

TEA (MARKETING) CONTROL AMENDMENT ORDER, 2017

qqo-33004/99 REGD. NO. D. L.-33004/99 Che Gazette of -3ndia 201 No. 201 2. EXTRAORDINARY (ii) PART 11—Section 3—Sub-section (ii) PUBLISHED BY AUTHORITY 4, 14, 1938 NEW DELHI, WEDNESDAY, JANUARY 4, 2017/PAUSA 14, 1938 3 2017 3fifzrcr, 1953 (1953 29) a-xr 30 (3) (5) (ft-q-017) qü9T, 2003 *ru7 (1) q-rzr (NTI'UFT) (*r87) 3lüqr, 2017 'Q, 2003 2) 2 it,- 7ä-s , F) cra-q, ; (T) (w:r) qzrq, •æ:i-q-q -q-æ:t 737:rr« a-Tqa-r 34 C,V21117 2 3. THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)] sfifi•zrtr, 1956 (1956 1) q-r 2013 (2013 1 8), 2 tra-rt, ft-a-r Wlfh•r+r tß1T: 'ft-e-rå-q a-a: I a-f*-qi-a-T q-a 1984 (4) -a-a-a-a R•-a-T I 6 3(ii)] ft, zrq-rfrqfi, zrq-rpqfi, arrra-a q-IT!YITI cn-fr-er -F+ (3) a-fi t, wa-fi: _ "(1) q-rfhl*r, 3 (S.) R-R-qta-r 731:rü q? ; ZPXTfr-!4fi, q-r arq-r q-rzr q-rzr q-ra @-r-rzr 2006 (2006 34) 4 7. 8. 9. 10

11. THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)] a-frü -q-ra-ät -q-ra-*t -a-fi 2; q-p:r -2, a-q-017 q-o-n-å 3i--a-, -f7 ft-I! (2) AR, q-rqvrr, (q) (3) z•q-QXT "(3) Wlfh•r+r q-r *TIT I" I 16 AT 31fr 1 7 q-ITITIT, "1 m. fiq.- 20 / Ä•æfr -(fr-4i-t-d q-crzr-q-crzr qr, I AT -s:n-t I 12. (1) q-rqvrr, 3(ii)] 5 13. 23 (1) a-fr--#t-i7 14. 15. 16. 17. 24 ZPXTfr-!4fi, q-r srcrro•rtÄ q-r ;" I 26 (1) AT #7127 (1) it, Wlfhl+r, / q-lfh-rft" F) (2) qlfhlfi" qlfhTft" ; (q) (3) it, Wlfh•r+r 91*t AR, " ,zrq-rfrqfi, AT I it, 29 I ",v.nfi-qfi, 18. 31 zrq-rfr-qfi, 19. 32 AT qlfhlfi" 20. waft: _ (RTOT7) 2003 (RTITFT) 2003 / 6 2 3 4 5 6 7 8 9 11 12 THE GAZETTE OF INDIA : EXTRAORDINARY q-aT, e-h_q-fä-qi, [@XT 3F'(5) [PART II—SEC. 3(ii)] 3. 1,000/- 2003 q-ra zn•a-r q? 2. 3. 4. 3(ii)] q-rzr 500 I zrrq-qi q-rzr q-rzr *vrr a-I-qi -a-ft fr-*fi-é I zrrq-qi I q-rfhl*r q-rzr 7 3, a•q-äz (ii) | (3 {), 1 q-a-q-t, 2003 _ (1) (2) (3) (4) (5) (6) (7) (8) 247(q), 28 2003; 430(31), 10 2003; 270(31), 27 2004; 1 1 70(31), 1017 (31), 1012(31), 2688(q), 3319(q), 20 2004; 1 5 , 2005; 1 5 2015; 1 2015; 25 2016. 8 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(ii)] MINISTRY OF COMMERCE AND INDUSTRY (Department of Commerce) NOTIFICATION New Delhi, the 3rd January, 2017 S.O. 21(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. 2. (1) This Order may be called the Tea (Marketing) Control (Amendment) Order, 2017. (2) It shall come into force on the date of its publication in the Official Gazette. In the Tea (Marketing) Control Order, 2003, (herei_nafter referred as the principal order), in paragraph 2, 3. 4. after clause (d), the following clause shall be inserted, namely:- ' (da) "Certifying Authority" means the Deputy Chairman; , in clause (i), after the words "Bought Leaf Factories", the words "Mini Tea Factories" shall be inserted; after clause (i) , the following clause shall be inserted, namely: '(ia) "Mini tea factory" means a tea factory owned by a small grower, an association of small tea growers or a Producer Company and which sources all the required tea leaf from its own plantation for the purpose of manufacture of tea and having capacity to produce not more than five hundred kilograms of made tea per day;' after clause (p), the following clause shall be inserted, namely:- ' (pa) "Producer Company" means a company registered as a Producer Company under the Companies Act, 1956 (1 of 1956) or the Companies Act, 2013 (18 of 2013), as the case may be, being in force consisting of small tea growers; . In the principal order, after paragraph 2, the following paragraph shall be inserted, namely: "2A. No objection certificate.- A manufacture who intend to set up a tea factory shall obtain a 'no objection certificate' from the Registering authority: Provided that 'no objection certificate' shall not be required to set up Mini Tea Factory. In the principal order, in paragraph 3, for sub-paragraphs (1) and (2), the following shall be substituted, namely:- 5, "(1) No manufacturer shall carry on the activities of manufacturing tea after ninety days of the publication of this order except under a valid registration obtained under this order in respect of each factory owned and controlled by him: Provided that the manufacturer who has already obtai_ned registration under the provisions of Tea (Marketing) Control Order, 1984 shall be deemed to have been registered under the provisions of this order and they should intimate the Tea Board accordingly: Provided further that registration shall not be required for a Mini Tea Factory. (2) An application for registration shall be made to the Registering authority in Form 'A' annexed to this order along with the 'no objection certificate' under paragraph 2A. ' In the principal order for paragraph 3A, the following shall be substituted, namely:- Certificate of Mini Tea Factory.- (1) No Mini Tea Factory shall carry on the activities of "3A. selling manufactured or hold stock of tea after thirty days of publication of this order except under a valid certificate obtai_ned under this order. 3(ii)] 9 6. (2) An

application for certificate shall be made to the Certifying authority in Form 'K' annexed to this order within thirty days from the date of commercial manufacturing: Provided that an application made after thirty days shall be accepted provided sufficient reasons for delay are given. (3) Notwithstanding anything contained in sub-paragraph (1), Mini Tea Factory already set up, prior to the publication of this order, shall be deemed to be manufacturer under the provision of this order, provided they obtain the certificate within ninety days from the date of publication of this order. (4) The Certifying authority may, for reasons to be recorded in writing, refuse to grant the certificate 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 be granted to the applicant. (5) Where an application for certificate is not refused under sub-paragraph (4), the Certifying authority shall grant the certificate in Form 'L' annexed to this order within thirty working days from the date of receipt of application subject to necessary verification by the Certifying authority.

3B, No objection certificate for capacity enhancement of existing factory,- (1) No registered or certified manufacturer shall carry on the activities to enhance the production capacity of the existing factory without prior intimation and obtaining the no objection certificate, wherever applicable, from the Board, (2) After obtaining the no objection certificate from the Board and completion of the capacity enhancement of the factory, the registered or certified manufacturer, as the case may be, shall apply to the Registering authority or Certifying authority, as the case may be, in Form 'A' annexed to this order for changing the registration or certificate, as the case may be, of the extended factory, (3) The Registering authority or Certifying authority, as the case may be, 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 be granted to the applicant. (4) Where an application for registration or certification is not refused under sub-paragraph (3), the Registering authority or Certifying authority, as the case may be, shall grant the applicant a certificate of registration or certificate, as the case may be, within fifteen working days from the date of receipt of the application in Form 'B' annexed to this order. ' In the principal order, in paragraph 5, (a) for the marginal heading, the following marginal heading shall be substituted, namely:- "Cancellation or suspension of registration of manufacturer or certificate issued to Mini Tea Factory." (b) for sub-paragraph (1), the following paragraph shall be substituted, namely:- "(1) The Registering authority or Certifying authority, as the case may be, may, after giving the manufacturer an opportunity of being heard, cancel or suspend the registration or certificate, as the case may be, on any of the one or more of the following grounds, namely:- (a) closure of business by the manufacturer; (b) misrepresentation of any material fact by the manufacturers at the time of obtaining registration or certificate, as the case may be, subsequently; (c) violation of any of the provisions of the Act or this order; (d) failure to carry out any of the directions issued by the Registering authority or Certifying authority, as the case may be; 10 7. 8, THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)] (e) if the Registering authority or Certifying authority after causing due enquiry has reason to believe that the manufacturer is involved in the adulteration of tea with tea waste or any matter and that the tea does not conform to the specifications laid down under the Food Safety Standard Authority Act, 2006 (34 of 2006) or any other law for the time being in force; (f) if the Registering authority or Certifying authority has reason to believe that the factory building, machinery or equipment or manner of operation of any tea factory is not of a standard and capacity conducive to the manufacturer of made tea conforming to the norms and standards, applicable from time to time; (g) if the Registering authority or Certifying authority has reason to believe that the manufacturer is indulging in unfair trade practices which may adversely affect the marketing system including the public tea auction system. ' (c) for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:- ' (2) Every order suspending or cancelling, as the case may be, a registration or certificate, as the case may be, shall be in writing and shall specify the reasons for such suspension or cancellation, as the case may be, and shall be communicated to the registered manufacturer or certified manufacturer, as the case may be, forthwith or within seven working days of passing of such order. In the principal order, in paragraph 7, (a) sub-paragraph (2) shall be re-numbered as sub-paragraph (3) ; (b) before the sub-paragraph (3) as so re-numbered, the following sub-paragraph shall be inserted, namely:- " (2) Every Mini Tea Factory shall furnish to the Certifying authority any return in the manner as may be specified and such other information as the Certifying authority, may by special or general order, call for from time to time," , In the principal order, in paragraph 13, for sub-paragraph (3), the following sub-

paragraph shall be substituted, namely:- 9, 10. 11. "(3) The Registering authority or Certifying authority, as the case may be, may from time to time issue directions to registered manufacturer or registered buyer or certified manufacturer, as the case may be, either individually or collectively on any matter connected with the business which are relevant for the purposes of carrying out the objects of this order and on receipt of such directions, every registered manufacturer or registered buyer or certified manufacturer, as the case may be, shall carry out the directions within a period specified by the Registering authority or Certifying authority, as the case may be, In principal order, for paragraph 16, the following paragraph shall be substituted, namely:- " 16, Signing of license or registration certificate.- Every licence issued or renewed and every certificate of registration or certificate granted under this order shall be signed by the Licensing Authority or the Registering authority or the Certifying authority, as the case may be, or by an officer of the Board specifically authorised to do so by the Licensing Authority or the Registering authority or the Certifying authority, as the case may be. In the principal order, after paragraph 1 7, the following paragraph shall be inserted, namely:- "17A, Fees for certificate.- Every application for issuance of certificate shall be accompanied by fee of one thousand rupees. . In the principal order, in paragraph 20, for the words "The Registering authority/Licensing Authority, may from time to time issue directions to any registered manufacturer, registered buyer, licensed organiser", the words, "The Registering authority or Certifying authority or Licensing Authority, as the case may be, may, from time to time issue directions to any registered manufacturer/registered buyer or certified manufacturer or licensed organizer, as the case may be, " shall be substituted, 12. 13. 3(ii)] In the principal order, in paragraph 21,- in sub-paragraph (1), after the existing proviso, the following proviso shall be inserted, namely:- " Provided further that this shall not apply to a Mini Tea Factory.' 11 in sub-paragraph (2), for the words "Bought leaf factory" , the word "Manufacturer" shall be substituted. In the principal order, in paragraph 23, in sub-paragraph (1), for the words "registered manufacturer", the words, "registered manufacturer or certificate holder, as the case may be," shall be substituted, 14. In the principal order, in paragraph 24, for clause (a), the following clause shall be substituted, namely:- '(a) refusing the grant or cancelling or suspending of registration or certificate, as the case may be; In the principal order, in paragraph 26, in sub-paragraph (1), for the words "Registering Authority 15. or Licensing Authority", the words, "Registering authority or Licensing Authority or Certifying authority, as the case may be, " shall be substituted. 16. 17. (b) In the principal order, in paragraph 27, - in sub-paragraph (1), for the words "Registering Authority, the Licensing Authority" and "Registering Authority/Licensing Authority", the words "Registering authority, Certifying authority, the Licensing Authority, as the case may be, " and "the Registering authority or the Certifying authority or the Licensing Authority, as the case may be," shall be substituted respectively; in sub-paragraph (2), for the words "Registering Authority or the Licensing Authority" the words "Registering authority, Certifying authority or the Licensing Authority" shall be substituted; in sub-paragraph (3), in clause (a), for the words the Licensing Authority or Registering Authority" , the words "the Registering authority or the Certifying authority or the Licensing Authority, as the case may be" shall be substituted, In the principal order, in paragraph 29, for the words "Licensing Authority/Registering Authority" , the words "Registering authority or the Certifying authority or the Licensing Authority, as the case may be, shall be substituted. 18

19. In the principal order, for paragraph 31, the following paragraph shall be substituted, namely:-

"31.Delegation of powers of the Registering authority or Certifying authority or Licensing Authority.- The Registering authority or Certifying authority or Licensing Authority, as the case may be, may, by special order, delegate any of his function to one or more officers of the Tea Board, with the prior approval of the Central Government. In the principal order, in paragraph 32, for the words "Registering or Licensing Authority", the words "Registering authority or Certifying authority or Licensing Authority, as the case may be," shall be substituted, 20. In the principal order, after form J, the following forms shall be inserted, namely:- 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(ii)] "FORM - K [See Paragraph APPLICATION FOR ISSUANCE OF CERTIFICATE UNDER PARAGRAPH 3A OF TEA (MARKETING) CONTROL ORDER, 2003 (To be submitted in triplicate) The Certifying authority, Tea Board Kolkata Sir, I/We hereby apply for certificate as a manufacturer /or producer of tea under the Tea (Marketing) Control Order, 2003. Necessary particulars are furnished below: Sl. No. 2 3 4 5 6 7 8 9 10 11 12 13 Date: Place Particulars Name of the applicant(s) (in block letters) Biometric Card No./certificate of incorporation in case of producer company Full mailing address with PIN Code, Email ID, Phone Number Name of the Tea Processing unit Address of the Tea Processing unit with PIN Code, Email ID, Phone Number Total land area of tea under cultivation with break up, if the applicant is a small grower or an association of small growers or a producer company Total green leaf produced per year with break up, if the applicant is a small grower or an association of small growers or a producer company Annual Capacity of Production Detailed list of machines and equipment installed with date of installation Copy of the firm's factory lay out drawing to be drawn by civil engineer Whether registration from FSSAI have been obtained Central Excise registration number and zone Details of Bank draft for Rs, 1,000/- to be drawn in favour of Tea Board Remarks Yes/No 1. Bank Draft No: 2. Date 3. Amount : Rs, 1,000/- Yours faithfully, (Signature of the applicant) 3(ii)]

FORM - L Form of Licence [See Paragraph 3A(5)] TEA BAORD Certificate of... , 13 Dated:- ...,is/are hereby certified to be a mini manufacturer of tea under the Tea (Marketing) Control Order, 2003 and based on this certificate he/it can produce, sell and hold in stock tea subject to the terms and conditions of the certificate specified, below. This certificate shall remain in force unless previously cancelled and is not transferable, The maximum limit of tea to be manufactured is 500 kilograms per day, Date: Place 2. 3

4. Deputy Chairman, Tea Board Certifying Authority Terms and conditions No certificate holder shall run his/its mini tea factory using the tea leaves not produced by him/it and no leaves sourced from outside shall be utilised/processed by the certificate holder, The certificate holder shall keep proper records of the green leaves utilized for manufacture of tea, The certificate holder shall adhere to all directions issued by the Certifying authority from time to time, The certificate holder shall produce his certificate for inspection on demand by Certifying Authority or by any officer of the Tea Board duly authorised by that authority, " Note: [F.No. T-12014/1/2015-Plant ALOK VARDHAN CHATURVEDI, Addl. secy. The principal order was published vide S.O. 1 (F), dated the 1st January, 2003 in the Gazette of India, Extraordinary, Part 11, Section 3, Sub-section (ii) and subsequently amended as follows:- (1) (2) (3) (4) (5) (6) (7) (8) S.O. 247 (E) dated the 28th February, 2003; S.O. 430(F) dated 10th April, 2003; S.O. 270(F) dated 27th February, 2004; 1 170(E) dated 20th October, 2004; SO. 1017 (E) dated 15th July, 2005; S.O. 1012(E) dated 15th April, 2015; S.O. S.O. 2688(E) dated 1st October, 2015; and S.O. 3319(E) dated 25th October, 2016. Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054. SARVESH KUMAR SRIVASTAVA

