

NOTIFICATION
Bihar Industrial Area Development Authority
Government of Bihar
BIADA Land Allotment Policy 2022

Introduction

The Bihar Industrial Area Development Authority ('BIADA') created under the statutory provisions of the Bihar Industrial Area Development Act, 1974 for the purpose of planned development of Industrial Areas, promotion of industries and matters appurtenant thereto. As part of its activity, the Authority has developed the land handed over to it by the Government as industrial areas, provided basic infrastructure, sheds and plots of different sizes for allotment to investors/entrepreneurs to set up industries. The plots in the respective Industrial Estates/ Areas are allotted to the intending entrepreneurs. To promote industries in Bihar, BIADA shall be developing plug and play infrastructure across sectors.

In exercise of powers conferred u/s Section 6 (3a) of Bihar Industrial Area Development Authority (BIADA) Act, 1974, (herein after referred to as the Act) as amended from time to time, the Authority is pleased to issue the policy and procedure for allotment of land by BIADA, in the Industrial Area/Estates under its control; keeping in view the increasing demand for industrial plots in relation to availability of land. BIADA Land Allotment Policy, 2022 shall be effective from the date of its notification.

Vision

To achieve inclusive growth and bring economic prosperity to the people of Bihar through sustainable industrialization, promotion of industries, providing gainful employment and a balanced regional growth in the State of Bihar.

1. Objectives

- a. To strengthen industrial activity by allotting land to industries for industrial development purpose
- b. To establish industries across the State in time bound manner
- c. To strengthen single window mechanism and ease of allotment
- d. To create enabling environment for industrial growth by developing robust industrial infrastructure
- e. To promote industries and encourage environment-friendly facilities

2. Categorization of Industrial Plots

The total plots available with BIADA in new industrial areas shall be divided in below mentioned categories:

- Plot size up to 0.5 acre (5000 sq.ft, 10,000 sq.ft and 20,000 sq.ft.)
- Plot size of 1.00 acre
- Plot size of 2.00 acres
- Plot size of 5.00 acres
- Plot size of 10.00 acres

- Plot size of 20.00 acres

3. Division of plots

- a. 10% of the allottable land will be divided in plots measuring an area of 0.5 acre or less than that, and
- b. Balance 90% of the available allottable land may be divided in different sizes of plots as per demand and requirement of the entrepreneurs as may be decided by the BIADA from time to time.
- c. The plug and play facilities may be given on rental basis to units. Rate of rent, period of rent and conditions of Agreement to be decided by the Managing Director with the approval of the Authority or through the controller of rent.
- d. Applications will be invited for a single plot or multiple plots thereof for a particular Industrial Area/Estate. The Authority may decide not to make allotment of the entire available land / plot in an industrial area at one time and the allotment for various categories and plots in an industrial area may be done in different stages / period.

4. Demarcation of Industrial Plots

- 4.1 The State Government and/or Authority shall have the right to declare any particular industrial area or a part of it to be reserved for a specific activity, and in that case, that area or part of that, would be allotted only for that specific activity, unless changed or de-reserved by the government/Authority.
- 4.2 The Authority may declare Industrial Parks and decide on the sectors for which allotment can be made. The authority may review the land allotment procedures as and when required keeping in view, the demand of land, availability of land and objectives of the Bihar Industrial Investment Promotion Policy.
- 4.3 In case a category of industry to be established is in wider interest of the state, the government may issue directions for allotment of specified area of land in a specific industrial area for such category of industries.
- 4.4 The Authority may declare Industrial Parks and decide on the sectors for which allotment can be made.

5. Competent Authority for Allotment

"The Bihar Industrial Area Development Authority (Financial, Service and Technical) Regulations 2007," provides, inter alia for, a Project Clearance Committee (PCC) comprising of the members as envisaged in Regulation 1.4.1, however in order to make the allotment procedure more robust and transparent as per below mentioned composition of the PCC:

- (i) Managing Director, BIADA
- (ii) Joint Managing Director, BIADA
- (iii) Director of Industries
- (iv) All Executive Directors
- (v) Representative of Finance Department, Government of Bihar not below the rank of Joint Secretary

- (vi) Representative of Bihar State Pollution Control Board
- (vii) Chairman, Bihar Industries Association (BIA)
- (viii) Chairman, Bihar Chamber of Commerce & Industries (BCCI)

All allotment of land has to take place through the PCC. Further, the meeting of PCC shall be convened once in a month or if needed it may convene meeting even more than once in a month.

The competent sanctioning authority for allotment of land after due clearance/recommendation from PCC will be the Managing Director, BIADA.

Managing Director shall have the right to provide recommendations to PCC for the reconsideration.

6. Procedure of Allotment

BIADA shall upload the list of allotable plots available for allotment to prospective investors, on its website. The list of allotable plots shall be updated on the last working day of every month. The prospective investors shall submit their online application for land allotment on the BIADA website. Last day of the month will be considered as cut-off date for allotment in the next month. Only online applications will be considered for the purpose of land allotment.

Such plots where only 1 (one) application is received for allotment then the allotment shall be examined in terms of eligibility criteria and parameters as laid down under BIADA Land Allotment Policy 2022.

Where two or more applications are received for same plot then such decision for allotment shall be taken on the basis of lottery for plots upto 20,000 sq.ft. and by auction system for plots above 20,000 sq.ft. In this regard, offset price may be considered taking into consideration prevailing land lease rate and the highest bidder may be allotted the land on stipulated terms and conditions.

If in auction system, the price of both the bidders are same then the decision will be taken by the lottery system.

State Government or Industries Department may direct for allotment of land for specific projects.

6.1 Documents required for Online Application:

Below mentioned documents shall be required for submitting online application for the purpose of allotment of land:

- A. **Micro & Small Units: Preliminary project report (PPR)-** Annexure I: Post six months of Land allotment Micro & Small Units would have to submit DPR as well.
- B. **Medium & Large Units: Detailed Project Report (DPR) –** Annexure II
- C. **Other Documents:**

1. Self-declaration, if the investor is Proprietor.
2. Partnership Deed with Registration proof or notarized Affidavit, if the applicant is a Partnership firm/LLP.
3. Certificate of incorporation from the Registrar of Companies, if the applicant is a Pvt. Ltd. / Public Ltd. /LLP company or other legal entity, under the Companies Act.
4. Self-declaration if the applicant is Promoter of the proposed Pvt. Ltd./Public Ltd./LLP Co. or other legal entity, under the Companies Act.
5. Registration Certificate from the Registrar of Co-operative Societies, if the applicant is Co-operative Society.
6. Authorization letter in case of Company/Partnership firm etc.
7. Details of utilization of area of plot asked for in online application and Block Plan of the proposed construction, phase-wise development plan of project etc.
8. 3 years financial certificate/balance sheet (if applicable)
9. Memorandum of Association and Articles of Association
10. Layout Plan
11. Aadhar Card, Pan Card, Photograph of Directors/Proprietors/Partners as applicable
12. Conditional assurance letter by the Bank/financial institutions for project financing and Approval letter within 6 months.

- D. Processing fee shall be non-refundable & non-adjustable and shall be chargeable as under:

S. No.	Areas in acres	Processing Fees (in INR)
1.	Upto 1 acres	5,000
2.	More than 1 acre to less than 5 acres	10,000
3.	More than 5 acres to less than 10 acres	25,000
4.	More than 10 acres to less than 20 acres	50,000
5.	Above 20 acres	1,00,000

- E. Earnest money shall be 2% (two percent) of the land cost in case of Micro and Small units and 5% (five percent) of the land cost for Medium and Large units, which shall be refundable, adjustable and payable to the investor in the form of online Payment for the relevant amount. **Earnest money shall be exempted for the Startups.**

7. Scrutiny of the Online Application

The Managing Director, BIADA shall constitute a scrutiny committee from time to time. The aforesaid scrutiny committee/Project Management Agency (PMA) shall conduct the scrutiny of online application received based on the pre-qualification criteria prescribed above. In this regard, in case of any discrepancy, the scrutiny committee/PMA shall raise query and intimate the applicants through online portal/email for rectification of such discrepancy.

7.1 Pre-Qualification Criteria

- a. Net-worth of investor/Promoter - should be at least 30% of the proposed investment.
- b. The average annual turnover of the investor in the preceding three years should be as per location category. There shall be two location categories

Location: A and

Location: B

Location category A shall have premier Industrial Areas whereas Location category B shall have less preferred Industrial Areas.

For Location Category-A

S. No.	Areas in acres	Amount (in INR Crores)
1.	Upto 20,000 sq.ft.	No Turnover
2.	More than 20,000 sq.ft. to 2 acres	INR 5 Crores
3.	More than 2 acres to 5 acres	INR 10 Crores
4.	More than 5 acres to 10 acres	INR 20 Crores
5.	More than 10 acres to 20 acres	INR 25 Crores
6.	Above 20 acres	INR 50 Crores

For Location Category-B

S. No.	Areas in acres	Amount (in INR Crores)
1.	Upto 1 Acre	No Turnover
2.	More than 1 acre to 2 acres	INR 5 Crores
3.	More than 2 acres to 5 acres	INR 10 Crores
4.	More than 5 acres to 10 acres	INR 20 Crores
5.	More than 10 acres to 20 acres	INR 25 Crores
6.	Above 20 acres	INR 50 Crores

List of location category-A & B is annexed.

Managing Director BIADA may consider the turnover criteria mentioned above keeping in view of the potential investment and suitability of the project.

The applications which do not qualify the pre-qualification criteria shall be summarily rejected.

7.2 Scrutiny of Applications

Investors application shall be scrutinized based on the above requirement and shall also require to cover the below mentioned criteria:

1. Financial capacity
2. Industrial Background and experience
3. Technical Knowhow
4. Nature of industry/production – Export
5. Investment Size – CAPEX and OPEX
6. FSI consumption
7. Employment generation
8. Pollution category

9. Conditional assurance letter by the Bank/financial institutions for project financing and Approval letter within 6 months.

8. Issue of Allotment Letter

Applications will be screened by a scrutiny committee designated/constituted for this purpose as per above criteria. Projects which are prima facie cleared by this committee will be put forth before the PCC for its recommendation. Further, after the recommendation by the PCC and its approval by the Managing Director, the applicants who have been allotted Plots/Land will be issued allotment letters. Unsuccessful applicants will be informed along with a refund of the Earnest Money amount.

On the approval of the Managing Director, Allotment letter will be issued within 7 working days by the Deputy General Manager of the concerned cluster office.

9. Payment terms and possession

9.1. Definition

- a. **'Total Land Cost'** includes land lease rate, infrastructure charges, administrative charges and taxes as applicable.
- b. **'Maintenance Charges'** means a charge levied for the purpose of upkeep, repair, maintenance, operations of infrastructure and other amenities in an Industrial Area/Industrial Estate etc; The Maintenance charges shall be allocated to Industrial Area Management Committee ('IAMC') for upkeep and maintenance in terms of the guidelines issued by the Authority for the said purposes.
- c. **'Land Lease Levy'** means charges levied by the Authority for permitting the right to use the asset belonging to it by the allottee for the lease period.
- d. **'Infrastructure Charges'** means a charge levied for the purpose of development of industrial infrastructure in the form of amenities in an Industrial Areas/Industrial Estate etc. These may include road, drainage, street light etc.as per IPRS guidelines.
- e. **'Administrative Charges'** means a charge that an allottee is required to pay to the Authority to cover the costs of various administrative activities of the Authority.

9.2 a. The maintenance charges shall be chargeable as onetime payment @ 5% of the prevailing land lease rate along with the applicable taxes.

b. 'Land Lease Levy' shall be chargeable @ 0.25% of the prevailing land lease rate per acre per year along with the applicable taxes for Micro and Small units and @ 0.5% of the prevailing land lease rate per acre per year along with the applicable taxes for Medium and Large units.

9.3 The allottee must ensure upfront payment of 40% of the total land lease rate along with applicable taxes within 30 days (after adjusting the EMD already paid), from the date of issue of the allotment letter. The allotment would stand cancelled in case of non-payment of the upfront 40% of the total land cost within the stipulated period of 30 days. In general, no extension will be given for the deposit of the upfront 40% of the land lease rate. The

Authority reserves the right to cancel the allotment/ lease in case of delay in the upfront payment of 40% and the EMD, paid at the time of application, shall be forfeited.

9.4 The balance 60% of the land lease rate along with applicable taxes shall be payable in 3 equal instalments after 6 months, 9 months and 12 months of the allotment with interest of 9% p.a. The rate may be revised as and when deemed necessary. However, land lease levy shall be chargeable annually as mentioned above. The Authority reserves the right to cancel the allotment/lease in case of any delay of payments by the allottee.

9.5 If any allottee defaults in the payment of any installment and/ or any other charges within the stipulated time, a penal interest of 2% p.a shall be charged for the defaulted amount for the defaulted period. This penal interest is over and above the mentioned interest of 9% payable with instalments as mentioned above.

9.6 If there is any subsequent increase in the rate of land acquisition, the allottee will pay the additional amount proportionately with the cost of the land.

9.7 Industrial plots will be allotted on lease for 90 years period on an 'AS-IS', 'Where-IS' basis.

9.8 The lease rent amount may be increased every 5 years or by the direction of Competent Authority.

9.9 The allottee shall be given the actual physical possession of the land after deposition of atleast upfront 40% of the total land cost.

10. Lease Deed

The lease deed shall only be executed after deposition of 40% upfront payment and Post Dated Cheques of balance payment as per prescribed payment schedule and financial clearance from the State Investment Promotion Board.

11. Time limit for commencement of production and extension of time

S. No.	Industry Category	Project Milestones	Investment (in Plant & Machinery)
1.	Micro Units	Trial production - 9 months Commercial production - 12 months	Upto INR 1 Crore
2.	Small Units	Trial production - 12 months Commercial production - 18 months	INR 1 Crore to INR 10 Crores
3.	Medium & Large Units	Trial production - 18 months Commercial production - 24 months	Medium: INR 10 Crores to INR 50 Crores Large: INR above 50 Crores

BIADA will review the progress of the project as per every quarter and will have right to cancel the allotment if the progress is not as per milestones.

Note: Managing Director has the right to modify the duration of production subject to potential and suitability of project.

12. Transfer of Industrial Plots/Unit

- 12.1 Permission for transfer of Unit will be granted only after making the unit functional (certificate of functional should have been obtained by the allottee). For this, online application must be submitted along with processing fee of Rupees 5,000/- (Rupees Five thousand only) with applicable taxes shall be paid in case of Micro & Small Units and 10,000 (Rupees Ten thousand only) with applicable taxes for Medium & Large units.
- 12.2 Transfer will only be allowed after making full payment of the land cost of the plot and other dues if any.
- 12.3 The Authority will charge 10% of the prevailing circle rate as per the Minimum Value Register of the plot as transfer charges on every transfer.
- 12.4 If the shareholding of the allottee concerned is altered within the family members (having direct blood relationship), including wife, husband and vice versa, such change shall be construed as transfer or change in constitution. However, no transfer fee or any other fee shall be chargeable for such change.
- 12.5 In case of transfer of ownership of a proprietorship firm and/or majority of shares (51% or above) or appointment of a managing partner in case of partnership firm/LLP having a capital or 51% and above of share in the capital, profit and loss of the partnership firm/LLP, BIADA shall treat it as a case of transfer. Thus, in all such cases, a transfer fee equivalent to 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with old dues shall be chargeable.
- 12.6 In any other case of induction, transfer of otherwise affecting the constitution, management and control of proprietorship firm or a partnership firm not covered by above conditions the BIADA shall charge 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with payment of old dues in the aforesaid manner.
- 12.7 All changes in the name of the proprietorship firm, partnership firm or changes in respect of their construction, formation, partnership deeds etc., should be communicated to BIADA in advance as a condition precedent before making application for recording changes in the records of BIADA and only on approval of BIADA, the same shall be recorded.
- 12.8 If the land is transferred for the product which was manufactured earlier then the transferee unit shall be obligated to start the initial/trial production within the time frame of 6 months and achieve 66% of the full capacity of the commercial production within 12 months. It is also clarified that at every 3 months the progress shall be reviewed by BIADA and if the progress of work is not made in terms of stipulated milestones, then BIADA may take back the possession of land even before 6/12 months.
- 12.9 In case of the land transferred for any other product/new product then the transferee unit shall be obligated to start the initial/trial production within a time frame as applicable for new units. It is also clarified that at every 3 months the progress shall be reviewed by BIADA and if the progress of work is not made in terms of stipulated milestones, then BIADA may take back the possession of land even before the timeline.
- 12.9 The transferer and transferee shall be obligated to submit an undertaking in the form of affidavit solemnly affirmed before the Magistrate in the prescribed format available on the BIADA website (www.biadabihar.in).

13. Change in Constitutions of Industrial Units:

13.1 An application to Managing Director has to be made for a change in constitutions. With changes in constitutions where ownership rights should not be changed, otherwise provisions of transfer will be applicable. Ownership rights means original allottee/allottees should possess a minimum 51% shares. If it is observed that the change of ownership rights is made through a change in constitution before the unit has become functional, such a transfer will be considered void, and the allotment will be cancelled. After making the unit functional, such a change in constitution may be permitted on depositing 10% of prevailing circle rate as per the Minimum Value Register of the plot.

13.2 Change of partner in partnership deed:

A certified copy of the dissolution deed, new partnership deed, along with an affidavit showing the relation among partners are required to be submitted along with a request to change the partner or partnership deed. It is clarified that in case of any new induction of partnership upto 49% and whereas 51% of the Partnership shall remain with the original allottee, the aforesaid change of constitution shall be allowed after payment of a fee of Rupees 50,000/- (Rupees Fifty Thousand) only.

13.3 Transfer of unit in Pvt. Ltd./Ltd. Company:

Copies of the Articles and Memorandum of Association, certificate of Incorporation, list of shareholders/ director duly certified by a CA, DIR-12 duly acknowledged by the R.O.C., and Board Resolution duly signed by the company president, unequivocal undertaking for no any liability of financial institution/certificate cases are required to be submitted along with the request for a change by the current allottee. It is clarified that only nature of the Company shall be allowed to be changed and not the shareholders and in this case a processing fee of Rupees 50,000/- (Rupees Fifty Thousand only). Further, the majority shares should all the time remain with the original allottees and in otherwise situation it would be treated as the case of transfer. It is clarified that any change in shareholding pattern upto 49% shall attract fee of Rupees 50,000/- (Rupees Fifty thousand only) plus applicable taxes.

14. Name Change

On submission of the application along with valid documents and substantial cause, the name of the firm may be allowed to be changed subject to the payment of INR 5,000/- (Rupees Five thousand only) with applicable taxes in case of Micro & Small Units and INR 20,000/- (Rupees Twenty thousand only) with applicable taxes for Medium & Large units.

15. Change/Addition of product:

15.1 Investors shall inform BIADA in case of any change and addition in the product category in the prescribed format available of BIADA website.

15.2 Change of products will be allowed only for the products which are allowed under the prevailing Industrial Policy and not classified in the negative list.

- 15.3 Investors need to pay online fee of INR 5,000/- (Rupees Five thousand only) with applicable taxes in case of Micro & Small Units and INR 20,000/- (Rupees Twenty thousand only) with applicable taxes for Medium & Large units for the change and addition in the product category. Competent Authority for product change would be Executive Director of BIADA.
- 15.4 Micro and Small units need to start trial production by 3 months and commercial production by 6 months. Medium and large units need to start trial production by 6 months and commercial production by 12 months with 75% of their capacity.
- 15.5 Units which have been closed for more than 1 year will be granted permission after taking a Bank guarantee of 1% of Land lease rate or INR 50,000 per acre, whichever is higher along with undertaking in the form of affidavit before Magistrate and payment of requisite fee of INR 10,000 with applicable taxes as prescribed in clause 15.4.
- 15.6 Units applied for product change/addition would submit PPR/DPR in accordance with the allotted Land. If there is any unutilized land left with the unit would be taken back by BIADA.

16. Mortgaging the plot

- 16.1 Permission for Mortgage of the plot can only be granted after the execution of the lease deed and provided that the allotment is not cancelled, or the time-limit for coming into production has not expired.
- 16.2 In the case of mortgaging the plot, the Authority will have first charge and the allottee will make the due payments regularly from time to time to the Authority. Permission for mortgage will be granted for project financing by the Managing Director.

17. No Objection Certificate:

The Bank/financial institution which mortgages the lease hold/ allotted land or any part thereof shall obtain a No Objection Certificate (NOC) from BIADA prior to mortgaging the allotted/leasehold land. Moreover, in the event of sale of leasehold rights, allottee shall obtain prior information about the dues including 10% of the prevailing circle rate from Bihar Industrial Area Development Authority to be paid. Sale of leasehold rights certificate under the Securitization Act 2002 or any other law shall only be issued after the payment of dues of the BIADA and payment of the transfer fee and other charges of BIADA. The dues of BIADA shall have first charge over the lease/allotted land".

Provided further that BIADA will have first right to buy the mortgaged assets including lease hold rights if the unit goes under sale.

18. Declaring functional units:

Industrial units will be declared functional by the competent Authority as envisaged herein under this policy.

19. Cancellation

- 19.1 If the allottee do not take necessary effective steps within the fixed period as per project milestones to establish the Industry or all dues, rent, charges of the Authority have not been paid within time or unregistered product is manufactured or any construction contrary to the approved plan has been carried out or an activity injurious to industries has been engaged into; the Authority or Managing Director of the Authority or delegated official shall

in such condition cancel the allotted plot/shed and also forfeit the amount deposited in this connection.

19.2 Before the cancellation of land under Section 6 (2) (a) of the BIADA Act, 1974, as amended from time to time by Managing Director or officer designated by the Managing Director, the show cause in writing shall be given with due adherence to the principles of natural justice.

19.3 Notwithstanding herein before the Managing Director of BIADA may cancel the land allotment of any allottee on violation of terms of allotment, rules, regulations, directions of BIADA in terms of Section 6 2 (a) and (b) of BIADA Act, 1974 and allied provisions. As a consequence of cancellation of allotment the possession shall be resumed and deposited amount shall be forfeited.

19.4 Under this policy, the lease holder has to make sure that SIPB Stage-2 clearance is done within six months of land allotment or within the time limit fixed by the authority, otherwise the allotment will be cancelled.

20. Appeal

For cancellations or order passed as per prevailing policy or any order by the Managing Director under Section 6 2 (a) of BIADA Act, 1974 pertaining to violation of allotment terms and conditions, Appeal shall lie with the Appellate Authority as per BIADA Act, 1974.

21. Policy Monitoring

The implementation of the policy will be reviewed from time to time by Authority and necessary facilitation and course correction shall be undertaken as found necessary to achieve the objectives of this policy.

Note: The words used under this Policy shall have the same connotation and meaning as per the definition envisaged under the BIADA Act, 1974 as amended from time to time.

BIADA Land Allotment Policy 2022 shall be applicable from the date of notification and hence all the previous BIADA Land Allotment Policy with amendments will be repealed with immediate effect.

Decision of 76th Board of Director's

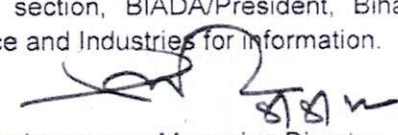
Sd/-

Chairman cum Managing Director
BIADA, Patna

Memo No:- 3355/D

Date:- 08-08-22

Copy forwarded to: - Director of Industries, Govt. of Bihar/Director, Technical, Govt. of Bihar/P.S. to Hon'ble Minister, Department of Industries, Govt. of Bihar; All Executive Director, BIADA, All Deputy General Manager BIADA; BIADA/I.T. section, BIADA/President, Bihar Industries Association/President, Bihar Chamber of Commerce and Industries for information.


Chairman cum Managing Director
BIADA, Patna

Annexure I - Format for Submission of Preliminary Project Report

1. Executive Summary
2. Sector Background & Broad Project Rationale
 - 2.1 Project Rationale
 - 2.2 Sector Background
 - 2.3 User Coverage and Access
 - 2.4 Cost Recovery and Extent of Cost Recovery
3. Project Definition, Concept and Scope
 - 3.1 Project Definition
 - 3.2 Project Location
 - 3.3 Land
 - 3.4 Physical Infrastructure Components
 - 3.5 Environment Compliance/Protection/Improvement measures
 - 3.6 Specialized Procured Services for Design, Independent Supervision and Quality Assurance
 - 3.7 Geographical Location
4. Project Proposal
 - 4.1 Project Cost
 - 4.2 Physical Infrastructure component wise cost
 - 4.3 Cost of Surveys and Investigations
 - 4.4 Other Statutory Compliance Cost
 - 4.5 Finance/Interest cost during Construction
 - 4.6 Contingency
 - 4.7 List of Proposed Facilities
5. Project Cost and Means of Finance
 - 5.1 Estimated Project Cost
 - 5.2 Means of Finance
 - 5.3 Overall financial structuring of the project
6. Project Impact
 - 6.1 Benefits to Industry
 - 6.2 Projected Social and Economic Impact
 - 6.3 Creation of Employment
 - 6.4 Estimated Investments
 - 6.5 Project Sustainability

Annexure II - Format for Submission of Detailed Project Report

7. Executive Summary
8. Sector Background & Broad Project Rationale
 - 8.1 Project Rationale

- 8.2 Sector Background
- 8.3 User Coverage and Access
- 8.4 Export Linkages
- 8.5 Cost Recovery and Extent of Cost Recovery

- 9. Project Definition, Concept and Scope
 - 9.1 Project Definition
 - 9.2 Project Location
 - 9.3 Land
 - 9.4 Physical Infrastructure Components
 - 9.5 Environment Compliance/Protection/Improvement measures
 - 9.6 Specialized Procured Services for Design, Independent Supervision and Quality Assurance
 - 9.7 Other Information
 - 9.8 Geographical Location

- 10. Project Proposal
 - 10.1 Project Cost
 - 10.2 Physical Infrastructure component wise cost
 - 10.3 Cost of Surveys and Investigations
 - 10.4 Cost of Shifting Utilities
 - 10.5 Cost of Consultancy Services
 - 10.6 Other Statutory Compliance Cost
 - 10.7 Finance/Interest cost during Construction
 - 10.8 Contingency
 - 10.9 List of Proposed Facilities

- 11. Project Cost and Means of Finance
 - 11.1 Estimated Project Cost
 - 11.2 Means of Finance
 - 11.3 Overall financial structuring of the project

- 12. Financial Projections
 - 12.1 Appraisal Framework and Objectives
 - 12.2 Financial Assessment of the project
 - 12.3 Revenue Assumptions
 - 12.4 Expenditure Assumptions
 - 12.5 Other Assumptions
 - 12.6 Financial Projections
 - 12.7 Operations and Maintenance Plan

- 13. Risk Analysis and Mitigation Plan
 - 13.1 Project Development/Construction Risks
 - 13.2 Mitigation Framework

- 14. Project Implementation Plan
 - 14.1 Project Execution Framework
 - 14.2 Plan for Financial Closure
 - 14.3 Implementation Schedule

- 15. Project Impact
 - 15.1 Benefits to Industry
 - 15.2 Projected Social and Economic Impact
 - 15.3 Creation of Employment
 - 15.4 Estimated Investments
 - 15.5 Project Sustainability

Location Category:

SN	Location Category-A	SN	Location Category-B
1	Industrial Area Patliputra	1	Industrial Estate, Jehanabad
2	Industrial Area New Bihta	2	Industrial Area Warsliganj
3	Mega Industrial Park Bihta	3	Industrial Estate Dharampur
4	Industrial Area, Sikandarpur	4	Industrial Estate, Saharsa
5	Industrial Area, Fatuha	5	Industrial Area, Bettiah
6	Industrial Area Hajipur	6	Industrial Area Sitamarhi
7	Export Promotion Industrial Park Hajipur	7	Industrial Area, Buxar
8	Industrial Area, Muzaffarpur	8	Industrial Area New Siwan-Phase-I
9	Industrial Estate, Muzaffarpur	9	Industrial Estate, Katihar
10	Industrial Growth Centre Begusarai	10	Industrial Area, Khagara (Kishanganj)
11	Industrial Area, Barauni	11	Industrial Area Bhediadangi
12	Industrial Area Aurangabad	12	Industrial Estate, Purnea City
13	Industrial Growth Centre Aurangabad	13	Industrial Estate BiharSharif
14	Large Industrial Estate Barari	14	Industrial Area Raxaul
15	Industrial Growth Centre Maranga	15	Industrial Area Donar
		16	Industrial Area, Munger
		17	Industrial Area siwan
		18	Industrial Area, Dehri
		19	Industrial Area New Siwan-Phase-II
		20	Industrial Area, Bihiya

		21	Industrial Area, Jhanjharpur
		22	Industrial Area, Gaya
		23	Industrial Area, Bikramganj
		24	Industrial Area, Nawada
		25	Industrial Area Goraul Phase-I & Phase-II
		26	Industrial Estate, Lakhisarai
		27	Industrial Area, Dumraon
		28	Industrial Area Jamalpur
		29	Industrial Area Sitakund
		30	Industrial Area, Kumarbagh
		31	Industrial Area, Forbesganj
		32	Industrial Area, Sasaram
		33	Industrial Area Bariyarpur Phase-I & III
		34	Industrial Area Damodarpur
		35	Industrial Area Mahbal
		36	Industrial Area Dumaria
		37	Industrial Estate, Barun
		38	Industrial Area Hathua, Phase- I & Phase-II
		39	Industrial Estate Murliganj
		40	Industrial Area, Sakri
		41	Industrial Growth Centre Khagaria
		42	Industrial Area Kopakalan
		43	Industrial Growth Centre,

			Giddha
		44	Industrial Estate, Samastipur
		45	Industrial Area Banmankhi
		46	Industrial Area Bariyarpur- Phase-II
		47	Industrial Area Vishunpur Dharam
		48	Industrial Area Panapur
		49	Industrial Area, Nawanagar
		50	Industrial Area, Pandaul
		51	Industrial Area Baijnathpur
		52	Industrial Area, Ramnagar
		53	Industrial Area, Supaul
		54	Industrial Area Lohat Phase-I, Phase-II & Phase-III
		55	Industrial Area Guraru
		56	Industrial Area Sugauli
		57	Industrial Area Korra
		58	Mini Growth Centre Udakishanganj
		59	Industrial Estate Bela, Dabhanga

NOTIFICATION

BIADA PRIVATE LAND PURCHASE POLICY, 2021

In exercise of powers conferred u/s 6 (3a) of Bihar Industrial Area Development Authority (BIADA) Act, 1974, (herein after referred to as the Act) and in order to fulfill its object the Authority hereby makes the following Policy and procedure for purchase by agreement or take on lease or rent any private land in accordance with the procedure mentioned herein below:

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- 1.1 This Policy shall be called the "BIADA Private Land Purchase Policy, 2021 and shall extend to the whole of Bihar.
- 1.2 This Policy shall come into force with effect from the date of notification:
- 1.3 The Authority may amend any terms and conditions in the forms of applications, agreements, fees, required documents, and other relevant conditions as may be necessary from time to time particularly in the overall interest and efficacy of the BIADA Private Land Purchase Policy, 2021.
- 1.4 If any question arises relating to the interpretation of this policy, it shall be referred to the Authority whose decision thereon shall be final.

2. TERM AND CONDITION

- 2.1 The Authority may purchase by agreement or take on lease for a period not less than 90 (Ninty Years) or rent any Private land in accordance with the procedure specified herein below.
- 2.2 Any interested land owners or group of land owners may make an offer for sale of their land which shall not be less than 50 (Fifty) Acres to the Authority.

3. LAND IDENTIFICATION COMMITTEE

The Authority shall constitute a Land Identification Committee for identification of land intended to be purchased under this Policy. The Land Identification Committee shall comprise of the following members:-

- a. All Executive Directors
- b. Consultant Technical, BIADA
- c. Law Officer, BIADA
- d. Chief Accounts Officer, BIADA

4. ELIGIBILITY CRITERIA

- A. Eligibility Conditions for selection of land shall be as under:-
 - i) Topographical suitability of the land,
 - ii) Availability of water resource,
 - iii) Approachable distance from National Highway/State highway/District Road.
 - iv) Electricity availability near the land.
 - v) Suitability for establishment of Industrial Area,
- B. Status of Offered land
 - i) Clear title of Offered land
 - ii) The offered plot of land shall be free from all encumbrances.
 - iii) There shall be unambiguous entries of all land owners in the land records of the State.

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- iv) Legal and valid documents in all respect establishing right to sale, lease or rent of the land to the Authority.
v) Updated land revenue receipts of the offered plot of land shall be provided

5. **HOW TO APPLY/DOCUMENTS REQUIRED**

- 5.1 Advertisement in State Newspaper for intention to purchase by agreement or take on lease or rent any private land.
5.2 Application in prescribed format with proper land records complete in all respect shall be ensured to be submitted with the Authority by the land owners.
5.3 An unequivocal declaration in the form of Affidavit by the seller that there is no litigation in any Courts of law of which the instant property is a subject matter.
5.4 The certified copy of the Genealogical table issued by the competent Authority.
5.5 Indemnification undertaking to be certified by the officer not below the rank of D.C.L.R. against any other litigation and dispute with respect to the offered plot of land.
5.6 A comprehensive title search shall be carried out by BIADA under aid and advice of jurisdictional Circle Officer and other officials.
5.7 The land shall be purchased on the basis of offered price of land along with the Affidavit of the seller which shall in no case exceed the prevailing agriculture circle rate as depicted in Minimum Value Register (MVR) of the concerned area.
5.8 After the registration of the sale and handing over of the peaceful physical possession of the land, full payment by the Authority shall be made.
5.9 It shall not be binding on the Authority to purchase any or all the lands offered by person/persons.
5.10 The Authority shall purchase only those land which in its opinion is fit for establishment of Industries.
6. The contents of this Policy may be brought to the notice of all concerned in the Authority for strict adherence.

Decision of 69th BIADA Board of Director's

B. Mehrotra
23/11/21
Chairman cum Managing Director
BIADA, Patna

Date:- 24/11/2021

Memo No:- 3903/L

Copy forwarded to:- Director of Industries, Govt. of Bihar/Director, Technical, Govt. of Bihar/P.S. to Hon'ble Minister, Department of Industries, Govt. of Bihar/Executive Director [H.O.], BIADA/ Chief Administrative Officer, BIADA/ Executive Director, Muzaffarpur/ Executive Director, Darbhanga/ Executive Director, Bhagalpur/Chief Accounts Officer, BIADA/Law Officer, BIADA/I.T. Section, BIADA/President, Bihar Industries Association/President, Bihar Chamber of Commerce and Industries for information.

B. Mehrotra
23/11/21
Chairman cum Managing Director
BIADA, Patna

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NOTIFICATION
Bihar Industrial Area Development Authority
Government of Bihar
BIADA Land Allotment Policy 2021

The Bihar Industrial Area Development Authority ('BIADA') created under the Statute by the State of Bihar for the purpose of planned development of Industrial Areas, promotion of industries and matters appurtenant thereto. As part of its activity, the Authority has developed the land handed over to it by the Government as industrial areas, provided basic infrastructure and plots of different sizes for allotment to investors/entrepreneurs to set up industries. The plots in the respective Industrial Estates/ Areas are allotted to the intending entrepreneurs.

In exercise of powers conferred u/s Section 6 (3a) of Bihar Industrial Area Development Authority (BIADA) Act, 1974, (herein after referred to as the Act) as amended from time to time, the Authority is pleased to issue the policy and procedure for allotment of land by BIADA, in the industrial Area/Estates under its control; keeping in view the increasing demand for industrial plots in relation to availability of land. BIADA Land Allotment Policy, 2021 shall be effective from the date of its notification.

1. Category of industrial plots

1.1 The total plots available with BIADA in new industrial areas shall be divided in various categories, as under:-

- Size up to 0.25 Acres
- Size larger than 0.25 acres up to 0.50 acre
- Size larger than 0.50 acres up to 1.00 acre
- Size larger than 1.00 acres up to 2.00 acre
- Size larger than 2.00 acres up to 5.00 acre
- Size larger than 5.00 acres

1.2 Division of plots

- (a) 25% of the allottable land will be divided in plots measuring an area of 0.5 acre or less than that, and
- (b) Balance 75% of the available allottable land may be divided in different sizes of plots as per demand and requirement of the entrepreneurs as may be decided by the BIADA from time to time.
- (c) BIADA will reserve 25% plots for Micro and small industries and within that 5% plots will be reserved for unit promoted by SC/ST and EBC women/differently abled persons/ war widows/ acid attack victims/ third gender entrepreneur/Plug and Play.
- (d) Allotment of Plots to Micro Units, Startups, shall only be made for a land maximum up to an area of 0.50 Acres only.
- (e) Existing Plots may be merged together or may be demerged/divided depending upon the requirement of the applicants and as per recommendations of the Project Clearance Committee (P.C.C.). Moreover, preference for allotment of sheds/flatted factory complex shall be given to the Micro and small Units and rest of the allotment shall be open ended.
- (f) In the case of Micro units on demand, the plug and play facility may be given on rental basis. Rate of rent, period of rent and conditions of Agreement to be decided by the Managing Director with the approval of the Authority.

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1.3 Applications should be invited for a single plot or part thereof for a particular Industrial Area/Estate. The Authority may decide not to make allotment of the entire available land / plot in an industrial area at one time and the allotment for various categories and plots in an industrial area may be done in different stages / period.

2. Demarcation/Purposes of allotment

2.1 The State Government and/or Authority shall have the right to declare any particular industrial area or a part of it to be reserved for a specific activity, and in that case, that area or part of that, would be allotted only for that specific activity, unless changed or de-reserved by the government/Authority.

2.2 In case a category of industry to be established is in wider interest of the state, the government may issue directions for allotment of specified area of land in a specific industrial area for such category of industries, and that shall be binding on the Authority.

2.3 The Authority may declare Industrial Parks and decide on the sectors for which allotment can be made. Further, it is clarified that the allotment shall be made industrial Area wise.

However, once a decision has been taken, it shall be kept frozen for at least a year and may be reviewed within the year or after one year, keeping in view,

- (i) the availability of land,
- (ii) the demand for land in various sectors and
- (iii) the Industrial Policy of the state and the thrust sectors.

3. Competent Authority for allotment

"The Bihar Industrial Area Development Authority (Financial, Service and Technical)

Regulations," provides, inter alia for, a Project Clearance Committee (PCC) comprising of:-

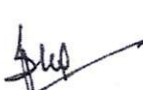
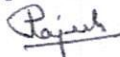
- (i) Managing Director, BIADA,
- (ii) All Executive Directors,
- (iii) Director of Industries or his representative,
- (iv) Nominee of Finance Department not below the rank of Joint Secretary,
- (v) Chairman, Bihar State Pollution Control Board or his representative,
- (vi) Head, Bihar Industries Association,
- (vii) Head, Bihar Chamber of Commerce and Industries
- (viii) Head, Confederation of Indian Industries
- (ix) Consultants of the BIADA - to be nominated by the Managing Director,

All allotment of land has to take place through the PCC. Further, the meeting of PCC shall be convened at least once in a month or if needed it may convene meeting even more than once in a month. The competent sanctioning authority for allotment of land after due clearance/recommendation from PCC is the Managing Director, BIADA. Managing Director, by giving reasons, may refer any recommendation of PCC back for reconsideration.

4. Procedure of allotment

4.1 BIADA shall place the list of plots available for allotment to prospective applicants, on its website (www.biadabihar.in). The number of available plots with area of the plot shall be available on the website and the same would be updated on the last working day of every month.

4.2 The allotment of land up to 20 Acres shall be done through P.C.C by the Managing Director. and above 20 Acres the allotment of land shall be referred for the concurrence of the Authority.



4.3 Procedure of submission of required documents/payment of fee :

- i) All allottable Plots of Industrial Area shall be displayed on official website i.e., www.biadabihar.in for which online application shall be invited.
- ii) BIADA shall provide format of online application for allotment. The applicant is required to fill up the online application and select the plot/area for allotment.
- iii) Only online application will be considered, offline mode for submitting application shall be highly discouraged.

4.4 Submission of required documents with online application:

The applicant has to register online his/her application on the prescribed application form along with the following documents:

A) Detailed Project Report (DPR)

The DPR should include details of the following:

1. Introduction
2. Promoter's Profile
3. Constitution of the Company/Firm: Proprietary, Partnership Firm, LLP, Pvt./Public Ltd Co., Society etc.
4. Registration details- Registration of Company, Partnership firm, Society, Charitable Trust etc.
5. Unit Registration Details- Udyog Aadhar, IEM, Lol, EM, IT/BT Registration, State Excise Registration etc whichever is applicable.
6. Existing Business of the Promoters and the details thereof.
7. Location and its Selection.
8. Details of the products with capacities.
9. Details of raw materials with required quantity.
10. Markets and its analysis.
11. Project cost detail with expenditure on land, land development, building, plant and machinery, electrification, technical know-how, utilities, other fixed assets, preliminary and pre-operations, contingencies etc.
 - a) Land and its developments- area required, rate, value, justification of area, land development to be carried out and its cost, special land requirements.
 - b) Building: Built up area, rate, cost of construction, block layout plan of all facilities required,
 - c) List of plant and Machinery with Supplier, Quantity, value, imported/indigenous etc.
 - d) Electrification - List of items, Supplier, Service line charges, electricity charges etc.
 - e) Technical know-how imported /indigenous, nature, supplier, cost etc.
 - f) Utilities- Compressed Air, Water, Steam and such other installations.
12. Means of Finance: Equity (Rupees/FDI), Term Loan, ECB, Unsecured Loan, Internal Cash Accruals etc.
13. Implementation Schedule with time chart.
14. Financial Analysis- Cash flow, fund flow, profitability, breakeven and ratio analysis, debt servicing etc.
15. Extra land requirement in specific cases:
 - a) For raw material storage, Method of Storage, storage layout and area calculations etc.

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b) Finished products storage method, stacking, storages layout and area calculations etc.

c) Statutory requirement such as explosive control requirement etc.

16. For expansion projects- Utilization of existing plot;
17. Employment generation
18. Environmental category

B. Constitution of the applicant:

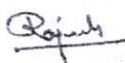
1. Self-declaration, if the applicant is Proprietor.
2. Self-declaration of Partners if applicants are Partners of proposed Partnership firm/LLP.
3. Partnership Deed with Registration proof or notarized Affidavit, if the applicant is a Partnership firm.
4. Certificate of incorporation from the Registrar of Companies, if the applicant is a Pvt. Ltd. / Public Ltd. /LLP company or other legal entity, under the Companies Act.
5. Self-declaration if the applicant is Promoter of the proposed Pvt. Ltd./Public Ltd./LLP Co. or other legal entity, under the Companies Act.
6. Registration Certificate from the Registrar of Co-op. Societies, if the applicant is Co-operative Society.
7. Details of utilization of area of plot asked for in online application and Block Plan of the proposed construction, Phase-wise development plan of project etc.

Note:- The applicants applying for an area upto 1 Acre (**Micro/Startup/Small**) can submit Preliminary Project Report (PPR) and the applicants applying for an area above 1.00 Acre shall submit Detailed Project Report (DPR).

C. The PPR should include details of the following:

1. Introduction
2. Promoter's Profile
3. Unit Registration Details- Udyog Aadhar, IEM, Lol, EM, IT/BT Registration, State Excise Registration etc whichever is applicable.
4. Existing Business of the Promoters and the details thereof.
5. Details of the products with capacities.
6. Details of raw materials with required quantity.
7. Markets and its analysis.
8. Project cost detail with expenditure on land, land development, building, plant and machinery, electrification, technical know-how, utilities, other fixed assets, preliminary and pre-operations, contingencies etc.
9. Building: Built up area, layout plan of all facilities required,
10. Means of Finance: Equity (Rupees/FDI), Term Loan, ECB, Unsecured Loan, Internal Cash Accruals etc.
11. Implementation Schedule with time chart.
12. Employment generation
13. Environmental category

D. Processing fee shall be non-refundable & non-adjustable and shall be chargeable as under:-



S.No.	Area in acres	Processing fee Payable
01.	Up to 0.25 Acres	Rs. 1,000/-
02.	Above 0.25 Acres to 0.5 Acres	Rs. 5,000/-
03.	Above 0.5 to 2 Acres	Rs. 10,000/-
04.	Above 2 Acres to 5 Acres	Rs. 15,000/-
05.	Above 5 Acres to 15 Acres	Rs. 25,000/-
06.	Above 15 Acres to 20 Acres	Rs. 50,000/-
07.	Above 20 Acres	Rs. 1,00,000/-

E. Earnest money shall be 2% (two percent) of the lease premium which shall be refundable, adjustable and payable in the form of DD/Bank draft/online Payment for the relevant amount.

F. Special provision for startup and micro units: The Startup and Micro Units shall be exempted from depositing earnest money.

5. Scrutiny of the Online Application

The Managing Director, BIADA shall form a scrutiny committee. The aforesaid scrutiny committee/Project Management Agency (PMA) shall conduct the scrutiny of online application received based on the pre-qualification criteria prescribed below. In this regard, in case of any discrepancy, the scrutiny committee/PMA shall raise query and intimate the applicants through email for rectification of such discrepancy:-

5.1 Pre-Qualification Criteria

- Net-worth of investor/Promoter - should be at least 20% of the proposed investment.
- The average annual turnover of the investor in the preceding three years should be as below:-

➤ Less than 1 Acre	- No turnover.
➤ More than 1 Acre- upto 2 Acres Crores.	- Turnover of more than 2
➤ More than 2 Acres- upto 5 Acres Crores	- Turnover of more than 5
➤ More than 5 Acres- upto 10 Acres Crores	- Turnover of more than 20
➤ More than 10 Acres- upto 20 Acres Crores	- Turnover of more than 25
➤ More than 20 Acres Crores	- Turnover of more than 50

The applications which do not qualify the pre-qualification criteria shall be summarily rejected.

5.2 Scrutiny of Application shall be done on the following criteria:

- Financial credibility
- Innovative projects - Green & Clean energy
- Industrial Background and experience
- Nature of industry/production - Export
- Investment Size

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6. FSI consumption
7. Employment generation
8. Pollution category

6. Evaluation Criteria

The applications meeting the pre-qualification criteria will be evaluated based on the following criteria and weightage for each category before being placed at the PCC:-

- | | |
|---|-----------------|
| (i) Investment size | - 25 Marks |
| (ii) Investment to area of land ratio | - 20 Marks |
| (iii) Core Employment generation | - 25 Marks |
| (iv) High Priority/Priority Sector | - 10/5 Marks |
| (v) Pollution Category (White/Green/Orange/Red) | - 5/4/3/2 Marks |
| (vi) Green Energy | - 5 Marks |
| (vii) Zero Effluent discharge | - 5 Marks |
| (viii) Units with more than 75% export | - 5 Marks |

6.1 Each proposal shall be given marks based on the above criteria Industrial Area wise. P.C.C. shall fix minimum cut off marks for 1 (one) Year. The minimum cut off marks shall be fixed in the last week of March taking into consideration the number of plots left in Industrial Area. However, it can be raised as and when required.

6.2 Those units which are already working in BIADA and are desirous of expansion with expansion plan involving investment in plant and machinery of minimum 25% or minimum of 50% of capacity enhancement of the existing project shall be given preference in allotment. They will get priority in allotment of adjoining vacant plots.

7. Issue of Allotment Letter

Applications will be screened by a scrutiny committee designated/constituted for this purpose as per above criteria. Projects which are prima facie cleared by this committee will be put forth before the P.C.C. for its recommendation. Further, after the recommendation by the P.C.C. and its approval by the Managing Director, the applicants who have been allotted Plots/Land will be issued allotment letters. Unsuccessful applicants will be informed along with a refund of the Earnest Money amount deposited.

On the approval of the Managing Director, Allotment letter will be issued within 7 working days of such approval, by the Regional Executive Director.

8. Payment terms and possession

8.1. Definition

- (a) 'Total premium' includes lease premium, infrastructure charges, administrative charges and taxes as applicable.
- (b) 'Land premium' is the price paid for obtaining the lease of land of the Authority which excludes infrastructure charges, administrative charges, lease rent, maintenance charges, demarcation charges as applicable.
- (c) 'Maintenance Charges' means a charge levied for the purpose of upkeep, repair, maintenance, operations of infrastructure and other amenities in an Industrial Area/Industrial Estate etc; The Maintenance charges shall be allocated to Industrial Area

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Management Committee ('IAMC') for upkeep and maintenance in terms of the guidelines issued by the Authority for the said purposes.

- (d) '**Lease Rent**' means charges levied by the Authority for permitting the right to use the asset belonging to it by the allottee for a certain period,
 - (e) '**Infrastructure Charges**' means a charge levied for the purpose of development of industrial infrastructure in the form of amenities in an Industrial Area/Industrial Estate etc. These may include road, drainage, street light etc as per IPRS 2.0.
 - (f) '**Administrative Charges**' means a charge that an allottee is required to pay to the Authority to cover the costs of various administrative activities of the Authority.
 - (g) '**Demarcation charges**' means one time charge levied at the time of handing over the physical possession of the allotted land for the purposes of demarcation of such land.
- 8.2 (a) The infrastructure charges shall be 25% of the Land premium. Infrastructure charges shall be charged one time only.
- (b) The maintenance charges shall be chargeable @ 0.15 % for micro, small scale Industries and for medium and large scale industries maintenance charges shall be chargeable @ 0.25% of the prevailing land premium per year along with the applicable taxes. It shall be computed every year from 1st April till 31st March.
- (c) Administrative charges shall be charged @ 10% of the land premium.
- (d) 'Lease Rent' shall be chargeable @ Rupees 5,000/- (Rupees five thousand) per acre per year along with the applicable taxes.
- (e) Demarcation charges shall be charged @ Rupees 5,000/-.
- (f) Land Reservation charges shall be computed @ 5% of the land premium per year.
- 8.3 The allottee must ensure upfront payment of 30% of the total premium within 60 days (after adjusting the Earnest Money already paid), from the date of issue of the allotment letter. There will be no interest incident for this period. The allotment would stand cancelled under Section 6 (2) (a) of the BIADA Act, 1974, as amended from time to time in case of non-payment of the upfront 30% of the total premium within the stipulated time of 60 days. In general no extension will be given for the deposit of the Upfront 30% of the total premium. However, under special circumstances, the Managing Director, or the officer authorized by him, can grant one time extra period of 2 (two) months for deposit of upfront 30% of the total premium. In such cases, the allottee will have to pay interest @ 9% yearly for such extended period.
- 8.4 The balance of the total premium will be payable in 12 half-yearly installments with interest @ 9% p.a. The rate may be revised as and when deem necessary. However, the maintenance charges, lease rent shall be chargeable quarterly as mentioned above.
- The Authority reserves the right to cancel the allotment/lease in case of any delay of payments by the allottee. The first such installment with interest will become due on 30th June or 31st December, whichever comes first, after six months of the date of issue of the allotment letter.
- 8.5 Any extension granted for the payment of installments and other charges after the due date will bear a penal interest @ 2% p.a. The interest will be charged on the defaulted amount for the defaulted period.
- 8.6 If an investor desires to pay full total premium upfront, he shall be entitled to 15% discount on the total premium.

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8.7 If there is any subsequent increase in the rate of land acquisition, the allottee will pay the additional amount proportionately with the cost of the land.

8.8 Industrial plots will be allotted on lease for 90 years on an "as-is, where-is" basis.

8.9 The lease rent amount may be increased every 10 years.

8.10 The allottee shall be given the actual physical possession of the land within 15 days after deposition of either full total premium or upfront 30% of the total premium.

9. Lease Deed

9.1 The lease deed shall only be executed after the payment of upfront 30% of the total premium, upto date dues and 30% of the investment of the promoter's contribution of the project excluding the payment of land premium or after full payment of the total premium.

9.2 Execution of the lease deed is essential within 18 months of the date of allotment. An extension of 6 months can be granted on payment of a penalty equal to 2.5% of the land premium. In case the lease deed has not been executed even on the expiry of 24 months, allotment of plot will be cancelled.

10. Time limit for commencement of production and extension of time

10.1 In general it will be essential for the units to become functional within 36 months of the date of allotment. If the unit has not become functional even after exerting every effort, the unit may submit a written request with adequate and valid grounds for extension of the period. The extension may be allowed on the following conditions:

1. One year's extension can be granted on the payment of a penalty equal to 5% of the total premium with the approval of the Managing Director or officer designated by the Managing Director by speaking order.

2. A second extension of a maximum of one year can be granted on justified grounds of delay and on payment of a penalty equal to 10% of the total premium with the approval of Managing Director or officer designated by the Managing Director.

3. In case the unit is not made functional even after two extensions, the unit may apply for a third extension with adequate explanations of the grounds of delay. A further extension of a maximum of one year may be granted by the Managing Director on the payment of a penalty equal to 15% of total premium if the special circumstances are found convincing.

4. No extension shall be granted after the above three stated extensions and the allotment of the unit shall be cancelled after the expiry of 3rd extension. If any extension is denied it shall be by a speaking order of the Managing Director and the allotment shall be cancelled if extension is not given.

11. Early-Production Incentive

11.1 For early commencement of production by the unit, an incentive at the rate of 2% of the land premium, maximum upto Rupees 5,00,000/- (Rupees five Lakhs only) will be given on the following conditions:

1. The unit has to start production within two years of the date of allotment.

2. A minimum 50% of the permitted covered area as per layout plan of the allotted plot has to be constructed.

3. The unit has to apply for production incentives within 6 months of the date of commencement of production.

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12. Land reservation by any allottee

12.1 In order to facilitate the establishment of the Industry and augment industrialization in the State of Bihar, if any allottee wishes to avail land reservation for the purposes of future expansion, it shall submit an application along with Detailed Project Report wherein after the approval from P.C.C., deposition of land reservation charges. Land Reservation charges to be computed @ 5% of the land premium per year. Land may be reserved for a maximum period of 5 (Five) years from the date of allotment of the Principal land. If in case it is found that industrial activity is being carried out proportionately as per Detailed Project Report on the aforesaid land reserved area within 5 (Five) years then, land reservation charges shall be adjusted towards total premium to be deposited at the time of confirmation of land allotment at the prevailing rate existing at the time of confirmation on the same conditions as in new allotment procedure as envisaged under Clause 4, 8.3, 8.4, 8.5 of this Policy. However, if the allottee fails to commence production within 5 years then the reservation of land shall be cancelled, reservation charge shall be forfeited. It is clarified that the reservation of land is not transferable. The reservation charge is not refundable.

12.2 Reservation of land for future expansion is not a right but will be granted as per the availability of land if it is denied, it shall be by a speaking order.

13. Surrender of Industrial Plots:

13.1 The allottee shall be given the facility for surrender of allotment of land to BIADA before cancellation of the allotment. If an allottee wishes to surrender his/her plot within 3 (three) years from the date of allotment then after deduction of 5% (five) of the land premium, the rest of the deposited land premium shall only be refunded.

13.2 If the allottee surrenders the allotment in the 4th year from the date of allotment then after deduction of 10 % (ten) of the land premium, the rest of the deposited land premium amount shall only be refunded.

13.3 If the allottee surrenders the allotment in the 5th year from the date of allotment then after deduction of 12% (twelve) of the land premium, the rest of the deposited land premium amount shall only be refunded.

13.4 If the allottee surrenders the allotment in the 6th year from the date of allotment then after deduction of 15% (fifteen) of the land premium, the rest of the deposited land premium amount shall only be refunded.

13.5 If the lease deed has been executed, then the original lease deed shall be submitted to the Authority, prior to approval of the surrender.

13.6 The allottee opting to surrender the plot has to remove the movable assets within a time frame of 90 (Ninety) days from the date of approval, failing which all such assets shall be forfeited and no further claim shall be entertained. It is also clarified that after lapse of 6 (six) years from the date of allotment the allottee shall not be allowed to surrender the allotment and the allotment of land shall be cancelled, possession shall be resumed and deposited amount shall be forfeited in terms of statutory provisions of Section 6 2 (a) and (b) of BIADA Act, 1974 and allied provisions as amended from time to time.

13.7 It is clarified that the Infrastructure charges and administrative charges shall not be refunded. However, only the aforesaid deduction on land premium shall be made and the rest amount shall be refunded.

13.8 Surrender may be accepted by the Managing Director or officer designated by the Managing Director within 30 days of the date of receiving the application.

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13.9 After approval of surrender by the Managing Director or officer designated by the Managing Director, Managing Director or officer designated by the Managing Director the rest of the amount as per the above clause shall be refunded within 30 days of the date of approval.

14. Transfer of Industrial Plot/Unit

14.1 Permission for transfer of Unit will be granted only after making the unit functional (certificate of functional should have been obtained by the allottee). For this, the application must be submitted to the Executive Director in the requisite format along with processing fee of Rupees 10,000/- (Rupees ten thousand only) plus applicable GST shall be paid.

14.2 Transfer will only be allowed after making full payment of the land premium of the plot and other dues if any.

14.3 The Authority will charge 10% of the prevailing circle rate as per the Minimum Value Register of the plot as transfer charges on every transfer.

14.4 If the shareholding of the allottee concerned is altered within the family members (having direct blood relationship), including wife, husband and vice versa, such change shall be construed as transfer or change in constitution. However, no transfer fee or any other fee shall be chargeable for such change.

14.5 In case of transfer of ownership of a proprietorship firm and/or majority of shares (51% or above) or appointment of a managing partner in case of partnership firm/LLP having a capital or 51% and above of share in the capital, profit and loss of the partnership firm/LLP, BIADA shall treat it as a case of transfer. Thus in all such cases, a transfer fee equivalent to 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with old dues shall be chargeable.

14.6 In any other case of induction, transfer of otherwise affecting the constitution, management and control of proprietorship firm or a partnership firm not covered by above conditions the BIADA shall charge 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with payment of old dues in the aforesaid manner.

14.7 In case of same promoters or group of promoters having ownership and control over two or more incorporated companies the lease/allotment granted in favour of one of the companies may be allowed to be transferred in favour of another company of the same promoter or group of promoters for the rest of the period of lease by charging a fee of Rs. 50,000/- with a condition that the promoters in the transferee company shall not transfer their controlling shares of both the companies (transferor and transferee) to any other person, firm or body corporate. A fresh lease deed shall be executed at the cost of the transferee company with a condition that in case of transfer of controlling share holding by the promoter after grant of lease, the BIADA shall charge 10% of the prevailing circle rate as per the Minimum Value Register of the Plot.

14.8 In those cases where after allotment/lease of the land by BIADA in favour of a company, further shares are issued either within the authorized capital disclosed to the BIADA or by increasing the authorized capital after allotment/lease, the promoters having ownership, management and control over the company, shall maintain the ownership management and control all the times either directly or indirectly (through different closely held companies). In case of transfer of ownership, management or control through transfer of existing shares of issuance of further shares it will be taken as a case of change of

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ownership and the same will attract levy of charge @ 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with payment of old dues. The relevant date would be the date of application for transfer.

- 14.9 In case of de-merger of an industrial unit existing on the allotted or leased land of BIADA by a company, the transferee company shall be liable to pay 10% of the prevailing circle rate as per the Minimum Value Register of the plot along with payment of old dues. However, only Rs. 10,000/- will be charged in case of demerger under same management control. Similarly in case of merger of two or more companies under the same management shall have to pay a fee of Rs. 10,000/- only.
- 14.10 In case of transfer of allotted shares of lease hold land by a company (original allottee) for transfer to its subsidiary company, a fee of Rs. 10,000/- will be charged subject however that the original allottee must maintain its character of being holding company throughout the subsistence of lease, and the ownership, management and control of holding company is not changed so as to attract clause.
- 14.11 An original allottee cannot transfer the allotted or lease hold land in favour of its subsidiary without executing a registered document.
- 14.12 In those cases where a fresh lease deed is required to be executed because of the changes as envisaged hereinabove, all cost, charges, dues, and fees applicable on the execution and Registration of the fresh deed or document shall be borne by the transferee/new lessee.
- 14.13 All changes in the name of the proprietorship firm, partnership firm or changes in respect of their construction, formation, partnership deeds etc., should be communicated to BIADA in advance as a condition precedent before making application for recording changes in the records of BIADA and only on approval of BIADA, the same shall be recorded.

15. Change in Constitutions of Industrial Units:

- 15.1 An application to Managing Director has to be made for a change in constitutions. With changes in constitutions where ownership rights should not be changed, otherwise provisions of transfer will be applicable. Ownership rights means original allottee/allottees should possess a minimum 51% shares. If it is observed that the change of ownership rights is made through a change in constitution before the unit has become functional, such a transfer will be considered void and the allotment will be cancelled. After making the unit functional, such a change in constitution may be permitted on depositing 10% of prevailing circle rate as per the Minimum Value Register of the Plot.

15.2 Proprietorship to partnership:

Change in constitution from proprietorship to partnership is proposed to be allowed with following conditions. A certified copy of the partnership deed should be submitted along with a request for a change in constitution. Apart from above the affidavit of relationship of the new incumbent has to be given. It is clarified that any change in partnership shares upto 49% and whereas 51% of the Partnership shall remain with the original allottee, The aforesaid change of constitution shall be allowed after payment of a fee of Rupees 10,000/- (Rupees Ten Thousand) only.

15.3 Change of partner in partnership deed:

A certified copy of the dissolution deed, new partnership deed, along with an affidavit showing the relation among partners are required to be submitted along with a request to change the partner or partnership deed. It is clarified that in case of any new induction of partnership upto 49% and whereas 51% of the Partnership shall remain with the original allottee, The aforesaid change of constitution shall be allowed after payment of a fee of Rupees 10,000/- (Rupees Ten Thousand) only.

15.4 Transfer of unit in Pvt. Ltd./Ltd. Company:

Copies of the Articles and Memorandum of Association, certificate of Incorporation, list of shareholders/ director duly certified by a CA, form 32 duly acknowledged by the R.O.C., and Board Resolution duly signed by the company president, unequivocal undertaking for no any liability of financial institution/certificate cases are required to be submitted along with the request for a change by the current allottee. It is clarified that only nature of the Company shall be allowed to be changed and not the shareholders and in this case a processing fee of Rupees 10,000/- (Rupees Ten Thousand). Further, the majority shares should all the time remain with the original allottees and in otherwise situation it would be treated as the case of transfer. It is clarified that any change in shareholding pattern upto 49% shall attract fee of Rupees 10,000/- (Rupees Ten thousand only).

16. Name Change

On submission of the application along with valid documents and substantial cause, the name of the firm may be allowed to be changed subject to the payment of Rupees 10,000/- (Rupees Ten thousand only).

17. Change/Addition of product:

17.1 On submission of the application along with the Detailed Project Report, new product change/addition of product can be allowed.

17.2 Change of products will be allowed only for the products which are allowed under the prevailing Industrial Policy and not classified in the negative list.

17.3 Permission for the change of product will be granted by the Executive Director within 15 (Fifteen) days subject to deposition of processing fees of Rupees 10,000/- (Rupees Ten thousand only).

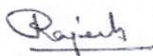
18. Mortgaging the plot


18.1 Permission for Mortgage of the plot can only be granted after the execution of the lease deed and provided that the allotment is not cancelled, or the time-limit for coming into production has not expired.

18.2 In the case of mortgaging the plot, the Authority will have first charge and the allottee will make the due payments regularly from time to time to the Authority. Permission for mortgage will be granted for project financing by the Managing Director.

19. No Objection Certificate:

The Bank/financial institution which mortgages the lease hold/ allotted land or any part thereof shall obtain a No Objection Certificate (NOC) from BIADA prior to mortgaging the allotted/leasehold land. Moreover, in the event of sale, shall obtain prior information about the dues including the cost of the land from Bihar Industrial Area Development Authority to be paid. Sale certificate under the Securitization Act 2002 or any other law shall only be issued after the payment of dues of the BIADA and payment of the transfer fee and other charges of BIADA. The dues of BIADA shall have first charge over the lease/allotted land".







Notwithstanding above, the Bihar Industrial Area Development Authority may take necessary action as prescribed under the provisions laid down in BIADA Act 1974, as amended up to date. However, the NOC shall be issued subject to the condition that at the time of mortgaging to bank/financial institution for loan, bank/financial institution shall pay the full amount within one month from the sanction of loan.

20. Declaring functional units:

Industrial units will be declared functional by the competent Authority.

21. Industrial Facilities:

The following industrial facilities as envisaged under Industrial Park Rating System may be allowed in the industrial sector:

- a) Research and Development Centre
- b) Test Lab
- c) Weigh Bridge
- d) Telephone/Internet Service
- e) Dormitory
- f) Gas Pipe Line
- g) Bank/ ATM
- h) Fire Fighting Station
- i) Power Sub Station
- j) Mobile Tower

22. Cancellation

- 22.1 If the allottee do not take necessary effective steps within the fixed period to establish the Industry or all dues, rent, charges of the Authority have not been paid within time or unregistered product is manufactured or any construction contrary to the approved plan has been carried out or an activity injurious to industries has been engaged into; the Authority or Managing Director of the Authority or delegated official shall in such condition cancel the allotted plot/shed and also forfeit the amount deposited in this connection.
- 22.2 Before the cancellation of land under Section 6 (2) (a) of the BIADA Act, 1974, as amended from time to time by Managing Director or officer designated by the Managing Director, the show cause in writing shall be given with due adherence to the principles of natural justice.
- 22.3 Notwithstanding herein before the Managing Director of BIADA may cancel the land allotment of any allottee on violation of terms of allotment, rules, regulations, directions of BIADA in terms of Section 6 2 (a) and (b) of BIADA Act, 1974 and allied provisions. As a consequence of cancellation of allotment the possession shall be resumed and deposited amount shall be forfeited.

23. Appeal

For cancellations or order passed under Clause 8.3/8.4/9.2/10.1 of this Policy or any order by the Managing Director under Section 6 2 (a) of BIADA Act, 1974 pertaining to violation of allotment terms and conditions, Appeal shall lie with the Appellate Authority as per BIADA Act, 1974.

24. Policy Monitoring

The implementation of the policy will be reviewed from time to time by Authority and necessary facilitation and course correction shall be undertaken as found necessary to

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achieve the objectives of this policy. The Authority may develop web-based interaction mechanism where suggestions and complaints can be directly addressed to the Authority.

25. Redressal Committee

The Managing Director of the Authority may form a committee under his chairmanship pertaining to interpretation of any of the provisions of this Policy.

26. The words used under this Policy shall have the same connotation and meaning as per the definition envisaged under the BIADA Act, 1974 as amended from time to time.

Decision of 69th BIADA Board of Director's

B. Mehrotra
27/11/21
Chairman cum Managing Director
BIADA, Patna

Memo No:- 3905/2

Date:- 27/11/2021

Copy forwarded to:- Director of Industries, Govt. of Bihar/Director, Technical, Govt. of Bihar/P.S. to Hon'ble Minister, Department of Industries, Govt. of Bihar/Executive Director [H.O.], BIADA/ Chief Administrative Officer, BIADA/ Executive Director, Muzaffarpur/ Executive Director, Darbhanga/ Executive Director, Bhagalpur/Chief Accounts Officer, BIADA/Law Officer, BIADA/I.T. section, BIADA/President, Bihar Industries Association/President, Bihar Chamber of Commerce and Industries for information.

B. Mehrotra
27/11/21
Chairman cum Managing Director
BIADA, Patna

Rajesh *Singh* *Shel*

बिहार सरकार
उद्योग विभाग
अधिसूचना

बिहार औद्योगिक क्षेत्र विकास प्राधिकार(बियाडा) अधिनियम-१९७४ के उपधारा १४(न) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए उपलब्ध भूमि की तुलना में औद्योगिक भूखण्डों की बढ़ते हुए मांग को ध्यान में रखते हुए बियाडा के नियन्त्राधीन औद्योगिक क्षेत्रों में बियाडा द्वारा भू-आवंटन से संबंधित नीति व प्रक्रिया के संदर्भ में बिहार सरकार निम्नलिखित दिशा निर्देश निर्गत करती है।

१. औद्योगिक भूमि का रेखांकन

१.१ किसी औद्योगिक क्षेत्र में बियाडा को कुल उपलब्ध कुल भूमि को विभिन्न श्रेणियों में निम्नलिखित रूप में विभक्त किया जायगा :-

- (i) ०.२५ एकड़ तक
- (इ) ०.२५ एकड़ से अधिक एवं ०.५० एकड़ तक।
- (ब) ०.५० एकड़ से अधिक एवं १.०० एकड़ तक।
- (क) १.०० एकड़ से अधिक एवं २.०० एकड़ तक।
- (म) २.०० एकड़ से अधिक एवं ५.०० एकड़ तक
- (f) ५.०० एकड़ से ऊपर।

१.२ तथापि भूमि खण्डों का निर्धारण ऐसे किया जाए ताकि कम से कम :-

- (i) उपलब्ध भूमि का २० % का विभाजन ऐसे भू-खंडों में किया जायगा जिनका रकबा ०.२५ एकड़ या उससे कम हो और
- (इ) उपलब्ध भूमि का २०% का विभाजन ऐसे भू-खंडों में किया जाएगा जिनका रकबा २ एकड़ से अधिक हो।

(ब) शेष ६० % उपलब्ध भूमि विभिन्न आकार के भू-खण्डों में मांग/उद्यमियों के जरूरत के मद्देनजर समय-समय पर लिए गए निदेशक पर्वद के निर्णयानुसार विभाजित की जाएगी।

१.३ संभावित आवेदक को आवंटन हेतु उपलब्ध भू-खण्डों की सूची बियाडा अपने वेबसाईट (www.biadabihar.in) पर उपलब्ध कराएगा। उपलब्ध भू-खण्ड की संख्या तथा रकबा वेबसाईट पर उपलब्ध रहेगी एवं उसे प्रत्येक माह के अंतिम कार्य दिवस को अद्यतन किया जाएगा।

१.४ भू-खंडों के आकार विशेष के श्रेणियों के लिए ही आवेदनों को आमंत्रित किया जायेगा। निदेशक पर्वद, बियाडा के किसी औद्योगिक क्षेत्र में उपलब्ध पूरी जमीन/भू-खंड को एक ही समय में आवंटित नहीं करने हेतु निर्णय ले सकता है और औद्योगिक क्षेत्र के तहत विभिन्न श्रेणियों एवं भू-खंडों का आवंटन अलग-अलग स्तर एवं समय पर कर सकता है।

२. उद्देश्य जिसके लिए आवंटन किया जा सकता है

- २.१ प्राधिकार का पर्वद भूमि आवंटन के योग्य प्रक्षेत्रों पर निर्णय हेतु सक्षम होगा।
- २.२ तथापि, एक बार निर्णय लेने के उपरान्त कम से कम एक वर्ष के लिए वह स्थिर रहेगा एवं एक वर्ष के बाद उसकी समीक्षा (१) जमीन की उपलब्धता (२) विभिन्न प्रक्षेत्रों में भूमि की माँग (३) सरकार की औद्योगिक नीति एवं प्राथमिकता क्षेत्रों, के मद्देनजर की जाएगी। ध्यातव्य है कि वर्तमान में निम्नलिखित कार्य हेतु भूमि आवंटित की जा रही है :-

- (१) उत्पादन/प्रोसेसिंग (डाटा प्रोसेसिंग सहित)
- (इ) सूचना प्रौद्योगिकी सेवाओं सहित आई०टी० पार्क/औद्योगिक पार्क
- (ब) सामान्य व्यवस्थात्मक सुविधा
- (क) उद्योग से संबंधित प्रशिक्षण केन्द्र यथा - आई०टी०आई०/आई०टी०सी०/

निपुणता विकास केन्द्र।

- २.३ राज्य सरकार के पास यह अधिकार होगा कि किसी विशेष औद्योगिक क्षेत्र या उसके अंश को विशिष्ट कार्य हेतु सुरक्षित रखे और वैसी स्थिति में उस क्षेत्र या उसके अंश का उसी विशिष्ट कार्य हेतु आवंटन होगा जब तक की सरकार उसका परिवर्तन या सुरक्षित सूची से बाहर नहीं करें।
- २.४ ऐसी स्थिति में जिसमें किसी उद्योग या संस्थान की स्थापना से राज्य के हित में व्यापक लाभ हो, सरकार विशेष औद्योगिक क्षेत्र के विशिष्ट भू क्षेत्र को आवंटन हेतु निर्देश दे सकती है और यह प्राधिकार के लिए बाध्यकारी होगा।

३. आवंटन हेतु सक्षम प्राधिकार

बिहार औद्योगिक विकास प्राधिकार (वित्तीय, सेवा एवं तकनीकी) विनियमन अधिनियम २००७ में निहित

अधिनियम १.४ में एक परियोजना समाशोधन समिति की व्यवस्था है जिसके सदस्य निम्नांकित हैं :-

- (प) प्रबंध निदेशक, बियाडा।
- (पप) सभी कार्यकारी निदेशक।
- (पपप) उद्योग निदेशक या उनके प्रतिनिधि।
- (पअ) संयुक्त सचिव, वित्त विभाग, बिहार सरकार।
- (अ) अध्यक्ष, बिहार प्रदूषण नियंत्रण समिति या उनके प्रतिनिधि।

- (अप) बियाडा के सलाहकार - प्रबंध निदेशक द्वारा नामित।
- (अपप) प्रधान, भारतीय उद्योग मंडल, पटना या उनके द्वारा नामित व्यक्ति।

(अपप) बिहार उद्योग संघ के प्रतिनिधि।

३.२ परियोजना समाशोधन समिति को सभी परियोजनाओं एवं अन्य खर्च/व्यय के प्रस्ताव पर विचारार्थ शक्ति प्रदत्त है। भूमि आवंटन हेतु सक्षम स्वीकृति प्राधिकार प्रबंध निदेशक होंगे लेकिन आवंटन परियोजना समाशोधन समिति के माध्यम से होगा।

४. आवंटन की प्रक्रिया

४.१ प्रबंध निदेशक, बियाडा निम्नांकित दिशा-निर्देश के अनुसार औद्योगिक भूमि के आवंटन हेतु प्राप्त आवेदनों का प्री-स्क्रीनिंग करेंगे।

४.२ प्रत्येक वर्ग के लिए निम्नलिखित मापदंडों व भारिता के आधार पर एक प्रारम्भिक जाँच की जायेगी।

(a) पूर्व-अर्हता हेतु मापदण्ड

निवेशक की अपनी शुद्ध मानियत प्रस्तावित निवेश का कम से कम २० प्रतिशत होना चाहिए।

(b) वरीयता हेतु मापदंड

(i) निवेश का आकार - ३०%

(ii) निवेश श्रमिक अनुपात - ३०%

(iii) प्राथमिकता क्षेत्र - १०%

(iv) निवेश कर्ता का अनुभव - १०% तथा जिसे निम्न प्रकार से २० % तक बढ़ाया जायेगा

(v) पर्यावरणनुकूल तकनीक का प्रयोग - १०%

(vi) निवेश कर्ता के आवेदन की तिथि - १०%

४.३ उपर्युक्त कंडिका- ४.२(बी) में वर्णित वरीयता मापदंड के अनुसार विभिन्न अधिसीमा के लिए भारिता देने का निर्णय निदेशक पर्वद, बियाडा द्वारा किया जायेगा।

४.४ भविष्य में भूमि उपलब्ध होने पर ही भविष्य में आवेदन आमंत्रित किये जायेंगे।

४.५ न्यूनतम अहर्ता हेतु प्राप्त अंक का निर्णय पी०सी०सी० द्वारा किया जायेगा और वरीयता सूची बनाने के पूर्व इसकी सूचना आवेदकों को दे दी जायेगी। यदि किसी श्रेणी में उपलब्ध भू-खंडों की संख्या से आवेदनों की संख्या अधिक होती है तो पी०सी०सी० उस वर्ग में भू-खंडों की संख्या का पाँच गुणा में से लॉटरी द्वारा आवंटन हेतु निर्णय लेगी। पी०सी०सी० द्वारा लॉटरी का आयोजन एक पूर्व निर्धारित तिथि को किया जायेगा जिसमें आवेदकों को उपस्थित रहने हेतु आग्रह किया जाएगा।

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४.६ ऐसे सभी असफल आवेदक जो प्री-स्क्रीनिंग अथवा लॉटरी प्रक्रियाँ से बाहर हो चुके हैं, उनकी जमानत राशि लौटा दी जायेगी। तदोपरान्त भविष्य में जब कभी भू-खंड उपलब्ध होगा तो वे पुनः अपना आवेदन समर्पित करने के अयोग्य होंगे।

४.७ वैसी इकाईयों जिनका निवेश ५० करोड़ से अधिक का है, उन्हें भूमि आवंटन में प्राथमिकता दी जायेगी बशर्ते कि भूमि उपलब्ध हो।

५. आवेदन प्राप्ति की प्रक्रिया

५.१ नई प्रक्रिया एवं मूल्य (पृथक् रूप से निर्णय लिया जायेगा) के अधिसूचित होने के उपरांत एक माह की समय-सीमा देते हुए उपलब्ध भू-खंडों के लिए नया आवेदन आमंत्रित किया जायेगा। तदुपरांत इन आवेदनों के साथ पूर्व के लंबित पुराने आवेदनों को पुनरीक्षित नीति, प्रक्रिया एवं मूल्य के अनुसार निष्पादित किये जायेंगे।

५.२ पूर्व माह के अंतिम दिन को भूमि उपलब्धता को ध्यान में रखते हुए माह की १५ तारीख को संभावित आवेदकों को आमंत्रित करते हुए विज्ञापन प्रकाशित किया जायेगा और विज्ञापन की तिथि से ६० दिनों भीतर उनका निष्पादन कर दिया जायेगा। वर्तमान में लगातार आवेदन प्राप्ति की पद्धति पर तत्काल रोक लगाई जाती है।

६.० इस नीति के सुगम क्रियान्वयन हेतु एवं / अथवा बिहार में औद्योगिकरण को बढ़ावा देने के हित को ध्यान में रखते हुए राज्य सरकार समय-समय पर आवश्यकतानुसार अन्य या अतिरिक्त दिशा-निर्देश जारी कर सकती है।

आदेश:- यह आदेश दिया जाता है कि इस अधिसूचना को बिहार राजपत्र के असाधारण अंक एवं मुख्य पत्रिकाओं तथा समाचार पत्रों में प्रकाशित किया जाये।

बिहार राज्यपाल के आदेश से

प्रधान सचिव

उद्योग विभाग, बिहार, पटना।

पटना, दिनांक- 19.12.13

ज्ञापांक-

5390

सं.सं. - 51/७०/५० (सं.सं.सी.) - 20/2012 (अ.सं.)

प्रतिलिपि:- अधीक्षक, ई-गजट, वित्त विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। उनसे अनुरोध किया जाता है कि बिहार राजपत्र की १००० प्रतियां विभाग को उपलब्ध करायें।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।

पटना, दिनांक- 19.12.13

ज्ञापांक-

5390

सं.सं. - 51/७०/५० (सं.सं.सी.) - 20/2012 (अ.सं.)

प्रतिलिपि:- महालेखाकार, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।

पटना, दिनांक- 19.12.13

ज्ञापांक-

5390

सं.सं. - 51/७०/५० (सं.सं.सी.) - 20/2012 (अ.सं.)

प्रतिलिपि:- मुख्य सचिव के सचिव/विकास आयुक्त के सचिव, बिहार, पटना को सूचनार्थ प्रेषित।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।

ज्ञापांक-

5390

दस्तावेज सं. 5390 (एच.एच.पी.) - 20/12/2013

पटना, दिनांक- 19.12.13

प्रतिलिपि:- सभी विभागों/विभागाध्यक्षों/मुख्यमंत्री के प्रधान आर्क्ष सचिव/मंत्री, उद्योग विभाग के आर्क्ष सचिव/ प्रधान सचिव, उद्योग विभाग/स्थानिक आयुक्त, नई दिल्ली के आर्क्ष सचिव/सभी प्रमंडलीय आयुक्त/सभी जिला अधिकारियों को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।

ज्ञापांक-

5390

दस्तावेज सं. 5390 (एच.एच.पी.) - 20/12/2013

पटना, दिनांक- 19.12.13

प्रतिलिपि:- सभी निदेशक, उद्योग विभाग/उद्योग विभाग के सभी पदाधिकारी/सभी निगम/प्राधिकार/सभी महाप्रबंधक, जिला उद्योग केन्द्र को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।

ज्ञापांक-

5390

दस्तावेज सं. 5390 (एच.एच.पी.) - 20/12/2013

पटना, दिनांक- 19.12.13

प्रतिलिपि:- आई०टी० मैनेजर, उद्योग विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। कृपया इसे विभागीय वेबसाईट पर अपलोड करें तथा इसकी प्रति अधीक्षक, ई-गजेट, वित्त विभाग, बिहार, पटना को भेजें।

प्रधान सचिव,

उद्योग विभाग, बिहार, पटना।



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

6 PAUSH 1929 (S)
(NO. PATNA 1143) PATNA, THURSDAY, 27TH DECEMBER, 2007

DEPARTMENT OF INDUSTRIES

NOTIFICATION

The 24th December, 2007

SCHEDULE-I

No. 5SPunergathan (BIADA)-01/07-6293—In exercise of powers conferred under section 15 read with section 5 of BIADA (Bihar Industrial Area Development Authority) Act 1974, the authority with approval of the State Government of Bihar, is pleased to make the following regulation to carry out the purposes of the said act.

THE BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY (FINANCIAL , SERVICE AND TECHNICAL) REGULATIONS, 2007.

CHAPTER-I

1.1. *Short title and commencement.*—These Regulations may be called Bihar Industrial Area Development Authority FINANCIAL AND SERVICE REGULATIONS, 2007 hereinafter called BIADA. It shall come into force from the date of publication of Government Resolution in the Official Gazette.

1.2. *Application.*—These Regulations shall apply to all the employees of BIADA as also the employees on deputation (except otherwise provided) to BIADA to the extent that they are not in contravention of the terms and conditions of their deputation/contract to BIADA provided, however that the Authority may, by resolution duly passed for reasons of exigencies and in the interest of BIADA, exclude any class of employee or post from application of these Regulations.

1.3. *Definitions.*—In these regulations, unless there is anything repugnant in the subject or context:

1.3.1. Act means the Bihar Industrial Area Development Act, 1974.

1.3.2. Appointing Authority shall be the Managing Director for all categories of posts.

1.3.3 Bank Means a scheduled nationalized or commercial bank in which the funds of the BIADA may be kept in Savings/ fixed deposit account.

1.3.4 Controlling authority in relation to all the posts in category A, B and C shall be the Managing Director.

1.3.5 Emoluments means the emoluments as provided in schedule and as admissible on the relevant dates and may include allowances as specified in the Regulations.

1.3.6 Employee means any person serving the BIADA on any post, on contract or otherwise, and includes those on deputation to BIADA.

1.3.7 Employee on Deputation means an employee of any department of the State /Central Govt. or their agencies/authority whose services are obtained by the BIADA on deputation.

1.3.8 Government means Government of Bihar.

1.3.9 In house Consultants are the Consultants as indicated in Regulation 15 of the Technical Regulations of the BIADA

1.3.10 PPP means Public Private Partnership Project based on a contract or a concession agreement, between a government or a statutory entity on the one side and a private sector company on the other side, for delivering an infrastructure service on payment of user charges.

1.3.11 Private Sector Company means a company in which 51% or more of the subscribed and paid up equity is owned and controlled by a private entity.

1.3.12 Regulations mean the Regulations framed by the Board Of Directors from time to time for effective functioning of BIADA

1.3.13 Selection Committee in respect of post means committee of that name indicated in the Regulations.

1.4 Committees:-The following shall be the Committees under the Regulations:-

- (a) Project Clearance Committee
- (b) Selection Committee
- (c) Internal Purchase Committee
- (d) Technical Committee

1.1 Project Clearance Committee (PCC) comprise of

- (i) Managing Director, BIADA

- (ii) All Executive Directors
- (iii) Director, Industries or his representative
- (iv) Joint Secretary, Finance Department, Govt. of Bihar
- (v) Chairman, Bihar Pollution Control Board or his representative
- (vi) Consultants(s) of the BIADA- to be nominated by the M.D.
- (vii) Head, CII, Patna or his representative
- (viii) Representative of BIA.

1.4.2 Powers and Function of Project Clearance Committee-

- (i) The Project Clearance Committee (PCC) shall consider the projects and other expenditure proposals as appearing in Sec.4.1
- (ii) All proposals will be submitted to the concerned authority having delegated powers provided for final approval. In case the designated authority does not agree with the recommendations of the PAC, she/he shall record the reasons for such disagreement.

1.4.3 Selection Committee formed for the purposes of recruitment and selection for the Category A posts in BIADA shall comprise of

- (i) Managing Director
- (ii) Director Industries
- (iii) In charge Administration, BIADA
- (iv) A representative of SC/ST from the BIADA or the Department of Industries
- (v) In house Consultant(s) of the BIADA- to be nominated by MD.

The selections made in Category A shall be put up before the Board for approval. For Category B and C posts, the MD shall be competent to make recruitment.

1.4.4 Internal Purchase Committee- MD shall have the powers to constitute this committee. The IPC shall have powers to consider and approve proposals from Rs. 1 Lakh to Rs. 10 Lakhs.

1.4.5 Technical Committee- MD shall constitute this Committee.

Chapter 11

FUND FLOW ARRANGEMENT

2.1 Funds of the Authority

The funds of the Authority shall consist of the following.

- (i) Grants received from the Government of India
- (ii) Grants-in-Aid from the State Government.

- (iii). Funds by the Govt Departments for carrying out specific projects under Plan and Non-plan heads.
- (iv). Grants and donations from trade, industry, institutions and individuals.
- (v). Receipts from disposal of assets.
- (vi). Receipts from User charges, concession/consultancy fee etc
- (vii). Interest earned from Deposits.
- (viii). Fee and penalties levied and realised.
- (ix). Income on management of Assets.
- (x). Income on execution of projects for Govt Depts, Govt agencies, Local Authorities of the State(s) or Central Government or any other projects entrusted or obtained through Competitive Bidding process or Negotiation.

The Authority shall be allowed to charge a handling fee (Establishment Cost) not exceeding @ 5% of project cost from such agencies/Govt Deptt as may be decided by the MD.

Chapter III

STEPS INVOLVED IN EXECUTION OF PROJECTS

- (a) All proposals going to Authority must necessarily be approved by the PCC.
- (b) The procedure for Projects for the Authority shall involve following steps -

Step 1 - Identification of the Project - BIADA may identify a project on its own and move to step 2. Alternatively, any Govt Deptt/ Private Agency may identify a project and request BIADA to take the project to Step 2.

Step 2 - Preliminary Appraisal - MD shall be competent to undertake preliminary viability studies for the project. MD shall be competent to incur all expenditure in conducting such studies. BIADA can undertake such study from its own employees or outsource the work to external/Inhouse Consultants.

Step 3 - Preparation of DPR(Detailed Project Reports) - If the project passes appraisal studies in step 2, the BIADA shall move for preparing the DPRs. DPRs shall also include the BOQ. BIADA can undertake such DPR preparation from its own employees or outsource the work to external/Inhouse Consultants.

Step 4 - Technical/Administrative Approvals of DPRs/BOQs - The BIADA shall follow the procedures as indicated in Regulation 4.1 for approvals of technical and administrative nature.

Step 5 –Inviting Bids as per DPR/BOQ - The BIADA shall follow the procedures as indicated in Regulation 4.1 for finalizing tenders. While finalizing the tenders, the BIADA may also take recourse to direct negotiation or Competitive Bidding for securing the least rates in the interest of the project.

Chapter-IV FINANCIAL POWERS AND PROCUREMENT OF GOODS & SERVICES

4. The financial powers of the Office bearers of the BIADA are delineated herein.

4.1 Financial and Tendering Powers and Procedures

The procurement of goods and services shall be done as per the following process -

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
A	All procurement of Goods as defined under Regulation 124 of Bihar Finance (Amendment) Rules, 2005.	i) Upto Rs 15000 (Fifteen Thousand)	i) Off the shelf (as per Regulation no. 131 C of Bihar Finance (Amendment) Rules, 2005)	i) No	i) MD
		ii)Rs 15000- Upto Rs1,00,000 (One Lac)	ii) Market Survey by obtaining at least three quotations (as per Regulation no. 131 D of Bihar Finance (Amendment) Rules, 2005)	ii) No	ii) MD
		iii) Rs 1 Lacs - Upto Rs 10,00,000 (Ten Lacs)	iii) Limited tender (as per Regulation no. 131 I of Bihar Finance (Amendment) Rules, 2005).The MD may decide to additionally go for advertisement in local Newspaper depending upon the nature of purchase.	iii) No (Goes to the internal purchase committee)	iii) MD
		iv) Rs 10 lacs - Upto Rs 25,00,000 (Twenty Five Lacs)	iv) Limited tender (as per Regulation no. 131 I of Bihar Finance (Amendment) Rules, 2005) The MD may decide to additionally go for advertisement in local Newspaper depending upon the nature of purchase.	iv) Yes	iv) MD
		v) More than Rs 25,00,000 (Twenty Five Lacs) upto Rs 50,00,000 (Fifty Lacs)	v) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 II of Bihar Finance (Amendment) Rules, 2005)	v) Yes	v) Chairman
		vi) More than 50,00,000 (Fifty Lacs)	vi) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 II of Bihar Finance (Amendment) Rules, 2005)	vi) Yes	vi) Board. But Chairman in anticipation of the approval of the Board may grant sanction in urgency

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
B	Administrative approval of Infrastructure Works in Industrial Estates of BIADA or outside.	i) Upto Rs 50 lakhs	i) Not Required	i) No	i) MD
		ii) Above Rs 50 lakhs	ii) Not Required	ii) No	ii) Board
C	Hiring of Consultants / Consultancy Firms / Independent Evaluators, both nationally and internationally, for preparing DPR as per the approved plan and evaluation of work being done.	i) For estimated cost of work/services upto Rs 25 Lakhs	i) Advertisement in local /National newspapers as the MD may decide and depending upon the nature of work. (Regulation 131Z of Bihar Finance (Amendment) Rules, 2005)	i) Yes	i) MD
		ii) For estimated cost of work/services beyond Rs 25 lakhs	ii) Advertisement in local /National newspapers and Deptt website as the MD may decide and depending upon the nature of work. (Regulation 131Z of Bihar Finance (Amendment) Rules, 2005)). MD may also go for ICB.	ii) Yes	ii) Board
D	Technical Approval/sanction of Infrastructure Works in Industrial Estates of BIADA including approval of BOQ.	i) For works upto Rs 10 Lakhs	i) Not Required	i) No	i) Consultant (Tech) of BIADA
		ii) For works beyond Rs 10 lakhs	ii) Not Required	ii) No	ii) Technical Committee of BIADA
E	Finalising Tenders for works/Projects within the BOQ .	i) Any amount	i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	i) Yes	i) MD

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
F	Finalising Tenders for works/Projects above BOQ	(i) Any Amount	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	(i) Yes	(i) BIADA
G	Auction of the Assets belonging to or Hypothecated to or confiscated by BIADA	(i) Upto Valuation of Rs 25 lakhs	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005). The MD shall get the valuation done by any of the Valuers registered with the Income Tax Deptt. <u>Note</u> - In case the maximum bid offered is less than valuation, the MD shall retender and then finalise the bid with maximum bidder whatever be the offer.	(i) Yes	(i) MD.
		(ii) Beyond Rs 25 lakhs	(ii) Same as above.	(ii) Yes	(ii) BIADA
H	Hiring of contractual staff, including sanction of compensation package	(i) For Staff of Category A	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	(i) No	(i) Full powers to the Selection Committee provided the contracts shall be for a period not exceeding 12 months at a time
		(ii) For Staff of Category B and C	(ii) Advertisement in Local Newspapers.	(ii) No	(ii) Full powers to MD subject to the compensation package approved by Board, provided the contracts shall be for a period not exceeding 12 months at a time.

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
1	All related activities in pursuance of plan approved by Authority, such as, Advertisement charges, Advance to contractors, Repayment of earnest money/security deposit, Freight charges, demurrage, Furniture & fixtures (within Budget limit), stationery, conveyance, electricity & water charges, Insurance, legal charges, postage, telephone, Fax, Repair and maintenance of equipment, Hiring of taxis, Auditors, all trainings, payment of TA/ DA / Honoraria to resource persons, TA/DA to Authority staff, payment related to documentation etc.	(i) Of all kinds	(i) Advertisement in local /National newspapers as the MD may decide and depending upon the nature of expenditure.	(i) No	(i) Full powers to MD.
J	Release of funds for implementation of plans approved by Authority	(i) Of all kinds	(i) Not required.	(i) No	(i) Full Powers to MD
K	Allotment of Land in Industrial Area	(i) Of all kinds	(i) Not Required	(i) Yes	(i) MD
L	Cancellation of plots already allotted	(i) Of all kinds	(i) Not Required	(i) No	(i) MD

4.2 Powers of the Managing Director

The Managing Director shall be the executive head of the BIADA and shall be responsible for proper administration of the affairs and funds of the BIADA and implementation of various activities of the Authority under the directions and guidance of the Chairman of BIADA. For the effective discharge of his function he shall have powers to

- (a) Constitute steering group for each of the project components and functional areas.
- (b) Constitute a task force, comprising heads of the steering groups which would function as a cohesive team for achievement of the objectives of the BIADA.
- (c) Prescribe and assign the duties of all officers and staff of the BIADA.
- (d) Exercise such supervision and disciplinary control as may be necessary.
- (e) Coordinate and exercise general supervision over the activities of the BIADA.
- (f) Conduct meetings of the BIADA and keep a record of proceedings of these meetings in accordance with the Regulations and guidelines framed by the Board.
- (g) Discharge such other functions as may be assigned to him by the Chairman in furtherance of the objects of the BIADA.
- (h) He shall exercise powers as mentioned in 4.1.

4.3 Powers of Chairman

- (a) The Chairman shall be responsible for overall administration of the affairs and funds of the BIADA and implementation of various activities of the Authority.
- (b) The Chairman shall chair all the meetings of the BIADA.
- (c) He shall exercise financial powers as mentioned in section 4.1.
- (d) The Chairman may coopt such other members in BIADA as he deems fit.
- (e) The Chairperson may approve of any activity in anticipation of the decision of the BIADA and seek post facto approval on the same from the BIADA.

4.4 (a) The financial powers of the Authority, which have not been delegated to a subordinate authority and not vested exclusively on the Board of Directors, shall vest in the Chairperson.

- (b) Unless otherwise provided by any special order, it shall be within the competence of an authority to exercise the financial powers delegated to another authority subordinate to it.

4.5 Review / Revision of Financial Powers

The BIADA may review and revise the financial powers of the office bearers of the bodies of the Authority from time to time if considered necessary.

Chapter V FINANCE AND ACCOUNTS

5.1 Basis of preparation of Financial Statements

The Financial Statement shall be prepared on the cash basis of accounting and in accordance with the applicable accounting standards issued by the Institute of Chartered Accountants of India. The financial records and accounts of the IDA shall be maintained in the forms and registers as prescribed.

5.2 Bank Accounts

- (i) The funds of the IDA shall be kept in a Scheduled Nationalised/Commercial Bank listed in the Second Schedule of the RBI Act.

Chapter VI AUDIT

6.1 Audit of Accounts

The BIADA shall have two kinds of Audit – Internal and External.

6.1.1 External Audit

The accounts of BIADA shall be subjected to external Audit. The External Auditor shall submit a report as to whether the financial statements of the BIADA represent a true and fair view of the financial position as at end of the financial year and of the operations for the year ended on that date. External audit, for the purpose of the submitting audited financial statements to the State Govt., will be carried out by a firm of chartered accountant. In addition, the C&AG of India through State AGs may carry out a supplementary audit under the C&AG "Duties, Powers & Conditions of Services Act, 1971."

6.1.2 Internal Audit/ Management Audit

The purpose of internal/ management audit is to determine whether the financial management arrangements including internal control mechanism as developed are working effectively, identify areas of for improvement and enhancing efficiency. The internal audit / management audit will be carried out by the Authority either on its own or through an outsourced arrangement.

Chapter VII MISCELLANEOUS

(A) The income and property of the Authority, howsoever, derived shall be applied towards the promotion and realization of the objectives of the Authority, subject to financial discipline in respect of the expenditure of grants as may be imposed by the Government from time to time.

(B) If on the winding up or dissolution of the Authority there shall remain after satisfaction of its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members or any of them, but shall, consistently with the objectives of the Authority, be dealt with such manner as the Government may determine.

Chapter IX REMOVAL OF DOUBTS

Removal of doubts- Where a doubt arises as to the interpretation of any of the provisions of these Regulations, the matter shall be referred to the Board of BIADA whose decision on the interpretation of the same shall be final.

Chapter X DUES OF BIADA

The BIADA shall be free to realize all its dues from firms/promoters/any individual/company as if they are dues recoverable under Bihar and Orissa Public Demands Recovery Act in addition to any other procedure prescribed by any law for the time being in force..

PART II

SERVICE REGULATIONS AND PROCEDURES

1. Recruitment and Appointment

1.1 Recruitment would be through any of the following three routes:

(A) **Appointment from open market:** all such appointments will be on contractual basis for a fixed tenure:

(B) **Appointments on Deputation basis:** all such appointments will be regulated in terms of the State Government Regulations relating to Deputation of its officers/staff.

(C) **Individuals recruited and paid for by an outside agency [e.g. Government of India and/or Development Partners] but posted to work in Authority Secretariat:** all such persons shall be governed by the terms of employment of the organisation/agency concerned.

(D) **Rules and Regulations regarding reservation of posts in the State Government shall be applicable to the Authority.**

1.2 **Posts and Appointments to be of temporary nature-** All appointments would be temporary and would be made for the contract/deputation period as determined by the BIADA. All the posts indicated in Schedule I are temporary in nature and may be abolished by the Authority. The Authority may, if required, create any additional posts, purely on temporary/contractual basis.

1.2.1 All the employees on contract or deputation shall sign contract as applicable.

1.2.2 Normally all the contracts shall be for a period of 12 months.

1.2.3 The appointment authority shall be the MD or an officer designated by the MD.

1.2.4 A person who has resigned or has been dismissed from the BIADA shall not be appointed again to any post in BIADA.

1.3 Category of Posts

- (i) The sanctioned posts under the BIADA as on date are set out in Annexure A. However, the authority may review the requirement every three years and seek sanction of the Government for creation of additional posts if required as per work load or reduce the number of posts if found not required.
- (ii) The existing posts are categorised in Categories A, B and C. Recruitment to Posts A shall be made by Selection Committee. For B, the MD shall be competent to select and appoint. For C, no fresh appointments shall be made and these workers can be obtained from outsourcing to Human Resource Development Agencies. MD shall be competent to decide their number and compensation package.
- (iii) All the posts, except Chairman, MD and Secretary, can be filled from either deputation or contract.
- (iv) To address the changing role of BIADA, certain more professionals/Specialists/Consultants need to be appointed. Such fresh creation of posts and their package is given at Annexure B to Schedule 1.
- (v) In case of persons taken on deputation from State/Central Govt. or from any organization, the last salary drawn along with the deputation allowance, or project allowance as permissible will be payable by the BIADA.

1.4 Minimum Qualification

Minimum qualification for each post shall be as per Annexure a and b of these Regulations. Notwithstanding the same, the MD shall be empowered to lower or enhance the minimum qualifications in exceptional circumstances with the approval of the Board.

1.5 Termination of Service

- (a) The services of an employee may be terminated by the MD without assigning any reason by a notice of one month in writing to the employee or on payment of one month's pay and allowances in lieu of such notice.
- (b) The service of an employee shall stand terminated:-

- (i) If his appointment is made for a specified period on the expiry of such period unless the appointment is extended for a further period.
or
- (ii) If his appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created.
or
- (iii) If (s)he fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him and after his explanation, if any, in reply to a show cause notice, which should be given in all such cases, has been taken into account.
Or
- (iv) If serious charges of misconduct against an employee are established.

1.6 Renewal of Contract & Re employment

- a) The MD may renew/cancel the contract at end of 12 months. Upon renewal, he may increase or decrease the remuneration for the next 12 months up to 10% (Ten percent). Beyond 10%, approval of BIADA Board shall be necessary.
- b) MD shall be empowered to terminate the contract before the expiry of the term of the contract.
- c) An employee whose services have been removed from the Authority or who has resigned shall not be able to seek a reemployment of any type at any stage with the Authority.

1.7 Resignation

- a) An employee may resign from the service of the BIADA by giving notice of one month in writing addressed to the appointing authority or on payment of one month's pay and allowance in lieu of such notice.
- b) The appointing authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the BIADA by notice of less than a month.
- c) The resignation shall be effective from the date of its acceptance by the Appointing Authority.

1.8 Remuneration

- a) Remuneration for the posts under BIADA shall be as specified in *Annexure A and B* to Schedule 1.
- b) The appointing authority may grant higher emoluments/ increments on the recommendation of the selection committee for a professional / technical post.
- c) An employee shall be entitled to the remuneration of the post to which (s) he is appointed from the date on which he assumes charge of the post.
- d) The emoluments in respect of any month shall be disbursed in the first week of the next month. An employee resigning from the service of the BIADA without the prescribed notice shall not unless the controlling authority directs otherwise be allowed to draw emoluments due but not drawn. The emoluments so not allowed to be drawn shall not exceed the emoluments and admissible allowances for one month.

1.9 Travelling Allowance

The MD shall be empowered to fix the TA/DA of the officers and Staff of the BIADA.

1.10 Leave Provisions

- a) Ten days in a year shall be the total leave admissible to employees on contract. Those on deputation shall be given leave as per Bihar Service Code.
- b) Leave cannot be claimed as a matter of right. When exigencies of BIADA's service so require, the direction to refuse, postpone, curtail or revoke leave of any description or to recall to duty any employee on leave is reserved with the MD.

1.11 Absence after Expiry of Leave

- a) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence.
- b) Wilful absence from duty after the expiry of approved leave renders an employee liable to disciplinary action.

1.12 Leave Address

An employee proceeding on leave shall intimate the competent authority his address during leave and shall keep the said authority informed of any change in leave address.

2. GENERAL CONDITIONS OF SERVICE

2.1 Whole Time Employment

- (i) An employee may be required to serve the BIADA at any place and in any post not lower than the post to which he is substantively appointed or to which he is reduced as a measure of punishment in accordance with the laid down provisions.
- (ii) An employee may be required to undergo a training programme within India.
- (iii) Employees of BIADA shall not indulge in any part-time profit making or non profit making activity outside the office hours.

2.2 Transfer and Joining Time

An employee of the BIADA can be transferred to any place within Bihar or outside by the MD. Joining time of 3 days (within Bihar) and 7 days (Outside Bihar) may be granted to an employee on transfer to join a new post at a new station.

2.3 Working Hours and Holidays

The MD shall be competent to decide the working hours of the BIADA. The BIADA may observe such holidays as are observed by the Secretariat of the Government in Bihar located at Patna.

2.4 Personnel Records

The BIADA shall maintain personnel records in such form as may be prescribed.

2.5 Deduction of tax at Source

Tax will be deducted as per income tax Regulations and the Authority shall register itself with the relevant authorities in this regard.

2.6 Conduct

- a) Every employee shall at all times maintain absolute integrity and devotion to duty.
- b) Every employee shall abide by and comply with the Regulations and Regulations of the BIADA and all orders and directions of his/her superior authorities.
- c) Every employee shall extend utmost courtesy and attention to all persons with whom he/she has to deal in the course of his duties.
- d) Every employee shall endeavour to promote the interest of the BIADA and shall not act in any manner prejudicial to the interest of BIADA.
- e) No employee, while in service of the BIADA shall take part in any unlawful activity / of activities of a political or a communal party.
- f) All knowledge and information not within the public domain which may be acquire during the work, shall be, for all time and for all purpose, regarded as strictly confidential and held in confidence, and shall not be directly or indirectly disclose to any person whatsoever, except with the written permission of BIADA.
- g) No employee shall join or continue to be a member of an association the objects and activities of which are prejudicial to the interest of sovereignty and integrity of India a public order or morality.
- h) No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to the service in the authority.

2.7 Misconduct

Misconduct – Any breach of these regulations shall be deemed to constitute a misconduct. Without prejudice to the generality of the terms 'misconduct', it shall deemed to include the following :-

- i) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior, or commission of any act subversive of discipline or of good behaviour.
- ii) Participation in an illegal strike or abetting, inciting instigating or acting in furtherance thereof.
- iii) Wilful slowing down in performance of work, malingering or abetment, or instigation thereof or interference with the work of other employees.
- iv) Theft, fraud or dishonesty in connection with the business or property of the Authority.
- v) Taking or giving bribes or any illegal gratification.
- vi) Absence without leave or over-staying the sanctioned leave without sufficient ground or proper or satisfactory explanation or absence from the employee's appointment place of work without permission or sufficient cause.
- vii) Habitual late attendance.
- viii) Breach of any law, rules, regulation or orders applicable to the establishment.
- ix) Collection without the permission of competent authority of any money except as sanctioned by the law of the land or the rules of the Authority for the time being in force.
- x) Engaging in any business or trade within the premises of the establishment.
- xi) Drunkenness riotous, disorderly or indecent behaviour, gambling extortion or committing nuisance on the premises of the establishment.
- xii) Habitual negligence or neglect of work.

2.8 Appeals and Review

2.8.1 Appellate Authorities

An appeal shall lie from any original orders made –

- (i) By any Officer in the head quarter to the MD.
- (ii) By the MD to the Chairman.

2.8.2 Period for Appeals

No appeals shall be entertained unless it is submitted within a period of 15 days from the date on which the orders appealed against is communicated to the person concerned. Provided that the appellate authority may entertain the appeal preferred after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time, provided it is preferred within a further period of 1 month from the date of expiry of period of limitation.

2.8.3 Submission of Appeals

- a) Every person submitting an appeal shall do so separately and in his own name.
- b) The appeal shall be addressed to the appellate authority, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.
- c) Every appeal shall be submitted to the Executive Director who shall, unless he is himself the appellate authority, transmit it to the appellate authority.

2.8.4 Consideration of Appeal

The appellate authority shall consider every appeal in such manner as it deems fit and pass such order as it deems proper in the circumstances of the case.

Provided that no order shall be passed unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against such order.

2.8.5 Review

The BIADA may, on its own motion or otherwise, review any order made by an authority and pass such orders as it deems fit in the circumstances of the case.

Where an employee who has been dismissed or suspended, is reinstated, the authority reinstating him shall make an order specifying:-

- (i) Whether the employee may draw for the period of his absence from duty any pay and allowances in addition to the pay and allowances admissible under Regulations.
- (ii) Whether such period may be treated as on duty for all or any purposes.

3. MISCELLANEOUS

3.1 Authentication

All orders and decisions of the BIADA shall be authenticated by the signature of the MD or by such other officer as may be specified by the BIADA in its behalf.

3.2 Applicability of the Service Regulations

These Service Regulations shall apply to all the employees of BIADA who join after the coming into force of these new Regulations.

These Service Regulations shall also be applicable to those employees who had joined before these Regulations coming into force. For this purpose, they shall have to enter into a contract as mentioned in Regulation 1.2.1 of the Service Regulations. If they choose not to sign the contract, they shall have to opt out of BIADA under a Retrenchment Scheme to be adopted by the Authority.

3.3 PF and Gratuity

The BIADA shall frame a separate scheme and notify the same.

Annexure A to Schedule 1

Category	Designation	New Designation	No. of Post	Nature	Emoluments per month	Qualification
1	2	3	4	5	6	7
	Chairman	Same	01	Deputation	-	-
	Managing Director	Same	01	Deputation	-	-
A	Executive Director	Same	04	Deputation/Contract	30000	MBA(Finance/HRD) with 10 years of experience
A	Secretary (B.A.S)	Same	01	Deputation	-	-
A	Executive Engineer (Civil)	Same	01	Deputation/Contract	25000	B Tech/BE (Civil) with 5 years experience
A	Assistant Engineer (Civil)	Same	02	Deputation/Contract	18000	B Tech/BE (Civil) with 3 years experience
A	Asstt Engineer (Electric)	Same	02	Deputation/Contract	18000	B Tech/BE (Elec) with 3 years experience
A	Development Officer	Same	04	Deputation/Contract	20000	MBA/BTech/BE in any field with atleast 5 years experience in project management
A	Chief Account Officer	Same	01	Deputation/Contract	20000	CA/ICWA with atleast 3 years experience
B	Junior Engineer (Civil)	Same	02	Deputation/Contract	12000	Diploma in Civil Engg with 3 years experience
B	Junior Engineer (Electric)	Same	02	Deputation/Contract	12000	Diploma in Civil Engg with 3 years experience
B	Senior Account Officer	Same	01	Deputation/Contract	12000	CA/ICWA with atleast 1 year experience
B	Assistant Development Officer	Same	04	Deputation/Contract	20000	MBA/BTech/BE in any field with atleast 2 years experience in project management
C	Industrial Extension Officer/ Area Manager	Executives	17	Deputation/Contract	10000 To Be Outsourced	B. Com /Diploma in Engineering in any field with Diploma in Computer Applications
C	Section Officer		04	Deputation/Contract		
C	Assistant		10	Deputation/Contract		
C	Data Entry Operator		08	Deputation/Contract		
C	Routine Clerk		04	Deputation/Contract		
C	Accounts Clerk/ Cashier		05	Deputation/Contract		
C	Personal Assistant	Same	06	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Draft Man	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Amin/Server	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Peon/ Night Guard	Same	55	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Driver	Same	05	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Tracer Guard	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
	Total:-		143			

Note -

1. In category C posts, the MD is empowered to obtain additional manpower from private HRD Service Agencies according to the need and work.
2. The indicated salary is upper limit. The MD may decide a lower package in any individual case if he so decides.
3. Emoluments indicated in Col 6 are for the employees hired on contract. If, however, they are on deputation, they shall be drawing their last pay drawn plus deputation allowance as admissible.

Annexure B to Schedule 1

Additional Posts to be created

Category.	New Designation	No of Posts	Nature	Emoluments per month	Qualification
A	Chief Adm Officer	1	Deputation/Contract	30000	MBA(Personnel Adm) /PG Diploma in HRD with at least 10 yrs experience
A	Consultant -Tech	1	Deputation/Contract	30000	B Tech/BE (Civil) with at least 10 years of experience
A	Consultant - Project implementation	1	Deputation/Contract	30000	B Tech/BE(Civil)/Diploma in Civil Engg PLUS MBA(Finance)/CFA/MFC/I CWA with 5 years experience in Infrastructure Sector
A	Consultant - Finance	1	Deputation/Contract	25000	MBA(Finance)/CFA/MFC/I CWA with at least 5 years experience
A	Consultant - Media	1	Deputation/Contract	25000	PG Diploma in Mass Communication/Journalism/ Adv/PR with 2 years experience
A	Consultant - Legal	1	Deputation/Contract	25000	LLB with atleast 7 years experience.
A	Consultant - Accounts	1	Deputation/Contract	25000	MBA (Finance) /CA/ICWA with atleast 5 years of experience
A	AE(Civil)	2	Deputation/Contract	18000	BE (Civil) with 3 years experience
B	JE(Electric)	2	Deputation/Contract	12000	Diploma in Elect. Engg 3 years experience
B	JE (Civil)	2	Deputation/Contract	12000	Diploma in Civil Engg. with 3 years experience
Total -		13 New posts to be created.			

Note -

- The salary indicated is upper limit. The MD may decide a lower package in any individual case if he so decides.

Schedule 2Technical Regulations of the Bihar Industrial Area Development Authority, 2007**1. Short Title and Commencement:**

These Regulations may be called Bihar Industrial Area Development Authority Technical REGULATIONS 2007. It shall come into force from the date of publication of the Government Resolution in the official Gazette.

2. Application:

These Regulations shall apply to every employee of BIADA including those on deputation and also on contract basis to the extent that they are not in contravention of the terms and conditions of their deputation/ contract to BIADA.

3. Definition:

In these Regulations, unless context otherwise implies:

3.1 Act means the Bihar Industrial Area Development Act, 1974.

3.2 Appointing Authority in relation to any post under the BIADA means the authority competent to make appointments to those posts under these Regulations.

3.3 Bank Means a scheduled nationalized/ commercial bank in which the funds of the BIADA may be kept in Savings/ fixed deposit account.

3.4 Code means the PWD Code of the Govt of Bihar.

3.5 Consultants on Retainer ship means such Consultants/Consultancy Firms as the Authority may hire on fee basis.

3.6 Department means the Industries Department of Bihar

3.7 Employee means any person serving the BIADA on any post with regular emoluments, it includes those on deputation and also on contract basis.

3.8 Employee on Deputation means an employee of any other department /agencies/authority whose services are obtained by the BIADA on deputation.

3.9 Government means Government of Bihar.

3.10 Regulations means Regulations of the BIADA and as modified from time to time in accordance with the procedure laid in this regard.

3.11 Schedule of Rates means the rates as approved by the Executive Committee.

4. Schedule of Rates (SOR)

The rates/procedures followed by the State PWD/CPWD/NHAI shall be followed. The BIADA may make or revise its own SOR.

5. Bidding System

The Authority shall follow the two bid system - Technical and Financial, as mentioned in Regulation 131J of the Bihar Finance (Amendment) Regulations, 2005

6. Tenders

The Authority may go for a local or national tender. It may also go in for International Competitive Bidding (ICB) depending upon the nature of work.

6.1 Tender Dates

Normally, the Authority shall give 2 weeks time for inviting tenders. It may give a shorter time of a week or less if the MD is so satisfied.

6.2 Single Tenders

Single tenders may be accepted. Moreover, in case, 2 or more tenderers applied initially and after technical scrutiny only one gets qualified then this shall not come under single tender category.

7. Empanelment of Contractors

The Authority may evolve its own norms for empanelment/enlisting of contractors/ construction firms. It may take guidance from the enlistment norms adopted by the RCD. It may exempt agencies/contractors empanelled with RCD/CPWD/GoI/NHAI/GoI PSUs and other State Governments and their PSUs from separate registration requirements provided that after the work is allotted to the said agency/contractor shall have to be get registered with the Authority.

8. Standard Bidding Document

The Authority may make its own standard bidding document or may adopt any other document in practice with any State Govt/Gol.

9. Negotiations with bidders

The BIADA shall negotiate only with L-1. If it feels that the rates quoted by L1 are very high then BIADA may offer the lowest bidder, its own rate (below L1) based on market study. In case, the lowest bidder refuses to come down to BIADA's satisfaction, it should go for a re tender.

The decision, whether to go for a re tender or not, shall rest with the MD.

10. Plants and Machinery


For completion of its projects and/or to help enhance the capacity of its contractors/ Engineers, the BIADA may purchase/hire plants and machinery.

11. Security

The Authority shall take from all Consultants/Consultancy Firms/Contractors etc a Bank Guarantee of an appropriate amount. The Bank Guarantee may be from a branch outside the State.

12. Consultants on Retainer ship

The Authority may hire national or international Consultants/Consultancy firms on a retainer ship basis against an annual/work based fee for assisting itself on planning, design, implementation and such other issue as the Authority may deem fit. The Authority may require these Consultants/Consultancy firms to be stationed in house.


Principal Secretary,
Deptt. of Industries,
Bihar, Patna



बिहार सरकार
उद्योग विभाग

औद्योगिक क्षेत्र विकास प्राधिकार
नियमावली

1981

प्रथम संस्करण, प्रकाशित मिति: १९८१
प्रकाशक: बिहार सरकार
१९८१

2 फरवरी 1982

संख्या 1974 बिहार औद्योगिक क्षेत्र विकास प्राधिकार अधिनियम 1974 (बिहार अधिनियम, 16, 1974) की धारा 14 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये बिहार सरकार निम्नलिखित नियमावली बनाती है-

1. संक्षिप्त नाम- यह नियमावली बिहार औद्योगिक क्षेत्र विकास प्राधिकार नियमावली 1981 कहलायेगी।

2. परिभाषा-अब तक कोई बात विषय में संदर्भ के बिरुद्ध न तो इस नियमावली में-

(क) अधिनियम से अभिप्रेत है बिहार औद्योगिक क्षेत्र विकास प्राधिकार 1974 (बिहार अधिनियम, 16, 1974)

(ख) धारा का अभिप्रेत है अधिनियम की धारा।

(ग) नियम का अभिप्रेत है नियमावली की अनुसूची का पालन।

(घ) अन्य शब्दों और अभिव्यक्तियों के अर्थ होंगे जो अधिनियम में उनके लिये दिये गये हैं।

3. प्राधिकार के प्रबन्ध निदेशकों को अधिनियम की धारा 3 की उप धारा 14 के खण्ड (घ) के अधीन सरकार/प्राधिकार द्वारा निम्नांकित कर्तव्यों का सौंपा जाना प्रबन्ध निदेशकों को सरकार/प्राधिकार द्वारा निम्नांकित कर्तव्यों को सौंपा जाता है -

- (1) भू-खण्डों के आवंटन एवं विखण्डन की शक्ति,
- (2) एक लाख रुपये तक प्लान्ट एवं मशीनरी की खरीदगी,
- (3) पचास हाज रुपये तक के स्थिर अस्थि पर खर्च की मंजूरी,
- (4) एक लाख रुपये तक की योजना की प्रशासकीय स्वीकृति।

4. अधिनियम की धारा (4)(1) के अधीन विकास क्षेत्र की घोषणा के बिरुद्ध आपत्ति - (1) अधिनियम की धारा 4 की उपधारा (1) के अधीन घोषणा करने के कम-से-कम दो महीन पहले राज्य सरकार शासकीय गजट में और बिहार में प्रकाशित कम-से-कम दो अंग्रेजी और दो हिन्दी दैनिक समाचार पत्रों में अधिसूचना प्रकाशित करायेंगी। जिसमें अधिकारित रहेंगी कि ऐसी घोषणा करने का प्रस्ताव है और उसमें उस भूमि या उन भूमियों की सीमाएँ विनिर्दिष्ट रहेगी जिसके या जिनके संबंध में घोषण करने का प्रस्ताव है तथा संबंधित जिला दंडाधिकारी एवं

संबंधित औद्योगिक प्राधिकार ऐसी अधिसूचना का उसके सारांश की प्रतियाँ ऐसी रीति से जो वह उचित समझे अपने कार्यालय में और अपनी अधिकारिता के ऐसी अन्य स्थानों पर जो उनकी राय में प्रस्तावित घोषणा से हितबद्ध या हितबद्ध हो सकने वाले, व्यक्तियों की प्राप्त सूचना देंगे के लिए उपयुक्त हो, प्रकाशित करेगा। इस अधिकारिता के अर्न्तगत यह इलाका भी है जिसमें उक्त भूमि का भूमियाँ पड़ती हैं।

(2) उक्त सीमाओं में शामिल किसी भूमि के हितबद्ध कोई व्यक्ति इस नियम के उप नियम (1) के अधीन अधिसूचना के प्रकाशन की अंतिम तारीख से 30 दिन बीतने के पहले किसी भी समय घोषणा किये जाने या उक्त सीमाओं के भीतर अपनी भूमि या उसके भाग के शामिल किये जाने पर आपत्ति कर सकेगा।

(3) इस नियम के उप नियम (2) के अधीन हरेक आपत्ति जिला दंडाधिकारी के पास लिखित रूप में दी जायेगी और जिला दंडाधिकारी आपत्ति करने वाले हरेक व्यक्ति को या तो स्वयं या अधिवक्ता के माध्यम से अपनी सुनवाई कराने का अवसर देगा और ऐसी अतिरिक्त जाँच करने के बाद और वह आवश्यक समझे आपत्ति फाईल

में जाने के तीन दिनों के भीतर उन पर अपनी सिफारिश देते हुए राज्य सरकार को एक रिपोर्ट भेजेगा।

(4) राज्य सरकार इस नियम के उप नियम (3) के अधीन जिला दंडाधिकारी की रिपोर्ट विचार करने और प्राधिकार का विचार प्राप्त कर लेने के बाद या तो अधिनियम की धारा 4 की उपधारा (1) के अधीन घोषणा करने का प्रस्ताव छोड़ देगी या इस नियम के उप-नियम (1) के अधीन अधिसूचना में विनिर्दिष्ट सीमाओं के भीतर पड़ने वाली संपूर्ण भूमि या उसके भाग या भागों के संबंध में घोषणा कर सकेगी।

(5) यदि इस नियम के उप नियम (2) द्वारा निहित समय बीतने के पहले कोई आपत्ति नहीं की गई तो जिला दंडाधिकारी राज्य सरकार को उस आशय की रिपोर्ट तुरन्त भेज देगा, और अब राज्य सरकार अधिनियम की धारा 4 को उप धारा (1) के अधीन घोषणा कराने की तुरन्त कार्यवाही कर सकेगी।

6. अधिनियम की धारा 4(2) के अधीन विकास क्षेत्र की किसी संरचना या भवन का निर्माण या परिवर्तन करने अथवा उसे तोड़ डालने के लिए प्राधिकार का अनुमोदन-

(1) प्राधिकार से अधिनियम की धारा 4 की उप धारा (2) में निर्दिष्ट अनुमोदन प्राप्त करने का इच्छुक हरेक व्यक्ति इस नियमावली से उपाबद्ध फारम में प्राधिकार को लिखित आवेदन प्रस्तुत करेगा जिसके साथ इंजीनियरिंग की डिग्री या उसके समकक्ष योग्यता रखने वाले किसी इंजीनियर द्वारा तैयार उस निर्माण को जिसे तोड़ना हो, स्थल रेखा का (गाउन्ड) (प्लान) उत्पादन और अवस्थित तथा निर्देश भी दिये रहेंगे।

(2) ऐसे आवेदन प्राप्त होने पर प्राधिकार ऐसी पूछताछ के बाद जो वह आवश्यक समझे, लिखित आदेश द्वारा ऐसी शर्तों और उपान्तरणों के अध्याधीन जो आदेश में विनिर्दिष्ट हो अनुमोदन देगा या देने से इन्कार कर देगा।

(3) प्राधिकार के आदेश के बिरुद्ध 30 दिनों के अन्तर्गत अपील राज्य सरकार के पास हो सकता है और ऐसी अपील में राज्य सरकार का निर्णय अंतिम निर्णय होगा।

(4) उद्यमियों द्वारा निर्धारित समय पर भूमि के मूल्य के किस्तों का नहीं देने या किस्तों के नहीं देने पर दंड स्वरूप दंड सूद वसूल करने का अधिकार प्राधिकार या प्रबन्ध निदेशक को होगा।

(5) उद्यमियों के द्वारा निर्धारित समय पर उद्योग स्थापित नहीं किये जाने या उद्योग स्थापित करने की दिशा में ठोस कदम नहीं उठाने पर प्राधिकार या प्रबन्ध निदेशक भू-खण्डों का विखण्डन ही सिर्फ न करने उनके द्वारा जमा किये गये किस्तों को भी जब्त कर सकता है।

(7) अधिनियम की धारा 8 के अधीन प्राधिकार के वार्षिक बजट का उपस्थापन -

(1) आगामी वित्त वर्ष के लिए प्राधिकार का वार्षिक बजट तैयार किया जायगा और निर्माण के आजमाईशी कार्यक्रम सेवाओं के लिए उपबंध तथा अन्य किया कलापों के साथ तीन प्रतियों में राज्य सरकार के पास प्रति वर्ष 15 अक्टूबर, तक उपस्थापित किया जायेगा।

(2) प्राधिकार के आय-व्ययक का प्राक्कलन यथासंभव प्राधिकार के आय के यथार्थ मूल्यांकन जिसमें अधिनियम की धारा 7 की उप-धारा (1) के खंड (क) के अधीन ऐसे अनुदान कर्ज अग्रिम आदि भी शामिल हैं जिन्हें राज्य सरकार में आगामी वर्ष प्राधिकार को देने का संकेत किया हो तथा अधिनियम की धारा 8 की उप-धारा (4) के खंड - "क" तथा "घ" एवं धारा 6 की उप-धारा (3) के अधीन राज्य सरकार द्वारा प्राधिकार को सौंपे गये कार्य को पूरा करने हेतु खर्च सिन्नहित हो पर निर्भर करेगा।

(3) कोई खर्च जिसका बजट में उपबंध नहीं हो या जो अधिनियम की धारा 8 की उप-धारा (1) के अधीन जारी किये गये राज्य सरकार के निर्देश के विरुद्ध हो राज्य सरकार के पूर्व अनुमोदन के बिना नहीं किया जाएगा।

(4) राज्य सरकार प्राधिकार द्वारा समर्पित बजट में अधिनियम की धारा 8 () के उपबंधों के अन्तर्गत निदेश देकर संशोधित कर सकती है।

(5) प्राधिकार एक वृहत लेखा शीर्षक से दूसरे में या किसी वृहत लेखा शीर्षक के भीतर निधि का पुनर्विनियोग मंजूर कर सकेगा। परन्तु राज्य सरकार से अनुमोदन के बिना ऐसी नई स्कीमों पर खर्च के लिए निधियों का पुनर्विनियोग नहीं किया जायेगा जो तबज में शामिल नहीं की गई हो।

8. अधिनियम की धारा 5 के अधीन प्राधिकार की स्थापना- प्राधिकार 840 रु० और उसके उपर अधिकतम मासिक वेतन वाले पदों का सृजन उन पर नियुक्ति तथा प्रोन्नति राज्य सरकार के पूर्व अनुमोदन के बिना नहीं करेगा।

9. अधिनियम की धारा 14 (घ) के अधीन प्राधिकार द्वारा राज्य सरकार को रिपोर्ट और विवरण का उपस्थापन- (1) प्राधिकार प्रति वर्ष 30 जून को अन्त तक राज्य सरकार द्वारा विहित किये जाने वाले फारम में उसे रिपोर्ट वर्ष के दौरान अपने कर्तव्यों, शक्तियों और उत्तरदायित्वों के संबंध में एक वार्षिक रिपोर्ट उपस्थापित करेगा। रिपोर्ट में वस्तुगत लक्ष्यों की उपलब्धि और अनुभूत कठिनाइयों को कार्यान्वात्मक विवरण भी दिया रहेगा।

(2) राज्य सरकार समय-समय पर प्राधिकार के कार्यों को विनिर्दिष्ट मदों के संबंध में रिपोर्ट माँग सकेगी और प्राधिकार निरामित समय के भीतर ऐसी रिपोर्ट पेश करेगा।

10. अधिनियम की धारा 14(इ) के अधीन राज्य सरकार द्वारा निदेशन सरकार समय-समय पर अधिनियम के लक्ष्यों की पूर्ति के लिए सिद्धान्त अधिवाचित करते हुए प्राधिकार को खास तौर से निम्नलिखित संबंध में निदेशन जारी अधिकारित कर सकेगी-

- (क) प्राधिकार द्वारा हाथ में दिये जाने वाले विकास कार्य का स्थापना
- (ख) हाथ में लिये जाने वाले विभिन्न विकास कार्यों की प्राथमिकता
- (ग) उस क्षेत्र में औद्योगिक यूनिटों को दी जाने वाली सेवाओं का स्वरूप और उनके लिए प्रभार फीस
- (घ) प्राधिकार द्वारा किये जाने वाले ऐसे नगरपालिका और अन्य कृत्यों का स्वरूप और सीमा जो राज्य सरकार समय-समय पर प्राधिकृत करें
- (इ) भूमि के मूल्य निर्धारण भू-आवंटन किरातों की वसूली आदि विषयों से संबंधित नीति निर्धारण।

11. औद्योगिक प्राधिकार को सलाह देने के लिए स्कीमिंग समिति का गठन प्राधिकार अपनी स्कीमों के आयोजन और निरूपण संबंधी कार्यक्रम के कार्यान्वयन में परामर्श देने तथा स्कीमों के कार्यान्वयन में मदद देने के लिए समितियों नियुक्त कर सकेगा।

12. अधिनियम की धारा 14 (क), (ख) और (ग) के अधीन अधिकमण और अप्राधिकृत संरचनाओं का हटाया जाना तथा भवनों का गिराया जाना

प्राधिकार या प्रबन्ध निदेशक प्राधिकार की भूमि पर अधिकमण के हटाये जाने तथा अप्राधिकृत भवनों और संरचनाओं के गिराये जाने के संबंध में तत्समय बिहार भूमि अधिग्रहण अधिनियम या किसी अन्य विधि के उपबंधों के अधीन शक्तियों मिलने पर मामलों के निवटारे से संबद्ध अधिनियमों और उनके अधीन बताये गये नियमों के उपबंधों के मार्ग दर्शन प्राप्त करेगा।

बिहार राज्यपाल के आदेश से,
ह0/- अस्पष्ट
विशेष सचिव।

वि0स0मु0(उद्योग) 44-सी0ले0-1,00022-7-1985--कमला लाल

The Bihar Industrial Area Development Authority Act, 1974

To provide for planned Development of Industrial Areas and Promotion of Industries and Matters Appurtenant thereto. Be it enacted by the Legislature of the State of Bihar in the twenty-fifth year of the Republic of India as follows:

CHAPTER I

1. Short title extent and commencement

- (1) This Act may be called the Bihar Industrial Areas Development Authority Act, 1974.
- (2) It extends to the whole of the State of Bihar.

2. Definitions

In this Act unless the context otherwise requires-

- (a) "amenity" includes roads, water-supply, street lighting drainage, sewerage, school, housing, hospital, common effluent treatment plant, provision of common facility centre, solid waste management system¹ and recreation facilities and such other facility as the State Government may by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;
- (b) "building" includes any structure or creation or part of structure or creation which is intended to be used for residential, industrial, commercial, or other purposes, whether in actual use or not;
- (c) "development" with its grammatical variations means the carrying out of building engineering or any other operations in, on over or under land or the making of any material change in any building or land including the provision of accommodation for carrying on industrial activities with or without accommodation for residential purposes or other activities and with all proper facilities for public works, recreation, amenity and other basic requirements for establishment of industries, and include re-development;
- (d) the word "industry" would have the same meaning as has been assigned to it under Section 2, clause (3) of the Bihar State Aid to Industries Act, 1956;
- (e) "development area" means any area declared to be a development area under section 4;

¹ Inserted by the BIADA (Amendment) Act, 2017.

(f) "Industrial area" means an area for which an Authority is constituted under section 3;

(g) "Regulation" means a regulation made under this Act by the Authority constituted under section 3;

(h) "Rule" means a rule made under this Act by the State Government;

(i) "Prescribed" means prescribed in the rules framed by the State Government under this Act.

Chapter 2

3. Industrial Areas Development Authority - Aims and Object

(1) The State Government may at any time after commencement of this Act constitute by notification, an Authority for any area or areas for development and promotion of industry

Explanation I – The State Government may set up one or more Authorities, or one Authority for one or more areas in the State under this Act such an Authority will be known as "(name of the area) Industrial Area Development Authority".

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with powers to acquire, hold and dispose of properties, both movable and immovable, and to contract and do all things necessary for the purposes of this Act and shall by the said name sue and be sued

(3) (i) Any such Authority shall consist of a Chairman, a Managing Director and five other Directors who shall be appointed by the State Government and who shall hold their office on terms and conditions to be prescribed in this behalf, at the pleasure of the State Government.

(ii) The Chairman of the Authority shall be a Government servant not below the rank of a Secretary or² Commissioner or any other person who may be nominated by the Government.

(iii) The State Government may, if it is found to be expedient, appoint the same person as Chairman and Managing Director of the Authority.

² Inserted by the BIADA (Amendment) Act, 2017.

(4) The Managing Director shall be a whole time officer and the Chief Executive of the Authority and shall perform, among others, the following duties under, the general guidance of the Chairman -

- (a) He shall receive all the money on behalf of the Authority and issue receipt and maintain proper account for the same;
- (b) He shall draw money from the fund of the Authority for disbursement of salaries, allowances and meeting the expenses of the Authority;
- (c) He shall authenticate any order of the Authority;
- (d) He shall perform any order only that may be assigned to him by the Authority or the State Government from time to time.

(4a) The Authority may, by general or special order in writing delegate to any officer of the Authority subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.³

4. Declaration of area as Development Area

(1) The State Government may by a notification in the official gazette declare any area adjacent to on Industrial Area, a "development area" for the purposes of the Act after taking into consideration any objection that may be raised in the manner prescribed in the rules; Provided that the no objections need be invited for any area already declared as controlled area under sub-section (1) of the Section 3 of the Bihar Restriction of Uses of Land Act, 1948.

(2) after an area has been notified as development area under Sub-section (1) of section 4 of this Act, no person or company or business house or anybody (including a department of the State Government) shall undertake or carry out any construction, modification or demolition of any structure or building within such development area without the prior approval of the Authority in accordance with the procedure laid down in the rules prescribed.

(3) Unless otherwise stipulated on the rules, the procedure regarding application for permission to build, excavate or lay out any means of access and grant and refusal of such permission shall be according to the provisions of the Bihar Restriction of Uses of Land Act, 1948 in this behalf.

4A Industrial Area. - (1) The Industrial Area may contain one or more of the following lands:

- (i) All lands acquired by the State Government and transferred to the Authority under Section 9 of the Act.⁴

³ Inserted by the BIADA (Amendment) Act, 2017.

⁴ Inserted by the BIADA (Amendment) Act, 2017.

(ii) All lands acquired by the Authority on lease, rent, and purchase or acquired under any form of tenancy under Section 6 (10) and Section 9 of the Act.⁵

(2) Notwithstanding anything contained in any other law, the Authority shall notify Development Control Regulation, related byelaws, master plan and such other matters with respect to industrial planning for such Industrial Area.⁶

5. Establishment

The Authority shall have its own establishment for which it shall frame regulations with prior approval of the State Government.

Chapter 3

6. General duties and powers of the Authority

(1) Subject to the provisions of this Act, the Authority shall be responsible for the planned development of the Industrial Area (including preparation of the Master Plan of the area) and promotion of industries in the area and other amenities incidental thereto.

(1a) The Authority shall be the implementation agency for industrial planning of industrial area as mentioned in Section 4A.⁷

(2) The Authority shall be responsible for planning, development and maintenance of the Industrial Area and amenities thereto and allotment of land or factory shed or building or parts of buildings⁸, execution of lease, modification⁹ and cancellation of such allotment of lease, realization of fees rent charges and matters connected thereto.

(a) In case necessary effective steps are not taken within the fixed period to establish the Industry or all dues, rent, charges of the Authority have not been paid within time or unregistered product is manufactured or any construction contrary to the approved plan has been carried out or an activity injurious to industries has been engaged into¹⁰; the Authority shall in such condition cancel the allotted plot/shed and also forfeit the amount deposited in this connection. The Authority shall before cancelling the allotment allow one month time to the allottee to put up his case. The allottee on being dissatisfied with the order of the Authority may file an Appeal to the State Government within one month and the State Government shall, after due consideration dispose of within two months from the date of receipt of Appeal.¹¹

⁵ Inserted by the BIADA (Amendment) Act, 2017.

⁶ Inserted by the BIADA (Amendment) Act, 2017.

⁷ Inserted by the BIADA (Amendment) Act, 2017.

⁸ Inserted by the BIADA (Amendment) Act, 2017.

⁹ Inserted by the BIADA (Amendment) Act, 2017.

¹⁰ Inserted by the BIADA (Amendment) Act, 2017.

¹¹ Inserted by the BIADA (Amendment) Act, 1991.

(b) The Authority shall, after cancellation of allotment of the Plot/shed take possession of the said Plot.¹²

(c) The Authority shall regularly identify unutilized buildable area in each plot with regard to the building regulations. The Authority shall issue notices to the plot holders in the Industrial Area calling upon them to furnish details in a prescribed form. Upon the submission of the report if the Authority is satisfied that the plot holder has not utilized the maximum buildable area of his plot even after 3 years or any other period notified by the State Government, from the date of taking over the possession for the purpose for which the land was allotted, the unutilized portion shall be cancelled for accommodating another industry. The portion of the plot that is not being utilized by an allottee/ lessee be demarcated and taken over by the Authority for accommodating a new allottee/lessee.¹³

(d) Commencement of business on allotted plot or area: No person shall commence business until an Occupation Certificate is issued by the Authority after implementation of Detailed Project Report filed by the allottee, and in accordance with the Development Control Regulations of the Authority. The Authority shall permit any deviations in the Detailed Project Report, provided such deviations shall be intimated and approved by the Authority before any such deviation implementation has commenced on the plot.¹⁴

(3) The State Government may from time to time entrust the Authority with any other work that is connected with planned development or maintenance of the Industrial Area and its amenities and matters connected thereto.

(3a) Authority may formulate Allotment Policy, Transfer Policy, Exit Policy, Cancellation Policy or such other Policy for better management of Industrial Area.¹⁵

(4) (a) The Managing Director of the Authority shall have the powers of the Collector under section 2 (1) of the Bihar Public Land Encroachment Act, 1956, for purposes of removal of encroachment on road, houses, gullies, any land in the development areas and properties of the Authority.¹⁶

(b) Any person who encroaches upon road, houses, gullies, any land in the development areas and properties of the Authority or continues to possess or squat

¹² Inserted by the BIADA (Amendment) Act, 1991.

¹³ Inserted by the BIADA (Amendment) Act, 2017.

¹⁴ Inserted by the BIADA (Amendment) Act, 2017.

¹⁵ Inserted by the BIADA (Amendment) Act, 2017.

¹⁶ Inserted by the BIADA (Amendment) Act, 2017.

upon the cancelled plot or a portion of the plot shall be treated as encroacher and the Authority shall take necessary action in terms of this Act.¹⁷

(5) The State Government may, by notification in the Official Gazette, vest the Authority with powers under any other Act for planning development and maintenance of civic amenities like housing and schools and vacation of encroachment, etc. that are exercisable by any local authority or statutory body or State Agency under any law for the time in force in this regard.

(6) Where, in the opinion of the Authority, as a consequence of any development having been executed by the Authority in any development area, the value of any property in that area which has been benefited by the development has increased, the Authority may, with the prior approval of the State Government, levy upon the owners of the property or any person having interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development.

Provided that no betterment charge shall be levied in respect of lands owned by the State or the Central Government.

(7) Such betterment charge shall be an amount, in respect of any property situated in a development area, equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme, estimated as if the property were clear of building exceeds the value of the property prior to such execution estimated in like manner.

(8) The Authority may in addition to the grants, loans advances or subsidies that may be received from the State Government also borrow from any source, with the prior approval of the State Government.

(9) The Authority may form an Industrial Area Management Committee for effectively managing the Industrial area.¹⁸

(10) The Authority shall have powers:-

(a) to acquire and hold such property, both movable and immovable as the Authority may deem necessary for the performance of any of its activities;¹⁹

(b) to purchase by agreement or take on lease or rent or under any form of tenancy any property as per prescribed rules, to erect such buildings and to

¹⁷ Inserted by the BIADA (Amendment) Act, 2017.

¹⁸ Inserted by the BIADA (Amendment) Act, 2017.

¹⁹ Inserted by the BIADA (Amendment) Act, 2017.

execute such other works as may be necessary for the purpose of carrying out its duties and functions;²⁰

7. Financial powers

- (1) The Authority shall have and maintain its own fund to which shall be credited:-
 - (a) All moneys received by the Authority from the State Government by way of grants, loans, advances or otherwise;
 - (b) All fees, rents charges, levy received by the Authority under this Act;
 - (c) All moneys received by the Authority from disposal of its movable and immovable assets;
 - (d) All moneys received by the Authority by way of loan from financial and other institutions and debentures floated for the execution of a scheme or schemes of the Authority duly approved by the State Government.
- (2) Unless the State Government otherwise directs, all moneys received by the Authority shall be credited to its fund which shall be kept with the State Bank of India and any Bank approved by the State Government or Government Securities.
- (3) Such accounts shall be operated upon by such officers of the Authority as may be authorised by it by regulations made in this behalf.²¹
- (4) The Authority shall have the power to spend such sums as it deems fit for the purposes authorised under this Act from out of the general fund of the Authority as the requirement may be.²²
- (5) Notwithstanding anything contained in sub-section (2) and (3) above, the Authority may keep on hand such sum as it thinks fit for its day to day transactions, subject to such limits and conditions as may be prescribed.²³

8. Budget:-

- (1) The Authority shall prepare a budget every year in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Authority and shall forward to the State Government such number of copies thereof as may be expedient for the purpose of this Act.

(1a) The Authority shall be competent to make variations in the programme of work in the course of the year, provided that all such variations and re-

²⁰ Inserted by the BIADA (Amendment) Act, 2017.

²¹ Inserted by the BIADA (Amendment) Act, 2017.

²² Inserted by the BIADA (Amendment) Act, 2017.

²³ Inserted by the BIADA (Amendment) Act, 2017.

appropriations out of the sanctioned budget are brought to the notice of the State Government by a Supplementary Financial Statement.²⁴

(1b) The State Government shall, make available such grants, subventions, loans and advances to the Authority as it may deem necessary for the performance of the functions of the Authority under this Act; and all grants, subventions, loans and advances made shall be on such terms and conditions as the State Government may prescribe.²⁵

(2) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including a balance sheet.

(3) The Account of the Authority shall be subject to audit annually by the Accountant General, Bihar, and any expenditure incurred by him in connection with such and it shall be payable by the Authority to the Accountant General, Bihar. The Accountant General shall have all the privileges and Authority in connection with audit of the accounts of the Authority as he is entitled to in connection with audit of the Government accounts.

(4) The accounts of the Authority as certified by the Accountant General, Bihar or any other person appointed by him in this behalf together with the audit report shall be forwarded every year to the State Government along with an annual report.

(5) The Authority shall submit to the State Government an annual report giving a true and full account of its activities, policies and programmes during the previous financial year and forward looking statements in the form prescribed in the Rules within 90 days after the end of each financial year.²⁶

Chapter 4

S.9. Miscellaneous Provisions

(1) The State Government may acquire any land required for the purpose of the Authority, which shall be deemed to be "public purpose" under the prevailing land acquisition laws.²⁷

²⁴ Inserted by the BIADA (Amendment) Act, 2017.

²⁵ Inserted by the BIADA (Amendment) Act, 2017.

²⁶ Inserted by the BIADA (Amendment) Act, 2017.

²⁷ Inserted by the BIADA (Amendment) Act, 2017.

(2) The State Government may by a deed of lease, transfer on terms and conditions as may be decided by the State Government to the Authority any developed or undeveloped land vested in the State of Bihar for the purpose of development or use in accordance with the provisions of the Act.

(3) If any land so placed at the disposal of the Authority under Sub-section (2) is required at any time by the State Government, the Authority shall restore it to the State Government.

S.10. Every Director and every officer and employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

S.11. Any money due to the Authority on account of fees, rent or charges or the disposal of land, building or other properties, movable and immovable, or by way of rents and profits, may be recovered by the Authority as areas of land revenue under the Bihar Public Demands Recovery Act, 1914.

S.12. Punishment for encroachment, use of any land or building

(1) Any person who violates any order of the Authority in respect of removal of any structure, encroachment, uses any land or building in contravention of any regulation framed by the Authority in this behalf shall be punishable with fine of rupees five lakhs or 300% of all costs incurred by the Authority whichever is higher²⁸ or simple imprisonment for a term which may extend to six months or both and in case of a continuing offence with further fine which may extend to Rupees five thousand per day²⁹ after conviction..

(2) All fines realized in connection with prosecution under this Act shall be paid to the Authority.

(3) No Court below the rank of a Magistrate of the First Class shall try any offence under this Act.

S.13. Save as aforesaid the provisions of this Act and Rules and Regulations made there under shall have effect notwithstanding anything inconsistent therewith contained to any other law in force in the State.

S.14. The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act and in particular provide for -

- (a) A removal of encroachments on lands belonging to the Authority;

²⁸ Inserted by the BIADA (Amendment) Act, 2017.

²⁹ Inserted by the BIADA (Amendment) Act, 2017.

- (b) Removal of unauthorized structures;
- (c) Demolition of buildings which may interfere with the planning or which may have been erected in contravention of the Regulations of the Authority;
- (c1) Purchase of land and/or building, take a property on lease or rent.³⁰
- (d) The submission of reports and returns by the Authority to the State Government on matters relating to the duties, power and responsibilities of the Authority;
- (e) The issue of directions by the State Government laying down broad principles for the fulfilment of aims and objects of the Act.

S.15. The Authority may, with the prior approval of the State Government, by a Resolution published in the Official Gazette, make Regulations to carry out the purposes of this Act.

S.16. No suit, prosecution or other legal proceeding shall lie against any person for any action which is in good faith done or intended to be done under this Act, or any rule or regulations made there under.

S.17. When the State Government is satisfied that the purpose for which the Authority was established under this Act has been substantially achieved so as to render the continuance of the Authority unnecessary, the Government may by notification in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly from the said date and all the properties, funds and dues realisable by the Authority along with its liabilities shall devolve upon the State Government.

18. Repeal and Savings-

(1) The Bihar Industrial Area Development Authority Ordinance, 1974 (Bihar Ordinance no. 80. 1974) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said ordinance shall be deemed to have been taken in the exercise of the power conferred by or under the Act as if the Act were in force on the day of which such thing was done or action was taken in the exercise of powers conferred by or under the Act as if this Act here in force on the day of which such thing was done or action was taken.

³⁰ Inserted by the BIADA (Amendment) Act, 2017.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

१ श्रावण १९६६ (श०)

सं० पटना ७५४)

पटना, भंगलवार, २३ जुलाई १९७४

(६)

विधि विभाग

अधिसूचना

२४ जुलाई १९७४

सं० एन०जी०४-४५/७२-वे०-५३२-बिहार विधान-मंडल का विधान-मंडल अधिनियम १९७४ द्वारा संशोधित २३ जुलाई, १९७४ को अनुमति देना है।
द्वारा सर्वसाधारण की सूचना को लिए प्रकाशित किया जाता है।

(बिहार अधिनियम १६, १९७४)

बिहार औद्योगिक क्षेत्र विकास प्राधिकार अधिनियम, १९७४

औद्योगिक क्षेत्रों के सुनियोजित विकास और उद्योगों को बढ़ावा देने तथा उनसे सम्बद्ध विषयों का उपबंध करने के लिये अधिनियम।

भारत गणराज्य के पच्चीसवें वर्ष में बिहार राज्य विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

अध्याय १।

१। संक्षिप्त नाम और विस्तार।—(१) यह अधिनियम बिहार-औद्योगिक क्षेत्र विकास प्राधिकार अधिनियम, १९७४ कहा जा सकेगा।

(२) इसका विस्तार सम्पूर्ण बिहार राज्य पर होगा।

२। परिभाषाएँ।—जब तक कि संदर्भ द्वारा अन्यथा अपेक्षित न हो, इस अधिनियम में—

(क) सुख-सुविधा के अन्तर्गत सड़क, जल-आपूर्ति, बाजार-सड़क पर प्रकाश, जल-निकास, मल-प्रणाल, विशालता, आयुष्य, शरणालय और मनोरंजन की सुविधाएँ तथा अन्य ऐसी सुविधाएँ और सुविधाएँ हैं, जिन्हें राज्य सरकार, शासकीय गजट में अधिसूचना द्वारा इस अधिनियम के प्रयोजनार्थ सुख-सुविधा विनिर्दिष्ट करे।

(ख) भवन के अन्तर्गत, कोई ऐसी संरचना या परिनिर्माण अथवा संरचना या परिनिर्माण का कोई ऐसा भाग है जो आवासीय, औद्योगिक, वाणिज्यिक या अन्य प्रयोजनों में उपयोग के लिये आशयित हो जाहे वस्तुतः उसका उपयोग होता हो या नहीं ;

(ग) स्थावरणिक रूपभेदों सहित "विकास" से अभिप्रेत है, भूमि के अन्दर, भूमि पर, भूमि से ऊपर या उसके नीचे, निर्माण या इन्जीनियरिंग संबंधी अथवा अन्य कोई कार्य निष्पादित करना या किसी भवन या भूमि में कोई तात्त्विक परिवर्तन करना, जिसके अन्तर्गत आवासीय प्रयोजनों अथवा अन्य कार्यकलापों के लिए स्थान निर्धारण या रहित और लोक-निर्माण, मनोरंजन, सुख-सुविधाएँ तथा उद्योगों की स्थापना के लिए अन्य मूल अपेक्षाओं की पूर्ति।

- सुविधाओं के साथ औद्योगिक कार्यकलाप चलाने के लिये स्थावर
का उपबन्ध करता है और इसके अन्तर्गत पुनर्विकास भी है ;
- (प) उद्योग शब्द का यही अर्थ होगा जो मधे बिहार उद्योग राज्य साहाय्य
अधिनियम, १९५६ की धारा २ के खंड (३) में उसके लिये
दिया गया है ;
- (द) विकास-क्षेत्र से अभिप्रेत है, धारा ४ के अधीन विकास क्षेत्र के
रूप में घोषित किया गया कोई क्षेत्र ;
- (च) औद्योगिक क्षेत्र से अभिप्रेत है ऐसा कोई क्षेत्र, जिसके लिए धारा
३ के अधीन प्राधिकार गठित किया गया हो ;
- (छ) विनियम से अभिप्रेत है, धारा ३ के अधीन गठित प्राधिकार द्वारा,
इस अधिनियम के अधीन, बनाया गया विनियम ;
- (ज) नियम से अभिप्रेत है, इस अधिनियम के अधीन, राज्य सरकार द्वारा
बनाया गया नियम ; और
- (झ) विहित से अभिप्रेत है, इस अधिनियम के अधीन राज्य सरकार द्वारा
बनाये गये नियमों में विहित ।

अध्याय २

१। औद्योगिक क्षेत्र विकास-प्राधिकार—लक्ष्य और उद्देश्य।—(१) राज्य
सरकार इस अधिनियम के प्रारंभ होने के बाद किसी भी समय, अधिसूचना द्वारा,
उद्योगों के विकास और उसे बढ़ावा देने के निमित्त, किसी क्षेत्र अथवा क्षेत्रों के
लिए एक प्राधिकार गठित कर सकेगी (इस अधिनियम में इसके आगे प्राधिकार
के रूप में निर्दिष्ट) ।

स्पष्टीकरण—राज्य सरकार इस अधिनियम के अधीन, इस राज्य के एक या
अधिक क्षेत्रों के लिए एक प्राधिकार या एक से अधिक प्राधिकार स्थापित कर
सकेगी । ऐसा प्राधिकार “(क्षेत्र का नाम) औद्योगिक क्षेत्र विकास प्राधिकार”
के नाम से ज्ञात होगा ।

(२) प्राधिकार पूर्वोक्त नाम से एक निगम निकाय होगा और उसे शाश्वत
अस्तराधिकार तथा सामान्य मुहर होगी तथा उसे चल और अचल दोनों सम्पत्तियों
का अर्जन, धारण और उनका निपटारा करने तथा ठेका करने की शक्ति होगी
तथा वह उक्त नाम से वाद चला सकेगी और उसपर वाद चलाया जा सकेगा ।

(३) (i) ऐसे किसी प्राधिकार में एक अध्यक्ष, एक प्रबन्ध निदेशक तथा
पाँच अन्य निदेशक होंगे, जो राज्य सरकार द्वारा नियुक्त किये जायेंगे और जो
राज्य सरकार के प्रसाद पर्यन्त इस निमित्त विहित निबन्धनों और शर्तों पर अपना
पद धारण करेंगे ।

(ii) प्राधिकार के अध्यक्ष आयुषत से ग्रन्थून पंक्ति के सरकारी सेवक या सरकार द्वारा नामनिर्दिष्ट कोई अन्य व्यक्ति होंगे ।

(iii) राज्य सरकार, यदि ऐसा समीचीन हो तो, एक ही व्यक्ति को प्राधिकार के अध्यक्ष एवं प्रबन्ध निदेशक के रूप में नियुक्त कर सकती ।

(४) प्रबन्ध निदेशक प्राधिकार का पूर्णकालिक पदाधिकारी एवं मुख्य कार्यपालक होगा तथा अध्यक्ष के सामान्य मार्गदर्शन के अधीन, अन्य बातों के साथ-साथ निम्नलिखित कर्तव्यों का पालन करेगा :—

- (क) वह प्राधिकार की ओर से सभी धन प्राप्त करेगा तथा उसके लिए रसीद देगा और उसका समुचित लेखा रखेगा ;
- (ख) वह प्राधिकार की निधि से वेतन और भत्तों के भुगतान तथा प्राधिकार के खर्चों को पूरा करने के लिए धन निकालेगा ;
- (ग) वह प्राधिकार के किसी आदेश को अभिप्रमाणित करेगा ;
- (घ) वह किसी भी अन्य ऐसे कर्तव्य का पालन करेगा जो समय-समय पर, प्राधिकार या राज्य सरकार द्वारा उसे सौंपा जाए ।

४। किसी क्षेत्र का विकास क्षेत्र के रूप में घोषित किया जाना ।—(१) राज्य सरकार शासकीय गजट में अधिसूचना द्वारा नियमावली में विहित रीति से उठायी जानेवाली किसी आपत्ति पर विचार करने के बाद इस अधिनियम की प्रयोजनार्थ किंसा औद्योगिक क्षेत्र के निकटवर्ती किसी क्षेत्र को विकास-क्षेत्र के रूप में घोषित कर सकती :

परन्तु बिहार भूमि उपभोग निबंधन अधिनियम, १९४८ की धारा ३ की उप-धारा (१) के अधीन पहले ही नियंत्रित क्षेत्र घोषित किये गए किसी क्षेत्र के सम्बन्ध में आपत्ति आमंत्रित करना आवश्यक नहीं है ।

(२) इस अधिनियम की धारा ४ की उप-धारा (१) के अधीन किसी क्षेत्र के विकास क्षेत्र के रूप में अधिसूचित किए जाने के बाद, कोई भी व्यक्ति या कम्पनी या व्यापारिक घराना या कोई निकाय (राज्य सरकार के किसी विभाग सहित) विहित नियमावली में अधिकथित प्रक्रिया के अनुसार प्राधिकार के पूर्ण अनुमोदन के बिना, ऐसे विकास-क्षेत्र के अन्तर्गत किसी संरचना या भवन के निर्माण, परिवर्तन अथवा उसे ढाने का काम न हाथ में लेगा या न कार्यान्वित करेगा ।

(३) जबतक नियमावली में अन्यथा अनुबद्ध न हो तबतक किसी प्लॉट आधन का निर्माण करने, खोदने या उसका खाका तैयार करने की अनुज्ञा के लिए

भावदेन करने और ऐसी अनुज्ञा देने या न देने की प्रक्रिया इस निर्मित बिहार भूमि-उपयोग नियन्त्रण अधिनियम, १९४८ के उपबंधों के अनुसार ही होगी।

५। स्थापना।—प्राधिकार की अपनी स्थापना होगी, जिसके लिए वह राज्य सरकार के पूर्व अनुमोदन से, विनियम बनाएगा।

अध्याय ३

प्राधिकार की शक्तियां और कर्तव्य

६। प्राधिकार की सामान्य शक्तियां और कर्तव्य।—(१) इस अधिनियम के उपबंधों के अधीन, प्राधिकार, औद्योगिक क्षेत्र के सुनियोजित विकास (इस क्षेत्र का मास्टर प्लान तैयार करने सहित) और उस क्षेत्र में उद्योगों को बढ़ावा देने और उससे भानुपंगिक सुख-सुविधाओं के लिए उत्तरदायी होगा।

(२) प्राधिकार औद्योगिक क्षेत्र तथा उसकी सुख-सुविधाओं के आयोजन, विकास और अनुरक्षण तथा भूमि के आवंटन पट्टा-निष्पादन और ऐसा आवंटन पट्टा रद्द करने तथा फीस, लगान, प्रभार वसूल करने और उससे संबंधित बातों के लिए उत्तरदायी होगा।

(३) राज्य सरकार समय-समय पर, प्राधिकार को कोई ऐसा अन्य कार्य सौंप सकेगी जो औद्योगिक क्षेत्र और उसकी सुख-सुविधाओं के योजनावद्ध विकास या अनुरक्षण तथा उससे संबंधित बातों से संबद्ध हो।

(४) प्राधिकार को विकास-क्षेत्र की सड़कों, मकान की नालियों, भूमि और प्राधिकार की सम्पत्ति पर हुए अधिक्रमण को हटाने के प्रयोजनार्थ बिहार-उड़ीसा नगरपालिका अधिनियम, १९२२ की धारा १९६, १९७, १९८, १९९, २००, २०१ और २०२ में यथा विनिर्दिष्ट नगरपालिका के कमिश्नरों की शक्तियां होंगी।

(५) राज्य सरकार शासकीय गजट में अधिसूचना द्वारा, आवास और विद्यालय जैसी नागरिक सुख-सुविधाओं के आयोजन, विकास और अनुरक्षण, अधिक्रमण हटाने, आदि के लिए, प्राधिकार या अध्यक्ष अथवा प्रबंध निदेशक में अन्य अधिनियम के अधीन ऐसी शक्तियां निहित कर सकेगी जिनका इस संबंध में तत्समय प्रवृत्त किसी विधि के अधीन कोई स्थानीय प्राधिकार या कानूनी निकाय अथवा राज्य एजेंसी प्रयोग कर सकती हो।

(६) यदि प्राधिकार की राय में, उसके द्वारा किसी विकास-क्षेत्र में निष्पादित विकास कार्यक्रम के फलस्वरूप, विकास से लाभान्वित क्षेत्र की किसी सम्पत्ति का मूल्य बढ़ गया हो, तो प्राधिकार, राज्य सरकार के पूर्व अनुमोदन से, सम्पत्ति की स्वामियों या उससे हितवद्ध किसी व्यक्ति पर विकास कार्य के निष्पादन के फलस्वरूप सम्पत्ति के मूल्य में हुई वृद्धि के लिए, सुधार प्रभार लगा सकेगा।

परन्तु, राज्य या केन्द्र सरकार द्वारा स्वाधिकृत भूमि पर कोई सुधार प्रभार नहीं लगाया जाएगा।

(७) किसी विकास क्षेत्र में स्थित किसी संपत्ति को संबंध में सुधार प्रभाव वह रकम होगा जो विकास-स्कीम का निष्पादन होने से पूर्व संपत्ति को भवन सहित मानकर प्राक्कलित मूल्य से विकास-स्कीम का निष्पादन पूरा हो जाने पर उसी रीति से प्राक्कलित संपत्ति का मूल्य जितना अधिक होता हो उसके एक-तिहाई के बराबर हो।

(८) प्राधिकार, राज्य सरकार से प्राप्त होनेवाले अनुदान, अग्रिम या अग्र-साहाय्य के अतिरिक्त, राज्य सरकार को पूर्व अनुमोदन से अन्य स्रोतों से भी उधार ले सकेगा।

७। वित्तीय शक्तियाँ।—(१) प्राधिकार को अपनी निधि होगी जिसका वह अनुरक्षण करेगा और जिसमें निम्नलिखित रकमों जमा की जाएंगी :—

- (क) प्राधिकार द्वारा राज्य सरकार से अनुदान, कर्ज और अग्रिम के रूप में या अन्यथा प्राप्त सभी धन ;
- (ख) इस अधिनियम के अधीन, प्राधिकार द्वारा प्राप्त सारी फीस, लगान, प्रभार, उद्ग्रहण और जुर्माने ;
- (ग) प्राधिकार द्वारा अपनी चल और अचल आस्तियों के निपटारे से प्राप्त सभी धन ;
- (घ) प्राधिकार द्वारा वित्तीय और अन्य संस्थाओं से कर्ज के रूप में और प्राधिकार को राज्य सरकार द्वारा सम्यक रूप से अनुमोदित किसी स्कीम या स्कीमों के निष्पादन के लिए, जारी किए गए ऋण-पत्रों (डिबेंचर) से प्राप्त सभी धन।

(२) जबतक राज्य सरकार अन्यथा निर्देश न दे, प्राधिकार द्वारा प्राप्त सभी धन इसकी निधि में जमा किए जाएंगे जो (निधि) स्टेट बैंक ऑफ इंडिया और या एक अथवा अधिक राष्ट्रीयकृत बैंक के पास रखी रहेगी और उसमें से निकाली, जब और जैसा प्राधिकार को अपेक्षित होगी, की जाएगी।

८। बजट।—(१) प्राधिकार हरेक वर्ष एक धगले वित्त-वर्ष के लिए एक बजट परित करेगा, जिसमें प्राधिकार के प्राक्कलित आमद-खर्च दिखाए रहेंगे, और उतनी प्रतियाँ राज्य सरकार को अग्रसारित करेगा जो नियमों द्वारा निर्दिष्ट हों और राज्य सरकार ऐसे निर्देश जारी कर सकेगी जो इस अधिनियम के अंतर्गत समीचीन समझे जाए।

(२) प्राधिकार समुचित लेखा और अन्य सुसंगत अभिलेख रखेगा और तुलना-पत्र सहित लेखाओं का वार्षिक विवरण तैयार करेगा।

(३) प्राधिकार का लेखा प्रतिवर्ष महालेखापाल, बिहार द्वारा संपरीक्षित होगा और ऐसी संपरीक्षा के संबंध में इससे द्वारा किया गया कोई व्यय प्राधिकार द्वारा महालेखापाल, बिहार को देय होगा। महालेखापाल को प्राधिकार के लेखाओं की संपरीक्षा करने के संबंध में वे सभी विशेषाधिकार और प्राधिकार प्राप्त होंगे जिनका वह, सरकारी लेखाओं की संपरीक्षा करने के संबंध में, हकदार है।

(४) महालेखापाल, बिहार या इसके द्वारा इस निमित्त नियुक्त किसी अन्य व्यक्ति द्वारा यथाप्रमाणित प्राधिकार का लेखा संपरीक्षा रिपोर्ट सहित प्रतिवर्ष राज्य सरकार को एक वार्षिक रिपोर्ट के साथ अग्रसारित किया जाएगा।

अध्याय ४

प्रकीर्ण उपबन्ध

६। (१) राज्य सरकार प्राधिकार के प्रयोजनार्थ अपेक्षित किसी भूमि का प्रयोजन कर सकेगी जो प्रयोजन, भू-युक्त अधिनियम, १९६४ के अधीन लोक प्रयोजन समझा जायगा।

(२) राज्य सरकार इस अधिनियम के उपबन्ध के अनुसार, विकास या उपयोग के प्रयोजनार्थ, बिहार राज्य में निहित कोई विकसित या अविकसित भूमि प्राधिकार को सरकार द्वारा यथाविनिश्चित निबन्धनों और शर्तों पर पट्टा विलेख द्वारा प्रंतरित कर सकेगी।

(३) यदि उप-धारा (२) के अधीन प्राधिकार को जिम्मे इस प्रकार दी गई कोई भूमि किसी समय राज्य सरकार के लिए अपेक्षित हो तो प्राधिकार इसे राज्य सरकार को प्रत्यावर्तित कर देगा।

१०। प्राधिकार का हरेक निदेशक तथा हरेक पदाधिकारी और कर्मचारी भारतीय दंड-संहिता की धारा २१ के अर्थ के अन्तर्गत लोक-सेवक समझा जायगा।

११। फीस, लगान या प्रभार मद्धे, अथवा भूमि, मकान या अन्य चल और प्रचल सम्पत्ति के निपटारे से अथवा लगान और मुनाफे के रूप में प्राधिकार को देय कोई घन प्राधिकार द्वारा बिहार लोक मांग वसुली अधिनियम (पब्लिक डिमांड्स रिकवरी ऐक्ट), १९१४ के अधीन भू-राजस्व के वकाये के रूप में वसूल किया जा सकता है।

१२। शक्ति।—(१) कोई व्यक्ति जो संरचना या अधिक्रमण हटाने के संबंध में प्राधिकार द्वारा इस निमित्त बनाये गए किसी विनियम का उल्लंघन करे या भूमि या भवन का उपयोग करे वह १०,००० रु० तक के जुर्माने से या छः महीने

तक को सादा कारावास से या दोनों से और अनराध जारी रहने की दशा में उल्लंघन के हर दिन के लिए १०० रु० तक के प्रतिरिक्त जुर्माने से दंडनीय होगा।

(२) इस अधिनियम के अधीन अभियोग के संबंध में वसूल किये गये सभी जुर्माने प्राधिकार को चुकाए जाएंगे।

(३) इस अधिनियम के अधीन किसी अपराध का विचारण प्रथम श्रेणी के सहाधिकारी से अन्यून पक्ति का कोई न्यायालय नहीं करेगा।

१३। यथापूर्वोक्त के सिवाय, इस अधिनियम और इसके अधीन बने नियमों और विनियमों के उपबन्ध, राज्य में प्रवृत्त किसी अन्य विधि में संतुष्ट किसी असंगत बात के होने पर भी, प्रभावी होंगे।

१४। राज्य सरकार शासकीय गजट में अधिसूचना द्वारा, इस अधिनियम की प्रयोजनों को कार्यान्वित करने के लिए नियम बना सकेगी और विशेषकर निम्नलिखित के लिए उपबंध कर सकेगी :—

(क) प्राधिकार की भूमि पर हुए अधिक्रमण को हटाना।

(ख) अप्राधिकृत संरचनाओं को हटाना ;

(ग) ऐसे भवनों को गिराना, जिनसे योजना में बाधा पड़ती हो या जो प्राधिकार के विनियमों का उल्लंघन करते हुए खड़े किये गए हों ;

(घ) प्राधिकार के कर्तव्यों, शक्तियों और उत्तरदायित्वों से संबंधित विषयों पर, प्राधिकार द्वारा राज्य सरकार की रिपोर्टों और विवरणियों का उपस्थापन। और

(ङ) राज्य सरकार द्वारा ऐसे निर्देशों का जारी किया जाना, जिनमें इस अधिनियम के लक्ष्यों और उद्देश्यों को पूरा करने के लिए व्यापक सिद्धांत अधिकृत हों।

१५। प्राधिकार राज्य सरकार के पूर्व अनुमोदन से, शासकीय गजट में संक्षेप प्रकाशित कर इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए विनियम बना सकेगा।

१६। किसी भी व्यक्ति के विरुद्ध उसके द्वारा किये गये ऐसे कार्य के लिए को, वाद, अभियोजन या अन्य विधिक कार्यवाही नहीं चलाई जायगी, जो इस अधिनियम या इसके अधीन बनाए गए किसी नियम या विनियम के अधीन सद्भावपूर्वक किया गया हो या किये जाने के लिए आवश्यक हो।

१७। जब राज्य सरकार का समाधान हो जाय कि जिस प्रयोजन के निमित्त अधिनियम के अधीन प्राधिकार की स्थापना हुई थी, वह पूर्णतः रूप से पूरा हो चुका है, जिससे प्राधिकार का बना रहना अनावश्यक हो चुका है, तब, सरकार शासकीय गजट में अधिसूचना द्वारा, घोषणा कर सकेगी कि प्राधिकार अधिसूचना में पर्याविनिर्दिष्ट तारीख से विघटित हो जायगा; और तदनुसार प्राधिकार उक्त तारीख से विघटित समझा जायगा और प्राधिकार की संपत्तियां, निधि और उसके द्वारा वसूलनीय सभी पावने उसके दायित्वों के साथ राज्य सरकार पर न्याय हो जायेंगे।

१८। निरसन और अपावर्त।—(१) बिहार औद्योगिक क्षेत्र विकास प्राधिकार द्वितीय अध्यादेश, १९७४ (बिहार अध्यादेश सं० ८०, १९७४) इसके द्वारा निरसित किया जाता है।

(२) ऐसे निरसन के होते हुए भी उक्त अध्यादेश के द्वारा या अधीन प्रदत्त किसी शक्ति के प्रयोग में किया गया कोई कार्य या की गई कोई कार्रवाई इस अधिनियम के द्वारा या अधीन प्रदत्त शक्तियों के प्रयोग में किया गया या की गई समझी जायगी मानें यह अधिनियम उस दिन प्रवृत्त था जिस दिन ऐसा कार्य किया गया या ऐसी कार्रवाई की गई थी।

कृष्णदेव प्रसाद,
सरकार के मपर-सचिव।

अधीक्षक, राजस्व तथा भू-संसाधन, बिहार, पटना द्वारा मुद्रित तथा प्रकाशित,
राज्यीय प्रकाशन-समन्वय मंडल द्वारा प्रकाशन, पटना द्वारा प्रकाशित।
बिहार गजट (प्रसाधारण), ७५४—लाईनो—२९९०—२१९—ग०व०मा०

Draft of the Regulation of Bihar Industrial Area Development Authority, Patna U/S 15 of Bihar Industrial Area Development Authority Act, 1974.

CHAPTER - I

General

1. These Regulations may be called the Bihar Industrial Area Development Authority Regulations.
2. Definition : In this Regulations unless the context otherwise requires.
 - (a) The Act means the Bihar Industrial Area Development Authority Act, 1974 (Act. 16 of 1974).
 - (b) Rules means the Bihar Industrial Area Development Authority Rules 1981.
 - (c) Section means a section of the Act.
 - (d) Authority means the Bihar Industrial Area Development Authority.
 - (e) Chairman means the Chairman of the Authority.
 - (f) Meeting means a meeting of the Authority.
 - (g) Member means a member constituting the Authority.
 - (h) Managing Director means Managing Director of the Authority who will function as Chief Executive of the Authority.

CHAPTER - II

Conduct of Business of the Authority

3. The member of the Authority shall meet for transaction of its business from time to time and shall meet at least once in every three calendar months.
4. The Chairman of the Authority can call a meeting whenever he thinks fit. A meeting may also be called on a written request by any member of the Authority.
5. The meeting of the Authority shall ordinarily be held in the office of the Authority, but the Chairman may direct the meeting to be held at any other place.
6. A notice in writing specifying the date, time and place of the meeting will be served on each member at least a week before the date of the meeting provided that the meeting may be held on shorter notice to transact business of an urgent nature.
7. Three members entitled to vote at a meeting will constitute the quorum without which no business could be transacted at any such meeting.
8. The adjourned meeting may be held at such place,

date and time as may be decided by the Chairman and no quorum will be necessary for an adjourned meeting.

9. The Chairman, or in his absence, any member elected by the member present at the meeting shall preside over the meeting.

10. Decision in the meeting of the Authority will be as far as possible taken on unanimity, but in case of difference of opinion among the members, decision shall be taken on the basis of majority of members. In the event of equality of votes, the Chairman will have a casting or second vote.

11. Minutes of the proceedings of all meetings shall be recorded in book to be kept for the purpose and shall be signed by the Chairman of the meeting, which shall later be put up for confirmation in the subsequent meeting.

12. The Authority may invite persons likely to render advice to the Authority with regard to business to be transacted by it provided that such special invitees or co-opted members shall not have the right to vote at the meeting.

13. The Authority may, from time to time, for the purposes of carrying out its duties and responsibilities under the Act appoint a Committee or Committees consisting of its own member or of others or jointly and refer to them such matters as the Authority may deem fit. Unless specially authorised by the Authority, the decisions of the Committee shall have to be approved in a meeting of the Authority.

14. The powers and functions of such a Committee or Committees shall be such as may be determined by the Authority.

CHAPTER - III

Power and duties of Chairman and Managing Director.

15. The Chairman will be the Head of the Authority and

- (a) The Chairman shall preside over the meetings of the Authority and guide its deliberations.
- (b) Will do all things necessary for the fulfilment of the objects for which the Authority was constituted.
- (c) The Chairman shall guide and supervise the functioning of the Authority and in that capacity will issue such instructions to the Managing Director, the Chief Executive of the Authority as are necessary for the implementation of the decisions of the Authority.
- (d) If the Chief Executive Office has to do any work in anticipation of the formal approval of the Authority, the Chairman can issue orders to this effect.

16. Subject to the general control of the Authority, the Managing Director shall

- (a) Organise and supervise the office of the Authority, maintain discipline and exercise such other powers with regard to establishment matters like appointment, promotion, disciplinary action, leave to staff etc. as may be delegated to him by the Authority.
- (b) Receive and expend, subject to budget provision, moneys on behalf of the Authority and maintain proper accounts, vouchers and receipts thereof.
- (c) Perform such other duties as may be specified by Authority or Chairman from time to time.

CHAPTER - IV

Secretary

17. The Authority will appoint a person to act as Secretary of the Authority. His functions will include interalia

- (1) Attending meetings of the Authority.
- (2) Preparing and keeping agenda of meeting and minutes of proceedings.
- (3) Complying with the directions of the Authority and ensure implementation of the decisions and instructions of the Authority, Chairman and Managing Director.
- (4) Sending of notices to members and others.
- (5) Complying with the many obligation under the Act like maintenance of proper books and registers.
- (6) Filling the necessary returns with the State Government and other statutory Authorities.
- (7) Organising and controlling the office staff, field staff and others.

Secretary will function under the directions and instructions of the Managing Director issued from time to time.

CHAPTER - V

Accounts

18. All moneys received by the Authority by way of fees, fines, charges, grants, loans etc. shall be recredited to the Authority's fund and all expenditure incurred by the Authority shall be paid out of the said fund.

19. The Managing Director will operate the fund of Authority and no money shall be paid from the funds of the Authority except on an order to pay signed by the Managing Director.

Provided that the Managing Director may delegate this power to any other officer of the Authority who may exercise

this power under the general guidance and supervision of the Managing Director and subject to such financial limits and restrictions which may be laid down by the Managing Director.

20. The Authority shall keep proper books of accounts with respect to :

- (a) All sums of money received and expended by the Authority and the matters in respect of which the receipt and expenditure take place
- (b) All sales of goods by the Authority and
- (c) All assets and liabilities of the Authority.

21. The books of account shall be open to inspection by any member of the Authority during office hours.

22. The Managing Director shall within six months of the close of each financial year lay before the Authority audited statements of accounts for the financial year of the Authority and audited balance sheet made as of at the end of the financial year.

23. Every balance sheet and every annual statement of accounts shall be signed by the Managing Director and Chief Accounts Officer.

24. The audited Balance Sheet and the annual statement of account shall be approved by the Authority and after approval, a copy of the Balance sheet and the annual statement account shall be sent to the State Govt. together with a report of the Authority with respect to the affairs of the Authority.

CHAPTER - VI

Audit

25. Every Balance sheet and Annual statement of Account shall be audited by one or more auditors to be appointed by the Managing Director.

26. The Auditor shall make a Report to the Authority on the accounts examined by them and on every Balance sheet and annual statement of account and on every other document annexed to the Balance sheet or annual statement of account, which are laid before the Authority and the Report shall state whether, in his opinion and to the best of his information according to the explanations given to him the said accounts give the information required by this act in the manner so required and give a true and fair view :-

- i) in the case of Balance sheet, of the state of the Authority's affairs as at the end of its financial year and
- ii) in the case of the annual statement of account for its financial year.

27. The Auditor's Report shall also state :

- (a) whether he has obtained all the informations and explanations which to the best of his knowledge and belief were necessary for the purpose of his audit.

- (b) Whether in his opinion, proper books of account as required by law have been kept by the Authority ~~so far as required by law have been kept by the Authority~~ so far as appears from examination of those books and proper returns adequate for the purposes of his audit have been received from branches not visited by him.
- (c) Whether the Authority's Balance sheet and annual statement of account dealt with by the Report are in agreement with the books of Account and returns.

CHAPTER - VII

ESTABLISHMENT

8. Subject to the appropriate provisions in the budget and also such prior approval of the State Government as required under the rules the Authority may create or abolish and make appointment to such posts which it considers necessary for the proper performance of its duties and functions.

29. The Authority or the Managing Director as the case may be exercise disciplinary control over its employees provided that in case of employees whose services have been obtained in lien or on deputation from the State Government or the Central Government the cases shall be submitted to the State Government.

CHAPTER - VIII

CIVIL WORKS

30. In carrying out any Engineering or other works in the discharge of its functions, the Authority will be guided as far as practicable by the provisions contained in the P.W.D. code as applicable to the State Government until such time as specific guide lines are framed by the Authority itself.

CHAPTER - IX

CONSTITUTION OF STANDING COMMITTEE

31. The Authority may with the approval of the State Government constitute a Standing Committee of not more than 21 persons composed of one or more members of the Authority, Officers of the State Govt. representatives of the employees, and such other persons as may help in fulfilling the tasks entrusted to the Standing Committee.

32. The functions of the Standing Committee will be the followings :-

- (a) To draw up plans for development of Industries and to establish contacts with major Industries for forwarding orders to ancillary units.
- (b) To prepare a list of Industries which would be encouraged in order of priority to be developed in the Industrial Area.
- (c) To consider the problems related to the essential relationship between the parent and ancillaries industries viz. terms of sub-construction method of pricing, mode of payment, quality control, common facilities

and technical guidance and such other problems and to recommend suitable remedial measures.

- (d) To assess requirement of parts, components etc. required by large industries and to endeavour for the establishment of such units in the area and draw a list of priorities in the establishment of such industries.
- (e) To review the progress of development work in the Industrial Areas.
- (f) To screen applications received by the Local officers I/O of Industrial Areas for allotment of factory space and loans and make recommendations to Government.
- (g) To process applications for approval and registration.
- (h) To lay down policies regarding pricing, and price preference establishment of common facility services.

33. The Authority may from time to time entrust such other function to the Standing Committee as the Authority may deem fit.

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बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

14 ज्येष्ठ 1940 (श०)
(सं० पटना 520) पटना, सोमवार, 4 जून 2018

विधि विभाग

अधिसूचनाएं

4 जून 2018

सं० एल०जी०-01-30/2017-37 लेज। — बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति दिनांक 17 मई 2018 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार —राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

[बिहार अधिनियम-07, 2018]

बिहार औद्योगिक क्षेत्र विकास प्राधिकार (संशोधन) अधिनियम, 2017

प्रस्तावना :- बिहार औद्योगिक क्षेत्र विकास प्राधिकार अधिनियम, 1974 (बिहार अधिनियम 16, 1974) का संशोधन करने के लिए अधिनियम।

भारत गणराज्य के अड़सठवें वर्ष में बिहार राज्य विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1. संक्षिप्त नाम, विस्तार और प्रारंभ। - (1) यह अधिनियम बिहार औद्योगिक क्षेत्र विकास प्राधिकार (संशोधन) अधिनियम, 2017 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य होगा।

(3) यह तुरंत के प्रभाव से प्रवृत्त होगा।

2. बिहार अधिनियम 16, 1974 की धारा-2 में संशोधन।- उक्त अधिनियम, 1974 की धारा-2 की उपधारा (क) में प्रयुक्त शब्द "अस्पताल" के बाद शब्द "संयुक्त वहि: स्त्राव उपचार प्लांट, संयुक्त सुविधा केन्द्र, ठोस कचरा प्रबंधन तंत्र", अंत:स्थापित किए जाएंगे।

3. बिहार अधिनियम 16, 1974 की धारा-3 में संशोधन।- (1) उक्त अधिनियम, 1974 की धारा-3 की उप धारा (3) के खंड (ii) में प्रयुक्त शब्द "आयुक्त" के पूर्व शब्द "सचिव अथवा" अंत: स्थापित किए जाएंगे।

(2) उक्त अधिनियम, 1974 की धारा-3 की उपधारा (4) के बाद निम्नलिखित नई उपधारा (4क) जोड़ी जाएगी:-

"(4क) प्राधिकार, लिखित रूप में सामान्य या विशेष आदेश द्वारा प्राधिकार के किसी पदाधिकारी को उन शर्तों के अधीन रहते हुए यदि कोई हो, जो आदेश में विनिर्दिष्ट की जाये, इस अधिनियम के अधीन अपनी शक्तियों एवं कृत्यों को, जिसे आवश्यक समझा जाय, प्रत्यायोजित कर सकेगा।"

4. बिहार अधिनियम 16, 1974 की धारा-4 में नई धारा-4क का अंत:स्थापन।- उक्त अधिनियम, 1974 की धारा-4 के बाद निम्नलिखित नई धारा 4क अंत: स्थापित की जाएगी:

"4क. औद्योगिक क्षेत्र-(1) औद्योगिक क्षेत्र में कतिपय एक या एक से अधिक निम्नलिखित भूमि अंतर्विष्ट होंगी:-

(i) राज्य सरकार द्वारा अर्जित तथा इस अधिनियम की धारा-9 के अधीन प्राधिकार को अंतरित सभी भूमि;

(ii) प्राधिकार द्वारा लीज, लगान और क्रय अथवा अधिनियम की धारा-6(10) और धारा-9 के अधीन किसी अभिवृत्ति के रूप में अर्जित सभी भूमि;

(2) किसी अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, प्राधिकार ऐसे औद्योगिक क्षेत्र के लिए औद्योगिक आयोजन क्षेत्र से संबंधित विकास नियंत्रण विनियम, संबंधित उपविधि, मास्टर प्लान तथा ऐसे ही कुछ विषय अधिसूचित कर सकेगी।"

5. बिहार अधिनियम 16, 1974 की धारा-6 में संशोधन।- (1) उक्त अधिनियम, 1974 की धारा-6 की उप धारा (1) के बाद निम्नलिखित नई उप धारा (1क) जोड़ी जाएगी:-

"(1क) प्राधिकार धारा-4क यथोलिखित औद्योगिक क्षेत्र के औद्योगिक आयोजन के लिए क्रियान्वयन एजेंसी होगा।"

(2) उक्त अधिनियम, 1974 की उपधारा (2) में प्रयुक्त शब्द "भूमि" के बाद शब्द "अथवा करखाना का शेड या भवनों अथवा भवनों के भागों" तथा आगे शब्द "लीज निष्पादन" के बाद शब्द "उपांतरण" अंत: स्थापित किए जाएंगे।

(3) उक्त अधिनियम, 1974 की धारा-6 की उप धारा (2) के खंड (क) में प्रयुक्त शब्द "उद्योग" के बाद शब्द "अथवा प्राधिकार के सभी बकाए, लगान, प्रभारों का भुगतान ससमय नहीं किए गए हों अथवा अनुमोदित योजना के विरुद्ध कोई निर्माण कार्यान्वित किया गया हो अथवा उद्योग के लिए खतरनाक क्रियाकलाप में लगे हो," अंत:स्थापित किए जाएंगे।

(4) उक्त अधिनियम, 1974 की धारा-6 की उप धारा 2(ख) के बाद निम्नलिखित नई उप धारा (ग) एवं (घ) क्रमश: अंत:स्थापित की जाएगी:-

2"(ग) प्राधिकार, भवन विनियमों के संबंध में प्रत्येक प्लॉट में उपयोग न लाए गए भवन निर्माण योग्य क्षेत्र की पहचान नियमित रूप से करेगा। प्राधिकार औद्योगिक क्षेत्र में प्लॉट धारकों को, विहित प्रारूप में ब्योरे भेजने हेतु सूचना निर्गत करेगा। प्रतिवेदन देने पर, यदि प्राधिकार का यह समाधान हो जाए कि प्लॉट धारक अपने प्लॉट के अधिकतम भवन निर्माण योग्य क्षेत्र का उपयोग, अथवा जिस प्रयोजन के लिए भूमि आवंटित थी उस प्रयोजन के लिए कब्जा प्राप्त करने की तिथि से 3(तीन) वर्ष अथवा राज्य सरकार द्वारा अधिसूचित किसी अन्य अवधि के बाद भी नहीं किया है तो उपयोग न लाए गए भाग को, किसी उद्योग को जगह देने के लिए रद्द कर दिया जाएगा। प्लॉट का वह भाग जिसका

उपयोग आवंटी/पट्टाधारी द्वारा नहीं किया जा रहा हो, चिन्हित किया जाएगा और प्राधिकार द्वारा किसी नए आवंटी/पट्टाधारी को देने के लिए अधिगृहित कर लिया जाएगा।

- 2(घ) आवंटित प्लॉट या क्षेत्र पर कारोबार का आरंभ।—कोई भी व्यक्ति, जबतक प्राधिकार द्वारा, प्लॉट के कब्जा के समय आवंटी द्वारा दाखिल किए गए विस्तृत प्रोजेक्ट प्रतिवेदन के अनुसार और प्राधिकार के विकास नियंत्रण विनियमों के अनुसार क्रियान्वयन के बाद एक अधिभोग प्रमाण पत्र न निर्गत कर दिया जाय, कारोबार आरंभ नहीं करेगा। प्राधिकार विस्तृत प्रोजेक्ट प्रतिवेदन में किसी विचलन की अनुज्ञा देगा बशर्ते कि ऐसा विचलन, प्लॉट पर किसी ऐसे विचलन क्रियान्वयन आरंभ होने के पूर्व, प्राधिकार को सूचित किया गया हो और अनुमोदित किया गया हो।”

(5) उक्त अधिनियम की धारा-6 की उपधारा (3) के बाद निम्नलिखित नई उपधारा (3क) अंतःस्थापित की जाएगी:—

“(3क) प्राधिकार आवंटन नीति, अंतरणनीति, निकास नीति, रद्दकरण नीति अथवा औद्योगिक क्षेत्र के अच्छे प्रबंधन के लिए ऐसी ही अन्य नीति का निर्माण करेगा।”

- (6) उक्त अधिनियम, 1974 की धारा-6 की उप धारा (4) को निम्नलिखित से प्रतिस्थापित किया जायेगा:—

“(4)(क) प्राधिकार के प्रबंध निदेशक को बिहार लोक भूमि अतिक्रमण अधिनियम, 1956 की धारा-2 की उपधारा (1) के अंतर्गत प्राधिकार के सड़कों, घरों, गलियों, विकास क्षेत्र एवं संपत्तियों पर अतिक्रमण हटाने के उद्देश्य से समाहर्ता की शक्ति होगी।

(4)(ख) कोई भी व्यक्ति, जो प्राधिकार के सड़क, घरों, गलियों, विकास क्षेत्र या संपत्ति पर अतिक्रमण करता हो या रद्द प्लॉट अथवा प्लॉट के भाग पर कब्जा जारी रखता है या बैठता है, अतिक्रमणकारी माना जाएगा और प्राधिकार इस अधिनियम के निर्बंधनों के अनुसार आवश्यक कार्रवाई करेगा।”

(7) उक्त अधिनियम, 1974 की धारा-6 की उप धारा (8) के बाद निम्नलिखित उप धारा (9) एवं (10) जोड़ी जाएंगी:—

“(9) प्राधिकार औद्योगिक क्षेत्र को प्रभावी रूप से प्रबंधित करने के लिए औद्योगिक क्षेत्र प्रबंधन समिति का गठन कर सकेगा।

- (10) प्राधिकार को निम्नलिखित शक्तियाँ होंगी:—

(क) स्थावर या जंगम में, दोनों ऐसी संपत्ति जिसे प्राधिकार अपनी क्रियाकलापों में से किसी के भी अनुपालन के लिए आवश्यक समझे, अर्जित एवं धारित करने;

(ख) विहित नियमों के अनुसार किसी भूमि करार द्वारा क्रय करने या लीज, लगान अथवा अभिधृति के किसी प्रारूप के अधीन लेने, ऐसे भवन खड़ा करने तथा ऐसे अन्य कार्य निष्पादित करने जो अपने कर्तव्यों तथा कृत्यों को क्रियान्वित करने के प्रयोजनार्थ आवश्यक समझे;

6. बिहार अधिनियम 16, 1974 की धारा-7 में संशोधन।— उक्त अधिनियम, 1974 की धारा-7 की उपधारा (2) के बाद निम्नलिखित उपधारा (3), (4) एवं (5) क्रमशः जोड़ी जाएंगी:—

“(3) ऐसे लेखाओं का संचालन प्राधिकार के ऐसे पदाधिकारियों द्वारा किया जायेगा जो इस निमित्त इसके द्वारा बनाए गए नियमों द्वारा प्राधिकृत किया जाय।

(4) प्राधिकार को ऐसी रकम, जिसे वह इस अधिनियम के अधीन प्राधिकृत प्रयोजनों के लिए उचित समझे, आवश्यकतानुसार प्राधिकार की समान्य निधि से खर्च करने की शक्ति होगी।

(5) उपर्युक्त उपधारा (2) एवं (3) में अंतर्विष्ट किसी बात के होते हुए भी, प्राधिकार ऐसी रकम, जिसे अपने दिन प्रतिदिन के लिये संव्यवहार उचित समझे, यथा विहित सीमाओं और शर्तों के अधीन रहते हुए, अपने हाथ में रख सकेगा।”

7. बिहार अधिनियम 16, 1974 की धारा-8 में संशोधन।— (1) उक्त अधिनियम, 1974 की धारा-8 की उपधारा (1) के बाद निम्नलिखित उपधारा (1क) एवं (1ख) अंतःस्थापित की जाएंगी:—

“(1क) प्राधिकार वर्ष के दौरान कार्य के कार्यक्रमों में फेरफार करने हेतु सक्षम होगा बशर्ते कि बजट की मंजूरी के बिना सभी ऐसे फेरफार और पुनर्विनियोजन एक अनुपूरक वित्तीय विवरण द्वारा राज्य सरकार के जानकारी में लाए गए हो।

(1ख) राज्य सरकार ऐसे अनुदान, आर्थिक सहायता, ऋण तथा अग्रिम प्राधिकार को उपलब्ध करायेगा जो उसे इस अधिनियम के अधीन प्राधिकार के कृत्यों के अनुपालन के लिए आवश्यक समझें, तथा सभी दिए गए अनुदान, आर्थिक सहायता ऋण एवं अग्रिम उन निर्बंधनों और शर्तों पर होंगे जो राज्य सरकार विहित करे।”

(2) उक्त अधिनियम, 1974 की धारा-8 की उपधारा (4) के बाद निम्नलिखित उपधारा (5) जोड़ी जाएगी:-

“(5) प्राधिकार पूर्व वित्तीय वर्ष के दौरान अपने क्रियाकलापों, नीतियों तथा कार्यक्रमों का सत्य एवं पूर्ण लेखा तथा अग्रदृष्टि विवरण नियमों में विहित प्रारूप में देते हुए प्रत्येक वित्तीय वर्ष के अंत के बाद 90 दिनों के भीतर एक वार्षिक प्रतिवेदन राज्य सरकार को भेज देगा।”

8. बिहार अधिनियम 16, 1974 की धारा-9 में संशोधन।- उक्त अधिनियम, 1974 की धारा-9 की उपधारा (1) में प्रयुक्त शब्द एवं अंक “भू-अर्जन अधिनियम, 1894 शब्द “विद्यमान भू-अर्जन विधियों” द्वारा प्रतिस्थापित किए जाएंगे।

9. बिहार अधिनियम 16, 1974 की धारा-12 में संशोधन।- उक्त अधिनियम, 1974 की धारा-12 की उपधारा (1) में प्रयुक्त शब्द एवं अंक “वह 10,000 रु० तक के जुर्माने से” शब्द एवं अंक “पांच लाख या प्राधिकार द्वारा उपगत सभी खर्च का 300% जो भी अधिक हो” द्वारा तथा आगे शब्द एवं अंक “हर दिन के लिए 100 रु० तक” शब्द “प्रतिदिन पांच हजार रुपये” द्वारा प्रतिस्थापित किए जाएंगे।

10. बिहार अधिनियम 16, 1974 की धारा-14 में संशोधन।- उक्त अधिनियम, 1974 की धारा-14 के खंड (ग) के बाद निम्नलिखित खंड (ग-1) जोड़ा जाएगा :-

“(ग-1) भूमि एवं/अथवा भवन को क्रय करने, संपत्ति को पट्टे अथवा किराये पर लेने”

बिहार-राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

4 जून 2018

सं० एल०जी०-01-30/2017/38/लेज—बिहार विधान मंडल द्वारा यथापारित और महामहिम राष्ट्रपति द्वारा दिनांक 17 मई 2018 को अनुमत बिहार औद्योगिक क्षेत्र विकास प्राधिकार (संशोधन) अधिनियम 2017, (बिहार अधिनियम, 7, 2018) का निम्नलिखित अंग्रेजी अनुवाद बिहार-राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड(3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

[Bihar Act 7, 2018]
The Bihar Industrial Area Development Authority (Amendment) Act, 2017
AN
ACT

Preamble:- To amend the Bihar Industrial Area Development Authority Act 1974 (Bihar Act 16, 1974)

Be it enacted by the Legislature of the State of Bihar in sixtyeight year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called The Bihar Industrial Area Development Authority (Amendment) Act, 2017.

(2) It shall extend to whole State of Bihar.

(3) It shall come in to force with immediate effect.

2. Amendment in section 2 of the Bihar Act 16, 1974. —After the words “Hospital” used in sub section (a) of section (2) of the said Act, 1974 the words “common effluent treatment plant, provision of common facility centre, solid waste management system” shall be inserted.

3. Amendment in Section 3 of the Bihar Act 16, 1974. - (1) The words “a Secretary or” shall be inserted before the word “commissioner” used in sub section (3) (ii) of the said Act, 1974.

(2) The following sub section (4a) shall be inserted after sub section (4) of section 3 of the said Act, 1974:-

“(4a) The Authority may, by general or special order in writing delegate to any officer of the Authority subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.”

4. Insertion of new section 4A in the Bihar Act 16, 1974- The following new section 4A shall be inserted after section 4 of the said Act 16, 1974:

“4A Industrial Area.—(1) The Industrial Area may contain one or more of the following lands:

(i) All lands acquired by the State Government and transferred to the Authority under Section 9 of the Act.

(ii) All lands acquired by the Authority on lease, rent, and purchase or acquired under any form of tenancy under Section 6 (10) and Section 9 of the Act.

(2) Notwithstanding anything contained in any other law, the Authority shall notify Development Control Regulation, related byelaws, master plan and such other matters with respect to industrial planning for such Industrial Area.”

5. Amendment in section 6 of the Bihar Act 16, 1974.- (1) The following sub section (1a) shall be added after sub section (1) of section 6 of the said Act, 1974:-

(1a) The Authority shall be the implementation agency for industrial planning of industrial area as mentioned in Section 4A.

(2) After the words “allotment of land” used in sub section (2) of section 6 of the said Act 16, 1974. The words “or factory shed or building or parts of buildings” and further after the words “execution of lease” the word “modification” shall be inserted.

(3) After the words “the Industry” used in clause (a) of sub section (2) of section 6 of the said Act, 1974, the words “or all dues, rent, charges of the Authority have not been paid within time or unregistered product is manufactured or any construction contrary to the approved plan has been carried out or an activity injurious to industries has been engaged into” shall be inserted.

(4) The following sub section (c) and (d) shall be inserted after sub section 2(b) of section 6 of the said Act, 1974:- “(c) The Authority shall regularly identify unutilized buildable area in each plot with regard to the building regulations. The Authority shall issue notices to the plot holders in the Industrial Area calling upon them to furnish details in a prescribed form. Upon the submission

of the report if the Authority is satisfied that the plot holder has not utilized the maximum buildable area of his plot even after 3 (three) years or any other period notified by the State Government, from the date of taking over the possession for the purpose for which the land was allotted, the unutilized portion shall be cancelled for accommodating another industry. The portion of the plot that is not being utilized by an allottee/ lessee be demarcated and taken over by the Authority for accommodating a new allottee/lessee.

- (d) Commencement of business on allotted plot or area: No person shall commence business until an Occupation Certificate is issued by the Authority after implementation of Detailed Project Report filed by the allottee, and in accordance with the Development Control Regulations of the Authority. The Authority shall permit any deviations in the Detailed Project Report, provided such deviations shall be intimated and approved by the Authority before any such deviation implementation has commenced on the plot.”

- (5) The following sub section (3a) shall be inserted after sub section (3) of Section 6 of the said Act, 1974:—

“(3a) Authority may formulate Allotment Policy, Transfer Policy, Exit Policy, Cancellation Policy or such other Policy for better management of Industrial Area.”

- (6) Section 6(4) shall be substituted with the following:—

“(a) The Managing Director of the Authority shall have the powers of the Collector under section 2 (1) of the Bihar Public Land Encroachment Act, 1956, for purposes of removal of encroachment on road, houses, gullies, any land in the development areas and properties of the Authority.

(b) Any person who encroaches upon road, houses, gullies, any land in the development areas and properties of the Authority or continues to possess or squat upon the cancelled plot or a portion of the plot shall be treated as encroacher and the Authority shall take necessary action in terms of this Act.”

- (7) The following subsection (9) and (10) shall be added after sub section (8) of section 6 of the said Act, 1974:—

“(9) The Authority may form an Industrial Area Management Committee for effectively managing the Industrial area.

- (10) The Authority shall have powers:—

(a) to acquire and hold such property, both movable and immovable as the Authority may deem necessary for the performance of any of its activities;

(b) to purchase by agreement or take on lease or rent or under any form of tenancy any property as per prescribed rules, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions;

6. Amendment in section 7 of the Bihar Act 16, 1974.—After sub section (2) of Section 7 of the said Act, 1974, the following sub section (3), (4) and (5) shall be added:—

“(3) Such accounts shall be operated upon by such officers of the Authority as may be authorised by it by regulations made in this behalf.

(4) The Authority shall have the power to spend such sums as it deems fit for the purposes authorised under this Act from out of the general fund of the Authority as the requirement may be.

(5) Notwithstanding anything contained in sub-section (2) and (3) above, the Authority may keep on hand such sum as it thinks fit for its day to day transactions, subject to such limits and conditions as may be prescribed.”

7. Amendment in section 8 of the Bihar Act 16, 1974:—(1) After sub section (1) of section 8 of the said Act, 1974, the following sub section (1a) and (1b) shall be inserted:

“(1a) The Authority shall be competent to make variations in the programme of work in the course of the year, provided that all such variations and

re- appropriations out of the sanctioned budget are brought to the notice of the State Government by a Supplementary Financial Statement.

- (1b) The State Government shall, make available such grants, subventions, loans and advances to the Authority as it may deem necessary for the performance of the functions of the Authority under this Act; and all grants, subventions, loans and advances made shall be on such terms and conditions as the State Government may prescribe.”
- (2) The following sub section (5) shall be added after sub section (4) of section 8 of the said Act, 1974:-
- “(5) The Authority shall submit to the State Government an annual report giving a true and full account of its activities, policies and programmes during the previous financial year and forward looking statements in the form prescribed in the Rules within 90 days after the end of each financial year.”

8. Amendment in section 9 of the Bihar Act 16, 1974.- (1) The words and figures “ Land Acquisition Act, 1894” used in sub section (1) of section 9 of the said Act, 1974 shall be substituted by the words “ the prevailing land acquisition laws.”

9. Amendment in section 12 of the Bihar Act 16, 1974.- The words and figures “with fine which may extend up to Rs. 10,000/-” used in sub section (1) of section 12 of the said Act, 1974 shall be substituted by the words “with fine of rupees five lakhs or 300% of all costs incurred by the Authority whichever is higher” and further the words and figures “Rupees 100/- for every day” shall be substituted by the words “ Rupees five thousand per day”.

10. Amendment in section 14 of the Bihar Act 16, 1974.- The following clause (c1) shall be added after clause (c) of section 14 of the said Act, 1974:-“(c1)Purchase of land and/or building, take a property on lease or rent.”

By order of the Governor of Bihar,
MANOJ KUMAR,
Joint Secretary to the Government.

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