

**Rajasthan State Industrial Development & Investment Corporation
Ltd., Udyog-Bhawan, Tilak-Marg, Jaipur-302005**

No: IPI/P-6/P&D./2007/Pt-III / 3082
Dt: 07 July, 2014

OFFICE ORDER (29/2014)

Sub: Amendment in existing policy for review/ appeal/ restoration of cancelled plots under rule 24(2) & 24(3) of RIICO Disposal of Land Rules, 1979 and insertion of new provision for re-allotment of cancelled plot.

An agenda was placed before IDC vide item (5) in its meeting held on 17.06.2014. The IDC reviewed the existing provisions of review/appeal/restoration policy and accorded approval to amend the existing provisions with certain new provisions. The amended provisions of relevant rules are as under;

Rule 24(2) (a) – Review

1. Any person who is aggrieved with the cancellation order issued by the authority concerned is eligible to file review application before the Reviewing Authority.
2. Review application shall lie subject to condition that party has not filed any appeal under RIICO Disposal of Land Rules, 1979, if :
 - i. Any error apparently on face of record;
 - ii. Any error of interpretation of rule/law;
3. Such review application shall be filed within 45 days from the date of passing of order subject to condition that order sent by registered A/D or Speed Post and also through e-mail, if available with record.
4. The Reviewing Authority would be the authority who passes any order under the provisions of RIICO Disposal of Land Rules, 1979.
5. No application fee would be payable to file review application.

Rule 24(2)(b) – Appeal

1. If any person is aggrieved by any order passed by any competent authority of the Corporation pertaining to cancellation order under the RIICO Disposal of Land Rules 1979, he may file an appeal before the Appellate Authority.

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2. All appeals shall lie to Managing Director of the Corporation against the order passed by unit heads or any other subordinate officer of the Corporation.
3. Such appeal shall lie before Appellate authority in following conditions;
 - i. Any review/restoration application is rejected by the competent authority; and/or;
 - ii. The party did not prefer the review /restoration application against the cancellation order; and/or;
 - iii. If case is not covered under the restoration policy.

Provided the plot for which appeal is being filed, is still not re-allotted.

4. The aforesaid appeal should be filed within a period of four months from the receipt of the cancellation order or 2 months from the date of order passed in review application. However, if the appeal is not filed within prescribed time limit, the appellate authority shall have powers to condone the delay on the grounds to be recorded in writing while considering such appeals.
5. No application fee would be payable for filing of Appeal.

Rule 24(3) – Policy of Restoration of allotment of cancelled plot.

1. Restoration of allotment of cancelled plot can be considered by the Corporation depending upon the merit of each case, subject to fulfillment of the following criteria/conditions:-
 - i. Possession of the cancelled plot is lying with the party (applicant), and/or;
 - ii. Possession of the cancelled plot is with the Corporation, and refundable amount consequent upon cancellation of allotment of plot is not paid, and/or;
 - iii. Possession of the cancelled plot is with the Corporation and cheque of refundable amount sent to the party but not en-cashed by the lessee/purchaser, and/or;
 - iv. Possession of the cancelled plot is with the Corporation and no amount is payable to the lessee/purchaser consequent upon cancellation of allotment of plot and the deposited money has been adjusted against the outstanding dues of the Corporation.

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Provided the plot for which restoration is seeking, still not re-allotted after cancellation of allotment by the Corporation.

Further, provided that any request under the aforesaid restoration policy can be considered only when the allottee/applicant has removed or suppose to be removed, (in case possession with the Corporation), the breach/violation of terms and conditions of the allotment letter/lease agreement for which allotment of plot is cancelled.

2. Application for restoration of allotment of plot should be filed within one year of cancellation order issued on and after 17.06.2014. However, no time limit shall be applicable for old cases if they fulfilled aforesaid eligibility conditions for filing of restoration application.
3. Such restoration application should be disposed of by concerned Unit Head of the Corporation subject to approval of time extension involved for payments/utilization of plot by the competent authority.
4. Restoration charges shall be payable as under;
 - (i) 20% of the prevailing rate of allotment of the industrial area in case where applicant has made default in payment of more than 50% of payable amount towards cost of land/3 or more consecutive installments.
 - (ii) 10% of the prevailing rate of allotment of the industrial area in case where applicant has made default in payment of less than 50% of payable amount towards cost of land or less than 3 consecutive installments.
 - (iii) 1% of prevailing rate of allotment of area concerned, in case allotment of plot is cancelled due to non-payment of annual charges.
 - (iv) 10% of the prevailing rate of allotment of the industrial area concerned, in case allotment of plot is cancelled on account of non utilization of plot within the stipulated/extended period, subject to condition that possession of plot is deemed with Corporation or possession is with the applicant/party.
 - (v) 10% of the prevailing rate of allotment, in case allotment of plot is cancelled due to violation/breach of conditions of allotment letter/lease deed other than mentioned at point no. (i), (ii) & (iii)

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of above subject to condition that possession of plot is with Corporation or possession is with the applicant/party.

Notes:

- I. The prevailing rate of allotment for industrial and educational institute plots will be at par with the prevailing rate of allotment of industrial area concerned.
- II. The prevailing rate of allotment for residential plot will be two times of the prevailing rate of allotment of industrial area concerned or rate of allotment of the housing colony, whichever is higher.
- III. The prevailing rate of commercial plot will be four times of the prevailing rate of allotment of industrial area concerned.
- IV. The plots allotted through auction will also be considered for restoration as per the above policy.
- V. The Lessee/applicant shall be under obligation to pay other charges, if applicable such as outstanding dues along with interest, retention charges, annual charges and interest thereon etc., in addition to payment of restoration charges.
- VI. After receipt of restoration charges, interest, retention charges, dues etc. and removal of breach of terms and conditions, cancellation letter shall be withdrawn and allotment of plot shall be restored to the plot holder on the terms and conditions mentioned in allotment letter/ lease deed or further prescribed by the Corporation.

Rule 24 (4) :In cases possession of cancelled plot is taken under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1964

In cases where in possession of cancelled plot has already been taken by the Corporation after eviction of unauthorized occupant under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1964, the allotment of such cancelled plot will not be restorable. In such case, re-allotment of cancelled plot on preferential basis in favour of person who had hold the plot at the time of cancellation/taken over the possession, can be considered by the Infrastructure Development Committee of the Board of the Directors (IDC) on case to case basis depending upon merit of each case and on the terms and conditions as may be decided by the Committee.



The existing rule i.e. Rule 24 (2) & (3) is hereby suitably amended/replaced and a new provision for re-allotment of cancelled plot on preferential basis is hereby inserted as Rule 24 (4) of RIICO Disposal of Land Rules, 1979 accordingly.



(Lalit Kumar)
Advisor (Infra)