

## **Government Resolution (GR) dated 18 May, 2016**

With a view to develop the industries in the state, the Government of Maharashtra has initiated the important Program of 'Make in Maharashtra'. On its part, the Government has planned to make the way easy to get the various permission required to start the industry. 'Ease of doing businesses, is important for 'Make in Maharashtra' and 'Make in India'. To make and bring this Government policy strongly into action, there is a need to bring improvement in the process of getting NOC from the Labour Department for settlement of legal pending dues of the workers for redevelopment / transfer of land of closed establishments / factories / companies / mills. Thus by boosting the State Industry, the rights of the labourers will be automatically protected. Taking all this into consideration, closed establishments / factories / companies / mills in the State of Maharashtra at the time of redevelopment /sale / transfer of their lands, who were required to obtain the NOC from the Labour Commissioner in terms of Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 that there are no legal dues of workers are pending, the Government has decided to ease the process.

### **Government Resolution**

In order to ease the redevelopment /sale / transfer of industrial land of closed establishments / factories / companies / mills in the State of Maharashtra, the Government has redefined the process of obtaining NOC from the Labour Commissioner for settlement of labour dues in terms of Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 and taken the following decisions:-

The Government has taken the following decision to ease process of obtaining Labour NOC:-

1. If the establishments / factories / companies / mills outside MIDC are closed for more than 7 years and legal dues of the workers on these old establishments / factories / companies / mills are pending in any of the Court / Labour Court / High Court / Supreme Court / Government Authority and to restart the industrial activity on such land parcels, the new and the old owner industrialists / entrepreneurs (if available) shall give a joint Undertaking/Bond on Rs. 300 Stamp Paper duly notarised that they will settle the dues of their workers within 3 years. Establishments / factories /companies / mills' plots will be transferred to the new entrepreneurs for the industry Purpose. To transfer such establishments / factories/ companies / mills and their lands for industrial use, there is no need to apply through independent application for NOC from the Labour Commissioner.

Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 will not be applicable in such cases. However if the establishments / factories / companies / mills outside MIDC are closed for less than 7 years and / or transfer of such establishments / factories / companies / mills and their lands are required other than the industrial use, then the Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 will be applicable in such cases.

The new and the old owner industrialists / entrepreneurs (if available) shall give Undertaking/ Affidavit/ Bonds to the concerned Corporation / MIDC Office / The Municipality / Municipal / Special Planning Authorities / Relevant appropriate Offices and the Labour Commissioner, Mumbai as per specimen given in this Government Resolution.

If it comes to the notice of the Authorities that the legal dues of the workers on these establishments / factories / companies / mills are pending in any of the Court / Labour Court / High Court / Supreme Court / Government Authority and the new and the old industrialists / owners / entrepreneurs have not paid the dues within the stipulated period or the establishments / factories / companies / mills have used the lands for purposes other than industries / mills / factories, then the Competent Authority has the right to cancel the such transfer of land.

2. To transfer establishments / factories / companies / mills and their lands in MIDC, where legal dues of the workers on these old establishments / factories/ companies / mills are pending in any of the Court / Labour Court / High Court / Supreme Court / Government Authority, the new and the old owner industrialists/ entrepreneurs (if available) shall execute Undertaking/Bond on Rs. 300/- Stamp Paper duly notarised that they will clear the dues of their workers within 3 years. The MIDC will transfer such parcel of land to the new entrepreneurs / industrialists for industrial use only. However, if it has come to the notice of the Labour Department that the establishments / factories / companies / mills use the land for other purpose than industry or new / old owners fail to settle the dues of the labourers within the stipulated time frame, in such event the Labour Commissioner has been given the directives to cancel such transfers. The new and the old owner industrialists/ entrepreneurs (if available) to give the aforesaid Undertaking /Affidavit / Bonds to the Labour Commissioner.

While transferring establishments / factories / companies / mills and their lands to new entrepreneurs, these terms will also be incorporated in MIDC existing guide lines.

The Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 will not be applicable for sale / transfer / redevelopment of land for industrial use in MIDC by the companies / establishments / factories. The decision at SI No.1 above will also not be applicable.

There is no need to apply for Labour Commissioner NOC in case the transfer of such establishments / factories / companies / mills and their plots are only for industrial use. However in the event the land is being transferred not for industrial purpose then the Government Resolution (GR) dated 30 Oct, 2007 and 12 Jan, 2009 will be applicable.

A copy of the ruling is available on the website of the Government of Maharashtra [www.maharashtra.gov.in](http://www.maharashtra.gov.in) or computer code 201605181555455110.