



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: 13/01/2017

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, आईपी 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।

विषय: दिनांक 09/01/2017 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,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डा० एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 09/01/2017 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 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

NOIDA SPECIAL ECONOMIC ZONE

Minutes of the 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 09.01.2017 in the Conference Hall of NSEZ, Noida.

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

1. Shri Yogendra Garg, Commissioner, Customs & Central Excise, Gurgaon-I
2. Shri S.S. Shukla, Jt. Development Commissioner, NSEZ
3. Dr. Sukhbir Singh Badhal, Asstt. DGFT, New Delhi
4. Shri Hitesh Sharma, District Town Planner (HQ), Deptt. of Town & Country Planning Haryana.
5. Representatives of SEZ Developers / co-developers, Special Invitee.

2. Besides, during the meeting i) Shri Satish C Gangar, Specified Officer, ii) Shri Harvinder Bawa, Specified Officer & ii) Shri Prakash Chand Upadhyay, Asstt. Dev. Commissioner were also present to assist the Approval Committee.

3. 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:-


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

The Approval Committee was informed that no reference against the decisions of the Approval Committee held on 02/12/2016 was received from any of the members of the Approval Committee or Trade and therefore, Minutes of the Meeting held on 02/12/2016 were ratified.

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

1. **Proposal of M/s. Accretive Health Services Private Limited for setting up a unit in the IT/ITES SEZ of M/s Candor Gurgaon One Realty Projects Pvt. Ltd. IT/ITES, Village Tikri, Sector-48, Gurgaon (Haryana).**

It was brought to the notice of the Approval Committee that M/s. Accretive Health Services Private Limited had submitted a proposal for setting up a unit over an area of 80001 Sqft. at 2nd, 3rd & 4th floor (26667 Sqft. each), Building No. 1 in the IT/ITES SEZ of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. located at Village Tikri, Sector-48, Gurgaon (Haryana) to undertake



service activities i.e. 'Information Technology (IT) / Information Technology Enabled Services (ITES) such as Medical Transcription, Back Office Operations, Data Processing' with projected exports of Rs. 60814 Lakhs and the cumulative NFE of Rs.57889 Lakhs over a period of five years. It was also informed that the investment of Rs.899 Lakhs towards imported capital goods; Rs.493 Lakhs towards Indigenous capital goods and other cost of project shall be met from the advance from customers and business accruals. It was further informed that the SEZ developer has given provisional offer for allotment of proposed space to the applicant.

It was also informed that the following shortcomings were observed in the application in the first instance:-

1. Copy of Certificate of Incorporation not submitted.
2. Value in Col. VII need to be given in INR.
3. Investment on Imported & Indigenous Plant & Machinery have been proposed for Rs.899 lakhs & Rs.493 lakhs respectively, in Col. VI(a) of Form-F. Whereas, there are three different values of investment on imported & indigenous capital goods have been mentioned in the Project Report. The applicant is required to clarify the corrected proposed value of imported & indigenous capital goods. Accordingly, same is required to be mentioned in Col. VI & VII of Form-F. Breakup of forex outgo required to be corrected accordingly.
4. The applicant has mentioned 'Leasehold' for Rs.77,36,09,67/- (approx. Rs.773.61 lakhs) in list of proposed indigenous capital goods instead of specific name of items.
5. Projected Profit & Loss statement not submitted.
6. Copies of PAN Card of Mr. Joseph Gerard Flanagan and Mr. Christopher Simon Ricaurte not submitted.
7. Copy of Form-32/DIR-11/12 for cessation of first directors namely Mr. Asheesh Swayam & Mr. Vikas Nagrath required to be given.
8. Shareholding details certified by CA/CS needed.
9. In Col. X of Form-F 'Whether Foreign Technology Envisages', the applicant has marked 'Yes', however, in the space provided for name of foreign collaborator the applicant has mentioned 'Not Applicable'. Column for 'Nature of collaboration' also left blank.
10. Copy of Form-32/DIR-11/12 for cessation of Mr. Caroline Stockdale required to be given.

Shri Amit, Director-Finance & Mr. Uday, Sr. Manager-Legal, appeared before the Approval Committee on behalf of the applicant and explained the proposal. It was assured by them they will submit pending documents shortly.

After due deliberations, the Approval Committee **approved** the proposal, subject to submission of above pending documents by the applicant.

2. **Proposal of M/s. Inductis (India) Private Limited for setting up a unit in the IT/ITES SEZ of M/s DLF Cyber City Developers Ltd. IT/ITES, Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana).**



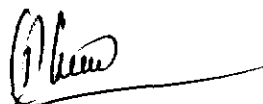
It was brought to the notice of the Approval Committee that M/s. Inductis (India) Private Limited had submitted a proposal for setting up a unit over an area of 59982 sq.ft. (18957 Sqft (approx. 1761.148 Sqmt.) on part of 16th floor, Tower-D, Building No. 14 and 41025 Sqft. (approx.3811.315 Sqmt) on 18th floor, Tower-D, Building No. 14 in the IT/ITES SEZ of M/s DLF Cyber City Developers Pvt. Ltd., Gurgaon (Haryana) to undertake service activities i.e. 'Computer Software services including information enabled services such as back office operations, call centre, data processing, engineering and design, Information system services, insurance claim processing, legal data bases, payroll, revenue accounting, support centres and web-site services, off-shore banking services, professional services, other business services, financial services, other human health services, tourism and travel related services' with projected exports of Rs. 22719.70 Lakhs and the cumulative NFE of Rs.20901.32 Lakhs over a period of five years. It was also informed that the investment of Rs.1250 Lakhs towards imported capital goods; Rs.1108.40 Lakhs towards indigenous capital goods and other cost of project shall be met from own funds (Capital and Internal Accruals). It was further informed that the SEZ developer has given provisional offer for allotment of 18957 Sqft. (approx. 1761.148 Sqmt. at 16th floor, Tower-D, Building No.14) to the applicant.

It was also informed that the following shortcomings were observed in the application in the first instance:-

1. Proposed service activities are not specifically mentioned in the Objects of M&AOA of the applicant company.
2. Break up of forex outgo required to be given.
3. Copy of Form-32/DIR-11/12 for cessation of Mr. Amitabh Haleja required to be given.
4. Information required by Income Tax Deptt. also required to be submitted.
5. Cost-wise list of imported & indigenous capital goods required to be submitted.
6. Shareholding pattern duly certified by CA/CS required to be given.
7. Minimum lease period should be five years, however lease period has not been mentioned by developer, However, revised offer of space required giving proposed lease period.
8. In cost of project, value of Equipment / Capital Goods to be properly given / clarified.

Shri Raman Bhasin, Sr. AVP- Commercial, appeared before the Approval Committee on behalf of the applicant and explained the proposal. He assured to submit pending documents shortly.

After due deliberations, the Approval Committee **approved** the proposal, subject to submission of aforesaid pending documents.



3. **Proposal of M/s. DLF Assets Pvt. Ltd., Co-Developer, for approval of list of materials to carry on authorized operation of IT/ITES of M/s. DLF Cyber City Developers Ltd. at Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana).**

It was brought to the notice of Approval Committee that M/s. DLF Assets Pvt. Ltd., Co-developer of IT/ITES SEZ of M/s. DLF Cyber City developers Ltd. located at Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana) had submitted proposal for approval of list of materials to carry on following default authorized operation in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of Authorised Operation as per Inst. No. 50 & 54	Estimated Cost (Value in Rs.)
1.	Access Control and Monitoring System.	24	5405750.00
2.	Fire Protection System with Sprinklers, Fire and Smoke Detectors.	07	12095900.00
		Total:	17501650.00 (Rs.175.02 lakhs approx.)

Shri Anil Nauriyal, DGM, appeared before the Approval Committee on behalf of the co-developer and explained the proposal.

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


4. **Proposal of M/s. DLF Assets Pvt. Ltd., Co-Developer, for approval of list of materials to carry on authorized operation of IT/ITES of M/s. DLF Ltd. at Silokhera, Sector-30, Gurgaon (Haryana).**

It was brought to the notice of Approval Committee that M/s. DLF Assets Pvt. 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 materials to carry on following default authorized operation in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of Authorised Operation as per Inst. No. 50 & 54	Estimated Cost (Value in Rupees)
1.	Access Control and Monitoring System	24	4781250.00 (Rs.47.81 lakhs approx.)

Shri Anil Nauriyal, DGM, appeared before the Approval Committee on behalf of the co-developer and explained the proposal.

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



5. Proposal of M/s. Mobissure Solutions India Pvt. Ltd., a unit in DLF Cyber City Developers Ltd. IT/ITES SEZ, Sector-24 & 25A, DLF Phase-II, Gurgaon (Haryana) for change of name of the company to 'MYCOM OSI Solutions India Pvt. Ltd.'

It was brought to the notice of the Approval Committee that M/s. Mobissure Solutions India Pvt. Ltd., a unit in the IT/ITES SEZ of M/s. DLF Cyber City Developers Ltd. at Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana) had submitted proposal for change of name of the company to 'M/s. MYCOM OSI Solutions India Pvt. Ltd.'. It was informed that in support of its proposal the unit had submitted following documents:-

1. Certificate for Incorporation pursuant to change of name from 'Mobissure Solutions India Pvt. Ltd.' to 'M/s. MYCOM OSI Solutions India Pvt. Ltd.' w.e.f. 19.01.2016.
2. Copy of MOA, Import Export Code, PAN Card in the name of M/s. MYCOM OSI Solutions India Pvt. Ltd.
3. List of directors of the company along with copies of DIR 11/12 for appointment / cessation of directors.
4. An undertaking on Rs.100/- non-judicial stamp paper to the effect that consequent to change of name of the company all the assets & liabilities are transferred from 'Mobissure Solutions India Pvt. Ltd.' to 'MYCOM OSI Solutions India Pvt. Ltd.'
5. List of Directors and along with copy of Form-32 / DIR 12 for their appointment. Following are reported as current Director:-
 - (i) Mr. Payam Taaghol
 - (ii) Mr. Robert John Franzetta
 - (iii) Ms. Rashmi Verma
6. Copies of Passport/ Driving License & PAN Card of all directors, except PAN Card of Mr. Robert John Franzetta.
7. Details of Shareholding of the company as on 31.03.2016, duly signed by director of the company, as given below:-

Name of Shareholder	No. of Shares hold	% share
Objective System Integrators Inc. USA	499999	99.9998%
Mysoft Holding USA Inc.	01	0.0002%

The unit has also furnished Group Companies' holdings structure.

8. Copy of Board Resolution passed by M/s. Mobissure Solutions Pvt. Ltd. for change of name along with Board Resolution in favour of Ms. Rashmi Verma to sign documents on behalf of company.

It was informed that following documents are required to be submitted by the unit:-

1. Copy of PAN Card & residential address proof of Mr. Robert John Franzetta required to be submitted as his passport does not contain his residential address.
2. Current Shareholding pattern of the company duly certified by Company Secretary.
3. Complete copy of registered lease deed in respect of premises in possession of the unit.

It was further informed that BOA in its meeting held on 23.02.2016 had inter alia decided that Rule 74A shall not apply to SEZ Units that do not exit or opt out of the SEZ Scheme by transferring



its assets and liabilities to another person and the SEZ units continues to operate as a going concern in the situations such as **change of name**, court approved mergers/ de-mergers, slump sale, change of constitution from proprietorship to partnership & vice-versa, change of constitution from public limited company to private/limited liability company & vice-versa, company to partnership & vice-versa, change in shareholding up to 50 per cent, etc. and per se are not opting out/exiting out of the SEZ Scheme. The UACs concerned, may consider such requests under Rule 19(2) of the SEZ Rules, 2006.

Ms. Rashmi Verma, Director & Mr. Girish, Accountant appeared before the Approval Committee on behalf of the applicant and explained the proposal.

After due deliberations, Approval Committee **approved** the proposal of the unit for change of name from 'M/s. Mobissure Solutions India Pvt. Ltd.' to 'MYCOM OSI Solutions India Pvt. Ltd.', as per guidelines issued by the Board of Approval in its 69th meeting held on 23.02.2016, subject to the condition that all the assets & liabilities of M/s. Mobissure Solutions India Pvt. Ltd. shall be taken over by M/s. MYCOM OSI Solutions India Pvt. Ltd. and revised Bond-Cum-LUT shall be executed by M/s. MYCOM OSI Solutions India Pvt. Ltd.. The Approval Committee directed the representative of the unit to submit the above pending documents.

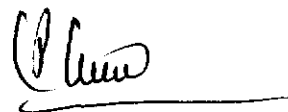
6. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd. developer for approval of list of material to carry on authorised operations in the IT/ITES SEZ located at Village- Gwal Pahari, Gurgaon (Haryana).**

It was brought to the notice of Approval Committee that M/s. ASF Insignia SEZ Pvt. Ltd., developer of IT/ITES SEZ located at Village- Gwal Pahari, Gurgaon (Haryana) had submitted proposal for approval of list of materials to carry on following default 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 Value of goods (Rupees in lacs)
1.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	460.00

Shri A.K. Singh, AGM appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed items.

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



7. M/s. ASF Insignia SEZ Pvt. Ltd., Developer of IT/ITES SEZ at Village- Gwal Pahari, Gurgaon (Haryana)- Request for clarification regarding default list of services.

It was brought to the notice of the Approval Committee that M/s. ASF Insignia SEZ Pvt. Ltd., Developer of SEZ at Vill. Gwal Pahari, Tehsil Sohna, Distt. Gurgaon (Haryana) had submitted a request for clarification on following points :-

- i) In case if the service providers are providing only "Maintenance and /or repair service" and they are registered for "Management, Maintenance and/or repair service" only, it can be considered by the authorities for issuance of Form A-1 & A-2 against the service listed under the heading "Management, Maintenance or Repair Services" in the default list, or;
- ii) The developer have to obtain approval for separate service namely "Maintenance and /or repair service" from the Approval Committee.

Shri A.K. Singh, AGM appeared before the Approval Committee on behalf of the developer and requested to issue necessary clarification on above issue.

After due deliberations, the Approval Committee **clarified** that "Maintenance and /or repair service" is covered under the broad category of "Management, Maintenance or Repair Services" and no separate approval for Maintenance and /or repair service" is required.

8. Proposal of the developer, M/s. ASF Insignia SEZ Pvt. Ltd. for cancellation of permission letter dated 14.06.2016 granted for allotment of space to M/s. Saffron Hospitality Services to setup & operate a Pizza Outlet under brand name 'Chicago Pizza' in the processing area of IT/ITES SEZ located at Village Gwal Pahari, Gurgaon (Haryana).

It was brought to the notice of Approval Committee that the Developer, M/s. ASF Insignia SEZ Pvt. Ltd. had submitted a proposal for cancellation of the permission letter dated 14.06.2016 issued by this office for allotment of 422 Sqft. built-up area on lease basis to M/s. Saffron Hospitality Services to setup & operate a Pizza Outlet under brand name 'Chicago Pizza' at part of Ground floor of Podium (Wind Cave 1 Building) in the processing area of IT/ITES SEZ at Village Gwal Pahari, Gurgaon (Haryana). It was informed that the developer had submitted a consent letter dated 30.11.2016 signed by Ms. Kusum Mehra of M/s. Saffron Hospitality Services for cancellation of said approval (though date of this office letter has been mentioned as 14.06.2017 instead of 14.06.2016) along with original letter dated 14.06.2016 issued to developer and M/s. Saffron Hospitality Services.

Shri A.K. Singh, AGM appeared before the Approval Committee on behalf of the developer and requested to cancel the said letter of allotment.

After due deliberations, the Approval Committee **decided to cancel** the letter dated 14.06.2016 issued for allotment of space by M/s. ASF Insignia SEZ Pvt. Ltd. to M/s. Saffron



Hospitality Services to setup & operate a Pizza Outlet under brand name 'Chicago Pizza' in the processing area of SEZ.

9. **Representation of M/s. ASF Insignia SEZ Pvt. Ltd., Developer of IT/ITES SEZ at Village Gwal Pahari, Gurgaon (Haryana) for HSD consumption pattern w.r.t. Power Guidelines dated 16.02.2016 - Clarification received from DOC regarding.**

It was informed that the representation of M/s. ASF Insignia SEZ Pvt. Ltd. against the decision of the Approval Committee taken in its meeting held on 06.05.2016 restricting duty free procurement of High Speed Diesel (HSD) to the extent of 71092 Ltrs. Per month was placed before the Approval Committee in its meeting held on 03.06.2016. After due deliberations, Approval Committee had agreed to allow duty free procurement of HSD for their annual requirement based on the average monthly power supplied to the entities within the same SEZ during the preceding years. Hence, average monthly power supplied in the preceding year will be multiplied by 12 and that will be the permissible quantity for the entire year 2016-17. Any further requirement will be met on duty paid basis only. The Approval Committee had also decided to inform the DOC as well. Accordingly, the decision of the Approval Committee had been communicated to DOC vide this office letter dated 28.06.2016.

It was further informed that Under Secretary (SEZ), DOC vide its letter No. C-8/13/2016-SEZ dated 14.12.2016 has referred the para (vi) of Power Guidelines dated 16.02.2016 and informed that the request of M/s. ASF Insignia SEZ Pvt. Ltd. regarding approval for procurement of HSD based on annual average consumption instead of monthly average consumption can not be acceded to.

After due deliberations, the Approval Committee **took note** of the decision of DOC and decided that the proposals for approval of duty free procurement of HSD shall be considered on the basis of *monthly average consumption in preceding year in accordance with Power Guidelines only.*

10. **Proposal of M/s. BA Continuum India Pvt. Ltd. (Unit-I) for partial deletion of area of the unit located in the IT/ITES SEZ of M/s. Gurgaon Infospace Ltd. at Dundahera, Sector-21, Gurgaon (Haryana).**

It was brought to the notice of Approval Committee that M/s. BA Continuum India Pvt. Ltd. (Unit-I) had applied for deletion of area from the unit located in the IT/ITES SEZ of M/s. Gurgaon Infospace Ltd. at Dundahera, Sector-21, Gurgaon (Haryana). It was informed to the Committee that presently unit has been occupying an area of 446909 Sqft. at Ground to 7th floor, Tower-A, Building No.3, Ground to 7th floor, Tower-B, Building No.2, 6th & 7th floor, Tower-A, Building No. 8 and requested for deletion of 49108 Sqft at 6th & 7th floor, Tower A, Building No.8.



Further, it was informed that the unit is required to submit following documents :-

- 1) 'NOC' from the SEZ Customs & SEZ Developer for partial deletion of area is required to be submitted.
- 2) No information about impact on Export / NFE projection consequent to deletion of premises has been given.
- 3) APRs for the year 2013-14, 2014-15 & 2015-16 submitted by the unit have been examined by CA firm appointed by this office. A number of discrepancies have been observed by CA in the APRs which had been communicated to the unit by CA firm. However, rectified APRs are awaited.
- 4) Details & documents as requested regarding change of directors vide email dated 17.10.2016 are awaited from the unit.

Mr. Dheeraj Matta, VP & Mr. Manu Parmar, Sr. Manager, appeared before the Approval Committee on behalf of the unit and explained the proposal. It was assured by them to submit pending documents.

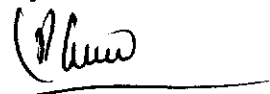
After due deliberations, the Approval Committee **approved** the proposal for decrease in area, subject to submission of pending documents and execution of Bond cum LUT.

11. Proposal of the developer, M/s. Gurgaon Infospace Ltd. for allotment of built up space to M/s. Dex Retail Private Limited to setup & operate a 'Restaurant' in the processing area of IT/ITES SEZ located at Village Dundahera, Sector-21, Gurgaon (Haryana).

It was brought to the notice of Approval Committee that the Developer, M/s. Gurgaon Infospace Ltd. had submitted a proposal for allotment of built-up space of 2396 Sqft. at Unit No. 06, Block-4A (Amenity Block-II) in the processing area of IT/ITES SEZ at Dundahera, Sector-21, Gurgaon (Haryana) on lease basis to M/s. Dex Retail Private Limited to setup & operate a 'Restaurant', for use by the employees of SEZ. & units located therein.

It was informed that BoA in its meeting held on 21.01.2008 had approved certain authorised operations in respect of said IT/ITES SEZ of M/s. Gurgaon Infospace Ltd., including '*Food Services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities over an area of 3900 Sqmt.*' in the processing area of SEZ. Since, the Approval Committee has granted various approvals to the said developer for allotment of space to setup food court etc. therefore, the developer is required to submit area-wise details of space allotted in the processing area of SEZ to such facility provider.

Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of Developer. It was assured by them to submit the required details.



After due deliberations, Approval Committee decided to **defer** the proposal and directed the representative of the developer to submit area-wise details of space allotted to such facility provider in the processing area of SEZ.

12. Proposal of the developer, M/s. Gurgaon Infospace Ltd. for allotment of built up space to M/s. MG Foods to setup & operate a Restaurant in the processing area of IT/ITES SEZ located at Village Dundahera, Sector-21, Gurgaon (Haryana).

It was brought to the notice of Approval Committee that the Developer, M/s. Gurgaon Infospace Ltd. had submitted a proposal for allotment of built-up space 908 Sqft. at Unit No. 09, Ground Floor, Block-4A (Amenity Block-I) in the processing area of IT/ITES SEZ at Dundahera, Sector-21, Gurgaon (Haryana) on lease basis to M/s. MG Foods to setup & operate a Restaurant, for use by the employees of SEZ. & units located therein.

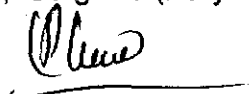
It was informed that BoA in its meeting held on 21.01.2008 had approved certain authorised operations in respect of said IT/ITES SEZ of M/s. Gurgaon Infospace Ltd., including 'Food Services including cafeteria, food court(s), restaurants, coffee shops, canteens and catering facilities over an area of 3900 Sqmt.' in the processing area of SEZ. Since, the Approval Committee has granted various approvals to the said developer for allotment of space to setup food court etc. therefore, the developer is required to submit area-wise details of space allotted in the processing area of SEZ to such facility provider.

Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of Developer. It was assured by them to submit the required details.

After due deliberations, Approval Committee decided to **defer** the proposal and directed the representative of the developer to submit area-wise details of space allotted to such facility provider in the processing area of SEZ.

13. Proposal of the developer, M/s. Gurgaon Infospace Ltd. for cancellation of permission letter dated 06.04.2015 granted for allotment of space to M/s. PNR Education Pvt. Ltd. to setup & operate a 'Creche' in the processing area of IT/ITES SEZ located at Village Dundahera, Sector-21, Gurgaon (Haryana).

It was brought to the notice of Approval Committee that the Developer, M/s. Gurgaon Infospace Ltd. had submitted a proposal for cancellation of the permission letter dated 06.04.2015 issued by this office for allotment of 2311 Sqft. built-up area on lease basis to M/s. PNR Education Pvt. Ltd. to setup & operate a 'Creche' at Unit No. 07 & 08, Amenity Block-2 in the processing area of IT/ITES SEZ at Village Dundahera, Sector-21, Gurgaon (Haryana). It was informed that the



developer had submitted a consent letter dated 15.12.2016 from Mr. Raghav Sharma of M/s. PNR Education Private Ltd. requesting therein cancellation of said approval. M/s. PNR Education Private Ltd. has also surrendered original letter dated 06.04.2015 issued to them.

Shri Jay Kumar, Head-SEZ Compliance & Shri Amrik Singh, Sr. Manager appeared before the Approval Committee on behalf of Developer and requested to cancel the said letter of allotment.

After due deliberations, the Approval Committee **decided to cancel** the letter dated 06.04.2015 issued for allotment of space by M/s. Gurgaon Infospace Ltd. to M/s. PNR Education Pvt. Ltd. to setup & operate a 'Creche' in the processing area of SEZ.

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

It was informed that the proposal of M/s. G.P. Realtors Pvt. Ltd., Developer of Electronics Hardware & IT/ITES SEZ at Village Behrampur, Tehsil-Sohna, Gurgaon (Haryana) had submitted proposal for approval of list of materials to carry on following authorized operation in SEZ:-

S. No.	Authorized Operation	Sl. No. at default list of Authorised Operations as per Inst. No. 50 & 54	Estimated Cost (Rs. in lacs)
1.	Construction of all types of building in processing area	22	738.36

It was informed that the Approval Committee in its meeting held on 02.12.2016 had deferred the proposal of the developer for approval of revised quantity of 'PT Stands' i.e. 510 MT instead of already approved quantity of 85 MT. The Approval Committee had directed the Specified Officer to submit the report as to how the excess import was permitted. It was further informed that the Specified Officer vide its letter dated 19.12.2016 had submitted its report stating that since the developer could not produce the necessary approval of the Competent Authority for duty free procurement of the said items, therefore keeping in view the time limit of 45 days as stipulated under Rule 30(4) of SEZ Rules, 2006 the said ARE-1s were forwarded on 05.12.2016 to the concerned Central Excise Officer with endorsement thereon that "The developer procured the 35.467 MT of PT Strand valued at Rs.17,91,083/- in excess of the quantity approved by the Approval Committee and the developer could not produce any approval of the Competent Authority for duty free procurement in respect of the said goods. Thus no benefit of exemption from duty under SEZ scheme is admissible in respect of the said goods".

It was further informed that the Authorised Officer of SEZ through its internal note dated 09.12.2016 had informed that the developer has procured 'Fly Ash Brick AAC GR-I' having 115 mm & 230 mm thickness from the DTA supplier under ARE-I whereas the approval had been granted for



goods having thickness of 100 mm, 150 mm & 200 mm. Authorised Officer had mentioned that since the copy of ARE-1 filed by the developer in respect of aforesaid items are to be forwarded to the Central Excise Officer having jurisdiction over the DTA Supplier / Manufacturer within 45 day, therefore necessary approval for duty free procurement of the aforesaid goods may be considered keeping in view that Civil Engineer looking after the work of SEZ Project had informed that there is no difference among the goods having different thickness so far as use of same is concerned; total quantity and value of procured goods is within the approved limit.

It was informed that keeping in view the recommendation of Authorised Officer (Customs), the Competent Authority, NSEZ had decided to allow the developer for duty free procurement of 'Fly Ash Brick AAC GR-I' having 115 mm & 230 mm thickness subject to its ratification by the Approval Committee.

The Approval Committee observed that in the instant list of material the developer has included '425 MT PT Strand', '192640 Nos. Blocks with various specification' and '192640 Nos. Bricks with various specifications'.

Mr. Dinesh Sikka, VP & Mr. Amit Goyal, Asstt. Manager appeared before the Approval Committee on behalf of the applicant and explained the proposal. It was informed by them that they have withdrawn the proposal for duty free procurement of 'PT Strand'.

After due deliberations, the Approval Committee **approved** the list of material except 'PT Strand'. The Approval Committee also ratified duty free procurement of 'Fly Ash Brick AAC GR-I' having 115 mm & 230 mm thickness allowed to the developer.

Decision on supplementary agenda item:-

1. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd., Developer for extension of validity of building plan Housing falling in the non-processing area of its IT/ITES SEZ at Village-Gwal Pahari, Gurgaon (Haryana).**

It was brought to the notice of the Approval Committee that M/s. ASF Insignia SEZ Pvt. Ltd., developer had submitted proposal for extension in the validity period of Building Plan of Housing building in the non-processing area of SEZ. It was informed that the said building plans were approved by UAC in its meeting held on 22.09.2011 and the approval conveyed on 02.12.2011 was valid for a period of two years from the date of approval by UAC. On request of the developer, the Approval Committee in its meeting held on 24.11.2014 and subsequent meeting held on 08.05.2015 had granted two extensions in the validity period of said building plan approval for a period of three years i.e upto 21.09.2016.



It was brought to the notice of the Approval Committee that the developer has informed the structure of all three towers (Tower A, B & C) of Residential Building "Isle-de-Royale" is completed. Out of this, Tower-A & B is complete in all respect and they have applied for occupation for Tower-A & B & entire basement underneath of all three towers, however, only internal finishing work of Tower-C is yet to be completed because off take/response for booking of flats in residential building is very poor due to sluggish market sentiments in housing sector. It was informed that the developer has mentioned that the finishing work of Tower-C (Ground +18 floor) would take some more time and requested to extend the validity period of building plan of 'Housing' (Tower-C) for a further period of one year.

It was also informed that the developer vide its letter dated 12.09.2016 had submitted application for grant of Occupation / Completion Certificate in respect of Housing Building 'Isi-de-Royale (Phase-I) which had been forwarded vide this office letter dated 04.10.2016 to Senior Town Planner, O/o. DTCP, Haryana, Chandigarh for his comments. However, comments from O/o. DTCP Haryana, Chandigarh is awaited.

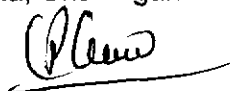
Further, it was informed that Senior Town Planner, O/o. DTCP, Haryana, Chandigarh vide this office letter dated 09/01/2017 has also been requested to forward his comments on the instant proposal for extension of validity period of building plan of 'Housing'.

Shri Hitesh Sharma, District Town Planner (HQ) appeared before the Approval Committee on behalf of Sr. Town Planner, Chandigarh and informed that they have not received any request from the developer for extension in the validity period of building plan of 'Housing'.

After due deliberations, the Approval Committee directed to obtain comments of the Senior Town Planner, DTCP Haryana, Chandigarh on the proposal for extension in the validity period of building plan of 'Housing'.

2. **Proposal of M/s. ASF Insignia SEZ Pvt. Ltd. for approval of revised building plan of Black Canyon Building (Building No.B1) in the processing area of IT/ITES SEZ, Vill-Gwal Pahari, Distt- Gurgaon (Haryana).**

It was informed that Approval Committee in its meeting held on 07.10.2016 had granted 'In-principle' approval of revised building plan of Black Canyon Building (Building No.B1) in the processing area of IT/ITES SEZ, Vill- Gwal Pahari, Distt- Gurgaon (Haryana), subject to compliance of Condition No. 14 of the Memo No. SEZ-40-Vol-II/SD(BS)/2016/21605 dated 06.10.2016 issued by District Town Planner (HQ), O/o. DTCP Haryana, Chandigarh.



It was further informed that District Town Planner (HQ), O/o. DTCP Haryana, Chandigarh vide its letter Memo No. SEZ-40-Vol-II/SD(BS)/2016/22832 dated 20.10.2016 had forwarded Form-BR-V(A1) and Form-BR-V(2) duly signed by Architect Structure Engineer & Proof Consultant which had been submitted with them by M/s. ASF Insignia SEZ Pvt. Ltd. in compliance to Condition No. 14 of the Memo No. SEZ-40-Vol-II/ SD(BS)/2016/21605 dated 06.10.2016 issued by District Town Planner (HQ), O/o. DTCP Haryana, Chandigarh. Accordingly, with the approval of DC, NSEZ, the formal approval of revised building plan of Black Canyon Building (Building No. B1) had been issued to the developer vide this office letter dated 11.11.2016 and also decided to place the same before the Approval Committee for ratification.

After due deliberations, the Approval Committee **ratified** the approval of revised building plan of Black Canyon Building (Building No. B1) issued to the developer vide letter dated 11.11.2016.

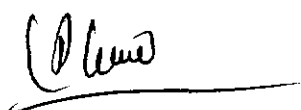
3. Proposal of M/s. Cognizant Technology Solutions India Pvt. Ltd. for expansion of area and revision in projections of the unit located in the IT/ITES SEZ of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. at Village Tikri, Sector-48, Gurgaon (Haryana).

It was brought to the notice of Approval Committee that M/s. Cognizant Technology Solutions India Pvt. Ltd. had applied for expansion of area & revision in projections of the unit located in the IT/ITES SEZ of M/s. Candor Gurgaon One Realty Projects Pvt. Ltd. at Village Tikri, Sector-48, Gurgaon (Haryana). It was informed to the Committee that the unit has been operating over an area 83460 Sqft. at Ground floor, 1st floor & 3rd floor, Building No. 3 and requested for addition of 50671 sqft. comprising of 24004 sqft. at Ground floor & 26667 sqft. at 1st floor, Building No.01 in SEZ. It was also informed that the unit has submitted revised projections, as given below, on account of proposed expansion of unit:-

Particulars (for five years)	Rs. (in lacs)	
	Existing Projection (As per records)	Revised Projection
Projected FOB value of exports	22017.00	34871.00
Foreign Exchange Outgo	3486.00	3825.00
NFE over a period of 5 years	18531.00	31046.00
Imported Capital Goods	1284.00	2105.00
Indigenous Capital Goods	524.00	1319.00

It was informed to the Committee that the discrepancies found in the projection sheet submitted by the unit, had been communicated to the unit vide email dated 28.12.2016. In reply of the same the unit vide its letter dated 30.12.2016 had submitted revised projection sheet, however following discrepancies still observed:-

- 1) In the projection sheet, the unit has not mentioned total value of existing / revised projections.



- 2) Existing approved value of imported & indigenous capital goods given by the unit are not correct. The unit has mentioned Rs.1005 lakhs instead of Rs.1284 lakhs for imported capital goods and Rs.419 lakhs instead of Rs.524 lakhs for indigenous capital goods.
- 3) Corrected breakup of proposed forex outgo also required to be submitted.

Mr. Parthasarathy K, Sr. Manager-Finance appeared before the Approval Committee on behalf of the unit and explained the proposal.

After due deliberations, the Approval Committee **approved** the expansion of area as well as revised projections subject to submission of pending documents and execution of Bond-Cum-LUT.

4. **Proposal in respect of M/s S.K. E&C India Pvt. Ltd. for monitoring of performance/NFE and ratification of exit order**

It was brought to the notice of the Approval Committee that M/s. SK E&C India Pvt. Ltd. a unit in the IT/ITES SEZ of M/s. DLF Cyber City Developer Ltd., Sector 24 & 25A, DLF Phase III Gurgaon (Haryana) had applied for exit from SEZ scheme. It was informed that the year-wise performance / NFE Position of the unit are as under:-

(Rs. in lakhs)

Financial Year	Export	NFE
2009-2010	635.13	614.77
2010-2011	4,630.71	4615.80
2011-2012	5,992.84	5973.60
2012-2013	8217.21	8,078.47
2013-2014	8336.04	8,307.61
2014-2015	10,327.78	10,295.27
2015-2016	8,750.50	8717.99
2016-2017	897.13	864.62
Total	47,787.34	47,468.13

It was informed that after receipt of requisite / relevant documents / clarification / NOCs required for exit, M/s. SK E&C India Pvt. Ltd. was allowed EXIT from SEZ scheme in terms of Rule 74 of the SEZ Rules, 2006 and its LOA No. STPI/ SEZ/Unit/03/40/511 dated 04.11.2009 cancelled with immediate effect, vide Exit Order No. 05/50/2011-SEZ/12314 dated 30/12/2016, subject to its ratification by the Approval Committee.

After due deliberations, the Approval Committee took note of the performance / NFE achievement of the unit and also ratified the EXIT from SEZ scheme granted to the unit in terms of Rule 74 of the SEZ Rules, 2006.



5. **M/s. Clearpath Overseas, a unit in DLF Cyber City Developers Ltd. IT/ITES SEZ, Sector-24 & 25A, DLF Phase-III, Gurgaon (Haryana) – Review of performance of unit and exit from SEZ Scheme.**

It was brought to the notice of the Approval Committee that M/s. Clearpath Overseas, a unit in the IT/ITES SEZ of M/s. DLF Cyber City Developer Ltd., Sector 24 & 25A, DLF Phase III Gurgaon (Haryana) had applied for exit from SEZ scheme. It was informed that the unit had commenced its production w.e.f. 10.01.2012 and accordingly LOA is valid upto 09.01.2017. The performance of the unit during the first five years of operations is as under:-

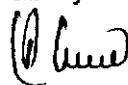
Financial Year	Export	NFE (Rs. In Lakh)
2011-2012	1,665.58	1,665.58
2012-2013	1,212.76	1,212.76
2013-2014	774.29	774.29
2014-2015	242.48	242.48
2015-2016	94.98	94.98
Total	3,990.09	3,990.09

It was informed to the Committee that though no forex is pending for realization as per APRs however there are a number of discrepancies/observations made by CA firm of DC Office in APRs which were placed before UAC in monitoring sheet.

Further it was informed that vide this office letter dated 26.11.2015 followed by Reminders letter dt. 16.06.2016 & letter dt. 10.11.2016, the unit had been requested to submit requisite 'No Dues / No Objection' Certificates and other required documents for further consideration of exit.

It was further informed that the unit vide its letter dated 19.05.2016 and subsequent letters dated 10.10.2016 and letter dt. 18.11.2016 had submitted required/ relevant documents. However as regards No Dues from Labour, Service Tax and CST/VAT, the unit has not submitted the same instead furnished undertakings as follows:-

- (i) **Regarding Labour No Dues:** The unit has stated that they have no case pending in the Labour office. The unit has submitted an undertaking that "in case any of employee will approach labour office for any dispute we shall be available for resolution of the same".
- (ii) **Regarding Service Tax No Dues:** The unit said that there was no Service Tax on their export service business carried out through SEZ and submitted an undertaking to the effect "that I undertake in future if any liability is found on account of service tax due on the unit, they will be liable to pay the same".
- (iii) **Regarding CST/VAT:** The unit has stated that there was no TIN and Registration with Trade Tax Department being export service business and they have submitted an undertaking inter alia saying "that I undertake in future of any liability is found on account of service tax due on the unit, they will be liable to pay the same".



It was further informed that correct date of surrender of space & clarification about using the name of DLF Tech Services & DLF Building Services instead of the M/s. DLF Assets Pvt. Ltd. in the floor taking over documents dated 10.02.2015 / 2016 have not been received from the developer / co-developer. It was informed that letters dt. 03.01.2017 to the above respective authorities have been written giving them 15 days time in conveying their dues, if any, failing which it would be presumed that nothing is outstanding against the above unit and approval for exit from the SEZ scheme shall be considered/ permitted without making any further reference to their Department in the matter.

Mr. Ankush, Manager appeared before the Approval Committee on behalf of the unit and requested to approve the exit from SEZ scheme.

After due deliberations, the Approval Committee reviewed the performance/achievement of positive NFE of the unit. The Approval Committee also decided to **allow final exit** to the unit from SEZ scheme.

6. **M/s. NIL-Labs Innovation Pvt. Ltd. – Review of performance & proposal of exit from SEZ Scheme- regarding.**

It was brought to the notice of the Approval Committee that M/s. NIL-Labs Innovation Pvt. Ltd., a unit in the IT/ITES SEZ of M/s. DLF Cyber City Developer Ltd., Sector 24 & 25A, DLF Phase III Gurgaon (Haryana) vide its letter dated 15.04.2015 had applied for LOA renewal. Accordingly, vide this office letters dated 14.05.2015 & 16.06.2015 the unit had been requested to submit required documents. However the unit failed to submit complete documents for LOA renewal. After repeated follow ups, instead of submitting necessary documents for LOA renewal, the unit vide its letter received in this office on 26.10.2015 submitted proposal for exit from SEZ scheme. Accordingly, vide this office letter dated 03.11.2015 the unit had been requested to submit requisite 'No Dues / No Objection' Certificates and other required documents along with rectified APRs for the year 2013-14, 2014-15 & 2015-16 for further consideration.

The performance of the unit during the period of operations, are as under:-

Rs. (in Lacs)

Year	FOB value of export	NFE Earning
2010-11	193.17	167.44
2011-12	439.53	433.91
2012-13	370.24	357.30
2013-14	609.08	543.66
2014-15	702.15	690.98
2015-16	547.43	546.23
Total	2861.6	2739.52



Though there are various discrepancies as observed by CA Firm in APRs for the year 2012-13, 2013-14, 2014-15 and 2015-16, which were placed before the UAC as per software generated monitoring sheet.

It was further informed that the unit vide its letter dated 24.11.2016 and subsequent letters dated 19.12.2016 had submitted required / relevant documents for exit except the following:-

- (i) No Dues from Developer along with clarification on issue of two NOC with different space/ area on the same date.
- (ii) Original LOA dated 31.05.2010.
- (iii) Rectified APRs for the year 2012-13, 2013-14, 2014-15 & 2015-16 as per observation of CA firm.
- (iv) Application for LOA extension for anticipated period to complete the remaining exit formalities, keeping in view that unit's LOA was valid upto 30.09.2015 and as per Rule 74(2) (iii) of SEZ Rules, 2006, "The unit shall continue to be treated a unit till the date of exit".

No one from the unit appeared before the Approval Committee.

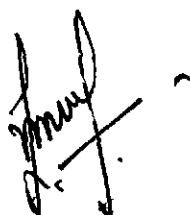
After due deliberations, the Approval Committee decided to defer the matter. The Approval Committee directed the Specified Officer to submit complete facts of the case before the next Approval Committee meeting.

Meeting ended with a vote of thanks to the Chair.



(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)

Development Commissioner