

**Government of Himachal Pradesh  
Department of Industries**

Himachal Pradesh Single Window (Investment Promotion and Facilitation) Bill, 2017

**A Bill to provide for time bound clearances for setting up of an industrial undertaking, commencement of production therein and promotion of industrial development of the State.**

**Be it enacted by the Himachal Pradesh State Legislative Assembly in the sixty-eighth Year of the Republic of India as follows:-**

**CHAPTER-I**

**Preliminary**

**1. Short title and commencement**

- a) This Bill may be called the Himachal Pradesh Single Window (Investment Promotion and Facilitation) Act, 2017.
- b) It extends to the whole of the State of Himachal Pradesh.
- c) It shall come into force on such date as the State Government may by notification, appoint and different dates may be appointed for different provisions of this Act.

**2. Definitions:- In this Act unless the context otherwise requires:**

- a) "Appellate Authority" means the committee as empowered under section 3 of the Act;
- b) "Applicable Acts" means Act/ Rules/ Regulations as may be indicated in Schedule - I of this Act;
- c) "Applicant" means a person who himself or on behalf of an legal entity is so authorized to make an application for grant of requisite approvals/

clearances, etc. for the setting up and commencement of production of his enterprise/ industry;

- d) "Appropriate Authority" means any department or agency of the Government/ Local Authority/ Statutory Body/ State Owned Corporation/ Panchayat Raj Institutions/ Urban Local Bodies/ any other authority/ Agency constituted or established under any Act/ under administrative control of the Government which is entrusted with the powers and responsibilities to grant/ issue clearances for setting up and commencement of operations of an enterprise in the State;
- e) "Clearances" means grant or issue of no-objection certificate, consents, approvals, permissions, registrations, enrolments, licenses, concessions and the like by any Appropriate Authority or a designated officer (nodal officer) of such Authority in connection with the setting up and subsequent operation of an enterprise in the State and will include all such permissions as are required under any applicable Acts, Rules, Regulations, etc.;
- f) "Common Application Form" means the e-application form prescribed for applying for clearances through the online State Single Window Portal;
- g) "Competent Authority" means a duly authorised officer of the Appropriate Authority who has been notified as an officer competent to grant all requisite clearances and the like which are required to be obtained from that Authority for the setting up and industry and commencement of production therein in the State;
- h) "Department" means, a department of the State Government;
- i) "Department Single Window Nodal Officer" means an officer of the concerned Department, Agency, Board of the State Government so designated and notified as Competent officer under this Act to specifically receive, process and convey the clearances/ decision of the Department / Agency/Board to the applicant and/ or to the State Single Window Nodal Officer in the Department of Industries;
- j) "Entrepreneur" means a person/ body of persons/ a company having or proposing to have majority investment/ controlling interest/ stake/ joint venture in an enterprise and who brings forth a proposal for investment;
- k) "Government" means the State Government of Himachal Pradesh;
- l) "Industrial undertaking" "Industrial undertaking: means an undertaking engaged in manufacturing or processing or both or providing service of doing any other business or commercial activity as may be notified by the State Government from time to time;

- m) "Industrial Policy" means Industrial Policy/ schemes of Central Government/ Government of Himachal Pradesh as may be applicable and notified from time to time for industrial promotion/ regulation/ administration;
- n) "Investment Facilitation Cell" means a cell as constituted under Section 9 of the Act operating under the Department of Industries for receiving, processing and taking a decision on the e-Common Application Form filed by entrepreneurs intending to establish industries in the State;
- o) "Medium, Micro, Small" industries will have the same meaning as provided for under Chapter - 1 Clause (2) of the Micro, Small and Medium enterprises Act, 2006, as amended from time to time;
- p) "Notification" means a notification published in the Himachal Pradesh Gazette and the word 'notified' will be construed accordingly;
- q) "Notified time frame" means the timelines prescribed and indicated as such in Schedule-II of this Act for granting the specified clearances and as notified by the Government from the concerned Government Departments to the applicant;
- r) "State Level Review Committee" means a committee as constituted under the provision of Section 8 of the Act;
- s) "Single Window" means the State Level Single Window Clearance and Monitoring Authority as provided for under Section 2 of the Act;
- t) "Single Window Nodal Officer (SWNO)" means an officer not below the rank of Joint Director of Industries appointed and discharging functions as defined under Section 5 of the Act;
- u) "State Single Window Portal" means the online web portal set up and operated by the Investment Facilitating Centre in the Department of Industries for the purpose of serving and enabling a one stop solution for processing applications for the setting up of new industry/ expansion in the existing industry/ projects/ investment proposals and availing necessary clearances required for the same;
- v) "Prescribed" means prescribed by Rules made under this Act and or, rules made under applicable Acts to implement this Act; and

**Chapter-II**  
**Institutional Arrangement**

**3. State Level Single Window Clearance and Monitoring Authority:**

- (1) The State Government shall notify a State Level Single Window Clearance and Monitoring Authority consisting of the following, namely:

a)	Chief Minister, Himachal Pradesh	Chairman
b)	Industries Minister, HP	Vice- Chairman
c)	Chief Secretary to the Government Himachal Pradesh	Member
d)	Secretary In-charge (Power)-cum-Chairman, HP SEB to the Government of Himachal Pradesh	Member
e)	Secretary In-charge (Industries)	Member
f)	Secretary In-charge (Revenue)	Member
g)	Secretary In-charge (Forest)	Member
l)	Secretary In-charge (Labor)	Member
m)	Secretary In-charge (UD & TCP)	Member
n)	Secretary In-charge (State Pollution Control Board)	Member
n)	Director of Industries, Department of Industries	Member Secretary

- (2) The State Government through Secretary of the Industries Department may by notification add or delete name (s) of the member (s) of the State Level Single Window Clearance and Monitoring Authority.

#### **4. Powers and Functions of the State Level Single Window Clearance and Monitoring Authority:**

- (1) All investment proposals above Rs. 10.0 crore for setting up and expansion of existing industrial undertaking shall be placed for in-principal approval before the State Level Single Window Clearance and Monitoring Authority.
- (2) The State Level Single Window Clearance and Monitoring Authority may also take up those proposals which are recommended by the State Level Review Committee where special incentives or concessions may be required.
- (3) Member of the State Level Single Window Clearance and Monitoring Authority shall personally attend the meeting and in case he is unable to attend the meeting, he shall depute a senior level officer to attend the meeting with a written authorization to take appropriate decisions in the meeting.
- (4) The State Level Single Window Clearance and Monitoring Authority will meet at such intervals and at such place, as the Chairman of the Authority may decide.
- (5) The State Level Single Window Clearance and Monitoring Authority shall examine the applications for giving clearances and for giving special concessions, if any, or grant exemptions, or relaxation from the provisions of any State law, take into considerations the comments of departments, if any, and make recommendations to the Govt.
- (6) The State Level Single Window Clearance and Monitoring Authority may grant in-principal approval/ approval of financial incentives for setting up of industrial enterprise/expansion of existing industrial undertaking in the State.
- (7) On specific requests from the applicant (s), the State Level Single Window Clearance and Monitoring Authority may also make its recommendations or recommend to the State Government a grant of a special financial incentive package over and above the policy provisions for such new or existing industrial undertakings/ projects/ investment proposals, if the same is in the interest of the State.
- (8) On the grant of in-principal approval of the State Level Single Window Clearance and Monitoring Authority, the Appropriate Authority on completion of the required codal formalities by the applicant and after following the prescribed procedure would be bound to issue the required clearances within the parameters for which in principal approval has been granted for setting up and running of such an industrial undertaking.
- (9) Any proposal for setting up of an industry in the State which has been rejected and the rejection has been conveyed to the applicant by the Single Window Nodal Officer, the applicant may prefer an appeal, within a period of 45 days of such

rejection being conveyed to him, citing in details his reasons which merits reconsideration, to the Member Secretary of the State Level Single Window Clearance and Monitoring Authority who will put it up to the State Level Single Window Clearance and Monitoring Authority and the decision it takes will be final and binding on all parties involved.

- (10) The State Level Single Window Clearance and Monitoring Authority may review its own decisions either on its own motion or on receipt of a representation from any other quarter.
- (11) The State Authority may give directions to the Government/Departments for simplifying of procedures, improving ease of doing business in the state and to promote overall investment climate in the state, as it may deem fit.

**5. Appointment of the Single Window Nodal Officer:**

The Director of Industries will be the Single Window Nodal Officer. The Government may also appoint any other officer(s), not below the rank of a Deputy Director to assist the Single Window Nodal Officer for discharging the functions as specified in the Act. The Single Window Nodal Officer(s) would also undertake investment promotional activities and render necessary guidance and assistance to entrepreneurs to set up industrial undertakings in the State.

**6. Functions of the Single Window Nodal officer (SWNO):** The Single Window Nodal Officer (s) will be responsible and empowered to:-

- (1) receive applications on an electronic media through a web portal specifically created for this purpose from any entrepreneur relating to industrial undertaking to be set up in the State from time to time and thereafter examining and processing forward to the concerned designated nodal officer of other Government Departments/ Agency for comments;
- (2) place all the proposals received above Rs. 10.0 crore for appropriate decisions before the State Level Single Window Clearance and Monitoring Authority for appropriate decision;
- (3) coordinate with all the concerned Designated Departmental Nodal Officers in accordance with the laid down procedure to obtain required clearances for setting up or expanding the existing industrial undertaking in the State;
- (4) provide all necessary assistance to entrepreneurs to set up industrial undertaking in the State;
- (5) exercise all the powers/ functions assigned by the State Level Single Window and Monitoring Authority and as delegated from time to time by the State Government by notification;

- (6) coordinate all efforts related to promoting investments in the State and other related activities;
- (7) competent authority to sign all documents, approvals and sanction of grants or instructions required to be issued to the industrial undertaking;
- (8) review and monitor investments in various projects for which the approvals have been granted by the Investment Facilitation Cell and the State Level Single Window Clearance and Monitoring Authority;
- (9) responsible for preparation submission of monthly, quarterly, half yearly and yearly progress reports to the State Level Single Window and Monitoring Authority and State Government; and
- (10) perform any other job assigned either by the State Level Single Window Clearance and Monitoring Authority or the State Government.

**7. Departmental Single Window Nodal Officer:**

- (1) Subject to the overall control and superintendence of the State Government in the Investment Facilitation Cell and the Department Single Window Nodal Officer will be notified as the Competent Authority who will exercise the powers for granting clearances and the like required from the concerned Department under their respective regulations/ acts/ rules / notifications or, as may be indicated in Schedule -I of the Act required for the setting up and running of an industrial undertaking in the State.
- (2) The Departmental Single Window Nodal Officials will be the single point of contact for Investment Facilitation Cell for granting clearances required under the Act to set up and run and industrial undertaking in the State.
- (3) The Departmental Single Window Nodal Officer will coordinate and follow up with the field officers of the respective department regarding pending clearances. He will be responsible for timely grant of clearances by his department.
- (4) For the purpose of Single Window, the Departmental Single Window Nodal Officer shall work under the overall supervision of the Single Window Nodal Officer of the Industries Department who may be authorised to initiate their ACR, in part.

**8. State Level Review Committee:**

- (1) A State Level Review Committee may be constituted by the State Government consisting of the following members, namely:
  - a) Director (Industries), Chairman

- b) Department Single Window Nodal Officer (Excise & Taxation Department), Member
- c) Department Single Window Nodal Officer (HP State Electricity Board Ltd.), Member
- d) Department Single Window Nodal Officer (Excise and Taxation Department), Member
- e) Department Single Window Nodal Officer (Labour Department), Member
- f) Department Single Window Nodal Officer (HP State Pollution Control Board), Member
- g) Department Single Window Nodal Officer (Town & Country Planning Department), Member
- h) Department Single Window Nodal Officer (Forest Department), Member
- i) Department Single Window Nodal Officer (Irrigation and Public Health), Member
- j) Officer not below the rank of Deputy Director (Industries), Member-Secretary

- (2) The Committee may co-opt any other member or professional, if so required, for proper and effective discharge of its functions.
- (3) The member of the committee will attend the meeting personally.
- (4) Half the number of members will be required to constitute quorum to hold the meeting of the Committee.
- (5) The Committee may meet at least once in thirty days at such place, as its Chairman may decide.
- (6) The members of the Committee will take up the investment applications requiring clearances with their respective departments and will adhere to timelines as prescribed under this Act or that may be prescribed by State Level Single Window and Monitoring Authority or the State Level Review Committee as the case may be.
- (7) Approval accorded by the Committee will be binding on all concerned departments.
- (8) The Committee may hire the services of professional/consultants in Investment Facilitation Cell to promote industrialisation in the State, and provide hand holding support to the applicants desirous of setting up industrial undertakings in the State.

#### **9. Powers and Functions of the State Level Review Committee:**

- (1) The State Level Review Committee will exercise such powers and perform functions as may be notified by the State Government and will include:-



- a) to examine, consider and process the proposals received from any entrepreneur/ investor relating to new or expansion of existing industrial projects to be set up in the State;
- b) facilitate obtaining of required clearances or comments, as the case may be, for investment proposals for setting up of industrial undertaking received through the online single window portal;
- c) the Committee will forward all approved investment applications/ projects to the Investment Facilitation Cell for rendering further handholding till the project reaches the commissioning of commercial production stage or anytime required during the lifecycle of the project;
- d) the Committee will monitor and review the progress of granting required clearances, queries raised by the departments, the pending cases awaiting clearances from different quarters, the status of sanctioned projects, difficulties being faced by them, if any, the functioning of the Online Single Window and Investment Facilitation Cell;
- e) the Committee may forward unapproved investment applications/ projects to Investment Facilitation Cell for handholding and guidance;
- f) the Committee may recommend amending the time-line(s) prescribed for providing any service provided and indicated under various applicable Acts to the concerned department, on a case to case basis to facilitate ease of doing business in the State;
- g) the Committee will monitor the submission of all industrial appeals to the State Level Single Window Clearance and Monitoring Authority and implement its final directives;
- h) the Committee will submit half yearly action taken report to the State Level Single Window Clearance and Monitoring Authority; and
- i) the Committee will carry out such other functions as may be assigned to it by the State Level Single Window Clearance and Monitoring Authority or the State Government.

#### **10. Investment Facilitation Cell:**

- (1) The Govt. of Himachal Pradesh may set up an Investment Facilitation Cell in the Directorate of Industries to provide secretariat support to the State Level Single Window Clearance and Monitoring Authority and the State Level Review Committee. The Cell will also act as industrial facilitation and support centre handholding and supporting the budding entrepreneurs.

- (2) The District Industries Centres, Member Secretaries Single Window Clearance Authorities at the district and local level respectively will act as local nodes of the Investment Facilitation Cell for disposing of all investment proposals in the State received through the prescribed Common Application Form. The Cell will work with District Industries Centres and Member Secretaries Single Window Clearance Authorities across state to establish a state wide hub and spoke structure which will address business concerns and issues collectively with them.
- (3) The Departmental Single Window Nodal Officers will be the Officers of the Cell.

#### **11. Role and Functions of the Investment Facilitation Cell:**

- (1) The Investment Facilitation Cell will be responsible for receiving the Common Application Form in e-format, its subsequent processing as per the procedure prescribed in the Act and take the proposal to the State Level Single Window Clearance and Monitoring Authority or the State Level Review Committee, as the case may be.
- (2) The Investment Facilitation Cell as an expert project approval, monitoring and implementation group will act as a single focal point of interface between applicant investor(s) and government departments for facilitating the new investment proposals, providing necessary assistance in setting up the proposals approved by the State Authority or the State Review Committee, assisting the approved investors in obtaining required clearances from the appropriate Departments, in a time bound manner.
- (3) It will coordinate with all departments through concerned Departmental Single Window Nodal Officer or with the officers of Appropriate Authority deputed or seconded with the Cell to help implement the investment proposals on ground.
- (4) The Cell will also provide handholding support for new industries in resolving any functional difficulties throughout their lifecycle.
- (5) The Cell may setup and maintain a help-line number and grievance redressal mechanism to facilitate entrepreneurs and redress their grievances.
- (6) The Cell will issue an incentive eligibility certificate, wherever required, and help entrepreneurs in applying for admissible incentives, concessions and facilities and sanctioning thereof.
- (7) The Cell will monitor the functioning of industries /projects established in the state and present half yearly report to the State Authority and the State Level Review Committee.

- (8) The Cell will maintain an integrated website for providing relevant online sectorial information to the potential investors such as land banks, State Policies, incentives, etc.
- (9) The Cell may organize workshops, seminars, investment promotion activities to promote investment in the state within the country and abroad.
- (10) The Cell may appoint consultants on need basis as are required to perform its functions
- (11) The Cell will exercise all or any specific powers/ functions assigned by the State Level Single Window Clearance and Monitoring Authority or the State Government from time to time.

### **Chapter-III**

#### **Procedure for Granting Clearances**

#### **12. Procedure for granting clearances to the Entrepreneurs for setting up an industrial undertaking:**

Notwithstanding anything contained in any enactment or rules notified there under as regards setting up of an industrial undertaking in the State, the following procedure will be followed by the applicant and all Government Department/ agencies/ boards, for granting clearances required for the setting up of any industry in Himachal Pradesh:

- (a) All applications for setting up of Large, Medium, Small Scale industries shall be received by the Single Window Nodal Officer on the common application form in an electronic form through single window web portal.
- (b) All applications, proposals, etc. received through the Single Window Portal shall be assigned a reference number by the system automatically which will be used by the applicant(s) or entrepreneur(s) to check the status of his case online.
- (c) The applicant(s) will be kept informed at all stages of processing of application by way of SMS or email or both as may be decided.
- (d) The applications which are complete in all respects, for grant of specifically indicated clearances etc. received by the Single Window Nodal officer will be initially examined by him and the Investment Facilitation Cell.
- (e) The applications will then be forwarded electronically to the Departmental Single Window Nodal Officer of the concerned Appropriate Department/Authority who has been notified as competent Authority to process and grant such clearances as applied for.

- (f) The Departmental Single Window Nodal Officer of the concerned Appropriate Department/Authority who has been notified as competent Authority to process and grant such clearances shall access the application for processing through the single window portal, the node of which shall be made available to him by Investment Facilitation Cell.
- (g) The Appropriate Authority shall also notify the procedure for the grant of required clearances and publish the same in their respective departmental website.
- (h) The Departmental Single Window Nodal officer authorised to grant required clearances may be working within the department itself or may be deputed to the Investment Facilitation Cell and he may be assisted by such officials as may be provided to him by the parent department of the officer.
- (i) The approvals or observations, if any, by the Departmental Single Window Nodal Officer of the concerned Department will be sent electronically to the Single Window Nodal Officer which will be accessible to the applicant too.
- (j) The applicant (s), in case of observations, will send his reply to the Single Window Nodal Officer of the Department of Industries who will then further convey it to the Departmental Single Window Nodal Officer of the concerned department. All observations pertaining to a given department will be conveyed by the concerned Designated Officer of the Department at one time only in one go. Any subsequent clarifications, if found absolutely necessary, will be conveyed and settled within three working days and the final decision conveyed to the Single Window Nodal officer within the time period specified.
- (k) While processing/ granting clearance, the Appropriate Authority may ask for any additional information from the applicant(s):

Provided that such additional information shall be sought by the Appropriate Authority within the period prescribed for granting such clearance and that any additional information shall be called for only at one time.

- (l) In case, additional information is sought for clearance (s), the application shall be disposed of within the stipulated period, which shall be counted from the date of receipt of the additional information.
- (m) The application shall be disposed of at the earliest and under no circumstances later than such period as may be prescribed under Schedule - II of the Act.
- (n) In case of rejection of the case by the Departmental Single Window Nodal Officer, the same shall be conveyed within the notified time frame to the

Single Window Nodal Officer giving in detailed the reason of rejection of the application for grant of such specific clearance(s).

- (o) The approval shall be conveyed by the Departmental Single Window Nodal Officer electronically to the applicant(s) and the clearance letter duly signed electronically or manually and stamped uploaded on the Website for his information and downloading.
- (p) The online single window portal will also make provision for verification of clearances by the third party.
- (q) The applicant(s) shall be liable to make payment for all the required clearances as maybe prescribed by the concerned department, body, authority, etc. as the case may be.

### **13. Deemed clearances:**

- (1) In the event of the Departmental Single Window Nodal Officer of the concerned department or authority not responding to the application forwarded to him through web portal electronically by the Single Window Nodal Officer or the Investment Facilitation Cell, within the prescribed timeline the requisite clearance(s) applied for by the applicant shall be considered as deemed cleared and no further objection, comment or suggestion will be raised:

Provided that applications technically qualifying in all respect required to give clearances shall only qualify for deemed clearance(s).

- (2) A clearance certificate in that case shall be issued to investor by the concerned Departmental Single Window Nodal Officer after obtaining requisite fee.
- (3) This deemed approval facility will be legally binding on departments and may be allowed through web portal also.

### **14. Clearances and timelines for granting the same:**

- (a) All new proposals or proposals for expansion of existing industrial undertaking which need clearance under one or more of the applicable Acts, Rules, Regulations, etc. will be eligible for facilitation through this Act.

- (b) For all clearances indicated in Schedule – II of this Act, the Departmental Single Window Nodal Officer will process such applications for clearances as and when received by him, within the time-line prescribed by therein.

**15. Single Window Clearance System Web Portal:**

- (1) The Investment Facilitation Cell would maintain and operate a web-portal for filing of applications for grant of clearances for setting up an industrial undertaking in the State and under various applicable Acts and policies, as notified from time to time. The Single Window Nodal Officer of Industries Department will operate the portal as administrator. The nodes of the portal will be made available to all the departments/agencies/boards, etc. of the state enabling them to access the portal from their respective offices.

**16. Common Application Form for making application or proposals:**

- (1) The Common Application Form will be used, along with such fees, in lieu of existing multiple forms being used under various Acts, Rules, Guidelines and policies, as notified from time to time. All concerned Departments/ appropriate authorities of the State will accept such common application form for processing and issuing requisite clearance(s).
- (2) The model common application form which will be used by the entrepreneur to make application for setting up and industrial enterprise in the State is at Schedule – III:

Provided that the State Government through the department of Industries may make changes in the application form from time to time.

**17. Self-Certification by the applicant(s) entrepreneur(s):**

- (1) In order to comply with the provisions of the applicable Acts and rules made thereunder every entrepreneur, or investor may furnish requisite information with self-certification, in such form as may be prescribed, at the time of submitting the duly completed common application form.
- (2) The self-certification furnished as in sub-section (1) by the entrepreneur(s) will be accepted by the appropriate authorities for the purpose of granting and issuing of clearance and giving other benefits to the entrepreneur(s).

**Chapter – IV**  
**Miscellaneous**

**18. Memorandum of Understanding:**

- (1) The Chairman of State Level Review Committee or any other authorised Officer may sign a memorandum of understanding with the entrepreneur desirous of setting up an industrial undertaking in the State if so approved by State Level Single Window Clearance and Monitoring Authority or the State Government.
- (2) State Level Single Window Clearance and Monitoring Authority or the state Government may approve a standard format for signing memorandum of understanding.

**19. Rationalisation of Inspections:**

- (1) The State Level Single Window Clearance Authority may direct the Appropriate Authority or concerned department to conduct inspections through empanelled third party inspectors, or conduct joint inspections required to be undertaken under the provisions of applicable Acts or Rules. However, inspection against specific complaints may be conducted by the Appropriate Authority.

**20. Protection of Action taken in good faith:**

- (1) No suit, prosecution or other legal proceedings will lie against the Chairperson or other member of the State Level Single Window Clearance and Monitoring Authority of State Level Review Authority or any employee of the Government of anything which, in good faith, is done or intended to be under this Act or any rule made thereunder.

**21. Provision of Fine:**

- (1) Any entrepreneur(s) or investor(s) or applicant(s) who gives false information to the Nodal Officer(s) or fails to comply with the conditions or undertakings in the self-certification given to the Agency or Department or appropriate authorities, as the case may be, will face penalty which may extend to fifteen thousand rupees for the first offence and up to twenty five thousand for the second or subsequent offences.
- (2) The Director (Industries), Department of Industries will be competent authority to impose the penalty:  
Provided that no order of penalty will be passed without giving the concerned person an opportunity of being heard.
- (3) The authority imposing the penalty will communicate such order to the entrepreneur concerned. The entrepreneur will deposit the amount of such penalty with the Investment Facilitation Cell within thirty days of the issue of communication.
- (4) The amount of penalty mentioned in clause (1) above may be varied from time to time by the Government through notification.
- (5) In case of undue delay in processing the case for clearance(s) as per the time schedule prescribed under Schedule- II of this Act, action shall be taken against the concerned officer under the Service Conduct Rules applicable or under the provisions of the Himachal Pradesh Public Service Guarantee Act, 2011, as the concerned disciplinary authority may deem fit.

## **22. Revision:**

- (1) Notwithstanding anything contained in any law, the State Government may, either suo moto or on an application made to it in this behalf, call for the record of any proceeding before any Competent authority or the State Authority or State Review Committee and examine the propriety of the proceeding or orders passed therein so as to ensure that the orders are not against public policy nor against the provisions of law and make therein such orders as it may think fit within one year of issuance of the orders being so revised in cases of rejection of the application for permission and within three months in case s of grant of permission.
- (2) The order passed by the Government under this section shall be final and shall be binding on all concerned.

## **23. Confidentiality:**

- (1) No agency or authority of the Government or, any local authority, including any functionaries thereunder , shall disclose to any other investor 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 is made in the State and the facilities, if any, provided to the investor by the Government or any of its agencies or authorities, or by any local authority, shall be notified by the Government for information of the public.

**24. Transitional Provision:**

- (1) The provisions of this Act shall apply to all investment proposals that have been under consideration of the Government or any of its agencies, authorities or undertaking on the date of commencement of Act, if the concerned investor so opts by submitting an application to the Nodal Agency in the prescribed form and manner.

**25. Appeals:**

Any investor aggrieved by orders of:

- a) Single Window Nodal Officer or Departmental Single Window Nodal Officer(s) or State Level Review Committee may appeal to the State Level Single Window Clearance and Monitoring Authority.
- b) The State Level Single Window Clearance and Monitoring Authority may appeal to the State Government.

Within thirty days of the date of the receipt by the investor of the order appealed against.

**26. Overriding effect:**

Save as otherwise provided in Act, the provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other State law, for the time being in force:

Provided that fine, penalty, duty and other similar provisions if any under applicable Act, will be imposed as per provisions of the applicable Act, Rules, etc. and deposited as prescribed.

**27. Power to remove difficulties:**

- (1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by a notification published in the Official Gazette, make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after expiry of a period of two 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 house of State Legislature

**28. Power to make Rules:**

- (1) The State Government may make rules consistent with the provisions of the Act for carrying out the purposes of the Act.
- (2) All rules made under this act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done there under.

By Order,

R.D. Dhiman, IAS,  
Principal Secretary (Industries).



**RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF  
INDIA**

**(Department of Industries File No. \_\_\_\_\_)**

The Governor, Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh Single Window (Investment Promotion and Facilitation) Act, 2017, recommends, under article 20 of the Constitution of India the introduction and consideration of the said Bill in the State Legislative Assembly.

**THE Himachal Pradesh Single Window (Investment Promotion and Facilitation) Act, 2017**  
**&**  
**Bill**

**An Act to provide for the promotion of industrial development and facilitation of new investment, simplifying the regulatory frame work for ease of doing business by reducing procedural requirements and rationalising documents, simplifying the regulatory frame work by reducing procedural requirements and rationalising documents and provide for all requisite clearances and approval in an accelerated and time bound manner by and through a single agency for setting up of an industry in the State of Himachal Pradesh and for matters connected therewith.**

MUKESH AGNIHOTRI

Minister -in-Charge

-----,

Secretary (Law)

Shimla:

The\_\_\_\_\_2017.

## **FINANCIAL MEMORANDUM**

The provision of the Bill, when enacted is likely to generate additional revenues for the State by way of simplifying the procedures and facilitate setting up of industry and making the approval process time bound thereby catalysing the process of setting up of industry. The provision of the Bill, when enacted, will be mainly administered through reorganization of the existing Government machinery and thus entail no extra expenditure.

**MEMORANDUM REGARDING DELEGATED LEGISLATIVE**

Chapter IV Section 28 of the Bill seeks to empower the State Government and the Authority to make rules for carrying out the purposes of the Act. The proposed obligation of powers is essential and normal in character.

## Schedule – I

1. The Himachal Pradesh Shops and Commercial Establishments Act, 1969
2. The Central Sales Taxes Act, 1956
3. The Himachal Pradesh Excise Act, 2011
4. The Himachal Pradesh Tax On Entry Of Goods Into Local Area Act, 2010
5. The Maternity Benefits Act, 1961
6. The Payment of Bonus Act, 1965
7. The Contract Labour (Regulation and Abolition) Act, 1970
8. The Gratuity Act, 1972
9. The Equal Remuneration Act, 1976
10. The Himachal Pradesh Value Added Tax Act, 2005
11. The Himachal Pradesh Passengers And Goods Taxation Act, 1955.
12. The Himachal Pradesh Tax On Entry Of Goods Into Local Area Act, 2010
13. The Himachal Pradesh Taxation (On Certain Goods Carried by Road) Act, 1999
14. The Himachal Pradesh Tolls Act, 1975
15. The Environment (Protection) Act, 1986
16. The Water (Prevention & Control of Pollution) Act, 1981
17. The Air (Prevention & Control of Pollution) Act, 1981
18. The Environment (Protection) Act, 1986
19. The Himachal Pradesh Tax On Luxuries (IN HOTELS AND LODGING HOUSES) Act, 1979
20. Pre-natal Diagnostic Techniques (Regulation and Prevention of misuse) Act, 1996
21. The Himachal Pradesh Public Records Act, 2006
22. The Boiler Act, 1923
23. The Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005
24. The Himachal Pradesh Road Infrastructure Protection Act, 2002
25. The Payment of Wages Act, 1936
26. The Himachal Pradesh Municipal Corporation Act, 1994
27. The Himachal Pradesh Municipal Services Act, 1994
28. The Himachal Pradesh Taxation (ON CERTAIN GOODS CARRIED BY ROAD ) Act, 1999
29. The Himachal Pradesh Tourism Development and Registration Act, 2002
30. The Himachal Pradesh Town And Country Planning Act, 1977
31. The Factories Act, 1948
32. The Himachal Pradesh Factories Rules, 1950
33. The Himachal Pradesh Liquor Licence Rules, 1986



34. The Street Vendors (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) Act, 2014
35. The Minimum Wages Act, 1948
36. The Electricity Regulatory Commissions Act, 1998
37. The Electricity Act, 2003
38. The Indian Partnership Act, 1932
39. The Drugs and Cosmetics Act, 1940
40. Clinical Establishments (Registration and Regulation) Act, 2010
41. The Food Safety and Standards Act (FSSA), 2006
42. HP Liquor License Rules 1986
43. Transplantation of Human Organs Act 1994
44. Fertilizer (Control) Order, 1985
45. THE Himachal Pradesh Electricity ( DUTY) Act, 2009
46. The Himachal Pradesh Electricity Distribution Management Responsibility Act, 2014
47. Narcotics Drugs and Psychotropic Substances Act (NDPS), 1985
48. The Legal Metrology Act, 2009
49. The Himachal Pradesh Entertainment Tax Act, 2012
50. The Employees State Insurance Act, 1948
51. The Himachal Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008
52. The Inter-State Migrant Workmen (regulation of Employment and Conditions of Service) Act, 1979
53. Explosive Act, 1908 and Explosive Rules, 2008
54. The Disaster Management Act, 2005
55. The Pharmacy Act, 1948
56. The Himachal Pradesh Fire Fighting Services Act, 1984
57. The Himachal Pradesh Water Supply Act, 1968
58. The Equal Remuneration Act, 1976
59. for successor/ amended Act/ Rules/ Regulations or any other relevant Act notified by the State Government;
60. All consequent Rules/ regulations/ orders issued by the State Government under the above mentioned Acts
61. Any other Act/ Rules/ Regulations as may be notified by the Govt. from time to time.

**Schedule - II**

<b>Sr. No</b>	<b>Sector</b>	<b>Department</b>	<b>Stage</b>	<b>Approval</b>	<b>Timelines (Days)</b>
1	Agriculture & Food Processing	Agriculture	Pre-Establishment	Issuance of Phytosanitary Certificate for exporters of agriculture commodity	5
2	Agriculture & Food Processing	Agriculture	Pre-Establishment	Licence to manufacture/import pesticides under Insecticides Act 1968	3
3	Agriculture & Food Processing	Agriculture	Pre-Establishment	Certificate to manufacture fertilizer (micro nutrient mixture)	3
4	Agriculture & Food Processing	Agriculture	Pre-Establishment	Certificate to manufacture organic & bio-fertilizer	3
5	Agriculture & Food Processing	Agriculture	Pre-Establishment	Issuance of Memorandum of Intimation for manufacture of fertilizer under Fertilizer Control Order 1985	5
6	Agriculture & Food Processing	Agriculture	Pre-Establishment	Seed Licence	5
7	Agriculture & Food Processing	Agriculture	Pre-Establishment	License for Pesticide	5
8	Agriculture & Food Processing	Agriculture	Pre-Establishment	Certificate of Registration for Selling of fertilizers	5
9	Agriculture & Food Processing	Agriculture	Pre-Establishment	Certificate of Registration for manufacturing of Physical / Granulated Mixture of Macro & Micro-Nutrient Fertilizers, Organic Fertilizers and Bio-Fertilizers	7
10	Agriculture & Food Processing	Agriculture	Post-Establishment	Renewal of Licence to manufacture/Sell/ Storage of Pesticides/insecticide/ fertilizer	4
11	Health Safety & Regulations	Health Safety & Regulations	Pre-Operation	Licence under Food Safety and Standards Act (FSSA), 2006	7

12	Health Safety & Regulations	Health Safety & Regulations	Pre-Operation	Retail / Bulk Drug License (Pharmacy)	7
13	Health Safety & Regulations	Ayurveda	Pre-Operation	Manufacturing licence for ASU (Ayurvedic Siddha Unani) drugs	10
14	Health Safety & Regulations	Health Safety & Regulations	Pre-Operation	Registration under Pre-natal Diagnostic Techniques (Regulation and Prevention of misuse) Act, 1996	12
15	Health Safety & Regulations	State Drug Controller	Pre-Operation	Registration for opening a drug store in the hospital (both outdoor and indoor pharmacy. Drugs and cosmetics Act, 1940. Pharmacy Act, 1948.	10
16	Agriculture & Food Processing	Food & Civil Supplies	Pre-Operation	Agriculture produce warehouse licence	5
17	Energy	HPSEB/ HIMURJA	Pre-Establishment	Power Evacuation Approval for plant from HPSEB/Himurja Execution of Wheeling and Banking Agreement (WBA) with HPSEB and Transmission Agreement with HPSEBL for captive/third party sale	20
18	General	Excise & Taxation	Pre-Operation	Registration under the HP Entry of Goods into Local Areas Act, 1999	3
19	General	Excise & Taxation	Pre-Establishment	Registration under the Central Sales Tax Act, 1956	10
20	General	Excise & Taxation	Pre-Establishment	Registration under the HP Value Added Tax Act, 2003	3
21	General	Home	Pre-Establishment	Explosive license and NOC under Explosive Act, 1908 and Explosive Rules, 2008	30
22	General	Labour	Pre-Operation	Registration for Principal Employer under Contract Labour(Regulation and Abolition) Act,1970	20
23	General	Labour	Pre-Operation	Registration under HP Shops & Commercial Establishments Act,1969	15

24	General	Labour	Pre-Operation	Registration under Inter-State Migrant Workmen (RE & CS) Act,1979 (Principal Employer)	20
25	General	Labour	Pre-Operation	Certification of Standing order under Industrial Employment (Staying Orders) Act, 1946	5
26	General	Labour	Pre-Operation	Certification of Standing order under Industrial Employment (Staying Orders) Act, 1946. If the 50 or more workers are employed in the establishment.	7
27	General	Labour	Pre-Establishment	License under Beedi and Cigar workers(condition of Employment)Act,1966	3
28	General	Food & Civil Supplies/ Industries	Pre-Operation	License to Manufacture and repair weights and measuring instruments under legal metrology act 2009 for the units who are manufactures of weights and measures. Registration under package commodity rules 2011	5
29	General	Industries	Pre-Establishment	Registration of Partnership firms	3
30	General	HPSEBL & Power	Pre-Establishment	Approval for electrical equipment installed at the site and commissioning under following cases: 1. Certificate with the help of Chartered Electrical Safety Engineers for inspection at 11 kV and 33 kV. 2. Beyond 33 kV.	1. 7 days 2. 10 days
31	General	Labour	Pre-Operation	Notice of occupation/ Registration and Grant of License for Factories Act, 1948	20

32	General	Industries	Pre-Operation	Drawing approval & certification under the Boilers Act, 1923 and Indian Boilers Regulation, 1950	7
33	General	Labour	Pre-Operation	Training Centre or Institute for training of workers under Factories Act, 1948	5
34	General	Labour	Pre-Establishment	Factory Building Plan Approval under Factories Act, 1948	30
35	General	Industries	Pre-Establishment	Registration of Boilers under Boilers Act, 1923	7
36	General	Industries	Pre-Establishment	Registration of Economizers under Boilers Act, 1923	7
37	General	Industries	Pre-Establishment	Steam Pipeline Drawing Approval under Boilers Act, 1923	7
38	General	UD/ TCP/ Industries	Pre-Operation	Building Completion Certificate	30
39	General	Irrigation and Public Health	Pre-Operation	Approval of Rain Water Harvesting structure plan	5
40	General	Fire Department	Pre-Operation	Fire No Objection Certificate (for building above 15 metres) – Final	3
41	General	UD & Food and Civil Supplies	Pre-Operation	Street Vending business (e.g. Mobile Fast Food Centres etc.) * Temporary *Permanent	Temporary- 3 days Permanent- 5 days
42	General	Revenue / Industries	Pre-Establishment	Land Lease (Deed)	45 days
43	General	Revenue/ UD/ TCP	Pre-Establishment	Change in Land Use under Himachal Pradesh Tenancy and Land Reforms Act, 1972	60
44	General	UD & TCP	Pre-Establishment	Change of land Use in Urban Areas	45
45	General	UD & TCP	Pre-Establishment	Approval for building Plan	90
46	General	PWD	Pre-Establishment	Sanction for construction of approach road/ Road cutting	10

47	General	PWD	Pre-Establishment	Sanction of storage of construction materials	3
48	General	TCP	Pre-Establishment	Sub division/Reconstruction of Plots	15
49	General	State Pollution control Board	Pre-Operation	Authorization under e-waste(Management)	5
50	General	State Pollution Control Board	Pre-Operation	Consent to Operate under Air and Water ( Prevention and Control of Pollution) Act1981 and Water Act 1974	Green/Orange: 40 Days
51	General	State Pollution Control Board	Pre-Operation	Authorization for Management and Handling of Hazardous Waste	7
52	General	State Pollution control Board	Pre-Operation	Approval of site under manufacturing , storage, import of hazardous chemical rules 1989 (Isolate storage of hazardous chemicals)	10
53	General	State Pollution Control Board	Pre-Establishment	Consent to Establish under air and water (prevention and control of pollution)Act 1981 and Water Act 1974	Green/ Orange: 15 Days
54	General	Revenue	Pre-Establishment	Registration of property documents	3
55	General	Industries	Pre-Establishment	Allotment of Industrial Land	15
56	General	State Pollution Control Board	Pre-Establishment	Environmental clearance under EIA Notification 2006 by GoI	10
57	General	Excise & Taxation	Pre-Establishment	Licence to Manufacture Country Liquor	15
58	General	Excise & Taxation	Pre-Establishment	Licence for heritage liquor manufacturing	15
59	General	Excise & Taxation	Pre-Establishment	Licence for possession and use of rectified spirit and absolute alcohol for industrial purposes	12

60	General	Excise & Taxation	Pre-Establishment	Grant of no objection certificate of (a) Distillery/Brewery (b) Bottling plant	3
61	General	Excise & Taxation	Pre-Establishment	Permission of construction of (a) Distillery/Brewery (b) Bottling plant	6
62	General	Excise & Taxation	Pre-Establishment	License to work (a) Licence for working of distillery with permission to bottle IMFL (b) Licence to work for brewery (c) Bottling plant to bottle IMFL	10
63	General	Excise & Taxation	Pre-Establishment	Permission of addition/alterations during a financial year in (a) distillery/Brewery (b) bottling plant	8
64	General	Excise & Taxation	Pre-Establishment	Licence for manufacture and wholesale vend of rectified spirit absolute alcohol & denatured spirit	10
65	General	Excise & Taxation	Pre-Establishment	Licence for the possession and use of denatured spirit for industrial purposes or manufacture of denatured spirituous preparations	10
66	General	Excise & Taxation	Pre-Establishment	Licence for possession and use of specially denatured spirit for industrial purposes for manufacture of methylated preparations like Tincture iodine, Methyl.	10
67	General	Excise & Taxation	Pre-Establishment	Licence for the possession and use of rectified spirit and absolute alcohol for educational, medical & scientific purposes in Educational Institutions,	5

				Hospitals and diagnostic Laboratories	
68	General	UD & TCP/ Industries	Pre- Establishment	Height clearance for the proposed building	7
69	General	UD & TCP	Pre- Establishment	Registration of Developers	2
70	General	UD & TCP/ Industries	Pre- Establishment	Layout Plan approval	5
71	General	UD & TCP/ Industries	Pre- Establishment	Sub-division and Reconstitution of Plots	7
72	General	HP SEBL	Pre- Establishment	Application for Power Connection	5
73	Healthcare and Hospitals	Health	Pre- Establishment	License for Transplant of Human Organ	15
74	Healthcare and Hospitals	Department of Health	Pre- Establishment	License Under Narcotics and Psychotropic substance test	12
75	Healthcare and Hospitals	Pollution Control Board	Pre-Operation	Authorization for Bio-medical waste management	10
76	Hotel	Revenue	Pre-Operation	Registration for Luxury tax (Hotels/ Restaurants)	3
77	Hotel	Dept. of Tourism	Pre- Establishment	Application for Approval of a Project of Tourism Unit	5
78	Hotel	Municipal Corporation/ Tourism	Pre-Operation	Hotel/ Restaurant License	5
79	Hotel	Municipal Corporation	Pre-Operation	NoC from the Municipal Health Officer from hygienic/sanitary pointy of view	5
80	Hotel	UD & TCP	Pre-Operation	Building Map Approval	20
81	Hotel	Municipal Corporation/ Health	Pre-Operation	Restaurant License	5
82	Hotel	Municipal Corporation/ Tourism	Pre-Operation	Lodging and Sarai License	5
83	Hotel	Municipal Corporation	Pre-Operation	Approval for operation of Laundry	3
84	Hotel	Municipal Corporation	Pre-Operation	Approval for Operating Marriage Place/ Banquet Hall	5
85	Hotel	Municipal	Pre-	License for maintaining	3



		Corporation	Establishment	wireless	
86	Hotel	Municipal Corporation	Pre-Establishment	License for swimming pool	5
87	Hotel	Excise & Taxation	Pre-Operation	Bar License	5
88	Local body or operator of facility handling solid waste	State Pollution control Board	Pre-Operation	Authorization under solid waste management Rules	5
89	Manufacturer of plastic/plastic bag/Recycler of Plastic waste	Pollution control Board	Pre-Operation	Registration under plastic waste (management & handling)	5
90	Medical & Health care	Health	Pre-Establishment	Registration under Clinical Establishment Act	10
91	Medical & Health care	Health	Pre-Establishment	Registration under Birth & Death Act	2
92	Medical & Health care	Health	Pre-Establishment	Registration under Medical Termination of Pregnancy (MTP) Act	8
93	Medical & Health care	Health	Pre-Establishment	Registration under Pre Conception, Pre Natal Diagnostic Technique (PCPNDT)	10
94	Medical Education	Medical education	Pre-Establishment	Essentiality cum feasibility certificate from state government	10
95	Medical Education	Medical education	Pre-Establishment	Affiliation from University established by law	8
96	Medical Education	Medical education	Pre-Operation	Permission to keep human body for study under Anatomy Act	10
97	Mining	Industries (Mines and Geology)	Pre-Establishment	Reconnaissance Permit under Rule 3 of NERP Rules, 2015 (for Searching of mineral deposits-in case of aerial survey with minimum ground work- )	5
98	Mining	Industries (Mines and Geology)	Pre-Establishment	Prospecting licence under rule 5 of Mineral Concession Rules, 2016 (for	5

				Prospecting of mineral deposit-Ground work of pitting, trenching, drilling)	
99	Mining	Industries (Mines and Geology)	Pre-Establishment	Mining lease under rule 7 / Quarry licence under rule 24 of MMCR, 1986 (for mining of minor minerals)	20
100	Mining	Industries (Mines and Geology)	Pre-Establishment	Mining lease under rule 7 of Mineral Concession Rules, 2016 (for mining of major minerals)	25
101	Mining	Industries (Mines and Geology)	Pre-Establishment	Short term permit under rule 63 or special permit under rule 63A of MMCR, 1986 (for Construction of buildings, roads etc.)	10
102	Mining	Industries (Mines and Geology)	Pre-Establishment	Transit pass issued by the department. (In case the mineral to be transported is in the raw form or partially processed like crushing, polishing)	1
103	Mining	Industry (Mines and Geology)	Pre-Establishment	Dealer licence (for Major/ Minor minerals)	7
104	Mining	Industries (Mines and Geology)	Pre-Establishment	Consent to establish and consent to operate under Air, Water Act (for Major or Minor mineral)	8
105	Mining	Industries (Mines and Geology)	Pre-Establishment	Grant of Petroleum Exploration Licence under rule 5(1)(ii) and 10 of Petroleum & Natural Gas Rules, 1959 and u/s 5 & 6 of the Oil Fields (Regulation & Development) Act, 1948 (53 of 1948) (for Appraisal & development of fields for Evacuation of Hydrocarbon	15
106	Mining	Industries (Mines and Geology)	Pre-Establishment	The Petroleum & minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (for Laying of pipelines for	15

				transport of Hydrocarbons )	
107	Mining	Industries (Mines and Geology)	Pre-Establishment	Consent to establish & consent to operate under Air & Water Act (for Drilling of exploration & development wells and pipelines for exploration & production of Hydrocarbons)	10
108	Pharmaceutical	Health Safety and Regulation (Drug Control)	Pre-Operation	Grant of licences to manufacture, sale and distribution of drugs and cosmetics under Drugs & cosmetics Act, 1940.	10
109	Renewable Energy	HIMURJA (Renewable Energy)	Pre-Establishment	Registration of the Solar/Wind/Biomass Power Project with HIMURJA	10
110	Renewable Energy	HIMURJA	Pre-Establishment	Project approval for Solar/Wind Power/ Biomass projects.	12
111	Renewable Energy	HIMURJA	Pre-Establishment	Approval under Section 68 followed by section 164 of Electricity Act 2003 for laying down the Transmission Line of the Power Project at site to be issued by Energy Department	10
112	Renewable Energy	HIMURJA	Pre-Establishment	Water Allocation for Grid Connected Solar Thermal & Biomass Power projects	12
113	Renewable Energy	HIMURJA	Pre-Establishment	Approval of Connectivity to the grid before commissioning of Power Project from DISCOMs	7
114	Road	PWD	Pre-Establishment	Permission to dig trenches to lay cable pipeline in right way etc.	7
115	Technical Education	Technical Education	Pre-Establishment	NOC from government for establishment of technical Institute	7
116	Technical	Technical	Pre-Operation	Approval for affiliation	1.5

	Education	Education		1. For diploma institutions - by Board of Technical Education 2. For Engineering Colleges- by _____ _____	2. 8
117	Any other approval under any State/Central enactment to be issued by the concerned department through DSWND				
Note: This is an indicative list of all required No Objection Certificate, licenses, registrations and other mandatory pre-establishment and pre-operation State approvals, more may be added as and when required.					