

Dated 29th December 2010

No. F-20-32-2008-B-XI.— In exercise of the powers conferred by sub-section (1) of Section 20 read with Section 15 and 17 of the Madhya Pradesh Investment Facilitation Act, 2008 (No. 21 of 2008), the State Government, hereby makes the following rules, the same having been previously published in the Madhya Pradesh Gazette Part-4, dated 1st October, 2010 as required by sub-section (1) of Section 20 of the said Act, namely:—

## RULES

1. **Short title and commencement.**—(1) These rules may be called the Madhya Pradesh Investment Facilitation (Combined Application Form and Time Limit for Processing of Applications) Rules, 2010.

(2) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. **definitions.**—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Madhya Pradesh Investment Facilitation Act, 2008 (No. 21 of 2008);
- (b) “Apex Level Committee” means a Apex Level Investment Promotion Empowered Committee constituted by the State Government under Section 3 of the Act; .
- (c) “Combined Application Form” referred to CAF in short, means the Form comprising of various parts / forms relating to different departments / agencies as provided under Section 15 of the Act and specified in Form A appended to these rules;
- (d) “concerned agency” means a corporation/ board or any such entity functioning under any department of the Government of Madhya Pradesh, which provides various clearances/ consents to the investor’s proposal under the Act;
- (e) “concerned department” means a department of the Government of Madhya Pradesh, which provides various clearances/ consents to the investor’s proposal under the Act;
- (f) “District Level Committee” means the District Level Investment Promotion Empowered Committee constituted by the State Government under Section 9 of the Act;
- (g) “local body” means a Municipal Corporation constituted under the Madhya Pradesh Municipal Corporations Act, 1956 (No 23 of 1956), a Municipal Council or a Nagar Panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), or a Gram Panchayat constituted under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994), as the case may be;
- (h) “Madhya Pradesh Vidyut Vitran Company” means the wholly owned Madhya Pradesh Government Company registered under the Companies Act, 1956 (No. 1 of 1956) for the purpose of undertaking the activities of retail supply of the electricity;
- (i) “Self-Certification” means the authentication of the information presented by the applicant himself, in the Form given in Combined Application Form appended to these rules in Form A;
- (j) “State Level Committee” means the State Investment Empowered Committee constituted by the State Government under Section 6 of the Act;
- (k) “Time Limit” means the number of working days within which a decision has to be taken by the competent authority, from the date of receipt of application as specified in Annexure I appended to these rules.

(2) All other words and expressions used, but not been defined in these rules, shall have the same meaning as assigned to them in the Act.

3. **Combined Application Form.**—(1) Combined Application Form, referred to as CAF in short, is a set of

forms comprising of various forms/ sections relatable to departments/agencies to which applicant wants to apply under the Act. Part - A of the CAF is General Project Information in which the applicants are required to submit basic information of the project. Part-B carries the forms which are prescribed by the concerned departments/ agencies to obtain the necessary clearances / consents.

(2) Complete set of printed CAF will be available at the office of the designated Nodal Agencies. CAF can also be downloaded from the website of the Nodal Agency.

(3) The applications, which are not the part of CAF, can be submitted along with CAF in the form prescribed by the concerning department/agency under relevant laws or rules for such clearance. These, applications shall be treated as a part of CAF.

(4) An application on plain paper along with necessary information and enclosures shall also form part of CAF where no application form is prescribed by the concerned department / agency for issuing consent/ clearance/ approval.

4. **Fee.**—(1) The Nodal Agencies can charge application fee for CAF from the applicants for facilitation under the Act. The application fee shall be specified and can be revised, from time to time by the TRIFAC with due consent of the Department of Commerce, Industry and Employment, Government of Madhya Pradesh.

(2) In addition to the application fee, the Nodal Agency shall receive the necessary fee separately as applicable, chargeable by the concerned departments/ agencies along with the Combined Application Form (CAF).

5. **Procedure.**—(1) An Investor who intends to set-up a project or who is planning expansion, diversification, modernization in an existing unit and who is desirous of seeking consent/clearance from concerned departments/ agencies may apply on Combined Application Form (CAF) .

(2) The Combined Application Form and the additional application form, if any, duly filled up, shall be submitted to the District level or the State level nodal agency, as the case may be.

(3) Every applicant shall furnish "Self-Certification" in the prescribed form at the time of submitting the duly completed Combined Application Form. The "Self Certification" furnished by the applicant shall be accepted by the departments/ agencies for the purpose of issuing and granting clearances/ approval/ permission,

(4) The designated Nodal Agency shall scrutinize the application and forward the relevant part of form to the concerned department/ agency within three working days. The concerned department/ agency shall, on receipt of such part application from Nodal Agency, shall dispose off the same within the time limit as specified in Annexure I.

(5) Concerned department/ agency shall intimate to the nodal agency concerned, from time to time, regarding decision taken in respect of each application. In case, any application is rejected by the concerned department/agency, it shall be communicated to the applicant within the prescribed time limit as specified in Annexure I, with proper reasons under intimation to the Nodal Agency.

(6) In case of incomplete application filed by the applicant, the concerned department/agency will inform the applicant within seven days to complete the same under intimation to the Nodal Agency. The concerning department/ agency may also ask for any additional necessary information from the applicant, provided that such additional information is asked for all at one time.

(7) Designated Nodal Agency shall submit information of the cases before the appropriate committee which have not been decided by the concerned department/agency within the prescribed time limit, on the expiry of the prescribed time limit for disposal of the cases. The appropriate committee shall take the appropriate decision, which shall be communicated to the investor and the departments or authorities concerned by the Nodal Agency. The committee may also fix responsibility for delay caused by the department/ agency in disposal of cases and recommend appropriate action against the person concerned for such delay.

(8) An investor desirous of seeking specific/ special facilitation and which is not covered by CAF, may submit his proposal to the concerned Nodal Agency. The Nodal Agency shall forward such proposal to the concerned department/agency within three working days and ask for their opinion in fifteen days. On receipt of the opinion from the department/agency, the Nodal Agency shall bring such proposals before the concerned committee along with opinion received from department/agency for appropriate facilitation. The Nodal Agency shall communicate the final decision of the committee to the applicant.

6. **Monitoring.**—(1) Nodal Agencies shall monitor the entire process through which consent/clearance is being granted to the applicant by the concerned departments/agencies.

(2) As Nodal Agencies are the Single Window Clearance Centres to facilitate the applicant, it is therefore, necessary for them to monitor the entire process being adopted by the concerned departments/agencies so that time bound action can be ensured and unnecessary delay can be avoided.

(3) In case of any problem or difficulty faced by the applicant or by the concerned department/agency, the same shall be brought before the appropriate committee by the Nodal Agency.

7. **Appeal.**—(1) On being aggrieved or dissatisfied by the decision of the District/State Level Committee, the applicant may file an appeal to the next higher committee for consideration. In case the applicant is aggrieved by the decision of the Apex Level Committee, he may request Apex Level Committee to review its decision. Appeal to the next higher committee and request to review its own decision by Apex Level Committee should be made within 30 days of the intimation of the decision.

(2) The Apex Level Committee and the State Level Committee may consider the proposals which are referred to it by the State Level Committee or District Level Committee, respectively for appropriate decision. The option for appeal or review, as the case may be, shall be available only once.

8. **General.**—(1) Each Nodal Agency shall designate an officer by name for dealing with the proposal of an applicant, for facilitation under the Act.

(2) The applicants can also apply directly to the concerned departments/agencies for obtaining necessary clearances/consents. On receipt of such applications, the concerned departments/agencies shall dispose the same within the time limit as prescribed under these rules.

(3) In case of any dispute arising due to interpretation of the rules, the same shall be referred to the Apex Level Committee and its decision shall be final and binding to all concerned.

(4) All concerned departments/ agencies shall appoint nodal officer(s) for effective and timely disposal of the applications.

(5) Department of Commerce, Industry and Employment shall be authorized to amend/ or modify Combined Application Form if needed, from time to time.