

Consents, Clearances and Permits in Energy & Infrastructure Sector in India – Demystifying the Issues, Risks and Challenges Associated in the Process of Acquiring Regulatory Approvals

<https://marketpublishers.com/r/CE709E57E5DEN.html>

Date: July 2016

Pages: 157

Price: US\$ 2,375.00 (Single User License)

ID: CE709E57E5DEN

Abstracts

Regulatory and bureaucratic constraints are the biggest hurdles in the path of infrastructure development in India. Regulatory concerns and policy paralysis that has been lingering in the Indian market since long has done significant damage to India's Infrastructure growth and in turn to the overall economy. On an average over 50+ regulatory clearances are required from over 20 ministries at state and central level to set up infrastructure projects in India. Often inordinate delays in acquiring various consents, permits and approvals pertaining to land acquisition, environment clearances and other approvals adversely impact the project participants – developers, investors, contractors and operators, rendering the overall project unviable and times pushing the stakeholders to a point where they have little options but to shelve their projects; Projects from POSCO, BHP Billiton, Arcelor Mittal have become case studies on how lengthy process led to their exit. As per recent FICCI estimates, Infrastructure projects worth lakhs of crore are stuck due to delay in different regulatory clearances and approvals; nearly 80% of these are in power sector.

At the heart of the problem lies the overall regulatory approach followed in the infrastructure sector, which is disparate and lacks any unified approach governing any aspect of regulation, be it powers and functions of the regulator, extent of regulation, appointments and accountability and autonomy of the regulators. A common regulatory approach that runs through the central as well as state regulators has been the need for long. Lack of accountability in different institutions involved in the process of awarding regulatory approvals is also a major issue, there doesn't seem to be any urgency to work on issues that are holding up Infrastructure projects. The new government

promises to change the status quo persistent since several decades and facilitate faster turnaround related to the process of acquiring different regulatory approvals and clearances.

Infralnsights believes, there is a need to create intuitive information platform that facilitates companies planning to set projects in India, by providing them critical information pertaining to intricacies associated with regulatory framework in India. In order to enable investors with details on number of permits, licenses and regulatory clearances required in different sub-segments of Energy & Infrastructure sector, Infralnsights plans to initiate a reference book that will be of immense use to the industry. The primary objective of Infralnsights Reference Book 'Consents, Clearances and Permits in Energy & Infrastructure Sector in India – Demystifying the Issues, Risks and Challenges associated in the process of acquiring regulatory approvals' is to map all consents, clearances and permits an investor has to obtain for setting up power projects in India. Given that PPP and FDI is likely to increase in the times to come, we feel such reference compendium would be of immense value for both, the active organizations as well as the organizations planning to invest in energy & infrastructure sector in India. Leveraging this report will help companies to achieve the statutory regulatory clearances and compliances required to start and operate energy and infrastructure related projects with ease. The report will provide critical analysis on projects that failed due to inordinate delay in getting necessary regulatory clearances and also provide advisory to different industry on how to approach the overall process involved in acquiring different regulatory approvals. Infralnsights detailed survey to assess the hurdles and challenges faced by India Inc and MNCs will come very handy for companies that plan to begin operationalizing their India investment strategy under the aegis of new government. The report will also evaluate, whether the reform measures that the government promises to fast track infrastructure projects is actually achievable. Overall, the report will not only provide facts on number and types of regulatory approvals required across different state and central government ministries and agencies but will also help to follow right strategy to be adopted to manage the regulatory approval risks and challenges with ease.

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