

## **1(g) Allotment Policy dated 29.10.2013**

[Extract from the Punjab Govt. Gaz. (Extra), dated the 5th November, 2013]

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF INDUSTRIES & COMMERCE  
(INDUSTRIES BRANCH)  
NOTIFICATION**

The 31st October, 2013

No. US/CC/PSIEC/Allotment policy/1860.-With a view to accelerate the pace of Growth of Industry in the State and provide ready availability of land to entrepreneurs, the Governor of Punjab is pleased to notify a new policy for allotment of land in various industrial focal points as well as allotment of semi developed /developed land under "The On-Going Allotment scheme, in supersession of the "Off-The-Shelf scheme as contained in Notification No.17/18/02-61B/446 dated 8/9.4.2008. The allotment policy shall be applicable to all the existing and new areas either fully developed/semi-developed for industrial purposes as focal points, Growth Centre's, industrial areas, Industrial Estates etc., for allotment of industrial plots/land and shall apply to prospective allotments made under this policy by any agency of the Government. For the purpose of this policy, semi developed areas shall mean such areas which have been identified exclusively for large and medium scale industries and in which only external skeleton development covering provision of outer roads with street lights, trunk sewer, storm water, drainage and sewerage disposal works have been undertaken by any agency of the State Government

### **1.0 THE ON-GOING SCHEME FOR ALLOTMENT OF PLOTS**

#### **(1.1) Plots available under "The On-Going Allotment" scheme**

- (a) All pieces of land measuring above 2 acres.
- (b) 30% of plots of 2500 sq. yards and above up to 2 acres.
- (c) 15% of plots measuring 500 sq yards and above, but less than 2500 sq. yards.

#### **(1.2) Provision of clubbing of unsold plots**

PSIEC/concerned Developing Agency may at its discretion in the expediency of promotion of industry in the State carve out a chunk/chunks of land measuring

above 2 acres by clubbing unsold plots alongwith non saleable area subject to the following terms & conditions, for allotment under this scheme:

(a) Once the plots and non-saleable area are clubbed together, the existing zoning of industrial focal point /industrial estate shall no longer apply to such area/plots and a new zoning plan in accordance with the new size of the chunk shall be prepared as per applicable byelaws.

(b) The price of the land/plot shall be worked out after adding the current price of saleable plots included in the chunk, depending on the use of the land thus clubbed. The non-saleable area included in the chunk shall also be priced at the reserve price fixed for allotment of industrial plot in the respective area/focal point.

**(1.3) Processing Fee**

The applicant shall be required to submit application form alongwith non-refundable processing fee as under:

|                                    |                |
|------------------------------------|----------------|
| size of plot                       | Processing fee |
| Less than 2500 sq. yards           | Rs. 5,000/-    |
| 2500 sq.yard and above upto 2 Acre | Rs. 10,000/-   |
| More than 2 Acres                  | Rs. 25,000/-   |

The processing fee shall be payable in the form of a bank demand draft in the name of Chief Coordinator, Udyog Sahayak, payable at Chandigarh.

**(1.4) Procedure for inviting applications**

(a) Applicants may apply for allotment of industrial plots after checking availability of plots on the web-site of Department of Industries, Government of Punjab i.e. <http://www.pbindustries.gov.in>, or that of PSIEC i.e.

<http://www.psiec.gov.in> or that of the concerned developing agency. Press advertisements shall also be released from time to time as per availability of plots atleast once in a year in the leading newspapers of the region.

(b) Applications shall be received and processed by Udyog Sahayak, Department of Industries, who shall place the proposal after preliminary scrutiny before the following Committee:-

(i) Director of Industries & Commerce

Chairman

|   |          |
|---|----------|
| (ii) MD, PSIEC/concerned developing agency  | Member   |
| (iii) MD, PSIDC                             | Member   |
| (iv) MD, PAIC                               | Member   |
| (v) Chief Architect                         | Member   |
| (vi) Chief Town Planner (Deptt. of Housing) | Member   |
| (vii) Member Secretary, PPCB                | Member   |
| (viii) Chief Co-coordinator, Udyog Sahayak  | Convener |

(c) The Committee shall evaluate the applications after interviewing the applicants, keeping in view the following parameters and shall make recommendations to the competent authority for appropriate decision:

- (i) Viability of the project.
- (ii) Understanding or knowledge of the project of the applicant.
- (iii) Technology involved.
- (iv) Credentials of the applicant as entrepreneur.
- (v) Resource position.
- (vi) Qualification and experience.
- (vii) Foreign Direct Investment.
- (viii) Performance of the applicant (entrepreneur) during the interview.

(d) The Committee shall also assess the land requirement of the applicant based on the project report and building plans submitted in the prescribed application form annexed as Annexure 'A' of this policy.

(e) The Committee shall meet at least once every six months to consider the applications for allotment of plots under this scheme.

(1.5) **Procedure for allotment of plots**

a) The recommendations of the aforesaid Committee in cases of plots with area up to 2 acres shall be placed before Principal Secretary Industries & Commerce for allotment.

b) In cases of plots measuring above 2 acres, the recommendations shall be placed before an Allotment Committee under the Chairmanship of Chief Secretary to Govt. Punjab with following members:-

- (1) Principal Secretary to Chief Minister

- (ii) Principal Secretary, Department of Industries & Commerce
- (iii) Principal Secretary, Department of Science Technology & Environment,
- (iv) Principal Secretary, Department of Power
- (v) Principal Secretary, Department of Housing and Urban Development
- (vi) Principal Secretary, Department of Labour
- (vii) Managing Director, PSIEC/concerned Developing Agency
- (viii) Director, Department of Industries & Commerce - Convener

The Allotment Committee may co-opt other Administrative Secretaries/State Government Officials as and when required.

**(1.6) Mode of Payment**

**(a) For plots up to 2 Acres**

|                         |  |
|-------------------------|--|
| Earnest money           | 20% of the cost of plot/land alongwith application.  |
| Payment of balance cost | 30% payable within 30 days of issue of Letter of Intent. Balance 50% in five half yearly equated installments alongwith interest as applicable or lump sum payment within 60 days of issue of Letter of Intent without interest. |

**(b) For plots above 2 Acres**

|                         |  |
|-------------------------|--|
| Earnest money           | 20% of the cost of plot/ land along with application.  |
| Payment of balance cost | 30% payable within 30 days of issue of Letter of Intent. Balance 50% in five half yearly equated installments alongwith interest as applicable or lump sum payment within 60 days of issue of Letter of Intent without Interest. |

**(1.7) OTHER TERMS & CONDITIONS FOR THE ON-GOING ALLOTMENT SCHEME**

**(1.7.1) Issuance of Letter of Intent & Project Implementation**

- a) Upon receipt of decision of competent authority for allotment of plot through Udyog Sahayak, Department of Industries, Punjab, the concerned developing agency shall initially issue a Letter of Intent valid for a period of three years to the recommended applicant who shall be required to take the following effective steps for implementation of the project within one year from the date of LOI.
  - i. Sanction of building plans;

- ii. Construction at site at least up to DPC level;
- iii. Placement of orders of plant and machinery,
- iv. Obtain provisional registration of the unit from the concerned GM/DIC or SIA registration as applicable.
- v. Obtain consent of financial institution/Bank to advance loan for the proposed project OR in case of self financing, submit proof of own sources.
- vi. Obtain consent to establish from PPCB, if applicable.

The possession of the plot/land shall be handed over to the LOI holder after deposit of 50% of the total price of the plot with the developing agency.

(b) The concerned developing agency shall however in cases where the LOI holder having taken partial effective steps and on production of valid/genuine reasons of delay may consider extension in time for completing effective steps for a period of additional six months on payment of extension fee @2% of price of plot in the first instance and on further payment of extension fee @ 3% of the price of plot for another six months. No further extension shall be allowed under any circumstances.

c) In the event of the applicant failing to take effective steps within stipulated/extended period, the Letter of intent shall automatically lapse, consequent upon which the earnest money deposited by the allottee shall be forfeited. The balance amount paid by the allottee shall be refunded without any interest and the extension fee paid payable shall also be forfeited.

(1.7.2) **Project implementation**

The LOI holder shall be required to implement the project on the industrial plot/land within a period of three years from the date of issue of LOI. Implementation of project would mean commencement of commercial production. In the event of failure of the LOI holder to achieve commercial production within this period, the Letter of Intent shall automatically stand cancelled/withdrawn and the payment deposited by the LOI holder towards the price of plot would be refunded (without interest) by the developing agency after deducting/ forfeiting 25% of the price of the plot. The extension fee paid/payable shall be forfeited. Action shall be taken by

PSIEC/Developing agency to resume the plot/site and take possession in terms of LOI

**(1.7.3) Extension in Time & Fee**

(a) The period for implementation of the project shall be extendable for one year, i.e. after 3 years from the date of issue of LOI, on payment of extension fee calculated @ 7.5% of the allotment price of the plot, subject to the LOI holder having completed the entire building structure including the roof, as per sanctioned plan.

(b) Second extension of implementation period for additional one year for commencement of production i.e. after four years from the date of issue of LOI, shall be allowable on payment of extension fee calculated @ 10% of the allotment price of the plot in case the LOL holder has completed the construction mentioned in clause (a) above

(c) The LOI holder shall apply for the first and second extension, as the case may be, in the prescribed format, filling complete information on the eligibility criteria as well as various steps taken by the LOI holder along with Demand Draft for the applicable extension fee and submit the same to developing agency before the expiry of the stipulated period. The developing agency shall satisfy itself on the merits of the case and convey its decision with regard to extension within 30 days. In case no application/request is received in time from the LOL holder for extension for implementation of the project, LOI shall automatically stand cancelled/withdrawn. The payment deposited by the LOL holder towards the price of plot would be refunded (without interest) by the developing agency after deducting/forfeiting 30% of the price of the plot. The extension fee paid/payable shall be forfeited. Action shall be taken by PSIEC/Developing agency to resume the plot/site and take possession in terms of LOI.

**(1.7.4) Completion of project**

The LOI holder shall produce the proof of having commenced production on the allotted plot in the shape of EM Part-II issued by General Manager, District Industries Centre concerned or other valid proof in token of confirmation of achieving production issued by a competent Government Agency

(1.7.5) **Execution of lease deed.**

The LOI holder shall become eligible for conversion of LoI into Letter of Allotment and execution of lease deed on fulfillment of pre-condition of commencement of commencement of commercial production as laid down in LOL. The letter of Allotment shall be for a lease period up to 99 years, less the period already elapsed under LOI.

(1.7.6) **Conversion of lease hold allotment into free hold.**

The allottee shall be eligible for converting the leasehold allotment into free hold on payment of prescribed fee only in those cases where it has commenced production on the plot within implementation period of up to 5 years and continued production for at least 3 years

(1.7.7) **Cancellation of LOI and Resumption of site/plot**

(a) No extension in implementation period for commencement of production beyond the initial period of three years plus additional/extended two years counted from the date of issue of LOL, shall be allowed in cases where the LOI holder has failed to commence production on the plot within this period.

(b) In cases, as mentioned at (a) above or clause 1.7.8 (f) hereunder, the Letter of Intent shall automatically stand cancelled/withdrawn.

(c) In the event of LOI being cancelled/withdrawn, the LOI holder shall have to remove the structure at his own expense within 30 days of cancellation and restore the possession of plot to the allotting agency in the condition in which the possession was handed over. In the event of failure to do so, the PSIEC/Developing agency shall take possession forthwith and the structure shall become the property of the developing agency. After the expiry of period of 30 days, LOI holder shall be required to pay the damages equivalent to market rent for the said plot/land till he vacates the premises and will be unauthorized occupant of land and shall not be entitled to claim himself to be the lessee.

(d) The developing agency shall get the cost of construction of building assessed from approved Valuer/Chartered Engineer and pay the amount thus arrived to the erstwhile LOI holder. In such cases, the re-allotment price of the plot will be

determined inclusive of the amount so paid by the allotting agency to the erstwhile LOL holder.

(1.7.8) **Transfer of LOI**

- (a) i) LOI shall not be transferable except in cases of death or insolvency of an allottee duly declared. Transfer of LoI will be governed by the provisions of this policy and the transferee will only step into the shoes of original LOI holder
- ii) Transfer of LOI shall be permissible only after execution of lease deed.

(b). **Transfer of lease**

A lease executed under his policy shall be allowed to be transferred in the following circumstances:

- i. In case of individual allottees, there is a change of ownership by way of sale/agreement to sell or otherwise;
- ii. In case of partnership firms and Limited Liability Partnerships (LLP), the share of original partner(s) falls below 51%, except in the case of death of a partner which shall be dealt under clause (e) hereunder:
- iii. In the case of Private Limited Companies, where the majority stake (51% or above) gets transferred through exit of the shareholders at the time of allotment and / or induction of new shareholders and the share of the original remaining shareholder(s) is diluted below 51%
- (iv) in the case of a Government Company, the change in ownership through disinvestment of shareholding of 51% or more or by way of divestment;

(c) **Eligibility criteria for the Transfer**

- i. Transfer of plots allowed under this policy shall be allowed by the concerned Developing Agency only after 3 years of commencement of production by the original allottee and submission of valid proof thereof issued by General Manager, District Industries Centre concerned or any other Government Agency and after execution of lease deed.



(d) **Transfer Fee**

Transfer of plot shall be allowed only by the concerned developing agency by charging transfer fee @5% of the current reserve price of the plot/land fixed by the Developing Agency in the concerned Industrial Focal Point Industrial Estate operative at the time of transfer.

(e) **Transfer of LOI/Allotment without payment of transfer fee**

- i. Transfer by way of inheritance or change in constitution within family or through a will testating the property within the family members of the allottee covering father, mother, wife, husband, son, brother, sister, daughter, grandson and granddaughter,
- ii. Succession due to death of owner/allottee/partner/share holder,
- iii. Transfer made in favour of group companies as defined in the Monopolies & Restrictive Trade Practices Act (MRTPA), 1969 or the Competition Commission Act, as the case may be. Such transfers shall be done by the Allotment Committee headed by the Chief Secretary, Punjab subject to the condition that the transferor and the transferee meet the requirement of being group companies
- iv. Transfer in favour of a subsidiary company in which original allottee owns more than 50% share or change of legal status of a company as a result of merger/de-merger. Such transfers shall be decided by the Allotment Committee headed by the Chief Secretary, Punjab.

(f) **Consequences of unauthorized transfers**

In case of any unauthorized transfer, the LOI shall stand automatically cancelled/withdrawn and the developing agency shall take recourse to resumption proceedings as per clause 1.7.7(b) and 1.7.7(c).

**2.0 ALLOTMENT OF PLOTS TO GOVERNMENT AND ITS FULLY-OWNED UNDERTAKINGS**

Notwithstanding anything contained in this scheme, the allotment of plots to Government Departments and its fully-owned Boards, Corporations, Companies,

Societies, Agencies etc. shall be made at the reserve price fixed by the Developing Agency, with the approval of the Principal Secretary, Industries and Commerce.

### 3.0 **ALLOTMENT OF PLOTS TO INDUSTRIAL ASSOCIATIONS/SPVS FOR OFFICE/COMMON FACILITIES**

Notwithstanding anything contained in this scheme, the allotment of plots to the Industrial Associations, Special Purpose Vehicles formed for maintenance of the Industrial Estates/ Focal Points under the Punjab Common Infrastructure (Regulation & Maintenance) Act 2012 or for the purpose of implementation of any Cluster Development Scheme, or for setting up of their office or common facility centre shall be made at the reserve price fixed by the Developing Agency with the approval of the Principal Secretary, Industries and Commerce. The conditions of LOI and lease deed as stipulated in this policy shall apply.

### 4.0 **REVIEW OF RESERVE PRICE**

All developing agencies reserve the right to review the reserve price of plots at any time.

### 5.0 **INTERPRETATION AND APPEALS**

For the interpretation of this Policy, the Principal Secretary, Industries and Commerce will be the appropriate Authority, whose decision thereon shall be final. Any person aggrieved by the orders passed by any officer of the Developing Agency or the Director of Industries may file an appeal against that order within 30 days to the Principal Secretary, Industries and Commerce, whose orders shall be final.

-Sd/-

KARAN AVTAR SINGH  
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Department of Industries & Commerce.

Chandigarh  
The 29th October, 2013

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