

Subdivision Policy (Industrial)

- A.** Sub-division of plots in industrial use zone (M0-M5) in the Industrial Development Area after execution of lease Sub-division will be allowed on industrial plots with a minimum gross area of 4000 sq.m. and above (Only in case of subdivision between family members this condition is not mandatory). Subject to the discretion of Authority Board, minimum area can be increased to a higher value. Such industrial plots shall have to fulfill of the following conditions before or at the time of application for subdivision:
1. a) Plot is non-vacant* and.
 - b) (i) Industrial unit on the plot has been operational for at least 4 Years, or
 - (ii) Units which have been transferred, transferee will have to be make unit operational for at least 4 years after transfer**, or
 - c) For units, which became sick after being established and are purchased in auction from Banks/Financial Institutions/Other Competent Authority:-
 - i. Clause 1(a) and 1(b) shall not be applicable.
 - ii. Clause 2 shall be exempted.
 - iii. Clause 4 shall be exempted.

Exemption will be given from clause (a) & (b) in case of subdivision of plot amongst family members[#] who are the sole owners, however such subdivided vacant plots will not be allowed for transfer.

Exemption will be given from clause (b) in case of subdivision of plot amongst Partners^{##} who have been partners for at least last 5 years at the time of application of subdivision.

~~**Exemption from clause (a) & (b) will be given in case of subdivision of plot** for projects falling under 'mega or more investments' as defined under various policies of Govt. of Uttar Pradesh. The decision as to whether a project falls in this category will be taken by Industrial Development Department of Govt. of Uttar Pradesh.-(Deleted)~~

Definition:

- # **Family member/s:** As per explanation in UPSIDA Operating Manual 2011.
- ## **Partner/s:** As defined in Indian Partnership Act, 1932.
- * **Non-Vacant:** Plots will be considered non vacant if the following conditions are fulfilled by allottee (i) Constructions have been raised which cover minimum 5% of the plot area (ii) Unit has started production on the plot.
- ** **Transfer:** - As defined in UPSIDA Operating Manual 2011.

2. Minimum road width (ROW) in front of original plot shall be 18.0 m. and above (with relaxation of subdivision amongst family members).
3. Minimum size of sub-divided plot shall be above 450 sq. m.
4. Maximum area proposed for sub-division shall not in any case be more than 75% area of originally allotted plot. All the required amenities including roads, parks/greens, and facilities/utilities, shall be planned within area proposed for subdivision.
5. Sub-division proposal shall be approved by CEO on recommendation of committee formed for this purpose if net sub-divided area upto 25 acres and if net sub-divided area more than 25 acres, it shall be approved by Authority Board.
6. In general, plots once sub-divided cannot be sub-divided further. However, for original allottees, sub-division of sub-divided plot may be allowed if:
 - 6.1 All the following conditions are fulfilled:
 - a) The area of balance non-vacant plot to be sub-divided is more than or equal to 40,000 sqm; and
 - b) On which unit has been operational for at least 4 years after sub-division; and
 - c) 10 years or more has elapsed from date of approval of earlier subdivision or payment of complete sub-division fees whichever is later.
 - 6.2 All/any of the above three conditions mentioned in para 6.1 above, may be relaxed with the approval of UPSIDA Board, wherein original allottee through its subsidiary legal entity (wherein at-least

51% of shareholding is held by original allottee for lock-in period of four years from the date of operation of unit) proposes for projects which are falling under 'mega or more investments' as defined under various policies of Govt. of Uttar Pradesh. The decision as to whether a project falls in this category will be taken by Industrial Development Department of Govt. of Uttar Pradesh. If the allottee violates this condition or any other condition so imposed by the Board, the approval of subdivision so granted shall be deemed to be cancelled.

7. Remaining plot area shall be treated as single entity in future for all practical purposes. In future if the allottee wishes to transfer the leftover plot then the same will be allowed to be transferred as single unit only or else it can be subdivided as per clause no. 6.
8. **Development works:** Internal development works will be executed by allottee as per approved layout plan, specifications and norms approved by the competent Authority. Minimum 20% of total saleable area of each phase of development/subdivision plan will be mortgaged with UPSIDA. The allottee will submit the mortgage plan along with subdivision plan. Mortgaged Plots will be released after issue of completion certificate of internal development of respective phase. The completion certificate against the internal development works shall be issued by the Chief Executive Officer or any other officer authorized by him after due inspection of specification of development work. The Completion Certificate may be issued in part/phase-wise development with the condition that every phase/part (proposed for issuance of completion certificate) must be self-sustainable in terms of all required amenities and infrastructure like park, green, roads, drains, power supply etc.
9. In cases where augmentation of external development work is required for approval of sub-division plan and if such augmentation is technically viable, in such cases the Chief Executive Officer may recommend to the Authority Board for approval of sub-division plan with recovery of charges from allottee.

10. Construction of common area/facility shall be by the original allottee as per prevailing rules and regulations of the Authority. The original allottee will be allowed to sell/transfer the common area/facilities, i.e., shops, commercial offices/service providers, child creche, Dharamkanta which are to be required provided as per UPSIDA Building Regulations, 2018 and has been approved in subdivision plan. However, public utilities like Pumping Station, Electric Substation, STP, CETP etc. cannot be sold/transferred. Facilities herewith are to be developed and maintained as per UPSIDA prevailing policy.
11. **Maintenance work:** Maintenance work of internal development and any common area/building/facility, will have to be done by the original allottee till execution of surrender deed for common areas or transfer of common area/facility. Thereafter, maintenance work of internal development of any common area/building/facility handed over to UPSIDA will be done by UPSIDA/designated authority. UPSIDA will charge its maintenance charges from transferees of the sub-divided plots and from the original allottee against the un-transferred subdivided plots. The development infrastructure created by the allottee to be verified by an authorized Third Party empanelled by UPSIDA, the cost of which must be borne by the original allottee. UPSIDA shall empanel third parties to audit the infrastructure works of the allottee in advance.

12. **Timeline for completion:**

Sr. No.	Total Net Area of Allotted Industrial	Max time permissible for completion of development work for sub-division from date of approval of subdivision application.
1	From 4000 sq.m upto 15 acres	18 months
2.	Above 15 acres upto 30 acres	24 months
3.	Above 30 acres upto 50 acres	30 months
4.	Above 50 acres	36 months

13. Time allowed for making unit functional on sub divided plot to be as per prevailing policy of the UPSIDA
14. Applicant shall submit phase wise self-sufficient development plan in case he is not taking up the whole project in one single go. And accordingly phase wise completion of development work required for sub-division of plots within above mentioned time limit will be issued.
15. **Transfer:** In case of phase-wise subdivision, transfer of subdivided plots in each phase shall be allowed only after the issue of completion certificate of concerned phase, has been obtained from the Authority by the original allottee. A single legal entity may buy adjacent plot/s subject to the payment of amalgamation fees, amalgamation fees shall be 3% of the prevailing premium rates or circle rate whichever is higher. Further transfer of such sub-divided shall not be allowed unless unit has been functional for at least 2 years. Subsequent transfer of subdivided plot shall be as per prevailing policy of Authority. Transfer levy/fees for subdivided plots shall be 15% in NCR and 10% in other than NCR areas of prevailing premium rates or circle rates whichever is higher. However, transfer levy/fees will be exempted for family members.
16. **Marketing:** Marketing of subdivided plots will be allowed after approval of subdivision plan and submission of mortgaged plots with requisite documents.
17. If the original allottee / industry fails to transfer the sub-divided plots within 2 years for plots upto 30 acres and 3 years for the plots above 30 acres from date of issue of completion certificate of concerned phase. then he/she will be required to pay time extension charges as per prevailing policy of the authority.
18. **Lease Rent:** If allottee has deposited one time lease rent against the original plot then no amount will be refunded or adjusted with respect to area to be surrendered or transferred. However, no lease rent shall be charged from the subdivided plots if one time lease rent is paid by the original allottee.

19. Provision for sub-division of land for Infrastructure projects Central/State Govt. agencies or undertaking or any other project of National importance:

For sub-division to be undertaken for Central/State Government or any agency/undertaking of Central/State Government for infrastructure projects or any other project of National importance, then relaxation of provisions contained in this policy shall be approved by CEO and put up in next board for information.

20. Sub-Division Fees

a. Subdivision fees upto 50% of plot area shall be calculated based on following formula:

$$\text{Net sub divided area (In sq. m)} = X$$

(Net subdivided area = Total plot area – Plot area retained by original allottee)

Current prevailing premium or circle rate of the Sub-divided plot which the subdivision fee shall be deposited by the original allottee whichever is higher (In Rupees per sq. m) = Y

$$\text{Subdivision Factor} = Z$$

$$\text{*Sub-Division fees} = Z*(X*Y)$$

Time Period Elapsed Since Allotment	(Z)
Above 30 Years	7.5%
20-30 Years	10%
10-20 Years	15%
5-10 Years	20%

The sub-division fee shall be deposited by the original allottee 50% payable at the time of approval of subdivision plan and 50% before issuance of completion certificate.

#Family members shall deposit 50% of applicable subdivision charges.

- B.** Sub-Division of plots / premises shall not qualify the sub-divided plot to be put to any other main use category specified in this Regulation than the main use category of original plot.

C. Open Spaces in Subdivided Plots

Where the area to be subdivided does not require any internal development works to be carried out there shall be no additional requirement of open areas.

For proposals of subdivisions that require internal development in the Plot, proposal of sub- division shall include an additional requirement of 5% open area in the form of plots under P1 Category or requirement as per provisions of clause 3.3.1 (D)& 3.3.2(D) of this Regulations of Authority as the case may be. This shall be provided over and above the provisions of open space of the development plan of the Area. The open spaces provided should have at least access on one complete side-length by means of a road.

D. Roads in Subdivided Plots

Road and access streets in the proposal (subdivision plan) shall be the same as per the provisions of the clause 3.3.2(C) of this Regulation for roads in Use Zone M0-M5

Access to each sub divided plot from road belonging to Authority. However, in case where it is necessary to utilize roads from agency other than Authority, the prior permission from concerned agency shall be obtained by occupier before submission of proposal. User charges payable in this regard to agency other than Authority, if any, shall be the obligation of occupier.

If the subdivision derives any advantage including means of access from a road/properties/feeder line/drainage system belonging to any

agency other than Authority/public body/national or state highway, then permission from that agency shall be required. User charges payable in this regard to agency other than Authority, if any, shall be the obligation of occupier.

E. Configuration of the Subdivided Plots:

Length/Breadth Ratio of Plots

The configuration of the subdivided plot shall not be beyond a length and breadth ratio of 4:1 for plots bigger than 5000 Sq. M. and 3:1 for smaller plots. The sub-division for plots larger than 1.0 Ha. shall also have the same configuration. For deviations against odd sized/irregular sized plots, the Chief Executive Officer may relax conditions of length/ breadth ratio of sub-divided plots.

F. Set-back Provision for Subdivided Plots

- i. The minimum side set back of a corner plots shall be equal to the front set-back or set back of the respective adjoining plots of roads. If no plot frontage is on the side road, then the side set-back shall be equal to the front set-back of the corner plot.
- ii. In case the numbers of plots are odd, in a block the width of the corner plot shall be more accordingly. Taking into consideration the requirement of side set-back on both sides.
- iii. In case sub-division of any plots is proposed within an area earlier being developed in a planned manner, then status quo of existing set-back along the main road shall be maintained.
- iv. The set-back provisions of these regulations shall apply to the new sub-divided plots.
- v. In sub-division layout plans the plots falling in a particular block shall be similar in area/size, and length-breadth ratio. Where irregular plot configuration is inevitable in a part of the block, the Chief Executive Officer may relax the condition of homogeneity.
- vi. For a particular block of plots, conformity in the front set back and alignment of the building line shall be maintained.
- vii. The maximum length of a block comprising of plots less than 1000 sq. m. shall be 200 m.