

Tripura Foodgrains Dealers' Licensing Order, 1964

TRIPURA

India

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Rule

TRIPURA-FOODGRAINS-DEALERS-LICENSING-ORDER-1964 of 1964

- Published on 18 March 1963
- Commenced on 18 March 1963
- [This is the version of this document from 18 March 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

Tripura Foodgrains Dealers' Licensing Order, 1964Last Updated 18th February, 2020

1. Short title, extent and commencement.

(1)This Order may be called the Tripura Foodgrains Dealers' Licensing Order, 1964.(2)It extends to the whole of the territory of Tripura.(3)It shall come into force with immediate effect.

2. Definitions.

- In this Order, unless the context otherwise requires-(a)"Dealer" means a person engaged in the business of purchase, sale or storage for sale of any one or more of the foodgrains in quantity of five quintal or more at any one time, or in quantity of ten quintals or more of all foodgrains taken together, but does not include a person who-(i)stores any foodgrains produced by him by personal cultivation, and(ii)does not engage in the business of purchase or sale of foodgrains.Explanation. - For the purposes of this clause, any person who stores in quantity of ten quintals or more of any one of the foodgrains or 25 quintals or more of all the foodgrains taken together, at any one time shall, unless the contrary is proved, be deemed to be a dealer ;(b)"foodgrains" means any one or more of the foodgrains specified in Schedule I to this Order including products of such foodgrains other than husk and bran ;(c)"Form" means a Form set forth in Schedule II to this Order ;(d)"Licensing authority" means an Officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this Order ; and(e)"State Government" means the Administrator of Tripura.

3. Licensing of dealers.

(1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority : Provided that no licence shall be required by the Food Corporation of India under this Order for carrying on its business. (2) For the purpose of this clause, any person who stores any foodgrains in quantity of five quintals or more of any one of the foodgrains or ten quintals of all foodgrains taken together at any one time shall, unless the contrary is proved, be deemed to store the same for the purpose of sale.

4. Issue of licence.

(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'. (2) Every licence issued, re-issued or renewed under this Order shall be in Form 'B'.

5. Period of licence and fees chargeable.

(1) Every licence granted under this Order shall be valid for a period ending the 31st December of the year in which it is issued and may be renewed for a period of one year at a time. (2) The fees specified below shall be chargeable in respect of each licence, namely :

For issue of licence	Rs. 5
For renewal of licence	Rs. 2
For issue of duplicate licence	Rs. 10.

(3) A separate licence shall be obtained by a dealer for each place of business.

6. Deposit of security.

- Every dealer who at the commencement of this Order holds a valid licence granted under the Tripura Foodgrains Dealers' Licensing Order, 1964 shall within three months of such commencement and every person applying for licence after such commencement, shall, before a licence is issued to him, deposit with the licensing authority security of the value of Rs. 250 only if his annual turnover does not exceed Rs. 50,000 or Rs. 100 only if his annual turnover does not exceed Rs. 20,000 for the fulfilment and due observance of the conditions subject to which the licence is granted to him. (2) The security referred to in sub-Clause (1) above may be in any of the following forms, namely : (a) Deposit at call receipt of the State Bank of India endorsed in favour of the licensing authority ; (b) Government securities at 5% below market price or at face value whichever is less, endorsed in favour of the licensing authority ; (c) National Savings Certificate, 12 year National Plan Savings Certificate and Treasury receipts, endorsed in favour of the licensing authority ; (d) Post Office Savings Bank Pass Book, the account being pledged to the licensing authority ; (e) Cash deposit into Government Treasury under the head Revenue deposit: Provided that no security will be required to be deposited by a dealer if such dealer be a registered Co-operative Credit or Marketing Society.

7. Power to refuse licence.

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

8. Contravention of conditions of licence.

- No holder of a licence issued under this Order, or his agent or servant or any other person acting on his behalf contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf shall contravenes any of the Said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority :Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

8A.

Notwithstanding anything contained in Clause 8, where a licensee has been convicted by a Court of Law in respect of contravention of any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955), relating to foodgrains including edible oil seeds and edible oils, the licensing authority may, by order in writing, cancel his licence :Provided that where such conviction is set aside in any appeal or revision the licensing authority may, on application in Form 'A' by the person whose licence has been cancelled re-issue the licence to such persons.

9. Forfeiture of security deposit.

(1)Without prejudice to the provisions of Clause 8, if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security' deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.(2)The licensee shall, if the amount of security at any time falls short of the amount specified in Clause 6 forthwith deposit further security to make up that amount on being required by the licensing authority to do so.(3)Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

10. Appeal.

(1)Any person aggrieved by any order of the licensing authority refusing to grant, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this Order may appeal to the State Government within 30 days of the date of the receipt by him of such order.(2)No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.(3)Pending the disposal of an

appeal, the State Government may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

11. Power of entry, search, seizure, etc.

(1)The licensing authority or any other officer authorised by the State Government in this behalf, may with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contraventions ;(b)enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of conditions of any licence issued thereunder, has been, is being or is about to be committed ;(c)take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;(d)search, seize and remove stocks of foodgrains and the animals, vehicles, vessels or other conveyances used in carrying the said foodgrains in contravention of the provisions of this Order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of foodgrains and the animals, vehicles vessels or other conveyances so seized, in a court and for their safe custody pending such production.(2)The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall so far as may be, apply to searches and seizure under this clause.

12. Repeal and saving.

- The Tripura Foodgrains Dealers' Licensing Order, 1963 published with Order No. F. 12 (I)-FSD/63, dated 18-3-1963 shall stand repealed except as respects things done or omitted to be done under the Order so repealed.

I

1. Wheat.

2. Paddy (Rice in husk).

3. Rice (Husked).

4. Jowar.

5. Bajra.

6. Maize.

7. Barley.

8. Minor Millet (E.G. Ragi, Kodo).

9. Gram.

10. Milo.

11. Sargham.

II

Form A[See Clause 4 (1)]Application for grant/renewal of licence

1. Applicant's name.....

2. Applicant's profession.....

3. Applicant's residence.....

4. Situation of applicant's place or places of business with particulars as to number of house, mohalla, town or village, police station and district.....

5. How long the applicant has been trading in foodgrains.....

6. Did the applicant hold a foodgrain licence on any previous occasions ? (If so, give particulars including its suspension or cancellation, if any)....

7. Quantities of each foodgrain handled annually during the last three years....

8. Quantity of foodgrains likely to be handled during the current year.....

9. Income-tax paid in the two year preceding the year of application (to be indicated separately)-

(1).....(2).....

10. (a) Quantity of foodgrains in the possession of the applicant on the date of application (separate figures are to be given for each foodgrain).....

(b) Complete address of places where the foodgrains are proposed to be stored.....I declare that the quantities of foodgrains specified above are in my possession this day and are held at the places noted above. I have carefully read the conditions of licence given in Form B appended to the Tripura Foodgrains Dealers' Licensing Order, 1964 and I agree to abide by them. (a) [I have not previously applied for such licence in this district for foodgrains. [Strike off the clauses not applicable.](b) I applied for such licence in this district for.....on.....and was/was not granted a licence on.....(c) I hereby apply for renewal of licence No.....dated.....issued to me on.....]Place.....Date.....Signature of the applicantForm B[See Clause 4 (2)]Licence for purchase, sale/storage for sale of foodgrainsLicence No.....

1. Subject to the provisions of the Tripura Foodgrains Dealers' Licensing Order, 1964, and to the terms and conditions of this licence is/are hereby authorised to purchase, sell, or store for sale, the undermentioned foodgrains :

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

(b) Foodgrains in which the aforesaid business is to be carried on shall be stored at any place other than any of the godowns mentioned below :Note. - If the licensee intends storing his foodgrains in places other than those specified above, in that event he shall give intimation of taking over of the godowns for the purpose of storage to the licensing authority within 48 hours of actual occupation of the godowns.

3. (i) The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf, maintain a register of daily accounts for each of the foodgrains mentioned in paragraph 1, showing correctly-

(a) the opening stock on each day ;(b) the quantities received on each day showing the place from where and the source from which received ;(c) the quantities delivered or otherwise removed on each day showing the places of destination ; and(d) the closing stock on each day.(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.(iii) A licensee who is a producer himself shall separately show the stock of his own produce in the daily account, if such stocks are stored in his business premises.

4. The licensee shall, except when specially exempted by the State Government in this behalf, submit to the licensing authority concerned a return, in Form C (i) in C (ii) and C (iii) for particulars noted below :

(a)Form C (i) regarding stocks, receipts and sales of foodgrains every fortnight (1st to 15th and 16th to the end of the month) so as to reach him within three days after the close of each fortnight ;(b)Form C (ii) regarding quarterly return of approximate margins in respect of stocks of each foodgrain sold during each quarter of the year so as to reach him within seven days after the close of each quarter ;(c)Form C (iii) regarding return of actual margins in respect of stocks of each foodgrain sold during the year so as to reach him within ten days after the close of each year.

5. The licensee shall not contravene the provisions of the Tripura Foodgrains Dealers' Licensing Order, 1964, or any other Order relating to foodgrains issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodgrains for the time being in force.

7. The licensee shall not-

(i)enter into any transaction involving purchase, sale or storage for sale of foodgrains in a speculative manner prejudicial to the maintenance and easy availability of supplies of foodgrains in the market;(ii)withhold from sale, supplies of foodgrains ordinarily kept for sale ; or(iii)charge, in respect of sales of foodgrains made by him, a margin of profit in excess of the rate prevailing in the market at the time of sale or at a rate in excess of any maximum rate of margin fixed for wholesale transactions in foodgrains by a representative body of foodgrain dealers for the locality concerned, whichever is less.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of foodgrains held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of foodgrains.

9. The licensee, if he is a whole-saler, shall sell foodgrains only to retailers (including himself if he also sells in retail) who are registered with him and/or in accordance with such directions as the licensing authority or any officer authorised by that authority in this behalf, may give from time to time. The register of retailers shall be in Form D.

- 10. The licensee shall except when specially exempted by the State Government or by the licensing authority in this behalf, issue to every customer a correct receipt of invoice, as the case may be, by giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of the transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorised by it in this behalf.**
- 11. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by him or the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of foodgrains and for the taking of samples of foodgrains for examination.**
- 12. The licensee shall comply with any direction that may be given to him by the State Government in regard to purchase, sale and storage for sale, of foodgrains and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4, 8, 9 and 10 shall be written and the authentication and maintenance of the register mentioned in paragraphs 3 and 9.**
- 13. The licensee shall, in a case where he functions in a regulated market, abide by such instructions relating to his business as are given by the marketing authority having jurisdiction and in any other case by such body as may be recognised by the State Government in this behalf.**
- 14. The licensee shall not sell or offer to sell in any locality any foodgrains at a price higher than that fixed for sale of that foodgrain in such locality by Central Government or the State Government in pursuance of any powers conferred by law.**
- 15. Every licensee shall take adequate measures to ensure that foodgrains stored by him are maintained in proper condition and that damages to foodgrains due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and foodgrains shall be fumigated, with chemicals approved for the purpose by persons who have undergone**

practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate foodgrains are not stored along with foodgrains in the same godown or in immediate juxtaposition of foodgrains stocks.

16. This licence shall be attached to any application for renewal.

17. This licence shall be valid up to

(Licensing Authority)Form C (i)[See Condition 4 of Form B]Fortnightly return of stocks, receipts and sales of foodgrains(For use by a dealer)

1. Name of foodgrain

2. Fortnight ending

3. Name of licensee.....

4. State.....

5. District.....

6. Town.

7. Licence No.....

8. Annual turnover in all foodgrains Rs.....

9. Security Deposit Rs.....

10. Stock at the beginning of the fortnight and the particulars of godowns where stocks held.....

Particulars and Address of godowns	Code	Quantity in quintals	
Unsold	Sold but not delivered		
CC(10.1)	(10.2)	(10.3)	(10.4)
Total All Godowns			

11. Stocks pledged with any person or institution such as a Bank or Co-operative Society, etc,-

Particulars of party with whom pledged	Stock held at	Code	Quantity in Qtls.
CC(11.1)	(11.2)	(11.3)	(11.4)
Totals			

12. Total of stocks held by the stockist and those pledged (i.e. total of items 10 and 11 above in quintals)....

Quintals.

13. Quantity purchased during the fortnight and source of supply-

Source of supply	Quantity purchased earlier but received now	Quantity purchased and received	Average price paid per quintal
CC(13.1)	(13.2)	(13.3)	(13.4)

14. Quantity sold during the fortnight-

To whom sold	Quantity sold and delivered/removed during the fortnight.	Total.	Quantity sold but not yet delivered.	Total.			
Locally or for movement to places within Arunachal Pradesh	For movement to other Union territories/States	Locally or for movement within Arunachal Pradesh	For movement to other Union territories/States	Total	Cols. 14.4-14.7		
CC14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8

To Bulk Consumers. To Registered Retailers. To other wholesalers. To Government. TOTAL Note. - Quantity sold earlier but delivered during the fortnight will also be included in Cols. 14.2, 14.3 and 14.4.

15. Stock at the end of the fortnight-

Particulars of the Godown where held	Code	Actually with the stockist	Pledged Total		
Unsold	Sold but not delivered				
CC15.1	15.2	15.3	15.4	15.5	15.6
Total :-					

16. Place.....

17. Date.....

18. Signature

To Dealer's Stamp and Licence No.

1. The Licensing Authority.

2.

.....Form C (ii)[See Condition 4 of Form B]Quarterly return of approximate margins in respect of stocks of each foodgrain sold during the quarter ending.....20.(All quantities in this return are to be mentioned in terms of quintals rounded to the nearest unit of quintal).

1. Name of Licensee.....

2. Address.....

3. State.....

4. District.....

5. Town.....

6. Licence No.....

7. Annual Turnover Rs.....

8. Security Deposit Rs.....

9. Date of close of the year's accounts.

Name of foodgrain	Foodgrain code	Quantity purchased	Average price paid per quintal	Quantity sold	Average price received/ realised
CC10.1	10.2	10.3	10.4	10.5	10.6
Approximate average margin in respect of each foodgrain sold during the quarter					

Handling	Transport	Net Profit
10.7	10.8	10.9 10.10 10.11 10.12 10.13

Note. - Information in respect of the above table shall be furnished by the licensee for each quarter ending 31st March 30th June, 30th September and 31st December of every year. This information shall be supplied alongwith the return [Form C (i)] for the second fortnight of the month following the end of the quarter.

11. Place.....

12. Date.....

13. Signature.....

14. Dealer'Stamp & Licence No.

To

1. Licensing Authority

2.

Form C (iii)[See Condition 4 of Form B]Annual return of actual margins in respect of stock of each foodgrains sold during the year ending on 20.

1. Name of Licensee

2. Address

3. State

4. District

5. Town

6. Licence No

7. Annual Turnover Rs

8. Security Deposit Rs**9. Date of close of the year's accounts.**

Name of foodgrain	Foodgrain code	Quantity purchased	Average price paid per quintal	Quantity sold	Average price received/ realised
CC10.1	10.2	10.3	10.4	10.5	10.6
Approximate average margin in respect of each foodgrain sold during the quarter					
Handling			Transport		Net Profit
10.7			10.8	10.9 10.10 10.11 10.12	10.13

Note. - Information in respect of the above table shall be furnished by the licensee for each year within two weeks of the closing of the Annual Accounts for that year. This statement shall be furnished along with the return [Form C (i)] for the second fortnight of the month following the end of year.

11. Place.....**12. Date.....****13. Signature.....****14. Dealer's Stamp & Licence No.**

To

1. Licensing Authority**2.**

.....Form D[See Condition 9 of Form B]Register of Retailers

1. Name of the Licensee.....**2. Address.....**

3. Licence No.

Serial No. of Registration Name and address of the retailer.

Notifications No. F 12 (5) FSD/60-A, dated 29-9-1970. - In exercise of the powers conferred by sub-Clause (d) of Clause 2 of and Clause 11 of the Tripura Foodgrains Dealers' Licensing Order, 1964, as subsequently amended, and in supersession of all previous notifications issued by this Department under the aforesaid clauses, the Administrator hereby authorises the officers mentioned in the Schedule below to exercise the powers and perform the duties specified in the aforesaid clauses of the said Order as mentioned in Col. 3 of the Schedule within the limits of their respective jurisdictions mentioned in Col. 4.

Schedule 3

Sl. No.	Designation of Officers.	Clauses under which powers to be executed.	Local areas within which powers are to be exercised.
1.	Director, Food and Civil Supplies.	Powers Under Cl. 2 (d) of the Tripura Foodgrains Dealers' Licensing Order, 1964.	Whole of the Union territory of Tripura
2.	All Sub-Divisional Officers.	Ditto	Within the respective jurisdictions
3.	All Circle Officers	Clause of the Tripura Foodgrains Dealers' Licensing Order, 1964.	Ditto.
4.	All Inspectors of Food and Civil Supplies	Ditto.	Ditto.
5.	All Officers of the Assam Rifles not below the rank of "Havildar"	Ditto.	Ditto.
6.	All Officers of the P.A.C. and E M.P. of and above the rank of "Head constable" posted in the Union Territory of Tripura.	Ditto.	Ditto.
7.	All Police Officers not below the rank of "Head constable"	Ditto.	Ditto.
8.	Sub-Divisional Controller of Food (Procurement)	Ditto.	Ditto.
9.	Chief Inspector of Food and Civil Supplies.	Ditto.	Ditto.
10.	Sub-Inspector of Food and Civil Supplies.	Ditto.	Ditto.

No. F. 12 (12)-FSD/67, dated 24-11-1970. - In exercise of the powers conferred by sub-Cl. (d) of Cl. 2 and Cl. 11 of the Tripura Foodgrains Dealers' Licensing Order, 1964, as subsequently amended, and in continuation of this Department Notification No. F.12 (5)-FSD/60-A, dated 29-9-1970, the

Administrator hereby authorises the officers mentioned in the Schedule below to exercise the powers and perform the duties specified in the aforesaid clauses of the said Order as mentioned in Col. 3 of the Schedule within the limits of their respective jurisdictions mentioned in Col. 4.

Schedule 4

Sl. No.	Designation of Officers	Clauses under which powers to be executed	Local area within which powers are to be exercised.
1.	All District Magistrates and Collectors.	Powers under Cls. 2 (d) and 11 of the Tripura Foodgrains Dealers' Licensing Order, 1964.	Within their respective jurisdictions.
2.	Director, Food and Civil Supplies.	Clause 11 of the Tripura Foodgrains Dealers' Licensing Order, 1964.	Whole of the Union Territory of Tripura.
3.	Controller of Stores and Distribution.	Ditto.	Within their respective jurisdictions.
4.	All sub-Divisional Officers	Ditto.	Ditto.