

संदर्भ संख्या

/यूपीसीडा/एटीपी/ का0आ0

दिनांक

कार्यालय आदेश

प्राधिकरण की दिनांक 11.06.2020 को सम्पन्न 35वीं बोर्ड बैठक में प्राधिकरण में औद्योगिक भूखण्डों के फ्लैटेड फैक्ट्री में परिवर्तन भूमि विकास एवं भवन विनियमन, 2018 में कतिपय संशोधनों के प्रस्ताव पर संचालक मण्डल द्वारा अनुमोदन प्रदान किया गया। अनुसचिव, औद्योगिक विकास अनुभाग-4, उ0प्र0शासन को प्रेषित अपर मुख्य कार्यपालक अधिकारी महोदया के पत्र सं0 1666-1667 दिनांक 02.03.2021 के क्रम में औद्योगिक भूखण्डों के फ्लैटेड फैक्ट्री के कियान्वयन में आ रही समस्याओं के दृष्टिगत, कतिपय संशोधन किये जाने का निर्णय लिया गया।

उक्त के क्रम में प्राधिकरण में नियुक्त सलाहकार मेसर्स डिलॉयट द्वारा कतिपय संशोधन के साथ फ्लैटेड फैक्ट्री की संशोधित नीति तैयार की गयी है जिस पर गठित समिति द्वारा अपनी संस्तुति प्रदान की गयी है। संशोधित नीति पर जन-सामान्य से आपत्ति/सुझाव आमंत्रित करने हेतु विज्ञप्ति प्रकाशित करते हुए 15 दिन की अवधि हेतु प्राधिकरण की वेब-साइट में प्रदर्शित की गयी। प्राप्त आपत्ति/सुझाव के निराकरण हेतु गठित समिति के सदस्यों द्वारा विचार विमर्श एवं अन्तिमीकरण के उपरान्त दिये गये सुझावों आदि को सम्मिलित करते हुए समस्त सदस्यों की सहमति/संस्तुति पर संशोधित फ्लैटेड फैक्ट्री नीति का प्रारूप तैयार किया गया।

प्राधिकरण की दिनांक 24.12.2022 को सम्पन्न 42वीं बोर्ड बैठक में कार्यबिन्दु संख्या-17 के माध्यम से भूमि विकास एवं भवन विनियमन, 2018 में सम्बन्धित प्रस्तर को उपरोक्तानुसार संशोधन कर यथास्थान प्रतिस्थापित करते हुए प्रस्ताव प्रस्तुत किया गया जिसे प्राधिकरण में लागू किये जाने का अनुमोदन प्रदान किया गया है।

उक्त प्रदत्त अनुमोदन के अनुसार फ्लैटेड फैक्ट्री नीति को उ0प्र0शासन की स्वीकृति की प्रत्याशा में तत्काल प्रभाव से लागू किया जाता है। उक्त फ्लैटेड फैक्ट्री नीति संलग्न है।

संलग्नक: फ्लैटेड फैक्ट्री नीति।

(मयूर माहेश्वरी)

मुख्य कार्यपालक अधिकारी

संदर्भ संख्या 1475-1480

/यूपीसीडा/एटीपी/

का0आ0

दिनांक 23-01-2023

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अपर मुख्य कार्यपालक अधिकारी (पी), उ0प्र0रा0औ0वि0प्रा0, मुख्यालय, कानपुर।
2. वरिष्ठ प्रबन्धक(वा0/नि0)/प्रभारी-एटीपी को उपरोक्तानुसार आवश्यक कार्यवाही हेतु प्रेषित।
3. समस्त क्षेत्रीय प्रबन्धक/परियोजना अधिकारी, उ0प्र0रा0औ0वि0प्रा0.....।
4. समस्त वरिष्ठ प्रबन्धक(सिविल/विद्युत), उ0प्र0रा0औ0वि0प्रा0.....।
5. प्रभारी (कम्प्यूटर), उ0प्र0रा0औ0वि0प्रा0, मुख्यालय को इस आशय से प्रेषित कि वेबसाइट पर भूमि विकास एवं भवन विनियमन-2018 के संशोधित प्रस्तर को अपलोड कराने हेतु।
6. श्री हर्ष मिस्त्री, सलाहकार, मेसर्स डिलॉयट दुश तोहमात्सू इण्डिया को इस आशय से प्रेषित कि साफ्टवेयर में उपरोक्तानुसार प्रावधान समाहित कराने हेतु।

(अस्मिता लाल)

अपर मुख्य कार्यपालक अधिकारी

3.3.12. Planning Standards for Flatted Factory conversion of Industrial Plots in Industrial Use Zone M0-M4

1. Conversion of non-polluting industrial units to flatted factory shall be permissible in all industrial land use sub-zones other than mixed (M0) /polluting (M1) / household unit (M5) sub-zones. In case of mixed /polluting industrial use sub-zones conversion of only non-polluting units will be allowed if minimum distance between proposed building of flatted factory and abutting property's statutory setback line is 25 m and NOC from Fire Department & UP Pollution Control Board has been obtained for such conversion.
2. In converted flatted factory building, units for readymade garments, handicraft, or any other manufacturing unit as permitted by Authority shall be allowed. In flatted factory complex, each building block shall be planned for single type and its allied manufacturing units only.
3. Maximum permissible FAR and ground coverage and all other norms of building regulations (as amended from time to time) for flatted factory shall be as per the prevailing building bye laws of the authority and difference between maximum permissible FAR at time of allotment and current provision shall be allowed on purchasable basis. This Purchasable FAR will be allowed only if conditions stipulated in building regulations for purchasable FAR are fulfilled.
4. Flatted Factory proposal shall be approved by CEO on recommendation of committee formed for this purpose if original plots area upto 25 acres while original plot area is more than 25 acres, it shall be approved by Authority Board.
5. Flatted Factory will be allowed on industrial plots with minimum gross area of 5 acres and which fulfill all the following conditions:
 - a. Units should have been functional and under production for at least 5 years before date of application for conversion to Flatted Factory and having min. constructed area as per the prevailing rules and regulation of building bye laws of the authority. Minimum Net worth & Turnover of such original Allottee shall be as per below mentioned table:

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Sr. No.	Gross Plot Area	Min. Net worth in each last three financial Year (In Rs)	Min. Turnover in each last three financial Year (In Rs)
1	Upto 3.0 ha	5 Crores	50 Crores
2	More than 3.0 ha and less than 5.0ha.	10 Crores	100 Crores
3	More than 5.0 and less than 10.0 ha.	20 Crores	200 Crores
4	More than 10.0ha.	30 Crores	300 Crores

Or

All units can submit to the concerned authority a joint venture proposal with any interested company which meets minimum Net worth & Turnover criteria as specified in above clause. Detailed guidelines regarding formulation of approval criteria such joint venture shall be decided by the Authority.

- b. Minimum ROW in front of original plot shall be 24 meters and above.
- c. Adequate physical infrastructure like water supply, electricity, drainage, sewerage etc. is as per specified norms of the Authority must be available.
6. The building proposed for flatted factory shall be a new construction or conversion of already constructed building may be allowed for flatted factory provided it can be identified as a part of separate plot subject to structural audit certificate for safety by IIT/NIT as well as UP State Industrial Development Area - Land Development & Building Regulations, 2018
7. Minimum plot area proposed for conversion of Flatted Factory should not be less than 4000 sq. m.
8. Maximum area proposed for conversion to flatted factory shall not be more than 75% of the total plot area and shall be treated as single entity. The original allottee shall retain a minimum of 25% of the gross plot area or the area required as per existing construction whichever is higher.
9. Permission for conversion of flatted factory shall be allowed only once.

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10. Balanced plot area shall be treated as single entity in future for all practical purposes. In future if the allottee wishes to transfer the leftover plot then the same will be allowed to be transferred as single unit only.
11. Allottee shall have to get supplementary deed without change in the ownership executed for clearly demarcating the flatted factory premise area and balance plot area after conversion. Allottee will accordingly get the revised building plan approved for both the premises.
12. Allottee shall make his unit functional on the balanced plot area adhering all mandatory provisions of building regulations and any other provision as decided by Authority from time to time. In future if the allottee wishes to transfer the balanced plot then the same will be allowed to be transferred as single entity to non-polluting unit only.
13. **Development works:** Building construction of flatted factory will be strictly according to the approved building plan and internal development works will be executed by allottee as per approved layout plan, specifications and norms approved by the competent Authority.

Completion certificate against the development and construction work shall be issued by the Chief Executive Officer or any other officer authorized by him after due inspection of specification of Building and development work. The completion certificate may be issued in part/phase-wise development with the condition that every phase/part (proposed for completion) must be self-sustained in itself.

In cases where augmentation of external development work is required for approval of conversion and if such augmentation is technically viable, in such cases the Chief Executive Officer may recommend to the Authority Board for approval of conversion to flatted factory with recovery of charges from allottee.

14. **Maintenance** of internal development, common facility and building excluding sub-leased area, after issue of completion certificate by the Chief Executive Officer or any other officer authorized by him, will be done by the original allottee of the Flatted Factory or by the association of sub-lessee or by any Special Purpose Vehicle (SPV) as decided by the Authority. Before issue of completion certificate original allottee shall

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submit bank guarantee equivalent to gross maintenance charges payable for two years. This bank guarantee shall be returned once the complex has been satisfactorily maintained for five years and a corpus equivalent to gross maintenance charges payable for two years has been formed.

Maintenance for at least first three years after completion of the project shall be the responsibility of the original allottee or until any alternative arrangement has not been done by the Allottee which has been also approved by the Authority. The Allottee/SPV/Association will charge its maintenance charges from transferees of the flatted unit and from the original allottee against the un-transferred units of the building.

15. **Flatted Factory Development Conversion Fees** shall be calculated on the basis of following formula:

Area Proposed for Conversion to Flatted Factory(In sq. m) = X

Current premium or circle rate of the flatted factory plot whichever is higher (In Rupees per sq.m)= Y

Permissible FAR for Flatted Factory at the time of approval as per UPSIDA Building Regulations = A

Permissible FAR on the original plot = B

Conversion Factor = Z

Time Period Elapsed Since Allotment	(Z)
Above 30 Years	7.5%
20-30 Years	10%
10-20 Years	15%
5-10 Years	20%

Conversion fees = $\{(A-B/B) \times 0.3 \times (X \times Y) + Z \times (X \times Y)\}$

The fee shall be deposited by the original allottee 50% payable at the time of principal approval and 50% before issuance of final approval for conversion of flatted factory.

Incase UPSIDA proposes to have telescopic land premiums, then it may follow above mentioned formula or else they may get alternative proposal for conversion fees approved from the Board.

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16. Timeline for completion:

Time allowed for completion of the flatted factory will be as per below mentioned table subject to the condition that if maximum time permissible is earlier as per prevailing policy of the Authority, the same shall prevail.

Sr No	Total Gross Area of Allotted Industrial	Max time permissible for completion of flatted factory from date of approval of application.
1	Upto 5 acres	36 months
2.	From 5 acres upto 15 acres	48 months
3.	Above 15 acres upto 30 acres	60 months
4	Above 30 acres	84 months

In case of plots above 15 acres, at the time of approval of building plan the applicant shall submit phasing plan for the completion of flatted factory, however, first phase shall be completed within 3 years or time period as decided by the Authority from date of approval of Building Plan of flatted factory.

In case allottee fails to complete construction within above stipulated time period, time extension charges will be payable as per prevailing policy by the Authority.

17. **Common Facilities:** Common facilities for captive use shall be allowed upto 15% of maximum of approved FAR as per prevailing provision of Building Regulations and directions. These facilities shall be constructed on pro-rata basis in each phase. Activities permissible under common facilities will be listed by concerned Authority as per their permissibility.

18. **Sub-lease:** The original allottee, working as a developer to the flatted factory premise, shall be allowed to market and/or book and/or enter into agreement with the prospective buyers of flatted factory built up area only after getting the conversion approved by the authority along with the sanction of building plan for flatted factory premise. Sub-lease in each phase shall be allowed only after completion certificate is obtained from the Authority for concerned phase by the original allottee.

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In case where original allottee has not paid complete dues against premium, applicable interest, penalty, and any other applicable charges/dues intimated by the Authority, the allottee shall be bound to deposit complete sub-lease unit cost as per allotment rate and any other charges prior to grant of approval/execution of sub-lease of flatted factory units. The approval of flatted factory building plan from the Authority by the allottee along shall be required.

Sub-lessee shall make unit functional as per prevailing building regulations and policy of concerned authority. In case of failure to do so will pay time extension charges as per prevailing policy of the Authority.

If the original allottee / industry fail to sub lease units reserved for other individual company/industry within 2 years from date of issue of completion certificate, then he/she will be required to pay time extension charges as per prevailing policy of the Authority.

19. Transfer:

In case of phase wise development of flatted factory premise, transfer of built-up area in each phase shall be allowed only after the issue of completion certificate of concerned phase, has been obtained from the authority by the original allottee. Transfer levy shall be calculated on the area permitted for flatted factory. Transfer of sub-leased area (units) shall be allowed after payment of prescribed transfer fees. Transfer fees shall be calculated at the rate of 10% of prevailing premium rate on the flatted factory plot area. Such calculated transfer fees shall be proportionately charged per sq.m on the carpet area of the flatted factory built up space. Further transfer of such flatted factory units shall not be allowed unless unit has been functional for at least 2 years. Thereafter transfer fee shall be levied as per prevailing policy of the Authority.

For Example:

If a permission is sought for building a flatted factory on the premise of 5000 sq.m and the prevailing premium rate is Rs. 15,000/sq.m while the built up area of the flatted factory premise is 9000 sq.m out of which carpet area proposed to be subleased/sublet

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is 7500 sq.m, then transfer fees shall be :

Total Area of Flatted Factory = 5000 sq.m

Total Built up area = 9000 sq.m

Total Carpet Area = 7500 sq.m

Total Transfer Fees due = $5000 \times 15000 \times 10\% = \text{Rs}7,50,000$

Transfer Fees/sq.m on Carpet area = $750000/7500 = \text{Rs}.100/\text{sq.m}$

Therefore, for every sublease area in sq.m, a transfer levy shall be charged Rs.100/sq.m

20. **Lease Rent:** The original allottee must pay off the one-time lease rent of the plot area so proposed for conversion of flatted factory on or before the approval of conversion. In case if permission is sought for existing/proposed to build spaces for conversion to flatted factory, the lease rent of the whole premise shall be paid upfront as one time lease rent. The due amount for one time lease rent shall be calculated as per prevailing policy of the authority and/or as decided by the authority from time to time in this respect. If allottee has deposited one time lease rent against the original plot then amount shall not be refunded or adjusted.
21. All other provisions shall be as per these building regulations.
22. Relaxation of provisions contained in this policy shall be allowed by CEO (upto 25 acres) and by Board (above 25 acres) for conversion undertaken by Central/State Govt or any agency/undertaking of Central/State Govt.

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