



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

फ. स.10 / 274/2009-एस ई जेड /  
सेवा मे ,

दिनांक: 07.03.2016

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. मुख्य आयुक्त, केन्द्रीय उत्पाद शुल्क, दिल्ली जोन, सीआर भवन, आई पी एस्टेट, नई दिल्ली
4. आयुक्त, केन्द्रीय उत्पाद शुल्क, गुडगाँव-1, दिल्ली-तृतीय, प्लॉट नं 36 व 37, सेक्टर 32, गुडगाँव ।
5. आयुक्त, आयकर, न्यू सी जी ओ कॉम्प्लेक्स, एनएच 4, फरीदाबाद ।
6. संयुक्त आयुक्त, आयकर, सीमा-II, उद्योग विहार, फेज-5, गुडगाँव (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 भवन, सेक्टर 17, चंडीगढ़।
9. प्रबंध निदेशक, हरियाणा राज्य औद्योगिक विकास निगम, हरियाणा सरकार, प्लॉट नं सी -13 व 14, सेक्टर 6 पंचकूला, हरियाणा ।
10. वरिष्ठ नगर योजनाकार, टाउन एंड कंट्री प्लानिंग (मुख्यालय), एस सी ओ :71-75, सेक्टर 17C, चंडीगढ़।
11. श्री एस एन सिंह, संयुक्त निदेशक, जिला उद्योग केंद्र, प्लॉट नं 2, आई डी सी, गुडगाँव, हरियाणा।
12. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता ।

विषय: दिनांक 04/03/2016 को अपराह्न 03.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित हरियाणा राज्य में स्थित निजी सेज की यूनिट अनुमोदन समिति बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 04.03.2016 को अपराह्न 03.00 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित हरियाणा राज्य में स्थित निजी सेज की यूनिट अनुमोदन समिति बैठक का कार्यवृत्त प्रेषित का निर्देश हुआ है।


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

संलग्नक : उपरोक्त

प्रतिलिपि:

विकास आयुक्त - सूचनार्थ ।

भवदीय,

  
(राकेश कुमार)  
उप विकास आयुक्त

**NOIDA SPECIAL ECONOMIC ZONE**

**Minutes of the meeting of the Unit Approval Committee (UAC) of private SEZs in the State of Haryana held under the chairmanship of Dr. L.B. Singhal, Development Commissioner, NSEZ at 03.00 PM on 04/03/2016 in the Conference Hall of NSEZ.**

The following members of UAC were present during the meeting:-

1. Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
2. Shri Praveen Kumar, Joint Commissioner of Income Tax, Faridabad.
3. Shri S.C. Gangar, Asstt. Commissioner, Central Excise, Gurgaon.
4. Shri T.C. Sangwan, Asstt. Director, DIC, Gurgaon
5. Shri Rajendra T. Sharma, DTP, O/o. STP, Gurgaon
6. Representatives of SEZ Developers / Co-developers.

2. Besides, during the meeting i) Shri Rakesh Kumar, DDC, NSEZ, ii) Shri Rakesh Agarwal, Specified Officer & iii) Shri H.S. Rawat, Specified Officer were also present to assist the UAC.

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 members as well as interaction with the applicants / representatives of the units, the following decisions were taken:-

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

The Committee was informed that no reference against the decisions of the UAC held on 05/02/2016 was received from any of the members of the Committee or Trade and therefore, Minutes of the meeting held on 05/02/2016 were ratified.

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

1. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., developer of IT/ITES SEZ at Village-Gwal Pahari, Gurgaon (Haryana) for approval of list of material.**

It was brought to the notice of UAC that M/s. ASF Insignia SEZ Pvt. Ltd., developer of IT/ITES SEZ at Village- Gwal Pahari, Gurgaon (Haryana) had submitted proposal for approval of list of material to carry on following authorized operations:-

S. No.	Name of Authorized Operation	S. No. at default list of Auth. Opr. as per Inst. No. 50	Estimated Cost (Rupees in lacs)
1.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	10.20
2.	Housing and / or Service apartments (as approved by BoA) in Non-Processing Area (NPA)	Approved by BoA in Non-Processing Area	30.14
		Total:	40.34

Shri A.K. Singh, Sr. Manager appeared before UAC on behalf of the developer and explained the requirement of proposed material.

After due deliberations, UAC **approved** the proposal.

2. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., developer for allotment of built up space to M/s. Ultimax Retail Pvt. Ltd. to setup 'Convenience Store' in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon.**

It was brought to the notice of UAC that the developer, M/s. ASF Insignia SEZ Pvt. Ltd. had applied for allotment of built-up space of 2502 Sqft. on a part of Ground floor, podium building on lease basis to M/s. Ultimax Retail Pvt. Ltd. to setup & operate a 'Convenience Store' in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon (Haryana).

Shri A.K. Singh, Sr. Manager appeared before the UAC on behalf of the developer and informed that the proposed facility shall be exclusively used by the employees in the SEZ.

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 land or built up space on lease basis, 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'.*

After due deliberations, UAC observed that the proposal is **not** covered under sub rule (5) of Rule 11 of SEZ Rules, 2006, therefore **rejected** the proposal.



**3. Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., developer for allotment of built up space to M/s. ICICI Bank Ltd. to setup 'Bank Branch' in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon.**

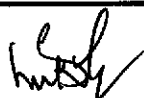
It was brought to the notice of UAC that the developer, M/s. ASF Insignia SEZ Pvt. Ltd. had applied for allotment of built-up space of 1326 Sqft. on a part of Ground floor, podium building on lease basis to M/s. ICICI Bank Ltd. for commencing / providing Banking Services/ATM Services in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon (Haryana).

It was informed that in terms of Rule 11(5) of the SEZ Rules, 2006, the developer may, with the prior approval of UAC, grant land or built up space on lease basis, for creating facilities such as canteen, public telephone booths, first aid centres, creche and such other facilities as may be required for the exclusive use of the Unit. Further, 'Space for Bank/ATMs' is listed as a default authorized operation in Instruction No.50 dated 15.03.2010 issued by DOC.

It was further informed that there is no explicit provision in SEZ Act / SEZ Rules for establish a commercial Bank Branch in the processing area of SEZ. Besides, there is a provision for setting up of 'Offshore Banking Unit' in the processing area of SEZ in terms of Rule 21 of SEZ Rules, 2006 wherein prescribed that:-

- (1) The application for setting up and operation of Offshore Banking Unit in Special Economic Zone shall be made to the Reserve Bank of India in the Form VI prescribed under Banking Regulation (Companies) Rules, 1949 under section 23 of the Banking Regulation Act, 1949.*
- (2) The terms and conditions subject to which an Offshore Banking Unit may be set up and operated in a Special Economic Zone shall be as specified in the Notification number FEMA 71/2002-RB dated 7<sup>th</sup> September, 2002 by the Reserve Bank of India, as amended from time to time.*

Shri A.K. Singh, Sr. Manager appeared before the UAC on behalf of the developer and informed that the proposed Bank / ATM facility will be fully automated and no manpower shall be used and the facility shall be exclusively used by the employees in the SEZ.



After due deliberations, UAC **approved** the proposal of the developer for leasing out built-up space of 1326 Sqft. on a part of Ground floor, podium building on lease basis to M/s. ICICI Bank Ltd. for commencing / providing Banking Services/ATM Services in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon (Haryana), **subject to condition that no tax / duty benefit shall be available to M/s. ICICI Bank Ltd. to setup, operate & maintain such facility in the processing area of the SEZ and this facility shall be used exclusively by the employees of SEZ.**

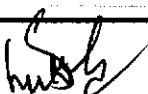
4. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., developer for allotment of additional space to M/s. Indian Entertainers Pvt. Ltd. to setup 'Executive Dining and F&B Outlet services' in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon.**

It was brought to the notice of UAC that the developer, M/s. ASF Insignia SEZ Pvt. Ltd. had applied for allotment of additional built-up space of 7521 Sqft. at Ground floor of the Podium Building in the processing area of SEZ to M/s. Indian Entertainers Private Limited to set up & operate state-of-art multi cuisine F&B outlet (i.e. cafeteria / food courts / restaurants including kiosks / canopies) by engaging specialized vendors / contractors / licensees / operators.

It was informed that UAC in its meeting held on 09.04.2013 & 12.11.2013 had approved the proposal for allotment of built up space approx. 11150 Sqft built-up area on lease basis by the developer, M/s. ASF Insignia SEZ Private Limited to M/s. Indian Entertainers Private Limited to setup & operate a 'Restaurant' at Ground Floor, Block-B, Building No. B2 in the processing area of SEZ, subject to condition that M/s. Indian Entertainers Private Limited shall not serve Cigarette & Alcoholic beverages. Further, as requested by the developer, UAC in its meeting held on 30.01.2015 had allowed relocation of said 'Restaurant' from Ground Floor, Block-B, Building No. B2 to 11150 Sqft builtup area at 'Podium Building' alongwith additional area of 14450 Sqft. (by making total area of 25600 sqft.) at Ground floor, Podium Building.

Shri A.K. Singh, Sr. Manager appeared before the UAC on behalf of the developer and explained the proposal.

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After due deliberations, UAC **approved** the proposal of the developer for leasing out additional built-up space of 7521 Sqft. at Ground floor of the Podium Building to M/s. Indian Entertainers Private Limited to set up & operate state-of-the art multi cuisine F&B outlet (i.e. cafeteria / food courts / restaurants including kiosks / canopies) in the processing area of IT/ITES SEZ at Vill. Gwal Pahari, Gurgaon (Haryana), **subject to condition that no tax / duty benefit shall be available to M/s. Indian Entertainers Private Limited and / or its vendors to setup, operate & maintain such facility in the processing area of the SEZ and this facility shall be used exclusively by the employees of SEZ.**

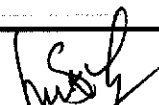
5. **Proposal of the developer, M/s. Gurgaon Infospace Ltd. for cancellation of the approval granted for allotment of space to M/s. The Food Planet to setup & operate a food restaurant namely 'Al-Kabab' in the processing area of IT/ITES SEZ at Dundahera, Gurgaon.**

It was brought to notice of UAC that the request of the developer, M/s. Gurgaon Infospace Ltd. for cancellation of approval letter no.10/115/2007-SEZ/10433 dated 23.12.2011 granted for allotment of space approx. 1542 sqft super built-up area on lease basis to M/s. The Food Planet to setup & operate a food restaurant namely 'Al-Kabab' at Ground Floor, Amenity Block of IT/ITES SEZ at Village Dundahera, Sector-21, Gurgaon (Haryana) was discussed in the meeting of UAC held on 05.02.2016. After due deliberations, UAC had decided to defer the matter with a direction to call the promoters of M/s. The Food Planet in next UAC meeting.

It was informed that as per direction of UAC, the promoters of M/s. The Food Planet vide this office letter dated 17.02.2016 were requested to appear before UAC at 12.30 PM on 04.03.2015. It was further informed that letter dated 17.02.2016 addressed to Shri Sandeep Mishra, Partner of M/s. The Food Planet was returned back with the comment thereon 'Left'.

No one from M/s. The Food Planet appeared before UAC. Besides, Shri Jay Kumar, Head-SEZ Compliance appeared before the UAC and requested to cancel the said approval.

After due deliberations, UAC decided to **defer** the proposal with the direction to issue a letter to the promoters of M/s. The Food Planet by registered post on their registered



address and residential address of the promoters as well giving last opportunity to appear before UAC, failing which approval dated 23.12.2011 will be cancelled.

UAC further directed to the developer to provide the details of partners of M/s. The Food Planet.

**6. Proposal of the developer, M/s. Gurgaon Infospace Ltd. for cancellation of the approval granted for allotment of space to M/s. Peacock Foods Pvt. Ltd. to setup & operate a food outlet namely 'Oye Crepes Fast Food Chain' in the processing area of IT/ITES SEZ at Dundahera, Gurgaon.**

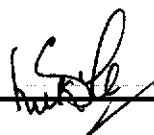
It was brought to notice of UAC that the request of the developer, M/s. Gurgaon Infospace Ltd. for cancellation of approval letter No.10/115/2007-SEZ/9269 dated 18.11.2011 granted for allotment of space approx. 340 sqft super built-up area on lease basis to M/s. Peacock Foods India Pvt. Ltd., New Delhi to setup & operate food outlet namely 'Oye Crepes Fast Food Chain' at Ground Floor, Amenity Block of IT/ITES SEZ at Village Dundahera, Sector-21, Gurgaon (Haryana) was discussed in the meeting of UAC held on 05.02.2016. After due deliberations, UAC had decided to defer the matter with direction to call the promoters of M/s. Peacock Foods India Pvt. Ltd. in next UAC meeting.

It was informed that as per direction of UAC, the promoters of M/s. Peacock Foods India Pvt. Ltd. vide this office letter dated 17.02.2016 were requested to appear before UAC at 12.30 PM on 04.03.2015.

It was further informed that an email has been received on 03.03.2016 from Dr. Vikas Ahluwalia, Chairman cum Managing Director of M/s. Peacock Foods India Pvt. Ltd. informing that he resides in United State for past 4 years and requested to grant at least 3-4 weeks time so that he can come and appear before UAC.

After due deliberations, UAC decided to defer the matter with the direction to call the promoters of M/s. Peacock Foods India Pvt. Ltd. in next UAC meeting.

UAC further directed to the developer to provide the details of directors of M/s. Peacock Foods India Pvt. Ltd.



**7. Review of the performance of last five years by M/s. Information Mosaic Software Pvt. Ltd., SEZ unit located in the IT/ITES SEZ of M/s. DLF Cyber City Developers Ltd. at Sector-24 & 25A, DLF Phase-III, Gurgaon.**

It was brought to the notice of UAC that M/s. Information Mosaic Software Pvt. Ltd. had been granted LOA No. STPI/SEZ/Unit/03/54/355 dated 21.06.2010 for setting up of unit in the IT/ITES SEZ of M/s. DLF Cyber City Developers Ltd. at Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana) to carry on authorized operation namely 'Informational Technology (IT/ IT Enabled Services (ITES)'. The unit had commenced its operation w.e.f. 31.03.2016 and going to complete its five years of operation in SEZ on 30.03.2016.

It was further informed that in terms of Rule 19(6) of SEZ Rule, 2006, LOA of the unit had been renewed for a further period of five years i.e. upto 30.03.2021. The performance of the unit during last five years of operation, has been under:-

(Rupees in Lacs)

Year	FOB value of Export	Total outflow	Cumulative NFE (2 - 3)	Foreign Exchange Realization Pending
1.	2.	3.	4.	5.
2010-11	480.27	3.97	476.30	--
2011-12	2181.93	4.47	2177.46	--
2012-13	2151.25	4.47	2146.78	--
2013-14	2531.04	4.47	2526.57	--
2014-15	2540.31	9.77	2530.54	--
<b>Total</b>	<b>9884.80</b>	<b>27.15</b>	<b>9857.65</b>	<b>Nil</b>

Ms. Preeti Rajput, AVP, Finance, appeared before the UAC on behalf of the unit and explained future plan of the unit. She mentioned that in next five years this unit has target of achieving of higher export / employment.

After due deliberation, UAC took note of the performance of the unit in terms of Rule 54 of SEZ Rule, 2006.





**Supplementary agenda item:-**

**1. Proposal of M/s. DLF Utilities Ltd., Co-developer for approval of list of materials to carry on authorized operations in the IT/ITES SEZ at Silokhera, Gurgaon (Haryana).**

It was brought to the notice of UAC that M/s. DLF Utilities Ltd., Co-developer of IT/ITES SEZ of M/s. DLF Ltd. located at Silokhera, Sector-30, Gurgaon (Haryana) had submitted proposal for approval of list of material to carry on following approved authorized operations in SEZ:-

S. No.	Name of Authorized Operation	Estimated Value of the goods
1.	For Setting up 60 MW Capacity of Power plant in the processing area. - Spare parts for energy centre	Rs.6.33 Lacs.

UAC was informed that DOC vide letter No. P.6/2006-SEZ(Vol-III) dated 16.02.2016 had introduced new Guidelines for Power Generation, Transmission and Distribution in Special Economic Zone (SEZs) w.e.f. 16.02.2016 in supersession of all previous power guidelines issued by DOC. It was also mentioned that Para (vi) <sup>of the said letter</sup> provides as under:-

*"those Power Plants in SEZs which were approved prior to 27.02.2009, and subject to issue of Power Guidelines and provisions of SEZ Act & Rules, either as an infrastructure facility by Developer/Co-developer or as a unit in the Processing Area, will be permitted to operate. It is relevant that during period of installation of such plants, duty benefits on capital investment of mega power plants were available under the then prevalent policy guidelines even in the DTA area". 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. Henceforth, no O&M benefits including service tax exemption will be allowed for power supplied to DTA/other SEZs/EOUs from such power plants. The surplus power generated in such power plants may be transferred to DTA, without payment of duty, keeping inconsideration of the fact that no duty free benefits on raw materials, consumables, etc. have been availed for generation of such power. However, those power plants not having the capacity of the mega power plant, as given in DoR Notification No. 21/2002-Customs dated 1.03.2002, will be required to pay duty for sale in DTA, on account of duty free import of capital goods, as determined by DoR."*

*[Handwritten signature]*

It was further informed that M/s. DLF Utilities Ltd. had been granted Co-Developer status by DOC vide LOA No. F.2/137/2005-EPZ dated **17.06.2008** as amended vide letter No.F.2/136/2005-EPZ dated **07.10.2008**.

Shri Anil Nauriyal, DGM, appeared before the UAC on behalf of the developer and explained the requirement of proposed material.

After due deliberation, UAC **approved** the list of material subject to compliance of the provision of para (vi) of Power Generation guidelines issued by DOC vide letter No. P.6/2006-SEZ(Vol-III) dated 16.02.2016.

It was further informed that as per decision taken by UAC in its meeting held on 23.07.2015, a letter dated 11.08.2015 had been issued to the co-developer with a copy to Specified Officer with the request to assess the quantum of duty free material procured / imported by M/s. DLF Utilities Ltd., Co-developer for operation & maintenance of Power Plant in SEZ w.e.f. 01.04.2015 & submit report to this office for further necessary action. However, report from Specified Officer is awaited.

After due deliberations, the UAC decided to maintain the decision taken in the meeting held on 23.07.2015 and directed the Specified Officer to assess the quantum of duty free material procured / imported by M/s. DLF Utilities Ltd., Co-developer for operation & maintenance of Power Plant in SEZ between the period 01.04.2015 to 15.02.2016 and submit report immediately.

UAC also directed to issue notice to all SEZ developers / co-developers to deposit amount of duty foregone availed on import / procurement of goods used between the period 01.04.2015 to 15.02.2016 for power generation in the processing area of SEZ, within 15 days, failing which necessary action, as prescribed under Rules, would be initiated.

Meeting ended with a vote of thanks to the Chair.

  
(S.S. Shukla)

**Joint Development Commissioner & DC in-charge**