REGD. NO. D.L.-33004/98

The Gazette of India

EXTRAORDINARY

PART II-Section 3-Sub-Section (ii)

PUBLISHED BY AUTHORITY

No. 597] NEW DELHI, FRIDAY, SEPTEMBER 11, 1998/BHADRA 20, 1920

MINISTRY OF COMMERCE

NOTIFICATION

New Delhi, the 11th September, 1998

S.O. 806 (E) – In exercise of the powers conferred by section 32, sub-section (2) (f) of the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986), the Central Government hereby makes the following amendments in the Agricultural and Processed Food Products Export Development Authority Rules, 1986 namely;

1. (1) These rules shall be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Rules 1998.

(2) They shall come into force on the date of their publication.

2. In the Agricultural and Processed Food Products Export Development Authority Rules, 1996 (hereinafter referred to as the said rules), for rules 9, 10, and 11, the following rules shall be substituted respectively, namely :-

"9. **Application for registration :-**

(1) Every application for issue of a registration certificate as an exporter of Scheduled Products as appearing in the Schedule to the Agricultural and Processed Food Products Export Development Authority Act, 1985, shall be made to the Secretary or any other officer authorized by the Authority in this behalf in Form I. This should be accompanied by a photo copy of the importer Code No. issued by the Regional Licensing Authority concerned, the bank

certificate in support of the applicant's financial soundness. The application form may either be obtained from the Agricultural and Processed Food Products Export Development Authority (APEDA) or the exporter may furnish a typed/photo copy of the prescribed form duly signed in ink by the authorized person indicating his name and designation as well as rubber stamp of the Company.

(2) Every application for registration as an exporter shall also be accompanied by a fee of Rs.5000- for issued of a registration certificate.

10. **Grant of a Registration Certificate :-**

Upon receipt of an application for the grant of a registration certificate, the Secretary or any other office authorized by the Authority in this behalf may make an inquiry in a manner deemed necessary and either grant or refuse the registration.

(i) Where the registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant and the fees paid by the applicant shall be refunded to him.

(ii) Where the registration is granted, the Secretary or other officer authorized by the Authority shall issue a certificate in form if indicating the status of the applicant as Merchant or Manufacturer Exporter which shall be subject to such conditions as mentioned in the registration certificate.

11. **Cancellation of Registration Certificate :**

Where the Secretary or other officer authorized by the Authority in this behalf is satisfied that any person who had obtained a certificate by furnishing in correct information or that he has contravened any of the provisions of these rules or of the conditions mentioned in the certificate, or any person who has been registered as an exporter fails during the period of twelve consecutive months to export any of the scheduled products in respect of which he is registered or if the Secretary or other officer authorized by the Authority is satisfied that such person had become disqualified to continue as an exporter registered with Agricultural and Processed Food Products Export Development Authority (APEDA), the Secretary or other officer authorized by the Authority may, after giving the person who holds a certificate a reasonable opportunity of making his objections, by order, cancel the certificate and communicate to him such order."

3. In the said rules, for rules 13, 13, 14 and 15, the following rules shall be substituted respectively, namely:-

"12. **Appeal:**

Any person aggrieved by an order of refusal under rule 10 of an order of cancellation under rule 11 may within thirty days from the date of receipt by him of a copy of the order of refusal or cancellation as the case may be appeal to the Chairman if the Authority who may either affirm, vary or set aside such order.

13. **Intimation regarding Change in Constitution**

In case of change in ownership, constitution, name or address of an exporter, it shall be obligatory on his part to intimate such change to the Agricultural and Processed Food Products Export Development Authority within a period of one month from the date of such change. The Authority, however, may condone the delay on merits in the case of genuine hardship.

Where the Secretary or other officer authorized by the Authority agrees to the change, he shall enter the details of such change in the certificate of registration.

India Code

14. **Maintenance of register**

The Authority shall maintain a register of exporters of the Scheduled products.

15. **Power to call for returns**

The Chairman or an officer authorized by him may, by general or special order, direct the holder of the certificate to maintain such records of his business in such from the manner as ma be specified in the order and to submit to the Authority returns relating to his business in such form a may be specified in such order."

4. In the said rules, after rule 15 so substituted, the following rule 16 shall be inserted, namely :-

"16. **Payment of fees :-**

Any fees or amount payable to the Authority under the Act or these rules shall be paid either by Cash or demand draft drawn in favour of Authority or by Indian Postal Order payable to the Authority at the post office in the cities where the offices of the Authority are located"

[F.No.1/12/97-EP (Agri-IV)
S.M. ACHARYA, Jt. Secy.

Note :- The principal notification was issued vide S.O.No.652 (E) dated 3rd September 1986.

IndiaCode

PRINTED BY THE MANAGER, GOVT. OF INDIA PRESS, RING ROAD, MAYA PURI, NEW DELHI-110064
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1998