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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  
Food & Supplies Department  
11/A, Mirza Ghalib Street, Kolkata-700087

NOTIFICATION

No. 3842-FS/Sectt./Food/4P-19/2021 (Pt.IV)

Dated, the 1<sup>st</sup> October, 2024

Whereas the Governor is of opinion that it is necessary and expedient to provide necessary Guidelines for empanelment of flour mills / atta chakki to convert wheat into atta and its distribution in pursuance of clauses 61 and 62 of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024;

Now, therefore, the Governor, in supersession of the notification issued vide Order No. 2834-FS/Sectt./Food/4P-14/2013 (Pt-IV) dated, the 6<sup>th</sup> September, 2017 is pleased to notify the following Guidelines for the empanelment of flour mills for milling of atta by them and its distribution:

*Guidelines*

- Short title, commencement and application.**— (1) These Guidelines shall be called the West Bengal Targeted Public Distribution System (Empanelment of Flour Mill, Milling of Atta and its distribution) Guidelines, 2024.
  - (2) It shall come into force from the date of publication in the *Official Gazette*.
  - (3) It shall be applicable to all the flour mills empanelled by the State Government for distribution of atta in lieu of wheat through the public distribution system.
- Definitions.**— (1) In these Guidelines, unless the context otherwise requires,—
  - (a) “Act” means the Essential Commodities Act, 1955 (10 of 1955);
  - (b) “agreement” means the agreement made between the State Government or any officer authorized by the State Government and the owner of flour mill and includes all schedules, supplements, appendices, appendages, notices, notifications and modifications and amendments made thereof in accordance with the provisions of these Guidelines and the Control Order;
  - (c) “atta” means fortified atta or wholemeal atta of the specification as specified by the State Government;

- (d) "Control Order" means the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024;
  - (e) "Director" means the Director of District Distribution, Procurement and Supply or the Director of Rationing, Food & Supplies Department, Government of West Bengal, as the case may be;
  - (f) "District Controller" means District Controller of Food & Supplies or Joint / Deputy Director of Rationing, as the case may be,
  - (g) "flour mill" means the roller flour mill engaged in the business of conversion of wheat into atta and shall include the atta chakki having the infrastructure specified in Appendix-I;
  - (h) "owner of flour mill" includes the proprietor, partner, director or designated partner or shareholder(s) of a flour mill;
  - (i) "State Government" means the Government of West Bengal in the Food & Supplies Department.
- (2) Save as otherwise provided hereinunder, words and expressions used in these Guidelines and not defined shall have the same meaning as defined in the Control Order.

**3. Empanelment of flour mill.** – With a view to control the production and distribution of atta through the public distribution system amongst different categories of ration card holders, the State Government may empanel flour mills in the districts of West Bengal in the manner laid down hereinbelow:

- (1) The State Government may, by notification, invite applications from eligible flour mills for empanelment for the purposes of conversion of wheat into atta through the public distribution system for a district or group of districts.
- (2) There shall be no application fee for applying for empanelment of flour mills for conversion of wheat into atta but each selected flour mill shall have to pay a non-refundable empanelment fee of 5,00,000/- (Rs Five lakh only) before execution of the agreement.
- (3) No person holding a Distributor License or Wholesaler License or Fair Price Shop (FPS) Dealer License under the provisions of Control Order in the capacity of flour mill or owner / proprietor / partner / director or designated partner shall be eligible to apply for selection of his flour mill in the above-mentioned capacity under the scheme of conversion of wheat into atta. If any person applies, suppressing the facts of holding a Distributor License or Wholesaler License or FPS Dealer License under the provisions of Control Order in the capacity of flour mill or owner / proprietor / partner / director or designated partner, his application shall be cancelled or if already empaneled, his empanelment shall be de-empanelled from the panel at any point of time by the State Government.
- (4) Any mill, which was empanelled earlier and has defaulted in supply of atta to the State Government or its Agency or has not maintained the proper quality of atta or whose performance has not been found satisfactory or any criminal proceedings are pending or have been initiated against the flour mill or its owner / proprietor / partner / director or designated partner under EC Act or any criminal proceedings are pending or have been initiated by the department against the flour mill or its owner / proprietor / partner / director or designated partner, shall not be eligible to apply for empanelment.
- (5) The State Government reserves its right to, without assigning any reason, to:–
  - (i) not to empanel all the flour mills who have applied; or
  - (ii) select only that number of flour mills as it may consider as required for conversion of wheat into atta for the district and/or a group of districts; or
  - (iii) empanel only those flour mills which it may consider are good performing or would perform satisfactorily as per the provisions of these Guidelines and Control Order.
- (6) Mere submission of application and/or fulfilling the eligibility criteria and/or deposition of empanelment fee or renewal fee does not make a flour mill eligible for empanelment or renewal.

**4. Empanelled flour mill to do certain acts with the prior consent of State Government.** – (1) The flour mill or owner / proprietor / partner / director or designated partner of a flour mill during the stipulated tenure of the agreement shall not transfer the ownership / proprietorship / partnership / directorship or designated partnership of the mill or lease or assign its business to any other person or reconstitute the partnership without the prior approval

of the State Government. The State Government shall have every right to withhold such permission if it deems fit and proper. If any flour mill is found to have transferred the ownership / proprietorship / partnership / directorship or designated partnership of the flour mill or leased it out or assigned its business to any other person or have reconstituted the partnership by suppressing the above stated facts during the stipulated tenure of the agreement, the said flour mill shall be de-empanelled from the panel.

- (2) The empanelled flour mill shall not indulge in private milling or engage in any activity for commercial purpose except with the prior written consent of the State Government.
  - (3) The empanelled flour mill shall not enter into any arrangement or contract or understanding whereby the operation of the flour mill may be controlled or carried out or leased out or financed by any other person, firm or company or LLP, directly or indirectly, without the prior express written consent of the State Government.
  - (4) The flour mill shall not affect any change in its constitution, whether in the identity of its entity or partners or in the share / shareholding or any of them or in the terms of the deed of partnership or of the bye-laws, as the case may be, without the prior written consent of the State Government.
5. **Application for selection of flour mill for empanelment.** – (1) Flour mill or an owner / proprietor / partner / director or designated partner of a flour mill desirous to be empanelled by the State Government shall make an application to the State Government in **Form K** prescribed under these Guidelines.
- (2) The State Government may invite the applications in online or offline or in combined mode.
  - (3) Notwithstanding anything contained in the application form or **Appendix-I** to these Guidelines, the State Government may, on receipt of the application for empanelment, seek additional information or document on any parameters as it may deem fit and proper in the public interest and shall undertake the empanelment procedure only after receipt of such information from the said applicant or may not proceed with the process if such additional information or document is not received in prescribed format or within prescribed date.
6. **Procedure for Inquiry and Selection of Flour Mill.** – (1) The State Government shall constitute a High Powered Enquiry Committee for determination of effective / net production capacity of a flour mill and for ascertaining the suitability of the mill and its owner / proprietor / partner / director or designated partner for empanelment and subsequent execution of agreement.
- (2) The State Government may also constitute Enquiry Teams as many as required for inspection of flour mills, ascertaining the constitution, ownership, land details, plant & machinery installed, capacity, examine and verify documents, NOCs & clearances and determination of effective / net production capacity of a flour mill and for ascertaining the suitability of the mill and its owner / proprietor / partner / director or designated partner for empanelment and subsequent execution of agreement.
  - (3) The High Powered Enquiry Committee shall examine the Inspection Report of the Enquiry Teams and make its recommendation to the State Government for selection of flour mills for empanelment. The State Government may or may not agree with the recommendation and select such flour mills for empanelment. In case, the State Government does not agree with the said recommendation, it may ask the High Powered Enquiry Committee to make arrangement of re-inquiry of the application by the same team or another team for taking its final decision or it may get the case inquired through another team and take a decision.
7. **Signing of Agreement and Security Deposit.** – (1) The selected flour mill shall enter into an agreement clearly mentioning the duration of Agreement with respective District Controller, according to proforma prescribed by the State Government within 15 (fifteen) days from the date of offer. The agreement shall be duly notarized with Notarial certificate.
- (2) The empanelled flour mill has to deposit a Security Deposit in the form of a Bank Guarantee from the Scheduled commercial banks excluding Foreign Scheduled Banks valid till the last date of the agreement with a claim period of, at least, 3 (three) months beyond the validity period of the agreement.
  - (3) The flour mill or owner / proprietor / partner / director or designated partner of mill shall submit valid Bank Guarantee to the tune of one time of economic cost of the estimated monthly quantum of wheat to be allocated:

Provided that the economic cost is variable and may change from time to time and the owner of the mill shall be liable to submit revised / additional Bank Guarantee in accordance with the quantity and economic cost of wheat for allocation for a particular month.

- (4) The State Government may also ask for submission of additional Bank Guarantee to be submitted by a flour mill depending upon additional quantity of allocation of foodgrains or the credibility or performance of the flour mill.

**8. Validity, renewal etc. of empanelment.** – (1) Every agreement of empanelment made in accordance with these Guidelines shall be valid for the period of one (1) year. The agreement, unless an application for renewal is made within the period of validity, shall stand terminated after the expiry of the validity period.

- (2) The respective District Controller of Food & Supplies with prior permission of the Director may renew the empanelment and execute a fresh agreement with such terms and conditions as deemed necessary at the time of renewal after expiry of one year for another one (1) year or part of a year each time subject to a maximum period of two (2) years on satisfactory performance of the previous year and subject to fulfilment of provisions mentioned in Clause 8. The State Government may renew the empanelment for only a part of the year also.
- (3) The application for such renewal of empanelment shall be made at least sixty (60) days before the expiry of the validity period of the agreement.
- (4) Mere satisfactory performance may not be a sole criterion for renewal of empanelment of a flour mill. While considering the renewal of the flour mill, the State Government reserves its right to:
- not to renew the empanelment of all the mills who are empanelled for the year prior to the year of renewal; or
  - renew empanelment of only that number of flour mills as it may consider necessary for conversion of wheat into atta at that point of time; or
  - renew empanelment of only those flour mills which it may consider good performing or would perform satisfactorily as per the provisions of these Guidelines and Control Order.
- (5) State Government may not renew empanelment of a flour mill, which has defaulted in supply of atta to the State Government or its Agency or has not maintained the proper quality of atta or whose performance has not been satisfactory or any criminal proceedings are pending or have been initiated against its owner / proprietor / partner / director or designated partner.
- (6) The selected flour mill shall have to pay annual renewal fee of 1,00,000/- (Rs. One lakh only) for each such renewal.
- (7) The State Government may ask an empanelled Flour Mill to deposit a Bank Guarantee of such amount with such terms and conditions, validity period and claim period as may be required at the time of the renewal of empanelment depending upon economic cost of the quantity of allocation of wheat or the credibility or performance of the flour mill.
- (8) The flour mill as may be renewed for empanelment hereunder shall have to execute an agreement again for the renewed period and to abide by the terms and conditions of the agreement and submit Bank Guarantee as may be required and incorporated in the agreement.
- (9) The agreement for renewal, *inter alia*, shall specify clearly that –
- The flour mill must turn up in time and lift the allotted wheat from the concerned godowns;
  - The flour mill shall mill the wheat and pack the atta within the stipulated time frame as per the procedure laid down by the State Government;
  - It shall deliver the resultant atta in time as per direction of the District Controller of Food & Supplies or Joint / Deputy Director of Rationing;
  - The wheat delivered must have the desired quantity at the prescribed out turn ratio and conform to the requisite quality specifications;
  - It shall deliver the resultant atta as per the quality specification and in the packaging as specified and shall also ensure a minimum shelf life and best before period as specified by the State Government.

(10) Breach of any clause of the said agreement or any directions as may be issued by the Director or District Controller or the State Government from time to time in this regard shall be deemed to be a violation of these Guidelines, agreement and Control Order and shall attract penal action accordingly. Breach of any clause of the said agreement, these Guidelines, Control Order or any directions as may be issued by the Director or District Controller or State Government may lead to suspension, make the flour mill as defaulter, de-empanelment or refusal to renew the empanelment or reduction in the allocation of quantity of wheat to the flour mill.

9. **Infrastructure needed for empanelment.** – (1) A flour mill desirous to be empanelled by the State Government shall need to put in place such infrastructure and install such plant and machinery as given in **Appendix-I** at the time of making the application and inquiry and shall maintain such infrastructure and such plant & machinery throughout the period of empanelment at all times.

(2) All the machineries shall have the installation certificate from the General Manager, District Industries Centre of the concerned district and shall be in running condition on the date of submission of application for selection and throughout the period of empanelment.

(3) The flour mill should have such other infrastructure and should fulfill such other terms and conditions as may be specified by the State Government at the time of inviting the applications for empanelment.

(4) For the purpose of determining effective / net production capacity of a mill, the crushing capacity, cleaning capacity and the output generated from its packaging capacity, whichever is minimum, shall be considered as the effective / net capacity for the purpose of empanelment. However, such assessed effective / net capacity is only for assessment purpose and may not be a ground for allocation of wheat for milling as per the capacity so assessed.

10. **Allocation of wheat.** – (1) Tentative quantum of monthly allotment to a particular flour mill will be made by the Director with the prior approval of the State Government.

(2) The Director shall make normal monthly allotment of wheat to concerned District Controller with the prior approval of the State Government.

(3) After a flour mill is empanelled by the State Government for a particular district and after execution of the agreement, the concerned District Controller may tag such number of distributors with a particular empanelled flour mill, as deemed necessary irrespective of its net / effective production capacity, allocate wheat meant for such distributors to the flour mill for crushing and proper distribution of atta through the public distribution system.

(4) The concerned District Controller shall allocate wheat to the concerned flour mill meant for a distributor tagged with such flour mill on a fortnightly or monthly basis irrespective of its full production capacity.

(5) The flour mill shall not insist on allocation of wheat or allocation of a desired or demanded quantity of wheat or allocation of a quantity as per the milling capacity or effective / net milling capacity of the flour mill or allocation with any particular district or distributor(s) or on the ground that it is not engaging itself in any private milling or any other ground.

(6) The State Government or the Director or the District Controller reserves the right to:

f. not to allocate any wheat to a flour mill for a month or for any number of months; or

g. to reduce / alter the allocated quantity anytime without assigning any reason; or

h. may alter the allocated quantity at any point of time.

11. **Procedure for lifting and milling of wheat.** – (1) Distributors shall obtain indents from the concerned Sub-divisional Controller of Food and Supplies or Rationing Officers and lift the stock of atta, as the case may be, from the assigned flour mill on deposition of money at the rate, if any, fixed by the State Government.

(2) In case there is no flour mill or there are insufficient flour mills in a District or no mill qualifies for selection or operation of any existing running mill in a district is suspended or its agreement is terminated the concerned Director shall, with the approval of the State Government, engage temporarily an empanelled mill from the adjoining district for milling of wheat of the distributors tagged with the closed or suspended flour mill:

Provided that such temporary engagement does not create any right whatsoever in favour of the tagged mill for future engagement or allocation of wheat.

- (3) (a) The selected flour mill shall bring it to the notice of the concerned District Controller the stock of unlifted atta, if any, within 3(three) days from the last date of lifting and on receipt of the notice, the District Controller of Food & Supplies or the Joint / Deputy Director of Rationing, as the case may be, shall review the situation and ensure that the entire unlifted stock of atta is lifted and distributed amongst the consumers within the month.
  - (b) Unlifted atta remaining with any flour mill in a particular month shall be carried forward to the next month and adjusted against the next month's allotment of wheat.
  - (4) The flour mill shall convert atta from wheat at an out turn ratio of not less than 95%, refraction of 1% will be allowed for cleaning and 4% for debraning to the maximum.
  - (5) The atta produced by the flour mill should be produced adhering to the best industry process practices maintaining all the requirements of cleaning and drying of wheat, milling and packaging and packaged product shall conform to quality parameters as specified in the IS: 1155:1968.
  - (6) The atta is to be delivered to the distributors, after due quality analysis and receipt of test reports, within maximum five (5) days from the date of packaging.
  - (7) (a) All decisions regarding allocation of wheat shall be at the discretion of Director or the Secretary, Food & Supplies Department, Govt. of West Bengal and his decision thereon shall be final.
  - (b) The State Government and the Directorates do not guarantee any definite volume of work relating to conversion of wheat to atta within the period of contract.
- 12. Packaging.** – (1) The packets of atta shall be of prescribed material and stitched / locked in such a way that the quality of the atta is ensured up to Best Before Period.
- (2) The flour mill shall pack the atta in packets of 950 g, or any other quantity as may be specified, in properly labelled poly-packs having thickness of 50 microns or above.
  - (3) Each packaging of atta shall bear a printed label as prescribed by the State Government. The packaged atta milled from one allocation must have a label / stencil mentioning the **Batch Number, Date of Packaging, Date of Expiry** and clear instructions saying “**SHOULD BE CONSUMED WITHIN THIRTY (30) DAYS FROM THE DATE OF PACKAGING**”.
  - (4) Each delivery bag containing 50 (fifty) packets of atta, weighing about 950 g each, should have packets of the same batch number only.
  - (5) The delivery bag containing the packets of atta must have a label/stencil mentioning the **Batch Number, Date of Packaging, Date of Expiry** and clear instructions saying “**SHOULD BE CONSUMED WITHIN THIRTY (30) DAYS FROM THE DATE OF PACKAGING**”.
- 13. Obligation of the owner / proprietor / partner / director or designated partner of a flour mill regarding post empanelment infrastructure.** – (1) The owner of a flour mill shall have to –
- i). install CCTVs and Cameras at the places of Storage, Cleaning, Milling, Packaging and Storage, Transportation points within one month from the date of offer of selection;
  - ii). ensure computerised infrastructure with internet and competent manpower as per the agreement;
  - iii). maintain record of the quantity of wheat received and atta supplied by them and shall be required to submit a monthly report in the prescribed format to the concerned District Controller of Food & Supplies or the Joint / Deputy Director of Rationing, as the case may be;
  - iv). use dunnage of, at least, 300 gauge black polythene sheets at storage points of both wheat and atta;
  - v). have a particular Dress Code preferably of white colour for its workers and staff. All the workers of flour mills should use Hand Gloves during working hours positively, particularly in production and packing units. All the workers of flour mills should use Rubber Shoes during working hours positively.
  - vi). cover the entire floor and wall upto 5 ft. inside the packaging unit of all flour mills with white colour marbles or tiles.
  - vii). segregate the storage areas of Wheat and Atta and also that of private stock, if any, maintained by the flour mill and also install display signage / labels to clearly identify each stock properly and at all times.

