



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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2021 ഫെബ്രുവരി 10
10th February 2021

1196 മകരം 28
28th Makaram 1196

1942 മാഘം 21
21st Magha 1942

നമ്പർ
No.

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കേരള സർക്കാർ

നിയമ (നിയമനിർമ്മാണ-സി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 13524/ലെറ്.സി3/2020/നിയമം.

തിരുവനന്തപുരം, 2021 ഫെബ്രുവരി 10

1196 മകരം 28

1942 മാഘം 21.

2021 ഫെബ്രുവരി 9-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെപ്പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,

അരവിന്ദ ബാബു പി. കെ.,

നിയമ സെക്രട്ടറി.



GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 13524/Leg. C3/2020/Law.

Dated, Thiruvananthapuram, 10th February, 2021
28th Makaram, 1196
21st Magha, 1942.

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Micro Small and Medium Enterprises Facilitation (Amendment) Ordinance, 2021 (10 of 2021).

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



[Translation in English of “2021-ലെ കേരള സൂക്ഷ്മ-ചെറുകിട-ഇടത്തരം വ്യവസായ സ്ഥാപനങ്ങൾ സുഗമമാക്കൽ (ഭേദഗതി) ഓർഡിനൻസ്” published under the authority of the Governor.]

ORDINANCE No. 10 OF 2021

**THE KERALA MICRO SMALL AND MEDIUM ENTERPRISES FACILITATION
(AMENDMENT) ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Micro Small and Medium Enterprises Facilitation Act, 2019.

Preamble.—WHEREAS, the Kerala Micro Small and Medium Enterprises Facilitation (Amendment) Ordinance, 2020 (73 of 2020) was promulgated by the Governor of Kerala on the 4th day of October, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which convened on 31st day of December, 2020 and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India the said Ordinance will cease to operate on the 11th day of February, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—



1. *Short title and commencement.*—(1) This Ordinance may be called the the Kerala Micro Small and Medium Enterprises Facilitation (Amendment) Ordinance, 2021.

(2) It shall be deemed to have come into force on the 5th day of October, 2020.

2. *Act 16 of 2019 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Micro Small and Medium Enterprises Facilitation Act, 2019 (16 of 2019) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 8.

3. *Amendment of long title.*—In the long title 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 substituted.

4. *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 substituted.

5. *Amendment of 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;

6. *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 substituted;

(ii) after clause (c), the following clauses shall be inserted, namely:—

(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 does not include the Micro Small and Medium Enterprises.

7. *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 speedy disposal of applications for the issue of various approvals required under the state enactments for setting up other enterprises in the State, the Government may by notification, constitute a Bureau to be called ‘Investment Facilitation Bureau’ consisting the following members, namely:—

(a) Secretary in charge of Industries Department.

(b) Director, Industries and Commerce of the Government of Kerala.

(c) Managing Director, Kerala State Industrial Development Corporation.

(d) Managing Director, Kerala State Industrial Infrastructure Development Corporation [KINFRA].

(e) Chief Executive Officer of the Kerala Bureau of Investment Promotion.

(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, and the meeting shall be held on the first day of every week and if such day is a holiday, the said meeting shall be held on the next working day and shall follow such rules of procedure as may be prescribed in regard to its transaction of business.

6B. *Powers and functions of Bureau.*—(1) Notwithstanding anything contained in any other law for the time being in force, without prejudice to the powers conferred on the State Boards and District Boards 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 various State enactments or 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, it deemed necessary for taking action on the application; or

(c) to reject the approval on the reasons to be recorded.

(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 decisions shall be binding on authorities concerned.

(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.

(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 (5), 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 Protection Act, 2008 (28 of 2008) and rules made 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 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 enterprises under section 6 C 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 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,—

(i) to 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) 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 shall revoke the approval of such enterprise and impose on such enterprise a penalty as referred in section 8.

8. *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.

9. *Repeal and saving.*—(1) The Kerala Micro Small and Medium Enterprises Facilitation (Amendment) Ordinance, 2020 (73 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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 Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

