

No. 199/XXXVI(3)/2022/34(1)/2022

Dated Dehradun, July 28, 2022

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand Enterprises Single Window Facilitation and Clearance (Amendment) Act, 2022' (Act No. 08 of 2022).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 27 July, 2022.

The Uttarakhand Enterprises Single Window Facilitation and Clearance (Amendment)
Act, 2022

(Uttarakhand Act No. 08 of 2022)

An

Act

further to amend the Uttarakhand Enterprises Single Window Facilitation and Clearance Act, 2012

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy third Year of the Republic of India as follows:-

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| Short title, extent and commencement | 1. | (1) | This Act may be called the Uttarakhand Enterprises Single Window Facilitation and Clearance (Amendment) Act, 2022. |
| | | (2) | It shall extend to the whole of the State of Uttarakhand. |
| | | (3) | It shall come into force with effect from the date of notification in the Official Gazette. |
| Amendment in section 2 | 2. | | In the Uttarakhand Enterprise Single Window Facilitation and Clearance Act, 2012, (hereinafter referred to as the principal Act), after clause (m) of section 2, clause (n) shall be inserted as follows, namely:- |

Amendment in section 3

“(n)“In-principle approval” means the in-principle approval given by the State Empowered Committee or, as the case may be, the District Empowered Committee, on the application made by the Investor under section 8(1)(a) of the Act.”

In the principal Act in section 3 -

(i) In subsection (4) after clause (c) new clause (d) and (e) shall be inserted as follows, namely:-

“(d) The committee shall be the final authority for giving approval to the projects placed before it. The approvals given by the committee shall be binding on all the concerned departments and authorities and such departments or authorities shall issue necessary licenses within the stipulated time subject to the compliance of the provisions of the Central or State Act and the rules made therein by the entrepreneur.

(e) If the competent authority fails to process and dispose of such applications within the period prescribed under section 10, notwithstanding anything contained in any Uttarakhand law, the State Empowered Committee or the District Empowered Committee, as the case may be shall have the power to consider and dispose of applications for permission under the Uttarakhand Law. For this purpose, reference to the Competent Authority in such law shall be construed as including the reference to the State Empowered Committee or the District Empowered Committee, as the case may be:

Provided that where the Committee is unable to meet forthwith or otherwise consider the application, the Chairman of the Committee concerned may, for reasons to be recorded in writing, decide the application and submit a report of the action taken to it at the next meeting of the Committee and Subject to any decision of the Committee, the decision of the Chairman on such application shall, for all purposes, be deemed to be the decision of the Committee concerned under this section;”

(ii) after subsection (4), new subsection (5) shall be inserted as follows namely:-

“(5)The State Empowered Committee or the District Empowered Committee, as the case may be, shall review the status of the applications of Joint Application Form-2 and, if necessary, on such cases, where the Competent Authority fails to dispose of the Joint application Form-2

			within the prescribed time limit under section 10 of the Act, it may take a decision regarding the deemed acceptance under section 9 of the Act."
Amendment in section 5	4.		In principal Act clause (a) and clause (b) of subsection (1) of section 5 including proviso shall be omitted .
Amendment in section 6	5.		In section 6 of the principal Act subsection (1) shall be substituted as follows, namely:-
	(1)		It shall be competent for the Government to prescribe Form-1 and Application Form-2, either in physical or electronic form, which shall be Formed including:-
	(a)		Forms under Central Laws, and
	(b)		Existing Forms or new Forms in lieu of existing Forms or modified Forms under Uttarakhand laws.
			The joint application Form prepared as above shall be called Joint Application Form-1 and Joint Application Form-1 shall be filled by the entrepreneurs willing to set up the enterprise. After obtaining the approval (in principle approval) from the State Empowered Committee or District Empowered Committee, as the case may be, on Joint Application Form-1, the applicant may submit physical or electronic Forms for physical approvals/licenses etc. on Joint Application Form-2 shall apply to various departments through the nodal agency, as may be prescribed."
Insertion of new section 8A "Effect of in principle approval"	6.	8A	After section 8 of the principal Act, new section 8A shall be inserted as follows, namely-
			Approval (in-principle approval) issued by the State Empowered Committee or District Empowered Committee, as the case may be, in accordance with section 8(7)(F) of the Act, except to the approvals/licenses /permissions/acknowledgment to be issued at the level of the Central Government or any of its departments/ organizations and appropriate Government or Competent authority under Central Laws as laws related to environment conservation Labour Industry etc. shall be effective for all purposes except for micro and small enterprises as if it were an approval/licenses /permission/acknowledgment as defined in section 10(1) of the Act for a period of three years from the date of its issue. The approval (in-principle approval) shall be effective for all purposes for medium enterprises as if it were an approval/license/permission /acknowledgment as defined in section 10(1) of the Act for a period of three years from the date of its issue or the date of commencement of commercial production, whichever occurs earlier :

Provided that within the said period of three years, the applicant to obtain the requisite approvals licenses / permissions/acknowledgments as defined under section 10(1) and if applicable under the Central Acts for the establishment/operation of the concerned enterprise.

It shall be mandatory for the applicant to attach a self-attested affidavit of fulfilling the standards of the Uttarakhand Building bye laws in force for the time being after getting the map of the project checked through an authorized architect or online software along with the Application Form:

Provided further that during the said period, the applicant shall have to ensure necessary compliance for obtaining the necessary approvals licenses /permissions/acknowledgments for the establishment/operation of the enterprise concerned. In case the necessary compliance is not ensured, legal action shall be taken against him:

Provided also further that the letter of approval (in-principle approval) shall not entitle any person/institution or organization to use land other than the land use specified in the master plan, wherever such plan is in force. It shall also not be entitled to use a restricted category as specified in section 132(a) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Adaptation and Modification Order, 2001) i.e. pasture or such land on which water is used and which is used to grow water chestnut or other produce or such land which is not covered by riverbed and occasionally used for agricultural purposes."

Insertion of
section 14A

7.

After section 14 of the principal Act, new section 14A shall be inserted as follows, namely:-

"Exemptions from
Inspection

14.A(1)

No inspection of the enterprise shall be made for the purpose of or in relation to any approval or permission as defined under section 10 of this Act within the period prescribed under section 8 A of the Act;

Provided that, the above provision shall not apply to the Central Government or any of its departments/organizations and appropriate Government or competent authority under central laws as laws related to environment conservation, labour, industry etc.

(2)

Where the State Government or any authority there under is empowered to grant any approval/permission or inspection to any enterprise or exemption from any provisions of the Central Act or laws relating thereto, the Government or any such authority, as the case may be,

subject to the provisions of the Central Act, may exercise such power for granting such exemption to an enterprise to be established in the State for a period of not less than three years from the date of issue of the letter of approval (in-principle approval) issued under section 8(7)(f) of the Act."

Saving 8.

Anything done or any action taken under the Uttarakhand Enterprises Single Window Facilitation and Clearance (Amendment) Ordinance, 2021 (Ordinance no. 01 of 2022) shall be deemed to have been done or taken under the Corresponding Provisions of this Act.

By Order,

HIRA SINGH BONAL,
Principal Secretary.

Statement of objects and reasons

With the objective of giving sufficient time to obtain necessary licenses, permissions and approvals for setting up of enterprises in the state of Uttarakhand, so that the establishment of micro, small and medium enterprises can be ensured quickly and easily, amendment in "Uttarakhand Enterprise Single Window Facilitation and Clearance Act, 2012 is necessary.

- 2- The proposed Bill fulfills the aforesaid Objectives.

(Chandan Ram Das)
Minister