

KERALA MSME FACILITATION ACT 2019(AMENDMENT ACT 32 OF 2021)

O Government of Kerala 202 1 Regn.N0, KERBIL/2012/45073 dated 05-09-2012 with RNI Reg No. ocroou KERALA GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY cue.lJo 10 Vol. X Thiruvananthapuram, Monday 2021 mcuoa•ud 15 i 5th November 2021 1197 30 30th Thulam 1 197 1943 24 24th Karthika 1943 maud No. 3367 ca,02 audaood moon (moonã)ldmosm-aol) ojujoomo 13524/0216.m13/2020/m1Q)Øo; 2021 (D(Yö67i/d 14 1197 29 1943 23. cruocmmm 006)9N0Q.um emod Qd0Qoa6)1Q) 2021 13-00 (.DQJd6mOJ6)S arompol QI. mood, m70ø oave,507, This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/5/3254/2021>. 2 o 2021-021 32-00 2021-021 ca-,og cusc»moo OQJCDCB(Jö aucomoa€)d 2019-oeJ ca,oæ a-uooæmanud cruomoaod CGG.(DOI d101c5.—2019-oe-l OJJC)JCNOQ) au.noc-omanub (2019-021 16) • 306mgcm 6)nJcg.ucmoV (3000 olN6Wla6)10crã ooo QJOJO mlQ)ØØFngoagcmg;— 1. 2021-02] ca,02 on-logaos-æsonoo (Cßß(D01) codd cOOOOo. (2) 2020 aeomd 5-00 wome.JJ cymool 2. dldaa QJSOJQDOQ) (2019-021 16) uwom aocm06TDU dldae.l "@-laÜOJ0) QJSCYCNOQ) a-uooæmanog aocm CUOQYo "200 a-u.oomanuöaö awosnjcn-olonool anodla,ooo mda, a-nola-uo" aocm ca.Jdc86)6ngoom5. 3. aroö910e.J "€-oaÜOJ(D OJSQJ(TUOQ.) a-uoomæ•nog 0'élQJoagcm01mgo" c-•aocm "20(0 QJSQJCNOQ) GOoC51öOOo mdæacmolcmo" cm cnJdC06)6Tß006T15. This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/34>. 1-00 za;qloe.l 1-00 (I)-OÖ 2a.JQJBW10e.J cusajcmoo a•unoæmancö" cyscucmoo a•uooa-jm6GB20" caldcaomgoom5. 5.. 2-00 a•\$910e.l 2-00 QJB&-Ad,—' (i) (ad) cuso.la-ooo cru-oocamanuö" aacm cru-oomÆY3@Jo cusojaooo auooa-jm03@J0" aocm caldca6)6TE006ff. (ii) (cml) CUO,-Æo cnJdca6)6Tß006Tö, arooood:— (cn-)1Q4)) "augcoo" aocmod (9-16000 "mlca.,YQJ0 mycoo" aocmdmnnoa-,lam; (a-ulm-il) "a-IOICUOOU)CDO e.flq-y" cm.ooæmanod (caa)ooo, mdce,6Tß eflqi (iii) (59) 006)9Noogcm a.16TU)o cnJdC66)6TE006TÖ, GOOOOÖ.— (5904)) "200 a-uoomoo" nomod, 1999-021 c0a,æoe.lB) #loocrdaü cmQ.DJö.@Jo OJSQJCNOO (2000-021 5) 2-00 •(0.0104)) oomdo-onoa,ummo aocmod 6. 6m], 6mfl, 6 a-Dl aocrrfi caldaod.—woom Döqløe.l 6-00 006)9Noogcm cnJdca€)6rrgoom5, arooood:— aucmnoa6)d ffUNC00016)S OJSCYCNOQ) a•uooxnaormolaj moa-uoom This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/4> COOJUOSØOQ.) e.l(élaöla-nolmoauosmoo audaood, onæfmocomo 'mlca•Æa-Jo mucoo' (Ocm mgcoo (010-na,olcaoa-rgooa-ö, GOOOO(j:— (04)) OJSQ.I(TDOQ) QJBW10e.J awo (mil) omod, oocn5e,g a-Ü; nocmgal0c5 m QISCMCNOQ.) ojla,aom ca,odNcocÆQd,• (a-bl) soma egomd; (Q) camd a,mnaymd; QDOO#d, (gel) (cS) a-DOO#d, (004)) Q.DOO#d, QDOO#COé; (oge) QDOO#COé,• (6b) QISQICNOQ.) OJ06TD19S (nod) augCOOOJ6)S wm monmlcdguoo ooo.d. (2) mucoo QJlamsd40QJa,ouoccmosJo, a,J4Q.) am 06M. moauoom This is a digitally signed Gazette. Authenticity may be verified through <https://compöse.kecala.gov.in/5> O cyso.Jcmoo afla,cnjm nocmgal0u5 QDOO#d asrrdQjlmogo aoaoncmogo (4) on-IQ)dnoad ml(-.m.jolaoym 5)J8COOOJOS mgcoo COOOo • cajcosn•gogo, . matD6)S, (002ilca6)6Tß0P06T15. 6mn. augooauos ansænlolmcmouo, 1999-021 aga,goe.ja, ca-uodauaa cuscua•uoo afla,aumcuo (2000-521 5) mocruoom cmodulmgo ca-uodQD1cmo Go(Do OJ(OOöOOJo, a•uoa'u.oomm05 cysc»aooo Q06)00002Jo, anoocnld 6mJCOOOJ6)S ÆlQ6 aoannaodaö aoa-rdooe.lQd ca-J0dsd auca-m au.noã-naoryoad cyooöa-,ooo e.jélaormolmool, adlauo am aooQ)Jaß) mdca,6Tß006Tö. (2) mgcoo, a.Joef)A01cmcuooYo a4d6mnoo aroca.Ja.Æ eilqi e.lGV, •alcuaaoanuöaö»o,— (ag)) cooamm - mlcuauma,cgooscoo GON06)OCOO mda•acmolamo; (mfl) .msæs1+J(Jö onuoaoouöðancgo coaja»cgo aocuusoc•gsymolcmo; (3) (Dlopomo .a-nad Gocuaæa,cmouo This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/ooadlcmd>, 6 onopomo aowle,ooa-unomanod (mowlöoocrunoman(.naö (090pomo (4) oolad mda,l CDO(05 mela-lo mod cudayaooejogojlcejaö cm01cr5 oololaormogo am aocoo . anooanld mcn.D6)NS cooei14130a-rga-ri am aoaa-&iJQ-J00 Ælad aoanlaodaö aondcÅlca6) (moona)ooo tucn5 ancyaoomlaogcm01a5 nocmo mcdQ.j anca-Ja-z-Y aoa-rdooejad aoaNmdaö m ca)6Tß0P06Tö. (5) am Qld cß6)oe.loæojld, anwla,ooem.nomo 2-00 (a-ul) ml(dAl-i14 (soa,oomæ aooo.B1e.uo CYOoCDIBOOo mda,gcmoloaã arocnuoso•mlce.ldaooc o, c.acolcuoowm nomod, n.jlc-ö ooe.fl1413G6TE0 aoc-mow ayoola,ooaunomonlcö aJ01C(JOOWCD msnooaucmooa-ö. (6) cruoocumo codqlaãcoo a-joe.i)aÆucmolmgo (4)-oo QJsaonoa6)1Q) €06000, cooejl%ig aund*oruomgo (moca.Jöaya,ad anccoasolcme.jlo molOOO a,oe.J02QY, æoe.ilaooologcmolmæ drunoa.J(D0YD10ai am Gowlakolaoon»

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2. Amendment of long title.—In the long title of the Kerala Micro Small and Medium Enterprises Facilitation Act, 2019 (16 of 2019) (hereinafter referred to as the principal Act), after the words "micro small and medium enterprises", the words "and to grant approval to other enterprises in a time bound manner" shall be inserted

3. Amendment of preamble.—In the preamble of the principal Act, after the words "micro small and medium enterprises"; the words "and to grant approval to other enterprises in a time bound manner" shall be inserted

4. Amendment Q/ section 1. In sub-section (1) of section 1 of the principal Act, after the words "Micro Small and Medium Enterprises", the words "and Other Enterprises" shall be inserted

5. Amendment of section 2.—In the principal Act, in section 2, (i) in clause (c), after the words "micro small and medium enterprises" the words "and other enterprises" shall be inserted; (ii) after clause (c), the following clauses shall be inserted; namely: This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/> 13 "(ca) "Bureau" means 'Investment Facilitation Bureau' constituted under section 6A; (cb) "checklist" means list of documents, as may be prescribed, to be furnished by other enterprises along with composite application;"; (iii) after clause (j), the following clause shall be inserted, namely:— "(ja) "other enterprise" means an enterprise as defined in clause (da) of section 2 of the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 Of 2000), and shall not include the Micro Small and Medium Enterprises;"

6. Insertion of new sections 6A, 6B, 6C and 6D.—[In the principal Act, after section 6, the following sections shall be inserted, namely:— "6A. Constitution of Investment Facilitation Bureau.—(1) For the purpose of disposal of applications for the issue of various approvals required under the State enactments for setting up other enterprises in the State in a time bound manner, the Government may, by notification, constitute a Bureau to be called 'Investment Facilitation Bureau' consisting of the following members, namely:— (a) in charge of Investment Promotion in the Industries Department; (b) Director General, Fire and Rescue Services; (c) Managing Director, Kerala State Industrial Development Corporation; (d) Chief Town Planner; (e) Labour Commissioner; (f) Director, Factories and Boilers Department; (g) Chief Electrical Inspector; (h) Additional Director, Health Services; This is a digitally signed Gazette. Authenticity may be verified through <http://compose.kerala.gov.in/> (i) Director, Urban Affairs Directorate; (j) Director, Panchayat Directorate; (k) Industries and Commerce Director; (l) Secretary or Director of the Department as may be nominated by the Chairman of the Bureau, as he deems fit." (2) The Bureau shall be a body corporate by the name aforesaid having perpetual succession and common seal. (3) Secretary in charge of Investment promotion in the Department of Industries shall be the Chairman, and the Managing Director of the Kerala State Industrial Development Corporation shall be the Convenor and Chief Executive Officer of the Bureau. (4) Bureau shall meet at such time and place as fixed by the Chairman, for performing the functions of the Bureau under the Act and shall follow such rules of procedure as may be prescribed in regard to its transaction of business. 6B. Powers and functions Q/ Notwithstanding anything contained in any other law for the time being in force, without prejudice to the powers conferred on the State Board and District Board constituted under the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000), any person who intends to set up other enterprises, shall submit a composite application to the Chief Executive Officer through online portal for the issuance of approval as required under State enactments for setting up such enterprises in such form along with such fees and such declaration, as may be prescribed. (2) The Bureau shall after complying the procedure prescribed in this behalf and within seven working days after the receipt of a composite application which is complete in all respect, take a decision as, (a) to issue approval, on such conditions, as it may think fit; or (b) to call for more details of documents, if deemed necessary for taking action on the application. This is a digitally signed Gazette. Authenticity may be verified through <https://compose.kerala.gov.in/> 15 (3) The decision of the Bureau shall be informed to the applicant and to the competent authority concerned, by the Chief Executive Officer and the said decision shall be deemed to be given by the competent authority concerned and such decision shall be binding on the authorities. (4) An approval once granted shall have effect for a period of five years from the date of its issuance and within one year from the date of such approval, every 'other enterprise' shall submit a certificate in such form as may be prescribed to the Chief Executive Officer to the effect that, all the provisions of the Act and rules concerned are complied with and in such cases where the renewal of approval is required, an application for renewal of such approval shall be submitted to the Chief Executive Officer through online along with required documents, before three months from the date on which such approval shall cease to operate, and thereupon it shall be renewed in such manner, as may be prescribed. (5) During the period of one year as specified in sub-section (4), competent authority shall not undertake any inspection for the purpose of, or in connection with any approval as defined in clause (c) of section (2): Provided that a competent authority may undertake inspection to verify that, the provisions of the Act and rules as specified in the certificate submitted to the Chief Executive Officer are complied with. (6) If the, other

enterprise fails to comply with the provisions of the Act and rules and also to submit a certificate to the effect that the provisions of Act and rules are complied within one year as specified under sub-section (4), the Bureau may, on request of the applicant and on sufficient reasons, grant a reasonable time not exceeding one year for compliance, taking into account the nature of the other enterprise and reasons for non-compliance. If the other enterprise fails to comply with the provisions of Acts and rules even after such extended period, the Bureau may revoke the approval, after giving notice to the applicant and after considering the submission if any, from the applicant. (7) The application to be submitted to the Bureau and procedures to be followed by the Bureau for the issuance of the approval shall be, in such manner as may be prescribed. (8) The approval shall not entitle a person to use any land contrary to the provisions contained in the Kerala Conservation of Paddy Land and Wetland Act, 2008 This is a digitally signed Gazette. . Authenticity may be verified through <https://coinpose.kerala.gov.in/> 16 (28 of 2008) and titles Inade thereunder and it shall not entitle a person to use the land in deviation to the land use specified in the Master Plan notified under the Kerala Town and Country Planning Act, 2016 (9 of 2016). (9) Approval once granted by the Bureau may be used as a valid document for any purpose including availing of financial assistance from a Bank or other financial institution. 6C. Application for the grant of Approval.—(1) Any person who intends to set up other enterprise other than those included as 'Red Category' by the State Pollution Control Board may submit a composite application in such form as may be prescribed, through online portal along with supporting documents and check list and such fees and declaration as may be prescribed to the Chief Executive Officer of the Bureau. (2) The convenor of the State Board constituted under the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000) shall act as the Chief Executive Officer of the Bureau, to co-ordinate the activities of the Bureau and to scrutinize the applications received from the enterprises under section 6C and for the performance of such functions that may be assigned to him by the Bureau, from time to time. The officers and staff of the Kerala Investment Promotion and Facilitation Cell functioning under the Kerala State Industrial Development Corporation shall provide all necessary assistance to him. Explanation:—'The Kerala Investment Promotion and Facilitation Cell' means the Cell constituted as per G.O. (Ms.) No. 100/2017/Ind. dated 12th October, 2017. (3) The Chief Executive Officer shall discharge the following powers and functions in addition to the general powers conferred under sub-section (2), namely:— (a) to act as a single point contact for 'other enterprises' that require approval from the Bureau; (b) to assist the applicants for completing the composite applications; (c) to scrutinize the applications with the help of check list and to verify the documents submitted along with the application; (d) after completing the scrutiny of the applications, This is a digitally signed Gazette. Authenticity may be verified through <https://cornpose.kerala.gov.in/> (i) accept applications complete in all respects; (ii) require additional information regarding the incomplete application in accordance with the provisions of the Act and rules made thereunder; (e) to keep the minutes of the meeting of the Bureau; (f) to inform the decision of the Bureau to the applicant and the competent authorities concerned. 6D. Power of the Bureau to revoke the approval.—Notwithstanding anything contained in this Act, if the competent authority concerned, has found that the other enterprise has violated any provisions of the Act or rules and the details furnished in the application for the grant of approval is false, the competent authority concerned may recommend to the Bureau for revocation of the approval and thereupon Bureau may revoke the approval after giving a notice to such enterprise and after considering the submission if any, from the enterprise and impose on such enterprise a penalty as referred in section 8." 7. Amendment of section 12.—In the principal Act, in section 12, (a) in sub-section (2), for the words "nodal agency" the words "nodal agency or Bureau" shall be substituted; (b) in sub-section (3), for the words "nodal agency" the words "nodal agency or Bureau" shall be substituted; (c) in sub-section (4), for the words "nodal agency" the words "nodal agency or Bureau, as the case may be," shall be substituted

8. Repeal and saving.—(1) The Kerala Micro Small and Medium Enterprises Facilitation (Amendment) Ordinance, 2021 (136 of 2021) is hereby repealed. (2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act. PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2021 This is a digitally signed

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