

Government of Gujarat
Revenue Department
Resolution No. : JMN/3915/924/A.1
Sachivalaya, Gandhinagar
Date: 14/09/2020

- Reference: (1) Resolution of the Revenue Department dated 25/01/2019 and 29/07/2019 bearing same number
(2) Notes of the proceedings of high power committee organized under chairmanship of honourable Chief Minister dated 08/06/2020 and 30/07/2020
(3) Letter no. MBP-10-2020(52)-KU dated 11/09/2020 of General Administration Department

Preamble:

The amendment in the government waste land allotment policy in force by reference (1) was under consideration with reference to the meetings of high power committee held on date 08/06/2020 and 30/07/2020 under the chairmanship of honorable chief minister. After careful consideration, in the resolutions of reference (1) the following amendments are being made.

Amendment Resolution:

1. In the resolution no. JMN/3915/924/A.1 dated 25/01/2019 of Revenue Department, the following condition is added as Para No.7 (10) I.

"Park Developer has to submit details of Power Purchase/ Sale Agreement, Letter of Intent or Letter of Award with any utility or institutions affiliated with utility like SECI, NTPC, GUVNL, etc. executed for the next 20 to 25 years and whose place of project is not fixed. Though this condition shall not be applicable to government companies. In addition, those who are Original Equipment Manufacturer (OEM) or their associates or who has given their capacity as OEM to the companies under their control under wind/ solar/ wind-solar hybrid park policy 2019, this condition shall not be applicable to them."

2. In the resolution no. JMN/3915/924/A.1 dated 25/01/2019 of Revenue Department, the following condition is added as Para No.7 (10) J.

"The Park Developer/ Company has to deposit interest free security deposit of Rs.2,00,000/- (Rupees Two Lacs only) per Mega Watt under the head of State Government's Security Deposit (8443 00 103 0) within one month of intimation to the Park/ Developer/ Company about in principle approval of the high power committee for land allotment. The concerned companies has to deposit the security deposit in the State Bank situated at Gandhinagar under the head of security by cheque or DD. The challan for deposit of the said amount is to be authorized by Withdrawal and Distribution officer of Energy and Petrochemicals department.

If any Park Developer/ Company wants to deposit security deposit for less capacity than applied capacity, then they shall pay security deposit for minimum 500 Mega Watt capacity as per the amended Hybrid Power Park Policy Section no. (3) of (4). The security deposit shall be refunded without interest when the installation and commissioning of the earmarked capacity is completed. Those Park Developer/ Company who install less capacity than allotted capacity in the stipulated time, their security deposit shall be forfeited for that capacity. But other conditions as per Section No.7(10) (F) shall remain the same. If less capacity will be allotted by HPC then the applied capacity, then security deposit shall be refunded back for the reduced capacity within 30 days of the intimation of decision of HPC.

Since Solar Energy Corporation of India (SECI) is an undertaking of Government of India and mainly they are selecting wind solar projects by competitive bidding, the security deposit of Rs.2,00,000/- per Mega Watt is not to be paid by SECI but is to be paid by the Selected Project Developer. This security deposit is to be given by the Project Developer selected by SECI within 1 month of LoA/ Lol for the project allotted to them.

Moreover the Project Developers selected by Solar Energy Corporation of India (SECI) has to give undertaking for installation of 50% electric capacity in three years and 100% in five years. And all the other conditions of the land allotment policy dated 25/01/2019 of Revenue Department shall be applicable."

3. 50% electric capacity is to be installed and electricity is to be generated within three years of the agreement of land allotment and 100% electric capacity to be installed and electricity to be generated within five years of agreement. Now development period became 5 years and 35 years became for operations, therefore Paragraph No. 3(2), 7(10), 10(7) and 12 of resolution dated 25/01/2019 are cancelled and at their place inserted as under:

Para No.	Corrected Provision
3(2)	3(2) During the implementation period, for the approved renewable energy park, the benefits declared under this policy shall be receivable for the period of 40 years from the date of government land allotment (5 years for development and 35 years for their operations)
7(10)	<p>7(10) The Park Developer selected under this policy shall execute lease agreement as per the following conditions.</p> <p>(a) For the Renewable Energy Generation Park like Wind Park/ Solar Park/ Wind-Solar Hybrid Park, the land lease tenure shall be 40 years. First 5 years shall be development of park and 35 years shall be for generation of renewable energy. After 40 years, the park developer shall return the land allotted on lease to the government without any consideration, free from all encumbrances without any encroachment, on their risk and cost.</p> <p>(b) For the land allotted by the government, from the date of this resolution Rs.15,000/- per hectare per annum rent and other taxes, the developer shall deposit to the government from the date of handing over of possession. And after that, at every 3 years of the date of resolution, there shall be increase in rent at the rate of 15%. Park developer shall pay in advance the annual rent and other taxes. After 90 days time limit from the due date 12% simple interest shall be charged. If developer fails to deposit the rent with interest in 24 months then the allotted lease shall be vested into government.</p> <p>(c) Park developer, after developing park, can sub-lease to other project developer. In such cases also the park developer as per above para(B) shall deposit rent to government. Project developer shall not deposit any other charges to the government at the time of sub-lease. The park developer shall pay rent as per the above para(B) for the land used in common facilities, service centres, other infrastructure facilities, roads, etc.</p> <p>(d) Park developer himself can be project developer.</p> <p>(e) The lease tenure shall be considered as commenced from the date of possession of the land obtained by park developer.</p> <p>(f) At the time of handing over the possession, a tripartite agreement must be made between the park developer, the Collector and the Nodal Agency, and at that time the park developer will have to pay the amount of 1 year rent of the land in the form of a deposit and 1% of the service charge and the required stamp duty. The amount deposited in the form of a deposit will be repaid after the expiry of the tenancy period.</p> <p>(g) Park developer can sub-lease the land to project developer for production of electricity. In the tenure of 5 years from the date of land given on lease if the park developer fails to install 50% of capacity of the park through project developer, then the excess lease land other than capacity sub-leased, HPC shall scrutinize on the basis of the merit of the case and shall recommend to the government for appropriate actions.</p> <p>(h) 100% capacity of the project shall be installed on the land allotted on lease by the end of 5 years. And review shall be done at the end of 5 years in this regard.</p> <p>For example if a developer is allotted land for 1000 MW and if at the end of the tenure of initial 3 years instead of 500 MW out of 100MW only 300 MW is installed, then after the completion of the tenure of initial 3 years the capacity of the renewable park shall be reduced to 800 MW and the necessary land required for that capacity shall be kept in the possession of the developer. The remaining land, as per the recommendation of the HPC, shall be taken back by the government. In the exceptional circumstances, the HPC can decide to give additional term to the park developer.</p>
10(7)	10(7) To assure that in the tenure of 3 years from the date of lease to the park developer, installation of minimum 50% capacity of the total production capacity through project developer and in the tenure of 5 years installation of 100% capacity.

12	12. Time-table for implementation of Park		
	Park developer shall develop the park as per the table given below:		
	Sr. No.	Project Phase	Date
	1	Date of the possession of the land handed over to the park developer	Zero Date ("Z")
	2	Lease agreement of the land	Within Z + 6 months
	3	To produce energy in the 50% capacity of the allotted capacity	Within Z + 3 years
	4	To produce 100% renewable energy	Within Z + 5 years

Apart from the above amendments, other provisions of the resolution of reference(1) remains as it is.

This resolution is issued in consultation with the Finance Department.

By the order of the Governor of Gujarat and in his name.

-sd-

Ankur Patel

Section Officer

Revenue Department, Government of Gujarat

To,

- Addl. Chief Secretary of Hon. Chief Minister, Secretariat, Gandhinagar
- Personal Secretary of Hon. Dy. Chief Minister, Secretariat, Gandhinagar
- Personal Secretary of Hon. Minister (Revenue), Secretariat, Gandhinagar
- Personal Secretary of Hon. Minister (Energy), Secretariat, Gandhinagar
- Addl. Chief Secretary, Revenue Department. Secretariat, Gandhinagar
- Addl. Chief Secretary, Finance Department. Secretariat, Gandhinagar
- Addl. Chief Secretary, Energy and Petrochemicals Department. Secretariat, Gandhinagar
- Commissioner of Revenue Inspection, Revenue Department. Secretariat, Gandhinagar
- Office of the Commissioner of Land Reforms, Revenue Department. Secretariat, Gandhinagar
- All Collectors
- Financial Advisor (Revenue), Finance Department. Secretariat, Gandhinagar
- All Dy. Secy/ Jt. Secy, Revenue Department. Secretariat, Gandhinagar
- A, A1, G, L, K Branches, Revenue Department. Secretariat, Gandhinagar
- Dy. Section Officer, Select File
- Branch Select File