



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: 13/01/2017

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. उपाध्यक्ष, बुलन्दशहर खुर्जा विकास प्राधिकरण, ओल्ड जी टी रोड, श्री आनंद वाटिका कॉलोनी, खुर्जा - 203131 (उत्तर प्रदेश)।
11. संबंधित विशेष आर्थिक क्षेत्र विकासकर्ता ।

विषय: दिनांक 09/01/2017 को पूर्वाह्न 11.30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (उत्तर प्रदेश) 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 पूर्वाह्न 11.30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित आयोजित नोएडा, ग्रेटर नोएडा एवं खुर्जा (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 and Khurja (Uttar Pradesh) held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner, Noida SEZ at 11:30 AM on 09.01.2017 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 D.D. Mangal, Dy. 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 Amit Kumar, ASO, DIC, Noida
6. Representative of SEZ Developers concerned, Special Invitee

2. Besides, during the meeting i) Shri S.C. Gangar, Specified Officer, ii) Shri Prakash Chand Upadhyay, Asstt. Dev. Commissioner & iii) Shri Mohan Veer Ruhella, 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 02.12.2016 has been received from any of the members of the Committee or Trade and accordingly, Minutes of the meeting held on 02.12.2016 were ratified.

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

1. Proposal of M/s. Sapient Consulting Pvt. Ltd. for setting up a new unit in IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (U.P.).

It was brought to the notice of the Approval Committee that M/s. Sapient Consulting Pvt. Ltd. had submitted a proposal for setting up a unit over an area of 20000 Sqft. at Ground floor, Building No. 2 in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Plot No. 20 & 21, Sector-135, Noida (U.P.) to undertake service activities i.e. *'IT/IT Enabled Services to provide contract software development / maintenance, e-commerce consulting services and sophisticated Internet based solution, including digital business strategy, experience modeling, creative design, technology development, integrated advertising, digital commerce, marketing technology and*



system integration, back office operations, IT support, enterprise infrastructure system, architecture system, application system, information security, data management, global people movement, hiring, staffing contracting finance, etc.' with projected exports of Rs. 21339.76 Lakhs and the cumulative NFE of Rs.20233.19 Lakhs over a period of five years. It was also informed that the investment of Rs.721.12 Lakhs towards imported capital goods; Rs.200.90 Lakhs towards Indigenous capital goods and other cost of project shall be met from the retained earnings & export earnings. It was further informed that the SEZ developer has given provisional offer for allotment of proposed space to the applicant.

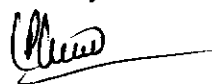
It was informed that the area proposed to be allotted to the applicant is in possession of M/s. NEC Technologies India Pvt. Ltd. (Unit-II). The Approval Committee in its meeting held on 02.12.2016 had approved the proposal of M/s. NEC Technologies Pvt. Ltd. (Unit-II) for deletion of aforesaid premises subject to submission of 'NOC' from the SEZ Customs. Accordingly, M/s. NEC Technologies Pvt. Ltd. (Unit-II) had been requested vide this office email dated 16.12.2016, with a copy to Specified Officer, to submit 'NOC' from Specified Officer, so that formal approval for deletion of area may be issued. However, 'NOC' from Specified Officer is awaited.

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

1. Proposed service activity like "*Provide contract software development / maintenance, back office operations, IT support, enterprise infrastructure system, architecture system, application system, information security, data management, global people movement, hiring, staffing contracting finance, etc.*" are not specifically reflected in M&MOA of the company.
2. Proposed service activities (except IT/IT Enabled Services, software development / maintenance, back office operations, IT support) do not exactly match with the services / wordings given in Rule 76 of SEZ Rules, 2006.
3. Corrected breakup of forex outgo required to be given as the applicant has given breakup of forex outgo for Rs.1106.55 lakhs instead of Rs.1106.57 proposed in Form-F.
4. Copy of INC 22 for change of registered office to 'Building No.2, Plot No. 20 & 21, Sector-135, Noida' required to be submitted as this address has been shown in Form-F.
5. Copy of Form-32/DIR-11/12 for cessation of first directors namely Mr. Manoj Kumar Kukreti and Mr. Sudhir Kumar Thakur required to be submitted.
6. 'Other expenses' given in Projected Profit & Loss statement required to be elaborated.
7. Shareholding pattern of the company duly certified by CA/CS required to be given.
8. Para VII of Form-F not filled in.

Shri Rajeev Khanna, Director-Finance & Shri Vishal Agarwal, Manager-Finance, appeared before the Approval Committee on behalf of the applicant and explained the proposal. It was informed by them that all the proposed services are covered under the M&AOA of the company. Further, it was assured by them to submit pending documents shortly.

After due deliberations, the Approval Committee **approved** the proposal, subject to –
i) submission of a certificate from the Company Secretary that all the proposed service activities are



well covered under the Memorandum & Article of Association of the company as well as these services are in accordance with Rule 76 of SEZ Rules, 2006 and ii) submission of above pending documents by the applicant.

2. Proposal of M/s. GlobalLogic India Limited for setting up a unit in the IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd. located at Plot No. 7, Sector-144, Noida (U.P.)

It was brought to the notice of the Approval Committee that M/s. GlobalLogic Technologies Ltd. had submitted a proposal for setting up a new unit over an area of 52632 Sqft. at 8th & 9th floor, Tower E in the IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd. at Plot No. 7, Sector-144, Noida to undertake '*Information Technology Software Services and Information Technology Enabled Services*' with projected exports of Rs.34640.88 Lakhs and the NFE of Rs. 33377.53 Lakhs over a period of five years. It was also informed that the investment of Rs.835.65 Lakhs towards imported capital goods (including Infrastructure), Rs.121.09 Lakhs towards Indigenous capital goods (including Infrastructure) and other cost of project shall be met from the internal 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. Specific services proposed to be undertaken under 'IT Software and IT/ITES' has not been mentioned.
2. Breakup of forex outgo required to be given.
3. Proposed service activity '*Information Technology Software Services and Information Technology Enabled Services*' are not specifically mentioned in the MOA of the company.
4. Specific information related to Income Tax Deptt. required to be submitted in prescribed format.
5. Copy of Form-32/DIR-11/12 for cessation of first directors namely Mr. Tarun Upadhyay required to be submitted. Copy of Form-32/DIR-11/12 for cessation of Mr. Charles Wayne Grubbs also required to be submitted.
6. Affidavit does not mention that correct date of Form-F & needs to be given afresh.
7. Complete copy of PAN Card of Mr. Allam Zaheer Ahmed is required to be given.
8. 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.

It was further informed that that M/s. GlobalLogic India Ltd. had been issued two Letter of Approvals for setting up of two units bearing LOA No.10/342/2010-SEZ/8572 dated 22.11.2010 & LOA No.10/75/2011-SEZ/5608 dated 25.07.2011 in the same SEZ i.e. IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd., Noida. Since, M/s. GlobalLogic India Ltd. had not taken any steps for implementation of the LOA No.10/75/2011-SEZ/5608 dated 25.07.2011, accordingly, the request of the unit for extension of LOA beyond 24.07.2013 was not acceded to and the same had been conveyed to the unit vide this office letter dated 24.07.2013.



Mr. Harinder Bhatia, VP-Finance & Mr. Gopal Bindal, Director-Finance appeared before the Approval Committee on behalf of the applicant and explained the proposal. The representatives of the applicant informed that they are not aware about the LOA dated 25.07.2011 issued to M/s. GlobalLogic India Ltd. Further they informed that their existing unit is operating in Tower A from 1st to 5th Floor.

After due deliberations, the Approval Committee **approved** the proposal, subject to submission of above pending documents. The Approval Committee directed the representatives of the applicant to submit status of LOA dated 25.07.2011 issued to M/s. GlobalLogic India Ltd. and details as to whether they have occupied any floor for implementation of this LOA.

3. **Proposal of M/s. NTT Data Information Processing Services Private Limited for setting up a unit in the IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd. located at Plot No. 7, Sector-144, Noida (U.P.).**

It was brought to the notice of the Approval Committee that M/s. NTT Data Information Processing Services Private Ltd. had submitted a proposal for setting up a unit over an area of 113214 Sqft. at 4th to 7th floor, Tower E in the IT/ITES SEZ of M/s. Oxygen Business Parks Pvt. Ltd. at Plot No. 7, Sector-144, Noida to undertake 'Computer Software services including Information Technology and 'Information Technology Enabled Services (IT/ITES Services) such as Back Office Operations, Call Centres, Data Processing, Support Centre and website services' with projected exports of Rs.155169.20 Lakhs and the NFE of Rs. 151482.93 Lakhs over a period of five years. It was also informed that the investment of Rs.3686.27 Lakhs towards imported capital goods (including Infrastructure), Rs.3083.06 Lakhs towards Indigenous capital goods (including Infrastructure) and other cost of project shall be met from the Group Borrowings. It was further informed that the SEZ developer has given provisional offer for allotment of proposed space to the applicant.

It was informed that in its application the applicant has mentioned that they propose to set up this unit by consolidating existing STP business and consequently will not be claiming any Income Tax benefits for the STP business moving to proposed SEZ unit.

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

1. Values Imported & Indigenous capital goods in Para vii of Form-F has been wrongly mentioned in lakhs.



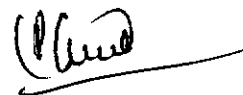
2. The applicant has proposed 'Civil Work' (Imported: Rs.144 lakhs & Indigenous: Rs.1861.81 lakhs) in the list of goods. The same is required to be clarified as the developer has given offer of allotment of built-up premises.
3. At Para 10 of Project Report the applicant has shown 'Nil' forex outgo. The same needs to be clarified / rectified.
4. Breakup of forex outgo required to be given.
5. The applicant has provided a list of its existing eight STP / SEZ Units / Co-developer. Whereas the applicant has mentioned 'NA' at Col. XII(ii) of Form- F. Therefore, Form-F required to be rectified accordingly.
6. Copy of Audited Balance Sheet for the year 2013-14 of M/s. DELL International Services India Pvt. Ltd. has been submitted instead of applicant company.
7. Requirement of water 1266 KL seems to be on higher side & needs to be rechecked.
8. Para XII(iv) of Form-F, declaration should be in 'Yes' or 'No' only.
9. PAN Card of company not given.
10. Lease period for five years should be mentioned in offer of space.
11. Values of capital goods as 2695.07 lakhs in para VI of Form 'F' whereas value of capital goods is given as 1022.72 lakhs in para 12 of project report. Further, the value of indigenous capital goods is given as 398.25 lakhs against Rs.10 lakhs in para 12 of project report.

Mr. Sumed Marwaha, Executive Director & Mr. Asan Dasari, Director appeared before the Approval Committee on behalf of the applicant and explained the proposal. It was informed by them that the proposed 'Civil work' mentioned in the list of capital goods is actually 'Interior work' which are required to be done before commencement of operation.

After due deliberations, the Approval Committee **approved** the proposal, subject to submission of above pending documents and no Income Tax benefits shall be claimed by the unit.

4. Proposal of M/s. Wipro Ltd. for setting up of its 2nd Power Generating power unit in the IT/ITES SEZ of M/s. Wipro. Ltd., at Plot No.2, 3 & 4, Knowledge Park-IV, Greater Noida, (U.P)

It was brought to the notice of Approval Committee that M/s. Wipro Ltd. had submitted a proposal for setting up of its 2nd unit over an area of 1144.66 Sqmt. at Ground floor, Data Centre-2 Building for 'Power Generation, Transmission and Distribution to the SEZ Developer and SEZ Units in the SEZ (capacity - 7590 KVA) in the IT/ITES SEZ of M/s. Wipro Ltd., at Plot No. 2, 3 & 4, Knowledge Park-IV, Greater Noida (U.P). It was informed that the applicant has shown projected exports of Rs.380 Lakhs and the cumulative NFE of Rs.368 Lakhs over a period of five years. It was also informed that the applicant has proposed investment of Rs.12 lakhs towards Imported Capital



Goods, Rs.90 lakhs towards Indigenous capital goods which shall be met from the internal funding of the company. It was further informed that the applicant had also furnished a map showing location of DG Sets in SEZ. The details of DG sets given in the map are as under:-

S. No.	Locations	Quantity
1.	DG Set-2 at Data Centre-2 Building	03x2030 = 6090 KVA 01x1500 = 1500 KVA

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

1. Address mentioned in passport in respect of Mr. Rishad A. Premji do not match with address mentioned in submitted Form-F.
2. Covering letter says IT/ITES operations instead of power generation.
3. Constitution of Company in SEZ Online System application wrongly mentioned as Pvt. Ltd.
4. No requirement of Water shown.
5. Declaration in para-XII of Form 'F' wrongly given.
6. Shareholding duly certified by CA/CS required.
7. Affidavit needs to be given afresh keeping in view the date of filing of Application Form 'F'.
8. Lease period not given in offer of space hence revised letter required giving consent for allotment of space for five years.

Mr. R. Kumaragunesharan, Sr. Manager & Mr. Narotam Sharma, Manager appeared before the Approval Committee on behalf of the applicant and explained the proposal.

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

5. 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 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.	Access control and monitoring system.	24	1.65
2.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary sub-stations of appropriate capacity, pipeline network etc.	04	10.00



		Total:	11.65
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Mr. Rahul Sood, V.P. & 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.

6. 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	546.44
2.	Power (including power backup facilities) for captive use only.	23	174.20
3.	Air Conditioning of processing area.	21	55.77
4.	Access Control and Monitoring System.	24	8.99
		Total :	785.40

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.

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

7. Proposal of M/s. Accenture Solutions Pvt. Ltd., a unit in Seaview Developers Pvt. Ltd. IT/ITES SEZ at Plot No. 20 & 21, Sector-135, Noida for installation of 'ATM Machine' in its authorized premises for use by its employees.

It was brought to the notice of the Approval Committee that M/s. Accenture Solutions Pvt. Ltd. had submitted a request to grant permission for installation of 'ATM facility' of Kotak Mahindra Bank in the premises of its unit at Ground floor, Building No.3 in the IT/ITES SEZ of M/s. Seaview Developers Pvt. Ltd. at Sector-135, Noida, for exclusive use by the employees of unit. It was informed that the unit had submitted following documents:-



1. 'No Objection' from the SEZ developer for installation of ATM in the unit's premises.
2. Map showing proposed location of the ATM Machine.

It was further informed that the unit is required to submit consent letter from Kotak Mahindra Bank to setup ATM Machine in unit's premises and an undertaking from Kotak Mahindra Bank is required to the effect that they will not take any direct/indirect tax benefit under SEZ scheme to create, operate & maintain ATM facility in SEZ and they will obtain prior approval from RBI for installation of ATM in the processing area of SEZ, if required.

Shri Dharam Yudhishter, DGM appeared before the Approval Committee on behalf of the unit and explained the proposal. It was informed by them that the ATM facility proposed to be setup at approx. 6 ft x 12 ft. size room at Ground floor, Building No.3.

After due deliberations, the Approval Committee **approved** the proposal for installation of ATM facility for exclusive use by the employees of the unit subject to submission of above pending documents and further subject to the condition that no tax / duty including service tax exemption shall be available to the unit as well as to M/s. Kotak Mahindra Bank to setup, operate & maintain ATM facility in the processing area of SEZ.

8. Proposal of M/s. P.L.G. Incubation Services Pvt. Ltd., co-developer for approval of list of material to carry on authorized operation in 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 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 material 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.	Construction of all type of buildings in processing area as approved by Unit Approval Committee	22	70.50
2.	Electrical, Gas and Petroleum Natural Gas Distribution Network including necessary substations of appropriate capacity, pipeline network etc.	04	44.32
3.	Fire protection system with sprinklers, fire and smoke detectors.	07	19.85
4.	Access control and monitoring system.	24	26.97
		Total	161.64



Mr. Rajiv Baghel, Sr. Manager appeared before the Approval Committee on behalf of the co-developer and explained the requirement of proposed materials.

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

9. Proposal of M/s. P.L.G. Incubation Services Pvt. Ltd., co-developer for approval of additional service to carry on authorized operation in 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 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 following additional service:

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

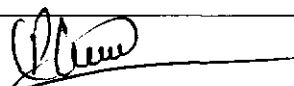
Mr. Rajiv Baghel, Sr. Manager appeared before the Approval Committee on behalf of the co-developer and explained the requirement of proposed service.

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".

10. Proposal of M/s. Trustone Wegmans Developers Pvt. Ltd., co-developer for approval of additional services to carry on authorized operation in 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. Trustone Wegmans Developers Pvt. Ltd., Co-developer of 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.	Construction of all type of buildings in processing area as approved by Unit Approval Committee.	22	5675.65



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

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

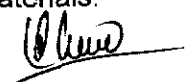
11. Proposal of M/s. Infosys Ltd., Developer for approval of list of material to carry on default authorized operations in the IT/ITES SEZ at Plot No. A-01 to A-06, Sector-85, Noida.

It was brought to the notice of the Approval Committee that M/s. Infosys Ltd., developer of IT/ITES SEZ at Plot No. A-01 to A-06, Sector-85, Noida (U.P) had submitted a proposal for approval of a list of materials to carry on following default authorized operations:-

S. No.	Authorized Operation	Sl. No. at default list of materials as per Inst. No. 50 & 54	Estimated Cost (Rs in Lacs)
1.	Air Conditioning of processing area	21	7.68
2.	Cafeteria / Canteen for staff in processing area	27	8.40
3.	Construction of all types of building in processing area as approved by the Unit Approval Committee.	22	1099.30
4.	Fire protection system with sprinklers, fire and smoke detectors.	07	3.30
5.	Security Offices, Police Post etc. at entry, exit, other points within and along the periphery of the site.	11	58.58
6.	Solid and liquid waste collection, treatment and disposal plant including pipelines and other necessary infrastructure for sewage and garbage disposal, Sewage treatment plant.	03	272.73
7.	Water treatment plant, water supply lines (dedicated lines up to source), sewage lines, storm water drains and water channels of appropriate capacity	02	33.74
8.	Boundary Wall	09	81.29
9.	Telecom and other communication facilities including internet connectivity.	05	182.99
10.	Wi Fi / Wi Max Services	16	5.95
		Total :	1753.96

It was informed that the developer has neither applied for approval of layout plan / building plan of SEZ nor copy of approved layout plan /building plan submitted.

Shri Suresh Shenoy, Senior Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.



After due deliberations, Approval Committee **approved** the proposed list of materials subject to the condition that developer shall obtain approval of Layout Plan / Building Plan along with all other necessary permissions including mining / excavation from the respective government authorities before commencement of construction activity in SEZ.

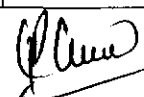
12. Proposals in respect of M/s Arshiya Supply Chain Management Pvt. Ltd. for allowing withdrawal of LOA amendment proposal submitted on 02.08.2016; review of current authorized operations and consideration of revised/proposed authorized operations; review of performance/achievement of NFE and consideration of further renewal of LOA; and discussion /decision regarding non-submission of copy of Regd. Lease Deed by such units in FTWZ and execution of BLUT etc.

1. It was brought to the notice of the Approval Committee that M/s. Arshiya Supply Chain Management Pvt. Ltd. had been granted LOA dated 21.09.2011, as amended on 14.03.2012 & on 28.08.2012, for setting up of unit in M/s. Arshiya Northern FTWZ Ltd., SEZ, Khurja to carry on Authorized operations namely "Trading, Warehousing, labeling, Packing or re-packing with or without any processing as per owner's instructions (Foreign supplier or buyer / DTA Supplier or buyer), Transport services & Distribution services (excluding retail services), assembly of CKD/ SKD, cutting, polishing, blending, segregation, mixing, weighing, fumigation, quality control, safety control, testing and survey service." It was informed that the unit had submitted revised authorized operations intended to be carried on by it in the renewed LOA and requested to allow the same as follows:

- Trading, Warehousing, labeling or relabeling/ Packing or re-packing without any processing as per owner's instructions (Foreign supplier or buyer / DTA Supplier or buyer), assembly of CKD/ SKD as allowed under rule 18(5).
- Cutting, polishing, blending **etc** on case to case basis with the approval of Unit Approval Committee as per Instruction No. 49.
- Similar Ancillary Services for the purpose of authorized operation under rule 76 of SEZ Rules, 2006.

2. It was informed that the export / NFE status of the unit during first five years of operations are as under :-

Year	FOB Value of export	Rs. (in Lacs)
		NFE Earning
2011-12	0.18	0.18
2012-13	2307.93	634.34
2013-14	306.83	306.83



2014-15	118.94	118.94
2015-16	204.57	204.57
Total	2938.45	1264.86

3. Shri Navneet Chaudhary, Director & Shri Anshul A Srivastav, Sr. Manager appeared before the Approval Committee and explained the proposals.

4. The NFE status of the unit was reviewed under Rule 54 of the SEZ Rules, 2006 which provides that NFE status is to be determined by the Approval Committee. Accordingly, NFE status was reviewed. The unit had explained the following in respect of the NFE status:

The unit clarified that M/s. Arshiya Supply Chain Management Pvt. Ltd. is a service unit providing logistic, warehousing and value added services to clients and the goods are held on account/behalf of Foreign & DTA clients (suppliers and buyers) in terms of Rule 18 (5) of the SEZ Rules, 2006 and Instruction No's. 49 and 60 issued by the Ministry of Commerce & Industry.

Unit further clarified that it has not imported, exported, procured or cleared goods on its own account. The goods are imported, exported, procured and cleared into DTA by their Foreign & DTA clients on their own account and it only provides warehousing and value-added services in respect of such goods for which the consideration is received by unit in convertible foreign currency as required under rule 18(5) of the SEZ Rules, 2006.

5. This issue was discussed in detail in the Approval Committee and Approval Committee observed as follows :

(i) **As per Rule 18(5) of the SEZ Rules all transactions of the units in FTWZ has to be in freely convertible foreign currency.** The provisions of rule 18(5) of SEZ Rules, 2006 are under :

The Units in Free Trade and Warehousing Zones or Units in Free Trade and Warehousing Zone set up in other Special Economic Zone, shall be allowed to hold the goods on account of the foreign supplier for dispatches as per the owner's instructions and shall be allowed for trading with or without labelling, packing or re-packing without any processing:



Provided that refrigeration for the purpose of storage and assembly of Completely Knocked Down or Semi Knocked Down kits shall also be allowed by the Free Trade and Warehousing units undertaking the said activities:

Provided further that these Units may also re-sell or re-invoice or re-export the goods imported by them:

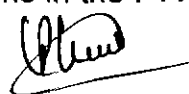
Provided also that all transactions by a Unit in Free Trade and Warehousing Zone shall only be in convertible foreign currency.

(ii) As per Rule 53A(o) of the SEZ Rules, 2006, for the purposes of NFE calculation **supplies of goods against free foreign exchange only by a FTWZ unit is counted towards NFE.**

(iii). As per Rule 76 of SEZ Rules, Trading is part of the service activity & as per Section 2(z) (iii) of the SEZ Act, the services can be rendered only against earning of foreign exchange.

(iv). Hence in view of the above stated facts, any supplies of goods from FTWZ to the DTA can be only against free foreign exchange irrespective of whether import has been effected by Arshiya Supply Chain or its client. Bill of Entry in all cases of imports in this FTWZ is filed by Arshiya Supply Chain Management Pvt. Ltd.

6. In view of above cited statutory provisions the representative of unit was directed to give the details of last 5 years of total imports, total exports, total supply in the DTA, total supply in the DTA against free foreign exchange, total supplies in DTA against INR along with the documentary evidence thereof before the renewal could be considered and status of NFE achievement determined. However, representative of the unit explained that they may be given time upto 31st March, 2017 as it would require compilation of the data and the documents for the last 5 years and requested that the operations may be continued till Approval Committee in the first week of April, 2017 meets. The Approval Committee agreed with the request to extend the validity of present LOA till 10th of April, 2017 by which time the unit will submit all these documents and the same shall be examined by the section. Unit representative also stated that they will submit their views. It was also made amply clear to the representative of the unit that these provisions, as stated above, are explicit and they must be complied with by the unit and transactions in the FTWZ should be carried only against free foreign exchange.



7. Approval Committee also decided that in view of the unit's letter dt. 19.12.2016, the unit will be allowed to carry out following activity :

"Trading, Warehousing, labeling or relabeling/ Packing or re-packing without any processing as per owner's instructions (Foreign supplier or buyer / DTA Supplier or buyer), assembly of CKD/ SKD as allowed under rule 18(5)".


8. It was also informed that as per Para (vi) of Instruction No. 49 dated 12.03.2010 issued by Department of Commerce, 'Requests for allowing cutting, polishing, blending etc. as part of authorised operation of a FTWZ unit can be considered by the Approval Committee **on a case to case basis based on the merits of the case.**'

9. It was also informed that the activities which are being permitted in view of Instruction No. 49 & 60 dt. 12.03.2010 & dt.06.07.2010 respectively will be continued subject to the condition that if there is any change in these instructions by DOC then the same would become applicable immediately.

10. It was informed to Approval Committee that unit had submitted a proposal dt. 02/08/2016 for expanding / broad banding the authorized operations under Rule 19 of the SEZ Rules, 2006, however later the unit vide its letter dt. 28/10/2016 submitted request for withdrawal of said proposal. Accordingly the Approval Committee allowed withdrawal of its proposal dt. 02/08/2016 to the unit.

11. The Approval Committee expressed its concern over non-submission of copy of registered lease deed by unit which is required to be furnished as per SEZ Rule 18(2)(ii) to the Development Commissioner within six months from the issuance of the letter of approval. The Approval Committee directed the unit to submit copy of registered lease deed immediately and in any case before Approval Committee meeting which would be held in April, 2017.

12. On the issue of debit and credit of duty in Bond cum LUT, the Approval Committee directed the unit and Specified Officer to comply with the provisions of Rule 22 of the SEZ Rules, 2006 and Instruction No. 72 dt. 30.11.2010 issued by the Deptt. of Commerce.



13. In the agenda it has also been pointed out that the issue of achievement of NFE has already been referred to Deptt. of Commerce vide our letter dt. 30.08.2016 and no reply has been received so far. It was decided that another reference may be made to Deptt. of Commerce in continuation of the earlier reference on this issue and view of the Approval committee as given in paragraph 5 above may be informed to Deptt. of Commerce. A copy of the agenda and copy of the minutes may also be sent to the Department of Commerce with a request to clarify the position at the earliest as final view by the Approval Committee on determination of NFE in respect of last 5 years and the unit will be taken in first week of April, 2017.

Decision on supplementary agenda items:

- 1. Proposal of M/s. Infosys Ltd., Developer for approval of list of material to carry on default authorized operations in the IT/ITES SEZ at Plot No. A-01 to A-06, Sector-85, Noida.**

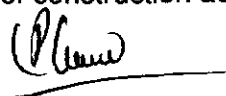
It was brought to the notice of the Approval Committee that M/s. Infosys Ltd., developer of IT/ITES SEZ at Plot No. A-01 to A-06, Sector-85, Noida (U.P) had submitted a proposal for approval of a list of material to carry on following default authorized operations:-

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	21.31

It was informed that the developer has neither applied for approval of layout plan / building plan of SEZ nor copy of approved layout plan /building plan submitted.

Shri Suresh Shenoy, Senior Manager appeared before the Approval Committee on behalf of the developer and explained the requirement of proposed materials.

After due deliberations, Approval Committee **approved** the proposed list of materials except items proposed at Sl. No. 2, 3, 6, 7 & 8 i.e. 'Hardware Maintenance and Support' & 'Implementation / Installation (M1K) TDM', subject to the condition that developer shall obtain approval of Layout Plan / Building Plan along with all other necessary permissions including mining / excavation from the respective government authorities before commencement of construction activity in SEZ.



2. M/s. Vidya Mantra EduSystems Pvt. Ltd. - Request for Permission to provide Commercial Training & Coaching Services.

It was brought to the notice of Approval Committee that M/s Vidya Mantra EduSystems Pvt. Ltd. had submitted a request for permission for Commercial Training & Coaching Services in its unit located in the IT/ITES SEZ of M/s Ansal IT City & Parks Ltd. at TZ- 06 Techzone, Greater Noida (U.P.) in terms of Rule 52(4) of SEZ Rules, 2006 which provides that, "Software units may be allowed to use the computer system for training purpose (including commercial training) subject to the conditions that no computer terminal shall be installed outside the Special Economic Zone, premises for this purpose".

Mr. Jai Gupta, Director appeared before the Approval Committee and explained the proposal.

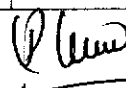
After due deliberations, the Approval Committee observed that the units in SEZ can be allowed to impart training to their own staff and not to candidates from open market. Therefore, the present proposal of the unit was not in conformity with the above stipulation. In the circumstances the Approval Committee on the request of the unit decided to **defer** the proposal and directed the representative of the unit to come up with detailed revised proposal conforming to SEZ Act / Rules.

3. Proposal of M/s. Dell Business Process Solutions India Pvt. Ltd., a unit in Oxygen Business Parks Pvt. Ltd., Noida for change of name of the company to 'NTT Data Information Processing Services Pvt. Ltd.'

It was brought to the notice of the Approval Committee that M/s. Dell Business Process Solutions India Pvt. Ltd., a unit in M/s. Oxygen Business Parks Pvt. Ltd. at Plot No.7, Sector-144, Noida had submitted a proposal for change of name of the company to 'NTT Data Information Processing Services Private Limited'. It was informed that in support of its proposal the unit had submitted following documents:-

- 1) Copy of Certificate of Incorporation pursuant to change of name of the company from M/s. Dell Business Process Solutions India Pvt. Ltd. to 'NTT Data Information Processing Services Private Limited' issued by ROC Bangalore on 01.12.2016.
- 2) Copy of MOA&AOA of M/s. NTT Data Information Processing Services Private Limited.
- 3) Copy of Board Resolution deciding change of name of the company to 'NTT Data Information Processing Services Private Limited' as well as authorization in favour of all the directors & company secretary to sign documents on behalf of the company.
- 4) Details of shareholding pattern as on 19.12.2016, duly certified by CA/CS, as given below:-
 - Existing shareholding pattern (as on 19.12.2016):-

S. No.	Name of Shareholder	No. of equity shares of Rs.10/- each	% of shareholding
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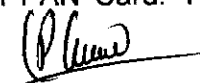
1.	Dell Systems TSI (Mauritius) Pvt. Ltd.	34,30,30,366	89.19%
2.	Dell (PS) Systems Investment B.V	4,15,79,551	10.81%
	Total:	38,46,09,917	100.00%

- Earlier shareholding pattern intimated by the unit during the proposal for change of entrepreneur from Dell International Services India Pvt. Ltd. to Dell Business Process Solutions India Pvt. Ltd. (w.e.f. 01.08.2016) :-

S. No.	Name of Shareholder	No. of equity shares of Rs.10/- each	% of shareholding
1.	Dell Systems TSI (Mauritius) Pvt. Ltd.	15,98,36,782	86.67%
2.	Dell (PS) Investment B.V	2,45,83,551	13.33%
	Total:	18,44,20,333	100.00%

From the above there appears to be change in shareholding of the company. However, major shareholdings are still with "Dell Systems TSI (Mauritius) Pvt. Ltd." & matter may be considered by UAC for change of name of company in terms of BoA guidelines dated 23.02.2016. However, difference between 'Dell (PS) Systems Investment B.V' and 'Dell (PS) Investment B.V' required to be clarified by the unit.

- List of current directors of the company. Following are the reported present directors of the company:
 - Mr. Rohan Vikram Prabhu
 - Mr. Ashutosh Moreshwar Vaidya
 - Mr. Ganesh Murthy
 - Mr. Anand Sankaran
- Copies DIR 12 for appointment of Mr. Ganesh Murthy & Mr. Anand Sankaran along with copies of their Passport & PAN Card as well as copy of DIR 12 for cessation of Mr. Mahadev Subhash. The unit has stated that due to lots of changes in last four months they unintentionally forget to intimate about change in Directorship. The unit has assured to comply the provisions of SEZ Rules in future.
- An Undertaking on Rs.100/- non-judicial stamp paper duly notarized, from M/s. NTT Data Information Processing Services Private Limited towards takeover all the assets and liabilities of M/s. Dell Business Process Solutions India Pvt. Ltd. under LOA No. 10/62/2012-SEZ/6011 dated 08.08.2012.
- As regards, copy of PAN Card & IEC in amended name, the unit has informed that they are in process to obtain PAN Card in changed name and furnish a copy of acknowledgement of PAN Card application. The unit has further added that IEC will be modified only after completion of name change in PAN Card. The unit has assured to



provide copies of PAN Card & IEC in new name once the name change process is completed.

- 9) Board Resolution in favour of Ms. Shalini Kumar, authorized signatory, who had signed the proposal dated 16.12.2016 as well as instant proposal.

It was 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 continue 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.

Mr. Sumed Marwaha, Executive Director & Mr. Asan Dasari, Director 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. Dell Business Process Solutions India Pvt. Ltd.' to 'NTT Data Information Processing Services Private Limited', 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. Dell Business Process Solutions India Pvt. Ltd. shall be taken over by M/s. NTT Data Information Processing Services Private Limited and revised Bond-Cum-LUT shall be executed by M/s. NTT Data Information Processing Services Private Limited.

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



(S. S. Shukla)

Joint Development Commissioner



(Dr. L.B. Singhal)

Development Commissioner