

Capacity	Fee for piece Rs. Ps.
8. Automatic Weighing Machines.—	
Exceeding 10 t.	300.00
Not exceeding 10 t. but exceeding 1t.	250.00
Not exceeding 1 t. but exceeding 50 kg.	150.00
Not exceeding 50 kg. but exceeding 10 kg.	100.00
Not exceeding 10 kg.	60.00
9. Totalling Machines.—	
Each machine	500.00
10. Volume Measuring Instruments.—	
(a) Dispensing pumps each pump.	150.00
(b) Other instruments exceeding 100 litres.	Rs. 150 for the first 100 litres plus Rs. 120 for each additional 100 litres or part thereof subject to maximum of Rs. 3,000.
Not exceeding 100 l. but exceeding 50 l.	150.00
Not exceeding 50 l. but exceeding 20 l.	100.00
Not exceeding 20 l.	75.00
11. Linear Measuring Instrument.—	
(a) Taxi meters and Autorickshaw meters.—	
Each taxi meter or Autorick- shaw meter.	15.00
(b) Other Instruments	Rs. 25 for the first 1 km. plus 5 for every additional 100 m. or a part thereof subject to maximum of Rs. 120.

Capacity	Fee for piece Rs. Ps.
11. <i>Linear Measuring Instrument</i> .—Contd.	
Not exceeding 1000 m. but ... exceeding 500 m.	30.00
Not exceeding 500 m. but ... exceeding 100 m.	20.00
Not exceeding 100 m. ...	10.00
12. <i>Clinical Thermometer</i> .—	
Each Thermometer ...	1.00
13. <i>Water Meter (Domestic type)</i> .—	
Each Water Meter ...	15.00
14. <i>Electricity Meter</i> .—	
Each Electricity Meter ...	15.00*

SCHEDULE XIII

[See rule 25 (1)]

**Form of appeal against an order of an inspector or
additional controller.**

- (1) Name and address of the ...
appellant.
- (2) No. and date of order of
Inspector of weights and
Measures or Additional
Controller of Weights and
Measures against which the
appeal is preferred.
- (3) Whether the appellant desires
to be heard in person or
through an authorised
representative.
- (4) Grounds of appeal.

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

V. J. BORKAR,
Dy. Secretary to Government.

CONSUMER PROTECTION



THE CONSUMER PROTECTION ACT, 1986*

THE MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, 24th December 1986

*(Corrected upto 31-3-1995)***THE CONSUMER PROTECTION ACT, 1986 (No. 68 OF 1986)**

An Act to provide for better protection of the interest of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

BE it enacted by Parliament in the Thirty Seventh Year of the Republic of India as follows :—

CHAPTER - I**PRELIMINARY**

1. *Short title, extent and commencement and application.*—(1) This Act may be called the Consumer Protection Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such a date* as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.

(4) Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services.

* The provisions of Chapters I, II and IV of this Act have come into force in the whole of India except the State of Jammu and Kashmir on 15.4.1987 *vide* Notification No. S. O. 390 (E), dated 15.4.1987, published in the Gazette of India, 1987, Extraordinary, Part II, Section 3 (ii). The provisions of Chapter III of this Act have come into force in the whole of India except the State of Jammu and Kashmir on 1.7.1987 *vide* Notification No. S. O. 568 (E), dated 10.6.1987, published in the Gazette of India, 1987, Extraordinary, Part II, Section 3 (ii).

2. *Definitions.*—(1) In this Act unless the context otherwise requires,—

*(a) "appropriate laboratory" means a laboratory or organisation,—

(i) recognised by the Central Government,

(ii) recognised by a State Government subject to such guidelines as may be prescribed by the Central Government in this behalf ; or

(iii) any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government or a State Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect ;*

†(aa) "branch office" means.—

(i) any establishment described as a branch by the opposite party ; or

(ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment ;†

(b) "complainant" means.—

(i) a consumer ; or

(ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force ; or

(iii) Central Government or any State Government who or which makes a complaint ;

†(iv) One or more consumers, where there are numerous consumers having the same interest ;†

(c) "complaint" means any allegation in writing made by a complainant that.—

(i) an unfair trade practice or a restrictive trade practice has been adopted by any trader ;

(ii) *the goods bought by him or agreed to be bought by him suffer from one or more defects ;*

— Substituted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

†—† Inserted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

(iii) *the services hired or availed of or agreed to be hired or availed of by him* suffer from deficiency in any respect :

(iv) a trader has charged for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods with a view to obtaining any relief provided by or under this Act :

†(v) goods which will be hazardous to life and safety when used, are being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and effect of use of such goods :†

(d) " consumer " means any person who.—

(i) buys and goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose ; or

(ii) *hires or avails of* any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who *hires or avails of* the services for consideration paid or promised, or partly paid and partly promised or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person.

†*Explanation.*—For the purpose of sub-clause,—

(i) " commercial purpose " does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood by means of self-employment ;†

— Substituted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

†—† Inserted *vide* Act 50 of 1993 w. e. f. 18-6-1993

(e) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint ;

(f) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force, *under any contract, express or implied, or* as is claimed by the trader in any manner whatsoever in relation to any goods ;

(g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in quality, nature and manner or performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service ;

(h) "District Forum" means a Consumer Disputes Redressal Forum established under clause (a) of section 9 ;

(i) "goods" means goods as defined in the Sales of Goods Act, 1930 (3 of 1930) ;

(j) "manufacturer" means a person who,—

(i) makes or manufactures any goods or parts thereof ; or

(ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others and claims the end product to be goods manufactured by himself or ;

(iii) puts or causes to be put his own mark on any goods made or manufactured by any other manufacturer and claims such goods to be goods made or manufactured by himself.

Explanation.—Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office ;

(j) "member" includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be ;

(k) "National Commission" means the National Consumer Disputes Redressal Commission established under clause (c) of section 9 ;

*—*Inserted vide Act 50 of 1993 w. e. f. 18-6-1993.

(l) "notification" means a notification published in the *Official Gazette*;

(m) "person" includes,—

(i) a firm whether registered or not;

(ii) a Hindu undivided family;

(iii) a co-operative society;

(iv) every other association of persons whether registered under the Societies Registration Act, 1860 (21 of 1960) or not;

(n) "prescribed" means prescribed by rules made by the State Government or as the case may be, by the Central Government under this Act;

(nn) "restrictive trade practice" means any trade practice which requires a consumer to buy, hire or avail of any goods or as the case may be, services as a condition precedent for buying, hiring or availing of other goods or services;

(o) "Service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both *housing construction*, entertainment, amusement or the purveying a news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(p) "State Commission" means a Consumer Disputes Redressal Commission established in a State under clause (b) of section 9;

(q) "trader" in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof and where such goods are sold or distributed in package form, includes the packer thereof;

†(r) "unfair trade practice" means a trade practice which for the purpose of promoting the sale, use or supply of any goods or for the provision of any service adopts any unfair method or unfair or

— Inserted vide Act 50 of 1993 w. e. f. 18-6-1993.

†—† Substituted vide Act 50 of 1993 w. e. f. 18-6-1993.

deceptive practice including any of the following practices, namely :—

(1) the practice of making any statement, whether orally or in writing or by visible representation which,—

(i) falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model ;

(ii) falsely represents that the services are of a particular standard, quality, or grade ;

(iii) falsely represents any re-built, second hand renovated, reconditioned or old goods as new goods ;

(iv) represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have ;

(v) represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have ;

(vi) makes a false or misleading representation concerning the need for, or the usefulness of any goods or services ;

(vii) gives to the public any warranty or guarantee of the performances, efficacy or length of life of a product or any goods that is not based on a adequate or proper test thereof ;

Provided that where a defence is raised to the effect that such warranty or guarantee is based on adequate or proper test, the burden of proof of such defence shall lie on the person raising such defence ;

(viii) makes to the public a representation in a form that purports to be—

(i) a warranty or guarantee of a product or of any goods or services ; or

(ii) a promise to replace, maintain or repair an article or any part thereof or to repeat or continue a service until it has been achieved a specified result, if such purported warranty or guarantee or promise is materially misleading or if there is no reasonable prospect that such warranty, guarantee or promise will be carried out ;

(ix) materially misleads the public concerning the price at which a product or like products or goods or services, have been or are ordinarily sold or provided and for this purpose, a representation, as to price shall be deemed to refer to the price at which the product or goods or services has or have been sold by sellers or provided by

suppliers generally in the relevant market unless it is clearly specified to be the price at which the product has been sold or services have been provided by the person by whom or on whose behalf the representation is made ;

(x) gives false or misleading facts disparaging the goods, services or trade of another person.

Explanation.—For the purpose of clause (1), a statement that is—

(a) expressed on an article offered or displayed for sale, or on its wrapper or container ; or

(b) expressed on anything attached to, inserted in or accompanying an article offered or displayed for sale or on anything on which the article is mounted for display or sale ; or

(c) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatsoever made available to a member of the public shall be deemed to be a statement made to the public by, and only by, the person who had caused the statement to be so expressed, made or contained ;

(2) permits the publication of any advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are reasonable ; having regard to the nature of the market in which the business is carried on, the nature and size of business and the nature of the advertisement.

Explanation.—For the purposes of clause (2) "bargaining price" means—

(a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or

(b) a price that a person who reads, hears or sees the advertisement, would reasonably understand to be a bargain price having regard to the prices at which the product advertised or like products are ordinarily sold ;

(3) Permits—

(a) the offering of gifts, prizes or other items with the intention of not providing them as offered or creating impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction as a whole ;

(b) the conduct of any contest, lottery, game of chance or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest ;

(4) Permits sale or supply of goods intended to be used, or are of a kind likely to be used, by consumers, knowing or having reason to believe that the goods do not comply with the standards prescribed by the competent authority relating to performance, composition, contents, design, constructions, finishing or packaging as are necessary to prevent or reduce the risk of injury to the person using the goods ;

(5) Permits the hoarding or destruction of goods, or refuses to sell the goods or to make them available for sale or to provide any service, if such hoarding or destruction or refusal raises or tends to raise or is intended to raise, the cost of those or other similar goods or services.†

(2) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

3. *Act not in derogation of any other Law.*—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

CHAPTER II

CONSUMER PROTECTION COUNCILS

4. *The Central Consumer Protection Council.*—(1) The Central Government may, by notification, establish with effect from such date as it may specify in such notification, a council to be known as the Central Consumer Protection Council (hereinafter referred to as the Central Council).

(2) The Central Council shall consist of the following members namely :—

(a) the Minister in charge †Consumer Affairs† in the Central Government, who shall be its Chairman, and

(b) such number of other official or non-official members representing such interest as may be prescribed.

†—†Substituted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

5. Procedure for meetings of the Central Council.—(1) The Central Council shall meet as and when necessary but *at least one meeting* of the Council shall be held every year.

(2) The Central Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.

6. Object of the Central Council.—The objects of the Central Council shall be to promote and protect the rights of the consumers such as.—

(a) the right to be protected against the marketing of goods †and services† which are hazardous to life and property ;

(b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods †or services as the case may be† so as to protect the consumer against unfair trade practices ;

(c) the right to be assured, wherever possible, access to a variety of goods †and services† at competitive prices ;

(d) the right to be heard and to be assured that consumers' interest will receive due consideration at appropriate forums ;

(e) the right to seek redressal against unfair trade practices or †restrictive trade practices† or unscrupulous exploitation of consumers, and

(f) the right to consumer education.

7. The State Consumer Protection Councils.—(1) The State Government may, by notification, establish with effect from such date as it may specify in such notification, a—council to be known as the Consumer Protection Council for(hereinafter referred to as the State Council).

*(2) the State Council shall consist of the following members namely :—

(a) the Minister in-charge of consumer affairs in the State Government who shall be its Chairman,

(b) such number of other official or non-official members representing such interests as may be prescribed by the State Government.

*—*Substituted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

†—†Inerted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

(3) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.

(4) The State Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.*

8. *Objects of the State Councils.*—The Objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of section 6.

CHAPTER III

CONSUMER DISPUTES REDRESSAL AGENCIES

9. *Establishment of Consumer Disputes Redressal Agencies.*—There shall be established for the purposes of this Act, the following agencies, namely:—

(a) a Consumer Disputes Redressal Forum to be known as the 'District Forum', established by the State Government *—* in each district of the State by notification:

Provided that the State Government, may, if it deems fit, establish more than one District Forum in a district.

(b) a Consumer Disputes Redressal Commission to be known as the "State Commission" established by the State Government *—* in the State by notification, and

(c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.

10. *Composition of District Forum.*—†(1) Each District Forum shall consist of,—

(a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;

(b) two other members, who shall be persons of ability, integrity and standing, and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of who shall be a woman.†

*—*Words " with the prior approval of Central Government " omitted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

—Inserted *vide* Act 50 of 1993 w. e. f. 18-6-1993.

†—†Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

*** (1-A)** Every appointment under sub-section,—

(1) shall be made by the State Government on the recommendation of a selection committee consisting of the following, *namely* :—

- (i) The President of the State Commission . . . Chairman,
- (ii) Secretary, Law Department of the State . . . Member,
- (iii) Secretary incharge of the Department
dealing with consumer affairs in the State . . . Member.*

(2) Every member of the District Forum shall hold office for a term of five years or up to the age of 65 years, whichever is earlier, and shall not be eligible for reappointment :

Provided that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by the appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who has resigned.

(3) The salary or honorarium and other allowance payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.

11. Jurisdiction of the District Forum.—(1) Subject to the provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any claimed ‡ does not exceed rupees five lakhs. ‡

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction.—

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or ‡ carries on business or has a branch office ‡ or personally works for gain, or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint actually and voluntarily resides or ‡ carries on business or has a branch office ‡ or personally works for gain provided that in such case either the permission of the

— Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

‡—‡ Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

District Forum is given, or the opposite parties who do not reside, or * [carry on business or have a branch office], or personally work for gain, as the case may be, acquiesce in such institution ; or

(c) the cause of action, wholly or in part, arises.

* **12. Manner in which complaint shall be made.**—A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed with a District Forum, by—

(a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such services provided or agreed to be provided ;

(b) any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or services provided or agreed to be provided is a member of such association or not ;

(c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested ; or

(d) the Central or State Government.

Explanation :—For the purposes of this section " recognised consumer association " means any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force. *

13. Procedure on receipt of complaint.—(1) The District Forum shall, on receipt of a complaint, if it relates to any goods,—

(a) refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum ;

(b) where the opposite party on receipt of a complaint referred to him under clause (a) denies disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g) ;

— Substituted *vide* Act. 50 of 1993 w. e. f. 18-6-1993.

(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test whichever may be necessary, with a view to finding out whether such goods from any defect alleged in the complaint or suffer from any other defect and report its findings thereon to the District Forum within a period of fortyfive days of the receipt of the reference or within such extended period as may be granted by the District Forum ;

(d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question ;

(e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis as test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party ;

(f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party of the complainant to submit in writing his objection in regard to the report made by the appropriate laboratory ;

(g) The District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.

(2) The District Forum shall, if the complaint received by it under section 12 relates to goods in respect of which the procedure specified

in sub-section (1) cannot be followed, or if the complaint relates to any services,—

(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum ;

(b) where the opposite party on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute.—

(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint ; or

(ii) on the basis of evidence brought to the notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.

(3) No proceedings complying with the procedure laid down in sub sections (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with.

(4) For the purposes of this section, the District Forum shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908 while trying a suit in respect of the following matters, *namely* :—

(i) The summoning and enforcing the attendance of any defendant or witness and examining the witness on oath ;

(ii) the discovery and production of any document or other material object producible as evidence;

(iii) the reception of evidence on affidavits;

(iv) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;

(v) issuing of any commission for the examination of any witness; and

(vi) any other matter which may be prescribed.

(5) (a) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860), and the District Forum shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974),

* (b) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of rule 8 of Order 1 of the First Schedule to the Code Of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum therein. *

14. Finding of the District Forum.—(1) If, after the proceeding conducted under section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to †do‡ one or more of the following things, namely—

(a) remove the defect pointed out by the appropriate laboratory from the goods in question ;

(b) to replace the goods with new goods of similar description which shall be free from any defect ;

(c) to return to the complainant the price, or, as the case may be the charges paid by the complainant ;

(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party ;

‡ (e) to remove the defects or deficiencies in the services in question ;

(f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them ;

(g) not to offer the hazardous goods for sale ;

(h) to withdraw the hazardous goods from being offered for sale ;

(i) to provide for adequate costs to parties ;‡

— Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

‡—‡ Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

*(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together :

Provided that where the member, for any reason, is unable to conduct the proceeding till it is completed, the President and one other member shall conduct such proceeding *de novo*.

(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding :

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.]

(3) Subject to foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sitting and other matters shall be as such as may be prescribed by the State Government.

15. Appeal.—Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed :

Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

16. Composition of the State Commission.—(1) Each State Commission shall consist of,—

(a) a person who is or has been a Judge of a High Court, appointed by the State Government, who shall be its President :

— Substituted *vide* Act, 34 of 1991 w. e. f. 15-6-1991.

Note.—Section 5 of Act 34 of 1991 reads as under :—

Section 5.—*Validation of certain orders, etc.*—Notwithstanding anything contained in any law or any judgement, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the principal Act, which would have been validly made if the amendments made to the principal Act by this Act were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the principal Act by this Act were in force at all material times when such order was made.

* Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court :*

(b) two other members, who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman :

† Provided that every appointment under this clause shall be made by the State Government on the recommendation of a selection committee consisting of the following, *namely* :—

- (i) President of State Commission — Chairman,
- (ii) Secretary of Law Department of the State — Member,
- (iii) Secretary in-charge of Department dealing with consumer affairs in the State — Member. †

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service ‡—‡ of the members of the State Commission shall be as such as may be prescribed by the State Government.

* (3) Every member of the State Commission shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier and shall not be eligible for re-appointment.

(4) Notwithstanding anything contained in sub-section (3) a person appointed as a President or as a member before the commencement of the Consumer Protection (Amendment) Act, 1993, shall continue to hold such office as President or member, as the case may be, till the completion of his term. *

17. *Jurisdiction of the State Commission.*—Subject to other provisions of this Act the State Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees + five lakhs but does not exceed rupees twenty lakhs ; + and

— Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

‡—‡ Words in bracket " including tenure of office " omitted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

+—+ Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

(ii) appeals against the orders of any District Forum within the State ; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

18. *Procedure applicable to State Commissions.—The provisions of sections 12, 13 and 14 and the rules made thereunder * for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.

†**18A. Vacancy in the office of the President.**—When the office of the President of the District Forum or /of the State Commission, as the case may be, is vacant or when any such President is, by reason of absence or otherwise unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as President of the District Forum or as the case may be of the State Commission, as the State Government may appoint for the purpose.†

19. Appeals.—Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed :

Provided that the National Commission may entertain an appeal after the expiry of the said period of the thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

20. Composition of National Commission.—(1) The National Commission shall consist of—

(a) a person who is or has been a Judge of the Supreme Court to be appointed by the Central Government, who shall be its President :

— Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Inserted *vide* Act, 34 of 1991 w. e. f. 15-6-1991

* Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India ; *

(b) Four other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of or have shown capacity in dealing with, problems relating to economics, law, commerce, industry, public affairs or administration, one of whom shall be a woman :

† Provided that every appointment under this clause shall be made by the Central Government on the recommendation of a selection committee consisting of the following *namely* :—

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India — Chairman,

(b) The Secretary in the Department of Legal Affairs in the Government of India — Member,

(c) Secretary of the Department dealing with consumer affairs in the Government of India — Member ; †

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service ‡—‡ of the members of the National Commission shall be such as may be prescribed by the Central Government.

* (3) Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years whichever is earlier and shall not be eligible for re-appointment.

(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or member before the commencement of the Consumer Protection (Amendment) Act, 1993 shall continue to hold such office as President or member, as the case may be, till the completion of his term. *

— Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

‡—‡ Words in bracket "including tenure of office" deleted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

21. Jurisdiction of the National Commission.—Subject to other provisions of this Act, the National Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees * twenty lakhs ; * and

(ii) appeals against the orders of any State Commission ; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

† **22. Power and procedure applicable to the National Commission.**—The National Commission shall, in the disposal of any complaints or any proceedings before it, have—

(a) the powers of a Civil Court as specified in sub-section (4), (5) and (6) of section 13 ;

(b) the power to issue an order to the opposite party directing him to do any one or more things referred to in clause (a) to (i) of sub-section (1) of section 14 ; and follow such procedure as may be prescribed by the Central Government †

23. Appeal.—Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the Order :

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

24. Finality of Orders.—Every order of a District Forum, State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.

— Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

***24A. Limitation period.**—(1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it filed within two years from the date on which the cause of action has arisen,

(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Commission or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint within such period :

Provided that no such complaint shall be entertained unless the National Commission, the State Commission or the District Forum, as the case may be, records its reasons for condoning such delay.

‡ 24B. Administrative Control.—(1) The National Commission shall have administrative control over all the State Commissions in the following matters, namely :—

(i) calling for periodical returns regarding the institution, disposal, pendency of cases ;

(ii) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite parties, furnishing of English translation of judgements written in any language, speedy grant of copies of documents ;

(iii) generally overseeing the functioning of the State Commissions or the District Fora to ensure that the objects and purposes of the Act are best served without in any way interfering with their quasi-judicial freedom.

(2) The State Commission shall have administrative control over all District Fora within its jurisdiction in all matters referred to in sub-section (1). *

25. Enforcement of orders by the Forum, the State Commission or the National Commission.—Every order made by the District Forum, the State Commission or the National Commission may be enforced by the District Forum, the State Commission or the National Commission as

— Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

the case may be in the same manner as if it were a decree or order made by a Court in a suit pending therein and it shall be lawful for the District Forum, the State Commission or the National Commission to send, in the event of its inability to execute it, such order to the Court within the local limits of whose jurisdiction—

(a) in the case of an order against a company, the registered office of the company is situated, or

(b) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain, is situated, and thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

* 26. *Dismissal of frivolous or vexatious complaints.*—Where a complaint instituted before the District Forum, the State Commission or as the case may be, the National Commission, is found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding ten thousand rupees, as may be specified in the Order. *

27. *Penalties.*—Where a trader or a person against whom a complaint is made † or the complainant † fails, or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person † or complainant † shall be punishable with imprisonment for a term which shall not less than one month but which may extend to three years or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees or with both :

Provided that the District Forum, the State Commission or the National Commission, as the case may be, if it is satisfied that the circumstances of any case so require, impose a sentence of imprisonment or fine or both, for a term lesser than the minimum term and the amount lesser than the minimum amount, specified in this section.

— Substituted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

†—† Inserted *vide* Act, 50 of 1993 w. e. f. 18-6-1993.

CHAPTER IV

MISCELLANEOUS

28. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the members of the District Forum, the State Commission or the National Commission or any Officer or person acting under the direction of the District Forum, the State Commission or the National Commission for executing any order made by it or in respect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.

29. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central government may, by order in the Official Gazette, make such provision non inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this Act shall, as soon as may be after it is made, be laid before each House of Parliament.

*** 29A.** *Vacancies or defects in appointment not to invalidate orders.*—No act or proceeding of the District Forum, State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof. *

30. *Power to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions contained in † clause (a) of sub-section (1) of section 2† clause (b) of sub-section (2) of section 4, sub-section (2) of section 5, clause (vi) of sub-section (4) of section 13, section 19, sub-section (2) of section 20 and section 22 of this Act.

(2) The State Government may by notification make rules for carrying out the provisions contained in † clause (b) of sub-section (2) and sub-section (4) of section 7†, sub-section (3) of section 10, clause (c) of sub-section (1) of section 13; sub-section (3) of section 14, section 15 and sub-section (2) of section 16.

— Inserted vide Act. 34 of 1991 w. e. f. 15-6-1993.

†—† Inserted vide Act, 50 of 1993 w. e. f. 18-6-1993.

31. Laying of rules.—Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, this rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.

**THE MAHARASHTRA CONSUMER PROTECTION AND
GUIDANCE FUND RULES, 1992**

FOOD AND CIVIL SUPPLIES DEPARTMENT

Mantralaya Annexe, Bombay 400 032, dated the 20th November 1992

(Corrected upto 31.3.1995)

BOMBAY SALES TAX ACT, 1959.

No. CPC. 1089/699/CR-427/CS-X.—Whereas the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action to make the Maharashtra Consumer Protection and Guidance Fund Rules and to dispense with the condition of previous publication thereof under sub-section (4) of section 74 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) ;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clauses (xii-A and) (xii-b) of sub-section (2), read with the proviso to sub-section (4) of section 74 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), and of all other powers enabling it in that behalf, the

Government of Maharashtra hereby makes the following rules to provide for, the manner to administer and to give grants from and the qualifications of the consumer organisation to receive grant from the Maharashtra Consumer Protection and Guidance Fund, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Maharashtra Consumer Protection and Guidance Fund rules, 1992.

(2) They shall come into force with immediate effect.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(1) "Act" means the Consumer Protection Act, 1986 (68 of 1986);

(2) "Fund" means the Maharashtra Consumer Protection and Guidance Fund created under clause (i) of sub-section (6A) of section 38 of the Bombay Sales Tax Act, 1959;

(3) "Consumer Organisation" means any Voluntary Consumer Association registered under the Companies Act, 1956 or the Societies Registration Act, 1960, or under any other law for the time being in force;

(4) "Government" means the Government of Maharashtra;

(5) "Project" means any plan submitted by any Consumer Organisation for spending the Fund;

(6) "Grant" means allocations sanctioned under these rules.

3. *Corpus of the Fund.*—The following shall form of, or be paid into, the Fund :—

(1) all the amounts forfeited and recovered under and in accordance with the provisions of section 38 (6A) (i) of the Bombay Sales Tax Act, 1959;

(2) the financial assistance to the Government for Consumer Protection and Guidance released by the Government of India through its similarly created fund;

(3) the interest or dividend on investments;

(4) any other receipts from any source, whatsoever, specifically received for this purpose.

4. *Objectives of the Fund.*—The Fund shall be utilised for,—

(i) Protection of Consumers from the hazards to their health and safety from goods and services;

(ii) Promotion and protection of economic interests of the consumers ;

(iii) Promotions of access to consumers to adequate information regarding consumer products to enable them to make informed choice according to individual wishes and needs ;

(iv) Promotion of consumer education and awareness through print, audio, visual and electronic media ;

(v) Promotion of effective consumer redressal system ;

(vi) Support to and encouragement of individuals and organisational efforts at consumer protection, consumer education and consumer movements.

5. Organisations eligible for grant.—(1) The following Organisations and Institutions shall be eligible for grant from this fund, if they are voluntarily engaged in the consumer protection and guidance activities :—

(i) A Consumer Organisation,

(ii) Registered Mahila Mandals,

(iii) Registered Public Trusts,

(iv) Any registered Research Organisation,

(v) Recognised Universities in the State.

(2) Any Organisation or Institutions mentioned in sub-rule (3), seeking grant from this fund will have to fulfil the following conditions of eligibility :—

(i) It should be working for promotion and protection of consumer interests.

(ii) It should have a legal status permitting entrustment of public funds.

(iii) It should be non-political, non-denominational, non-official and under a non-proprietary management.

(iv) It should have obtained exemption from the competent authority from the payment of Income Tax and Wealth Tax.

(v) It should have well defined objectives for promotion and protection of the interests of the consumers.

(vi) It should not be run for profit to any individual or group of individuals but should serve the general public without any discrimination of caste, creed, colour or religion.

(vii) It should preferably have a specific area of operation so that it would be possible to assess the impact of the projects it wants to implement.

(viii) It should have completed at least two years of working after its initial registration under the relevant Acts and should have a commendable track record of consumer protection and guidance activities.

(ix) It must be maintaining following audited statements of accounts :—

- (a) Receipt and Payments ;
- (b) Income and Expenditure ; and
- (c) Balance Sheet.

(x) It should not have been disqualified by the Central Government or State Government for this purpose.

(xi) It should not have received similar grant from any other official source, partially or wholly, for the same purpose and for the same period.

(xii) It should have raised or be in a position to raise an amount at least equal to the grant it asks for from this fund, through other sources except from trade or industry.

6. Purpose of Grant.—(1) Grant shall ordinarily be given for specific projects and programmes of action and not for the general upkeep of an organisation. The following activities will be eligible for grant :—

(a) To undertake research and investigation into consumer problems.

(b) To establish a unit in consumer economics in the Department of Economics for conducting research into various facets of consumer economics as also for developing suitable curriculum for teaching the subject at the diploma, degree or post-graduate level by any University or Institution in the State.

(c) To establish a unit in the Department of Law for conducting research into various facets of consumer law as also for developing suitable curriculum for teaching the subject at the diploma, degree or post-graduate level by any University or Institution in the State.

(d) To undertake testing programmes regarding quality and quantity of various consumer products by setting up testing laboratories.

(e) To organise training courses, workshops, symposia or the like for the express purpose of training consumer activist to work for consumer protection and guidance by training institutions, e. g. Yeshwantrao Chavan Academy of Development Administration.

(f) To organise consumer education and awareness programmes both in urban and rural area by exhibitions, talks, film shows, demonstrations, etc.

(g) To purchase equipment such as film projectors, documentary films, public address systems, testing kits, library books and magazines for the exclusive use for promotion of consumer movements in small towns and rural areas.

(h) Any other scheme or activity which contributes towards consumer protection as may be considered appropriate by Government from time to time. However, the grant will not be available for vaguely worded projects or for only one time activity although having bearing on consumer protection.

(2) Government may institute a suitable scheme for giving awards to organisations, Government servants and consumer activists and other individuals for outstanding and sustained efforts in the promotion of consumer protection, awareness and guidance.

7. *Pattern of Grant.*—The grant from the fund shall be sanctioned to the eligible institutions strictly according to the following order of priority :—

1. For the purposes shown in rule 6 (1) (a).
2. For the purposes shown in rule 6 (1) (b) and (c).
3. For the purposes shown in rule 6 (1) (d) and (e) and (f).
4. For the purposes shown in rule 6 (1) (g), (h) and rule 6 (2) :

Provided that 50 per cent amount of the fund available for grant during any year shall be earmarked for the purposes shown in rule 6 (a), (b) and (c). This amount or any part of it so earmarked shall not be diverted for other purposes under rule 6. If for any reasons, such grant cannot be sanctioned for the purposes shown in rule 6 (a), (b) and (c) during any year, the amount earmarked shall be carried forward and utilised later on for the specific objectives only.

8. *Management of the Fund.*—The overall management of the fund shall vest in the Managing Committee consisting of the following officers :—

1. Secretary, Food and Civil Supplies Chairman.
Department, Government of
Maharashtra.

2. The Financial Adviser and Deputy Secretary, Food and Civil Supplies Department, Government of Maharashtra. . . Member.
3. Executive Secretary, State Level Consumer Protection Council, Food and Civil Supplies Department, Government of Maharashtra. . . Member-Secretary.
4. Representative of two voluntary Consumer Organisation appointed by Government by rotation for a period of two years. . . Members.

9. *The power and functions of the Managing Committee.*—(1) The Managing Committee shall supervise the maintenance of the fund.

(2) It shall have the power to invest the fund or any part of it in the approved Government Securities or with the nationalised banks, at its discretion.

(3) It shall call for the applications in the forms prescribed by it for grant from the eligible institutions or organisations.

(4) It shall scrutinise the applications received from eligible organisations for the purposes of sanctioning grant.

(5) It shall have authority to call for such documents and information as it may deem necessary for considering the request for grant from the eligible organisations.

(6) It shall have the right to prescribe conditions governing grant, and also, prescribe the procedure and manner of submission of accounts by the eligible organisations. The Managing Committee may at its discretion inspect or get inspected, the accounts of any beneficiary institution with a view to satisfying itself as to whether the grant have been spent prudently and for the purpose for which these were sanctioned.

(7) It shall have the power to sanction grant to eligible organisations in the manner and to the extent it deems fit subject to the conditions laid down in rules 6 and 7.

(8) It shall have the power to demand the refund of grant from a grantee organisation or to declare an organisation ineligible for further

grant in future, in case of default in compliance with any of the conditions prescribed therefor.

(9) The decision of the Managing Committee in respect of sub-rules (4), (5), (6), (7) and (8) shall be final and shall not be open for review by any Court of Law or any Consumer Forum.

(10) The Managing Committee shall decide the procedure, manner and periodicity of its meeting except that not more than 3 months shall elapse between two meetings.

(11) The Committee shall have full power to take such steps as may be necessary for the proper functioning and upkeep of the Fund.

(12) The Committee shall manage the scheme of awards to worthy institutions, consumer activities other individuals and Government servants, doing outstanding consumer protection work subject to the conditions prescribed by the Government, if any.

(13) The Managing Committee shall prepare a report of its activities and an annual statement of accounts and shall present the same to the first meeting of the State Consumer Protection Council every financial year.

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

N. B. DHANORKAR,
Under Secretary to Government.

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**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 31st October 1995.

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. LVY-1390/1490/CS-29/CR-1245.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR-452 (E), dated the 25th October 1972 and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. GSR-800, dated the 9th June 1978 and with the concurrence of the Government of India, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Rice (Levy on Rice Millers) Order, 1989, namely :—

1. (i) This order may be called the " Maharashtra Rice, (Levy on Rice Millers) (Second Amendment) Order, 1995 ".

(ii) It shall come into force with immediate effect and shall remain in force upto the 30th September 1996.

2. In clause 3 of the Maharashtra Rice (Levy on Rice Millers) Order, 1989, in sub-clause (c) for the existing proviso the following proviso shall be substituted, namely:—

" Provided that, if a licensed miller mills non-Basmati superfine rice and/or non-Basmati fine rice which is meant for export outside India, he shall not have to pay levy on such stocks of superfine and/or fine rice ".

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

N. P. BHANAGE,
Deputy Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 21st November 1995.

O R D E R

ESSENTIAL COMMODITIES ACT, 1955.

No. Kharedl-1095/972/CR-2170/CS-29.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR. 452(E), dated 25th October 1972 and Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR-800, dated 9th June 1978, and as per the directions given by the Government of India, the Government of Maharashtra hereby makes the following Order, further to amend the Maharashtra Rice (Levy on Rice Millers) Order, 1989, namely :—

1. (1) This Order may be called the Maharashtra Rice (Levy on Rice Miller) (Third Amendment) Order, 1995.
(2) It shall come into force with immediate effect.
2. In the Maharashtra Rice (Levy on Rice Millers) Order, 1989, for the existing Schedule III, the following Schedule shall be substituted, namely:—

" SCHEDULE III

[See clauses 2(m), 4 and 5]

Uniform specifications for Superfine, Fine/Common Rice

The rice shall be in sound merchantable condition sweet, dry, clean whole some of good food value uniform in colour and size of grains and free from moulds weevils, obnoxious smell, admixture of unwholesome poisonous substances, argemone mexicana and kesari in any form, or colouring agents and all impurities except to the extent in the Schedule below. It shall also conform to PFA standards.

Schedule of Specifications

Serial No.	Constituents	Maximum limits (%)	
		Superfine 3(a)	Fine/ Common 3(b)
(1)	(2)		
1	Brokens— (In which smaller brokens should not exceed 1%).		
	Raw	22.0	24.0
	Parboiled	16.0	17.0
2	Foreign Matter— Raw/Parboiled	0.5	0.5
3	Damaged/Slightly Damaged—		
	Raw	2.0	2.0
	Parboiled	4.0	4.0
4	Discoloured Grains—		
	Raw	3.0	3.0
	Parboiled	5.0	5.0
5	Chalky Grains— Raw	6.0	6.0
6	Red Grains—		
	Raw	3.0	3.0
	Parboiled	4.0	4.0
7	Admixture of Lower Classes— Raw/Parboiled	14.0	14.0
8	Dehusked Grains— Raw/Parboiled	10.0	10.0
9	Moisture Content— Raw/Parboiled	14.0	14.0

Notes Applicable to the Specifications of Superfine, Fine and Common Varieties of Rice.

Note.—(1) The definition of the above constituents and method of analysis are to be followed as given in Bureau of Indian Standard "Method of Analysis of Foodgrains" No's IS : 4333 (Part-I) 1967 and IS : 4333 (Part-II) 1967 "Terminology for Foodgrains" IS : 2813-1970 as amended from time to time. Dehusked grains are rice kernel whole or broken which have more than 1/4 of the surface area of the kernel covered with the bran and determined as follows :—

Analysis Procedure.—Take 5 grams of rice (sound head rice and brokens) in a Petri Dish (80 × 70 mm) Dip the grains in about 20 ml. of Methylene Blue Solution (0.05 per cent by weight in distilled water) and allow to stand for about one minute. Decent the Methylene Blue Solution. Give a swirl wash with about 20 ml. of dilute hydrochloric acid (5 per cent solution by volume in distilled water). Give a swirl wash with water and pour about 20 ml. of Metanil Yellow solution (0.05 per cent by weight in distilled water) on the blue stained grains and allow to stand for about one minute. Decent the effluent and wash with fresh water twice. Keep the stained grains under fresh water and count the dehusked grains. Count the total number of grains in 5 grams of sample under analysis. Three brokens are counted as one whole grain.

Calculations :—

$$\text{Percentage of Dehusked Grains} = \frac{N \times 100}{W}$$

Where N = Number of dehusked grains in 5 grams of sample.

&

W = Total grains in 5 grams of samples.

(2) The Method of Sampling is to be followed as given in Bureau of Indian Standards "Method of Sampling of Cereals and Pulses" No. IS : 2814-1964 as amended from time to time.

(3) Brokens less than 1/8th of the size of full kernels will be treated as organic foreign matter. Within the Overall limit for brokens, the small brokens of the size of 1/8th to 1/4th shall not exceed 2.0 per cent for determination of the size of the brokens average length of the principal class of rice should be taken into account.

(4) Inorganic foreign matter shall not exceed 0.5 per cent in any lot, if it is more, the stocks should be cleaned and brought within the limit. Kernels or pieces of kernels having mud sticking on the surface of rice, shall be treated as inorganic foreign matter.

(5) In case of rice prepared by pressure parboiling technique, it will be ensured that correct process of parboiling is adopted i. e. pressure applied, the time for which pressure is applied, proper gelatinisation, aeration and drying before milling are adequate so that the colour and cooking time of parboiled rice are good and free from emcrustration of the grains."

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

N. P. BHANAGE,
Deputy Secretary to Government.

FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION**DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032, dated the 24th January 1996

ESSENTIAL COMMODITIES ACT, 1955

No. LVY.1390/1490/CR-1245/CS-29.—In exercise of powers conferred by Sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food), Order No. GSR-452 (E), dated the 25th October 1972, and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. GSR-800, dated the 9th June 1978, and of all others powers enabling it in this behalf and with directions from Government of India, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Rice (Levy on Rice-Millers) Order, 1989, namely :—

1. (1) This Order may be called the Maharashtra Rice (Levy on Rice-Millers) (Amendment) Order, 1996.

(2) It shall come into force from the 1st October 1995.

2. In clause 6 of the Maharashtra Rice (Levy on Rice-Millers) Order, 1989 (i) in Sub-clause (1), after the words " B. Twill gunny bags " the words " to gradually switch over to 50 kg." packing of rice over a period of 5 years. The total change over to 50 kg. packing of rice shall be resorted to in a phased manner spreading over a period of 5 years starting from 1994-95 kharif marketing seasons. As to provide that atleast 20 per cent of levy rice is to be delivered by them in 50 kg. packing in 1994-95. 40 per cent in 1995-96, 60 per cent in 1996-97, 80 per cent in 1997-98 and 100 per cent in 1998-99 kharif marketing season shall be inserted.

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

N. P. BHANAGE,
Deputy Secretary to Government.

FOOD AND CIVIL SUPPLIES DEPARTMENT

Mantralaya Annexe, Mumbai-400 032, dated the 29th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. LVY. 1390/1490/CS-29/CR-1245.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture, (Department of Food), Order No. GSR-452 (E), dated the 25th October 1972, and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. GSR-800, dated the 9th June 1978, and with the concurrence of Government of India, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Rice (Levy on Rice-Millers) Order, 1989, namely:—

1. (1) This Order may be called the Maharashtra Rice (Levy on Rice-Millers) (Second Amendment) Order, 1996.
- (2) It shall be applicable for levy rice procured in the year 1995-96 Kharif Marketing season only.
2. In the Maharashtra Rice (Levy on Rice Millers) Order, 1989, for the existing Schedule II, the following shall be substituted, namely:—

SCHEDULE II

[See clauses 2 (f) and 4]

Levy Prices of Rice

Serial No. (1)	Classification of rice (2)	Price per (Quintal)	
		Raw Rice	Praboiled Rice (3)
		Rs	Rs
1	Common	576.10	579.50
2	Fine	598.70	601.75
3	Superfine	628.80	631.45

Note.—The above prices are exclusive of taxes, if any, leviable at rice stage.

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

N. P. BHANAGE,
Deputy Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by clauses (i), (ii) and (j) of sub-sections (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil Supplies order No. S. O. 681 (E), dated the 30th November 1974, and No. S. O. 682 (E), dated the 30th November 1974, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Kerosene Dealers Licensing Order, 1966, namely :—

1. This Order may be called the Maharashtra Kerosene Dealers Licensing XXX (Amendment) Order, 1996.
2. In clause 2 of the Maharashtra Kerosene Dealers Licensing Order, 1966 in sub-clause (a-1), for the words " an Additional Commissioner ", the words " a Deputy Commissioner (Supply) " shall be substituted.

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

R. N. AMBRIT,
Under Secretary to Government.

**FOOD AND CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by sub-section (1) and clauses (i), (ii) and (j) of Sub-sections (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR. 800, dated the 9th June 1978 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977, namely :—

1. This Order may be called the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing XXX (Amendment) Order, 1996.
2. In clause 2 of the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977, in sub-clause (a-1), for the words "an Additional Commissioner", the words "a Deputy Commissioner (Supply)", shall be substituted.

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

R. N. AMBRIT,
Under Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by sub-section (1) read with clauses (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR. 800, dated the 9th June 1978 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977, namely :—

1. This Order may be called the Maharashtra Pulses (Dealers and Millers) Licensing (Amendment) Order, 1996.
2. In clause 2 of the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977, in sub-clause (a-1), for the words " an Additional Commissioner ", the words " a Deputy Commissioner (Supply) ", shall be substituted.

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

R. N. AMBRIT,
Under Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by sub-section (1) and clauses (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with Government of India, Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) Order No. S. O. 681 (E) and No. S. O. 682 (E), dated the 30th November 1974, and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. 800, dated the 9th June 1978 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Commodities Retail Dealers Licensing Order, 1979, namely:—

1. (1) This Order may be called the Maharashtra Scheduled Commodities Retail Dealers Licensing (Amendment) Order, 1996.

2. In clause 2 of the Maharashtra Scheduled Commodities Retail Dealers Licensing Order, 1979, in sub-clause (b-i), for the words "an Additional Commissioner", the words "a Deputy Commissioner (Supply)", shall be substituted.

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

R. N. AMBRIT,
Under Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai 400 032, dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by sub-section (1) read with clauses (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 the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR. 316/E, dated the 20th June 1972, and the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), No. S. O. 681/(E) and S. O. 682/(E) order dated the 30th November 1974, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 namely :—

1. This Order may be called the Maharashtra Scheduled Commodities (Regulation of Distribution) XXX (Amendment) Order, 1996.

2. In clause 2 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 in sub-clause (a-1) for the words "an Additional Commissioner" the words "a Deputy Commissioner (Supply)", shall be substituted.

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

R. N. AMBRIT,

Under Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai 400 032, dated the 11th January 1996

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 1095/CR-6424/CS-23.—In exercise of the powers conferred by sub-section (1) read with clauses (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 the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order, No. G. S. R. 800, dated the 9th June 1978, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Levy Sugar (Regulation of Distribution) Order, 1981 namely :—

1. This Order may be called the Maharashtra Levy Sugar (Regulation of Distribution) XXXX (Amendment) Order, 1996.

2. In clause 2 of the Maharashtra Levy Sugar (Regulation of Distribution) Order, 1981 after sub-clause (a), the following sub-clause shall be inserted, namely :—

"(b-1) "Commissioner" means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes the Deputy Commissioner (Supply)."

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

R. N. AMBRIT,

Under Secretary to Government.

अन्न, नागरी पुरवठा व सार्वजनिक संरक्षण विभाग

मंत्रालय विस्तार, मुंबई ४०० ०३२, दिनांक ७ सप्टेंबर १९९५.

क्रमांक कोईआर.-१०९३/४१९५/प्र. क्र. ३७२२/ना. पु. २७.—भारत सरकार, पेट्रोलियम अँड नेचरल गॅस मंत्रालय, नवी दिल्ली यांजकडून भारतीय असाधारण एजपन, भाग-२, खंड ३, उपखंड (१) यामध्ये दिनांक १९ जुन १९९५ रोजी प्रसिद्ध झालेला आदेश पुनःप्रकाशित करण्यात येत आहेत.

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 19th June, 1995.

NOTIFICATION

G. S. R. 509 (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 to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, namely :—

1. (1) This Order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995.

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

2. In the Kerosene (Restriction on Use and Fixation of Ceiling price), Order, 1993.—

(i) after clause 7 and the entries relating thereto, the following clause and the entries shall be inserted, namely :—

* 7A—Assessment and Certification Rating of parallel marketeers.—

(1) (a) No parallel marketeer, shall commence any activity such as import, transport, marketing distribution, sale or any activity incidental thereto, relating to the business of Kerosene without obtaining a rating certificate on the basis of evaluation and rating for his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised, by an agency listed in Schedule-A to this Order :

Provided that, a parallel marketeer who commences any such activity, before the commencement of this Order, shall within three months, get himself evaluated and rated by the said agency.

(b) The rating certificate shall be issued in the format as prescribed in Schedule-B to this Order and as per the forwarding letter given in Schedule-C.

(c) The rating certificate shall—

- (i) be valid for a period of one year from the date of its issue, and
- (ii) require renewal by the rating agency, annually.

(2) Every parallel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, distribution or sale of Kerosene, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him and prominently publish the rating certificate, as given by the rating agency.

(3) There shall be paid, in respect of every application, to a rating agency,—

(i) for the rating certificate awarded to the parallel marketeer, a fee at the rate of 0.05 percent of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs, and

(ii) for the renewal of the rating certificate by the parallel marketeer, a fee of one tenth of that required to be paid for such a certificate.

(4) The agency listed for the purpose of evaluation shall on payment of the fee by the parallel marketeer, evaluate every parallel marketeer whose case is either referred to it or who approaches it, on the basis of, *inter-alia*, the parameters indicated and the information to be provided by such parallel marketeer in the proforma as given in Schedule-D to this Order and such other information as called for by the rating agency.

(5) Every parallel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Co-ordination Committee, Ministry of Food and Civil Supplies of the Central and the State Governments and the Collector of the District in which he imports, transports markets, distributes or sells kerosene. All letter-heads or communications of parallel marketeer shall have the following description of rating :—

- (i) Name of the rating agency,
- (ii) Rating awarded to him, and
- (iii) Date of issue.

(6) No parallel marketeer shall either give incomplete, incorrect, misleading or vague information in the newspaper, handout, pamphlet, leaflet, *advertisement etc. or submit such information to the rating agency. "

(ii) after clause 12 and the entries relating thereto, the following Schedules and the entries shall be added, namely :—

SCHEDULE-A

[See clause 7A (1) (a)]

Name and address of agencies for evaluation/rating of Parallel Marketeer

NAME	ADDRESS
1. CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd Floor, 254-B, Annie Besant Road, Worli, Bombay-400 025.
2. CARE (Credit Analysis and Research Ltd.)	RBC, Mahindra Towers, 5th Floor, Road No. 13, Worli, Bombay-400 018.
3. MDRA (Marketing and Development Research Associates.)	Secular House, 9/1, Institutional Area, Opp. JNU, New Delhi-67.
4. ICRA (Investment Information Credit Rating Agency of India Ltd.)	Kailash Building, 4th Floor, 26, Kasturba Gandhi Marg, New Delhi-1.

SCHEDULE-B

[See clause 7A (1) (b) of Kerosene (Restriction on Use and Fixation of Ceiling Price)] Order, 1993

Rating Certificate for Parallel Marketeer.

Date of Issue :—

Name of the Firm/Company . . .
 Registered Office Address . . .
 Name of Promotor/Chairman/
 Managing Director . . .
 Activities . . .
 Particulars of Bankers . . .

SCHEDULE-B—contd.

Overall Rating :

Rating Scale :

1. Good
2. Satisfactory
3. Low Risk
4. High Risk

Signature and Seal of the
Rating Agency.**SCHEDULE-C**

[See clause 7A (a) (b)]

Forwarding Letter for Certificate of rating
To whomsoever it may concern

This is to certify that we have made an evaluation of M/s.
..... for the purpose of issuing a certificate
and a rating to them in accordance with the provisions of the Kerosene
(Restriction on Use and Fixation of Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the
best of our knowledge and belief were necessary for the purpose of
issuing this certificate. This certificate issued by us is as a result of
our examination of the documents, records and assessment of the
information obtained by us and the evaluation of capability,
infrastructure, network and readiness, to carry out professed business,
deliver goods and services promised by the parallel marketeer. We are
satisfied that the information and particulars received and collected by
us are sufficient enough to enable us to evaluate M/s.
..... for providing the rating as prescribed.

M/s. are awarded
rating,

Sallent facts about M/s. are as follows :

1. Total investment planned.
2. Total investment made upto date.
3. Promoter's equity.
4. Area of operation.
5. Proposed/likely date of commissioning.

*Name of the parallel marketeer to be indicated.
(Signature and seal of the Rating Agency)

SCHEDULE-D

[See clause 7A (4) and (6)]

*Pro forma of Information to be submitted by Parallel Marketeer for Evaluation/Rating by the Rating Agency***PARAMETERS****DETAILS***

1. Market Standing of the Company :—
 - (A) Constitution of the firm . . .
 - (B) Registered Office . . .
 - (C) Location and Addresses of Existing Businesses . . .
 - (D) Names of Promoters/Directors/Partners . . .
 - (E) Background and full antecedents of promoters/Directors/Partners.
 - (F) Networth of Promoters/Directors/Partners . . .
 - (G) Current Activity . . .
 - (H) Details of existing operations of the Parallel Marketeer and/or his group of companies.
 - (I) Audited A/cs. for three years of the promoter firm and group concerns with details of promoters constitution.
 - (J) Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme.
 - (K) Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved.
 - (L) Business plans and projected cash flows. . .
 - (M) Sourcing of funds for existing and proposed Business.
 - (N) Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate.

2. Marketing Plans for Kerosene :
 - 2.1. Infrastructure for Kerosene Sourcing/Handling :
 - (A) Import Locations Identified . . .
 - (B) Proposed size of import parcels . . .

SCHEDULE-D—contd.

PARAMETERS	DETAILS*
(C) Status of approvals (ports/statutory/State Government/Chief Controller of Explosives/environment/milestone achieved with squared network local authorities). (D) Status of Progress (E) Details of Technological tie ups, if any (F) Business proposals/Project Feasibility report financial details and financial risk analysis.	
2.2. Commercial arrangements and/or consortium for kerosene (if own facilities are not planned).	
(A) Any tie up arrangement finalised with importer. (B) The supporting agreements/documents for such tie up. (C) The quantum of product to be imported with minimum guarantee. (D) Details of Storage and handling of product at the import location/tie up agreement. (E) Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.	
3. Storage and Distribution arrangement for kerosene planned :	
(A) Details of Storage facilities of Depots with their capacities. (B) Status of progress on items mentioned above (C) Plant and Equipment/Technological details (D) Details of manpower and the arrangement to handle the product. (E) Details of designs and standards to be followed for construction and operation of these facilities. (F) Status of approvals for the facilities (G) Whether Kerosene storage facility conforms to code regulations/conditions of storage licence.	
4. Arrangements planned to reach the product to consumption Centres/Markets :	
(A) Details of distributor network planned, /already appointed.	

SCHEDULE-D—contd.**PARAMETERS****DETAILS***

- (B) Details of the basis for distributors appointment
- (C) Details of showroom/sales room/office and godown planned existing alongwith status of approvals.
- (D) Details of manpower to be deployed at upcountry/near consumption centres for Kerosene.
- (E) Details of storage planned at upcountry/near the consumption centre for Kerosene.
- (F) Details of distribution arrangement between the distributors godown and the customers.

5. Product Familiarity and Training :

- (A) Operational knowledge of product (Kerosene) and its handling.
- (B) The capability and preparedness to meet the safety requirement in Kerosene.
- (C) Plans for training the staff and the customers on safe handling of equipment/product.
- (D) Recruitment policy and standards for the staff.
- (E) Familiarity with Kerosene Control Orders, Explosives Rules and other applicable local acts.

6. Marketing Discipline and Guidelines proposed to be adopted :

- (A) Code of conduct for distributors/transporter and delivery men.
- (B) System to monitor and control adulteration and unauthorised diversion of products.

7. Organisation in place/proposed for the parallel marketing of Kerosene :

- (A) Details of Organisational Structure
- (B) Level of managerial involvement of the promoter.
- (C) Source of financing the Kerosene parallel marketing including the infrastructure.
- (D) Any other relevant details which the parallel marketer would like to provide.

SCHEDULE-D—contd.

PARAMETERS

DETAILS*

8. Financial commitment :

- (A) Total estimated project cost
 (B) Planned (phase-wise) resource mobilisation.
 (C) Resources arranged and investment made as a date.
 (D) Proof of A, B and C above

*Extra Sheets may be used if required.

Date

Signature

M/s.

(Parallel Marketeer)

Address

.

.

Note.—The principal order was published in the *Gazette of India vide* number GSR 584 (E), dated the 2nd September, 1993.

(File No. P-45011/2/95-Mkt)

DEVI DAYAL,

Jt. Secretary.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

चं. र. विघ्नदास,

शासनाचे सहसचिव.

अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग

मंत्रालय विस्तार, मुंबई ४०० ०३२, दिनांक ३० सप्टेंबर १९९५.

क्रमांक इतीए १३९२/१९८६/प्र. क्र. १५४७/ना. पु. ३०.—भारत सरकार, नागरी पुरवठा, ग्राहक बाबी आणि सार्वजनिक वितरण मंत्रालय, नवी दिल्ली यांजकडून भारत सरकारचे अन्नाधारण राज्यपत्र, भाग-२, खंड ३, उपखंड (२) यात दिनांक २० जुलै १९९५ व २८ जुलै १९९५ रोजी प्रसिद्ध झालेले सुधारणा आदेश, पुनःप्रकाशित करण्यात येत आहेत.

GOVERNMENT OF INDIA

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, dated the 20th July 1995.

ORDER

S. O. 646(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) Third 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 further that the stock limits referred to above shall not apply to imported pulses ".

[F. No. 14(4)/92-ECR & E]

SUJIT BANERJEE,

Joint Secretary to the Government of India.

GOVERNMENT OF INDIA

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, dated the 28th July 1995.

ORDER

S. O. 676 (E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby make 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 from the date of its 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 or modified application in certain cases—

(1) Nothing in this order shall apply to—

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

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

(2) Save as provided in sub-clause (3), nothing in this order shall apply to—

(a) a Corporation or a Company owned or controlled by the Central Government or a State Government or a statutory Corporation ; or

(b) a Central level or a State level Co-operative Society engaged in the production, procurement, sale, purchase or distribution of edible oilseeds; and edible Oils.

3. The Central Government may—

(i) if it considers necessary in the public interest for any other just and sufficient reason by notification the *Official Gazette* fix any stock limit of Edible Oilseeds and Edible Oils either generally or for specified period subject to such conditions as may be specified in the notification.

(ii) call for any information from the Corporation, Company and Co-Operative Society referred to in sub-clause (2) above”.

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

(Sd/—) SUJIT BANERJEE,
Joint Secretary to the Government of India.

GOVERNMENT OF INDIA

MINISTRY OF CIVIL SUPPLIES CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, dated the 28th July, 1995.

NOTIFICATION

S. O. 677(E).—In exercise of the powers conferred by sub-clause (3) of clause 7 of the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, the Central Government in the public interest hereby fixes stock limits of edible oilseeds and edible oils in respect of the following Corporation, Company and Co-operative Society :—

Corporation, Company and Co-operative Society	Maximum stock limit (in terms of Oil/Oilseed Equivalents) MT.
(1)	(2)
1. National Dairy Development Board Anand, Gujarat.	10,000
2. Rajasthan State Co-operative Marketing Federation, Jaipur, Rajasthan.	2,000

(1)	(2)
3. Rajasthan State Level Co-operative oilseed Growers' Federation Ltd. (Tamil Sangh) Jaipur, Rajasthan.	5,000
4. Madhya Pradesh State Co-operative Oilseed Growers' Federation Ltd., Bhopal, Madhya Pradesh.	12,000
5. Assam State Co-operative marketing Federation, Guwhati, Assam.	3,200
6. Tribal Co-operative Marketing Federation of India Ltd., New Delhi.	15,000
7. The Salem Agricultural Producers' Co-operative Marketing Society Ltd., Salem.	50
8. The Tiruchangoda Agricultural Producers' Co-operative Marketing Society Ltd., Tiruchangoda.	400
9. Mehasana District Telbiya Utpadak Sahakari Sangh Ltd., Mehsana, Gujarat.	1,500
10. Shree Sardar Vallabhbhai Patel Regional Oil-seeds Grower co-operative Union Ltd., Sabarkanta, Gujarat.	1,400
11. Malbhar Co-operative Oil Mills, Naragund, Andhra Pradesh.	500
12. Kerala Kerkarashaka Sahakarana Federation Ltd., Tiruvananthapuram, Kerala.	2,000
13. Haryana State Co-operative Supplies and Marketing Federation Ltd., and Haryana State Federation Consumers' Co-operative Wholesale Stores Ltd.,	1,000 (Both combined)
14. The Punjab State co-operative Marketing Federation Ltd., Khanna, Punjab.	3,500

	(1)	(2)
15.	Anand Regional Co-operative Oilseeds Growers' Union Ltd., Gujarat.	1,500
16.	Andhra Pradesh Co-operative Oilseeds' Growers' Federation Ltd., Hyderabad.	10,000
17.	Gujarat co-operative Oilseeds Growers' Federation Ltd., (GROFED), Ahmedabad.	10,000
18.	Maharashtra State Co-operative Oilseeds Growers' Federation Ltd., Bombay.	7,500

2. Central Government directs that the Corporation, Company and Co-operative Society referred to in sub-clause (2) of clause 7 shall furnish detailed information relating to purchase, sale and stocks of edible oilseeds and edible oils held by them on fortnightly basis by 5th and 20th of every month to Economic Advisor, Government of India, Ministry of Civil Supplies, Consumer Affairs and Public Distribution, Room No. 305 'A' Wing, Shastri Bhavan, New Delhi.

3. It shall come into force from 28th day of July 1995.

[F. No. 12/4/95—Exp.]

(Signed) SUJIT BANERJEE,

Joint Secretary to the Government of India.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

वि. ना. मोरे,

अवर सचिव,

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th December 1995

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. FDL-2594/3228 (6127)/XXIII.—In exercise of the powers conferred by sub-section (1) read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-sections (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. G. S. R. 800, dated the 9th June 1978 and of all other powers enabling it in that behalf, the Government of Maharashtra with the prior concurrence of the Central Government, hereby amends the Maharashtra Foodgrains Dealer's Licensing Order, 1963 as follows, namely :—

1. This Order may be called the Maharashtra Foodgrains Dealer's Licensing (Amendment) Order, 1995.
2. In the Maharashtra Foodgrains Dealer's Licensing Order, 1963, in Schedule I, in entry 1, the word "Wheat" shall be deleted.

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

R. N. AMBRIT,
Under Secretary to Government.

**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 11th December 1995

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. RDL. 1894/3227/(6126)/XXIII.—In exercise of the powers conferred by clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-sections (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil Supplies Department of Civil Supplies and Co-operation, Order No. S. O. 681 (E), dated the 30th November 1974, and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. G. S. R. 800, dated the 9th June 1978 and of all other powers enabling it in this behalf, with the prior concurrence of the Central Government, the Government of Maharashtra hereby amend the Maharashtra Scheduled Commodities Retail Dealers Licensing Order, 1979, namely :—

1. This Order may be called the Maharashtra Scheduled Commodities Retail Dealers Licensing (Amendment) Order, 1995.

2. In the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979, in Schedule II, in para 1, the word "Wheat" shall be deleted.

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

R. N. AMBRIT,
Under Secretary to Government.

Note—The security deposit for Authorised Rationing Shop/Fair Price Shop.

According to G. R. No. Savivya 1092/2467/(6526)/XXVIII, dated 3rd January 1996 the security deposit for—

- | | |
|--|-------------|
| (1) Authorised Ration Shopkeeper in Bombay-Thane Rationing Area. | Rs. 3000.00 |
| (2) Fair Price Shopkeeper in other Municipal Corporation Area. | Rs. 2000.00 |
| (3) Fair Price Shopkeeper in remaining other urban area. | Rs. 1000.00 |
| (4) Fair Price Shopkeeper in Rural Area | Rs. 500.00 |
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**FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION
DEPARTMENT**

Mantralaya Annexe, Mumbai-400 032,
dated the 13th June 1997

ORDER

ESSENTIAL COMMODITIES ACT, 1955.

No. SAVIVYA-1091/CR-6178/CS-20—In exercise of the powers conferred by sub-section (1) read with clauses (d), (g) and (h) of sub-section (2) of section 3 of the Essential Commodities Act, 1955, (10 of 1955) and of all other powers enabling it in this behalf, read with the order of the Government of India, Ministry of Agriculture and Irrigation (Department of Food), No. G. S. R. 800, dated the 9th June 1978, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Foodgrains Rationing (Second) Order, 1966, *namely* :—

1. This Order may be called the Maharashtra Foodgrains Rationing (Second) (Amendment) Order, 1997.

2. In clause 3 of the Maharashtra Foodgrains Rationing (Second) Order, 1966 (hereinafter referred to as "the said order"), sub-clause (4) shall be deleted.

3. In clause "3C" of the said order the words "Notwithstanding anything contained in this Order and the regulation made thereunder" shall be deleted.

4. After clause "3C" of the said Order, the following clause "3D" shall be inserted *namely* :—

"3D—Cancellation of authorisation by State Government or the Controller of Rationing.—Notwithstanding anything contained in this Order and the regulations made thereunder, the State Government or the Controller of Rationing may, at any time, whether at the request of the ration shop or authorised establishment or authorised agent, or *Suomotu*, after making such inquiry as may be deemed necessary and for reasons to be recorded in writing add to, amend, vary, suspend, withdraw or cancel the authorisation issued or deemed to be issued to him under clause 3.

Where any such authorisation is suspended, withdrawn or cancelled the person to whom the authorisation was issued or deemed to be issued shall forthwith deliver or cause to be delivered the same to the State Government or the Controller, as the case may be. "

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

K. G. DESHPANDE,
Under Secretary to Government.

