



Government of India
Ministry of Commerce & Industry
Department of Commerce
Office of the Development Commissioner
Indore Special Economic Zone
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F. No. D-3/ISEZ/2006-07/3780

Dated: 24.03.2021

OFFICE – MEMORANDUM

Sub: Fifth Meeting (2020-21 series) of the Approval Committee for Indore SEZ to be held on 26.03.2021 at 3:30 p.m. – Reg.

The undersigned is directed to inform you that the Fifth Meeting (2020-21 series) of the Approval Committee constituted by the Govt. of India vide Notification dated 07.02.2007 has been scheduled to be held at 3:30 p.m. on 26.03.2021 under the chairmanship of the Development Commissioner, Indore SEZ through Video Conference (webex). Agenda Items for the same are enclosed as Annxure A.

2. You are requested to kindly make it convenient to attend the meeting through Video Conference. A weblink for the meeting shall be shared by this office shortly.

(Ravi Chhangani)

Asstt. Development Commissioner
For Development Commissioner

To

1. The Commissioner, Indore Division, Moti Bungalow, Indore (**Member representing Govt. of Madhya Pradesh**) or his nominee of suitable seniority.
2. The Managing Director, MPIDC, Cedmap Bhawan, 16-A, Jail Road, Arera Hills Bhopal (**Member representing Govt. of Madhya Pradesh**) or his nominee of suitable seniority.
3. The Commissioner, Customs, Office of the Commissioner of Customs, B-Zone, Business Space, 3rd Floor, 12/27 & 12/28 Village Pipliakumar, Nipania, Indore-452010 (M.P.) (**Member representing Deptt. of Revenue, Govt. of India**) or his nominee of suitable seniority.
4. The Commissioner of Income Tax (CIT-I), Office of the Chief Commissioner of Income Tax, Aayakar Bhawan Annexe, Opp. White Church, Indore-1 (**Member representing Deptt. of Revenue, Govt. of India**) or his nominee of suitable seniority.
5. The Jt. Director General of Foreign Trade, Nirman Sadan, Arera Hills, Hoshangabad Road, Bhopal (**Member**) or his nominee.

6. The Executive Director, MPIDC Regional Office, 1st Floor, Atulya IT Park, Near Crystal IT Park, Khandwa Road, Indore or his representative (**Special Invitee**).
7. The Dy. Secretary to the Govt. of India, Ministry of Commerce & Industry, Deptt. of Commerce, SEZ, Udyog Bhawan, New Delhi (**Member**) or his nominee.
8. The Dy. Secretary (IF-I), Ministry of Finance, Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi (**Member**) or his nominee.
9. The Specified Officer, Indore SEZ (**Special Invitee**).

Copy for information to concerned units (without annexure).

INDORE SPECIAL ECONOMIC ZONEAGENDA FOR THE FIFTH MEETING OF UNIT APPROVAL COMMITTEE
(2020-21 series) TO BE HELD AT 3:30 p.m. ON 26.03.2021

Venue: Office of the Development Commissioner, Indore SEZ
207, 2nd Floor, Atulya IT Park, Near Crystal IT Park, Khandwa
Road, Indore

Time: 3:30 p.m.

ITEM NO - 1

Ratification of the Minutes of the Fourth Meeting (2020-21 series) held on 10.02.2021 as at Appendix 'X'.

ITEM NO- 2OTHER ISSUES

(a) Name and address, telephone/fax/email id	<p>M/s Bergwerff Organic India Pvt. Ltd. (Unit-II) Address: Plot No. F-17, F-17B, C, D and F-17E(part), SEZ Phase-I, Indore SEZ, Sector-3, Pithampur – 454775, Distt. Dhar</p>
(b) Issue	<p>Approval of building plans received from M/s Bergwerff Organic India Pvt. Ltd. (Unit-II) on the basis of technical inputs and approval accorded by MPIDC, RO, Indore, Developer, Indore SEZ, Pithampur.</p> <p>M/s Bergwerff Organic India Pvt. Ltd. (Unit-II) is holding LoA dated 10.05.2018 have been allotted Plot Nos. F-17, F-17-B-C-D and F-17-E (part) in SEZ Phase I by the Developer, Madhya Pradesh Industrial Development Corporation, Regional Office Indore. Before commencing the construction activities on the allocated plots, the units are required to obtain approval of their Building Plans.</p> <p>The background of the matter is that during a meeting held under the Chairmanship of the Chief Secretary, Government of Madhya Pradesh on 24.03 2015, it was decided that the Development Control Rules (DCRs) be Notified for the multi product SEZs in the State in line with the M.P. Bhumi Vikas Niyam, 2012 and the building plans of the SEZ units be submitted to the Development Commissioner for approval under the said DCRs. The DCRs were to be framed by the Department of Industrial Policy and Investment Promotion (erstwhile the Deptt. of Commerce, Industry and Employment), Govt. of M.P. It was further decided that till the rules are framed the</p>

applications may be submitted to the Development Commissioner who after attaining technical inputs from the Developer will approve the plans under the Single Window Mechanism.

Accordingly, the SEZ units in the multi-product SEZ at Pithampur were submitting their building plan applications for approval in terms of M.P. Bhumi Vikas Niyam, 2012 to this Office, which accompanied by requisite documents and building plans were forwarded to MPIDC, Regional Office, Indore for scrutiny, evaluation, technical inputs and approval. Subsequent to receipt of technical inputs, the plans received from MPIDC are approved under the seal and signature of DC office under the Single Window Mechanism and forwarded to the SEZ units.

The above matter was taken up with MPIDC, RO, Indore vide this Office letter dated 15.10.2020 intimating that the requisite DCRs are yet to be framed by the State Government, and presently, the DC Office is granting the building plan approvals in line with the decision taken in the aforesaid meeting after receiving technical inputs from MPIDC under the Single Window Mechanism. It was informed that, in absence of the DCRs and also on account of a change in the Governing Act under which the applications are to be submitted by SEZ units, it is felt appropriate that the Developer may take up the matter with the State Government seeking clarification as to whether the presently adopted mechanism should continue or some other mechanism is proposed to be adopted. The application of M/s Bergwerff Organic India Pvt. Ltd. was subsequently forwarded to the Developer on 29.10.2020.

In response to the letter dated 15.10.2020, the Developer vide letter dated 07.11.2020 informed that the Special Economic Zone, Phase I & II are notified in Pithampur Investment Region under Madhya Pradesh Investment Region Development and Management Act, 2013 and accordingly, the Development Control Rules namely Madhya Pradesh Investment Region Development and Management Rules, 2016 and Madhya Pradesh Industrial Land and Building Management Rules, 2019 will be applicable at SEZ, Pithampur.

Accordingly, in the matter of two another units, the Developer was therefore informed that since the Development Commissioner has not been delegated any powers for approval of building plans under the afore-mentioned Act and Rules, the application of building plans submitted in this office are being sent for granting necessary approval at their end, as per procedure.

The Developer referring to the above communications vide letter dated 29.01.2021 informed that as per Rule 17 of SEZ Rules, 2006, as amended, the powers regarding such approvals are provided to the Unit Approval Committee and therefore in view of the

	<p>provisions such approval of building plans may be granted by DC office in pursuance to the UAC approvals.</p> <p>The Developer clarified that 44 villages of Indore and Dhar districts were covered under the Madhya Pradesh Industrial and Development Rules, 2016 and Madhya Pradesh Industrial Land and Building Management Rules, 2019 out of which few villages are included between SEZ and in DTA, but for SEZs there no provision of DCRs and there is no motive in their communication to say that approval of building plans of SEZ units shall be done at their end. The Developer has insisted that as per Single Window Mechanism powers of approval of building plans are provided to the UAC. The Developer has informed that for delegation of power of the State Government under section 50 of the SEZ Act, 2005, a request has been sent to the State Government Department of Industrial Policy and Investment Promotion. The Developer has stated that there is no change in regard to SEZ's building plan approval after implementation of Madhya Pradesh Industrial Land and Building Management Rules, 2019 and hence, in terms of the decision of the meeting of the Chief Secretary, Govt. of M.P. on 24th March 2015, the ongoing system of building plan approval may be continued till further delegation of power or new DCRs are issued.</p> <p>Rule 17 of SEZ Rules, 2006 inter-alia provide that applications seeking permission for building plan approval shall be made to the Development Commissioner who shall get the proposal scrutinized and place before the Approval Committee for its consideration.</p> <p>In the case of the subject unit, technical inputs and approval for issuance of building plans have been forwarded by the Developer to DC Office. The building plans of the units are therefore placed before the Approval Committee for consideration and approval.</p>
Decision required from UAC	Approval of building plans of M/s Bergwerff Organic India Pvt. Ltd. (Unit-II), Plot Nos. F-17, F-17-B-C-D and F-17-E (part) in SEZ Phase I, Pithampur as per technical inputs & approval received from MPIDC, RO, Indore, Developer of Indore SEZ.
DECISION OF THE UAC	

ITEM NO - 4

Any other proposal, if received.