

The Tea Waste (Control) Order, 1959

UNION OF INDIA

India

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Rule THE-TEA-WASTE-CONTROL-ORDER-1959 of 1959

- Published on 18 March 1959
- Commenced on 18 March 1959
- [This is the version of this document from 18 March 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tea Waste (Control) Order, 1959 Published vide Notification in the Gazette of India, 1959, Part 2, Section 3(i), Page 409.

1732.

G.S.R. 354, dated the 18th March, 1959. - In exercise of the powers conferred by Sub-Sections (3) and (5) of Section 30 of the Tea Act, hereby makes the following order, Namely :-

1. Short title and commencement. - (1) This order may be called the Tea Waste (Control) order, 1959.

(2) It shall come into force at once.

2. Definitions. - In this Order, unless the context otherwise requires.

(a) "Act" means the Tea Act, 1953 (29 of 1953) (b) "licence" means a licence granted under this Order; (c) "licensee" means any person holding a licence; (d) ["licensing authority" means the Chairman, Tea Board or Chief Regional Executive, Coonoor or Chief Regional Executive, Guwahati of the Tea board;] [Substituted by Notification No. G.S.R. 629(E), dated 31.8.2001] (e) "offer for sale" includes an intimation by a person of a proposal by him for the sale of any tea waste made by the publication of a price-list or by exposing the tea waste for sale or by communication of the price thereof by furnishing a quotation or otherwise howsoever; and (f) ["tea waste" means tea sweepings, tea fluff, tea fibre or tea stalks or any article purporting to be tea which does not conform to the specifications for tea laid down under the Prevention of Food Adulteration Act, 1954 (37 of 1954), but does not include green tea or tea stalks.] [Substituted by G.S.R. 1746, dated 14-12-1962.] (g) [Registered Sellers of Tea Waste mean sellers of Tea Waste not domiciled in India and/ or citizens of India who have been registered by Competent Authorities in their countries of origin indicating detailed particulars of the manner of procurement of tea waste by such sellers in

their respective countries along with a Certificate of Registration issued in this behalf by such authority.] [Inserted by Notification No. G.S.R. 763(E), dated 23.12.1998]

3. [Presons, including manufacturers of tea, exporting, importing, selling, purchasing, storing tea waste to obtain licences. [Inserted by Notification No. G.S.R. 763(E), dated 23.12.1998] - With effect from such date as may be fixed by the Central Government by notification in the Official Gazette in this behalf, no person including a manufacturer of tea shall export, import, sell, offer for sale buy from licensed sellers of tea wastes within India or from registered sellers of tea wastes beyond the territorial boundaries of India or hold in stock any tea waste except under and in accordance with the terms and conditions of a licence granted to him under this Order :

Provided that the licensing authority may allow sale, buying or holding in stock of any tea waste, which has not been so denatured specifically for use as raw material for the manufacture of instant tea; Provided further that the tea waste before it is so exported, sold or held in stock, shall be denatured by the admixture of not less than five per cent, slack lime or such other denaturants as may be specified by the Board in this behalf from time to time.][3A. Minimum Volume of tea waste during manufacture - There shall be a minimum volume of tea waste and made tea at the ratio of 2-100 Kilograms when processed out of tea leaves, buds and tender stems of plant *Camellia Sinensis* (L)O. Kuntze.] [Inserted by Notification No. G.S.R. 167, dated 5.3.2002]

4. Manner of disposal of tea waste. - With effect from the date referred to in clause 3 no person shall dispose of any tea waste except in the following manner, namely :-

(a)by sale to any person holding a licence;(b)by export;(c)by utilising it in the manufacture of caffeine;(d)by destruction, by burning or by conversion as compost in accordance with any procedure laid down under any excise law for the time being in force.

5. Application for licence. - Every person desiring to obtain a licence shall make an application in duplicate to the licensing authority in Form A annexed to this Order.

6. Grant or refusal of licence. -(1) The licensing authority may by Order, for reasons to be recorded, refuse to grant a licence to any applicant and shall, as soon as possible, serve him with a copy of the order.

(2)Where an application for licence is not refused under sub-clause (1) the licensing authority shall grant the applicant in Form B annexed to this Order and every such licence shall be subject to the terms and conditions contained therein.

7. Period of Validity of licence. - Every licence shall, unless previously cancelled, be in force until the 31st December next following.

8. Renewal of licence.-The licensing authority may, on application made to it in duplicate, renew a licence. Every such application and the certificate of renewal shall be in Form C annexed to this Order. Every renewed licence shall be valid up to the 31st December next following.

(2)No application for renewal shall be refused unless the applicant has been given an opportunity of being heard and reasons for such refusal are recorded in writing. The applicant shall, as soon as possible, be served with a copy of the Order of refusal.

9. Restriction on transfer of licence.-(1) No person shall transfer any licence granted to him under this Order.

(2)Notwithstanding anything contained in sub-clause (1), a licensee may admit any other person or persons or persons as a partner or partners in the business covered by the licence and where he does, so he shall get the licence amended by the licensing authority accordingly as soon as possible:Provided that he shall not take a partner who has been refused a grant or renewal of a licence for any serious and material irregularities.

10. Power to cancel licence.-The licensing authority may by order, after giving the licensee an opportunity of being heard, cancel his licence on any of the following grounds, namely :-

(a)that the licence had been obtained by misrepresentation as to a material particular; or(b)that any of the provisions of this Order or any of the terms and conditions of the licence has been contravened; or(c)that the license has been convicted of any offence for adulteration of tea under the prevention of Food Adulteration Act, 1954 (37 of 1954)The licensee shall, as soon as possible, be served with a copy of the order cancelling the licence.

2. Where a licence is cancelled under sub-clause (1), the licensee shall not be entitled to claim refund of any sum paid to the licensing authority in respect of the licence.

11. Disposal of stocks where licence is not renewed or is cancelled.-Every person whose application for renewal of his licence has been refused or whose licensee has been cancelled under this Order shall dispose of his stocks of tea waste in accordance with the provisions of clause 4 within such time as may be fixed in this behalf by the licensing authority.

12. Appeal.-Any person aggrieved by an order-

(a)refusing to grant or renew a licence, or(b)cancelling licence,may within sixty days from the date of service of the order, appeal to the Central Government and the decision of the Central Government shall be final.

13. Restriction, on possession of stocks of stocks.-(1) No licensee shall at any time after the expiry of four months from the date referred to in clause 3 have in his possession any quantity of tea waste exceeding the quantity fixed in respect of him in this behalf by the licensing authority.

(2)The licensing authority for the purpose of fixing any quantity of tea waste under sub-clause (1) shall have regard to the following factors, namely :-(i)[tea waste sold or exported or brought or imported by the licensee or utilised by him in the manufacture or caffeine or instant tea in the calendar year immediately preceding the date of the licence or, as the case may be, the date of renewal thereof;] [Substituted by Notification No. G.S.R. 763(E), dated 23.12.1998](ii)such other factors as the licensing authority may consider relevant in the circumstances of the case.

14. Taking of samples. - (1) Any officer of the Board duly authority by the licensing authority may at all reasonable times take samples of tea waste held in stock by a licensee in such manner as may be prescribed by the licensing authority and have them analysed by an analyst approved by the licensing authority for the purpose of ascertaining if the tea waste has been denatured in accordance with the second proviso to clause 3.

(2)Where any sample is taken under sub-clause (1) its cost calculated at the rate at which such tea waste is usually sold shall be paid or offered to the person from whom it is taken.

15. Maintenance of records. -(1) The licensing authority may issue directions to any licensee requiring him to maintain such records of his purchases, sales, exports, contracts or other matters connected with his undertaking or business in tea waste and in such form as may be specified in the directions.

(2)Any direction of the nature referred to in sub-clause (1) may be issued generally to all licensees or any class thereof.

16. Power to enter, search and seize. -(1) The licensing authority or any officer of the Board specially authorised in writing by that authority in this behalf or an officer of the Central Excise Department not below the rank of Inspector may enter and search at all reasonable times any land, building,

enclosed place, premises, vehicle, vessel, aircraft, conveyance, plant or machinery upon or in which tea waste is processed, stored, sorted, manufactured, carried or sold ; and such authority, or officer, having reason to believe that the tea waste is being processed, stored, sorted, manufactured, carried or sold in contravention of this Order may seize such tea waste.

(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.

17. Checking of accounts.-The licensing authority or any officer of the Board Specially authorised in writing by that authority in this behalf or an officer of the Central Excise Department not below the rank of Inspector may check the accounts or records of tea waste of any licence, or check his stocks of tea waste physically for all or any of the purposes of the Act or this Order.

18. Fees for a licence.-The fee payable to the licensing authority for the grant of a licence shall be fifty rupees and for its renewal five rupees.

19. Mode of service of an order or direction.-Any order or direction made or issued by the licensing authority may be served in the following manner, namely :-

(a)in the case of an order of a general nature or affecting a class of person, by notification in the Official Gazette;(b)in the case of an order directed to a specified individual--(1)by delivering or tendering it to that individual ; or(2)if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

20. Breach of conditions of licence to be deemed as contravention of this Order.-If any licensee commits any breach of any of the terms and conditions of the licence, he shall be deemed to have contravened the provisions of this Order.

FORM AForm of application for licence[See clause 5]ToThe licensing Authority,Application for licence

1. Name of the applicant.

2. Address.

3. Purpose for which licence is required -export, sale, purchase or holding in stock of tea waste (strike out unnecessary words).

4. Quantities of tea waste purchased, sold, held in stock, exported, or utilised for manufacture of caffeine during each of the preceding three calendar years.

5. Quantity of tea waste held in stock on the date of application.

6. Details of the place at which tea waste is proposed to be stored-

(a)address;(b)whether the godown or place of storage will be kept under lock ;(c)whether storage space will be utilised for storing tea waste only.

7. Whether the applicant is engaged in buying and selling tea, whether loose or in packers. If the answer is in the affirmative, the address of the place of storage of tea and of the factory where sorting, grading, cleaning or blending is done should be stated.

I hereby declare that if a licence is granted to me by the licensing authority for the above mentioned purpose in terms of clause of the Tea Waste (Control) Order, 1959, I shall abide by the terms and conditions of the licence.

Signature of the applicant. Date FORM B Form of licence [See clause 6] Tea Board Licence No

..... Date Licence Shri/Sarvashri

..... of is/are hereby authorised to buy, sell, hold in stock, export tea waste under the Tea waste (Control) Order, 1959 subject to the terms and conditions of the licence specified below. This licence shall remain in force from to the 31st December, 19 unless previously cancelled and is not transferable. The place of storage is at Chairman, Tea Board/Licensing Authority. Date Terms and conditions of Licence

1. The licensee shall produce his licence for inspection on demand by the licensing authority or by any officer of the Tea Board duly authorised by that authority.

2. Within twenty four hours from the time of booking or despatch, whichever is earlier, of each consignment of tea waste by rail, road or steamer every licensee shall send intimation in writing containing the particulars of set out below to the local officer of the Central Excise Department, with a copy to the Tea Board, Calcutta, and a copy to the Collector of Central Excise having jurisdiction at the receiving end. A copy of the note containing the said particulars shall also accompany the consignment. The particulars are:

(a)quantity of tea waste consigned;(b)date of booking or despatch;(c)railway, road or steamer receipt number;(d)name, address and licence number of consignor ; and(e)name address and licence number of consignee.

3. The consignor shall mark every package of tea waste with the label "Tea Waste" in the bold letters and give the following particulars on each package :

(a)name, address and licence number of consignor ; and(b)name, address and licence number of consignee.FORM CForm of application for renewal of licence and certificate of renewal[See Clause 8]ToThe Licensing Authority,I/we hereby apply for renewal of licence No datedFull name and address of the applicant in block lettersDatedPlacedSignature of the applicant.Certified that the licence Nogranted on the..... to under the Tea Waste (control) Order, 1959 is hereby renewed, until the 31st December 19..... unless previously cancelled before that date under the provisions of the Tea Waste (control) Order, 1959.DateRenewal NoLicensing Authority