



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-एस०ई०जेड०/
सेवा मे ,

दिनांक: 10/01/2019

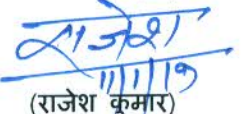
1. निदेशक (एस०ई०जेड०), वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली - 110001।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली - 110002
3. मुख्य आयुक्त, सीमा शुल्क (निवारक), न्यू कस्टम हाउस, नियर आईजीआई एअरपोर्ट, नई दिल्ली - 110037 ।
4. मुख्य आयुक्त, केन्द्रीय कर एवं उत्पाद शुल्क, एस सी ओ नं 407 & 408, सेक्टर- 8, पंचकुला (हरियाणा) ।
5. आयुक्त, आयकर, एचएसआईआईडीसी बिल्डिंग, 4th 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 बेज़ भवन, सेक्टर 17, चंडीगढ़।
9. प्रबंध निदेशक, हरियाणा राज्य औद्योगिक विकास निगम, हरियाणा सरकार, प्लॉट नं सी -13 व 14, सेक्टर 6 पंचकुला , (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 / सह-विकासकर्ता।

विषय: दिनांक 04/01/2019 को अपराह्न 12:30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित हरियाणा राज्य में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

उपरोक्त विषय के सन्दर्भ मे डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता मे दिनांक 04/01/2019 को अपराह्न 12.30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा मे आयोजित हरियाणा राज्य में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त संलग्न है।

संलग्नक : उपरोक्त

भवदीय,

(राजेश कुमार)
उप विकास आयुक्त

NOIDA SPECIAL ECONOMIC ZONE

Minutes of meeting of the Approval Committee of private SEZs located in the State of Haryana held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner, NSEZ at 12.30 PM on 04.01.2019 in the Conference Hall of NSEZ, Noida.

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

1. Shri S.S. Shukla, Jt. Development Commissioner, NSEZ
2. Shri Jitender Singh, Dy. Commissioner, Income Tax, Gurugram
3. Shri Mahesh Kumar Sharma, Dy. Commissioner, Customs, Delhi
4. Shri R.L. Meena, Asstt. DGFT, O/o DGFT, New Delhi
5. Shri Deepak Kumar, O/o Joint Director, Deptt. of Industries, Faridabad
6. Representatives of SEZ Developers / Co-developers, Special Invitee.

➤ Besides, during the meeting i) Shri Rajesh Kumar, DDC, ii) Shri Harvinder Bawa, Specified Officer, & iii) Shri Prakash Chand Upadhyay, OSD to DC were also present to assist the Approval Committee.

➤ At the outset, the Chairman welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation 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 Minutes of last meeting of the Approval Committee held on 07.12.2018:-

The Approval Committee was informed that no reference against the decisions of the Approval Committee held on 07/12/2018 was received from any of the members of the Approval Committee or Trade and therefore, Minutes of the Meeting held on 07/12/2018 were ratified.

2. Proposal of M/s. Trueblue India LLP for setting up of its 2nd unit in the IT/ITES SEZ of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. located at Village Tikri, Sector-48, Gurugram (Haryana).

2.1. It was brought to the notice of the Approval Committee that M/s. Trueblue India LLP has submitted a proposal for setting up its 2nd unit over an area of 25018 Sqft. on the 6th floor, Building No.1 in the IT/ITES SEZ of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. at Village Tikri, Sector-48, Gurugram (Haryana) to undertake service activities namely *Information Technology/ Information Technology Enabled Services including computer Software Services, Back Office Support, Information Technology Services, Data Processing Services, Human Resource Services,*

Support Centre and Website Services' with projected exports of Rs.8614 lakhs and the cumulative NFE of Rs. 8267 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.303 lakhs towards imported capital goods; Rs. 519 lakhs towards Indigenous capital goods and other cost of project shall be met from the internal accruals and advance against services. It was also informed that in covering letter the applicant has mentioned that the proposed unit also envisages to procure input services of Rs.405 lakhs. It was further informed that the SEZ developer has given provisional offer for allotment of proposed space to the applicant.

2.2. It was informed that following documents / information required to be submitted which has been communicated to the applicant:-

- (i) Variation in figures of Investment on Plan & Machinery in Para VI of Form-F vis-à-vis in Para 6 of Project Report has been found.
- (ii) Variation in the name of Designated Partner, Mr. Rahul Singh has been found in Form-F and other documents vis-à-vis his Passport. Likewise, variation in name of another Designated Partner, Mr. Todd Gilman in his Driving Licence/Passport vis-à-vis in Form-F/LLP Agreement has been found.
- (iii) NFE in Annexure-2 & Annexure-3 to Project Report have been mentioned as Rs.8311 lakhs & Rs.8570 lakhs respectively, whereas in Form-F it is Rs.8267 lakhs. This need to be rectified & clarified.
- (iv) Bank name, address and Account Number have not been mentioned in Para -1 of Form-F.

2.3. Mr. Rakesh Rautela, IT Leader & Mr. Rishibha Chadha, Sr. Manager-Finance appeared before the Approval Committee on behalf of the applicant unit and explained the proposal.

2.4. After due deliberations, Approval Committee approved the proposal, subject to submission of requisite documents by the applicant.

3. **Proposal of M/s. WNS Global Services Private Limited for setting up of its 4th unit in the IT/ITES SEZ of M/s. DLF Ltd. located at Village Silokhera, Sector-30, Gurugram (Haryana).**

3.1. It was brought to the notice of the Approval Committee that M/s. WNS Global Services Private Limited has submitted a proposal for setting up its 4th unit over an area of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3 in the IT/ITES SEZ of M/s. DLF Ltd. at Village Silokhera, Sector-30, Gurugram (Haryana) to undertake service activities namely *'IT/IT Enabled Services namely Back Office Data Processing & Call Centre Services and Data Support, Processing and Management Services'* with projected exports of Rs.19412 lakhs and the cumulative NFE of Rs. 17361 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.1275 lakhs towards imported capital goods; Rs. 734 lakhs towards Indigenous

capital goods and other cost of project shall be met from reserves and surplus. It was further informed that the applicant has submitted copy of Letter of Intent dated 13.12.2018 signed with M/s. DLF Assets Pvt. Ltd., Co-developer for allotment of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3 (Phase-I) & 30336 Sqft. (2818.283 Sqft.) on 10th Floor, Block-B2 (Phase-II).

3.2. It was informed that following shortcomings have been observed in the application in the first instance:-

- (i) Variation in the residential address of Directors namely Mr. Deepak Kumar Gupta, Mr. R. Swaminathan & Mr. Arjit Sen (complete address not mentioned in Form-F) in their Passport vis-s-vis details mentioned in Para IV of Form-F have been found.
- (ii) Details of 'Other foreign payments' of Rs.776 lakhs as mentioned in break-up of proposed forex outgo required to be given.
- (iii) In Project Report, details for setting up a unit in DLF Ltd. SEZ, Gurgaon has been given, whereas heading on first page of Project Report mentioned 'Candor Techspace IT/ITES SEZ, Noida'.
- (iv) Letter of Intent dated 13.12.2018 has been signed with M/s. DLF Assets Pvt. Ltd., Co-developer for allotment of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3 and 30336 Sqft. (2818.283 Sqft.) on 10th Floor, Block-B2, whereas application has been submitted for setting up of unit over an area of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3. This need to be clarified.

3.3. Mr. Gaurav Patare, Gen. Manager appeared before the Approval Committee on behalf of the applicant unit and explained the proposal. Besides, Mr. Anil Nauriyal, General Manager also appeared before the Approval Committee from the SEZ Developer. Mr. Anil Nauriyal informed to the Approval Committee that in addition of proposed area of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3, the applicant unit has obtained provisional offer of space for 30336 Sqft. (2818.283 Sqft.) on 10th Floor, Block-B2 for the purpose of future expansion. The representative of the applicant unit clarified that the instant proposal is for setting up of unit over an area of 30198 Sqft (2805.462 Sqmt.) on 10th Floor, Block-B3 towards their expansion plan. He also informed that firm has already 3 SEZ units under Zonal DC, NSEZ. Shri Patare informed that in India this group has 10 STPI and 9 SEZ units with total annual export of Rs.2500 Cr. (approx.) and provides employment to 30000 persons.

3.4. After due deliberations, Approval Committee approved the proposal, subject to submission of requisite documents by the applicant. The Approval Committee directed the representative of the applicant to submit revised list of indigenous capital goods excluding 'Artwork & interiors landscaping'.



4. Proposal of M/s. Cvent India Pvt. Ltd. for setting up a unit in the IT/ITES SEZ of M/s. Gurgaon Infospace Ltd. at Village Dundahera, Sector-21, Gurugram (Haryana).

4.1. It was brought to the notice of the Approval Committee that M/s. Cvent India Private Limited has submitted a proposal for setting up of unit over an area of 89402 Sqft. comprising of Ground floor (21384 Sqft), Tower-B, Building No.3, Ground floor (21807 Sqft.) & First floor (21905 Sqft.), Tower-A, Building No. 3 and Second floor (24306 Sqft.), Tower-A, Building No.3 in the IT/ITES SEZ of M/s. Gurgaon Infospace Ltd. at Village Dundahera, Sector-21, Gurugram (Haryana) to undertake service activities namely '*Information Technology and Information Technology Enabled Services- Computer Software Service, including information enabled services being back office operations, Call centers, Content development, Data processing, Engineering and design, Graphic information system services, Human resource services, Remote maintenance, Support Centre and web-site services*' with projected exports of Rs.57300 lakhs and the cumulative NFE of Rs. 56347 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.1103 lakhs towards imported capital goods; Rs. 3705 lakhs towards Indigenous capital goods and other cost of project shall be met from Shareholder's funds of the company.

4.2. It was informed that in provisional offer of space dated 17.12.2018, M/s. Gurgaon Infospace Ltd., developer has mentioned that 68018 Sqft. at Ground floor (21807 Sqft.), First floor (21905 Sqft.), Second floor (24306 Sqft.) of Tower-A, Building No. 3 are presently leased out to M/s. BA Continuum India Pvt. Ltd., however, no reasons for allotment of already occupied space to another tenant have been mentioned as M/s. BA Continuum India Pvt. Ltd. has not submitted request for surrender of Ground, First & Second floor, Tower-A, Building No. 3 to this office.

4.3. It was informed that following shortcomings have been observed in the application in the first instance:-

(i) Discrepancies in Online Form-F:-

- a) Requirement of Water (9449 KL) & Power (137441 KVA) may be rechecked as it is on very higher side.
- b) 'Nil' export projection and negative NFE of Rs. (-)27.50 lakhs in 1st year of operation has been mentioned in projected Foreign Exchange Balance Sheet in Para XI of Form-F.
- c) Projections in Para XI of Form-F need to be given correctly incorporating projected value of imported Plant & Machinery / Capital Goods in forex outgo and also needs to provide separately breakup details of total forex outgo.
- d) Reply in respect of Para XII(iv) shall be given in 'Yes' or 'No'. Applicant has mentioned 'NA'.

- (ii) Copies of Passport / Residential address proof & PAN Card (except Mr. Varun Sareen) of all three directors not submitted.

4.4. Mr. Varun Sareen, AVP-Finance & Mr. Tarun Jain, Head-Taxation appeared before the Approval Committee on behalf of the applicant unit and explained the proposal. The representative of the applicant informed that the SEZ Developer had informed them that M/s. BA Continuum India Pvt. Ltd. will vacate the proposed space at Ground floor (21807 Sqft.), First floor (21905 Sqft.), Second floor (24306 Sqft.) of Tower-A, Building No. 3. Besides, Mr. Shantanu Chakraborty, Vice President & Mr. Jay Kumar, Head-SEZ Compliance also appeared before the Approval Committee from the SEZ Developer and confirmed about allotment of space occupied by M/s. B A Continuum to the applicant unit. The representative of the unit further informed that they have already two units working in DLF Cyber City Developers Ltd. IT/ITES SEZ, Gurugram and third one is likely to commence export production shortly. Their main export destination is USA.

4.5. The Approval Committee took serious view on the provisional offer of space issued by the developer for allotment of already occupied space to another company. The Approval Committee categorically directed that Offer of Space may be given by the SEZ Developer / Co-developer only in respect of built-up area or land which is 'vacant'. Hence the instant proposal shall be considered only in respect of Ground floor (21384 Sqft) at Tower-B, Building No.3, which is vacant and available with the SEZ Developer. Approval Committee also clarified that once it has offer of additional vacant space from the developer it can apply for expansion.

4.6. After due deliberations, Approval Committee approved the proposal for setting up of unit by M/s. Cvent India Private Ltd. over an area of 21384 Sqft. at Ground floor, Tower-B, Building No.3, subject to submission of requisite documents by the applicant. The Approval Committee also directed the representatives of the applicant unit to submit revised NFE calculations including the value of proposed indigenous inputs in proposed outgo, as per recent amendment in Rules 53 issued vide DOC's Notification No. G.S.R. 909(E) dated 19.09.2018.

5. **Proposal of M/s. ITPG Developers Pvt. Ltd., a unit in the Electronics Hardware & IT/ITES SEZ of M/s. ITPG Developers Pvt. Ltd. at Village Behrampur, Distt-Gurugram (Haryana) for change in shareholding pattern of the company.**

5.1. It was brought to the notice of the Approval Committee that M/s. ITPG Developers Pvt. Ltd., a unit in the Electronics Hardware & IT/ITES SEZ of M/s. ITPG Developers Pvt. Ltd. at Village Behrampur, Distt- Gurugram (Haryana) had submitted proposal for following changes in the shareholding pattern of the company:-



Existing shareholding pattern as on date i.e. 07.12.2018			Proposed shareholding pattern		
Name of shareholder	No. of shares held	% share	Name of shareholder	No. of shares held	% share
Daisu Ltd. (Earlier known as AZCO Ltd.) (including shares held by its nominee on their behalf)	107785040	100%	AIGP 1 Pte. Ltd. (including the shares held by its nominee on their behalf)	107785040	100%

5.2. It was informed that 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-organisation 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”*.

5.3. It was further informed that 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.*

5.4. Further, it was informed that 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.

5.5. Mr. Vikas Kathpalia, AVP & Ms. Mrudulika, Sr. Manager appeared before the Approval Committee on behalf of the unit and explained the proposal.

5.6. After due deliberations, the Approval Committee approved the proposal 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 in Instruction No. 89 dated 17.05.2018.

6. Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., developer for approvals of list of materials to carry on authorized operation in its IT/ITES SEZ at Vill. Gwal Pahari, Tehsil Sohna, Distt. Gurgaon (Haryana).

6.1. It was brought to the notice of Approval Committee that M/s. ASF Insignia SEZ Pvt. Ltd., Developer of IT/ITES SEZ at Village- Gwal Pahari, Distt- Gurgaon (Haryana) had 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)
(i)	Air Conditioning of Processing Area (as approved by BoA)	Approved by BoA	33.00
(ii)	Construction of all types of building in Processing area as approved by UAC	22	39.89
(iii)	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains, and water channels of appropriate capacity.	02	9.25
(iv)	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary substations of appropriate capacity, pipeline network etc.	04	28.10
(v)	Access control and monitoring system	24	4.34
(vi)	Facility Management Office	Approved by BoA	4.72
(vii)	Power (Including power backup facilities) (in PZ)	Approved by BoA	21.53
		Total:	140.83

6.2. Mr. Ashok Singh, AGM appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items.

6.3. After due deliberations, Approval Committee approved the proposed list of materials.

7. **Proposal of M/s. ZS Associates India Pvt. Ltd. for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s. DLF Ltd. at Village Silokhera, Sector-30, Gurugram (Haryana).**

7.1. It was brought to the notice of Approval Committee that M/s. ZS Associates India Pvt. Ltd. had applied for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s. DLF Ltd. at Village- Silokhera, Sector-30, Gurugram (Haryana). It was informed to the Committee that presently unit has been operating over an area of 200750 Sqft. at 3rd to 11th floor, Block-A4 and the unit has requested for addition 47211 Sqft. area comprising of 1st floor (2351 Sqft.), Block-A4, 5th floor (22430 Sqft.) & 6th floor (22430 Sqft.), Block-A3 of SEZ. It was informed that the SEZ co-developer has given provisional offer for allotment of proposed additional space to the unit.

7.2. It was also informed that the unit has submitted revised projections, as given below, on account of proposed expansion of unit:-

(Rs. in lakhs)

Particulars (for five years)	Existing Projection	Revised Projection
Projected FOB value of exports	153746.00	222950.00
Foreign Exchange Outgo	5561.00	7534.00
NFE	148185.00	215416.00
Imported CG	4681.00	5317.51
Indigenous CG	2359.00	3011.94

7.3. It was informed that the proposed additional area at 5th & 6th floor (22430 Sqft. each) is presently occupied by M/s. Genpact India Pvt. Ltd. who had applied for exit from SEZ. In this regard, a letter dated 30.11.2018 had been issued to M/s. Genpact India Pvt. Ltd. to submit required NOCs/documents to complete the exit formalities. Reply from the unit are awaited.

7.4. It was further informed that as per APRs, the unit has made DTA sale of Rs.764 lakhs during the year 2014-15 to 2017-18. Hence, 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 required to be submitted.

7.5. Shri Suresh Abhhyankar, Manager- Finance appeared before the Approval Committee on behalf of the unit and explained the proposal. He informed that the group has three units i.e. one each at Pune, Delhi and Bangalore employing 4200 people, out of which 1500 are in Delhi. He also mentioned that with the approval of expansion the unit expects annual export growth of 15% approximately.



7.6. After due deliberations, the Approval Committee approved the proposed expansion of area and revised projections of the unit. The Approval Committee also directed to obtain details of DTA sales from the unit and place the same before it.

8. Proposal of M/s. G.P. Realtors Pvt. Ltd. for approval of list of materials to carry on authorized operations in the Electronics Hardware & IT/ITES SEZ at Village Behrampur, Bandhwari & Balola, Distt. Gurgaon (Haryana).

8.1. It was brought to the notice of Approval Committee that M/s. G.P. Realtors Pvt. Ltd., Developer of Electronic Hardware & IT/ITES SEZ at Village- Behrampur, Balola & Bandhwari, Distt- Gurgaon (Haryana) had submitted two proposals for approval of list of materials to carry on following authorized operations in their SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of Authorised Operations as per Inst. No. 50 & 54	Estimated Cost (Rs. in lakhs)
<u>Proposal-I</u>			
(i)	Fire protection system with sprinklers, fire and smoke detectors.	07	40.05
(ii)	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	7.25
(iii)	Air Conditioning of processing area.	21	4.44
(iv)	Roads with Street lighting, Signals and Signage.	01	27.84
		Total:	79.58
<u>Proposal-II</u>			
(i)	Landscaping and water bodies	08	24.00
		Grand Total:	103.58

8.2. Mr. Nilesh Ramjiyani, Sr. VP & Mr. Ashish Aggarwal, AGM appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items. They mentioned that they have already constructed more than 1 million Sqft. and will be applying for Fire NOC in Feb' 2019. They also mentioned that by May-June, 2019, this SEZ is expected to be operationalized.

8.3. After due deliberations, the Approval Committee approved the proposed list of materials.

9. Proposal of M/s. ITPG Developers Pvt. Ltd. for allotment of space to M/s. Dosa Express Pvt. Ltd. to setup & operate a 'Food Court' in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana).



9.1. It was brought to the notice of the Approval Committee that M/s. ITPG Developers Pvt. Ltd., Developer vide its letter dated 14.12.2018 & subsequent letter dated 19.12.2018 had submitted proposal for allotment of built-up space of 13' x 20' (260 Sqft.) each of Stall No. 5 & 6 at Ground floor, Block -1 in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana) on lease basis to M/s. Dosa Express India Pvt. Ltd. to setup & operate 'Food Court' for exclusive use by the employees of units located inside the SEZ. It was informed that following documents are required to be submitted:-

- (i) Residential address proof of Directors of M/s. Dosa Express India Pvt. Ltd..
- (ii) Copy of audited balance sheet M/s. Dosa Express India Pvt. Ltd..

9.2. The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.

9.3. Mr. Vikas Kathpalia, AVP & Ms. Mrudulika, Sr. Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

9.4. After due deliberations, Approval Committee approved the proposal, subject to submission of required documents and further subject to condition that no tax / duty benefits shall be available to M/s. Dosa Express India Pvt. Ltd. to setup, operate & maintain such facility in the processing area of the SEZ and M/s. Dosa Express India Pvt. Ltd. shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of units located inside the SEZ. The Developer/allottee shall ensure compliance with the building byelaws.

10. Proposal of M/s. ITPG Developers Pvt. Ltd. for allotment of space to M/s. Aarbee International LLP to setup & operate a 'Food Court' in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana).

10.1. It was brought to the notice of the Approval Committee that M/s. ITPG Developers Pvt. Ltd., Developer vide its letter dated 19.12.2018 had submitted proposal for allotment of built-up space of 300 Sqft. at Stall No. 1 at Ground floor, Block -1A in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana) on lease basis to M/s. Aarbee International LLP to setup & operate 'Food Court' for exclusive use by the employees of units located inside the SEZ. It was informed that following documents are required to be submitted:-



- (i) Copy of LLP Agreement of M/s. Aarbee International LLP.
- (ii) Copies of ITRs of M/s. Aarbee International LLP.
- (iii) The Undertaking is incomplete. Moreover, the purchaser of e-Stamp of Rs.100/- used for Undertaking, is 'Subway Systems India P. Ltd.' instead of M/s. Aarbee International LLP.

10.2. The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.

10.3. Mr. Vikas Kathpalia, AVP & Ms. Mrudulika, Sr. Manager appeared before the Approval Committee on behalf of the developer and explained the proposal.

10.4. After due deliberations, Approval Committee approved the proposal subject to submission of required documents and further subject to condition that no tax / duty benefits shall be available to M/s. Aarbee International LLP to setup, operate & maintain such facility in the processing area of the SEZ and M/s. Aarbee International LLP shall not serve Cigarette & Alcoholic beverages in such facility. This facility shall be used exclusively by the employees of units located inside the SEZ. The Developer/allottee shall ensure compliance with the building byelaws.

11. Proposal of M/s. ITPG Developers Pvt. Ltd. for allotment of space to M/s. Founding Years Learning Solutions Pvt. Ltd. to setup & operate 'Creche (Day Care Centre)' in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana).

11.1. It was brought to the notice of the Approval Committee that M/s. ITPG Developers Pvt. Ltd., Developer vide its letter dated 28.12.2018 had submitted proposal for allotment of built-up space of 2450 Sqft. at Unit No. G/A/101 on Ground floor, Block -1 in the processing area of Electronic Hardware, IT/ITES SEZ at Village Behrampur, Gurugram (Haryana) on lease basis to M/s. Founding Years Learning Solutions Pvt. Ltd. to setup & operate 'Creche (Day Care Centre)' for exclusive use by the employees of units located inside the SEZ. It was informed that following discrepancies have been observed:-

- (i) Name of company & authorised signatory has not been mentioned on the Undertaking.
- (ii) Copy of Audited Balance sheet of M/s. Founding Years Learning Solutions Pvt. Ltd. not submitted.

- (iii) Copies of Passport / Residential address proof of Mr. Arjun Ananth not submitted. Present residential address proof of Mr. Sandeep Aneja & Ms. Priya Krishnan as mentioned in list of directors also required to be given.

11.2. The Committee examined the proposal and observed that proviso to Rule 11(5) of SEZ Rules, 2006 provides as under:-

'The Developer may, with the prior approval of the Approval Committee, grant on lease land or built up space, for creating facilities such as canteen, public telephone booths, first aid centres, crèche and such other facilities as may be required for the exclusive use of the Unit'.

11.3. Mr. Vikas Kathpalia, AVP & Ms. Mrudulika, Sr. Manager appeared before the Approval Committee on behalf of the developer and explained the proposal. They mentioned that construction of 9,50,000 Sqft. is already completed. At present 250 persons are already working. Another 200 people will be joining in Feb' 2019 and by December total employment would go upto 20-25000.

11.4. After due deliberations, Approval Committee approved the proposal subject to submission of required documents and further subject to condition that no tax / duty benefits shall be available to M/s. Founding Years Learning Solutions Pvt. Ltd. to setup, operate & maintain such facility in the processing area of the SEZ and the facility shall be used exclusively by the employees of units located inside the SEZ. The Developer/allottee shall ensure compliance with the building byelaws.

12. M/s. RBS Services India Pvt. Ltd., a unit in the IT/ITES SEZ of M/s. Gurgaon Infospace Ltd. at Village Dundahera, Sector-21, Gurugram (Haryana)- Submission of details of services rendered in DTA.

12.1. It was brought to the notice of the Approval Committee that as per APRs submitted by the M/s. RBS Services India Pvt. Ltd. it had been observed that the unit had rendered services in DTA amounting to Rs.4276.91 lakhs during the year 2012-13 to 2017-18. Accordingly, the unit had been requested vide this office email dated 18.12.2018 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.

12.3. It was informed that M/s. RBS Services India Pvt. Ltd. vide its letter dated 10.12.2018 had submitted breakup details of services rendered in DTA of Rs.4276.91 lakhs, as given below:-

Year	Services rendered in DTA (INR in lakhs)	Remittances received in INR (Rs. in lakhs)	Remittances received in Foreign Exchange (Rs. in lakhs)
2012-13	937.46	937.46	-
2013-14	1000.91	1000.91	-

2014-15	1106.24	1106.24	-
2015-16	813.82	813.82	-
2016-17	283.86	61.36	222.50
2017-18	134.62	0.00	134.62
Total:	4276.91	3919.79	357.12

12.4. The Approval Committee observed that as per Section 2(z)(iii) of SEZ Act, 2005, "Services means such tradable services which earn foreign exchange" and SEZ unit is required to comply with the definition of "services" given in Section 2(z) of SEZ Act, 2005. Hence, the services rendered in Domestic Tariff Area by the unit are not as per the provisions of SEZ Act as the unit has rendered services in Domestic Tariff Area amounting to Rs.3919.79 lakhs against payment in INR instead of free foreign exchange.

12.5. However, no one from the unit appeared before the Approval Committee.

12.6. After due deliberations, the Approval Committee deferred that matter with the direction to call the authorized representative of the unit in its next meeting. The Approval Committee also directed that total export figure should also be given in the tabular form in Agenda to be placed before it in the next meeting.

13. Proposal of M/s. Applane Solutions Pvt. Ltd. for setting up of unit in the IT/ITES SEZ of M/s. DLF Ltd. located at Village Silokhera, Sector-30, Gurugram (Haryana) on shift basis.

13.1. It was brought to the notice of the Approval Committee that M/s. Applane Solutions Pvt. Ltd. had submitted proposal for setting up of unit 8000 Sqft. on 9th floor, Tower B-1 in the IT/ITES SEZ of M/s. DLF Ltd. located at Village Silokhera, Sector-30, Gurugram (Haryana) on shift basis from 9.00 AM to 6.30 PM from the premises of existing SEZ unit namely M/s. Daffodil Software Pvt. Ltd., in accordance with Instruction No. 13 dated 03.06.2009 issued by DOC, to undertake service activities namely 'Information Technology Enabled Services, Software Development Services'. It was informed that the applicant has projected exports of Rs.2055 lakhs and the cumulative NFE of Rs. 2037 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.68.40 lakhs towards Indigenous capital goods and other cost of project shall be met from the retained earnings. It was further informed that the SEZ Co-developer, M/s. DLF Assets Pvt. Ltd. has given provisional offer letter dated 29.11.2018 for allotment of 8000 Sqft. on 9th floor, Tower B-1 to the applicant to undertake activities on shift basis between 09.00 AM to 06.00 PM.

13.2. It was informed that following documents / information required to be submitted:-

- (i) Discrepancies in Online Form-F:-

- a) Complete residential address of both directors have not been mentioned in Para IV.
 - b) Requirement of built-up area has not been mentioned in Para VIII(2). Besides, requirement of land (Factory & Offices) of 8000 Sqmt. mentioned in Para VIII(1) required to be removed as proposed unit is being setup over a built-up area of 8000 Sqft. at 9th floor, Tower-B1.
 - c) Requirement of Water required to be mentioned in Para VIII(3).
 - d) Reply in respect of Para XII (ii) & (iv) should be given in 'Yes' or 'No'. Applicant has mentioned 'NA'.
 - e) In Para XII(ii) of Form-F applicant has mentioned 'NA' whereas one of Director namely Mr. Sachin Garg is also director in Daffodil Software Pvt. Ltd. & hence reply should be in 'Yes' and details of said SEZ unit be mentioned in the relevant para.
 - f) Form-F printout not signed at appropriate place.
 - g) Affidavit Para 1 is incomplete hence complete affidavit duly notarized needed.
- (ii) In projected P&L Statement, year-wise 'Sales' mentioned by the applicant does not match with the export projections given in Form-F.

13.3. Further, it was informed that M/s. Daffodil Software Pvt. Ltd. (having LOA No. 10/103/2012-SEZ/1383 dated 29.01.2013) had recently obtained approval from the Approval Committee held on 07.12.2018 for shifting of unit from existing space i.e. 22474 Sqft. at '15th floor, Tower-A3' to '35185 Sqft. at '9th floor, Tower-B1' in the IT/ITES SEZ of M/s. DLF Limited at Village Silokhera, Sector-30, Gurugram (Haryana). The approval has been conveyed to the unit vide this office letter dated 26.12.2018. It was informed that M/s. Daffodil Software Pvt. Ltd. vide its letter dated 26.11.2018 has given consent cum No Objection in favour of M/s. Applane Solutions Pvt. Ltd. to operate on shift basis with Daffodil between 9.00 AM to 6.30 PM from the proposed area of 8000 Sqft. at 9th floor, Tower-B1.

13.4. The Approval Committee observed that the following framework has been laid out in Instruction No. 13 dated 03.06.2009 :-

- (a) SEZ Developer can lease out space in the IT/ITES SEZ on a shift to shift basis.
- (b) Each unit will have some space leased in its name where it will store the goods.
- (c) The Developer will enter into contract with each unit for a shift. However, all goods which have been procured by the unit will be removed by them and kept in the space allocated to them.

13.5. However, the Approval Committee observed that no such area for storage of goods by units have been demarcated in the provisional offer of space issued by the SEZ Co-developer, which is required in terms of Clause (b) of Instruction No. 13 dated 03.06.2009.



13.6. Mr. Sachin Garg, Director, Mr. Abhinav Gupta, CA & Ms. Yashna, appeared before the Approval Committee on behalf of the applicant unit and explained the proposal. Besides, Mr. Anil Nauriyal, General Manager also appeared before the Approval Committee from the SEZ Developer.

13.7. After due deliberations, the Approval Committee deferred the proposal with a direction to the applicant unit and SEZ developer to submit map of proposed area i.e. '9th floor, Tower-B1' showing proper demarcation of area proposed to be leased out to M/s. Applane Solutions Pvt. Ltd. and area demarcated for storage of goods by both the units.

14. Proposal of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. for setting up of unit for 'Backup Power Generation' in the IT/ITES SEZ at Village Tikri, Sector-48, Gurugram (Haryana).

14.1. It was brought to the notice of the Approval Committee that M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. had submitted application for setting up a unit for 'Backup Power Generation through DG Sets' over an area of 4369.31 Sqmt. at Basement of Building No.1(391.85 Sqmt.), Building No.2&3 (1110.15 Sqmt.), Building No.4&5 (785.01 Sqmt.), Building No.6 (404.80 Sqmt.), Building No.7,8 & 8A (703.45 Sqmt.), Building No.9 (433.83 Sqmt.), Space for HSD Tanks at Ground Near Building No.6 (301.30 Sqmt.) & Building No. 9 (238.92 Sqmt.) in the processing area of IT/ITES SEZ of at Village Tikri, Sector-48, Gurugram (Haryana) in terms of Guidelines for Power Generation, Transmission and Distribution in SEZs issued by DOC vide letter No. P.6/3/2006-SEZ(Vol-III) dated 16.02.2016. It was informed the applicant has projected exports of Rs.5425.99 lakhs and the cumulative NFE of Rs.5424.10 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.1.89 lakhs towards imported capital goods; Rs.3983.51 lakhs towards Indigenous capital goods and other cost of project shall be met from the reserves and surplus. It was further informed that the applicant has also shown requirement of indigenous raw materials, consumables, components etc. for Rs.3635.89 lakhs.

14.2. It was informed that following shortcomings had been observed in the application in the first instance:-

- (i). Applicant needs to submit revised NFE calculation taking into account proposed indigenous inputs of Rs.3635.89 lakhs in forex outgo for calculation of NFE.
- (ii). LOA details of SEZ Developer required to be mentioned in Para XII(ii) of Form- F.
- (iii). Copies of PAN Card of both directors required to be given.
- (iv). CA Certified shareholding details of applicant company are required.



14.3. Further, it was informed that applicant had sought approval of unit in terms of Guidelines for Power Generation, Transmission and Distribution in SEZs issued by DOC vide letter no. P.6/3/2006-SEZ(Vol-III) dated 16.02.2016. Para (iv) & Para (v) of said Power guidelines are reproduced as under:-

Para (IV): With respect to the IT/ITES SEZs, which require continuous quality power, wherever generation of power has been approved by the BoA, as authorized operation, to the Developer/Co-developer within the processing area, and in respect of which there is a statutory requirement on developer/co-developer to supply 24 hours uninterrupted quality power supply at stable frequency in the Zone, in terms of Rule 5A of SEZ Rules, 2006; in such cases generation of power will be carried out as a unit within the processing area, and such a power plant including non-conventional energy power plant, will be entitled to all the fiscal benefits covered under section 26 of the SEZ Act including the benefits for initial setting up, maintenance and the duty free import of raw materials and consumables for the generation of the power. Such duty free imports of capital goods, raw material and consumables etc. would be counted towards the NFE obligations of the unit.

This facility will also be extended to R&D facilities, Fabless Semi-Conductor Industry, EMS Electronic Manufacturing Services and such other sectors as may be decided by the Central Government, from the date of incorporations of these sectors in Rule 5A of the SEZ Rules, 2006.

They can sell power to DTA on payment of customs duty as determined by DoR keeping in view the duty foregone on installation as well as O&M including service tax exemption.

Para (V): SEZs which are connected to State/National Grid, will be allowed to create a back-up power facility. Such power back-up facility, if it is in the NPA, only duty benefits on capital expenditure for setting up will be available. If the facility is in processing area, then, duty benefits for setting up as well as O&M will be available, subject to the condition that the facility shall be NFE positive- either stand-alone or along with the unit with which it is attached. For DTA sale, customs duty would be charged in both the situations i.e. a power back up utility in NPA or PA at the rate prescribed for each situation/location.

14.4. Mr. Shantanu Chakraborty, Vice President, Mr. Jay Kumar, Head-SEZ Compliance, Mr. Amrik Singh, AGM-SEZ Compliance appeared before the Approval Committee from the applicant and explained the proposal. The representative of the applicant informed that SEZ is connected with State Electricity Grid. The representatives of the applicant further informed that since IT/ITES Units are required un-interrupted power supply, hence a unit is proposed to be setup for backup power generation through DG Sets in case of any interruption of power supply from State Electricity Grid.

14.5. After due deliberations, the Approval Committee approved the proposal for setting up of unit for 'Backup power generation through DG Sets' in terms of Para V of the Guidelines for Power Generation, Transmission and Distribution in SEZs issued by DOC vide letter no. P.6/3/2006-

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SEZ(Vol-III) dated 16.02.2016, subject to submission of requisite documents. The Approval Committee also directed the representatives of the applicant unit to submit revised NFE calculations including the value of proposed indigenous inputs in proposed outgo, as per recent amendment in Rules 53 issued vide DOC's Notification No. G.S.R. 909(E) dated 19.09.2018. Besides, the Approval Committee also directed the Specified Officer to ensure proper demarcation of the area of the proposed unit.

15. M/s. Daffodil Software Private Limited, a unit in the IT/ITES SEZ of M/s. DLF Ltd. at Village Silokhera, Sector-30, Gurugram (Haryana) – Monitoring of performance of unit in terms of Rule 54 of SEZ Rules, 2006.

It was informed that while approving the change of constitution/name of unit from 'Daffodil Software Limited' to 'Daffodil Software Private Limited', the Approval Committee, in view of variations in the figures of exports/NFE/DTA sales, in its meeting held on 06.07.2018 had directed the representative of M/s. Daffodil Software Pvt. Ltd. to submit details showing figures of Export /NFE/ DTA sales earlier submitted and revised figures of Export /NFE/DTA sales submitted in past along with the detailed reasons for such difference therein supported with documentary evidence, duly certified by Chartered Accountant, within 15 days, to this office. Approval Committee had also directed to the representative of the unit to submit status of pending foreign exchange realization duly certified by CA along with other pending documents/information. Further, the Approval Committee had also directed that on receipt of details / documents from the unit, the same shall be got examined by CA firm, NSEZ, who can call representative of unit to discuss the matter. The Approval Committee had further directed that the complete facts and examination report of CA firm, NSEZ may be placed before it for monitoring of performance of the unit. It was informed that as per directions of the Approval Committee the documents received from the unit were handed over to the NSEZ CA firm for further necessary examination as per directions of the Approval Committee. NSEZ CA firm was also requested to provide complete report, including correct NFE/DTA figures incorporating APR for 2017-18.

15.2. It was informed that examination report/Unit Performance Report have been received from the NSEZ CA Firm. Now the APRs for the period 2013-14 to 2017-18 have been found by CA Firm to be correctly report by unit. Year wise Performance/NFE achievement status of unit, as per report received from CA firm, is as follows:-

(Rs. in lakhs)

Year	FOB value of export	Total Outflow	NFE earned During the period	DTA Sales	Pending Foreign Exchange realization
2013-14	1237.78	143.53	1094.25	44.99	0.00
2014-15	2294.40	130.22	2164.18	61.46	0.00

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**Minutes of the Approval Committee meeting of
SEZs in Haryana held on 04.01.2019 at NSEZ, Noida**

2015-16	2921.35	24.20	2897.15	23.49	0.00
2016-17	3893.33	98.80	3794.53	0.70	0.00
2017-18	4141.11	152.59	3988.52	0.00	0.00
Total	14487.97	549.34	13938.63	130.64	0.00

15.3. The Approval Committee observed huge variations in the figures of Exports/NFE/DTA sales in revised APR & revised details of DTA sales submitted by the unit. The figures of exports/NFE/DTA sales upto 31.03.2017, earlier submitted by the unit, were as under:-

(Rs. in lakhs)

Year	FOB value of export	Total Outflow	NFE earned During the period	DTA Sales	Pending Foreign Exchange realization
2013-14	1192.95	0.00	1192.95	44.99	340.83
2014-15	2463.27	0.00	2463.27	553.58	0.00
2015-16	3199.56	0.00	3199.56	753.89	0.00
2016-17	3893.33	0.00	3893.33	718.09	0.00
Total	10749.11	0.00	10749.11	2070.55	340.83

15.4. It was further informed that repeated complaints had been received against M/s Daffodil Software Ltd. from the complainant Mr. Subhash Chander Agarwal in the past and till recently alleging heavy manipulation in SEZ Books and alleging that no action was taken against the company. The matter had been got inquired by this office from the then Specified Officer and the Specified Officer in his report dt. 05.01.2016 had concluded that the unit had been running its business in compliance with the provisions of SEZ Act & Rules, 2006. However still the complainant continues to send email reminders to his complaint. It was informed that the latest reminder email from the complainant has been received on 07.12.2018.

15.5. Mr. Sachin Garg, Director, Mr. Abhinav Gupta, CA & Ms. Yashna, appeared before the Approval Committee on behalf of the unit. The representatives of the unit accepted variations in the Exports/NFE/DTA sales, however representative of the unit were not able to explain specific reasons for such variations. As regards complaints against the unit, the representative of the unit informed that Son-in-law of Mr. Subhash Chander Agarwal was working in their company as Incharge-Finance, who had made major fraud in the company, hence the company fired him. Thereafter, in retaliation Mr. Subhash Chander Agarwal continue to write emails against the company to all the government authorities including NSEZ.

15.6. After due deliberations, the Approval Committee directed to send a detailed notice to the unit seeking detailed explanation/justification in writing on such variations in Exports/NFE/DTA sales duly supported with documentary evidence. The Approval Committee further directed to forward copies of all APRs (previous & revised) submitted by the unit to the Chartered Accountant who had certified pervious APRs of the unit, seeking explanation as to how he had certified these APRs. Further, the



Approval Committee also directed to forward copies of all APRs (previous & revised) submitted by the unit to the Chartered Accountant who had certified revised APRs, for his comments on difference in figures. The Approval Committee also directed to forward copy of all APRs (previous & revised) to Dy. Commissioner, Income Tax, Gurugram.

Meeting ended with a vote of thanks to the Chair.



(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)

Development Commissioner