

No. 22/CLCSS/Scheme-EFC/2016-17 Pt. I
O/o DC (MSME), M/o MSME
Investment Promotion & Financial Services Division
CLCSS Section

A-Wing, Nirman Bhawan,
New Delhi
9th August, 2019
13th

OFFICE MEMORANDUM

Subject: Continuation of Credit Linked Capital Subsidy component under CLC-TUS for 03 years from 2017-18 to 2019-20 – regd.

The Central Government has decided to continue the Credit Linked Capital Subsidy (CLCS) component of Credit Linked Capital Subsidy and Technology Up-gradation scheme (CLCS-TUS) will enforce with effect from 01.04.2017 till 31.03.2020 or till the time sanctions if aggregate Capital Subsidy disbursed reaches to Rs. 2360 crore. (Approved Outlay), whichever is earlier.

2. The objective of CLCS component of CLC-TUS is to facilitate technology to MSEs through institutional finance for induction well established and proven technologies in the specific sub-sector/products approved under the scheme.

- (a) Upfront subsidy of 15% on institutional credit up to Rs. 1.0 crore (i.e. a subsidy cap of Rs. 15.00 lakh) for identified sectors/subsectors/technologies.
- (b) Flexibility for review of the identified technologies/subsector also exists.
- (c) Online Application and Tracking System already in place & amended in accordance to the revised provisions.
- (d) Presently scheme is being implemented through 11 nodal banks/agencies, however, almost all Commercial Banks, Pvt. Banks & RRBs are acting as PLI through these 11 nodal banks/agencies {SIDBI, NABARD, SBI, (SBI & SBBJ), PNB, BoB, Canara Bank, Corporation Bank, Indian Bank, Bank of India & TIICL}.
- (e) In order to ensure fair inclusion of SC/ST category, women entrepreneurs and entrepreneurs from NER, Hill States (Jammu & Kashmir, Himachal Pradesh & Uttarakhand) Island Territories (Andaman & Nicobar and Lakshadweep) and the identifies Aspirational Districts/LWE Districts, the subsidy has also been proposed to be admissible also for investment in acquisition/replacement of plant & machinery/equipment & technology up-gradation of any kind.

3. The list of approved sectors/sub-sectors/technologies and details of machineries stipulated in previous guidelines (appendix -1, supplement 1-6) will remain unchanged. However, on addition/deletion of sector/ sub-sectors/technologies and details of machineries, the supplement(s) will be issued after approval of the committee of experts as per scheme guidelines.

P.T.O.

4. Detailed operational guidelines are enclosed herewith and also available on the official website of this office i.e. www.dcmsme.gov.in

This issues with the approval of Competent Authority.

Encl: As above;

O.P. Singh
27.8.13
(O.P. Singh)

Deputy Director (CLCSS)

To

1. Secretary, Department of Expenditure, North Block, New Delhi
2. AS&FA, M/o MSME, Udyog Bhawan, New Delhi
3. Advisor (PAMD), Room No.244, NITI Aayog, Sansad Marg, New Delhi-01
4. Advisor (Indus I &II), Room No. 214, NITI Aayog, Sansad Marg, New Delhi-1
5. CMDs/MDs of 11 Nodal Banks/Agencies under CLCS
6. All Nodal Officers of CLCSS, 11 Nodal Banks/Agencies under CLCS
7. Chief Secretary (States/UTs)
8. All Commissioner/Director of Industries (States/UTs)
9. Chief Controller of Accounts, DIPP, Udyog Bhawan, New Delhi
10. Budget and Account Section, O/o DC (MSME)
11. All Directors, MMSE-DIs/Director, MSME-Testing Centres/All Branch DIs
12. Internal Circulation in the O/O DC (MSME) as per standard list.

Copy for information to:

1. PS to Hon'ble Minister, MSME, Udyog Bhawan, New Delhi.
2. PS to Hon'ble Minister (Minister of State), MSME, Udyog Bhawan, New Delhi.
3. PPS to Secretary (MSME), Ministry of MSME, Udyog Bhawan, New Delhi.
4. PPS to AS & DC (MSME), O/o DC MSME, Nirman, Bhawan, New Delhi.
5. PS to ADC (PS), O/o DC MSME, Nirman, Bhawan, New Delhi.



सत्यमेव जयते

GOVERNMENT OF INDIA



Guidelines of
Credit Linked Capital Subsidy Component
of
Credit Linked Capital Subsidy Technology Up-gradation Scheme
(CLCS-TUS)

Office of the Development Commissioner (MSME),
Ministry of Micro, Small & Medium Government of India
Nirman Bhawan, New Delhi-110011

The Scheme guidelines are also available on the websites:
www.msme.gov.in, www.dcmsme.gov.in

Revised Guidelines of Credit Linked Capital Subsidy Component under Credit Linked Capital Subsidy and Technology Up-gradation Scheme (CLCS-TUS):

1. Introduction

1.1 A large percentage of Micro and Small Enterprises (MSEs) units continue with outdated technology and plant & machinery, due to requirement of investment and lack of awareness in respect of both the quality standards and access to modern technologies. With rising competition due to liberalization of the economy, the survival and growth of the MSE units are critically dependent on their modernization and technological up-gradation as they will lead to improvement in quality and productivity. The technology up-gradation of both the process of manufacturing and corresponding plant and machinery is necessary for the micro and small enterprises to reduce the cost of production and remain price competitive at a time when cheaper products are easily available in the global market.

1.2 The Ministry of Micro, Small and Medium Enterprise has been operating three schemes for technology up-gradation of Micro, Small and Medium Enterprise (MSME) i.e. the Credit Linked Capital Subsidy Scheme (CLCSS), Technology & Quality Up-gradation Support to MSMEs (TEQUP) and Technology Acquisition and Development Fund (TADF) Scheme. These schemes had similar objectives and therefore for widening the scope of the technology up-gradation component TEQUP & TADF are being subsumed within the Credit Linked Capital Subsidy (CLCS).

1.3 The CLCS Component of CLCS-TU Scheme aims at facilitating technology up-gradation by providing capital subsidy to MSE units, on institutional finance (credit) availed by them for modernization of their plant and machinery involved in manufacturing process and equipment for rendering services, as the case may be. The Credit Linked Capital Subsidy also covers MSEs of Khadi & Village industries and Coir sectors. The CLCS component of the scheme will continue to provide capital subsidy to MSE units @ 15 % (i.e. Pre-Revised), for induction of well established and improved technology in select sub-sectors/products. The calculation of subsidy amount will be based on the actual cost of purchase plant and machinery inducted by the unit for technology up-gradation. The ceiling limit of amount of loan/institutional finance eligible for subsidy is Rs.1.00 crore.

1.4 As appraised by the Expenditure Finance Committee and subsequently approved by the Cabinet Committee on Economic Affairs, the CLCS component of CLCS-TU Scheme has been amended as follows :

1.4.1 The admissible capital subsidy is to be calculated with reference to the actual purchase price of plant and machinery for which, a term loan is sanctioned and disbursed to the beneficiary unit by the eligible PLI.

1.4.2 The intervention is only to facilitate Technology up-gradation to MSEs through institutional finance for induction of well established and proven technologies in specified sub-sectors / products. However, In order to ensure fair inclusion of SC/ST, women entrepreneurs and entrepreneurs from NER, Hill states (Jammu & Kashmir, Himachal Pradesh & Uttarakhand) island territories (Andaman & Nicobar and Lakshadweep) and Aspirational Districts/ Left-wing Extremism (LWE) Districts **(As per list at Annexure-A-1, A-2)**, the subsidy shall also be admissible for investment in acquisition/replacement of plant & machinery /equipments & technology up-gradation of any kind. But fabricated / second hand machinery /equipment will not be eligible for subsidy under the CLCS component of the scheme.

1.4.3 In addition to the above, after disbursement 15% subsidy under CLCS, additional 10% subsidy to SC/ST MSEs will be provided under National SC/ST Hub (NSSH) as per the guidelines of SCLCSS.

1.4.4 The amendments will be effective from 01.04.2017 and the present validity of the CLSS Component of CLCS-TU Scheme is extended upto 31st March, 2020. In case of Special Credit Linked Capital Subsidy Scheme (SCLCSS), the effective date of implementation will be the date of notification of SCLCS Scheme i.e. 17.05.2017.

2. Objective :- The CLCS Component of CLCS-TU Scheme aims at facilitating technology up-gradation by providing 15 per cent capital subsidy to MSEs, on institutional finance availed of by them for induction of well established and improved technologies as per specified sub-sectors / products approved under the scheme.

3. Scope of the Scheme:

3.1 Definition under the Scheme:

3.1.1 Technology Up-gradation- Technology up-gradation would ordinarily mean induction of state-of-the-art or near state-of-the-art technology with or without expansion capacities for existing enterprises and new enterprises. Given the availability of wide ranges of technologies, the technology up-gradation would mean a significant step up from the existing level of technology being used by the beneficiary enterprises leading to marked improvement in the productivity/ quality of products and/or improved environmental impacts inclusive of work environment for the unit. It may also include installation of improved packaging techniques as well as anti-pollution measures and energy conservation measures. In addition, cost of acquisition facilities for in-house testing and on-line quality control to meet the requirement of beneficiary unit(s) would qualify for assistance. Replacement of existing equipment / technology with the same equipment/ technology will neither qualify for subsidy under this CLCS component of CLCS-TU Scheme nor would the scheme be applicable to units upgrading with second hand machinery. However, some relaxation have been considered in case of entrepreneurs' from SC/ST categories, women entrepreneurs & enterprises located in NER, Hilly States (J&K,Himachal Pradesh, Uttarakhand)/Island territories and Aspirational / LWE districts (as stated in para- 3.2.3 below);

3.1.2 **Eligible Beneficiaries-** The subsidy will be given to the existing & new enterprise having MSE status. Their Constitution may be sole proprietorships, partnerships, Co-operative and societies, private limited / LLP companies in the sector. The MSEs shall have the valid UAN at the time application implying:

They are duly registered as Micro and Small Enterprises (MSEs) under MSMED Act, 2006 and as amended from time to time . As for MSEs in the categories of Limited Liability Partnership firms or private Ltd. Companies are also required to be registered under LLP Act 2008 or the Companies Act, 2013 or as amended from time to time.

3.1.3 **Enterprises owned by SC/ST categories, women entrepreneurs:** Enterprises with clear ownership of 51% & above hold by SC/ST or women will be considered and eligible.

3.1.4 Priority shall be given to SC/ST category, women entrepreneurs and entrepreneurs from NER, Hill states (Jammu & Kashmir, Himachal Pradesh & Uttarakhand) island territories (Andaman & Nicobar and Lakshadweep) and the identified Aspirational Districts/ LWE Districts (As per list at Annexure-A-1 & A-2).

3.2 Eligibility Criteria for Credit Linked Capital Subsidy Component

3.2.1 The existing and /or new MSEs availing the institutional finance of total eligible investment towards the cost of plant and machinery for induction of well established and improved technologies approved under the component of the Scheme (**Appendix- 1**) or otherwise specified for various categories / regions under the CLCS.

3.2.2 Industry graduating from small scale to medium scale on account of sanction of additional loan under CLCS shall be eligible for assistance.

3.2.3 To encourage entrepreneurs' from SC/ST category, women entrepreneurs and entrepreneurs with units located in NER, Hilly states (Jammu & Kashmir, Himachal Pradesh & Uttarakhand) island territories (Andaman & Nicobar and Lakshadweep) and the Aspirational Districts/ LWE Districts as identified on 01.04.2017 (**details lists at in Annexure-A-1 & A-2**), the subsidy shall be admissible also for investment in **acquisition /replacement** of plant & machinery /equipments & technology up-gradation of any kind. However, second and in house fabricated hand plant & machinery /equipment will not be eligible for subsidy.

3.2.4 A valid Udyog Aadhar Number (UAN) and entry of the MSE into the MSME Data Bank is mandatory for availing the subsidy under CLCS component.

3.2.5 Eligibility for capital subsidy under the scheme is not linked to any refinance scheme of the Nodal Agency (ies). Hence, it is not necessary that the Prime Landing Institutions (PLIs) will have to seek refinance in respect of the term loans sanctioned by them from any of the refinancing Nodal Agencies.

3.2.6 Fabricated and second hand plant and machinery shall not be eligible for consideration for subsidy under this component.

3.2.7 A particular machinery eligible under one sector, may be considered eligible for other sectors as well if its requirement is justified from technical angle and unless it's eligibility is not restricted for that particular sector.

3.2.8 MSEs availing subsidy under this component of the scheme shall not be eligible to avail any other subsidy for technology up-gradation from the Central/State/UT Government for the same purpose and vice versa.

3.2.9 Benefits under the scheme shall be available only if the eligible benchmarked machinery is purchased by availing term loan from a notified lending agency. Investment made by availing buyers credit, usance credit, leasing / hire purchase and sellers credit will not be eligible for availing benefits under the component.

3.3 Nodal Banks / Agencies

3.3.1 In line of the existing practice, the scheme will include the following 11 Banks /Agencies shall be continued to act as nodal for implementation of the Credit linked Capital subsidy (CLCS):

1. Small Industries Development Bank of India (SIDBI)
2. National Bank for Agriculture and Rural Development (NABARD)
3. State Bank of India (SBI)
4. Canara Bank
5. Bank of Baroda (BOB)
6. Punjab National Bank (PNB)
7. Bank of India (BOI)
8. Andhra Bank (AB)
9. Tamil Nadu Industrial Investment Corporation (TIICL)
10. Corporation Bank
11. Indian Bank

3.3.2 In addition to the above Nodal Banks, other Nationalized Banks will also be eligible to implement the CLCS component of CLCS-TU scheme after execution of the MOU with the O/o DC-MSME, Ministry of MSME, New Delhi.

3.3.3 Notwithstanding the above, the nationalized banks those are acting as nodal banks at present (other than SIDBI and NABARD) would consider proposals only in respect of credit approved by their respective branches. The same will also be applicable for other Nodal agencies.

3.3.4 Whereas, for the other Primary Lending Institutions (PLI), SIDBI and NABARD to be the nodal agency for release of subsidy under this scheme. Further, the SIDBI and NABARD have the authority to co-opt any PLI. However the SIDBI & NABARD have to ensure that the such PLI is co-opted by only one Nodal agency either SIDBI or NABARD and there is no overlapping / duplication in this regard.

3.3.5 Before accepting the application the existing Nodal Banks / agencies have to execute MoUs with the O/o Dc-MSME, Ministry of MSME, New Delhi afresh to act as Nodal bank / agency. The prescribed format of MOU is at **APPENDIX- II**.

3.3.6 Eligible Primary Lending Institutions (PLI): All Scheduled Commercial Banks, Scheduled Cooperative Banks [including urban cooperative banks], Regional Rural Banks (RRBs), State Financial Corporation's (SFCs) registered with RBI and North Eastern Development Financial Institution (NEDFI) are eligible as PLI under this scheme provided they execute a General Agreement (GA) with any of Nodal the Bank / Agency, namely the Small Industries Development Bank of India (SIDBI) and National Bank for Agriculture and Rural Development (NABARD) (**format of the GA at APPENDIX- III**). The non banking finance corporation (governed under the RBI regulations) may also be considered in the due course, subject to consultation with the Stakeholders and approval by the committee of Experts. However, the said entities will be co-opted through SIDBI or NABARD.

3.4 Duration : The CLCS component of CLCS-TU Scheme will be operational / valid with effect from 01.04.2017, till 31st March, 2020 or till the time, the aggregate capital subsidy disbursed as per the sanction accorded reaches Rs. 2360 Cr. (Approved Outlay), whichever is earlier. The computation of aggregate disbursement will also include the amount disbursed to meet pending liabilities under CLCSS, TEQUP & TADF. If the CLCS component of CLCS-TU Scheme terminates, in that case, and the SCLCSS continues, eventually the SCLCSS will be delinked.

3.5 Coverage of the Credit Linked Capital Subsidy (CLCS):

3.5.1 Initially, The CLCS component would cover the approved technology / products /sub-sectors already approved and added through subsequent supplements notifications' (details available at www.dcmsme.gov.in). The detailed list of well established and Improved Technologies is enclosed at **Appendix-I**. The actual cost of plant and machinery may be taken for the purpose of calculation of subsidy.

3.5.2 Term Loan sanctioned and disbursed by banks / PLIs for acquiring new plant & machinery for technology and process up-graded from approved list shall qualify for subsidy under the scheme. The second-hand / fabricated machines will not be considered to calculate the subsidy under the scheme. The list of technologies/ machines eligible for subsidy shall be updated from time to time depending on requirement. The procedure given in Para 3.6 below will be adopted for such updation. However, a MSE shall continue to get the benefit of the scheme during the currency of the approved loan even if a particular technology stands subsequently removed from the approved list.

3.5.3 Replacement of existing Plant & Machinery / Technology with the same equipment /technology will not qualify for subsidy under the CLCS component under CLCS-TUS, save and except the provisions stipulated under item 3.5.2 above.

3.6 Addition and deletion of Technology / Process / sector / Sub-sector: Any modern technology may be added in and outdated technology may be deleted from time to time from the existing list of the sectors/technologies with the approval of the Committee of Experts. The preliminary exercise in this regard may be executed through an external expert agency and / or field offices of this Ministry.

3.6.1 An external expert agency like Global Innovation and Technology Alliance (GITA)* will be engaged as the Knowledge Partner to identify the new, latest, clean, green and energy efficient technologies under different sectors and also the exclusion of the outdated sector / processes /technologies. The Observations / recommendations on inclusions / exclusions of technologies /processes / sectors/sub-sectors by the knowledge partners will be placed before the Committee of Experts for appraisal & approval in the matter, Views of field offices may also be taken on board, if felt necessary.

3.6.2 The fees / remuneration to be payable to the expert agency engaged as knowledge partner for the aforesaid assignment(s) will be decided as per the provisions in the GFR. The earmarking to the tune of Rs.82.50 Lakh for promotional activities, professional services charges in the scheme approved by the Competent Authority may be utilized for the said purpose.

3.6.3 There is a provision of Management & Implementation fee @0.25% of the subsidy released to Nodal Agencies like SIDBI & NABARD and PLI/Co-opted PLI etc. The management and implementation provisions will include the cost of Information, Education & Communication (IEC) and other thematic interventions (like-identification of technologies, at HQ level for the scheme duration (Break up of @0.25%- Nodal-30%, PLI/co-opted PLI-30% and 40% for HQ and other agencies involve for implantation of above mentioned activities.

* As per the Notification S.O. 2580 (E) dated 21-09-2015 for Technology Acquisition & Development Funds Scheme (TADF) as per the National Manufacturing Policy 2011, GITA is an Implementation & Funds Management Agency under TADF Scheme. GITA is an existing Joint Venture between Government of India and Private sector and incorporated under section 8 of the companies Act 2013 and promoted by the Technology Development Board of Department of Science & Technology and Confederation of India Industry (CII). Engagement of Global Innovation and Technology Alliance (GITA) is approved by the EFC.

4.0 Quantum of Subsidy & disbursement :

4.1 The ceiling limit of loan to be considered for granting the subsidy under the Credit Linked Capital Subsidy (CLCS) is Rs. 100.00 Lakh. The subsidy would be continued @ 15% of the actual term loan sanctioned and disbursed by PLIs for acquisition of eligible Plant & Machinery, Subject to the maximum of Rs. 15.00 Lakh i.e. 15% of the term loan of Rs.1.00 Crore.

4.2 In calculating the eligible cost of Plant & Machinery for subsidy computation the following shall be excluded:

- The cost of equipments such as tools, jigs, dies, moulds and spare parts for maintenance and the cost of consumables;
- The cost of installation of Plant & Machinery;
- The cost of research & development equipment and pollution control equipment (except for where they are approved for specific products /sub-sector by the Committee of Experts, and fire fighting equipments.
- The cost of generation sets and extra transformer installed as per the regulations of the State Electricity Board (except where gas based generation sets have been approved for specific products /sub-sector by the Committee of Experts.
- The cost involved in procurement or installation of the machinery such as like installation cables, wiring, bus bars, electrical control panels (not those mount on individual machines, oil circuit breakers or miniature circuit breakers which are necessarily to be used for providing electrical power to the plant & machinery or for safety measures;
- Transportation charges (excluding of prevailing tax and excise) for indigenous machinery from the place of manufacturing to the site of the factory/ firm;
- Charges paid for technical know-how for erection of Plant & machinery;
- Cost of storage tanks for raw materials and finished products but in to way linked to the manufacturing process; and
- Cost of fire fighting equipments.

4.3 In case of imported machinery, the following shall be included while calculating the value of plant & Machinery, namely:-

- Import duty (excluding miscellaneous expenses as transportation from the port to the site of the factory, demurrage paid at the port);
- The shipping charges;
- Custom clearance charges; and
- GST.

4.4 **Disbursement of subsidy:** Banks will follow the principle of First -In -First -Out (FIFO) while submitting the claims online under CLCS component of CLCS-TU Scheme to this Ministry. The principle of First -In -First -Out (FIFO) will also be followed by the Ministry for disbursement of subsidy to the eligible beneficiary unit.

5.0 Effective date / Validity of the CLCS:

5.1 The CLCS will become effective from 01.04.2017. The subsidy is applicable only in cases where the loans have been sanctioned / approved having reference date on or after 01.04.2017 and actual disbursement made at the time of performing claims for subsidy. The CLC subsidy cases where the reference date is prior to 01.04.2017 shall not be entertained in any case.

5.2 The SC/ ST owned enterprises will be eligible for the additional subsidy admissible to SC /ST entrepreneurs under the Special Credit Linked Capital Subsidy Scheme (SCLCSS) only where the date of sanction of term loans and the reference date both are on or after 17.05.2017 i.e. date of notification of Special CLCSS). The subsidy claims of entrepreneurs from SC /ST categories with reference date falling between the period 01.04.2017 and 16.05.2017 will be treated at par with the other cases of CLCS. They shall not be eligible for additional subsidy.

5.3 Units which have already availed subsidy under the earlier CLCSS up to the limit of Rs. 15.00 lakh cannot claim additional subsidy. However, the units which have availed the subsidy less than the limit of Rs. 15.00 lakh will be eligible to claim the balance subsidy up to the limit of Rs. 15.00 lakh, provided their reference date is on 01.04.2017 or after. In order to limiting disbursement of subsidy within the prescribed ceiling limit of Rs. 15.00 lakh, the PLI/Nodal Bank will certify the subsidy amount availed earlier by the unit itself.

5.4 As MSE desirous of subsidy may apply to a bank for a loan to finance eligible investment. Once the loan is approved disbursed and the acquisition of plant & machines completed the disbursement of term Loan, subsidy will be considered. In case if event of disbursement is in more than one instalments, **the date of disbursement of the last instalment will be referred as the reference date.** The loans shall be serviced as per the interest payment and principle re-payment schedule drawn up by the respective bank after actual on-site visit and the bank have to confirm that the machinery have been installed and functional due diligence at unit site before recommendation and forwarding the subsidy proposal to the Ministry through online application and tracking system.

6. Other Mandatory Conditions:

6.1 Promoters' contribution, security, debt-equity ratio, interest, up-front fee, etc. will be determined by the PLIS as per its existing norms.

6.2 Units availing subsidy under the CLCSS shall not allowed to avail any other subsidy for technology up-gradation from the Central/State/U'T Government. However, cases covered under National Equity Fund (NEF) Scheme, which are otherwise eligible under the CLCS can also be covered under this scheme.

6.3 ***Units in the North-Eastern Region which are enjoying financial incentives/subsidy under any other scheme from the Government in the Region would, however, be eligible for subsidy under the CLCS.***

6.4 One of the main requirements for the assistance under the Technology Up-gradation component is the availability of management competence within the beneficiary unit to ensure up-gradation programme and to manage the operation of the unit efficiently. Towards this end, the lending agencies/PLIs may stipulate appropriate conditions as may be considered necessary.

6.5 **Transferring the loan from one lending agency to another lending agency :**

The outstanding principal amount of the term loan account under this scheme from one lending agency can be transferred to another lending agency only once subject to the condition that the entire portfolio (i.e., balance principal term loan amount and interest due /payable thereon) remains unchanged and subject to the consent of the existing lending agency / PLI.

The unit is allowed to transfer its loan liabilities/accounts along with TDR to only those banks which are nodal agencies or PLIs under any nodal agency provided functions and conduct of the unit along with other terms and conditions do not change.

6.6 The term loan sanctioned for availing the benefit of the scheme should not be for less than three years including moratorium period for MSEs.

6.7 **The foreign Currency Term Loan:** The conversion of INR term loan into foreign currency term loan and conversion of term loans in to letter of credit (LC), availed from overseas branch of the Indian Bank/ Foreign Bank having Indian branch shall not be eligible for benefits under this scheme.

6.8 The multiple claims of subsidy against the single term loan under CLCS will make the claimant enterprise ineligible for benefits under the scheme. The MSEs have to submit an affidavit clearly stating that the unit(s) has/have neither availed / applied for the subsidies against the same term loan any banks / FIs nor it they has /have availed or is /are going to avail subsidy / concession under the other different schemes of State / Central Government against the same assets / purpose.

6.9 As delegated on the lines of the scheme guidelines the PLIs / Nodal banks /agencies will have exclusive power to determine eligibility of the unit for the subsidy under CLCS.

6.10 It shall be the responsibility of the owner of the beneficiary units to keep the PLI / Nodal banks / agencies informed of the change in location and/or address of the unit/enterprise during the continuation of the term loan, against which the subsidy has been availed. For this the concerned unit has to submit the revised UAM exhibiting the new address to the bank / nodal.

6.11 In the event of fire /natural disasters/ theft during the monitoring / lock-in period, the amount of subsidy extended to the unit may be utilized to be adjusted against the outstanding term loan. In case, of insurance claim is transferred to the unit, the subsidy shall not be extended to the unit. In regard to sale of the machinery during the monitoring period, the fixed deposit will be forfeited and subsidy will have to be refunded to the Ministry along with interest thereon. The interest portion on the subsidy amount shall be as per the lending interest rate of the term loan and shall be borne by the beneficiary enterprise.

6.12 The issue(s) of change in ownership & legal entity of the unit or in its constitution will be dealt within frame work of a legal angle on case to case basis.

7. Procedural Aspects

7.1 To be the part of implementation of CLCS, all the eligible PLIs (excluding the new nodal banks / agencies) will have to execute a General Agreement (GA) with Nodal Banks /Agency.

7.2 The PLI may have the flexibility to execute the GA with either of any one of the nodal banks / agencies for providing subsidy to the eligible beneficiaries under the scheme. However, in the other cases, while claiming the subsidy from one nodal agency, the PLIs will have to give the undertaking to the nodal agency that they have not claimed subsidy under CLCS in respect of the beneficiary unit from the other nodal agency (as the case may be).

7.3 The eligible PLI will get an agreement executed with the concerned MSE unit on behalf of Government of India (GoI). Format of the agreement to be executed by the eligible PLI with the unit is provided in **Appendix III**.

7.4 The eligible PLI would obtain application form the MSEs for subsidy under the CLCS Component of CLCS-TUS in the prescribed form provided in **Appendix - IV**. Banks will follow the principle of First -In -First -Out (FIFO) while submitting the claims online also under CLCSS component of CLCS-TU Scheme to Government of India.

7.5 The eligible PLI shall furnish the online subsidy claims to this Ministry, in regard to the each application of the beneficiary units through nodal banks.

7.6 The eligible PLI will also be responsible for ensuring that the cases of subsidy have been subjected to due scrutiny of documents and verification of eligibility of the beneficiaries in terms of the guidelines of CLCS-TUS. The concerned PLI will also be responsible for ensuring compliance of the prescribed procedure and the terms and conditions associated with disbursement of the subsidy. The sanction letter for term loan to the beneficiary unit should clearly indicate that the above due diligence process have been duly observed. The claim for subsidy will accompany a copy of the particular sanction letter and the sanction letters without the said clause duly mentioned will not be entertained.

7.7 **Release & Disbursement of Subsidy:** The beneficiary unit will have to remain in commercial production for a period of three years after installation & commissioning of the plant & machinery, on which subsidy under the CLCS-TUS has been availed. To ensure this, the subsidy released by the Government under CLCS-TUS will be kept in the form of a **Term Deposit of equivalent amount for a period of three years with effect from the date of approval of the subsidy by the concerned PLI.** The TDR as indicated before will not be eligible for earning any interest, neither it can be hypothecated/ pledged by the beneficiary unit/ Banks or PLIs as security against any other liabilities/ loans. On expiry of the prescribed retention period of three years, Banks/PLIs will liquidate the TDR and credit the proceeds into the loan account of the beneficiary after being satisfied that the requisite terms & conditions of CLCS-TUS including continuity of commercial production of the beneficiary unit are duly adhered to.

7.8 In the event of foreign currency Term Loans sanctioned by Banks/ PLIs, the relevant subsidies are to be retained by Banks/PLIs in the shape of TDR in domestic currency.

7.9 **Coverage of Investment prior to sanction of the loan:** The beneficiary units are permitted to make the advance/ token payments as margin money prior to the actual approval of their term loans, on which subsidy under CLCS-TUS will be claimed. Notwithstanding the same, the plant & machinery acquired/purchased only on or after the date of approval of the term loan will be eligible for subsidy under the CLCS-TUS subject to fulfilment of the requisite terms & conditions.

8. Other Parameters

8.1 The GOI assistance under CLCS cannot be utilised for the purposes other than for which it has been sanctioned. The eligible PLI shall have to strictly follow this norm and no deviation would be permitted.

8.2 In case, it is found that capital subsidy from the Government has been availed of on the basis of any false information, the industrial unit shall be liable to refund the Government the capital subsidy availed, along with interest to be charged from the date of disbursement to the date of refund. The rate of interest shall be the prime lending rate of the PLIs concerned at the time of invoking this penal clause.

8.3 The eligible PLI shall, therefore, incorporate suitable conditions in respect of point at 8.2 above in their scrutiny documents entered into with the unit, which would give necessary authorisation to proceed legally in such eventualities.

8.4 The credit risk under the CLCS component will be borne by the eligible PLI and as such, they will have to make their own commercial judgement while appraising the project. The credit decision of the eligible PLI will be final.

8.5 There shall not be any binding obligation on the part of the nodal banks/ agencies to obtain sanction from GoI for the government assistance in respect of the proposals which are covered under CLCS component of CLCS-TU scheme.

8.6 All Nodal including SIDBI and NABARD shall have the right to inspect the books of eligible PLI and the loan accounts irrespective of whether refinance is availed or not from the Nodal Agency (ies) under this Scheme and / or call for any other information as may be required by Gol from time to time.

8.7 The subsidy claims will have to be submitted by the Prime Lending Institutions (PLIs)/Nodal Bank /agency to the Ministry before the end of the quarter immediately following the quarter in which the bank disburses the final instalment (reference date) of the existing term loan to the unit.

8.8 In the event of the beneficiary unit/s becoming defaulter in repayment of loan/s and the relevant account/s being declared NPA/s, the benefit of the subsidy/subsidies would have to be immediately withdrawn and the related term deposit/s forfeited. The subsidy in such cases shall be returned to the Ministry forthwith. No delay in this regard will be permissible.

8.9 MSEs are permitted to claim subsidy under CLCS component for more than one sub-sector as specified in the prescribed list being notified time to time provided Banks/PLIs have sanctioned separate lines of credit (Term Loan) for each of the sub-sectors. However, the activities concerning the said sub-sectors should essentially be registered in the UAMs taken by the concerned MSEs.

8.10 In the context of item 8.9 above, subsidy for each of the sub-sectors shall be considered /examined and calculated separately and the related details will be clearly stated by the Nodal Banks/PLIs in their sanction letters. In case, a subsidy for one sub-sector stands approved/ released to a particular beneficiary prior to a separate proposal of subsidy for another sub-sector is mooted /approved at a later date, the previous subsidy will have to be duly indicated in the online Tracking & Management System at the time of preferring claim of the latest subsidy. The aggregate amount of admissible subsidy for all sub-sectors shall be restricted to the maximum limit of Rs.15 lakh or 15% of the sum of Term Loans approved and disbursed for purchase of plant & machinery pertaining to the relevant sub-sectors. Disbursements of subsidy for each of the case will be subject to fulfilment of all the terms & conditions specific to the particular sub-sector. In case of non-compliance for a particular sector by beneficiary unit, the Nodal Agency will restrict the release of subsidy only up to amount equivalent to the eligibility limit for sub-sectors where compliances have been met.

8.11 Except for the event merger, acquisition, amalgamation or takeover of the beneficiary MSE, the plant and machinery purchased for availing the subsidy under this scheme shall not be disposed off before five years from the date of purchase.

8.12 No multiple finance shall be allowed under the Scheme except for cases mentioned under item 8.9 above.

8.13 The minimum repayment period of the term loan sanctioned for availing the benefit of this scheme shall not be less than three years including moratorium period .

8.14 where subsidy is granted under CLCS-TUS, the beneficiary unit for which loan has been taken shall remain in function at least during the repayment period of term loan specified above.

8.15 Machines purchased on or after the date of sanction of the term loan only shall be eligible for subsidy (to be read along with item 7.9 above). Purchase date shall be the date when full and final payment is made by the unit for machinery as evidenced by the bank transaction statement or the date of commercial invoice whichever is later.

8.16 **Merger/take-over of management of the entity:** In case of merger of the entities or take-over of an entity by another, the new entity will be entitled to get the subsidy, if found due and eligible under the scheme subject to the condition that the merger take-over is either permitted by the Registrar of the Companies or any other competent Authority, if applicable by an order of the Court and the new entity has taken over all the liabilities and assets of the merged / taken over entity and the respective bank has also transferred the term loan of the existing entity in the name of the new entity which has taken over.

8.17 In the event of detection of gross violation or departure in the compliance to the terms & conditions prescribed under the CLCS-TUS and/or specified in a particular approval, the Nodal Banks/Agencies including SIDBI and NABARD shall have the right to immediately recall the entire amount of subsidy from the concerned PLIs/Banks irrespective of the fact whether or not the concerned Bank/PLIs have already recovered the subsidy from the beneficiary units.

8.18 The eligible beneficiary units may be permitted to transfer its loan liabilities/account along with TDR to only those Banks which are already listed as designated PLIs/Banks under any Nodal Agencies, so that as per guidelines such transfer will be subject to condition that there will be no change in the other terms & conditions as well as continuity of loan liabilities.

8.19 The beneficiaries under this component are not automatically eligible for other components of the CLCS-TU Scheme. However, they may avail the benefit admissible for the other components subject to approving the competent Authority separately and meeting eligibility requirement prescribed for the particular Component.

9. Working Capital Requirements : Since success of the technology up-gradation scheme, to a large extent, depends upon the availability of adequate working capital, lending institutions /PLI would like to be assured that the borrowing units have made adequate arrangements for meeting the working capital requirements. Commercial banks should also accord priority in providing adequate working capital support to the assisted units.

10. Awareness and Promotional Activities: Awareness programme by MSME-DIs or other agencies (@ Rs. 70,000/- per programme) of one day duration each, Regional/ State/ National Workshop by MSME-DIs or other agencies (@ Rs. 5 lakh per day, per programme) two days duration each.

11. Monitoring of the Scheme: The CLCS component of CLCS-TU Scheme is monitored by the Committee of Experts under the Chairmanship of Secretary (MSME). The Additional Secretary & Development Commissioner (MSME) will be the Member-Secretary. The detail Composition of Committee given below. with a view to include or exclude new sub-sectors/sectors/improved latest technologies under the scheme or exclude vintage/obsolete sectors/Technologies this Committee of Experts would periodically review CLCS. In order to update the list of sub-sector/ sector / technology (appendix-I) appropriate agency may be hired as knowledge partner to suggest the modification in the list. MSME-DIs may also be involved in the said process. The knowledge partner will suggest addition and deletion of the technology/ sub-sectors/sectors and the relevant recommendations of the knowledge partner will be placed before the Committee of Expert for decision for amendment in the list of Sector/sub-sector / Technology.

The Committee of Experts will comprise the following:

1.	Secretary (MSME)	Chairman
2.	AS & FA (MSME)	Member, ex-officio
3.	Additional Secretary & Development Commissioner (MSME)	Member, ex-officio
4.	Additional Development Commissioner (MSME)	Member, ex-officio
5.	CMD, National Research Development Corporation (NRDC), DSIR, GOI or representative*	Member, ex-officio
6.	CMD, SIDBI or representative*	Member, ex-officio
7.	Managing Director, NABARD or representative*	Member, ex-officio
8.	Joint Secretary to the Government of India or equivalent Technical Officer, Ministry of Environment, Forests and Climate Change	Member, ex-officio
9.	Joint Secretary to the Government of India, Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry	Member, ex-officio
10.	Joint Secretary to the Government of India or equivalent Technical Officer, Ministry of New & Renewable Energy	Member, ex-officio
11.	Executive Director, RBI or representative*	Member, ex-officio
12.	Representative* of NITI Aayog	Member, ex-officio
13.	Representative* of Banking Division, Department of Financial Services, Ministry of Finance	Member, ex-officio
14.	Director General, Bureau of Energy Efficiency (BEE) or representative*	Member, ex-officio
15.	Executive Director, PCRA or representative*	Member, ex-officio
16.	Representatives* from DRDO, Ministry of Defence	Member, ex-officio
17.	Representative* of Council of Scientific & Industrial Research (CSIR)	Member, ex-officio
18.	Representative* of Indian Council of Agricultural Research (ICAR)	Member, ex-officio
19.	Representatives from any one from other nodal banks.	Member, ex-officio
20.	Representative* of North Eastern Development Finance Corporation Limited (NEDFi), Guwahati	Member, ex-officio

21.	Representatives* from two prominent industries associations / Chambers (by rotation).	Member, ex-officio
22.	Executive Director, Technology Information, Forecasting Assessment Council (TIFAC), DST,GOI or representative*	Members, ex-officio
23.	CEO, Global Innovation Technology Alliance (GITA)	Members, ex-officio
24.	Joint Development Commissioner / Director (CLCS)	Member – Secretary,

*** Representative of the concerned Govt. organization /Department should be equivalent to the rank of Joint Secretary or above. In case of other organizations the representative should be an official with sufficient seniority.**

- **Terms of Reference (ToR) of the Committee:**

1. To prescribe objective criteria for categorising a technology as 'clean and green '. The criteria will be consistent with the objective of the national action plan on climate change and the strategy for inclusive sustainable development.
2. The Committee of Experts will monitor and review the functioning of the scheme.
3. Grant the approval for inclusion and deletion of technologies / machinery under the Scheme.
4. The Committee of Experts will act as an Apex body for approval of the projects under CLCS component of the CLCS-TU Scheme.

List of approved 51 Sectors / Sub-sectors under Credit Linked Capital Subsidy (CLCS)

- i) Bio-tech Industry
- ii) Common Effluent Treatment Plant
- iii) Corrugated Boxes
- iv) Drugs and Pharmaceuticals
- v) Dyes and Intermediates
- vi) Industry based on Medicinal and Aromatic plants
- vii) Plastic Moulded/ Extruded Products and Parts/ Components
- viii) Rubber Processing including Cycle/ Rickshaw Tyres
- ix) Food Processing (including Ice Cream manufacturing)
- x) Poultry Hatchery & Cattle Feed Industry
- xi) Dimensional Stone Industry (excluding Quarrying and Mining)
- xii) Glass and Ceramic Items including Tiles
- xiii) Leather and Leather Products including Footwear and Garments
- xiv) Electronic equipment viz test, measuring and assembly/ manufacturing, Industrial process control; Analytical, Medical, Electronic Consumer & Communication equipment etc.
- xv) Fans & Motors Industry
- xvi) General Light Service (GLS) lamps
- xvii) Information Technology (Hardware)
- xviii) Mineral Filled Sheathed Heating Elements
- xix) Transformer/ Electrical Stampings/ Laminations /Coils/Chokes including Solenoid coils
- xx) Wires & Cable Industry
- xxi) Auto Parts and Components
- xxii) Bicycle Parts
- xxiii) Combustion Devices/ Appliances
- xxiv) Forging & Hand Tools
- xxv) Foundries – Steel and Cast Iron
- xxvi) General Engineering Works
- xxvii) Gold Plating and Jewellery
- xxviii) Locks
- xxix) Steel Furniture
- xxx) Toys
- xxxii) Non-Ferrous Foundry
- xxxiii) Sport Goods
- xxxiv) Cosmetics
- xxxv) Readymade Garments
- xxxvi) Wooden Furniture
- xxxvii) Mineral Water Bottle
- xxxviii) Paints, Varnishes, Alkyds and Alkyd products
- xxxix) Agricultural Implements and Post Harvest Equipment
- xl) Beneficiation of Graphite and Phosphate
- xli) Khadi and Village Industries
- xlii) Coir and Coir Products
- xliii) Steel Re-rolling and /or Pencil Ingot making Industries
- xliv) Zinc Sulphate
- xlv) Welding Electrodes
- xlvi) Sewing Machine Industry
- xlvii) Industrial Gases
- xlviii) Printing Industry
- xlix) Machines Tools
- l) Copper Strip Industry
- li) Ferric and Non-Ferric Alum
- li) Pesticides Formulation

Note:- Details of Sectors / Sub-sectors and list of eligible plant & machinery available at the Existing CLCSS guidelines dated 20.06.2006 and subsequent supplements issued on 10.8.2006, 13.07.2009, 01.06.2010, 10.08.2011, 23.01.2012 and 05.02.2014 will remain in vogue until further notification.

**Format of MoU to be signed between the O/o DC-MSME, Ministry of MSME, , New Delhi
and Nodal Bank / Agency.**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) made at onof the 20....., between the President of India {Represented by Shri....., Additional Secretary & Development Commissioner, (Micro, Small and Medium Enterprises)}, Ministry of Micro, Small and Medium Enterprises, Government of India, Nirman Bhavan, New Delhi, hereinafter referred as "DC-MSME" (which expression shall unless excluded by or repugnant to the context be deemed to include his successor in office or assign) of the FIRST PART.

AND

Shri, Designation..., Bank Name....., having its Head Office at address..... hereinafter referred as '.....' (which expression shall unless excluded by or repugnant to the context be deemed to include its successor in office or assign) of the SECOND PART.

The appointment of (Name of the Bank) as Nodal Bank /agency having designated office in..... will act as Nodal Bank /Agency w.e.f till the end of the scheme. The(Name of the Bank)..... / will report to office of DC(MSME) for implementing CLCS Component under CLCS-TU Scheme.

WHEREAS

- (1) Office of the DC (MSME), Ministry of Micro, Small and Medium Enterprises, Government of India, has decided to implement the scheme titled "Credit Linked Capital Subsidy component under Credit Linked Capital Subsidy and Technology Up-gradation Scheme", hereinafter referred to as 'CLCS-TUS' for the benefit of MSEs. The objective is the technology up-gradation of new and existing Micro and Small Enterprises (MSEs), as specified under "CLCS-TUS" scheme. To facilitate MSEs through technology up-gradation and by providing capital subsidy to MSEs, on institutional finance. The MSE must avail at least 70% institutional finance of total eligible investment towards the cost of plant and machinery for induction of well established and improved technologies as specified for sub-sectors/products approved under the component. The ceiling on eligible loan under the scheme is Rs. 1.00 crore. The rate of capital subsidy will be 15% subject to maximum ceiling of Rs. 15.00 lakh.
- (2) Office of the DC (MSME) hereby nominates (Bank Name) as Nodal for implementing CLCS component under CLCS-TUS. After sanction of the term loan, the eligible PLI will get an agreement on behalf of Government of India (GoI) for executing the subsidy claim of concerned MSE unit. The eligible PLI would obtain application of subsidy from the MSE under the CLCSS in the prescribed form (**Appendix III**). The eligible PLI shall furnish the online subsidy claims to this Ministry, in regard to the each application of the beneficiary units through nodal banks.

(3) The Nodal Bank has to register itself as first level agency on Public Funds Monitoring System (PFMS) platform by providing necessary documents to the O/o DC (MSME). The documents such as KYC and bank account details, name of the account holder shall be ensured by the Nodal Bank by providing the bank validation of the accounts, wherein the funds towards the disbursement of subsidy to be transferred by the O/o DC (MSME), M/o MSME. The nodal bank has to register second and below level agency and would continue to be done as per existing PFMS process.

NOW THESE PRESENTS WITNESSED AND PARTIES HEREBY AGREE AS FOLLOWS:

ARTICLE 1: DEFINITIONS AND INTERPRETATION

In this MOU, the following words and expressions shall unless repugnant to the context or meaning thereof have the meaning hereinafter respectively ascribed to them.

AS & DC	Additional Secretary & Development Commissioner
GOI	Government of India
IA	Implementing Agency
MSE	Micro & Small Enterprises
MSME	Micro, Small and Medium Enterprises
SIDBI	Small Industries Development Bank of India

ARTICLE 2: IMPLEMENTATION STRUCTURE OF THE SCHEME

- 2.1 This component will be implemented through Nodal Bank/Agency who will function as the Implementing Agency.
- 2.2 The committee of experts comprising, industry associations, IF Wing and ministries/ departments under the Chairmanship of AS&DC (MSME) will be constituted to monitor the progress of the CLCS component of the CLCS-TU Scheme.
- 2.3 The CLCS component of CLCS-TU Scheme will enforce with effect from 01.04.2017, till 31st March, 2020 or till the time sanctions of aggregate capital subsidy disbursed reaches to approved Outlay, whichever is earlier.
- 2.4 **Eligibility:** The financial institutions / banks, which have sanctioned loan, while forwarding the online application for subsidy, would ensure that MSE unit (applicant) is eligible as per the guidelines. In cases of default, the respective financial institutions / banks would take appropriate action in accordance to the prevailing rules of Government of India & scheme guidelines.

ARTICLE 3: ROLES AND RESPONSIBILITIES OF PARTIES.

3.1 ROLES AND RESPONSIBILITIES OF OFFICE OF DC (MSME)

- 3.1.1 The DC (MSME) will provide overall direction to the Scheme.
- 3.1.2 The major role and responsibilities will include:
- (a) overall monitoring and direction for scheme implementation.
 - (b) timely release of subsidy; subject to availability of appropriate Budget.
 - (c) any other issue related to scheme objectives.
- 3.1.3 The Scheme is monitored by the Committee of Experts; Chaired by Secretary (MSME) and the Additional Secretary & Development Commissioner (MSME) will be its Member-Secretary. This Committee will decide the inclusion and exclusion of new sub-sectors/sectors/improved latest technologies under the CLCS. This Committee of Experts would also periodically review CLCS.
- 3.1.4 To identify the latest technology a firm as knowledge partner may be engaged by following the due procedure. The knowledge partner will exercised for addition and deletion of the technology from the list & MSME-DIs may also be involved in this process. Thereafter, the knowledge partner will suggest addition and deletion of the technology under this component of the scheme. The recommendations of the knowledge partner will be placed before the committee of expert for finalization & approved to amend the list of Sector/sub-sector / Technology.

3.2 ROLES AND RESPONSIBILITIES OF Nodal Bank (name of the Bank....)

- 3.2.1 Nodal Bank shall conform the CLCS component guidelines under CLCS-TU Scheme guidelines in each subsidy claim.
- 3.2.2. Nodal bank /Agency would have the discretion power to co-opt the PLI, after ensuring that the PLI should not be co-opted by any other Nodal Bank/ Agency.
- 3.2.3 Nodal Bank / agency (FIs) would have the discretion power in regards to the eligibility of the MSE in light of the scheme guidelines and eligible amount of subsidy claim in respect of an individual MSEs, based on information.
- 3.2.4 (Name of the Bank).... will submit subsidy claims of MSEs online through MIS to O/o DC (MSME).
- 3.2.5 Before submit subsidy claims of MSEs under CLCS Component of CLCS-TU Scheme, the Nodal Bank /Agency shall sign an General Agreement (GA, Appendix -II) with the co-opted PLI / Financial Institution those are sanctioning the loan to the MSEs.
- 3.2.6 (Name of the Bank)... will be responsible for keeping funds (received under the scheme) in separate account-head.
- 3.2.7 The GOI financial assistance under the scheme will be released to the Nodal Bank

(Name of the Bank)..... for onward release of subsidy to the respective PLI/ co-opted PLI/ FIs for subsequent transfer to beneficiary's account, within 30 days of receipt of subsidy from O/o DC (MSME), Ministry of MSME.

- 3.2.8 (Name of the Bank)... shall furnish Utilization Certificate (UC) to the office of DC (MSME) for the amount disbursed (under the CLCS Component of CLCS-TU Scheme) against each sanction order. While submitting the Utilization Certificate to DC (MSME) office, all previous sanctions shall be taken in to the account.

ARTICLE: 4: FLOW OF FUNDS & TIMELINES

- 4.1 The flow of funds & time lines will be as per the provisions of CLCS component of CLCS-TU Scheme guidelines.

ARTICLE: 5: MONITORING MECHANISM

- 5.1 Nodal Bank shall form a dedicated cell will the Single point of contact for reporting & monitoring.
- 5.2 The Nodal Banks would also submit the status of subsidy utilization to the Office of DC-MSME, Ministry of MSME on periodic basis.

ARTICLE: 6: FORCE MASEURE

- 6.1 Parties to the contract is not liable for failure to perform the party's obligations if such failure is as a result of Acts of God (including fire, flood, earthquake, storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, blockage, embargo, labour dispute, strike, lockout or interruption or failure of electricity or telephone service.

ARTICLE: 7: DISPUTE REDRESSAL PROCEDURE

- 7.1 In the event of any dispute or difference between the parties hereto, such disputes or differences shall be resolved amicably by mutual consultation. If such resolution is not possible, then unresolved dispute or differences shall be referred to arbitration of one of the arbitrator to be appointed by the Secretary, Ministry of Micro, Small and Medium Enterprises. The provisions of Arbitration & Conciliation Act, 1996 (No. 26 of 1996) shall not be applicable to the Arbitration. The venue of such arbitration shall be at Delhi or any other place, as may be decided by arbitrator. The language of arbitration proceedings shall be English. The arbitrator shall make a reasoned award (the "Award"), which shall be final and binding on the parties. However, any party aggrieved by such award may make a further reference for setting aside or revision of the award to the Law Secretary, Department of Legal Affairs, Ministry of Law & Justice, Government of India. Upon such reference the dispute shall be decided by the Law Secretary or Special Secretary / Additional Secretary, when so authorized by the Law Secretary, whose decision shall bind the parties finally and conclusively. **The cost of the arbitration shall be shared equally by the parties to the MOU.** However, expenses occurred by each party in connection with preparation, presentation should be borne by the parties itself.

7.2 Pending the submission of and / or decision on a dispute, differences of claim or until the arbitral award is published; the parties shall continue to perform all of their obligations under this contract without prejudice through a final adjustment in accordance with such award.

IN WITNESS WHERE OF THE PARTIES HERE TO HAVE CAUSED THIS MOU TO BE EXECUTED THE DAY MONTH AND YEAR FIRST HEREINBEFORE WRITTEN.

Additional Secretary and Development Commissioner (MSME)

FOR & ON BEHALF OF

THE PRESIDENT OF INDIA

In presence of:

Witness:

- 1.
- 2.

Signed by Shri, (representative of NodalBank)

In the presence of:

Witness:

- 1.
- 2.

Format of General Agreement (GA) between Nodal Bank & co-opted PLI Agreement for financial assistance of Credit Linked Capital Subsidy Component under CLCS-TU Scheme.

(To be stamped as an Agreement)

This Agreement made at.....on thisday of..... in the year Two thousand.....between M/s.....a Public/Private Limited Company/Proprietary concern, incorporated under the Companies Act of 1956 and having its Registered Office at.....and being an industrial concern hereinafter called the Beneficiary(which expression shall unless repugnant to the context or meaning thereof include its successors and assigns) of the One Part:

OR

FOR PARTNERSHIP FIRM

(i) Shri.....son of.....aged..... years residing at.....

(ii) Shri.....son of.....aged..... years residing at.....

(iii) (i) Shri.....son of.....aged..... years residing at.....

carrying on business in partnership in the firm name and style of.....and having their office at..... (herinafter referred to as 'Beneficiary' which expression shall, unless it be repugnant to the subject or context thereof, include its/his/her/their legal representatives, heirs, administrators, successors and assigns) of the One part.

AND

.....(hereinafter referred to as the financing institution/bank/which expression shall unless repugnant to the context or meaning thereof include its successors and assigns) of the Other part.

WHEREAS

1. The Government of India appointed _____ as Nodal Agency (hereinafter referred to as the Agent) for implementing Credit Linked Capital Subsidy under CLCS-TUS of the Ministry of MSME, Govt. of India (hereinafter referred to as " the Scheme") and permitting the financial institution/ bank under the scheme for claiming capital subsidy on the term loan sanctioned and disbursed by financing institution/ bank to the beneficiary.

2. The beneficiary has requested the financing institution/bank for providing assistance under the Scheme to the extent of Rs.....(Rupees.....only) for setting up a project under small scale industries, which the financing institution/bank has agreed to lend in proportion to the investment made or to be made in purchase of machineries for technology up-gradation by the Beneficiary as per terms and conditions provided in the Agreement executed between the financing institution/bank and the Beneficiary.

3. The Agent has agreed to act as nodal agency for Government of India for subsidy disbursement of capital subsidy sanctioned to the beneficiary by the financing institution /bank, and the parties hereto desire to enter into an agreement for the said purpose, being these presents providing for the terms hereinafter appearing.

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The Beneficiary, hereby , covenants:

a) That the Beneficiary will comply with and faithfully observe all terms and conditions of the said Scheme and also all the subsequent amendments and modifications and additions thereto together with the conditions of the sanction of the said financial assistance.

b) That the Beneficiary will allow the officers of the Agent and/or the Government of India or any other person or persons authorized, by the Agent or by Government of India or by the Committee of Experts (CoE) to inspect the work for which the capital subsidy has been granted and also the machines, plant, appliances, tools, equipments, etc. for the procuring of which the subsidy has been granted and will furnish such information concerning the machines, plant implements, etc., for procuring of which the capital subsidy has been granted or concerning the matter connected with the capital subsidy or incidental thereto as the Agent or the CoE or their nominees may, from time to time require.

c) That the Beneficiary will not change the place or location of the industrial unit entirely or partly, nor enter into partnership with any one, or change its constitution by merger, amalgamation or in any manner nor the Beneficiary effect disposal of fixed capital investment without the express prior permission of the Agent in writing.

d) The Beneficiary unit shall remain in commercial production for a period of at least three years after installation of eligible plant and machinery on which subsidy under CLCS component under CLCS-TU scheme has been obtained, otherwise, the entire amount of subsidy along with the interest to be charged on which the term loan is sanctioned from the date of disbursal to the date of refund will have to be refunded by the Beneficiary unit. This is except in cases where the unit remains out of production for short periods not exceeding three months due to reasons beyond its control such as shortage of raw material / power, etc. to the satisfaction of the lending institution / concerned PLI.

2. It is further hereby agreed and declared by and between the parties hereto, that in any of the following cases, namely,

a) where the Beneficiary has obtained the capital subsidy by misrepresentation as to an essential fact, or by furnishing of false information; or,

b) where the Beneficiary fails to furnish the prescribed statement or information which it is called upon to furnish,

If the Beneficiary commits breach of any one of the covenants herein contained or of the terms and conditions of the Scheme as amended from time to time, the Beneficiary shall refund the same forthwith to the financing institution/bank together with interest at the then prevailing prime lending rate of financing institution/bank.

3. The interpretation/clarification/decision of agent or CoE regarding the eligibility, subsidy and any other benefits of a unit/borrower under the Scheme, either before or after release of the loan facility by the financing institution/bank shall be binding on the beneficiary and the beneficiary will not raise any objection either against agent/financing institution/ bank.

4. It is hereby further agreed and declared that the stamp duty chargeable on these presents, shall be paid and borne by the Beneficiary and that the Beneficiary will also be liable to bear the expenses, if any, incurred by enforcing the terms and conditions of these presents.

IN WITNESS WHEREOF the Beneficiary has caused its common seal to be affixed hereto and to duplicate hereof on the day, month and year first hereinabove written and the financing institution/bank has caused these presents and the said duplicate to be executed by the hand of Shri.....(Name & Designation) of bank, as hereinafter appearing.

THE COMMON SEAL OF..... LIMITED has pursuant to the Resolution of its Board of Directors passed in that behalf on the.....day ofhereunto been affixed in the presence of Shriand Shri....., Director who have signed these presents in token thereof and Shri.....Secretary*/Authorised* person who has signed/countersigned the same in token thereof.

SIGNED AND DELIVERED BY the within named bank by the hand of Shri.....(Name & Designation), an authorized official of financing institution/bank.

OR

IN WITNESS WHEREOF the partners of the Beneficiary have set their respective hand hereto and to a duplicate hereof on the day, month and year first hereinabove written and bank has caused these presents and the said duplicate to be executed by the hand of Shri.....(Name & Designation) of financing institution/Bank as hereinafter appearing.

1)* SIGNED AND DELIVERED BY the within named Shri.....Partner of.....the within named Partnership Firm.

2)* SIGNED AND DELIVERED BY the within namedBy the hand of Shri.....in pursuance to the Board Resolution dated and common seal has been affixed in presence of Shri.....who has signed in token thereof.

SIGNED AND DELIVERED BY the within named FI/Bank/SFC by the hand of Shri.....authorised official.

(*whichever is applicable).

Note: Relevant Board Resolution authorizing the person(s) to execute the document on behalf of the Beneficiary has to be submitted with the Agreement.

Application form to be submitted to the PLI for obtaining the Subsidy of Credit Linked Capital Subsidy under CLCS-TU Scheme

(To be submitted in triplicate, Photocopies may be used)

1. Name of the firm/company.....
2. Constitution (Proprietary concern, partnership firm, Pvt. Ltd. Co., Public Ltd. Co., Co-societies LLP etc.)
3. Name(s) of sole proprietor/partners/directors.....
.....
4. Category of borrower (women entrepreneur, SC/ST/LWE, Physically handicapped, Ex-servicemen, etc.)
5. Registered Office Address
Pin.....Phone.....Fax.....
..... Email.....
6. Factory
Address.....Pin.....
Phone..... Fax.....
E-mail.....
7. Location of factory – Backward /Non backward area/ Aspirational District Aspirational Districts/ LWE Districts (As per list at Annexure-A)
8. Date of incorporation/commencement of production.....
9. Product(s)/Subsector.....
10. Installed capacity.....
11. Past Performance (for last three years on the basis of audited balance sheets – in respect of existing units. In respect of new units projections for next three years may be given).

(a) Financial position

(Rs. In lakh)

		Financial Year (Y-1)	Financial Year (Y-2)	Financial Year (Y-3)
I	Net Block			
II	Current assets			
III	Current Liabilities			
IV	Term Loan			
V	Share Capital			
VI	Reserve & Surplus (less accumulated			

	losses)			
VII	Net worth – (V+VI)			

(b) Working results

(Rs. In lakh)

		Financial Year (Y-1)	Financial Year (Y-2)	Financial Year (Y-3)
I	Total Sales			
II	Gross Profit (Before interest & depreciation)			
III	Depreciation			
IV	Interest			
V	Operating Profit			
VI	Net Profit (after tax)			

12. Total cost of scheme(as approved by Bank/FI)(Rs. in lakh)

13. Total Sources of funding (as approved by Bank/FI) (Rs. in lakh)

Term Loan.....

Add share capital

Internal accruals.....

Capital Subsidy

14. Time frame for completion of the project.....

15. Incremental benefits from implementation of the project (indicate in terms of capacity utilization, increased sales, exports, reduction in cost of production, increase in productivity, quality upgradation, attainment of pollution standards – give quantitative results).

16. List of eligible plant and machinery along with their detailed specifications, rates, quantities and total value for which subsidy is claimed.

DECLARATION

I/We, hereby declare that the information given above and the statement and other papers enclosed are to the best of our knowledge and belief are true and correct.

Place:

Signature(s)

Date:

Name and designation, With

Seal

List of 117 Aspirational Districts

SI NO.	Name of the State (Total District)	Name of the District by NITI Aayog	Name of the District by Ministry	Name of the District By MHA LWE
1)	Andhra Pradesh (3)		1. Vizainagram	2. Visakhapatanam
			3. Cuddapah	
2)	Arunachal Pradesh (1)		4. Namasi	
3)	Assam (7)	5. Darrang	6. Udalgiri	
		7.Dhubri	8. Hailakandi	
		9.Barpeta		
		10. Goalpara		
		11. Baksa		
4)	Bihar (13)	12. Katihar	13. Khagaria	14. Aurangabad
		15. Begusarai	16. Purnia	17. Banka
		18. Sheikpura		19. Gaya
		20. Araria		21. Jamui
		22. Sitamarhi		23. Muzaffarpur
			24. Nawada	
5)	Chhattisgarh(10)		25. Kobra	26. Bastar
			27. Mahasamund	28. Bijapur
				29. Dantewada
				30. Kanker
				31. Kondagaon
				32. Narayanpur
				33. Rajnandgaon
				34. Sukma
6)	Gujarat (2)		35. Narmada	
			36. Dahod	
7)	Haryana (1)		37. Mewat	
8)	Himachal Pradesh (1)		38. Chamba	
9)	Jammu & Kashmir (2)		39. Kupwara	
			40. Baramula	
10)	Jharkhand (19)	41. Sahebganj	42. Godda	43. Latehar
		44. Pakaur		45. Lohardaga
				46.Palamu
				47.Eest (Purbi) Singhbhum
				48. Ramgarh
				49. Ranchi
				50. Simdega
				51. West Singhbhum
				52. Bokaro
		53. Chatra		

				54. Dumka
				55. Garhwa
				56. Girdih
				57. Gumla
				58. Hazaribagh
				59. Khunti
11)	Karnataka (2)		60. Yadgir	
			61. Raichur	
12)	Kerala (1)		62. Wayanad	
13)	Madhya Pradesh (8)	63. Damoh	64. Chhatapur	
		65. Singrauli	66. Rajgarh	
		67. Barwani	68. Guna	
		69. Vidisha		
		70. Khandwa		
14)	Maharashtra (4)	71. Nandurbar	72. Washim	73. Gadchiroli
			74. Osmanabad	
15)	Manipur (1)		75. Chandel	
16)	Meghalaya (1)		76. Ribhoi	
17)	Mizoram (1)		77. Mamit	
18)	Nagaland (1)		78. Kiphire	
19)	Odisha (10)	79. Rayagada	80. Kandhamal	81. Koraput
		82. Kalahandi	83. Gajapati	84. Malkangiri
			85. Dhekanal	
			86. Balangir	
			87. Nabarangpur	
			88. Nupada	
20)	Punjab (2)		89. Ferozpur	
			90. Moga	
21)	Rajasthan (5)	91. Baran	92. Dholpur	
		93. Jaisalmer	94. Karauli	
			95. Sirohi	
22)	Sikkim(1)		96. West Sikkim	
23)	Tamilnadu (2)		97. Ramanathapuram	
			98. Virudhunagar	
24)	Telangana (3)		99. Bhoopalpalli	100. Khammam
			101. Asifabad	
25)	Tripura(1)		102. Dhalai	
26)	Uttar Pradesh (8)	103. Chitrakoot	104. Chandauli	
		105. Balarampur	106. Siddharthnagar	
		107. Baharaich	108. Fatehpur	
		109. Sonbhadra		
		110. Shravasti		
27)	Uttarakhand (2)		111. Haridwar	
			112. Udhm Singh Nagar	
28)	West Bengal (5)	113. Murshidabad	114. Nadia	
		115. Maldah	116. akshindinajpur	
		117. Birbhumi		

**List of LWE District
(As on 01-04-2017)**

As per the Press Information Bureau, Government of India, Ministry of Home Affairs release dated 24-February-2016 16:13 IST, 106 districts in 10 States have been identified by the Government of India as Left Wing Extremism (LWE) affected districts in the country, as per list below:

List of 106 districts covered under the SRE Scheme

<p><u>Andhra Pradesh</u></p> <p>1. Anantapur 2. East Godavari 3. Guntur 4. Kurnool 5. Prakasam 6. Srikakulam 7. Visakhapatnam 8. Vizianagaram</p> <p><u>Telangana</u></p> <p>9. Adilabad 10. Karimnagar 11. Khammam 12. Medak 13. Mehboobnagar 14. Nalgonda 15. Warangal 16. Nizamabad</p> <p><u>Bihar</u></p> <p>17. Arwal 18. Aurangabad 19. Bhojpur 20. East Champaran 21. Gaya 22. Jamui 23. Jehanabad 24. Kaimur 25. Munger 26. Nalanda 27. Nawada Muzaffarpur 28. Patna 29. Rohtas 30. Sitamarhi 31. West Champaran 32. Muzaffarpur 33. Sheohar 34. Vaishali 35. Banka 36. Lakhisarai 37. Bengudarai 38. Khagaria</p>	<p><u>Chhattisgarh</u></p> <p>39. Bastar 40. Bijapur 41. Dantewada 42. Jashpur 43. Kanker 44. Korea (Baikunthpur) 45. Narayanpur 46. Rajnandgaon 47. Sarguja 48. Dhamtari 49. Mahasamund 50. Gariyaband 51. Balod 52. Sukma 53. Kondagaon 54. Balrampur</p> <p><u>Jharkhand</u></p> <p>55. Bokaro 56. Chatra 57. Dhanbad 58. East Singhbhum 59. Garhwa 60. Giridih 61. Gumla 62. Hazaribagh 63. Koderma 64. Latehar 65. Lohardagga 66. Palamu 67. Ranchi 68. Simdega 69. Saraikela-Kharaswan 70. West Singhbhum 71. Khunti 72. Ramgarh 73. Dumka 74. Deoghar 75. Pakur</p> <p><u>Madhya Pradesh</u></p> <p>76. Balaghat</p>	<p><u>Maharashtra</u></p> <p>77. Chandrapur 78. Gadchiroli 79. Gondia 80. Aheri</p> <p><u>Orissa</u></p> <p>81. Gajapati 82. Ganjam 83. Keonjhar 84. Koraput 85. Malkangiri 86. Mayurbhanj 87. Navrangpur 88. Rayagada 89. Sambhalpur 90. Sundargarh 91. Nayagarh 92. Kandhamal 93. Deogarh 94. Jaipur 95. Dhenkanal 96. Kalahandi 97. Nuapada 98. Bargarh 99. Bolangir</p> <p><u>Uttar Pradesh</u></p> <p>100. Chandauli 101. Mirzapur 102. Sonebhadra</p> <p><u>West Bengal</u></p> <p>103. Bankura 104. West Midnapore 105. Purulia 106. Birbhumi</p>
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