

THE DELHI AGRICULTURAL PRODUCE MARKETING (REGULATION) GENERAL RULES, 2000

DEVELOPMENT DEPARTMENT (DIRECTORATE OF AGRICULTURAL MARKETING) NOTIFICATION

Delhi, the 10th November, 2000

No. F.8/12/2000/DAM/MR(I)/4380-4403— In exercise of the powers conferred by Section 116 read with Section 79 of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 (Delhi Act No. 7 of 1999) and all other powers enabling it in this behalf, the Government of National Capital Territory of Delhi hereby makes the following rules to regulate marketing of agricultural produce in the National Capital Territory of Delhi namely :—

1. Short title and commencement

(1) These rules may be called the Delhi Agricultural Produce Marketing (Regulation) General Rules, 2000.

(2) They shall come into force from the date¹ of their publication in the official Gazette.

2. Definitions

(1) In these rules, unless the context otherwise requires—

- (a) 'Act' means the Agricultural Produce Marketing (Regulation) Act, 1998 (Delhi Act No. 7 of 1999);
- (b) 'buyer' means a person, firm, company or cooperative society or Government Agency or public undertaking or public agency or corporation, or commission agent, who in the course of his or its business himself or itself or on behalf of any person or agent buys or agrees to buy notified agricultural produce in the market area;
- (c) 'co-operative society' means a cooperative society registered or deemed to be registered as such under the Delhi Cooperative Societies Act, 1972 (35 of 1972) or any other law for the time being in force which deals in and hold a license for marketing agricultural produce;
- (d) 'Development Commissioner' means and includes the Secretary, Agricultural Marketing Department of the Government of National Capital Territory of Delhi;
- (e) 'Director' means a person appointed by the Government by notification, as the Director of Agricultural Marketing of Delhi;
- (f) 'export' means the export of agricultural produce outside India;

1. As published in Delhi Gazette, Part IV (E), dt. 10.11.2000.

- (g) 'financial year' means the year commencing on the 1st day of April and ending on 31st March, next following year;
- (h) 'Form' means a form appended to these rules;
- (i) 'incidental service fee' means the fee payable by the seller;
- (j) 'licensee' means person holding a licence issued under these rules or the rules thereby repealed;
- (k) 'market' means a regulated market established under this Act for a market area and includes a market of national importance established under section 26 and a principal market and a subsidiary market established under section 23;
- (l) 'market service fee' means the fee payable by the buyer;
- (m) 'market functionary' means a dealer, broker, commission agent, buyer, palledar, processor, stockist, cold storage, operator, trader, weighman and such other person as may be declared by notification under the bye-laws, to be a market functionary;
- (n) 'marketing' means buying or selling of notified agricultural produce and includes grading, packing standardization, processing, storage, cold storage, ware house, transport, export, channels of distribution and any other function associated with the buying or selling of such agricultural produce and all activities involved in the flow of agricultural produce from production points;
- (o) 'section' means the section and includes its sub-section of the Act;
- (p) 'seller' means a person who, sells or agrees to sell any notified agricultural produce and includes a person who sells on behalf of any other person as his agent or servant or commission agent;
- (q) 'vehicle' includes a motor vehicle, or boat or other vessel, animal or conveyance.

(2) Any word or expression used in these rules but not defined shall have the same meaning as assigned in the Act.

3. Procedure for holding enquiry for considering objections and suggestions received under section 3 of the Act

(1) When the Government by notification under section 3 of the Act published in the official Gazette declares its intention of regulating any notified Agricultural produce in any specified area and invites suggestions/objections from the public, anyone interested may send the same in duplicate to the Director within forty five days of the publication, of the notification.

(2) All such suggestions and objections received within the stipulated period of forty five days shall be examined and where the Government considers necessary, it may authorise any officer to inquire into any suggestions and objections, received

in regard to the notification issued under section 3 of the Act and require the officer to submit his report within a reasonable time.

(3) The officer so authorised may, by notice, require the persons making the suggestions and objections to appear before him in person or through a representative on date, place and time specified in the notice.

(4) The officer so authorised by the Government shall hold enquiry and take on record all documentary and oral submission made by person(s) appearing before him. The enquiry officer shall submit his report to the Secretary, Agricultural Marketing Department (Development Commissioner) along with all the documents for consideration of the Government.

(5) The Government shall after considering the suggestions and objections and the report of the officer so authorised, decide the question of regulating marketing of such agricultural produce in such area as specified in the notification. After the question is decided, the Government may issue the notification under sub-section (1) of section 4 in terms of such decision.

4. Allowances and other facilities admissible to the Chairman of the Board

(1) In case a serving officer is appointed as Chairman of the Board he shall draw the same scale of pay he is getting as such and will be provided with staff car, telephone at office and residence and other facilities that may be considered by the Board necessary and befitting for discharging official duty. He may be paid other additional allowances as may be approved by appointing authority as per normal financial rules.

(2) The serving officer when appointed as Chairman in addition to his own duties he shall also be paid by the Board three thousand rupees as charge allowance, staff car and telephone at office and residence and other facilities as may be approved by the Board necessary and befitting for discharging official duty.

5. Allowances and facilities admissible to the Vice-Chairman of the Board

The Vice-Chairman of the Board shall draw the pay and allowance of grade of his service to which he belongs being appointed as Director. He will also be paid two thousand and five hundred rupees per month as special charge allowance, staff car and telephone at office and residence by the Board besides other facilities, as may be approved by the Board from time to time, necessary and befitting for discharging official duties and responsibilities against under the Act.

6. Allowances to non-official members of the Board

(1) A non-official member of the Board shall be paid a sitting allowance of five hundred rupees for attending each meeting of the Board or its Committee or sub-committee. This will be inclusive of all expenditure and charges which a member may have to incur on transportation and other ancillary items for and in connection with attending meeting of the Board or its committee or sub-committee.

(2) A non-official member of the Board shall be entitled to travelling allowance/daily allowance for journey undertaken by him outside Delhi for the work of the Board for which he may be deputed by the Board at the rates admissible to the executives of the public sector undertakings of the Government.

7. Allowances to members of the Committee

(1) The Chairman, Vice-Chairman and a member shall be paid three hundred rupees, two hundred seventy five rupees and two hundred fifty rupees - respectively as an honorarium and sitting allowance for attending each meeting of the committee or sub-committee. This will be inclusive of all expenditure and charges which a member may have to incur on transportation and other ancillary items for and in connection with attending meeting of the committee.

(2) For journey undertaken by the members of the committee for any work of the committee for which they are deputed, outside Delhi and a member of marketing committee of a market of national importance when coming from outside Delhi to attend the meeting they shall be paid travelling allowance/daily allowance at the rates admissible to the executives of public sector undertakings of Government.

Explanation— For the purpose of this rule a meeting of the Board or as the case may be a meeting of the committee shall include meeting of its sub-committee.

8. Qualification of Agriculturist for nomination as a member of the committee

An agriculturist as defined under the Act shall be eligible for being nominated by the Government as member of marketing committee under clause (a) of sub-section (1) of section 36 of the Act if—

- (1) he resides within the local limits of Delhi,
- (2) he is more than twenty five years of age,
- (3) he has not been earlier removed from membership of any committee for any misconduct,
- (4) he is of sound mind,
- (5) he is not insolvent and has not been convicted by a court of law for criminal offence involving moral turpitude.

CHAPTER II

BUDGET AND ACCOUNTS

9. Budget of the Board

(1) The Board shall meet not later than the first week of January every year to pass the revised estimates for the current and budget estimates for the next financial year.

(2) The revised estimates and budget estimates passed by the Board shall be submitted to the Government, not later than 31st January preceding the year to

which the budget relates, for sanction. If the budget estimate so submitted to Government is not received back by 31st of March with or without any modification, it shall be presumed to have been approved by the Government as presented by the Board.

(3) No expenditure shall be incurred by the Board unless there is specific provision in the budget for the same duly sanctioned by the Government.

(4) The Board may reappropriate any amount from one Head of Account to another without approval of the Government, but within the overall budget allotment sanctioned by the Government.

(5) The Board may prepare supplementary budget whenever necessary and obtain prior approval of the Government before any expenditure, not provided in the original sanctioned budget, is incurred.

10. Budget of the Committee

The provisions of rule 9 above, so far as the preparation, submission of budget estimate, supplementary budget its approval and the incurring of expenditure by the committee is concerned, shall apply mutatis-mutandis except the time limit which shall be three months for the preparation, finalisation and submission for sanction of the budget estimates of the committee by the Board. The committee shall submit its budget to the Board latest by 31st December for sanction. If the budget estimate so submitted to Board is not received back by 31st March of next year with or without any modification, it shall be presumed to have been approved by the Board as presented by the Committee. The reappropriation from one Head of Account to another Head of Account will be done only with the prior approval of the Vice-Chairman of the Board.

11. Accounts of the Board and Marketing Committees

(1) All money received by the Board shall be credited into Market Development Fund constituted under section 84 of the Act.

(2) All fees and other money received by a marketing committee, all sums realised by way of penalty (otherwise than by way of fine in a criminal case), all loans raised by a committee, and all grants, loans or contributions made by the Government to the committee shall form part of the Market Fund constituted under section 88 of the Act.

(3) All fines received by a court from an offender shall be credited to the Market Development Fund or the Market Fund, as the case may be.

(4) Any money received by the marketing committee by way of arbitration fee or as security for cost in arbitration proceedings relating to disputes for any money received by the committee by way of security deposit, contribution to provident fund or for payment in respect of any notified agricultural produce, or charges payable to weighmen, palledar and other functionaries and such other money

received by marketing committee under the rules or bye-laws shall not form part of the Market Fund and shall be kept in such manner as may be determined by the Director from time to time.

(5) The amount to the credit of Market Development Fund of the Board and Market Fund of the committee shall be deposited in their respective accounts in any of the nationalised bank approved by the Director.

(6) All payments to be made by the Board and committee, except from the imprest, shall be made by cheques.

(7) No bill shall be prepared and passed unless there is budget provision for incurring the expenditure.

(8) No cheque shall be drawn except against a bill which has been examined and passed by an officer duly authorised by Vice-Chairman and signed both by the Secretary and Accounts Officer in case of Board, and by the Chairman and Secretary of the committee in the case of committees.

(9) Any expenditure incurred by the Board/committee shall be in conformity with the procedure laid down in General Financial Rule and Subsidiary Rule as amended from time to time by the Government.

(10) A receipt in Form 'K' shall be issued forthwith for the money received in the Board or the committees, as the case may be.

(11) In the matter of maintenance of Accounts and Audit in the Board and the committees, instructions issued by the Vice-Chairman of the Board or by the officer so authorised by him shall be observed.

(12) The accounts of all receipt and expenses shall be maintained by the Secretary and Accounts officer of the Board and in the case of the committee, by Secretary and Incharge of Accounts and shall be subject to audit.

(13) The balance remaining after meeting the initial expenses of the Board and the committee, may be invested in short term or long term deposit schemes of the Government and commercial banks or in any other scheme as may be approved by the Director in case of market development fund and by the Vice-Chairman of the Board, in case of Market Fund.

12. Maintenance of Accounts of the Board and Committee

Accounts of all receipt and expenditure of the Board and committee shall be kept and maintained in the manner and forms as may be prescribed from time to time by the Director.

13. Remittance of contribution to Board and cost to the Government

(1) The contribution payable by the committees to the Board under clause (a) of sub-section (2) of section 89 of the Act shall be remitted by the committees every month, by the first week of following month.

(2) The cost payable to the Government under clause (b) of sub-section (2) of section 89 of the Act, shall be payable within the period specified by the Government in the manner and ratio as may be determined by the Government.

(3) If the remittance of contribution or cost in sub-rule (1) and (2) above is delayed by a period of over three months without reasonable cause or excuse it shall be considered as a default in the performance of duties on the part of the Chairman/Secretary of the committee.

14. Audit of Accounts

(1) The accounts of the Board shall be got audited by a Chartered Accountant to be authorised by the Director once a year immediately after close of the financial year and a copy of the audit report consisting of all items specified in section 87 of the Act, shall be forwarded to the Director/Secretary, Agricultural Marketing Department (Development Commissioner) by 30th September of the succeeding year.

(2) Payment of audit fee for the audit of the accounts of the Board shall be made by the Board at such rate as may be determined by the Director from time to time.

(3) The accounts of the marketing committee shall be got audited once in a year after the close of the financial year by a chartered accountant, authorised by the Director by 30th September of the succeeding year.

(4) Audit fee for the audit of accounts of the marketing committee shall be paid by the committee at such rates as may be approved by the Director from time to time.

(5) The Secretary, Agricultural Marketing Department (Development Commissioner) of Government of Delhi may depute any officer to inspect the accounts and stores of the Board at any time if he deems fit. The Secretary/Accounts Officer of the Board shall produce all books of accounts etc. to such officer for inspection.

(6) The Vice-Chairman of the Board shall himself or depute any officer to inspect the cash and store account of the marketing committee at least half yearly and it shall be the duty of the Secretary of Marketing Committee to afford all facilities and produce all documents for such periodical inspection.

(7) At the time of audit, the Accounts Officer of the Board or any other officer authorised by him, in case of audit of Board account, or the Secretary of the marketing committee or officer authorised by him in case of audit of accounts of a marketing committee, shall produce or cause to be produced all accounts, registers, documents and other relevant papers which may be called by the audit officer for the purpose of audit. Any explanation called by such officer for the settlement of any discrepancy shall also be immediately furnished to him.

CHAPTER III

GRANT, RENEWAL, SUSPENSION OR CANCELLATION OF LICENCE

15. Grant of Licences

(1) Marketing committee or the Director where a marketing committee is not functioning, after making such inquiries as it deem fit may grant or renew a licence or may, after recording reasons in writing refuse to grant or renew any such licence.

(2) A person desirous of obtaining a licence for the use of any place in the market yard/area for the marketing of agricultural produce or for operating there in as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce, shall apply in Form 'A' or 'D', in duplicate to the Secretary of the committee in whose jurisdiction he wishes to carry on his business or marketing of agricultural produce and shall deposit with the committee, the requisite licence fee and requisite security in cash.

(3) Subject to security amount as may be fixed by the marketing committee under bye-laws, the licence fee for licences issued under this rule shall be as under:

<i>Category of Licencees</i>	<i>Licence Fee (Rs.) per annum</i>
A. Traders (wholesalers) including flour mills, oil expellers, dal mills, who purchase the agricultural produce to sell it after processing	100/-
B. Commission agents carrying on business in the principal market or subsidiary market	100/-
C. Brokers operating in principal and subsidiary markets	100/-
D. Processors, warehousemen including coldstorages and godowns.	100/-
E. Retailers having established premises for carrying on their business and selling to consumers only in the market area excluding the principal or subsidiary market.	50/-
F. Weighmen, measurers, surveyors and other similar market functionaries recognised by the committee.	25/-
G. Palledar	2/-

Provided that the functionaries referred to in category E will not be allowed to purchase from the commission agents except when so allowed by the Secretary of the Committee.

(4) The owner or driver of thella, rehra, rickshaw, tempo or truck or person carrying head load shall pay per trip fee as may be fixed by the Government from time to time.

(5) For the purposes of regulating the entry of person and of vehicular traffic into the market in accordance with the provisions of clause (a) of sub-section (2), of section 55, no person, other than one having a valid licence intending to carry on the business of selling and purchasing agricultural produce shall enter or attempt to enter the market when directed not to do so by an officer authorised by the marketing committee in this behalf.

Explanation— For the purpose of this clause, "person" shall include a vehicle.

(6) A licence issued for the year 2000 before coming into force of these rules shall be valid for the remaining current period. The Licensee shall obtain new licence as per rate in accordance with these rules after its expiry.

(7) Unless otherwise provided in the licence, each licence issued under these rules shall be valid for a period of one year.

(8) All classes of traders, weighmen, measurers and other functionaries operating in the market area shall pay fees as scheduled above for each financial year or any part thereof for obtaining licences.

(9) The Secretary of the committee shall, on receipt of the application form ensure that necessary licence fee and security have been deposited and shall, after verifying the correctness of the facts stated therein, put up the same to the committee.

(10) The Committee may grant a licence to the applicant in Form 'B' or 'E' as the case may be. The licence shall be subject to the conditions mentioned therein;

(11) A record of the licences issued under this rule shall be maintained by the committee in Form 'C'.

(12) The security will be released by the Committee three months after the date of the closure of the business and on production of the clearance certificate issued by the Secretary of the concerned committee.

(13) A licensee may apply for the change of the category of licence at any time by paying the respective fee and security for the licence of the changed category.

(14) Where a marketing committee has not been constituted or has not started functioning, the licence shall be granted by the Director. The provisions of sub-rules (1) to (13) of this rule shall, as far as may be, apply to the grant of licences by the Director.

Provided that the licence fee so realised will be credited to the market development fund.

(15) The committee or the Director as the case may be, shall grant the licence within sixty days of the receipt of application. If such grant or renewal is not done or refused within sixty days of receipt of the application, it shall be deemed to have been granted or renewed.

16. Cancellation and Suspension of licence

(1) Subject to the provisions of sub-rule (3), a marketing committee and where a marketing committee has not been constituted or has not started functioning the Director, may, for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under these rules—

- (a) if the licence had been obtained through wilful misrepresentation or fraud;
- (b) if the holder of the licence or any servant or any person acting on his behalf with his express or implied permission commits breach of any of the terms or conditions of the licence and/or holder of licence makes violation of the provisions of the Act, these rules and bye-laws;
- (c) if the holder of the licence in combination with other holders of licence commits any act or refrains from carrying out his normal business in the market with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market yard and/or area;
- (d) if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or
- (e) if the holder of the licence is convicted of any offence under this Act.

(2) Notwithstanding anything contained in sub-rule (1) but subject to the provisions of sub-rule (3), the Director may, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under these rules;

(3) No licence shall be suspended or cancelled, unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

17. Refusal to grant or renew a licence

(1) The committee or where the committee has not been constituted or started functioning, the Director may, as the case may be, refuse the grant or renewal of a licence, *inter alia*, if—

- (a) a person applying for licence has been declared insolvent;
- (b) the committee is satisfied that the purpose of applying for licence is none other than to obtain a licence for becoming voter for the purposes of elections to the committee;
- (c) the licence has not been functioning during the preceding year without any reasonable cause;
- (d) the person applying is a benamidar or partner with any person to whom a licence has been refused, or whose licence is cancelled or suspended for the period of such cancellation or suspension;
- (e) the person applying for a licence is convicted of an offence involving the said persons' integrity as a man of business, within five years of such conviction;

- (f) the person applying for licence has no premises to carry on business or marketing of agricultural produce;
- (g) any of the information stated by the applicant in his application form is materially incorrect.

(2) No such order of refusal to grant or renew a licence shall be passed without giving a reasonable opportunity of being heard to the affected person.

(3) If a grant or renewal of a licence is refused to a person the licence fee and security deposited by him shall be refunded.

18. Renewal of licence and issue of duplicate thereof

(1) A licence shall be valid for the period of which it is issued and shall, subject to any order passed, be renewable by the competent authority on payment of fee prescribed for the issue of such licence. Renewal application shall be made in Form 'F' or 'G', whichever relevant.

(2) If any area is excluded from any market area and included in another one, the licences issued for the area so excluded shall be deemed to have been issued by the committee of the market area in which the area is included and shall be renewable by the committee of that area.

(3) An application for the renewal of licence shall be made at least thirty days before the date on which the licence is due to expire.

Provided further that the authority competent to renew a licence may, on the applicant's paying a penalty equal to the amount of annual licence fee, grant an application for renewal made within thirty days after the date of expiry of the due date. The authority competent to renew a licence may remit the penalty in whole or in part, if it is satisfied, by recording in writing that the delay was for reasons beyond the control of the applicant.

Provided further that no licence shall be renewed for a part of the year.

(4) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence has expired.

(5) Except as provided in sub-rule (3), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for the grant of a fresh licence.

(6) If a licence is lost, a duplicate may be issued by the authority which issued the original, on payment by the licensee of a fee of one hundred rupees.

(7) The fee payable for the renewal of licence or its duplicate shall be paid to the committee concerned.

19. Prohibition against grant of certain licences

Except as hereinafter provided, no person shall at the same time hold licence for more than one category;

Provided that a licensee falling in category 'A' may have another licence of category 'B' and vice versa as referred to in sub rule (2) of Rule 15.

20. Person exempted from taking licence

(1) The following persons shall be exempted from taking licence for the purchase of agricultural produce—

- (a) Person using kohlu, provided that the number of kohlus installed by him in the market area is not more than two;
- (b) Hawkers, having no fixed premises of business;
- (c) Atta chakki owners if he purchases less than 10 quintals food grain in a day;

Provided that in the case of persons mentioned in clauses (a) the purchase shall be made for meeting the vocational needs only of the persons concerned.

(2) The following shall be exempted from taking a licence for the sale of agricultural produce—

- (a) Scheduled banks when proceeding against any agricultural produce belonging to a producer or a licensee to whom money has been advanced against the security of such agricultural produce;
- (b) Hawkers who do not engage in any dealing in agricultural produce other than such hawking;
- (c) Agriculturists who make sales of, his own produce in the yard or sub-yard without the assistance from a commission agent. However, he will have to obtain permission/authorisation from the committee.

(3) The following shall be exempted from taking licence for processing of agricultural produce, namely :—

- (a) Chakkiwalas (including hullers and pulverisers) who do not make any sale or purchase of agricultural produce but have installed their chakkis including hullers and pulverisers only for grinding agricultural produce for consumers;
- (b) Persons engaged in and pounding of paddy only.

(4) Scheduled banks storing agricultural produce pledged with them by producer or a licensee to whom money has been advanced against the security of such agricultural produce shall be exempted from taking licence in respect of storage business.

(5) If a dispute arises whether a person is entitled to exemption under this rule or not, the Vice-Chairman of the Board shall decide the case after giving the affected person an opportunity of being heard. His decision shall be final.

Explanation— For purposes of clause (b) of sub rule (1), clause (b) of sub rule (2) of this rule, hawker, includes a person engaged in selling agricultural produce by means of mobile vehicles, such as cycle, rickshaw, rehra, etc. and also includes the head-load venders (pherewala).

21. Books to be kept by the licensee

(1) Every licensee shall :—

- (a) Keep such books in such form as the committee may from time to time prescribe in its bye-laws;
- (b) render such return at such times and in such forms as the committee/Board/Director may prescribe or direct.

(2) All forms prescribed under the rules shall be supplied to traders and other functionaries by the marketing committee on payment of fixed price as may be specified on the form itself.

22. Procedure of appeal

(1) Every appeal preferred under section 82 of the Act shall bear the court fee stamp of rupees ten.

(2) The appeal shall be in the form of memorandum which shall set forth concisely the grounds of objection of the order appealed against and shall also be accompanied by a copy of impugned order, a copy of the show cause notice and a copy of reply thereto.

(3) An appeal against the decision of the committee refusing to grant or renew a licence or suspending or cancelling the licence shall be presented to the Vice-Chairman of the Board by the appellant or his duly authorised agent within thirty days of communication of order. The Vice-Chairman may issue a stay-order against the decision of the committee suspending or cancelling the licence as may be deemed proper.

(4) The Vice-Chairman shall decide the case within a reasonable time from the date of presentation of appeal after giving a reasonable opportunity to the parties of being heard.

(5) When the order of refusing or renewal of a licence or suspension or cancellation of a licence is passed by the Director, the appeal shall be presented to the Secretary, Agricultural Marketing Department (Development Commissioner) of the Government of National Capital Territory of Delhi within thirty days of communication of order who may, if he deems proper, stay the operation of the impugned order.

Provided that the appeal shall be decided by the Secretary, Agricultural Marketing Department of Government of National Capital Territory of Delhi, within a reasonable time after giving a reasonable opportunity of being heard to the parties.

(6) The procedure indicated in sub-rules (1) to (5) shall as far as may be, applied to the presentation of the appeal to the Secretary, Agricultural Marketing Department (Development Commissioner) of Government of National Capital Territory of Delhi;

Provided that, before dismissing an appeal, the Vice-Chairman of the Board or the Secretary, Agricultural Marketing Department of the Government of National Capital Territory of Delhi, as the case may be, shall give the appellant a reasonable opportunity of being heard, and record in writing the reason for such dismissal.

23. Appeal against Penalty

(1) An appeal against an order under sub-section (1) of section 123 of the Act may be filed before Vice-Chairman within thirty days of the payment of the penalty / penalties. The appeal so preferred shall contain full substance of the case and shall be bearing a court fee stamp of rupees five and a copy of the order appealed against.

(2) The Vice-Chairman shall decide the case within a reasonable time from the date of presentation of appeal after giving a reasonable opportunity of the party of being heard.

(3) In case the appeal filed under sub-section (2) of section 123 of the Act is accepted, refund of fine shall be made to the appellant.

24. Intimation about change of constitution of a firm etc.

(1) Every trader or commission agent shall furnish to the Marketing Committee the information about the change of constitution, discontinuance of the business, dissolution, partition of a firm, company, corporation, association of persons etc. or the death of any person connected therewith within fifteen days of the occurrence of any of such event.

(2) The committee, on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licence subject to the terms and conditions of allotment of shop/plot, if any, to the licensee.

(3) Notwithstanding anything contained in sub-rule (1) if the firm fails to give necessary intimation to the Secretary of the committee within the specified time, the changes, referred in sub-rule (1) above, shall be deemed to result in the constitution of a new firm/company etc. necessitating a fresh licence.

(4) Nothing in this rule shall apply in the case of a licence granted to a cooperative society.

CHAPTER IV

MARKETING OF AGRICULTURAL PRODUCE

25. Employment of broker or commission agent not compulsory

(1) No person shall be bound to employ a broker or a commission agent in any transaction or be required to pay for a broker employed by any other party to the transaction or to pay for broker when none has been employed.

(2) Where any person enters into any transaction for purchase or sale of any agricultural produce through a commission agent, and the commission agent, without a written authority from his principal, employs a broker in connection with such transaction, the broker's commission shall be payable by, and may be

paid out of the remuneration due to such commission agent.

(3) The same person shall not act as broker both for the buyer and the seller of an agricultural produce in the same transaction.

26. Sale of Agricultural Produce

(1) All agricultural produce brought into the market for sale shall be sold only by open auction in the principal or subsidiary market.

(2) Nothing in the sub-rule (1) shall apply to a retail sale by an agriculturist of his own produce as may be specified in the bye-laws of the committee.

(3) A committee shall fix timings for the starting and closing of the auction in respect of any agricultural produce.

(4) The price of agricultural produce shall not be settled by secret signs or secret bid and no deduction shall be made from the highest bid received and accepted in the open auction.

(5) The auction shall be conducted by the commission agent or auctioneer of the marketing committee in accordance with the timings fixed and instruction issued by the committee.

(6) The highest bid offered by a purchaser at an auction sale and at which the seller of the produce has given his consent to sell his produce, shall be the sale price of the produce.

(7) The purchaser shall be considered to have thoroughly inspected the agricultural produce for which he has made a bid and he shall have no right to retract from it.

(8) As soon as the auction for a lot is over, the employee of the committee shall fill in the relevant particulars in a book to be maintained in Form 'H' and shall secure the signature of both the purchaser and the seller or their respective representative, whoever may be present at the spot.

(9) A register in Form 'T' shall be maintained in the office of the committee and all heaps of agricultural produce which remain unsold during the course of auction shall be entered in this register. It shall be the duty of every commission agent to report to the committee as soon as the unsold heaps or receptacles are disposed of. The purchaser shall be responsible to get the agricultural produce weighed or counted or measured, as the case may be, immediately after the auction, if necessary.

(10) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or another person in respect of such produce except with the prior consent of the producer.

(11) The commission agent shall make payment to the seller immediately after the weighment is over.

(12) Every commission agent shall prepare receipt in quadruplicate in Form

'J'. Original receipt shall be given to the seller at the time of payment of sale proceeds, second copy shall be submitted to the marketing committee on the following day, the third one shall be given to the purchaser and the fourth copy shall be retained by the commission agent for his record. Where no commission agent is engaged, the buyer shall prepare the receipt in triplicate and shall deliver the same as above.

(13) In the absence of any written agreement to the contrary, the sale price of agricultural produce purchased under these rules shall be paid by the purchaser to the commission agent on delivery of Form 'J'.

(14) Delivery of agricultural produce after sale shall not be made or taken unless and until the commission agent or if the seller does not employ a commission agent, the purchaser has given to the seller a sale voucher in Form 'J'.

27. Appointment of disputes sub-committee and Arbitrator

(1) The marketing committee may from amongst its member constitute a sub-committee called the disputes sub-committee consisting of—

- (a) Any member of the committee as its Vice-Chairman;
- (b) Two of the representatives of agriculturists of the marketing committee;
- (c) One of the representative of the marketing committee representing the interest of consumers;
- (d) One of the representatives of the traders of the marketing committee.

(2) The marketing committee with the approval of Vice-Chairman of the Board may for each market yard appoint a panel of not less than six persons to act as arbitrators in the settlement of the aforesaid disputes. Every person included in the panel shall be a person having sound knowledge and experience living in the market area or a dealer doing business in the market yard for which the panel has been appointed. A list of panel of arbitrators shall be pasted on the notice board and also at some conspicuous place in the market.

(3) The party at whose instance a dispute is referred to arbitration or to the dispute sub-committee for the settlement shall pay in advance to the marketing committee a sum of one hundred rupees as fee.

28. Settlement of Dispute

(1) Where any dispute referred to in section 83 arises between any parties operating in the market area, the Secretary or the marketing committee or any person authorised by the marketing committee in that behalf may, if the parties agree to settle such disputes by arbitration, refer the dispute to arbitration and in the absence of any such agreement, to the dispute sub-committee referred under rule 27.

(2) Where the parties agree to settle the dispute he recourse to arbitration, each party to the dispute and the Secretary of the marketing committee or any

person authorised by the marketing committee in that behalf shall select arbitrator/arbitrators from the panel of arbitrators referred under sub-rule (2) of rule 27.

(3) The Arbitrators shall, as far as possible, try to reach a unanimous decision; but in the case of disagreement, the decision of the majority shall prevail. The decision shall be communicated to the parties in writing with the reasons therefor.

(4) Every dispute shall be decided, as far as possible at the spot and on the same day.

(5) The Arbitrators or the dispute sub-committee when recording their decision shall also decide the quantum of fee to be paid to the arbitrator by each party to the dispute. The amount of the fee to be paid by the party at whose instance the dispute was referred to arbitration or the dispute sub-committee shall be adjusted against the sum paid by him in advance under sub-rule (3) of rule 27.

(6) If the party at whose instance the dispute is referred to arbitration or to the dispute sub-committee is not liable to pay any fee then the amount of fee paid by him in advance shall be refunded to him by the marketing committee on the day on which the decision of the arbitrators or the dispute sub-committee, as the case may be is announced.

29. Transactions of business by the Dispute Sub-Committee

(1) No business shall be transacted by the dispute sub-committee unless three members including the Vice-Chairman of the committee are present.

Provided that presence of representatives of the parties in disputes shall not be counted for the purpose of quorum under sub-rule (1).

(2) Every meeting of the dispute sub-committee shall be presided over by the Vice Chairman, and if he is absent, by such one of the members of the dispute sub-committee present as may be chosen by the other members of the committee in the meeting, to be the presiding authority for the occasion.

(3) All questions shall be decided by the majority of votes of the members present and voting. The presiding authority shall have a second or casting vote in case of equality of vote.

(4) Any party aggrieved by the decision of the arbitrator or the dispute sub-committee may appeal to the Vice-Chairman of the Board within seven days of the order.

(5) The appeal shall be presented in the form of a memorandum which shall set forth concisely the grounds of objection to the order appealed against and shall be accompanied by a copy of such order. The appeal shall be presented by the appellant or by his duly authorised agent to the Vice-Chairman of the Board.

(6) The memorandum of appeal shall bear a court fee stamp of rupees five.

The Vice-Chairman shall decide an appeal on behalf of Board after giving reasonable opportunity of being heard to the parties within reasonable time. The decision of the Vice-Chairman of the Board shall be final and conclusive.

(7) Every marketing committee shall maintain a complete record of all disputes.

30. Weighment

(1) The Board shall fix standards of net weight of agricultural produce to be filled in a packing unit, such as bag, half bag or a palli or container within each market area.

(2) No person shall fill or cause to be filled the packing unit of agricultural produce except in accordance with standards fixed under sub-rule (1).

(3) All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with standards fixed under sub-rule (1).

(4) Immediately on the completion of weighment of a lot of agricultural produce within a market area, either party to the contract may cause a test weighment up to ten percent of the units of packing in a lot or two packing units whichever is more. The test weighment shall be carried out at the site of weighment and if no test weighment shall be held at the site, the produce shall be deemed to have been correctly weighed.

(5) Test weighment under sub-rule (4) shall be carried out in the presence of both the parties to the contract. In case any of the parties refuse or otherwise evades presence, the other party may report in writing to the Secretary of the Committee or any employee of the Board not lower in rank to that of an Inspector readily available on the spot, who after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence or in the presence of any other official of committee authorised by him in this behalf and the result of such test weighment shall be final, conclusive and binding on both the parties.

(6) Before any agricultural produce weighed in pursuance of a contract of sale or purchase within a market area is removed from the place of its weighment, the Chairman or the Secretary of the committee or any employee of the committee as authorised by either of them or an inspecting officer of the Board, shall with a view to satisfying himself that the weighment has been correctly made or is filled in accordance with standards fixed under sub-rule (1), be entitled at any time and without any previous notice, to check the weighment by means of weights and instruments kept by the committee or any other agency in the presence of the purchaser and the seller and if either or both of them evade presence, test weighment may be carried out in the presence of any two persons present there.

(7) If the weighment checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be reweighed. The reweighment shall be made at the cost of the buyer, if it is not filled in accordance with the standards fixed under sub-rule (1) and at the cost of the weighman concerned, if

the weighment is otherwise defective. Such orders shall be final and the buyer or the weighmen as the case may be, shall immediately comply with the order. This sub-rule shall operate without prejudice to any other punishment that may be awarded under the Act, or the rules or the bye-laws.

31. Use of weighing instruments, weights and measures, their inspection and seizure

(1) Only such weighing instruments which satisfy the requirements of, and such weights, and measures as are prescribed by the Standards of Weights and Measures (Enforcement) Act 1985 as in force in the National Capital Territory of Delhi and the rules made thereunder shall be used for weighing or measuring agricultural produce in a market area.

Provided that in transaction of sale and purchase of agricultural produce in the principal market and subsidiary market of the market area beam scale (Kanta) or platform scale shall only be used.

(2) Every committee shall keep in the market yard at least one weighing instrument of the capacity of one quintal and two sets of weights, and in places where measures are used, two sets of measures, verified and stamped in accordance with the provisions of the Standards of Weights and Measures (Enforcement) Act, 1985, and the rules framed thereunder. The committee shall cause such weights and measures to be tested and verified once in the course of each calendar year through the agency appointed and in accordance with the requirements of the said Act and rules.

(3) The Secretary of a committee shall allow any person to check free of charge any weight or measure in his possession against the weights and measures maintained under this rule.

(4) Weighing instruments, weights and measures kept by a committee under this rule may at any time be inspected, examined and checked by the Chairman or the Vice-Chairman of the Board or by any other officer not lower in rank than of a Marketing Officer. After inspection, the inspecting authority may give such direction as it may deem proper. The committee shall comply with such directions.

(5) The Chairman or the Vice-Chairman of the Board or the committee, and any person authorised in this behalf by the Board shall be entitled at any time and without previous notice to inspect, examine and test by weighing instruments, weight or measures used, kept or possessed in the market area by a licensee, and every such licensee in possession of any such weighing instruments, weight or measures shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) Any person authorised to test and examine any weighing instrument, weight or measure, under sub-rule (5) shall, while so acting have the following powers:—

- (a) to seize or detain any disputed weights and measures or weighing or measuring instruments;
- (b) to seize or detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measures or weighing or measuring instrument together with any documents or records relating thereto;
- (c) to enter into any place where weights and measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing or measuring instruments, and
- (d) to require any trader or any employee or agent of a trader to produce for inspection all weights or measures or weighing or measuring instruments which are used by him or are in his possession or are kept in any premises used for trade.

32. Dispute regarding construction of rules and weight and measures

(1) Subject to the provision of section 74 of the Act, when a dispute arises, it shall on the request of either party to the dispute, shall be referred to the controller, weights and measure, Government of National Capital Territory of Delhi by the Director on receipt of all informations and grounds alongwith statements from the Secretary of the committee, for his decision.

(2) Any party aggrieved by the decision of the controller under sub-rule (1) above, may appeal against that to the Lt. Governor within seven days of the receipt of the decision/order.

(3) The appeal shall be presented in the form of a memorandum bearing court fee of ten rupees which shall set forth concisely the brief facts, grounds of appeal accompanied by a copy of order/decision and submitted to the Director.

(4) The appeal shall be decided by the Lt. Governor or by the officer duly authorised by him in this behalf after giving reasonable opportunity of being heard to the parties.

33. Weigh-bridges, measuring yard and certificates of weightment or measurement

(1) The committee may erect in the market and outside a weigh-bridge for weighing agricultural produce on payment of such fees as may be prescribed by its bye-laws.

(2) In places where it is customary for any agricultural produce to be measured instead of being weighed, the committee may specify place within or outside the market for that purpose and make arrangements for the measuring of such produce on payment of such fees as may be prescribed by its bye-laws.

(3) The committee shall be responsible for maintaining such weigh-bridge or measuring yard in proper conditions and for issuing free of cost a certificates of

weighment and measurement as the case may be, in such forms as may be prescribed by its bye-laws.

(4) A certificate issued under sub-rule (3) above shall be accepted as final by all persons transacting business in the notified market area, unless it is proved to the satisfaction of the Chariman of the committee or his authorised representative that the weighment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect scale or weight or measure.

34. Prevention of adulteration of agricultural produce

(1) No person shall adulterate agricultural produce or place or offer adulterated agricultural produce for sale, in a market area.

(2) It shall be the duty of a committee to prevent adulteration of agricultural produce in the market area. The Chairman or Secretary of the committee may take all or any steps within his power to stop, prevent or discourage such adulteration.

Explanation—For the purposes of this rule adulteration of agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties or different qualities, mixing of sieved remains of the agricultural produce with agricultural produce and mixing of earth, dirt and stones or any other foreign matter with any agricultural produce.

35. Grading and standardisation of agricultural produce

(1) The Marketing Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of the declared agricultural produce sold at the market and shall replace the same as may be necessary from time to time. The marketing committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates prevailing in terminal and important markets for the information of sellers and buyers.

(2) The marketing committee may:—

(a) carry out the work of grading of such declared agricultural produce as may be specified by the Vice-Chairman of the Board from time to time; and

(b) supervise processing of agricultural produce in the market area with a view to preventing adulteration thereof.

36. Incidental, Market Service, Weighment and delivery of Agricultural Produce Fees

(1) The fees payable to licensed commission agents, brokers, weighment measures, surveyors, warehousemen, palledars, transporters and other persons operating in market area in connection with the sale and purchase of agricultural produce shall be such as may be specified in the bye-laws of the committee.

(2) The fee payable in connection with weighment and delivery of Agricultural Produce under clause (ii) of sub-section (2) of section 80 of the Act shall be such as may be determined by the Government from time to time.

37. (I) The Marketing Committee to provide for certain matters

After paying all sum due to the Government or Board, a marketing committee shall so far as the funds at its disposal permit, and subject to section 55 and all other provisions of the Act and these rules, and with previous approval of Vice-Chairman of the Board, provide:—

- (a) for the maintenance and improvement of any enclosure or building which may constitute the market;
- (b) for the construction and repair of building and other erections necessary for the purpose of the market;
- (c) for undertaking development and for providing amenities in the market;
- (d) for the health, convenience and safety of the persons using the market;
- (e) for undertaking welfare activities in the interest of the servants of the Marketing Committee or the agriculturists in the market area;
- (f) for undertaking propaganda and development of marketing of declared/notified agricultural produce;
- (g) for miscellaneous expenses not exceeding one percent of its total income in a year, so however, that such expenses do not exceed rupees ten thousand at a time;
- (h) for such other activities as would be conducive to the furtherance of the efficient working of marketing of declared/notified agricultural produce in the market area; and
- (i) for depreciating on wasting assets owned by the marketing committee including deadstock, furniture, fixture, machinery and other things.

37. (II) Duties of Marketing Committee

A marketing committee shall furnish all information which the Vice-Chairman of the Board or the officers duly authorised by him may require. In addition to the duties prescribed by the Act, rules and bye-laws made thereunder a marketing committee shall also be responsible for :

- (a) maintenance of proper checks on all receipts and payments of its officers;
- (b) proper execution of all works chargeable to the market fund;
- (c) keeping a copy of the Act and other Rules and the notifications issued thereunder, and of its bye-laws, open to inspection free of charge at its office; and
- (d) doing such other things as may, from time to time, be necessary for the

efficient working of the Marketing Committee.

(III) On failure of the Marketing Committee to furnish any information or return on due dates, the Vice-Chairman of the Board may, after giving due notice to the marketing committee, depute any person working under him, to prepare the return or returns and submit it to them or him. The Chairman and the Secretary of the committee shall furnish to such persons informations necessary for preparing such return or returns. The expenses incurred by the Board, in getting such return or information shall be borne by the marketing committee and shall be recoverable from the marketing committee.

CHAPTER V

LEVY AND COLLECTION OF MARKET FEES

38. Levy or collection of fee on the sale of the Agricultural Produce

(1) It shall be the responsibility of marketing committee to realise the market fee of the amount as may be determined by the government under section 62 of the Act from the purchaser through commission agent or otherwise. If it is realised by commission agent, he will pay the fee as per provisions of section 65 and the bye-laws made under the Act.

(2) Where the agricultural produce is not brought or sold through a commission agent, the market fee shall be paid by the trader.

(3) The market fee levied under section 62 and the fee payable in connection with weighment and delivery of agricultural produce under clause (ii) of sub-section (2) of section 80 of the Act shall be paid to the officer of the committee duly authorised to receive the payment on the day of transaction or on the next working day within the hours fixed by the committee.

(4) A receipt in Form 'K' shall be granted by the aforesaid officer forthwith to the person making payment in respect of the said fees.

(5) Every officer or servant employed by a committee for the collection of fees shall be supplied by the committee with a badge of office in such form as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

(6) Market fee shall not be levied and collected in the same market area again in relation to the notified agricultural produce in respect of which such fee has already been levied and collected.

(7) For the purpose of this rule, notified agricultural produce shall be deemed to have been sold in a market area :—

- (a) if it is leaving market or market area unless contrary proved;
- (b) if the agreement of sale thereof is entered into in the said area; or

- (c) if in pursuance of the agreement of sale the agricultural produce is weighed in the said area; or
- (d) if in pursuance of the agreement of sale the agricultural produce is delivered in the said area to the purchaser or the some other person on behalf of the purchaser; or
- (e) if in the case of any transaction two or more of the acts mentioned in sub-rule (7) have been performed within the boundaries of two or more market areas, the market fee shall be payable to the committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or, if no such weighment has taken place, to the committee, within whose jurisdiction the agricultural produce is delivered.

39. Account of transaction and of fees to be maintained

(1) Every licensee commission agent shall submit to the committee a return in Form 'L' showing his purchases and sales of each transaction of agricultural produce on the day of transaction or on the following day or the date specified under bye-law.

Provided that in case of a dealer, who exclusively deals in fruits and vegetables, it should not be necessary to fill in Form 'L' the particulars of the person to whom the quantity of fruits or vegetables less than one quintal or the monetary value of which is less than five hundred rupees whichever is less, is sold;

Provided further that a commission agent who sends one copy of Form 'J' to the committee, will be exempted from sending Form 'L' to the marketing committee and the buyer shall indicate in Form 'L' only the total quantity and the gross value in respect of each commodity purchased from each seller.

(2) The committee shall maintain a register showing the total purchases and sale made by the dealers and the fees recoverable and recovered from them.

(3) If any trader or commission agent fails to submit a return of any period as prescribed in sub-rule (1) or the marketing committee has reasons to believe that any such return is incorrect, it shall after giving notice in Form 'M' to the dealer or commission agent concerned may authorise any officer to inquire and after holding such enquiry as the officer may consider necessary, shall place the case before the committee for proceeding to assess the amount of business of trader or commission agent during the period in question.

(4) If any trader/broker or commission agent habitually makes default in the submission of returns or if in the opinion of the committee he habitually submits false return, the committee may order for the inspection of the trader/broker or commission agents accounts.

(5) After an order under sub-rule (4) is made, the committee shall inform the trader or commission agent as the case may be, of the date and place fixed for the inspection.

(6) The committee may authorise one or more of its members to carry out the inspection ordered by it under sub-rules (4) and (5). Such member or members shall be assisted by the Secretary of the committee or such employees of the committee as may be deputed for that purpose.

(7) Such member or members may after inspection prepare a return or may amend the return already furnished on the basis of transaction, appearing in the trader's account books, and the committee may levy a fee after assessment as may be specified in the bye-laws. If the account books are reported to be unreliable, or are not providing sufficient material for proper preparation or amendment of the return or if no such books are maintained or produced, the committee may assess the amount of the dealer's business on such information as may be available or on the basis of best judgment and may levy fee as may be specified in bye-laws on the basis of such assessment.

Provided that before finalising any such assessment, the commission agent concerned will be given a reasonable opportunity of showing cause as to why the assessment should not be finalised.

(8) Habitual default in the submission of return and habitual submission of false return shall be a sufficient ground for suspension or cancellation or refusal to renew a licence, and the provision of this rule shall apply in addition to and without prejudice to any other law, penal or otherwise, applicable to non-compliance or defective compliance with any duty imposed upon a dealer by the Act or by these rules, or bye-laws or order of a committee.

(9) As assessment made under sub-rules (7) and (8) shall be communicated to the concerned functionary by means of a demand notice in Form 'N' and a copy of the assessment order may be given to him on his making written application and paying prescribed copying fee to the committee.

(10) The copy shall be prepared in the office of the committee and certified to be correct by the Secretary or in his absence by any other person appointed in this behalf by the Chairman. Such certificate shall give the dates on which the application was received and the copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these duties.

(11) The amount of the market fee assessed under sub-rules (7) and (8) above, less than sum, if any, already paid, shall be paid by the commission agent within fifteen days from the date of the receipt of the assessment order by him.

(12) If any commission agent fails to pay the amount of market fee as required by sub-rule (11), he shall, in addition to market fee due, be liable to pay simple interest on the amount so due at two percent per month from the date immediately following the last date for submission of return upto the date of assessment under sub-rules (7) and (8) and at the rate of three percent per month thereafter till realisation.

40. Procedure of Appeal

(1) Any commission agent aggrieved by an order of an assessment made under section 66 read with sub-rule (7) and (8) of rule 39 may appeal to the Director within thirty days of the receipt of such order alongwith all documents and a memorandum setting forth the grounds on which appeal is preferred with court fee of rupees ten affixed on it.

(2) The Director shall consider the appeal and pass orders in conformity with the provision of section 67 of the Act within reasonable time which shall be final and binding up on the commission agent and the marketing committee.

41. Inspection of accounts of licence

Every licence and person exempted under rule 20 from taking a licence working within the market area shall, on demand by the Secretary or Chairman of the Committee or any officer of the Board authorised by the Vice-Chairman of the Board in this behalf, shall keep open for inspection, produce all or any of the forms or account books maintained by him in respect of the sale, purchase, storage, transportation or processing of notified agricultural produce in his possession and in his office establishment godown, vehicle for inspection and examination at such time and at such place as he may be required and shall, if required by any of the inspection officers, hand over any or all of the said forms, or books against a receipt.

42. Preservation of the prescribed forms

The counterfoils of forms 'J' and 'L' shall be preserved by the dealer concerned for a period of two years from the date of issue of the Form.

CHAPTER VI**MISCELLANEOUS****43. Power to order production of accounts, power of entry, inspection, seizure and stopping vehicles**

(1) Subject to the provisions of sections 17, 56, 57 and 58 any officer of the Board not below the rank of Secretary, marketing committee, authorised in this behalf in writing may require any person to produce before him the books and other documents maintained by him and to furnish any information relating to the purchase, sale, storage or processing of notified agricultural produce and also such other information relating to the payment of the market fee by him as may be necessary.

(2) All accounts and registers maintained by any person and documents relating to the purchase, sale, storage or processing of agricultural produce, in his possession, and his office, establishment, godown or vehicle shall be open to inspection at all reasonable time by the officers authorised in sub-rule (1).

(3) If such officer has reasons to believe that any person has evaded or attempting to evade the payment of market fee due from him or that any person has purchased notified agricultural produce in contravention of any of the provisions of the Act or the rules or bye-laws in force in any market area, he may for reasons to be recorded in writing, seize such accounts registers or documents of such persons as may be necessary and shall grant a receipt for the same and shall retain the same only so long as they may be necessary for examination thereof or for the prosecution of the person concerned.

(4) Such officer if subordinate to the Vice-Chairman of the Board shall forthwith report the seizure to the Vice-Chairman.

(5) At any time when so required by the Director or by any officer of the Board not below the rank of Secretary marketing committee, the driver or any other person incharge of any vehicle, vessel or other conveyance which is taken or proposed to be taken out of the market area shall stop the vehicle or other conveyance, as the case may be, and keep it stationary as long as may reasonably be necessary and allow such officer to examine the contents/agricultural produce carried in the vehicle or other conveyance and to inspect all records relating to such agricultural produce and furnish his name and address and the name and address of the owner of the vehicle or other conveyance and of the owner of the agricultural produce carried in such vehicle or other conveyance.

44. Composition

(1) The amount realised by way of composition shall be in addition to any amount due from the offender under the Act or these rules or the bye-laws.

(2) In the case of late payment of market fee if the Chairman of the committee is satisfied that it was due to unavoidable circumstances beyond the reach of the concerned person, he may condone the violation committed:

Provided that the market fee is deposited with the committee not later than four days from the day of transaction.

45. Penalties

The marketing committee or its Secretary may by order impose penalty on any person contravening any provision of bye-laws which may extend to five thousand rupees :

Provided further that no penalty shall be imposed against a person without affording him an opportunity to show cause.

46. Interest payable by buyer

Subject to the provision of sub-section (3) of section 116 of the Act, if any purchaser fails to make payment to the tenderer forthwith as required under sub-section (6) of section 61 of the Act, he will be liable to pay to the tenderer interest from the date of sale to the date of payment at such rates not being in excess of the maximum rate of interest fixed for unsecured loan by banking institutions. In case

the payment is not made within thirty days from the date on which the agricultural produce is sold by the tenderer, the principal and interest thereon shall be recoverable by the marketing committee from the purchaser as an arrear of land revenue.

47. Administrative Report

At the end of each financial year, every marketing committee shall prepare an annual administrative report which shall contain accounts of receipt and expenditure balance sheet of assets and liabilities and other such information as may be required by the Director and Vice-Chairman of the Board by general or special order issued from time to time and submit on or before 30th June, to such officer as may be specified by the Director/Board, in that behalf.

48. Condition subject to which a committee may borrow loan from Government and grant loan to another Committee

Subject to the provision of section 72 of the Act, a marketing committee may obtain loan from Government or from any other marketing committee and also grant loan to another Marketing Committee with the previous approval of the Board. The loan so granted shall be regulated, by the following general conditions:—

- (1) A specific term should be fixed which should be as short as possible, within which the loan should be fully repaid with interest due. The term may in very special cases extended to thirty years;
- (2) The term is to be calculated from the date on which the loan is completely drawn;
- (3) The repayment of loans should be effected by instalment, which should ordinarily be fixed on annual basis, due dates of payment mentioned in the agreement;
- (4) Instalments paid before the due date will be taken entirely to principal unless any interest for a preceding period is overdue;
- (5) The interest shall be charged on the loan at the rate prescribed by the Board;
Provided that a loan shall bear interest for the day of payment but not for the day of repayment;
- (6) When a loan is taken out in instalments, each instalment of the loan so drawn shall be treated as a separate loan for purposes of repayment of principal and payment of interest thereon except where various instalments drawn during a financial year are, for the purpose, allowed to be consolidated into a single loan as at the end of that particular financial year. In the latter event, simple interest at the prescribed rate on the various loan instalments from the date of drawal of each instalment to the date of their consolidated drawal shall be separately payable by the borrower;
- (7) The committee may obtain loan from Government at such term and conditions as may be determined by the Government and specified in

agreement.

49. Copies of documents etc.

The marketing committee or the Board may on the application made in that behalf supply to the applicant a copy of the decisions, orders or resolutions of the Board or of the committee or their officers on payment of rupees one per page or a part thereof subject to a minimum of rupees five;

Provided that in the cases where in an appeal, inspection or record is deemed necessary, the petitioner may apply to the Director, agricultural marketing for permission of such inspection and if this is allowed by him, the petitioner shall pay a fee of rupee one per case to the concerned agency to which these documents relate.

50. Preservation of records

The following records of the Board and the marketing committee shall be preserved for the periods noted against each—

Description of Record	Period
1	2
Budget	Five years
General cash book	Permanently
Establishment bill	Thirty five years
General bills	Three years
Balance sheet	Ten years
Ledger	Ten years
Register of deposits	Permanently
Application form 'A'	Permanently
Other application forms	Three years
Returns of daily (Form 'L')	Five years after audit.
Purchases and sale/receipt books	Three years
Register of sale and purchase of agricultural produce	Ten years
Register of licence	Ten years
Provident fund register	Ten years or till accounts to which it relates are closed.
Service books of employees	Five years after retirement or death (whichever is earlier)
Register of proceedings of the Board or committee or sub-committee	Permanently
Register of correspondence	Permanently
Cheque books	Ten years
Travelling allowance bills	Three years
Lease deeds	Ten years from the date they

Security bonds	cease to have effect
Treasury challans	Ditto
Imprest account register	Three years
Attendance register	Three years
Movable property register	One year
Library register	Ten years
Demand and collection register	Ten years
Register of stamps	Ten years
Stock register	Three years
Register of court cases	Ten years
Investment register	Ten years
Files about the appointment, removal and dismissal of employees	Permanently
The record which the Board or committee may decide to preserve for more than three years	Thirty Five years
	Such period (not less than ten years) as may be prescribed by the Board or the committee.

51. Marketing Committee of National Importance

These rules, so far as they are not in consistent with the provisions of chapter V of the Act and relatable to the matter specified therein, shall apply for the purposes of carrying out, execution and implementation of the affairs of the marketing committee of the market of national importance established under section 26 of the Act.

52. Violation of Rules punishable

Any person who violates or contravenes any provision of these rules shall, on conviction, be punishable with fine which may extend to five thousand rupees.

53. These rules shall supersede the Delhi Agricultural Produce Marketing (Regulation) (General) Rules, 1978. **FORM A**

[See rule 15 (2)]

APPLICATION FOR LICENCE CATEGORY A,B,C,D AND E

To

The Secretary, Marketing Committee

Sir,

The particulars of my business are given below :—

1. Name of the applicant with full address

(i) Residential

(ii) Business

2. Place of business for which licence is applied for (give the name or number of the building and the name or number of street or other description sufficient to identify the premises).

Passport Size
Photo
Proprietor/
Partner

3. If the applicant is a firm, or a Hindu-Joint-Family Firm, or otherwise constituted and it has been registered or not?
4. If the applicant is a firm, give the names of all persons constituting the firm with parentage, residence and address.

S.No.	Name	Father's or Husband's Name	Full Address
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5. Name of the Managing Proprietor or Manager of the Firm
6. Name of other trade assistants of the applicant Firm with their residential address
7. Name and style under which the applicant will work
8. Has the applicant or, where the applicant is a firm has any member thereof, single or in collaboration with anybody else, been granted a dealer's licence in any market area in the National Capital Territory of Delhi and has such licence been suspended or cancelled? If so, when for what period and for what reasons?
9. Category of licence applied for
(1) A; (2) B; (3) C; (4) D; (5) E
10. Has the applicant or any of his partners been declared insolvent in the past? If so has the insolvency been discharged?
11. Has the applicant or any partners been convicted of any offences relating to his business in the past two years? If so, nature of offence and the punishment awarded.
12. Has the applicant or any partner is also proprietor partner in any other licenced firm ? If so, the details should be furnished thereof.
13. The firm shall deal in following commodities
 - 1.
 - 2.
 - 3.

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to abide by the provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 and rules and bye-laws and conditions of the licence made hereunder:

I shall be responsible for all acts of my employees. It is requested that a licence of category may kindly be granted to me.

Signature of the applicant

To be filled in by the office of the committee

Particulars of deposit	No. of receipt	Date of receipt	Page No. of each book where entry made
Licence fee			
Security			

Accountant
Marketing Committee

Report of Secretary of Marketing Committee

The grant of licence is recommended; or

The grant of licence is not recommended for the following reasons :—

Secretary
Marketing Committee

FORM B

[See rule 15 [10]]

FORM OF LICENCE FOR CATEGORY A, B, C, D AND E

(1) Market area

(i) Principal yard

(ii) Sub-yard

(II) S. No. of licence

(III) Commodity to be handled

(IV) Subsequent change of commodities to be handled

Passport Size Photo Proprietor/ Partner
--

This licence is granted to M/s. subject to conditions prescribed hereunder .

1. Place of business for which licence is granted

2. Name of the Managing Proprietor or Manager of the Firm with parentage

3. Date from which the licence takes effect

4. Date on which the licence expires

5. Category of the licence granted :

(1) A; (2) B; (3) C; (4) D; (5) E

Secretary

Place:

Marketing Committee

Date:

(Seal of the Marketing Committee)

Conditions of Licence

1. The licence shall comply with the provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of the act, the rules and bye-laws and shall report in writing to the marketing committee any evasion or breach which comes to his knowledge.
3. He shall produce for inspection his licence, on demand, to the Director or any other officer authorised by him in this behalf or the Secretary of the committee against a receipt to be given to the licensee in this connection.
4. He shall conduct his business honestly and properly according to principles of fair dealing.
5. He shall display his licence at a conspicuous place in his business premises.
6. He shall keep his business premises clean and in a suitable condition for storage of agricultural produce.
7. He shall not boycott or encourage boycott of any other licensee.
8. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
9. He shall not take or continue in his service any licensed weighman, measurer, surveyor or palledar.

10. He shall be responsible for the safe custody and protection of agricultural produce brought to his shop for sale or storage.
11. He shall not form a pool or combination with other buyers for eliminating competition and shall not make or abet an attempt to do so in order to deprive the seller of a fair price of his produce.
12. He shall, on the expiry or soon after termination of the licence, surrender the same to the committee.
13. He shall, when desired by the committee or any officer authorised by it furnish correct information on the matters pertaining to his business relating to sales, purchase, storage, processing and transfer of agricultural produce.
14. The security shall be liable to be forfeited in part or, in full by the licensing authority in case the licensee makes a breach of any condition of the licence.
15. This licence is liable to be suspended/cancelled by the licensing authority in case the licensee makes breach of any condition of the licence.

FORM C

[See rule 15 (11)]

REGISTER OF LICENCES OF CATEGORY A,B,C,D,E,F AND G

1. Notified market area
2. Name of the Firm/Licencee
3. Address of the premises
4. Name of the Managing Proprietor or Manager with parentage
5. Licence No.
6. Nature of licence
7. Name of partners/Proprietor :

Serial No.	Name	Father's Name	Res. Address
------------	------	---------------	--------------

Date of entry	Date from which the licence takes effect	Date on which the licence expires	Licence fee received	Receipt No. & Date	Sign of issuing authority with designation	Re-marks	Sign of Recipient with date
1	2	3	4	5	6	7	8

FORM D

[See rule 15 (2)]

APPLICATION FOR LICENCE UNDER CATEGORY F AND G

The Secretary,
Marketing Committee

Passport Size
Photo
Proprietor/
Partner

Sir,

The particulars of my business are given below :

1. Name of the applicant with parentage and residence address in full
2. Name or style under which the applicant will conduct his business
3. Does the applicant wish to be licensed as weighmen/measurer/surveyor/(any other market functionary)
4. Has the licence, if any granted previously to the applicant, or if the applicant is a firm, to any member thereof, singly or in collaboration with anybody else, for working as weighment, measurer, surveyor, or palledar in any notified market been cancelled ? If so, where, when for what period and for what reasons?

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to abide by the provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 and rules and bye-laws made thereunder and conditions of the licence.

I shall be responsible for all acts of my employees.

It is, therefore, requested that the licence under category may kindly be granted to me.

Signature of the Applicant

To be filled in by the office of Committee

Particulars of the deposit	No. of receipt	Date of receipt	Page of cash book where the entry made
(i) Licence fee			
(ii) Security			

Date

Accountant
Marketing Committee

Report of the Secretary, Marketing Committee

The grant of licence is recommended

The grant of licence is not recommended for the following reasons.

.....

Secretary
Marketing Committee

FORM E

[See rule 15 (10)]

FORM OF LICENCE FOR CATEGORY F AND G

Passport Size
Photo
Proprietor/
Partner

This licence is granted to Shri/Smt.
for doing his business as a weighman/measurer/palledar or surveyor in the market
area

1. Licence No.
2. Date from which the licence takes effect
3. Date on which the licence expires
4. Place of business

Place

Date

Secretary, Marketing Committee
(Seal of Marketing Committee)

Conditions of Licence

1. The licensee shall comply with the provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and bye-laws mentioned under (1) above and will report in writing to the committee any evasion or breach which comes to his notice.
3. He shall surrender his licence on demand to the committee or any officer authorised by the committee in writing in this behalf.
4. He shall conduct his business honestly and properly according to the principles of fair dealing.
5. He shall not boycott or encourage boycott of any other licensee.
6. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
7. The licensee, except the godown-keeper, shall not accept any service under the licensee/trader.
8. The licensee shall abide by such arrangements which may be made by the marketing committee with a view to ensuring the availability of their services as and when required. The licensee shall bear the badge provided to him by the marketing committee during the hours of his business.

FORM F

[See rule 18 (1)]

**APPLICATION FOR THE RENEWAL OF LICENCE UNDER CATEGORY A,B,C,D
AND E**

To

The Secretary
Marketing Committee
.....Passport Size
Photo
Proprietor/
Partner

Sir,

I request for the renewal of my licence. The necessary particulars are given here below :—

1. Name of the notified market area/market yard for which the licence has been issued
 2. Name of the applicant (with full particulars of the place of business)
 3. Name of the Managing Proprietor or the Manager of the firm, if any
 4. Number of licence
 5. Date on which the licence expires
 6. Period for which renewal is requested
 7. Fee paid
 - (i) Licence Fee
 - (ii) Market fee
 8. Penalty paid if any
 9. Has the applicant paid all dues of market fee?
 10. Has the applicant or where the applicant is a firm, has any member thereof singly or in collaboration with anybody else, been
 - (a) granted a dealer's licence in any notified market area in the NCT of Delhi and has such licence been suspended, or cancelled.. If so, when, for what period and for what reason,
 - (b) convicted on an offence affecting the said person's integrity as a man of business. If so, the date of conviction
 - (c) declared as an undischarged insolvent
- Certified that the facts set out in the application are true to my knowledge.

Date

Signature of applicant

(To be filled in by the office of the Committee)

<i>Renewal Licence fee received</i>	<i>Penalty received if any</i>	<i>No. of receipt</i>	<i>Date of receipt</i>	<i>Page of cash book where entry made</i>	<i>Remark</i>

No.

Date

Accountant
(Marketing Committee)

Verified Renewal of licence recommended/non-recommended on the following reasons.

Secretary
Marketing Committee

FORM G

[See rule 18(1)]

APPLICATION FOR THE RENEWAL OF LICENCE UNDER CATEGORY F AND G

To

The Secretary
Marketing Committee

Passport Size
Photo
Proprietor/
Partner

Sir,

I request for the renewal of my licence. The necessary particulars are given below

1. Name of the notified market area for which the licence has been issued
2. Name of the applicant (with full particulars of the place of business)
3. Name of managing proprietor or the manager of the firm, if any
4. Number of licence
5. Date on which the licence expires
6. Period for which renewal is requested
7. Fee paid Rs.
8. Penalty paid, if any Rs.
9. Has the applicant, or where in case the applicant is a firm has any member thereof, singly or in collaboration with anybody else, been granted a licence for working as a weighman, measurer, surveyor or palledar in any notified market area in the National Capital Territory of Delhi and has such licence been suspended or cancelled. If so, when, where, for what period and for what reason.

Certified that all the fact set out in the application are true to my knowledge.

Date

Signature of the applicant.

FORM H

[See rule 26 (8)]

AUCTION REGISTER

Date	Name of commiss- ion agent	Name & address of seller	Description of produce (full details)	Total quan- tity	Rate at which the produce has been sold	Total value	Name of buyer
------	----------------------------------	--------------------------------	---	------------------------	--	----------------	------------------

Signature of commission agent and buyer

[See rule 26 (9)]

SALE VOUCHER FOR THE COMMISSION AGENTS

INCIDENTAL SERVICE FEE

Received Rs.

I promise to pay a sum of Rs.
to M/s..... within a
period of days.

N.B. Further other details as per requirement of the APMC concerned.

RECEIPT

Signature of official
receiving payment
received by

Marketing Committee

Receipt No.

Total

Signature of dealer/commission agent

N.B. Further details as per requirements of the APMC concerned.

FORM M

[See rule 39 (3)]

ASSESSMENT NOTICE

To

M/s.....

WHEREAS

- (a) You, a dealer Licence No. and Licensed under section of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 of the notified market area/principal yard/sub-yard have not furnished return/correct return in Form L for the period from to
- (b) You, a dealer Licence No. and licensed under section of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 of the notified market area have habitually made default in the submission of returns for the period from to and it appears to the committee that you willfully failed to furnish such returns in respect of the above mentioned period.

And it appears to be necessary to make assessment under rule of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 in respect of the above mentioned period.

You are hereby directed to attend in person or by an authorised agent at (place) on (date) at (time) and produce, or cause there to be produced at the said time and place the accounts and documents specified below for the purpose of such assessment, together with the objections which you may wish to prefer and any evidence you may wish to adduce in support thereof and to show cause why in addition to the market fee levied on the basis of assessment a penalty prescribed under rule of the said rules should not be imposed upon you.

In the event of your failure to comply with this notice the committee shall proceed to assess under the rule of the said rules to the best of its judgement.

Date.....

Secretary
Marketing Committee
Assessing Authority/
Assessing Officer

FORM N

[See rule 39(9)]

DEMAND NOTICE**MARKETING COMMITTEE**

No.

Date

To

M/s

You are hereby informed that your business during the period from to has been assessed for the levy of market fee and penalty etc. as under :—

- (a) Assessed value of business
- (b) Market fee chargeable
- (c) Deduct market fee already paid if any