

THE KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
(AMENDMENT) BILL, 2024

(As Passed by the Assembly on the 25th day of March, 2025)

A

BILL

to amend the Kerala Industrial Infrastructure Development Act, 1993.

Preamble.—WHEREAS, it is expedient to amend the Kerala Industrial Infrastructure Development Act, 1993 for the purposes hereinafter appearing;

BE it enacted in the Seventy-sixth year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Industrial Infrastructure Development (Amendment) Act, 2025.

(2) It shall come into force at once.

2. *Amendment of section 22.*— In the Kerala Industrial Infrastructure Development Act, 1993 (3 of 1993) (hereinafter referred to as the principal Act), in section 22, after sub-section (6) and before explanation the following sub-section shall be inserted, namely:—

“(7) If the competent authority has taken possession of the premises under sub-section (5) and the person has failed to make any outstanding payment to the Corporation, the competent authority shall issue a notice calling upon him to make the payment and in case the person fails to do so within the time allowed by the competent authority, the Kerala Industrial Infrastructure Development Corporation shall take such action as deemed necessary on the assets of the industrial unit including transfer of undertaking along with the assets to another willing purchaser after conducting a valuation of assets by an independent approved valuer and sell the assets for realisation of the dues to the Corporation.

Note-1: For the purpose of this sub-section, the expression “industrial unit” means any industrial unit established by an entrepreneur or allottee under an agreement with the Corporation in the land owned by the Corporation.

Note-2: For the purpose of this sub-section, the expression “undertaking” means any building, plant and machinery or any other assets of the industrial unit established by an entrepreneur or allottee under an agreement with the Corporation in the land owned by the Corporation.”.

3. *Amendment of section 30.*— In the principal Act, in section 30,—

(i) in sub-section (1), for the words and symbols “shall, on conviction, be punished with fine which may extend to ten thousand rupees” the words and symbols “shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted;

(ii) in sub-section (2), for the words “shall be punished with fine which may extend to five thousand rupees” the words and symbols “shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted.

4. *Omission of section 42.*— Section 42 of the principal Act shall be omitted.

5. *Omission of section 43.*— Section 43 of the principal Act shall be omitted.

6. *Amendment of section 45.*— In the principal Act, in section 45, for the words and symbols “shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to

three thousand rupees or with both” the words and symbols “shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted.

7. *Amendment of section 46.*—In the principal Act, in section 46, for the words and symbols “he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to three thousand rupees or with both” the words and symbols “he shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted.

8. *Amendment of section 47.*—In the principal Act, in section 47, for the words and symbols “he shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both” the words and symbols “he shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted.

9. *Amendment of section 48.*—In the principal Act, in section 48, for the words and symbols “shall, on conviction, be punished with fine which may extend to one thousand rupees” the words and symbols “shall be liable to a fine, which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, subject to such conditions as may be prescribed” shall be substituted.

10. *Insertion of new section 48A.*—After section 48 of the principal Act, the following section shall be inserted, namely:—

“48A. Power of Officers to impose fine.—(1) For the purpose of imposing fine provided under sections 30, 45, 46, 47 and 48 of this Act, the Government may, by notification in the Gazette, designate an officer not below the rank of General Manager of the Corporation and he shall impose a fine as provided under this Act, after holding an enquiry in the manner, as may be prescribed.

(2) While holding enquiry under sub-section (1), the officer shall have the power to summon and enforce attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the officer, may be useful or relevant to the subject matter of the enquiry and if on such enquiry he is satisfied that the person has committed the offence, he shall impose a fine as provided under this Act.

(3) Any person aggrieved by an order made by the officer under sub-section (2) may prefer an appeal in such form and in such manner with such fee, as may be prescribed, before the appellate authority, who shall be the Managing Director of the Corporation, within thirty days from the date on which such order is communicated to him:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) The appellate authority may after giving the parties to the appeal an opportunity of being heard, pass such order as he thinks fit, confirming, modifying or setting aside the order appealed against, within a period of sixty days from the date of receipt of the appeal.”.
