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# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

### EXTRAORDINARY

## No. 2

#### GOVERNMENT OF GOA

Department of Industries

Goa Industrial Development Corporation

#### Notification

GOA-IDC/IE/BR/1568

Goa-IDC Allotment Regulations, 2014

In exercise of the powers conferred by clause (d) of sub-section (1) of section 51 of the Goa Industrial Development Act, 1965, the Goa Industrial Development Corporation, with prior approval of the Government, hereby make the following regulations, namely:—

1. These regulations may be called as the Goa Industrial Development Corporation Allotment Regulations, 2014.

2. These regulations shall apply to all Industrial Estates and Industrial Areas in the State of Goa and/or owned/developed by the Corporation, as well as to the Land, Plots, Sheds, Kiosk, Galas, Office premises, Godowns etc., allotted by the Corporation and shall come into force with immediate effect.

3. In these Regulations unless the context otherwise requires,—

(a) “Corporation” shall mean the Goa Industrial Development Corporation.

(b) “Industrial Estates/Areas” means the industrial areas developed by the Corporation or vested with it where the Land, Plots, Sheds, Kiosk, Galas, Office premises, Godowns etc. are available for allotment including undeveloped land owned or held by it.

(c) “Managing Director” means the Managing Director of the Corporation and also includes the official having additional charge or acting in the said post.

(d) “Allottee” means an individual, a company, a trust, Hindu undivided family, a society, an incorporated body, a group of individuals (Partnership firm) or any other legal entity to whom any Land, Plot, Shed, Kiosk, Gala, Office premise, Godown etc. has been allotted by the Corporation or has been acquired by way of transfer duly approved by the Corporation.

(e) “Government” means the Government of Goa.

(f) “Website” means the official website of the Goa Industrial Development Corporation.

(g) "Local Person" means a person born in the State of Goa or a person residing in the State of Goa for the past 10 years or a person having atleast one of the parents born in the State of Goa.

(h) "Industrial Undertaking" for the purpose of these regulations shall mean and include:

(i) Manufacturing Industry related to manufacture of all types of goods except liquor and tobacco products;

(ii) Captive warehousing means warehousing required for storage of its own raw material or finished goods by a manufacturing unit, provided such a manufacturing unit is located within the State of Goa;

(iii) Information Technology, Units including ITES & BPO Services employing a minimum of 50 persons;

(iv) Research & Development Centre's employing a minimum of 25 persons;

(v) Automobile repair & services with showroom area not exceeding 10% of the built up area;

(vi) Solid Waste Management & treatment facilities including hazardous waste management facilities as per the directives of the Government;

(vii) Scrap yards as per the directives of the Government;

(viii) Any other Special Project approved for land allotment as per the directions of the Government of Goa or the Investment Promotion Board other than those defined under clauses 3 (i), (j), (k) & (l).

(i) "Institutions" for the purpose of these regulations shall mean and include:—

(i) Hospitals belonging to Government of India or Government of Goa or organizations managed and/or controlled by them;

(ii) Government offices;

(iii) Industries Associations such as Goa Chambers of Commerce and Industry (GCCI), Goa branch of Confederation of Indian Industry (CII), Goa State Industries Association (GSIA) or any other association of Industries recognized by the Government of Goa;

(iv) Training Schools for Skill Development approved by the State Government;

(v) Associations and/or professional bodies formed under the Central or State Legislation.

(j) "Service Industry" for the purpose of these regulations shall mean and include Logistics and Warehousing other than captive warehousing.

(k) "Utilities" for the purpose of these regulations shall mean and include:—

(i) Canteens set up and/or promoted by the Corporation;

(ii) Electricity sub-station;

(iii) Water treatment plant and sewage/Waste water treatment plant and other common infrastructure/facilities requirement of the Industrial Estate.

(l) "Commercial activity" for the purpose of these regulations shall mean and include:—

(i) Hotels;

(ii) Kiosks;

(iii) Canteen/Restaurant other than those promoted or set up by the Corporation;

(iv) Bank;

(v) All other activities not falling under definitions 3(h), (i), (j), (k) and (i) of (l).

(m) “Commercial Operations or Date of Commercial Operations” shall mean and include the date of the first sale bill along with the first electricity bill of the allottee or in case a generator is fitted, NOC from the Electricity department for the generator along with a copy of bill of purchase or bill for the rental of the generator.

(n) “Relative” for the purpose of these regulations shall mean and include—

- (i) spouse of an individual;
- (ii) brother or sister of an individual;
- (iii) brother or sister of the spouse of an individual;
- (iv) brother or sister of either of the parents of an individual;
- (v) any lineal ascendant or descendant of an individual;
- (vi) any lineal ascendant or descendant of the spouse of an individual;
- (vii) spouse of the person referred to in sub-clauses (i) to (vi).

4. *Creation of Plots and Preparation of Site Plans.*— (a) For any new industrial estate/area being developed by the Corporation or for any vacant area in the existing industrial areas, the Corporation shall ensure that a detailed survey and measurement is done and a site plan is prepared in accordance with applicable planning guidelines in force from time to time, with proper provision of land for open spaces, roads, utilities etc. After this provisioning the balance available area shall be sub-divided/earmarked as per following guidelines:

(i) 10% of the area will be earmarked for allotments to institutions, service industry and commercial activity. This area will be sub-divided into plots and distribution of these plots among sub-categories (institutions/service industry/commercial activity) will be based on current and anticipated demand from the applicants in these sub-categories as decided by the Board of Directors of the Corporation.

(ii) Balance 90% of the area will be earmarked for Industrial Undertakings as follows:

(A) 50% of the area will be earmarked for allotment to small scale industry/MSME as under:—

(1) Up to 10,000 sq. mts. (depending on anticipated demand) will be reserved for setting up a Gala type plug and play Industrial Estate. The Gala type plug and play Industrial Estates will be set up either directly by the Corporation or in partnership with private parties. The process and modalities for allotment of this plot/setting up of industrial estates will be decided by the Board of Directors of the Corporation.

(2) The balance area will be sub divided into small size plots having area less than or equal to 3,000 sq. mts.

(B) 40% of the area shall be earmarked for allotment to Special Projects with minimum area requirement of more than 3,000 sq. mts. as per the directions of the Investment Promotion Board (IPB) as and when the same is constituted by the Government. Until the formation of IPB this area will be allotted to Special Projects under the directions of the Government:

Provided any land allotted for development by the Board of Directors of the Corporation in lieu of the cost of development of the facilities/ /infrastructure/other amenities in the industrial estate shall be carved out from the land earmarked under any of the categories as defined under a (ii) (A) & (B) proportionately; and shall be excluded from the scope of these regulations completely. The same will be allotted by the Board of Directors of the Corporation as per the development scheme approved by the Government:

Provided further that the land allotted by the Board of Directors for Kiosks of size of not exceeding 5 sq. mts. as per the directions of

the Government or under any of its welfare schemes or any of the schemes of the Government, Corporations/Undertakings shall be excluded from the scope of these regulations and will be allotted as per the respective scheme of the Government:

Provided further, that the 40% land for allotment to Special Projects as per the directions of the Investment Promotion Board or as per the directions of the Government under Clause 4 (a) (ii) (B) above can be carved out by combining land available in various Industrial Estates of the Corporation. However the total land carved out for the Special Projects shall not exceed 40% of the total land available as on date for allotment in all the industrial estates.

(b) The Board of Directors of the Corporation reserves its right to modify the plans of any Industrial Estate from time to time including amalgamation, sub-division, re-locating of plots/open spaces etc. in accordance with the applicable planning Regulations, after taking into account the difficulties relating to topography of the landsite, demand before the Corporations, provided such changes does not result in a variations beyond plus or minus 10% in the earmarking sub-divisions stated in the categories specified above.

(c) If any area earmarked to a particular category remain vacant for a period of 2 years from the date of publication of advertisement, the Board will have the discretion to transfer such vacant areas to another categories where there is a demand.

5. *Detailed Procedure for Allotment of Plots.*— (1) This procedure shall apply to all categories stipulated under clause 4 above except for plots created and earmarked for Special Projects specified under sub-clause (a) (ii) (B) of the said clause:

(a) In order to make allotment of the plots under Clause 4 sub-clause (a) (i) & (ii) (A), advertisement will be released in at least 3 local news papers (one each in Konkani,

Marathi and English language), be put up on the notice boards of Corporation's head office and all the existing industrial estates, copy be made available to Goa Chambers of Commerce and Industry (GCCCI), Goa branch of Confederation of Indian Industry (CII), Goa State Industries Association (GSIA) and be put on the official website of the Corporation.

(b) The procedure for allotment of land/ plots to Special Projects specified under Clause 4 sub-clause (a) (ii) (B) shall be as per the provisions of the statute enacting the Investment Promotion Board as and when the same comes into force. Pending the formation of the Investment Promotion Board, the Corporation shall issue advertisement as proposed above inviting applications from the interested parties, short list the same through the Scrutiny Committee constituted by the Government for the purpose and propose the same to the Government.

(2) *Application for allotment.*— (a) Application for allotment of land in the Industrial Estate/Area shall be made in the prescribed format to the Managing Director within the time specified in the advertisement which shall not be less than 7 (seven) working days. The applicant shall furnish an interest free Security Deposit of Rs. 20/- (Rupees twenty only) per sq. mts. (refundable and non-interest bearing) and a Processing fee of Rs. 5/- (Rupees five only) per sq. mts. or Rs. 15,000/- (Rupees fifteen thousand only) whichever is higher (non-refundable) by means of Demand Draft or Pay Order drawn in favour of the Goa Industrial Development Corporation, payable at Panaji. The applicant should also enclose the following self-attested documents (wherever applicable) along with the application form.

(i) Photocopy of the identity proof such as voters identity card, driving license, passport of the applicant in case of individual proprietorship.

(ii) PAN Card/Income Tax returns filed by the assessee/assesseees for the last three financial years. (I.T. Returns only if applicable).

(iii) Copy of the Certificate of Registration of Firm and Partnership Deed. (As applicable).

(iv) Copy of Certificate of Incorporation and Memorandum and Articles of Association in case of Limited Companies and a copy of resolution authorizing the applicant to apply on behalf of the company (As applicable).

(v) In the case of Co-operative Societies/ Societies registered under the Societies Registration Act, 1860, the copy of proof of registration.

(vi) Detailed Project Report for the project with the application in the format, as prescribed by the Corporation.

(vii) Copies of the following Certificates should be enclosed:

\*Entrepreneurs Memorandum/SSI Registration Certificate issued by the Director of Industries, Trade and Commerce, Government of Goa.

\*Proof of financial strength/support certified by a Chartered Accountant or Bank/financial institution, as the case may be.

\*Technical Education/Qualification of the Entrepreneurs/Promoters.

(viii) Approval from the High Powered Co-ordination Committee or the Investment Promotion Board. (As applicable).

(ix) Birth Certificate and/or Residence Certificate in case of applicants who wish to avail the benefits of scores of the priority ranking.

(x) Residence Certificate/Voters ID to support claim under clause 5 (4) (d) (i) A (a) (b) and (c).

(xi) A letter by the applicant or its authorized personnel confirming the non-

- applicability of any of the documents listed (i) to (x) above in his/her or its case.

(b) Any applications received after the last day as mentioned in the advertisement shall not be considered for the advertised vacancy.

(c) Separate application for each industrial unit and for expansion of the existing industrial unit shall be submitted.

(d) The application duly filled in along with enclosures and the prescribed Security Deposit and Processing Fee must be submitted in the Corporations' Head office at Panaji.

(3) *Registration of Application.*— (a) The Corporation shall record all the applications received, in the Application Register maintained for the purpose and issue in writing registration number to each application.

(b) All the applications received shall be Scrutinized in accordance with the check list by a Scrutiny Committee constituted for that purpose by the Managing Director. The said Scrutiny Committee will categorize the applications into complete applications and incomplete applications. Applicants with incomplete applications will be notified and granted a period of 7 working days to submit all the listed documents as applicable. However applications which are not accompanied by the Project Report and/or proof of financial strength and/or the prescribed Security Deposit and/or Processing Fee shall be rejected outright. After the expiry of the specified period of 7 working days granted for the incomplete applications, the Scrutiny Committee shall submit all the completed applications along with check list and the documents to the Screening Committee for further processing.

(c) The Corporation shall publish the details of the applications received and the registration number on the official website of the Corporation and also on the notice board of the Corporation within a period of 3 working days from the last day specified for receipt of the application.

(4) *Screening Committee.*— (a) The following Committee shall be constituted for screening the applications and the quorum shall be of four members present with at least one of the members present being among the two specified under (v) and (vi):—

- (i) Any one Director nominated by the Board.
- (ii) Chief General Manager of the Corporation.
- (iii) Chief Accounts Officer of the Corporation.
- (iv) General Manager (Engineering) of the Corporation.
- (v) Nominee of Goa State Industries Association.
- (vi) Nominee of Goa Chambers of Commerce and Industry.

The meetings of the Screening Committee shall be chaired by the Director nominated by the Board and the Chief General Manager of the Corporation shall be the member convener.

(b) The Screening Committee shall screen the completed applications received from the Scrutiny Committee with an objective to establish the genuineness of the applicant, the viability of the project, employment and revenue generation to the State. For this assessment the committee may form a set of guidelines and may take assistance of any expert in the field. The Committee will be free to interview any or all applicants for this purpose. The guidelines will be recorded in writing and will form part of the minutes. The said guidelines shall be subject to modification as and when necessary, in case of difficulties, but within the permissible parameters of these regulations.

(c) As far as possible the Screening Committee shall make attempts to accommodate all the applicants whose credentials and viability is established as above. For this purpose the committee may reduce the area applied for by the applicant by mutual discussion and consent. In case the final number of applicants is higher than the available plots the committee shall proceed as follows:—

(i) *Special priority for existing unit having contiguous boundary to the plot/s available for allotment.*— Special priority will be given to those applicants who have an existing unit whose plot boundary is contiguous to any of the plot advertised. Such applications will score first among all applicants and shall be offered preferential allotment before considering any of the other applications. In case there are two or more applications from the industries having boundary contiguous with the plot advertised, selection shall be done either by dividing areas with mutual consent or by draw of lots in case of disagreement.

(d) *Priority Ranking.*— (i) After those eligible under sub-clause (4) (c) (i) above, the remaining applications will be ranked for priority allotments based on a priority score card as defined and stipulated below:—

PRIORITY	MARKS
A For "local person/s": [an applicant can score marks only under one of the below mentioned categories (a), (b) and (c)]	
(a) A local person/s residing in the Village Panchayat in which the Industrial Estate is located.	30
(b) A local person/s residing in the Taluka in which the Industrial Estate is located.	15
(c) Other local person/s.	10
B Expansion/diversification of the existing unit: [an applicant can score marks only under one of the below mentioned categories (a) and (b)]	
(a) Within the State.	40
(b) Within the Industrial Estate.	50
C A person/s whose land and/or the land belonging to his/her relative have been acquired by the Government for the Corporation or acquired by the Corporation.  [an applicant can score marks only under one of the below mentioned categories (a), (b) and (c)]:	

PRIORITY	MARKS
(a) Area of land acquired is less than the area applied for by the applicant.	10
(b) Area of land acquired is more than the area applied but less than or equal to 3 times the area applied for by the applicant.	20
(c) Area of land acquired is more than 3 times the area applied for by the applicant.	30

\*If the applicant is a partnership firm or a limited liability partnership or a limited company which is claiming a priority under A or C above, it would be mandatory that the person/s whose is a "local person/s" or a person/s whose land and/or the land belonging to his/her/their relative has been acquired, should have at least 51% cumulative ownership of the such a firm or a company as the case may be.

\*Under category C, priority allotment can be availed by an applicant only once on the basis of NOC from the other co-owners and in an event of any dispute the decision of the Board of Directors of the Corporation shall be final and binding.

Each application will be evaluated as per the above score card and ranked for priority with the applicants having higher score being ranked for higher priority for allotment.

(ii) In case of a tie between two or more applicants by way of same priority score wherein the number of such priority applicants exceeds the plots available, the selection will be done by way of draw of lots amongst such tied applicants.

(iii) After completing the priority selection as above, all the balance applicants will be ranked equally and plots allotted to them based on availability. Should this available applicants exceed the plots available selection shall be done by draw of lots.

(iv) The Screening Committee may recommend to the Corporation modification and sub-division/amalgamation of plots for

increase or decrease of their respective areas with the objective of accommodating maximum number of applicants.

(v) The Screening Committee after completing the selection process shall draw minutes and a list of selected applicants in line with the above guidelines with corresponding plot numbers and forward the same to the Managing Director for concluding the process of allotment.

(5) *Offer of allotment and allotment order.*—

(a) Based on the acceptance of the recommendation of the Screening Committee by the Managing Director of the Corporation, the applicant shall be first issued an offer of allotment giving thirty days time period for effecting payment towards the lease premium, rent and other fees prescribed from time to time. Subject to the applicant making the said payment within the stipulated time the Managing Director of the Corporation shall issue a letter of allotment to such applicants.

(b) The Managing Director shall exercise his authority for issue of offer of allotment and allotment order subject to the following limitation:

(i) For plots of more than 1,200 sq. mts. and galas of more than 100 sq. mts. prior approval of the Board of the Corporation shall be taken.

(c) All allotment orders shall be issued with a draft lease deed and the allottee shall also be notified of the value of non-judicial stamp paper on which the lease deed to be executed.

(6) *Physical possession.*— A time period of 90 days will be stipulated in the allotment order for the successful allottee to take physical possession of the plot. If the allottee fails to take the possession within the stipulated period, the allotment order issued by the Corporation shall stand terminated/cancelled. In such an instance the security deposit paid by the allottee shall stand forfeited and the balance amount shall be paid to the allottee without any interest.

(7) *Execution of Lease Deed.*— (a) The allottee shall execute the lease deed with the Corporation within a period of 180 (one hundred eighty) days from date of taking over possession of the plot. Should the allottee fail to execute the lease deed within the stipulated time frame, the allotment order shall stand automatically terminated/cancelled. In such an instance the amount equal to the security deposit paid by the allottee shall stand forfeited and the balance amount shall be paid to the allottee without any interest. This condition will not apply in instances of procedural delay caused on the part of the Corporation and in such an instance the period of 180 days will be extended for a period equivalent to the delay so caused, with the approval of the Board of the Corporation.

In the event of any dispute or applicability or otherwise of this clause, the decision of the Board of Directors of the Corporation shall be final and binding.

6. *Price of the Industrial Plots.*— The land rate per square meter and the lease rent of a plot in the Industrial Estate shall be fixed by the Corporation every year, in the month of March, and the Corporation may alter the land rate from time to time with reference to the prevailing market rates.

For any plot allotted by the Corporation under special priority as stipulated under clause 5 (4) (c) (i) above, an additional premium of 50% shall be applicable over and above the land rate applicable at the time of allotment.

7. *Allotment by Auction.*— (1) Allotment of plots for purposes other than for Industrial Undertaking, and/or to the Government of India or Government of Goa or organizations managed and/or controlled by them and/or those allotments done as per the directions of the Government under section 16 of the Goa Industrial Development Act, 1965, from time to time, shall be done through auction process wherein plots would be allotted on lease basis to the highest bidder.

(2) The base price for auction of the plot on lease basis shall be twice the rate per sq. mts. fixed by the Corporation in the respective Industrial Estate/Area from time to time.

8. The allotment done by the Corporation shall be generally in consonance with the Investment Policy of the State of Goa and norms prescribed under the environmental guidelines issued by the Government from time to time. Accordingly allotment in Industrial Estates will be restricted to Industries in the Green and Orange categories only. Further, no new allotment for liquor manufacturing industry or tobacco product industry will be allowed in the Industrial Estates of the Corporation.

9. *Incentive for early completion.*— (a) an allottee is expected to complete the project and go into commercial operations within a period of 3 years from the date of taking over possession and except those allotments by auction by the Corporation covered under Clause 7 above, shall be given incentive as under:

(i) The allottee shall be entitled for refund of the 20% of the amount paid by him to the Corporation towards the premium of the land in the event the allottee completes the project and goes into commercial operation within two years.

(ii) The refund of the amounts to be made as per Clause 9 (a) (i) above shall be subject to the verification and report of the Screening Committee of the Corporation constituted as per Clause 5 (4) (a) above.

(b) In case of delay beyond 3 years maximum relaxation of one additional year shall be granted subject to the allottee paying a penalty of 25% of the prevailing land premium rate per sq. mts. calculated on the total plot area leased.

(c) If the allottee fails to start construction after 2 years or fails to implement the project and go into commercial operations even after



the period of 4 years after the date of taking over possession, the allotment made shall stand terminated, the plot along with the buildings and appurtenances standing thereon shall stand reverted to the Corporation and the amounts paid by the allottee to the Corporation shall stand forfeited. The Corporation shall resume the land with all development on it and evict the allottee. The Corporation reserves its right to grant any further extension based on merit of each case and on such terms and conditions as may be imposed.

Notwithstanding anything contained above the allottee shall be free to exercise the options available under the Goa Industrial Development Corporation Transfer and Sub-Lease Regulations as in force within a period of 4 years from the date of taking over the possession of the plot. Provided that the transferee shall have to start commercial operations within a period of 3 years from the date of the transfer order issued by the Corporation and shall not be entitled for any incentives.

10. *Utilization of Plot.*— The allottee within a period of 3 years from the date of these regulations coming in to force or within a period of 5 years from the date of taking over possession whichever is later, shall compulsorily utilize to the extent of at least 30% of FAR of the land/plot area allotted, for construction of factory or other building. In case of the failure on part of the allottee to utilize the minimum prescribed area for built-up, the Corporation shall levy 50% additional lease rental on the permissible but unutilized area of the said plot. However, any relaxation, indulgence granted by the Board of Directors of the Corporation in deserving cases should not be treated as waiver on behalf of the Corporation and will not prejudice or effect its rights to initiate action against the defaulting allottees.

In case of the failure of the allottee to comply with the above plot utilization norms, the Corporation will have the right to repossess

the unutilized portion of the land without any compensation to the allottee, subject to guidelines approved by Board from time to time.

11. *Grievance redressal.*— any applicant affected by the decision of the Corporation in the matter of allotment of plot or its refusal, shall approach the Grievance Redressal Authority appointed by the Board of Directors of the Corporation. In an event the Grievance Redressal Authority is satisfied that the grievance is genuine, he may recommend a remedial measure to the Board of the Corporation for a final decision. The decision of the Board of the Corporation shall be final and binding. Pending such appointment, the Managing Director of the Corporation shall be the Grievance Redressal Authority.

12. The Board of Directors of the Corporation reserves its right to revise the Payment, Fees, Charges, Taxes, Deposits etc. as stipulated and the allottee shall be bound to pay the Payment, Fees, Charges, Taxes, Deposits etc. on demand by the Corporation.

13. *Repeal and savings.*— (a) The Goa Industrial Development Corporation Allotment Regulations, 2012, is hereby repealed.

(b) The repeal of the Goa Industrial Development Corporation Allotment Regulations, 2012 under sub-clause (a) shall not—

(i) Revive anything not in force or existing at the time at which the repeal takes effect, or;

(ii) Affect the previous operation of the repealed regulations or anything duly done or suffered there under, or;

(iii) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed regulations, or;

(iv) Affect any fees, interest, penalty as are due or may become due or any forfeiture or violation committed under the provisions of the repealed regulations.

(c) Notwithstanding any thing contained herein, these regulation shall not affect the mutually agreed terms and conditions of the lease deed and other documents executed in between the Corporation and the allottee prior to these regulation coming into force and the same shall be effective and binding.

14. The Corporation reserves the right of utilizing vacant portions of the allotted land at any time for laying pipe lines, cables, underground drainage or drawing overhead electric lines without paying any compensation other than rectifying the damage caused due to such activity to the allottee for such use.

15. Should a decision on any allotment done previously is pending due to lack of clarity in the regulations existing prior to these regulations coming into force, the Board of the Corporation shall decide upon such cases as per the provisions of these regulations provided that the case being decided is not under any litigation or proceeding before any Court of Law.

16. The allotments done by the Corporation shall be made in terms and in consonance with the General Policy of the Government including the Policy on Environmental issues and siting guidelines.

17. Notwithstanding anything contained herein, these regulations shall not affect and/or have bearing over any directions issued to the Corporation by the Government in terms of Section 16 of the Goa Industrial Development Act, 1965.

18. The Board of the Corporation with prior approval of the State Government shall be entitled for taking appropriate measures for removal of difficulties if any, that may arise at any stage in the performance of its lawful functions, so as to give full effect to the Regulations.

By order and in the name of the Goa Industrial Development Corporation.

Shri S. V. Naik, Managing Director (Industries).

Panaji, 30th July, 2014.

## Notification

GOA-IDC/IE/1569

### Goa-IDC Transfer & Sub-Lease Regulations, 2014

In exercise of the powers conferred by clause (d) of sub-section (1) of section 51 of the Goa Industrial Development Corporation Act, 1965, the Goa Industrial Development Corporation, with prior approval of the Government, hereby make the following regulations, namely:—

1. These regulations may be called as the Goa Industrial Development Corporation Transfer and Sub-Lease Regulations, 2014.

2. These regulations shall apply to the properties in all Industrial Estates/Areas owned and controlled by the Corporation for granting lease or sub-lease in the State of Goa and Union Territories of Daman and Diu, in the interest of its primary objectives envisaged under the Goa Industrial Development Act, 1965 and shall not apply to the properties commercially acquired by it.

3. *Definitions.*— In these regulations unless the context otherwise requires.—

(a) The terms “Corporation”, “Industrial Estates/Areas”, “Managing Director”, “Allottee”, “Government”, “Industrial Undertaking”, “Institutions”, “Service Industry”, “Utilities”, “Commercial activity”, “Commercial Operations or Date of Commercial Operations”, “Relative” shall have the meaning as defined under the Goa Industrial Development Corporation Allotment Regulations as in force.

(b) “Formal Transfer” shall mean and include all acts as specified under Schedule IA and Schedule II.

(c) “Non Formal Transfer” shall mean and include an act whereby an allottee conveys the lease hold rights over the plot allotted to him by the Corporation to any third party.

In this clause “third party” shall mean and include an Individual, a company, a partnership firm or a limited liability

partnership, Hindu undivided family, a society, a trust or associations or body of individuals, whether incorporated or not, or any other bonafide entity other than the allottee.

(d) "Sub-Lease" shall mean an act by which an allottee leases the built up area constructed over the plot allotted to him by the Corporation to any third party.

(e) "Plot without building construction" shall mean a barren plot with or without a compound wall and/or a security cabin constructed thereon.

(f) "Plot with Partial building Construction" shall mean a plot where the cost of the building constructed on it (other than the cost of a compound wall and/or a security cabin) as per the approved plans shall not be less than the threshold value of Rs. 300/- per sq. mts. of the gross plot area duly certified by a Certified Valuer.

However the Board may increase the above threshold value once a year, if it so desires with prior approval of the Government.

(g) "Plot with Substantial Building Construction" shall mean a plot where building construction has been completed as per the approved plans and the Occupancy Certificate is obtained for part or whole of the building.

(h) "Holding Company" shall mean a holding company as defined under the Companies Act in force.

(i) "Subsidiary Company" means a subsidiary company as defined under the Companies Act in force.

(j) "Associate/Sister Companies" for the purpose of these Regulations are companies which are owned by the same parent company or where the same Group of Shareholders or their relatives controls a minimum of 26% stake. Such shareholding could be direct holding or indirect holding through a holding company.

(k) "Associate/Sister firms" for the purpose of these Regulations are such proprietorship firms which are owned by the same proprietor or such partnership firms (including limited liability partnerships firm) in which the same group of partners or their relatives control a minimum of 26% stake.

(l) "Plot Rate" shall mean and include the prevailing premium rate per sq.mt. as on the date of receipt of the application by the Corporation.

4. *Transfer of plots.*— (i) The allottee shall have no right to transfer or assign its rights in the allotted Land/Plot/Shed/Kiosk/Gala/Office premises, Godown etc. or sublet his built up premises or any part thereof, without obtaining prior permission from the Corporation.

(ii) Land/Plot allotted to the allottee for a Kiosk under any schemes of the Government shall not be permitted to be transferred except to those legal representatives listed under Schedule I-A.

(iii) In an event a transfer or sub-lease is at all created by an allottee without having obtained the prior permission of the Corporation, then such a transfer or sub-lease shall not be recognized by the Corporation for any purpose and/or such transfer or sub-lease shall not confer any rights of whatsoever nature on the transferee or the sub-lessee.

## CHAPTER-I

### Transfer

5. *Procedure for Transfer.*— (i) Upon receipt of an application in the prescribed form alongwith all the mandatory documents as specified under Schedule IV, the Corporation shall communicate the deficiency if any within a period of 21 working days or if the application is complete in all respects take a decision in respect of the permission referred to under clause 4 above and communicate by certificate of posting or registered A/D within

a period of 45 working days failing which the permission shall be deemed to be granted. However, party shall be bound to pay all necessary fees and charges to the Corporation as per the prevailing rates and these regulations. The date of the dispatch of the letter shall be the date of the communication.

The application would be treated as complete in all respects only after all the documents listed under Schedule IV are submitted by the applicant.

The deeming provision shall not apply to the transfers prohibited under clause 6 (i).

(ii) All the applications received shall be verified by a Scrutiny Committee constituted for that purpose by the Managing Director to ensure that the applications are complete in all respect and each application shall be processed and placed before the Screening Committee alongwith a duly filled up check list.

(iii) The following Screening Committee shall be constituted for screening the applications and the quorum shall be of four members present with atleast one of the members present being among the two specified under (e) and (f):—

- (a) Any one Director nominated by the Board.
- (b) Chief General Manager of the Corporation.
- (c) Chief Accounts Officer of the Corporation.
- (d) General Manager (Engineering) of the Corporation.
- (e) Nominee of Goa State Industries Association.
- (f) Nominee of Goa Chambers of Commerce and Industry.

The meetings of the Screening Committee shall be chaired by the Director nominated by the Board and the Chief General Manager of the Corporation shall be the member convener.

(iv) The Screening Committee shall scrutinize the applications and the project report furnished by the applicants on the basis of these regulations and submit its recommendations to the Managing Director of the Corporation who shall decide upon the said applications.

6. *Prohibited transfers and exception therein.*— (i) Transfer is prohibited in following cases:—

- (a) Plot without building construction;
- (b) Plot with partial building construction;
- (c) For the purpose of starting a new liquor or tobacco industry;
- (d) Transfer with change in use in the descending order, amongst the categories (1), (2), (3), (4) and (5) listed below:—

- (1) Industrial Undertaking;
- (2) Institutions;
- (3) Service Industry;
- (4) Utilities;
- (5) Commercial activity.

(ii) Exceptions to prohibited transfers under clauses 6 (i) above:—

- (1) Formal transfers specified under Schedule-IA;
- (2) Formal transfers specified under Schedule II; and
- (3) Transfers under sub-clause 5, 6 & 7 of Schedule III.
- (4) Transfer involving existing liquor or tobacco manufacturing units strictly subject to the decision and direction of the Government.

(iii) Action in the event the possession is handed over in categories covered under prohibited transfers.— In an event the allottee hands over the possession of the plot to a third party under the category of prohibited transfers specified under clause 6 (i) above,

the Corporation shall summarily re-enter upon and resume the possession of the plot.

7. *Permissible transfers and transfer fees therein.*— (i) Permissible transfer entailing Nil transfer fees:—

(a) All transfers covered under Schedule IA and Schedule II;

(b) All transfers wherein the original plot or land was allotted under the auction process of the Corporation.

(ii) Permissible transfer entailing a non-refundable transfer fee.—

(a) All cases listed under Schedule III.

(b) All transfer within the same category and/or all transfers amongst the categories (1), (2), (3), (4) and (5) listed below in the ascending order:—

- (1) Industrial Undertaking;
- (2) Institutions;
- (3) Service Industry;
- (4) Utilities;
- (5) Commercial activity.

(iii) Any case which does not fall under the category of prohibited or permissible transfers as per these regulations shall be placed before the Board for a decision and the decision of the Board with approval of the Government shall be final and binding.

(iv) Processing fees prescribed under clause 21 would be applicable in the cases covered under clause 7 (i), (ii) & (iii) above.

8. *Penalty in the event of unauthorized handing over of possession in categories covered under permissible transfers.*— (i) In the event an allottee hands over the physical possession of the land/plot to a third party, it will be deemed to be an unauthorized transfer which shall not be recognized for any purpose, and the Corporation shall levy a penalty equal to 10% per year or part thereof, of the

prevailing premium rate per sq. mts. for the plot area from the date of such unauthorized transfer, for having violated these regulations in addition to the applicable transfer fees. Should the allottee fail to regularize the unauthorized transfer by payment of fees and penalty within a notice period of 30 days the Corporation shall re-enter upon and resume the possession of the plot.

(ii) All cases wherein the allottees have entered into agreements/Memorandum of understanding to transfer their lease hold rights over the allotted plot prior to the notification of these regulations shall be also processed in accordance with these regulations;—

Provided that such allottees approach the Corporation with necessary documentation for processing their cases within a period of one year from the date of these regulations coming into force. After expiry of the specified one year period, all such cases shall be deemed to be unauthorized transfers which will attract penalty as prescribed under sub-clause (i).

(iii) Penalty to be charged under clause 8 (i) & (ii) shall not exceed an amount equal to 100% of the prevailing rate per sq. mts.

9. Any transfer on account of auction by the financial institutions pursuant to the issue of letter under clause 20 (b), shall be only for use under a category permitted by the Corporation and the fees prescribed under sub-clause 6 of Schedule III would be applicable.

## CHAPTER-II

### Sub-Lease

10. *Procedure for Sub-lease.*— (i) Upon receipt of an application in the prescribed form along with all the mandatory documents as specified under Schedule IV, the Corporation shall communicate the deficiency if any within a period of 21 working days or if the application is complete in all respects take a decision in respect of the permission referred

to under clause 4 above and communicate by certificate of posting or registered A/D within a period of 45 working days failing which it shall be deemed to be granted. However, party shall be bound to pay all necessary fees and charges to the Corporation as per the prevailing rates and these regulations. The date of the dispatch of the letter shall be the date of the communication.

The application would be treated as complete in all respects only after all the documents listed under Schedule IV are submitted by the applicant.

The deeming provision shall not apply to the sub-leases prohibited under clause 11 (i).

(ii) All the applications received shall be verified by a Scrutiny Committee constituted for that purpose by the Managing Director to ensure that the applications are complete in all respect and each application shall be processed and placed before the Screening Committee along with a duly filled up check list.

(iii) The following Screening Committee shall be constituted for screening the applications and the quorum shall be of four members present with atleast one of the members present being among the two specified under (e) and (f):—

(a) Any one Director nominated by the Board.

(b) Chief General Manager of the Corporation.

(c) Chief Accounts Officer of the Corporation.

(d) General Manager (Engineering) of the Corporation.

(e) Nominee of Goa State Industries Association.

(f) Nominee of Goa Chambers of Commerce and Industry.

The meetings of the Screening Committee shall be chaired by the Director nominated by the Board and the Chief General Manager of the Corporation shall be the member convener.

(iv) The Screening Committee shall scrutinize the applications and the project report furnished by the applicants on the basis of these regulations and submit its recommendations to the Managing Director of the Corporation who shall decide upon the said applications.

11. *Prohibited sub-leases and exceptions therein.*— (i) Prohibited sub-leases.—

(a) Sub-lease of plot/land.

(b) Sub-leases which result in change in use of the plot in the descending order of the categories listed under (1), (2), (3), (4) and (5) below:—

- (1) Industrial Undertaking;
- (2) Institutions;
- (3) Service Industry;
- (4) Utilities;
- (5) Commercial activity.

(c) Sub-lease of building without occupancy certificate issued by the Corporation.

(d) Sub-lease from any of the categories (1), (2), (3), (4), (5) listed above to a new liquor or tobacco manufacturing products.

(ii) Exceptions to the prohibited leases:

(a) Sub-leases for categories listed under Schedule-IB.

(b) Sub-lease of an existing liquor industry or tobacco industry to another liquor industry or tobacco industry.

(iii) Action in the event the possession is handed over in categories covered under prohibited sub-leases.— In an event the allottee hands over the possession of the plot to a third party under the category of

prohibited sub-leases specified under clause 11 (i) above, the Corporation shall summarily re-enter upon and resume the possession of the plot.

12. *Permissible sub-lease and fees therein.*—

(i) Permissible sub-leases with Nil sub-lease fees:—

(a) All sub-leases listed under Schedule I-B.

(b) All sub-leases wherein the original plot was allotted under an auction process of the Corporation.

(c) All sub-leases to and amongst the institutions and entities owned and/or controlled by Government of India/ Government of Goa.

(ii) Non-refundable one time processing fee of Rs. 5/- per sq. mts. of the plot area shall be payable by the allottee in respect of the permissible sub-leases under clause 12 (i) above. This fee shall apply at each instance of a new sub-lease being sought to be created by the allottee.

(iii) Permissible sub-leases entailing sub-lease fees:

All sub-leases within the same category and/or all sub-leases involving change in use amongst the categories (1), (2), (3), (4) and (5) listed below in the ascending order:—

- (1) Industrial Undertaking;
- (2) Institutions;
- (3) Service Industry;
- (4) Utilities;
- (5) Commercial activity.

(iv) Any case which does not fall under the category of prohibited or permissible sub-leases as per these regulations shall be referred to the Board for a decision and the decision of the Board shall be final and binding.

(v) Processing fees prescribed under clause 21 would be applicable in the cases covered under clause 12(iii) above.

13. *Sub-leasing fee.*— Sub-lease permitted under these regulations and approved by the Corporation will entail the following fees:—

(i) *For all sub-leases given after starting of commercial operations by the allottee:*- 6% of the prevailing premium rate per sq. mts. per year, calculated on the total plot area allotted upto a sub-leasing period of 10 years.

(ii) *For all sub-leases given prior to starting of commercial operations by the allottee:*- 8% of the prevailing premium rate per sq. mts. per year, calculated on the total plot area allotted upto a sub-leasing period of 10 years.

(iii) *For any sub-leases beyond the period of 10 years upto a maximum of 15 years:*- 10% of the prevailing premium rate per sq. mts. per year, calculated on the total plot area allotted.

Provided however that any extension of sub-lease beyond the period of 10 years upto a maximum of 15 years shall be permitted only with the prior approval of the Chairman of the Board.

(iv) For any sub-leases beyond the period of 15 years shall be decided by the Board on case to case basis considering the merits of each case and entail fees equal to 10% of the prevailing premium rate per sq. mts. per year, calculated on the total plot area allotted.

(v) The total sub-lease period, during the tenure of the original or extended lease period granted by the Corporation to an allottee or subsequent allottees created by transfer of lease hold rights, shall not exceed 15 years without prior approval of the Board. However, in case of small scale and micro industries where the unit has been into commercial operations for more than 10 years, the Corporation may permit sub-lease for the remainder period of the lease granted and the extended period thereon subject that the allotted plot area does not exceed 1200 sq. mts. sub-lease fees for such extended period shall be 10% of the prevailing premium rate per sq. mts. per year, calculated on the total plot area allotted.

14. *Penalties for unauthorized handing over of the possessions.*— (i) In the event allottee sub-leases or hands over the physical possession of the land/plot to a third party, it will be deemed to be an unauthorized sub-lease which shall not be recognized for any purpose, and the Corporation shall levy a penalty equal to 20% per year or part thereof of the prevailing sub-lease fees, calculated from the date of such unauthorized sub-lease, for having violated these regulations in addition to the applicable sub-lease fees. Should the allottee fail to regularize the unauthorized sub-lease by payment of fees and penalty within a notice period of 30 days, the Corporation shall re-enter upon and resume the possession of the plot.

(ii) Any cases of unauthorized sub-lease prior to the Notification of these regulations shall be placed before the Board of the Corporation for a decision and in case the Board decides to regularize or approve such sub-lease, the same shall be subject to the allottee paying a penalty fee amount equal to 20% per year or part thereof of the prevailing sub-lease fees, calculated from the date of such unauthorized sub-lease, for having violated the terms and condition of the lease in addition to the applicable sub-lease fees. The Board shall not be authorized to approve/regularize any cases which fall under the category of prohibited sub-leases specified under clause 11 (i). However based on the merits, the Board may decide to refer any such case to the Government for a decision:

Provided that the total penalty to be charged under clause 14 (i) & (ii) above shall not exceed an amount equal to 3 times the prevailing sub-lease fees, calculated on the basis of annual sub-lease fees.

#### CHAPTER-III

##### Surrender of plots

15. *Surrender of plots.*— Following surrender charges shall be deducted by the Corporation in the event an allottee intend to surrender his land/plot allotted to him:

(i) 1% of the prevailing total premium amount of the plot.

(ii) In addition to the surrender charges specified under clause 15 (i), the amounts paid by the allottee towards the lease rent, interest on premium, penal interest, processing fees, service tax to the Corporation, shall stand forfeited.

(iii) Any amount pending towards dues on account of lease rent, penal interest, interest on premium, processing fees, service tax or any other dues shall be recovered from the premium amount and any shortfall after adjusting the premium amount shall be recovered as land revenue arrears.

#### CHAPTER-IV

16. *Change in name or change in trade/use/ addition of product to be manufactured.*— (i) Any allottee which undergoes change in name of the allottee entity without changing the constitution or its shareholding structure of the allottee entity shall apply to the Corporation with a request to register the change in name in the records of the Corporation. The application should be accompanied with the following documents:—

(a) Certificate issued by the Registrar of Companies in case of Limited liability Companies, or Certificate issued by the Registrar of Firms in case of Partnerships or an affidavit in case of a proprietor.

(b) PAN Card of the allottee entity with the change in name.

(c) EM Part I or EM Part II as applicable with the change in name.

(d) Certificate issued by the Pollution Control Board.

(e) NOC from the financial institution in case permission is granted by the Corporation to the allottee to mortgage the lease hold rights.



(f) Copy of the latest partnership deed/ /shareholding structure certificate from a Company Secretary and the latest Memorandum and articles of association of the Company.

(g) Any other documents as required by the Corporation.

(ii) On scrutiny of the above documents and payment of the processing fees prescribed under clause 21, the Corporation will confirm in writing having changed the name of the allottee entity in its records.

(iii) Any allottee intending to change the trade/use or add a product to be manufactured shall submit an application along with the project report, Certificate or EM Part I/II with necessary amendments as issued by the Director of Industries, Trade and Commerce, to the Corporation.

(iv) On scrutiny of the above documents and payment of the processing fees prescribed under clause 21, the Corporation may grant its permission to the allottee for change in use or trade or for the addition of product to be manufactured. Provided change in use/ /trade amongst the categories (1), (2), (3), (4) and (5) listed below would be permitted only in the ascending order:—

- (1) Industrial Undertaking;
- (2) Institutions;
- (3) Service Industry;
- (4) Utilities;
- (5) Commercial activity.

#### CHAPTER –V

17. *Change in Constitution/Shareholding Structure.*— (i) Any allottee which undergoes in a change in constitution or change in shareholding structure within limits under sub-clauses (ii), (iii) and (iv) below, shall have to inform the Corporation within a year of effecting such change or along with certificate issued by the Company Secretary detailing the nature of such changes. The Corporation will make necessary changes in its record on

payment of the processing fees specified under clause 21. However in the event any of such changes in the constitution or shareholding structure result in breaching the limits stipulated under (ii) and (iii), the lease hold rights over the plots will be deemed as transferred and the Corporation will process the case in accordance with these regulations.

Existing allottees which have undergone change in constitution or change in shareholding structure within limits under sub-clauses (ii), (iii) & (iv) shall inform the Corporation within a year of notifying of these regulations.

(ii) Change in constitution in case of a proprietary or a partnership firm (including limited liability partnership firm) which does not result in the original/existing proprietor or partner and their relatives diluting their share of ownership in such firm below 51%.

(iii) Change in shareholding structure in case of a private limited company which does not result in the original/existing promoter shareholders diluting their share of ownership in such firm below 26%.

(iv) Change in constitution or shareholding structure of a firm or a company only amongst the relatives, which does not result in transfer of ownership.

*Explanation:*— Original shareholding of the Promoters for purposes of sub-clause (iii) above shall be the shareholding as on the date of starting the commercial operations.

18. *Change in shareholding structure in case of Public Limited Company.*— (i) Public Limited Companies which undergoes continues changes in shareholding structures will be exempted from informing the Corporation unless any such changes result in change in management control of such companies and in the event of such change in management control, the lease hold rights over the plot will be deemed as transferred and the Corporation will process the case in accordance with these regulations.

19. *Permitting more than one industrial unit in a shed.*— (i) Every request seeking permission to set up more than one industrial unit in a shed shall be considered on merits and placed before the Board of the Corporation for consideration and decision.

(ii) Processing fees prescribed under clause 21 would be applicable.

## CHAPTER – VI

### Mortgage

20. *Grant of permission for mortgage of leased plots/premises.*— (a) Upon receipt of an application the Board of the Corporation or any official authorized to that effect and extent, may decide in respect of permitting an allottee to mortgage the lease hold rights over the plot allotted, over the machinery installed/to be installed and the factory building constructed on the said plot, to any Financial Institution for raising funds for setting up the project.

(b) Pursuant to the decision referred to under clause 20 (a) above a letter conveying no objection shall be issued to the Financial Institution for financing the allottee for setting up the project, to have the First, Second or pari passu charge over the lease hold rights of the plot allotted, over the machinery installed/to be installed and the building constructed on the said plot provided the allottee regularly remits the annual lease rent fixed.

(c) On behalf of the Corporation the letter to the financial institutions will be issued by the Managing Director or any other officer authorized by the Corporation within a period of 15 days from the receipt of the application and/or from the date of payment of any outstanding dues by the allottee whichever is later.

(d) Processing fees prescribed under clause 21 would be applicable.

(e) In case of any unforeseen circumstances if the movable or immovable assets of the allottee are attached by the Financial Institution for recovery of dues and the said

assets are put to auction then the financial institution shall also recover the outstanding dues if any of the Corporation by the allottee and remit the same to the Corporation.

(f) No transfer shall be eventuated unless and until the outstanding dues of the Corporation are deposited with the Corporation either by the financial institution or the bidder parties. It would be incumbent upon the bidder parties and/or financial institutions to check the outstanding dues of the Corporation if any, against the said assets before bidding so as to avoid further complication to get the plot transferred in their names.

(g) Auction of the allottees assets attached by the Financial Institution shall be only for use under category permitted by the Corporation to be set up by the prospective bidders.

21. For processing the applications in all the above categories a processing fee of Rs. 5,000/- shall be charged. Processing fees shall also be applicable to the application of the allottees who have taken the plots/land etc. under auction.

22. The Corporation reserves its right to revise the Payment, Fees, Charges, Taxes, Deposits etc. as stipulated and the allottee shall be bound to pay the Payment, Fees, Charges, Taxes, Deposits etc. on demand by the Corporation.

23. Applications submitted and/or pending prior to the 18th day of June, 2012, shall be processed and dealt with under these regulations. However in such cases, the transfer fees charged by the Corporation as per the present regulations shall be in accordance with the premium plot rate prevailing as on the day of the application received by the Corporation.

24. Any transfer or sub-lease effected between 18th day of June, 2012 and the date of the notification of these regulations, shall be processed and dealt with under these

regulations. However in such cases, the transfer fees charged by the Corporation as per the regulations shall be in accordance with the premium plot rate prevailing as on the date of notification of these regulations.

25. *Grievance redressal.*— Any applicant affected by the decision of the Corporation or its refusal, shall approach the Grievance Redressal Authority appointed by the Board of Directors of the Corporation. In an event the Grievance Redressal Authority is satisfied that the grievance is genuine, he may recommend a remedial measure to the Board of the Corporation for a final decision. The decision of the Board of the Corporation shall be final and binding. Pending such appointment the Managing Director of the Corporation shall be the Grievance Redressal Authority.

26. *Repeal and savings.*— (i) The Goa Industrial Development Corporation Transfer and Sub-Lease Regulations, 2013, is hereby repealed.

(ii) The repeal of the Goa Industrial Development Corporation Transfer and Sub-Lease Regulations, 2013, under sub-clause (i) shall not—

(a) Revive anything not in force or existing at the time at which the repeal takes effect, or;

(b) Affect the previous operation of the repealed regulations or anything duly done or suffered thereunder, or;

(c) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed regulations, or;

(d) Affect any fees, interest, penalty as are due or may become due or any forfeiture or violation committed under the provisions of the repealed regulations.

(iii) Notwithstanding anything contained herein, these regulations shall not affect the mutually agreed terms and conditions of the

lease deed or other documents executed in between the Corporation and the allottee, prior to these regulations coming into force and the same shall be effective and binding.

27. The transfers and sub-leases done by the Corporation shall be made in terms and in consonance with the General Policy of the Government including the Policy on Environmental issues and siting guidelines.

28. Notwithstanding anything contained herein, these regulations shall not affect and/or have bearing over any directions issued to the Corporation by the Government in terms of section 16 of the Goa Industrial Development Act, 1965.

29. The Board of the Corporation with prior approval of the State Government shall be entitled for taking appropriate measures for removal of difficulties if any, that may arise at any stage in the performance of its lawful functions, so as to give full effect to the Regulations.

#### SCHEDULE-IA

Conveyance of the lease hold rights over the plot/land initiated due to death; or permanent disability or serious health condition certified by the Goa Medical College, of the proprietor, partner, key person or promoter listed in the application for allotment of plot, to his/her/their legal representatives such as:

- (a) Father.
- (b) Mother.
- (c) Husband.
- (d) Wife.
- (e) Son.
- (f) Daughter.

#### SCHEDULE -IB

*Exceptions in case of prohibited Sub-Leases.*— (i) Sub-leases initiated due to death; or permanent disability or serious health condition certified by the Goa Medical College, of proprietor, partner, key person or promoter listed in the application for allotment of plot;

(ii) Sub-leases from holding company to the subsidiary company and vice versa;

(iii) Sub-leases between sister companies or Associate/sister firms as defined under section clauses 3 (j) and 3 (k) above;

(iv) Sub-leases between Central, Union Territories or State Government owned companies, joint sector companies and associate companies promoted by the Central, Union Territories or State Government;

(v) Sub-leasing arising out of attachment of property by Financial Institution.

SCHEDULE II

(i) Change in constitution or shareholding in case of a partnership firm (including limited liability partnership or a company) amongst the relatives.

(ii) Conveyance of the lease hold rights over the plot/land due to amalgamation or mergers and demergers of companies taking place as per orders of the High Court under the Companies Act, as in force.

(iii) Conveyance of the lease hold rights over the plot/land from a holding company to its subsidiary company and vice versa.

SCHEDULE –III

Sub-Clause	Status of applicant and the plot sought to be transfered	Non-Refundable Transfer fees	Processing fees
1	2	3	4
1.	(a) Bonafide applicants where the construction on the plot has exceeded the definition of partial construction but is not coming under the definition of substantial construction. (b) Applicants of all plots other than manufacturing and permissible transfer of alcohol and tobacco products as per clause 6 (ii) (4). (c) All other cases of transfer permissible but not falling under 1 to 8 of this Schedule.	60% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-
2.	Bonafide applicants where construction on the plot falls under the definition of Substantial Construction.	40% of the prevailing plot rate per sq. mts.. of the plot area.	Rs. 5000/-
3.	Bonafide applicants who have completed construction as per the plans approved by the Corporation, the occupancy certificate is obtained for full or part occupancy, the unit has gone into commercial operation but has operated for less than 5 years.	30% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-
4.	Bonafide applicants who have completed construction as per the plans approved, the occupancy certificate is obtained for full or part occupancy and the unit has gone into commercial operation for more than 5 years but less than 10 years.	20% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-
5.	Bonafide applicants who have initiated transfers due to death; or permanent disa-	5% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-

1	2	3	4
	bility or serious health condition certified by the Goa Medical College, of the proprietor, partner, key person or promoter listed in the application for allotment of plot, to his/her/their relatives, legal representatives, except those specified under Schedule IA.		
6.	Bonafide applicants where transfers are initiated due to auction by any institution by any financial institution.	15% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-
7.	Application for transfer in between or to the Central, Union Territories or State Government owned companies, joint sector companies and associate companies promoted by the Central, Union Territories or State Government.	15% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-
8.	Bonafide applicants who have completed construction as per plans approved, the Occupancy Certificate is obtained for full or part occupancy and the unit is into commercial operation and successfully functioning for more than 10 years.	10% of the prevailing plot rate per sq. mts. of the plot area.	Rs. 5000/-

\* Commercial operation shall be duly certified by a Chartered Account on the basis of the annual accounts of the allottee for the preceding 5 years and in case of any doubt the Corporation reserves its right to investigate in the matter prior to the grant of permission for sub-lease.

SCHEDULE IV

(See Clause 5)

1. Detailed project report along with the flow chart.

2. Term loan sanction letter from the Financial Institution or CA's certificate regarding promoter's financial capability.

3. The arrangements made for procurement of plant and machinery and marketing the products (attach relevant documents).

4. Bio-data of the Promoter/Directors/Shareholders/Partners.

5. PAN cards.

6. In case of companies:- Memorandum & Articles of Association along with incorporation certificate from the Registrar of Companies and a certified copy of Resolution passed by the company for setting up of project and the person empowered to act on behalf of the company and the shareholding pattern of the company.

7. In case of partnership Firm:- Registered copy of Partnership deed along with the certificate from Registrar of Firms.

8. EM Part I in case of Micro/Small & Medium unit and approval of the High Powered Co-ordination Committee in case of a large scale unit.

9. NOC from the Goa State Pollution Control Board from the pollution point of view, if applicable.

10. NOC from the Directorate of Health Services, Panaji-Goa, if applicable.

11. NOC from the Chief Controller of Explosives, if applicable.

12. NOC from the Inspectorate of Factories & Boilers, Panaji, if applicable.

13. NOC from the Directorate of Drug Administration, Government of Goa, if applicable.

14. A copy of the letter of intent from the Government of India, Ministry of Industries, New Delhi or SIA acknowledgment, if applicable.

15. Annual report of the company for the last three years, if applicable.

the documents listed at 9 to 16 above, in his/her or its case.

16. License under Fruit Products Order, if applicable.

By order and in the name of the Goa Industrial Development Corporation.

17. A letter by the allottee or its authorized personnel confirming the not applicability of any of

Shri S. V. Naik, Managing Director.

Panaji, 30th July, 2014.

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