



The Maharashtra Industry, Trade and Investment Facilitation Act, 2023

Act No. 34 of 2023

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ४८]

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असाधारण क्रमांक ८५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Industry, Trade and Investment Facilitation Act, 2023 (Mah. Act No. XXXIV of 2023) is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2023.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th August 2023)

An Act to create an effective Single Window System for delivery of services related to issuing of permissions required for establishing and operating industries ; to enhance State's competitiveness on trade and investments; to develop an ecosystem to ensure Ease of Doing Business including grievance redressal mechanism in the State; and to develop and maintain a portal for providing all necessary information required for investment in the State of Maharashtra and for the matters connected therewith or incidental thereto.

WHEREAS it is expedient to enact a law to create an effective Single Window System for delivery of services related to issuing of permissions required for establishing and operating industries ; to enhance State's competitiveness on trade and for investments; to develop an ecosystem to ensure Ease of Doing Business including grievance redressal mechanism in the State ;

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and to develop and maintain a portal for providing all necessary information required for investment in the State of Maharashtra and for the matters connected therewith or incidental thereto ;

WHEREAS, both Houses of the State Legislature were not in session ;

AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes aforesaid and, therefore, promulgated the Maharashtra Industry, Trade and Investment Facilitation Ordinance, 2023 on the 3rd July 2023 ;

Mah.
Ord. IV
of 2023.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-fourth Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Industry, Trade and Investment Facilitation Act, 2023.

(2) It shall be deemed to have come into force on the 3rd July 2023.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Competent Authority” means any officer or authority, of any Department or agency of the Government, Local Authority, State owned Corporation or any other authority or agency constituted or established under any Act or rules or under administrative control of the Government, competent to issue permissions for setting up or operating an industrial undertaking in the State, including any officer or authority of statutory licensees providing utilities to industrial undertakings ;

(b) “Empowered Committee” means the Empowered Committee constituted under section 6 ;

(c) “entrepreneur” means a person or body of persons or a company, having majority investment or controlling interest in an industrial undertaking ;

(d) “Government” means the Government of Maharashtra ;

(e) “industrial undertaking” means an undertaking engaged in manufacturing or processing or both or providing service or doing any other business or commercial activity as may be specified by the State Government ;

(f) “investor” means any person who invests capital in the State in any new industrial undertaking or in any existing industrial undertaking for expanding, modernizing or diversifying with the intent of securing income or profit;

(g) “Nodal Agency” means the Nodal Agency declared under section 14 ;

(h) “permission” means any approval, no-objection certificate, clearance, allotment, consent, registration, enrolment, license or the like, by any Competent Authority in connection with the setting up or operating an industrial undertaking in the State and includes all such permissions as are required under any relevant law ;

(i) “prescribed” means prescribed by rules made under this Act ;

(j) “relevant law” means any Act, rules, regulations or any other statutory instrument which is relevant for setting up or operating an industrial undertaking in the State ;

(k) "Secretary" includes the Principal Secretary or the Additional Chief Secretary to the Government ;

(l) "Single Window System" means the Single Window state-level web-enabled online portal or platform meant for submission and processing of applications for permissions required by an industrial undertaking ;

(m) "specified time limit" means the time limit specified under the Maharashtra Right to Public Services Act, 2015 or any other relevant law within which it is mandatory to process and dispose off the applications for permissions ;

(n) "State" means the State of Maharashtra ;

(o) "Supervisory Committee" means the Supervisory Committee constituted under section 10.

3. (1) An entrepreneur or investor or any other person duly authorised by entrepreneur or investor, desiring to set up a new industrial undertaking or continuing operation of an existing industrial undertaking in the State, may make an application to obtain such permissions required therefor under the relevant law as the State Government may by notification in the *Official Gazette* specify, in electronic form, through the Single Window System. Filing of application.

(2) Any such application under sub-section (1) shall be accompanied by such processing fees, as may be prescribed.

4. (1) The Competent Authority shall, on receipt of an application made under sub-section (1) of section 3 through the Single Window System, take necessary action as per the provisions of the relevant law. Disposal of application.

(2) The Competent Authority may obtain additional information from the applicant, if required, for disposal of such application within specified time limit.

(3) The Competent Authority shall take decision on such application within the specified time limit. If such application is rejected, the Competent Authority shall specify the reasons for such rejection.

5. (1) Notwithstanding anything contained in relevant law, if the Competent Authority fails to dispose off an application within specified time limit, then the Nodal Agency shall transfer such application to the Empowered Committee for taking necessary action under the relevant law: Transfer of application.

Provided that, only those applications, for which the powers for disposal of applications under the relevant law are conferred on the competent authorities under the State Government, shall be transferred to the Empowered Committee.

(2) On transfer of the application under sub-section (1) to the Empowered Committee, the Competent Authority shall cease to have the powers to deal with such application under the relevant law.

(3) The Empowered Committee shall dispose off such application as per the provisions of the relevant law.

Constitution
of Empowered
Committee.

6. (1) There shall be Empowered Committee consisting of Development Commissioner (Industries), Government of Maharashtra, as a Chairman and such other members, as may be prescribed.

(2) The Empowered Committee shall meet at such times and at such places and shall adopt such procedure to transact its business, as may be prescribed.

Powers of
Empowered
Committee.

7. The Empowered Committee shall have the following powers, namely :—

(a) to consider and dispose off applications for permission under any relevant law in cases where the Competent Authority has failed to process and dispose off such applications, within the specified time limit;

(b) to invite any officer or expert as it deems necessary, to participate in the meetings of the Empowered Committee;

(c) to ask for reason for delay in disposal of application or rejection of application and to call for necessary information and to require personal appearance of concerned Competent Authority;

(d) to appoint any officer to inquire into the reason for delay in disposal of applications by the Competent Authority or the grievances raised by the applicant ;

(e) such other powers as may be prescribed.

Functions of
Empowered
Committee.

8. (1) The Empowered Committee shall perform the following functions, namely :—

(a) to supervise the work of Nodal Agency and to issue necessary directions to it for meeting the objectives of this Act ;

(b) to supervise the functioning of Single Window System and review the status of all applications from time to time ;

(c) to review all applications pending beyond specified time limit and to pass appropriate orders for disposal thereof ;

(d) to formulate guidelines and Standard Operating Procedures required for an effective implementation of the Single Window System ;

(e) to give directions to the concerned Departments and authorities for online enablement of Government services and their integration with the Single Window System ;

(f) to make policy recommendations to the Supervisory Committee as it deems appropriate and to develop an ecosystem to ensure Ease of Doing Business and to enhance investment in the State ;

(g) to entertain all grievances raised by the applicants and if found necessary, call for a report from the concerned Competent Authority ;

(h) such other functions as may be prescribed.

(2) The Empowered Committee shall submit its quarterly report to the Supervisory Committee, about its activities under this Act.

Decisions of
Empowered
Committee to
be binding.

9. Notwithstanding anything contained in any relevant law, decisions of the Empowered Committee shall be binding on applicants, authorities and all other concerned persons.

10. (1) There shall be a Supervisory Committee consisting of Secretary, Industries as the Chairman and such other members as may be prescribed. Constitution of Supervisory Committee.

(2) The Supervisory Committee shall meet at such times and at such places and shall adopt such procedure to transact its business, as may be prescribed.

11. The Supervisory Committee shall have the following powers, namely :— Powers of Supervisory Committee.

(a) to examine the proposals referred by the Empowered Committee and take a decision thereon ;

(b) to invite any officer or expert, as it deems necessary, to participate in the meetings of the Supervisory Committee ;

(c) such other powers as may be prescribed.

12. The Supervisory Committee shall perform the following functions, namely :— Functions of Supervisory Committee.

(a) to give directions to the Empowered Committee on any issues regarding Ease of Doing Business in the State ;

(b) to make policy recommendations to the concerned authorities as it deems appropriate ;

(c) to recommend disciplinary action, upon its satisfaction, in cases referred to by the Empowered Committee where the Competent Authority has failed to dispose of the application within the specified time limit or rejected the application without sufficient reason, to the concerned disciplinary authority of the Department ;

(d) such other functions as may be prescribed.

13. Notwithstanding anything contained in any relevant law, decisions of the Supervisory Committee shall be binding on applicants, authorities and all other concerned persons. Decisions of Supervisory Committee to be binding.

14. (1) The Maharashtra Industry, Trade and Investment Facilitation Cell (MAITRI) shall be the Nodal Agency for Single Window System in Maharashtra, for the purposes of this Act. Nodal Agency.

(2) The Nodal Agency may appoint or take assistance from experts from various fields such as Information Technology (IT), law, finance, economics or any other experts as may be required, from time to time.

15. Subject to the superintendence, direction and control of the Empowered Committee, for investment promotions the functions of the Nodal Agency shall be as follows :— Functions of Nodal Agency.

(a) to function in co-ordination with the Maharashtra Industrial Development Corporation for investment promotions and setting up businesses or industrial undertakings in the State;

(b) to guide and assist entrepreneurs or investors to set up industrial undertakings in the State;

(c) to place the applications of the entrepreneurs or investors before the Empowered Committee, for its decision, where the concerned Competent Authority has failed to consider and dispose off the applications within the specified time limit ;

(d) to monitor the status of applications and place the report of the status of applications before the Empowered Committee ;

(e) to assist an entrepreneur or investor in obtaining permissions from the Central Government or State Government or their statutory and other bodies ;

(f) to coordinate with various Competent Authorities for entrepreneurs' or investors' applications, integration of other websites with MAITRI and any such support as may be required for the smooth functioning of the Single Window System ;

(g) to draft guidelines and Standard Operating Procedures for new investments and to review and modify them from time to time ;

(h) to respond to queries raised by entrepreneurs or investors ;

(i) to render necessary assistance in policy formulation for industrial progress ;

(j) to promote environment friendly and technology-enabled production practices ;

(k) to prepare and issue Application Form or Combined Application Form or Common Application Form for making application through the Single Window System ;

(l) to propose, facilitate or introduce regulatory reforms for establishing industrial undertakings and their operations in the State based on user feedback with the objective of Ease of Doing Business ;

(m) to assist the entrepreneurs or investors in completing the application forms ;

(n) such other functions as may be prescribed.

Rationalization
of inspections.

16. The inspections under the provisions of relevant law by the concerned authorities shall, as far as practicable, be conducted jointly, based on random selection.

Expenses.

17. (1) The Directorate of Industries, Government of Maharashtra shall incur all expenses necessary for the purposes of this Act.

(2) The directions received from Supervisory Committee and Empowered Committee including any such directions regarding cost, expenses or financial implications, etc., shall be duly fulfilled by the Directorate of Industries by making adequate provisions in the budget.

Time limits.

18. (1) The Supervisory Committee and the Empowered Committee shall exercise their powers and discharge their functions under this Act and the rules made thereunder within such time limit as may be prescribed.

(2) The Nodal Agency or Competent Authorities or Empowered Committee shall respond to queries raised by an entrepreneur or investor or any person within such time limit as may be prescribed.

- 19.** The Nodal Agency may take such fees as may be prescribed for the services to be availed through the Single Window System. Power to levy fees.
- 20.** (1) The Nodal Agency shall design and develop a comprehensive Online Wizard Module to assist entrepreneurs or investors in identification of permissions that are required to establish, set up or operationalize industrial, commercial or business related operations in the State. Online Wizard Module.
- (2) The Wizard Module shall be equipped to accept certain inputs from the entrepreneurs or investors, such as, type of industrial undertaking, number of employees, location, etc.
- (3) The Wizard Module shall provide links to application forms for permissions and their relevant notifications that may be required by entrepreneurs or investors for information.
- (4) The concerned Department or authority shall endeavour to include all existing permissions under the Wizard Module, from time to time.
- (5) The concerned Department or authority shall provide information on additional new permission to be included as part of the Wizard Module within such time limits as may be prescribed.
- 21.** (1) The Nodal agency may make online provisions for publication of draft of any policies, rules and regulations with the feature to accept public comments or feedback on such drafts. Public consultation on draft policies, rules and regulations.
- (2) The concerned authorities may make use of the Single Window System for publication of draft policies, rules and regulations and duly consider the public comments or feedback on such policies, rules, regulations.
- (3) The concerned authorities may also display the proposed new or amended policies, rules and regulations along with the need or objectives of such policies, rules and regulations and the way by which such proposed policies, rules and regulations shall reduce burdens on business or industries.
- 22.** No agency or authority of the Government or any local authority, including any functionaries thereunder, shall disclose to any other entrepreneur or investor or to a person not duly authorized, any information forming the intellectual property of the entrepreneur or investor without the consent of such entrepreneur or investor. Confidentiality.
- 23.** The State Government may, from time to time, issue such general or special directions, to the Empowered Committee in respect of policy matters as it deems necessary or expedient for the purposes of carrying out the objectives of this Act, and the Empowered Committee shall be bound to follow and act upon such directions. Power to give directions.
- 24.** The provisions of this Act, shall apply to all investment proposals which are under consideration of the Government or any of its agency, authorities or undertakings on the date of commencement of this Act, if the concerned entrepreneur or investor so opts by submitting an application through the Single Window System. Transitional provisions.
- 25.** Save as otherwise provided in this Act, the provisions of this Act or the rules made thereunder shall have overriding effect, notwithstanding anything to the contrary contained in any law of the State for the time being in force. Overriding effect.

Protection of
action taken
in good faith.

26. No suit, prosecution or legal proceedings shall lie against the Chairman or other members of the Supervisory Committee or Empowered Committee or any employee of the Government acting under the direction of such committee in respect of anything which is, in good faith, done or intended to be done under this Act or any rules made thereunder.

Power to
make rules.

27. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to
remove
difficulty.

28. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of
Mah. Ord. IV
of 2023 and
saving.

29. (1) The Maharashtra Industry, Trade and Investment Facilitation Ordinance, 2023, is hereby repealed.

Mah.
Ord. IV
of 2023.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.