

THE PUNJAB INDUSTRIES (CONTROL ON ESTABLISHMENT & ENLARGEMENT OF CEMENT PLANTS) RULES, 2018

CHAPTER I  
INTRODUCTION

No. AEA-III 2-2/2012(Vol-II).--- In exercise of the powers conferred under section 13 of the Punjab Industries (Control on Establishment & Enlargement) Ordinance, 1963 (W.P. Ord. IV of 1963), the Governor of the Punjab is pleased to make the following rules:---

1. **Short title, extent and commencement**--- (1) These rules may be cited as rules for The Punjab Industries Control On Establishment and Enlargement of Cement Plant Rules, 2018.
  - (2) It extends to whole of the Province of Punjab.
  - (3) It shall come into force at once.
  
2. **Definitions**--- (1) In these rules, unless there is anything repugnant in the subject or context:---
  - (a) **“Ordinance”** means the Punjab Industries (Control on Establishment & Enlargement) Ordinance, 1963.
  - (b) **“Government”** means the Government of the Punjab.
  - (c) **“Committee”** means the committee constituted under these rules to evaluate the cases for enlargement in existing cement plants.
  - (d) **“Industrial Undertaking”** means cement plants established under Section 2(c) of the Punjab industries(Control On Establishment And Enlargement) Ordinance,1963.
  - (e) **“Local Area”** shall have the same meaning as defined under section 2(d) of the Ordinance.
  - (f) **“Relocation”** means shifting of any existing industrial undertaking from one place to another which shall not include enlargement, merger, or establishment of new industrial undertaking.
  - (g) **“Establishment”** means the new formation of a cement plant within the limits of province of Punjab.
  - (h) **“Enlargement”** means enhancement of production capacity of any existing industrial undertaking.
  - (i) **“Merger”** means to amalgamate, two or more, existing industrial undertakings.
  - (j) **“Secretary”** means the Secretary Industries, Commerce and Investment Department, Government of the Punjab.

- (k) **“District Officer”** means a person appointed as District Officer of the Department for the purpose of Ordinance or Rules.
  - (l) **“Department”** means the Industries, Commerce & Investment Department, Government of the Punjab.
  - (m) **“Public Interest”** for the meaning of the Ordinance and the Rules public interest means an act beneficial to the public at large.
  - (n) **“Prescribed”** means prescribed by the Ordinance, Rules or Notifications.
  - (o) **“Company”** means a company formed and registered under the Company Act, 2017.
- (2) Other words or expressions used in these rules which are defined in the Ordinance or rules framed there under, are used in the same sense in these rules.

## CHAPTER II APPLICATION, APPROVAL OR REJECTION

3. **Application For Establishment of Cement Plant---** The applicant, Company or any other person as the case may be shall file an application to the Secretary for the Establishment, Enlargement, Merger or Relocation of a cement plant.
4. **Pre-Requisites of the application---** The Secretary shall not entertain any application for the establishment of new industrial undertaking unless accompanied by:
- (a) A certified copy of computerized national identity card of the applicant.
  - (b) Complete mailing address of the applicant.
  - (c) A copy of recent utility bill for the property mentioned in mailing address as proof of residence.
  - (d) A certified copy of certificate of registration in case of a company.
  - (e) Feasibility report, prepared by the expert, of the project including environmental, ecological and spatial planning feasibility.
  - (f) No Objection Certificates (NOCs) from the concerned local Government department and Environment protection department.

- (g) Environment Impact Assessment Certificate.
  - (h) Financial statement of applicant including;
    - i. bank statement, and
    - ii. detail of self-owned assets
    - iii. Tax returns;
  - (i) Details of proposed land or machinery to be used for the project;
  - (j) If proposed land is not self-owned, the financial statement should indicate that enough funds are available to purchase or lease the proposed land or machinery etc.
  - (k) Prescribed fee as notified by the Government.
  - (l) Total capacity of the plant.
  - (m) Tentative period of completion of the project.
  - (n) Operation of the project.
  - (o) Valid lease agreement issued by Mines and Minerals Department.
  - (p) Justification for Enlargement, Merger or Relocation of the Cement plants.
5. **Enlargement of Cement Plants** --- The establishment and enlargement of a cement plant shall follow the same procedure and requirements as prescribed in rule 4.
6. **Formation of Committee**--- For the establishment, enlargement, relocation or merger of the cement plants, there shall be a committee to evaluate the case which shall comprise of the following members duly notified by the Government of Punjab.

(i)	Chief Secretary Punjab	Chairperson
(ii)	Secretary, Mines and Mineral Department	Member
(iii)	Secretary, Environment Protection Department	Member
(iv)	Secretary, IC&I Department	Member/Secretary
(v)	Secretary, Irrigation Department	Member
(vi)	Secretary, Law and PA Department	Member

7. **Acknowledgement of Application**--- (1) On receipt of the application, the designated officer shall, after satisfying that the

requirements of preceding rules have been fulfilled and application is complete in all respects, shall give an acknowledgment stating the date of receipt.

(2) If the application, in any manner, lacks any of the requirements of these rules or notifications, the designated officer shall return the application with written objection(s).

8. **Processing of an application---** (1) The Secretary shall, within 30 days of submission of the application, forward it to the committee constituted under rule 6.
- (2) The Committee shall within 60 days of receipt of application after hearing the applicant and keeping in view these rules and public interest, shall decide the application with reasoning and issue a formal permission/approval or rejection order accordingly
9. **Fee---** Applicant shall deposit a non-refundable fee along with application at the rate fixed by government through notification.
10. **Merger or Relocation of Industrial Undertaking---**(1) Subject to Rule 4 the NOC issued by the environment department and Mines and Mineral Department the applicant may, after receiving the permission/ approval, establish, enlarge, merge or relocate the industrial undertaking within the specified criteria and approved production capacity.
11. **Compliance of the permission of Establishment of cement plant--**  
-(1) The approval/permission granted by the committee under rule 4 if not implemented and complied within 2 years from the date of its issuance, the same shall lose its effect thereafter.
- (2) The prescribed time period for the implementation of the permission may be extended by the committee while duly recording the reasons for the delay in its implementation.
12. **Prohibition on Establishment and / or Enlargement in Negative Zone---** The applications for the establishment/ merger/ enlargement/ or relocation of any cement plant shall summarily be rejected without any exception if the applicant wants to establish/ merge/ enlarge or relocate his cement plant in an area declared as negative zone for lease by Mines and Minerals Department after the enforcement of these rules..
13. **Power of the Government to Refuse any Request---** The Government may after recording the reasons, refuse the establishment/ merger/ enlargement/ or relocation of any cement plant if it is in derogation of public interest, against the rules and policy of Environment for the time being in force

### CHAPTER III REVIEW

14. **Review---** (1) Any person aggrieved by the order of the committee passed under the rules may, within thirty days from date of order, prefer a review through Industries Department before the committee formed under Rule 5(2).
- (2) The reviewing authority shall, within ninety days from the date of filing of the review, decide the same whose decision shall be final.
- (3) The committee may pass an interim order during the pendency of a review application.

### CHAPTER IV APPOINTMENT, POWERS AND FUNCTIONS OF DISTRICT OFFICER

15. **District Officer---**For the purpose of the Ordinance or the Rules the Department may, in prescribed manner and by notification in the official Gazette, appoint in relation to any District specified in the notification, to be a District Officer.
16. **Powers---**(1) A District Officer appointed under the Ordinance or Rules shall exercise such powers and discharge such duties as are conferred on him by the Department.
- (2) The Department may, by general or special order, impose such limitations, restrictions or conditions on the exercise of such powers and discharge of such duties or functions, as it deems fit.

### CHAPTER V MISCELLANEOUS

17. **General Conditions---** (1) Without the prior permission of the committee appointed by the government, no industrial unit shall be installed, enlarged, merged or relocated.
- (2) No industrial unit shall be installed in an area that has been declared as negative zone for lease by Mines and Minerals Department.
- (3) The district government in consultation with all the stakeholders may declare any such area as negative.

18. **Delegation of Powers**--- The Government may, by general or special order and subject to such conditions as may be specified in the order, authorize any officer, authority or committee subordinate to it to exercise any of its powers and perform any of its functions and duties under the Ordinance and Rules.
19. **Relaxation of Rules**---The Government may, for reasons to be recorded, relax any of the provisions of these Rules in case of any class of units or industries.

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