

Minutes of the 85th 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. Embassy Pune TechZone Pvt. Ltd.-SEZ, Pune, held on 25.04.2023 via video conferencing.

1	Name of the SEZ	M/s. Embassy Pune TechZone Pvt. Ltd.-SEZ
2	Sector	IT/ITES
3	Meeting No.	85 th
4	Date	25.04.2023

Members present

Sr	Name and Designation (S/Shri.)	Department
1	Smt. Mital Hiremath Joint Development Commissioner	Pune Cluster SEZ, Pune
2	Smt. Bhumika Saini DCIT, Nashik	Nominee of Income Tax, Pune
3	Dr. Dileeraj Dabhole Dy. DGFT	Nominee of DGFT, Pune
4	Smt. Sunita Jagtap, Superintendent	Nominee of Customs, Pune

Special Invitee

Sr	Name and Designation	Department
1	Shri B. Ajay Kumar Specified Officer	M/s. Embassy Pune TechZone Pvt. Ltd.-SEZ

Agenda Item No.01: Confirmation of Minutes of the 84th meeting held on 21.03.2023

After deliberation, the Committee confirmed the minutes of the 84th Approval Committee meeting held on 21.03.2023

Agenda Item No. 02: Application for Approval of Leasing out built up space to vendors for providing telecommunication Facility and food court services submitted by M/s. Embassy Pune TechZone Pvt Ltd. (Developer)

After deliberation, the Committee approved the proposal of the Developer to lease out the built up space to vendors, as detailed below, to provide telecom facility and food court services, in terms of Rule 11 (5) of SEZ Rules, 2006, as detailed below:

- To provide Telecommunication Infrastructure :

Name of the Vendor	Location	Area.
M/s. Summit Digital Infrastructure Pvt Ltd	Mekong Building-1.6, Terrace area, Embassy Pune TechZone Pvt Ltd.	500 Sq.ft

- To provide food court services in SEZ premises, as detailed below:

Sr. No.	Name of the Vendor	Location	Area.
1.	M/s. Maurya Hospitality, Pune	A-Wing, Rio Grande Building-2.1, 1 st Floor, Embassy Pune TechZone Pvt Ltd.-SEZ	110 Sq.ft
2.	M/s. Orange Events and Hospitality, Pune	A-Wing, Rio Grande Building-2.1, Kiosk no.2, Ground Floor, Embassy Pune TechZone Pvt Ltd.-SEZ	1005 Sq.ft
3.	M/s. Green Olive Kitchens, Pune	A-Wing, Rio Grande Building-2.1, Ground floor, Kiosk No. 4, Embassy Pune TechZone Pvt Ltd.-SEZ	250 Sq.ft.
4.	M/s. Lockhart, Pune	Rio Grande Building-2.1, First Floor, Embassy Pune TechZone Pvt Ltd.-SEZ	75 Sq.ft
5.	M/s. Fresh Press Bytes, Pune	Rio Grande Building, Ground Floor, Embassy Pune TechZone Pvt Ltd.-SEZ	150 Sq.ft

The approval is subject to the following conditions:

1. Committee observed that in the last para of the Fire NOC issued by the Fire Department, it has been stated that "If any change of the activity or transfer or subletting of plot or future expansion, No Objection Certificate from Fire Department is essential". The Committee thus observed that as the food court is being sublet to another vendor there is requirement for specific fire NOC & individual map to be taken and is counter signed by approving authority where the fire NOC is covered for the said area.
2. The Service Provider will not be eligible for any exemptions, drawback, concessions or any other benefit available under Section 7 or Section 26 of the SEZ Act for creating or operating such facilities.
3. Developer and Service provider shall adhere all the statutory compliances such as Fire NOC and other clearances required for setting up / running of such facility.
4. The facility will be for exclusive use of the employees of the units and the Developer.

Agenda Item No.03:Application for Approval of Additional office Space and Revision in Projections submitted M/s. Mercedes-Benz Research and Development India Pvt. Ltd.

After deliberation, the committee approved the proposal of the Unit for additional office space admeasuring 49,089 Sq.ft. along with revision in projections., in terms of Rule 19(2) of SEZ Rules, 2006, as detailed below:

1. Addition of office space admeasuring to 49,089 Sq.ft. located at 7th Floor, (A & B Wing), Building Congo, Embassy Pune TechZone Pvt Ltd to the existing area of 69,954 Sq.ft located at 4th to 6th Floors, Wing-B, Building Congo, Block 1.3, Embassy Pune TechZone Pvt Ltd, totaling area of 1,19,042 Sq.ft. and
2. Revision in Projections, as detailed below:

(Rs. In Lakhs)

Sr.No	Particulars	2020-21 (Actual)	2021-22 (Actual)	2022-23	2023-24	2024-25	Total
1.	FOB Value of exports	14012.81	16958.97	19577.07	24571.00	25777.15	100900.00
2.	Foreign Exchange outgo	1882.68	1946.37	2480.78	2948.99	3443.11	12700.00
3.	Net Foreign Exchange	12130.13	15012.60	17096.29	21625.01	22334.04	88200.00
Investment-Plant and Machinery/Capital Goods (Rs. in lakhs)							
	Indigenous CG						900.00
	Imported CG						1900.00
Input of Services							
	Indigenous Services						15100.00
	Imported Services						10800.00
	Employment (Men-551, Women-116)						667

Agenda Item No.04:Application for Approval of Change in Shareholding pattern and Change in Board of Directors submitted by M/s. Nitor Infotech Pvt Ltd. (Unit I& II)

After deliberation, the committee approved the proposal of the unit for Change in Shareholding Pattern and Change in Board of Directors, in terms of Instruction No. 95 dated 18.10.2022, as detailed below:

Approved Shareholding Pattern:

Name of Shareholders	Class of Equity Shares	Shareholding as in 2019
Eclipse Investments LLC	Class A	39,48,439
Mr. C. E. Potnis	Class A	18,42,604
Mr. Sanjeev Fadanvis	Class A	4,62,374
Mr. Sanjeev Fadanvis	Class B	6,54,630

Approved List of Directors:

Sr. No.	Name of the Director	Designation
1.	Mr. Chandrashekhar EknathPotnis	Managing Director
2.	Mr. Sanjeev Sharad Fadanvis	Wholetime Director
3.	Mr. Sultan Said Al Ghaithi	Director

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

- a. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered entity;
- b. Fulfilment of all eligibility criteria applicable, including security clearances etc. by the altered entity and its constituents;
- c. Applicability of and compliance with all Revenue/Company Affairs/SEBI etc. Act/Rules which regulate issues like capital gains, equity change, transfer, taxability etc.
- d. 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.
- e. 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.
- f. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
- g. The applicant shall furnish details of PAN and jurisdictional assessing office of the unit to CBDT.
- h. The applicant shall be recognized by the new name or such arrangement in all the records.

Agenda Item No.05:Monitoring of the Performance of M/s. Calsoft 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 positive NFE of Rs 22974.90 Lakhs i.e., 87.24% on cumulative basis with an employment of 207 employees during the FY 2022-23 of 3rd Block period i.e., FY 2018-19 to 2022-23.

The Committee further observed that, the unit has provided services in DTA against payment received in INR during the following period :

Year	DTA Sale Amount (Rs. In Lakhs)
2018-19	266.83
2019-20	1273.75
2020-21	669.43
2021-22	549.40
2022-23	478.04
TOTAL	3237.45

Since providing of “Services” in DTA against INR does not qualify as ‘Services’ as per definition given in Section 2(z) of the SEZ Act, 2005, Unit has violated the provisions of SEZ Act & Rules and hence Committee after deliberation, directed to initiate action against the unit for violation of various provision of SEZ Act / Rules and under Foreign Trade (Development and Regulation) Act, 1992.

Meeting ended with a vote of thanks to the Chair.

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