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## **Punjab Industrial Facilitation Rules, 2008**

**[27 June 2008]**

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## **Punjab Industrial Facilitation Rules, 2008**

**[27 June 2008]**

In exercise of the powers conferred by section 28 of the Punjab Industrial Facilitation Act, 2005 (Punjab Act No. 23 of 2005), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for laying down the procedure for disposal of applications for clearances and prescribing fee and conditions for giving concession to industrial undertakings or group of industrial undertakings, namely:-

### **1. Short Title And Commencement :-**

(1) These rules may be called the Punjab Industrial Facilitation Rules, 2008.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

## **2. Definitions :-**

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Punjab Industrial Facilitation Act, 2005;

(b) "concession" means the facility or incentive, given by the State Government to an industrial undertaking or group of industrial undertakings;

(c) "form" means a form, appended to these rules;

(d) "High" Level Committee" means a Committee, constituted under sub-rule (1) of rule 7 of these rules;

(e) "Register of applications" means a Register, specified in form III; and

(f) "Screening Committee" means a committee, constituted under sub-rule (3) of rule 7 of these rules.

(2) The words and expressions used in these rules, but not defined therein, shall have the same meanings, as assigned to them in the Act.

## **3. Application Form And Fee For Clearance :-**

(1) Any applicant, who desires to set up an industrial undertaking in the State of Punjab, shall apply in form-I alongwith a fee of rupees one thousand to the Nodal Agency.

(2) The fee, prescribed under sub-rule (1), shall be in addition to the fee, if any, prescribed under any Central law by any authority or department, and shall be submitted alongwith the form, prescribed by any such authority under that law.

(3) After the receipt of application for clearances, the authorised representative of the Nodal Agency, shall satisfy himself that the application given by the applicant, is complete in all respect. If it is so, he shall give an acknowledgement in token of the receipt of the application in form II.

## **4. Procedure For Disposal :-**

(1) After an acknowledgement is given under sub-rule (3) of rule 3 by the authorized representative of the Nodal Agency, he shall enter the application for clearances in the register of applications, as provided in form III. The register of applications shall be checked up and certified to be correct by the Head of the Nodal

Agency at the end of each working day.

(2) The relevant parts of the application form shall be sent to the concerned Competent Authority within a period of three working days from the date of its submission.

(3) The concerned Competent Authority shall process application form and communicate its decision to the Nodal Agency within the period, specified in this regard by the Nodal Agency.

(4) Before communicating its decision, if the Competent Authority deems it necessary to ask for any additional information from the applicant, it may seek the same within a period of seven days after the receipt of application for clearances under intimation to the Nodal Agency.

(5) The additional information, sought under sub-rule (4), shall be furnished by the applicant direct to the Competent Authority under intimation to the Nodal Agency within the period, specified in this regard by the competent authority. However, such additional information would be sought once only, and not time and again in piecemeal.

(6) In the case of seeking any additional information, the period, specified for communicating the decision by the competent authority to Nodal Agency, shall be counted from the date of receipt of additional information.

(7) In case, it is found by the Nodal Agency that the additional information, sought by the Competent Authority, is uncalled for or the same is sought after the expiry of the period, specified under sub-rule (4), then it shall be construed that the additional information was not required at all, and the period for communicating the decision in this regard, shall be reckoned from the date, the application for clearances was originally submitted.

(8) While communicating the decision on the application for clearances,

priority shall be given to the cases of Non Resident Indians.

Explanation:- For the purpose of this sub-rule, the expression "Non resident Indian" shall mean a person of Indian origin, who is either permanently or temporarily settled outside India or for carrying on a business or vocation outside India or for any other purpose in such circumstances, as would indicate his intention to stay outside India for an uncertain period.

(9) The status report of the applications for clearances shall be placed before the District Committee and the Empowered Committee by the respective Nodal Agencies.

(10) The District Committee or the Empowered Committee, as the

case may be, shall respectively, communicate its decision of approval or rejection in form IV.

(11) The status report of the applications for clearances shall be monitored by the District Committee or the Empowered Committee once in a month.

(12) The applications for clearances, directly received by the competent authority upto the last day of a month, shall be sent by it to the concerned Nodal Agency by the fifth day of the following month.

(13) The status report of the applications, referred to in sub-rule (12), shall be placed before the District Committee or the Empowered Committee, as the case may be, by the concerned Nodal Agency for review.

#### **5. Delay In Processing The Applications For Clearance :-**

(1) In case, it comes to the notice of the Empowered Committee or the State Board, as the case may be, that any officer or official of the concerned Competent Authority has delayed in disposing of the application for clearances without any reasonable ground or on any frivolous or malicious ground, it may pass an appropriate order in this regard for initiating departmental proceedings against such officer or official by the concerned Competent Authority and for taking disciplinary action under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 or any other relevant rules.

(2) After an order is passed under sub-rule (1), the concerned Competent Authority shall initiate disciplinary proceedings against the delinquent officer or official within a period of fifteen days from the date of receipt of the order, passed under sub-rule (1).

#### **6. Appointment Of A Nodal Officer :-**

With a view to furnish information on any matter relating thereto, every competent authority shall appoint a Nodal Officer at its Head Office.

#### **7. Conditions For Giving Concession To Industrial Undertaking Or Group Of Industrial Undertakings :-**

(1) The State Government shall constitute a High Level Committee, consisting of such members, as may be determined by it.

(2) The Chairman of the committee shall be the Chief Minister of Punjab.

- (3) The High Level committee, referred to in sub-rule (1), shall be assisted by the Screening committee, to be constituted by the State Government.
- (4) The Screening Committee shall consist of such members, as may be determined by the State Government.
- (5) The Chief Secretary shall be the Chairman of the Screening Committee.
- (6) For seeking concession under these rules, an industrial undertaking or group of industrial undertaking shall submit its application in form V to the State Level Nodal Agency.
- (7) The State Level Nodal Agency shall send applications, received under sub-rule (6), to the concerned Competent Authority within a period of seven days from the date of receipt of applications for its comments.
- (8) The concerned Competent Authority shall send its comments within a period of fifteen days from the date of receipt of applications.
- (9) The applications alongwith comments, if any, shall be placed before the Screening Committee for its consideration.
- (10) If after considering the applications, the Screening Committee comes to the conclusion that an industrial undertaking or group of industrial undertakings, deserves concession, it shall make recommendation to the High Level Committee, accordingly.
- (11) After a approval is accorded by the High Level Committee, its decision alongwith the details of the concession, granted, shall be conveyed by the State Level Nodal Agency to the applicant by issuing a letter of intent specifying therein, the terms and conditions for such concession, and the draft of agreement, to be signed by him.
- (12) The applicant shall convey his concurrence, and fulfil the conditions, imposed in the letter of intent within a period of six months after its receipt, and shall also sign an agreement within that period. If he fails to fulfil any of the conditions, specified in the letter of intent, and to execute the agreement within the stipulated period, the letter of intent shall be deemed to have automatically been cancelled, unless the stipulated period is extended by the State Government for a further period of six months.
- (13) In case, the conditions imposed in the letter of intent are fulfilled, and the agreement is executed within the stipulated

period, the same shall be sent to all the concerned Competent Authorities for issuing necessary orders or notifications in respect of the grant of concession.

(14) The Screening Committee shall review the status of decision of the grant of concession, granted to an industrial undertaking or group of industrial undertakings.

## **8. Recovery Of Concession :-**

(1) In case any industrial undertaking or group of industrial undertaking contravenes any of the conditions of the letter of intent or agreement, under which the concession was granted to it, the amount of the concession so granted, shall be recovered as arrear of land revenue alongwith interest at the rate of twelve per cent per annum, However, no recovery under this sub-rule shall be made, unless an order in this regard is passed by the Director of Industries and Commerce.

(2) Before passing an order, referred to in sub-rule (1), the Director of Industries and commerce shall give an opportunity of being heard to the defaulting industrial undertaking or group of industrial undertakings.

## **9. Appeal :-**

An industrial undertaking or group of industrial undertakings, aggrieved by an order of recovery, passed under sub-rule (1) of rule 8, may, within a period of thirty days from the date of receipt of the order, prefer an appeal to the Principal Secretary to Government of Punjab, Department of Industries and Commerce.

## **10. Interpretation :-**

If any question arises as to the interpretation of these rules, the State Government shall decide the same.

### **FORM 1**

Form I

(See rule 3(1))

Combined application form

Composite application for environmental/site clearance and

Power connection

To

The Chief Coordinator, Tel.: 0172-2715270

Udyog Sahayak, Fax: 0172-2776992

Directorate of Industries & Commerce,

Punjab, e-mail: udyogsahayak@rediffmail.com

Udyog Bhawan,  
18 Himalaya Marg, Sector 17,  
Chandigarh-160017 (India)

Sir,

I enclose, herewith my application for seeking requisite approval(s) of our  
project .....

I hereby certify that the particulars given in this application and attached  
Annexure(s) are true and correct to the best of my knowledge and belief and that  
no material facts have been concealed.

Yours faithfully,

Date: Signature.....

Name.....

1. Other specified application form for grant of approval from Pollution Control  
Board/Punjab State Electricity Board/Any other department of the State  
Government, which are specified in this behalf from time to time.

2. List of Enclosures:-

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

## FORM 2

Form II

[See rule 3(3)]

Form of Receipt

Received the Combined Application Form No..... in District  
/

State level Single window Clearance Authority in complete shape containing  
..... pages for obtaining / according clearance(s) list below, for  
establishment / operation of ..... by M/s.

Place: Date:

Authorized representative of the Statutory Authority along with Official seal

List of Clearances applied for:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

## FORM 3

Form III

[See rule 4(I)]

Register of Applications

Sr. No.	Name of Industry	Name of the	Items Or	Date of Receipt	Details of Clearances	Expected Date for	Signature on behalf
	&	Promoter	Product		Applied for	Grant of	of the
	Location	&Detailed Address				Clearances	Promoter
1	2	3	4	5	6	7	8
1.							

2.							
3.							
4.							
5.							

Member Secretary District / State Nodal Agency For District / State level Authority

FORM 4

Form IV

[See rule 4(10)]

Proforma for communicating decision of the district level/

Empowered committee

To

.....

.....

.....

Sub: Approval / rejection of proposal

The proposal received vide serial No for manufacturing /

rendering services, as indicated below, has been approved / rejected (reasons for rejection to be indicated).

SI

Items of Products / Services Quantity

Value

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

(To be filled in for rejected cases) Reasons for rejection

1.

2.

3.

4.

5.

Place:

Date:

Signature of the Competent Authority along with official seal

Name.....

Designation.....

FORM 5

Form V

[See rule 7(6)]

Application for Approval of Mega Projects

1. Name of the applicant

2. Full address and Telephone Numbers including Mobile Phone

3. Whether applicant is public/private/ proprietorship company/ firm (Please attach proof).

4. Background and Experience of Applicant (attach details)



5. Proposed project (Manufacturing/Multiplex/Industrial Park/Hotel/Agriculture/Housing)
6. In case of Manufacturing and Agriculture, whether new or expansion
7. Location of the project:
  - (i) Village/Block/Tehsil/District
  - (ii) Khasra No/Hadbast No.
  - (iii) Size of Plot in Acres/sq. meters
  - (iv) Frontage of Plot/Site.
  - (v) Road Width.
8. Proposed Fixed Capital Investment
  - (i) Land
  - (ii) Building
  - (iii) Plant and Machinery
9. Means of Finance
10. Employment likely to be generated
11. Implementation schedule
12. Project Synopsis (To be attached)
13. Name and complete address of the person to be contacted with land line and Mobile Phones.
14. Details of concessions sought
15. (a) Whether any equity participation/  
term loan has been availed for any earlier units of the applicant from PSIDC/PFC.  
(b) If so, is there any default in buyback/repayment -, Give details, thereof.
16. Any other information

(Name and Signature of Applicant)

Note: Number of copies to be submitted

- (i) Manufacturing Projects/Agriculture 7 copies
- (ii) Multiplex/Hotel/Industrial Park 15 copies
- (iii) Housing Projects 15 copies

Date: 12th June, 2008 S.S. Channy

Place: Chandigarh Principal Secretary to Government of Punjab,  
Department of Industries and Commerce.

Endst. No. No. US/CO(PSEB)/2008-09/845 Dated:27.6.08

Two copies are forwarded to the Controller, Printing & Stationery, Punjab, Chandigarh for publication of this notification in the Extra Ordinary Gazette of the State Government and supply 100 spare copies thereof to this Department for record.

Sd/-

Addl. Secretary to Government of Punjab, Department of Industries & Commerce.

Endst. No. US/CO(PSEB)/2008-09/846 Dated:27.6.08

A copy is forwarded to the Director of Industries & Commerce, Punjab, Chandigarh for information and necessary action. Copies of the notification may also be sent to all concerned.

Sd/-

Addl. Secretary to Government of Punjab, Department of Industries & Commerce.

Endst. No. US/CO(PSEB)/2008-09/847 Dated:27.6.08

A copy is forwarded to the Accountant General, Punjab (Audit Section) for information and necessary action.

Sd/-

Addl. Secretary to Government of Punjab, Department of Industries & Commerce.

Endst. No. Dated:

Copy of the above is forwarded to the following for information and necessary

action: -

1. Principal Secretary, Department of Health & Family Welfare, Punjab
2. Financial Commissioner, Department of Excise & Taxation, Punjab.
3. Principal Secretary, Department of Finance, Punjab
4. Principal Secretary, Department of Labour, Punjab
5. Principal Secretary, Department of Local Government, Punjab
6. Financial Commissioner, Department of Forest & Wild Life, Punjab
7. Secretary, Department of PWD(B&R), Punjab
8. Secretary, Department of Housing and Urban Development, Punjab
9. Secretary, Department of Power, Punjab
10. Secretary, Department of Irrigation, Punjab
11. Secretary, Department of Science, Technology & Environment, Punjab
12. Secretary, Department of Public Health, Punjab
13. Chairman, Punjab State Electricity Board, The Mall, Patiala
14. Chairman, Punjab Pollution Control Board, Nabha Road, Patiala

Sd/-

Chief Coordinator,

Department of Industries & Commerce, Punjab