

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION

New Delhi, the 1st March, 2018

S.O. 910(E)—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961(43 of 1961)(hereinafter referred to as the “Act”), has framed and notified a scheme for industrial park, by the notifications of the Government of India *vide* number S.O. 354(E), dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s Abhilash Software Development Centre having its registered office at 10, 3rd Floor, 80ft Road, R.M.V. 2nd Stage, Bengaluru- 560094 has developed an industrial park located at Plot No. 96 & 104 P2, E.P.I.P. Area, Whitefield, Bengaluru- 560066.

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15(1)/2003-IP &ID dated 08.08.2003.

And whereas the Central Government has also subsequently approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/61/2005-IP&ID dated 13.04.2006.

And whereas the Central Government cancelled the above approval granted vide Ministry of Commerce and Industry letter No. 15/61/2005-IP&ID-II dated 08.03.2013.

And whereas the Hon'ble High Court of Karnataka by its order dated 18.11.2015 in writ petition no. 13172 of 2013 quashed the above cancellation order dated 08.03.2013.

And whereas DIPP, Department of Industrial Policy and Promotion, has filed a Writ Appeal no. 3298 of 2016 against the order of Hon'ble High Court of Karnataka in writ petition no. 13172 of 2013.

And whereas the Empowered Committee has revoked the order for withdrawal of approval dated 08.03.2013 in compliance to the directions of Hon'ble High Court of Karnataka subject to the outcome of Writ appeal no. 3298 of 2016 filed by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry.

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80IA of the said Act and in pursuance of directions of Hon'ble High Court of Karnataka in the order dated 18.11.2015 in writ petition no. 13172 of 2013 and subject to the outcome of Writ appeal no. 3298 of 2016 filed by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry in the Hon'ble High Court of Karnataka, the Central Government, hereby, notifies the undertaking, being developed and being maintained and operated by M/s Abhilash Software Development Centre, Bengaluru, as an industrial park for the purposes of the said clause (iii) subject to the terms and conditions mentioned in the annexure of the notification.

[Notification No. 13 /2018, F.No.178/15/2011-ITA-I]

ROHIT GARG, Director

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Abhilash Software Development Centre, Bengaluru.

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| 1. (i) Name of the Industrial Undertaking | : M/s Abhilash Software Development Centre. |
| (ii) Proposed location | : Plot No. 96 & 104 P2, E.P.I.P. Industrial Area, Whitefield, Bengaluru- 560066. |
| (iii) Proposed Area of Industrial Park | : 17,000 Sq. Mtrs. |
| (iv) Proposed activities | : Software supply services. |
| (v) Percentage of allocable area earmarked for Industrial use | : 90.00% |
| (vi) Percentage of allocable area earmarked for commercial use | : 10.00% |
| (vii) Minimum number of industrial units | : 3 Units |
| (viii) Total investments proposed (Amount in Rupees) | : Rs.29,50,00,000 |
| (ix) Investment on built up space for Industrial use (Amount in Rupees) | : Rs.9,55,95,000 |
| (x) Investment on Infrastructure Development including investment on | : Rs.29,50,00,000 |

built up space for industrial use (Amount
in Rupees)

- (xi) Proposed date of commencement of the
Industrial Park : 31-10-2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws. Compliance to this condition is subject to the outcome of Writ appeal 3298 of 2016 filed by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry in the Hon'ble High Court of Karnataka.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this notification, are located in the Industrial Park.

7. M/s Abhilash Software Development Centre, Bengaluru, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the Industrial Park did not commence by 31.03.2006, fresh approval will be required under the Industrial Park Scheme, 2008, subject to the applicability under that Scheme for availing benefits under sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s Abhilash Software Development Centre, Bengaluru, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s Abhilash Software Development Centre, Bengaluru, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-110001 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s Abhilash Software Development Centre, Bengaluru, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.