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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF FOOD AND SUPPLIES
11A, MIRZA GALIB STREET, KOLKATA - 700087

NOTIFICATION

No. 3139-FS/Sectt/Food/4P-09/2012 (Part)

Dated 1st August, 2024.

WHEREAS the Government of India, Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution), in exercise of power conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) has issued Targeted Public Distribution System (Control) Order, 2015, by GSR 213 (E) dated 20th March, 2015 as subsequently amended.

AND WHEREAS, in pursuance of clauses 4, 9, 10, 11, 12, 13, 14 and 15 of the Targeted Public Distribution System (Control) Order, 2015, the State Government is empowered to issue order under section 3 of the Essential Commodities Act, 1955 for regulating the ration cards, licensing and regulation of fair price shops, operation of fair price shops, monitoring, ensuring transparency and accountability, penalty, powers of inspection, search and seizure and appeal, and the matter connected therewith and incidental thereto;

NOW, THEREFORE, the Governor is, in exercise of power conferred by section 3 and section 5 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution) Order No. GSR 213 (E), dated 20th March, 2015, pleased hereby to make the following Orders: –

CHAPTER I

Preliminary

- 1. Short title, extent and commencement.**— (1) This Order may be called the West Bengal Targeted Public Distribution System (Maintenance and Control) Order, 2024.
 - (2) It shall extend to the whole of the State of West Bengal.
 - (3) It shall come into force on the date of its publication in the *Official Gazette*.
- 2. Definitions.**— (1) In this Order, unless the context otherwise requires, –
 - (a) “Act” means the Essential Commodities Act, 1955 (10 of 1955);

- (b) **“Appellate Authority”** means the authority designated by the State Government to exercise the powers of the Appellate Authority under Clause 56;
- (c) **“Beneficiary”** includes a person belonging to eligible households identified as such under the National Food Security Act by the State Government or covered under the scheme of Rajya Khadya Suraksha Yojana of the State Government and is in possession of a valid and active ration card.
- (d) **“Collector”** includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;
- (e) **“Dealer”** or **“Fair price shop Dealer”** means a person and includes the Company or Corporation of the Government, an individual, registered partnership firm, registered Co-operative society, Self Help Group or the Sangha or Mahasangha of Self-help Groups working within a district, in whose name a Fair Price Shop has been licensed to distribute and sell public distribution commodities to ration card holder under the Public Distribution System by an order issued under this Order;
- (f) **“Designated godown”** means a godown or godowns designated by the State Government for the purpose of storage of public distribution commodities meant for distribution through Fair price shop;
- (g) **“Director”** means—
- (i) the Director of District Distribution, Procurement and Supply, West Bengal, for whole of West Bengal except the Sub-controls;
 - (ii) the Director of Rationing, West Bengal, Food & Supplies Department, in case of Sub-controls,

and includes an Officer not below the rank of Assistant Director, duly authorized by the Director to perform all or any of the functions of the Director under this Order;

- (h) **“Distributor”** means a person and includes an individual, registered partnership firm, registered Co-operative Society, Corporation or Company of the State Government, or a Company having a valid license on or before commencement of this order, Mahasangha of Self-help group working within a district, in whose name a Distributor license for lifting, storage and door step delivery of public distribution commodities to the fair price shop tagged with it under the Public Distribution System is issued under these orders:

Provided that the erstwhile **Wholesaler** licensed under the West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013, shall be re-designated as the Distributor on and after commencement of this order and shall be deemed to be engaged under the relevant provisions of this order.

- (i) **“District Controller”** means the District Controller of Food & Supplies, Government of West Bengal, having jurisdiction in a district and includes the Joint Director of Rationing and Deputy Director of Rationing having jurisdiction in the Sub-controls;
- (j) **“Fair price shop”** means a shop which has been licensed to distribute public distribution commodities by an order issued under section 3 of the Act to the ration card holders under the Targeted Public Distribution System;
- (k) **“Family member(s)”** means—
 - (i) spouse; or
 - (ii) parents; or
 - (iii) son (including son legally adopted before death or incapacitation); or
 - (iv) daughter (including daughter legally adopted before death or incapacitation) and who is wholly dependent on the dealer or Distributor at the time of death or incapacitation
 - (v) Son’s spouse;
 - (vi) son or daughter of pre-deceased son;
 - (vii) brother or sister of a bachelor/spinster;
- (l) **“foodgrains”** means rice, wheat or coarse grains or any combination or form thereof conforming to such quality norms as may be determined, by order, by the Central or State Government from time to time;

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- (m) “**Food Security Act**” means the National Food Security Act, 2013 (20 of 2013);
- (n) “**Licensee**” means –
- (i) the Dealer in whose name a license to run a fair price shop is issued under this order; or
 - (ii) the Distributor in whose name a license has been issued for lifting, storage and door step delivery of public distribution commodities to the fair price shop under this order;
- (o) “**Licensing authority**” means –
- (i) in case of fair price shop, the Sub-divisional Controller or Rationing Officer, as the case may be;
 - (ii) in case of Distributor, the District Controller or the Joint Director of Rationing or Deputy Director of Rationing, as the case may be;
- (p) “**Market Price**” in reference to rice, wheat or coarse grains meant for distribution through fair price shop means the economic cost of such public distribution commodities as determined by the Central Government or the State Government and for other commodities the procurement or acquisition cost and incidental cost of such procurement or acquisition of such public distribution commodities as determined by the State Government.
- (q) “**Notification**” means a notification published in the *Official Gazette*;
- (r) “**Place of business**” means a place in the shop-cum-godown of FPS owners and in an office in the approved godown or adjacent to an approved godown of distributor where books of accounts are kept;
- (s) “**Public distribution commodity**” includes the foodgrains and such other commodities as may be declared to be distributed through the fair price shop by an order of the State Government from time to time;
- (t) “**Public distribution system**” means a system for distribution of public distribution commodities and certain other specified articles of daily use to the holders of ration cards through the fair price shops.
- (u) “**Ration Card**” means an individual ration card which includes a family ration card, or a coupon, or an e-ration card, or any other document/s including those in digital mode issued by the authority under the Department of Food & Supplies, Government of West Bengal which is valid and active and entitles the holder public distribution commodities at subsidized rates and entitlement or scale as per the category of the ration card;
- (v) “**Ration Card Issuing Authority**” means the concerned Sub-Divisional Controller or Rationing Officer or any other officer authorized by the State Government;
- (w) “**Rationing Officer**” means the Rationing Officer, having jurisdiction in a sub-area;
- (x) “**Relative**” includes the family member and the following kin:
- (i) son’s son or daughter;
 - (ii) daughter’s spouse, son or daughter;
 - (iii) brother other than the brother of bachelor/spinster, his spouse, son or daughter;
 - (iv) sister other than the sister of bachelor/spinster, her spouse, son or daughter;
- (y) “**Secretary**” means the Secretary in charge of the Department of Food & Supplies, Government of West Bengal;
- (z) “**State Government**” means the Government of West Bengal in the Department of Food & Supplies;
- (aa) “**Sub-area**” means the area under the jurisdiction of a Rationing Officer;
 - (bb) “**Sub-control**” means the area specified in **Schedule - A**;
 - (cc) “**Sub-divisional Controller**” means the Sub-divisional Controller, Food & Supplies having jurisdiction in a sub-division of a district and includes the Rationing Officer for Sub-area.
 - (dd) “**TPDS Control Order**” means the Targeted Public Distribution System (Control) Order, 2015 published in the Gazette of India, Extraordinary, under the G.S.R. 213(E), dated the 20th March, 2015, as subsequently amended.
 - (ee) “**Vigilance Committee**” means a committee constituted to supervise the functioning of Targeted Public Distribution System in the State.
- (2) Words and expressions not defined in this Order but defined in the Act or the Food Security Act or the Rules framed there under or the TPDS Control Order shall have the same meaning respectively assigned to them in those Acts or Order, as the case may be.

CHAPTER II**Ration Card**

3. **Eligibility for new ration card.**— Any citizen of India, who normally resides within the State of West Bengal and is having no ration card anywhere in the country and is eligible for having ration card as per the criteria prescribed by the State Government from time to time may apply for and possess a ration card.
4. **Issuance of Ration Card.**— (1) The eligible intending applicant shall apply to the Ration Card Issuing Authority in whose jurisdiction his residence falls, in such Form and in such manner as may be specified by the State Government for inclusion of a name.
- (2) The application can be made through either online or offline mode.
- (3) The Ration Card Issuing Authority shall cause an enquiry into the eligibility of the applicant and also ascertain to the possible extent that the applicant falls under inclusion criteria and does not fall under any of exclusion criteria. In case of application for inclusion of a new family the Ration Card Issuing Authority shall cause an enquiry by visiting the household and neighbourhood.
- (4) The Ration Card Issuing Authority after having satisfied himself of the eligibility of the applicant shall approve the application for issuance of a new Ration Card. If the Authority is not satisfied as to the eligibility of the applicant to get a new Ration Card or to the eligibility of the applicant to the category applied for, may reject the application after recording the reason of rejection in the online system.
- (5) Every application so received shall be disposed of within such period as may be specified by State Government from time to time.
- (6) An applicant having denied a ration card shall be at liberty to appeal against such denial to the District Controller, Food and Supplies and the concerned District Controller, Food and Supplies, after examination and also after giving a personal hearing to the applicant shall dispose of the said appeal within fifteen days from the date of filing of such appeal.
5. **Activation, Deactivation and Re-activation of Ration Card.**— (1) The State Government may specify procedure for linking of Aadhaar number with the ration card and activation of ration card, as the case may be, with detailed guidelines from time to time.
- (2) Any new ration card issued in terms of this order or any ration card already issued is to be linked with Aadhaar for activation of the Ration Cards and getting subsidized public distribution commodities. However, activation of NFSA ration card depends on availability of category wise quota stipulated in the National Food Security Act or as fixed by the Central Government.
- (3) For achieving the purpose of sub-clause (18) & (19) of clause 4 of the TPDS Control Order, the State Government shall deactivate or delete certain ration card from time to time.
- (4) The Ration Cards may be **deactivated**, if it is detected that –
- (i) the ration card has been linked with the Aadhaar number, which is already linked with another ration card within the state or outside the State;
- (ii) multiple ration cards have been obtained by the same person in his own name;
- (iii) the ration card holder shifted his residence permanently without giving any information to the concerned ration card issuing authority;
- (iv) ration card holder has not lifted the ration articles for consecutive two months,
- (5) The Ration Cards may be **deleted**, if it is detected that –
- (i) the ration card holder has died;
- (ii) there has been change in eligibility criterion of different categories of ration cards;
- (iii) the ration card having been obtained in suspected or fraudulent manner, or by furnishing false documents or certificate or by impersonation or by suppression of facts;
- (iv) the ration card holder was not eligible to receive a ration card but has been issued erroneously or otherwise;

- (6) The Ration Card issuing authority besides deactivating or deleting the card referred to in item (ii) of sub-clause (4) and items (iii) of sub-clause (5), may also lodge an FIR with the local police station against the person or persons involved in accordance with the relevant provisions of the The Bharatiya Naya Sanhita, 2023.
 - (7) The Ration Card Issuing Authority or the State Government shall also periodically review the cases of non-lifting of foodgrains by the ration card holder and if it is found that a ration card holder is not lifting the ration commodity for consecutive two (2) months, his ration card may be deactivated and allocation of subsidized public distribution commodities against this deactivated ration card may be stopped temporarily till it is reactivated again.
 - (8) The State Government shall provide avenues to the Ration Card holders to reactivate their deactivated cards. These avenues may be made available through a form or in such manner as may be specified by the State Government through separate order/s.
 - (9) Any deactivated Ration Cards will remain so for a period of six (6) months unless reactivated through modes specified by the State Government.
 - (10) On lapse of the aforesaid period of six (6) months if the said card is not reactivated it is liable to be deleted permanently.
 - (11) The ration card holder, whose card has been deleted permanently, is however entitled to apply afresh for the ration card which shall be considered by the Ration Card Issuing Authority afresh in terms of clause 3 and 4. He, however, may not be entitled to get the same category of cards held previously prior to deletion.
- 6. Application for modification or updation in ration card.** – A Ration Card holder may make an application for the following modifications in the ration card in such Form and in such manner, as the State Government may, by order, specify: –
- (a) Change of name, address, age;
 - (b) Change of Mobile No. and Aadhaar
 - (c) Change of name of Fair Price Shop;
 - (d) Change of Category of Ration Card;
 - (e) Appointing nominee for drawing Ration on the family's behalf.
 - (f) Change of name of father/husband.
- 7. Power of the State Government to make alteration or amendments.–**
- (1) Whenever in the opinion of the State Government, it is necessary or expedient so to do in the interest of public distribution system, the State Government may, for the reasons to be recorded in writing, modify the category of a ration card or delete any ration card.
 - (2) State government may also prescribe new Form/s or introduce new facilities, procedures in connection with application & processing for issue of Ration card, up-dation, deletion and deactivation in the interest of Public Distribution.

CHAPTER III**Licensing of fair price shop.**

- 8. Process of creation of vacancy and licensing of fair price shop.**— The State Government may, by an order, devise web module for covering the entire process of creation of vacancy and licensing of fair price shop in online mode. Provided that the State Government may, in exigencies of public services, order that the process may be carried out in offline mode.
- 9. Procedure for creation of fair price shop and appointment of a Licensee.**— (1) The State Government in public interest and the interest of the beneficiaries may rationalize the number of ration cards to be tagged with an FPS.
- (2) If it appears necessary by the District Administration or licensing authority or Director of rationing in case of Kolkata, to create a new FPS for catering to the need or convenience of the beneficiaries in any particular area or to rationalize the numbers of ration cards tagged with an FPS, the proposal may be sent to the State Government for approval through the District Magistrate and directly to the Director, Rationing in case of Kolkata.
- (3) The concerned Sub-divisional Controller, Food and Supplies, shall submit the proposal of such creation of FPS to the concerned District Controller, Food and Supplies, who, in turn, shall examine and scrutinize the proposal send the same with his observation and recommendation to the Director through the District Magistrate and directly to the Director, Rationing in case of Kolkata.
- (4) In case of a resultant vacancy which may arise out of resignation, death or incapacitation of any licensee, whose none of the family members has applied for engagement or is found suitable for engagement as per clause 39, or dissolution of firm formed by a group of people, or cancellation / termination of licence issued to a fair price shop for any reason whatsoever or surrender of a license by the Licensee the concerned Sub-divisional Controller, Food and Supplies, shall submit the proposal for notifying the notice for selection of a Licensee for the FPS to the concerned District Controller, Food and Supplies, who, in turn, shall send the same to the Director for approval.
- (5) The Director shall examine the proposal, if necessary, make re-enquiry and send the proposal with his observation and views to the Department for approval.
- (6) After obtaining the approval of the State Government, the Sub-divisional Controller shall issue a notice, in such form as may be specified by the state government, to invite the applications for selection of a most suitable candidate for grant of license stating the eligibility criteria, last date of submission of the application and other terms & conditions, as specified therein. The notice shall be displayed in the office notice board and in the offices of the concerned District Controller and Director and shall also be published on the official website of the Department. The Director shall also publish an indicative advertisement of the said vacancy for information to the general public in at least one Bengali and one English newspaper having State-wide circulation:
- Provided that in case of re-notification of any vacancy on account of there being no application against such vacancy, the concerned Sub-divisional Controller shall publish the same with the approval of the concerned District Magistrate or Director of Rationing in case of Kolkata, under intimation to the concerned Director:
- Provided further that in case of re-notification of any vacancy in case no suitable and eligible candidate could be selected from amongst those applied against such vacancy, the concerned Sub-divisional Controller shall publish the same with the approval of the Director:
- Provided also that the application of licensing of a Fair price shop may be invited only from Self-Help Group or Sangha or Mahasangha of Self Help Groups or registered co-operative Societies, by separate order.
- 10. Power of the State Government to grant license to Government owned Company or corporation etc.**— Notwithstanding anything mentioned in clause 9, the State Government may, by order, offer license of a fair price shop to the West Bengal Essential Commodities Supply Corporation Limited or to a body corporate or a company owned by it, in such manner and on such conditions, as it may specify in the Order.

- 11. Eligibility criteria for application for grant of license for Fair Price Shop.**— An individual or a registered partnership firm or a registered Co-operative Society or a Self Help Group or a Sangha and Mahasangha of Self-Help Groups, who fulfills the following eligibility criteria may apply for grant of a license for fair price shop on payment of an application fee of Rs. 1,000/- namely :—
- (i) The individual applicant or partners of the registered partnership firm or members of the registered Co-operative Society or members of the Self-Help Groups or Sangha or Mahasangha of Self-Help Groups applying for a Dealer vacancy must be adult Indian Citizen(s).
 - (ii) If the applicant be Self-Help Groups or Sangha or Mahasangha of Self-Help Group or registered Co-operative Society, it shall have their registered address in the concerned district.
 - (iii) In case of individual applicant, he should be a bona-fide resident of concerned sub-division or sub-control. However, preference would be given to the applicant who is a resident of concerned Gram Panchayat or the Ward or Sub-area, as the case may be, in which vacancy occurred. In case of registered partnership firm at least one partner shall be permanently residing in the concerned district.
 - (iv) The applicant must have basic knowledge of handling smart phones/e-POS devices.
 - (v) The Individual Applicant or partners in the partnership firm must be above 21 (Twenty-One) years of age and below 45 (forty five) years of age on the date of application. Proof showing date of birth should be furnished.
 - (vi) The applicant should possess a suitable godown for storage of public distribution commodities and an office space for running the Dealership as per the area and specification as the State Government may, by order, determine from time to time;
 - (vii) The Applicants for Dealership must have such financial capabilities as the State Government may, by order, determine from time to time.
 - (viii) The applicant should be physically and mentally capable of acting as Fair Price Shopdealer.
- 12. Disqualifications to get a fair price shop license.**— On and after commencement of this Order, following category of persons are not eligible to apply for license of a new fair price shop:—
- (i) a person holding a license of Dealer or Distributor in his name or a person whose relative already have a Dealer or Distributor license, as an individual or as a partner or as an office bearer of Self-Help Group or sangha or Mahasangha of Self Help Groups or registered co-operative Societies;
 - (ii) an entity holding a license of Dealer or Distributor / Wholesaler in its name;
 - (iii) a Flour Mill or a Rice Mill and its Owner in any capacity
 - (iv) a member of local bodies, local authority, Panchayati Raj Institutions, Board or corporation, Commission or Member of Legislative Assembly or a Member of Parliament during his tenure as such capacity;
 - (v) a person of unsound mind and an insolvent;
 - (vi) a person convicted by the court under the Act or in any other criminal proceedings connected with essential commodities;
 - (vii) a Dealer, whose License has been cancelled / terminated for contravention of the provisions of the Act or the Control Order;
 - (viii) a Dealer, who has resigned or voluntarily surrendered his license;
 - (ix) a person holding a post in the establishment of State Government or Central Government or any authority or body or institution of self-government established or constituted by or under the Constitution or by any other law made by the Parliament or a State Legislature or by notification issued or order made by the Central Government or a State Government;
 - (x) a limited liability partnership;
 - (xi) a corporation or company other than the company or corporation under the State or Union Government:
- Provided that nothing in this clause shall affect the continuance of existing license of dealer.

13. Selection Procedure for Licensing of fair price shop.— (1) On receipt of the application in the prescribed Form and requisite fee and corroborating documents as per checklist appended with the Form within the stipulated period, the Licensing authority shall process the case and get the case enquired into by a competent officer or group of officers and on receipt of the enquiry report, the licensing authority shall forward all the documents of each applicant together with the report to the concerned District Controller in such Form and in such manner as may be specified by the State Government from time to time. The said District Controller shall cause to scrutinize the report of the licensing authority vis ā vis the case of each applicant in his office with due diligence and after satisfying himself regarding accuracy of the report of the licensing authority, place the case records of all applicants before the District Level Fair Price Shop Selection Committee (DLFPSSC) for picking the name of suitable candidates. In case of Kolkata, he shall forward directly to the Director.

(2) The entire process of selection of Dealer under this order shall, as far as possible, be completed as per the **date schedule** specified in the Table below:

Table

S. No.	Particulars	Period
1.	Last date of submission of the application by the applicant	Forty Five (45) days from the date of publication of vacancy notice in the office notice board and the official website of the Department or in the newspaper, whichever is later.
2.	Completion of the enquiry by the Sub-divisional Controller, or his authorized officer and submission of report thereof to the District Controller	Inquiry against an application may start immediately after an application submitted but inquiry for all the applications must be completed within fifteen (15) days from the last date of submission of the application.
3	Submission of report by the District Controller, to the District Level Fair Price Shop Selection Committee	Five (5) days from the date of receipt of enquiry report from the Sub-divisional Controller.
4.	Submission of report by the District Controller, to the Director	Five (5) days from the date of receipt of recommendation from the District Level Fair Price Shop Selection Committee.

(3) For the purpose of choosing the most suitable candidate, the State Government may, by an order, constitute District Level Fair Price Shop Selection Committee (DLFPSSC) and shall also devise a marking system covering the size of godown & office, accessibility of the shop from main road, area of location of shop, convenience to the beneficiaries, suitability of the applicant, etc. specified in the said order.

(4) District Level Fair Price Shop Selection Committee shall convene a meeting, may interview the applicant, consider summarily any objection or complaints received during the processing of the case and after considering all the material facts placed before it, either remand the case back to the DCF&S for re-enquiry or evaluate the application and applicant based on the eligibility criteria and suitability of the applicant. In the minutes of the meeting, the reason for making any applicant ineligible and grounds for picking the most suitable candidate amongst the eligible applicants should be mentioned. Based on the evaluation, the committee shall determine whether the applicant is eligible or not and then award marks to the eligible candidates.

(5) DLFPSSC shall forward the case with its recommendation of the most suitable candidate along with the panel of eligible & suitable candidates in order of merit on the basis of total marks given by the Sub-divisional Controller plus marks given by the Committee to the Director.

(6) On receipt of the recommendation from the District Level Fair Price Shop Selection Committee, the Director shall consider the recommendation and also form his own opinion regarding eligibility & suitability of the recommended candidate by the DLFPSSC and after being fully satisfied with eligibility & suitability, accord approval for grant of FPS license to the most suitable candidate for filling up the vacancy.

(7) On receipt of the report under sub-clause (5) or sub-clause (6), as the case may be, the Director may grant approval for engagement of the **most suitable candidate** for filling up the vacancy.

- (8) After obtaining approval, the licensing authority shall issue an **Offer Letter** to the approved candidates in such Form and in such manner as may be specified by the State Government from time to time with the direction for furnishing recent passport size photograph(s) together with the security deposit and licensing fee as per **Schedule B** within a period of fifteen (15) days from the date of receipt of offer letter:—

Provided that in case of engagement of a dealer on the ground of death or medical incapacitation of a licensee of fair price shop, the security deposit, which has already been deposited against such license, shall be adjusted and the prospective dealer shall only be liable to pay the difference of sum of stipulated security deposit for the time being in force *minus* the amount of security deposit, which was already deposited against such license.

- (9) The concerned applicant shall comply with the conditions of the offer letter within the stipulated period.
- (10) If candidate fails to comply the conditions of offer letter within stipulated period, the candidate may be provided an extended period of seven (7) days to comply, failing which the offer letter issued to him shall be deemed to be cancelled without any further notice.
- (11) In case of cancellation of offer letter under clause (10) the District Controller shall forward the case to the Director with his recommendation. Director may fill the vacancy from the remaining eligible and suitable candidates if any, or afresh as deemed fit.
- (12) Notwithstanding anything contained in this clause, the State Government may, for the reasons to be recorded in writing, cancel the vacancy at any stage of processing of the application and before approval is granted.

14. Issue of license.— (1) Subject to clause 10 of this Order, the Licensing authority may grant provisional license to the approved candidate/ organization who has complied with the terms and conditions as laid down in the offer letter within validity as specified in the offer letter.

(2) The **license** shall be issued in **Form 1** authorizing a Dealer to carry on distribution of public distribution commodities under Targeted Public Distribution System and shall be subject to such conditions as are specified therein and such other conditions as the Director or Licensing Authority may prescribe from time to time in the interest of Public Distribution System:

(3) The licensee has to submit the documents like trade license, calibration certificate, etc. within 90 days from the date of issuance of license or at the time of renewal, whichever is earlier.

15. Operation of fair price shop.— Subject to the duties and responsibilities as specified in clause 16, the Dealer shall operate the fair price shop adhering to the provisions of this order, terms and conditions as specified in the license and other instructions, standard operating procedures and Guidelines issued from time to time.

16. Duties and responsibilities of a Dealer.— (1) The Dealer shall display a Board at conspicuous place in the Fair price shop or on the vehicle used for door step delivery in the manner and form as may be specified by the State Government, which shall contain information regarding name of Licensee, FPS Code, License No. and Address of FPS, timings of opening and closing of the fair price shop, designation of Licensing Authority and Authority appointed for redressal of grievances with respect to quality and quantity of public distribution commodities and non-PDS commodities with telephone no. and address, and toll-free helpline number, website address of the department, etc.

(2) The Dealer shall also display a Notice Board at visible and conspicuous place inside his shop displaying the information regarding stock of public distribution commodities received during the month, opening and closing stock of public distribution commodities, entitlement of public distribution commodities, scale of issue, retail issue prices, name and phone number of the Local Inspector in charge, etc. which can be displayed either by painting on the wall or by making a board and updating the details as and when required. This Board shall also display the category-wise numbers of ration cards attached to the Fair price shop as on first day of the month.

(3) The calendar of doorstep delivery to the beneficiaries with dates and clusters (with details of para / hamlet, etc.) to be covered under each date shall be displayed in the Fair price shop and also in the vehicle meant for such doorstep delivery.

The Dealer shall be bound to distribute the public distribution commodities to the beneficiary on production of ration card or e-Ration Card or Aadhaar card linked with ration card or their photocopy or display of any of these in mobile phones or mere mentioning of the number of any of them by the beneficiary.

- (4) On presentation of ration card or e Ration Card or Aadhaar card linked with ration card or their photocopy or display of any of these in mobile phones or mere mentioning of the number of any of them by the beneficiary, a Dealer shall enter the particulars in the ePoS device and see whether the beneficiaries' cards are valid and active in the system and distribute public distribution commodities if the Ration Card is active. The Dealer shall not refuse distribution of public distribution commodities to the ration card holder merely on the ground of non-production of physical ration card.
- (5) The Dealer shall not retain the ration card, e-Ration Card or Aadhaar card linked with ration card after the supply of the public distribution commodities.
- (6) The Dealer shall maintain records / registers as specified by the State Government from time to time.
- (7) Every dealer shall be subjected to social audit to be conducted by formal and informal institutions as prescribed by the State Government and licensee shall extend all assistance in this regard.
- (8) The Dealer shall display the sealed samples of public distribution commodities at the conspicuous place in his shop immediately after the receipt.
- (9) Every dealer shall serve public distribution commodities promptly without any undue delay and without causing inconvenience to the ration card holders for which a dealer shall arrange space for convenient standing or sitting of the beneficiaries below a suitable shade.
- (10) The Dealer shall be liable to do the e KYC authentication of the ration card and update mobile no. of the beneficiaries proactively.
- (11) The Dealer shall make all the transactions through e-PoS device only, generate a cash memo and issue it to the ration card holder proactively.
- (12) The Dealer shall make delivery to the beneficiaries or his nominee only through authenticated transaction after verifying the beneficiary or his nominee through Iris Scan or fingerprint scan or OTP received through Aadhaar linked mobile. However, the dealer shall deliver the public distribution commodities to such beneficiary/ies who has been exempted by the competent authority from authentication through Iris Scan or fingerprint scan or OTP received through Aadhaar linked mobile after making entries of distribution in ePoS device against the ration card of the beneficiary/ies.
- (13) The Dealer shall distribute public distribution commodities to the ration card holder as per the entitlement of the ration card holder under the Public Distribution System through the fair price shop or by way of doorstep delivery. The Dealer shall not issue ePoS slip or make entries in ePoS at a place away from FPS but distribute and deliver the public distribution commodities from the FPS and not in the Para / Mohalla of the assigned cluster of the day.
- (14) The Dealer shall not deny distribution of public distribution commodities to any eligible beneficiary, who have migrated to this State, having a valid AAY, SPHH or PHH ration card under the National Food Security Act;
- (15) The Dealer shall not deny distribution of public distribution commodities to any eligible beneficiary having a valid ration card of AAY, SPHH, PHH, RKSYS I and RKSYS 2, even though such beneficiary may not be tagged with the fair price shop of the said Dealer.
- (16) The Dealer shall make distribution of public distribution commodities through e-PoS integrated with e-weighing scale.
- (17) A Dealer shall only store or sell the public distribution commodities as allotted to him. However, he may store and sell such other articles at such price and in such quantities and in such manner as may be directed by the State Government under different schemes including welfare schemes to be operated separately and not forming a part of this Order.

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- (18) A dealer shall not include public distribution commodities and other items distributed under festive packages through PDS under Non PD items as specified by the state government from time to time.
- (19) A Dealer shall not store any public distribution commodities in any place outside the godown as endorsed in the license without prior written permission of the licensing authority. However, if a Dealer is compelled to change the place of storage of the public distribution commodities temporarily due to any natural calamities or a situation beyond his control, he shall report the matter in writing to the concerned licensing authority within the next working day and the licensing authority shall permit to change the place of storage initially for a period of thirty (30) days, which may be extended for a further period of thirty (30) days, but in no case, it shall be extended beyond the period of sixty (60) days.
- (20) Every dealer shall get his weighing devices duly calibrated by the competent authority of the Government of West Bengal and shall keep the calibration certificate in his place of business for production on demand before the inspecting officers.
- (21) Every dealer shall extend all sorts of co-operation to the authorised officials for arranging physical verification of stock. Under any circumstances he shall have to arrange for sufficient number of labourers for weighment of the stock so that even minimum delay is avoided. For this purpose, the dealer shall make available appropriate weighing scale.
- (22) A Dealer shall not sell or distribute any stock of bad or doubtful quality to the holders of ration card.
- (23) A Dealer shall distribute Public distribution commodities as per entitlement of the beneficiary.
- (24) The Dealers shall not substitute public distribution commodities or pay cash in lieu of allotted Public distribution commodities to a beneficiary.
- (25) A Dealer shall perform all activities related with distribution like entry of Ration Card details in ePoS, authentication of beneficiaries, weighment and delivery of public distribution commodities at one place at the time of delivery to a person and shall not make entry of Ration Card details in ePoS & authentication of beneficiaries at one place and distribute Public distribution commodities at another place to a beneficiary.
- (26) A Dealer shall use, keep and maintain safe custody of ePoS Device & its peripherals and electronic weighing scale properly.
- (27) The Dealer shall be under obligation to serve the beneficiaries of a fair price shop which may be tagged with his license additionally by the licensing authority.
- 17. Manner of distribution of public distribution commodities to the Ration Card holder.**— Save as otherwise provided under any other provisions of this order for distribution of public distribution commodities to the Ration Card holder, the State Government may frame scheme for delivery of public distribution commodities by the Dealer to the Ration Card holder at his door steps or in any other manner, as may be specified in the Scheme and the dealer shall be duty bound to distribute the public distribution commodities in that manner on ePoS based authenticated transaction and perform the weighment through electronic weighing scale integrated with e-POS device.
- 18. Working hour and leave of fair price shop.**— (1) A fair price shop shall be kept open and / or perform door step delivery to the beneficiaries in clusters on such day of the week as may be specified by the State Government, by order, from time to time. No fair price shop shall be closed on the scheduled day and time of opening under any circumstances.
- (2) Every Dealer shall arrange for distribution of public distribution commodities against the ration cards either at door steps of the ration cards holder or through Fair price shops, as the case may be, between 7.00 a.m. to 11.30 a.m. in the morning session and between 3.30 p.m. to 6 p.m. in the evening session on Tuesday to Saturday and morning Session on Sunday:

Provided that the timing of distribution of public distribution commodities under the hill areas of the districts of Kalimpong and Darjeeling shall be between 9.00 a.m. to 1.00 p.m. in the morning session and between 2.00 p.m. to 4.00 p.m. in the evening session on Tuesday to Saturday and morning Session on Sunday.

- (3) A Dealer shall obtain prior written permission of the Sub divisional Controller if he is required to keep the shop close for a day or part of the day. However, such permission shall not be granted for more than one (1) occasion in any month.
- 19. Provision for Leave of Dealer.**— (1) If a Dealer is unable to perform his function due to unavoidable reasons for a limited period, he may seek leave of not exceeding thirty (30) days by submitting a leave application to the licensing authority stating the reason of his inability to run the shop.
- (2) On receipt of the application, the licensing authority may give him permission to go on leave after making temporary arrangement by the concerned dealer for supply of public distribution commodities to the ration card holder tagged with his shop.
- (3) If a Dealer, who fails to return upon the expiration of the leave of absence shall be considered to have been suspended and necessary action to issue show cause and due proceedings shall be initiated. If the Licensee does not return within next 15 days and intimate to the Licensing authority and resume the PDS operations, the licensing authority may terminate his license, unless the delay was unavoidable and the Licensing authority is notified in advance and satisfied.
- 20. Provision for Resignation by a Dealer.**— A Dealer may resign by giving a notice under his hand addressed to the Licensing Authority, but he shall continue to run the Fair price shop until his resignation is accepted by the Licensing Authority.
- 21. Certain restrictions in relation to a license.**— Unless otherwise provided under this Order,
- (i) a license of a Fair price shop shall not be transferable, inheritable or convertible in the name of any other person or firm.
- (ii) any person, as an individual or as a partner in a partnership firm, cannot hold a license for more than one fair price shops. In case, a person is holding license as an individual or as partner in more than one fair price shop, the license shall not be renewed after expiry of the validity. The benefit of appointment under chapter VI shall be available against only one such license provided other conditions are satisfied in this regards.
- 22. Bar to shift or making alterations in fair price shop.**— (1) After the grant of a license under this Chapter, a licensee shall not be permitted to shift his shop or make alterations in fair price shop save and except on the following grounds:—
- (i) It is not possible to run the business due to dilapidated condition of the existing shop; or
- (ii) The beneficiaries tagged with the fair price shop are facing inconvenience due to location of the shop at far distance or some geographical difficulty;
- (iii) The licensee is evicted from the premises by virtue of Court order;
- (iv) The rent / lease agreement has expired / cancelled by the owner of the premises;
- (v) The location of the shop is as such, that has been causing traffic disruption in the locality.
- (vi) Any other grounds which appear justified and acceptable
- (2) A licensee desirous to shift his shop may submit an application for such shifting before the Licensing Authority after fulfilling the following conditions:—
- (i) Proposed shifting must be within 1 km from the existing shop within same block / municipality and rationing area (sub-control);
- (ii) the size and shape of the new shop is as per the specification notified by the State Government.
- (3) On receipt of the application, the concerned Licensing Authority shall process the application and get the case enquired into by a competent officer or group of officers and submit the report along with his recommendation to the Director through the District Controller, Food and Supplies within seven (7) days.
- (4) On receipt of the recommendation from the District Controller, Food and Supplies, the Director shall consider the recommendation and also form his own opinion regarding shifting of shop and after being fully satisfied with suitability of the shop, accord approval of shifting on payment of a shifting fee as prescribed in schedule B.

- (5) The Dealer may add / remove any compartment of the godown or entire godown with prior permission of the Director. However altered godown and office shall be in accordance with the prevailing specifications and requirement.
- (6) The Dealer may shift the storage or place of business of the public distribution commodities without permission of the licensing authority at a place not described in the license in emergency situations (such as earthquake, flood, or other reasons like sudden damage in the building, etc.), and shall give its written information to the licensing authority within 48 hours, and the proposed change shall be affected in accordance with sub-clauses (1) and (4).

23. Tagging of a fair price shop.– (1) In case a Dealer has resigned or his license has been suspended, or cancelled or terminated, or is physically incapacitated to run the Fair price shop, the concerned Licensing Authority shall tag the fair price shop with licensee of the nearest fair price shop.

- (2) Notwithstanding anything contained in sub-clause (1), in case a Dealer has resigned or his license has been suspended, or cancelled or terminated or is physically incapacitated to run the Fair price shop and the concerned Licensing Authority finds that no suitable licensee of a nearest fair price shop is available for tagging of the fair price shop, he may either request the District Magistrate to identify and select a Sangha or Mahasangha of Self-Help Group or a Self-Help Group or a registered Co-operative Society of the district or request the Director to identify and select a Government owned company or corporation, for issuance of a temporary license of a Fair price shop by the licensing authority for supply and distribution of public distribution commodities to the concerned ration card holders, so that the ration card holders of such a shop can get uninterrupted supply of public distribution commodities and their food security is ensured:

Provided that such temporary engagement of Sangha or Mahasangha of Self-Help Group or a Self-Help Group or a registered Co-operative Society or a Government owned company or corporation, as the case maybe, for supply and distribution of public distribution commodities shall not create any right whatsoever in his favour and such tagging or engagement shall automatically deemed to be expired after a period of six (6) months or until reinstatement of the suspended Dealer or a new Dealer is engaged against such fair price shop, whichever is earlier:

Provided further that if a new Dealer is not engaged within a period of six (6) months, the licensing authority may extend the validity of tagging with the Sangha or Maha Sangha of Self-Help Group or a Self-Help Group or a registered Co-operative Society of the district or a government owned company or corporation for a further period not exceeding three (3) months.

24. Procedure of distribution of public distribution commodities.– (1) On presentation of ration card or e-Ration Card or Aadhaar card linked with ration card or their photocopy or display of any of these in mobile phones or mere mentioning of the number of any of them by the beneficiary for distribution of public distribution commodities, a Dealer shall enter the particulars in the ePoS device and see whether the beneficiaries' cards are valid and active in the system, the Dealer shall not refuse distribution of public distribution commodities to the valid and active ration card holder.

- (2) A Dealer shall authenticate the beneficiary through fingerprint or Iris scan or OTP in Aadhaar linked mobile of the holder of the ration card or in any other manner as may be specified by the Government, issue public distribution commodities as per entitlement and proactively handover the self-generated transaction receipt of the e-PoS to the holder of the ration card.
- (3) The Dealer shall distribute exact allotted quantity of public distribution commodities against a Card or Cards of the family of the beneficiary and shall not charge any excess price over the issue price fixed by the State Government from time to time:

Provided that if a holder of the ration card has not got his card seeded with the Aadhaar card, a Dealer shall persuade the holder of the ration card for seeding it with Aadhaar.

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- 25. Electronic Point of Sale (e-PoS) device transactions.**— (1) The Dealer shall distribute public distribution commodities only completing the transaction through e-PoS device, after verifying the identity of the ration card holder through the stipulated methods.
- (2) The Dealer shall maintain e-PoS device in accordance with the direction of the State Government or the Director from time to time and report the errors / malfunction, if any, at the earliest for rectification as per the procedure and mode / method prescribed from time to time.
 - (3) The Dealer shall not cause deliberate degradation or disruption or damage, etc. to the **e-PoS** device installed at his shop.
 - (4) The Dealer shall keep the e-PoS device in the fair price shop itself or at the point of sale at the time of delivery by way of door step delivery to the beneficiaries.
 - (5) Where transactions in an e-PoS may fail due to system or technical errors, the Dealer shall contact the technical helpline at the earliest, not exceeding one (1) hour and inform the matter to the Inspectorate staff concerned, within the above-mentioned time frame.
 - (6) The Dealer shall provide necessary co-operation in maintenance, repair, inspection and supervision of the e-PoS and other automated system installed by the Department.

CHAPTER IV**Mechanism for transportation of public distribution commodities from the designated godowns and door-step delivery thereof.**

- 26. Delivery of public distribution commodities at the door step of Dealer.**— (1) The Department of Food & Supplies, Government of West Bengal, shall discharge the functions of the authorized agency within the meaning of clause 2(g) of the TPDS Control Order for lifting, storage and door step delivery of public distribution commodities to the fair price shop tagged with it under the Public Distribution System.
- (2) A fair price shop may be delivered public distribution commodities by way of door-step delivery through the Distributor engaged by the State Government or a Government owned Corporation or Company or in any other manner as deemed fit.
- (3) With a view to ensure smooth doorstep delivery of public distribution commodities to the fair price shop for distribution among different categories of ration card holders, the State Government may devise suitable mechanism including engagement of Distributors in the manner prescribed in **Chapter V**.
- (4) Allotment shall be made considering the requirement of the ration card holders tagged with the concerned fair price shop and scale of public distribution commodities as may be fixed by the Central Government and State Government from time to time and the balance stock in hand of the Dealer / Distributor.

CHAPTER – V**Provisions for engagement of distributors for door step delivery of public distribution commodities at fair price shops.**

- 27. Procedure for creation of distributorship and appointment of a Licensee.**– (1) The State Government in the public interest and in the interest of the beneficiaries may rationalize the fair price shops and number of ration cards to be tagged or to be retained with a distributorship.
- (2) If it appears necessary by the District Administration or licensing authority or Director of rationing, in case of Kolkata, to create a new distributorship for smooth and un-interrupted public distribution in any particular area to rationalize numbers of fair price shops and the number of ration cards tagged with a distributorship, the concerned Licensing Authority may initiate a proposal for creating a Distributorship vacancy with due regard to the public interest and with adequate justification thereof. The Licensing authority shall submit such proposal to the Director with the concurrence of the District Magistrate and directly to the Director Rationing, in case of Kolkata.
- (3) The Director shall examine the proposal, and send it to the State Government with his specific views for consideration. On receipt of the proposal of the vacancy, if the State Government is satisfied, it may accord its approval to create a Distributorship and communicate its decision to the Director.
- (4) When a new Distributorship is created, the concerned Director shall declare such vacancy through notice and invite the applications to fill the vacancy in such Form, within such period and in such manner, stating the eligibility criteria, last date of submission of the application and other terms & conditions, as may be specified in the vacancy notice.
- (5) In case of a resultant vacancy which may arise out of resignation, death or incapacitation of any licensee, whose none of the family members has applied for engagement or is found suitable for engagement as per clause 39, or dissolution of firm formed by a group of people, or cancellation / termination of license issued to a distributor for any reason whatsoever or surrender of a license by the Licensee, the concerned District Controller, Food and Supplies, shall submit the proposal for notifying the notice for selection of a Licensee for the Distributorship to the concerned Director.
- (6) The Director shall examine the proposal, if necessary, make cause re-enquiry and send the proposal with his views to the Department for approval.
- (7) After obtaining the approval of the State Government, the Director shall issue a notice, in such form as may be specified by the state government, to invite the applications for selection of a suitable applicant for grant of license within such period and in such manner, stating the eligibility criteria, last date of submission of the application and other terms & conditions, as may be specified in the vacancy notice. The notice shall be displayed in the office notice board and in the offices of the concerned District Controller, Directors, Sub-divisional Controller and shall also be published on the official website of the Department. The Director shall also publish an indicative advertisement of the said vacancy for information to the general public in at least one Bengali and one English newspaper having State-wide circulation:

Provided that in case there being no application against such vacancy, the concerned Director shall re-notify the same:

Provided further that in case of re-notification of any vacancy, in case no suitable and eligible candidate could be selected from amongst those applied against such vacancy, the concerned Director shall publish the same with the approval of the Government.

- 28. Tagging of a Distributor.**– (1) In case a Distributor has resigned or his license has been suspended, or cancelled or terminated, the concerned Licensing Authority shall tag the distributorship with the nearest distributor.
- (2) Notwithstanding anything contained in sub-clause (1), in case a Distributor has resigned or his license has been suspended, or cancelled or terminated and the concerned Licensing Authority finds that no suitable nearest distributor is available for tagging of the distributorship, he may request the District Magistrate to

identify and select a Mahasangha of Self-Help Group or a registered Co-operative Society of the district for issuance of a temporary license of a distributor for supply and distribution of public distribution commodities so that the ration card holders of such fair price shops can get uninterrupted supply of public distribution commodities and their food security is ensured:

Provided that the District Magistrate shall consider the suitability of the Maha Sangha of Self-Help Group or a registered Co-operative Society regarding its financial and administrative capability and storage and handling infrastructure before selection:

Provided further that in case of non-availability of such suitable Maha Sangha of Self-Help Group or a registered Co-operative Society, the licensing authority may request the Director to identify and select a Government owned company or corporation under this sub-clause.

- (3) Every temporary engagement, made under this clause, of Maha Sangha of Self-Help Group or a registered Co-operative Society or a Government owned company or corporation, as the case maybe, shall not create any right whatsoever in its favour and such tagging or engagement shall automatically deem to be expired after a period of six (6) months or until reinstatement of the suspended Distributor or a new Distributor is engaged against such distributorship, whichever is earlier:

Provided further that if a new Distributor is not engaged within a period of six (6) months, the licensing authority may extend the validity of tagging with the Maha Sangha of Self-Help Group or a registered Co-operative Society or a government owned company or corporation for a further period not exceeding three (3) months.

29. Power of the State Government to grant license to Government owned Company or corporation etc.— Notwithstanding anything mentioned in clause 27, the State Government may,— by order, offer license for a distributorship or a combination of distributorship or for the entire state to the West Bengal Essential Commodities Supply Corporation Limited or to a body corporate or a company owned by it, in such manner and on such conditions, as it may specify in the Order.

30. Eligibility criteria for application for grant of license for Distributorship.— A prospective applicant, who fulfills the following eligibility criteria, may apply against a vacancy of Distributor on payment of a fee of Rs. 5,000/-,

- (a) The applicant should be –
- (i) an individual permanently residing in the concerned district or sub-control, or
 - (ii) registered partnership firm with at least one partner permanently residing in the concerned district or sub-control, or
 - (iii) Mahasangha of Self-Help Groups or Registered Co-operative Society having their registered address in the concerned district or sub-control;
- (b) However, in case of distributorship in a Sub-control, the applicant as defined in the item (a) of sub-clause (1) above, may be a bona-fide resident of the respective Sub-Control where the vacancy occur or of the adjacent district or sub-control.
- (c) The individual applicant or partners of the registered partnership firm or members of the registered Co-operative Society, Mahasangha of Self Help Group must be adult Indian Citizen(s). In case of individual applicant or partners of the partnership firm, the applicant(s) must be above twenty one (21) and below fifty (50) years of age.
- (d) The applicant should possess a suitable **godown** for storage of public distribution commodities as per the area and other specifications specified by the State Government, by order;
- (e) The applicant must have knowledge of handling smart phones/e POS devices, Desktop computer / Laptop.
- (f) The applicants must have such financial capabilities as the State Government may, by order, determine from time to time.
- (g) The applicant should be physically and mentally capable of acting as Distributor.

31. Disqualifications to get a Distributor license.— On and after commencement of this Order, following categories of persons are not eligible to apply for license of a new distributorship:—

- (i) a person holding a license of Distributor or Wholesaler in his name or a person whose relative already have a Distributor or Wholesaler license, as an individual or as a partner or as an office bearer of Self-Help Group or Sangha or Mahasangha of Self Help Groups or registered co-operative Societies;
- (ii) an entity holding a license of Distributor or Wholesaler in its name;
- (iii) a Flour Mill or a Rice Mill being operated in any capacity as any entity and its Owner and his family members in any capacity;
- (iv) minor or a person of unsound mind and an insolvent;
- (v) a person convicted by the court under the Act or in any other criminal proceedings connected with essential commodities;
- (vi) a Distributor, whose License has been cancelled / terminated for contravention of the provisions of the Act or the Control Order;
- (vii) a Distributor, who has resigned or voluntarily surrendered his license;
- (viii) a member of local bodies, local authority, Panchayati Raj Institutions, board or corporation, Commission or Member of Legislative Assembly or a Member of Parliament during his tenure as such capacity;
- (ix) a person holding a post in the establishment of any authority or body or institution of self-government established or constituted by or under the Constitution or by any other law made by the Parliament or a State Legislature or by notification issued or order made by the Central Government or a State Government.
- (x) a limited liability partnership;
- (xi) a corporation or company other than the company or corporation under the State or Union Government;
- (xii) A distributor who has been terminated for contravention of the provisions of the Act or the Control Order.
- (xiii) A distributor who has resigned or voluntarily surrendered his license

Provided that nothing in this clause shall affect the continuance of existing license of distributor.

Provided further that if an existing dealer applies and is granted a license for distributorship, he shall have to surrender his license for the dealership within six(6) months from the date of granting such license for distributorship.

32. Procedure for grant of license for Distributorship.— (1) Intending applicants for license of a Distributor must submit an application alongwith application fee as prescribed in schedule B and in the prescribed Form within the stipulated date along with such documents and in such mode and manner as may be specified in the vacancy notice.

- (2) On receipt of the application, the Director shall process the case and cause an enquiry by an Inquiry Team headed by an officer not below the rank of Deputy Director and consisting of Deputy / Assistant Director(s), the concerned District Controller, the concerned Sub-divisional Controller and Inspectors, to determine the suitability of candidature of the applicant and other infrastructure necessary for engagement of Distributor. The Inquiry Team shall submit the report to the Director.
- (3) For the purpose of choosing the **most suitable candidate**, the State Government may, by an order, constitute Directorate Level Selection Committee headed by the Director and such other officers as may be nominated by the State Government for the purpose.
- (4) On receipt of the enquiry report under sub-clause (2), the office of the Director shall place the matter before a Directorate Level Selection Committee.
- (5) Directorate Level Selection Committee shall evaluate the application and applicant based on the eligibility criteria, suitability of the applicant and other infrastructure. Based on the evaluation, the committee shall determine whether the applicant is eligible or not and then award marks to the eligible candidates.

- (6) Directorate Level Selection Committee shall forward the case with its recommendation of the most suitable candidate along with the panel of suitable candidates in order of merit to the Government.
- (7) Notwithstanding anything contained in sub-clause (3), if the State Government deems it necessary in the exigency of public interest to expedite the process of engagement of Distributor, it may, by an order, take up under its control the engagement of the Distributor at any stage of processing of application and if necessary cause the enquiry referred to in sub-clause (2) by the enquiry committee comprising of an officer or group of officers of the Food & Supplies Department duly authorized in this behalf.
- (8) On receipt of the report under sub-clause (2) or sub-clause (6), as the case may be, the state government may grant approval for engagement of the most suitable candidate for filling up the vacancy.
- (9) After obtaining Government approval, District Controller, Food and Supplies shall issue an Offer Letter in such Form and in such manner as may be specified by the State Government from time to time to the approved candidate with the direction for furnishing recent passport size photograph(s) together with the security deposit and licensing fee as per Schedule B within a period of 15 days from the date of receipt of offer letter:

Provided that in case of engagement of a distributor on the ground of death or medical incapacitation of a licensee of distributorship, the security deposit, which has already been deposited against such license, shall be adjusted and the prospective distributor shall only be liable to pay the difference of sum of stipulated security deposit for the time being in force *minus* the amount of security deposit, which was already deposited against such license.

- (10) The concerned applicant shall comply with the conditions of the offer letter within the stipulated period. If candidate fails to comply within stipulated time, the candidate may be provided an extended period of seven (7) days to comply failing which the offer letter issued to him shall be deemed to be cancelled without any further notice.
 - (11) In case of cancellation of offer letter under clause (9) the District Controller shall inform about the matter to the Director with his comments within seven (7) days. Director shall recommend to the State Government to fill the vacancy from the next eligible and suitable applicants, if any or for re-notification if no eligible and suitable candidate is available.
 - (12) Notwithstanding anything contained in this clause, the State Government may, for the reasons to be recorded in writing, cancel the vacancy at any stage of processing of the application and before approval is granted.
- 33. Issue of license.**— (1) Subject to clause 29 of this Order, the Licensing Authority may grant provisional license to the approved candidate / organization who has complied with the terms and conditions as laid down in the offer letter within validity as specified in the license.
- (2) The license shall be issued in **Form 2** authorizing a Distributor for lifting, storage and door step delivery of public distribution commodities to the fair price shops tagged with it under the Public Distribution System and shall be subject to such conditions as are specified therein and such other conditions as the Director or Licensing Authority may prescribe from time to time in the interest of Public Distribution System:
 - (3) The licensee has to submit the documents like trade license, calibration certificate, fire license, etc. within 90 days from the date of issuance or at the time of renewal, whichever is earlier.
- 34. Operation of Distributorship.**— Subject to the duties and responsibilities as specified in clause 35, the Distributor shall operate the distributorship adhering to the provisions of this order, terms and conditions as specified in the license and other instructions, standard operating procedures and Guidelines issued from time to time.
- 35. Duties and responsibilities of Distributor.** — (1) The Distributor shall display an Information Board at conspicuous place in front of his place of business/godown, which is visible to general public from outside in the manner and form as may be specified by the State Government, which shall contain information like name of licensee, license number, contact number of licensee, address, name of licensing authority, toll free number of helpdesk, website address of the department.

- (2) The Distributor shall also display a notice board at visible and conspicuous place inside his godown displaying the information regarding commodity and category wise opening and closing stock of public distribution commodities on daily basis, number-wise stacks and nos. of bags in those stacks, etc.
- (3) The Distributor shall maintain records/registers as specified by the State Government from time to time and shall make daily and / or transaction wise entries in it.
- (4) The Distributor shall preserve and display the sealed samples of public distribution commodities made available to him by the authorities at the time of their lifting from the designated godown at the conspicuous place in his shop.
- (5) Every Distributor shall get his weighing devices duly calibrated by the competent authority of the Government of West Bengal and shall keep the calibration certificate in his place of business for production on demand before the inspecting officers. Every Distributor shall maintain at least two weighing scale for each godown with two sets of standard weights of all available denominations for weighment of commodities to the dealers.
- (6) Every Distributor shall ensure timely lifting and timely door step delivery of public distribution commodities at fair price shops. In case of delay or shortfall in lifting of stocks for reasons beyond his control, Distributor shall report to the concerned District Controller for replenishment of stock by way of transfer from another distributor or by any other means as may be decided by the District Controller in this behalf.
- (7) Every distributor shall keep the stock of each commodity separately and in neatly arranged stacks for easy identification. There should be alleys in between the stacks of different commodities. He shall attach small Stack Boards to each stack to indicate the quantity both in bags and in weight, pertaining to the stack.
- (8) Every Distributor shall ensure quality of public distribution commodities during the time of taking delivery from the authorized agencies and also at the time of door step delivery.
- (9) The Distributor shall distribute public distribution commodities and other commodities to the Dealer as per the allocation for the Dealer under the Public Distribution System by way of doorstep delivery only. Distributor shall make weighment of the stock at the time of delivery and shall deliver exact quantity as per Online Challan only at the doorstep of the Fair price shop. Distributor shall allow the Dealer or his authorized representatives to satisfy regarding the quality and quantity of the commodities.
- (10) A Distributor shall only store or sell the public distribution commodities as allotted to him. However, he may be permitted to store such other articles under different schemes including welfare schemes to be operated separately and not forming a part of this Order.
- (11) In case, a distributor is appointed as distributor or handling agent / dealer by any other government authority, he shall inform the licensing authority in writing immediately.
- (12) A Distributor shall not store any public distribution commodities in any place outside the godown as endorsed in the license without previous written permission of the licensing authority. However, if a Distributor is compelled to change the place of storage of the public distribution commodities temporarily due to any natural calamity or a situation beyond his control, he shall report the matter to the concerned licensing authority immediately through email and within the next working day in writing and the licensing authority may permit to change the place of storage initially for a period of thirty (30) days, which may be extended for a further period of thirty (30) days, but in no case, it shall be extended beyond the period of sixty (60) days. For permanent shifting of any godown, written prior permission of the Director is required.
- (13) Every Distributor shall extend all sorts of co-operation to the authorized officials for arranging physical verification and certification of stock. He shall have to arrange for sufficient number of labourers for weighment of the stock so that even minimum delay is avoided. For this purpose, the Distributor shall make available appropriate number of weighing scale of required capacity and weights.
- (14) A Distributor shall not deliver any stock of bad or doubtful quality to the Dealer.
- (15) The Distributor shall lift the public distribution commodities from the assigned godowns as per the time schedule and deliver to the doorstep of the Fair price shop within the stipulated time so that before the start of the distribution month entire allocated stock is delivered.
- (16) The Distributor shall strictly follow the procedure in the online portal, Standard Operating Procedures and guidelines and time frame mentioned therein for lifting the stock, storing in the godown and delivering to the Dealer at the door step.

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- (17) The Distributor shall make delivery of the same stock which was received from godown in First-in-First-Out (FIFO) basis to prevent deterioration of stock on account of idle storage.
 - (18) The Distributor shall make delivery of the stock through online generated challan only.
 - (19) The Distributor shall be under obligation to provide door step delivery to the fair shops under another distributorship either in full or in part which may be tagged with his license additionally by the licensing authority.
 - (20) Every Distributor shall deliver public distribution commodities to the tagged dealers without any undue delay which may lead to inconvenience to the ration card holders.
- 36. Working hour and leave of Distributor.** – (1) The Distributor shall keep open his business on stipulated day in a week as per direction issued by the State Government from time to time.
- (2) (a) If the Distributor is unable to cause door step delivery of public distribution commodities due to unavoidable reasons for a limited period, he shall submit a leave application to the licensing authority stating the reason of his inability to cause door step delivery.
 - (b) On receipt the application, the licensing authority may give him permission to go in leave for maximum period of 30 days after making temporary arrangement for supply of public distribution commodities to the fair price shop tagged with him.
- 37. Bar to transfer of license.** – Unless otherwise provided under this order, a license of Distributor issued under this Order shall not be transferable or convertible in the name of any other person or firm.
- 38. Bar to shift or making alterations in godown.** – (1) After the grant of a license under this Chapter, a licensee shall not be permitted to shift his godown **or make alterations in godown** save and except on the following grounds:–
- (i) It is not possible to run the business due to dilapidated condition of the existing godown;
 - (ii) To make the location more convenient if godown is at far distance or due to some geographical difficulty;
 - (iii) The licensee is evicted from the premises by virtue of Court order;
 - (iv) The rent / lease agreement has expired / cancelled by the owner of the premises;
 - (v) The location of the godown is as such, that has been causing traffic disruption in the locality.
 - (vi) Any other grounds which appears justified and acceptable
- (2) A licensee desirous to shift his godown may submit an application for such shifting before the Licensing Authority after fulfilling the following condition:–
- (i) Proposed shifting must be within 20 kms from the existing godown but subject to requirements as stipulated in the order of the state government and other conditions which may be imposed by the state government;
 - (ii) the size and shape of the new godown is as per the specification notified by the State Government.
- (3) On receipt of the application, the concerned Licensing Authority shall process the application and get the case enquired into by a competent officer or group of officers and submits the report alongwith his recommendation to the Director.
 - (4) On receipt of the recommendation from the District Controller, Food and Supplies, the Director shall consider the recommendation and also form his own opinion regarding shifting of godown and after being fully satisfied with suitability of the godown, accord approval of shifting on payment of a shifting fee of Rs. 20,000/- .
 - (5) The Distributor may add / remove any compartment of the godown or entire godown with prior permission of the Director. However altered godown and office shall be in accordance with the prevailing specifications and requirement.
 - (6) The Licensee may shift the storage of the public distribution commodities without permission of the licensing authority at a place not described in the license in emergency situations (such as earthquake, flood, or other reasons like sudden damage in the building, etc.), and shall give its written information to the licensing authority within 72 hours praying for change of place of godown, and the proposed change shall be effected in accordance with sub-clauses (1) to (4).

CHAPTER VI

Provisions for grant of license on happening of certain contingencies.

39. Engagement of Dealer or Distributor on the death or medical incapacitation of a licensee during validity of a license. – (1) In case of death of any existing licensee, any of the **eligible family members who is wholly dependent** on the deceased or a registered partnership firm constituted with more than one eligible family members **who are wholly dependent**, may apply to licensing authority for grant of license, with requisite fee, corroborative documents in such Form and in such manner as may be specified by the State Government from time to time.

Provided that in case of death of a licensee such prayer must be submitted within 90 days from the date of death of the licensee:

Provided further that the licensing authority may, on just and sufficient grounds shown by the applicant and for the reasons to be recorded in writing, accept such application upto 120 days from the date of death.

- (2) In case of incapacitation on medical ground of any existing licensee, he may apply for nomination of any of the **eligible family members who is wholly dependent** on the incapacitated licensee or a registered partnership firm constituted with more than one eligible family members **who are wholly dependent** on the incapacitated licensee to licensing authority for grant of license. Such nomination shall be accompanied with application by such nominee alongwith requisite fee, corroborative documents in such Forms and in such manner as may be specified by the State Government from time to time.
- (3) The applicant shall, while applying under sub-clause (1) or (2), have to comply with the provisions of clause 11 or clause 30, except provisions under para (v) of clause 11 and para (c) of clause 30 as the case may be and furnish “No Objection” from other eligible family members, if any, in the form of an affidavit executed before a 1st Class Magistrate save and except in the following cases:
 - (i) if the applicant is the spouse of the deceased licensee,
 - (ii) if the licensee, because of his incapacitation has nominated the name of the applicant for grant of license in applicant’s favour.
- (4) On receipt of the application in the prescribed Form and requisite fee and corroborating documents as per checklist appended with the Form, the Licensing authority shall process the case and get the case enquired into by a competent officer or group of officers and send a report in such Form and in such manner as may be specified by the State Government from time to time to –
 - (i) the concerned District Controller, in the case of a Dealer; and
 - (ii) the Director in the case of a Distributor:

Provided that while forwarding the case of engagement of Distributor or Dealer on medical ground, the licensing authority shall cause to examine the medical prescription and / or medical certificate issued by a Government Doctor with his registration number quoted on it to satisfy him that the incapacitated licensee is not in a position to run his business considering his health ground. The medical prescription and / or medical certificate shall clearly mention that the licensee is medically incapacitated and is not capable of discharging his functions as a FPS Dealer or Distributor.

- (5) (a) In the case of a Dealer, the concern Director shall examine the case forwarded by the licensing authority and either grant or refuse approval thereof:

Provided that the Director shall not refuse the approval without giving any opportunity of being heard to the applicant.

- (b) In case of Distributor, the concern Director shall examine the case forwarded by the licensing authority and subsequently forward the case with his recommendation to the State Government.
- (6) On receipt of the approval, the licensing authority shall issue the license as per clause 14 or clause 33, as the case may be, on payment of requisite license fee, security deposit, etc. as stipulated in clause 13 or clause 32, as the case may be.
 - (a) The entire process of selection of Dealer against the death or incapacitation on medical ground of an existing dealer under this order shall, as far as possible, be completed as per the schedule specified in the following Table:

S. No.	Particulars	Period
1.	Completion of the enquiry by the Sub-divisional Controller or his authorized officer and submission of report thereof to the District Controller	Thirty (30) days from the date of submission of the application.
2.	Submission of report by the District Controller to the Director	Five (5) days from the date of receipt of enquiry report from the Sub-divisional Controller.

(b) The entire process of selection of Distributor against the death or incapacitation on medical ground of an existing distributor under this order shall, as far as possible, be completed as per the schedule specified in the following Table:

S. No.	Particulars	Period
1.	Completion of the enquiry by the District Controller or his authorized officer and submission of report thereof to the Director	Thirty (30) days from the last date of submission of the application.
2.	Submission of report by the Director to the State Government	Five (5) days from the date of receipt of enquiry report from the District Controller.

(7) If no such application is received for engagement on compassionate ground within the stipulated time, the vacancy shall be treated as a new vacancy and accordingly be notified within next 30 days by licensing authority in the manner as prescribed in clause 13 and 32 for dealer and distributor respectively.

40. Provisions relating to licensing of partnership in certain contingency. – (1) In case of partnership firm on occurrence of death or resignation or incapacitation on medical ground of the partner/s, following procedure shall be followed: –

- (a) One of the surviving partner/s shall bring notice of the death or incapacitation on medical ground or resignation of partner in writing to the licensing authority within seven (7) days from happening of such events and shall continue to discharge the functions of the licensee until further orders;
- (b) on intimation by the surviving partner/s, the licensing authority may allow to continue the business for a period of ninety (90) days from the date of occurrence of such events or till the new license is granted in favour of the reconstituted firm, whichever is earlier.
- (c) The surviving partner/s may apply within forty five (45) days from the date of occurrence of such events in prescribed form to the licensing authority for grant of license to the reconstituted firm:

Provided that the licensing authority may, on just and sufficient grounds shown by the applicant and for the reasons to be recorded in writing, accept such application up to sixty (60) days from the date of occurrence of such events failing which vacancy will be declared.

- (d) The reconstitution of firm shall be in accordance with the eligibility criteria for grant of new license under these orders notwithstanding anything contrary contained in the partnership deed.
- (e) in case of death of a partner of partnership firm comprising of only two partners if no family members of the deceased partner is found eligible or is willing to become the partner or partners, as the case may be, of the said partnership firm, the sole surviving partner, may apply for the conversion of such license into proprietorship firm before the licensing authority, and upon satisfaction of the licensing authority, the said sole surviving partner may be granted license, as a sole licensee, subject to the approval given by the State Government in case of Distributor or the Director in case of Fair price shop.
- (f) in case of death of a partner of partnership firm, where there are more than one surviving partner, if no family members of the deceased partner is found eligible or is willing to become the partner or partners, as the case may be, of the said partnership firm, the surviving partners may be allowed to reconstitute the partnership firm amongst themselves to continue the business.

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- (g) However, the licensing authority shall conduct an inquiry and ascertain that no member of the family of the deceased partner is eligible or is willing to be a partner in the partnership firm.
 - (2) No person/s outside the family member/s shall be allowed to be inducted in a reconstituted partnership firm having a license under this control order.
 - (3) In case of death or medical incapacitation of an individual licensee, only the eligible family member or members, as the case may be, may apply within ninety (90) days before the licensing authority, for grant of license, either as an individual licensee or as the registered partnership firm.
 - (4) If the surviving partner/s of a partnership firm fails to apply for grant of license in the name of the reconstituted partnership firm within the stipulated period of forty five (45) days, or extended period of ninety (90) days, as the case may be, then the Licensing Authority shall tag the fair price shop or distributorship to the nearest Dealer or Distributor, as the case may be, in the interest of public distribution and place the matter before the competent authority seeking permission for declaration of resultant vacancy:

Provided further that the State Government, before granting the permission for declaration of such vacancy, may, if an application made within thirty (30) days after the expiry of the ninety (90) days for review of the decision of revocation, give an opportunity to him and after the hearing, he may either reject the application or extend the date of reconstitution for such period, not exceeding sixty (60) days, as it may considers appropriate.

- (5) In partnership license, where there is internal dispute amongst the partners which is hampering the public distribution system, then the licensing authority may after a reconciliatory hearing of the partners may either allow the continuation of the license or terminate the license after giving an opportunity of being heard and initiate process for filling the vacancy.

CHAPTER VII**Renewal and Validity of License**

- 41. Certain restrictions in relation to a license.** – Unless otherwise provided under this Order,
- (i) a license of a Fair price shop shall not be transferable, inheritable or convertible in the name of any other person or firm.
 - (ii) Any person, as an individual or as a partner in a partnership firm, cannot hold a license for more than one fair price shops. In case, a person is holding license as an individual or as partner in more than one fair price shop, the license shall not be renewed after expiry of the validity. The benefit of appointment under chapter VI shall be available against only one such license provided other conditions are satisfied in this regard.
- 42. Renewal of license.** – (1) Every provisional license issued under this order shall be valid upto 31st December of the year in which it has been issued. Thereafter license shall be renewed, on an application duly made, for successive period of three (3) years at a time subject to satisfactory performance, compliance to the control orders and other orders / guidelines / Standard operating procedures and confirmation of the Licensee.
- (2) A Licensee shall submit the application for renewal of license in online mode on or before the last date fixed for submission of application for renewal on payment of renewal fees as specified in sl. Nos. 5 of Schedule –B with such documents as the State Government may, by order, specify.
 - (3) If the licensee fails to submit the application for renewal within the stipulated period, he may submit application for renewal of license after the last date of application for renewal of license on payment of license renewal fee *plus* late fee till the date of expiry of the license as mentioned in sl. Nos. 6 of Schedule – B.
Provided that the licensing authority may allow a licensee to submit renewal Application upto 31 days beyond the date of expiry of the license, on realization of the penalty alongwith license renewal fee as mentioned in sl. Nos. 7 of Schedule – B if it thinks that non-submission of renewal Form was beyond the control of the licensee.
 - (4) If the license is not renewed due to non-application for renewal or rejection by the licensing authority, the licensing authority immediately after expiry of the license shall tag the fair price shop or distributorship with the nearest licensee and shall proceed to fill the resultant vacancy.
 - (5) The licensee whose license is under suspension may apply for renewal as per the renewal timeframe and procedure, but the license shall not be renewed by the licensing authority during its suspension period. However, license may be renewed after vacation of suspension as per procedure laid down.

CHAPTER- VIII**Provisions for Maintenance of Records & Registers by FPS Dealer related with a fair price shop.**

- 43. Maintenance of Records & Registers by FPS Dealer and procedure to obtain information related with a fair price shop.** – (1) The fair price shop licensee shall preserve all the existing records and registers related to the fair price shop which are maintained under the repealed control order for at least five (5) years.
- (2) The fair price shop licensee shall maintain and update “Daily Stock & Sale Register” and “Inspection Book” in the prescribed format and preserve for at least five (5) years.
 - (3) Any concerned ration card holder desirous of obtaining information related with his ration card or that of his family members or details of category wise beneficiaries tagged with a fair price shop or the stock position of fair price shop may obtain it from the departmental portal free of cost.
 - (4) The Inspector of Food & Supplies in charge of the Block / municipality / sub-area or part thereof shall ensure that all the records related to the shop are being kept safe by the fair price shop owner in accordance with clause (1). In case of non-compliance of these provisions by the fair price shop owner, the Inspector shall report it to the licensing authority, and the legal action shall be taken by the licensing authority regarding it.
 - (5) The fair price shop owner shall provide necessary cooperation and facilitation in inspection, inquiry, audit, etc. by providing relevant documents, records, registers, etc. in physical form or through information technology system developed by the Department.
 - (6) The fair price shop owner shall implement public distribution system modernization, automation and reform programmes fully. Under public distribution system reforms and modernization programmes the fair price shop owner shall be responsible to actively establish and implement Information technology system, such as e-PoS, integrated weighing scale and related online management system.

CHAPTER IX**Offences and Penalties**

- 44. Penalty. – (1)** Save as otherwise provided herein below, whoever contravene the provisions of this Order shall be liable to be penalized under section 7 of the Act.
- (2) If a Dealer or Distributor or his authorized representative or any other person acting on his behalf, do not comply with the provisions of this Control Order; or do not abide by the terms and conditions as specified in the license, Government orders, Standard Operating Procedures and Guidelines; or do not operate the Fair price shop/distributorship and discharge the responsibilities as provided in the clause 15 ,Clause 18 and Clause 34, 36 as the case may be; the licensing authority after giving an opportunity of being heard impose penalty as stipulated in **Part – I or Part –II of Schedule C.**
- 45. Penal action against a Dealer for contravention. – (1)** If a Dealer or his authorized representative or any other person acting on his behalf,–
- (i) keep the ration cards of the beneficiaries in his custody; or
 - (ii) retain the ration card after the supply of the public distribution commodities and other commodities; or
 - (iii) do not deliver the public distribution commodities by way of door step delivery or through fair price shop, as the case may be; or
 - (iv) do not provide public distribution commodities to the families strictly at the scale as per the category and entitlement of the beneficiary(ies) and at rates fixed by the authority concerned; or
 - (v) attempts to manipulate or by pass the electronic system, procedures or records; or
 - (vi) make false entries in books maintained by him; or
 - (vii) do not make all the transaction through e-PoS; or
 - (viii) do not generate a cash memo and proactively issue it to the ration card holder immediately after the transaction is complete; or
 - (ix) do not weigh the public distribution commodities through integrated electronic weighing scale; or
 - (x) do not store the food items in safe and hygienic conditions; or
 - (xi) delivers other items or pay cash in lieu of public distribution commodities, or
 - (xii) issues e-PoS slip or make entries in ePoS at a place away from FPS but distributes and delivers the public distribution commodities from the FPS and not in the Para / Mohalla of the assigned cluster of the day,
- the licensing authority may, after giving an opportunity of being heard to the Dealer and for the reasons to be recorded in writing, impose penalty according to the gravity of the offence as stipulated in **Part I of Schedule C.**
- (2) If a Dealer, who is found guilty of an offence committed under clause (1) is again found to have contravened the same provisions for the second time or third time, the licensing authority may render his license under suspension immediately and after giving him an opportunity of being heard and for reasons to be recorded in writing, impose punishment of either fine or reduction of the volume of business according to the gravity of the offence or termination of his license as stipulated in **Part I of Schedule C.**
- (3) If the licensing authority, on a complaint received against a Dealer or *suo moto*, is *prima facie* satisfied that such Dealer is acting in such a manner which is prejudicial to the interest of the beneficiaries tagged with his fair price shop or may hamper smooth implementation of public distribution or may lead to law and order situation, he may immediately render the license under suspension and after giving him an opportunity of being heard, if found guilty of any of the contravention mentioned in these orders, he may, for reasons to be recorded in writing, impose punishment of either fine or reduction of the volume of business according to the gravity of the offence, or termination of his license, as per the offences specified in **Part I of Schedule C.**

46. Punishment for Black marketing, misappropriation or siphoning off etc. of public distribution commodities by Dealer. – If a Dealer has committed an offence of –

- (i) black marketing, or
- (ii) misappropriation, or
- (iii) siphoning off,

of public distribution commodities, the licensing authority may suspend his license immediately and after giving him an opportunity of being heard, if found guilty of such offence, and may, by passing a reasoned order in writing, impose a punishment of either fine, or reduction of the volume of business according to the gravity of the offence, or termination of his license, as per the offences specified in **Part I of Schedule C**.

Explanation I.– Keeping public distribution commodities in a godown other than the godown registered with the licensing authority or shortage of stock may be regarded as misappropriation of public distribution commodities and the Dealer shall be liable for the penalty under this clause.

Explanation II. – Selling the public distribution commodity on the price higher than the price fixed by the Government shall be regarded as black marketing and the Dealer shall be liable for the penalty as per this clause.

Explanation III.– Transferring or selling the public distribution commodity to any unauthorized person or entity shall be regarded as siphoning and the Dealer shall be liable for the penalty as per this clause.

47. Penal action against a Distributor for contravention. – (1) If a Distributor or his authorized representative or any other person acting on his behalf;–

- (i) do not keep the stock of each commodity separately and in neatly arranged stacks for easy identification and counting; or
- (ii) do not timely and properly lift and deliver the public distribution commodities by way of door step delivery at the FPS ; or
- (iii) Do not store the public distribution commodities in proper category wise and item wise stacks with adequate alleys; or
- (iv) do not keep their godown open and functional or regular working days; or
- (v) do not provide public distribution commodities to the FPS Dealer strictly as per the allocation as per the category and at the rates fixed by the authority concerned; or
- (vi) do not make weighment of the stock at the time of delivery and deliver exact quantity as per Online Challan at the doorstep of the Fair price shop.
- (vii) stores or sells commodities other than the public distribution commodities as allotted to him or permitted to store.
- (viii) attempts to manipulate or by pass the electronic system, procedures or records; or
- (ix) make false entries in books maintained by him; or
- (x) do not make the transaction through Online portal and through Online Challan or as per the procedure and guidelines laid down in this regards; or
- (xi) Do not store the public distribution commodities in safe and hygienic conditions; or
- (xii) Delivers other items or pay cash in lieu of public distribution commodities; or
- (xiii) Do not make the godown available for inspection and / or do not provide infrastructure and manpower and / or do not make the godown available for inspection and / or do not facilitate the authorized officials to carry out the inspection; or
- (xiv) replaces the public distribution commodities with commodities of inferior quality; or
- (xv) store the public distribution commodities in place not mentioned in the license or without prior written permission of the licensing authority; or
- (xvi) delivers any stock of bad or doubtful quality to the Dealer.
- (xvii) Do not make delivery of the same stock which was received from godown in First-in-First-Out (FIFO) basis,

the licensing authority may, after giving an opportunity of being heard to the Distributor and for the reasons to be recorded in writing, impose penalty according to the gravity of the offence as stipulated in **Part II of Schedule C**.

- (2) If a Distributor, who was found guilty of an offence committed under clause (1), is again found to have contravened the same provisions for the second time or third time, the licensing authority may render his license under suspension immediately and after giving him an opportunity of being heard and for reasons to be recorded in writing, impose punishment of either fine or reduction of the volume of business according to the gravity of the offence or termination of his license as stipulated in **Part II of Schedule C**.
- (3) If the licensing authority, on a complaint received against a Distributor or *suo moto*, is *prima facie* satisfied that such Distributor is acting in such a manner which is prejudicial to the interest of the fair price shop tagged with such distributor or hamper the public distribution, he may render the license under suspension immediately and after giving him an opportunity of being heard, if found guilty of any of the contravention mentioned in these orders, may for reasons to be recorded in writing, impose punishment of either fine or reduction of the volume of business according to the gravity of the offence, or termination of his license, as per the offences specified in **Part II of Schedule C**.

48. Punishment for Black marketing, misappropriation or siphoning off etc. of public distribution commodities by Distributor. – If a Distributor has committed an offence of–

- (i) black marketing, or
- (ii) misappropriation, or
- (iii) siphoning off,

of public distribution commodities, the licensing authority may suspend his license immediately and after giving him an opportunity of being heard, if found guilty of such offence, may by passing a reasoned order in writing, impose a punishment of either fine, or reduction of the volume of business according to the gravity of the offence, or termination of his license, as per the offences specified in **Part I of Schedule C**.

Explanation I – Keeping public distribution commodities in a godown other than the godown registered with the licensing authority or shortage of stock may be regarded as misappropriation of public distribution commodities and the Distributor shall be liable for the penalty under this clause.

Explanation II – Selling the public distribution commodity on the price higher than the price fixed by the Government shall be regarded as black marketing and the Distributor shall liable for the penalty as per this clause.

Explanation III– Transferring or Selling the public distribution commodity to any unauthorized person or entity shall be regarded as siphoning and the Distributor shall be liable for the penalty as per this clause.

49. Power to issue direction and to impose penalty thereof.– (1) Notwithstanding anything contained in any other provisions of this order, the State Government may, for the purposes of ensuring better administration of public distribution system and to enhance quality of services to the beneficiaries, by an order in writing, issue directions to the licensee concern –

- (i) for implementations of the policy of the State Government issued from time to time;
- (ii) for distribution of public distribution commodities as per guidelines issued under door step delivery scheme;
- (iii) to ensure quality of public distribution commodities, service and delivery of appropriate quantum to the beneficiaries;
- (iv) for use of e-PoS and other information technology-based equipment and associative guidelines thereof,
- (v) for calibration of weighing machines as per the norms of Legal Metrology;
- (vi) for display of information relating to consumer awareness;
- (vii) stipulating time limit for submission of bills and other instruments etc. relating to public distribution system;
- (viii) to distribute public distribution commodities and other commodities to the ration card holder as per the entitlement of the ration card holder under the Public Distribution System through the fair price shop or by way of doorstep delivery
- (ix) to do the eKYC authentication of the ration card and make entries of the mobile nos. of the beneficiaries.

- (x) to take steps for integration of e-PoS with e-weighing scale.
 - (xi) to store or sell the public distribution commodities as allotted to him as per direction. However, he may be permitted to store and sell such other articles at such price and in such quantities and in such manner as may be directed by the State Government under different schemes including welfare schemes to be operated separately and not forming a part of this Order.
 - (xii) for such other matter or matters as the State Government may deem fit and proper.
- (2) Every licensee shall abide by the direction issued by the State Government under sub-clause (1).
- (3) if a licensee or his authorized representative acting on his behalf is found to have contravened the direction issued under sub-clause (1), the licensing authority has power to take action as per Section 7 of EC Act or impose a penalty according to the gravity of the offence as stipulated in **Part I of Schedule C** in case of a Dealer and **Part II of Schedule C** in case of a Distributor.
- (4) If any licensee convicted under sub-clause (3) is again found to have contravened the aforesaid provisions, the licensing authority has power to render his license under suspension immediately and after giving him an opportunity of being heard and for the reasons recorded to be in writing, either impose penalty or take action as stipulated in **Part I of Schedule C** in case of a Dealer and **Part II of Schedule C** in case of a Distributor or terminate the license.
- 50. Timeframe for disposal of the proceedings.** – (1) The inspecting authority or the team shall submit their report to the licensing authority within twenty one (21) days of the date of inspection or visit. However, the report may be submitted within thirty (30) days of the date of inspection or visit in special circumstances and reasons for such delay shall be recorded in the report.
- (2) All the proceedings initiated under this chapter shall be disposed of by the licensing authority within sixty (60) days of the date of inspection or visit. However, the case shall be disposed of within ninety (90) days of the date of inspection or visit in special circumstances and reasons for such delay shall be recorded in writing.
- 51. Consequence of conviction.** – The license of licensee convicted by a competent court for violation of an order made under section 3 of the Act or for any other offence relating to public distribution system shall be cancelled by the licensing authority by a written order:
- Provided that if such a conviction is cancelled in appeal or revision, the license shall be restored by the licensing authority, if such licensee shall, within one month from the date on which such order of cancellation is passed, makes a written representation to the licensing authority with attaching certified copy of such an order and with payment of license fee.

CHAPTER-X

Mode of payment of fees, charges and penalty

- 52. Mode of payment of fee, charges and penalty.** – All fee, charges and penalty payable under this Order shall be paid through treasury Challan in T.R. Form No. 7 under the head of account as prescribed by the State Government or on online mode through the GRIPS.

CHAPTER - XI**Provisions relating to search and seizure**

- 53. Power of search and seizure.** – The following officers, in their territorial jurisdiction shall be authorized under this Order to enter, inspect, examine, search and seize the premises related to a licensee:–
- (i) Principal Secretary, Secretary, Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary of the department;
 - (ii) All Divisional Commissioners;
 - (iii) All District Magistrates, Additional District Magistrates, Sub-divisional Magistrates;
 - (iv) All Directors, Joint Directors, Deputy Directors, Assistant Directors of the Directorates under this department,
 - (v) All licensing authorities under this Order;
 - (vi) Officer-in-Charge of vigilance or inspection team constituted by the department;
 - (vii) All Chief Inspectors, Inspectors and Sub-Inspectors of Department of Food & Supplies;
 - (viii) Officers on Special Duty of this department;
 - (ix) Any other officer as may be authorized by the State Government;
- 54. Procedure of search and seizure.** – (1) The licensing authority or an officer mentioned in clause 53, either *suo moto* or on receipt of a complaint or otherwise has reasons to believe that there has been a contravention of the provisions of this Order or any order issued under section 3 of the Essential Commodities Act, 1955 (10 of 1955), may either himself or through an officer not below the rank of Sub-Inspector cause an inspection and search the shop or godown of a licensee together with any other premises or vehicles related to transactions of business of such Dealer or Distributor or any other premises or vehicles which is suspected to be used for storing or transporting public distribution commodities.
- (2) With a view to securing the equitable distribution of subsidized public distribution commodities and other public distribution commodities and for the purpose of securing compliance with the provisions of this Order or any regulation made there under or any direction issued under such order, any official not below the rank of a Sub-Inspector of the Food and Supplies having jurisdiction in the area, or a vigilance squad or inspection team having been duly constituted for the purpose by the State Government, may-
- (a) enter any premises or vehicles used or believed to be used for the sale, distribution or storage for sale or distribution or transportation of public distribution commodities and inspect any such premises or vehicles and public distribution commodities therein or thereon;
 - (b) require any person to make any statement or furnish any information or to produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage or transportation of any public distribution commodities and every persons or required shall comply with the requirement;
 - (c) require any person to render any account or to produce books of accounts or documents believed to be in his possession relating to purchase, sale, storage and transport of public distribution commodities;
 - (d) take or cause to be taken extracts from the copies of any documents relating to the purchase, sale, distribution or storage or transportation of public distribution commodities which is produced under sub-clause (b) or sub-clause (c) above or otherwise found in any such premises;
 - (e) Test or cause to be tested the correctness of any weight or measures used or believed to be used in any transaction relating to the sale or distribution of public distribution commodities;
 - (f) Take or cause to be taken the weight of all or any of the public distribution commodities found in any such premises, prepare weighment chart and cart of physical verification of stock;
 - (g) inspect and seize any stock of public distribution commodities or any document relating to the purchase, sale, distribution or storage or transportation of public distribution commodities in respect of which the concerned official has reason to suspect that a contravention of these orders or of any directions issued under such order has been, is being, or is about to be committed.

- (3) If the officer making the search consider production of any particular document or thing necessary or desirable for the purpose of investigation or inquiry, he may issue a written order to the person in whose possession or power such document or thing is believed to be, for its production.
- (4) The officer may also search, seize or take in to custody such books of accounts or stocks of public distribution commodities and other commodities where such authority has reason to believe that these have been used or is used in contravention of the provisions of the TPDS Order or this Order.
- (5) The officer conducting search and seizure under this clause shall inform the District Magistrate, Director or an officer authorized by him the details of the search conducted and the stocks of public distribution commodities or other commodities so seized.

55. Persons in-charge of shop or godown to allow search. – (1) Whenever any shop or godown liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such shop or godown or vehicle, shall, on demand of the inspecting officers, allow him free ingress thereto, and provide all reasonable facilities and assistance for a search therein including the sufficient weighment facilities and labourers for physical verification of public distribution commodities meant of public distribution system stored in such shop or godown:

Provided that if the person residing or in charge of the shop or godown fails to provide the weighment facilities and labours for the purpose as aforementioned, it shall be lawful to cause such search by the inspecting officer on physical estimation including eye estimation and the finding of the search officer shall deemed to be correct.

- (2) If ingress into such shop or godown cannot be so obtained, the officer or other person executing the search and inspection may proceed by taking such assistance including the assistance of local police, as it may deem fit.
- (3) Where any person in or about such shop or godown is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched and if such person is a woman, the search shall be made by another woman with strict regard to decency.
- (4) Before making a search under this Chapter, the officer shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.
- (5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses.
- (6) The occupant of the shop or godown searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search and a copy of the list prepared under this clause, signed by the said witnesses, shall be delivered to such occupant or person.
- (7) In case it is not possible to complete the search on the same day, the portion of the premises which remained to be searched must be sealed and secured before leaving the premises for the night.
- (8) Save as otherwise provided hereinabove, the provisions of The Bharatiya Nagarik Suraksha Sanhita, 2023 shall *mutatis mutandis* apply to search and seizure under this Order.

CHAPTER- XII**Appeal and Review**

- 56. Appellate Authority.** – (1) In case of a Dealer, the District Controller shall be the First Appellate Authority and the Director shall be the Second Appellate Authority.
- (2) In case of a Distributor, the Director shall be the First Appellate Authority and the Secretary shall be the Second Appellate Authority.
- 57. Appeal.** – (1) A licensee, who is aggrieved by an order of the Licensing Authority passed under Chapter IX, may within thirty (30) days from the date of receipt of such order prefer an appeal to the First Appellate Authority:
- Provided that the First Appellate Authority may admit the appeal after the expiry of the period of thirty days (30) but not exceeding the period of 60 (sixty) days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) A second appeal against the order under sub-clause (1) shall lie within thirty (30) days from the date of receipt of such order by the appellant, with the Second Appellate Authority:
- Provided that the Second Appellate Authority may admit the appeal after the expiry of the period of thirty days (30) but not exceeding the period of 60 (sixty) days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (3) An appeal under sub-section (1) or sub-section (2) shall be disposed of by First or Second Appellate Authority, as the case may be, within thirty (30) days of the receipt of the appeal. However, the appeal shall be disposed of within sixty (60) days of the receipt of the appeal in special circumstances and reasons for such delay shall be recorded in writing.
- (4) While disposing the appeal, the First Appellate Authority or the Second Appellate Authority, as the case may be, has the power to—
- require the licensing authority to produce the record of proceedings against which the appeal has been preferred;
 - enhance or reduce, or vary the penalties imposed upon the licensee;
 - impose any of the other or additional penalties provided under these Order;
 - reject the appeal.
- (5) The decision of the Appellate Authority shall be binding on all the parties.
- (6) Pending the disposal of an appeal, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party or until the appeal is disposed of, whichever is earlier.
- 58. Review.** – The Secretary may *suo motto* or upon a representation made in this behalf, call for the records related to the order passed under the provisions of this Order by the licensing authority and if he is satisfied that the authority has—
- exercised such powers which are not entrusted to him,
 - exercised his powers illegally without considering the facts of the case,
 - has failed in use of his powers,
- he may review such order and pass an order confirming, altering, modifying or rescinding the order of the authority which he thinks fit and proper.

CHAPTER - XIII**Miscellaneous**

- 59. Vigilance Committees.** – The State Government may constitute Vigilance Committees at various levels. Such committees shall discharge their functions as have been assigned to them and take corrective steps for monitoring of Public Distribution System in the concerned areas.
- 60. Power to issue regulatory orders for all public distribution commodities.** – The State Government may issue separate orders regulating storage, sale & distribution, transportation and reporting, etc. in respect of such public distribution commodities, which are not covered by the provisions of this order.
- 61. Power to distribute atta in lieu of wheat.** – The State Government may distribute atta in lieu of wheat, whether in whole or in part, in any or all districts or its parts covered under the provisions of this Order and the State Government may frame separate procedure and guideline for engagement of flourmills for this purpose.
- 62. Power to regulate production of atta.** – The State Government may prescribe, by notification, the method of selection of a flour mill/ atta chakki to convert wheat into atta for a specified period of time. The State government may issue necessary notification in this regard specifying the eligibility criteria, format of application, mode and procedure of application, selection process, format of agreement, duties and responsibilities, provisions for penalty in case of violation and non-compliance of provisions, etc. for empanelment of flour mills for converting wheat into atta.
- 63. Power to exempt.** – The Government may, if it is considered necessary for avoiding any hardship or for any other just and sufficient reason, exempt any person or class of persons or area from the operation of all or any of the provisions of this order, either generally or for any specified period, by order.
- 64. Procedure for disposal of seized Stocks.** – Any stock of public distribution commodities seized from the custody of a Dealer or Distributor or any other person for contravention of the provisions of this order shall be disposed of by the order of the Collector as per section 6A of Essential Commodities Act, 1955.
- 65. Protection of action taken under Order** – No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Order.
- 66. Exemptions** – The provisions of the Central Targeted Public Distribution System (Control) Order, 2015 or this Order shall not be applicable to purchase or sale or storage for sale of essential commodities by the followings or in this behalf:-
- (a) Central Government or godowns of Central Government;
 - (b) The State Government or godowns of the State government;
 - (c) The Officials and departments of the State government, and the West Bengal State Essential Commodities Corporation, West Bengal State Warehousing Corporation and its godowns;
 - (d) Godowns of a central or state level cooperative society;
- 67. Power of the State Government to give directions** – The State Government may give such directions or issue such guidelines or Standard Operating Procedures as it deems necessary for execution of all or any of the provisions of this Order or of the TPDS Order:
- Provided that it shall be lawful for the State Government to issue separate direction or guidelines or Standard Operating Procedures, as the case may be, for different areas or for different district as may be specified in the notification or in the order in the interest of public distribution system:
- 68. Repeal and savings.** – (1) The West Bengal Public Distribution System (Maintenance and Control) Order, 2013 and the West Bengal Urban Public Distribution System (Maintenance and Control) Order, 2013, are hereby repealed.

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- (2) Notwithstanding such repeal, –
- (a) anything done or any action taken under the said repealed Control Orders shall be deemed to be done or taken under the corresponding provisions of this Order;
 - (b) all the cases already initiated against the licensees pending at any stage at the commencement of this Order shall be dealt with in accordance with the provisions of the orders repealed under Clause 68(1);
 - (c) all the processes for filling of the vacancies already notified lying at any stage at the commencement of this Order shall be dealt with in accordance with the provisions of the orders repealed under Clause 68(1);. However, in cases requiring re-notification due to any reason whatsoever shall be done under the provisions of these orders;
 - (d) the circulars, orders, notifications or standard operating procedures or guidelines issued time to time regarding monitoring of the public distribution system shall remain in force and unless superseded by fresh circulars, orders, notifications or standard operating procedures or guidelines, shall be deemed to be notified under this Order, if they are not inconsistent with the provisions of this Order;
 - (e) the notifications, orders and directions issued under the provision of National Food Security Act, 2013, in regard to identification of eligible households, Aadhaar seeding of ration cards, delivery of public distribution commodities, lifting and distribution of public distribution commodities by the State, monitoring, transparency and accountability, and end to end operations which includes digitization of beneficiary details, ration cards, and other databases, computerization of supply chain management & distribution, setting up transparency portal, grievance redressal mechanism and fair price shop and distribution automation shall be deemed to be issued under this Order.

By order of the Governor,

PARWEZ AHMAD SIDDIQUI, IAS
Principal Secretary to the Government of West Bengal.

Schedule – A

[See clause 2 (1) (bb) of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024]

Sl. No.	Sub Control	Sub area
1.	Asansol	(1) Ward Nos. 1 to 30 and 38 to 48 of Asansol Municipal Corporation. (2) Ward Nos. 21 to 25 and 27 & 28 of Kulti Municipality. (3) Ward Nos. 3 to 10, 13 to 15, 17 to 43 of Durgapur Municipal Corporation. (4) Entire protected area of Chittaranjan Locomotive Works in the district of Paschim Bardhaman.
2.	Barrackpore	The entire areas within the Municipalities of– (i) Kanchrapara (ii) Halisahar (iii) Naihati (iv) Bhatpara (v) Garulia (vi) North Barrackpore (including Defence area & Air Force) (vii) Titagarh (viii) Khardah (ix) Panihati (x) Kamarhati (xi) Barrackpore (xii) Barrackpore Cantonment (including Latbagan, Cantonment Army area) in the district of North 24 Parganas.
3.	Dum Dum-Bidhannagar	(i) All Wards of Bidhannagar Municipal Corporation and NKDA Action Areas-I, II, III. The entire area within the Municipalities of (ii) Dum Dum Municipality (iii) North Dum Dum Municipality (iv) South Dum Dum Municipality (v) New Barrackpore Municipality (vi) Baranagar Municipality
4.	Hooghly	The entire areas within the Municipalities of– (i) Uttarpara-Kotrang (ii) Rishra (iii) Konnagar (iv) Serampore (v) Baidyabati (vi) Champdani (vii) Bhadreswar (viii) Hooghly-Chinsurah (ix) Bansberia (x) Chandannagar Municipal Corporation in the district of Hooghly.

Sl. No.	Sub Control	Sub area
5.	Howrah	(i) The entire area of Howrah Municipal Corporation and Bally-Belur Municipality in the District of Howrah; (ii) Sapuipara Basukati G.P., Nischinda G.P. (except Madhya Jaypur village), Bally G.P. under Bally-Jagacha Block, Chawkpara Anandanagar G.P. (except Dakshin Joypur village, Durgapur Abhoynagar-I G.P., Durgapur Abhoynagar-II G.P. (except Uttar Joypur village) in the district of Howrah.
6.	Kolkata North	(i) Ward Nos. 1 to 65 and part of Ward No. 69 under Kolkata Municipal Corporation.
7.	Kolkata South	(i) Ward No. 66 to 144, part of Ward No 69 under Kolkata Municipal Corporation; (ii) Ward No. 1 to 13 of Mahestala Municipality in the District of South 24 Parganas.

SCHEDULE – B

Fees payable by the Dealers/Distributors as per provisions of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024

Sl. No.	Category/Item	FPS Dealer		Distributor	
		Relevant Clause	Amount	Relevant Clause	Amount
(1)	(2)	(3)	(4)	(5)	(6)
1.	Application Fee	11	Rs.1,000/-	32(1)	Rs. 5,000/-
2.	Security Deposit	13(8)	Rs. 25,000/-	32(8)	Rs. 5,00,000/-
3.	Licence Fee	13(8)	Rs. 10,000/-	32(8)	Rs. 60,000/-
4.	Fee for shifting godown permanently	22(4)	Rs. 5,000/-	38(4)	Rs. 20,000/-
5.	License Renewal Fee if renewal application submitted within 15th October	42(2)	Rs.3,000/-	42(2)	Rs. 15,000
6.	Late Fee per day in addition to license renewal fee if renewal application submitted during 16th October till 31st December	42(3)	Rs. 500/-	42(3)	Rs. 1,000/-
7.	Penalty including late fee if renewal application during 1st January to 31st January after expiry of license	42(3)	Rs. 1,00,000/-	42(3)	Rs. 2,00,000/-

SCHEDULE – C**(Part- I)**

Schedule of penalty/fine to be imposed upon the Dealer for contraventions of the provisions of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024

Sl. No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
(1)	(2)	(3)	(4)	(5)
1.	Contravention of any of the provisions of sub-clause (1) to (10) of clause 16 or any of the non-compliance mentioned in point (i) & (ii) of Sub-clause (1) of Clause 45	Fine of minimum of Rs. 5,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 10,000/- for each contravention, with an overall limit of Rs. 25,000/- according to the gravity of the offence.	Fine of minimum of Rs. 10,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 20,000/- for each contravention, with an overall limit of Rs. 50,000/- according to the gravity of the offence.	The Licensing Authority may place dealer's license under suspension immediately for a maximum period of 6 months and within which after giving an opportunity of being heard and for the reasons recorded to be in writing reduce the volume of business (upto 50% quantity) or impose a penalty of Rs. 20,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 40,000/- for each contravention, with an overall limit of Rs. 1,00,000/- according to the gravity of the offence.
2.	Contravention of any of the provisions sub-clauses (11) to (27) of clauses 16 or any of the non-compliance mentioned in point (iii) to (xi) of Sub-clause (1) of Clause 45	Fine of minimum of Rs. 10,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 20,000/- for each contravention, with an overall limit of Rs. 50,000/- according to the gravity of the offence.	Fine of minimum of Rs. 25,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 50,000/- for each contravention, with an overall limit of Rs. 1,00,000/- according to the gravity of the offence.	The Licensing Authority may place dealer's license under suspension immediately for a maximum period of 6 months and within which after giving an opportunity of being heard and for the reasons recorded to be in writing reduce the volume of business

Sl. No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
(1)	(2)	(3)	(4)	(5)
				(upto 50% quantity) or may impose a penalty of Rs. 50,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 2,00,000/- according to the gravity of the offence or terminate the license if not satisfied with the response.
3.	(1) Offence of not implementing the schemes and other provisions under clause 17.	(1) Fine of minimum of Rs. 25,000/- which may be extended to maximum of Rs. 50,000/-;	(1) Fine of minimum of Rs. 50,000/- which may be extended to maximum of Rs. 1,00,000/-;	(1) The Licensing Authority may dealer's license under suspension immediately for a maximum period of 6 months, and within which after giving an opportunity of being heard and for the reasons recorded to be in writing, reduce the volume of business (upto 50% quantity) or may impose a penalty of Rs. 50,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 1,00,000/- for each contravention, with

Sl. No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
(1)	(2)	(3)	(4)	(5)
	(2) Offence of only issuing ePoS slip or making entries in ePoS at a place away from FPS but distributing public distribution commodities from FPS and not in the Para/Mohalla of the assigned cluster of the day. Under clause 45(1)(xii)	(2) Fine of minimum of Rs. 50,000/- which may be extended to maximum of Rs. 1,00,000/-;	(2) Fine of minimum of Rs. 1,00,000/- which may be extended to maximum of Rs. 2,00,000/-;	<p>an overall limit of Rs. 2,00,000/- according to the gravity of the offence or terminate the license if not satisfied with the response.</p> <p>(2) The Licensing Authority may dealer's license under suspension immediately for a maximum period of 6 months, and within which after giving an opportunity of being heard and for the reasons recorded to be in writing, reduce the volume of business (upto 50% quantity) or may impose a penalty of Rs. 50,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 2,00,000/- according to the gravity of the offence or terminate the license if not satisfied with the response.</p>

Sl. No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
(1)	(2)	(3)	(4)	(5)
4.	Committing offence under sub-clause (2) of Clause 46	Fine of minimum of 2 (two) times and maximum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs. 1,00,000/- for an offence of black marketing or misappropriation or siphoning of public distribution commodities meant for public distribution	Fine of minimum of 2 (two) times and maximum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs. 2,00,000/- for an offence of black marketing or misappropriation or siphoning of public distribution commodities meant for public distribution	Fine of minimum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs. 4,00,000/- for an offence of black marketing or misappropriation or siphoning of public distribution commodities meant for public distribution or terminate his license.
5.	For violation of the direction under clause 49	Rs. 20,000/- for an offence not covered under Sl. No. 1 to 3.	Rs. 40,000/- for an offence not covered under Sl. No. 1 to 3.	Rs. 1,00,000/- for an offence not covered under Sl. No. 1 to 3.

SCHEDULE C**(Part- II)**

Schedule of penalty/fine to be imposed upon the Distributor for contraventions of the provisions of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024

Sl. No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
(1)	(2)	(3)	(4)	(5)
1.	Contravention of any of the provisions of sub-clause (1) to (5) of clause 35	Fine of minimum of Rs. 25,000/- for each of the contravention committed by the distributor which may be extended to maximum of Rs. 50,000/- for each contravention, with an overall limit of Rs. 2,00,000/-	Fine of minimum of Rs. 50,000/- for each of the contravention committed by the distributor which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 4,00,000/-	The licensing authority may impose a penalty of Rs. 1,00,000/- for each of the contravention committed by the distributor which may be extended to maximum of Rs. 2,00,000/- for each contravention, with an overall limit of Rs. 10,00,000/- and the Licensing Authority may also render his license under suspension immediately for minimum 3 three months and maximum 6 month and after giving him an opportunity of being heard and for the reasons recorded to be in writing, either reduce the volume of business (upto 50% quantity) according to the gravity of the offence.
2.	Contravention of any of the provisions of sub-clause (6) to (20) of clause 35.	Fine of minimum of Rs. 50,000/- for each of the contravention committed by the distributor which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 2,00,000/-	Fine of minimum of Rs. 40,000/- for each of the contravention committed by the distributor which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 5,00,000/-	In addition to imposing the fine as provided for second time contravention, the Licensing Authority may place the distributor's license under suspension immediately for minimum 6 months and maximum 12 months and after giving an opportunity of being heard and for the reasons recorded to be in writing terminate the license if not satisfied with the response. In case of subsequent contravention after giving an opportunity of being heard and for the reasons recorded to be in writing terminate the license if not satisfied with the response.
3.	Committing offence under clause 48	Fine of minimum of 2 (two) times and maximum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs. 3,00,000/- for an offence of black marketing or misappropriation or siphoning off public distribution commodities meant for public distribution.	Fine of minimum of 2 (two) times and maximum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs. 10,00,000/- for an offence of black marketing or misappropriation or siphoning off public distribution commodities meant for public distribution.	Fine of minimum of 3 (three) times the economic cost of the public distribution commodities and also a minimum fine of Rs.10,00,000/- for an offence of black marketing or misappropriation or siphoning off public distribution commodities meant for public distribution or terminate his license.
4.	For violation of the direction under clause 49	Rs. 40,000/- for an offence not covered under Sl. No. 1 to 3.	Rs. 60,000/- for an offence not covered under Sl. No. 1 to 3.	Rs. 1,00,000/- for an offence not covered under Sl. No. 1 to 3."

GOVERNMENT OF WEST BENGAL

FORM 1

Licence to run a Fair Price Shop under
the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024

[Vide clause 14(2)]

Name of Licensee/FPS Dealer		Licence No.		
Type of Licensee	Individual/Partnership Firm/Cooperative Society/Sangha of SHG/Mahasangha of SHG/Govt. Company			
(If individual) Name of father/spouse		Photograph (as in Aadhaar)		
Residential Address				
Or				
(If Partnership Firm) Names of all partners	Partner 1	Partner 2	Partner 3	
Photograph (as in Aadhaar)				
Name of father/spouse				
Residential Address				
Whether signatory authority	Yes/No	Yes/No	Yes/No	
Or				
(If other entities) Names of all office bearers	Office Bearer 1	Office Bearer 2	Office Bearer 3	
Photograph (as in Aadhaar)				
Designation				
Name of father/spouse				
Residential Address				
Whether signatory authority	Yes/No	Yes/No	Yes/No	
Name of Fair Price Shop				
FPS Code				
Name of Supplying Distributor				
Distributor Code				
Address of FPS	Plot No.(s)/Holding No.(s)		Khatian No.	
	Street name		Village	
	Gram Panchayat/Ward No.		Block/Municipality/Municipal Corporation	
	Mouza		JL No.	
	Police Station		Sub-Division/Sub-Area	
	District/Sub-Control			
	Post Office		Pin Code	
Latitude		Longitude		
Shop and Godown building details	Shop and Godown in different chambers	Yes/No	Shop and Godown in single chamber	Yes/No
	Size of Compartment 1/Single Chamber	Length = _____ ft.	Width = _____ ft.	Area = _____ sqft.
	Size of Compartment 2	Length = _____ ft.	Width = _____ ft.	Area = _____ sqft.
	Size of Shop/Sales Counter	Length = _____ ft.	Width = _____ ft.	Area = _____ sqft.

Nature of possession	Shop/Sales Counter	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
	Godown 1	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
	Godown 2	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
Boundary of the godown :	Shop/Sales Counter	North :	South :	East :	West :
	Godown 1	North :	South :	East :	West :
	Godown 2	North :	South :	East :	West :
Date of Issue of Licence		Valid till			

The licensee is authorized to run the Fair Price Shop – both mentioned herein, for distribution of specified essential commodities to the Ration Card holders under the Public Distribution System.

1. The licensee shall distribute public distribution commodities received through door-step delivery & otherwise to the Ration Card holders as per their entitlement at the retail issue prices fixed by the Govt. from time to time and shall issue a cash memo against every sale to the card holders on ePoS based authenticated transactions.
2. The licensee shall maintain books of accounts comprising of stock registers, daily sale registers, inspection book and such other registers in his shop as may be prescribed by the Department of Food & Supplies and shall produce the same for inspection or verification to any authority authorized by the S.C.F&S/ D.C.F&S or State Government.
3. The licensee shall display a Board at a conspicuous place in the Fair Price Shop and on the vehicle used for doorstep delivery in the manner and form as may be specified by the State Government, which shall contain information regarding the name of the Licensee, FPS Code, License No. and Address of FPS, timings of opening and closing of the Fair Price Shop, designation of Licensing Authority and Authority appointed for redressal of grievances with respect to quality and quantity of public distribution commodities and non-PDS commodities with Telephone No. and address, and toll-free helpline number, etc.
4. The licensee shall also display a Notice Board at a visible and conspicuous place inside his shop displaying the information regarding stock of public distribution commodities received during the month, opening and closing stock of public distribution commodities, the entitlement of public distribution commodities, the scale of issue, retail issue prices, name and phone number of the Local Inspector in charge, etc. which can be displayed either by painting on the wall or by making a board and updating the details as and when required. This Board shall also display the category-wise numbers of ration cards attached to the Fair Price Shop as on first day of the month.
5. The calendar of doorstep delivery to the beneficiaries with dates and clusters (with details of para/hamlet, etc.) to be covered under each date shall be displayed in the FPS and also in the vehicle meant for such doorstep delivery.
6. The licensee shall not store or sell any commodity outside the selected public distribution commodities and such other items of daily use as allotted to him by the authority.
7. The licensee shall observe the specified hours of opening and closing of fair price shops throughout the week.
8. The licensee shall display samples of foodgrains and other public distribution commodities in small pots/polythene bags for inspection by the Ration Card holders.
9. The licensee shall abide by any instruction as may be given to him by an authority not below the rank of Sub-Inspector under the Food and Supplies Department.
10. The licensee shall not contravene the provisions of any law relating to essential commodities for the time being in force.

11. The licence will cease to be valid in the event of death or resignation of the licensee or re-constitution/ dissolution of a firm formed by a group of people or dissolution of a Co-operative Society/ Self Help Group/ Govt. Company.
12. The Licensee shall submit the application for renewal of license in online mode on or before the last date fixed for submission of the application for renewal on payment of renewal fees as specified by the State Government.
13. If the licensee fails to submit the application for renewal within the stipulated period, he may apply for renewal of licence after the last date of application for renewal of licence on payment of license renewal fee *plus* late fee till the date of expiry of the license.

The licence, unless an application for renewal of the licence is made within the period of validity, will stand expired after the period of validity ends and in that case, the licence may be renewed by the licensing authority on realization of the requisite fine within a further period as fixed by the State Government if the licensing authority is of the view that the reason for non-renewal of the licence was beyond the control of the licensee.

Date and time stamp
of download of Licence

Name of Licensing Authority
Designation

GOVERNMENT OF WEST BENGAL

FORM-2

Licence to act as Distributor under the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024

[See clause 33(2)]

Name of Licensee/Distributor		Licence No.	
Type of Licensee	Individual/Partnership Firm/Cooperative Society/Mahasangha of SHG/Govt. Company		
(If individual) Name of father/spouse		Photograph (as in Aadhaar)	
Residential Address			
Or			
(If Partnership Firm) Names of all partners	Partner 1	Partner 2	Partner 3
Photograph (as in Aadhaar)			
Name of father/spouse			
Residential Address			
Whether signatory authority	Yes/No	Yes/No	Yes/No
Or			
(If other entities) Names of all office bearers	Office Bearer 1	Office Bearer 2	Office Bearer 3
Photograph (as in Aadhaar)			
Designation			
Name of father/spouse			
Residential Address			
Whether signatory authority	Yes/No	Yes/No	Yes/No
Name of Distributorship			
Distributorship Code			
Address of Distributorship Godown(s)	Plot No.(s)/Holding No.(s)		Khatian No.
	Street name		Village
	Gram Panchayat/Ward No.		Block/Municipality/Municipal Corporation
	Mouza		JL No.
	Police Station		Sub-Division/Sub-Area
	District/Sub-Control		
	Post Office		Pin Code
	Latitude		Longitude
Office and Godown building details	Size of Godown 1/Single Godown	Length = _____ ft.	Width = _____ ft. Area = _____ sqft.
	Size of Godown 2	Length = _____ ft.	Width = _____ ft. Area = _____ sqft.
	Size of Godown 3	Length = _____ ft.	Width = _____ ft. Area = _____ sqft.
	Size of office	Length = _____ ft.	Width = _____ ft. Area = _____ sqft.

Nature of possession	Godown 1/Single Godown	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
	Godown 2	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
	Godown 3	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
	Office	Ownership/Shared Ownership/NOC from family member/s who owns land/Long-term rental/Lease Agreement			
Boundary of the godown :	Godown 1/Single Godown	North :	South :	East :	West :
	Godown 1	North :	South :	East :	West :
	Godown 2	North :	South :	East :	West :
	Office	North :	South :	East :	West :

Date of Issue of Licence		Valid till	
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The licensee is authorized to run the Distributorship - both mentioned herein, for lifting of specified public distribution commodities from designated godowns and distribution of the same to the Fair Price Shop Dealers under the Public Distribution System.

1. The licensee shall arrange for the lifting of the allotted stocks from the designated storage place within a specified period as prescribed by the licensing authority and shall ensure adequate storage of commodities or as may be allotted to him and shall ensure door-step delivery of those commodities to the Dealers tagged with him.
2. The licensee shall not store or sell any commodity outside the selected public distribution commodities and such other items of daily use as may be allotted to him by the authority.
3. The licensee shall issue a system-generated printed challan against every sale of the commodities to the Dealers.
4. The Distributor shall display an Information Board at a conspicuous place in front of his place of business/godown and in the doorstep delivery vehicle(s) in the manner and form as may be specified by the State Government, which shall contain information like name of licensee, license no., address, name of licensing authority, toll-free number of helpdesk and address(es) of the Departmental website(s).

The Distributor shall also display a notice board at a visible and conspicuous place inside his godown displaying the information regarding daily stock of commodity and category wise public distribution commodities, opening and closing stock of food grains and other commodities, number-wise stacks and nos. of bags in those stacks, etc.

5. The Distributor shall maintain records/registers as specified by the State Government from time to time and shall make daily and/or transaction wise entries in it.
6. The licensee shall ensure the storage of foodgrains in a hygienic way and shall take adequate quality control measures including rodent control measures. Every distributor shall keep the stock of each commodity separately and in neatly arranged stacks for easy identification. There should be alleys in between the stacks of different commodities. He shall attach small Stack Boards to each stack to indicate the quantity both in bags and in weight, pertaining to the stack.
7. The Distributor shall display the sealed samples of food grains and other commodities made available to him by the authorities at the time of their lifting at a conspicuous place in his shop.
8. The licensee shall abide by any instruction as may be given to him by an authority not below the rank of Sub-Inspector under the Food and Supplies Department.

9. The licensee shall not contravene the provisions of any law relating to essential commodities for the time being in force.
10. The license will cease to be valid in the event of the resignation of the licensee or dissolution of a firm formed by a group of people or the dissolution of a registered Co-operative Society or Mahasangha of Self Help Group.
11. The Licensee shall submit the application for renewal of license in online mode on or before the last date fixed for submission of application for renewal on payment of renewal fees as specified by the State Government may.

If the licensee fails to submit the application for renewal within the stipulated period, he may submit application for renewal of license after the last date of application for renewal of license on payment of license renewal fee plus late fee till the date of expiry of the license.

The license, unless an application for renewal of the license is made within the period of validity, will stand expired after the period of validity ends and in that case, the license may be renewed by the licensing authority on realization of the requisite fine within a further period of one month if he thinks that the reason for non-renewal of the license was beyond the control of the licensee

12. Computerized infrastructure to be set up at the godown for integrated management of entry & exit of foodgrains having seamless online connectivity.
13. The Licensee shall comply with all the provisions of the WBTPDS (M&C) Order, 2024 as applicable to the Distributor.

Date and time stamp
of download of Licence

Name of Licensing Authority
Designation