

## **Delhi Industrial Development, Operation And Maintenance Act, 2010**

**[15 April 2010]**

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## **SCHEDULE 1 :- SCHEDULE I**

### **Delhi Industrial Development, Operation And Maintenance Act, 2010**

**[15 April 2010]**

A BILL to make special provision for securing the orderly establishment of industrial areas, industrial estates and flatted factories complexes in the National Capital Territory of Delhi, and to assist generally in the organisation, including operation and maintenance thereof, and for that purpose to reconstitute and empower Delhi State Industrial and Infrastructure Development Corporation Ltd., a company incorporated under the Companies Act, 1956 ( 1 of 1956), and for purposes connected therewith or incidental thereto. BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty first year of the Republic of India as follows:-

#### CHAPTER 1

#### Preliminary

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Delhi Industrial Development,

Operation and Maintenance Act, 2010. (2) It extends to the whole of the National Capital Territory of Delhi. (3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,- (a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, green cover including plantation of trees and development of parks, conservancy and such other convenience as the Government may, by notification in the official Gazette specify to be an amenity for the purposes of this Act; (b) "approved" means approved by the authority having jurisdiction; (c) "building" means any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandah, balcony, cornice or projection, part of a building or anything affixed thereon or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures. Tents, shamianahs, tarpaulin shelter etc. erected for temporary and experimental measures with the permission of the Authority shall not be considered as building; (d) "Collector" means the Deputy Commissioner of a revenue area of Delhi, and includes any officer specially appointed by the Government to perform the functions of a Collector under this Act; (e) "Corporation" means the Delhi State Industrial and Infrastructure Development Corporation Ltd., a company incorporated under the provisions of the Companies Act, 1956 (1 of 1956); (f) "Delhi" means the National Capital Territory of Delhi; (g) "development" with its grammatical variations, means the carrying out, of building, engineering, quarrying or other operations in, or over or under land, or the making of any material change in any building or land and includes redevelopment, but does not include mining operations; and to develop shall be construed accordingly; (h) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply, drainage and sewerage, construction, operation and maintenance of common Effluent Treatment Plants, or laying out of means of supply of electricity, street lighting, plantation of trees and development of parks, conservancy and such other operation as the Government may, by notification in the official Gazette

specify to be an engineering operation for the purpose of this Act; (i) "flatted factories complex" means any site selected and notified by the Government, where the Corporation builds flatted factories and other buildings and makes them available for any industries or class of industries or any existing flatted factories complex included in Part-B of the Schedule; (j) "Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution; (k) "industrial area" means any area declared to be an industrial area by the Government by notification in the official Gazette, whether already developed or is to be developed for the purpose of accommodating industrial units; (l) "industrial building" include any building or part of building or structure, in which products or materials of all kinds and properties are fabricated, assembled or processed, refineries, mills, dairies, factories, etc; (m) "industrial estate" means any site selected and notified by the Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of industries or any existing industrial estate or area included in Part A of the Schedule; (n) "land" the expression land shall have the meaning respectively assigned to it in section 3 of the Land Acquisition Act, 1894(1 of 1894); (o) "Lieutenant Governor" means the Administrator of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution; (p) "means of access" includes a road or any means of access, whether private or public, for vehicles or for foot passengers, every building / plot shall abut on a public / private means of access like streets / roads duly formed; (q) "person interested" shall have the meaning assigned to it in section 3 of the Land Acquisition Act, 1894 (1 of 1894); (r) "premises" means any land or building or part of a building and includes- (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and (ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof; (s) "prescribed" means prescribed by rules made under this Act; (t) "regulations" means regulations made by the Corporation under this Act; (u) "Schedule" means the Schedule appended to this Act.

## CHAPTER 2

### Empowerment Of The Corporation And Its Functions Under This Act

#### **3. Empowerment :-**

For the purpose of securing and assisting in the rapid and orderly

establishment and organisation of industries in industrial areas, industrial estates and flatted factories complexes and for operation and maintenance of industrial areas, industrial estates and flatted factories complexes in Delhi, the Corporation shall, after the commencement of this Act, be empowered by the Government by notification in the official Gazette and by such amendments to the Memorandum of Association of the Corporation as may be necessary.

#### **4. Functions :-**

The functions of the Corporation shall be- (i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in Delhi, and (ii) in particular, and without prejudice to the generality of clause (i), to- (a) establish, operate, maintain and manage industrial estates at place selected and notified by the Government including the existing industrial areas, industrial estates and flatted factory complexes being maintained by the Municipal Corporation of Delhi constituted under section 3 of the Delhi Municipal Corporation Act, 1957 (66 of 1957). All industrial estates/ areas of Delhi will stand transferred to the Corporation for this purpose within prescribed time frame; (b) develop industrial areas selected and notified by the Government for the purpose and make them available for undertakings to establish themselves; (c) build, flatted factories complexes at sites selected and notified by the Government for the purpose and make them available for any industries and class of industries; (d) redevelopment of clusters of industrial concentration in nonconforming areas identified and notified for redevelopment by the Government; (e) undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected therewith; (f) all functions listed in the objects clause of the Memorandum of Association of the Corporation; (g) any other function as the Government may, by notification in the official Gazette and by such amendments to the Memorandum of Association of the Corporation as may be necessary, prescribe for the purposes of this Act; (h) the Corporation shall make such amendments to the Memorandum of Association as may be necessary to incorporate the functions under this section which are not part of the Memorandum of Association.

#### **5. General Powers Of The Corporation :-**

Subject to the provisions of this Act, the Corporation shall have power - (a) to acquire and hold such property, both movable and immovable as the Corporation may deem necessary for the performance of any of its functions under section 4 and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be prescribed by the Government; (b) to provide or cause to be provided amenities and common facilities in industrial estates, industrial areas and flatted factories complexes and construct and maintain or cause to be maintained works and buildings therefor; (c) to construct buildings for the housing of the employees of such industries; (d) to allot factory sheds, industrial plots or such buildings or parts of buildings, including residential tenements to suitable persons in the industrial areas, estates and flatted factories complexes established or developed by the Corporation in terms of the allotment policy prescribed by the Government; (e) to modify or rescind such allotments as provided in clause (d) above including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment in terms of the policy guidelines prescribed by the Government; (f) to constitute advisory committee to advise the Corporation; (g) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions; (h) subject to the previous permission of the Government to delegate any of its powers generally or specially to any of its committee or officers and to permit them to redelegate specific powers to their subordinates; (i) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and (j) to recover development charges from the individual industries and beneficiaries located in the clusters of industrial concentration for which redevelopment is undertaken by the Corporation; (k) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and the carrying into effect the purposes of this Act.

#### **6. Power To Levy Service Charges :-**

Notwithstanding anything contained in any contract or in any law for the time being in force, it shall be lawful for the Corporation to levy fees or service charges to cover its expenses on maintenance of roads, drainage, water-supply, construction, operation and maintenance of Common Effluent Treatment Plants (CETPs) and such other services and amenities as may be provided by it,

including provision of street lighting, at such rates as may be prescribed by the Government, from time to time. Such fees or charges may be levied on the plot holders or other persons receiving benefit of the services or amenities.

## **7. Directions By The Government :-**

The Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

## **CHAPTER 3**

Finance, Accounts And Audit

## **8. Creation Of Industrial Development, Operation And Maintenance Fund :-**

(1) The Corporation shall have and maintain a fund known as the "Industrial Development, Operation and Maintenance Fund" (here in after referred to as "Fund") for the discharge of its functions under this Act, to which shall be credited - (a) all monies received by the Corporation from the Government by way of grants, subventions, loans, advances or otherwise; (b) all fees, costs and charges received by the Corporation under this Act; (c) ground rent collected with effect from the date on which this Act comes into effect from industrial plots and sheds by the Delhi Development Authority constituted under the Delhi Development Act, 1957 (61 of 1957), the Corporation and the Industries Department of the Government; (d) all monies received by the Corporation from the disposal of lands, buildings and other properties movable and immovable, as may be prescribed; (e) all monies received by the Corporation by way of rents and profits or in any other manner or from any other source as may be prescribed. (2) All monies received with effect from the date on which this Act comes into effect from conversion of industrial plots and sheds from leasehold to freehold by the Industries Department of the Government, Delhi Development Authority constituted under the Delhi Development Act 1957 (61 of 1957) and the Corporation.

## **9. Application Of The Fund :-**

The Corporation shall have the authority to spend such sums from the Fund for the purposes as may be prescribed.

## **10. Grants, Subventions, Loans And Advances To The Corporation :-**

The Government may, after due appropriation made by the Legislative Assembly of Delhi by law in this behalf, make such grants, subventions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act; and all grants, subventions, loans and advances made shall be on such terms and conditions as the Government may, after consulting the Corporation, determine.

### **11. Budget And Programme Of Work :-**

(1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work including operation and maintenance of industrial areas, industrial estates and flatted factories complexes for the succeeding financial year. (2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed. (3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

### **12. Accounts And Audit :-**

(1) The Corporation shall maintain separate bank account and books of account and other books in respect of the Fund in relation to its business and transactions in such form, and in such manner, as may be prescribed. (2) The accounts of the Corporation maintained under this Act shall be audited by the auditor appointed in accordance with the provisions of subsection (3) of section 19 of the Comptroller and Auditor-Generals (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971) or by any other auditor appointed by the Government. (3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof together with the copy of the report of the auditor thereon to the Government for laying it in the Legislative Assembly of Delhi.

### **13. Concurrent And Special Audit Of Accounts :-**

(1) Notwithstanding anything contained in the last preceding section, the Government may order that there shall be concurrent audit of the accounts of the Corporation by such person as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of



transactions or to a particular period. (2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

#### CHAPTER 4

Application Of The Public Premises (Eviction Of Unauthorised Occupants) Act, 1971 To Corporation Premises

### **14. Application Of The Public Premises (Eviction Of Unauthorized Occupants) Act, 1971 To Corporation Premises :-**

(1) The Government may, by notification in the official Gazette, provide from such date as is stated therein that the Public Premises (Eviction of unauthorized occupants) Act, 1971 (40 of 1971) shall apply to premises belonging to, vesting in, or leased by, the Corporation as that Act applies in relation to Government premises, but subject to the provisions of sub-section (2). (2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to premises of the Corporation with the following modifications, that is to say:- (a) the Government shall appoint an officer who is holding or has held office whether under the Government or the Corporation, which in the opinion of the Government is not lower in rank than that of a Sub-Divisional Magistrate or an Executive Engineer, to be the competent authority for the purposes of the aforesaid Act and one or more officers may be appointed as competent authorities for different areas or for the same area; (b) references to "public premises" in that Act and the rules shall be deemed to be references to premises of the Corporation.

#### CHAPTER 5

Unutilised Surplus Lands In Industrial Areas

### **15. Acquisition Of Unutilized Surplus Lands In Industrial Areas And Allotment To Other Industries :-**

(1) With a view to ascertaining whether any industrial area, industrial estate or flatted factories complex developed by the Corporation originally or any other Government agency in the past or non-conforming clusters having industrial concentration notified by the Government for redevelopment has been fully utilized for industrial purposes or not, the Government may direct the Corporation to submit to it a six-monthly report containing the following information in respect of such area, namely- (a) the total

number of plots or flats and the area of each plot or flat in the industrial area, industrial estate or flatlanded factories complex, as the case may be; (b) the number of plots or flats allotted to the plot or flat holders and the number of plots or flats, as the case may be, still in possession of the Corporation; (c) the date on which possession of each plot or flat was delivered to the plot or flat holder, the period for which the plot or flat is allotted and the premium or rent paid or payable by the plot or flat holder; (d) unutilized buildable area in each plot, having due regard to the building regulations of the Corporation or the local authority concerned within whose jurisdiction the industrial area or industrial estate is situated; (e) how much unutilized area of each plot is capable of subdivision and whether the unutilized area can be utilized for accommodating another industry, after sub-division; (f) the period for which the area of any plot (whether whole or part) remained unutilized from the date of delivery of possession to the plot holder and the reasons therefor as stated by the plot holder.

(2) Upon receipt of such directions, the Corporation shall issue notices to the plot holder, in the industrial area or industrial estate calling upon them to furnish to it the information in the prescribed form and when so called upon each plot holder shall be bound to furnish true and correct information required within one month from the date of receipt of such notice by him/her. (3) For the purpose of enabling the Corporation to determine whether there is any unutilized portion of any plot in the industrial area or estate and whether such portion is capable of sub-division so as to make it useful for accommodating any other industry after sub-division, it shall be lawful for any officer of the corporation either generally or specially authorized by it in this behalf, and for his servants and workmen, at all reasonable hours - (i) to enter upon and survey the plot; (ii) to set out the boundaries of the unutilized portion of the plots; and (iii) to do all other acts necessary for the purposes aforesaid. (4) If upon the report submitted by the Corporation, the Government is satisfied that any plot holder has not utilized the maximum buildable area of his plot for a period of seven years or the period fixed by the Government from time to time from the date on which possession of the plot was delivered to him by the Corporation and the unutilized portion is capable of sub-division so as to make it useful for accommodating any other industry, the Government may, notwithstanding anything contained in any contract or in any law for the time being in force before the expiry of such period from the date of receipt of such report as may be

prescribed, issue to the plot holder and all other persons interested in the plot notices to show cause why such unutilized portion should not be acquired for the purpose of being utilized for accommodating another industry. The Government shall also cause public notices to be given in the manner laid down in section 24.

(5) When any such notice is issued, the Government shall give a reasonable opportunity of being heard to the plot holder and other persons interested in the plot and it shall be open to the plot holder or any other persons interested in the plot to appear and object to such acquisition on the ground that the unutilized portion is required by the plot holder himself for the purpose of immediate expansion of his own industry and that he has already taken effective steps for utilizing such portion. Explanation:- For the purposes of this sub-section, the expression "effective steps" shall mean the following steps, namely:- (i) the plot holder has prepared the necessary project report in respect of the proposed expansion of his industry indicating the requirements of such expansion; and (ii) (a) the plot holder has obtained, whenever necessary, letter of intent or industrial licence or has got acknowledgement of Industrial Entrepreneurial Memorandum from the Government of India as required under the Industrial (Development and Regulation) Act, 1951 (LXV OF 1951); or (b) the plot holder has completed the negotiations with financial institutions for raising the required finance and sixty percent or more of the capital requirements for such expansion have been subscribed in the case of the company which has to go in for public issue where applicable; or (c) the plot holder has placed a firm order for purchase of at least fifty percent of the plant and machinery required for the purpose of expansion.

(6) If after giving a reasonable opportunity of being heard, the Government is satisfied that the holder of the plot has failed to utilize or is not likely to utilize the unutilized portion for industrial purposes within a reasonable period, and such unutilized portion can be used for accommodating another industry, the Government may, notwithstanding anything contained in any contract or in any law for the time being in force for the purpose of enabling the Corporation to properly discharge its functions of promoting rapid growth and development of industries by accommodating another industry on such unutilized portion, acquire the land of such portion by publishing in the official Gazette, a notice specifying the purpose for which the land is required, and stating therein, that the Government had decided to acquire the land in pursuance of this

section. When such a notice is published in the official Gazette, the land shall, on and from the date of such publication, vest absolutely in the Government, free from all encumbrances. (7) Where any land is vested in the Government under the last preceding sub-section, the Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the Government or any person duly authorized by it in this behalf within thirty days of the service of the notice. (8) If any person refuses or fails to comply with an order made under the last preceding sub-section, the Government may take possession of the land, and may for that purpose use such force as may be necessary. (9) Where any land is acquired by the Government under this section, the Government shall pay for such acquisition an amount, which shall as far as possible, be determined in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894): Provided that the amount to be awarded and paid shall not in the case of a premium lease exceeds the proportionate amount of premium paid by the plot holder or his predecessor-in-title claiming under the Corporation in respect of the land so acquired, with interest thereon at six percent per annum from the date of payment of the premium, and where the lease is a rental lease, the amount to be awarded shall not exceed an amount equal to five times the net average yearly proportionate rent payable by the plot holder to the Corporation in respect of the land so acquired.

#### CHAPTER 6

#### Supplementary And Miscellaneous Provisions

#### **16. Government Lands :-**

(1) For the furtherance of the objects of this Act, the Government may by notification published in the official Gazette, upon such conditions as may be agreed upon between the Government and the Corporation, place at the disposal of the Corporation any lands vested in the Government. (2) After any such land has been developed by, or under the control and supervision of, the Corporation, it shall be dealt with by the Corporation in accordance with the regulations made, and directions given by the Government in this behalf. (3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the Government, the Corporation shall replace it at the disposal of the Government upon such terms and conditions as may be mutually agreed upon.

**17. Powers Of The Corporation In Case Of Certain Defaults By Owner Of Land In Industrial Area, Etc :-**

(1) If the Corporation after holding a local inquiry, or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in an industrial area or industrial estate has failed to provide any amenity in relation to the land which, in the opinion of the Corporation ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice. (2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then, the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit: Provided that before taking any action under this sub-section, the Corporation shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken. (3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest, at such rate as the Government may by order fix, from the date when a demand for expenses is made until payment, shall be recoverable by the Corporation from the owner.

**18. Penalty For Construction Or Use Of Land And Buildings Contrary To Terms Of Holding :-**

(1) Any person who whether at his own instance or at the instance of any other person undertakes or carries out construction of or alterations to any building in an industrial estate or industrial area or flatted factories complex contrary to the terms under which he holds such building or land under this Act shall, on conviction, be punished with fine which may extend to ten thousand rupees, and in the case of a continuing contravention, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence. (2) Any person who uses any land or building in an industrial estate or industrial area or flatted factories complex contrary to the terms under which he holds such land or building under this Act or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to five thousand rupees and in case of

continuing contravention with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

**19. Power To Lay Pipe Lines, Etc :-**

(1) (i) Within any area taken up for development under clause (b) of section 5, the Corporation, and (ii) for the purposes of (a) carrying gas, water or electricity from a source of supply to, or (b) constructing any sewers or drains necessary for carrying off the workings and waste liquids of an industrial process through, any intervening area, any person empowered in this behalf by the Government by notification in the official Gazette ( hereinafter in this section referred to as "the authorized person"), may lay down, place, maintain, alter, remove or repair any pipe lines, conduits, supply or service lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas. (2) The Corporation or the authorized persons may at any time enter upon any land in any such area and in such event the provisions of section 20 shall mutatis mutandis apply. (3) While exercising the powers conferred by sub-section (1), the Corporation or the authorized person shall- (i) where the land affected is a street, bridge, sewer, drain or tunnel, comply mutatis mutandis with the relevant provisions of the Gas Companies Act, 1863 (V of 1863), notwithstanding the fact that the Act is not in force in the area or that the Government has not issued a notification extending such provisions to such land, (ii) cause as little damage as possible to the premises, and the full compensation to all persons entitled for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorized person, by the Government. (4) Nothing herein shall authorize or empower the Corporation or the authorized person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down: Provided that nothing in the aforesaid provisions shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the Government in the normal course. (5)

Nothing contained in this Act or any rule or regulation made thereunder shall have effect in so far as it is inconsistent with any of the provisions of the Electricity Act, 2003 (36 of 2003).

## **20. Powers Of Entry :-**

Any officer of the Government, any member of the Corporation, and any person either generally or specially authorized by the Corporation in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of- (a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or buildings; (b) examining works under construction and ascertaining the course of sewers and drains; (c) digging or boring into the sub-soil; (d) setting out boundaries and intended lines of work; (e) marking such levels, boundaries and lines by placing marks and cutting trenches; (f) 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 no occupier, to the owner of the land or building; (ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from 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.

## **21. Officers Of The Corporation May Be Vested With Other Powers :-**

The Government may by notification in the official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in the industrial estates or industrial areas or flatted factories complexes entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the Government.

## **22. Recovery Of Sums Due To The Corporation As Arrears Of Land Revenue :-**

All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of

recovery, be recoverable as an arrear of land revenue on the application of the Corporation.

### **23. Service Of Notices, Etc :-**

(1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder 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, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (1 of 1956); (b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either- (i) sent under a certificate of posting or by registered post; or (ii) left at the said place of business; (c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office and is either- (i) sent under a certificate of posting or by registered post; or (ii) left 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 or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or (iii) is sent under a certificate of posting or by registered post to that person. (2) Any document which is required or authorized 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 given or tendered 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, is affixed to some conspicuous part of the land or building. (3) Where a document is served on the firm in accordance with this section, the document shall be deemed to be served on each partner. (4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by



notice in writing by the Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

**24. Public Notices How To Be Made Known :-**

Every public notice given under this Act or any rule or regulation made there under shall be in writing over the signature of the officer concerned 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 local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

**25. Notices, Etc., To Fix Reasonable Time :-**

Where any notice, order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

**26. Furnishing Of Returns, Etc :-**

(1) The Corporation shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the Government may from time to time require. (2) The Corporation shall in addition to the audit report referred to in section 12 furnish to the Government an annual report on its working as soon as may be, after the end of each financial year in such form and detail as may be prescribed and a copy of the annual report shall be placed before the Legislative Assembly of Delhi as soon as may be after it is received by the Government.

**27. Withdrawal Of Area Or Estate Or Part Thereof :-**

Where the Government is satisfied that in respect of any particular industrial estate or industrial area, or any part thereof, the purpose for which the Corporation was empowered under this Act has been substantially achieved so as to render the continued existence of such estate or area or part thereof under the Corporation unnecessary, the Government may, by notification in the official Gazette, declare that such industrial estate or industrial area or part thereof has been removed from the jurisdiction of the Corporation. The Government may also make such other incidental

arrangements for the administration of such estate or area or part thereof as the circumstances necessitate.

### **28. Authority For Prosecution :-**

Unless otherwise expressly provided, no Court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act in, the Corporation, punishable under this Act, except on the complaint of, or upon information received from, the Corporation or some person authorized by the Corporation by general or special order in this behalf.

### **29. Compositions Of Offences By Corporation :-**

(1) The Corporation or any person authorized by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act. (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

### **30. Offences By Companies :-**

(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the 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 under this Act if he proves that the offence was committed without his knowledge and 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 anybody corporate, and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

### **31. Penalty For Obstruction :-**

Any person who obstructs the entry of a person authorized under section 20 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

### **32. Power To Make Rules :-**

(1) The Government after consultation with the Corporation in regard to matters concerning it, may, by notification in the official Gazette, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely<sup>35</sup> (a) under section 4 to entrust other functions to the Corporation; (b) to prescribe the conditions to lease, sell, exchange or otherwise transfer property held by the Corporation under clause (a), to prescribe allotment policy under clause (d) and to prescribe policy guidelines to evict the allottees concerned under clause (e) of section 5; (c) to prescribe fees and charges to be levied for providing services and amenities including street lighting services under section 6; (d) under section 8, components of industrial development operation and maintenance fund; (e) to prescribe purposes for which the sums from the Fund may be spent by the Corporation; (f) under section 11, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the Government and the form and manner of preparing such statement; (g) under section 12, the form and manner of maintaining accounts; (h) to prescribe period after which notice to show cause may be issued to the plot holder to acquire unutilised portion of the plot under section 15; (i) under section 26, the form of, and the details to be given in the annual report; (j) the fees which may be charged by the Corporation; (k) any other matter which has to be, or may be, prescribed by rules. (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter

have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **33. Power To Make Regulations :-**

(1) The Corporation may, with the previous approval of the Government, make regulations consistent with this Act and the rules made there under, to carry out the purposes of this Act. (2) in particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:- (a) under sub-section (1) of section 16, the manner in which Government lands shall be dealt with by the Corporation after development; (b) under section 18, the committee of the Corporation to hear appeals under that section and the procedure to be followed by it; (c) under section 29, the additional terms and conditions subject to which lands and buildings in industrial estate and industrial areas may be held or used; (d) any other matter, which has to be, or may be, prescribed by regulations. (3) Every regulation made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid, the House agrees in making any modification in the regulation or the House agrees that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

### **34. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceedings 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 there under.

### **35. Members, Officers And Staff Of Corporation To Be Public Servants :-**

All members officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

### **36. Industrial Area Development Or Redevelopment To Be In Conformity With The Master Plan For Delhi :-**

Any industrial area to be developed or redeveloped by the Corporation under the provisions of this Act shall be in conformity with the Master Plan for Delhi notified under the Delhi Development Act, 1957 (61 of 1957).

### **37. Power To Remove Doubts And Difficulties :-**

If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and the order of the Government, in such cases, shall be final.

#### **SCHEDULE 1**

#### **SCHEDULE I**

##### **PART (A)**

##### **LIST OF EXISTING INDUSTRIAL ESTATES / AREAS**

- (1) G.T.Karnal Road Industrial Area
- (2) Rajasthani Udyog Nagar Industrial Area
- (3) S.M.A. Industrial Area
- (4) S.S.I. Industrial Area
- (5) Wazirpur Industrial Area
- (6) Lawrance Road Industrial Area
- (7) Udyog Nagar Industrial Area
- (8) D.S.I.I.D.C. Sheds Nangloi
- (9) Mangol Puri Industrial Area (Both DDA & DSIIDC)
- (10) Badli Industrial Area
- (11) Narela Industrial Area
- (12) Bawana Industrial Area
- (13) Okhla Industrial Area, Ph-I & Ph-II (Both DDA & DSIIDC)
- (14) Okhla Industrial Estate, Phase - III
- (15) Functional Industrial Estate for Electronics S-Block, Okhla Industrial Area.
- (16) Functional Industrial Estate for Electronics, A-Block, Okhla Industrial Area
- (17) Mohan Cooperative Industrial Estate
- (18) Rani Jhansi Road Industrial Area
- (19) Shahzada Bagh Industrial Area
- (20) Naraina Industrial Area, Ph-I & Ph-II
- (21) Mayapuri Industrial Area, Ph-I & Ph-II
- (22) Tilak Nagar Industrial Area
- (23) Kirti Nagar Industrial Area
- (24) D.L.F. Industrial Area, Moti Nagar]
- (25) Najafgarh Road Industrial Area
- (26) Jhilmil Industrial Area
- (27) Friends Colony Industrial Area, Shahdara,
- (28) Patpar Ganj Industrial Area
- (29) Shahdara Industrial Area

##### **PART (B) LIST OF EXISTING FLATTED FACTORY COMPLEX**

- (1) Flatted Factories Complex at Rani Jhansi Road
- (2) Flatted Factories Complex, Okhla Industrial Area
- (3) Flatted Factories for Leather Goods, Wazirpur Industrial Area
- (4) Flatted Factories Complex at Jhilmil Industrial Area

#### STATEMENT OF OBJECTS AND REASONS

There are 29 industrial areas / estates and four flatted factory complexes in Delhi developed by the Industries Department, Govt. of NCT of Delhi, Delhi Development Authority (DDA), Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC) and Industrial Co-operative Societies in the last several years. Some more industrial estates are proposed to be developed by the DSIIDC. At present, the industrial estates are maintained by the Municipal Corporation of Delhi (MCD), Public Works Department (PWD), Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC), and Cooperative Societies. The industrial estates continue to suffer due to bad roads, poor street lights, sub-standard drains, parks, sewerage system, etc. The overall condition of the industrial estates is deplorable.

The proposed legislation would meet the need for institutionalized and legal arrangement for development and maintenance of industrial areas / estates. The objective is to provide for securing the orderly establishment in industrial areas and industrial estates of industries in the National Capital Territory of Delhi (NCT of Delhi), and to assist generally in the organization, including operation and maintenance, thereof, and for that purpose to reconstitute and empower Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC), and for purposes connected with the matters aforesaid. The DSIIDC shall be the agency of the Government of NCT of Delhi for development and maintenance of infrastructure in all industrial estates including that of the estates already transferred to MCD. The proposed legislation which is on the pattern of Maharashtra Industrial Development Act, 1961 is to empower DSIIDC with the following:-

- (a) to acquire and hold such property, both movable and immovable as the Corporation may deem necessary for the performance of any of its functions under section 4 and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be prescribed by the Government;
- (b) to provide or cause to be provided amenities and common facilities in industrial estates, industrial areas and flatted factories complexes and construct and maintain or cause to be maintained works and buildings therefore;
- (c) to construct buildings for the housing of the employees of such industries;
- (d) to allot factory sheds, industrial plots or such buildings or parts of buildings, including residential tenements to suitable persons in the industrial areas, estates and flatted factories complexes established or developed by the Corporation in terms of the allotment policy prescribed by the Government;
- (e) to modify or rescind such allotments as provided in clause (d) above including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment in terms of the policy guidelines prescribed by the Government;
- (f) to constitute advisory committee to advise the Corporation;
- (g) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;
- (h) subject to the previous permission of the Government to delegate any of its powers generally or specially to any of its committee or officers and to permit them to redelegate specific powers to their subordinates;
- (i) to enter into and perform all such contracts as it may consider necessary or

expedient for carrying out any of its functions; and

(j) to recover development charges from the individual industries and beneficiaries located in the clusters of industrial concentration for which redevelopment is undertaken by the Corporation;

(k) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and the carrying into effect the purposes of this Act.

The functions of Corporation shall be-

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in Delhi, and

(ii) in particular, and without prejudice to the generality of clause (i), to-

(a) establish, operate, maintain and manage industrial estates at place selected and notified by the Government including the existing industrial areas, industrial estates and flatted factory complexes being maintained by the MCD. All industrial estates/ areas of Delhi will stand transferred to DSIIDC for this purpose within prescribed time frame;

(b) develop industrial areas selected and notified by the Government for the purpose and make them available for undertakings to establish themselves;

(c) build, flatted factories complexes at sites selected and notified by the Government for the purpose and make them available for any industries and class of industries;

(d) redevelopment of clusters of industrial concentration in nonconforming areas identified and notified for redevelopment by the Government;

(e) undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected therewith;

(f) all functions listed in the objects clause of the Memorandum of Association of the Corporation;

(g) any other function as the Government may, by notification in the official Gazette and by such amendments to the Memorandum of Association of the Corporation as may be necessary, prescribe for the purposes of this Act;

(h) the Corporation shall make such amendments to the Memorandum of Association as may be necessary to incorporate the functions under this section which are not part of the Memorandum of Association;

The Bill seeks to achieve the aforesaid objectives.

Haroon Yusuf,

Minister Of Industries.

#### FINANCIAL MEMORANDUM

The Delhi State Industrial and Infrastructure Development Corporation (DSIIDC) shall be the agency of the Government of NCT of Delhi for development, improvement and maintenance of infrastructure in all industrial estates including that of the estates already transferred to MCD.

The DSIIDC will maintain a Fund known as the "Industrial Development, Operation and Maintenance Fund" for maintaining the industrial estates and for the discharge of its functions under this Act to which shall be credited:

(a) all monies received by the Corporation from the Government by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act;

(c) ground rent collected with effect from the date on which this Act comes into effect from industrial plots and sheds by the Delhi Development Authority constituted under the Delhi Development Act, 1957 (61 of 1957), the Corporation

and the Industries Department of the Government;

(d) all monies received by the Corporation from the disposal of lands, buildings and other properties movable and immovable, as may be prescribed;

(e) all monies received by the Corporation by way of rents and profits or in any other manner or from any other source as may be prescribed.

(f) All monies received with effect from the date on which this Act comes into effect from conversion of industrial plots and sheds from leasehold to freehold by the Industries Department of the Government, Delhi Development Authority constituted under the Delhi Development Act 1957 (61 of 1957) and the Corporation.

The DSIIDC shall have the authority to spend such sums for the purposes authorized under the Act and the Rules made there under.

Every year in the month of February / March, the DSIIDC will prepare a detailed budget based on Action Plan and expected funds for each industrial estate / area and get it approved from the Government and implement the approved Action Plan as per the budget from 1st April.

The DSIIDC will maintain separate accounts of the accretions made through various sources and also of the expenditure incurred out of the said Fund and furnish annual accounts to the Department of Industries, Government of NCT of Delhi.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Delhi Industrial Development, Operation and Maintenance Bill, 2010 empowers the Government to make rules to carry out the purposes of the Bill.

Clause 33 of the Bill empowers the Corporation, with the previous approval of the Government to make regulations.

The matters in respect of which rules and regulations may be made by the Government and the Corporation respectively are matters of administrative details and procedure and, as such, the delegation of legislative powers is of a normal character.