

The U.P. Khandsari Sugar Manufacturers' Licensing Order, 1967

UTTAR PRADESH

India

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Rule

THE-U-P-KHANDSARI-SUGAR-MANUFACTURERS-LICENSING-ORDER of 1967

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The U.P. Khandsari Sugar Manufacturers' Licensing Order, 1967Published vide Notification U.P. Gazette, (Extraordinary), dated May 19, 1967, page 17, vide Notification No. 66-S/18-C-1937-1966, dated 19th May, 1967Whereas, the power to regulate the manufacture of Khandsari sugar by open pan process including bels exercisable by Central Government under Clauses 7, 8 and 9 of the Sugarcane (Control) Order, 1966 has been delegated to the State Government under Clause 11 of the said Order vide Ministry of Food and Agriculture, Community Development and Co-operation (Department of Food) Government of India Notification No. G.S.R. 1127/Ess. Com./Sugarcane, dated July 16, 1966;And, whereas the State Government is of opinion that it is necessary and expedient so to do for regulating manufacture of Khandsari sugar by the open pan process including bels;Now, therefore, in exercise of the powers delegated to the State Government as aforesaid, the Governor of Uttar Pradesh is pleased to make the following Order:

1. Short title, extent and commencement.

(1)This Order may be called the Uttar Pradesh Khandsari Sugar Manufacturers' Licensing Order, 1967.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.

2. Definitions.

(a)"Assigned area" means an area assigned to a factory under Section 15 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (U.P. Act No. XXIV of 1953).(b)"Bels" means a rab manufacturing units capable of handling juice from not less than 93 quintals of cane per day, or to which seven or more animal driven crushers supply juice.(c)"Factory" shall have the meaning assigned to it by Section 2(j) of the Sugarcane (Regulation of Supply and Purchase) Act,

1953.(d)"Khandsari Officer" means a person appointed or designated as such by the State Government for purposes of this order.(e)"Khandsari Inspector" means a person appointed as such by the Sugar Commissioner,(f)"Khandsari Sugar" means sugar containing more than ninety per cent sucrose and manufactured by open pan process including bels.(g)"Khandsari Unit" means unit engaged or ordinarily engaged in the manufacture of Khandsari sugar from sugarcane juice or rab.Explanation. - The term Khandsari unit includes bels and centrifugals.(h)["Licensing authority" means the Sugar Commissioner, Uttar Pradesh, appointed by the State Government under Section 9 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953; and includes an Additional Sugar Commissioner, a Joint Sugar Commissioner, a Deputy Sugar Commissioner and an Assistant Sugar Commissioner.] [Substituted by Notification No. 1124-S/XVIII-5-1764-71, dated July 24, 1972 and again Substituted by Notification No. 5035-S/XVIII-5-1863-77, dated 29.9.1977.](i)"Licensing year" means the period beginning on the first day of October in any year and ending on the 30th September next following.(j)"Licence" means a licence granted under the provisions of this Order.(k)"Manufacture" means a person who uses a power crusher, bel or centrifugal in the process of manufacture of Khandsari sugar and includes a person who prepares rab for conversion into Khandasari sugar.(l)"Power crusher" means crusher working with the aid of diesel, electrical or steam power and engaged or ordinarily engaged in crushing sugar cane and extracting juice therefrom for the manufacture of gur, shakkar, gul, jaggery, rab or Khandsari sugar.(m)["Reserved area" means the area reserved for a factory under an order made under sub-clause (1) of clause 6 of the Sugarcane (Control) Order, 1966 and/or an order made under Section 15 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953.] [Substituted by Notification No. 2516-S/XVIII-C-1996-66, dated May 3, 1968.](n)"Schedule or form" means a schedule or form appended to this order.(o)"State Government" means the Government of Uttar Pradesh.

3. Grant of licence.

(1)No manufacturer shall without obtaining from the Licensing Authority, a licence, in the form prescribed in Schedule I undertake or carry on any process concerned with the manufacture of Khandsari sugar by means of a power crusher, bel or centrifugal:Provided that no licence shall be given to any person who is minor.(2)An application for grant or renewal of a licence under sub-clause (1) shall be made to the Licensing Authority by the date prescribed in Schedule II in the form prescribed in Schedule III and accompanied by a satisfactory proof of the payment of the fee prescribed in Schedule IV.In the case of a renewal of a licence, an application shall also be accompanied by the licence sought to be renewed, and if the licence is lost, destroyed, or misplaced, by an application under clause 5 for the issue of duplicate thereof.(3)Notwithstanding anything hereinafter contained no application for the grant or renewal of a licence shall be considered unless it is made in accordance with provisions of sub-clause (2).(4)[An application for the grant or renewal of a licence shall be disposed by the Licensing Authority expeditiously and shall not be rejected except where the application has not been made by the prescribed date or on the prescribed form or in incomplete or is not accompanied by proof of the payment of the requisite fee or the Licensing Authority is of the opinion that it is necessary or expedient so to do in the public interest with a view to-(a)regulate the Khandasari Sugar Manufacturing Industry in the best interest of the industry; or(b)avoid uneconomical concentration of Khandsari units in any area; or(c)ensuring in a

reserved or assigned area adequate supplies of sugarcane to a factory: Provided that while disposing of an application for grant or renewal of a Licence the Licensing Authority may also take into consideration-(a) the conduct of the applicant in carrying on any process of manufacture of Khandsari Sugar prior to the date of any application including the previous contravention, if any, or any provision of this Order, or condition of the licence; and (b) the total continuous period for which the applicant held licence under this order prior to the date of the application; and (c) the default, if any, made by the applicant in payment of dues under the Uttar Pradesh Sugarcane (Purchase Tax) Act, 1961 (U.P. Act No. XXIV of 1961); and (d) the default, if any, made by the applicant in payment of the dues under the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (U.P. Act No. IX of 1953): Provided further that no application for renewal of a licence shall be rejected without giving the applicant a reasonable opportunity of being heard unless such application is made after the expiry of the prescribed date or is not accompanied by satisfactory proof of the payment of prescribed fee: Provided also that where an application for the grant or renewal of a licence is not disposed of by the commencement of the licensing year or within three months of the date on which the application is made, whichever is later and in respect for the licensing year 1982-83 by December 31, 1982.] [Substituted by Notification No. 6191S/XVIII-5-1692-82, dated 18.8.1983 (w.e.f. 18.8.1983).] (5) An applicant aggrieved with the order of the Licensing Authority under sub-clause (4) may, within thirty days from the date of such order prefer an application to the State Government whose decision thereon shall be final. (6) An applicant shall be entitled to a refund of licence fee paid-(a) on the rejection of his application; or (b) where an appeal has been preferred under sub-clause (5) on the rejection of the appeal: Provided that the applicant shall not be entitled to the refund of late fee paid, if any. (7) Where a licensee surrenders the licence granted to him within thirty days of its receipt by him and satisfies the Licensing Authority that he has not availed of it in any manner, he shall be entitled to a refund of three-fourth of the licensing fee deposited by him.

3A. [[Inserted by Notification No. 4379-S/XVIII-5-1627-74, dated 19.8.1974]

Where application for grant or renewal of licence for the Licensing year 1974-75 has been made before the date of commencement of the Uttar Pradesh Khandsari Sugar Manufacturers Licensing (First Amendment) Order, 1974. the deficiency in the licence fee be made good before August 31, 1974.]

4. Period for which licences are to be issued.

- A licence granted or renewed under this Order, shall be subject to the conditions prescribed in the form of licence set out in Schedule 1 and be valid for the entire licensing year or any part thereof as indicated in the licence by the Licensing Authority.

5. Issue of duplicate licences.

- If a licence granted under this Order is defaced, lost or destroyed the Licensing Authority may issue a duplicate thereof on application accompanied by a satisfactory proof of the payment into treasury of rupees five only.

5A. [Payment of price. - No licensee shall for the sugarcane purchased by him pay the price which is less than the minimum price or the price of sugarcane fixed under clause 4 of the Sugarcane (Control) Order, 1966.] [Inserted by Notification No. 2103-S/XVIII-5-1724-78, dated 29.2.1978.]

6. [Condition for suspension or cancellation of licence. - (1) The Licensing Authority may without prejudice to any other action that he may be authorised to take under this order, cancel or suspend any licence, if the licensee-

(a)is found to have furnished incorrect information or concealed material facts in the matter of grant or renewal of a licence;(b)is found to have practised any fraud or made any mis-representation in the matter of such grant or renewal of a licence;(c)has contravened any condition of his licence or any provision of this Order; or(d)has not in the case of a new licence, without adequate reasons worked the power crusher or Khandsari unit for a period of five months from the date the licence became effective:Provided that for a particular licensing year the Sugar Commissioner may for reasons recorded in writing extend the said period up to nine months and in that case the said period of five months shall stand substituted by the period so fixed;(e)has not except in the case of a new licence without adequate reasons worked the power crusher of Khandsari unit for a period of not less than five months up to 31st May in a licensing year;Provided that the Licensing Authority shall give to the licensee a reasonable opportunity of being heard before he passes any order for cancellation or suspension of the licence.] [Substituted by Notification No. 6191-S/XVIII-5-1692-82, dated 18.8.1983 (w.e.f. 18.8.1983).]

7. Power of the Licensing Authority.

- The Licensing Authority or any person authorized by it may with a view to securing compliance of the provision of this Order-(a)require any manufacturer to give any information in his possession in respect of any process connected with the manufacture of Khandsari sugar;(b)require a licensee to maintain, furnish, or produce such records, data or information as may be necessary from time to time;(c)inspect any books or documents and any stock of Khandsari sugar or rab belonging to or under control of any person in respect of which he has reason to believe that a contravention of any provision of this Order has taken place or is likely to take place and may take such books or documents into his possession for examination or scrutiny;(d)enter and search any premises, place or vehicle and seize any article in respect of which the Licensing Authority or the person so authorized by it, has reason to believe that a contravention of any provision of this Order has been committed or is apprehended;(e)seize and take into custody an implement used in connection with the manufacture of Khandsari sugar or rab intended for conversion into Khandsari sugar in respect of which the breach of any provision of this Order or condition of the licence has been committed or is apprehended;(f)(i)put a seal on the power crusher, bel or centrifugal or any other implement used or likely to be used in any process connected with manufacture or production of Khandsari sugar or rab without obtaining a licence required under clause 3 of the order. The seal shall be put by the

Khandsari Inspector, Khandsari Officer or such other officer as may be authorized in this behalf by the Licensing Authority;(ii)the seal shall be put on such vital or running part of the power crusher, bel or centrifugal or any other implement as aforesaid as may prevent its use or incapacitate removal of the seal;(iii)every Khandsari Inspector, Khandsari Officer or such other officer as may be authorized in this behalf shall as soon as he has sealed the power crusher, bel, centrifugal or any other implement as aforesaid prepare on the spot a statement in Form 1, in quadruplicate. The first copy will be sent to the Licensing Authority and the second copy shall be handed over to the manufacturer and his signature in taken of its delivery obtained on the last copy; the third copy shall be sent to the Khandsari Officer concerned and to the Khandsari Inspector where the power crusher, bel or centrifugal or any other implement as aforesaid has been sealed by the Khandsari Officer. The copies shall be sent to the authorities concerned on the very day of sealing;(iv)every Khandsari Inspector or any other person authorized in this behalf shall maintain a fortnightly account of all the seals put during a fortnight in Form II and shall submit a copy of the same to the Khandsari Officer and another to the Licensing Authority within three days of the close of the fortnight.

8. Penalties.

- If any person contravenes any of the provisions of this order or conditions of the licence he shall be punishable in accordance with the provisions of the Essential Commodities Act, 1955.

9. Repeal of savings.

- The Uttar Pradesh Khandsari Sugar Manufacturers Licensing Order, 1963 is hereby repealed except as respects rights accrued or liabilities incurred, licences granted, proceedings taken, orders made, directions issued, or things omitted to be done under this order.

I

LicenceUnder clause 3 of the Uttar Pradesh Khandsari Sugar Manufacturers Licensing Order, 1967Licence No.....Dated.....Sri/Sarvasri.....son of/of the firm..... residence of village/town.....P.O..... district.....is hereby permitted to work the following:(a)..... power crusher of size.....(b)..... bels with.....animal driven kolhoos,(c)..... power driven centrifugals,(d)..... hand driven centrifugals,for the manufacture of Khandsari sugar or rab for conversion into Khandsari sugar in village/town.....P.O..... tehsil..... police station district subject to the following conditions:Conditions

1. The licence is non-transferable.

- 2. The licensee shall use the power crusher, bel or centrifugal only for the purpose for which the licence has been issued.**
- 3. The licensee shall not carry out any extension, addition or alteration in the capacity, number and size or change in the location of a power crusher, bel or centrifugal covered under this licence without the prior permission of the Licensing Authority.**
- 4. If the power crusher or Khandsari unit is disposed of by the licensee to another person, the licensee shall inform of the transaction to Licensing Authority and the Khandsari Officer of the area within a week of such transfer.**
- 5. The licensee shall maintain a daily account of quantity of cane crushed, quantity of Khandsari sugar or rab prepared for conversion into khandsari sugar and quantity of manufactured Khandsari sugar/rab kept in storage or despatched.**
- 6. The licensee shall allow for purpose of inspection immediate access to the entire premises where any of the processes connected with the production of Khandsari sugar or rab are carried out under the licence to the Licensing Authority, the Khandsari Officer or any person authorised by Licensing Authority and shall also be bound to produce on demand without prior notice all records which he is required to maintain, for inspection and examination.**
- 7. The licensee shall not purchase any cane without actual and correct weighment and shall maintain a proper record of the same.**
- 8. The licence is liable to be suspended or cancelled by the Licensing Authority for breach of any of the condition of the licence or of the order. The power crusher, the bels and the centrifugals covered by the suspended licence shall not be put into commission again till the suspension order is withdrawn.**
- 9. The licensee shall comply with the provisions of the order and carry out such further instructions of the Licensing Authority, the Khandsari Officer or any other person authorised by it, as may be issued from time to time, to carry out the purposes of the order.**

10. The licence unless suspended or canceled, will remain valid from to19

Licensing Authority (To be used in the case of renewals)

Details of
Machinery
allowed to
work

Year	Number of the licence	Date of renewals	Power		Number	Max Size crus allo
			Crusher Bels	ofCentrifugals		
1	2	3			4	5 6

[Schedule II] [Substituted by Notification No. 6191-S/XVIII-5-1692-82, dated 18.8.1983.] Period of receipt of application Application for grant and renewal of licensee shall be moved between the period given below:

- | | | |
|--|---|---|
| (a) Application for grant of licence | Between 1st June and 31st August, each year and on payment of prescribed late fee by 30th September each year : Provided that for the licensing year 1982-83, the application may be made by November 30, 1982 without payment of any late fee. | |
| (b) Application for renewal of licence | Between 1st June and 31st August, each year and on payment of prescribed late fee by 31st January each year. | Between 1st June and 31st August, each year and on payment of prescribed late fee by 31st January, each year. |
| (c) Bel | Between 1st June and 31st October, 1966 and on payment of prescribed late fee by March 31, 1967. | Ditto |

III

Form of application [Under clause 3(2) of the U.P. Khandsari Sugar Manufacturer's Licensing Order, 1967] Form of application for grant or renewal of licence for power crusher/ bel centrifugal for the licensing

1. Name of the applicant

2. Parentage/Name of the firm

3. Address for correspondence

4. In the case of a firm:

Name of the Managing partner with full address

5. Location of the unit:

Village P.O.....TehsilPolice Station District
.....

6. Machine for which the licence is required:

(i)Number of power crusher with size and capacity.....(ii)Bels with number of
kolhoos.....(iii)Power-driven centrifugals.....(iv)Hand-driven
centrifugal.....

**7. Whether the applicant had set up power crusher/bels centrifugals in the
previous year..... Yes/No.**

(If yes, particulars be mentioned):(a)Number of power crusher with size and
capacity.....(b)Number of bels with number of kolhoos.....(c)Number of
power-driven centrifugals.....(d)Number of hand-driven centrifugals.....

8. (a) Quantity of sugarcane crushed.....

(b)Quantity of Khandsari sugar manufactured (qtls.).....

**9. The amount of licence fee deposited with treasury challan number and
name of the treasury (Treasury Challan to be attached with the application.)**

Machine for which licence applied for	Amount deposited	Treasury Challan number of date	Name of treasury
1	2	3	4

(a)Number of power crushers.....(b)Number of Bels.....(c)Number of power-driven
centrifugals.....(d)Number of hand-driven centrifugals.....Total amount.

10. Details of arrears of purchase tax, penalty and interest and Development Council Commission due on the date of application:

(a)Purchase Tax..... Rs.(b)Penalty Rs.(c)Interest
Rs.(d)Development Council Commission Rs.....(e)Total amount of
arrears-Rs.....

11. Whether the applicant/firm was ever prosecuted for any offence under the Order:

(a)The details of the offence/offences(b)Licensing year to which the offence/offences
relate(c)Punishment awarded.

12. Was the licence under this Order ever cancelled/suspended ? If so, details thereof.

13. Whether the applicant has opted to pay the tax on the assessed quantity of sugarcane purchased ?(Please attach a copy of opinion exercised).

[Applicant may please carefully see relevant provisions of U.P. Sugarcane (Purchase Tax) Act, 1961, and the Rules before sending the option.]Signature of Applicant.I/We have read the provisions of the U.P. Khandsari Sugar Manufacturers Licensing Order, 1967, and understand that the licence issued to me/us will be subject to the provisions of that Order and that any breach of conditions of such licence will amount to a breach of the Order.I/We declare that to the best of my/our information and belief, the information is correct and complete.

Place.....

Date..... Signature of Applicant/Managing partner.

Note- This should be submitted through Khandsari Inspector/ Khandsari Officer of the area concerned.[Schedule IV] [Substituted by Notification No. 6191-S/XVIII-1692-82, dated 18.8.1983.]

I. LICENCE FEE		Rs.
(a) Per Power crusher	450
(b) Per bel	200
(c) Per power-driven centrifugal	150
(d) Per hand-driven centrifugal	10

II. LATE FEE

(A) For grant of licence	(a) For each power crusher or bel or power driven centrifugal.	Rs. 200 from 1st September to 30th September each year.
	(b) For each hand driven centrifugal.	Rs. 3 from 1st September to 30th September each year.
(B) For renewal of Licence	(a) For each power crusher bel or power driven centrifugal.	Rs. 200 from , 1st September to 30th September and Rs. 300 from 1st October to 31st October and Rs. 350 from 1st November to 31st January following each year.
	(b) Fro each hand driven centrifugal.	Rs. 3 from 1st September to 30th September, Rs. 5 from 1st October to 31st October and Rs. 7 from 1st November to 31st January following each year.

Form No. I[Under Clause 7(f)(iii)]

Book No..... Serial No.....

Session.....

1. Name of the Khandsari unit owner.....

2. Parentage

3. Full address

4. Composition of Khandsari unit

(a) Number of power crushers with size (b) Number of bels with type

5. Date of start of the Khandsari Unit

Found Sri on (date) manufacturing Khandsari, Gur or Rab in the aforesaid Khandsari unit without a licence. The unit has therefore been sealed under clause 7 (f) by the undersigned in the presence of the following witnesses:

1. Signature

Signature

Full address

Designation Date

2. Signature Full address

Form II[Under Clause 7(f)(iv)] Season..... Statement showing the units sealed during the fortnight ending on in respect of khandsari Inspector, Circle..... District.

Remarks

The U.P. Khandsari Sugar Manufacturers' Licensing Order, 1967

Serial Number	Date of sealing of the unit	Name and address of the owner of the unit	Location of the unit	Details of power crusher/bel/centrifugal sealed	Name of the unit owners' agent servant in whose presence the unit was sealed	Name with full designation of the authority sealing the unit	
1	2	3	4	5	6	7	8

No.....Dated.....Khandsari Inspector.