

No. K-43016/12/2025-SEZ
Government of India
Ministry of Commerce and Industry
Department of Commerce
(SEZ Section)

Vanijya Bhawan, New Delhi
Dated the 10th November, 2025

OFFICE MEMORANDUM

Subject: 134th Meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs)
-Reg.

The undersigned is directed to refer to the subject cited above and to inform that the 134th meeting of the BoA for SEZs is tentatively scheduled to be held on **20-21st November, 2025 at MEPZ, Chennai** under the Chairmanship of Commerce Secretary, Department of Commerce in Hybrid Mode.

2. The **Agenda for the 134th meeting of the BoA for SEZs is enclosed herewith**. The same has also been hosted on the website: www.sezindia.gov.in.

3. All the addresses are requested to kindly make it convenient to attend the meeting.



(Prateek Bajpai)

Under Secretary to the Government of India

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To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107)
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Shri Sanjiv, Joint Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
7. Joint Secretary, Ministry of Agriculture, Plant Protection, Krishi Bhawan, New Delhi.
8. Ministry of Science and Technology, Sc 'G' & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.

10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi (Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A-Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & Justice, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhawan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog Bhavan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, Sricity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Development Commissioner, GIFT SEZ, Gujarat
42. Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).

43. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.
44. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Saudha, Bangalore – 560001. (Fax: 080-22259870)
45. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.
46. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).
47. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camac Street) Kolkata – 700 016
48. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).
49. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).
50. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).
51. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhagwan Das Road, Jaipur – 302005 (0141-2227788).
52. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).
53. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.
54. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.
55. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneshwar – 751001 (Fax: 0671-536819/2406299).
56. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-2559974)
57. Government of Uttarakhand, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand
58. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.
59. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).
60. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.
61. Government of Chattishgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

Copy to:- PPS to CS / PPS to SS (LSS) / PPS to AS(AB) / PS to JS (VA)/ Sr.PPS to Dir (GP).

Agenda for the 134th meeting of the Board of Approval for Special Economic Zones (SEZs) to be held on 20th and 21st of November, 2025

Agenda Item No. 134.1:

Ratification of the minutes of the 133rd meeting of the Board of Approval for Special Economic Zones (SEZs) held on 15th October, 2025.

Agenda Item No. 134.2:

Request for extension of LoA of SEZ Unit [5 proposal – 134.2(i) - 134.2(v)]

Relevant Rule position:

- As per Rule 18(1) of the SEZ Rules, the *Approval Committee may approve or reject a proposal for setting up of Unit in a Special Economic Zone.*
- Cases for consideration of extension of Letter of Approval i.r.o. units in SEZs are governed by Rule 19(4) of SEZ Rules.
- Rule 19(4) states that LoA shall be valid for one year. First Proviso grants power to DCs for extending the LoA for a period not exceeding 2 years. Second Proviso grants further power to DCs for extending the LoA for one more year subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a Chartered Engineer's certificate to this effect is submitted by the entrepreneur.
- Extensions beyond 3rd year (or beyond 2nd year in cases where two-third activities are not complete) and onwards are granted by BoA.
- BoA can extend the validity for a period of one year at a time.
- There is no time limit up to which the Board can extend the validity.

134.2(i) Request of M/s. Mundra Petrochem Limited in APSEZ, Mundra at Gujarat for the Extension of the Letter of Approval (LOA) for further period of one year i.e. 30.12.2026.

Jurisdictional SEZ – Adani Port SEZ, Mundra

Facts of the case:

1	Name of the Applicant	M/s. Mundra Petrochem Limited
2	Address	Mundra, Gujarat
3	Original LOA details	LOA No. APSEZ/53/MPL/2021-22/660 dated 30.12.2021
4	Nature of business of the Unit:	Manufacturing
	No. of Extensions	2 Year by DC and 1 year by the BoA
5	Existing validity of LOA is up to	30.12.2025
7	Request for	One-year extension upto 31.12.2026

1. Details of business plan:

- The unit has proposed investment of INR 34,700/- Cr. in P&M, civil construction and other costs.
- Items proposed to be manufactured Sulphate, Ammonium Sulphate etc. Caustic Soda, PVC, Tar, Sodium

2. Investment made so far & incremental investment since last extension:

- Investment made so far (As of August, 2025) in P&M and Civil- INR 8, 541 Cr.
- Incremental investment in 1 year since August, 2024-INR 5280 Cr.

3. Details as informed by the Unit:

- The overall CAPEX and timeline for completing the construction and commissioning of project is ~INR 34,700 Cr. and 5 years from the start of the construction activity.
- While the LoA was issued in December, 2021, due to Covid pandemic and other issues, the start of the project and commissioning was rescheduled.
- Now, the project activities are progressing in full swing.
- The Chartered Engineer has certified that the project completion status of Mundra Petrochem Ltd. is under 2/3rd) of activities relating to setting up of the unit.
- The unit expects to employ more than 2000 employees including contractors on regular basis for the production and other related activities.

4. Details of Physical progress till date: As certified by the chartered engineer vide certificate dated: 05.09.2025.

Activities completed-

Temporary Road, Drainage, Construction site office, Temporary Power temporary Connection for Construction Work, Temporary Labour colony, Township for accommodation for employees, Security Facilities, Canteen Building, Ground Levelling, Permanent Labour Colony, Construction of Water storage facilities, Waterhouse 5 Nos., Laydown Area, Communication Facilities, BCIS Piling, Stone Column, 26 Number of VCM Reactor installation, Reactor Erection, VCM Tank Erection, Column Erection etc.

Activities under progress-

Stack Erection in boiler package in O's & U's unit, RCC Super Structure Work in Main Control Room, Electrical Substation, Piling (RCC), Pile Cap/Sub-structure (RCC work) & pre-cast column, Structure Fabrication & Equipment erection - VCM finishing column, piping (fabrication + erection including NDT), Civil works- Chloro-Alkali plant & PVC cooling tower, Non-Metallic Tank, NaOH Tanks, OSBL Pipe rack, AGU Building completion work for Acetylene Generation Plant etc.

5. Project Implementation schedule: Considering the size of the project, the unit has submitted that the project activities will be ready in another 1 year and thereafter the trial run may take another 6-9 months. Accordingly, the commercial production is expected to start by the end of 2027.

6. Reason for Delay: The unit has informed, considering the size of the project and big investment, the unit expects the project activities will be ready in another 1 year and thereafter the trial run may take another 6-9 months. Accordingly, the commercial production is expected to start by the end of 2027. While the LoA was issued in December, 2021, due to COVID pandemic, delay in regulatory approvals, late receipt of the technical (design parameters and drawings) etc.

Recommendation by DC, APSEZ:

The Development Commissioner, APSEZ, Mundra has recommended for extension of the LoA for 1 year i.e. upto 30.12.2026.

134.2(ii) Request of M/s. Padmavati Industries in the Mahindra World City (Jaipur) Ltd. Multi-Product SEZ at Jaipur (Rajasthan) for extension of LOA beyond 25.03.2020 upto 25.03.2026.

Jurisdictional SEZ – Noida SEZ (NSEZ)

Facts of the case:

Name of the Applicant	M/s. Padmavati Industries
Address	Plot No. PA-010-005, Mahindra World City (Jaipur) Ltd, Village Kalwara, Tehsil Sanganer, Jaipur (Rajasthan)
LOA issued on	26.03.2019
Nature of business of the unit	Manufacturing & export of (i) Attar; and (ii) Perfume.
Number of extension	Earlier unit had not applied for extension of LOA beyond 25.03.2020.
LOA valid upto	25.03.2020
Request	For extension upto 25.03.2026

Present progress:

(a) Details of Business Plan:-

S. No.	Type of Cost	Proposed Investment (Rs. In Crore)
1	Land Cost	1.72
2	Construction Cost	2.53
3	Plant & Machinery	0.03
4	Other Overheads (Give details)	0.00
	Total:	4.28

(b) Investment made so far & incremental investment since last extension

S. No.	Type of Cost	Total Investment made so far (Rs. in Crore)	Incremental investment since last extension (Rs. in Crore)
1	Land Cost	1.72	NA
2	Material Procurement	0.98	NA
3	Service Cost	2.59	NA
4	Other Overheads (Give details)	0.00	NA
	Total:	5.29	NA

(c) Details of Physical progress till date :-

S. No.	Authorised Activity	% completion as on date	% completion during last one year	Deadline for completion of balance work
1	Construction of Building	80%	40%	9 to 12 months after date of renew

The unit has submitted timeline of the completion of project & start exports, as given below:-

S.No.	Stage	Completion
1.	Civil work of unit	Till 31 st January, 2026
2.	Expected date of production	End of February, 2026
3.	Export	From March, 2026

The Unit has submitted a Certificate from Chartered Engineer certifying that two third activities (more than 70%) for construction of building has been completed.

Detailed reasons for delay:

The unit has stated that after Covid 19 there was a challenging phase for export market, so they were delayed on their previous plans due to unseen circumstances. Now they are gradually coming over from that situation and ready to start commencement of production and export from this unit.

Other Details:

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As per Rule 19 (4) of SEZ Rules 2006, Development Commissioner may grant three year's extension i.e. upto 25.03.2023, subject to the condition that two-thirds of activities including construction, relating to the setting up of the Unit is complete and a chartered engineer's certificate to this effect is submitted by the entrepreneur. However, in the instant case the unit had not applied for extension of LOA beyond 25.03.2020. Now, the unit has produced a Chartered Engineer Certificate dated 13.09.2025 certifying that that two third activities (more than 70%) for construction of building has been completed, and requested for extension of LOA upto 25.03.2026.

Recommendation of DC, NSEZ:

DC, NSEZ has recommended the request for extension of LOA for the period upto 25.03.2026.

134.2(iii) Request of M/s. Anthea Aromatics Private Limited, a Unit in Mangalore SEZ, Karnataka for extension of LOA upto 31.10.2026.

Jurisdictional SEZ – Mangalore SEZ

Facts of the case:

Name of the Applicant	M/s. Anthea Aromatics Private Limited
LoA issued	KA:16:07: MSEZ:2J dated 31.10.2018
Nature of Business of the Unit	Manufacturing facility of Active Pharmaceutical Ingredients (API), Pharma Intermediates, Job Work and Other Speciality Chemicals
No. of extensions	3 rd extensions (upto 31.10.2025)
Request	Extension of validity of LoA for a further period of one year up to 31.10.2026(4 th extension)

Progress of project from last LoA extension: -

• **Progress in terms of Investment: -**

	Total proposed investment (Rs in crore)	Investment made up to (Rs in crore)	Incremental investment since last extension (Rs in crore)	Total investment made so far (Rs in crore)
1 Project cost (Received Consent from Karnataka State Pollution Control Board (KSPCB) on 10.08.2023)	201	14.68(Land)	0.96 (land)	15.64

Details of physical progress: -

S.No	Activity	% completion	% completion during last one year	Remarks
1	Received Consent from Karnataka State Pollution Control Board (KSPCB) on 10.08.2023	Nil	Nil	Land registration completed in June 2025. Total investment made so far is Rs 15.64 cr.

Reasons for seeking extension: -

- Due to covid pandemic and imposition of lockdown, development and progress of all projects were severely affected and restrained to take up start of execution of the project.
- The unit applied for the Environmental Clearance from the State Environment Impact Assessment Agency, Govt. of Karnataka on 06th January 2017 and got the approval only on 3rd March 2021 followed by an amendment dated 22nd June 2021.
- On receipt of Environmental Clearance, the unit submitted an application for consent to the Karnataka State Pollution Control Board (KSPCB) for construction of plant & building, on 20th July 2021 and they received consent from State Pollution Control Board only on 10th August, 2023.
- The registration of the land for the unit was completed in June 2025 and the unit has started cleaning activities in its plot No 42B & 42C.
- Delay due to business setbacks and financial difficulties. M/s India Resurgence Asset Management Business Private Limited (A joint venture between Bain Capital & Piramal Group) acquired controlling stake in the company effective 19 November 2024. The primary focus after the acquisition was to restart the existing manufacturing unit of Catasynth Speciality Chemicals Private Limited which is located in Industrial Plot No 42A, MSEZL, Mangalore, is a wholly subsidiary company of Anthea Aromatics Private Limited. There was an unfortunate incident of fire in the Piperonal Plant, resulting in the whole facility to be shut for a period of 12 months. The insurance claim received was significantly less as compared to actual spent, which led to financial difficulties and business setbacks, resulting an overall delay of two years in project implementation. The operations have been stopped since March 2023 and the cumulative effect of the above led to serious financial constraints for the company leading to substantial accumulation of creditors payment, defaults in bank repayments and delayed payment of salaries to employees. Post the investment from India Resurgence Asset Management Business Private Limited, all overdue payments were made, and repairs & maintenance activities were undertaken in the plant in Catasynth Speciality Chemicals Pvt Ltd and have restarted the manufacturing operations since September 2025.
- The restart of Catasynth unit operation is expected to be stabilized by March 2026. Post the same, Anthea Aromatics Private Limited plans to start detailed engineering activities for first phase with an initial investment of INR 50 crore which is expected to be completed in 18 months after detailed engineering is finalized.

Recommendation by DC, MSEZ: -

Considering the investment made and that the unit is under revival stage, the request for extension of the validity of LoA No. KA:16:07: MSEZ:2J dated 31.10.2018 of M/s Anthea Aromatics Private Limited, for a further period of one year from 01.11.2025 to 31.10.2026(4th extension) is recommended and forwarded for consideration of the BoA.

134.2(iv) Request of M/s. Knitpro International in the Mahindra World City (Jaipur) Ltd. Multi-Product SEZ at Jaipur (Rajasthan) for extension of LOA for one year i.e. from 11.08.2025 to 10.08.2026-reg

Jurisdictional SEZ – Noida SEZ (NSEZ)

Facts of the case:

LOA issued on	: 11.08.2022
Nature of business of the unit	: Manufacturing & export of (i) Carbon Fiber Moulded Products (ITC HS 68151300); (ii) Carbon Fiber Rods (ITC HS 68159990); (iii) Carbon Fiber Tubes (ITC HS 68159990); (iv) Stainless Steel Tubes (HS Code 73041110); (v) Stainless Steel Rods (ITC HS 73064000); (vi) Stainless Steel Bars (ITC HS 73069090)
Number of extension	: Two extensions have been granted by DC, NSEZ.
LOA valid upto	: 10.08.2025
Request	: For extension upto 10.08.2026

Present progress:

(a) Details of Business Plan:-

S. No.	Type of Cost	Proposed Investment (Rs. In Crore)
1	Land Cost	16.00
2	Construction Cost	20.00
3	Plant & Machinery	15.00
4	Other Overheads (Give details)	5.00
	Total:	56.00

(b) Investment made so far & incremental investment since last extension

S. No.	Type of Cost	Total Investment made so far (Rs. in Crore)	Incremental investment since last extension (Rs. in Crore)
1	Land Cost	0.00	0.00
2	Material Procurement	0.00	0.00
3	Service Cost	0.00	0.00
4	Other Overheads (Give details)	0.00	0.00
	Total:	0.00	0.00

(c) Details of Physical progress till date :-

S. No.	Authorised Activity	% completion as on date	% completion during last one year	Deadline for completion of balance work

1	Civil construction and installation of machinery	0%	0%	31 st March 2027
2	Trial Production	0%	0%	April-June 2027

Reasons for delay:

Vide letter dated 22.07.2025 and 13.08.2025, the unit has informed that due to their focused engagement in the major projects (construction of unit in Noida SEZ) there has been a slight delay in initiating construction activities on the plots covered under LOA No. 10/15/2022-SEZ/6563 dated 11.08.2022. Vide letter dated 19.09.2025, the unit has informed that civil construction and installation of machinery is expected to be completed by 31st March, 2027 and trial production is scheduled for April'2027.

Other Details:

As per Rule 19 (4) of SEZ Rules 2006, two year's extension i.e. upto 10.08.2025 has been granted by the Development Commissioner, NSEZ. Further extension of one year i.e. upto 10.08.2026 can be granted by the Development Commissioner after submission of Chartered Engineer's Certificate towards completion of two-third construction activity.

However, in the instant case the unit has informed that there has been a slight delay in initiating construction activities and two-third construction activity has not be completed Therefore, sought extension of validity of LOA for one year upto 10.08.2026. As per records, the NFE earned by their two SEZ units located in Noida SEZ during current block upto 2023-24 (1) LOA No. 10/01/2013-Proj5140 dated 22.05.2013 was Rs.2485.05 lakhs and (2) LOA No. 10/01/2016-Proj./474 dated 13.01.2016 was Rs.3665.63 lakhs. The NFE earned by their unit in Mahindra World City SEZ, Jaipur during current block upto 2023-24 was Rs.59125.17 lakhs.

Recommendation of DC, NSEZ:

The unit has informed that due to their focused engagement in the major projects (construction of unit in Noida SEZ) there has been a slight delay in initiating construction activities of the said unit in MWC SEZ, Jaipur. Keeping in view of the performance of existing SEZ units of Knitpro International, DC, NSEZ has recommended the request for extension of LOA for the period of one year i.e. upto 10 .08.2026.

134.2(v) Request of M/s. Velocity Aviation IFSC Private Limited, Unit in GIFT Multi Services SEZ Gandhinagar for the Extension of the Letter of Approval (LOA) for further period of one year up to 23.06.2026.

Jurisdictional SEZ – IFSCA

Facts of the case:

1	Name of the Applicant	M/s. Velocity Aviation IFSC Private Limited
2	Address	GB-23 (Seats 1-4), Ground Floor, Pragya Accelerator, Block 15, Zone-1, Road No. 11, GIFT-Multi-Services -SEZ, Gandhinagar - 382355
3	Original LOA details	KASEZ/DCO/GIFT/SEZ/II/29/2022-23 Dated. 24.06.2022
4	Authorised Operations	Aircraft Leasing activities as per Circular F.No. 172/IFSCA/Finance Company Regulations/2022-23/01 dtd. 18.05.2022
	Broad Banding Service Approved	No
5	Present date of Validity of the LOA	23.06.2025
6	Previous LOA extension details	Extension granted on 14.08.2023 by the Development Commissioner, GIFT SEZ. Extension granted on 28.06.2024 by the Administrator (IFSCA)
7	Date of Commencement of Operations	Not commenced
8	Status of BLUT	Accepted on 21.07.2022
9	Status of Lease Deed	Executed 26.10.2023
10	IFSCA approval for Unit (Date of CoR)	09.11.2022

a. Details of Business plan:

Sl.No	Type of Cost	Proposed Investment (Rs. In Crores)	Total investment made so Far (Rs. In Crores)
1	Cost of project	100	2

b. Incremental Investment made so far and incremental investment since the last extension:

Sl. No	Type of Cost	Total investment made so Far (In Rs.in lacs)	Incremental investment since the last extension (In Rs.in lacs)
1	Incorporation expenses and rent and consultancy fees.	23	3.5
2	Fees/stamp duty of increase in Authorized Capital	NA	NA
	Total	23	3.5

c. Details of physical progress till date:

Sl. No	Activity	% Completion	% Completion during last one year	Deadline for completion of balance work
1	IEC of the Unit has been obtained	100%	0%	Not Applicable
2	GST of the Unit	100%	0%	Not Applicable
3	Bond Cum Legal Undertaking for the IFSC Unit	100%	0%	Not Applicable
4	Lease Deed for the IFSC Unit	100%	0%	Not Applicable
5	Any other (please specify).	-	-	-

d. Details of operational progress under IFSCA Regulations till date:

Sl. No.	Activity	% Completion	% Completion during last one year	Deadline for completion of balance work
1	Identification of aircraft to be acquired	0%	0%	By 23.06.2026
2	Execution of agreement for acquisition of aircraft	0%	0%	By 23.06.2026
3	Execution of agreement (or) LOI for leasing-out the acquired aircraft	0%	0%	By 23.06.2026
4	Sourcing of credit/ finance for acquisition of aircraft	0%	0%	By 23.06.2026
5	Details of appointment of Principal Officer and Designated Director in the IFSC unit	0%	0%	By 23.06.2026

Reason for delay in the commencement of operations:

The Unit has submitted as below –

They had identified the appropriate aircraft model for leasing operations and were actively engaged with multiple vendors capable of supplying aircraft that meet technical specifications and budgetary constraints. However, on 21st May 2025, a significant fire incident occurred at the Nashik (Maharashtra) plant of JPFL Films, one of their group company. The incident resulted in extensive damage impacting approximately 70% of the property, plant and equipment, inventory, and other infrastructure. This unfortunate event has materially impacted the Unit's strategic decisions and operational timelines.

In addition to this unforeseen event, the commencement of their business operations has been delayed due to several broader economic and industry-specific challenges including

- a. Significant volatility in USD-INR exchange rates, complicating capital deployment and lease pricing models.
- b. Limited access to aircraft financing institutions willing to fund emerging leasing platforms in the current risk environment.
- c. Increased price volatility in both new and pre-owned business jets, affecting acquisition timelines and portfolio formation.
- d. Global interest rate hikes and tighter credit markets, raising the cost of funds and impacting the near-term viability of lease transactions.
- e. Delayed OEM production and delivery schedules due to ongoing post-pandemic supply chain disruptions, affecting fleet induction plans.

some non-compliances also observed on the part of the Unit are as below

- a. During multiple surprise visits by the IFSCA Team at the registered office premises of the entity, it was noted that no manpower was deployed at the premises at the time of the visits.
- b. In view of the above non-compliances by the Unit an advisory letter was issued to the entity by the IFSCA. The Unit in its response vide email dated October 7, 2025, has informed that it is unwilling to appoint personnel until the LOA extension is granted.

Recommendation by IFSCA Administrator:

IFSCA has forwarded the request of Unit to the Board of Approval in terms of Rule 19(4) of SEZ Rules, 2006 (beyond 3 years), for extension in validity of LOA for a further period of one year i.e. up to 23.06.2026.

Agenda Item No. 134.3:

Request for extension of Formal approval of SEZ [1 proposal –134.3(i)]

Rule position: Rule 6 (2) of the SEZ Rules, 2006: -

- a. *The letter of approval of a Developer granted under clause (a) of sub-rule (1) (Formal Approval) shall be valid for a period of three years within which time at least one unit has commenced production, and the Special Economic Zone become operational from the date of commencement of such production.*

Provided that the Board may, on an application by the Developer or Co-Developer, as the case may be, for reasons to be recorded in writing extend the validity period.

Provided further that the Developer or Co-developer as the case may be, shall submit the application in Form C1 to the concerned Development Commissioner as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.

- b. *The letter of approval of a Developer granted under clause (b) of sub-rule (1) (In-principle approval) shall be valid for a period of one year within which time, the Developer shall submit suitable proposal for formal approval in Form A as prescribed under the provisions of rule 3:*

Provided that the Board may, on an application by the Developer, for reasons to be recorded in writing, extend the validity period:

Provided further that the Developer shall submit the application in Form C2 to the concerned Development Commissioner, as specified in Annexure III, who, within a period of fifteen days, shall forward it to the Board with his recommendations.

134.3(i) Proposal of M/s. Venkatesh Coke & Power Ltd for extension of validity of Formal approval for Free Trade Warehousing Zone [FTWZ] at Athipattu, Nandiambakkam and Puludivakkam Villages, Ponneri, Thiruvallur District, Tamil Nadu.

Jurisdictional SEZ: Madras EPZ (MEPZ-SEZ)

Facts of the Case:

The request of M/s. Venkatesh Coke & Power Ltd for further extension of the validity period of Formal Approval, granted for setting up of Free Trade Warehousing Zone at Athipattu, Nandiambakkam and Puludivakkam Villages, Ponneri, Thiruvallur District, Tamil Nadu beyond 02.10.2025.

1.	Name of the developer	M/s. Venkatesh Coke & Power Ltd.
2.	Sector	FTWZ
3.	Location	Athipattu, Nandiambakkam and Puludivakkam Villages, Ponneri, Thiruvallur District, Tamil Nadu
4.	Formal approval	F.1/3/2017-SEZ dated 03.07.2017
5.	Notification	09.09.2024
6.	Request for extension	Formal approval to the developer was granted on 03.07.2017. The developer has been granted Five extensions, last extension on 18.11.2024, validity period of which was upto 02.10.2025. The developer has requested for further extension upto 02.10.2027 .

Present Progress:

a. Details of business Plan:-

S. No	Type of cost	Proposed Investment (Rs. in lakhs/crores)
1.	Land Cost	235.20 Cr.
2.	Construction Cost	1,294.37 Cr.
	Total	1, 529.57 Cr.

b. Incremental investment since last extension:-

S. No.	Type of Cost	Total Investment made so far (Rs. in lakhs/crores) up to 09.09.2025	Incremental investment (Rs. in crores) since last extension
1.	Land cost	235.20 Cr.	NIL
2.	Material Procurement	NIL	NIL
3.	Construction	NIL	NIL
	Total	235.20 Cr.	NIL

c. Details of physical progress till date:-

S. No.	Authorised activity	% completion	% completion during last one year	Deadline for completion of balance work
1.	Construction Compound Wall	It is stated that they have initiated the work and negotiating with the shortlisted contractors for finalizing the cost.		
2.	Ground levelling work			
Total				

Detailed Reasons for delay: Although the Formal Approval was granted on 03.07.2017, the SEZ was notified only on 09.09.2024. It has been stated that investors were willing to commit funds only after the SEZ notification. Due to the delay in notification, they were unable to carry out development activities as planned. Following the extension of their Formal Approval validity by the BOA, they will now be in a position to commence the development works. It has also been informed that a Memorandum of Understanding has been executed with an investor interested in becoming a Co-Developer in FTWZ. The investor, being a multinational company, is expected to initiate its global trading operations from the FTWZ soon after obtaining Co-Developer status.

Recommendation by DC, MEPZ:

The request of the developer M/s. Venkatesh Coke & Power Ltd for Extension of the Formal Approval beyond 02.10.2025, for a period of 1 year i.e. up to 02.10.2026, may be placed in the forthcoming BOA meeting, for its consideration. DC has recorded his recommendation.

Agenda Item No. 134.4:

Request for Co-Developer status [3 proposal – 134.4(i)-134.4(iii)]

Relevant provision: In terms of sub-section (11) under Section 3 of the SEZ Act, 2005, *Any person who or a State Government which, intends to provide any infrastructure facilities in the identified area or undertake any authorized operation after entering into an agreement with the Developer, make a proposal for the same to the Board for its approval.*

134.4 (i) Request of M/s Aryabhangy Holdings Private Limited for Co-Developer status in SmartCity (Kochi) Infrastructure Private Limited SEZ, Ernakulam-reg

Jurisdictional SEZ: Cochin SEZ (CSEZ)

Facts of the Case:

1.	Name of the Developer & Location				M/s SmartCity (Kochi) Infrastructure Private Limited, Block-09, Kakkanad Village, Kanayanoor Taluk, Ernakulam District, Kerala					
2.	Date of LoA to Developer				21 st April 2008					
3.	Sector of the SEZ				IT/ITeS					
4.	Date of Notification				01.03.2011 & 26.02.2014					
5.	Total notified area (in Hectares)				93.9165					
6.	Whether the SEZ is operational or not				Operational					
	(i)If operational, date of operationalization				17.06.2016					
	(ii)No. of Units				38					
	(iii)Total Exports & Imports for the last 5 years (Rs. in Cr.) -									
	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Export	Import	Export	Import	Export	Import	Export	Import	Export	Import
	332.24	30.60	393.87	19.81	639.08	8.62	962.97	6.21	1142.38	0.00
	(iv)Total Employment (In Nos.)				7129 Nos.					
7.	Name of the Co-Developer sought approval for Co-Developer status				M/s Aryabhangy Holdings Private Limited Aryabhangy Pinnacle, S.A Road, Elamkulam , Ernakulam, Kerala - 682020					
8.	Details of Infrastructure facilities/ authorized operations to be undertaken by the co-developer				The proposal is for obtaining Co-Developer status in SmartCity (Kochi) Infrastructure Private Limited SEZ in an area of 0.60 Ha for construction of IT/ITES Infrastructure and leasing out of buildings.					
9.	Total area (in Hectares) on which activities will be performed by the co-developer				0.60 Ha					
10.	Proposed investment by the Co-developer (₹ in crore)				38.00					

11	Net worth of the Co-developer (₹ in crore)	0.01 [The applicant submitted that the project cost of ₹38.00 crore will met be by availing bank loan of ₹20.00 crore and the balance will be funded by their group companies.]
12	Date of the Co-developer agreement	04.06.2025

Recommendation by DC, CSEZ:

The request of M/s Aryabhangy Holdings Private Limited for obtaining Co-Developer status in SmartCity (Kochi) Private Limited SEZ, Cochin for Construction of IT/ITES Infrastructure and leasing out of buildings in an area of 0.60 Ha (1.5 acre), is recommended, in terms of Section 3(11) of SEZ Act 2005 & Rule 3-A of SEZ Rules 2006 and forwarded for consideration of the BoA.

134.4 (ii) Request of M/s Monarch Business Solutions Private Limited for Co-Developer status in SmartCity (Kochi) Infrastructure Private Limited SEZ, Kochi – reg.

Jurisdictional SEZ: Cochin SEZ (CSEZ)

Facts of the Case:

1	Name of the Developer & Location				M/s SmartCity (Kochi) Infrastructure Private Limited, Block-09, Kakkanad Village, Kanayanoor Taluk, Ernakulam District, Kerala					
2	Date of LoA to Developer				21 st April 2008					
3	Sector of the SEZ				IT/ITeS					
4	Date of Notification				01.03.2011 & 26.02.2014					
5	Total notified area (in Hectares)				93.9165					
6	Whether the SEZ is operational or not				Operational					
	i. If operational, date of operationalization				17.06.2016					
	ii. No. of Units				38					
	iii. Total Exports & Imports for the last 5 years (₹ in crore)									
2020-2021		2021-2022		2022-2023		2023-2024		2024-2025		
Export	Import	Export	Import	Export	Import	Export	Import	Export	Import	
332.24	30.60	393.87	19.81	639.08	8.62	962.97	6.21	1142.38	0.00	
	iv. Total Employment (in Nos.)				7129					
7	Name of the Co-Developer sought approval for Co-Developer status				M/s Monarch Business Solution Private Limited Door No. 4265, Second Floor, Spazehiva, A Njikathu Road, Chittethukara, Coch in SEZ, Eranakulam Kerala -682037					
8	Details of Infrastructure facilities/authorized operations to be undertaken by the Co-Developer				The proposal is for becoming a Co-Developer in SmartCity (Kochi) Infrastructure Private Limited SEZ in an area of 0.6352 Hectares for IT/ITES Infrastructure Development, operation and maintenance of buildings.					
9	Total area (in Hectares) on which activities will be performed by the Co-Developer				0.6352 Ha					
10	Proposed investment by the Co-developer (₹ in crore)				68.00					

11	Net worth of the Co-developer (₹ in crore)	The network of M/s Monarch Business Solutions Pvt. Ltd. is ₹15.02 crore. M/s West Ireland Investments Limited, UAE, vide their letter dated 22.09.2025 has submitted that M/s Monarch Business Solutions Pvt. Ltd. is a subsidiary of their company. Further, the network of West Ireland Investments is USD 34,036,762/- (₹300.63 crore), and the proposed IT Park Building project in Smartcity Kochi SEZ by M/s. Monarch Business Solutions Pvt. Ltd., will be funded by West Ireland Investments Ltd.
12	Date of the Co-developer agreement	21.04.2025

Recommendation by DC, CSEZ:

The request of M/s Monarch Business Solutions Private Limited for granting Co-Developer status in SmartCity (Kochi) Private Limited SEZ for providing IT/ITES Infrastructure Development, operation and maintenance of buildings in an area of 0.6352 Hectares, is recommended, in terms of Section 3(11) of SEZ Act 2005 & Rule 3-A of SEZ Rules 2006 and forwarded for consideration of the BoA.

134.4(iii) Request of M/s CtrlS Data Centers Limited for Co-Developer status in SmartCity (Kochi) Infrastructure Private Limited SEZ, Ernakulam District, Kerala-reg

Jurisdictional SEZ: Cochin SEZ (CSEZ)

Facts of the Case:

1.	Name of the Developer & Location	M/s SmartCity (Kochi) Infrastructure Private Limited, Block-09, Kakkanad Village, Kanayanoor Taluk, Ernakulam District, Kerala.								
2.	Date of LoA to Developer	21 st April 2008								
3.	Sector of the SEZ	IT/ITeS								
4.	Date of Notification	01.03.2011 & 26.02.2014								
5.	Total notified area (in Hectares)	93.9165								
6.	Whether the SEZ is operational or not	Operational								
	(i) If operational, date of operationalization	17.06.2016								
	(ii) No. of Units	38								
	(iii) Total Exports & Imports for the last 5 years (Rs. in Cr.) -									
		2020-2021	2021-2022	2022-2023		2023-2024		2024-2025		
		Export	Import	Export	Import	Export	Import	Export	Import	
		332.24	30.60	393.87	19.81	639.08	8.62	962.97	6.21	1142.38
										0.00
	(iv) Total Employment (In Nos.)	7129 Nos.								
7.	Name of the Co-Developer sought approval for Co-Developer status	M/s CtrlS Data Centers Limited at Pioneer towers, Software units layout, Madhapur, Hyderabad - 500081								
8.	Details of Infrastructure facilities/ authorized operations to be undertaken	The proposal is for becoming a Co-Developer in Smartcity (Kochi) infrastructure Private Limited SEZ for providing IT/ITES infrastructure development (Data Center), creation of infrastructure development, operation and maintenance for the data center in an area measuring 0.8094 Hec								

	by the co-developer	0.8094 Ha
9.	Total area (in Hectares) on which activities will be performed by the co-developer	0.8094 Ha
10.	Proposed investment by the Co-developer (₹ in crore)	160.00
11.	Net worth of the Co-developer (₹ in crore)	The networth of M/s. CtrlS Data Centers Limited is Rs. 1448.00/- Crore.
12.	Date of the Co-developer agreement	14.08.2025

Recommendation by DC, CSEZ:

The request of M/s CtrlS Data Centers Limited for granting Co-Developer status in SmartCity (Kochi) Private Limited SEZ for providing IT/ITES Infrastructure development (Data Center), creation of infrastructure development, operation and maintenance for the data center in an area admeasuring 0.8094 Hectares (2 acres) of land in non-processing area at Plot No.B2-2-1 in the SEZ for duty paid dual use of infrastructure, is recommended, in terms of Section 3(11) of SEZ Act 2005 & Rule 3-A of SEZ Rules 2006 read with Rule 11A(3)(c)(ii) of SEZ Rules 2006 and forwarded for consideration of the BoA.

Agenda Item No. 134.5:

Request for notification or partial/full de-notification [2 proposal 134.5(i)- 134.5(ii)]

Procedural guidelines on de-notification of SEZ:

- In terms of first proviso to rule 8 of the SEZ Rules, 2006, *the Central Government may, on the recommendation of the Board (Board of Approval) on the application made by the Developer, if it is satisfied, modify, withdraw or rescind the notification of a SEZ issued under this rule.*
- In the 60th meeting of the Board of Approval held on 08.11.2013, while considering a proposal of de-notification, the Board after deliberations decided that henceforth all cases of partial or complete de-notification of SEZs will be processed on file by DoC, subject to the conditions that:
 - (a) DC to furnish a certificate in the prescribed format certifying inter-alia that;
 - the Developer has either not availed or has refunded all the tax/duty benefits availed under SEZ Act/Rules in respect of the area to be de-notified.
 - there are either no units in the SEZ or the same have been de-bonded.
 - (b) The State Govt. has no objection to the de-notification proposal and
 - (c) Subject to stipulations communicated vide DoC's letter No. D.12/ 45/2009-SEZ dated 13.09.2013.

134.5(i) Request of M/s. APIIC Limited, IT/ITES SEZ at Hill No.3, Madhurawada, Visakhapatnam for partial de-notification of land of 11.59 Ha and an increase in area of 0.31 Ha-reg.

Jurisdictional SEZ – Visakhapatnam SEZ (VSEZ)

Facts of the case:

Name of Developer	:	M/s. APIIC Limited
Location	:	Survey Number 410, Hill No.3, Madhurawada, Visakhapatnam
LoA issued on (date)	:	F. 2/61/2006 -EPZ dated 07.04.2006
Sector	:	IT/ITES
Date of notification	:	S. O. No. 3507 (E) dated 16.12.2006
Notified Area (in Hectares)	:	31.25
Operational or not operational	:	Operational, 13.04.2020
Area proposed for de-notification (in Hectares) and reason	:	11.59 Ha, the land is vacant since notification, now the companies come forwarded for setting up of IT units in Non SEZ area only. Hence it is proposed for partial Denotification.
Area proposed for Increase in Area (in Hectares) and reason	:	0.31 Ha, which is adjacent to their existing notified area of 31.25 Ha. As regards reasons, for contiguity purpose a new road has to be laid hence 0.31 Ha to be increased.

The Developer vide letter dated 29.01.2024 has informed VSEZ that Govt. of Andhra Pradesh issued order for allotment of 21.16 Acres of land at 99 paisa at IT Hill No. 3, Madhurawada, Visakhapatnam to M/s. Tata Consultancy Services Ltd for establishing an IT Campus with an investment on INR 1370 Crores and employment potential for 12,000 persons. Hence APIIC Developer has requested for partial de-notification of the land to an extent of 11.59 Ha.

As per DoC's O.M. dated 14.07.2016, the documents required for additional area notification and partial denotification, the status thereof in the instant case are as below:

A. Partial denotification

S. No.	Documents/Details Required	Status
(i)	Form-C5 for decrease in area along with DC's recommendation.	Yes, provided
(ii)	DC certificate in prescribed format	Yes, provided
(iii)	Developer's Certificate countersigned by DC	Yes, provided
(iv)	Land details of the area to be de-notified countersigned by DC	Yes, provided
(v)	Colored Map of the SEZ clearly indicating area to be de-notified and left over area duly countersigned by DC.	Yes, provided
(vi)	"No-Objection Certificate" from state government w.r.t. instructions issued vide by DoC vide its instruction No.	Yes, provided

	D.12/45/2009-SEZ dated 13.09.2013 for partial de-notification shall be complied with.	
(vii)	'No Dues Certificate' from specified officer.	Yes, provided

Reasons for de-notification proposal:

The land is vacant since notification, now the companies come forward for setting up IT Units in Non-SEZ area only

NOC from state government:

- i. Such de-notified parcels would be utilized towards creation of infrastructure which would sub-serve the objective of the SEZ as originally envisaged.
- ii. Such land parcels after de-notification will conform to land use guidelines/master plans of the respective State Governments.
- iii. Exemptions availed under SEZ Act in proportion to de-notified area be re-paid to Govt. of India/State Government as applicable on confirmation of the same by Development Commissioner, VSEZ, Govt. of India.
- iv. Any incentives availed under State Policy has to be repaid to the State Government such as Stamp Duty Exemptions and other benefits sanctioned by State Government.
- v. Such land parcels after de-notification shall be utilized only for industrial purpose.

DC, VSEZ Certification:

(a) The existing units have been de-bonded following the procedure prescribed in Rule 74 of the SEZ Rules

(b) The developer has not availed any tax/duty benefits, under the SEZ Act Rules, in r/o of the land being de-notified.

(i) The Specified Officer vide letter dated 24.09.2025 has stated that the Developer have no dues of taxes and exemptions availed in the proposed de-notification area of 28.65 Acres Hence No customs Central excise duty dues are pending in the proposed partial de notification area.

(c) The SEZ shall remain contiguous even after de-notification of the area of 28.65 Acres and shall meet the minimum land requirement prescribed for the SEZ in an Existing Area. Area after partial de-notification would be 19.66 Ha

(d) The land details for partial de-notification and a coloured map of the SEZ showing the area being de-notified, duly countersigned by DC.

(g) The State Government has given its 'No Objection' regarding de-notification of the above stated area of the SEZ.

Inspection of Partial De-notification Area: Development Commissioner, VSEZ along with ADC, VSEZ, Specified Officer and Mandal Revenue Officer/Tahsildar has

conducted physical inspection on 09.09.2025 of the lands proposed for partial de notification of Hill No. 3 Madhurawada Visakhapatnam Rural Mandal, Visakhapatnam District in the State of Andhra Pradesh in an area of the land Ac 28.65cts or 11 59 Ha and increase in area of Ac 0.76cts or 0.31 Ha in out of 31.25 Ha. The lands proposed for partial de-notification are vacant land. The Specified Officer, IT SEZ, Madhurawada, Visakhapatnam vide letter dated 24.09 2025 has informed that there are No Dues from APIIC, Madhurawada with respect to de notification of 28.65 Acs or 11.59 Ha of land and increase in area of Ac. 0.76cts or 0.31 Ha The area remaining after the proposed partial de-notification is contiguous meeting all the requirements of area/built-up area in terms of SEZ Act and Rules and without any public thoroughfare.

Comments sought from DoC and response received is as follows:

S.No.	Clarification sought by DoC:	Submissions made by VSEZ:
a.	Requested to clarify i.r.o. Map for denotification proposal, whether land parcels as mentioned 16 & 17 (at millennium tower) is contiguous with the larger land parcel notified as SEZ i.e. 2, 3 onwards.	Developer, APIIC IT/ITES SEZ vide letter dated 25.10.2025 has informed that Land Parcels i.e 2,3 are contiguous from the millennium towers (Plot no:16,17).

B. Additional area notification

S. No.	Documents/Details Required	Status
(i)	Certificate from concerned State Government or its authorized agency stating that the developer has irrevocable rights to the said area as SEZ.	VSEZ vide letter dated 21.10.2025 has informed that APIIC is a Government organization and Govt of AP has delivered possession to APIIC and these lands were already notified as SEZ land. Additional area of 0.31 Ha. of land to the existing IT SEZ, Hill No.3, Madhurawada is for development of road purpose. Hence 0.31 Hect. has proposed for increase in area. APIIC as the developer has irrevocable rights to develop the Ac 0.76 cts (0.31 Ha)
(ii)	Form-C4 along with DC's recommendation	Yes, provided
(iii)	Inspection Report in prescribed format	Yes, provided
(iv)	Developer's Certificate Countersigned by DC	Yes, provided
(v)	Legal Possession Certificate from Revenue Authorities	Yes, provided
(vi)	Non-Encumbrance Certificate from Revenue Authorities	Yes, provided

(vii)	Land details of the area (with clearly specified survey numbers) to be notified duly certified by revenue authorities	Yes, provided
(ix)	Colored Map clearly indicating Survey numbers and duly certified by revenue authorities	Yes, provided
(x)	Copy of Registered Lease/Sale deed	VSEZ vide letter dated 21.10.2025 has informed that APIIC being a Govt. organization and Govt of AP has delivered possession of the lands to APIIC, hence sale deed is not applicable.

Reasons for notification proposal:

For Contiguity purpose a new road to be laid hence .31 Ha to be increased.

Recommendation by DC, VSEZ.

DC, VSEZ has recommended the proposals for the consideration of BoA.

134.5(ii) Proposal of M/s. Laxmi Infobahn One Pvt. Ltd, Developer for partial de-notification of 1.3510 Ha out of 2.429 Ha of IT/ITES SEZ at Sy. No.89/P, Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana.

Jurisdictional SEZ – Visakhapatnam SEZ (VSEZ)

Facts of the case:

Name of Developer	: M/s. Laxmi Infobahn One Pvt. Ltd
Location	: Sy. No.89/P, Kokapet Village, Gandipet Mandal, RR District, Hyderabad
LoA issued on (date)	: 19 th January, 2017
Sector	: IT/ITES
Notified Area (in Hectares)	2.429
Operational or not operational	: Operational, 13.04.2020
Area proposed for de-notification (in Hectares)	: 1.3510

Reasons for de-notification proposal:

- Due to market conditions, Deplete demand of SEZ space and huge requirement of non-SEZ space

Requisite documents for considering de-notification proposal:

As per DoC's O.M. dated 14.07.2016 regarding required documents for partial de-notification and the status thereof is as below:

S. No.	Documents/Details Required	Status
(i)	Form-C5 for decrease in area along with DC's recommendation	Yes, provided
(ii)	DC's certificate in prescribed format	Yes, provided
(iii)	Developer's Certificate countersigned by DC	Yes, provided
(iv)	Land details of the area to be de-notified countersigned by DC	Yes, provided
(v)	Colored Map of the SEZ clearly indicating area to be de-notified and left-over area duly countersigned by DC	Yes, provided
(vi)	"No Objection Certificate" from the State Government w.r.t. instructions issued by DoC vide its instruction No. D.12/45/2009-SEZ dated 13.09.2013 for partial de-notification shall be complied with	Yes, Provided
(vii)	'No Dues Certificate' from specified officer	Yes, provided

DC, VSEZ Certification:

- a. The existing unit has been de-bonded following the procedure prescribed in Rule 74 of the SEZ Rules.
- b. The developer had availed the following tax/duty benefits under the SEZ Act/Rules:
 - (i) Customs exemptions availed on Imported Goods and IGST exemption availed on DTA procured goods and DTA procured Services for Rs. 38,64,77,544/-.

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

- c. The SEZ shall remain contiguous even after de-notification of the area of 1.351 Ha. The area after proposed partial de-notification would be 1.078 Ha. The built-up area after proposed partial de-notification will be 1,60,950.91 Sq. Mtrs against minimum built up area is 50,000 Sq. Mtrs as per Rule 5(2)(b) of SEZ Rules, 2006.
- d. The State Government vide letter dated 02.04.2025 has given its 'No Objection' regarding proposed partial de-notification of the above stated area of the SEZ.

Inspection of Partial De-notification Area: DC, VSEZ along with Specified Officer and Mandal Revenue Officer/Tahsildar has conducted physical inspection on 21.04.2025 for partial de- notification of M/s. Laxmi Infobahn One Pvt. Limited, IT/ITES SEZ at Sy. No. 89 (P), Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana in an area of 1.351 Ha out of 2.429 Ha. The constructed built up area proposed to be de-notified is vacant and having no units in the said area. The area remaining after the proposed partial de-notification is contiguous meeting all the requirements of area built-up area in terms of SEZ Act and Rules and without any public thoroughfare.

Recommendation by DC, VSEZ:

The proposal of M/s. Laxmi Infobahn One Pvt. Ltd for partial de-notification of 1.3510 Ha land along with building No. 9 having a builtup space of 18,60,009 sqft from the already notified area of 2.429 Ha of IT/ITES SEZ at Sy. No.89/P, Kokapet Village, Gandipet Mandal, Ranga Reddy District, Telangana has been recommended for the consideration of BoA.

Agenda Item No. 134.6:

Request for conversion of Processing Area into Non-Processing Area under Rule 11(B) [4 proposals – 134.6(i) – 134.6(iv)]

Rule position:

In terms of the Rule 5(2) regarding requirements of minimum area of land for an IT/ITES SEZ: -

(b) There shall be no minimum land area requirement for setting up a Special Economic Zone for Information Technology or Information Technology enabled Services, Biotech or Health (other than hospital) service, but a minimum built up processing area requirement shall be applicable, based on the category of cities, as specified in the following Table, namely: –

TABLE

Sl. No.	Categories of cities as per Annexure IV-A (2)	Minimum built-up processing Area (3)
(1)		
1.	Category 'A'	50,000 square meters
2.	Category 'B'	25,000 square meters
3.	Category 'C'	15,000 square meters

(c) The minimum processing area in any Special Economic Zone cannot be less than fifty per cent. of the total area of the Special Economic Zone.

In terms of the Rule 11 B regarding Non-processing areas for IT/ITES SEZ:

(1) Notwithstanding anything contained in rules, 5,11,11A or any other rule, the Board of Approval, on request of a Developer of an Information Technology or Information Technology Enabled Services Special Economic Zones, may, permit demarcation of a portion of the built-up area of an Information Technology or Information Technology Enabled Services Special Economic Zone as a non-processing area of the Information Technology or Information Technology Enabled Services Special Economic Zone to be called a non-processing area.

(2) A Non-processing area may be used for setting up and operation of businesses engaged in Information Technology or Information Technology Enabled services, and at such terms and conditions as may be specified by the Board of Approval under sub-rule (1),

(3) A Non-processing area shall consist of complete floor and part of a floor shall not be demarcated as a non-processing area.

(4) There shall be appropriate access control mechanisms for Special Economic Zone Unit and businesses engaged in Information Technology or Information Technology Enabled Services in non-processing areas of Information Technology or Information Technology Enabled Services Special Economic Zones, to ensure adequate screening of movement of persons as well as goods in and out of their premises.

(5) Board of Approval shall permit demarcation of a non-processing area for a business engaged in Information Technology or Information Technology Enabled Services Special Economic Zone, only after repayment, without interest, by the Developer, –

(i) tax benefits attributable to the non-processing area, calculated as the benefits provided for the processing area of the Special Economic Zone, in proportion of the built up area of the non-processing area to the total built up area of the processing area of the Information Technology or Information Technology Enabled Services Special Economic Zone, as specified by the Central Government.

(ii) tax benefits already availed for creation of social or commercial infrastructure and other facilities if proposed to be used by both the Information Technology or Information Technology Enabled Services Special Economic Zone Units and business engaged in Information Technology or Information Technology Enabled Services in non-processing area.

(6) The amount to be repaid by Developer under sub-rule (5) shall be based on a certificate issued by a Chartered Engineer.

(7) Demarcation of a non-processing area shall not be allowed if it results in decreasing the processing area to less than fifty per cent of the total area or less than the area specified in column (3) of the table below:

TABLE

Sl. No. (1)	Categories of cities as per Annexure IV-A (2)	Minimum built-up processing Area (3)
1.	Category 'A'	50,000 square meters
2.	Category 'B'	25,000 square meters
3.	Category 'C'	15,000 square meters

(8) The businesses engaged in Information Technology or Information Technology Enabled Services Special Economic Zone in a non-processing area shall not avail any rights or facilities available to Special Economic Zone Units.

(9) No tax benefits shall be available on operation and maintenance of common infrastructure and facilities of such an Information Technology or Information Technology Enabled Services Special Economic Zone.

(10) The businesses engaged in Information Technology or Information Technology Enabled Services Special Economic Zone in a non-processing area shall be subject to provisions of all Central Acts and rules and orders made thereunder, as are applicable to any other entity operating in domestic tariff area.

- Consequent upon insertion of Rule 11 B in the SEZ Rules, 2006, Department of Commerce in consultation with Department of Revenue has issued Instruction No. 115 dated 09.04.2024 clarifying concerns/queries raised from stakeholders regarding Rule 11B.
- Further, as per the directions of the BoA in its 120th meeting held on 18.06.2024, there shall be a clear certification of Specified Office and the Development Commissioner that the Developer has refunded the duty as per the provisions of Rule 11B of SEZ Rules, 2006 and Instruction No. 115 dated 09th April, 2024 issued by DoC. Accordingly, DoC vide letter dated 27.06.2024 has issued one such Certificate to be provided by Specified Officer and Countersigned by Development Commissioner.
- Moreover, in the 122nd meeting of the BoA held on 30th August, 2024, the Board directed all DCs to ensure the implementation of the checklist (formulated by DoC and DoR) for all the cases including the past cases.

134.6(i) Request of M/s Gopalan Enterprises (India) Private Limited, Developer at Hoodi Village, K R Puram, Bangalore, Karnataka State, for demarcation of SEZ Processing Built-up area (16001.82 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006 -reg.

Jurisdictional SEZ: Cochin SEZ (CSEZ)

Facts of the Case:

Sl.No.	Particulars	Details		
1.	Name of Developer	M/s Gopalan Enterprises (India) Private Limited		
2.	Address of SEZ	Hoodi Village, K R Puram, Bangalore, Karnataka State		
3.	Sector	IT/ITES		
4.	Formal Approval	F.2/312/2006-SEZ dated 7 th January 2008		
5.	Total Notified land area (in Hectares)	10.3092		
6.	Total Built-up area in Processing Area (in M²), as informed by the developer.	191296.34		
7.	Details of processing (Built-up) area in the SEZ	Building /Tower / Block/Plot No.	No. of floors	Total built-up area (in M²)
		Block A	B+G+7+Terrace Floor	25336.99
		Block B	B+G+7+Terrace Floor	52355.47
		Block C	B+G+7+Terrace Floor	28301.44
		Block A1	B+UB+G+7+Terrace Floor	54052.39
		Block D	B+G+7+Terrace Floor	31250.05
		Total		191296.34
8.	Total area to be demarcated as Non-Processing Area (NPA) out of Built-up area (in Square meter)	Building /Tower / Block/Plot No.	No. of floors	Total built-up area (in M²)
		Block C	Basement	3613.77
		Block C	4 th to 7 th Floors	12228.88
		Block C	Terrace	159.17
		Total		16001.82
9.	Balance Built-up Processing Area after demarcation (in M²)	175294.52		
10.	Whether tax/duty calculated has been made as per SEZ Rule 11 (B)(5)?	Yes		

11.	Whether the calculation sheet has mentioned the tax or duty benefit originally availed for the built-up space to be demarcated as Non-Processing Area (NPA)?	Yes
12.	If yes, above then whether repayment has been made? Please mention the amount repaid?	The Developer has paid an amount of ₹1,64,13,375.25 (Rupees One crore sixty four lakh thirteen thousand three hundred seventy five and twenty five paise only) towards tax/duty exemptions availed for the proposed area to be demarcated as NPA alongwith common facilities. (₹84,23,181.25 for built-up space & ₹79,90,194/- for common area) (Copy of challan enclosed).
13.	Whether the calculation sheet has included the original duty or tax benefit availed for creation of social or commercial infrastructure and other facility in the SEZ to be used by both SEZ processing and non-processing area?	Yes ₹79,90,194/- The Developer has paid ₹79,90,194/- towards the duty/tax exemptions availed for the common assets (Electrical installations, Internal roads, landscape works, sports ground on podium, Food court, Garbage room, Fire pump room, etc.) for the proposed area.
14.	Does the common infrastructure mentioned above inter-alia include internal roads, common parking facilities sewerage, drainage, food courts/hubs cafeteria, restaurants, canteen, gymnasium, catering area, health center, community center, club, sports complex compressor room, hospitals, landscapes, gardens, pedestrian walk way, foot over bridge, utilities like generation and distribution of power, including power back up, HVAC facilities, ETP, WTP, solar panel	Yes. The Developer has considered the duty/tax exemptions availed attributable to the common infrastructure facilities while calculating the amount paid

	installed, compressor room, air conditioning and chiller plant, etc.	
15.	If yes, then whether repayment has been made of all tax/duty benefits availed on developing all these facilities? Please mention amount re-paid.	Yes The Developer has paid ₹79,90,194/- towards the duty/tax exemptions availed for the common assets (Electrical installations, Internal roads, landscape works, sports ground on podium, Food court, Garbage room, Fire pump room, etc.) for the proposed area.
16.	Whether the area to be demarcated as NPA is included to be strictly used for IT/ITES Units, any in terms of SEZ Rules 11 (B)(2)?	Yes
17.	Whether the demarcation is proposed for complete floor as per SEZ Rule 11(B)(3)?	Yes
18.	Whether compliance to SEZ Rule 11 (B)(9) has been made regarding "no tax benefits" shall be available for operation and maintenance of common infrastructure?	Yes
19.	Whether appropriate access control mechanism is in place of screen movement of goods or persons between processing area and non processing area in order to rule out any probable diversion of duty free goods from processing area and non-processing area?	The developer has mentioned that they will maintain the appropriate access control mechanisms to ensure adequate screening of movement of persons as well as goods in SEZ premise for the SEZ unit and the businesses engaged in IT/ITES services in the proposed non processing areas.
20.	Whether as a result of the proposed demarcation, the condition of maintaining minimum built-up area	Yes. The SEZ is coming under Category 'A' City and the minimum built-up area required for Category 'A' is 50,000 sq.mtr. After demarcation of the proposed built-up area, the remaining built-up area in the SEZ

	requirement in compliance to SEZ Rule 11(B)(7) is adhered to	shall be 175294.52 sq.mtr., and hence fulfills the condition.
21.	Reason for demarcation of built-up area as NPA	The Developer states that 30-40% of built-up area is lying vacant since long due to implementation of Sunset clause and consequent to work from home facility available to the SEZ units, resulted in less demand for space from SEZ units. Hence, their management decided to demarcate the said built-up area as Non-Processing Area..
22.	Purpose and usage of such demarcation	To allot the same to non-SEZ units

The following requisite documents have been submitted:

- i. Duly filled application in the format prescribed vide Instruction No. 115 dated 09.04.2024, for demarcation of proposed built-up Processing Area into Non-Processing Area and recommendation of DC, CSEZ.
- ii. Chartered Engineer Certificate dated 28.07.2025 of Shri Nityanand Epoor, Chartered Engineer Membership No. M-159982-2, towards calculation of taxes / duty to be refunded by the Developer.
- iii. 'No Dues Certificate' issued by Specified Officer vide F.No. KA:7:7:2008:Gopalan SEZ:Hoodi Village dated 16.09.2025.
- iv. Certificate of Specified Officer in prescribed format, confirming refund of duty as per provisions of Rule 11B of SEZ Rules, 2006 and Instruction No. 115 dated 09.04.2024 duly countersignature of DC, CSEZ.
- v. Checklist of Rule 11B in prescribed format, duly signed by Specified Officer and DC, CSEZ.
- vi. An Undertaking from the SEZ Developer to the effect that they shall pay the differential / short paid / non-paid duty / tax benefits, if so determined at a later date on being demanded by the department or any statutory authority without any demur or protest w.r.t. demarcation of built-up area admeasuring 16001.82 Sq.mt. into Non-Processing Area for use by IT/ITES businesses as per Rule 11B of the SEZ (Fifth Amendment) Rule, 2023.
- vii. Details of total Buildings / built-up area along with built-up area already demarcated as Non Processing Area and built-up Processing Area proposed to be demarcated as Non Processing Area.

Recommendation by DC, CSEZ:

The proposal of M/s Gopalan Enterprises (India) Private Limited, the Developer for demarcation of **16001.82** sq.mtr. processing (built-up) area as Non-Processing Area in terms of Rule 11 B of SEZ Rules.2006 read with Instruction No.115 dated 9th April 2024, is recommended and forwarded for consideration of BoA.

134.6(ii) Request of M/s Manyata Promoters Private Limited, Developer at Village Rachenahalli, Nagavara and Tanisandra, Bangalore District, Karnataka State, for demarcation of SEZ Processing Built-up area (15874 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules, 2006.

Jurisdictional SEZ: Cochin SEZ (CSEZ)

Facts of the Case:

Particulars		Details		
Name of Developer		M/s Manyata Promoters Private Limited		
Address of SEZ		Villages Rachenahalli, Nagavara and Tanisandra, Bangalore District, Karnataka State		
Sector		IT/ITES		
Formal Approval		F.2/96/2005-EPZ dated 16 th June 2006		
Total Notified land area (in Hectares)		19.1991		
Total Built up Space		8,77,024.14 sq mtrs (Processing area: 7,50,403.14 sq mtr + Non-processing area: 1,26,621 sq mtrs)		
Total Built-up area in Processing Area (in M ²), as informed by the developer.		750403.14		
Details of processing (Built-up) area in the SEZ	Building /Tower / Block/Plot No.	No. of floors	Total built-up area (in M²)	
	Block C2	B+G+8	52156.14	
	Block C3-MLCP	B+G+12	31982.72	
	Block C4 (Annexure building A)	B+S+1 st floor	11621.12	
	Block C4 (Annexure Building B)	B+S+1 st , 3 rd & 4 th Floors	19675.38	
	Block D4	B+G+10	49528.00	
	Block F3	2B+G+10	98894.00	
	Block G2	2B+G+8	50703.00	
	Block G3	2B+G+10	71994.00	
	Block G4	2B+G+1 st to 5 th Floors	38133.45	
	Block G6 MLCP	2B+G+12	32668.00	
	Block H1	B+G+6	45620.00	
	Block H2 (Annexure Building A)	2B+G+1 st to 6 th & 10 th Floors	33664.66	
	Block H2 (Annexure Building B)	2B+G+1 st to 6 th Floors	29480.00	
	Block L1	2B+G+10	59705.00	

	Block L2	2B+G+10	65875.00
	Block L3	2B+5 th , 7 th to 10 th Floors	50635.67
	Block L MLCP	G+3	8067.00
	Total		750403.14
Total area to be demarcated as Non-Processing Area (NPA) out of Built-up area (in Square meter)	Building /Tower / Block/Plot No.	No. of floors	Total built-up area (in M²)
	Block G4	3 rd Floor	4056.00
	Building H2 (Annexure Building A)	4 th Floor	3446.00
	Block L1	2 nd Floor	4186.00
	Block L1	4 th Floor	4186.00
		Total	15874.00
Balance Built-up Processing Area after demarcation (in M ²)	734529.14		
Whether tax/duty calculated has been made as per SEZ Rule 11 (B)(5)?	Yes		
Whether the calculation sheet has mentioned the tax or duty benefit originally availed for the built-up space to be demarcated as Non-Processing Area (NPA)?	Yes		
If yes, above then whether repayment has been made? Please mention the amount repaid?	The Developer has paid an amount of ₹1,51,00,878/- (Rupees One crore fifty one lakh eight hundred seventy eight only) towards tax/duty exemptions availed for the proposed area to be demarcated as NPA alongwith common facilities. (Rs.1,26,38,643/- for built-up space & Rs.24,62,235/- for common area) (Copy of challan enclosed).		
Whether the calculation sheet has included the original duty or tax benefit availed for creation of social or commercial infrastructure and other facility in the SEZ to be used by both SEZ processing and non-processing area?	Yes Rs.24,62,235/- The Developer has paid Rs.24,62,235/- towards the duty/tax exemptions availed for the common assets (Electrical installations, Fire fighting systems, HV AC Systems, Window Grills) for the proposed area. Earlier, on request of the Developer, the 121st BoA held on 31st July 2024, was granted approval for demarcation of 108681 sq.mtr. built-up area as Non-Processing area, which was conveyed by DoC vide letter dated 9th September 2024. At that time, the Developer has refunded an amount of ₹5,26,39,623/- vide challan No.NPA01 dated 06.07.2024 (Challan copy enclosed) towards the entire duty/tax exemptions availed for the common amenities viz., Internal road, common parking		

	facilities, sewage, drainage, compressor room, landscapes, gardens, utilities like generation and distribution of power including power back up, HVAC facilities, ETP, ETP. Since the Developer refunded the entire duty/tax exemptions availed for creating the common amenities, the present proposal does not involve payment of the same.
Does the common infrastructure mentioned above inter-alia include internal roads, common parking facilities sewerage, drainage, food courts/hubs cafeteria, restaurants, canteen, gymnasium, catering area, health center, community center, club, sports complex compressor room, hospitals, landscapes, gardens, pedestrian walk way, foot over bridge, utilities like generation and distribution of power, including power back up, HVAC facilities, ETP, WTP, solar panel installed, compressor room, air conditioning and chiller plant, etc.	Yes. The Developer has considered the duty/tax exemptions availed attributable to the common infrastructure facilities while calculating the amount paid
If yes, then whether repayment has been made of all tax/duty benefits availed on developing all these facilities? Please mention amount re-paid.	Yes (Rs.24,62,235/-) The Developer has paid Rs.24,62,235/- towards the duty/tax exemptions availed for the common assets (Electrical installations, Fire fighting systems, HV AC Systems, Window Grills) for the proposed area. During the earlier proposal approved by BoA, the Developer has already been refunded an amount of ₹5,26,39,623/- towards the entire duty/tax exemptions availed for the common facilities in the said building vide challan No.NPA01 dated 06.07.2024 (copy of challan enclosed)
Whether the area to be demarcated as NPA is included to be strictly used for IT/ITES Units, any in terms of SEZ Rules 11 (B)(2)?	Yes
Whether the demarcation is proposed for complete floor as per SEZ Rule 11(B)(3)?	Yes
Whether compliance to SEZ Rule 11 (B)(9) has been made regarding "no tax benefits" shall be available for operation and	Yes

maintenance of common infrastructure?	
Whether appropriate access control mechanism is in place of screen movement of goods or persons between processing area and non processing area in order to rule out any probable diversion of duty free goods from processing area and non-processing area?	The developer has mentioned that they will maintain the appropriate access control mechanisms to ensure adequate screening of movement of persons as well as goods in SEZ premise for the SEZ unit and the businesses engaged in IT/ITES services in the proposed non processing areas.
Whether as a result of the proposed demarcation, the condition of maintaining minimum built-up area requirement in compliance to SEZ Rule 11(B)(7) is adhered to	Yes. The SEZ is coming under Category 'A' City and the minimum built-up area required for Category 'A' is 50,000 sq.mtr. After demarcation of the proposed built-up area, the remaining built-up area in the SEZ shall be 734529.14 sq.mtr., and hence fulfills the condition.
Reason for demarcation of built-up area as NPA	The Developer states that the proposed built-up area is lying vacant in the SEZ since long, due to multiple factors like Sunset Clause for Income Tax benefit, Covid 19 pandemic and consequent to work from home facility available to the SEZ units, resulted in less demand for space from SEZ units. Hence, their management decided to demarcate the said built-up area as Non-Processing Area
Purpose and usage of such demarcation	To allot the same to non-SEZ units

The following requisite documents have been submitted:

- i. Duly filled application in the format prescribed vide Instruction No. 115 dated 09.04.2024, for demarcation of proposed built-up Processing Area into Non-Processing Area and recommendation of DC, CSEZ.
- ii. Chartered Engineer Certificate dated 11.09.2025 of Shri R. Arunkumar, Chartered Engineer Membership No. F-111508-8, towards calculation of taxes / duty to be refunded by the Developer.
- iii. 'No Dues Certificate' issued by Specified Officer vide F.No. KA:10:06:MEBP:1A(VOL-IV) dated 18.09.2025.
- iv. Certificate of Specified Officer in prescribed format, confirming refund of duty as per provisions of Rule 11B of SEZ Rules, 2006 and Instruction No. 115 dated 09.04.2024 duly countersignature of DC, CSEZ.
- v. Checklist of Rule 11B in prescribed format, duly signed by Specified Officer and DC, CSEZ.
- vi. An Undertaking from the SEZ Developer to the effect that they shall pay the differential / short paid / non-paid duty / tax benefits, if so determined at a later date on being demanded by the department or any statutory authority without any demur or protest w.r.t. demarcation of built-up area admeasuring

- 15,874 Sq.mt. into Non-Processing Area for use by IT/ITES businesses as per Rule 11B of the SEZ Rule, 2023.
- vii. Details of total Buildings / built-up area along with built-up area already demarcated as Non Processing Area and built-up Processing Area proposed to be demarcated as Non Processing Area.

Recommendation by DC, CSEZ:-

The proposal of M/s Manyata Promoters Private Limited, the Developer for demarcation of **15,874** sq.mtr. processing (built-up) area as Non-Processing Area in terms of Rule 11 B of SEZ Rules.2006 read with Instruction No.115 dated 9th April 2024, has been recommended and forwarded for consideration of BoA.

134.6(iii) Request of M/s. Span Venture SEZ, Coimbatore, Developer at Rathnam Techpark, Pollachi Road, Eachanari Post, Coimbatore, Tamil Nadu, for demarcation of SEZ Processing Built-up area (7803.8 sq.mtr.) as Non-Processing Area in terms of Rule 11 B of SEZ Rules.

Jurisdictional SEZ: Madras MEPZ (MEPZ)

Facts of the Case:

Particulars	Details		
Name of Developer	M/s. Span Venture SEZ, Coimbatore		
Address of SEZ	Rathnam Techpark, Pollachi Road, Eachanari Post, Coimbatore 641021, Tamilnadu		
Sector	IT/ITES		
Formal Approval	F.2/231/2006-SEZ/ DATED 25-10-2006		
Total Notified land area (in Hectares)	1.716 HECTARES		
Total Built-up area in Processing Area (in Square meters), as informed by the developer.	35767.45 Sq.mtr		
	Floor	Office Space (in Sq.ft)	Total Built Up area (in Sq.mtrs)
Block A1	Ground Floor	13750	1277.41
	First Floor	13750	1277.41
	Second Floor	13750	1277.41
	Third Floor	13750	1277.41
Block A1 Extension	Slit Floor	21000	1950.95
	Ground Floor	21000	1950.95
	First Floor	21000	1950.95
	Second Floor	21000	1950.95
	Third Floor	21000	1950.95
	Fourth Floor	21000	1950.95
Block A2	Slit Floor	34000	3158.68
	Ground Floor	34000	3158.68
	First Floor	34000	3158.68
	Second Floor	34000	3158.68
	Third Floor	34000	3158.68
	Fourth Floor	34000	3158.68
Total		385000	35767.45
Total Number of Building constructed in processing area	Block A1, A1 Extension and Block A2		
Total area to be demarcated as Non-Processing Area	Floor Level as per approvals	Area to be Demarcated as NPA (in Sq.mtrs)	
	Slit Floor	1950.95	

(NPA) out of Built-up area (in Square meter)	Ground Floor	1950.95
	First Floor	1950.95
	Second Floor	1950.95
	Total	7803.8
	Block A1 Extension - Stilt Floor, Ground, First and Second Floors.	
Balance Built-up Processing Area after demarcation.	27963.65 Sq.mtrs.	
Whether minimum built-up processing area norms fulfilled after demarcation?	Yes	
List of common Utilities, Infrastructure, Facilities which will remain common after demarcation	1. DG set 2. Fire Hydrant Systems. 3. Electrical Panels 4. HVAC Equipments 5. WTP 6. Elevators / Lifts 7. Parking Area 8. Lobby area – on Slit Floor	
Whether any SEZ Unit operating on the area proposed to be demarcated as Non-Processing Area under Rule 11B. If yes, what is the future plan for such SEZ units?	The Developer has confirmed that the building proposed for demarcation as a non-processing area is vacant and no SEZ unit is operational as on date in the said proposed non-processing area.	
Status of refund of applicable tax / duty benefits availed on the area proposed for demarcation as Non-Processing Area.	As per Chartered Accountant Certificate, the Developer has constructed the Block A1 Extension without availing duties and tax benefits on 09-09-2025. No Due Certificate has been issued by Specified Office on 11.08.2025.	
Access Control Mechanism for movement of employees & good for IT/ITES Business to be engaged in the area proposed to be demarcated as Non-Processing Area.	The developer has mentioned that they shall follow appropriate access control mechanisms for SEZ Unit and business in Information Technology or Information Technology Enabled Services in non-processing area of Information Technology or Information Technology Enabled Services in special Economic Zones, to ensure adequate screening of movement of persons as well as goods in and out of their premises.	
Reason for demarcation of built-up area as NPA	Their existing non-SEZ clients has shown interest in occupying about 75% of available space.	
Purpose and usage of such demarcation	For flexibility of providing space to non-SEZ clients	

The following requisite documents have been submitted:

- i. Duly filled application in the format prescribed vide Instruction No. 115 dated 09.04.2024, for demarcation of proposed built-up Processing Area into Non-Processing Area and recommendation of DC, MEPZ.
- ii. Chartered Accountant Certificate dated 02.09.2025 of Shri S Nithin, Chartered Accountant Membership No. 288990, stating that the A1 Extension Block was constructed without availing any tax exemptions and all applicable duties and taxes have been paid in accordance with the statutory norms. Further, a certificate from Chartered Engineer Shri R. Basaviah has also been submitted.
- iii. 'No Dues Certificate' issued by Specified Officer vide OC No .111/2025 dated 11.08.2025.
- iv. Certificate of Specified Officer in prescribed format, confirming refund of duty as per provisions of Rule 11B of SEZ Rules, 2006 and Instruction No. 115 dated 09.04.2024 duly countersignature of DC, MEPZ.
- v. Checklist of Rule 11B in prescribed format, duly signed by Specified Officer and DC, MEPZ.
- vi. An Undertaking from the SEZ Developer to the effect that they shall pay the differential / short paid / non-paid duty / tax benefits, if so determined at a later date on being demanded by the department or any statutory authority without any demur or protest w.r.t. demarcation of built-up area admeasuring 7803.8 Sq.mt. into Non-Processing Area for use by IT/ITES businesses as per Rule 11B of the SEZ (Fifth Amendment) Rule, 2023.

Recommendation by DC, MEPZ:-

The proposal of M/s. Span Venture SEZ, Coimbatore, the Developer for demarcation of **7803.8** Sq.mtrs. built-up area as Non-Processing Area in terms of Rule 11 B of SEZ Rules is recommended and forwarded for consideration of BoA.

134.6(iv) Request of M/s Phoenix Tech Zone Private Limited, Developer, for demarcation of SEZ Processing Built-up area 18,363.93 sq.mtr as Non-Processing Area -reg.

Jurisdictional SEZ – Visakhapatnam SEZ (VSEZ)

Facts of the case:

No.	Particulars	Details		
1	Name and address of the Developer	M/s Phoenix Tech Zone Private Limited - IT/ITES SEZ, at Survey No. 203/P, Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District – 500032		
2	Letter of Approval No. and date	Formal Approval No. F.1/25/2016-SEZ DT.17.02.2017		
3	Date of Notification	S. O. 919 (E), Dt. 17.03.2017		
4	Name of the sector of SEZ for which approval has been given	IT / ITES		
5	Total Notified Area of Special Economic Zone (in Hectare)	2.02 Hectares		
6	Total Area	Processing Area: 2.02 Ha Non Processing Area: Nil		
7	Details of Built-up area			
	Tower	Centaurus Building		
	Area details	Floors	Net BUA in Sq.Mtrs	
			Parking	Office
		Basement-3	16,368.79	---
		Basement-2	14,448.54	---
		Basement-1	12,055.57	2,276.53
		Stilt 1 (Ground floor)	2,150.20	5,656.61
		Surface parking at Ground floor	1,514.54	-
		Stilt 2	7,803.31	286.50
		Stilt 3	8,575.73	59.52
		Stilt 4	9,278.83	59.52
		Stilt 5	9,278.83	59.52
		Stilt 6	9,278.83	86.12
		Level 1	-	9,042.58
		Level 2	-	9,042.58
		Level 3 (NPA already approved)	-	9,042.58
		Level 4 (NPA Already approved)	-	9,042.58
		Level 5	-	9,042.58
		Level 6	-	9,042.58

		Level 7	-	9,042.58
		Level 8	-	9,042.58
		Level 9	-	9,042.58
		Level 10	-	9,042.58
		Level 11	-	9,039.64
		Level 12	-	9,039.64
		Level 13	-	9,039.64
		Level 14	-	9,039.64
		Level 15	-	9,039.64
		Level 16	-	9,039.64
		Level 17	-	9,039.64
		Terrace	-	885.18
		Total	90,753.17	1,63,072.78
		Gross Total	2,53,825.95 Sq. Mtrs.	
8	Total Built up area	i. Processing Area: 2,35,740.79 Sq.Mtrs. ii. Non Processing Area: 18,085.16 Sq.Mtrs a. BoA vide letter no.F.1/25/2016-SEZ Dt.23.06.2025has approved for NPA.		
9	Total No. of Floors in the Building wherein demarcation of Non Processing Area is proposed	3 Basements + 6 Stilts + 17 Upper floors		
10	Total Built up area Proposed for demarcation of Non Processing Area for setting up of Non SEZ IT/ITES units.	Total BUA: 18,363.93 Sq.Mtrs 1 st Floor: 9,042.58 Sq. Mtrs – Office Floor & Stilt 1/Ground Floor Parking & Amenities Areas: 9,321.35 Sq.Mtrs [3,664.74 Sq.Mtrs- Parking Area + 5,656.61 Sq.Mtrs Amenities Area like – lobbies & service area - For this area already refunded duty benefits during 1 st NPA]		
11	How many floors are proposed for demarcation of Non Processing Area for setting up of NON SEZ IT/ITES Units	Two floors: 1 st Floor Office Area & Stilt 1/ Ground Floor.		
12	Total Duty benefits and Tax exemption availed on the built area proposed to be demarcated as Non Processing Area, as per Chartered Engineers Certificate (In Rupees Cr)	Under 11B(5)(i): Total amount paid towards proposed NPA is: Rs.7,14,94,415/- i. To the tune of R. 3,50,05,435/- in r/o 1 st Floor consisting area of 9042.58 Sq. Mtrs. and to the tune of Rs. 1,43,89,160/- in r/o Parking area at Stilt		

		1/Ground Floor consisting area of 3,664.74 Sq. Mtrs. + Already paid the original tax/duty benefits to the tune of Rs. 2,20,99,820/- for an area of 5,656.61 Sq.Mtrs of Stilt1/Ground Floor – for common areas including lobby, lift lobbies, service areas, food courts, and other amenities etc., during conversion of 1st NPA of area 18,085.16 Sq. Mtrs, in terms of provisions of Rule 11B(5)(i) of SEZ Rules, 2006 and the same was approved by BOA on 06.05.2025. Under 11B(5)(ii): Already refunded duty benefits of Rs. 21,59,69,772/- for creation of infrastructure and other facilities of building, during conversion of 1st NPA of area 18,085.16 Sq.Mtrs.
13	Whether duty benefits and tax exemptions availed has been refunded and NOC from specified officer has been obtained	Yes, refunded an amount of Rs.7,14,94,415/- and obtained NOC from Specified Officer.
14	Reasons for demarcation of Non Processing Area.	Recently, we have been able to secure client(s) interested in Non-SEZ space within our building. Hence, we have decided to convert the SEZ area to a Non-SEZ area under Rule 11B – conversion of processing area (PA) to non-processing area (NPA).
15	Total remaining built-up area	2,17,376.86 Sq. Mtrs [Office Area: 1,30,288.43+ Parking Area: 87,088.43]
16	Whether remaining built-up area fulfils the minimum built up area requirement as per Rule 5 of SEZ Rules,2006	Yes. Remaining built up area after approval of proposed demarcation is 2,17,376.86 Sq. Mtrs which is more than 50% of total requirement of SEZ BUA.
17	Purpose and usage of such demarcation of NON PROCESSING AREA	The area will be used for setting up and operating Non-SEZ units engaged in the IT / ITES sector.

The following requisite documents have been submitted:

- i. Duly filled application in the format prescribed vide Instruction No. 115 dated 09.04.2024, for demarcation of proposed built-up Processing Area into Non-Processing Area and recommendation of DC, VSEZ.
- ii. Chartered Engineer Certificate dated 07.08.2025 of Shri M.L. Srinivasa Rao, Chartered Engineer Membership No. M-135253-3, towards calculation of taxes / duty to be refunded by the Developer.

- iii. 'No Dues Certificate' issued by Specified Officer vide F.No. NIL dated October, 2025.
- iv. Certificate of Specified Officer in prescribed format, confirming refund of duty as per provisions of Rule 11B of SEZ Rules, 2006 and Instruction No. 115 dated 09.04.2024 duly countersignature of DC, VSEZ.
- v. Checklist of Rule 11B in prescribed format, duly signed by Specified Officer and DC, VSEZ.
- vi. An Undertaking from the SEZ Developer to the effect that they shall pay the differential / short paid / non-paid duty / tax benefits, if so determined at a later date on being demanded by the department or any statutory authority without any demur or protest w.r.t. demarcation of built-up area admeasuring 18,363.93 Sq. Mtrs. into Non-Processing Area for use by IT/ITES businesses as per Rule 11B of the SEZ (Fifth Amendment) Rule, 2023.
- vii. Details of total Buildings / built-up area along with built-up area already demarcated as Non Processing Area and built-up Processing Area proposed to be demarcated as Non Processing Area.

Recommendation by DC, Visakhapatnam SEZ:-

Request of M/s. Phoenix Tech Zone Pvt. Ltd for demarcation for an area of "18,363.93" Sq. mtrs (9042.58. Sq.Mtrs of 1 st Floor + 9321.35 Sq.mtrs of Stilt 1/Ground Floor) is duly recommended by the Development Commissioner, VSEZ and forwarded for consideration of BoA.

Agenda Item No.134.7:

Miscellaneous [5 proposal: 134.7(i)-134.7(v)]

134.7(i) Request of M/s ONGC Petro additions Limited, a DTA unit for allowing them to use SEZ road network as an interim measure - reg.

Jurisdictional SEZ: Dahej SEZ

Facts of the Case:

M/s ONGC Petro additions Limited, a DTA unit (earlier in Dahej SEZ) vide email dated 27.08.2025 has requested for allowing OPaL to use SEZ road network as an interim measure.

2. Brief facts of the case are as under: -

1. The 127th Unit Approval Committee vide meeting held on 06.03.2025 had granted final exit approval to the unit. Accordingly, DAHEJ SEZ vide letter bearing F. No. KASEZ/P&C/6/28/2007-08/Vol. IV dated 07.03.2025 issued exit order to the unit with certain terms and conditions imposed therein.
2. The Central Government had in exercise of powers conferred by second proviso to sub-section (1) of Section 4 of the SEZ Act, 2005 and in pursuance of Rule 8 of the SEZ Rules, 2006 de-notified an area of 529. 4586 Hectares of Dahej SEZ Ltd vide Notification dated 01.05.2025.
3. DAHEJ SEZ vide letter dated 01.05.2025 had requested the SO, Dahej SEZ and the Developer to take action as appropriate, and the same was placed below: -
 - i. The Developer i.e. M/s Dahej SEZ Limited is requested to take necessary steps in order to make the SEZ boundary free from trespassing and close the entry and exit gates for M/s. ONGC Petro additions Limited.
 - ii. The Specified Officer, Dahej SEZ is requested to ensure that the unit henceforth will not be able to use the SEZ premises anymore.
 - iii. The unit M/s. ONGC Petro additions Limited shall not use the entry and exit gates of Dahej SEZ w.e.f 02.05.2025.
4. DAHEJ SEZ had received an email dated 27.08.2025 wherein, the firm had requested DC Office for movement of vehicles from the SEZ and the same was placed below: -

“This is to bring to your kind attention an urgent matter regarding the movement of vehicles and personnel to and from the OPaL plant at Dahej. As you may be aware, OPaL was previously operating as an SEZ unit but was granted formal exit from SEZ vide order number KASEZ/P&C/6/28/2007-08/Vol. IV/6890 dated 01.05.2025.

Post our SEZ exit, OPaL has been using an alternate route via the GIDC road near Village Suva for vehicular and manpower movement, an MoU to use this road Post OPaL's SEZ exit was signed between OPaL and GIDC in 2021. However, a

portion of this road is now under dispute between GIDC and Suva Village, with Suva Gram Panchayat claiming it as Gauchar (grazing) land. The matter is currently sub judice, and recently, the Hon'ble Civil Court, Vagra has issued an interim order in favour of Suva Gram Panchayat.

Following this development, Suva Gram Panchayat has physically blocked a portion of the road, practically rendering the entire route non-functional for OPaL. As a result, all movement of vehicles, material and personnel to OPaL has come to a standstill. On the other hand, GIDC is actively pursuing this matter through legal channels and it is learnt that GIDC has also identified an alternate land to exchange with the existing disputed land; however, the resolution may take some time.

It is important to note that OPaL is a critical petrochemical installation of national importance, being one of the largest petrochemical complexes in India. Our operations contribute significantly to the country's economy, industrial supply chain, and employment. Moreover, it is Worth noting that our petrochemical plant is a continuous process plant which produces different type of solid and liquid petrochemicals round the clock on a 24*7 basis. Thus, constant evacuation must be guaranteed. There are many products which are transported in specialized vehicles under pressure and / or refrigeration condition. Thus, trucks and vehicles cannot be made to wait as it endangers the population and environment alike. In a situation where movement is impacted due to a situation described above, it's important that an alternative route is made available on an urgent basis. Any disruption of OPaL's vehicle/ material / men movement, would result in a significant financial loss to the company/ exchequer and may also delay important aid in case of any emergency situation which could further lead to a potential disastrous incident.

Hence we requested the DSL authorities including august office of Hon DC of SEZ to permit movement of our material vehicles and personnel vehicle movement as a special case during ongoing emergency situation until the district administration resolves the issue at the GIDC road, the only route avail be to us at the moment”.

5. Subsequently, the Collector and District Magistrate, Bharuch vide letter dated 28.08.2025 had requested DAHEJ SEZ to permit OPaL to use the SEZ road network as an interim measure until the dispute is resolved. The contents of the letter are placed below: -

“This is with reference to the request from the Managing Director, ONGC Petro additions Ltd. (OPaL), regarding the difficulties being faced by the company in vehicular and manpower movement to and from its plant at Dahej.

At present, OPaL has been utilizing the GIDC road for its regular operations. However, it has been brought to our notice that a small stretch of this road near Village Suva remains incomplete, as the matter is currently sub judice due to a dispute between Suva Gram Panchayat and GIDC.

In view of this dispute, OPaL is unable to use the said stretch of road and has informed that there is no other viable alternative route for its vehicular movement.

The company has further explained that its plant operates on a continuous 24x7 basis, producing a wide range of solid and liquid petrochemical products, many of which require specialized vehicles under pressurized or refrigerated conditions for safe transportation. Any delay in evacuation not only disrupts operations but also poses potential safety and environmental risks.

Considering the above, it is imperative that an alternate passage be provided to ensure uninterrupted plant operations. Therefore, it is requested that OPaL may kindly be permitted, as an interim measure, to use the SEZ road network until the dispute is resolved”.

6. Thereafter, the case of the firm was placed before the 132nd UAC held on 29.08.2025 for consideration. Shri Gurinder Singh, MD, M/s ONGC Petro additions Limited, appeared before the 132nd Unit Approval Committee through WEBEX video conference and briefly explained the circumstances which led to the emergency situation (including reasons for road closure, attempts made by them to resolve the issue, approaching district administration for early resolution etc.) and pleaded before the UAC to consider their request as this is the only option available to them. The contents of the UAC deliberations are placed below:-
 - a. The committee heard the request of the firm and took cognizance of the letter dated 28.08.2025 received from the Collector and District Magistrate, Bharuch. Since this is an emergency situation and any inaction may lead to human/environmental disaster resulting into loss of human lives, hence in order to normalize the situation and to ensure smooth functioning of the OPaL plant, the committee decided to provide an interim relief measure to the firm subject to condition that M/s ONGC Petro additions Limited shall approach the BoA for consideration of their request.
 - b. The Approval Committee after detailed discussion unanimously decided to provide an interim relief to M/s ONGC Petro additions Limited by allowing them to use the road network of the Dahej SEZ. The firm is directed to strive for early resolution of the issue.
 - c. The 132nd UAC had granted interim relief to the firm subject to following compliances and the same are placed below: -
 - i. M/s ONGC Petro additions Limited shall maintain Registers at both the gates having details of time of entry and exit of vehicles,

name of material etc. Additionally, two Security personnel shall also be deployed 24X7 by them at both the gates of the SEZ at their own cost.

- ii. M/s ONGC Petro additions Limited shall submit a Legal Undertaking clearly stating that neither the raw material nor the finished goods/scrap/waste shall be diverted or sold, directly or indirectly, to any unit located in the Dahej SEZ. In case of any violation to this undertaking, established at any point of time, M/s ONGC Petro additions Limited shall pay a penalty amount equivalent to **five times the value of the goods**.
- iii. Smooth movement of vehicles on the SEZ road network used by OPaL shall be the responsibility of OPaL. Gate No. 2 of OPaL shall be used for movement of their manpower and Gate No. 4 of OPaL shall be used for movement of materials.
- iv. The movement of the material/equipment shall not cause any hindrance to movement of traffic of the SEZ units, disturbance of any sort to the SEZ units, or any other impact on SEZ operations in any manner. In this regard, the firm shall also submit an undertaking duly notarized and clearly stating that any damage (including infrastructure, man, material, plant, road and other assets of Dahej SEZ or of any other units) if occurred by the vehicles or activities of OPaL either directly or indirectly, the same shall be borne entirely by OPaL. If DSL undertakes the restoration work, then the cost incurred by DSL shall be paid by the OPaL.
- v. In case of any incident of fire, loss, damage, theft, pilferage of any materials, equipment and goods, caused by movement of the vehicles of OPaL, the matter should be immediately reported to the SO, Dahej SEZ. In this regard, the firm shall also submit an undertaking duly notarized and clearly stating that in case of loss, damage, theft, pilferage of any materials, equipment and goods of Dahej SEZ or any other unit, the same shall be borne entirely by OPaL.
- vi. M/s ONGC Petro additions Limited shall submit an undertaking clearly stating that in case of rejection of their request by the BoA, they shall pay user charges as decided by the UAC.
- vii. M/s ONGC Petro additions Limited shall submit the approval letter from the BoA on or before 31st October, 2025 to the DC, Dahej SEZ. In case of failure, the interim relief approved by the UAC, shall stand cancelled and the user charges as per condition at Sr. No. 6 above will be recovered from them.

M/s ONGC Petro additions Limited was directed to submit undertakings above at Sr. No. 2, 4, 5 & 6 to the DC, Dahej SEZ within 07 days of receipt of the UAC decision.

Recommendation by DC, Dahej SEZ: -

The Proposal of M/s ONGC Petro additions Limited being forwarded to the BoA for consideration.

134.7(ii) Proposal of M/s ANSR Global Corporation Private Limited, Co-Developer in M/s. Manyata Embassy Business Park SEZ for IT/ITES in Villages Rachenahalli, Nagavara and Tanisandra, Bangalore District, Karnataka, for partial surrender of built-up area to the Developer.

Jurisdictional SEZ – Cochin SEZ (CSEZ)

Facts of the case:

M/s ANSR Global Corporation Private Limited, Co-Developer in M/s. Manyata Embassy Business Park SEZ for IT/ITES in Villages Rachenahalli, Nagavara and Tanisandra, Bangalore District, Karnataka, seeking decrease in area/ partial surrender of area of 90,114 Sq.ft. of its vacant land area in the SEZ and that proposed surrender area would be handed over to the Developer M/s. Manyata Embassy Business Park SEZ for IT/ITES in, Karnataka to allocate to the other allottees.

Name of the Developer	: M/s. Manyata Embassy Business Park SEZ
Sector	: IT/ ITES
Location	: Villages Rachenahalli, Nagavara and Tanisandra, Bangalore District, Karnataka
LoA issued on (date)	: F.2/96/2005- EPZ dated 16 th June, 2006
Name of Co-developer	: M/s ANSR Global Corporation Private Limited
Area of SEZ	: 19.1991 Ha
Area with co-developer	: 321525 sq.ft

Proposal for Partial Surrender of area: -

M/s ANSR Global Corporation Private Limited was issued Letter of Approval No.F.2/96- 2005-EpZ dated 14th December 2017 as a Co-Developer for undertaking the authorized operations of conversion of bare shell buildings into warm shell buildings and to lease the built-up space of 52,301 sq.ft. Subsequently, BoA has granted approval for enhancement of area as detailed below:-

S. No.	Built-up area approved	Approval No. & Date
1.	52301	No. F.2/96/2005-EPZ dt. 14.12.2017
2.	64090	No. F.2/96/2005-EPZ dt. 15.02.2018
3.	90114	No. F.2/96/2005-EPZ dt. 16.04.2018
4.	115020	No. F.2/96/2005-EPZ dt. 01.10.2018
Total	321525	
The net area with the Co-developer is 3,21,525 sq.ft.		

Now, the Co-Developer vide letters dated 18.07.2024, 06.08.2024 & 19-08.2024 has requested for partial surrender of 90,114 sq.ft. built-up area at 2nd & 4th Floors of L1 building to the Developer in connection with the business requirement and retaining, the Co-Developer status with 2,31,411 sq.ft. area at G3 (2nd & 3rd Floors), H2 (3rd Floor), L1 (1st, 3rd & 5th Floors). The Specified Officer of the SEZ, vide letter dated 7th August 2025 has issued No Due Certificate and certified that the Co-Developer vide Challan No.4585400170 dated 21.01.2025 has refunded an amount of Rs. 1,34,99,792/- (Rupees One crore thirty four lakh ninety nine thousand seven hundred ninety two only) towards duty/tax exemptions availed. In this connection, the Co-Developer has submitted the following documents:-

- i. "No Objection Certificate" issued by the Developer, M/s. Manyata Promoters Private Limited for Surrender of space
- ii. "No Dues Certificate" issued by Specified Officer

Recommendation by DC, CSEZ: -

The proposal M/s ANSR Global Corporation Private Limited for surrender of 90,114 sq.ft. built-up area in the 2nd & 4th Floors of L1 building of SEZ has been recommended and forwarded for consideration of the BoA.

134.7(iii) Request of M/s. Allwin Medical Devices Pvt. Ltd. Plot No. 221, 223 & 230, Surat SEZ for Change of Directors as well as Share Holding Pattern - Reg.

Jurisdictional SEZ – Surat SEZ

Facts of the case:

Name of the Unit	M/s Allwin Medical Devices Pvt. Ltd.
Location of the unit	Plot No. 221, 223 & 230 at Surat SEZ, Sachin
Date of Letter of Approval	LOA No. SSEZ/II/20/2006-07/2448 dated 25.01.2007
Activity allowed to the unit	Manufacturing activity of Medical Devices, Like Stents, Catheters, Dilators, Baskets, Pneumatic & Electronic Machine, Sheaths, Needles, Guidewires, Sets, Forceps, Accessories, Ports etc. and Trading of Medical Devices
Date of commencement of operation	07.04.2008
Request	Change of Directors as well as Share Holding Pattern
Issue involved	One of the proposed Shareholder viz. M/s Esco Technologies (Asia) Pte. Ltd. is a foreign entity holding 80% share in M/s Allwin Medical Devices

They have submitted following documents in support of the aforesaid change: -

1. Copy of ROC;
2. Copy of Share Holding Pattern;
3. Copy of IEC Certificate;
4. Copy of Resolution for authorised signatory;
5. Copy of last 3 years ITRs of new director;
6. Undertaking for sale or transfer of shares.
7. Audit Report of M/s Esco Technologies (Asia) PTE Ltd.

The list of continuing and new directors as per given documents are as under:-

Sr. No.	Name of the Directors (Shri/Smt.)	Current Status
1.	DhirenVrajlal Mehta	Continuing Director
2.	RamavtarRameshwarlal Sharma	New Director
3.	YaeFoong Low	New Director
4.	Xiangqian Lin	New Director
5.	RakheelabhshankerOza	Continuing Director

The list of Share Holders as per given Documents are as under:-

Sr. No.	Name of the Share Holders (Shri/Smt.)	% of Share Holders
1.	Esco Technologies (Asia) Pte. Ltd (ETA)	80.00
2.	Harsha Mehta	8.94
3.	Digish D. Mehta	4.71
4.	Priyal D. Mehta	4.71
5.	Dhiren Mehta Family Trust	1.63
Total		99.99

Legal Position:-

As one of the proposed Shareholder i.e. M/s. Esco Technologies (Asia) Pte. Ltd. (ETA), is a foreign entity holding 80% shares in M/s. Allwin Medical Devices Pvt. Ltd.; this case falls within the competency of "Board of Approval" (BoA) in terms of section 9(2)(c) of the Special Economic Zone Act, 2005; which states as under:-

"Section 9(2)(c):- granting of approval to the Developer or Units (other than the Developer or the Units which are exempt from obtaining approval under law or by the Central Government) for foreign collaborations and foreign direct investments (including investments by a person resident outside India), in the Special Economic Zone for its development, operation and maintenance"

Performance of the SEZ Unit (M/s. Allwin Medical Devices Pvt. Ltd.):

The Performance of the Unit from the year 2019-20 to 2023-24 as per Annual Performance Reports is as under:-

Financial Year	Export (Rs. in lakhs)	Import (Rs. in lakhs)	NFE (Rs. in lakhs)
2019-20	1045.96	263.95	782.01
2020-21	1026.98	336.26	690.72
2021-22	1293.28	329.69	963.59
2022-23	3572.52	571.54	3000.98
2023-24	4545.85	745.99	3799.86
Total			9237.16

The unit is currently providing employment to 224 persons.

Rule Position

Instruction No. 109 of this Department, inter-alia, provides that reorganization including change of name, change of shareholding, business transfer agreement, etc. may be undertaken by the Unit Approval Committee subject to the condition that the

Developer/ Co-Developer/ Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern. All liabilities of the Developer/ Co-Developer/ Unit shall remain unchanged on such reorganization.

Section 9 (2)(c) of SEZ Act, 2005 stated that the power of BoA shall include granting of approval to the Developer or Units (other than the Developer or the Units which are exempt from obtaining approval under any law or by the Central Government) for foreign collaborations and foreign direct investments (including investments by a person resident outside India), in the Special Economic Zone for its development, operation and maintenance.

In addition, as per Para 5.2.27.2 of Consolidated FDI Policy of DPIIT effective from 15.10.2020, Government Approval is required for FDI beyond 74% in 'Pharmaceutical - Brownfield' sector. Further, it appears that as per the Note under the said Para of the FDI Policy, FDI up to 100%, under the automatic route is permitted for manufacturing of medical devices.

Comments from Other Departments:

The proposal of the unit was shared with various departments for their comments which have been received as under:

Department	Comments
DPIIT	i. As per para 5.2.27.1 of the Consolidated FDI Policy dated 15.10.2020, as amended from time to time (FDI Policy), FDI in the Greenfield Pharmaceuticals sector is up to 100% under the automatic route. ii. FDI in the Brownfield Pharmaceuticals sector is permitted up to 74% under the automatic route and beyond 74% to 100% under the Government route [Para 5.2.27.2 of FDI Policy]. iii. M/s Allwin Medical Devices Pvt. Ltd was granted approval to set up manufacturing activity of medical devices. Further, M/s Escro Technologies (Asia) Pte. Ltd, Singapore (New Shareholder) has purchased 80% shares of the unit. As per the FDI Policy [Note to Para 5.2.27.3], FDI up to 100%, under the automatic route, is permitted in the manufacturing of medical devices. iv. In this regard, it may be noted that Para 4.1.8 of FDI Policy stipulates that: "The monitoring of the compliance of conditions under the FDI approvals, including the past cases approved by the Government, shall be done by the concerned Administrative Ministries/Departments." <u>Hence, the matter may be referred and comments/ inputs be sought from the Administrative Dept i.e DoP.</u> v. Further, <u>following</u> signed Press Note 3 [reference to Para 3.1.1 of FDI Policy] related <u>declarations/undertakings</u>

		(as per the requirements of Annexure 1, Standard Operating Procedure dated 17.08.2023) <u>may be sought</u> : "None of the investors/shareholders of the Indian Investee company and the foreign investor(s), including their respective beneficial owners (having any percentage of shareholding), are situated in or are citizen(s) of country(ies) sharing land border with India."
Department of Pharmaceuticals	of	DoP has conveyed that M/s Allwin Medical Devices Private Limited shall comply with para 5.2.27 and para 3.1.1 (a) of the Consolidated FDI Policy 2020 [EDI Policy] read with Rule 6(a) and Sl. No 16.2 of Schedule I to Foreign Exchange Management (Non-debt Instruments) Rules, 2019, as amended from time to time [FEM NDI Rules] and/or any other provision(s)/Rules of the FDI Policy/FEM NDI Rules, as applicable, for transfer of their shares/business/ownership to foreign entities.
Undertaking Unit	from	Undertaking submitted declaring "None of the investors/shareholders of the Indian Investee company and the foreign investor(s), including their respective beneficial owners (having any percentage of shareholding), are situated in or are citizen(s) of country(ies) sharing land border with India.", has been submitted

Recommendation of the DC, Surat SEZ: -

The 110th Unit Approval Committee observed that this case involves FDI and therefore falls within the competency of "Board of Approval" in terms of the Section - 9(2)(c) of the SEZ Act, 2005: - as one of the proposed Shareholder i.e. M/s. Esco Technologies (Asia) Pte. Ltd. (ETA), is a foreign entity which would hold 80% shares in the SEZ unit i.e. M/s. Allwin Medical Devices Pvt. Ltd. Therefore, the Committee, after due deliberations, decided to transfer the proposal to the Board of Approval for consideration.

134.7(iv) Request of M/s. R. N. Laboratories Pvt. Ltd. Plot No. 1 & 86, 113-118, 137-140 & 142, Surat SEZ for Transfer of Ownership/Business Transfer/Sale of Company from M/s R. N. Laboratories Pvt. Ltd to M/s Garonit Pharmaceuticals Pvt. Ltd.

Jurisdictional SEZ – Surat SEZ

Facts of the case:

Name of the Unit	M/s R. N. Laboratories Pvt. Ltd
Location of the unit	Plot No 1 & 86, 113-118, 137-140 & 142 at Surat SEZ, Sachin
Date of Letter of Approval	LOA No. SSEZ/S-50/348/2006-07/1378 dated 31.05.2006
Activity allowed to the unit	Manufacturing and trading activities of various chemical/ pharmaceuticals. "Manufacturing activity of (1) Chlorhexidine Gloconate 20% (2) Chlorhexidine Base, (3) Chlorhexidine Hydrochloride, (4) Chlorhexidine Acetate, (5) Chlorhexidine Gloconate 5% Solution, (6) Chlorhexidine Gloconate 4% Solution, (7) Chlorhexidine Gloconate 1.5% Cetrime 15% Solution, (8) Povidone Iodine 10% Topical Solution, (9) Glutaraldehyde 2% Solution, (10) Povidone Iodine, (11) Calcium Iodate Monohydrate ITC-28299030, (12) Calcium Iodate Anhydrous ITC-28299030, (13) Potassium Iodate ITC-28299030, (14) Potassium Iodate ITC-28276010, (15) Sodium Iodate ITC-28276020, (16) Potassium Iodate Stabilised ITC-28276010, (17) Cetrime 40% Solution, Antibacterial and Fubgocodal Disinfectant Formulations, Glucosamine Sodium Sulphate Chloride(29420090), Glucosamine Sulphate Pottaciam Chloride(29225090). Glucosamine Hydrochloride (29321990), NADG (N-Acetyl-D-Glucosamine (29322020), Nicotine(M3)(29391900), Ortho-Glucosamine Hydrochloride(29321990), NADG(N-Acetyl-D-Glucosamine(29322020), Octanidine Dihydro Chloride(29420090), phthalaldehyde (29122990)"and "Trading activity of 1) Glucosamine Hydrochloride Powder (29321990), 2) Glucono Delta Lactone(29322090), 3) Glycerin 99.7 pot US(29054500), 4) Micro Crystalline Cellulose MCC 200(39121190), 5) Ketoconazole(30049011), 6) Miconazole Nitrate USP(29332990) in LOA dated 31.05.2006 as amended from time to time.
Date of commencement of operation	28.05.2008
Request	Transfer of Ownership/ Business Transfer/ Sale of Company from M/s R. N. Laboratories to M/s Garonit Pharmaceuticals Pvt. Ltd.

Issue involved	- Proposed shareholder M/s Garonit Pharmaceuticals Pvt. Ltd. is a foreign entity holding 99.99% shares. - Further, the proposed FDI does not fall under the automatic route as per DPIIT FDI policy.
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Further, they have submitted following documents in support of the aforesaid changes: -

1. Copy of AOA & COI & FDI Proposal;
2. Undertakings regarding Lease of Land, Sale or Transfer transactions & Transfer fulfils all eligibility criteria applicable to a Unit;
3. Audit Report & Audited Balance Sheet of M/s Garonit Pharmaceuticals Pvt. Ltd;
4. Copy of PAN Card & Aadhar Card of all Directors;
5. Copy of Company Pan Card;
6. List of Share Holders;
7. Copy of IEC;
8. ITR Copies of all Directors

The list of directors & Share Holding Pattern as per given documents are as under: -

Sr. No.	Name of the Directors (Shri/Smt.)	Current Status
1.	Rohit Shyam Garg	Director
2.	Nitin Sham Garg	Director
3.	Darshan Harish Bhawsar	Director
4.	Sanket Dhondiraj Sawant	Director

The list of Share Holders as p[er given Documents are as under:-

Sr. No.	Name of the Share Holders (Shri/Smt.)	% of Share Holders
1.	Garonit Delaware Ltd	99.999%
2.	Darshan Bhawsar	0.0001%

Legal Position:

As one of the proposed Shareholder i.e. M/s. Garonit Delaware Ltd., is a foreign entity holding 99.99% shares in M/s. R. N. Laboratories Pvt. Ltd.; this case falls within the competency of "Board of Approval" (BoA) in terms of section 9(2)(c) of the Special Economic Zone Act, 2005; which states as under: -

"Section 9(2)(c):- granting of approval to the Developer or Units (other than the Developer or the Units which are exempt from obtaining approval under law or by the Central Government) for foreign collaborations and foreign direct investments (including investments by a person resident outside India), in the Special Economic Zone for its development, operation and maintenance"

Performance of the SEZ Unit (M/s. R. N. Laboratories Pvt. Ltd.):-

The Performance of the Unit from the year 2019-20 to 2023-24 as per Annual Performance Reports is as under: -

Financial Year	Export (Rs. in lakhs)	Import (Rs. in lakhs)	NFE (Rs. in lakhs)
2019-20	11186.42	5403.29	5783.13
2020-21	14733.04	7056.49	7676.55
2021-22	6595.09	2717.27	3877.82
2022-23	10134.26	5832.2	4302.06
2023-24	9824.4	3833.11	5991.29
Total			27630.85

The unit is currently providing employment to 254 persons.

Rule Position

Instruction No. 109 of this Department, inter-alia, provides that reorganization including change of name, change of shareholding, business transfer agreement, etc. may be undertaken by the Unit Approval Committee subject to the condition that the Developer/ Co-Developer/ Unit shall not opt out or exit out of the SEZ and continues to operate as a going concern. All liabilities of the Developer/ Co-Developer/ Unit shall remain unchanged on such reorganization.

Section 9 (2)(c) of SEZ Act, 2005 stated that the power of BoA shall include granting of approval to the Developer or Units (other than the Developer or the Units which are exempt from obtaining approval under any law or by the Central Government) for foreign collaborations and foreign direct investments (including investments by a person resident outside India), in the Special Economic Zone for its development, operation and maintenance.

In addition, as per Para 5.2.27.2 of Consolidated FDI Policy of DPIIT effective from 15.10.2020, Government Approval is required for FDI beyond 74% in 'Pharmaceutical - Brownfield' sector. Further, it appears that as per the Note under the said Para of the FDI Policy, FDI up to 100%, under the automatic route is permitted for manufacturing of medical devices.

Comments from Other Departments:

The proposal of the unit was shared with various departments for their comments which have been received as under:

Department	Comments
DPIIT	i. As per para 5.2.27.1 of the Consolidated FDI Policy dated 15.10.2020, as amended from time to time (FDI Policy), FDI in the Greenfield Pharmaceuticals sector is up to 100% under the automatic route. ii. FDI in the Brownfield Pharmaceuticals sector is permitted up to 74% under the automatic route and beyond 74% to 100% under the Government route [Para 5.2.27.2 of FDI Policy]. iii. M/s R. N. Laboratories Pvt. Ltd has entered into a Business Transfer Agreement with M/s Garonit Pharmaceuticals Pvt. Ltd. (Garonit Pharma), whereby the SEZ business undertaking of RNL is proposed to be transferred to Garonit Pharma on a slump sale basis. Garonit Pharma is stated to be a 99.99% subsidiary of a foreign entity namely M/s Garonit Delaware Limited. It is observed that M/s Garonit Pharmaceuticals Private Limited has been granted FDI approval (up to 100%) by the Department of Pharmaceuticals (DoP) vide letter dated 28.05.2024. In this regard, it may be noted that Para 4.1.8 of FDI Policy stipulates that: "The monitoring of the compliance of conditions under the FDI approvals, including the past cases approved by the Government, shall be done by the concerned Administrative Ministries/Departments." <u>Hence, the matter may be referred and comments/ inputs be sought from the Administrative Dept i.e DoP.</u> iv. Further, <u>following</u> signed Press Note 3 [reference to Para 3.1.1 of FDI Policy] related <u>declarations/undertakings</u> (as per the requirements of Annexure 1, Standard Operating Procedure dated 17.08.2023) <u>may be sought</u>: <i>"None of the investors/shareholders of the Indian Investee company and the foreign investor(s), including their respective beneficial owners (having any percentage of shareholding), are situated in or are citizen(s) of country(ies) sharing land border with India."</i>
Department of Pharmaceuticals	DoP has conveyed that M/s R.N. Laboratories Private Limited shall comply with para 5.2.27 and para 3.1.1 (a) of the Consolidated FDI Policy 2020 [EDI Policy] read with Rule 6(a) and Sl. No 16.2 of Schedule I to Foreign Exchange Management (Non-debt Instruments) Rules, 2019, as amended from time to time [FEM NDI Rules] and/or any other provision(s)/Rules of the FDI Policy/FEM NDI Rules, as applicable, for transfer of their shares/business/ownership to foreign entities.

Undertaking from Unit	Undertaking submitted declaring "None of the investors/shareholders of the Indian Investee company and the foreign investor(s), including their respective beneficial owners (having any percentage of shareholding), are situated in or are citizen(s) of country(ies) sharing land border with India.", has been submitted
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Recommendation of the DC, Surat SEZ:-

The 110th Unit Approval Committee observed that this case involves FDI and therefore falls within the competency of "Board of Approval" in terms of the Section -9(2)(c) of the SEZ Act, 2005: as one of the proposed Shareholder i.e. M/s. Garonit Delware Ltd., is a foreign entity which would hold 99.99% shares in the SEZ unit i.e. M/s. R. N. Laboratories Pvt. Ltd.

It is pertinent to mention here that although the Unit has obtained FDI approval from Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals), but at the same time the proposed FDI does not fall under the automatic route as per DPIIT FDI policy. Therefore, the Committee, after due deliberations, decided to transfer the proposal to the Board of Approval for consideration.

134.7(v) Hanung Toys & Textiles Limited – Revival/ renewal of LOA/ sick unit; modification in authorized operations; renewal of lease deed pursuant to NCLT Order dated 28.02.2024

Jurisdictional SEZ – Noida SEZ (NSEZ)

Facts of the case:

M/s. Hanung Toys & Textiles Limited was granted LOA No.08/08/90-NEPZ Dated 10.05.1990, as amended time-to-time, for manufacturing & export of '1) Toys of all kinds including Stuffed Toys, Bags, Powder, Puffs, Textile Fabric Sleeper, Furnishings & Made Ups, Rugs and Sleeping Bags; 2) Steel Frame Chair; 3) Trading Activities; 4) Apron, Pot Holder and Woven Mitt'. Unit commenced the production on 15/01/1991. The LOA was valid upto 31/03/2021. As per the available records, the unit is not doing any export activities since 2016. Unit was allotted Plot No. 108, 109, 110, 111 & 125, NSEZ.

2. M/s. Hanung Toys & Textiles Ltd. was undergoing Corporate Insolvency Resolution Process (CIRP) under the Insolvency & Bankruptcy Code, 2016 (IBC). The Hon'ble NCLT, New Delhi Bench, vide its order dated 28.02.2024, approved the Resolution Plan submitted by M/s Cyfuture India Pvt. Ltd. The Resolution Professional has been directed to hand over all records, premises, and properties of the corporate debtor to M/s Cyfuture India Pvt. Ltd. Sh. Ashok Kumar Gupta, Resolution Professional of M/s. Hanung Toys & Textiles Ltd. vide its letter dt. 07.03.2024 intimated NSEZ that Adjudicating Authority, NCLT Delhi has approved the Resolution Plan of M/s Hanung Toys & Textiles Ltd. submitted by M/s Cyfuture India Pvt. Ltd. which shall be binding to all stakeholders of company. Sh. Ashok Kumar Gupta vide his email dated 22/05/2025 further informed that the company went under Insolvency Resolution Process by the order dated 28.3.2019 by order of Hon'ble NCLT under provision of Insolvency & Bankruptcy code, 2016 which has superseded all other acts and regulations. That said process was delayed on account of stay but later cleared by Hon'ble SC in July 2022. Therefore CIRP was revived on 9.9.2022 and Hon'ble High Court, Delhi directed OL to the Official liquidator to handover the company to Resolution Professional by its order dated 28.9.2022. Then the process was recommended. The Entire CIPR period is under Moratorium.

3. M/s Hanung Toys & Textiles Limited vide its letter dt. 14/08/2025, received in NSEZ on 18/08/2025, has submitted application for revival / renewal and modification of authorised operation in LOA dated 10/05/1990. The unit has submitted following: -

(i). Acquisition under IBC Proceedings

Cyfuture India Pvt. Ltd. has lawfully acquired Hanung Toys & Textile Ltd. pursuant to the Insolvency and Bankruptcy Code (IBC), 2016, vide the Hon'ble

National Company Law Tribunal (NCLT), Principal Bench, New Delhi, Order dated 28th February 2024 in CP (IB) No. 953/PB/2018.

- The said order approved our Resolution Plan, vesting full control, management, and ownership of Hanung Toys & Textile Ltd. in Cyfuture India Pvt. Ltd.
- A certified copy of the NCLT Order is enclosed.

(ii). Background and Present Status

Hanung Toys & Textile Ltd. was a sick unit and remains under ongoing investigation by the Central Bureau of Investigation (CBI). All legacy company data and records are in CBI custody. Consequently, only limited historical information is available to us from residual records, which confirm the existence of the above LOA.

(iii). Request for Renewal

The unit has applied for renewal of the existing LOA for the aforementioned plots to enable lawful continuation of operations under NSEZ regulations. The unit has confirmed that all NSEZ dues and obligations as per the approved Resolution Plan and NCLT directives have been discharged.

(iv). Modification of Authorized Operations

The unit has stated that erstwhile operations of manufacturing stuffed soft toys are proposed to be lawfully substituted with IT and IT Enabled Services (ITES), consistent with their core business activities. The unit has requested for amendment in authorised operation in LOA as following:

DGFT Service Codes: 83131-IT Consulting Services; 83132-IT Support Services, 83142 - IT design and development services for networks and systems, 83159 - Other hosting and IT infrastructure provisioning services, 8316 - IT infrastructure and network management services

(vi). Clearance of Legacy Scrap Material

The unit has stated that before commencing fresh operations, they may be granted permission to remove all legacy scrap and waste materials lying at the premises, including iron scrap, cloth remnants, stuffed toys, and other unusable raw material waste. The unit has undertaken that such removal will be carried out strictly in compliance with SEZ rules and with prior coordination with NSEZ authorities.

4. Background of Promoters and Company: M/s. Cyfuture India Pvt. Ltd. have an existing unit in NSEZ having LOA No. 03/08/2007-Proj/5973 dated 28/09/2007 for undertaking “1) BPO- International Call Centre, Back Office Services. IT Services – Software + Internet Marketing Services; & 2) Services: - i) Data center Services ii) Web hosting iii) Cloud Computing”. The unit had been allotted Plot No. 152, 197-198, SDF

No. G-13&14 in NSEZ. The unit had commence operation w.e.f. 15/04/2008 and LOA has been renewed upto 14/04/2028.

5. The unit has submitted manual Form-F1, duly signed by Sh. Munish Mahajan, Director of M/s. Hanung Toys & Textiles Limited. Details related to unit and its proposal, are as under:

1	Name and address	:	Hanung Toys & Textiles Limited Plot No. 108, 109, 110, 111 & 125, NSEZ											
2	LOA No. and Dated Date of Production LOA Validity	:	LOA No. 08/08/90-NEPZ dated 10.05.1990 15/01/1991 31/03/2021											
3	Operation:													
	Existing (as per NSEZ records)		Proposed for renewed period											
	Manufacturing of: 1) Toys of all kinds including Stuffed Toys, Bags, Powder, Puffs, Textile Fabric Sleeper, Furnishings & Made Ups, Rugs and Sleeping Bags; 2) Steel Frame Chair; 3) Trading Activities; 4) Apron, Pot Holder and Woven Mitt.		:	i. Information Technology / IT-Enabled Services (IT/ITES) including BPO, Technical support, Software development, testing and related IT services, Remote infrastructure Services (CPC – 83131, 83132, 83142, 83159, 8316) ii. Trading of Textiles.										
4	Investment in Capital Goods (in Rs. Lakhs)		<table border="1"> <thead> <tr> <th></th> <th>Existing</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>(Indigenous)</td> <td>NA</td> <td>15000.00</td> </tr> <tr> <td>(Import)</td> <td>NA</td> <td>300.00</td> </tr> </tbody> </table>				Existing	Proposed	(Indigenous)	NA	15000.00	(Import)	NA	300.00
	Existing	Proposed												
(Indigenous)	NA	15000.00												
(Import)	NA	300.00												
11	Investment in Raw Material (in Rs. Lakhs)		<table border="1"> <thead> <tr> <th></th> <th>Existing</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>(Indigenous)</td> <td>NA</td> <td>1000.00</td> </tr> </tbody> </table>				Existing	Proposed	(Indigenous)	NA	1000.00			
	Existing	Proposed												
(Indigenous)	NA	1000.00												

			आयात (Import)	NA	1000.00		
12	Input in Services (in Rs. Lakhs)						
				Existing	Proposed		
			(Indigenous)	NA	500.00		
			(Import)	NA	200.00		
13	Employment						
				Existing	Proposed		
			(Men)	NA	500		
			(Women)	NA	200		
14	(FOREX Balance Sheet proposed for next block) (in Rs. Lakhs):						
	क्रम सं.	मद	पहला	दूसरा	तीसरा	चौथा	पांचवा कुल
	1	पहले पांच वर्षों के निर्यात का पोत पर्यंत मूल्य	2000	3500	4500	6000	7500 23500
	2	पहले पांच वर्षों के लिए विदेशी मुद्रा बहिर्गमन	10000	5000	1500	1500	2500 20500
	3	शुद्ध विदेशी मुद्रा उपार्जन पहले पांच वर्षों (1-2) के लिए	(-8000)	(-1500)	3000	4500	5000 3000

6. In this regard, the unit has submitted following documents:-

- Copy of NCLT Order dated 28.02.2024.
- Copy of approved Resolution Plan.
- Copy of Memorandum of Association of the company.

iv. CA certified list of directors of the company showing following directors, as on 24.07.2024:

1. Sh. Munish Mahajan.
2. Ms. Shilpi Agarwal.
3. Sh. Ravish Sharma

v. CA certified list of shareholders of the company as on 24.07.2024, as given below:-

S.No.	Name of shareholder	Number of share
1.	Cyfuture India Private Limited	1999994
2.	Anuj Bairathi	1
3.	Shilpi Agarwal	1
4.	Ravish Sharma	1
5.	Munish Mahajan	1
6.	Vinod Kumar Yadav	1
7.	Futuristic Capital Pvt. Ltd.	1
		2000000

vi. Copy of Board Resolution dated 08.08.2025 in favour of Sh. Munish Mahajan, Director to sign documents on behalf of the company.

vii. Copy of PAN Card No. AACH0496A of the company.

viii. Copy of Project Report.

7. In Project Report the unit has mentioned that *'In line with the resolution conditions and to minimize waste, they will continue the export trading of existing toys and textiles inventory inherited from Hanung Toys & Textiles Limited (HTTL). No new manufacturing of toys / textiles is planned at the unit, only trading / export of existing stock is to continue, leveraging HTTL's past export markets one last time.'*

8. The procedure for revival of sick units have been prescribed under Rule 72 of SEZ Rules, 2006, which provides as under:

(1) A unit which has been declared sick by the appropriate authority shall submit revival package through Development Commissioner to Board for consideration and the Board shall consider the extension in the period for fulfillment of Positive Net Foreign Exchange for a further period up to a maximum of five years at the prevalent norms.

(2) On extension of the period, unutilized raw material and imported or domestically procured capital goods shall be allowed to be carried forward at their original value and the Bond-cum-Legal Undertaking executed by the unit shall be revised accordingly;

(3) In case a new entity is willing to take over all the assets and liabilities of a sick Unit, transfer of such assets and liabilities as provided under sub-rule (1) shall be considered by the Board.

(4) Where a Unit is granted extension of period for fulfilment of Positive Net Foreign Exchange Earning under sub-rule (1), the space would continue to be in its possession.

(5) Where a Unit is taken over by another unit, the liability shall pass on to the new unit which is taking over the sick unit.

9. Unit in reply to NSEZ letter dated 10.09.2025 vide its letter dated 10.09.2025 has submitted following:

Query	Reply
copy of proof of residential address and PAN card of all directors of HTTL.	Copy of PAN & Aadhaar of all directors have been given.
constitution of company has been wrongly mentioned by applicant has 'Pvt. Ltd.' in Form F1	Revised Form-F1 has been given.
list of imported and indigenous services for proposed value as per default services list.	Unit has enclosed single list of 53 input services. However, separate list of imported & indigenous input services and break-up of value has not been given.
Forex outgo break details have not been provided correctly.	Given as under: (i) Import of machinery: Rs. 19500 Lakhs (ii) Imported RM & Spares: Rs. 750 Lakhs (iii) Lumpsum Know how fee: Rs. 50 Lakhs (iv) Design & Drawing Fee: Rs. 50 Lakhs (v) Payment of foreign technicians: Rs. 50 Lakhs (vi) Payment on training of Indian technicians abroad: Rs. 50 Lakhs (vii) Foreign Travel: Rs. 50 Lakhs Total Forex Outgo: Rs. 20500 Lakhs.

10. NSEZ Customs had requested for legal opinion regarding disposal of unusable fabric material lying in the units of HTTL. In this regard vide note#15 above, YP-L had

opined that "no decision may be taken on the request of M/s Cyfuture India Pvt. Ltd. for disposal of the unusable fabric at this stage. Further action may be considered only after final disposal of the pending matter before the Hon'ble NCLT and upon settlement of outstanding dues, as may be applicable."

11. NSEZ Customs vide Internal Memo dated 04.09.2025 was requested to provide their comment on the proposal of M/s. Hanung Toys & Textiles for revival/renewal and modification of authorized operations. Reply from NSEZ Customs is awaited.

12. Estate Management Division, NSEZ has provided its comments as under:

"Brief details in the matter of M/s Hanung Toys & Textiles Ltd.

I. BACKGROUND

1. M/s Hanung Toys & Textiles Ltd. was admitted to Corporate Insolvency Resolution Process (CIRP) under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC) in C.P. No. IB-953/PB/2018 before Hon'ble NCLT, New Delhi Bench-VI.
2. The Resolution Plan was approved by Hon'ble NCLT vide order dated 28.02.2024.
3. As per approved plan, the admitted claim of NSEZ was ₹37,06,226/- against which ₹13,922/- (i.e. 0.56%) was disbursed.
4. Thereafter, the unit voluntarily deposited an additional amount of ₹42,11,945/- via three demand drafts dated 26.04.2024, towards dues for CIRP period and advance lease rent up to March 2025.
5. On 26.07.2024, the unit requested renewal of LOA, submitting that all prior dues have been settled.

II. INTERLOCUTORY APPLICATION BEFORE NCLT

The Corporate Debtor, M/s Hanung Toys & Textiles Ltd., has filed an Interlocutory Application under Section 60(5) of IBC, 2016 before the Hon'ble NCLT, New Delhi, challenging the demands raised by NSEZ vide letters dated 06.11.2024 and 21.01.2025 for payment of transfer charges in connection with renewal of the Letter of Approval (LOA). The Applicant has submitted that after approval of its Resolution Plan by NCLT on 28.02.2024, all pre-CIRP dues stand settled as per Section 31 of IBC, and that the payment of transfer charges does not arise since there has been no transfer of ownership or allotment under SEZ laws. The Applicant has argued that change in management due to resolution plan implementation cannot be equated to a transfer attracting transfer charges under SEZ norms.

Further, the Applicant has contended that the levy of transfer charges post-resolution violates the binding effect of the Resolution Plan under IBC, especially in light of the overriding provisions of Section 238 of IBC. The Applicant has relied upon Supreme Court judgments which clarify those statutory demands not forming part of the approved resolution plan cannot be raised subsequently by government authorities, including SEZ authorities.

Accordingly, the Applicant has prayed for setting aside the impugned demand letters and sought directions restraining NSEZ from raising any claim towards transfer charges for renewal of LOA.

III. LEGAL ANALYSIS

Transfer Charges — Whether applicable

- **Policy of transfer charges:-**

- i. Transfer charges @ Rs. 550/- or 1000/- per sq. mt is applicable in case of transfer of building constructed at plot. i.e. Transfer under Rule 74A etc.
- ii. Further transfer charges are also applicable in case change in partnership or change in ownership or change in shareholding more than 50% as per NSEZ Authority internal decision taken in meetings.

- In the present case:

- SEZ being a facilitation-driven regime, any strict interpretation imposing transfer charges upon a revived unit may frustrate the legislative objective under Sections 5 of the SEZ Act, 2005.
- Additionally, the voluntary payment of past CIRP-period dues by the unit strengthens the equity principle that NSEZ should adopt a revival-friendly approach consistent with SEZ Act/Rules.

- The Hon'ble Supreme Court in ***Noida Special Economic Zone Authority vs. Manish Agarwal & Ors. (Civil Appeal Nos. 5918-5919 of 2022)*** observed that:

- The Supreme Court in *Noida Special Economic Zone Authority vs. Manish Agarwal & Ors. (Civil Appeal Nos. 5918-5919 of 2022)* upheld the orders of the NCLT and NCLAT approving the Resolution Plan under the Insolvency and Bankruptcy Code (IBC), 2016. The appeal by NOIDA SEZ Authority was based on several grievances, notably the acceptance of only ₹50 lakhs against its admitted operational claim of ₹6.29 crores, exclusion from auction proceedings, and concerns regarding exemption clauses that allegedly contravened SEZ Rules. The Court dismissed these arguments, affirming that the valuation was done as per norms, the RP followed due process, and the Committee of Creditors (CoC) acted within its commercial wisdom, which is non-justiciable unless violative of IBC provisions.
- The Court emphasized the overriding effect of IBC (Section 238) over other laws, rejecting claims of SEZ rule supremacy. It ruled that once the resolution plan is approved and implemented as was the case here with the disbursement of dues and acceptance by NOIDA SEZ — courts cannot re-open settled matters. Relying on precedents such as *Essar Steel*, *Maharashtra Seamless*, and *Ghanashyam Mishra*, the bench concluded that statutory dues not part of the resolution plan stand extinguished and dismissed the appeals as meritless, reinforcing the finality and supremacy of approved resolution plans under IBC.

- **The decision in the Review Petition:** The Supreme Court of India, in its order dated 6th May 2025, dismissed the Review Petition (C) Diary No. 4102/2025 filed by the Noida Special Economic Zone Authority against Manish Agarwal & Ors. in Civil Appeal Nos. 5918–5919 of 2022. The Court, comprising

Hon'ble Mr. Justice Abhay S. Oka and Hon'ble Mr. Justice Augustine George Masih, condoned the delay in filing the review petition but found no error apparent on the face of the record in its earlier judgment dated 5th November 2024. Consequently, the review petitions were dismissed, thereby affirming the finality of the earlier decision.

IV. LEGAL OPINION

In view of above:

1. Transfer Charges/ Lease rent and Renewal of LOA:

-
- NSEZ may reconsider the transfer charges in light of the recent order of the Hon'ble Supreme Court wherein claims of NSEZ Authority i.e. Lease rent and transfer charges not considered.
- Lease rent may be recalculated considering the previous proposal submitted by the unit, wherein they offered a total amount of ₹42,11,945/-.
- This approach is fully supported by *Noida Special Economic Zone Authority vs. Manish Agarwal & Ors.* and promotes revival of SEZ units.
- Upon payment of the same, LOA renewal may be processed.

2. I.A. before NCLT:

-
- The above-mentioned process may be initiated only after submission of an undertaking from M/s Hanung Toys stating that they will withdraw their pending I.A. before the Hon'ble NCLT upon receipt of confirmation.

3. UAC Approval:

-
- The matter may be placed before UAC for appropriate decision on LOA renewal, post receipt of lease rent and completion of other formalities.

The above approach balances legal rights of NSEZ under SEZ Act, 2005, is consistent with Supreme Court judgments, particularly *Noida Special Economic Zone Authority vs. Manish Agarwal & Ors.*, and facilitates the larger policy objective of export promotion through revival of sick SEZ units.

V. Vide NSEZ letter dated 24.06.2025, it was informed to unit that the Competent Authority of NSEZ has accepted their request for payment of 42,11,945/- against the outstanding dues, subject to the submission of an undertaking stating that you will withdraw the pending I.A. before the Hon'ble NCLT. In view of the above, unit was requested to deposit the total amount of 42,11,945/-, which includes lease rent up to March 2025, along with the

aforementioned undertaking. It was further clarified that unit shall also be liable to pay lease rent dues accruing from April 2025 onwards i.e. 281427/-.

VI. M/s Hanung Toys & Textiles Ltd. in reply to NSEZ letter dated 24.06.2025 vide their letter dated 24.06.2025 has submitted as under:-

- i. *Full and Final Settlement: We agree to pay an amount of 42,11,945/- (Rupees Forty-Two Lakh Eleven Thousand Nine Hundred Forty-Five only) towards full and final settlement of all dues payable to NSEZ in respect of Plot Nos. 108, 109, 110, 111, and 125.*
- ii. *Inclusive Charges: This amount is inclusive of lease rent, transfer charges, development charges, penalties or any other charges, whatsoever, due and payable by us up to 31st March 2025.*
- iii. *No Further Demands: Upon receipt of the aforesaid payment, NSEZ shall not raise any further demand, financial or otherwise, in the present or future, against the above-mentioned plots in relation to any dues accrued till 31st March 2025.*
- iv. *LOA and Lease Deed: Upon payment of the above amount, NSEZ shall process and approve the Letter of Approval (LOA) in our favour and shall facilitate the execution of the Lease Deed with respect to the said plots without any further delay or hindrance.*
- v. *Withdrawal of Legal Proceedings: Based on the above undertakings and assurances that there are no other outstanding dues as on 31st March 2025, we shall proceed to withdraw our Interlocutory Application (IA) filed before the Hon'ble NCLT in this regard.*

Unit has also make the payment of Rs. 33,31,945/- however Rs. 8,80,000/-is still pending.”

13. The matter was placed before the Approval Committee in its meeting held on 22.09.2025. The Approval Committee discussed the agenda in detail and after due deliberations, directed the unit to submit complete business plan along with details of the authorized operations i.e. IT/ITES & their CPC Codes. The Approval Committee further recommended the proposal for revival / renewal of LOA, modification of authorized operations for consideration by the BOA under SEZ rule 72. The Approval Committee also decided that proposal for grant of permission for "Trading of Textile" shall be considered restricted to clearance of old stock lying in the premises proposed to be taken over by the unit. The Approval Committee further directed the Project Section that after receipt of requisite information/documents from the applicant unit, proposal may be forwarded to BOA with complete facts and recommendation of Approval Committee for further consideration in the matter by BOA.

14. The unit vide its letter dated 25.09.2025 (copy attached) has submitted step by step business plan with CPC code and stated that Cyfuture India Pvt Ltd has acquired the defunct Hanung Toys & Textiles Ltd. (HTTL) unit at Noida Special Economic Zone (NSEZ) through an NCLT-approved resolution plan in February 2024. Now their vision is to transform the HTTL facility from a dormant toys and textiles exporter into

a state-of-the-art technology hub focused on integrated IT services. Project vision & scope has been given as under:

(i) **Operation of AI-as-a-Service Platforms** - The unit will host advanced AI-as-a-Service (AIaaS) platforms, offering on-demand artificial intelligence solutions to clients worldwide. This includes setting up GPU-driven compute clusters and AI development sandboxes in the data center. Services will range from machine learning model training and hosting, to AI-based analytics and cognitive services accessible via API.

- The AI platforms will target export markets (North America, Europe, APAC), delivering services such as natural language processing, image recognition, data analytics, and AI-driven process automation as subscription or usage-based offerings. This aligns with market trends - the global AIaaS market is projected to grow from ~\$20.3 billion in 2025 to over \$91 billion by 2030 (35%+ CAGR) -and positions the unit to tap into this high-growth sector.

(ii) **Establishment and Operation of Cloud Data Centres:** A core component of the project is the establishment of modern cloud data center facilities on-site. The existing industrial buildings will be retrofitted or rebuilt to house server farms with redundant power, cooling, security, and high-speed connectivity. HTTL plans to deploy a Tier-III equivalent data center initially, with ~1.5-2 MW IT load capacity in Phase 1, scaling up in later phases. This data center will support HTTL's own cloud offerings (IaaS, PaaS, SaaS) as well as co-location and managed hosting for clients. It will serve both the AI platforms and external cloud hosting customers. The data center will adhere to global standards and leverage green, efficient technologies (like virtualization, modular UPS, solar power augmentation).

(iii) **Proposed authorized operations:**

(a) Information Technology / IT-Enabled Services (IT/ITES) including BPO, Technical support, Software development, testing, and related IT services, Remote infrastructure Services (CPC – 83131, 83132, 83142, 83159, 8316)

(b) Apart from the above authorized operations, they will export old stocks of toys and textile inventory present in the unit premises. This trading activity will be a transitional and subsidiary scope - it will use the existing HTTL export relationships and licenses to sell off the stock over the initial project years. No new manufacturing of toys/textiles is planned at the unit.

(v) **Investment:** The unit has proposed to invest approx. Rs. 1800 Lakhs (*Rs. 1500 Lakhs in indigenous capital goods + Rs. 300 Lakhs in imported capital goods*). The major capital goods/ machineires will include "Server & Storage Hardware, Networking equipment, power and cooling systems, Office IT and Furnishings, Software & Platforms" etc. In addition to the capital goods, they have also proposed to

invest Rs. 1000 Lakhs in raw materials (indigenous) i.e. consumables and inventory like data center spare parts, cables, existing toys & textile inventories etc.

(vi) **Employment:** Unit has proposed an employment target of 500 persons (Men-300 + Women-200) when fully operational .

15. **Recommendation:** The Approval Committee in its meeting held on 22.09.2025 has recommended the proposal for revival / renewal of LOA, modification of authorized operations for consideration by the BOA under SEZ Rule 72. The Approval Committee also decided that proposal for grant of permission for "Trading of Textile" shall be considered restricted to clearance of old stock lying in the premises proposed to be taken over by the unit.

Recommendation by DC, NSEZ: -

DC, NSEZ is recommended case for revival/renewal of LOA, amendment in authorized operations and renewal of lease deed of M/s. Hanung Toys & Textiles Limited are forwarded herewith with the recommendation of the Approval Committee, NSEZ for revival of LOA in terms of Rule 72 of SEZ Rules, 2006.

Agenda Item No.134.8:

Appeal [3 cases: 134.8(i) – 134.8(iii)]

Rule position: - *In terms of the rule 55 of the SEZ Rules, 2006, any person aggrieved by an order passed by the Approval Committee under section 15 or against cancellation of Letter of Approval under section 16, may prefer an appeal to the Board in the Form J.*

Further, in terms of rule 56, an appeal shall be preferred by the aggrieved person within a period of thirty days from the date of receipt of the order of the Approval Committee under rule 18. Furthermore, if the Board is satisfied that the appellant had sufficient cause for not preferring the appeal within the aforesaid period, it may for reasons to be recorded in writing, admit the appeal after the expiry of the aforesaid period but before the expiry of forty-five days from the date of communication to him of the order of the Approval Committee.

134.8(i) Appeal dated 29.04.2025 filed by M/s. Varsur Impex Pvt. Ltd. in KASEZ under the provision of Section 15(4) of the SEZ Act, 2005 against the decision of 212th UAC meeting held on 28.03.2025 conveyed vide email dated 09.04.2025.

Jurisdictional SEZ – Kandla SEZ (KASEZ)

Brief facts of the Case:

M/s. Varsur Impex Pvt Ltd, is a Warehousing Unit in Kandla Special Economic Zone (hereinafter referred to as 'the Warehousing Unit' to render the service of Warehousing to their clients in terms of LOA No 01/2021-22 dated 10.04.2021

2. As per the prevalent practice in Kandla Special Economic Zone, the warehousing unit has to take prior approval from the UAC before warehousing ADDITIONAL ITEMS M/s Varsur Impex Pvt Ltd. submitted a request letter dt 17.03.2025 for inclusion of additional items in the approved list of LOA for warehousing activities. The details of the items are mentioned from Sr No 1 to 20 in the letter for consideration.

3. The said request of the warehousing unit was considered by the 212th, UAC held on 28.03.2025 at KASEZ vide Agenda Point No 212.2.11. Shri N.K. Choudhary, Authorized Representative of the company & Shri Mahender Kapoor, Consultant of the company attended the UAC in person & explained the proposals.

4. Mr. Mahender Kapoor, Consultant made a specific request to the UAC during the meeting on 28.03.25 that if the UAC is not approving any of the items proposed by them for warehousing, then a detailed justification may be given by the UAC by way of speaking order for not approving the items proposed.

5. The IA-I section of KASEZ vide their mail dated 09.04.2025, inter alia, conveyed that *'The Approval Committee in its 212th, meeting after due deliberation decided to permit the additional items to be warehoused on behalf of DTA/Foreign clients as submitted by the unit except items at Sr. No 3,4,5,6,7,8,9,10,14,15 & 16 of agenda, subject to the unit submitting specific list of items at Sr. No 12,13 & 19, subject to payment of outstanding rental dues & also subject to unit fulfilling NFE criteria and subject to the unit submitting KYC of your clients along with IT R of the last 3 years on whose behalf you will warehouse goods and subject to the conditions mentioned in the UAC minutes.....'*

5.1 Turning to the Minutes of the 212th UAC meeting at Agenda Point No 212.2.11, the observations of the UAC are stated as follows:

"The Committee perused Instructions No 117 dated 24.09.2024 wherein the Department of Commerce, SEZ Section, New Delhi wherein guidelines for

operational framework of FTWZ and warehousing units in SEZ have been prescribed for strict compliance by all DCs. Further, in the said Instruction, it has been stipulated that there should be due diligence in verifying the credentials including KYC norms of the applicant entities for setting up of FTWZ/Warehousing Zones/Units as well as the clients of such units. Aadhar based authentication of Indians and Passport based authentication for foreign clients are to be considered. The Income tax return for the last 3 years in respect of the Proprietor/Partners/Directors or the audited balance sheets for the last three years in case of Limited Company/Private Limited Company should be part of KYC. In present proposal, the unit has not submitted KYCs & ITRs of their clients on whose behalf they will warehouse the goods and thus the UAC is not in a position to verify the credentials of their clients.

Further, the committee also noted that various cases are under investigation against the unit.

The committee further noted that some of items requested for warehousing are sensitive in nature & the UAC is not permitting the same in the recent past.

The Committee after due deliberation decided to permit the additional items to be warehoused by the above unit on behalf of DTA/Foreign clients as submitted by unit except.....”

6. Being aggrieved by the above noted decision of the 212th UAC, a representation dt 15.04.2025 was sent to the Development Commissioner, Kasez pointing out fallacy and hollowness of the grounds mentioned in the minutes of the meeting & the stage of applicability of the KYCs norms for the new clients with the request to re -consider the items in the upcoming UAC, with the hope that on being pointed out on record, a sense of proposition, fairness, better dispensation of law & devotion to duty will prevail, BUT, AS USUAL TO NO AVAIL.

7. Hence, being aggrieved with the decisions of the 212th UAC with regard to Agenda Point No 212.2.11, as reflected in the Minutes of the 212th, UAC meeting & conveyed to the warehousing unit vide mail dated 09.04.25, I am making this appeal on the basis of the ground mentioned in Annexure B for consideration of the Hon'ble BOA

Grounds of Appeal

Ground No. 1: The prevalent practice of making a warehousing unit to seek item & CTH wise permission from the UAC at Kandla Special Economic Zone, deliberation of UAC thereon, or approval or permission thereof is farce, ultra vires & void ab initio because it is not mandated under any provisions of the SEZ law.

Neither Rule No 18(2), because it is not a proposal for setting up a new warehousing or sez unit; nor 18(5), because it is not a fresh proposal to warehouse the goods on

behalf of foreign clients or proviso to Rules 19(2) SEZ Rules, 2006, because no broad banding is being sought or change in service activity i.e warehousing is being sought mandates for such exercise

Explanation

1.1 None of the provisions of SEZ law or instructions mandates that an FTWZ unit or warehousing unit in SEZ is required to take item/CTH wise approval from the UAC or for that matter from the Development Commissioner.

1.2 On one of the similar appeals in the past before the BOA, shelter of broad banding under the proviso to Rule 19(2) was being taken. Presumably, on this occasion also, the opinion of Kasez authorities pins on this provision. Let us have a relook in the said provisions which reads as follows:

Rule 19 which deals Letter of approval to a Unit provides that

(1) On approval of a proposal under Rule 18 or 19, Development Commissioner shall issue a Letter of Approval in form G for setting up of the unit;

(2) The letter of approval shall specify the items of manufacture or the particulars of service activity, including trading or warehousing, projected annual export and net foreign exchange earnings for the first five years of operations, limitations, if any on Domestic Tariff Area sale of finished goods, by products, and rejects and other terms and conditions, if any, stipulated by the Board or Approval Committee:

'Provided that the Approval Committee may also approve proposals for broad banding, diversification, enhancement of capacity of production, change in the items of manufacture or service activity, if it meets the requirements of Rule 18:

1.3 It may please be appreciated that even the proviso to this particular sub rule 2 does not provide for the inclusion of additional items for the same service activity. It only talks about change in service activities such as from warehousing to IT, or banking or management or consultancy or medical or logistics or security etc. In the instant matter, there is absolutely no proposal from the appellant seeking change in the service activity. The unit is granted LOA for warehousing activity, it continues to do the same. So, the deliberation on compulsive request of a warehousing unit for inclusion of additional items for the same service is not mandated under proviso to Sub rule 2 of Rule 19.

1.4 Further, in order to understand the matter in the right perspective, it is imperative to do a little incision into the whole gamut of related stipulations/provisions on the subject.

1.5 Accordingly, kind attention is invited to Rule 18(2) of the Special Economic Zone Rules, 2006 which vests the authority in the UAC to grant the permission for setting up a unit in the Special Economic Zone including the documentary requirements to be complied by the applicant & procedure thereof. None of the

provisions of Rule 18(2) or its sub rules right from (i) to (v) requires submission of details of items, CTH Wise for the purpose of FTWZ unit or warehousing unit in SEZ.

1.6 Similarly, is placed Rule 18 (5), which prescribe certain stipulations for the FTWZ unit or a warehousing unit in a SEZ, does not impose any such requirement of item/CTH wise approval on behalf of a FTWZ unit or warehousing unit in SEZ. The only stipulation imposed by this sub rule is that all the transactions by a unit in Free Trade and warehousing Zone (FTWZ) shall only be in convertible foreign currency.

1.7. It is a matter of record that warehousing unit at KASEZ are being forced to seek items wise approval time and again without any mandate to this effect under any provisions of the SEZ law. It is re-iterated that there is neither any proposal nor any intention on the part of the applicant/appellant to change its service activity so as to fall in the domain of proviso to Rules 19(2). The fact of the matter that only warehousing service are being provided and they will continue to provide the same only.

1.8 Though, it has been pointed out in writing as well as during the course of UAC that there is NO specific or general provision in this regard, yet, the warehousing units have to seek prior permission from the UAC for inclusion of additional items for warehousing activities, because the office of the Specified Officers including Authorized Officers at KASEZ refuse to process the bill of entry or allied documents without such permission. So, the warehousing units at Kandla Special Economic Zone have to fall in line and make applications in this regard.

1.9 So, from the explanations made above, it is clear beyond doubt that the very act of the Development Commissioner & the Unit Approval Committee deliberating on the proposals of inclusion of additional items for warehousing activities are not mandated under the SEZ Law, hence un authorized & should be discontinued forth with. **On ground alone, the decisions of the 212th UAC meeting are liable to be set aside.**

Ground No 2: The impugned decision of the 212th, UAC reflects improper appreciation & application of Instruction No 117 dt 24.09.2024, self-contradiction, bias, mis-chief & selective approach, unbecoming for a committee constituted primarily for approval purposes.

2.1 In explanation, the appellant has re-iterated the Para 5 along with Para 5.1 as mentioned under 'brief facts of the case' above.

2.2. In this regard, it is submitted that the Minutes of the meeting which should be a summarized record of the proceedings of the meeting have detailed description of each point and the letter/mail dt 09.04.25 which should have all details with regard to the observations of the UAC pertaining to our proposal does not have these. It means that what should have been conveyed to the applicant and for their consumption and action only, have been put in the public domain.

2.3 Such is basic understanding prevailing at KASEZ with regard to official communication, its objective; purpose & actionability So, it can well be imagined as to

how the provisions of SEZ law will be understood by the bunch of officers at KASEZ & the way it is implemented. The results are obvious and there to see.

2.4 It is further submitted that in the 1st para of the Minutes, the reason cited for denial of permission is non submission of KYC & ITRs of the clients. But in the last para of the same Minutes, the permission is granted for certain items, though, with the request letter, no KYCs or ITRs of any client have been submitted by the warehousing unit.

2.5 If, in terms of the Instructions No 117, the permission is to be granted only after verifying the credentials of the prospective clients on the basis of KYCs & ITRs of last three years, why the permission is granted in the letter/mail dt 09.04.25 in the absence of such documents. Hence, the impugned decision of the UAC, reflected in the Minutes of the 212th, UAC meeting, contains self-contradictory versions coupled with bias & selective approach, which is unbecoming for a committee constituted primarily for specific purposes.

2.6. Though, the UAC have made their observations with regard to the submission of KYC documents along with ITRs of the clients in terms of Instructions No 117, yet they have completely ignored the stage of submission of such documents stipulated in the same instructions itself. The following explanation will make the point clear.

The client can either be an existing one or a prospective/potential one. In case of an existing client, the KYCs documents along with respective agreement are already submitted with the office of the Development Commissioner. However, in case of prospective client, the stage of agreement comes prior to commencement of business. And the agreement for rendering warehousing services with respect of a particular item to a prospective client cannot be executed in the absence of prior permission for that particular item by the UAC. So, the prior approval for a particular item proposed to be warehoused by a unit at KASEZ is a pre requisite before an agreement & obtaining KYC document including ITRs from a client. Accordingly, in the instant case, the stage of KYC and its submission with the office of the DC IS YET TO COME.

Similarly, the stage of submission of KYC & ITR etc is prescribed in Para 1(ii) of the Instructions no 117 which stipulates that 'Development Commissioner to ensure that warehousing units should furnish the specified KYCs details of their clients to the DC office before commencing first transactions by that client.'

2.7 Though, the learned UAC members including the chairman have conveniently ignored it, wherever it suits their pre-planned agenda, yet they are placing reliance on the remaining portion of the same Instructions, as per their convenience. This kind of pick & chose approach is not permissible under any law, including SEZ Law

2.8 With regard to the observation of the UAC that various cases are under investigation against the unit, it is submitted that investigation is a primary stage of a legal process. Hence, none of the provisions of the SEZ law provides for denial of permission on this ground. So, the observation of the UAC on this account is pre mature and not tenable.

2.9 The committee further noted that some of items requested for warehousing are sensitive in nature & the UAC is not permitting the same in the recent past

2.10 The appellant has submitted that it may be appreciated & agreed that storage/warehousing activities are all about simple service PROCESSES which do not require any special skill or qualification, the way a housewife does not need for making storage of various items flammable, non-flammable, spices including black pepper etc in a kitchen & various other items in a home. It needs to be understood that though, there may be slight change in the pattern of storage in case of inflammable & other items, yet the activities of storage/warehousing remain the same. however, any item can be termed as Sensitive or otherwise with regard to its FTP or its importability. But the items requested are Freely importable in terms of Policy. Further, from the view point of warehousing in a SEZ Unit, such observations are irrelevant because the role of warehousing unit in SEZ is limited to storage & proper upkeep.

2.11 All the policy framers are in agreement what has been explained above and that is why, in all the SEZs & FTWZ all across the country, all the items, except, restricted & prohibited items, are permitted to be warehoused and traded. You may check next door at Adani SEZ or in any other FTWZ where units are permitted to warehouse all the items. Since the authorities at KASEZ are also bound by the same law. The Ministry or the BOA should issue necessary instructions to the DC, KASEZ to stop forthwith this un authorized practice in the interest of economic growth & fair play.

Ground NO 3: The modification or approval or rejection of any proposal should be based on the specific provisions of SEZ law & it cannot be at the whims & fancies of the Chairman of the UAC & its members

Explanation

In this regard, it is submitted that neither the letter/mail dated 09.04.25 nor the Minutes of the 212th, UAC Meeting available on the official web site of KASEZ make any mention of any Rule or Instructions whereunder the permission is being denied. Denial of permission can only be done under a specific provision of relevant law and it needs to be communicated to the applicant. It should also be mentioned in the communication with whom the appeal lies against the decision. Any rejection or denial cannot be at the whims & fancies of the Chairman of the UAC and its members.

Para wise comments in case of M/s. Varsur Impex Pvt. Ltd., KASEZ

Para 1 to 7: -

Facts of the case, hence no comments.

Ground of Appeal:

Para 1:

The contention of the appellant is not correct as the Ministry vide instruction no. 117 dated 24.09.2024 has issued guidelines for operation framework of FTWZ and warehousing unit in SEZ wherein direction were issued to DCs to keep strict watch on the high risk commodities such as areca nuts betel nuts black pepper dates etc. and may consider restricting dealing in such sensitive commodities by FTWZ units and warehousing units. Moreover, the list may further be regularly reviewed by the Unit Approval Committee based on the risk perceptions of the various commodities. Further the appellant has requested for sensitive items such as Cigarettes, filter cigarettes etc. which the Board of Approval has not been permitting in the recent past i.e. in the 88th BoA meeting held on 25.02.2019 in the case of M/s. Zest Marine Services Pvt. Ltd., KASEZ and in the 74th BoA meeting held on 06.01.2017 in the case of M/s. A One Duty Free Pvt. Ltd.

Further, KASEZ made reference to other SEZs regarding procedure being followed for addition of new items in existing LoA by trading and warehousing units and it has been informed that the units has to apply for inclusion of items and the matter is being placed before the Unit Approval Committee for consideration. As such in other SEZ also any new items whether trading or warehousing is being placed before the UAC for approval.

Para 2:

The contention of the appellant is not correct as the Minutes of the 212th Unit Approval Committee uploaded in the KASEZ website and the email dated 09.04.2025 sent to the unit just for their information and make necessary compliance of the Unit Approval Committee's decision.

Further, the permission for addition of items which appears to be non-sensitive & granted to the other warehousing units were granted to the appellant subject to submission of KYC and ITR of their clients and sensitive items such as Cigarettes, filter cigarettes etc. were denied by the UAC.

The contention of the appellant is not correct as KASEZ made reference to other SEZs regarding procedure being followed for addition of new items in existing LoA by trading and warehousing units and it has been informed that the unit has to apply for inclusion of items and the matter is being placed before the Unit Approval Committee for consideration. As such in other SEZ also any new items whether trading or warehousing is being placed before the UAC for approval.

Para 3:

The contention of the appellant that approvals are granted at the whims and fancies of the Chairman of the UAC and its members is not correct as in the 116th UAC meeting held on 19.07.2017, the UAC has decided that the warehousing units in KASEZ will have to seek permission for any new items which they intend to warehouse on behalf of foreign clients as well as DTA clients and submit KYC of the client before warehousing the items.

The contention of the Appellant is not tenable as first proviso to Rule 19(2) of the SEZ Rules, 2006 empowers the Approval Committee to approve proposals for broad-banding, diversification, enhancement of capacity of production, change in the items of manufacture or service activity, if it meets the requirements of Rule 18 and thus the decision taken by the UAC comes within the ambit of Rule 19(2) of the SEZ Rules, 2006.

Comments of DC:

In view of the above, prayer of the appellant requires to be summarily rejected and no relief of any kind be granted to them and the decision of the UAC is a well reasoned legal and proper decision as per past approval of not approving the sensitive items such as Cigarettes, filter cigarettes etc.

Decision of BoA in prior meetings:

The Board in 133rd meeting, deferred the appeal due to paucity of time.

The Board in 131st meeting, deferred the appeal as the appellant did not present his case after joining the meeting through VC link

The Board in 130th meeting, deferred the appeal due to paucity of time.

The appeal is being placed before the Board for its consideration.

134.8(ii) Appeal of M/s. Flamingo Logistics (Warehousing Division) against the decision of 213rd UAC meeting held on 30.04.2025 -reg.

Jurisdictional SEZ – Kandla SEZ (KASEZ)

Brief facts of the case

M/s Flamingo Logistics (Warehousing Division) is a unit in Kandla SEZ since 2011 is engaged in activity of warehousing services and trading activity of all the items except restricted and prohibited

The appellant has been operating in Kandla SEZ since about 14 years and has clean track record. The appellant has always remained positive in earning of NFE and has paid the rental dues from time to time.

The appellant commenced its authorized operations on 28/04/2014 and accordingly the LOA has been renewed from time to time. A copy of original LOA dt.19/05/2011. subsequent renewal of LOA vide letter dt.30/04/2019 and the last renewal vide letter dt.31/05/2024. The LOA of the appellant is valid up to 28/04/2029.

The appellant during his operational period had imported cigarettes (Richman Royal) CTH 24022090 on behalf of their DTA Client M/s Jubilee Tobacco Industries Corporation, New Delhi and exported the same to his Foreign Client at Netherlands vide Shipping Bill No.0001864 dt. 08/02/2016.

Similarly the appellant made procurement of cigarettes (CHT 24022090) on behalf of their Foreign client M/s Jubilee Tobacco Industries INC., USA from DTA Godfrey Phillips Limited, New Delhi under Bill of Export No. 0005627 dt.26/10/2015 and also procured from M/s Shanti Guru Tabaco under Bill of Export No.0005655 dt.26/10/2015 and exported the same to M/s Bashir International Ltd. Afghanistan under Shipping Bill No.0015840 dt.26/11/2015 on behalf of their Foreign client. A copy of Bill of Exports and Shipping Bills.

Although the appellant was holding LOA under which warehousing and trading of all items except restricted and prohibited was permitted. the UAC in its 116th meeting held on 19/07/2017 at para 6 decided that the units in SEZ should seek permission for each item they intend to warehouse on behalf of their Foreign clients as well as DTA clients and submit the KYC details of clients before warehousing the goods. A copy of minutes of 116th meeting of UAC held on 19/07/2017 with corrigendum dt. 31/07/2017.

Accordingly, the appellant vide his letter dt.17/02/2025 requested for permission to warehouse Lithium-ion battery (CTH 85076000). The appellant also vide their letter dt. 14/04/2025 and email dt.16/04/2025 requested for permission to warehouse cigarettes (CTH 24022090) on behalf of their Foreign client. A copy of their letter dt.17/02/2025, 14/04/2025 and email dt. 16/04/2025.

The request of the appellant for import of cigarettes and Lithium-ion battery was placed before 213 meeting of UAC held on 30/04/2025 and the UAC permitted to warehouse Lithium-ion battery, but rejected the permission to warehouse cigarettes solely on the ground that the item being sensitive commodity and prone to diversion

the UAC is not permitting such item for warehousing. The decision of UAC was conveyed to the appellant vide letter dt.22/05/2025 from the Development Commissioner, Kandla SEZ (hereinafter referred to as the Respondent). A copy of minutes of 213th and Respondent's letter dt.22/05/2025.

Being aggrieved with the decision of the UAC communicated by the Respondent the Appellant herein, most respectfully, submits the Appeal before BOA, Ministry of Commerce, SEZ Section. Vanijya Bhavan. New Delhi (hereinafter referred to as (THE APPELLATE AUTHORITY) as per Rule 55 of the SEZ Rules, 2006 read with Section 16 (4) of the SEZ Act, 2005.

Grounds of Appeal and Para wise comments in case of M/s. Flamingo Logistics (Warehousing Division), KASEZ

Para no.	Grounds of Appeal	Para wise comment from KASEZ
1	The Respondent has passed the order in mechanical a manner and without application of mind and without appreciating that the appellant is already doing warehousing business of cigarettes and this unilaterally and arbitratorily limiting the scope of appellant business is neither justified and nor warranted.	The appellant's contention that the Unit Approval Committee (UAC) acted in a mechanical manner without due consideration is incorrect. The Department, guided by Instruction No. 117 dated 24.09.2024 from the Ministry of Commerce & Industry, has issued clear guidelines for the operational framework of Free Trade Warehousing Zones (FTWZs) and warehousing units in Special Economic Zones (SEZs). These guidelines direct Development Commissioners to maintain strict oversight on high-risk commodities, including sensitive items such as cigarettes, due to their potential for misuse or diversion. The UAC's decision to reject the warehousing of cigarettes aligns with this directive and is consistent with prior Board of Approval (BoA) decisions, such as those in the 88th BoA meeting (25.02.2019) concerning M/s Zest Marine Services Pvt. Ltd., KASEZ, and the 74th BoA meeting (06.01.2017) concerning M/s A One Duty Free Pvt. Ltd., where similar sensitive commodities were not permitted for Trading. The UAC's decision aligns with these established precedents to prevent the warehousing of sensitive commodities prone to diversion.

2	The Respondent has failed to appreciate that the original LOA of the appellant is for warehousing and trading activity of all the items except restricted and prohibited and without imposing restriction of any particular item. Not only this even in subsequent renewal letter dt.30/04/2019 and 31/05/2024 also does not put any restriction on warehousing any specific items. However complying with the decision of 116th UAC meeting (ANNX-D supra) the appellant had sought the permission to warehouse cigarettes vide its letter dt.14/04/2025 and email dt.16/04/2025.	The appellant's claim that their Letter of Approval (LoA) permits warehousing and trading of all items except restricted and prohibited items, and that no specific restrictions were imposed, is misleading. While the LoA dated 19.05.2011 and its subsequent renewals dated 30.04.2019 and 31.05.2024 do not explicitly list restricted items, the UAC's decision in its 116th meeting held on 19.07.2017 mandates that warehousing units in KASEZ must seek prior approval for each new item to be warehoused, along with submission of Know Your Customer (KYC) details for clients. This requirement was introduced to ensure compliance with SEZ regulations and to mitigate risks associated with sensitive commodities. Further, KASEZ made reference to other SEZs regarding procedure being followed for addition of new items in existing LoA by trading and warehousing units and it has been informed that the units has to apply for inclusion of items and the matter is being placed before the Unit Approval Committee for consideration. As such in other SEZ also any new items whether trading or warehousing is being placed before the UAC for approval. The appellant's request for permission to warehouse cigarettes was duly considered in the 213th UAC meeting held on 30.04.2025 and was rejected due to the sensitive nature of the commodity, as per the aforementioned guidelines. This decision does not arbitrarily limit the appellant's business but reflects a consistent application of regulatory oversight. The UAC's decision is thus not an arbitrary limitation but a regulatory measure applied consistently.
3	The Respondent has failed in appreciating that the appellant was doing warehousing business of	The appellant's assertion that their prior warehousing of cigarettes in 2015-2016 (as evidenced by Annexures B and C

	cigarettes in past also and all of sudden rejecting the permission to warehouse cigarettes without any cognate reason will make the appellants' business to suffer.	of the appeal) justifies continued permission is untenable. The regulatory framework has evolved since 2015–2016, with Instruction No. 117 (24.09.2024) and the 116th UAC decision (19.07.2017) introducing stricter controls on sensitive commodities. The UAC's rejection of the appellant's request is based on the current risk perception of cigarettes, which are prone to diversion and mis-declaration, as noted in the 213th UAC minutes. The appellant's past activities do not confer an automatic right to continue warehousing such items under the updated regulatory framework. Thus, the UAC's decision is to ensure regulatory oversight and the ability to control high-risk commodities.
4	The Respondent has utterly failed in appreciating the commodity cigarettes (CTH 24022090) is in free list and any one in India can import the same. A list of verities of cigarettes fall under CTH 2402 as per the FTP is freely Importable.	The appellant's argument that cigarettes are freely importable under the Foreign Trade Policy (FTP) and thus should be permitted for warehousing is not valid in the context of SEZ regulations. While cigarettes may be freely importable in the Domestic Tariff Area (DTA), SEZ units operate under a distinct regulatory regime governed by the SEZ Act, 2005, and SEZ Rules, 2006. The first proviso to Rule 19(2) of the SEZ Rules, 2006 empowers the UAC to approve or reject proposals for broad-banding or addition of items based on compliance with Rule 18, which includes considerations of risk and regulatory compliance. The UAC's decision to deny permission for cigarettes is well within its authority and aligns with the Ministry's guidelines on high-risk commodities. The UAC's decision reflects a proactive measure to mitigate such risks, even if direct import by DTA parties is permissible.
5	The apprehension of 213 UAC the commodity of cigarettes is sensitive in nature and prone to diversion is baseless, because the number of parties in DTA are importing the	The appellant's claim that the UAC's apprehension about cigarettes being prone to diversion is baseless is incorrect. The Department's concerns are substantiated

	same as the item is in free list. Therefore, putting restriction on SEZ unit is neither justified and not warranted.	by Instruction No. 117 (24.09.2024), which explicitly identifies sensitive commodities like cigarettes as high-risk due to potential diversion and mis-declaration. The UAC's decision is further supported by precedents in other SEZs, where similar restrictions have been imposed, and by BoA decisions rejecting such items (e.g., 88th and 74th BoA meetings). The appellant's comparison to DTA importers is irrelevant, as SEZ units are subject to stricter oversight to prevent misuse of the SEZ framework.
6	The appellant is carrying out the business of warehousing services exclusively as explained herein above and therefore considering the item as prone for diversion by the UAC is not justified. Moreover, the appellant undertakes that the item will be exclusively dispatched to DTA market on payment of applicable Custom Duties and Taxes, Physical Export of same.	The appellant's undertaking to dispatch cigarettes to the DTA market only upon payment of applicable customs duties and taxes, or through physical export, does not mitigate the inherent risks associated with warehousing such sensitive commodities. The UAC's decision is based on a broader risk assessment, as mandated by Ministry guidelines, and is not limited to the appellant's assurances. Furthermore, the appellant's compliance with customs duties does not override the UAC's authority to restrict high-risk items under SEZ regulations.
7	More reasons will be given at the time of hearing of the appeal.	The appellant's request to provide additional reasons at the time of the hearing may be noted but at the same time it does not alter the Department's position that the UAC's decision is well-reasoned and legally sound.
8	The Appellant reserve its right to add, alter, amend, and/or delete any of the Grounds of the Appeal at any stage.	The appellant's reservation of the right to add, alter, amend, or delete grounds of appeal may be acknowledged but at the same time it does not impact the Department's response to the current grounds. It is submitted that the UAC's decision in the 213th meeting (30.04.2025), as communicated vide letter dated 22.05.2025, is legally sound, well-reasoned, and in accordance with the SEZ

	Act, 2005, SEZ Rules, 2006, and Ministry Instruction No. 117 dated 24.09.2024. The rejection of permission to warehouse cigarettes is consistent with the regulatory framework governing SEZs and aligns with precedents set by the BoA. The appellant's grounds of appeal lack merit and fail to demonstrate any error in the UAC's decision-making process. 1. The appeal filed by M/s Flamingo Logistics (Warehousing Division) be summarily rejected. 2. The decision of the 213th UAC meeting (30.04.2025) and the Development Commissioner's letter dated 22.05.2025 be upheld. No relief of any kind be granted to the appellant, as the UAC's decision is lawful and based on established guidelines and precedents.
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Prayer of appellant:

The appellant, most respectfully, prays to Appellate Authority to graciously grant the following reliefs:

- i. The decision of 213th meeting of UAC as far as concerned to the appellant and Respondent's letter dt.22/05/2025 may kindly be quashed and set aside.
- ii. To allow the appellant to import and warehouse the commodity of cigarettes as the appellant was doing in past under their LOA.
- iii. If the Adjudication Authority deem fit the same can modify the decision of UAC to give the relief to the appellant
- iv. Any other relief in the facts and circumstances of the case may also be granted as may be deemed fit.

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Comments of DC:

1. The appeal filed by M/s Flamingo Logistics (Warehousing Division) be summarily rejected.
2. The decision of the 213th UAC meeting (30.04.2025) and the Development Commissioner's letter dated 22.05.2025 be upheld. No relief of any kind be

granted to the appellant, as the UAC's decision is lawful and based on established guidelines and precedents.

Decision of BoA in prior meetings:

The Board in 133rd meeting, deferred the appeal due to paucity of time.

The Board in 131st meeting, deferred the appeal due to paucity of time.

The Board in 130th meeting, deferred the appeal due to paucity of time.

The appeal is being placed before the Board for its consideration.

134.8(iii) Appeal dated 17.07.2025 filed by M/s Diligent Logistics Solution Pvt. Ltd. in NSEZ under the provision of Section 15(4) of the SEZ Act, 2005 against the decision of UAC meeting held on 05.06.2025.

Jurisdictional SEZ – Noida SEZ (NSEZ)

Brief facts of the Case:

The applicant M/s Diligent Logistics Solution Pvt. Ltd. had applied for setting up of a unit at the Free Trade and Warehousing Zone (FTWZ) for warehousing of goods with following activities as Authorised Operations:

Service, Warehousing, Trading with or without labeling, packing & re-packing without any process, Assembly of Completely Knocked Down or Semi Knocked Down in respect of items under following HS Codes, excluding those items Restricted' & 'Prohibited' for imports & exports:-

HS Code: 2202, 2209, 2714, 27L5, 2934, 321,0, 39L4, 3822, 3903, 3904, 3905, 3906, 3907, 3908, 3909....

Post receipt of LOA, M/s Diligent Logistics Solution Pvt. Ltd. submitted acceptance letter dated 06.11.2024 to the Development Commissioner, NSEZ

M/s Diligent Logistics Solution Pvt. Ltd. Submitted BLUT and received acceptance from the DC-NSEZ on 30 January 2025.

On 28.03.2025, Diligent Logistics Solution Pvt. Ltd. submitted application for enhancement of list of items.

The Development Commissioner, NSEZ vide Agenda Item No. 4.1 of the Minutes of Meeting bearing No. **10/06/2022-SEZ/5305 dated 19.06.2025** rejected for inclusion of additional items (33 previous and 52 new items) in LOA dated 03.10.2024. The decision passed under Agenda Item No. 4.1 is reproduced below for ease reference:

4.1 M/s. Diligent Logistics Solutions Private Limited

4.1.1 Sh. Rakesh Trikha, Director of M/s. Diligent Logistics Solutions Private Limited joined the meeting through video conferencing and explained the proposal.

4.1.2 The Approval Committee discussed the proposal in detail and discussed on the role of M/S Diligent Logistics Solutions as CHA in illegal activities of providing fake documents to the department on behalf of the clients (as brought out in the Specified Officer report dated 24/12/2024). Further, it was observed by the Approval Committee that a show cause has also been issued to the unit by Noida customs Commissionerate under Customs Act, 1962. Hence, after due deliberations and taking into account the serious nature of the fraudulent transaction, the committee decided

not to grant approval for inclusion of additional items (33 previous and 52 new items) in LOA dated 03.10.2024 till adjudication of the aforementioned show cause notice.

The said Unit prefer an appeal against the decision communicated by the Development Commissioner NSEZ-SEZ vide **Minutes of Meeting of UAC bearing No. 10/06/2022-SEZ/5305 dated 19.06.2025** not approving the additional items.

GROUND OF APPEAL by appellant:

1. Distinct Legal Identity - No Overlap in Legal Personality: The entity Deligent Logistics Solutions, operating as a Customs House Agent (CHA), is a proprietorship firm (against whom the said Show Cause Notice has been issued by the Customs Commissioner) and is completely separate in law and fact from the Appellant i.e. Deligent Logistics Solutions Pvt. Ltd., a company incorporated under the Companies Act, 2013 and registered as a unit at Arshiya Northern FTWZ Ltd. The alleged actions of the CHA firm cannot and must not be attributed to the Appellant Company. It is a settled principle of company law that a company is a distinct legal person (See *Salomon v. A. Salomon & Co. Ltd.*, [1897] AC 22, HL), and unless the corporate veil is justifiably lifted, liability does not pass from one entity to another.

2. No Allegation or Proceedings Against the Appellant: There is no criminal, civil or quasi-judicial proceeding pending against the Appellant. No show-cause notice has been issued to the Appellant under any provision of the SEZ Act, SEZ Rules or the Customs Act. Despite this, the UAC has penalized the Appellant by refusing the legitimate amendment of its LoA. Such action is arbitrary and violative of principles of natural justice.

3. Violation of Principles of Natural Justice - Audi Alteram Partem: The impugned Minutes of the Meeting dated 19.06.2025 was passed without issuance of any show-cause notice or opportunity of hearing to the Appellant. The denial of approval solely based on alleged unrelated events without due process is in direct violation of the fundamental principle of audi alteram partem (right to be heard), as upheld in *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

4. No Provision Under SEZ Act to Punish Third-Party Acts: The SEZ Act, 2005 and SEZ Rules, 2006 do not empower the UAC to deny amendment of an LoA to a unit-holder based on alleged misconduct by another entity not registered as a unit under the SEZ. The CHA in question is neither a unit-holder nor governed by the provisions of SEZ Act for the purposes of punitive action against the Appellant.

5. Arbitrariness and Non-Application of Mind: The impugned decision shows complete non-application of mind, wherein no consideration has been given to the business history, compliance record or operational conduct of the Appellant. A blanket refusal based on extraneous factors unrelated to the Appellant's functioning in the

FTWZ renders the order arbitrary and unsustainable in law (See E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555).

6. Violation of Article 14 and 19(1)(g) of the Constitution: The impugned decision violates the Appellant's right to equality before law (Article 14) and right to carry on trade and business (Article 19(1)(g)). By preventing the Appellant from carrying out operations for which it is otherwise lawfully entitled, Minutes of the Meeting dated 19.06.2025 amounts to a restriction without reasonable justification or statutory basis.

7. Disproportionality of Action: Even assuming (without admitting) any alleged link between the CHA and the Appellant, the refusal to allow legitimate business operations by denying inclusion of additional items is wholly disproportionate. In regulatory jurisprudence, punitive action must be proportionate to the alleged default, if any. Here, there is no adjudicated default, let alone one attributable to the Appellant.

8. Appellant's Past Compliance and Good Track Record: The Appellant has consistently complied with all provisions of the SEZ Act, Customs Act and the operational rules of Arshiya FTWZ. There is no record of non-compliance, evasion or procedural lapses against the Appellant, which makes the UAC's order even more untenable.

9. Doctrine of Legitimate Expectation: The Appellant has a legitimate expectation of fair and equitable treatment from authorities. When an entity applies for an amendment in accordance with law and in line with past approvals, denial without just cause violates administrative fairness and the doctrine of legitimate expectation as recognized by the Supreme Court in Union of India v. Hindustan Development Corporation, AIR 1994 SC 988.

10. Business Prejudice and Loss: The arbitrary refusal to allow the inclusion of new items causes grave financial loss and operational disruption to the Appellant's business. It also prejudices the credibility of the Appellant before its clients and partners, damaging its commercial standing.

Prayer of appellant:

In view of the above, the Appellant respectfully prays that:

- The impugned decision of the Unit Approval Committee dated 19.06.2025 may be **quashed and set aside**;
- The application for **inclusion of the additional items (33 previous + 52 new)** in the LoA of the Appellant be **approved**;
- **Any other relief(s) deemed just and proper** in the interest of justice may be granted.

Appellant request that Appellant may be granted an opportunity of personal hearing before the case is decided.

NSEZ Reply on the matter:

M/s. Diligent Logistics Solutions Private Limited has been recently granted LOA No.10/17/2024-SEZ/8265 dated 03.10.2024 for setting up a unit in the Multi-Sector SEZ of M/s. Arshiya Northern FTWZ Ltd. at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (U.P.) to undertake "*Warehousing, Trading with or without labeling, packing & re-packing without any process, Assembly of Completely Knocked Down or Semi Knocked Down kits' in respect of approved HS Codes, excluding those items 'Restricted' & 'Prohibited' for imports & exports*". The unit has submitted request for taking DCP on records, which has been scrutinized and observations for this has been communicated to the unit.

The proposal of M/s. Diligent Logistics Solutions Private Limited for inclusion of 33 nos. HS Codes / products in the LOA dated 03.10.2024 of its FTWZ unit in the Arshiya Northern FTWZ Ltd. Multi Sector SEZ at Village- Ibrahimpur, Junaidpur urf Maujpur, Khurja Distt- Bulandshahr (Uttar Pradesh), was placed before the Approval Committee in its meeting held on 05.12.2024. The Approval Committee discussed the proposal in detail and after due deliberations empowered the Office of DC, NSEZ to take decision on file after thorough scrutiny in light of sensitivity of the business plan and Guidelines for Operational Framework of FTWZ and Warehousing units in SEZ issued vide Instruction No. 117 dated 24.09.2024. Relevant page of minutes of meeting is attached.

Accordingly, proposal of M/s. Diligent Logistics Solutions Private Limited for inclusion of 33 nos. HS Codes / products in the LOA dated 03.10.2024, was forwarded to Specified Officer for examination and comments in light of sensitivity of the business plan and Guidelines for Operational Framework of FTWZ and Warehousing units in SEZ issued vide Instruction No. 117 dated 24.09.2024, for further necessary action in the matter.

Specified Officer was of the opinion that:-

The Unit holder was recently engaged in providing CHA services in ANFTWZ Khurja for the M/s Srikaram Prescience Private Limited a Unit (LOA holder) and its DTA client M/s Rehmat Overseas, 3rd Floor Bhardwaj Tower Bypass Road Near Gurunanak Hospital Palwal Faridabad Haryana 121002 for import of Broken Cashew (CTH 08013210).

The CHA along with the DTA importer used fake documents wilfully misstating the country of Origin of impugned goods as Afghanistan in the subject Bill of Entry filed, with an intent to evade payment of Customs Duty. Further, they submitted Bond with Bank Guarantees as per details given hereunder for removal of the subject goods provisionally pending verification of the subject Certificates of Country of

Origin. However, on verification of the said Bank Guarantees, the concerned Bank informed through e-mail, that the said Bank Guarantees were not issued by them and these appear to be forged. It appears that the CHA along with the DTA importer is engaged in manipulation, forging the documents and submitting fake documents to the department only for the purpose of evading payment of due customs duties on removal of their goods into DTA.

Further investigation is under process.

Hence, as the unit and its authorised signatory is having a recent history of serious violation as per relevant act and rules. A decision regarding their extension may be taken in light of above developments.

In the mean-time, the unit vide letter dated 28.03.2025 has submitted request for inclusion of 52 nos. HS Codes / products in the LOA dated 03.10.2024.

The proposal was placed before **UAC dated 05.06.2025.**

The Approval Committee discussed the proposal in detail and discussed on the role of M/s. Diligent Logistics Solutions as CHA in illegal activities of providing fake documents to the department on behalf of the clients (as brought out in the Specified Officer report dated 24/12/2024). Further, it was observed by the Approval Committee that a show cause has also been issued to the unit by Noida customs Commissionerate under Customs Act, 1962. Hence, after due deliberations and taking into account the serious nature of the fraudulent transaction, the committee decided not to grant approval for inclusion of additional items (33 previous and 52 new items) in LOA dated 03.10.2024 till adjudication of the aforementioned show cause notice. In the light of comments of Specified Officer, the matter was placed before UAC.

The decision of UAC dated 05.06.2025: was communicated to the unit vide letter dated 27.06.2025.

The unit had submitted a re-presentation against the decision of UAC dated 05.06.2025 on the following grounds.

1. Distinct Entity
2. No Show Cause notice issued
3. Incorrect and unverified allegations
4. Discriminatory treatment
5. Sever Financial and reputational impact

The above representation of the unit has been placed before UAC dated 06.08.2025.

“The Approval Committee discussed the proposal in detail and after due deliberations noted that draft Show Cause Notice has been sent to Noida Customs for issuance and the alleged misconduct on part of CHA (i.e. M/s. Diligent Logistics Solutions) is under investigation. Further, UAC empowered DC office to take a decision on file after seeking legal opinion from YP legal and Legal Firm with respect to the issue raised by the unit in its representation.”

Accordingly, legal opinion were sought from YP legal and legal firm.

Legal opinion from YP Legal has been received (detailed opinion). As per legal opinion:-

IV. LEGAL OPINION

Upon perusal of the proposal of M/s Diligent Logistics Solutions Pvt. Ltd. (DLSPL) for inclusion of additional items in its LOA dated 03.10.2024, the minutes of the Approval Committee meeting dated 05.06.2025 (and subsequent rectification), the Specified Officer's report dated 24.12.2024, and the unit's representation, it is evident that the CHA arm of the company has been directly implicated in the use of fake COO certificates and forged bank guarantees, verified independently by the Afghan Chamber of Commerce and the State Bank of India. While the company has urged the plea of separate legal identity, records of the Ministry of Corporate Affairs confirm that the same Director, Mr. Rakesh Trikha, controls both the SEZ unit and the implicated CHA, thereby justifying regulatory scrutiny.

It is further noted that although only a draft SCN has been forwarded by Noida Customs and no formal SCN has yet been served, the Specified Officer's report provides independent and credible documentary verification of misconduct. Regulatory authorities are not bound to await formal adjudication where verified evidence points to fraud, especially when it concerns SEZ compliance and Customs integrity. In view of the seriousness of the allegations, the existence of pending Customs proceedings, the Approval Committee was justified in refusing the proposed amendment and deciding to await the outcome of Customs proceedings. The grounds raised by the unit i.e. separate identity, absence of SCN service, discrimination, and financial hardship do not dislodge the Committee's preventive, reasoned stance. The decision of the UAC is therefore legally sustainable, non-arbitrary, and the representation of DLSPL. does not merit acceptance.

V. NEXT COURSE OF ACTION

1. Maintain Status Quo: The denial of inclusion of additional items in the LOA may continue until Customs proceedings are concluded.
2. Seek Customs Update: The DC's office may obtain a formal status report from Noida Customs on the SCN and adjudication to ensure decisions rest on updated facts.

3. Opportunity Post-Adjudication: DLSPL. may be informed that its request for inclusion can be reconsidered once the Customs case reaches adjudication and compliance status is clarified.

In view of the legal opinion, the status report from customs on the SCN and adjudication has been sought.

In the mean-time this office has received an email dated 28.10.2025 seeking comments on the ground of appeal(copy of appeal filled) filed by M/s. Diligent Logistics Solutions Private Limited against the decision of UAC before the Board of Approval.

The grounds of appeal and comments on the matter are as under:-

Sl. No.	Ground of appeal	Comments
1.	Distinct Legal Entity-No overlap in Legal Personality -The entity Diligent Logistics Solutions, operating as a Customs House Agent (CHA), is a proprietorship firm (against whom the said Show Cause Notice has been issued by the Customs Commissioner) and is completely separate in law and fact from the Appellant i.e. Diligent Logistics Solutions Pvt. Ltd., a company incorporated under the Companies Act, 2013 and registered as a unit at Arshiya Northern FTWZ Ltd. The alleged action of the CHA firm cannot and must not be attributed to the Appellant Company. It is a settled principle of company law that a company is a distinct legal person (SEE Solomon v. A. Salomon & Co. Ltd., [1987] AC 22, HL) and unless the corporate veil is justifiably lifted, liability does not pass from one entity to another.	MCA records confirm that Mr. Rakesh Trikha (DIN: 02261091) has been Director of DLSPL since 29.05.2014; Neha Trikha (DIN: 06884936) and Kashish Trikha (DIN: 10390681) are also Directors. Mr. Rakesh Trikha is also the proprietor of the CHA "Diligent Logistics Solutions", directly implicated in providing fake COOs and forged bank guarantees. This shows direct overlap of management and control. Further, under Section 147 of Customs Act, acts of an agent bind the principal unless rebutted. The separate entity plea cannot shield Diligent Logistics Solutions Pvt. Ltd.,; the UAC was justified in taking the CHA's misconduct into

		account while evaluating the company's compliance credibility.
2.	No Allegation or Proceedings Against the Appellant: There is no criminal, civil or quasi-judicial proceeding pending against the Appellant. No show-cause notice has been issued to the Appellant under any provision of the SEZ Act, SEZ Rules or the Customs Act. Despite this, the UAC has penalized the Appellant by refusing the legitimate amendment of its LOA. Such action is arbitrary and violative of principles of natural justice.	A draft SCN has been forwarded by Noida Customs for issuance and no SCN has yet been formally served on the unit. Even so, the Specified Officer's report dated 24.12.2024 independently substantiates misconduct through verified evidence: The Afghan Chamber confirmed that the COOs relied upon were fake.
3.	Violation of Principles of Natural Justice - Audi Alteram Partem: The impugned Minutes of the Meeting dated 19.06.2025 was passed without issuance of any show-cause notice or opportunity of hearing to the Appellant. The denial of approval solely based on alleged unrelated events without due process is in direct violation of the fundamental principle of audi alteram partem (right to be heard), as upheld in <i>Maneka Gandhi v. Union of India</i>, AIR 1978 SC 597.	The contention of the Appellant that the Minutes of the Meeting dated 19.06.2025 was passed without affording an opportunity of hearing is misconceived and untenable. The record demonstrates that the Approval Committee, in its meeting held on 05.06.2025, considered the proposal in detail and took note of the report of the Specified Officer dated 24.12.2024 and the pending show cause proceedings initiated by the Noida Customs Commissionerate under the Customs Act, 1962 against M/s. Diligent Logistics Solutions (CHA). The decision of the Committee to withhold approval for inclusion of additional items in the Letter of Approval (LOA) dated 03.10.2024 was an interim administrative measure taken pending adjudication of the said show cause notice, in view of the serious nature of the alleged fraudulent transactions. The same was duly communicated to the unit

		vide letter dated 27.06.2025. Subsequently, the unit was given full opportunity to represent its case vide its representation dated 28.06.2025 (received on 01.07.2025), which was placed before the UAC in its subsequent meeting held on 06.08.2025. Hence, it is evident that the principles of natural justice, including the right to be heard, were duly complied with, and no violation of <i>audi alteram partem</i> can be alleged. The reliance placed by the Appellant on <i>Maneka Gandhi v. Union of India</i> (AIR 1978 SC 597) is misplaced, as adequate opportunity for representation was, in fact, provided and considered by the competent authority.
4.	No Provision Under SEZ Act to Punish Third-Party Acts: The SEZ Act, 2005 and SEZ Rules, 2006 do not empower the UAC to deny amendment of an LoA to a unit-holder based on alleged misconduct by another entity not registered as a unit under the SEZ. The CHA in question is neither a unit-holder nor governed by the provisions of SEZ Act for the purposes of punitive action against the Appellant.	Rule 19 of the SEZ Rules, 2006 Rule 19 (2) Proviso- "Provided that the Approval Committee also approve proposals for broad-banding, diversification, enhancement of capacity of production, change in the items of manufacture or service activity, if it meets the requirements of Rule 18" Section 147, Customs Act, 1962 makes both importer and CHA/unit liable for offences committed. "147. Liability of principal and agent.- (1) Where this Act requires anything to be done by the owner, importer or exporter of any goods, it

may be done on his behalf by his agent

(2) Any such thing done by an agent of the owner, importer or exporter of any goods shall, unless the contrary is proved, be deemed to have been done with the knowledge and consent of such owner, importer or exporter, so that in any proceedings under this Act, the owner, importer or exporter of the goods shall also be liable as if the thing had been done by himself.

(3) When any person is expressly or impliedly authorised by the owner, importer or exporter of any goods to be his agent in respect of such goods for all or any of the purposes of this Act, such person shall, without prejudice to the liability of the owner, importer or exporter, be deemed to be the owner, importer or exporter of such goods for such purposes:

Provided that where any duty is not levied or is short-levied or erroneously refunded on account of any reason other than any wilful act, negligence or default of the agent, such duty shall not be recovered from the agent unless in the opinion of [Assistant Commissioner of Customs or Deputy Commissioner of Customs] [Substituted by Act 27 of 1999, Section 100, for " Assistant

		Commissioner of Customs" (w.e.f. 11.5.1999). Earlier, these words were substituted by Act 22 of 1995, Section 50 (w.e.f. 26.5.1995).] the same cannot be recovered from the owner, importer or exporter." 3. Customs Brokers Licensing Regulations, 2018 (Regulation 10) CBLR, 2018 Regulation 10(d)(e)(g) imposes duty of due diligence and honesty on Customs Brokers. DLSPL breached these obligations by aiding fake documentation. Thus, DLSPL's role as CHA cannot be separated from its SEZ entity.
5.	Arbitrariness and Non-Application of Mind- The impugned decision shows complete non-application of mind, wherein no consideration has been given to the business history, compliance record or operational conduct of the Appellant. A blanket refusal based on extraneous factors unrelated to the Appellant's functioning in the FTWZ renders the order arbitrary and unsustainable in law (See E.P. Royappa u. Stute of Tamil Nadu, AIR 1974 SC 555).	The UAC has taken the decision with due diligence and on the credible report of Specified officer (24.12.2024) highlighted the involvement of Diligent Logistics Solutions Pvt. Ltd. (acting as a CHA) in furnishing fake documents.
6.	Violation of Article 14 and 19(1)(g) of the Constitution: The impugned decision violates the Appellant's right to equality before law (Article 14) and right	It is further noted that although only a draft SCN has been forwarded by Noida Customs and no formal SCN has yet been served, the Specified

	to carry on trade and business (Article 19(1)(g)). By preventing the Appellant from carrying out operations for which it is otherwise lawfully entitled, Minutes of the Meeting dated 19.06.2025 amounts to a restriction without reasonable justification or statutory basis.	Officer's report provides independent and credible documentary verification of misconduct. Regulatory authorities are not bound to await formal adjudication where verified evidence points to fraud, especially when it concerns SEZ compliance and Customs integrity. In
7	Disproportionality of Action: Even assuming (without admitting) any alleged link between the CHA and the Appellant, the refusal to allow legitimate business operations by denying inclusion of additional items is wholly disproportionate. In regulatory jurisprudence, punitive action must be proportionate to the alleged default, if any. Here, there is no adjudicated default, let alone one attributable to the Appellant.	view of the seriousness of the allegations, the existence of pending Customs proceedings, the Approval Committee was justified in refusing the proposed amendment and deciding to await the outcome of Customs proceedings. The grounds raised by the unit i.e. separate identity, absence of SCN service, discrimination, and financial hardship do not dislodge the Committee's preventive, reasoned stance. The decision of the UAC is therefore legally sustainable, non-arbitrary, and the representation of DLSPL does not merit acceptance.
8	Appellant's Past Compliance and Good Track Record: The Appellant has consistently complied with all provisions of the SEZ. Act, Customs Act and the operational rules of Arshiya FTWZ. There is no record of non-compliance, evasion or procedural lapses against the Appellant, which makes the UAC's order even more untenable.	
9	Doctrine of Legitimate Expectation: The Appellant has a legitimate expectation of fair and equitable treatment from authorities. When an entity applies for an amendment in accordance with law and in line with past approvals, denial without just cause violates administrative fairness and the doctrine of legitimate expectation as recognized by the Supreme Court in Union of India v. Hindustan Development Corporation, AIR 1994 SC 988.	

10.	Business Prejudice and Loss: The arbitrary refusal to allow the inclusion of new items causes grave financial loss and operational disruption to the Appellant's business. It also prejudices the credibility of the Appellant before its clients and partners, damaging its commercial standing.	Financial hardship cannot override statutory compliance. LOA conditions themselves bind the unit to compliance with SEZ Framework. Hardship is not a ground to compel approval. UAC's priority is integrity of SEZ operations, not unit profitability.
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The appeal is being placed before the Board for its consideration.