

NOTIFICATION

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF INDUSTRIES**

F.4(1)Industries/Gr.-1/2013

Jaipur, Dated:- 14 SEP 2020

NOTIFICATION

In exercise of the powers conferred by section 20 of the Rajasthan Special Economic Zones Act, 2015 (Act No.1 of 2016), the State Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Rajasthan Special Economic Zones Rules, 2020.

(2) They shall extend to the whole of the State of Rajasthan.

(3) They shall come into force on and from the date of their publication in the Official Gazette.

2. Definition.- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Rajasthan Special Economic Zones Act, 2015 (Act No. 1 of 2016);
- (b) "Form" means form appended to these rules;
- (c) "Meeting" means a duly convened, constituted and conducted meeting of the Committees referred under these rules;
- (d) "Nodal Agency" means the Rajasthan State Industrial Development and Investment Corporation Limited, a company incorporated under the Companies Act, 1956, having its registered office at Udyog Bhawan, Tilak Marg, Jaipur (Rajasthan) 302005;
- (e) "Quorum" means the minimum number of members of the committee constituted under these rules whose presence is necessary for holding of a meeting; and
- (f) "RIICO" means the Rajasthan State Industrial Development and Investment Corporation Limited, a company incorporated under the Companies Act, 1956;

(2) All other words and expressions used and not defined in these rules but defined in the Rajasthan Special Economic Zones Act, 2015, Special Economic Zones Act, 2005 (Central Act No. 28 of 2005) and Central Special Economic Zones Rules, 2006 shall have the same meanings respectively assigned to them under the said Acts and rules.

CHAPTER II

ESTABLISHMENT OF SPECIAL ECONOMIC ZONE

3. Establishment of Special Economic Zone.- (1) Any person, who intends to set up a Special Economic Zone, in the State, may after identifying the area, make a proposal to the Industries Department, Government of Rajasthan in the Form along with requisite documents and fees, as may be determined by the State Government, from time to time. On receipt of such proposal, the same shall be referred by the State Government to the Nodal Agency for its scrutiny.

(2) The scrutiny of the proposal received under rule (1) shall be made on the basis of parameters specified by the Central Government with respect to minimum land area requirement, processing and non-processing area, proposed investment, net worth of the developer etc.

CHAPTER III

MEETING, REMUNERATION, OTHER FUNCTIONS AND POWERS OF THE STATE APPROVAL COMMITTEE

4. Meetings of State Approval Committee.- (1) The State Approval Committee shall meet as and when required at such place and at such time as the Chairperson may decide, from time to time.

(2) The quorum for a meeting of the State Approval Committee shall be one-third of the total strength of the Committee or minimum five Members, as the case may be.

(3) The Chairperson of the State Approval Committee may, from time to time, invite Administrative Secretaries of other departments of the State Government, other officers of the State Government, experts and other persons as he may deem necessary, as special invitee.

5. Remuneration and other allowances.- The remuneration and allowances to be paid to the nominated Members of the State Approval Committee on account of attending meeting of the Committee or in performing any other function as Member of the Committee shall be such as may be specified by the State Government, from time to time.

6. Functions and Powers.- (1) The Chairperson of the State Approval Committee shall supervise and control all activities on behalf of the State Approval Committee. The decisions of the State Approval Committee shall be final and binding on the departments of the State Government and its instrumentalities concerned.

(2) Notwithstanding anything contained in this rule, the State Approval Committee shall exercise the following powers and perform following functions and duties, namely:-

- (i) To recommend to the State Government to approve, reject or modify the proposal of Special Economic Zone;
- (ii) To prepare the guidelines for the development of the Special Economic Zone and for peripheral area with regard to land usage, floor space level, environmental provisions, safety measures and such other matters as may be directed by the State Government;
- (iii) To recommend to the State Government for allocation/allotment of government land and existing industrial land for establishing Special Economic Zones under the guidelines for land prescribed by the Board of Approval and State Government;
- (iv) To approve joint venture arrangement for development of different components or activity of the project of the Special Economic Zone when the Special Economic Zone is to be established by the State Government or the Corporation / Company of the State Government;
- (v) To recommend financial concessions and other incentives for developer, co-developer and units after taking into consideration the prevalent rules and policies, to the State Government;
- (vi) To approve the external infrastructure facilities such as water, power, roads etc. till outer periphery of the proposed Special Economic Zone to be set up in the State along with other necessary amenities. However, these facilities shall be governed by their respective laws applicable, from time to time;
- (vii) To resolve any dispute between the unit and the developers/ co-developers regarding infrastructural facilities, amenities, service in the Special Economic Zone to be set up in the State through negotiations and conciliation without prejudice to the jurisdiction of any court of law, and to the provisions of the Arbitration and Conciliation Act, 1996; and

- (viii) To perform such other functions as may be assigned by the Department of Commerce, Government of India, or the State Government for development of the Special Economic Zones in the State, from time to time.

7. Office of the State Approval Committee.- The Secretariat of the State Approval Committee shall be at Udyog Bhawan, Tilak Marg, Jaipur (Rajasthan) 302005 or at such place as the State Government may notify, from time to time.

CHAPTER IV

COMPOSITION, POWERS AND DUTIES ETC. OF THE SEZ DEVELOPMENT COMMITTEE

8. Composition of Special Economic Zone Development Committee.-

(1) the Special Economic Zone Development Committee shall consist of the following members, namely:-

- | | |
|--|------------------|
| (a) Secretary to the Government in-charge of the Industries Department | Chairperson |
| (b) Secretary to the Government in-charge of the Energy Department | Member |
| (c) Secretary to the Government in-charge of the Public Health Engineering Department | Member |
| (d) Secretary to the Government in-charge of the Public Works Department | Member |
| (e) Development Commissioner or his representative not below the rank of Deputy Development Commissioner | Member |
| (f) Chief Town Planner, Rajasthan | Member |
| (g) Managing Director, RIICO | Member Secretary |
| (h) Representative of Developers of SEZ concerned | Member |

(2) The Chairperson of the Committee may, from time to time, invite Administrative Secretaries of other departments of the State Government, other officers of the State Government, experts and other persons as it may deem necessary, as special invitee.

9. Meeting of the Committee.- (1) The Committee shall meet as and when required at such place and at such time as the Chairperson may decide, from time to time.

(2) The Member Secretary or on his behalf of any other officer nominated for this purpose shall issue meeting notice to the members indicating the venue, date and time of the meeting.

(3) The decisions taken in the meeting shall be recorded and approval thereof shall be obtained from the Chairperson of the Committee. Thereafter, the minutes of the meeting shall be circulated to all members. If no comments are received from members within a week's time, the decision of the Committee shall be treated as approved by the member concerned and the decision shall be implemented by the member secretary or department concerned.

(4) The quorum for a meeting of the Committee shall be one-third of the total strength of the Committee or minimum three members, as the case may be.

10. Functions and Powers of the Committee.- (1) The Chairperson of the Committee shall supervise and control all activities on behalf of the SEZ Development Committee and shall exercise following powers and perform the functions:-

- (i) To ensure overall planned development, implementation and operation of Special Economic Zones to be set up/ already set up in the State;
- (ii) To prepare building parameters and regulations for Special Economic Zones and also to provide the guiding principles for town planning and urban development standards to be implemented by the developer, if required;
- (iii) To recommend grant of necessary local or state level clearances, approvals, licenses or registration under the State/Central Acts, as the case may be, wherever such clearances, approvals or licenses are required to be obtained from the State Government for setting up a unit within Special Economic Zone;
- (iv) To resolve any disputes of commercial nature between the agencies providing services and the consumers in the Special Economic Zone in the State through negotiation and conciliation without prejudice to the jurisdiction of any court of law and also to the provisions of the Arbitration and Conciliation Act, 1996;
- (v) To resolve any dispute between the unit and the developer/co-developer regarding infrastructural facilities and amenities and services in the Special Economic Zones in the State through negotiation and conciliation without prejudice to the jurisdiction of any court of law and also to the provisions of the Arbitration and Conciliation Act, 1996;
- (vi) To grant any other approval or clearance for which may be authorized by the State Government by general or special order under the provisions of the Special Economic Zones Act, 2005 or the Rajasthan Special Economic Zones Act, 2015;
- (vii) To grant exemption certificates, if any, to developer, co-developer and units under prevailing Policies/Schemes of the State Government subject to obtain prior consent;

- (viii) To co-ordinate with the other departments of the Central/State Government;
 - (ix) To make recommendations to the State Government for providing requisite infrastructure facilities pertaining to Special Economic Zone;
 - (x) To make recommendations for taking suitable measures with regard to promotion of Special Economic Zone in the State;
 - (xi) To supervise and monitor the clearances, approvals, licenses or registrations granted by it at its own level or may appoint any agency for the same and may take appropriate action against defaulter developer, co-developer or unit set up in Special Economic Zones under the relevant applicable laws in case of any breach or non-compliance of terms and conditions of such clearance, approval, license or registration imposed by competent authority;
 - (xii) If any issue relating to the developer, co-developer and unit established in the State is not resolved by the SEZ Development Committee, the matter shall be forwarded by the Nodal Agency to the State Approval Committee for its redressal; and
 - (xiii) To perform such other functions as may be assigned by the State Government and State Approval Committee, from time to time including review of progress of Special Economic Zone.
- (2) The decisions of the SEZ Development Committee shall be final and binding on the departments of the State Government and its instrumentalities concerned.

(3) All issues concerning the developers, co-developers and the units of Special Economic Zone shall be received by the Nodal Agency such matters shall be placed before the SEZ Development Committee for appropriate decision.

11. Office of the Committee.- The Secretariat for the SEZ Development Committee shall be at Udyog Bhawan, Tilak Marg, Jaipur (Rajasthan) 302005 or at such place as the State Government may notify, from time to time.

CHAPTER V

INFRASTRUCTURE SUPPORT

12. Supportive Infrastructure.- (1) The developer shall provide the detailed project proposal required for peripheral infrastructure including access roads, water supply, power supply etc. to the State Government. After receipt of such proposals, the State Government through department/agencies

concerned shall examine such proposals and if found feasible, then the same may be placed before the State Approval Committee for decision.

(2) The State Government, on recommendation of the State Approval Committee may issue directions with respect to provide such supportive infrastructure is concerned SEZ as follows:-

- (i) If proposed SEZ is to be set up in RIICO's industrial area by private developer, RIICO shall bear cost of supporting external infrastructure upto SEZ and internal development in SEZ shall be carried out by the developer itself at its own cost.
- (ii) If proposed SEZ is to be set up outside RIICO's industrial area, then such expenses may be met out under 'Assistance to States for Developing Export Infrastructure and other Allied Activities Scheme' (ASIDE) or any other identical nature of Scheme of Government of India time being in force subject to availability of funds with the State Government under said scheme and also subject to fulfilling the qualification, eligibility criteria of the such Schemes.
- (iii) In case, such expenses could not meet out from such scheme of the Government of India, then the State Government may bear cost of such supporting infrastructure of the SEZ concerned as below:-

S.N.	Head	Ceiling of Expenses
1	2	3
1.	In case of access road	upto 50% of the project cost of the access road or Rs. 5.00 crore (Five Crore only), whichever is lower.
2.	In case of water supply including re-cycled water supply scheme (main supply trunk line)	upto 50% of the project cost of the water supply or Rs. 2.00 crore (Two crore only), whichever is lower.
3.	In case of power supply (outer feeder line)	upto 50% of the project cost of the power supply or Rs. 2.00 crore (Two crore only), whichever is lower.

Explanation: The cost of the project proposal shall not include any type of supervision charges, consultation charges and over head charges.

(3) The State Government shall support the project proposals as per above and the balance cost of the project shall be borne by the developer.

(4) In case the developer later-on decides to de-notify the Special Economic Zone/ withdraw the approval, the amount already paid by Developer to the State Government for construction of all type of peripheral infrastructure shall not be refunded back.

13. Internal Infrastructure of the Special Economic Zone.- The project proposal shall not include any type of internal infrastructure in the Special Economic Zone concerned. The developer shall be fully responsible for the development of internal infrastructure within the Special Economic Zone.

CHAPTER VI

MONITORING OF PROGRESS AND PERFORMANCE OF SPECIAL ECONOMIC ZONES AND UNITS

14. Nodal Agency may call any information from developer, co-developer and units set up in Special Economic Zone, from time to time as may be necessary to monitor the progress and performance of the developer, co-developer and units, as the case may be, to assess of their respective project.

Form
(See rule 3)

APPLICATION FOR SETTING UP OF SPECIAL ECONOMIC ZONE

- I. Name and address of the Undertaking in full (Block letters)
- Name of the Applicant :
- Full Address :
- (Regd. Office in case of limited) :
- Companies & Head office for others) :
- Pin code :
- Tel. no. :
- Fax No. :
- Permanent E-Mail Address :
- Name and address of each of the :
- Directors/ Partners/ Promoters, as the case may be

II. Nature of the applicant firm of Company:

- (a) Public Limited Company
- (b) Private Limited Company
- (c) Proprietorship
- (d) Partnership
- (e) Others (please specify)

Note- Copy of certificate of incorporation along with Article of Association and Memorandum in case of companies and partnership deed in case of partnership firms may please be attached.

III. (i) Location of the proposed Special Economic Zone:

Whether the proposal is for-

- (a) Special Economic Zone for Multi-Product.
- (b) Special Economic Zone for Specific Sector.
- (c) Free Trade and Warehousing Zone.

(Tick [] as applicable)

- IV. (a) Distance from the nearest Sea Port or Airport or Rail or Road head to the proposed Special Economic Zone.
- (b) Indicate the area of the proposed Special Economic Zone (in hectares)
- (c) Whether the applicant is owner of the land and the land is in his/its possession.
- (d) In the case of lease hold land, name of the lessor and the lease conditions.
- (e) If the land is not in ownership or possession, steps being taken for acquisition of land.
- (f) Whether the area is contiguous or not or whether there is any thoroughfare?

V. Proposed Financial/ Investment Details:

- (a) Cost of Land.
{Type and quality of Land, i.e., waste and barren land, single crop or double crop, etc.}
- (b) Cost of Proposed infrastructure, namely:-
- (i) Development of land.
 - (ii) Boundary walls, roads, drainage, water supply, electricity, etc.
 - (iii) Ready built up factory premises.
 - (iv) Port.
 - (v) Airport.
 - (vi) Others, if any, give details.
- (c) Total Investments.

VI. Means of Financing

- (a) Equity Capital
 - (b) Term Loan
 - (c) External Commercial Borrowings, if any, furnish details.
 - (d) Any other source
- Total

VI A Foreign Direct Investment (FDI)

- (a) Extent of FDI (if any) in million U.S. Dollars
- (b) Source of FDI (Country and Company details may be provided)

VII. Equity including Foreign Investment

(i)

	\$ Thousand	(Rs. lakhs)
(i) Authorized
(ii) Subscribed
(iii) Paid up Capital

Note: if it is an existing company, please give the break-up of the existing and proposed capital structure

(ii) Pattern of shareholding in the paid-up capital (Amount in Rupees)

	(Rs. In Lakhs)	(US \$ Thousand)
(i) Foreign holding
(ii) Non-Resident Indian company/ individual holding		
(i) Repatriable
(ii) Non- repatriable.....
(iii) Resident holding
(iv) Total

VIII. Development of identified area as Special Economic Zone: Give the following details:-

Area in hectares -

(a) Total area proposed for development as Special Economic Zone.

(b) Area proposed to be developed as processing area.

(c) Development activities proposed in the processing area, namely:-

- (i) Site development,
- (ii) Construction of boundary walls,
- (iii) Construction of roads,
- (iv) Installation of water supply and sanitation and sewage systems,
- (v) Power distribution system,
- (vi) Telecom facilities,
- (vii) Construction of factory buildings and warehouses.
- (viii) Any other activity which may be required in the processing area.

(d) Area proposed to be developed as non-processing area,

(e) Activities proposed in the non-processing area, namely:-

- (i) Residential.

- (ii) Commercial complex.
- (iii) Recreation facilities.
- (iv) Social amenities – give details,
- (v) Others – specify.
- (vi) Standards of operation and maintenance of the facilities proposed.

IX. Indicate exports and direct and indirect employment likely to be generated during the first five- year period.
(Attach a project report outlining the economic and commercial viability of the proposal)

X. Has the applicant obtained any permission or Approval from Government of India for setting up any other SEZ/s, if so, details may be given and/ or whether any such application is pending consideration before the State Government or Government of India?

XI. Has the applicant or any of his partners/ Directors who are also partners/ Directors of any other company or its associate concerns are being proceeded against and have been debarred from getting any Licence or Letter of Intent or Letter of Permission under the Foreign Trade (Development and Regulation) Act, 1992/ Custom Act, 1962/ Foreign Exchange Management Act, 1999/ Central Excise Act, 1944.

Place:

Signature of the Applicant

Date:

Name in Block Letters

Designation

Official Seal/ Stamp

Tel.No.

E-mail

Web-site, if any

Full residential address

UNDERTAKING

I/We hereby undertake to abide by the provisions of the Special Economic Zones Act, 2005 and rules and orders made thereunder.

I/We hereby declare that the above statements are true and correct to the best of my/ our knowledge and belief. I/We will abide by any other condition, which may be stipulated by the Government of India or the State Government. I/We fully understand that any Letter of Approval granted to me/us on the basis of the statement furnished is liable to cancellation or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false. An affidavit duly sworn in support of the above information is enclosed.

Place:	Signature of the Applicant
Date:	Name in Block Letters
	Designation
Official Seal/ Stamp	Tel. No.
	E-mail
	Web-site, if any
	Full residential address

Check List

1. Name of the developer.
2. Proposed area of the location of the SEZ.
3. Status of recommendation of the proposal by the State Government (if available).
4. Whether proposal is for formal or in-principle approval? (In case land is in possession of the promoter, it is considered for formal approval).
5. Is it a multi- product SEZ?
6. If it is a sector specific SEZ, the sector is.
7. Whether it meets the area requirements?
8. Area of the SEZ (In hectares).
9. Whether Form A has been filed?
10. Whether undertaking and affidavit has been submitted?
11. Whether project report has been submitted?
12. Whether land is owned/ leased and is in possession of the Developer?
13. Does the proposal meet the area requirements of the rules?

14. Whether the land has existing structure or is vacant?
15. Whether the land is contiguous?
16. Projected investment in the project.
17. Projected exports from the project.
18. Projected employments from the project.
19. Share Capital and Reserves of the Developer Company.
20. Source of funds for the project.
21. Net worth of the Applicant (including Group companies) duly supported by Audited Accounts of the Developer for last 3 years (for all the constituents in case the Developer is a SPV). If the company is a new company, audited accounts of Flagship Company/ promoters may be provided.
22. Extent of FDI (if any) in million U.S. Dollars.
23. Source of FDI (Country and Company details may be provided).
24. Whether provisions contained in the press Note No. 5 (2005 Series), issued by the Ministry of Commerce and Industry have been followed in respect of Telecom/ IT SEZ development?

By order of the Governor,

- s/d -

(Chinmayee Gopal)

Joint Secretary to the Government