



GOVERNMENT OF KERALA

Abstract

Ease of Doing Business (EoDB) - Business Reform Action Plan (BRAP) 2020 - Implementation of reforms under Investment Enablers area – Access to information and transparency, Investment Facilitation Centre/ Investment Promotion Agency and Online Single Window Clearance Mechanism- Reforms to be mandated - Orders - issued

INDUSTRIES (J) DEPARTMENT

G.O.(Rt)No.1005/2020/ID Dated, Thiruvananthapuram, 20/11/2020

Read G.O.(MS) No. 100/2017/ID of 12th October 2017

1. In its endeavor to create a conducive environment for investors and improve the Ease of Doing Business in the State, Government of Kerala had undertaken various pro-active measures. Through various enactment, the Single Window Clearance Mechanism was further strengthened to expedite clearance procedure bringing in transparency and accountability in the functioning of the administration, reducing the number of government approvals required to setup an Industry in the state and reducing the time taken for granting approvals/renewals to Industries.
2. Vide orders read above, an Investment Promotion and Facilitation Cell (IPFC), was constituted at the State and District levels comprising of nodal officers from Departments / Agencies concerned ; with the aim of improving investment climate through investment promotion, industrial facilitation, regulatory reforms and obtaining user feedback. The working procedures for Investment Promotion and Facilitation Cell has been defined and published.
3. Department for Promotion of Industry and Internal Trade (DPIIT), Government of India (GoI) in coordination with States and Union Territories (UTs), has undertaken a series of reforms to improve the business climate in the country. DPIIT has now released Business Reform Action Plan (BRAP) 2020 consisting of 301 recommendations with a focus on regulatory processes, policies, practices and procedures across multiple reform areas.
4. In this regard, Government, as part of implementing reforms related to 'Access to information and transparency', 'Investment Facilitation Centre/ Investment Promotion Agency' and 'Online Single Window System' in BRAP2020 under EoDB, is pleased to mandate the following: -

A. Clearance Mechanism

Single Window Clearance Boards have been constituted at State, District and Industrial Park levels. Clearances for all new industrial units / enterprises and renewals of existing industrial units / enterprise be dealt with at the State, District and Industrial Area level Boards respectively. At the State Level, projects with an outlay of INR 15 crores and above are considered and similarly at District Level Boards projects with an outlay of less than INR 15 crores. Also, Industrial Area Boards have been set up in the various industrial areas of the state for the clearance of projects being set up in these areas.

In order to cater the fast-paced approval timelines and streamline the application process for entrepreneurs in the State through a unified e-platform, Government of Kerala implement an Online Single Window Clearance Mechanism – KSWIFT (<http://ksswift.kerala.gov.in/index/>). KSWIFT aims to create a one stop shop to provide all necessary clearances/ renewals for starting and operating an industry, within 30 working days. The online system eliminates the need to physically interact with regulatory authorities by providing for online filing of application, supporting document submission, online payment, tracking of applications and issue of digital approvals. It is mandated that henceforth applications for approvals (Clearances/permits/licenses/NOC/Registrations and renewals) For starting and running an enterprise in the State shall be submitted and processed in online mode only.

B. Coverage of Approvals, Clearances and Renewals

For starting and running an enterprise different approval shall be required in the pre-establishment & pre-operation stage, which are sector and industry specific. In order to assist Investors and business community, Government had launched an interactive portal (<https://invest.kerala.gov.in/>) providing all information on sector profiles, district profiles, clearance, NoC, approvals, licenses and registrations, timelines, standard operating procedure, checklists, fees, timelines, inspection procedures and information on land availability at a single point.

The information wizard acts as an interactive tool that provide comprehensive information about the whole range of compliances applicable (licenses/ registrations/ NoCs) required at the pre-establishment and pre-operation stages of establishing a business based on the project specific information provided by the investor. In addition, online wizard also provide links to online application forms. It is mandated that all new regulations and newly imposed licenses and related orders shall be included/published in Invest Kerala Portal (Know Your Approvals Investment Wizard) <https://invest.kerala.gov.in/> within 30 days.

C. Application Forms

Every applicant applying for Clearance/ No objection Certificate/ License/Approvals/Permissions/Registration and renewals shall apply in the Common Application Form. If a specific clearance is not covered by the Common Application Form, the applicant shall file additional form/forms. The completed Common Application/ Additional Form shall be submitted/ uploaded along with relevant enclosures, certificates and fees online through KSWIFT.

D. Procedure for filing applications

KSWIFT platform will accept and electronically transfer applications to respective Competent Authorities as well as track & monitor status of the application. Under this system,

- i. The applicant shall register in KSWIFT – online single window portal.
- ii. On registration, applicant will be given a unique ID and password for future reference.
- iii. Once the user logs in, he/she may create a new project and proceed to Questionnaire and Common Application Form and Document upload.
- iv. The user shall be directed to the application of the respective department upon selection of departments where the user is required to select the required service, which he/she wishes to apply for. The basic information entered in the CAF shall be pre-populated in the respective fields of the department's form.
- v. After submitting the application on the department's page, the user will be redirected to the CAF where the application ID will be populated, and the user can proceed for payment through e- treasury/Payment Gateway.
- vi. After successful payment the user will be redirected to the single window portal.

- Acknowledgement number generated will be communicated to the user as well as the Department.
- vii. All competent authorities will be provided online access to the Portal through a secure user ID and password, to process the applications forwarded to them.
 - viii. Upon receipt of application the competent authority shall scrutinize the application form and supporting documents submitted.
 - ix. The competent authority shall seek all queries/clarifications related to industrial applicants in a single iteration and within 7 days of receiving the application from the investor.
 - x. The competent authority shall process the application and communicate the decision (approve/reject the request along with his comments) within the prescribed time limit.
 - xi. Once the request is approved by the concerned department, the applicant can take a download of the approval
 - xii. Applicant will be given an option to file for all clearances at one/ multiple times.
 - xiii. Parallel Processing of clearances will be allowed to expedite closure of application process and the concerned departments shall issue clearances subject to obtaining other mandatory clearances.
 - xiv. At each stage of the application, an email and SMS alerts will be sent to the applicant when the application is submitted and/or query is raised and/or application is approved/rejected.
 - xv. The User dashboard shall display department-wise status of applications and shall be auto updated when status of an application is changed by the Department
 - xvi. Every approval/ certificate will be given a unique ID which can be used for third party verification of approvals in public domain.

E. Procedure for issuance of Composite License

The State Board, District Board or Industrial Area Board as the case may be on receipt of composite application along with recommendations of the departments concerned, shall issue a composite license to the applicant in the form prescribed for establishing and running an enterprise in the State and such composite license issued by the respective Board shall be binding on all authorities concerned and shall be valid for a period of five years from the date of its issue. Provided if an enterprise is being established on a rented/leased premise the validity of the composite license shall expire on the expiry of the lease/rental period or five years whichever is earlier and such authorities shall not cancel such license without the consent of the respective Board.

All composite licences issued under this section shall be renewed for a period of five years at a time on submission of an application along with the prescribed fee, within seven days from the date of receipt of such application.

F. Procedure for issuance of Deemed Approval

The State Board, District Board or Industrial Area Board shall issue the clearance, license, certificate or renewal thereof as the case may be within thirty working days from the date of receipt of the application by the concerned Board. If no clearance, licenses, certificates or renewal thereof as the case may be is issued or the said application is not rejected within the said time limit, the clearance, license, certificate or renewal thereof as the case may be shall be deemed to have been issued after the expiry of said period of thirty days.

The decision shall be communicated in writing to the applicant informing about the deemed approval and its validity, with a copy to the Competent Authority/Department. The deemed approval shall be valid till the Approving Department / Competent Authority issues the regular clearance / approval and will automatically become void from the date of issuance of such regular clearance / approval.

G. Maintenance of Public Dashboard

To bring transparency in the system and to give clear picture of how many registrations/ renewals have been approved by the single window system, it is hereby mandated to publish an online dashboard available in KSWIFT (<http://kswift.kerala.gov.in/index/>) which is updated regularly (weekly/fortnightly/monthly) with regard to application submitted & approvals granted by each department/service on the online single window system along with the time taken for approval.

H. Query handling

One of the major functions of the Investor Facilitation and Promotion Cell will be to receive, document, analyze and respond to queries from various current and prospective Investors. State has launched a dedicated call center with tollfree line and 'Investor Query' handling mechanism designed in the KSWIFT to interact and facilitating investors throughout the lifecycle of the project. It is mandated that all queries regarding the application from the investor to be recorded and addressed within a timeline of 7 days from the date of receipt of queries. Detailed working procedure for query handling is provided in **Annexure**.

I. Grievance/ Appeal

If the clearance or license or certificate applied for before the District Board or Industrial Area Board has been refused or recommended with modification, the aggrieved person may, within thirty days from the date of receipt of such refusal or recommendation from the District Board or Industrial Area Board, file an appeal to the State Board against such order, in the manner prescribed.

The State Board may, if it is considered necessary call for additional details and on production of such details and after giving an opportunity of being heard to the aggrieved person and the authority concerned, shall dispose of such appeal within a period of thirty days from the date of filing the appeal. The decision of the State Board on such appeal shall be final. Any person aggrieved by the decision of the State Board may appeal to the Government within thirty days from the date of such decision by the State Board and the decision of the Government on such appeal shall be final. The working procedure and timelines are to be adhered as mandated through the legislations.

J. Penalties

Any applicant who fails to comply with the conditions or undertaking given in the Portal to the Nodal Agency or other department or authorities shall be liable to conviction / punishment as per the extant legal provisions. Further, designated official(s) of the concerned Competent Authority not complying with the defined timelines for providing clearances, without sufficient and reasonable cause, shall be liable for imposition of penalty as per their respective service rules. Provided that the designated officer(s) of the Competent Authority shall be given a reasonable opportunity of being heard before any penalty is imposed.

K. Government Directions

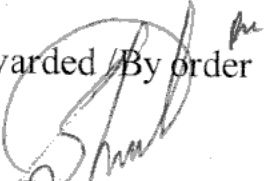
The Government may from time to time issue to the State Board or a District Board or an industrial Area Board or an industrial Township Authority such general or special directions of policy as they may deem necessary or expedient for the purpose of carrying out the objects of this Act and the State Board or the District Board or the industrial area board, or the Industrial Township authority, as the case may be, shall be bound to follow and act upon such directions.

(By order of the Governor)
DR. K. ELLANGO VAN
PRINCIPAL SECRETARY

To:

All Additional Chief Secretaries/Principal Secretaries/Secretaries
Managing Director, KSIDC
Director, Directorate of Industries and Commerce
All District Collectors, Kerala
All General Managers, District Industries Centres
Information & Public Relations (Web & New Media) Department
(For publishing in the official website)
Office Copy/Stock File

Forwarded By order


Section Officer

Annexure

Detailed working procedure for query handling, are as follows

A. Query Recording

B.

An Investor may choose to submit queries to the Investment Promotion Facilitation Cell through any of the following methods:

1. **KSWIFT - Investor Query Module**

- a. Visit the KSWIFT at <http://kswift.kerala.gov.in>
- b. Click the 'Services' link and from the drop-down menu click the 'Investor Query'.
- c. The investor while submitting the query must submit or state the following details

- Name
- District
- Phone number
- Email Address
- Description of the query
- Upload document (if applicable)
- KSWIFT unique ID (if applicable)

d. An OTP will be sent to the Investor e-mail and mobile number for verification.

e. An SMS and e-mail alert will be sent to the Investor and the Business Development

Executive, Investment Promotion Facilitation Cell with a reference ID.

- f. Once the details are entered into the system, they will appear as open query under the login id of the Investment Promotion Facilitation Cell.

2. Toll-free line: 18008901030

- a. Investors can contact the helpdesk executive by dialing the tollfree number.
- b. Helpdesk executive shall record the details of Investor (Name, District, Address, Email Address, Phone Number) and details of query raised by investors.
- c. A Unique ID will be generated upon registering and it shall be forwarded along with key details via SMS and email to concerned officer and investor who raised query.
- d. For queries through call, the response must be provided immediately by the Helpdesk executive over the phone itself. However, if they are not able to provide the response, Helpdesk executive shall categorize the query and assign it to Business Development Executive, Investment Promotion Facilitation Cell for further actions.

3. Investment Promotion Facilitation Cell: email (investkerala@ksidcmail.org)

- a. Investors can drop their query directly to Business Development Executive, Investment Promotion Facilitation Cell via email.
- b. The investor while submitting the query must submit or state the following details
 - Name
 - District
 - Phone number
 - Description of the query
 - Upload document (if applicable)
 - KSWIFT unique ID (if applicable)
- c. Business Development Executive shall issue an acknowledgement upon receipt of query.

B. Query Handling

- a. Business Development Executives shall receive all queries submitted online through the KSWIFT portal or Toll-Free Line or Email. The submitted query will be shown as an open query on the dashboard of the Investment Promotion Facilitation Cell. If any clarity is required on the query, it shall be returned to the enquirer on the same working day.
- b. If the query is regarding information that is available in public domain on the Single Window Portal or the website of any other Department/Agency of the Government of Kerala or in standard FAQ document, the Business Development Executive shall respond to the query by providing the publicly available information on the same day.
- c. For other project/department specific query Business Development Executives shall prepare draft response and forward the same to the concerned nodal officer(s) of Department/Agencies for verification within three working days.
- d. Nodal Officer(s) should provide confirmation/corrections to the draft responses prepared by the business development executives within three working days from the date of receipt of the same.
- e. If a nodal officer fails to provide confirmation on the draft response within three working days, the Business Development Executive shall forward the draft response to Chief Executive Officer (CEO), Investment Promotion and Facilitation Cell, for approval and release of response to the enquirer.
- f. Upon providing required response, Business Development Executives shall update the status of query resolution in KSWIFT Dashboard.