

THE MEGHALAYA SUGAR DEALER LICENSING ORDER, 1973.

NO. SUP. 320 / 71 / 40, dated **27th April, 1973**. :: In exercise of the Power conferred by Sub - Clauses (d), (h), (i) and (j) of Sub - Section - (2) of Section - 3, of the Essential Commodities Act, 1955, [10 of 1955] read with the Notification of the Govt. of India in the Ministry of Agriculture (Department of Food) NO. GSR. 316, dated the 20/06/1972 and with the prior concurrence of the Central Govt., the Govt. of Meghalaya hereby makes the following Order namely :-

01. Short title, extend and commencement :-

- (1) This Order may be called the **Meghalaya Sugar Dealers' Licensing Order, 1973**.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force at once.

02. Definition :- In this Order, unless the context otherwise requires :-

- (a) "**dealer**" means a Person engaged in the business of purchase, sale or storage for sale, of Sugar in quantities exceeding 2 Quintals or more at any one time but does not include an Industrial undertaking which is engaged in the Manufacture of Production of Sugar and which is Registered or Licensed under the Industries [Development and Regulation] Act, 1951.
- (b) "**form**" means a Form set forth in the Schedule to this Order.
- (c) "**licensing authority**" means the Director of Supply, the Deputy Commissioner / the Sub - Divisional officer in their respective jurisdiction or an Officer appointed by the State govt. to exercise the powers and perform the duties of the Licensing Authority under this Order.
- (d) "**retailer**" means a Dealer who is not a Wholesaler.
- (e) "**State Government**" means the Govt. of the State of Meghalaya.
- (f) "**Sugar deals**" any form of Sugar, including Khansari Sugar containing more than **90 %** of sucrose.
- (g) "**wholesaler**" means a Dealer who sell Sugar to other Dealer or to bulk Consumers.

03. **Licensing of Dealers :-**

- (1) No Person shall carry on business as a Dealer except under and in accordance with the terms and conditions of a Licence issued in this behalf by the Licensing Authority.
- (2) A separate License shall be necessary for each place of business.
- (3) For the purpose of this Clause any Person who stores Sugar in any quantity exceeding 2 Quintals at any one time shall be, unless the contrary is proved, be deemed to store the Sugar for the purpose of carrying on the business of purchase sale or storage for sale of Sugar.

04. **Issue of Licence :-**

- (1) Every Application for a Licence or Renewal thereof shall be made to the Licensing Authority in **Form - " A "**.
- (2) Every License issued or Renewed under this order shall be in **Form - " B "** and shall be subject to the conditions specified thereon.
- (3) A Wholesale License and a Retail Licence both shall not be granted to the same Dealer.

Provided that the Dealers appointed as such under Orders of Appointment issued before the commencement of this Order and in force immediately before the commencement of this order shall be deemed to be appointed under the Provision of this Order.

05. **Period of License and Fees chargeable :-**

- (1) Every Licence issued under this Order shall be valid from the date of issue to the **31st December, 1973** and may thereafter be Renewed for a further period of one year at a time.
- (2) The Fees specified below shall be chargeable in respect of each Licence, namely :-

For Issue of Licence.	--	Rs. 5/-
For Renewal of Licence.	--	Rs. 2/-
For Issue a Duplicate Licence.	--	Rs. 10/-

06. **Power to refuse Licence :-**

The Licensing Authority may, after giving the Dealer concerned an opportunity of stating his case in writing and for reason to be accorded in writing, refuse to grant or renew a Licence.

07. **Contravention of condition of Licence. :-**

- (1) No holder of a Licence issued under this Order shall contravene any of terms or conditions of the Licence and if any such holder contravenes any of the said terms or conditions, them, without prejudice to any other action that may be taken against him, his Licence may be cancelled or suspended by Order in writing of the Licensing Authority.

Provided that no Order shall be made under this Clause unless the Licensee has been given an opportunity of stating his case in writing against the proposed cancellation or suspension.

- (2) Notwithstanding anything, contained in Sub - Clause (1) above, where a Licensee has been convicted by a Court of Law in respect of contravention of any Order made under Section - 3 of the Essential Commodities Act, 1955, relating to Sugar, the Licensing Authority shall not suspend a Licence on such conviction till any appeal, if preferred by the Licensee against such conviction is disposed of by the Appellate Authority.

08. **Appeal :-**

- (1) Any Person aggrieved by any Order of the Licensing Authority refusing to issue or Renew a Licence or cancelling or suspending a Licence under the provision of this Order may appeal to the State Govt., within 30 days of the date of the receipt by him of such Order.
- (2) No Order shall be passed in appeal unless the aggrieved Person has been given an opportunity of stating his case in writing.

09. **Power of entry, search, seizure etc. :-**

- (1) The Licensing Authority or any other Officer Authorised by the State Govt. 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, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any Licence issued thereunder has been is being, or it about to be committed, to produce any Book Accounts or other documents showing transactions relating to such contraventions.
 - (b) enter, inspect or break open and search any place or premises, vehicles or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of the Licence issued thereunder, has been, is being, or is about to be committed.
 - (c) take or cause to be taken, extract from or copies of any documents showing transactions relating to such contraventions which are produced before him.
 - (d) Search, seize and remove stocks of Sugar and the Animals, vehicles, vessels, or other conveyance used in carrying the said Sugar in

contravention of the provisions of this Order, or of the conditions of the Licences issued thereunder and thereafter take or authorise, the taking of all measures necessary for securing the production of stocks of Sugar and the Animals, Vehicles, vessels or other conveyances so seized, in a Court and for their safe custody pending such production.

2. The Provisions of **Section - 102 and 103** of Code of **Criminal Procedure, 1898**, relating to search and seizure shall, so far as may be, apply to searches and seizure under this Clause.

10. Compliance with Orders and Directions :-

Every Dealer or other Person to whom any Order or direction is issued under any power conferred by the Order, shall comply with such Order or directions.

11. Exemption of Govt. transactions :-

Nothing in the provisions of this order shall apply to the purchase, sale or storage for sale of Sugar :-

- (a) On Govt. Account.
- (b) Under and in accordance with a Military credit note ; or
- (c) By or on behalf of the Food Corporation of India.

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SCHEDULE
FORM ' A '
[See Clause - 4 (1)]
Application for Licence.

01. Applicant's Name. ::
02. Applicant's Profession. ::
03. Applicant's Residence. ::
04. Situation of Applicant's place or places of business with particulars as to number of House, Mohalla, Town or Village, Police Station and District. ::
05. How long the Applicant has been trading in Sugar. ::
06. Did the Applicant hold a Sugar Licence on any previous occasion ? (If so, give particulars including its suspension or cancellation, if any). ::
07. Quantities of Sugar handled annually. ::
08. Income Tax paid in the two years proceeding the year of application (to be indicated separately). ::
1. _____ . ::
2. _____ . ::
09. Quantity of Sugar in the possession of the Applicant on the date of Application and the Place at which the different quantities are kept. ::

I declare that the quantities of Sugar specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of Licence given in **Form - " B "** appended to the **Meghalaya Sugar Dealers' Licensing Order, 1972** and I agree to abide by them.

- * (a) I have not previously applied for a Licence in this District under this Order.
- * (b) I applied for such Licence in this District for _____ on _____ and was / was not granted a Licence on _____ .
- * (c) I hereby apply for Renewal of Licence Number _____ issued to me, on _____ .

* **Strike off the Clauses not applicable.**

Place _____ ,
Date _____ ,
The _____ .

Signature of Applicant.

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FORM ' B '
[See Clause - 4 (2)]
Licence for Purchase, Sale or Storage of Sugar for Sale.

Licence No. ::

01. Subject to the Provisions of the Meghalaya Sugar Dealers' Licensing Order, ::
1973, and to the terms and conditions of this Licence
_____, is / are hereby authorised to
purchase, sell or store Sugar for sale.
02. (a) The Licensee shall carry on the aforesaid business at the following ::
Place (s).
_____ .
03. (i) The Licensee shall maintain a Register of Daily Accounts for Sugar ::
showing correctly :-
(a) the Opening Stock of each Day ; ::
(b) quantity received on each day showing the place from where ::
and the source from which received ;
(c) the quantities delivered or otherwise removed on each day ::
showing the places of destination ; and
(d) the closing stock on each day ; ::
(ii) The Licensee shall complete his Accounts for each day on the day to ::
which they relate unless prevented by reasonable cause the burden
of proving of which shall be upon him.
(iii) Separate Registers should be maintained for Khandsari Sugar. ::
04. The Licensee shall submit to the Licensing Authority concerned a ::
true Return in **Form - " C "**, of the stocks, receipts and deliveries of
each of the Sugar every Month also as to reach him within five
days after the close of the Month.
05. The Licensee shall issue to every Customer a correct, receipt of ::
invoice, as the case may be, giving his own Name, Address and
Licence Number, the Name, Address, the License Number (if any) of
the Customer the Date of transaction, the quantity sold, the price
per quintal and the total amount charge and shall keep and
Duplicate of the same to be available for Inspection on demand by
the Licensing Authority or any other Officer authorised by him in
this behalf.

06. *The Licensee shall given all facilities at all reasonable times to the Licensing Authority or any Officer Authorised by the State Govt. for the Inspection of his stocks and Accounts at any Shop, Godown or other place used by him for the storage, sale or purchase of Sugar and for the taking of samples of Sugar for examination.* ::
07. *The Licensee shall comply with any direction that may be given to him by the State Govt. or the Licensing Authority in regard to purchase, sale and storage for sale, of Sugar and in regard to the language in which the Register, Returns, Receipts or invoices mentioned in Paragraphs - 2, 4 or 5 shall be written and the authentication and maintenance of the Register mentioned in Paragraph - 3.* ::
08. *The Licensee shall not keep in stock at any time Sugar in excess of quantity of Sugar mentioned below :-* ::
In Cities and Towns with a Population.
of One Lakh or more _____ 500 quintals.
In other Towns having a Population.
less than One Lakh _____ 250 quintals.
09. *The Licensee shall be attached to any Application for Renewal.* ::
10. *The Licence shall be valid upto _____ 20 .* ::

Place _____ ,
 Date _____ day of _____ .

*Signature of the Officer,
 Issuing the Licensing.*

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FORM ' C '
For use by a Dealer.
[See Condition - 4 of FORM ' B ']

Returns of stocks, receipts and sales of Sugar for the Month ending _____ 20 . .

Name --
 Number of Licence --
 Address --

Particulars of Godowns where stock held and quantities in stock in each quality of Sugar in stock in Bags / quintals.

- | Particulars of Godowns | Quantity in stock Bags / quintals | Remarks, if any |
|--|-----------------------------------|------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 1. Stock at the beginning of the Month. | | |
| (a) actually with the Licensee _____ | Bags / quintals. | |
| (b) pledged with any Persons or Institution such as a Bank or Co - Operative Society _____ | Bags / quintals. | |
| Total _____ | Bags / quintals. | |
| 2. Quantity purchased during the Month. | | |
| Name of Factory / Wholesaler from whom purchased. | Quantity (in Bags / Quintals) | |
| (i) | | |
| (ii) | | |
| (iii) | | |
| (iv) | <i>TOTAL</i> | |
| 3. Quantity received out of quantity purchased :- | | |
| From (Name of Factory / Wholesaler) | Quantity (in Bags / Quintals) | Date of Purchase |
| (i) | | |
| (ii) | | |
| (iii) | | |
| (iv) | <i>TOTAL</i> | |
| 4. Quantity sold :- | | |
| (a) Quantity sold / and delivered / removed during the Month _____ | | |
| Bags / quintals. | | |
| (b) Quantity sold but not yet delivered _____ | | |
| Total sold _____ | Bags / quintals. | |
| 5. Stock at the end of the Month. | | |
| (a) actually with the Licensee. | | |
| (i) unsold _____ | | |
| (ii) sold but awaiting delivery _____ | | |
| (b) pledged with any other Persons or Institution such as a Bank or Co - Operative Society _____ | Bags / quintals. | |
| Total _____ | | |

1. **Licensing Authority**

District

Place _____ ,

Dated, Shillong, the _____ 20 . .

Signature.

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