

The Orissa Tea (Registration of Dealers and Declaration of Stocks) Order, 1984

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India

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Rule

THE-ORISSA-TEA-REGISTRATION-OF-DEALERS-AND-DECLARATION of 1984

- Published on 3 January 1984
- Commenced on 3 January 1984
- [This is the version of this document from 3 January 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Tea (Registration of Dealers and Declaration of Stocks) Order, 1984Published vide Notification S.R.O. No. 34/84, Orissa Gazette Extraordinary No. 6/3.1.1984Notification S.R.O. No. 34/84, dated 3rd January 1984. - Whereas the Government of Orissa are of the opinion that it is necessary and expedient so to do for maintaining supplies of tea as an essential commodity and for securing its equitable distribution;Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955), read with the notification of the Government of India in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) No GSR 681 (E), dated the 30th November 1947, published in the Gazette of India Part II, Extraordinary, Section 3, Sub-section (1), dated the 30th November 1974, the State Government do hereby make the following Order, namely:

1. Short title, extent and commencement.

(1)This Order may be called the Orissa Tea (Registration of Dealers and Declaration of Stocks) Order, 1984.(2)It shall extend to the whole of the State of Orissa.(3)It shall come into force on the 5th day of January 1984.

2. Definitions.

- In this Order, unless the context otherwise requires-(a)"Certificate" means the Registration Certificate issued under Clause 4;(b)"Commission agent" means a commission agent having in the customary course of business as such agent, authority to sell tea, or to consign tea for the purposes

of sale or to buy tea.(c)"Dealer" means a person engaged in the business of purchase, sale or storage for sale of tea in quantities exceeding [three] [Substituted vide Notification No. 8886/25.3.1986.] thousand kilograms of tea at any time and includes a broker, commissioner agent, manufacturer and a warehouse keeper;(d)"Form" means a Form appended to this Order;(e)"Registering Authority" means the Collector of the district or any other officer not below the rank of Sub-divisional Officer as may be authorised by him in this behalf;(f)"State Government" means the Government of Orissa;(g)"Tea" means the plant *Camellia Sinensia* (L) O. Kuntze as well as all varieties of the product known commercially as tea made from the leaves of the said plant including green tea;(h)"Warehouse keeper" means a person who owns or maintains a warehouse wherein tea is stored for the purposes of sale either by auction or otherwise;(i)"Year" means financial year;(j)Words and expressions used but not defined herein shall have the meaning respectively assigned to them in the Tea Act, 1953 (Act 29 of 1953).

3. Registration of dealers.

(1)From the date of coming into force of this Order, no person shall carry on business as a dealer unless he is registered as such in accordance with the provisions of this Order and obtains a certificate issued by the Registering Authority.(2)For the purpose of this clause any person who stores tea in any quantity exceeding [three] [Substituted vide Notification No. 8886/25.3.1986.] thousand kilograms at any time, shall, unless the contrary is proved, be deemed to store the tea for the purpose of carrying on business, purchase or sale or storage for sale of tea.

4. Issue of registration certificate.

(1)Every application for the issue of registration certificate or for renewal thereof, shall be made to the Registering Authority in Form 'A'.(2)The registration certificate shall be issued in Form 'B'.

5. Period of validity of certificate and fees chargeable for registration.

(1)Every certificate issued under this Order shall until it is cancelled by the Registering Authority be valid till the 31st March of the year in which it is issued and may thereafter be renewed for a further period of one year at a time.(2)The fees chargeable for each certificate shall be as specified below :

For issue of certificate	Rs. 150.00
For issue of duplicate certificate	Rs. 70.00
For renewal of certificate	Rs. 100.00

(3)The dealer shall immediately obtain from the Registering Authority a duplicate of the certificate if the original is lost, defaced or destroyed.(4)The fees specified above shall be deposited in the Government Treasury by Challan to the credit of the State Government under the appropriate head of account.

6. Returns.

- Every dealer shall furnish correct fortnightly returns to such authority as may be specified by the State Government in this behalf by notification in the Official Gazette in respect of such stocks of tea held by him.

7. Security deposit.

(1) Every person applying for a certificate shall, before a certificate is issued in his favour, deposit with the Registering Authority a sum of rupees one thousand by way of security for due performance of the conditions subject to which the certificate is issued to him. (2) The security deposit referred to in Sub-Clause (1) shall be made in any one of the following forms, namely : (a) A Demand draft on the State Bank of India endorsed in favour of the Registering Authority; (b) A deposit-at-call-receipt of the State Bank of India endorsed in favour of the Registering Authority; (c) Government securities at five per cent below market price or at face value, whichever is less endorsed in favour of the Registering Authority; (d) Savings certificate transferred in the manner provided in Rule 19 of the Post Office Savings Certificate Rules, 1960, to the Governor of Orissa in his official capacity; (e) Treasury receipts endorsed in favour of the Registering Authority; (f) Post Office Savings Bank Pass Book the account being pledged to the Registering Authority; and (g) Cash deposit into Government Treasury under the head Revenue Deposits.

8. Contravention of provisions of this order and conditions of certificate.

(1) If a dealer contravenes any of the provisions of this Order or any of the conditions of the certificate, the Registering Authority shall, without prejudice to any other action that may be taken against him, by an order in writing, suspend or cancel his certificate and may also by order forfeit the security deposit and communicate a copy of the said order to the dealer : Provided that no order shall be made under this clause unless the dealer has been given a reasonable opportunity of stating his case against the proposed suspension, cancellation of the certificate or forfeiture of the security deposit. (2) Notwithstanding anything contained in this clause or in Clause 9, where a dealer has been convicted by a Court of Law under Section 7 of the Essential Commodities Act, 1955, the Registering Authority may, by an order in writing cancel the certificate : Provided that where such conviction is set aside in any appeal or revision, the Registering Authority may, on application in Form 'A' by the person whose certificate has been cancelled, re-issue the certificate to such person without payment of any fee.

9. Appeal.

(1) Any person aggrieved by an order of the Registering Authority, suspending or cancelling the certificate or forfeiting the security deposit under the provisions of this Order, may appeal to the Controller of Supplies appointed by the State Government within a period of 30 days from the date of receipt by him of the aforesaid order. (2) No order shall be made under this clause unless the appellate is given a reasonable opportunity of stating his case. (3) Pending disposal of an appeal, the

Controller of Supplies, may direct that the order of the Registering Authority against which the appeal is preferred shall not take effect until the appeal is disposed of.

10. Powers of entry, search and seizure.

(1)The Registering 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 or premises where he has reason to believe that any contravention of the provisions of this Order has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contravention;(b)enter, inspect or break open and search any place or premises and the stocks of tea stocked therein where he has reason to believe that a contravention of this Order 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 contravention which are produced before him;(d)search, seize and remove stocks of tea and the animals, vehicles, vessels and other conveyances used in carrying the said stocks of tea, in contravention of the provisions of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of the stocks of tea and the animals, vehicles, vessels or for other conveyances so seized, in a Court and for their safe custody pending such production.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.Form A[See Clause 4(1)]

1. Applicant's name

2. Father's name

3. Address

4. Quantity of tea held by the applicant

5. Location of applicants' place or places of business

6. If the tea is held on behalf of another person, full particulars as in 1 to 5 in respect of the other persons.

I declare that kilograms of tea is in my possession this day and is held at the place/place noted above.I request that-*(1) A certificate of registration may be issued in my favour.*(2) My registration certificate bearing No..... may be renewed for the year....;*Strike off whichever is not applicable.Signature of the applicant.Form B[See Clause 4 (2)]

- 1. Certificate for storage of tea in excess of 1,000 kilograms is hereby issued subject to the following conditions.**
- 2. The registered dealer shall carry on business at; provided that where the registered dealer is compelled by circumstances beyond his control to store tea at a place other than the place specified above, he shall inform the Registering Authority of his having done so within 48 hours of such storage and shall produce the certificate for making required changes by the Registering Authority.**
- 3. The dealer shall not contravene the provisions of the Orissa Tea (Registration of Dealers and Declaration of Stocks) Order, 1984.**
- 4. The dealer shall issue to every purchaser a correct receipt or invoice, as the case may be, giving his own name and address and registration number and the name and Address of the purchaser along with the quantity of tea sold and the total price charged and shall keep a duplicate of the same available with him.**
- 5. The dealer shall give all facilities at all reasonable times to the Registering Authority or any other officer authorised by the State Government for inspection of his stocks, and accounts at his place of storage.**

Registering Authority.