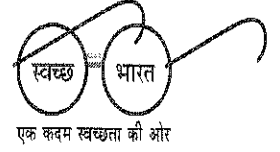




भारत सरकार  
वाणिज्य और उद्योग मंत्रालय  
वाणिज्य विभाग  
विकास आयुक्त का कार्यालय  
नोएडा विशेष आर्थिक क्षेत्र  
नोएडा-दादरी रोड, फेज-2, नोएडा - 201305  
जिला- गौतम बुद्ध नगर (उत्तर प्रदेश)



फा० सं० 10/274/2009-SEZ/

दिनांक: /02/2021

सेवा मे,

1. निदेशक(एस०ई०जेड०), वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली - 110001।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली - 110002
3. मुख्य आयुक्त, सीमा शुल्क (निवारक), न्यू कस्टम हाउस, नियर आईजीआई एअरपोर्ट, नई दिल्ली - 110037।
4. मुख्य आयुक्त, केन्द्रीय कर एवं उत्पाद शुल्क, एस सी ओ नं 407 & 408, सेक्टर- 8, पंचकूला (हरियाणा)।
5. आयुक्त, आयकर, एचएसआईआईडीसी बिल्डिंग, 4<sup>th</sup> फ्लोर, उद्योग विहार, फेज-5, गुडगांव (हरियाणा)।
6. आयुक्त, आयकर, सेन्ट्रल सर्कल- II, सी जी ओ कॉम्प्लेक्स, एनएच 4, फरीदाबाद, (हरियाणा)।
7. उपसचिव (आई एफ - 1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
8. निदेशक, उद्योग एवं वाणिज्य विभाग, हरियाणा सरकार, 30 बेज बिल्डिंग, सेक्टर 17, चंडीगढ़।
9. प्रबंध निदेशक, हरियाणा राज्य औद्योगिक विकास निगम, हरियाणा सरकार, प्लॉट नं सी -13 व 14, सेक्टर 6 पंचकूला, (हरियाणा)।
10. सीनियर टाउन प्लानर, टाउन एंड कंट्री प्लानिंग (एच क्यू), एस सी ओ :71-75, सेक्टर 17C, चंडीगढ़।
11. संयुक्त निदेशक, जिला उद्योग केंद्र, प्लॉट नं 2, आई डी सी, गुडगांव (हरियाणा)।
12. संयुक्त निदेशक, जिला उद्योग केंद्र, नीलम चौक, फरीदाबाद (हरियाणा)।
13. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता।

विषय: हरियाणा राज्य में स्थित निजी विशेष आर्थिक क्षेत्रों के संबंध में श्री ए० बिपिन मेनन, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में अनुमोदन समिति की दिनांक 04.02.2021 को अपराह्न 12:30 बजे विडियो कॉन्फ्रेंसिंग के माध्यम से आयोजित बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

उपरोक्त विषय के सन्दर्भ में हरियाणा राज्य में स्थित निजी विशेष आर्थिक क्षेत्रों के संबंध में श्री ए० बिपिन मेनन, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में अनुमोदन समिति की दिनांक 04.02.2021 को अपराह्न 12:30 बजे विडियो कॉन्फ्रेंसिंग के माध्यम से आयोजित बैठक का कार्यवृत्त संलग्न है।

संलग्नक : उपरोक्त

प्रतिलिपि:-

सहायक विकास आयुक्त (प्रशासन) - कार्यवृत्त की एक प्रति हिंदी अनुवाद हेतु संलग्न है।

भवदीय,  
21/02/2021  
(राजेश कुमार)  
उप विकास आयुक्त

**NOIDA SPECIAL ECONOMIC ZONE**

**Minutes of the Approval Committee meeting in respect of SEZs located in the State of Haryana, held under the Chairmanship of Shri A. Bipin Menon, Development Commissioner, NSEZ at 12:30 PM on 04.02.2021 through Video Conferencing.**

The following members of Approval Committee were present during the meeting through video conferencing:-

1. Shri Rajesh Kumar, DDC, NSEZ
2. Shri Manish Goyal, Dy. Commissioner, Customs, Delhi
3. Shri Kailash Chandra, IEO, Deptt. of Industries, Gurugram
4. Shri Rakesh Kumar, FTDO, O/o Addl. DGFT, CLA, New Delhi

➤ Besides, during the meeting i) Shri S.C. Gangar, Specified Officer ii) Shri Prakash Chand Upadhyay, ADC, iii) Shri Mohan Veer Ruhella, ADC and (iv) Shri Rajendra Mohan Kashyap, Steno Gr.II were also present to assist the Approval Committee. It was informed that the quorum is available and the meeting can proceed.

➤ At the outset, the Chairman welcomed the participants. After brief introduction, items included in the agenda were taken up for deliberations one by one. After detailed deliberations amongst the members of the Approval Committee as well as interaction with the applicants / representatives of the developers / units, the following decisions were taken:-

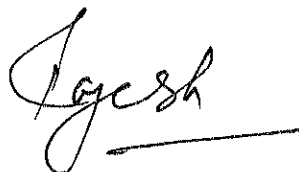
1. **Ratification of the Minutes of the Approval Committee meeting held on 07.01.2021 :-**

As no reference in respect of the decisions of the Approval Committee held on 07.01.2021 was received from any of the members of the Approval Committee, Minutes of the Meeting held on 07.01.2021 were unanimously ratified.

**Item No.2: Proposals for partial deletion of area of the unit:-**

**2.1: M/s. Accenture Solutions Services Private Limited.**

2.1.1. M/s. Accenture Solutions Private Limited had submitted a proposal for partial deletion of an area of '70,606 Sqft. at 8<sup>th</sup> (28679 Sqft.) & 11<sup>th</sup> floor (13501 Sqft.), Tower-B, Building



No.1 and 2<sup>nd</sup> floor (28426 Sqft.), Tower A, Building No. 2' from its total approved area of **10,36,256 Sqft.** of its unit located in the Gurgaon Infospace Ltd. IT/ITES SEZ at Village Dundaheera, Sector-21, Gurugram (Haryana). SEZ developer has given its 'NOC' dt. 31.12.2020 for partial deletion of aforesaid area. The unit had informed that there is no change in revenue projections and head count due to surrendering of aforesaid area.

2.1.2. After due deliberations, Approval Committee unanimously approved the proposal for partial deletion of '70,606 Sqft. at 8<sup>th</sup> (28679 Sqft.) & 11<sup>th</sup> floor (13501 Sqft.), Tower-B, Building No.1 and 2<sup>nd</sup> floor (28426 Sqft.), Tower A, Building No. 2', subject to submission of submission of CPC Code of the services being provided by the unit & copy of Board Resolutions and further subject to 'No Dues Certificate' from the Specified Officer.

## **2.2: M/s. Personiv Contact Centers India Pvt. Ltd.**

2.2.1. M/s. Personiv Contact Centers India Pvt. Ltd. had submitted a proposal for partial deletion of an area of '27476 Sqft. at 9<sup>th</sup> floor, Tower-B, Building No.6' from its total approved area of 33737 Sqft. of its unit located in the DLF Cyber City Developers Ltd. IT/ITES SEZ at Sector-24 & 25A, DLF Phase-III, Gurugram (Haryana). The unit has submitted copy of letter dated 04.01.2021 of M/s. DLF Assets Ltd., Co-developer regarding termination of lease deed dt.20.08.2018 of 9<sup>th</sup> floor, Tower-B, Building No.6. Co-developer has advised the unit to handover the premises on or before 23.05.2021, whereas 'NOC' from SEZ Developer is required. The unit also submitted revised downward projections, as under:-

(Rs. in lakhs)

Particulars (for five years)	Existing Projection	Revised Projection
Projected FOB value of exports	22420.00	3122.00
Foreign Exchange Outgo	1320.00	292.00
NFE Earnings	21100.00	2831.00
Imported Capital Goods	620.00	25.00
Indigenous Capital Goods	700.00	60.00

2.2.2. Shri Hemant Verma, Finance Head & Shri Prem Kumar- Dy. Manager of M/s. Personiv Contact Centers India Pvt. Ltd. joined the meeting through video conferencing and explained the proposal. They informed that the proposed area was taken for their US based customer, who has now denied taking services from the SEZ unit. Hence, they have decided to surrender the said area.



2.2.3. After due deliberations, Approval Committee unanimously approved the proposal for partial deletion of '27476 Sqft. at 9<sup>th</sup> floor, Tower-B, Building No.6' and revised downward projections, subject to submission of submission of CPC Code of the services being provided by the unit, NOC from the SEZ Developer and further subject to 'No Dues Certificate' from the Specified Officer.

**2.3: M/s. Wipro HR Services India Pvt. Ltd.**

2.3.1. M/s. Wipro HR Services India Pvt. Ltd. had submitted a proposal for partial deletion of an area of '27694 Sqft. at 7<sup>th</sup> floor, Building No.2' from its total approved area of 245020 Sqft. of its unit located in Candor Gurgaon One Realty Projects Pvt. Ltd. IT/ITES SEZ at Village Tikri, Sector-48, Gurugram (Haryana). SEZ developer has given its 'NOC' dt. 31.12.2020 for partial deletion of aforesaid area. The unit had informed that there is no changes in the projections i.e. FOB value of export/ input requirements, NFE & employment.

2.3.2. It was brought to the notice of the Approval Committee that the unit has made sale of services in DTA amounting of Rs.582.62 lakhs against payment in INR during FY 2019-20, which is violation of Section 2(z) (iii) of the SEZ Act, 2005.

2.3.3. Shri Raj Kumar Singh, Manager of M/s. Wipro HR Services India Pvt. Ltd. joined the meeting through video conferencing and explained the proposal.

2.3.4. After due deliberations, Approval Committee unanimously approved the proposal for partial deletion of '27694 Sqft. at 7<sup>th</sup> floor, Building No.2', subject to submission of CPC Code of the services being provided by the unit and 'No Dues Certificate' from the Specified Officer. The Approval Committee also empowered DC to issue Show Cause Notice and adjudicate in terms of Section 11(2) of the Foreign Trade (Development & Regulation) Act, 1992 for effecting DTA sale of services in INR in violation of Section 2(z) of the SEZ Act, 2005.

**Item No. 3: Proposals for changes of entrepreneurs:**

**3.1. M/s. Inspop.com Limited (Unit-I).**

3.1.1. M/s. Inspop.com Limited (Unit-I), a unit in ITPG Developers Pvt. Ltd. IT/ITES SEZ at Village Behrampur, Gurugram (Haryana) has submitted proposal for change in entrepreneur in respect of LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010 from Inspop.com Limited



to 'EUI Limited' pursuant to the Business Transfer Agreement dt. 18.01.2021 signed between both companies. M/s. Inpop.com Limited to M/s. EUI Limited has entered into Business Transfer Agreement (BTA) dt. 18.01.2021 for transfer of ownership of aforesaid SEZ unit on a slump sale basis. As per Para 2.2.1 of Business Transfer Agreement dt. 18.01.2021 M/s. EUI Limited will pay a lump sum consideration of Rs.6,41,85,546/- to M/s. Inpop.com Ltd. The unit has requested to consider its request as per Instruction No. 89 dt. 17.05.2018 and Instruction No. 90 dated 03.08.2018. In this regard, the unit has submitted following documents:-

- (i) Copy of Business Transfer Agreement dt. 18.01.2021 signed between M/s. Inpop.com Limited (Seller) & M/s. EUI Limited (Buyer).
- (ii) Copy of Board Resolution dated 15.12.2020 of M/s. Inpop.com Limited for transfer of SEZ Unit having LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010 to 'M/s. EUI Limited' pursuant to Business Transfer Agreement and also resolution in favour of authorized signatory, Mr. Tejinder Singh to sign documents on behalf of the company.
- (iii) Undertaking from M/s. Inpop.com Limited to the effect that pursuant to the change of entrepreneur there will be no change in the authorised operations of the SEZ unit under LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010.
- (iv) Shareholding pattern of M/s. Inpop.com Limited as on 11.12.2020 duly certified by Company Secretary, as given below:-

Name of Shareholder	Nos. of shares	% of shares
Penguin Portals Limited	2144391	90%
Zedra Trust (Guernsey) Limited	238266	10%
Total :	2382657	100%

- (v) List of current directors and company secretary of M/s. Inpop.com Limited.
- (vi) Apostile copy of Board Resolution dated 17.12.2020 of M/s. EUI Ltd. for acquisition of SEZ Unit of M/s. Inpop.com Limited having LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010 pursuant to the Business Transfer Agreement and also resolution in favour of authorized signatory Mr. Gaurav Kumar to sign documents on behalf of the company.
- (vii) Apostile copy of Certificate of Incorporation of M/s. EUI Limited. The company was originally incorporated in the name of Dial Insurance Services Ltd. on 12.02.1992 in ROC, UK.
- (viii) Apostile copy of Article of Association of M/s. EUI Limited.
- (ix) Copies of financial statements for the year ending 2017, 2018 & 2019 along with copies of ITRs for AY 2017-18, 2018-19 & 2019-20 of M/s. EUI Ltd.
- (x) Copies of Passport & Driving Licence of following directors & company secretary of M/s. EUI Limited:-
  - (i) Mr. Andrew Michael Crossley- Director.
  - (ii) Ms. Helen Clare Molyneux- Director
  - (iii) Mr. Thomas McLaren Scott- Director
  - (iv) Ms. Maria Cristina Mestares Lopez – Director
  - (v) Mr. James Hamilton Armstrong- Director.



- (vi) Mr. Alistair Simon Hargreaves – Director
- (vii) Mr. Robert Ian Leyman Townend – Director
- (viii) Mr. Daniel John Caunt – Company Secretary.

- (xi) Shareholding pattern of M/s. EUI Limited as on 11.12.2020 duly certified by Company Secretary, as given below:-

Name of Shareholder	Nos. of shares	% of shares
Admiral Group Plc.	1000	100%

- (xii) Copy of PAN Card No. AACCE8854F and copy of IEC No. 0512041539 of M/s. EUI Limited.
- (xiii) An Undertaking from M/s. EUI Limited to the effect that pursuant to transfer of unit under the Business Transfer Agreement, there will be no change in the operations of the SEZ unit setup under LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010. M/s. EUI Ltd. has also undertaken that they will maintain seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered SEZ unit entity and also mentioned conditions as mentioned in Para 6 of Instruction No. 89 dt. 17.05.2018 issued by DOC.
- (xiv) Copy of consent letter dated 23.12.2020 from M/s. ITPG Developers Pvt. Ltd., Developer for change of entrepreneur of SEZ unit from M/s. Inspop.com Limited to M/s. EUI Limited with the condition that M/s. Inspop.com Limited will continue to be liable for payment of lease rent & other changes until fresh lease deed with M/s. EUI Limited is executed.

3.1.2. Vide Instruction No. 89 dated 17.05.2018, DOC has issued guidelines regarding change in shareholding pattern, name change of SEZ Developers and SEZ Unit. As per Para 5(ii) of said guidelines *“Re-organization including change of name, change of shareholding pattern, business transfer arrangements, court approved mergers and demergers, change of constitution of unit located in SEZs may be undertaken with the prior approval of Approval Committee in respect of units subject to the condition that the unit shall not opt out or exit out of the Special Economic Zone and continues to operate as a going concern. All liabilities of the unit will remain unchanged on such reorganization”*.

3.1.3. Further, as per Para 6 of said guidelines, such reorganization shall be subject to the following safeguards:-

- i) *Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity.*
- ii) *Fulfillment of all eligibility criteria applicable, including security clearances etc., by the altered entity and its constituents;*

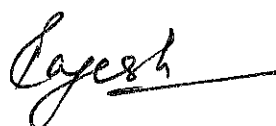


- iii) *Applicability of and compliance with all Revenue / Company Affairs / SEBI etc. Act/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.*
- iv) *Full financial details relating to change in equity / merger, demerger, amalgamation or transfer of ownership etc.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

3.1.4. Vide Instruction No. 90 dated 03.08.2018, DOC has further clarified that the phrase 'prior approval of Board of Approval (BoA) / Unit Approval Committee (UAC)' in para 5(i) & (ii) of the said guidelines in respect of Developer / SEZ unit means that approval of BoA/UAC, as the case may be, taken before the SEZ entity / unit is recognized by the new name or such arrangement in all the records. It may not be interpreted that prior approval of BoA/UAC is to be taken before approaching the Registrar of Companies or the National Company Law Tribunal as is being done in some cases came to the notice of the DOC.

3.1.5. Following documents are required to be submitted, which has been communicated to the unit:-

- (i) An Undertaking from M/s. EUI Limited to the effect that M/s. EUI Limited will take over all assets & liabilities of the SEZ unit of M/s. Inspop.com Limited under LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010.
- (ii) Copies of PAN Card of all directors of M/s. EUI Limited.
- (iii) M/s. EUI Limited has not submitted APR for FY 2019-20 in respect of its Unit-I & Unit-II located in Gurgaon Infospace Ltd. IT/ITES SEZ at Gurugram (Haryana).
- (iv) As per APRs 2017-18, 2018-19 & 2019-20, the unit has made the DTA sale of Rs.105.28 lakhs. Hence, unit may be requested to submit breakup details of DTA



Sales viz i). Services rendered in DTA and payment realized in free foreign exchange & ii). Services rendered in DTA against payment in INR.

- (v) Details of CPC (Provisional Code) of the services being provided by the unit may be called for.
- (vi) Unit was requested vide this office email dt. 30.07.2020 to submit revised IEC showing name of SEZ in branch details.

3.1.6. Shri Gaurav Kumar, Country Head & Shri Tejasvi Anand, Authorised Representative of M/s. Inspop.com Limited joined the meeting through video conferencing and explained the proposal. The representative of the unit informed that all DTA sales have been made against payment in free foreign exchange.

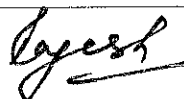
3.1.7. After due deliberations, Approval Committee unanimously approved the proposal for change of entrepreneur in respect of LOA No. STPI/SEZ/Unit/03/69/755 dated 08.12.2010 from 'Inspop.com Limited to 'EUI Limited' in terms of Instruction No. 89 dated 17.05.2018 & subsequent clarification issued by DOC vide Instruction No. 90 dated 03.08.2018, subject to compliance of safeguards prescribed therein and further subject to submission of documents as pointed out at Para 3.1.5 above.

**Item No.4: Proposals for approval of list of materials for authorized operations:-**

**4.1: M/s. ASF Insignia SEZ Pvt. Ltd., Developer.**

4.1.1. M/s. ASF Insignia SEZ Pvt. Ltd., Developer of IT/ITES SEZ at Village- Gwal Pahari, Distt- Gurugram (Haryana) has submitted proposal for approval of list of materials to carry on following default / approved authorized operations in their SEZ:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54	Estimated Cost (Rupees in lakhs) (Indigenous)
(i)	Construction of all type of buildings in processing area as approved by the Unit Approval Committee	22	40.98
(ii)	Air Conditioning of processing area.	Approved by BOA	16.79
(iii)	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity.	02	11.83
(iv)	Electrical, Gas and Petroleum Natural	04	8.79





	Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.		
(v)	Access Control and Monitoring System	24	4.75
(vi)	Solid and liquid waste collection, treatment and disposal plants including pipelines & other necessary infrastructure for sewage and garbage disposal, sewage treatment plants.	03	5.01
(vii)	Fire protection system with sprinklers, fire and smoke detectors.	07	6.11
(viii)	Power (including power back up facilities) (approved by BOA) – in PZ	Approved by BoA	1.80
		<b>Total:</b>	<b>96.06</b>

4.1.2. Shri Ashok Kumar Singh, AGM of M/s. ASF Insignia SEZ Pvt. Ltd. joined the meeting through video conferencing and explained the requirement of proposed materials.

4.1.3. After due deliberations, Approval Committee unanimously approved the proposed list of materials, subject to the condition that Specified Officer shall ensure that no 'Restricted / Prohibited' item shall be allowed.

**4.2: M/s. ASF Insignia SEZ Pvt. Ltd., Developer – Request for High Speed Diesel.**

4.2.1. It was brought to the notice of Approval Committee that M/s. ASF Insignia SEZ Pvt. Ltd., developer had submitted proposal for approval of tax/duty free procurement of 1137 KL (1137000 Litre) High Speed Diesel (HSD) to carry on following approved authorized operation in the IT/ITES SEZ at Vill. Gwal Pahari, Distt. Gurugram (Haryana):-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50	Estimated cost (Rs. in lakhs)
(i)	Power (Including power backup facilities) (as approved by BoA in Processing Zone)	Approved by BoA in Processing Area	397.95

4.2.2. It was informed that the developer has submitted Chartered Engineer's Certificate along with list of materials in prescribed format. As per CE Certificate, the proposed 'HSD of 1137 KL (1137000 Litre)' would be utilized within a period of one year.



4.2.3. The developer had also submitted month-wise details of Diesel consumption and power generated during the 9 months of FY 2020-21 (April, 2020 to December, 2020) duly verified by Authorised Officer of SEZ, in terms of Para (vi) of Guidelines for Power Generation, Transmission and Distribution in Special Economic Zone (SEZs) issued vide letter No. P.6/3/2006-SEZ(Vol-III) dated 16.02.2016, as given below:-

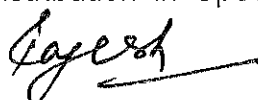
Period	Total HSD Consumption Qty. (Ltrs.) (Excluding Housing in NPA)	Power Unit generated & Consumed (KWH)	
		DG Unit Consumed	HSD Ltr. / Unit
(01.04.2020 to 31.12.2020)	256048.34	964022	3.765
Monthly Average (for 09 months from April to December, 2020)	28449.82	107113.56	

4.2.4. Developer had stated that due to pandemic situation of COVID-19, employees of the IT Units of in the SEZ are operating from their homes and electricity / HSD consumption during the previous year (2020-21) has gone down. Average consumption of HSD is only 28449.82 Ltr. as against average monthly consumption of 94782.66 Ltd. during 2019-20. Developer has also submitted HSD Consumption details during the FY 2019-20, as given below:-

Period	Total HSD Consumption Qty. (Ltrs.) (Excluding Housing in NPA)	Power Unit generated & Consumed (KWH)	
		DG Unit Consumed	HSD Ltr. / Unit
(01.04.2019 to 31.03.2020)	1137391.87	4196976	3.69
Monthly Average	94782.66	349747.97	

4.2.5. Shri Ashok Kumar Singh, AGM of M/s. ASF Insignia SEZ Pvt. Ltd. joined the meeting through video conferencing and explained the proposal. He informed that the proposed HSD is required for consumption in next FY 2021-22. He requested to grant approval of HSD based on the average monthly consumption in FY 2019-20 instead of 2020-21, as due to pandemic situation of COVID-19, employees of the IT Units in the SEZ are operating from their home, and hence HSD consumption in SEZ is very less during FY 2020-21 as compare to FY 2019-20. He further added that hopefully the IT Units in the SEZ will operate full fledge from SEZ premises in next financial year (2021-22) which will require higher consumption of HSD.

4.2.6. The Approval Committee observed that Para (vi) of the guidelines for Power Generation, Transmission and Distribution in Special Economic Zone (SEZs) issued by



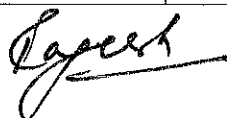
Deptt. of Commerce, Govt. of India vide letter No. P.6/3/2006-SEZ(Vol-III) dated 16.02.2016 says; "Henceforth, such power plants will be allowed O&M benefits only with regard to the average monthly power supplied to entities within the same SEZ during the preceding year." Hence, Approval Committee can allow duty free procurement of HSD for FY 2021-22 on the basis of consumption of average monthly power supplied during the preceding year i.e. 2020-21.

4.2.7. After due deliberations, Approval Committee decided to forward the proposal to DOC for due consideration. The Approval Committee also directed the Specified Officer to provide complete details of revenue complications on allowing duty free procurement / import of HSD on the basis of HSD consumption in FY 2019-20 instead of 2020-21.

#### 4.3. M/s. ITPG Developers Private Limited.

4.3.1. M/s. ITPG Developers Private Limited, developer of Electronic Hardware & IT/ITES SEZ at Village Bahrapur, Gurugram (Haryana), had submitted a proposal for approval of list of materials to carry on following approved authorized operations in the SEZ:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54	Estimated Cost (Rupees in lakhs)
(i)	Construction of all type of buildings in processing area as approved by the Unit Approval Committee.	22	173.41
(ii)	Landscaping and water bodies	08	9.17
(iii)	Security offices, police posts, etc. at entry, exit and other points within and along the periphery of the site.	11	139.52
(iv)	Fire protection system with sprinklers, fire and smoke detectors.	07	159.97
(v)	Air Conditioning of processing area.	21	728.30
(vi)	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains, and water channels of appropriate capacity.	02	55.55
(vii)	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	537.99



(viii)	Solid and liquid waste collection, treatment and disposal plants including pipelines & other necessary infrastructure for sewage and garbage disposal, sewage treatment plants.	03	44.40
(ix)	Telecom and other communication facilities including internet connectivity.	05	58.94
(x)	Parking including Multi-Level Car Parking (automated / manual)	18	7.60
		<b>Total:</b>	<b>1914.85</b>

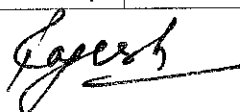
4.3.2. Shri Amit Goyal, Asstt. Manager of M/s. ITPG Developers Pvt. Ltd. joined the meeting through video conferencing and explained the requirement of proposed materials.

4.3.3. After due deliberations, Approval Committee unanimously approved the proposed list of materials, subject to the condition that Specified Officer shall ensure that no 'Restricted / Prohibited' item shall be allowed. Keeping in view the current COVID-19 pandemic situation the Approval Committee also approved 'Hand Sanitizer Alcohol based' & 'Mask' for construction labour & staff working in SEZ.

#### 4.4. M/s. Mikado Realtors Private Limited.

4.4.1. M/s. Mikado Realtors Private Limited, developer of Electronic Hardware, IT/ITES SEZ at Village Bahrapur, Gurugram (Haryana), had submitted a proposal for approval of list of materials to carry on following approved authorized operations in the SEZ:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50 & 54	Estimated Cost (Rupees in lakhs)
(i)	Construction of all type of buildings in processing area as approved by the UAC	22	60.00
(ii)	Solid and liquid waste collection, treatment and disposal plants including pipelines & other necessary infrastructure for sewage and garbage disposal, sewage treatment plants.	03	40.00
(iii)	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	32.00
(iv)	Power (including power backup	23	130.00



facilities) for captive use only.		
	<b>Total:</b>	<b>262.00</b>

4.4.2. As per CE Certificate, the proposed material are required for construction of Towers including Basement of Tower 1,2,3 & 4 in Processing Zone (200000 Sqm.).

4.4.3. After due deliberations, Approval Committee unanimously approved the proposed list of materials, subject to the condition that Specified Officer shall ensure that no 'Restricted / Prohibited' item shall be allowed.

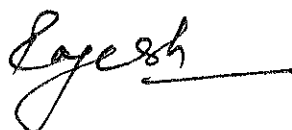
**Item No. 5: Proposals for approval of additional services:**

**5.1. M/s. Optum Global Solutions (India) Pvt. Ltd.**

5.1.1. M/s. Optum Global Solutions (India) Pvt. Ltd. filed an appeal before the Board of Approval against the decision of the Approval Committee regarding 'Leasing services in relation to business assets procured on lease' in respect of its two SEZ unit in the ITPG Developers Pvt. Ltd. IT/ITES SEZ at Gurugram (Haryana) and one SEZ unit in DLF Cyber City Developers Ltd. at Gurugram (Haryana), wherein the Approval Committee was restricted the said services 'Exclusively for leasing of 'Laptops & Printers' only to carry out authorized operations of the unit' whereas unit had also sought leasing services for motor vehicles, which was not approved by the Approval Committee. Appeal against the decision of the Approval Committee filed by M/s. Optum Global Solutions (India) Pvt. Ltd. was placed before the BoA held on 06.01.2021. The BoA remanded the case back to concerned UAC to reconsider the case on merit after giving necessary hearing opportunity to the unit and issue a speaking order.

5.1.2. Shri Anuj Jain, Director Tax and Shri Rakesh Dubey, Manager-Taxation of M/s. Optum Global Solutions (India) Pvt. Ltd. joined the meeting through video conferencing. They informed that Optum is the registered owner of the vehicle and the RC is in firm's name. The vehicle is hypothecated to the lessee. The vehicle is treated a fixed asset and is a business expense in the books of account of the lessor. Moreover, it was pointed out that no Input Tax Credit under GST is available on Vehicles.

5.1.3. After due deliberations, the Approval Committee unanimously rejected the proposal keeping in view the following reasons:-



- (i) No clear mechanism is available to ensure whether the vehicle will be used for authorized operation of the Unit or for personal use of its employees.
- (ii) The Car is an asset of the company, ownership rest with the Unit as the Registration Certificate (RC) of the Car is in the name of the Unit and it is hypothecated to the leasing company. Since the car is owned by the Unit, it is not clear how Invoice will be raised by the lessee for availing car leasing service by the Unit against car owned by the Unit.
- (iii) For Income Tax purposes, the car is being shown as asset and benefit of depreciation is being availed.

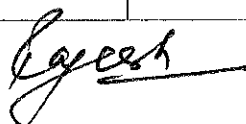
In light of above, the Approval Committee decided not to approve "Leasing services for Motor vehicle" as authorized service of the unit. A speaking order on above lines be issued to the unit with a copy to BoA.

**Item No. 6. Proposals for allotment of space to provide facilities / cancellation of such approvals:**

**6.1. Gurgaon Infospace Ltd., Developer**

6.1.1. M/s. Gurgaon Infospace Ltd., Developer had submitted request for cancellation of following permission letters granted to them after taking approval from the Approval Committee for allotment of built-up space to following facility providers in the processing area of IT/ITES SEZ at Village Dundahera, Sector-21, Gurugram (Haryana):-

Name of facility provider:	M/s. Amalgamated Bean Coffee Trading Co. Ltd.	M/s. Big Tree Outsourcing Pvt. Ltd.	M/s. Dealskart Online Services Pvt. Ltd.
Permission letter & date:	No. 10/115/2007-SEZ/9270 dt. 18.11.2011	No. 10/103/2007-SEZ/Vol-II/6919 dt.18.07.2016	No. 10/103/2007-SEZ/Vol-V/11269 dt. 27.10.2017
Built-up area & location allotted:	1085 Sqft. at Ground floor, Amenity Block.	223 Sqft. at Unit No. 2C, Block-4 (Amenity Block-1)	1040 Sqft. at Block-4A (Amenity Block-II)
Activities carried out by facility provider;	To setup & operate 'Café Coffee Day'.	To setup & operate 'Food & Beverages Café'.	To setup & operate 'Optical Store with Eye check-up facility'.
Whether consent letter from facility provider submitted:	Yes	Yes	Yes



6.1.2. After due deliberations, the Approval Committee unanimously approved the proposal for cancellation of aforesaid permission letters, subject to submission of 'NOC' from Specified Officer with regard to duty exemption, if any, availed by these facility providers for setup & operate such facility in SEZ.

**Item No. 7: Details of CPC (Provisional Code) of the services provided by unit:-**

**7.1. M/s. Impetus Technologies India Pvt. Ltd.**

7.1.1 M/s. Impetus Technologies India Pvt. Ltd. had submitted details of CPC (Provisional Code) of the services provided by unit, as under:-

<b>Authorized operations</b>	<b>CPC code</b>
<i>"Information Technology Services namely Software Development, Test Engineering, and R&amp;D Consulting".</i>	842 - <i>Information Technology Services namely Software Development.</i>  849 - <i>Test Engineering, and R&amp;D Consulting</i>

7.1.2. The Approval Committee observed that "*Test Engineering, and R&D Consulting*" can be covered under CPC 867, whereas unit has provided CPC 849. The Approval Committee further observed that unit has made excess procurement of indigenous capital goods for Rs.159.03 lakhs as against approved limit of Rs.128 lakhs, in violation to first proviso to Rule 19(2) of SEZ Rules, 2006.

7.1.3. Shri Hemant of M/s. Impetus Technologies India Pvt. Ltd. joined the meeting through video conferencing. As regard, excess procurement of indigenous capital against approved limit, he stated that their export performance increased more than the projected exports and to complete the export orders they required additional capital goods.

7.1.4. After due deliberations, the Approval Committee while approving CPC 842 stated that CPC 849 does not seem to be fit for "*Test Engineering, and R&D Consulting*", hence unit needs to submit correct CPC Code. The Approval Committee further clarified that the unit was required to obtain approval for additional capital goods. The Approval Committee directed that the unit may be given a Personal Hearing to explain the reasons for excess procurement of capital goods.



**Item No. 8: Monitoring of performance:-**

**8.1. M/s Tata Consultancy Services Ltd.**

8.1.1. M/s Tata Consultancy Services Ltd., a unit in the ASF Insignia SEZ Pvt. Ltd., IT/ITES SEZ, Vill: Gwal Pahari, Gurugram (Haryana) had submitted proposal for exit from SEZ Scheme. The year wise performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

- Performance during 1st block of 5 years from 2012-13 up to 2016-17:

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2012-13	19864.99	9727.49	0.00	0.00
2013-14	133587.13	86695.42	0.00	0.00
2014-15	191367.61	128669.97	0.00	22.99
2015-16	228887.51	154649.74	0.00	0.00
2016-17	229542.77	152450.76	0.00	79.67
<b>Total</b>	<b>803250.01</b>	<b>532193.38</b>	<b>0.00</b>	<b>102.66</b>

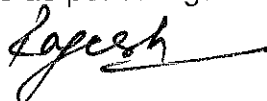
- Performance during 2st block of 5 years from 2016-17 (August 2016 to March 2017) up to 2020-21 (1<sup>st</sup> April 2020 to 10.01.2021):

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2017-18	249869.59	148235.30	0.00	0.00
2018-19	290434.75	168008.52	0.00	0.00
2019-20	259376.25	152089.34	0.00	0.00
2020-21 (01.04.2020 to 10.01.2021)	190263.91	113409.71	0.00	0.00
<b>Total</b>	<b>989944.50</b>	<b>581742.87</b>	<b>0.00</b>	<b>0.00</b>

**8.1.2. Observations:-**

- Unit needs to submit rectified APRs as per observations of the NSEZ CA firm.
- An amount of Rs.102.66 lakhs has been observed as pending forex for realization pertaining to FY 2014-15 and 2016-17 respectively. Unit is requested to submit the details of realization of same as per RBI guidelines, duly certified by CA.





8.1.3. Shri S.K. Nair, Sr. General Manager of M/s. Tata Consultancy Services Limited joined the meeting through video conferencing. He assured to submit required documents for exit from SEZ at the earliest.

8.1.4. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 10.01.2021. The final exit shall be issued only after receipt of response to the letter which would be sent from this office on observations in Para 8.1.2.

## **8.2. M/s. Altruist Technologies India Pvt. Ltd.**

8.2.1. M/s. Altruist Technologies Pvt. Ltd., a unit in the DLF Cyber City Developers Ltd. IT/ITES SEZ at Gurugram (Haryana), had applied for exit from SEZ Scheme. The year wise performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

- Performance during 1st block of 5 years from 2011-12 up to 2015-16:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2011-12	556.25	406.52	0.00	0.00
2012-13	217	(9.41)	0.00	0.00
2013-14	1392.00	1332.29	0.00	0.00
2014-15	970.79	947.53	0.00	0.00
2015-16	1600.95	1570.53	0.00	0.00
2016-17 (01.04.2016 to 13.04.2016)	47.00	45.83	0.00	0.00
<b>Total</b>	<b>4783.99</b>	<b>4293.72</b>	<b>0.00</b>	<b>0.00</b>

- Performance during 2st block of 5 years from 2016-17 up to 2020-21 (up to July 2020):

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2016-17 (13.04.2016 to 31.03.2017)	1272.42	1240.62	0.00	0.00
2017-18	863.33	831.53	0.00	0.00
2018-19	530.39	484.52	0.00	0.00
2019-20	355.44	307.29	39.62	0.00
2020-21 (01.04.2020 to 31.07.2020)	226.69	226.69	43.89	0.00

*Signature*

Total	3248.27	3090.65	83.51	0.00
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8.2.2. The performance of the unit was placed before the Approval Committee meeting held on 26.10.2020. After due deliberations, the Approval Committee directed the representative of the unit to submit following documents / information:-

- (i) Details of services amounting to Rs.83.51 lakhs rendered in DTA during the year 2019-20 & 2020-21 and its realization.
- (ii) Certificate from AD Bank to write off pending foreign exchange of Rs.167 lakhs along with permission from AD Bank for extension of time for realization of pending foreign exchange.
- (iii) 'No Incentive Certificate' from the Specified Officer regarding export incentive in respect of written of amount of Rs.167 Lakhs.
- (iv) No Dues Certificate from Specified Officer.

8.2.3. All the compliance of the Approval Committee have been fulfilled by the unit except details of services amounting to Rs.83.51 lakhs rendered in DTA during the year 2019-20 & 2020-21 and its realization. A reminder has been issued to the unit vide email dt.03.02.2020.

8.2.4. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 31.07.2020. The final exit shall be issued only after receipt of required documents & response from the unit.

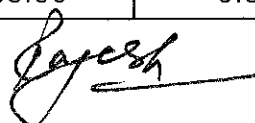
### **8.3. M/s. Petrofac Engineering Services India Pvt. Ltd.**

8.3.1. M/s. Petrofac Engineering Services India Pvt. Ltd., a unit in the DLF Cyber City Developers Ltd. IT/ITES SEZ at Gurugram (Haryana), had applied for exit from SEZ Scheme. The year wise performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

• **Performance during 1st block of 5 years from 2011-12 up to 2015-16:-**

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2011-12	1180.43	1158.47	0.00	0.00
2012-13	3533.69	3387.51	0.00	0.00
2013-14	7653.28	7353.00	0.00	0.00



2014-15	12412.27	12177.07	0.00	0.00
2015-16	15107.26	14839.31	0.00	0.00
2016-17 (April to July 2016)	5195.94	4887.86	0.00	0.00
<b>Total</b>	<b>45082.87</b>	<b>43803.22</b>	<b>0.00</b>	<b>0.00</b>

- Performance during 2st block of 5 years from 2016-17 (August 2016 to March 2017) up to 2020-21:-

(Rs. in lakhs)

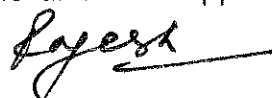
Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2016-17	8246.21	8243.23	0.00	0.00
2017-18	11218.82	10836.53	0.00	0.00
2018-19	6665.96	6202.36	6018.70	0.00
2019-20	8824.22	8311.01	4028.63	0.00
2020-21 (01.04.2020 to 31.07.2020)	10355.19	9932.31	602.74	0.00
<b>Total</b>	<b>45310.40</b>	<b>43525.44</b>	<b>10650.07</b>	<b>0.00</b>

### 8.3.2. Observations:

- The unit vide its letter dt. 20.01.2021 has submitted that it has remained in operation till January' 2021. Hence, revised APR for FY 2020-21 required to be submitted.
- As regards DTA sales of Rs.10650.07 made by the unit during year 2018-19 to 2020-21, the unit vide its letter dt.20.01.2021 has clarified that the DTA sales made during the year 2019-20 falls under category-1 i.e. Services rendered in DTA & payment received in free foreign exchange. However, the unit also is required to give clarity about DTA sales for Rs.6018.70 Lakhs, and Rs. 602.70 lakhs made during the 2018-19 and 2020-21 respectively.

8.3.3. During the meeting, the Specified Officer informed that the unit wants to leave goods with SEZ Developer on 'as is where is basis' on payment of applicable duties, which requires approval from the Approval Committee.

8.3.4. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 31.07.2020 and directed to obtain revised APR for FY 2020-21 and details of DTA sales during FY 2018-19 & 2020-21 from the unit. The Approval Committee also approved the



proposal of the unit to leave goods with SEZ Developer on 'as is where is basis' on payment of applicable duties.

#### 8.4. M/s. EYGBS (India) Pvt. Ltd.

8.4.1. M/s. EYGBS (India) Pvt. Ltd., a unit in the Gurgaon Infospace Ltd. IT/ITES SEZ at Gurugram (Haryana), had applied for exit from SEZ Scheme. The year wise performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

- Performance during 1st block of 5 years from 2007-08 up to 2012-13:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2007-08	10.88	9.84	0.00	0.00
2008-09	925.58	880.95	475.72	0.00
2009-10	968.74	887.01	699.25	0.00
2010-11	2152.14	1960.09	541.63	0.00
2011-12	2350.31	2162.16	0.00	0.00
2012-13	4044.69	3356.04	0.10	0.00
<b>Total</b>	<b>10452.34</b>	<b>9256.09</b>	<b>1716.70</b>	<b>0.00</b>

- Performance during 2st block of 5 years from 2013-14 up to 2017-18:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2013-14	4317.93	3771.28	134.08	0.00
2013-14	5099.07	4388.27	35.32	0.00
2014-15	6830.62	5594.34	53.82	0.00
2015-16	10393.68	9041.58	20.67	0.00
2017-18	11961.58	10398.88	389.24	0.00
<b>Total</b>	<b>38602.88</b>	<b>33194.35</b>	<b>633.13</b>	<b>0.00</b>

- Performance during 3<sup>rd</sup> block of 5 years from 2018-19 2020-21:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2018-19	11011.65	9910.62	357.78	970.38
2019-20	14435.74	13369.32	381.89	79.02
2020-21 (01.04.2020 to 27.11.2020)	14598.61	12352.34	181.24	5535.72
<b>Total</b>	<b>40046.00</b>	<b>35632.28</b>	<b>920.91</b>	<b>6585.12</b>

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8.4.2. The unit has requested to allow leaving of some of the capital goods installed in their premises with SEZ Developer on "as is where is basis". Specified Officer has also requested the unit to obtain approval from UAC for the same.

8.4.3. Observations:-

- (i) There are observations made by the NSEZ CA firm in the performance sheet.
- (ii) As per observation of the CA, the unit has made DTA sales of Rs.3270.74 Lakhs during the period of its operations. The unit is required to submit following breakup details of DTA sales viz (i) Services rendered in DTA and payment received in free foreign exchange, & (ii) Services rendered in DTA against payment in INR.
- (iii). Besides, an amount of Rs.6585.12 Lakhs was found as pending forex pertaining to the FY 2018-19, 2019-20 and 2020-21. Unit is required to submit the details realization of same as per RBI guidelines, duly certified by CA.
- (iii) Unit has shown deemed export of Rs.198.10 lakhs, Rs.381.89 lakhs & Rs.181.24 lakhs in the APRs for FY 2018-19, 2019-20 & 2020-21, respectively. Hence, unit needs to provide under which sub rule of Rule 53A of SEZ Rules, 2006, these supplies have been made. Details of payment received against such supply also required to be given whether it is in foreign exchange or INR.

8.4.4. Shri Rajiv Chugh, Partner & Shri Akash Goel, Assistant Director of M/s. EYGBS (India) Pvt. Ltd. joined the meeting through video conferencing and informed that they have already submitted reply to the queries in APRs raised by CA firm, NSEZ.

8.4.5. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 27.11.2020. The Approval Committee approved the proposal of the unit to leave goods with SEZ Developer on 'as is where is basis' on payment of applicable duties. The final exit shall be issued only after receipt of required documents from the unit.

**8.5. M/s. Ernst & Young LLP**

8.5.1. M/s Ernst & Young LLP, a unit in the Gurgaon Infospace Ltd. IT/ITES SEZ at Gurugram (Haryana), had applied for exit from SEZ Scheme. The year wise



performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

- Performance during 1st block of 5 years from 2007-08 up to 2012-13:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2007-08	45.91	44.43	0.00	0.00
2008-09	2274.37	2154.48	22.51	0.00
2009-10	3553.07	3199.45	63.55	0.00
2010-11	8646.05	7845.73	428.30	0.00
2011-12	14455.61	13295.14	1550.06	0.00
2012-13	19644.15	17850.05	1442.54	0.00
<b>Total:</b>	<b>48619.16</b>	<b>44389.28</b>	<b>3506.96</b>	<b>0.00</b>

- Performance during 2st block of 5 years from 2013-14 up to 2017-18:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2013-14	19977.38	18240.23	418.83	0.00
2013-14	17854.60	15865.61	894.12	0.00
2014-15	16548.08	15014.76	336.94	0.00
2015-16	23576.09	20450.33	364.68	7.91
2017-18	25287.34	22502.97	8723.99	0.89
<b>Total</b>	<b>103243.49</b>	<b>92073.90</b>	<b>10738.56</b>	<b>8.80</b>

- Performance during 3<sup>rd</sup> block of 5 years from 2018-19 2020-21:-

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2018-19	24879.02	23380.64	0.00	44.73
2019-20	14917.93	14113.82	17.58	31.77
2020-21 (01.04.2020 to 27.11.2020)	8020.63	9424.25	1586.75	1585.32
<b>Total</b>	<b>47817.58</b>	<b>46918.71</b>	<b>1604.33</b>	<b>1661.82</b>

8.5.2. The unit has requested to allow leaving of some of the capital goods installed in their premises with SEZ Developer on "as is where is basis". Specified Officer has also requested the unit to obtain approval from UAC for the same.

### 8.5.3. Observations:-

- (i) There are observations made by the NSEZ CA firm in the performance sheet.

*Syesh*

- (ii) As per observation of the CA, the unit has made DTA sales of Rs.15849.85 Lakhs during the period of its operations. The unit is required to submit following breakup details of DTA sales viz (i) Services rendered in DTA and payment received in free foreign exchange, & (ii) Services rendered in DTA against payment in INR.
- (iii) Besides, an amount of Rs.1670.62 Lakhs was found as pending forex pertaining to the FY 2015-16 to 2020-21. Unit is required to submit the details realization of same as per RBI guidelines, duly certified by CA.
- (iv) Unit has shown deemed export of Rs.17.58 lakhs & Rs.1586.75 lakhs in the APRs for FY 2019-20 & 2020-21, respectively. Hence, unit needs to provide under which sub rule of Rule 53A of SEZ Rules, 2006, these supplies have been made. Details of payment received against such supply also required to be given whether it is in foreign exchange or INR.

8.5.4. Shri Rajiv Chugh, Partner & Shri Akash Goel, Assistant Director of M/s. Ernst & Young LLP joined the meeting through video conferencing and informed that they have already submitted reply to the queries in APRs raised by CA firm, NSEZ.

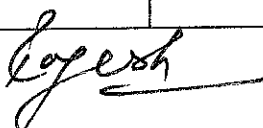
8.5.5. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 27.11.2020. The Approval Committee approved the proposal of the unit to leave goods with SEZ Developer on 'as is where is basis' on payment of applicable duties. The final exit shall be issued only after receipt of required documents from the unit.

#### **8.6. M/s. EY Global Delivery Services India LLP**

8.6.1. M/s EY Global Delivery Services India LLP, a unit in the Gurgaon Infospace Ltd. IT/ITES SEZ at Gurugram (Haryana), had applied for exit from SEZ Scheme. The year wise performance/NFE achievement status of unit as per APRs & verified by NSEZ CA firm is as under: -

(Rs. in lakhs)

Year	FOB value of export	NFE Earnings	DTA Sales	Pending Foreign Exchange realization
2018-19	6688.22	5555.20	1148.49	813.55
2019-20	18943.08	13613.36	428.26	3981.44
2020-21 (01.04.2020 to 27.11.2020)	21226.32	20980.60	229.39	6519.46



<b>Total:</b>	<b>46857.62</b>	<b>40149.16</b>	<b>1806.14</b>	<b>11314.45</b>
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8.6.3. Observations:-

- (i) There are observations made by the NSEZ CA firm in the performance sheet.
- (ii) As per observation of the CA, the unit has made DTA sales of Rs.1806.14 Lakhs during the period of its operations. The unit is required to submit following breakup details of DTA sales viz (i) Services rendered in DTA and payment received in free foreign exchange, & (ii) Services rendered in DTA against payment in INR.
- (iii) Besides, an amount of Rs.11314.45 Lakhs was found as pending forex pertaining to the FY 2018-19, 2019-20 and 2020-21. Unit is required to submit the details realization of same as per RBI guidelines, duly certified by CA.
- (iv) Unit has shown deemed export of Rs.686.87 lakhs, Rs.428.26 lakhs & Rs.229.39 lakhs in the APRs for FY 2018-19, 2019-20 & 2020-21, respectively. Hence, unit needs to provide under which subrule of Rule 53A of SEZ Rules, 2006, these supplies have been made. Details of payment received against such supply also required to be given whether it is in foreign exchange or INR.

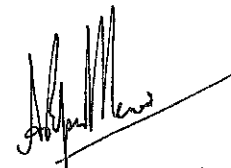
8.6.4. Shri Rajiv Chugh, Partner & Shri Akash Goel, Assistant Director of M/s. Ernst & Young LLP joined the meeting through video conferencing and informed that they have already submitted reply to the queries in APRs raised by CA firm, NSEZ.

8.6.5. After due deliberations, the Approval Committee unanimously took note of the performance of unit in terms of Rule 54 and the positive NFE earned by the unit upto 27.11.2020. The final exit shall be issued only after receipt of required documents from the unit.

The meeting ended with a vote of thanks to the Chair.



(Rajesh Kumar)  
Dy. Development Commissioner



(A. Bipin Menon)  
Development Commissioner