

### 3.3.12. Planning Standards for Flatted Factory conversion of Industrial Plots in Industrial Use Zone M0-M4

1. Conversion of non-polluting industrial units to flatted factory shall be permissible in all industrial land use sub-zones other than mixed (M0) /polluting (M1) / household unit (M5) sub-zones. In case of mixed /polluting industrial use sub-zones conversion of only non-polluting units will be allowed if minimum distance between proposed building of flatted factory ~~and abutting property's statutory setback line is 25 m shall be as per prevailing building byelaws~~ and NOC from Fire Department & UP Pollution Control Board has been obtained for such conversion.
2. In converted flatted factory building, units for readymade garments, handicraft, or any other manufacturing unit as permitted by Authority shall be allowed. In flatted factory complex, each building block shall be planned for single type of manufacturing units only.
3. Maximum permissible FAR **(As per Building Regulations as amended from time to time)** and ground coverage for flatted factory shall be as per the prevailing building bye laws of the authority and difference between maximum permissible FAR at time of allotment and current provision shall be allowed on purchasable basis. This Purchasable FAR will be allowed only if conditions stipulated in building regulations for purchasable FAR are fulfilled.
4. Proposal for conversion of unit into Flatted Factory shall be approved by concerned Authority Board.
5. Flatted Factory will be allowed on industrial plots with minimum gross area of 5 acres and which fulfill all the following conditions:
  - a. Units should have been functional and under production for at least 5 years before date of application for conversion to Flatted Factory and having min. constructed area as per the prevailing rules and regulation of building bye laws of the authority. Minimum Net worth & Turnover of such original Allottee shall be as per below mentioned table:

Sr. No.	Gross Plot Area	Min. Net worth in each last three financial Year (In Rs)	Min. Turnover in each last three financial Year (In Rs)
1	Upto 3.0 ha	5 Crores	50 Crores
2	More than 3.0 ha and less than 5.0ha.	10 Crores	100 Crores
3	More than 5.0 and less than 10.0 ha.	20 Crores	200 Crores
4	More than 10.0ha.	30 Crores	300 Crores

Or

~~Unit has been declared sick by IBBI or BFIR or Any other competent Authority and such All units should be able to~~ submit to the concerned authority a joint venture proposal with any interested company which meets minimum Net worth & Turnover criteria as specified in above clause. Detailed guidelines regarding formulation of approval criteria such joint venture shall be decided by the Authority.

b. Minimum ROW in front of original plot shall not be less than 24 meters.

c. Adequate physical infrastructure like water supply, electricity, drainage, sewerage etc. is as per specified norms of the concerned Authority must be available.

6. The building proposed for flatted factory shall be a new construction ~~and at least four storeyed (G+3)~~ or conversion of already constructed building or its part shall ~~not~~ be allowed for flatted factory **subject to structural audit certificate for safety by IIT/NIT or any other recognized technical institution.**

7. Minimum plot area proposed for conversion of Flatted Factory should not be less than 4000 sq. m.

8. Maximum area proposed for conversion to flatted factory ~~and buy back~~ shall not be more than **75%** of the total plot area.

~~9. Allottee shall surrender minimum 50% of gross area proposed (as per clause no. 8) for conversion to flatted factory to Authority as single plot which is shall be abutting widest existing road. Shape and share of total length abutting the existing road to length of frontage of Buy Back plot proposed by allottee will be approved by the Chief Executive~~

~~Officer depending on merits of the case. UPSIDA will buy back this area at rate as per its prevailing policy.~~

10. Remaining plot area after conversion of flatted factory shall be treated as single entity in future for all practical purposes.
11. Allottee shall have to get correction deed executed for balance plot area after conversion and shall have to get the revised building plan approved accordingly.
12. Allottee shall make his unit functional on the remaining plot area adhering all mandatory provisions of building regulations and any other provision as decided by Authority from time to time. In future if the allottee wishes to transfer the leftover plot then the same will be allowed to be transferred as single and non-polluting unit only.
13. **Development works:** Building construction of flatted factory will be strictly according to the approved building plan and internal development works will be executed by allottee as per approved layout plan, specifications and norms approved by the competent Authority.

Completion certificate against the development and construction work shall be issued by the Chief Executive Officer or any other officer authorized by him after due inspection of specification of Building and development work. The completion certificate may be issued in part/phase-wise development with the condition that every phase/part (proposed for completion) must be self-sustained in itself.

In cases where augmentation of external development work is required for approval of conversion and if such augmentation is technically viable, in such cases the Chief Executive Officer may recommend to the Authority Board for approval of conversion to flatted factory with recovery of charges from allottee.

14. **Maintenance** of internal development, common facility and building excluding sub-leased area, after issue of completion certificate by the Chief Executive Officer or any other officer authorized by him, will be done by the original allottee of the Flatted Factory or by the association of sub-lessee or by any Special Purpose Vehicle (SPV) as decided by the Authority. Before issue of completion certificate original allottee shall submit bank guarantee equivalent to gross maintenance charges payable for two years. This bank

guarantee shall be returned once the complex has been satisfactorily maintained for five years and a corpus equivalent to gross maintenance charges payable for two years has been formed.

Maintenance for at least first three years after completion of the project shall be the responsibility of the original allottee or until any alternative arrangement has not been done by the Allottee which has been also approved by the Authority. The Allottee/SPV/Association will charge its maintenance charges from transferees of the flatted unit and from the original allottee against the un-transferred units of the building.

**15. Flatted Factory Development Conversion Fees** shall be calculated on the basis of following formula:

~~Total Allotted Plot Area (In sq.m) = X~~

~~Balance area remaining from conversion of Flatted Development (in sq.m) = Y~~

~~Current premium of the flatted factory plot (In Rupees per sq. m) = Z~~

~~Conversion fees =  $0.3 * (X - Y) / 2$~~

~~Total Area Proposed for Conversion to Flatted Factory (In sq. m) = X~~

~~Current premium or circle rate of the flatted factory plot whichever is higher (In Rupees per sq.m) = Z~~

~~Conversion fees =  $0.3 * (X * Z)$~~

Incase UPSIDA proposes to have telescopic land premiums, then it may follow above mentioned formula or else they may get alternative proposal for conversion fees approved from the Board.

**16. Timeline for completion:**

Time allowed for completion of the flatted factory will be as per below mentioned table subject to the condition that if maximum time permissible is earlier as per prevailing policy of the Authority, the same shall prevail.

Sr No	Total Gross Area of Allotted Industrial	Max time permissible for completion of flatted factory from date of approval of application.
1	From 5 acres upto 15 acres	36 months
2.	Above 15 acres upto 30 acres	48 months
3.	Above 30 acres upto 70 acres	60 months
4.	Above 70 acres	84 months

In case of plots above 15 acres, at the time of approval of building plan the applicant shall submit phasing plan for the completion of flatted factory, however, first phase shall be completed within 3 years or time period as decided by the Authority from date of approval of Building Plan of flatted factory.

In case allottee fails to complete construction within above stipulated time period, time extension charges will be payable as per prevailing policy by the Authority.

**17. Common Facilities:** Common facilities for captive use shall be allowed upto 15% of maximum of approved FAR as per prevailing provision of Building Regulations and directions. These facilities shall be constructed on pro-rata basis in each phase. Activities permissible under common facilities will be listed by concerned Authority as per their permissibility.

**18. Sub-lease:** Sub-lease and marketing of units in each phase shall be allowed only after completion certificate is obtained from the Authority for concerned phase by the original allottee.

In case where original allottee has not paid complete dues against premium, applicable interest, penalty, and any other applicable charges/dues intimated by the Authority, the allottee shall be bound to deposit complete sub-lease unit cost as per allotment rate and any other charges prior to grant of approval/execution of sub-lease of flatted factory units. ~~The allotment rate shall to have be got approved by allottee from the Authority along with flatted factory building plan.~~ **The approval of flatted factory building plan from the Authority by the allottee along shall be required.**

Sub-lessee shall make unit functional as per prevailing building regulations and policy of

concerned authority. In case of failure to do so will pay time extension charges as per prevailing policy of the Authority.

If the original allottee / industry fails to sub lease units reserved for other individual company/industry within 2 years from date of issue of completion certificate, then he/she will be required to pay time extension charges as per prevailing policy of the Authority.

**19. Transfer:** Transfer of sub-leased units shall be allowed after payment of prescribed transfer fee as per the prevailing policy of the Authority on the date of application. Further transfer of such flatted factory units shall not be allowed unless unit has been functional for at least 2 years.

**20. Lease Rent:** If allottee has deposited one time lease rent against the original plot then no amount will be refunded or adjusted.

Till the date of buy back the allottee has to pay all dues of lease rent for 100% area. From the date of buy back, lease rent on balance land will be revised/charged on the basis of terms and conditions of original lease deed and this lease rent shall be enhanced as per original lease deed conditions.

**21. Relaxation of provisions contained in this policy shall allowed by Authority / CEO for conversion undertaken by Central/State Govt or any agency/undertaking of Central/State Govt.**

**22.** All other provisions shall be as per these building regulations.