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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
MSME & Textiles Department
Silpa Sadan (7th & 8th Floor), Camac Street, Kolkata-700016

No. 2297/MSMET-18099/7/2020

Dated the 20th September, 2021

NOTIFICATION

In exercise of the powers conferred by Section 14 in the West Bengal Incentive Scheme 2020 for Approved Industrial Park (commonly referred to as SAIP) under Memo No. 1890/MSMET-18099/7/2020 dated 16/9/2020 for Micro, Small and Medium Enterprises, and on the basis of the recommendations from several industrial associations/ councils and industrial park developers and on being satisfied that it is necessary to facilitate and expedite creation of more number of new industrial parks by the private developers, the Governor of West Bengal is hereby pleased to sanction the amendments and additions in the said scheme as delineated hereunder:

1. Amendments: The following sections of the SAIP 2020 scheme stand amended as below—

(ii) Section 4(IV)

SPV: Special Purpose Vehicle, which will procure or is in legal possession of the land for the AIP and will be responsible for designing, development, financing, construction, management, operation and maintenance of the AIP. SPV must be a registered entity under the Companies Act /Societies Registration Act /Partnership Act (LLP).

(iii) Section 4(XIII)

Commencement of Approved Industrial Park means the date of operation of the AIP, which denotes the date when all the approved Basic and Essential Common Infrastructural Facilities have been constructed/ installed and minimum 30% of the total area for lease/sale has been allotted to MSMEs.

(iv) Section 6 (I)

The Approved Industrial Park shall be established by private sector on own land, procured directly, or, taken on lease from the State Government, and it will be required to form a Special Purpose Vehicle (SPV) registered under Companies Act/Societies Registration Act /Partnership Act (LLP).

(v) Section 6(VI)

The minimum land area required for development of an AIP in the district of Kolkata, and KMA areas of Howrah, North 24 Pargana and South 24 Pargana districts will be at least 5 acre. For other districts, the minimum land area required for developing an AIP will be 20 acres.

(vi) Section 6(VII)

Each AIP shall reserve 60% of the allocable area for MSMEs in manufacturing & industrial activities including Cold Storage, Poultry, Fisheries, Logistics and Warehousing.

(vii) Section 6(VIII)

For AIPs above 60 acres of land, beyond the minimum allocation of 60% of the allocable area for MSMEs in manufacturing & industrial activities including Cold Storage, Poultry, Fisheries, Logistics and Warehousing, the AIP shall be allowed to allocate rest area for Service sector and other amenities like Bank, ATM, Primary Health Centre, Crèche. No commercial activity other than amenities specified above is allowed within the AIP. The SLEC will be authorized to consider relaxations in this requirement in exceptional cases only.

(viii) Section 6(XII)

Minimum 60% of the total allocable land/built-up space in the AIP shall be allotted for manufacturing and industrial activities including Cold Storage, Poultry, Fisheries, Logistics and Warehousing. The remaining land/built space shall be utilized for Basic and Essential Common Infrastructure Facilities and greenery, while maximum 5% land / built-up space can be earmarked for hostel/housing/guest house facilities meant for the occupants of the AIP and outsiders.

(ix) Section 6(XV)

The construction/ installation of the Basic and Essential Common Infrastructure Facilities and allotment of minimum 80% of the total land/built-up space for lease/sale to MSMEs and fulfilment of other compliances under this Scheme shall have to be completed within 2 years from the date of approval of the AIP. In case of delay, beyond the control of the SPV, approval for extension for a maximum period of 6 months shall have to be obtained from SLEC before expiry of the specified 2 years. In case the SPV defaults, the approval given to an AIP shall stand withdrawn on completion of specified 2 years, or, after the extended time.

(x) Section 6(XVI)

The SPV shall manage and maintain the AIP for a minimum period of 5 years from the date of completion of construction /installation of the Basic and Essential Common Infrastructure Facilities and/or allotment of minimum 80% of the land for lease/sale to MSMEs. Any change in shareholding pattern in the SPV till the completion of 5 years maintenance period of the AIP will require approval from SLEC. In case of default, the SPV is liable to refund the disbursed/ reimbursed incentive amount to the State Government.

(xi) Section 6(XVII)

The SPV shall allot the plot/ shed / buildings/ installations of the AIP on lease /sale to MSMEs through open advertisement in newspapers declaring rates of plot of land/ shed /buildings/ installations. In case applications for more than the available plot of land/ shed /buildings/ installations are received then allotment shall be made through lottery. In case of Government leasehold land, the land can be allotted through assignment, or, sub-lease only.

(xii) Section 7(III)

WBSIDCL shall provide facilitation service through the Single Window system for obtaining all statutory clearances/ licenses as per the law required for an AIP. It will be facilitated through a screening committee chaired by the MD, WBSIDCL involving the representatives from:

1. West Bengal Pollution Control Board
2. Land & Land Reforms Department
3. Fire & Emergency Service Department

All clearances will be given in a camp mode in presence of the concerned officials of respective Department in order that the setting up of any AIP can take place on a faster track.

(xiii) Section 8A(I)

Incentive for development of Basic and Essential Common Infrastructure Facilities will be given in the following manner.

1. For land area below 10 acre, incentive @ Rs.20 lakh per acre of a AIP
2. For land area between 10 and 50 acre, incentive @ Rs.2 crore plus Rs.15 lakh per acre beyond 10 acre area
3. For land area beyond 50 acre, incentive may be @ Rs.8 crore plus Rs.10 lakh per acre beyond 50 acre area.

The incentive above will be disbursed in 3 instalments (20% + 30% + 50%) for finally approved Industrial Parks.

In the **1st Instalment**, disbursement of 20% of incentive notified under Sec 8(A) will be allowed after completion of the following activities –

- a) Mutation, conversion and registration of the land in SPV's name.
- b) Formation of the SPV and obtaining final approval of the AIP from the SLEC.
- c) Completion of construction of Boundary wall, Land filling and internal roads.

In the **2nd instalment**, disbursement of 30% of incentive will be made after the following activities–

- a) Allotment of 80% of the land among the MSMEs
- b) Completion of the internal power infrastructure
- c) Completion of internal drainage system

Balance 50% will be disbursed as the **3rd and final instalment**, once the park is fully operational and after completing all the basic essential infrastructure as per the original SLEC approval.

(xiv) Section 9(A)

Government shall strive to facilitate the Private Industrial Park in provision of quality power. Power substation catering to the AIP, for which the requirement is justified and approved, shall be set up by the concerned State Government agency free of cost. Suitable land for setting up the substation shall be provided by the SPV without cost. Only the Power Sub-station for the AIP will be provided by the State Government. The cost of internal 11KV, or, LT network inside the Park will be borne by the Developer of the Park/ DISCOM as per existing regulatory practice.

2. Additions: The following new provisions have been added to the SAIP 2020 scheme–

(i) Sub-Section 6A

- I. Existing/operational privately operated industrial parks can also be brought under SAIP, provided the following conditions are met–
 - a) Park area has to be expanded up to minimum 5 acre in outlying districts and minimum 2 acre in Kolkata and Howrah.
 - b) The individual units have complied with all the necessary clearances for land conversion, fire licence, got environmental clearances, building plan approvals etc.
 - c) At least 60% of the area within the Park is utilised for industrial /manufacturing activities and units comprising warehousing /cold storage /fisheries & poultry.

- II. One time grant for the purpose of developing common infrastructure like STP, WTP, drainage, power supply augmentation at a rate 50% of the benefits earmarked for new industrial parks.
- III. Incentives for technology up-gradation and setting up of CETP will be Rs.2 lakh per acre.

(ii) **Sub-Section 6B**

The scheme shall also be extended to parks dedicated entirely/substantially for Logistics and Warehousing industry. However, such parks shall have to be set up outside the municipal limits and must be developed upon a minimum area of 10 acres. The fiscal incentives shall be at 75% of the slab benefits as declared under amended Section 8A.

(iii) **Sub-Section 10(II)A**

An SPV will be eligible to apply for coming under SAIP only after completion of procurement of the proposed land area and after completion of mutation of the entire procured land.

(iv) **Section 15**

Following the due diligence exercised by the Screening Committee as set up under amended Section 7(III) above, once the SLEC accords the final approval in favour of an AIP, the following approvals shall be deemed to have been granted:

1. Conversion of character of land as industry
2. Environment clearances in the form of Consent to Establish
3. Trade licenses (Certificate of enlistment)
4. NOC for Fire Safety

By order of the Governor,

RAJESH PANDEY, IAS
*Principal Secretary to the Government
of West Bengal*