

NOTIFICATION

No.IDCO-HO-LAE-7124/2016- 2125

Dated. 04.02.2017

In exercise of the powers conferred by clauses (d) and (e) of sub-section (1) of section 59 of the Odisha Industrial Infrastructure Development Corporation Act 1980 (Odisha Act 1 of 1980) the corporation, with prior approval of the State Government hereby make the following regulations, namely:-

1. **Short title and commencement:** - 1. These regulations may be called The Odisha Industrial Infrastructure Development Corporation (Disposal of land, building, amenities) Regulations, 2016.
2. They shall come into force on the date of their publication in the Odisha Gazette.
2. **Definitions:** - 1. In these regulations, unless the context otherwise requires :
 - (a) **"Act"** means the Odisha Industrial Infrastructure Development Corporation Act, 1980, (Odisha Act 1 of 1980).
 - (b) **"Ancillary industry"** means an industrial undertaking which is engaged or is proposed to be engaged in the manufacture or production of parts, components, sub-assemblies, tooling or intermediates, or the rendering of services and the undertaking supplies or renders or proposes to supply of its production or services, as the case may be, to one or more other industrial undertakings.
 - (c) **"Chief Executive Officer"** means the Chief Executive Officer appointed under sub-section (1) of section 12 of the Act;
 - (d) **"Common services"** in relation to common utilities means the services which are rendered by the Corporation for maintaining, running or keeping in good condition the common utilities use whereof may be regulated by the Corporation;

- (e) **"Common Utilities"** in relation to industrial estate, means those parts of the building or premises which are used in common and includes land, gateway enclosures, compound walls, fencing paths, open grounds, gardens, passages, corridors, roads, Parking facilities, staircase, terrace, cabins, fittings, fixtures, lifts and installations whether for water supply, drainage or lighting purposes such as sub-stations, Power lines and all such facilities which are used in common;
- (f) **"Competent Authority"** means the competent authority as defined in the Odisha Industrial (Facilitation) Rules, 2005 made under the Facilitation Act
- (g) **Disposal** – Disposal of land means transfer of land by the Corporation as mentioned in the OIIDC Act.
- (h) **"Downstream industry"** means the industry, that process the output of other industry into a finished or different product like plastic manufacturers whose inputs come from petroleum processors, fly ash brick manufactures make the bricks from the output i.e., Fly ash of Thermal Power Industry and Steel Power Plant.
- (i) **"Facilitation Act"** means the Odisha Industries (Facilitation) Act, 2004 (Odisha Act 14 of 2004);
- (j) **"Financial Institution"** means a Banking Company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949). The State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955), any Subsidiary Bank formed under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), any corresponding new Bank constituted under the banking companies (Acquisition and Transfer of under taking) Act, 1970 (5 of 1970) or under the Banking companies (Acquisition and Transfer of under taking) Act, 1980 (40 of 1980) and any other scheduled Bank within the meaning of the Reserve Bank of India Act, 1934 (2 of 1934) or any other Financial Institution, which may be notified by the State Government.

- (k) **"Industrial area or industrial estate"**- includes Integrated Infrastructural Development (IID) Centre, Growth Centre, Industrial Complex and such other centers by whatever name called;
- (l) **"Industrial unit"** means any industrial undertaking located inside the State and engaged in any manufacturing or servicing activity as decided by the State Government from time to time.
- (m) **"Land Allotment Committee"** means the Committee formed by the State Government for the purpose of dealing with all matters connected with the disposal of land and built up sheds or property acquired or transferred to the Corporation by the State Government.
- (n) **"Land utilization"** means utilization of land for the purpose of establishment of industry by completion of construction activities partially or fully or commencement of commercial production.
- (o) **Micro, Small, Medium and Large industry** means industrial unit as defined by the Government of India from time to time.
- (2) The words and expressions used in these Regulations but not defined shall have the same meaning as assigned to them in the Act and in the Facilitation Act and Rules, respectively, made under those Acts.

3. **Master Plan of Industrial Areas and Estates:** - **1.** The Corporation may prepare a master plan of the land transferred to it by the State Government or placed at its disposal by the State Government or otherwise acquired or purchased or proposed to be acquired or purchased by the Corporation for development as industrial area or industrial estate. **2.** Where the corporation considers that, it may not be necessary for the Corporation to prepare the master plan for the entire land which is in its possession, the corporation may prepare master plan for such area or portion of the area that is required for immediate development. **3.** Master plan of Industrial Estates prepared by the Corporation shall be in conformity with the master plans already prepared and notified by the Development Authority or as the case may be the Regional Improvement Trust or the Special Planning Authority respectively constituted under the Odisha Development Authorities Act-1982 (Odisha Act 14 of 1982) and the Odisha Town Planning and Improvement Trust Act-1956 (Odisha Act 10 of 1957) covering such areas. The Corporation shall take due approval of the master plans from the concerned Development Authority or as the case

may be the Regional Improvement Trust or the Special Planning Authority in case such industrial area comes under the jurisdiction of such Authorities. **4.** The Corporation may, without preparing the master plans of the land which are at its disposal, directly transfer land to any entrepreneur in accordance with the provisions of the Act and the Rules and these Regulations, Facilitation Act as decided by the corporation and in consonance with the recommendation of the concerned competent Authority.

- 4. Manner of disposal of land:** - **1.** On and from the date of commencement of these regulations, the land, building and amenities in industrial estate or industrial area shall be disposed of in accordance with the provisions of these regulations notwithstanding any order instruction or guideline issued in this regard. **2.** Subject to the provisions of the Act, the Rules and the Facilitation Act, the Corporation may dispose of land or building out of land covered under the master plan so prepared for the industrial estate or industrial area and beyond the Master Plan area without any development, as the case may be, by way of lease or license. **3.** Where the Corporation allot land otherwise than the recommendation of the Competent Authority under the Facilitation Act, the same may be disposed of by way of lease or license through public auction. **4.** If land disposed of through public auction and it results in capital gain on account of appreciation in value of the land, then in case of, the land which is owned by the Corporation, the capital gain will be apportioned by the Corporation and in case of State Government land leased out to the Corporation the capital gain shall be apportioned proportionately between the State Government & Corporation under the approval of Industries Department keeping in view the genuine requirement of the Corporation and future requirements. **5.** The Corporation may dispose of built-up space, Commercial or residential tenements to suitable persons in the industrial estate established or developed by the Corporation or beyond, as the case may be, with due approval of the State Government.
- 5. Allotment of land to Large Industry:** - **1.** The Corporation shall allot the land to the entrepreneurs for large scale industries in accordance with the recommendations of the Competent Authorities on lease basis for a period up to 90 (ninety) years through execution of the lease deed in Form A on fulfillment of terms and conditions laid down by the corporation. **2.** An agreement in Form B shall be executed by the corporation with the entrepreneur for

implementation of the project within the moratorium period of 05 (five) years from the date of handing over possession of land. **3.** The Corporation shall allow the entrepreneur for construction and implementation of the project within the moratorium period, and consider to execute the lease deed with the entrepreneur after implementation of the project. **4.** In case the entrepreneur fails to implement the project within the moratorium period under sub-regulation (2), no lease deed shall be executed and the agreement shall stand cancelled.

6. **Allotment of land to Special Purpose Vehicle (SPV):-** The Corporation shall allot land to SPVs (Special Purpose Vehicles) for the purpose of establishment and operation of Downstream and Ancillary industries on such terms and conditions as decided by the Corporation with the recommendation of the Competent Authority. An agreement in Form B shall be executed by the corporation with the SPV for implementation of the project within the moratorium period of Five years from the date of handing over possession of land, followed by execution of Lease deed in Form-C.

Explanation – For the purpose of this regulation the expression “Special Purpose Vehicle” means a body constituted as a company, trust or other entity for a specific purpose of carrying into effect the purpose of the Act;

7. **Allotment of land for SEZ: -** The Corporation shall allot land to SEZ projects as per the SEZ policy of the State Government following the operational guidelines issued for the same with such terms and conditions as decided by the Corporation. An agreement in Form B shall be executed by the corporation with the SEZ Developer for implementation of the project within the moratorium period of Five years from the date of handing over possession of land, followed by execution of Lease deed in Form-C.

Explanation – For the purpose of this regulation, the expression ‘SEZ’ means a Special Economic Zone as defined in the Special Economic Zone Act, 2005 (28 of 2005).

8. **Allotment of plots to Micro, Small or Medium Entrepreneurs: - 1.** On the recommendation of the Competent Authorities, the Corporation shall allot land to the entrepreneurs for Micro, Small or Medium Industries in accordance with the recommendation of the Competent Authority on lease for a period up to 90 (ninety) years as per terms and conditions decided by the Corporation by

execution of lease deed in Form C. **2.** An agreement in Form B shall be executed by the corporation with the entrepreneur for implementation of the project within the moratorium period of 03 (three) years from the date of handing over possession of land. **3.** The Corporation shall allow the entrepreneur for construction and implementation of the project within the moratorium period and shall consider to execute the lease deed with the entrepreneur after implementation of the project.

4. In case the entrepreneur fails to implement the project within the moratorium period under sub-regulation (2) no lease deed shall be executed and the agreement shall stand cancelled.

9. **Premium for lease of land: - 1.** Where any land is intended to be allotted to an entrepreneur for establishment of an industry, he shall be liable for payment of the premium towards the lease of land and rent as decided by the Corporation and notified for the respective industrial area or industrial estate, from time to time, which shall be notified in the month of April every year.

2. The Corporation, while determining the land premium and rent to be paid by the entrepreneurs, shall take into account the input cost, over head charges and market demand price etc. and shall get it duly approved by the Board of Directors of the Corporation through the Premium or price fixation committee as constituted by the Corporation. **3.** All costs of land incidental to any of the documents referred to it in these regulations including the Stamp Duty and Registration fee shall be borne and paid by the entrepreneur.

10. **Extension of moratorium period: - 1.** Notwithstanding anything contained in regulations 5 and 8, the Corporation may allow extension of the moratorium period in spells of one year each at a time, but not exceeding three years, with realization of penalty, taking into consideration, -

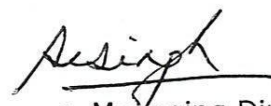
- a) the extent of land to be utilized;
- b) Non-implementation of the project within the moratorium period for the reasons not attributable to the entrepreneur, provided that no penalty shall be imposed where such delay in implementation is not attributable to the entrepreneur.

2. The allotment of land shall stand cancelled if the entrepreneur fails to complete project within the extension period of moratorium and the Corporation shall have power to resume the land and the premium of the land and the penalty paid, if any, shall not be refunded.

11. **Surrender of land (Suo motu) :** - **1.** If any entrepreneur intends to surrender the plot or a part thereof for any reason, the same may be accepted on such terms and conditions as decided by the Corporation. **2.** The entrepreneur shall do so by executing and registering a deed of surrender at his own cost and shall hand over peaceful possession of the land including the building or shed, if any to the authorized officer of the Corporation free from all encumbrances. **3.** Damage, if any, caused to the land or building shall have to be duly compensated, as decided by the Corporation. **4.** The Corporation while accepting the surrender of the land and building, shall refund the premium either in full or in part as per the provisions in the deed of agreement. **5.** On surrender of land, the entrepreneur shall be eligible to get the land cost that he has paid at the time of allotment and if the land is surrendered within the moratorium period, no penalty shall be imposed at the time of refunding the cost but, administrative charges of ten percentum of the amount of premium shall be deducted at the time of refund. Provided that, surrender of land during the extended period of moratorium shall be considered with appropriate deduction of the land premium as decided by the Corporation.
12. **Breach of terms of Agreement and cancellation of allotment:** - **1.** The entrepreneur who has been allotted with a land shall comply with all the provisions the Act, Rules, Regulation, and order and abide by the terms and condition of the agreement. **2.** If any entrepreneur contravenes any of the terms and conditions of the deed of Agreement or lease, the Corporation shall cancel the allotment and resume possession of the land and building if any. Provided that in case of cancellation a show-cause notice shall be issued to the entrepreneur and if no satisfactory reply to the show cause notice for such contravention is received within the period specified in such notice the allotment shall be cancelled and the land shall be resumed forthwith and the entrepreneur shall be liable to pay damage charges as may be determined by the Corporation, from time to time.
13. **Allotment of Resumed & Surrendered land.**
Land resumed from the defaulters or from the allottees who have surrendered it, shall be put to economic use by the Corporation or shall be disposed off within a reasonable period of time following statutory provisions.

14. **Reservation or revocation of land: -** 1. If, in the opinion of the Corporation, any land is required to be kept reserved or withdrawn from allotment inside the industrial estate or area, the Corporation may, at any time, reserve such land or revoke any proposal to dispose of such land from the purview of allotment. 2. The Corporation shall record in writing the reason for keeping any land reserved or withdrawn from allotment inside the industrial estate or area, and obtain approval of the Board of Directors of the Corporation.
15. **Allotment of Land for Social Infrastructure & Industrial Amenities: -** 1. The Corporation may allot any land for the purpose of establishing Social infrastructure projects and Industrial amenities as per the terms and conditions finalized for the same by the Corporation from time to time. 2. The land rate for such social infrastructure project shall be such as decided and notified by the Corporation. 3. The Corporation, while determining the land premium and rent to be paid by the entrepreneurs, shall take into account the input cost over head charges and market demand price etc. and shall get it duly approved by the Board of Directors of the Corporation through the Premium or price fixation committee as constituted by the Corporation.
16. **Issue of NOC for creation of Mortgage: -** The Corporation shall be competent to issue No Objection Certificate in favour of entrepreneurs to create mortgage in respect of the land or shed or building and amenities allotted with any Financial Institution for raising funds for establishment of Industries as per the terms and conditions as laid down by the Corporation and the State Government.
17. **Entrepreneur to abide by Power and Water Agreement: -** The entrepreneur shall be required to observe and perform obligations and shall also be required to abide by the provisions of the Acts, rules, regulations and any by-laws for the time being in force as regards supply of power and water to its land, shed, factory, and workshop.
18. **Supervision: -** 1. The layout and construction of the building on the land allotted to the entrepreneur shall be strictly in conformity with the plan approved by the Authority competent to approve the building plan. 2. Any officer of the state Government, any Director of the Board and any person either generally or specially authorized by the Board in this behalf may enter into or upon any land or building for the purpose of inspection, examining works under construction etc. as laid down under section 40 of the Act.

19. **Transfer of land / shed by the allottee Entrepreneur :** - The Corporation may permit the allottee to transfer his land on such terms and conditions as the Corporation may decide from time to time. Provided that no land which is lying vacant or remains unutilized shall be allowed to be transferred. Provided further that no land shall be transferred in violation of the terms and conditions in the lease deed or agreement as the case may be executed between the allottee entrepreneur and Corporation. Provided also that such transfer of land shall be only for the purpose of establishment of industries and social infrastructures.
20. **Alternation of project activity or name of company:** - **1.** The Corporation may permit the entrepreneur to change the approved project activity as mentioned in the allotment order or lease deed with such terms and conditions as laid down by the Corporation from time to time. **2.** The Corporation may consider the change of name of the Company of the entrepreneur without change of its constitution as per the terms and conditions decided by the Corporation. **3.** No entrepreneur shall change constitution of the Company without prior approval of the corporation subject to such terms and conditions as may be decided by the Corporation.
21. **Power to issue instruction:** - The Corporation may, from time to time, with the prior approval of the State Government issue instruction consistent with the provisions of the Act and Rules, to carry out the provisions relating to disposal of the land.

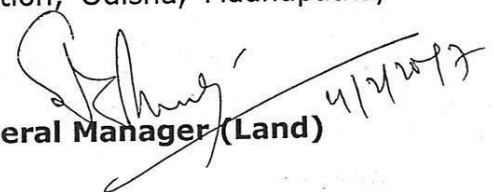


Chairman-cum-Managing Director
Odisha Industrial Infrastructure
Development Corporation.

Memo No. 2126 /Date 04-02-2017

Copy forwarded to Gazette Cell of Commerce & Transport (Commerce) Department with a request to publish the notification in the next extraordinary issue of Odisha Gazette and furnish 300 copies of the same to this department.

Copy to Director, Printing, Stationery & Publication, Odisha, Madhupatna, Cuttack for kind information and necessary action.



Chief General Manager (Land)

Memo No. 2127 /Date 04.02.2017


Copy submitted to Principal Secretary / Commissioner-cum-Secretary to Government, Industries Department / Revenue & DM Department / G.A. Department / Law Department / Agriculture & Farmers' Empowerment Department / Energy Department / Finance Department / Steel & Mines Department / Health & F.W. Department / Housing & Urban Development Department / Handloom Textile & Handicrafts Department / MSME Department / Tourism & Culture Department / Higher Education Department / Government of Odisha, Bhubaneswar for kind information and necessary action.

 4/2/2017

Chief General Manager (Land)

Memo No. 2128 /Date 04.02.2017

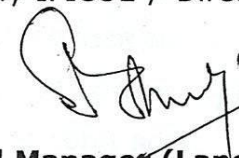
Copy submitted to Member, Board of Revenue, Cuttack / Revenue Divisional Commissioner (RDC) Central / Northern / Southern Divisions & All Collectors for kind information and necessary action.

 4/2/2017

Chief General Manager (Land)

Memo No. 2129 /Date 04.02.2017

Copy submitted to Chairman-cum-Managing Director, IPICOL / Director of Industries for kind information and necessary action.


 4/2/2017

Chief General Manager (Land)

Memo No. 2130 /Date 04.02.2017

Copy to All CGM, IDCO, Bhubaneswar for information and necessary action.

Copy Manager (MIS), IDCO, Bhubaneswar for information with a request to upload the notified land regulations in IDCO website.

 4/2/2017

Chief General Manager (Land)