

Minutes of the 97th Meeting of the Approval Committee held under the Chairmanship of Zonal Development Commissioner SEEPZ-SEZ, Mumbai for Sector Specific Special Economic Zone for IT/ITES of M/s. EON Kharadi Infrastructure Pvt. Ltd.–Phase-I SEZ, Kharadi, Pune, held on 24.05.2022 via video conferencing.

1	Name of the SEZ	M/s. EON Kharadi Infrastructure Pvt. Ltd.-SEZ, Phase I
2	Sector	IT/ITES
3	Meeting No.	97 th
4	Date	24.05.2022

Members present

Sr	Name and Designation (S/Shri.)	Department
1	C P S Chauhan Joint Development Commissioner	Pune Cluster SEZ Pune
2	Ms. Pradnya R. Gholap, DCIT (TDS) Pune	Nominee of Income Tax, Pune
3	Dr. Dileeraj Dabhole, Deputy DGFT	Nominee of DGFT, Pune
4	Vaibhav Agarwal Superintendent	Nominee of Customs, Pune

Special Invitee

Sr	Name and Designation	Department
1	Shri B. Ajay Kumar Specified Officer	EON Kharadi Phase-I SEZ

Agenda Item No.01: Confirmation of the Minutes of the 96th meeting held on 26.04.2022

After deliberation, the Committee confirmed the minutes of the 96th meeting of Approval Committee held on 26.04.2022

Agenda Item No.02: Application of M/s. CitiusTech Healthcare Technology Pvt. Ltd. for addition of Location in the existing LOA.

After deliberation, the committee approved the proposal of the Unit for

- 1) Addition of area admeasuring 22,402 Sq.ft. located at Office No.1, 4th Floor, Wing 2 of Cluster B, EON Kharadi Infrastructure Pvt. Ltd.-SEZ, Phase I to the existing area of 17,780 Sq.ft located at Office

No.2, 4th Floor, Wing 2 of Cluster B, EON Kharadi Infrastructure Pvt. Ltd.-SEZ, Phase I, thereby, totalling to area 40,182 Sq.ft and

- 2) Revision of projection on account of addition of location, as detailed below ;

in terms of Rule 19(2) of SEZ Rules, 2006, as detailed below:

Revised Projections:

(Rs. in Lacs)

Sr .N o		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total
1.	FOB Value of exports	1196.10	4611.60	7484.40	9450.00	10249.20	32991.30
2.	Foreign Exchange outgo	408.29	214.59	272.05	369.32	350.34	1614.59
3.	Net Foreign Exchange	787.81	4397.01	7212.35	9080.68	9898.86	31376.71
4	Investment in Plant & Machinery / Capital Goods						
	Indigenous						2054.96
	Imported						954.77
	TOTAL						3009.73
5	Input Services						
	Indigenous						6324.48
	Imported						659.82
	TOTAL						6984.3
6	Employment (Men-341, Women-146)						487

Agenda Item No.03: Application of M/s. CitiusTech Healthcare Technology Pvt. Ltd. for Approval of Change in Composition of the Board of Directors.

The Committee was informed that the unit has submitted undertaking w.r.t. taking responsibility of any personal liability arising on the outgoing Directors.

After deliberation, Committee approved the proposal of the unit for change in Composition of Board of Directors as detailed below, in terms of Instruction No. 109 dated 18.10.2021, issued by MOC&I.

Details of Revised Board of Directors approved:

Sr. No.	Name of Director	DIN	Address
1	Jimmy Mahtani	00996110	One Chatworth Road, #20-23 Singapore 249745

2	Hari Gopalkrishnan	03289463	E2302, Ashok Gardens, T J Road, Sewri, Mumbai 400015.
3	William Winkenwerder Jr.	07279333	PO Box 408, Mill Neck, NY. 11765, New York, 11765, USA
4	Kosmos Kalliarekos	03642933	1/F, Eva Court, 36, MacDonnell Road, Mid-levels, Hong Kong.
5	Patrick Fry	08765945	1464, Friedhoff, Zephyr Cove, Nevada 89448, USA
6	Anne M McGeorge	09033216	510 Ponce De Leon BLVD Belleair, FL 33756-0000.

The approval is subject to the following conditions as laid down in Instruction No. 109 issued by MOC&I

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity;
- ii. Fulfilment of all eligibility criteria applicable, including security clearances etc. by the altered entity and its constituents;
- iii. Applicability of and compliance with all Revenue/Company Affairs/SEBI etc. Act/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT&R), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The assessing officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer in ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The applicant shall furnish details of PAN and jurisdictional assessing office of the unit to CBDT.
- viii. The applicant shall be recognized by the new name or such arrangement in all the records.

Agenda Item No.04: Application of M/s. Octaserv Technologies Pvt. Ltd. for approval of change in Composition of Board of Directors.

The Committee was informed that the unit has submitted undertaking w.r.t. taking responsibility of any personal liability arising on the outgoing Directors.

After deliberation, Committee approved the proposal of the unit for change in Composition of Board of Directors as detailed below, in terms of Instruction No. 109 dated 18.10.2021, issued by MOC&I.

Details of Revised Board of Directors approved:

Board of directors after proposed changes in composition of Board of Directors		
Name of Director	Designation	Appointment Date
Bharat Aswani	Director	04 March 2022
George Claiborne Myers	Director	04 March 2022
Titiksha Rahul Mukherjee	To be appointed	To be decided

The approval is subject to the following conditions as laid down in Instruction No. 109 issued by MOC&I

- i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity;
- ii. Fulfilment of all eligibility criteria applicable, including security clearances etc. by the altered entity and its constituents;
- iii. Applicability of and compliance with all Revenue/Company Affairs/SEBI etc. Act/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT&R), CBDT, Department of Revenue and to the jurisdictional Authority.
- v. The assessing officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer in ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
- vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- vii. The applicant shall furnish details of PAN and jurisdictional assessing office of the unit to CBDT.
- viii. The applicant shall be recognized by the new name or such arrangement in all the records.

Agenda Item No.05: Monitoring of Performance of M/s. Sungard Availability Services India Pvt. Ltd.

After deliberation, Committee monitored the performance of the Unit in terms of Rule 54 of SEZ Rules, 2006 and noted that the unit has achieved

- i. Positive NFE of Rs. 43739.73 Lacs on cumulative basis with employment of 781 during the first block period i.e., from 2012-13 to 2016-17, and
- ii. Positive NFE of Rs. 59093.28 Lacs on cumulative basis with employment of 687 during 4 years of 2nd block period i.e., 2017-18 to 2020-21.

The Committee further observed that The Unit has submitted revised APR for two block period viz. FY 2012-13 to FY 2016-17 and FY 2017-18 to 2020-21. The unit needs to revise the APR from 2012-13 onwards in SEZ online. Accordingly, the Committee directed the unit to revise the APR in SEZ online also based on the revised APR filed by them in hard copy.

The Committee further observed that, as reported by the Specified Officer, the unit has procured services to the extent of Rs. 12.93 Crores during the period from 2018-19 to 2020-21 without having sufficient balance in their BLUT / did not execute BLUT towards services. As such, the Committee noted that the unit has violated the provisions of Rule 22 of SEZ Rules, 2006 read with Instruction No. 72 issued by MOC&I, and accordingly action needs to be taken on the unit in terms of Foreign Trade (Development and Regulation) Act, 1992.

The unit representative accepted their mistake and submitted that the same was a genuine mistake and they were not aware of the fact that for procurement of services is also required to be debited in BLUT.

Accordingly, the Committee directed that the Development Commissioner to take necessary action against the unit for violation of provisions of SEZ Act / Rules, under FT(D&R) Act, 1992.

Meeting ended with a vote of thanks to the Chair.

**(Shyam Jagannathan, IAS)
Chairman-cum- Development
Commissioner**