

## NOTIFICATION

English translation of Ganna Ayukt Karyalaya Notification No. 17/C, dated December, 4, 1967, published in U.P. Gazette, Part I (ka), dated 20th January, 1968, p. 248.

In exercise of the powers conferred under Clause 10 of the U.P. Restriction on sugarcane Purchase Order, 1966, I.G.C. Chaturvedi, Cane Commissioner, U.P., authorise the District Magistrate, all Sub-divisional Magistrates and all Tehsildars of the district noted in the margin to exercise within their respective jurisdictions the powers under sub-clauses (a) and (b) of Clause 10 of the aforesaid order during the year 1967-68.

1. Saharanpur, 2. Muzaffarnagar, 3. Meerut, 4. Bulandshahr, 5. Bijnor, 6. Rampur, 7. Moradabad, 8. Naini Tal, 9. Bareilly, 10. Budaun, 11. Shahjahanpur, 12. Pilibhit, 13. Hardoi, 14. Sitapur, 15. Lakhimpur Kheri, 16. Faizabad, 17. Bara Banki, 18. Varanasi, 19. Dehra Dun, 20. Jaunpur, 21. Azamgarh, 22. Basti, 23. Gorakhpur, 24. Deoria, 25. Gonda, 26. Ballia, 27. Sultanpur.

### U. P. VACUUM PAN SUGAR FACTORIES LICENSING ORDER, 1969

English translation of Udyog (Ga) Vibhag, Notification No. 6941-S/xviii 1517-57, dated January 15, 1969, published in U.P. Gazette, Extra-ordinary, dated 15th January, 1969, pp. 6-11.

Whereas the power to regulate production of sugar by the Vacuum Pan Sugar Factories exercisable by Central Government under Clause 3 of the Sugar Control Order, 1966, has been delegated to the State Government under clause 15 of the said Order by the Ministry of Food and Agriculture, Community Development and Co-operative "Department of Food", Government of India, Notification No. G.S.R.-129/Ess-Com. Sugar, dated August 24, 1967.

And, whereas, the State Government is of the opinion that it is necessary and expedient so to do for regulating production of Sugar by the Vacuum Pan Sugar Factories.

Now, therefore, in exercise of the powers delegated to the State Government as aforesaid, and in supersession of the existing orders on the subject, the Governor of Uttar Pradesh is pleased to make the following order.

**1. Short title, extent and commencement.**—(1) This order may be called the U.P. Vacuum Pan Sugar Factories Licensing Order, 1969.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

**2. Definitions.**—In this order unless the context otherwise requires :

(a) "Producer of Sugar" means a person carrying on the business of manufacturing sugar by vacuum-pan process;

(b) "Occupier" or "occupier of a factory" means the person, who or the authority which, has the ultimate control over the affairs of the factory and where the said affairs are entrusted to a Manager, Managing Director or a Managing Agent, such Manager, Managing Director or Managing Agent shall be deemed to be the occupier of the factory ;

(c) Sugar Commissioner—Means an officer appointed as Sugar Commissioner by the State Government;

(d) Licence—Means a licence granted under the provision of this order ;

(e) "Schedule" or "Form"—Means a "Schedule" or "Form" appended to this order;

(f) Licensing year—Means, the period beginning on the 1st date of July in any year and ending on the 30th June next following ;

(g) State Government—Mean the Government of Uttar Pradesh.

**3. Grant of Licence.**—(1) No Sugar shall be manufactured from sugar-cane by a producer of sugar by vacuum pan process unless he has obtained from the State Government a licence therefor in the form prescribed in Schedule I.

(2) An application for grant or renewal of a licence under sub-clause (1) shall be submitted to the Sugar Commissioner by the date prescribed in Schedule II in the form prescribed in Schedule III and accompanied by a satisfactory proof of the fee prescribed in Schedule IV :

Provided that the State Government may renew the licence for which an application for renewal is received after the expiry of the prescribed date for receipt of such an application, if State Government is satisfied that there was reasonable cause for the delay.

**4. Period for which licences to be issued.**—A licence granted or renewed under this order shall be subject to the conditions prescribed in the form of licence set out in Schedule I and shall be valid for the entire licensing year or any part thereof as indicated in the licence by the State Government.

**5. Issue of duplicate licence.**—If a licence granted under this order is defaced, lost or destroyed, duplicate thereof may be obtained from the Sugar Commissioner on application accompanied by a satisfactory proof of the payment into Treasury of Rs. five only.

**6. Conditions for suspension or cancellation of licence.**—(1) The State Government may without prejudice to any other action that the State Government may be authorised to take under this order, cancel or suspend any licence if the licensee has contravened any provision of this order or any condition of his licence.

**7. Powers of the Sugar Commissioner.**—The Sugar Commissioner or any person authorised by him with a view to securing compliance of the provisions of this order—

(a) require any producer of sugar or occupier of a sugar factory to give any information in his possession in respect of any process connected with the producer of sugar by vacuum pan process;

- (b) require licensee to maintain, or to produce such records, dates or information as may be necessary from time to time;
- (c) inspect any books or documents and stock of sugar belonging to or in control of any person in respect of which he has reason to believe that contravention of any provision of this order has taken place or as likely to take place and may take such books or documents into his possession for examination or security.

**8. Penalties.**—If a person contravenes any of the provisions of this order or conditions of the licence he shall be punishable in accordance with the provisions of the Essential Commodities Act, 1955.

#### SCHEDULE I

##### Licence

[Under Clause 3 of the U.P. Vacuum Pan Sugar Factories Order, 1969]

Licence No.....  
Lucknow.....Dated.....

S/Sri.....  
Occupier of .....  
factory situated at.....

is hereby authorised to crush sugarcane in the said factory subject to the terms and conditions hereinafter mentioned and to the provisions of the Sugar (Control) Order, 1966 :

- (1) The licensee shall produce sugar by vacuum pan process only.
- (2) The licensee shall not manufacture gur or khandsari in the factory.
- (3) The licensee will maintain the plant and machinery in proper working order and shall forthwith bring to the notice of the Cane Commissioner any major breakdown in the machinery.
- (4) The licensee shall abide by all the laws and rules for the time being in force in the State for regulating the manufacture of sugar by vacuum pan process and the supply and purchase of sugarcane, and such directions as may be issued, from time to time by the State Government and the Cane Commissioner, Uttar Pradesh.
- (5) The licence shall be liable to be cancelled for breach of any of the above conditions.
- (6) The licence shall be valid up to 30th June, 19.....

Secretary to Government, Uttar Pradesh,  
Industries Department.

#### RENEWAL

No.....Lucknow.  
Dated.....19.....

This licence is hereby renewed with effect from.....  
till.....on the same terms and  
conditions.

For Secretary to Government, Uttar Pradesh,  
Industries Department.

#### SCHEDULE II

##### Period of receipt of application

Applications for grant or renewal of licence for the licensing year 1968-69 may be received up to January 25, 1969. Applicants who have already applied in a proper way and deposited the required fee need not apply again.

2. Period of receipt of an application for grant or renewal of licence for any subsequent licensing year shall be between June 1 and July 31.

#### SCHEDULE III

(Under Clause 3(ii) of the U.P. Vacuum Pan Sugar  
Factories Licensing Order, 1969)

Form of application for a licensee to crush cane or for its renewal  
[Clause 3 of the Sugar (Control) Order, 1966, issued under  
Section 3 of the Essential Commodities Act, 1955]

1. (a) Name, Parentage and residence or  
in the case of a firm, name and principal  
place of business of the applicant.

(b) In the case of a firm registered under  
the Indian Companies Act the name of the  
company and the address of the registered  
office with the names and addresses of the  
Directors and of the Manager or Managing  
Agents, the Secretary and Chief Executive  
Officer of the Company.

2. Site of Factory :

Village or town

Thana

District

Nearest Railway Station

3. Quantity of cane crushed during each  
of the five previous crushing seasons.

4. The number of days and hours the  
factory crushed during each of the five  
previous crushing seasons.

5. Any extension of the plant of the  
factory during the period.

6. Whether the prescribed fee of Rs.  
1,000 has been deposited in the district of  
Sub-divisional treasury of the area in  
which the factory is situated.

(Receipted Treasury challan, should  
accompany with the application).

**Note**—The licence fee should be  
deposited under the Head O-40-Sales Tax-  
3—Tax on purchase of sugar-cane-2—Other  
Receipts].

7. The number and date of the licence to be renewed (In the case of application for renewal).

8. The details of Sugarcane Purchase Tax, cane price commission etc., dues outstanding against the occupier of the factory on the date of submission of application for grant or annual renewal of cane crushing licence.

SCHEDULE IV  
Licensing fee

Licence for each licensing year or part thereof shall be Rs. 1,000.

**THE UTTAR PRADESH KHANDSARI SUGAR  
(LEVY) ORDER, 1975<sup>1</sup>**

(See Rule 114 of the Defence of India Rules, 1971)

Whereas the State Government is of opinion that it is necessary and expedient so to do for securing equitable distribution of Khandsari sugar and its availability at fair price.

Now, therefore in exercise of the powers under sub-rule (2) of Rule 114 of the Defence of India Rules, 1971, and with the prior concurrence of the Central Government, the Governor, is pleased to make the following order, namely:—

**1. Short title, extent and commencement.**—(1) This order may be called the Uttar Pradesh Khandsari Sugar (Levy) Order, 1975.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

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

(a) "Controller" means the District Magistrate of the district, and include such officer not below the rank of a District Supply Officer as may be authorised in writing by him to perform all or any of his functions as Controller under this Order;

(b) "Specified price" in relation to Khandsari sugar required to be sold to the State Government under Clause 3, means <sup>2</sup>[two hundred thirty five rupees] per quintal of Khandsari sugar packed in standard gunny bags, and includes charges on transport of Khandsari sugar from the place of manufacture up to the purchase centre and all other incidental charges but does include any duty or tax, if any, paid or payable on such Khandsari sugar;

1. Subs. by Notl. No. 2469/XXIX—A-V-2—Khandsari—55—75, dated 19-3-1975 published in U.P. Gazette Extra, dated 19-3-1975, p. 2.

2. Notl. No. 292/XXIX-A-V-2-Khandsari—56-75, dated 29-1-1975.

(c) "Enforcement Officer" means the District Magistrate or any magistrate subordinate to him, Regional Food Controller, Deputy Regional Food Controller, Regional Marketing Officer, District Supply Officer, Area Rationing Officer, Tehsildar, a police officer not below the rank of an Assistant Sub-Inspector, Commissioner or Additional Commissioner or Deputy Commissioner or Assistant Commissioner of Food and Civil Supplies, Uttar Pradesh;

(d) "Khandsari Sugar" means white crystalline sugar containing more than ninety per cent sucrose and manufactured at a sulphitation unit by open process including a Bel;

(e) "Levy share" with its cognate expressions and grammatical variation, means such quantity of Khandsari sugar as the producer is required to sell to the State Government under Clause 3;

(f) "producer" means a person carrying on the business of manufacture of Khandsari sugar;

(g) "purchasing centre" means a place declared as such by the Controller;

(h) "release certificate" means a certificate granted in the form given in the Schedule by such officer as may be specified by the Controller by order in that behalf to the producer in token of his having sold the required quantities of Khandsari sugar to the State Government;

(i) "Schedule" means the schedule appended to this order;

(j) "State Government" means the Government of Uttar Pradesh;

(k) all other expressions used but not defined in this order shall have the same meanings as in the Uttar Pradesh Khandsari Sugar Manufacturers Licensing Order, 1967.

**3. Levy on Khandsari Sugar.**—(1) Every producer shall sell to the State Government at the specified price at a purchasing centre <sup>1</sup>[one fourth] of the Khandsari sugar manufactured by him in the first process.

*Explanation.*—No levy shall be due on the sugar manufactured in the second or any subsequent process.

(2) For the purposes of sub-clause (1),

(a) the quantity of Khandsari sugar manufactured in the first process by a producer <sup>2</sup>[using hydraulic crusher] shall be deemed to be 4-1/2 percent of the sugarcane crushed by him; <sup>3</sup>[\* \* \*];

<sup>4</sup>[(aa) the quantity of Khandsari sugar manufactured in the first process by a producer using non-hydraulic crusher shall be 4 per cent of the sugarcane crushed by him; and]

1. Subs. by Notl. No. 2459/XXIX-A-V-2-Khandsari-25-57, dated 19-3-1975, published in U.P. Gazette, Extra, dated 19-3-1975, p. 2.

2. Inserted by *ibid.*

3. The word "and" deleted by *ibid.*

4. Added by *ibid.*