

OFFICIAL GOVERNMENT OF GOA GAZETTE



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GOVERNMENT OF GOA

Department of Industries

Goa Industrial Development Corporation

Notification

GOA-IDC/IE/BR/2012(1)/329

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 51 of the Goa Industrial Development Act, 1965, the Goa Industrial Development Corporation, with prior approval of the Government, hereby make the following regulations namely:—

1. These regulations may be called as the Goa Industrial Development Corporation Allotment Regulations, 2012.

2. These regulations shall apply to all Industrial Estates and Industrial Areas in the State of Goa and/or owned/developed by the Corporation as well as to the Land, Plots, Sheds, Kiosk, Galas, Office premises, Godowns etc., allotted by the Corporation and shall come into force with immediate effect.

3. In these Rules unless the context otherwise requires,—

(a) "Corporation" shall mean the Goa Industrial Development Corporation.

(b) "Industrial Estates/Areas" means the industrial areas developed by the Corporation or vested with it where the Land, Plots, Sheds, Kiosk, Galas, Office premises, Godowns etc., are available for allotment including undeveloped land owned or held by it.

(c) "Managing Director" means the Managing Director of the Corporation and also includes the official having additional charge or acting in the said post.

(d) "Allottee" means an individual, a company, a trust, hindu undivided family, a society, an incorporated body, a group of individuals (partnership firm) or any other legal entity to whom any Land, Plot, Shed, Kiosk, Gala, Office premises, Godown etc., has been allotted by the Corporation.

(e) "Government" means the Government of Goa.

(f) "Website" means the official website of the Goa Industrial Development Corporation i.e. www.goaidc.com.

(g) "Local Person" means a person born in the State of Goa or a person residing in the State of Goa for the past 15 years or a person born to a parent who is born in the State of Goa.

4. *Creation of Plots and Preparation of Site Plans.*— (a) For any new industrial estate/area being developed by the Corporation or for any vacant area in the existing industrial areas, the Corporation shall ensure that for each Industrial Estate and/or Industrial Area, a detailed survey and measurement is done and the site plan is prepared for plots under following categories, as far as possible:

(i) 20% of the area for plots measuring up to 1,000 sq. mts.

(ii) 20% of the area for plots measuring above 1,000 sq. mts. and up to 2,000 sq. mts.

(iii) 20% of the area for plots measuring above 2,000 sq. mts. and up to 5,000 sq. mts.

(iv) 20% of the area for plots measuring above 5,000 sq. mts.

(v) Balance 20% of land for any special project, as per the directions of the Government.

(b) The area for plots as required for 4(a) above will be carved out after 10% of the area in any Industrial Estate/Area is earmarked for utilities and other requirements, in addition to earmarking land as required as per Town and Country Planning norms.

(c) The above plans shall also have the flexibility to take into account the difficulties relating to topography of the landsite, demand before the Corporations etc., and shall be subject to such variations as may be required.

(d) The plans and other details should be made available at the Head Office of the Corporation, at the offices situated at the Industrial Estates/Areas of the Corporation and the Corporation's official website, for information of the entrepreneurs.

5. *Notification in Newspapers inviting Applications & Publication of Vacancy.*— (a) In order to make allotment of the plots,

advertisement will be released in at least 3 local newspapers (one each in Konkani, Marathi and English language), be put up on the notice boards of Corporation head office and all the existing Industrial estates, copy be made available to Goa Chambers of Commerce and Industry (GCCCI), Goa branch of CII, Goa State Industries Association (GSIA) and be put on the official website of the Corporation.

6. *Price of the Industrial Plots.*— The land rate per square meter and the lease rent of a plot in the Industrial Estate shall be fixed by the Corporation every year, in the month of March, and the Corporation may alter the land rate from time to time with reference to the prevailing market rates.

7. *Priority for Allotment.*— The applications received shall be categorized into the following categories and priority for allotment shall be given in the following order:

(a) For applicants in the Local Persons category, 40% of the existing plots as on the date of consideration of the application in the categories of 4(a) (i), (ii) & (iii) above shall be earmarked.

And priority will be given in the following manner:—

(i) Persons born and residing in the State of Goa,

(ii) Persons having domicile for 15 years or more in the State,

(iii) Persons born in Goa but not residing in the State, and

(iv) The persons having at least one of the parents born in Goa.

(b) For applicants who seek plot for expansion of their existing units, 20% of the existing vacant plots as on the date of consideration of the application in the categories of 4(a) (i), (ii), (iii) & (iv) above shall be earmarked.

(c) For Special Projects, 20% of the land available in the industrial estate/area as on the date of consideration of the application, to be allotted as per the directions of the Government.

(d) 20% for other categories.

(e) In a Company or Partnership firm, priority will be given to companies/firms where applicants under 'Local Person' category have at least 51% shares.

(f) If number of applicants is more than the number of plots available in that category after considering prioritywise allotment the excess applications, the allotment will be done by way of draw of lots.

8. *Application for Allotment.*— (a) Application for allotment of land for Industrial Purpose in the Industrial Estate/Area shall be made in the prescribed format to the Managing Director along with the application within the time specified in the advertisement which shall not be less than 7 (seven) working days. The applicant shall furnish an interest free Security Deposit of Rs. 20/- (Rupees twenty only) per sq. mt. (refundable and non-interest bearing) and a Processing fee of Rs. 5/- (Rupees five only) per sq. mt. or Rs. 15,000/- (Rupees fifteen thousand only) whichever is higher (non-refundable) by means of Demand Draft or Pay Order drawn in favour of the Goa Industrial Development Corporation, payable at Panaji. The applicant should also enclose the following self-attested documents (wherever applicable) along with the application form.

(i) Photocopy of the identity proof such as voters identity card, driving license, passport of the applicant in case of individual proprietorship. However, Aadhaar Card issued by Government of India should be compulsorily quoted.

(ii) PAN Card/Income Tax returns filed by the assessee/assesseees for the last three financial years.

(iii) Copy of the Certificate of Registration of Firm and Partnership Deed.

(iv) Copy of Certificate of Incorporation and Memorandum and Articles of Association in case of Limited Companies and a copy of resolution authorizing the applicant to apply on behalf of the company.

(v) In the case of Co-operative Societies/ Societies registered under the Societies Registration Act, 1860, the copy of proof of registration.

(vi) Detailed Project Report for the project with the application in the format, as prescribed by the Corporation.

(vii) Copies of the following Certificates should be enclosed:

*Entrepreneurs Memorandum/SSI Registration Certificate issued by the Director of Industries, Trade and Commerce, Government of Goa.

*Proof of financial strength/support certified by a Chartered Accountant or Bank/Financial Institution, as the case may be.

*Technical Education/Qualification of the Entrepreneurs/Promoters.

(viii) Approval from the High Powered Co-ordination Committee as per the existing Industrial Policy of the Government of Goa.

(ix) Birth Certificate or document of proof in case of 'Local Person' category of applicants.

(b) Any applications received after the last day as mentioned in the advertisement shall not be considered for the advertised vacancy.

(c) Separate application for each industrial unit and for expansion of the existing industrial unit shall be submitted.

(d) The applicant should not leave any blank column in the application form. If a

particular column/item is not applicable, the applicant shall write "Not Applicable" (N. A).

(e) The application duly filled in along with enclosures and the prescribed Security Deposit and Processing Fee must be submitted in the Corporations' Head Office at Panaji.

(f) Applications received by the Corporation during the last two years, i.e. from 1st July, 2010 to 17th June, 2012, prior to notifying of these regulations against which Plot/Land etc., has not been allotted, shall be also considered for allotment as and when vacancies are advertised, subject to their agreeing to these regulations and on submitting an undertaking to that effect on a plain paper or letter head of the company or the applicant, as the case may be, before the last date as specified in the advertisement, giving preference for the existing vacant plots or in the new industrial estate, as advertised.

9. *Mode of Allotment.*— (a) *Registration of Application.*— (i) The Corporation shall record all the applications received, in the Application Register maintained for the purpose and issue a registration number to each application.

(ii) All the applications received shall be verified by a Scrutiny Committee constituted for that purpose by the Managing Director to ensure that the applications are complete in all respect and each application shall be processed and placed before the Screening Committee along with duly filled up check list. Incomplete application shall be placed separately and considered only if there are insufficient applicants as against the published vacancies of plots, and only after their submission of all the necessary documents and fees as required, thereafter, after extending the time of receipt of applications through an advertisement, as laid down above for inviting fresh applications.

(iii) The Corporation shall publish the details of the applications received and the

registration number on the official website of the Corporation and also on the notice board of the Corporation. The pending applications being considered as per clause 8(f) above shall also be listed, and given a registration number, and shall be treated as fresh application.

(b) *Screening Committee.*— (1) The following Committee shall be constituted for screening the applications:

(i) Chief General Manager of the Corporation,

(ii) Chief Accounts Officer of the Corporation,

(iii) General Manager (Engineering) of the Corporation,

(iv) Nominee of GSIA.

(2) The Screening Committee shall scrutinize the applications and the project report furnished by the applicants. The Committee shall decide on the basis of the following criteria and will not have the inherent jurisdiction to lay down the norms of selection. The committee shall give priority to the following for scrutinizing the applications:—

(1) Local Person who is a,—

*Land looser who has lost land in acquisition of more than 1000 sq. m. during past five years from the date of the notification of these Regulations.

2. For expansion of an existing unit.

3. Educational Qualification, background of the promoter and/or experience in the relevant sector for which applied:—

(i) Educational qualification in the field of Engineering/Technology/Professional Qualifications,

(ii) A Science Graduate and/or holding MBA,

(iii) Others.

Three years experience or above in the fields specified under clauses 9(3) (i), (ii) and (iii) above shall be given weightage in the respective fields.

4. Financial strength and financial arrangement to set-up the project.

5. Product to be manufactured and technology to be used.

6. Arrangement made for procurement of plant and machinery.

7. Commitment to complete the proposed project within the time frame of 3 years.

8. Employment generation envisioned.

(3) The promoter may be called for one to one interaction, to demonstrate his project and for providing any further details to the satisfaction of the Committee.

(4) In case the number of eligible applicants exceeds the plots available in each category the allotment shall be made by draw of lots, for each category of plots, subject to clause 7(a).

(c) *Allotment Order.*— (i) Allotment of plots under clauses 4(a)(i), (ii) and (iii) above will be done by the Managing Director.

(ii) Allotment for plots under clause 4(a)(iv) will be done by the Managing Director after approval of the Board.

(iii) Allotment of plots under clause 4(a)(v), will be done by the Corporation as per the directions of the Government.

(iv) The Managing Director shall issue Allotment Order to the successful applicant within 10 (ten) days from the date of fulfillment of the formalities as stipulated in the Earmarking Letter and after receipt of the payment as stipulated under the earmarking letter issued by the Corporation for categories 4(a) (i), (ii), (iii) & 4(a)(iv) after receipt of approval of the Board of Directors

and for category & 4(a)(v), after receipt of approval of the Government.

(d) *Physical Possession.*— Physical possession shall be handed over only after fulfilling of all the terms and conditions of the Earmarking Letter by the applicant, and in not later than 7 (seven) working days of fulfilling all terms and conditions of the earmarking letter.

(e) *Execution of Lease Deed.*— (i) The allottee shall execute the lease deed with the Corporation within a period of 30 (thirty) days from date of issue of Allotment Order.

(ii) The allottee shall be allowed a maximum period of 180 days, with a penalty of Rs. 20/- per square mt. for every additional 30 days or fraction thereof, beyond the period of 30 days as prescribed under clause 9(e)(i) above, for execution of the leased deed from the date of the allotment order, and if the deed is not executed within this period the allotment shall stand automatically cancelled and 10% of the land cost forfeited along with the application money.

(f) *Allotment by Auction.*— Allotment of plots for purposes other than for manufacture or commercial production shall be done through auction process wherein plots would be allotted to the highest bidder.

(g) The allotment done by the Corporation shall be in consonance with the Industrial Policy of the State of Goa and norms prescribed under the environmental guidelines issued by the Government from time to time. Accordingly allotment in industrial estate will be restricted to Industries in the Green and Orange categories only. Further, no liquor distillery will be allowed in the estates of the Corporation.

10. *Time Frame for Implementation and Concessions for Timely Completion of the Projects.*— (i) The allottee should implement the project in full as envisaged as per the Project Report submitted by him at the time

of filing application for allotment and should go into commercial production within 2 (two) years from date of the allotment order or taking over possession, whichever is earlier.

(ii) The allottee shall be entitled for refund of the 20% of the amount paid by him to the Corporation towards the premium of the land in the event the allottee completes and goes into commercial production within two years stipulated under clause 10(i) above.

(iii) The refund of the amounts to be made as per clause 10(ii) above shall be subject to the verification and report of the Screening Committee of the Corporation.

11. *Charges for Delay in Implementation of the Project and go into Commercial Production.*— (1) Charges for delay in implementation of the project and going in to commercial production shall be as under:

| Date of the Allotment Order or taking over possession, whichever is earlier | Penalty (Rs. per sq. mtr.) per year. |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| UP to 2 YEARS | Nil. |
| 3rd YEAR | 20% of current land premium. |
| 4th YEAR | 30% of current land premium only after the Board approves the extension of time. |

2. If the allottee fails to start construction after 2 years or fails to implement the project and go into production even after the period of 4 years after the date of allotment or taking over possession whichever is earlier, the allotment made shall stand terminated, the plot along with the buildings and appurtenances standing thereon shall stand reverted to the Corporation and the amounts paid by the allottee to the Corporation shall stand forfeited. The Corporation shall resume the land with all development on it and evict the allottee.

The Corporation reserves its right to grant any further extension based on merit of each

case and on such terms and conditions as may be imposed.

3. Any relaxation, indulgence granted by the Corporation should not be treated as waiver on behalf of the Corporation and will not prejudice or effect its rights to initiate action against the defaulting allottees.

12. *Utilization of Plot.*— The allottee shall compulsorily utilize to the extent of at least 30% of the Land/Plot area allotted, for construction of factory building. In case of the failure on part of the allottee to utilize the minimum prescribed area for built-up, the Corporation shall resume possession of the vacant portion of the land/plot.

13. *Appeals.*— (1) Any applicant affected by the decision of the Corporation in the matter of allotment of plot or its refusal, shall appeal before the Chairman of the Corporation where the plot size is 5000 sq. mts. or less.

(2) Any applicant affected by the decision of the Corporation in the matter of allotment of plot or its refusal, shall appeal before the Board of the Directors of the Corporation where the plot size is above 5000 sq. mts.

(3) Any order made by the Chairman or the Board of Directors under the regulations shall be final and binding.

14. The Corporation reserves its right to revise the Payment, Fees, Charges, Taxes, Deposits, etc., as stipulated and the allottee shall be bound to pay the Payment, Fees, Charges, Taxes, Deposits, etc., on demand by the Corporation. The decision to revise the Payment, Fees, Charges, Taxes, Deposits, etc., shall be taken by the Board of Director of Government of Goa as the case may be.

15. The Corporation reserves the right of utilizing vacant portions of the allotted land at any time for laying pipe lines, cables, underground drainage or drawing overhead electric lines without paying any compensation to the allottee for such use or without seeking permission.

16. The Board of the Corporation, with the approval of the Government of Goa, may carry out any relaxation of these regulations from time to time.

17. The Board of the Corporation with prior approval of the State Government shall be entitled for taking appropriate measure for removal of difficulties if any, that may arise at any stage in the performance of its lawful functions, so as to give full effect to these Regulations.

By order and in the name of the
Industrial Development Corporation.

Faizi O. Hashmi, IAS, Managing Director.

Panaji, 5th September, 2012.



Department of Law & Judiciary

Legal Affairs Division



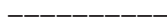
Notification

7/17/2012-LA

The Goa Highways (Amendment) Act, 2012 (Goa Act 15 of 2012), which has been passed by the Legislative Assembly of Goa on 8-8-2012 and assented to by the Governor of Goa on 3-9-2012, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 5th September, 2012.



The Goa Highways (Amendment)
Act, 2012

(Goa Act 15 of 2012) [3-9-2012]

AN

ACT

further to amend the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974).

Be it enacted by the Legislative Assembly of Goa in the Sixty-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Highways (Amendment) Act, 2012.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 54A.*— In section 54A of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974) (hereinafter referred to as the 'principal Act'), in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that the Government may by notification and subject to such restrictions and conditions as may be specified in the notification, exempt either totally, or partially any motor vehicle or motor vehicles or any class of motor vehicles, from the payment of fees.

3. *Amendment of section 54B.*— In section 54B of the principal Act, in sub-section (1) after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that the Government may by notification and subject to such restrictions and conditions as may be specified in the notification, exempt either totally or partially, any motor vehicle or motor vehicles, or any class of motor vehicles, from the payment of fees”.

4. *Insertion of new section 54C and 54D.*— After section 54B of the principal Act, the following sections shall be inserted, namely:—

“54C. *Entry to bridges, State highways, etc., without paying fee.*— Whoever enters a bridge or State highway or major district road or village road without paying the fee shall, on conviction, be punished,—

- (a) for the first offence with a fine which may extend to one thousand rupees.
- (b) for a subsequent offence with a fine which may extend to five thousand rupees.

54D. *Power of the Government to enter into agreement for development and maintenance of Highways and bridges.*— (1) Notwithstanding anything contained in this Act or any other Act for the time being in force, the Government may enter into an agreement with any person in relation to the construction, development and maintenance of the whole or any part of the Highway or a bridge.

(2) To facilitate or secure such construction, development and maintenance, the agreement may, subject to such terms and conditions as may be prescribed, provide for the transfer of any land belonging to or to be acquired by the Government under this Act or any other Act, for the time being in force, to such person or persons by way of lease or otherwise during the period of such agreement.

(3) Notwithstanding anything contained in sections 54A and 54B and rules framed

thereunder the person referred to in sub-section (1) shall be entitled to collect and retain fee at such rate of rates, for the service or benefits rendered by him as the Government may by notification in the Official Gazette specify having regard to the expenditure involved for acquisition of land and construction, development and maintenance of bridges or Highway.

(4) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) on the Highway or a bridge forming subject matter of such agreement, for proper management thereof”.

Secretariat,

Porvorim-Goa.

Dated: 5-9-2012.

PRAMOD V. KAMAT

Secretary to the Govt. of Goa,

Law Department (Legal Affairs).

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