

Andhra Pradesh Single Window Clearance Act, 2014

[30 November 2014]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title, Extent and commencement
2. Definitions

CHAPTER 2 :- CONSTITUTION, POWERS AND FUNCTIONS OF THE DISTRICT COMMITTEE, STATE COMMITTEE, SPECIAL COMMITTEE, EMPOWERED COMMITTEE, STATE BOARD AND NODAL AGENCIES

3. Constitution, powers and functions of District Committees
4. Constitution, powers and functions of State Committee
5. Constitution, powers and functions of Special Committee
6. Constitution, powers and functions of Empowered Committee
7. Constitution, powers and functions of State Board
8. Industrial Areas
9. Nodal Agency at state and district level
10. Powers and functions of Nodal Agency

CHAPTER 3 :- MISCELLANEOUS

11. Inclusions and Exemptions
12. Application for Clearances
13. Power to call for additional information
14. Combined application forms (CAF)
15. Self Certification
16. Time Limits for processing of applications
17. List of Deemed Approvals
18. Information of Deemed Approval
19. Review of District level cases
20. Review of State Level cases
21. Revision of State level and District level cases by Empowered Committee
22. Revision of State level cases by State Board
23. Investment Limits
24. Rationalization of Inspections
25. Appeal
26. Offences by Companies etc
27. Penalty for NonProvision or Delayed Services
28. Protection of action taken in good faith
29. Act to override other Laws

30. Powers to remove doubts or difficulties
31. Powers to give directions
32. Power to make rules
33. Repeal

Andhra Pradesh Single Window Clearance Act, 2014

[30 November 2014]

AN ACT TO SUPPORT ANDHRA PRADESH IN ITS ASPIRATION OF BEING ONE OF THE MOST INVESTOR FRIENDLY STATES IN THE COUNTRY, BY ENSURING SINGLE POINT RECEIPT OF APPLICATIONS FOR SETTING UP OR EXPANSION OF INDUSTRIAL UNDERTAKINGS, WITH FAST TRACK PROCESSING AND TIME-BOUND ISSUE OF LICENSES, CLEARANCES AND TO PROVIDE FOR EFFECTIVE GRIEVANCE REDRESS AND PENALTIES IN CASE OF FAILURE OF COMPETENT AUTHORITIES TO ACT ON TIME AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, it is expedient to provide for speedy implementation of industrial and other projects in the State, by providing single point clearances to investors and to ensure early commercial production of such projects;

Be it enacted by the legislative Assembly of the State of Andhra Pradesh in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short title, Extent and commencement :-

- (1) This Act may be called the Andhra Pradesh Single Window Clearance Act, 2014.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall be deemed to have come into force with effect on and from the insert date.

2. Definitions :-

In this Act, unless the context, otherwise requires,

- (1) "Appellate Authority" means the authority referred to in section 25;
- (2) "Checklist" means the checklist included in the Common Application Form prescribed by Rules under this Act;
- (3) "Clearances" means grant or issue of no-objection certificate, allotments, consents, approvals, permissions, registrations,

enrolments, licences and the like, by any competent authority or authorities in connection with the setting up of an industrial undertaking in the State of Andhra Pradesh and shall include all such clearances required till the industrial undertaking starts commercial production;

(4) "Competent Authority" means any department or agency of the Government, Authorized Agency, Gram Panchayat, Municipality or other local body, which are entrusted with the powers and responsibilities to grant or issue clearances;

(5) "District Committee" means the Single Window Clearance Committee constituted under section 3;

(6) "Empowered Committee" means the Committee constituted under section 6;

(7) "Government" means the Government of Andhra Pradesh;

(8) "Industrial Area" means an industrial park, industrial estate or any other zone with significant presence of industrial undertakings and with land greater than or equal to an area as may be prescribed by the Government from time to time;

(9) "Industrial Undertaking" means an undertaking located in Andhra Pradesh which is engaged in manufacturing or processing or both or providing service or doing any other business or commercial activity as may be prescribed by the State Government;

(10) "Nodal Agency" means the agency notified under section 9;

(11) "Notification" means a notification published in the Andhra Pradesh Gazette and the word notified should be construed accordingly;

(12) "Prescribed" means prescribed by rules made under this Act;

(13) "Pre-scrutiny" means examination of applications received prior to acceptance to assess completeness as per the Checklist and in accordance with practices as prescribed under the Rules to this Act;

(14) "Reviewing Authority" means the authority referred in section 25;

(15) "Special Committee" means Special Single Window Clearance Committee(s) constituted under section 5;

(16) "State Board" means the board referred to in section 7;

(17) "State Committee" means the Single Window Clearance Committee constituted under section 4.

CHAPTER 2 CONSTITUTION, POWERS AND FUNCTIONS OF THE DISTRICT COMMITTEE, STATE COMMITTEE, SPECIAL COMMITTEE, EMPOWERED COMMITTEE, STATE BOARD AND NODAL AGENCIES

3. Constitution, powers and functions of District Committees :-

(1) The State Government may, by notifications, constitute a District Single Window Clearance Committee for each district, which shall consist of the District Collector as the Chairman and such other members as may be specified in the notification.

(2) The designated Member of the District Committee shall attend all meetings personally and in case he is unable to attend the meeting, he may depute a senior level Officer with a written authorization to take appropriate decision in the meeting.

(3) The District Committee shall exercise the following powers and perform the following functions:-

i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;

ii.) to receive applications for all Clearances for setting up Industrial Undertakings with proposed investment up to the amount notified under section 23 (1);

iii.) to do a pre-scrutiny of applications received and (a) accept those applications which are complete or (b) ask for additional information in case of incomplete applications, in accordance with the Rules prescribed under this Act;

iv.) to review and monitor the processing of applications by the Competent Authorities;

v.) to inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application may be deemed to have been approved in case of applicability of deemed approval provisions under section 17 of this Act ;

vi.) to forward cases with remarks and relevant documents to the State Committee for decision under section 19;

vii.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the District Committee as desired by the Chairman of the Committee;

viii.) such other powers and functions as may be prescribed from time to time.

4. Constitution, powers and functions of State Committee :-

(1) The Government may, by notification, constitute a State

Committee known as the State Single Window Clearance Committee, which shall consist of the Commissioner of Industries as the chairman with such other members as may be specified in the notification.

(2) The designated Member of the State Committee shall attend all meetings personally and in case he is unable to attend the meeting, he may depute a senior level Officer with a written authorization to take appropriate decision in the meeting.

(3) The State Committee shall exercise the following powers and perform the following functions:-

i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;

ii.) to receive all applications for Clearances for setting up Industrial Undertakings with proposed investment that exceeds the amount notified under section 23 (1);

iii.) to do a pre-scrutiny of applications received and (a) accept those applications which are complete or (b) ask for additional information in case of incomplete applications, in accordance with the Rules prescribed under this Act;

iv.) to review and monitor the processing of applications by the Competent Authorities and District Committees;

v.) to inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application may be deemed to have been approved in case of applicability of deemed approval provisions under section 17 of this Act;

vi.) to forward cases with remarks and relevant documents to the Empowered Committee for decision under section 20;

vii.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting as desired by the Chairman of the State Committee;

viii.) such other powers and functions as may be prescribed from time to time.

5. Constitution, powers and functions of Special Committee :-

(1) The Government may, by notification, constitute Special Single Window Clearance Committees for any specified purpose, specified area or specified sector and delegate to them such powers and functions as the Government may deem fit.

(2) The Special Committee(s) shall consist of members including a Chairman as may be notified by Government under this Act.

6. Constitution, powers and functions of Empowered Committee :-

(1) The Government may notify the State Investment Promotion Committee or any other existing committee, board or body as the Empowered Committee.

(2) The Empowered Committee shall, -

- i.) review and monitor the disposal of applications by the District Committees and State Committee, and the Competent Authorities;
- ii.) consider and decide cases under sections 20 and 21;
- iii.) exercise such other powers and perform such other functions as may be prescribed from time to time.

2) The powers and functions entrusted to the State Investment Promotion Committee or any other existing committee, board or body notified as the Empowered Committee under the provisions of this Act shall be in addition to the regular powers exercised and functions discharged by such existing committee, board or body.

3) The decisions of the Empowered Committee shall be binding on the State Committee, District Committees and the Competent Authorities.

7. Constitution, powers and functions of State Board :-

(1) The Government may notify the State Investment Promotion Board or any other existing committee, board or body as the State Board.

(2) The State Board shall,-

- i.) review and monitor the disposal of applications by the District Committees, State Committee, Special Committee, Empowered Committee and the Competent Authorities;
- ii.) consider and decide cases under section 22;
- iii.) exercise such other powers and perform such other functions as may be prescribed from time to time.

(3) The powers and functions entrusted to the State Investment Promotion Board or any other existing committee, board or body notified as the State Board under the provisions of this Act shall be in addition to the regular powers exercised and functions discharged by such existing committee, board or body.

(4) The orders passed by the State Board for issuing clearances shall be final and binding on the Empowered Committee, Special

Committee, State Committee, District Committees and the Competent Authorities.

8. Industrial Areas :-

(1) The Government may notify eligible existing or proposed industrial estates, parks and clusters as Industrial Areas under this Act and Rules made thereunder.

(2) Every Industrial Area so notified shall have a dedicated Single Window Officer to be notified by the Government to, -

- i.) receive the applications for clearances from applicants setting up industrial undertakings within the Industrial Area;
- ii.) forward the applications received to the concerned District or State Committee, as the case may be, based on investment limits specified in section 23 (1);
- iii.) review and monitor the processing of applications by the District or State Committee, as the case may be, in accordance with the Rules prescribed under this Act.

9. Nodal Agency at state and district level :-

(1) The Government may, by notification, appoint a Nodal Agency at the State level, which shall be a society constituted under the provisions of the Andhra Pradesh Societies Registration Act, 2001.

i.) The state-level Nodal Agency shall be governed by a Board, including a Chairman, to be notified by the Government under this Act;

ii.) It shall be managed in accordance with the bye-laws formulated for this purpose and shall include such supervisory and secretarial staff for such term as may be required.

(2) The Government may notify the District Industries Centre or any other body as Nodal Agency at the district level.

10. Powers and functions of Nodal Agency :-

(1) Under the superintendence, direction and control of the Government and respective committees, the Nodal Agency shall discharge the following functions: Inclusions and Exemptions.

- i.) to assist the applicants in completing the application forms;
- ii.) to act as a secretariat to the State Committee, Empowered Committee and the State Board and support them in discharging their respective functions;
- iii.) to receive orders, either rejecting or accepting the application,

from the Competent Authority and take appropriate action as may be prescribed;

iv.) to serve as single point of contact for applicants for purposes of registering grievances, if any, associated with process of securing clearances under this Act and Rules made thereunder.

(2) The Nodal Agency at the state-level shall depute officials to support the districtlevel Nodal Agency in undertaking functions specified in sub-section (1).

(3) In addition to sub-section (1) above, the Nodal Agency will also support the Government in the following:

i.) to render necessary assistance and feedback on policy formulation for industrial progress;

ii.) to guide and assist entrepreneurs in setting up industries in the state through preparation of information guides detailing, a) department / authority-wise procedures to obtain applicable clearances, b) salient features of the Acts and rules made thereunder applicable to respective industrial undertaking;

iii.) to review and provide inputs for revision of the Checklist and Common Application Form from time to time, as the case may be, through consultation with Competent Authorities;

iv.) to provide any other useful information to the entrepreneurs or discharge any other function that may be assigned by the Government from time to time.

CHAPTER 3 MISCELLANEOUS

11. Inclusions and Exemptions :-

(1) The Government shall, by notification, specify the list of clearances to be covered under this Act, with inclusion of additional clearances to be notified from time to time.

(2) The provisions of sections 15 to 28 of this Act shall not apply to any clearances required under Central enactments.

12. Application for Clearances :-

All applications for clearances, in either physical or electronic format, shall be submitted to the Nodal Agency with the required fees, including the fees of the Nodal Agency as may be notified, and in such manner as may be prescribed under this Act.

13. Power to call for additional information :-

(1) On receipt of an application, the Competent Authority shall

have the powers to obtain additional information, if required, from the applicant:

Provided that the additional information under this section shall be requisitioned only once before the expiry of the time limit specified in section 16 but not later than the prescribed time limit from the date of receipt of application by the Competent Authority, with all correspondences related to additional information to be routed through the Nodal Agency, in accordance with the Rules prescribed under this Act.

(2) The Competent Authority shall send its orders sanctioning or rejecting the application, as the case may be, to the Nodal Agency, so that the same can be dealt in a manner as may be prescribed under this Act.

14. Combined application forms (CAF) :-

(1) It shall be competent for the Government to prescribe combined application forms, either in physical or electronic format, which may consist of,-

- i.) forms under Central enactments without any change; and
- ii.) existing forms or new forms in lieu of the existing forms under State enactments.

(2) All Departments or authorities concerned shall accept such application forms for processing and issue of required clearances.

15. Self Certification :-

(1) Every applicant shall furnish a Self Certification at the time of submitting application form to the Nodal Agency, undertaking in such form as may be prescribed that he shall comply with the applicable provisions of the relevant Acts and the Rules made thereunder.

(2) The self certification furnished by the applicant shall be accepted by the concerned Departments and authorities for the purpose of issue and granting clearance.

16. Time Limits for processing of applications :-

Notwithstanding anything contained in any State law for the time being in force,-

(1) The Government may lay down the procedure for processing and disposal of applications.

(2) The Government may prescribe time limits for processing and

disposal of applications by the competent authorities.

(3) The Competent Authority shall pass orders on the application before the expiry of the stipulated time from the date of receipt of application.

17. List of Deemed Approvals :-

(1) While prescribing time limits under section 16, the State Government may notify the clearances in respect of which failure of the Competent Authority to pass final orders on the application within the stipulated time shall result in deemed approval.

(2) The applicant may proceed to execute the work or take other action following the deemed approval, subject to no contravention of any of the provisions of the Acts or rules or bye-laws applicable to such clearances.

18. Information of Deemed Approval :-

The appropriate Committee shall inform to the applicant the date on which the application was received by the Competent Authority and the date on which it was deemed to have been approved.

19. Review of District level cases :-

Notwithstanding anything contained in any State law, for the time being in force,-

(1) The District Committee may, either suo motu or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the District Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the State Committee with remarks and relevant documents for a decision.

(2) The State Committee shall examine all cases referred to it by the District Committee and pass appropriate orders.

(3) The decision taken by the State Committee shall be binding on the District Committee and the Competent Authorities.

20. Review of State Level cases :-

Notwithstanding anything contained in any State law, for the time being in force,-

(1) The State Committee may, either suo motu or on an application, examine any order passed by any Competent

Authority, rejecting any clearance or approving it with modification, and if the State Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Empowered Committee with remarks and relevant documents for a decision.

(2) The State Committee, may forward all applications with proposed investment / employment potential greater than the amount prescribed under section 23 (2) to the Empowered Committee, for which clearances from respective Competent Authorities are not received within the time limits specified in section 16.

(3) The Empowered Committee shall examine all cases referred to it by the State Committee and pass appropriate orders.

(4) The decision taken by the Empowered Committee shall be binding on the State Committee, District Committees and the Competent Authorities.

21. Revision of State level and District level cases by Empowered Committee :-

Notwithstanding anything contained in any State law, for the time being in force, the Empowered Committee may, either suo motu or on a reference, examine any orders passed by the State or the District Committee and pass appropriate orders as it deems fit and such orders shall be final.

22. Revision of State level cases by State Board :-

Notwithstanding anything contained in any State law, for the time being in force, the State Board may, either suo motu or on a reference, examine any orders passed by the Empowered Committee and pass appropriate orders as it deems fit and such orders shall be final.

23. Investment Limits :-

(1) The Government may by notification from time to time specify the investment limit up to which the applications for clearances shall be made to the District Committees.

(2) The Government may by notification specify that applications with investment / employment generation greater than limits, to be notified by the Government from time to time, be referred directly to the Empowered Committee in case all the clearances from the

respective Competent Authorities are not received within the time limits specified in section 16.

24. Rationalization of Inspections :-

- (1) The Government may notify specific clearances for which inspections under the provisions of the applicable Acts and Rules or Orders or Instructions shall be conducted jointly by Competent Authorities in accordance with prescribed guidelines.
- (2) The Government may from time to time, also notify specific exemptions and / or delegation of powers, in respect of specific clearances covered under this Act.

25. Appeal :-

- (1) All grievances related to processing of applications under this Act should be referred to the concerned Appellate Authority as may be prescribed, within 30 days from the i) receipt of communication of the decision of the Competent Authority or the respective Committee, as the case may be, or ii) on the expiry of stipulated time limit specified in section 16, in the prescribed manner.
- (2) The Appellate Authority shall after following such procedure as may be prescribed, dispose of the appeal within a period of 30 days from the date of its receipt, by either rejecting the appeal or taking remedial action prescribed under this Act, including imposition of penalty as per the provisions of section 27 of this Act.
- (3) The designated official of the Competent Authority or the Applicant aggrieved by any order of the Appellate Authority may make an application for review within 30 days of date of receipt of such order to the Reviewing Authority, as prescribed under this Act and in accordance with the procedure outlined in the Rules under this Act.

26. Offences by Companies etc :-

- (1) Any applicant who fails to comply with the conditions or undertaking in the self certification given to the Nodal Agency or other department or authorities shall be punishable with fine to be notified by the Government from time to time for the first offence and for the second or subsequent offences with a higher level of fine to be notified by the Government from time to time. The penalty so imposed will be in addition to any other recourse which may be available under the applicable regulations.

(2) Where an offence under this Act is committed by a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against as prescribed under the Act; Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against as prescribed under the Act. Explanation:- For the purpose of this section:-

- a). "Company" means any Body Corporate and includes a firm or other association of individuals; and
- b). "Director" in relation to a firm means a partner in the firm.

27. Penalty for NonProvision or Delayed Services :-

(1) Every Competent Authority should identify designated official(s) for processing of individual applications received in accordance with the Rules prescribed under this Act.

(2) All grievances received by the Nodal Agency should be initially examined by the respective Committee and where the Committee is of the opinion that the designated officer(s) in the Competent Authority has failed to meet committed service levels without sufficient and reasonable cause, a penalty may be imposed on the designated officer(s) in accordance with the Rules prescribed under this Act. Provided that the designated officer(s) of the Competent Authority shall be given a reasonable opportunity of being heard before any penalty is imposed.

(3) Any penalty as imposed under sub-section (2) above shall be collected in the prescribed manner and shall be over and above any other recourse available to the Government or the Competent Authority under applicable Service Rules.

28. Protection of action taken in good faith :-

No suit, prosecution or legal proceedings shall be instituted against, or damage claimed from, the State Board or the respective Committees or any employee of the Government acting under the direction of such Board or Committee, for any action, which is in good faith, carried out or intended to be carried out, or for any order passed in good faith, in pursuance of this Act and the Rules framed thereunder.

29. Act to override other Laws :-

Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

30. Powers to remove doubts or difficulties :-

If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

31. Powers to give directions :-

The Government may, from time to time, issue to the State Committee or the District Committees such general or special directions of policy as they may deem necessary or expedient for the purpose of carrying out the objects of this Act and the said State Committee or the District Committees, as the case may be, shall be bound to follow and act upon such directions.

32. Power to make rules :-

(1) The Government may by notification make rules for carrying out all or any of the purposes of this Act.

(2) 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 for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expire of session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making

any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. Repeal :-

The Andhra Pradesh Industrial Single Window Clearance Act, 2002 is hereby repealed.