

# The Orissa Khandasari and Gur Dealers' Licensing Order, 1963

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### Rule

### THE-ORISSA-KHANDASARI-AND-GUR-DEALERS-LICENSING-ORDER of 1963

- Published on 26 July 1963
- Commenced on 26 July 1963
- [This is the version of this document from 26 July 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Khandasari and Gur Dealers' Licensing Order, 1963Published vide Notification No.15405-3-S-61/63-Sug, dated 26th July, 1963Notification No.15405-III-S-61/63-Sug, dated 26th July, 1963. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. 888-G.S.R., dated the 28th June, 1961, the State Government do hereby make the following Order, namely :

#### 1. Short title, extent and commencement.

(1)This Order may be called the Orissa Khandasari and Gur Dealers' Licensing Order, 1963.(2)It extends to the whole of the State of Orissa.(3)It shall come into force, with effect from the 1st September, 1963.

#### 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 Khandasari or Gur in quantities exceeding 50 quintals at any one time, but does not include an industrial undertaking which is engaged in the manufacture or production of Khandasari or Gur and which is registered or licensed under the Industries (Development and Regulation) Act, 1951;(b)"Form" means a Form set forth in the Schedule to this Order;(c)"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;(d)"khandasari" means Khandasari Sugar that is to say sugar in the manufacture of which neither a vacuum pan nor vacuum evaporator is employed;(e)"Gur" means articles commonly

known as Gur, Jaggery, Palmyra Jaggery, Shakkar and Rab includes raw sugar and also uncrystallized sugar in any other form comprising original and convertible molasses and other impurity inherent or foreign, prepared by boiling cane or palmyra juice.

### **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. (2) A separate licence shall be necessary for each place of business. (3) For the purpose of this clause, any person who stores Khandasari or Gur in any quantity exceeding 50 quintals at any one time shall, unless the contrary is proved, be deemed to store the Khandasari or Gur for the purpose of carrying on the business of purchase or sale or storage for sale of Khandasari and Gur. (4) Separate licences shall be necessary for Khandasari and Gur.

#### **3A. [ Maximum limit for holding stock of Gur. [Inserted vide Orissa Gazette Extraordinary 342/23.3.1990-Notification No. 5202 PL-IC-9/90/2.3.1990.]**

- No licensee shall at any time hold in stock more than 250 quintals of Gur.]

### **4. Issue of licence.**

(1) Every application for a licence or renewal thereof shall be made to the licencing authority in Form 'A'. (2) Every licence issued, reissued or renewed under this Order shall be subject to the conditions specified therein.

#### **5. [ Period of licence and fees chargeable. [Substituted vide Notification No. 28475/29.9.1984.]**

- [(1) Every licence, granted under this order shall, unless revoked or expired, be valid for a period of one year or more but not exceeding five years ending on the 31st day of March and may be renewed for a period of one year or more but not exceeding five years, at a time on an application within thirty days before the date of expiry of such licence.] Explanation - "Year" means the financial year commencing on the 1st day of April. (2) [ The fees chargeable in respect of each licence for a period of one year or less or per year shall be as specified below :-

|                                |                |
|--------------------------------|----------------|
| For issue of licence           | ... Rs.600.00  |
| For renewal of licence         | ... Rs.300.00  |
| For issue of duplicate licence | ... Rs.300.00] |

[Substituted vide O.G.E. No. 1023 dated 6.9.1995.](3)[ \* \* \*] [Omitted vide O.G.E. No. 1023 dated 6.9.1995.]

**5A. [ \* \* \* ] [Omitted vide O.G.E. No. 1023 dated 6.9.1995.]**

**6. Power to refuse licence.**

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

**7. Contravention of condition of licence.**

- No holder of a licence issued under this Order or his agent or servant or any person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any person acting on his behalf 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 reasonable opportunity of stating his case against the proposed cancellation or suspension.

**7A.**

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 Gur and Khandasari, 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, reissue the licence to such person.

**8. Appeal.**

(1)Any person aggrieved by any order of the licensing authority refusing to issue or reissue or renew a licence or cancelling or suspending a licence 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 reasonable opportunity of stating his case.(3)Pending the disposal of an appeal, the State Government may direct that the order refusing to issue or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

**9.**

The State Government or the licensing authority may, from time to time, issue any direction to a dealer with regard to purchase, sale or storage for sale of Khandasari or Gur and every such dealer to whom any direction is issued under this Order shall comply with such direction.

## **10. Powers 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 books, 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 the 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 Khandasari or Gur and the animals, vehicles, vessels or other conveyance used in carrying the said Khandasari or Gur in contravention of the provisions of this Order or of the conditions of the licences issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of Khandasari or Gur 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 seizures under this clause.

## **11. Savings.**

- Nothing in this Order shall apply to-(i)the sale or storage for sale or purchase of Khandasari or Gur on Government account ; and(ii)the sale by Banks of Khandasari or Gur hypothecated to them; provided that the Khandasari or Gur is sold in accordance with the terms and conditions applicable to the hypothecators.

## **Schedule**

Form 'A'[See Clause 4 (1)]Application 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 Khandasari or Gur ?.....**

**6. Did the applicant hold a Khandasari or Gur licence on any previous occasion ?.....**

(If so, give particulars including its suspension or cancellation, if any).

**7. Quantities of Khandasari or Gur handled annually during the last three years (November-October).....**

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

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

**9. Quantity of Khandasari or Gur in the possession of the applicant on the date of application and the places at which the different quantities are kept.....**

I declare that the quantities of Khandasari or Gur specified above are in my possession this day and are held at the places noted against them. I have carefully read the conditions of licence given in Form 'B' appended to the Orissa Khandasari and Gur Dealers' Licensing Order, 1963 and I agree to abide by them. \*(a) I have not previously applied for a licence in this district under this Order ; \*(b) I applied for such licence in this district for.....on.....and was/was not granted a licence No..... \*(c) I hereby apply for renewal of licence No.....dated.....issued to me on.....Signature of the applicantPlace.....Date.....\* Strike out the clauses not applicable. Form 'B'[See Clause 4 (2)]Licence for purchase, sale or storage of Khandasari or Gur for saleLicence No.....

**1. Subject to the provisions of the Orissa Khandasari and Gur Dealers' Licensing Order, 1963 and to the terms and conditions of this licence is/are hereby authorised to purchase, sell or store Khandasari/Gur for sale.**

**2. The licensee shall carry on the aforesaid business at the following place.....**

**3. (i) The licensee shall maintain a register of daily accounts for Khandasari/ Gur 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 place 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)Separate registers should be maintained for Khandasari and Gur.

**4. The licensee shall submit to the licensing authority concerned a true return in Form 'C' of the stock, receipts and deliveries of each of the Khandasari or Gur every fortnight (1st to 15th and 16th to end of the month), so as to reach him within five days after the close of the fortnight.**

**5. The licensee shall not contravene the provisions of the Khandasari and Gur Dealers' Licensing Order, 1963 or any other order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).**

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

**7. The licensee shall not-**

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

**8. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number (if any) of the customer, the date of 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 other officer authorised by him in this behalf.**

**9. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the State Government for the inspection of his stock and accounts at any shop, godown or other place used by him for the storage, sale or purchase of Khandasari or Gur and for the taking of samples of Khandasari or Gur for examination.**

**10. The licensee shall comply with any direction that may be given to him by the State Government or the licensing authority in regard to purchase, sale and storage for sale of Khandasari or Gur and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 8 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.**

**11. This licence shall be attached to any application for renewal.**

**12. This licence shall be valid up to the 31st day of December.**

Place.....Date.....Signature of the Officer issuing licenceForm 'C'[See Condition 4 of Form 'B'](For use by a dealer)Return of stocks, receipts and sales of Khandasari or Gur for the fortnight ending.....Name.....No. of licence.....Address.....Particulars of godowns where stocks held and quantity in stock in each quality of Khandasari or Gur in stock in quintals.

Particulars of godowns    Quantity in stock (quintals)    Remarks, if any

1.2.3.

### **1. Stock at the beginning of the fortnight-**

(a)actually with the licensee.....quintals(b)pledged with any person or institution such as Bank or Co-operative Society...../quintal/total quintal.

### **2. Quantity purchased during the fortnight-**

Name of factory from which purchased    Quantity in quintals

(i) .....(ii).....(iii) .....

Total .....

### **3. Quantity received out of quantity purchased-**

From (Name o factory)                      Quantity in quintals    Date of purchase

(i) .....(ii).....(iii) .....

### **4. Quantity sold-**

(a)quantity sold/and delivered/removed during the fortnight.....quintals :(b)quantity sold but not yet delivered.....Total Quintals

## 5. Stocks at the end of the fortnight-

(a) actually with the licensee-(i)unsold.....(ii)sold but awaiting delivery.....(b)pledged with any other person or institution such as a Bank or a Co-operative Society.Total:

## 6. [ (i) Price paid to the producer.....

(ii)Price paid to the wholesalers.....In case of purchase from another traderIncidental charges(i)Brokerage or commission.....(ii)Transport charges.....(iii)Other expenses.....Total(i)Selling price to trader in case of sale to another trader.....(ii)Selling price to consumers.....]ToThe Licensing Authority.....

Place..... District.....

Date..... Signature

[Inserted vide Notification No. 3767-dated 22.2.1965.]