

# Operational Guidelines for exercising option by Migrated Industrial Unit.

(Para-I of Annexure-I, DEFINITIONS AND INTERPRETATIONS)

1. **Short Title:** - Operational guidelines for exercising option by "Migrated Industrial unit" to be treated as New Industrial Unit under Industrial Policy Resolution –2022 (Para-I of Annexure-I)
2. **Extent:** - It shall extend to the whole of the State of Odisha.
3. **Commencement:** - It shall come into force from the "Effective Date" of notification of Industrial Policy Resolution –2022 i. e. 01<sup>st</sup> December, 2022.
4. **Terms and Expressions:** -Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Industrial Policy Resolution –2022.
5. **Time frame for filing option:** - Migrated Industrial unit shall exercise the option within 180 days from the date of issue of this Operational Guideline. Application in the prescribed form for exercising option received after the due date / incomplete in any respect shall be liable to be summarily rejected.
6. **Definition:** - "Migrated Industrial unit" means industrial unit as defined vide Para-I of Annexure-I of IPR-2022.

*"Migrated Industrial Unit means an Industrial Unit which has commenced fixed capital investment but not gone into commercial production before the effective date and will have the option to be treated as New Industrial Unit under this IPR provided that it goes into production within three years for MSMEs and five years for Large Industries from the date of first fixed capital investment and it will surrender and/or refund the incentives availed, if any, under earlier IPRs. Provided also that such option shall be exercised in the prescribed form provided in the Operational Guidelines and submitted within 180 days from the "Effective Date". Once the option is exercised, it shall be final and irrevocable."*

7. **Procedure:** - Industrial unit satisfying the definition shall file application in the prescribed form appended to this operational guideline at Annexure -'A' along with copies of all relevant documents as mentioned in the Checklist at Annexure -'B' to the concerned General Manager, RIC / DIC for Micro, Small Enterprise and to Managing Director, IPICOL, Odisha by Large & Medium industrial units. Copies of the documents as indicated in the checklist shall be self-attested by Proprietor / Managing Partner/Managing Director / Authorized Signatory.

On receipt of application, the acknowledgement as prescribed at Annexure-'C' shall be despatched to the applicant duly signed by the authorized officer / G.M, RIC / DIC / MD, IPICOL as the case may be, on the day of receipt. The G.M, RIC / DIC / MD, IPICOL may authorize any of his sub-ordinate officers for the purpose.

RIC / DIC or MD, IPICOL will check the veracity of facts concerning the claim taking into consideration the report of inspection previously conducted. However, in case of industrial units not inspected earlier or where the GM, RIC/DIC / MD, IPICOL is of the opinion that a fresh inspection is necessary, RIC / DIC or MD, IPICOL may take-up inspection of the industrial project and furnish report in the format prescribed at Annexure – 'D' within 7 days (excluding holidays) of receipt of application.

**8. Surrender and / or refund the incentives availed:** RIC / DIC or MD, IPICOL as the case may be, shall advise the applicant unit for surrender and/ or refund of the incentives availed, if any, under earlier IPR(s) and furnish the copies of documents in support of the same within **30** days from the date of issue of the advice letter.

After confirmation about surrender and / or refund of the incentives availed, if any, under earlier IPR(s) within the prescribed time limit, MD, IPICOL may forward/recommend the proposal of Large & Medium units to Director of Industries, Odisha, Cuttack for further action.

**9. Communication of Approval / Rejection:-** Considering the facts available in the application, inspection report( if available) and confirmation about surrender and / or refund of the incentives availed, if any, under earlier IPR(s) within the prescribed time limit, General Manager, RIC / DIC or DI, Odisha may issue certificate in favour of the applicant unit as "Migrated Industrial Unit" to be treated as New Industrial Unit under IPR -2022 in the format prescribed at Annexure – 'E' within **15** days of receipt of confirmation on surrender and or refund of the incentives availed / receipt of recommendation from MD, IPICOL.

In case of rejection of application, the reasons of rejection shall be communicated to the applicant unit within 30 days of receipt of application by concerned G.M, RIC / DIC / DI, Odisha / MD, IPICOL in the format prescribed at Annexure– 'F'.

**10. Condition:** - If the activity of the "Migrated Industrial Unit" fall within the Negative list of IPR -2022, it shall not be eligible for any financial incentives but shall be eligible for investment facilitation, allotment of land under normal rules and recommendation to the financial institution for term loan and working capital and for recommendation, if necessary, to the Power Distribution Companies.

**11. Miscellaneous: -**

**11.1** Each applicant industrial unit shall give an affidavit to the effect that it shall go into commercial production within three / five years (three years for Micro, Small & Medium Enterprises and five years for the rest) from the date of first fixed capital investment and surrender and / or refund the incentives availed, if any, under earlier IPRs within prescribed time limit along with the application.

**11.2** RIC / DIC or MD, IPICOL and financier jointly, or RIC / D I C / MD, IPICOL in case of self-financed case only, may inspect the industrial project once in a year to asses the progress of implementation of the project and report in the matter under intimation to the unit, if felt necessary.

11.3 Migrated Industrial Unit shall furnish its audited financial statements and other periodical statements of each financial year during the period of incentive to the RIC / DIC or MD, IPICOL as the case may be.

11.4. Where any doubt arises regarding implementation of these rules, the same shall be referred to Government of Odisha in the Industries Department whose decision shall be final and binding on all the parties as envisaged under Para 10 (e) of IPR-2022.

11.5 Time limit prescribed in this guideline is of working days only.

12. This has been concurred in by the Finance Department vide OSWAS file No. **FIN- ES2- MISC-0002-2023**.

#### ABBREVIATIONS

1. **IDCO**- Odisha Industrial Infrastructure Development Corporation
2. **DIC**-- District Industries Centre
3. **RIC**-- Regional Industries Centre
4. **IBC 2016**-- Insolvency and Bankruptcy Code of India, 2016
5. **PEAL**- Project Evaluation and Allotment of Land
6. **SLNA**- State Level Nodal Agency
7. **DLNA**- District Level Nodal Agency


#### GOVERNMENT OF ODISHA INDUSTRIES DEPARTMENT

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Memo no. <sup>941</sup> ~~IND-HI2-GUID-0001/2022~~ Bhubaneswar Dated 3/2/2023  
Copy forwarded to All Departments/All Heads of Departments/ All PSUs/ All Revenue Divisional Commissioners/All Collectors/ All DICs/All RICs/ Head Portal Group, IT centre, Secretariat, Bhubaneswar/ All Sections of Industries Departments/Guard File for information and necessary action.

File No. IND-HI2-GUID-0001-2022

Additional Secretary to Government.

  
03.02.2023



**Annexure – A**

**APPLICATION FOR EXERCISING OPTION BY MIGRATED INDUSTRIAL UNIT TO BE TREATED AS NEW INDUSTRIAL UNIT UNDER INDUSTRIAL POLICY RESOLUTION –2022.**

(Strike out whichever is not applicable)

From

M/s. \_\_\_\_\_

At/PO \_\_\_\_\_

Dist. \_\_\_\_\_

To

The General Manager,

Regional / District Industries Centre

\_\_\_\_\_  
Managing Director, IPICOL,

Bhubaneswar.

Sub: Exercising option by "Migrated Industrial Unit" to be treated as New Industrial Unit under Odisha Industrial Policy Resolution –2022

Sir,

In accordance with the provisions laid down for Migrated Industrial Unit in Odisha Industrial Policy Resolution –2022 and operational guidelines, option is hereby submitted to be treated as New Industrial Unit under Odisha Industrial Policy Resolution –2022.

1	Name & detailed address of the unit (Location address)	
2	Address of Registered office	
3	Category of the Unit (Micro / Small / Medium Enterprises / Large Industries)	
4	Type of Organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	
5	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	

6	EIN / I E M / I L Number & Date / In principle approval letter No & date issued by SLNA / DLNA)						
7	Date of first fixed capital investment i.e., land / building / plant & machinery and balancing equipment.						
8	Date of Commencement Production / Activity (estimated)						
9	Proposed items of Production / Activity						
	Sl. No	Item	Quantity (MT)	Value (Rs)			
	(i)						
	(ii)						
	(iii)						
10	Capital Investment (Rs)		As per DPR		Actual expenditure incurred (till date)		
	a)	Land & land development					
	b)	Building & Civil construction					
	c)	Electrification & electrical installations					
	d)	Plant & Machinery					
	e)	Other fixed assets of permanent nature					
	f)	Loading, unloading, transportation, tax & duties paid, erection expenses etc					
	g)	Margin money for Working Capital					
		<b>Total</b>					
11	Means of Finance						
	Internal sources (Rs)						
	Name of Financial Institution (Banks / FI- Specify the Branch)						
		Name of F. I	Loan applied for (Rs.)	Loan availed (Rs)	Date of sanction  (in case of more than one installment give dates for each of them)		
	i	Term loan					
	ii	Working capital					
12	Details of incentives availed, if any under earlier IPRs  (Specify the quantum, value, period & IPR applicability)		Sl No	Incentives	Quantum / Value	Period	IPR applicability
			1				
			2				
			3				
13	Present implementation status						
14	Whether the project needs		Yes / No				

clearance from Pollution Control Board (If yes, mention present status of clearance)	
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I, Sri \_\_\_\_\_ s/o \_\_\_\_\_ at present \_\_\_\_\_ (designation) of M/S \_\_\_\_\_ (name of the industrial unit) certify that the information furnished as above is true and correct to the best of my knowledge and belief.

I agree that once the option is exercised, it shall be final and irrevocable.

I here by undertake to abide by the terms and conditions prescribed under the provisions of Industrial Policy Resolution -2022 and its operational guidelines.

Copies of relevant documents in support of information / facts furnished above are **enclosed** here with.

Signature of the Proprietor / Managing Partner/

Managing Director / Authorized Signatory in full and behalf of

Date-

M/s \_\_\_\_\_

## CHECK LIST

(Strike out whichever is not applicable)

(Copies of documents to be attached with the application shall be attested by Proprietor / Managing Partner/Managing Director / Authorized Signatory)

1	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person.
2	Certificate of registration under Indian Partnership Act-1932 / Societies Registration Act- 1860 / Certificate of incorporation (Memorandum of Association & Article of Association) under Company Act-1956
3	EIN / I E M / In principle approval letter issued by SLNA / DLNA
4	Document in support of date of first investment in fixed capital i.e., land / building / plant & machinery and balancing equipment
5	Loan sanction order/s of Banks / FI (if any)
6	Documents in support of incentives availed, if any under earlier IPRs
7	Undertaking to the effect that <ul style="list-style-type: none"> <li>i. it shall go into commercial production within three / five years (three years for Micro, Small &amp;Medium Enterprises and five years for the large industries) from the date of first fixed capital investment,</li> <li>(ii) surrender and / or refund the incentives availed (specifying the quantum, value, period &amp; IPR applicability) under earlier IPRs within <b>30</b> days from the date of issue of the advice letter by RIC / DIC or MD, IPICOL and</li> <li>(iii) once the option is exercised, it shall be final and irrevocable.</li> </ul>
	Clearance from Pollution Control Board (CTE) / copy of acknowledgement against submission of application for CTE, if required

**Acknowledgement**

(Strike out whichever is not applicable)

(To be issued by authorized officer / G.M, RIC / DIC / MD, IPICOL on the day of receipt)

Received the application for EXERCISING OPTION BY "MIGRATED INDUSTRIAL UNIT" TO BE TREATED AS NEW INDUSTRIAL UNIT UNDER ODISHA INDUSTRIAL POLICY RESOLUTION -2022 along with documents mentioned below from M/s-----  
At/PO-----Dist. -----on dt.-----through post / person.

List of documents

- 1.
- 2.
- 3.
- 4.

Signature of authorized officer / G.M, RIC / DIC / MD, IPICOL

with seal & date-----.



**INSPECTION REPORT****(Optional)**

(Strike out whichever is not applicable)

(Inspection of industrial project by RIC/ DIC / IPICOL in respect of industrial units not inspected earlier)

- 1 Name & designation of Inspecting Officer(s) (i)  
with name of Organization(s) (ii)
- 2 Name & Detailed Address of the unit  
  
(Location)
- 3 EIN / I E M or In principle approval letter No & date issued by SLNA / DLNA
- 4 Name of Proprietor / Managing Partner / Managing Director / Authorized Representative present during inspection / Joint inspection
- 5 Date of first fixed capital investment  
Fixed capital investment has been made for the first time for establishment of the project on dt ----- ie during operative period of IPR -----.
- 6 Name of Financial Institution (Bank / FI- Specify the Branch)
- 7 Amount of loan availed
- 8 Capital Investment (Rs)  
As per DPR Actual expenditure incurred (till the date of inspection)
- a) Land & land development  
b) Building & Civil construction  
c) Electrification & electrical installations  
d) Plant & Machinery  
e) Other fixed assets of permanent nature  
f) Loading, unloading, transportation, tax & duties paid, erection expenses etc
- 9 I / We have physically verified the implementation status of the project and found that the unit has acquired fixed assets of cost of value as indicated above.
- 10 It is verified that the applicant unit has availed following incentives.  
  
(specify the quantum, value, period & IPR applicability)
1.   
2.   
3.   
4.
- 11 Remark (s)

12 Suggestions

- 1.
- 2.
- 3.

Date

Signature & designation of Inspecting Officer of RIC / DIC

And/or MD, IPICOL, Bhubaneswar.

## Certificate

[To be issued by concerned DIC / IPICOL under provisions of Para-L of Annexure-I (Definitions and interpretations), Para 4.3(c) & Annexure-III of IPR – 2022]

(Strike out whichever is not applicable)

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /

OFFICE OF THE DIRECTOR OF INDUSTRIES, ODISHA, CUTTACK

No----- Dt.-----

This is to certify that –

- A. M / S \_\_\_\_\_ bearing Regd. No \_\_\_\_\_  
Dt \_\_\_\_\_ has commenced first fixed capital investment on dt \_\_\_\_\_  
but not gone into commercial production before Effective Date is treated as  
New Industrial Unit under IPR- 2022, provided that it goes into commercial  
production within three years for Micro, Small & Medium Enterprises and five  
years for the rest from the date of first fixed capital investment.
- B. It has surrendered and / or refunded the incentives availed under earlier IPRs.
- C. Option exercised is final and irrevocable.
- D. The industrial unit shall be eligible for incentives provided in IPR- 2022 subject  
to the specific conditions stipulated in this policy.

Or

It shall not be eligible for fiscal incentives as the activity of the "Migrated Industrial Unit" fall within the Negative list of IPR-2022, but shall be eligible for investment facilitation, allotment of land under normal rules and recommendation to the financial institution for term loan and working capital and for recommendation, if necessary, to the Power Distribution Companies.

Signature of G.M, RIC / DIC / D.I Odisha

with seal & date-----.

OFFICE OF THE GENERAL MANAGER, RIC / DIC----- /

OFFICE OF THE MANAGING DIRECTOR, IPICOL, BHUBANESWAR

No----- Dt.-----

(Strike out whichever is not applicable)

This is to inform that the application of M / S \_\_\_\_\_  
bearing EIN / IEM. No \_\_\_\_\_ Dt \_\_\_\_\_ who has exercised option on  
dt. \_\_\_\_\_ as Migrated Industrial Unit to be treated as new industrial unit under  
the provisions of IPR-2022 is **rejected** due to following reasons.

(Specify the reasons)

- 1.
- 2.
- 3.
- 4.

Signature of G.M, RIC / DIC / D.I Odisha

with seal & date-----.