

The U.P. Vacuum Pan Sugar Factories Licensing Order, 1969

UTTAR PRADESH

India

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Rule

THE-U-P-VACUUM-PAN-SUGAR-FACTORIES-LICENSING-ORDER-1969 of 1969

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The U.P. Vacuum Pan Sugar Factories Licensing Order, 1969Published vide Noitfication U.P. Gazette, (Extraordinary), dated 15th January, 1969, vide Notification No 4941/S/18-C-1517-67, dated January 15, 1959Whereas the power to regulate production of sugar by the Vacuum Pan Sugar Factories exercisable by Central Government under clause 3 of the Sugar Control Order, 1966, has been delegated to the State Government under clause 15 of the said order by the Ministry of Food and Agriculture, Community Development and Co-operation (Department of Food), Government of India, Notification No. GSR-1191/Ess-Com. Sugar, dated August 24, 1967.And, whereas the State Government is of the opinion that it is necessary and expedient so to do for regulating production of Sugar by the Vacuum Pan Sugar Factories.Now, therefore, in exercise of the powers delegated to the State Government as aforesaid, and in supersession of the existing Orders on the subject, the Governor of Uttar Pradesh is pleased to make the following Order:

1. Short title, extent and commencement.

- (i) This Order may be called the U.P. Vacuum Pan Sugar Factories Licensing Order, 1969.(ii)It extends to the whole of Uttar Pradesh.(iii)It shall come into force at once.

2. Definitions.

- In this order unless the context otherwise requires:(a)"Producer of Sugar" means a person carrying on the business of manufacturing sugar by vaccum pan process;(b)"Occupier" or "occupier of a factory" means the person, who or the authority which, has the ultimate control over the affairs of the factory and where the said affairs are entrusted to a Manager, a Managing Director or a Managing Agent, such Manager, Managing Director, or Managing Agent, shall be deemed to be the

occupier of the factory;(c)"Sugar Commissioner" means an officer appointed as Sugar Commissioner by the State Government;(d)"Licence" means a licence granted under the provision of this order;(e)"Schedule" or "Form" means a "Schedule" or "Form" appended to this order;(f)"Licensing year" means the period beginning on the 1st date of July in any year and ending on the 30th June next following;(g)"State Government" means the Government of Uttar Pradesh.

3. Grant of Licence.

(1)No sugar shall be manufactured from sugarcane by a producer of sugar by vacuum pan process unless he has obtained from the State Government a licence therefor in the form prescribed in Schedule 1.(2)An application for grant or renewal of a licence under clause (i) shall be submitted to the Sugar Commissioner by the date prescribed in Schedule II in the form prescribed in Schedule III and accompanied by a satisfactory proof of the fee prescribed in Schedule IV:Provided that the State Government may renew the licence for which an application for renewal is received after the expiry of the prescribed date for receipt of such an application, if State Government is satisfied that there was reasonable cause for the delay.

4. Period for which licences 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 I and shall be valid for the entire licensing year or any part thereof as indicated in the licence by the State Government.

5. Issue of duplicate licence.

- If a licence granted under this Order is defaced, lost or destroyed, duplicate thereof may be obtained from the Sugar Commissioner on application accompanied by a satisfactory proof of the payment into Treasury of rupees five only.

6. Conditions for suspension or cancellation of licence.

- (i) The State Government may without prejudice to any other action that the State Government may be authorised to take under this Order, cancel or suspend any licence if the licensee has contravened any provision of this Order or any condition of his licence.(i)Cancellation or suspension of licence under sub-clause (ii) shall not entitle the licensee to any compensation or to the refund of any fee paid in respect of such licence.

7. Powers of the Sugar Commissioner.

- The Sugar Commissioner or any person authorised by him with a view to securing compliance of the provisions of this Order -(a)require any producer of sugar or occupier of a sugar factory to give any information in his possession in respect of any process connected with the producer of sugar by vacuum pan process;(b)require licensee to maintain, or to produce such records, data or

information as may be necessary from time to time;(c)inspect any books or documents and any stock of sugar belonging to or in control of any person in respect of which he has a reason to believe that 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.

8. Penalties.

- If a 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.

I

Licence Under Clause 3 of the U.P. Vacuum Pan Sugar Factories Licensing Order, 1969. Licence No. Lucknow Dated..... S/Sri..... Occupier of..... factory situated at..... is hereby authorised to crush sugarcane in the said factory subject to the terms and conditions hereinafter mentioned and to the provisions of the Sugar (Control) Order, 1966. (1) The licensee shall produce sugar by vacuum pan process only. (2) The licensee shall not manufacture gur or khandsari in the factory. (3) The licensee will maintain the plant and machinery in proper working order and shall forthwith bring to the notice of the Cane Commissioner any major breakdown in the machinery. (4) The licensee shall abide by all the laws and rules for the time being in force in the State for regulating the manufacture of sugar by vacuum pan process and the supply and purchase of sugarcane, and such directions as may be issued from time to time by the State Government and the Cane Commissioner and Sugar Commissioner, Uttar Pradesh. (5) The licence shall be liable to be cancelled for breach of any of the above conditions. (6) The licence shall be valid up to 30th June, 19..... Secretary to Government, Uttar Pradesh Industries Department. Renewal Lucknow: No. Dated..... 19..... This licence is hereby renewed with effect from..... till..... on the same terms and conditions. For Secretary to Government, Uttar Pradesh, Industries Department.

II

Period of receipt of application Applications for grant or renewal of licence for the licensing year 1968-69 may be received up to January 25, 1969. Applicants who have already applied in a proper way and deposited the required fee need not apply again.

2. Period of receipt on application for grant or renewal of licence for any subsequent licensing year shall be between June 1 and July 31.

III

[Under Clause 3 (ii) of U.P. Vacuum Pan Sugar Factories Licensing Order, 1966] Form of application for a licence to crush cane for its renewal [Clause 3 of the Sugar (Control) Order, 1966 issued under Section 3 of the Essential Commodities Act, 1955]

1. (a) Name, parentage and residence or in the case of a firm, name and principal place of business of the applicant.
In the case of a firm registered under the Indian Companies Act, the name of the company and the address of the registered office with the names and addresses of the Directors and of the Manager or Managing Agents, the Secretary and Chief Executive Officer of the Company.
- (b)
2. Site of Factory:
Village or Town
Thana
District
Nearest Railway Station.
3. Quantity of cane crushed during each of the five previous crushing seasons.
The number of days and hours the factory
4. crushed during each of the five previous crushing seasons.
5. Any extension of the plant of the factory during this period.
Whether the prescribed fee of Rs. 1,000 has been deposited in the district of Sub-Divisional
6. Treasury of the area in which the factory is situated. (Receipted Treasury Challan, should accompany with the application).
[Note. - The licence fee should be deposited under the Head 0.40--Sales Tax-3--Tax on purchase of Sugarcane--Other Receipts.]
[Substituted by Notification No. 7066-5/18-S-1662-75, dated 12.3.1976.]
7. The number and date of the licence to be renewed (in the case of application for renewal).
The details of sugarcane Purchase Tax cane price commission etc., dues outstanding against
8. the occupier of the factory on the date of submission of application for grant or annual renewal of cane crushing licence.

IV

Licensing feeLicence fee for each licensing year or part thereof shall be Rs. 1,000.