

The M.P. Krishi Upaj Mandi (Allotment of Land and Structure of Market Committee/board) Rules, 2005

MADHYA PRADESH

India

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Rule

THE-M-P-KRISHI-UPAJ-MANDI-ALLOTMENT-OF-LAND-AND-STRUCTURE of 2005

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The M.P. Krishi Upaj Mandi (Allotment of Land and Structure of Market Committee/board) Rules, 2005 Published vide Notification No. D-15-16-2002-14-3, dated 14-10-2005, M.P. Rajpatra (Asadharan), dated 14-10-2005 at pages 1030 (7-13) In exercise of the powers conferred by sub-section (i) and Clause (xiii) and (xxxii) of sub-section (2) of Section 79 read with sub-section (2) of Section 7 and sub-section (2) of Section 9 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), the State Government hereby makes the following rules, the same have been previously published as required by sub-section (i) of Section 79, namely :-Rules

1. Short title.

- These rules may be called the Madhya Pradesh Krishi Upaj Mandi (Allotment of Land and Structure of Market Committee/Board) Rules, 2005.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973);(b)"Board" means the Madhya Pradesh State Agricultural Marketing Board established under the Act;(c)"Chairman" means the Chairman of the Market Committee who has been elected under Section 12 of the Act;(d)"Development charges" means the expenditure incurred or likely to be incurred for taking up over all development and improvement of the market yards or sub-markets yard in the interest of agricultural marketing which includes the cost of construction of internal roads, water supply, drainage, sewerage,

electrification, boundary wall, fencing, public toilets, parking facilities, etc; (e) "Licensee" means a person, firm or functionary holding the licence of the Market Committee under the Act; (f) "Managing Director" means the Managing Director of Madhya Pradesh State Agricultural Marketing Board and includes the Commissioner, Mandi, Madhya Pradesh; (g) "Market Committee" means the Market Committee constituted under Section 11 of the Act; (h) "Market Yard" in relation to market area means a specified place declared to be a market yard under Clause (a) of sub-section (2) of Section 5 and includes the sub-market yard; (i) "Member" means a member of the Market Committee constituted under Section 11 of the Act; (j) "Premium" means any value payable proportionately for the land area proposed to be allotted to the market functionaries and other eligible agency; (k) "Secretary" means the Secretary of Market Committee appointed under Section 27 of the Act; (l) "Section" means the Section of the Act; (m) "Warehouse" means any building, structure or other enclosure which is, or may be, used for the purpose of storing goods and includes the warehouse licensed under the Warehousing Corporation Act, 1962 (No. 58 of 1962); The words and expressions used in these rules and not defined, but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Allotment of land and structure by Market Committee/Board.

(1) Any land or structure of Market Committees/Board which is the property of the Market Committee/Board and managed by it, shall be allotted to any person, firm or agency etc., as the case may be, in the manner provided in these rules : Provided that the land which has been kept reserved for general use for agricultural marketing shall not be allotted in any way; Explanation. - General use means the use of land for the roads, platform of auction or tender for side of agricultural produce, weigh bridge/machine, grading machine, water and light arrangement, cattle stay, parking place for carts and vehicles, etc. (2) Any land or structure may be allotted for the following purposes, namely :- (i) Shop-cum godown (ii) Shop for agro-machines and equipment (iii) Clinic or dispensary (iv) Canteen (v) Tractor workshed (vi) Telephone booth or STD, PCO (vii) Bank (viii) Post Office (ix) Fire Brigade (x) Other Public use as per requirements (xi) Constitution of Public Toilets (xii) Activities relating to Agri-clinic scheme- of Government of India (xiii) Weigh Bridge/Machine (xiv) Market Information Centre. (3) The Market Committee shall prepare site plan and layout of the land for the general use and public use under the direction of the Chief Engineer of the Board.

4. Ownership and Management of Land.

(1) The land of any structure may be allotted to any person, firm, Government, Department, Institution or agency either on lease or rent for a specified period. (2) The ownership of the land shall be of the Market Committee/Board; The allottee, firm, processor or any other agency may use the land for trade of agricultural produce, processing, storage or any other purpose for which it has been allotted to it.

5. Procedure for Allotment.

(1)The land or structure shall be allotted :(a)by auction, or(b)by inviting tenders :Provided that the allotment under concessional conditions shall be, for the purpose of smooth working of market, as specified in Rule 15.(2)Terms and conditions of allotment and lease shall be as laid down by the Market Committee or the case may be.(3)Not more than one plot of land or structure shall be allotted to any person, firm, institution, or agency.

6. Fixation of Premium.

(1)The cost of land along with the incidental charges incurred and the interest at the bank term deposit rate arrived at on the value, from the date of possession of the land of structure till the date of its allotment shall be taken into account by levying on it the development charges for determination of premium. Premium per square meter shall be the minimum rate of premium for the plot of land :Provided that one third of the total development charges of the whole market yard shall be levied on the value of the allottable area as per layout approved by the Managing Director :Provided further that the approval of layout shall be given by the Managing Director on feasibility and technical recommendation of the Chief Engineer of the Board :Provided also that alteration or addition in the approved lay out may be made with prior approval of the State Government, in case of urgent public purpose.(2)In the case of allotment of structure, the cost of construction along with the premium of the land shall be the minimum premium for offering the structure for bid in auction/tender for allotment:Provided that per meter cost of construction may be arrived at for an individual structure out of the cost of over all construction of such specific type of structures, if so required.(3)In the event of bid for minimum premium is not received in auction, the auction shall be made for the second time, and in the case of proposal or bid for minimum premium is not received in two consecutive auction, on written application from the person or firm etc., without resorting to auction process, exemption for bid may be allowed with the prior approval of Managing Director and allotment of land or structure, as the case may be, may be made to the concerned trader, processor, commission agent and/or warehouse/cold storage/weigh bridge/machine man, public toilet agency, operating in the market area on the general principle of first come-first serve.(4)In case of situation so arises, the power to grant concession, the premium or rent, shall vest with the Managing Director.

7. Registration for land Allotment.

(1)Every person, firm, institution or agency etc., desirous to take land or structure shall have to deposit for registration, an amount equivalent to two percent, of the fixed minimum premium as security, at least a day before the date fixed for auction/tender in the office of Market Committee.(2)Acceptance of security amount shall not be considered to be a liability upon the Market Committee to allot the land to the person or firm depositing it at the time of auction/tender.(3)The bid for auction shall Start over and above the fixed minimum premium.(4)No interest shall be paid on the security amount deposited for registration, in the final auction, deposits made by the person/firms etc., making the highest bid shall be retained and the amount deposited by others as security, shall be refunded by Market Committee within a week from the date of

conclusion of the auction/tender process.(5)If the bid in auction/tender is accepted in favour of person/firm the reasons shall be mentioned in a resolution of the Market Committee and the amount deposited, as security will be adjusted against the premium amount.

8. Lease Rent.

- The land or structure shall vest in Market Committee/ Board and the allottee of the land or structure shall be the lessee/tenant. The lessee/tenant shall have to pay the annual lease-rent or rent in advance every year during the term of lease of land or structure to the Market Committee.

9. Allotment of land or Structure to the highest bidder in Auction/Tender.

(1)The land or structure may be allotted to a person, firm etc., making highest bid in auction/tender.(2)It shall be necessary for the person/firm etc., or agency making highest bid in auction/tender to deposit minimum fifty percent the premium amount within a period of one week from the date of auction/tender to Market Committee or to the Board, as the case may be, and the balance amount within 30 days after the date of such bid.(3)If the allotment of the land or the structure is made on lease, the Market Committee or the Board, as the case may be, shall fix minimum two percent of premium as annual lease rent, which shall be liable to be paid annually before the fixed date during the whole period of lease and after every five year, 10 percent increase in the prevalent lease rent shall be made.(4)After expiry of lease period, which shall not be more than 30 years, the lease may be renewed on a written application by the lessee as per the changed circumstances after taking into consideration the prevalent market rent. The annual lease rent shall be fixed by the Market Committee/Board with the prior approval of the Managing Director :Provided that the lessee shall have to apply in writing to the Market Committee of the Board, as the case may be for renewal of the lease before 30 days of expiry of lease period :Provided further that in case of non-renewal of the lease, the land or structure shall be taken back in possession by the Market Committee or the Board as the case may be, and premium amount shall be refunded to the concerned lessee without interest in single instalment within 60 days after expiry of the lease period.(5)Lease deed executed before the commencement of the rules, shall be regularized subject to scrutiny of eligibility by the committee constituted under sub-rule (2) of Rule 12, under the provisions of these rules by taking an undertaking from the lessee, if he/it continues to hold the land or structure, as the case may be, for the purpose for which it was allotted to him/that he/it shall abide by the terms and conditions of these rules.

10. Allotment of Land/Structure on Rent.

(1)Any structure constructed from the funds of Market Committee or the State Marketing Development Fund, may be allotted to a market functionary, person, firm, co-operative society, Government institution or Agency as authenticated by the Market Committee or the Board, as the case may be, on rent, Provisions of Rule 6 shall apply to such allotment.(2)Annual rent shall be fixed at two percent of the premium of structure as annual rent by the Market Committee or the Board, as the case may be, and get the payment thereof annually or monthly as decided in the terms and conditions of agreement.(3)Any structure except storage godown, may be allotted initially for a

period of three years which may be renewed as per changed circumstances. Fixation of rent shall be governed by the provisions of sub-rule (4) of Rule 9.(4)Storage godowns may be allotted on rent for a period of one year at initial stage and after reviewing its requirement in the interest of Market Committee or the Board, as the case may be, and the farmers of the area, tenancy of godown may be renewed for a further period not exceeding 3 years. After three-years of continuous occupation of godown, rate of rent shall be reviewed and enhanced as per prevalent conditions.(5)Temporary storage of agricultural produce in godowns by the farmers and traders for a period not exceeding 60 days may be permitted on payment of rent as decided by the Market Committee or the Board, as the case may be.

11. Maintenance of Register of Land Structure Allotted.

(1)Secretary of the Market Committee shall maintain a register of land and structure vested in or belonging to the Board in the form appended to these rules.(2)Managing Director shall get maintained a register of land and structure vested in or belonging to the Board in the form appended to these rules.

12. Procedure of Auction and Constitution of Auction Committee.

(1)The place, date, time and conditions of auction will be given by Market Committee or the Board, as the case may be, at least 15 days before the date of auction to licensed trader, processor, commission agent and/or warehouse/cold storage/weigh bridge/machine man public toilet agency, etc :-(i)The notice of such auction / tender shall be displayed in the offices of the Board, Municipality/Nagar Panchayat, Municipal Corporation/Council, Janpad Panchayat, Collector, Tahsildar and Market Committee of the concerned market area, and(ii)Notice of such auction/tender shall be published in two local news papers (one of which shall be a Hindi News paper) in case the number of licensees are more than 500.(2)Auction Committee shall consist of the following members :-

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| (i) Collector or the officer not below the rank of Joint Collector | nominated by him, | Chairman |
| (ii) Chairman/Officer-in-charge of concerned Market Committee, | | Member |
| (iii) Deputy Director (concerned regional office) Madhya Pradesh | State Agricultural Marketing Board or his representative not below the rank of Assistant Director, | Member |
| Executive Engineer (concerned regional office) Madhya Pradesh | | |
| (iv) Agricultural Marketing Board or his representative not below the rank of Assistant Engineer, | | Member |
| (v) Secretary, concerned Market Committee, | | Member Secretary. |

In the absence of Collector or his nominee, the Committee shall be headed by the Deputy Director or the Assistant Director of concerned region of the Board.(3)Notice to members of the Auction Committee shall be given at least a week before the date fixed for meeting. Presence of at least four members including those mentioned in clauses (ii) and (v) of sub-rule (2) shall be essential in the meeting of Auction Committee.(4)Applications received shall be examined by the Auction

Committee as per conditions laid down in the auction notice and after auction, a select list shall be prepared of proposed allottees for consideration of Market Committee. For approval of the select list, meeting of the Market Committee shall be convened within fifteen days of the date of auction. The auction proceedings, under such conditions which the Market Committee deems proper to impose, shall be accepted.(5)After close of auction, the person, firm, institution, agency etc. making highest bid shall deposit 10 percent amount of the auction bid within one week of the auction. On the final acceptance by Market Committee, which will be informed within 10 days of its meeting, payment of balance amount shall be made within thirty days from the date of receipt of information to the Market Committee. If he does not deposit 10 percent of auction bid amount within a week or does not make payment of balance amount within prescribed period, the Market Committee may cancel the auction and may put it for re-auction, and the amount deposited on account of auction shall be forfeited by the Market Committee.(6)If land/structure is allotted on lease or rent, the lessee or tenant shall not sub-lease or sub-let it.

13. Reservation of land/Structure for the Scheduled Caste/Scheduled Tribe Category.

(1)A person or firm, society or agency belonging to Scheduled Castes and Scheduled Tribes operating as market functionary desirous of allotment of land or structure may participate in auction/tender, and the highest bidder may be allotted the land or structure, as the case may be, as per eligibility under the provisions of these rules.(2)Ten percent of allottable land/structure may be kept for allotment to such categories.Explanation.-While deriving ten percent of land area/structure if a number comes up in fraction, in that situation one half and above it, shall be counted as whole number (unit) of the land area and/or structure, as the case may be.(3)In case no person, firm, society or agency belonging to Scheduled Castes and Scheduled Tribes comes forward for participation in auction/ tender bid or applies for allotment of land area/structure, the same may be allotted to other market functionaries, institutions or agencies subject to provisions of these rules.

14. Construction of Structure on the land allotted.

(1)The allottee shall complete the construction work of expected structure within the period fixed by the Market Committee as per standard design laid down by the Board. The construction work, undertaken otherwise shall be stopped by the Market Committee. The Market Committee shall cancel the allotment and possession of land of structure shall be taken back and the construction undertaken thereon shall be removed at the cost of the allottee.(2)If the construction work is not completed by the allottee within the fixed period and he requests for additional period, the Market Committee may give additional period of six months for completing the construction work. Within the period the allottee shall have to complete the expected construction work, failing which the land/structure shall be deemed to have been taken back in possession by the Market Committee.

15. Allotment of Land on Concessional Conditions.

(1)With the prior approval of the State Government the Market Committee may give any land

proposed for public use, on lease for public necessities and conveniences to any department of the Government, registered co-operative/public institution or local body on confessional rate.(2)If within two years of allotment on lease, the land is not used by undertaking required necessary construction for the purpose for which it was allotted, the Market Committee shall have the right to cancel the lease or tenancy, as the case may be, and take back the possession of that land.(3)It shall be necessary for the allottee to make payment of lease rent every year by the due date to the Market Committee. On default of this payment, it will be binding on the allottee to deposit lease rent in the Market Committee along with such penal interest as may be prescribed by Market Committee.(4)It will be necessary for concerned person/firm, department, institution or agency, as the case may be, to get the lease renewed from Market Committee/Board on expiry of the period. Renewal of lease shall be subject to re-fixation of lease rent in accordance with the provisions of these rules.

16. Construction of Structure by Self-finance Scheme.

- The construction of structure may be undertaken by allottee through Market Committee as per direction of the Board in the self-finance scheme. The allottee shall have to make payment of supervision charges as fixed by the Board to the Market Committee.

17. Documentation Expenses.

(1)On receipt of intimation regarding allotment of land/structure from Market Committee concerned the allottee shall execute an agreement and lease deed within 15 days. Expenses on stamp duty, charges of registration and expenses on related maps which have been prepared by Market Committee, shall be borne by the lessee. For execution of agreement and lease deed and for registration, the allottee himself or such person to whom he has empowered to execute agreement, lease deed and for registration shall have to be present along with power of attorney in that regard at the place and office required for the purpose.(2)It shall be necessary for the allottee to present the necessary documents along with requisite fee for registration of the land/structure within one month after acceptance of the auction/tender bid by the Market Committee.(3)Original copy of the registration shall be made available to the allottee and the certified copy shall be kept reserved in the record of the Market Committee or the Board as the case may be.

18. Transfer of Lease/Tenancy of Land/Structure to successor.

- In the event of death of the allottee, the land or structure may be allotted by Market Committee to his legal successor considering his application submitted with the succession letter, for the unexpired period of lease or tenancy, on which no transfer fee will be levied.

19. Appeal.

(1)Any person aggrieved by the order of any officer or decision of the Market Committee under the provisions of these rules may prefer an appeal to the Managing Director within 30 days from the receipt of the copy of order or decision, as the case may be, in question.(2)The Managing Director

may, if he is convinced and deems it fit, with facts narrated in the appeal, stay the operation of the order or the decision challenged in the appeal.(3)After giving proper opportunity of hearing to the appellant, the Managing Director may pass an order, which shall be binding on both the parties.

20. Eligibility for holding Land/Structure.

(1)Any person, firm, institution or agency, as the case may be, shall be eligible to hold the land/structure subject to the terms and conditions given below :-(a)The construction has been undertaken according to the standards and designs, as directed and expected by the Market Committee or the Board, as the case may be, for the purpose for which the land is allotted and/or the structure is used, or,(b)His eligibility has not been ceased to hold land/structure, or(c)His eligibility has not been terminated by the Market Committee, or(d)Payment of fixed premium, lease rent or rent, as the case may be is made by allottee regularly within the time limit fixed along with the interest, wherever required, to the Market Committee or the Board, as the case may be.(2)In case the allottee ceases to be the licensee of the Market Committee or his/its licence is cancelled by Market Committee, then his position to hold land/structure shall cease, in such situation, the allotment made in his favour shall terminate and the provisions of Rule 21 shall apply.

21. Consequence on Contravention of the Rules.

(1)In the event of violation or contravention of the provisions of these rules, the allotment of land/structure made in favour of the persons, firm, institution or departmental agency, shall be cancelled by the Market Committee or the Board, as the case may be, after giving the reasonable opportunity of hearing to the concerned person or firm or institution etc. In the case of an adverse order, possession of the land/structure shall be handed over to the Market Committee to the Board, as the case may be, by the allottee.(2)In case of failure under sub-rule (1), the allottee shall be treated as encroacher on the land of the Market Committee or the Board, as the case may be which shall be removed by Market Committee and the loss caused and expenses incurred shall be recovered from the concerned person or firm or institution, etc. as an arrear of land revenue.(3)Any sum due under the provisions of these rules on account of any charges, costs, expenses, fees, premium, lease rent, or any other amount which is recoverable from any allottee or person, shall be recovered under Section 61 of the Act as an arrear of land revenue.(4)Form(See Rule 11)(1)S. No.(2)Description, situation and boundaries of the land or structure;(3)Area of land or structure;(4)Valuation;(5)name of the lessee, tenant, if any, and term of lease or tenancy;(6)Date of termination of lease or tenancy;(7)Premium/rent of the land or structure;(8)Whether registration of lease deed has been done, if so, give registration number and date;(9)Signature of the Secretary, Market Committee/Authorised Officer of Madhya Pradesh State Agricultural Marketing Board.