

F.1/5/2016-SEZ
Government of India
Ministry of Commerce & Industry
Department of Commerce

Udyog Bhawan, New Delhi
Dated, the 14 July, 2016

OFFICE MEMORANDUM

Subject: - Instruction regarding documents to be forwarded for full notification/additional area notification/partial de-notification/full de-notification/change of name of developer or co-developer and shifting of unit from one SEZ to another SEZ-reg.

The undersigned is directed to say that of late it has been noted in number of instances the documents forwarded by the office of DCs for full notification/additional area notification/partial de-notification/full de-notification/change of name of developer or co-developer and shifting of unit from one SEZ to another SEZ are not complete in all respect thereby leading to avoidable delay. A checklist for each of the aforesaid item of work is hereby circulated to ensure that complete documents are forwarded along with DC's recommendation to this Department.

CHECKLIST FOR FULL AREA NOTIFICATION

- (i) State Government's Recommendation.
- (ii) Inspection Report in prescribed format **(copy enclosed)**.
- (iii) Developer's Certificate countersigned by DC.
- (iv) Legal Possession Certificate from revenue authorities.
- (v) Non-encumbrance Certificate from revenue authorities.
- (vi) Land details of area to be notified duly certified by revenue authorities.
- (vii) Colored Map clearly indicating survey numbers and duly certified by revenue authorities.
- (viii) Copy of Registered Lease /sale Deed.

CHECKLIST FOR ADDITIONAL AREA NOTIFICATION

- (i) Certificate from concerned State Government or its authorized agency stating that the developer has irrevocable rights to develop the sad area as SEZ.
- (ii) Form-C4 for increase in area along with DC's recommendation.
- (iii) Inspection Report in prescribed format **(copy enclosed)**.
- (iv) Developer's Certificate countersigned by DC.
- (v) Legal Possession Certificate from revenue authorities.
- (vi) Non-encumbrance Certificate from revenue authorities.
- (vii) Land details of the area to be notified duly certified by revenue authorities.
- (viii) Colored Map clearly indicating survey numbers and duly certified by revenue authorities.
- (ix) Copy of Registered Lease /sale Deed.

CHECKLIST FOR PARTIAL DE-NOTIFICATION

Form-C5 for decrease in area along with DC's recommendation.

← to read with
Addendum
dt. 28.10.16.

....Contd P/2



(From pre page)

- (ii) DC certificate in prescribed format **(copy enclosed)**.
- (iii) Developer's Certificate countersigned by DC.
- (iv) Land details of the area to be de-notified countersigned by DC.
- (v) Coloured Map of the SEZ clearly indicating area to be de-notified and left over area duly countersigned by DC.
- (vi) "No- Objection Certificate" from the state government w.r.t instructions issued by DoC vide its instruction No.D.12/45/2009-SEZ dated 13.09.2013 for partial de-notification shall be complied with **(copy enclosed)**.
- (vii) 'No Dues Certificate' from specified officer.

CHECKLIST FOR FULL DE-NOTIFICATION

- (i) Form-C6 for full de-notification along with DC's recommendation.
- (ii) DC Certificate in prescribed format **(copy enclosed)**.
- (iii) "No- Objection Certificate" from the state government w.r.t instructions issued by DoC vide its instruction No.D.12/45/2009-SEZ dated 13.09.2013 for full de-notification shall be complied with **(copy enclosed)**.
- (iv) 'No Dues Certificate' from specified officer.

CHECKLIST FOR CHANGE OF NAME OF DEVELOPER/CO-DEVELOPER

- (i) Copy of Fresh Certificate of Incorporation, consequent on change of name issued by Registrar of Companies.
- (ii) The details of Board of Directors and their shareholding pattern before and after name change duly certified by Chartered Accountant.
- (iii) 'No Objection Certificate' from the developer, in case proposal is for change in name of co-developer.

CHECKLIST FOR SHIFTING OF UNIT FROM ONE SEZ TO ANOTHER

- (i) 'No Dues Certificate' from the existing developer/co-developer.
- (ii) Consent Letter/Offer of space from the developer/co-developer where unit wants to shift.

2. Such proposals should **not** henceforth be sent to the Department by post/courier. A responsible officer not below the level of DDC should deliver the proposals to this Department. In case the proposals do not fulfill the above requirement, the proposals shall not be accepted and shall be returned to the DDC for completion.


(Aditya Narayan)

Under Secretary to the Govt. of India
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Encl: as above

To,
All Development Commissioners



CERTIFICATE

(to be furnished by Development Commissioner for De-notification of entire area/part of Special Economic Zone along with Form C5 or C6 submitted by the Developer)

With regard to the request of M/s..... for de-notification of the entire area of.....Ha* **OR** an area ofHa*, of the Multi Product*/Sector Specific SEZ forat, it is certified that:-

- (a) There are no unit in the SEZ* **OR** the existing units have been de-bonded following the procedure prescribed in Rule 74 of the SEZ Rules.*
- (b) The developer has not availed any tax/duty benefits, under the SEZ Act/Rules, in r/o the land being de-notified.* **OR** The developer had availed the following tax/duty benefits under the SEZ Act/Rules:-
 - (i)
 - (ii)
 - (iii)

All tax/duty benefit indicated above have been refunded by the developer to my satisfaction.*

- (c) The SEZ shall remain contiguous even after de-notification of the area of.....Ha and shall meet the minimum land requirement prescribed for the.....sector which isHa.#
- (d) The land details for de-notification and a coloured map of the SEZ showing the area being de-notified, duly countersigned by me, are attached.#
- (e) The request for de-notification was approved by BoA in its.....meeting held onand approval was conveyed by D/o Commerce vide letter no..... dated.....* **OR** The request can be approved on file as per the decision of the BoA, taken in the meeting held on 8th June, 2010 (item no. 40.16), as the area being de-notified is less than 10% of the existing area.*
- (f) All conditions subject to which the BoA has granted the approval for de-notification, of the above area of the SEZ, have been fulfilled to my satisfaction.
- (g) The State Government has given its 'No Objection' regarding de-notification of the above stated area of the SEZ.

Place:-

Date:-

(Signature of the Development Commissioner)

Note:-

- * Please strike out whichever is not applicable.
- # Applicable only in the cases of part de-notification.

CERTIFICATE TO BE FURNISHED BY DEVELOPMENT COMMISSIONER FOR PARTIAL/FULL NOTIFICATION ALONG WITH INSPECTION REPORT

1.	Name of Developer	
2.	Date of Formal Approval	
3.	Sector	
4.	State	
5.	Location of the SEZ	
6.	Area in hectares (Present Area)	
7.	Additional Area (in hectares) proposed to be notified	
8.	Whether land is in possession	
9.	Whether physical Inspection conducted	
10.	Whether land is vacant	
11.	Whether land is contiguous	
12.	Documents attached:	
(i)	Proof of legal right and possession- documents attested by State Govt. of authorised agency say revenue/Land Authority of the State govt. /copy of Registered Lease deed.	
(ii)	Non-encumbrance certificate issued/certified by State Govt./Revenue/Land Authorities.	
(iii)	Map clearly showing the area of the SEZ certified by the concerned State Govt./Revenue/Land Authorities	
(iv)	List of block numbers/survey numbers/Khasra numbers along with area in hectares certified by the State Government/Revenue/Land authorities. (Notification will be issued on the basis of above details)	
13	Is there any compulsory acquisition?	
14	Is there any litigation over the land/If so, details	
15	Is the DC satisfied that all the conditions as required under the SEZ Act/Rules are fully met for the notification?	

Signature of the Development Commissioner