

Bihar State Regulation of Cold Storage Licensing Rules, 1993

JHARKHAND

India

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Rule

BIHAR-STATE-REGULATION-OF-COLD-STORAGE-LICENSING-RULES of 1993

- Published on 24 February 1993
- Commenced on 24 February 1993
- [This is the version of this document from 24 February 1993.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar State Regulation of Cold Storage Licensing Rules, 1993 Published vide Notification No. G.S.R. 13, dated 24th February 1993, Published in Bihar Gazette (extra-ordinary) dated 24.1.1993 G.S.R. 13, dated 24th February 1993 [Published in Bihar Gazette (extra-ordinary) dated 24.1.1993]. - In exercise of the powers conferred by sub-section (1) of Section 45 of the Bihar State Cold Storage Regulation Act, 1992 (Bihar Act 17, 1992) the Governor of Bihar is pleased to make the following Rules.

1. Short title, extent and commencement.

(1) These Rules may be called the Bihar State Regulation of Cold Storage Licensing Rules, 1993. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

2. Definitions.

- In these Rules unless the contexts otherwise requires:- (1) "Calendar Year" means the period from the 1st of January to the 31st of December. (2) "Form" means the form appended to these Rules. (3) "Act" means the Bihar State Regulation of Cold Storage Act, 1992. (Bihar Act 17 of 1992). (4) "Schedule" means the Schedule appended to these Rules. (5) "Section" means the section of the Act. (6) The words and the terms used in these Rules but not defined shall have the same meaning as given in the Act.

3. Terms and conditions of Licence.

- Licence granted under sub-section (1) of Section 6 or, renewed under sub-section (1) of section 7 shall be subject to the following terms and conditions:-

- (1) The Statement presented by the applicant must be true, complete and to the full satisfaction of the licensing authority.
- (2) Cold Storage must be in conformity to the prescribed specification under Section 6 and the other conditions made thereunder must be fulfilled.
- (3) Hirers shall be provided with the facilities for inspection, weighing, measuring, sampling and grading of stored or to be stored agricultural produce.
- (4) Licence shall always be kept in the basement of cold storage and shall be presented on demand to the licensing authority for inspection and examination.
- (5) Licensee shall comply with the rules and provisions made from time to time by the Central or the State Government in respect of imposition of duty on agriculture produce.
- (6) The premises where the Cold Storage situates shall be neat and clean. Provision of electrification of one watt, per 40.45 square centimetre (5 square feet) shall be made inside the cold storage.
- (7) (a) Entire campus, out house, Store and entrance of Basement where Cold Storage is situated shall be kept neat and clean. (b) Cold Storage and its basement where it is situated shall be disinfected and deodorised as many times as necessary at least once in a calendar year.
- (8) Licensee shall not store in Cold Storage any such produce which is antagonistic and antidouristic to agricultural produce. Produce with antidour shall be stored in a separate chamber of Cold Storage.
- (9) Any person suffering from infectious or contagious disease shall not be permitted to work in the Cold Storage. Arrangement for examination of workers, other than daily wage labourers, to ascertain whether they suffer from any infectious or contagious or any other disease shall be made at least once in a calendar year.
- (10) Provision of such clothes shall be made to safeguard workers from cold, working inside the Cold Storage. The workers working at a place below freezing point shall be provided with boots.
- (11) For distribution and circulation of air and in loading and unloading of goods the following instructions shall be followed:-
 - (i) There shall be a spacing of not less than 0.75 meter in between two rows of the racks.
 - (ii) Racks shall be kept at a distance of at least 60 cms. from walls/floors.
 - (iii) A minimum vacant spacing of 30 cms. in between the roof and the highest shelf loaded or every rack must be kept.
 - (iv) A minimum vacant space of 7.5 cms. must be kept in between one shelf to other shelf: Provided that when stored in bags, while fulfilling the conditions of clauses (i), (ii) and (iii) of sub-rule (ii) the following directives shall also be followed:-
 - (a) Not more than 6 bags one above the other shall be loaded in a single stack.
 - (b) a spacing of 10 cms. shall be left in every row of bags.
 - (c) Bags shall during the period of storage be shuffled twice in such a way that the bag kept at the bottom of stack shall be kept on the top and the bags shall for the first time within 45 days, for the second time within 90 days from the date of storage of agricultural produce, be shuffled.
- (12) Such thermometer shall be installed in Cold Storage through which temperature of wet and dry bulb may be read.
- (13) Every licensee shall keep a log book in Form I and readings of temperature, relative humidity, weight of compression shall be entered uninterruptedly at intervals of 4 hours during the working of Cold Storage till automatic recorder is installed. Licensing Officer or any person properly authorised by him shall personally verify the records and sign the log book at the time of inspection.
- (14) Licensee shall immediately inform the Licensing Officer about nonworking of the Cold Storage for more than 24 hours. The cause of such stoppage of functioning of Cold Storage shall be entered in the log book and this shall be informed to the Licensing Authority.
- (15) Every licensee shall always provide such facilities as required by the Licensing Officer during general working hours of any working day for entrance, inspection or

examination or to inspect or examine machine and tools, accounts, stored agricultural produce at that place/its office, registers, records, letters, etc. as required by the Licensing Authority and shall produce such records as may be required by Licensing Authority for any purpose of the Act.(16)Licensee shall immediately inform the Licensing Authority, if the goods stored in Cold Storage begin to deteriorate due to reasons beyond the control of the licensee.(17)Any shelf or rack where damaged or deteriorated agricultural produce has been stored or temporarily kept shall be cleaned and disinfected immediately after the removal or disposal of such produce.(18)Where a licensee wants to store agricultural produce in his name he shall apply to Licensing Authority in writing for permission to do so, in which the quantity, type and the period of agricultural produce to be stored, shall be stated and shall prior to actual storage of agricultural produce specified by him, obtain the permission of Licensing Authority.(19)Licensee shall not unless permitted by the State Government take any other charge e.g. labour charge, insurance, weighment of agricultural produce, carriage from point of unloading limit of Cold Storage, for hire to point of storage, shuffling of bags and carriage of produce from Cold Storage to limit of Cold Storage for returning to hirer and for arranging space and furniture's for drying, grading, sorting and re-bagging etc. or any other service in this respect except the charge fixed by the State Government under Section 29.

4. Application for licence.

(1)Application for grant of licence under subsection (1) of Section 6 shall be made in duplicate in form 2 which shall invariably be signed by the applicant: Provided that the applicant shall be bound to furnish according to the provisions of the Act and these Rules such additional information as may be required by the Licensing Authority.(2)Where an applicant wants license for more than one cold storage, he shall for each cold storage submit separate application.(3)Applications under sub-rules (1) and (2) shall be accompanied with the original challan wherein the specified licence fee deposited under sub-rule (2) of rule 5 shall be mentioned.

5. Licence Fee.

(1)No licence fee shall be charged from the Cold Storage owned or managed by the State Government.(2)Licence fee for granting Licence for a calendar year or part thereof in respect of cold storage other than those mentioned under sub-rule (1) shall be as follows:-

Sl. No.	Storage capacity of cold storage	Licence fee	
Cold storage owned/ managed by BISCOMAUN or Bihar StateAgriculture Marketing Board or Registered Co-operativeSocieties	Other Cold Storage		
	Rs.		
1.	Up to 282 cubic metre	220	300
2.	Above 282 & up to 7000 cubic metre	900	1200

3.	Above 7000 & up to 15000 cubic metre	1500	2000
4.	Above 15000 cubic metre	2240	3000

(3) Fees shall be deposited in Treasury through challan under account Head "0401. Agricultural receipts-119 receipt from Cold Storage fees".

6. Condition for Licence.

- For grant of a licence the Cold Storage shall fulfill the following conditions:-(1) Cold Storage shall be constructed and safeguarded in such a way that it be damp-proof and heat-proof and the entry of birds, insects, harmful pests, rats, rodent and other such insect, pets and animals can be prohibited and safeguarded against damage to agricultural produce.(2) Any agricultural produce shall be stored in such a way that it can be saved from humidity, dampness, heat, gale or water through floor, side walls, doors and windows.(3) Insulation of floor, roof, doors, windows or any opening of Cold Storage shall be done by (1) Cork slab, (2) Glass-wool, (3) Rock-wool, (4) Expanded Polyesterin, (5) Thermocole, (6) Thermofuyam, (7) Thermoclaves, (8) Thermopopack, or any other material approved by the Licensing Authority. To regulate the temperature of the Cold Storage according to its necessity, insulation and damp proofing shall be done properly subject to the approval of the Licensing Authority.(4) To eliminate all possibilities of loss of temperature through joints placing the turning joints curve should be covered with two layers of obliquely placed insulating material.(5) There shall be sufficient arrangement of insulation on the doors of a cold storage and they should be reasonably air protected. The doors shall be such designed that any person may open it both from inside and outside.(6) Wherever provisions of racks are to be made, the same shall be constructed in such a way that loading and unloading may be done without endangering the life of workers of the Cold Storage.(7) Diffuser or direct expansion pipe through which refrigerant flows shall be installed in a Cold Storage in such a way that the proper temperature together with maximum permissible variation of centigrade and permissible variation of 5% of relative humidity may be maintained at every place of storage of agricultural produce inside the Cold Storage.(8) Every Cold Storage shall have suitable and easy place to separate and store temporarily such agricultural produce which is deteriorating or which has signs of deterioration so that it may not come in contact with other agricultural produce or affect them in any way till it is disposed of.(9) Fire extinguishers and disinfection equipments and other materials in basement of Cold Storage shall be kept ready for use and trained personnel shall also be engaged to maintain such equipments and Materials.(10) Arrangement of drinking water for workers, hirers or their agents and for horses and also for other carriage-animals shall be therein the basement of Cold Storage.(11) Such approach road to a Cold Storage shall be made so that to and from transportation of agricultural produce may be facilitated.(12) In a Cold Storage there shall be an arrangement of pre-cooling chamber where agricultural produce shall be stored for at least 14 hours before final loading in the Cold Storage.

7. Form of Licence.

- Licence under sub-section (1) of Section 6 shall be in Form 3.

8. Period of Licence.

- Licence granted under sub-section (1) of section 6 shall be valid for one calendar year and the period shall expire on the 31st day of coming December from the date the licence is granted.

9. Renewal of Licence.

- The licence granted under sub-section (1) of Section 6 shall, subject to the conditions under Section 7 or to the direction, if any, of the State Government under Section 42, be renewed from time to time for a calendar year on the application of the licensee under rule 10 and on payment of the fees prescribed under rule 11.

10. Application form for Renewal of Licence.

- Application for renewal of licence shall be in form 4 and accompanied by a treasury challan in which fee as per rule 11 shall be mentioned.

11. Fee for Renewal of Licence.

(1) Fee for renewal of licence for one calendar year shall be as follows:-

Sl. No.	Storage capacity of cold storage	
	Licence Renewal Fee Cold storage owned/ managed by BISCO MAUN or Bihar State Agriculture Marketing Board/ Registered Co-operative Societies	Other Cold Storage
Rs.	Rs.	
1.	Up to 282 cubic metre	120 160
2.	Above 282 & up to 7000 cubic metre	520 700
3.	Above 7000 & up to 15000 cubic metre	900 1200
4.	Above 15000 cubic metre	1500 2000

(2) Fee shall be deposited in Treasury by challan under the accounts "Head" as mentioned in sub-rule (3) of Rule 5.

12. Period for making application for renewal of licence.

(1) Application for renewal of licence should reach the Licensing Authority latest by the 31st October of the previous year for which the renewal is required, unless the date is extended by the State

Government: Provided that where licence is granted under Section 6 on or after the 31st October, the application for renewal of licence may be made latest by the 31st December of the previous year. (2) Licence granted under Section 6 shall be accompanied with application for renewal of licence.

13. Filing of application for renewal of licence with fee.

(1) Application for renewal of licence made after the specified date in Rule 12 but not after 31st December shall also be considered by the Licensing Authority on payment of prescribed renewal fee and such late fee which is half of the renewal fee of such licence: Provided that the State Government may extend the last date of filing the application for renewal. (2) Fee and late fee shall be deposited in the Treasury through a challan under the "Head" specified in sub-rule (3) of Rule 5.

14. Fee and Procedure for Duplicate Licence.

(1) If a licence is lost, destroyed, torn, defaced or otherwise becomes illegible, the duplicate licence shall be issued on payment of a fee of rupees twenty-five which shall be deposited through challan in Treasury under "Head" specified in sub-rule (3) of Rule 5. (2) Application for issue of duplicate licence shall be made in Form 5 and it shall accompany the original challan wherein the fee deposited specified in sub-rule (1) shall be mentioned. (3) When a duplicate licence is required in place of a lost licence the applicant shall execute a bond in Form 6. (4) Licensee shall report about the loss or destruction of licence to the police station and a copy of the report shall be attached with the application. (5) The applicant shall submit the torn or defaced or illegible licence along with the application for issue of duplicate licence to the Licensing Authority. (6) When a licence is lost or destroyed the licensee shall immediately get the fact published in any important local newspaper or in any important newspaper of the State if there is no local newspaper wherein the licence number shall be indicated and shall attach the cutting of the publication in the newspaper with the application for issue of duplicate licence. (7) Licensing Authority on receipt of the application and satisfying himself that the applicant has fulfilled the conditions of sub-rules (1), (2), (3) (4) and (5) of Rule 3, as the case may be, applicable to the specific case under consideration, shall issue the duplicate copy of the licence. (8) The number and the date of the original licence shall be given on every duplicate copy of the licence issued and the words "Duplicate copy" shall be written thereon over the top.

15. Suspension or Cancellation of Licence.

(1) A licence granted under Rule 3 may be suspended or cancelled if it appears to the Licensing Authority that:-(a) Any of the grounds mentioned in sub-section (2) of Section 7 exists. (b) The licensee has wholly or partly, transferred the possession or control of the Cold Storage. (c) The licensee has ceased to run the Cold Storage. (2) In case of suspension or cancellation of a licence granted under the Act the licensee shall not be entitled to any compensation thereof or refund of fee paid by him for the licence.

16. Licence for construction of new Cold Storage.

(1) Any person desirous for construction of a new Cold Storage shall have to obtain a licence from the Licensing Authority. (2) Application for granting of a licence for construction of new Cold Storage shall be given in duplicate to the Licensing Authority in Form 7 which shall invariably bear the signature of the applicant. (3) The copy of original challan, wherein the licence fee for construction of new Cold Storage and specified in sub-rule (4) shall be recorded under the "Head" mentioned in sub-rule (3) of Rule 5, shall be enclosed with the application made under sub-rule (2). (4) The following licence fee shall be charged from the applicants as mentioned in sub-rule 5.

Sl. No.	Proposed storage capacity	Licence fee for construction of coldstorage	
Cold storage owned/managed by BISCAMAN or Bihar State Agriculture Marketing Board or Registered Co-operative Societies	Other Cold Storage		
Rs.	Rs.		
1.	Up to 282 cubic metre	220	300
2.	Above 282 & up to 7000 cubic metre	900	1200
3.	Above 7000 & up to 15000 cubic metre	1500	2000
4.	Above 15000 cubic metre	2240	3000

(5) No licence fee from the Cold Storage owned or managed by the State Government shall be charged for construction of Cold Storage. (6) The Licensing Authority while granting licence for construction, shall consider the number of Cold Storage operating in the proposed area, the availability of agricultural produce and any other point which Licensing Authority may consider necessary. (7) Licensing Authority while granting licence may impose any such condition as he may consider necessary.

17. Constitution of Advisory Board.

- The State Government shall by notification constitute Advisory Board according to Section 3: Provided that a member of the Bihar Legislative Council may also be nominated by the State Government as a special invitee.

18. Duties and functions of Advisory Board.

- The duties and functions of the Advisory Board shall be as specified under Section 4.

19. Reasonable care of goods stored.

- Every licensee while taking due care of goods stored according to Section 12 shall also fulfil the following conditions:-(1)Goods may not be damaged.(2)He shall work as a man of ordinary prudence to see that goods may not be damaged due to circumstances.

20. Display of information.

- Every Licensee while exhibiting information in the manner provided under Section 13 shall also keep the following in his mind:-(1)Information shall always be legible.(2)Vacant space shall necessarily be exhibited.

21. Acceptance of goods for storage.

- Licensee apart from accepting the goods for storage under Section 14 shall also have to keep the following in his mind:-(1)Goods to be accepted for storage will not cause damage to the stored goods.(2)The decision of the Licensing Authority shall be final in case any dispute arises.

22. Reservation of space.

(1)Maximum 50% of the total capacity of the Cold Storage may be reserved and such reservation may be done till 31st January.(2)As an advance, for reservation, payment of ten percent of the hire charge is essential.(3)If the reserve space is not utilised by whom the reservation is taken by 15th of March, in that case, the reservation shall automatically be deemed to be cancelled and shall not be entitled to take refund of the amount advanced.Form No. 1(See Rule 3)Maintenance of Log book of Refrigeration Plant.

Period	Voltage	Oil of Motor	AMP 123	Air pressure	Line-pressure water			
Section	Pressure	Pressure	Condensing No.	Dump Pressure				
1	2	3		4	5	6	7	8
Chamber No.1	Chamber No. 2	Chamber No. 3lb						
Dry bulb	Wet bulb	Humidity	Dry bulb	Wet bulb	Humidity	Dry bulb	Wet bulb	Humidity
9	10	11	12	13	14	15	16	17

Outside

Chamber No. 4	Pre-Cooling Chamber								
Dry bulb	Wet bulb	Humidity	Dry bulb	Wet bulb	Humidity	Pressure	Dry bulb	Wet bulb	Humidity
18	19	20	21	22	23	24	25	26	27

Time of
Running

Compressor No. 1 Compressor No. 2 Compressor No. 3

Start period	Stop period	Total period	Start period	Stop period	Total period	Start period	Stop period	Total period
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Inside Pump Outside Pump

No.	Start	Stop	Total Period	No.	Start	Stop	Total Period
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Defreezing Chamber No. Clean Air Chamber

1	2	3	4	Pre-cooling	1	2	3	4	Pre-cooling
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Electrical

ConsumptionPower Remarks
440 Volt.

Manager Signature of Operator on duty1.....2..... Technician InstructionsDate.....

Form 2Application for Licence

1.

(1)Applicant's name, Father's name & Address.....(2)Owner's (Owners') name, Father's name & Address.....

2. Name of Cold Storage, Location, Address for correspondence, Police Station, District.....

3. Size of Cold Storage.....

(1)Number of Chamber(2)Single size (Length, Breadth & Height in metres) of Chambers of Cold Storage(3)Total space in cubic metres of all the chambers of Cold Storage.

4.

(1)Building, Type of Structure.....(2)Arrangement of water supply.....(3)Arrangement of electricity supply.....(4)Method of storing.....(5)Structure of racks, Description of arrangement.....(6)Refrigeration

used and security arrangement.....(7)Whether pre-cooling is done ? If there is any pre-cooling chamber.....(8)Whether there is an arrangement of quarters in the premises of the Cold Storage for operators and all employees.....(9)Qualification & experience of Manager, Technician, Technical Supervisor/Operator etc.....

5. Capacity of the Free Planting.....

6. List of chinery with description.....

7. Total horse power of installed motors and prime movers.

8. Description of ancillary units, if any.....

9. Name of the agricultural goods (Goods) to be accepted for storing.....

10. Name of the treasury and enclosed treasury challan number & date and amount.

11. Period for which licence is required.....

12. Schedule of rent charge, sub-charge which are charged or are proposed to be charged from the hirer for storing.....

13. I/We declare that the information and statements given here are true to the best of my/our knowledge and belief.

14. I/We promise to comply with the provisions and instructions framed under the Bihar Regulation of Cold Storage Act, 1992 which by the Licensing Authority will be issued from time to time under the above Act and rules.

Signature of Applicant/Applicants. Form 3 (See rule 7) Licence under Bihar State Regulation of Cold Storage Act, 1992

1. Name and Address of Licensee

2. Location of Cold Storage

This Licence is granted under the provisions of Bihar State Regulation of Cold Storage Act, 1992, and is under terms and conditions referred in rules of this Act.

Place.....

Date.....

Period of Validity	Paid licence fee	Total capacity of Cold Storage (Cubic meter)	Signature of Licensing Officer
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Form 4(See Rule 10)Application form for renewal of Licence under Section 7 of Bihar Regulation of Cold Storage Act, 1992.

1. Name of Owner/Owners, Father's name and Address.....

2. Name, location of Cold Storage and Address for correspondence.....

3.

(1)Number and date of licence desired to be renewed.....(2)Last date of current year.....

4. Details of important charges/modifications/extensions etc. after grant of or renewal of present licence.....

5. Appended is the duly receipted challan wherein mention of amount of fee deposited, name of the treasury, number and date of challan are made.

6. Period for which renewal is desired.....

7. Change if any, in the schedule of rent charge/sub-charges for storage.....

8. Any other information's which the applicant desires to mention.....

9. I/We hereby declare that the information/details given here are true to the best of my/our knowledge and belief.

10. I/We promise to comply with provisions of Rules made under Bihar State Regulation of Cold Storage Act, 1992 and directives issued under this Act and Rules by the Licensing Officer, from time to time.

Date.....Signature of Applicant/ApplicantsN.B. - The application form shall be signed by-(1)Owner or, one of the owners where Cold Storage is proposed to be run by the private person/persons, or(2)Managing Director or Manager where the Cold Storage proposed to be run by Corporation/Public enterprises, or(3)Secretary where the Cold Storage is proposed to be run by registered Co-operative Society.
Form 5Application form for issue of duplicate licence under Bihar State Regulation of Cold Storage Act, 1992ToThe Licensing Officer, SirI/We son (sons) daughter(s) of Mr./ (Mrs.) resident of Post Office District hereby state that the licence granted to me/us under section for the period ending is illegible due to the following circumstances.(here mention the

circumstances under which the licence is lost/destroyed/ damaged/torn/defaced/become illegible).

2. Therefore, I/We request you to issue me/us a Duplicate copy of the licence on the terms and conditions on which the above sanctioned original licence was granted.

3. I/We.....append here with treasury challan as a proof of payment of the prescribed fee,

4. I/We hereby declare honestly that the description, or information's given here are true to the best of my/our knowledge and belief.

5. I/We hereby submit the original licence (when the licence is not lost or destroyed).

Witness. (1).....(2).....(Names, addresses and full signatures of two witnesses should be given here).YoursSignature of applicant/applicantsN.B. - 1. Words not applicable should be deleted from the application form.

2. The application form shall be signed by-

(1)Owner or, one of the owners where cold storage is proposed to be run by the private person, or(2)Managing Director or Manager where Cold Storage is proposed to be run by Corporation/Public undertaking, or(3)Secretary where the Cold Storage is proposed to be run by a registered Co operative Society.Form 6(See Rule 14)To,The Governor, Bihar State.The licence no.....dated granted to me/us under Bihar State Regulation of Cold Storage Act, 1992 which has been lost by me/us. I/We personally, my/our successor, performer, administrator agree to compensate any loss or damage consequent upon issuance of the Duplicate licence today by the Licensing Officer and the use of the original by any other person and I/We promise to submit original licence, if received, to the Officer issuing the above licence.And I/we agree that the Government shall be entitled to realise all the above loss or damage from me/us in the form of land revenue.Signed on day. dated 20Signature of performerIn the presence of

1.

.....Address

2.

.....AddressNote. - This compensation-bond should be executed on non-Judicial stamp of proper valueForm 7(See Rule 26)Application form for construction of cold storage

1. Applicant's name, Father's name & Address....

2. Owner's (Owners') name, Father's name & Address.....

3. Name of Cold Storage, Location, Address for correspondence, Police Station, District Nearest Railway Station & its distance from Cold Storage.....

4. Size of proposed Cold Storage-

(i)No. of chambers(ii)Size of each chamber (Length, Breadth & Height, in metres).(iii)Total space of all chambers (in cubic metres).

5. No. of cold storage operating in the proposed area....

6. Name of agricultural goods proposed to be stored.....

7. Production of agricultural produce mentioned at Sl. No. 6.....

(i)Total production of agricultural produce in the area.....(ii)Quantity available for storage....

8. Type of structure....

9. Area of campus of proposed Cold Storage....

10. Approach road to the campus....

11. Name of treasury and enclose challan no., date and amount deposited.

12. Proposed date of starting construction and expected period of completion.

13. Particulars of machinery, Insulation, etc.

(i)Details of machinery proposed to be installed.(ii)Insulation material proposed to be used....(iii)Refrigeration proposed....

14. Availability of power

(i)Electrical load required....(ii)Arrangement proposed to be made for required electrical load...

15. Availability of water Arrangement made for water supply...

16. Source of Finance :-

(i)Own resource...(ii)Bank/State Financial Corporation...(iii)Amount of loan applied and sanctioned.Signature of applicant/applicants.