

Industrial Park Scheme, 2008

UNION OF INDIA

India

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Rule INDUSTRIAL-PARK-SCHEME-2008 of 2008

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Industrial Park Scheme, 2008 Notification No S.O. 51(E). Dated 8.1.2008

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Government of India Ministry of Finance Department of Revenue [Central Board of Direct Taxes] Notification New Delhi, The 8th January, 2008 S.O. 51(E). - in Exercise Of The Powers Conferred By Clause (Iii) Of Sub-Section (4) Of Section 80-Ia Of The Income-Tax Act, 1961 (43 Of 1961), The Central Government Hereby Frames The Following Scheme For Industrial Parks, Namely:-

1. Short title, commencement and application.

(1) This Scheme may be called the Industrial Park Scheme, 2008. (2) It shall come into force on the date of its publication in the Official Gazette. (3) The scheme shall be applicable for any undertaking which develops, develops and operates or maintains and operates an industrial park.

2. Definitions.

- In this Scheme, unless the context otherwise requires,-(a) "Act" means the Income-tax Act, 1961 (43 of 1961); (b) "allocable area" means area available for allocation to the units for industrial activity or commercial activity and shall exclude the area utilized for providing common facility or infrastructure facility; (c) "associated enterprise" shall have the same meaning as assigned to it in section 92A of the Act; (d) "commercial activity" means any activity which is not an industrial activity; (e) "common facility" means facilities required for proper functioning of industrial park and commonly shared by all the units located in the industrial park and include facilities like lifts, corridors, industrial canteens, convention/ conference halls, parking, travel desks, security service, first aid centre, ambulance, safety service training facilities; (f) "date of commencement" means the date of obtaining the completion certificate or occupation certificate, as the case may be, from the

relevant local authority, certifying thereby that all the required development activities for the project have been completed;(g)“Form” means a form appended to this Scheme;(h)“industrial park” means a project in which plots of developed space or built up space or a combination, with common facilities and quality infrastructure facilities, is developed and made available to the units for the purposes of industrial activities or commercial activities in accordance with this scheme;(i)“infrastructure facility” means facilities required for development, operation and maintenance of the industrial park and include roads (including approach roads), water supply, sewerage and effluent treatment facilities, solid waste management facilities, telecom network, generation and distribution of power, air conditioning;(j)“industrial activity” means manufacturing activity as defined in section D of the National Classification, 2004, Code issued by the Central Statistical Organisation, Department of Statistics;(k)“industrial unit” means a unit which is,-(i)located in the Industrial Park;(ii)a separate and distinct entity assessable to tax under the provisions of the Act having a separate Permanent Account Number (PAN); and(iii)carrying out industrial activity;(l)words and expressions used in this Scheme and not defined but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. Procedure for approval.

(1)Any undertaking which develops, develops and operates or maintains and operates an industrial park may make an application for notification under clause (iii) of sub-section (4) of section 80-IA of the Act, in the prescribed form, IPS-I, to the Secretary (ITA-1 section), Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, North Block, New Delhi.(2)The Central Board of Direct Taxes shall process the application for approval and notification by the Central Government and for this purpose it may call for reports from other Departments or agencies, as it may deem fit.

4. Criteria for approval.

- An undertaking shall be considered for notification under clause (iii) of sub-section (4) of section 80-IA of the Act, if it fulfills all of the following conditions, namely:-(1)The date of commencement of the Industrial Park should be on or after the 1st day of April 2006 and not later than 31st of March 2009;(2)The area allocated or to be allocated to industrial units shall not be less than ninety per cent of the allocable area;(3)There shall be a minimum of thirty industrial units located in a industrial park;(4)For the purpose of computing the minimum number of industrial units; all units of a person and his associated enterprises will be treated as a single unit.(5)The minimum constructed floor area shall not be less than 50,000 square meters;(6)No industrial unit, along with the units of an associated enterprise, shall occupy more than twenty five per cent of the allocable area;(7)The industrial park should be owned by only one undertaking; and(8)Industrial units shall undertake only manufacturing activity as defined in section D of the National Classification, 2004, Code issued by the Central Statistical Organisation, Department of Statistics.

5. General Conditions.

(1)The industrial park shall be construed as developed on the date of commencement.(2)Tax benefits under the Act will be available to the undertaking only after minimum number of thirty units are located in the Industrial Park.(3)The tax benefits under the Act will be available to the undertaking only if the undertaking and the industrial park have been notified by Central Board of Direct Taxes under section 80-IA of the Act.(4)The tax benefits under the Act will be available only to the undertaking notified by the Central Government and not to any other person who may subsequently develop, develops and operates or maintains and operates the notified industrial park, for any reason.(5)The undertaking must keep separate book of accounts for the industrial park and must file its income tax returns by the due date to the Income-tax department.(6)An industrial park approved under Industrial Park Scheme, 2002 will continue to be governed by the provisions of that Scheme to the extent it is not in contravention with the provisions of Act, as amended from time to time.(7)The undertaking shall electronically furnish an annual report to the Central Board of Direct Taxes in Form IPS-II.

6. Withdrawal of approval.

- The Central Government may withdraw the approval given to an undertaking under this Scheme if the undertaking fails to comply with any of the conditions listed in paragraph 4 and 5 of this Scheme:Provided that before withdrawal of approval, the undertaking shall be given an opportunity of being heard by the Central Government.FORM IPS-I(See Paragraph 3 of the Scheme)Application For Consideration Under The Industrial Park Scheme,2008I.I Name and address of the Undertaking (Indian or International) in full (Block Letters):(a)Registered Address:Name of the Undertaking_____Name of the contact

person_____Postal

Address_____Pin

Code_____Tel. No._____

Telex_____Fax

No._____Cable_____E-mail_____

for correspondence (if different from (a) above):Name of the

Undertaking_____Name of the contact

person_____Postal

Address_____Pin

Code_____Tel. No._____

Telex_____Fax

No._____Cable_____E-mail_____

Registrar of Companies Registration No._____(If registered)III. Status of

Undertaking(1)Central Government Undertaking(2)State Government Undertaking(3)State

Industrial Government Corporation(4)Cooperative Undertaking(5)Joint Sector

Undertaking(6)Private Sector Undertaking(7)Individual Promoter(8)Foreign or Non Resident

Indian or OCB Company(9)Foreign or Non Resident Indian Individual(10)Partnership

Firm(11)Registered Societies(12)Any other (please specify)IV. Equity structure in the

undertaking:-(a)Total Equity of the undertaking (in Rs. Crores)_____(b)Equity

structure (Give brief details of entities holding the equity in the undertaking) S. No. Details of entity
 Percentage of equity held (a) Public holding (b) Private holding Total (c) Details of entities holding more
 than 20 per cent. of equity in the

undertaking:- Name _____ Post _____
 address _____ Pin Code _____ Tel. _____
 No. _____ Fax _____
 No. _____ Email _____ Perman _____
 Account No. _____ Percentage of proposed equity
 holding _____ 2.1 Proposed location of the Industrial Park Address of location of
 Industrial Park (Indicate complete address):- Plot
 No. _____ Name of the Building (if
 any) _____ Survey
 Number _____ Village _____

or
 Tehsil _____ District _____
 Code _____ 2.2 Details of the proposed Industrial
 Park (a) Total proposed constructed floor area (in square metres) _____ (b) Total allocable
 area (in square metres) _____ (c) Proposed allocable area for industrial use (in
 square metres) _____ (d) Proposed allocable area for commercial use (in square
 metres) _____ (e) Allocable area earmarked for industrial use
 (percentage) _____ (f) Allocable area earmarked for commercial
 use (percentage) _____

2.3 Details of manufacturing activities to be undertaken by industrial
 units: 2.4 (a) Minimum number of industrial units to be located _____ (b) Employment
 likely to be generated - Details Direct Indirect Total i) Skilled ii) Semi-skilled iii) Unskilled iv)
 Total 2.5 (a) Proposed investment (Amount in rupees in lakhs) (b) Investment on Infrastructure
 Development (Amount in rupees in lakhs) (c) Percentage of (b) to (a) (d) Complete details of
 infrastructure facilities proposed to be provided in the industrial park S. No. Item of infrastructure
 Investment (Rs. In lakhs) 2.6 Total foreign equity existing (Amount in rupees in lakhs)

_____ 2.7 Expected or Actual Date of Commencement of Industrial Park
 _____ 3.1 Whether the industrial park is located or developed as a separate identifiable
 area 3.2 Whether the industrial park is independent of other projects or is an extension or part of any
 other project 3.3 The nature of title the undertaking holds on the land on which the project is
 situated 3.4 Whether the project is developed under any agreement and if yes, the address
 _____ of other parties (other than applicant) _____ to such an agreement
 _____ 3.5 Whether the applicant undertaking has powers to allow industrial and
 commercial units as proposed in the application to operate from the industrial park mentioned in
 the application. (If there is any type of restrictions in this regard please indicate the
 same) 3.6 Whether all the criteria as mentioned in para 4 of the Industrial Park Scheme, 2008 are
 met or not: (a) The date of commencement of the Industrial Park should be on or after the 1st day of
 April 2006 and not later than the 31st of March 2009; (b) The area allocated or to be allocated to
 industrial units shall not be less than ninety per cent of the allocable area; (c) There shall be a
 minimum of thirty industrial units located in a industrial park; (d) For the purpose of computing the
 minimum number of industrial units; all units of a person and his associated enterprises will be
 treated as a single unit. (e) The minimum constructed floor area shall not be less than 50,000 square

meters;(f)No industrial unit, along with the units of an associated enterprise, shall occupy more than twenty five per cent of the allocable area;(g)The industrial park should be owned by only one undertaking; and(h)Industrial units shall undertake only manufacturing activity as defined in Section D of the National Classification, 2004 Code issued by the Central Statistical Organisation, Department of Statistics.DeclarationI/We hereby undertake to continue to operate the Industrial Park during the period in which the benefits under sub-section 4(iii) of the section 80-IA of the Income-tax Act, 1961 are to be availed.I/We hereby certify that the above statements are true and correct to the best of my/our knowledge and belief.(Signature of Applicant)(Name in Block Letters)(Designation of the Signatory)Place:_____Date:_____List of Enclosures

1.

2.

3.

4.

5.

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7.

8.

_____FORM IPS-II(See paragraph 5 (g) of the Scheme)

1. Name of the Undertaking:**2. Equity structure (Give brief details of entities holding the equity in the undertaking)**

S.No. Details of entity Percentage of equity held(a)Public holding(b)Private holdingTotal

3. Details of entities holding more than 20 per cent. of equity in the undertaking:-

Name_____Post
 address_____Pin
 Code_____Tel.
 No._____Fax
 No._____Email
 Account No._____Percentage of proposed
 equity holding_____

4. Address of location of Industrial Park (Indicate complete address)–

Plot No._____Name of
 the Building (if any)_____Survey
 Number_____Village
 or
 Tehsil_____District
 Code_____

5. Important details

S. No. Items Proposed Actual ReasonsI Capital outlay for the Industrial Park (Rs. In lakhs)II Total Foreign equity existing (Rs. in lakhs)III Allocable area of the Industrial Park (in square metres)IV Number of industrial units in the projectV Employment Generation Direct Indirect Direct Indirecti) Skilledii) Semi-skillediii) Unskillediv) TotalVI Allocable area for Industrial use (percentage)VII Allocable area for commercial use (percentage)VIII Expenditure on Infrastructure developmentIX Details of infrastructure facilities in the park with amount of investment(Rs. In lakhs)S. No. Item of infra-structure (Rs. in lakhs (Rs. in lakhs)X Date of commencement of Industrial Park

6. Detail of industrial units located in the park:

S. No. Name Permanent Account Number (PAN) Nature of manufacturing activity Allocable area

7. List the names of industrial units out of _____ names listed at 6 above, who are associated _____ entrepreneurs in terms of section 92A of the _____