

NOTIFICATION

BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY GOVERNMENT OF BIHAR

Office Order No.6383/L.....,

dt. 05/10/2023

ONE TIME AMNESTY POLICY FOR CANCELLED UNITS', 2023

1. This Policy is a one-time measure for the Units in order to mitigate rise of litigation and in the interest of industrialization in the State of Bihar. The Units are expected to appreciate the intention of the Authority and to take all active measures to establish industry so that employment could be provided locally.
2. It is to state that 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.
3. In recent years, it has been found that many industrial units under different Industrial Areas are not 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 units' allotment has been 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.

4. In many of the writ petitions, the Hon'ble Court has been pleased to dispose writ petitions and to set aside cancellation orders upon furnishing an Undertaking from the Units to come into production within 3/6 months' time and few other conditions along with.
5. 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 under trial/commercial production.
6. Following category of units will not be eligible for Amnesty Policy:-
 - (i) Units which have kept the land without industrial activity for more than 3 years. Accordingly units where industrial production had stopped before 01.01.2020 will not be eligible.
 - (ii) Units whose allotment has been cancelled earlier and was restored either by the order of Hon'ble High Court, Appellate Court or under any Policy at the time and have either failed to start industrial activity or have stopped industrial activity will not be eligible.
 - (iii) Units in which case possession of the land has already been taken by BIADA will not be eligible.
 - (iv) Units where third party rights have been created by subsequent allotment of land will not be eligible.
 - (v) Units who were allotted land before 01.01.2020 but have failed to complete installation of plant and machinery and start production will not be eligible.

(vi) Units whose appeals have been rejected by the Appellate Authority and have not filed any writ petition till 30.09.2023 will not be eligible.

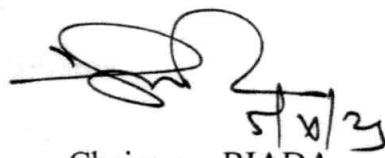
7. Units whose allotment has been cancelled and have filed appeal with the Appellate Authority or writ petition in the Hon'ble High Court, Patna before 1-10-2023 may apply under this Policy only after withdrawing the appeal or the writ petition.

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

- (i) BIADA shall allow three months' time to the eligible units under this policy, to come under trial production, and six months' time to come in commercial production with 75% capacity.
- (ii) The applicant Unit shall not make any change/amendment in 'constitution' for the product sanctioned and allowed to be manufactured as per the original terms of allotment.
- (iii) Unit will provide an affidavit of Rs. 100/- stamp paper in the format as annexed at Annexure - A.
- (iv) The unit shall clear all dues of BIADA at the time of application.
- (v) The unit will provide a bank guarantee to the amount of 10% of present value of land as per BIADA rates. If the unit fails to start trial/commercial production within the time allowed, the bank guarantee will be forfeited by BIADA.

(vi) On completion of three/six months' time, BIADA would conduct inspection of the premises of applicant 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.

9. This policy shall be effective till 31.12.23. The contents of this Policy may be brought to notice of all concerned in the Authority for strict adherence.



5/10/23

Chairman, BIADA

Memo No. 6383/L

Date: - 05/10/2023

Copy to:- Joint Managing Director, BIADA, Patna/Executive Director(North/South) /Executive Director(I.P.)/Executive Director (Project)/D.G.M.(Legal)/D.G.M.(H.R.)/D.G.M.(I.P.)/D.G.M.(Finance)/ D.G.M.(Technical)/All D.G.M.(I.D.), BIADA/IT Section/ M.D. Cell, BIADA, Patna for information and needful.



5/10/23

Executive Director (Operations)
BIADA, Patna

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 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 trial production within three months and Commercial production up to 75% of its capacity within six months.
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 encashed by the BIADA.
5. 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 reallot the same to new entrepreneur.
6. That I will not take recourse to any legal action if I fail to start production as per time line given in Para 3 above, BIADA will be free to take possession of the land.
7. That I have cleared all dues of BIADA.
8. That I shall abide by all labour laws.
9. That the contents of this affidavit have been read over to me and been explained to me in Hindi and understood the same.

Deponent