

BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2017

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 under 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

2. Objectives a. b. c. d. e. To strengthen industrial activity by allotting land to industries for industrial development purpose To establish industries across the State in time bound manner To strengthen single window mechanism and ease of allotment To create enabling environment for industrial growth by developing robust industrial infrastructure To promote industries and encourage environment-friendly facilities 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 sqft.) 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 1 (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. B. C. Micro & Small Units: Preliminary project report (PPR)-Annexure 1: Post six months of Land allotment Micro & Small Units would have to submit DPR as well. Medium & Large Units: Detailed Project Report (DPR) — Annexure 11 Other Documents: 2 1 2. 3 4. 5 6 7. 8. 9. 11 12 D. E. Self-declaration, if the investor is Proprietor. Partnership Deed with Registration proof or notarized Affidavit, if the applicant is Partnership firm/LLP. 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. Self-declaration if the applicant is Promoter of the proposed Pvt. Ltd./Public Ltd./LLP Co. or other legal entity, under the Companies Act. Registration Certificate from the Registrar of Co-operative Societies, if the applicant is Co-operative Society. Authorization letter in case of Company/Partnership firm etc. 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. 3 years financial certificate/balance sheet (if applicable) Memorandum of Association and Articles of Association 10. Layout Plan Aadhar Card, Pan Card, Photograph of Directors/Proprietors/Partners as applicable Conditional assurance letter by the Bank/financial institutions for project financing and Approval letter within 6 months. Processing fee shall be non-refundable & non-adjustable and shall be chargeable as under: S. No. Areas in acres 2. 3. 4

5. Upto 1 acres More than 1 acre to less than 5 acres More than 5 acres to less than 10 acres More than 10 acres to less than 20 acres Above 20 acres Processing Fees (in INR) 5,000 10,000 25,000 50,000 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

3 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 2 3. 4. 5 6. Upto 20,000 sqft. More than 20,000 sq.ft. to 2 acres More than 2 acres to 5 acres More than 5 acres to 10 acres More than 10 acres to 20 acres Above 20 acres For Location Category-B S. No. Areas in acres 1. 2. 3. 4. 5 6. upto 1 Acre More than 1 acre to 2 acres More than 2 acres to 5 acres More than 5 acres to 10 acres More than 10 acres to 20 acres Above 20 acres Amount (in INR Crores) No Turnover INR 5 Crores INR 10 Crores INR 20 Crores INR 25 Crores INR 50 Crores Amount (in INR Crores) No Turnover INR 5 Crores

INR 10 Crores INR 20 Crores INR 25 Crores 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 end 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. Financial capacity 1 Industrial Background and experience 2. Technical Knowhow 3. Nature of industry/production — Export 4

5. Investment Size —CAPEX and OPEX FSI consumption 6. Employment generation 7 Pollution category 8. 4

9. Conditional assurance letter by the Bank/financial institutions for project financing and Approval letter within 6 months. Issue of Allotment Letter 8. 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 'Total Land Cost' includes land lease rate, infrastructure charges, administrative charges a.and taxes as applicable. 'Maintenance Charges' means a charge levied for the purpose of upkeep, repair, b. 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 (CIAMC') for upkeep and maintenance in terms of the guidelines issued by the Authority for the said purposes. 'Land Lease Levy' means charges levied by the Authority for permitting the right to use the c. asset belonging to it by the allottee for the lease period. 'Infrastructure Charges' means a charge levied for the purpose of development of d 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. 'Administrative Charges' means a charge that an allottee is required to pay to the e. Authority to cover the costs of various administrative act;ivities 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 5 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. 95 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 ass 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 at least 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 Project Milestones Trial production - 9 months Commercial production — 12 months Investment (in Machine Upto INR 1 Crore Plant Category Micro Units Small Units 2

3. INR 1 Crore to INR 10 Crores Trial production - 12 months Commercial production - 18 months Medium & Large Trial production - 18 months Medium. INR 10 Crores to INR Units Commercial production months — 24 50 Crores and above. 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 transferor 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). 7

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 19M 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 9 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 BADA Land Allotment Policy 2022 shall be applicable from the date of notification and hence all the previous BADA Land Allotment Policy with amendments will be repealed with immediate effect. Memo No:- Decision of 76th Board of Director's Chairman cum Managing Director BIADA, Patna Date:- - 2 2— 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 or formation. Industries Association/President, Bihar Chamber of Commerce and Ind Chairman cum Managing Director BADA, Patna 10 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 45 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 11 - Format for Submission of Detailed Project Report 7. Executive Summary 8. Sector Background & Broad Project Rationale 8.1 Project Rationale 12 8.2 Sector Background 8.3 User Coverage and Access 3 z Export Linkages 35 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 98 Specialized Procured Services for Design, Independent Supervision and Quality Assurance 9 7 Other Information 98 Geographical Location 10. Project Proposal 10M 10 9 103 104 105 106 107 108 10 g Project Cost Physical Infrastructure component wise cost Cost of Surveys and Investigations Cost of Shifting Utilities Cost of Consultancy Services Other Statutory Compliance Cost Finance/Interest cost during Construction Contingency List of Proposed Facilities 11 112 113 12 1 Project Cost and Means of Finance Estimated Project Cost Means of Finance Overall financial structuring of the project 12. Financial Projections 122 12.3 12 s 12.6 127 Appraisal Framework and Objectives Financial Assessment of the project Revenue Assumptions Expenditure Assumptions Other Assumptions Financial Projections Operations and Maintenance Plan 13. Risk Analysis and Mitigation Plan 13M 132 Project Development/Construction Risks Mitigation Framework 14. Project Implementation Plan 14.1 14.2 14.3 Project Execution Framework Plan for Financial Closure Implementation Schedule 13

15. Project Impact 151 152 15.4 156 Benefits to Industry Projected Social and Economic Impact Creation of Employment Estimated Investments Project Sustainability 14 Location Category: SN 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 Location Category-A Industrial Area Patliputra Industrial Area New Bihta Mega Industrial Park Bihta Industrial Area, Sikandarpur Industrial Area, Fatuha Industrial Area Hajipur Export Promotion Industrial Park Hajipur Industrial Area, Muzaffarpur Industrial Estate, Muzaffarpur Industrial Growth Centre Begusarai Industrial Area, Barauni Industrial Area Aurangabad Industrial Growth Centre Aurangabad Large Industrial Estate Barari Industrial Grwoth Centre Maranga SN 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 Location Category-B Industrial Estate, Jehanabad Industrial Area Warsliganj Industrial Estate Dharampur Industrial Estate, Saharsa Industrial Area, Bettiah Industrial Area Sitamarhi Industrial Area, Buxar Industrial Area New Siwan- Phase-I Industrial Estate, Katihar Industrial Area, Khagara (Kishanganj) Industrial Area Bhediadangi Industrial Estate, Purnea City Industrial Estate BiharSharif Industrial Area Raxaul Industrial Area Donar Industrial Area, Munger Industrial Area siwan Industrial Area, Dehri Industrial Area New Siwan- Phase-II Industrial Area, Bihiya 15 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 Industrial Area, Jhanjharpur Industrial Area, Gaya Industrial Area, Bikramganj Industrial Area, Nawada Industrial Area Goraul Phase-I & Phase-II Industrial Estate, Lakhisarai Industrial Area, Dumraon Industrial Area Jamalpur Industrial Area Sitakund Industrial Area, Kumarbagh Industrial Area, Forbesganj Industrial Area, Sasaram Industrial Area Bariyarpur Phase-I & III Industrial Area Damodarpur Industrial Area Mahbal Industrial Area Dumaria Industrial Estate, Barun Industrial Area Hathua, Phase- I & Phase-II Industrial Estate Murliganj Industrial Area, Sakri Indsutrial Growth Centre Khagaria Industrial Area Kopakalan Industrial Growth Centre, 16 44 45 47 48 49 50 51 52 53 54 55 56 57 58 59 Giddha Industrial Estate, Samastipur Industrial Area Banmankhi Industrial Area Bariyarpur- Phase-II Industrial Area Vishunpur Dharam Industrial Area Panapur Industrial Area, Nawanagar Industrial Area, Pandaul Industrial Area Bajinathpur Industrial Area, Ramnagar Industrial Area, Supaul Indsutrial Area Lohat Phase-I, Phase-II & Phase-III Industrial Area Guraru Industrial Area Sugauli Indsutrial Area Korra Mini Grwoth Centre Udakishanganj Industrial Estate Bela, Dabhanga 17

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. 2 3 4 **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. **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. **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. b. c. d. All Executive Directors Consultant Technical, BIADA Law Officer, BIADA Chief Accounts Officer, BIADA

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. 11 Page 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 **HOW TO APPLY/DOCUMENTS REQUIRED** 5. 6. 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 Advertisement in State Newspaper for intention to purchase by agreement or take on lease or rent any private land. 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. 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. The certified copy of the Genealogical table issued by the competent Authority. 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. A comprehensive title search shall be carried out by BIADA under aid and advice of jurisdictional Circle Officer and other officials. 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. 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. 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. The contents of this Policy may be brought to the notice of all concerned in the Authority for strict adherence. Decision of 6\$ BIADA Board of Director's Chairman cum Managing Director Date• 9.4 t'" Memo No:-ggg)' Copy fomtarded to:- Director of Industries, Govt. of Bihar/Director, Technical, ovt. 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, BIADÆPresident, Bihar Industries Association/President, Bihar Chamber of Commerce and Industries for information. -3.3 Chairman cum Managing Director BADA, Patna 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 IJnits 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. 11 Page 1.3 Applications should be invited for a single plot or part thereof for a particular Industrial Area/Estäte. 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, the availability of land, the demand for land in various sectors and the Industrial Policy of the state and the thrust sectors. (iii) 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. 21 Page 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 Promoter's Profile 2. Constitution of the Company/Firm: Proprietary, Partnership Firm, LLP, Pvt./Public Ltd 3. Co., Society etc. Registration details- Registration of Company, Partnership firm, Society, Charitable Trust 4. etc• Unit Registration Details- Udyog Aadhar, IEM, Lol, EM, IT/BT Registration, State Excise 5. Registration etc whichever is applicable. Existing Business of the Promoters and the details thereof

6. Location and its Selection

7. Details of the products with capacities

8. Details of raw materials with required quantity 9

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.31 Page 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/Staetup/Small) can submit Preliminary Project Report (PPR) and the applicants applying for an area above 1.00 Acre shall submit Detailed Project Repon (DPR). The PPR should include details of the following: C. Introduction 1. Promoter's Profile 2. Unit Registration Details- Udyog Aadhar, IEM, Lol, EM, IT/BT Registration, State Excise 3. Registration etc whichever is applicable. Existing Business of the Promoters and the details thereof

4. Details of the products with capacities

5. Details of raw materials with required quantity

6. Markets and its analysis

7. Project cost detail with expenditure on land, land development, building, plant and 8.machinery, electrification, technical know-how, utilities, other fixed assets, preliminary and pre-operations, contingencies etc. Building: Built up area, layout plan of all facilities required, 9. IO. Means of Finance: Equity (Rupees/FDI), Term Loan, ECB, Unsecured Loan, Internal Cash Accruals etc

11. Implementation Schedule with time chart.Employment generation 12. Environmental category 13. Processing fee shall be non-refundable & non-adjustable and shall be chargeable as D. under:- 41 page S.No. 01. 02. 03. 04. 05. 06

07. Area in acres IJp to 0.25 Acres Above 0.25 Acres to 0.5 Acres Above 0.5 to 2 Acres Above 2 Acres to 5 Acres Above 5 Acres to 15 Acres Above 15 Acres to 20 Acres Above 20 Acres Processing Payable Rs. 1,000/- Rs. 5,000/- Rs. 10,000/- Rs. 15,000/- Rs. 25,000/- Rs. 50,000/- Rs. fee E. F. 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. 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 a. Net-worth of investor/Promoter - should be at least 20% of the proposed investment. b. The average annual turnover of the investor in the preceding three years should be as below:- Less than 1 Acre More than 1 Acre- upto 2 Acres Crores. More than 2 Acres- upto 5 Acres Crores More than 5 Acres- upto 10 Acres Crores More than 10 Acres- upto 20 Acres Crores More than 20 Acres Crores — No turnover. Turnover of more than 2 — Turnover of more than 5 Turnover of more then 20 Turnover of more than 25 — 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: I. Financial credibility 2. Innovative projects - Green & Clean energy 3. Industrial Background and experience 4. Nature of industry/production - Export 5. Investment Size 51 Page

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 (ii) Investment to area of land ratio (iii) Core Employment generation (iv) High Priority/Priority Sector (v) Pollution Category (White/Green/Orange/Red) (vi) Green Energy (vii) Zero Effluent discharge (viii) Units with more than 75% expon - 25 Marks - 20 Marks - 25 Marks - 10/5 Marks - 5/4/3/2 Marks - 5 Marks - 5 Marks - 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 7. 8. 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. 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. 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 61 Page 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. 71 Page 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. 6.8 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 3 d 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 (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. 81 Page

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. 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 IO I Pa ge 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. IOIn 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. 14.1 IAn original aliotee 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. 14.13All 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. Ill Page 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 Pannership 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: 16

17. 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/ceftificate 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 othenwise 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). 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). 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" 12 | Page 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) b) c) d) e) f) g) h) i) j) Research and Development Centre Test Lab Weigh Bridge Telephone/Internet Service Dormitory Gas Pipe Line Bank/ ATM Fire Fighting Station Power Sub Station Mobile Tower 22. Cancellation 22.1 22.0 22.3 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. 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. 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 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. Memo No:- Decision of 69th BIADA Board of Director's Chairman cum Managing Director BIADA, at a Date:- 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.], BIADAJ Chief Administrative Officer, BIADA/ Executive Director, Muzaffarpur/ Executive Director, Darbhanga/ Executive Director, Bhagalpur/Chief Accounts Officer, BIADA/Law Officer, BIADA/I.T. section, BIADAJPresident, Bihar Industries Association/President, Bihar Chamber of Commerce and Industries for information. Chairman cum Managing Director BIADA, Patna 141 Page zqqr-r 9.3 0 9.2 0 3.8 O.R? 0.20 0.20 9.00 9.00 2.00 t!EFZ R.oo 2.00 at-qi (www.biadabihar.in) Äqzr R. G) (ZET qrÉ (fräl-q, 3.8 (qqq) (31) (d) (b) (i) (iii) (iv) (v) (vi) a00/o Roo,/o 900/0 900/0 % 900/0 900/0 zrr it irrr 37: e,-TtFiT 8.k9 t. 2.9 q-4 (F *IT) ttâ gg eitx fäf@ 41 / 902 r /3 *ft:- Ävrv, f\$ \$1 9000 fô1FT I fr*f 53 ytdfü:- f#FT, I 53 Cyc q? É-tüz, 1 (NO. 1 143) PAISA, -l i DEPARTMENT OF INI)USHUE'S NOTIFICXI"ION The 2 f)ecember. 20() " No. 5SPunergalhan —In exercise conferred section I vS read with section 5 of (Bihar Industrial Area Auctority) Act ! 974, the authority with approval of the, State Government of Bihar, is plea•ed fV)llosv ing regulation to carry out the purposes Ille said act. BIHAR AREA SERVICE AND Cht%'T1iR- l, i. Shor! Area Develop:nent Authority FINANCIAL AND SERVICE 2007 hereinafiev called shall eon:e inte foree fro:n the date of publication of"ovectunent Resol:itri011 in C)Üfical (jazette. I .2. Application.— 'lhese Regulations shall apply to aii the em,ployees of BIADA as also employees on deputation (except otherwise prov idecl) to BIADA to the extent that they arc not in contravention of the tertii' and conditions ollheir deputation;contract to BIA prov ided, httpwex..•r that the Authority rmay. by ceti0ü.'tion duly passed for reasons of exigencies and in the interest ot BJAD,A. exclude any class of employee ur post frotn applic&tion of these Regulations. —In these regulations, unless diere is any Illing repugnani in subjecl 1.3. De/initions. contest: I .3. i . Act means the Bihar Industrial Area Deve!apnaelit Act. I .3.2 Appointing shall he lbe Managing Director for ali categt-jr;es ot-posih. 2 E (EXTRA), 2V[H (toniroling ili ail A. B and C sliv'iil be the Nfanaging Direct0iL i .3.5 Emolunuelits as preßided in schc:di.iiie s;pecilieci the admissible on the relevan I-idles include ions. Employee 01) otherwise, aud those Oli to 1.3.7 Eiiiployee any State /Central Govt. or Lheir whose services aye oblaiaeci by i!ae 'BIADÄ on deputation. i.3.t; Government means Government of Bihar. 1.3.9 in house Consultants are the Consullüllts as indicated in Regulation I -i lift: Technical Regulations of the i.3.iö PPP means Public Privaic. Partnership Project based 01) or concession agreement, between a govecnment or a statunory entity on {he and a private sector cornpany y on (lie other side, for delivering an infrast[l'ctllle service pay:nelil of user 1.3. ii Private Sector Cojnpany a company in which er of subscribed and paid up equity controlled by prii/E!te entity. i .3.12 Regulations lbe Regulalions fratnee by Illic Board Ot- Divectr-xs fjoj'i Lime for cfiZ•clive {Unctioning ot' BIAL)A 1.3.13 Selection Commiiee in respect of post means cenunittee of that indicated in the Regulations. 1.4 Committees:-lthe it]lowing sludl tu the (-'01ujlii(1ees lbe Regulations:- (a) Project Conun-j;uee (b) Selection Committee (c) internal Purchase Committee (d) Teehnieal ('cunnlittee i. i Project Clearance Conatuittee oi i.) Managing (vii) (viii) t. 4.2 1.43 (i) (iv) BIHAR f, A), 27 Li-I DECINBFR. 2007 A)! Executtve I-Directar i [Rinstrics or Secretay_v: Chairman, Bihar Pollution Board or his ILI! esenedlive Consultants(s) of BIAI)A• ta nominated by the M .D. Head, CII, Pavua or his representative Representative BLA. Powers and Yunction of Project Clearance Committee- (i) 'lbe Preicct Clearance Conunittee (PCC) shall consider the preiects and 0iher expenditure proposals as appealing in Sec.d. I (ii) A II proposa's will bc sublüitted lo lbe concerned authovity delegated pmvet:. provide-qi for final approval. In case the designated authority does not a:nee with the recommendations of the PAC, shc/hc shali record the reasons for such disageement. Selection Committee tonnea {Or the purposes oi recrilitment and section for the Category A posts in BIAI)A shall couvrise of Managing Director Director Industries in charge Adinistration, BIAV)A A representative of SC./C•; V frolii the BIA I)A, ur the Department of Industries hou Consultant(s) of lbe Bi.AdT# to be nominated by MD. i he scieccions made in Category A shaii be put up before tile board apvyoval. For Category and C posts, the MD shait be cornpetent to make recruitment. 1.4.4 Incernal Purchase Committee- MD have the powers to constitute [his co:nmiilee, The IPC shall have powers to consider and approve proposals Rs. I Lakh to Rs. 10 Lakhs. 1.4.5 Technical Committee- Md shali eon.st;tute this Conunittec. Chapter 11 FUND FLOW ARRANGEMENT Funds of thle Authority 2.1 The funds of lbe Aulhorå_v s•hall consist of lbe 10110wing. Grants receivecl from the Government ot' India (Grants-in-Aid from the State Government. The Authorily shall be a}iowed h•cuullliig iée (Establishment Cost} not exceeding @ 5%of project COSI froni such Depu as may be decided lbe ML). INVOi,VEO EXECUTION Of PROJEC i's (a) All proposals going lo approved lo,)' (b) The procedure Projects foc the Authority shall involve Step i -•l{ieniiaati0ii of (he Project • identifiv a

project Oil its own and Juove Io step '2. AlternLiveLsu any (iovt Private Agency may identiiY a projecl and requc,sl LaKe IIC to Step2. prelinoiuar.y viability studies undettalsre sueli 01' Step 3 - passes appraisal suteiicts io step 2, the BIAI)A shall move prepalng toso include the BC)Q BIAI)A can undeitake the such DPR prepurülion its own e lill)loyee.s 01' outsource IIC to external/Inhouse Consultans. 4 on VI' (_jil entrusted or Netaolia[ion. Step (EXTRA), A of Ys inciicateJ ill RC2t;lation approvals BIHAR GAZETTE (EXTRA). DECEMBER, step 5 - procedures as indicated in Regulation 4. i IOR ilnalizing tenders. White linaliz.ing the Lenders, die BIA DA also take recourse to direct negotiation or Cojupetitive Bidding !ijr securing the least rates in the interest of the project. POWERS or GOODS & SERVICES I lie financial powers of thc Office bearers of the BIA I.D.A are delineated herem

4. Financial and Tendering row ecs and Procedures u he procurement of goods and wrvices shall be done us pec the following process - dc:ined 124 of Proposed (Fifteen 'lhousatid) (One Luc) 10.00Ui)O a) Rs 10 - (T wcn(y 5ive Five Filly i Qidering Process i) Off she'.lt per no. C Of Rule, 2003) by Rcguidii0i! no. I l) Bihar 2UGS) ili) imited ! of P , tiiiër 1.11 Ruivs, c',cclde to ÄLldiÄ0ital'y 131 Wijether to go (o PCC or not iiii No 'the MD touy decide {0 go jot advet•ttscvnt in Nevspapec upon the nutLtre Adve'lis,emeil', & v) Yes IJI i I Finance Indian Journal & Rceuluti0ii no. I i 2006) Autliority Sanction the gourd grant 6 B! HAR DECEMBER, 2007 Type of Expenditure/ Approval AdministKiLive approval of I nirastructure Works in Estates o' BI,Alj.A or outside. I-lie:ng ot• Consuitans / ConsuÅaney Firms / Independent Evalualors, bodi nationally and intetuationally. DPR as per approved of wmk being done. Technical infrastructure Works Industrial approva\ of BOC) Finalising •renders works/Projects the BOQ . Proposed i) Rs 5(71aknÄ i i •j Above cost Rs 25 ii) FOY cstinaled i) Tendering Process Not Required COSI work,'scr'.lces beyond Rs iekhs i) For ii) Fer beyond lakhs i)Any upo wuk.% i') Not Required newspapers us the Iv!—) decide and due of Regulation 13 IZ of (Antc%ldment) Rules, 201vh) ii) Advertisement in focal "National newspapejs and Depu website as the (Iccide Md depending upon dw nature of of Bihar (Amendment) Rules, 2003) l, also go fOI' i)N01. Requited ii)Nct Required local & national daily. the Indian Tradc & website (as per Regulation no. i 31 H or Bihar Finance (Alucnd:acnt) Rules, 2005) Whether to go to PCC or no; ii) No ii) No i) Yes Competent kuthority Sanction ii} Board ii) i) Consul:nrti (Tech) 141AL)A Comm:ltce oi BIHAR GAZETTE (EXTfeA), 27TH DECEMBER. 2007 7 No F Type of Expenditure/ Approval I 'inalising •renders far works;Pröjcets BOQ Alicizio:: of the 10 Of' or confiscated Hiring including, ion Proposed Limit (i) Any Amount of Rs 2i lakhs (i) For Sluii Tendering Ptoress (ij in locui daily, the Indian Trade website as per no I Of Finance 2005) (i) local & daây, Indian Journal website us per i 31 ii of Bihar Finance 2005). tvit) get the valuat;on done by any of the V niu:ers reyisicred wilil Income Tux Depa. NOLe case the is lez valuation, the ML) and tinafise ille bid be iiiiC Oife;• (ii) above. daily, the 'Tcude website (per no. Bihar Finance (Aracnd:nent) R'ile, 200-8 j Local Whether to go to PCC.• or not (ii) Ves (ii) For Cålcgory Staff B Neusp•apers Competent Authority tu Sanction (ii) BtAL)A powers tc Selection provided the contracts Shuji period excceding months a lime powers MD subject to compensacion package approved by Board, provided the contracts Shal! bc gur period cxceed:ag i 2 mouths time. BIHAR GAZETTE DECEMBER. 2007 VVhciei' tu go IO PCC ur not No Expenditure! Approval All [elated pu:suanc of plil'i approved L'} such as . Advntselment r•jaglit Budget eon Wd'cl charges. legal charges. puatge, and ali we-source persons, to Author:y rei.-JWLl to documentation of funds itnplc:nentaun plans by of lAld ili Arca Cancellalion Of plots already Lignit 0) ail (i) Of lili (i) 01' alt kinas Tendering P coccss (i) ill newspapers as MI) may and dtpc•nding upon the expendja:rc. (i) required (i) Not (i) NOi Competent Anthurity Sanction po wers Powe.'s (EXTRA), 27TH DECEMBER, 4.2 Powers of the Managing Director 9 l'he Managing L)ircct0J shall bc the executive head of the BI/YL)A and shall bc responsible for proper administration of the affairs and Ill'.u-ls of the BIAT)A and implementation of various activities of the Authority undev the directions and guidance Of the Chairman of BIADA. For the el'léctive dischaiee of his function he shall have powers (a) (b) (d) (e) (i) (h) Constitute steering group each of the project components and l'unctiona\ areas. Constitute a task force, cojnprising heads of the steering groups which would function as a cohesive team for achievement of the objectives of the BIADA. Prescribe and assign the duties of all officers and of the BIAL)A. Exercise such supervision and disciplinary control as be necessary. Coordinate and exercise general supervision over the activities of the BIADA. Conduct meetings of the BIADA and keep a record of proceedings of these meelings in accordance with the Regulations and guidelines framed by the Board. Discharge such other furw•tioyys as may be assigned to him by the Chairman in furtherance of the objects of the BIADA. 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 BIAI)A. (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 BIAL)A may review and revise the financial powers of the office bearers of the bodies of the Authority from time to time if considered necessary. 10 BIHAR GAZETTE (EXTRA). 27TH DECEMBER, 2007 Chapter V FINANCE 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 Chartered Accountants of India. The financial records and accounts of the IDA shall be maintained in the books and registers as prescribed. 5.2 Bank Accounts (i) The funds of the IDA shall be kept in a Scheduled Nationalised Bank listed in the Second Schedule of the RBI Act. 6.1 Audit of Accounts The BIADA shall have two kinds of Audit Internal and External. 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 BIAL)A 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 chartered accountant. In addition, C&AG of India through State AGs may carry a supplementary audit under the "Duties, Powers & Conditions of Service 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 working effectively, identify areas of 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. BI HAR GAZETTE (EXTRA), DECEMBER, 2007 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 in 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 BIAI)A whose decision on the interpretation of the same shall be final. Chapter X DUES OF BIADA The BIAL)A 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. 1.1 BIHAR 27TH DECEMBER, 2007 PART I SERVICES REGULATIONS PROCEDURES Recruitment and Appointment 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: 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 employees 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. BIHAR 27TH DECEMBER, 2007

1.3 Category of Posts 1.3.1 The sanctioned posts under the BIADA as on date are set out in Annexure (i) 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 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, need to be appointed. Such fresh creation of posts and their package is given at Annexure P; to Schedule I. 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:- if BIHAR (EXTRA). (S. 10(1)) in (111) v. p. ly to cat. sc: If charges of misconduct against an employee are established, the MD may renew/cancel the contract for 12 months. Thereupon the salary may increase or decrease by 10% next 12 months; up to 10% (ten percent). Beyond 12 months approval of BIADA Board shall be necessary. b) MD shall be empowered to terminate the contract before the expiry of the term of contract. c.) An employee whose services have been forfeited by the Authority or who has resigned shall not be able to seek a job of any type at any stage with the Authority. 1.7 Resignation a) An employee resigns service of the BIADA by giving notice in writing addressed to the appointing authority on payment of one year's salary appointing authority 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 111011th. e) The resignation shall be effective from the date of its acceptance by the Appointing Authority. BIHAR GAZETTE (EXTRA), 27TH DECEMBER, 2007

1.8 1.9 1.10 1.11 a) Remuneration for the posts under BIADA shall be as specified in Annexure A and B to Schedule I. 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 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. Travelling Allowance The MD shall be empowered to fix the TA/DA of the officers and Staff of the BIADA. 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 resorted with the 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) Willful absence from duty after the expiry of approved leave renders an employee liable for disciplinary action. BIHAR GAZETTE (EXTRA), 27TH DECEMBER- 2007

1.12 Leave Address An employee shall notify in writing to the competent authority his address during leave and shall keep the said authority informed any change in leave address

2. GENERAL CONDITIONS OF SERVICE 2.1 Time Employ (i) An employee may be required to serve 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. Transfer and Joining Time An employee of the BIADA shall 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. 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. Personnel Records The BIADA shall maintain personnel records in such form as may be prescribed. (EXTRA). 27TH DECEMBER, 2007

2.5.6 Tax will be deducted as per income tax Regulations, and the Authority shall register itself with the relevant authorities in this regard. a) Every employee shall at all times maintain absolute integrity and devote himself fully. 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, for all time and for all purpose acquire during the work regarded as strictly confidential and held in confidence, and shall not be directly or indirectly disclosed 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. Misconduct — Any breach of these regulations shall be deemed to constitute a misconduct. Without prejudice to the generality of the terms 'misconduct', it shall be deemed to include the following: i) Wilful insubordination or disobedience, whether or in connection with others; of any lawful reasonable order of his superior, or commission any act subversive of discipline of good behaviour. Participation in an illegal strike or abetting, inciting instigating or acting in connivance thereof. ii) Wilful slowing down in performance of work, malingering or absence, or instigation thereof (or interference with the work of other employees. iii) Theft, fraud or dishonesty in connection with the business or property of the Authority. iv) Taking or giving bribes or any illegal gratification. v) Absence without leave or overstaying 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. vi) Habitual late attendance. vii) 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 the time being in force. Engaging in any business or trade within the premises of the establishment. x) 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 presented within a further period of 1 month from the date of expiry of period of limitation. BIHAR GAZETTE DECEMBER, 2007 19 a) Every person subject to it, shall do so and in his; b) The appeal shall be addressed to the appellate authority, contain all material statements and arguments on which the appellant relies. shall not contain any disrespectful or improper language shall be composed in 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. 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

tuay offer LoidLicr ,ils own rate (below L l) based on ket sludy. in case. the bidder refuses Io eorue. to BIADASs should go •fur a re tender. The decisions whether to a re tender or shall rest wilil MI). and 10. For completion o,' its projects and/or to enhaiaace the capaciyy sof contractors/ Engineers, lhe lilADA may purchase/hire pliWlts and Security 'The Authority shall fake ft'01V, uil CIC a Bank Guarantee 01' un appropriate amount. Bunk may bc li•om branch outside Ille State. Authority may hire national ConsulLants/Consull€uac.YÆiicms on a relaiuer ship basis an tucnuulivvork based tee f9!'. assisting itself on implementation and such issue as the , ulliority deem fit. The Aui\i0ficv ilia v recidice he stationed in house. Principal Deptt. of Industries, Bihar, Patna Published by the Superintendent GovernmentStationery Stores and Publication and Printed by the Superintendent Bihar secretariat Press, Patna. Bihar Gazette (Extra) 1 143—571 —200—D.T. P, 1982 1 974 4 14 arer zæa3Tz a-a-refi (m) ?h-gjtfiE5 g -14 6,197-4) 6) eTZT 31fi-&ä (q) QTäff (g) 318-frä -g-rzr (3) F?ökt, —(1 4 (11) Zä2TäZfrl d -2- ? eiäf?Rf ét ttfä a?rz a-aa5t zrv (2>77 EXT (3) (2) égfÄqsrå fäüä ff 3-rrq?ä zr 37trft &ITQE-T (4)zt-ær -u Qfi 3hz g-rt?T 4 11) Qivf (5) zrfä (2) q-g-ä 31'Tqf?ä 3ET 4 EITZT (1) 3TEfiET I 6. 4(2) 3iZRT fäu fhft zrr åznz fä-ä i, Gina-rz;) (ETröl) f*QT -a-3r I 3néQT 30 3if&H (5) 3+äi -g-n-r azhÖT -h -JöTå (7) 3T-fiF 31*FTZ fhTfrJT f-ät! 37fÉ.Tfävn:r ütZr 7 (1) zig e;) &TTfö 31TüiTöh rrrer (4) zig 'V" Lri 6 30—t-nzr (3) &Zt5TZ zrzå fä&iz (3) Ziti (4) zrzasz) 3trää (5) fifi-ét fäf@1 ! g. 5 3vfrö7 840 3ihz 9. 14 t) fufz (t) 30 Zizr za-åzzi, 3hz .3?rz 12. 3if?-1fä-Zä7 (:yr) 3iti-ugÜT 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 1 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 system 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 Section2, 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; 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 or 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. 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

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 are 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 our 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 4 under Section 9 of the Act. 3 Inserted by the BIADA (Amendment) Act, 2017. 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 (IO) 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

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. (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 buildings , execution of lease, modification 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 intol ; 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 11 consideration dispose of within two months from the date of receipt of Appeal. Inserted by the BIADA (Amendment) Act, 2017. Inserted by the BIADA (Amendment) Act, 2017. 7 Inserted by the BIADA (Amendment) Act, 2017. 8 Inserted by the BIADA (Amendment) Act, 2017. Inserted by the BIADA (Amendment) Act, 2017. 10 Inserted by the BIADA (Amendment) Act, 2017. 1i Inserted by the BIADA (Amendment) Act, 1991. (b) The Authority shall, after cancellation of allotment of the Plot/shed take 12 possession of the said Plot. (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 13 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 14 implementation has commenced on the plot. (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, 15 Cancellation Policy or such other Policy for better management of Industrial Area. (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 16 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 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 17 Authority shall take necessary action in terms of this Act. (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 18 managing the Industrial area. (10) The Authority shall have powers:- (a) to acquire and hold such property, both movable and immovable as the 19 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 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 20 its duties and functions; 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 22 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 23 limits and conditions as may be prescribed

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.(1

a) 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 24 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 loans and functions of the Authority under this Act; and all grants, subventions, advances made shall be on such terms and conditions as the State Government may 25 prescribe. (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 26 within 90 days after the end of each financial year. Chapter 4 S.9. Miscellaneous Provisions (I) 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 27 acquisition laws. 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. IO. 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.II. 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 higher 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 29 five thousand per day 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) (c) (d) (e) Removal of unauthorized structures; Demolition of buildings which may interfere with the planning or which may have been erected in contravention of the Regulations of the Authority; Purchase of land and/or building, take a property on lease or rent. 30 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; 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. (m,qun-or), (u) "trrr€ t, (q) fixq-vx t, (U) fqf& i, frTZüif I Ovi q? fiüft xrfiqTTR qr via (Q) Otrr f-q-cy-q (Gi) qq qftvrr Tütrr ; q? aid VfufRUR, •k (q) fini eic Cia q? qht fiTF#T, G) fqafr fuq 9friT, G) q-,râ (v) ;rrfiftif, Rot 7iFTfQi zzfi, q? (q) Aft qqäd, fuqrc R? (öt) t(fibr, q,rt«, (71) (fedqx) i (fifq) til f q? t«iqrfq-vrx (i-q-qn-x G) (R) RTfirvrX lie), fiÄ5 qi Cir.? kit, fqvfa fVAt(-r fzfrq (fqtTi go, ?WY) frF€t q? qhf Tr&rt I fqrr, ev DEü±t the Ot. Az-co. Dave Iop.qent. Au tnocltY, Patna u/ 0 15 of act. 1 974 G cnez-ul Those Regulations may ba called the Bihar Industrial Dove10ixnent Regula t; Ions. iRoyulu tho c.nntegt otherul•c require:.

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