

NOTIFICATION

**BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY
DEPARTMENT OF INDUSTRIES
GOVERNMENT OF BIHAR**

Office Order:....3348/L....

Date....19.08.25.

BIADA AMNESTY POLICY, 2025

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 has issued the policy and procedure in form of the BIADA Amnesty Policy, 2025 for the allottees ("Units") who are willing to voluntarily come for availing the benefits enshrined in the amnesty policy. This policy aims to minimize litigation on plots and thereby diminish the cost of litigation, consequently unlocking the land for industrialization and to ease and utilize the industrial land so as to provide an opportunity of revival for the closed industries. This Policy shall be effective till 31st December, 2025.

1. This Policy is a one-time measure for the industries in order to mitigate the rise of litigation and in the interest of industrialization in the State of Bihar. The Units are expected to acknowledge the intention of the Authority and to take all active measures to establish industry so that industrial progress could be achieved providing fillip to local employment generation.
2. In recent years, it has been found that many industrial units under different Industrial Areas are partially or minimally functional. Inspection of the units had been done and notices were issued to the respective units with a clear averment about cancellation of allotment. On receipt of the show cause or in case of no response, various unit's allotment were cancelled. This led to filing of several Appeals before the Appellate Authority as per BIADA Act, 1974 and also writ petitions before Hon'ble Patna High Court.

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3. In many of the writ petitions, the Hon'ble High Court has remanded back the matters either to Appellate Authority or to the M.D., BIADA for hearing afresh and to decide the matter on its own merit. It has been observed that there are number of cases which are sub-judice before the different forums. It is also observed that in large number of cases, the Hon'ble High Court has passed interim orders in favour of cancelled units in the form of *status quo*, stay, No third party creation / No coercive action and third-party creation will be subject to the outcome of writ petitions. It is found that several writs, LPA, Modification and Contempt petitions are sub-judice since long time which is indirectly hampering the industrialization in the state and the objective of BIADA is being defeated. During the various discussions with the stake holders/ investors /members of industries associations it was suggested to formulate a revamped Amnesty Policy to mitigate the litigations and provide an opportunity by way of last indulgence to the cancelled units.
4. On consideration of wholesome facts, and that lots of litigation had arisen, it has been deliberated and concluded to come up with a policy where the cancelled units would be allowed one-time amnesty to establish industry and to come undertrial/commercial production within a time framed manner which will depend upon their furnishing a prescribed undertaking affidavit, administrative charge, applicable fees and Bank Guarantee.

5. Eligibility for Amnesty Policy: -

Except the cancelled units wherein third-party rights have been created by subsequent allotment of land, all allottees may avail the benefit of this policy by submitting an application/online application as per Annexure-B of this policy along with the required documents and affidavit within the existence of the period of this policy. After submission of complete application, in principle approval shall be granted by BIADA within 3 (three) business days.

After in principle approval, the applicant should be given the chance to withdraw the case/cases and complete all other formalities such as payment of administrative charges, Bank Guarantee and other relevant papers. Final approval by BIADA shall be given within 7 business days of submission of all relevant papers.

6. The terms and conditions for applicability of this policy would be as narrated below:

- (i) BIADA shall allow the beneficiaries to come in commercial production in terms of the DPR submitted by allottee; they will be treated at par with fresh applicants. The prevailing Allotment Policy Timelines, as per clause 11 of BIADA Land Allotment Policy, 2022 for completion of project and for coming to production are mentioned below for easy reference.

Sl. 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,	Medium: INR 10 Crores to INR 50

		Commercial Production- 24 months	Crores, Large: INR above 50 Crores
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- (ii) The applicant's unit whose application for Amnesty Policy has been approved by the Committee constituted by M.D. BIADA shall be liable to pay one-time administrative charge of 1% (One percent) of the BIADA Land rate of the plot. No application of remission from payment or part payment or deferred payment shall be entertained. In case of non-payment of the administrative charges or/and applicable fee and Bank Guarantee within a period of 30 (thirty) days of approval of application would be deemed as rejection of application.
- (iii) The applicant Unit may be allowed to make one-time transfer of allotment by the applicant unit subject to imposition of 10% (Ten percent) for Functional Units and 15% (Fifteen Percent) for Non-Functional Units of the prevailing circle rate as per the Minimum Value Register of the plot as Special Transfer Fee.
- This is to further apprise that any change in shareholding pattern of more than 49% of the shareholding pattern of the original allottee in case of Partnership Firm or Company shall also be considered as a case of Transfer and in this regard the applicant unit will be liable to be charged Special Transfer Fee as prescribed under this policy.
- (iv) The unit's application for change of product may also be considered if deemed fit by the Committee constituted under this policy. In this regard, product change (as per prevailing policy) may be allowed by incurring a Product Change Fee amounting to Rs. 5,000/- with applicable taxes in case of

Micro & small Units and Rs. 20,000/- with applicable taxes for Medium & Large Units.

Such application for change of product given at the time of submission of application by the applicant under this policy shall be considered as per prevailing Industrial Policy.

- (v) Unit will provide an undertaking in the form of affidavit of Rs. 100/- stamp paper in the format as annexed at Annexure - A.
- (vi) All application shall be submitted along with a non-refundable Application Processing Fee of Rs. 5000/- (in case of Micro & Small Units) or Rs. 10,000/- (in case of Medium & Large Units).
- (vii) The unit shall clear all dues of BIADA at the time of submission of application under this policy.
- (viii) The unit will provide a bank guarantee to the amount of 5% (Five percent) of BIADA Land rate of the plot with a validity of 24 months. If the unit fails to start trial/commercial production within the time prescribed under this policy, the bank guarantee will be forfeited to BIADA.
- (ix) During the period of Amnesty, the unit shall submit its progress report to BIADA containing all the development along with proof of production made after restoration on every quarter. The three important proof of production will be GST returns, electricity bills and income tax return of the Unit. In failure to submission of progress report or *suo-moto* BIADA would conduct inspection of the premises of beneficiary unit availing this policy and in the event of failure on part of the applicant unit to comply with the conditions of this policy, BIADA shall take over possession of the premises of applicant with liberty for further allotment to third party and the erstwhile allottee shall not have any right over the allotment.

7. The Unit shall abide by the current Rules/policy of Land allotment and in case of default shall be penalized accordingly.
8. The applicant shall submit its duly filled application along with documents mentioned in the checklist to the BIADA HQ in the name of Executive Director (Industrial Development), BIADA, Udyog Bhawan, Gandhi Maidan, Patna.
9. The contents of this Policy may be brought to notice of all concerned in the Authority for strict adherence and wide circulation.

P. K. Singh

By the order of Chairman, BIADA

U. S. Singh
19.8.25

Executive Director (Operations),

BIADA

ANNEXURE A

AFFIDAVIT

I,....., aged about-... years, Gender-....., S/o, resident of, P.S-....., District-....., do hereby solemnly affirm and state as follows:-

1. That I am the Proprietor/ Partner/ Director / Authorized Signatory of the unit named
2. That I hereby undertake that I will make my Unit fully operational and functional for the registered product for which the land in question stood allotted.
3. That I further undertake that I shall bring the unit under Commercial production as per the Detailed Project Report and Clause 11 of Land Allotment Policy, 2022.
4. That I shall submit the Bank Guarantee of Rs. to the BIADA as security and if I fail to fulfil the commitment then the same shall be en-cashed by the BIADA.
5. That I shall abide by all the terms and conditions of this Amnesty Policy and shall submit all the charges & fees applicable for this Amnesty Policy and if I fail to pay the charges within a period of 30 days my application shall be considered rejected.
6. That in case, the unit fails to comply with its undertaking and the terms of this policy, I shall hand over vacant possession of the land to the BIADA and BIADA would be free to re-allot the same to new entrepreneur.
7. That I will not take recourse to any legal action if I fail to start production as per time line provided, BIADA will be free to take possession of the land.
8. That I have cleared all dues of BIADA.
9. That I shall abide by all labour laws and statutory obligation.
10. That the contents of this affidavit have been read over to me and been explained to me in Hindi and understood the same.

Deponent

ANNEXURE-B

Application Form under BIADA Amnesty Policy, 2025

To,
The Executive Director (ID),
BIADA, Udyog Bhawan,
Gandhi Maidan, Patna.

Subject: Application for Amnesty under BIADA Amnesty Policy, 2025

1. Applicant Details

- Name of the Applicant: _____
- Designation: _____
- Gender: ☐ Male ☐ Female ☐ Other
- Father's/Husband's Name: _____
- Complete Address: _____
- Phone Number: _____
- Email ID: _____

2. Unit Details

- Name of the Unit: _____
- Location (Industrial Area): _____
- Plot Number & Size: _____
- Date of Original Allotment: _____
- Allotment Letter Reference Number: _____
- Type of Legal Entity: ☐ Proprietorship ☐ Partnership ☐ Pvt. Ltd. ☐ LLP
☐ Others
- PAN No. of Unit: _____
- GST No. (if any): _____
- ☐ ROC Search Report/Shareholding Pattern Report approved by CA
- Application Processing Fees: ☐ Rs. 5,000/- ☐ Rs. 10,000/-
- Payment Reference Number: _____

3. Litigation Status

- ☐ I confirm that all legal cases related to the allotment will be withdrawn after in-principle approval of my application.

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4. Status of Dues

- ☐ I confirm that all dues of BIADA have been cleared.
- Payment Reference Number(s): _____

5. Affidavit Submission

- ☐ I have submitted the Affidavit in prescribed format (Annexure-A) on ₹100/- stamp paper.
- Date of Affidavit: _____
- Name of Deponent: _____

6. Bank Guarantee

- ☐ I will be submitting a Bank Guarantee amounting to 5% of the BIADA Land rate within 30 days of in-principle approval of my application which will be valid for 24 months.

7. Applicable Fees

- ☐ I will be submitting the payable Administrative Charges amounting to 1% of the current BIADA Land rate within 30 days of in-principle approval of my application.

8. Production Commitment

- ☐ I undertake to start production as per the Detailed Project Report and Clause 11 of Land Allotment Policy, 2022.

9. Transfer Application Details

- ☐ No Transfer Application is proposed
- ☐ Transfer Application Proposed along with reason
- ☐ If yes, I will be submitting the payable Special Transfer Fee (as applicable) within 30 days of in-principle approval of my application.
- ☐ Detailed Project Report along with Layout Plan
- ☐ No Objection Certificate from Financial Institution (if applicable)
- ☐ RQC Search Report/ Shareholding Pattern Report
- ☐ Transfer Agreement
- ☐ Dena Pavna

10. Product/Project Details

- ☐ No change in product is proposed.
- ☐ Change in product proposed.
 - - If yes, submit DPR and pay prescribed product change fee.
 - - New Product Proposed: _____
 - - DPR Attached: ☐ Yes ☐ No
- ☐ Product Change Fee (as applicable) within 30 days of in-principle approval of my application.

11. Checklist of Enclosures

- ☐ Duly Filled Application Form
- ☐ Affidavit (Annexure-A)
- ☐ Copy of Allotment Letter

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- ☐ Copy of Lease Deed
- ☐ Board Resolution (if applicable)
- ☐ Consent from Partners (if applicable)
- ☐ DPR for Product Change (if applicable)
- ☐ Fresh Bank-Appraised DPR (if not submitted earlier)
- ☐ ROC Search Report/Shareholding Pattern Report
- ☐ Dena Pavna (In case of Transfer)
- ☐ Transfer Agreement (In case of Transfer)
- ☐ No Objection Certificate (In case of Transfer)

Declaration:

I hereby declare that the above information is true to the best of my knowledge and I agree to abide by the terms and conditions of the BIADA Amnesty Policy, 2025.

Date: _____

Place: _____

Signature of the Applicant

(Name: _____)

(Designation: _____)

Signature
Q

ANNEXURE-C

List of documents in form of Check List:

1. Duly filled Application
2. Undertaking/ Affidavit in prescribed format in Annexure - A
3. Allotment Letter
4. Copy of Lease Deed
5. Board Resolution, if applicable
6. Consent from all partners, if applicable
7. DPR in case of product change and transfer
8. Fresh Bank apprised DPR if not submitted earlier
9. ROC Search Report/ Shareholding Pattern Report duly attested by CA
10. Transfer Agreement, if applicable
11. Layout Plan, if applicable
12. Dena Pavna