

EXPORT PROMOTION COUNCIL FOR EOUs & SEZs

(Ministry of Commerce & Industry, Government of India)

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Director General cum
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EPC/SEZ/AM18/F-4
1st June 2021

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Development Commissioner cum Returning Officer
Cochin Special Economic Zone
Kakkanad, Cochin 682 030

Sub: Elections for constituting Central Governing Council and Regional Governing Council of EPCES for 2021-23 through Electronic Voting – Implementation of provisions contained in Paragraph 2.92 of the Handbook of Procedures of 2015-20 of Foreign Trade Policy

Dev. Swamy

As you are aware that last elections to the Central and Regional Governing Councils, Vice Chairman, EPCES and Regional Vice Chairmen were held in 2019. The two-year term will end in 2021. Department of Commerce has vide their letter no K-11025/8/2019-E&MDA dated 15.3.2021 has advised that the elections may be held without delay. Therefore, the Central Governing Council of EPCES in its meeting held on 16.3.2021 has approved election process for constituting Central Governing Council (CGC) of EPCES and Regional Governing Councils (RGCs) for a term of 2 years for 2021-23. Department of Commerce vide its letter No. K-33012(13)/2/2019-SEZ(Admin.) dated 28th April 2021 (**Annexure -I**) has requested CGC to nominate Development Commissioner as Returning Officers for conducting elections in their respective regions as per Rule 3.1 of the Election Bye-Laws of the EPCES. Accordingly, CGC, in its meeting held on 29.05.2021, approved the proposal of nominating Development Commissioner as Returning Officers for conducting the elections for constituting Central Governing Council and Regional Governing Councils for 2021-2023.

2. Further, CGC, in its meeting held on 28.05.2021, approved that only those members of the Council, who have paid their membership subscription for the year 2020-2021 as on March 31, 2021. EPCES will be forwarding the list of such members.

3.

3.1. Elections for constituting Central Governing Council:

Accordingly, elections will be held in your Zone to fill up the following vacancies for Central Governing Council of EPCES:

- 1 vacancy of EOU Category
- 1 vacancies of SEZ Units Category
- 1 vacancy for SEZ Developer Category

3.2. Elections for constituting Regional Governing Councils:

3.2.1 Rule II.C.3 of Election Bye-Laws for Regional Governing Council states that if the Chairman of the Council is the representative of SEZ unit, SEZ Developer, or EOU, the Vice-Chairman shall be from the category other than what the Regional Chairman represents.

3.2.2 Election Bye-Law II.A.1 for Regional Governing Councils states that Governing Council shall nominate Development Commissioners as Returning Officers for conducting elections for Central Governing Council as well as for Regional Governing Councils in their respective regions.

3.2.3 Accordingly, elections will be conducted in your Zone for 21 members of Regional Governing Council from your Zone as under:

- EOU Category 7 vacancies
- SEZ Units Category 7 vacancies
- SEZ Developers Category 7 vacancies

3.2.4 Since as per Art 22.1 (f) of the Articles of Association, Regional Vice-Chairman will succeed Regional Chairman, the number of vacancies of EOUs, SEZ Units and SEZ Developers will be changed accordingly.

3.2.5 In case of Cochin SEZ, since there is no Regional Vice-Chairman who can take over as Regional Chairman, elections will be conducted for Regional Vice-Chairman also for the period 2021-23.

3.3. Schedule of Elections:

| Sl. No | Day & Date | Particulars |
|--------|------------|-------------|
|--------|------------|-------------|

Finalising list of electorates

| | | |
|---|---|---|
| 1 | Friday, 4th June 2021 | Date of Issue of Notification and Sending of draft List of Electorate to Returning Officers i.e. Development Commissioners |
| 2 | Wednesday, 9th June 2021 | Display of draft list of electorate on the website/notice board of the office of the Development Commissioner & sending letter to all eligible members under his jurisdiction regarding election and election schedule and inviting objections on the draft list of electorate, place on the website. |
| 3 | Friday, 25th June 2021 | Last date for receipt of objections |
| 4 | Monday, 28th June 2021 | Scrutiny of objections |
| 5 | Tuesday, 29th June 2021 | Display of final list of electorate |

Election Schedule

| | | |
|----|---|--|
| 6 | Friday, 2nd July 2021 | Nomination forms to be sent to all eligible members |
| 7 | Friday, 23rd July 2021 | Last date for receipt of nomination forms |
| 8 | Monday, 26th July 2021 | Date of scrutiny of nomination forms and display of accepted nominations |
| 9 | Wednesday, 28th July 2021 | Notice for withdrawal of nomination |
| 10 | Wednesday, 4th Aug 2021 | Last date for withdrawal of nomination |
| 11 | Wednesday, 4th Aug 2021 | In case of no contest, declaration of results |
| 12 | Thursday, 5th Aug 2021 | In case of elections, intimation to NSDL |
| 13 | Monday, 9th Aug 2021 | Start Date of casting of votes by electronic voting |
| 14 | Friday, 13th Aug 2021 | Last date of casting of votes by electronic voting |
| 15 | Monday, 16th Aug 2021 | Counting of votes |

First meeting of the newly elected CGC/RGCs can be convened on either 12th Aug 2021 (in case of no contest) or 25th Aug 2021 (in case of contest) to elect the Vice Chairman of CGC/RGCs , amongst the newly elected CGC/RGCs members. As per clause 6.2 of EPCES Election Bye-Laws, Director General shall function as the Returning Offices for the election of Vice Chairman of EPCES and as per Article II.C.2. Development Commissioner will be the returning officer for the election of the Vice Chairman of RGC concerned.

In case there is no contest for the post of Vice Chairman EPCES/RGCs, declaration of election results of Vice Chairmen and Members of the Central Governing Council will be announced by the Director General EPCES on 12th August 2021 or 25th August 2021 as the case may be. Similarly, the declaration of Vice Chairman and members of the RGC will be made by the Development Commissioners concerned.

In case there is a contest for the post of Vice Chairman EPCES/RGCs :-

| | | Date of CGC/RGC meeting on 12th Aug 2021 | Date of CGC/RGC meeting on 25th Aug 2021 |
|---|---|--|--|
| 1 | In case of elections , intimation to NSDL | Thursday 12 th Aug 2021 | Wednesday 25 th Aug 2021 |
| 2 | Casting of electronic voting | Wednesday 18 th Aug 2021 | Tuesday 31 st Aug 2021 |
| 3 | Last date for casting of votes by e-voting | Monday 30 th Aug 2021 | Friday 10 th Sept 2021 |
| 4 | Counting of Votes | Monday 30 th Aug 2021 | Friday 10 th Sept 2021 |
| 5 | Announcement of result of Vice Chairman | Tuesday 31 st Aug 2021 | Monday 13 th Sept 2021 |

3.4. Procedure of Election:

3.4.1 The detailed procedure, formats for election etc. are given in Election Bye-Laws. However, draft letters have been prepared and copies of the same are enclosed.

3.4.2 With regard to elections for Central Governing Council, office of DC will send detailed letters (**draft of letters for EOUs, SEZ Units and SEZ Developer Category are enclosed at Annexures-II, III & IV respectively**) on the prescribed date to eligible members under its jurisdiction forwarding a proposal/nomination form and format of letter of authority as annexed in the Election Bye-Laws .

3.4.3 A member from the concerned zone can only propose the name of another member from the concerned zone from his own category. Hence, an EOU can propose name of another EOU, a SEZ Unit can propose the name of another SEZ Unit only and a SEZ Developer/SEZ Co-Developer can propose name of another SEZ Developer/Co-Developer. In case Co-Developer is contesting the elections, he will have to submit his proposal form countersigned by concerned Developer.

3.4.4 With regard to election for Regional Governing Councils, Development Commissioner/Jt.Development Commissioner will send a detailed letter on the prescribed date to eligible members under its jurisdiction forwarding a proposal/nomination form and format of Letter of Authority. Copy of the draft letter for sending to members in EOU Category is placed at **Annexure-V**. A copy of the draft letter for sending to members of the SEZ Units

category is placed at **Annexure-VI** and a copy of the draft letter for sending to members of SEZ Developers/Co-Developers Category is placed at **Annexure-VII**.

3.4.5 The members may be asked to send the duly filled and signed proposal/nomination forms to the Returning Officer i.e. concerned Development Commissioner/Jt. Development Commissioner, latest by the prescribed date. Any proposal/nomination form received after this date may be treated as invalid.

3.4.6. The proposal/nomination forms are to be duly signed by the proposer and nominee.

3.4.7 The members may also be asked to send to the Returning Officer the duly filled and signed Letter of Authority duly attested by their bankers or Chartered Accountants.

3.4.8 Proposal/Nomination Forms which are not in order shall be treated as invalid by the Returning Officer. An intimation to that effect may be sent to the members from whom the proposal/nomination had emanated as well as to the member, who was proposed.

3.4.9 A letter may be sent on the prescribed date by the Returning Officer intimating to all eligible candidates whose proposal/nomination form have been found valid and send them list of all eligible proposals/nominations and informing them in case they want to withdraw their nomination, they may do so latest by the prescribed date. A final electorate list should be made available to all contestants.

3.4.10 Elections will be conducted in case number of proposal forms/nominations received are more than the number of vacancies in the relevant categories (SEZ units/EOU/SEZ developers).

3.4.11 Article 22.1(f) of MOA and AOA of the Council states that on completion of his term of two year, the Regional Vice – Chairman shall be endorsed by the Regional Governing Council to succeed the Regional Chairman unless he is unwilling to accept Chairmanship or he has incurred any of the disqualifications enumerated in Article 8.1 regard to membership of the Council.

Article 4.2 of MOA and AOA of the Council states as under:

“A member of the Council will only be eligible to be elected to any position in the Council if he/she, or the SEZ/EOU entity represented by him/her, has to his/her/entity credit, during any preceding financial year exports of not less than Rs.1 crore, except for SEZ Developer.

Provided further that a member will only be eligible to be elected as Chairman/Vice-Chairman/Regional Chairman/Regional Vice-Chairman, if he/she , or the SEZ/EOU entity represented by him/her, has to his/her/entity credit, during any preceding financial year exports of not less than Rs.5 crore, except for SEZ Developer.

A SEZ Developer member of the Council or its representative will only be eligible to be elected to any position in the Council if the investment made by developer is equal to or more than Rs.50 crore, including investment made in land.

Provided further that the SEZ Developer or its representative will only be eligible to be elected to the position of Chairman/Vice-Chairman/Regional Chairman/Regional Vice-Chairman if the investment made by the developer is equal to or more than Rs.50 crore excluding investment made in land.”

A copy each of MOA & AOA of the Council and Election Bye-Laws for Central Governing Council and Regional Governing Councils is attached herewith.

4. List of electorates:

4.2 EPCEs will send a letter/email to all members informing about the status of membership so that they may participate in the election process.

4.3 Dates for various activities for finalizing the list of electorates and elections thereafter are given in the para 3.3. above.

4.4 The representative(s) of M/s National Securities Depository Limited (NSDL) would soon get in touch with office of Development Commissioner for implementation of directions given by Ministry of Commerce & Industry for conducting elections through electronic voting.

5. Honorarium and expenditure:

5.1 It has also been decided that an honorarium payment of Rs. 12,000/- to each Zone will be made by the Council after the elections.

5.2 The expenditure incurred by the concerned Zone on Postage, Printing, Stationery etc. will be reimbursed by the Council on actuals basis, in addition to honorarium.

Thanking you,

With regards,

Yours faithfully,

(Alok Chaturvedi)

16/2/22
Director General cum Returning Officer

Encl : a/a