

MADHYA PRADESH WAREHOUSING & LOGISTICS CORPORATION NOTIFICATION

In exercise of the powers conferred by clause 42 of the Warehousing Corporations Act, 1962, the Madhya Pradesh Warehousing & Logistics Corporation with the previous sanction of State Government hereby makes the following Regulations, namely :-

CHAPTER I

PRELIMINARY

1. SHORT TITLE

(i) These regulations may be called the Madhya Pradesh Warehousing & Logistics Corporation Regulations, 1962.

(ii) They will be deemed to have come into force with effect from the 31st July 1958.

2. DEFINITIONS:

In these regulations unless the context otherwise requires :-

- (a) "Act" means the Warehousing Corporations Act, 1962.
- (b) "Board of Directors" means the Board of Directors of the Corporation
- (c) "Chairman" means the Chairman of the Board of Directors.
- (d) "Corporation" means the Madhya Pradesh Warehousing & Logistics Corporation established under the Act.
- (e) "Director" means a member of the Board of Directors.
- (f) "Executive Committee" means the Executive Committee of the Corporation.
- (g) "Managing Director" means the Managing Director of the Corporation.
- (h) "Sub-Committee" means a Sub-Committee appointed by the Board of Directors or by the Executive Committee.

CHAPTER II

3. MEETING OF THE BOARD OF DIRECTORS AND THE EXECUTIVE COMMITTEE.

- (1) A meeting of the Board of Directors shall be held at least once in six months and that of the Executive Committee ordinarily once a month.
- (2) Ordinarily not less than ten days notice shall be given to every Director of a meeting of the Board of Directors and not less than five days notice to a member of the Executive Committee of a meeting of the Executive Committee.
- (3) An emergent meeting of the Board of Directors or that of the Executive Committee may, however, be called at a shorter notice of not less than 5 days and 3 days respectively, but such notice shall be sufficient to enable every Director or a member of the Executive Committee who is at that time in India to attend such meeting.
- (4) A meeting of the Board of Directors or of the Executive Committee shall be convened by the Managing Director in consultation with the Chairman. A notice of the meeting shall be sent to each Director or member of the Executive Committee, as the case may be, at his registered address, specifying the time, date and place of the meeting, and the business to be transacted at the meeting. No business other than that specified in the notice shall be transacted at a meeting except that of which 5 days clear notice has been given to the Chairman but with the permission of the authority presiding at the meeting any other matter may be considered.
- (5) A special meeting of the Board of Directors shall be convened on the requisition of not less than three Directors.

4. PRESIDING AUTHORITY

The Chairman or in his absence a Director (Other than the Managing Director) chosen by

the Directors present amongst themselves, shall preside over the meeting of the Board of Directors or the Executive Committee as the case may be.

5. **DECISION BY MAJORITY.**

All questions at a meeting of the Board of Directors or the Executive Committee shall be decided by a majority of the votes. In case of equality of votes, the person presiding shall have a second or casting vote. If he does not exercise second or casting vote, the same subject shall be placed before the next meeting.

6. **QUORUM**

The quorum for a meeting of the Board of Directors shall be five and of the Executive Committee three. If there is no quorum at any meeting of the Board of Directors or of the Executive Committee, the meeting shall be adjourned and at the adjourned meeting, business of the last meeting shall be conducted irrespective of there being quorum or not.

7. **PLACE OF MEETING**

A meeting of the Board of Directors and the Executive Committee may be held at Bhopal or, at such other convenient place in Madhya Pradesh as may be decided by the Chairman.

8. **MINUTE BOOK**

The Managing Director shall maintain a Minute Book in which the minutes of a meeting of the Board of Directors shall be recorded. He shall similarly maintain a Minute Book in which the proceedings of a meeting of the Executive Committee shall be recorded. The minutes of a meeting of the Board of Directors as well as of the Executive Committee shall be circulated as soon as possible after the meeting for the information of the Directors and shall be placed before the next meeting of the Board of Directors or the Executive Committee, as the case may be, for confirmation and shall bear the signature of the Chairman or the person presiding over the meeting.

9. **DISCLOSURE OF INTEREST BY A DIRECTOR.**

Every Director who is in any way, whether directly or indirectly concerned or interested (except as a representative of a Statutory body incorporate) in any contract, loan or arrangement, entered into or proposed to be entered into, by or on behalf of the Corporation, shall disclose the nature of his concern or interest to the Board of Directors or the Executive Committee, as the case may be and shall not participate in the meeting of the Board of Directors or of the Executive Committee when such contract, loan, or arrangement is considered.

CHAPTER III

10. **FEES AND ALLOWANCES TO DIRECTORS FOR ATTENDING MEETING**

A Director (Other than a member of Parliament or of the Madhya Pradesh Legislative Assembly or the Managing Director or a salaried officer of the Government) shall receive a fee of (Rs.20/-) for attending each meeting of the Board of Directors and a fee of (Rs.10/- for each meeting of the Executive Committee or a Sub-Committee attended by him.

(Fee for attending meeting of Board of Directors, meeting of Executive Committee and meeting of a Sub-Committee is now revised. Now fee prescribed is Rs.100/- (one hundred only) for each meeting. (Authority: Executive Committees meeting Additional Resolution, No.4 dt. 9.5.1985 ratified by Board of Directors meeting held on 20.8.1985) The above fee has been revised again to Rs.150.00 vide Board Resolution No.18 dtd 26.04.1999.

11. **MEETING OF SHARE HOLDERS**

Notice convening of the Annual General Meeting.

A notice convening an Annual General meeting of the M.P. Warehousing & Logistics Corporation, specifying the date and the place of meeting, duly signed by the Managing Director

shall be published in the Gazette of M.P. or in such News paper as the Managing Director may direct, at least 30 days before the meeting. A copy of the notice be sent to each share holder at his registered address by registered post.

12. BUSINESS AT THE ANNUAL GENERAL MEETING

At the Annual General Meeting the following business shall be transacted -

(a) The business specified in sub-section 10 of section 31 of the Warehousing Corporation Act, 1962.

(b) Such other business of which not less than 5 weeks notice is given by any share holder. Such notice shall be in the form of a definite resolution to be put at the meeting and shall be included in the notice of the meeting.

No other business shall be transacted or discussed except with the consent of the Chairman. **13. QUORUM AT ANNUAL MEETING.**

No business shall be transacted at a Annual General Meeting of the share holders unless the representatives of the share holders are present at the commencement of such meeting.

14. CHAIRMAN OF THE ANNUAL GENERAL MEETING

The Chairman of the M.P.Warehousing & Logistics Corporation or in his absence a Director of the Warehousing Corporation nominated by the Chairman shall be the Chairman of the meeting. All matters shall be decided by a majority of votes. In case of equality of votes, the Chairman shall have a second casting vote.

15. MINUTES OF GENERAL MEETING;

(a) The Corporation shall cause minutes of all proceedings of Annual General Meeting to be recorded in books kept for that purpose.

(b) Any such minutes, if signed by the Chairman of the meeting at which the proceedings take place or by the Chairman of the next succeeding meeting shall be evidence of such proceedings.

CHAPTER IV

ADMINISTRATION AND CONDUCT OF AFFAIRS OF THE MADHYA PRADESH WAREHOUSING & LOGISTICS CORPORATION (CONDUCT OF AFFAIRS OF THE MADHYA PRADESH WAREHOUSEING & LOGISTICS CORPORATION)

16. POWERS OF THE CHAIRMAN IN AN EMERGENCY.

In case of emergency or, in matters calling for expeditious action, the Chairman may pass any order or perform any act within the competence of the Board of Directors provided that any orders passed under this provision shall be placed before next meeting of the Board of Directors or of the Executive Committee, whichever is earlier, for ratification.

17. POWERS OF THE MANAGING DIRECTOR

(1) The Managing Director shall have the powers to negotiate and carry on the authorised business of the Corporation in accordance with the instructions which the Board of Directors or the Executive Committee may issue from time to time and the Managing Director shall decide whether any suit, or proceedings be instituted or defended by or against the Corporation, subject to such directions as the Board of Directors may give from time to time.

(2) The Managing Director shall act, as 'Controlling and Disbursing Officer' in respect of all funds of the Corporation and shall operate accounts and to draw, accept and endorse bills of exchange and other instruments in the current and authorised business of the Corporation and to sign all other accouts, receipts and documents connected with such business.

disciplinary matters and leave of the staff of the Corporation as may be vested by Board of

Directors in this behalf and to allocate duties to the staff and make such other arrangements as may be necessary for the efficient discharge of the functions of the Corporation.

18. AMOUNT OF EXPENDITURE ON THE ADMINISTRATION OF THE CORPORATION.

Within the limits of the funds allotted to the Corporation by the State Government by way of investment in share capital, grant-in-aid or otherwise the Board of Directors will determine the amount of expenditure on the Administration of the Corporation from time to time, in consonance with the general policy to be laid down by the State Government.

19. COMMON SEAL OF THE CORPORATION.

The common seal of the Corporation shall not be affixed to any instrument except in pursuance of a resolution for the Board of Directors, or, of the Executive Committee and except in the presence of the Managing Director and one other director who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signature of any person, who may sign the instrument as a witness. Unless executed as aforesaid, such instrument shall have no validity.

20. MANNER AND FORM IN WHICH CONTRACTS BINDING ON THE CORPORATION MAY BE EXECUTED.

Contracts on behalf of the Corporation may be made as follows:-

- (a) Any contract which is by law required to be in writing may be made on behalf of the Corporation in writing signed by any person acting under its authority, express or implied and may in the same manner be varied or discharged.
- (b) Any contract which may be valid if made by parole only may be made by parole on behalf of the Corporation by any person acting under its authority, express or implied and may in the same manner be varied or discharged.

21. PLEADING ETC. BY WHOM TO BE SIGNED.

Plaints, written statements, petitions, vakalatnamas, affidavits, and other documents connected with legal proceedings may be signed and verified on behalf of the Corporation by the Managing Director or the Secretary or such other officers of the Corporation authorised by the Managing Director in this behalf.

22. PROCEEDINGS OF THE EXECUTIVE COMMITTEE.

The proceedings of the Executive Committee shall be placed before the next meeting of the Board of Directors.

68 Amendment

- (a) in clause (a) after the words in India, the words "or abroad" shall be inserted.
- (b) in clause (e), the word "and" occurring at the end shall be omitted.
- (c) after clause (e), the following clause shall be inserted, namely:-
- (ea) Enter into, with the previous approval of the Central Government, Joint Ventures with any Corporations established by or under any Central Act or any State Act or with any Company formed and registered under the Companies Act 1956 including foreign company or through its subsidiary companies for carrying out of the purpose of this Act.

Explanation - For the purpose of this clause, the expression "foreign company" shall have the meaning assigned to it under clause (23A) of section 2 of the Income Tax Act 1961;

- (eb) establish subsidiary companies; and

Amendment of Section 20 of the Principal Act:-

- (a) In sub section (1), In clause (c), for the words "with the previous approval of the words "under intimation to" shall be substituted;
- (b) in sub section (2) for the words "with the previous approval of the word "under intimation to" shall be substituted.

Amendment of Section 21:-

In Section 20 of the Principal Act, in clause (v), the word "Central Warehousing Corporation or shall be omitted.

Amendment of Section 22:-

In Section 22 of the Principal Act, in sub section (1), for the words "with the previous approval of", the words "under intimation to" shall be substituted.

Amendment of Section 24:-

In section 24 of the Principal Act;

- (a) in clause (a), for the words "with the previous approval of, the words after consultation with" shall be substituted.
- (b) in clause (d), the word "and" recurring at the end shall be omitted.
- (c) after clause(d), the following clause shall be inserted, namely;
- (da) enter into, with the previous approval of the State Government, Joint Ventures with the Central Warehousing Corporation; and"

Amendment Act 25(1) - Rule 7 (a) :-

In the rule 7 for clause (a) the following clause shall be substituted namely

- (a) One Director nominated by the State Government.

69 Amend

For Rule 6, the following rule shall be substituted, namely:-

- (i) **License Fee** - "There shall be charged an Annual fee of Rupees Five Hundred for issuing a License to a Warehouse man and the License may be renewed for one year after receiving an application with renewal of fee of Rupees One Hundred".
- (ii) In Rule 34, for the words and figure "Rs.5" the words " Rupees Fifty" shall be substituted.

Amendment of M.P. Agricultural Warehouse Rules, 1961, Rule-3 :-

- (a) In **Sub Rule (1)** - For the word and bracket Registrar, Cooperative Societies, Madhya Pradesh (hereinafter referred to as Registrar), the word and bracket "Managing Director, Madhya Pradesh State Warehousing Corporation (hereinafter referred to as Managing Director)" shall be substituted.

- (b) In **Sub Rule 3** - For the word "Registrar wherever it occurs the words, Managing Director" shall be substituted.

- (ii) For sub Rule (1) of Rule 12, the following Sub Rule shall be substituted namely :-

- (1) Wherein application for a License to conduct a warehouse is rejected by an authority other than the State Government the person aggrieved by such order by rejection may prefer an appeal to the State Government within thirty days from the date of the communication of the order of rejection to such person",

Amendment of Warehousing Corporation Act 1962, Rule 18(1) :-

1. In exercise of power conferred by Section 58(4) of M.P. Reorganization Act 2000 read with Section 18(1) and 40 of the Warehousing Corporation Act, 1962 and with the consent of the Central Warehousing Corporation (CWC), the State Government is pleased to hereby constitute the Madhya Pradesh Warehousing & Logistics Corporation w.e.f. 31st March 2003. The Madhya Pradesh State Warehousing Corporation (MPSWC) will cease to do business from the same date

in terms of Govt. of India, Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution Order No.7-1/2002-SG dated 27.9.2002.

2. The authorised share capital of the Madhya Pradesh Warehousing & Logistics Corporation shall be Rs.2.00 Crores divided into 2 lakh shares of face value of Rs.100.00 each.
3. The Head Office of the said Corporation shall be situated at Bhopal.
4. The movable and immovable property and the goods stored in the godowns of the M.P. State Warehousing Corporation shall stand transferred to the M.P. Warehousing & Logistics Corporation. M.P. Warehousing & Logistics Corporation shall also take over all the contracts of M.P. State Warehousing Corporation arising out of property and interest in the state of Madhya Pradesh.
5. With the formation of the Madhya Pradesh Warehousing & Logistics Corporation, the M.P. State Warehousing Corporation will cease to do business, but will remain in suspended animation thereafter, till finalization and adoption of the accounts for the year 2002-03.

70 6. The

7. The service of all staff employed by the Madhya Pradesh State Warehousing Corporation, other than those employees, whose services have been transferred to the Chhattisgarh State Warehousing Corporation (CGSWC) in terms of Govt. of India, Ministry of Consumer Affairs, Food & Public Distribution O.N. No.7-1/2002-03 dtd 6.6.2002, SG will stand transferred to Madhya Pradesh Warehousing & Logistics Corporation.

8. The Madhya Pradesh Warehousing & Logistics Corporation shall also be entitled to take over all amount standing to the credit of the Madhya Pradesh State Warehousing Corporation in any bank with which it is presently doing business.

Amendment of Central Warehousing Corporation Act, 1962, (1962-58) Section 19 Sub Section(1) In the exercise of the powers conferred by the proviso to sub section (1) of Section 19 of the Warehousing Corporation Act, 1962 (58 of 1962), the Central Govt. after consultation with the Govt. of Madhya Pradesh, hereby increases the maximum limit of the authorised capital of the Madhya Pradesh State Warehousing Corporation, Ten Crores of Rupees, divided into ten lakh shares of the face value of one hundred rupees each.

Foot Note: The authorised capital of the Corporation was raised from Rs.two Crores for the first time vide MO GSR 115(E), dated the 17th March 1977 and subsequently revised vide No.(1), GSR 27(E), dated the 15th January 1979(2).

GSR 507(F), dated the 1 September, 1980 -

Proposal No.128.18: Sitting allowances of Directors of the Board dated 26th April 1999.

Resolution as follows:

The allowance of the non official Director of the Board, Executive Committee, the sitting allowance increased by Rs.100/- to Rs.150/- for per sitting.

Amendment in Rule 23 of Central Warehousing Corporation 2001 Act 1 Sub Rule 2 dtd 29 Oct. 2001

In exercise of the powers conferred by sub section 2 of section 1 of the Warehousing Corporations (Amendment) Act 2001 (23 of 2001), the Central Government hereby appoint the first day of November, 2001 as the date on which said Act shall come into force (GSR 804(E) dtd 29 Oct. 2001 (File No.6-60/97-SG) No.545 dtd 29 Oct. 2001)