

Annexure 8 - Madhya Pradesh Investment facilitation act 2008

MADHYA PRADESH ACT

No. 21 OF 2008.

THE MADHYA PRADESH INVESTMENT FACILITATION ACT, 2008.

TABLE OF CONTENTS.

Sections :

1. Short title, extent and commencement.
2. Definitions.
3. Apex Level Investment Promotion Empowered Committee.
4. Functions of Apex Level Committee.
5. Powers of Apex Level Committee.
6. State Level Investment Promotion Empowered Committee.
7. Functions of State Level Committee.
8. Powers of State Level Committee.
9. District Level Investment Promotion Empowered Committee.
10. Functions of District Level Committee.
11. Powers of District Level Committee.
12. Nodal Agencies.
13. Functions of State Level Nodal Agency.
14. Functions of District Level Nodal Agency.
15. Combined Application Form.

१८. (१) कोई उद्यमी, जो नोडल एजेंसी या अन्य विभाग या प्राधिकारी को दिए गए स्वप्रमाणीकरण में दी गई शर्तों या बंधनबंध का पालन करने में असफल रहता है, वह दोषसिद्धि पर, प्रथम अपराध के लिये ऐसे जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा और द्वितीय या पश्चात्पूर्वी अपराध के लिए ऐसे जुर्माने से, जो दस हजार रुपये तक का हो सकेगा, दण्डनीय होगा।

दण्ड और अपराध का संज्ञान।

(२) कोई न्यायालय, राज्य सरकार की पूर्व मंजूरी के बिना, उपधारा (१) के अधीन किये गये किसी अपराध का संज्ञान नहीं लेगा।

१९. उत्समय प्रवृत्त किसी विधि में अन्तर्विष्ट किसी बात के होते हुये भी, इस अधिनियम या उसके अधीन बनाये गये किसी नियम के अंतर्गत सद्भावपूर्वक की गई या की जाने के लिये आशयित किसी बात के लिये, शीर्ष स्तरीय, राज्य स्तरीय या जिला स्तरीय समिति के सभापति (चेयरपर्सन) या अन्य सदस्यों या ऐसी समिति या नोडल एजेंसी के किसी कर्मचारी के विरुद्ध कोई वाद या दण्डिक कार्यवाहियां नहीं होंगी।

सद्भावपूर्वक की गई कार्यवाही का संरक्षण।

२०. (१) राज्य सरकार, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिये, पूर्व प्रकाशन के अध्याधोन रहते हुए, अधिसूचना द्वारा, नियम बना सकेगी।

नियम बनाने की शक्ति।

(२) इस अधिनियम के अधीन बनाया गया प्रत्येक नियम इसके बनाये जाने के पश्चात्, यथाशक्य शीघ्र, सत्र के चालू रहने के दौरान राज्य विधान-मण्डल के समक्ष रखा जाएगा।

२१. यदि इस अधिनियम के उपबंधों को कार्यान्वित करने में कोई कठिनाई उद्भूत होती है तो राज्य सरकार, आदेश द्वारा, जो इस अधिनियम के उपबंधों से असंगत न हों, कठिनाई दूर कर सकेगी।

कठिनाईयां दूर करने की शक्ति।

भोपाल, दिनांक 12 अगस्त 2008

क्र. 5136-268-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश निवेश संवर्धन अधिनियम, 2008 (क्रमांक 21, सन् 2008) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, उपसचिव।

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1. Short title, extent and commencement.
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3. Apex Level Investment Promotion Empowered Committee.
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6. State Level Investment Promotion Empowered Committee.
7. Functions of State Level Committee.
8. Powers of State Level Committee.
9. District Level Investment Promotion Empowered Committee.
10. Functions of District Level Committee.
11. Powers of District Level Committee.
12. Nodal Agencies.
13. Functions of State Level Nodal Agency.
14. Functions of District Level Nodal Agency.
15. Combined Application Form.

16. Self Certification.
17. Time limit for processing of application.
18. Penalty and cognizance of offence.
19. Protection of action taken in good faith.
20. Power to make rules.
21. Power to remove difficulties.

MADHYA PRADESH ACT

No. 21 of 2008.

THE MADHYA PRADESH INVESTMENT FACILITATION ACT, 2008.

[Received the assent of the Governor on the 8th August, 2008; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 12th August, 2008.]

An Act to provide for the facilitation of new investments in industrial and other projects by simplifying the regulatory framework, reducing procedural requirements and rationalising documentation and to provide for friendly environment to an investor in the State of Madhya Pradesh and matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-ninth year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madhya Pradesh Investment Facilitation Act, 2008.
- (2) It extends to whole of the Madhya Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

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

- (a) "Apex Level Committee" means a Apex Level Investment Promotion Empowered Committee constituted by the State Government under Section 3;
- (b) "Clearances" means grant or issue of no-objection certificate, letter of intent, allotments consents, approvals, permissions, registrations, enrollments, licenses and the like by any competent authority or department, in connection with the setting up of an industrial or commercial or service sector undertaking in the State of Madhya Pradesh and shall include all such clearances required till the undertaking commences commercial operation;
- (c) "Competent authority" means any concerned department or authorised agency of the State Government, any statutory board, Corporation, local authority, Gram Panchayat, Municipality, Municipal Corporation or other local body which are entrusted with the powers and responsibilities to grant or issue clearances;
- (d) "Customized package" means package of assistance or facilities sanctioned by the Apex Level Committee for the project of an investor in addition to the existing assistance or facilities available in Madhya Pradesh under various schemes;
- (e) "Department" means any department of the Government of Madhya Pradesh;
- (f) "District Level Committee" means the District Level Investment Promotion Empowered Committee constituted by the State Government under Section 9;
- (g) "District Trade and Industries Centre" means the district office of the Department of Commerce, Industry and Employment of the Government of Madhya Pradesh;
- (h) "Entrepreneur" means a person or body of persons or a company having majority investment or controlling interest in an industrial undertaking;

- (i) "Industrial policy" means the industrial policy or policies declared by the Government of Madhya Pradesh or by the Government of India, as the case may be, for promotion of industrial, commercial and other related activities;
- (j) "Industrial undertaking" means an undertaking engaged in manufacturing or processing or both or providing service or doing any other business or commercial activities as may be specified by the State Government or the Central Government;
- (k) "Industrial unit" means an undertaking which is engaged in manufacturing or processing or such activities which may be registered under relevant Acts and rules of the Department of Commerce, Industry and Employment of the Government of Madhya Pradesh or Government of India;
- (l) "Investment" means fixed capital investment by an investor in industry or service or infrastructure or commercial project;
- (m) "Investor" means a person, firm, company or institution who proposes to invest in the State of Madhya Pradesh;
- (n) "Madhya Pradesh Trade and Investment Facilitation Corporation Limited (TRIFAC)" means the agency established for effective implementation of Single Window (Clearance) System, having headquarter at Bhopal;
- (o) "Nodal Agency" means the agency notified at the State level or at the District Level under Section 12;
- (p) "Project" means an undertaking with proposed investment for manufacturing or processing or both or providing service or doing any other business or commercial activity in the State as may be specified by the State Government or an existing unit undertaking its expansion or diversification or modernization;
- (q) "Single Window (Clearance) System" means a mechanism or system established by the State Government, under which applications are received, examined, processed and approvals are issued in a unified manner from and through the aegis of a single designated agency to facilitate speedy clearances for investment proposals.

3. (1) The State Government may, by notification, constitute an Apex Level Investment Promotion Empowered Committee consisting of such members as may be specified therein.

Apex Level Investment Promotion Empowered Committee.

(2) The Apex Level Committee shall examine and consider the proposals received from any entrepreneur relating to industrial and other projects to be set up in the State having such financial limit as may be notified by the State Government from time to time.

(3) The members of the Apex Level Committee shall personally attend its meeting and in case a member is unable to attend, he shall depute a Senior Level Officer to attend the meeting with a written authorisation to take appropriate decisions in the meeting.

4. (1) The Apex Level Committee shall meet at least once in every two months and at such place and shall adopt such procedure to transact its business as it may decide.

Functions of Apex Level Committee.

(2) The Apex Level Committee shall examine the proposals for the setting up of any project or industrial undertaking, which are submitted before it and shall take appropriate decisions, including sanction of customized packages on such proposals and may call the investor and concerned departments or authorities to present their case before it.

(3) The Apex Level Committee may also consider matters referred to it by the State Level Committee and take appropriate decisions.

Powers of the Apex Level Committee.

5. (1) The Apex Level Committee shall be the final authority in granting approvals for the projects placed before it and shall have all the powers at par with the Economic Affairs Committee of the State Cabinet and Apex Level Committee may consider granting a customized package on a proposal, keeping in view the nature and requirements of the proposal made by an investor.

(2) Decisions taken by the Apex Level Committee shall be binding on all Government Departments or authorities and such departments or authorities shall issue requisite clearances and permissions within the stipulated time limit :

Provided that the relevant provisions of the applicable Acts and Rules of the State Government or Central Government are complied with by the investor.

State Level Investment Promotion Empowered Committee.

6. (1) The State Government may, by notification, constitute a State Level Investment Promotion Empowered Committee consisting of such persons as may be specified therein.

(2) A member of the State Level Committee shall personally attend its meeting and in case he is unable to attend, he may depute a Senior Level Officer with a written authorisation to take appropriate decision in the meeting.

Functions of State Level Committee.

7. (1) The State Level Committee shall meet at least once in every two months and at such place and adopt such procedure to transact its business as it may decide.

(2) The State Level Committee shall consider and examine the proposals brought before it for the setting up of industrial undertakings or projects with investment of such financial limit as may be notified by the State Government from time to time and shall take appropriate decisions.

(3) The State Level Committee shall consider and decide the matters referred to it by the District Level Committee.

Powers of the State Level Committee.

8. (1) The State Level Committee shall be authorised to grant clearances to the proposals submitted before it with investment of financial limits notified by the State Government.

(2) The decisions taken by the State Level Committee shall be binding on the concerned departments or authorities or agencies and such departments or authorities shall issue the required clearances as approved by the State Level Committee within the stipulated time limit :

Provided that the investor has complied with the provisions of the relevant Acts and Rules of the State Government or the Central Government applicable at that time.

(3) The State Level Committee may refer the proposals of investment exceeding its jurisdiction to the Apex Level Committee for consideration in appropriate cases.

District Level Investment Promotion Empowered Committee.

9. (1) The State Government may, by notification, constitute a District Level Investment Promotion Empowered Committee consisting of such members as may be specified therein.

(2) A member of the District Level Committee shall attend, personally and in case he is unable to attend the meeting, he may depute a Senior Level Officer with written authorisation to take appropriate decision in the meeting.

Functions of the District Level Committee.

10. (1) The District Level Committee shall meet at such time and such place and shall adopt such procedures to transact its business as may be prescribed.

(2) The District Level Committee shall consider and examine the proposals brought before it for the setting up of any project or industrial unit with investment of such financial limits as may be notified by the State Government within the concerned district and shall take appropriate decisions, which shall be communicated to the investors and the departments or authorities concerned.

(3) The concerned District Trade and Industry Centre under the Department of Commerce, Industry and Employment, Government of Madhya Pradesh shall function as the Secretariat and Nodal Agency for the District Level Committee.

11. (1) The District Level Committee shall be authorised for granting clearances and according approvals for the investment proposals up to the financial limits notified by the State Government.

Powers of the District Level Committee.

(2) The decisions taken by the District Level Committee shall be binding on the departments or authorities concerned at the district level and such departments or authorities shall issue the required clearances within the stipulated time limit, subject to compliance by investors of the provisions of the applicable Central or State Acts and the rules thereunder.

12. For the proper functioning and working of the Apex Level Committee, State Level Committee and District Level Committee, the State Government may, by order, appoint the agency shown against each committee in the Table below or any other agency as the Nodal Agency in respect of the committee concerned:—

Nodal Agencies.

TABLE

Committee	Nodal Agency
Apex Level Committee	Madhya Pradesh Trade and Investment Facilitation Corporation Ltd., Bhopal.
State Level Committee	—do—
District Level Committee	District Trade and Industry Centre of the concerned District.

13. The Nodal Agency at the State level shall,—

- (i) carry out investment facilitation activities by extending assistance to investors;
- (ii) function as the Secretariat for the Apex and State Level Committee;
- (iii) co-ordinate and follow up with the concerned departments for obtaining the sanction or approvals required for the setting up of the projects or industrial undertakings;
- (iv) prepare information regarding rules and procedures and application forms etc. and make them available to the entrepreneurs;
- (v) receive from investors or entrepreneurs the combined application forms and forward the same to the concerned departments or agencies for getting clearances or approvals in the stipulated time limit.

Functions of State Level Nodal Agency.

14. The functions of the District Level Nodal Agency shall be as follows :—

- (i) to carry out investment promotional activities in the district;
- (ii) to guide and assist entrepreneurs in investment and in setting up their projects or industrial units in the district;
- (iii) to issue application forms meant for various clearances to the entrepreneurs and also to receive the filled up forms from them and to facilitate required clearances from the departments and authorities within the stipulated time;
- (iv) to promote Secretarial service to the District Level Committee.

Functions of the District Level Nodal Agency.

**Combined Appli-
cation Form.**

15. The State Government may prescribe combined application form for the use of entrepreneurs whose projects are to be submitted to the Apex Level or State Level or District Level Committee, in lieu of the existing forms prescribed under applicable Acts or rules of the State Government and the application forms under Central Governments Acts or rules may be incorporated as such in the combined application form and the combined application form shall be issued for obtaining necessary approvals required from the State Government Departments or all its agencies or agencies of the Central Government and all the departments or authorities concerned of the State Government shall accept such combined application form for processing and issue of required clearances.

Self Certification.

16. (1) Every investor or entrepreneur shall furnish "Self Certification" at the time of submitting the duly completed combined application form and thereafter once in a year to the Nodal Agency undertaking that he shall comply with the applicable provisions of relevant Acts and rules made thereunder and the undertaking shall be furnished in such form as may be prescribed.

(2) The self certification furnished by the entrepreneur shall be accepted by the departments and authorities for the purpose of issuing and granting clearances and giving other benefits to the entrepreneurs.

**Time limit for
processing of
application.**

17. The State Government in the Department of Commerce, Industry and Employment, in consultation with the concerned department, may prescribe time limit for processing and disposal of application in respect of clearances or approvals or permissions etc.

**Penalty and
cognizance of
offence.**

18. (1) Any entrepreneur, who fails to comply with the conditions or, or the undertaking in the self certification given to the Nodal Agency or the other department or authorities, shall, on conviction, be punishable with fine which may extend to five thousand rupees for the first offence and for the second or subsequent offence with fine which may extend to ten thousand rupees.

(2) No Court shall take cognizance of any offence under sub-section (1) except with the previous sanction of the State Government.

**Protection of action
taken in good faith.**

19. Notwithstanding any thing contained in any law for the time being in force, no suit or Criminal proceedings shall lie against the Chairperson or other members of Apex Level or State Level or District Level Committee or any employee of such committee or Nodal Agency, in respect of anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

**Power to make
rules.**

20. (1) The State Government may, by notification, subject to previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in Session.

**Power to remove
difficulties.**

21. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.