Rajasthan Enterprises Single Window Enabling and Clearance Rules, 2011

RAJASTHAN India

Rajasthan Enterprises Single Window Enabling and Clearance Rules, 2011

Rule

RAJASTHAN-ENTERPRISES-SINGLE-WINDOW-ENABLING-AND-CLEA of 2011

- Published on 4 January 2010
- Commenced on 4 January 2010
- [This is the version of this document from 4 January 2010.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Enterprises Single Window Enabling and Clearance Rules, 2011In exercise of the powers conferred by section 21 of the Rajasthan Enterprises Single Window Enabling and Clearance Ordinance, 2010 (Ordinance No. 04 of 2010), the State Government hereby makes the following rules, namely:

1. Short title and commencement.

(1) These rules may be called The Rajasthan Enterprises Single Window Enabling and Clearance Rules, 2011.(2) They shall come into force on and from the date of their publication in the Official Gazette (May 24, 2016).

2. Definitions.

(1)In these rules unless the context otherwise requires:(a)["Acknowledgement" means the acknowledgement issued for receipt of application under these rules;] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](aa)["Act" means the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 07 of 2011);] [Inserted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](b)"Application Form" means the form either in physical or electronic format as prescribed under any Rajasthan Law/Order/Guide lines or as notified by the State Government;(c)"Authorized Officer" means General Manager, District Industries Centre or an officer authorized by him not below the rank of District Industries Officer, in case of Nodal Agency for the District Empowered Committee and an officer authorized by Commissioner, Investment and

1

NRI (Bureau of Investment Promotion) in case of Nodal Agency for the State Empowered Committee; (d) "District Empowered Committee" means the committee constituted under sub-section (3) of section 3 of the Ordinance;(e)"Fee" means the fee prescribed under any Rajasthan Laws/Orders/Guidelines or as notified by the State Government, for submitting application for permissions/ no objection certificate/ clearance/ allotment/ consent/ approval/ registration/ License and the like;(f)"Form" means Form appended to these rules;(g)"Nodal Agency" means the agencies notified under sub-section (1) or (2) of section 5, as the case may be, of the Ordinance;(h)["Official" means any employee of the department or agency of the Government, Local Authority, Statutory Body, State owned Corporation, Gram Panchayat, Municipality, or any other authority or Agency constituted or established under any Rajasthan law or under administrative control of the Government; [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](hh)"Portal" means website that serves as gateway for electronic operation and processing of applications specified in these rules;](i)"Register of Applications" means register of applications received by the authorized officer either in physical form or electronic form;(j)"Schedule" means Schedule appended to these rules;(k)"Section" means a section of the Ordinance;(l)"State Empowered Committee" means the committee constituted under sub section (1) of section 3 of the Ordinance; and(m)"Time Limit" means the number of working days specified in Schedule-I or Schedule-II, as the case may be.(2) Word or expression used in these rules but not defined in these rules have the same meaning as assigned to them in the Ordinance.

3. [Application. [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.]

(1)Every application for seeking Permissions specified in Schedule-I shall be filed electronically on the Portal. The Application Form shall be duly filled and accompanied with required documents. However, in case of failure of electronic system due to unforeseen circumstances, the applicant may submit application in physical format to the Nodal Agency.(2)Applicant shall furnish the self certification in Form-I at the time of registering on the Portal and it shall be deemed to have been furnished with every application for the Permissions within the meaning of sub-section (3) of section 8 of the Act.]

4. Processing and monitoring of applications at the level Nodal Agency.

- [(1) An automated acknowledgement shall be generated on the Portal for every application submitted electronically and the application shall be auto forwarded to the Competent Authority concerned under intimation to the Nodal Agency.(2)All the applications auto forwarded on the Portal to the Competent Authority shall be deemed to have been forwarded by the Nodal Agency within the meaning of clause (i) of section 6 of the Act.(3)In case the application is submitted to Nodal Agency in physical format as specified in sub-rule (1) of rule 3, the Nodal Agency shall issue the acknowledgement and forward the application to the Competent Authority concerned, within the time specified in Schedule-2 of these rules.(4)The Nodal Agency shall maintain a Register of Applications in electronic or physical form and the particulars of all the applications shall be entered in the Register of Applications.(5)The Nodal Agency shall monitor the disposal of applications within the time limit specified in these rules and keep a record of the communication between

applicant and the Competent Authority.] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](6)The Application on which the Competent Authority has taken a decision within the prescribed time limit, the decision so taken shall be entered into the Register of Applications and the status of the applications shall be submitted by the Nodal Agency to the State Empowered Committee or the District Empowered Committee, as the case may be in the next meeting of the concerned Empowered Committee. (7) The Application on which the Competent Authority has failed to take a decision within the prescribed time limit, the Nodal Agency shall place the application before the State Empowered Committee or the District Empowered Committee, as the case may be, for consideration in the next scheduled meeting of the concerned Empowered Committee within the prescribed time limit. In case the concerned Empowered Committee is unable to meet or otherwise unable to consider application, placed before it by the Nodal Agency, immediately, the Nodal Agency shall submit the application to the Chairperson of the concerned Committee. The Chairperson of the Committee, after recording the reasons in writing, may decide the application and such decision shall be placed before the concerned Committee in its next meeting. The decision taken by the Chairperson on the application shall be final subject to the decision of the Committee.(8)The Nodal Agency of State Empowered Committee shall receive Application for relaxations, exemptions and concessions for grant of customized package and seek comments of the concerned Departments or Authorities. The Nodal Agency shall submit the application for the customized package before the State Empowered Committee after the expiry of the period as specified in these rules for the comments from the concerned departments or authorities along with the comments received and even when the comments are not received.

5. [Processing and monitoring of applications at the level of Competent Authority. [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.]

(1)The Competent Authority, after receipt of the application for Permission, shall consider and take decision on the application within the time limit specified in these rules. If the application is incomplete and/or any additional information is prescribed in rules for taking a decision on the Permission, the Competent Authority may obtain such additional information from the applicant. The time taken by the applicant in submitting required information to complete the application or additional information shall not be counted in counting the time limit. In case the applicant fails to submit the required information to complete the application within thirty days, the registration for application shall be dropped from the Portal.(2)The decision on the application within the specified time limit by the Competent Authority shall be communicated to the applicant and the Nodal Agency.(3)In cases of applications in which the Competent Authority has failed to take a decision within the specified time limit, the record of processing of the application shall be forwarded to the concerned Nodal Agency.]

6. Time Limits for processing and disposal of applications.

- [(1) The time limits for processing and disposal of applications shall be as specified in Part A and Part B of Schedule-I or Schedule-II, as the case may be. The time limits for the State Empowered

Committee/District Empowered Committee for processing the application for Permissions, in case the Competent Authority has failed to take a decision in the specified time limit, shall be thirty working days counted from the last date of the time limit prescribed in Part A and Part B of Schedule I, for the Competent Authority to take the decision:Provided that any decision by the State Empowered Committee/District Empowered Committee or Chairperson of State Empowered Committee/District Empowered Committee, in exercise of power conferred to it in sub-section (4) of section 3 of the Act and sub-rule (7) of rule 4 of these rules, shall be communicated to concerned Competent Authority within seven days and it shall be binding on the Competent Authority and the Competent Authority shall issue all the necessary orders for Permission within three days.] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](2)The State Government may be notification in the Official Gazette, add to or omit from, or otherwise amend or modify the Schedules appended to these rules and thereupon the Schedule shall be deemed to have been amended accordingly.

6A. [Monitoring of applications for Permissions specified in Part C of Schedule-I. [Inserted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.]

(1)The Permissions specified in Part C of Schedule-I shall be provided through Portal of Single Window System to ensure online filing, payments, tracking of status, approvals and issuance of certificates. The time limits for disposal of such applications shall be as prescribed in Part C of Schedule-I.(2)The Applications on which the Competent Authority has failed to take a decision within the prescribed time limit, the applicant shall appeal to appropriate authority, specified in relevant law:Provided that the Rajasthan State Pollution Control Board shall explicitly publish the provisions of deemed consent under the applicable Acts and procedure of appeal against the decision of Competent Authority on its Web Portal.(3)Notwithstanding anything contained in the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011), the State Empowered Committee or the District Empowered Committee shall not take any decision in the cases where the Competent Authority of Rajasthan State Pollution Control Board has failed to take a decision within the specified time limit, but the State Empowered Committee shall be empowered to monitor the applications submitted on Portal for the Permissions specified in Part C of Schedule-I and redress the grievances of applicant.]

7. Monitoring.

- Status report of processing of the application for permissions and/ or customized packages, concessions, exemptions or relaxations, shall be placed before the District Empowered Committee and the State Empowered Committee, as the case may be by the respective Nodal Agency.

8. Jurisdiction of the State Empowered Committee and the District Empowered Committee.

(1)The District Empowered Committee shall be competent to consider and dispose of the application for permissions for investment proposals from Rs. 1 crore to Rs. 10.00 crores.(2)The State

Empowered Committee shall be competent to consider and dispose of the application for permission for investment proposals above Rs.10.00 crores.(3)All applications for customized packages, concessions, exemptions or relaxations shall be considered by the State Empowered Committee and this committee shall submit its recommendations to the Council of Ministers.

9. [Grievance Redressal Mechanism. [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.]

(1)An Grievance Redressal Cell shall be constituted in Industries department consisting of the following, namely: -

(1) Commissioner, Industries, Rajasthan

Chairperson

(2) Two officers of the Industries department, Member not below the rank of Deputy Director, Industries department, nominated by the in-charge of the Industries department, Government of Rajasthan.

Secretary

(2) Any aggrieved person or applicant shall register his grievance on the Portal in Form - 2. All grievances registered on portal shall be received and processed by the Grievance Redressal Cell and take appropriate measures for addressing the grievances within forty five days of registration of grievance: Provided that in all such cases where Competent Authority has failed to decide the application for Permission within time limit specified in these rules, shall be processed by the Nodal Agency for decision as specified in sub-rule (7) of rule 4 and shall be communicated to the aggrieved applicant.(3)All grievances received shall be presented in the next meeting of State Empowered Committee by the Grievance Redressal Cell and the decision of State Empowered Committee shall be final and shall be binding on all concerned. However if the grievance refers to any order of State Empowered Committee, it shall be submitted to the State Government and the decision of State Government shall be final and shall be binding on all concerned.(4)In cases where State Empowered Committee finds that any Official has failed to comply with the provisions of the Act and these rules, the State Empowered Committee may recommend the Disciplinary Authority concerned to initiate appropriate action or disciplinary proceedings against the official for imposing penalties specified in rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958:Provided that official who fails to comply with the provisions of the Act and these rules belongs to of any agency of the Government, Local Authority, Statutory Body, Gram Panchayat, Municipality, State owned Corporation, or any other authority or Agency constituted or established under any Rajasthan law or under administrative control of the Government, the State Empowered Committee may recommend, the appropriate Disciplinary Authority to initiate appropriate action or disciplinary proceedings against the official for imposing penalties mentioned in applicable service rules.(5)Notwithstanding anything contained, the State Government shall be competent to initiate appropriate action or disciplinary proceedings against any official who fails to comply with the provisions of Act and these rules.]

10. Removal of doubt.

- If any difficulty arises in the application or interpretation of these rules, it shall be decided by the State Government in the Industries Department whose decision thereon shall be final.[Schedule-I] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.](See rule 3 (1) 6 and 6(A))Part - ATime Limit for Various Permissions/Clearances

S. No.	Departments /Organization	Permissions/ Clearances	Time Limit (Within Working Days)
1.	Factories and Boilers Inspectorate	(a)	Factory building plan approval (under theFactories Act, 1948)
	Factories as defined under		
(i)	section 2m(ii) andinvolving non hazardous process as defined under rule 2(m)	10 days	
(ii)	Other factories	30 days	
(b)	Factories license		
(i)	Factories as defined under section 2m(ii) andinvolving non hazardous process as defined under rule 2(m)	7 days	
	Factories involving non		
(ii)	hazardous process asdefined under rule 2(m)	15 days	
(iii)	Factories involving hazardous process as definedunder section 2(cb)	21 days	
(iv)	Factories involving dangerous operations asdefined under section 87	21 days	
(v)	MAH factories as defined under Rajasthan Controlof Major Accident Hazard Rules, 1991	60 days	
(c)	Renewal under Factories license		

(i)	Factories as defined under section 2m(ii) andinvolving non hazardous process as defined under rule 2(m)	7 days	
(ii)	Factories involving non hazardous process asdefined under rule 2(m)	15 days	
(iii)	Factories involving hazardous process as definedunder section 2(cb)	21 days	
(iv)	Factories involving dangerous operations asdefined under section 87	21 days	
(v)	MAH factories as defined under Rajasthan Controlof Major Accident Hazard Rules, 1991	60 days	
(d)	Registration under Boiler Act	After the receipt of complete application	
(i)	Provisional order (under the Boilers Act, 1923)	Exempted	
(ii)	Final order (under the Boilers Act, 1923)	30 days	
(e)	Renewal under 'Registration under Boiler Act'		
(i)	In cases in which the Competent Person isempowered to issue a certificate under section 8 without furtherreference.	48 hours	
(ii)	In any other case	15 days	
(f)	Steam Pipeline Drawing approval (under theBoilers Act, 1923)	15 days	
2.	Labour Department	(a)	Permission for engaging contractor for labourUnder Contract Labour (Regulation and

Abolition) Act,	
1070	

			1970	
(i)	Registration of Principal EmployersEstablishments	30 days		
(ii)	Issuance of Licence to Contractor for employmentof contract labours	15 days		
(b)	Registration of Establishments under Buildingand other Construction Workers (Regulation of. Employment andconditions of Services) Act, 1996	15 days		
(c)	'Registration under Shops and EstablishmentsAct'	30 days		
(d)	Renewal under 'Shops and Establishments Act'	15 days		
3.	Revenue Department	(a)	Land conversion - Conversion of land use underRajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purposes in Rural Areas) Rules, 2007	would be addresse to PS, Revenue for
(i)	up to 10 hectares	60 days from submission of completed application to District Collector		early action.

90 days from submission of (ii) above 10 hectares completed application to State Government Release Connection (where no extension **Energy Department (All** inDistribution 4. Vidhyut Vitran NigamLtd.) Mains is required) Electricity connection Release of ConnectionExplanation:i) If LT supply of electricity can be provided to a premises by existing serviceline or by laying service line up to 50 meters, from an existingoverhead line or underground cable where a cable box, junctionbox Within one month of (1) pillar box etc. has been the receipt of provided, the distribution completedapplication mainsshall be deemed to require no extension.ii) In case of HT supply of electricity to apremises, the distribution system shall be deemed to requireaugmentation and procedure laid down in Clauses b) & c)hereunder shall be followed. Supply where distribution (b) mains requireextension Within one month of Notice to the applicant to the receipt of (1) deposit additional expenses application (for a period of one month) (2)Where extension of The Nigam shall

complete the extension

distribution mains

	najastilari Enterprises Sirigie	Willdow Ellabiling and Clearance
	isrequired but no additional sum is required to be deposited	workwithin 15 days
	The Nigam shall complete the extension	
(3)	of distribution mains within the time specified below for different voltage levels after deposit of additional sum by the applicant	
(i)	L.T. line	15 days
(ii)	11 KV line-first 5KmpNext 5 Km each	30 days15 days
(iii)	33 KV line-first 5 KmNext 5 Km each	60 days30 days
(iv)	132 KV line-first 5KmNext 5 Km each	180 days45 days
Note:After extension work connectionwill be released		
within 15 days		
after inspection of		
theinstallation.		
(c)	Supply where new sub-station or augmentation oftransformer substation is required	
(1)	Supply where new substation is to becommissioned	The Nigam will intimate within two month ofreceipt of application, the date of commencement of work, to the consumer and complete the work within time limit specified below
(i)	11/0.4 KV sub-station	30 days
(ii)	33/11 KV sub-station	120 days

(iii)	Extension of bay at 33/11 KV sub-station	30 days	
(iv)	132/33/11 KV sub-station	12 month	
(v)	Extension of bay at 132 KV sub-station	45 days	
(2)	Supply where augmentation of transformersub-station capacity is required		
(i)	11/0.4 KV sub-station	15 days	
(ii)	33/11 KV sub-station	60 days	
(iii)	132/33/11 KV sub-station	6 months	
	After commencement of work of sub-station		
	(i) Intimation to the consumer if any additional sum is to be deposited by the applicant. Intimation - Time of deposition - Release of connection -	Within 15 days aftercommencement of work.1 month or suchextended period as the Nigam may allow.Within 15 days of commissioning of substation.	
(d)	Supply in localities where no provision forsupply exists	Once electrification of such locality iscompleted supply shall be provided to the applicant in accordancewith the provisions of sub-clauses a) to c) above as may beapplicable to him. The Nigam shall	
(e)	Supply where electric line/plant is provided byapplicant	provide supply of electricity within 15 days of intimation given by the applicant regarding completion of work.	
5.	RIICO	(a)	Allotment of plots in Industrial Areas

Form A - 30 days

Form A(Preferenti

- 90 days

(b)	Approval of building plans	15 Days (After receiving completemodification/c in submitted drawing)	orrection	
(c)	Water Connection	20 days (After receiving of complete information)		
6.	UDH Department (JDA/UITs)	(a)	90A of Agriculture Land/ Conversion of landunder Rajasthan Land Revenue Rules 2012	60 days
(b)	Change of Land use/Conversion of land use from residential to commercial	(i) Matters to bedecided at Local level committees- 60 days(ii) Matters to be decided at State levelcommittees-120 days		
(c)	Issuance of Lease Deed for institutional plots	(i) To be issued atlocal level-30 days(ii) When approval of State Govt. is required-60 days		
(d)	Allotment ofinstitutional land except the allotment of land throughlottery/auction and of the developed land given as compensationfor Government/Semi-Govern departments/ institutions andacquired land - under instruction of Urban Development and LocalSelf Department dated 4.1.2010	n gend ays		
(e)	Building map approval of all kinds ofinstitutional buildings	60 days		
7.	Local Self Government (LSG)	(a)	NOC from Fire Department	30 Days
(b)	90A of Agriculture Land/ Conversion of landunder	60 Days		

Rajasthan Land Revenue	
Rules 2012	

		Ku	les 2012				
(c)		use use	ange of Land e/Conversion of land e fromresidential to mmercial	(i) Matters to bedecided at Local level committees- 60 days(ii) Matters to be decided at State levelcommittees - 120 days			
(d)		all	ilding map approval of kinds ofinstitutional ildings	60 days			
8.			blic Health Engineering partment (PHED)	g (a)	Wa	ater Connection	o7 days as per availability of wate and afterdeposition of all fees
9.		To	urism Department	(a)		oject Approval	45 days from the date of submission completeapplication
10.		Inc	lustries Department	(a)	Ind Pol	entives under lustrial licy/InvestmentI neme	As per Schedule I(romotion
Part	- BTime Lin	nit f	for Incentives under RI	PS-2014			
			Application for				
S. No.	Departmen	ıt	Benefits under RajasthanInvestment Promotion Scheme -2014	Time Limit for disposal of application(Decision on eligibility under RIPS-201			
1.	Industries Departmen	ıt	(a)	Exemption from stamp duand conversion charge	uty	o7 days from da submission of completeapplica	
			(b)	Exemption from land tax		45 days from da submission of completeapplica	
			(c)	Investment subsidy and Employment subsidy		45 days from da submission of completeapplica	
			(d)	Exemption from(8) Electricity duty(9) Entertainment tax(10) Luxury tax(11) Mandi fee((12)	45 days from da submission of completeapplica	

	Entrytax	
(e)	Interest subsidy	45 days from date of submission of completeapplication
(f)	Reimbursement of VAT	45 days from date of submission of completeapplication
(g)	Capital subsidy on ZLD treatment plant	45 days from date of submission of completeapplication
t for Various Permiss	ions/Clearances	
	Permissions/ Tim	ne Limit (Within Working

Part - CTime Limit

S. No.	Organisation	Permissions/ Clearances	Time Limit (Within Working Days)	
1.	Rajasthan Pollution Control Board (RPCB)	(a)	Consent to Establish (under Water Act & AirAct)	120 Days
(b)	Consent to Operate (under Water Act & AirAct)	120 Days		
(c)	Renewal of 'Consent to Operate (under Water Act& Air Act)	120 Days		
(d)	Authorization under Hazardous Waste Rules	120 Days		

Ш

See Rule 6[Part - A] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.] Time Limit for Nodal Agency for State Empowered Committee/District Empowered Committee

S. No.	Time Limit For	Time Limit (Within Working Day)
1	2	3
1	Forwarding the application received in physical format from the investor (As described in sub-rule 1 of rule 3)	2 days
2	All Agency to place the application forpermission	
(i)	before the concerned Empowered Committee fordecision in cases where the concerned competent authority hasfailed to decide the application within the prescribed timelimit.	30 days counted from last date of the time limitprescribed for the Competent Authority to take the decision inschedule I (a) & (b)
(ii)	before the chair person of the concernedEmpowered Committee in case theCommittee is unable to meet or otherwise is unable to considerthe application within 30 days.	15 days counted from last date of the time limitprescribed for the Competent Authority to take the decision inschedule-II, 2 (i)

Comments to be asked from the

CompetentAuthority/concerned departments or

authority on application/request for concessions, 3 exemptions or relaxations or grant of Customized Packages.

7 days from the receipt of theapplication/request

Part - BTime Limit for State Empowered Committee for submitting recommendations to the Council

of Ministers For Time Limit S. Time Limit (Within Working No. Day) Submission of recommendations on the application/request for 1. concessions, exemptions or relaxations orgrant of Customized Packages 30 days to the Council of Ministers Part - CTime limit for Competent Authority/concerned Departments or Authority for submitting comments asked to the Nodal Agency on application/request for concessions, exemptions or relaxations or grant of Customized Packages shall be 25 working days.[***] [Deleted 'Part-D' by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016. [Form-1] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.][See rule 3 (2)]Self - CertificationI state that I am authorized signatory for M/s, and hereby give the following undertaking: -1. I certify that the particulars furnished in the Application Form under the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 for Permission are true, correct and complete to the best of my knowledge and I undertake to adhere to the declarations made there under. 2. I/ Firm / Company hereby undertake to abide by the conditions specified in each of the Permissions and to comply with all the provisions of applicable regulations. 3. I/ Firm / Company have gone through all the relevant laws and undertake to abide by the same. Place: Date: Authorized signatory For M/s....."[Form-2] [Substituted by Rajasthan Notification No. G.S.R. 7, dated 24.5.2016.][See rule 9(2)]Grievance Registration Form 1. Registration Number:

- 2. Grievance Category:
- 3. Aggrieved By Orders/Action of:.....
- 4. Mobile Number:
- 5. Email Id:
- 6. Please enter Grievance Description upto 4000 characters
- 7. Please provide the details of Past Reference(s), with date :
- 8. Do you want to upload PDF attachment? Yes/ No

Signature and Name of Applicant