

BEFORE THE HON’BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A NO. 266 OF 2025

IN THE MATTER OF:
DR. AMIT KUMAR**APPLICANT**

VERSUS

STATE OF UTTAR PRADESH & ORS.**RESPONDENTS**

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RESPONDENT No. 8

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Filed by:



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.....APPLICANT

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REJOINDER BY APPLICANT TO THE REPLY OF RESPONDENT No. 8

MOST RESPECTFULLY SHOWETH:

1. That the present application has been filed before this Hon'ble Tribunal challenging the establishment of a Tyre Pyrolysis Plant by Respondent No. 8 (M/s Adideva Carbon LLP) at Village Sakauti, District Shamli, Uttar Pradesh, which, as per the Applicant, has been undertaken in contravention of the CPCB Standard Operating Procedure dated 16.01.2024, in an area not notified as an industrial zone, and by encroaching upon public resources such as the irrigation department drain and a government road.
2. That this Hon'ble Tribunal, vide its order dated 28.05.2025, was pleased to issue notice and directed the Respondents to submit their responses with reference to compliance of siting criteria and legality of the Consent to Establish granted by the Uttar Pradesh Pollution Control Board in favor of Respondent No. 8.
3. That the Applicant herein respectfully submits this short rejoinder to the reply affidavit filed by Respondent No. 8 (M/s Adideva Carbon LLP), which contains factual inaccuracies, incorrect distance measurements from sensitive places, and fails to disclose the encroachment on the irrigation drain and government road, as well as the unauthorized felling of trees previously recorded in the land documents.
4. That the Applicant reserves the liberty to place additional documents on record and file further submissions, as may be necessary, to assist this Hon'ble Tribunal in ensuring that the project proponent complies with

environmental norms in letter and spirit, and that public resources and ecological interests are duly protected.

Objections/Submissions by the applicant

5. That the Respondent No. 8, while acknowledging the existence of an irrigation drain in its reply, has categorically denied any obstruction or adverse impact; however, the Applicant submits that the irrigation department drain passes through the project site (Khasra No. 458) dividing the premises of the project site into two portions, and that a government road in Khasra No. 456 (chak marg) has also passes through the premises which been stopped/encroached upon by the project proponent for construction activities by blocking the entrances of the public road with metal gates.

It is submitted that the Revenue Department has confirmed that the project site is divided into two parts by the Irrigation drain passing through it in Khasra No. 458. The response of the revenue department in a complaint filed by one called Sahil Kamboj, along with the certified pictures of the site as well as the site map (Najri-Naksha) of Irrigation drain dividing the project site in two portions are annexed as **Annexure A-1 (colly)**.

A true copy of the map from the revenue department (tehsil) showing the public road/chakmarg inside the premises of the project site is annexed **Annexure A-2**.

6. That the Respondent No. 8 has relied on an order of the Sub Divisional Magistrate dated 17.09.2024 merely converting the land category from agricultural to non-agricultural. It is pertinent to mention that the order of the Sub Divisional Magistrate dated 17.09.2024 declared the land to be non-agricultural purposes under the *Section 80(2) of the UP Revenue Code 2006*, and not as an industrial area/zone. It is further submitted that such tehsil-level land category from agriculture to non-agriculture conversion does not confer the status of an industrial zone, which can only be created under the **Uttar Pradesh Industrial Area Development Act, 1976** by a duly notified Industrial Development Authority, and the Respondent has produced no notification or document showing that the land falls within such an industrial area, whereas the CPCB SOP dated 16.01.2024 clearly mandates that new Tyre Pyrolysis Units shall be

located only in notified industrial areas; therefore, the Consent to Establish dated 21.10.2024 granted by the UPPCB is contrary to law. A copy of the Uttar Pradesh Industrial Area Development Act, 1976 is annexed as **Annexure A-3**.

7. That the map submitted by the Respondent No. 8 and claimed to be certified by the Department of Legal Metrology, Government of Uttar Pradesh by Respondent No. 8 is incorrect and malafide, as the project proponent has intentionally omitted the depiction of the irrigation department drain passing through its premises and the public road (chakmarg); therefore, the map placed on record by the Respondent no. 8 as Annexure R8 Colly is invalid, and the correct map obtained from the Revenue Department, clearly showing the presence of the irrigation drain and public road within the premises of Respondent No. 8 are in Annexure A-1 and Annexure A-2.
8. That the Respondent No. 8 has incorrectly stated the distances of sensitive areas such as the Khokhari river, temple, government school, residential areas, and the Bidoli-Gangoh Highway from the boundary of the project site, whereas satellite imagery clearly shows that these are significantly closer than claimed; and therefore this Hon'ble Tribunal may kindly direct verification of actual distances and site conditions through an Amicus Curiae, Court Commissioner, or an Independent Committee in the presence of all parties.
9. That the Respondent No. 8 has annexed photographs of newly planted saplings but has not addressed the allegation that trees originally recorded in the sale/purchase deeds of the land parcels have been cut without permission from the competent authority. The Respondent has not placed on record any inventory or evidence to show that the original trees continue to exist on the site. The original trees were felled in violation of law and that an afterthought plantation of saplings was carried out to cover up the illegality.

Recommendations/Prayer

10. In view of the above submissions, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Direct Respondent No. 8 to halt the ongoing construction at the project until the final order in the instant Original Application is passed by this Hon'ble Tribunal.
- b. Direct the Uttar Pradesh Pollution Control Board to revoke the Consent to Establish granted to Respondent No. 8, as it was issued in contravention of the CPCB Standard Operating Procedure dated 16.01.2024, given that the unit is not located in a duly notified industrial area.
- c. **Appoint an *Amicus Curiae*, Court Commissioner, or an Independent Committee** to visit the site in the presence of all parties including the applicant and verify the site conditions, including the existence of the Irrigation Department drain and public road within the project premises, and measure the actual distances from sensitive areas such as the Khokhari river, temple, government school, residential areas, and highway.
- d. Direct Respondent No. 8 to provide an inventory and evidence regarding the status of the trees originally recorded in the land documents and to show cause why they should not be penalized for the illegal felling of the original trees.
- e. Pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice, equity, and good conscience.

It is, therefore, respectfully prayed that the submissions of the applicant be taken on record and appropriate directions be issued in the interest of justice.

FILED BY:



Dr. Amit Kumar
(Applicant in person)
Date - 31.08.2025

श्रीमानजी

सलान् प्रार्थना पत्र डा० साहित कामोज द्वारा ग्राम - सकौती परगना - बिडौली तहसील - ऊन् जनपद - शामली में स्थित खसरा स० ५५८, ५६२ को सिचाई विभाग की सम्पत्ति बताते हुए, आदिदेव कार्वन से अवैध कब्जा मुक्त करने के सम्बन्ध में दिया है, जिसके सम्बन्ध में जांच आख्या निम्न प्रकार है।

उक्त के सम्बन्ध में आपको सादर अवगत कराना है कि ग्राम - सकौती परगना - बिडौली, तहसील - ऊन् जनपद - शामली में स्थित खसरा स० ५५८ एकड़ ०.०२५० है व ५६२ एकड़ ०.०४४ है रजस्व अभिलेखों में ग्राम सभा सम्पत्ति - नाली के रूप में दर्ज है, प्राणी द्वारा कृपेन प्रार्थना पत्र में कथित आदिदेव कार्वन औद्योगिक फर्म के स्ट्रक्चर के दायरे में केवल खसरा स० ५५८ एकड़ ०.०२५० पड़ता है, जिसे रजस्व टीम द्वारा दिनांक ११-१२-२०२५ को चिन्हाकन कर कब्जा मुक्त करा दिया गया था, जिसका उपस्थिति पत्र प्रमाण स्वरूप आख्या के साथ संलग्न कर दिया गया है, उपरोक्त चिन्हाकन के उपरान्त आदिदेव कार्वन औद्योगिक फर्म की दिवार को तुड़वाकर अवैध कब्जा मुक्त करा दिया गया था, जिसका कोटो प्रमाण स्वरूप साथ में संलग्न है, वर्तमान में फर्म के स्ट्रक्चर को दो भागों में बाँटकर नाली खसरा स० ५५८ एकड़ ०.०२५० है के क्षेत्रफल को बाहर (स्ट्रक्चर से बाहर) छोड़ दिया गया है, खसरा स० ५६२ आदिदेव कार्वन औद्योगिक फर्म के स्ट्रक्चर से बाहर स्थित पाया गया, आख्या सेवा में सादर प्रेषित है।

सलान्नाम

- (१) उपस्थिति पत्र दिनांक १२-१२-२५
- (२) वर्तमान में टुटी दिवार का फोटो
- (३) नजरी नक्शा

महोदय,

लेखपाल आजा प्रेम (सा.स. ५०६८)

महोदय,

सा० नि० आ० सेवा में सादर प्रेषित -

२१/०७/२०२५

Thm (U)

तहसीलदार
तहसील - ऊन्
(शामली)

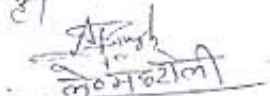
21-07-2025
अजीत सिंह लेखपाल
क्षेत्र - बिडौली
तहसील - ऊन्, जनपद - शामली

21/07/25

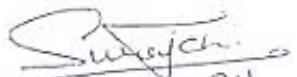
"दुपस्थिती पत्र"

प्राज दिनांक 17-12-2024 को ग्राम राकौली, परगना-विशौली, तहसील-कनू जिला झांगली में स्थित खसरा सं 458 रकबई 0.0250 है, नाली की प्राप्ति अंकित कुमार व द्वितीय पक्ष आदिदेव कार्वन एल० एल०पी आई० डी की तरफ से नामित व्यक्ति श्री महेश भरोडा की उपस्थिति में चिन्हांकन कर दिया गया, उपरोक्त फर्म के प्रतिनिधी की नाली के स्थान से दिवार हटकर खनने के बोल दिया गया, स्थल पर मौजूद व्यक्तियों के हस्ताक्षर/मिशनो अगुवा निम्न प्रकार हैं।



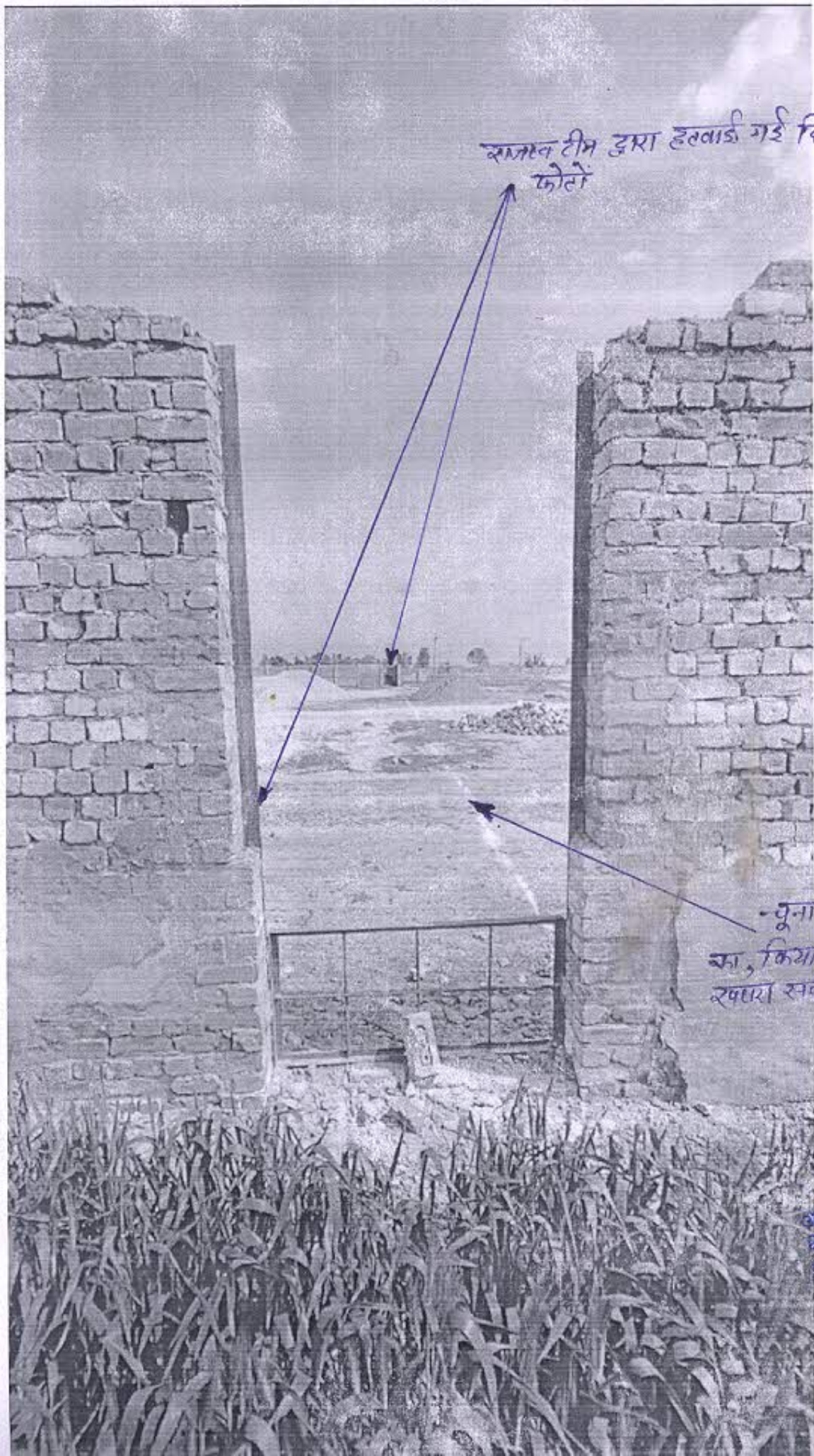

ले० म० रोली
17-12-24
अंकित कुमार

24/12/24


17-12-2024
010-05555


17/12/24
7987061330

ग्राम - स्वकौली परगना - बिठौली तहसील - ऊन जिला शामली



रामायण टीम द्वारा हलवाई गई दिवार का फोटो

-पुना डलवाकर नाली का, किया गया निहाल
रफाया सं 458/0-025

21-07-2025

राजीव सिंह लेखपाल
महाराज
तहसील-ऊन, जनपद-शामली

ग्राम-स्वकाली, पारंगना विहारी, नहलील-कनू, जिला - शालाली
 वेभगदल कोरे स्वकाला रस - ५५८ नाली



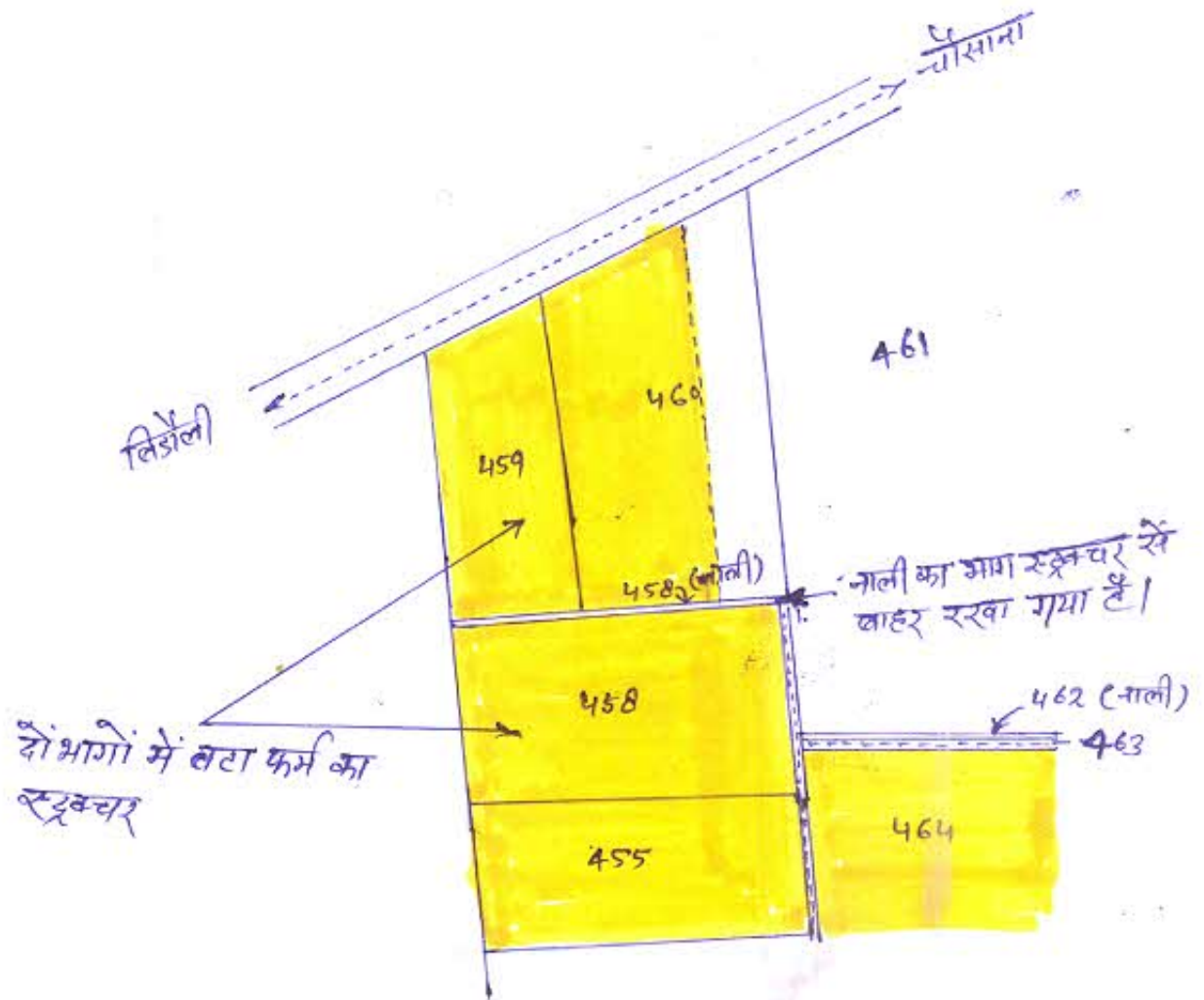
अमेरिका का नगर निवासी

अमेरिका का नगर निवासी स्वकाली जिला

अमेरिका का नगर निवासी स्वकाली जिला

अमेरिका का नगर निवासी स्वकाली जिला

ग्राम - सकौती बरगना - बिडौली तहसील ऊन जनपद - शामली
बालत खसरा खण्ड 458, 462 (नाली)



अजीत सिंह
21-07-2025
अजीत सिंह लेखपाल
क्षेत्र...
तहसील-ऊन, जनपद-शामली

गव-शा नजरी

का- स जोती परगना - बिजौली तहसील - ऊन जिला - शामली



AB = संयोजन और लेखपात

B = दरवाजा

BC = संयोजन और

संत्यवीर
तहसील - ऊन
(शामली)
12/8/25

12-8-25

क्षेत्र - संयोजन

12-8-25

संत्यवीर सिंह लेखपात
क्षेत्र - संयोजन
तहसील - ऊन, (शामली)

THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT
ACT, 1976¹

(U. P. ACT NO. 6 OF 1976)

Amended by

U. P. Act No. 18 of 1995

U. P. Act No. 02 of 1999

U. P. Act No. 04 of 2001

U. P. Act No. 20 of 2008

U. P. Act No. 10 of 2016

U. P. Act No. 06 of 2018

U.P. Act No. 25 of 2020

U.P. Act No. 05 of 2022

**[Passed in Hindi by the Uttar Pradesh Legislative Assembly
on April 1, 1976 and by the Uttar Pradesh Legislative Council on
April 6, 1976.**

**Received the assent of the Governor on April 16, 1976 under
Article 200 of the Constitution of India and was published in the
Uttar Pradesh Gazette Extraordinary, dated April 16, 1976.]**

AN

ACT

***to provide for the constitution of an Authority for the
development of certain areas in the State into industrial and
urban township and for matters connected therewith.***

IT IS HEREBY enacted in the Twenty-seventh Year of the Republic
of India, as follows :—

**Short title
and extent**

1. (1) This Act may be called the Uttar Pradesh Industrial Area
Development Act, 1976.

(2) It extends to the whole of Uttar Pradesh.

Definitions

2. In this Act, —

(a) “amenities” includes ²[roads, bridges, flyovers, underpasses]
water supply, street lighting, power supply, sewerage, drainage,
collection, treatment and disposal of industrial waste and town
refuse ³[facilities relating to health, education, transport, disaster
management, fuel, power public transport, broad band connectivity and
gas pipe-lines] and such other community facilities, services or
conveniences as the State Government may, by notification, specify to be
an amenity for the purposes of this Act ;

(b) “Authority” means the Authority constituted under section 3
of the Act ;

1. For Statement of Objects and Reasons see *Uttar Pradesh Gazette Extraordinary*, dated April 16, 1976.

2. [Subs. by sec. 2 \(a\) \(i\) of U. P. Act 10 of 2016.](#)

3. [Add. by sec. 2 \(a\) \(ii\) of U. P. Act 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

¹[(b-1) “building” includes any structure or erection or part thereof which is used or is capable of being used for any residential commercial, institutional, industrial or for any other like purpose, and the same is occupied or is capable of occupation ;]

(c) “Chief Executive Officer” means the officer appointed as such under section 4 ;

²[(c-1) “company” for the purpose of this Act, means any company incorporated under the Companies Act, 2013, or its statutory modification in which the entire paid up share capital is held, directly or indirectly, by the State Government or partly by the State Government and partly by the Central Government ;

²[(c-2) “development” with its grammatical variations means, carrying on any organized activity over any land or building, including any changes which occur on account of spending of finances and may result in increase of its rateable value and also includes re-development;

²[(c-3) “economic activities” shall include industrial, manufacturing, commercial, financial, processing, packing, logistic, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, information and communication, management and consultancy, activities and service connected with development and maintenance of amenities and, such other economic activities as may be specified by notification by the State Government ;]

(d) “Industrial development area” means an area declared as such by the State Government by notification ;

³[(d-1) “industrial township” means an industrial township specified as such by notification by the Governor under the proviso to clause (1) of Article 243Q of the Constitution of India ;

³[(d-2) “infrastructure project” means any project undertaken or to be undertaken for the development of infrastructure, amenities, facilities, or service which are required for the smooth and efficient functioning of Special Investments Region or the Industrial Development Area ;]

(e) “Occupier” means a person (including a firm or body of individuals whether incorporated or not) who occupies a site or building within the industrial development area and includes his successors and assigns ;

⁴[(e-1) “Site” means any demarcated portion of land or building or both ;

1. [*Ins. by sec. 2 \(b\) of U. P. Act 10 of 2016.*](#)

2. [*Ins. by sec. 2 \(c\) of U. P. Act 10 of 2016.*](#)

3. [*Ins. by sec. 2 \(d\) of U. P. Act 10 of 2016.*](#)

4. [*Ins. by sec. 2 \(e\) of U. P. Act 10 of 2016.*](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(e-2) “Special Investment Region” means an area declared as such by the State Government by notification under sub-section (1-A) of section 3 ;] ¹

(f) “transferee” means a person (including a firm or other body of individuals, whether incorporated or not) to whom any land or building is transferred in any manner whatsoever, under this Act and includes his successors and assigns ;

²[(f-1) “Unit” means a unit or undertaking set up by a person for the purpose of carrying on any economic activity in the Industrial Development Area/Special Investment region ;

²(f-2) “User Charge(s)” means the charges levied by the Authority or any other entity authorized by it;]

(g) the words and expressions “building”, “development”, “to erect a building” and “land” shall have the same meaning as assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.

**Constitution
of the
Authority**

3. ³[(1) the State Government may, by notification, declare an area to be the industrial development area and constitute an authority to be called “(name of the area) industrial development authority” for such industrial development area.

³(1-A) The State Government, may by notification, declare any area, determining its geographical boundaries falling within or outside the industrial development area or partly within and partly outside as Special Investment Region and empower the Authority constituted under sub-section (1) for carrying out the purpose of this Act in respect of such area. The Special Investment Region shall be called by such name as may be specified by the State Government.]

(2) The Authority shall be a body corporate.

(3) The Authority shall consist of the following :—

(a) ⁴[the Principal Secretary to the Government] Uttar Pradesh, Public Works Department or his nominee not below the rank of ³[Special Secretary] — *ex-officio*

*Member—
Chairman*

⁵ [Provided that the Chairman of the Uttar Pradesh State Industrial Development Corporation shall be ex-officio Chairman of the Uttar Pradesh State Industrial Development Authority.]

(b) ⁴[the Principal Secretary to the Government] Uttar Pradesh, Public Works Department or his nominee not below the rank of ⁴[Special Secretary] — *ex-officio*

Member

[1. Ins. by sec. 2 \(e\) of U. P. Act No. 10 of 2016.](#)

[2. Ins. by sec. 2 \(f\) of U.P. Act No. 10 of 2016.](#)

[3. Subs. by sec. 3 \(a\) of U. P. Act No. 10 of 2016.](#)

[4. Subs. by sec. 3 \(b\) of U. P. Act No. 10 of 2016.](#)

[5. Ins. by sec. 2 of U. P. Act No. 20 of 2008.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(c) ¹[the Principal Secretary to the Government] Uttar Pradesh, Public Works Department or his nominee not below the rank of ¹[Special Secretary] — *ex-officio* *Member*

(d) ¹[the Principal Secretary to the Government] Uttar Pradesh, Public Works Department or his nominee not below the rank of ¹[Special Secretary] — *ex-officio* *Member*

(e) The Managing Director, U. P. State Industrial Development Corporation — *ex-officio* *Member*

(f) Five member shall be nominated by the State Government by notification *Member*

(g) Chief Executive Officer *Member-Secretary*

(4) The headquarters of the Authority shall be at such place as may be notified by the State Government.

(5) The procedure for the conduct of the meetings for the Authority shall be such as may be prescribed.

(6) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in or defect in the constitution of the Authority.

**Chief
Executive
Officer**

4. (1) The Chief Executive Officer of the Authority shall be appointed by the State Government and he shall be a whole-time officer of the Authority.

(2) The Chief Executive Officer shall be entitled to receive from the funds of the Authority such salaries and allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.

(3) The Chief Executive Officer shall exercise such powers and perform such duties as may be specified in the regulations or delegated to him by the Authority.

**Staff of the
Authority**

5. (1) Subject to such control and restrictions as may be determined by general or special orders of the State Government, the Authority may appoint such number of officers and employees as may be necessary for the performance of its functions, and may determine their grades and designations.

(2) Subject as aforesaid the officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be agreed upon with the Authority.

1. Subs. by sec. 3 (b) of U. P. Act no. 10 of 2016.

[The Uttar Pradesh Industrial Area Development Act, 1976]

**Creation of
Centralized
Services**

1[5-A. (1) Notwithstanding anything to the contrary contained in section 5 or in any other law for the time being in force, the State Government may at any time, by notification, create one or more “Industrial Development Authorities Centralized Services” for such posts, as the State Government may deem fit, common to all the Industrial Development Authorities, and may prescribe the manner and conditions of recruitment to and the terms and conditions of service of persons appointed to such service.

(2) Upon creation of an Industrial Development Authorities Centralized Service, officer or employee serving on the posts included in such service immediately before such creation, not being a person governed by the Uttar Pradesh Palika (Centralized) Services Rules, 1966 or serving on deputation, shall, unless he opts otherwise, be absorbed in such service, —

(a) finally, if he was already confirmed in his post; and

(b) provisionally, if he was holding temporary or officiating appointment.

(3) An officer or employee referred to in sub-section (2) may, within three months from the creation of such Industrial Development Authorities Centralized Service communicate to the Government in the Industrial Development Department, his option not to be absorbed in such Centralized Service, failing which he shall be deemed to have opted for final or provisional, as the case may be, absorption in such centralized Service.

(4) Suitability of officer or employee absorbed provisionally, for final absorption in an Industrial Development Authorities Centralized Service, shall be examined in the manner prescribed and if found suitable he shall be absorbed finally.

(5) The services of officer or employee who opts against absorption, or who is not found suitable for final absorption, shall stand determined and he shall, without prejudice to his claim to any leave, pension, provident fund or gratuity which he would have been entitled to, be entitled to receive as compensation from the Industrial Development Authority concerned, an amount equal to —

(a) three month’s salary, if he was a permanent employee ;

(b) one month’s salary, if he was a temporary employee.

Explanation— For the purposes of this sub-section the term ‘salary’ includes dearness allowance, personal pay and special pay, if any.

(6) It shall be lawful for the State Government or any officer authorized by it in this behalf, to transfer any person holding any post in an Industrial Development Authorities Centralized Service from one Industrial Development Authority to another.]

1. *Ins. by sec. 2 of U. P. Act no. 6 of 2018.*

[The Uttar Pradesh Industrial Area Development Act, 1976]

Functions of the Authority

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

(2) Without prejudice to the generality of the objects of the Authority, the Authority shall perform the following functions :—

(a) to acquire land in the industrial development area, by agreement or through proceedings under the Land Acquisition Act, 1894 for the purpose of this Act ;

(b) to prepare a plan for the development of the industrial development area ;

(c) to demarcate and develop sites for industrial, commercial and residential purposes according to the plan ;

(d) to provide infra-structure for industrial, commercial and residential purposes ;

¹[(e) to provide amenities and municipal services ;]

¹[(f) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial commercial or residential purposes and such other land uses as per master plan ;]

¹[(g) to regulate the erection of buildings and setting up of industries and land uses as per master plan ; and]

¹[(h) to lay down the purpose for which a particular site or plot of land shall be used, namely for industrial or commercial or residential purpose or any other specified purpose in such area as per Master Plan.]¹

²[(3) For carrying out or achieving the planned development within the industrial development area, the Authority may incorporate a company or more than one company owned by the Authority either wholly or partly by the State Government and partly by the Central Government, under the provisions of the Companies Act, 2013.

²(4) The share capital, the Memorandum of Association and the Articles of Association of the company referred to in sub-section (3) shall be such as may be approved by the Authority from time to time :

Provided that, in cases where the share capital is partly held by the State Government, the share capital, the Memorandum of the Association and the Articles of Association under this sub-section shall be approved by the State Government.

(5) The company formed under sub-section (3) shall carry out such functions as may be entrusted to it by the Memorandum of Association.

(6) Where in the opinion of the Authority, as a consequence of any development scheme having been executed by the Authority in the

1. [Subs. by sec. 4\(a\) of U. P. Act no. 10 of 2016.](#)

2. [Ins. by sec. 4 \(b\) of U. P. Act no. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

special investment region or the industrial development area, the value of any property in that area which has been benefited by the development, has increased or is likely to increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development :

Provided that, no betterment charge shall be levied in respect of land owned by the Government :

Provided further that, where any land belonging to the Government has been granted by way of lease or license by the Government to a person, whether any building situate thereon or not, shall be subject to a betterment charge under this sub-section.]¹

Power to authorize a person to provide infrastructure or amenities and collect tax or fee

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

Power to the Authority in respect of transfer of land

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

³[Provided that,-

(a) where any land has been allotted on lease before 28.07.2020 for setting up of an industrial unit and/or Information Technology/ Information Technology Enabled Services unit(IT/ITES); and

(b) the land has not been utilized (functional/minimum completion) by 28.07.2020 as per the norms laid down by the Authority; and

(c) a period of eight years from the date of execution of lease deed of the period fixed for such utilization as per the terms and conditions of allotment, whichever is longer has lapsed by 28.07.2020; and .

(d) a notice has been given by the Authority to such allottee at least three months prior to 31.12.2022 to utilize the said land by 31.12.2022 for the purpose for which it was allotted and apprising him of the consequences as mentioned hereafter of the failure to do so; and

(e) the allottee does not utilize the land by 31.12.2022

then the allotment and lease deed will stand automatically cancelled and allotted land will vest with the Authority on 31.12.2022

Provided further that the State Government may, by a general or special order, extend the date of such cancellation and vesting as mentioned in the above proviso, in the interest of promotion of investment and employment generation.

Explanation-1:-The aforesaid amendment does not entitle any allottee/unit to claim a minimum completion period of eight years. The period fixed for such utilization shall continue to be governed by the terms and conditions of allotment and the policy of the concerned Authority, including the applicability of extension of time and other interests and charges.

1. Ins. by sec. 4(b) of U.P. Act No. 10 of 2016.

2. Ins. by sec. 2 of U. P. Act No. 2 of 1999.

3. Subs. by sec. 2 of U.P. Act No. 05 of 2022.

[The Uttar Pradesh Industrial Area Development Act, 1976]

Explanntion-2:- The refund of money deposited by the allottee on such cancellation of allotment and lease deed, and vesting of land in Authority shall be as per the policy of the concerned Authority.]

8. (1) For the purposes of proper planning and development of the industrial development area, the Authority may issue such direction as it may consider necessary, regarding —

Power to issue directions in respect of erection of building

(a) architectural features of the elevation or frontage of any building ;

(b) the alignment of buildings on any site ;

(c) the restrictions and conditions in regard to open spaces to be maintained in and around building and height and character of buildings ;

(d) the number of residential buildings that may be erected on any site ;

(e) regulation of erection of shops, workshops, warehouses factories or buildings ;

(f) maintenance of height and position of walls, fences, hedges or any other structure or architecture constructions ;

(g) maintenance of amenities ;

(h) restriction of use of any site for a purpose other than that for which it has been allocated ;

(i) the means to be provided for proper

(ii) drainage of waste water ;

(iii) disposal of industrial waste, and disposal of town refuse.

(2) Every transferee shall comply with the directions issued under sub-section (1) and shall as expeditiously as possible erect any building or take such other steps as may be necessary to comply with such directions.

9. (1) No person shall erect or occupy any building in the industrial development area in contravention of any building regulation made under sub-section (2).

Ban on erection of buildings in contravention of regulation

(2) The Authority may, by notification and with the prior approval of the State Government make regulations to regulate the erection of buildings and such regulations may provide for all or any of the following matters, namely :—

(a) the materials to be used for external and partition walls, roofs, floors and other parts of a building and their position or location or the method or construction ;

(b) lay-out plan of the building whether industrial, commercial or residential ;

(c) the height and slope of the roofs and floors or any building which is intended to be used for residential or cooking purposes ;

(d) the ventilation in, or the space to be left about any building or part thereof to secure circulation of air and for the prevention of fire;

[The Uttar Pradesh Industrial Area Development Act, 1976]

- (e) the number and height of the story's of any building ;
- (f) the means to be provided for the ingress and egress to and from any building ;
- (g) the minimum dimension of rooms intended for use as living rooms and sleeping rooms and the provision of ventilation ;
- (h) any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings ; and
- (i) the certificates necessary and incidental to the submission of plans amended plans and completion reports;

¹[(j) the time limit within which any building shall be required to be erected or repairs, additions, modifications is to be made in an existing building, shall be carried out and after completion thereof a notice of completion of construction of building or repairs, additions or modifications as the case may be, shall be lodged with the Authority and completion certificate obtained therefrom.]

Power to require proper maintenance of site or building

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

Levy of tax

11. ² [(1) For the purposes of providing, maintaining or continuing any amenities in the industrial development area, the Authority may, with the previous approval of the State Government, levy such taxes as it may consider necessary in respect of any site or building on the transferee or occupier thereof, provided that the total incidence of such tax shall not exceed one per cent of the market value of such site, including the site of the building.

Explanation :— For the purposes of this sub-section, the expression 'market value' means, the amount of :—

- (a) consideration, in the case of sale ; or
- (b) premium, in the case of lease ; or
- (c) the minimum value determined in accordance with the rules made under the Indian Stamp Act, 1899, whichever is more.]

[1. Ins. by sec. 5 of U. P. Act no. 10 of 2016.](#)
[2. Subs. by sec. 2 of U. P. Act 18 of 1995.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(2) If the State Government considers it necessary or expedient in the public interest, it may, by a general or special order, exempt wholly or partly—any such transferee or occupier or any class thereof from the taxes levied under sub-section (1).

Power to levy toll etc.

11-A. The Authority shall have power to levy and collect toll, for the use of approach roads and other Amenities at such rate and in such manner as may be notified by the State Government, from visitors, to such places of popular resort (including any ancient and historical monuments) within the industrial development area ;

Provided that State Government may by notification, exempt any classes of visitors from the payment of the toll and fix any day in which no toll shall be charged.]

Levy of Additional Stamp Duty

11-B. (1) The duty imposed by the Indian Stamp Act, 1899 on any deed of transfer of immovable property situated within the Industrial Development Area or Special Investment Region, or any part thereof, as the State Government may, by notification, declare, shall be increased by two percent on the amount or value of the consideration with reference to which the duty is calculated under the said Act.

(2) All collections resulting from the said increase, after the deduction of incidental expenses, if any, and as may be determined from time to time by the State Government, shall be transferred to and appropriated towards suitable head or Fund as notified by the State Government.]²

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

12. The provisions of Chapter VII and sections 30, 32, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53 and 58 of the Uttar Pradesh Urban Planning and Development Act, 1973, as re-enacted and modified by the Uttar Pradesh President's (Re-enactment with Modifications) Act, 1974, shall *mutatis mutandis* apply to the Authority with adaptation that,—

(a) any reference to the aforesaid Act shall be deemed to be a reference to this Act ;

(b) any reference to the Authority constituted under the aforesaid Act shall be deemed to be a reference to the Authority constituted under this Act ; and

(c) any reference to the Vice-Chairman of the Authority shall be deemed to be a reference to the Chief Executive Officer of the Authority.

[1. Ins. by sec. 6 of U. P. Act 10 of 2016.](#)

[2. Ins. by sec. 6 of U.P. Act No. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

**No Panchayat
for industrial
township**

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

Explanation :— The expression “Panchayat and Panchayat area” shall have the meanings respectively assigned to them in part IX of the Constitution.]

²[**12-B.** (1) The Governor may, by notification, specify under Article 243Q of the Constitution of India, the whole of Special Investment Region or the Industrial Development Area or any part thereof to be an Industrial Township.

(2) Notwithstanding anything to the contrary contained in any Uttar Pradesh Act, where an special investment region or industrial development area or any part thereof is specified to be an Industrial Township under the proviso to clause (1) of Article 243Q of the Constitution of India, such industrial development area or part thereof, falling in a Municipality shall from the date of notification stand excluded from that Municipality area and all powers and functions performed with respect to such area shall be exercised or performed by the Authority.

Explanation :— The expression “Municipality” shall have the meaning assigned to it in Part IX or Part IX-A of the Constitution of India.]

[1. Ins. by sec. 2 of U. P. Act No. 4 of 2001.](#)

[2. Ins. by sec. 7 of U. P. Act No. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

**Imposition of
penalty and
mode of
recovery of
arrears**

13. Where any transferee makes any default in the payment of any consideration money or installment thereof or any other amount due on account of the transfer of any site or building by the Authority or any rent due to the Authority in respect of any lease, or where any transferee or ¹[Occupier makes any default in payment of any amount of] in the payment of any fee or tax levied under this Act, the Chief Executive Officer may direct that in addition to the amount of arrears, a further sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.

²**[13-A.** Any amount payable to the Authority under section 13 shall constitute a charge over the property and may be recovered as arrears of land revenue or by attachment and sale of property in the manner provided under sections 503, 504, 505, 506, 507, 508, 509, 510, 512, 513 and 514 of the Uttar Pradesh Municipal Corporations Act, 1959 (Act no. 2 of 1959) and such provisions of the said Act shall *mutatis mutandis* apply to the recovery of dues of an authority as they apply to the recovery of a tax due to a Municipal Corporation, so however, that references in the aforesaid sections of the said Act to 'Municipal Commissioner', 'Corporation Officer' and 'Corporation' shall be construed as references to 'Chief Executive Officer' and 'Authority' respectively :

Provided that more than one modes of recovery shall not be commenced or continued simultaneously.]

**For feature
for breach of
conditions of
transfer**

14. (1) In the case of non-payment of consideration money or any installment thereof on account of the transfer by the Authority of any site or building or in case of breach of any condition of such transfer or breach of any rules or regulations made under this Act, the Chief Executive Officer may resume the site or building so transferred and may further forfeit the whole or nay part of the money, if any, paid in respect thereof.

1. [Subs. by sec. 8 of U. P. Act No. 10 of 2016.](#)

2. [Ins. by sec. 9 of U. P. Act No. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(2) Where the Chief Executive Officer orders resumption of any site or building under sub-section (1) the Collector may, on his requisition, cause possession thereof to be delivered to him and may for that purpose use or cause to be used such force as may be necessary.

Penalty

15. Any person who contravenes any provisions of this Act, or rules or regulations made thereunder or any directions issued under section 8, shall on conviction be punishable with fine which may extend to ¹[fifty thousand rupees] and in the case of a continuing offence with further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Powers of entry etc.

16. The Chief Executive Officer may authorize any person to enter into or open any land or building with or without assistance, for the purposes of,—

(a) making any inquiry, inspection, measurement or survey or taking levels of such land or building ;

(b) examining works under construction or of ascertaining the course of sewers or drains ;

(c) ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given under this Act or the rules and regulations made thereunder and to take such measurements and do any such other acts as may be necessary for such purpose ;

²[(C-1) digging or boring into the sub soil ;

(C-2) setting out boundaries or intended lines of work ;

(C-3) making such level, boundaries and lines by placing marks and cutting trenches ;

(C-4) ascertaining whether any land is being or has been developed in accordance with the Plan and in accordance with the terms and conditions stated in the permission.]²

(d) doing any other thing necessary for the efficient administration of this Act :

Provided that —

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building ;

(ii) sufficient opportunity shall in every instance, be given to enable women, if any, to withdraw from such land or building ;

[1. Subs. by sec. 10 of U. P. Act no. 10 of 2016.](#)

[2. Ins. by sec. 11 of U. P. Act no. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

Punishment for obstruction, imposition of penalty, sealing etc.

¹ **16-A.** Any person who obstructs the entry of a person authorized under section 16 upon any land or building shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Power to levy, assess, recover user charges

16-B. (1) When it appears to the Chief Executive Officer or the officer authorized by him that any particular development scheme is sufficiently advanced to enable the amount of the user charge to be determined, the Chief Executive Officer or the officer authorized by him may be an order made in that behalf, declare that for the purpose of determining the User Charges the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or person having an interest therein that it is proposed to assess the amount of the User charge in respect of the property mentioned in the notice.

(2) The Chief Executive Officer or the officer authorized by him shall assess the amount of User Charges payable by the person concerned after giving such person an opportunity of being heard.

(3) Any person aggrieved by the order of assessment passed under sub-section (2), may, within ninety days from the date of the notice in writing of such assessment inform the Chief Executive Officer or the officer authorized by him in that behalf by a declaration in writing that he accepts the assessment or objects to it.

(4) Where the order of assessment passed under sub-section (2) is accepted by the person concerned within the period specified in such assessment shall become final and the person concerned shall make payment of the User Charges within the time specified in the assessment order.

(5) If the person concerned objects to the Assessment order passed under sub-section (2), then the person concerned may file an appeal before the Appellate Authority within a period of ninety days from the date of receipt of the assessment order passed under sub-section (2) and the Appellate Authority may dispose of the appeal within a period of six months from the date of receipt of the appeal. The order passed by the Appellate Authority in appeal shall be final.

(6) The State Government may nominate an officer not below the rank of the Principal Secretary to the State Government as the Appellate Authority.

[1. Ins. by sec. 12 of U. P. Act no. 10 of 2016.](#)

[The Uttar Pradesh Industrial Area Development Act, 1976]

(7) The User Charges levied under this Act shall be payable in such number of installments, as may be fixed by regulations made in that behalf.

(8) The arrears of User Charges shall be recoverable as the arrears of land revenue, and shall constitute a charge over such property.]¹

**Overriding
effect of the
Act**

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

**Power to
make rules**

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

**Power to
make
regulations**

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

(2) In particular, and without prejudice to the generality of the foregoing power, such regulation may provide for all or any of the following matters, namely :—

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat ;

(b) the powers and duties of the Chief Executive Officer ;

(c) the form of register of application for permission to erect a building ;

(d) the management of properties of the Authority ;

(e) fees to be levied in the discharge of its functions ;

(f) such other matters as are to be provided for in regulation.

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[1. Ins. by sec. 12 of U.P. Act No. 10 of 2016.](#)