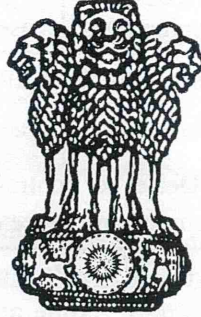


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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Food and Supplies

11A, Mirza Galib Street, Kolkata - 700087

NOTIFICATION

No. 506-FS/Sectt/Food/4P-09/2012(Pt)–Kolkata, the 30th January, 2024.— 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) for the words “Fair Price Shop Owner”, wherever it occurs, *substitute* the words “Fair Price Shop Dealer”;
- (2) in clause 26,—
 - (a) for sub-clause (9), *substitute* the following sub-clause:—

“(9) Every dealer shall render all support during social audit to be conducted by formal and informal institutions as prescribed by the State Government.”;
 - (b) after sub-clause (11), *insert* the following sub-clause:—

“(11A) The Dealer shall not deny distribution of foodgrains to any eligible beneficiaries, who have migrated to this State, having the valid AAY, SPHH or PHH ration card under the Food Security Act;

“(11B) The Dealer shall not deny distribution of foodgrains to any eligible beneficiaries, having the valid ration document of AAY, SPHH, PHH, RKS Y I and RKS Y 2, even though such beneficiary may not be a lagged with the fair price shop of the said Dealer.”;
- (3) for sub-clause (3) of clause 29B, *substitute* the following clause:—

“(3) If any Dealer convicted of an offence under clause (1) or clause (2) is again found to have contravene the aforesaid 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 the reasons recorded to be in writing, either impose a penalty or terminate his license as stipulated in **Part I of Schedule B.**”

(4) for PART - II of Schedule B, *substitute* the following PART:-

“PARI II

Schedule of penalty/fine to be imposed upon the Dealer for contraventions of the provisions of West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013

| <u>Sl. No.</u> | <u>Offences/contravention under relevant Clause</u> | <u>Penalty for first offence/contravention</u> | <u>Penalty for second time offence/contravention of same provision</u> | <u>Penalty on third time or subsequent offence/contravention of same provision</u> |
|----------------|--|---|--|--|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Contravention of any of the provisions of sub-clause (1) to (10) of clause 26 | 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/- | 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/- | The licensing authority may 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/- and the Licensing Authority may also place dealer's license under suspension immediately for minimum 3 three months and maximum 6 month and after giving an opportunity of being heard and for the reasons recorded to be in writing, reduce the volume of business (upto 50% quantity) according to the gravity of the offence. |
| 2. | Contravention of any of the provisions of sub-clauses (11) to (21) of clause 26. | Fine of minimum of Rs. 5,000/- for each of (he 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/- | 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/- | In addition to imposing the fine as provided for second time contravention, the Licensing Authority may place the dealer'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 the dealer an opportunity of being heard and for the reasons recorded to be in writing terminate the license if not satisfied with the response. |

| <u>Sl. No.</u> | <u>Offences/contravention under relevant Clause</u> | <u>Penalty for first offence/contravention</u> | <u>Penalty for second time offence/contravention of same provision</u> | <u>Penalty on third time or subsequent offence/contravention of same provision</u> |
|----------------|---|---|---|--|
| (1) | (2) | (3) | (4) | (5) |
| 3. | (4) Offence of not implementing the door step delivery scheme framed under clause 26A. (5) Offence of non-participation in door step delivery scheme framed under clause 26A. (6) Offence of only issuing ePoS slip or making entries in ePoS at a place away from FPS but distributing foodgrains from FPS and not in the Para/Mohalla of the assigned cluster of the day. | (4) Fine of minimum of Rs. 25,000/- which may be extended to maximum of Rs. 50,000/-; (5) Fine of minimum of Rs. 50,000/- which may be extended to maximum of Rs. 1,00,000/-; (6) Fine of minimum of Rs. 50,000/- which may be extended to maximum of Rs. 1,00,000/-; | (4) Fine of minimum of Rs. 50,000/- which may be extended to maximum of Rs. 1,00,000/-; (5) Fine of minimum of Rs. 1,00,000/- which may be extended to maximum of Rs. 2,00,000/-; (6) Fine of minimum of Rs. 1,00,000/- which may be extended to maximum of Rs. 2,00,000/-; | (4) Fine of minimum of Rs. 1,00,000/- which may be extended to maximum of Rs. 2,00,000/-; (5) The licensing authority may place the dealer's license under suspension for 3 (three) months immediately and after giving an opportunity of being heard and for the reasons recorded to be in writing, shall terminate the license, if not satisfied with the response. (6) Termination of license after giving an opportunity of being heard and for the reasons recorded to be in writing. |
| 4. | Commission of offence under sub-clause (2) of clause 29B | Fine of minimum of 1½ (one and half) times and maximum of 3 (three) times the economic cost of the foodgrains and also a minimum fine of Rs. 50,000/- for an offence of black marketing or misappropriation or siphoning off foodgrains meant for public distribution | Fine of minimum of 2 (two) times and maximum of 3 (three) times the economic cost of the foodgrains and also a minimum fine of Rs. 1,00,000/- for an offence of black marketing or misappropriation or siphoning of foodgrains meant for public distribution. | Fine of minimum of 3 (three) times the economic cost of the foodgrains and also a minimum fine of Rs. 2,00,000/- for an offence of black marketing or misappropriation or siphoning off foodgrains meant for public distribution or terminate the license. |
| 5. | For violation of the direction under clause 31A | Rs. 10,000/- for an offence not covered under Sl. No. 1 to 3. | Rs. 20,000/- for an offence not covered under Sl. No. 1 to 3. | Rs. 50,000/- for an offence not covered under Sl. No. 1 to 3.”. |

By order of the Governor,

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