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C 113856

### AGREEMENT

Memorandum of Agreement made, this 11<sup>th</sup> day of October 2006 between the M/s Sukhm Infrastructure Pvt. Ltd., a Company (Registered under the Companies Act, 1956) and having its Administration office at SCO No. 161-162, Sector -8 C, Chandigarh (hereinafter referred to as "the company") of the one part and the Governor of Punjab through the Secretary Industries & Commerce, Government of Punjab, Udyog Bhawan, Sector 17, Chandigarh (hereinafter referred to as "State Government") of the other part

- 1 Whereas the State Government with a view to attract new investment in Punjab has under Industrial Policy 2003 provided for consideration and determination of a special package of incentives for new as well as existing industrial units undertaking expansion through an Empowered Committee duly notified under the said policy for this purpose, provided fixed capital investment in the new unit or expansion is Rs. 100 crore and above
- 2 Whereas the company proposes to set up Information Technology/ Industrial Park in an area of 125 acres of land each at Mohali with an investment of about Rs. 952 crore over a period of 3 years w.e.f. 29.03.2006.
- 3 Whereas the company for implementation of the aforesaid project, requested the State Government for grant of special package of concessions enabling them to implement this project. Request of the company was duly discussed and considered by the Empowered Committee constituted under Industrial Policy, 2003 in its meeting held on 29.03.2006
- 4 Whereas on the basis of decision of the Empowered Committee, Letter of Intent indicating the concessions proposed to be granted to the company by State Government has been issued to the company vide No. CC/JDP/Mega/Sukhm/ 3058 dated 5.5.2006
- 5 Whereas the Government of Punjab has required the Company to enter into the Agreement with the Governor of Punjab hereinafter contained. Now this indenture witnessed that it hereby agreed and declared as follows:-

- (i) The Company shall make an investment of Rs. 952 crore including fixed capital investment of at least Rs. 100 crore at one location, as defined by the Department of Industries under Industrial Policy 2003, by setting up of Information Technology Parks projects in 125 acre of land at Mohali with an investment of about Rs. 952 crore within a period of 3 years, effective from 29.03.2006

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The said project shall have to be fully implemented and brought into commercial production within the said stipulated period.

- (ii) The company shall develop the Industrial Estate first and housing and commercial projects subsequently. Before developing or disposing off the residential and commercial pockets in any manner, the company shall not only first develop industrial pockets but also dispose off atleast 50% of the industrial plots to industrial units which will be set up in the industrial pocket and the entire project shall come up with proposed investment level in stipulated period.
- (iii) The project of Information Technology Park shall be further subject to the provision of the guidelines notified by Department of Industries & Commerce. Some of relevant provision shall be: -
  - a. A minimum of 60% of area will have to be developed as an Industrial Pocket, a maximum of 30% of area may be developed as residential pocket and 10% of area can be developed as commercial pocket. Government, in the Department of Industries may however, reduce the permissible limits for non-industrial use in particular cases.
  - b. Permissible saleable area in the industrial pocket shall be 65% in the residential pocket 60% and for the commercial pocket 40%. Balance of area shall be used for common facilities, open spaces, green belt etc. as per approved zoning plan and as per applicable byelaws.
  - c. Zoning and Layout plan will be cleared by a competent authority declared by Director of Industries & Commerce, Punjab.
  - d. Common facilities would include the facilities for air conditioning, roads (including approach roads), water supply, sewerage facilities, common effluent treatment facilities, telecom networks, generation and distribution of power, provided that the facilities are used for more than 2 industrial units in the industrial park.

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- c. Infrastructure development would include roads (including approach roads) water supply and sewerage facilities, common effluent treatment facilities, telecom networks, generation and distribution of power, parking facilities, parks, street lights and such other facilities as are of common use for industrial activities which are identifiable and are to be commonly used.
- f. Industrial Parks with a residential component shall have only non-polluting units and distance between industrial area and other areas will be in accordance with guidelines issued by Punjab Pollution Control Board from time to time.
- g. Necessary clearances from various central/state agencies will have to be obtained by the developers as per statutory requirements and on payment of such prescribed fees as required under the law. The Department of Industries & Commerce, Government of Punjab will be the single nodal agency for approving and facilitating the projects for getting clearances etc. and will also facilitate in getting resolved various issues which will relate to Government Departments/Agencies.
- h. An Industrial Park shall come up as one unit at single geographical location and shall be developed in contiguity. However, public service which already exists such as road, canal, park etc. shall not be construed to break the unity & contiguity of the park.
- i. Benefits to industrial parks under industrial policy, if provided by the Government shall be withdrawn by State Government in case the park is not put up/developed in accordance with the sanctioned plan within the prescribed time period.
- iv. The Government of Punjab has agreed to provide following reliefs and concessions to the company for implementation of aforesaid project:
  - a. As per the Industrial Policy 2003 exemption will be granted on 100% stamp duty and registration fee on sale / transfer of built up space of the units or land in side the project area. Such exemption shall extend to the project area upto first sale of developed area / plot / built up space to any party by them or to any of its affiliate. There shall be no stamp duty on lease instrument of units located in the project area. Such exemption shall remain operative till the completion of the entire project as per the agreement.

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- b) State Government shall acquire land as per provision of the Land Acquisition Act to the extent of 10% of the total area of the project, if requested by the company
- c) The land use change in the area falling under the control of the Punjab Periphery Control Act shall be allowed without any charges levied by the Housing and Urban Development Department in accordance with the draft master layout plan of the periphery and periphery policy of the Government of Punjab. However, if any or whole part of land of the project area is not covered in any master plan or planning zone under PUDA Act, the land use thereof shall not be changed or amended later on and shall be incorporated as such and included in any future master plan or zoning which shall be prepared under the PUDA Act. The project shall not be advertised / launched and no money will be collected from general public for allotment of land / plot / flat / any space till such time the layout / zoning plans are cleared from the competent authority
- d) Permission under Punjab State Tubewell Act, 1954 to dig Tubewell in project area for requirement of the project was allowed
- e) Permission under the provisions of Punjab Mines & Mineral Act shall be allowed within the project area for works relating to development of the project. However, due charges will be payable.
- f) High-rise buildings upto 45 mtrs. shall be allowed subject to Air Safety Regulations, Traffic Circulation and Fire Safety Norms.
- g) Work contract tax on construction material required for the project shall be charged at minimum floor rate.
- h) FAR of 2 shall be allowed for industrial and commercial purpose. However, the relevant Building Bye-laws / regulations shall be applicable to the area. The guidelines issued by the Department of Industries & Commerce for Industrial Parks shall also be applicable.
- i) The State Government will try to ensure that connectivity to power, roads, accessibility, communication, civic and other infrastructure upto project is provided within 240 days from the date the same is applied for to the concerned department / agency / authority / local body on fulfillment of various terms and conditions required in this regard at such rates / fee etc. which shall not be less favourable to them compared to similarly placed projects / customers
- j) The project of industrial park shall be exempted from PAPR Act
- k) 50% exemption from electricity duty at current rate for 5 years shall be allowed from the date of release of connection by PSEB. This concession shall however be admissible only to such Industrial units which are set up within the area earmarked for industry and start production within 5 years from the date of approval of Industrial Park i.e. 27.1.2006
- l) State Government shall allow the company to connect the project area to the State Transport Network. The State Government shall also allow them to operate their own public transport system within the project area and also for connecting the project area to the main urban centre nearest to the project area subject to the fulfilment of required terms and conditions in this regard
- m) The State Government shall not allow hazardous industry as defined under Factories Act within 500 metres of the project area and industrial plots within the industrial park shall also not have any hazardous industry
- n) Pollution Control Board shall grant NOC and consent to operate to the Green Category Industry to be located in the Industrial Park in 30 days on fulfilment of all the required terms and conditions
- o) No State Agency shall erect any barrier or create hindrance in various connectivities which shall be allowed to the project except on the ground of law and order problem or National Security considerations
- p) The Department of Industries shall be the single Nodal Agency for facilitating the project and getting clearances etc. required for the project, the project area and will also get resolved various issues which will relate to the Government Departments or Punjab Government Public Sector Undertakings & etc.

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- q) Proportionate cost of infrastructure development which will be carried out by the State Government in the area where project is located, shall be borne by all the developers of Information Technology Park/Industrial Park proportionately.

6. In case the above company fails to comply with provisions of para- 5 (i), 5(ii) & 5(iii) above, within the stipulated period mentioned therein, the concession enumerated in para-5 (iv) above shall stand automatically withdrawn and the company shall have no claim or liability whatsoever on the State Government in this regard. The Government of Punjab shall be entitled to recover the cost of the aforesaid relief / concession availed by the Company (as dues recoverable by the Government as arrears of land revenue) under Para 5 (iv) above in the event of failure on the part of the Company to fulfill its obligations under Para 5(i), 5(ii) & 5(iii) above.

In witness whereof the company has cause its common seal to be affixed and the Government of Punjab both hereunto set their hand and seal on the day and year first above written.

Signed on behalf of  
the State Government

the Company

(Signatures)

(Name)

(Seal)

Secretary  
Department of  
Chandigarh  
Commerce

For SUEHM Infrastructures Pvt. Ltd.

Signature  
Managing Director

WITNESS

1. [Signature]  
(V.N. Malhotra)

2. [Signature]

WITNESS

1. Anil Bathla  
(ANIL BATHLA)  
SR. MANAGER  
SUEHM INFRASTRUCTURES PVT. LTD.  
161-162, SEC-8C, CHANDIGARH

2. Hotel Gaur Chandigarh  
B-11185 Satguru Road, Civil  
Lines Ludhiana.

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**PUDA Bhawan, Sector 62, SAS NAGAR**  
(Mega Project Branch)

To

M/s Sukhm Infrastructures Pvt. Ltd.,  
Yellowstone Landmark Infocity,  
Sector 66-A, SAS Nagar-160062.

No. PUDA/Mega/2017/ 1130

Dated: 27.12.2017.

**Sub: Permission for Extension in area and implementation period for Mega Industrial Park Project, Sector 66-A, SAS Nagar.**

**Ref: Your letter dated 03.11.2017.**

With reference to your letter referred above, it is intimated that in view of the judgment of the Hon'ble Punjab & Haryana High Court, the Hon'ble Minister-in-Charge, Housing & Urban Development Department has allowed the following :-

1. The permission for extension in implementation period would be given upto 27.03.2022 provided;
  - i) You shall give an undertaking that this would be a one time and final concession, not extendable any further.
  - ii) You shall give Bank Guarantee/Hypothecate property of requisite amount in favour of GMADA towards Extension Fee of Rs. 1,43,25,400/- and towards Cancer Relief Fund for Extension in time period of Rs. 1,25,00,000/-
2. The permission for extension in the Project area from 125 acres to 143.254 acres would be given subject to payment of Cancer Relief Fund for the additional area of 18.254 acres @ 1% of the Project cost of this additional area subject to a maximum of Rs. 1 Crore (Project cost as certified by Chartered Accountant)
3. CLU, Revised Layout Plan, Zoning/Site Plan shall be released/approved without obtaining any upfront charges but subject to providing Bank Guarantee/Hypothecation of property of requisite amount towards charges due on account of EDC, License Fee etc. Extension Fee and Cancer Relief Fund.
4. You shall be liable to pay EDC, License Fee @ 10% as per current Moratorium policy dated 01.09.2017 alongwith Extension Fee of Rs. 1,43,25,400/- and Cancer Relief Fund of Rs. 1,25,00,000/- within 4 months from the date of release of Revised Layout Plan, Zoning Plan of 143.254 acres.
5. It is clarified that the benefits accruing to this Project shall be available to you only after the clearance of dues as per Sr. No. 4.
6. All other terms & conditions as per Agreement dated 11.10.2006 signed by you with the Govt. of Punjab and various orders/notifications issued by Government of Punjab from time to time shall remain applicable on the Project



Endst. No. PUDA/Mega/2017/

Dated:

A copy of the above is forwarded to the Chief Administrator, GMADA with request that alongwith Bank Guarantee/hypothecation of property towards EDC, License Fee, it may also be taken for Extension Fee and Cancer Relief Fund as per Sr. No. 1(ii) above to safeguard the interest of PUDA.

Addl. Chief Administrator(F&A)  
For:Chief Adminsitrator

Endst. No. PUDA/Mega/2017/

Dated:

A copy of the above is forwarded to the Chief Town Planner, Punjab for information and necessary action that the extension in time upto 27.03.2022, extension in area from 125 acres to 143.254 acres and CLU of 43.19 acres approved earlier but not released for lack of NDC be treated as approved for the purpose of technical verification of layout plan of 143.254 acres, which may only be released after the promoter has furnished Bank Guarantee/hypothecation of requisite property towards all charges payable in favour of GMADA

Addl. Chief Administrator(F&A)  
For:Chief Adminsitrator