



TEA BOARD
14, Biplabi Trailokya Maharaj Sarani
Kolkata – 700001

Ref: - Law/08/2013

Dated: 21.05.2015

Circular

I am directed to send herewith a copy of notification, S.O. 1012 (E) dated 15.04.15 published in the Gazette of India for information and necessary action.

A handwritten signature in blue ink, appearing to be "A. Rajan".

(A. Rajan)

Statistician & Secretary (I/C)

Enclosed: As stated above.

Distribution:

All producers Association	For bringing it to the notice of all concerned members of your association
All Auction Organisers	



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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नई दिल्ली, बुधवार, अप्रैल 15, 2015/चैत्र 25, 1937

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NEW DELHI, WEDNESDAY, APRIL 15, 2015 / CHAITRA 25, 1937

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

अधिसूचना

नई दिल्ली, 15 अप्रैल, 2015

का.आ. 1012 (अ).— केन्द्रीय सरकार चाय अधिनियम, 1953 (1953 का 29) की धारा 30 की उप-धारा (3) और (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए चाय (विपणन) नियंत्रण आदेश, 2003 का और संशोधन करने के लिए निम्नलिखित संशोधन करती है, अर्थात् :—

1. (1) इस आदेश का संक्षिप्त नाम चाय (विपणन) नियंत्रण (संशोधन) आदेश, 2015 है।
(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।
2. चाय (विपणन) नियंत्रण आदेश, 2003 (जिसे इसमें इसके मूल आदेश कहा गया है) में पैरा 2 में, -
(क) खंड (घ) के बाद, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-
'(घ घ) "जिला मॉनीटरिंग समिति" से तात्पर्य प्रत्येक चाय उगाने वाले जिले में चाय के लघु उगाने वाले को दी जा रही हरी पत्ती की कीमत की मॉनीटरिंग करने के लिए बोर्ड द्वारा अधिसूचित समिति से है;';
- (ख) खंड (ज) के बाद निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-
'(ज ज) "चाय के लघु उगानेवाले से तात्पर्य किसी ऐसे व्यक्ति से है जो 10.12 हे. (25 एकड़) तक के चाय क्षेत्र का स्वामी है;';
- (ग) खंड (थ) के बाद निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-
'(थ थ) "आउट टर्न प्रतिशत" से तात्पर्य हरी पत्ती तथा निर्मित चाय की मात्रा के बीच का संपरिवर्तन है;';

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 15th April, 2015

S.O. 1012 (E).—In exercise of the power conferred by sub-sections (3) and (5) of section 30 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendments further to amend the Tea (Marketing) Control Order, 2003, namely:—

1. (1) This Order may be called the Tea (Marketing) Control (Amendment) Order, 2015.

(2) It shall come into force on the date of its publication.

2. In the Tea (Marketing) Control Order, 2003 (hereinafter referred to as the principal Order), in paragraph 2,—

(a) after clause (d), the following clause shall be inserted, namely:—

‘(dd) “District monitoring committee” means a committee notified by the Board for each tea growing district to monitor the price of green leaf being paid to the small tea growers;’;

(b) after clause (j), the following clause shall be inserted, namely:—

‘(jj) “small tea grower” means a person owning tea area upto 10.12 ha (25 acres);’;

(c) after clause (q), the following clause shall be inserted, namely:—

‘(qq) “out turn percentage” means the conversion between volume of green leaf and made tea;’;

(d) in clause (u), for the words and figures “Prevention of Food Adulteration Act, 1954 specifications”, the words and figures “Food Safety and Standards Act, 2006 or the rules or regulations made thereunder” shall be substituted;

(e) in clause (y), for the words, figures and brackets “Prevention of Food Adulteration Act, 1954 (Act 37 of 1954)”, the words and figures “Food Safety and Standards Act, 2006 or the rules or regulations made thereunder” shall be substituted.

3. In paragraph 3 of the principal Order,—

(i) in sub-paragraph (1), for the words “except under a valid registration obtained under this Chapter in respect of each factory owned or controlled by him”, the words “without obtaining a no objection certificate under this Order in respect of each factory to be set up by him and after completion of setting up of the factory, the manufacturer shall apply for obtaining registration of in respect of each such factory owned or controlled by him” shall be substituted;

(ii) in sub-paragraph (3), for the word “registration”, the words “no objection certificate or registration” shall be substituted;

(iii) in sub-paragraph (4),—

(a) for the word “registration”, the words “no objection certificate or registration” shall be substituted;

(b) for the words “a certificate of registration” the words “no objection certificate or a certificate of registration, as the case may be,” shall be substituted.

4. In the principal Order, after paragraph 3, the following paragraph shall be inserted, namely:—

“3A. No objection certificate for capacity enhancement of existing factory.— (1) No registered manufacturer shall carry on the activities to enhance the production capacity of the existing factory without prior intimation and obtaining the no objection certificate from the Board.

(2) After obtaining the no objection certificate from the Board and completion of the capacity enhancement of the factory, the registered manufacturer shall apply to the registering authority in Form “A” for changing the registration of the extended factory.

(3) The registering authority may, for reasons to be recorded in writing, refuse to grant enhancement of the existing capacity to an applicant and shall furnish him with a copy of the order so passed:

Provided that before passing an order of refusal, an opportunity of being heard shall also be granted to the applicant.

(4) Where an application for registration is not refused under sub-paragraph (3), the registering authority shall grant the applicant a certificate of registration within fifteen working days from the date of receipt of the application in Form 'B'."

5. In the principal Order, in paragraph 21,—

(i) for sub-paragraph (1) and the proviso, the following shall be substituted, namely:—

"(1) Every registered Bought leaf tea factory shall, on and from the date of commencement of the Tea (Marketing) Control Amendment Order, 2015, sell not less than 70 per cent. of the total tea manufactured in a calendar year through public tea auctions in India, held under the control or auspices of organisers of tea auction licenced to do so under the provisions of this Order.";

(iii) in sub-paragraph (2), for the word "manufacturer", the words "Bought leaf factory" shall be substituted.

6. In the principal Order, in paragraph 23, the existing paragraph shall be numbered as sub-paragraph (1) thereof and after sub-paragraph (1) as so re-numbered, the following sub-paragraphs shall be inserted, namely:—

"(2) The monthly return shall be submitted within the time and in the manner as may be decided by the Registering Authority from time to time.

(3) In case the monthly return is not submitted for six consecutive months by any registered manufacturer, it shall be deemed that the manufacturer has ceased its operation of manufacturing tea and the registration certificate shall stand suspended."

7. In the principal Order, in paragraph 28, in sub-paragraphs (1) and (2), for the words "Prevention of Food Adulteration Act, 1954 as amended from time to time", the words "Food Safety and Standards Act, 2006 or the rules or regulations made thereunder" shall respectively be substituted.

8. In the principal Order, in paragraph 30, in sub-paragraph (1), after the words "sale proceeds received by the registered manufacturer", the words "as well as the out turn percentage:

Provided that for orthodox and crush, tear and curl tea, the out turn percentage shall be specified separately by the Registering Authority." shall be inserted.

9. In the principal Order, after paragraph 30, the following paragraph shall be inserted, namely:—

"30A. District green leaf price monitoring committee.— (1) There shall be a green leaf price monitoring committee in each tea growing district comprising of two representatives each from Bought leaf factories, small tea growers and estate factories and one officer of the Board not below the rank of Assistant Director and the Collector or Deputy Commissioner of such tea growing district shall be the ex-officio Chairman. The officer of the Board shall be the member secretary of the committee.

(2) The Registering Authority shall notify the constitution of the committee and the tenure of the committee shall be for three years from the date of such notification and the committee shall be reconstituted after the expiry of every three years.

(3) Upon the death or resignation of any member of the committee, other than the Chairman and officer of the Board, the Registering Authority can re-nominate new member from such category that the deceased or, as the case may be, resigned member represented and the tenure of such re-nominated member shall be for the remaining period, as if such death or resignation of the committee members has not happened.

(4) No member of the committee representing Bought leaf factories, small growers or estate factories shall be a member for two consecutive terms.

(5) The committee shall undertake the following functions, namely:—

(a) to monitor the average green leave price payable to the small tea growers for each succeeding month based on the last month average auction price of Bought leaf factories of such district by applying the price sharing formula as notified by the Registering Authority under the provisions of paragraph 30;

(b) to oversee the compliance of payment of such average price to the small tea growers and bring to the notice of the Registering Authority about the errant Bought leaf manufacturer.

(6) The member secretary of the committee shall ensure to conduct at least one meeting of the committee in a month."

10. In the principal Order, for Form 'A', the following Form shall be substituted, namely:—

“Form-‘A’
APPLICATION FOR REGISTRATION UNDER PARAGRAPH 3(2)
(To be submitted in triplicate)

To
The Chairman,
Tea Board,
14 -B.T.M. Sarani,
Kolkata -700 001.

Sir,

I/We hereby apply for registration as a manufacturer and/or producer of tea under the Tea (Marketing) Control Order, 2003.

Necessary particulars are furnished below:

Sl. No.	Particulars	Remarks
1.	Name of the applicant (in block letters)	
2.	Mailing address with PIN Code	
3.	Name of the Tea Processing Unit	
3A	Address of the Tea Processing Unit	
3B	Phone number, Fax Number & E-mail ID	
4	Annual Capacity of Production	
5	Detailed list of machines and equipment installed with date of installation.	
6	Copy of the final factory lay out drawing to be drawn by civil engineer	
7	If the Tea Processing Unit to be registered as Estate Factory, kindly mention registered area under tea with Registration Number of Tea Board, Name of the Tea Estate.	
8	Central Excise Registration Number & Zone	
9	Details of Bank Draft for Rs.2500/- to be drawn in favour of Tea Board, Kolkata	1. Bank Draft No: 2. Date: 3. Amount: Rs. 2500/-

Yours faithfully,

(Signature of the applicant)

Date:
Place:”

[F. No. T-12014/1/2013-Plant (A)]

RAJANI RANJAN RASHMI, Addl. Secy.

Note: The principal order was published vide S.O. No. 1(E), dated 1.1.2003 in the Gazette of India, Extraordinary and subsequently amended vide S.O. No. 247(E), dated the 28th February, 2003, S.O. No. 430(E), dated 10th April, 2003, S.O. No. 270(E), dated 27th February, 2004, S.O. No. 1170(E), dated 20th October, 2004 and S.O. No. 1017(E), dated 15th July, 2005.