

# **The Bihar State Micro and Small Enterprises Rehabilitation Act, 2008**

BIHAR

India

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### **Act 19 of 2008**

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The Bihar State Micro and Small Enterprises Rehabilitation Act, 2008 Bihar Act 19 of 2008 Published in Bihar Gazette (Extraordinary) dated 3.5.2008. Preamble. - An Act to provide for and regulate the rehabilitation of micro and small enterprises and for matters connected therewith or incidental thereto. Be it enacted by the legislature of the State of Bihar in the fifty ninth year of the Republic of India as follows:-

### **1. Short title, extent and commencement.**

(1) This Act may be called the Bihar State Micro and Small Enterprises Rehabilitation Act, 2008. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

### **2. Definition.**

- In this Act, unless the context otherwise requires- (a) "Micro and Small Enterprises" has the meaning assigned to it by clause 7(1)(a)(1) & (ii) and clause 7(i)(b)(i) & (ii) of Chapter III of the Micro, Small and Medium Enterprises Development Act, 2006 of the Republic of India. (b) "State Level Committee"- means the Committee for the rehabilitation of micro & small enterprises constituted under Section 3. (c) "Appellate authority"- means the Appellate Authority for the rehabilitation of micro & small enterprises constituted under Section 4. (d) "Chairman" means the Chairman of the State Level Committee. (e) "Member" means a member of the State Level Committee and includes the Chairman thereof. (f) "Notification" means a notification published in the Official Gazette. (g) "Prescribed" means prescribed by Rules made under this Act. (h) "Reserve Bank" means the Reserve Bank of India constituted under Section 3 of the Reserve Bank of India Act, 1934. (i) "Banks" means a bank for the time being included in Schedule II to the Reserve Bank of India Act, 1934. (j) "Sick Industry" means an industrial enterprises (being an industrial unit

registered/Memorandum filed by/to the authority notified by the State Government) declared by the State Level Committee and registered by the Director of Industries, Bihar.(k)"Financial Institution" means the Financial Institutions established by the State Government(l)"Industries Association" means Bihar Industries Association and Bihar Chamber of Commerce.

### **3. Constitution of State Level Committee.**

(1)With effect from such date as the Government, of Bihar may, by notification, appoint, there shall be constituted a "State Level Committee" under the chairmanship of Director of Industries which will exercise the jurisdiction and powers and discharge the functions and duties conferred or imposed on the committee by or under this Act.(2)The members of the committee comprise representatives from the Banks, Financial Institutions, Reserve Bank of India, Industries Association, experts and Government.(3)The nomination of the members will be decided by the State Government(4)The Committee will meet quarterly on regular basis.

### **4. Appellate Authority.**

- The Government, of Bihar may, by notification, appoint, with effect from such date as may be specified therein, an Appellate Authority for rehabilitation of micro and small Enterprises.

### **5. Provision for guidelines.**

(1)The guidelines of the Reserve Bank of India/Industrial Development Bank of India (IDBI)/Small Industry Development Bank of India (SIDBI) will be relied upon to identify sickness of the micro and small enterprises and appropriate rehabilitation package will be approved for their rehabilitation by the Committee.(2)The sick micro and small Enterprises being revived will not require sickness certificate on an annual basis, instead the revival package shall specify the period of revival of sick units.(3)The Micro and Small Enterprises declared sick by the State Level Committee would be eligible to receive reliefs and concession from banks and financial institutions as per instructions of RBI. These concessions and reliefs will be considered to be given within a definite time frame.(4)The approved rehabilitation package by the committee will be binding upon all concerned.

### **6. Appeal.**

(1)Any person aggrieved by the decision of the Committee made under this Act may, within thirty days from the date on which a copy of the decision is issued to him, prefer an appeal to the Appellate Authority.(2)On receipt of an appeal under sub-section (1), the Appellate Authority may, after giving an opportunity to the appellant to be heard, if he so desires, and after considering all aspects, confirm, modify or set aside the decision of the committee.

## **7. Penalty.**

- Whoever violates the provisions of this Act or any decision of the committee, or the appellate authority and whoever makes a false statement or gives false evidence to the committee or the appellate authority, shall be punishable with simple imprisonment for a term which may extend to one year and shall also be liable to fine.

## **8. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of the Act or the Rules, Regulations, scheme or orders made hereunder, the State Government may by order published in the Official Gazette, make such provision, not inconsistent with the provisions of the Act as appears to it to be necessary or expedient for removing the difficulty.

## **9. Power to make Regulations.**

- The Government may make Regulations, by notification in the Official Gazette, for the proper performance of their respective functions under the Act.

## **10. Power to make Rules.**

- The Government may by notification make rules for carrying out all or any of the purposes of this Act.