

**Government of Jammu & Kashmir
Industries & Commerce Department
Civil Secretariat, Jammu**

* * *

Subject: - Jammu & Kashmir Industrial Land Allotment Policy, 2021-30.
Reference: Administrative Council Decision No. 10/02/2021 dated 22.01.2021,
read with GAD U.O No. GDC-35/CM/2021 dated 17.03.2021.

**Government Order No: 65 –IND of 2021
D a t e d : 24.03.2021**

Sanction is accorded to the adoption of the Jammu & Kashmir Industrial Land Allotment Policy, 2021-30, as per annexure appended to this order for its implementation with effect from 01.04.2021.

By order of the Government of Jammu and Kashmir.

Sd/-

(Ranjan Prakash Thakur)

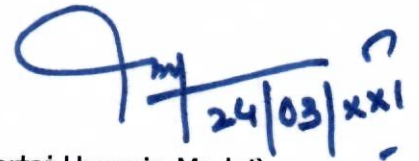
Principal Secretary to the Government

No. IND/Gen/43/2020

Dated: 24 .03.2021

Copy to the :-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/ Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K Institute of Management, Public Administration and Rural Development, Jammu.
11. Chairman, J&K Special Tribunal.
12. All HoD's of Industries and Commerce Department.
13. All Deputy Commissioners.
14. Director, Information.
15. Director, Archives, Archaeology and Museums.
16. General Manager, Government Press, Jammu/Srinagar.
17. Private Secretary to the Hon'ble Lieutenant Governor.
18. Private Secretary to the Chief Secretary.
19. Private Secretaries to Advisor (F)/(B)/(BK) to Lieutenant Governor.
20. Private Secretary to Principal Secretary to the Government, Industries and Commerce Department.
21. In-charge website, GAD/ I&C Department.
22. Notification file.


24/03/2021

(Sartaj Hussain Madni)

Deputy Secretary to the Government

Contents

1. INTRODUCTION	3
2. POLICY VISION	3
3. MISSION	4
4. OBJECTIVES	4
5. DURATION	5
6. ZONATION	5
7. APPLICATION FOR LAND ALLOTMENT	13
8. PROJECT APPRAISAL AND EVALUATION	14
9. LAND ALLOTMENT COMMITTEES	16
10. LAND ALLOTMENT PROCESS	17
11. PROVISIONAL REGISTRATION	19
12. CHANGE OF LOCATION OF ALLOTTED LAND	19
13. ALLOTMENT OF LAND TO THE PUBLIC UTILITIES	20
14. CANCELLATION OF LEASE DEED AND RETRIEVAL	20
15. TRANSFER OF LEASE HOLD RIGHTS	21
16. ANCILLARIZATION OF PREMISES	22
17. DE-REGISTRATION OF UNITS	22
18. DEFINITIONS UNDER THE POLICY	23



1. INTRODUCTION

1. Jammu & Kashmir with the hope inspired by the goals of Development Vision of the Country and determination to consolidate gains on the macro-economic front and to face the economic challenges that lie ahead, looks forward for forging a strong, diversified, resilient and competitive economy. Towards this end, industries have a specific role in raising pace of development to a dynamic self-sustaining level.
 - 1.1 For a strong industrial base, a highly structured industrial land bank is seen as a central and pivotal pillar in attainment of the mission of moving the region to higher levels of industrial proficiency, productivity and competitiveness.
 - 1.2 Though Jammu and Kashmir announced its first Industrial Policy in 1995 and substituted it by another policy in 1998. The first detailed and comprehensive Industrial Policy was announced in the year 2004 which was followed by Industrial Policy of 2016. These policies provided the basic mechanism of Industrial Land Allotment. However, land remained a limiting factor for the industrial growth in the region.
 - 1.3 Thus, Jammu and Kashmir requires an elaborate Industrial Land Allotment Policy that will provide an effective framework and codified industrial land allotment system backed by a comprehensive industrial land bank, for attracting large industrial investments in the region.
 - 1.4 This Policy document has therefore been formulated with consciousness and belief that it will assist the government to carve a place for itself in the national economy and a niche for its products in the national and international market.

2. POLICY VISION

The policy is aimed at evolving a fair and transparent mechanism for land allotment for industrial use including Education and Health sector. This is envisaged with a vision to achieve inclusive growth and bring economic prosperity through sustainable industrialization &

employment generation. The Policy Vision, in the aforesaid context, has to be:

"... to augment the industrially viable land into a highly structured industrial land bank readily available for allotment to genuine entrepreneurs, that would transform the regional economy from a land constrained one to a receptive industrial investment destination in tune with the national policies."

3. MISSION

Land Allotment Policy is not an end in itself but a means of achieving higher level of welfare for the society. Land availability has therefore a pivotal role in industrial growth which inter alia has a bearing on integrating the regional economy with national and global economies. The Jammu and Kashmir Industrial Land Policy 2021 provides a framework which will attract and realize national and international investments. The mission of the trade sector is therefore is:

"To stimulate the development and industrial growth through enhancing competitiveness by keeping available state-of-art land bank to the entrepreneurs, aiming to facilitate rapid industrialization besides creating an enabling ecosystem to upscale economic development and create employment opportunities; ensure sustainable development and balanced growth of industry to make UT of J&K one of the preferred destinations for investment."

4. OBJECTIVES

Jammu and Kashmir, by adopting this Policy aims to achieve the following objectives:

- To provide an efficient and transparent mechanism for industrial land allotment in a time bound manner.
- To encourage, promote and facilitate more investment in enterprises and build a strong, responsive and vibrant business environment in the region.
- To create employment opportunities for the unemployed youth.



- To enable environment of "Ease of Doing Business" i.e. creating of conducive industrial environment.
- To move more speedily towards transformation of its role from 'regulator' to 'facilitator' and from performer to enabler for the industrial sector.
- To create new opportunities for creation of dedicated sector specific industrial parks.

5. DURATION

- 5.1 This policy shall remain in operation for ten years from the date of its adoption. However, the Policy shall be reviewed from time to time based on a critical assessment of feedback from stakeholders, and change in scope that is regarded necessary.
- 5.2 The Government may come up with a policy for earlier allottees of land prior to this policy.

6. ZONATION BASED ON THE EXTENT/DEGREE OF INDUSTRIAL DEVELOPMENT IN DIFFERENT DISTRICTS

A Community Block/Municipal Corporation/Municipal Council shall be the unit for industrial zone. Each district has been divided into Zone-A and Zone-B, on the basis of industrial development, centrality of the place and urbanization, so as to promote equitable spatial industrial growth. The land rates for allotment, in each zone, shall be notified by the government from time to time.

Districts wise Break up of Blocks in Zone A & B of Jammu Division			
S No	Districts	Zone	Block
1	Doda	Zone A	Nil
		Zone B	I. Assar II. Bhaderwah, Bhagwah III. Bhalessa (Gandoh) IV. Bhalla, Changa V. Chilli Pingal

			VI. Chiralla VII. Dali Udhayanpur VIII. Doda IX. Gundana X. Jakyas XI. Kahra XII. Kastigarh XIII. Khalleni XIV. Marmat XV. Thathri
2	Jammu	Zone A	I. Bishnah II. Marh III. Satwari IV. Nagrota V. R.S. Pura VI. Miran Sahib
		Zone B	I. Akhnoor II. Bhalwal Brahmana III. Arnia IV. Dansal V. Khour VI. Mathwar VII. MairaMandrian VIII. MandalPhallain IX. KharahBalli X. Pargwal XI. ChowkiChoura XII. Samwan XIII. Suchetgarh XIV. Bhalwal
3	Kathua	Zone A	I. Hiranagar II. Kathua
		Zone B	I. Bani II. Duggan III. Bhasohli IV. LohaiMalhar V. Baggan VI. Bhoond VII. Duggain VIII. Billawar IX. Mahanpur X. DingaAmb XI. Mandli

			XII. Keerian XIII. Barnoti XIV. Marheen XV. NagrotaGujroo XVI. DharMahanpur XVII. Nagri
4	Kishtwar	Zone A	Nil
		Zone B	I. Bunjwah II. Dachan III. Drabshalla IV. Inderwal V. Kishtwar VI. Marwah VII. Mughal Maidan VIII. Nagsani IX. Padder X. Palmar XI. Thakrai XII. Trigam XIII. Warwan
5	Poonch	Zone A	Nil
		Zone B	I. Balakote II. Bufliaz III. Lasana IV. Loran V. Mandi VI. Mankote VII. Mendhar VIII. Nangali Sahib Sai Baba IX. Poonch X. Sathra XI. Surankote
6	Rajouri	Zone A	Nil
		Zone B	I. Budhal II. Dangri III. Darhal IV. Doongi V. Kalakote

			VI. Khawas VII. Lamberi VIII. Manjakote IX. Moughla X. Nowshera XI. Panjgrain XII. Planger XIII. QilaDarhal XIV. Rajnagar XV. Rajouri XVI. Seri XVII. Siot XVIII. Sunderbani XIX. Thanamandi
7	Ramban	Zone A	Nil
		Zone B	I. Banihal II. Batote III. Gandhri IV. Gool V. Gundi Dharam VI. Khari VII. Rajgarh VIII. Ramban IX. Ramsoo X. Sangaldan XI. Ukhral
8	Reasi	Zone A	I. Katra
		Zone B	I. Arnas II. Bamagh III. Chasana IV. GulabGarh V. JijBagli VI. Mahore VII. Panthal VIII. Pouni IX. Reasi X. ThakraKote XI. Thuroo
9	Samba	Zone A	I. Bari Brahmana II. Samba III. Vijaypur IV. Purmandal

		Zone B	I. Sumb II. Nud III. Rajpura IV. Ramgarh V. Ghagwal
10	Udhampur	Zone A	I. Udhampur
		Zone B	I. Chanunta II. Chenani III. Dudu IV. Ghordhi V. Jaganoo VI. Khoon VII. Kulwanta VIII. Latti IX. Majalta X. Mounгри XI. Narsoo XII. Panchari XIII. ParliDhar XIV. Ramnagar XV. Sewna XVI. Tikkri
<i>Note: Municipal Committees shall form part of the nearest Block.</i>			

Districts wise Break up of Blocks in Zone A & B of Kashmir Division			
S No	Districts	Zone	Block
1	Anantnag	Zone A	I. Anantnag II. Bijbehara III. Sagam
		Zone B	I. Achabal II. Breng III. Chattergul IV. Dachnipora V. Hiller Shahabad VI. Khoveripora VII. Larnoo VIII. Phalgam IX. Qazigund Partly X. Shahabad XI. Shangus XII. Verinag XIII. Vessu

2	Bandipore	Zone A	Nil
		Zone B	I. Aloosa II. Arin III. Baktoor IV. Bandipore V. Banokoot VI. Ganastan VII. Gurez VIII. Hajin IX. Naidkhai X. Nowgam XI. Sumbal XII. Tulial
3	Baramulla	Zone A	I. Baramulla II. Tangmarg
		Zone B	I. Bijhama II. Boniyar III. ChandilWanigam IV. Hardaboora V. Kangroosa VI. Khaipora VII. KhoreSherabad VIII. Kunzer IX. Lalpora X. Nadihal XI. Narwav XII. Noorkhah XIII. Parenpillan XIV. Pattan XV. Rafiabad XVI. Rohama XVII. Sangrama XVIII. Singhpora XIX. Sopore XX. TujjarSharief XXI. Uri XXII. Waqoora XXIII. Wailoo XXIV. Zaingeer

4	Budgam	Zone A	I. Budgam
		Zone B	I. B.K.Pora II. Beerwah III. Chadoora IV. Charisharief V. Khag VI. Khan-Sahib VII. Nagam VIII. Narbal IX. Pakherpora X. Parnewa XI. Rathsun XII. S.K. Pora XIII. Soibugh XIV. Sukhnag (Hard Panzoo) XV. Surasyar XVI. Waterhail
5	Ganderbal	Zone A	I. Ganderbal
		Zone B	I. Kangan II. Lar III. Gund IV. Safapora V. Sherpathri VI. Wakura
6	Kulgam	Zone A	Nil
		Zone B	I. Behibagh II. D.H.Pora III. D.K.Marg IV. Devsar V. Frisal VI. Kulgam VII. Kund VIII. Menzgam IX. Pahloo X. Pombay XI. Qaimoh
7	Kupwara	Zone A	Nil

		Zone B	I. Drugmulla II. Handwara III. HerriQadirabad IV. Hyhama V. Kalarooch VI. Keran VII. Kralpora VIII. Kuligam IX. Kupwara X. Lalpora XI. Langate XII. Machil XIII. Magam XIV. Mawar XV. Qalamabad XVI. Meelyaal XVII. Natnussa XVIII. Qaziabad XIX. Rajwar XX. Ramhal XXI. ReddiChowkibal XXII. Sogam XXIII. Tangdar XXIV. Teethwal XXV. Trathpora XXVI. Trehgam XXVII. Wavoora
8	Pulwama	Zone A	I. Pulwama II. Pampore
		Zone B	I. Arpal II. Awantipora III. Dadsura IV. Kakapora V. Keller VI. Litter VII. Newa VIII. Shadimarg IX. Tral
9	Shopian	Zone A	Nil
		Zone B	I. Chitrigam II. Herman III. Imamsahib IV. Kanji Ullar V. Kaprin VI. Keller VII. Ramnagri

			VIII. Shopian IX. Zainpora
10	Srinagar	Zone A	I. Srinagar II. Eidgah III. Hazratbal IV. Qamarwari
		Zone B	I. Harwan II. Khonmoh
<i>Note: Municipal Committees shall form part of the nearest Block.</i>			

7. APPLICATION FOR LAND ALLOTMENT

- a. Department of Industries and Commerce shall upload vacant industrial land available in different Industrial Estates on the Single Window Portal.
- b. Land availability advertisements, both in print and online, shall be issued by Department of Industries and Commerce/ Developing Agency concerned, inviting prospective entrepreneurs to apply online on the portal.
- c. A Processing fee at the time of application shall be charged as follows:
 - i. Up to 1 Acre – Rs. 10,000
 - ii. Above 1 Acre to 5 Acre – Rs. 25,000
 - iii. Above 5 Acre – Rs. 50,000

d. Project report:

The Applicant must submit a Detailed Project Report (DPR) online along with the application. The Detailed Project Report shall comprise of:-

- Promoter's background including qualification and experience;
- Details of items to be manufactured/ services rendered and its marketing potential;
- Land area applied for and tentative break-up of possible areas;
- Plan Layout;
- Implementation Schedule;
- Product process flowchart;

- Projected cash flow statements;
- Total investment detail including investment in Technical and Non-Technical Civil work, Plant & Machinery, Requirement of Working Capital;
- Sources of Finance for the Project;
- Projected Employment details;
- Power requirement;
- Water requirement.
- Balance Sheets for the last three years of the Applicant Company / Promoters with necessary Resolutions, IT Returns and documents concerning financial /technical support, if applicable.
- The Registration documents depending on types of organization viz. Proprietorship, Partnership, Trust, Private / Public Limited Company, etc. along with certified copy of the Partnership Deed, Memorandum and Article of Association and relevant documents, as applicable.

8. PROJECT APPRAISAL AND EVALUATION

8.1 All the applications received for allocation of industrial land shall be scrutinized (on technical and financial criteria) by the Divisional Level Appraisal Committee. The timeline for screening shall be 30 days.

8.2 The composition of each Divisional Level Appraisal Committee shall be as under:

S. No	Designation	Role
1	Joint Director, Industries and Commerce, of the concerned Division	Chairman
2	Executive Engineer, EM&RE Wing Power Development Department	Member
3	General Manager of DIC concerned	Member Secretary
4	Representative of Pollution Control Board	Member
5	Zonal Manager, J&K Bank	Member
6	General Manager SIDCO	Member
7	General Manager SICOP	Member
8	Representative of the Industry nominated	Member
9	Domain Expert	Member

* Joint Director, Skill Development Department; Nodal Principal,

Higher Education Department, and Deputy Director (Headquarter), Directorate of Health Services (concerned) shall be co-opted for appraisal of proposals pertaining to their departments on case to case basis.

**** Any other person can be co-opted by the Committee having subject matter specialization.**

8.3 For evaluating an application, the Divisional Level Appraisal Committee shall take into consideration the following parameters:

S.No	Parameters
1	Level of Proposed Investment
2	Extent of employment generation
3	Qualification (Qualification of the applicant/ any of its promoters)
4	Experience of the promoters
5	Shifting from non-conforming area/ rented premises
6	Land Utilization
7	Women Entrepreneur/ Ex-Servicemen/ Scheduled Caste
8	First Generation entrepreneurs intending to set up business for the first time
9	Resource Position
10	Income tax payments by promoter/ applicant (if applicable)
11	Past performance of existing operations of the applicant/ group concerns
12	Expansion by applicant/ its promoters to set up expansion projects
13	Start-up/ micro industries/ new technologies/ projects with innovative ideas
14	Environment friendly, energy efficient, high tech, high value added enterprises
15	Category of industry – Red, Orange, Green

8.4 Applications that are cleared by the Divisional Level Appraisal Committee shall be forwarded to concerned Land Allotment Committee for further land allotment process through respective Directorates.

8.5 Following conditions shall be considered while an application is being examined by the Divisional Level Appraisal Committee:

8.5.1 The proposed project should be falling in the category of permissible activities; should not involve high pollution and high water consumption.

8.5.2 Where the applicant/ its promoters are already having industrial plots in various Industrial Estates in J&K and



the plot is lying vacant/ project is yet to be implemented, the requirement of additional land is to be justified.

8.5.3 Where the applicant/ promoters are in default towards payment or dues of the Corporation in respect of the existing allotted plots, the same shall be required to clear before issuance of allotment letter.

8.5.4 Apart from points mentioned above, committee must also consider the justification of the land applied.

9. LAND ALLOTMENT COMMITTEES

There shall be three Committees viz the Divisional Level Land Allotment Committee, the High Level Land Allotment Committee and the Apex Level Land Allotment Committee, with the following composition:

9.1 Divisional Level Land Allotment Committee

S. No	Designation	Role
1	Director, Industries and Commerce, concerned	Chairman
3	Chief Engineer, EM&RE Wing Power Development Department concerned	Member
4	Managing Director SIDCO	Member
5	Managing Director SICOP	Member
6	General Manager of the DIC concerned	Member Secretary
7	Representative of Pollution Control Board	Member
8	Representative of the Industry nominated	Member
* Director Colleges, Higher Education Department; Director, Skill Development Department, and Director, Health Services (concerned) shall be co-opted for land allotment pertaining to their departments on case to case basis.		

9.2 High Level Land Allotment Committee

S. No	Designation	Role
1	Administrative Secretary, Industries and Commerce Department	Chairman
2	Representative from Power Development Department not below rank of Additional	Member

	Secretary	
3	Representative from Department of Forest, Ecology and Environment not below rank of Additional Secretary	Member
4	Representative from Administrative Secretary Housing and Urban Development Department not below rank of Additional Secretary	Member
5	Member Secretary, Pollution Control Board	Member
6	Director, Industries & Commerce Concerned	Member Secretary
7	MD SIDCO	Member
8	MD SICOP	Member
9	Representative of the Industry nominated	Member
<p><i>* Representatives (not below the rank of Additional Secretary) of Administrative Secretary of Health & Medical Education Department; Skill Development Department and Higher Education Department shall be co-opted for land allotment pertaining to their departments on case to case basis.</i></p>		

9.3 Apex Level Land Allotment Committee

S. No	Designation	Role
1	Chief Secretary	Chairman
2	Administrative Secretary Industries & Commerce	Member Secretary
3	Administrative Secretary PDD	Member
4	Administrative Secretary Department of Forest, Ecology and Environment	Member
5	Administrative Secretary Housing and Urban Development Department	Member
6	Chairman, Pollution Control Board	Member
7	MD JKDFC	Member
8	MD SIDCO	Member
9	Representative of the Industry nominated	Member
<p><i>* Administrative Secretaries of Health & Medical Education Department; Skill Development Department and Higher</i></p>		

Education Department, shall be co-opted for land allotment pertaining to their departments on case to case basis.

10. LAND ALLOTMENT PROCESS

The land shall be allotted on lease to the investors initially for a period of 40 years which may be extendable to 99 years. The Land Allotment Letter shall define all the terms and conditions of the lease including compliance of the timelines for coming into production.

- 10.1 Projects upto Rs. 50 crore shall be decided by the Divisional Level Land Allotment Committee, after proper screening and recommendation, by the Divisional Level Appraisal Committee.
- 10.2 Projects greater than Rs.50 crore but less than Rs. 200 crore, shall be decided by the High Level Land Allotment Committee, after proper screening and recommendation, by the Divisional Level Appraisal Committee.
- 10.3 Projects greater than Rs. 200 cr., shall be decided by the Apex Level Land Allotment Committee, after proper screening and recommendation, by the Divisional Level Appraisal Committee.
- 10.4 The Divisional Level Land Allotment Committee, High Level Land Allotment Committee and Apex Level Land Allotment Committee shall decide land allotment application within 45 days' from the day of receiving recommendation from the Divisional Level Appraisal Committee.
- 10.5 If two or more applicants are competing for same plot, the relevant Land Allotment Committee may interact with all of them to select the most suitable applicant.
- 10.6 Once approved, the Industrial Development Corporation shall immediately issue a land allotment certificate to the applicant.



10.7 Payment of Premium

10.7.1 An allottee must pay 100% land premium within 60 days from the date of issuance of allotment letter and before the execution of lease deed.

10.7.2 All payments shall be made in online mode through the Single Window Portal as per the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act 2018.

10.8 **Execution of Lease Deed and Physical Possession**

10.8.1 A lease deed in the prescribed format will be executed between the allottee and Industrial Development Corporation concerned, within 60 days from the date of issuance of allotment letter. In case of failure to execute the lease deed, a final notice of 30 days shall be given to the allottee immediately on expiry of the 60 days' time period.

10.8.2 Once the execution of lease deed is complete, the concerned Estate Manager will cause actual plot to be measured immediately as per the area approved by the concerned Land Allotment Committee and mark the boundary of the plot as per the site plan. The possession certificate in the prescribed format duly mentioning the plot number, exact area/khasra number(s)/coordinates etc. shall be signed by the allottee and the concerned Estate Manager within 15 days.

10.8.3 In case of non-execution of lease deed, including non-payment of payable premium, even after the expiry of notice period, the land allotment shall be cancelled by the concerned Industrial Development Corporation immediately.

10.8.4 The refund application, if any filed by the allottee, will be disposed by the concerned Land Allotment Committee.



11. PROVISIONAL REGISTRATION

- 11.1 Provisional registration of the enterprise shall initially be valid for 3 years, within which they shall commence production/ render service. The 3 years shall be counted from the date of acquiring possession of land.
- 11.2 The Director Industries may, however, extend the period of the provisional registration, on the recommendations/decision of the concerned Land Allotment Committee by one year at a time on the merits of each case, subject to the maximum of 5 years.
- 11.3 Grant of extension of provisional registration shall be considered for only such cases where premium due to the Industrial Development Corporation/Department has been paid in full and there is no default in the payment of dues towards the Industrial Development Corporation/Department. Extension fee equivalent to 5% of the total premium assessed at the time of provisional allotment of the plot will be charged for extension sought for the 1st and 2nd year respectively, which will not be refundable / adjustable in the premium of the plot.

12. CHANGE OF LOCATION OF ALLOTTED LAND

- 12.1 Land once allotted cannot be changed. However, the concerned Land Allotment Committee shall be empowered to review the allotment subject to availability of land, in case were genuine reasons exist.
- 12.2 If an applicant surrenders allotted land after execution of lease deed within a period of 2 years, the allotment shall be cancelled and the allottee shall forfeit 20% of the premium of land and the balance 80% shall be refunded. The land shall revert back to the land bank of the concerned Corporation. The land shall, thereafter, again be put on the Single Window Portal for fresh allotment.

13. ALLOTMENT OF LAND TO THE PUBLIC UTILITIES

- 13.1 Industrial Development Corporation concerned shall, as per Industrial Estate Development plan, allot land for public/utility such as Fire & Emergency Services, Police Station,



Government/ESI Dispensaries, Power Development Department, Public Health Engineering Department, Scheduled Banks etc. at the premium and rent rates fixed by the respective Industrial Development Corporation. Land may also be allotted for public utility services which are compatible with industrial usage of a given Industrial Estate. Industrial Development Corporation concerned may waive off/ reduce the premium or rent rates for such public utility agencies, if needed.

- 13.2 The land identified in an Industrial Estate for other commercial utilities such as petrol pumps, restaurants, warehouses, etc. required in the Industrial Estates shall be allotted through competitive bidding by the concerned Industrial Development Corporation.

14. CANCELLATION OF LEASE DEED AND RETRIEVAL

- 14.1 The land allotted under the policy shall be cancelled under following conditions:
- 14.1.1 In case of failure on the part of allottee to make total payment towards premium within stipulated time from the date of issuance of the allotment letter;
 - 14.1.2 Violation of any condition in the lease deed;
 - 14.1.3 Failure to come into production within stipulated time;
 - 14.1.4 Failure to adhere to any other condition(s) stipulated in the J&K Industrial Policy and/or guidelines;
 - 14.1.5 Non-operation of an enterprise for a continuous period of 5 years.
- 14.2 The concerned Industrial Development Corporation shall immediately take necessary action for cancellation of the lease deed and eviction of the allottee.
- 14.3 The cancelled allotment, however, can be restored on application by the allottee within 30 days of the cancellation on payment of restoration charges @10% of the original



premium subject to the condition that the unit has deposited 50% of the premium and all other dues.

15. TRANSFER OF LEASE HOLD RIGHTS

15.1 Transfer of lease hold rights in an Industrial Estate managed by concerned Industrial Development Corporations shall be permitted by the Director Industries, only after the unit comes into production and subject to fulfilment of following conditions:

15.1.1 Furnishing of documents viz. Copy of Memorandum of Understanding/Incorporation Certificate by the Registrar of Companies/Articles of Association/Memorandum of Association/EM- I of Incoming unit and EM-II of Existing unit to be de-registered/ Public Notices in minimum two leading dailies inviting objections;

15.1.2 NOC/NDC from the concerned Bank/Financial Institution/Sales Tax/ PDD/wherever required;

15.1.3 An undertaking by the incoming Promoter (attested by a Judicial/ Executive Magistrate) stating therein that liability, if any, arising due to transfer of lease hold rights shall be borne by the Proprietor/Partners/Company along with declaration that land is free from all encumbrances;

15.1.4 Clearances of all estate's dues, if any;

15.1.5 Execution of surrender deed before execution of fresh lease deed;

15.1.6 Furnishing of transfer/release/relinquishment deed;

15.1.7 De-registration of the outgoing unit by the concerned Director, Industries & Commerce in case the incoming promoter desires to establish an Enterprise with different Line of Activity/Name and Style;

15.1.8 Execution of fresh lease deed;



15.1.9 Any other formality as may be deemed appropriate by the Managing Director, Industrial Development Corporation concerned.

15.2 Payment of transfer fees @ 20% of the prevalent land premium. In case of transfer of lease hold rights even by way of public auction, transfer fee @ 20% of the prevalent land premium applicable on the date of issuance of transfer order/permission by the concerned Corporation shall be payable.

16. ANCILLARIZATION OF PREMISES

Functional Industrial Enterprise may rent not exceeding 60% of built up area for setting up of Industrial Enterprise(s) ancillary to such Industrial Enterprise(s) by charging nominal processing fee and only after executing the tripartite agreement involving the concerned Industrial Development Corporation.

17. DE-REGISTRATION OF UNITS

De-registration of an industrial units shall be permitted by the Director Industries and Commerce concerned, upon recommendation of concerned General Manager of the District Industries Center subject to fulfilment of following conditions:

- 17.1 Furnishing of documents viz. Resolution of Board of Directors for de-registration of unit/ / Incorporation Certificate by the Registrar of Companies/Articles of Association/ Memorandum of Association/ EM- I of Incoming unit and EM-II of Existing unit to be de-registered.
- 17.2 Public Notices in minimum two leading dailies inviting objections.
- 17.3 NOC/NDC from the concerned Bank/Financial Institution/Sales Tax/ PDD/DIC wherever required.
- 17.4 An undertaking by the incoming Promoter (attested by a Magistrate) stating therein that liability if any arising due to transfer of lease hold rights (Outright-sale) shall be borne by the Proprietor/Partners/Company along with declaration that land is free from all encumbrances.

- 17.5 Clearances of all estate's dues supported by NDC in this regard, if any.
- 17.6 Prior permission for transfer of Lease hold rights from concerned Industrial Development Corporation in favour of New Unit.
- 17.7 Any other formality as may be deemed appropriate by the GM concerned /Director Industries and Commerce

18. DEFINITIONS UNDER THE POLICY

Unless otherwise provided under various schemes of DPIIT, Ministry of Commerce and Industries, Government of India and Jammu and Kashmir Industrial Policy—

- 18.1 **"Allotment"** means allotment of land/ premises for establishment of Industrial/Service Enterprise/ unit as prescribed in this policy;
- 18.2 **"Allottee"** means an Industrial Enterprise in whose favour an allotment of a land/ plot/ premises has been made under this policy;
- 18.3 **"Applicant"** means an individual or person including a group of individuals under Indian Partnership Act 1932 or a company registered under the Companies Act, 2013 or Limited Liability Partnership Act 2008, or Cooperative Institution, or Hindu Undivided Family (HUF) under section 2(31) of the Income Tax Act, 1961, or a body incorporated under any Act, who has made an application following the prescribed procedure of Jammu and Kashmir Government for establishing an Industrial Enterprises/ Unit;
- 18.4 **"Date of Commencement of Commercial Production"** means the date on which the industrial undertaking starts commercial production, as certified by the Department of Industries and Commerce Jammu and Kashmir;
- 18.5 **"Premises"** means and includes any plot, land, shop, godown, shed, any structure, which is meant for lease;
- 18.6 **"Processing Fee"** means a non-refundable fee, which shall be payable by applicants to Industrial Development

Corporation at the time of filing application or obtaining any approvals under the provisions of this policy;

- 18.7 **"Land / Site"** means a plot of land which is under consideration for allotment;
- 18.8 **"Industrial Development Corporation"** means the agency responsible for development, maintenance, allotment and management of government industrial land;
- 18.9 **"Lessee"** means the transferee to whom the land is allotted;
- 18.10 **"Lessor"** means the concerned corporation which will allot land to the Lessee;
- 18.11 **"Lease"** of immovable property is a contractual agreement for transfer of a right to enjoy such property, made for a certain time, express or implied, in consideration a price paid or promised of money, service or any other thing of value to be rendered periodically or on specified occasions to the transferor by the transferee;
- 18.12 **"Lease Rent"** means the annual rent charged to Lessee during lease term as fixed by the Board of Directors of the Concerned Corporation;
- 18.13 **"Premium"** means Land premium fixed by the government from time to time;
- 18.14 **"Plant and Machinery"** means newly purchased industrial plant and machinery as erected at site. Plant and Machinery for the service sector industrial unit shall include cost of construction of building and all other durable physical assets basic to the running of that particular service industry but exclude cost of land and consumables, disposables or any other item charged to revenue as defined under Jammu and Kashmir Industrial Promotion Policy 2020;
- 18.15 **"Substantial Expansion"** means increase by not less than 25% in the value of fixed capital investment in Plant & Machinery of an industrial unit for the purpose of expansion of capacity / modernization and diversification.

