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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018, and is hereby published for general information:—

ACT No. 5 OF 2018.

An Act to amend the Tamil Nadu Local Authorities Entertainments Tax Act, 2017.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Local Authorities Entertainments Tax (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 26th day of September 2017.

Amendment of section 3.

2. In Section 3 of the Tamil Nadu Local Authorities Entertainments Tax Act, 2017 (hereinafter referred to as the principal Act), for sub-section (2) excluding the Explanations thereunder, the following sub-section shall be substituted, namely:—

Tamil Nadu Act 20 of 2017.

“(2) The entertainments tax on cinematograph exhibition shall be calculated at the following rates on each payment for admission to any cinematograph exhibition in the theatres located,—

(i) within the limits of the Municipal Corporations, Municipalities, Special Grade and in the theatres, whether permanent or semi-permanent, within five kilometers from the outer peripheral limits of such areas of the Municipal Corporations and Municipalities, Special Grade,—

(A) at the rate of thirty per cent of the gross payment for admission exclusive of the amount of the tax for new film; and

(B) at the rate of twenty per cent of the gross payment for admission exclusive of the amount of the tax for old film;

(ii) in the areas other than those specified in clause (i), at the rate of twenty per cent of the gross payment for admission exclusive of the amount of the tax for new or old film.”.

Amendment of section 17.

3. In section 17 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that the inspecting officer shall not enter any place of entertainment without the prior permission of such officer as may be authorised by the local authority concerned.”.

Repeal and saving.

4. (1) The Tamil Nadu Local Authorities Entertainments Tax (Amendment) Ordinance, 2017 is hereby repealed.

Tamil Nadu Ordinance 5 of 2017.

(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 said Act, as amended by this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018, and is hereby published for general information:—

ACT No. 6 OF 2018.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force at once.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919.

2. In Section 101 of the Chennai City Municipal Corporation Act, 1919,—

Amendment of Section 101.

(1) for clause (c), the following clause shall be substituted, namely :—

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e)”, the expression “clauses (a) and (e)” shall be substituted.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.

3. In Section 122 of the Madurai City Municipal Corporation Act, 1971,—

Amendment of Section 122.

(1) for clause (c), the following clause shall be substituted, namely :—

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e)”, the expression “clauses (a) and (e)” shall be substituted.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981.

4. In section 123 of the Coimbatore City Municipal Corporation Act, 1981,—

Amendment of section 123.

(1) for clause (c), the following clause shall be substituted, namely :—

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e)”, the expression “clauses (a) and (e)” shall be substituted.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of
section 83.

5. In section 83 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (1),—

Tamil Nadu Act
V of 1920.

(1) for clause (c), the following clause shall be substituted, namely :—

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or municipality or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e)”, the expression “clauses (a) and (e)” shall be substituted.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018, and is hereby published for general information:—

ACT No. 7 OF 2018.

An Act to support the State of Tamil Nadu, in its aspiration of being one of the most preferred investment destination in the country, by ensuring adequate information availability to the investors thereby enabling them to take informed decisions and to ensure single point receipt of applications for securing clearances that are required to establish or expand an enterprise and for clearances required during normal course of business including renewals in a time-bound manner and to provide for effective grievance redressal mechanism and fine in case of failure of Competent Authorities to act within a time limit and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for time-bound processing of applications and issue of clearances by various Competent Authorities of the State for establishing or expanding an enterprise for the promotion of economic development of the State and for an investor-friendly environment in the State and for matters connected therewith or incidental thereto;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Business Facilitation Act, 2018.
 (2) It extends to the whole of the State of Tamil Nadu.
 (3) It shall be deemed to have come into force on the 28th day of October 2017.

Short title,
 extent and
 commence-
 ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “applicant” means a person duly authorized by an enterprise to file an application through Single Window Portal on behalf of the enterprise;

(b) “checklist” means the list of documents to be furnished by the applicant along with the Combined Application Form as may be prescribed;

(c) “clearances” means grant or issue of no-objection certificate, allotments, consents, approvals, permissions, registrations, enrolments, licences and the like, by any Competent Authority or authorities in connection with the setting up of an enterprise or expansion of an existing enterprise in the State and shall include all such approvals required till the enterprise starts commercial production and includes periodic renewals that may be required for such clearances;

(d) “Competent Authority” means any Department or Agency of the Government, Corporation, Board, Local Body or other authority established by the Government, which are entrusted with the powers or responsibilities to grant or issue clearances or incentives;

(e) “deemed approval” means a clearance deemed to have been given by the Competent Authority on the expiry of time limit for providing such clearance in the absence of sufficient and reasonable cause for not clearing the application within the time limit:

Provided that the deemed approval shall be subject to the approval of the Respective Committee under this Act;

(f) “department” means a department of the Government;

(g) “designated official” means an officer identified by a Competent Authority for processing of individual clearances in accordance with the rules made under this Act;

(h) "enterprise" means an undertaking that intends to engage in or is engaged in any or all of the activities, namely, manufacturing, processing or providing services;

(i) "Government" means the State Government;

(j) "Grievance Redressal Authority" means the Authority referred to in section 27;

(k) "Grievance Revisionary Authority" means the Authority referred to in section 27;

(l) "Guidance Bureau" means the Tamil Nadu Industrial Guidance and Export Promotion Bureau;

(m) "Incentive" means a financial package or a specific financial grant as may be specified by the Government;

(n) "MSME District Single Window Committee" means the Medium, Small and Micro Enterprises District Single Window Committee constituted under section 21;

(o) "MSME State Single Window Committee" means the Medium, Small and Micro Enterprises State Single Window Committee constituted under section 22;

(p) "MSME Investment Promotion and Monitoring Board" means the Medium, Small and Micro Enterprises Investment Promotion and Monitoring Board constituted under section 23;

(q) "Nodal Agency" means the agency referred to in section 3;

(r) "Notification" means a notification published in the *Tamil Nadu Government Gazette* and the word 'notified' should be construed accordingly;

(s) "prescribed" means prescribed by rules made under this Act;

(t) "pre-scrutiny" means the examination of applications received prior to its acceptance to assess its completeness as per the checklist, in such manner as may be prescribed;

(u) "Respective Committee" means one or more of the following, namely:—

(i) MSME District Single Window Committee;

(ii) MSME State Single Window Committee;

(iii) State Single Window Committee;

(iv) State Single Window Monitoring Committee;

(v) MSME Investment Promotion and Monitoring Board;

(vi) Investment Promotion and Monitoring Board;

(v) "State" means the State of Tamil Nadu;

(w) "single window portal" means the web portal developed and maintained by the Nodal Agency;

(x) "time limit" means the number of working days within which a final decision regarding issue of clearance to an enterprise shall be taken by a Competent Authority from the date of receipt of the application, complete in all aspects.

CHAPTER II.

NODAL AGENCY AT STATE AND DISTRICT LEVEL.

3. (1) For clearances that are required for setting up new enterprises or expansion of existing enterprises with proposed investment exceeding the amount notified under sub-section (1) of Section 5, the Guidance Bureau shall be the Nodal Agency at the State level.

Nodal Agency
at State and
District level.

(2) For clearances that are required for setting up new enterprises or expansion of existing enterprises with proposed investment upto the amount notified under sub-section (1) of section 5, the Office of the Regional Joint Director of Industries and Commerce in respect of Chennai district, and the District Industries Centre in respect of other districts shall be the Nodal Agency at the district level.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government may notify any other authority or Board as a Nodal Agency, for any specified area with such powers and functions as may be specified in the notification.

4. (1) Under the superintendence, direction and control of the Government and Respective Committees, the Nodal Agency shall discharge the following functions, namely:—

Powers and
functions of
Nodal Agency.

(i) act as a single point of contact for all enterprises that require clearances and incentives as notified by the Government under section 6;

(ii) assist the applicants in completing the application forms;

(iii) arrange for pre-scrutiny of applications by convening meetings with representatives of Competent Authorities and address queries of investors;

(iv) on completion of pre-scrutiny,—

(a) accept those applications which are complete; or

(b) ask for additional information in case of incomplete applications, in accordance with the rules made under this Act;

(v) receive applications for clearances through single window portal;

(vi) act as a secretariat to the Respective Committees and support them in discharging their functions;

(vii) receive orders, either rejecting or accepting the application, from the Competent Authority and take appropriate action as may be prescribed;

(viii) redress the grievances of enterprises, if any, associated with the process of securing clearances and incentives under this Act and the rules made thereunder.

(2) The powers and functions of the Nodal Agency under this Act shall be in addition to the powers and functions discharged by it.

5. (1) The Government may, by notification from time to time, specify the investment limit upto which the application for clearances shall be made to the District Level Nodal Agency. All applications exceeding the said investment limit shall be made to the State Level Nodal Agency.

(2) Notwithstanding anything contained in sub-section (1), the Government may prescribe that all applications from enterprises in a specified area notified under this Act shall be made to the Nodal Agency notified for that specified area.

Clearances and incentives.

6. The Government may prescribe the clearances and incentives in the rules made under this Act and may add or vary the clearances and incentives, from time to time.

Application for clearances and incentives.

7. Applications for clearances and incentives prescribed under section 6, shall be submitted through single window portal with such fee, including the fee payable to the Nodal Agency as may be prescribed and in such manner as may be prescribed.

Power to call for additional information.

8. (1) On receipt of an application, the Competent Authority shall have the powers to seek additional information or clarification, if required, from the applicant:

Provided that the additional information or clarification shall be sought for only once before the expiry of the time limit prescribed under section 11 and all correspondences relating to the additional information or clarification shall be routed through the single window portal, in such manner as may be prescribed.

(2) The Competent Authority shall pass an order either accepting or rejecting the application, through the single window portal.

Combined Application Form.

9. (1) The Government shall prescribe a Combined Application Form, either in physical or electronic format, which may consist of,—

(i) Forms under Central enactments without any change; and

(ii) existing Forms or new Forms in lieu of the existing Forms under State enactments.

(2) All Departments and the Competent Authorities concerned shall accept the Combined Application Form for processing and issue of required clearances.

Self-certification.

10. (1) Every enterprise shall furnish a self-certification, together with an undertaking that it shall comply with the provisions of the relevant Acts and the rules, in such Form as may be prescribed along with the application through single window portal.

(2) The self-certification furnished by the enterprise shall be accepted by the Competent Authority concerned for the purpose of grant of clearance.

(3) The enterprise shall be made liable for fine under section 28, if the particulars furnished by it are found to be false or incorrect or if the enterprise fails to adhere to the declarations made in the self-certification, at any point of time.

Procedure and time limit for processing of applications.

11. (1) Notwithstanding anything contained in any State law for the time being in force, the Government may prescribe,—

(a) the procedure for processing and disposal of applications;

(b) the time limit for raising queries, processing and disposal of applications by the Competent Authority.

(2) The Competent Authority shall pass orders on the application before the expiry of such time limit from the date of receipt of application, complete in all aspects.

Deemed approval.

12. (1) The Government shall prescribe the clearances in respect of which failure of the Competent Authority to pass final orders on the application within the prescribed time limit shall result in deemed approval.

(2) The enterprise may proceed to execute the work or take other action following the deemed approval, without contravening any of the provisions of the Acts, rules, bye-laws, notifications, standing orders, executive instructions, guidelines and the regulations made by the Competent Authority concerned for such clearances and as per the self-certification furnished by the enterprise under section 10.

13. The Respective Committee 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 approved.

Information of deemed approval.

14. (1) The Government may, by notification, specify the clearances for which inspections under the provisions of the applicable Acts, rules, orders or instructions shall be conducted by the Competent Authorities in accordance with such guidelines as may be prescribed.

Inspection, exemption and delegation of powers.

(2) The Government may, from time to time, by notification, specify the clearances for which exemption is granted from inspection and may also delegate the powers of inspection to any person or authority in respect of any specific clearance covered under this Act.

CHAPTER III.

STATE LEVEL COMMITTEES AND BOARD.

15. (1) The Government shall, by notification, constitute a State Single Window Committee with the Executive Vice-Chairperson, Guidance Bureau as the Chairman, Company Secretary, Guidance Bureau as the Member Convener, the Competent Authorities concerned and not exceeding two persons from Trade Associations, Chambers of Commerce and Technical Experts, as members as may be prescribed.

Constitution, powers and functions of State Single Window Committee.

(2) The Competent Authorities who are Members of the State Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The State Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place, as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application shall be deemed to have been approved under section 12;

(iv) forward cases with remarks and relevant documents to the State Single Window Monitoring Committee for decision under section 18;

(v) invite Competent Authorities or experts, who are not members of the committee, as special invitees for any meeting of the State Single Window Committee, as desired by the Chairman of the Committee; and

(vi) exercise such other powers and perform such other functions as may be prescribed.

16. (1) The Government shall, by notification, constitute a State Single Window Monitoring Committee with the Chief Secretary to Government as the Chairman, Secretary, Industries Department as the Member Convener and Secretaries of concerned departments as members.

Constitution, powers and functions of State Single Window Monitoring Committee.

(2) The members of the State Single Window Monitoring Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The State Single Window Monitoring Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place, as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the status of processing of applications received through single window portal by the Competent Authorities and the State Single Window Committee;

(iii) review and monitor the status of resolution of enterprises' grievances that were registered using the single window portal with respect to clearances and incentives from the Competent Authorities concerned;

(iv) issue suitable directives to the Competent Authorities, wherever applicable which shall aid in resolution of the enterprises' grievances;

(v) consider and decide cases under sections 18 and 19;

(vi) forward cases with remarks and relevant documents to the Investment Promotion and Monitoring Board for decision under section 20;

(vii) review and monitor the approval status for incentives to all such categories of projects as specified by the Government, by notification;

(viii) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting, as desired by the Chairman of the Committee; and

(ix) exercise such other powers and perform such other functions as may be prescribed.

Constitution,
powers and
functions of
Investment
Promotion
and
Monitoring
Board.

17. (1) The Government shall, by notification, constitute an Investment Promotion and Monitoring Board with the Chief Minister as the Chairman, Secretary, Industries Department as the Member Convener and such other members as may be prescribed.

(2) The Investment Promotion and Monitoring Board shall perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Board may decide and transact business as per the prescribed procedure;

(ii) review and monitor the disposal of applications by the State Single Window Committee, State Single Window Monitoring Committee and the Competent Authorities;

(iii) provide strategic direction and oversee the functioning of both the State Single Window Committee and the State Single Window Monitoring Committee;

(iv) periodically review the implementation and operational efficiency of the Single Window Mechanism in the State;

(v) consider and decide cases under section 20;

(vi) review any other issue related to investor facilitation as put forth by the State Single Window Committee or the State Single Window Monitoring Committee;

(vii) review policy issues related to investment promotion, facilitation and grounding;

(viii) review and monitor the approval status for incentives to all such categories of projects as specified by the Government, by notification; and

(ix) exercise such other powers and perform such other functions as may be prescribed.

(3) The orders passed by the Investment Promotion and Monitoring Board for issuing clearances to enterprises exceeding investment limits as may be notified under sub-section (1) of section 5 shall be final and binding on the State Single Window Committee, the State Single Window Monitoring Committee and the Competent Authorities.

18. (1) Notwithstanding anything contained in any State law for the time being in force, the State Single Window Committee may, either *suo motu* or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the State Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the State Single Window Monitoring Committee with remarks and relevant documents for a decision.

Review of cases by State Single Window Committee.

(2) The State Single Window Monitoring Committee shall examine all cases referred to it by the State Single Window Committee and pass appropriate orders.

(3) The decision taken by the State Single Window Monitoring Committee shall be binding on the State Single Window Committee and the Competent Authorities.

19. Notwithstanding anything contained in any State law for the time being in force, the State Single Window Monitoring Committee may, either *suo motu* or on a reference, examine any order passed by the State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by State Single Window Monitoring Committee.

20. Notwithstanding anything contained in any State law for the time being in force, the Investment Promotion and Monitoring Board may, either *suo motu* or on a reference, examine any order passed by the State Single Window Committee or the State Single Window Monitoring Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by Investment Promotion and Monitoring Board.

CHAPTER IV.

CONSTITUTION OF MSME DISTRICT SINGLE WINDOW COMMITTEE AND MSME STATE SINGLE WINDOW COMMITTEE.

21. (1) The Government shall, by notification, constitute an MSME District Single Window Committee with the District Collector as the Chairman, Regional Joint Director of Industries and Commerce as the Member Convener in respect of Chennai district, General Manager, District Industries Centre as the Member Convener for other districts with the Competent Authorities concerned and not exceeding two persons from Trade Associations, Chambers of Commerce and Technical Experts as members, as may be prescribed.

Constitution, powers and functions of MSME District Single Window Committee.

(2) The Competent Authorities who are members of the MSME District Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The MSME District Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) forward cases with remarks and relevant documents to the MSME State Single Window Committee for decision under section 24;

(iv) inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application shall be deemed to have been approved under section 12;

(v) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME District Single Window Committee, as desired by the Chairman of the Committee; and

(vi) exercise such other powers and perform such other functions as may be prescribed.

Constitution, powers and functions of MSME State Single Window Committee.

22. (1) The Government shall, by notification, constitute an MSME State Single Window Committee with the Industries Commissioner and Director of Industries and Commerce as the Chairman, the Additional Director of Industries and Commerce as the Member Convener, and such other members from Competent Authorities concerned, as may be prescribed.

(2) The Competent Authorities, who are members of the MSME State Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The MSME State Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) review and monitor the disposal of applications by the MSME District Single Window Committee;

(iv) consider and decide cases under sections 24 and 25;

(v) forward cases with remarks and relevant documents to the MSME Investment Promotion and Monitoring Board for decision under section 26;

(vi) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME State Single Window Committee, as desired by the Chairman of the Committee; and

(vii) exercise such other powers and perform such other functions as may be prescribed.

Constitution, powers and functions of MSME Investment Promotion and Monitoring Board.

23. (1) The Government may, by notification, constitute an MSME Investment Promotion and Monitoring Board with the Minister for Rural Industries, Government of Tamil Nadu as the Chairman, Industries Commissioner and Director of Industries and Commerce as the Member Convener, and such other members as may be prescribed.

(2) The MSME Investment Promotion and Monitoring Board shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Board may decide and transact business as per the prescribed procedure;

(ii) review and monitor the disposal of applications by the MSME District Single Window Committee, MSME State Single Window Committee, and the Competent Authorities;

(iii) provide strategic direction and oversee the functioning of MSME District Single Window Committee and MSME State Single Window Committee;

(iv) consider and decide cases under section 26;

(v) review any other issue related to investor facilitation as put forth by the MSME District Single Window Committee or MSME State Single Window Committee;

(vi) exercise such other powers and perform such other functions as may be prescribed.

(3) The orders passed by the MSME Investment Promotion and Monitoring Board for issuing clearances to enterprises upto investment limits as may be notified under sub-section (1) of section 5, shall be final and binding on the MSME District Single Window Committee, MSME State Single Window Committee and the Competent Authorities.

24. (1) Notwithstanding anything contained in any State law for the time being in force, the MSME District Single Window Committee, may, either *suo motu* or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the MSME District Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the MSME State Single Window Committee with remarks and relevant documents for a decision.

Review of cases by MSME District Single Window Committee.

(2) The MSME State Single Window Committee shall examine all cases referred to it by the MSME District Single Window Committee and pass appropriate orders.

(3) The decision taken by the MSME State Single Window Committee shall be binding on the MSME District Single Window Committee and the Competent Authorities.

25. Notwithstanding anything contained in any State law for the time being in force, the MSME State Single Window Committee may, either *suo motu* or on a reference, examine any orders passed by the MSME District Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by MSME State Single Window Committee.

26. Notwithstanding anything contained in any State law for the time being in force, the MSME Investment Promotion and Monitoring Board may, either *suo motu* or on a reference, examine any orders passed by the MSME District Single Window Committee or MSME State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by MSME Investment Promotion and Monitoring Board.

CHAPTER V.

MISCELLANEOUS.

27. (1) All grievances related to processing of applications under this Act shall, in the first instance, be referred to such Grievance Redressal Authority as may be prescribed, within such period as may be prescribed.

Appeal and revision.

(2) The Grievance Redressal Authority shall, after following such procedure as may be prescribed, dispose of the appeal within such time as may be prescribed, either rejecting the appeal or taking such remedial action as may be prescribed, including imposition of fine under section 29.

(3) The enterprise or the Designated Official of the Competent Authority aggrieved by any order of the Grievance Redressal Authority may make an application for revision to the notified Grievance Revisionary Authority, within such time and in such manner as may be prescribed.

(4) The Grievance Revisionary Authority shall, after following such procedure as may be prescribed, dispose of the revision within such time as may be prescribed, either rejecting the revision or taking remedial action as may be prescribed including imposition of fine under section 29.

Offences and penalties.

28. (1) Any enterprise that fails to comply with the conditions or undertaking in the self-certification given to the Nodal Agency or other Department or authorities shall be punishable with fine which may extend to fifteen thousand rupees for the first offence and upto twenty-five thousand rupees for the second or subsequent offences. The fine so imposed shall be in addition to any other recourse which may be available under the applicable law.

(2) Where an offence under this Act is committed by an enterprise, the enterprise as well as every person in charge of, and responsible to, the enterprise for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and liable to be punished under this section.

(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of proprietor, managing partner, any director, manager, secretary or any other officer or authorized signatory, such proprietor, managing partner, director, manager, secretary or any other officer or authorized signatory shall also be deemed to be guilty of that offence and shall be liable to be punished under this section.

Explanation.— For the purpose of this section—

(a) “enterprise” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Imposition of fine for non-provision or delayed services.

29. (1) Every Competent Authority shall identify the Designated Official for processing of individual applications received in accordance with the rules made under this Act.

(2) All grievances shall be initially examined by the notified Grievance Redressal Authority and where the Grievance Redressal Authority is of the opinion that the Designated Official of the Competent Authority has failed to meet committed service levels without sufficient and reasonable cause, a fine not exceeding twenty-five thousand rupees may be imposed on the Designated Official:

Provided that the Designated Official of the Competent Authority shall be given a reasonable opportunity of being heard before any fine is imposed.

(3) Any fine imposed under sub-section (2) shall be collected in such manner as may be prescribed and shall be in addition to any other recourse available to the Government or the Competent Authority under applicable Service Rules:

Provided that no fine shall be imposed on the Designated Official of the Competent Authority more than once for the same case of non-provision or delay in provision of services.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceedings shall be instituted against, or damage claimed from, the Respective Committees or any employee of the Government acting under the direction of such Committee, for any action, which is in good faith, carried out or intended to be carried out, or for any order passed in good faith, in pursuance of this Act and the rules made thereunder.

Act to override other laws.

31. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

32. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulties:

Power to remove difficulties.

Provided that no such order shall be issued after the expiry of two years from the date of commencement of this Act.

33. The Government may, from time to time, issue to the Respective Committees such general or special directions as they may deem necessary or expedient for the purpose of carrying out the objects of this Act and the said Committee shall be bound to follow and act upon such directions.

Power to give directions.

34. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Government may make rules relating to the matters which may be or is required to be prescribed by rules.

(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the date on which they are so published.

(4) Every rule made or notification or order issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

Repeal and saving.

35. (1) The Tamil Nadu Business Facilitation Ordinance, 2017 is hereby repealed.

Tamil Nadu Ordinance 7 of 2017.

(2) Notwithstanding such repeal, anything done, any action taken or any direction given under the said Ordinance, shall be deemed to have been done, taken or given under this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.