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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS
(Legislation Section)

Srinagar, the 24th September, 2018.

The following Act has been assented to by the Governor on 24th September, 2018 and is hereby published for general information :—

THE JAMMU AND KASHMIR SINGLE WINDOW (INDUSTRIAL INVESTMENTS AND BUSINESS FACILITATION) ACT, 2018.

(Governor Act No. X of 2018)

[24th September, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to provide for speedy process of issuance of various licenses, clearances, registrations and/or no objection certificates and their renewals required for setting up and operation of industrial and business enterprises in the State of Jammu and Kashmir with the aim of providing for an investor and business friendly environment in the State and matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act, 2018.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context, otherwise requires,—

- (1) “Act” means the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act, 2018 ;
- (2) “Apex Project Clearance Committee” means the Committee constituted under section 5 ;
- (3) “Applicant” means a person including an entrepreneur, who himself or on behalf of a legal entity, on being so authorised, makes an e-application for grant of requisite clearances or renewal thereof for setting up or operation of an industrial enterprise, a business or its expansion ;
- (4) “Application” means e-application submitted on CAF by the applicant through online single window portal of Jammu and Kashmir ;
- (5) “Clearances” mean grant or issue of no objection certificate, allotments, consents, approvals, permissions, registrations, memorandum, enrolments, licenses and renewals thereof, by any Competent Authority or authorities designated to grant such

clearances in connection with the setting up of an enterprise in the State under the relevant laws and shall include all such clearances required by an enterprise for its establishment and operation :

- (6) "CAF" means the prescribed Common Application Form required to be filled in by the applicant/entrepreneur on single window web portal of the State for requisite clearances ;
- (7) "Committee" means the Apex Level Clearance Committee/ Divisional Level Committee/ District Level Committee ;
- (8) "Competent Authority" means any department, corporation, statutory body or agency of the Central or State Government, Halqa Panchayat, Municipality or other Local Body, entrusted with the powers and responsibilities of granting or issuance of clearances under any law for the time being in force ;
- (9) "Department" means any department or agency of the Government of Jammu and Kashmir ;
- (10) "District Level Single Window Clearance Committee" means the Committee constituted under section 3 ;
- (11) "Divisional Level Single Window Clearance Committee" means the Committee constituted under section 4 ;
- (12) "Departmental Nodal Officer" means the officer appointed under section 14 ;
- (13) "Director" means the Director of Industries and Commerce Department, of the respective division ;
- (14) "Ease of Doing Business" means the Ease of Doing Business initiative of the Department of Industrial Policy and Promotion, Government of India ;
- (15) "Enterprise" means a commercial unit engaged in manufacturing or processing or both, or in providing of any service as defined from time to time under the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act No. 27 of 2006) ;
- (16) "Government" means Government of Jammu and Kashmir ;

- (17) "Industrial/Service Unit" means Industrial/Service Unit as defined by the Ministry of Commerce and Industries, Government of India from time to time ;
- (18) "Investment Promotion and Facilitation Cell" means a cell as constituted under section 9 of this Act ;
- (19) "Prescribed" means prescribed by rules made under this Act ;
- (20) "Relevant laws" means Act, rules or regulations as may be prescribed ;
- (21) "Single Window Nodal Officer" means an officer appointed under section 14 of this Act ;
- (22) "Single Window Nodal Department" means Industries and Commerce Department of Government of Jammu and Kashmir ;
- (23) "State" means State of Jammu and Kashmir ;
- (24) "Online Single Window Portal" or "Web Portal" means a web portal set up under section 13 of this Act ; and
- (25) "Time line" means timelines as prescribed for granting specified clearance(s) under the Jammu and Kashmir Public Service Guarantee Act, 2011 or as may be prescribed under any law for the time being in force.

CHAPTER II

Constitution, Powers and Functions of District Level Single Window Clearance Committee, Divisional Level Single Window Clearance Committee and the Apex Project Clearance Committee

3. *District Level Single Window Clearance Committee.*—(1) The Government may constitute a District Level Single Window Clearance Committee for each district which shall consist of,—

| S. No. | Officer to be member of the District Level Single Window Clearance Committee | Designation |
|--------|--|-------------|
| 1 | 2 | 3 |
| 1. | General Manager, District Industries Sector (DIC) concerned | Chairman |

| 1 | 2 | 3 |
|----|--|------------------|
| 2. | Superintending Engineer, EM&RE Wing, Power Development Department concerned | Member |
| 3. | District Representative of State Pollution Control Board | Member |
| 4. | Estate Manager, SIDCO/SICOP as the case may be | Member-Secretary |

(2) The District Level Single Window Clearance Committee shall exercise the following powers and functions :—

- (i) to receive application(s) for clearance(s) for setting up industrial/ service unit with proposed investment as may be notified by the Government from time to time ;
- (ii) to meet at such time and places at least once in a month as the Chairman of the Committee may decide and shall transact business as per the procedure as may be prescribed ;
- (iii) to issue the required clearance(s) on behalf of different Competent Authorities in respect of the applications received on Online Single Window Portal within the time lines subject to compliance(s) by the entrepreneur of the provisions of applicable laws and the rules made thereunder ;
- (iv) to review all applications pending beyond timelines pending applications may be procured from the Online Single Window Portal ;
- (v) to direct the concerned District Level Competent Authorities for taking decision on applications pending beyond the prescribed timelines ;
- (vi) to scrutinize cases where delay has occurred and if found wilful, the Divisional Level Single Window Clearance Committee may recommend appropriate disciplinary action against the concerned Competent Authority ;
- (vii) to take all necessary steps to facilitate industrial investments in the district which includes review of Investment Intentions and shall send report to the Apex Project Clearance Committee through Investment Promotion and Facilitation Cell ;

- (viii) to recommend policy level suggestions to the Divisional Level Single Window Clearance Committee to improve the investment atmosphere of the State ;
- (ix) to review and monitor the processing of applications by the District Level Competent Authorities ;
- (x) to inform an applicant of the receipt of the application by a Competent Authority and convey the date on which such application has been approved or rejected ;
- (xi) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees at any meeting of the District Level Single Window Clearance Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (xii) a Member of the District Level Single Window Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting ;
- (xiii) the District Level Single Window Clearance Committee may suo motu or on a reference, examine an order passed by a Competent Authority, rejecting any clearance or approving it with modification, and if the Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Divisional Level Single Window Clearance Committee with remarks and relevant documents for a decision ; and
- (xiv) such other powers and functions as may be prescribed.

4. *Divisional Level Single Window Clearance Committee.*—(1) The Government may constitute a Divisional Level Single Window Clearance Committee for each district which shall consist of,—

| S. No. | Officer to be member of the Divisional Level Single Window Clearance Committee | Designation |
|--------|--|-------------|
| 1 | 2 | 3 |
| 1. | Director, Industries and Commerce, concerned | Chairman |

| 1 | 2 | 3 |
|----|---|-------------------|
| 2. | Chief Engineer, EM&RE Wing Power Development Department concerned | Member |
| 3. | Representative of State Pollution Control Board | Member |
| 4. | Managing Director, SIDCO | Member |
| 5. | Managing Director, SICOP | Member |
| 6. | Representative of the Industrial Association concerned | Member |
| 7. | General Manager of the DIC concerned | Member-Secretary. |

(2) The Committee shall exercise the following powers and functions :—

- (i) to receive application(s) for clearance(s) for setting up industrial/ service unit with proposed investment as may be notified by the Government from time to time ;
- (ii) to meet at such time and place at least once in a month as the Chairman of the Committee may decide and shall transact its business as per such procedure as may be prescribed ;
- (iii) to monitor and review the progress of granting required clearances, the status of sanctioned projects, difficulties being faced in granting clearance(s), the functioning of Online Single Window Portal and working of Investment Promotion and Facilitation Cell ;
- (iv) to inform an applicant of the date on which the application was received by the Competent Authority and the date on which such application has been approved or rejected ;
- (v) to invite Competent Authorities or experts, who are not members of the Committee as special invitees at any meeting of the State Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (vi) to review all applications and grievances pending beyond the time lines and give directions to the Competent Authority to take necessary action ;
- (vii) to ask for reasons of delay and call for necessary information

and personal appearance of the Competent Authority where applications and grievances are pending beyond the prescribed timelines :

- (viii) after performing necessary inquiry, may recommend action against the Competent Authority if the Committee is of the opinion that there is wilful default in delaying the approval process of applications and grievances :
- (ix) to appoint a senior officer to inquire into the reasons of delay in disposal of applications by the Competent Authority or the grievances raised by the applicant ;
- (x) a Member of the Divisional Level Single Window Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting :
- (xi) the Divisional Level Single Window Clearance Committee shall examine all cases referred to it by the District Level Single Window Clearance Committee and pass appropriate orders :

Provided that the cases which are beyond the competence of Divisional Level Single Window Clearance Committee shall be referred to Apex Project Clearance Committee for decision ;

- (xii) the Divisional Level Single Window Clearance Committee may, either suo motu or on a reference, examine an order passed by a Competent Authority, rejecting any clearance or approving it with modification or the grievances relating to technical, procedural or other issues relating to disposal of any application, and if the Divisional Level Single Window Clearance Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Apex Project Clearance Committee with remarks and relevant documents for a decision ; and
- (xiii) such other powers and functions as may be prescribed.

5. *Apex Project Clearance Committee.*—(1) The Government may constitute a Apex Project Clearance Committee for each district which shall consist of:—

| S. No. | Officer to be member of the Apex Project Clearance Committee | Designation |
|--------|--|------------------|
| 1. | Chief Secretary, Jammu and Kashmir | Chairman |
| 2. | Administrative Secretary, Industries and Commerce Department | Member |
| 3. | Administrative Secretary, Power Development Department | Member |
| 4. | Administrative Secretary, Forest Department | Member |
| 5. | Administrative Secretary, Housing and Urban Development Department | Member |
| 6. | Chairman, J&K Pollution Control Board | Member |
| 7. | Director, Industries and Commerce, concerned | Member |
| 8. | Managing Director, JKDFC | Member |
| 9. | Managing Director, J&K, SIDCO | Member-Secretary |
| 10. | Representative of Industrial Association concerned | Member |

(2) The Apex Project Clearance Committee shall exercise the following powers and perform the following functions, namely :—

- (i) to receive application(s) for clearance(s) for setting up industrial/service unit with proposed investment value as may be notified by the Government from time to time :
- (ii) to meet at such time and place at least once in a month as the Chairman of the Committee may decide and shall transact its business as per such procedure as may be prescribed :
- (iii) to review and monitor the processing of applications by the Competent Authorities, the Divisional Level Single Window

Clearance Committee and the District Level Single Window Clearance Committee :

- (iv) to invite Competent Authorities or experts, who are not members of the Committee as special invitees at any meeting of the State Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (v) to review applications and grievances pending beyond the timelines and give direction to the Competent Authority to take necessary action ;
- (vi) to ask for reasons of delay and may call for necessary information and personal appearance of Competent Authority where applications and grievances are pending beyond the prescribed timelines ;
- (vii) after performing necessary inquiry, recommend action against the Competent Authority if the Committee is of the opinion that there is wilful default in delaying the approval process of applications and grievances ;
- (viii) to appoint a senior officer to inquire into the reasons of delay in disposal of applications by the Competent Authority or the grievances raised by the applicant ;
- (ix) to review the industrial investment of the State and make necessary recommendations to the Investment Promotion and Facilitation Cell ;
- (x) a Member of the Apex Project Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting ;
- (xi) the decision taken by the Apex Project Clearance Committee shall be binding on the District/Divisional Level Single Window Clearance Committee and the Competent Authorities ;
- (xii) to examine all cases referred to it by the Divisional Level Single Window Clearance Committee and pass appropriate orders ;

- (xiii) the orders passed by the Apex Project Clearance Committee shall be final and binding on the Divisional Level Single Window Clearance Committee, the District Level Single Window Clearance Committee and the Competent Authorities;
- (xiv) the Apex Project Clearance Committee may suo motu or on a reference, examine any order passed by the Divisional Level Single Window Clearance Committee or the District Level Single Window Clearance Committee and pass an appropriate order as it deems fit and such order shall be final; and
- (xv) such other powers and functions as may be prescribed.

CHAPTER III

Single Window Nodal Officer, Departmental Nodal Officer and their Functions

6. *Single Window Nodal Officer.*—The Director of Industries, Kashmir/Jammu shall be the Single Window Nodal Officer as the case may be. The Government shall also appoint or designate any other officer(s), not below the rank of the Joint Director, to assist the Single Window Nodal Officer for discharging the functions as specified in this Act. The Single Window Nodal Officer and other officers appointed or designated under this section shall undertake the investment promotional activities and render necessary guidance and assistance to the entrepreneurs to set up industrial/service unit in the State.

7. *Functions of the Single Window Nodal Officer.*—The powers and functions of the Single Window Nodal Officer shall be—

- (1) to receive e-application and forward the same to the Departmental Nodal Officer of the Department concerned for approval by the Competent Authority;
- (2) to place all the proposals before the appropriate Committee constituted under the Act for setting up of new industrial/service unit or expansion of the existing unit for decision;
- (3) to co-ordinate with all the Departmental Nodal Officers in accordance with the procedure prescribed to obtain required clearances;

- (4) to provide all necessary assistance to the applicant(s) to set up industrial/service unit in the State ;
- (5) to co-ordinate all efforts for promoting investments and other related activities in the State ;
- (6) to act as a Competent Authority to sign all documents, approvals, sanctions or instructions required to be issued to the entrepreneur ;
- (7) to monitor investments in various projects for which the approval has been granted by the appropriate Committee constituted under the Act ;
- (8) to prepare and submit yearly progress reports to the State Government ; and
- (9) to perform any other job assigned by Apex Project Clearance Committee or the Government, as the case may be.

8. *Departmental Nodal Officer.*—(1) The Administrative Secretary of concerned department(s) shall designate Departmental Nodal Officer for Single Window Clearance Committee(s) at Divisional and District levels.

(2) The Departmental Nodal Officer shall be the single point of contact for the Investment Promotion and Facilitation Cell for granting clearance(s).

(3) The Departmental Nodal Officers as members representing various Competent Authorities shall proceed to issue the required clearance within the timeline subject to compliance of various provisions of the applicable Central or State Acts and the rules made thereunder, by the entrepreneur.

(4) For the purpose of this Act, the Departmental Nodal Officer shall work under the supervision of the Single Window Nodal Officer.

CHAPTER IV

Common Application Form, Single Window Web Portal and Self-Certification

9. *Common Application Form.*—(1) The Common Application Form shall be used to file e-applications, along with fees, as shall be prescribed, in lieu of existing multiple forms being used under various laws. All concerned

Competent Authorities shall accept such e-applications for processing and granting requisite clearances.

(2) The Common Application Form shall be in a format as prescribed from time to time.

(3) Non-refundable processing fees of the Common Application Form shall be prescribed based on the quantum of investment. These charges may be revised by the Government from time to time. The charges so collected shall be accrued in an account, to be maintained and operated by the Investment Promotion and Facilitation Centre and shall be used for meeting all such expenses as are required to implement the Act.

(4) Collected fee shall be deposited online with the concerned Department/ Board to the extent prescribed.

(5) All Departments or Competent Authorities concerned shall accept such application forms for processing and issue of required clearance.

10. *Investment, Promotion and Facilitation Cell.*—The Investment, Promotion and Facilitation Cell shall maintain and operate a web portal for filing of e-applications, for grant of clearances and for setting up an industrial/ service unit in the State under various applicable laws. All the Competent Authorities shall be connected online enabling them to sanction the clearances online.

11. *Self-Certification by the Applicants.*—(1) In order to comply with the provisions of the relevant laws, every applicant shall furnish requisite information with self-certification, in such form as shall be prescribed, at the time of submitting the e-application.

(2) The self-certification furnished as per sub-section (1) by the applicants shall be accepted by the Competent Authority for the purpose of granting of clearances and giving other benefits to the applicants.

CHAPTER V

Investment, Promotion and Facilitation Cell, its Role and Functions

12. *Investment Promotion and Facilitation Cell.*—(1) The Government shall set up an Investment Promotion and Facilitation Cell in the Directorate of Industries to provide support to various Single Window Clearances Committee

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constituted under the Act. The Cell will also act as a centre, for handholding
and supporting the applicants or budding entrepreneurs.

(2) The General Managers of the concerned District Industries Centre of Department of Industries and Commerce at the district and local level will act as local nodes of Investment Promotion and Facilitation Cell for disposing of all investment proposals in the State received through the Common Application Form. The Cell shall work with the Officers of the Industries Department across the State to establish a State wide hub which will address business concerns and issues collectively.

13. *Role and Functions of Investment Promotion and Facilitation Cell.*—(1) The Investment Promotion and Facilitation Cell will be responsible for receiving the e-applications, their subsequent processing as per the procedure laid down in this Act and take the proposals to the Apex Project Clearance Committee or the Divisional Level Single Window Clearance Committee or the District Level Single Window Clearance Committee, as the case may be.

(2) The Investment Promotion and Facilitation Cell will function as a project approval, monitoring and implementation group, which will act as a single focal point of interface between applicants and the Government Departments for facilitating the new investment proposal(s), providing necessary assistance for setting of the projects approved by Apex Project Clearance Committee or the Divisional Level Single Window Clearance Committee or the District Level Single Window Clearance Committee assisting the applicants in obtaining required clearances from the Departments concerned, in a time bound manner.

(3) The Investment Promotion and Facilitation Cell will co-ordinate with all Departments through concerned Departmental Nodal Officer or with the officers of the Competent Authority deputed with the Cell to help in implementation of the projects on ground.

(4) The Investment Promotion and Facilitation Cell will also provide handholding support to the industrial/service units in resolving any functional difficulties throughout their lifecycle.

(5) The Investment Promotion and Facilitation Cell may set up and maintain a help-line number and grievance redressal mechanism to facilitate entrepreneurs and redress their grievances.

(6) The Investment Promotion and Facilitation Cell will issue Incentive Eligibility Certificate, wherever required, and help the applicants in applying for admissible incentives, concessions and facilities thereof.

(7) The Investment Promotion and Facilitation Cell shall facilitate the functioning of industrial service unit established in the State and present yearly report to Apex Project Clearance Committee and the Divisional Level Single Window Clearance Committee.

(8) The Investment Promotion and Facilitation Cell will maintain an integrated web portal for providing relevant online sectoral information as well as approvals to the potential investors such as Land-Banks, the State Policies, Incentives, etc.

(9) The Investment Promotion and Facilitation Cell may organize workshops, seminars, investment promotion activities outside the State or abroad, to promote investment in the State.

(10) The Investment Promotion and Facilitation Cell will exercise all or any specific powers or functions assigned by Apex Project Clearance Committee or the State Government from time to time.

CHAPTER VI

Procedure for Granting Clearances and Deemed Clearances

14. *Procedure for granting clearances.*— Notwithstanding anything contained in any other law, the following procedure shall be followed by the applicants and all Departments for granting clearances subject to such modification as may be notified by Government from time to time for setting up of industrial/service unit(s) in the State :—

- (1) all applicants shall apply through integrated e-applications (CAF);
- (2) all e-applications shall be assigned a reference number by the system automatically which shall be used by the applicants to check the status online ;
- (3) the applicants shall be kept informed at all stages of processing of applications by way of Short Message Service (SMS) or email or both ;

- (4) e-applications, complete in all respects, received by the Single Window Nodal Officer shall be initially examined by him at the Investment Promotion and Facilitation Cell :
- (5) the e-applications shall thereafter be forwarded electronically to the concerned Departmental Nodal Officer :
- (6) the Departmental Nodal Officer shall access the e-application through the web portal, the link of which shall be made available to him by the Investment Promotion and Facilitation Cell :
- (7) the Competent Authority shall also notify the procedure to grant the required clearances and publish the same in their respective departmental websites :
- (8) the Departmental Nodal Officer shall be assisted by such officials, as shall be provided to him, by his parent Department :
- (9) the approvals by the Departmental Nodal Officer shall be sent electronically to the Single Window Nodal Officer and shall be accessible by the applicants also :
- (10) the observations, if any, by the Departmental Nodal Officer shall be sent electronically to the Single Window Nodal Officer within five days of receipt of application on Single Window Portal and shall be accessible to the applicants on the same day :
- (11) the applicants, in case of observations, shall send their reply to the Single Window Nodal Officer who shall forward the same to the concerned Departmental Nodal Officer. All observations of the Department shall be conveyed by the Departmental Nodal Officer in one go. Any subsequent clarification(s), if found absolutely necessary, shall be obtained and settled within seven working days, and the final decision shall be conveyed to the Single Window Nodal Officer within the time period specified :
- (12) while processing and granting clearance, the Competent Authority shall ask for any additional information from the applicants :

Provided that such additional information shall be sought by the Competent Authority within the period prescribed for granting

such clearance and that any additional information shall be called for only once ;

- (13) in case, additional information is sought for clearance(s), e-application shall be disposed of within the stipulated period, which shall be counted from the date of receipt of the additional information ;
- (14) the e-applications shall be disposed of at the earliest and under no circumstances later than such period, as shall be prescribed ;
- (15) in case of rejection of e-application by the Departmental Nodal Officer, the same shall be conveyed within given time frame to the Single Window Nodal Officer, by giving detailed reasons of rejection ;
- (16) the approval shall be conveyed by the Departmental Nodal Officer electronically to the applicant(s) and the clearance letter duly signed electronically or manually shall be uploaded on the web portal for information and downloading ; and
- (17) provision shall also be made in the web portal for verification of clearance(s) for which the applicant(s) shall be liable to make payments as prescribed from time to time.

15. *Deemed Clearances.*—(1) In case, the Departmental Nodal Officer or the Competent Authority does not respond to the application forwarded by the Single Window Nodal Officer or the Investment Promotion and Facilitation Cell, within the prescribed timeline, the requisite clearances applied for by the applicant shall be deemed to have been granted and no further objection will be raised ;

Provided that if at a later stage it is found that any information submitted by the applicant is false, the deemed approval shall be revoked.

(2) A Clearance Certificate under the sub-section (1) shall be issued to the applicant by the concerned Department through the Departmental Nodal Officer, after obtaining the fee as may be prescribed.

(3) The granting of Deemed Clearance under sub-section (1) shall be binding on the concerned Departments.

16. *Timelines for granting clearances.*—(1) All new proposals or proposals for expansion of existing industrial/service unit which need clearances under one or more of the applicable laws shall be eligible to apply under this Act.

(2) For all clearances, the Departmental Nodal Officer shall process such applications, as and when received by him, within the time line as may be prescribed by the Government in this regard.

CHAPTER VII

Miscellaneous

17. *Inspections.*—(1) Inspections under the relevant laws or the rules made thereunder by the different Authorities shall be conducted jointly.

(2) The Department may conduct inspection based on computerized risk assessment prescribed under the relevant Act or the rules made thereunder. However, the inspection in respect of the complaints may be conducted under the authorization of the Head of the Department.

(3) Surprise inspections may be conducted with the specific permission of the concerned Department.

18. *Protection of action in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Chairperson or the members of the Committees constituted under the Act or any employee of the Government for an Act done in good faith, under this Act or any rule made thereunder.

19. *Confidentiality.*—No agency or authority of the Government or, any local authority, including any functionaries thereunder, shall disclose to any other applicant or to a person not duly authorized, any information forming the intellectual property of the investor without the consent of such investor :

Provided that all information in respect of the terms and conditions of the investment made in the State and the facilities, if any, provided to the investor by the Government or Competent Authority shall be notified by the Government, for information of the public.

20. *Transitional Provisions.*—The provisions of this Act shall apply to all investment proposals that are under consideration of the Government or Competent Authority on the date of commencement of this Act.

21. *Appeal.*—Any applicant aggrieved by the orders of—

- (i) The District Level Clearance Committee constituted under the Act shall file an appeal to Divisional Level Single Window Clearance Committee within thirty days from the date of the receipt of the order ;
- (ii) The Divisional Level Single Window Clearance Committee constituted under the Act shall file an appeal to Apex Project Clearance Committee within thirty days from the date of the receipt of the order.

22. *Act to have an overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other State law, for the time being in force :

Provided that fine, penalty or duty etc., if any, shall be imposed as per provisions of such applicable laws.

23. *Bar of Jurisdiction of Civil Court.*—No Civil Court shall have jurisdiction to entertain any suit on any matter relating to clearance of Industrial Investment or against any order issued under the provisions of this Act.

24. *Processing and disposal of applications.*—Subject to the provisions of the relevant law for the time being in force,—

- (a) The Government may prescribe the manner of processing and disposal of applications ;
- (b) The Competent Authority may ask for additional information before the expiry of the period stipulated for the disposal of such clearance through Single Window Nodal Officer with advance copy of the same to the applicant :

Provided that the Competent Authority shall ensure that all the required information is asked for together in a single communication for avoiding delay in clearance and unnecessary harassment to the applicant :

- (c) After receipt of the additional information, the Competent Authority shall pass an order on the application before the expiry of the prescribed time limit from the date of receipt of such additional information ;

- (d) The District Level Single Window Clearance Committee may suo motu or on a reference, examine any order passed by any Competent Authority, pertaining to this Act rejecting any clearance or approving it with modification, and if the Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Divisional Level Single Window Clearance Committee with remarks and relevant documents for a decision ;
- (e) The Divisional Level Single Window Clearance Committee shall examine all cases referred to it by the District Level Single Window Clearance Committee and pass appropriate orders ;
- (f) The decision taken by the Apex Project Clearance Committee shall be binding on the District/Divisional Level Single Window Clearance Committee and the Competent Authorities ;
- (g) Subject to the provisions of any relevant law for the time being in force, the Divisional Level Single Window Clearance Committee may suo motu or on a reference, examine any orders passed by the District Committee and pass appropriate orders as it deems fit and such orders shall be final ;
- (h) The Divisional Level Single Window Clearance Committee may suo motu or on a reference, examine any order passed by any Competent Authority, pertaining to this Act rejecting any clearance or approving it with modification or the grievances relating to technical, procedural or other issues relating to disposal of any application, and if the Divisional Level Single Window Clearance Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Apex Project Clearance Committee with remarks and relevant documents for a decision ;
- (i) The Apex Project Clearance Committee shall examine all cases referred to it by the Divisional Level Single Window Clearance Committee and pass an appropriate order.

25. *Grievance Redressal Mechanism.*—The Government may notify a mechanism for redressal of grievances arising out of and in relation to Single Window Clearance for industrial investments and business facilitation under the provisions of this Act.

26. *Power to make rules.*—(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid before the State Legislature within thirty days and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Government Gazette, and shall thereupon take effect.

27. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as are necessary or expedient for removing the difficulty :

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.

SATYA PAL MALIK,

Governor.

(Sd.) ACHAL SETHI.

Special Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.