



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA INVESTMENT PROMOTION AND  
FACILITATION OF SINGLE WINDOW  
CLEARANCE (AMENDMENT) BILL, 2024**

(Bill No. 28 of 2024)

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(As introduced in the Legislative Assembly of the State of Goa)

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**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
AUGUST, 2024**

**The Goa Investment Promotion and  
Facilitation of Single Window Clearance  
(Amendment) Bill, 2024**

(Bill No. 28 of 2024)

A

BILL

5        *to amend the Goa Investment Promotion and  
Facilitation of Single Window Clearance Act,  
2021 (Goa Act 19 of 2021).*

BE it enacted by the Legislative Assembly of Goa  
in the Seventy-fifth Year of the Republic of India  
as follows:—

10        **1. Short title and commencement.**— (1) This  
Act may be called the Goa Investment Promotion  
and Facilitation of Single Window Clearance  
(Amendment) Act, 2024.

15        (2) It shall come into force on such date as the  
Government may, by Notification in the Official  
Gazette, appoint.

20        **2. Amendment of section 2.**— In section 2 of  
the Goa Investment Promotion and Facilitation of  
Single Window Clearance Act, 2021 (Goa Act 19  
of 2021) (hereinafter referred to as the “principal  
Act”),—

(i) for clause (1), the following clause shall  
be substituted, namely:—

25        “(1) “in principle approval” means a  
general approval to an investment proposal  
by the Board, for facilitation purposes only,

which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws or the Planning, Development and Construction Committee, as the case may be;”;

(ii) after clause (w), the following clause shall be inserted, namely:—

“(x) “Special Project” means project approved by the Goa Investment Promotion and Facilitation Board with the plot area requirement exceeding 3000 sq. mts..”.

**3. Amendment of section 4.**— In section 4 of the principal Act, for clause (xii), the following clause shall be substituted, namely:—

“(xii) The Presidents/Chairpersons of,— (a) Goa Chamber of Commerce and Industry (GCCCI), (b) the Goa State Industries Association (GSIA), (c) Confederation of Indian Industry, Goa State Council (CII), (d) Travel and Tourism Association of Goa (TTAG) and (e) Goa Technology Association (GTA)— Five Members;”.

**4. Amendment of section 5.**— In section 5 of the principal Act,—

(i) in sub-section (1), the expression “, which meet the criteria of investment value not less than rupees five crore, excluding cost of land” shall be omitted;

(ii) sub-section (2) shall be omitted.

**5. Amendment of section 13.**— In section 13 of the principal Act, in clause (iv),—

(i) in sub-clause (a), the expression “with respect to the criteria specified in sub-section (1) of section 5 as also with reference to the proposal referred by it under sub-section (2) of section 5 to the Sub-Committee constituted under section 17” shall be omitted;

(ii) in sub-clause (b), the words “such other” shall be omitted;

(iii) for sub-clause (g), the following sub-clause shall be substituted, namely:—

“(g) forward the application of the investor, with respect to an area declared as an Investment Promotion Area, to the Planning, Development and Construction Committee for decision and disposal in terms of section 43;”.

**6. Amendment of section 14.**— In section 14 of the principal Act,—

(i) in sub-section (2), in the Explanation, the expression “, grant, approve” shall be omitted;

(ii) in sub-section (3), for the words “shall be construed”, the words “may be construed” shall be substituted;

(iii) in sub-section (5), for clause (f), the following clause shall be substituted, namely:—

“(f) review and monitor the functioning of the Committees appointed to assist the Board;”.

**7. Insertion of new sections 14A and 14B.**— After section 14 of the principal Act, the following new sections shall be inserted, namely:—

**“14A. Powers of Board to issue directions to local authorities.**— Notwithstanding anything contained in any other State law in force, or in any licence or permit, if the Board is satisfied that the setting up of a project by the Investor outside an Investment Promotion Area is impeded by a local authority’s refusal or delay to grant or insistence on conditions which the Board considers unreasonable for the grant of, any amenity, the Board may direct the local authority to grant the said amenity on such conditions as it may consider fit; and thereupon the amenity shall be granted.

Explanation:— For the purpose of this section the term ‘amenity’ shall include roads, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this section.”.

**14B. Powers of Board to issue directions to the Goa Industrial Development Corporation.**— (1) Notwithstanding anything contained in any other State law for the time being in force, the Board may direct the Goa Industrial Development Corporation to allot land/plots to an Applicant out of the quota allotted to special projects as provided for in the Goa Industrial Development Corporation (Allotment, Transfer and Sub-Lease) Regulations, 2023 and if the setting up of a project by the Investor outside an Investment Promotion Area is impeded by the Goa Industrial Development Corporation’s failure to

formally allot a plot to the investor within a period of 30 days from the receipt of a direction to this effect from the Board, the Board shall have the power to call for, reasons of delay and may during its meetings call for necessary information and personal appearance of the concerned person or officer. The Board after conducting necessary enquiry may recommend to the Government to take appropriate disciplinary action against the concerned person or officer who has failed to allot the land within a period of 30 days from the receipt of a direction to this effect, if it is of the opinion that there was a wilful default or wanton negligence in delaying the allotment process.”.

**8. Omission of chapters IV and V.**— Chapters IV and V of the principal Act shall be omitted.

**9. Amendment of section 37.**— In section 37 of the principal Act,—

(i) in sub-section (2), for the words “such other officers and servants”, the expression “such other officers, staff, etc.” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The salaries, perks, allowances and all other terms and conditions of service of the officers and staff appointed under sub-sections (1) and (2) shall be as determined by regulations made by the Board under this Act.”;

(iii) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The Board may appoint officers on contract, daily wages, temporary, ad-hoc, officiating or on deputation and by transfer from any Government Department.

(5) An officer on contract basis, daily wages, temporary basis, ad-hoc basis, officiating basis, may be terminated without any notice by the Board, and an officer on deputation or transfer from any Government Department may be transferred back to the original Department without any notice by the Board.”. 5  
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**10. Amendment of section 38.**— In section 38 of the principal Act,—

(i) for sub-section (4), the following sub-section shall be substituted, namely:— 15

“(4) The Board may refer any of the application to the Committee appointed under sub-clause (b) of clause (iv) of section 13 to assist the Board.”; 20

(ii) in sub-section (5), the expression “or the Sub-Committee, as the case may be,” shall be omitted;

(iii) for sub-section (6), the following sub-section shall be substituted, namely:— 25

“(6) The Board, or the Committee constituted to assist the Board, its members or any of its authorised officials may inspect the area prior to grant of in-principle approval.”. 30

(iv) in sub-section (7), the words “or Sub-Committee” shall be omitted;

(v) in sub-section (8), the words “or the Sub-Committee” shall be omitted.

**11. Amendment of section 39.**— In section 39 of the principal Act, the expressions “or the Sub-Committee,” and “or the Sub-Committee, as the case may be,” wherever they occur, shall be omitted.

**12. Substitution of section 40.**— For section 40 of the principal Act, the following section shall be substituted, namely:—

**“40. Combined Application Form.**— The Board may specify application form as deemed fit by it notwithstanding a different application form otherwise prescribed under the relevant State laws and every Competent Authority or person or officer shall accept such application form for processing and issuing required clearance.”.

**13. Amendment of section 42.**— In section 42 of the principal Act,—

(i) in sub-section (1),—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) appoint the Planning, Development and Construction Committee or any other Committee or Officer thereof for the purpose of the assessment and recovery of any taxes when imposed as per the rates notified by the Government to that effect;”;

(b) for clause (c), the following clause shall be substituted, namely:—



“(c) declare that the provisions of any State law, subject to section 45 of this Act, or any law relating to planning and development, or change of land use or conversion or providing for control or erection of buildings or levy and collection of fees, taxes and other dues to the local authority which is in force in such Investment Promotion Area shall cease to apply and thereupon such provisions shall cease to apply thereof: 5 10

Provided that the Municipal Corporation, Municipalities and the Village Panchayats which were receiving house tax, other taxes or fees from the occupants in such Investment Promotion Area under their respective laws, shall be compensated by the Government to the extent of the last financial year’s collection of such house tax, other taxes or fees for such period as may be determined by the Government which shall not be less than five years;” 15 20

(ii) in sub-section (2), for the words “one month”, the words “fifteen days” shall be substituted. 25

**14. Substitution of section 43.**— For section 43 of the principal Act, the following section shall be substituted, namely:—

**“43. Constitution and Powers of the Planning, Development and Construction Committee.**— (1) The Government may, by notification in the Official Gazette, constitute a Committee by the name, Planning, Development and Construction Committee consisting of,— 30 35

- (i) Chief Secretary— Chairperson, ex-officio;
- (ii) Secretary (Industries)— ex-officio Member;
- 5 (iii) Director, Directorate of Industries, Trade and Commerce— ex-officio Member;
- (iv) Chief Town Planner (Planning) or his nominee not below the rank of the Deputy Town Planner— ex-officio Member;
- 10 (v) Director, Directorate of Health Services or his nominee not below the rank of the Deputy Director— ex-officio Member;
- (vi) Director of Fire and Emergency Services or his nominee not below the rank of Deputy Director— ex-officio Member;
- 15 (vii) Chief Inspector of Factories and Boilers or his nominee not below the rank of the Inspector— ex-officio Member;
- (viii) Chief Electrical Engineer, Electricity Department or his nominee not below the rank of the Superintending Engineer— ex-officio Member;
- 20 (ix) Principal Chief Engineer, Public Works Department or his nominee not below the rank of the Superintending Engineer— ex-officio Member;
- 25 (x) Principal Chief Conservator of Forests— ex-officio Member;
- (xi) Member Secretary, Goa State Pollution Control Board— ex-officio Member;
- 30 (xii) Member Secretary, Goa Coastal Zone Management Authority — ex-officio Member;

(xiii) District Collector, North Goa—  
ex-officio Member;

(xiv) District Collector, South Goa—  
ex-officio Member;

(xv) Chief Executive Officer of the Board— 5  
Member Secretary.

(2) Notwithstanding anything to the contrary  
contained in any other State law for the time  
being in force, the Planning, Development and  
Construction Committee shall have the power 10  
to decide and dispose of all applications under  
the Goa Land Revenue Code, 1968 (Act 9 of  
1969), the Goa Town and Country Planning Act,  
1974 (Act 21 of 1975), or the Goa (Regulation of  
Land Development and Building Construction) 15  
Act, 2008 (Goa Act 6 of 2008) and the rules  
and regulations framed thereunder (hereinafter  
referred to as the “said Acts”) with respect to  
any area declared to be an Investment  
Promotion Area under section 42. 20

(3) The Planning, Development and  
Construction Committee with respect to any  
area declared to be an Investment Promotion  
Area under section 42, shall discharge all the  
functions which would ordinarily be 25  
discharged by the competent authorities  
appointed under the relevant State laws,  
including but not limited to the functions of,—

(i) the Collector under the Goa Land  
Revenue Code, 1968 (Act 9 of 1969); 30

(ii) the Chief Town Planner of the Town  
and Country Planning Department, in a  
non-planning area and of the Planning and

Development Authority in a planning area, under the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

5 (iii) the Competent Authority under the Goa Land Development and Building Construction Regulations, 2010;

(iv) Village Panchayat under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

10 (v) the Chief Officer under the Goa Municipalities Act, 1968 (Act No. 16 of 1968); and

(vi) the Commissioner under the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003).

15 (4) The Planning, Development and Construction Committee shall issue the formal order/permission upon deciding on an application under sub-section (2).

20 (5) The Planning, Development and Construction Committee shall consider the application under sub-section (2) in accordance with the rules notified by the Government of Goa, from time to time. The said rules shall, in addition to other details, include, the  
25 permissible FAR, FSI, setbacks to be maintained, criteria for grant of conversion sanad, Technical Clearance, etc.

30 (6) The Government shall, by Notification, specify the fee to be imposed by the Planning, Development and Construction Committee for grant of license/permission to the Applicant.”.

**15. Insertion of new section 43A.**— After section 43 of the principal Act, the following section shall be inserted, namely:—

**“43A. Meetings of the Planning, Development and Construction Committee.**— (1) The Planning, Development and Construction Committee shall meet at such time and at such place as it may determine and shall subject to the provisions of sub-section (2) observe such rules of procedure for transaction of its business as may be determined by the Government from time to time. 5 10

(2) A member who is directly or indirectly concerned or interested in any proposal or project proposed to be developed on an Investment Promotion Area, shall, at the earliest possible opportunity, disclose the nature of his interest to the Planning, Development and Construction Committee when any application pertaining to such proposal or project is discussed. 15 20

(3) The Chairperson of the Planning, Development and Construction Committee shall preside at all meetings of the Planning, Development and Construction Committee and in the absence of the Chairperson, the members present shall choose amongst themselves one of the member present to preside over the meeting. 25

(4) The quorum for meeting of the Planning, Development and Construction Committee shall be eight members. 30

(5) The Planning, Development and Construction Committee may invite a person

or expert who is not a member of the Board, as special invitee or co-opt any person as an advisor for any meeting of the Planning, Development and Construction Committee, 5 except that a person so co-opted shall have no right to vote on any matter before the Planning, Development and Construction Committee for a decision.”.

**16. Amendment of section 45.**— In section 45 10 of the principal Act, the words “or sub-committee” shall be omitted.

**17. Substitution of section 46.**— For section 46 of the principal Act, the following section shall be substituted, namely:—

15       **“46. Review of cases by the Board.**— Notwithstanding anything contained in any State law for the time being in force, the Board may, either suo moto or on a reference from any person, officer or Competent Authority or an 20 investor, examine any order/direction passed by any person, officer, Competent Authority or the Planning, Development and Construction Committee and pass appropriate orders as it deems fit and such orders shall be final and 25 binding on the Planning, Development and Construction Committee, such person, officer, the Competent Authority or an investor, as the case may be.”.

**18. Amendment of section 49.**— In section 30 49 of the principal Act, the expression “or the Sub-Committee, as the case may be,” shall be omitted.

**19. Insertion of new section 49A.**— After section 49 of the principal Act, the following section shall be inserted, namely:—

**“49A. Action for contravention of approvals and clearances.**— In the event any investor or any person acting on behalf of the Investor attempts to alienate the area declared as an Investment Promotion Area, or any part thereof, or attempts to alienate a stake in the project, or raises a project different from the project that was approved by the Board or constructs or uses the Investment Promotion Area or the land upon which the project is proposed to be set up, in contravention of the order/permission/clearance granted by the Board, Planning, Development and Construction Committee or by the Statutory Authorities, as the case may be, the Board shall initiate suitable action after giving Investor a reasonable opportunity of being heard in the matter.”.

**20. Amendment of section 51.**— In section 51 of the principal Act, the expressions “or the Sub-Committee”, “or the Sub-Committee, as the case may be” and “and the Sub-Committee”, wherever they occur, shall be omitted.

**21. Amendment of section 53.**— In section 53 of the principal Act, in sub-section (2), clause (b) shall be omitted.

**22. Amendment of section 54.**— In section 54 of the principal Act, the words “or the Sub-Committee”, wherever it occurs, shall be omitted.

**23. Amendment of section 55.**— In section 55 of the principal Act, the words “and Sub-Committee” and “or the Sub-Committee” shall be omitted.

5      **24. Amendment of section 56.**— In section 56 of the principal Act, the words “or the Sub-Committee” shall be omitted.

10      **25. Amendment of section 58.**— In section 58 of the principal Act, in sub-section (1), the words “or the Sub-Committee” shall be omitted.



## **STATEMENT OF OBJECTS AND REASON**

The Bill seeks to amend the Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021 (Goa Act 19 of 2021) so as to strengthen the powers of the Goa Investment Promotion and Facilitation Board and to facilitate ease of doing business in the State of Goa.

## **FINANCIAL MEMORANDUM**

No financial implications are involved in this Bill.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 7 of the Bill empowers the Government to issue notification for specifying a convenience to be an amenity.

Clause 14 of the Bill seeks to empower the Government to issue notification for constituting Planning, Development and Construction Committee and also for specifying the fees to be imposed by the said Committee for grant of licence/permission to the applicant.

The clause 9 (ii) of the Bill empowers the board to frame regulations in respect to salaries, perks, allowances and all other terms and conditions of service of the officers and staff appointed under sub-sections (1) and (2) of section 37.

Proposed sub-section (5) of section 43 of Bill empowers the Government to frame rules

specifying the procedure to be followed by the Planning, Development and Construction Committee for grant of license/permission to the applicant.

These delegations are of normal character.

Porvorim, Goa  
\_\_\_ August, 2024

**(Shri Mauvin Godinho)**  
Minister for Industry

Assembly Hall,  
Porvorim, Goa  
\_\_\_ August, 2024

**(Namrata Ulman)**  
Secretary to the Legislative  
Assembly

**Governor's Recommendation under  
Article 207 of the Constitution of India**

In pursuance of Article 207 of Constitution of India I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Investment Promotion and Facilitation of Single Window Clearance (Amendment) Bill, 2024 by the Legislative Assembly of Goa.

Place: Raj Bhavan      **(P. S. SREEDHARAN PILLAI)**  
Dona Paula, Goa      Governor of Goa  
26<sup>th</sup> July, 2024.

**ANNEXURE**

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**Extract of the Sections 2(1), 4(xii), 5(1), 5(2), 13(iv)(a), 13(iv)(b), 13(iv)(g), 14(2), 14(3), 14(5)(f), 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 37(2), 37(3), 38(4), 38(5), 38(6), 38(7), 38(8), 39(2), 39(3), 39(4), 40, 42(1)(b), 42(1)(c), 42(2), 43, 45, 46, 49, 51, 53(2)(b), 54, 55, 56 and 58 of “The Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021”, proposed for amendments.**

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**CHAPTER I**

Preliminary

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

(1) **“in principle approval”** means a general approval to an investment proposal by the Board for facilitation purposes only which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws;

**CHAPTER II**

Establishment and Constitution of the Board

**4. Constitution.**— The Board shall consist of,—

(xii) Five members to be nominated amongst which each by the Goa Chamber of Commerce and Industry (GCCCI), the Goa State Industries Association (GSIA), Confederation of Indian Industry (CII) Goa, Travel and Tourism Association of Goa (TTAG) and Goa Technology Association (GTA) - Members;

**5. Jurisdiction of the Board.**— (1) The Board shall be a single point contact authority for all investments made in the State except the investments which have been prohibited by the Government through a notification, **which meet the criteria of investment value not less than rupees five crore, excluding cost of land.**

(2) Projects which have investment value less than rupees five crore may be entertained by the Board and the Board may refer such proposal to the Sub-Committee constituted under section 17.

### CHAPTER III

#### Functions and Powers of the Board

**13. Functions of the Board.**— The functions of the Board shall be,—

(iv) in particular and without prejudice to the generality of the foregoing functions, to perform all or any of the following functions, namely:—

(a) approve, reject, review, cancel or revoke any investment proposal **with respect to the criteria specified in sub-section (1) of section 5 as also with reference to the proposal referred by it under sub-section (2) of section 5 to the Sub-Committee constituted under section 17;**

(b) appoint **such other** committees to assist the Board in the performance of its functions;

(g) pursuant to grant of in principle approval, examine and review any decision taken by any Competent Authority under the relevant State law;

**14. General Powers of the Board.**—

(2) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Board, with the previous sanction of the Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority under the relevant State law and such person, officer or Competent Authority shall be bound to comply with such directions.

**Explanation:** The power to issue directions under this sub-section shall be limited to a person, officer or

Competent Authority in the State and it shall include power to direct to consider, **grant, approve** a particular project with such conditions as the Board may deem fit and proper in the nature and circumstances of the case.

5 (3) Notwithstanding anything contained in any other State law, the Board shall, in case any person, officer or Competent Authority under the State law fails to process and dispose of application within the time limit specified under sub-section (1) of section 39, have the power to consider and dispose of such application under any such State law and for this purpose, reference to  
10 the person, officer or Competent Authority in such State law **shall be construed** as reference to the Board:

15 Provided that where the Board is unable to meet or otherwise unable to consider the application immediately, the Chairperson of the Board may, for reasons to be recorded in writing, decide the application and report the action taken to the Board in its next meeting and the decision of the Chairperson, on such application shall for all purposes deemed to be the decision of the Board under this sub-section.

20 (5) The Board shall have power to,-

(f) review and monitor the disposal of applications by the Sub-Committee;

#### CHAPTER IV

##### Establishment and Constitution of the Sub-Committee

25 17. **Constitution of the Sub-Committee.**— The Government may, by notification in the Official Gazette, constitute a Sub-Committee consisting of,-

(i) Minister for Industries— Chairperson.

(ii) Secretary (Industries) or his nominee— member.

30 (iii) Secretary (Environment) or his nominee— member.

(iv) Secretary (Town and Country Planning) or his nominee— member.

(v) All the members of the Board nominated under clause (xii) of section 4— members.

(vi) Chief Executive Officer of the Board— Member Secretary.

**18. Jurisdiction of the Sub-Committee.**— The Sub-Committee shall have the power to decide the proposals referred to it by the Board under sub-section (2) of section 5.

**19. Disqualification of Members of the Sub-Committee.**— A person shall be disqualified for being nominated as a member of the Sub-Committee, if he,—

(a) is an employee of the Board, not being the Chief Executive Officer; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is an undischarged insolvent; or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before he being nominated/appointed as the Chairperson or the Member of the Sub-Committee.

**20. Term of office and conditions of service of the members of the Sub-Committee.**— The Chairperson or a member shall hold office of the Sub-Committee as long as he is a Vice-Chairperson or member of the Board, as the case may be, or till the appointment is terminated by the Board.

**21. Meetings of the Sub-Committee.**— (1) The Sub-Committee shall meet at such time and at such place as it may determine and shall subject to the provisions of sub-section (2) observe such rules or procedure for transaction of its business as may be provided by regulations made under this Act. However, the Sub-Committee shall meet at least once a month.

(2) A member who is directly or indirectly concerned or interested in any proposal, arrangement, subsidy etc., shall, at the earliest possible opportunity, disclose the

nature of his interest to the Sub-Committee when any such proposal is discussed.

(3) The Chairperson of the Sub-Committee shall preside at all meetings of the Sub-Committee and in the absence of the Chairperson, the members present shall choose the presiding officer to preside over the meeting.

(4) The quorum for meeting of the Sub-Committee shall be six members.

(5) The Sub-Committee may invite a person or expert who is not a member of the Board, as special invitee or co-opt any person as an advisor for any meeting of the Sub-Committee, except that a person so co-opted shall have no right to vote on any matter before the Sub-Committee for a decision.

**22. Cessation of Member of the Sub-Committee.—**

(1) If a member,—

(a) becomes subject to any of the disqualifications mentioned in section 19, or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or

(c) is absent, without the Sub-Committee's permission, for three consecutive meetings of the Sub-Committee; or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Sub-Committee.

(2) The Board may, by an order, suspend or remove any member from his office on the ground of proved misbehaviour, incapacity or misuse of position:

Provided that a member shall not be suspended or removed unless he has been given a reasonable opportunity of being heard.



**23. Vacancies of the Sub-Committee how to be filled.**— Any vacancy of a member of the Sub-Committee shall be filled as early as practicable, in the like manner as if the appointment/nomination was being made originally.

**24. Temporary absence of members of Sub-Committee.**— If the Chairperson or any other member of the Sub-Committee is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend his duties in the circumstances not involving the cessation of his membership, the Government may appoint/nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member for whom he is acting resumes his duties:

Provided that in case of members specified in clause (v) of section 17, such temporary appointment shall be done only after receipt of nomination from the respective bodies.

**25. Proceeding of the sub-committee presumed to be good and valid.**— No disqualification of or defect in the appointment/nomination of any person acting as the Chairperson or a member of the Sub-Committee shall vitiate any act or proceedings of the Sub-Committee, if such act or proceeding is otherwise in accordance with the provisions of this Act.

## CHAPTER V

### Functions and Powers of the Sub-Committee

**26. Functions of the Sub-Committee.**— The functions of the Sub-Committee shall be,—

(i) to decide on any matters related to the approved projects including but not limited to name change, address change, change in constitution or shareholding, review, cancellation and revocation of

proposals referred to it by the Board, subject to ratification of the decision by the Board;

(ii) to evaluate investment proposals referred to it by the Board;

(iii) in particular and without prejudice to the generality of the provisions of clause (i) to,-

(a) forward the application of the investor within its jurisdiction, to the concerned person, officer or Competent Authority for processing and disposal;

(b) monitor the status of the applications;

(c) suo moto examination and review any decision taken by any person, officer or Competent Authority with respect to the proposal within the jurisdiction of the Sub-Committee.

**27. Powers of the Sub-Committee.**— (1) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Sub-Committee, with the previous sanction of the Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority and such person, officer or Competent Authority shall be bound to comply with such directions.

**Explanation:** The power to issue direction under this sub-section shall be limited to a person, officer or Competent Authority in the State and it shall include power to direct to consider, grant, approve a particular project with such conditions as the Sub-Committee may deem fit and proper in the nature and circumstances of the case.

(2) The Sub-Committee shall have the power to,-

(a) review and monitor the processing of applications by any person, officer or Competent Authority;

(b) direct any person, officer or Competent Authority for taking decision on applications pending beyond the time limit stipulated in sub-section (1) of section 39.

(3) Notwithstanding anything contained in any State law and subject to the provisions of this Act, the Sub-Committee shall in case any person, officer or the Competent Authority fails to process and dispose of any application within the time limit stipulated under sub-section (1) of section 39, place the respective case before the Board to consider and dispose of application for permission in terms of sub-section (3) of section 14.

## CHAPTER VII

### Officers and Employees of the Board

#### 37. Officers and Employees of the Board.-

(2) The Board may appoint, **such other officers and servants** sub-ordinate to the officer mentioned in sub-section (1), as it considers necessary for efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Board and their scales of pay shall be such as may be determined by regulations made under this Act.

## CHAPTER VIII

### Application to the Board.

#### 38. Application for clearance.—

(4) The Board may refer any of the application to the Sub-Committee.

(5) The Board **or the Sub-Committee, as the case may be**, may get the project evaluated prior to grant of in principle approval.

(6) The Board, Sub-Committee, its members or any of its authorised officials may inspect the area prior to grant of in principle approval.

(7) The Board **or Sub-Committee** may obtain any additional information or documents from the applicant or the Competent Authority.

(8) After grant of in principle approval, the application shall be forwarded by the Board **or the Sub-Committee** to the concerned person or officer or Competent Authority for processing and disposal within the time limit specified in sub-section (1) of section 39.

**39. Time limit for processing of applications and issue of clearances.—**

(2) On receipt of an application, the person, officer or Competent Authority, may through the Board **or the Sub-Committee**, obtain further additional information from the applicant as required, at any time before the expiry of the period stipulated for the disposal of such application with an advance copy of the same to the applicant:

Provided that the person, officer or Competent Authority shall strictly ensure that all the queries are raised together with a single letter and no query is raised separately causing delay in clearance.

(3) The applicant shall furnish the required information as expeditiously as possible to the Board **or the Sub-Committee, as the case may be**, with a copy to the concerned person or officer or Competent Authority simultaneously.

(4) The concerned person, officer or Competent Authority shall send its order sanctioning or rejecting the application, to the Board **or the Sub-Committee, as the case may be**, so that the application is disposed within the time limit specified in sub-section (1).

**40. Combined Application Form.—** The Board may specify such application form as deemed fit by it and every Competent Authority or person or officer shall

accept such application form for processing and issuing required clearance.

## CHAPTER IX

### Supplementary and Miscellaneous Provisions

#### **42. Declaration of Investment Promotion Area.—**

(1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, the Government may, by notification in the Official Gazette,-

(b) appoint the Board or Sub-Committee or any other committee or Officer thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any State law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in such Investment Promotion Area shall cease to apply and thereupon such provisions shall cease to apply thereof:

Provided that the Municipal Corporation, Municipalities and the Village Panchayats which were receiving house tax, other taxes or fees from the occupants in such Investment Promotion Area under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of such house tax, other taxes or fees for such period as may be determined by the Government which shall not be less than five years;

(2) Before publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within **one month** from the

date of publication of the proclamation in the Official Gazette.

**43. Development of areas.**— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, once a notification is issued under clause (a) of sub-section (1) of section 42 declaring any area to be an Investment Promotion Area, the Government may, by notification in the Official Gazette, appoint a Planning, Development and Construction Committee consisting of the following members, namely:—

- (i) Chief Secretary— Chairperson;
- (ii) Secretary (Industries)— Member;
- (iii) Director, Directorate of Industries, Trade and Commerce— Member;
- (iv) Chief Town Planner (Planning) or his nominee not below the rank of the Deputy Town Planner— Member;
- (v) Director, Directorate of Health Services or his nominee not below the rank of the Deputy Director — Member;
- (vi) Director of Fire and Emergency Service or his nominee not below the rank of Deputy Director— Member;
- (vii) Chief Inspector of Factories and Boilers or his nominee not below the rank of the Inspector— Member;
- (viii) Chief Electrical Engineer, Electricity Department or his nominee not below the rank of the Superintending Engineer— Member;
- (ix) Principal Chief Engineer, Public Works Department or his nominee not below the rank of the Superintending Engineer— Member;
- (x) Principal Chief Conservator of Forests— Member;

(xi) Member Secretary, Goa State Pollution Control Board— Member;

(xii) Member Secretary, Goa Coastal Zone Management Authority— Member;

(xiii) District Collector, North Goa— Member;

(xiv) District Collector, South Goa— Member;

(xv) Chief Executive Officer of the Board— Member Secretary,

to decide and dispose of all applications for change of land use/conversion, land development and building construction under the Goa Land Revenue Code, 1968 (Act 9 of 1969), the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008) and the rules and regulations framed thereunder (hereinafter referred to as the “said Acts”).

(2) The Planning, Development and Construction Committee shall discharge all the functions of,—

(i) the Collector under the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(ii) the Chief Town Planner of the Town and Country Planning Department, in a non-planning area and the Planning and Development Authority in a planning area, under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975); and

(iii) the Competent Authority under the Goa Land Development and Building Construction Regulations, 2010.

(3) The Planning, Development and Construction Committee shall have regard to the provisions of all local laws including any regional plan, outline development plan, comprehensive development plan or other plans prepared under the relevant Act as in force.

**45. Restrictions of development on certain lands.**— The Board or sub-committee shall not recommend following lands for the purpose of setting up of project or for investment promotion under this Act, namely:—

(a) a khazan land and low-lying paddy field except for the purpose of activities as permissible thereon;

(b) sloping or non-developable slope land with the gradient of more than 25%;

(c) protected forest land and wildlife sanctuaries except for the purpose of activities as permissible thereon under the Wildlife Protection Act, 1972 (Central Act 53 of 1972);

(d) land covered under the Coastal Regulatory Zone except the project which has prior approval or clearance of Goa Coastal Zone Management Authority;

(e) lands earmarked as open spaces under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(f) land under dispute where any court, tribunal, or any statutory authority has passed any injunction or granted any status quo or prohibitory orders;

(g) Tenanted agricultural land except for agricultural activities carried out by tenant/deemed purchaser.

**46. Review of cases by the Board.**— Notwithstanding anything contained in any State law for the time being in force, the Board may, either suo moto or on a reference from any person, officer or Competent Authority or an investor, examine any order passed by **the Sub-Committee** and pass appropriate orders as it deems fit and such orders shall be final and binding on **the Sub-Committee** and on such person, officer or the Competent Authority or an investor.

**49. Penalty.**— Any investor who submits false information or fails to comply with the conditions or



undertaking in the Declaration given to the Board **or the Sub-Committee, as the case may be**, shall be liable for a penalty not less than 2% but not exceeding 10%, of the investment value specified by the investor, to be imposed by the Board. The decision of the Board in this regard shall be final and binding upon the investor.

**51. Default in performance of duty.**— (1) If the Government is satisfied that the Board **or the Sub-Committee** has made a default in performing any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation by giving notice to the Board **or the Sub-Committee, as the case may be**.

(2) If, in the opinion of the Government, the Board **or the Sub-Committee** fails or neglects to perform such duty or obligation within the period so fixed for its performance it shall be lawful for the Government to dissolve and re-constitute the Board **or the Sub-Committee**.

(3) After dissolution of the Board **or the Sub-Committee** and until it is reconstituted, the powers, duties and functions of the Board **and the Sub-Committee** under this Act shall be carried on by the Government or by such officer or officers or committee of officers as may be appointed by the Government and all properties vested in the Board shall, during such period, vest in the Government.

**53. Power of Board to make regulations.**—

(2) In particular and without prejudice to the generality of foregoing power, such regulations may provide for all or any of the matters, namely:—

(b) rules and procedure for transaction of business of the Sub-Committee under sub-section (1) of section 21;

**54. Protection of action taken in good faith.**— No suit, prosecution or other legal proceedings shall lie

against the Government or any officer or any employee of the Government or the Board **or the Sub-Committee** constituted under this Act or any member, officer, or other employee of the Board **or the Sub-Committee** in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or the regulations made or orders or directions issued thereunder.

**55. Members, officers and employees of the Board or the Sub-Committee, constituted under this Act to be public servants.**— All the members of the Board **and Sub-Committee** constituted under this Act and all officers and other employees of the Board **or the Sub-Committee** when acting or purporting to be acting in pursuance of any provisions of this Act or the rules and regulations made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

**56. Bar of jurisdiction of courts.**— No Court shall entertain any suit, application or other proceeding in respect of anything done, action taken, or order or direction issued by the Government or the Board **or the Sub-Committee** or any officer in pursuance of any power conferred by or in relation to their functions under this Act.

**58. Inspection and Assistance from Authorities.**— (1) Every Competent Authority, public servant and officer of all the departments of the Government shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions and shall make available to the Board **or the Sub-Committee** for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

