



Legislative Assembly of the State of Goa

THE GOA (RAJIV GANDHI IT HABITAT – CANCELLATION/ /ABOLITION AND REGULATION OF ALLOTMENT OF PLOTS) BILL, 2012

(Bill No. 27 of 2012)

To be
(As introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
AUGUST, 2012**

**THE GOA (RAJIV GANDHI IT
HABITAT-CANCELLATION/ABOLITION AND
REGULATION OF ALLOTMENT OF PLOTS)
BILL, 2012**

(BILL No.27 of 2012)

A

BILL

5 *to provide for cancellation /abolition of allotment
of all plots in the Rajiv Gandhi IT Habitat in the
State of Goa, as specified in the Schedule to this
Act and for declaration of such allotments as
null and void and non-est in the eyes of law and
to provide for refund of amounts paid by the
allottees along with interest; with a view to
10 regulate the Information Technology Habitat
Centre and for the development of Information
Technology Habitat, under the control of the
Government of Goa; to provide for a new IT
Habitat in the State of Goa and for matters
15 connected and incidental thereto.*

BE it enacted by the Legislative Assembly of Goa
in the Sixty-third Year of the Republic of India, as
follows:-

CHAPTER I

20 **1. Short title and commencement.**— (1) This
Act may be called the Goa (Rajiv Gandhi IT Habitat
-Cancellation/Abolition and Regulation of
Allotment of Plots) Act, 2012.

(2) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "allottee" or allottees" means the persons, companies, corporations, partnership firms or any other entity, who has/have executed a Lease Deed with the Info Tech Corporation of Goa Limited or in whose favour an Allotment Order has been issued by the Info Tech Corporation of Goa Limited for allotment of plot/plots at the Rajiv Gandhi IT Habitat, Dona Paula, Goa, and shall include those persons, companies, etc., who have availed of the benefits of the 'Special Incentive Scheme for Plot Allottees of Rajiv Gandhi IT Habitat, Dona Paula,' but shall not include those persons, companies etc, who have already surrendered their plots to the Info Tech Corporation of Goa Limited;

(b) "Government" means the Government of Goa;

(c) "Info Tech Corporation of Goa Limited" means the Info Tech Corporation of Goa Limited, a Government Company as defined under section 617 of the Companies Act, 1956 (Central Act 1 of 1956) and incorporated under the provisions of the said Act;

(d) "plot" means the sub-divided plot allotted by the Info Tech Corporation of Goa Limited to the Allottee either for setting up of Information Technology Software/Information Technology Enabled Service Industries or establishment of supporting facilities, like, residential buildings, restaurants, banks, malls, at the Rajiv Gandhi IT Habitat, Dona Paula, Goa.

CHAPTER — II

CANCELLATION/ABOLITION OF ALLOTMENTS

3. Cancellation /Abolition of Allotments.— (1)

From the date of commencement of this Act, the allotment of all and whatsoever plots made in favour of the allottees by the Info Tech Corporation of Goa Limited at the Rajiv Gandhi IT Habitat, Dona Paula, Goa, shall stand cancelled/abolished and the said plots shall be deemed to have been vested with the Info Tech Corporation of Goa Limited free from all claims, charges, encumbrances, liens, whatsoever, with immediate effect.

(2) Every allotment of plots specified in the Schedule to this Act, on and from the commencement of this Act, shall be deemed to have been cancelled/abolished and shall, with effect from that date, be deemed to have been nullified and all grants and matters concerning the allotment including permissions, clearances, no objection certificates, building and development permissions, licences, approvals, etc., obtained by the allottees under any law for the time being in force shall also stand nullified.

(3) Every allottee whose allotment of plot has been cancelled /abolished as specified in this section shall be given by the Info Tech Corporation of Goa Limited, an amount equal to the amount of premium / lease rent / license fee paid by the allottee along with simple interest at the rate of ten percent per annum. The Info Tech Corporation of Goa Limited shall, however, not be liable or responsible, in any manner, in respect of the loans,

dues, etc., if any, incurred/obtained by the allottees for procuring allotment of the said plots or in connection with the plots allotted.

(4) The Info Tech Corporation of Goa Limited shall, within a period of sixty days from the date of coming into force of this Act, refund to the allottees specified in sub-section (3), the premium, lease rent, license fee, security deposit, if any, installments, if any, paid to the Info Tech Corporation of Goa Limited by the said allottees till the date of such cancellation/abolition along with simple interest at the rate of ten percent per annum on the said amounts.

(5) Save as provided hereinabove, no other amounts or compensation of whatsoever nature, shall be claimable by any allottee in respect of any financial or other loss, damage, hardship, etc., caused to such allottee on account of the cancellation/abolition of allotment of plots under this section.

(6) Notwithstanding anything to the contrary contained in any other law for the time being in force, from the date of coming into force of this Act, all permissions, licenses, no objection certificates, clearances, approvals, etc., if any, obtained by a allottee from any statutory/Government authority/local authority for commencement of any works in respect of the said plots shall stand annulled forthwith and shall be of no effect.

4. Re-allotment of plots with Government approval.— (1) All Re- allotment of plots shall be made by the Info Tech Corporation of Goa Limited

only with the prior approval of the Government and such allotment shall be made only by inviting bids by advertisement to that effect in the newspaper or by any other known mode of disposal of Government property.

(2) Notwithstanding anything contained in sub-section (1), the Info Tech Corporation of Goa Limited, may, at the request of the Government, allot any such plots to any Government Department, Government Corporation or Government company for their own use.

(3) The Government may give such directions to the Info Tech Corporation of Goa Limited, as it deems fit.

5. Overriding Effect.— (1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any Act, custom or usage, contract, Order, Judgment, Decree of any Court or Tribunal or any other authority.

(2) Notwithstanding anything contained in any other law for the time being in force or any Judgment, Decree or Order or injunction or Stay of any Court, Tribunal or any other Authority,—

(a) every such allotment shall stand cancelled/abolished and the plots specified in the Schedule to this Act, shall hereby stand vested with the Info Tech Corporation of Goa Limited in terms of this Act;

(b) no suit or other legal proceedings shall be instituted, maintained or continued in any Court or Tribunal or any other authority against

the Government or any person or authority whatsoever and all pending suits, applications, etc., filed under any local or special law shall stand abated forthwith.

(c) no Court shall enforce any Decree or Order 5
or Injunction or Stay on any ground whatsoever.

6. Protection of action taken in good faith—

No suit, prosecution or other legal proceeding shall lie against any person or employee of the Info Tech Corporation of Goa Limited for anything which has 10
been done in good faith or intended to be done under this Act.

7. Power to remove doubts and difficulties—

If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, 15
by Order published in the Official Gazette, make such provisions consistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty; 20
and the Order of the Government in such cases shall be final;

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Info Tech Corporation of Goa Limited (hereinafter referred to as the "said Company"), was set up by the Government of Goa in order to promote the overall growth of the economy of the State of Goa through the use of Information Technology. The said Company is a 'Government Company' within the meaning assigned to that term under section 617 of the Companies Act, 1956 (Central Act, 1 of 1956), and is incorporated under the provisions of the said Act.

Vide Order bearing No. 23/30/2000/RB/PIS dated 07/04/2001, issued by the Collector, North Goa, in exercise of the powers conferred by section 21 of the Goa Land Revenue Code, 1968 (Act 9 of 1969), the total land under Survey Nos. 264 (part), 266 (part), 267, 268, 269, 270, 271 and 273 (part) of village Taleigao, Tiswadi, Goa, came to be transferred to the Electronic Corporation of Goa Ltd, to set up High (HI) Tech Habitat, with the approval of the Government conveyed vide letter No 16/1/99-RD (6650) dated 20/06/2000.

The name of the said Electronic Corporation of Goa Ltd was changed to, Info Tech Corporation of Goa Limited, on 27/04/2001. The name of the said "HI-Tech Habitat" was also changed to "Rajiv Gandhi IT Habitat", (hereinafter referred to as the "said project").

By a subsequent Order bearing No. 14/41/2006-RD dated 5/10/2006, issued by the Under Secretary (Revenue), Government of Goa, the Government of Goa was pleased to allot landed property admeasuring 32,275 square metres, surveyed

under Survey No. 238 (part) and landed property admeasuring 52,380 square metres, surveyed under Survey No. 236 (part) to the said Company. The said additional landed property admeasuring totally 84,655 square meters was to be used as an extension to the 'RAJIV GANDHI IT HABITAT', for creating supporting facilities, like residential buildings for the persons employed in the IT park, restaurants, banks, malls, etc.

In pursuance thereof, the said Company sub-divided the said land surveyed under Nos. 264 (part), 266 (part), 267, 268, 269, 270, 271 and 273 (part) of village Taleigao, Tiswadi, Goa, into eighteen plots of different sizes, varying from 4,000 square meters to 40,000 square metres, for the setting up of Information Technology Software / Information Technology Enabled Service Industries. The said company also created four sub-divided plots for the use of supporting facilities, as stated above.

Out of the aforesaid eighteen sub-divided plots, sixteen plots came to be allotted in favour of various allottees; and further out of the aforesaid four sub-divided plots, all four plots came to be allotted, at various intervals of time during the years 2006 and 2007.

The infrastructure work at the said project that was being carried on by the said Company had to be stalled in the month of December, 2007 on account of certain violent protests by the locals at the said project site and several financial defaults / violations of the terms and conditions of the Lease Deeds, have been committed by the Allottees in respect of the Lease Deeds entered into by them

with the said Company. At present, the entire said project stands paralyzed and has come to a grinding halt. Further, no Allottee has undertaken any activity whatsoever at the said project site for implementation of the IT Project.

It has also been observed that various complaints have been received with regard to the process in which the said allotments have been made. In this connection, Nitoll Jinn Trust, Margao, Goa, has filed a Writ Petition bearing No. 383 of 2007 in the Hon'ble High Court of Bombay at Goa, wherein the Petitioner has claimed a Writ of Mandamus, directing, quashing and setting aside of the said allotments made by the said Company. The said Writ Petition is still pending admission before the Hon'ble High Court.

In the light of the aforesaid facts and circumstances, the very purpose of establishing the said '**RAJIV GANDHI IT HABITAT**' has been defeated. An urgent need had been felt by the State of Goa to put the said Information Technology Software / Information Technology Enabled Service Industries Project back on the track so as to promote the overall growth of the State's economy through the use of information technology and to further generate quality employment to the youth, having requisite educational qualifications, in the said Project which would bring in much needed investment in the field of Information Technology and will sub-serve the larger public interest.

It is also found that there are already several encroachments which have come up at the said project site and if the said land is left in the present

state of affairs, then the same will be subject to even more encroachments and will eventually affect the State's revenue and holdings.

It has also been observed that in respect of the eighteen sub-divided plots reserved for the establishment of Information Technology Software / Information Technology Enabled Service Industries, only advertisements were issued inviting applications from eligible parties for lease of the said plots. It has been observed that in response to the said advertisements, fourteen eligible applications were received by the said Company and the said Company purported to allot plots to all fourteen applications. In the said advertisements, the amount of premium was already fixed. It was not a case wherein the reserve price was fixed, bids invited and the plots allotted to the highest bidder. From the procedure which was adopted for allotment of the said plots, it appears that no established procedure for distribution of public property was adopted and hence the procedure adopted is in total violation of Law. In view of the aforesaid facts and circumstances, the Government has decided to cancel/abolish the allotment of plots as aforesaid and make them non-est in the eyes of law.

It is also pertinent to note that the said Company had also issued final notices for termination of the allotment of the plots to ten allottees. Against the said final notices, six of the aforesaid ten allottees approached the District Court at North Goa, under section 9 of the Arbitration and Conciliation Act 1996 (Central 26 of 1996), inter alia seeking reliefs against the Corporation from cancelling or termination of the said Lease Deeds or allotment

of plots in their favour. In fact in most of the cases, ad interim reliefs had been granted by the District Court directing the said Company not to terminate or cancel the said Lease Deed/Allotment. The said matters have been pending final disposal before the District Court since the year 2010 and the same have not been disposed off till date. It was felt that, in view of the tremendous delay caused in the course of the said litigation, the implementation of the said project would be seriously jeopardized and would not see the light-of-day in the near future; thereby defeating the greater and larger public interest.

In order to achieve the realistic target of having an IT Habitat, the Bill seeks to cancel/abolish allotment of all the said plots, as specified in schedule to the Bill, at the '**RAJIV GANDHI IT HABITAT**' made in favour of the various allottees and to vest the said plots with the said Company, free from charges, encumbrances, etc. It is also proposed that the said allottees be refunded the amounts already paid by them to the said company by way of premium/lease rent, licence fee and security deposit, if any, interest on the installments paid, if any, by them, along with simple interest at the rate of ten percent, per annum. The Bill also seeks to make provision for re-allotment of plots by the said Company, with Government approval, by inviting bids by advertisement in news papers or by any other known mode of disposal of Government property.

This Bill seeks to achieve the above objectives.

FINANCIAL MEMORANDUM

In terms of clause 3 (4) of the Bill, the amount paid by the allottees, namely, the premium/lease rent/licence fees/security deposit, interest on installments already paid to Info Tech Corporation of Goa Limited by the allottees shall be repaid along with simple interest calculated at the rate of 10% per annum.

The amount aggregates to approximately Rs. 140.00 crores. The funds required for refund will be taken by way of loan for a period of 10 years by the Info Tech Corporation of Goa Limited.

No Govt. Grant will be taken at this Stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

*No delegated Legislation is involved in the present Bill.

Porvorim - Goa
Dated: 02-08-2012

MANOHAR PARRIKAR
Chief Minister

Assembly Hall
Porvorim - Goa
Dated: 02-08-2012

N. B. Subhedar
Secretary to the Legislative
Assembly of Goa.

SCHEDULE

List of Allottees and Allotments of plots

Plot No	Name of the Firm	Plot area in sq.mts.	Category	Remarks
1	2	3	4	5
P1	M/s. Devashri RealEstate Developers 710, 7th Floor, Dempo Towers, Patto Plaza, Panaji, Goa	7,267.76	2nd Category	Lease deed executed on 07/06/2007
P2	M/s. CNS Infotech Private Limited 707, Vikas Deep Bldg, Dist Center, Laxmi Nagar, Vikas Marg, Delhi	7,547.78	1st Category For BPO - Voice & non-voice	Lease deed executed on 02/05/2007
P3	M/s. Pulkit Construction Pvt. Ltd. D-22, Defence Colony, New Delhi - 110024	7,308.42	2nd Category	Lease deed executed on 28/01/2008
P4	M/s. Goa Tech Parks Pvt. Ltd. K. K Tower, Parel Tank Road, G D Ambedkar Marg, Parel, Mumbai 400012	40,000.98	2nd Category	Lease deed executed on 27/03/2007

1	2	3	4	5
P5	M/s. Milcon Developers Pvt. Ltd. D-25, Ansal Villa Farm, Satbari, Mehrauli, New Delhi-110030	13,412.76	2nd Category	Lease deed executed on 05/10/2007
P6	M/s. D.S. Contractors Pvt. Ltd. UGF-003, Brindavan Apartments, Near Agriculture Office, Tonca, Caranzalem-Goa	6,953.77	2nd Category	Lease deed executed on 10/12/2007
P7	M/s. Lotus Technobuild Pvt. Ltd. (Emaar MGF Consortium) 109, New Delhi House, 27, Barakhamba Road, New Delhi- 110001	9,127.44	2nd Category	Lease deed executed on 30/04/2007
P8	M/s. Lotus Technobuild Pvt. Ltd. 109, New Delhi House, 27, Barakhamba Road, New Delhi-110001	15,655.25	2nd Category	Lease deed executed on 30/04/2007
P9	M/s. Pawa Infrastructure Pvt. Ltd.	40,558.73	2nd Category	Lease deed executed on 06/01/2008

1	2	3	4	5
	Pawha House, J-66, NDSE, Part I, New Delhi			
P10	Vacant Plot	5,684.98	—	—
P11	Vacant Plot	5,176.20	—	—
P12	M/s. Financial Technologies (I) Limited FT Tower, CTS No. : 256 & 257, Suren Road, Chakala, Andheri (East), Mumbai - 400093	8,501.83	1st Category For IT Services	Lease deed executed on 01/03/2007
P13	M/s. Financial Technologies Pvt. Ltd. (I) Limited FT Tower, CTS No. : 256 & 257, Suren Road, Chakala, Andheri (East), Mumbai-400093	5,816.55	1st Category For IT Services	Lease deed executed on 01/03/2007
P14	M/s. Milcon Developers Pvt. Ltd. D-25, Ansal Villa Farm, Satbari, Mehrauli, New Delhi - 110030	5,976.04	2nd Category	Lease deed executed on 05/10/2007 11/12/2007
P15	M/s. Steel Plant Pvt. Ltd.	8,509.93	2nd Category	Lease deed executed on 11/12/2007

1	2	3	4	5
	SonaMohar, Behind Municipal, Market, Off. Nehru Road, Vakola, Santacruz, Mumbai			
P16	M/s. M. Venkata Rao Infra Projects Pvt. Ltd. 1-1-39/BBC, MVR Plaza, C.B.M Compound, Vishakapatnam	8,108.83	2nd Category	Lease deed executed on 04/07/2007
P17	M/s. Surana Telecom Ltd. 2nd Floor, Surya Towers, S. P Road, Secunderabad	4,096.03	1st Category IT Software/ /TTES	Lease deed executed on 04/04/2007
P18	M/s. Ampersand Digimedia& Entertainment Limited 313, Navneelam Society, R. L , ThadaniMarg, Worli - Mumbai - 22	4,053.27	1st Category IT Software/ multimedia	Lease deed not executed
Total		203,756.55		

1	2	3	4	5
P1	M/s. Technology Innovations	10,592.18	IT Habitat Building	Lease deed is executed
P2	M/s. JMD Limited	20,637.27	Mall	Lease deed is executed
P3	M/s. Jai Bhuvan Builders Pvt. Ltd	23,681.98	Residential Apartments	Lease deed is executed
P4	M/s. C. Mendonsa <i>Mendonsa</i>	10,001.13a	Club House & Service Apartments	Lease deed is executed
		64,912.56		

**Governor's Recommendation under Article
207 of the constitution of India**

In pursuance to Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of The Goa "Rajiv Gandhi IT Habitat -CancellationAbolition and Regulation of Allotment of Plots" Bill No. 27 of 2012, by the Legislative Assembly of Goa.

RAJ BHAVAN
Date : 02/08/2012.

Bharat Vir Wanchoo,
Governor of Goa