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NOTIFICATION

No. B. 12020/20/2020-C&I, the 7th September, 2023. In exercise of the powers conferred by sub-section (1), section 21 of the Mizoram Ease of Doing Business Act, 2022 (7 of 2022), the Governor of Mizoram is pleased to make the following rules for delivery of transparent, efficient and timely services to the eligible persons in the State of Mizoram under various state enactments for setting up of Industrial or service sector undertakings and matters connected thereto- namely "The Mizoram Ease of Doing Business Rules, 2023"

R. Lalramnghaka,
Secretary to the Govt. of Mizoram,
Commerce & Industries Department.

THE MIZORAM EASE OF DOING BUSINESS RULES, 2023

In exercise of the power conferred by section 21 of The Mizoram Ease of Doing Business Act, 2022, the Government of Mizoram hereby makes the following rules namely:-

1. Short title, extent, and Commencement —

- 1) These rules may be called "The Mizoram Ease of Doing Business Rules, 2023".
- 2) It shall extend to the whole of Mizoram.
- 3) These rules shall come into force from the date of publication in the Official Gazette.

2. Definitions —

- (1) In these rules unless the context otherwise requires:
 - (a) "acknowledgement" means the acknowledgement issued under these rules;
 - (b) "Act" means "The Mizoram Ease of Doing Business Act, 2022" (Act No. 7 of 2022);
 - (c) "authorized representative of the Single Window Clearance Authority (SWCA)" means the Chief Executive Officer (CEO) not below the rank of Joint Secretary in the case of Single Window Clearance Authority (SWCA);
 - (d) "check list" means list included in the Common Application Form under these rules;
 - (e) "committee" means the SWCA committee constituted by the Government;

- (f) “common application form” means a form meant for seeking clearance for multiple clearances or an online form given in Single Window Portal (SWP);
 - (g) “competent authority or authorities” means an Officer having authority to issue clearance(s).
 - (h) “fees receipts” means online payment receipt or the original challan receipts issued by the Government Treasury as a proof of payment or demand drafts issued by a Scheduled Commercial Bank;
 - (i) “form for communication of orders” means the form (including online) in which the Single Window Clearance Authority shall communicate orders to the applicant;
 - (j) “form for informing deemed approval” means the format (including online) in which the deemed approval is informed under these rules;
 - (k) “form of authorization” means the authorization in which the CEO of Single Window Clearance Authority shall authorize a Designated Officer on his / her behalf to conduct and/or attend the meeting of the Single Window Clearance Authority committee and / or appear before the Appellate Authority;
 - (l) “form of receipt by Competent Authority” means the form (including online) in which the Competent Authority acknowledges receipt of application or additional information from the nodal agency;
 - (m) “form of reference” means the form (including online) in which the District Committee and State Committee shall forward cases for review(s) or revision(s);
 - (n) “form of self-certification” is the form appended to these rules in which certificate has to be furnished by the applicant in online format or in physical form till the time Single Window Portal is fully functional and operational;
 - (o) “Investor Facilitation Centre” means a helpdesk set up by the Directorate of Commerce & Industries to provide support to the Single Window Clearance Authority in processing applications;
 - (p) “register of applications” means the Register (including online documentation) prescribed in these rules in which the details of the applications are entered;
 - (q) “section” means a section of the Act;
 - (r) “single window portal approval” means the approval (including online) accorded by Single Window Clearance Authority on the basis of approval given by the Designated Officer(s) or in case of Self-certification provided by the Applicant;
 - (s) “Single Window Portal (SWP)” is the online system through which all applications shall be received, all decisions conveyed, and relevant services delivered, as notified under Section 4 of the Act;
 - (t) “time limit” means the number of working days within which a decision has to be taken by the Single Window Clearance Authority, from the date of receipt of application;
- (2) All words and expressions used herein but not defined shall have the same meaning as respectively assigned to them in the Act.

3. **Constitution of Single Window Clearance Authority —**

There shall be a “Single Window Clearance Authority” (herein after referred to as SWCA) under the chairmanship of Chief Secretary, to monitor and supervise the works of Single Window Clearance Authority with following members:

- (i) Chief Secretary, Govt. of Mizoram - Chairperson
- (ii) Secretary, Commerce & Industries Department - Vice Chairperson

- (iii) Secretary, Planning & Programme Implementation, Environment Forest & Climate Change, Excise & Narcotics, Food Civil Supplies & Consumer Affairs, Finance, Home, Health & Family Welfare, Land Revenue & Settlement, Law & Judicial, Labour, Employment, Skill Development & Entrepreneurship, Public Health Engineering, Power & Electricity, Transport and Urban Development & Poverty Alleviation Departments - Member
- (iv) Representative of any organisation or individual(s) having stake in the single window activity, which the Government deem necessary to be included, if any - Member
- (v) Chief Executive Officer (CEO), Single Window Clearance Authority (not below the rank of Joint Secretary to the Government of Mizoram) - Member Secretary

4. Role of Single Window Clearance Authority Committee —

The committee,

- (1) shall regularly monitor, supervise and review the functioning of the SWCA established under the Act;
- (2) shall sit at least once in a quarter or at such other times as may be decided by the Chairman of the Committee;
- (3) shall be responsible for recommending to the State Government regarding any critical clearance or relaxation in any matter of investment proposals and activities of the Single Window Clearance Authority;
- (4) shall be responsible for organizing campaign, events, conferences and meetings both in India and abroad for promoting Mizoram as an investment destination;
- (5) may refer any matter or issue to the State Government with its recommendation or suggestions, if considered necessary;
- (6) may invite the concerned administrative Head or Secretary or any other officer of a competent authority as a special invitee to discuss and finalize any specific proposal(s) or issue(s) of such competent authority;
- (7) may co-opt any other member(s) if so required, for assistance of the Committee for proper and effective discharge of its functions;
- (8) may appoint from time to time, such sub-committee and/or special committee as may be considered necessary, to assist in carrying out its functions and facilitate investment in the State;
- (9) shall be responsible for carrying out any other functions as may be entrusted to it by the State Government;
- (10) may decide the modalities of transacting business of SWCA as deem fit.

5. Functions of Chief Executive Officer of Single Window Clearance Authority —

- (1) He shall convene Single Window Clearance Authority Committee meeting in consultation with the Chairperson of Single Window Clearance Authority;
- (2) He shall prepare and circulate agenda for Single Window Clearance Authority Committee meeting;
- (3) He shall record the decisions taken in Single Window Clearance Authority Committee meeting and circulate the same (after approval) among the members;
- (4) He shall receive and process all investment proposals including new investment as well as proposal for modernization, expansion of existing industries;
- (5) He shall be responsible to run the Single Window Portal (SWP) of SWCA efficiently, liaise with all competent authorities, preparation of monthly report and get clearances from the competent authority;

- (6) He shall coordinate with all sectors in the efforts of the State Government to encourage new investment and their implementation in the state;
- (7) He shall receive or cause to receive application(s) online for new investment from Private and Public sector, and examine and process the same for all necessary statutory and other approvals;
- (8) He shall issue notice(s) to the Designated Officer, in case of their failure to provide necessary clearances within the stipulated time and the same be intimated to the concerned administrative Department(s) for taking necessary action;
- (9) He shall review the process with the team of officers under him/her and sort out any problem faced by them. In case of any critical issue(s), the matter may be referred to the SWCA Committee for a suitable solution;
- (10) He shall be responsible for carrying such other functions as may be entrusted to him by the SWCA Committee and State Government.

6. Administrative setup of Single Window Clearance Authority —

- (1) There shall be a permanent set up of the Single Window Clearance Authority in an appropriate location as may be decided by the Government in the Commerce and Industries Department, with all necessary infrastructure, officers and staffs.
- (2) The State Government shall appoint an officer not below the rank of Joint Secretary as the Chief Executive Officer for carrying out the day-to-day functions of the Single Window Clearance Authority;
- (3) The Government may, if deemed necessary, place Officer and such other staff of Department involved in the Single Window Clearance System in the Single Window Clearance Authority for smooth functioning of Single Window Clearance Authority subject to such terms and conditions as may be specified by the Government.

7. Procedure for processing of online application for obtaining clearance —

- (1) The applicant seeking any clearance(s) shall register through the Single Window Portal (SWP) created by the Single Window Clearance Authority (SWCA) for the purpose and on registration applicant shall be given a unique ID and password for future references;
- (2) The application through Common Application Form (CAF) along with prescribed attachment(s) shall be submitted / uploaded online, wherever feasible. Other attachment(s), wherever necessary, shall be sent to the concerned competent authority through courier, and can be tracked online through a built-in system as per guidance available in the Single Window Portal;
- (3) On receipt of the application form online, the system shall automatically forward it to the Designated Officer(s). However, under the disposal of the Chief Executive Officer, the SWCA may hand over hard copy or copies of such application(s) to the officer to follow up and get the clearance within the stipulated time;
- (4) All Designated Officers shall be provided online access to the SWP through a secured user ID and password, to process the applications forwarded to them;
- (5) For additional attachments despatched by courier to respective Designated Officer, the Designated Officer shall enter the date, specific to clearance in their record;
- (6) In case the Designated Officer does not acknowledge the receipt of attachment within 3 (three) working days of despatch, as noted initially in the system, the fourth working day from despatch shall be construed as reference date specific to clearance;
- (7) In case timelines specified under rule 7 (6) cannot be met for any valid reason/ force majeure, then the Designated Officer, with the approval of the next higher authority may acknowledge the receipt on the actual receipt date;

- (8) The Designated Officer may ask for additional information from the applicant within first 3 (three) working days of receipt of complete application which may be extended up to a maximum of 7(seven) working days;
- (9) The Designated Officer shall process the application and communicate the decision regarding approval or rejection of the request along with comments and upload the same in the system within the prescribed time limit. Approval or rejection letter shall bear the digital signature of the competent authority. A hard copy of the approval shall be forwarded to the applicant as well as to the Chief Executive Officer;
- (10) Once the request is approved by the Designated Officer, the applicant can take a printout of the approval;
- (11) The applicant(s) may file online for multiple clearances. Applicant(s) shall be given an option to file for all clearances at one time or multiple times, as the case may be;
- (12) At each stage of the application, an e-mail and SMS alerts shall be sent to the applicant;
- (13) The application shall be submitted to the SWCA in the format as may be notified by the Government from time to time;
- (14) The SWCA shall keep all records of clearances, etc. for future record;
- (15) The SWCA shall submit a report to SWCA Committee about the status of application received, cleared, rejected, pending and reasons for pending on monthly basis;
- (16) There shall be a dedicated helpline number to provide help to the investors while filling application form online managed by Investor Facilitation Centre (IFC);
- (17) Competent authority or authorities having their own web portal with facilities of online submission, tracking, etc. shall continue with the existing portal till such time as deemed fit and proper in consultation with the SWCA. These web portals shall be hyperlinked with the Single Window Portal created under the Single Window Clearance Authority. However, competent authority shall take initiative to interlink with the SWP created by the SWCA.

8. Applicant Self Certification —

- (1) Every applicant shall furnish a "Self-Certificate" at the time of submitting online application to the Single Window Clearance Authority in the format attached with the application form;
- (2) The Self Certificate furnished by the applicant shall be taken into consideration and accepted by the competent authority as a reliable document to which the applicant shall be fully responsible.

9. Time Limit for accordance of clearances —

- (1) SWCA shall refer to the time limit notified by Government under relevant provisions of the Mizoram Right to Public Services Act (MRTPS), 2015;
- (2) SWCA shall refer to the time limit notified by Central Government for services governed by such Acts and Rules;
- (3) Notwithstanding any time limit contained under Mizoram Right to Public Services Act, 2015, the Government may prescribe time limits for processing of applications and issuance of clearance(s) by different competent authorities.

10. Deemed clearance —

- (1) In the event of failure of the respective competent authority to issue the clearance within the time limit prescribed in sub-rule 1, 2 and 3 of rule 9 of these rules, the requisite clearance shall be deemed to have been accorded to the concerned applicants under the listed enactments / provisions, provided the applicants have paid requisite fees as applicable, the application(s) are complete in all respects and they are free from any material defect:

Provided that provisions of this sub rule shall not be applicable in the matter of allotment of land, approval for change of land use for industrial purpose and registration of land documents under the Land Revenue and Settlement Department, industries categorised as high risk based on Labour Rules and Environmental impact of the State Government.

Provided further that the deemed clearance under this sub-rule shall not guarantee issue of subsequent statutory documents unless the entire process of enquiry required for the same is completed.

- (2) The Single Window Agency shall inform the applicant, the date on which the application was received by the competent authority and the date on which it was deemed to have been cleared under sub-rule(1) above;
- (3) The applicant may proceed to execute the work or take other necessary action after receiving the information from the Single Window Clearance Authority under sub- rule(2) of this rule, but not so as to contravene any of the provisions of the relevant Acts, rules or byelaws made thereunder applicable to such clearances;
- (4) The Single Window Clearance Authority shall prepare a list of applications receiving deemed clearances on monthly basis and inform the respective competent authority from time to time for their information and record.

11. Single Window Portal (SWP) —

- (1) Single Window Portal (SWP) is the online interface through which all investment related applications shall be received, all decisions conveyed, and relevant services delivered with an aim to ensure minimum physical interface in line with the process enumerated under rule 7 of these Rules.
- (2) The following shall be the Components of Single Window Portal:
 - (i) Profile of participating departments exhibited in the single window clearance system;
 - (ii) Registration of investor with unique ID and password;
 - (iii) List of services offered for approval/clearance by Competent Authority of various departments, which will exhibit who should apply, how to apply, supporting documents required, timeline for approval and required fees to be paid for processing and approval/clearance sought for services;
 - (iv) Common Application Form (CAF), given under sub rule (2) of rule 7;
 - (v) Checklist of documents required to complete the application in Common Application Form (CAF) for processing and approval/clearance sought for services;
 - (vi) Self-Certification, given under rule 8 of these Rules;
 - (vii) Acknowledgement of the application received;
 - (viii) Approval/clearance confirmation;
 - (ix) Central Inspection System (CIS) statutory and complaint-based inspection (periodic/random) carried out by several competent authority based on risk profile and non-compliance history of business enterprises.
- (3) The following grievance redressal facility shall be provided in the SWP (Appellate Authority):
 - (i) Any person aggrieved by the decision of any competent authority or the Single Window Clearance Authority on any clearance, may file an appeal before the Government addressed to the Secretary Department of Commerce & Industry within 30 (thirty) working days from the date of receipt of such clearance or any information or communication rejecting the application, as the case may be;

- (ii) The Secretary, Department of Commerce and Industry may put forth any grievances as and when necessary to the SCWA Committee seeking redressal of the same and the decision of the Government thereon shall be final and binding on all concerned;
- (iii) The Appellate Authority shall exercise power and functions as provided under section 13 of the Act.

12. Investor Facilitation Centre (IFC) —

- (1) Entrepreneurs / Investors Facilitation Centre, hereafter called Investor Facilitation Centre (IFC) shall be set up in the Directorate of Commerce & Industries (DCI) to provide support to the Single Window Clearance Authority. The Centre will also facilitate/ support investors in the process of investing in new and existing industrial undertakings;
- (2) The designated officer of DCI will act as Single Point of Contact (SPOC) of Investor Facilitation Centre for addressing and disposal of all investment proposals in the State received through the Common Application Form. The designated officer of the DCI shall extend support across the State to establish a State-wide hub-and-spoke structure which will address business concerns and issues collectively at district levels.
- (3) Investment Facilitation Centre shall have the following roles and responsibilities:
 - (i) The IFC will be responsible for receiving the online applications, their subsequent processing as per the guideline/procedure laid down under applicable provisions of Investment Promotion in The Mizoram Industrial Policy, 2012 and its successive notifications/amendments and take the investment proposals to the Single Window Clearance Authority or the State Review Committee, as the case may be;
 - (ii) The IFC will function as facilitator for project approval, monitoring and implementation, which will act as a single point interface between applicants and the Government Departments for facilitating the new investment proposal(s) and providing necessary assistance for setting up of the projects approved by the Single Window Clearance Authority. IFC will assist the applicants in obtaining required clearances from the concern departments, in a time bound manner;
 - (iii) The IFC will co-ordinate with all departments through concerned departmental Designated Officer or with the officers of the Appropriate Authority Linked with the Centre to help in implementation of the projects on the ground;
 - (iv) The IFC will also handhold the industrial undertakings in resolving any functional difficulties throughout their lifecycle;
 - (v) The IFC will assist the applicants in applying for admissible incentives, concessions and facilities and sanctioning thereof;
 - (vi) The IFC shall monitor the functioning of industrial undertakings or projects established in the State and present half yearly report to the SWCA;
 - (vii) The IFC may organize workshops, seminars, investment promotion activities to promote investment in the State and in other States of India with the approval of SWCA;
 - (viii) The IFC will exercise all or any specific powers or functions assigned by the SWCA or the State Government from time to time;
 - (ix) The IFC will also act as a help desk. It shall receive, log, prioritize, assign, track, escalate, resolve, close and archive queries, answer calls and initiate the process and escalation of unsolved issues to the next level. All queries must be addressed within a timeline of 15 working days. Help desk will be normally operational from Monday to Friday as per the prescribed office working hours except on any public/government holidays.