



**Government of Jammu and Kashmir
Industries and Commerce Department
Civil Secretariat, Jammu/Srinagar**

Subject: Proposed revisions to Policies of Industries & Commerce Department

Notification

Whereas, on the basis of feedback received viz a viz implementation of the following policies, the department is contemplating making necessary amendments/changes in these policies;

1. J&K Industrial Land Allotment Policy 2021-30
2. J&K Private Industrial Estate Development Policy 2021-30

Now, therefore, the revised and updated policies are hereby put in the public domain through the official website of the Industries and Commerce Department, <http://jkindustriescommerce.nic.in/> for a period of 21 days i.e. till **28th March, 2023** for inputs/ comments/recommendations from the business community, industrialists and other stakeholders before giving effect to the updated policies after due approval from the competent authority.

S.No.	Policy	Amendments as Annex
1.	J&K Industrial Land Allotment Policy 2021-30	Annexure-A
2.	J&K Private Industrial Estate Development Policy 2021-30	Annexure-B

The inputs/comments/recommendations, if any, may be sent on the email principalsecretaryindustryjk@gmail.com. The subject of email should clearly mention "Inputs on updated Industrial Policies".

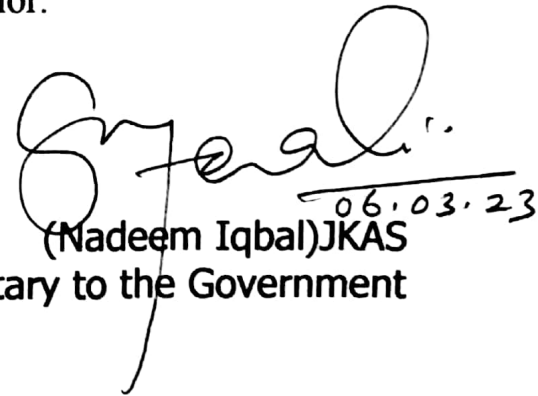
**Sd/
(Prashant Goyal)IAS
Principal Secretary to the Government
Industries & Commerce Department**

No. IC-DIC/17/2023-01

Dated 06.03.2023

Copy for information and with request for necessary action to:

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


06.03.23
(Nadeem Iqbal)JKAS
Deputy Secretary to the Government

Jammu and Kashmir Industrial Land Allotment Policy 2021-30

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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 require 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 markets.

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 a 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 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 the 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 the transformation of its role from ‘regulator’ to ‘facilitator’ and from performer to enabler for the industrial sector.
- To create new opportunities for the 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, new policy changes by the Government of India the or Government of Jammu and Kashmir, and change in vision/ scope that is regarded as necessary.

5.2 In case of allotments of land prior to this 2021-30 land allotment policy, i.e. on or before 31st March 2021, where provisional registration has expired/ or would expire by 31st March 2024, a maximum additional period of two years may be granted to the allottees by Director Industries and Commerce on his satisfaction that the allottee would be able to establish its unit within the extended time;

Provided that such extension shall be subject to a maximum of 5 years from the date of possession of the land.

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 an 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. Maira Mandrian VIII. Mandal Phallain IX. Kharah Balli X. Pargwal XI. Chowki Choura XII. Samwan XIII. Suchetgarh XIV. Bhalwal
3	Kathua	Zone A	I. Hiranagar II. Kathua III. Nagri
		Zone B	I. Bani II. Duggan III. Bhasohli IV. Lohai Malhar V. Baggan VI. Bhoond VII. Duggain VIII. Billawar IX. Mahanpur X. Dinga Amb XI. Mandli XII. Keerian XIII. Barnoti XIV. Marheen XV. Nagrota Gujroo XVI. Dhar Mahanpur XVII.
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. Qila Darhal 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. Gulab Garh V. JijBagli VI. Mahore VII. Panthal VIII. Pouni IX. Reasi X. Thakra Kote 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. Mougri 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. Chandil Wanigam IV. Hardaboora V. Kangroosa VI. Khaipora VII. Khore Sherabad 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. Tujjar Sharief XXI. Uri XXII. Wagoora 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. Herri Qadirabad 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. Reddi Chowkibal 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 V. Khonmoh
		Zone B	I. Harwan II.
<i>Note: Municipal Committees shall form part of the nearest Block.</i>			

7. APPLICATION FOR LAND ALLOTMENT

- a. On transfer of land to the Department of Industries and Commerce, the Industrial Development Corporation, J&K shall upload such land details, as well as any other vacant land available in different Industrial Estates on the Single Window Portal.
- b. The Department of Industries and Commerce / IDC shall advertise such land available, both in print and electronic media, for inviting the applications on Single Window Portal (SWP).
- c. Single/multiple options for site preference in Industrial Estates in the Single Window System (SWS) shall be available to the applicant who may submit his choice of site in order of preferences in any/all Industrial Estates available for allotment.
- d. Post-approval of the Industrial Estate within which the land shall be made available to an applicant, by the concerned land allotment committee, specific patch of land in that industrial estate will be available for selection to allottees, with priority accorded to one who completes the payment of land premium at an earlier date. If two applicants have made payment on same day, preference will be given to the applicant higher in merit.
- e. Applicant who cannot be accommodated as per the preferences indicated by him shall be offered an available piece of land by IDC and the allottee may either accept or forgo the same, within the

timelines prescribed in section 10.7, failing which the allotment shall be deemed to have been cancelled.

- f.A non-refundable processing fee at the time of application shall be charged as follows:
- i. Up to 1 Acre – ₹ 10,000
 - ii. Above 1 Acre to 5 Acre – ₹ 25,000
 - iii. Above 5 Acre – ₹ 50,000

The fee collected shall be utilized for processing of applications, operations and maintenance of the Single Window Portal by the IDC.

g. Project Report:

The Applicant must submit a Detailed Project Report (DPR) through online portal or any other online medium, as prescribed at the time of advertisement, along with the application. The DPR shall comprise of:

- Promoter's background (projects executed, details where promoter holds any equity in any legal entity), including qualification and experience.
- Details of items to be manufactured/ services rendered and its marketing potential;
- Land area applied for, along with rationale for area requirement vis-à-vis investment promised, and tentative break-up of area requirement for all facilities being planned at the site;
- Detailed Plan Layout, along with industry benchmarking for planned facilities size and location;
- Quarterly Implementation Schedule (for industrial establishment - Civil, Electrical, Machinery Procurement, etc.);
- Product process flowchart (supported by technical documents);
- Twenty-five years' Projected cash flow statements (supported by detailed business case);
- 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 (direct and indirect);
- 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.

The applicant shall also submit any other requisite documents to support evaluation of an application as per the criteria laid down in the clause (8).

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 first fortnight of every quarter, unless the Administrative Secretary, Industries and Commerce Department declares a freeze thereto keeping in view the vacant land available.

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

S. No	Designation	Role
1	Director, Industries and Commerce, of the concerned Division	Chairman
2	Joint Director, Industries and Commerce, of concerned Division	Member
3	Chief Engineer, EM&RE Wing Power Development Department	Member
4	Chief Engineer, PW(R&B) Department	Member
5	Chief Engineer, Jal Shakti Department	Member
4	General Manager of DIC concerned	Member Secretary
5	Representative of Pollution Control Board	Member
6	Zonal Manager, Lead Bank (in area where the land is located)	Member
7	General Manager SIDCO/SICOP/IDC	Member
9	Representative of J&K EDI	Member
10	Representative of the Industry nominated	Member
11	Domain Expert	Member

Joint Director Skill Development, Nodal Principal, Higher Education Department, and Dy. Director (Headquarter) Directorate of Health Services, 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	Land Utilization
6	Women Entrepreneur/ Ex-Servicemen/ Physically challenged/ Dependent of Martyr
7	First Generation entrepreneurs intending to set up business for the first time
8	Resource Position
9	Income tax payments by promoter/ applicant (if applicable)
10	Past performance of existing operations of the applicant/ group concerns
11	Expansion by applicant/ its promoters to set up expansion projects
12	Start-up/ micro, small and medium industries/ new technologies/ projects with innovative ideas
13	Environment friendly, energy efficient, high tech, high value added enterprises
14	Category of industry – Red, Orange, Green

8.4 Evaluation Criteria for High-Level Land Allotment Committee (up to 25 Acres)

S.no	Parameters	Weightage (Total 100 marks)
1.	Proposed Investment per kanal (Excluding land and Working capital) (Proposal to be evaluated on comparative basis from the pool of proposals i.e. Proposal with the highest investment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis)	30

	Note: Proposed investment per kanal to be supported by industry benchmarking	
2.	Direct employment potential per kanal (Proposal to be evaluated on comparative basis from the pool of proposals i.e. Proposal with the highest employment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis) Note: Proposed employment per kanal to be supported by industry benchmarking	30
3.	Micro Small Medium Enterprises Micro =10 Small=08 Medium=05	10
4.	Export-oriented / Expansion (Import Export Code/declaration /product profile with export plan) 25% to 40% of total annual production - 3 Above 40% of total annual production - 5	5
5.	Financial Resource position: (Certificate by CA/Proof of funds certificate from bank for self-funding/ liquid resources of atleast 20% of proposed investment) Proof of liquidity of funds and commitment undertaking to be provided [20% to 25% - 2 More than 25% to 40% - 3 Above 40% - 5]	5
6.	Background/Prior Experience of the promotor for atleast 3 years in the same/ similar product/ service filed for which proposal has been submitted (supporting documents financial statements and invoicing along with client credentials) Or JV with a company/ firm/ any legal entity for minimum period of 5 years after the commercial operation with at least 26% equity stake to be given to the JV partner for technical support. JV partner shall have minimum of 3 years prior experience in the field of same/ similar product service.	10

	(supporting documents: financial statements and invoicing along with client credentials)	
7.	Environment Friendliness White/Green Category= 5 Orange Category=3 Red Category =0	5
8.	Ex-servicemen/Physically challenged person/ Women Entrepreneurs/ Dependent of Martyr	5

8.5 Evaluation Criteria for Apex-Level Land Allotment Committee (above 25 Acres)

S.no	Parameters	Weightage (Total 100 marks)
1.	Proposed Investment per kanal (Excluding land and Working capital) (Proposal to be evaluated on comparative basis from the pool of proposals i.e. Proposal with the highest investment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis) Note: Proposed investment per kanal to be supported by industry benchmarking	35
2.	Direct employment potential per kanal (Proposal to be evaluated on comparative basis from the pool of proposals i.e Proposal with the highest employment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis) Note: Proposed employment per kanal to be supported by industry benchmarking	30
3.	Listed Company (along with supporting documents)	5
4.	Export-oriented / Expansion (Import Export Code/declaration /product profile with export plan) 25% to 40% of total annual production - 3 Above 40% of total annual production - 5	5
5.	Financial Resource position: (Certificate by CA/Proof of funds certificate from bank for self-funding/ liquid resources of atleast 20% of proposed investment)	5

	Proof of liquidity of funds and commitment undertaking to be provided (20% to 25% - 2 More than 25% to 40% - 3 Above 40% - 5)	
6.	Background/Prior Experience of the promotor in the same/ similar product/ service filed for which proposal has been submitted (supporting documents financial statements and invoicing along with client credentials) Or JV with a company/ firm/ any legal entity for minimum period of 5 years after the commercial operation with at least 26% equity Stake to be given to the JV partner for technical support. JV partner shall have minimum of 3 years prior experience in the field of same/ similar product service. (supporting documents financial statements and invoicing along with client credentials)	10
7.	Environment Friendliness White/Green Category= 5 Orange Category =3 Red Category =0	5
8.	Ex-servicemen/Physically challenged person/ Women Entrepreneurs/ /Dependent of Martyr	5

8.6 Evaluation Criteria for land notified for Development of Medi-city

In case of land so notified, only health-related service sector projects, including the following, shall be allotted land:

1. Hospital/Medical college/Paramedic college
2. Diagnostic lab with Research Centre.

Criteria for Medical college & Hospital

S.no	Parameters	Weightage (Total 100 marks)
1	Number of beds per kanal) (Proposal to be evaluated on comparative basis from the pool of proposals i.e Proposal with the	40

	<p>highest number of beds per kanal to be given the maximum marks and others to be evaluated on pro-rata basis)</p> <p>Note: Proposed number of beds per kanal to be supported by industry benchmarking</p>	
2	<p>Investment per kanal (Proposal to be evaluated on comparative basis from the pool of proposals i.e Proposal with the highest investment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis)</p> <p>Note: Proposed investment per kanal to be supported by industry benchmarking</p>	20
3	<p>Employment per kanal (Proposal to be evaluated on comparative basis from the pool of proposals i.e. Proposal with the highest employment per kanal to be given the maximum marks and others to be evaluated on pro-rata basis)</p> <p>Note: Proposed employment per kanal to be supported by industry benchmarking</p>	20
4	<p>Background/Prior Experience of the promotor in the same/ similar product/ service filed for proposal has been submitted (supporting documents financial statements and invoicing along with client credentials)</p> <p>Or</p> <p>JV with a company/ firm/ any legal entity for minimum period of 10 years after the commercial operation with at least 26% equity Stake to be given to the JV partner for technical support. JV</p>	10

	partner shall have minimum of 3 years prior experience in the field of same/ similar product service. (supporting documents financial statements and invoicing along with client credentials)	
5	Financial Resource position: (Certificate by CA/Proof of funds certificate from bank for self-funding/ liquid resources of atleast 20% of proposed investment) Proof of liquidity of funds and commitment undertaking to be provided [20% to 25% - 2 More than 25% to 40% - 3 Above 40% - 5]	10

Evaluation criteria for Paramedic/Diagnostic labs with Research Centre shall be same as in clauses 8.4 and 8.5 above, as applicable.

8.7 Where deemed necessary, the Government shall be free to lay down sector specific land allotment criteria for any specified sector for industrial park or any specific industrial plot or area.

8.8 The Government shall be free to notify certain category of manufacturing/ service sector industries of strategic importance for UT of JK and earmark industrial estates for their exclusive use.

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

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

8.10.1 The proposed project should be falling in the category of permissible activities. The units involving high pollution and high-water consumption would be discouraged.

8.10.2 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.

8.10.3 Where the applicant/ promoters/Entity are in default towards payment or dues of the Corporation in respect of the already existing allotted plots, the same shall be required to cleared before submission of application under this policy.

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

8.11 Evaluation Criteria for Allotment of Industrial Land/Plot in Case of Preferential Allotment

8.11.1 Notwithstanding the eligibility criteria for land allotment laid down in clauses 8.4 and 8.5, with an intent to encourage large investments having a strategic importance to economy of UT, the Apex level Committee may allot land on preferential basis to a project(s) as mentioned below;

- (i) Mega Project means the Industrial/ Service sector unit, which is set up with a minimum capital investment (excluding land and working capital) of at least ₹ 200 Crores or a project that creates an employment to at least 1000 persons (direct); or
- (ii) Projects being set up with 51% or more Foreign Direct Investment (FDI) with minimum capital investment (excluding land and working capital) of ₹ 100 Cr or more in Agriculture and allied activities, Handloom, handicraft, Tourism, Health and any other sectors of strategic importance as notified from time to time.

All such application shall be routed through Single Window Portal land application module for Preferential Investments.

9. LAND ALLOTMENT COMMITTEES

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

9.1 High Level Land Allotment Committee

S. No	Designation	Role
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1	Administrative Secretary, Industries and Commerce Department	Chairman
2	Secretary in the Department, Industries & Commerce	Member
3	Director, Industries & Commerce Concerned	Member Secretary
4	Representative from Department of Finance not below rank of Additional Secretary	Member
5	Representative from Power Development Department not below rank of Additional Secretary	Member
6	Representative from Department of Forest, Ecology and Environment not below rank of Additional Secretary	Member
7	Representative from Administrative Secretary Housing and Urban Development Department not below rank of Additional Secretary	Member
8	Representative from Home Department not below rank of Additional Secretary	Member
9	Representative from Revenue Department not below rank of Additional Secretary	Member
10	Member Secretary, Pollution Control Board	Member
11	MD SIDCO/ SICOP/ IDC	Member
12	Representative of the Industry nominated	Member
*Representative not below rank of Additional Secretary of the Administrative Secretary of Health and Medical Education Department, Skill Development Department and Higher Education Department shall co-opted for the Land Allotment pertaining to their departments on case to case basis		

9.2 Apex Level Land Allotment Committee

S. No	Designation	Role
1	Chief Secretary	Chairman
2	Administrative Secretary Industries & Commerce	Member Secretary
3	Administrative Secretary Finance Department	Member

4	Administrative Secretary PDD	Member
5	Administrative Secretary Department of Forest, Ecology and Environment	Member
6	Administrative Secretary Housing and Urban Development Department	Member
7	Administrative Secretary Home Department	Member
8	Administrative Secretary Revenue Department	Member
9	Chairman, Pollution Control Board	Member
10	Director Industries & Commerce Concerned	Member
11	MD JKDFC	Member
12	MD SIDCO/SICOP/IDC	Member
14	Representative of the Industry nominated	Member
Administrative Secretaries of Health and Medical Education Department, Skill Development Department and Higher Education Department shall be co-opted for the Land Allotment pertaining to their departments on case to case basis		

10. LAND ALLOTMENT PROCESS

10.1 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.

10.2 The land allotted on lease to the investors initially for a period of 40 years, may be extended to 99 years by respective Land Allotment Committees on fulfilment of following conditions:

- a) Unit must be operational for at least 80% of the time (in number of years) after coming into operations (supported by invoicing, export documents, financial statements and other documents).
- b) Must have fulfilled at least 85% of the committed criteria (Employment and Investment) as per the undertaking given.
- c) Mutually agreed terms and conditions as laid down from time to time.
- d) Should not be defaulter of any dues towards the Estate.

- e) Should not have violated conditions of the lease deed/any Estate rules/building/environmental rules.
 - f) Premium at the time of renewal shall be as per the rates notified by the Government from time to time.
- 10.3 Projects with land requirements up to 25 acres shall be decided by High-level land allotment committee after proper screening and recommendation by the Divisional level Appraisal Committee.
- 10.4 Project with the land requirement more than 25 acres shall be decided by the Apex Level land allotment committee after proper screening and recommendation by the Divisional Level Appraisal Committee.
- 10.5 The High level land allotment committee and the Apex level land allotment committee shall decide land allotment application within 45 days from the date of receiving recommendation from the Divisional level Industrial Appraisal committee.
- 10.6 If two or more applicants score alike as per the land allotment criteria, the relevant Land Allotment Committee shall give preference to the unit, which has more economic significance for the UT. The reason for such selection shall be recorded in writing.
- 10.7 Once approved, the Industrial Development Corporation shall issue a letter of allotment to the applicant within 15 days.
- 10.8 Payment of Premium
- 10.8.1 An allottee must pay 100% land premium within 60 days from the date of issuance of allotment letter but prior to the execution of lease deed.
 - 10.8.2 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.
- 10.9 Execution of Lease Deed and Physical Possession
- 10.9.1 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 letter of allotment. 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. The allotment shall be deemed cancelled on expiry of the extended time.

10.9.2 Once the execution of lease deed is complete, the concerned Estate Manager will cause actual plot to be measured immediately as per the quantum of land 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.

10.9.3 Failure of the allottee to fulfil the required formalities viz signing of lease deed and taking possession of the allotted land within prescribed time period shall lead to cancellation of land allotment without further notice.

10.10 The land will be strictly allotted to service and manufacturing sector falling under Positive List as per Annexure-I of this policy. The land shall not be allotted to the units which manufacture the products listed in the negative list at Annexure –I.

10.11 It shall be incumbent upon the applicants to ground/realize minimum 85 percent of the proposed investment and employment as reflected in the DPR submitted for land allotment. In case the actual investment and employment on the project is less than 85 percent of the projections as per Detailed Project Report, the Government may cancel allotment and the allottee shall be liable to penal action as may be prescribed.

11. PROVISIONAL REGISTRATION

11.1 Provisional registration of the enterprise shall be valid for 3 years, within which the allottees shall commence production/render service. The time period of 3 years shall be counted from the date of acquiring possession of land. The Director Industries and Commerce may, however, extend the period of the provisional registration, maximum upto one year subject to the condition that atleast 50% of the Project cost as indicated in the DPR should have been grounded;

Provided that such extension shall be restricted to

- a) 6 (six) months after imposition of penalty of 20% of prevalent land premium amount deposited.
 - b) 1 (one) year after imposition of penalty to the extent of 50% of prevalent land premium amount deposited.
- 11.2 Grant of extension of provisional registration shall be considered for only such cases where premium / other dues payable to the Industrial Development Corporation/Department have been paid in full and there is no default towards the Industrial Development Corporation/Department.
- 11.3 Under no circumstances extension beyond one year shall be granted other than on exceptional grounds as accepted by the concerned land allotment committee.

12. CHANGE OF LOCATION OF ALLOTTED LAND

- 12.1 Land once allotted cannot be changed. However, IDC on recommendation of Director Industries & Commerce shall be empowered to review the allotment subject to availability of land, in case where genuine reasons exist.
- 12.2 Change of location may also be considered by IDC on recommendation of Director Industries & Commerce in case where the two parties mutually agree for exchange of location, having similar quantum of land and premium. If an applicant surrenders allotted land after execution of lease deed within a period of 1 year, the allotment shall be cancelled and 25% of the premium of land shall be forfeited and the balance 75% shall be refunded.
- 12.3 If the allotted land is surrendered in 2nd year, the allotment shall be cancelled and the 50% of the land premium shall be forfeited and the balance 50% shall be refunded.
- 12.4 If the allotted land is surrendered in 3rd year, the allotment shall be cancelled and 75% of the land premium shall be forfeited and the balance 25% shall be refunded.
- 12.5 The refund application, if any filed by the allottee, will be disposed by the Industrial Development Corporation. For refunds, a separate budget shall be provided by the Government.
- 12.6 Once land is retrieved back subject to the cancellation of the land allotment, it shall form part of the land bank of the

Industrial Development Corporation (IDC) and uploaded 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, after due approval of the Board of Directors. 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 by IDC under following conditions:

14.1.1 In case of failure on the part of allottee to make total payment towards premium within stipulated time as per clause 10 of this policy

14.1.2 Violation of any condition in the lease deed;

14.1.3 Failure to come into production as per clause 11;

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 after commencement of production.

14.2 The concerned IDC shall immediately take necessary action for termination of the lease deed and eviction of the allottee.

15. MONITORING & INCENTIVES FOR EARLY OPERATIONS

Inspection & Monitoring Committee will be formed by the respective Directorate of Industries and Commerce for monitoring progress of the work by the units as per the timelines/Implementation schedule provided in the DPR. The inspection and monitoring committee shall submit its comprehensive assessment report to concerned Director industries & Commerce, including on the progress of work as per following yardsticks:

- a. 1st 6 months: All required approval and permissions
- b. Requisite fund mobilization by the industrial unit: 1 year
- c. Initiation and completion of Construction: 2nd year
- d. Procurement of equipment & installation: 3rd year

In case of shortfall in indicative progress, the Director Industries & Commerce will issue suitable Advisories to the allottee of the land, including apprising the allottee of the penalties and the deemed cancellation of land allotment on breach of timelines.

15.1 Concession in land premium

Subject to provisions laid down in clause 10, the allotments made to units under this policy shall be eligible for reimbursement as under;

- a) 10% of land premium in case of units commencing production/operations (as per capacity proposed in DPR) in its 1st year from the date of possession.
- b) 05% of land premium in case of units commencing production/operations (as per capacity proposed in DPR) in its 2nd year from the date of possession.

15.3 In cases where the existing Investor/unit holder, due to change in FAR or otherwise, has un-utilized/excess land, it may surrender the same to IDC and 100% premium against the surrendered land will be refunded, at prevalent rates.

16. TRANSFER OF LEASE HOLD RIGHTS

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

- 16.1.1 Furnishing of documents viz. Copy of Memorandum of Understanding/Incorporation Certificate by the Registrar of Companies/Articles of Association/

Memorandum of Association/ EM-II of Existing unit to be de-registered/ Public Notices in minimum two leading dailies inviting objections;

16.1.2 NOC/NDC (No Dues Certificate) from the IDC/ concerned Bank/Financial Institution/Sales Tax/ PDD/wherever required.

16.1.3 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;

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

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

16.1.6 Furnishing of transfer/release/relinquishment deed;

16.1.7 Permission for 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

16.1.8 Execution of fresh lease deed shall be carried out by incoming promoter with the IDC;

16.1.9 Payment of transfer fees @ 75% of the prevalent land premium. In case of transfer of lease hold rights even by way of public auction by the IDC, transfer fee @ 75% of the prevalent land premium applicable on the date of issuance of transfer order/permission by the concerned Corporation shall be payable;

Provided that in case of the transfer of lease hold rights within a year of issuance of EM II, the transfer fee shall be payable @100% of the prevalent land premium.

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 Centre 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-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 IDC/ concerned Bank/Financial Institution/Sales Tax/ PDD/DIC wherever required.
- 17.4 An undertaking by the incoming Promoter in whose name the lease is being transferred (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 Prior permission for transfer of Lease hold rights from concerned Directorate of Industries and Commerce in favour of New Unit.
- 17.6 Any other formality as may be deemed appropriate by the concerned Director Industries and Commerce.

18 ANCILLARIZATION OF PREMISES

- 18.1 Functional Industrial Enterprise may rent not exceeding 49% of built up area for setting up of Industrial Enterprise(s) ancillary to such Industrial Enterprise(s) after executing the tripartite agreement involving the concerned IDC and paying a land premium to the IDC equal to 25% of the prevailing land premium of land rented to the ancillary unit.

19 UTILIZATION OF LAND AVAILABLE AS PER NOTIFIED FLOOR AREA RATIO – FAR

- 19.1 Industrial units can utilize the available floor area as per the ratio notified by Government of J&K for expansion of the existing unit and/or setting up of new/additional unit.
- 19.2 The ownership/shareholding pattern of the original project under implementation and the proposed sub-unit/sister concern shall be identical.
- 19.3 The line of activity in the additional unit shall be complementary to the line of activity of the original Project under implementation.

- 19.4 The investment made in the sub-unit should be in addition to the investment shown in the DPR of the original/parent unit.
- 19.5 An additional fee at 20% of the current land premium rates, shall be payable to the IDC, against the area of land proposed to be covered.

20 APPLICATION OF AMENDMENTS FOR EXISTING LAND ALLOTTEES

- 20.1 The amendments would come into force from the date of notification.
- 20.2 Allottees who have been allotted land and have commenced work under this policy prior to the date when these amendments come into force shall give in writing their consent that such allottees shall abide by all the amendments made to this policy or shall have the provision for surrendering the allotted land and claim a full refund of the land premium paid, with interest @ RBI repo rate, as on date the land premium was paid, plus 2%, till the date of actual refund:

Provided that for those allottees choosing not to exercise this option, the land allotment, shall be deemed to have been done as per the amended policy provisions.

- 20.3 The applicants who have applied for land on single window portal under this policy, prior to the date when these amendments come into force and whose cases have not been appraised yet and applicants whose application have been appraised and approved by Divisional Level Appraisal Committee but not issued LoA, need to apply afresh through single window portal. Such prior applicants shall not be required to pay a fresh application fee.
- 20.4 Applicants who have been issued LoA but have not deposited premium or applicants who have been issued LOA and deposited premium, or applicants who have been issued LOA, deposited premium and have executed lease deed, but not commenced work are hereby given a grace period of 90 calendar days, from date of notification of the amendments, for surrendering the allotted land and claim a full refund of the land premium paid, with interest @ RBI repo rate as on the date when the land premium was paid, plus 2%, till the date of actual refund, or shall have option for agreeing to accept the amendments and continue with further work as per prescribed timelines;

21 DEFINITIONS UNDER THE POLICY

- 21.1 "Allotment" means allotment of land/ premises for establishment of Industrial/Service Enterprise/ unit as prescribed in this policy;
- 21.2 "Allottee" means an Industrial Enterprise in whose favour an allotment of a land/ plot/ premises has been made under this policy;
- 21.3 "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;
- 21.4 "Ancillary Enterprise" means the Enterprise which supplies not less than 50% of its production to the parent Enterprise set up in the UT.
- 21.5 "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;
- 21.6 "Commencement of commercial operations" means starting of operation/delivering of services on commercial basis.
- 21.7 "Force Majeure" event means any event or circumstance, or a combination of events and circumstances referred to in this Clause, which:
- a. act of God like earthquake, flood, inundation, landslide, storm, tempest, hurricane, cyclone, lightning, thunder or volcanic eruption;
 - b. Pandemic for a continuous period exceeding 90 days
 - c. radioactive contamination or ionizing radiation or biological contamination

- d. industry wide strikes, lockouts, boycotts, labour disruptions or any other industrial disturbances, as the case may be, not arising on account of the acts or omissions of the IA and which directly and adversely affect the timely implementation and continued operation of the Project; or
- e. an act of war (whether declared or undeclared), hostilities, invasion, armed conflict or act of foreign enemy, blockade, embargo, prolonged riot, insurrection, terrorist or military action, civil commotion, or politically motivated sabotage, for a continuous period exceeding thirty (30) days.

16.2

21.8 "Industrial Development Corporation" means the agency responsible for development, maintenance, allotment and management of government industrial land;

21.9 "Industrial estate" means any site declared so by the Government, for undertaking industrial activities;

21.10 "Industrial Land" means any land allotted by Government for Industrial activities or any other land which is so categorised after change of land use by the competent authority;

Provided that the Industrial land shall not be utilized for any activity other than for industrial purpose.

21.11 "Land/ Site" means a plot of land which is under consideration for allotment;

21.12 "Lessee" means the transferee to whom the land is allotted;

21.13 "Lessor" means the concerned corporation which will allot land to the Lessee;

21.14 "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;

21.15 "Lease Rent" means the annual rent charged to Lessee during lease term as fixed by the Board of Directors of the Concerned Corporation;

21.16 "Martyr" As per SO 429, dated 6th September, 2022 a person who dies as a result of militancy related action or due to enemy action on the line of control/International border within J&K and is not involved in militancy related activities.

Note: Dependent family member means a) spouse or b) son/daughter (including adopted son or daughter, as permissible under law) c) brother and sister of an unmarried Government servant who was wholly- dependent on Government servant;

- 21.17 "Medicity" means Land parcel transferred to Industry & Commerce Department for activities such as establishment of a Hospital/ Medical college/ Paramedic college, and Diagnostic lab with Research Centre;
- 21.18 "MSME" as defined in the MSME-D Act, 2006 and amendments thereof, as notified by the Government of India from time to time;
- 21.19 "Premises" means and includes any plot, land, shop, godown, shed, any structure, which is meant for lease;
- 21.20 "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;
- 21.21 "Premium" means Land premium fixed by the government from time to time;
- 21.22 "Plant and Machinery" means in case of Manufacturing units, industrial plant and machinery as erected at site, and which is newly purchased from open market at an arm's length price. It excludes relocated/recycled/refurbished plant and machinery.
- 21.23 "Physically Handicapped Person "means a person with not less than forty percent of the specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.
- 21.24 "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.
22. In case of lack of clarity/doubt in any of the clauses of this policy or if any difficulty arises in implementation of the policy, the Administrative Secretary may, with the prior approval of the Government, issue appropriate directions/clarifications, to be followed uniformly, for all similar cases subsequently.

NEGATIVE LIST

- (i) All goods falling under Chapter 24 of the Central GST Tariff Act, 2017 which pertains to tobacco and manufactured tobacco substitutes.
- (ii) Pan Masala as covered under Chapter 24 of the Central GST Tariff Act, 2017.
- (iii) Plastic carry bags of less than 20 micron as specified by Ministry of Environment and Forests Notification No. S.O. 705(E) dated 02.09.1999 and S.O. 698(E) dated 17.6.2003 and any subsequent amendments.
- (iv) Goods falling under Chapter 27 of the First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) produced by Petroleum or Gas refineries.
- (v) Plantation, Refineries and Power generating Units above 10 MW.
- (vi) Coke (including Calcined Petroleum Coke), Fly Ash.
- (vii) Units not complying with environment standards or not having applicable Environmental Clearance from M/o Environment & Forests and Climate Change or State Environmental Impact Assessments Authority (SEIAA) or not having requisite consent to establish and operate from the concerned Central Pollution Control Board/State Pollution Control Board also will not be eligible.
- (viii) Low value addition activities in goods such as preservation during storage, cleaning, operations, packing, repacking or re-labelling, sorting, alteration of retail sale price etc. take place excluding high value packaging and processing.
- (ix) Gold and gold ore.
- (x) Molasses
- (xi) Marble, Travertine & Granite.
- (xii) Revolvers and pistols.
- (xiii) Any other industry/activity placed in negative list through a separate notification as and when considered necessary by the Government. It will be effective from the date of such notification.

POSITIVE LIST

- 1 Tourism & Hospitality Services (including health & wellness tourism)
- 2 Services promoting Film Tourism (including film cities, studios)
- 3 Ropeways, Entertainment Parks and Rides
- 4 Heritage Property Restoration Services
- 5 Healthcare Services
- 6 IT & ITeS Services
- 7 Maintenance and Repair Services
- 8 Freight Terminals, Logistics Parks & Warehousing (including Cold Store Services)

9 Testing, R&D, Analysis & Certification services
10 Educational & Skill Development Services

Government of Jammu & Kashmir
Department of Industries & Commerce

Jammu and Kashmir
Private Industrial Estate Development
Policy 2022-27

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1 Introduction

- 1.1 Jammu and Kashmir, which is primarily a service, based and Agri-oriented economy, with the hope inspired by the goals of Development Vision, has recently opened for a major overhaul of the industrial infrastructure to boost the industrial expansion in different sectors of strength.
- 1.2 For a strong industrial base, a highly structured industrial land supported by an out and out Policy is pivotal in attainment of the mission of creating an industrially progressive niche with higher levels of competitiveness, productivity, and proficiency.
- 1.3 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 and 2021. These policies provided the basic mechanism of Industrial Land Allotment along with the development of Private Industrial Estates. However, the desired targets remained unaccomplished.
- 1.4 Hence, the UT Government has come up with an elaborate Industrial Land Allotment Policy to provide an effective framework and codified industrial land allotment system backed by a comprehensive industrial land bank developed by Industrial Development Corporations.
- 1.5 Likewise, as a sequel, an elaborate framework for the development of Private Industrial Infrastructure requires to be detailed for attracting large industrial investments in the private sector.
- 1.6 This Policy document has therefore been formulated with belief that it will complement the efforts to make a leap in the industrialization of the UT of Jammu and Kashmir

2 Objective

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

- 2.1 To provide an efficient and transparent mechanism for development of industrial infrastructure in through private sector investment in a time bound manner.
- 2.2 To encourage, promote and facilitate more investment in enterprises and build a strong, responsive, and vibrant business environment in the region.
- 2.3 To create employment opportunities for the youth.
- 2.4 To enable an environment of "Ease of Doing Business" by supportive provisions in Infrastructure Development and creating a conducive regulatory environment for developers.
- 2.5 To move more speedily towards the transformation of its role from 'regulator' to 'facilitator' and from performer to enabler for the industrial sector.
- 2.6 To create new opportunities for the creation of dedicated sector-specific industrial parks

2.7 To strive towards creating a level playing field for the private industrial estate developers and units coming up in such industrial estates at par with Government Industrial estates.

3 Duration

3.1 This policy shall remain in operation for 5 years from the date of its adoption. However, the Policy may be reviewed from time to time-based on a critical application of the feedback from stakeholders that is regarded necessary.

3.2 The Government may additionally come up with a policy for the development of industrial estates on Government land through Public Private Partnership model.

4 Application for setting up of a Private Industrial Park/ Estate

4.1 The developer intending to set up a Private Industrial Estate/Park must submit a Detailed Project Report (DPR) online along with the application on the single window portal. The Detailed Project Report shall comprise of components (If Applicable) as mentioned in (Annexure A).

5 Project Appraisal and Evaluation for Registration

5.1 All the applications received shall be appraised for registration to declare as Private Industrial estate (as per parameters in clause 5.3) by a **Divisional Level Appraisal Committee**. The timeline for screening shall be 15 calendar days from the date of receipt of application online. Registration certificate is mandatory for commencement of work by the developer for Private Industrial estates. All the applications received shall be appraised for registration to declare as Private Industrial estate (as per parameters in clause 5.3) by a **Divisional Level Appraisal Committee**. The timeline for screening shall be 15 calendar days from the date of receipt of application online.

5.2 Registration certificate is mandatory for commencement of work by the developer for Private Industrial estates.

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

S.No.	Designation	Role
1.	Director, Industries and Commerce, of the concerned Division	Chairperson
2	Joint Director (Dev) Directorate of Industries & Commerce concerned	Member Secretary
3	General Manager of DIC concerned	Member

4	Assistant Commissioner Revenue of the concerned district	Member
4	Chief Engineer, EM&RE Wing Power Development Department	Member
5.	Chief Engineer Jal Shakti Department	Member
6.	Chief Engineer PW(R&B) Department	Member
5	General Manager, IDC	Member
6	Representative of Pollution Control Board	Member
7	Representative of J&K Bank/ State Bank of India	Member

Any other person may be co-opted by the committee having subject matter specialization.

5.4 For appraising an application related to grant of registration certificate to declare as private industrial estate, the Divisional Level Appraisal Committee shall take into consideration the following parameters:

S.No.	Parameter
1	Proposed Investment
2	Title of the land (Certification of CLU for the said Land)
3	NOC's from Power and PWD departments
4	Location assessment along with justification for selection as Private Industrial estate
5	Technical and Financial Viability of the site in reference to clause 10.1
6	Developer already having a similar project of private industrial estates, its status physical as well as financial
7	Source of Water
8	Availability of Power (Distance from nearest Power Grid)
9	Qualification of the applicant (s)
10	Quantum of Land Utilization (<i>vertical growth shall be encouraged</i>)
11	Implementation plan along with schedule
12	Financial strength of developer
13	Income tax payments by the Developer (if applicable)

6 Issuance of Registration Certificate

6.1 The Director Industries and Commerce concerned shall issue Registration Certificate to the developer within 30 days after receiving the above documents as mentioned in clause 5.4

6.2 Developer having registration certificate shall be entitled for claiming incentives subjected to the fulfilment of all the necessary conditions mentioned in clause 8 of this policy.

7 Project Completion

- 7.1 The maximum time for completion of Private Industrial estate as approved by the Divisional level appraisal committee shall be as per the implementation schedule mentioned in the DPR from the date of issue of registration certificate.
- 7.2 The IDC shall issue project completion certificate based on the completion of works as prescribed in the DPR. At least 80% of the projections made in the DPR shall have to be completed.
- 7.3 In case, the Developer fails to complete Industrial estate within the prescribed period after availing Capital Infrastructure incentives, as prescribed in clause 10.o3, the developer may seek a time extension from IDC. The maximum period allowed for such an extension of the Project Completion date will be 2 years from the prescribed period/ scheduled completion date, as per the Detailed Project Report, but subject to a reduction in 10% of permissible incentives that can be claimed for each year of the extension. However, in case the industrial estate is developed within one year of the registration of the project, an additional incentive of 10% of the admissible benefits shall be extended in form of capital infrastructure subsidy as per clause 10.3.
- 7.4 The General Manager District Industries Centre concerned shall undertake a monthly periodic visit to check the progress made in the development of the Estate and submit a progress report to the Director of Industries and Commerce.

8 Eligibility for Incentives

- 8.1 The industrial park/ estate should be developed in a minimum area of 5 Acres in both Zone A and Zone B;
- 8.2 Provided that in case the Government notifies certain strategic Theme-based/ Sector-Specific parks, the minimum area for development shall not be less than 3 Acres.
- 8.3 In case of theme based/sector specific parks policies and guidelines of all the relevant Government Departments shall be applicable for the developer
- 8.4 The Private Industrial Parks should have a minimum of 5 units and 3 units (Separate Legal Entities) respectively in an area of 5 Acres and 3 Acres, as per clause 8.1 above, respectively with no single industrial unit occupying more than 50% of the total allottable area for industrial use as specified in the DPR.
- 8.5 Applicable FAR as per the ratio notified by the Government of J&K for Government Industrial Estates will be applicable to Private Industrial estates unless a separate FAR is notified for private Industrial Estates by the Government.
- 8.6 A consortium of developers will be treated as eligible for the purpose of this policy.

8.7 The Layout Plan of a Private Industrial Park and the building plan of the individual units within the park shall be as approved by Industrial Development Corporation, as per the guidelines of building bye-laws followed in Government Industrial Estates.

8.8 The Private Industrial Estate shall include, but not be limited to following Infrastructure Facilities which shall be shared by the Industrial Units:

- a. Road Network
- b. Drainage Facilities
- c. Flatted Factory
- d. Plug and Play Facility
- e. Hostel/Dormitory for workers
- f. Sewerage System, including Treatment Plants.
- g. Environment Infrastructure such as CETPs, Waste Management, etc.
- h. Streetlights
- i. Open & Green spaces (Landscaping).
- j. Water Supply
- k. Power supply and distribution network.
- l. Entry/Exit and Security System
- m. Communication network.
- n. Parking and Truck Parking Bays
- o. Firefighting facilities
- p. Testing centres, diagnostics labs, and R&D centres for health care, tool rooms, recreational facilities
- q. Any other activity specifically approved by the High-Level Committee

8.9 Developer shall adhere to the guidelines of the National Building Code and IDC for development of Infrastructure facilities/common utilities/any other social/commercial infra within the premises of the estate

8.10 The promoter would be responsible for the operation and maintenance of the facilities created within the estate following the standards laid down by the IDC.

9 Evaluation for Incentive Disbursement

9.1 All incentives as per clause 10 shall be provided as back ended subsidy in form of reimbursement against submission of actual payment receipts.

9.2 The developer desirable of availing incentives shall apply on single window portal.

9.3 All the applications received shall be examined by Divisional Level Appraisal Committee. The timeline for screening shall be 30 calendar days from receipt of application.

9.4 Divisional level committee shall submit an evaluation report, along with necessary recommendations, as per the eligibility criteria mentioned in clause 8, to the High-level Committee for approval of incentive disbursement to the developer.

9.5 The High-Level Appraisal Committee shall be as under:

1	Administrative Secretary, Industries and Commerce Department	Chairman
2	Secretary, Industries & Commerce	Member

3	Representative from Revenue Department not below rank of Additional Secretary	Member
4	Representative from Power Development Department not below rank of Additional Secretary	Member
5	Representative from Department of Forest, Ecology and Environment not below rank of Additional Secretary	Member
6	Representative from Housing and Urban Development Department not below rank of Additional Secretary	Member
7	Member Secretary, Pollution Control Board	Member
8	Director, Industries & Commerce Concerned	Member Secretary
9	MD IDC	Member
10	Representative of the Industry nominated	Member

Any other person may be co-opted by the committee having requisite subject matter specialization

9.6 The following aspects shall be considered while an application is being examined by the Apex Level Clearance Committee for disbursement of incentives:

- i. Recommendations by Divisional Level Appraisal Committee.
- ii. Registration certificate issued by concerned Director Industries.
- iii. Project Completion Certificate issued by IDC. (Not Applicable for Capital Infrastructure Subsidy mentioned in clause 10.1)
- iv. NOCs required from respective departments applicable to the developer as per the line of activity
- v. Any pre-requisite Clearance related to NOC'S from various departments required for disbursement of capital infrastructure subsidy in addition to clearance sought for all the other reimbursable eligible incentives, if any, will be submitted by the Divisional Level Appraisal Committee.

9.7 The Apex level Committee shall make specific recommendations while handling a case. The Committee shall decide on a case submitted to it within 30 days.

9.8 If recommended by the High-Level Clearance Committee, the Industries and Commerce Department shall place the case before the Competent Authority for necessary approval.

10 Incentives and Support

10.1 The Government shall provide road connectivity, and electricity connection up to the outer boundary of the proposed Estate/Park. All the infrastructure development and other requirements inside a private industrial park would be the responsibility of the private sector player (developer).

10.2 The industrial units set up in private industrial parks shall be entitled to benefits and incentives available under J&K Industrial Policy and New Centre Sector scheme at par with those available for units that are set up in the Government industrial estates.

10.3 Capital Infrastructure Subsidy:

Subject to the conditions laid down in Annexure-B (Finance Department U.O. No FD-Code /145 /2021- 334 dated 13.08.2021), Industrial Parks set up on private land shall be entitled to Capital Infrastructure Subsidy of the cost incurred for the development of Industrial Infrastructure as mentioned in clause 8.8. The eligible cost will be worked out in accordance with the relevant SOR norms of the Government Department. In case of non-availability of SOR IDC will be responsible for deciding the rates as per the norms followed in the Government Industrial Estates. The rate for the Capital Infrastructure Subsidy on the expenditure incurred for the development of infrastructure facilities shall be:

a. Land Area of Private Industrial Estate between 5 to 40 Acres

25% and 30% subject to a maximum ceiling of Rs. 15 crores and Rs. 20 Crores in Zone A and Zone B respectively.

b. Land Area of Private Industrial Estate above 40 Acres

30% and 40% subject to a maximum ceiling of Rs. 20 Crores and Rs. 45 Crores in Zone A and Zone B respectively.

c. Theme Based/Sector-Specific and IT Parks above 3 Acres

For Theme Based/ Sector Specific Parks, the applicable rate shall be 30% & 35%, subject to a maximum of Rs. 20 Crore & Rs. 30 Crore for areas in Zone A and Zone B respectively.

d. Plug and Play Facilities

An additional 5%, subject to an upper cap of 30%, capital infrastructure subsidy shall be applicable to all the registered private industrial estates for expenditure incurred on creating plug-and-play facilities for the respective units by the Developer.

10.4 Capital Infrastructure Subsidy excluding the cost of Land will be reimbursed in 4 installments (25% each) after incurring an expenditure of 25%, 50%, 75%, and 100% of the total capital infrastructure cost by the developer, as per DPR and actual payment receipts subjected to the submission of bank guarantee in 4 installments (25% each) for eligible incentive amount in INR applicable under capital infrastructure subsidy

10.5 Stamp Duty

- a. The Developer of the Industrial Park shall be eligible for reimbursement @100% of the stamp duty paid on the purchase of land on the minimum land required for the project as approved by the Divisional level appraisal committee.

- b. Individual units setting up their facilities in the private industrial park shall be eligible for reimbursement @100% of the stamp duty paid by them on the purchase/lease of a plot in the industrial park.

10.6 **CLU Charges**

Private Industrial Estate (s) would be entitled to claim 100% reimbursement of the payment made by them for the change in land use.

10.7 **Registration Charges**

Reimbursement of 100% Registration Charges on sale deeds for/ within private Industrial estate shall be admissible.

10.8 **Interest Subsidy**

An interest subsidy would be permissible in the form of reimbursement of interest of up to 50% of annual interest for 7 years on the loan taken from the financial institution for building capital infrastructure in the industrial parks/ estates subject to a maximum of ₹ 1 crore per year, with an overall ceiling of ₹ 7 crores per industrial estate.

- 10.9 The Government shall, separately issue detailed operational guidelines for sanctions and grant of incentives under the Private Industrial Park/ Estate Policy.

11 General Procedure Terms and Conditions

- 11.1 **Change of Constitution** - The constitution of the private Industrial Estate Developer entity may be changed with the prior permission of the Government after satisfying them that the incoming entity is financially at least as strong as the predecessor entity to implement the Private Industrial Estate. Private Industrial Estate will be used for industrial activity only and in case the new entity fails to use the land for industrial purposes, and instead opts for a change in the line of activity to commercial/ residential or any other category, all the incentives claimed shall be reimbursed back to the Government @RBI repo rate (on the day the benefit was claimed) plus 4%.
- 11.2 **Non-Permitted Activities** -The land of the Private Industrial Estate shall be allotted only to Industrial Units. Warehouses, and other logistic services may also be accommodated but Vehicle showrooms, Shopping complexes, and Outlets selling to, or servicing retail customers will not be allotted space in a Private Industrial Estate.
- 11.3 **Payment Terms for allotment by Developer** - The allotment of land or built-up space in the Private Industrial Estate and commercial terms thereof may be fixed at the discretion of the Developer. However, the payment terms to an industrial unit shall be declared upfront by the

Developer at the letter of allotment to a unit, and further, the Developer shall not vary these terms to the disadvantage of the unit after allotment, without the express, written consent of the allottee unit.

- 11.4 Transfer of Government Land to Developer within Premises of a Private Industrial Estate** In case of any Government Land falling within the permissible limits of Private Industrial Estate approved by the Authority, the Land may be transferred to Private Developer by signing of a lease agreement between Industrial Development Corporation and Developer. The Private Developer shall be liable for all the charges (Inclusive of Lease Premium) as per the provision of the J&K Land Allotment Policy, 2021 applicable to units in Government Industrial Estates.
- 11.5 Private Land Bank Portal:** IDC shall develop a private land bank portal for facilitation in aggregation of private land for development of industrial infrastructure in J&K

12 Public Private Partnership

- 12.1 The Government of J&K may decide to develop any parcel of Government land, notified for Industrial activities, by the concerned authority for development under Public Private Partnership mode.
- 12.2 The selection of a developer for such a park/estate would be done by a transparent bidding process for a predefined concession period and as per the detailed technical feasibility and financial viability study done by a Transaction Advisor, appointed by the IDC.
- 12.3 All the incentives mentioned above in this policy would be extended for the development of Industrial Parks on PPP mode except for incentives applicable for purchase of land.

13 Failure to Run the Estate

- 13.1 To protect the interest of allottees in private industrial estate: If at any time the Government is of the view that a Developer is unable to discharge the functions or perform the duties imposed on the developer under the provisions of this policy, or whose financial position is such that developer is unable to fully and efficiently discharge the duties and obligations imposed, and circumstances exist which render it necessary in the public interest to do so, the Government may, or with prior consensus of the Developer or otherwise, for reasons to be recorded in writing, suspended the Registration Certificate granted to the Developer for a whole or part of his area established as Private Industrial Estate Developer and appoint the Industrial Development Corporation to discharge the functions of the Developer in accordance with the terms and conditions of the Government Industrial Estates and manage the private Industrial Estate accordingly.

14 Definitions Under the Policy

Unless otherwise provided under various schemes of DPIIT, Government of India, as applicable to the UT of J&K, J&K Industrial Policy, and J&K Industrial Land Allotment Policy

- 14.1 "Competent Authority" means a committee headed by Chief secretary whose constitution is defined in the operational guidelines of this policy for approval of incentives extended to the Developer.
- 14.2 "Completion certificate" means a certificate issued by IDC which confirms completion of at least 80% of the works as proposed in the DPR by the developer.
- 14.3 "Developer" means an individual or person including a group of individuals under the Indian Partnership Act 1932, a company registered under the Companies Act, 2013 or Limited Liability Partnership Act 2008, or Cooperative Institution, or a 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.
- 14.4 "Date of Operation" means the date on which the infrastructure is ready to be used with all the required facilities in place, as certified by the Industrial Development Corporation.
- 14.5 "Financial Institution" refers to financial institutions under the control of the Central or UT Government or a Scheduled Bank (except Regional Rural Banks)
- 14.6 "Flatted Factory complex" means an industrial building comprising more than one story, with the provision of lifts for goods. Such a factory is subdivided into multiple units, like flats which are used for manufacturing, assembly, and associated storage. Building Construction of the flatted factory will be strictly according to the approved building plan and internal development works will be executed by the allottee as per the approved layout plan, specifications, and norms approved by the competent Authority at par with those applicable to the Government Industrial estates.
- 14.7 "Industrial Infrastructure" means necessary infrastructure facilities will be developed in the industrial park, including truck parking bays, internal roads, a substation to draw power for the requirement of an industrial park, power distribution lines, communication facilities, water distribution lines, and water augmentation facilities, sewage and drainage lines, effluent treatment, and other facilities, as may be required in the Industrial Park. The expenditure incurred for such infrastructure development will only be considered as eligible investment. The eligible cost of construction related to such infrastructure facilities will be worked out in accordance with relevant SOR norms of concerned department or its undertakings. However, Project Clearance Committee can review the norms for construction cost of these infrastructure facilities in accordance with location, Area and type of industrial park.

- 14.8 "Eligible Cost for Hostel/Dormitory" The cost incurred for new buildings constructed for Hostel/Dormitory in and around the Industrial Park with specific infrastructure facilities/services for residential facilities to domicile workers of the units located in the park will be eligible. This would include common facilities like canteen, playground, labour welfare, childcare, RO plant etc. Eligible cost will be worked out in accordance with relevant SOR norms of the Government Department or its undertakings.
- 14.9 "Ineligible Expenses" - Expenditure incurred towards goodwill fees, commissioning fees, royalty, preliminary & pre-operative expenses, interest capitalized, transportation equipment/vehicles, technical fees/consultant fees, working capital, and other expenses not specifically expressed as an eligible investment will not be eligible for any assistance
- 14.10 "Private Industrial Estate/Park" means an Industrial estate/park which is developed in at least a minimum area of 5 Acres for mixed-use and 3 Acres for theme based/sector-specific parks in the Union Territory of Jammu and Kashmir.
- 14.11 "Plug and play facilities " means the developer creating common industrial infrastructure which shall cater to the needs of Industrial units inclusive of but not limited to flatted factory complexes, ready-built factories, industrial sheds, Office space, conference rooms, heavy-duty lifts, provision to move heavy machinery, weighbridge and other facilities catering to the needs of all units in mixed/sector specific industrial estates as approved by the divisional level appraisal committee on a case-to-case basis **for each private industrial park.**
- 14.12 "Zone A & B" means the area so defined under Para 6 of the Jammu and Kashmir Industrial Land Allotment Policy, 2021-30.

Annexure A

1. Promoter's background, including qualification and experience (If available) in developing industrial estates/ park/ SEZ/ infrastructure projects.
 2. Title documents of the land area
 3. Layout of the Site in compliance with building byelaws of the Industrial Development Corporation (Government of J&K)
 4. Implementation Schedule
 5. Total investment for Development of Capital Infrastructure and Non-Capital Infrastructure, Common Infrastructure Facilities provided to the units
 6. Details of CLU (If Applicable)
 7. Sources of finance for the Project.
 8. Power requirements along with timelines
 9. Water requirements along with timelines
 10. Balance Sheets (If available) for the last three years of the Applicant Company/ Promoters
 11. Details of the authorized signatories and Share Capital of each member in case of consortium
 12. Turnover Details (If available) of the Applicant company/ Developer for the last three financial years.
 13. The land documents depend on the types of organization viz. Proprietorship, Partnership, Trust, Private/ Public Limited Company, etc. along with a certified copy of the Partnership Deed, Memorandum, and Article of Association and relevant documents, as applicable.
 14. The applicant shall submit the required details for evaluation of an application as per the eligibility criteria
 15. List of the Documents Required
 - a. Board Resolution authorizing the applicant to apply for the scheme
 - b. Memorandum & Articles of Association
 - c. PAN of Firm/ Entity
 - d. Certified Copies of Financial Turnover and Net worth by CA
 - e. Land Documents
-
- ✓ Title & prior deeds
 - ✓ Encumbrance certificate
 - ✓ Latest Land tax Receipt (If Applicable)
 - ✓ Site Plan of the land showing the Survey Nos. & extent
 - ✓ Location certificate
 - ✓ An undertaking that the estate will be used for industrial activity only

Annexure – B

Finance Department U.O. No FD-Code /145 /2021- 334 dated 13.08.2021

Form 1: Registration of Applicant related to development of Private Industrial Estate in J&K

1.	Name and Address of applicant	
2.	Name and Address of applicant entity (with details of Board resolution authorizing the applicant to apply)	
3.	Details of Registration of Applicant Entity (Registration No., Registering authority, copy of Registration certificate, Memorandum of Association and Association of Article)	
4.	Details of Permanent Account Number (PAN) and Goods & Service Tax (GST) Registration	
5.	Extent of land for which Private Industrial Estate development land is applied for	
6.	Survey Number details	
7.	Whether the land is in the ownership and possession of the applicant entity	
8.	Whether the land applied for falls in ESA or the purview of the conservation norms under Forest/wildlife protection act	
9.	Details of development that will be carried out with timelines	
	Nature of Development activity	Development shall be started by
		Development shall be completed by
10.	Details of allottable land and built up space that will be developed	

Add as many rows as necessary

All Items of development such as land development, build up space, common facilities, power, streetlight, water supply, sewage and effluent treatment plant and all other utilities shall be listed out. Phase wise development is permitted and should be described in above format.

Note: Detailed operational guidelines for sanctions and grant of incentives under the Private Industrial Park/ Estate Policy may be separately issued

Form 2 (Registration Certificate)

Whereas M/S..... has applied for a registration certificate under Private Industrial Estate Policy, to develop the land herein below described, duly affirming that they undertake to abide by the terms and conditions of the J&K Private Industrial estate Policy.

And whereas the Divisional level appraisal committee has recommended the case after due scrutiny: Now Therefore Government is pleased to grant Private Industrial Estate Development registration certificate in respect of the area described below subject to terms and conditions of the scheme, and subject to the commitments given by the applicant in the DPR.

1.	Extent of Land in Acres	
2.	Survey Number Details	
3.	Built up area in Acres	
