

(2) (a) The product shall contain not less than 10.00 per cent by weight of one or more of the following refined vegetable oils, namely :—

(i) Refined sun flower (kardiseed) oil.

(ii) Refined sesame oil :

Provided that the content of refined sesame oil shall not be less than 5.0 per cent by weight but sufficient to ensure that the product conforms to the specification for Baudouin test prescribed under clause (7).

(b) The refined vegetable oils specified under sub-clause (a) shall conform to the standards of quality prescribed for the respective oils under item A. 17.15 of Appendix B to the Prevention of Food Adulteration Rules, 1955 or under Part I of the Third Schedule to the Solvent-extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967.

(c) The said oils shall not be subjected to hydrogenation either by themselves or in admixture with any other oil.

(3) No vegetable oil other than those specified under clauses (1) and (2), or oil or fat of animal or mineral origin shall be used in the manufacture of the product or shall otherwise be present therein.

(4) The product shall not contain any colouring or flavouring matter or any anti-oxidant, synergist, emulsifier or any other such substance or any matter deleterious to health.

(5) The product shall, on melting, be clean and clear in appearance and shall be free from sediment and rancidity and pleasant to taste and smell.

(6) The product shall be manufactured in premises maintained under hygienic conditions.

*(6) (A) No person shall manufacture or stock any vegetable oil other than those mentioned in C1, 2 (1) (a) *

*—*Inserted *vide* G. S. R. 445 (E), dated 13th June 1984.

* Provided that where, for any special reason, any person finds it necessary to manufacture, stock or sell any vegetable oil other than those specified in Cl, 2(1) (a), such manufacture may be undertaken or such stock may be kept or such sale may be made by him after obtaining prior permission therefor from the Vegetable Oil Products Controller for India, and such vegetable oil shall be manufactured, stocked or sold by him in accordance with the instruction of the said Controller. *

(7) The product shall conform to the following standards of quality, namely.—

- | | | |
|---|-------|--|
| (i) Moisture | | Not more than 0.25 per cent. |
| (ii) Melting point (by the capillary slip method as described in the Appendix to this Order). | | ** 31° C to 41° C ** |
| (iii) Butyrorefractometer reading, 40°C. | .. | not less than 48.0. |
| (iv) Unsaponifiable matter | .. | † Not more than 2.00 per cent. † |
| (v) Free Fatty acid, as oleic acid. | .. | Not more than 0.25 per cent. |
| (vi) Baudouin test (as described in the Appendix to this Order). | .. | Not less than 2.0 per unit. |
| (vii) Synthetic Vitamin A | .. | Not less than 25.0 international units per gramme. |

†† (8) The products shall also conform to ISI specifications for vanaspati and shall carry the Indian Standard Institution Certification Mark specified under the Indian Standard Institution (Certification Mark) Act, 1952 (36 of 1952). ††

*—*Inserted *vide* G. S. R. 675(E), dated 20th September 1985.

—Substituted *vide* G. S. R. 365(E), dated 30th April 1983.

†—†Substituted *vide* G. S. R. 445(E), dated 13th June 1984.

††—††Inserted *vide* G. S. R. 552(E), dated 4th July 1985.

THE SECOND SCHEDULE

(See clause 2)

Bakery Shortening

1. *Definition.*—“ Bakery shortening ” means vanaspati meant for use as a shortening or leaving agent in the manufacture of bakery products, that is, for promoting the developments of the desired cellular structure in the bakery product with accompanying increase in its tenderness and volume.

2. *Requirements.*—Bakery shortening shall conform in all respects to the standards of quality and other requirements for vanaspati prescribed in the First Schedule, except in respect of the following, namely :—

(i) The melting point (by the capillary slip method as described in the Appendix to this Order) shall be not more than 41° C.

(ii) It may contain added mono-glycerides and diglycerides as emulsifying agent.

(iii) If aerated, the following requirements shall also apply, namely :—

(a) only nitrogen air or any other inert gas shall be used for the purpose,

(b) the quantity of such gas incorporated in the product shall not exceed 12 per cent by volume thereof.

THE THIRD SCHEDULE

(See clause 2)

Margarine

1. *Definition.*—“ Margarine ” means an emulsion of edible oils and fats with water, which resembles table (creamery) butter in consistency and appearance.

2. *Requirements.*—Margarine shall conform to the following standards of quality and other requirements, namely :—

(1) The product shall contain not less than 80.0 per cent of vanaspati or a mixture of vanaspati and refined vegetable oils.

(2) The moisture content of the product shall be not less than *12.0 per cent,* and not more than 16.0 per cent, by weight.

(3) The vanaspati used in the manufacture of margarine shall conform in all respects to the standards of quality and other requirements for vanaspati prescribed in the First Schedule, except in respect of melting point, which may be such as to ensure conformity with the specification for melting point of the separated fat prescribed under clause (10).

(4) (a) When the product contains a mixture of vanaspati and refined vegetable oils, only one or more of the following refined vegetable oils may be present in the mixture, namely :—

- (i) Refined cottonseed oil.
- (ii) Refined maize (corn) oil.
- (iii) Refined nigerseed oil.
- (iv) Refined Sunflower (Kardiseed) oil.
- (v) Refined sesame oil.
- (vi) Refined Soybean oil.
- (vii) Refined sunflower oil.
- (viii) Refined watermelonseed oil.

Provided that the content of refined sesame oil in margarine shall not be less than 5.0 per cent by weight, but sufficient to ensure that the separated fat conforms to the specification for Baudouin test prescribed under clause (10).

(b) The refined vegetable oils specified under sub-clause (a) shall conform to the standards of quality prescribed for the respective oils under item A. 17.15 of Appendix B to the Prevention of Food Adulteration Rules, 1955 or under para 1 of the Third Schedule to the Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967.

(5) No vegetable oil other than those specified under clause (4) or oil or fat of animal or mineral origin shall be used in the manufacture of the product or shall be otherwise present therein.

(6) The product may contain one or more emulsifying or stabilising agents specified in rule 60 of the Prevention of Food Adulteration Rules, 1955.

*—*Substituted vide G. S. R. 325 (E), dated 4th May 1976.

*(7) It shall not contain any anti-oxidant (other than Butylated Hydroxyl Anisole, Butylated Hydroxyl Toluene and Tertiary Butyl Hydroquinone either singly or in a combination not exceeding 0.02 per cent) or synergist or any other such substance or any matter deleterious to health :

Provided that about 2.5 per cent by weight, of common salt may be added to the product as a preservative*

(8) The product shall be clean in appearance, free from rancidity and pleasant to taste and smell.

(9) The product shall be manufactured in premises maintained under hygienic conditions.

(10) The separated fat shall conform to the following standards of quality, namely :—

** (i) Melting point (by the capillary slip method as described in the Appendix to this Order)**

(ii) Butyrene fractometer . . . Not less than 48° C reading at 40° C.

(iii) Unsaponifiable matter . . . Not more than 1.50 per cent.

(iv) Free Fatty acid as oleic . . . Not more than 0.25 per cent.

(v) Baudouin test (as described in the Appendix to this Order). . . Not less than 2.5 per unit.

(vi) Synthetic vitamin A . . . Not less than 30.0 international units per gramme.

— Substituted vide G. S. R. 681 (E), dated 24th September 1984.

—Substituted vide G. S. R. 337 (E), dated 17th March 1992.

APPENDIX

[See First Schedule, para 2, clause (7), Second Schedule, para 2, clause (i) and Third Schedule, para 2, clause (10)]

Procedures for (1) determination of melting point by the capillary slip method and (2) the Baudouin test

I. THE CAPILLARY SLIP METHOD FOR DETERMINATION OF MELTING POINT

1. Apparatus :

(1) *Melting point tubes*.—Thin-walled, uniformly-bored capillary glass tubes, open at both ends and with the following dimensions :—

- (a) Length : 50 to 60 mm.
- (b) Inside diameter : 0.8 to 1.1 mm.
- (c) Outside diameter : 1.2 to 1.5 mm.

(2) *Thermometer*.—Centigrade, with 0.2 sub-divisions and a suitable range. The thermometer should be checked against a standard thermometer which has been calibrated and certified by the national Physical Laboratory, New Delhi.

(3) *Beaker*.—with a side-tube heating arrangement.

(4) *Water bath*.—Maintained at 15—17° C.

(5) *Heat source*.—Gas burner or spirit lamp.

2. Procedure :

(1) Melt the sample of the vegetable oil product (vanaspati or bakery shortening or the separated fat in the case of margarine) completely and mix it well at a temperature of about 50° C.

(2) (i) Insert the melting point tube (which should be thoroughly cleaned and dried before use) into the molten product so that a column of the product, about 10 mm. long, is forced into it.

(ii) Allow the sample in the tube to just set by keeping the tube in a horizontal position during winter ; during summer, the tube may be put on a perforated metal tray, which is so placed inside the water bath (at 15—17° C) that the bottom of the tray just touches the water.

(iii) Then place the tube in a test tube immersed in water at 15—17° C for one hour.

(3) (i) Remove the melting point tube and attach it with a rubber band or any other suitable means to the thermometer so that the lower end of the melting point-tube is even with the bottom of the bulb of the thermometer.

(ii) Pour water at about 20° C into the beaker (with side-tube heating arrangement) and suspend the thermometer in the centre of the beaker so that the lower end of the sample column is 30 mm below the surface of water. Heat the side-tube of the apparatus gently, so that the temperature of water increases slowly at the rate of 2° C and thereafter at the rate of 0.5° C per minute.

(iii) Note the temperature of the water when the sample column commences to rise in the tube which is the melting point of the sample.

II—THE BAUDOIN TEST

1. Reagents :—

(1) Refined groundnut oil of light colour, showing a negative Baudouin Test.

(2) Concentrated hydrochloric acid (A. R.), Sp. Gr. 1.19

(3) Furfural solution.—2 per cent solution (v/v) of furfural (distilled within 24 hours prior to the test) in rectified spirit.

(4) Dilute hydrochloric acid (C. P.) Sp. Gr. 1.25

2. Procedure :

(1) Melt the sample of the vegetable oil product (vanaspati or bakery shortening or the separated fat in the case of margarine) completely and mix it well at a temperature of about 50°C.

(2) Before carrying out the test, check for the presence of colouring matters which are chromogenic in the presence of hydrochloric acid, as follows :—

(a) Shake 10 ml. of the melted vegetable oil product with 10 ml. of concentrated hydrochloric acid. Note if any red colour develops in the aqueous layer.

(b) If a red colour develops in the aqueous layer, shake 15 ml. of the melted vegetable oil product in a separating funnel for half a minute with 15 ml. of dilute hydrochloric acid. During the treatment,

do not permit the temperature of the contents of the separating funnel to exceed that necessary to keep the sample in liquid condition. Draw off the red acid layer which collects at the bottom of the funnel and repeat the process until no further colouration takes place.

(3) The Baudouin test shall then be carried out as follows :—

(i) Dilute 10 ml. of the melted vegetable oil product (original sample if no red colour develops on checking as at 2 (a), or after complete removal of the hydrochloric acid layer as at 2 (b) with 40 ml. of refined groundnut oil.

(ii) Take 5 ml. of this mixture in a 25 ml. measuring cylinder with glass stopper and add 5 ml. of concentrated hydrochloric acid.

(iii) Add 0.4 ml. of the furfural solution, shake vigorously for 2 minutes, and allow to stand for 5 minutes.

(iv) Transfer the contents of the measuring cylinder to a separating funnel and decant the acid layer through a wet filter paper into a cleaned (with carbon) tetrachloride and dried 1 Cm. Lovibond cell.

(v) Place the cell in position in a Lovibond Tintometer and viewing through the eyepiece of the instrument, match the colour shade of the filtrate with the appropriate combination of red and yellow slides. The colour, which is recorded in terms of red units only (correct to one place of decimals) should be read within 12 minutes of the addition of furfural solution.

(vi) Perform a blank experiment, using 5 ml. of refined groundnut oil in place of the mixture at (i) and determine the colour as at (v).

(vii) The Baudouin test reading of the sample is the colour reading given by the sample [as at (v)], less than given by the blank [as at (vi)].

[9-VP (4) /72]

S. V. SAMPATH,
Vegetable Oil Products Controller for India.

**THE MAHARASHTRA SCHEDULED OILSEEDS AND OILS
(DEALERS AND MILLERS) LICENSING ORDER, 1977**

FOOD AND CIVIL SUPPLIES DEPARTMENT

Mantralaya, Bombay-400 032, dated 14th September 1977

(Corrected upto 31st March 1995)

ORDER

ESSENTIAL COMMODITIES ACT, 1955.—

No. ECA-9874/30823/D-XXIII.—In exercise of the powers conferred by sub-section (1), read with clauses (c), (d), (e), (h), (i), and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with Government of India Order, Ministry of Agriculture (Department of Food), No. GSR. 316 (E), dated the 20th June, 1972 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following order, namely:—

1. *Short title, extent and commencement.*—(1) This order may be called the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on the 16th day of September 1977;

2. *Definitions.*—In this order, unless the context otherwise requires,

(a) "Collector" in Bombay Rationing Area means the Controller of Rationing, and includes a Deputy Controller of Rationing and elsewhere means and Collectors of the Districts and includes the Additional Collector, and Assistant or Deputy Collector, the District Supply Officer or the Foodgrains Distribution Officer;

(a—) "Commissioner" means a Commissioner for a Division appointed under the Maharashtra land Revenue Code, 1966 and includes an additional Commissioner.

(b) @—@

*—*Inserted vide Government Order No. ECA9881/893/(1092)XXIII, dated 7th November 1981.

@—@Definition of "Dealer" in Sub-clause (b) deleted vide Government Order No. ECA-1301-5813-CR-1112-XXX, dated 29th December 1993.

(c) " Form " means a form appended to this Order ;

(d) " licensing authority " in Bombay Rationing Area as specified in scheduled A to the Maharashtra Foodgrains Rationing (Second) order, 1966 means any Deputy or Assistant Controller of Rationing designated by the Controller of Rationing in this behalf, and elsewhere means the Tahsildars, within their respective jurisdiction, and includes any officers appointed by the State Government to exercise the powers and perform the duties of licensing authority under this Order in any specified areas ;

(e) " miller " means the owner, occupier or any other person in charge of an oil mill ;

(f) " Oil mill " means the plant and machinery with which, and the premises (including the precincts thereof) in which or in any part of which a manufacturing process of extracting oil from scheduled oilseeds is being carried on or is ordinarily so carried on, with or without the aid of power ;

@(g) @—@

(h) " Schedule " means the Schedule appended to this order ;

* (i) " Scheduled Oil " or " Oils " means the palmolein oil, rapeseed oil or any other edible oils prepared from the Scheduled Oilseeds.*

(j) " Scheduled Oilseeds " or " Oilseeds " means the edible oilseeds specified from time to time in the schedule ;

(k) " Wholesale dealer " means a dealer who sells oils in quantities of 20 quintals or more at any one time or oilseeds in quantities of 20 quintals or more at any one time, to other dealers or other persons at wholesale rates, and includes a commission agent or a sub-wholesaler, who holds stocks of oils or oilseeds in the conduct of his business.

3. *Licensing of † Wholesale dealers † and millers :—*

(1) No person shall carry on business as a † " Wholesale dealer " † or a miller except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority ;

@—@Definition of " Retail Dealer " in Sub-clause (g) deleted vide G. O. No. ECA-139/5813/CR-1112/XXX, dated 29th December 1993.

*—*Substituted vide G. O. No. ECA-9879/562/(797)/XXIII, dated 27th November 1979.

†—†Substituted vide G. L. No. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

Provided that, where a person applies for a licence as provided in clause 4 within a period of ninety days from the date of which he commences to carry on such business, he shall not be deemed to have contravened the provisions of sub-clause (1) if he carries on such business till his application is disposed of.

(2) Notwithstanding anything contained in sub-clause (1), any licences granted under the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1973, and valid on the date immediately preceding the date on which this Order comes into force shall be deemed to be a licence granted under this Order and continued to be valid for the purposes of this Order in respect of oils and oilseeds.

4. Issue of Licence.—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

(2) Every Licence issued or renewed under this Order shall be in Form 'B' @

5. Time and manner of sending return in Form 'C', 'C-1'.—Every licensee shall submit to the licensing authority concerned a true return in Form 'C' in the case of wholesale dealer and in Form 'C-1' in case of miller, for every fortnight (from 1st to 15th and 16th to the last day of the month)* so as to reach the licensing authority within five days after the close of the fortnight or month as the case may be.

6. Period of Licence and fee chargeable.—†(1) Every licence granted under this Order shall be valid for a period of five years from the date of issue of the licence and may be renewed for a period of five years, at a time :

Provided that no licence shall be granted for the period of beyond the 31st December of the Fourth year next following year in which it is granted.†

+(1-A) (a) Every licensee who desires to get his licence renewed shall apply for the renewal thereof before the date of expiry of this licence ;

@—@Substituted *vide* G. O. No. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

*—*Form C-II deleted *vide* G. O. No. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

†—†Substituted *vide* G. O. o. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

†—†Inserted *vide* G. O. No. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

Provided that, where a licensee applied for the renewal of his licence within a period of one month after the expiry of the licence, the application shall be accepted by the licensing authority.

(b) No application for the renewal of a licence shall thereafter be entertained by the licensing authority, unless the said authority is satisfied that the application for the renewal could not be made in time, for valid and sufficient reasons.

(c) Where it is found that a licensee is carrying on his business without obtaining a renewal of his licence, within the prescribed time limit after the expiry of its validity, subject to clause 10, 25 per cent of his security deposit may be forfeited to Government :

Provided that, after thirty days from the expiry of the prescribed time limit under sub-clause (a) if the dealer still carries on his business, the remaining or the whole amount of the security deposit, as the case may be, may likewise be forfeited to Government.†

(2) The licensee along with prescribed licence fee shall apply to licensing authority for a licence.

(3) The holder of a licence may obtain from the licensing authority a duplicate of the licence issued to him if the original is lost, destroyed or defaced.

*(4) The fees as specified below shall be chargeable in respect of each licence, namely :—

| | Rs. |
|--|-----|
| (i) For issue of a licence | 100 |
| (ii) For renewal of a licence | 30 |
| (iii) For issue of a duplicate licence | 10* |

*—*Substituted *vide* G. O. No. ECA 1391/5813-CR-1112/XXX, dated 29th December 1993.

7. Deposit of security.—Every dealer or miller applying for licence shall, before such licence is issued to him, deposit with the licensing authority in cash, by way of security for the due performance of the conditions subject to which the licence is issued to him, at the following rates, namely :—

(a) in the case of a wholesale dealer, or mills run with the aid of power *Rs. 200*.

†(b)†

Provided that if the dealer under this order has already @deposited the amount@ as security deposit under any other Dealers Licensing Order issued by the State Government either under the Defence of India Rules, 1971 or the Essential Commodities Act, 1955, he may apply to licensing authority to treat that deposit as security deposit under this order also. If on verification, the licensing authority grants the application, the dealer shall not have to deposit any further sum under this Order, but the sum deposited under the other licensing Order shall be liable to be forfeited to Government as laid down in sub-clause (1) of clause 10 of this Order, and whenever falls short shall have to be made up as laid down in sub-clause (2) of that clause.

8. Power to refuse licence.—The licensing authority may, after giving the dealer or miller concerned an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant a licence.

9. Contravention of conditions of licence.—No holder of a licence issued under this Order or his agent or servant of any other person acting on his behalf shall contravenes any of the terms of conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writings of the licensing authority :

Provided that, no order shall be made under this clause, unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

*—*Substituted *vide* Government Order No. ECA-1391-5813-CR-1112-XXX, dated 29th December 1993.

†—†Provision regarding Retail Dealers' deleted *vide* G. O. No. ECA-1391/5813/CR-1112/XXX, dated 29th December 1993.

@—@Substituted *vide* Government Order No. ECA-1391-5813-CR-1112-XXX, dated 29th December 1993.

10. Forfeiture of security deposit.—(1) without prejudice to the provisions of clause 9, if the licensing authority is satisfied that the licensee has contravened any of the conditions specified in the licence and that a forfeiture of the security deposit is called for, the licensing authority may after giving him a reasonable opportunity of stating his case against such forfeiture, by order in writing, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee :

Provided that, where a cancellation of the licence is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

(2) The licensee shall, if the amount of security at any time falls short of the amount required to be deposited under clause 7, forthwith deposit further security to make up that amount on being required by the licensing authority to do so.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

***10-A. Action against withholding from sale supplies of Oilseeds or Oils.**—If the licensing authority is satisfied that in contravention of the terms and conditions of a licence, the holder of the licence or his agent or servant or any other person acting on his behalf has withheld from sale supplies of oilseeds or oils ordinarily kept for sale by him, then without prejudice to any other action that may be taken against such holder of the licence under section 7 of the Essential Commodities Act, 1955 (10 of 1955), the licensing authority may take action against such holder under the provisions of clause 9 or clause 10 as may be considered appropriate by it*.

11. Cancellation of licence on contravention of an Order under the Essential Commodities Act, 1955 (10 of 1955), relating to foodstuffs.—Notwithstanding anything contained in clause 9, where a licensee has been convicted by a Court of Law in respect of contravention of any order made under Essential Commodities Act, 1955 (10 of 1955), relating to foodstuffs, including edible oilseeds and oils, the licensing authority may by order in writing cancel his licence :

*—*Inserted vide G. O. No. ECA-9877/743/XXIII, dated 28th April 1978.

Provided that, where such conviction is set aside, in any appeal or revision, the licensing authority may, on application in Form A by the person whose licence has been cancelled, reissue the licence to such person and no fee shall be chargeable in respect of the re-issue of such licence.

12. Maintenance of register of transactions by holder of licence.—Every holder of a licence shall maintain a register of transaction of Scheduled Oilseeds and Oils as laid down in the terms and conditions of his licence and show therein the names, addresses and such other particulars of transactions as the licensing authority may specify.

13. Appeal.—(1) any person aggrieved by any order of the licensing authority refusing to issue or to renew a licence or cancelling or suspending a licence or forfeiting the security deposited by him under the provisions of this order may, within 30 days of the date of receipt by him of such order, appeal to the State Government or in the Bombay Rationing Area as specified in Schedule 'A' to the Maharashtra Foodgrains Rationing (Second) Order, 1966, to an Officer in the Food and Civil Supplies Department of the State Government designated by the State Government in that behalf, not below the rank of Deputy Secretary to Government, and elsewhere to the Commissioner of the Divisions :

Provided that, the appellate authority may admit an appeal after the expiry of the said period of 30 days, if the appellant satisfies it or him that he had sufficient cause for not preferring the appeal within the prescribed period.

(2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of the appeal, the appellate authority may direct that the order of refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

14. Revision.—(1) The State Government may, at any time, call for and examine the record of any proceedings of the licensing authority or any other officer exercising powers under this Order, as the case may be, for the purpose of satisfying itself as to the legality or propriety of any order passed in such proceedings or as to the regularity of such

proceedings, and if it shall appeal to the State Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order therein as it deems fit ;

Provided that, no order shall be made under this clause, unless the person who is likely to be affected thereby has been given a reasonable opportunity of stating his case.

(2) Pending the disposal of the revision proceedings under this clause, the State Government may direct that the order refusing to renew a licence or cancelling or suspending a license shall not take effect until an order is passed by it under sub-clause (1).

15. Power of entry, examination, search and seizure, etc.—(1) Any police officer not below the rank of Sub-Inspector, or any officer of the Food and Civil Supplies Department or the Revenue Department not below the rank of Rationing Inspector in the Bombay Rationing Area and elsewhere the Supply Inspector, within their respective jurisdiction, may with a view to securing compliance of this Order or satisfying himself that this Order has been complied with :—

(a) Stop and search any person or any boat, vessel, motor, or other vehicle or any receptacle used or intended to be used by the licensee ;

(b) enter, search or examine any place ;

(c) seize :

(i) any stocks of edible oilseeds or oils in respect of which he has reason to believe that a contravention of any provisions of this order has been, is being or is about to be committed ;

(ii) any packages, coverings or receptacles in which such stock of edible oilseeds or oils is found ;

(iii) the animals, vehicles, vessels or other conveyances used in carrying such edible oilseeds or oils if he has reason to believe that such animals, vehicles, vessels or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and thereafter ;

(iv) take or authorise the taking of all measures necessary for securing the production of the packages, coverings, receptacles, animals, vehicles, vessels or other conveyances to be seized before the Controller of Rationing in the Bombay Rationing Area and

elsewhere the Collector of the District or the judicial authority appointed to hear appeal under section 6-C of the said Act., if required to do so, and for their safe custody pending such production.

(d) examine or seize any books of accounts or documents which in his opinion would be useful for, or relevant to, any proceedings in respect of any contravention of this Order and allow the person from whose custody such books of accounts or documents are seized to make copies thereof or to take extract therefrom in his presence.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating the search and seizures shall, so far as may be, apply to searches and seizures under this clause.

16. Exemption.—The State Government may, if it is necessary so to do in the public interest subject to such conditions as may be specified in this behalf, by general or special order, exempt any dealer or miller or class of dealers or millers in any area or throughout the State from the operation of all or any of the provisions of this Order, and may, at any time, suspend or cancel such exemption.

17. Power to regulate inter-state movement of edible oilseeds or oils.—The State Government may, with the prior concurrence of the Central Government, by a general or special order direct that no person, licensee or his agent, servant or any person acting on his behalf shall transport or offer or accept for transport whether by rail, road or water the edible oilseeds or oils outside the State of Maharashtra in the course of inter-state trade except under :—

(a) a general or special permit issued in this behalf, or

(b) Military Credit Notes : Provided that, nothing in this clause shall apply to the transport of edible oilseeds or oils not exceeding five kilograms if carried by a bonafide traveller as part of his personal luggage.

18. Continuance of licences in force at the commencement of this Order of 1977.—(1) Notwithstanding anything contained in this Order, all licences, which are granted under the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1973, and are valid on the day immediately preceding the date of commencement of

the Maharashtra Scheduled Oilseeds and Oils (Dealers & Millers) Licensing Order, 1977, shall in the case of wholesale dealers, @—@ and Millers, be deemed to be granted under this Order and shall continue to be valid for the period for which they are granted, without payment of any further fees ; and the holders of such licences shall, from the date of commencement of this Order comply with the provision of this Order.

(2) Any person, who was holding any valid licence granted under the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1973, immediately before the commencement of this Order and who is not required to obtain a licence under this order shall be entitled, on an application to the licensing authority, to a refund of a proportionate amount of the licence fee paid by him under the 1973 Order.

SCHEDULE

[See Clause 2 (h), (i), and (j)]

SCHEDULED OILSEEDS

- (1) Groundnut.
- (2) Sun flower or Kardi.
- (3) Sesamum or Til.
- (4) Cottonseed.
- (5) Sunflower.
- (6) Mustard.
- (7) Linseed.
- (8) Soyabean.
- (9) Copra.
- (10) Khurasani or Nigerseed.

SCHEDULED OILS

The Palmolein Oil, rapeseed Oil or any other edible oils prepared from oilseeds specified above (whether raw, filtered or refined).

@—@Word Retail Dealer deleted vide G. O. No. ECA-1391/5813-/CR-1112/XXX, dated 29th December 1993.

*—*Substituted vide Government Order No. ECA-9879-562-(797)/XXIII, dated 27th November 1979.

FORM 'A'

[See clause 4(1)]

Application for grant/renewal of licence (Dealer/Miller)

1. Applicant's name
2. Applicant's Profession
3. Applicant's residential address
4. Situation of applicant's place or places of business/Oil Mill, with particulars as to number of house, mohalla, town or village, taluka and district.
5. How long has the applicant been trading in oilseeds or oil from such seeds.
6. Quantities of oilseeds or oils handled annually during the last three years. Quantity of each type of oilseed in oil to be specified separately.
7. Quantity of oilseeds or oil likely to be handled during the current year. Quantity of each type to be specified separately.
8. (a) Quantity of Oilseeds or oils in the possession of the applicant on the date of application (seperate figures are to be give for each).
(b) Full address of places where oilseeds or oils are proposed to be stored.
9. State whether a licence as a wholesale dealer*—* as a miller as defined in the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977 is required.

I declare that the quantities specified at Sr. No. 8 above are in my possession on this day and are held at the places noted above.

*—*The words 'retail dealer' Deleted vide G. O. No. ECA-1391/5813-CR-1112/XXX, dated 29th December 1993.

I have carefully read the conditions of licence give in Form 'B'/BI appended to the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licesing Order, 1977, and I agree.

- *(a) I have not previously applied for such licence in this district.
 *(b) I applied for such licence in this District for on
 and was/not granted the licence on
 (c) I hereby apply for renewal of licence No.
 dated
 issued to me on.

Place :

Date :

Signature of the applicant

*Strike off the clauses not applicable

FORM 'B'

[See Clause 4 (2)]

*Licence to be taken by a wholesale dealer or Millers for Purchases
 sale, storage for sale of Scheduled Oilseeds/Oils*

Licence No.

1. Subject to the provision of the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977 and to the terms and conditions of this licence

 is/are hereby authorised to purchase, sell or store for sale the under-mentioned quantity of oilseeds/oils as wholesale Dealer or Miller.

2. (a) The licensee shall carry on the aforesaid business at the following place :—

.....

(b) Oilseeds/Oils which are purchased in the aforesaid business, shall not be stored at any place other than any of the godowns/places mentioned below :—

.....

Note.—If the licensee intends storing his oilseeds/oils in places other than those specified above, he shall give prior intimation thereof, to and shall produce the licence for making requisite changes by licensing authority. If the stock of oilseeds or oils are required to be temporarily stored at places other than those mentioned above, the receipt of stocks together with quantity thereof and the place or places of temporary storage shall be intimated by the licensee to the Licensing Authority within 24 hours of their storage at such places.

3. (1) The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf maintain a register of daily accounts relating to the transaction or dealings in oilseeds/oils showing correctly :—

- (a) the opening stock on each day.
- (b) the quantity received on each day, and the place from where and the source from which the stocks were received.
- (c) the quantities sold/crushed during each day.
- (d) the quantities removed otherwise than by way of sale or crushing on each day, showing the places of destination, and
- (e) the closing stock of each day.

Note.—The above information in respect of oilseeds and oils should be given separately.

(2) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

4. The licensee shall submit to the licensing authority concerned a return in Form 'C' and in Form 'C-1' of the stocks, receipts and deliveries of the oilseeds or oils for every fortnight (i. e. from 1st to 15th day and from 16th to the last day of the month), so as to reach the licensing authority within five days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the Maharashtra Scheduled Oilseeds and Oil (Dealers and Millers) Licensing Order, 1977, or any other order relating to oilseeds or oils or other foodstuffs issued under the Essential Commodities Act, 1955.

6. The Licensee shall not.—

(i) Enter into any transaction involving purchase, sale or storage for sale of oilseeds or oils in a speculative manner prejudicial to the maintenance and easy availability of supplies of oilseeds and oils in the market, unless such transaction relates to forward trading in respect of oilseeds or oils otherwise than in ready stocks, in accordance with the rules, regulations and by-laws of an Association recognised under the Forward Contracts (Regulation) Act, 1952.

(ii) withhold from sale supplies of oilseeds or oils ordinarily kept for sale, or

(iii) subject to condition 8, charge in respect of sales of oilseeds or oils made by him, a margin of profit in excess of the rate prevailing in the market at the time of sale or a rate in excess of any maximum rate of margin fixed for wholesale transactions in oilseeds or oils for the locality concerned, whichever is less.

7. The Licensee shall exhibit at entrance or some other conspicuous place of his business premises the price list of oilseeds or oils held by him for sale. Such prices shall be legibly written in the principal language of the locality concerned.

8. The licensee shall not sell or offer to sell any oilseeds or oils at a price higher than the price, if any, fixed under any law for the time being in force.

8-A. The licensee shall not sell or offer to sell any scheduled oil or oils supplied by the Central Government or the State Government, if any, at a price higher than the price fixed by the State Government by issue of a notification in that behalf.

9. For every sale of three kilograms or more of scheduled oilseeds or three kilograms/three kilolitres or more of scheduled oils as the case may be, to any customer, the licensee shall issue to such customer a

*—*Added vide Government Order No. ECA-9879/562/(797)/XXIII, dated 27th November 1979.

correct receipt or invoice, as the case may be giving his own name, address and licence number, the name, address and licence number (if any of the customer, the date of transaction, the quantity and quality of the oilseeds, or oils sold, the price at which they are sold and total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorised by it or by the State Government in this behalf.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it or by the State Government for the inspection of his stocks and accounts at any mill, shop, godown or other places used by him for milling, storage, sale or purchase of oilseeds or oils and for the taking of samples thereof for examination.

11. The licensee shall comply with any direction that may be given to him by the State Government or Collector or licesing authority in regard to milling purchase, sale and storage for sale of oilseeds and oils and in regard to the languages in which the register, returns, price list, receipts or invoices mentioned in paragraphs 3, 4, 7 and 9 shall be written and the authentication and maintenance of the rigister metioned in paragraph-3.

12. The licence shall be attached to any application for renewal.

13. This licence shall be valid up to

Place :

Date :

(Licensing Authority)

FORM 'B'—1.

*Form for 'Retail Dealer' delated vide G. O. No. ECA 1391/5813/CR-1112/XXX. dated 29th December 1993.

FORM C

(See clause 5 and condition 4 of Form B)

(For use by wholesale dealer)

Return of stocks receipts and sales of oil-seeds/Oils for the fortnight ending.....19

Name
 No. of Licence
 Address

Particulars of godown where stocks of oil-seeds and oils are held

| Name of commodity | Stock at the beginning of the fortnight | | | | (A) Quantity sold and delivered | | |
|------------------------------|---|---|--|-----------------------|---------------------------------|--------------------------------|-----|
| | (a) Actually with the stockist | (b) Pledged with any person or institution such as bank or co-operative society | (c) Quantity purchased during the fortnight and the source of supply | (d) Total (a)+(b)+(c) | (i) Within Maharashtra State | (ii) Outside Maharashtra State | (7) |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | |
| Groundnut Seeds/Oil | | | | | | | |
| Sa flower or Kardi Seeds/Oil | | | | | | | |
| Seasame or Till Seeds/Oil | | | | | | | |
| Cotton Seeds, Seeds/Oil | | | | | | | |
| Sunflower Seeds/Oil | | | | | | | |
| Mustard Seeds/Oil | | | | | | | |

Linseed Seeds/Oil
 Copra Seeds/Oil
 Khurasani or Nigerseeds/Oil
 Soyabean Seeds/Oil

| (b) Quantity sold but not delivered | (c) Loss due to storage if any | (d) Grand Total | Stock at the end of the fortnight | | Total of (a) and (b) |
|-------------------------------------|--------------------------------|-----------------|-----------------------------------|---|----------------------|
| | | | (a) Actually with stockist | (b) Pledged with any person or institution on such as banks or Co-operative Society | |
| (i) Actually with the stockist | | | (i) Sold but awaiting delivery | (ii) Unsold | |
| (ii) Outside Maharashtra State | | | | | |
| (8) | (9) | (11) | (12) | (13) | (15) |

343

Place:

Date:

Signature of the Licensee

To
 The Licensing Authority, District
 District

FORM C-1

(See clause 5 and condition 4 of Form B-1)

(For use by Miller)

Return of stocks receipts and sales of oil-seeds/oils for the fortnight ending.....19

Name
 No. of Licence
 Address

Particulars of godown where stocks of oil-seeds and oils are held

| Name of commodity | Stock at the beginning of the fortnight† | | | | (a) Quantity sold and delivered | |
|---|--|---|--|-----------------------|---------------------------------|--------------------------------|
| | (a) Actually with the stockist | (b) Pledged with any person or institution such as bank or co-operative society | (c) Quantity purchased during the fortnight and the source of supply | (d) Total (a)+(b)+(c) | (i) Within Maharashtra State | (ii) Outside Maharashtra State |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| Groundnut Seeds/Oils Safflower or Kardi Seeds/Oils Sesame or Til Seeds/Oils | | | | | | |

Cotton Seeds, Seeds/Oils
 Sunflower Seeds/Oils
 Mustard Seeds/Oils
 Linseed Seeds/Oils
 Soyabean Seeds/Oils
 Copra Seeds/Oils
 Khurasani or Nigerseeds/Oils

| (b) Quantity sold but not delivered | (c) Loss due to storage if any | (d) Grand Total | Stock at the end of the fortnight | | Total of (a) and (b) |
|-------------------------------------|--------------------------------|-----------------|-----------------------------------|--|----------------------|
| | | | (a) Actually with stockist | (b) Pledged with any person or institution such as Banks or Co-operative Society | |
| (i) Actually with the stockist | (ii) Outside Maharashtra State | (10) | (i) Sold but awaiting delivery | (ii) Unsold | (11) |
| (8) | (9) | (10) | (12) | (13) | (14) |
| | | | | | (15) |
| | | | | | |

FORM C-1—Contd.

| (16) | (a) Quantity of seed crushed | (b) Quantity of Oil obtained | (c) Quantity of Oil sold | (d) Quantity of oil in stock at the end of fortnight | | | (e) Quantity of oil pledged with any person or institution such as bank or a Co-operative Society | (f) Loss, if due to storage | (g) Net Quantity at the end of the fortnight |
|------|---------------------------------------|---------------------------------------|-----------------------------------|---|-----------------------------------|-----------------------------------|---|-----------------------------------|--|
| | | | | (i) sold but not delivered | (ii) Actually with stockist | (iii) Out- side Maharashtra | | | |
| | | (17) | (18) | (19) | (20) | (21) | (22) | (23) | (24) |

Place

Date

To
The Licensing Authority,
..... District.

Signature of the licensee

• [FORM C-II]

• Form C-II or 'Retail Dealer' deleted vide G. O. No. ECA 1391/5813/CR-1112/XXX, dated 29.12.1993.

**THE MAHARASHTRA PULSES (DEALERS AND MILLERS)
LICENSING ORDER, 1977**

FOOD AND CIVIL SUPPLIES DEPARTMENT

Mantralaya Annexe, Bombay-400 032, dated 27th October, 1977

(Corrected upto 31-3-1995)

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA 1677/859/(549)/D-XXIII.—In exercise of the powers conferred by sub-section (1) read with clauses (c), (d), (e), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) and of all other powers enabling the Government of Maharashtra in this behalf, read with Government of India Order, Ministry of Agriculture (Department of Food) No. GSR-316 (E), dated the 20th June, 1972 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order, *namely* :—

1. *Short title, extend and commencement.*—(1) This Order may be called the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires.—

(a) "Collector" in Bombay Rationing Area means the Controller of Rationing and includes a Deputy Controller of Rationing and elsewhere means the Collector of the district and includes the Additional Collector and Assistant or Deputy Collector, the District Supply Officer or the Food grains Distribution Officer;

*(a-1) "Commissioner" means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes an Additional Commissioner. *

† (b). †

— Inserted *vide* G. O. No. ECA 1631/393 (1092) XXIII, dated 7.11.1981

†—† Deleted the definition of the word 'dealer' *vide* G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.1993.

(c) " Form " means a form appended to this Order;

(d) " Licensing Authority " in Bombay Rationing Area as specified in Schedule A to the Maharashtra Food grains Rationing (Second) Order, 1966 means any Deputy or Assistant Controller of Rationing designated by the Controller of Rationing in this behalf and elsewhere means the Tahsildars within their respective jurisdiction and includes any officer not below the rank of Tahsildar appointed by the State Government to exercise the powers and perform the duties of licensing authority under this order in any specified areas ;

(e) " Miller " means the owner, occupier or any other person in charge of Dal Mill.

(f) " Dal Mill " means the plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which a process of milling of pulses is being carried on or is ordinarily so carried on;

*(g) *

(h) " Pulses " means urd, moong arhar, massoor, lobis, Rajmaha or any other dal whether whole or split with or without husk;

(i) " Wholesale dealer " means a dealer in pulses who sells pulses to other dealer or to bulk consumers.

(j) " Producer " means a person carrying on business of milling any of the pulses.

3. Licensing of † wholesale Dealers †.—No person shall carry on business as a †wholesale dealer† in pulses except in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority, if the stocks of pulses in his possession, exceed the quantities specified below :—

Stock limit :—5 quintals for all pulses taken together.

‡4. *Issue of Licence.*—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in form ' A '.

(2) Every licence issued or renewal under this Order shall be in form ' B '‡.

— Deleted the definition of the word ' retail dealer ' vide G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.1993.

†—† Substituted vide G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.93.

‡—‡ Substituted vide G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.93.

5. Time and manner of sending return in Form * ' C ' and C-1 *.— Every licensee shall submit to the licensing authority concerned a true returning Form ' C ' in the case of wholesale dealer and in Form ' C-1 ' in case of a miller for every fortnight (from 1st to 16th to the last day of the month) † ----- † so as to reach the licensing authority within four days after the close of the fortnight or month as the case may be.

6. Period of licence and fee chargeable.—* (1) Every licence granted under this order shall be valid for a period of five years from the date of issue of licence and shall be renewed for a period of five years at a time thereafter :

Provided that no licence shall be granted for any period beyond the 31st December of the fourth year next the following year in which it is granted.

* (2) (a) Every licensee who desires to get his licence renewed shall apply for the renewal thereof before the date of expiry of his licence :

Provided that, where a licensee applies for the renewal of his licence before the 31st January of the following year after the expiry of the validity period of the licence, the application shall be accepted by the licensing authority.

(b) No application for the renewal of a licence shall thereafter be entertained by the licensing authority, unless the said authority is satisfied that the application for the renewal could not be made in time for valid and sufficient reasons :

*(c) Where it is found that a licensee is carrying on his business without obtaining a renewal of his licence, within the prescribed time limit after expiry of its validity, subject to clause 10, 25 per cent of his security deposit may be forfeited to Government :

Provided that, after thirty days from the expiry of the prescribed time limit under sub-clause (a) if the dealer still carries on his business, the remaining or the whole amount of the security deposit, as the case may be forfeited to Government.*

(3) The holder of a licence may obtain on an application from the licensing authority a duplicate of the licence issued to him if the original is lost destroyed or defaced.

— Substituted *vide* G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.93.

†—† Deleted *vide* G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.1993.

*** (4)** The fees specified below shall be chargeable in respect of the each licence, namely :—

| | | |
|--------------------------------------|----|--------|
| (1) For issue of a licence | .. | 100.00 |
| (2) For renewal of a licence | .. | 30.00 |
| (3) For issue of a duplicate licence | .. | 10.00* |

7. Deposit of Security.—Every dealer or miller applying for a licence shall before such licence is issued to him deposit with the licensing authority in cash by way of security for the due performance of the conditions subject to which the licence is issued to him at the following rates namely :—

(a) in the case of a wholesale dealer, or millers †Rs. 200†.

‡ — ‡ :

Provided that, if the dealer, who is required to pay a deposit under this order, has already deposited the amount of deposit or more as security deposit under any other Dealers Licensing Order issued by the State Government under the Essential Commodities Act, 1955 he may apply to licensing authority to treat that deposit as security deposit under this Order also. If, on verification the licensing authority grants the applications the dealer shall not be required to deposit any further sum under this Order, but the sum deposited under the other Licensing Order shall be liable to be forfeited to Government as laid down in sub-clause (1) of clause 10 of this Order and whenever that amount of security falls short it shall have to be made up as laid down in sub-clause (2) of that clause.

8. Power to refuse licence.—The licensing authority may after giving the dealer or miller concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a licence.

9. Contravention of conditions of licence.—No holder of a licence issued under this Order or his agent or servant or any other person acting on his behalf shall contravene any one or more of the terms or conditions of the licence and if any such holder or his agent or servant, or any other person acting on his behalf contravened any one or more of the said terms or conditions then without prejudice to any other

— Substituted *vide* G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.93.

†—† Inserted *vide* G. O. No. ECA 1391/5813/(1112)/XXX, dated 29.12.1993.

‡—‡ Provision regarding "retail dealers' security deposit" deleted *vide* G. O. No. ECA 1391/5813/(1112)XXX, dated 29.12.1993.

action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority ;

Provided that, no order shall be made under this clause, unless the licensee has been given a reasonable opportunity of stating his case against proposed cancellation or suspension.

10. Forfeiture of Security Deposit.—(1) Without prejudice to the provisions of clause 9, if the licensing authority is satisfied that the licensee has contravened the provisions of this Order or any one or more of the conditions specified in the licence and that a forfeiture of the security deposit is called for, the licensing authority may after giving him a reasonable opportunity of stating his case against such forfeiture by order in writing forfeit the whole or any part of the Security deposited by him and communicate a copy of the order to the licensee :

Provided that, where a cancellation of the licence is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

(2) The licensee shall, if the amount of the Security at any time falls short of the amount required to be deposited under clause 7, forthwith deposit further security to make up that amount on being required by the licensing authority to do so.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

11. Cancellation of licence on contravention of an order under the Essential Commodities Act, 1955 relating to foodstuff.—Notwithstanding anything contained in clause 9, where a licensee has been convicted by a Court of Law in respect of contravention of any order made under Essential Commodities Act, 1955 (10 of 1955) relating to foodstuffs, including edible oil-seeds and oils, the licensing authority may by order in writing cancel his licence :

Provided that, where such conviction is set aside in any appeal or revision, the licensing authority may on application in form ' A ' by the person whose licence has been cancelled re-issue the licence to such person and no fee shall be chargeable in respect of the re-issue of such licence.

12. Maintenance of register of transactions by holder of licence.—Every holder of a licence shall maintain a register of transactions of pulses as laid down in the terms and conditions of his licence and show therein the names, addresses and such other particulars of transactions as the licensing authority may specify.

13. Appeal.—(1) Any person aggrieved by any Order of the licensing authority refusing to issue or to renew a licence or cancelling or suspending a licence or forfeiting the security deposited by him under the provisions of this order may within 30 days of the date of receipt by him of such Order, appeal to State Government or in the Bombay Rationing Area as specified in Schedule "A" to the Maharashtra Foodgrains Rationing (Second) Order, 1966 to an officer not below the rank of Deputy Secretary to Government in the Food and Civil Supplies Department of the State Government designated by the State Government in that behalf and elsewhere to the Commissioner of the Division.

Provided that, the appellate authority may admit an appeal after the expiry of the said period of 30 days, if the appellant satisfied it or him that he had sufficient cause for not preferring the appeal within the prescribed period.

(2) No Order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of the appeal the appellate authority may direct that the Order refusing to renew a licence or the Order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

14. Revision.—(1) The State Government may at any time call for and examine the record of any proceedings of the licensing authority or any other officer exercising powers under this Order as the case may be for the purpose of satisfying itself as to the legality or propriety of any order passed in such proceedings or as to the regularity of such proceedings and if it appears to the State Government that such Order or proceedings should be modified annulled or confirmed it may pass such Order therein as it deems fit :

Provided that, no Order shall be made under this clause unless the person who is likely to be affected thereby has been given a reasonable opportunity of stating his case.

(2) Pending the disposal of the revision proceedings under this clause, the State Government may direct that the or Order refusing to renew a licence or cancelling or suspending a licence shall not take effect until an Order is passed by it under sub-clause (1).

15. Power of entry, examination, search and seizure, etc.—(1) Any police officer not below the rank of Sub-Inspector or any Officer or Government in the Food and Civil Supplies Department or the Revenue Department not below the rank of Rationing Inspector in the Bombay Rationing Area and elsewhere the Supply Inspector within their respective jurisdiction may with a view to securing compliance of this Order of satisfying himself that this Order has been complied with—

(a) stop and search any person or any boat, vessel, motor or other vehicle or any receptacle used or intended to be used by the licensee.

(b) enter search or examine any place;

(c) seize—

(i) any stocks of pulses in respect of which he has reasons to believe that a contravention of any provisions of this Order has been, is being or is about to be committed.

(ii) any packages, coverings or receptacles in which such stocks of pulses is found.

(iii) the animals, vehicles, vessels or other conveyances used in carrying such pulses if he has reason to believe that such animals, vehicles, vessel or other conveyances are liable to be forfeited under the provisions of the Essential commodities Act, 1955 (10 of 1955) and thereafter ;

(iv) take or authorise the taking of all measures necessary for securing the production of the packages, coverings receptacles animals, vehicles, vessels or other conveyances so seized before the Controller of Rationing in the Bombay Rationing Area and elsewhere the collector of the District or the judicial authority appointed to bear appeal under section 6-C of the said Act, if required to do so and for their safe custody pending such production.

(d) examine or seize any books of accounts or documents which in his opinion would be useful for or relevant to any proceedings in respect of any contravention of this Order and allow the person from whose custody such books of accounts or documents are seized to make copies thereof or to take extract therefrom in his presence.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizures shall so far as may be apply to searches and seizures under this clause.

(i) to a corporation or company owned or controlled by Central Government or State Government, or

(ii) to any Central level or State level Co-operative Society engaged in the production, procurement, sale, purchase or distribution of pulses.

17. Power to regulate inter-State movement of pulses.—The State Government may, with the prior concurrence of the Central Government, by a general or special Order direct that no person, licensee or his agent, servant or any person acting on his behalf shall transport or offer or accept for transport whether by rail, road or water the pulses outside the State of Maharashtra in the course of inter-State trade except under—

- (a) a general or special permit issued in this behalf or
- (b) Military Credit Notes;

Provided that, nothing in this clause shall apply to the transport of pulses and dals not exceeding five kilograms if carried by a bonafide traveller as part of his personal luggage.

18. Restrictions on possession of pulses.—No dealer shall on and from 25th October 1977 either by himself or by any person on his behalf store or have in his possession at any time any pulses in excess of the quantities specified below.—

Stock limits in quintals in the case of
Wholesaler
500
(For all pulses taken together)

FORM 'A'

[See clause 4 (1)]

THE MAHARASHTRA PULESES (DEALERS' AND MILLERS') LICENSING ORDER, 1977.

Application for grant/renewal of licence (Dealer/Miller)

1. Applicant's name
2. Applicant's profession.

3. Applicant's residential address.
4. Situation of applicant's place or places of business with particulars as to number of houses, mohallas, town or village, taluka and district.
5. How long has the applicant been trading in pulses.
6. Quantities of pulses handled annually during the last three years. Quantity of each type to be specified separately.
7. Quantity of pulses likely to be handled during the current year. Quantity of each type to be specified separately.
8. (a) Quantity of pulses in the possession of the applicant on the date of application (separate figures are to be given for each variety).
(b) Full address of places where pulses are stored or are proposed to be stored.
9. State whether a licensee as a wholesale dealer or as a miller as defined in the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 is required.

I declare that the quantities specified at serial number 8 above are in my possession on this day and are held at the places noted above.

I have carefully read the conditions of licence given in Form 'B ...' appended to the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 and I agree to abide by them—

*(a) I have not previously applied for such licence in this district.

*(b) I applied for such licence in this district for on.....
.....and was/was not granted the licence on.....

*(c) I hereby apply for renewal of licence No.
..... dated

Issued to me on

Place

Date

Signature of the applicant.

* Strike off the clauses not applicable.

FORM 'B'

[See clause 4 (2)]

Licence to be taken by a wholesale Dealer or Millers for Purchase, Sale, storage for sale of pulses.

Licence No.

1. Subject to the provisions of the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 and to the terms and conditions of this licence is/are hereby authorised to purchase, sell or store for sale the undermention quantity of pulses as wholesale Dealer or Miller.

2. (a) The licensee shall carry on the aforesaid business at the following place :—

.....

(b) pulses which are purchased in the aforesaid business, shall not be stored at any place other than any of the godowns/places mentioned below.—

.....

Note.—If the licensee intends storing his pulses in places other than those specified above he shall give prior intimation thereof to and shall produce the licence for making requisite changes by the licensing authority. If the stocks of pulses are required to be temporarily stored at places other than those mentioned above, the receipt of stocks together with quantity thereof and the place or places or temporary storage, shall be intimated by the licensee to the Licensing Authority within 24 hours of their storage at such places.

3. (1) The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf, maintain a register of daily accounts relating to the transactions or dealings in pulses showing correctly—

- (a) the opening stock on each day ;
- (b) The quantity received on each day and the place from where and the source from which the stocks were received ;
- (c) the quantities sold, milled during each day ;

- (d) the quantities removed otherwise than by way of sale or milling on each day, showing the places of destination; and
 (e) the closing stock on each day.

Note.—The above information in respect of pulses should be given separately.

(2) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

4. The licensee shall submit to the licensing authority concerned a return in Form 'C' and in Form 'C-1' of the stocks, receipts and deliveries of the pulses for every fortnight (i. e. from 1st to 15th day and from 16th to the last day of the month), so as to reach the licensing authority within five days after the close of the fortnight.

5. The licensee shall not contravene the provision of the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 or any other Order relating to foodstuffs issued under the Essential Commodities Act, 1955.

6. The licensee shall not—

(i) enter into any transaction involving purchase, sale or storage for sale of pulses in a speculative manner prejudicial to the maintenance and easy availability of supplies of pulses in the market, unless such transaction relates to forward trading in respect of pulses otherwise than in ready stocks, in accordance with the rules, regulations and by-laws of an association recognised under the Forward Contracts (Regulation) Act, 1952 ;

(ii) withhold from sale, supplies of pulses ordinarily kept for sale ; or

(iii) subject to condition 5, charge in respect of sales of pulses made by him, a margin of profit in excess of the rate prevailing in the market at the time of sale or a rate in excess of any maximum rate of margin fixed for wholesale transactions in pulses for the locality concerned, whichever is less.

7. The licensee shall exhibit at entrance or some other conspicuous place of his business premises the price list of pulses held by him for sale. Such prices shall be legibly written in the principal language or the locality concerned.

8. The licensee shall not sell or offer to sell any pulses at a price higher than the price, if any, fixed under any law for the time being in force.

9. For every sale of three kilo grams or more of pulses to any customer, the licensee shall issue to such customer a correct receipt or invoice, as the case may be giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity and quality of the pulses sold, the price at which they are sold and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorised by it or by the State Government in this behalf.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the State Government for the inspection of his stocks and accounts at any mill, shop, godown or other places used by him for milling, storage, sale or purchase of pulses and for the taking of samples thereof for examination.

11. The licensee shall comply with any direction that may be given to him by the State Government or Collector or licensing authority in regard to milling, purchase, sale and storage for sale pulses and Dals in regard to the language in which the register, returns, price list, receipts or invoices mentioned in paragaraphs 3, 4, 7 and 9 shall be written and the authentication and maintenance of the register mentioned in paragaraph 3.

12. The licence shall be attached to any application for renewal.

13. This licence shall be valid upto

Place

Date

(Licensing Authority)

FORM 'B-1'

[See clause 4 (2)]

— Form B-1 regarding licence for retail dealer deleted vide G. O. No. ECA-1391/5813/(1112)/XXX, dated 29.12.1993.

FORM C

(See clause 5 and condition 4 of Form B)

(For use by wholesale dealer)

Return of stocks receipts and sales of Pulses for the fortnight
ending.....19

Name

No. of Licence

Address

Particulars of godown where stocks of Pulses are held

PARTICULARS

| Name of commodity (1) | Stock at the beginning of the fortnight | | | | Quantity sold and delivered | |
|--------------------------|---|---|--|-------------------------------|------------------------------|--------------------------------|
| | (a) Actually with the stockist | (b) Pledged with any person or institution such as bank or co-operative society | (c) Quantity purchased during the fortnight and the source of supply | (d) Total of (a), (b) and (c) | (i) Within Maharashtra State | (ii) Outside Maharashtra State |
| | (2) | (3) | (4) | (5) | (6) | (7) |

FORM C—Contd.

| (b) Quantity sold but not delivered | (c) Loss due to storage if any | (d) Grand Total | Stock at the end of the fortnight | | Total of (a) and (b) |
|-------------------------------------|--------------------------------|-----------------|-----------------------------------|--|----------------------|
| | | | (a) Actually with stockist | (b) Pledged with any person or institution such as banks or Co-operative Society | |
| (i) Actually with the stockist | | | (i) Sold but awaiting delivery | (ii) Unsold | |
| (ii) Outside the Maharashtra State | | | | | |
| (8) | (9) | (10) | (11) | (12) | (13) |
| | | | | | (14) |
| | | | | | (15) |

360

Place :

Date :

Signature of the Licensee

To
The Licensing Authority,
..... District.

FORM C-1

(See clause 5)

(For use by Miller)

Return of stocks receipts and sales of Pulses for the fortnight ending.....19

Name
 No. of Licence
 Address

Particulars of godown where stocks of pulses are held.

PARTICULARS

| Name of commodity | Stock at the beginning of the fortnight | | | | (a) Quantity sold and delivered | |
|-------------------|---|---|--|-----------------------------------|----------------------------------|------------------------------------|
| | (1) (a) Actually with the stockist | (2) (b) Pledged with any person or institution such as Bank or Co-operative Society | (3) (c) Quantity purchased during the fortnight and the source of supply | (4) (d) Total of (a), (b) and (c) | (5) (i) Within Maharashtra State | (6) (ii) Outside Maharashtra State |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |

FORM C-1—Contd.

| (b) Quantity sold but not delivered | (c) Loss due to storage if any | (d) Grand Total | Stock at the end of the fortnight | | Total of (a) and (b) |
|-------------------------------------|--------------------------------|-----------------|-----------------------------------|--|----------------------|
| | | | (a) Actually with stockists | (b) Pledged with any person or institution such as Banks or Co-operative Society | |
| (i) Actually with the stockist | | | (i) Sold but awaiting delivery | (ii) Unsold | |
| (ii) Outside Maharashtra State | | | | | |
| (8) | (10) | (11) | (12) | (13) | (15) |

FORM C-I—Contd.

| (a) Quantity of Pulses Milled | (b) Quantity of Dal obtained | (c) Quantity of Dal sold | (d) Quantity of Dal in stock at the end of fortnight | | (e) Quantity of Dal pledged with any person or institution such as Bank or Co-operative Society | (f) Loss if any due to storage | (g) Net quantity at the end of the fortnight | |
|--|---------------------------------------|-----------------------------------|---|-----------------------------------|---|--------------------------------------|--|--|
| | | | (i) Sold but not delivered | (ii) Actually with stockist | | | | (iii) Out- side Maharashtra State |
| (16) | (17) | (18) | (19) | (20) | (21) | (22) | (23) | (24) |
| | | | | | State Society | | | |

Place

Date

To,
The Licensing Authority,
..... District.

Signature of the licensee.

* [FORM C-II] *

— Form C-II regarding return of stocks etc. from retail dealer deleted vide G. O. No. ECA -1391/5813/(1112)/XXX, dated 29.12.1993.

**THE PULSES, EDIBLE OILSEEDS AND EDIBLE OILS
(STORAGE CONTROL) ORDER, 1977**

MINISTRY OF CIVIL SUPPLIES AND CO-OPERATION

New Delhi, the 21st November, 1977

(Corrected up to 30-6-95)

ORDER

S. O. No. 780 (E).—Whereas, the Central Government is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices of pulses, edible oilseeds and edible oils ;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely :—

1. *Short title, extent and commencement.*—(1) This order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977.

(2) It extends to the whole of India.

(3) Clauses 3 and 5 of this order shall come into force on the 1st day of December, 1977 and the remaining provisions of this order shall come into force at once.

2. *Definitions.*—In this order, unless the context otherwise, requires :—

(a) " bulk consumers " means a hotel, a restaurant, a halwai and educational institution with hostel facilities, a hospital or religious or charitable institution.

(b) " Category A City " means a City, included as a category A city in the schedule to this order, having a population of 10 lakhs and more;

(c) " Category B City " means a City, included as a category B city in the schedule to this order, having a population of 3 lakhs and more but less than 10 lakhs, or the capital of a State or a Union Territory not included in Category A City .

— Substituted by S. O. 535 (E), dated 20.9.1979.

(d) "Other Area" means any other place which is not a Category A City or Category B City;

(e) "commission agent" means a commission agent having in the customary course of business as such agent authority either to sell goods or to consign goods for the purposes of sale or to buy goods;

(f) "dealer" means a person engaged in the business of purchase, sale or storage for sale of any pulses, edible oilseeds or edible oils, whether or not in conjunction with any other business and includes his representative or agent;

†(g) "edible oils" means any oil used directly or after processing for human consumption and includes hydrogenated vegetable oils†;

‡(h) "population" means population, as determined in the 1981 Census‡;

(i) "primary mandi" in relation to pulses and edible oilseeds means a mandi where the former initially sell their produce;

¶(j) "producer" means a person carrying on the business of milling any of the pulses or expelling extracting, \$manufacturing or refining \$ any edible oils.

(i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products to a wholesaler or through a commission agent; or

(ii) by doing any of the processes of milling, expelling, extracting \$manufacturing or refining\$ on behalf of another ¶.

(k) "pulses" means urid, moong, arhar, masoor, lobia, rajamaha, gram including peas or any other dal whether whole or split with or without husk;

(l) "retailer" means a dealer in pulses or in edible oilseeds in edible oils, who is not a wholesaler;

(m) "State Order" means any order issued by any State Government or Union Territory Administration under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for the time being in force;

— Substituted *vide* S. O. 595 (E), dated 21st June, 1988.

†—† Substituted *vide* S. O. 711 (E), dated 13th September, 1990.

‡—‡ Substituted *vide* S. O. 740 (E), dated 17th October, 1983.

¶—¶ Substituted *vide* S. O. 64 (E), dated 4th February 1978

\$—\$ Substituted *vide* S. O. 535 (E), dated 20th September 1979.

(n) "wholesaler" means a dealer in pulses or in edible oilseeds or in edible oils who sells such commodities to other dealers or to bulk consumers.

3. *Licensing of dealers *and producers**.—Notwithstanding anything contained in any State Order, †no person shall carry on business, as a dealer, after the expiration of a period of fifteen days from the coming into force of this clause or as a producer after the expiry of a period of fifteen days from the date of coming into force of the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Amendment Order, 1977†, in pulses or in edible oilseeds or in edible oils except under and in accordance with the terms and conditions of a licence granted under a State Order if the stocks of pulses or edible oilseeds or edible oils in his possession exceed the quantities specified below :—

- | | |
|---|--|
| (i) Pulses | 10 quintals for all pulses taken together. |
| (ii) Edible oils including hydrogenated vegetable oils. | 5 quintals for all edible oils including hydrogenated vegetable oils taken together. |
| (iii) Edible Oilseeds including groundnut in shell. | 30 quintals of all edible oilseeds. |

4. *Restriction on possession of pulses, edible oilseeds and edible oils.*—(1) No dealer shall, after a period of fifteen days from the coming into force of this clause, either by himself or by any person on his behalf, store or have in his possession at any time any pulses, edible oilseeds or edible oils in excess of the quantities specified below :—

| | Category of Cities | Stock limits in quintals in the case of | | Remarks |
|-------------|---------------------|---|----------|------------------------------|
| | | *Whole-saler | Retailer | |
| | (1) | (2) | (3) | |
| ‡(i) Pulses | Category 'A' Cities | 2,000 | 50 | All pulses taken together. ‡ |
| | Category 'B' Cities | 1,000 | 40 | |
| | ¶ Other areas ¶ | 1,000 | 40 | |

— Inserted *vide* S. O. 691 (E), dated 13. 7. 87.

†—† Substituted *vide* S. O. 691 (E), dated 13.7.1987.

‡—‡ Substituted *vide* S. O. 98 (E), dated 10.2.1993.

¶—¶ Substituted *vide* S. O. 595 (E), dated 21.6.1988.

SCHEDULE—Contd.

| | (1) | (2) | (3) |
|---|---------------------|-------|---|
| *{(ii) Edible Oil-seeds including groundnut in shell. C—C | Category 'A' Cities | 1,500 | 100 |
| | Category 'B' Cities | 1,000 | 75 |
| | †Other areas† | 500 | 50 |
| | | | (1) All edible oilseeds taken together. (2) For groundnut kernal or seeds 75 per cent limits specified shall apply.* |
| ‡(iii) Edible oils including Hydrogenated vegetable oils. | Category 'A' Cities | 600 | 20 |
| | Category 'B' Cities | 400 | 12 |
| | †Other Areas† | 250 | 8 |
| | | | All edible oils including hydrogenated vegetable oils. |

Provided that the stock limits specified for a wholesaler in Category 'A' Cities shall apply to a wholesaler in such primary mandis situated in other categories of cities as the State Government may having regard to the location of such mandis or other relevant factors from time to time, specify :

Provided further that where a dealer is also carrying on business as a producer or commission agent, he shall be entitled to retain the stock limits specified in this sub-clause for each such business if such business and accounts thereof are kept separate and distinct from the another :

¶ Provided further that an exporter shall be entitled to hold stock of seeds/pods in the following proportion in addition to the normal storage limits prescribed under clause 4 (1) of the Order :—

(Quantity in M. Ts.)

| Sr. No. | Particulars | For every export contract | Stock exemption for raw material requirement (seeds/pods) |
|---------|----------------------|---------------------------|---|
| (1) | (2) | (3) | (4) |
| 1 | Sunflower extraction | 1,000 | 1,670 |
| 2 | Groundnut extraction | 1,000 | 1,790 |

— Substituted *vide* S. O. 718 (E), dated 25.9.1993.

†—† Substituted *vide* S. O. 595 (E), dated 21.6.1988.

‡—‡ Substituted *vide* S. O. 718 (E), dated 25.9.1993.

¶—¶ 'Third Proviso' inserted *vide* S. O. 298 (E), dated 24.4.1992.

SCHEDULE—Contd.

| (1) | (2) | (3) | (4) |
|-----|-----------------------------|-------|--------|
| 3 | Soya extraction .. | 1,000 | 1,210 |
| 4 | H. P. S. Groundnut Kernels | 1,000 | 2,500 |
| 5 | Sesame seed .. | 1,000 | 1,250 |
| *6 | Mustard/rapeseed extraction | 1,000 | 1,695* |

The above exemption will be subject to the production of the following documents :—

- (i) Copy of the Export Order or Contract from the export buyer.
- (ii) Certified copy of the Registering Authority registering the export contract.¶
- † (iii) †

Provided also that no producer specified in column (1) of the table below shall store or have in his possession at any time unmilled pulses ‡ or edible oilseed ‡ as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said table and he shall not hold the ¶—¶ stock in excess of the quantity specified in the corresponding entry in column (3) of the said table :—

— Inserted *vide* S. O. 612 (E), dated 10.8.1992.

†—† Condition (iii) regarding "bank certificate" omitted *vide* S. O. 612 (E), dated 10.8.1992.

‡—‡ Substituted *vide* S. O. 535(E), dated 20.9.1979.

¶—¶ Word "finished" omitted *vide* S. O. 711 (E), dated 13.9.1990.

TABLE

| Quantity of unmilled pulses * [for edible oilseeds] † [for mustard seeds] | #Quantity of stock of milled pulses or stock of edible oil including refined oil ‡ |
|---|--|
| Producer who is carrying on business on the commencement of this order (2) | Producer who has commenced production after the commencement of this order (3) |
| Producer who is carrying on business on the commencement of this order (4) | Producer who has commenced production after the commencement of this order (5) |
| 1. Producer of pulses. One-twelfth of the maximum quantity of pulses used by him in any of the three years ending on the 31st day of Oct. 1982. | For a period of one year from the date of commencement of his production, one twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity. § [For the second year and third year of his production, one- twelfth of the quantity of pulses that would |
| Onetwenty-fourth of his maximum production in any of the three years ending on the 31st October 1982. | For a period of one year from the date of commencement of his production, one twenty-fourth of the quantity equal to his annual installed capacity. § For the second year and third year of his production, one twenty fourth of the quantity of pulses that would be required for |

TABLE—contd.

| (1) | (2) | (3) | (4) | (5) |
|-------------------------------|--|---|--|--|
| 1. Contd. | <p>be required for producing a quantity equal to his annual installed capacity and thereafter one-twelfth of maximum of pulses used by him in any of the three years immediately after commencement of his production.</p> | <p>producing a quantity equal to his annual installed capacity and thereafter one-twenty-fourth of the maximum quantity of pulses used by him in any of the three years immediately after commencement of his production.</p> | <p>For a period of one year from the date of commencement of production in any of the three years ending on the 31st October 1989.</p> | <p>For a period of one year from the date of commencement of his production, one twenty-fourth of the quantity equal to his annual installed capacity. †For the second year and third year of his production, one twenty-fourth of the quantity equal to his</p> |
| \$2. Producer of edible oils. | <p>One-eighth of the maximum quantity of edible oilseeds used by him in any of the three years ending on the 31st day of Oct. 1989.</p> | <p>For a period of one year from the date of commencement of his production, one eighth of the quantity of edible oilseeds that would be required for producing the quantity equal to his annual installed capacity. †For the second year and third year of his</p> | <p>One twenty-fourth of his maximum production in any of the three years ending on the 31st October 1989.</p> | <p>For a period of one year from the date of commencement of his production, one twenty-fourth of the quantity equal to his annual installed capacity. †For the second year and third year of his production, one twenty-fourth of the quantity equal to his</p> |

production, one-eighth of the quantity of edible oilseeds that would be required for producing a quantity equal to his annual installed capacity and thereafter one-eighth of maximum quantity of edible oilseeds used by him in any of the three years immediately after the commencement of his production.

annual installed capacity and thereafter one-twenty fourth of maximum of his production in any of the three years immediately after the commencement of his Production. \$

@Note.—For the purpose of computing the stock limit specified in column (4) and (5) above, the raw oils (except solvent extracted oils, oils in process or in semi-processed state) and finished product shall be taken into consideration. @

— Substituted *vide* S. O. 535 (E), dated 20.9.1979.

†—† Inserted *vide* S. O. 223 (E), dated 26.3.1991.

‡—‡ Substituted *vide* S. O. 711 (E), dated 13.9.1990.

¶—¶ Substituted *vide* S. O. 740 (E), dated 17.10.1993.

§—§ Added *vide* S. O. 10 (E), dated 7.1.1982

§—§ Inserted *vide* S. O. 718 (E), dated 25.9.1993.

@—@ Inserted *vide* S. O. 711 (E), dated 13.9.1990.

Provided also that where any quantity of pulses, edible oils, or edible oilseeds is in transit, then for the purpose of this sub-clause, such quantity * shall not during the period when such quantity is in transit be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit :

Provided also that nothing in this clause shall apply to a commission agent who does not retain any consignment of pulses or edible oilseeds received by him for a period exceeding fifteen days from the date of its receipt :

†Provided also that the stock limits referred to above shall not apply to imported edible vegetable palmolein oils†.

(2) Every dealer referred to in sub-clause (1) shall immediately on the expiry of the period specified in that sub-clause give intimation to the Collector regarding the stocks of any pulses, edible oilseeds or edible oils left with him or any other person on his behalf in excess of the stocks prescribed in sub-clause (1) and such stocks shall not be disposed of by the dealer or other persons except in accordance with the directions of the Collector.

‡5. *Returns.*—Every licenced dealer or producer who holds in excess of the stocks limits of pulses or edible oilseeds or edible oils specified for a retailer in clause 4 shall furnish a fortnightly return to such authority and in such manner as may be specified by the State Government in this behalf by notification in the *Official Gazette* in respect of such stock of pulses, edible oilseeds and edible oils held by him.‡

6. *State Orders to apply.*—The provisions of the State Orders relating to storage of pulses, edible oilseeds or edible oils shall apply in respect of any matter for which no provision has been specifically made in this Order.

— Substituted *vide* S. O. 409 (E), dated 26.6.1978

†—† Inserted *vide* S. O. 396 (E), dated 27.5.1994 and also please see notification, dated 29.6.1995.

‡—‡ Substituted *vide* S. O. 691 (E), dated 13.7.1987.

*7. *Order not to apply in certain cases.*—Nothing in this Order shall apply to—

(a) (i) a Corporation or a Company owned or controlled by the Central Government or a State Government or a Statutory Corporation, or

(ii) a Central level or a State level Co-operative Society, engaged in the production, procurement, sale, purchase or distribution of pulses; and

(b) (i) a Corporation or a Company owned or controlled by the Central Government or a State Government or a Statutory Corporation, or

(ii) a Central level or State level Co-operative Society, engaged in the production, procurement, sale, purchase or distribution of edible oilseeds and edible oils and in the public interest notified in the *Official Gazette* by Central Government from time to time.*

†7A. *Power to exempt.*—The State Government may, if considers it necessary for avoiding any hardship or for any other just and sufficient reason by Notification in the *Official Gazette*, exempt any producer, dealer or commission agent from the operation of all or any of the provisions of this Order, either generally or for any specified period, subject to such conditions as may be specified in the notification :

Provided that no notification under this clause shall be issued except with the previous approval of the Central Government :†

‡Provided further that no previous approval of the Central Government shall be necessary for granting exemption to importers from the stock limits specified in sub-clause (1) of clause 4 in case of pulses imported under Open General Licence (O. G. L.). The notification issued by the State Government shall indicate the period for disposal of the excess stock.‡

— Substituted *vide* S. O. No. 479 (E), dated 28.6.1994 and also please see notification, dated 6.4.1995.

†—† Inserted *vide* S. O. No. 64 (E), dated 4.2.1978.

‡—‡ Added *vide* S. O. No. 750 (E), dated 11.8.1988.

***7B.** *Power to fix lower stocks limits.*—The State Government may, if it considers it necessary for just and sufficient reason, by notification in the *Official Gazette*, fix any stock limit within the maximum limit specified in clause 4, either generally or for specified period, subject to such conditions as may be specified in the notification :

Provided that no notification under this clause shall be issued except with the previous approval of the Central Government*.

8. *Repeal and Savings.*—The Pulses and Edible Oils (Storage Control) Order, 1977 is hereby repealed ;

Provided that such repeal shall not affect—

(a) the previous operation of the said Order or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been repealed.

(Sd.) T. BALAKRISHNAN,
Joint Secretary to
Government of India.

— Inserted vide S. O. No. 535 (E), dated 20-9-1979.

SCHEDULE

[See clause 2 (b) and (c)]

| Category 'A' Cities (Having a population of 10,00,000 and above) | Category 'B' Cities (Having a population of 3,00,000 and more but less than 10,00,000 and capital cities of States and Union Territories other than Category 'A' cities) |
|--|--|
| (1) | (2) |
| 1. Calcutta 2. Greater Bombay 3. Delhi 4. Hyderabad 5. Madras 6. Bangalore 7. Ahmedabad 8. Kanpur 9. Pune * 10. Nagpur 11. Lucknow 12. Jaipur * † 13. Guwahati † | ‡ 1. Coimbatore 2. Madurai 3. Agra 3. Varanasi 5. Indore 6. Jabalpur 7. Allahabad 8. Surat 9. Vadodara 10. Triruchirappalli 11. Amritsar 12. Jamshedpur 13. Cochin 14. Dhanabad 15. Salem 16. Gwalior 17. Ludhiana 18. Sholapur 19. Ulhasnagar 20. Hubli Dharwar 21. Meerut 22. Visakhapatnam 23. Mysore 24. Vijayawada |

— Inserted vide S. O. 10 (E), dated 7.1.1982.

†—† Added vide S. O. 1035 (E), dated 13.12.1989.

‡—‡ Substituted vide S. O. 10 (E), dated 7.1.1982.

SCHEDULE—Contd.

| (1) | (2) |
|-----|---|
| | 25. Calicut |
| | 26. Bareilly |
| | 27. Jodhpur |
| | 28. Rajkot |
| | 29. Ranchi |
| | 30. Durg-Bhillal Nagar |
| | 31. Nashik |
| | 32. Jallunder |
| | 33. Thane |
| | 34. Ajmer |
| | 35. Guntur |
| | 36. Asansol |
| | 37. Kolhapur |
| | 38. Moradabad |
| | 39. Kota |
| | 40. Raipur |
| | 41. Warangal |
| | 42. Faridabad Complex |
| | 43. Cuttack |
| | 44. Tirunelveli |
| | 45. Rourkela |
| | 46. Aligarh |
| | 47. Jamnagar |
| | 48. Aurangabad (Maharashtra) |
| | 49. Bhavnagar |
| | 50. Gorakhpur |
| | 51. Durgapur |
| | 52. Mangalore |
| | 53. Belgaum |
| | 54. The capital cities of States and Union Territories, other than Category 'A' Cities. ‡ |

‡—‡ Substituted vide S. O. 10(E), dated 7.1.1982.

GOVERNMENT OF INDIA

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, dated the 30th June 1994.

NOTIFICATION

S. O. 489 (E).—In exercise of the powers conferred by clause 7 of the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, the Central Government hereby exempt in the public interest the following Corporations and Co-operative Societies from the operation of the stock limits of edible oilseeds and edible oils subject to the limits mentioned against each namely :—

TABLE

| (1) | (2) |
|--|---|
| (1) The State Trading Corporation of India, Limited, New Delhi. | No limit. |
| (2) The Minerals and Metals Trading Corporation of India Limited, New Delhi. | No limit. |
| (3) The Hindustan Vegetable Oil Corporation of India Limited, New Delhi. | No limit. |
| (4) National Agricultural Co-operative Marketing Federation of India Limited, New Delhi. | No limit. |
| (5) Gujarat State Civil Supplies Corporation Gandhinagar, Gujarat. | No limit. |
| (6) Andhra Pradesh State Civil Supplies Corporation, Hyderabad, Andhra Pradesh. | No limit. |
| (7) West Bengal State Civil Supplies Corporation, Calcutta, West Bengal. | No limit. |
| (8) National Dairy Development Board, Anand, Gujarat. | Up to 7,700 metric tonnes. |
| (9) Rajasthan State Co-operative Marketing Federation, Jaipur, Rajasthan. | Up to 1,630 metric tonnes. |
| (10) Rajasthan State Level Co-operative Oilseed Grower's Federation Ltd., (Tilam Sangh) Jaipur, Rajasthan. | Up to 4,220 metric tonnes. |
| (11) Madhya Pradesh State Co-operative Oilseeds Growers' Federation Ltd., Bhopal, Madhya Pradesh. | all units combined Up to 10,500 metric tonnes. |

TABLE—Contd.

| (1) | (2) |
|---|--|
| (12) Assam State Co-operative Marketing Federation, Guwhati, Assam. | Up to 3,200 metric tonnes. |
| (13) Tribal Co-operative Marketing Federation of India, Limited, New Delhi. | all units combined up to 11,000 metric tonnes. |
| (14) The Salem Agricultural Producers' Co-operative Marketing Society Ltd., Salem. | up to 18 metric tonnes. |
| (15) The Tiruchangoda Agricultural Producers Co-operative Marketing Society Ltd., Tiruchangode. | up to 330 metric tonnes. |
| (16) Mehsana District Telbiya Utpadak Sahakari Sangh Ltd., Mehsana, Gujarat. | up to 850 metric tonnes. |
| (17) Shree Sardar Vallabhbhai Patel Regional Oilseeds Growers' Co-operative Union Ltd., Sabarkanata, Gujarat. | up to 1,050 metric tonnes. |
| (18) Malbhar Co-operative Oil Mills, Naragund, Andhra Pradesh. | up to 450 metric tonnes. |
| (19) Kerala Kerakarashaka Sahakarana Federation Limited, Tiruvananthapuram, Kerala. | up to 1,870 metric tonnes. |
| (20) Haryana State Co-operative Supplies and Marketing Federation Limited, and Haryana State Federation of Consumers' Co-operative Wholesale Stores Limited. | Both combined up to 1,000 metric tonnes. |
| (21) The Punjab State Co-operative Marketing Federation Limited, Khanna, Punjab. | up to 3,020 metric tonnes. |
| (22) Anand Regional Co-operative Oilseeds Growers' Union Limited, Gujarat. | up to 1,470 metric tonnes. |

2. The above mentioned Corporations and Co-operative Societies shall furnish detailed information relating to purchase, sale and stocks of edible oilseeds and edible oils held by them as and when required by the Central Government or State Government.

3. It shall come into force from the 1st day of July, 1994.

(Sd.) (KAMAL KISHORE),
Economic Advisor and Joint Secretary
to the Government of India.

[F. No. 14 (2)/94-ECR&E]

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

V. N. MORE,
Under Secretary to Government.

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, Dated, the 6th April, 1995

ORDER

S. O. 320 (E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Pulses, Edible Oilseeds and Edible Oils (Storage Control Order), 1977, namely:—

1. (1) This Order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage Control) (Amendment) Order, 1995.

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

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977 for clause 7, the following clause shall be substituted, namely:—

" 7. *Order not to apply in certain cases.*—Nothing in this Order shall apply.—

(i) to a Corporation or Company owned or controlled by the Central Government or a State Government or to a Statutory Board, or

(ii) to any Central level or State level Co-operative society, engaged in the production, procurement, sales, purchase or distribution of pulses, edible oilseeds and edible oils:

Provided that a Corporation or a Company or a Statutory Board mentioned in sub-clause (i) shall furnish information relating to purchase, sale and stock of edible oilseeds/edible oils held by them

to the Central Government, or as the case may be, to the State Government."

(Sd.) (N. BALA BASKAR),
Joint Secretary to the Government of India.
[F. No. 14 (2)/94-ECR & E].

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(सही) (बि. ना. मोरे),
शासनाचे अवर सचिव.

GOVERNMENT OF INDIA

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, Dated, the 29th June 1995

ORDER

S. O. 591 (E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, namely :—

1. (1) This Order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Second Amendment Order, 1995.

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

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977 in clause 4, in sub-clause (1) after the last proviso the following proviso shall be inserted, namely :—

" Provided also that the stock limits referred to above shall not apply to imported edible oils (excluding coconut oil, palm kernel oil, RBD palm oil and RBD palm stearin) ".

(Sd.) (SUJIT BANERJEE),
Joint Secretary to the Government of India.
[F. No. 14 (2)/95-ECR & E].

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(सही) (बि. ना. मोरे),
शासनाचे अवर सचिव,
अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग.

FOODGRAINS
