

PROCEEDINGS OF 41st STATE HIGH LEVEL CLEARANCE COMMITTEE MEETING HELD ON 05.10.2015 UNDER THE CHAIRMANSHIP OF HON'BLE CHIEF MINISTER OF KARNATAKA.

Members present: List attached

Commissioner for 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 Infrastructure Development, Hon'ble Minister for Public Works Department and other members to the meeting. Subjects were taken up for discussion as per the agenda circulated.

SUBJECT-1: PROCEEDINGS OF 40th SHLCC MEETING

- a) Proceedings of the 40th SHLCC meeting were read and recorded.
- b) Committee noted that 40th SHLCC meeting proceedings have been circulated to all the members, relevant 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 Committee discussed and resolved to approve the projects with following general conditions.

- a) *The project proponents to draw water from downstream of the reservoirs with the approval of Water Resources Department.*
- b) *The project proponents shall adopt rain water harvesting, waste water recycling and water conservation facilities. Wherever applicable, zero discharge facility should be adopted.*
- c) *The iron ore / limestone based industries have to make arrangements on their own for their requirement and State Government does not guarantee supply of iron ore / limestone for the projects.*
- d) *In case of projects where power requirement is more than 50,000 KW, the project proponent should necessarily furnish the schedule of commissioning of their project and also contact the distribution utility concerned for tying up the power requirement well in advance by paying the necessary fees and obtaining necessary clearance. Secondly, wherever project proponent intends to export power, the evacuation permission should be obtained from State Load Dispatch Centre/KPTCL.*
- e) *The investors are advised to take necessary statutory clearances and plan approvals from the competent authorities before implementation of the project.*
- f) *The project proponents shall provide a plan for development of Human Resources in State and shall provide employment to local people as per Dr. Sarojini Mahishi report and as per the respective policies of the State Government.*
- g) *Wherever land acquisition through KLADB is proposed, the project proponents shall provide employment for at least one member of the family of each land losers.*

- h) *Wherever there is scope for vendor development for the project, the company shall prepare a vendor development plan, develop local vendors and procure the required inputs, components and sub assemblies from these local vendor units.*
- i) *In respect of land allotted by KLADB, the allotment shall be on lease basis as per KLADB norms.*
- j) *In respect of projects wherein lands approved and allotted by KLADB as SUC and those projects are not implemented in a time frame, the renewals relating to land issues will be subject to rules & penalties of KLADB.*
- k) *The project proponents who have purchased land U/s 109 of KLR Act for a specified project; have to obtain prior approval from SHLCC for undertaking any changes on the project.*

SUBJECT NO.2: PROPOSAL OF M/S. SATAREM ENTERPRISES PVT LTD TO ESTABLISH "MUNICIPAL SOLID WASTE MANAGEMENT AND WASTE TO ENERGY POWER GENERATION" AT CHIKKHULLUR INDUSTRIAL AREA OF HOSKOTE TALUK, BANGALORE RURAL DISTRICT.

Background :	Private Limited Company
Product/ Activity :	Municipal Solid Waste Management and Waste to Energy Power Generation (by consuming 1000 MT of Waste per day it is proposed to generate 15 MW power)
Extent of Land :	30 acres
Location :	Chikkhullur or Kamblipura Industrial Area of Hoskote Taluk, Bangalore Rural District
Investment :	Rs. 240.00 Crores
Employment :	300 persons
Main Promoters :	Mr. Venkatesh Sivaraman, Executive Director

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



Details	Approval by SHLCC
Activity	Manufacturing of "Municipal Solid Waste Management and Waste to Energy Power Generation (by consuming 1000 MT of Waste per day it is proposed to generate 15 MW power)"
Land:	30 Acres of land at any other suitable location to be identified by KIADB.
Water :	2,500,000 LPD from KIADB
Power:	750 KVA Power from BESCOM
Pollution Control Clearance :	Promoters were advised to obtain CFE from KSPCB. E.C from MOEF, GOI or DFEE GOK if applicable.
Statutory clearances:	The promoters to take all necessary statutory clearances.
Incentives and Concessions:	As per applicable Policy of the State.
Employment to Local persons:	Promoters to provide local employment in the project as per the New Industrial Policy 2014-19 of the State.

SUBJECT NO.3: RECONSIDERATION OF PROPOSAL OF M/S SUMMIT DEVELOPERS PRIVATE LIMITED FOR 28(4) NOTIFICATION UNDER KIAD ACT, IN THE LIGHT OF OPINION FROM REVENUE DEPARTMENT AND OTHER AUTHORITIES

- M/s. Summit Developers 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 Developers. 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 Developers 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 Developers Pvt Ltd., for establishment of IT Park/ Commercial space with Residential Apartments has taken place on 24.05.2011 between Southern Paradise Stud and Developers Pvt Ltd., Sapphire Investment Pvt Ltd., and Summit Developers 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 ಇರುತ್ತವೆ. 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 ಸಂತರ ಕೆಪಿಎಡಿಬಿ ಕಾಯ್ದೆ 1966ರ ಕಲಂ 28(1) ರಡಿ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಅಧಿಸೂಚಿಸಿದೆ. ಕೆಪಿಎಡಿಬಿಯು ಸರ್ಕಾರಕ್ಕೆ ನಿಹಿತಗೊಂಡ ಜಮೀನನ್ನು ಅಂದರೆ ಸರ್ಕಾರದ ಶೀರ್ಷಿಕೆಗೆ ಒಳಪಡುವಂತಹ ಜಮೀನನ್ನು ಕಂದಾಯ ಇಲಾಖೆಯ ಅಭಿಪ್ರಾಯ ಪಡೆಯದೇ ಭೂಸ್ವಾಧೀನಕ್ಕೆ ಅಧಿಸೂಚಿಸಿರುವುದು ನಿಯಮಾನುಸಾರವಾಗಿರುವುದಿಲ್ಲ".

ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಯೋಜನಾ ಹೆಚ್ಚುವರಿ ನಿರ್ದೇಶಕರು , ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ , ಬೆಂಗಳೂರು.ರವರು ತಮ್ಮ ಪತ್ರ ದಿನಾಂಕ 11.09.2015ರಲ್ಲಿ . ಪ್ರಸ್ತುತ 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
ಪುನರುಚ್ಚರಿಸುತ್ತಾರೆ.

- 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 ಆದ್ವಕತೆಯಲ್ಲಿ 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 ಎಲ್‌ಡಿಬಿ 1994, ದಿನಾಂಕ: 11.03.1997 ರಲ್ಲಿ ನಿಬಂಧನೆಗೊಳಪಟ್ಟು ಸದರಿ ಸಂಸ್ಥೆಗೆ ಜಮೀನನ್ನು ಹೊಂದಲು ಅವಕಾಶ ನೀಡಲಾಗಿದ್ದು, ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ಕಾಯ್ದೆ, 1961ರ ಕಲಂ 107(1)(V) ಹಾಗೂ ಕರ್ನಾಟಕ ಭೂ ಸುಧಾರಣೆ ನಿಯಮಗಳು, 1974ರ ನಿಯಮ 38ಎ ಅನ್ನು ಹಿಡಿಕೊಂಡಂತೆ ನೀಡಲಾದ ವಿನಾಯಿತಿಯನ್ವಯ ಯಾವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಜಮೀನನ್ನು ಪಡೆಯಲು ವಿನಾಯಿತಿ ಪಡೆಯಲಾಗಿತ್ತೋ ಅದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂತಹ ಜಮೀನನ್ನು ಬಳಸುವುದು ಅವಶ್ಯಕ. ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಟಡ್ 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)(V)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."

- Since the subject is appearing before Hon'ble High Court on 06.10.2015, it is placed before the Committee for suitable decision.

Decision of SHLCC:

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.

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.

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.

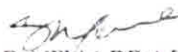
After detailed discussion, Committee decided that the Government cannot acquire the proposed land for IT/ITES/BPO project due to above mentioned reasons, however, in the interest of encouraging investment in the State, the Government may allot alternate land in one of the KIADB Industrial Area in and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

Meeting ended 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)

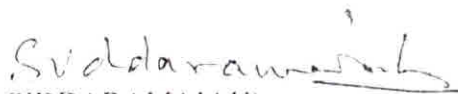
Additional Chief Secretary to Government
Commerce and Industries Department

5/19/2015



(R V DESHPANDE)

Hon'ble Minister for Large & Medium
Industries and Tourism



(SIDDARAMAIAH)

Hon'ble Chief Minister
& Chairman, SHLCC