

The Maharashtra Supply of Forest Produce by Government (Revision of Agreements) Rules, 1983

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-SUPPLY-OF-FOREST-PRODUCE-BY-GOVERNMENT of 1983

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The Maharashtra Supply of Forest Produce by Government (Revision of Agreements) Rules, 1983 Published vide Notification No. FND. 1283/CR-21/83/F-1 No. FND. 1283/CR-21/83/F-1. - In exercise of the powers conferred by sub-sections (1) and (2) of section 7 of the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982 (Maharashtra XVI of 1983), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 7, namely :-

1. Short title.

- These rules may be called the Maharashtra Supply of Forest-Produce by Government (Revision of Agreements), Rules, 1983.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Maharashtra Supply of Forest-Produce by Government (Revision of Agreements) Act, 1982 (Maharashtra XVI of 1983); (b) "Forest Development Corporation" means the Forest Development Corporation of Maharashtra Limited, being a private company within the meaning of the Companies Act, 1956 (1 of 1956) and having its registered office at Nagpur in the State of Maharashtra; (c) "Section" means a section of the Act; (d) "Supply Year" means a period of twelve months commencing from the 1st October of a calendar year and ending on the 30th September of the next calendar year, but in case

where the price or rate for sale or supply of a forest-produce is revisable under an agreement from a date other than the 1st October, then the period of twelve months shall be deemed to commence from such other date.(2)Words and expressions used, but not defined in these rules shall have the meanings respectively assigned to them under the Act.

3. Notice of amendment proposed in agreement.

(1)Before amending any agreement under section 3, the State Government shall give a written notice to the concerned purchaser in respect of the amendment proposed to be made in the agreement, calling upon the said purchaser to show cause, within thirty days from the date of receipt of the notice, against the proposed amendment. The said notice shall also specify the proposed date of commencement of the amendment.(2)Where the amendment proposed to be made in the agreement relates to the revision of the price or rate for sale or supply of forest-produce fixed in an agreement, a note explaining the basis of determination of the market value under section 4 shall be sent to the purchaser along with the notice.(3)The State Government shall consider the representation, if any, received by it from the purchase within the stipulated period, in response to the show cause notice under sub-rule (1), and decide whether the proposed amendment shall be effected with or without any modification ;Provided that no modification, which is more unfavourable to the purchaser than the amendment proposed under sub-rule (1) shall be made without giving him a reasonable opportunity of being heard.(4)If the State Government decides to effect any amendment in the agreement, the decision to that effect shall be declared by an order to be published in the Official Gazette, and a copy thereof shall be sent to the purchaser.

4. Determination of market value under section 4.

- The market value of the forest-produce shall be determined by the State Government, after taking into consideration, the following factors, namely :-(a)the sale prices obtained in the open and negotiated sales of such forest-produce effected by or on behalf of the State Government or the Forest Development Corporation within the State during a period of twelve months preceding six months prior to the date of commencement of the supply year :Provided that, where no such sale was held in the State of Maharashtra during the said period of twelve months, or the number, nature or magnitude of sales transactions that have taken place during that period is not, in the opinion of the State Government, adequate for the purpose of determining the market value, the State Government shall take into consideration the sale prices obtained in such sales held during a period of twenty-four months preceding the period of six months prior to the date of commencement of the supply year :Provided further that, if in the opinion of the State Government, the quantity of forest-produce involved in a sale is too small or insignificant to serve a representative instance for the determination of the market value, the State Government may, having regard to the facts and circumstances of the case, ignore such sale;(b)the weightage to be given to the quantities involved in the sales referred to in clause (a) where there is more than one sale;(c)the general trend in the price of the forest-produce since the dates of sales referred to clause (a);(d)the weightage to be given to the proximity or otherwise of the areas, where the sales referred to in clause (a) have taken place, to the areas from where the supply of forest-produce is to be made to the purchaser; and(e)any other factor which, in the opinion of the State Government, is relevant to the determination of the market

value.(2)Where no sale of a forest-produce has taken place within the State, during the period referred to in clause (a) of sub-rule (1), the market value of the forest-produce shall be determined by the State Government, taking into consideration the open and negotiated sales transactions of such forest-produce effected in one or more of the States adjoining the State of Maharashtra but keeping in view, as far as possible, the factors mentioned in sub-rule (1).Explanation. - For the purposes of this rule "open sales" shall include sales effected by public auctions or by inviting public or limited tenders, and "negotiated sales" shall exclude sales in which the price or the rate for sale or supply is fixed by the supplier under a pre-existing agreement.