

Gurugram Metropolitan Development Authority (Haryana State Industrial and Infrastructure Development Corporation Properties, interests in Properties, Rights and Liabilities) transfer scheme, 2018

HARYANA

India

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Rule

GURUGRAM-METROPOLITAN-DEVELOPMENT-AUTHORITY-HARYANA of 2018

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Gurugram Metropolitan Development Authority (Haryana State Industrial and Infrastructure Development Corporation Properties, interests in Properties, Rights and Liabilities) transfer scheme, 2018Published vide Notification No. S.O.22/H.A.34/2017/S.46/2018, dated 11.4.2018No. S.O.22/H.A.34/2017/S.46/2018. - In exercise of the powers conferred by sub-section (1) of section 46 of the Gurugram Metropolitan Development Authority Act, 2017 (34 of 2017), the Governor of Haryana hereby makes the following transfer scheme for providing and giving effect to the transfer of the properties, interests in properties, rights and liabilities of the Haryana State Industrial and Infrastructure Development Corporation in respect of infrastructure development works, other than internal development works to Authority established under the Gurugram Metropolitan Development Authority Act, 2017, as per and in accordance with the terms of this transfer scheme and for matters incidental and ancillary thereto, namely :-

1. Short title, extent and commencement.

(1) This transfer scheme may be called as the Gurugram Metropolitan Development Authority (Haryana State Industrial and Infrastructure Development Corporation Properties, interests in Properties, Rights and Liabilities) transfer scheme, 2018. (2) This transfer scheme shall extend to the Gurugram Metropolitan Area and shall, further, extend to all properties, interests in properties, rights and liabilities of the Haryana State Industrial and Infrastructure Development Corporation that are located both within and outside the State of Haryana, in so far as such properties, interests in properties, rights and liabilities of Haryana State Industrial and Infrastructure Development Corporation, are related to infrastructure development works, other than internal development works, located in the Gurugram Metropolitan Area. (3) This transfer scheme shall come into force on the 1st April, 2018.

2. Definitions.

(1) In this transfer scheme, unless there is anything repugnant in the subject or context, namely:-(a) "Act" means the Gurugram Metropolitan Development Authority Act, 2017; (b) "assets" means all properties and interests in properties, immovable and movable, of Haryana State Industrial and Infrastructure Development Corporation relating to infrastructure development works, other than internal development works, located in the Gurugram Metropolitan Area, including roads, water supply systems and pipelines, sewerage systems and pipelines, storm water drainage systems and pipelines, green spaces abutting roads, specified parks, buildings, plants, machinery, stores, workshops, and installations pertaining and attached thereto tangible and intangible assets, right of way, benefits, licenses, consents, authorities, registration and powers of every kind, nature and description whatsoever, privileges, liberties, advantages, benefits and approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest (including receivables) of whatever nature and wherever situated; (c) "effective Date" means 1st April, 2018; (d) "liabilities" include all liabilities, debts, duties, obligations and other out-standings including statutory liabilities and government levies of whatever nature and contingent liabilities which may arise in regard to the dealings before the effective date in respect of infrastructure development works of Haryana State Industrial and Infrastructure Development Corporation, other than internal development works, located in the Gurugram Metropolitan Area; (e) "proceedings" include all proceedings of whatever nature including suits, appeals, complaints, petitions, applications, conciliation, arbitration, whether civil or criminal cases or otherwise, in which the Haryana State Industrial and Infrastructure Development Corporation is one of the parties; (f) "Schedules" means the schedules appended to this transfer scheme; (2) Words and expressions used herein and not defined in this transfer scheme but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Classification of properties of the Haryana State Industrial and Infrastructure Development Corporation.

(1) The properties of the Haryana State Industrial and Infrastructure Development Corporation are

classified in the Schedules as follows :-(a)Infrastructure Development Works as set out in Schedule A; and(b)Buildings as set out in Schedule B.(2)If the properties under sub-clause (1) of clause 3 above are subject to security for any borrowings or arrangements in favour of third parties for any financial assistance or obligations taken by the Haryana State Industrial and Infrastructure Development Corporation and the Liabilities in respect thereof are to be classified in the Haryana State Industrial and Infrastructure Development Corporation and Authority, the State Government, may by order to be issued for the said purpose, provide for the apportionment of the liabilities secured by such properties, assets and rights between the Haryana State Industrial and Infrastructure Development Corporation and Authority and upon such apportionment the security shall be applicable to the extent of apportioned liability only.

4. Effects of transfer.

(1)On and from the effective date and subject to the terms and conditions specified in the Act and this transfer scheme, the assets and liabilities, proceedings and records, whether physical or digital, of the Haryana State Industrial and Infrastructure Development Corporation that form part of Schedules A and B shall stand transferred to and vest in Authority absolutely for all intents and purposes, without any further act or thing to be done by the State Government or the Haryana State Industrial and Infrastructure Development Corporation or any person.(2)Upon such transfer, Authority shall, from the effective date, discharge all functions, duties, responsibilities and liabilities with respect to or arising from the transferred properties or the operations and maintenance thereof.(3)Upon such transfer and with effect from the effective date, the loans, subventions and obligations of Haryana State Industrial and Infrastructure Development Corporation shall stand extinguished and cancelled, which shall be in full and final settlement of all claims of Haryana State Industrial and Infrastructure Development Corporation except as set out in this transfer scheme or any other notification as may be issued by the State Government.(4)On such transfer and vesting of the functions provided hereinabove and except as otherwise provided, Authority shall be responsible for all functions, contracts, rights, deeds, schemes, bonds, agreements, arrangements, proceedings and other instruments of whatever nature relating to the properties transferred to it to which the Haryana State Industrial and Infrastructure Development Corporation was a party, subsisting or having effect on the effective date, and in the same manner as the Haryana State Industrial and Infrastructure Development Corporation was liable immediately before the effective date, and the same shall remain in force and effect against or in favour of Authority and may be enforced effectively as if Authority had been a party thereto instead of the Haryana State Industrial and Infrastructure Development Corporation.(5)Nothing in the clause above shall apply to rights, responsibilities, liabilities and obligations in respect of the employees and other personnel of the Haryana State Industrial and Infrastructure Development Corporation and matters relating to employees and other personnel of the Haryana State Industrial and Infrastructure Development Corporation, including statutory dues such as salary, wages, gratuity, pension, provident fund, leave encashment/medical benefits, compensation and retirement benefits.(6)As consideration for the transfer and vesting as specified in this transfer scheme, the State Government shall, by order, notify the balance sheet and financials deemed to have been transferred from the Haryana State Industrial and Infrastructure Development Corporation to Authority.(7)The State Government may, by an order to be issued for the purpose, amend, vary, modify, add, delete or otherwise change the

terms and conditions specified in the Schedules at any time during the provisional period mentioned in clause 7 of this transfer scheme.(8)The rights in the properties or interests in properties transferred to Authority shall be subject to the restrictions and limitations specified in this transfer scheme or in the applicable Schedule.(9)Notwithstanding anything contained in the transfer scheme, the Haryana State Industrial and Infrastructure Development Corporation shall provide right of way access to Authority for infrastructure development works in respect of roads under the ownership, management and control of the Haryana State Industrial and Infrastructure Development Corporation in the Gurugram Metropolitan Area.

5. Rights and obligations of third party.

- Upon the transfer being effected in accordance with the Act and this transfer scheme, the rights and obligations of all persons shall be restricted to Authority to whom the rights, properties, interests in properties or liabilities are assigned and notwithstanding anything contained in any deed, documents, instruments, agreements or arrangements which such person has with the Haryana State Industrial and Infrastructure Development Corporation, the person shall not claim any right or interest against the Haryana State Industrial and Infrastructure Development Corporation.

6. Pending suits, proceedings, etc.

(1)All proceedings of whatever nature by or against the Haryana State Industrial and Infrastructure Development Corporation pending on the effective date shall not abate or discontinue or otherwise in any way pre-judicially be affected by reason of the transfer under this transfer scheme and the proceedings shall be continued, prosecuted and enforced by or against Authority to whom the same are assigned in accordance with this transfer scheme and orders issued thereunder.(2)The proceedings covered under sub-clause (1) above shall be continued in the same manner and to the same extent as it would or might have been continued, prosecuted and enforced by or against the Haryana State Industrial and Infrastructure Development Corporation if the transfer specified in this transfer scheme had not been made.

7. Classifications and transfer of property, rights, assets, liabilities and proceedings to be provisional in the first instance.

(1)The transfer under this transfer scheme, unless otherwise specified in any order made by the State Government, shall be provisional for a period of one year from the effective date.(2)At any time within a period of one year from the effective date, the State Government may, by notified order publish in the Official Gazette, amend, vary, modify, add, reduce, delete or otherwise change the terms and conditions of the transfer including items included in the transfer, and transfer such of the assets, liabilities, proceedings, rights and obligations and forming part of the Haryana State Industrial and Infrastructure Development Corporation to Authority or vice versa, in such manner and on such terms and conditions as the State Government may consider appropriate.(3)On the expiry of the period or one year from the effective date and subject to any directions given by the

State Government, the transfer of assets, liabilities, proceedings, rights and obligations made in accordance with this transfer scheme shall become final.

8. Transfer by operation of law.

- The transfer under this transfer scheme shall operate and be effective pursuant to action of the State Government by notifying this transfer scheme and orders issued in terms of this transfer scheme and without any further act, deed or thing to be done by the State Government, the Haryana State Industrial and Infrastructure Development Corporation, Transferees or any other person, subject to the terms and conditions of this transfer scheme.

9. Decision of State Government to be final.

(1) If any doubt, dispute, difference or issue arises in regard to the transfers under this transfer scheme, then, subject to the transfers under this transfer scheme, then, subject to the provisions of the Act, the decision of the State Government thereon shall be final and binding on all parties. (2) The State Government may, by order notified in the Official Gazette, amend this transfer scheme and make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulties arising in implementing the transfers under this transfer scheme.

'A'

(See item (a) of sub-clause (1) of clause 3) Infrastructure Development Works- Road Network
(Haryana State Industrial and Infrastructure Development Corporation)

Asset ID-119 Shankar Chowk, NH-8 to Old Delhi Road, Dundahera Nominal L = 1545 M, Row= 30 M

Asset ID-120 NH-8 to Old Delhi Road Udyog Vihar Road Nominal L=2078 M, Row= 30 M

Asset ID-121 NH-8 Toll gate to Kapashera Border, Udyog Vihar Nominal L= 1350 M, Row= 30 M
Infrastructure Development Works-Water Supply Network

Serial Number	Assets ID	Description	Length (Mtr)	Size (Mtr)
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1	3142	Rising main Basal to Harsaru	3187	600
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2	3144	Rising Main Harsaru to Sector M7	9000	600
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Infrastructure Development Works- Treated Effluent Channel Sewer & Storm Water

Serial Number	Assets ID	Description	Length (Mtr)	Size (Mtr)
1	3167	Treated effluent channel M15 to Pataudi Road	8450	6x1.65
2	3168	Treated effluent channel Pataudi Road to Badsahpur drain	2250	7x1.65

'B'

(See item (b) of sub-clause (1) of clause 3)Infrastructure Development Works- Building including structure thereon

Serial No.	Sector	Name of Site	Vacant Site	Total Area of Land
1	99	Main pumping station (RAW water) Basai	1 No.	6.50 Acre
2	--	Intermediate Pumping station (RAW Water) Harsaru	1 No.	6.00 Acre
3	M7	Water treatment plant(IMT Manesar) including machinery(i) Rapid Sand Filter- 25 MLD(ii) Slow Sand Filter- 10 MLD	1 No.	17.00 Acre
4	M 15/16	Common EffluentTreatment Plant(i) 25 MLD(ii) 30 MLD	1 No.1 No.	19.00 Acre8.00 Acre