

**CHHATTISGARH BILL**  
**(No. of 2004)**

**CHHATTISGARH AUDYOGIK NIVESH PROTSAHAN**  
**(SANSHODHAN) VIDHEYAK, 2004**

An Act further to amend the Chhattisgarh Audyogik Nivesh Protsahan Adhiniyam, 2002.

Be it enacted by the Chhattisgarh Legislature in the Fifty fifth year of the Republic of India as follows:-

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| 1. Short title and commencement | (1) This Act may be called Audyogik Nivesh Protsahan (Sanshodhan) Adhiniyam, 2004.   |
|                                 | (2) It shall come into force on the date of its publication in the Official Gazette.   |
| 2. Amendment of section 2       | In section 2 of the Chhattisgarh Audhyogik Nivesh Protsahan Adhiniyam 2002 (hereinafter referred to as Principal Act) :-   |
|                                 | (1) after clause (i) the following clauses shall be inserted, namely-  |
|                                 | (i a) "Advisory Board" means the State Industries Advisory Board constituted under section 9;  |
|                                 | (i b) "clearance" means and includes grant or issue of no objection certificate, consent, enrolment, registration, permission, approval, licence, allotment, and the like by any competent authority in connection with setting up of an industrial undertaking in the State of Chhattisgarh till the industrial undertaking starts commercial production; |
|                                 | (i c) "competent authority" means and includes any Department or Agency of the State Government, Gram Panchayat, Municipality or other local body, which is entrusted with the powers and responsibilities to grant or issue any clearance;"   |
|                                 | (2) clause (iii) of section (2) shall be omitted.  |

(3) after clause (iv) the following clause shall be inserted, namely :-

"(iva) "industrial undertaking" means and includes an undertaking engaged in manufacturing or processing or both or providing service or doing any other business or commercial activity specified by the State Government;"

(4) after clause (x) the following clause shall be inserted, namely :-

"(x a) "nodal agency" means the State level or the District level agency notified under sub section (1) of section 12;"

3. Amendment of section 5

In sub section (3) of section 5 of the Principal Act, for the words "the services specified in Schedule II within the time period specified therein" the words "such services and within such time period as may be prescribed" and for the words "Divisional Committee" the words "State Board" shall be substituted.

4. Omission of section 6,7 & 8

Sections 6,7 and 8 of the Principal Act shall be omitted.

5. Amendment of section 9

For section 9 of the Principal Act, the following section shall be substituted, namely :-

**"9. State Investment Promotion Board and State Industry Advisory Board.** State Government shall constitute a State Investment Promotion Board and a State Industry Advisory Board for promoting and facilitating implementation of industrial and other projects in the State."

6. Amendment of section 10

In section 10 of the Principal Act,

(1) clause (c) of sub section (1) shall be omitted

(2) after clause (m) of sub section (1) the following clause shall be inserted, namely :-

"(mm) Minister in charge of matters relating to Revenue."

(3) in clause (p) of sub section (1), for the word "Committee" the words "Board" shall be substituted.

- (4) after sub section (2) the following sub-sections shall be added, namely :-
- "(3) The State Board may constitute one or more Committee and may delegate any of its powers and functions to such Committee.
- (4) The State Industry Advisory Board shall consist of the following members, namely :-
- (a) A Chairperson, who shall be the Chief Minister of Chhattisgarh.
  - (b) A Vice-Chairperson, who shall be the Minister in charge of matters relating to industries.
  - (c) Ministers in charge of such other Departments as the State Government may specify.
  - (d) Such number of persons, not exceeding five, as the State Government may nominate from amongst the office bearers of the organisations representing commerce, trade and industry.
  - (e) Such number of eminent persons and experts, not exceeding five, as the State Government may nominate from the fields of commerce, trade and industry.
  - (f) Such number of persons, not exceeding five, as the State Government may nominate from the fields of labour, technical education and human resource development.
  - (g) Secretary in charge of matters relating to Industries, by whatever name designated, shall ex-officio be the Convener of the Advisory Board."

#### 7. Amendment of section 11

In section 11 of the Principal Act, -

- (1) for clauses (a) to (g) of sub section (1), the following clauses shall be substituted, namely -
- "(a) Cases referred to it by any District Committee in respect of which there is difference of opinion amongst members of such Committee.
  - (b) Cases referred to it by the State level nodal agency in respect of which any competent authority has failed to take decision within the

time limit prescribed under clause (b) of sub-section (4) of section 12.

- (c) Cases referred to it by any competent authority for decision in connection with any approval required under any enactment of the State Legislature for implementation of investor's project.
- (d) Cases requiring recommendation of the State Government or any State Government Agency for obtaining approval of the Central Government under any enactment of Parliament for implementation of investor's project, referred to the Board by, -
  - (i) the competent authority itself, or
  - (ii) the State level nodal agency where a competent authority has failed to take decision within the time limit prescribed under clause (b) of sub section (4) of section 12.
- (e) Representations received from investors against decisions of District Committees.
- (f) Suo moto examination and review of any decision taken by a District Committee or the Committee constituted under sub section (3) of section 10.
- (g) Such other matters as may be prescribed.

Provided that the Board, while proceeding to decide any matter that ought to have been decided by any Department or Agency of the State Government, shall call for the views or comments, as the case may be, of the concerned Department or Agency.

Provided further that if no views or comments are received by the Board within the time limit fixed by it, it shall be competent for the Board to proceed and decide the matter.

Provided also that the Board shall not decide any matter which involves a financial grant or tax concession if such grant or concession, as the case may be, is not provided for in the appropriate policy of the State Government.

- (2) for sub section (2), the following sub section shall be substituted, namely :-

"(2) The Board shall meet at such intervals as may be necessary for expeditious approval of investment proposals."

8. Amendment  
of section 12

For section 12 of the Principal Act, the following section shall be substituted, namely:-

- (1) The State Government may, by a notification to be published in the Official Gazette, appoint a State level nodal agency and a District level nodal agency for each District.
- (2) The State level nodal agency shall be a cell under the State's Industries Department headed by the Convener of the State Board and the District Industries Centre shall be the District level nodal agency.
- (3) The State level nodal agency and the District level nodal agencies shall be the Points of Investor Contact and shall be responsible for obtaining clearances required by an investor for establishing industrial undertaking in the State
- (4) The State level nodal agency and District level nodal agencies shall provide secretarial support to the State Board and District Committees, respectively.
- (5) Notwithstanding any thing contained in any law enacted by the State legislature for the time being in force, the State Government may prescribe,
  - (a) the procedure for processing and disposal of applications received by the State level and District level a nodal agencies; and
  - (b) time limits for processing and disposal of applications by competent authorities.

Provided that the State Government shall not prescribe anything under this sub-section which is inconsistent with any enactment of Parliament or has been or ought to be prescribed by the Central Government under such enactment.

- (6) All proposals of expression of interest and applications in connection with investment in the State shall be submitted to, and received by, an authorized officer of the concerned nodal agency as per jurisdiction laid down in Schedule-I.

- (7) The applications received by the nodal agency shall be processed and disposed off in the manner prescribed.
- (8) Notwithstanding any thing contained in any law enacted by the State legislature for the time being in force, the State Government may prescribe the clearances required by an investor in respect of which failure of the competent authority to pass final order on investor's application within the prescribed time limit shall result in deemed approval.
- (9) The nodal agency shall inform to the applicant the date of receipt of his application by the competent authority and the date on which the application was deemed to have been approved under sub section (8).
- (10) The applicant may proceed to execute the work or take other action following the deemed approval referred to in sub section (8), but not so as to contravene any of the provision of Acts or rules or bye laws applicable to such clearances

9. Amendment of section 13

In sub section (2) of section 13 of the Principal Act, the words "or Divisional Committee" shall be omitted

10. Amendment of section 14

In sub section (4) of section 14 of the Principal Act, the words "or Divisional Committee" shall be omitted.

11. Amendment of section 19

In section 19 of the Principal Act, the words "or Divisional Committee" shall be omitted.

12. Amendment of section 20

For section 20 of the Principal Act, the following section shall be substituted, namely :-

"(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matter which may be or, are required to be prescribed.

(3) Every rule made under this Act, shall immediately after it is made be laid before the Legislative Assembly of the State, if it is in session and if it is not in session in the session immediately following the date on which such rule is notified."

13. Amendment of Schedule 1 For Schedule 1 of the Principal Act, the following Schedule shall be substituted, namely:-

**"SCHEDULE-I**

The Investment Promotion Authorities referred to in Chapter II shall receive, process and issue approvals in respect of the following applications for industrial and other investments in the State of Chhattisgarh,

<b>Investment Promotion Authority</b>	<b>Limit of Capital Investment</b>
State Investment Promotion Board	(i) All Project proposals above Rs. 10.00 crore (ii) All project proposals below Rs.10.00 crore, where the project area falls in more than one district,
District Investment Promotion Committee	Rs.10.00 crore or below, provided the entire project area falls within the same district."

14. Amendment of Schedule II Schedule-II of the Principal Act shall be omitted.