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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts :

INDUSTRIES AND MINES DEPARTMENT NOTIFICATION

Sachivalaya, Gandhinagar 13th February, 2020

Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019.

No: GU/2020(7)/MSM/102019/ORD/1609(P.F.1)/CH :- The following draft of rules which is proposed to be issued under section 11 of the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 (Guj. Ord. 1 of 2019) is published as required by sub-section (2) of section 11 of the said Ordinance, for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government of Gujarat on or after the expiry of thirty days from the publication of this notification in *Official Gazette*.

2. Any objection or suggestion which may be received by the Additional Chief Secretary to the Government of Gujarat, Industries and Mines Department, Sachivalaya, Gandhinagar from any person with respect to the said draft rules on or before the expiry of the aforesaid period will be considered by the Government.

DRAFT NOTIFICATION

Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019.

No: GU(7)/2020/MSM/102019/ORD/1609(P.F.1)/CH:- In exercise of the powers conferred by section 11 of the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 (Guj. Ord. 1 of 2019), the Government of Gujarat hereby makes the following rules, namely:-

1. Short title and commencement. –

(1) These rules may be called the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Rules, 2019.

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

2. Definitions. –

- (1) In these rules, unless the context otherwise requires, -
- a) "Acknowledgment Certificate" means the Acknowledgement Certificate issued under section 5 of the Ordinance;
 - b) "Authorized Officer" means a person authorized by the State Level Nodal Agency for carrying out the functions assigned to under these rules;
 - c) "Commencement of Commercial Operation" means the date on which the enterprise issues the first bill of supply/invoice/tax invoice of the goods manufactured or services rendered relating to Declaration of Intent furnished under these rules;
 - d) "Competent Authority" means any department or agency of the Government or Local Authority, Statutory Body, State-owned Corporation, Panchayati Raj Institution, Municipality, Urban Development Authorities, Urban Improvement Trusts or any other authority or agency constituted or established by Or under any state Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an enterprise in the State.
 - e) "Declaration of Intent" means the declaration furnished by any person who intends to start an enterprise as provided in section 5 of the Ordinance [Form - I, in electronic format, for furnishing the information by the enterprise under section 5 of the ordinance];
 - f) "Enterprise" means micro, small or medium enterprise;
 - g) "Form" means the form appended to these rules;
 - h) "Micro, small or medium enterprise" means micro, small or medium enterprise, as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006);
 - i) "New enterprise" means a new micro, small or medium enterprise whose date of commencement of commercial operation is on or after the 24th October, 2019 and includes an enterprise set up or proposed to be set up by an existing enterprise for manufacturing products or providing services at a location which is separately identifiable and different from location of the existing enterprise;
 - j) "Ordinance" means the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019;
 - k) "State Level Nodal Agency" means the Investor Facilitation Agency(IFA) constituted under section 8 of the Gujarat Single Window Clearance Act, 2017 (Guj. 29 of 2017);
 - l) "State Level Facilitation Committee (SLFC)" means the committee constituted under section 7 of the Gujarat Single Window Clearance Act, 2017 (Guj. 29 of 2017);
- (2) Words or expressions used but not defined in these rules shall have the same meaning as assigned to them in the Ordinance.

3. Manner of filing Declaration of Intent and Procedure for Grant of Acknowledgement Certificate. –

- (1) Every new enterprise seeking Acknowledgment Certificate under the Ordinance shall furnish a duly filled Declaration of Intent in electronic format to the State Level Nodal Agency in Form-I, [electronically] on the official web-portal.

- (2) On the receipt of Declaration of Intent, the Acknowledgement Certificate shall be issued in electronic format by the State Level Nodal Agency in Form-II, stating the date of receipt of Declaration of Intent and the period of validity of Acknowledgment Certificate.
- (3) The Declaration of Intent shall be submitted by, -
 - (a) the proprietor, in case of proprietary enterprise;
 - (b) the authorized partner, in case of partnership enterprise; and
 - (c) the authorized person, in case of other forms of enterprises not less than the rank of MD/CEO/CFO.
- (4) In case the enterprise is having commercial operations on more than one set of premises, a separate Declaration of Intent shall be submitted for each such set of premises.
- (5) During the establishment of enterprise and its operation, the unit shall observe the prevailing laws and rules applicable to it. In the circumstances of failure the Acknowledgement Certificate would stand cancelled automatically *ab-initio*.
- (6) If the enterprise is found to carry out any activity other than that mentioned in the Acknowledgement Certificate then the Acknowledgement Certificate would stand cancelled *ab-initio*. The Competent Authority can take legal actions as per provisions of any laws for the time being in force.

4. Functions of the State Level Nodal Agency. –

- (1) The State Level Nodal Agency shall act as the co-ordinating and implementing agency for carrying out the purposes of the Ordinance.
- (2) The State Level Nodal Agency shall appoint one or more Authorized Officer for issuance of Acknowledgment Certificate under the Ordinance.
- (3) The State Level Nodal Agency shall receive and address the grievances and queries of enterprise related to the Ordinance and these rules.
- (4) The State Level Nodal Agency shall maintain the web-portal for carrying out the purposes of the Ordinance and keep the record of Declaration of Intent and the Acknowledgment Certificate issued under the Ordinance.
- (5) The State Level Nodal Agency shall, on the issuance of Acknowledgment Certificate, forward the Declaration of Intent and the Acknowledgment Certificate of enterprise to all the Competent Authorities.
- (6) The State Level Nodal Agency shall co-ordinate between the Competent Authority and enterprise. In case of a dispute between enterprise and Competent Authority, State Level Nodal Agency shall resolve the dispute and may seek directions from the State Government in Industries and Mines Department, as and when required.

5. Functions of District Level Facilitation Committee (DLFC). –

- (1) The General Manager, District Industries Centre shall be Authorised Officer for performing the functions of these rules.
- (2) DLFC at district level shall receive and address the grievances and queries of enterprise related to the Ordinance and these rules.
- (3) DLFC shall be responsible for co-ordination between the Competent Authority and enterprise. In case of a dispute between enterprise and Competent Authority, DLFC shall resolve the dispute and may seek directions from the State Level Nodal Agency, as and when required.

FORM – I

(See Rule 3(1))

Declaration of Intent

(Under the Gujarat Micro, Small and Medium Enterprise (Facilitation of Establishment and Operation) Ordinance, 2019)

Details of Applicant	
Name of Applicant	
Gender Male/Female/Others	
Social Category General/SC/ST/OBC/Others	
Communication Address of Applicant	
Address	
Plot No/ House no.	
Name of premise/ building	
Road/Street/Lane	
Landmark	
Area/Locality	
State	
District	
Classification of Geographical Area (Rural/Urban)	
Taluka	
Village/Town/City	
PIN Code	
Contact Details of Applicant	
Mobile Number	
Alternate Mobile Number	
Telephone	
Email ID	
Details of Proposed Enterprise	
Name of the Undertaking/Enterprise	
PAN Number	
GST No	
Registration No. under Professional Tax	
Major Activity of Enterprise (Manufacturing/Service)	
Product to be Manufactured/Service to be rendered	
Category of Enterprise (Micro/Small/Medium)	
Type of Organization (Proprietary/Hindu Undivided Family (HUF)/Partnership/Co-operative/Private Limited/LLP/Self-help group/Others)	

Proposed Investment in Plant and Machinery / Equipment	
Proposed Total Cost	
Proposed Employment	
Location of Manufacturing/Service Activity of Enterprise	
Plot No/ House no.	
Name of premise/ building	
Road/Street/Lane	
Landmark	
Area/Locality	
Classification of Geographical Area (Rural/Urban)	
District	
Taluka	
Village/Town/City	
PIN Code	

Declaration

1. I/We certify that the information furnished in Declaration of Intent under the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 and the Rules made thereunder is true, correct and complete to the best of my/our knowledge and belief and no material information has been concealed.
2. I/We have read all the provisions of the Gujarat Micro, Small and Medium Enterprise (Facilitation of Establishment and Operation) Ordinance, 2019 and the Rules made thereunder and undertake to abide by them. In case of changes in above details, the same will be intimated to the Nodal agency at the earliest.
3. I/We are furnishing the Declaration of Intent for the enterprise which is a new enterprise as per definition provide the Gujarat Micro, Small and Medium Enterprise (Facilitation of Establishment and Operation) Rules, 2019.
4. I/We have not previously availed the Acknowledgement Certificate for the land or building or premises as mentioned in 'Location of Manufacturing/Service Activity of Enterprise' in Declaration of Intent.
5. I/We will maintain the safety standards in the operation of the enterprise to ensure the safety and health of the workers or employees.
6. I/We will not engage in any manufacturing or service activity which is prohibited under any law or which may cause a serious threat to environment, public health or law and order.
7. I/We will abide by all the Acts/Rules/Regulations of the Government of Gujarat and Central Government during the establishment of enterprise.

Date:-

Place:-

Name:-

Designation:-

Proposed Investment in Plant and Machinery / Equipment	
Proposed Total Cost	
Proposed Employment	
Location of Manufacturing/Service Activity of Enterprise	
Plot No/ House no.	
Name of premise/ building	
Road/Street/Lane	
Landmark	
Area/Locality	
Classification of Geographical Area (Rural/Urban)	
District	
Taluka	
Village/Town/City	
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2. I/We have read all the provisions of the Gujarat Micro, Small and Medium Enterprise (Facilitation of Establishment and Operation) Ordinance, 2019 and the Rules made thereunder and undertake to abide by them. In case of changes in above details, the same will be intimated to the Nodal agency at the earliest.
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5. I/We will maintain the safety standards in the operation of the enterprise to ensure the safety and health of the workers or employees.
6. I/We will not engage in any manufacturing or service activity which is prohibited under any law or which may cause a serious threat to environment, public health or law and order.
7. I/We will abide by all the Acts/Rules/Regulations of the Government of Gujarat and Central Government during the establishment of enterprise.

Date:-

Place:-

Name:-

Designation:-

3. This Acknowledgment Certificate is issued subject to the following conditions:-

- (a) The provisions of the Gujarat Micro, Small and Medium Enterprise (Facilitation of Establishment and Operation) Ordinance, 2019 and its applicability shall be limited to land or building or premises and the activities mentioned in the Acknowledgment Certificate.
- (b) After the expiry of Acknowledgment Certificate (i.e. three years), the Enterprise shall have to obtain required approvals within a period of six months, for which no further intimation shall be provided.
- (c) In case of willful submission of wrong information in Declaration of Intent or breach or contravention of any of the provisions mentioned anywhere in the Ordinance and the rules made thereunder, the Acknowledgment Certificate will stand cancelled automatically *ab-initio*.
- (d) The Acknowledgment Certificate will become void for the enterprise, if it ceases to exist due to merger or split or demerger or acquisition or amalgamation of the enterprises or if it ceases to be a Micro, Small or Medium enterprise.

**Nodal Agency: State Level Nodal Agency
Address:**

By order and in the name of the Governor of Gujarat,

ANAND BIHOLA,
Deputy Secretary to Government
