

MINUTES OF THE SIXTH MEETING OF THE BUSINESS FACILITATION COUNCIL (BFC) HELD ON 7TH DECEMBER, 2010 AT 03.00 p.m.

Sixth meeting of the Business Facilitation Council, constituted to facilitate entrepreneurs in obtaining clearances from various departments / agencies for setting up industrial enterprises in the NCT of Delhi, was held under the Chairmanship of Secretary & Commissioner (Industries), on 7th December, 2010 at 03.00 p.m. in the Conference Room of Chairman-cum-Managing Director –DSIIDC at N-36, Bombay Life Building, Connaught Place, New Delhi. The list of members/participants who attended the aforementioned meeting is placed at **Annexure – I.**

At the outset, Chairman welcomed the members and other participants to the sixth meeting of the Business Facilitation Council. Thereafter, agenda points were discussed as per details given below:-

1. Review of action taken on the decisions taken in the 5th meeting of the BFC

(1) MCD related issues

(a) Grant of Factory Licence at all floors and basement :

Administrative Officer (Factory Licensing) ,MCD informed that the MCD has sought clarification from the DDA on the issue whether licence can be granted for running industrial activities on all authorized built floors in addition to that of ground floor in conforming industrial areas, keeping in view the provisions of MPD – 2021, DMC Act, Building Bye-Laws, Labour Act, Delhi Fire Service Act, Explosive Act and Water & Air Pollution Act. He further informed that the requisite clarification was still awaited from the DDA.

Representative of DDA stated that the MCD had been apprised about the relevant provisions of MPD-2021 from time to time in response to its letters in the past. However, representatives of MCD maintained that the desired clarification particularly sought vide letter dated 10.09.2010 was still awaited from DDA. Representative of DDA stated that reply to the said letter would be expedited if already not sent.

(Action: DDA and MCD)

(b) Approval of building plans in respect of DSIIDC built industrial sheds. :

Representative of MCD had informed in the earlier meetings that Town Planning Department of MCD had requested DDA to provide development control norms in respect of DSIIDC built industrial sheds but the requisite reply was still awaited from the DDA. The representatives of the industry informed that the Building Department of MCD was not sanctioning individual building plans for want of layout plan of the areas where industrial sheds had been constructed by the DSIIDC and also reiterated the suggestion given by the MCD in the last meeting to invite Shri Shamsher Singh, Senior Town Planner, MCD in the next meeting to brief the members about the issues involved and the status regarding approval of building plans in respect of DSIIDC built industrial sheds. Chairman requested DCI (PC) to also discuss the matter with Shri Bugga, Chief Town Planner, MCD to ascertain the status.

[Action : MCD & DCI (PC)]

(c) **Grant of NOC / Licence under household category to Khadi & Village Industries :**

Chairman had requested Administrative Officer (Factory Licensing), MCD in the last meeting to organize meeting of the High Power Committee , constituted for grant of NOC for setting up household category industries, by the end of July, 2010. A.O. (Factory Licensing), MCD informed that the said meeting had already been held.

(d) **Approval of building plans in respect of industrial plots allotted under the Relocation Scheme :**

Chairman desired that the latest status regarding the total number of applications received for grant of approval of building plans and the number of applications cleared by the MCD under the relocation scheme be sent to the DSIIDC and BFC by the MCD.

(Action : MCD)

(2) **DPCC related issues**

(a) **Grant of consent to establish / operate.**

Representative of DFOF again informed that Member Secretary - DPCC, during the meeting the representatives of DFOF had with him, had informed that all the applications for grant of Consent to establish received prior to August, 2009 and the applications for grant of consent to operate received after August, 2009 had been cleared. Representatives of industry desired that the DPCC should indicate the estimated time frame for disposal of applications for grant of consent to operate received prior to August 2009. Representative of DPCC informed that the DPCC in addition to clearing fresh

applications has also been clearing pending applications i.e. applications received for grant of consent to operate prior to August, 2009. Chairman, while appreciating the efforts made by the DPCC in clearing the applications for grant of consent, desired that the industrial association should take up the matter with the DPCC for obtaining time frame for disposal of pending applications.

(Action :MCD and DPCC)

(b) **Functioning of CETP**

The issue regarding functioning of CETP Societies particularly with regard to levy of O&M charges on individual beneficiaries was raised by some of the representatives of industry. Chairman observed that the CETP Societies should resolve day to day problems, within the framework of CETP Act and the Rules made there under, among themselves. He also observed that a suitable mechanism need to be evolved to oversee the functioning of CETP Societies wherein the Government would like to act as facilitator.

(Action : Industries Department & DPCC)

(c) **Closure of polluting industries and industries covered under negative list**

It was decided to discuss the matter after the meeting scheduled to be taken by C.S. on 8.12.2010 on the subject.

(Action : Industries Department)

(3) **DDA related issues**

(a) **Redevelopment of planned / unplanned industrial areas in Delhi**

Representative of DDA informed that the guidelines for redevelopment of planned / unplanned industrial areas formulated by the DDA had already been sent to the Government of India, Ministry of Urban Development for approval. Members of the BFC requested for early finalization of the said guidelines by the Union Ministry of Urban Development. The representative of DDA was requested to convey concern expressed by the BFC to the Union Ministry of Urban Development.

(Action : DDA)

(b) **Maximum number of workers allowed in industrial areas .**

Under para 7.3 of MPD – 2021, the maximum number of workers in industrial use premises where plotted development is there has been mentioned as “as per need” whereas para 7.8 puts a limit of 50 workers in such areas. Note submitted by Sh. D.K.Kapur, representative of PHDCCI on the subject had been earlier handed over to the representative of DDA for comments. Representative of DDA was requested to get the matter examined and inform the status in the next meeting of the BFC.

(Action : DDA)

(c) **Review of parameters governing establishment of household industries**

Representative of PHDCCI again raised the issue regarding upward revision of parameters relating to power and no. of workers prescribed for household industries in MPD – 2021. Representative of DDA suggested that since review of MPD 2021 would be due in 2012, the issues where amendments in MPD-2021 were required may be taken up at the time of review of MPD-2021. Chairman desired that it would be appropriate to form a small group consisting of three members of BFC representing industry for preparing list of issues where review of MPD-2021 was required both either on regular basis or emergent basis and make presentation before the BFC. Thereafter, DDA would be requested for taking a view on the issues.

(Action : DDA)

2. Measures to improve ranking of NCT of Delhi as business destination in India

Members took note of the measures taken to improve ranking of NCT of Delhi as business destination in India. Members were again requested to suggest measures to further improve the ranking.

3. Conversion charges from industrial to commercial / Banquet Hall

Representatives from industry had stated in the last meeting that the conversion rates / charges, notified vide order dated 5th February, 2010 by the MCD for conversion of industrial land to commercial/Banquet Hall are very much on the higher side. They had also stated that since the parking facility was already available in the industrial areas, no parking charges should be levied in industrial areas.

Chairman had desired that DFOF may give a self-contained note on the subject for taking up the matter with the concerned agency/department. Accordingly, DFOF handed over the said note during the meeting and the same is placed at Annexure II. It was decided that views of concerned agencies namely DDA and MCD may be obtained on the suggestions given by DFOF.

(Action : Industries Department)

4. Additional Items

I. Staggering of weekly holidays:

The representatives of industry suggested that the system of staggering of weekly holidays which was introduced due to shortage of electric power need to be discontinued because the power supply in the NCT of Delhi was comfortable. Chairman observed that views of Labour, Transport and Power Departments would be needed. It was decided that the industry should take up the matter with the concerned department.

II. Representation from Shri Raghuvansh Arora, Vice President, Apex Chamber of Commerce and Industry of NCT of Delhi:

ACCI of NCT of Delhi has sought clarification in respect of items mentioned at Sr. nos.1 &38 of the 'Prohibited/Negative list of Industries' [Annexure III of MPD-2021] as to how the item Induction Furnace of more than three Ton per charge and Foundries (Heavy) in the draft MPD-2021 have been changed to Induction Furnace and Foundries (except pit furnace) respectively in the notified MPD-2021.

Shri Arora also mentioned that a CWP 13621/2009 titled M/s Shiva Alloys (Pvt) Ltd. V.S. Union of India and Others is being heard in the Hon'ble High Court in which M/s Shiva Alloys (Pvt.) Ltd. has contended that there is procedural non-compliance of section 10 of the Act. DDA has sought time for filing additional affidavit clarifying the said position. The matter is listed on 7th January,2011, Shri Arora has requested Industries Department to file review for correction in definitions of items no. 1 & 38 of negative list.

After detailed discussion, it was decided to await judgement of Hon'ble High Court in the aforementioned CWP.

Meeting ended with a vote of thanks to the Chair.