

**THE MEGHALAYA WHEAT AND WHEAT PRODUCTS  
[ WHOLESALE DEALERS LICENSING ] ORDER, 1975.**

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**NO. SUP. 71 / 74 / 32**, dated **04<sup>th</sup> November, 1975**. ::: In exercise of the Power conferred by 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 Wheat and Wheat Products [ Wholesale ] Dealers' Licensing Order, 1975**.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force with immediate effect.

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

- (a) "**Director**" means the **Director of Supply and Trade**, Meghalaya, Shillong.
- (b) "**Deputy Commissioner**" includes the **Additional Deputy Commissioner** and the **Sub - Divisional Officer** within the respective jurisdiction.
- (c) "**Form**" means a **Form Appended** to this Order.
- (d) "**Licensing Authority**" means the **Director of Supply and Trade**, the **Deputy Commissioner and the Sub - Divisional Officer** in their respective jurisdiction and any other Officer appointed by the State Government to exercise the Powers and perform the duties of the **Licensing Authority** under this Order.
- (e) "**Wheat**" means any variety of **Wheat** including imported variety and Split Wheat ;
- (f) "**Wheat Products**" means **Wholemeal Atta**, resultant **Atta**, Maida, **Suji** or **Rawa** ;
- (g) "**Wholesale Dealer**" means a Person engaged in the business of purchase sale or storage for sale of **Wheat Products** or a Person who owns or Incharge of a **Roller Flour Mill / Chakki Mill**, who purchases at any one time Wheat for crushing into Wheat Products meant for sale of **10 ( ten )** quintals or more which includes stocks in the Godown stocks at the place of business and stocks in transit and does not include the Food Corporation of India or the Person who stores any Wheat produced by him by personal cultivation and does not engaged in the business of purchase or sale of Wheat and Wheat products.

Explanation - For the purpose of this Clause, any Person who stores Wheat and or Wheat Products in quantity of **10 ( ten )** quintals or more at any one time, shall unless the contrary is proved be deemed to be carrying on business as a **Wholesale Dealer**.

03. **Licensing of Wholesale Dealers :-**

- (1) No Person shall carry on any business as a Wholesale Dealer except under and in accordance with the terms and conditions of a Licence issued in this behalf by the Licensing Authority.

04. **Issue and Renewal 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 "**.

05. *The Licence shall not keep in stock at any time **Wheat and Wheat Products** in excess of **1,000 quintals** at a time provided that storage of Wheat and Wheat Products by Licensees who handle and Wheat Products on behalf of Govt. may be authorised to stock Wheat and Wheat Products in the manner deemed necessary by the Licensing Authority in their jurisdiction.*

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

- (1) Every Licence granted under this Order shall be valid for the period ending within the **31<sup>st</sup> December**, of the year in which it is issued and may be renewed for a period of one year at a time.

- (2) The Fees specified below shall be chargeable in respect of each Licence, namely :-

(a)	For Issue of Licence.	--	Rs. 10/-
(b)	For Renewal of Licence.	--	Rs. 8/-
(c)	For Issue a Duplicate Licence.	--	Rs. 20/-

- (3) A separate Licence shall be obtained by a Wholesale Dealer for each place of business

07. **Security Deposit :-**

Every Dealer before a Licence is issued to him shall deposit with the Licensing Authority, security of the value of Rs. **500**, if his annual turnover in respect of Wheat and / or Wheat Products is Rs. **50,000** or more of Rs. **200**, if such annual turnover is less than Rs. **50,000** for the due performance of the conditions subject to which the Licence is granted to him. The amount of security to be deposited may be in the **Form of Cash, Bank Guarantee**, national **Saving Certificate** or **Saving Bank Deposit**.

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

The Licensing Authority may, after giving the Applicant concerned an opportunity of being heard and for reasons to recorded in writing, refuse to grant or renew a Licence.

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

No holder of a Licence issued under this Order or his Agent or Servant or any Persons acting on his behalf shall contravene any of terms and conditions of the Licence and if any such holder or his Agent or Servant or any other Person acting on his behalf 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 a reasonable opportunity of being heard.

10. ***Forfeiture of Security Deposit :-***

- (1) Without prejudice to the Provisions of Clause - 9, if Licensing Authority is satisfied that the Licensee has contravened any of the conditions of the Licence and that a forfeiture of the security is called for, it may, after giving the Licensee a reasonable opportunity is called for, it may, after giving the Licensee a reasonable opportunity of being heard, by Order, forfeit, the whole or any part of the security Deposited by him and communicate a copy of the Order to the Licensee.
- (2) The Licensee, shall, if the amount of Security at any time falls short of the amount specified in Clause - 7, forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.
- (3) Upon due compliance by the Licensee with all obligations under the Licence, the amount of security of such part thereof which is not forfeited as aforesaid, shall be returned to the Licensee after the termination or cancellation of the Licence.

11. ***Appeal :-***

- (1) Any Person aggrieved by any Order of the Licensing Authority refusing to grant or renew a Licence or cancelling or suspending Licence or forfeiting the Security Deposited by the Licensee under the provision of this Order may appeal to the Director and an appeal against the Order of the Director shall lie to the Govt. Such appeal shall be filed within 30 ( thirty ) days of the date of the receipt of communication of the Order.
- (2) No Order shall be made under this Clause unless the aggrieved Person has been given a reasonable opportunity of being heard.
- (3) Pending the disposal of an appeal, the Appellate Authority may direct that the Order refusing to renew a Licence or the other cancelling or suspending a Licence shall not take effect until the appeal is disposed of.

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

(1) The Licensing Authority or any other Officer Authorised by the State Govt. in this behalf may, with a view to securing compliance with this Order or to satisfying himself that the provisions of this order have not been contravene :-

(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 License issued thereunder has been, is being, or is about to be committed, to produce any Book, Accounts or other documents showing transactions relating to such contraventions and take or cause to be taken, extracts from or copies of such Book, Accounts or other documents produced before him.

(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 the conditions of any Licence issued there under, has been, is being, or is about to be committed.

(c) search, seize and remove stocks of Wheat and Wheat Products and the Animals, Vehicles, vessels, or other conveyance used in carrying the said Wheat and Wheat Products 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.

(i) For securing the production of stocks of Wheat and Wheat Products so seized before the Deputy Commissioner as required by **Section - 6 A** or in a Court ; and

(ii) For securing the production of 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 - 100** of the Code of **Criminal Procedure, 1973**, [ **Central Act - 2 of 1974** ] relating to search and seizure shall, so far as may be, apply to searches and seizure under this Clause.

13. **Revision :-**

Notwithstanding anything contained in this Order the State Govt. may at any time call for and examine any record of any proceeding of Orders of any authority under this Order for purposes of examining its propriety or legality and may pass such Orders thereof as it considers necessary.

Provided that no order shall be passed by the State Govt. to the prejudice of any Person without giving such Person opportunity of being heard.

**FORM ' A '**  
**[ See Clause - 4 ( 1 ) ]**  
**Grant of Licence.**

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01.	In the case of Individual :-	::	
	(1) Applicant's Name.	::	
	(2) Applicant's Profession.	::	
	(3) Applicant's Residence.	::	
02.	In the case of Partnership / Firm or Registered Company :-	::	
	(1) Name of the Firm / Company and style in which the business will run.	::	
	(2) Names of Partners / Directors.	::	
	(3) Name of Managing Partners / Managing Director.	::	
	(4) Partners / Directors' Profession.	::	
	(5) Managing Partner's / Managing Director's Profession.	::	
	(6) Partner's / Director's Residence.	::	
	(7) Managing Partner's Residence.	::	
	(8) Managing Director's Residence.	::	
03.	Situation of Applicant's / Firm / company's place or business with particulars as to the number of the House Mahalla, town or Village, Police Station and District.	::	
04.	How long has the Applicant / firm / Company been trading in the Wheat / wheat Products.	::	
05.	Did the Applicants / Firm / Company held a Foodgrains Dealer's Licence on any previous occasion. If sop, give particulars including its suspension or cancellation, if any.	::	
06.	Quantities of Wheat / Wheat Products handled annually during the last three years.		
07.	Quantity of Wheat / Wheat Products likely to be handled during the current year.		
08.	Income Tax paid in the two years proceeding the year of Application ( to be indicated separately ).	::	
	1. _____ .	::	
	2. _____ .	::	
	(a) Quantity of Wheat / Wheat Products in the possession of the Applicant / Firm / Company on the date of application. ( Separate Figures are to be given for each Wheat / Wheat Products ).	::	
	(b) Complete Address of Places where Wheat / Wheat Products are or are proposed to be stored.	::	
<p>I / we declare that the quantities of Wheat / Wheat Products specified above are in my possession this day and are held at the places noted above.</p> <p>I / we have carefully read the conditions of Licence given in <b>Form - " B "</b> appended to the <b>Meghalaya Wheat and Wheat Products [ Wholesale ]Licensing Order, 1975</b>, and I / we agree to abode by them.</p>			
*	(a)	I / we have not previously applied for a Licence in this District for Wheat / Wheat Products.	
*	(b)	I / we applied for such Licence in this District for _____ on _____ and was / was not granted a Licence on _____ .	
*	(c)	I / we hereby apply for Renewal of Licence number _____ issued to me, on _____ .	
		* <b>Strike off the Clauses not applicable.</b>	

Place \_\_\_\_\_ ,  
Date \_\_\_\_\_ ,

Signature of Applicant / Firm / Company.

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**FORM ' B '**  
**[ See Clause - 4 ( 2 ) ]**  
**Licence for Purchase, Sale / Storage for sale of Wheat / Wheat Products.**

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Licence No.        ::

01.		Subject to the Provisions of the Meghalaya Wheat / Wheat Products [Wholesale] Dealers' Licensing Order, 1975, and to the terms and conditions of this Licence _____, is / are hereby authorised to purchase, sell or store for sale, the under mentioned Wheat / Wheat Products. _____.	::	
02.	(a)	The Licensee shall carry on the business of sale at the following Place (s). _____.	::	
	(b)	Wheat and Wheat Products 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 :- _____.	::	
		<b>Note</b> :- If the Licensee intends storing his Wheat and Wheat Products in places other than those specified above, he shall prior intimation and in case where it is found difficult to give prior intimation to the Licensing Authority, intimation of taking over Godowns for storage in such cases should be given to the Licensing Authority within a Forty - Eight Hours of the actual occupation of the Godowns and in either case, the Licensee shall produce the Licence for making requisite changes by the Licensing Authority.		
03.	(i)	The Licensee shall maintain a Register of Daily Accounts for Wheat and Wheat products mentioned in Paragraph - I showing correctly :-	::	
	(a)	the Opening Stock of each Day ;	::	
	(b)	the 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)	A Licensee who is a produce himself shall separately show the stock of his own produce in the Daily Account, if such stocks are stored in his business premises.	::		

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 Wheat and Wheat Products every Month (from 01 <sup>st</sup> to the end of the Month) so as to reach him with 5 ( five ) days after the close of the Month.	::	
05.	The Licensee shall not contravene the provisions of the Wheat and Wheat Products / Wholesale Dealers' Licensing Order, 1975, or any other Order relating to Foodstuffs issued under the <b>Essential Commodities Act, 1955, ( 10 of 1955 )</b> .	::	
06.	The Licensee shall not contravene the provisions of any Law relating to Foodstuffs for the time being in force.	::	
07.	The Licensee shall not :-	::	
	(i) Withhold from sale supplies of Wheat and Wheat Products ordinarily kept for sale, or	::	
	(ii) Charge, in respect of sale of Wheat and Wheat Products made by him a margin of profit in excess of the rate prevailing in the market at the time of sale or at a rate in excess of any maximum rate of margin fixed for Wholesale transaction in Foodgrains by Govt. or a representative body of Foodgrains Dealers for the locality concerned whichever is less.	::	
08.	The Licensee shall exhibit, at the entrance of some other prominent place of his business premises the price list of stocks of Wheat and Wheat Products held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of Wheat / Wheat Products.	::	
09.		::	
10.		::	
11.			
12.	The Licensee shall comply with the provisions of Orders in force relating to Foodstuffs made under the Essential Commodities Act, 1955.		
13.	The Licensee shall not sell or offer to sell in any locality and Wheat / Wheat Products at a price higher than that fixed for sale of Wheat / Wheat Products in such locality by the Central Govt. or the State Govt. in pursuance of any power conferred by law.		
14.	The Licence shall be attached to any application for Renewal. This Licence shall be valid upto <b>31<sup>st</sup> December</b> , _____ 20 .		

Place \_\_\_\_\_ ,  
Date \_\_\_\_\_ day of \_\_\_\_\_ .

Licensing Authority

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

**MONTHLY RETURNS OF STOCKS, RECEIPTS AND SALES OF  
WHEAT / WHEAT PRODUCTS.**

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01.	Name of Foodgrains.	::	<b>WHEAT / WHEAT PRODUCTS</b>	
02.	Month Ending.	::		
03.	Name of Licensee.	::		
04.	State.	::		
05.	District.	::		
06.	Town.	::		
07.	Licence No.	::		
08.	Annual Turnover in Wheat / Wheat Products.	::		
09.	Security Deposits.	::	Rs. _____ .	
10.	Stock at the beginning of the Month and the particulars of Godowns where stock hold.			
	Particulars and Address of Godowns		Code	Quantity of quintals
	( 10.1 )		( 10.2 )	( 10.3 )
11.	Total of stocks held in quintal	::		
12.	Quantity purchased during the Month and source of supply.			
	Source of supply		Quantity purchased earlier but received now	Quantity purchased and received
	( 12.1 )		( 12.2 )	( 12.3 )
13.	Quantity sold during the Month.	::		
14.	Stock at the end of the Month.			
	Particulars of the Godown where held		Code	Actually with the Stockists
	( 14.1 )		( 14.2 )	( 14.3 )
<b>TOTAL</b>		<b>::</b>		

Place \_\_\_\_\_ ,

Dated, Shillong, the \_\_\_\_\_ 20 .

**Signature.**  
**Dealers' Stamp and Licence No.**

To,

1. **The Licensing Authority,**
2. \_\_\_\_\_ .

<b>NOTE</b>	--	Quantity sold earlier and but delivered during the Month will also be included in.
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