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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 & Supplies

11-A, Mirza Ghalib Street, Kolkata-700 087

NOTIFICATION

No. 4976-FS/Sectt./Food/4P-21/2024— Dated, Kolkata, the 16th October, 2025. —WHEREAS, it has been considered necessary to amend the West Bengal Targeted Public Distribution System (Maintenance and Control) Order, 2024, as subsequently amended, (hereinafter referred to as the said Order), in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Governor is pleased to hereby to make, with an immediate effect, the following amendments in the said Order, namely:-

Amendments

In the said Control Order,-

1. In Clause 44, for Sub-Clause (2), substitute the following:-

"(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 licence, 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 16, Clause 17, Clause 18, Clause 34, Clause 35 and Clause 36 as the case may be; the licensing authority may take steps as follows:

- a) issue a show-cause notice to the concerned Dealer or the Distributor, as the case may be; and thereby ask for explanation in writing for such contravention and/or discrepancy;
- b) place such Dealership or Distributorship licence under suspension till the disposal of the proceedings;
- c) if not satisfied upon the written explanation submitted by the concerned Dealer or Distributor, may give an opportunity of hearing;
- d) after such hearing, for the reasons to be recorded in writing, may impose the penalty, if found guilty, as per the provisions contained in the Part I or Part -II of the Schedule C, as the case may be.

- e) if the imposed penalty amount is not deposited within the stipulated period, the license may be terminated after the expiry of the period of preferring appeal by a separate order."

2. In the said Control Order, for **Clause 45**, *substitute* the following clause:-

"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 e-PoS 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,
- (xiii) do not comply or fails to discharge any of the responsibilities as provided in the Clause 15, Clause 16, Clause 17 and Clause 18,

in all such cases, the licensing authority may take steps as detailed in sub-clause (2) of Clause 44.

- (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 take steps as detailed in sub-clause (2) of Clause 44. However, depending upon the severity of the offence or non-compliance, he may place such licence under suspension immediately till the disposal of the proceedings 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 motu*, 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 FPS or may hamper smooth implementation of public distribution or may lead to law and order situation, he may immediately place such Dealership licence under suspension till the disposal of the proceedings and the licensing authority may take steps as detailed in sub-clause (2) of Clause 44 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**."

3. In the said Control Order, for **Clause 46**, the following clause shall be *substituted*:

"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 immediately place such Dealership licence under suspension till the disposal of the proceedings and the licensing authority may take steps as detailed in sub-clause (2) of Clause 44 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. Further, any excess stock of Public distribution commodity found in the godown of the Dealer shall be treated as build up due to short delivery to the beneficiaries and therefore, shall be regarded as siphoning. The Dealer shall be liable for the penalty as per this clause."

4. In the said Control Order for **Clause 47**, *substitute* the following 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 on 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 take steps as detailed in sub-clause (2) of Clause 44.
- (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 take steps as detailed in sub-clause (2) of Clause 44. However, depending upon the severity of the offence or non-compliance, he may place such licence under suspension immediately till the disposal of the proceedings 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, may immediately place such Dealership licence under suspension till the disposal of the proceedings and the licensing authority may take steps as detailed in sub-clause (2) of Clause 44 and after giving him an opportunity of being heard, if found guilty of any of the contraventions mentioned in those 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**."

5. In the said Control Order, for Clause 48, the following clause shall be *substituted*:

"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 immediately place such Dealership licence under suspension till the disposal of the proceedings and the licensing authority may take steps as detailed in sub-clause (2) of Clause 44 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-II 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 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. Further, any excess stock of Public distribution commodity found in the godown of the Distributor shall be treated as build up due to short delivery to the Dealer and therefore, shall be regarded as siphoning. The Distributor shall be liable for the penalty as per this clause."

6. In **Clause 49, for Sub- Clause (4)**, *substitute* the following:-

"(4) If any licensee convicted under sub-clause (3) is again found to have contravened the aforesaid provisions, the licensing authority, may take steps as detailed in sub-clause (2) of Clause 44."

7. In the said Control Order, for **Clause 58**, the following clause shall be *substituted*:

"58. Review. - The Secretary may *suo motu* 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 or appellate authority, as the case may be, and if he is satisfied that the authority has-

- (a) exercised such powers which are not entrusted to him,
- (b) exercised his powers illegally without considering the facts of the case,
- (c) 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, after issuing notice of hearing and giving reasonable opportunity of being heard, to both the parties i.e. party making the representation and the authority whose order is under challenge."

By order of the Governor,

PARWEZ AHMAD SIDDIQUI,

*Principal Secretary to the Government of West Bengal &
Commissioner, Department of Food & Supplies*