



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक १(२)]

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असाधारण क्रमांक १५

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 Bill, 2023 (L. A. Bill No. IV of 2023), introduced in the Maharashtra Legislative Assembly on the 28th February 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. IV OF 2023.

A BILL

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 new 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;

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; it is hereby enacted in the Seventy-fourth Year of the Republic of India as follows :—

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Industry, Trade and Investment Facilitation Act, 2023.
- (2) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.
- 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;

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(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.

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. Constitution of Empowered Committee.

(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.

Constitution
of Supervisory
Committee.

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

(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 Investment Promotion Agency and also 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, the functions of the Nodal Agency shall be as follows :— Functions of Nodal Agency.
- (a) to function as the State's agency for Investment Promotion and setting up business 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.

Power to levy fees.

19. The Nodal Agency may take such fees as may be prescribed for the services to be availed through the Single Window System.

Online Wizard Module.

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.

(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.

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.

Protection of action taken in good faith.

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

Power to make rules.

(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.

STATEMENT OF OBJECTS AND REASONS

The role of the Government in the overall business ecosystem has changed due to rapid growth and innovation across industries and service sectors. The Government is expected to not only play the role of a regulator, but also as an business ecosystem developer.

2. In order to facilitate investments in the State, the Government of Maharashtra has, in the year 2014, set up the Maharashtra Industry, Trade and Investment Facilitation Cell (MAITRI) to redress grievances of investors. The Government of Maharashtra has, by Government Resolution, converted MAITRI as a State Single Window System.

3. In order to effectively function as a State Single Window System, MAITRI needs to be empowered with additional powers. Establishment of a robust Single Window System brings in multiple benefits. Creation of an investor and entrepreneur-first environment in the State not only drives the economy of the State as well as helps create jobs across a variety of sectors, apart from ensuring the State becomes a preferred destination for domestic and foreign investments. Hence, the Government considers it expedient to enact a new law for the purposes of creating an effective Single Window System for delivery of services related to the issuing of permissions, approvals, clearances and no-objection certificate required for establishing and operating industries under different laws.

The Government of India has also recently launched the National Single Window System (NSWS) with the objective of ensuring Ease of Doing Business across the country. MAITRI will help complement the efforts of the Central Government and the State Government in this regard by ensuring effective linkages between the Centre and the State portals.

4. The salient features of the proposed law are as follows :—

(i) to provide that MAITRI shall be the Investment Promotion Agency and Nodal Agency for Single Window System in Maharashtra State;

(ii) to provide for making an application for any permission required under relevant law electronically through Single Window System;

(iii) to provide for constitution of the Empowered Committee consisting of Development Commissioner (Industries) as a Chairman to supervise the work of MAITRI, decide and dispose off such applications which are not disposed off by the Competent Authorities within specified time limits, to resolve grievances of applicants, etc.;

(iv) to provide for constitution of the Supervisory Committee consisting of Secretary (Industries) as a Chairman to examine the proposal referred by the Empowered Committee, to give directions on any issues regarding Ease of Doing Business, to make policy recommendations to the concerned authorities, etc.;

(v) to provide that inspections under the provisions of relevant laws by Competent Authorities, shall as far as practicable be conducted jointly, based on random selection;

(vi) to provide for designing and developing of comprehensive Online Wizard Module to assist the entrepreneur or investor to set up industries in the State.

5. The State of Maharashtra through MAITRI, a Nodal Agency for Single Window System shall be able to carve out a pole position for itself in Ease of Doing Business by offering a smooth single window clearance system to all investors and entrepreneurs desiring to set up their businesses in the State of Maharashtra.

6. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 23rd February 2023.

UDAY SAMANT,
Minister for Industries.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:-

Clause 1(2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 3.—Under this clause, power is taken to the State Government,-

(a) under sub-clause (1), to specify, by notification in the *Official Gazette*, the permissions required under the relevant law for which application shall be made through the Single Window System;

(b) under sub-clause (2), to prescribe by rules the processing fees be accompanied by an application made under sub-clause (1).

Clause 6.—Under this clause, power is taken to the State Government,-

(a) under sub-clause (1), to prescribe by rules, the members of the Empowered Committee other than the Chairman thereof;

(b) under sub-clause (2), to prescribe by rules, the time and place of conducting meetings of and the procedure to be adopted to transact business of, the Empowered Committee.

Clause 7(e).—Under this clause, power is taken to the State Government to prescribe by the rules, powers of the Empowered Committee other than those specified in clause 7.

Clause 8(1)(h).—Under this clause, power is taken to the State Government to prescribe by rules, the functions of the Empowered Committee other than those specified in clause 8(1).

Clause 10.—Under this clause, power is taken to the State Government,—

(a) under sub-clause (1), to prescribe by rules, members of the Supervisory Committee other than the Chairman thereof;

(b) under sub-clause (2), to prescribe by rules, the time and place of conducting meetings of and the procedure to be adopted to transact the business of, the Supervisory Committee.

Clause 11(c).—Under this clause, power is taken to the State Government to prescribe by rules, the powers of the Supervisory Committee other than those specified in clause 11.

Clause 12(d).—Under this clause, power is taken to the State Government to prescribe by rules, the functions of the Supervisory Committee other than those specified in clause 12.

Clause 15(n).—Under this clause, power is taken to the State Government to prescribe by rules, the functions of the Nodal Agency other than those specified in clause 15.

Clause 18.—Under this clause, power is taken to the State Government,—

(a) under sub-clause (1), to prescribe by rules, the time limit to exercise the powers and discharge the functions under this Act and the rules made thereunder, by the Supervisory Committee and the Empowered Committee;

(b) under sub-clause (2), to prescribe by rules, the time limit to respond to queries raised by an entrepreneur or investor or any person, by the Nodal Agency or Competent Authorities.

Clause 19.—Under this clause, power is taken to the State Government to prescribe by rules, the fees for the services to be availed through the Single Window System.

Clause 20(5).—Under this clause, power is taken to the State Government to prescribe by the rules, the time limit to provide information on additional new permission to be included as part of the Wizard Module, by the concerned Department or Authority.

Clause 23.—Under this clause, power is taken to the State Government to issue general or special directions, to the Empowered Committee in respect of policy matters as it deems necessary or expedient for the purpose of carrying out the objectives of this Act.

Clause 27.—Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, to carryout the purposes of this Act.

Clause 28.—Under this clause, power is taken to the State Government to issue an order published in the *Official Gazette*, for removing any difficulty, which may arise in giving effect to the provisions of this Act, within a period of two years from the date of commencement.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

Clauses 3, 6, 10 and 20 of the Bill provides for filing of an application by an entrepreneur or investor in electronic form through Single Window System to set up a new industrial undertaking or continue operation of an existing industrial undertaking in the State, constitution of Empowered Committee, constitution of Supervisory Committee and to design a comprehensive Online Wizard Module by the MAITRI to assist entrepreneurs or investors in identification of permission required to establish, setup or operationalize industrial, commercial or business related operations in the State, respectively.

Thus, the Bill would involve approximately non-recurring expenditure of rupees five crores and recurring expenditure of rupees eight crores per year from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.