



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 213 ]  
No. 213]नई दिल्ली, शुक्रवार, फरवरी 27, 2004/फाल्गुन 8, 1925  
NEW DELHI, FRIDAY, FEBRUARY 27, 2004/PHALGUNA 8, 1925

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

ORDER

New Delhi, the 27th February, 2004

S.O. 270 (E).— In exercise of the powers conferred by Sub-section (3) and Sub-section (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 :—

2. (1) This Order may be called the Tea (Marketing) Control (Amendment) Order, 2004.
- (2) This Order shall come into force on the date of its publication in the Official Gazette.
3. In the Tea (Marketing) Control Order, 2003 (hereinafter referred to as the said order), in paragraph 27, in sub-paragraph 1, after the words "any Officer of the Board", the words "not below the rank of Assistant Development Officer or Inspector" shall be inserted.
4. In the said Order, in paragraph 27, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely :—

"(3) The following procedure shall be adopted relating to search and seizure—

- (a) Any person residing in or being in charge of such place shall allow the duly authorised officer on production of the authority issued by the Licensing Authority or Registering Authority, free ingress thereto, and afford all reasonable facilities for a search therein.
- (b) Before making a search, such authorised officer shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search.
- (c) The search shall be made in their presence, and a list of all the products of tea or related items seized in the course of such search and of the places in which they are found shall be prepared by the authorised officer and signed by such witnesses; but no person witnessing a search under this paragraph shall be required to attend the Court as a witness of the search unless specially summoned by it.
- (d) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared and duly signed by the said witnesses, shall be delivered to such occupant or person."

5. In the said order, for paragraph 30, the following paragraph shall be substituted, namely :—

"30. Fixation of price sharing formula and its compliance:—

- (1) Every registered manufacturer engages in purchase of green tea leaves shall pay to the supplier of green leaf a reasonable price according to the price sharing formula as may be specified by the Registering Authority from time to time and implemented in a manner as determined by the Registering Authority, with the prior approval of the Central Government.

For the said purpose, the reasonable price for tea leaves payable to the supplier of green leaf according to the price sharing formula shall be determined taking into account the sale proceeds received by the registered manufacturer.

- (2) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker, through whom the manufacturer has sold any made tea, to deduct from the proceeds of such sale an amount equivalent to the difference between the reasonable price of tea leaves as determined in terms of the price sharing formula and the actual price paid by such manufacturer for the tea leaves bought by him.

- (3) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker, through whom the manufacturer has sold any made tea and has delayed the payment of the reasonable price for tea leaves as determined in terms of the price sharing formula, to deduct from the sale proceeds of such sale an amount equivalent to the reasonable price so determined for such tea leaves.

- (4) Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may direct any broker to remit the sum so deducted under sub-paragraphs (2) and (3) in a manner and to the person as may be specified.

- (5) The Registering Authority or any officer of the Board, not below the rank of Joint Controller of Licensing, authorised by the Registering Authority in writing, may also ensure the compliance of the payment of reasonable price for tea leaves as per sub-paragraphs (1), (2), (3) and (4)."

6. In the said Order, in Form-E, in serial number 25, for the words and letters "GRAND TOTAL OF QUANTITY SOLD (A+B+C):" the words and letters, "GRANDE TOTAL OF QUANTITY SOLD (A+B+C): AND THE AVERAGE PRICE REALISED IN RUPEES PER KG OF TEA (A+B+C):" shall be substituted.

[F. No. T-12014/2/2003-Plant (A)]

A. SENGUPTA, Adl. Secy.

Foot Note:— The principal notification was published *vide* S.O. No. 1 (E) dated the 1st January, 2003 in the Gazetted of India, Extraordinary and subsequently amended *vide* S.O. No. 247(E) dated the 28th February, 2003 and S.O. No. 430(E) dated 10th April 2003.