

**Operational Guidelines for exercising option
by Migrated Industrial Unit.**
(SI. No-16 of Annexure-I, DEFINITIONS AND INTERPRETATIONS)

1. Short Title: - Operational guidelines for exercising option by "Migrated Industrial unit" to be treated as New Industrial Unit under Industrial Policy Resolution –2015 (SI.No.16 of Annexure-I)

2. Extent: - It shall extend to the whole of the State of Odisha.

3. Commencement: - It shall come into force from the "Effective Date" of notification of Industrial Policy Resolution –2015 i. e. 24th August, 2015.

4. Terms and Expressions: -Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Industrial Policy Resolution –2015.

5. Time frame for filing option: - Migrated Industrial unit shall exercise the option within **180** days from the date of issue of this guideline. Application in the prescribed form for exercising option received after the due date / incomplete in any respect shall be liable to be summarily rejected. There shall be no consideration for condonation of delay in exercising option.

6. Definition: - "Migrated Industrial unit" means industrial unit as defined vide SI.No.16 of Annexure-I of IPR-2015.

7. Procedure: - Industrial unit satisfying the definition shall file application in the prescribed form appended to this operational guideline at Annexure -'A' along with copies of all relevant documents as mentioned in the Checklist at Annexure -'B' to the concerned General Manager, RIC / DIC for Micro & Small Enterprise and to Director of Industries, Odisha by industrial unit other than MSE. Copies of the documents as indicated in the checklist shall be self-attested by Proprietor / Managing Partner/Managing Director / Authorized Signatory.

On receipt of application, the acknowledgement as prescribed at Annexure- 'C' shall be dispatched to the applicant duly signed by the authorized officer / G.M, RIC / DIC / D.I Odisha, as the case may be, on the day of receipt. The G.M, RIC / DIC / D.I Odisha may authorize any of his subordinate officers for the purpose.

RIC / DIC or Directorate of Industries, Odisha will check the veracity of facts concerning the claim taking into consideration the Report of inspection previously conducted. However, in case of industrial units not inspected earlier, RIC / DIC or Directorate of Industries may take-up inspection of the industrial project and furnish report in the format prescribed at Annexure – 'D' **within 7 days** (excluding holidays) of receipt of application.

8. Surrender and / or refund the incentives availed: RIC / DIC or Directorate of Industries, Odisha, as the case may be, shall advise the applicant unit for surrender and or refund of the incentives availed, if any, under earlier IPR(s) and furnish the copies of documents in support of the same within **15 days** from the date of issue of the advise letter.

9. Communication of Approval / Rejection:- Considering the facts available in the application, inspection report and confirmation about surrender and / or refund of the incentives availed, if any, under earlier IPR(s) within the prescribed time limit, General Manager, RIC / DIC or D.I Odisha may **issue certificate** in favour of the applicant unit as "Migrated Industrial Unit" to be treated as New Industrial Unit under IPR -2015 in the format prescribed at Annexure – 'E' within **7 days** of receipt of confirmation on surrender and or refund of the incentives availed.

In case of **rejection** of application, the reasons of rejection shall be communicated to the applicant unit within **30 days** of receipt of application by concerned G.M, RIC / DIC / D.I Odisha in the format prescribed at Annexure– 'F'.

10. Condition: - If the activity of the "Migrated Industrial Unit" fall within the Negative list of IPR -2015, it shall not be eligible for fiscal incentives but shall be eligible for investment facilitation, allotment of land under normal rules and recommendation to the financial institution for term loan and working capital and for recommendation, if necessary, to the Power Distribution Companies.

11. Miscellaneous: -

11.1 Each applicant industrial unit shall give an affidavit to the effect that it shall go into commercial production within two / three years (two years for Micro, Small & Medium Enterprises and three years for the rest) from the effective date and surrender and / or refund the incentives availed, if any, under earlier IPR s within prescribed time limit along with the application.

11.2 RIC / DIC or Directorate of Industries, Odisha and financier jointly, or RIC / D I C / Directorate of Industries, Odisha in case of self-financed case only, may inspect the industrial project once in a year to asses the progress of implementation of the project and report in the matter under intimation to the unit, if felt necessary.

11.3 Migrated Industrial Unit shall furnish its audited financial statements and other periodical statements of each financial year to the RIC / DIC or Directorate of Industries, Odisha as the case may be.

11.4 Time limit prescribed in this guideline is of working days only.

GOVERNMENT OF ODISHA
INDUSTRIES DEPARTMENT

Memo No. 7399 /I, Bhubaneswar, dated 24/11/15.
XIV-HI-48/2015

Copy forwarded to All Department/All Heads of Department/ All PSUs/ All RDCs/ All Collectors/ All DICs/All RICs/ Head, Portal Group, IT Centre, Secretariat, Bhubaneswar/All Section of Industries Department/Guard File(5 Copies) for information & necessary action.


Joint Secretary to Government

APPLICATION FOR EXERCISING OPTION BY MIGRATED INDUSTRIAL UNIT TO BE TREATED AS NEW INDUSTRIAL UNIT UNDER INDUSTRIAL POLICY RESOLUTION – 2015.

(Strike out whichever is not applicable)

M/s. _____

At/PO _____

Dist. _____

To

The General Manager,
Regional / District Industries Centre

Director of industries,
Odisha, Cuttack.

Sub: Exercising option by "Migrated Industrial Unit" to be treated as New Industrial Unit under Odisha Industrial Policy Resolution –2015

Sir,

In accordance with the provisions laid down for Migrated Industrial Unit in Odisha Industrial Policy Resolution –2015 and operational guidelines, option is hereby submitted to be treated as New Industrial Unit under Odisha Industrial Policy Resolution –2015.

1	Name & detailed address of the unit :	
2	Address of Registered office	
3	Category of the Unit (Micro / Small / Medium Enterprises / Large Industries)	
4	Type of Organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	
5	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	
6	PRC / E M- I / I E M / I L Number & Date	
7	Date of first fixed capital investment i.e. land / building / plant & machinery and balancing equipment.	
8	Date of Commencement Production / Activity (estimated)	

9	Proposed items of Production / Activity						
	Sl. No	Item	Quantity (MT)	Value (Rs)			
	(i)						
	(ii)						
	(iii)						
10	Capital Investment (Rs)		As per DPR	Actual expenditure incurred (till date)			
	a)	Land & land development					
	b)	Building & Civil construction					
	c)	Electrification & electrical installations					
	d)	Plant & Machinery					
	e)	Other fixed assets of permanent nature					
	f)	Loading, unloading, transportation, tax & duties paid, erection expenses etc					
	g)	Margin money for Working Capital					
		Total					
11	Means of Finance						
	Internal sources (Rs)						
	Name of Financial Institution (OSFC / Banks / FI- Specify the Branch)						
		Name of F. I	Loan applied for (Rs.)	Loan availed (Rs)			
				Date of sanction (in case of more than one installment give dates for each of them)			
	i	Term loan					
	ii	Working capital					
12	Details of incentives availed, if any under earlier IPRs (specify the quantum, value, period & IPR applicability)		Sl No	Incentives	Quantum / Value	Period	IPR applicability
			1				
			2				
			3				
13	Present implementation status						
14	Whether the project needs clearance from Pollution Control Board (If yes, mention present status of clearance)		Yes / No				

I, Sri _____ s/o _____ at
present _____ (designation) of M/S _____
(name of the industrial unit) certify that the information furnished as above is
true and correct to the best of my knowledge and belief.

I agree that once the option is exercised, it shall be final and
irrevocable.

I here by undertake to abide by the terms and conditions prescribed
under the provisions of Industrial Policy Resolution –2015 and its operational
guidelines.

Copies of relevant documents in support of information / facts furnished
above are **enclosed** here with.

Signature of the Proprietor / Managing Partner/
Managing Director / Authorized Signatory in full and behalf of
M/s _____

Date-

CHECK LIST

(Strike out whichever is not applicable)

(Copies of documents to be attached with the application shall be attested by Proprietor / Managing Partner/Managing Director / Authorized Signatory)

1	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person.
2	Certificate of registration under Indian Partnership Act-1932 / Societies Registration Act- 1860 / Certificate of incorporation (Memorandum of Association & Article of Association) under Company Act-1956
3	PRC / E M- I / I E M / I L.
4	Document in support of date of first investment in fixed capital i.e. land / building / plant & machinery and balancing equipment
5	Loan sanction order of OSFC / Banks / FI
6	Documents in support of incentives availed, if any under earlier IPRs
7	Undertaking to the effect that (i) it shall go into commercial production within three / five years (three years for Micro, Small & Medium Enterprises and five years for the large industries) from the 24.08.2015 (effective date), and (ii) surrender and or refund the incentives availed (specifying the quantum, value, period & IPR applicability) under earlier IPRs within 15 days from the date of issue of the advise letter by RIC / DIC or DI, Odisha and (iii) once the option is exercised, it shall be final and irrevocable.
8	Clearance from Pollution Control Board

Acknowledgement

(Strike out whichever is not applicable)

(To be issued by authorized officer / G.M, RIC / DIC / D.I Odisha, on the day of receipt)

Received the application for EXERCISING OPTION BY "MIGRATED INDUSTRIAL UNIT" TO BE TREATED AS NEW INDUSTRIAL UNIT UNDER ODISHA INDUSTRIAL POLICY RESOLUTION -2015 along with documents mentioned below from M/s-----
----- At/PO-----Dist. -----on dt. -----through post / person.

List of documents

- 1.
- 2.
- 3.
- 4.

Signature of authorized officer / G.M, RIC / DIC / D.I Odisha
with seal & date-----.

INSPECTION REPORT

(Strike out whichever is not applicable)

(Inspection of industrial project by RIC/ DIC / Directorate of Industries, Odisha in respect of industrial units not inspected earlier)

- 1 Name & designation of Inspecting Officer(s) (i)
with name of Organization(s) (ii)
- 2 Name & Detailed Address of the unit (Location)
- 3 PRC / E M-I / I E M / I L Registration Number & Date
- 4 Name of Proprietor / Managing Partner / Managing Director / Authorized Representative present during inspection / Joint inspection
- 5 Date of first fixed capital investment Fixed capital investment has been made for the first time for establishment of the project on dt ----- ie during operative period of IPR -----.
- 6 Name of Financial Institution (Bank / FI- Specify the Branch)
- 7 Amount of loan availed
- 8 Capital Investment (Rs) As per DPR Actual expenditure incurred (till the date of inspection)
- a) Land & land development
- b) Building & Civil construction
- c) Electrification & electrical installations
- d) Plant & Machinery
- e) Other fixed assets of permanent nature
- f) Loading, unloading, transportation, tax & duties paid, erection expenses etc
- 9 I / We have physically verified the implementation status of the project and found that the unit has acquired fixed assets of cost of value as indicated above.
- 10 It is verified that the applicant unit has availed following incentives. (specify the quantum, value , period & IPR applicability)
1. _____
2. _____
3. _____
4. _____
- 11 Remark (s)
- 12 Suggestions
1. _____
2. _____
3. _____

Date

Signature & designation of Inspecting Officer of RIC / DIC
or DI, Odisha, Cuttack.

Certificate

[To be issued by concerned DIC / DI, Odisha under provisions of Point 15 of Annexure-I (Definitions and interpretations), Point 3 of Annexure-II & clause 14.3 (Financial and other support measures) of IPR – 2015]
(Strike out whichever is not applicable)

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /

OFFICE OF THE DIRECTOR OF INDUSTRIES, ODISHA, CUTTACK

No----- Dt.-----

This is to certify that –

- (A) M / S _____ bearing Regd. No _____
Dt _____ has commenced first fixed capital investment on dt _____ but not gone into commercial production before 24th August 2015 (Effective Date) is treated as New Industrial Unit under IPR- 2015 provided that it goes into commercial production within three years for Micro, Small & Medium Enterprises and five years for the rest from the effective date.
- (B) It has surrendered and / or refunded the incentives availed under earlier IPRs.
- (C) Option exercised is final and irrevocable.
- (D) The industrial unit shall be eligible for incentives provided in IPR- 2015 subject to the specific conditions stipulated in this policy.

Or

It shall not be eligible for fiscal incentives as the activity of the "Migrated Industrial Unit" fall within the Negative list of IPR-2015, but shall be eligible for investment facilitation, allotment of land under normal rules and recommendation to the financial institution for term loan and working capital and for recommendation, if necessary, to the Power Distribution Companies.

Signature of G.M, RIC / DIC / D.I Odisha
with seal & date-----.

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /
OFFICE OF THE DIRECTOR OF INDUSTRIES; ODISHA; CUTTACK

No----- Dt-----
(Strike out whichever is not applicable)

This is to inform that –

The application of M / S _____ bearing Regn. No
_____ Dt _____ who has exercised option on dt. _____
as Migrated Industrial Unit to be treated as new industrial unit under the
provisions of IPR-2015 is rejected due to following reasons.

(Specify the reasons)

- 1.
- 2.
- 3.
- 4.

Signature of G.M, RIC / DIC / D.I Odisha
with seal & date-----.