

**Sustainable Industry Incentive Scheme 2023**

**Annexure E**

**SCHEME - 6**

**State Goods and Service Tax (SGST) Reimbursement**

# **Sustainable Industry Incentive Scheme 2023**

## **SCHEME -6**

### **State Goods and Service Tax (SGST) Reimbursement**

#### **A. The Scheme**

The Scheme provides for 100% reimbursement of SGST remitted on new / additional fixed capital investments in Plant & Machinery and Equipment for Large & Mega enterprises, in phases, per unit, for investments in Kerala in any of the Priority Sectors as mentioned in the Kerala Industry Policy 2023, for a period of five years.

#### **B. Eligibility**

1. The Scheme shall be applicable to Large & Mega enterprises in Kerala engaged in manufacturing or service activities in any of the priority sectors as outlined in the Kerala Industrial Policy 2023. Trade is excluded from the ambit of the Scheme.
2. The unit should have valid DPIIT registration (if applicable) and shall be functioning while receiving the assistance.
3. Companies that commences commercial operation by investing over Rs.50.00 Cr or above in Plant & Machinery / Equipment in Kerala on or after 01.04.2023 is eligible for the incentive.
4. New unit that commences commercial operation on or after 01.04.2023 or existing unit that commence commercial operation after expansion/ modernisation/ diversification on or after 01.04.2023 is eligible to apply. The investment will be considered for assistance as follows;
  - a) All new investments shall be in any of the priority sectors mentioned in the Kerala Industrial Policy 2023. However, in the case of a Priority sector unit that makes additional investment in non-priority sector activity as part of expansion/ modernisation/ diversification, such units are also eligible for incentive if such investment is warranted/necessitated for backward or forward integration of the Priority sector activity of the unit. In such cases, at least 75% of the turnover of the unit at any given point in time, after such investment, shall be from priority sector activities.
  - b) If an existing unit which is not in the Priority sector, but the diversification activity comes under priority sector, such units are eligible for subsidy,

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provided the new investment made for such diversification activity shall be above Rs.50.00 Cr.

5. If a company makes investments in one or more locations and satisfies the criteria defined point no B (1) above, such additional investments made in each location shall be eligible for assistance under this scheme for all such new investments, as per the criteria provided in this Scheme, provided end product of such units are not used for the captive use of the company. If it is for captive use, the combined investment in all such units shall be considered (as if it is a single investment) while calculating the investment subsidy.
6. The investment in Plant & Machinery / Equipment upto the commencement of commercial operation will only be considered for assessing the claim for SGST reimbursement (land and land development cost & building shall not be considered)
7. All the above new investments capitalised through SGST return filing on or after 01.04.2023 shall be eligible
8. The unit is eligible for this Scheme for a period of 5 years from the date of purchase of first item claimed under this Scheme.
9. The Unit can apply only once in a financial year, limited to a maximum period of 5 financial years
10. The industries included in the Negative List and notified as such from time to time shall not be eligible for assistance.
11. Government controlled industries, public sector undertakings, units started by Government controlled agencies shall not be eligible for assistance under this scheme

### C. Definition and explanation

The definitions for the terms mentioned in this scheme are used only for the purpose of this Scheme and not applicable elsewhere.

- **Company:** Company incorporated under the Companies Act and registered under the Registrar of Companies
- **Units:** Manufacturing / service facility of the company located in the State of Kerala
- **MSME units:** All Micro Small & Medium Enterprises (MSME's), as defined in the MSMED Act 2006.

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- **Large Enterprise:** A company with Investment in plant & machinery / equipment above INR 50.00 Cr and not exceeding INR 300.00Cr or Turnover above Rs.250.00 Cr, or defined by GoK/GoI from time to time.
- **Mega Enterprise:** A company with Investment in plant & machinery / Equipment above the definition of Large Enterprises, or defined by GoK/GoI from time to time.
- **Investment :**For the purpose of this Scheme “the Investment” means components considered for claims as defined in section D
- **The expansion/ modernisation/ diversification:** The expansion refers to investment activities carried out by units for increasing their production capacity. Modernisation refers to replacement of existing machinery with new machinery partially or fully with the same make or with different make. Diversification refers to all investment activities that are undertaken by units for venture into newer business verticals / revenue streams for the units. The investments on expansion/ modernisation/ diversification must result in increase in plant and machinery or equipments / essential office equipments etc.
- **Agreement:** An agreement refers to a legally binding document signed in stamp paper (Value as defined by the Sanctioning Authority) in the prescribed format between the Sanctioning Authority and applicant detailing the rights, obligations, and responsibilities of both the parties involved with regards to compliance to the rules and regulations, reporting requirements, repayment/recovery terms (if default), monitoring and evaluation processes, and any other specific conditions set forth by the Sanctioning Authority.

### **D. Entitlement of a successful Applicant & Components considered for claims**

*As per the eligibility criteria*, the unit is eligible for 100% reimbursement of SGST remitted on new / additional fixed capital investments in Plant & Machinery and Equipment for Large & Mega enterprises, in phases, per unit, for investments in Kerala in any of the Priority Sectors as mentioned in the Kerala Industry Policy 2023, for a period of five years

The principal elements of Fixed Capital Investment in plant and machinery & Equipment (excluding land and land development cost & building) electrification costs, testing equipment, generator, other energy generating equipment, pollution control equipment and investments on recycling of water, waste and rain harvesting if utilised for industrial purpose shall be admitted for assistances under Capital Subsidy Incentive Scheme on the following basis.;

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Sl. No	Components	Eligibility calculation
1	P&M and Equipment	<ul style="list-style-type: none"> <li>• All machineries and equipments that are essential for the operation of the company will be considered</li> <li>• All the items shall be brand new and certified by Chartered Engineer. The investments shall be captured in the Books of accounts and duly certified by Chartered Accountant.</li> </ul>
2	Other fit out / bought out items	<ul style="list-style-type: none"> <li>• All electrical items, Cost of transformer, costs of Industrial wiring including that for Generator Set and power connection costs to KSEB except security/caution deposit, fittings, plumbing items, essential equipments, safety equipment's etc, including Energy Generating equipments will be considered.</li> <li>• Vehicles purchased for the movement of Man &amp; Material of the unit will be considered (except Luxury cars purchased in the name of the company)</li> <li>• All testing equipment and pollution control devices, all investments on recycling of water, waste and rain harvesting if utilised for industrial purpose will also considered</li> <li>• Fabricated items, furniture's &amp; Fixtures etc will also be considered</li> <li>• Cost of purchase of Software, and other investments for Industry 4.0 will also be considered.</li> </ul> <p>The above Investment will be considered based on the valuation of Chartered Engineer or the value as evidenced in the Books of Accounts, whichever is lower.</p>
<p>NB: *All the investments shall be capitalised in the book of Accounts of the company</p>		

### E. Mode of Application & Processing Fee

Eligible applicant shall apply online, with all relevant supporting documents and remit the applicable processing fee. The processing fee shall be 0.1 per cent of the claim amount, with a minimum processing fee being Rs.10,000/- +GST per claim.

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### **F. Recommending Authority**

The Recommending Authority for the applications shall be the General Manager or any other officer appointed by the General Manager concerned on his behalf. The duties of the Recommending Authority are to;

- a. Verify the documents submitted by the applicant via online
- b. Conduct inspection if required,
- c. Ascertain the eligibility, and recommend eligible amount to the Sanctioning authority.
- d. Provide additional details if any called for by the Sanctioning Authority.
- e. Handhold smooth implementation of the scheme in close co-ordination with the applicant and Sanctioning Authority.

### **G. Sanctioning authority**

Sanctioning Authority for Incentive claims upto Rs.200.00 lakhs shall be the District Level Incentive Implementation Committee with General Manager DIC as its Chairman. The Sanctioning Authority for incentive claims above Rs.200.00 lakhs shall be the State Level Incentive Implementation Committee with MD-KSIDC as its Chairman. The constitution of the committee, the broad responsibilities of the Sanctioning Authority and the key responsibilities of the General Manager DIC for the successful conduct of the District / State Level IIC meetings are as outlined in the **General Scheme Guidelines in Annexure A.**

### **H. Mode of Release of Eligible Incentive**

The following procedures will be adopted for the release of assistance sanctioned to a unit under this Scheme;

- i. Upon approval from the sanctioning authority, a sanction letter will be issued to the applicant.
- ii. The applicant is required to take prompt action within 30 days of receiving the sanction letter, by either signing an agreement with the Sanctioning Authority to facilitate the disbursement of assistance or filing an appeal in the prescribed format mentioned in the "Appeal" section, if they have any grievances.
- iii. In case of applicant filing an appeal, the disbursal of assistance will be kept on hold, until the disposal of the same.

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iv. If the applicant is unable to sign the agreement within the stipulated time due to genuine reasons, they should inform in writing, the reasons thereof to the sanctioning authority within this 30 days itself. The sanctioning authority will review the situation, and if deemed satisfactory, may grant an extension on a case-by-case basis.

v. If the applicant fails to sign the agreement or file an appeal within the specified 30-day timeframe, the sanction will stand cancelled automatically, without prior notice.

vi. In case the applicant wishes to avail the assistance, a fresh application has to be submitted remitting the applicable processing fee, again. In such cases, the application will be considered as a new application.

vii. In the case of units, which has successfully executed the agreement, Sanctioning Authority shall forward such cases to MD- KSIDC.

If the documents submitted by the Sanctioning Authority are in order, MD-KSIDC will initiate further steps for the disbursement of the eligible amount directly to the bank account of the Beneficiary depending up on the availability of the fund.

### **I. Obligations of the applicant**

*Subject to the eligibility criteria;*

- All applications shall be made to the respective recommending authority only after starting commercial operation of the investment and successful filing of the Annual GST Return of the respective Financial Year for which claim is made.
- The applicant shall declare all information in the application submitted as true.
- The applicant shall provide all required details to the Processing and Recommending officers and Sanctioning / Appellate Authority as the case may be, as and when required to do so. The applicant, if so required by the processing & recommending officers shall also allow inspection or verification of any details mentioned in the application including all assets etc, by the processing & recommending officers or a third party authorised by the processing & recommending officers. The applicant shall produce originals of any documents if so required by the recommending/sanctioning officers or the authorised third party for verification.
- The processing fee will be 0.1 per cent of the claim amount, with minimum processing fee being Rs. 5,000/- + GST. The sanctioning authority is competent to revise processing fee from time to time.

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- The applicant shall execute requisite legal agreement with the Sanctioning Authority when the proposal is approved for financial assistance, prior to disbursement.
- The eligible amount will be released directly to the Bank Account of the company, as specified in the application form.
- The unit shall be a working one as on date of release of the assistance.
- The unit that receive the investment support will be under obligation to remain working continuously for five years from the date of commencement of commercial operation. Prior approval of the recommending authority is mandatory for changing activity, ownership, name or location.
- The company after availing the assistance shall furnish/ upload via online the copies of balance sheets, valid license from local body, electricity bills, performance particulars in the prescribed proforma etc every year till the period stipulated in the agreement, before the 31st December of the next financial year, as proof of their functioning. The company should give its concurrence in writing to the sanctioning authority to obtain all relevant details through third party with regard to their investment and operational status.
- The company shall provide the following documents along with the application to substantiate its SGST claims;
  - a) GST Registration Certificate
  - b) GST Profile
  - c) GST Annual Return Statement
  - d) The SGST Claim of the company (in the prescribed format) duly certified by the chartered Accountant
- Any other document as specified in the application form or sought by the Processing and Recommending officers and Sanctioning / Appellate Authority
- Certificate from chartered Accountant, certifying the 100% payments made for the items claimed and the amount of SGST remitted against the items claimed should be submitted along with the application.
- All the items purchased should be capitalised in the Books of Accounts of the company and shall be reflected in the Balance sheet of the company. Such assets shall be available for verification.

### **J. Responsibility of the Certifying Chartered Engineers / Accountant**

The application for subsidy assistance and its eligibility is determined /calculated predominantly based on the certificates issued by the certifying Chartered Engineers / Accountant. Therefore the certifying person shall take utmost care while checking the documents, verifying the records, valuing the assets and certifying the Investments made by the company. The certifying person shall provide all necessary additional



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clarifications and shall present in person during the time of physical verifications if so required by the Recommending / Sanctioning Authority.

Any of the information / certification so supplied is found to be incorrect that results to the loss to the State Government or any other authority under them, the certifying person is liable to be explainable. If the explanations given by the certifying person are not found to be satisfactory, the certifying person will also be equally responsible for the loss to the Government. While appropriate steps will be taken to recover the loss incurred to the Government of Kerala from the applicant, the following action will be initiated against the certifying person;

- a) Debar from such persons from certifying for the Government purpose
- b) Report the incident and the action taken by the Government to the respective Registering Authority to appropriate action against that person

### **K. Recoveries and Penalties**

Any assistance provided under this scheme to a unit is subject to refund by the unit in full with an annual interest rate of 14% from the date of receipt upon the issuance of a registered demand notice to the unit by the Recommending/Sanctioning authority on the following grounds.

- a) In cases of obtaining assistance through misrepresentation, forgery, deception etc.
- b) violating any of the conditions in the agreement executed
- c) Unauthorized subletting, subleasing, transfer, or sale of the unit, change of activity without the consent of Sanctioning Authority

The applicant is required to operate the unit for the specified period mentioned in the guidelines/agreement. Failure to comply with this condition will result in the resumption of assistance on a prorated basis, considering the period of the company's operation, along with an annual interest rate of 14%.

In case of default, any amounts owed to the Government under the provisions stated above shall be recoverable as if they are arrears of land revenue. The recovery process will be carried out in accordance with the provisions of the Kerala Revenue Recovery Act, 1968, and other relevant laws applicable to the Government from time to time. However, the company will have to be provided with three opportunities to showcase in writing before such recovery measures are initiated.

### **L. General Guidelines**

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1. The assistance under the Investment Subsidy Incentive shall be released to the eligible company in one go or in multiple tranche, over a period of 5 years, depending on the eligibility of claims.
2. The claims under this scheme will be entertained only during the currency of this Scheme and Budgetary allocations. The Government of Kerala may modify, amend and if required completely withdraw the Scheme, any point of time in part or in full
3. An amount of 2% of the budget allocation under the scheme shall be earmarked and made available for disposal with the Director of Industries & Commerce for allotting to the District/State Level Committees towards administrative expenses and advertisement and publicity costs. The expenses can be met for the purpose of canvassing applicants, hiring of vehicles, associated telephone charges, printing and publishing publicity materials, light refreshments for investor meets. The Director of Industries & Commerce will determine the limits under which such expenses are to be footed.
4. The processing fee collected from applicant shall be used for the meeting the incidental expenses for processing including TA/DA, other administrative overheads, consultancy expenses, if any, incurred for the proper processing of the claims etc. However, recommending authority/ Committees shall furnish expenditure particulars to the Managing Director of KSIDC every quarter.

### **M. Appeal & Dispute Resolution Mechanism:**

There is a provision for the applicant to appeal against the award of the Sanctioning Authority, if needed. The appellate authority for applicants in such circumstances shall be MD-KSIDC. The Appeal Form affixing court fee stamp for Rs.10.00/- in the prescribed format, to be submitted within 30 days from date of sanction of the Proceedings. The Appellate Authority in such cases shall convene a meeting with the Sanctioning Authority and aggrieved applicant to resolve the matter. The decision of Appellate Authority will be final on such cases.

The assistance proposed in this scheme is envisaged as a fiscal incentive for the investment made in Kerala and to attract more investors. Any dispute arises, which cannot be resolved at the level of Appellate Authority can only be questioned at courts having its jurisdiction at Thiruvananthapuram

### **N. Forms and Clarifications.**

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MD-KSIDC shall have the full authority to prepare the application forms, form of agreement and any other formats required for the proper implementation of the Scheme and to issue clarifications sub-rules, modify the check-list etc, if required.

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