

**PROCEDURAL ASPECTS FOR
DEALING WITH PENAL
PROVISIONS AGAINST
STAKEHOLDERS**

PENAL PROVISIONS AGAINST DEALER AND DISTRIBUTORS

A. PENAL PROVISIONS AGAINST DEALER AND DISTRIBUTORS:

(It is based on West Bengal Targeted Public Distribution System (Maintenance and Control) Order, 2024)

A1. Timeframe for disposal of the proceedings:

Any inspection report needs to be submitted within 21-30 days to the Licensing Authority. All the proceedings initiated shall be disposed of by the Licensing Authority within 60 days. (Max 90 days in special circumstances). **(Clause 50 of the said Order, Page No. 30).**

Appeal and Review

1. **Appellate Authority:** In case of a Dealer, the District Controller, Food & Supplies, shall be the First Appellate Authority and the Director shall be the Second Appellate Authority. In case of a Distributor, the Director shall be the First Appellate Authority and the Secretary shall be the Second Appellate Authority. **(Clause 56 of the said Order, Page No. 33).**

2. **Appeal:** A licensee, may prefer an appeal to the First Appellate Authority within 30 days and then within 30 days after getting order from the First Appellate Authority: **(Clause 57 of the said Order, Page No. 33).**

3. **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 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. **(Clause 58 of the said Order, Page No. 33).**

4. **Deposition of Fees etc.:** 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. **(Clause 52 of the said Order, Page No. 30).**

PENALTY AGAINST FPS DEALER/M R DISTRIBUTORS:

AII. If a Dealer or Distributor or his authorized representative or any other person acting on his behalf, do not comply with the

- a. provisions of this Control Order
- b. do not abide by the terms and conditions as specified in the license, Government orders, Standard Operating Procedures and Guidelines or
- c. 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

Then the licensing authority after giving an opportunity of being heard impose penalty as stipulated in **Part – I or Part –II of Schedule C under Clause 44 of the said Order, Page no.27)**

Clause 16, Page 9 specifies the “Duties and responsibilities of a Dealer” and has specified 17 no. of duty and responsibility. **Clause 17, Page 11** specifies the Manner of distribution of public

distribution commodities to the Ration Card holder and **Clause 18, Page No. 11** specifies the “Working hour and leave of fair price shop”.

Clause 35, Page No. 19 specifies the “Duties and responsibilities of a Distributor” and has specified 20 no. of duty and responsibility. Clause 34 specifies the “Working hour and leave of Distributor”.

Clause 45, Page No. 27 specifies the Penal action against a Dealer for contravention and **Clause 47, Page No. 28** specifies the Penal action against a Distributor for contravention. **Clause 46, Page No. 28** specifies the Punishment for Black marketing, misappropriation or siphoning off etc. of public distribution commodities by Dealer and Clause 48 specifies the Punishment for Black marketing, misappropriation or siphoning off etc. of public distribution commodities by Distributor. **Clause 49, Page No. 29** specifies the power to issue direction and to impose penalty thereof for both Dealer and Distributor.

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 is available at: **Page No. 39 to 42 of Part I of Schedule C** of the said order and 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 at **Page No. 43 of Part II of Schedule C**.

PENALTY PROVISIONS AGAINST FLOUR MILLS

AIII. PENALTY PROVISIONS AGAINST FLOUR MILLS

1. Based on West Bengal Targeted Public Distribution System (Empanelment of Flour Mill, Milling of Atta and its distribution) Guidelines, 2024.
- A ny inspection report needs to be submitted within 21-30 days to the licensing authority. All the proceedings initiated shall be disposed of by the licensing authority within 60 days.
2. **Appeal.** – Any owner of flour mill aggrieved by an order of the District Controller shall, within 30 days from date of receipt of the Order, prefer an appeal to the Director. If the owner of flour mill aggrieved by an order of the Director under this paragraph shall, within 30 days from date of receipt of the Order, prefer an appeal to the Secretary of the Department. **(Clause 31).**

Roles and Responsibilities of the Flour Millers (Clause 19)

- (1) Maintenance of Delivery timelines
- (2) Maintenance of Quality & Quantity Specifications
- (3) Maintenance of Packaging & Labelling norms:
- (4) Private Milling:
- (5) Godown specifications and maintenance of hygiene
- (6) Maintenance of Infrastructure
- (7) Maintenance of Records of Stock:
- (8) Maintenance of Updated Documents
- (9) Duty to comply with order or direction

Clause 21 specifies the Duty to comply with order or direction

Clause 25 specifies the Penal action against a Flour Mill for contravention.

Clause 26 specifies the Punishment for Black marketing, misappropriation or siphoning off etc. of public distribution commodities by Flour Mill.

Clause 27 specifies the power to issue direction and to impose penalty thereof.

Clause 28 specifies the Timeframe for disposal of the proceedings:

All the proceedings initiated under this chapter shall be disposed of by the District Controller/ Director within sixty (60) days.

Clause 30 specifies the 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 by online mode through the GRIPS portal.

Schedule of penalty/fine to be imposed upon the Flour mill for contraventions of the provisions of the West Bengal Targeted Public Distribution System (Empanelment of Flour mill, milling of atta and its distribution) Guidelines, 2024 has been specified in Part I and part II of Schedule A.

PENAL PROVISIONS AGAINST RICE MILL

Penal provision for non-compliance by the Rice Mills:

- Fine or penal measures for minor non-compliances ranges from Rs. 0.50 lakh to Rs. 1 lakh.
- Fine or penal measures for major non-compliance ranges from Rs. 1 lakh to Rs. 2 lakhs. In case the stock of Gunny Bag/HDPE/PP Bags is found short or damaged or quality deteriorated, the Rice Miller shall be liable to pay the cost of Gunny Bag/HDPE/PP Bags at its purchase rate.

Penal provision for delay in delivery of CMR by the Rice Mills:

- Penalty @ Rs. 10 per MT of rice per day till delivery of the CMR, in the event of failure of completing delivery within 15 days in-spite of having issued RRO.
- No paddy allotment shall be made to that Rice Mill, if the Rice Mill fails to deliver rice within 60 days from the date of receipt of paddy till the delivery of CMR against the paddy already taken.
- No paddy allotment shall be made to that Rice Mill, if the Rice Mill fails to deliver rice within 30 days from the date of issuance of RRO till the delivery of CMR for which RRO has been issued. This may also lead to initiation of proceeding under Bengal Public Demand Recovery Act, 1913.