

Government of India
Ministry of Commerce and Industry
(Department of Commerce)

ORDER

New Delhi, the 10th April, 2003

S.O. 430(E).- In exercise of the powers conferred by sub-section (3) and sub-section (5) of section 30 of the Tea Act 1953 (29 of 1953), the Central Government hereby makes the following amendments further to amend the Tea (Marketing) Control Order, 2003, namely: -

1. (1) This Order may be called the Tea (Marketing) Control Second Amendment Order, 2003.
 - (2) This Order shall come into force on the date of its publication in the Official Gazette.
2. In the Tea (Marketing) Control Order, 2003 (hereinafter referred to as the said Order), in paragraph 2, -
 - (a) for sub-paragraph (i), the following sub-paragraph shall be substituted, namely :-

‘ (i) “manufacturer” means any person, firm, Company, corporate body, co-operative society etc., who manufactures tea made from the leaves of Camellia Sinensis (L) O Kuntze, including green tea and instant tea, in a factory, which includes Estate Factories, Bought Leaf Factories and Co-operative Factories, or who produces value added products commercially known as tea viz. packet tea, tea bags, flavoured tea and quick brewing black tea’;
 - (b) for sub-paragraph (m), the following sub-paragraph shall be substituted, namely :-

‘ (m) “buyer” means any person, firm, company, corporate body, co-operative society etc., including a consignee or commission agent, who receives tea by way of stock transfer from the manufacturer, with a place of business in tea in India, engaged in purchasing or procuring tea either from public tea auctions or directly from manufacturers of tea but excludes those who buy only instant tea and other value added products of tea viz. tea bags, packet teas, flavoured tea, quick brewing black tea etc. and

also excludes the secondary buyers who do not source their teas either from auctions or from manufacturers’;

(c) for sub-paragraph (r), the following sub-paragraph shall be substituted, namely :-

‘ (r) “packet tea” means tea packed in unit packs or containers of type as are ordinarily put up for the purpose of retail sale under a brand name and includes packages known as ‘Jota’ of two packs packed together in which the net weight of tea contained in the basic pack unit does not exceed one kilogram and excludes packing of loose tea in the ordinary course of retail business of the retailer’.

3. In the said Order, in paragraph 3, in sub-paragraph 2, for the word **“person”**, the word **“manufacturer”** shall be substituted.
4. In the said Order, in paragraph 4, for the word **“person”** occurring at both the places, the word **“buyer”** shall be substituted.
5. In the said Order, in paragraph 5, after clause (f), the following clause shall be inserted, namely :-

“(g) if the Registering Authority has reason to believe that the manufacturer is indulging in unfair trade practices which may adversely affect the marketing system including the public tea auction system”.

6. In the said Order, for paragraph 7, the following paragraph shall be substituted, namely: -

“ 7.Filing of Returns –(1) Every registered manufacturer shall furnish to the Registering Authority a monthly return in Form ‘E’ or such other information as the Registering Authority may, by special or general order, call for from time to time.

(2) Every registered buyer shall furnish to the Registering Authority a quarterly return in Form ‘F’ or such other information as the Registering Authority may, by special or general order, call for from time to time”.

7. In the said Order, for paragraph 17, the following paragraph shall be substituted, namely: -

“ 17. Fees - Every application for the issue of a licence or registration or renewal thereof shall be accompanied by fees as specified below: -

For issue of licence	Rs.2500/-
For registration	Rs.2500/-
For renewal of licence	Rs. 500/-

Provided that a manufacturer with more than one manufacturing unit shall submit separate application for registration for each manufacturing unit:

Provided further that a buyer having more than one office or branch shall submit only one application indicating addresses of all its offices or branches:

Provided also that registration fee of Rs 2,500/- only is to be paid by a single applicant irrespective of the number of applications submitted by him for registration:

Provided also that any manufacturer or buyer or auction organiser or broker who has obtained or applied for a registration or licence before the commencement of this Order, would be entitled to refund of the amount paid over and above what is now being specified under this Order”.

8. In the said Order, the second proviso to sub paragraph (1) of Paragraph 21 shall be omitted.
9. In the said Order, in paragraph 22, for sub-paragraph (I), the following sub-paragraph shall be substituted, namely: -

“(1) Every registered buyer, as specified by a direction of the Registering Authority, shall, on and from the date of commencement of this Order, buy such percentage of his total purchase of tea, as may be directed from time to time by the Registering Authority in any calendar year, or such period, as may be specified in the direction, through public tea auctions in India, held under the control or auspices of the organisers of tea auctions licensed to do so under the provisions of this order:

Provided that such percentage is specified by the Registering Authority with the prior approval of the Central Government”.

10. In the said Order, for paragraph 23, the following paragraph shall be substituted, namely: -

“ 23.Sale of Tea outside public auction - Every registered manufacturer who sells tea outside the public tea auction shall do so only to registered buyers or through his own retail outlets or branches directly to consumers or by way of direct exports and details of such sale shall be intimated to the Registering Authority through the monthly returns in form ‘E’ ”.

11. In the said Order, in paragraph 29, for the words “not below the rank of Executive Director”, the words “**not below the rank of Assistant Development Officer**” shall be substituted.

12. In the said Order, in paragraph 30, for sub- paragraph (2), the following sub-paragraph shall be substituted, namely: -

“ (2) The reasonable price for tea leaves payable to the small growers shall be determined according to the formula taking into account the sale proceeds received by the registered manufacturer and to be specified by the Registering Authority from time to time and implemented in a manner as determined by the Registering Authority with the prior approval of the Central Government”.

13. In the said order, after paragraph 31, the following paragraph shall be inserted, namely: -

“32. Power to relax. - With the prior approval of Central Government, the Registering or Licensing Authority may, on its own or on an application submitted by a manufacturer or buyer or licensee, if satisfied that in enforcing compliance of any of the provisions of this Order, undue hardship would result to any manufacturer or buyer or licensee, for reasons to be recorded in writing, relax any of such provisions of this Order or exempt any manufacturer or buyer or licensee or any category of manufactures or buyers or licensee from complying with such provisions of this Order”.

14. In the said Order, for the existing Form 'E' and Form 'F', the following shall be substituted, namely: -

“FORM – E

Monthly return to be submitted by the Registered manufacturers other than Instant tea manufacturers

Return for the month of...

1. Name of the Manufacturing Unit :
2. Address :
3. Name of the Co. owning the Mfg. Unit :

4. Tea Board's Regn. No. under TMCO. :
5. Plantation District :
6. State :
7. Central Excise Control Code/Regn.No. :
8. Central Excise Zone
:
9. Tea Waste Lic. No. under TWCO :
10. Name of Producer Assocn. Member of
and Membership No., if any. :
11. Whether Estate or Bought-leaf
(including Co-operative) Factory
12. Opening Stock of Made Tea (in Kgs) lying in the factory :

Type Of Tea					
	C.T.C.	Orthodox	Green	Organic	Total
Loose tea					
Packet tea					

13. Green leaf particulars (figures in Kgs.) during the month:

Quantity sourced from own garden	Quantity purchased from outside	Total quantity procured	Quantity used for manufacture of tea

14. Average leaf price per Kg., paid for the month (in respect of Bought-leaf):

15. Quantity of teas (in Th.Kgs.) manufactured during the month (out of total Green leaves which is inclusive of garden own leaves as well as purchased leaves) :

During Month...				(January to ...)			
C.T.C.	Orthodox	Green	Total	C.T.C.	Orthodox	Green	Total

16. Quantity of value added tea in consumer packs (Kgs) produced out of total manufactured tea indicated in column 15 during the month:

During Month...				(January to ...)			
C.T.C.	Orthodox	Green	Total	C.T.C.	Orthodox	Green	Total

17. Particulars of Tea Waste (figures in Kgs):

Opening balance	Quantity generated during the month	Quantity disposed of during the month	Closing balance

18. Excise Duty paid: Rate per Kg Total amount paid

(ii) Price realised

Name of the auction Centre	Price realised								(In Rs/ Kgs.)	
	CTC		Orthodox		Darjeeling		Green Tea	Others (Specify)	Total	
	Leaf	Dust	Leaf	Dust	Leaf	Dust				
Kolkata										
Guwahati										
Siliguri										
Amritsar										
Cochin										
Coonoor										
Coimbatore										
Others (Specify)										
TOTAL										

(B) Direct Exports:

Type of tea	During the month ...	
	Quantity (in Kgs)	Price realised (in Rs. Per Kg)
Loose Tea		
Packet Tea		
Tea Bags		

(C) Marketing out side auction in India**i) Sales to Registered Buyers**

Type of tea	During the month ...	
	Quantity (in Kgs)	Price realised (in Rs. Per Kg)
Loose Tea		
Packet Tea		
Tea Bags		

ii) Sales to consumers through own retail outlet

Type of tea	During the month ...	
	Quantity (in Kgs)	Price realised (in Rs. Per Kg)
Loose Tea		
Packet Tea		
Tea Bags		

iii) Stock transfer to consignee/commission Agents

Type of tea	During the month ...	
	Quantity (in Kgs)	Reserve/maximum retail price (n Rs/kg)
Loose Tea		
Packet Tea		
Tea Bags		

GRAND TOTAL OF QUANTITY SOLD (A+B+C) :

D) Gift to employees (kgs)

26. Closing / unsold Stock at the end of the months (In Kgs.):

Type of Tea	C.T.C.	Orthodox	Green Tea	Others(Specify)	TOTAL
Loose Tea					
Packet					
Tea Bags					

c. Purchases by way of imports for domestic sale

Type of Tea	(Figures in kgs.)									
	C.T.C		Orthodox		Green		Others		Total	
	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price
Leaf										
Dust										

d. Procurements from Own Garden / Factory

Type of Tea	(Figures in kgs.)											
	C.T.C		Orthodox		Darjeeling		Green		Others		Total	
	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price
Leaf												
Dust												

6. Quantity of tea produced in the form of Packet tea, Tea Bags, Instant tea, Flavoured tea and Quick Brewing Black tea during the period under report

Type of Tea	During ...
	Quantity (in Kgs)
Packet tea	
Tea Bags	
Instant tea	
Flavoured Tea	
Quick Brewing Black tea	

7. Marketing of Tea during the period under report :

(A) Domestic Sale :

Type of tea	During ...	
	Quantity (in kgs)	Price realised (in Rs/Kg)
Loose Tea		
Packet Tea		
Tea Bags		
Instant tea		
Flavoured Tea		
Quick Brewing Black tea		

(B) Export :

Type of tea	During ...		
	Quantity (in Kgs)	Value (in Rs.)	Unit Price (Rs/Kg)
Loose Tea			
Packet Tea			
Tea Bags			
Instant tea			
Flavoured Tea			
Quick Brewing Black tea			

8. Quantity received by consignee/commission agents by way of stock transfer and reserve price

Type of Tea	(Figures in kgs.)											
	C.T.C		Orthodox		Darjeeling		Green		Others		Total	
	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price	Qty.	Price
Leaf												
Dust												

9. Consignee/Commission Agent shall furnish additional information as prescribed below:

Name of the Consignor	Type of teas CTC, Leaf/ Dust, Orthodox Leaf/ Dust, Darjeeling Leaf/ Dust Green	Quantity received during the period under report(kgs)	Quantity sold during the period under report	Total value realised excluding sales tax	Remarks

DECLARATION

I/We hereby certify that the information including figures given in the above return is correct and that they can be verified from the records.

Signature
AUTHORISED REPRESENTATIVE

Place :
Date :

* Shall be submitted for the first time.

The information should be filled in wherever applicable. ”

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

L.V.SAPTHARISHI,
Additional Secretary

Foot Note : 1. The principal notification was published vide S.O.No. 1(E) dated 1.1.2003.

2. The Tea (Marketing) Control (Amendment) Order, 2003 was published vide S.O.No. 247(E) dated 28.2.2003.