

West Bengal Single Window System (Management, Control and Miscellaneous Provisions) Act, 2017

WEST BENGAL

India

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Act 36 of 2017

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West Bengal Single Window System (Management, Control and Miscellaneous Provisions) Act, 2017(West Bengal Act No. 36 of 2017)An Act to make provisions for facilitating the investors in obtaining services required for setting up industries and operating business in smooth and time bound manner and to provide for any other matter connected therewith and incidental thereto.Whereas it is expedient to make provisions for facilitating the investors in obtaining services required for setting up industries and operate business in smooth and time bound manner and to provide for any other matter connected therewith and incidental thereto;it is hereby enacted as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the West Bengal Single Window System (Management, Control and Miscellaneous Provisions) Act, 2017.(2)It extends to the whole of the State of West Bengal.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Agency" means single window agency, namely, Silpa Sathi established under the aegis of the West Bengal Industrial Development Corporation which is an incorporated body under the Companies Act, 2013, to provide services required for setting up industries and operating business in the State of West Bengal through Single Window System;(b)"business" means an industrial undertaking or an enterprise or any other establishment, by whatever name called, going to be engaged or engaged in the manufacture or production of goods, or engaged in providing or rendering of any service or services;(c)"competent

authority" means any department or organization of the State Government including local bodies which are entrusted with the power and responsibilities to grant or issue clearances and/or incentives as per applicable Acts, rules, policies and schemes for setting up or commencement of operations of an enterprise in the State of West Bengal;(d)"High Powered Committee" means a High Powered Committee constituted under section 3 to manage and control the Single Window System in the State of West Bengal;(e)"investor" means any person who invests capital in any new business or in an existing business for expansion, modernization or diversification;(f)"notification" means a notification published in the Official Gazette;(g)"right to service" means right to obtain service as defined in clause (j) of section 2 of the West Bengal Right to Public Services Act, 2013;(h)"services" means grant or issue of Permissions, approvals, certificates, enrolments, registrations, licences, allotments, consents, no objection certificates and includes incentives to be granted by any competent authority to set up and operate a business;(i)"Single Window System" means a web-portal serving as a gateway for obtaining necessary services under the applicable Acts, rules, policies and schemes made thereunder from a single point in a time-bound manner;(j)"State Government" means Government of West Bengal;(k)"stipulated time limit" means maximum time to provide the service as defined in clause (m) of section 2 of the West Bengal Right to Public Services Act, 2013.

3. Constitution of High Powered Committee.

(1)The State Government shall, by notification, establish, with effect from such date as may be specified in the notification, a High powered Committee to manage and control the Single Window System in the State of West Bengal, for facilitating the investors in obtaining services required for setting up industries and operating business in the State of West Bengal in smooth and time-bound manner.(2)The High Powered Committee shall consist of the following members:-

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| (i) | Additional Chief Secretary orPrincipal Secretary or Secretary, Industry, Commerce andEnterprises Department, | Chairperson |
| (ii) | Additional Chief Secretary orPrincipal Secretary or Secretary, Finance Department, | Member, |
| (iii) | Additional Chief Secretary orPrincipal Secretary or Secretary, Information Technology andElectronics Department, | Member, |
| (iv) | Additional Chief Secretary orPrincipal Secretary or Secretary, Urban Development and MunicipalAffairs Department, | Member, |
| (v) | Additional Chief Secretary orPrincipal Secretary or Secretary, Food Processing Industries andHorticulture Department, | Member, |
| (vi) | Additional Chief Secretary orPrincipal Secretary or Secretary, Land and Land Reforms andRefugee Relief and Rehabilitation Department, | Member, |
| (vii) | Additional Chief Secretary orPrincipal Secretary or Secretary, Environment Department, | Member, |
| (viii) | Additional Chief Secretary orPrincipal Secretary or Secretary, Labour Department, | Member, |

(ix)	Additional Chief Secretary or Principal Secretary or Secretary, Fire and Emergency Services Member, Department,	Member,
(X)	Additional Chief Secretary or Principal Secretary or Secretary, Forest Department,	Member,
(xi)	Additional Chief Secretary or Principal Secretary or Secretary, Health and Family Welfare Department,	Member,
(xii)	Additional Chief Secretary or Principal Secretary or Secretary, Judicial Department,	Member,
(xiii)	Additional Chief Secretary or Principal Secretary or Secretary, Irrigation and Waterways Department,	Member,
(xiv)	Additional Chief Secretary or Principal Secretary or Secretary, Water Resources Investigation and Development Department,	Member,
(XV)	Additional Chief Secretary or Principal Secretary or Secretary, Panchayats and Rural Development Department,	Member,
(xvi)	Additional Chief Secretary or Principal Secretary or Secretary, Power and Non-Conventional Energy Sources Department.	Member,
(xvii)	Additional Chief Secretary or Principal Secretary or Secretary, Agriculture Department,	Member,
(xviii)	Additional Chief Secretary or Principal Secretary or Secretary, Agricultural Marketing Department,	Member,
(xix)	Additional Chief Secretary or Principal Secretary or Secretary, Personnel and Administrative Reforms and e-Governance Department,	Member,
(XX)	Additional Chief Secretary or Principal Secretary or Secretary, Public Works Department,	Member,
(xxi)	Additional Chief Secretary or Principal Secretary or Secretary, Tourism Department, Managing Director, West Bengal Industrial Development Corporation.	Member,
(xxii)		Member-Secretary

4. Function of High Powered Committee.

(1) Subject to the overall control and superintendence of the State Government, the High Powered Committee shall provide the overall policy guidance and direction to the agency for facilitating the investors in obtaining services required for setting up industries and operating business in the State of West Bengal in smooth and time-bound manner through Single Window System. (2) The High Powered Committee shall regularly guide, monitor, supervise and review the functioning of the agency. (3) The High Powered Committee may refer any matter or issue to the State Government with its recommendations or suggestions, if considered necessary. (4) The High Powered Committee may delegate any of its powers to the Member or Member-Secretary, for effective functioning of the agency. (5) The High Powered Committee may co-opt any other member if so required for proper and effective discharge of its functions. (6) The High Powered Committee shall carry out such other functions as may be assigned to it by the State Government.

5. Role and functions of agency.

(1) Subject to the superintendence, direction and control of the High Powered Committee and the competent authority concerned, the functions of the agency shall include-(a) to operate Single Window System all over the State of West Bengal; (b) to maintain and operate the Single Window System for providing single window service under the various applicable Acts, rules, policies and schemes as notified from time to time by the competent authority concerned; (c) to provide all facilitations and handholding supports to the investors intending to start a business or operating a business in the State; (d) to place the report of the status of applications before the High Powered Committee or the concerned competent authorities, as the case may be, for monitoring, review and appropriate action(s) as may be deemed to be necessary as per applicable Acts, rules, policies and schemes as notified from time to time by the competent authority concerned. (2) It shall keep close liaison with- the competent authority concerned for timely disposal of every application made for one or more services by an investor to start or operate a business in the State of West Bengal. (3) It shall perform any other function as may be entrusted by the State Government for protecting its interest or its effective functioning of the Single Window System.

6. Provision of Single Window System.

(1) The Single Window System shall have-(a) the provision of online submission of common application; (b) the provision of online payment; (c) the provision of online approval, tracking of real time status of application and delivery of services; (d) the provision of sending out alert through short message service (SMS) or e-mail notification to the applicant as and when the application is submitted and/or query is raised and/or application is approved/rejected; (e) the provision of sending automated short message service (SMS) or e-mail notification to the respective Head of competent authority concerned with status information on the applications in which clearances are likely to breach the stipulated time. (2) The Single Window System may, for purpose of the effective functioning of the system, include any other provision not mentioned in sub-section (1), subject to approval of the High Powered Committee or the State Government.

7. Protection of action taken in good faith.

- No suit, prosecution or legal proceedings shall lie against any staff or officer in respect of anything which, in good faith, is done or intended to be done under this Act or any rules made thereunder.

8. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the state Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

9. Power to make rules.

(1)The State Government shall, by notification, make rules for carrying out all or any of 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 State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two successive sessions.