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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

11A, Mirza Galib Street, Kolkata-700087

NOTIFICATION

No. 2502-FS./Sectt/Food/4P-09/2012 – Kolkata, the 15th June, 2023. – **WHEREAS** it has been considered necessary to amend the West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013, as subsequently amended, (hereinafter referred to as the said Control Order), in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the power conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Governor is pleased hereby to make, with an immediate effect, the following amendment in the said Control Order, namely: –

Amendments

In the said Control Order, –

(1) in clause 16–

(a) for sub-clause (a), *substitute* the following sub-clause:–

“(a) If it appears necessary for the District Administration or the Director of Rationing to declare a new vacancy of dealer for catering to the need of consumers in any particular area, the vacancy has to be declared with the approval of the State Government. In that case the concerned Rationing Officers shall submit the proposal of such vacancy to the concerned Joint/Deputy Director of Rationing, who, in turn, shall send the same to the Director. The Director shall examine the proposal, if necessary, make re-enquiry and send the proposal to the Department for approval.”;

(b) in sub-clause (ai), –

(i) for the words “the Director of Rationing”, *substitute* the words “Rationing Officer”; and

(ii) add the following *proviso*: –

“Provided that in case of re-notification of any vacancy on account of non-availability of suitable candidates against such vacancy, the District Fair Price Shop Selection Committee shall make its recommendation for re-notification of the vacancy and thereafter such vacancy shall be published by the licensing authority on getting approval from the State Government:

Provided further that if there is no application against a vacancy, the Licensing Authority shall re-notify the vacancy with the approval of the Director of Rationing in case of Sub-Control of Kolkata South and Kolkata North and with the approval of the District Magistrate in case of other Sub-Control.”;

- (c) in sub-clause (b), for the words “Director of Rationing, West Bengal shall notify the vacancy”, *substitute* the words “Rationing Officer shall publish the vacancy notice”;
- (d) for sub-clause (e), *substitute* the following sub-clause: –

“(e) On receipt of the application in Form A-1 (Schedule-H) alongwith annexure I, requisite fee as prescribed in Schedule B and corroborative documents as per checklist within the stipulated period, the Rationing Officer shall process the case and get the case enquired into by competent officer or group of officers and send a report in the Form prescribed in Schedule-Y with his comments in the Form prescribed in Schedule-Z to the concerned Joint Director/Deputy Director of Rationing. The said Joint Director/Deputy Director of Rationing shall place the matter before the District Level Fair Price Shop Selection Committee and forward their decision with his comments to the Director of Rationing. The Director of Rationing, in turn, shall forward the same to the Department with his specific opinion for approval. After obtaining approval, the Rationing Officer shall issue an offer letter as per Schedule V to the approved candidates/organization with the direction for furnishing recent passport size photograph(s), security deposit and licensing fee:

“Provided that the State Government may, for the reasons to be recorded in writing, cancel the vacancy at any time before the approval is granted.”;

- (e) for sub-clause (ea), *substitute* the following sub-clause: –

“(ea) The entire process of selection of dealers shall, as far as possible, be completed as per the date schedule specified in the Table below:–

Table

Sl. No.	Particulars	Period
1.	Last date of submission of the application by the applicant	Thirty days from the date of publication of vacancy notice on the official website of the Department or publication of indicative advertisement in the newspaper, whichever is later.
2.	Completion of the enquiry by the Rationing Officer or his authorised officer and submission of report thereof to the Joint/Deputy Director of Rationing	Twenty-one days from the last date of submission of the application.
3.	Submission of report by the Joint/Deputy Director of Rationing to the District Fair Price Shop Selection Committee.	Five days from the date of receipt of enquiry report from the Rationing Officer.
4.	Submission of report by the Joint/Deputy Director of Rationing to the Director of Rationing.	Five days from the date of receipt of recommendation from the District Fair Price Shop Selection Committee.
5.	Submission of report by the Director of Rationing to the State Government	Three days from the date of receipt of report from the Joint/Deputy Director of Rationing.”.

- (2) in clause 30, –

- (a) in sub-clause (i), for the words “A dealer being aggrieved by an order of the licensing authority passed under clause 29 of this Order may prefer an appeal to the Joint Director/Deputy Director of Rationing”,

- substitute* the words “A dealer being aggrieved by an order of the licensing authority denying the issue or renewal of license to the fair price shop owner, or by an order passed under clause 29 of this Order may prefer an appeal to the Joint Director/Deputy Director of Rationing”;
- (b) in sub-clause (ii), for the words and figures “A wholesaler being aggrieved by an order of the licensing authority passed under clause 29 of this Order may prefer an appeal before the Director of Rationing”, *substitute* the words and figures “A Wholesaler being aggrieved by an order of the licensing authority denying the issue or renewal of license to the wholesaler or by an order passed under clause 29 of this Order may prefer an appeal to the Director of Rationing”.
- (3) In Schedule B, in the table under the sub-heading “Dealers/F.P.S. licencees”,
- (i) for the figure “33A” appearing at two places in the third column titling “Clause”, *substitute* the figure “31A”; and
- (ii) for the word and figure “Sl. No. 7”, as mentioned in second column of Category/item no. 9, *substitute* word and figure “Sl. No. 8”;
- (4) In Form A-1 of Schedule H, –
- (a) in sl. No. 40 of Part – V, –
- (i) for item “b.”, *substitute* the following item:–
- “b) No. and date of execution of registered lease deed / date of execution of registered /notarized tenancy agreement or Leave & license agreement;”;
- (ii) for item “c.”, *substitute* the following item:
- “c. Period of lease/tenancy/Leave & license agreement.”;
- (b) In the Checklist to Form A-1, in Part IV, in Sl. No. 19, for item “b.”, *substitute* the following item: –
- “b. Registered Lease Deed or registered/notarized tenancy agreement or Leave & license agreement;”.
- (5) In Form A-1a of Schedule H1, –
- (a) in sl. No. 24 of Part – IV, –
- (i) for item “b)”, *substitute* the following item:–
- “b) No. and date of execution of registered lease deed / date of execution of registered /notarized tenancy agreement or Leave & license agreement;”;
- (ii) for item “c)”, *substitute* the following item:–
- “c) Period of lease/tenancy/Leave & license agreement.”;
- (b) In the Checklist to Form A- 1a, in Part III, in Sl. No. 18, for item “b.”, *substitute* the following item: –
- “b. Registered Lease Deed or registered/notarized tenancy agreement or Leave & license agreement;”.

By order of the Governor,

PARWEZ AHMAD SIDDIQUI, IAS
Secretary to the Government of West Bengal.
Department of Food & Supplies