

# The Punjab Molasses (Control) Rules, 1962

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### Rule THE-PUNJAB-MOLASSES-CONTROL-RULES-1962 of 1962

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The Punjab Molasses (Control) Rules, 1962Published vide Punjab Government Notification No. GSR 216/PA 11/41/S. 13/62, dated 17.10.1952

#### 1. Short title and commencement.

(1)These rules may be called the Punjab Molasses (Control) Rules, 1962.(2)They shall come into force at once.

#### 2. Definitions.

- In these rules, unless the context otherwise requires -(a)'Act' means the East Punjab Molasses (Control) Act, 1948;(b)[ Omitted] [Omitted by Punjab Notification No.GSR 116/PA 11/48/S. 13/Amd. (i)/66, dated 31.5.1966.];(c)'Distillery Officer' mean an Excise Officer, not below the rank of an Excise Sub Inspector, appointed under section 10(a) of the Punjab Excise Act, 1914, and deputed by the Controller to perform any function under the Act and these rules at a distillery;(d)'Form' means a form appended to these rules.

#### 3. Supply of molasses.

[Sections 3, 4 and 13] [Substituted by Punjab Government Notification No.GSR 116/PA 11/48/S. 13/Amd. (i)/66, dated 31.5.1966.]. - (1) Every distillery shall submit to the Controller by the [15th October] [Substituted by Punjab Government Notification No.GSR 116/PA 11/48/S. 13/Amd. (i)/66, dated 31.5.1966.] each year an indent in Form MCI of its estimated requirements of molasses during the twelve months commencing from the 1st January following.(2)Every sugar factory shall submit to the Controller by the 31st October each year in Form MC 2 its estimated production of molasses during the following cane crushing season.(3)On receipt of the estimates referred to in sub-rules (1) and (2), the Controller shall check the requirements of molasses indented for and after making such variations therein as he considers necessary, prepare a consolidated statement, showing the

requirements of each distillery, indicating the sugar factories from which these requirements are to be met and make a provisional allotment of molasses to each distillery.(4)The orders allotting molasses to the distilleries shall be communicated to the sugar factories, the distilleries, Officers in charge of the distilleries and to such other persons, if any, as may be concerned.(5)[ The Controller may, for reasons to be recorded in writing, modify the orders allocating molasses, as he deems fit and shall communicate the gist of the reasons to the persons directly affected by such modifications] [Substituted by Punjab Government Notification No.GSR 116/PA 11/48/S. 13/Amd. (i)/66, dated 31.5.1966.](6)After the close of the cane-crushing season, every sugar factory shall furnish to the Controller a report in Form M.C. 3 showing the total production of molasses so as to reach him not later than a week after the close of every crushing season. The Controller may call for revised requirements of molasses of the distilleries in Form M.C. 4 and on receipt thereof, the provisional allotment may be made final with such modifications as the Controller may consider necessary. [When any such modifications are made, the Controller shall record the reasons necessitating the modifications and shall communicate gist of these reasons to persons directly affected by such modifications. [Inserted by Punjab Notification dated 4.7.1979.](7)The final allotment of molasses shall communicated to all concerned in the same manner as the provisional allotment.(8)Every sugar factory shall on receipt of an order from the Controller and on intimation of the allotment of tank wagons for the transport of molasses, make all necessary arrangements promptly for the haulage and loading of molasses within the specified period and at the appropriate time.(9)Haulage and loading of a tank wagon by an occupier or Manager of a sugar factory shall not be refused on any ground without prior approval of the Controller.(10)The ownership of all molasses allotted to a distillery shall continue to vest in the occupier or Manager of sugar factory, until it is actually delivered at the distillery all and losses occurring from any cause other than wilful omission on the part of the allottee, if so determined by the Controller, shall be borne by the sugar factory.(11)[ Without prejudice to the provisions of sub-rule (10), a wastage allowance of half per cent shall be made for the loss of molasses in transit and the quantity of molasses despatched to a distillery shall be reduced accordingly. [Inserted by Punjab Notification No. GSR84/PA11/48/s.13/(Amd)(3)/79 dated 4.7.1979.]

#### **4. Maintenance of stock of molasses by the sugar factories.**

- Sections 4 and 13. - Every sugar factory shall maintain such minimum stock of molasses for use by the distilleries as may be fixed by the Controller from time to time.

#### **5. Source of supply of molasses to distilleries.**

- Sections 4 and 13. - Every distillery shall obtain supply of molasses under the authority of the Controller from the sugar factories located in Punjab unless otherwise permitted by the Controller.

#### **6. Regulation of price of molasses.**

- Sections 5 and 13 - (1) The price at which molasses of various grades shall be sold by the sugar factory to the distilleries may be notified by Government under section 5 of the Act. This price shall cover all cost incidental to the loading of molasses into railway wagons or into containers, if the

transport is by road. [(1-a) In every sugar Factory, sale proceeds of molasses at the rate of rupees two per quintal produced out of sugarcane crushed on or after the first day of October, 1987, shall be credited under a separate head of account "Storage Fund for Molasses Account" (hereinafter referred to as the "Storage Account") for providing storage facilities and the amount available under the aforesaid head of account shall be credited in a separate account in a Bank:] [Added vide Punjab Notification Government Gazette Extra dated 28.6.1978][Provided that sixty per cent of the sale proceeds of molasses held by the sugar factories in closing stock on the thirtieth day of September, 1987, shall also be continued to be credited to the Storage Account.] [Substituted vide Punjab Government Notification No. G.S.R. 25/P.A. 11/48/Ss. 13 and 15/Amd. (3)/88, dated 11.3.1988.](1-b) The occupier of each sugar factory shall, within a period of thirty days of the commencement of the Punjab Molasses (Control) (First Amendment) Rules, 1978, submit to the Controller a return showing the total sale of molasses made during the period commencing on the 1st day of November, preceding the date of such commencement till that date.(1-c) The occupier of each sugar factory shall for each month submit to the Controller a return within ten days of the close of the month to which it relates, showing the total sale of molasses during that month and the amount credited to the 'Storage Account' during that month.(1-d) The occupier of each sugar factory shall for each year submit to the Controller a return showing the total production of molasses, the total sale therefrom and the amount credited to the Storage Account during that year within a period of thirty days of the close of the year to which it relates. Such return shall be duly verified and certified as correct by a Chartered Accountant.(1-e) The amount credited to the Storage Account shall not be utilised for any purpose other than for providing storage facilities.(1-f) Where any amount is intended to be withdrawn from the Storage Account the occupier of the sugar factory shall submit his proposals for utilising the same to the Controller who may, after satisfying himself, that the proposals are in order, permit such withdrawal either in part or in whole.(1-g) The facilities required for storage of molasses in a sugar factory shall be determined by the Controller.(1-h) The storage tanks for molasses shall be as per specifications formulated by the Indian Standard Institution in IS 5521 1969 and the work shall be carried out in pucca covered masonry in the manner decided upon by the Controller.(1-i) The Controller shall after giving an opportunity to the occupier of the sugar factory fix a time schedule for providing storage facilities specified by him keeping in view the requirement of that factory.(1-j) In the event of failure on the part of the occupier of a sugar factory to provide the storage facilities specified under sub-rule (1-i), the Controller may have the work executed through the Public Works Department of the State Government or such other agency as he may determine and in such an event the occupier shall be bound to place the requisite amount for the execution of such works at the disposal of the Controller.(1-k) In the event of dispute in relation to the quantum of the amount required for the purpose referred to in sub-rule (1-j) the decision of the Controller shall be final and binding on the occupier.(1-l) The Controller or an officer authorised by him in this behalf may at all reasonable times inspect the storage facilities provided by a sugar factory].(2)Supplies to distilleries in accordance with the orders issued by the Controller shall not be contingent on pre-payment of price. Where payment for molasses is not made within a week of the receipt of molasses at the distillery the fact shall be reported by the occupier of the sugar factory to the Controller for his orders, which shall be binding on the occupier of the sugar factory and the distillery concerned.(3)All disputes regarding the payment of price of molasses shall be referred to the Controller whose decision in the matter shall be final and binding on all concerned.

## **7. Classification of grades of molasses.**

- Sections 5 and 13. (1) - The Government may specify from time to time the grades under which molasses shall be classified. Molasses issued for sale from the sugar factory shall conform to such grades.(2)The method of analysis to followed in determining the specifications and grades to which molasses shall conform may be prescribed by the Controller. The cost of such analysis shall be paid by the distillery and or the sugar factory as decided by the Controller.(3)If in the opinion of the Controller, the molasses despatched to a distillery is not of the grade as specified under rule 7(1) the same may be returned to the sugar factory concerned and the freight and other incidental charges fixed by the Controller may be recovered from the sugar factory.

## **8. Refusal to receive supply of molasses.**

- Sections 5 and 13. - (1) No distillery shall refuse molasses supplied by the sugar factory under the orders of the Controller, without the prior approval of the Controller.(2)In case of the unauthorised refusal by the distillery the cost of molasses, freight and other incidental charges or part thereof as fixed by the Controller may be recovered from the distillery and paid to the sugar factory concerned.

## **9. Storage of molasses.**

- Sections 5 and 13. - Every sugar factory shall store molasses in steel tanks or pacca covered tanks or other receptacles and take all reasonable precautions to ensure that the quality of molasses does not deteriorate on account of the intake of water or other impurities through any preventable causes or the quantity of molasses does not decrease by leakage and shall observe all instructions issued by the Controller from time to time in this behalf.

## **10. Entry into premises for inspection of record and taking samples.**

- Section 13. - The occupier and the manager of the sugar factory shall afford all reasonable facilities in the matter of inspection of premises, stocks, registers and accounts maintained by him and in the matter of taking samples by any officer of the Punjab Excise and Taxation Department not below the rank of an Excise Inspector.

## **11. Purity of molasses.**

- Section 13. - The occupier of the sugar factory, his manager or agent shall not adulterate or allow to be adulterated the molasses stocked by him.

## **12. Analysis of molasses.**

- Section 13. - The contents of any tank or receptacle used as storage of molasses at a sugar factory or distillery, if on examination by the Excise Officer or 1[Distillery Officer] are found unfit for use, shall be disposed of as waste in such manner as may be ordered by the Controller. In the event of a

disagreement with the view of the Excise Inspector or [Distillery Officer] [Substituted by Punjab Government Noti. No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.], a sample of the contents under dispute shall be forwarded to the Chemical Examiner to Government, Punjab, for opinion and the sugar factory or the distillery, as the case may be, shall bear the cost of analysis. Each sample shall be taken in the presence of the [owner] [Substituted by Punjab Government Noti. No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.] or the representative of the sugar factory or distillery. The sample shall be taken in triplicate and shall be immediately sealed in the presence of the Officer taking the sample and the representative. The contents thereof shall be described in a memorandum prepared in this behalf by the Excise Inspector of the [Distillery Officer] [Substituted by Punjab Government Noti. No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.]. One sample shall then be made over to the [owner] [Substituted by Punjab Notification No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.] or representative of the sugar factory or distillery, as the case may be, the second shall be sent for analysis to the Chemical Examiner to Government, Punjab, and the third retained by the Officer concerned pending disposal. The report of the Chemical Examiner shall be final.

### **13. Disposal of forfeited molasses.**

- Sections 6 and 13. - The molasses forfeited to Government shall be disposed of in the manner ordered by Controller in each case:[Provided that in cases where an appeal has been filed, the Controller shall not make the order of disposal of molasses unless the appeal is heard and decided.] [Inserted by Punjab Government Notification No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.]

#### **13A. [ Procedure of appeal.] [Added by Punjab Notification No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.]**

- Sections 6(3) and 13. - Every memorandum of appeal shall be accompanied by the order appealed against, in original, or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority. The time spent in obtaining an authenticated copy of such order shall be excluded from the period of limitation prescribed under sub-section (3) of section 6 of the Act.

### **14. Maintenance of accounts and submission of returns.**

- Sections 3 and 13. - (1) The owner, occupier or manager of a sugar factory shall maintain correct account of the production and sale of molasses in Form MC 5 and furnish weekly return in Form MC 6 to the Controller.(2)Every distillery shall furnish to the controller a weekly return in Form MC 7, showing the receipt and consumption of molasses.Form MC 1[See Rule 3(1)]Preliminary indent form for Molasses to be submitted by the Distilleries to the Controller by the [(15th October)] [Inserted by Punjab Government Notification No. GSR 161/PA 11/48/S. 13 Adm. (i) 66, dated 31.5.1966.].

**1. Quantity of molasses required for the manufacture of -**

(a)Country spirit.(b)Indian made foreign spirit.(c)Rectified spirit.(d)Power Alcohol.(e)Denatured spirit.for the year \_\_\_\_\_ (January to December)

**2. Quantity of molasses received and used during the previous year (January to December) for the manufacture of-**

(a)Country spirit.(b)Indian made foreign spirit.(c)Rectified spirit.(d)Power Alcohol.(e)Denatured spirit.

**3. Quantity of molasses used since January to 31st October this year for the manufacture of -**

(a)Country spirit.(b)Indian made foreign spirit.(c)Rectified spirit.(d)Power Alcohol.(e)Denatured spirit.

**4. Quantity of molasses in stock on the 1st day of January.**

**5. Quantity of molasses received from 1st January to 31st October this year.**

**6. Total (column 4 plus column 5).**

**7. Quantity of molasses used in the manufacture (as shown in column 3).**

**8. Quantity of molasses still to be lifted according to existing allotment.**

**9. Quantity of molasses likely to be consumed during the period from 1st November to 31st December.**

**10. Balance of quantity of molasses likely to remain in storage.**

Dated the \_\_\_\_\_ Signature of the Proprietor, Manager, Distillery Dated the \_\_\_\_\_ Countersignature of the Officer Incharge of the Distillery. Form MC 2[See Rule 3(2)] To be submitted by the sugar factories to the Controller by the 31st October

**1. The date on which the sugar factory shall start cane crushing for next season.**

**2.**

(1)Total anticipated production of molasses for the next season.(2)Quantity of molasses which may be produced daily.

**3. Total storage capacity.**

**4. Number of steel tanks.**

**5. Number of pucca covered tanks.**

**6. Capacity of each tank.**

**7. Quantity to be stored in tanks.**

**8. Quantity to be stored in receptacles.**

**9. The date from which the loading of molasses can be taken up at the sugar factory.**

**10. The number of tank wagons that can be loaded daily.**

**11. The actual production during the last season.**

**12. The quantity of molasses delivered out of the quantity mentioned in column 11 to -**

(1)Distilleries (name and quantity to be written).(2)Other persons.

**13. Balance.**

**14. Have the empty tanks been repaired, cleaned and covered and are for storage of molasses ?**

**15. Names and addresses of the individuals who are responsible.**

(a)Owner.(b)Occupier.(c)Manager.

## **16. Signature of the Owner, Occupier or Manager of the Sugar Factory.**

Dated the Form MC 3 [See Rule 3(6)] To be submitted by the sugar factories to the Controller not later than a week after the close of every crushing season

- 1. Date of closing the cane-crushing operation.**
- 2. Final quantity of molasses produced during the current season.**
- 3. The quantity lifted the closure of crushing (dated to be noted).**
- 4. Balance of quantity still available.**

Dated the Signature of the Owner, Occupier, or Manager of the Sugar Factory Form MC 4 [See Rule 3(6)] (To be submitted by the Distilleries through the Officer-in-Charge of the Distilleries so as to reach the office of the Controller by the 15th May each year positively)

### **1. Molasses required for the manufacture of -**

(a) Country spirit. (b) Indian made foreign spirit. (c) Rectified spirit. (d) Power Alcohol. (e) Denatured spirit. (From January to December for twelve months).

- 2. Quantity of molasses held in stock on the 1st January.**
- 3. Net requirement of molasses (column 1 minus column 2)**
- 4. Quantity of molasses received from 1st January to 20th April (with detail).**
- 5. Quantity of molasses utilized for the purpose of :-**

(a) Country spirit. (b) Indian made foreign spirit. (c) Rectified spirit. (d) Power Alcohol. (e) Denatured spirit.

### **6. Reasons, if any, for the increase in the requirement of this year.**

Dated the Signature of Proprietor/Manager of the Distillery Dated the Countersignature of the Distillery Officer Form MC 5 [See Rule 14(1)] Account register for molasses to be maintained by the occupier of \_\_\_\_\_ Sugar Factory showing the production and disposal of molasses (separate account to be maintained for each season).

Quantity of Molasses

Date Opening balance      Production Total Number of tank wagons



1	2	3	4	5	
Issue of Molasses				Balance of Molasses	
To distilleries (indicate the name of distillery)	To other persons (indicate their names and addresses)		Total	Column 4 minus column 8	Signature of the occupier of the sugar factory or his manager or agent.
6	7		8	9	10

Form MC 6[See rule 14(1)](Weekly statement showing production and disposal of molasses to be submitted by the occupier of the sugar factory to the Controller)Statement for week ending

Quantity of Molasses					
Date	Opening balance	Production	Total	Number of tank wagons	
1	2	3	4	5	
Issue of Molasses				Balance of Molasses	
To distilleries (indicate the name of distillery)		To other persons (indicate their names and addresses)		Total	Column 4 minus column 8
6		7		8	9

Dated theSignature of the Owner, Occupier or Manager of the Sugar Factory.Form MC 7[See Rule 14(2)]Statement for the Work Ending(Weekly statement showing receipt of molasses to be submitted by the distillery to the Controller through the Excise Inspector Incharge of the distillery).

Quantity of Molasses							
Date	Opening Balance	Received	Total	Name of the Sugar Factory from which received	Number of tank wagons with which molasses were despatched	Quantity of molasses consumed	Closing Balance
1	2	3	4	5	6	7	8

Dated theSignature of the Distillery.Dated theCountersignatures of the Officer-Inchargeof the Distillery.