

15 -ാം കേരള നിയമസഭ

13 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 42

23-01-2025 - ൽ മറുപടിയ്ക്ക്

കൊച്ചി സ്മാർട്ട് സിറ്റി പദ്ധതി

ചോദ്യം		ഉത്തരം	
ശ്രീ. റോജി എം. ജോൺ		ശ്രീ. പിണറായി വിജയൻ (മുഖ്യമന്ത്രി)	
(എ)	കൊച്ചി സ്മാർട്ട് സിറ്റി പദ്ധതിയിൽ നിന്നും പിന്മാറാൻ ടി കോം കമ്പനി നിരത്തിയ കാരണങ്ങൾ വിശദമാക്കാമോ;	(എ)	<p>ടീകോം കമ്പനി കരാറിൽ നിന്ന് പിൻമാറാൻ പല കാരണങ്ങൾ ഉണ്ടായിരുന്നു. പ്രധാനപ്പെട്ടവ താഴെ പറയുന്നു.</p> <p>1. കൊച്ചി സ്മാർട്ട് സിറ്റിയോട് ചേർന്നുള്ള ഐ.ടി വ്യവസായ മേഖലയിൽ സർക്കാർ ഐ.ടി വികസനം പ്രോത്സാഹിപ്പിക്കുന്നു.</p> <p>ഇത് സർക്കാരിന് പ്രോത്സാഹിപ്പിക്കാതിരിക്കാൻ കഴിയുമായിരുന്നില്ല. വൻകിട ഐ.ടി കമ്പനികൾ ഉൾപ്പെടെ 150 ഓളം കമ്പനികൾ കൊച്ചി ഇൻഫോപാർക്കിന്റെ waiting list ൽ ഫ്ലോർ സ്പേസിനായും ഭൂമി ലഭിക്കുന്നതിനായും കാത്തിരിക്കുന്നുണ്ട്. അതിനാൽ ടീകോമിന്റെ ഈ ആവശ്യം സർക്കാരിന് അംഗീകരിക്കാൻ കഴിയുമായിരുന്നില്ല.</p> <p>2. ടീകോമിന് കൈമാറിയ ഭൂമിയിൽ അളവിൽ കുറവുണ്ടെന്ന കമ്പനിയുടെ വാദം.</p> <p>3. 12% ഭൂമി ഐ.ടി ഇതര വാണിജ്യ ആവശ്യങ്ങൾക്കായി നൽകണമെന്ന ആവശ്യം സർക്കാർ അനുവദിച്ചില്ല. ഈ ആവശ്യം നയപരമായി സർക്കാരിന് അംഗീകരിക്കാൻ കഴിയുമായിരുന്നില്ല.</p> <p>4. കെ-റെയിൽ നടപ്പാക്കുമ്പോൾ കൈമാറിയ ഭൂമിയിൽ നിന്ന് ഭൂമി വിട്ടുനൽകേണ്ടി വരുമെന്ന സ്ഥിതി.</p> <p>ഇതിനു പുറമേ 2017ൽ ദുബായ്ക്ക് പുറത്ത് പദ്ധതികൾ ഏറ്റെടുത്ത് നടപ്പാക്കുന്നില്ല എന്ന് ദുബായ് ഹോൾഡിംഗ് തീരുമാനിച്ചിരുന്നു.</p> <p>ഇതിന്റെ അടിസ്ഥാനത്തിൽ സ്മാർട്ട് സിറ്റി പദ്ധതിയിൽ നിന്നുള്ള പിൻമാറ്റം അവർ സംസ്ഥാന സർക്കാരിനെ അറിയിക്കുകയുണ്ടായി. ഈ പിൻമാറ്റം</p>

		<p>സംബന്ധിച്ച നിയമോപദേശം അഡ്വക്കേറ്റ് ജനറലിനോട് ആരായുകയും പ്രസ്തുത വിഷയം പഠിക്കുന്നതിനായി ചീഫ് സെക്രട്ടറി അദ്ധ്യക്ഷനായ സമിതിയെ നിയോഗിക്കുകയും ചെയ്തു. നിയമ വകുപ്പിന്റെയും അഡ്വക്കേറ്റ് ജനറലിന്റെയും നിയമോപദേശത്തിന്റെ അടിസ്ഥാനത്തിൽ ടി സമിതി കാര്യങ്ങൾ പരിശോധിച്ച് ശുപാർശ നൽകുകയുണ്ടായി. ആയത് അംഗീകരിച്ചു കൊണ്ട് ടീകോമും സംസ്ഥാന സർക്കാരും തമ്മിൽ പരസ്പരധാരണയിൽ കരാർ അവസാനിപ്പിക്കുന്ന നിലയിലേക്കുള്ള നടപടിക്രമങ്ങൾ പുരോഗമിക്കുകയാണ്.</p> <p>കൊച്ചിയിൽ ഐ.ടി. മേഖലയിൽ നിലവിലുള്ള വർധിത ആവശ്യങ്ങൾ പരിഗണിച്ച് സർക്കാർ നിയന്ത്രണത്തിൽ തന്നെ ഈ ഭൂമി ഫലപ്രദമായി വിനിയോഗിക്കാനാകുമെന്നാണ് സർക്കാർ പ്രതീക്ഷിക്കുന്നത്.</p>
(ബി)	കൊച്ചി സ്റ്റാർട്ട് സിറ്റി പദ്ധതിയിൽ നിന്നും പിന്മാറ്റുന്നത് സംബന്ധിച്ച് ടി കോം കമ്പനി സർക്കാരിന് നൽകിയ കത്തുകളുടെ പകർപ്പ് ലഭ്യമാക്കാമോ?	(ബി) ടീകോം കമ്പനി സർക്കാരിന് നൽകിയ കത്തുകളുടെ പകർപ്പുകളും ആയതിന് സർക്കാർ നൽകിയ മറുപടിയുടെ പകർപ്പുകളും അനുബന്ധമായി ചേർത്തിട്ടുണ്ട് .

സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

Electronics & Information Technology (A) Department

No.IT-A1/337/2018-ITD

11-12-2024, Thiruvananthapuram

From

Secretary to Government

To

The Managing Director

Dubai Holding

Dubai, UAE

Sir,

Sub: E&ITD - SmartCity (Kochi)Infrastructure Pvt. Ltd.(SCK) - reg.

Ref: 1)Your letter No.DH/RE/CEO/2022/220 dated 6.12.2022

2)G.O(Ms)No.16/2024/ITD dated 05.12.2024

Government, as per the reference 2nd cited, issued orders with regard to exit from the Framework Agreement of Smart City Kochi Project.

I am, therefore, directed to request you to place the matter as an item in the agenda of the next meeting of the Board of Directors of Smart City (Kochi)Infrastructure Pvt. Ltd. Copy of the Govt order is enclosed for your information and further action.

Yours faithfully,

RAJESH KUMAR M
ADDITIONAL SECRETARY
For Secretary to Government.

Copy to:-

The Company Secretary, SmartCity (Kochi)Infrastructure Pvt. Ltd.

Classification: Confidential



Date: 6 December 2022

Ref: DH/RE/CEO/2022/220

Shri. Pinarayi Vijayan
Hon'ble Chief Minister of Kerala
Government of Kerala
141, 3rd Floor, North Block
Government Secretariat
Thiruvananthapuram 695 001,
Kerala, India

Dear Sirs

Framework Agreement between The Governor of Kerala, Infoparks Kerala (the "Society"), TECOM Investments FZ LLC ("TECOM") and SmartCity (Kochi) Infrastructure Private Limited ("SCK") dated 13 May 2007 (the "Framework Agreement").

We refer to:

- a) the abovementioned Framework Agreement;
- b) the letter from SCK to the GOK dated 11 August 2021 (ref: SCK/P16-P223/69/2021);
- c) the letter from SCK to the GOK dated 11 August 2021 (ref: SCK/P16-P114/70/2021); and
- d) the letter from the GOK to SCK dated 29 June 2022 (ref: IT-A1/62/2020-ITD).

As you are aware, the Government of Kerala (the "GOK") incorporated the Society to establish an information technology ("IT") park in Kerala under the name and style of "Infopark". GOK was keen to establish a knowledge-based IT township in the Ernakulam District to promote employment and the economic development of Kerala. TECOM was approached by the GOK as it had engaged with, and had substantial experience in, developing business, industrial and IT parks, and administering and operating such parks.

SCK was established for the purpose of setting up, owning and operating the Smart City Project, in which GOK is a shareholder. Pursuant to the Framework Agreement, the GOK has the following material obligations:

- 1) To lease the Project land totaling 246 acres to SCK for 99 years.
- 2) Once the master plan is completed that determines different plots among other things, to forthwith convert identified plots (of no more than 12% of total land area, being 29.52 acres) to freehold to enable enhanced sales, without any further consideration or charges.
- 3) To become a joint venture partner in SCK.
- 4) Not to undertake any activities to diminish the value of the Project.

Classification: Confidential



- 5) To deal with all statutory/regulatory applications.
- 6) To discuss with SCK if the Government of India (the "GOI") specifies any conditions on the Project land.
- 7) To ensure that the Project land is contiguous, free and clear from encumbrances and interests or claims, and is transferred to be in the physical possession of SCK.
- 8) To provide infrastructure.
- 9) To make best efforts to ensure that final approval is received from GOI.

It is with regret that the GOK has failed to comply with its obligations to the detriment of both the Project and to its joint venture partner in SCK. Details of these failings are set out below.

On 23 February 2011, two lease deeds for the Project land were executed. The total land leased under these two lease deeds is 246 acres spread over three land parcels: A, B and C. However, the GOK has failed to hand over all of this land to SCK. In addition, there are land parcels that are "challenged" and "unusable" in land parcels B and C, and land parcels A and B are non-contiguous.

On 26 September 2013, the master plan (with land-use plan) for the Project was presented to, and approved by, SCK's board of directors. This triggered GOK's obligation to convert identified plots from leasehold to freehold. However, in breach of its obligations under the Framework Agreement, the GOK has failed to convert any of the Project land to freehold.

Following approval of the master plan, the GOK has persistently undertaken activities that have diminished the value of the Project, such as (but not limited to):

- i) Delaying no objection certificates to the appointment of a real estate developer for leasehold residential apartments (the developer subsequently walked away from the Project). This was a significant loss to the Project as the developer was prepared to develop leasehold land in the absence of any available freehold land due to GOK's failure to convert.
- ii) Delaying the required tree removal approvals.
- iii) Promoting IT development adjacent to SCK in industrial areas other than those dedicated for IT.

Notwithstanding these acts/omissions/defaults by the GOK, we have diligently attempted to develop and construct the Project through SCK in the years following the execution of the abovementioned lease deeds, in a manner that enabled rapid economic growth in the area. This included completing the Project's first phase development in 2016 (the SCK-01 building and common infrastructure) and facilitating co-developer works commencing in 2017 and during the years that have followed. We have also worked diligently to market and promote the Project.

It was therefore extremely surprising and disappointing when SCK became aware of an Order from the GOK dated 11 June 2020, confirming the Kerala Rail "Silver Line" development (the "K-Rail Project"), a planned development by Kerala Rail Development Corporation Ltd (a joint venture between the GOK and the Ministry of Railways). The planned K-Rail Project alignment dispossess SCK of between c.20.81 acres and 39.75 acres / c.8.5% and 16% of the total Project land (including land earmarked for conversion to freehold), thereby further undermining the development and diminishing the value of the Project.

Classification: Confidential



TECOM has, through SCK, diligently tried to develop the remainder of the Project and capital contributions totaling c. AED 142 million have been made to date. However, the abovementioned acts/omissions/defaults by the GOK are preventing us from performing our obligations under the Framework Agreement and realizing any return on our investment.

On 11 August 2021, SCK issued letters to the GOK referenced at items b) and c) above, setting out these issues in detail and requesting that action be taken by the GOK to remedy the same. The only response from the GOK was received 10 months later (referenced above at item d). This response simply said that in relation to the K-Rail Project, "shifting the location from the existing one is not feasible" with no further explanation or recourse for discussion. No other steps have been taken by the GOK to remedy the failings set out above, or to demonstrate its intentions to comply with its obligations, warranties and continuing promises under the Framework Agreement.

In the circumstances, and entirely without prejudice to our rights and entitlements under the Framework Agreement and the applicable law, we believe that the parties should discuss and agree TECOM's exit from the Framework Agreement and for compensation to be paid for the abovementioned capital contributions made to date and the loss of profit which would have been realized had the Project been developed as originally intended.

We look forward to hearing from you by return within the next 15 calendar days and request you to address all communications in this regard to the undersigned.

Yours faithfully

Khalid Al Malik
Managing Director

- Cc: - Secretary (Electronics and IT), Government of Kerala
- Chief Legal Officer – Dubai Holding
- Chief Investment Officer – Dubai Holding
- Vice President Legal – TECOM Investments FZ LLC
- Board of Directors, SmartCity (Kochi) Infrastructure Private Limited
- Chief Executive Officer, SmartCity (Kochi) Infrastructure Pvt. Ltd

Classification: Confidential

Secretary, E&IT

G3230302660



CMO22085344



e-7103147/23/220

دبي

DUBAI HOLDING

Date: 6 March 2023
Ref: DH/RE/CEO/2023/0260

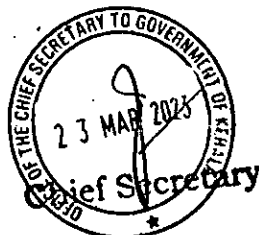
Shri. Pinarayi Vijayan
Hon'ble Chief Minister of Kerala
Government of Kerala
141, 3rd Floor, North Block
Government Secretariat
Thiruvananthapuram 695 001,
Kerala, India.

21/03/2023

[Signature]

[Signature]

പിനറായി വിജയൻ
മുഖ്യമന്ത്രി



Dear Sirs

Framework Agreement between The Governor of Kerala, Infoparks Kerala (the "Society"), TECOM Investments FZ LLC ("TECOM") and SmartCity (Kochi) Infrastructure Private Limited ("SCK") dated 13 May 2007 (the "Framework Agreement").

We refer to our letter reference DH/RE/CEO/2022/220 dated 6th December 2022 (the "December 2022 letter") sent to your offices vide email followed by physical delivery of the letter at the Government Secretariat, the receipt of which was duly acknowledged on 12th December 2022.

As of the date of this letter, we have not received a response from the Government of Kerala ("GOK") to our December 2022 letter. We reiterate our request for TECOM to exit from the Framework Agreement and call upon your esteemed offices to commence the necessary steps to facilitate the amicable exit and pay compensation as detailed in the December 2022 letter.

We look forward to receiving a written response from you on the above within the next 10 calendar days and request you to address all communications in this regard to the undersigned.

This follow up letter is being sent entirely without prejudice to our rights and entitlements under the Framework Agreement and the applicable law.

Yours faithfully

[Signature of Khalid Al Malik]

Khalid Al Malik
Managing Director

Priority!!
As(CT)
Pl. reply

[Signature]

25/3

[Signature]

Cc:

- Secretary (Electronics and IT), Government of Kerala
- Chief Legal Officer – Dubai Holding
- Chief Investment Officer – Dubai Holding
- Vice President Legal – TECOM Investments FZ LLC
- Board of Directors, SmartCity (Kochi) Infrastructure Private Limited
- Chief Executive Officer, SmartCity (Kochi) Infrastructure Pvt. Ltd

Enclosure: DH letter DH/RE/CEO/2022/220 dated 6th December 2022

Dubai Holding LLC
P.O. Box 66000
T +971 4 362 2000
Dubai, United Arab Emirates

dubaiholding.com

دبي القابضة ذ.م.م.
ص.ب. 66000

ت +971 4 362 2000

دبي، الإمارات العربية المتحدة



GOVERNMENT OF KERALA

Electronics & Information Technology (A) Department

No.IT-A1/337/2018-ITD-Part(1)

25-08-2023, Thiruvananthapuram

From

Secretary to Government

To

Khalid Al Malik

The Managing Director

Dubai Holding

Sir,

Sub: E&ITD - TECOM's Exit from the Smart City Kochi Project -
reg.

Ref: Your letter No.DH/RE/CEO/2022/220 dated 06.12.2022

Attention is invited to the reference cited. I am to inform you that the Government is seized of the matter pertaining to TECOM's exit from the Smart City Kochi Project. An appropriate decision will be taken expeditiously.

Yours Faithfully,

MANOJ.S.R.

UNDER SECRETARY

For Secretary to Government.

Approved for Issue,

Section Officer.