

Government of Odisha
MSME Department

NOTIFICATION

No. MSME-IP-MISC-0011-2023 1338 /MSME, Bhubaneswar, the 17 February, 2023

OPERATIONAL GUIDELINES FOR STAMP DUTY EXEMPTION AND REIMBURSEMENT UNDER ODISHA MSME DEVELOPMENT POLICY- 2022

(Reference: Para 7.1 of Odisha MSME Development Policy, 2022)
(Effective from 30.11.2022)

1. **Policy Provisions:** Para 7.1 of Odisha MSME Policy' 2022 states as follows.
"In respect of transfer of land/shed by Government, IDCO and Private Estate Developers to new enterprises and existing enterprises acquiring fresh land for Expansion/Modernization/Diversification, exemption of stamp duty shall be applicable as follows:
 - Enterprises with investment in Plant & Machinery up to INR 10 crores: 100% of applicable stamp duty
 - Enterprises with investment in Plant & Machinery above INR 10 crores and up to INR 50 crores: 75% of applicable stamp duty
 - Stamp duty will be exempted for units required to be transferred to a new owner/ management under the provisions of the State Financial Corporation (SFC) Act 1951 or under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act 2002 or by the orders of NCLT under the IBC."
2. **Terms and Expressions:** Terms and expressions used in this operational guideline, but not specifically defined here, shall have the same meaning as in Odisha MSME Development Policy, 2022 (OMSME DP-2022).
3. **Eligibility: -**
 1. New industrial Units / Existing industrial Units taking up Expansion/Modernisation/Diversification, with investment in Plant & Machinery up to INR 50 crores, shall be eligible for exemption or reimbursement of Stamp Duty, as the case may be, except units/activities listed under Annexure-II of Odisha MSME Policy' 2022.
 2. Industrial unit that has availed this incentive under any scheme of the State Government or the Government of India or Government Agencies or any Financial Institution(s) shall be eligible only for the **differential** amount of benefit.
4. **Procedure for exemption of stamp duty: -**
 - 4.1 Eligible industrial unit claiming exemption from payment of Stamp Duty shall submit application and undertaking in the prescribed form appended to this operational guideline at Annexure-'A' along with self-attested copies of all relevant documents (in triplicate) as mentioned in the Checklist at Annexure-'B' to the General Manager (RIC / DIC) concerned.
 - 4.2 On receipt of application with copies of relevant documents, acknowledgement as prescribed at Annexure-'C' shall be issued to the applicant by the General Manager, (RIC / DIC) on the day of receipt. The General Manager (RIC / DIC) may authorize any of his officers for the purpose.



4.3 General Manager (RIC / DIC) shall examine the eligibility and if eligible, shall make necessary endorsement in the body of the Deed-to-be-executed stating the extent to which exemption of Stamp duty is permissible under the provisions of the policy. Then he / she will transmit the application to the Director of Industries (Odisha) along with the Deed-to-be-executed and other relevant documents in duplicate within next **3 working days** under intimation to the applicant. Director of Industries (Odisha) shall check the proposal and if satisfied, shall make counter signature on the body of the Deed-to-be-executed and return the same with other relevant documents (one set) to the General Manager (RIC / DIC) concerned within next **3 working days** under intimation to the applicant.

4.4 The countersigned Deed-to-be-executed (in Original) with copy of other relevant documents shall then be sent by the General Manager (RIC / DIC) to the Registering authority within next **3 working days** in the format as at **Annexure -D** under intimation to the applicant.

4.5 On receipt of recommendation from the General Manager (RIC / DIC) concerned, the Registering Authority shall execute the Deed within next **7 working days** by exempting stamp duty to the specified extent.

4.6 The amount of exemption (in INR) allowed shall be intimated by Registering Authority to the General Manager (RIC / DIC) concerned.

5. Procedure for reimbursement of stamp duty (Applicable to those units who prefer to pay full stamp duty upfront):-

5.1 Industrial units those who have paid the stamp duty upfront after the effective date of this policy i.e **30.11.2022** shall submit the reimbursement of Stamp Duty claim application and undertaking in the prescribed form appended to this operational guideline at Annexure-'A1' along with self-attested copies of the executed Deed and other relevant documents as mentioned in the Checklist at Annexure-'B1' to the General Manager (RIC / DIC) concerned **within six months from the date of commencement of production.**

5.2 On receipt of application with copies of relevant documents, acknowledgement as prescribed at Annexure-'C' shall be issued to the applicant by the General Manager (RIC / DIC) on the day of receipt. The General Manager (RIC / DIC) may authorize any of his officers for the purpose.

5.3 General Manager (RIC/DIC) shall first examine the eligibility of the unit for stamp duty reimbursement. If found eligible, he/she shall cross-check from the Registering Authority regarding the quantum of stamp duty paid. If found alright, he/she shall then sanction reimbursement of the paid stamp duty, to the extent permissible, in favour of the applicant unit within **30 working days** of receipt of application and send the sanction letter to Director of Industries (Odisha) under intimation to the applicant.

5.4 Disbursement:- Director of Industries, Odisha shall, on receipt of the sanction letter of General Manager (RIC / DIC), satisfy himself/ herself about correctness of the reimbursement claim and if found correct, shall disburse the amount within **15 working days** of receipt of the sanction letter to the eligible industrial unit directly.

6. Rejection: - In case of **rejection** of application for exemption/ reimbursement at any level, the reasons of rejection shall be communicated to the applicant unit by the concerned authority, within **15 working days** of receipt of application in the format prescribed at Annexure - ' E'.



7. **Recovery:** - The amount of exemption of Stamp duty allowed or the amount reimbursed, as the case may be, shall be recoverable with penal interest @ 18% per annum on following events.
- If the information furnished is found to be false/ incorrect / misleading or misrepresented and there has been suppression of facts / materials.
 - If the industrial unit fails to commence production within three years from the date of first fixed capital investment.(Applicable only in case of exemption of stamp duty)
 - If exemption or reimbursement is sanctioned erroneously or in excess of the actual amount due and admissible. However, if the industrial unit is found to be not responsible for such erroneous or excess payment, then no penal interest shall be charged on him/her.
 - The industrial unit shifts its location without prior approval of RIC / DIC / Director of Industries, Odisha / MSME Department.

This operational guidelines has been concurred in by Finance Department vide OSWAS file No. MSME-IP-MISC-0011-2023.

This Notification is issued in supersession of earlier Notification No. MSME-IP-MISC-0011-2023-735/MSME dated. 30.01.2023 issued by MSME Department.



Saswat Mishra(IAS)
Principal Secretary
MSME Department
Government of Odisha

Date: 17.02.2023

Memo No. 1339 /MSME Dated 17-02-2023

Copy forwarded to Principal Secretary (Industries Department)/MD (IPICOL) /MD (IDCO)/Director of Industries (Odisha)/All Revenue Divisional Commissioners/All Collectors/All GM (RICs/DICs) /All Section of MSME Department/Guard File (5 copies) for information and necessary action.

Memo No. 1340 /MSME Dated 17-02-2023

Copy forwarded to all Industries Associations for information and necessary action.



Additional Secretary to Government



Additional Secretary to Government

Annexure- A

APPLICATION (with undertaking) FOR EXEMPTION FROM PAYMENT OF STAMP DUTY

(Para 7.1 of Odisha MSMED Policy' 2022)

Application received incomplete in any respect shall be liable for rejection

(Strike out whichever is not applicable)

From:

To

General Manager, Regional Industries Centre /District Industries Centre,
(District):-

Sub: Exemption from payment of Stamp Duty under the provisions of Odisha MSME Development Policy, 2022

Madam/ Sir,

In accordance with the provisions laid down in Odisha MSME Development Policy, 2022 and its operational guidelines, the claim for exemption of Stamp Duty is submitted with following particulars.

1	Category of the Unit	:										
	New Industrial unit / Existing Industrial units taking up expansion, modernization and diversification											
2	Address of Registered office	:										
3	Type of organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	:										
4	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	:										
5	Udyam Registration Number	:										
6	Entrepreneurs Identification Number / Production Certificate	:										
7	Items of manufacture / activity (Proposed / Existing / E/M/D)	:	<table border="1"><thead><tr><th>Item</th><th>Quantity</th><th>Value</th></tr></thead><tbody><tr><td>(I)</td><td></td><td></td></tr><tr><td>(ii)</td><td></td><td></td></tr></tbody></table>	Item	Quantity	Value	(I)			(ii)		
Item	Quantity	Value										
(I)												
(ii)												
8	Proposed date of production / Date of Production											
9	Proposed location & Present status of the Project	:										
10	Type of Deed/ Agreement of lease to be executed											
11	Amount of Stamp Duty Exemption claimed	:										
12	Amount of Stamp Duty Exemption availed under any scheme of State Govt / Central Govt (GoI) / Govt. Agencies / Financial institutions (mention details)											
13	Amount of differential claim to be exempted											
14	Statutory clearances, if any											

I, Smt/Sri _____ s/d/w/o _____ at present _____ (designation) of M/S _____ certify that the information furnished as above is true and correct to the best of my knowledge and belief. I hereby undertake to abide by the terms and conditions prescribed under the provisions of Odisha MSME Development Policy, 2022 and its operational guidelines. I also hereby undertake that the industrial unit shall commence production within stipulated time of three years from the date of first fixed capital investment. I further undertake that I shall repay the amount of exemption on Stamp duty allowed with penal interest @ 18% per annum if :-

- i. The information furnished by me is found to be false/ incorrect / misleading or there has been suppression of facts / materials by me.
- ii. The industrial unit fails to commence production within three years from the date of first fixed capital investment.
- iii. If exemption is sanctioned erroneously or in excess of the actual amount due and admissible. However, if the industrial unit is found to be not responsible for such erroneous or excess payment, then no penal interest shall be charged on him/her.
- iv. The industrial unit shifts its location without prior approval of RIC / DIC / Director of Industries, Odisha / MSME Department.

Copies of relevant documents in support of information / facts furnished above are **enclosed** here with.

Enclosure:-

1.

2.

Date-

Name and Signature of the Proprietor / Managing Partner/ Managing Director /
Authorized Signatory in full and on behalf of M/s-----

Place-



- i. The information furnished by me is found to be false/ incorrect / misleading or there has been suppression of facts / materials by me.
- ii. If reimbursement is sanctioned erroneously or in excess of the actual amount due and admissible. However, if the industrial unit is found to be not responsible for such erroneous or excess payment, then no penal interest shall be charged on him/her.
- iii. The industrial unit shifts its location without prior approval of RIC/DIC/Director of Industries, Odisha/MSME Department.

Copies of relevant documents in support of information / facts furnished above are **enclosed** here with.

Enclosure:-

1.

2.

Date-

Name and Signature of the Proprietor / Managing Partner/ Managing Director /
Authorized Signatory in full and on behalf of M/s-----

Place-



Annexure –B

CHECK LIST (For Stamp Duty Exemption)

Copies of documents to be attached with the application shall be self-attested by Proprietor /
Managing Partner/Managing Director / Authorized Signatory

(Strike out whichever is not applicable)

1	Udyam registration certificate, Entrepreneurs Identification Number / Production Certificate
2	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person
3	Appraisal & approval in support of expansion / modernization / diversification
4	Certificate on date of production in case of taking up E/M/D
5	Name of the Lessor (Government / IDCO / Private Industrial Estate developer)
6	Deed/ Agreement to be executed in Original with two copies

Annexure –B1

CHECK LIST (For Stamp Duty Re-imburement)

Copies of documents to be attached with the application shall be self-attested by Proprietor /
Managing Partner/Managing Director / Authorized Signatory

(Strike out whichever is not applicable)

1	Udyam Registration Certificate, Entrepreneurs Identification Number and Production Certificate
2	Power of Attorney / Board Resolution / Society Resolution, as applicable, while signing as Partner / Managing Director / Authorized person
3	Appraisal & approval in support of expansion / modernization / diversification
4	Certificate on date of production in case of taking up E/M/D
5	Name of the Lessor (Government / IDCO / Private Industrial Estate developer)
6	Copy of the registered deed/ Agreement to lease executed



Annexure –C

(FOR OFFICE USE)

OFFICE OF THE GENERAL MANAGER, RIC / DIC -----

Letter No.----- / Date-----

Acknowledgement

(To be issued on the day of receipt)

To

Sri _____

M/s. _____

Received the application for Exemption of Stamp duty/ Re-imburement of Stamp Duty (Strike out whichever is not applicable) under the provisions of Odisha MSME Development Policy, 2022 and its operational guidelines along with documents mentioned below from M/s----- At/PO-----Dist. -----on dt.-----through post / person.

List of documents

- 1.
- 2.
- 3.

Signature with seal & date-----



Annexure –D

(Strike out whichever is not applicable)

OFFICE OF THE GENERAL MANAGER, RIC / DIC

Letter No.----- / Date-----

From:

To

The Sub- Registrar,

Sub: - Exemption from payment of Stamp Duty under the provisions of Odisha MSME Development Policy, 2022

Madam/ Sir,

In accordance with the provisions laid down in Odisha MSME Development Policy, 2022 and its operational guidelines, I recommend for 100 % or 75% exemption of Stamp Duty and furnish herewith the Deed/Agreement ----- (mention type of Deed/ Agreement) in Original to be executed (duly countersigned by Director of industries, Odisha) with copies of all relevant documents filed by M/s _ _ _ _ , At _____ P.O.____ Dist.____ bearing EIN/ PC No.____ date____. The particulars are given below.

1	Category (Private Industrial Estate Developer / New Industrial unit / Existing Industrial units taking up expansion, modernization and diversification / Company)	
2	Address of Registered office	
3	Type of organization (Proprietorship / Partnership / Co-operative / Private Limited / Public Limited)	
4	Name of Proprietor / Managing Partner / Managing Director / Authorized Signatory	
5	Type of Deed to be executed	

The amount of exemption (in INR) allowed may be intimated to the undersigned for record.

Yours faithfully,

Encl. As above

(General Manager, RIC / DIC)

Memo No. _____/ dt.

Copy forwarded to Sri_____ M/s_____, At _____ P.O.____
Dist._____ for information.

(General Manager, RIC / DIC)

Memo No. _____/ dt.

Copy forwarded to the Secretary to Govt, MSME Department / Director of Industries, Odisha /
Managing Director, IDCO / Divisional Head, IDCO _____ for information.

(General Manager, RIC / DIC)

Annexure-E

(Strike out whichever is not applicable)

OFFICE OF THE GENERAL MANAGER, RIC / DIC -----

Letter No.----- / Date-----

From:

To

Sri _____
M/s _____
At _____ P.O. _____
Dist. _____

This is to inform that –

The application for exemption/ reimbursement from/of payment of Stamp Duty under provisions of OMSMEDP, 2022 made by M /s _____ bearing EIN / PC No. _____ Dt _____ on dt. _____ is **rejected** due to following reasons.

(Specify the reasons)

- 1.
- 2.
- 3.
- 4.

Signature of GM, RIC/DIC

