

**GOVERNMENT OF ODISHA
INDUSTRIES DEPARTMENT**

RESOLUTION

No. 3046 /I., Bhubaneswar, Dated 29/4/2024
IND-HI2-GUID-0001-2022

OPERATIONAL GUIDELINES FOR REIMBURSEMENT OF STAMP DUTY UNDER

IPR- 2022

(Para 4.5.1 (g), (h) & (i) of IPR 2022)

1. **Short Title:** - Operational guidelines for Stamp Duty Exemption under provisions of Para- 4.5.1 (g), (h) & (i) of Industrial Policy Resolution 2022
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 Industrial Policy Resolution, 2022 i.e. 01.12.2022
4. **Terms and Expressions:** -
 - a. Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Industrial Policy Resolution, 2022.
 - b. Instrument for transfer of land before production shall be **Agreement to lease**, and lease deed shall be executed after commercial production.

5. Policy Provisions: -

Para- 4.5.1 (g), (h) & (i) of Industrial Policy Resolution, 2022

- g. No stamp duty will be required to be paid in respect of transfer of land or shed by the Government, IDCO and Private Industrial Estate developers to new industrial units in Priority and Thrust sectors and existing industrial units acquiring fresh land for expansion, modernization and diversification in Priority and Thrust sectors.
- h. 100% Stamp Duty will be exempted on conveyance instruments for units required to be transferred to a new owner / management under the provisions of the State Financial Corporation (SFC) Act, 1951 or under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act 2002, and IBC 2016.
- i. Loan agreements, credit deeds, mortgages and hypothecation deeds executed by the Industrial Units in favour of Banks or Financial Institutions shall be allowed 100% exemption from stamp duty.

6. Eligibility: -

1. Private Industrial Estate Developers / New Industrial units in Thrust & Priority Sector / Migrated Industrial units in Thrust & Priority Sector as defined at sl no. 1 of Annexure-I of IPR-2022 / Existing Industrial units acquiring fresh land for expansion, modernization and diversification in Priority and Thrust Sectors as enunciated in the Policy provisions shall also be eligible for **Reimbursement of Stamp Duty** actually paid during transfer of land from IDCO / Private Industrial Estate **except** Units/ activities under all other sectors and listed at Annexure- III of IPR 2022.
2. Industrial unit that has availed this incentive, under any scheme of the State Govt. or the Central Govt. or any Financial Institution(s), shall be eligible for the **differential** amount of benefit only.
3. Reimbursement of Stamp Duty shall be available after issue of Production Certificate and Priority/ Thrust Certificate

7. Time frame for filing application: -

- a) Eligible Industrial unit shall file its claim for Reimbursement of Stamp Duty complete in all respect within **one year** from Date of Commercial Production.
- b) Secretary, Industries Department shall be competent to condone the delay in submission of application up to **one year**, i.e., application of claim received within **twenty-four months** after date of starting first commercial production. Further delay in such claim shall be considered by Chief Secretary for condonation. Condonation of delay shall be considered for the reasons beyond the control of industrial unit.

8. Procedure for Reimbursement of Stamp Duty (Applicable to those units paid full stamp duty upfront):

8.1 Eligible Industrial units under this IPR 2022 those who have paid the stamp duty upfront after the effective date of this policy i.e **01.12.2022** shall submit their Claim for Reimbursement of Stamp Duty in the prescribed form appended to this operational guideline at Annexure-'A' along with self-attested copies of the executed Deed and other relevant documents as mentioned in the Checklist at Annexure-'B' to the MD, IPICOL complete in all respect within the timeline prescribed in Para-7 of this guidelines.

8.2 On receipt of application with copies of relevant documents, acknowledgement as prescribed at Annexure-'C' shall be issued to the applicant by the MD, IPICOL on the day of receipt. The MD, IPICOL may authorize any of his officers for the purpose.

8.3 MD, IPICOL shall first examine the eligibility of the unit for Reimbursement Stamp Duty. If found eligible, he shall cross-check from the Registering Authority regarding the quantum of stamp duty paid. There after he shall recommend the case to Director of Industries, Odisha within **30 days** of receipt of application for sanction of the actual amount of stamp duty paid.

8.4 Sanction & Disbursement: - On receipt of the recommendation letter of MD, IPICOL, the Director of Industries, Odisha shall, satisfy himself about the

correctness of the reimbursement claim and if found correct, shall sanction the amount in format at **Annexure-D** within **15 working days** of receipt of the recommendation letter from MD, IPICOL and disburse subject to availability of funds.

8.5. Director of Industries shall furnish the requirement of funds to Industries Department and request for allocation of funds along with the copy of sanctioned letter in time and Industries Department will place the required funds with DI, Odisha for disbursement.

9. Rejection: - In case of **rejection** of application at IPICOL/ Director of Industries, Odisha, the reasons of rejection shall be communicated to the applicant unit by the concerned authority as early as possible or within a maximum period of **25 days** of receipt of application from the claimant unit in the format prescribed at Annexure – 'E'.

10. Miscellaneous: -

10.1 IDCO / DIC / Director of Industries, Odisha / IPICOL may inspect the industrial project individually / jointly, if felt necessary.

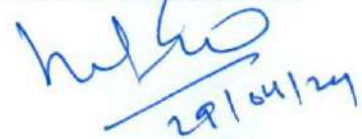
10.2 The amount of Stamp duty reimbursed shall be recoverable with penal interest as decided by the authority if the information furnished is found to be false/ incorrect / misleading or misrepresented and there has been suppression of facts / materials or allowed in excess of the amount actually admissible for whatsoever reason.

10.3 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.

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

11. The views of Finance Department in this regard have been obtained vide their OSWAS File No. FIN-ES2-MISC-0002-2023 and these Operational Guidelines have been concurred by Revenue & DM Department.

By order of the Governor

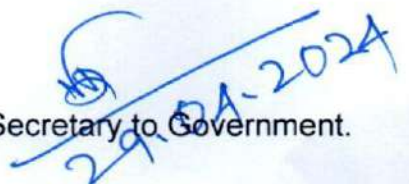


Principal Secretary to Government
Industries Department

Memo No. 3047 /I., Bhubaneswar, dated 29/4/2024

Copy forwarded to All Departments/ All Heads of Departments / All Revenue Divisional Commissioners/ All Collectors/ All DICs/ All Sections of Industries Department (except HI-II Section and IMU Section)/ Guard File for information & necessary action.

Special Secretary to Government.



Memo No. 3048 /I., Bhubaneswar, dated 29/4/2024

Copy forwarded to the Managing Director, IDCO/ Managing Director, IPICOL/ Managing Director, Odisha Film Development Corporation/ Director of Industries, Odisha for kind information & necessary action.


Special Secretary to Government.

Memo No. 3049 /I., Bhubaneswar, dated 29/4/2024

Copy forwarded to IMU Section, Industries Department for information & necessary action with a request to upload the Resolution in the website of Industries Department.


Special Secretary to Government.

APPLICATION FOR REIMBURSEMENT OF STAMP DUTY PAID.

[Para 4.5.1 (g), (h) & (i) of IPR 2022]

Application received incomplete in any respect shall be liable for rejection

(Strike out whichever is not applicable)

From

M/s _____

To

Managing Director,
IPICOL, Bhubaneswar

Sub: Application for Reimbursement of Stamp Duty paid under the provisions of IPR, 2022.

Sir,

In accordance with the provisions laid down in IPR, 2022, the claim for reimbursement of Stamp Duty paid is submitted with following particulars.

1	Category of the Unit (Thrust / Priority)	:			
	Sector of the Unit (Thrust / Priority)	:			
	New Industrial unit / Existing Industrial units taking up expansion, modernization and diversification	:			
2	Address of Registered office	:			
3	Type of organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	:			
4	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	:			
5	i) Production Certificate Number & date	:			
	ii) Migration Certificate No. date, if migrated	:			
	iii) Thrust/ Priority Sector Certificate No date	:			
6	Entrepreneurs Identification Number / IEM / No. date of PEAL approval letter	:			
7	Items of manufacture / activity (Proposed / Existing / E/M/D)	:	Item	Quantity	Value
			(I)		
			(ii)		
8	Date of commencement of Production as per Production Certificate	:			
9	Type of Deed/Agreement of lease executed (with date of execution)	:			

10	Amount of Stamp Duty paid (with date of payment)	:	
11	Amount of Stamp Duty Exemption or reimbursement availed under any scheme of State Govt / Central Govt (GoI) / Govt. Agencies / Financial institutions (mention the quantum of benefit availed)		
12	Amount of deferential claim to be reimbursed		
13	Bank name & Bank Account No.		
14	Type of Account (savings/cc/current)		
15	IFSC Code of the Bank Branch name		

I, Sri _____ s/d/w/o _____ at present _____ (designation) of M/S _____ certify that the information furnished as above is true and correct to the best of my knowledge and belief. I on behalf of the company hereby undertake to abide by the terms and conditions prescribed under the provisions of IPR, 2022 and its operational guidelines. I further undertake that I shall repay the reimbursed amount of Stamp duty with penal interest @ 18% per annum if:

- i. The information furnished by me is found to be false/ incorrect / misleading or there has been suppression of facts / materials by me.
- ii. The reimbursement is found to be made erroneously or the amount reimbursed is found to be in excess of what is due and admissible.
- iii. The industrial unit shifts its location without prior approval of RIC/DIC/IPICOL/Director of Industries, Odisha/Industries Department.

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

Enclosure:

1.

2.

Date-

Place:

Name and Signature of the Proprietor / Managing Partner/ Managing Director /
Authorized Signatory in full and on behalf of M/s-----

CHECK LIST

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

(Strike out whichever is not applicable)

1	Entrepreneurs Identification Number/ IEM /PEAL approval letter
2	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person.
3	Appraisal & approval in support of expansion / modernization / diversification
4	Priority / Thrust sector certificate (Post production)
5	Certificate on date of production in case of taking up E/M/D
6	Production Certificate
7	Migration Certificate in case of migrated unit
8	Copy of the registered deed/ Agreement to lease executed.

Annexure –C

(FOR OFFICE USE)

OFFICE OF THE MANAGING DIRECTOR,
Bhubaneswar

Letter No.----- / Date-----

Acknowledgement
(To be issued on the day of receipt)
(Strike out whichever is not applicable)

To

Sri _____
M/s. _____

Received the application for ----- under the provisions of INDUSTRIAL POLICY RESOLUTION–2022 and its operational guidelines along with documents mentioned below from M/s----- At/PO-----Dist. _____ on dt. ----through post / person.

List of documents

- 1.
- 2.
- 3.

Signature with seal & date-----

Annexure –C
(TO BE DISPATCHED TO THE APPLICANT)

OFFICE OF THE MANAGING DIRECTOR,
Bhubaneswar

Letter No.----- / Date-----

Acknowledgement
(To be issued on the day of receipt)
(Strike out whichever is not applicable)

To

Sri _____
M/s. _____

Received the application for ----- under the provisions of INDUSTRIAL POLICY RESOLUTION –2022 and its operational guidelines along with documents mentioned below from M/s----- At/PO-----Dist. _____ on dt _____ through post / person.

List of documents

- 1.
- 2.
- 3.

Signature with seal & date-----

OFFICE OF THE DIRECTOR OF INDUSTRIES, ODISHA, CUTTACK.

SANCTION LETTER

Lt. No. ----- Dt-----
 (Strike out whichever is not applicable)

To,

M/s. _____
 At PO _____
 Sub-Div. _____
 Dist. _____
 (Location of the Industrial Unit / Registered Office Address)

Sub: Sanction of reimbursement of Stamp Duty under provisions of IPR 2022.

Ref: Your application for reimbursement of Stamp Duty dated _____

Dear Sir,

We are pleased to inform you that your application for Stamp Duty Reimbursement claim of Rs. _____ (Rupees _____) actually paid towards Stamp Duty during execution of Deed is sanctioned subject to eligibility as Priority / Thrust sector unit as per provision of IPR 2022.

1. The said sanction of subsidy is subject to the following conditions in addition to the conditions prescribed under the scheme.
2. From the evidence furnished by you vide Deed No _____ dated _____ has been estimated as actually paid.
3. Based on the above, the amount of Reimbursement of Stamp Duty to which you are entitled to is determined as Rs. _____.
4. The above sanctioned can be disbursed in full subject to availability of funds in appropriate head of account or receipt of funds from Industries Department.
5. You shall have to furnish advance stamped receipt in triplicate for disbursement on the following proforma on the letterhead of the unit.
6. "Received with thanks from _____ sum of Rs. _____ (Rupees _____) only by cheque / draft No. _____ dated _____ or through DBT on account of Reimbursement of Stamp Duty.
7. You shall also have to produce a Certificate on the working status of your unit duly countersigned by the concerned GM, RIC/ DIC/ MD, IPICOL.

Yours faithfully,

Director of Industries, Odisha,

Memo No----- Date-----

Copy forwarded to Additional Secretary, Industries / Managing Director, IPICOL/ GM, RIC/DIC, _____ for information and necessary action.

Director of Industries, Odisha

OFFICE OF THE MANAGING DIRECTOR, IPICOL / THE DIRECTOR OF
INDUSTRIES, ODISHA

(Strike out whichever is not applicable)

Letter No.----- / Date-----

From:

To

Sri _____
M/s _____
At _____ P.O. _____
Dist. _____

Sir/Madam,

This is to inform that the application on dt. _____ for Reimbursement of Stamp Duty under provisions of IPR 2022 made on behalf of M /s _____ bearing Production Certificate No. _____ dated _____ is **rejected** due to following reasons.

(Specify the reasons)

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

(Signature)

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
8. **IPICOL**- Industrial Promotion and Investment Corporation of Odisha Limited.