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FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

ORDER

The 12th May 2016

No. 9926—09-17-10-06/2016—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 Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) No. GSR-104(E), dated the 15th February, 2002 published in the *Gazette of India*, extraordinary, Part-II, Section 3, sub-section (i), dated the 15th February, 2002 as amended from time to time, and in supersession of the Odisha Specified Food Stuffs (stock holding limit) order, 2010 except in respects things done or omitted to be done before such supersession and with the concurrence of the Government of India, the State Government do hereby make the following order, namely :—

1. Short title, extent and commencement:—

- (1) This order may be called the Odisha Specified Foodstuffs (Stock Holding Limit and Licensing) Order, 2016.
- (2) It shall extend to the whole State of Odisha
- (3) It shall come into force on the date of its publication in the official Gazette and shall remain in force specified by Government of India from time to time.

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

- (a) “Act”—means the Essential Commodities Act, 1955;
- (b) “Appellate Authority” means any authority appointed by the State Government to exercise the powers of Appellate Authority under this order ;
- (c) “Bulk Consumer” means a hotel, restaurant, educational institution with hostel facilities, jails, hospitals, religious or charitable institutions ;
- (d) “Controller” means the Secretary to Government, Food Supplies & Consumer Welfare Department ;

- (e) "Collector" means the Collector in charge of the revenue district ;
- (f) "Commission Agent" means an Agent having in the customary course of business as such, Agent, authority either to sell specified foodstuffs or to consign specified foodstuffs for the purpose of sale or to buy foodstuffs;
- (g) "Dealer" means a person, firm, association of persons, company, institutions, organization or Co-operative Society approved by the Central or the State Government engaged in the business of purchase, sale or storage for sale of any one of pulses, edible oil seeds and edible oils whether as a wholesaler or retailer, producer and importer whether or not in conjunction with any other business and in representative or agent but excludes the cultivators in respect of their own produces;
- (h) "Edible Oils" means any oil used directly or after processing for human consumption and includes hydrogenated vegetable oil ;
- (i) "Importer" means any person who purchases and brings any stock of specified foodstuffs from outside the State of Odisha for the purpose of sale and includes a broker or a Commission Agent or carrying and forwarding stockist or any other agent having authority to sell such items on behalf of such person;
- (j) "Producer" means a person carrying on the business of milling of any of the pulses or expelling, extracting, manufacturing or refining any edible oil—
- (i) by buying pulses or edible oilseeds being processed by himself and selling the finished product to a wholesaler or through a commission agent.
 - (ii) by any of the processes of milling, expelling, extracting, manufacturing or refining on behalf of another, but excludes the cultivators of their own produces;
- (k) "Producer-cum-Dealer" means a person who is a producer but is also a dealer and has one license from Tax authorities for buying and selling pulses or edible oilseeds or edible oil at more than one location;
- (l) "Retailer" means a dealer who sells pulses, edible oilseeds and edible oils to a consumer not being wholesaler or producer;
- (m) "Schedule" means schedules appended to this order;
- (n) "Specified Foodstuffs" means pulses, edible oilseeds and edible oils ; and
- (o) "Wholesaler" means a dealer in pulses or in edible oilseeds or in edible oils who sells the aforesaid commodities to other dealers or bulk consumers.

3. Restriction and possession of pulses, edible oilseeds and edible oils :— No Dealer whether he is an importer, producer, wholesaler or retailer, as the case may be, shall store or have in his possession, at any time pulses, edible oilseeds and edible oils in excess of the quantity specified in the table below :

Provided that a Dealer by virtue of the nature of his business, if falls under more than one category, he shall, for the purpose of this clause, be deemed to belong to that category for which higher or highest quantity, as the case may be, has been specified in the table below :

TABLE - 1

Sl. No.	Products	Importer	Producer	Wholesaler	Retailer
1	2	3	4	5	6
1	Pulses	Average sale of one month of last three years ending March, 2015.	One-sixth of the maximum quantity of pulses used/milled by him in any of the last three financial years. This quantity considered would be total of milled & un-milled pulses available in the mill premises.	2000 Qtls.	50 Qtls.
2	Edible oilseeds	Average sale of one month of last three years ending March, 2015.	One-sixth of the maximum quantity of edible oilseeds used by him in last three financial years.	1000 Qtls.	50 Qtls.
3	Edible oils	Average sale of one month of last three years ending March, 2015.	One-sixth of his maximum production in any of the last three financial years.	500 Qtls.	20 Qtls.

4. License of Pulses business:—

- (1) On and from the date of commencement of this Order no person shall carry on business of pulses in the State of Odisha unless he obtains a license from the Licensing Authority in accordance with the provisions of this Order :

Provided that any person who continues to carry on business of pulses shall make an application for grant of license within a period of two months from the date of commencement of this order :

Provided further that the retailers storing less than 50 quintals of all pulses at any time shall be exempted from licensing.

- (2) An application for grant of license shall be made in Form 'A' to the Licensing Authority accompanied with the license fee and security fees as specified against each category of dealer in Table-2 below and the license shall be granted in Form 'B' after due verification of the documents furnished by the applicant.
- (3) The license shall be for a period of one financial year or part thereof unless cancelled earlier for violation of any terms and conditions of the license.
- (4) Any application for the renewal of license shall also be made in Form-'A' accompanied with the required fee as specified in the Table-2, thirty days before expiry of the period of license :

Provided that if an application for renewal of license is made within the stipulated period as specified in this clause along with the fees prescribed in Table-2 and that application has not been rejected by the Licensing Authority, the license shall continue to be in force until orders are passed on the application for renewal.

- (5) In case of loss, mutilation or damages of license, the licensee shall make application to the Licensing Authority in Form 'A' along with the prescribed fees as at Table-2 for issue of duplicate copy of the license.

TABLE-2

Sl. No.	Category of dealer	License fees	Renewal fees	Fees for issue of duplicate license	Security deposit (one time)	Licensing Authority
1	2	3	4	5	6	7
1	Importer	10,000	7,500	2,000	20,000	Collector and District Magistrate of the District.
2	Producer	7,500	5,625	2,000	15,000	Collector and District Magistrate of the District.
3	Wholesaler	5,000	3,750	2,000	10,000	Collector and District Magistrate of the District.
4	Retailer	500	350	200	1,000	Sub-Collector of the concerned area/A.D.M. for Municipal Corporations.

5. Registration of edible oils and seeds business :—

- (1) On and from the date of commencement of this order no person shall carry on business of edible oils and edible seeds in the State of Odisha unless he gets himself registered with the Registering Authority in accordance with the provisions of this order :

Provided that any Dealer who continues to carry on business of edible oil or edible seeds shall make an application for registration within a period of three months from the date of commencement of this order :

Provided further that the retailers storing less than 50 quintals of oilseeds and 20 quintals of edible oils, at any time, shall be exempted from registration.

- (2) An application for registration shall be made in Form 'C' to the Registering Authority accompanied with the registration fee as specified against each category of Dealer in Table-3 below.
- (3) The Registering Authority shall issue Certificate of Registration in Form 'D' after due verification of the documents furnished by the applicant.
- (4) In case of loss, mutilation or damage of Certificate of Registration, the Dealer shall make application to the Registering Authority in Form 'C' along with the prescribed fees as specified in Table-3 below for issue of duplicate copy of certificate of Registration.
- (5) If a registered Dealer does not want to continue with the business of edible oils and edible seeds, he shall inform the Registering Authority for cancellation of registration and the Registering Authority, shall strike out the name of the Dealer from the register maintained for the purpose :

TABLE - 3

Sl. No.	Category of dealer	Registering Authority	Registration fees in Rs. (one time)	Fees for duplicate registration certificate in Rs.
1	2	3	4	5
1	Importer	Civil Supplies Officer	1,000	200
2	Producer	Civil Supplies Officer	1,000	200
3	Wholesaler	Civil Supplies Officer	500	200
4	Retailer	Assistant Civil Supplies Officer of the Subdivision.	200	200

- (6) Order not to apply in certain cases—Nothing in this order shall apply to,—
 - (a) a Corporation or a Company owned or controlled by the Central Government or the State Government or a statutory Corporation;
 - (b) to an importer of specified commodities under open general license ;

- (c) Stocks held on behalf of the Central or the State Government ; and
 - (d) the Dealers who have been granted license to deal in PDS commodities under the provisions of Public Distribution System (Control) Order, 2015 issued by the Central Government and the Odisha Public Distribution System (Control) Order, 2016.
- (7) Appeal—Any Dealer aggrieved by any order passed by any officer authorised by the State Government under this Order, may within a period of thirty days from the date of receipt of such order prefer and appeal before the Appellate Authority whose decision thereon shall be final. The appeal so filed may be disposed of within a period of 90 days from the date of receipt of the said appeal.
- (8) Power to issue direction—The State Government may, from time to time, issue such directions as it considers necessary for the purpose of giving effect to the provisions of this Order and the Dealer to whom such directions has been issued shall comply such directions.
- (9) (1) Powers of entry, search & seizure etc.—The Controller or the Collector 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 person in charge of the place, premises, vehicles in which he has reason to believe that any contravention of the provisions of this order or 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 any place, premises, vehicles, or vessels in which he has reason to believe that any contravention of the provisions or this order 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) take or cause to be tested the weight of all or any of the specified Foodstuffs found in any such premises :

Provided that in entering upon and inspecting any premises the persons so authorised shall have due regard to the social and religious customs of the persons occupying the premises;

(e) search, seize and remove the stocks of the essential commodities and the packages, coverings, animals, vehicles, vessels or other conveyances used in carrying the said essential commodities in contravention of the provisions of this order and thereafter take or authorize the taking of all measures necessary for securing the production of the essential commodities and the packages, coverings, animals, vehicles, vessels or any other conveyances so seized in a court and of 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.

(10) Submission of return,—

(1) Every dealer excepting a retailer shall furnish by the 7th of each of following month to the Civil Supplies Officer of the district as well as to Market Intelligence Officer of concerned sectorial office, a return in respect of specified Food-stuffs stored and sold by him during a month in the *pro forma* as specified in Forms 'E-I, E-II or E-III' as the case may be ; and

(2) the Civil Supplies Officers shall submit a consolidated return to Food Supplies & Consumer Welfare Department in respect of their districts by 15th of the month.

By order of the Governor

M. S. PADHI

Principal Secretary to Government

FORM-A**[See Clause- 4(2), (4) and (5)]**

The Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order, 2016.

Application for Grant/Renewal/Issue of Duplicate License for Pulses.

Two passport size photographs

1. Applicant's Name :
2. Father's Name :
3. Applicant's Profession :
4. Applicant's Address :
- (a) Permanent :
- (b) Present :
5. Place or business with particulars as to number of houses, mohalla, town or village, Police Station and district. :
6. How long has the applicant been trading in pulses. :
7. Income Tax, if any, paid in the two years preceding the year of application (to be indicated separately in case of Wholesaler/Producer & Importer) :
8. Average quantity of pulses in possession of the applicant. :
9. Depot address :
House No/Plot No. :
Street No/Lane :
ULB/Block :
Village :
P.O. :
Dist. :
(Address of each depot to be mentioned separately)
10. I have carefully read the conditions of the license given in Form - 'B' appended to the Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order, 2016 and I agree to abide by them. :
11. I hereby apply for renewal of license :
No.

Place

Date

Signature of the Applicant

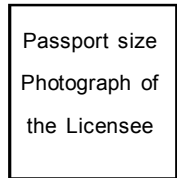
(Strike off the clauses not applicable)

FORM-B

[See Clause-4(2)]

The Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

License for Purchase, Sale, Storage or Sale of Pulses.



Name of the licensee :—

License No. —

Year —

Address :

1. Subject to the provision of the Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order 2016 and to the terms and condition of this license (hereinafter referred to as licensee M/s.) is/are hereby authorized to purchase, sell and storage for sale of any of the pulses as defined in clause

2. (a) The licensee shall carry on the aforesaid business at the following place.....

(b) Commodities in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below :

.....

NOTE— If the licensee intends storing the commodities in places other than those specified above he shall give prior intimation thereof and shall produce the license for making requisite changes by the licensing authority :

Provided that where the licensee is compelled by circumstances beyond his control to store the commodities in places other than that specified in the licensee, he shall inform the Licensing Authority of his having done so within 48 hours of such storage and shall produce the license for making requisite changes by the licensing authority.

3. (i) The licensee, be he a producer, wholesaler or retailer, shall maintain a register of daily accounts either manually or electronically for each of the commodity mentioned in paragraph I 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 quantity sold or disposed of with description of the persons to whom sold or disposed of ; and

(d) the closing stock on each day.

- (ii) The licensee shall be he a producer, wholesaler or retailer, complete his accounts for each day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.
 - (iii) the licensee, be he a wholesaler, producer or a retailer, shall complete his accounts for each day on the day.
4. The Licensee shall not contravene the provision of Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order 2016.
 5. The licensee shall not,—
 - (i) enter into any transaction involving purchase, sale or storage for sale of pulses in a speculative manner prejudicial to the maintenance and easy availability of supplies of the said commodities in the market ; or
 - (ii) withheld from sale, supplies of the said commodity ordinarily kept for sale.
 6. The licensee shall exhibit at or near the entrance of his/her business premises the price list and stock position of the commodities in pursuance of the provision of Odisha Declaration of Stock and Prices of E.C. Order 1973.
 7. A licensee, being wholesaler, producer and retailer shall issue to every purchaser a correct receipt or invoice, as the case may be giving his own name, address and licensee number and name, address and licensee quantity sold, the rate per quintal or kilogram, as the case may be, the total price charged for each item sold as also the grand total of the 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 authorized by the licensing authority in this behalf.
 8. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him / her or the State Government for the inspection of his/her stocks and account at any shop, godown or other place used by him/her as mentioned at (i) above for the sale, purchase or storage for sale of the commodity.
 9. The licensee shall comply with the direction given to him by the State Government with regard to the language in which the register, receipts or invoices shall be written and any other matter that may be considered expedient.
 10. This license shall be attached to the application for renewal
 11. This license shall be valid up to

Place

Date

Signature of the Licensing Authority

Designation :

Seal :

Signature of the Licensing

FORM-C**[See Clause-5(2)]****APPLICATION FORM FOR REGISTRATION OF DEALER
(IMPORTER/PRODUCER/WHOLESALE/RETAILER)**

The Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

Two passport size Photographs

1. Owner Details :

- (i) Owner Type (Proprietorship/Partnership/Company)
- (ii) Name of the Proprietor/Managing Partner/MD

2. Permanent Address of Owner :

- (i) House No/Plot No
- (ii) Street No/Lane
- (iii) ULB/Block/Village
- (iv) P. O.
- (v) P. S.
- (vi) District

3. Personal Details of owner :

- (i) Pan Card No.
- (ii) TIN/SRIN No.
- (iii) Telephone No. (Fixed)
 (Mobile)
- (iv) E-mail

4. Business Details :

- | | | | |
|---------------------------------|----------------|------------|----------|
| (i) Type of Business : Retail | Wholesaler | Producer | Importer |
| (ii) Item dealing with : Pulses | Edible Oilseed | Edible Oil | .. |

5. Location of the Business Outlet :

- (i) House No/Plot No
- (ii) Street No/Lane
- (iii) ULB/Block/Village
- (iv) P. O.
- (v) P. S.
- (vi) District

6. Location of the Godwon/Godwons :

- (i) House No/Plot No
- (ii) Street No/Lane
- (iii) ULB/Block/Village
- (iv) P. O.
- (v) P. S.
- (vi) District

Place :

Date :

Signature of the Dealer

N. B. Strike the portion which is not applicable.

FORM-D**[See Clause-5(3)]****CERTIFICATE OF REGISTRATION**

Passport size Photograph

Under Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

An application dt. for grant of Certificate of Registration under said Order having been received from (Name) son of resident of district of in the State of Odisha subject to the provision of the said Order and to the terms and conditions specified below :

Shri/M/s. (Name and address of the trader)

.....
 is hereby granted the Certificate of Registration vide No. (District code) / (Traders code) under Odisha Specified Foodstuffs (Stock Holding Limit & Licensing) Order 2016 to deal Edible Oil/Edible Oilseeds/Pulses as Importer/Producer/Wholesaler/Retailer at the location, P. S., Dist.
 This Certification of Registration shall be valid from to

Terms and condition of Certificate of Registration

1. The business premises where these foodstuffs are transacted shall be maintained with the proper hygienic condition.
2. Every Regd. dealer shall display prominently the price and stock declaration board as per the provision of Odisha Declaration of Stock and Prices of Essential Commodities Order, 1973 in the business premises.
3. Every Registered dealer shall maintain a register showing opening balance, quantity received, quantity sold in form specified in Forms-E-I, II & III, as the case may be, and this register shall be produced by him/her to the Inspection Authority on demand for inspection.
4. The Registration No. shall be displayed prominently at the entrance of the business premises
5. These conditions of Certificate of Registration are in addition to the other conditions which are specified under the provision of the said Order.
6. Violation of above mentioned conditions and other condition of the said Order will be construed as contravention of provision of the order and attract the legal action against the dealer.

Place :

Date :

Signature of the dealer

Signature of Registering Authority

Designation

Seal

FORM-E-I**[See Clause-10]****(FOR IMPORTERS)**

Return on Stock Receipt, Delivery of Pulses/Edible Oil/Edible Oilseeds under the provision of
The Odisha Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

Name of the Farm :—

License/Registration No. —

Month —

Address :

Place of Business :—

Sl.No.	Particulars	Name of Stock	Quantity
1	2	3	4
01	Stock of raw material and finished product as on at the beginning of the month.		
02	Stock of raw materials and finished product imported during the month.		
03	Total of Items (1) & (2)		
04	Total quantity supplied during the month		
05	Closing stock at the end of the month (a) Raw material (b) Finished product		

Date :

Signature of Importer

FORM-E-II**[See Clause-10]****(For Producer)**

Return on Stock Receipt, Delivery of Pulses/Edible Oil/Edible Oilseeds under the provision of
The Odisha Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

Name of the Farm :— For Producer

License/Registration No. —

Month —

Address :

Place of Business :—

Sl.No.	Particulars	Name of Stock	Quantity
1	2	3	4
01	Stock as on at the beginning of the month		
02	Quantity of pulses purchased during the month from whom purchased. (a) Outside the Stock (b) Inside the State		
03	Total of Items (1) & (2)		
04	Stock of raw materials milled during the month		
05	Finished product obtained from milling		
06	Quantity of Pulses/Edible Oil/Edible Oilseeds sold during the month.		
07	Closing stock at the end of the month (a) Raw material (b) Finished product		

Date :

Signature of Producer

FORM-E-III**[See Clause-10]****(For Wholesaler/Retailer)**

Return on Stock Receipt, Delivery of Pulses/Edible Oil/Edible Oilseeds under the provision of
The Odisha Foodstuffs (Stock Holding Limit & Licensing) Order, 2016

Name of the Farm :—For Wholesaler/Retailer

License/Registration No. —

Month —

Address :

Place of Business :—

Sl.No.	Particulars	Name of Stock	Quantity
1	2	3	4
01	Stock as on at the beginning of the month		
02	Quantity of pulses purchased during the month from whom purchased. (c) Outside the Stock (d) Inside the State		
03	Total of Items (1) & (2)		
04	Quantity of Pulses/Edible Oil/Edible Oilseeds sold during the month. Name of the dealer including wholesaler, retailer, with license/ Registration No. if any, and bulk consumers to whom sold.		
05	Stock at the end of the month		

Date :

Signature of Dealer (Wholesaler/Retailer)