

(To be published in the Extraordinary Gazette of India Part II, Section 3, Sub-section (ii))

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Food and Public Distribution)

ORDER

New Delhi, the 12th October, 2018

SO. — In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Sugarcane (Control) Order, 1966, namely:-

1. (1) This Order may be called the Sugarcane (Control) (Second Amendment) Order, 2018.
(2) It shall come into force on the date of its publication in the Official Gazette.
2. In the Sugarcane (Control) Order, 1966, for clause 6C, the following clause shall be substituted, namely:-

6C. Time limit for implementing Industrial Entrepreneur Memorandum-

(1) The stipulated time for taking effective steps as specified in Explanation 4 to clause 6A shall be three years and the commercial production of sugar shall commence within five years from the date of filing of the Industrial Entrepreneur Memorandum with the Central Government under sub-clause (1) of clause 6B failing which the Industrial Entrepreneur Memorandum shall stand de-recognized as provided in sub-clause (2) thereof, and the performance guarantee furnished there under shall be forfeited:

(2) The time limit specified under sub-clause (1) may be extended in the following manner, namely:-

(a) where the delay is due to any unforeseen circumstances beyond the control of the person concerned such as natural calamities including drought, non-availability of sugarcane (raw material) during off season in the year in which the stipulated period terminates and non-financing of sugar sectors, the Chief Director (Sugar), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution may, after the expiry of five years' period stipulated under sub-clause (1), extend the period stipulated under sub-clause (1) for a further period of two years, not exceeding more than a year at a time:

Provided that such extension may be granted for taking effective steps or for the commencement of commercial production of sugar, in consultation with the State Government concerned, if considered necessary:

Provided further that in case the commercial production does not commence within such extended period, the bank guarantee furnished under sub-clause (2) of clause 6B shall be forfeited;

(b) Where the delay is due to any court case relating to land use, environment or such other reason, that may have arisen within five years from the date of filing of Industrial Entrepreneur Memorandum, the Chief Director (Sugar), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution may, after the expiry of five years' period stipulated under sub-clause (1), extend the period stipulated under sub-clause (1) initially for a further period of two years, not exceeding more than a year at a time:

Provided that such extension may be granted for taking effective steps or for the commencement of commercial production of sugar, in consultation with the State Government concerned and the Department of Legal Affairs in the Ministry of Law and Justice, if considered necessary:

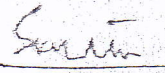
(c) in case where such delay due to court case relating to land use, environment or such other reason, continues beyond the period extended under item (b), the Chief Director (Sugar), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution may grant extension of such further period, as he deems fit, not exceeding more than a year at a time, subject to furnishing of a bank guarantee of rupees fifty lakhs for each year for which the extension is sought, which shall be in addition to the bank guarantee furnished under sub-clause (2) of clause 6B:

Provided that such extension may be granted for taking effective steps or for the commencement of commercial production of sugar, in consultation with the State Government concerned and the Department of Legal Affairs in the Ministry of Law and Justice, if considered necessary:

Provided further that in case the commercial production does not commence within any such extended period of one year, such bank guarantee of rupees fifty

lakhs so furnished for that one year of extension shall be forfeited and if commercial production does not commence within any of such extended period, the bank guarantee furnished under sub-clause (2) of clause 6B shall also be forfeited."

[F.No.27 (4)/2006-ST/Vol.II]


Suresh Kumar Vashishth,
Joint Secretary

Note: - The principal order was published in the Gazette of India, Extraordinary under Order number G.S.R. 1126,(E), Ess. Com/Sugarcane dated the 16th July, 1966 and was subsequently amended vide:-

1. G.S.R. 35/Ess.Com/Sugarcane dated 05.01.1967
2. G.S.R. 1591/Ess.Com/Sugarcane dated 17.10.1967
3. G.S.R. 945/Ess.Com/Sugarcane dated 18.05.1968
4. G.S.R.1456/Ess.Com/Sugarcane dated 02.08.1968
5. G.S.R.620(E)/Ess.Com/Sugarcane dated 08.04.1970
6. G.S.R. 402(E)/Ess.Com/Sugarcane dated 25.09.1974
7. G.S.R. 492(E)/Ess.Com/Sugarcane dated 12.09.1975
8. G.S.R. 542(E)/Ess.Com/Sugarcane dated 27.10.1975
9. G.S.R. 484(E)/Ess.Com/Sugarcane dated 26.07.1976
10. G.S.R. 799(E)/Ess.Com/Sugarcane dated 13.09.1976
11. G.S.R.815(E)/Ess.Com/Sugarcane dated 24.09.1976
12. G.S.R. 913(E)/Ess.Com/Sugarcane dated 09.12.1976
13. G.S.R.62(E)/Ess.Com/Sugarcane dated 02.02.1978
14. G.S.R.197(E)/Ess.Com/Sugarcane dated 28.03.1978
15. G.S.R.427(E)/Ess.Com/Sugarcane dated 03.07.1981
16. G.S.R. 79(E)/Ess.Com/Sugarcane dated 24.02.1982
17. G.S.R. 695(E)/Ess.Com/Sugarcane dated 09.09.1983
18. G.S.R. 903(E)/Ess.Com/Sugarcane dated 29.11.2000
19. G.S.R. 113(E)/Ess.Com/Sugarcane dated 20.02.2003
20. G.S.R. 204(E)/Ess.Com/Sugarcane dated 22.03.2004
21. S.O. 1940 (E) dated 10.11.2006
22. S.O.1309(E)/Ess.Com/Sugarcane dated 31.07.2007
23. S.O.2198(E)/Ess.Com/Sugarcane dated 08.12.2007
24. S.O.2984(E)/Ess.Com/Sugarcane dated 29.12.2008
25. S.O.2665(E)/Ess.Com/Sugarcane dated 22.10.2009
26. S.O.33(E)/Ess.Com/Sugarcane dated 07.01.2010
27. G.S.R. 2787/Ess.Com/Sugarcane dated 24.08.2016
28. S.O.3093(E)/Ess.Com/Sugarcane dated 30.09.2016
29. S.O.3663(E)/Ess.Com/Sugarcane dated 26.07.2018