

GORAKHPUR INDUSTRIAL DEVELOPMENT AUTHORITY (GIDA)

The Uttar Pradesh Industrial Area Development Act, 1976

Act 6 of 1976

Keyword(s):

Amenities, Industrial Development Area, Occupier, Transferee, Building Development

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THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT ACT, 1976
(U.P. ACT NO. 6 OF 1976)
(As passed by the Uttar Pradesh Legislature)

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**AN
ACT**

to provide for the constitution of an Authority for the development of certain areas in the State into industrial and urban township and for matters connected therewith.

It is hereby enacted in the twenty-seventh year of the Republic of India, as follows :-

Short title and extent	1. (1) This act may be called the Uttar Pradesh, Industrial Area Development Act 1976. (2) It extends to the whole of Uttar Pradesh.
Definition	2. In this Act (a) 'Amenities' include roads, water supply, street lighting and power supply, sewerage, drainage, collection treatment and disposal of industrial waste and town refuse and such other community facilities, services or conveniences as the State Government may, by notification, specify to be an amenity for the purposes of this Act: (b) 'Authority' means the Authority constituted under section 3 of the act : (c) 'Chief Executive Officer' means the officer appointed as such under section 4 : (d) 'Industrial Development Area' means an area declared as such by the State Government by notification; (e) 'Occupier' means a person (including a firm or body of individuals whether incorporated or not) who occupies a site or building with the industrial development area and includes his successors and assigns;

- (f) 'Transferee' means a person (including a firm or other body of individuals whether incorporated or not to whom any land or building is transferred in any manner whatsoever, under this act and includes his successors and assigns,
- (g) The words and expressions 'Building development', 'to erect a building' and 'land' shall have the same meaning as assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.
- Constitution of the Authority**
3. (1) The State Government may, by notification, constitute for the purposes of this Act, An authority to be called (Name of the area) Industrial Development Authority, for any industrial development area.
- (2) The Authority shall be a body corporate.
- (3) The Authority shall consist of the following :-
- (a) The Secretary to the Government, Uttar Pradesh, Member
Industries Department or his Nominee not below Chairman
the rank of Joint Secretary-ex-official.
- (b) The Secretary to the Government, Uttar Pradesh, Member
Public works Department or his nominee not
below the rank of Joint Secretary ex-official.
- (c) The Secretary to the Government, Uttar Pradesh, Local Member
Self-Government or his nominee not below the rank of
joint Secretary-ex official.
- (d) The Secretary to the Government, Uttar Pradesh, Finance Member
Department or his nominee not below the rank of
Joint Secretary-ex official.
- (e) The Managing Director, U.P. State Industrial Development Member
Corporation-ex official.
- (f) Five members to be nominated by the State Government Member
by notification.
- (g) Chief Executive Officer. Member
Secretary
- (4) The headquarters of the Authority shall be at such place as may be notified by the State Government.
- (5) The procedure for the conduct of the meetings for the Authority shall be such as may be prescribed.
- (6) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in or defect in the constitution of the Authority.

Chief Executive Officer	4.	<p>(1) The Chief Executive Officer of the Authority shall be appointed by the State Executive Government and shall be a whole-time officer of the Authority.</p> <p>(2) The Chief Executive Officer shall be entitled to receive from the funds of the Authority such salaries and allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.</p> <p>(3) The Chief Executive Officer shall exercise such power and perform such duties as may be specified in the regulations or delegated to him by the Authority.</p>
Staff of the or Authority	5.	<p>(1) Subject to such control and restrictions as may be determined by general special orders of the State Government, the Authority may appoint such number of officers and employees as may be necessary for the performance of its functions and may determine their grades and designations.</p> <p>(2) Subject as aforesaid the officers and other employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be agreed upon with the Authority.</p>
Function of the Authority	6.	<p>(1) The object of the Authority shall be to secure the planned development of the industrial development area.</p> <p>(2) Without prejudice to the generality of the objects of the Authority, the Authority shall perform the following functions :—</p> <p>(b) to prepare a plan for the development of the industrial development area;</p> <p>(c) to demarcate and develop sites for industrial, commercial and residential purpose according to the plan;</p> <p>(d) to provide infrastructure for industrial, commercial and residential purposes;</p> <p>(e) to provide amenities;</p> <p>(f) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial, commercial or residential purposes;</p> <p>(g) to regulate the erection of buildings and setting up of industries: and</p> <p>(h) to lay down the purpose for which a particular site or plot of land shall be used, namely for industrial or commercial or residential purpose or any other specified purpose in such area.</p>
Power to the Authority in respect of transfer of land	7.	The authority may sell, lease or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to the Authority in the industrial development area on such terms and conditions as it may, subject to any rules that may be made under this Act think fit to impose.
Power of issue directions in respect of creation of building	8.	(1) For the purposes of proper planning and development of the industrial development area, the authority may issue such direction as it may consider necessary, regarding.

Ban on erection of building in contravention of regulations

9.

- (a) architectural features of the elevation or frontage of any building;
 - (b) the alignment of buildings on any site;
 - (c) the restrictions and conditions in regard to open spaces to be maintained in and around buildings and height and character of buildings;
 - (d) the number of residential buildings that may be erected on any site;
 - (e) Regulations of erections of shops, workshops, warehouses, factories or buildings;
 - (f) maintenance of height and position of walls, fences, hedges or any other structure or architecture constructions;
 - (g) maintenance of amenities;
 - (h) restrictions of use of any site for a purpose other than that for which it has been allocated;
 - (i) the means to be provided for proper (i) drainage of waste water (ii) disposal of industrial waste, and (iii) disposal of town refuse.
- (2) Every transferee shall comply with the directions issued under sub-section (1) and shall as expeditiously as possible erect and building or take such other steps as may be necessary to comply with such directions.
- (1) No person shall erect or occupy any building in the industrial development area in contravention of any building regulation made under sub-section (2)
 - (2) The Authority may by notification and with prior approval of the State Government make regulations to regulate the erection of buildings and such regulations may provide for all or any of the following matters, namely
 - (a) The materials to be used for external and partition walls, roofs, floors and other parts of a buildings and their position or location or the method of construction;
 - (b) Lay out plan of the building whether industrial, commercial or residential;
 - (c) the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;
 - (d) the ventilation in, or the space to be left about any building or part there of to secure circulation of air or for the prevention of fire;
 - (e) the number and height of the storeys of any building;
 - (f) the means to be provided for the ingress and egress to and from any building;
 - (g) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms and the provisions of ventilation;
 - (h) any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings and
 - (i) the certificates necessary and incidental to the submission of plans amended plans and completion reports.

Power to require proper maintenance of site or building

10. If it appears to the Authority that the condition or use of any site or building is prejudicially affecting or is likely to affect the proper planning of, or the amenities in any part of the industrial development area of the interests of the general public there, it may serve on the transferee or occupier of that site of building a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain it in such manner as may be specified therein and in case such transferee or occupier fails to take such steps or to maintain it thereafter the Authority may itself take such steps or maintain it, and realize the cost incurred on it from such transferee or occupier.

Levy of Tax

11. (1) For the purposes of providing, maintaining, or continuing any amenities in the industrial development area, the Authority may with the previous approval of the State Government, levy such taxes as it may consider necessary in respect of any site or building on the transferee or occupier thereof, provided that the total incidence of such tax shall not exceed twenty five per cent of the annual value of such site or building.

Explanation : In this sub-section, the expression 'annual value' shall have the same meaning as in Section 174 of the U.P. Nagar Mahapalika Adhiniyam, 1959.

- (2) If the State Government considers it necessary or expedient in the public interest it may, by a general or special order, exempt wholly or partly – any such transferee or occupier or any class thereof from the taxes levied under sub-section (1).

Definition of “annuals values” – ‘Annual value means’ :-

- (a) in the case of railway stations, colleges, schools, hostels, factories and other such buildings, a proportion not below 5 per cent to be fixed by rule made in this behalf of the sum obtained by adding the estimated present cost erecting the building, less depreciation at a rate to be fixed by rule to the estimated value of the land appurtenant thereto, and
- (b) in the case of a building of land not falling within the provisions of clause (a) the gross annual rent for which such building, exclusive of furniture or machinery therein, or such land is actually let, or where the building or land is not let or in the opinion of the assessing authority is let for a sum less than its fair letting value, might reasonably be expected to let from year to year.

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Mahapalika, be excessive if calculated in the aforesaid manner, the Mahapalika may fix the annual value at any less amount which appears to it equitable :

Provided further that where the Mahapalika so resolves, the annual value in the case of owner occupied building and land shall for the purposes of assessment of property taxes be deemed to be 25% less than the annual value otherwise determined under the section.

Applications of certain provisions of president's Act XI of 1973

12. The provision of Chapter VII and section 30, 32, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53 and 58 of the Uttar Pradesh Urban Planning and Development Act, 1973 as re-enacted and modified by the Uttar Pradesh President's act (Re-enactment with modifications) Act, 1974, shall mutatis mutandis apply to the Authority with adaptation that

- (a) any reference to the aforesaid Act shall be deemed to be a reference to this act :
 - (b) any reference to the Authority constituted under the aforesaid Act shall be deemed to be a reference to the Authority constituted under this Act: and
 - (c) any reference to the Vice-Chairman of the Authority shall be deemed to be a reference to the Chief Executive Officer of the Authority.
- Imposing of penalty mode of recovery of arrears**
- 13.** Where any transferee makes any default in the payment of any consideration and money or instalment thereof or any other amount due --- account of the transfer of any site or building by the Authority or any rent due to the Authority in respect of any lease, or where any transferee or occupier makes any default in the payment of any fee or tax levied under this Act, the Chief Executive officer may direct that in addition to the amount of arrears, further sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.
- Forfeiture for Breach of Conditions of transfer**
- 14.** (1) In the case of non-payment of consideration money or any instalment thereof on account of the transfer by the Authority of any site or building or in case of any breach of any condition of such transfer or breach of any rules or the site or the site or building so transferred and may further forfeit the whole or any part of the money if any paid in respect thereof.
- (2) Where the Chief Executive Officer order resumption of any site or building under sub-section (1) the Collector may, on his requisition, cause possession thereof to be delivered to him and may for that purpose use or cause to be used such force as may be necessary.
- Penalty**
- 15.** Any person who contravenes any provisions of this Act, or rules or regulations made there under or any directions issued under section 8 shall on conviction be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence with further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.
- Power of entry etc.**
- 16.** The Chief Executive Officer may authorise any person to enter into or open any land or building with or without assistance, for the purposes of :-
- (a) making any inquiry, inspection, measurement or survey or taking levels of such land or building.
 - (b) examining works under construction or of ascertaining the course or seweres or drains;
 - (c) ascertaining whether any building is being or has been erected or re-erected with out sanction or in contravention of any sanction given under this Act or the rules and regulations made thereunder and to take such measurements and do any such other acts as may be necessary for each purpose.
 - (d) doing any other thing necessary for the efficient administration of this act.
- Provided that :-*
- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier or if there be not occupier, the owner of the land or building.

- (ii) sufficient opportunity shall in every instance, be given to enable women if any to with draw form such land or building.
 - (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.
- Overriding effect of the Act.** 17. Upon any area being declared on industrial development area under the provision of this act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban planing and Development Act, 1973, or any development plan under any other Uttar Pradesh Act, shall with effect from the date of such declaration be deemed to be excluded from any such plan.
- Power of make rules** 18. The State Government may by notification make rules for carrying out time purposes of this act.
- Power to make regulations** 19. (1) The Authority may with the previous approval of the State Government make regulation not inconsistent with the provisions of this Act or the rules mode thereunder for the administration of the affairs of the Authority.
- (2) In particular, and without prejudice to the generally of the foreboding power, such regulations may provide for all or any the following matters namely–
- (a) the summoning and holding of meetings of the Authority the time and place where such meetings are to be held the conduct of business at such meetings, and the number of members necessary to form a quorum there at;
 - (b) the power and duties of the Chief Executive Officer;
 - (c) the form of register of application for permission to erect a building;
 - (d) the management of properties of the Authority;
 - (e) fee to be levied in the discharge of its functions;
 - (f) such other matters as are to be provided for in regulation.

Chapter VII
FINANCE, ACCOUNTS AND AUDIT

20. **Fund of the Authority–**
- (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 to grants, loans advances or otherwise;
 - (b) all moneys borrowed by the Authority from sources other than the State Government by way of loans or debentures;
 - (c) all fees, tolls and charges received by the Authority under this Act;
 - (d) all moneys received by the Authority from the disposal of lands, buildings and other properties movable and immovable; and
 - (e) all moneys received by the Authority by way of rents and profits or in any other manner or from any other sources

- (2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act for no other purposes.
- (3) Subject to any directions of the State Government, the Authority may keep in current account of any Scheduled Bank such sum of money out of its funds as it may think necessary for meeting its expected current requirements and invest any surplus money in such manner as it thinks fit.
- (4) The state Government may, after due appropriation made by Legislature by law in that behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the authority under this Act, and all grants, loans and advances, made shall be on such terms and conditions as the State Government may determine.
- (5) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.
- (7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.

21. Budget of the Authority –

The Authority shall prepare in such form and at such time every year as the State Government may specify, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Authority.

22. Accounts and Audit –

- (1) The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts including the balance-sheet in such form as the State Government may specify.
- (2) The accounts of the Authority shall be subject to audit annually by the examiner, Local Fund Accounts.

Provided that in place or in addition to the Examiner, Local Fund Accounts, the State Government may entrust the audit to the Account General, Uttar Pradesh or Controller and Auditor General of Indian or to any other Auditor on such terms and conditions, in such manner, for such period and at such time as may be agreed upon between him and the State Government.

- (3) The rights, authority and privileges of any person conducting audit under sub-section (2) shall–
 - (i) in the case of Examiner, Local Fund Accounts, be the same as he has in connection with the audit of the accounts, of local authority;
 - (ii) in the case of the Accountant General, Uttar Pradesh or as the case may be, the comptroller and Auditor General of Indian, be the same as he has in connection with audit of Government accounts; and

- (iii) in the case of any other auditor, be as prescribed;
and in particular, he shall have the right to demand production of books, accounts, connected vouchers, papers and other documents and to inspect the Office of the Authority.
- (4) The accounts of the Authority, as certified by the Auditor or any person appointed by him in that behalf, together with audit report thereon shall be forwarded to the State Government may issue such directions to the authority as it may deem fit and the Authority shall be bound to comply with such directions.
- (5) Any expenditure, incurred by the Auditor in connection with the audit, shall be payable by the authority to the Auditor.

23. Annual Report –

The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as the State Government may specify and such report shall be laid before both Houses of the Legislature.

24. Pension and Provident Fund –

- (1) The Authority may constitute for the benefit of its whole-time paid members and of its officers and other employers in such manner and subject to such conditions, as the State Government may specify, such pension or provident funds as it may deem fit.
- (2) Where any such pension or provident fund has been constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

30. Offences by companies –

- (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – for the purposes of this section :–

- (a) “company” means a body corporate and includes a firm or other association of individuals; and

- (b) “director” in relation to a firm means a partner in the firm.

32. Composition of offences –

- (1) Any offence made punishable by or under this Act may either before or after the institution or proceedings, be compounded by the Authority) or any officer authorised by it in that behalf by general or special order), on such terms including any terms as regards payment of a composition fee, as the Authority (or such officer) may think fit.
- (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of the offence compounded.

40. Recovery of moneys due to Authority –

Any money due to an Authority on account of any fee or charges or from disposal of land, building or any other property, movable or immovable, by way of rent, premium profit or hire purchase instalment, may, without prejudice to the right of recovery provided by or under this Act or any other law for the time being in force, be realised :–

- (a) either as arrears of land revenue upon a certificate of the amount due sent by the Authority to the Collector, or
- (b) by attachment and sale of property in the manner provided in section 504, 505, 506, 507, 508, 509, 510, 512, 513 and 514 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (2 of 1959); and such provision of the said Adhiniyam shall mutatis mutandis apply to recovery of dues of an authority as they apply to recovery of a tax due to a Nagar Mahapalika, so however, that references in the aforesaid sections of the said Adhiniyam to ‘Mukhya Nagar Adhikari, Mahapalika’ and Executive Committee’ shall be construed as references to ‘Vice–Chairman, ‘Development Authority’ and ‘Chairman respectively’:

Provided that no two or more modes of recovery shall be commenced or continued simultaneously.

**Borrowed
section of
U.P. Nagar
Mahapalika
Adhiniyam
1959**

504. Presentation of Bill – (1) As soon as a person becomes liable for the payment of any sum on account of a tax, other than octroi or toll or any similar tax payable upon immediate demand, the Mukhya Nagar Adhikari shall with all convenient speed, cause a bill to be presented to the person so liable.

- (2) Unless otherwise provided by rule, a person shall be deemed to become liable for the payment of every tax and licence fee upon the commencement of the period in respect of which such tax or fee is payable.

505. Contents of bill – Every such bill shall specify –

- (a) the period for which and the property, occupation, circumstances or thing in respect of which the sum is claimed and
- (b) the liability or penalty enforceable in default of payment, and
- (c) the time (if any), within an appeal may be preferred as provided in Section 472.

506. Notice of demand–

If the sum for which a bill has been presented as aforesaid is not paid into the office of the Mahapalika, or to a person empowered by a regulation to receive such payments, within fifteen days from the presentation thereof, the Mukhya Nagar Adhikari may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form prescribed by rule.

507. Issue of Warrant –

- (1) If the person liable for the payment of the said sum does not, within fifteen days from the services of such notice of demand either –
 - (a) show cause to the satisfaction of the Mukhya nagar Adhikari or of such officer as the Mahapalika by regulation may appoint in this behalf, why he should not pay the same, such sum with all costs of the recovery may be recovered under a warrant caused to be issued by the Mahapalika in the form prescribed by rule, or to like effect, by distress and sale of movable property of the defaulter.
- (2) Every warrant issued under this section shall be signed by the Mukhya Nagar Adhikari or by the officer referred to in clause (b) of sub section (1).

508. Forcible entry for purpose of executing warrant –

It shall be lawful for a Mahapalika Officer to whom a warrant issued under Section 507 is addressed, to break open, at any time between sunrise and sunset any outer of inner door or windows of a building, in order to make the distress directed in the warrant in the following circumstances and not otherwise.

- (a) if the warrant contains a special order authorising him in this behalf:
- (b) if he has reasonable grounds for believing that the building contains property which is liable to seizure under the warrant, and
- (c) if, after notifying his authority and purpose and duty demanding admittance he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of an apartment appropriated for women, until he has given any women therein an opportunity to withdraw.

509. Manner of executing warrant –

- (1) It shall also be lawful for such officer to distrain, wherever it may be found, any movable property of the person therein named as defaulter, subject to the provisions of sub-sections (2) and (3)
- (2) The following property shall not be distrained :
 - (a) the necessary wearing apparel and bedding of the defaulter his wife and children;
 - (b) the tools of artisans;
 - (c) books of account;
 - (d) when the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable him to earn his livelihood.

- (3) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which in the opinion of the person authorised under sub-section (2) of Section 507 to sign a warrant, should not have been so distrained they shall forth with be returned.
- (4) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form prescribed by rule that the said property will be sold as shall be specified in such notice.

510. Sale of goods under warrant and application of proceeds –

- (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be recovered is likely to exceed its value, the Mukhya Nagar Adhikari or other officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was seized to the effect that will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.
- (2) If not sold at once under sub section (1) the property seized or a sufficient portion thereof may, on the expiration of the time specified in the notice served by the officer executing the warrant, be sold by public auction under the orders of the Mahapalika unless the warrant is suspended by the person who signed it or the sum due from the defaulter is paid together with all costs incidental to the notice, warrant of distress and detention of the property.
- (3) The surplus, if any, shall be forthwith credited to the Mahapalika Fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application made to the Mukhya Nagar Adhikari within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Mahapalika.

512. Recovery by attachment and sale of defaulter's immovable property –

In the circumstances mentioned in sub-section (1) of Section 507, the Mukhya Nagar Adhikari or the officer referred to in clause (b) of sub-section (1) of section 507, may in lieu of issuing a warrant for distress and sale of movable property or where such warrant has been issued but the amount recoverable has not been recovered in whole or part issue a warrant for the attachment and sale of the defaulter's immovable property.

513. Warrant how to be executed in the case of immovable property –

- (1) When a warrant is issued under Section 512 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the amount due with the costs of recovery, are paid into the Mahapalika office within five days.

- (2) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon conspicuous part of the office of the Mahapalika and also, when the property is land paying revenue to the State Government in the office of the Collector of the district in which the land is situate.
- (3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Mukhya Adhikari shall be void as against all claims of the Mahapalika enforceable under the attachment.

514. Sale of immovable property –

- (1) If the amount due is not paid within the period stated in sub-section (1) of Section 513 the immovable property or a sufficient portion thereof may be sold by public auction by order of the Mukhya Nagar Adhikari unless the warrant is suspended by him, or the sum due and the cost of recovery are paid by the defaulter and the Mukhya Nagar Adhikari shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.
- (2) The surplus, if any, shall be forthwith credited to the Mahapalika Fund, but if the same be claimed by written application to the Mukhya Nagar Adhikari within six months from the date of the sale, a refund thereof shall be made to the defaulter and any surplus not claimed within six months as aforesaid shall be the property of the Mahapalika.
- (3) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the attachment of immovable property shall be deemed to have been removed.
- (4) Sales of immovable property under this section shall be held in the manner laid down in the rules.
- (5) After sale of the immovable property as aforesaid, the Mukhya Nagar Adhikari shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.
- (6) It shall be lawful for the Mukhya Nagar Adhikari on behalf of the Mahapalika to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Executive Committee is obtained to such bidding.
- (7) The Mukhya Nagar Adhikari may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-section (5) and may also use such force as is reasonably necessary to effect entry on the said property.

**Borrowed
Section of U.P.
Urban Planning
and
Development
Act - 1973**

41. Control by State Government –

- (1) The (Authority, the Chairmen or the Vice-Chairman) shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.
- (2) If in, or in connection with the exercise of its power and discharge of its functions by the (Authority, the Chairman or the vice-Chairman) under this

Act any dispute arises between the (Authority, the Chairman of the Vice-Chairman) and the State Government the decision of the State Government on such dispute shall be final.

- (3) The State Government may, at any time, either on its own motion or an application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority or the Chairman for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may thin fit.

Provided that the State Government shall not pass on order prejudicial to any person without affording such person a reasonable opportunity of being heard.

- (4) Every order of the State Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court.

42. Returns and inspections –

- (1) The Authority shall furnish to the State Government such reports, returns and other information as that Government may from time to time require.
- (2) Without prejudice to the provisions of sub-section (1) the State Government or any officers authorised by the State Government in that behalf, may call reports return and other information form the Authority or the local authority concerned in regard to the implementation of the master plan.
- (3) Any person authorised by the State Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.
- (4) No such entry, shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier to the owner of the land or building.

43. Service of notices, etc. –

- (1) All notices, orders and other documents required by this Act or any rule regulation made there under to be served upon any person shall save as otherwise provided in this Act or such rule or regulation be deemed to be duly served.
 - (a) where the person to be served is a company, if the document is addressed to the secretary of the company as its registered office at its principal office or place of business and is either.
 - (i) sent by registered post or
 - (ii) delivered at the registered office or at the principal office or place of business of the company.
 - (b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, indentifying if by the name or style under which its business is carried on and is either –

- (i) sent by registered post, or
- (ii) delivered at the said place of business.
- (c) Where the person to be served is a public body or a corporation or society or other body, if the documents is addressed to the secretary, treasure or other chief officer of the body, corporation or society at its principal office, and is either –
 - (i) sent by registered post, or
 - (ii) delivered at that office.
- (d) in any other case, if the document is addressed to the person to be served and –
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of land or building to which it relates, or
 - (iii) is sent by registered post to that person.
- (2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed “the owner” or “the occupier”, as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served–
 - (a) If the document so addressed is sent or delivered in accordance with clause (d) of sub section (1), or
 - (b) If the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, affixed to some conspicuous parts of the land or building.
- (3) Where a document is served on a firm in accordance with clause (b) of sub-section (1) the document shall be deemed to be served on each partner of that firm.
- (4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may be notice in writing require the occupier (if any of the property to state the name and address of the owner thereof).
- (5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family be deemed to be service upon the minor.
- (6) A servant is not a member of the family within the meaning of this section.

44. Public notice how to be made known –

Every public notice given under this Act shall be in writing over the signature of the Secretary to the Authority and shall be widely made known in the locality to be

affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by two or more of these means, and by any other means that secretary may thin fit.

45. Notice etc., to fix reasonable time –

Where any notice, order or other document issued, or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which not time is fixed in this Act or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

46. Authentication of orders and documents of Authority –

All permission, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in that behalf.

47. Members and Officers to be public servants –

Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Panel Code.

49. Sanction of prosecution –

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Vice Chairman of the Authority or any officer authorised by him in that behalf.

50. Protection of action taken in good faith –

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

51. Power to delegate –

- (1) The State Government may by general or special order, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised by such officers in such cases and subject to such conditions, if any, as may be specified therein.
- (2) The Authority may, by general or special order direct that any power exercisable by it under this Act except the power to make regulations or bye-laws, may also be exercised by such officer or local authority, in such cases and subject to such conditions, if any as may be specified therein.
- (3) The Vice Chairman of the Authority may by general or special order direct that any power exercisable by him under the Act may also be exercised by such officer of the Authority in such cases and subject to such conditions, if any, as may be specified therein.

53. Exemption –

Notwithstanding anything contained in this Act the State Government may by notification in the Gazette exempt, subject to such conditions and restrictions, if

any, as may be specified in such notification any land or building or class of lands or building or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.

58. Dissolution of Authority –

(1) Where the State Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, that Government may by notification in the Gazette declare that the authority shall be dissolved with effect from such date as may be specified in that notification and the Authority shall be deemed to be dissolved accordingly.

(2) **From the said date –**

(a) all properties, funds and dues which are vested in, or releasable by the Authority shall vest in or be reliable by the State Government.

(b) all nazul lands placed at the disposal of the Authority shall revert to the State Government.

(c) all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and

(d) for the purpose of carrying out any development which has not been duly carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the State Government.

No. 1520(2) XVII-V-I (KA)-24-1991

Date Lucknow August 21,1991

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adyogik Kshetra Vikas (Sandesh Nivaran Aur Vadhikaran) Adhinyam, 1991 (Uttar Pradesh Adhinyam Sankhya 27 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 20, 1991.

**The Uttar Pradesh Industrial Area Development
(Removal of doubts and validation Act, 1991)
(As passed by Uttar Pradesh Legislature)
(U.P. Act No. 27 of 1991)**

AN

ACT

To provide for the removal of doubts in respect of certain provision of the Uttar Pradesh Industrial Area Development Act, 1976 and to validate certain acts and proceedings there under.

IT IS HEREBY enacted in the Forty-second Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation Act 1991.
(2) Section 2, 3 and 4 shall be deemed to have come into force on July 19, 1991 and the remaining provisions shall come into force at once.
2. For the removal of doubts it hereby declared that the Removal provisions of claused (d) of section 2 of the Uttar Pradesh of doubts Industrial Area Development Act 1976, herein after referred to as the principal Act empower and shall be deemed always to have empowered, the State Government to declare any area as industrial development area.
3. The area specified in the respective Schedule to Validation Government's notifications on :—
 - (a) 8452 Bha. U. XVIII-11-223 BhA-88 Dated November 30, 1989;
 - (b) 8425(1) B.U. XVIII-11-233 BhA-88, Dated November 30, 1989; and
 - (c) 7436-Bha. U. XVIII-11-107-BhA-85, Dated January 28, 1991shall be deemed to be, and always to have been, declared by the State Government as industrial development areas under clause (d) of section 2 of the principal Act and the said notification shall be, and be deemed always to have been valid and lawful as if the provisions of this Act where in force at all material times.
4. The provisions of this Act shall have effect not with standing anything to the contained in any judgement, decree or order of any Court or authority.
5. (1) The Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation) Ordinance, 1991, is hereby repealed.
(2) Not with standing such repeal, anything done or any action taken under the Ordinance referred join sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

**U.P.
Ordinance
no, 33 of**

No. 1569 (2)/XVII—V—1—1 (KA)-31-1995

Dated, Lucknow, August 21, 1995

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshettra Vikas (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 18 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 18, 1995..

**THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 1995**

[U. P. Act No. 18 of 1995]

(As passed by the Uttar Pradesh Legislature).

**AN
ACT**

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India as follows :—

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on May 15, 1995,

Dated Lucknow, February 25, 1999

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Ksetra Vikas (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 2 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 24, 1999.

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 1999

(U. P. ACT NO. 2 OF 1999)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 1999.

(2) It shall be deemed to have come into force on August 14, 1998

2. After section 6 of the Uttar Pradesh Industrial Area Development Act, 1976, hereinafter referred to as the principal Act, the following section shall be inserted, namely :—

insertion of new section 6-A in U.P. Act no. 6 of 1976

“6-A. Notwithstanding anything to the contrary contained in any other provisions of this Act and subject to such terms and conditions as may be specified in the regulations, the Authority may, by Agreement, authorize any person to provide or maintain or continue to provide or maintain any infrastructure or amenities under this Act and to collect taxes or fees, as the case may be, levied therefor.

3. (1) the Uttar Pradesh Industrial Area Development (Amendment) (Second) Ordinance, 1998 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in subsection (1), or by the Uttar Pradesh Industrial Development (Amendment) Ordinance, 1998 shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

J. P.
Finance
No. 13 of
1998

J. P.
Finance
No. 11 of
1998

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 747(2)/XVII-V-1—1(KA)19-2001

Dated Lucknow, March 27, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikas (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 4 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 24, 2001 :—

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 2001

(U. P. Act no. 4, 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

Further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Fifty-Second Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2001. Short title

2. After section 12 of the Uttar Pradesh Industrial Area Development Act, 1976, the following section shall be inserted, namely:— Insertion of new section 12-A in U.P. Act no. 6 of 1976

“12-A. Notwithstanding anything contained to the contrary in any Uttar Pradesh Act, where an industrial development area or any part thereof is specified to be an industrial township under the proviso to clause (1) of Article 243-Q of the Constitution, such industrial development area or part thereof, if included in a Panchayat area, shall, with effect from the date of notification made under the said proviso, stand excluded from such Panchayat area and no Panchayat shall be constituted for such industrial development area or part thereof under the United Provinces Panchayat Raj Act, 1947 or the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961, as the case may be, and any Panchayat constituted for such industrial development area or part thereof before the date of such notification shall cease to exist.

*Explanation:—*The expression “Panchayat and Panchayat area” shall have the meanings respectively assigned to them in part IX of the Constitution.”

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Industrial Area Development Act, 1976 provides, *inter alia*, for declaration of an area as Industrial Development Area and for constitution of an Industrial Development Authority for such area to perform certain functions, such as to acquire land, to prepare plan for such area to demarcate and develop sites, and provide infra-structure, for industrial, commercial and residential purposes, to provide amenities and to regulate the erection of buildings and setting up of industries. The local bodies having jurisdiction over such area also perform similar functions as a consequence of which sometimes disputes arise between the Industrial Development Authority and the local authority over the exercise of jurisdiction in respect of such area. Article 243-Q of the Constitution empowers the Governor to specify, by public

notification, any urban area or part thereof, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, to be an industrial township. Upon the declaration of an area as Industrial Township under the said Article 243-Q, constitution of a municipality for such area is not necessary. It has, therefore, been decided to amend the said Act so that where an Industrial Development Area is specified to be an industrial township under the said Article 243-Q, such area would stand excluded from any panchayat area, and no panchayat would be constituted for such area, and any panchayat constituted for such area, or part thereof, before its declaration as industrial township would cease to exist.

The Uttar Pradesh Industrial Area Development (Amendment) Bill, 2001 is introduced accordingly.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 1694(2)/LXXXIX-V-1-08-1(Ka)18-2008

Dated Lucknow, August 29, 2008

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikas (Sanshodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 20 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 2008.

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 2008
(U.P. ACT NO. 20 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2008

Short title,
extent and
commencement

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on July 24, 2008.

2. In section 3 of the Uttar Pradesh Industrial Area Development Act, 1976 hereinafter referred to as the principal Act, in sub-section (3), in clause (a) the following proviso shall be *inserted* at the end, namely:—

Amendment of
section 3 of U.P.
Act no. 6 of
1976

“Provided that the Chairman of the Uttar Pradesh State Industrial Development Corporation shall be the *ex-officio* Chairman of the Uttar Pradesh State Industrial Development Authority.”

3. (1) The Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2008 is hereby repealed.

Repeal and
saving

U.P.
Ordinance
no. 4 of
2008

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Sub-section (3) of section 3 of the Uttar Pradesh Industrial Area Development Act, 1976 provides for the constitution of the Authority. In accordance with the provisions of clause (a) of the said sub-section for the time being in force the Industrial Development Commissioner shall be the *ex-officio* Chairman of the Uttar Pradesh State Industrial Development Authority. It had been decided by the State Government that

the assets and liabilities of the Corporation should be transferred to the Authority. A Bill has already been in process to implement the said decision. If the said decision is implemented the Corporation would become a company having a shape only. In such a situation if there is separate Chairman of the Corporation and the Authority there would be an odd situation. In order to avoid such situation it was decided to amend, in the public interest, the said Act to provide that the Chairman of the Uttar Pradesh State Industrial Development Corporation shall be the *ex-officio* Chairman of the Uttar Pradesh State Industrial Development Authority.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid action the Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2008 (U.P. Ordinance no. 4 of 2008) was promulgated by the Governor on July 24, 2008.

This Bill is introduced to replace the aforesaid Ordinance

By order,

S.M.A. ABIDI,

Pramukh Sachiv.

पी० एस० यू० पी०-ए० पी० 466 राजपत्र (हि०)-(1031)-2008-597 प्रतियां-(कम्प्यूटर/टी०/आफसेट)।

पी०एस०यू०पी०-ए०पी० 97 सा० विधायी-(1032)-2008-850 प्रतियां (कम्प्यूटर/टी०/आफसेट)।

उद्देश्य और कारण

उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 6, सन् 1976) का अधिनियमन उत्तर प्रदेश राज्य में कतिपय क्षेत्रों का औद्योगिक और पौर क्षेत्र के रूप में और राज्य में अन्य क्षेत्रों को औद्योगिक और पौर क्षेत्र के रूप में विकास करने के लिए किया गया है। भारत सरकार द्वारा ग्रेटर नोएडा तथा जवाहर लाल नेहरू पोर्ट, मुंबई के मध्य 1483 किमी० लम्बी वेस्टर्न फ्रेट कोरिडोर विकसित की जा रही है। डेडीकेटेड फ्रेट कोरिडोर के दोनों ओर दिल्ली-मुंबई इण्डस्ट्रियल कोरिडोर विकसित किया जाना प्रस्तावित है, जिसमें राज्य सरकार द्वारा 7 निवेश क्षेत्र एवं 13 औद्योगिक क्षेत्र विकसित किये जाने हैं। निवेश क्षेत्र के विकास से उत्तर प्रदेश में औद्योगिकीकरण को बढ़ावा मिलने के साथ-साथ रुपये 5,70,000 करोड़ का निवेश होने का अनुमान है एवं लगभग 14,00,000 लोगों को रोजगार प्राप्त होने का अनुमान है, जिसके लिए उक्त परियोजना के विकास हेतु विशेष निवेश क्षेत्र की स्थापना किया जाना प्रस्तावित है। इसके अतिरिक्त औद्योगिक क्षेत्र में स्थित किसी अचल सम्पत्ति के हस्तान्तरण विलेख पर दो प्रतिशत के अतिरिक्त स्टाम्प शुल्क का उद्ग्रहण किया जाना प्रस्तावित है। स्टाम्प शुल्क के रूप में वसूल की गयी धनराशि का उपयोग औद्योगिक, वाणिज्यिक, संस्थागत एवं नगरीय अवस्थापना विकास के लिए किया जायेगा। अतएव, यह विनिश्चय किया गया है कि पूर्वोक्त प्रयोजन हेतु उक्त अधिनियम का संशोधन किया जाये।

तदनुसार उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) विधेयक, 2016 पुरःस्थापित किया जाता है।

आज्ञा से,
अब्दुल शाहिद,
प्रमुख सचिव।

No. 590 (2)/LXXIX-V-1-16-1 (ka)-12-2016

Dated Lucknow, March 22, 2016

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikash (Sanshodhan) Adhiniyam, 2016 (Uttar Pradesh Adhiniyam Sankhya 10 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 21, 2016.

**THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 2016**

(U.P. Act no. 10 of 2016)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2016. Short title

2. In section 2 of the Uttar Pradesh Industrial Area Development Act, 1976, hereinafter referred to as the principal Act,— Amendment of section 2 of U.P. Act no. 6 of 1976

(a) in clause (a)—

(i) for the word "roads" the words "roads, bridges, flyovers, underpasses" shall be substituted;

(ii) after words "town refuse", the words, "facilities relating to health, education, transport, disaster management, fuel, power public transport, broad band connectivity and gas pipe-lines" shall be added.

(b) after clause (b), the following clause shall be *inserted*, namely:-

“(b-1) ‘building’ includes any structure or erection or part thereof which is used or is capable of being used for any residential, commercial, institutional, industrial or for any other like purpose, and the same is occupied or is capable of occupation;”

(c) after clause (c) the following clauses shall be *inserted*, namely:-

“(c-1) ‘company’ for the purpose of this Act, means any company incorporated under the Companies Act, 2013, or its statutory modification in which the entire paid up share capital is held, directly or indirectly, by the State Government or partly by the State Government and partly by the Central Government;

(c-2) ‘development’ with its grammatical variations means, carrying on any organized activity over any land or building, including any changes which occur on account of spending of finances and may result in increase of its rateable value and also includes redevelopment;

(c-3) ‘economic activities’ shall include industrial, manufacturing, commercial, financial, processing, packaging, logistic, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, information and communication, management and consultancy, activities and service connected with development and maintenance of amenities and, such other economic activities as may be specified by notification by the State Government”;

(d) after clause (d) the following clauses shall be *inserted*, namely:-

“(d-1). ‘Industrial township’ means an industrial township specified as such by notification by the Governor under the proviso to clause (1) of article 243Q of the Constitution of India;

(d-2). ‘infrastructure project’ means any project undertaken or to be undertaken for the development of infrastructure, amenities, facilities, or service which are required for the smooth and efficient functioning of Special Investment Region or the Industrial Development Area”;

(e) after clause (e) the following clauses shall be *inserted*, namely:-

“(e-1) ‘Site’ means any demarcated portion of land or building or both;

(e-2) ‘Special Investment Region’ means an area declared as such by the State Government by notification under sub section (1-A) of section 3”;

(f) after clause (f) the following clauses shall be *inserted*, namely:-

“(f-1) ‘Unit’ means a unit or undertaking set up by a person for the purpose of carrying on any economic activity in the Industrial Development Area/Special Investment region;

(f-2) ‘User Charge(s)’ means the charges levied by the Authority or any other entity authorised by it”.

3. In section 3 of the principal Act,-

(a) for sub-sections (1) the following sub-sections shall be *substituted*, namely:-

“(1) The State Government may, by notification, declare an area to be the industrial development area and constitute an authority to be called “(name of the area) industrial development authority” for such industrial development area.

(1-A) The State Government, may by notification, declare any area, determining its geographical boundaries falling within or outside the industrial development area or partly within and partly outside as Special Investment Region and empower the Authority constituted under sub section (1) for carrying out the purpose of this Act in respect of such area. The Special Investment Region shall be called by such name as may be specified by the State Government”;

(b) In sub-section (3) for the words “the Secretary to the Government” and the words “Joint secretary” where ever occurring the words “the Principal Secretary” to the Government” and the words “Special Secretary” shall respectively be *substituted*.”

4. In section 6 of the principal Act,—

(a) in sub-section (2) for clauses (e), (f), (g) and (h) the following clauses shall be *substituted* namely:-

“(e) to provide amenities and municipal services;

(f) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial commercial or residential purposes and such other land uses as per master plan;

(g) to regulate the erection of buildings and setting up of industries and land uses as per master plan; and

(h) to lay down the purpose for which a particular site or plot of land shall be used, namely for industrial or commercial of residential purpose or any other specified purpose in such area as per master Plan”

(b) after sub-section (2) the following sub-section shall be *inserted*, namely:-

“(3) For carrying out or achieving the planned development within the industrial development area, the Authority may incorporate a company or more than one company owned by the Authority either wholly or partly by the State Government and partly by the Central Government, under the provisions of the Companies Act, 2013.

(4) The share capital, the Memorandum of Association and the Articles of Association of the company referred to in sub-section (3) shall be such as may be approved by the Authority from time to time:

Provided that, in cases where the share capital is partly held by the State Government, the share capital, the Memorandum of the Association and the Articles of Association under this sub-section shall be approved by the State Government.

(5). The company formed under sub-section (3) shall carry out such functions as may be entrusted to it by the Memorandum of Association.

(6) Where in the opinion of the Authority, as a consequence of any development scheme having been executed by the Authority in the special investment region or the industrial development area, the value of any property in that area which has been benefited by the development, has increased or is likely to increase, the Authority shall be entitled to levy upon the owner of the property or any person having an 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 land owned by the Government :

Provided further that, where any land belonging to the Government has been granted by way of lease or licence by the Government to a person, whether any building situate thereon or not, shall be subject to a betterment charge under this sub-section”.

Amendment of
section 6

Amendment of section 9

5. In section 9 of the principal Act in sub-section (2) *after* clause (i) the following clause shall be *inserted*, namely:-

“(j) the time limit within which any building shall be required to be erected or repairs, additions, modifications is to be made in an existing building, shall be carried out and after completion thereof a notice of completion of construction of building or repairs, additions or modifications as the case may be, shall be lodged with the Authority and completion certificate obtained therefrom.”

Insertion of new sections, 11-A and 11-B

6. *After* section 11 of the principal Act, the following sections shall be *inserted*, namely :-

Power to Levy toll etc.

“11-A The Authority shall have power to levy and collect toll, for the use of approach roads and other Amenities at such rate and in such manner as may be notified by the State Government, from visitors, to such places of popular resort (including any ancient and historical monuments) within the industrial development area:

Provided that State Government may by notification, exempt any classes of visitors from the payment of the toll and fix any day in which no toll shall be charged.”

Levy of Additional Stamp Duty-

11-B (1) The duty imposed by the Indian Stamp Act, 1899 on any deed of transfer of immovable property situated within the Industrial Development Area or Special Investment Region, or any part thereof, as the State Government may, by notification, declare, shall be increased by two percent on the amount or value of the consideration with reference to which the duty is calculated under the said Act.

(2) All collections resulting from the said increase, after the deduction of incidental expenses, if any, and as may be determined from time to time by the State Government, shall be transferred to and appropriated towards suitable head or Fund as notified by the State Government.

Insertion of new section 12-B

7. *After* section 12-A of the principal Act, the following section shall be *inserted*, namely :-

“12-B (1) The Governor may, by notification, specify under Article 243Q of the Constitution of India, the whole of Special Investment Region or the Industrial Development Area or any part thereof to be an Industrial Township.

(2) Notwithstanding anything to the contrary contained in any Uttar Pradesh Act, where a special investment region or industrial development area or any part thereof is specified to be an Industrial Township under the proviso to clause (1) of Article 243Q of the Constitution of India, such industrial development area or part thereof, falling in a Municipality shall from the date of notification stand excluded from that Municipality area and all powers and functions performed with respect to such area shall be exercised or performed by the Authority.

*Explanation:-*The expression “Municipality” shall have the meaning assigned to it in Part IX or Part IX-A of the Constitution of India.

Amendment of section 13

8. In section 13 of the principal Act, *for* the words “occupier makes any default in payment of any” the words “Occupier makes any default in payment of any amount of” shall be *substituted*.

Insertion of new section 13-A

9. *After* section 13 of the principal Act, the following section shall be *inserted*, namely:-

“13-A. Any amount payable to the Authority under section 13 shall constitute a charge over the property and may be recovered as arrears of land revenue or by attachment and sale of property in the manner provided under sections 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, and 514 of the Uttar Pradesh Municipal Corporations Act, 1959 (Act no.2 of 1959) and such provisions of the said Act shall *mutatis mutandis* apply to the recovery of dues of an authority as they apply to the recovery of a tax due to a Municipal Corporation, so however, that references in the aforesaid sections of the said Act to ‘Municipal Commissioner’, ‘Corporation Officer’ and ‘Corporation’ shall be construed as references to ‘Chief Executive Officer’ and ‘Authority’ respectively:

Provided that more than one modes of recovery shall not be commenced or continued simultaneously”.

10. In section 15 of the principal Act, for the words "five thousand rupees" the words "fifty thousand rupees". Shall be *substituted*.

Amendment of section 15

11. In section 16 of the principal Act, after clause (c) the following clauses shall be *inserted*, namely:-

Amendment of section 16

"(C-1) digging or boring into the sub soil;

(C-2) setting out boundaries or intended lines of work;

(C-3) making such level, boundaries and lines by placing marks and cutting trenches;

(C-4) ascertaining whether any land is being or has been developed in accordance with the Plan and in accordance with the terms and conditions stated in the permission."

12. After section 16 of the principal Act, the following sections shall be *inserted*, namely :-

Insertion of section 16-A and 16-B

16-A (1) Any person who obstructs the entry of a person authorised under section 16 upon any land or building shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Punishment for obstruction, imposition of penalty, sealing etc.

16-B (1) When it appears to the Chief Executive Officer or the officer authorised by him that any particular development scheme is sufficiently advanced to enable the amount of the user charge to be determined, the Chief Executive Officer or the officer authorized by him may be an order made in that behalf, declare that for the purpose of determining the User Charges the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or person having an interest therein that it is proposed to assess the amount of the User Charge in respect of the property mentioned in the notice.

Power to levy, assess, recover user charges

(2) The Chief Executive Officer or the officer authorised by him shall assess the amount of User Charges payable by the person concerned after giving such person an opportunity of being heard.

(3) Any person aggrieved by the order of assessment passed under sub-section (2), may, within ninety days from the date of the notice in writing of such assessment inform the Chief Executive Officer or the officer authorized by him in that behalf by a declaration in writing that he accepts the assessment or objects to it.

(4) Where the order of assessment passed under sub-section (2) is accepted by the person concerned within the period specified in such assessment shall become final and the person concerned shall make payment of the User Charges within the time specified in the assessment order.

(5) If the person concerned objects to the Assessment order passed under sub-section (2), then the person concerned may file an appeal before the Appellate Authority within a period of ninety days from the date of receipt of the assessment order passed under sub-section (2) and the Appellate Authority may dispose of the appeal within a period of six months from the date of receipt of the appeal. The order passed by the Appellate Authority in appeal shall be final.

(6) The State Government may nominate an officer not below the rank of the Principal Secretary to the State Government as the Appellate Authority.

(7) The User Charges levied under this Act shall be payable in such number of instalments, as may be fixed by regulations made in that behalf.

(8) The arrears of User Charges shall be recoverable as the arrears of land revenue, and shall constitute a charge over such property."

13. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any Uttar Pradesh Act for the time being in force.

Overriding effect

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh, Area Development Act, 1976 (U.P. Act no 6 of 1976) has been enacted to provide for constitution of an authority for the development of certain areas in the State of Uttar Pradesh in to Industrial and Urban township and second areas in the State into Industrial and Urban township. The Western Freight Corridor is being developed by the Government of India between Greater Noida and Jawaharlal Nehru Port, Mumbai in a length of 1483 km Delhi Mumbai Industrial Corridor is proposed to be developed on both sides of the Dedicated Freight Corridor, where 7 investment regions and 13 industrial areas have to be developed by the State Government. The development of investment region at Uttar Pradesh shall promote industrialization and the investment of Rs. 5,70,000 crores is estimated and approximately 14,00,000 people shall get employment for which a Special Investment Region is proposed to be established for development of the said project. Besides, an additional stamp duty of two percent is proposed to be levied on any deed of transfer of immovable property situated in the industrial areas, the amount realised as stamp duty is to be utilised for development of industrial commercial, institutional and urban infrastructure development. It has therefore, been decided to amend the said Act for the purposes aforesaid.

The Uttar Pradesh Industrial Area Development (Amendment) Bill, 2016 is introduced accordingly.

By order,
ABDUL SHAHID,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 1032 राजपत्र-(हिन्दी)-2016-(2398)-599 प्रतियां (कम्प्यूटर/टी०/आफसेट)।

पी०एस०यू०पी०-ए०पी० 133 सा० विधायी-26-03-2016-(2399)-300 प्रतियां (कम्प्यूटर/टी०/आफसेट)।

उद्देश्य और कारण

उत्तर प्रदेश राज्य में कतिपय क्षेत्रों का औद्योगिक और नगरीय क्षेत्र के रूप में विकास हेतु प्राधिकरण के गठन की व्यवस्था करने के लिए उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 6 सन् 1976) अधिनियमित किया गया है। प्राधिकरणों, अर्थात् नोएडा, ग्रेटर नोएडा, गीडा, सीडा, लीडा यमुना एक्सप्रेस-वे औद्योगिक विकास प्राधिकरण, यूपीडा एवं यूपीसीडा में तैनात अधिकारी एवं कर्मचारी कई वर्षों से एक ही स्थान पर कार्य कर रहे हैं, जिससे उनकी कार्यक्षमता एवं दक्षता प्रभावित हो रही है। उनकी दक्षता में वृद्धि करने तथा उनकी कार्यप्रणाली में पारदर्शिता लाने की दृष्टि से यह विनिश्चय किया गया है कि केन्द्रीयित सेवाएं सृजित करने और राज्य सरकार या उसके द्वारा प्राधिकृत किसी अधिकारी को औद्योगिक विकास प्राधिकरण केन्द्रीयित सेवाओं में कोई पद धारण करने वाले किसी व्यक्ति को एक औद्योगिक विकास प्राधिकरण से दूसरे औद्योगिक विकास प्राधिकरण में स्थानान्तरित करने हेतु सशक्त करने की व्यवस्था करने के लिए उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 में संशोधन किया जाय।

तदनुसार उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) विधेयक, 2017 पुरःस्थापित किया जाता है।

आज्ञा से,
वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 2723(2)/LXXIX-V-1-17-1(ka) 19/17

Dated Lucknow, January 6, 2018

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikas (Sanshodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 6 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 5, 2018 :—

UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT

(AMENDMENT) ACT, 2017

[U. P. ACT NO. 6 OF 2018]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2017. Short title

2. *After* section 5 of the Uttar Pradesh Industrial Area Development Act, 1976, the following section shall be *inserted*, namely:— Insertion of section 5A of U.P. Act no. 6 of 1976

“5-A (1) Notwithstanding anything to the contrary contained in section 5 or in any other law for the time being in force, the State Government may at any time, by notification, create one or more 'Industrial Development Authorities Centralized Services' for such posts, as the State Government may deem fit, common to all the Industrial Development Authorities, and may prescribe the manner and conditions of recruitment to, and the terms and conditions of service of persons appointed to such service.

(2) Upon creation of an Industrial Development Authorities Centralised Service, officer or employee serving on the posts included in such service immediately before such creation, not being a person governed by the Uttar Pradesh. Palika (Centralised) Services Rules, 1966 or serving on deputation, shall, unless he opts otherwise, be absorbed in such service,-

(a) finally, if he was already confirmed in his post, and

(b) provisionally, if he was holding temporary or officiating appointment.

(3) An officer or employee referred to in sub-section (2) may, within three months from the creation of such Industrial Development Authorities Centralized Service communicate to the Government in the Industrial Development Department, his option not to be absorbed in such Centralized Service, failing which he shall be deemed to have opted for final or provisional, as the case may be, absorption in such centralized Service.

(4) Suitability of officer or employee absorbed provisionally, for final absorption in an Industrial Development Authorities Centralised Service, shall be examined in the manner prescribed and if found suitable he shall be absorbed finally.

(5) The services of officer or employee who opts against absorption, or who is not found suitable for final absorption, shall stand determined and he shall, without prejudice to his claim to any leave, pension, provident fund or gratuity which he would have been entitled to, be entitled to receive as compensation from the Industrial Development Authority concerned, an amount equal to-

(a) three month's salary, if he was a permanent employee;

(b) one month's salary, if he was a temporary employee.

Explanation- For the purposes of this sub-section the term 'salary' includes dearness allowance, personal pay and special pay, if any.

(6) It shall be lawful for the State Government or any officer authorized by it in this behalf, to transfer any person holding any post in an Industrial Development Authorities Centralized Service from one Industrial Development Authority to another."

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act no. 6 of 1976) has been enacted to provide for constitution of an Authority for the development of certain areas in the State of Uttar Pradesh into Industrial and Urban township. Due to the fact that the officers and employees posted in authorities namely NOIDA, GREATER NOIDA, GIDA, SIDA, LIDA, YEIDA, UPEIDA and UPSIDA have been working in one place for several years which is affecting the functionality and efficiency thereof. With a view to increasing the efficiency and to bring transparency in their working it has been decided to amend the Uttar Pradesh Industrial Area Development Act, 1976 to provide for creating centralised services and for empowering the State Government or any officer authorised by it to transfer any person holding a post in the Industrial Development Authorities Centralised Services from one Industrial Development Authority to another.

2. The Uttar Pradesh Industrial Area Development (Amendment) Bill, 2017 is introduced accordingly.

By order,

VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 794 राजपत्र-(हिन्दी)-2018-(2497)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।
पी०एस०यू०पी०-ए०पी० 155 सा० विधायी-2018-(2498)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

No. 1552(2)/LXXIX-V-1-20-1(ka)-28-20

Dated Lucknow, August 31, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikash (Sansodhan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 25 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Audyogik Vikash Anubhag-4, is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
(AMENDMENT) ACT, 2020
(U.P. Act No. 25 OF 2020)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2020. Short title and commencement

(2) It shall be deemed to have come into force with effect from July 28, 2020.

2. In section 7 of the Uttar Pradesh Industrial Area Development Act, 1976 the following proviso shall be inserted, namely :- Amendment of section 7 of U.P. Act no. 6 of 1976

“Provided that where any land so allotted is not utilized for the purpose for which it was allotted within the period of five years from the date of possession or within the period fixed for such utilisation in the conditions of allotment, whichever is longer, the lease deed will stand cancelled and the land shall vest with the Authority. Provided further where the aforesaid period has already lapsed before the commencement of this Act, the Authority shall give a notice to the allottee to use the land for the purpose for which it was allotted within a period of one year and if within the above period of one year the allottee does not use the land, then the allotment and lease deed shall stand automatically cancelled.

Repeal and saving

3. (1) The Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2020 is hereby repealed. U.P. Ordinance no. 16 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act no. 6 of 1976) has been enacted to provide for the constitution of an Authority for the development of certain areas in the State into industrial and urban township and for matters connected therewith. In order to accelerate industrialization in the State, it was felt necessary to increase the land bank. Hence it was decided that if the industrial unit is not established within a period of five years from the date of possession, or within the period fixed for such utilization, whichever is longer, the lease deed will stand cancelled and the land shall vest with the

Industrial Development Authority. Where the aforesaid period has lapsed before the commencement of this Act, the Authority shall give notice to the allottee to use the said land within a period of one year for the purpose for which it was allotted and if the allottee does not use the land within the period of one year mentioned above, the allotment and lease deed shall be deemed to have been automatically canceled. In view of the above, it had been decided to amend the aforesaid Act.

Since the State legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2020 (Uttar Pradesh Ordinance no. 16 of 2020) was promulgated by the Governor on July 28, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
J. P. SINGH-II,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 192 राजपत्र-2020-(566)-399 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।
पी०एस०यू०पी०-ए०पी० 150 सा० विधायी-2020-(567)-300 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 3 जून, 2022

ज्येष्ठ 13, 1944 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 300/79-वि-1-2022-1-क-3-2022
लखनऊ, 3 जून, 2022

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन श्री राज्यपाल ने उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) विधेयक, 2022 जिससे औद्योगिक विकास अनुभाग-4 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 3 जून, 2022 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 5 सन् 2022 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अधिनियम, 2022

(उत्तर प्रदेश अधिनियम संख्या 5 सन् 2022)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के तिहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अधिनियम, 2022 कहा जायेगा। संक्षिप्त नाम और प्रारम्भ

(2) यह दिनांक 7 जनवरी, 2022 से प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश अधिनियम संख्या 6 सन् 1976 की धारा 7 का संशोधन

2-उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 की धारा 7 में परन्तुक के स्थान पर निम्नलिखित परन्तुक रख दिया जायेगा, अर्थात्:-

“परन्तु यह कि,

(क) जहाँ कोई भूमि किसी औद्योगिक इकाई और/अथवा किसी सूचना प्रौद्योगिकी/सूचना प्रौद्योगिकी समर्थकृत सेवा इकाइयों (आई0टी0/आई0टी0इ0एस0) की स्थापना हेतु दिनांक 28.07.2020 के पूर्व पट्टे पर आवंटित की गई हो; तथा

(ख) उक्त भूमि का उपयोग प्राधिकरण द्वारा निर्धारित मानदंडों के अनुसार (क्रियाशीलता/न्यूनतम अधिभोग) दिनांक 28.07.2020 तक न किया गया हो; तथा

(ग) पट्टा विलेख का निष्पादन किये जाने के दिनांक से आठ वर्ष की अवधि, अथवा आवंटन की निबंधन और शर्तों के अनुसार ऐसे उपयोग के लिए नियत अवधि, जो भी अधिक हो दिनांक 28.07.2020 तक व्यतीत हो चुकी हो; तथा

(घ) प्राधिकरण द्वारा ऐसे आवंटि को दिनांक 31.12.2022 के कम से कम तीन माह पूर्व उक्त भूमि का उपयोग दिनांक 31.12.2022 तक उस प्रयोजन के लिए जिसके लिए वह आवंटित की गई हो, करने के लिए नोटिस दी जा चुकी हो, तथा आवंटि को ऐसा करने से विफल होने सम्बंधी यथा उल्लिखित परिणामों से अवगत करा दिया गया हो; तथा

(ङ) उक्त आवंटि द्वारा दिनांक 31.12.2022 तक भूमि का उपयोग न किया जाय;

तो उक्त आवंटन तथा पट्टा विलेख दिनांक 31.12.2022 को स्वतः रद्द हुआ माना जाएगा तथा उक्त भूमि प्राधिकरण में निहित हो जाएगी”:

परन्तु यह और कि राज्य सरकार किसी सामान्य अथवा विशेष आदेश से उक्त परन्तुक में उल्लिखित ऐसे रद्दकरण तथा निहित किये जाने के दिनांक को विनिधान प्रोत्साहन तथा रोजगार सृजन के हित में बढ़ा सकती है।

स्पष्टीकरण - 1 :- पूर्वोक्त संशोधन से कोई आवंटि/इकाई, न्यूनतम आठ वर्ष की अवधि पूरा करने हेतु दावा करने का हकदार नहीं होगा। ऐसे उपयोग हेतु नियत अवधि आवंटन की निबंधनों और शर्तों तथा सम्बंधित प्राधिकरण की नीति से शासित होंगी जिसमें समय वृद्धि और अन्य हितों तथा प्रभारी की उपयोज्यता सम्मिलित है।

स्पष्टीकरण - 2 :- आवंटन तथा पट्टा विलेख के ऐसे रद्दकरण तथा भूमि को प्राधिकरण में निहित किये जाने पर आवंटि द्वारा जमा की गयी धनराशि का प्रतिसंदाय सम्बंधित प्राधिकरण की नीति के अनुसार किया जाएगा।

निरसन और
व्यावृत्ति

3-(1) उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अध्यादेश, 2022 एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या 3
सन् 2022

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

राज्य में औद्योगीकरण को त्वरित गति प्रदान करने के उद्देश्य से भूमि बैंक में वृद्धि करना आवश्यक समझा गया और यह उपबंध करते हुए 28 जुलाई, 2020 से उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अध्यादेश, 2020 प्रख्यापित किया गया कि जहाँ किसी औद्योगिक इकाई के लिए आवंटित भूमि का उपयोग, कब्जा के दिनांक से पाँच वर्ष की अवधि के भीतर अथवा उपयोग हेतु नियत अवधि के भीतर आवंटित प्रयोजन के लिए नहीं किया जायेगा वहाँ औद्योगिक इकाई के पक्ष में पट्टा विलेख रद्द हुआ समझा जायेगा। पूर्वोक्त अध्यादेश उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अधिनियम, 2020 द्वारा प्रतिस्थापित किया गया था। तथापि पूर्वोक्त अध्यादेश तथा अधिनियम अधिसूचित किये जाने के समय कोविड महामारी प्रारम्भ हो गई थी, जिसके कारण औद्योगिक गतिविधियों पर प्रतिकूल प्रभाव पड़ा।

उपर्युक्त को दृष्टिगत रखते हुए उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 6 सन् 1976) की धारा 7 के परंतुक को प्रतिस्थापित करके यह उपबंध करते हुए उक्त अधिनियम में संशोधन करने का विनिश्चय किया गया कि जहाँ किसी औद्योगिक इकाई और/या किसी सूचना प्रौद्योगिकी/सूचना प्रौद्योगिकी समर्थकृत सेवा इकाइयों (आई0टी0/आई0 टी0 ई0 एस0) की स्वामित्वाधीन कोई भूमि दिनांक 28.07.2020 से पूर्व पट्टा पर आवंटित की गयी हो और प्राधिकरण द्वारा निर्धारित मानदंडों के अनुसार दिनांक 28.07.2020 तक उक्त भूमि का उपयोग न किया गया हो तो उक्त आवंटन और पट्टा विलेख स्वतः रद्द हुए माने जायेंगे और उक्त भूमि प्राधिकरण में निहित हो जायेगी।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को क्रियान्वित करने के लिये तुरन्त विधायी कार्यवाही करनी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 07 जनवरी, 2022 को उत्तर प्रदेश औद्योगिक क्षेत्र विकास (संशोधन) अध्यादेश, 2022 (उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2022) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 300 (2)/LXXIX-V-1-2022-1(ka)-3-2022

Dated Lucknow, June 3, 2022

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Audyogik Kshetra Vikas (Sanshodhan) Adhiniyam, 2022 (Uttar Pradesh Adhiniyam Sankhya 5 of 2022) as passed by the Uttar Pradesh Legislature and assented to by the Governor on June 3, 2022. The Audyogik Vikas Anubhag-4 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT

(AMENDMENT) ACT, 2022

(U.P. Act no. 5 of 2022)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Industrial Area Development Act, 1976.

IT IS HEREBY enacted in the Seventy third Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Industrial Area Development (Amendment) Act, 2022. Short title and commencement

(2) It shall be deemed to have come into force with effect from January 7, 2022.

Amendment of
section 7 of U.P.
Act no. 6 of 1976

2. In section 7 of the Uttar Pradesh Industrial Area Development Act, 1976 for the proviso the following proviso, shall be *substituted*, namely:-

" Provided that,-

(a) where any land has been allotted on lease before 28.07.2020 for setting up of an industrial unit and/or an Information Technology/ Information Technology Enabled Services unit (IT/ITES); and

(b) the land has not been utilized (functional/ minimum completion) by 28.07.2020 as per the norms laid down by the Authority; and

(c) a period of eight years from the date of execution of lease deed or the period fixed for such utilisation as per the terms and conditions of allotment, whichever is longer, has lapsed by 28.07.2020; and

(d) a notice has been given by the Authority to such allottee atleast three months prior to 31.12.2022 to utilise the said land by 31.12.2022 for the purpose for which it was allotted and apprising him of the consequences as mentioned hereafter of the failure to do so; and

(e) the allottee does not utilise the land by 31.12.2022;
then the allotment and lease deed will stand automatically cancelled and allotted land will vest with the Authority on 31-12-2022":

Provided further that the State Government may, by a general or special order, extend the date of such cancellation and vesting as mentioned in the above proviso, in the interest of promotion of investment and employment generation.

Explanation-1:- The aforesaid amendment does not entitle any allottee/unit to claim a minimum completion period of eight years. The period fixed for such utilisation shall continue to be governed by the terms and conditions of allotment and the policy of the concerned Authority, including the applicability of extension of time and other interests and charges.

Explanation-2:- The refund of money deposited by the allottee on such cancellation of allotment and lease deed, and vesting of land in Authority shall be as per the policy of the concerned Authority.

Repeal and saving

3. (1) The Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2022 is hereby repealed.

U.P. Ordinance
no. 3 of 2022

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

In order to accelerate industrialization in the State, it was felt necessary to increase land bank and the U.P. Industrial Area Development (Amendment) Ordinance, 2020 was promulgated with effect from July 28, 2020 providing that where a land allotted to an industrial unit is not utilized for the purpose for which it was allotted within a period of five years from the date of possession or within the period fixed for such utilization, the lease deed in favour of Industrial unit shall stand cancelled. The aforesaid Ordinance was replaced by the U.P. Industrial Area Development (Amendment) Act, 2020. However at

the time when the aforesaid Ordinance and Act were notified, the COVID pandemic had started due to which the industrial activities were adversely affected.

In view of the above, it was decided to amend the U.P. Industrial Area development Act, 1976 (U.P. Act no. 6 of 1976) by substituting the proviso to section 7 of the said Act providing that where any land owned by an industrial unit and/or any information technology/ information technology enabled service units (IT/ITES) has been allotted on lease before 28.07.2020 and according to the norms set by the Authority and the land has not been used till 28.07.2020, then the said allotment and lease deed shall automatically be deemed to have been cancelled and the said land shall vest in the Authority.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2022 (Uttar Pradesh Ordinance no. 3 of 2022) was promulgated by the Governor on January 07, 2022.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 89 राजपत्र-2022-(224)-599 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।
पी०एस०यू०पी०-ए०पी० 32 सा० विधायी-2022--(225)-300 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।