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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Food)

NOTIFICATION

New Delhi, the 26th September 1977

G.S.R. 619(E)/LSPEFA.—In exercise of the powers conferred by section 16 of the Levy Sugar Price Equalisation Fund Act, 1976 (31 of 1976), the Central Government hereby makes the following rules, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the Levy Sugar Price Equalisation Fund Rules, 1977.

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

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- “Accounts Officer” means the Controller of Accounts, Department of Food, Government of India, New Delhi;
- “Act” means the Levy Sugar Price Equalisation Fund Act, 1976 (31 of 1976);
- “Central Government” means the Department of Food, Government of India, New Delhi;
- “Form” means a Form annexed to these rules.

3. **Manner of crediting moneys to the fund.**—The excess realisation and the interest due thereon shall be credited to the Fund by means of a demand draft on the State Bank of India, New Delhi/Reserve Bank of India, New Delhi drawn in favour of the Accounts Officer and the same shall be sent to him along with the details as required in the statement in Form I, within the period prescribed in section 3 of the Act. A copy of the statement in Form I shall also be sent to the Central Government.

(1861)

4. **Manner of Accounting the Transactions of the Fund.**—All amounts received and expenditure incurred under the Act shall be credited and debited, as the case may be, in the accounts of the Central Government to the Minor Head of account "Levy Sugar Price Equalisation Fund" under the Major Head "848—Other Deposits" in Sector "K. Deposits and Advances".

5. **Manner of inviting applications from buyers for refund.**—The Central Government shall, having regard to the areas in which levy sugar was sold by the producers, advertise in such newspapers or through such State Governments as may be considered necessary or both, the full details of the amounts of excess realisations credited to the Fund including:—

- (i) Name of producer,
- (ii) Amount of excess realisation credited to the Fund,
- (iii) Amount of interest on excess realisation credited to the Fund,
- (iv) Period to which the excess realisation relates,

and invite applications for refund from the buyers of levy sugar to which such excess realisations pertain, for refund of the excess realisations.

6. **Forms for claiming refund.**—An application for refund of any amount under the provisions of the Act by a wholesale dealer or a retail dealer or any other buyer of levy sugar, shall be made in Form II, Form III or Form IV as the case may be.

7. **Manner of utilisation of the fund by Central Government.**—(1) The Central Government may authorise payment to any person, organisation, authority, or itself utilise such amount, out of the amounts to the credit of the Fund which stands vested in the Central Government, as may be considered necessary for maintaining the uniform retail price of levy sugar at a reasonable level and for the interests of the consumers of levy sugar as a class.

(2) The Central Government may order utilisation of any amount standing to the credit of the Fund and vested in it, for the discharge of any undertaking given by it, or any other authority or organisation with the consent of the Central Government, to a court for payment of difference between the controlled price and the higher price, if any, allowed by a court on final disposal of any petition.

8. **Maintenance of Accounts.**—The Accounts Officer shall maintain separately for each sugar season accounts in Form V in respect of each producer.

(2) The Accounts Officer shall maintain accounts in Form VI indicating the amount lying in the Fund of any particular day.

FORM I

(Rule 3)

Statement showing particulars of excess realisations credited to the Levy Sugar Price Equalisation Fund

1. Name of producer :
2. No., date and amount of Demand Draft :
3. Name of Bank and its branch on which Demand Draft is drawn :
4. Sugar season to which the amount credited pertains :
5. Break-up of the amount credited :—
 - (i) Excess realisation on account of :
 - (a) Excess Price
 - (b) Excess Central Excise Duty
 - (ii) Interest

Total (i) (a)+(b)+(ii)]

Signature of producer

Date:

Enc: Demand Draft
No. dated

FORM II

(Rule 6)

Application from a wholesale sugar dealer for refund from the Levy Sugar Price Equalisation Fund

1. Name and permanent address of the applicant.
2. Address of business place :
3. Sugar Dealer's Licence No. _____ Valid upto _____ issued by _____
(Valid at the relevant time)
4. Particulars of Central Government's advertisement inviting application for refund.
5. Particulars of sugar allotment order :
 - (i) No. and date of allotment order issued by the State Food/Civil Supplies Department.
 - (ii) Name and address of issuing authority.
 - (iii) Quantity allotted (in quintals).
 - (iv) Name and address of the sugar mill.
6. Details of sugar purchased :
 - (i) ISS Grade of sugar.
 - (ii) Quantity purchased (in quintals)
 - (iii) Controlled ex-factory price fixed by the Central Govt. (Rs./Qtl.)
 - (iv) Price paid to sugar mill (Rs./Qtl.) (Original voucher to be enclosed)
 - (v) Details of the bill of the sugar mill for sale of the above quantity of sugar to the applicant.
 - (vi) Proof of payment (in original).
 - (vii) Reasons for higher price paid, if any.
 - (viii) Authority under which higher price paid (to be enclosed in original).
7. Details of disposal of sugar :
 - (i) Name and address of party to whom sold.
 - (ii) Gradewise quantity sold.
 - (iii) Price charged *excluding* railway freight, transport charges, loading/unloading charges, commission/margin etc.
 - (iv) Details of the bills of the applicant for sale of this quantity of sugar.
 - (v) Proof of sale price charged (in original).
8.
 - (i) In case 7 (iii) is lower than 6(iv), whether the difference or any part thereof claimed from any District Authority or any Central/State Corporation, body, agency, organisation etc.
 - (ii) If so, the details of the amounts claimed, the amounts received;
 - (iii) If not, reasons therefor.
9. Amount of refund claimed from the Levy Sugar Price Equalisation Fund with details of the calculation.

Signature of applicant

Declaration

I hereby solemnly affirm and declare that the information furnished above is true and correct and nothing has been concealed.

Attestation

Signature of applicant

Certified that—

- (i) the particulars mentioned in the above application have been verified from the records of this office and found correct;
- (ii) the applicant paid to the sugar mill named at 5(iv) above higher price as at 6(iv) above than the controlled price as at 6(iii) above and neither claimed refund from Central State authority, body, organisation, agency, etc. nor passed on to any dealer or consumer the incidence of the higher price, nor did he get any refund from or under order of any court of law; and
- (iii) the amount of refund claimed by the applicant from the Levy Sugar Price Equalisation Fund is correct and admissible.

Signature of the District Food/
Civil Supplies Officer or any
other authority concerned, with
name, address and office seal.

Dated _____

FORM III

(Rule 6)

Application from a retail sugar dealer for refund from the Levy Sugar Price Equalisation Fund.

1. Name and permanent address of the Applicant:
2. Address of business place:
3. Sugar Dealers' licence Number _____ valid upto _____ issued by _____
(held at the relevant time)
4. Particulars of the Central Government's advertisement inviting application for refund.
5. Particulars of sugar allotment order:
 - (i) No. and date of allotment Order issued by the State Food/Civil Supplies Department.
 - (ii) Name and address of issuing authority.
 - (iii) Quantity allotted (in quintals).
 - (iv) Name and address of the sugar mill.
 - (v) Name and address of the wholesale sugar Dealer/Agency.
6. Details of sugar purchased:
 - (i) ISS Grade of sugar.
 - (ii) Quantity purchased (in quintals).
 - (iii) Controlled ex-factory price fixed by the Central Government (Rupees per quintal).
 - (iv) Price (excluding railway freight, transport, loading, unloading, profit/margin etc.) paid to the wholesale sugar Dealers/Agency (Rs. per qtl.).
 - (v) Details of the bill of the wholesale sugar dealer for supply of the above quantity of sugar to the Applicant.

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- (vi) Proof of payment (in original).
- (vii) Reasons for higher price paid, if any.
- (viii) Authority under which higher price paid (to be enclosed in original).
7. Details of disposal of sugar:
- (i) Name and address of the individual/party to whom sold together with particulars of the ration card/permit etc.
- (ii) Gradewise quantity sold (in quintals).
- (iii) Price charged excluding railway freight, transport charges, loading/unloading charges, commission/margin etc.
- (iv) Details of the Bill of the applicant for sale of this quantity of sugar.
- (v) Proof of sale price charged (in original).
8. (i) In case 7 (iii) is lower than 6(iv), whether the difference or any part thereof claimed from any District Authority or any Central/State Corporation, body, agency, organisation etc.
- (ii) If so, the details of the amounts claimed/the amounts received.
- (iii) If not, reasons therefor.
9. Amount of Refund claimed from the Levy Sugar Price Equalisation Fund (Rupees per quintal) with details of the calculation.

Signature of Applicant

Declaration

I hereby solemnly affirm and declare that the information furnished above is true and correct and nothing has been cancelled.

Signature of Applicant

Attestation

Certified that—

- (i) the particulars mentioned in the above application have been verified from the records of this office and found correct;
- (ii) The applicant paid to the wholesale dealer named at 5(v) above higher price [as at 6(iv) above] than the controlled price [as at 6(iii) above] and neither claimed refund from any Central/State authority, body, organisation, agency etc., nor passed on to any dealer or consumer, the incidence of the higher price nor did he get any refund from or under order of any court of law; and
- (iii) the amount of refund claimed by the applicant from the Levy Sugar Price Equalisation Fund is correct and admissible.

Signature of the District Food/
Civil Supplies Officer or any other
Authority concerned, with name, address and office seal.

FORM IV

(Rule 6)

Application from a consumer of sugar for refund from the Levy Sugar Price Equalisation Fund.

(PART A)

(To be completed by the Consumer)

1. Name and permanent address of the applicant:
2. Particulars of the Central Government's advertisement inviting application for refund.
3. Particulars of sugar purchased:
 - (i) Ration Card or permit number issued by the State Food/Civil Supplies Department.
 - (ii) Name and address of the Card/permit issuing authority.
 - (iii) Name, address and number of the Ration/Fair Price Shop from whom purchased.
 - (iv) Quantity purchased (in kilogram)
 - (v) Price paid (Rs. per kilogram)
 - (vi) Details of the bill of the Ration/Fair Price Shop for supply of the above quantity of sugar to the Applicant.
 - (vii) Proof of payment (in original).
4.
 - (i) Whether difference between the consumer price determined by the local authority concerned on the basis of the controlled/fair price and the price actually paid or any part thereof, claimed from any District Authority or any Central/State Corporation, body, agency, organisation etc.
 - (ii) if so, details of the amounts claimed and the amounts received.
 - (iii) If not, reasons therefor.
5. Amount of Refund claimed from the levy Sugar Price Equalisation Fund with details of the calculations.

Signature of the Applicant

Declaration

I hereby solemnly affirm and declare that the information furnished above is true and correct and nothing has been concealed.

Signature of the Applicant

(PART B)

(To be completed by the Ration Shop/Fair Price Shop)

1. ISS Grade of sugar and address of the manufacturers in relation to the above claim.
2. Controlled ex-factory price fixed by the Central Government (Rupees per quintal).
3. Ex-factory price charged by the manufacturer from the wholesale sugar dealer.

4. Price paid by the Ration/Fair Price Shop on account of the ex-factory price paid by the wholesalers to the manufacturers (excluding railway freight, transport, loading, unloading profit/commission/margin etc.)

Signature with name, address and licence No. etc. of the Retail Sugar Dealer/Ration/Fair Price Shop.

(PART C)

(To be filled by the District Food/Civil Supplies Officer etc.)

Certified that—

- (i) the particulars mentioned under items No. 3 and 4 of Part A and items 1 to 4 of Part B of the above application have been verified as far as possible, from the record of this office and found correct;
- (ii) the amount of refund claimed by the Applicant has neither been already claimed by, nor paid to, him by any Central/State authority, body, organisation, agency etc.; and
- (iii) the amount of refund claimed by the applicant from the Levy Sugar Price Equalisation Fund is correct and admissible.

Signature of the District Food/Civil Supplies Officer or any other Authority concerned, with name, Address and office seal.

FORM V

(Rule 8.)

Proforma of Accounts for Levy Sugar Price Equalisation Fund—Sugar Season.....

S. No.	Name of the Sugar Factory	No. & Date of Demand Draft	Amount received			Date on which credit received	Due date upto which refunds are permissible under Section 6 of Act	Date of claiming refund	Name & Address of claimant	
			Excess Realisation		Interest					Total
			Excess Price	Excess Central Excise Duty						
1	2	3	4	5	6	7	8	9	10	11

Details of Refund Allowed/withdrawals made

Bill No.	Date	Amount			Remarks	Initial of A.O.	
		Excess Price	Excess Central Excise Duty	Interest			Total
12	13	14	15	16	17	18	19

FORM VI

(Rule 8)

Proforma of Accounts for Levy Sugar Price Equalisation Fund

Date	S. No.	Name of Sugar factory	Amount				Amount of Refund allowed						
			Excess realisation		Interest	Total	Date	Bill No.	Excess Price	Excess Central Excise Duty	Interest	Total	
			Excess Price	Excess Central Excise Duty									
1	2	3	4	5	6	7	8	9	10	11	12	13	
Withdrawals													

[No. 1-11/76-SPF]

R. BALASUBRAMANIAN, Secy.

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