MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 6th October, 2003

G.S.R. 787(E).— In exercise of the powers conferred by section 9 of the Sugar Development Fund Act, 1982 (4 of 1982), the Central Government hereby makes the following rules further to amend the Sugar Development Fund Rules, 1983, namely:-

1. (1) These rules may be called the Sugar Development Fund (Third Amendment) Rules, 2003.

(2) They shall come into force on the date of the publication in the Official Gazette

2. In the Sugar Development Fund Rules, 1983 (herein after referred to as the said rules), in rule 19, after sub-rule (14), the following sub-rule shall be inserted, namely:-

"(14A) Subject to the provisions of sub-rule (14), the Central Government may, in exceptional circumstances, authorize an advance payment of seventy five percent of the amount payable as subsidy towards storage, insurance and interest charges for a period as that Government may decide, calculated in the manner provided in sub-rule (15) to a sugar factory that has set apart the required quantity of sugar as buffer stock provided the sugar factory has furnished the following in writing to the Central Government, namely:-

(i) the rate of interest at which advance has been obtained by it on pledging the buffer stock of sugar with any scheduled bank or any

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State Co-operative Bank or Central Co-operative bank referred to in sub-rule (14) ;

(ii) the average actual realization per quintal of sugar on the sale of non-levy sugar in the open market for a three month period ending on the date from which the buffer stock is required to be held: and

(iii) an undertaking in Form-VI-A:

Provided that in respect of the buffer stock being maintained for a year with effect from 18th December, 2002, the Central Government may authorize payment to a sugar factory that has set apart the required quantity of sugar as buffer stock and furnished an undertaking in Form VI-A, an advance payment of seventy five per cent of the amount payable as subsidy towards storage, insurance and interest charges for a year, calculated in the manner provided in sub-rule (15), on the basis of the information furnished in columns 7 and 8 of Form V in respect of the claim preferred by it for the period 18th December, 2002 to 31st March 2003:

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Provided further that the amount so paid as advance shall be adjusted, against the amounts that may become due on the basis of claims preferred by the sugar factory in Form V referred to in sub-rule (16), at the end of the period for which the advance had been paid:

Provided also that where complete claims for the entire period for which the buffer stock is required to be maintained, are not preferred within a period of one month after such period, the entire amount of advance paid or an amount as decided by the Central Government shall be refunded by the sugar factory:

Provided also that if, during the period for which advance has been paid, a sugar factory has not-

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(a) paid the cess on sugar under sub-section (1) of section 3 of the Sugar Cess Act, 1982 (3 of 1982);

(b) furnished the returns and information required under rule 4 of the Sugar Cess Rules, 1982;

(c) complied with the provisions of sub-rule (13); and

(d) furnished to the Central Government or to the Chief Director the monthly return of the quantity of non-levy sugar sold and the amount of sale proceeds,

then, the amount paid as advance shall be recovered forthwith.".

3. In the said rules, in rule 20, in sub-rule (4), for the word and figures "Form VI", the word, figures and letter "Form VI-B" shall be substituted.

4. In the said rules, after Form-VI relating to clause (b) of sub-rule (13 A) of rule 19 and before Form VI relating to sub-rule (4) of rule 20, the following Form shall be inserted, namely:-

"FORM-VI-A

[*See* rule 19 (14A)]

Form for submitting information for advance payment of subsidy towards interest, storage and insurance charges for buffer stock of sugar for the period from_____ to _____

1. Name and address of the sugar undertaking:

2. Reference number and date of communication(s) from the Central Government/Chief Director communicating-

a) total quantity of sugar to be maintained as buffer stock:

b) grade-wise and sugar year-wise quantity of sugar to be segregated and stored as buffer stock:

3. Quantity of sugar both in terms of grade-wise and sugar-year wise actually segregated and stored as buffer stock:

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4. Rate of interest payable to the Bank for the advance availed for pledging the buffer stock with the Bank:

5. Average actual realization per quintal of sugar on the sale of non-levy sugar in the open market for a three month period ending on the date from which the buffer stock is required to be held:

6. Name of the place nearest to the place of the factory, where the branch of the State Bank of India dealing with the Demand Drafts issued by the Reserve Bank of India is situated:

7. Name and address of the Bank from which the additional credit on the buffer stock, if any, has been received:

Place:

Date:

Signature:

Name of occupier:

Name and designation of the authorised signatory:

Name and address of the sugar Undertaking:

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DECLARATION

(1) I hereby solemnly affirm and declare that the information furnished above is correct and no information relevant for the purpose of this application has been concealed.

(2) I hereby undertake to comply with all the requirements of sub-rule (14A) of rule 19 of the Sugar Development Fund Rules, 1983 and if it is subsequently found that any provision has not been complied with, I undertake to refund to the Central Government such amount of subsidy received by me as may be decided by that Government.

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(3) I hereby also undertake to refund such amount as may be decided by the Central Government, under the first proviso to sub-rule (14A) of rule 19 of the aforesaid rules.

Place: Signature:

Date: Name of the occupier:

Designation:

Name and address of the sugar Undertaking:".

5. In the said rules, in the existing Form VI, relating to sub-rule (4) of rule 20, for the heading and sub-heading " Form VI

[see sub-rule (4) of rule 20]",

the following heading and sub-heading shall be substituted, namely:-

"Form VI-B

[*see* rule 20 (4)]".

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[F. No 1-26/2003-SDF]

P. UMA SHANKAR, Jt. Secy

Note: The principal rules were published in the Gazette of India *vide* No. GSR 752(E) dated 28.9.83 and subsequently amended vide GSR 817 (E) dated 20.12.84, GSR 838 (E) dated 14.11.85, GSR 551(E) dated 6.5.88, GSR 235 (E) dated 24.4.91, GSR 441 (E) dated 28.4.92, GSR 435 (E) dated 6.5.94, GSR 27 (E) dated 12.1.96, GSR 656 (E) dated 21.11.1997, GSR 91 (E) dated 12.02.2001, GSR 886 (E) dated 6.12.2001, GSR 443 (E) dated 21.6.2002, GSR 584 (E) dated 19.8.2002, GSR 67 (E) dated 29.1.2003 and GSR 241 (E) dated 25.3.2003.

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Printed by the [illegible] and published by the [illegible], New Delhi-110064
and [illegible], Delhi-110054.