

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

**MINUTES OF** : **Infrastructure Development Committee**  
**VENUE** : **Udyog Bhawan, Jaipur**  
**DATE & TIME** : **26<sup>th</sup> February 2014 at 11.00 A.M.**

**PRESENT :**

Shri C.S. Rajan	Chairman
Smt. Veenu Gupta	Managing Director
Shri Vinod Ajmera	Commissioner Industries - Special Invitee.

Shri D.K. Sharma, Secretary was in attendance. Smt. Archana Singh, Executive Director, Smt. Aparna Sahay, Financial Advisor, Shri Lalit Kumar, Advisor (Infra), Shri Madhvendra Verma, Sr. DGM(Tech.), Shri S.K. Sharma, Sr. RM (P&D) and Shri S.K. Gupta, Sr. RM (P&D) were also present.

**Item 1: Confirmation of the minutes of the last meeting of the Committee held on 4<sup>th</sup> February 2014.**

The minutes of meeting held on 4<sup>th</sup> February 2014 were confirmed by the Committee and signed by the Chairman.

**Item 2: Action Taken Report on the decisions of the previous meetings of the Committee held on 4<sup>th</sup> February 2014.**

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

**Item 3: Policy for permitting erection of Ground Based Mast (GBM) in RIICO industrial areas for 'Broad Band Wireless Excess Service'.**

The Committee noted that Urban Development Housing & LSG Department, GoR, vide order dated 31<sup>st</sup> August 2012, has laid down detailed terms & conditions and technical parameters for laying of OFC and establishing GBMs for 4G network in few cities of the State. In view of above, the Committee decided to adopt the same in respect to Corporation's all industrial areas. The Committee also authorized Managing Director to make necessary changes with a view to customize terms & conditions and parameters as may be required in context of RIICO and its industrial areas.

**Item 4: Amendment in Rule 21 of RIICO Disposal of Land Rules, 1979 related to minimum requisite construction on the allotted plot and some new proposals related to closed units.**

The Committee discussed the agenda and accorded approval for the following amendments in Rule 21 of RIICO Disposal of Land Rules 1979:

- a. Minimum requisite construction for treating the allotted plot under production will be coverage of at least 30% of the plot area instead of 20% with a pucca structure wherein roof has been built up.
- b. Built up area will be the sum of built up area on ground floor and on subsequent floors of the building.
- c. In those category of industries (as defined in rule 21(4)) for which minimum built up area requirement is to be assessed taking into account land area being utilized by allottee as stockyard of raw material and finished goods, minimum requisite built up area will be at least 10% of plot area and remaining 20% will be assessed based on the existing provisions.
- d. Minimum built up area of 30% of plot area will be made applicable for all industrial/commercial/institutional/residential plots having vertical development, i.e. wherein FAR is prescribed.
- e. For individual housing plots, minimum built up area will be the area of construction of a dwelling unit i.e. one room, one kitchen and one toilet (minimum requirement for a habitable unit).
- f. Built up area would mean a building having foundation and walls at least on three sides and covered with roof.

The Committee further accorded approval for making following provisions in the rules in respect to units closed after commencement of production activity:

- a. After utilization of plot by the original allottee, transfer of plot will be allowed on payment of transfer charges as per rules. As per prevailing provision in the rules, there is no limitation for re-starting the production for the plots transferred after commencement of production. In order to make such closed units functional, transferee of such plot will be required to re-start production/ activity within two years from date of transfer of leasehold rights.
- b. In the cases referred at (a) above if transferee fails to commence production/activity within two years, retention charges will be leviable for granting time extension by Unit Head as under :
  - (i) For first year @ 1% per quarter.
  - (ii) Further extension will be considered by increasing retention charges @ 0.5% per quarter for each year.

The Committee also accorded approval for amending Rule 17(B)(2) of RIICO Disposal of Land Rules, 1979 and decided that, in case of transfer of part surplus vacant land, transfer charges will be levied at par with transfer of full vacant plot, i.e. 15% of the prevailing industrial rate, in place of 10% of the prevailing rate.

**Item 5: Allowing utilization of existing construction in non-industrial plots after change in land use of allotted plots.**

The Committee discussed the agenda. In continuation to earlier decision taken by the IDC vide item 36 in its meeting held on 29.05.2013, the Committee accorded approval that the above provisions will also be extended to all other cases (non-industrial) also.

**Item 6: Amendments desired by CONCOR in certain clauses of Standard Lease Agreement to be executed in its favour regarding allotted land at village Kathuwas & Mandhan, Tehsil Behror, (Alwar).**

The Committee discussed the agenda and accorded approval for the proposed modifications in clauses 2(k), 3(d), 3(e) and 3(f) of standard lease agreement to be executed between the Corporation and CONCOR. However, standard clause 1(a) shall remain unchanged.

**Item 7: Reservation of land for Engineering Zone at industrial area Kuber (Extn.), Ranpur, Kota.**

The Committee discussed the agenda and rejected request of Industrial Dealers' Association, Kota for reservation of land for Engineering Zone at industrial area Kuber (Extn.), Ranpur, Kota.

**Item 8: Allotment of built up space to TiE measuring 4850 sq ft in CFC building, SEZ-II, Sitapura for Skill Development Centre.**

The Committee discussed the agenda and accorded approval for withdrawal of allotment of rented premises to TiE in CFC building, SEZ-II, Sitapura, Jaipur, as no activities were started by the TiE.

**Item 9: Allotment of land measuring 9296 sqm. at industrial area Chopanki to GSPL India Gasnet Ltd. for setting up of Receiving Terminal Station (RT Station) for Jaipur-Bhiwari Spurline of Mehsana-Bhatinda Natural Gas Pipeline Project.**

The Committee discussed the agenda and accorded approval for allotment of Plot No. SP-1035 measuring 9296 sqm. at industrial area Chopanki to GSPL India Gasnet Ltd. on prevailing rate of allotment of the industrial area for setting up of Receiving Terminal Station (RT Station) for Jaipur-Bhiwari Spurline of Mehsana-Bhatinda Natural Gas Pipeline Project.

The Committee also took a generic decision for allotment of industrial land to the captioned company at other industrial areas of RIICO for setting up of RT Stations on prevailing rate of allotment of the industrial area concerned. However, the land requirement shall be assessed by the Corporation and would be approved by MD.

**Item 10: Case of Shri Prakash Chand Gindoria, an allottee at VKI, Jaipur – Regarding allotment of a alternative commercial plot at VKIA (Extn.), Jaipur.**

The Committee discussed the agenda and accorded approval for allotment of two adjoining alternative commercial plot(s) of 40 sqm. each to Shri Prakash Chand Gindoria at VKIA (Extension), Jaipur on highest auction rate received for commercial plots to be updated by adding interest @ 14% from the date of auction till date of offer. In case this decision is not acceptable to Shri Gindoria, then the deposited amount may be refunded along with admissible amount of interest.

**Item 11: Request by Police Department, Jodhpur to allot 50000 sq. ft. (4600 sqmtr. approx.) at industrial area Boranada for administrative office and residential buildings of Police Thana, Boranada.**

The Committee discussed the agenda and rejected the request for allotment of land at industrial area, Boranada.

**Item 12: Case of M/s. Abrasive India, Plot No. 26, 26(A) to 26(D), industrial area Basni, Phase-II, Jodhpur regarding regularization of excess land/strip of land in view of pending AG Audit Para.**

The Committee discussed the agenda and accorded approval for regularization of excess land/strip of land at twice of the prevailing rate of allotment in the area or highest auction rate, whichever is higher. Encroachment falling in RoW shall not be regularized and allottee has to remove encroachment there upon before regularization.

**Item 13: Preferential allotment of industrial land to physically handicapped persons at saturated industrial area IID Centre, Hindaun City and VKI(Ext.), Jaipur.**

The Committee discussed the agenda and decided that preferential allotment(s) to physically handicapped persons shall only be considered as per prevailing policy/rules of the Corporation in prospective manner. Earlier, the Corporation has decided that 1% reservation of the industrial plot to the physically handicapped persons will be given in saturated industrial areas which are declared saturated only after 27.03.2012. Since applicants are seeking allotment in saturated industrial areas which were declared saturated prior to 27.03.2012, hence, their request can't be considered and is hereby rejected. The Committee also decided that order dated 26.09.2012 passed by Commissioner, Disabled Persons be challenged by way of Writ Petition before Hon'ble Rajasthan High Court.

**Item 14: Cases of preferential allotment of land to M/s Rackon Industries, Shakura Industries and Shri Govind Enterprises at industrial area VKI, Jaipur and Jhotwara (Extn.), Phase-I, Jaipur.**

The Committee discussed the agenda and rejected requests of the cited applicants for preferential allotment of land at industrial area VKI, Jaipur and Jhotwara (Extn.), Phase-I, Jaipur because the relevant policy of the Corporation was amended before taking decision in these cited cases.

**Item 15: Regarding relaxation of prescribed setbacks of plot No. F-86(A) at Industrial Area Bhiwadi permitted for Hotel use.**

The Committee discussed the agenda and rejected request of the cited applicant for allowing relaxation in the prescribed setbacks of Plot No.F-86(A) at Industrial Area, Bhiwadi.

**Item 16: Case of M/s. Shanti Education Society, Plot No. BT-1, Bio-Tech Park, Sitapura, Phase-III, Jaipur – Permission to run AICTE approved General Engineering Courses in place of Bio-Tech Institute.**

The Committee discussed the agenda and also heard Shri Shashikant Singhi, Secretary, of the Society. After detailed discussions, the Committee reiterated its earlier decision taken vide item 22 of its meeting held on 04.01.2013.

**Item 17: Case of Ekta Vatika Pvt. Ltd., Plot No.2, Industrial Area, Sangaria regarding sub-division of commercial plot.**

The Committee discussed the agenda and observed that permission of sub-division of cited plot into several small commercial plots is not acceptable. However, the applicant may be given following options to resolve the issue :

1. The applicant company may be allowed sub-division of plot into four parts as per prevailing policy in which minimum plot area should be 500 sqm. or 25% of plot area, whichever is higher. Further, transfer of such sub-divided plot will be allowed on payment of transfer charges.

or

2. Permission for change of land use from industrial to commercial may be withdrawn and conversion charges deposited by applicant company may be refunded with 6% interest as per provision of Rule 18(H) of RIICO Disposal of Land Rules, 1979 for refund of deposited amount and plot may be retained by the applicant company for industrial use.

or

3. The applicant company may surrender the above plot and conversion charges alongwith interest as mentioned in para 2 above and cost of land deposited at the time of allotment may be refunded as per prevailing rules. In such situation, after surrender of plot, Corporation will dispose of the plot for industrial purpose.

**Item 18: Waiver of interest on the land allotted to the khatedars at industrial area Sukher, Udaipur due to delay in giving possession of land and re-fixation of installments.**

The Committee discussed the agenda and noted that possession of land was handed over to allottees with the help of the Distt. Administration during 26.06.2012 to 31.07.2012. In view of above, the Committee accorded approval for waiver of interest amounting to Rs.49,08,880/-, due from the khatedars of industrial area, Sukher, Udaipur, and allowed re-fixation of installment along with interest.

**Item 19: Allotment of land to Rajasthan State Ganganagar Sugar Mills Ltd. at Industrial Area Growth Centre, Dholpur.**

The Committee discussed the agenda and accorded approval for allotment of 4000 sqm. land @ Rs.1843/- per sqm. at industrial area Growth Centre, Dholpur to Rajasthan State Ganganagar Sugar Mills Ltd., by relaxing condition of auction in saturated industrial area.

**Item 20: Reservation of industrial land at industrial area Karoli (Tapukara Extn.), Bhiwadi in favour of Groz Engineering Tools Pvt. Ltd.**

The Committee discussed the agenda and accorded approval for reservation of 1.00 lac sqmtr. land at industrial area Karoli (Tapukara Extn.), Bhiwadi in favour of Groz Engineering Tools Pvt. Ltd.

**Item 21: Reservation of industrial land at industrial area Karoli (Tapukara Extn.), Bhiwadi in favour of Parsons Nutritionals Pvt. Ltd.**

The Committee discussed the agenda and accorded approval for reservation of 60,000 sqmtr. land at industrial area Karoli (Tapukara Extn.), Bhiwadi in favour of Parsons Nutritionals Pvt. Ltd.

**Item 22: Transfer of lease hold rights of Plot No. G1-21, Industrial Area, Punayata, Distt. Pali.**

The Committee discussed the agenda and accorded ex-post-facto approval for transfer of lease hold rights in favour of Ganpati Finishing Works, Pali, by relaxing condition No. (b) of Office Order dated 07.05.2005, looking to the fact that transferee is from weaker section of society and also physically challenged.

**Item 23: Review of the existing policy regarding permitting Hotel on an allotted industrial plot.**

The Committee discussed the agenda and noted that in pursuance to Policy for Tourism Units in Rajasthan-2007, the Corporation has amended its rules from time to time in respect of permitting industrial plot for setting up of hotel as well as levy of conversion charges. The Committee desired to know whether comments of the Industries Department were taken on the cited policy before its approval by the Cabinet.

The Committee decided that the Corporation will consider hotel as commercial activity by way of change of land use on following conditions:

- Levy conversion charges at 3 times of the prevailing industrial rate in saturated areas, at 2 times of the prevailing industrial rate in normal areas and at one time of prevailing industrial rate for slow moving areas.
- The requisite town planning norms/technical parameters shall have to be strictly followed.
- Overall ceiling of 15% non-industrial use for supportive services will be adhered to.

The Committee further decided that the existing Rule 20 (C) 8.5, i.e. permission to set up a hotel on institutional plot, shall stand deleted.

A field survey of Electronic Complex, Kota be got done to ascertain the extent of conversion, construction, requirement for hotel/hostel etc. The Survey Team may comprise of representative of Collector not below the rank of ADM, Sr. RM, Kota, Manager (Planning), representative of UIT and STP Kota zone. The Survey Report should be classified in three broad categories of permissible cases, permissible with minor adjustment and non-permissible. The bye-laws of the local Municipal Body/UIT for hotel and hostel, if any, may also be referred to.

**Item 24: Case of Karam Bhoomi Estate, Jaipur for execution of lease deed of allotted land measuring 13 acres at industrial area, Akeda Dungan, Jaipur.**

The Committee discussed the issue afresh in light of opinion given by the Advocate General, Rajasthan as well as recommendations given by the sub-group constituted by the Board in this matter. The Committee also perused earlier decision taken in the matter and court decisions passed in respective

suit/appeal. It was observed that initial letter of offer dated 13.06.2001 and allotment letter dated 14.06.2001 were issued in favour of M/s Karam Bhoomi Estate in pursuance to the interim order dated 19.05.2001 issued by Trial Court for avoiding contempt proceedings in the matter. In case the then Management was of the firm view that allotment of land was being made to highest bidder on merit than condition for withdrawal of main civil suit would have been mentioned in the cited communications dated 13.6.2001 and 14.06.2001. The allotment of land was not on merit as is also evident from the fact that the Management had accorded permission to file appeal against the impugned judgement & decree dated 29.07.2004 passed by learned Trial Court. Subsequently the Appellate Court (ADJ-6, Jaipur City) allowed the appeal filed by the Corporation on the following grounds:

- Merely inviting Tender cannot be treated as an 'Offer' but in fact it was an 'Invitation to Offer';
- The allotment made by the Corporation was in compliance of order passed in application of temporary injunction and same was valid up-to disposal of original civil suit and subject to decision of Appellate Court and party was benefited as land was not re-auctioned;
- The right to reject/accept the tender was vesting with the Corporation and by exercising the aforesaid right, the Corporation had not accepted the tender of plaintiff firm.

It clearly indicates that contract was not concluded between the Corporation and Plaintiff firm. More so, on second appeal filed by the Plaintiff firm before the Hon'ble Rajasthan High Court against the judgement dated 09.08.2005 passed by ADJ Court, Hon'ble High Court has not granted any stay on effect & operation of aforesaid judgement and directed to maintain status quo only as exist on the date of order and same was in force till withdrawal of appeal by M/s Karam Bhoomi Estate. Further, the applicant firm has made various changes in its constitution during the status quo order was in existence.

The contention of firm that it has invested huge amount on development at site is also not proved as no development has taken place at site. Moreover, neither the lease deed was executed in its favour nor possession was given to party. Hence, without vesting leasehold rights, the Party was not supposed to take steps towards development works, merely on allotment letter especially when matter is sub-judice since beginning. The observation of the Advocate General, Rajasthan with respect to genuineness of out-of-court settlement in this case especially when last decision of court is in favour of RIICO seems reasonable. More so, the applicant firm neither submitted any detailed project report nor furnished any development scheme for developing the site.

Looking to the facts, the Committee arrived at the conclusion that earlier decision of the IDC dated 05.12.2011 taken in this matter needs to be reviewed and accordingly decided to withdraw said decision with immediate effect. The amount deposited by the applicant firm pursuant to letter of offer dated 13.06.2001 and allotment letter dated 14.06.2001 be refunded with 9% simple interest per annum.

**Item 25: Case of Sun Shine Drinks Pvt. Ltd., Kingwin Chemicals & Kingwin International at Malviya Industrial Area Jaipur regarding restoration of plots and permission for hotel activity.**

The Committee discussed the agenda and also perused the current status and decisions of various courts awarded in favour of the Corporation in respect to the cited allottees.

After detailed discussions, the Committee rejected the requests of the captioned allottees at Malviya Industrial Area, Jaipur for restoration of cancelled plots and also rejected the requests for permission for carrying out hotel activities on the allotted industrial plots. The Committee also decided to take possession of Plot No. C-26 (C) allotted to Sun Shine Drinks Pvt. Ltd. as there is no stay in appeal filed by the applicant company pending before the learned Division Bench of the Hon'ble High Court, Jaipur Bench and earlier appeals have been decided in the favour of the Corporation.

**With the permission of Chair, following items were taken up for consideration:**

**Item 26: Partial amendment in the existing policy for sub-division of large size industrial plots.**

The Committee discussed the agenda and formed an in-house group headed by the Executive Director comprising FA, Advisor(Infra.), Sr.DGM(T-II), Sr.RM(P&D) and Manager (Planning) to further examine the related issues and give its recommendation.

**Item 27: Considering pre-revised rate of allotment for computation of various miscellaneous charges in case of revision in rate of allotment of industrial areas.**

The Committee discussed the agenda and noted that retention charges and other charges such as restoration charges, transfer fee, conversion charges for change of land use etc. are leviable as per the revised rate of allotment on the date of payment made by the allottee.

Looking to the anomaly in the present rule/practice, the Committee decided that in case of revision in the rate of allotment of an industrial area, in the following situations, the pre-revised rate of allotment shall be the rate for computing the cited charges on the date of deposition:

1. Demand notice has already been issued for deposition of charges bases on pre-revised rate of allotment within a specific period mentioned in the notice and the party deposits the same within the specified period. In case, the amount is not deposited within the specified period then revised rate of allotment will be made applicable for computation of the charges.
2. An appeal against cancellation is decided by the competent authority at the time of pre-revised rate of allotment of the industrial area, then demand notice for deposition of various charges may be issued bases on pre-revised rate of allotment even after revised rate of allotment has been made effective. In case, the amount is not deposited within the specified period of the demand note then revised rate of allotment will be made applicable for computation of the charges.
3. Board/IDC/Competent waiver committee has decided to waive the part charges at the time of pre-revised rate of allotment, then demand notice for deposition of remaining charges may be issued based on pre-revised rate of allotment even after revised rate of allotment has been made effective. In



case, the amount is not deposited within the specified period of the demand note then revised rate of allotment will be made applicable for computation of the charges.

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