

Notification

7/27/2021-LA

The Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021 (Goa Act 19 of 2021), which has been passed by the Legislative Assembly of Goa on 30-07-2021 and assented to by the Governor of Goa on 30-08-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 3rd September, 2021.

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The Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021

(Goa Act 19 of 2021) [30-08-2021]

AN

ACT

to provide for the promotion of investment in the State of Goa and the creation of the administrative and operational framework for the Goa Investment Promotion and Facilitation Board as a single window clearance facilitation mechanism with the prime objective of ensuring time bound grant of various clearances, licenses, permissions and approvals under relevant State laws so as to provide an investor friendly environment in the State of Goa

and for the matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021.

(2) It shall extend to the whole of the State of Goa.

(3) It shall be deemed to have come into force with effect from the 26th day of June, 2021.

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

(a) “agriculture” means horticulture, animal husbandry, forestry, dairy and poultry farming, aquaculture and other allied activities, whether or not undertaken jointly with agriculture and the expression “agricultural operations” shall be construed accordingly;

(b) “agriculture industry” means the industrialized processing or production of livestock, poultry, fish, dairy and crops;

(c) “Board” means the Goa Investment Promotion and Facilitation Board established under section 3;

(d) "Clearance" means grant or issue of no objection certificate, consent, enrolment, registration, permission, approval, licence, allotment, memorandum and the like, by any Competent Authority or Authorities in connection with setting up of a project till the enterprise starts commercial operation and includes such grant and issue for expansion of the existing project in the State;

(e) "Commercial Project" means a project of an investor to provide and/or make available built-up space or building to any person or enterprise for setting up its business or commercial activities other than housing;

(f) "Competent Authority" means any Government Department, Local Authority, Statutory Body, Government agency or any other authority constituted or established under any State law or under the administrative control of the Government, which is entrusted with the powers and responsibilities to grant or issue clearance for setting up or commencement of operation of the enterprise in the State;

(g) "Customised package" means such package of assistance or facilities as specified for a project with investment above such value as specified by the Government by notification in the Official Gazette, in addition to the existing assistance or facilities available in the State under various schemes;

(h) "enterprise" means and includes an undertaking engaged in manufacturing and/or processing or for providing service or doing any other business or any other commercial activity or a private industrial estate;

(i) "Goa Investment Policy" means the official policy of the Government formulated to articulate the various initiatives being undertaken to make the State a preferred and aspirational investment destination;

(j) "Government" means the Government of Goa;

(k) "Government Agency" means any Statutory Corporation/Authority or body or an Undertaking, by whatever name called, owned and controlled by the Government;

(l) "in principle approval" means a general approval to an investment proposal by the Board for facilitation purposes only which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws;

(m) "investment" means a fixed capital investment by an investor in industry or service or infrastructure or commercial project excluding the cost of land;

(n) "investment facilitation services" means the assistance provided by the Investment Promotion and Facilitation Board from the time the investor submits a valid project proposal to the Board till the time such project goes into commercial operation and during the life span of the project if required;

(o) "investment promotion area" means an investment promotion area declared by the Government under clause (a) of sub-section (1) of section 42;

(p) "Investor" means any person or his authorized nominee, including a company incorporated under the Companies Act, 2013 (Central Act 18 of 2013) or any such law, a Trust registered under the Indian Trusts Act, 1882 (Central Act 2 of 1882), a Society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860), a Partnership Firm registered under Indian Partnership Act, 1932 (Central Act 9 of 1932), a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008 (Central Act 6 of 2009), a proprietary concern; and includes any other body corporate including those from outside India qualified to invest in

India under relevant laws for the time being in force or under the relevant policies of the Government of India or the Government as may be applicable at the time of such investment, who invest capital in any new or an existing enterprise for expanding, modernizing or diversifying it;

(q) “local authority” means a Municipal Corporation, a Municipal Council or a Village Panchayat by whatever name called, constituted under the relevant State law for the time being in force;

(r) “notification” means a notification published in the Official Gazette of the Government and the word ‘notified’ shall be construed accordingly;

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

(t) “Private Industrial Estate” means a project of an investor to provide and/or make available the developed industrial plots, galas or plug and play facility to any person or enterprise for setting up manufacturing, processing or service units;

(u) “Project” means a project to be undertaken by the investor in which he proposes to make investment in the State by setting up an enterprise including an industrial dormitory for workers working on shifts of the enterprise, a commercial project, an educational institution having hostel or residential quarters within the campus area, but does not include a housing project;

(v) “State” means the State of Goa;

(w) “single window (clearance) system” means a mechanism or system established by the Government under which applications are received, examined, processed and approvals are issued in a unified manner from and through the aegis of the Board to facilitate speedy clearances for investment proposals.

CHAPTER II

Establishment and Constitution of the Board

3. *Establishment and incorporation of the Goa Investment Promotion and Facilitation Board.*— (1) For the purpose of promoting investment in the State and to provide investment facilitation services to procure speedy clearances for setting up an enterprise in the State there shall be established by the Government, by notification in the Official Gazette, a Board by the name Goa Investment Promotion and Facilitation Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire, hold and dispose of property both movable and immovable, and to contract, and do all things necessary for the purposes of this Act.

4. *Constitution.*— The Board shall consist of,—

(i) Chief Minister of Goa — Chairperson, ex-officio;

(ii) Minister for Industries — Vice-Chairperson, ex-officio;

(iii) Minister for Finance — ex-officio member;

(iv) Chairman, Goa Industrial Development Corporation — ex-officio member;

(v) Chief Secretary — ex-officio member;

(vi) Secretary (Industries) or his nominee — ex-officio member;

(vii) Secretary (Environment) or his nominee — ex-officio member;

(viii) Secretary (Town and Country Planning) or his nominee — ex-officio member;

(ix) Secretary (Tourism) or his nominee — ex-officio member;

(x) Secretary (Revenue) or his nominee — ex-officio member;

(xi) Secretary (Power) or his nominee — ex-officio member;

(xii) Five members to be nominated amongst which each by the Goa Chamber of Commerce and Industry (GCCCI), the Goa State Industries Association (GSIA), Confederation of Indian Industry (CII) Goa, Travel and Tourism Association of Goa (TTAG) and Goa Technology Association (GTA) — Members;

(xiii) One person nominated by the Government — Member;

(xiv) Chief Executive Officer of the Board — Member Secretary.

5. *Jurisdiction of the Board.*— (1) The Board shall be a single point contact authority for all investments made in the State except the investments which have been prohibited by the Government through a notification, which meet the criteria of investment value not less than rupees five crore, excluding cost of land.

(2) Projects which have investment value less than rupees five crore may be entertained by the Board and the Board may refer such proposal to the Sub-Committee constituted under section 17.

6. *Disqualification of Members of the Board.*— A person shall be disqualified for being a member of the Board, if he,—

(a) is an employee of the Board, not being the Chief Executive Officer; or

(b) is of unsound mind, and stands so declared, by a competent court; or

(c) is an undischarged insolvent; or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before he being appointed/nominated as the Chairperson, Vice-Chairperson or the Member of the Board.

7. *Term of office and conditions of service of the members of the Board.*— (1) All members of the Board other than ex-officio members shall hold office for a period of two

years from the date of the notification issued by the Government constituting or re-constituting the Board.

(2) Any person appointed/nominated as a Chairperson, Vice-Chairperson or member on one or more occasion shall, unless disqualified, be eligible for re-nomination.

8. *Meetings of the Board.*— (1) The Board shall meet at such time and at such place as it may determine and shall, subject to the provisions of sub-section (2), observe such rules or procedure for transaction of its business as may be provided by regulations made under this Act. However, the Board shall meet at least once in every three months.

(2) A member who is directly or indirectly concerned or interested in any proposal, arrangement, subsidy, etc., shall at the earliest possible opportunity disclose the nature of his interest to the Board when any such proposal is discussed and recuse himself during the discussion.

(3) The Chairperson shall preside at all meetings of the Board and in his absence the Vice-Chairperson shall preside over the meeting of the Board.

(4) The quorum for meeting of the Board shall be nine members.

(5) The Board may invite any person or expert who is not a member of the Board, as special invitees or co-opt any person as an advisor for any meeting of the Board, except that a person so co-opted shall have no right to vote on any matter before the Board for a decision.

(6) The decision of the Board shall be those approved by the Chairperson of the Board.

9. *Cessation of Member of the Board.*— (1) If a member,—

(a) becomes subject to any of the disqualifications mentioned in section 6, or

(b) tenders his resignation in writing to, and such resignation is accepted by the Government; or

(c) is absent, without the Board's permission, for three consecutive meetings of the Board; or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Board.

(2) The Government may, by an order, suspend or remove any member of the Board on the ground of proved misbehaviour, incapacity, or misuse of position:

Provided that a member shall not be suspended or removed unless he has been given a reasonable opportunity of being heard.

10. *Vacancies of the Board how to be filled.*— Any vacancy of a member of the Board shall be filled as early as practicable, in the like manner as if the appointment/nomination was being made originally.

11. *Temporary absence of members of the Board.*— If the Chairperson, Vice-Chairperson, or any other member of the Board is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend his duties in circumstances not involving the cessation of his membership, the Government may appoint/nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member for whom he is acting resumes his duties:

Provided that in case of members specified in clause (xii) of section 4, such temporary appointment shall be done only after receipt of nomination from the respective bodies.

12. *Proceeding of the Board presumed to be good and valid.*— No disqualification of or defect in the appointment of any person acting as the Chairperson, Vice-Chairperson or a member of the Board shall vitiate any act or proceedings of the Board, if such act or proceeding is otherwise in accordance with the provisions of this Act.

CHAPTER III

Functions and Powers of the Board

13. *Functions of the Board.*— The functions of the Board shall be, —

(i) generally, to promote the State as an investment destination nationally and internationally;

(ii) notwithstanding anything contained in any other State law for the time being in force, to exercise the powers of any competent authority for the purpose of promoting and facilitating investments;

(iii) subject to the provisions of this Act to,—

(a) facilitate grant of approvals from the competent authorities under the relevant Statutes;

(b) facilitate grant of approvals from the Central/other State Government departments/agencies, bodies and Corporations, etc. owned by any other State;

(iv) in particular and without prejudice to the generality of the foregoing functions, to perform all or any of the following functions, namely:—

(a) approve, reject, review, cancel or revoke any investment proposal with respect to the criteria specified in sub-section (1) of section 5 as also with reference to the proposal referred by it under sub-section (2) of section 5 to the Sub-Committee constituted under section 17;

(b) appoint such other committees to assist the Board in the performance of its functions;

(c) appoint such officers to assist the investor in obtaining clearances in a timely manner and facilitate all clearances, including consent to operate;

(d) appoint and manage consultants;

(e) forward the application of the investor to the concerned person, officer or Competent Authority under the State

law for processing and disposal within the time limit specified in sub-section (1) of section 39;

(f) monitor the status of the applications;

(g) pursuant to grant of in principle approval, examine and review any decision taken by any Competent Authority under the relevant State law;

(h) draft the approval process and frame guidelines, schemes and Standard Operating procedure for new investments and review and modify such processes, schemes, guidelines and Standard Operating procedure;

(i) notify the process and criteria for selection and recommendation of an applicant for allotment of land/plots to special projects.

(j) facilitate approvals for investors to set up their units in the State;

(k) identify and recommend areas to be notified or de-notified under this Act as Investment Promotion Areas;

(l) provide feedback and suggest interventions to the Government on investment climate and policy and regulatory environment;

(m) identify infrastructure gaps hindering investment growth in the State and suggest short, medium and long-term rolling plans to the Government to bridge the gaps;

(n) seek membership of national and international investment promotion agencies including World Association of Investment Promotion Agency to promote the State as an investment destination amongst the national and international trade community;

(o) take all necessary measures to boost and promote agricultural industries, cottage industries, dairy farming and eco-tourism;

(p) provide time bound dispute and grievance redressal mechanism for investors;

(q) frame an exit policy and submit it to the Government for approval, which will set the framework for any industrial unit desirous of shutting down their operations in State;

(r) submit its suggestions to the Government in respect of any policies laid down by it as also in respect of Regional Plan, Outline Development Plan, Development Plan, Land Use Maps and/or all other regulations made under various State laws;

(s) take special measures to approach and invite investors for promoting industries and boosting investments in the State;

(t) adopt, apply and implement any Central Government Scheme for promoting industries in the State;

(u) decide on any matters related to the projects approved including but not limited to name change, change in constitution or shareholding, review, cancellation and revocation of proposals;

(v) examine proposals for setting up of any project received by it and take appropriate decisions, including recommendation to sanction customized packages for such proposals to the Government.

14. *General Powers of the Board.*— (1) Subject to the provisions of this Act and subject to special directions issued by the Government, the Board shall have all powers including incidental and ancillary powers to perform, carry out, undertake any function to promote and facilitate investment opportunities in the State.

(2) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Board, with the previous sanction of the Government may, in

exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority under the relevant State law and such person, officer or Competent Authority shall be bound to comply with such directions.

Explanation: The power to issue directions under this sub-section shall be limited to a person, officer or Competent Authority in the State and it shall include power to direct to consider, grant, approve a particular project with such conditions as the Board may deem fit and proper in the nature and circumstances of the case.

(3) Notwithstanding anything contained in any other State law, the Board shall, in case any person, officer or Competent Authority under the State law fails to process and dispose of application within the time limit specified under sub-section (1) of section 39, have the power to consider and dispose of such application under any such State law and for this purpose, reference to the person, officer or Competent Authority in such State law shall be construed as reference to the Board:

Provided that where the Board is unable to meet or otherwise unable to consider the application immediately, the Chairperson of the Board may, for reasons to be recorded in writing, decide the application and report the action taken to the Board in its next meeting and the decision of the Chairperson, on such application shall for all purposes deemed to be the decision of the Board under this sub-section.

(4) Where clearance is issued by the Board under sub-section (3), the Board after performing necessary enquiry may recommend to the Government to take appropriate disciplinary action against the defaulting person, officer or Competent Authority, who has failed to dispose of the application within the time limit specified under sub-section (1) of section 39, if it is of the opinion that there was a wilful default in delaying the approval process of application.

(5) The Board shall have power to,—

(a) acquire, hold and develop such property, both movable and immovable as the Board may deem necessary for the performance of its functions, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Board;

(b) engage suitable consultants to assist the Board in the performance of its functions;

(c) delegate any of its powers generally or specially to any of its committees or officers;

(d) enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions;

(e) do such other things and perform such other acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of this Act;

(f) review and monitor the disposal of applications by the Sub-Committee;

(g) seek periodical returns from the investors as to the turn-over, production, employment generated, investment, etc., as determined by the Board;

(h) review and monitor the processing of applications by any person, officer or Competent Authority within the time limit stipulated in sub-section (1) of section 39;

(i) direct any person or officer or Competent Authority for taking decision on application pending beyond the time limit stipulated in sub-section (1) of section 39.

(6) Where clearance is issued by the Board under sub-section (3), the Board shall have the power to call for reason of delay and may during its meetings call for necessary information and personal appearance of the concerned person, officer or Competent Authority.

15. *Authentication of orders and documents of the Board.*— All clearances, orders, decisions, notices, and other documents of the Board shall be authenticated by the signature of the Chief Executive Officer or any other officer authorised by the Board in this behalf.

16. *Directions by the Government.*— The Government may issue to the Board such general or special directions as regards to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Board shall be bound to follow and act upon such directions.

CHAPTER IV

Establishment and Constitution of the Sub-Committee

17. *Constitution of the Sub-Committee.*— The Government may, by notification in the Official Gazette, constitute a Sub-Committee consisting of,—

- (i) Minister for Industries — Chairperson.
- (ii) Secretary (Industries) or his nominee — member.
- (iii) Secretary (Environment) or his nominee — member.
- (iv) Secretary (Town and Country Planning) or his nominee — member.
- (v) All the members of the Board nominated under clause (xii) of section 4 — members.
- (vi) Chief Executive Officer of the Board-Member Secretary.

18. *Jurisdiction of the Sub-Committee.*— The Sub-Committee shall have the power to decide the proposals referred to it by the Board under sub-section (2) of section 5.

19. *Disqualification of Members of the Sub-Committee.*— A person shall be disqualified for being nominated as a member of the Sub-Committee, if he, —

- (a) is an employee of the Board, not being the Chief Executive Officer; or

- (b) is of unsound mind and stands so declared by a competent court; or

- (c) is an undischarged insolvent; or

- (d) is convicted of an offence involving moral turpitude within a period of five years immediately before he being nominated/appointed as the Chairperson or the Member of the Sub-Committee.

20. *Term of office and conditions of service of the members of the Sub-Committee.*— The Chairperson or a member shall hold office of the Sub-Committee as long as he is a Vice-Chairperson or member of the Board, as the case may be, or till the appointment is terminated by the Board.

21. *Meetings of the Sub-Committee.*— (1) The Sub-Committee shall meet at such time and at such place as it may determine and shall subject to the provisions of sub-section (2) observe such rules or procedure for transaction of its business as may be provided by regulations made under this Act. However, the Sub-Committee shall meet at least once a month.

(2) A member who is directly or indirectly concerned or interested in any proposal, arrangement, subsidy etc., shall, at the earliest possible opportunity, disclose the nature of his interest to the Sub-Committee when any such proposal is discussed.

(3) The Chairperson of the Sub-Committee shall preside at all meetings of the Sub-Committee and in the absence of the Chairperson, the members present shall choose the presiding officer to preside over the meeting.

(4) The quorum for meeting of the Sub-Committee shall be six members.

(5) The Sub-Committee may invite a person or expert who is not a member of the Board, as special invitee or co-opt any person as an advisor for any meeting of the Sub-Committee, except that a person so co-opted shall have no right to vote on any matter before the Sub-Committee for a decision.

22. *Cessation of Member of the Sub-Committee.*— (1) If a member,—

(a) becomes subject to any of the disqualifications mentioned in section 19, or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or

(c) is absent, without the Sub-Committee's permission, for three consecutive meetings of the Sub-Committee; or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Sub-Committee.

(2) The Board may, by an order, suspend or remove any member from his office on the ground of proved misbehaviour, incapacity or misuse of position:

Provided that a member shall not be suspended or removed unless he has been given a reasonable opportunity of being heard.

23. *Vacancies of the Sub-Committee how to be filled.*— Any vacancy of a member of the Sub-Committee shall be filled as early as practicable, in the like manner as if the appointment/nomination was being made originally.

24. *Temporary absence of members of Sub-Committee.*— If the Chairperson or any other member of the Sub-Committee is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend his duties in the circumstances not involving the cessation of his membership, the Government may appoint/nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member for whom he is acting resumes his duties:

Provided that in case of members specified in clause (v) of section 17, such temporary appointment shall be done only after receipt of nomination from the respective bodies.

25. *Proceeding of the sub-committee presumed to be good and valid.*— No disqualification of or defect in the appointment/nomination of any person acting as the Chairperson or a member of the Sub-Committee shall vitiate any act or proceedings of the Sub-Committee, if such act or proceeding is otherwise in accordance with the provisions of this Act.

CHAPTER V

Functions and Powers of the Sub-Committee

26. *Functions of the Sub-Committee.*— The functions of the Sub-Committee shall be,—

(i) to decide on any matters related to the approved projects including but not limited to name change, address change, change in constitution or shareholding, review, cancellation and revocation of proposals referred to it by the Board, subject to ratification of the decision by the Board;

(ii) to evaluate investment proposals referred to it by the Board;

(iii) in particular and without prejudice to the generality of the provisions of clause (i) to,—

(a) forward the application of the investor within its jurisdiction, to the concerned person, officer or Competent Authority for processing and disposal;

(b) monitor the status of the applications;

(c) suo moto examination and review any decision taken by any person, officer or Competent Authority with respect to the proposal within the jurisdiction of the Sub-Committee.

27. *Powers of the Sub-Committee.*— (1) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Sub-Committee, with the

previous sanction of the Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority and such person, officer or Competent Authority shall be bound to comply with such directions.

Explanation: The power to issue direction under this sub-section shall be limited to a person, officer or Competent Authority in the State and it shall include power to direct to consider, grant, approve a particular project with such conditions as the Sub-Committee may deem fit and proper in the nature and circumstances of the case.

(2) The Sub-Committee shall have the power to,—

(a) review and monitor the processing of applications by any person, officer or Competent Authority;

(b) direct any person, officer or Competent Authority for taking decision on applications pending beyond the time limit stipulated in sub-section (1) of section 39.

(3) Notwithstanding anything contained in any State law and subject to the provisions of this Act, the Sub-Committee shall in case any person, officer or the Competent Authority fails to process and dispose of any application within the time limit stipulated under sub-section (1) of section 39, place the respective case before the Board to consider and dispose of application for permission in terms of sub-section (3) of section 14.

CHAPTER VI

Finance, Accounts and Audit

28. *Application of Boards assets.*— All property, funds and other assets vesting in the Board shall be held and applied by it, subject to the provisions and the purposes of this Act.

29. *Board's fund.*— (1) The Board shall have and maintain its own fund, to which shall be credited,—

(i) all monies received by the Board by way of grants, subventions, loans, advances or otherwise;

(ii) all fees, costs and charges received by the Board under this Act.

(2) The Board may keep in current account or in deposit account with the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its fund as prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated by such officers of the Board as may be authorised by it by regulations made in this behalf.

30. *Grants, subventions, loans and advances and capital contribution to the Board.*— The Government may, after due appropriation made by the State Legislature by law in this behalf, make in each financial year such grants, subventions, loans, advances and capital contribution to the Board as it may deem necessary for the performances of the functions of the Board under this Act and all such grants, subventions, loans, advances and capital contribution made shall be on such terms and conditions as the Government may, after consulting the Board, determine.

31. *Power of the Board to borrow.*— The Board may, subject to such conditions as prescribed, borrow money in the open market or otherwise with a view to provide itself with adequate resources.

32. *Reserve and other funds.*— (1) The Board shall make provision for reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be

transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Board.

(3) None of the funds referred to in sub-section (1) shall be utilised for any purpose other than that for which it is maintained without the previous approval of the Government.

33. *Expenditure from funds.*— The Board shall have the authority to spend such sums as it thinks fit for the purpose authorised under this Act from and out of the general fund of the Board referred to in section 29.

34. *Budget and programme of work.*— (1) The Board shall, by such date in each year as may be prescribed, prepare, and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Board shall be competent to make variations in the programme of work in the course of the year provided that all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) The annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

35. *Accounts and audit.*— (1) The Board shall maintain books of account and other books in relation to its business and transaction in such form and in such manner, as prescribed.

(2) The accounts of the Board shall be audited by an auditor appointed by the Government.

(3) As soon as the accounts of the Board are audited the Board shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Board together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the State Legislature.

36. *Concurrent and special audit of accounts.*— (1) Notwithstanding anything contained in section 35, the Government may order that there shall be concurrent audit of accounts of the Board by such person as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

CHAPTER VII

Officers and Employees of the Board

37. *Officers and Employees of the Board.*— (1) The Government in consultation with the Board shall appoint a Chief Executive Officer of the Board upon selection by a committee comprising of the Secretary Industries, and three other representatives nominated by the Chairperson of the Board.

(2) The Board may appoint, such other officers and servants sub-ordinate to the officer mentioned in sub-section (1), as it considers necessary for efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Board and their scales of pay shall be such

as may be determined by regulations made under this Act.

CHAPTER VIII

Application to the Board

38. *Application for clearance.*— (1) An Investor desiring to set up an enterprise in the State and obtain clearances under the relevant State laws may apply to the Board under section 5 through a single window clearance system.

(2) All applications for clearances shall be submitted along with such fee, in such manner along with such processing fee as specified by the Board.

(3) The Board shall issue the acknowledgement only on receipt of application complete in all respect.

(4) The Board may refer any of the application to the Sub-Committee.

(5) The Board or the Sub-Committee, as the case may be, may get the project evaluated prior to grant of in principle approval.

(6) The Board, Sub-Committee, its members or any of its authorised officials may inspect the area prior to grant of in principle approval.

(7) The Board or Sub-Committee may obtain any additional information or documents from the applicant or the Competent Authority.

(8) After grant of in principle approval, the application shall be forwarded by the Board or the Sub-Committee to the concerned person or officer or Competent Authority for processing and disposal within the time limit specified in sub-section (1) of section 39.

39. *Time limit for processing of applications and issue of clearances.*— (1) The concerned person or officer or Competent Authority shall process and dispose of application within a period of twenty-one days from the date of receipt of the application under sub-section (8) of section 38.

(2) On receipt of an application, the person, officer or Competent Authority, may through the Board or the Sub-Committee, obtain further additional information from the applicant as required, at any time before the expiry of the period stipulated for the disposal of such application with an advance copy of the same to the applicant:

Provided that the person, officer or Competent Authority shall strictly ensure that all the queries are raised together with a single letter and no query is raised separately causing delay in clearance.

(3) The applicant shall furnish the required information as expeditiously as possible to the Board or the Sub-Committee, as the case may be, with a copy to the concerned person or officer or Competent Authority simultaneously.

(4) The concerned person, officer or Competent Authority shall send its order sanctioning or rejecting the application, to the Board or the Sub-Committee, as the case may be, so that the application is disposed within the time limit specified in sub-section (1).

40. *Combined Application Form.*— The Board may specify such application form as deemed fit by it and every Competent Authority or person or officer shall accept such application form for processing and issuing required clearance.

41. *Self-Certification.*— (1) Every investor shall certify and furnish a Declaration at the time of submitting the application to the Board in such form as prescribed, declaring that the information submitted by him is true and correct in all respects and that he shall comply with the applicable provisions of the relevant State laws and the rules and regulations made thereunder.

(2) The Declaration furnished by the investor shall be accepted by concerned person or officer or Competent Authority for the purpose of issuing and granting a clearance.

CHAPTER IX

Supplementary and Miscellaneous Provisions

42. *Declaration of Investment Promotion Area.*— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, the Government may, by notification in the Official Gazette,—

- (a) declare an area which is,—
 - (i) recommended by the Board; and
 - (ii) having the potential to develop adequate facilities like power, roads, water supply, etc.,

to be an Investment Promotion Area.

(b) appoint the Board or Sub-Committee or any other committee or Officer thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any State law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in such Investment Promotion Area shall cease to apply and thereupon such provisions shall cease to apply thereof:

Provided that the Municipal Corporation, Municipalities and the Village Panchayats which were receiving house tax, other taxes or fees from the occupants in such Investment Promotion Area under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of such house tax, other taxes or fees for such period as may be determined by the Government which shall not be less than five years;

(d) make other provision as is necessary for the purpose of enforcement of the provision so provided to that area.

(2) Before publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and

also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within one month from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted are in its opinion insufficient or invalid.

43. *Development of areas.*— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, once a notification is issued under clause (a) of sub-section (1) of section 42 declaring any area to be an Investment Promotion Area, the Government may, by notification in the Official Gazette, appoint a Planning, Development and Construction Committee consisting of the following members, namely:-

- (i) Chief Secretary — Chairperson;
- (ii) Secretary (Industries) — Member;
- (iii) Director, Directorate of Industries, Trade and Commerce — Member;
- (iv) Chief Town Planner (Planning) or his nominee not below the rank of the Deputy Town Planner — Member;
- (v) Director, Directorate of Health Services or his nominee not below the rank of the Deputy Director — Member;
- (vi) Director of Fire and Emergency Service or his nominee not below the rank of Deputy Director — Member;
- (vii) Chief Inspector of Factories and Boilers or his nominee not below the rank of the Inspector — Member;
- (viii) Chief Electrical Engineer, Electricity Department or his nominee not below the rank of the Superintending Engineer — Member;

(ix) Principal Chief Engineer, Public Works Department or his nominee not below the rank of the Superintending Engineer — Member;

(x) Principal Chief Conservator of Forests — Member;

(xi) Member Secretary, Goa State Pollution Control Board — Member;

(xii) Member Secretary, Goa Coastal Zone Management Authority — Member;

(xiii) District Collector, North Goa — Member;

(xiv) District Collector, South Goa — Member;

(xv) Chief Executive Officer of the Board — Member Secretary,

to decide and dispose of all applications for change of land use/conversion, land development and building construction under the Goa Land Revenue Code, 1968 (Act 9 of 1969), the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008) and the rules and regulations framed thereunder (hereinafter referred to as the "said Acts").

(2) The Planning, Development and Construction Committee shall discharge all the functions of,—

(i) the Collector under the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(ii) the Chief Town Planner of the Town and Country Planning Department, in a non-planning area and the Planning and Development Authority in a planning area, under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975); and

(iii) the Competent Authority under the Goa Land Development and Building Construction Regulations, 2010.

(3) The Planning, Development and Construction Committee shall have regard to the provisions of all local laws including any

regional plan, outline development plan, comprehensive development plan or other plans prepared under the relevant Act as in force.

44. *Allotment of land for the purpose of investment promotion.*— The Government may, by notification in the Official Gazette, specify such land as it deems fit, for the purposes of investment promotion under this Act.

45. *Restrictions of development on certain lands.*— The Board or sub-committee shall not recommend following lands for the purpose of setting up of project or for investment promotion under this Act, namely:-

(a) a khazan land and low-lying paddy field except for the purpose of activities as permissible thereon;

(b) sloping or non-developable slope land with the gradient of more than 25%;

(c) protected forest land and wildlife sanctuaries except for the purpose of activities as permissible thereon under the Wildlife Protection Act, 1972 (Central Act 53 of 1972);

(d) land covered under the Coastal Regulatory Zone except the project which has prior approval or clearance of Goa Coastal Zone Management Authority;

(e) lands earmarked as open spaces under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(f) land under dispute where any court, tribunal, or any statutory authority has passed any injunction or granted any status quo or prohibitory orders;

(g) Tenanted agricultural land except for agricultural activities carried out by tenant/ deemed purchaser.

46. *Review of cases by the Board.*— Notwithstanding anything contained in any State law for the time being in force, the Board may, either suo moto or on a reference from any person, officer or Competent Authority

or an investor, examine any order passed by the Sub-Committee and pass appropriate orders as it deems fit and such orders shall be final and binding on the Sub-Committee and on such person, officer or the Competent Authority or an investor.

47. *Power of the Government to dissolve the Board.*— (1) The Government may, by a notification in the Official Gazette, dissolve the Board with effect from such date as may be specified in such notification.

(2) With effect from the date specified in the notification issued under sub-section (1),—

(a) all properties, funds which are vested in and dues which are realisable by, the Board shall vest in, or be realisable by, as the case may be, the Government; and

(b) all liabilities which are enforceable against the Board shall be enforceable against the Government.

48. *Implementation of the Goa Investment Policy.*— (1) The Board shall be responsible for the implementation of the Goa Investment Policy.

(2) The Board shall ensure that the goals and targets set under the Goa Investment Policy are met.

49. *Penalty.*— Any investor who submits false information or fails to comply with the conditions or undertaking in the Declaration given to the Board or the Sub-Committee, as the case may be, shall be liable for a penalty not less than 2% but not exceeding 10%, of the investment value specified by the investor, to be imposed by the Board. The decision of the Board in this regard shall be final and binding upon the investor.

50. *Furnishing of returns, etc.*— (1) The Board shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as directed by the Government from time to time.

(2) The Board shall, in addition to the audit report referred to in section 35, furnish to the Government an annual report on its working

as soon as may be after the end of each financial year in such form and details as prescribed, and a copy of the annual report shall be placed before the State Legislature as soon as may be after it is received by the Government.

51. *Default in performance of duty.*— (1) If the Government is satisfied that the Board or the Sub-Committee has made a default in performing any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation by giving notice to the Board or the Sub-Committee, as the case may be.

(2) If, in the opinion of the Government, the Board or the Sub-Committee fails or neglects to perform such duty or obligation within the period so fixed for its performance it shall be lawful for the Government to dissolve and re-constitute the Board or the Sub-Committee.

(3) After dissolution of the Board or the Sub-Committee and until it is reconstituted, the powers, duties and functions of the Board and the Sub-Committee under this Act shall be carried on by the Government or by such officer or officers or committee of officers as may be appointed by the Government and all properties vested in the Board shall, during such period, vest in the Government.

52. *Power to make rules.*— (1) The Government may, in consultation with the Board, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) sum of money out of Board's fund to be kept in current account or in deposit account with the State Bank of India or any other Bank under sub-section (2) of section 29;

(b) conditions for borrowing money in the open market or otherwise under section 31;

(c) date for submission of an annual financial statement and the programme of work for the succeeding financial year, to the Government, under sub-section (1) of section 34;

(d) form and details of the annual financial statement under sub-section (2) of section 34;

(e) form and manner in which books of account and other books in relation to its business and transaction to be maintained under sub-section (1) of section 35;

(f) form of the Declaration to be submitted along with the application to the Board under sub-section (1) of section 41;

(g) form and details for submission of an annual report under sub-section (2) of section 50.

(3) Every rule made by the Government under this Act shall be laid as soon as may be after it is made, before the State Legislature while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rules or House agrees that the rules should not be made, the rules 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 such rules.

53. *Power of Board to make regulations.*—

(1) The Board may, with the prior approval of the Government, by notification in the Official Gazette, make such regulations, as it may deem necessary, consistent with this Act and rules made thereunder, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of foregoing power, such regulations may provide for all or any of the matters, namely:—

(a) rules and procedure for transaction of business of the Board under sub-section (1) of section 8;

(b) rules and procedure for transaction of business of the Sub-Committee under sub-section (1) of section 21;

(c) authorizing officers of the Board to operate accounts of the Board under sub-section (3) of section 29;

(d) conditions of appointment and service of the officers and servants of the Board and their scales of pay under sub-section (3) of section 37.

54. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Government or any officer or any employee of the Government or the Board or the Sub-Committee constituted under this Act or any member, officer, or other employee of the Board or the Sub-Committee in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or the regulations made or orders or directions issued thereunder.

55. *Members, officers and employees of the Board or the Sub-Committee, constituted under this Act to be public servants.*— All the members of the Board and Sub-Committee constituted under this Act and all officers and other employees of the Board or the Sub-Committee when acting or purporting to be acting in pursuance of any provisions of this Act or the rules and regulations made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

56. *Bar of jurisdiction of courts.*— No Court shall entertain any suit, application or other proceeding in respect of anything done, action taken, or order or direction issued by the Government or the Board or the Sub-Committee or any officer in pursuance of any power conferred by or in relation to their functions under this Act.

57. *Power to delegate.*— The Government may, by notification in the Official Gazette,

delegate, such of its powers and functions under this Act, as it may deem necessary and expedient, except the power to make rules under section 52, to any officer of the Board subject to such conditions and limitations as may be specified in such notification.

58. *Inspection and Assistance from Authorities.*— (1) Every Competent Authority, public servant and officer of all the departments of the Government shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions and shall make available to the Board or the Sub-Committee for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

(2) Inspection for grant of any permission in respect of the project under the relevant State law or the rules made thereunder shall be conducted jointly by the Board and the concerned Authority.

(3) Inspection in respect of complaints may be conducted under the authorization of the respective Head of the Department.

(4) Any surprise inspections may be conducted with specific permission of the concerned Head of the Department.

59. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law.

60. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

61. *Repeal and savings.*— The Goa Investment Promotion Act, 2014 (Goa Act 13 of 2014) is hereby repealed:

Provided that such repeal shall not, —

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of the repealed Act or anything duly done or suffered thereunder; or

(c) affect any previous approval, decision etc., under the repealed Act; or

(d) affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act or Rules and Regulations framed thereunder; or

(e) affect any fees, interest, penalty as are due or may become due or any forfeiture or violation committed under the provisions of the repealed Act or Rules and Regulations framed thereunder.

62. *Repeal and Savings.*— (1) The Goa Investment Promotion and Facilitation of Single Window Clearance Ordinance, 2021 (Ordinance No. 3 of 2021) is hereby repealed.

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

Secretariat
Porvorim, Goa,
Dated: 03-09-2021.

CHOKHA RAM GARG
Secretary to the
Government of Goa
Law Department
(Legal Affairs).