

GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIES AND COMMERCE DEPARTMENT
CIVIL SECRETARIAT, JAMMU

Notification,

Jammu, the 23rd April, 2021

S.O 142 In exercise of the powers conferred by section 26 of the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act, 2018 (Act No. X of 2018), the Lieutenant Governor hereby make the following rules, namely:-

1. Short title and commencement. (1) These rules may be called the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Rules, 2021.

(2) They shall come into force from the date of their publication the Official Gazette.

2. Definitions. (1).-In these rules, unless the context otherwise requires:

- (i) "Act" means the Jammu and Kashmir Single Window (Industrial Investments & Business Facilitation) Act, 2018;
- (ii) "Common Application Form" (CAF) means the form as mentioned in Schedule I.
- (iii) "Portal" means the Portal- mentioned and operated by Investment, Promotion and Facilitation Cell (IPFC) investjk.in under section 10 of the Act;

(2) Word or expression used in these rules but not defined shall have the same meaning as assigned to them in the Act.

3. Procedure for filing applications.-(1) The applicant shall register through integrated e-application (CAF) on the Single Window Portal of Investment, Promotion and Facilitation Cell (IPFC-Portal) on investjk.in. The detailed process flow is shown in Schedule II. On registration, a reference number will be generated (CAF-ID) which shall be used by the applicant to check the status in future. The applicant can login through e-mail ID and password for future correspondence and can upload set of common documents.

(2) The application form along with the prescribed attachments shall be submitted online with a self-certification. In case of application for seeking few approvals, the Portal (investjk.in) may require that the attachment shall be sent

to respective Departments through courier that can be tracked online through built in online system. On receipt of application form, the same shall be automatically forwarded to respective Competent Authority.

(3) All the applications auto forwarded on the Portal to the Competent Authority shall be deemed to have been forwarded by the Nodal Agency within the meaning of section 10 of the Act.

(4) All respective Departments/Competent Authority shall have an online portal which shall be integrated with investjk.in Portal, to process the applications.

4. Online Common Application Form (CAF).-(1)The applicant shall fill in basic information in a CAF online for seeking various permissions/clearances/ licenses.

(2) Every applicant applying for Pre-operation clearance for an enterprise/ industry before commencement of commercial production shall apply in the CAF however, if a specific clearance is not covered by the Common Application Form, the applicant shall file additional forms as prescribed under relevant Acts or by the Departments.

The Competent Authority shall give permission to an applicant through IPFC- Portal (investjk.in) after all relevant information is provided under CAF and relevant documents are uploaded. The Competent Authority shall not ask the applicant to resubmit the same documents. However, if required additional documents may be asked for related applications by the Competent Authority.

5. Checklist of Documents with CAF:- Following is the list of common documents which required to be submitted by an applicant for getting necessary approvals; namely:-

- a) Copy of Pan Card
- b) Proof of residential address of signatory
- c) Identity Proof of applicant (with authorization letter in case of firm / company/ enterprise)
- d) Proof of Ownership/ Occupancy of the premises as per layout plan or Lease Deed/ Rent Deed
- e) Copy of Memorandum and/ or Articles of Association of the Applicant (enterprise/ industry/ institution)
- f) Document showing the proof of land ownership.
- g) List of Partner/ Directors (names along with residential address) & Tel. No.

- h) Ration Card/ Electricity Bill/ Telephone Bill/ Aadhar Card/ Gas Connection Bill
- i) Copy of Registration of Organization/ Society/ Association
- j) Copy of Constitution of Organization/ Association.

6. Record maintenance at Investment, Promotion and Facilitation Cell

[IPFC] The Director Industries and Commerce Jammu/Kashmir shall constitute the IPFCs at Directorate as well as District Industries Centers level within 15 days of issuance of these Rules. The Investment, Promotion and Facilitation Cells shall be entrusted with roles and responsibilities as per section 13 of the Act, besides performing following functions:-

- (i) The IPFC shall maintain register of applications in electronic and physical form and the particulars of all the applications shall be entered in the Register of Applications. The register shall be regularly updated on real-time basis which should appear on the dashboard of the portal.
- (ii) The Single Window Nodal Officer of IPFC shall monitor the disposal of applications within the time limit specified in these rules and keep a record of the communication between applicant and the Competent Authority.
- (iii) The applications on which the Competent Authority has taken a decision within the prescribed time limit, the decisions so taken shall be entered into the Register of Applications and the status of the applications shall be submitted by the IPFC to the Apex/Divisional or the District Level Clearance Committee, as the case may.
- (iv) The application on which the Competent Authority has failed to take a decision within the prescribed time limit, the IPFC shall place it before the Apex/Divisional or the District Level Clearance Committee, as the case may, for consideration in the next scheduled meeting of the Committee within the prescribed time limit. In case the concerned Committee is unable to meet or otherwise unable to consider application, placed before it immediately, the IPFC shall submit the application to the Chairperson of the concerned Committee. The Chairperson of the committee, after recording the reasons in writing, may decide the application and such decision shall be placed before the concerned Committee in its next meeting for ratification. Subject to the decision of the committee, the decision taken by the Chairperson on the application shall be final.



7. Procedure to be followed for Granting Clearance.-(1)The Departmental Nodal Officer shall access the e-application through web portal and conduct preliminary scrutiny as per the requirements for grant of clearances as published in the respective Departmental web site as required under section 14 of the Act.

(2) The Competent Authority shall scrutinize the application strictly as per the provisions of the relevant Act and inform the applicant regarding any query/clarifications within 5 days of the receipt of an application on the IPFC portal(investjk.in) which shall be accessible to the applicant on the same day.

(3) In case of observations, the applicant shall send their reply to the single window Nodal Officer, who shall forward the same to the concerned departmental Nodal Officer. The time taken by the applicant in submitting required information to complete the application or additional information shall not be counted in counting the prescribed time limit. In case the applicant fails to submit the required information to complete the application within thirty days, the registration for application shall be dropped from the Portal.

(4) The Competent Authority shall process the application and communicate the decision of either approving or rejecting the application by giving reasons in writing and upload the same in the system within the prescribed time limit.

(5) Once the application is approved, the applicant may download the relevant approval certificate/ clearances/ licenses from the dashboard of IPFC-Portal. (investjk.in).

(6) Parallel processing of approvals/ clearances shall be done to expedite the process of approvals in case where the applicant requires to have more than one permissions by submitting the Common Application Form.

(7) At each stage of the application, the applicant shall be kept informed by an e-mail and SMS showing the status of the application. The applicant can also view the status of application on the applicant dashboard under the IPFC-Portal. An applicant shall also be intimated through SMS regarding the payment, if any, that is required to be made at any stage of the approval process.

(8) The Single Window Nodal Officer shall decide on case to case basis as to which applicant qualify for grant of Deemed Clearance as per the Act. Where a Deemed Clearance is granted under section 15 of the Act and if it is found later that any information submitted by the applicant is false or has misrepresented, the Nodal Officer shall take appropriate action against the applicant as per the relevant laws, besides revocation of the deemed approval



8. Tracking and monitoring of applications.-(1)The applications shall be tracked and monitored by the Nodal Officer(s)/ Competent Authority on the basis of a date-wise record along with all relevant details of applications captured on IPFC- Portal (investjk.in). The Competent Authority has to approve applications received on IPFC- Portal as per the prescribed time limit. In the wake of non-receipt of approval by the Competent Authority within the prescribed time limit. The IPFC shall send a single reminder after the lapse of 50% of specified time period.

(2) The IPFC shall have an end to end online system in place which will have all features pertaining to capturing of information, tracking and online payment. The monthly status reports/ MIS reports shall be placed before the Head of Departments (HoDs) by Departmental Nodal Officer with a copy submitted to the Single Window Nodal officer on regular basis. The status of disposal of applications shall be monitored by the HoDs and the IPFC on regular basis.

(3) The IPFC shall act as a Monitoring Committee to ensure that there are no delays at any level, either at the regional level or Head of Department level. Cases involving delays shall be placed before Head of the Department and Chief Secretary at regular intervals and to monitor the same, suitable officers shall be deputed to the IPFC by the Competent Authority.

9. Processing and disposal of applications by Apex/Divisional or the District Level Clearance Committee.-(1)The time limit for processing and disposal of applications shall be as such as may be specified by the Government. The time limit for any Clearance Committee for processing the application for permissions in case the Competent Authority has failed to take a decision within the specified time limit, shall be thirty working days counted from the last date of the time limit prescribed under the Jammu and Kashmir Public Service Guarantee Act, 2011, for the Competent Authority:

(2) The decisions taken by the Apex Clearance Committee/ Divisional Level Single Window Clearance Committee or the District Level Single Window Clearance Committee under the provisions of the Act and these rules shall be communicated to concerned Competent Authority within seven days and it shall be binding on the Competent Authority and the Competent Authority shall issue all the necessary orders for the permission within three days.

10. Jurisdiction of the various Committee for issuance of Clearance.-(1) The district level single window clearance committee shall be competent to consider the application with a project cost of upto Rs. 50 crore.

(2) The Divisional level single window clearance committee shall be competent to consider cases with a project cost form Rs. 50 crore to Rs. 500 crore.

(3) The Apex clearance committee shall be competent to consider cases above Rs. 500 crore project cost.

11. Third Party Inspections:- The inspections under the provisions of applicable Acts or rules by different authorities, wherever applicable, may be conducted through empanelled third party inspection agencies of appropriate authorities.

12. Grievance Redressal Mechanism.—(1) A Grievance Redressal Cell shall be constituted in Industries and Commerce Department consisting of the following; namely:-

- | | |
|--|------------------|
| (a) Administrative Secretary, | |
| Industries and Commerce Department, | Chairperson |
| (b) Managing Director SIDCO | Member |
| (c) Managing Director SICOP | Member |
| (d) Single Window Nodal Officer(concerned) | Member Secretary |

(2) Any aggrieved person or applicant shall register his grievance on the Portal.

(3) A grievance received on the portal shall, as far as practicable, shall be resolved within a period of seven working days by the Single Window Nodal Officer.

(4) If the grievance is not resolved within prescribed time limit as mentioned, the same may be placed before the Grievance Redressal Cell by the Member Secretary.

(5) The Grievance Redressal Cell shall take appropriate measures for addressing the grievances within thirty days of registration of grievance.

(6) The Grievance Redressal Cell if it deems fit may refer Grievance(s) to the Apex Clearance Committee.

(7) In cases where Apex Clearance Committee finds that any official has failed to comply with the provisions of the Act and these rules, it may recommend disciplinary action to be initiated against the officer.

(8) Notwithstanding anything contained, the Government shall be competent to initiate appropriate action or disciplinary proceedings against any official who fails to comply with the provisions of Act and these rules.

By order of the Government of Jammu and Kashmir.

Sd/-
(Ranjan Prakash Thakur)
Principal Secretary to the Government

No. IND/DIC-35/2018

Dated: 23.04.2021

Copy to the :-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/ Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K Institute of Management, Public Administration and Rural Development, Jammu.
11. Chairman, J&K Special Tribunal.
12. All HoD's of Industries and Commerce Department.
13. All Deputy Commissioners.
14. Director, Information.
15. Director, Archives, Archaeology and Museums.
16. General Manager, Government Press, Jammu/Srinagar.
17. Private Secretary to the Hon'ble Lieutenant Governor.
18. Private Secretary to the Chief Secretary.
19. Private Secretaries to Advisor (F)/(B)/(BK) to Lieutenant Governor.
20. Private Secretary to Principal Secretary to the Government, Industries and Commerce Department.
21. In-charge website I&C Department.
22. Notification file.


(Sartaj Hussain Madni)

Deputy Secretary to the Government

Schedule I

Common Application Form

CAF FORM

| | |
|--|---|
| Project Name | |
| Project Description | |
| Whether Land is available for the Project | Yes No |
| If yes | |
| Location of Establishment | |
| Survey Number/Plot Number | |
| Gram Panchayat | |
| Village/Town | |
| District | |
| Pincod | |
| Email | |
| Telephone | |
| Total Extent of Site Area as per Document (in sq. mts) | |
| Proposed Area for Development (in sq. mts) | |
| Total Built-up Area(in sq. mts) | |
| Height of Building | |
| Category of Industry | White Green Orange Red |
| Building Approval | Yes No |
| General Detail | |
| 1. PAN Number | |
| 2. Aadhaar No. | |
| 3. Name of Industrial Unit | |
| 4. Name of Promoter | |
| 5. Address of Entrepreneur / Promoter / Director / Authorized Person | |
| House No. | |
| Street Name | |
| Village/Town | |
| District | |
| Cell No. | |
| Pin Code | |
| Telephone | |
| Email Address | |

| 6. Project Cost | | | |
|---|---------------------|----------------------|------------------|
| Proposal for New | Existing Investment | Expansion Investment | Total Investment |
| Land Value(in Lakhs) | | | |
| Building Value(in Lakhs) | | | |
| Plant and Machinery Value(in Lakhs) | | | |
| Total Value(in Lakhs) | | | |
| 7. Proposed Employment (No. of Persons to be Employed) | | | |
| (i) Skilled | | | |
| Male | | | |
| Female | | | |
| (ii) Unskilled | | | |
| Male | | | |
| Female | | | |
| (iii) Total | | | |
| Male | | | |
| Female | | | |
| 8. Line of Activity | | | |
| a) Line of Activity | | | |
| b) Items to be Manufactured / Service | Manufacturing | | Service |
| NIC 2-digit Code | | | |
| NIC 4-digit Code | | | |
| NIC 5-digit Code | | | |
| Unit | | | |
| Quantity | | | |
| c) Raw Materials Used in Process | | | |

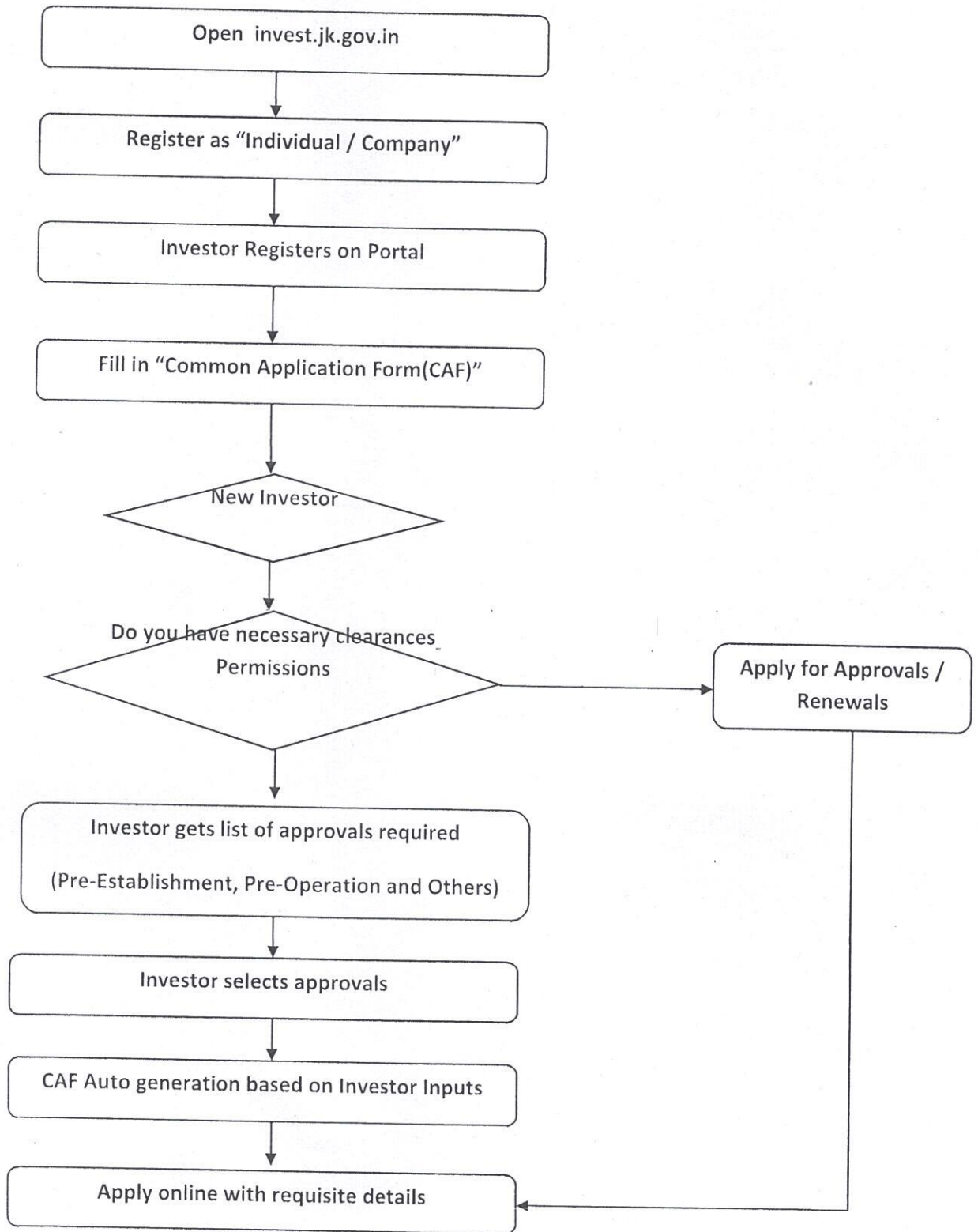
CAF FORM
(Renewals)

| | | | |
|---|-------------------------|----------------------|------------------|
| CAF ID : | S/o, D/o, W/o | | |
| Name of the Industrial Unit: | ADHAAR No. | | |
| Name of the Promoter : | | | |
| Address Of the Unit (Pre-Populated after filling CAF No) | | | |
| Plot No. | Pin Code | | |
| Village/Town | Telephone Number | | |
| District | | | |
| Email ID | | | |
| Building Approval (Y/N) | | | |
| Category of Industry : | | | |
| Address Of Entrepreneur | | | |
| Plot No. | Street | | |
| Village/ Town | Pin Code | | |
| District | Mobile No. | | |
| UT | Email ID | | |
| Project Cost | | | |
| Proposal for Value in Rs. (Lakhs) | New | | |
| | Existing Investment | Expansion Investment | Total Investment |
| | Land Value | | |
| | Building Value | | |
| | Plant & Machinery Value | | |
| Total Value | | | |
| Registration Certificates Details | | | |
| 1. PCB | | | |
| 2. Labour | | | |
| 3. HUDD | | | |
| 4. PDD | | | |
| 5. PHE | | | |
| 6. Others | | | |



Schedule II

Portal - Application Process Flow



Amf.