



GOVERNMENT OF INDIA  
MIN. OF COMMERCE & INDUSTRY, DEPTT. OF COMMERCE  
OFFICE OF THE DEVELOPMENT COMMISSIONER  
NOIDA SPECIAL ECONOMIC ZONE  
NOIDA DADRI ROAD, PHASE-II, NOIDA-201305  
DISTT. GAUTAM BUDH NAGAR (UP)

फा. स.10/173/2007-सेज/

दिनांक: 09/02/2017

सेवा मे,

1. निदेशक, 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. आयुक्त, केंद्रीय उत्पाद शुल्क (नोएडा- प्रथम), सी - 56/42, सेक्टर - 62, नोएडा।
4. आयुक्त, केंद्रीय उत्पाद शुल्क (नोएडा- द्वितीय), फॉर्मूला- एक होटल, वेगमॅस बिजनेस पार्क, प्लॉट नं. 3, नॉलेज पार्क -3, ग्रेटर नोएडा।
5. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नोएडा।
6. उपसचिव (आई एफ - 1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
7. मुख्य कार्यकारी अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नोएडा।
8. मुख्य कार्यकारी अधिकारी, ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण, 169 चितवन एस्टेट, सेक्टर गामा - द्वितीय, ग्रेटर नोएडा, गौतम बुद्ध नगर, (उत्तर प्रदेश)।
9. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर नोएडा।
10. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता।

विषय: दिनांक 03/02/2017 को पूर्वाह्न 11.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा एवं ग्रेटर नोएडा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त - एतद् संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 03/02/2017 को पूर्वाह्न 11.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित आयोजित नोएडा एवं ग्रेटर नोएडा (उत्तर प्रदेश) में स्थित निजी विशेष आर्थिक क्षेत्रों की अनुमोदन समिति बैठक का कार्यवृत्त प्रेषित का निर्देश हुआ है।

इसे विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र, नोएडा का अनुमोदन प्राप्त है।

भवदीय,

संलग्नक : उपरोक्त

(प्रकाश चन्द उपाध्याय)  
सहायक विकास आयुक्त

प्रतिलिपि:

विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र, नोएडा - सूचनार्थ।

**NOIDA SPECIAL ECONOMIC ZONE**

**Minutes of the meeting of the Approval Committee of Private SEZs located in Noida & Greater Noida (Uttar Pradesh) held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner, Noida SEZ at 11:00 AM on 03.02.2017 in the Conference Hall of NSEZ.**

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

1. Shri S. S. Shukla, JDC, NSEZ
2. Shri Rohit Indora, Asstt. Commissioner, Central Excise Noida-I.
3. Shri Chintan Raghuvanshi, Asstt. Commissioner, Central Excise, Noida-II.
4. Dr. Sukhbir Singh Badhal, Assistant DGFT, New Delhi.
5. Shri Sudhir Kumar Tyagi, Income Tax Officer, Noida
6. Representative of SEZ Developers concerned, Special Invitee

2. Besides, during the meeting i) Shri Salik Parwaiz, Specified Officer, ii) Shri H.K. Rathi, Specified Officer & iii) Shri Prakash Chand Upadhyay, Asstt. Dev. Commissioner were also present to assist the Approval Committee.

3. At the outset, DC, NSEZ 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:-

**(i) Ratification of Minutes of last meeting of the Approval Committee:-**

It was informed that no reference against the decisions of the Approval Committee held on 09.01.2017 has been received from any of the members of the Committee or Trade and accordingly, Minutes of the meeting held on 09.01.2017 were ratified.

**(ii) Item wise decisions on proposals included in agenda are as under:**

1. **Proposal of M/s. NIIT Technologies Ltd., developer for approval of list of materials to carry on default authorized operations in IT/ITES at Plot No. TZ-2 & 2A, Sector-Techzone, Greater Noida (U.P)**

It was brought to the notice of Approval Committee that M/s. NIIT Technologies Limited, Developer of IT/ITES SEZ at Plot No. TZ-2 & 2A, Sector-Techzone, Greater Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operation in SEZ:-



S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lacs)
1.	Telecom and other communication facilities including internet connectivity.	05	25.30

Mr. Mukesh Chauhan, Group Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.

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

**2. Proposal of M/s. UnitedHealth Group Information Services Pvt. Ltd. for enhancement in the value of imported & indigenous capital goods & revision in NFE projections of the unit located in the IT/ITES SEZ of M/s. Oxygen Business Park Pvt. Ltd. at Plot No. 7, Sector-144, Noida.**

It was brought to the notice of the Approval Committee that M/s. UnitedHealth Group Information Services Pvt. Ltd. had submitted a proposal for enhancement in the value of imported & indigenous capital goods and revision in export / NFE projections of the unit located in the IT/ITES SEZ of M/s. Oxygen Business Park Pvt. Ltd. IT/ITES SEZ at Plot No. 7, Sector-144, Noida (U.P.), as given below:-

Particulars	Rs. (in Lacs)	
	Existing Projection	Revised Projection
Projected FOB value of exports	34073.00	34073.00
Foreign Exchange Outgo	3226.00	4964.00
NFE over a period of 5 years	30847.00	29109.00
Imported CG (including infrastructure)	1526.00	3264.00
Indigenous CG (including infrastructure)	1251.00	1396.00

Mr. Puneet Sawhney, Director-Finance & Mr. Anuj Jain, Director-Taxation appeared before the Approval Committee on behalf of the unit and explained the proposal.

After due deliberations, the Approval Committee **approved** the proposal.

**3. Proposal of M/s. Oxygen Business Parks Pvt. Ltd., developer for approval of list of goods to carry on authorized operation in IT/ITES SEZ at Plot No. 7, Sector-144, Noida.**

It was brought to the notice of Approval Committee that M/s. Oxygen Business Park Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 7, Sector-144, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operation in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of materials	Estimated Cost
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*(Plus)*

		as per Inst. No. 50 & 54	(Rs in Lacs)
1.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	2592.00
2.	Air Conditioning of processing area.	21	360.39
3.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	47.80
4.	Fire protection system with sprinklers, fire and smoke detectors.	07	23.50
5.	Telecom and other communication facilities including internet connectivity.	05	61.00
		<b>Total :</b>	<b>3084.69</b>

Mr. Sunny Ahuja, Manager-Finance appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.

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

**4. Proposal of the developer, M/s. Oxygen Business Park Pvt. Ltd. for allotment of built up space to M/s. Yes Bank Limited to setup & operate a 'Bank ATM' in the processing area of IT/ITES SEZ located at Plot No. 7, Sector-144, Noida.**

It was brought to the notice of Approval Committee that the Developer, M/s. Oxygen Business Parks Pvt. Ltd. had submitted a proposal for allotment of built-up space of 6x6 sqft. at Lower Ground Floor, Tower-A in the processing area of IT/ITES SEZ at Plot No. 7, Sector-144, Noida to M/s. Yes Bank Ltd. to setup & operate a Bank ATM, for use by the employees of SEZ. & units located therein.

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'.*

Approval Committee further observed that 'Space for Bank/ATMs' is listed as a default authorized operation in Instruction No.50 dated 15.03.2010 issued by DOC.

Shri Sunny Ahuja, Manager- Finance of Oxygen Business Park Pvt. Ltd. appeared before the Approval Committee and explained the proposal. He informed that the instant proposal has been made on specific request of M/s. GlobalLogic India Ltd. and the proposed ATM



shall be used by employees of M/s. GlobalLogic India Ltd. He also handed over a copy of Undertaking from M/s. Yes Bank Ltd. to the effect that they will not avail any Indirect and Direct Tax Benefits available under the SEZ Scheme for ATM facility in the said SEZ.

After due deliberations, Approval Committee **approved** the proposal, subject to condition that no tax / duty benefit shall be available to M/s. Yes Bank Ltd. to setup, operate & maintain the said ATM in the processing area of the SEZ and this facility shall be used exclusively by the employees of M/s. GlobalLogic India Ltd.

**5. Proposal of M/s. P.L.G. Incubation Services Pvt. Ltd., Co-developer for approval of list of materials to carry on default authorized operation in Electronics Hardware & Software including IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone-IV, Greater Noida.**

It was brought to the notice of the Approval Committee that M/s. P.L.G. Incubation Services Pvt. Ltd., Co-developer of Electronics Hardware & Software including IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone-IV, Greater Noida, had submitted proposal for approval of a list of materials to carry on following default authorized operations:-

S.No.	Name of Authorized Operations	Sl. No at default list of materials as per Inst. No.50 and 54	Estimated Cost (Rs. In Lacs)
1.	Fire protection system with sprinklers, fire and smoke detectors.	07	10.00

It was informed that the co-developer has not submitted Quarterly returns for the period April-June' 2016, July-Sept' 2016, Oct-Dec' 2016 and Half Yearly return along with Utilization Certificate for the period ending 30<sup>th</sup> September, 2016, in terms of Rule 12(6) & 12(7) of SEZ Rules, 2006.

Shri Ashish Garg, Manager appeared before the Approval Committee on behalf of the co-developer and explained the requirement of proposed materials.

After due deliberations, Approval Committee **approved** the proposed list of materials. The Approval Committee took a serious view on non-submission of Quarterly /Half yearly returns and Utilisation Certificate and directed the representative of the co-developer to submit the same immediately.



**6. Proposal of M/s. Artha Infratech Pvt. Ltd., developer for approval of additional service to carry on authorized operation in Electronics Hardware & Software including IT/ITES SEZ at Plot No. 21, Sector- Techzone-IV, Greater Noida.**

It was brought to the notice of the Approval Committee that M/s. Artha Infatech Pvt. Ltd., developer of Electronics Hardware & Software including IT/ITES SEZ at Plot No. 21, Sector-Techzone-IV, Greater Noida, had submitted proposal for approval of following additional service:

Proposed Service	Justification
Real Estate Agent Service	The SEZ developer uses these services to identify occupiers who can set up business operations in SEZ area / office premises, for these services SEZ developer hires property consultants, International consultants, brokers, dealers, agents.

It was informed that the developer has not submitted Quarterly returns for the period April-June' 2016, July-Sept' 2016, Oct-Dec' 2016 and Half Yearly return along with Utilization Certificate for the period ending 30<sup>th</sup> September, 2016, in terms of Rule 12(6) & 12(7) of SEZ Rules, 2006.

Mr. Rajiv Baghel, Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed service.

After due deliberations, the Approval Committee **approved** the additional service namely "Real Estate Agent Service – exclusively related to the services rendered for leasing out built-up space in the processing area of SEZ". The Approval Committee took a serious view on non-submission of Quarterly /Half yearly returns and Utilisation Certificate and directed the representative of the co-developer to submit the same immediately.

**7. Proposal of M/s. HCL Technologies Ltd., developer for approval of list of material to carry on authorized operation in their IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida.**

It was brought to the notice of Approval Committee that M/s. HCL Technologies Ltd., Developer of IT/ITES SEZ at Plot No. 3A, 3B & 2C, Sector- 126, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lacs)
1.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	706.55
2.	Power (including power backup facilities) for	23	373.35

*(Handwritten signature)*

	<i>captive use only.</i>		
3.	Air Conditioning of processing area	21	417.76
4.	Fire protection system with sprinklers, fire and smoke detectors.	07	3.60
5.	Access Control and Monitoring System.	24	721.01
6.	Cafeteria / Canteen for staff in processing area.	27	99.27
		<b>Total :</b>	<b>2321.54</b>

It was informed that following discrepancies had been observed in the proposal :-

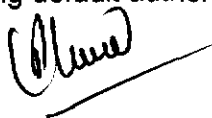
1. The developer has proposed "Puja Cabinet" at Sl. No. 25 under authorized operation 'Construction of all types of building in processing area as approved by the Unit Approval Committee', which do not seem to be related to authorized operation of SEZ Developer.
2. The developer is required to mention proper name of item proposed at Sl. No. 4 & 38 of the authorized operation namely "*Power (including power backup facilities) for captive use only*"
3. The developer has proposed 'Koldtech under counter Wine chiller with dual temperature setting' at Sl. No. 5(xix) under authorized operation 'Cafeteria / Canteen for staff in processing area', therefore requirement of the same may be get clarified from the developer during the meeting.

Shri Sunil Agarwal, AVP, Shri D.K. Sharma, GM, Shri Rajesh Oberoi, AGM & Shri Subhash Chandra, Dy. Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials. It was informed by the representatives of the developer that the proposed 'Puja Cabinet' & 'Ottoman' are normal Cabinets.

After due deliberations, Approval Committee **approved** the proposed list of material subject to submission of revised list of materials in respect of authorized operations namely 'Construction of all types of building in processing area as approved by the Unit Approval Committee' and 'Power (including power backup facilities) for captive use only' giving complete / corrected name of items along with clarification on requirement of 'Koldtech under counter Wine chiller with dual temperature setting'. The Approval Committee also directed that the developer shall not serve Cigarette & Alcoholic beverages in Cafeteria / Canteen in the processing area of SEZ.

**8. Proposal of M/s. Seaview Developers Pvt. Ltd., developer for approval of list of materials to carry on default authorized operations in IT/ITES at Plot No. 20 & 21, Sector- 135, Noida (U.P)**

It was brought to the notice of Approval Committee that M/s. Seaview Developers Pvt. Ltd., Developer of IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations in SEZ:-



S. No.	Name of Authorized Operations	S.No at default list of materials as per Inst. No.50 and 54	Estimated Cost (Rs. In Lacs)
1.	Construction of all type of buildings in processing area as approved by UAC	22	245.43
2.	Fire protection system with sprinklers, fire and smoke detectors	7	41.82
3.	Access control and monitoring system.	24	26.85
		<b>Total:</b>	<b>314.10</b>

Mr. Jay Kumar, Head-SEZ Compliance & Mr. Amrik Singh- Sr. Manager-SEZ Compliance appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.

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

9. **M/s. Pantel Communication Pvt. Ltd., a unit in Electronic Hardware & Software including IT/ITES SEZ of M/s Artha Infratech Pvt. Ltd., Greater Noida- Lapse of LOA regarding.**

It was brought to the notice of the Approval Committee that M/s. Pantel Communication Pvt. Ltd. had been issued LOA dated 17.02.2015 for setting up a unit over an area of 900 sqft. at Unit No. 4 Tower 2 in the Electronic Hardware & Software including IT/ITES SEZ of M/s Artha Infratech Pvt. Ltd. for undertaking service activities relating to IT/ITES. It was informed that the unit had executed BLUT for 160.07 lakhs which had accepted vide letter dated 16.04.2015. It was further informed that the LOA was valid for one year i.e. upto 16.02.2016 and Unit has neither given any information for start of activities nor has it sought any extension of LOA validity.

Further, it was informed that the SEZ developer vide its email dated 13.10.2016 had stated that unit has not been paying lease rent to developer regularly & they may be allowed to lease out the said space to other tenants.

It was informed that a letter dated 04.11.16 (by post and through email as well) had been sent to M/s. Pantel Communication Pvt. Ltd. to inform that its LOA dated 17.02.2015 was valid for one year i.e. upto 16.02.2016 as per condition No. VI of said LOA and also called upon the unit to show cause within 15 days from receipt of letter dated 04.11.16 as to why their LOA should not be treated as lapsed from the date of expiry i.e. 16.02.2016. It was also informed that the unit had been requested to provide copy of Registered Lease deed they have entered into with the developer. It was however, informed that the original letter dated 04.11.2016 had been received back undelivered from the Postal Authority. Besides no reply has since been received from the unit against email dated 09.11.16.





The matter was deliberated in the Approval Committee in light of Rule 11(5) of SEZ Rules, 2006, which provides that, *"The land or built up space in the processing area or Free Trade and Warehousing Zone shall be given on lease only to the entrepreneurs holding a valid Letter of Approval issued under rule 19 and the lease period shall not be less than five years but notwithstanding any other condition in the lease deed, the lease rights would cease to exist in case of the expiry or cancellation of the Letter of Approval"*

Further as per Rule 19 (5) of the SEZ Rules, 2006 *"If the Unit has not commenced production or services activity within the validity period or the extended validity period under sub-rule (4), the Letter of Approval shall be deemed to have been lapsed with effect from the date on which its validity expired"*.

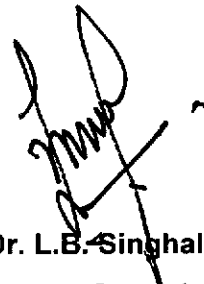
After due deliberations, the Approval Committee observed that the validity period of LOA has expired on 16.02.2016 and therefore the same is deemed to have been lapsed. Further, since lease deed is coterminous with the validity of LOA in terms of Rule 11(5) of SEZ Rules, 2006, lease deed of the unit has also lapsed with the validity of LOA dated 17.02.2015 i.e. on 16.02.2016.

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



(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)

Development Commissioner