The U. P. Industrial Area Development Act, 1976

UTTAR PRADESH India

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Act 6 of 1976

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The U. P. Industrial Area Development Act, 1976U.P. Act No. 6 of 1976Statement of Objects and Reasons (U.P. Act No. 6 of 2018). - The Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act 6 of 1976) has been enacted to provide for constitution of an Authority for the development of certain areas in the State of Uttar Pradesh into Industrial and Urban township. Due to the fact that the officers and employees posted in authorities namely NOIDA, GREATER NOIDA, GIDA, SIDA, LIDA, YEIDA, UPEIDA and UPSIDA have been working in one place for several years which is affecting the functionality and efficiency therof. With a view to increasing the efficiency and to bring transparency in their working it has been decided to amend the Uttar Pradesh Industrial Area Development Act, 1976 to provide for creating centralised services and for empowering the State Government or any officer authorised by it to transfer any person holding a post in the Industrial Development Authorities Centralised Services from one Industrial Development Authority to another.2. The Uttar Pradesh Industrial Area Development (Amendment) Bill, 2017 is introduced accordingly. [Dated 16th, April, 1976] The Act received the assent of the Governor on 16th April, 1976, and was published in U. P. Gazette (Extraordinary), dated 16th April, 1976. An Act to provide for the constitution of an Authority for the development of certain areas in the State into industrial and urban township and for matters connected therewithIt is hereby enacted in the Twenty-seventh Year of the Republic of India, as follows:

1. Short title and extent.

(1) This Act may be called the Uttar Pradesh Industrial Area Development Act, 1976.(2) It extends to the whole of Uttar Pradesh.

2. Definitions.

- In this Act-(a)"amenities" includes roads, water supply, street lighting and power supply, sewerage, drainage, collection, treatment and disposal of industrial waste and town refuse and other community facilities, services or conveniences as the State Government may, by notification, specify

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to be an amenity for the purposes of this Act;(b)"Authority" means the Authority constituted under Section 3 of the Act;(c)"Chief Executive Officer" means the officer appointed as such under Section 4;(d)industrial development area" means an area declared as such by the State Government by notification;(e)"Occupier" means a person (including a firm or body of individuals whether incorporated or not) who occupies a site or building within the industrial development area and includes his successors and assignes;(f)"transferee" means a person (including a firm or other body of individuals, whether incorporated or not) to whom any land or building is transferred in any manner whatsoever, under this Act and includes his successors and assignes;(g)the words and expressions "building", "development", "to erect a building" and "land" shall have the same meaning as assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.

3. Constitution of the Authority.

(1) The State Government may, by notification, constitute for the purposes of this Act, an authority to be called "(Name of the area) Industrial Development Authority", for any industrial development area.(2) The Authority shall be a body corporate,(3) The Authority shall consist of the following:

- (a) The Secretary to the Government, Uttar Pradesh, IndustriesDepartment or his nominee not below the rank of Joint Secretary -ex officio Member-Chairman.
- (b) The Secretary to the Government, Uttar Pradesh, Public WorksDepartment or his nominee not below the rank of Joint Secretary -ex officio
- (c) The Secretary to the Government, Uttar Pradesh, LocalSelf-Government
 Department or his nominee not below the rank of Joint Secretary -ex officio
- (d) The Secretary to the Government, Uttar Pradesh, FinanceDepartment or his nominee not below the rank of Joint Secretary -ex officio
- The Managing Director, U. P. State Industrial DevelopmentCorporation -ex "
 officio
- (f) Five members to be nominated by the State Government bynotification Member
- (g) Chief Executive Officer Member-Secretary.

(4)The headquarters of the Authority shall be at such place as may be notified by the State Government.(5)The procedure for the conduct of the meetings for the Authority shall be such as may be prescribed.(6)No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in or defect in the constitution of the Authority.

4. Chief Executive Officer.

(1)The Chief Executive Officer of the authority shall be appointed by the State Government and he shall be a whole time officer of the Authority.(2)The Chief Executive Officer shall be entitled to receive from the funds of the Authority, such salaries and allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.(3)The Chief Executive Officer shall exercise such powers and perform such duties as may be specified in the regulations or delegated to him by the Authority.

5. Staff of the Authority.

(1)Subject to such control and restrictions as may be determined by general or special orders of the State Government, the Authority may appoint such number of officers and employees, as may be necessary for the performance of its functions, and may determine their grades and designations.(2)Subject as aforesaid the officers and other employees of the Authority shall be entitled to receive from the funds of the Authority, such salaries and allowances and shall be governed by such other conditions of service as may be agreed upon with the Authority.

5A. [Creation of Centralised Services. [Inserted by U.P. Act No. 6 of 2018, 6.1.2018.]

(1) Notwithstanding anything to the contrary contained in Section 5 or in any other law for the time being in force, the State Government may at any time, by notification, create one or more 'Industrial Development Authorities Centralized Services' for such posts, as the State Government may deem fit, common to all the Industrial Development Authorities, and may prescribe the manner and conditions of recruitment to, and the terms and conditions of service of persons appointed to such service.(2)Upon creation of an Industrial Development Authorities Centralised Service, officer or employee serving on the posts included in such service immediately before such creation, not being a person governed by the Uttar Pradesh Palika (Centralised) Services Rules, 1966 or serving on deputation, shall, unless he opts otherwise, be absorbed in such service, -(a)finally, if he was already confirmed in his post, and(b)provisionally, if he was holding temporary or officiating appointment.(3)An officer or employee referred to in sub-section (2) may, within three months from the creation of such Industrial Development Authorities Centralized Service communicate to the Government in the Industrial Development Department, his option not to be absorbed in such Centralized Service, failing which he shall be deemed to have opted for final or provisional, as the case may be, absorption in such centralized Service. (4) Suitability of officer or employee absorbed provisionally, for final absorption in an Industrial Development Authorities Centralised Service, shall be examined in the manner prescribed and if found suitable he shall be absorbed finally. (5) The services of officer or employee who opts against absorption, or who is not found suitable for final absorption, shall stand determined and he shall, without prejudice to his claim to any leave, pension, provident fund or gratuity which he would have been entitled to, be entitled to receive as compensation from the Industrial Development Authority concerned, an amount equal to -(a)three month's salary, if he was a permanent employee; (b) one month's salary, if he was a temporary employee. Explanation. - For the purposes of this sub-section the term 'salary' includes dearness allowance, personal pay and special pay, if any.(6)It shall be lawful for the State Government or any officer authorized by it in this behalf, to transfer any person holding any post in an Industrial Development Authorities Centralized Service from one Industrial Development Authority to another.]

6. Functions of the Authority.

(1) The object of the Authority shall be to secure the planned development of the industrial

development areas.(2)Without prejudice to the generality of the objects of the Authority, the Authority shall perform the following functions-(a)to acquire land in the industrial development area, by agreement or through proceedings under the Land Acquisition Act, 1894 for the purposes of this Act;(b)to prepare a plan for the development of the industrial development area;(c)to demarcate and develop sites for industrial, commercial and residential purposes according to the plan;(d)to provide infra-structure for industrial, commercial and residential purposes;(e)to provide amenities;(f)to allocate arid transfer either by way of sale or lease or otherwise plots of land for industrial, commercial or residential purposes;(g)to regulate the erection of buildings and setting up of industries; and(h)to lay down the purpose for which a particular site or plot of land shall be used, namely, for industrial or commercial or residential purpose or any other specified purpose in such area.

6A. [Power to authorize a person to provide infrastructure or amenities and collect tax or fee. [Inserted by U. P. Act No. 2 of 1999, Section 2 (w.e.f. 14-8-1998).]

- Notwithstanding anything to the contrary contained in any other provisions of this Act and subject to such terms and conditions as may be specified in the regulations, the Authority may, by agreement, authorize any person to provide or maintain or continue to provide or maintain any infrastructure or amenities under this Act and to collect taxes or fees, as the case may be, levied therefor.]

7. Power to the Authority in respect of transfer of land.

- The Authority may sell, lease or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to the Authority in the industrial development area, on such terms and conditions as it may, subject to any rules that may be made under this Act, think fit to impose.

8. Power of issue directions in respect of erection of building.

(1)For the purposes of proper planning and development of the industrial development area, the Authority may issue such directions as it may consider necessary, regarding-(a)architectural features of the elevation or frontage of any building,(b)the alignment of buildings on, any site.(c)the restrictions and conditions in regard to open spaces to be maintained in and around buildings and height and character of buildings,(d)the number of residential buildings that may be erected on any site,(e)regulation of erection of shops, workshops, warehouses, factories or buildings,(f)maintenance of height and position of walls, fences, hedges or any other structure or architecture constructions,(g)maintenance of amenities,(h)restriction of use of any site for a purpose other than for which it has been allocated,(i)the means to be provided for proper-(i)drainage of waste water,(ii)disposal of industrial waste, and(iii)disposal of town refuse.(2)Every transferee shall comply with the directions issued under subsection (1) and shall as expeditiously as possible erect any building or take such other steps as may be necessary to comply with such directions.

9. Ban on erection of buildings in contravention of regulations.

(1)No person shall erect or occupy any building in the industrial development area in contravention of any building regulation made under sub-section (2).(2)The Authority may by notification and with the prior approval of the State Government, make regulations to regulate the erection of buildings and such regulations may provide for all or any of the following matters, namely,-(a)the materials to be used for external and partition walls, roofs, floors and other parts of a building and their position or location or the method of construction;(b)lay out plan of the building whether industrial, commercial or residential;(c)the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;(d)the ventilation in, or the space to be left about any building or part thereof to secure circulation of air or for the prevention of fire;(e)the number and height of the storeys of any building;(f)the means to be provided for the ingress and egress to and from any buildings;(g)the minimum dimensions of rooms intended for use as living rooms or sleeping rooms and the provision of ventilation;(h)any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings; and(i)the certificates necessary and incidental to the submission of plans, amended plans and completion reports.

10. Power to require proper maintenance of site or building.

- If it appears to the Authority that the condition or use of any site or building is pre-judicially affecting or is likely to affect the proper planning of, or the amenities in any part of the industrial development area or the interests of the general public there, it may serve on the transferee or occupier of that site or building, a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain it in such manner as may be specified therein and in case such transferee or occupier fails to take such steps or to maintain it thereafter, the Authority may itself take such steps or maintain it, and realize the cost incurred on it from such transferee or occupier.

11. Levy of tax.

- [(1) For the purposes of providing, maintaining or continuing any amenities in the industrial development area, the Authority may, with the previous approval of the State Government, levy such taxes as it may consider necessary in respect of any site or building on the transferee or occupier thereof, provided that the total incidence of such tax shall not exceed one per cent of the market value of such site, including the site of the building. Explanation. - For the purposes of this sub-section, the expression 'market value' means, the amount of-(a)consideration, in the case of sale; or(b)premium, in the case of lease; or(c)the minimum value determined in accordance with the rules made under the Indian Stamp Act, 1899, whichever is more.](2)If the State Government considers it necessary or expedient in the public interest.it may, by a general or special order, exempt wholly or partly- any such transferee or occupier or any class thereof from the taxes levied under sub-section (1).

12. Applications of certain provisions of President's Act XI of 1973.

- The provisions of Chapter VII and Sections 30, 32, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53 and 58 of the Uttar Pradesh Urban Planning and Development Act, 1973, as re-enacted and modified by the Uttar Pradesh President's Act (Re-enactment with Modifications) Act, 1974, shall mutatis mutandis, apply to the Authority with adaptation that-(a)any reference to the aforesaid Act shall be deemed to be a reference to this Act;(b)any reference to the Authority constituted under the aforesaid Act shall be deemed to be a reference to the Authority constituted under this Act; and(c)any reference to the Vice-Chairman of the Authority shall be deemed to be a reference to the Chief Executive Officer of the Authority.

12A. [No Panchayat for Industrial Township. [Inserted by U. P. Act No. 4 of 2001, Section 2 (w.e.f. 24-3-2001).]

- Notwithstanding anything contained to the contrary in any Uttar Pradesh Act, where an industrial development area or any part thereof is specified to be an industrial township under the proviso to clause (1) of Article 243-Q of the Constitution, such industrial development area or part thereof, if included in a Panchayat area, shall, with effect from the date of notification made under the said proviso, stand excluded from such Panchayat area and no Panchayat shall be constituted for such industrial development area or part thereof under the United Provinces Panchayat Raj Act, 1947 or the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, as the case may be, and any Panchayat constituted for such industrial development area or part thereof before the date of such notification, shall cease to exist. Explanation. - The expression "Panchayat and Panchayat area" shall have the meanings respectively assigned to them in Part IX of the Constitution.]

[Substituted by U. P. Act No. 18 of 1995, Section 2 (w.e.f. 15-5-1995).]

13. Imposition of penalty and mode of recovery of arrears.

- Where any transferee makes any default in the payment of any consideration money or instalment thereof or any other amount due on account of the transfer of any site or building by the Authority or any rent due to the Authority in respect of any lease, or where any transferee or occupier makes any default in the payment of any fee or tax levied under this Act, the Chief Executive Officer may direct that in addition to the amount of arrears, a further sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.

14. Forfeiture for breach of conditions of transfer.

(1)In the case of non-payment of consideration money or any instalment thereof on account of the transfer by the Authority of any site or building or in case of any breach of any condition of such transfer or breach of any rules or regulations made under this Act, the Chief Executive Officer may resume the site or building so transferred and may further forfeit the whole or any part of the money, if any paid in respect thereof.(2)Where the Chief Executive Officer orders resumption of any site or building under sub-section (1) the Collector may, on his requisition, cause possession thereof

to be delivered to him and may for that purpose use or cause to be used, such force as may be necessary.

15. Penalty.

- Any person who contravenes any provisions of this Act, or rules or regulations made thereunder or any directions issued under Section 8, shall, on conviction be punishable, with fine which may extend to five thousand rupees and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first commission of the offence.

16. Powers of entry, etc.

- The Chief Executive Officer may authorise any person, to enter into or open any land or building with or without assistance, for the purposes of-(a)making any inquiry, inspection, measurement or survey or taking levels of such land or building;(b)examining works under construction or of ascertaining the course of sewers or drains;(c)ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given under this Act or the rules and regulations made thereunder and to take such measurements and do any such other acts as may be necessary for such purpose;(d)doing any other thing necessary for the efficient administration of this Act:Provided that-(i)no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, the owner of the land or building;(ii)sufficient opportunity shall, in every instance, be given to enable women, if any, to withdraw from such land or building;(iii)due regard shall always be had, so far as may be compatible with the exigencies of the purpose of which the entry is made, to the social and religious usages of the occupants of the land or building enacted.

17. Overriding effect of the Act.

- Upon any area being declared an industrial development area under the provisions of this Act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban Planning and Development Act, 1973, or any other development plan under any other Uttar Pradesh Act, with effect from the date of such declaration, be deemed to be excluded from any such plan.

18. Power to make rules.

- The State Government may, by notification, make rules for carrying out the purposes of this Act.

19. Power to make regulations.

(1)The Authority may, with the previous approval of the State Government, make regulation not inconsistent with the provisions of this Act or the rules made thereunder for the administration of

the affairs of the Authority.(2)In particular, and without prejudice to the generality of the foregoing power, such regulation may provide for all or any of the following matters, namely,-(a)the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat;(b)the powers and duties of the Chief Executive Officer;(c)the form of register of application for permission to erect a building;(d)the management of properties of the Authority;(e)fees to be levied in the discharge of its functions;(f)such other matters as are to be provided for in regulation.Notifications

1. Notification No. 4157 III/XVIII-II, dated 17th April, 1976, published in U. P. Gazette (Extraordinary), dated 17th April, 1976.

In exercise of the powers under clause (d) of Section 2, read with Section 3 of the Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act No. 6 of 1976), the Governor is hereby pleased to declare the area comprising the villages mentioned in Schedule; annexed hereto shall be an 'industrial development area', to be called the 'New Okhla Industrial Development Area'.

2. The Governor is hereby further pleased, in exercise of the powers under Section 3 of the said Act, to constitute, in respect of the above-mentioned Industrial Development Area, for the purposes of the said Act, an Authority to be called the 'New Okhla Industrial Development Authority', consisting of the following, namely:

(i)	Secretary of the Government, Uttar Pradesh, IndustriesDepartment,ex officio	Member-Chairman[Under clause (a)]
(ii)	Secretary to the Government, Uttar Pradesh, Public WorksDepartment, ex officio	Member[Under clause (b)]
(iii)	Secretary to the Government, Uttar Pradesh, LocalSelf-Government Department, ex officio	Member[Under clause (c)]
(iv)	Secretary to the Government, Uttar Pradesh, Finance, exofficio	Member[Under clause (d)]
(v)	Managing Director, U. P. State Industrial DevelopmentCorporation Ltd.,ex officio	Member[Under clause (e)]
(vi)	Chairman, U. P. State Electricity Board, ex officio	Member[Nominated under clause (f)]
(vii)	Managing Director, U. P. Jal Nigam, ex officio.	Member[Nominated under clause (f)]
(viii)	Chief Engineer, Irrigation Department, U. P.ex officio.	Member[Nominated under Clause (f)]
(ix)	Chief Town and Country, Planner, U. P.,ex officio.	Member[Nominated under clause (f)]

(x) District Magistrate, Bulandshahrex officio.

Member[Nominated Under

clause (f)]

(xi) Chief Executive Officer, ex officio.

Member-Secretary[Nominated

Underclause (g)]

3. The above-mentioned headquarters of the Authority will be at [OIDA COMPLEX District Ghaziabad].

Schedule

List of 37 villages of tahsil Sikandrabad of district Bulandshahr which shall comprise the "Industrial Development Area" Names of the Villages :

1. Naya Bas. 20. Aghapur

2. Harola Maknapur. 21. Barol.

3. Raghunathpur. 22. Hajipur Upsara(Sardarpur).

4. Chaira Sadatpur. 23. Salarpur.

5. Gijhog. 24. Bhegal Begempur.

6. Mamurag. 25. Dealda.

Sharfabad.
 Nagla Charanpur.
 Balopur.
 Kareka Khawaspur.

Chotpur.
 Chokhaldi.
 Kuresara.
 Haratpur.
 Parthla Khadarpur.
 Yaqubpur.

13. Soner Khazarida 32. Raipur Khadar.

14. Morna. 33. Sultanpur.

15. Suthari. 34. Cheiebalaftabad.16. Chhalera Banjar. 35. Chak Basantpur.

17. Naurangabad Banjar. 36. Shahpur Gardhanpur.

18. Sardarpur. 37. Rohallapur.

19. Naurangabad Khadar.

2. Notification No. 7436-Bha. U./XVIII-11-107, Bha.-85, dated January 28, 1991, published in the U.P. Gazette, Part I, dated 23rd February, 1991.

In exercise of the powers under Section 3 of the Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act No. 6 of 1976), the Governor is pleased to constitute an authority to be called the greater Noida Industrial Development Authority for the industrial development area mentioned in the Schedule given below:

2. The Authority shall consist of the following:

(i)	The Secretary to the Government, Uttar Pradesh, IndustriesDepartment or his nominee not below the rank of Joint Secretary.	Ex-officio member/ Chairman.
(ii)	The Secretary to the Government, Uttar Pradesh, Public WorksDepartment or his nominee not below the rank of Joint Secretary.	Ex-officio member.
(iii)	The Secretary to the Government Uttar Pradesh, Avas Vibhag orhis nominee not below the rank of Joint Secretary.	Ditto.
(iv)	The Secretary to the Government, Uttar Pradesh, Nagar VikasVibhag or his nominee not below the rank of Joint Secretary.	Ditto.
(v)	The Secretary to the Government, Uttar Pradesh, FinanceDepartment or his nominee not below the rank of Joint Secretary.	Ditto.
(vi)	The Managing Director, U. P. State Industrial DevelopmentCorporation, Kanpur.	Ditto.
(vii)	The Chairman, Uttar Pradesh Jal Nigam.	Ditto.
(viii)	The Chairman , U.P.S.E.B. or his nominee not below the rank of Chief Zonal Engineer.	Ditto.
(ix)	The Chief Town and Country Planner, Uttar Pfadesh.	Ditto.
(x)	District Magistrate, Bulandshahr.	Ditto.

Schedule 2

Greater Noida Industrial Development Area

(xii) Chief Executive Officer, Greater Noida.

(xi) District Magistrate, Ghaziabad.

District	Tehsil	Serial No. & Village
1	2	3 & 4

Bulandshahr Sikandrabad (1) Amarpur, (2) AminabadUrfNiyana,(3) Atai Muradpur, (4) Imliyaka, (5) Acher, (6) Banarsi, (7)Kulipura, (8) Kasna, (9) Kyampur, (10) Khanpur, (11) KharliHafijpur, (12) Gujarpur, (13) Girdharpur, (14) Ghanghola, (15)Chuhadpur Khadar, (16) Chachola, (17) Chirsi, (18) Jaitpur, (19)Jainadpur, (20) Dadha, (21) Talada, (22) Tugalpur, (23)Dalelgarh, (24) Dadupur Dankaur, (25) Navada, (26) Daudpur, (27)Nanwaka Rajpur, (28) Namoli, (29) Pipal Ka Suratpur, (30) Povari(31) Baghpur, (32) Bilaspur, (33) Biraunda, (34) Murshadpur,(35) Rampur Majra, (36) Roshanpur, (37) Raghunathpur, (38)Larhpura, (39) Laksar, (40) Salempur Gujar, (41) Sirsa, (42)Haldauna, (43) Pachaytan Inyatpur (44) Astauli (45) AjampurGarhi, (46) Junedpur, (47) Devta,

Ditto.

Member/Secretary

(48) Biraudi Tajpur.

(1) Saini, (2) Bhaula Rawal, (3) Baidpura, (4)Khodna Kala, (5) Pali, (6) Amnabad, (7) Bisrakh Jalalpur, (8)Devla, (9) Gulistapur, (10) Habibpur, (11) Haldauni, (12)Ithara, (13) Jalpura, (14) Khera Chauganpur, (15) KhairpurGujar, (16) Khodna Khoord, (17) Makora, (18) Rampur Jagir, (19)Rasulpur Rai, (20) Sakipur, (21) Sutniyana, (22) ChaprauliBangar, (23) Haivatpur, (24) Mohiyapur, (25) Malakpur, (26)Mubarakpur, (27) Surajpur, (28) Lakhnavali (29) Nalgarha, (30)Kulesra, (31) Begumpur, (32) Bhanota, (33) Shahdara, (34)Sunpura, (35) Tusiyana, (36) Kheri, (37) Thapkhera, (38)Tilpata, Karanvas, (39) Aamka, (40) Chamravali Choraki, (41)Ghori Bachera, (42) Dabura, (43) Junpat, (44) Kirrachpur, (45)Palla, (46) Ajayabpur, (47) Rithauri, (48) Roopvas, (49)Patehpur Rampur, (50) Brahmnanpur GajraulaUrfNavada, (51) Raipur Bangar, (52) Birauri Chakrasainpur, (53) JaitpurVaishpur, (54) Muthrapur, (55) Maryacha, (56) Hamratpur, (57)Sadopur.

Ghaziabad Dadri