

THE TEA WAREHOUSE (LICENSING) ORDER 1989.

In exercise of the powers conferred by sub-section (3) and (5) of section 30 of the Tea Act, 1953 (29 of 1953), the Central Govt. hereby makes the following Order, namely :-

1. Short title and commencement -- (1) This order may be called the Tea Warehouses (Licensing) Order, 1989.

(2) It shall come into force on the expiry of ninety days of its publication on the Official Gazette.

2. Definitions -- (1) In this Order, unless the context otherwise requires :-

- a) "Act" means the Tea Act, 1953 (29 of 1953) ;
- b) "Chairman" means the Chairman of the Tea Board and includes any person exercising, for the time being, the powers of the Chairman ;
- c) "Form" means a form appended to this Order;
- d) "Licence" means a licence granted under this Order ;
- e) "Licensee" means a licence holder of a licence;
- f) "Licensing Authority" means the Chairman or # **Deputy Chairman of Tea Board or Chief Regional Executive, Coonoor or Chief Regional Executive, Guwahati of the Tea Board** ;
- g) "Tea Board" means the Tea Board established under section 4 of the Act ;
- h) "Warehouse" means a covered shed or godown having a floor area measuring not less than 200 square metres wherein storing, blending or packaging of tea is down ;
- i) "Warehouse owner" means a person who owns a warehouse or who carries on the activities of storing, blending or packaging of tea by taking lease of a warehouse.

(2) All the words and expressions used in this order and not defined in the Tea Act, 1953 (29 of 1953), shall have the meaning respectively assigned to them in that Act.

3. Warehouse owners to obtain licence -- (1) No warehouse owner shall carry on the activities of storing, blending or packaging of tea except under a licence and in accordance with the provisions of this Order ;

Provided that --

- (a) Omitted @
- (b) The Licensing Authority may also keep in view the optimum warehouse space to be licensed in each centre considering the volume of production of tea and its movement through the licensing centre ;
- (c) No licence shall be required in respect of warehouses located inside the Port area owned by any Port Trust Authority established under any law for the time being in force ;
- (d) The Licensing Authority may also exempt the warehouse of road carries storing teas for a short transit period from the preview of licensing.

4. Application for Licence -- Every person desiring to obtain a licence shall make an application to the Licensing Authority in Form "A" --. The Licensing Authority may call for a additional information and documents which be considered necessary in this regard.

5. Grant or refusal of Licence -- (1) The Licensing Authority may for reasons to be recorded in writing refuse to grant a licence to any applicant and shall furnish him with a copy of the order so passed. (2) Where an application for licence is not refused under sub-clause (1), the Licensing Authority shall grant the applicant a licence Form 'B', (3) While granting /refusing licence, the Licensing Authority may consider, besides other conditions financial worth of the applicant and the past experience of the applicant or its proprietor/partners/directors to ensure that the applicant will be able to render satisfactory services to its clients/tea trade.

6. Period of Validity of Licence --- (1) A licence issued under this Order, unless cancelled or suspended earlier, shall remain valid for a period of three years from the date of its issue and may be renewed for a further period of one year at a time.

(2) Every application for renewal of a licence shall be accompanied by the licence which is sought to be renewed and shall be made not less than thirty days before the date of expiry of the licence which is sought to be renewed.

(3) Notwithstanding anything contained in clause 5 of clause 6, any licence issued or renewed under this Order may be signed by the Secretary to the Tea Board ***or Controller of Licensing or Assistant Director of Tea Development or Deputy Director of Tea Development of the Board** for and on behalf of the Licensing Authority.

7. Fees for Licence -- Every application for the issue of a licence or renewal thereof shall be accompanied by the following fees, namely :

for the issue of a licence --- Rs. 1000/-

for renewal of a licence --- Rs. 200/-

8. Amendment of Licence -- The Licensing Authority may, of its won accord or an application by the licensee, amend any licence granted under this Order in such manner as may be necessary to make such licence confirm to the provisions of the Act or other provisions of this Order or any other law for the time being in force or to rectify any errors or omissions in the licence :

Provided that when an application by the licensee for amendment of the licence is not granted or where the Licensing Authority is of opinion that the proposed amendment will be prejudicial to the interest of the licensee, the licensee shall be given reasonable opportunity of being heard before action under this clause is taken.

9. Duplicate Licence-- If the Licensing Authority is satisfied that licence issued under this Order is defaced, lost, destroyed or otherwise rendered unless, the Licensing Authority may, on application made in that behalf and on payment of a fee of rupees one hundred issue a duplicate licence.

10. Conditions of Licence--(1) Every licence shall be deemed to have been granted or renewed personally in favour of the licensee and shall not be transferable.

(2) Where a licensee intends to sell or transfer business to another person, both the licensee and the proposed purchaser or the proposed transferee, as the case may be, must obtain prior permission of the Licensing Authority and the purchaser/transferee shall obtain fresh licence in his favour in accordance with the provisions of this Order.

(3) If a licensee enters into a partnership in regard to the business covered by his licence, he shall report the fact to the Licensing Authority within thirty days of his entering into such partnership and shall get the licence suitably amended and thereupon the partner as well as the original holder of the licence shall be bound by the conditions of the licence as amended.

(4) If a partnership is dissolved, every person who was a partner immediately before such dissolution shall send a report of dissolution to the Licensing Authority within thirty days thereof.

(5) Every licensee shall produce his licence for inspection on demand by an official of the Tea Board duly authorised by the Licensing Authority in this behalf.

(6) Where any licensee intends to close his business, he shall intimate his intention in this behalf to the Licensing Authority at least one month in advance of the proposed closure.

(7) The warehouse shall conform to the following specifications –

- (a) Shall be fit for tea storage ;
- (b) The walls and the roof may preferably be made of bricks and well plastered, or be made of tins or asbestos, but in any case the walls and roof must be damp-proof and leak proof ;
- (c) The floor shall be of pucca construction, properly-cemented and damp-proof ;
- (d) It shall be properly ventilated, but at the same time protected against pests, rodents, birds and insects ;
- (e) There shall be adequate lighting arrangements and electrical fittings should be maintained in good condition ;
- (f) There shall be adequate number of gates of appropriate size for easy ingress and egress of tea chests ;
- (g) The entry/exit gates shall have leak-proof covered sheds to protect against rain damage at the time of loading/unloading of tea chests ;
- (h) The doors and windows shall be properly secured for the safety of the stored goods ;
- (i) where the warehouse will store teas other than owned by the licensee, there shall be adequate space for parking /manoeuvring of the vehicles carrying teas. The approach road shall be properly maintained and shall have adequate number of fire-fighting equipments ;
- (j) The warehouse shall store only tea and other materials connected with the storage, blending and packaging of tea. Anything which may adversely affect the quality of tea shall not be kept in the warehouse ;
- (k) The hygienic condition of the surrounding area adjoining the warehouse shall be properly maintained;

- (l) No new construction shall be undertaken in an area prone to water logging. The existing warehouses shall take proper precaution against entry of water due to sudden heavy rainfall ;
 - (m) The workers engaged for manual blending of tea shall wear clean dresses and shall not have contagious disease.
 - (n) The warehouse must have adequate number of supervisory, clerical staff and workers depending upon the nature of business carried out therein and commensurate with the volume of business handled.
 - (o) The Warehouse storing teas not belonging to the licensee shall have the following :-
 - (i) Adequate number of watch-and -ward staff ;
 - (ii) Adequate number of weighing scales proportionate to the volume of business which the warehouse is capable of handling. Such scales in operation shall be maintained properly to ensure correct reading of weights ;
 - (iii) Shall use dumping pads made out of appropriate materials to avoid damage of tea chests while dropping on the floor ;
 - (iv) Shall not stock too high which may cause damage to the chests and leave enough space between two rows of stacking for smooth movement of workers and easy identification of chest markings ;
 - (v) There shall be adequate space for office, for receiving, delivery and sorting of teas, for the brokers to draw samples and for blending/packaging of tea, wherever such operations are applicable.
- (8) The Licensing Authority shall satisfy himself that the person in whose favour the licence is to be/has been granted :-
- (a) has the required facilities for ensuring proper blending, packaging or storage of tea ; and
 - (b) shall not carry on the business in a manner detrimental to the tea industry.
- (9) Every licensee shall comply with the directions given by the Licensing Authority from time to time regarding the handling of tea by the persons engaged in the warehouses.

11. Suspension or cancellation of licence --

- (a) The Licensing Authority may, after giving the holder of a licence an opportunity of being heard, cancel or suspend the licence on the ground that any of the provisions of this Order or any conditions of the Licence have been contravened ;
- (b) Every orders suspending or cancelling a licence shall be in writing and shall specify the reasons for such suspension or cancellation and shall be communicated to the licensee within fifteen days of the passing of such Order ;
- (c) Where a licence is suspended or cancelled under this Order, the holder of a licence shall not be entitled to claim from the Tea Board or the Central Govt. any compensation or refund of licence fee for suspension or cancellation ;

(d) Where a licence is suspended under sub-clause (a), the Licensing Authority or any officer of the Tea Board authorised in this behalf by the Licensing Authority may enter the licensed warehouse and seal the stocks of tea or tea product stored therein ;

(e) A licensee whose licence has been suspended shall forthwith stop the activities of storing, blending or packaging of tea in the concerned warehouse during the period of suspension of the licence.

(f) Where :-

(i) the order of suspension is revoked, the stocks of tea/products sealed under sub-clause (d) shall be restored to the licensee ; or,

(ii) the licence has been cancelled, the sealed stocks of tea/tea products shall be restored to the warehouse owner with advice to clear the warehouse of the said stocks within such period as may be fixed in this behalf by the Licensing Authority.

12. Appeal -- Any person aggrieved by an Order of the Licensing Authority under 5 (1) or clause 11 may, within a period of two months from the date of receipt by him of the order, prefer an appeal to the Central Govt. and the Central Govt. may, after making such inquiry as it thinks fit and after giving the applicant an opportunity of being heard, confirm, reverse or modify the order.

13. Maintenance of accounts etc. -- (i) The Licensing Authority may issue directions to any Licensee, --

(a) to maintain such records of the volume of business carried on by the warehouse ;

(b) to submit to the Licensing Authority the returns or statements in such form and containing such information relating to his business and within such time as may be specified in the direction ;

(c) to produce for inspection to such officer of the Tea Board as may be authorised in this behalf by the Licensing Authority such books of accounts and records relating to his business as may be specified in the direction.

(ii) Any direction of the nature referred to in sub-clause (i) may be issued either generally to all licensees or to any class or category of licensee as the circumstances may require.

14. Service of order and directions -- Any order or direction made or issued by the Licensing Authority or by any authority under this Order shall,--

(a) in the case of an order or direction to the licensees in general or to a class or category of licensees be notified in the Official Gazette, and

(b) in the case of an order or direction to a particular licensee, be served on such licensee :-

(i) by delivering or tendering it to that licensee, or

(ii) where it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that licensee lives, or carries on business, or personally works for gain and written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

15. Power of entry, search and seizure --

(i) The Licensing Authority or any officer, of the Tea Board specially authorised by it in writing in this behalf may enter and search any warehouse for the purpose of ensuring compliance with the provisions of the Order and may seize any tea or product of tea which appears to be stored, blended or packaged in contravention on the provisions of this Order.

(ii) Any officer taking action under this clause shall submit a report to the Licensing Authority within twenty four hours of taking such action.

(iii) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures, shall, so far as may be, apply to every search or seizures made under this Order.

(iv) Where the Licensing Authority or any officer of the Tea Board seizes any tea or product of tea under sub-clause (i) and decides to keep the same in safe custody of the owner of the warehouse, such authority or officer shall, after sealing the stock, make an order to that effect in Form 'C' and serve the same on the owner and the owner shall comply with such order.

16. Breach of conditions of licence to be deemed contravention of this Order -- If any licensee commits any breach of any terms and conditions of the licence he shall be deemed to have contravened the provisions of Order.

17. Repeal and Saving -- Tea Warehouses (Licensing) Order, 1980 is hereby repealed :

Provided that any order issued or any action taken, under the above order, shall be deemed to have been done or taken under the corresponding provisions of this Order.

Inserted vide notification no: S.O.697 (E) dated 23rd July2001

@ Omitted vide notification no: S.O.697 (E) dated 23rd July2001

* Inserted vide notification no: S.O.697 (E) dated 23rd July2001

FORM 'A'

(See Clause 4)

Application for licence under Clause 3 of the Tea Warehouse (Licensing) Order, 1989.

To,
The Licensing Authority,
Tea Board,
14, B.T.M. Sarani,
Calcutta - 700 001.
Sir,

I/We* apply for licence for carrying on the activities of storing/blending/packaging of tea.

I/We* furnish the necessary particulars below :

(1) Name of the Applicant (in block letters) :

(2) Full address (to which correspondence should be sent)

(3) Full address of the warehouse where the applicant intends to do storing/ blending/ packaging of tea :

(4) Floor area of the warehouse
(a map to the scale to be enclosed)

(5) Whether the warehouse owner holds the warehouse on his own account or on lease or on permission from the owner

(6) Nature of business (storing/blending/packaging etc.) to be carried out in the warehouse

(7) Whether the operations stated at (6) above are carried out on his own account on behalf of other person, and if so, furnish the names and address of the Principal (s).

(8) Amount of fees paid

2. I/We* have carefully read and understood the Tea Warehouse (Licensing) Order, 1989 and hereby agree to abide by the provisions of the said Order.

Yours faithfully,
(Signature of the applicant(s))

Place :

Date :

(*Score out the word not applicable)

Note : The application should be signed in the case of a company by a Director or the Secretary or an authorised agent of the company ; in the case of a partnership firm by one of the partners ; and in the case of an individual the words 'Sole Proprietor' shall be appended after the signature.

FORM 'B'

(See clause 5)

TEA BOARD

Licence for carrying on the activities of Storing/Blending/Packaging of Tea.
(Not Transferable)

Issued under clause 5 (2) of the Tea Warehouses (Licensing) Order, 1989.

14, Brabourne Road,
(B.T.M. Sarani)
Calcutta -700 001.

Dated

Licence No.....

Shri/Sarvashri*

..... of
.....is/are*
hereby authorised to carry on the business of storing/blending/packaging of tea as a Licensee in
terms of the Tea Warehouse (Licensing) Order, 1989.

This licence is valid upto and including 19..... unless
cancelled or suspended before that date under clause 11 of the Tea Warehouses (Licensing)
Order, 1989.

This licence is valid for the warehouse and space mentioned below :--

Warehouse Address

Floor area

Chairman,
Tea Board,
Licensing Authority

(*Score out the words not applicable)

FORM 'C'

(See Clause 14 (iv))

TEA BOARD

Whereas it appears to me that you have been in contravention of clause of the Tea Warehouses (Licensing) Order, 1989, carrying on the activities of storing/blending/packaging or tea in premises

No. _____

Now, therefore, I seize the tea/tea product and hereby direct you to keep in your safe custody the said sealed stock of about Kilos/Chests/Bags subject to such order as may subsequently be issued in relaxation thereto. The Board do not hold themselves liable for any claim for rent or any other charges or for any loss you may sustain for the tea seized and handed over to you for safe custody.

Place

Date

Signature.....

Designation.....

Witness

1. _____
(Name)

(Address)

(Signature)

2. _____
(Name)

(Address)

(Signature)

— Received the original of the above, I have read the contents and agree to abide by it.