

Minutes of 141st (hundred-forty-first) meeting of the Approval Committee for Sector specific SEZ for multi-services developed by M/s. Gujarat International Finance Tec-city Limited held on 05-04-2024 at 11:00 hours under the Chairmanship of Shri Subhash Chandra Agarwal, IRS, Senior Development Commissioner, GIFT Special Economic Zone through hybrid mode i.e. physical as well as video conferencing mode.

List of participants is annexed as Annexure-I

141-I) Approved minutes of the 140th meeting held on 22-02-2024 were confirmed by the Approval Committee for GIFT-multi-services-SEZ.

➤ The next meeting of the Approval Committee shall be held on 00-00-2024

141-A) Fresh/other cases for GIFT–Multi Services-SEZ: -

Case No. 141-A-1

Subject:- Request for change in constitution and name of the approved/existing Limited Liability Partnership firm namely M/s. Shilp Infracore LLP to Private Limited company in the name and style as M/s. Shilp Infracore Private Limited.

The Department of Commerce in its 110th meeting held on 26-05-2022 had approved the aforesaid SEZ co-developer in the name and style of M/s. Shilp Infracore LLP, vide Letter of Approval (LOA) No. F.1/145/2007-SEZ, dated 15-06-2022, as amended from time-to-time, for development residential building at Plot Nos. 25-B, & 25-C, in the dual use non-processing area of GIFT-multi-services-SEZ, Gandhinagar. Now, the said SEZ entity/co-developer is seeking approval for change in constitution as decided by the management of the firm i.e. to M/s. Shilp Infracore Private Limited, for which the ROC, Ahmedabad has approved on 24-11-2023 vide fresh Certificate of Incorporation.

The Approval Committee may kindly like to consider and approve the change of constitution and name from M/s. Shilp Infracore LLP to the new name **M/s. Shilp Infracore Private Limited**, upon approval/permission from the Competent Authority, viz. ROC, subject to compliance of DOC's Instruction No. 109, dated 18-10-2021 and SEZ Rules, 2006, like execution of Bond-cum-LUT, Lease Deed in new name.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules and Regulations.

Case No. 141-A-2

Subject: - Approval of list of goods and services required for Authorized Operations; request of the approved Co-Developer M/s. Shilp Infracore Private Limited under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s GIFT SEZ LTD, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. The Ministry of Commerce & industry has approved the default list of Authorized

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Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

Now, the Co-Developer M/s. Shilp Infracore Private Limited vide letter as under (copy enclosed) has sought approval of duty-free goods and services required for default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

Sr. No.	Co-Developer's application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value of procurement
01)	11-03-2024	Construction of building (i.e. incubation center in processing area).	Rs. 694.00 lakhs

The Co-Developer (Shilp Infra) has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations.

The Approval Committee may kindly like to accord approval for duty free procurement of goods & services for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letter dated 11-03-2024 of the Co-Developer (Shilp Infra), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations. The co-developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-3

Subject: - Approval of list of goods and services required for Authorized Operations; request of the approved Co-Developer M/s. SYB Shilp LLP under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s GIFT SEZ LTD, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. The Ministry of Commerce & industry has approved the default list of Authorized Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

Now, the Co-Developer M/s. SYB Shilp LLP vide letter as under (copy enclosed) has

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sought approval of duty-free goods and services required for default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

Sr. No.	Co-Developer's application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value of procurement
01)	11-03-2024	Construction of commercial building	Rs. 801.63 lakhs

The Co-Developer (SYB Shilp) has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations.

The Approval Committee may kindly like to accord approval for duty free procurement of goods & services for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letter dated 11-03-2024 of the Co-Developer (SYB Shilp), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations. The co-developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-4

Subject: - Approval of list of goods and services required for Authorized Operations; request of the approved Co-Developer M/s. Savvy ATS Realty LLP under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s GIFT SEZ LTD, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. The Ministry of Commerce & industry has approved the default list of Authorized Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

Now, the Co-Developer M/s. Savvy ATS Realty LLP vide letter as under (copy enclosed) has sought approval of duty-free goods and services required for default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

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Sr. No.	Co-Developer's Application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value of procurement
01)	14-03-2024	Construction of commercial building	Rs. 383.93 crores

The Co-Developer (Savvy ATS) has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations.

The Approval Committee may kindly like to accord approval for duty free procurement of goods & services (excluding 'sand') for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letter dated 14-03-2024 of the Co-Developer (Savvy ATS), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations. The co-developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-5

Subject: - Approval of list of goods and services required for Authorized Operations; request of the approved Co-Developer M/s. Waystar Realty Private Limited under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s GIFT SEZ LTD, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. The Ministry of Commerce & industry has approved the default list of Authorized Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

Now, the Co-Developer M/s. Waystar Realty Private Limited vide letter as under (copy enclosed) has sought approval of duty-free goods and services required for default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

Sr. No.	Co-Developer's application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value of procurement
01)	30-01-2024	Construction of commercial building	Rs. 368.58 lakhs

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The Co-Developer (Waystar Realty) has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations. The Approval Committee may kindly like to accord approval for duty free procurement of goods & services (excluding the two-wheeler & four wheeler) for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letter dated 30-01-2024 of the Co-Developer (Waystar Realty), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations. The co-developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-6

Subject: - Approval of list of goods and services required for Authorized Operations; request of the Co-Developer M/s. GIFT Power Company Limited under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s Gujarat International Finance Tec-City Company Limited, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. Further, an area of 61-18-29 Hectares and an area of 44-25-57 Hectares were demarcated as processing and non-processing area respectively on 26-11-2015. The ministry of Commerce & industry has approved the default list of Authorized Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

The Co-Developer (GIFT Power) vide their letter as under (copy enclosed) has sought approval of duty-free goods and services required for default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

T	Sr. No.	Co-Developer's Application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value of procurement
	01)	28-03-2024	Power (including power back-up facilities) for captive use only – 2 Nos. of 2250 kva DG sets.	Rs. 336.80 lakhs

The Co-Developer has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations.

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The Approval Committee may kindly like to accord approval for duty free procurement of goods & services for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letter dated 28-03-2024 of the Co-Developer (GIFT Power), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations. The co-developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-7

Subject: - Approval of list of goods and services required for Authorized Operations; request of the Developer M/s. Gujarat International Finance Tec-City Limited (GIFT) under Section-14 (1) (a) of the SEZ Act 2005, read with Rule-10 & 12 of the SEZ Rules, 2006.

Sector Specific SEZ for Multi-services, being developed by M/s Gujarat International Finance Tec-City Limited, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011. The ministry of Commerce & industry has approved the default list of Authorized Operations to be undertaken by the developer in the notified area, vide instruction no. 50, dated 15-03-2010 and for the approved Authorized operations vide letter dated 07-03-2012 of the DOC.

The Developer (GIFT) vide letters as under (copies enclosed) has sought approval of duty-free goods and services required for various default Authorized Operations in terms DoC's Instruction No. 50, infrastructure work to be undertaken in the notified SEZ. Details of items sought for duty-free procurement is as under:-

Sr. No.	Developer's application dated	Default Authorized Operations (as per DOC's Instruction No. 50)	Approx Value procurement
01)	21-02-2024	Power (streetlight)	Rs. 72.00 lakhs
02)	04-03-2024	Electrical, Gas, PNG, distribution network	Rs. 28.65 lakhs
03)	15-03-2024-1	Air-conditioning in processing area	Rs. 1.32 lakhs
04)	15-03-2024-2	Air-conditioning in processing area	Rs. 243.00 lakhs

The Developer has submitted the requisite Chartered Engineer's certificate for the proposed activities to be undertaken, for the authorized operations.

The Approval Committee may kindly like to accord approval for duty free procurement of goods & services for undertaking authorized operations in the notified area of SEZ, as per list enclosed with letters dated 21-02-2024, 04-03-2024, and two letters dated 15-03-2024 of the Developer (GIFT), in accordance with the SEZ Rules, 2006.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and

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Regulations. The developer shall ensure utilization of duty-free strictly in the ambit of the SEZ Act and Rules.

Case No. 141-A-8

Sub: Delay in submission of lease deed by M/s. MOON SEZ & Management Consultants LLP.

Date of Original LOA: 30/06/2022.

Initial Validity of LOA: 29/06/2023.

Extension Approved up to: 30/06/2024.

The Unit has also applied for commencement of operations vide SEZ-Online request ID: 422400108432 dated 01/04/2024 w.e.f. 15/03/2024.

Vide an SEZ-Online req. ID: 422400100743 dated 22/03/2024 they have applied for extension of lease deed submission period as under:

“Previously, we had obtained the lease deed extension, thereafter we have decided to broad band our LOA from IFSC to SEZ and on 06.03.2024 we have received our approval for broad banding. So now we have approached developer to execute lease deed, but we are waiting for time slot from sub-registrar office. Once appointment from sub registrar office is received, we will register our lease deed and we will submit of the same at your good office.

We request your good office to grant us extension of validity for submission of Registered Lease Deed as per the provision of SEZ Rule 18(2)(ii) by next 2 months i.e. till 31st April.”

The Rule 18(2)(ii) applicable in this case is as under:

“a copy of the registered Lease Deed shall be furnished to the Development Commissioner concerned within six months from the issuance of the Letter of Approval and failure to do so, the Approval Committee may take action to withdraw the Letter of Approval after giving an opportunity of being heard”.

As the unit has not submitted Lease Deed till date, in view of Rule 18(2)(ii) of the SEZ Rules, 2006, the Approval Committee may like to decide on the delay in submission of lease deed by this unit.

Decision of UAC: The Approval Committee after due diligence and deliberation approved the above proposal regarding submission of registered Lease Deed by 30th April, 2024, subject to standard terms and conditions of the SEZ Rules, 2006, and compliance of all mandatory/statutory requirements of any Acts, Rules, and Regulations.

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Subject: - Review of LOA issued IT/ITES units in GIFT-multi-services-SEZ, Gandhinagar, wherein no and/or low number of identity card(s) issued for conduct of SEZ operations for which approval (s) were granted. – regarding.

Sector Specific SEZ for Multi-services, being developed by M/s GIFT SEZ LTD, Gandhinagar was notified for an area of 105-43-86 Hectares at Villages Phirozpur and Ratanpur, District Gandhinagar vide Notification No. S.O.1910 (E), dated 18-08-2011, as amended from time-to-time.

The guiding principles for notifying a Special Economic Zone by the Government of India under the SEZ Act, 2005 (Section-5), is as under:-

- (a) Generation of additional economic activity;
- (b) Promotion of exports of goods and services;
- (c) Promotion of investment from domestic and foreign sources;
- (d) Creation of employment opportunities;
- (e) Development of infrastructure facilities; and,
- (f) Maintenance of sovereignty and integrity of India, the security of the State and friendly relations with foreign State.

The Customs office of GIFT-multi-services-SEZ, vide their letter dated 02-04-2024 (copy enclosed) has reported that about 10 (ten) approved IT/ITES units is operating the approval (s) granted thereof with no and/or low number of identity card(s) issued for proper conduct of the SEZ operations. However, in many of the approved SEZ units there has been considerable services exports. These SEZ units were eligible for Income Tax exemptions in terms of Section-10A (erstwhile) of the Income Tax, 1961 (under the Second Schedule to the SEZ, 2005). This aspect defeats the purposes of generation of investment and employment from the SEZ. Though, the IT/ITES based approved SEZ units are allowed by the Government of India, for 'Work from Home', with conditions inter-alia services exports should generate from the SEZ.

The case is put-up before the Approval Committee for necessary review, especially comments from the concerned member departments, viz, DGFT, Income Tax, Central GST, regarding the consequences of such operations undertaken by the IT/ITES based SEZ units.

The Approval Committee may review the type of operations undertaken by IT/ITES based SEZ unit based on the respective comments from the concerned member departments/offices.

Decision of UAC: The Approval Committee after due diligence and deliberation, decided to refer the case to the Income Tax Department for necessary examination and report back to this Committee.

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ANNEXURE – I

The following members were present in the meeting:

01)	Shri Subhash Chandra Agarwal, IRS Senior Development Commissioner, GIFT-multi-services-SEZ.	Chairperson
02)	Shri Purushottam Kumar, IRS Additional Income Tax Commissioner	Nominee of the Commissioner of Income Tax, Ahmedabad.
03)	Dr. Rahul Singh, Jt. DGFT, Ahmedabad.	Nominee of the Additional DGFT, Ahmedabad.
04)	Shri Devanshu Dhorajia, Deputy Collector, Gandhinagar.	Nominee of the District Collector, Gandhinagar – by VC.
05)	Shri Y. M. Rawat, AC, CGST, Gandhinagar Division.	Nominee of the Commissioner of Central GST, Gandhinagar – by VC.
06)	Shri Chetan Varma, AC, & SO, GIFT- SEZ, JDC (in-charge).	Nominee of the Director (SEZ), DoC, MoC&I, New Delhi.
07)	Shri Piyush Gandhi, Sr. VP, M/s. GIFT SEZ Limited.	Special Invitee representing the Developer, M/s. GIFT SEZ Limited –