

The



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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. 86-FS./Sectt/Food/4P-09/2012(Pt-III) – Kolkata, the 5th December 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) the provisions under clause 16A shall be re-numbered as sub-clause (2) of that clause and before the said sub-clause (2), so re-numbered, following sub-clause shall be inserted: –

“(1) In case a Dealer has resigned or his license has been suspended, or cancelled or terminated, the concerned Licensing Authority tags the ration cards of such Dealer to a nearest fair price shop.”.

- (2) after clause 20, insert the following clause: –

“20A. Bar to shifting of shop and/or godown. (1) After the grant of a license under this Control Order, a licensee shall not be permitted to shift his shop and/or godown save and except on the following grounds:—

- (i) It is not possible to run the business due to dilapidated condition of the existing shop and/or godown; or
- (ii) The beneficiaries tagged with the fair price shop are facing inconvenience due to location of the shop and/or godown at far distance;
- (iii) The licensee is evicted from the premises by virtue of Court order;
- (iv) The location of the shop and/or godown is as such, that has been causing traffic disruption in the locality.

- (2) A licensee desirous to shift his shop and/or godown may submit an application for such shifting before the Licensing Authority after fulfilling the following condition:-
- (i) Proposed shifting must be within 1 (one) km for fair price shop and within 20 kms for distributor's godown from the existing shop and/or godown;
 - (ii) the size and shape of the new shop and/or godown is as per the specification notified by the State Government;
- (3) On receipt of the application, the concerned Licensing Authority shall process the application and get the case enquired into by a competent officer or group of officers and submits the report alongwith his recommendation: -
- (i) to the Director through the Joint/Deputy Director, in case the applicant is a Fair Price Shop owner; or
 - (ii) to the Director in case the applicant is a Wholesaler.
- (4) On receipt of the recommendation from the Joint Director/Deputy Director, the Director shall consider the recommendation and also form his own opinion regarding shifting of shop and/or godown and after being fully satisfied with suitability of the shop and/ or godown, accord approval of shifting on payment of a shifting fee of Rs. 5,000/- in case of Fair Price Shop and Rs. 20,000/- in case of wholesaler.";

(3) after clause 29C, insert the following clause: -

"29D. Tagging of Wholesaler. - (1) In case a wholesaler has resigned or his license has been suspended, or cancelled or terminated, the concerned Licensing Authority tag the Dealers attached with that wholesaler to one or more nearest wholesaler preferably located within the range of 30 kilometers.

(3) Notwithstanding anything contained in sub-clause (1), in case a wholesaler has resigned or his license has been suspended, or cancelled or terminated and the concerned Licensing Authority finds that no wholesaler within the range of 30 kilometers is available for tagging of the ration cards, he may select a wholesaler located beyond 30 kilometers.

(4) Every tagging made under this clause is purely temporary in nature and such temporary tagging shall not create any right whatsoever in the favour of the wholesaler with whom the dealers are tagged and such tagging shall automatically deemed to be expired after a period of six months until it is extended by the licensing authority for a further period of six months or until reinstatement of the suspended wholesaler or a new license is issued against such vacancy, whichever is earlier."

(4) For Schedule HI, substitute the following Schedule:-

"Schedule-HI	FORM A-Ia
GOVERNMENT OF WEST BENGAL Application for Issue of Licence for FPS Dealership under Compassionate Ground along with Checklist [Vide clause 16 (c) of WBLPDS (M&C) Order, 2013]	Self-attested Photograph(s) of applicant

No field should be left blank. If not applicable, write "Not Applicable"

Part- I (Primary Details of previous vacancy)	
1. Code and Place of existing FPS dealership:	
2. Licence renewed till which year:	
3. Name of deceased/incapacitated dealer:	
4. Date of demise/incapacitation:	
5. In case of incapacitation, reason and details:	

Part- II (Primary Details of applicant)							
6. Name of the applicant:							
7. Name of father/mother/husband:							
8. Relation with deceased/incapacitated proprietor:							
9. Date of birth:							
10. Citizenship:							
11. Aadhaar No:							
12. PAN of the applicant:							
13. Residential address(es):							
14. Permanent address(es):							
15. Whether physically and mentally fit:							
16. Mobile No(s) & email id:							
17. Educational qualification:							
Part-III (Existing Storage Godown and Office/Shop-Counter Details)							
18. Full address of the Shop-cum-Godown as reflected in last renewed license with Dag No., Khatian No., Mouza, J.L. No., Village, Gram Panchayat, Block, Police Station and Pin Code (in case of rural area) or Holding No., Street Name, Ward No. Municipality, Police Station and Pin Code (in case of Municipal Area)							
19. Whether the same Shop-cum-godown would be in use now:							
20. If any change has happened in address of the shop-cum-godown despite the premise remaining same and identical, then mention the reason for change:							
21. Whether an altogether new shop-cum-godown is being proposed: Yes/No							
a) If yes, then reason for such change							
b) Distance of offered shop-cum godown from the existing shop-cum godown							
Details of the proposed shop-cum-godown:							
22. Godown with separate Office Space: Yes/No (If yes, then fill 22a., 22b., 22c., 22d.)							
a. Full address of the Shop-cum-Godown with : Dag No., Khatian No., Mouza, J.L. No., Village, Gram Panchayat, Block, Police Station and Pin Code (in case of rural area) or Holding No., Street Name, Ward No. Municipality, Police Station and Pin Code (in case of Municipal Area)							
b. In case of multiple compartments of godown (not more than 2):							
<table border="1"> <thead> <tr> <th>No. of compartments</th> <th>Total area in sq. ft. (L × B compartment-wise)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		No. of compartments	Total area in sq. ft. (L × B compartment-wise)				
No. of compartments	Total area in sq. ft. (L × B compartment-wise)						
c. Size of the shop-counter/office (Area in sq. ft): Length x Breadth:							
d. Whether godown and shop-counter/office are adjoining/connected : Yes/ No							

23. Godown without separate Office Space: Yes/No
(If yes, then fill 23a.,*23b.)

- a. Full address of the Shop-cum-Godown :
with Dag no., Khatian No., Mouza, J.L. No.,
Village, Gram Panchayat, Block, Police Station and
Pin Code (in case of rural area) or Holding No.,
Street Name, Ward No., Municipality,
Police Station and Pin Code(in case of Municipal Area)
- b. Size of the shop-cum-godown (Area in sq.ft.):
Length x Breadth:

24. Boundary of the godown:

East	
West	
North	
South	

25. Whether the Shop-cum-godown has a verandah with shed to accommodate at least 5 (five) people, who may wait in the queue: Yes/No

26. Height (chamber-wise) of the Godown (in ft.):

27. Whether constructions of shop- counter/office and godown are pucca, brick or mortar wall :

28. Structure of roof of the godown:

	Structure of roof	Please tick in the appropriate box
a	Made of concrete slab/brick slab	
b	Made of asbestos/tin sheet with coating of bitumen	
c	Made of asbestos/tin sheet without coating of bitumen	

Note: Kutchra or thatched roof is not allowed.

29. Structure of floor (cemented/tiles):

30. Construction status of floor, wall and roof of the proposed godown is: (Please tick in the appropriate box)

a	Complete in all respect	
b	Floor is otherwise ready but tiles/cement finishing is not done	
c	Roof is covered with asbestos sheet/tin but do not have bituminous coating	

31. Plinth height of each godown from the road level and ground level (in ft.):

32. Whether delivery truck can reach the godown for unloading: Yes/No
If not, whether the godown is accessible by small carts for loading: Yes/No

33. Character of land of the premises :
'commercial/ homestead/non-agricultural land'.

Part-IV (Nature of Possession of the Storage Godown and Office/Shop-Counter)

34. Nature of Possession	Please tick in the appropriate box
a. Ownership (including NOC from family members)	
b. Long term rental/Lease agreement	
c. Any other form (please specify)	

35. In case of ownership/shared ownership:

- a. Mode of acquisition: Gift/Purchase/Inheritance/Others
- b. No. and date of execution of Registered deed of conveyance/purchase/gift in the name of applicant/
Mutation Certificate (enclose copy)
- c. Extent of ownership: Absolute/Shared
- d. If shared, whether other co-owners have given NOC? :
If yes, attach the copy of NOC/ Affidavit sworn in before a Magistrate

36. In case of property owned by a family member of the applicant:

- a. Mode of acquisition: Gift/Purchase/Inheritance/Others :
- b. No. and date of execution of Registered deed of conveyance/purchase/gift in the name of applicant/
Mutation Certificate (enclose copy)
- c. Extent of ownership: Absolute/ Shared
- d. If shared, whether other co-owners have given NOC? :
If yes, attach the copy of NOC/Affidavit sworn in before a Magistrate

37. Leased/Rental Possession

- a. Name(s) of owner(s) of the premises
- b. No. and date of execution of Registered/Notarized Lease Deed or Tenancy or Rental Agreement for at least 4 years or leave & licence Agreement (enclose copy)
- c. Period of lease/tenancy/leave & licence under registered agreement deed :
- d. Whether expressly rented/leased for FPS as per deed

Part- V (Other details)

38. Prior experience of business, if any.	
39. If yes, give details with nature and area of business	
40. Monthly income from sources other than the FPS Dealership (if has an SKO Dealership licence, income from such source is not to be accounted for here):	
41. Whether holding a license of FPS Dealer or MR Distributor or wholesaler in his name or he is a relative to a person as per clause 2(xa) of the WBUPDS (M&C) Order, 2013, who already have a dealer or distributor or wholesaler license. If yes, give details.	
42. Whether a member of local bodies, local authority, Panchayati Raj Institutions, board or corporation, or Member of Legislative Assembly or a Member of Parliament during his tenure as such capacity.	

43. Whether a person holding a post in the establishment of any State Government or Central Government or any authority or body or institution of Local self-government established or constituted by or under the Constitution or by any other law made by the Parliament or a State Legislature or by notification issued or order made by the Central Government or a State Government.	
44. Whether has the person ever been convicted under EC Act, 1955 or in any other criminal proceedings connected with essential commodities or has/have litigation against the Department/Govt. (If so, details thereof, else declaration in Annexure-I)	
45. Whether involved in litigation against Govt, of WB or of India in any court of law.	
46. If yes, give details with case no. and name of court of law.	

Declaration

I/We certify that the statements above are true to the best of my/our knowledge and that for any suppression of fact(s) detected later on, the licence granted to me /us is liable to be cancelled.

Date:

Place:

.....
Signature of Applicant

Checklist to Form - A-la

Checklist of documents to be submitted with Application Form for engagement on compassionate ground in respect of individual person

Part- I: Application fees

** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
1 Application fees deposit challan		

Part- II: Details of the Applicant

** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
2. Identity proof of the Individual [EPIC(s)/Aadhaar Card(s)/Passport(s)]		
3. Proof of residential address of the Individual [Photocopy of EPIC/Aadhaar/Passport /recent Electricity bill/ Driving Licence]		

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
4. Proof of date of birth of the Individual [Birth certificate/ Admit card of Madhyamik or equivalent/EPIC/Aadhaar Card/Passport/PAN]		
5. PAN Card of Individual		
6. Proof of educational qualification of individual [Certificate or Marksheet]		
7. Medical certificate of fitness of individual from a Govt. Hospital		
8. Family income certificate issued by the local authority		

Part-III: Details of the deceased/incapacitated dealers** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
9. Copy of last valid licence in the name of the deceased/ incapacitated dealer		
10. Photocopy of death certificate of the deceased dealer .		
11. Legal heirs certificate of the deceased/incapacitated Dealer issued by competent authority and Affidavit from the 1 st Class Magistrate		
12. Medically unfit certificate of the incapacitated dealer issued by a Govt. Hospital, certifying reason of incapacitation in proper format, in case of transfer of licence due to incapacitation.		

Part- IV: Details of shop-cum-godown** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
13. A layout map showing clear boundary with dimensions showing offered godown, office, shed for persons in queue, space for unloading of stock of PDS commodities and approach road.		
14. In case of ownership (including NOC from family members)/shared ownership: a) photocopy of Record of Rights (Porcha)/ Registered Deed of Conveyance/purchase/ gift in the name of applicant/Mutation Certificate,		

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
<p>b) Document showing character of land as 'commercial/homestead/non-agricultural land' if Record of Rights is not produced</p> <p>N.B.– If the land is of other character than those mentioned at Part III, Point No. 33, the applicant needs to submit application for conversion on the date of application for FPS licence and also to submit Conversion Certificate within 6 months from the date of offer of FPS Licence.</p> <p>NOC of other co-owners (in case of shared ownership/family members of the offered shop-cum-godown) in the form of affidavit sworn before a Magistrate.</p> <p>15. For leased/rented property:</p> <p>a) Registered/Notarized Lease Deed or Tenancy or Rental Agreement for at least 4 years or leave & licence Agreement,</p> <p>b) copies of rent receipts for all the months from the date of agreement till date of application,</p> <p>c) Registered Deed/RoR in the name of the land owner (or lessor).</p> <p>d) Any other proof of ownership, if ROR/Deed is not submitted</p>		

Part- V: Financial solvency** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
16. Proof of financial solvency [Account statement/ Deposit Certificate (FD/TD/RD/Flexi)]/ photocopy of updated Passbook issued by a recognized bank/or Post office as reflected on the date of application		
17. In case the aforesaid account/deposit is held jointly, NOC of such joint holder for investment in FPS Dealership		

Part- VI: Affidavit and others** for office use only*

	Submitted (YES/NO) (to be filled by the applicant)	* Found (Y/N) (to be filled by the receiving staff)
<p>18. Affidavit in Annexure-I format</p> <p>19. In case of incapacitation, nomination of the applicant by existing dealer in the form of Affidavit.</p> <p>20. Recent passport size colour Photograph(s) of the Individual/ all partners/all office bears [to be self-attested and affixed on the application form]</p> <p>21. Income Tax Return for last 3 FYs, if applicable</p> <p>22. NOC in the form of affidavit from other eligible family members in Annexure II</p>		

Date:

Place:

Signature of Applicant/Signatory

Authority

Date:	Signature of the Receiving Staff
	Name:
	Designation:

.....Perforation :

Acknowledgement

Received the application from Smt./Sri of Village/Municipality/ Corporation P.O P.S., District for Issue of Licences for FPS Dealership under compassionate ground.

Date:	Signature of the Receiving Staff
	Name:
	Designation:

(5) In Form A2 under Schedule I, –(a) for si. No. 11, *substitute* the following SI. No.:

(a) Size/Measurement of the Proposed Godown		G1	G2	G3
11	Length (in ft.)			
	Breadth (in ft.)			
	Height (in ft.)			
	Area (in sq. ft.)			
	Plinth level (in ft.)			
	Rolling/sliding/folding shutters:	Numbers		
		Size (in metre)		
	Bottom ventilators:	Numbers		
		Size (in metre)		
	Top ventilators	Number		
		Size (in metre)		
(b) Nature of possession (tick whichever is applicable)*		G1	G2	G3
	(i) Ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(ii) Registered Rental/Lease Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(iii) Notorized Rental/Lease Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) for si. No. 13, *substitute* the following SI. No.

14 Whether the godown is having (tick whichever is applicable)*		G1	G2	G3
	Pucca Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kaccha Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Well ventilation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(c) In the check-list-

(i) for SI. No. 15, *substitute* the following SI. No.:-

15. Copy of sanctioned plan/completion certificate of the offered godown.	Yes/No	
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(ii) for SI. No. 17 & 18, substitute the following SI. No.

17. In case own godown (if selected 'Ownership' in sl. no. 11(b) of Form A2) (no. of godowns shown in 11(a) of Form A2 will be shown here)	a. Land Conversion Certificate/any other document showing character of land as "commercial/homestead/non-agricultural/godown.	Yes/No	Not Applicable
	b. Record of Right or Registered conveyance/purchase/ gift deed	Yes/No	Not Applicable
18. In case of rented godown (if selected 'Rental/Leased' in sl. no. 11(b) of Form A2) (no. of godowns shown in 11) a) of Form A2 will be shown here)	a. Land Conversion Certificate	Yes/No	Not Applicable
	b. Registered/Notarized lease deed or Tenancy Agreement	Yes/No	Not Applicable"
	c. Proof of Up-to-date rent payment	Yes/No	Not Applicable
	d. Proof of ownership of land of Lessor		

By order of the Governor,

PARWEZ AHMAD SIDDIQUI, IAS
Secretary to the Government of West Bengal.