

REVISED CHECK LIST FOR DEALING WITH PROPOSALS FOR SETTING UP ICDs/CFSs/AFSs IN INDIA

LAND REQUIREMENT (Documents to be submitted to Department of Commerce along with application, project and feasibility report)

1. As per IMC guidelines for setting up ICDs/CFSs/ AFSs, minimum area requirement are as under :-
 - a. ICDs – four (04) hectares
 - b. CFSs – one (01) hectare
 - c. AFSs - 1000 Sq meter for exports and 1000 Sq. meters for imports respectively. (**)

For authorization of existing ICDs as AFS, an additional space for handling AFS cargo as per minimum requirement.

However, a proposal could also be considered having less area on consideration of technological up-gradation and other peculiar features justifying such a deviation. Relaxation in land requirement is to be approved by IMC.

2. An attested / certified / notarized copy of sale deed or lease deed duly registered in the concerned Sub Registrar's Office in respect of the proposed land in the name of company intending to set up ICD/CFS/AFS. This is required for furnishing proof of ownership/long term lease of the land by the developer.

In case the Sale/Lease deed is in language other than English, an attested/notarized authenticated English translation of the same is also required in order to examine the contents of same.

3. Change of Land Use Certificate (CLU) from the concerned authority for non-agricultural use of land, in case the land is meant for agriculture purpose. However, the CLU certificate may be furnished from the State Government authority concerned.

4. Furnishing of an undertaking by the developer to Department of Commerce that the land is free from land acquisition proceedings as on the date of application.

The applicant company is required to submit a separate work sheet indicating details of land measurement, including survey Nos etc. Survey numbers indicated in the undertaking regarding non-acquisition certificate and CLU certificate should match with the survey numbers mentioned in Tehsildar's certificate and sale/lease deed.

5. Furnishing of an undertaking by the developer to Department of Commerce about the land being clear from all encumbrances etc. (This condition has been prescribed by CBEC on the proposals considered in IMC meeting held on 21.10.10)

Other Documents:

6. To submit a copy of Memorandum of Association and details of Directors in Form-32.
7. The applicant is advised to submit a copy of the project to the Chief Transportation Planning Manager of Local Railway, if proposal is for rail-linked ICD/CFS/AFS
8. The applicant who intends to set up AFS is advised to submit a copy of project proposal to concerned Airport Authority.

COMMENTS OF CONCERNED MINISTRIES/DEPARTMENTS:

1. Comments of Central Board of Excise & Customs (CBEC)/concerned Commissioner of Customs on the project proposal.
2. Comments of nearest / concerned port authority, in case the proposal is for setting up of a CFS in a port town. In case of an ICD, since the same is generally located in the interiors (outside the port town) of the country away from the servicing ports, comments of port authority are not necessarily required. This however will be decided by IMC.
3. Comments of Ministry of Railways especially in case the proposed ICD/CFS is a rail-linked project.
4. Comments of Ministry of Civil Aviation (MOCA) on the project proposal in case the proposal is for AFS.

() Note :** This has been mandated by Ministry of Civil Aviation in the Policy guidelines of AFS issued vide F.No.AV-13011/3/2013-ER, dated 28th October, 2014

The following documents are required to be submitted for Change in name / Ownership of ICDs / CFSS / AFSs which are in Under-Implementation stage.

Sl. No.	Type of Cases	Documents required to be submitted
1.	Change in name without change in Ownership	(a) Justification for change in name. (b) Proof of change in name in Office of Registrar of Companies. (c) Proof of change in name in the Income Tax Department. (d) Proof of change in name in the VAT Department.
2.	Change in name associated with change in ownership	(a) Justification for change in name and ownership. (b) Proof of change in name in Office of Registrar of Companies. (c) Proof of change in name in the Income Tax Department. (d) Proof of change in name in the VAT Department. (e) Confirmation whether such custodianship is being done on Government (owned or leased by Government) and whether conditions for transfer of ownership of the Government land have been fulfilled.
3.	Change in ownership without change in name	(a) Justification for change in ownership. (b) Proof of change in name in Office of Registrar of Companies. (c) Proof of change in name in the Income Tax Department. (d) Proof of change in name in the VAT Department. (e) Confirmation whether such custodianship is being done on Government land (owned or leased by Government) and whether conditions for transfer of ownership of the Government land have been fulfilled.

S.No.	Content	Action approved by IMC in it's meeting held on 08-07-2016
I.	ICDs / CFSS / AFS – functional	
a.	Change in name without change in ownership	No action proposed at IMC level. Concerned Customs authority may examine at their level and issue revised notifications under intimation to members of IMC
b.	Change in ownership	No action proposed at IMC level. Concerned Customs authority may examine at their level and issue revised notifications under intimation to members of IMC
II.	ICDs / CFSS / AFSs – Under Implementation	
a.	Change in name without change in ownership	Revised Lol may be issued on receipt of documentation as per check list and after confirmation by the Director and place before the IMC for its consideration.
b.	Change in ownership	To be re-circulated for comments and put up to IMC.
