

DEPARTMENT OF INDUSTRY, MINES AND GEOLOGY

Standard Operating Procedure –AS-IS

Name of Service	:Land Allotment & Related services in JIADAs
Sub services	: Change in Constitution of Unit
Sub-service	: Change in Constitution of Unit
Previous Approval	: Land Allotment (EMII/PMT/SSI PMT/DOP)
Basis for approval	: Jharkhand Industrial Area Development Authority Regulation, 2016

Steps	Verificati on	Documents/Information needed	Timelines* (Days)	Contact Person
Criteria: Change in Constitution of Unit		The allottee(s) lessee(s) /transferee (s) shall move an application for change in Constitution, accompanied by the following documents duly attested by the Chartered Accountant of the respective entity seeking change along with processing fee, as provided in this regulation.		RD of regional office on behalf of MD JIADA
Eligibility of Applicant		An individual person (Proprietorship Firm)/Partnership Firm/Private Ltd. Co./Public Ltd co., having a plot/ unit located on a plot allotted by the concerned Authority, wants to change itsconstitution in any of the following manners : ✓ Proprietorship Firm to Partnership Firm ✓ Partnership Firm to Proprietorship Firm ✓ Proprietorship Firm/Partnership Firm to Private Ltd. Co./Public Ltd. Co./Limited Liability Partnership Entity (LIPE) ✓ Private Ltd. Co./Public Ltd. Co. /Limited Liability Partnership Entity (LLPE) to partnership Firm/Proprietorship Firm. ✓ Private Ltd. Co. to Public Ltd- Co. or vice-versa. ✓ Limited Liability Partnership Entity (LLPE) to Private Ltd. Co. / Public Ltd. co. or vice-versa. There shall be no change in the conditions of lease rent and other charges payable to Jharkhand Industrial Area Development Authority as a result of Change in Constitution. After Change in Constitution, a Deed of Declaration to the effect shall be executed by the authorized person of the parties/ entities concerned and submitted to Jharkhand Industrial AreaDevelopment Authority within 30 days from the date of such change allowed by JIADA. In exceptional circumstances Jharkhand Industrial Area Development Authority may consider execution of fresh lease deed in favor of the new firm/company at the expense of the changed entity.		RD of regional office on behalf of MD JIADA
Registration with Single Window Portal	SMS and Email to Applicant	✓ http://advantage.jharkhand.gov.in/SingleWindow/		
Application is submitted by the applicant	SMS and Email to Applicant	The applicant shall make application online for Change in Constitution of Unitas per Criteria mentioned above& A. The allottee(s)/lessee(s) /transferee (s) shall move an application for change in Constitution, accompanied by the following documents duly attested by the Chartered Accountant of the respective entity seeking changealong with bank demand draft in favor of Jharkhand Industrial		RD of regional office on behalf of MD JIADA

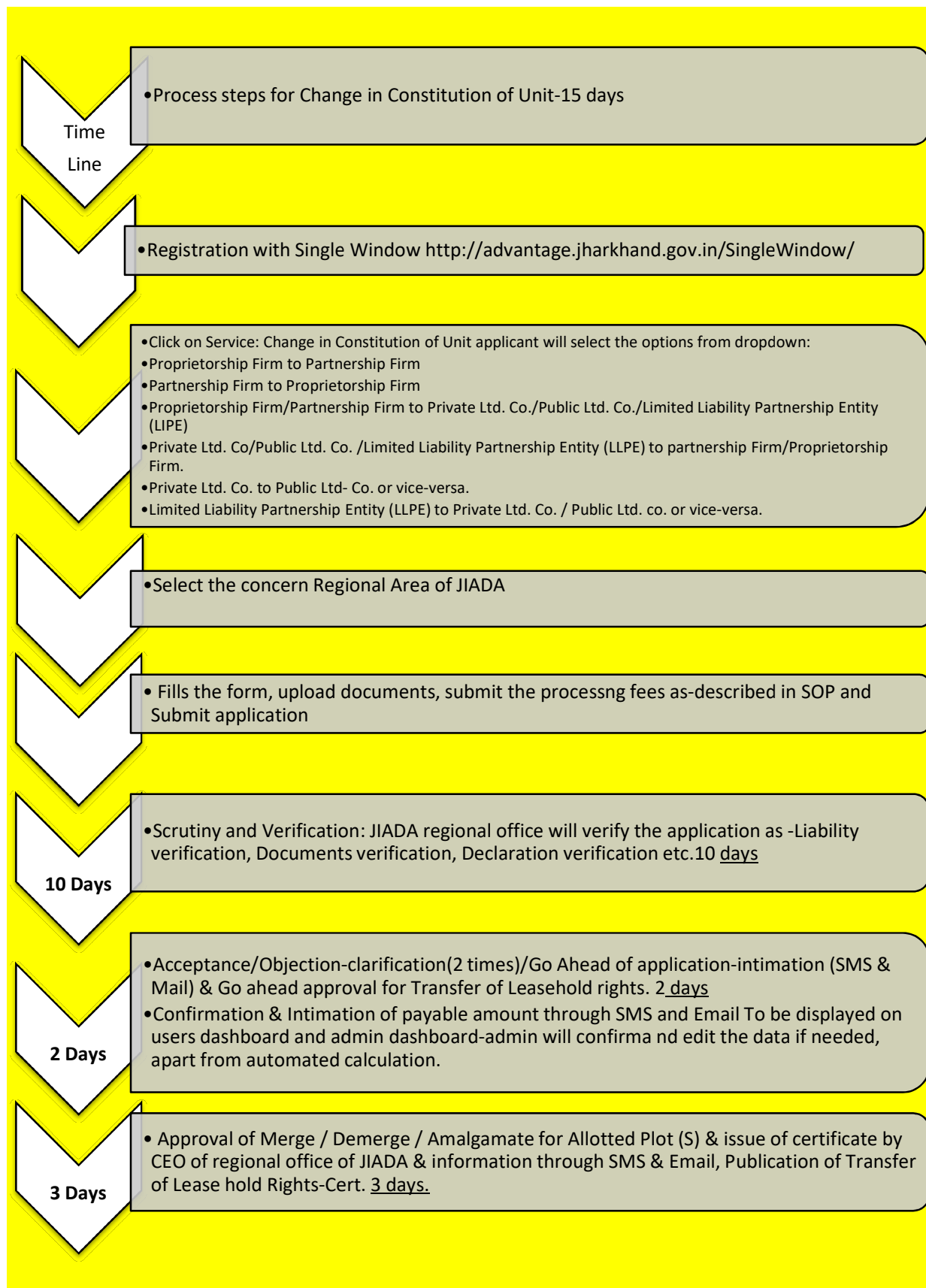
		Area Development Authority towards fee, as provided in this regulation. I. For change in Constitution from Proprietorship Firm to Partnership Firm: - Certified copy of the Partnership Deed - Form 8 regarding registration of firm or any other document to this effect issued by the Registrar. - Form "A" showing statement regarding name of Partners, or any other document to this effect issued by the Registrar of firms of respective State - Notarised affidavit stating the relationship of the incoming partners with the allottee/transferee. II. For Change In Constitution from Partnership Firm to Proprietorship Firm: - Certified copy of the Dissolution deed of Partnership. - Notarized affidavit stating the relationship of the incoming partners with the allottee / transferee III. For Change In Constitution from Proprietorship Firm/Partnership Firm to Private Ltd. Co./ Public Ltd. Co./Limited Liability Partnership Entity (LLPE): - Certified copy of the Memorandum and the Article of Association of the company/LLPE including LLPE Agreement. - Certified copy of Certificate of Incorporation issued by the Registrar of Companies of the respective State, preferably of the State of Jharkhand. - Certified list of Board of Directors with their details/particulars like father's name, age, permanent address, local addresses, academic/technical qualification etc. and certified list of shareholders/partners in case of LLPE showing number of shares and their value along with their addresses. - Duly certified Resolution of Board of Directors/partners in case of LLPE regarding taking over the industrial property by the Company/ ILPE from the Proprietorship Firm/ Partnership Firm. Also a copy of resolution in favor of the person authorized by the Board of Directors of the Company/partner of LLPE to correspond with the Authority. Any change in address of any of the Directors /partners in case of LLPE must be brought to the notice of Jharkhand Industrial Area Development Authority in writing by registered post within 15 days of such change, failing which, consequences shall follow. - Notarized affidavit duly sworn and attested regarding the relationship of the shareholders with the allottee(s). - In case of an entity registered with Registrar of Companies either under Companies Act, 2013 or Limited Liability Partnership Act, 2008 a certified copy of the Certificate of Commencement of Business issued by the Registrar of Companies of the respective State shall be submitted to Jharkhand Industrial Area Development Authority. IV. For change In Constitution from Private Ltd. Co-I		
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		<u>Public Ltd. co./ Limited Liability partnership Entity (LLPE) to Partnership Firm/ Proprietorship Firm:</u> - Certified copy of the Partnership Deed - Form B regarding registration of firm or any other document to this effect issued by the Registrar - Form "A" showing statement regarding name of Partners, or any other document to this effect issued by the Registrar by the Registrar of firms respective State - Notarized affidavit stating the relationship of the incoming partners with the allottee/transferee - Duly certified Resolution of Board of Directors of the concerned company/partners of LLP regarding change from Pvt. Ltd. to partnership firm/Proprietorship Firm handing over the industrial property by the Company to the proprietor of the Proprietorship Firm/ to the Partners of the partnership firm. Also the resolution in favor of the person authorized by the Board of Directors of the concerned company/ partners of LIP to hand over the possession - Proof of dissolution of private limited company/ public limited company/LLPE duly signed by the authorized persons <u>V. For Change in Constitution from Private Ltd. Co. to Public Ltd. Co. or vise-versa</u> - Certified copies of the Memorandum and the Articles of Association of both the Companies - Certified copies of Certificate of incorporation of both the Companies issued by the Registrar of Companies of the respective States preferably by the State of Jharkhand. - Certified lists of Board of Directors and certified list of shareholders of both the Companies showing number of shares and their value along with their addresses and other details as mentioned at sub Clause {c} of clause 29 of this Regulation. - Duly certified Resolutions of the Board of Directors of both the Companies regarding handing over/ taking over the industrial property by the Company and regarding the person authorized by the respective Board of Directors of the Company to correspond with the concerned Authority. - Notarised affidavit duly sworn and attested regarding the relationship of the shareholders with the allottee(s) /lessee(s) / transferee(s). (Only in case exemption from payment of CIS charges is sought.) - In case of a Public Ltd. Co. Certified copy of the Certificate of Commencement of Business issued by the Registrar of Companies of the respective State is also to be submitted. - Proof of dissolution of respective company duly signed by the competent persons - Any other documents required by the Registrar of Companies of the respective State. <u>VI. For Change in Constitution from Limited Liability Partnership Entity (LLPE) to private Company/unlisted</u>		
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		<u>Public Company or vice-versa.</u> - Certified copy of the L.J.P Agreement duly signed by its partners along with list of designated - Memorandum and the Article of Association of the respective company - Certificate of Incorporation of the respective company/ LLPE entity - Certified list of board of Directors with their details / particulars like father's name, age, permanent address, local addressee, academic/ technical qualification etc. and certified list of shareholders/ partners in case of LLPE showing number of shares and their value along with their addresses - Certified list of partners of LLPE with their details/ Particulars like father's name, age, permanent address, local addressee, academic/ technical qualification etc. partners in case of LLPE showing number of shares and their value along with their addresses and photographs - Duly certified Resolution of Board of Directors of the respective company/LLPE regarding handing/taking over the industrial property by the Company/ LLPE. Also a copy of resolution in favor of the person authorized by the Board of Directors of the Company/partner of LLPE to correspond with Jharkhand Industrial Area Development Authority. Any change in address of any of the Directors/partners in case of LLPE must be brought to the notice of Jharkhand Industrial Area Development Authority in writing by registered post within 15 days of such change, failing which, appropriate action shall be taken. - Notarized affidavit duly sworn and attested regarding the relationship of the shareholders/directors with the allottee(s)/transferee. - Proof of dissolution of respective company duly signed by the competent persons B. There shall be no change in the conditions of lease rent and other charges payable to Jharkhand Industrial Area Development Authority as a result of Change in Constitution: Including uploading of following information:- ✓ General Information ✓ Applicant's Information ✓ Details of existing unit/s of the applicant in Industrial Area ✓ Board Resolution copy or declaration affidavit ✓ Copy of ID proof of Allottee/Partner/Director		
Non-entertainment of application		Any litigation, liability, defaulting of premium of land and missing documents will cause for non-entertainment of application: There shall be no change in the conditions of lease rent and other charges payable to Jharkhand Industrial Area Development Authority as a result of Change in Constitution		

Submission of Fees		Applicant shall deposit a Non-refundable & Non-adjustable scrutinyfee/Processing fee as follows: ✓ Rs. 10,000.00 for land requirement upto 1.0 acres, ✓ Rs 25,000.00 for over 1.0 acres up to 3.0 acres and ✓ Rs.50,000.00 for over 3.0 acres Or as decided by the Authority, from time to time.		
Scrutiny, inspection and verification of Application, NOC and Liability		JIADA regional office will verify the application based on following points: Payment of land premium provided in this clause. Timeline 5 days. ✓ Liability verification towards land premium ✓ Documents verification ✓ Declaration verification ✓ Go Ahead confirmation from JIADA ✓ ID proof verification	10 days	Scrutiny, inspection and verification of Application , NOC and Liability
Go Ahead Confirmation- Acceptance/Rejection		✓ Acceptance/objection and clarification(2 times)/ of application-intimation (SMS & Mail)-2 days ✓ Details of payment to be provided by the JIADA to the applicant.	2 Days	RD of regional office on behalf of MD JIADA
Approval of Change in Constitution of Unit		Approval of Change in Constitution of Unit, issue of certificate-timeline 3 days: ✓ After Change in Constitution, a Deed of Declaration to the effect shall be executed by the authorized person of the parties/ entities concerned and submitted to Jharkhand Industrial Area Development Authority within 30 days from the date of such change allowed by Jharkhand Industrial Area Development Authority. In exceptional circumstances Jharkhand Industrial Area Development Authority may consider execution of fresh lease deed in favour of the new firm/company at the expense of the changed entity.	3 Days	RD of regional office on behalf of MD JIADA
		Total Time line	15 days.	

JIADA Change in Constitution of Unit: Process flow



Total timeline for **Change in Constitution of Unit** is of 15 days after successful submission of application.