

**PROCEEDINGS OF 44th STATE HIGH LEVEL CLEARANCE COMMITTEE MEETING
HELD ON 25.05.2016 AT 2.30 P.M UNDER THE CHAIRMANSHIP OF HON'BLE
CHIEF MINISTER OF KARNATAKA.**

Members present: List attached

Commissioner Industrial Development & Director of Industries & Commerce welcomed the Hon'ble Chief Minister, Hon'ble Minister for Large & Medium Industries and Tourism, Hon'ble Minister for IT/BT, Hon'ble Minister for Agriculture and other members to the meeting. Subjects were taken up for discussion as per the agenda circulated.

SUBJECT-1: PROCEEDINGS OF 43rd SHLCC MEETING

Proceedings of the 43rd SHLCC meeting held on 01.02.2016 were read and recorded.

Proceedings have been circulated to all the members and G.O's have been issued by C & I Department and the same were communicated to the project proponents.

SUBJECT- 2: CONSIDERATION OF NEW PROJECTS FOR APPROVAL

The SHLCC discussed and decided to approve the projects as below.

2.1 PROJECT PROPOSAL OF M/S. SLR METALIKS LTD. TO ESTABLISH 1MTPA CAPACITY STEEL PLANT FOR MANUFACTURE OF STEEL BLOOMS & BILLETS, ROLLED PRODUCTS, DI PIPES, FLAT & LONG STEEL PRODUCTS, TAR ETC AT SY.NOS. OF AYYANAHALLI VENKATAPURA AND NARYANADEVARAKERE, HOSPET TALUK, BELLARY DISTRICT.

Background :	Public Limited company
Product/ Activity :	To establish 1MTPA capacity Steel plant for manufacture of steel blooms & billets, rolled products, DI pipes, Flat & Long steel products, TAR etc.
Extent of Land :	1500 acres of land to be acquired by KIADB as SUC
Location :	Different Sy.Nos. of Ayyanahalli Venkatapura and Naryanadevarakere, Hospet taluk, Bellary district
Investment :	Rs. 3905.00 crores
Employment :	2553 nos.
Promoters :	Mr. Raj Kumar Goel
Networth of the company:	Rs. 84.60 crores

Decision of SHLCC : The Committee noted that the land requested by the company is on the higher side and the project cost is not commensurate to the network of the company. After detailed discussions, the committee decided to deferred the subject to re-examine the proposal.



2.2 PROJECT PROPOSAL OF M/S. BIOCON LTD TO ESTABLISH A UNIT FOR MANUFACTURE OF INJECTABLES, MONOCLONAL ANTI BODIES, OSD PRODUCTION AT JIGANI, ANEKAL TALUK, BANGALORE.

Background :	Public Limited company
Product/ Activity :	Manufacture of Injectables, Monoclonal Anti Bodies, OSD Production
Extent of Land :	87.00 Acres Own
Location :	Plot No 2,3,4,5 exec - /Lease deed from KIA, Jigani, Anekal Taluk, Bangalore.
Investment :	Rs. 1060.00 crores
Employment :	750 nos.
Promoters :	Ms Kiran Mazumdar Shaw
Networth of the company:	Rs. 2584.00 crores

Decision of SHLCC :

The Committee after detailed discussions considered the project and approved the investment proposal with the following assistance.

Details	Approved by SHLCC
Activity:	Manufacture of Injectables, Monoclonal Anti Bodies, OSD Production with an investment of Rs. 1060.00 crores.
Land :	87 acres of own land at Plot No 2,3,4,5 exec - /Lease deed from KIA, Jigani, Anekal Taluk, Bangalore.
Water :	2000000 LPD from BWSSB
Power :	20000 KVA from BESCOM
Pollution Control Clearance :	Promoters were advised to obtain CFE from KSPCB. E.C from MOEF, GOI or DFEE GOK if applicable.
Incentives & Concessions:	As per applicable Policy of the State.
Statutory clearances:	The promoters to take all necessary statutory clearances.
Employment to Local persons:	Promoters to provide local employment in the project as per the Dr. Sarojini Mahishi report and Industrial Policy of the State.

2.3 PROJECT PROPOSAL OF M/S. PEPSICO INDIA HOLDINGS PVT. LTD. TO ESTABLISH BEVERAGES & SNACKS MFG UNIT AT ADAKANALLI INDUSTRIAL AREA, NANJANGUD TALUK, MYSORE DISTRICT.

Background :	Private Limited company
Product/ Activity :	Beverages & Snacks Mfg unit
Extent of Land :	61 acres of KIADB land
Location :	Adakanahalli Industrial Area, Nanjangud taluk, Mysore district
Investment :	Rs. 590.00 crores
Employment :	900 nos.
Promoters :	Mr. Vimal Agarwal
Networth of the company:	Rs. 2621.74 crores

Decision of SHLCC :

The Committee after detailed discussions considered the project and approved the investment proposal with the following assistance.

Details	Approved by SHLCC
Activity:	To establish Beverages & Snacks Mfg unit with an investment of Rs. 590.00 crores.
Land :	61 acres of KIADB land at Adakanahalli Industrial Area, Nanjangud taluk, Mysore district
Water :	4050000 LPD from KIADB
Power :	8000 KVA from CESCO
Pollution Control Clearance :	Promoters were advised to obtain CFE from KSPCB, E.C from MOEF, GOI or DFEE GOK if applicable.
Incentives & Concessions:	As per applicable Policy of the State.
Statutory clearances:	The promoters to take all necessary statutory clearances.
Employment to Local persons:	Promoters to provide local employment in the project as per the Dr. Sarojini Mahishi report and Industrial Policy of the State.



SUBJECT NO.3: RECONSIDERATION OF PROPOSAL

3.1: RECONSIDERATION OF M/S SUMMIT DEVELOPERS PVT. LTD. FOR 28(4) NOTIFICATION UNDER KIAD ACT IN THE LIGHT OF OPINION FROM REVENUE DEPARTMENT AND OTHER AUTHORITIES.

- M/s. Summit Developments Pvt Ltd, Infantry Rd, Bangalore, had submitted an application on 18-03-11 to KUM for approval of an investment plan to establish an IT Park/Commercial space with residential and supporting facilities catering to the requirements of SME Sector of IT/ITES/BPO industry with a proposed investment of Rs 4551 Cr. in 216 acres of land Sy No 223/1,223/2 and 149/2 Tarahunse Village, Jala Hobli, Bangalore North Taluk.
- The subject was placed in the 25th SHLCC meeting held on 14-07-11 for a discussion and was deferred for want of clarification from Revenue Department from the perspective of KLR Act and BIAPPA from the perspective of land utilization pattern.
- Based on the report from Deputy Commissioner Bangalore urban District, Principal Secretary, Revenue Dept has informed KUM on 12-04-2012 that there was no violation of provisions of KLR act by the Company, no objection for approving the project and that the promoters need to take permission for change of land use from the competent authority before implementing the proposed project.
- Further, the subject was again discussed in the 27th SHLCC Meeting held on 13-04-2012 and it was also agreed that KIADB shall acquire the land on 80% consent basis and allot to the project proponents. Accordingly GO CI 139 SPI 2012, Dt: 23-04-12 was issued.
- KIADB has initiated land acquisition proceedings after collecting required deposit from M/s Summit Developments. Notification under section 3(1), 1(3) and 28(1) of KIAD Act was issued on 30.01.2013.
- Hon'ble Chief Minister directed C & I Department to obtain AG's opinion and SHLCC approval before issuing 28(4) notification in view of jurisdiction of both KT & CP Act and KIAD Act. Accordingly AG's opinion was obtained.

The following are the opinion of the Advocate General mentioned in the letter dated 21.11.2013.

Even without resorting to the process of securing change of land use U/s.14A of KT & CP Act, it is open to issue a declaration U/s.3 of KIAD Act if the following steps are adhered to before doing so.

- The Government should balance the requirements of both enactments so as to provide a harmonious construction of both the statutes.
- Before notification U/s. 3(1) of the KIAD Act, the Government should consider the fact that such declaration would result in change of land use.



- There should be a clear indication of the application of mind to all aspects of the matter relating to change of land use where the land is to be declared as an industrial area as against the earlier earmarking for a different purpose.
 - There should be a clear finding that development of such industry is possible only in that area and that area alone is suitable for the purpose and that there is no other alternative.
 - If these steps precede, the decision to notify U/s. 3(1), then the notification U/s.3(1) of the act would be legal and valid.
- The subject was placed in the next SHLCC Meeting for a final decision along with Advocate General's opinion.
- SHLCC in its 34th meeting held on 04.03.2014 resolved not to proceed with final notification by KIADB. The Committee advised the promoters to follow Section 109 of KLR Act route and obtain change of land use from BIAPPA.
- Aggrieved by the decision of the SHLCC, M/s. Summit Developments Pvt. Ltd., represented to the Government on 22.04.2014 and 09.05.2014 to reconsider the decision of 34th SHLCC in view of the notifications issued by KIADB under Section 3(1), 1(3), 28(1), 28(2) and 28(3) and that the land had already become industrial land by virtue of above notifications. Further the company has stated that it was not proper for the Government to back on its decision taken in 2012 after due deliberation in 27th SHLCC.
- In the meantime, on verification of the encumbrances the following facts have been observed.
- i. Government of Mysore granted the 216 acres of land in Survey No. 223/1, 223/2 and 149/2 at Tarahunase village, Devanahali Taluk (Now Bangalore North Taluk) to Mr. Maradi Subbaiah in March 1926 under large landed estates scheme to develop an Agriculture estate.
 - ii. The descendents of Mr. Maradi Subbaiah sold the property to M/s. Bobbli Stud and Agriculture Farm Pvt Ltd., in March 1964, which subsequently changed its name to Ruia Stud and Agriculture Farm Pvt Ltd in 1969 which is in existence from 1970 and changed its name to M/s. Southern Paradise Stud Farm Pvt. Ltd.
 - iii. Government has granted exemption under section 107 (1)(v) of the KLR Act to run the stud farm and retain 216 acres of land for the purpose.
 - iv. A joint development agreement for consent acquisition of 203.5 acres by KIADB and handing over it to Summit Developments Pvt Ltd., for establishment of IT Park/ Commercial space with Residential Apartments has taken place on 24.05.2011 between Southern Paradise Stud and Developments Pvt Ltd., Sapphire Investment Pvt Ltd., and Summit Developments Pvt Ltd.,

v. A joint development agreement has taken place on 09-06-2011 between Mr. Janakiraman – owner of 12 Acres 12 Guntas of land in Sy. No. 149/2 at Tarahunase village.

- In view of the information furnished above, and considering issual of 3(1), 28(1), 28(2) & 28(3) notification by KIADB, payment of Rs.121 crores deposited by the company to KIADB and at the request of the company, the subject was placed before the SHLCC for decision taken in 34th SHLCC and whether the KIADB is to proceed with 28(4) notification.
- The 37th SHLCC meeting held on 27.03.2015 discussed the subject in detail and the decision of SHLCC is as follows:

“Committee after detailed discussion decided to obtain opinion from Revenue Department & BMRDA and to resubmit the proposal.”

- Accordingly, the Karnataka Udyog Mitra has obtained the opinion of Revenue Department and BIAPPA, which is as follows:

ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಯೋಜನಾ ಜಂಟಿ ನಿರ್ದೇಶಕರು ಹಾಗೂ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಬೆಂಗಳೂರು ಅಂತರಾಷ್ಟ್ರೀಯ ವಿಮಾನ ನಿಲ್ದಾಣ ಪ್ರದೇಶ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ, ದೇವನಹಳ್ಳಿ ಇವರು ತಮ್ಮ ಪತ್ರ ದಿನಾಂಕ: 02.09.2015 ರಲ್ಲಿ ನೀಡಿರುವ ಅಭಿಪ್ರಾಯ:

“ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆಯಾಗಿರುವ ಮಹಾ ಯೋಜನೆ ನಕ್ಷೆಯಲ್ಲಿ ಪ್ರಸ್ತಾವಿತ ಜಮೀನುಗಳು ವ್ಯವಸಾಯ ವಲಯದಲ್ಲಿ ಇರುತ್ತದೆ. ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆಗೊಂಡಿರುವ ವಲಯ ನಿಯಮಾವಳಿಯಂತೆ ವ್ಯವಸಾಯ ವಲಯದಲ್ಲಿನ ಜಮೀನುಗಳಲ್ಲಿ IT/ITES/BPO Industries ನ್ನು ಸ್ಥಾಪಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.”

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ, ಕಂದಾಯ ಇಲಾಖೆ (ಭೂಸುಧಾರಣೆ) ಇವರು ತಮ್ಮ ಪತ್ರ ದಿನಾಂಕ: 28.06.2015 ರಲ್ಲಿ ನೀಡಿರುವ ಅಭಿಪ್ರಾಯ:

“ಭೂಸುಧಾರಣೆ ಕಾಯ್ದೆಯನ್ವಯ ಸರ್ಕಾರಕ್ಕೆ ನಿಹಿತಗೊಂಡ ಜಮೀನು ಕಂದಾಯ ಇಲಾಖೆಯ ಅಭಿಪ್ರಾಯ ಪಡೆಯದೇ ಕೃಷಿ ವಲಯದಿಂದ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶವೆಂದು ಘೋಷಿಸಿ ನಂತರ ಕೆಎಐಡಿಬಿ ಕಾಯ್ದೆ 1966ರ ಕಲಂ 28(1) ರಡಿ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಅಧಿಸೂಚಿಸಿದೆ. ಕೆಎಐಡಿಬಿಯು ಸರ್ಕಾರಕ್ಕೆ ನಿಹಿತಗೊಂಡ ಜಮೀನನ್ನು ಅಂದರೆ ಸರ್ಕಾರದ ಶೀರ್ಷಿಕೆಗೆ ಒಳಪಡುವಂತಹ ಜಮೀನನ್ನು ಕಂದಾಯ ಇಲಾಖೆಯ ಅಭಿಪ್ರಾಯ ಪಡೆಯದೇ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಅಧಿಸೂಚಿಸಿರುವುದು ನಿಯಮಾನುಸಾರ ವಾಗಿರುವುದಿಲ್ಲ.”

ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಯೋಜನಾ ಹೆಚ್ಚುವರಿ ನಿರ್ದೇಶಕರು, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು.ರವರು ತಮ್ಮ ಪತ್ರ ದಿನಾಂಕ 11.09.2015ರಲ್ಲಿ, ಪ್ರಸ್ತಿತ ಜಮೀನುಗಳನ್ನು ಬೆಂಗಳೂರು ಅಂತರಾಷ್ಟ್ರೀಯ ವಿಮಾನ ನಿಲ್ದಾಣ ಸ್ಥಳೀಯ ಯೋಜನಾ ಪ್ರದೇಶದ ಸರ್ಕಾರದ ಅನುಮೋದಿತ ಮಹಾಯೋಜನೆಯಂತೆ ಕೃಷಿ ವಲಯಕ್ಕೆ ಕಾಯ್ದಿರಿಸಲಾಗಿದ್ದು, ಅನುಮೋದಿತ ಮಹಾಯೋಜನೆಯ ವಲಯ ನಿಯಮಾವಳಿಗಳಂತೆ ಕೃಷಿ ವಲಯದಲ್ಲಿ IT/ITES/BPO ಕೈಗಾರಿಕೆಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲವೆಂದು ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ಬೆಂಗಳೂರು ಅಂತರಾಷ್ಟ್ರೀಯ ವಿಮಾನ ನಿಲ್ದಾಣ ಪ್ರದೇಶ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರ ರವರ ಅಭಿಪ್ರಾಯವನ್ನೇ ಪುನರುಚ್ಚಿಸಿರುತ್ತಾರೆ.

- In the meantime, the company has filed a Writ Petition no. 32699/2015 on 04.08.2015 in the Hon'ble High Court of Karnataka making the State of

Karnataka and others as 'Respondents' and applicant's prayer is mentioned below:

- a) *Issue direction to Government to issue final notification u/s 28(4) of KIAD Act in respect of the subject land.*
- b) *Issue direction to complete the acquisition proceedings in respect of the scheduled property and handover the possession of the same to the Petitioner.*
- c) *Issue direction to execute Absolute Sale Deed in favour of the Petitioner.*
- d) *Issue direction to pay an amount of Rs. 39.00 crores as compensation for the interest liability suffered by the Petitioner on account of delay in completion of acquisition proceedings with further interest till the date of payment of the same.*
- e) *Award costs of these proceedings in favour of the Petitioner.*
- f) *Pass other Orders as Hon'ble Court may deemed fit on the facts and in the circumstances of the case and in the interest of justice and equity.*

- The Additional Advocate General of Karnataka vide his letter dated 05.09.2015 informed the Government that the matter came up before the Court on 03.09.2015 and the Hon'ble Court has taken serious note of the fact that since the Petitioner has deposited Rs 121.16 Crores in the year 2012-13 for acquisition, but the Government is unnecessarily delaying the matter to take a decision either to issue final notification or not. On account of delay, the Hon'ble Court has also intimated that the Government has to pay interest on the said amount on account of delay. Further the matter was posted on 10.09.2015 and the Hon'ble Court has directed that decision should be taken within that date and to be informed to the Court.
- The Government vide letter dated 07.09.2015 informed the Advocate General, High Court of Karnataka that the opinion of Revenue Department and BIAPPA has to be placed before the next SHLCC for discussion and decision, accordingly he was requested to defend the Government and to seek additional 2 months time from the Hon'ble Court for taking suitable decision.
- The Hon'ble Court vide Order dated 10.09.2015 has given direction, as mentioned below:

"The learned Government Advocate submits that proposals of Revenue Department and BMRDA are placed before the SHLCC. If that is so, the SHLCC may convene the meeting so as to enable the Government Advocate to have his say by 15th September 2015. The reasons for this though is manifold, nevertheless Rs. 121.16 Crores is in deposit with the KIADB from 04.07.2012 and 14.06.2013 in installments.



According to learned counsel, that entire project, envisages employment for 3 lakhs of citizens and there is a legitimate expectation of several Stakeholders.

Keeping in view of the good governance of the State of Karnataka, it is hoped that SHLCC could convene the meeting and complete process. Re-list on 15.09.2015."

The case was re listed on 15.09.2015.

- Based on the direction of the Hon'ble High Court and opinion received from BIAPPA and Revenue Department, the subject was discussed in the 40th SHLCC Meeting held on 14.09.2015 and the decision of SHLCC is mentioned below:

"In light of the different views of Revenue Department over a period of time, it was decided to request for 10 days time from the Hon'ble High Court to examine the opinions and to take a considered view.

Committee directed Revenue Department to examine, if any, such permissions of exemptions were given earlier.

Committee decided to meet after 10 days".

- The Government vide letter dated 14.09.2015 informed the decision of 40th SHLCC held on 14.09.2015 to the Advocate General, High Court of Karnataka and requested to seek additional 20 days time from the Hon'ble High Court.
- The Additional Advocate General of Karnataka vide his letter dated 26.09.2015 informed the Government that the matter came up before the Court on 15.09.2015 and the Hon'ble Court after hearing the matter for some time, was pleased to adjourn the same to 06.10.2015 to enable the State to take necessary steps in the matter.
- ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ, ಕಂದಾಯ ಇಲಾಖೆ (ಭೂ ಮಂಜೂರಾತಿ-3) ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಂಇ 41 ಎಲ್‌ಆರ್‌ಎಂ 2014, ದಿನಾಂಕ: 29.09.2015 ರಲ್ಲಿ ಕೆಳಕಂಡಂತೆ ಅಭಿಪ್ರಾಯ ನೀಡಿರುತ್ತಾರೆ.

"ಮೇಲ್ಕಂಡ ವಿಷಯದ ಬಗ್ಗೆ ದಿನಾಂಕ: 14.09.2015 ರಂದು ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಉನ್ನತಾಧಿಕಾರಸ್ಥ ಸಮಿತಿ ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಿದಾಗ ಕಂದಾಯ ಇಲಾಖೆಯು ಮರುಪರಿಶೀಲಿಸಿ ತನ್ನ ಅಭಿಪ್ರಾಯವನ್ನು ತಿಳಿಸಬೇಕೆಂದು ತೀರ್ಮಾನಿಸಿರುವುದರ ಕಡೆಗೆ ಗಮನ ಸೆಳೆಯಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

ಈ ವಿಷಯದ ಬಗ್ಗೆ ಮರುಪರಿಶೀಲಿಸಲಾಗಿ, ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ಕಾಯ್ದೆ, 1961ರ ಕಲಂ 107 ರಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಅನುಮತಿಯನ್ನು ಪರಾಮರ್ಶಿಸಿ / ಬದಲಾಯಿಸಿ ಸದರಿ ಕಾಯ್ದೆಯ ಕಲಂ 109 ರಡಿಯಲ್ಲಿ ಅನುಮತಿಯನ್ನು ನೀಡಿರುವ ಪೂರ್ವ ನಿರ್ದೇಶನಗಳು ಕಂಡು ಬರುತ್ತಿಲ್ಲ. ಅಲ್ಲದೇ ಈ ಕುರಿತು ಕಾನೂನು ಇಲಾಖೆಯೊಡನೆ ಮತ್ತೊಮ್ಮೆ ಸಮಾಲೋಚಿಸಿ ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಪ್ರಶ್ನಿತ ಸ್ವತ್ತು ದಿನಾಂಕ: 07.04.1927 ರಲ್ಲಿ ಶ್ರೀ ಮರಡಿ ಸುಬ್ಬಯ್ಯ ಎಂಬುವವರಿಗೆ ಮಂಜೂರಾದ ಸ್ವತ್ತು ಎಂದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಸ್ವತ್ತಿನ ಕುರಿತು ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಆರ್‌ಡಿ 114 ಎಲ್‌ಜಿಬಿ 1994, ದಿನಾಂಕ: 11.03.1997 ರಲ್ಲಿ ನಿಬಂಧನೆಗೊಳಪಟ್ಟು ಸದರಿ ಸಂಸ್ಥೆಗೆ ಜಮೀನನ್ನು ಹೊಂದಲು ಅವಕಾಶ ನೀಡಲಾಗಿದ್ದು, ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ಕಾಯ್ದೆ, 1961ರ ಕಲಂ 107(1)(ಗಿ) ಹಾಗೂ ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ನಿಯಮಗಳು, 1974ರ ನಿಯಮ 38ಎ ಅನ್ನು ಓದಿಕೊಂಡಂತೆ ನೀಡಲಾದ ವಿನಾಯಿತಿಯನ್ವಯ ಯಾವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಜಮೀನನ್ನು ಪಡೆಯಲು ವಿನಾಯಿತಿ ಪಡೆಯಲಾಗಿತ್ತೋ ಅದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂತಹ ಜಮೀನನ್ನು ಬಳಸುವುದು ಅವಶ್ಯಕ. ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಟೇಟ್ ಫಾರ್ಮ್‌ಗೆ ಪಡೆಯಲಾದ ಅನುಮತಿಯನ್ನು ಅನುಸರಿಸದೇ ಇದ್ದಲ್ಲಿ ಸ್ವತ್ತನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಅಧ್ಯರ್ಪಣೆ

ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಹೀಗಿರುವಾಗ ಪ್ರಸ್ತುತ ಸ್ವತ್ತಿನ ಭೂ ಬಳಕೆ ಕುರಿತು ಸಂಸ್ಥೆಯು ಬದಲಾವಣೆ ಕೋರಿದ್ದಲ್ಲಿ ಸದರಿ ಸ್ವತ್ತನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಅಧ್ಯರ್ಪಿಸಬೇಕಾಗುತ್ತದೆ. ಈಗಾಗಲೇ ತಿಳಿಸಿದಂತೆ ಕಂದಾಯ ಇಲಾಖೆಯ ಅಭಿಪ್ರಾಯ ಪಡೆಯದೆ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶವೆಂದು ಘೋಷಿಸಿರುವುದು ನಿಯಮಾನುಸಾರವಾಗಿರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ಕಾಯ್ದೆಯ ಕಲಂ 107(1)(ಗಿ)ರ ಅಡಿ ನಿರ್ದಿಷ್ಟ ಉದ್ದೇಶಕ್ಕಾಗಿ ನೀಡಲಾಗಿರುವ ಅನುಮತಿಯನ್ನು ಹಿಂಪಡೆದು ಸದರಿ ಕಾಯ್ದೆಯ ಕಲಂ 109 ರಡಿ ಅನುಮತಿ ಎಂದು ಪರಿಗಣಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ಕಾನೂನು ಇಲಾಖೆಯು ಅಭಿಪ್ರಾಯವನ್ನು ದಿನಾಂಕ: 28.09.2015 ರಂದು ನೀಡಿರುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ (ದಿನಾಂಕ: 28.06.2015) ಕಂದಾಯ ಇಲಾಖೆಯು ಈಗಾಗಲೇ ತಿಳಿಸಿರುವ ಅಭಿಪ್ರಾಯವನ್ನು ಪುನರುಚ್ಚರಿಸಿದೆ ಎಂಬುದಾಗಿ ತಿಳಿಸಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ."

➤ The subject was placed before the 41st SHLCC meeting held on 05.10.2015 for suitable decision. The decision of the SHLCC is as follows:

i. The Government vide order No. RD 114 LRM 1994 Dated: 11.03.1997 has granted exemption under Sec 107(1)(v) of the KLR Act 1961, to run the stud farm and retain 211.04 acres of land solely for the purpose. The above exemption is subject to Sec 110 of the KLR Act 1961.

ii. In light of the opinion of Revenue Department vetted by the Law Department, that if the activity is changed to other purpose, the said land has to revert back to the Government as per sec 110 of the KLR Act, acquiring the land by KIADB or by the Company under sec 109 of KLR Act does not arise as it amounts to violation of Karnataka Land Reforms Act 1961. The BIAPPA has also informed that the proposed land is in agricultural zone as per Master Plan and IT/ITES/BPO industry cannot be established in agricultural zone.

iii. The State Government is committed in attracting investments to the State and facilitate the investors to implement their projects, but not in violation of the prevailing Acts/ Rules / Regulations.

iv. After detailed discussion, Committee decided that the Government cannot acquire the proposed land for IT/ITES/BPO project due to above mentioned reasons, however, in the interest of encouraging investment in the State, the Government may allot alternate land in one of the KIADB Industrial Area in and around Bangalore or the Company may identify alternate land for the project for acquisition by KIADB.

➤ The Hon'ble Court vide Order dated 6.10.2015 has given direction, as mentioned below:

"In order to extend reasonable time to the State to have its say in the matter, relist on 15.10.2015."

➤ The Government vide letter dated 14.10.2015 informed the decision of 41st SHLCC held on 05.10.2015 to the Advocate General, High Court of Karnataka and requested to appear personally before the Hon'ble Court and defend the decision of the 41st SHLCC held on 5.10.2015.

➤ The Hon'ble Court vide Order dated 29/10/2015 has given direction, as mentioned below:

Sri.Ponnanna, learned AAG submits that the State High Level Clearance Committee (for short, SHLCC) in its 41st meeting held on 05.10.2015 resolved not to acquire the proposed land for IT/ITES/BPO project on the premise that: (a) land when permitted to be used as stud farm in view of the exemption under Section 107(1)(v) of the Karnataka Land Reforms Act, 1961 (for short, KLR Act), subject to Section 110 of the said Act, should be put to use for the said purpose; (b) the opinion of the Revenue Department as vetted by the Law Department, that if the activity is changed from that of the stud farm, the land would revert to the State Government as per Section 110 of the KLR Act; (c) acquiring the land by Karnataka Industrial Area Development Board (for short, KIADB) or by the Company under Section 109 of the KLR Act does not arise as it amounts to violation of KLR Act, 1961 and; BIAPPA it is said informed the SHLCC that proposed land is in agricultural zone as per the Master Plan and IT/ITES/BPO industry cannot be established in agricultural zone. The SHLCC it is submitted observed that although the State Government is committed in attracting investments to the State and facilitate the investors to implement their projects, nevertheless not in violation of the prevailing Acts/Rules/Regulations, hence may allot alternate land in one of the KIADB Industrial Area in and around Bengaluru and the Company may identify alternate land for the project for acquisition by KIADB.

Sri.Ponnanna, learned AAG submits that the aforesaid decision is in the wisdom of the Committee while under Section 28(4) of the KIADB Act, the State Government is entitled to decide not to acquire the land.

Sri.S.G.Pandit, learned counsel for BIAPPA submits that in the Comprehensive Development Plan, (CDP), the land is in agricultural zone, hence the question of establishing an industrial area does not arise. To a question, as to whether such an objection tantamounts to contempt of Court, regard being had to authoritative pronouncement of law in (M.S.Moses Vs. State of Karnataka) ILR 1991 KAR 770 (DB) following the decision in (Kulkarni Vs. Assistant Commissioner) 1976(1) KLJ 290 pointing out that provisions giving overriding effect to the Acts are found in Section 47 of the Industrial Areas Development Act of 1966 and Section 76M of the Town and Country Planning Act of 1961 and therefore the provisions of the later Act must be given overriding effect, Sri.Pandith submits that he would have to secure instructions over the use of the word 'avakashaviruwudilla' in its letter dated 07th September, 2015 (Annexure R2) to the statement of objections.

Sri.R.V.S.Naik, learned counsel for the petitioner submits that it was the SHLCC which permitted the petitioner to seek advice over purchase of the land invoking under Section 109 of the KLR Act and at the instance of the petitioner, pointing out to the law in force that it is unavailable, the SHLCC withdrew the suggestion. In other words, learned counsel submits that the question of purchase of land invoking Section 109 of the KLR Act does not arise. Learned counsel further submits that declaring the land by the State as industrial area by a notification dated 30.01.2013 under Section 3(1) of the KIAD Act, although the land is a stud farm is not in violation of Section 107 of the said KLR Act. Learned counsel hastens to submit that the reasons assigned by SHLCC not to acquire the land, are not only whimsical, but are also in the nature of drawing wool over the eyes of the Court, hence not justified. It is further submitted that the State Government, on many an occasion not opposed acquisition of lands, subject matter of grant under the



Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978. Learned counsel submits that objections, to the acquisition are not with good intentions and in any event, not in the direction of fulfilling the promise extended to the petitioner in the global investors meet, held on 07th and 08th of June 2012, at Bengaluru International Centre, Tumakuru Road, Bengaluru. As regards the overriding effect of the KIADB Act, 1966, learned counsel reiterates the proposition of law laid down in H.G.Kulkarnis case followed in Moses case, supra.

Suffice it to notice (i) the order sheet dated 06.10.2015 recording in great elaboration the case of the parties as advanced, (ii) the contents of the proceeding of the 41st meeting of SHLCC more appropriately at Sl.No.3 therein, extracting in extenso, the minutes of all its earlier meetings, leading to the Government letter dated 07.09.2015, addressed to the Learned Advocate General that opinion of the Revenue Department and BIAPPA is to be placed before the SHLCC for discussion and decision.

If the land in question is permitted to be used as a stud farm after an exception granted by the State under Section 107 of the KLR Act, and if the land falls within the green belt under the C.D.P., it is unknown in law as to how an acquisition of the same under the KIAD Act, 1966 would violate the provisions of KLR Act, 1961. The single statement that it violates KLR Act 1961 only demonstrates that the SHLCC failed in its duty to apply its mind, more so when the Committee is said to consist of High ranking IAS officers and a Minister for Large and Medium Industries and Tourism well known for acquisition of large tracts of lands in past ministries, for industrial purposes. In view of the decision in Moses case, supra, BIAPPA's objection is unfounded. Apparent bias is palpable.

In short, the reasons assigned by the SHLCC cannot but be said to be imperfect, based on imperfect knowledge of law as well as incorrect proposition of law by way of objections of BIAPPA. It occurs to the mind of the Court that the SHLCC was surrounded by opinions, which are neither legal nor justifiable.

Government Advocate to place before the Court, the opinion of the Law Secretary, as also of other Authorities, taken into consideration by the Committee. List on 02.11.2015.

- The Hon'ble Court vide Order dated 02/11/2015 has given direction, as mentioned below:

In compliance with the order dated 29.10.2015, Sri.A.S.Ponnanna, learned AAG places, for the scrutiny of the Court, the note put of the Head of Legal Cell which does not indicate making reference to the notification of the State Government under Section 3(1) of the Karnataka Industrial Areas Development Act, 1966, for short KIAD Act declaring the area as Industrial Area as well as the authoritative pronouncement of this Court in M.S.Moses v- State of Karnataka observing that KIAD Act overrides The Karnataka Town and Country Planning Act, 1961. In other words, what is not forthcoming is that though the land is put to use for a Stud Farm pursuant to an exemption under Section 107 of the Karnataka Land Reforms Act, 1961, nevertheless such land when declared as an industrial area in terms of the notification

issued by the State, it is permissible for the State Government to permit the change of land use from agriculture/stud farm to industrial purpose in exercise of power under Section 14-A of the Karnataka Town and Country Planning Act, 1961, in the light of Judgment in Moses case (supra).

It is, therefore, appropriate for the SHLCC to reconsider its decision in the 41st Meeting held on 5.10.2015 in the light of Moses case.

It is also necessary to notice the submission of Sri.S.G.Pandit, on instructions of Principal Secretary, BIAPPA, that though no opinion is rendered, nevertheless what is brought to the notice of the SHLCC is the fact that lands in question fall within the agricultural zone under comprehensive development plan and nothing more. This too, not being an opinion rendered by BIAPPA either against or in favour of acquisition of the land, the SHLCC would be well advised to redo its decision. Re-list on 30.11.2015.

- The Hon'ble Court vide Order dated 30/11/2015 has given direction, as mentioned below:

"The Government to conclude its proceedings and report by 15.12.2015."

- The Hon'ble Court vide Order dated 18/12/2015 has given direction, as mentioned below:

"Relist on 12.01.2016"

- The subject was placed before the 42nd SHLCC meeting held on 4.01.2016 and the decision is mentioned below:

"The Committee noted that the matter is coming before Hon'ble High Court of Karnataka on 12.01.2016. After detailed discussions, the Committee resolved to take action as per the decision taken in the 41st SHLCC meeting held on 05.10.2015. The decision taken in the 41st SHLCC meeting is reiterated as below:

- i. The Government vide order No. RD 114 LRM 1994 Dated: 11.03.1997 has granted exemption under Sec 107(1)(v) of the KLR Act 1961, to run the stud farm and retain 211.04 acres of land solely for the purpose. The above exemption is subject to Sec 110 of the KLR Act 1961.
- ii. In light of the opinion of Revenue Department vetted by the Law Department, that if the activity is changed to other purpose, the said land has to revert back to the Government as per sec 110 of the KLR Act, acquiring the land by KIADB or by the Company under sec 109 of KLR Act does not arise as it amounts to violation of Karnataka Land Reforms Act 1961. The BIAPPA has also informed that the proposed land is in agricultural zone as per Master Plan and IT/ITES/BPO industry cannot be established in agricultural zone.



- iii. The State Government is committed in attracting investments to the State and facilitate the investors to implement their projects, but not in violation of the prevailing Acts/ Rules / Regulations.
- iv. Committee decided that the Government cannot acquire the proposed land for IT/ITES/BPO project due to above mentioned reasons, however, in the interest of encouraging investment in the State, the Government may allot alternate land in one of the KIADB Industrial Area in and around Bangalore or the Company may identify alternate land for the project for acquisition by KIADB.

The Committee also noted the observation of Hon'ble High Court of Karnataka in its order dated 29-10-2015, which is mentioned below:

"The single statement that it violates KLR Act 1961 only demonstrates that the SHLCC failed in its duty to apply its mind, more so when the Committee is said to consist of High ranking IAS officers and a Minister for Large and Medium Industries and Tourism well known for acquisition of large tracts of lands in past ministries, for industrial purposes. In view of the decision in Moses case, supra, BIAPPA's objection is unfounded. Apparent bias is palpable.

In short, the reasons assigned by the SHLCC cannot but be said to be imperfect, based on imperfect knowledge of law as well as incorrect proposition of law by way of objections of BIAPPA. It occurs to the mind of the Court that the SHLCC was surrounded by opinions, which are neither legal nor justifiable."

The Committee expressed its concern on observations made by the Hon'ble High Court as mentioned above and advised the Chief Secretary to request the Advocate General to attend the case personally on 12-01-2016 and defend the case as per the decision of SHLCC and also to request the Hon'ble High Court to expunge the observations made by the Hon'ble High Court."

- The Government vide letter dated 11.01.2016 informed the decision of the 42nd SHLCC meeting held on 4.01.2016 to the Advocate General, High Court of Karnataka and requested to appear personally before the Hon'ble Court and defend the decision of the 42nd SHLCC held on 04.01.2016 and also to request the Hon'ble High Court to expunge the observations made by the Hon'ble High Court as mentioned above.
- The Hon'ble Court vide Order dated 12.01.2016 has given direction, as mentioned below:

"Learned Advocate General submits that the SHLCC has complied with the directions issued by this Court and that the recommendation placed before the State Government is yet to be considered and requires two weeks time."

- The Government vide letter dated 25.01.2016 informed the Advocate General, High Court of Karnataka that the Government agrees the decision of 42nd SHLCC meeting held on 4.01.2016 and cannot go ahead with 28 (4) notification under KIAD Act.



- Also the Government vide letter dated 25.01.2016 has requested the Advocate General, High Court of Karnataka to file a Writ Appeal on the observations made by the Hon'ble Court on 29.10.2015.
- The Hon'ble High Court in its order dated 11.4.2016 has expunged all those observations made against the senior officers and the Hon'ble Minister for Industries in the order dated 29.10.2015 and disposed of the Writ Petition.
- M/s Summit Developments Pvt. Ltd. vide letter dated 8.02.2016 has made a representation to the Hon'ble Chief Minister requesting to consider issue of final notification U/s 28(4) of KIAD Act, explaining the sequence of events from 2012 to 2016.
- The Government has asked the opinion of Advocate General regarding acquisition of land measuring 216 acres situated at Tarahunase village, Bengaluru Rural District in favour of M/s Summit Developments Pvt. Ltd. for setting up of IT/ITES Industrial Park
- *The Advocate General has given opinion on 21.03.2016, which is mentioned below:*

"The file has been sent for giving my opinion with respect to the acquisition of lands measuring 216 Acres situated at Tharahunase Village, Bengaluru Rural District in favour of M/s. Summit Developers Pvt. Limited, for the formation of IT and ITE Industrial Park as approved in principle by the State High Level Clearance Committee (SHLCC) in its 27th meeting on 13.4.2012 and the Government Order dated 23.4.2012 along with the Addendum dated 28.5.2012.

I have perused the entire file, including the various meeting proceedings of the SHLCC, the writ proceedings in Writ Petition No.32699/2015 and the various judgments of the Hon'ble High Court and Supreme Court covering this aspect of the matter and all other relevant material.

It is necessary to firstly bring out the facts in issue for the purpose of providing legal opinion as sought by the State Government.

M/s. Summit Developers Pvt. Limited (Project Proponent) submitted a proposal in March 2011, to the Karnataka Udyog Mitra, which is a Nodal Agency with respect to the SHLCC. The said proposal, since involving investment of more than 50 Crores, was put up before the State High Level Clearance Committee for its consideration.

The SHLCC took up the proposal in its 27th meeting held on 13.04.2012, under the Chairmanship of the Hon'ble Chief Minister of Karnataka. The Committee approved the proposal to establish IT park/Commercial with residential and supporting facilities catering to the requirements of IT/ITES/BPO Industry in the land situated at Tharahunase Village, Jala Hobli, Bengaluru North Taluk, Bengaluru Rural District. In principle, the proposal provided for investment of Rs.4500 Crores, providing employment to about 3 Lakh people. SHLCC vide its approval was also to provide the following infrastructural assistance. Land measuring 216 acres 4 guntas at Survey No.223/1 and 149/2 of Tharahunase Village, Bengaluru Rural District was to be acquired by the KIADB and allotted

to M/s. Summit Developments Pvt. Limited as SUC while approving its proposal. The opinion of the Principal Secretary, Department of Revenue was taken into consideration by SHLCC, while approving the proposal. As per the opinion of the Revenue Department, it was stated that *"there is no violation either under Land Grant Rules 1969 or under the Land Reforms Act 1961. The subject land is in the green belt. Since, the project is for I.T Park (including Commercial and Housing), the project proponent shall obtain permission/clearances from the appropriate Authorities. Thereafter, to obtain change of land use under the existing Acts/Rules from the appropriate Planning Authority and thereafter to obtain approval from the Government"*

The project proponent was to submit the consent for at least 80% of the extent of land from the owners. The other normal conditions with respect to water, power, environment and other statutory clearance were also indicated.

Thereafter, based on the proceedings of SHLCC, the State Government issued an order dated 23.04.2012 to approve in principle, the proposal of M/s. Summit Developers Pvt. Ltd to establish IT Park/Commercial with residential and supporting facilities, catering to the requirements of SME Sector of IT/ITES/BPO Industry project at Tharahunse Village, Jala Hobli, Bangalore North Taluk, Bangalore District. The identical infrastructure facilities, incentives, and concession as stated in the SHLCC meeting proceedings with similar conditions was also provided and stipulated under the Government Order. That, by an Addendum dated 28.5.2012, the Government Order dated 23.4.2012 was modified. The following words were inserted.

"identified area for the project was the only area suitable for the development of the project as there was no suitable alternate land available in the vicinity for the project."

Thereafter, by a communication dated 5.5.2012, the Karnataka Biotechnology and Information Technology Services called upon M/s. Summit Developments Pvt. Limited to sign the MOU for the purpose of the project in the Global Investors Meet scheduled on 7th and 8th June 2012. The MOU dated 7.6.2012 was also signed at the Global Investment Meet. In the meantime, on 9.5.2012, a communication was addressed to the KIADB by M/s. Summit Developments Pvt. Limited bringing to its notice the payment of Rs.10,000/- as processing fee, with a request to proceed with the acquisition.

In compliance of the conditions imposed by the SHLCC, as well as under the Government Order dated 23.4.2012, the project proponent M/s. Summit Developments Pvt. Limited obtained consent of the owners of the land by an agreement dated 24.05.2011. Thereafter, consent letters from M/s.Southern Paradise Stud and Developers Farm Private Limited, as well as Smt. Janakamani, the land owners, were also addressed to the Special Deputy Commissioner, KIADB, expressing consent for the acquisition.

That pursuant to this, the KIADB, issued Notification under Section 3(1), 1(3) and 28(1) of the KIADB Act. A demand was also addressed to the project proponent for payment of Rs.48,40,64,000/- towards 40% of the cost towards the acquisition including the compensation payable. That, on payment of the said amount the proceeding under Section 28(3) of the KIADB Act was

undertaken. By an order dated 7.3.2013, the Special Land Acquisition Officer, passed an order under Section 28(3) of the Act ordering for issuance of final Notification under Section 28(4) of the KIADB Act.

That, by a communication dated, 8.3.2013, the KIADB required the project proponent to get the clearance from BIAPPA since the lands in question, under the development plan of the Bengaluru International Airport (BIAPPA) was in the agricultural zone, before issuance of 28(4) Notification. The project proponent replied to the said communication contending that issuance of the Notification under Sections 3(1), 1(3) and 28 (1) of the KIADB Act, would automatically render the subject land as an industrial area and therefore, the question of getting change of land use from agricultural zone to industrial zone would not arise. The KIADB vide its communication dated 8.4.2013, reiterated the requirement to obtain permission of BIAPPA for issuance of 28 (4) Notification, since the land is classified as agricultural zone. The project proponent again responded vide his communication dated 15.4.2013 contending that in view of the operation of law on the issue, by issuance of Notification under sections 3(1), 1(3) and 28(1) of the KIADB Act, the subject land would become an industrial area.

Thereafter, the Principal Secretary to Government, Department of Commerce and Industries, issued a communication to the C.E.O & EM of the KIADB, directing him to forward the draft 28(4) Notification to the Government forthwith, in view of the orders passed under Section 28 (3). Thereafter it appears that the C.E.C & EM of the KIADB has issued a demand to the project proponent for payment of balance amount of Rs.73,34,303/-. The project proponent has made the said payment by way of RTGS on 14.6.2013. Accordingly, in all, a sum of about Rs.121 Crore has been paid by M/s. Summit Developers Pvt. Limited to the KIADB towards the compensation and acquisition expenses.

Thereafter, the file was placed before the Hon'ble Chief Minister, who was also the Minister holding the portfolio of Industries, for the purpose of approving the Notification under Section 28 (4) of the KIADB Act.

The matter was then referred to the learned Advocate General for his opinion with regard to the requirement of change of land use with respect to the acquisition of lands, which under the Master plan/Development Plan of the Planning Authority is not classified for industrial use. The Advocate General vide his opinion dated 21.11.2013 has opined as under:

11. In the above circumstances, in response to the query put to me, I opine as under:- Even without resorting to the process of securing change of land use under Section 14A of the KT and CP Act, it is open to issue a declaration under Section 3 of the KIAD Act if the following steps are adhered to before doing so:

- 1. The Government should balance the requirements of both enactments so as to provide an harmonious construction of both the statutes.*



2. *Before a Notification under Section 3 (1) of the KIAD Act, the Government should consider the fact that such a declaration would result in change of land use.*
3. *There should be a clear indication of the application of mind to all aspects of the matter relating to change of land use where the land is to be declared as an industrial area as against the earlier earmarking for a different purpose.*
4. *There should be a clear finding that development of such industry is possible only in that area and that area alone is suitable for the purpose and that there is no other alternative.,*

If these steps precede the decision to notify under Section 3(1), then the Notification under Section 3(1) of the Act would be legal and valid.

It can be seen from the opinion of the learned Advocate General, which is rendered after referring to the various judgments pertaining to the issue, that the issuance of declaration under Section 3 the KIAD Act would result in the change of land use. However, the learned Advocate General to subscribe to the said view subjected the issuance of 3(1) Notification to certain factors that should be taken into consideration by the State Government including a finding that the development of such industry is possible only in that area and that area alone is suitable for the purpose and there is no alternative. He would also opine that the Government should consider the fact that the declaration by way of Notification under Section 3 (1) of the KIADB Act would result in change of land use.

Thereafter, the file was placed before the SHLCC again based on the opinion rendered by the learned Advocate General. The SHLCC in its 34th meeting dated 4.3.2014 had opined that the project proponent must be advised to procure the lands by obtaining permission under Section 109 of the Karnataka Land Reforms Act and seek change of land use from the BIAPPA. Thereafter, based on the representations made by the project proponent, the SHLCC on 27.3.2015 in its 37th meeting decided to obtain opinion from the Revenue Department and the BIAPPA.

The BIAPPA had opined that the land falls within agricultural zone under the master plan and therefore, the establishment of the project for IT park/Commercial with residential and supporting facility is not permissible. The Revenue Department vide its communication dated 28.6.2015, has opined that the KIADB could not have proceeded with the acquisition without obtaining their opinion.

In the meantime, the project proponent had moved a Writ Petition in W.P.No.32699/2015, before the High Court seeking for a direction to the State Government to issue final Notification under Section 28(4) and complete the acquisition proceedings at the earliest and execute the necessary deeds of conveyance on completion of the acquisition. It was also prayed for payment of compensation to the tune of Rs.39 Crore from the Government due to the delay in completing the acquisition proceedings.



In the said writ proceedings, a submission was made by the Government, that taking into account, the opinion of BIAPPA matter will be again placed before the SHLCC for suitable decision. The SHLCC after deferring the decision for a few times, decided in its 41st meeting on 5.10.2015, not to acquire the proposed lands due to the reason mentioned therein. However, it also decided that in the interest of encouraging investment in the State, the Government may allot alternate land in one of the KIADB Industrial Area in and around Bangalore or the Company may identify alternate land for the project for acquisition by the KIADB. The reasons assigned by the SHLCC for coming to this conclusion is in the light of the opinion of the Revenue Department, that if the activity in the land is changed to other purpose, the said land has to revert back to the Government as per Section 110 of the Karnataka Land Reforms Act. Further, the opinion of BIAPPA that the proposed land is in agricultural zone, as per master plan and the proposed industry cannot be established on agricultural land. On this basis, SHLCC decided not to proceed further with the acquisition.

This decision of the SHLCC was conveyed to the High Court when the matter was taken in Writ Petition No.32699/2015 on 29.10.2015. The Hon'ble High Court after taking into consideration, the decision of the SHLCC, the submission made by all the parties to the writ proceedings, including the Government, and BIAPPA ordered that it is unknown in law as to how the acquisition under the provision of Karnataka Industrial Area Development Act 1966, the lands which is permitted to be used as stud farm after an exemption is granted by the State under Section 107 of the Karnataka Land Reforms Act and the land falls within the green belt under the Comprehensive Development Plan would violate the provision of the Karnataka Land Reforms Act 1961. The Court further felt that the SHLCC was surrounded by opinion which was neither legal nor justifiable. The Court further called for the files pertaining to the opinion rendered by the Revenue Department as well as BIAPPA.

The Writ Petition was again taken up on 2.11.2015 on which date, the files as directed by the Hon'ble Court were placed for its scrutiny. The Hon'ble Court after perusing the files held that the note put up by the Head of Legal Cell does not make any reference to the Notification of the State Government issued under Section 3(1) of the KIAD Act 1966, declaring the area as industrial area, it also does not take into account the authoritative pronouncement of the Hon'ble High Court in M.S. Moses -Vs- State of Karnataka, observing that the KIAD Act overrides the Karnataka Town and Country Planning Act 1961. In other words, what is not forthcoming is that, though the land is put to use for Stud Farm, pursuant to an exception under Section 107 of the Karnataka Land Reforms Act 1961, nevertheless such land when declared as an industrial area in terms of the notification issued by the State, it is permissible for the State Government to permit the change of land use from agriculture/stud farm to industrial purpose in exercise of the powers under Section I4-A of the Karnataka Town and Country Planning in the light of judgment in M.S. Moses case. The Hon'ble Court therefore, observed that it is appropriate for the SHLCC to reconsider its decision in the 41st meeting dated 5.10.2015, in the light of M.S.Moses case. The Hon'ble High Court also took notice of the submission of the learned counsel for BIAPPA made on instructions of Principal Secretary, BIAPPA, that no opinion has been rendered, by them and only the fact that the lands in question fall within the agricultural zone under the comprehensive development plan has been brought to the notice of the SHLCC and nothing

more. The Hon'ble court therefore, directed that this too not being an opinion rendered either against or in favour of the acquisition of land, SHLCC would be well advised to redo its decision.

In view of the orders passed by the Hon'ble High Court, the matter was again placed before the 42nd Meeting of SHLCC held on 04.01.2016. The SHLCC in the said Meeting decided to reiterate the earlier decision taken in the 41st Meeting held on 05.10.2015 and decided not to proceed further with the acquisition. The committee also took notice of certain observations made by the Hon'ble High Court with regard to the functioning of the Industries Minister and as well as highly placed officials. The Committee expressed its concern over the observations made by the Hon'ble High Court and advised the chief Secretary to request the Advocate General to attend the case personally and make a request to the Hon'ble High court to expunge the remarks made in the order of the Hon'ble High court. The State Government accordingly filed an Appeal in Writ Appeal No.259 of 2016, challenging the order of the learned single Judge dated 29.10.2015 and the Appeal is pending adjudication. The Hon'ble High Court has granted an interim order of stay, staying all further proceedings in Writ Petition No.32699 of 2015. It is necessary to mention here that the Writ Petition was listed before the learned single Judge on 12.01.2016. On the said date, the State Government submitted that the SHLCC has complied with the directions issued by the Hon'ble High Court and the recommendation is placed before the State Government which is yet to be considered and prayed for two weeks' time.

When the things stood thus, it appears that the project proponent made a representation to the Chief Minister dated 08.02.2016, requesting to take necessary steps with regard to issuance of Notification under Section 28(4) of the Karnataka Industrial Areas Development Act.

The Hon'ble Chief Minister, on the said representation of the project proponent, has noted, to obtain the opinion of the Advocate General and thereafter submit the proposal. In the background of the aforesaid facts and circumstances, certain legal issues arise for consideration.

It is a well settled preposition of law that the power of eminent domain to acquire the lands is a sovereign power vested with the State. The provisions of KIAD Act provide for exercise of this sovereign power of eminent domain for acquisition of lands for industrial purpose. It is also well settled position that even Courts of Law in the Country would normally not interfere with the exercise of power of acquisition by the State unless it is actuated by mala-fides or is a colorable exercise of power or is patently lacking in jurisdiction.

Insofar as exercise of power by the State Government under Section 28(4) of KIAD Act is concerned, this issue is also no more res-Integra. The Hon'ble Supreme Court has in catena of judgments held that even the Courts cannot compel the State Government to complete the acquisition proceedings. The power of the Government while exercising its authority under Section 28 (4) of the KIAD Act is purely discretionary and it is solely within the discretion of the Government either to proceed with the acquisition or not. The present case is therefore, no different.



The Hon'ble supreme court in the case of Jayamma and others vs. D.C. Hassan reported in 2013 (7) SCC 554 has held that the Government cannot be compelled to complete the acquisition proceedings. It is an admitted fact that the SHLCC has approved the proposal of the project proponent and on the basis of the said approval; the State Government has also issued Government order approving the project. The KIADB has thereafter proceeded with the acquisition and issued Notification under Sections 1(3), 3(1), Section 28(1) and Section 28(3) of the Act. The approval of the proposal of SHLCC as well as the subsequent Government Order, has taken into consideration the opinion of the Government by its Department of Revenue dated 12.04.2012, wherein it is opined as under:- *"There is no violation either under Land Grant Rules, 1969 or under Land Reforms Act 1961 - The subject land is in the Green Belt. since the project proposed is for IT Park (including commercial and Housing), the proponent shall obtain permission/ clearances from the appropriate authorities. Thereafter, to obtain change of land use under the existing Acts/ Rules from the appropriate planning authority and thereafter, to obtain the approval from the Government"*. The State Government thereafter issued an Addendum to its Government Order and held (the identified area for the project was the only area suitable for the development of the project as there was no suitable alternate land available in the vicinity of the project). It is only thereafter, that KIADB has proceeded to issue the acquisition notification in consonance with the approval of the SHLCC and the Government Order.

It is at the stage of issuance of Notification under Section 28 (4) of the KIAD Act, the KIADB raised the issue of obtaining clearance from the BIAPPA, which is the competent planning authority, since the land use under the Development Plan was agricultural zone. To this demand made by the KIADB, the project proponent has responded that the issuance of Notification under Sections 3(1), 1(3) and 28(1) of KIAD Act would automatically render the lands as Industrial lands and therefore, no such clearances from the BIAPPA would be required. The KIADB has thereafter prepared the draft 28(4) Notification and forwarded the same for approval of the Government.

The State Government, in view of the query raised by the KIADB with regard to the land use, has placed the same before the SHLCC. The SHLCC has sought for an opinion of the Advocate General on the issue. The Advocate General has opined that before the Notification under Section 3(1) of the KIAD Act, the Government should consider the fact that such a declaration would result in the change of land use. He has also opined that there should be a clear finding that the development of such Industry is possible only in that area and that area alone is suitable for this purpose and there is no other alternative. In the present case, 3(1) Notification has already been issued on 31.12.2012. The Addendum of the earlier Government dated 28.05.2012, shows that the identified area for the project is the only area suitable for the development of the project and there is no suitable alternate land. Further, the KIADB, which raised the query with regard to the existing land use under the CDP of the proposed land for acquisition has, after the replies furnished by the project proponent, prepared the draft Notification under Section 23(4) and forwarded it to the State Government.

The SHLCC, after receiving the opinion of the Advocate General, has advised the project proponent to procure the land by obtaining permission under the KLR

Act and thereafter, seek a change of land. use from the BIAPPA. However, based on the representations made by the project proponent, the SHLCC in its 37th Meeting decided to get opinions from the Revenue Department and BIAPPA. The BIAPPA had opined that the lands in question fall in the agricultural zone under the Master Plan and therefore, the establishment of the project for IT Park / commercial with residential and supporting facilities is not permissible. The Revenue Department has opined that the KIADB could not have proceeded with the acquisition without obtaining its opinion.

Firstly, insofar as the opinion of the BIAPPA is concerned, it is not an opinion either in favour or against the acquisition of the land as admitted by them before the Hon'ble High Court in the proceedings in writ Petition No.32699 of 2015. It is only a statement of fact which is well within the knowledge of the SHLCC as well as the acquiring authority - KIADB and the State Government. The approval granted by the SHLCC for the project and the Government order approving the project would very clearly stipulate the requirement of the project proponent to obtain the change of land use. Therefore, whatever may be usage of the land under the CDP, the same could not have influenced the decision of the SHLCC or the State Government in approving the project and providing for infrastructure towards putting up the project by acquiring the lands in question.

It is a settled position of law in view of the judgments of the Hon'ble High Court in the case of Kulkarni H.G. Vs. Asst. Commissioner, Beluru reported in 1978 (1) KLJ 290 and the case of M.V. Moses Vs. State of Karnataka reported in ILE 1991 KAR 770 that the provisions of the KIAD Act, which is the subsequent legislation, has an overriding effect over the provisions of the Karnataka Town and Country Planning Act. Even otherwise, the project itself has been approved subject to the project proponent obtaining the change of land use; the existing land use being in the agricultural zone could not have therefore come in the way of the Government continuing with the acquisition process pursuant to the approval granted by it for the project.

Insofar as the opinion of the Revenue Department is concerned, the same is by way of communication addressed by the Under Secretary to the Dept. of Revenue. Very strangely, the opinion proceeds on the basis that the lands in question are vested with the State Government and therefore the acquisition could not have been proceeded with by the KIADB without the opinion of the Revenue Department. There is nothing in the record to show how these lands are vested with the State Government nor is there anything to show as to how the Revenue Department which had very clearly opined at the time of the approval by the Government that there is no violation of the Karnataka Land Revenue Act and Karnataka Land Reforms Act has now made this U-turn. The earlier opinion has been rendered by the Principal Secretary based on the report of the Deputy Commissioner. The entire action of the SHLCC and the State Government is based on this opinion of the Revenue Department. Even assuming that the lands in question have for some reason vested with the State Government, even then, it would not be a ground for not proceeding with the acquisition. The issue then would only be as to who is entitled for the compensation for acquisition of lands. That further the Hon'ble High Court, while examining the opinion of the Revenue Department in W.P.No.32699/2015 has very clearly observed that its opinion does not take in to consideration the



issuance of acquisition notification by the KIADB and its implication. In any event, the proposal when it was approved by the SHLCC and while issuing the Government Order approving the project has taken into consideration the opinion of the Revenue Department dated 12.04.2012 and therefore, it is factually incorrect to state that the opinion of the Revenue Department was not obtained before proceeding with the acquisition of the lands.

In view of the fact that the proposal has been approved by the State High Level Clearance Committee, which is a statutory body created under the provisions of the Karnataka Industries Facilitation Act 2002, on 13.04.2012 and the State Government has issued the Government Order way back in the year 2012 itself, coupled with the fact that the project proponent has deposited a sum of Rs.121 Crores in the year 2013 and there being nothing on record to show the violation of any law and the project in any event being subject to obtaining change of land use if any, is required and has been proceeded with after obtaining the opinion of the Revenue Department seen with the fact that the power of the State Government under Section 28(4) of the KIAD Act, being absolutely discretionary and vested with it to be exercised without any interference by any agency including Courts of law, it is open for the State Government to take a decision for issuance of the Notification under Section 28(4) of the KIAD Act, if it is of the opinion that the lands are required for the purpose of the project as contemplated under Section 28(4) of KIADB Act. Opined accordingly.

- The Hon'ble Court vide Order dated 26.04.2016 has given direction, as mentioned below:

"Sri. A.S. Ponnanna, the learned AAG submits that, the matter is under active consideration of the Hon'ble Chief Minister along with certain opinion of the learned Advocate General. The learned Counsel requests time till 1st June of 2016 to make his submissions. List on 1.06.2016."

- Since the matter is coming before Hon'ble High Court on 01.06.2016, it is placed before the committee for discussion & suitable decision.

Decision of SHLCC: After detailed discussions, the committee opined that the Government has already made its submission before the Hon'ble High Court and the Hon'ble High Court may decide the matter.

SUBJECT NO.4: AMENDMENT TO EARLIER APPROVED PROJECTS

- 4.1 Project proposal of M/s. Atlas Power India Pvt Ltd., to establish "2X660 MW Coal Based power Plant" at Sanwar, Ankur, Belgunda and Heggeangere Villages of Yadgir Taluk, Gulbarga District with an investment of Rs. 5790.00 Crore - Alternate land for the project.**

The project proposal of the company to establish "2X660 MW Coal Based power Plant" with an investment of Rs. 5790.00 Crores at Sanwar, Ankur, Belgunda and Heggeangere Villages of Yadgir Taluk, Gulbarga District was approved in the 14th SHLCC meeting held on 17.05.2008 and accordingly, Government Order was issued

cited at ref (2) above. Subsequently, change of location of the project to Kadechur Village, Yadgir Taluk, Gulbarga District and KIADB to acquire and allot 952 acres of land for the project in this village was approved by the Government. Further 2 years of extension of time i.e., upto 14.09.2014 was granted vide GO dated: 15.09.2012 for implementation of the project.

Now, the project proponents vide their letter dated. 06.09.2014 (27.09.2014) asked for extension of time for 3 years informing that

- MOEF has issued Terms of Reference for preparation of detailed Environmental Impact Assessment (EIA) in 2009 and the same has been extended for further 2 years from 17th January, 2014.
- Obtained NOC from Airport Authority of India, Department of Archaeology, Chief Conservator of Forest and Filed IEM with DIPP.
- Obtained In-principle approval from South Central Railway for Railway Traffic Clearance for both Indigenous and Imported Coal.
- Obtained Letter of Comfort from Krishnapatnam Port for handling of imported Coal from Indonesia.
- Signed MOU with M/s. PTC India Ltd., for purchase of power in the year 2009 valid up to 2015.
- Company has filed application with Central Electricity Authority, Ministry of Power, GOI for obtaining coal linkage.
- Entered into an agreement with Southdale Resources, Malaysia for supply of Coal.
- KIADB has issued demand notice on 22.11.2010 for payment of Rs. 20.94 Crores for acquisition & allotment of 952 acres of land for the project. But the company has so far not made any payment to KIADB.

Accordingly, the subject was discussed in the 15th LAC meeting held on 23.12.2014 the representative of the company informed that they are negotiating with foreign investors for funding and requested for extension of time by 3 years to implement the project.

After deliberation on the request of project proponents, they were advised to come out with alternate land and accordingly subject was deferred. The decision of the committee was communicated to the company.

Now, the company vide their letter Dt. 14.01.2016 has informed that, as advised to them in the 15th LAC meeting, they would like to prefer alternate land at Mulwad Village, Basavana Bagawadi Taluk, Bijapur District for the proposed project and also requested for extension of time by 3 years to implement the project.

Decision of SHLCC : The Committee resolved to approve the change of location of the project from Kadechur Village in Yadgir Taluk and District to Mulwad KIADB Industrial Area, Bijapur District and also resolved to approve for grant of extension of time for a period of 3 years.



4.2 Project proposal of M/s. KNK Corporation Pvt. Ltd. to establish "1.2 MMTPA Pellet Plant and Stainless Steel with Co-generation of Power - 35 MW" with an investment of Rs. 899.00 Crores in 700 acres of land to be acquired and allotted by KIADB as SUC in Mulwad village, Basavana Bagevadi taluk, Bijapur district - Request for Extension of time.

The proposal of M/s. KNK Corporation Pvt. Ltd. to establish "1.2 MMTPA Pellet Plant and Stainless Steel with Co-generation of Power - 35 MW" with an investment of Rs. 899.00 Crores in 700 acres of land to be acquired and allotted by KIADB as SUC in Mulwad village, Basavana Bagevadi taluk, Bijapur district was approved in the 24th SHLCC meeting held on 24-01-2011 with a validity of 5 years to implement the project.

Accordingly, G.O No. CI 42 SPI 2011, Bangalore was issued with a validity of 5 years. Subsequently the subject was also discussed in the 26th SHLCC meeting held on 09-11-2011 and the G.O issued on 29-12-2011, 18-04-2012 and 09-11-2012 for setting up of the plant in Kotikal village (Guledgudda), Badami Taluka, Bagalkot District in 700 acres of land by acquisition and allotment through KIADB. It was also resolved for supply of power of 40000 KVA from HESCOM.

The company has taken following effective steps in implementation of the project:

- 1) Revenue Department in its G.O dated 03-03-2014 has issued clearance for transfer of 524 Acres of land to the unit through KIADB.
- 2) KIADB has issued Possession Certificate dated 02-03-2015 for an extent of 524 Acres at Kotikal Village, Badami Taluk after payment of full amount to KIADB.
- 3) The company has obtained permission from water resource department to lift the water of quantity 0.159 TMC from upper stream of Almatti river vide G.O dated 03-06-2015 of WRD.
- 4) The company obtained Environment clearance from MOEF, Government of India vide order dt:22.06.2015 for setting up of Beneficiation and Pelletization Plant in an area of 318.182 Acres at Kotikal Village for first phase of the project.
- 5) Further, the company informed that the project activities were put on hold by the Hon'ble High Court due to litigations on ownership of the land. In mid 2015, the Hon'ble High Court allowed the company for setting up of the project pending final judgment of the case.

As informed by the company, the project implementation was delayed due to litigation and the acquisition process. Now the company has proposed to take up the project implementation work and for that the company has requested for extension of validity of G.O for another 5 more years for completion of the project.

Decision of SHLCC : After detailed discussion the committee authorized the Chairman of SHLCC to take appropriate decision and to have the approval on file regarding extension of time.



4.3 Project proposal of M/s Manyata Promoters Pvt. Ltd., to establish Hotel, Convention Centre, Retail and Commercial Space with an additional investment of Rs. 561 Crores in 125A 29 1/2G of KIADB allotted land at Nagavara, Rachenahalli and Thannisandra Villages, Bangalore – Inclusion of Additional activity Hotel, Convention Centre, Retail and Commercial Space.

The project proposal of M/s. Manyata Promoters Pvt. Ltd., 1st Floor, Classic Court, No.9/1, Richmond Road, Bangalore – 560 025 to establish “Information Technology Park and allied infrastructure” with an investment of Rs. 750.00 crores in 190 acres of land at Nagavara, Rachenahalli and Thannisandra Villages, Bangalore, was approved in the SHLCC meeting.

KIADB has allotted 125 acres 29 and 1/2 guntas of land and taken action for implementation of the project as per the details furnished by the company:

1. They have constructed 1.6 Million Sq.ft built-up area buildings with a ground coverage of 0.35.
2. Obtained SEZ approval from Ministry of Commerce and Industry for an extent of 26.2 Hectares of land.
3. Obtained Sale Deed from KIADB for 108 acres 30.5 guntas of land.

Now, the company has proposed to establish additional activity of “Hotel, Convention Centre, Retail and Commercial Space” in 8 acres of land within the above allotted land with an additional investment of Rs.561.00 Crores and have requested SHLCC approval for the same.

Decision of SHLCC : The Committee resolved to approve to include the additional activity i.e., “Hotel, Convention Centre, Retail and Commercial Space” in 8 acres of land within the existing land allotted by KIADB at Nagavara, Rachenahalli and Thannisandra Villages, Bangalore.

4.4 Project proposal of M/s. Uttam Galva Ferrous Limited to establish “6.00 MTPA Integrated Steel Plant and Captive Power Generation” with an investment of Rs. 36,000 Crores at Bellary District – Extension of time for period of 5 years to implement project.

The project proposal of M/s. Brahmani Industries Limited, to establish “6.00 MTPA Integrated Steel Plant & Captive Power” with an investment of Rs.36,000 Crores, generating employment to about 25000 persons in 4000 acres of land at Special Industrial Zone, Vijayanagara Area Development Authority (VADA), Bellary, Hospet and Sandur Taluks was approved by 21st SHLCC meeting held on 29.03.2010. Accordingly Government Order cited at ref (2) above was issued.

The water requirement for the company was assessed in the 1st Phase for 2 TMC and 2nd Phase for 2 TMC in total 4 TMC (68.40 MGD) to be supplied from Down Stream of Alamatti Dam – Krishna River and was approved by the SHLCC and accordingly incorporated in the GO cited at ref (2).

On the request of the company, SHLCC in its 22nd meeting held on 24.05.2010 approved to consider change in name from M/s. Brahmani Industries Limited to M/s.Brahmani Industries (Karnataka) Limited.

The State High Level Clearance Committee in its 25th Meeting held on 14.07.2011 further approved the change of name from M/s. Brahmani Industries (Karnataka) Limited to M/s. Uttam Galva Ferrous Limited, Mumbai.

The company in their letter cited at ref (5) has informed that, 3966 acres of land out of 4948 acres was notified for acquisition and already been handed over to the company by KIADB for implementation the project. They have further informed that, they have applied for MOEF, Government of India for Environment Clearance. They have engaged M/s. MECON, Bangalore as a consultant to monitor the implementation of the project.

The company vide their letter cited under ref (6) has informed that the company has invested over Rs.500 Cr. for the implementation of the project and requested SHLCC to accord extension of time for period of 5 years for implementation of project.

The request of the company was placed in the 43rd SHLCC meeting held on 01.2.2016 and the committee reviewed the action taken by the company to implement the project. The committee felt that the sincere efforts have not been made to implement the project and the company has not responded to the notices issued earlier in this regard. After detailed discussion, the committee resolved to seek further information on the implementation plan with detailed timeline and hence deferred the decision on the project.

Company vide their letter no: UGFL/KUM/2016-17/004; dt: 25.04.2016 has submitted the project implementation plan. It is stated that the entire project will be implemented in 2 phases. 3 MTPA Steel Plant with 520 MW Captive Power Plant will be completed in Phase 1 and another 3 MTPA Steel Plant with 373 MW Captive Power Plant will be completed in Phase 2.

Further, it is informed that phase 1 of the project implementation will take approximately 5 years after getting the environmental clearance from Ministry of Environment and Forest, Govt. of India. MOEF has issued the Terms of Reference (ToR). Accordingly, EIA and other studies have been completed and report will be submitted to MOEF, Govt. of India and KSPCB for public hearing.

In the letter, the promoter has informed that they are committed to implement the proposed integrated steel plant in Bellary and requested SHLCC to accord approval for 5 years of extension of time to implement the project.

In the 29th meeting of Land Audit Committee held on 17.05.2016, proposal was discussed and the Committee noted that the SHLCC in its 43rd meeting held on 1.2.2016 had informed the company to submit implementation plan with detailed timeline and the company had not submitted the same. Therefore, the Committee after detailed discussions advised the representatives of the company to submit detailed implementation plan along with timelines within one week to C & I Department and MD, KUM.

The company vide its letter dt: 20.05.2016 has submitted the revised action plan which is as follows:



Implementation schedule for Phase I of the Steel project:

Sl. No	Activity	Time Line (Completion date)
1	Land Acquisition and transfer	September 2016
2	Environmental Clearance	October 2016
3	Water supply permission from Tungabhadra river and Commissioning of pipe	April 2019
4	Infrastructure like Roads, Railway siding and power supply from nearest grid	April 2019
5	Construction of Steel Plant	January 2017 to December 2019
6	Commissioning & Stabilization of the steel plant	July 2019 to March 2020

Implementation schedule for Phase II of the Steel Project:

Sl. No	Activity	Time lines (Completion date)
1.	Additional infrastructure like Roads, Railway lines for Phase II	March 2019 to December 2019
2.	Construction of civil work and structural and Equipment Erection of Phase II	June 2020 December 2022
3.	Commissioning & Stabilization of the Steel Plant	July 2022 to December 2022

Company has requested SHLCC to accord approval for 5 years of extension of time to implement the project.

Decision of SHLCC : The committee noted the revised implementation plan submitted by the company. After detailed discussions, the committee resolved to grant extension of time by 3 years to implement 1st Phase of the project.

Meeting concluded with vote of thanks to the Chair and to the members present.


(GAURAV GUPTA, IAS)

Commissioner for Industrial Development
and Director of Industries and Commerce
& Member Secretary, SHLCC


(K.RATNAPRABHA, IAS)

Additional Chief Secretary to Government
Commerce and Industries Department


(R.V.DESHPANDE)

Hon'ble Minister for Large and Medium
Industries and Tourism


(SIDDARAMAIAH)

Hon'ble Chief Minister
& Chairman, SHLCC