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**THE ANDHRA PRADESH GAZETTE
PART IV-B-EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 71

HYDERABAD, THURSDAY, FEBRUARY 17, 2000.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS ETC

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 19th May, 1999 for the consideration and assent of the President received the assent of the President on the 4th February 2000 and the said assent is hereby first published on the 17th February, 2000 in the Andhra Pradesh Gazette for general information:-

ACT No. 1 OF 2000.

An act to amend the Azamabad Industrial Area (Termination and Regulation of Leases) Act, 1992.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the forth-ninth year of the Republic of India, as follows:-

1. (1) This Act may be called the Azamabad Industrial Area (Termination and Regulation of Leases) (Amendment) Act, 2000.

(2) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. In the preamble to the Azamabad, Industrial Area (Termination and Regulation of Leases) Act, 1992 (hereinafter referred to as the principal act), for the last paragraph, the following shall be substituted, namely:-

"And whereas it is necessary to give effect to the Directive Principles of State Policy as contained in clauses (b) and (c) of article 39 of the Constitution of India;

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The following Act of the Andhra Pradesh Legislative Assembly which was passed by the Assembly on the 17th May, 1999 for the consideration and sanction of the President received the assent of the President on the 4th February 2000 and the said assent is hereby published on the 17th February, 2000 in the Andhra Pradesh Gazette for general information:-

ACT NO. 1 OF 2000.

An Act to amend the Andhra Pradesh Areas Termination and Regulation of Industries Act, 1992.

Enacted by the Legislative Assembly of the State of Andhra Pradesh in the fourth year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh Areas Termination and Regulation of Industries (Amendment) Act, 2000.

(2) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. In the preamble of the Andhra Pradesh Areas Termination and Regulation of Industries Act, 1992, the words "and Regulation of Industries Act, 1992" shall be substituted by the words "and Regulation of Industries (Amendment) Act, 2000".

And whereas it is necessary to give effect to the provisions of the Andhra Pradesh Areas Termination and Regulation of Industries Act, 1992, as amended by the Andhra Pradesh Areas Termination and Regulation of Industries (Amendment) Act, 2000, the following provisions shall be substituted, namely:-

3. (1) The Government may, by notification in the Andhra Pradesh Gazette, appoint

(4) Upon the termination of the leases or other arrangement in respect of the plot under sub-section (1) the rights and liabilities as between the parties to the lease or other arrangement in respect of plot shall cease and determine, but any amount due to the Government from the aforesaid person under the lease or other arrangement so terminated shall be recovered as an arrear of land revenue.

4. (1) On termination of lease or other arrangements made under clause (a) of sub-section (1) of section 3, a person in occupation and running an industry on the appointed date may apply for a fresh lease in the manner prescribed.

Applica-
tion for
fresh
lease.

(2) On receipt of an application under sub-section (1), the Competent Authority, may where he is satisfied that the applicant has actually been using the demised plot for industrial purpose, and he deserves grant of lease, shall grant a lease on such terms and conditions as may be prescribed."

4. In section 5 of the principal Act, in sub-section (1),--

Amendment
of
section 5.

(a) (i) in sub-section (1), for the expression "under sub-section (1) of section 3 and where no fresh lease has been granted under section 4, the person in occupation of such demised plot", the expression "under clauses (a) and (b) of sub-section (1) of section 3, and where no fresh lease has been granted to the occupant if any under sub-section (2) of section 4, the lessee or the occupant as

the case may be of such demised plot" shall be substituted;

(ii) in the first proviso, for the words "the person in occupation of the demised plot", the words "the lessee or the occupant as the case may be of such demised plot", shall be substituted;

(iii) in the second proviso, for the words "the person in occupation of such plot", the words "the lessee or the occupant as the case may be of such demised plot" shall be substituted;

(b) in sub-section (2), for the words "Where the person in occupation of the demised plot", the words "Where the lessee or the occupant as the case may be of the demised plot" shall be substituted.

Omission of section 11. 5. Section 11 of the principal Act shall be omitted.

Omission of section 19. 6. Section 19 of the principal Act shall be omitted.

Amendment of section 21. 7. In section 21 of the principal Act, in sub-section (2), for clause (e), the following shall be substituted, namely:-

"(e) revision of rent, premium, quit rent from time to time and the collection thereof or any other amount due from any person in respect of the demised plot."

G. TRINADHA RAO,
Secretary to Government,
Legislative Affairs & Justice (I/c),
Law Department.

[And whereas it is considered expedient, in public interest, to terminate by law such of the existing leases or other arrangements made or entered into in respect of demised plots or portions thereof in Industrial Area, Azamabad, Hyderabad, which attract any of the grounds stated in clause (b) of sub-section (1) of section 3, to curb, misuse or violations and to prevent the non-industrial use, including unauthorised constructions and to regulate the leases afresh, as may be decided by the Government, with such uniform terms and conditions including reduced lease period and revised rates of premium and quit rent and adoption of standard format of lease deed, thereby ensuring maximum use of existing infrastructure facilities and proper management of valuable urban property of the Government.]'

3. For sections 3 and 4 of the principal Act, the following shall be substituted, namely:-

[3. (1) (a) Notwithstanding anything contained in the Indian Contract Act, 1872, the Transfer of Property Act, 1882, or any other law for the time being in force, and the terms and conditions of any lease entered into or other arrangement made with any person in respect of any demised plot either by the erstwhile Nizam's Government or by the erstwhile Government of Hyderabad or by the government of Andhra Pradesh Prior to the appointed date, all those leases, sub-leases or other arrangements made or entered into through a registered deed or otherwise in respect of all demised plots in Azamabad Industrial Area which after due enquiry attract one or more of the ground for cancellation of lease as specified in clause (b) shall stand terminated on the appointed date and thereupon all such leases, sub-leases or any other arrangement whatsoever made by the person in occupation of the demised plot shall stand annulled and every such demised plot shall vest in the government free from all encumbrances.

(b) Notwithstanding anything contained in any other law for the time being in force, the leases of plots or portions shall be cancelled on either all or any of the following grounds namely:-

(i) misusing of land for a purpose other than the purpose for which land was allotted including non-user; or

(ii) sub-letting or transferring the plots or portions of

plots by entering into disguised partnerships and other unauthorised transfer of interest in the plot; or

(iii) Violation of any terms, conditions or covenant specified in the Lease Deed.

Explanation: For the purpose of this Act, where a lessee enters into a partnership Agreement or other arrangement for carrying on any activity whatsoever on the demised plot, then notwithstanding anything in the Indian Partnership Act, 1932, it shall also be deemed to be a violation of the conditions of the lease.

(2) Lessees of plots whose leases shall not be cancelled under clause (b) of sub-section (1) shall be entitled to a grant of fresh lease with effect from the appointed date and renewal thereof from time to time on such terms and conditions as may be prescribed by the Government.

(3) The Lessees specified in sub-section (2) may, in lieu of renewal of lease, opt for free-hold rights in respect of the demised plots of land by paying a price equivalent to 75% of the market value as specified for the area in market value Guidelines under section 47(a) of the Indian Stamps Act, 1899.

(4) Upon the termination of the lease or other arrangement in respect of the plot under sub-section (1) the rights and liabilities as between the parties to the lease or other arrangement in respect of plot shall cease and determine, but any amount due to the Government from the aforesaid person under the lease or other arrangement so terminated shall be recovered as an arrear of land revenue.

4. (1) On termination of lease or other arrangements made under clause (a) of sub-section (1) of section 3, a person in occupation and running an industry the appointed date may apply for a fresh lease in the manner prescribed.

(2) On receipt of an application under sub-section (1), the Competent Authority, may where he is satisfied that the applicant has actually been using the demised plot for industrial purpose, and he deserves grant of lease, shall grant a lease on such terms and conditions as may be prescribed."]²

plots by entering into agreements, partnerships and other arrangements with persons other than the State.

(11) Violation of any term, condition or covenant specified in the lease shall be deemed to be a breach of the lease.

(12) The lessee shall not be entitled to any extension of the term of the lease or to any other arrangement for carrying on the business of the leasehold property, unless the lessee has obtained the written consent of the State. If the lessee is deemed to be in violation of the provisions of the lease, the State may terminate the lease.

(13) Lessee of (1) whose lease shall not be renewed under this Act of 1930-31, shall be entitled to a grant of a new lease with a term of years to be determined by the State, and renewal thereof from time to time as such term and conditions as may be prescribed by the Government.

(14) The lessee shall not be entitled to any extension of renewal of lease, or to any other arrangement for carrying on the business of the leasehold property, unless the lessee has obtained the written consent of the State. If the lessee is deemed to be in violation of the provisions of the lease, the State may terminate the lease.

(15) Upon the termination of the lease or other arrangement, the lessee shall be entitled to a grant of a new lease with a term of years to be determined by the State, and renewal thereof from time to time as such term and conditions as may be prescribed by the Government.

(16) The lessee shall not be entitled to any extension of renewal of lease, or to any other arrangement for carrying on the business of the leasehold property, unless the lessee has obtained the written consent of the State. If the lessee is deemed to be in violation of the provisions of the lease, the State may terminate the lease.

(17) On renewal of the lease, the lessee shall be entitled to a grant of a new lease with a term of years to be determined by the State, and renewal thereof from time to time as such term and conditions as may be prescribed by the Government.

4. In section 5 of the principal Act, in sub-section (1),

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(a) (i) in sub-section (1), for the expression "under sub-section (1) of section 3 and where no fresh lease has been granted under section 4, the person in occupation of such demised plot", the expression "under clauses (a) and (b) of sub-section (1) of section 3, and where no fresh lease has been granted to the occupant if any under sub-section (2) of section 4, the lessee or the occupant as the case may be of such demised plot]" shall be substituted;

(ii) in the first proviso, for the words "the person in occupation of the demised plot," the words "the lessee or the occupant as the case may be of such demised plot]", shall be substituted;

(iii) in the second proviso, for the words "the person in occupation of the demised plot", the words "the lessee or the occupant as the case may be of such demised plot]" shall be substituted.

(b) in sub-section (2), for the words "Where the person in occupation of the demised plot", the words "Where the lessee or the occupant as the case may be of the demised plot]" shall be substituted.

5. Section 11 of the principal Act shall be omitted.

6. Section 19 of the Principal Act shall be omitted.

7. In Section 21 of the Principal Act, in sub-section (2), for clause (e), the following shall be substituted, namely:-

"(e) revision of rent, premium, quit rent from time to time and the collection thereof or any other amount due from any person in respect of the demised plot."7

G. TRINADHA RAO
Secretary to Government
Legislative Affairs & Justice (I/c),
Law Department.



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PART IV - B - EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 7] HYDERABAD, THURSDAY, FEBRUARY 17, 2000.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 19th May, 1999 for the consideration and assent of the President received the assent of the President on the 4th February, 2000 and the said assent is hereby first published on the 17th February, 2000 in the Andhra Pradesh Gazette for general information:-

ACT No. 1 OF 2000.

An Act to amend the Azamabad Industrial Area (Termination and Regulation of Leases) Act, 1992.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth Year of the Republic of India, as follows:-

A.274

[1]

Short title
and
commence-
ment.

1. (1) This Act may be called the Azamabad Industrial Area (Termination and Regulation of Leases) (Amendment) Act, 2000.

(2) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

Amendment
of
preamble.
Act 15 of
1992.

2. In the preamble to the Azamabad, Industrial Area (Termination and Regulation of Leases) Act, 1992 (hereinafter referred to as the principal Act), for the last paragraph, the following shall be substituted, namely:-

"And whereas it is necessary to give effect to the Directive Principles of State Policy as contained in clauses (b) and (c) of article 39 of the Constitution of India;

And whereas it is considered expedient, in public interest, to terminate by law such of the existing leases or other arrangements made or entered into in respect of demised plots or portions thereof in Industrial Area, Azamabad, Hyderabad, which attract any of the grounds stated in clause (b) of subsection (1) of section 3, to curb, misuse or violations and to prevent the non-industrial use, including unauthorised constructions and to regulate the leases afresh, as may be decided by the Government, with such uniform terms and conditions including reduced lease period and revised rates of premium and quit rent and adoption of standard format of lease

deed, thereby ensuring maximum use of existing infrastructure facilities and proper management of valuable urban property of the Government".

3. For sections 3 and 4 of the principal Act, the following shall be substituted, namely:-

Substitu-
tion of
new
sections
for

sections 3
and 4.

Central Act
9 of 1872.

Central Act
4 of 1882.

Termination of Leases. 3. (1) (a) Notwithstanding anything contained in the Indian Contract Act, 1872, the Transfer of Property Act, 1882, or any other law for the time being in force, and the terms and conditions of any lease entered into or other arrangement made with any person in respect of any demised plot either by the erstwhile Nizam's Government or by the erstwhile Government of Hyderabad or by the Government of Andhra Pradesh prior to the appointed date, all those leases, sub-leases or other arrangements made or entered into through a registered deed or otherwise in respect of all demised plots in Azamabad Industrial Area which after due enquiry attract one or more of the ground for cancellation of lease as specified in clause (b) shall stand terminated on the appointed date and thereupon all such leases, sub-leases or any other arrangement whatsoever made by the person in occupation of the demised plot shall stand annulled and every such demised plot shall vest in the Government free from all encumbrances.

John/Ref/5m

(b) Notwithstanding anything contained in any other law for the time being in force, the leases of plots or portions shall be cancelled on either all or any of the following grounds namely:-

(i) misusing of land for a purpose other than the purpose for which land was allotted including non-user; or

(ii) sub-letting or transferring the plots or portions of plots by entering into disguised partnerships and other unauthorised transfer of interest in the plot; or

(iii) violation of any terms, conditions or covenant specified in the Lease Deed.

Central Act 9 of 1932. Explanation: For the purpose of this Act, where a lessee enters into a partnership, agreement or other arrangement for carrying on any activity whatsoever on the demised plot, then notwithstanding anything in the Indian Partnership Act, 1932, it shall also be deemed to be a violation of the conditions of the lease.

(2) Lessees of plots whose leases shall not be cancelled under clause (b) of sub-section (1) shall be entitled to a grant of fresh lease with effect from the appointed date and renewal thereof from time to time on such terms and conditions as may be prescribed by the Government.

Amended (3) The Lessees specified in sub-section (2) may, in lieu of renewal of lease, opt for free-hold rights in respect of the demised plots of land by paying a price equivalent to 75% of the market value as specified for the area in Market value Guidelines under section 47 (a) of the Indian Stamps Act, 1899. Central Act 2 of 1899.