

The Punjab Molasses (Control) Rules, 1962

HARYANA

India

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

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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 Government Notification No. GSR 116/PA 11/48/S. 13/Amd. (i)/66 dated the 31st May, 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 Ibid.]. - (1) Every distillery shall submit to the Controller by the [15th October] [Substituted by Ibid.] each year an indent in Form MC1 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 MC2 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 the 31st May, 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.(7)The final allotment of molasses shall be 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)[(a) The ownership of all molasses despatched in railway tank wagons to distillery shall continue to vest in the occupier of the sugar factory concerned until it is actually delivered at the distillery and all losses occurring from any cause other than a wilful omission on the part of the distillery, shall be borne by the occupier of the sugar factory. The ownership of molasses transported by road shall pass on to the allottee as soon as the molasses are taken out of the factory premises with gate-pass and such allottee shall be responsible for its safe arrival at the destination and for loss in transit, if any.(b)The allottee, requiring molasses for purpose of industrial development, shall make his own arrangement for transport of molasses and he shall be responsible for safe arrival of the molasses at the destination and for loss in transit, if any.](11)[On receipt of the consignment, the consignee shall verify the quantities received and note them on the back of the pass and return it to the occupier of the sugar factory concerned. The consignee shall take adequate safeguards to see that the wastage or deficiency in transit does not exceed 0.5%. In case the wastage or deficiency exceeds 0.5%, the consignee shall be liable to the punishment imposed under the Act or for the contravention of the rule :Provided, if it is proved to the satisfaction of the Controller that wastage or deficiency is in excess of the prescribed limit, has been caused by an accident or any other unavoidable cause by consignee, he shall not be liable to punishment.(12)The distillery shall take adequate safeguards to see that the wastage in the storage of molasses does not exceed 0.5%. The loss shall be calculated on the average stock held per day and not on the receipt. In case the wastage exceeds 0.5%, the distillery shall be liable to penalties as provided in section 6 of the East Punjab Molasses (Control) Act, 1948.] [Added by Haryana Notification No. GSR 2/PA 11/48/S.13/Amd/96 dated 11.1.1996.]

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 [Haryana] [See Haryana Legislature Supplement Part III dated 4.6.1971.] 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. (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 be 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 [and distillery] [See Haryana Legislature Supplementary Part III dated 16.3.1973, p. 265.] shall store molasses in steel tanks or pucca 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.[Every tank or receptacle shall be got properly calibrated and calibration chart prepared and maintained, a copy of which shall be supplied to the District Excise and Taxation, Commissioner (Headquarter) and to the Excise Inspector, posted in a Sugar Factory or to the Distillery Officer, posted in a distillery, as the case may be, before molasses is stored in it.] [Substituted by Punjab Government Notification No. GSR 161/PA 11/48/S. 13/Adm. (i)/66 dated the 31st May, 1966.]

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

- [Section 13]. - [The occupier of the sugar factory or the distillery shall all reasonable facilities in the matter of inspection of premises, stocks, registers and accounts maintained by them and in the matter of taking samples by any officer of the Excise and Taxation Department of Haryana not below the rank of Excise Inspector.] [See Haryana Legislature Supplementary Part III dated 16.3.1973, p. 265.]

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 [Distillery Officer] [Substituted by Punjab Government Notification No. GSR 161/PA 11/48/S. 13/Adm. (i)/66 dated the 31st May, 1966.] 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 Notification No. GSR 161/PA 11/48/S. 13/Adm. (i)/66 dated the 31st May, 1966.] a sample of the contents under dispute shall be forwarded to the Chemical Examiner to Government, [Haryana] [See Haryana Legislature Supplementary Part III dated 4.6.1971.], 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] [See Haryana Legislature Supplementary Part III dated 4.6.1971.] 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.] [Inserted by Punjab Government Notification No. GSR 116/PA 11/48/S.13/Amd. (i)/66 dated the 31st May, 1966.] One sample shall then be made over to the [owner] [Inserted by Punjab Government Notification No. GSR 116/PA 11/48/S.13/Amd. (i)/66 dated the 31st May, 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, Haryana, 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 the Controller in each case, provided that in case where a revision has been filed, the Controller shall not make the order of disposal of molasses unless the revision is heard and decided.] [See Haryana Legislature Supplementary Part III dated 7.12.1976, p. 1439.]

13A. Procedure of appeal. - [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.] [See Haryana Legislature Supplementary Part III dated 7.12.1976, p. 1439.]

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 distiller 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 116/PA 1/48/S. 13/Amd. (i)/66, dated the 31st May, 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 in 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 OfficerIncharge 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 theForm 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 at 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 Officers-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	Issue of Molasses	Balance of Molasses							
Date	Opening balance	Production	Total	Number of tank wagons	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
1	2	3	4	5	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 the week ending _____

Quantity
of
Molasses

Issue of
Molasses

Balance of
Molasses

Molasses

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

Dated the Signature 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).

Date	Quantityof Molasses	Name ofthe Sugar Factory from which received	Numberof tank wagons with which molasses were despatched	Quantityof molasses consumed	ClosingBalance	
Openingbalance	Received	Total				
1	2	3	4	5	6	7 8

Dated the Signature of the Distillery.

Dated the Countersignatures of the Officer-Incharge of the Distillery.

[Substituted by Haryana Notification No. GSR 2/PA 11/48/S.13/Amd./96, dated 11.1.1996.]