

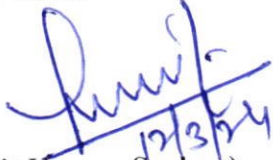
No. K-43019/5/2024-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

Vanijya Bhawan, New Delhi
Dated the 12th March, 2024

OFFICE MEMORANDUM

Subject: 119th Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) – Reg.

Please find enclosed herewith Minutes of the 119th Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) held on 06th March, 2024 under the Chairmanship of Commerce Secretary, Department of Commerce for information and necessary action


(Sumit Kumar Sachan)

Under Secretary to the Government of India

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To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Shri Sanjiv, Joint Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)

13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Development Commissioner, GIFT SEZ, Gujarat
42. Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).
43. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
44. Government of Karnataka, Principal Secretary, Commerce and Industry Department, VikasSaudha, Bangalore – 560001. (Fax: 080-22259870)
45. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.

46. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
47. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
48. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
49. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
50. Government of Haryana, Financial Commissioner and Principal Secretary, Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
51. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
52. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
53. Government of Punjab, Principal Secretary Department of Industry & Commerce UdyogBhawan), Sector -17, Chandigarh- 160017.
54. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
55. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneshwar – 751001 (Fax: 0671-536819/2406299).
56. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), VallabhBhavan, Bhopal (Fax: 0755-2559974)
57. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
58. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
59. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
60. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
61. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

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

**Minutes of the 119th meeting of the Board of Approval for SEZs
held on 06th March, 2024 at Vanijya Bhawan, New Delhi**

The One Hundred and Nineteenth (119th) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 06th March, 2024 under the chairmanship of Shri Sunil Barthwal, Secretary, Department of Commerce at Vanijya Bhawan, New Delhi through hybrid mode. The list of participants is at **Annexure-I**.

119.1: Ratification of the minutes of the 118th meeting of the Board of Approval held on 06th February, 2024.

The Board ratified the minutes of the 118th meeting of the BoA for SEZs held on 06th February, 2024.

119.2: Request for extension of validity of formal approval of Developer (2 proposals)

119.2(i) Request of M/s. Venkatesh Coke & Power Ltd. for extension of the validity period of formal approval granted for setting up of an FTWZ at Athipattu, Nandiambakkam and Puludivakkam Villages, Ponneri, Thiruvallur District, Tamil Nadu.

The Board, after deliberations, **approved** extension of the validity of formal approval for one year upto 02.10.2024.

119.2(ii) Request of M/s. G.P. Realtors Pvt. Ltd. for extension of the validity of formal approval granted for setting up of Electronic Hardware & IT/ITES SEZ at Village Behrampur, Balola & Bandhwari, Distt- Gurugram (Haryana).

The Board has observed that comments from Department of Industries & Commerce, Government of Haryana is awaited in the matter. In this regard, Department of Industries & Commerce, Government of Haryana has informed the Board that they had sought comments from Town and Country Planning (TCP), Haryana and the same has not received yet by them. Once they receive comments from TCP, Haryana, they would provide their comments/approval in the matter.

The Board, after deliberations, **granted approval** for extension of the validity of the formal approval for one more year and regularised the period from 25.01.2020 subject to the condition that the extension shall be valid subject to obtaining requisite approval from the Department of Industries & Commerce, Government of Haryana.

119.3: Request for extension of LoA of Unit (1 proposal)

119.3(i) Request of M/s. Worldwide Safety Pvt. Ltd. (Unit-II), Plot No. 49/A, Apparel Park SEZ, Ahmedabad for Extension of LoA dated 06.11.2019 valid upto 05.11.2022.

The Board noted that the Unit has not done any construction activity till date and also has not made any incremental investment since last extension. Accordingly, the Board, after deliberations, **rejected** the request of the Unit for extension of validity of their LoA.



119.4: Request for partial/full de-notification of SEZ (1 proposal)

119.4(i) Request of M/s. Phoenix Spaces Private Limited, for partial de-notification of 2.84 Ha out of 3.46 Ha of their IT/ITES at Sy. No. 286 and 287, Puppalguda Village, Rajendra Nagar Mandal, Ranga Reddy District, Telangana.

The Board, after deliberations, approved the proposal.

119.5: Miscellaneous (6 cases)

119.5(i) Request of M/s. Wipro Limited for cancellation of LoA issued to them as Co-Developer of M/s. Mahindra World City SEZ, Chengalpattu District, Tamil Nadu.

The Board, after deliberations, approved the proposal.

119.5(ii) Request of M/s. Oryx IT Society, Co-Developer in M/s. Phoenix Tech Zone Pvt. Ltd, SEZ for IT/ITES at Sy. No. 118-138 (P), Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana for transfer of Formal Approval and Co-Developer status to M/s. Evermark IT Developers Pvt. Ltd.

The Board, after deliberations, approved the proposal for transfer of Formal Approval and Co-Developer status from M/s. Oryx IT Society to M/s. Evermark IT Developers Pvt. Ltd. in M/s. Phoenix Tech Zone Pvt. Ltd. The proposed Co-Developer will be taking the existing bare shell on lease from the landowners for the purpose of sub-leasing to IT SEZ units and for the purpose of operations and maintenance, over 2 million sq.ft. of built-up area, in accordance with the Co-developer agreement dated 02.01.2024 entered into with the Developer subject to standard terms and conditions as per the SEZ Act and Rules. Further, the Assessing Officer will have the right to examine the taxability of the income by way of lease rentals/down payment/premium etc. for the purpose of assessment under the prevalent Income-tax Act, 1961 and Income-tax Rules, 1962 as amended from time to time. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019.

119.5(iii) Request of M/s. Spectrum IT Society, Co-Developer for M/s. Phoenix Spaces Pvt. Ltd, SEZ for IT/ITES at Sy. No. 285 Kokapet Village, Rajendra Nagar Mandai, Ranga Reddy District, Telangana for transfer of Formal Approval and Co-Developer status to M/s. Evermark IT Developers Pvt. Ltd.

The Board, after deliberations, approved the proposal for transfer of Formal Approval and Co-Developer status from M/s. Spectrum IT Society to M/s. Evermark IT Developers Pvt. Ltd. in M/s. Phoenix Tech Zone Pvt. Ltd. The proposed Co-Developer will be taking the existing bare shell on lease from the landowners for the purpose of sub-leasing to IT SEZ units and for the purpose of operations and maintenance, over 1.178 million sq.ft. of built-up area, in accordance with the Co-developer agreement dated 02.01.2024 entered into with the Developer subject to standard terms and conditions as per the SEZ Act and Rules. Further, the Assessing Officer will have the right to examine the taxability of the income by way of lease rentals/down payment/premium etc. for the purpose of assessment under the prevalent Income-tax Act, 1961 and Income-tax Rules, 1962 as amended from time to time. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019.



119.5(iv) Request of M/s. Fortune IT Society, Co-Developer for M/s. Phoenix Spaces Pvt. Ltd, SEZ for IT/ITES at Sy. No. 286 & 287, Kokapet Village, Rajendra Nagar Mandal, Ranga Reddy District, Telangana for transfer of Formal Approval and Co-Developer status to M/s. Evermark IT Developers Pvt. Ltd.

The Board, after deliberations, **approved** the proposal for transfer of Formal Approval and Co-Developer status from M/s. Fortune IT Society to M/s. Evermark IT Developers Pvt. Ltd. in M/s. Phoenix Tech Zone Pvt. Ltd. The proposed Co-Developer will be taking the existing bare shell on lease from the landowners for the purpose of sub-leasing to IT SEZ units and for the purpose of operations and maintenance, over 0.433 million sq.ft. of built-up area, in accordance with the Co-developer agreement dated 02.01.2024 entered into with the Developer subject to standard terms and conditions as per the SEZ Act and Rules. Further, the Assessing Officer will have the right to examine the taxability of the income by way of lease rentals/down payment/premium etc. for the purpose of assessment under the prevalent Income-tax Act, 1961 and Income-tax Rules, 1962 as amended from time to time. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019.

119.5(v) Cancellation of Formal Approval pertaining to M/s. Madhusheel Infra Projects Pvt. Ltd., SEZ for IT/ITES at Sy. No. 229-232, Gaganpahad Village, Rajendra Nagar Mandai, Ranga Reddy District, Telangana.

Department of Revenue has noted that cancellation of the formal approval can be done after adjudication proceedings in the matter are completed.

Accordingly, the Board, after deliberations, decided to remand back the proposal to DC, VSEZ.

119.5(vi) Request of M/s. DLF Info Park (Pune) Ltd., Developer for decrease in area admeasuring 4.7498 Hectares at plot No. PL-2 (Non-Notified) (Vacant Land) from formal letter of approval.

The Board, after deliberation, **approved** the proposal of M/s. DLF Info Park (Pune) Ltd. for decrease in area by 4.7498 hectares at plot No. PL-2 (Non-Notified) (Vacant Land) from formal letter of approval.

119.6: Appeal (5 cases)

119.6(i) Appeal filed by M/s. Plastic Processors & Exporter Pvt. Ltd. against the Order dated 21.04.2023 issued by DDC, Noida SEZ regarding non-renewal of their LoA.

The Board had heard the appellants in its 115th meeting held on 17.06.2023 and has also taken note of the report submitted by the Committee constituted as per directions of the Board in its 117th meeting held on 17.11.2023 to examine all the aspects of M/s. Plastic Processors & Exporter Pvt. Ltd. and other similarly placed Units.

The Board, after deliberations, **approved** renewal of the LoA of the Unit for five years subject to the following conditions: -



- i. The Unit shall ensure necessary funding is arranged within 3 months of the date of approval of extension and construction commences immediately to ensure that commercial production commences within 24 months of the date of approval.
- ii. The Unit would ensure their first export orders within 18 months from date of renewal of LoA. No further request will be considered to extend this time limit of 18 months.
- iii. No DTA sales would be allowed during the period of this 5-year extension irrespective of fulfilling of NFE and other conditions. Thereafter, DTA sales may be allowed as per prevailing norms.
- iv. Exit of the Unit in terms of Rules 74 and Transfer of its Assets in terms of Rule 74A of the SEZ Rules, 2006 would not be allowed during the period of this 5-year extension.
- v. Environment Clearance and other statutory clearances, if required, would be obtained by the Unit.
- vi. The Unit will provide a clear roadmap and the UAC, NSEZ would examine the performance of the Unit after every six months period.
- vii. These conditions are over and above the extant conditions of NFE requirements under rule 53 of SEZ Rules.

119.6(ii) Appeal filed by M/s. MNR Exports Private Limited against the Order dated 06.09.2023 issued by DC, Falta SEZ.

The Board heard the appellant and after deliberations, agreed to the prayer of the appellant and remanded the appeal back to DC, Falta SEZ with direction to give them opportunity of being heard and decide the case on merit.

119.6(iii) Appeal filed by M/s. MGA & Associates, Unit-II against the Order dated 13.11.2023 issued by DC, KASEZ withdrawing the permissions for warehousing of Arecanut/Betelnut and Pepper.

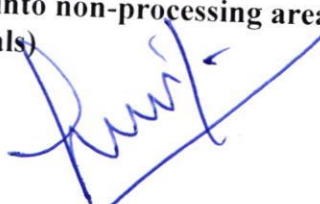
119.6(iv) Appeal filed by M/s. Varsur Impex Pvt. Ltd. against the Order dated 09.11.2023 issued by DC, KASEZ withdrawing the permissions for warehousing of Arecanut/Betelnut and Pepper.

119.6(v) Appeal filed by M/s. Shriji Overseas against the Order dated 09.11.2023 issued by DC, KASEZ withdrawing the permissions for warehousing of Arecanut/Betelnut and Pepper.

The Board heard the representative of the appellants in the above three cases [item No. 119.6(iii) to (v)]. The Board observed that there is vitiation of the proceedings in issuing Order and withdrawing the permissions by DC, KASEZ.

The Board, after deliberations, agreed to the prayer of the appellants and remanded the appeals back to DC, KASEZ with direction to give these Units opportunity of being heard and thereafter, to decide on merits.

119.7: Request for conversion of processing area into non-processing area under Rule 11(B) (9 proposals)



119.7(i) Request of M/s. DLF Limited, New Town, Rajarhat, Kolkata for demarcation of a portion of SEZ Processing Built-up area to a Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

The Board has observed the followings: -

- i. The Developer has refunded an amount of Rs.1,70,88,439/- (Rupees one Crore forty-seventy lakh eighty eight thousand four thirty nine only) towards the duty/tax exemption availed for the entire building including common infrastructure and the Specified Officer has issued No Dues Certificate on 20.02.2024.
- ii. The Developer has confirmed that while assessing the tax liability all social and common infrastructure facilities built up in the processing and proposed non-processing area and they have refunded the entire amount and submitted No Dues Certificate from the Specified Officer.
- iii. The Developer has submitted an Undertaking that they shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

Accordingly, the Board has **approved** the request of M/s. DLF Limited, New Town, Rajarhat, Kolkata, for demarcation of SEZ Processing Built-up area (11977 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

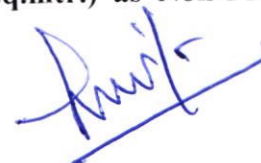
119.7(ii) Request of M/s. Modern Asset, Developer, for demarcation of SEZ Processing Built-up area (54781.63 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

The Board has observed the followings: -

- i. The Developer has refunded an amount of Rs.12,47,77,730/- (Rupees Twelve Crore forty-seven lakh seventy-seven thousand seven hundred thirty only) towards the duty/tax exemption availed for the area proposed to be demarcated and the common facilities and the Specified Officer has issued No Dues Certificate on 19.02.2024.
- ii. The Developer has confirmed that while assessing the tax liability all social and common infrastructure facilities built up in the processing and proposed non-processing area and they have refunded the entire amount and submitted No Dues Certificate from the Specified Officer.
- iii. The Developer has submitted an Undertaking that they shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

Accordingly, the Board has **approved** the request of M/s. Modern Asset, Developer, for demarcation of SEZ Processing Built-up area (54781.63 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

119.7(iii) Request of M/s. Manyata Promoters Private Limited, Developer, for demarcation of SEZ Processing Built-up area (56,461.91 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.



119.7(iv) Request of M/s. Shyamaraju & Company (India) Private Limited, Developer, for demarcation of SEZ Processing Built-up area (201654.29 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

119.7(v) Request of M/s. Quadron Business Park Pvt. Ltd. for Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

119.7(vi) Request of M/s. Embassy Pune Tech Zone Pvt. Ltd. for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

119.7(vii) Request of M/s. Synergy Infotech Pvt Ltd. (SEZ Co-Developer) in M/s. MIDC IT/ITES-SEZ for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

119.7(viii) Request of M/s. Magarpatta Township Development and Construction Company Ltd. SEZ for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

The Board has observed that in the 118th meeting of the BoA held on 06.02.2024, the Board had taken decision and approved the proposals for demarcation of Processing Area into Non-Processing Area under the Rule 11B of the SEZ Rules, 2006 subject to the following conditions: -

- i. Full repayment of the amount of proportionate Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the area to be demarcated as NPA as stipulated under the Rule 11B.
- ii. Full repayment of the amount of Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the common infrastructure area as stipulated under the Rule 11B.
- iii. Submission of an Undertaking that the Developer shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

The Board noted that the aforesaid decision taken in the previous meeting of the board was taken in concurrence with DoR in anticipation of the principles for determination of payment of duty benefits will be laid down very fast. However, the Board has noted that concurrence of DoR in this regard is still awaited by DoC.

Accordingly, the Board has requested DoR to immediately furnish their concurrence / comments, if any to DoC such that the principles for determination of payment of duty benefits are laid down and necessary instructions providing clarity in this regard are issued by DoC.

The Board, after deliberation, **deferred** the proposals [from item No. 119.7(iii) to (viii)].

119.7(ix) Request of M/s. KRC Infrastructure and Project Pvt. Ltd. and M/s. Gera Holdings Pvt. Ltd. for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

The Board has observed the followings: -

- i. The Developer has refunded all the exemption and benefits availed for construction of the building to the tune of Rs. 44.66 Crores after due assessment by the Specified Officer of their zone. No dues Certificate has been issued by the Specified Officer.
- ii. The Developer has also stated that they have refunded entire exemption and benefits for the entire building which includes the exemption and benefits availed for common infrastructure like parking, lobby, Staircases and elevators etc.
- iii. The Developer has submitted an Undertaking that they shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

Accordingly, the Board has **approved** the request of M/s. KRC Infrastructure and Project Pvt. Ltd. and M/s. Gera Holdings Pvt. Ltd. for demarcation of SEZ Processing Built-up area (34,579.70 sq.mtr.) as Non-Processing Area in terms of Rule 11B of SEZ Rules, 2006.

Decision of Supplementary Agenda:

119.8: Request for extension of validity of formal approval of Developer (1 proposal)

119.8(i) Request of M/s. Embassy Property Developments Private Limited, Bangalore for extension of validity of Formal Approval, granted for setting up of Sector specific SEZ for Information Technology and Information Technology Enabled Services (IT/ITES) at Outer Ring Road, Rachenahalli Village, Bangalore, Karnataka State, beyond 01.03.2024.

The Board, after deliberations, **approved** extension of the validity of formal approval for one year upto 01.03.2025.

119.9: Request for conversion of processing area into non-processing area under Rule 11(B) (6 proposals)

119.9(i) Request of M/s. Qubix Business Park Pvt. Ltd. for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

119.9(ii) Request of M/s. NSL SEZ (Hyderabad) Pvt. Ltd, Developer, IT/ITES SEZ at IDA Uppal, Ranga Reddy District, Telangana for demarcation of their SEZ under Rule 11 B of SEZ (Fifth Amendment) Rules, 2023.

119.9(iii) Request of M/s. DLF Info City Hyderabad Ltd., Developer, IT/ITES SEZ at Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, Telangana for demarcation of their SEZ under Rule 11 B of SEZ (Fifth Amendment) Rules, 2023.



The Board has observed that in the 118th meeting of the BoA held on 06.02.2024, the Board had taken decision and approved the proposals for demarcation of Processing Area into Non-Processing Area under the Rule 11B of the SEZ Rules, 2006 subject to the following conditions: -

- i. Full repayment of the amount of proportionate Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the area to be demarcated as NPA as stipulated under the Rule 11B.
- ii. Full repayment of the amount of Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the common infrastructure area as stipulated under the Rule 11B.
- iii. Submission of an Undertaking that the Developer shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

The Board noted that the aforesaid decision taken in the previous meeting of the board was taken in concurrence with DoR in anticipation of the principles for determination of payment of duty benefits will be laid down very fast. However, the Board has noted that concurrence of DoR in this regard is still awaited by DoC.

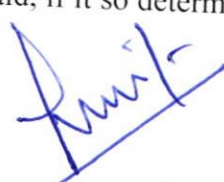
Accordingly, the Board has requested DoR to immediately furnish their concurrence / comments, if any to DoC such that the principles for determination of payment of duty benefits are laid down and necessary instructions providing clarity in this regard are issued by DoC.

The Board, after deliberation, **deferred** the proposals [item No. 119.9(i) to (iii)].

119.9(iv) M/s. Oxygen Business Park Private Limited, developer of IT/ITES SEZ at Plot No. 7, Sector-144, Noida (Uttar Pradesh) – Proposal for demarcation of a portion of built-up area in SEZ as Non-Processing Area under Rule 11B of SEZ Rules, 2006.

The Board has observed the followings: -

- i. The Specified Officer vide his letter No. SEZ/Oxygen/Dev.07/2015/05 dated 24.01.2023 had issued 'No Dues' in respect of proposed part de-notification of SEZ stating that the duty exemption amounting to Rs.38,98,88,549/- availed by the developer in development of the said area and construction of the said Tower-1 has been paid.
- ii. The Developer has also stated that they have refunded entire exemption and benefits for the entire building which includes the exemption and benefits availed for common infrastructure like parking, lobby, Staircases and elevators etc.
- iii. The Developer has submitted an Undertaking that they shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.



Accordingly, the Board has **approved** the request of M/s. Oxygen Business Park Private Limited for demarcation of partial built up area of 88325.50 sq.mt. in respect of Tower 1, (including Basement, Stilt floor + 13 floors + Terrace), as Non-Processing Area, in terms of Rule 11B of SEZ Rules, 2006.

119.9(v) Request of M/s. Arliga Ecoworld Infrastructure Pvt. Ltd. (formerly M/s. RMZ Ecoworld Infrastructure Pvt. Ltd.), Developer, for demarcation of SEZ Processing built-up area (38253.26 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

119.9(vi) Request of M/s. Infoparks Kerala, Co-Developer of Kerala State IT Infrastructure Limited for demarcation of SEZ Processing built-up area (5574 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

The Board has observed that in the 118th meeting of the BoA held on 06.02.2024, the Board had taken decision and approved the proposals for demarcation of Processing Area into Non-Processing Area under the Rule 11B of the SEZ Rules, 2006 subject to the following conditions: -

- i. Full repayment of the amount of proportionate Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the area to be demarcated as NPA as stipulated under the Rule 11B.
- ii. Full repayment of the amount of Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the common infrastructure area as stipulated under the Rule 11B.
- iii. Submission of an Undertaking that the Developer shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

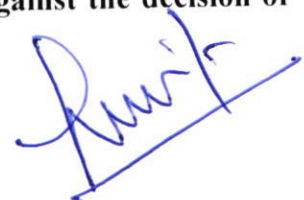
The Board noted that the aforesaid decision taken in the previous meeting of the board was taken in concurrence with DoR in anticipation of the principles for determination of payment of duty benefits will be laid down very fast. However, the Board has noted that concurrence of DoR in this regard is still awaited by DoC.

Accordingly, the Board has requested DoR to immediately furnish their concurrence / comments, if any to DoC such that the principles for determination of payment of duty benefits are laid down and necessary instructions providing clarity in this regard are issued by DoC.

The Board, after deliberation, **deferred** the proposals [item No. 119.9(v) to (vi)].

119.10: Appeal (1 case)

119.10(i) Appeal filed by M/s. Margo Impex Private Limited against the decision of UAC, NSEZ dated 04.01.2024.



The Board heard the appellant and observed that there is vitiation of the proceedings in issuing Order and withdrawing the permissions by DC, NSEZ.

The Board, after deliberations, agreed to the prayer of the appellant and remanded the appeal back to DC, NSEZ with direction to grant the Unit an opportunity of being heard and thereafter, decide the case on merit.

Decision on Supplementary Agenda II:

119.11: Request for extension of validity of formal approval of Developer (1 proposal)

119.11(i) Request of M/s. Nagaland Industrial Development Corporation Ltd SEZ for further extension of the validity period of formal approval, granted for setting up of Sector Specific SEZ for Agro & Food Processing at Ganeshnagar, Dimapur, Nagaland beyond 02.12.2023.

The Board, after deliberations, **approved** extension of the validity of formal approval for one year i.e., upto 02.12.2024.

119.12: Request for Co-developer status (2 proposals)

119.12(i) Request of M/s. GGG Developers LLP for grant of co-developer status in the IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. located at Plot No. 21, Sector – Techzone IV, Greater Noida, Uttar Pradesh

The Board, after deliberations, **approved** the proposal of M/s. GGG Developers LLP for Co-developer status in M/s. Artha Infratech Pvt. Ltd. for Conversion from warm shell to total ready to move in infrastructure and renovation of existing furniture & fit outs including maintaining and managing facility management on One floor (13th floor) of Tower No.1 of approx. 34113 sq.ft. Super area of SEZ, in accordance with the Co-developer agreement dated 22.11.2023 entered into with the Developer subject to standard terms and conditions as per the SEZ Act and Rules. Further, the Assessing Officer will have the right to examine the taxability of the income by way of lease rentals/down payment/premium etc. for the purpose of assessment under the prevalent Income-tax Act, 1961 and Income-tax Rules, 1962 as amended from time to time. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019.

119.12(ii) Request of M/s. Shivalik SEZ Projects LLP, Ahmedabad for approval as Co-Developer within the processing Area in GIFT-Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, developed by M/s. GIFT SEZ Limited.

The Board has observed some deficiencies in the proposal and after deliberations, **deferred** the proposal with directions to DC, KASEZ/GIFT SEZ to seek details from the applicant viz. their plan with regard to financial closure, arrangement of money, funding of the project, break-up of equity to debt etc.

119.13: Request for increase in area by Co-developer (1 proposal)

119.13(i) Request of M/s. Venus Green Build LLP, GIFT-SEZ, Gandhinagar for addition of space in the approval as a Co-Developer within the processing Area of

GIFT-Multi Services SEZ at Ratanpur, District Gandhinagar, Gujarat, developed by M/s. GIFT SEZ Limited.

The Board, after deliberations, **approved** the proposal of M/s. Venus Green Build LLP for increase in built-up area of (i) 3,80,000 square feet to 4,08,772 square feet (addition of 28,772 square feet area) due increase in development rights; ii) addition of 262 square meters of basement extent, i.e. increase from 3474 square meters to 3736 square meters; iii) additional appurtenant land below grade level beyond basement extent 232 square meters, additional area, in accordance with the Co-developer agreement dated 02.03.2023 entered into with the Developer subject to standard terms and conditions as per the SEZ Act and Rules. Further, the Assessing Officer will have the right to examine the taxability of the income by way of lease rentals/down payment/premium etc. for the purpose of assessment under the prevalent Income-tax Act, 1961 and Income-tax Rules, 1962 as amended from time to time. The lease period shall be in accordance with DoC's Instruction No. 98 dated 29th August, 2019. Furthermore, the area restrictions for duty paid shall be as per the Rule 11A(3)(c) of the SEZ Rules, 2006. The other conditions of the LoA shall remain the same.

119.14: Request for approval of 'Restricted' item (1 proposal)

119.14(i) Proposal of M/s. ASF Insignia SEZ Private Limited, Developer for approval of 'Restricted' item to carry on authorized operations in the IT/ITES SEZ at Village Gwal Pahari, Gurugram (Haryana).

The Board has observed that DoR requires some clarifications in the matter. Accordingly, the Board, after deliberations, **deferred** the proposal.

119.15: Appeal (2 cases)

119.15(i) Appeal filed by M/s. Arshiya 3PL Services Private Limited against the decision of UAC, NSEZ dated 04.01.2024.

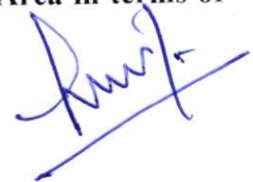
119.15(ii) Appeal filed by M/s. Srikaram Prescience Private Limited against the decision of UAC, NSEZ dated 04.01.2024.

The Board heard the appellant and observed that there is vitiation of the proceedings in issuing Order and withdrawing the permissions by DC, NSEZ.

The Board, after deliberations, agreed to the prayer of the appellants and remanded the appeals [item No. 119.15(i) to (ii)] back to DC, NSEZ with direction to grant them an opportunity of being heard and thereafter, decide the case on merits.

119.16: Request for conversion of processing area into non-processing area under Rule 11(B) (7 proposals)

119.16(i) Request of M/s. Infopark Properties Limited, Developer, for demarcation of SEZ Processing Built-up area (38,007.61sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ (Fifth Amendment) Rules, 2023.



- 119.16(ii) Request of M/s. DLF Info City Chennai Limited, Developer, for demarcation of SEZ Processing Built-up area (32,907 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2023.
- 119.16(iii) Request of M/s. Candor Gurgaon One Realty Projects Private Limited, developer of IT/ITES SEZ at Village Tikri, Gurugram (Haryana) – Proposal for demarcation of a portion of built-up processing area in SEZ as Non-Processing Area under Rule 11B of SEZ Rules, 2006.
- 119.16(iv) Request of M/s. Grand Canyon SEZ Private Limited, Co-developer in ASF Insignia SEZ Pvt. Ltd. IT/ITES SEZ at Village GwalPahari, Gurugram (Haryana) for demarcation of a portion of built-up Processing Area into Non-Processing Area under Rule 11B of SEZ Rules, 2006.
- 119.16(v) Request of M/s. Kings Canyon SEZ Private Limited, Co-developer in ASF Insignia SEZ Pvt. Ltd. IT/ITES SEZ at Village GwalPahari, Gurugram (Haryana) – Proposal for demarcation of a portion of built-up Processing Area into Non-Processing Area under Rule 11B of SEZ Rules, 2006.
- 119.16(vi) Request of M/s. Gigaplex Estate Pvt. Ltd. for Demarcation of Built up Floors as Non-Processing Area of a notified IT/ITES SEZ.
- 119.16(vii) Request of M/s. Mindspace Business Parks Private Limited for Demarcation of Built up Floors as Non-Processing Area of a notified IT/ITES SEZ.

The Board has observed that in the 118th meeting of the BoA held on 06.02.2024, the Board had taken decision and approved the proposals for demarcation of Processing Area into Non-Processing Area under the Rule 11B of the SEZ Rules, 2006 subject to the following conditions: -

- i. Full repayment of the amount of proportionate Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the area to be demarcated as NPA as stipulated under the Rule 11B.
- ii. Full repayment of the amount of Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the common infrastructure area as stipulated under the Rule 11B.
- iii. Submission of an Undertaking that the Developer shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

The Board noted that the aforesaid decision taken in the previous meeting of the board was taken in concurrence with DoR in anticipation of the principles for determination of payment of duty benefits will be laid down very fast. However, the Board has noted that concurrence of DoR in this regard is still awaited by DoC.



Accordingly, the Board has requested DoR to immediately furnish their concurrence / comments, if any to DoC such that the principles for determination of payment of duty benefits are laid down and necessary instructions providing clarity in this regard are issued by DoC.

The Board, after deliberation, **deferred** the proposals [item No. 119.16(i) to (vii)].

119.17: Request for conversion of wing wise floor processing area into non-processing area under Rule 11(B) (4 proposals)

119.17(i) Request of M/s. EON Kharadi Infrastructure Pvt. Ltd., Phase I for approval of Demarcation of Built up Floors as Non-Processing Area (NPA) of notified IT/ITES SEZ.

119.17(ii) Request of M/s. Midas Projects Pvt. Ltd, Co-Developer for M/s. Divyasree NSL Infrastructure Pvt. Ltd, IT/ITES SEZ at Raidurg Village, Serilingampally Mandai, Ranga Reddy District, Telangana for demarcation of their SEZ under Rule 11 B of SEZ (Fifth Amendment) Rules, 2023.

119.17(iii) Request of M/s. Divyasree NSL Infrastructure Pvt. Ltd, Developer, IT/ITES SEZ at Sy. No. 66/1, Raidurga Village, Serilingampally Mandai, Ranga Reddy District, Telangana for demarcation of their SEZ under Rule 11 B of SEZ (Fifth Amendment) Rules, 2023

119.17(iv) Request of M/s. Divyasree Tech Park Contractors Pvt. Ltd, Co-Developer for M/s. Lanco Hills Technology Park Pvt. Ltd, IT/ITES SEZ at Manikonda Village, Rajendra Nagar Mandai, Ranga Reddy District, Telangana for demarcation of their SEZ under Rule 11 B of SEZ (Fifth Amendment) Rules, 2023

The Board has observed that in the 118th meeting of the BoA held on 06.02.2024, the Board had taken decision and approved the proposals for demarcation of Processing Area into Non-Processing Area under the Rule 11B of the SEZ Rules, 2006 subject to the following conditions: -

- i. Full repayment of the amount of proportionate Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the area to be demarcated as NPA as stipulated under the Rule 11B.
- ii. Full repayment of the amount of Customs duty, Central Excise duty, Central Goods and Services Tax, Integrated Goods and Services Tax and State Goods and Services Tax and such other Central levies and repayment of tax benefits like drawback attributable to the common infrastructure area as stipulated under the Rule 11B.
- iii. Submission of an Undertaking that the Developer shall remit any differential duty / tax benefits which might have been short-paid, if it so determined at a later date and also comply with the provisions of Rule 11B.

The Board noted that the aforesaid decision taken in the previous meeting of the board was taken in concurrence with DoR in anticipation of the principles for determination of



payment of duty benefits will be laid down very fast. However, the Board has noted that concurrence of DoR in this regard is still awaited by DoC.

Accordingly, the Board has requested DoR to immediately furnish their concurrence / comments, if any to DoC such that the principles for determination of payment of duty benefits are laid down and necessary instructions providing clarity in this regard are issued by DoC.

The Board, after deliberation, **deferred** the proposals [item No. 119.17(i) to (iv)].



Annexure-I

List of Participants for the Meeting of the Board of Approval for Special Economic Zones held 06th March, 2024 at Vanijya Bhawan, New Delhi under the Chairmanship of Commerce Secretary, Department of Commerce:

1. Shri Sunil Barthwal, Commerce Secretary, Department of Commerce
2. Shri Santosh Kumar Sarangi, DG, DGFT
3. Shri L Satya Srinivas, Additional Secretary, Department of Commerce
4. Shri Vipul Bansal, Joint Secretary, Department of Commerce
5. Shri Senthil Nathan S, Director, Department of Commerce
6. Ms. Reshma Lakhani, Pr. DG, DGEP
7. Shri Ranjan Khanna, ADG, DGEP
8. Shri Roshan Lal, Addl, DG, DGEP
9. Smt. P Hemalatha, Development Commissioner, CSEZ
10. Shri Bipin Menon, Development Commissioner, NSEZ
11. Shri. Rajesh Kumar Mishra, DC, SEEPZ-SEZ
12. Shri Dinesh Singh, Development Commissioner, KASEZ
13. Shri Alex Paul Menon, DC, MEPZ-SEZ
14. Smt. Shubhra Agarwal, DC, APSEZ
15. Shri V.Sraman, DC, Mihan SEZ
16. Smt. Roshni Aparanji Korati, JDC, Visakhapatnam SEZ
17. Shri S.V. Varma, Specified Officer, Visakhapatnam SEZ
18. Shri Praveen Kumar Tiwari, ALC, Legislative Department

List of participants connected with Video Conferencing:

1. Shri D.B Singh, Development Commissioner, FSEZ
2. Shri Suvidh Shah, DC, Indore SEZ
3. Shri Vijay Kumar Development Commissioner, Dahej SEZ
4. Shri Abhimani Sharma, Development Commissioner, Surat SEZ, Gujarat
5. Shri Vikas Singh, Director, ITA-I, CBDT
6. Shri Manjusha Chourasia, Scientist E, Meity
7. Dr. Sandeep Kumar Raut, TCPO, Ministry of Housing & Urban Affairs
8. Shri Anil Kant Mishra, Research Assistant TCPO, Ministry of Housing & Urban Affairs
9. Dr. RJR Kasibhatla, Additional Legal Adviser, Ministry of Law and Justice
10. Assistant Director, Industries & Commerce Department, Haryana

