KERALA MICRO SMALL MEDIUM ENTERPRISES FACILITATION RULES,2020

Government of Kerala 2020 Re .No. KERBIL/2012/45073 05-09-2012 with RNI Reg ond KERALA GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY IACUmmn-QØo, Q.D2.1Jo 9 vol. IX Thiruvananthapuram, Monday 2020 06 06th January 2020 1195 21 21st Dhanu 1195 1941 16 16th Pousha 1941 maud 43 No. GOVERNMENT OF KERALA Industries (B) Department NOTIFICATION Dated, Thiruvananthapuram, 6th January, 2020. G. O. (P) No. 2/2020/1D. S. R. O. No. 12/2020 In exercise of the powers conferred by section 14 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 (16 of 2019) the Government of Kerala hereby makes the following rules, namely:— This is a digitally sign*fGazette. Authenticity may bé.vcrifi&d through https://compose.kerala.gov.in/ 2 RULES I. Short title and commencement.—(l) These rules may be called the Kerala Micro Small Medium Enterprises Facilitation Rules, 2020. (2) They shall come into force at once

2. Definitions.—(l) In these rules, unless the context otherwise requires:— (a) "Act" means the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 (16 of 2019); (b) "Authorized Officer" means person authorized by Nodal Agency for carrying out the functions assigned in these rules; (c) "Form" means the form appended to these rules. (2) Words and expressions used not defined in these rules, but defined in the Act, shall have the same meaning assigned to them in the Act

3. Procedure for Grant of Acknowledgment Certificate.—(l) Every enterprises other than those not included as Red Category by the Kerala State Pollution Control Board seeking Acknowledgment Certificate under sub-section (3) of section 5 of the Act shall furnish a duly filled Self Certification before the Nodal Agency in

Form-I, electronically on the web portal designed for the purpose along with a fee calculated at the rate of 0.01 per cent orthe total project cost (excluding the value of the land) for each Self Certification submitted by the enterprise. However, in case of special circumstances or due to failure of web portal to accept the Self Certification, the enterprise may submit Self Certification, in physical form to the Nodal Agency. (2) The fees shall be remitted to the designated bank account of the Nodal Agency through online or internet banking or National Electronic Fund Transfer (NEFT) or credit card/debit card. (3) On the receipt of Self Certification, completed in all respects, the Acknowledgment Certificate shall be issued instantly by the electronic web portal in Form-11, stating the date of receipt of Self Certification and the period of validity of Acknowledgment Certificate. ms is a digitally Authenticity may be•.verified through httpswcompose.kerala.gov 3 (4) The Self Certification shall be submitted by,— (a) the proprietor, in case of proprietary enterprise; (b) thé authorized partner in case of partnership enterprise; (c) Dikector or the Principal Officer or any person duly authorized by the board in the case of a company; and (d) the' authorized person in case of other forms of enterprises. (5) In case the enterprise is having commercial operations on more than one set of premises, a separate Self Certification shall be submitted for each such set of premises

4. Functions of the Nodal The Nodal Agency shall act as the co-ordinating and implementing agency for carrying out the purposes of the Act.(2) The Nodal Agency shall appoint one or more Authorized Officers for the purpose of verification and issuance of Acknowledgement Certificate under the Act in case there is failure of electronic web portal (3) The Nodal Agency shall receive and address the grievances and queries of the enterprise related to anything done or omitted to be done under the Act and rules. (4) The Nodal Agency shall maintain the electronic portal for carrying out the purposes of the Act and keep record of Self Certification and the Acknowledgment Certificate. (5) Nodal Agency shall, on issuance of Acknowledgment Certificate, forward the Self Certification and Acknowledgement Certificate of enterprise to all Competent Authorities. (6) Nodal Agency shall be responsible for coordination between the Competent Authorities and the enterprise. [n case of dispute between enterprise and Competent Authority, the Nodal Agency shall resolve the dispute and for that purpose may seek directions from the State Board, as and when required 5. Effect of Acknowledgement Certificate.—Acknowledgment Certificate issued under section 5 of the Act shall have effect as if an approval as defined in clause (c) of section 2 of the Act, for a period of three years in such case as mentioned in the schedule to these rules

6. Procedure for filing appeal before the Appellate Authority.—The appeal filed before the Appellate Authority under sub-section (2) of section 12 of the Act shall be in

7. Removal of doubts.—lf any difficulty arises in the application or interpretation of the Act and these rules the matter shall be referred by the Nodal Agency to the State Board, whose decision thereon shall be final, in such matters. This is a digitally signed Authenticity may be verifa through https•]/compose.kerala.gov.in/ 4

FORM 1 [See rule 3(1)] Form of Self Certification (submitted under sub-section (I) of section 5 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019) A. Details of the A licant I) 2) 3) 4) I) 2) 3) 4) 5) 8) Name of the Applicant Aadhaar Number of Applicant Gender Social Category Male/Female/Others General/SC/ST/OBC/Others B. Address for Communication Plot No/House No. Name of premisetbuilding Road/Street/Lane Area/LocaIity Village 6) Town 7) City District 9) State 10) PIN Code Contact Details 1) 2) 3) 4) I) 2) 3) 4) 5) 6) 7) 8) C. Mobile Number Alternate Mobile Number Telephone Email Id D. Ente rise Information Name of the Undertaking/Enterprise Type of Organization GSTIN/PAN Number Type of Enterprise Major Activity of Enterprise Estimated Project Cost Products to be Manufactured/Services to be vided Expected date of commencement of operation Proprietary/Hindu Undivided Family (HUF)/Partnership/Co-operative/Private Limited/Public Limited/ LLP/SeIf-heIp group/Others Micro/SmaII/Medium Manufacturing/Service This is a digitally signed Gazette. Authenticity may be verified :through https•]/compose.kerala.gov.in/ 5 E. Location of Manufacturin Service Activi of Enter rise 1) 2) 3) 4) 5) 6) 7) 8) 9) Total Prbject Area (in Hectare Acres Nature o title of Land Plot No. ouse No. Name o premise/building Road/St}eet/Lane District Taluk Village Block Nhmber IO) Survey Numbers with Subdivision 11) PIN code Owned/Lease/Rent Certification vwe . ii. iii. iv. ....residing at. .state that I am authorized signatory for , and hereby give the following self declaration and undertake that:— VWece Ty that the information furnished in Self Certification under these Rules is true and correct the best of my/our knowledge & belief and no material information has been suppressed/concealed. 1/We ha Rules m the sam 1/We he Regulati setting Pancha case ma e read the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 and the e thereunder and undertake to abide by them. In case of changes in above details, will be intimated to the Nodal Agency at the earliest. by agree and undertake that L/We shall comply and observe the various Rules and ns prescribed under various enactments which are required to be complied with for and operation of the enterprise in the State including but not limited to the Kerala t Building Rules, 2019 or the Kerala Municipality Building Rules, 2019, as the be and National Building Code and any amendment thereof and if a violation is noticed by the Nodal Agency or there is any suppression of material facts or the information furnish in the Self Certification is found to be false, the Nodal Agency has the power to cancel e Acknowledgement Certificate after affording an opportunity of being heard to the appli enterprise by giving 15 days' notice seeking his explanation, if any, and impose a penalty the applicant/enterprise. I/We he eby undertake that for development of the plot for setting up the enterprise I/We shall co ply with the provisions contained in the Kerala Conservation of Paddy Land and Wetlan Act, 2008, the Kerala Land Assignment Act, 1960, the Kerala Town and Country Plannin Act, 2016 and Rules framed thereunder and any other conditions or restrictions This is a digitally signed G Authenticity may be verifi through https;//compose.kerala.gov.in/ v. vi. vii. viii. 6 contained in any other ActJRuIes applicable for setting up the enterprise. IfWe hereby declare that the proposed construction of the project building shall be in conformity with the Kerala Panchayat Building Rules, 2019 or the Kerala Municipality Building Rules, 2019 as the case may be and Master Plan and Detailed Town Planning Scheme notified under the Kerala Town and Country Planning Act, 2016 (9 of 2016) where the case is applicable. I/We am/are furnishing the Self Certification for the enterprise which is a new enterprise as defined in the Act. I/We have not previously obtained any Acknowledgement Certificate as defined under sub-section 3 of section 5 of the Act for the land or building or premises as mentioned in 'Location of Manufacturing/Service Activity of Enterprise' in Self Certification. I/We will maintain the safety standards prescribed under various enactments specified under section 10(2) of the Act in the operation of the enterprise to ensure safety and health of the workers of employees. I/We will not engage in any manufacturing activity or provide any services which are prohibited under any law or rules. Name Designation Date Place Signature This is a digitally signed Gazette. Authenticity may be veiified through https://compose.kerala.gov.in/ 7 FORM 11 [See rule 3(3)] Acknowledgement Certificate (issued under su - section (3) of section 5 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019) has filed a Self Certification under the Kerala Micro Small Medium ..(ManufacturinWService) Enterprises lacilitation Rules, 2020 to set up enterprise. The receipt of the Self Certification for the enterprise is hereby acknowledged with following d •Is as contained in the Self Certification: 1. 2. 3. 4. 5. 6. 7. 8

9. Acknowledgement Details Ackno ledgment Number Date of Acknowledgment Validi of Acknowledgment Name f the Enterprise Type df Organization Addre s for Communication (a) (b) Nåme of premise/building (c) R ad/St llage (e) (f) T wn (h) Di trict P Code

Major ctivity of Enterprise Produdt(s) to be Manufactured/Service(s) to be rovid d Locatibn of the Proposed Enterprise (a) N e of premise/building (b) Rdad/StreetJLane (c) Di trict This is a digitally signed Authenticity may be verifi through https://compose.kerala.gov.inj 8 (e) Village (f) Block Number (g) Survey Numbers with Subdivision (h) PIN Code IO. Estimated project cost Subject to provisions of the Act and Rules, this Acknowledgement Certificate shall entitle the enterprise: (a) Exemption from approval under the various enactments mentioned in the Act. (b) Exemption from inspection for the purpose of, or in connection with, any approval under various enactments mentioned in the Act. (c) It can be presented to any Competent Authority or Bank or Financial Institution as and when required who shall treat it as valid approval as defined in sub-section (c) of section 2 of the Act for all the purposes

2. This Acknowledgement Certificate is issued, subject to following conditions: (a) The provisions of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 and its applicability shall be limited to Acts mentioned in the Act and the activities mentioned in the Acknowledgement Certificate.(b) The Acknowledgement Certificate is valid for a period of three years from the date of issue (c) After the expiry of Acknowledgement Certificate, the enterprise shall have to obtain required approvals, for which no further intimation shall be provided. (d) In case of willful submission of false information in Self Certification or suppression of material fact, or breach or contravention of any of the provisions in the Act & the Rules, the Nodal Agency can revoke/cancel the Acknowledgement Certificate as per provisions of the Act and Rules. (e) The Acknowledgement Certificate will become void, if the enterprise ceases to exist due to merger or division of enterprise or acquisition or amalgamation of the enterprises or if it ceases to be a Micro, Small or Medium enterprise as defined under the Act. Dated on this the.... ... This is a digitally signed Gazette. (date) day of.....(month)..... (year) Signature of Issuing Authority. Authenticity may be verified through https://compose.kerala.gov.in/ (filed under the su 2. 3. 4. 5. 6. 7. 8. 9. IO. Name of th Address fo Contact de Details of Details Of Details of Date of rej Reason for 9

FORM 111 [See rule 6] Appeal submitted to the Appellate Authority -section (2) of section 12 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019) applicant with mobile number Communication ils of Enterprise dustrial Unit provals sought for by the applicant e application rejected by the Nodal Agency tion of application by the Nodal Agency ejection of the application Grounds of appeal Details of e records enclosed Note:—The appell addition to any 0th Place: Date: This is a digitally signed:G Authenticity may be vekfi t should enclose a copy of the order of the Nodal Agency appealed against in document(s). through https://compose.kerala.gov.in/ Name and Signature of the applicant (1) 1 2 3 4 5 6 7 8 9 11 12 Approval (2) Issue of Development Permit Issue of Building Permit Layout Approval Permission for construction of factories and installation of machinery Issue of Licence to Factories, Trades, Entrepreneurship activities and other services Registration of Private Hospitals, Clinics and Paramedical Institutions Issue of Development Permit Issue of Building Permit Layout Approval Permission for construction of factories and installation Of machinery Issue of Licence to Factories, Trades, Entrepreneurship activities and other services Registration of Private Hospitals, Clinics and Paramedical Institutions 10 SCHEDULE Act/Rule (3) The Kerala Panchayat Raj Act, 1994 (13 of 1994) The Kerala Municipality Act, 1994 (20 of 1994) Category (4) For consfructions of building with plinth area up to 20,000 Sq. ft. and height up to 15 m. For constructions of building with plinth area up to 20,000 Sq. ft. and height up to 15 m. This is digitally signed Gazette. Authenticity may be verified through https://compose.kerala.gov .W (1) 13 14 15 16 Approval (2) NOC- nderltem 12, 13 of sub-rule (4) of rule 5 under the unicipality Building Kerala Rules, 2 19 and Kerala Pancha t Building Rules, 2 19. License or working lifts and escalato DMO cl ce Registra •on 11 Act/Rule (3) The Kerala Panchayat Building Rules, 2019 The Kerala Municipality Building Rules, 2019 The Kerala Lift and Escalators Act, 2013 Travancore — Cochin Public Health Act, 1955, Madras Public Health Act, 1939 The Kerala Shops and Commercial Establishments Act, 1960 Categoty (4) For constructions of building with plinth area up to 20,000 Sq. ft. and height up to 15 m. (It shall not be applicable for assembly and hazardous occupancy) For working lifts and escalators up to three floors By order of the Governor, DR. K. ELLANGOVAN, Principal Secretary to Government Explanatory Note ot form part of the notification, but it is intended to indicate its general purport.) (This does As per sec •on 14 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 (16 of ent may make rules prospectively or retrospectively for the purpose of carrying into 2019) the Gov effect the provision of the Act. Accordingl , the Government have decided to make rules for the purpose of carrying into effect the provision of the Act. The notifi tion is intended to achieve the above object. PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESS AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2020 . This is a digitally signed G Authenticity may be verifi through https://compose.kerala.gov.in/