

Maharashtra Industrial Development Corporation

(A government of Maharashtra undertaking)

no.MIDC/Land Department/IT(Land)/C52073

“Udyog Sarathi”,
Marol Industrial Area,
Mahakali Caves Road,
Andheri (East),
Mumbai-93
Date : 08/08/2016

Circular

Subject: Obtaining No Objection Certificate from Labor Commissioner for change, development, sale/ transfer of land use of closed establishments/ companies/ factories/ mills in the industrial area of MIDC ...

References : 1. MIDC/Law and Procedure/A 34818, dated 29.01.2014

As per the orders issued by the Government under GR dated 23.10.2007, 30.10.2007 and dated 12.01.2009, for the change/ development/ sale/ transfer of land use of closed establishments/ companies/ factories/ mills, the debts of the workers are paid in full, the order was being implemented by MIDC as it was mandatory to obtain a no-objection certificate from the Commissioner of Labor. However, as it takes a long time to get the No Objection Certificate from the Labor Commissioner, pending transfer and related matters, this matter was considered in the 347th meeting of the Board of Directors of MIDC dated 08.11.2012 and in the 353rd meeting of 27.11.2013 pursuant to Resolution No. 5137 and 5278, as per reference letter, after receiving the proposal for change/ development/ sale/ transfer of land use of closed establishments/ companies/ factories/ mills in the industrial area of MIDC, regarding receipt of No Objection Certificate from the Labor Commissioner, the concerned Regional Officer was immediately requesting to issue a letter to the Labor Commissioner requesting to issue No Objection Certificate regarding the amount due to the workers concerned, within 45 days And if such certificate is not received from Labor Commissioner within 45 days, thus, then the responsibility of paying the debts of the workers without waiting for it will remain on the concerned buyer entrepreneur and in case of transfer of such affidavit from the purchaser and in other related cases from the landlord, action is being taken per the prevailing rules as per the policy of MIDC.

However, in order to effectively implement the Government's Ease of Doing Business, Make in Maharashtra and Make in India policies, the Department of Labor is in the process of issuing No Objection Certificate regarding non-payment of any legal dues of its employees while developing/ selling/ transferring land of closed establishments/ factories/ companies/ mills. To bring ease, efficiency and convenience Government has passed GR no. NOC-2007/Case No.4771/Work-2 Dated 18.05.2016 and the following action should be taken as per the order issued

1. If it is observed that the legal dues of the workers of the establishment/ companies/ factories and their respective establishments/ companies/ factories while transferring their plots in the MIDC Corporation area are due/ pending by the order of the Judicial Authority/ High Court/ Supreme Court/ Government Authority, so for paying it in the next 3 years an affidavit/ guarantee/ bond from new entrepreneur and old entrepreneur/ owner (if available) on stamp paper (notarized) of Rs.300 should be taken and such establishments/ factories/ companies and their plots should be transferred to the new entrepreneur for industrial purposes only.
2. New entrepreneur/ owner and old entrepreneur/ owner (if available) should also submit the said guarantee/ affidavit/ bond to the Commissioner of Labor and submit a photocopy to MIDC.
3. If it is observed that the plot is being used for any purpose other than industrial purpose and also if it is noticed by the Labor Department that the legal dues of the workers have not been paid, then MIDC will take legal action to cancel the transfer of such establishments/ companies/ factories and their plots as directed by the Commissioner of Labor.
4. However, if establishments/ factories/ mills/ companies and their plots in the Maharashtra Industrial Development Corporation Area are to be transferred/ developed/ sold for purposes other than industrial purposes, then they should be given Government Resolution No.- NOC-2007/Case No.4771/Labor-2 as per the provisions dated 30.10.2007 and 12.01.2009, it will be mandatory to get the No Objection Certificate from the Commissioner of Labor as the debts of the workers have been paid in full.

The decision of the above action will also be applicable to the pending cases received by MIDC and also the reference Circular no. MIDC/Law and Procedure/A 34818 dated 29.01.2014 is being cancelled.

This Circular is being issued with the consent of Hon'ble Chief Executive Officer.

Format for Purchaser

Indemnity Bond Cum-Affidavit

THIS INDEMINITY BOND, is made and entered into at _____ this day of _____ 20 ____ by Shri. _____, aged ____ years, Indian Inhabitant residing at _____ do hereby state on Solemn affirmation and indemnify as under:

I, the Owner/ Director/ Chairman/ authorized Signatory/ Authorized representative of the M/s. (New Establishment name and address) _____, I have purchased/ Undertaken to use, the Industrial Plot No. ____ in _____ Industrial Area of M/s. (Establishment Name and Address) _____ admeasuring _____ sq. mtr. for Industrial purpose.

Since all the dues of the _____ workers amounting Rs. _____ are settled/total amount of Rs. _____ equivalent to the workers entire legal and VRS dues are deposited before _____ Authority of Court and no liability is outstanding on my Company.

In this regard, I hereby undertake that if any cases are filed by the workers before any Government Authority or before any judicial Forum and any liability of the workers finally decided and if any liability arises on the Company(Establishment name) _____ after the Government Authority/Court ruling, I as a owner/ Director/ Chairman/ authorized Signatory/ Authorized representative of the Company(Establishment name) _____ shall discharge this liability fully, also I/We declare that this Bond shall be binding on me, my heirs and assignees.

IN WITNESS WHEREOF I HAVE Put my signature to these present on this day of _____ 20

(_____)

Witnesses :-

- 1)
- 2)

Format for seller

Indemnity Bond Cum-Affidavit

THIS INDEMINITY BOND, is made and entered into at _____ this day of _____ 20 ____ by Shri. _____, aged _____ years, Indian Inhabitant residing at _____ do hereby state on Solemn affirmation and Indemnify as under :

I, the Owner/ Director/Chairman/ authorized Signatory/ Authorized representative of the M/s. (Establishment Name and Address) _____, I have undertake to use/ transfer the Industrial Plot No. _____ in _____ Industrial Area of M/s. (Establishment Name and Address) _____ admeasuring _____ sq. mtr. in the name of (New Establishment name and address) _____ for Industrial purpose.

Since all the dues of the _____ workers amounting Rs. _____ are settled/total amount of Rs. _____ equivalent to the workers entire legal and VRS dues are deposited before _____ Authority of Court and no liability is outstanding on my Company.

In this regard, I hereby undertake that if any cases are filed by the workers before any Government Authority or before any judicial Forum and any liability of the workers finally decided and if any liability arises on the Company(New Establishment name) _____ or on the Company(Old Establishment name) _____ after the Government Authority/Court ruling, I as a owner/ Director/ Chairman/ authorized Signatory/ Authorized representative of the Company(New Establishment name) _____ shall discharge this liability fully, also I/We declare that this Bond shall be binding on me, my heirs and assignees.

IN WITNESS WHEREOF I HAVE Put my signature to these present on this day of _____ 20

(_____)

Witnesses :-

- 1)
- 2)