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EXTRAORDINARY

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LEGISLATIVE SUPPLEMENT

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PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 11th April, 2016

No. Leg.9/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 7th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 6 OF 2016**THE HARYANA ENTERPRISES PROMOTION ACT, 2016****AN****ACT**

to provide for simplification of regulatory framework and to assist the promoters in speedy implementation of industrial and other projects in the State of Haryana by providing single point time bound clearances required for setting up of enterprise under one roof and reducing the procedural requirements, rationalizing the documents and to ensure ease of doing business for the promotion of industrial development and facilitation of new investments and to provide for an investor friendly environment in the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Enterprises Promotion Act, 2016. Short title and commencement.
 (2) It shall be deemed to have come into force with effect from the 14th August, 2015.
2. In this Act, unless the context otherwise requires, - Definitions.
 - (a) “any State law” means any law made or adopted by the State Legislature;
 - (b) “authority” means any Department of the State Government or a local authority or any statutory Board, Corporation or any other authority established by the State Government and entrusted with the powers and responsibility for grant or issue of clearances in connection with the setting up of an enterprise in the State;
 - (c) “clearances” means grant or issue of no objection certificate, allotment, consent, approval, permission, registration, enrolment, licence by any authority in connection with the setting up of enterprise in the State or expansion of existing enterprise;
 - (d) “deemed clearance” means a clearance deemed to have been given on the expiry of a period specified under the rules prescribed under this Act or any State law;
 - (e) “District Level Clearance Committee” means a Committee constituted under section 8;
 - (f) “District Industries Centre” means the office of Joint Director or Deputy Director, Industries and Commerce Department, Haryana at district level;

- (g) “entrepreneur” means an entity who decides to set up an enterprise and includes (i) an individual; (ii) a Hindu undivided family; (iii) a company; (iv) a registered firm; (v) a Limited Liability Partnership as per the Limited Liability Partnership Act, 2008 (Central Act 6 of 2009); (vi) an association of persons or a body of individuals, whether incorporated or not, in India or outside India; (vii) any corporation established by or under any Central, State or Provincial Act or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013 (Central Act 18 of 2013); (viii) any body corporate incorporated by or under the laws of a country outside India; or (ix) a co-operative society registered under any law relating to co-operative society;
- (h) “Empowered Executive Committee” means the Committee constituted under section 4;
- (i) “enterprise” means an undertaking engaged in manufacturing, processing or both or providing service including software development;
- (j) “Haryana Enterprises Promotion Board” means the Board constituted under section 3;
- (k) “Haryana Enterprises Promotion Centre” means the Centre constituted under section 5 ;
- (l) “prescribed” means prescribed by the rules made under this Act;
- (m) “State” means the State of Haryana;
- (n) “State Government” means the Government of the State of Haryana.

Haryana
Enterprise
Promotion
Board.

3. (1) The State Government shall, by notification constitute the Haryana Enterprises Promotion Board under the Chairmanship of the Chief Minister and such other members, as may be prescribed.

(2) The Haryana Enterprises Promotion Board shall consist of a two tier system viz. the Empowered Executive Committee at State Level and the District Level Clearance Committee at district level for grant of project clearances.

(3) The Haryana Enterprises Promotion Board shall be the Apex body for all matters relating to the enterprise development and shall perform the following functions, namely:-

- (i) to frame the regulations and procedures for conduct of its business and allocating functions to the Empowered Executive Committee;
- (ii) to create, sanction, abolish and re-designate the posts in the Haryana Enterprises Promotion Centre and the District Industries Centres;
- (iii) to monitor, supervise and review the functioning of the Empowered Executive Committee and the District Level Clearance Committees;
- (iv) to approve any incentives, relaxations, exemptions or grant clearances on the recommendations of the Empowered Executive Committee in mega projects and ultra mega projects beyond the package of fiscal incentives under the Enterprises Promotion Policy, 2015;
- (v) to grant clearance on the recommendations of the Empowered Executive Committee and the District Level Clearance Committee, where the powers of approval are vested with the State Government;
- (vi) to approve the annual budget, accounts and reports including audit reports of the Haryana Enterprises Promotion Centre; and
- (vii) to adopt such procedure for transaction of its business, as may be prescribed.

4. (1) The State Government shall, by notification, constitute the Empowered Executive Committee for considering the projects with such investment and for grant of Change of Land Use permission for such area, as may be prescribed, under the Chairmanship of Principal Secretary to the Chief Minister and such other members, as may be prescribed. The Empowered Executive Committee shall exercise powers of authority as devolved upon it under respective Acts, rules or regulations, if any, regarding grant of clearances and incentives in time bound manner upto the stage/ date of commencement of production/ operations of project. In case any authority is unable to devolve its power to the Empowered Executive Committee, it shall delegate such powers to its officer deputed in the Empowered Executive Committee.

Empowered
Executive
Committee.

(2) The Administrative Secretary of Industries and Commerce Department shall be the Chief Executive Officer and shall perform such functions, as may be prescribed. The Managing Director, Haryana State Industrial and Infrastructure Development Corporation Limited shall be the Additional Chief Executive Officer and the Director General or Director, Industries and Commerce Department shall be the Deputy Chief Executive Officer. The office of the Empowered Executive Committee shall be located in the Directorate of Industries and Commerce, Haryana, Chandigarh. The staff of the Directorate of Industries and Commerce, Haryana, shall be suitably fortified with the deputationists from various departments to serve the Empowered Executive Committee.

(3) The Empowered Executive Committee shall work under the overall supervision and guidance of the Haryana Enterprise Promotion Board and shall perform the following functions:-

- (i) to adopt such procedure for transaction of its business, as may be prescribed;
- (ii) to process online composite application forms for grant of clearances for setting up of new projects or expansion of existing units with such proposed investments, as may be prescribed;
- (iii) to inform the entrepreneur the date on which such application may be deemed to have been approved in the case of deemed clearances;
- (iv) to review and monitor the processing of applications received by the Haryana Enterprises Promotion Centre;
- (v) to grant approvals for establishment of industrial parks in private sector;
- (vi) to act as single point agency for resolution of issues pertaining to multiple departments and settling the inter-departmental disputes of the existing industrial units;
- (vii) to carry out such other functions, as may be assigned to it by the Haryana Enterprises Promotion Board or the State Government;
- (viii) to refer any matter to Haryana Enterprises Promotion Board with its recommendations or suggestions.

(4) The Empowered Executive Committee shall be the final authority for granting clearances. The clearances given by the Committee shall be binding on the authority concerned.

(5) The Empowered Executive Committee may appoint from time to time, any sub- committee under the Chairmanship of Administrative Secretary to Government, Haryana, Industries and Commerce Department and experts from Industries or related fields as it considers necessary, to assist it in carrying out its functions and to facilitate investment in the State.

Haryana
Enterprises
Promotion Centre.

5. (1) The State Government shall constitute the Haryana Enterprises Promotion Centre with Administrative Secretary to Government, Haryana, Industries and Commerce Department as the Chief Executive Officer and consisting of such other members, as may be prescribed.

(2) The Haryana Enterprises Promotion Centre shall provide secretarial service to the Haryana Enterprises Promotion Board and the Empowered Executive Committee and shall have complete data base on availability of land, water, power, finance etc. and the Acts, rules, regulations and bye-laws of all the institutions engaged in industrial development. The Haryana Enterprises Promotion Centre shall showcase the State as an ultimate destination for investment and it shall perform the following functions, namely:-

- (i) to act as a single point contact agency under one roof to provide information and hand-holding services for venture location to prospective entrepreneurs particularly with regard to various clearances needed for implementation of the projects, availability of land and present level of infrastructure in the State and to assist entrepreneurs in submission of applications for approvals/ registration to different organizations;
- (ii) to receive applications for the allotment of industrial plot to Non-Resident Indians and foreign investors under reserved quota of Haryana State Industrial and Infrastructure Development Corporation Limited and Haryana Urban Development Authority for processing;
- (iii) to keep close liaison with offices of Ministry of Commerce and Industry, Ministry of External Affairs, Ministry of Food Processing etc. to capture the projects at the initial stage especially with regard to foreign direct investment;
- (iv) to perform any other function, as may be prescribed.

Bureau of
Industrial Policy
and Promotion.

6. (1) The Investment Promotion Centre constituted under the Haryana Industrial Promotion Act, 2005 (6 of 2006), shall be renamed as the Bureau of Industrial Policy and Promotion and shall function under the guidance of the Administrative Secretary to Government, Haryana, Industries and Commerce Department. The Director or Director General, Industries and Commerce Department shall be the Chief Executive Officer and shall have its offices at Delhi and Chandigarh.

(2) The objective of Bureau of Industrial Policy and Promotion shall be to policy outreach, continuous engagement with the industry in an ongoing basis, tracking investment proposals, investment promotion, resolving issues relating to Non-Resident Indian and foreign direct investment, hand-holding investors and converting investment queries into investment commitments.

(3) The officers not below the rank of Divisional Town Planner, Assistant General Manager, Haryana State Industrial and Infrastructure Development Corporation Limited, Environment Engineer, Assistant Director Industrial Safety and Deputy General Manager, Uttar Haryana Bijli Vitaran Nigam, Deputy General Manager, Dakshin Haryana Bijli Vitaran Nigam, Joint Director, Industries, consultants, professionals from the consultancy firms or such other officers as recommended by the Chief Executive Officer with the approval of State Government shall be part of the Bureau of Industrial Policy and Promotion.

Foreign
Investment
Promotion Board
and Non
Resident Indian
Investment Cell.

7. The State Government shall, by notification, constitute Foreign Investment Promotion Board and Non-Resident Indians Investment Cell for catalyzing foreign direct investments and non-residents investments in the State.

8. (1) The State Government shall, by notification, constitute District Level Clearance Committee under the Chairmanship of the Deputy Commissioner having such members, as may be prescribed. The authority shall delegate its power to the members of the District Level Clearance Committee for grant of clearances under its respective Acts, rules or regulations, if any, for approval of projects with such investment or for grant of Change of Land Use permission for such area, as may be prescribed.

District Level
Clearance
Committee.

(2) The District Level Clearance Committee shall perform the following functions, namely:—

- (i) to adopt such procedure for transaction of its business, as may be prescribed;
- (ii) to process online composite application forms for grant of clearances for setting up industrial units with proposed investment;
- (iii) to review and monitor the processing of applications by the District Industries Centres;
- (iv) to inform the entrepreneur the date on which such application may be deemed to have been approved in the case of deemed clearances; and
- (v) such other functions, as may be prescribed.

(3) The District Level Clearance Committee shall be the final authority to grant clearances. The clearances given by the District Level Clearance Committee shall be binding on the authority.

(4) The District Level Clearance Committee shall examine the order passed by any authority, rejecting any clearance or approving it with modification and if the District Level Clearance Committee considers that there are valid grounds for a change in such decision, it shall take a decision after recording the reasons, which shall be binding on the authority.

9. There shall be an online composite application form for the use of entrepreneurs on the web portal of the Industries and Commerce Department for receiving online composite applications forms. On receiving an application, the Haryana Enterprises Promotion Centre or the District Industries Centre shall collate, process, secure clearances from the authorities in such manner, as may be prescribed. All the processing and clearances shall be given in respect of authority through the web portal.

Online Composite
Application Form.

10. Every entrepreneur shall furnish an undertaking in such form, as may be prescribed at the time of submitting the duly completed online composite application form that he shall comply with the provisions of this Act and the rules made thereunder, and in case of non compliance of any provisions of the Act or rules made thereunder, the entrepreneur shall be liable to penalties as provided under section 15.

Undertaking.

11. (1) The Haryana Enterprises Promotion Centre and the District Industries Centre shall issue clearances within such time limit, as may be prescribed after obtaining approval of the Haryana Enterprises Promotion Board, Empowered Executive Committee or District Level Clearance Committee, as the case may be, failing which such clearances shall be deemed to have been issued.

Deemed
clearances.

(2) The entrepreneur may proceed to execute the work or take other action following the deemed clearance, but not so as to contravene any of the provisions of this Act or rules made thereunder.

12. The Industries and Commerce Department may notify industrial services relating to industrial promotion in the State under the Haryana Right to Service Act, 2014 (4 of 2014).

Notified services.

13. The State Government shall create a grievance redressal mechanism for resolving the grievances of the entrepreneurs.

Grievance
Redressal
Mechanism.

- Appellate authority. **14.** (1) Any person aggrieved by the decision of the Empowered Executive Committee may within a period of thirty days from the date of receipt of communication of the decision of the Committee, appeal to the Haryana Enterprises Promotion Board in such manner, as may be prescribed.
- (2) Any person aggrieved by the decision of the District Level Clearance Committee may within a period of thirty days from the date of receipt of communication of the decision of the Committee appeal to the Empowered Executive Committee in such manner, as may be prescribed.
- (3) The appellate authority shall after following such procedure, as may be prescribed, dispose of the appeal within the period of one month from the date of its receipt.
- Penalties. **15.** Any entrepreneur who fails to comply with the conditions of undertaking, for the first instance of non-compliance shall be liable to pay fine which shall be fifty thousand rupees and for subsequent non-compliance, shall be liable to pay fine which may extend to one lakh rupees.
- Act to over-ride other laws. **16.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other State Law.
- Power to make rules. **17.** (1) The State Government may, by notification, make rules to carry out the purposes of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session.
- Protection of action taken in good faith. **18.** No suit or legal proceedings shall lie against the Chairman of the Haryana Enterprises Promotion Board, the Empowered Executive Committee, the District Level Clearance Committee or other members of the Board or Committees or any officer or employee of such Board or Committees in respect of anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
- Power to remove difficulties. **19.** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove such difficulty.
- Repeal and savings. **20.** (1) The Haryana Industrial Promotion Act, 2005 (6 of 2006), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.



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HARYANA VIDHAN SABHA SECRETARIAT

Notification

The 4th March, 2021

No. 06-HLA of 2021/11/4656.— The Haryana Enterprises Promotion (Amendment) Bill, 2021, is hereby published for general information under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly :—

Bill No. 06-HLA of 2021

THE HARYANA ENTERPRISES PROMOTION (AMENDMENT)

BILL, 2021

A

BILL

further to amend the Haryana Enterprises Promotion Act, 2016.

Be it enacted by the Legislature of the State of Haryana in the Seventy-second Year of the Republic of India as follows :—

1. This Act may be called the Haryana Enterprises Promotion (Amendment) Act, 2021.
2. In section 2 of the Haryana Enterprises Promotion Act, 2016 (hereinafter called the principal Act),—
 - (i) after clause (b), the following clause shall be inserted, namely:—

‘(ba) “business entity” means an existing enterprise engaged in manufacturing, processing or rendering service which has been set up by an entrepreneur;’;
 - (ii) for clause (c), the following clause shall be substituted, namely:—

‘(c) “clearances” means grant or issue of no objection certificate, allotment, consent, approval, permission, registration, enrolment, license, authorization and renewal thereof by any authority in connection with setting up of enterprise or expansion of existing enterprise or business entity in the State;’;
 - (iii) for clause (i), the following clause shall be substituted, namely:—

‘(i) “enterprise” means an undertaking engaged in manufacturing, processing or both or rendering service including software development and infrastructure development projects;’;

Short title.

Amendment of
section 2 of
Haryana Act 6 of
2016.

- (iv) after clause (l), the following clause shall be inserted, namely:-
 ‘(la) “Single Window System” means a setup under single roof comprising of officials from various departments exercising powers of the concerned Head of the Department or official deputed as Empowered Officer to grant clearances to existing business entities and enterprises;’.
- Amendment of section 3 of Haryana Act 6 of 2016. **3.** In sub-section (3) of section 3 of the principal Act,-
 (i) in clause (vi), the word “and” existing at the end, shall be omitted;
 (ii) in clause (vii), for the sign “.” existing at the end, the sign “;” shall be substituted; and
 (iii) the following clause shall be added at the end, namely:-
 “(viii) to delegate any power exercisable by the Haryana Enterprise Promotion Board under this Act, to its Chairman or any other member of the Haryana Enterprise Promotion Board, subject to such conditions and limitations, as may be specified.”.
- Amendment of section 4 of Haryana Act 6 of 2016. **4.** In section 4 of the principal Act,-
 (i) in sub-section (3),-
 (a) in clause (viii), for the sign “.” existing at the end, the sign “;” shall be substituted; and
 (b) the following clause shall be added at the end, namely:-
 “(ix) to process online application forms for grant of clearances to existing business entities.”;
 (ii) after sub-section (5), the following sub-section shall be added, namely:-
 “(6) To delegate any power exercisable by the Empowered Executive Committee under this Act, to its Chairman or any other member of the Empowered Executive Committee, subject to such conditions and limitations, as may be specified.”.
- Amendment of section 5 of Haryana Act 6 of 2016. **5.** After sub-section (1) of section 5 of the principal Act, the following sub-section shall be inserted, namely:-
 “(1A) The officials on deputation from various departments shall act as Nodal Officers in Haryana Enterprise Promotion Centre. The administrative department concerned shall make provision for delegating such powers, as necessary for enabling the said officer to discharge his function as Head of Department.”.
- Amendment of section 6 of Haryana Act 6 of 2016. **6.** For sub-section (2) of section 6 of the principal Act, the following sub-section shall be substituted, namely:-
 “(2) The objective of Bureau of Industrial Policy and Promotion shall be to policy outreach, continuous engagement with the industry in an ongoing basis, tracking investment proposals, investment promotion, obtaining user feedback, resolving issues relating to Non-Resident Indian and foreign direct investment, hand-holding investors and converting investment queries into investment commitments. The working procedure shall be as notified by the State Government from time to time.”.
- Amendment of section 8 of Haryana Act 6 of 2016. **7.** In sub-section (2) of section 8 of the principal Act,-
 (i) in clause (iv), the word “and” existing at the end, shall be omitted; and
 (ii) for clause (v), the following clauses shall be substituted, namely:-
 “(v) to process online application forms for grant of clearances to existing business entities;
 (vi) such other functions, as may be prescribed.”.

8. For section 9 of the principal Act, the following section shall be substituted, namely:— Substitution of section 9 of Haryana Act 6 of 2016.
- “9. Online composite application form.— (1) There shall be an online composite application form for the use of entrepreneurs on the web portal of the Industries and Commerce Department for receiving online composite applications forms. On receiving an application, the Haryana Enterprises Promotion Centre or the District Industries Centre shall collate, process, secure clearances from the authorities in such manner, as may be prescribed. All the processing and clearances shall be given in respect of authority through the web portal.
- (2) For all clearances of business entities, online application forms shall be made available through single window on the web portal of Industries and Commerce Department. The business entities shall fill in application forms available on the web portal for grant of clearances.
- (3) From the commencement of this amendment Act, all the concerned departments within thirty days shall publish their services online along with check lists and procedures. These departments shall align the timelines for granting these clearances as notified under this Act. They shall also secure feedback of the services from the entrepreneurs availing services.”.
9. For section 11 of the principal Act, the following section shall be substituted, namely:— Substitution of section 11 of Haryana Act 6 of 2016.
- “11. Deemed clearances.— (1) The Nodal Officers in the Haryana Enterprises Promotion Centre and the District Level Clearance Committees shall decide applications within such time limit, as may be notified from time to time, after obtaining approval of the Empowered Executive Committee or the District Level Clearance Committee or the respective authorities exercising delegated powers, as the case may be, and grant clearances or reject the applications giving reasons in writing, failing which such clearances shall be deemed to have been issued by the competent authority as prescribed on the following day after expiry of the prescribed time limit.
- (2) The entrepreneur or business entity may proceed to execute the work or take other action following the deemed clearance, but not so as to contravene any of the provisions of the relevant Act or rules made thereunder.”.
10. For section 12 of the principal Act, the following section shall be substituted, namely:— Substitution of section 12 of Haryana Act 6 of 2016.
- “12. Notified services.— The Industries and Commerce Department in consultation with the concerned department, may notify various services and timelines for grant of clearances thereof relating to promotion of enterprises in the State, from time to time, under the Haryana Right to Service Act, 2014 (4 of 2014).”.
11. For section 15 of the principal Act, the following section shall be substituted, namely:— Substitution of section 15 of Haryana Act 6 of 2016.
- “15. Penalties.— (1) Any enterprise whose application for a service is rejected or is delayed beyond the prescribed time limit, may file an appeal before the Deputy Chief Executive Officer, Haryana Enterprises Promotion Centre within thirty days from the date of rejection or expiry of prescribed time limit, as the case may be:
- Provided that the Deputy Chief Executive Officer may admit the appeal after the expiry of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) On receiving such appeal, Deputy Chief Executive Officer may either himself or through the Chairman of the concerned District Level Clearance Committee to which the application pertains, or any other authority, as the case may be, call for necessary information and seek assistance in order to determine whether the application pertains to the official deputed by the concerned department in the Haryana Enterprises Promotion Centre (Nodal Officer) or the Designated Officer of the service notified by the concerned department under the Haryana Right to Service Act, 2014 (4 of 2014) within a period of ten days of receipt of such appeal. The appeal shall then be forwarded to the first appellate authority as per the procedure defined in sub-section (3).

(3) The mechanism for filing and processing of appeal and timelines for disposing off the appeals shall be such as defined in the Haryana Right to Service Act, 2014 (4 of 2014). The Designated Officer, first appellate authority and second appellate authority as required under the Haryana Right to Service Act, 2014 (4 of 2014) shall be determined as follows:

- (a) for all such cases pertaining to the official deputed by the concerned department in the Haryana Enterprises Promotion Centre, the Nodal Officer shall be considered as the Designated Officer, Chief Executive Officer shall be designated as the first appellate authority and the Chairman, Empowered Executive Committee setup under the Haryana Enterprises Promotion Act, 2016 as the second appellate authority;
- (b) for all such cases pertaining to the Designated Officer of the service notified by the concerned department, under the Haryana Right to Service Act, 2014 (4 of 2014), first appellate authority and second appellate authority shall be such as notified by the concerned department under the Haryana Right to Service Act, 2014 (4 of 2014).

(4) The mechanism and amount of the penalties to be imposed in case of any default on the part of the Nodal Officer or Designated Officer, as the case may be, shall be as per the applicable provisions under the Haryana Right to Service Act, 2014 (4 of 2014).

(5) Any entrepreneur who fails to comply with the conditions of undertaking, for the first instance of non-compliance shall be liable to pay fine which shall be fifty thousand rupees and for subsequent non-compliance, shall be liable to pay fine which may extend to one lakh rupees.”.

STATEMENT OF OBJECTS AND REASONS

The State Government had enacted Haryana Enterprises Promotion Act, 2016, and corresponding rules, to create an ecosystem in which the Ease of Doing Business in the State matches and even exceeds the best global standards to reduce delay in granting clearances/approvals to the Enterprises as well as the costs of doing business in the State. Haryana Government introduced Haryana Enterprises Promotion Centre (HEPC) as a Single Window Agency under one roof to provide guidance and hand holding services for obtaining various clearances for implementation of the projects. Invest Haryana portal of HEPC was launched for facilitating the investors to file the Common Application Form for obtaining around 150 clearances of 23 departments in a time bound manner.

The Business Reform Action Points of Govt. of India mandates the grant of clearances to existing enterprises and renewals through single window system in a specific timeframe. These action points have been expanding the scope of departments as well as clearances. The recent Business Reform Action Points require provision of punitive provisions in the service delivery framework. It has also become essential to provide for delegation of powers of Haryana Enterprise Promotion Board and Empowered Executive Committee to its Chairman or any member for facilitating quick decision making and granting deemed clearances in a time bound manner to the enterprises.

The provisions for inclusion of existing enterprises for grant of renewals of the already granted clearances, expanding scope of services and departments in ambit of single window mechanism, fixing time-lines, delegation of the powers to the Nodal Officers, obtaining user feedback from Investor and punitive provision in case of delay in delivery of service, in Haryana Enterprises Promotion Act, 2016 are required to be made for boosting Ease of Doing Business in the State. The proposed amendments will strengthen the prospects of Haryana in evaluation of State Ranking being carried out by the Department for Promotion of Industry and Internal Trade, Ministry of Industry and Commerce, Government of India. The Sections 2, 3, 4, 5, 6, 8, 9, 11, 12 and 15 of the Haryana Enterprises Promotion Act, 2016 are proposed to be amended.

DUSHYANT CHAUTALA,
Deputy Chief Minister, Haryana.

Chandigarh:
The 4th March, 2021.

R. K. NANDAL,
Secretary.

[प्राधिकृत अनुवाद]

2021 का विधेयक संख्या 6 एच.एल.ए.

हरियाणा उद्यम प्रोन्नति (संशोधन) विधेयक, 2021

हरियाणा उद्यम प्रोन्नति अधिनियम, 2016,
को आगे संशोधित करने के लिए
विधेयक

भारत गणराज्य के बहत्तरवें वर्ष में हरियाणा राज्य विधानमण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

- संक्षिप्त नाम। 1. यह अधिनियम हरियाणा उद्यम प्रोन्नति (संशोधन) अधिनियम, 2021, कहा जा सकता है।
- 2016 के हरियाणा अधिनियम 6 की धारा 2 का संशोधन। 2. हरियाणा उद्यम प्रोन्नति अधिनियम, 2016 की धारा 2 (जिसे, इसमें, इसके बाद, मूल अधिनियम कहा गया है) में,—
- (i) खण्ड (ख) के बाद, निम्नलिखित खण्ड रखा जाएगा, अर्थात् :—
'(खक) "कारबार इकाई" से अभिप्राय है, विनिर्माण, प्रसंस्करण या सेवा प्रदान करने में नियोजित कोई विद्यमान उद्यम, जो किसी उद्यमी द्वारा स्थापित किया गया है;'
- (ii) खण्ड (ग) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :—
'(ग) "समाशोधन" से अभिप्राय है, राज्य में उद्यम स्थापित करने या विद्यमान उद्यम के विस्तार या कारबार इकाई के सम्बन्ध में किसी प्राधिकरण द्वारा अनापत्ति प्रमाण—पत्र, आबंटन, सहमति, अनुमोदन, अनुज्ञा, पंजीकरण, पंजीयन, अनुज्ञप्ति, प्राधिकार तथा उसका नवीकरण प्रदान करना या जारी करना ;'
- (iii) खण्ड (झ) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :—
'(झ) "उद्यम" से अभिप्राय है, साफ्टवेयर विकास तथा अवसंरचना विकास परियोजनाओं सहित विनिर्माण, प्रसंस्करण या दोनों या सेवा प्रदान करने में नियोजित कोई उपक्रम ;'
- (iv) खण्ड (ठ) के बाद, निम्नलिखित खण्ड रखा जाएगा, अर्थात् :—
'(ठक) "एकल विंडो प्रणाली" से अभिप्राय है, एकल छत के नीचे विद्यमान कारबार इकाईयों तथा उद्यमों को समाशोधन प्रदान करने के लिए सम्बन्धित विभागाध्यक्ष की शक्तियों का प्रयोग करने वाले विभिन्न विभागों से पदधारियों या सशक्त अधिकारी के रूप में प्रतिनियुक्त अधिकारी से मिलकर बनने वाला कोई संगठन ;'
- 2016 के हरियाणा अधिनियम 6 की धारा 3 का संशोधन। 3. मूल अधिनियम की धारा 3 की उपधारा (3) में,—
- (i) खण्ड (vi) में, अन्त में विद्यमान "तथा" शब्द का लोप कर दिया जाएगा;
- (ii) खण्ड (vii) में, अन्त में विद्यमान "।" चिह्न के स्थान पर ";" चिह्न प्रतिस्थापित किया जाएगा; तथा
- (iii) अन्त में निम्नलिखित खण्ड जोड़ा जाएगा, अर्थात् :—
"(viii) हरियाणा उद्यम प्रोन्नति बोर्ड के अध्यक्ष या किसी अन्य सदस्य को ऐसी शर्तों और निर्बन्धनों, जो विनिर्दिष्ट किए जाएं, के अध्यधीन इस अधिनियम के अधीन हरियाणा उद्यम प्रोन्नति बोर्ड द्वारा प्रयोज्य किसी शक्ति का प्रत्यायोजन करना।"
- 2016 के हरियाणा अधिनियम 6 की धारा 4 का संशोधन। 4. मूल अधिनियम की धारा 4 में,—
- (i) उपधारा (3) में,—
- (क) खण्ड (viii) में, अन्त में विद्यमान "।" चिह्न के स्थान पर ";" चिह्न प्रतिस्थापित किया जाएगा; तथा
- (ख) अन्त में निम्नलिखित खण्ड जोड़ा जाएगा, अर्थात् :—
"(ix) विद्यमान कारबार इकाईयों को समाशोधन प्रदान करने के लिए आनलाईन आवेदन प्रारूपों की प्रक्रिया करना।";

- (ii) उपधारा (5) के बाद, निम्नलिखित उपधारा जोड़ी जाएगी, अर्थात् :-
 “(6) सशक्त कार्यकारी समिति के अध्यक्ष या किसी अन्य सदस्य को, ऐसी शर्तों और निर्बंधनों, जो विनिर्दिष्ट किए जाएं, के अधीन इस अधिनियम के अधीन सशक्त कार्यकारी समिति द्वारा प्रयोज्य किसी शक्ति का प्रत्यायोजन करना।”।
5. मूल अधिनियम की धारा 5 की उपधारा (1) के बाद, निम्नलिखित उपधारा रखी जाएगी, अर्थात्:-
 “(1क) विभिन्न विभागों से प्रतिनियुक्ति पर आए पदधारी, हरियाणा उद्यम प्रोन्नति बोर्ड में नोडल अधिकारी के रूप में कार्य करेंगे। सम्बन्धित प्रशासकीय विभाग, ऐसी शक्तियों, जो विभागाध्यक्ष के रूप में उसके कृत्यों के निर्वहन के लिए उक्त अधिकारी को समर्थ करने के लिए आवश्यक हों, के प्रत्यायोजन करने के लिए उपबन्ध करेगा।”।
6. मूल अधिनियम की धारा 6 की उपधारा (2) के स्थान पर, निम्नलिखित उपधारा प्रतिस्थापित की जाएगी, अर्थात् :-
 “(2) औद्योगिक नीति तथा प्रोन्नति ब्यूरो का उद्देश्य, नीति को बढ़ावा देना, उपगामी आधार पर उद्योग से निरन्तर सम्बन्ध बनाए रखना, ट्रेकिंग निवेश प्रस्तावों को बनाना, निवेश प्रोन्नत करना, अनिवासी भारतीय तथा विदेशी प्रत्यक्ष निवेश से सम्बन्धित विषयों का निराकरण करना, निवेशकों के प्रति मार्गदर्शी होना तथा निवेश शंकाओं को निवेश वचनबद्धता में परिवर्तित करना। राज्य सरकार द्वारा, समय-समय पर, कार्य प्रक्रिया अधिसूचित की जाएगी।”।
7. मूल अधिनियम की धारा 8 की उपधारा (2) में,-
 (i) खण्ड (iv) में, अन्त में विद्यमान “तथा” शब्द का लोप कर दिया जाएगा; तथा
 (ii) खण्ड (v) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किए जाएंगे, अर्थात् :-
 “(v) विद्यमान कारबार इकाईयों को समाशोधन प्रदान के लिए ऑनलाईन आवेदन प्रारूपों की प्रक्रिया करना ;
 (vi) ऐसे अन्य कृत्य, जो विहित किए जाएं।”।
8. मूल अधिनियम की धारा 9 के स्थान पर, निम्नलिखित धारा प्रतिस्थापित की जाएगी, अर्थात्:-
 “9. ऑनलाईन कम्पोजिट आवेदन प्रारूप.- (1) ऑनलाईन कम्पोजिट आवेदन प्रारूपों को प्राप्त करने के लिए उद्योग तथा वाणिज्य विभाग की वेब पोर्टल पर उद्यमियों के प्रयोग के लिए ऑनलाईन कम्पोजिट आवेदन प्रारूप होगा। आवेदन की प्राप्ति पर, हरियाणा उद्यमी प्रोन्नति केन्द्र या जिला उद्योग केन्द्र, प्राधिकरणों से ऐसी रीति, जो विहित की जाए, में समाशोधनों को एकत्रित करेगा, आगामी कार्यवाही करेगा तथा सुनिश्चित करेगा। प्राधिकार के संबंध में सभी प्रक्रियाएं तथा समाशोधन वेब पोर्टल के माध्यम से दिए जाएंगे।
 (2) कारबार के सभी समाशोधनों के लिए उद्योग तथा वाणिज्य विभाग की वेब पोर्टल पर एकल विंडो के माध्यम से ऑनलाईन आवेदन प्रारूपों को उपलब्ध करवाया जाएगा। कारबार इकाईयां समाशोधन प्रदान करने के लिए वेब पोर्टल पर उपलब्ध आवेदन प्रारूपों को भरेंगी।
 (3) इस संशोधन अधिनियम के प्रारम्भ से ही सभी सम्बद्ध विभाग, तीस दिन के भीतर, जांच सूचियां तथा प्रक्रियाओं के साथ अपनी सेवाओं को ऑनलाईन प्रकाशित करेंगे। ये विभाग इस अधिनियम के अधीन यथा अधिसूचित समाशोधन प्रदान करने के लिए समयावधि निर्धारित करेंगे। ये सेवाएं प्राप्त करने वाले उद्यमियों से सेवाओं का फीडबैक भी सुनिश्चित करेंगे।
9. मूल अधिनियम की धारा 11 के स्थान पर, निम्नलिखित धारा प्रतिस्थापित की जाएगी, अर्थात्:-
 “11. डीमड समाशोधन.- (1) हरियाणा उद्यमी प्रोन्नति केन्द्र तथा जिला स्तरीय समाशोधन समितियों में नोडल अधिकारी, प्रत्यायोजित शक्तियों का प्रयोग करने वाली सशक्त कार्यकारी समिति या जिला स्तरीय समाशोधन समिति या सम्बन्धित प्राधिकरणों, जैसी भी स्थिति हो, का अनुमोदन प्राप्त करने के बाद, ऐसी समय सीमा, जो समय-समय पर अधिसूचित की जाए, के भीतर आवेदनों का विनिश्चय करेंगे और समाशोधन प्रदान करेंगे या अभिलिखित कारण देते हुए आवेदन रद्द करेंगे, जिसमें असफल रहने पर ऐसे समाशोधन, विहित समय सीमा की समाप्ति के बाद आगामी दिन को यथा विहित सक्षम प्राधिकारी द्वारा जारी किए गए समझे जायेंगे।
 (2) उद्यमी या कारबार इकाई डीमड समाशोधन के बाद कार्य का निष्पादन या अन्य कार्यवाही कर सकती है, किन्तु यह सुसंगत अधिनियम या इसके अधीन बनाए गए नियमों के किन्हीं उपबन्धों की उल्लंघना में न हो।”।

2016 के हरियाणा अधिनियम 6 की धारा 5 का संशोधन।

2016 के हरियाणा अधिनियम 6 की धारा 6 का संशोधन।

2016 के हरियाणा अधिनियम 6 की धारा 8 का संशोधन।

2016 के हरियाणा अधिनियम 6 की धारा 9 का प्रतिस्थापन।

2016 के हरियाणा अधिनियम 6 की धारा 11 का प्रतिस्थापन।

2016 के हरियाणा
अधिनियम 6 की
धारा 12 का
प्रतिस्थापन।

10. मूल अधिनियम की धारा 12 के स्थान पर, निम्नलिखित धारा प्रतिस्थापित की जाएगी, अर्थात्:-

“12. अधिसूचित सेवाएं— उद्योग तथा वाणिज्य विभाग, सम्बद्ध विभाग के परामर्श से, हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन, समय-समय पर, राज्य में उद्यमों की प्रोन्नति से संबंधित उसके समाशोधन दिए जाने के लिए विभिन्न सेवाओं तथा समय-सीमा अधिसूचित कर सकता है।”।

2016 के हरियाणा
अधिनियम 6 की
धारा 15 का
प्रतिस्थापन।

11. मूल अधिनियम की धारा 15 के स्थान पर, निम्नलिखित धारा प्रतिस्थापित की जाएगी, अर्थात्:-

“15. शास्तियां— (1) कोई उद्यम, जिसका आवेदन किसी सेवा के लिए रद्द कर दिया गया है या विहित समय सीमा के बाद विलम्बित कर दिया गया है, रद्दकरण या विहित समय सीमा की समाप्ति, जैसी भी स्थिति हो, की तिथि से तीस दिन के भीतर, उप मुख्य कार्यकारी अधिकारी, हरियाणा उद्यमी प्रोन्नति केन्द्र के सम्मुख अपील दायर कर सकता है :

परन्तु उप मुख्य कार्यकारी अधिकारी तीस दिन की समाप्ति के बाद अपील ग्रहण कर सकता है, यदि उसकी संतुष्टि हो जाती है कि अपीलकर्ता को समय पर अपील दायर करने से पर्याप्त कारणों से रोका गया था ।

(2) ऐसी अपील की प्राप्ति पर, उप मुख्य कार्यकारी अधिकारी या तो स्वयं या सम्बद्ध जिला स्तरीय समाशोधन समिति, जिससे आवेदन संबंधित है, के अध्यक्ष या किसी अन्य प्राधिकारी, जैसी भी स्थिति हो, के माध्यम से ऐसी अपील की प्राप्ति के दस दिन की अवधि के भीतर यह अवधारित करने के लिए कि क्या आवेदन हरियाणा उद्यमी प्रोन्नति केन्द्र (नोडल अधिकारी) या हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन सम्बद्ध विभाग द्वारा अधिसूचित सेवा के पदाभिहित अधिकारी से सम्बन्धित है, आवश्यक सूचना तथा सहायता मांग सकता है । अपील इसके बाद उप-धारा (3) में परिभाषित प्रक्रिया के अनुसार प्रथम अपील प्राधिकारी को भेजी जाएगी ।

(3) अपील के दायर करने के लिए मैकेनिज्म और अपीलों के निपटान हेतु समय सीमा ऐसी होगी, जो हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) में यथा परिभाषित है। हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन यथा अपेक्षित पदाभिहित अधिकारी, प्रथम अपील प्राधिकारी तथा द्वितीय अपील प्राधिकारी निम्नलिखित अनुसार अवधारित किए जाएंगे:

(क) हरियाणा उद्यम प्रोन्नति केन्द्र में सम्बद्ध विभाग द्वारा प्रतिनियुक्त पदधारी से संबंधित सभी ऐसे मामलों के लिए, नोडल अधिकारी को पदाभिहित अधिकारी के रूप में समझा जाएगा, मुख्य कार्यकारी अधिकारी को प्रथम अपील प्राधिकारी के रूप में तथा अध्यक्ष, हरियाणा उद्यम प्रोन्नति अधिनियम, 2016 के अधीन स्थापित सशक्त कार्यकारी समिति को द्वितीय अपील प्राधिकारी के रूप में पदाभिहित किया जाएगा;

(ख) हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन सम्बद्ध विभाग द्वारा अधिसूचित सेवा के पदाभिहित अधिकारी से सम्बन्धित सभी ऐसे मामलों के लिए, हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन सम्बद्ध विभाग द्वारा यथा अधिसूचित प्रथम अपील प्राधिकारी तथा द्वितीय अपील प्राधिकारी होंगे।

(4) नोडल अधिकारी या पदाभिहित अधिकारी, जैसी भी स्थिति हो, की ओर से किसी चूक की दशा में अधिरोपित की जाने वाली शास्ति की प्रक्रिया और राशि, हरियाणा सेवा का अधिकार अधिनियम, 2014 (2014 का 4) के अधीन लागू उपबंधों के अनुसार होगी।

(5) कोई उद्यमी, जो वचनबद्धता की शर्तों की अनुपालना करने में असफल रहता है, तो प्रथम अननुपालना के लिए जुर्माने, जो पचास हजार रुपये होगा, का भुगतान करने के लिए दायी होगा तथा पश्चात्पूर्ति अननुपालना के लिए जुर्माने, जो एक लाख रुपये तक बढ़ाया जा सकता है, का भुगतान के लिए दायी होगा।

उद्देश्यों और कारणों का विवरण

राज्य सरकार ने राज्य में एक इको सिस्टम बनाने के लिए जिसमें ईज ऑफ डूइंग बिजनेस को अन्य राज्यों से मेल खाता हुआ व व्यापार शुरू करने के लिए मंजूरी प्राप्त करने में देरी को कम करने एवं लागत को, वैश्विक मानकों से भी कम करने के लिए हरियाणा उद्यम प्रोन्नति अधिनियम, 2016 व संबंधित नियम बनाये थे। हरियाणा सरकार ने परियोजनाओं के कार्यान्वयन के लिए विभिन्न मंजूरी प्राप्त करने के लिए मार्गदर्शन एवं सहायक सेवाएं एक ही छत के नीचे प्रदान करने के लिए हरियाणा एंटरप्राइजिज प्रमोशन सेंटर का गठन किया। निवेशकों की सुविधा के लिए 23 विभागों की लगभग 150 मंजूरीयां एक समयबद्ध तरीके से प्राप्त करने के लिए कॉमन एप्लीकेशन फॉर्म भरने के लिए हरियाणा उद्यम प्रोत्साहन केंद्र का इनवेस्ट हरियाणा पोर्टल शुरू किया गया।

भारत सरकार के बिजनेस रिफॉर्म एक्शन पॉइंट्स के अंतर्गत एक समयबद्ध समय सीमा में एकल खिड़की प्रणाली के माध्यम से मौजूदा उद्यमों और नवीकरण को मंजूरी प्रदान करना जरूरी है। इन एक्शन पॉइंट में विभागों के दायरे के साथ-साथ मंजूरी का भी विस्तार होता रहा है। वर्तमान बिजनेस रिफॉर्म एक्शन पॉइंट्स के अंतर्गत दंडात्मक प्रावधानों के प्रावधान की आवश्यकता है। हरियाणा उद्यम प्रोत्साहन बोर्ड और अधिकार प्राप्त कार्यकारी समिति को त्वरित निर्णय लेने और उद्यमों को समयबद्ध तरीके से डीमंड क्लीयरेंस प्रदान करने के लिए इनकी शक्तियों को अध्यक्ष एवं किसी भी सदस्य को डेलिगेट करना आवश्यक हो गया है।

हरियाणा उद्यम प्रोत्साहन अधिनियम, 2016 के अंतर्गत, पहले से ही स्वीकृत मंजूरी के नवीकरण के अनुदान के लिए मौजूदा उद्यमों को शामिल करने के प्रावधान, एकल खिड़की तंत्र के दायरे में सेवाओं और विभागों के दायरे का विस्तार, समय-सीमा को समयबद्ध करना, नोडल अधिकारियों को शक्तियां प्रदान करने, निवेशक से सेवा से सम्बंधित प्रतिक्रिया प्राप्त करना और सेवा डिलीवरी में देरी के मामले में दंडात्मक प्रावधान, राज्य में ईज ऑफ डूइंग बिजनेस को बढ़ावा देने के लिए किए जाने की आवश्यकता है। प्रस्तावित संशोधनों से उद्योग और आंतरिक व्यापार विभाग, उद्योग और वाणिज्य मंत्रालय, भारत सरकार के द्वारा किए जा रहे राज्यों की रैंकिंग के मूल्यांकन के समय में हरियाणा की संभावनाओं को सुदृढ़ करेगा। हरियाणा उद्यम प्रोत्साहन अधिनियम, 2016 की धारा 2, 3, 4, 5, 6, 8, 9, 11, 12 और 15 में संशोधन का प्रस्ताव है।

दुष्यंत चौटाला,
उप-मुख्यमंत्री, हरियाणा।

चण्डीगढ़ :
दिनांक 4 मार्च, 2021.

आर० के० नांदल,
सचिव।

PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 6th September, 2021

No. Leg.22/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 4th September, 2021 and is hereby published for general information:-

HARYANA ACT NO. 22 OF 2021**THE HARYANA ENTERPRISES PROMOTION (SECOND AMENDMENT) ACT, 2021**

AN

ACT

further to amend the Haryana Enterprises Promotion Act, 2016.

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

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. This Act may be called the Haryana Enterprises Promotion (Second Amendment) Act, 2021. 2. In section 2 of the Haryana Enterprises Promotion Act, 2016,- <ol style="list-style-type: none"> (i) after clause (k), the following clauses shall be inserted, namely:- <ol style="list-style-type: none"> ‘(ka) “medium enterprise” means the enterprise as defined under clause (g) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006); (kb) “micro enterprise” means the enterprise as defined under clause (h) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006);’; (ii) after clause (l), the following clause shall be inserted, namely:- <ol style="list-style-type: none"> ‘(ll) “small enterprise” means the enterprise as defined under clause (m) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006);’. | <p>Short title.</p> <p>Amendment of section 2 of Haryana Act 6 of 2016.</p> |
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BIMLESH TANWAR,
Administrative Secretary to Government, Haryana,
Law and Legislative Department.