requested for extension of the formal approval for a further period of one year i.e. upto 20.06.2020. The said proposal has also been forwarded to BoA for decision, as the developer has not undertaken any construction activity for development of the SEZ since 2017.

The application for change in shareholding pattern has been scrutinized and found in order. Hence, the proposal for change in shareholding pattern of M/s. DLF Info Park (Pune) Ltd. is recommended by DC, SEEPZ subject to the condition that Developer's request for extension of validity of period of formal approval is approved by the BoA for a further period.

The proposal is placed before the BoA for consideration.

92.5(ii) Request of M/s. Brookefields Real Estates and Projects Pvt. Ltd SEZ located at Bangalore (Developer) for change of name to M/s. Brigade Properties Private Limited.

M/s. Brookefields Real Estates and Projects Pvt. Ltd was granted Formal Approval on 31.03.2010 for IT & ITES /BPO/Electronic Hardware at Brookefields, Kundalahalli, Marthahalli Post, Bangalore.

The proposal of the developer for amalgamation/merger of M/s. Brookefields Real Estates and Projects Private Limited (transferor company) with its holding company, M/s. Brigade Properties Private Limited (transferee company) through a scheme of Amalgamation under Section 233 of the Companies Act, 2013 on the basis of the confirmation order of Scheme of Amalgamation issued by Ministry of Corporate Affairs, RO, Hyderabad on 25.04.2019 was approved by the BoA in its 91st meeting held on 06.08.2019. However, the proposal for change in name was left out at that time.

Recommendation by DC:

DC, CSEZ has recommended the proposal for change in name from M/s Brookefields Real Estates & Projects Private Ltd. to M/s Brigade Properties Private Limited.

The proposal is placed before the BoA for consideration.

92.5(iii) Request of M/s. Wockhardt Infrastructure Development Ltd. at Five Star Industrial Estate, MIDC, Shendre, Aurangabad for change of name to M/s. Wockhardt BioPharma Ltd.

M/s. Wockhardt Infrastructure Development Ltd. was granted Formal Approval on 03.11.2006 for Pharmaceuticals SEZ at Five Star Industrial Estate, MIDC, Shendre, Aurangabad. The SEZ was notified on 17.04.2007.

Now, the developer has requested for change of name from M/s. Wockhardt Infrastructure Development Ltd. to M/s. Wockhardt BioPharma Ltd.. The No Objection Certificate dated 24.06.2019 of the O/o Registrar of Companies has also been provided. There will be no change in list of Directors/shareholding pre and post name change as per the developer.

Recommendation by DC:

DC, SEEPZ SEZ has recommended the proposal.

The proposal is placed before the BoA for consideration.

92.5 (iv) Request for transfer of Global Village Tech Parks SEZ from Tanglin Developments Limited (Developer) to Global Village Tech Parks Private Limited and proposed change in control of GV Tech Parks Private Limited.

M/s. Tanglin Developments Limited was granted Formal Approval on 28.06.2006 for setting up of a sector specific SEZ for IT/ITES at "Global Village", Pattenegere/Mylasandra Villages, Off Mysore Road, RVCE Post, Bangalore, in the State of Karnataka. The SEZ was notified on 05.10.2006 over an area of 26.673 ha.

M/s. Tanglin Developments Limited has presently floated another subsidiary viz. M/s. G V Tech Park Pvt. Ltd, which has been incorporated on 26.08.2019. M/s. Tanglin Developments Limited is transferring the assets and liabilities to M/s. GV Tech Park Pvt. Ltd. in lieu of which M/s. GV Tech Park Pvt. Ltd, the new Developer, shall be issuing Optionally convertible debentures to TDL.

Subsequently TDL shall be transferring the optionally convertible debentures to Acquirers viz. M/s. BREP Asia II Indian Holding to M/s. I (NQ) Pvt. Ltd. Singapore (A member of Blackshore Group) and Sattva Developers Pvt. Ltd. after which the shareholding pattern will change. These changes are all in the pipeline and are in the process of being executed. As such, the Developer has requested for pre-approval.

Recommendation by DC:-

DC, CSEZ has placed the request before BoA for its consideration.

92.6 Miscellaneous Cases (five proposals)

92.6(i) Writ Petition (Civil) No. 13841/2018 filed by M/s Jagat Gems and Jewellery Vs Union of India and others before the Hon'ble High Court of Delhi.

M/s. Jagat Gems & Jewellery was issued Letter of Approval (LoA) on 10.03.2000 for Manufacturing & Export of Plain & Studded Gold Jewellery. The unit commenced its export production w.e.f. 30.03.2000 and LOA of the unit was valid till 03.11.2016.

The Unit Approval Committee, Noida SEZ in its meeting held on 01.03.2017 concluded that the unit has been lying non-functional since 2010-11 and even after giving enough opportunities the unit had failed to re-start its activities. The Approval Committee did not find any merit in this case for further extension in the validity of LOA and accordingly

did not agree for further extension of LOA and after due deliberations, came to the conclusion that LOA of the unit stands expired w.e.f. expiry of its validity on 03.11.2016 and consequently lease right being co-terminus with validity of LOA also stands expired on the same date in terms of provisions of Rule 11(5) of SEZ Rules, 2006.

The Approval Committee directed the Estate Management section to take necessary action against the unit under provisions of Public Premises Act for realization of outstanding lease rent and to takeover possession of space allotted to it. The decision of the Approval Committee was conveyed to the unit by DC, NSEZ on 23.03.2017.

The unit had preferred an appeal before the BOA against the above decision of the Approval Committee, which was considered by the BOA in its 77th meeting held on 12.05.2017. The Board decided that,

"After deliberations, the Board rejected the appeal in view of the fact that no activities carried out by the unit since 2010 and even after two extensions given by the Approval Committee, no activity has been commenced."

M/s. Jagat Gems & Jewellery had then preferred a case in the High Court of Delhi against rejection of its appeal by BOA for revocation of LOA cancelled by Approval Committee.

The Hon'ble Court has disposed of the case vide judgment dated 17.07.2019 in W.P. (C) No. 13841/2018 filed by M/s Jagat Gems & Jewellery Vs Union of India & Others. The operative part of the said order reads as under:

"10. Reading of the order dated 12.05.2017 passed by the appellate authority would show that the said order is not a reasoned order. Applying the law laid down by the Apex Court to the facts of this case, we set aside the order of the Appellate Court.

11. Without expressing any opinion on the merits of the matter and having regard to the facts, the unit find that the order of the appellant court is not a reasoned order. Accordingly, the unit set aside the order of the appellate court. The appellate court will grant one opportunity of hearing to the petitioner. The petitioner would be entitled to produce such documents which they deem appropriate. The appellate authority will decide the matter in accordance with law within six weeks from the date of receipt of the order. It is agreed that till the final decision is rendered, the subject property shall not be put to auction and in case the matter is decided against the petitioner the protection shall continue for a period of three weeks to enable the petitioner to seek such remedy as available to it in accordance with law.

12. Accordingly, the writ petition and C.M. nos.54073/2018 and 8214/2019 are disposed of with the above directions."

As such, the Appellate Authority i.e. the Board of Approval is required to grant one opportunity of hearing to the petitioner, who will also be entitled to produce such documents which they deem appropriate. The petitioner has vide their submissions dated 09.09.2019 addressed to the BoA has sought for directions to DC, NSEZ to renew the LoA and lease primarily on the following grounds:

- a) After the period 2010-11 all the international markets crashed, thereby all the exports from SEZ units were declined in view of unfavourable global market. At present, the firm is having valuable confirmed export orders from foreign customers.
- b) A Show Cause Notice was issued to the firm on 19.02.2014 as to why penalty should not be imposed in the provision of Foreign Trade (Development & Regulation) Act, 1962 and LoA not be cancelled under the provision of SEZ Act, 2005. The SCN issued in 2014 for the purpose of penalty and cancellation of LoA has not been adjudicated and the proceeding against the same is put in abeyance. The action taken by Development Commissioner is totally illegal as in SEZ Rule and Act there is no provision of automatic cancellation of LoA if the extension has not been granted. If LoA has been granted the same can only be taken by way of cancellation prescribed in Rule 16 for the purpose of persistent violation for the terms and conditions of LoA.
- c) The Approval Committee has failed to appreciate that during the period of 10 years the firm has made the export of more than USD 104 Million and on the basis of their export performance the Development Commissioner has enhance the validity period of LoA from time to time and even on the basis of export performance and considering the need of the unit not only allotted a single plot but three plots. The firm states that they have achieved a positive NFE during the operational period.
- d) The Approval Committee failed to appreciate that after 2010 a sudden change has been arisen in the market of the god jewellery, the demand has unexpectedly dipped, the price of gold enhanced and apart from the same the sole proprietor of the firm met with an accident and was totally disassociated with business.
- e) Despite adversities the firm tried to revive and placed a compliance certificate in 2013 before the authority however could not be able to revive the exports. The Authority refused to grant LoA on the ground that the partner of the firm is also registered with other firm.
- f) The Approval Committee failed to appreciate that any manufacturing unit cannot start the work without the electricity and in the case of firm the electricity disconnected from the previous unit and not provided the connection on the new unit and therefore, they are not in position to commence the manufacturing.
- g) The firm has paid the lease amount to the Office of Development Commissioner.
- h) The Approval Committee failed to appreciate that before the hearing of the appeal, the firm has even submitted the export order received from the various foreign supplier which itself reflect the intention as well as the possibility of commencing the production.
- i) The previous employees are ready to work with the firm and they have export orders. If one opportunity is granted to the firm they can commence production and do the export within 3-6 months and again generate the employment for around 50 people.

Submitted for consideration by the Board of Approval.

92.6(ii) Request of M/s Rain CII Carbon (Vizag) Ltd. for procurement of Raw Pet Coke (RPC) from DTA units.

Rain CII Carbon (Vizag) Limited was granted LOA on 14.09.2017 for manufacture of Calcined Pet Coke (CPC) from imported Raw Pet Coke (RPC).

DC, APSEZ stated that as per DGFT, RPC is "Free" under export policy. According to Section 2(m) of the SEZ Act, supplying goods and providing services from DTA units is "export". Accordingly, supply of RPC from DTA to SEZ unit does not require any permission under Export policy of DGFT. However, the matter was referred as agenda note since RPC is a restricted item under Import policy of DGFT, under rule 27(1) of SEZ Rules read with Instruction No. 47.

The request of the unit for purchase of raw petroleum coke from DTA, local refineries was taken up by this Department with the DGFT and vide their OM dated 18.07.2019, the DGFT has clarified that supply of any item from DTA to SEZ is treated as export. Hence, export of petcoke from DTA to SEZ will be governed under Export Policy and export policy of petcoke is 'free'.

DC, APSEZ has stated that a similar case of M/s M & G Impex (India) Ltd., Mahendra World City, Jaipur was considered by the BoA wherein M/s M & G Impex (India) Ltd., Granite is also a restricted item under import policy, not a restricted item but freely exportable item under Export Policy. The case was discussed, deferred and once again taken up in the meeting of 90th BoA, where in the Board decided to defer the proposal. The Board was of the view that the instruction no. 47 and the provisions of Rule 27(1) of the SEZ Rules, 2006 may be revisited and if required a suitable amendment may be carried out in SEZ Rules, 2006.

It may be noted that the fourth proviso to Rule 27(1) regarding Import and Procurement which incorporates point (iii) of Instruction No. 47 dated 04.03.2010 provides that

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

Since the import of RPC is restricted, the proposal to procure RPC from DTA to SEZ unit requires to be placed before the BoA for approval in terms of Rule 27(1) of the SEZ Rules, 2006.

Submitted for consideration of the BoA.

92.6 (iii) Proposal of M/s. Orvi Design Studio for import of Marble Blocks and Marble Slabs as raw material in respect of its unit located in the Multi-Product SEZ of M/s. Mahindra World City (Jaipur) Ltd. at Village Kalwara, Jhai, Bhamboriya, Bagru Khurd & Newta, Tehsil-Sananer, Distt- Jaipur (Rajasthan).

M/s. Orvi Design Studio was granted LOA dated 28.02.2011 & subsequent amendment letters dated 13.07.2017, 08.03.2018 & dated 14.08.2019 for setting up of unit in

the Handicraft SEZ (now merged as Multi-Product SEZ) of Mahindra World City (Jaipur) Ltd. at Jaipur (Rajasthan) for manufacturing of following items:-

- (i) Handicraft Stone Tiles.
- (ii) Handcrafted Raku Ceramic Tiles (HS Code-69010030).
- (iii) Handcrafted Shattered Glass tiles (with & without inlay work) (HS Code-70169000).
- (iv) Handcrafted Wooden with Metal Tiles (HS Code-44219190).
- (v) Handcrafted Glass with Metal Tiles (HS Code-70200090).
- (vi) Handcrafted Liner with Copper, Brass & Steel (HS Code- 74071030, 74199930, 73269099)
- (vii) Handcrafted Marble (With & without Inlay Work) (68022190), Limestone (25210090), Sandstone (25162000), Granite (With & Without Inlay Work) (68022310), Slate Stone(68030000) Quartzite (25062090).
- (viii) Handicrafts all type of stone with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates & other coloured stones (HS Code-68029900).
- (ix) Handicrafts glass tiles with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates& other coloured stones (HS Code-70169000).
- (x) Handicrafts wooden tiles with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates& other coloured stones (HS Code-44209010).
- (xi) Handicrafts raku ceramic tiles with inlay work with Mother of Pearl, Lapis Lazuli, Malachite, Agates& other coloured stones (HS Code-69149000).

M/s. Orvi Design Studio has submitted proposal for import of Marble Block (HS Code-25151210) and Marble Slabs (HS Code-25151220) having thickness more than 20 MM for manufacturing of handcrafted tiles, Slabs & other items. The unit has stated currently they are in negotiation with a project to supply readymade vanities with hand carving / inlays but the thickness of the marble to be used is 30 MM. However, due to the notification No. 28(RE-2015)/2015-2020 dated 17.09.2016, they are unable to import marble and thus might lose a large multi-year potential order. Unit has further mentioned that as per aforesaid Notification dated 17.09.2016, importing Marble Tiles / Slabs with thickness more than 20MM is not allowed hence they are seeking permission from this office to add Marble Block and Marble Slabs-Thickness more than 20MM in its LOA. Unit has further mentioned that their NFE Earnings will definitely increase substantially and same projections they have incorporated in projected foreign exchange balance sheet with sale projection and these figures have already been submitted to DC office.

DC, NSEZ states that as per Notification No. 28(RE-2015)/2015-2020 dated 17.09.2016, "The import of items under the ITC(HS) Codes 68021000, 68022110, 68022120, 68022190, 68029100, 68029200 and 25151220 related to Marble slabs is permitted freely provided CIF value is US \$40 or above per square metre (for maximum thickness of slabs of 20 MM) w.e.f. 01.10.2016."

Further, as per as per Chapter-25 of Import Policy-2017, the policy condition in respect of ITC(HS) Code-25151210 & 25151220, are as under:-

ITC(HS) Code	Item description	Policy	Policy Conditions
25151210	Blocks	Restricted	Import subject to Policy Condition (2) of the Chapter. <u>Policy Condition (2):</u> Import permitted freely provided CIF value is US \$ 200 or above per MT.
25151220	Slabs	Restricted	Import subject to Policy Condition (4) of the Chapter. <u>Policy Condition (4):</u> Import permitted freely provided CIF value is US \$ 40 or above per square meter (for maximum thickness slab of 200 MM).

In this regard, it may be mentioned here that Point No. (iii) of Instruction No. 47 dated 04.03.2010 issued by DOC, provides as under in respect of SEZ units:-

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

Recommendation by DC:-

The proposal of M/s. Orvi Design Studio for import of Marble Block (HS Code-25151210) and Marble Slabs (HS Code-25151220) having thickness more than 20 MM for manufacturing of handcrafted tiles, Slabs & other items, from its unit located in the Multi-Product SEZ of M/s. Mahindra World City (Jaipur) Ltd. at Jaipur (Rajasthan), is recommended in terms of Instruction No. 47 dated 04.03.2010, for consideration by BoA.

The proposal is placed before the BoA for consideration.

92.6 (iv) Request of M/s. Dr. Reddy's Laboratories Ltd. (CTO SEZ Process Unit.I) a unit in Ms. Dr. Reddy's Laboratories Ltd. for manufacture of Pharmaceuticals & APIs at Devunipalavalasa Village, Ranasthalam Mandal, Srikakulam District for extension of Letter of Approval by another one year.

The unit was granted LoA on 13.01.2010 for manufacture of Active Pharma Ingredients and export. The unit was given extension of LoA upto 28.06.2019.

The unit had commenced its operation on 29.04.2014. Accordingly, the LoA is valid upto 28.04.2019. The unit has requested for renewal of LoA for a further period of five years from 29.04.2019 to 28.04.2024. DC, VSEZ has informed that as per the guidelines the performance of the unit has been reviewed, for the period from 29.04.2014 to 28.02.2019 (59 months) and the result of the review revealed that the unit has accrued a negative NFE of (-) Rs. 2687.42 lakhs during the block period of 2014-2019.

A show cause notice dated 25.06.2019 was issued to the unit under the Foreign Trade (Development & Regulation) Act, 1992 for failure to achieve the positive NFE during the 1st Block period and directed them to reply the show-cause within 15 days from the date of receipt of the notice as to why action should not be taken against them to impose fiscal penalty.

As informed by the DC, they are not in a position to achieve the positive NFE at the end of five year block period owing to several technical and administrative reasons which are beyond their control. The primary reasons for negative NFE is due to teething problems with the new type of machinery, selection of new products and the stringent testing which have taken enough time in the last five years. The other reasons are that the products (i.e. Iron Sucrose, Enoxaparin sodium, Posacanazole) planned and the technology adopted is new as such most of the raw materials have been consumed for testing and analysis which has resulted in negative NFE. However, the unit has informed that as per the Export and Import figures it is clear that the exports are increasing from 4th year onwards which had resulted in decrease of the negative NFE to some extent.

The export figures in the 4th year and 5th year had reduced the negative NFE from Rs. 3392.09 lakhs to Rs. 2687.42 lakhs as on 28th February, 2019. As per the action plan the unit has anticipated an export turnover of Rs. 15,000.00 lakhs during 2019-20. The Show Cause notice has been adjudicated and vide order dated 26.08.2019 and a penalty of Rs. 26.87 lakhs has been imposed on the unit for failure to achieve positive NFE.

The unit has requested to consider the case on merits and requested to forward the request to BoA for grant of extension of period for achievement of positive NFE by one year in terms of Rule 53 of SEZ Rules.

Recommendation by DC:-

The proposal of M/s. Dr. Reddy's Laboratories Ltd., CTO SEZ Process unit I is forwarded for grant of extension period for achieving positive NFE for one year.

The request is placed before BoA for its consideration.

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

M/s. ZF Wind Power Coimbatore Pvt. Ltd., a unit in M/s Aspen Park Infra Coimbatore Private Ltd., Coimbatore was issued LOA on 24.09.2007 for manufacture of "Gear Units for Wind Turbines".

An appeal of the unit against the adverse order of the DC, MEPZ SEZ in relation to request for amendment in LoA to include repairs/re-engineering/re-making of defective gear box units was considered by the Board of Approval(BoA) in its 32nd meeting held on 23.02.2009. The Board decided to include repair and re-engineering activities only in respect of items manufactured either by the unit or by its parent company and not by any other third party-Indian or overseas. The Board further observed that while repair/re-engineering/re-making of gear boxes imported directly and exported back will not be difficult proposal to consider, in respect of gear boxes

coming in from the DTA area, customs and DC will have to ensure that all necessary regulations are adhered to. Subject to this, the Board decided to grant approval to the proposal. Subsequently, DC, MEPZ SEZ issued an amended LoA, vide which the unit was permitted to undertake the following:

Items of Manufacture

- i) Gear Units for Wind Turbines
- ii) Undertake repair/re-engineering and Reconditioning of Gear Box units covered under warranty.
- iii) Undertake repair/re-engineering and reconditioning of Gear Box Units imported from overseas customers or from the DTA for export.
- iv) Undertake repair/re-engineering activities in respect of Gear Box Units from DTA manufactured either by the Unit or its Parent company in Belgium which are beyond warranty.
- v) Undertake manufacture of parts of Gear Box Units.

Service activities : Trading in spare parts of Gear Box units for Wind Turbines.

The request of the unit was again considered by the BoA in its 46th meeting held on 31.05.2011. The Board after deliberations approved the request of the Unit for undertaking third party repair/re-engineering activities of gear boxes. BoA clarified that such repairs, engineering activities would be carried out only on gear boxes imported from outside India and subject to the condition that the repaired gear boxes including waste, scrap etc. should be re-exported as per Rule 18(4)(d) of the SEZ Rules. No repair/re-engineering activities were permitted for gear boxes etc. from DTA. Again on deliberation of the issue by the Board in its 78th meeting held on 03.07.2017, it was observed that if the unit wants to have a full-fledged service unit, they may apply for a separate unit for engineering, repairing services so that accounts are not mixed and NFE criteria is separately complied with by the new services unit.

The Unit vide their letter dated 26.03.2019 requested DoC for review of the decision taken by BoA in its 78th meeting on the grounds that the activity is covered under Section 2(r) of the SEZ Act; their customers in India are forced to export the gear boxes for repairs etc. causing loss to their business and country and that the Specified Officer had recommended their case for consideration.

Section 2(r) of the SEZ Act, 2005 stipulates that, "manufacture" means to make, procedure, fabricate, assemble, process or bring into existence, by hand or by machine, a new product having a distinctive name, character or use and shall include processes such as refrigeration, cutting, polishing, blending, repair, remaking, re-engineering and includes agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture, viticulture and mining;

The unit had informed that, the waste/scrap generated out of the proposed activity would be sent back to DTA customers upon payment of applicable duties and taxes including IGST. In case of authorization by the customer, they will sell the waste and scrap to an authorized re-seller in the DTA upon payment of applicable duties and taxes including IGST. All the waste and scrap referred to above are recyclable and would be sold to scrap dealers who in turn, would sell it foundries which use the same as raw

material in their manufacturing process. DC, MEPZ had recommended the matter for consideration of this department.

The Board of Approval in its 91st meeting held on 06.08.2019 deliberated on the issue and also heard submissions by the representatives of M/s ZF Wind Power Coimbatore Pvt. Ltd. who also submitted a written brief on the issue. After deliberations, the Board directed DC, MEPZ to examine the proposal from M/s ZF Wind Power, especially the mode of assessment of goods as well as the service portion of the transaction as proposed by the unit and submit to the Board for consideration.

Now, as per the directions of the Board, DC, MEPZ has furnished a detailed report of the Specified Officer on the mode of assessment to duty to be adopted while clearing such goods to DTA unit after re-engineering by the SEZ unit i.e. ZF:-

- (i) The Defective Gear Box is received by the SEZ Unit under a Returnable Delivery Note without mentioning any commercial value.
- (ii) During the re-engineering by the SEZ Unit, major spare parts are replaced with new ones for upgradation.
- (iii) After completion of the process, the unit holder ZF raises an invoice mentioning the commercial value of the materials replaced and the operation charges involved in the process. They also raise a Bill of Entry for assessment.
- (iv) Authorized Officer upon receipt of the Invoice and Bill of Entry performs the following assessment:
 - a) Gear box is classified under HSN Code No. 84834000. Hence, the materials replaced in the gearbox received for re-conditioning which are parts of Gear Box are also classified under HSN Code No. 84834000 by virtue of Section XVI Note No. 2(a). {Section XVI Note No. 2(a): Parts which are goods included in any of the headings of Chapter 84 or Chapter 85 (other than headings 8409, 8431, 8448, 8466, 8473, 8487, etc..) are in all cases to be classified in their respective headings}
 - b) Duty is computed in this case on the 'value of repairs' as envisaged in Rule 49(2) of SEZ Rules, 2006.
{Rule 49(2): Goods supplied by a Unit to DTA on payment of duty may be brought back to the unit for the purpose of repair within a period of six months from the date of clearance, or within such period as may be extended by the Specified Officer or within the warranty period which is later, on payment of duty on the value of repairs subject to the condition that the identity of goods is established to the satisfaction of the Specified Officer}
 - c) The value of repairs is the sum of value of parts replaced and value of operation charges.
 - d) The transaction value of parts replaced is taken for assessment on consonance with Customs Valuation Rules. After classification under HSN Code No. 84834000, the applicable rate of duty i.e. BCD @ 7.5%; Social Welfare charge @10%; and IGST @5% are charged on the value of the materials replaced;
 - e) With regard to Operation Charge, the service of 'Operation Charge' is classifiable under HSN Code No. 9987 (Maintenance, repair & installation service and there is not BCD as per the Customs Tariff Act, 1975 for HSN Code No. 9987; However, IGST @18% is charged on the value of Operation Charges.

The unit has stated that the expected revenue to be generated from the proposed repair/re-engineering activity of DTA gear boxes would be less than 1% of the total revenue

generated from the manufacturing operations. Though the proposed activity is estimated to be around 5% of their total turnover, the entire export business and the whole volume of trade and their expansion plan is dependent on the ability to carry out this activity, else their survival in the re-engineering market in India will be very difficult. It will not be commercially and technically feasible for them to set up a separate unit for carrying out the re-engineering activity.

Recommendations by DC:-

DC, MEPZ has requested that the proposal may be placed before the BoA for re-consideration.

92.7 Appeal (three appeals)

92.7(i) Appeal of M/s. Zoho Corporation Private Limited (ZCPC) against the decision of the UAC, MEPZ Special Economic Zone vide order dated 11.07.2019 rejecting the request of the unit for procurement of mobile phones duty free for use of its employees in DTA at depreciated value.

Gist of order appealed against

M/s Zoho Corporation Private Limited, a software product company engaged in the development and sale of software products (both web based and mobile applications) had applied for approval for procurement of mobile phones at zero rate and usage of mobile phones outside the SEZ premises by the employees of the unit. Approval was also sought for claim of depreciation at the time of removal of goods to DTA on account of sale or loss of used asset.

The request was considered in the UAC meeting held on 28.06.2019. After deliberations, the Committee decided to reject the request as Instruction No. 85 has allowed usage of only laptops at home or at any location outside the SEZ premises with some prescribed requirements and this cannot be extended to usage of mobile phones without the explicit approval of the Department of Commerce. Further, that since the Committee rejected the request for procurement of mobile phones duty free for use of their employees, it was not relevant to consider the request for selling mobile phones in DTA at depreciated value.

Contentions of Appeal :

- (i) They are a software product company engaged in developing mobile based applications and modules. Hence, it is inevitable to undertake software development, coding and testing activities for mobile applications without mobile phones.
- (ii) Operating in software industry, there is a dire need for uninterrupted connectivity, communication and access to necessary IT infrastructure. Constant interaction and coordination among various teams within the organisation is necessary throughout the entire product lifecycle, viz., ideation, research and development, testing, sales and marketing, support services, etc. before a product is offered in the market.
- (iii) Considering the intrinsic nature of the job profiles of each of the above teams, it would be difficult for their employees to be present in the office premise at all times to carry out their work roles.

- (iv) It is inevitable to ensure that all their employees (product development, sales and marketing and support functions) are well equipped with the necessary resources like laptops, mobile phones with access to emails and other applications so as to enable seamless performance by their employees in their respective roles and also enable close coordination across the teams.
- (v) Mobile phones are provided only to their employees who are performing authorised operations. Mobile phones are not provided to trainees, interns, contract employees, and other non-permanent staff.
- (vi) All mobile phones are equipped with their in-house software applications (emails, calendar, document, sheet, presentation, books, etc.) which are being used by their employees to perform their respective job roles.
- (vii) All mobile phones are monitored by Zoho's system administrator to ensure authorised usage and activity logs of the users are constantly tracked and archived.
- (viii) Instruction No 85 issued by the Ministry of Commerce and Industry dated 02.08.2016 permits usage of laptops at home or at any location outside the SEZ premises subject to certain prescribed requirements. They are of the opinion that the above instruction should be equally extended to usage of mobile phones as well.
- (ix) In today's technologically advanced economy, a mobile phone is capable of performing at par with laptops and computers. Mobile phones are an integral part of communication network and hence it is inevitable for their employees to carry out their work without mobile phones.
- (x) They have not provided mobile phones to any of their employees for exclusively personal use or for performance of any non-authorised operations. Personal usage of the mobile phones by the employees is only incidental to their possession of the handset and is not the sole/primary purpose of providing mobile phones to their employees.
- (xi) Upon removal of mobile phones from SEZ, duty is being computed and paid. In computation of the value of the asset for determining the liability towards duties and taxes, depreciation as permitted by Rule 49 of the SEZ Rules 2006 has been reduced from the cost of purchase of the mobile phones. Any asset is subject to wear and tear upon usage. Hence, allowance of depreciation claim requires reconsideration.

Rule position :-

Rule 34 Utilization of goods

The goods admitted into a Special Economic Zone shall be used by the Unit or the Developer only for carrying out the authorized operations but if the goods admitted are utilized for purposes other than for the authorized operations or if the Unit or Developer fails to account for the goods as provided under these rules, duty shall be chargeable on such goods as if these goods have been cleared for home consumption:

Provided that in case a Unit is unable to utilize the goods or services imported or procured from Domestic Tariff Area, it may,-

- (i) *export the goods; or*

- (ii) sell the same to other Unit or to an Export Oriented Unit or Electronic Hardware Technology Park Unit or Software Technology Park or Bio-technology Park, without payment of duty; or
- (iii) sell to an Export Oriented Unit or Electronic Hardware Technology Park or Software Technology Park or Bio Technology Park-
 - (a) on payment of Integrated Goods & Services Tax(IGST) as applicable under section 5 of the Integrated Goods & Services Tax Act, 2017(13 of 2017); and
 - (b) without payment of duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and additional duty, if any, leviable therein under sub-sections (1), (3) and (5) of section 3 of the said Act and such sale shall also be made without payment of integrated tax and compensation cess leviable thereon under sub-sections (7) and (9) of section 3 of the said Act as per notification issued by Department of Revenue and such exemptions, as applicable;
- (iv) dispose of the same in the Domestic Tariff Area on payment of applicable duties on the basis of an import licence submitted by the Domestic Tariff Area buyer, wherever applicable.

Rule 49. Domestic Tariff Area removals –abatement of duties in certain cases

- (1) A Unit may remove capital goods to Domestic Tariff Area after use in Special Economic Zone on payment of duty or Integrated Goods and Services Tax as under:-
 - (a) duty shall be levied on such goods on the depreciated value thereof and at the rate in force on the date of removal of the goods;
 - (b) depreciation in value shall be allowed for the period from the date of commencement of production or where such capital goods have been received in the Unit after such commencement of production from the date such goods have been put to use for production till the date of presentation of Bill of Entry for home consumption;
 - (c) depreciation shall be allowed in straight line method as specified below, namely:-
 - (i) for computer and computer peripherals for every quarter in the first year at the rate of ten per cent. for every quarter in the second year at the rate of eight per cent. for every quarter in the third year at the rate of five per cent. for every quarter in the fourth and fifth year at the rate of one per cent.;
 - (ii) for capital goods other than computer and computer peripherals for every quarter in the first year at the rate of four per cent. for every quarter in the second year at the rate of three per cent. for every quarter in the third year at the rate of three per cent. for every quarter in the fourth and fifth year at the rate of two and half per cent. and thereafter for every quarter at the rate of two percent.

It may be noted that a similar request for procurement of mobile phones by M/s Salesforce.com India Pvt. Ltd. was received from VSEZ. The matter was examined in this Department and DC, VSEZ was asked to deal with the proposal in accordance with the provisions of Rule 50(1) (e) of the SEZ Rules, 2006 subject to necessary safeguards to ensure

that the facility if approved shall be used strictly for the authorized operations of the unit.

Rule position :

Rule 50 Temporary removals to Domestic Tariff Area

(1) The Unit may temporarily remove following goods to Domestic Tariff Area without payment of duty and Integrated Goods and Services Tax, namely:-

- a) capital goods and parts thereof for repairs and return thereof;*
- b) goods for display, export promotion, exhibition and return thereof;*
- c) goods for test, repair, refining and calibration and return thereof;*
- d) laptop or notebook computers or video projection systems for use by authorized employees of a Unit or Developer;*
- e) any other goods with the prior approval of the Authorized Officer.*

The appeal is placed before the Board of Approval.

92.7(ii) Appeal of M/s. W.S. Industries (India) Limited against the decision of the UAC, APSEZ Special Economic Zone vide order dated 17.07.2019 declining request to extend the validity of the LoA for the 3rd block period of 2019-2024.

Gist of order appealed against

M/s. W.S. Industries (India) Limited, incorporated on 23.08.1961 has been manufacturing products in the Electrical Transmission and Distribution industrial segments since 1965. The 1st plant was set up by the Appellant in Porur, Chennai. In the past years, the Appellant achieved various credits including being the first company to commence export sales of high voltage insulators from India as well as to obtain the first ISO 900 quality certification.

The request of the company for setting up a manufacturing unit for Ceramic / Porcelain Insulators in the Andhra Pradesh Special Economic Zone, Atchutapuram, Visakhapatnam was considered by UAC, VSEZ and on 14.05.2007 approval was granted to set up a plant within the premises of the SEZ. In the initial years, the unit achieved reasonable success in establishing itself as a high quality producer of high performance insulators. However, when the production started in the year July 2009 the insulator industry was severely impacted by large-scale flooding of Chinese products into the global markets creating a major upheaval in the market dynamics and caused irreparable injury to the Indian Companies.

The request of the unit for renewal of LoA for manufacture of High Voltage Ceramic Insulators etc. for a further period beyond 09.07.2019 was not acceded by the Development Commissioner due to the following reasons vide letter dated 17.07.2019:

- (i) Unit could not be brought into operation and no production/exports were made during the last four years of IInd block period of five years, and
- (ii) Default in payment of statutory dues.

Contentions of Appeal :

- (i) The unit has been subject and debilitated by a series of negative developments those took place in all spheres of operations, i.e. Market debacle, Financial sickness and finally, natural calamities which have severely impacted the performance of the company in the block period of 2014-19. Such challenges and tremendous obstacles being faced by the company have not been considered and accorded due weightage.
- (ii) Due consideration has not been given to evaporation of its market avenues due to the extensive and destructive damage caused by the Hud-Hud cyclone, which were beyond the imagination and control of the company.
- (iii) That the learned Development Commissioner is competent to renew the LOA for the 3rd block of 5 years as per Rule 19(6) of the SEZ Rules, 2006. That while reviewing the performance of the Company as a part of the process of renewal of the LOA, DC may have allowed due consideration of the consequences of the debilitating impact of the non anticipatable detrimental events like dumping of Chinese Products, Hud-hud Cyclone etc., which took place during the period under review in the operating theatre of the Company, while arriving at a decision on the prayer of the company and could have renewed the LOA for the period of 2019-2024 and to afford it a chance for revival of the SEZ Unit.
- (iv) The closure of the unit which was implemented with a huge investment of about Rs.150 cr. is not a solution especially when the unit has a workable plan of revival submitted to Learned Development Commissioner. The Company in the first year itself of the last five year block (2014-2019) has achieved an export sale of Rs.247.14 lakhs. Only due to the catastrophic damage to its plant during the Hud-Hud cyclone, the respondent could not keep up its export commitments and financial commitments.
- (v) The Order has been passed denying the appellant the renewal of the LOA for the third block period (2019-2024) merely on the ground of non-payment of statutory dues. The order fails to appreciate the genuine difficulties which forced the Company to default in payment of its statutory dues and the fact that these defaults were not at all intentional but due to the helplessness of the Company and the promoter.
- (vi) The Company's past track record for the past decade in meeting these obligations has not been taken into account. The Appellant humbly submits that there is a difference between intentional defaults and non-intentional defaults and accordingly renewal of the LOA may be considered, however, with suitable stipulation as to clearing of these dues within a reasonable time, to safeguard the interest of the revenue and the developer of the SEZ.

Revival preposition of the unit:

- To induct a strategic investor as a part of resolution and revival process
- The strategic investor has already been identified and immediately upon receipt of Renewal of LoA, the SEZ Plant will be revived and all necessary steps will be taken in this regard.
- The funds infusion by the strategic investor would be to such a quantum, where the existing and assigned debt obligations of this unit are squared up in total. This investment would also meet the repayment of existing dues to APIIC (IALA Tax & Lease rental dues), Workmen related payments, restoration of power connection, repair and replacement of the equipment to bring the plant into proper working order
- The long term working capital requirements too, would be met by the strategic investor.

- Based on the stipulations of the SEZ, suitable investment instruments would be devised to ensure safety of investment of the strategic investor, apart from giving them an entrepreneurial role to play in the management of the Company and entire responsibility to meet all the future obligations / liabilities of the Company."

The Company prays that the Hon'ble Board of Approval may be pleased to set-aside the impugned order passed by the Ld. Development Commissioner vide dated July 17, 2019 and to order renewal of its LOA for the 3rd block of 5 years, i.e., 2019-2024 and to accord it an opportunity to revive and to achieve stated goals of net foreign exchange earnings for this period. The Company further undertakes that in the event of favourable consideration by the Hon'ble Board of its above prayer, it will seek appropriate prior approval from the Jurisdictional SEZ authority for regularization under Rule 80 of the SEZ Rules, 2006 and in terms of inducting a strategic partner and accordingly prays to the Hon. Board of Approval that a suitable direction shall be given to the Jurisdictional SEZ authority to renew the said LOA and provide consent under the relevant regulations in the SEZ Act & Rules thereof.

The Appellant prays for due opportunity to be given to it for submitting additional documents supporting its application.

Furthermore, while praying for a lenient consideration of the unintentional omissions, the Appellant prays for an opportunity of being heard by the Board of Approval at its earliest convenience. The Appellant craves for the liberty to place any additional facts and supporting documents at the time of such a hearing.

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 license for all purposed 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.

92.7(iii) Appeal of M/s. Confidence Petroleum India Ltd. against the decision of the UAC, APSEZ Special Economic Zone vide order dated 17.07.2019 rejecting request for renewal of LoA.

Gist of order appealed against

The unit was granted LoA on 17.04.2008 for manufacture of High Pressure/CNG Cylinders. The unit obtained the above mentioned LoA and started commercial production of CNG Cylinders w.e.f. 01.06.2009 (LoA validity period from 01.06.2009 to 31.05.2014).

Meanwhile, the validity of LoA also expired and the unit has requested for extension of the same. Before the decision on extension could be made, proceedings were initiated against the unit for non-fulfillment of obligation to achieve positive NFE. Vide order dated 16.11.2015, a penalty of Rs. 2,00,000/- was imposed on the Appellant with a direction to achieve positive NFE in the next 5 years.

Later the request of the unit for renewal of LoA for a further period of 5 years beyond 01.06.2019 could not be acceded to by the DC, APSEZ due to the following reasons:

- (i) The unit was not operational and no production/exports were made during the second block period of five years i.e. from 1.6.2014 to 31.05.2019 and
- (ii) Default in payment of statutory dues.

Contentions in Appeal

- (i) Unit was not in operation during the second block due to time taken for rehabilitation of unit destroyed in Hudhud Cyclone and delay in approval of request for renewal of LoA.
- (ii) Operations at the unit also stopped due to non-availability of required approvals for affecting supplies to DTA
- (iii) Exports could not be made during the 2nd block due to changing global market

- giving rise to competitive international market.
- (iv) Appellant has obtained confirmed export orders from Bangladesh in June 2019
- (v) Renewal of the LoA should be permitted in light of the objective of the SEZ Act
- (vi) Renewal of LoA would be in the line with commitment to strengthen India-Bangladesh relations
- (vii) Need for boost to the Indian Oil and Gas Industry
- (viii) The appellant is striving to satisfy the criteria laid under Rule 19(6B) of the SEZ Rules
- (ix) Non-payment of Lease Rent to APIICL due to exorbitant Lease Rent being charged from the Appellant.
- (x) Non-payment of electricity dues on account of mis-communication between Appellant and APEPDCL

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 license for all purposed 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.

(4) In case of non compliance of the procedures specified in clause (1), the letter of Approval shall not be considered for renewal.

(5) 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.

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

92.8(i) Request of M/s. Tripura Industrial Development Corporation Limited seeking In-principle approval for setting up a new Sector Specific SEZ for Agro based (broad-banded) at Paschim Jalefa & Dakshin Bijoypur (Ludhua Tea Garden area), Sabroom, South Tripura District in the State of Tripura over an area of 25 Ha.

Documents required for setting up of new SEZ for the consideration of the BoA and grant of LoA:-

S. N.	Conditions/Documents required	Status
A.	Documents required for setting up of SEZ in terms of Rule 3 of SEZ Rules, 2006:	
(i)	Completed Form A (with enclosures) a) Estimated Investment : Rs. 1550 (Crores) b) Employment : 12000 (Direct) c) Estimated Project cost : Rs. 147 (Crores) approx d) FDI : Nil	Yes, provided
(ii)	DC's Inspection Report	Yes, provided
(iii)	State Government's recommendation	Yes, provided
(iv)	Recommendation for National Security Clearance (NSC) from Ministry of Home Affairs as per Rule 3 of SEZ Rules, 2006	NSC is awaited from MHA
B.	Minimum area requirements in terms of Rule 5 of SEZ Rules, 2006: Fulfillment of minimum land area (i.e. 25 Ha for Sector Specific SEZ for Tripura) requirement in terms of the Rule 5 of the SEZ Rules, 2006	DC stated that only 16.35 Ha of land is in possession and balance land of 8.65 (25-16.35) Ha has to be acquired.
C.	Details to be furnished for issue of notification for declaration of an area as SEZ in terms of Rule 7 of SEZ Rules, 2006:	
	Certificate from the concerned State Government or its authorized agency stating that the Developer(s) have;	
(i)	Legal possession	As per letter dated 09.07.2019 of the Directorate of Industries & Commerce, Govt. of Tripura, the land of 16.35 Ha at Mouza Paschim Jalefa, South Tripura is recorded in the name of Industries and Commerce Department of Govt. of Tripura. The said land has been approved by the state Govt. for development of a SEZ by a Developer i.e. TIDC Ltd.
(ii)	Irrevocable rights to develop the said area as SEZ	The land is free from all encumbrances.
(iii)	that the said area is free from all encumbrances	

(iv)	Where the Developer has leasehold right over the identified area, the lease shall be for a period not less than twenty years	Land area of 16.35 is under legal possession.
(v)	The identified area shall be Contiguous, Vacant and No public thoroughfare	DC has stated that the area is contiguous, Vacant and No public thoroughfare

Recommendation by DC: DC, Falta, SEZ has recommended the proposal.

The proposal is placed before the BoA for consideration.
