



बिहार औद्योगिक क्षेत्र विकास प्राधिकार

प्रथम तल, उद्योग भवन, पूर्वी गाँधी मैदान, पटना-800004

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Office Order

The Board of Directors of BIADA in its meeting held on 15th day of April,2013 considered the previous office order as contained in Memo No. 1547/D dated 30.05.2007 and related orders and resolved by way of clarification and modification of the previous office order as under :

- (a) In case of transfer of ownership of a sole proprietorship firm by way of succession or inheritance or in case of gift/will in favour of near blood relations of the original allottee, BIADA shall charge only a process fee/charge of Rs. 1,000/- alongwith payment of old dues.
- (b) In case of induction of a new partner in a partnership firm by transfer of shares to the extent of below 50%, BIADA shall charge a process fee/charge of a fixed amount of Rs. 5000/- alongwith payment of old dues.
- (c) In case of transfer of ownership of a proprietorship firm and/or majority of share (50% or above) or appointment of managing partner having no capital or below 50% of share in the capital, profit and loss of the partnership firm, BIADA shall treat it a case of change in constitution of firm and transfer of management and control over the entity to whom the allotment has been made/ lease hold right has been granted. Thus in all such cases, a transfer fee equivalent to 15% of the land value at the then prevailing Circle rate (the relevant date of being the date on which the application for transfer is received) along with old dues shall be chargeable.
- (d) In any other case of induction, transfer of otherwise affecting the constitution, management and control of proprietorship firm or a partnership firm not covered by above conditions the BIADA shall charge 15% of the land value at prevailing Circle rate along with payment of old dues in the aforesaid manner.
- (e) In case of same promoters or group of promoters having ownership and control over two or more incorporated companies the lease/allotment granted in favour of one of the companies may be allowed to be transferred in favour of another company of the same promoter or group of promoters for the rest of the period of lease by charging a process fee of Rs. 5,000/- with a condition that the promoters in the transferee company shall not transfer their controlling shares of both the companies (transferor and transferee) to any other person, firm or body corporate. A fresh lease deed shall be executed at the cost of the transferee company with a condition that in case of transfer of controlling share holding by the promoter after grant of lease, the BIADA shall be entitled to initiate the cancellation of the lease and resumption of possession.

- (f) In those cases where after allotment/lease of the land by BIADA in favour of a company, further shares are issued either within the authorized capital disclosed to the BIADA or by increasing the authorized capital after allotment/lease, the promoters having ownership, management and control over the company, shall maintain the ownership management and control all the times either directly or indirectly (through different closely held companies). In case of transfer of ownership, management or control through transfer of existing shares of issuance of further shares it will be taken as a case of change of ownership and the same will attract levy of charge @ 15% of land value (prevailing Circle rate) along with payment of old dues. The relevant date would be the date of application for transfer.
- (g) In case of de-merger of an industrial unit existing on the allotted or leased land of BIADA by a company, the transferee company shall be liable to pay 15% of the land value (prevailing Circle rate) along with payment of old dues. However, only 5000/- will be charged in case of demerger under same management control. Similarly in case of merger of two or more companies under the same management shall have to pay a fee of Rs. 5000/- only.
- (h) In case of transfer of allotted of lease hold land by a company (original allottee) for transfer to its subsidiary company, a process fee of Rs. 5000/- will be charged subject however that the original allottee must maintain its character of being holding company throughout the subsistence of lease, and the ownership, management and control of holding company is not charged so as to attract clause (f). An original allottee cannot transfer the allotted or lease hold land in favour of its subsidiary without executing a registered document.
- (i) In those cases where a fresh lease deed is required to be executed because of the changes as envisaged hereinabove, all cost, charges, dues, and fees applicable on the execution and registration of the fresh deed or document shall be borne by the transferee/new lessee.
- (j) All changes in the name of the proprietorship firm, partnership firm or changes in respect of their construction, formation, partnership deeds etc., should be communicated to BIADA in advance as a condition precedent before making application for recording changes in the records of BIADA and only on approval of BIADA, the same shall be recorded.
- (k) Any changes in the Board of Directors and share holding pattern of a company have to be brought to the notice of BIADA in writing by the allottee/lessee company.
- (l) While considering the change in ownership, management or control, all changes made after the date of allotment shall be considered together.

- (m)** It is clarified that for calculating the prevailing Circle rate, the date of application for transfer shall be the relevant date.

By the order of the Board

Sd/-

Managing Director