

**RAJASTHAN STATE INDUSTRIAL DEVELOPMENT AND
INVESTMENT CORPORATION LIMITED**

Minutes of : 5/2018 –Infrastructure Development Committee
Venue : Udyog Bhawan, Jaipur
Day & Date : Friday, the 24th August 2018
Commencement/Completion time of meeting : 10.30A.M. /12.15 P.M.

Present :

Shri Rajeeva Swarup	Chairman & MD
Dr. Samit Sharma	Commissioner Industries and Commissioner (Inv. & NRI)
Smt. Urmila Rajoria	MD, RFC

All the above directors were present throughout the meeting.

Shri D.K.Sharma, Secretary was in attendance. Ms. Anupama Sharma, Financial Advisor; Shri Vijai Pal Singh, Advisor (Infra.); Shri Ravindra Limba, GM(Finance); Shri Rajendra Singh, GM(Civil); Shri S.K. Gupta, Addl. GM (P&D); Shri D.K. Sharma, Sr.DGM (P&D) and Shri Laxman Singh Shekhawat, OSD (Land) were also present.

LEAVE OF ABSENCE

The Committee granted leave of absence to Shri Ajitabh Sharma who had intimated his inability to attend the meeting.

Quorum: The Chairman was present. As the quorum was present, the meeting was called to order.

Notice as well as agenda notes were circulated at a period of less than seven days, therefore, the members present in the meeting unanimously agreed to waive the minimum notice period and took up all the items for consideration.

Item 1: To note the minutes of the last meeting of the Committee held on 9th July 2018.

The Committee discussed the agenda and noted the minutes of the last meeting of Committee held on 9th July 2018.

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With a permission of the Chair, item No. 9 was taken up for consideration earlier to item No. 2:

Item 9: Action Taken Report on the decisions of the previous meeting of the Committee held on 9th July 2018.

The Committee noted the position brought out in the agenda note.

Item 2: Partial amendment in the existing provision of Rule 11 related to extending time limit for execution of lease agreement on payment of penalty and deletion of Note-2 appended to Rule 12-C of RIICO Disposal of Land Rules, 1979.

The Committee discussed the agenda and accorded approval for partial amendment in the existing provision of Rule 11(iii) of RIICO Disposal of Land Rules, 1979, the amended provision shall be as under:

Rule 11-(iii)

Unit Head concerned will have full powers to extend time limit of 90 days, for execution of lease agreement after allotment either in Form-C or Form-D including other special type of the lease agreements, on payment of Rs. 500/- per month as penalty towards delay in execution of lease agreement.

Provided that no penalty would be leviable from the allottee khatedars towards delay in execution of lease agreement to whom developed land is allotted in lieu of cash compensation in Land Acquisition Proceedings.

The Committee further accorded approval to delete the note (2) appended to Rule 12 (C) of RIICO Disposal of Land Rules, 1979.

Item 3: Partial amendment in Rule 3(G) of RIICO Disposal of Land Rules, 1979 regarding rate of allotment for organization / Companies covered under this rule.

The Committee discussed the agenda and accorded approval for partial amendment in the allotment rates for allotment of planned plots to the various Organisations/Companies for the activities of Petrol Pump, Gas Godown and CNG Stations under Rule 3(G), the amended provision shall be as under:

Rule no.	Supportive activities / Area of land	Existing allotment rate	Amended allotment rate
3(G)-16	(a) Petrol pumps (retail outlet)/LPG godowns to IOC, BPCL, HPCL, private oil companies (like Reliance etc.) or licensees of these companies.	(a) At four times of prevailing industrial rate	<p>In Unsaturated Industrial Area: At four times of prevailing rate of allotment of the industrial area concerned.</p> <p>In Saturated Industrial Area: At four times of the prevailing rate of allotment of the industrial area concerned or highest auction rate of allotment of industrial plot of that industrial area plus conversion charges applicable as per rules for change in land use from industrial to commercial use, whichever is higher. 10% corner charges, if applicable, shall be charged extra.</p>
3(G)-23	CNG Station	At four times of the prevailing rate of allotment of the industrial area concerned. The Managing Director is authorized for allotment of land for this purpose to RSPCL GAIL GAS Ltd. on preferential basis.	<p>In Unsaturated Industrial Area: At four times of prevailing rate of allotment of the industrial area concerned.</p> <p>In Saturated Industrial Area: At four times of the prevailing rate of allotment of the industrial area concerned or highest auction rate of allotment of industrial plot of that industrial area plus conversion charges applicable as per rules for change in land use from industrial to commercial use, whichever is higher.</p>

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The Committee further decided that if request is made by the Oil Companies or Licensees of these companies to allot planned Commercial plot for Petrol Pump (Retail Outlet) then allotment of such planned commercial plot for Petrol Pump (Retail Outlet) use will be considered by the process of e-auction only and Oil Companies or Licensees of these companies may participate in the auction of said commercial plot proposed to be auctioned for specific use i.e. Petrol Pump (Retail Outlet).

Item 4: Rectification in the provisions of rule 18(C) (vi) of RIICO Disposal of Land Rules,1979 related to exemption of transfer charges in case of conversion of Company into LLP as per LLP Act 2008 w.e.f. 05.01.2015, i.e. the date on which office order no.4/2015 was issued for inclusion of new entity such as LLP & OPC in the rules.

The Committee discussed the agenda and accorded approval to rectify the existing provision related to exemption of transfer fee due to conversion from Company to LLP under Rule 18 (C) (vi) with effect from the date of issue of Office Order No.04/2015 dated 05.01.2015, the amended provision shall be as under:

Rule 18 (C) (vi):

If an allottee private limited/public limited company continues to carry out the business in its name irrespective of making changes in their board of directors or carry out the business in the name of the company permitted by re-placing the name of existing company. Further, if any Private Limited Company/Unlisted Public Limited Company converts into Limited Liability Partnership in accordance with provision of LLP Act, 2008 subject to the condition that the all shareholders of the company converting into LLP shall be the partners of the LLP and no one else.

Handwritten signatures and initials.

Item 5: Withdrawal of 50% upfront rebate allowed to the Company – Bhagwati Products Ltd., in rate of allotment of land allotted at industrial area Karoli, Bhiwadi.

The Committee discussed the agenda and observed that IDC through Resolution by Circulation on 23.10.2015 accorded approval to allow 50% upfront rebate in rate of allotment as a special case subject to condition of investment of Rs.50 crores and direct employment of 1000 persons by 31st March 2017 in Phase-I, in view of recommendations of State Empowered Committee and sanction by State Cabinet vide order dated 14.10.2015. In compliance to referred State Cabinet order, the Finance Department (Tax Division), GoR, amended the earlier customized package by order dated 10.11.2015 with the condition of employment of 1000 persons in phase-I. The issue of Bhagwati Products Limited was again placed before the State Empowered Committee on 21.05.2018 and the Committee decided to withdraw the customized package. It was also decided by the Empowered Committee that RIICO may take action to withdraw the special rebate on allotment of land and the associated benefits as the rebate on the allotment of land was part of the customized package granted earlier.

In view of above, the Committee accorded approval to withdraw the 50% Special Upfront Rebate given in rate of allotment to the captioned company at the time of allotment of land and to recover the said rebate amount from the Company with interest. The Company would, however, be entitled to receive 25% rebate on reimbursement basis as the Industrial Area Karoli is yet to be declared as "developed" subject to completion of minimum 20% covered built-up area within the scheduled time period allowed as per rules.

Item 6: Review of the decision taken by the IDC vide item(18) of its meeting held on dt. 13.05.2014 in case of J.B.S Alloy & Steel Pvt. Ltd, Industrial Area Growth Centre, Phase-II, Abu-road for consideration of time extension for commencement of production activity.

The Committee discussed the agenda and observed that IDC in its meeting held on 13.05.2014 accorded time extension without levy of retention charges from 20.10.2013 up to 24 months from the date of issuance of consent to establish by the competent authority, looking to the fact that the project had been granted a customized package of

incentive by the government, size of investment and project delay for want of environment clearance. However, subsequent to the referred decision, it was observed that no serious efforts have been made by the allottee company to obtain Environment Clearance(EC) even after giving adequate time period of about 9 years. It was also pointed out that for an industrial project, EC as well as NBWL clearances could be obtained by an applicant within a period of two years from the date of filing complete application, but the latest status of this project is still shown as de-listed on the website of MoEF.

As the allottee is unfairly taking advantage of rule 23-C, therefore, the Committee decided to review its earlier decision and accorded approval to withdraw the concession, of exemption from levy of retention charges up to the date of consent to establish, with immediate effect. The allottee may, however, be given a time period of two years for commencing production, from the date of this decision failing which the allotment would be cancelled. The Unit Head shall ensure that this information is given to the allottee company within fifteen days of the issue of minutes.

Item 7: Taking appropriate view on acquisition of 341.11 bigha private khatedari land of village Ramsara (Churu).

The Committee discussed the agenda at length. It was observed that IDC in its meeting held on 13.8.2012 took conscious decision to await the decision of the court in the pending court cases. It was also informed that the issue relating to interpretation of the provisions of Section 24(2) of Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Re-Settlement Act 2013, has been referred to the Constitutional Bench of Hon'ble Supreme Court but final verdict is yet to be given. In term of practical difficulty, the then MD had written to the District Collector seeking for clear cut recommendations, however, the District Collector vide his letter dated 29.4.2016 did not give any recommendation at his level, instead his letter is based on the findings of a team of Land Record Inspector and two Patwaris, which is most surprising.

In view of above, the Committee decided for referring the matter once again to the District Collector asking for assessment of the entire issue at highest level of District Administration and

submitting clear cut recommendation with detailed justification, so that the matter could be decided.

Item 8: Allotment of developed land to the khatedars/interested persons in lieu of cash compensation of their respective land which has been acquired for setting up of new Industrial Area, Bewanja (Extension) Tehsil Nasirabad, District Ajmer.

The Committee discussed the agenda and accorded approval for accepting the time barred options of khatedars/interested persons, of new Industrial Area, Bewanja (Extension) Tehsil Nasirabad, District Ajmer, for allotment of 25% developed land in lieu of cash compensation of their respective acquired land with a condition that only developed 20% industrial land will be allotted with 5% commercial land and application for residential land will not be entertained. This is subject to approval of the State Government as per norms.

Item10: Partial amendment in the prevailing policy of declaring an industrial area as saturated to the extent of authorizing Managing Director to declare the particular industrial area as saturated even after allotment of 60% saleable industrial land of the industrial area concerned before achieving the existing limit of 70%.

The Committee discussed the agenda and accorded approval for partial amendment in the existing policy of declaring the industrial area as saturated, the amended provision shall be as under:

'In general an industrial area will be declared as saturated after allotment of 70% saleable industrial land of the industrial area concerned. However, Managing Director of the Corporation is authorized to declare any particular industrial area as saturated after allotment of 60% saleable industrial land of the industrial area concerned based on assessment of demand and availability of plots along with other factors. After declaring the industrial area as saturated, remaining saleable industrial land will be allotted through auction. However, preferential allotment of industrial land will continue as per provisions under Rule 3(W) of RIICO Disposal of Land Rules, 1979 even after declaring the industrial area as saturated.'

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Item 11: Additional Administrative Sanction for Up-gradation of Infrastructure at Indraprastha Industrial Area, Kota.

The Committee discussed the agenda and accorded approval for additional administrative sanction for up-gradation of infrastructure at Indraprastha Industrial Area, Kota, at an estimated cost of Rs.699.58 lakh, as per cost sheet enclosed at Annexure-A to the agenda note.

Item 12: Taking appropriate view on de-acquisition of 112.243 hectares private khatedari land of village Chak-14, SSW Kohla, District Hanumangarh.

The Committee discussed the agenda. Since in a similar matter a legal opinion of AG Rajasthan has been received on 23.8.2018, the Committee directed that the same may be examined by the Legal Cell and this matter be brought before the Committee again for decision.

The Committee noted that following agenda items were placed on the table with the permission of the Chair, therefore, the Directors present in the meeting unanimously agreed to waive the minimum notice period, took up the item for consideration and approved unanimously:

Item 13: Additional Administrative Sanction for Up-gradation of Infrastructure at Industrial Area, Khushkhera, Bhiwadi.

The Committee discussed the agenda and accorded approval for additional administrative sanction for up-gradation of infrastructure at Industrial Area, Khushkhera, Bhiwadi, at an estimated cost of Rs.838.04 lakh, as per cost sheet enclosed at Annexure-A to the agenda note.

Item 14: Additional Administrative Sanction for Up-gradation of Infrastructure at Industrial Area, Balotra-Phase-III.

The Committee discussed the agenda and accorded approval for additional administrative sanction for up-gradation of infrastructure at Industrial Area, Balotra Phase-III, at an estimated cost of Rs. 553.36 lakh, as per cost sheet enclosed at Annexure-A to the agenda note.

Item 15: Making payment of cash compensation to the khatedars who have earlier submitted option for allotment of developed land in lieu of cash compensation.

The Committee discussed the agenda. It was observed that the Corporation is not in a position to give developed plot of land, to the khatedars of the land which has been acquired for developing

industrial area, Kunj Biharipura, Jaipur; as the development works are stuck-up due to non-issuance of Environment Clearance. The khatedar who had opted for allotment of developed land in lieu of cash compensation has already waited for over three years, however, reservation letter is yet to be issued. One of the khatedar has requested to allow him to withdraw his option for allotment of developed land and making payment of cash compensation in view of requirement of money for treatment of his closed relative.

The Committee was informed that there is a provision, in Rule 18 (g-ii) of RIICO Disposal of Land Rules 1979, enabling the allottee khatedar to surrender even the allotted plot, therefore, it was clarified that the term allotted plot shall also include 'acceptance of option of allotment of developed land' and 'issue of reservation letter' against the option. In view of above, the Committee decided that in the instant case, action be taken as per the above rule.

Item 16: Partial amendment in rule 16 (2) of RIICO Disposal of Land Rules, 1979 related to charging no premium from allottees of industrial plot or plots allotted for any other purpose like residential/commercial etc. on sub-letting of the plot for the purpose it is allotted for.

The Committee discussed the agenda. It was informed that the existing rule 16 (2) which permits sub-letting of the plot for the purpose it is allotted for, is not very clear about sub-letting of constructed building/part of building also for the purpose for which the plot is allotted/permitted. In order to clarify the same, the Committee accorded approval for the partial amendment in the existing provisions of rule 16 (2), the amended provision shall be as under:

'No premium shall be charged from allottees of industrial plot or plots allotted for any other purpose like, residential and commercial plots etc. on subletting of the plot/building and part(s) of building for the purpose it is allotted/permitted for.'

The meeting concluded with a vote of thanks to the Chair.


CHAIRMAN

Place: Jaipur

Date: 04.09.2018