

BYE LAWS OF FOCAL POINT INDUSTRIAL INFRASTRUCTURE
DEVELOPMENT ASSOCIATION, SPECIAL PURPOSE VEHICLE

NAME These bye laws may be called the Focal Point Industrial Infrastructure Development Association. (hereinafter called the SPV)

Office/location of the SPV: E-184, Phase IV, Focal Point Ludhiana

Jurisdiction: Area falling in Phase IV, Focal Point, Ludhiana, more fully described as area bounded by 60ft, wide road on West, 100 ft wide road on north and East and Bhagwan Mahabir Industrial Complex on South

DEFINITIONS: The word/ phrase not defined in this bye laws shall mean as defined in the Punjab Common Infrastructure (Regulation and Maintenance) Act, 2012

- a. Act mean the Punjab Common Infrastructure (Regulation and Maintenance) Act, 2012
- b. Municipal Committee/Corporation mean the Municipal Committee/Corporation under which the Industrial Area falls and as defined in clause (e) of Article 243 of the Constitution of India
- c. Industrial Area: mean industrial area as notified by the Govt. of Punjab.
- d. Allottee: mean the person to whom any plot, shed, or any other unit is allotted by way of sale /lease or otherwise by Developer of an industrial area
- e. Executive Committee: mean the Executive Committee of the SPV
- f. Service Charges: mean the amount assessed by the SPV payable by the allottee for use of infrastructure in its jurisdiction and for any other purpose as specified by the Competent Authority.
- g. Competent Authority: mean Authority as appointed by the State Government under the Act.

- h. State Government: mean Government of Punjab.
- i. President: mean President of the SPV
- j. Secretary: mean Secretary of the SPV
- k. Treasure: means treasury of the SPV
- l. The Financial: year shall mean period of 12 calendar months starting from 1st April to 31st March.

Area of Operation: Area falling in Phase IV, Focal Point, Ludhiana, more fully described as area bounded by 60ft, wide road on West, 100 ft wide road on north and East and Bhagwan Mahabir Industrial Complex on South

AIMS AND OBJECTS

1. To maintain common infrastructure of the Industrial area falling in its jurisdiction, i.e. roads, parks, street lights water supply and sewerage system, garbage treatment facilities, common research and development centre, stream, drainage, water sewerage treatment plant common effluent treatment plant or any other such common facility not being in exclusive possession of an allottee, falling in an Industrial Area requiring maintenance.
2. To fix & collect service charges from the members of the SPV periodically
3. To access the property and common infrastructure of the industrial area
4. To manage, maintain and upkeep the common infrastructure of the Industrial area
5. To receive funds from the State Government for the purpose of managing, maintaining and upkeep of the common infrastructure.
6. To deposit the funds and service charges so received in a separate Bank Account

7. To take steps to recover the service charges from members, if not paid, as Arrears of Land Revenue through the Machinery of State Govt.
8. To take requisite action for recovery of service charges from the allottees by way of making recommendations for disconnection of utility services i.e. water supply, sewerage or power supply (in case allottee fails to deposit)
9. The SPV shall carry on its business on NO PROFIT NO LOSS BASIS.
10. The SPV shall comply with all the provisions of the Punjab Common Infrastructure (Regulation and Maintenance) Act 2012.

Technical Pre Audit: Before any work mentioned at serial No. 1 and 4 under the Head "Aims and Objects", is undertaken the Executive Committee shall be responsible for getting it technically pre-audited from Department/team of technical officers so prescribed by the Govt.

GENERAL BODY All the members of the SPV are entitled to participate in the General Body Meeting and Special General Body Meetings.

MEETING OF THE GENERAL BODY. The Executive Committee shall be responsible for holding Annual General Body Meeting at least once in every calendar year and not more than 15 months shall elapse between two Annual General Meetings.

BUSINESS AT THE MEETING: The Annual General meeting shall be held to transact the following business:

- a. To consider and adopt the Annual Report including the Income and Expenditure Statement duly audited by the Auditors of the SPV, alongwith their reports.
- b. To appoint auditors for the next year of the SPV
- c. To approve the Annual Budget of the SPV
- d. To elect the members of the Executive Committee and the following office bearers

- (i) President (ii) Secretary, (iii) Treasures.

NOTICE

Minimum 14 days clear notice shall be given for holding the Annual General Meeting which may be given by publishing notice in the News Paper (both English and Vernacular) or by any other electronic mode or by sending the notice by post.

PLACE OF MEETING:

Meeting shall be held at any suitable place in the Industrial Area within the jurisdiction of the SPV

TIME OF MEETING

The Annual General Meeting shall be held during the working hours and on any day of the week.

QUORUM

One third of the total members shall be a quorum for the General Body meeting. If there is no quorum for the General Body meeting, the meeting would wait for 30 minutes for the quorum and if it is not reached the meeting shall stand adjourned to be held next week at the same place, same time and same day where quorum shall be 10% of the total strength of members. If this 10% quorum is not reached on the reconvened meeting the meeting shall stand adjourned for four week to be held on the same day, same time, same venue and there shall not be any quorum for the adjourned meeting.

EXECUTIVE COMMITTEE:- There shall be a Executive Committee to govern day to day administration of the SPV subject to over all control of the General Body and the Competent Authority.

The Executive Committee shall consist of the following:

- I. All the 3 elected office bearers of the SPV.
- II. All the 3 nominees of the State Government.
- III. The members elected to the Executive Committee by the General Body. This number shall not be less than 5 and shall not exceed 12.
 - a. © All decisions in the Managing Committee shall be taken by simple majority of the members present and voting
- IV. The nominees appointed by the State Govt. shall be ex officio members of the Executive Committee. They shall be eligible to

participate in the meetings of the General Body and Executive Committee but would not be eligible to vote.

- V. The Executive Committee shall be competent to make Sub Committee of their members to look after different works of management and maintenance and upkeep of infrastructure.
- VI. If any member of the Executive Committee absents himself for three consecutive meetings without the leave of absence, he shall cease to be member of the Executive Committee for rest of the term of the Committee.

QUORUM OF EXECUTIVE COMMITTEE

Quorum for the Executive Committee meeting shall be 5 members out of which two shall be office bearers.

Supersession of Executive Committee: If the Govt. finds that the Executive Committee has failed in performing its duties as per the provisions of the Bye Laws or the provisions of the Punjab Common Infrastructure (Regulation and Maintenance) Act, 2012 the Govt. may supersede the Executive Committee and Appoint Administrator to perform all the functions that the Executive Committee, is competent to do and all the officers of the SPV shall comply and carry out the orders of the Administrator in letter and spirit.

ELIGIBILITY FOR THE ELECTION TO THE EXECUTIVE COMMITTEE

The candidates contesting for the post of President, Secretary, Treasure and members of the Executive Committee shall be eligible provided they qualify and confirm to the following:

- A. The candidate shall be representing a company/firm/industry actively working.
- B. The candidate for the post of Chairman, Secretary, Treasurers and member of Executive Committee shall be owner, proprietor, partner or Shareholding Director as the case may be.
- C. The member industry to which the candidate belongs shall not be having any kind of arrears to the SPV of membership subscription up to 31st March of the year in which the election are held.

D. The candidate should not be served with any notice for illegal construction, encroachment or unlawful occupation and such candidate shall not be eligible for contesting the election unless such notice has been withdrawn in writing by the authority who served such notice.

E. The candidate should not have been disqualified for absenteeism in the earlier tenure of the Executive Committee of the SPV or for any other reason.

POWERS OF THE EXECUTIVE COMMITTEE

As envisaged under Section 5 of the Act, the Executive Committee shall have the following powers.

- a. Shall have access to the property and common infrastructure of the industrial area
- b. Shall have the right to determine the common expenses for management, maintenance and upkeep of the common infrastructure of the Industrial Area including the service charges.
- c. Shall have the right to get recovered through the Collector unpaid amounts of service charges as an arrears of land revenue and
- d. Shall have the right to disconnect the utility services such as water supply, sewerage or power supply in case an Allottee fails to deposit the service charges.

PROPERTY OF THE SOCIETY

The properties movable and immovable, belonging to the SPV shall vest in the Executive Committee.

OPENING OF BANK ACCOUNT

The Executive Committee shall open Bank Account(s) in the name of SPV and authorize two of the Office Bearers, one them being Treasure to operate such account(s) and other being the President or Secretary.

FUNDS The funds of the SPV shall be spent only for the attainment of the objectives of the SPV as defined in the bye laws and the Act and no portion thereof shall be paid or transferred directly or indirectly to any of the members through any means

MAINTENANCE OF BOOKS AND REGISTERS.

Books Attendance Registers, Minutes Books of the meeting of the General Body and the Executive Committee shall be maintained by the SPV in such form/manner as decided by the Executive Committee.

AUDITING OF ACCOUNTS: The accounts of the SPV shall be audited by the Chartered Accountant /Cost Accountant appointed in the General Body Meeting and the audited annual accounts together with the report of the Auditors shall be placed before the Annual general Body Meeting for approval.

FREQUENCY OF THE EXECUTIVE COMMITTEE MEETINGS

The Executive Committee shall meet at least once in a calendar month and period of more than 30 days shall not elapse between two meeting of the Executive Committee

AMENDMENTS;

No alteration amendment or modification shall be made in Aim and Objects of the SPV unless it is voted by 2/3rd of members present at a Special General body Meeting convened for this purpose and approved by the Competent Authority.

FUNCTIONS OF THE OFFICE BEARERS

PRESIDENT

He/She shall preside over the meetings, both General Body and Managing Committee. He/She shall have an additional casting vote in the case of tie. He shall supervise all activities of the SPV and he shall carry the Executive Committee and the other office bearers along with him in discharging the obligation and directions imposed on the Executive Committee by the General Body for the benefit of the allottees /members.

SECRETARY

He shall be the Chief Executive Officer of the SPV. He will guide the SPV in all matters of planning, programmes, schemes, works administration, execution of works for attaining the objects of the SPV in coordination with the President of the SPV. He shall execute the decisions of the Executive Committee and shall maintain all the relevant records like Members Registers, minutes Book, etc. He shall convene both General Body and Executive Committee Meetings with the permission of the President. He is the custodian of all records relating to the SPV and correspondence on behalf of the SPV.

He shall prepare the agenda for the meetings both Executive Committee and General Body Meeting and shall record the minutes faithfully for getting it signed by the President and shall circulate them at the next meeting of the Executive Committee.

TREASURER

He shall be responsible for all the financial transactions relating to the SPV. The Treasurer shall maintain proper accounts of the income and expenditure of the SPV. He shall prepare annual budget in consultation with the President and the Secretary for placing it before the Executive Committee for its approval and thereafter the Annual budget shall be placed before the General Body meeting for its approval. The budget shall indicate the total contribution from the Allottees, requirement of the funds for maintenance of the common infrastructure and sources of meeting the gap.

To keep the Income and Expenditure of the SPV maintained properly and get them audited from the auditors of the SPV and to get report of the auditors.

To receive funds, financial aid, loan amounts, membership fees and all other moneys payable to the SPV and give receipt and acknowledgement.

RECRUITMENT OF STAFF/EMPLOYEES

The SPV may appoint/engage such officers and employees as deemed necessary for the efficient performance of the functions on contract basis in accordance with such rules and regulation. The SPV shall frame its own service rules for governing the terms and conditions of appointment of the officers and employees so recruited.

LEGAL PROCEEDINGS

SPV may sue or be sued in the name of its Secretary.

DISSOLUTION

The SPV may dissolve itself by passing a resolution at the Special General Body Meeting by 2/3rd majority of the members present and voting and with the approval of the Competent Authority and subject to the conditions imposed by the Competent Authority appointed under the Act.

President

Secretary

Treasurer