

PUNJAB VIDHAN SABHA

BILL NO. 6-PLA- 2021

**THE PUNJAB BUREAU OF INVESTMENT PROMOTION
(AMENDMENT) BILL, 2021**

(Bill as passed by the Punjab Vidhan Sabha)

The following Bill was passed by the Punjab Vidhan Sabha:-

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BILL

further to amend the Punjab Bureau of Investment Promotion Act, 2016, with a view to promote the ease of doing business in the State of Punjab by way of making the process of issuance of regulatory clearances time-bound, so as to boost economic growth and development, and to promote entrepreneurship and investments.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Bureau of Investment Promotion (Amendment) Act, 2021. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Bureau of Investment Promotion Act, 2016 (hereinafter referred to as the principal Act), in section 2,- Amendment in section 2 of Punjab Act 32 of 2016.
 - (i) after clause (c), the following clauses shall be inserted, namely:-
 - "(ca) "clearance" means the grant or issue of no-objection certificate, consent, allotment, approval, permission, registration, enrolment, license and the like, granted or issued by any competent authority; and
 - (cb) "competent authority" means any individual or body of individuals or agency empowered under the relevant Act or any rules, policy, guidelines framed thereunder, to issue clearance in connection with the setting up of an industrial

undertaking or enterprise or such similar establishment, or expansion of existing enterprise or industrial undertaking or running an enterprise;";

(ii) after clause (f), the following clause shall be inserted, namely:-

"(fa) "online portal" means the Single Window Portal notified by the Government for the purpose of issuing clearance;";

(iii) in clause (h), the word "and", occurring at the end, shall be omitted; and

(iv) in clause (i), for the sign ".", occurring at the end, the sign and word "; and" shall be substituted and thereafter, the following clause shall be added, namely:-

"(j) "stipulated time" means the maximum time as notified by the Government from time to time to provide clearance, or to adjudicate on any appeal presented before the Appellate Authority."

Insertion of new sections in Punjab Act 32 of 2016.

3. In the principal Act, after section 8, the following sections shall be inserted, namely:-

"8-A. Online Portal. The Government shall set-up a dedicated online portal which shall serve as a single window for all clearances, and it shall be incumbent upon all Departments of the Government to use this online portal for the purpose of deploying all clearances that are required for the purpose of establishing and carrying on business in the State of Punjab, as notified by the Government from time to time.

8-B. (1) Deemed clearance. Upon failure of the competent authority to issue clearance to any application filed on the online portal, within the stipulated time, the application shall be deemed to have been issued such clearance:

Provided that the application is complete in all respects, including the submission of requisite fees and an undertaking by the applicant to comply with all provisions of the relevant Act or any rules, policy, guidelines framed thereunder, and face penal action in case of non-compliance thereof.

(2) Notwithstanding anything contained in sub-section (1), the competent authority may, within the first seven days of the submission of the completed

application, ask for additional information from the applicant:

Provided that such request for additional information shall be made only once by the competent authority.

(3) In case the additional information furnished by the applicant to the competent authority is found to be insufficient or unsatisfactory upon scrutiny, the competent authority shall be at liberty to reject the application within the stipulated time by issuing an order in writing, giving reasons for rejecting the application:

Provided that in case no order is issued within the stipulated time by the competent authority, the application shall be deemed to have been issued clearance.

(4) The deemed clearance shall, for all intents and purposes, carry the weight of a clearance granted by the competent authority under the relevant Act or any rules, policy, guidelines framed thereunder.

8-C. (1) **Revocation of deemed clearance.** The Administrative Secretary concerned, may, through an order issued in writing, delineating the reasons thereof, revoke the deemed clearance granted under Section 8-B, within a period of six months from the grant of deemed clearance, if any submission made by the applicant in the Common Application Form or any supporting document is found to be false or fraudulent, or the applicant's business being run or established on the basis of deemed clearance issued by the Government is found to be in violation of any provision of the relevant Act or any rules, policy, guidelines framed thereunder, and such a fact is brought to the notice of the Department or agency concerned.

(2) In case of violation, action shall be initiated against the applicant by the competent authority under the relevant law:

Provided that any such action shall be initiated after an opportunity of being heard has been given to the applicant, and the orders are issued in writing by the concerned Administrative Secretary.

8-D. **Appeal Mechanism.** Any appeal regarding any grievance(s) of an applicant, in respect of the issuance or rejection or revocation of deemed clearance, shall lie with the Government of the concerned department, and all appeals shall be disposed of by passing a speaking order within thirty days from the date of filing of the appeal.

8-E. Notwithstanding anything inconsistent contained in any other law
 Overriding effect on other laws. of the State Legislature for the time being in force, covering the grant of clearance under section 8-B, or any rules, policy, guidelines framed thereunder, the provisions of this Act shall have an overriding effect.

8-F. All clearances granted under the relevant Act or any rules, policy, guidelines framed thereunder, shall automatically be renewed
 Auto renewal of clearances. on submission of an undertaking by the applicant that there is no change in the parameters against which renewal is sought and on submission of requisite fee:

Provided that such renewals shall be online, automatic and non-discretionary.

8-G. The provisions contained in section 8-B shall not debar the competent
 Inspections. authority from carrying out inspections to ensure compliance of conditions of the relevant Act or any rules, policy, guidelines framed thereunder."

CHANDIGARH:
 THE 22ND MARCH, 2021

SHASHI LAKHANPAL MISHRA,
 SECRETARY.