

**THE WEST BENGAL COLD STORAGE (LICENSING AND REGULATION)
RULES, 1967**

**CHAPTER I
PRELIMINARY**

1. Short TITLE.—These rules may be called the West Bengal Cold Storage (Licensing and Regulation) Rules, 1967.

2. Definition.—In these rules unless the context otherwise requires, --

- a. “the Act” means the West Bengal Cold Storage (Licensing and Regulation) Act, 1966 (West Bengal Act VI of 1966);
- b. “form” means a form appended to these rules;
- c. “schedule” means a schedule appended to these rules;
- d. “section” means a section of the Act;
- e. Words and expressions used in these rules and not otherwise defined have the same meaning as in the Act.

***CHAPTER IA
CONSTRUCTION OF COLD STORAGE**

2A. Permission for construction of cold storage, - (1) An application for the grant of permission to construct a cold storage shall be made in Form No. 1A

(2) The applicant shall submit along with the application the plan in triplicate of the cold storage building including the ancillary structures such as rack, machine room, etc. containing structural and foundation specifications, duly checked and certified by a Chartered Engineer to the effect that the plan has been prepared in accordance with provisions of sub-clause (3), (4), (5), (6) and (7) of this rule.

(3) The design of the cold storage building including the ancillary structures shall conform, unless otherwise specified in those rules, to the Indian Standard Institution specifications laid down in

- (a) Code of building bye-laws – I.S.1256.
- (b) Code of practice for fire-safety – I.S.3594.
- (c) Safety code for mechanical refrigeration – I.S.660
- (d) Code of practice for structural safety of buildings leading standards – I.S.875
- (e) Indian code of practice for plain and reinforced concrete – I.S.456
- (f) Insulation and safe operation of cold storage –I.S.661.

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

(4) Insulation of the floors, roofs, walls doors and windows or any opening of the cold storage shall be made with (i) cork slabs, (ii) Glass wool, (iii) Rock wool, (iv) expanded rigid plastic form or any other material as may be recommended in the Indian Standard Institution specifications referred to the clause (2) and the door shall be so designed that a person is able to open it from inside as well as outside and that it is reasonably airtight.

(5) Racks shall be so designed and constructed that loading and unloading operations can be carried out without endangering the safety of the employees working in the cold storage.

(6) For distribution and circulation of air and facility of loading and unloading operations the following directions shall be adhered to :-

(a) A passage between the rows of racks shall not be less than 76 centimeters in width.

(b) The racks shall be at least 76 centimeters away from the walls and 20 centimeters above the floor.

(c) A gap of at least 7.5 centimeters shall be maintained between the top level of the load on the shelf and the base of the upper shelf.

(7) The diffuser or direct expansion pipes for conveyance of the refrigerant shall be so arranged as to maintain optimum temperature with maximum allowable variation of plus or minus 5 percent in every location of the cold storage wherein agricultural produce is stored.

(8) Permission if granted under Section 2A shall be in Form No. 18.

CHAPTER II

LICENSING OF COLD STORAGE

3. Application for licence and its renewal. – (1) Application for the grant of a licence under sub-section (1) of section 4, or for the renewal of a licence under sub-section (3) of section 4 shall be made in Form No. 1 or in Form No. 2, as the case may be, in duplicate. Every application shall be signed by the applicant and he shall be bound to supply such additional information as may be required by the Licensing Officer for the purpose of section 4:

Provided that where the same applicant has more than one cold storage he shall obtain a separate licence for each such cold storage and submit separate applications for this purpose.

(2) The fees for the grant of a licence under sub-section (1) of section or for the renewal of a licence under sub-section (3) of section 4 shall be –

Sl.	Details	Licence fee. Rupees	Renewal fee Rupees
a)	For a cold storage with storage space up to 7,500 cubic metres.	One hundred	Forty
b)	For a cold storage with storage space above 7,500 cubic metres up to 15,000 cubic metres.	Two hundred	Eighty
c)	For a cold storage with storage space above 15,000 cubic metres up to 30,000 cubic metres.	Four hundred	One hundred and sixty.
d)	For a cold storage with storage space above 30,000 cubic metres.	Five hundred	Two hundred

and deposited to the Treasury by means of a Challan to the head of account to be notified by the Licensing Officer:

Provided that in the case of a cold storage, owned and managed by a co-operative society registered under the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940), a licence fee of one hundred rupees or a renewal fee or twenty-five rupees only shall be charged for the licensing of each such cold storage or for the renewal of its licence, as the case may be, irrespective of its size or storage space.

4. * Terms and conditions of the licence. – A licence granted under sub-section (1) of section 4 or renewed under sub-section (3) of section 4 shall be in Form No. 3 and the granting or renewal of a licence shall be subject to the following conditions, --

(a) particulars furnished by the applicant are correct, complete and to the entire satisfaction of the Licensing Officer;

(b) The cold storage has been constructed in accordance with the plans as approved by the Licensing Officer under rule 2A and it fully satisfied the conditions regarding insulation, refrigeration, sanitary and other arrangements as specified in rule 2A.

Provided that before the renewal of a licence granted prior to amendment of the Act in 1978, the licensee shall execute such repairs to and alterations in the cold storage with regard to its structure, insulation, refrigeration, sanitary or any other arrangements as may be considered necessary for the purpose of the Act and specified by the Licensing Officer by an order in writing.

(c) The Licensee shall maintain a generator of such capacity and in accordance with such terms and condition as may be determined by the Licensing Officer.

(d) The licensee shall on priority basis provide reasonable facility for drying the agricultural produce taken delivery of from the cold storage.

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

The area and the specification of the space for drying the agricultural produce taken delivery of from the cold storage shall be such as may be determined by an order in writing by the Licensing Officer.

(e) Where there is no provision for a precooling chamber, the licensee shall provide for such arrangement for precooling the agricultural produce brought to be stored in the cold storage as may be specified by an order in writing by the Licensing Officer.

(f) Each chamber of the cold storage shall be provided with thermometers for accurate reading of both dry and wet bulb temperature at such spot or spots to be determined by the Licensing Officer.

(g) The Licensee shall not effect any improvement, renovation, or addition to the cold storage except with the previous permission in writing of the Licensing Officer in accordance with the provisions of rule 11A.

(h) The cold storage shall be maintained in accordance with the provisions of rule 11.

(i) Hirers shall be provided with all reasonable facilities for inspection, weighing, measuring, sampling and grading of the agricultural produce stored or to be stored as required under subsection (1) of section 9 of the Act in the manner prescribed in rule 10.

(j) The licensee shall provide such facilities or assistance as may be required by the Licensing Officer or any officer, authorized by him in writing in this behalf for entering, inspecting or examining the cold storage; for examining or inspecting its machinery and equipments, the agricultural produce stored therein, the office, the books, records, papers, accounts and the contents thereof, on any business day during the normal hours of business; and on being so required shall produce such records or information as may be required by the Licensing Officer, or the officer so authorized by him, for any of the purposes of the Act and in particular for the purposes of section 20 thereof;

(k) The licensee shall not, without any reasonable excuse, refuse space to a hirer, being a cooperative society or a grower of agricultural produce, offering to store agricultural produce upto ten quintals.

(l) where the licensee desires to store agricultural produce in his own cold storage on his own account, he shall apply in writing to the Licensing Officer for permission to do so, stating the quantity, quality, kind of agricultural produce to be stored by him and the period for which such storing is desired, and obtain prior permission from the Licensing Officer before he actually commences to store the agricultural produce specified by him;

(m) the licensee shall not store any agricultural produce in the cold storage beyond the capacity approved by the Licensing Officer.

(n) the hiring or storage charges for different agricultural produce shall not exceed the rates specified in Schedule I, *and the licensee shall not levy on or recover from the hirer any fee or charge other than the fee or charge permissible under the Act and the rules.

(o) in the case of cold storage dealing in any [§]excisable agricultural produce the licensee shall abide by the provisions of such excise laws of the Central or State Government and of rules there under as may be in force for the time being;

(p) The licensee shall keep the licence posted in a conspicuous place of the cold storage. A copy of the plan of the cold storage approved and authenticated by the Licensing Officer shall be maintained in the cold storage.

(q) The licensee shall faithfully abide by the provisions of the Act and the Rules and shall also comply with such directions or orders as may be issued to him for the purposes of the Act by the Licensing Officer from time to time.

(r) The licensee shall not suspend or discontinue the business of storing agricultural produce in the cold storage without prior intimation, in writing, to the Licensing Officer, to be submitted at least two months ahead of the date from which the business is intended to be suspended or discontinued.

(s) The cold storage shall be manned by qualified staffs.

5. Refusal to grant or renew a licence.—Before refusing to grant or renew a licence under sub-section (4) of section 4, the applicant or the licensee, as the case may be, shall be given a notice in writing by registered post enumerating the reasons for such refusal and directing him to show cause within thirty days from the date of receipt of such notice why the grant or renewal of the licence, as the case may be, should not be refused. If reply to that notice is not received within the specified period or if the the reply is not satisfactory and acceptable, the Licensing Officer may refuse to grant or renew the licence, as the case may be.

6. Fees for and procedure of issuing duplicate licence. – (1) An application referred to in sub-section# (5) of section 4 for the issue of a duplicate licence shall be made to the Licensing Officer in Form No. 4 and shall be accompanied by –

(a) a fee of ten rupees; and

* Inserted by notification No. 2237-MW&C., dated the 24th February, 1982

[§] Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

(b) when the duplicate licence is wanted to replace a licence lost, an indemnity bond in Form No. 5 duly executed by the applicant undertaking to indemnify the State Government against any loss or damage, which may be caused by any one using the outstanding licence lost or stated to be lost by the applicant.

(2) A licence which is torn, defaced or otherwise rendered illegible shall be surrendered as it is by the applicant to the Licensing Officer along with the application for the issue of a duplicate licence.

(3) Immediately after receipt of application, the Licensing Officer shall, after satisfying himself that the conditions of sub-rule (1) and sub-rule (2), as the case may be, as far as they may apply to the particular case under consideration, have been met by the applicant, issue a duplicate licence as prayed for:

Provided that, when the duplicate licence is wanted to replace a licence lost or destroyed before the issue of such duplicate licence the fact that the original licence has been lost or destroyed shall also be notified by the Licensing Officer at least once in important local newspapers within the State, stating that the application shall be complied within one week from the date of such notification and the cost of such notification in the newspapers shall be borne by the applicant.

(4) Every duplicate licence so issued shall bear in its face the number and date of the original licence of which it is the duplicate and shall be stamped "Duplicate".

7. Cancellation of licence. – The Licensing Officer shall, before proceeding to cancel a licence under sub-section (6) of section 4, send a notice in writing stating the grounds on which action is proposed to be taken, directing the licensee to show cause within thirty days from the date of issue of the said notice why the licence shall not be cancelled. If reply to that notice is not received within the specified period or if the reply is not satisfactory and acceptable, the Licensing Officer may cancel the licence.

CHAPTER III
COLD STORAGE RECEIPTS

8. Form of Cold storage receipt.-A cold storage receipt under section 6 shall be in Form No.6.

9. Issue of duplicate cold storage receipt. – (1) Every application for the issue of a duplicate cold storage receipt under section 8 shall be made to the licensee and shall be accompanied by –

(a) a fee of one rupee;

(b) an affidavit stating that the applicant is lawfully entitled to possession of the original receipt, that he has not negotiated or assigned it; the circumstances in which the original receipt was lost, torn, damaged, defaced or destroyed or otherwise rendered illegible and if lost, that diligent efforts had been made to find out the receipt without success;

(c) when the original receipt has been lost, a declaration undertaking to indemnify the licensee against any loss, liability, costs or expenses which the licensee may have to incur or may be put into by the contingency of the original receipt remaining outstanding or of its being fraudulently used by any body; and

(d) the original receipt as it is, when it is not lost or destroyed.

(2) On receipt of such application and on satisfying himself that the conditions of sub-rule (1) have been duly met by the applicant, the licensee shall issue a duplicate cold storage receipt within seven days from the date of the receipt of the application.

(3) The duplicate receipt shall be in Form No. 6 duly superscribed 'DUPLICATE' on it, and shall be issued by the licensee after making an entry in the remarks column of the cold storage receipt register recording therein the fact of the issue of such duplicate receipt with the date of its issue, under intimation to the Licensing Officer.

(4) After a lost or destroyed cold storage receipt is replaced by a duplicate receipt the original receipt if produced would not be valid or acted upon and it must be surrendered to the licensee.

(5) Every cold storage receipt shall bear a stamp of the value as required by the provisions of the Indian Stamp Act, 1899, as in force in the State of West Bengal.

CHAPTER IV

DUTIES OF THE LICENSEE

10. Facilities to hirers for inspection, etc. –

*(a) A hirer, intending to inspect his agricultural produce deposited in a cold storage, shall intimate his intention to the licensee or manager of the cold storage by an application in writing stating the nature and purpose of inspection, the number of persons to be employed, and the approximate time to be taken for the purpose; and the licensee shall fix the earliest date and time available for the purpose, having regard to the maximum number to be fixed by the Licensing Officer for admission into the cold storage at a time and the number of hirer applying for inspection, and shall notify the date and time so fixed by him to the hirer; and on the date and time so fixed by him, the licensee, on being approached by the hirer, shall give the hirer, reasonable assistance and facilities to enable him to make the inspection of his agricultural produce in the cold storage.

(b) If the hirer intends to take out his goods either due to deterioration setting in the agricultural produce or due to any other cause and wants facilities for weighing, measuring, sampling, grading, etc; the licensee shall give the hirer such facilities within the precincts of his cold storage.

11. Maintenance of Cold Storage. – Every licensee shall, for the purpose of sub-section (1) of section 10, maintain his cold storage in the manner and meet the conditions hereinafter stated.

(1) The cold storage, shall be so constructed and maintained as to be damp-proof, heat-proof and protected against entry of or damage to the stored agricultural produce by, birds, pests, noxious insects, rats and other rodents.

(2) Agricultural produce stored shall be kept and arranged in such a manner as to prevent its deterioration from damp, moisture, heat, blast, or from water from the floor, side walls, roof, doors and windows, etc.

(3) Storage of agricultural produce with non-agricultural produce of any kind of description in one and the same chamber of the cold storage shall not be permissible.

(4) Agricultural produce stored shall be kept arranged in such a manner as to make its inspection, stock-taking or verification easy and effective.

(5) Every licensee shall maintain a 'Log Book' in the machine room of the cold storage in Form No. 7 and shall regularly write up therein records of the temperature and relative humidity maintained as well as pressure readings of the compressor on four-hourly basis for all times and throughout day and night during operation of the cold storage unless automatic recording instruments are installed for proper maintenance, check-up and for regulation of temperature, humidity and pressure within the cold storage. The Licensing Officer or any other officer duly authorized by him in this behalf in writing shall sign the 'Log Book' on any inspection after verification of the records.

(6) Any stoppage of function of the cold storage for a period exceeding twenty-four hours at a stretch shall be reported immediately by the licensee to the Licensing Officer. The reasons for such breakdown shall be recorded in the 'Log Book' and also reported to the Licensing Officer with an account of the remedial steps taken.

(7) There shall be space in every cold storage suitable and convenient for the isolation and temporary storage of agricultural produce deteriorating or showing signs of deterioration within the meaning of section 12 so that such agricultural produce, until it is disposed of does not come in contact with or in any way affect other agricultural produce stored in the cold storage.

(8) Adequate and appropriate fire fighting and disinfecting equipments and materials shall always be kept in serviceable condition within the cold storage premises with trained staff to handle such equipments and materials.

(9) There shall be suitable arrangements for drinking water for the employees, hirers or their agents as also for pack and cart animals within the cold storage premises.

(10) The cold storage and all yards, outhouses or stores attached thereto and all its approaches and insides shall be kept clean, sanitary and adequately lighted. Operations or treatments for the disinfecting and deodorizing of the cold storage and of the premises wherein it is housed shall be carried out as often as it may be necessary and at least once in a year.

(11) The licensee shall provide shelter for cart and pack animals with materials ordinarily used for such purpose in the locality.

(12) Any shelf or floor space, where damaged or deteriorated agricultural produce has been stored or temporarily accommodated, shall be cleansed and disinfected immediately after removal or disposal of such produce.

(13) No person suffering from any infections or contagious disease shall be allowed to work in the cold storage. The licensee shall have arrangements made at his cost for medical examination of the employees other than daily paid labourers working in the cold storage at

least once a year to check that they are free from any infectious, contagious or such other diseases as may render them unsuitable for employment in the cold storage.

(14) The Licensee shall provide warm cloths to the employees working inside the cold storage for protection from cold and such of these employees which operate below freezing point should be provided with boots also.

(15) The licensee shall maintain records, books of accounts and other documents correctly and shall act faithfully and honestly in the matter of storage and delivery of agricultural produce.

(16) The Licensee shall maintain a generator of such capacity and in accordance with such terms and condition as may be determined by the Licensing Officer.

****11A. Permission for improvement, renovation or addition. —**

(1) For the purpose of clause (b) of sub-section (1) of section 10 the licensee desirous of making improvement, renovation or addition to a cold storage shall submit application together with plans and drawings in respect of the proposed improvement, renovation or addition in duplicate, to the Licensing Officer.

(2) The Licensing Officer may, having due regard to the necessity of such improvement, renovation or addition, grant permission with or without modification in the application and/or plan.

(3) The licensee shall supply such additional information, plans and drawings as the Licensing Officer may required.

(4) A copy of the plan for improvement, renovation or addition shall be provided to the licensee along with the permission granted for such work, if such a permission is granted.

(5) The licensee shall maintain a copy of the plan duly authenticated by the Licensing Officer in the cold storage premises and produce it to the Licensing Officer or any person authorised by him in this behalf for inspection.

(6) The improvement, renovation or addition shall conform to the approved plan and such other terms and conditions as the Licensing Officer may stipulate.

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

12. Disposal of agricultural produce deteriorating in cold storage.—

(1) At least forty-eight hours before the sale of any agricultural produce by public auction under sub-section (2) of section 12, the licensee shall duly notify to the hirer, the Insurance Company concerned and all other interested persons as may be known to the licensee, the date, time and place of such sale. Copies of the notice shall be sent by the licensee to the Licensing Officer or to any local officer duly empowered as such under sub-section (6) of section 2 and also exhibited in important public places in the locality such as market places, Panchayat of Municipal or Town Committee Office and Post Office. The expenses of auction including the cost of publicity, if any, shall be borne by, or recovered from, the hirer.

(2) In the event of such auction sale taking place, the licensee shall furnish to the hirer correct accounts with details of expenses incurred for the sale by action and of the proceeds of such sale and tender to the hirer within seven days from the date of such sale, payment of the proceeds of the sale after deducting all charges legally due to the licensee. Actual payment of the dues of the hirer on account of the sale proceeds shall, however, be made on surrender by the hirer of the cold storage receipt duly discharged and on liquidation by him of all charges of debts legally due or accruing to the licensee in the discharge of his duties as such.

(3) If the hirer fails to receive payment of any amount due to him and tendered for payment by the licensee under sub-rule (2) within thirty days from the date of such tender the amount shall be deposited by the licensee as a revenue deposit at the nearest Treasury to the credit of the Licensing Officer under the appropriate head to be notified by the said Officer and a copy of the receipted challan shall be forwarded to the Licensing Officer immediately after such credit is effected.

(4) The Licensing Officer shall receive claims from hirers for payment of their dues out of these deposits within ninety days from the date of deposit and order payment on being satisfied of the authenticity of the claims.

13. Liability of licensee for shortage or excess in agricultural produce stored. --- For the purpose of sub-section (1) of section 13 allowable limits of loss of weight or bulk due to dryage or shrinkage shall be such as specified in Schedule II and in case of gain in weight, if any, it will go to the hirer in entirety under sub-section (2) of section 13.

***14. Insurance of agricultural produce in cold storages. –**

(1) The pro-rate premium in respect of the agricultural produce only shall be paid under the provision to the section 15 by the hirer at the time of issuing the cold storage receipt in Form No. 6 in cash or by cheque or by bankdraft or in such other manner as may be mutually agreed to by the licensee and the hirer and the licensee shall issue a receipt to the hirer for the payment.

(2) The licensee shall make over the insurance claim to the hirer and arrange for payment thereof within fifteen days from the date of receipt of the amount from the companies concerned.

(3) If the hirer fails to receive payment of the amount tendered under sub-rule (4) within thirty days from the date of tender the amount shall be deposited by the as a revenue deposit at the nearest Treasury under the appropriate head to the notified by the Licensing Officer to the credit of and under intimation to the Licensing Officer along with a copy of receipted challan. The Licensing Officer shall receive claims from hirers for payment of their dues out of these deposits and order payment on being satisfied of the authenticity of such claims.

* Substituted by notification No. 9960 / MW&C., dated the 28th October, 1980.

15. Maintenance of accounts, etc., by the licensee.—Every licensee shall maintain such accounts and records relating to his cold storage or his business as the licensee as may be required by the Licensing Officer for any of the purposes of the Act and these rules and shall, in particular, maintain—

*(a) a register of stock and hirers in the Form No. 8;

(b) a general Insurance account in the Form No. 9;

(c) a register of cold storage receipts issued and cancelled in the Form No. 10 and

(e) registers of receipt and issue of letters and notices in Form No. 11 and Form No. 12 respectively.

* Substituted by notification No. 350 / MW&C., dated the 13th January, 1975.

*** 16. Submission of returns.—**

(1) The licensee shall submit to the Licensing Officer a quarterly return in Form No. 13 and a fortnightly return in Form No. 18 within the fifteenth day of the month following the quarter for which the quarterly return is required to be submitted and the fourth day of the fortnight for which the fortnightly return is required to be submitted.

(2) The licensee shall also submit to the Licensing Officer fortnightly report regarding settlement of compensation cases as required under sub-section (7) of section 24 of the Act and such other returns or returns as may be required by the Licensing Officer from time to time.

* Substituted by notification No. 9960 / MW&C., dated the 28th October, 1980.

****16A. Transfer of Cold Storage. —**

For the purpose of section 19A, a licensee intending to transfer his cold storage shall give previous notice in Form No. 19 to the Licensing Officer at least 60 days before the transfer of the cold storage.

** Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

CHAPTER V
MISCELLANEOUS

17. Collection of samples.—For the purpose of clause (c) under section 20, if the Licensing Officer collects any sample or samples he shall record the same in the remarks column of the appropriate register and counterfoil of cold storage receipt, mentioning the quantity and its value determined at the prevailing market rate and the payment of such value to the hirer from whose stock the sample is collected shall be made through the licensee.

***17A. Constitution of Expert Committee.**—

(1) An expert committee shall consist of members, both officials and non-officials, not more than twelve in number, of whom not more than five shall be non-officials.

(2) Thirty percent of members of a committee, subject to a minimum of two members, shall form a quorum.

(3) The term of office of the members of an expert committee shall be for such period as the State Government may determine in each case. Provided that a member may, on the expiry of his term of office, be reappointed.

(4) A member of an expert committee including the Chairman and Convener may, by writing under his hand addressed to the State Government resign his office and on such resignation being accepted, he shall be deemed to have vacated his office.

(5) If at any time a vacancy occurs in the office of a member of an expert committee by reason of the non-acceptance of office or by death or resignation, the vacancy shall be filled up by fresh appointment of a person who shall hold office for the unexpired period of the term of office of the member whose place he fills.

(6) An expert committee shall meet at such times and place and shall observe rules of procedure in regard to the transaction of business at its meetings as may be determined by the Chairman.

(7) A non-official member shall be entitled to travelling allowance at the rates applicable to a Grade A employee of the State Government if such member is required under order of the Chairman to undertake tours in connection with the business of a committee.

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

18. Contract or Agreement.— Omitted by notification No. 9960 / MW&C., dated the 28th October, 1980.

19. Enquiry regarding compensation payable for loss or deterioration of stored agricultural produce.—

(1) On receipt of an application under sub-section (1) of section 24, the Licensing Officer shall send a copy of such application by registered post to the licensee concerned with direction to submit within one week from the date of receipt of such direction, a report thereon in writing stating the circumstances responsible for the alleged loss or deterioration of the agricultural produce in question, the quantity and value of the agricultural produce lost or deteriorated along with such other information as the Licensing Officer may require him to furnish.

(2) The enquiry under sub-section (2) of section 24, however, shall be held as expeditiously as possible at the premises of the cold storage concerned either by the Licensing Officer himself or by any competent officer authorized by him in writing in this behalf, and the date and time of such enquiry shall be notified in writing to the hirer and the licensee concerned by the enquiring officer at least seven days before the date of enquiry.

(3) In so notifying, the enquiring officer shall ask both the licensee and the hirer to be present at the enquiry with witnesses and material evidence, if any at the appointed place, time and date at their own cost. The enquiring officer may also call any other person or persons to be present at the enquiry, who, in his opinion, may give material evidence as witness or witnesses in the case or may otherwise help him in the conduct of the enquiry. The licensee shall also provide the enquiring officer with all facilities, or assistance necessary or required by the latter for the purpose of the enquiry.

(4) *On hearing both the parties and after examination or inspection of necessary records or data and after taking such further steps as he may consider necessary or expedient, the enquiring officer, if he is the Licensing Officer himself, shall, by an order in writing, either assess the amount of compensation payable within the date to be specified by him in such order or declare that no compensation is payable by the licensee, provided that where the enquiring officer is other than the Licensing Officer, he shall submit his findings and recommendations in writing to the Licensing Officer who shall, after due consideration issue appropriate order in writing.

* Substituted by notification No. 9960 / MW&C., dated the 28th October, 1980.

(5) Copies of the order of the Licensing Officer under sub-rule (4) shall be furnished both to the licensee and the hirer by registered post within a fortnight from the date of completion of the enquiry.

20. Licence for weighers, measurers, samplers and graders.—

(1) No licence shall be granted under clause (b) of sub-section (2) of section 29 to any person—

(a) to act as a weigher or measurer unless he can read and write the regional language and English and has experience of taking weights and measures of agricultural produce;

(b) to act as a sampler or grader unless he has passed (1) Higher Secondary or School Leaving Certificate Examination conducted by a recognized Board of Secondary Education, or (2) any examination declared by the Licensing Officer as equivalent thereto, with Agriculture as one of the subjects or has received training in an agricultural school or has sufficient experience in the classification and grading of agricultural produce and of articles used for agricultural purposes.

(2) Provision of sub-rule (1) regarding academic qualifications may be relaxed by the Licensing Officer where he is satisfied that the applicant has the requisite knowledge and experience of the work and is otherwise fit to act as a licensed weigher or measurer or sampler or grader, as the case may be.

(3) Every application for such a licence or for renewal of such a licence to act as a weigher or measurer or sampler or grader and to issue certificate as to weight, measurement, quality or grade of any agricultural produce stored or to be stored in a cold storage shall be made to the Licensing Officer in Form No. 15 along a fee of—

(a) five rupees, in the case of a licence to act as a weigher or measurer; and

(b) ten rupees, in the case of an application for a licence to act as a sampler or grader;

and such fee shall be deposited by the applicant to the Treasury by means of a challan to the head of account to be notified by the Licensing Officer.

(4) The Licensing Officer shall, on receipt of an application under sub-rule (3) and after making such enquiries as may be considered necessary to ensure efficient working of the cold storage or to meet the purposes of this Act, and to satisfy himself that the applicant is suitable for the grant of a licence as applied for, grant the applicant a licence in the Form No. 16, on his executing a bond in such form as may be determined by the Licensing Officer, agreeing to

comply with the provisions of the Act and these rules and also to conform to the following terms and conditions, namely:--

(a) every weigher, measurer, sampler or grader licensed shall keep such books and in such forms, and submit such returns and at such times and in such manner of forms as the Licensing Officer may determine, direct or notify from time to time;

(b) no weigher, measurer, sampler or grader shall realize from his customers charges exceeding the rates laid down and notified by the Licensing Officer from time to time, for service rendered by way of weighing, measuring, sampling or grading, etc., of agricultural produce;

(c) the licence shall be liable to be suspended or cancelled for contravention of any of the provisions of the Act and these rules or for violation of the conditions of the licence or of the bond executed under this sub-rule:

Provided, however, that before proceeding to suspend or cancel a licence under this sub-rule, the Licensing Officer shall communicate to the holder of the licence the ground on which action is proposed to be taken and shall give him a reasonable opportunity of being heard.

(5) Nothing in this rule shall prevent one and the same person to act at the same time as a weigher or measurer, and grader or sampler, provided he has the requisite qualification, knowledge and experience and has satisfied the conditions of these rules and has been granted necessary licences accordingly by the Licensing Officer to act as such.

(6) Application for the issue of a duplicate licence under clause (b) of sub-section (2) of section 29 shall be made to the Licensing Officer in Form No. 4 and shall be accompanied by—

(a) a fee of one rupee; and

(b) when the duplicate licence is wanted to replace a licence lost, an indemnity bond in Form No. 5 duly executed by the applicant undertaking to indemnify the State Government against any loss or damage, which may be caused by any one using the outstanding licence lost or stated to be lost by the applicant.

(7) A licence which is torn, defaced or otherwise rendered illegible shall be surrendered as it is by the applicant to the Licensing Officer along with the application for the issue of a duplicate licence.

(8) Immediately after receipt of the application, the Licensing Officer shall, after satisfying himself that the conditions of sub-rule (6) and sub-rule (7) as far as they may apply to the particular case under consideration have been met by the applicant, issue a duplicate licence as prayed for:

Provided that, when the duplicate licence is wanted to replace an original licence lost or destroyed, before the issue of such duplicate licence the fact that the original licence has been lost or destroyed shall also be notified by the Licensing Officer at least once in an important local newspaper, or if there is no local newspaper, in an important newspaper within the State, stating that the application shall be complied within one week from the date of such notification and the cost of such notification in the newspapers shall be borne by the applicant.

(9) Every duplicate licence so issued shall bear in its face the number and date of the original licence of which it is the duplicate and shall be stamped "Duplicate".

(10) Notwithstanding anything contained in these rules the Licensing Officer may refuse to grant or renew a licence to any person to act as a weigher, measurer, sampler or grader whose operation in his opinion is not likely to further the efficient working of a cold storage:

Provided that before refusing to grant or renew a licence under this sub-rule, the Licensing Officer shall communicate to such person the ground or grounds on which it is proposed to refuse to grant or renew the licence as applied for and shall give him a reasonable opportunity of showing cause against such refusal.

(11) Every licence granted or renewed under section 29 shall be valid for the period up to the 31st of December following with effect from the date of issue of the licence granted or renewed inclusive of both the dates.

21. Authority of licensed weighers, measurers, samplers or graders to issue certificates regarding weight, measurement, bulk, quality or grade of agricultural produce.—(1)

Licences granted to weighers, measurers, samplers, and graders shall entitle them to act on the requisition of a hirer or a licensee as weighers, measurers, samplers and graders of agricultural produce stored or to be stored in licensed cold storage and to issue certificate in Form No. 17 as to the weight, measurement, bulk, quality or grade of the agricultural produce which they have examined.

(2) When any certificate is so issued on the requisition of a hirer or a licensee, it shall be binding on the hirer and the licensee as to the weight, measurement, bulk, quality or grade of the agricultural produce so certified.

(3) If a certificate issued by any licensed weigher, measurer, sampler or grader is lost, damaged or destroyed, a duplicate certificate shall be issued by the licensed weigher, measurer, sampler or grader, as the case may be, if so required by the holder of such certificate and on payment by him of a fee of one rupee.

22. Authority for deciding disputes regarding weight, measurement, bulk, quality or grade of agricultural produce. –If any dispute arises between the hirer and the person issuing the certificate or between the licensee and such person or between two or more such persons as to the weight, measurement, bulk, quality or grade of the agricultural produce, the matter shall be referred to the Licensing Officer for a decision.

23. Weighers, measurers, samplers or graders licensed under any other Act not to take any licence under this Act. – Notwithstanding anything contained in these rules weighers, measurers, samplers holding a valid licence to act as such under any other Act in force, namely, the West Bengal Warehouses Act (W.B. Act XL of 1963), shall not be required to take another licence under the Act, but shall all the same be entitled to act as weighers, measurers, samplers or graders, as the case may be, in the same manner as laid down in rule 21 subject to the provision of rule 22.

24. Licensee to determine weight, measurement, sample and grade of agricultural produce in absence of licensed weigher, measurer, sampler or grader. –Where there is no licensed weigher, measurer, sampler or grader, the weight, measurement, sample or grade etc., of any agricultural produce shall be determined by the Licensing Officer in case of any dispute between licensee and hirer.

25. Priorities to Co-operative Societies for storing their agricultural produce.—If at any particular time, a co-operative society and other parties apply to the licensee for storing their goods the application of the co-operative society shall receive priority over those of other parties and when two or more co-operative societies apply at a time, the relative priority as between such societies shall be fixed by the order in which the applications are received by the licensee, provided that acceptance of goods for storage or the giving of such priorities by

the licensee shall always be subject to the condition of the goods tendered, availability of space in the cold storage and compliance with the provisions of the Act and these rules as far as they apply to acceptance of goods and their cold storage.

***26. Tribunal –**

(1) The Tribunal shall as often as required for expeditious disposal of appeals preferred to it sit in Calcutta or at such other places as it may consider necessary.

(2) The State Government may, for transaction of business, appoint one of the members of the Tribunal as President of the Tribunal.

(3) The Tribunal shall have a Registrar to be appointed by the State Government on such terms and conditions as it may determine.

(4) An appeal under sub-section(s) of section 25 shall be preferred in the form of a memorandum in quadruplicate signed by the appellant or his duly authorized agent and presented to the Registrar or to such officer as the Tribunal may authorize in this behalf. Each copy of the memorandum of appeal shall be accompanied by a copy of the order appealed from.

(5) The memorandum of appeal if it is signed by an authorized agent of the appellant, shall also accompany the instrument of authority or a certified copy thereof.

(6) The Licensing Officer against whose order the appeal has been preferred shall be the Respondent in the appeal.

(7) Every memorandum of appeal shall:--

- (i) be either type-written or written in legible handwriting;
- (ii) state the name and address of the appellant and the particulars of the respondent;
- (iii) state the date of the order complained of ;
- (iv) state clearly the grounds on which the memorandum of appeal is made;
- (v) state precisely the relief the appellant claims, and
- (vi) state precisely how appellant is competent to prefer the appeal.

* Substituted by notification No. 9960 / MW&C., dated the 28th October, 1980.

(8) On the receipt of every of every memorandum of appeal the Registrar or such officer as the Tribunal may authorize in this behalf shall endorse on it the date of receipt.

(9) The Registrar shall, after the receipt of every memorandum appeal examine –

- (i) whether the person presenting or preferring it is competent to do so;
- (ii) whether it has been preferred within the period of limitation laid down in the Act; and
- (iii) whether it conforms to the provisions of the Act and those rules.

If the Registrar finds any removable defect in the memorandum of appeal he shall give appellant or his agent, as the case may be, an opportunity to remove the defect.

If the defect is not removed or if the defect is not removable the Registrar shall with a report place the memorandum of appeal before the Tribunal and the Tribunal shall pass such orders as it thinks fit.

(10) The Registrar shall, in every appeal wherein the memorandum of appeal is not defective or the defect, if any, has been removed with the prior approval of the President of the Tribunal fix a date, time and place for hearing of the appeal and send notice to both the parties informing the date, time and place so fixed.

The notice to the respondent shall accompany a copy of the memorandum of appeal. The Registrar shall, at the same time, call for the relevant records of the proceeding from the respondent for production seven days before the date so fixed.

(11) On the date fixed for hearing the appeal or on any other subsequent date to which the hearing may be adjourned the appellant or his duly authorized agent, as the case may be, shall be heard in support of the appeal. The Tribunal after hearing the appellant shall hear the respondent or his duly authorized agent and the appellant shall have a right to reply.

(12) If on the date fixed for hearing of the appeal or on any other date to which the hearing of the appeal has been adjourned the appellant is absent, the Tribunal may, at its discretion dismiss the appeal or if the appellant is present but the respondent is absent, the Tribunal may hear the appeal ex-parte:

Provided that the Tribunal shall be competent to set aside an order of dismissal or an order passed ex-parte hearing if it is satisfied on application being made that the absence of the appellant or the respondent, as the case may be, was not willful and it was due to some reasons beyond his control and proceed to hear the appeal afresh.

(13) An appeal shall not abate by the death of the appellant may be continued by his successor or legal representative.

(14) The orders of the Tribunal shall be in writing and duly signed by the members of the Tribunal and it shall be communicated to both the parties by the Registrar.

(15) The Tribunal may award cost in any matter decided by it and lay down the time limit and procedure or manner of payment of the same. In the event of any amount of cost awarded against the appellant remaining unpaid the same shall be recoverable as an arrear of land revenue.

(16) Decision of the majority of members shall be the decision of the Tribunals. The member holding minority view shall be entitled to record his dissenting view in writing separately and furnished the same to the President of the Tribunal for records.

(17) If the members of the Tribunal are equally divided the decision of the President shall be the decision of the Tribunal.

(18) The Registrar shall perform such other functions and duties as may be allotted to him by the President of the Tribunal.

(19) In the matter of granting copies of records the West Bengal Records Manual shall apply.

***** **THE END** *****

FORM No. 1

[See rule 3(1)]

Application for licence under sub-section (1) of section 4 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966.

1. Name of the applicant/s son(s)/ daughter(s) of Address
2. (1) Name and location of the Cold Storage with postal address, police-station and district
- (2) Name(s) of the owner(s) son(s)/daughter(s) of address.....
- Vill/town Post office Police-station,
- District
3. Size of Cold Storage—
 - (1) Number of chambers.
 - (2) Size of the individual cold storage chambers (Length, Breadth and Height in metres).
 - (3) Total space of all the cold storage chambers (in cubic metre).
4. (1) Type of building/structure
- (2) Arrangements for water supply
- (3) Arrangements for power supply
- (4) Method of storing
- (5) Details about construction/arrangement of the racks
- (6) Refrigerant used and the safety arrangement
- (7) Whether pre-cooling is done and there is any pre-cooling chamber
- (8) Whether the operators have been provided with quarters within the cold storage premises or near about
- (9) Qualification and experience of the Manager/Technician/Tech. Supervisor/Operator etc.
5. Capacity of the Freezing plant
6. List of machinery with particulars
7. Total installed H.P. of the Motors/Prime-movers
8. Details of stand-by unit/s if any
9. Name/s of agricultural produce acceptable for storage
10. Name of the Treasury and number, date and amount of the Treasury Challan duly receipted enclosed.
11. Period for which licence is required
12. Schedule of Storage rates/hire charges realized or proposed to be realized from hirers.
13. I/We declare that the information or particulars herein furnished are true to the best of my/our knowledge and belief.
14. I/We undertake to comply with the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, the rules made thereunder as also the directions which the Licensing Officer may issue from time to time under the said Act and rules.

Address:

Date:

Signature of the applicant/s

***FORM NO. 1A**
(See rule 2A)

Application for permission for construction of Cold Storage under section 2A of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966.

1. Name of the applicant(s)
Son(s)/ daughter(s) of.....
Address.....
2. Location of the Proposed Cold Storage
 - (i) Mouza..... J.L. No.
Plot No. Area of land
 - Boundary.....
 - (ii) Village / Town..... Police Station
 - Post Office Block.....
 - Subdivision District
3. Name (s) of the Owner (s) of land.....
Address.....
4. Size of the proposed Cold Storage –
 - (i) Number of the Chamber.....
 - (ii) Size of the individual Cold storage Chamber.....
(Length, Breadth and Height in metres)
 - (iii) Total space of all chambers
(in Cubic metres)
5. (i) Whether plans and drawings in triplicate of the Propose Cold Storages building including ancillary structures, such as, rack machine room etc. Containing structural and foundation specifications have been furnished with this application.....
(ii) Whether the plans and drawings have been prepared and certified by a Chartered Engineer.....
(iii) Name and address of the Chartered Engineer
.....
(iv) Details about insulation and Safety arrangements.....
(v) Arrangement of racks.....
(vi) Whether there is any provision for a pre-cooling chamber.....
(vii) Whether there is any provision for quarters of operators within the Cold Storage premise or near about.....
6. (i) Financial Capacity of the applicant(s)
(ii)Made of financing the proposed Cold Storage
7. (i) Whether the applicant(s) own and / or operate any other cold storage.....
8. I / We declare that the information or particulars herein furnished are true to the best of my / our knowledge and belief.
9. I / We undertake to comply with the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, as amended from time to time and the rules made thereunder as also the directions which the Licensing Officer may issue from time to time under said Act and rules.

Address

Date

Signature of the applicant (s)

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

FORM No. 2

[See rule 3(1)]

Application for renewal of a licence under sub-section (1) of section 4 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966.

1. (1) Name and address of the applicant/s (with father's name), P.S., District
(2) Name(s) address of the owner(s) with Father's name/P.S./P.O./District
2. Name and location of the cold storage with postal address
3. (1) Number and date of the licence of which renewal is sought.
(2) Date of expiry of the present licence
4. Details of major changes/alterations/extension, etc. of the Cold Storage after issue or renewal of the present licence
5. Name of the Treasury, number, date and amount of the Treasury Challan (duly receipted) enclosed.
6. Period for which renewal of the licence is sought.
7. Changes, if any, in the schedule of storage rate/hire charges.
8. Any other information which the applicant/s may like to give.
9. I/We declare that the information or particulars herein furnished are true to the best of my/our knowledge and belief.
10. I/We undertake to comply with the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, the rules made thereunder as also the directions which the Licensing Officer may issue from time to time under the said Act and rules.

Address:

Date:

Signature of the applicant/s

***FORM No. 3**

[See rule 4]

GOVERNMENT OF WEST BENGAL

**Department of Agriculture
Directorate of Agriculture (Marketing)**



Licence No, date....., granted under section 3 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, for cold storage business.

1. Name and address of the licensee.....
2. Name and address of the Cold Storage.....
3. Total Capacity

This Licence is granted subject to the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and rules made thereunder, all of which are to be complied with by the Licensees.

This licence shall be valid up to.....

Place

Date

Licensing Officer

Renewal of Licence

Renewal	Date of renewal	Period for which renewed	Signature of the Licensing Officer	Remarks or special order(s) if any of the Licensing Officer granting renewal of the Licence.
1 st				
2 nd				
3 rd				
4 th				
5 th				
6 th				

Condition of Licence

1. The cold storage has been constructed in accordance with the plans approved by the Licensing Officer under rule 2A of the West Bengal Cold Storage (Licensing and Regulation) Rules, 1967, as amended from time to time. Repairs to and alterations in the cold storage as specified by the Licensing Officer by his order No. Date have been satisfactorily executed.

FORM No. 4

[See rule 6(1) and 20(6)]

**Application for issue of duplicates of licences under the West Bengal Cold Storage
(Licensing and Regulation) Act, 1966.**

To

The Licensing Officer

Sir,

I/We son(s)/daughter(s) of
residing at, post office....., police-station,
district, state that my/our licence No., dated
....., granted under section 3/29(2)(b) for the period ending has
been lost /destroyed/damaged/torn/defaced/rendered illegible under the following
circumstances:

(Here mention the circumstances under which the licence was lost/destroyed/damaged/torn/
defaced/rendered illegible)

2. I/We, therefore request you to issue to me/us a duplicate licence on the same terms and
conditions on which the original licence mentioned above was granted.

3. I/ We enclose herewith a treasury challan in payment of the prescribed fee of Rs.....
(Rupees)

4. I/We hereby solemnly declare that the particulars or information herein given are true to
the best of my/our knowledge and belief.

5. I/We also surrender herewith the original licence as it is (when the licence is not lost or
destroyed).

Witness (1)

Witness (2)

(Name and address of two witness and their full signature to be put in here)

Yours faithfully,

Place

Date

[Signature of the applicant(s)]

* The appropriate section should be indicated and underlined.

N.B. – Elsewhere in the application words not necessary should be struck off.

FORM No. 5

[See rule 6(1)(b)/ 20(6)]

INDEMNITY BOND

I /We [Name of the licensee/ weigher/ measurer/ sampler/grader] hereby acknowledge to have received a duplicate of the licence granted to me/us bearing No....., date by Licensing Officer to conduct business as licensee/weigher/measurer/sampler/grader under section 3/29(2)(b) of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and West Bengal Cold Storage (Licensing and Regulation) Rules, 1967, at village/town....., house No....., post office....., police-station....., district....., and for myself/ ourselves, my/our heirs, executors and administrators, I/We undertake, in consideration of the Licensing Officer having agreed at my/ our request to issue the duplicate licence, to indemnify the State Government against any loss or damage which may be caused by anyone using the licence lost by me/ us. I /we further undertake to return to the Licensing Officer the original if and when found by me/ us.

Place.....

Date

.....
Signature of the applicant/s

Executed in our presence:

(1)

(2)

(Signature of two witnesses)

Address of the witnesses:--

(1)

(2)

Date

N.B.- In furnishing Indemnity Bond, words and expressions not applying should be deleted.

FORM No. 6

[See rule 8 and 9]

Cold Storage Receipt—Negotiable/ Non-Negotiable

Serial No.....

Date

Name and Location of the Cold Storage.....

Cold Storage Licence No..... valid up to

Received from (Name and address of the depositor)

Agricultural Produce of the following description:

Name	Class or standard quality and/ or Grade	Number of packages or lots.	Net quantity in Kgms. By weight or by measure, etc.	Signature and Licence No. of the Weigher/ Measurer/Grader/Sampler

(1) Conditions of goods: (1) Good. (2) Fair, (3) Average.....

(2) Private marks of the hirer on the packages, if any.....

(3) *a) Rate of storage charges

*b) Rate of drying charge (where drying facility is required by the hirer

*c) Pro-rata premium

* *(4) If insured against fire/ riot/ other contingency, all the available particulars regarding the insurance, such as,--

i. Number and date of application.....

ii. Name of the insurer Policy No.

iii. Nature of the insurance and risks covered

iv. Amount for which insured

Note:-- If all the particulars of the insurance cannot be given, as not being available at the time of granting the receipt, such particulars as have not been given shall be furnished to the hirer as soon as available in a separate sheet which shall be a part of the receipt already granted to him.

(5) The agricultural produce is accepted for storage from..... to

.....

(6) Market rate at the time of deposit Valuation.....

(7) Particulars regarding transfer by endorsement creating liens, mortgages or other encumbrances on the agriculture produce deposited.....

This receipt is issued subject to the provision of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and rules thereunder and the conditions of any agreement/ contract under section 23 of the Act.

Date

.....

Signature/Thumb Impression of
the hirer or his agent

.....

Signature of the licensee or his
authorized agent

The Agricultural Produce mentioned and described below is hereby released from the receipt for delivery from the cold storage. Any unreleased balance of produce is subject to a lien for unpaid charges and advance on the released portion:--

Date	Name and quantity of produce released	Signature of hirer	Name and quantity of produce due on receipt	Signature of the Licensee or his authorized agent.

* Substituted by notification No. 2337-MW & C., dated the 24th February, 1982.

** Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

Renumbered by notification No. 3278MW&C, dated the 14th May, 1969.

§ FORM No. 7

[See rule *11(5)]

Maintenance of Log of the Refrigeration Plant

1	2	3	
Period	Voltage	Line Pressure	
		Section Pressured	Condensing Pressured

4	5	6	7	8	9		
Temperature Room No. 1 D/BW/B Hum	Temperature Room No. 2 D/BW/B Hum	Temperature Room No. 3 D/BW/B Hum	Temperature Room No. 4 D/BW/B Hum	Outside Temperature D/BW/B Hum	Compressor No. 1 Running:		
					Start	Stop	Total

10			11		
Compressor No. 2 Running.:			Compressor No. 3 Running.:		
Start	Stop	Total	Start	Stop	Total

12					13	14
Fresh Air Room:					Electrical consumption Power—440 Volt.	Remarks
1	2	3	4	Pre		

Manager : Signature of the Operators on duty: Technician. Instructions.

(1)

(2)

(3)

Dated

§ Substituted by notification No. 350-MW &C, dated the 24th February, 1975

* Substituted by notification No. 350-MW &C, dated the 24th February, 1975

FORM No. *8
[See rule 15(*a)]
Register of \$ Stock and Hirers

..... Cold Storage Located at

Serial No.	Number and date of the hirer's application, if any.	Name of address of the hirer / licensee	Particulars of Reservation				Description of Agricultural produce received	Grade/quality standard Good/Fair/Average.
			Period	Space booked for (Quantity)	Advance received, if any Rs. P.	Money receipt No. and date		
1	2	3	4	5	6	7	8	9

Particulars of Agricultural produce released.							
Cold Storage Receipt No. and date	Weight and/ or measurement.	Value	Date of delivery	Weight and/ or measurement	Weight and measurement.	Value	
10	11	12	13	14	15	16	

Charges Accounts				Charges Recovered				
Cold-storage charges	Insurance charges.	Other charges	Total dues	Cold-storage charges	Insurance charges.	Other charges	Total recovery (Total of Column Nos. 6,23,24 and 25)	Amount due from hirer being the difference of Columns 22 and 26
17	18	19	20	21	22	23	24	25

Money receipt No. and date	Particulars of Bank Advance (if any.)	Particulars of space occupied.			Particulars of transfer by endorsement, if any.	Remarks
		Chamber No.	Rack No.	Shelf No.		
26	27	28	29	30	31	32

* Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

\$ Substituted vide notification No. 350-MW &C, dated the 24th February, 1975

FORM No. * 9

[See rule 15(b)]

General Insurance Account

..... Cold Storage Located at

Date	Name of hirer	Kind/ Name of Agricultural produce and its description	Cold storage receipt No. and date.	Value of agricultural produce stored.	Amount for which insured	Period for which insured from..... to	Name and address of the Company/ Companies with whom insured.
1	2	3	4	5	6	7	8

Insurance Policy No. and date.	Amount of insurance premium with reference to premium receipt	Amount and description of out of pocket expenses, if any, incurred by the Licensee towards insurance of agricultural produce	Amount of premium and other insurance charges realized from the hirer with reference to money receipt	Reference to hirer's register Folio	Initials of the Licensee or his authorized agent	Remarks
9	10	11	12	13	14	15

 * Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

FORM No. *10
[See rule 15(c)]
Register of Cold Storage Receipts issued and cancelled

..... Cold Storage Licence No

Located at Valid up to

Serial No.	Number and Date of the Cold Storage receipt	Name and address of the hirer to whom issued	Reference to Register of hirer	Cancellation of Receipt		Remarks
				Date of cancellation with reasons.	Signature of the licensee or his authorized agent.	

 * Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

FORM No. *11
[See rule 15(d)]
Register of letters received

Name of cold storage Located at

Consecutive No.	Date of receipt in office	From whom received	Number	Date	Short subject	Where the letter is placed		Brief note of action taken	Remarks
						File No.	Date.		

 * Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

FORM No. *12
[See rule 15(d)]
Register of letters/ Notices issued

Name of cold storage Located at

Consecutive No.	Date	To whom addressed	Short subject	File No.	If the letter has been dispatched by post			If the letter has been delivered by peon book the date of delivery	Remarks
					Value of Stamp	Registration receipt No.	Date of dispatch		

 * Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

FORM No. *13

[See rule 16]

Name of the Cold Storage Name of Licensee.....
 Location Capacity..... Address
 Return for the quarter ending Licence No..... Dated
 Valid up to

Serial no.	Name and description of agricultural produce stored	Opening balance		Deposits during the quarter		Withdrawal during the quarter		Balance at the end of the quarter	
		Number of bags/Packages	Quantity	Number of bags/Packages	Quantity	Number of bags/Packages	Quantity	Number of bags/Packages	Quantity
1	2	3	4	5	6	7	8	9	10

Total quantity of Agricultural produce in stock at the end of the quarter	Particulars of Insurance Policies.		Claim settled, if any, with date	Claims outstanding, if any, from date.	Particulars of staff employed during the quarter.	
	Policy No. and date with amount /value covered by each Policy	Claim preferred. Or due if any, with date			Technical	Non-Technical
11	12	13	14	15	16	17
	Rs. P.		Rs. P.			

Particulars regarding compensation paid for loss etc. under sec. 24.				Remarks or explanation if any, of the licensee	Remarks of the Licensing Officer, on scrutiny.
Name and quantity of the produce lost, damaged, etc.	Compensation assessed with date	Date of Payment	Claim outstanding, if any.		
18	19	20	21	22	23

Date.....

Signature of Licensee or his Agent.....

 * Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

***FORM No. 14**

[See rule 18]

Terms and Conditions of storage of Agricultural Produce

* Omitted by notification No. 9960/MW&C., dated the 28th October, 1980.

1. Application for storage space shall be made in the prescribed form available free of cost with an advance payment of fifty paise per *quintal of agricultural produce proposed to be stored.
2. Different agricultural produce will be accepted for storage for different seasons as follows.:-

Seed Potato	From.....	to	@.....	per quintal/Kg.
Table Potato	From.....	to.....	@.....	per quintal/Kg.
Cabbage	From	to	@.....	per quintal/Kg.
Carrot	From	to	@.....	per quintal/Kg.

3. *(i) The storage charges accrues from the date on which intimation regarding delivery of agricultural produce at the cold storage is issued and shall be Rs..... P..... per quintal or Rs..... P..... per Kg. for a season or part thereof with rebates as under:-

.....
.....

- (ii) The rebates admissible to Co-operative Societies shall be as follows:-

* Omitted by notification No. 350/MW&C., dated the 14th January, 1975.

3. Additional storage charge at the rate of Rs..... Per quintal or Rs..... P.... per Kg. shall be payable if the produce is kept in the storage beyond the specified season. No produce shall, however, be allowed to be kept in the cold storage after..... 20
4. The intending hirer must deliver his produce on the date fixed by the licensee for the purpose and communicated to him in writing. In the event of his failure to deliver produce on the fixed date the reservation may be cancelled and the advance forfeited at the discretion of the cold storage management.
5. The hirer shall be entitled, **subject to the provisions of rule 10, to inspect his stored produce and arrange its weightment, measurement, sampling and /or grading through licensed weigher, measurers, samplers and grader #as the case may be once in a fortnight after previous intimation to the manager of the Cold Storage.
6. Storage charge is payable on actual weight of agricultural produce received for storage. If desired by the hirer a licensed weigher may be engaged for the purpose at his costs.

* Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

** Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

7. The hirers shall be liable to pay an Insurance charge of Rs. P Per quintal per to cover risk of loss or damage due to fire and breakdown of plant and machinery. Insurance of stored agricultural produce is also permissible at the discretion of hirer on payment of an additional charge of Rs..... P..... per quintal per..... against riot and civil commotion.
8. * The licensee shall be responsible for damage or loss in weight of stored agricultural produce exceeding the limit prescribed in the rules under the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, if the loss is the result of causes not covered by Insurance and shall make good the loss by payment of compensation in pursuance of section 24 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and the rules made thereunder.
9. Transfer of ownership of stored agricultural produce is allowed subject to a general lien on such produce transferred for all sums due from the person or persons who occupy or have occupied the position of owner whether at or before the date of such transfer.
10. The management of the cold storage shall have the right to refuse any agricultural produce for storage which, in its opinion, is unfit for storage and shall be free to remove from its premises, any produce found to be of offensive nature or such as will contaminate and damage other produce in the store and shall not be responsible for any damage occasioned by such removal. The management shall also be entitled to open any package, sealed or otherwise held in the storage, if an examination of its contents is considered necessary.
11. In the event of the market prices of stored agricultural produce going down the management shall have the right to demand and realize the storage charge in full.
12. Facility for drying stored agricultural produce after delivery shall be provided in the premises/yards of the cold storage for a period not exceeding eight hours according to priority. If drying by electric fans is desired and extra charge of P. per quintal shall have to be paid by the hirer.
13. Agricultural produce stored shall be liable to sale by public auction in terms of section 12 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and the rules made thereunder if such produce is not removed by the hirer from the cold storage premises within three days of the date fixed for return and removal of the produce.
14. Any notice or intimation required to be given to the hirer shall be deemed to have been properly and sufficiently given if sent by post to the last known address of the hirer under Certificate of Posting.
15. The cold storage receipt is issued subject to these terms and conditions and the receipt must be produced at the time of delivery.
16. The hirer shall be liable to pay any tax or cess which the State Government or any Local Body may impose on his produce stored.
17. In the event of any dispute regarding any of the foregoing terms and conditions the decision of the Licensing Officer shall be final.

* Substituted by notification No. 3278MW&C, dated the 14th May, 1969.

Application for Storage Space

Applicant's Name.....

Address

To

M /s Cold Storage

Address

Dated

Dear Sirs,

Please reserve space for storage of Kg./ Tonnes/Quintals of
..... from to I / We am /are prepared to abide by your
terms and conditions of storage.

Yours faithfully,

(Applicant's signature)

FORM No. *15

[See rule 20(3)]

Application for grant/ renewal of licence to act as weigher/measurer/sampler/ grader/ under section 29 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966.

To

.....
(The Licensing Officer)

Sir,

I/We, son(s) of residing at village/town , post office....., district....., request that I/We may be granted a licence (Licence No..... dated, granted to me/us) to act as weigher/measurer/ sampler/ grader and to determine and certify the measurement/ weight/ class or sample/ grade of the agricultural produce stored or to be stored in the following cold storage(s) licensed/ application for licensing of which has been made under the West Bengal Cold Storage (Licensing and Regulation), Act, 1966, during / may be renewed for the year ending on the 31st day of December 20.....:-

Name and location of the cold storage(s)	Name of the Licensee	Cold Storage Licence No..... Dated.....	Name of Agricultural produce for which licensed or to be licensed.

2. I / We hereby agree and undertake to abide by the terms and conditions of the licence that may be granted/ renewed and to comply with the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, and rules there under or any orders, issued by the Licensing Officer under the aforesaid Act and rules.

3. I/ We enclose herewith the receipted Treasury Challan in payment of the Licence fee of Rs.....(Rupees (in words and figures)].

4. Questions to be answered by the applicant(s) and particulars to be furnished on the following points:

(1) Full Name(s).....

(2) Residential address.....

(3) Date of birth..... age..... years..... months.....

(4) Present employment, if any.....

(5) Name and address of the present employer, if employed.....

(6) How were you employed during the last five years?.....

(7) Have you ever been discharged from employment?.....

(8) Have you ever been licensed to perform services similar to those for which the licence is applied for?.....

If so, give details.....

(9) Have you ever performed services similar to those for which the licence is applied for?.....

If so, give details.....

(10) Educational qualifications and special qualifications, if any.....

(11) Are you physically fit for the duties to be performed by you as a licensed weigher/ measurer/ sampler/ grader as applied for?.....

Have you any defects of eyesight or any disease of the eye?.....

If so, give details.....

(12) Names and address of three persons who have personal knowledge of your qualifications and activities. (Two of such persons must be engaged in or closely associated with commercial concerns dealing in or handling agricultural produce covered by the application for licence.)

(i).....

(ii).....

(iii).....

I /We hereby solemnly declare that the foregoing statements or the information furnished above are true to the best of my/ our knowledge and belief and that in case they prove to be false or untrue, I /we undertake hereby to indemnify any person or persons concerned with my/ our business as a licensed weigher/ measurer/ grader/ sampler, against any loss arising out of such false or untrue information.

Place.....

Dated

.....

.....

Signature of applicant(s)

FORM No. *16
[See rule 20(4)]

Licence for Weigher/ Measurer/ Sampler/ Grader under section 29 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966

Under clause (b) of sub-section (2) of section 29 of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, Shri..... Son(s) of residing at village/ town....., holding / premises No..... police-station....., post-office....., district....., is / are hereby licensed to act as weigher/ measurer/ sampler/ grader and to certify the weight/ measurement/ class or sample/ grade of the Agricultural Produce stored or to be stored in the following cold storage(s) licensed or application for licensing of which has been made under the West Bengal Cold Storage (Licensing and Regulation) Act, 1966:--

Name and location of the cold storage(s)	Name of the Licensee	Cold Storage Licence No..... Dated.....	Name(s) of Agricultural produce for which licensed or to be licensed.

Conditions of this licence

1. This licence is issued subject to the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966, the rules made thereunder and it shall be liable to suspension or cancellation for any breach of the provisions of the said Act and rules or for violation of or non-compliance with any of the conditions of this licence.
2. The holder of this licence shall correctly weigh, measure, sample or classify or grade agricultural produce tendered to him on the strength of this licence and shall issue certificate, in Form No. 18 appended to the West Bengal Cold Storage (Licensing and Regulation) Rules, 1967, in regard to weight, measurement, class or sample or grade of the said Agricultural Produce examined.
3. The holder of the licence shall, without making any discrimination between persons desiring to engage his services, as soon as possible, weigh, measure, sample or classify or grade agricultural produce, as the case may be, and for which his services are engaged.
4. This licence shall be produced whenever demanded by the Licensing Officer or any other officer/officers authorised by him in this behalf.
5. This licence shall not be transferable.
6. This licence shall not authorise its holder to act as weigher/measurer/ sampler/ grader in respect of any agricultural produce other than those specified in column 4 of the above table or for any cold storage other than that/ those specified in column 1 of the said table.
7. This licence shall be valid for the period up to 31st December, 1977 with effect from the date of its issue, inclusive of both these dates.

Signature of the Licensing Officer
With seal of his office and date

* Renumbered vide notification No. 350-MW &C, dated the 24th February, 1975

Renewal of the Licence

(To be filled in the case of renewal of this licence)

Number of times renewal	Date of renewal	Period or year for which renewed	Signature of the Licensing Officer	Remarks or special orders if any of the Licensing Officer granting renewal of the licence
1.				
2.				
3.				
4.				
5.				

*FORM NO. 17 (See rule 16)

Fortnightly return on the storage of agricultural produce in the Cold Storage for the fortnight ending on

Name of the Cold Storage _____ Quantity in
tonnes _____

Capacity of the Cold Storage _____

Name of the Agricultural Produce	Opening Balance	Deposit during the fortnight	Withdrawal during fortnight	Closing Balance	Deposit during the corresponding fortnight last year	Withdrawal during the corresponding fortnight last year	Closing Balance during the corresponding fortnight last year.
1	2	3	4	5	6	7	8

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

Form No. 18
(See rule 2 A)
GOVERNMENT OF WEST BENGAL
Department of Agriculture
Directorate of Agriculture

Permission granted under section 2A of West Bengal Cold Storage (Licensing and regulation) Act,
1966 for Construction of Cold Storage.

No.

Dated.....

1. Name and Address of the applicant (s)

Son (s) of / Daughter (s) of

Address:

2. (1) Name and location of the Cold Storage :

Mouza J.L. No.

.....

Plot No. Area

.....

Village / Town Police Station

.....

District.....

(2) Name (s) of the Owner (s)

Son (s) of Daughter (s) of

Address

3. Reference No. of the permission granted under section 2A by the Licensing Officer.

No.

Dated

(Copy to be enclosed).

4.(1) Whether construction of the cold storage building with anliary structures has been completed in accordance with the plans and drawings approved by the Licensing Officer
.....

(2) Whether a certificate issued by the Chartered Engineer to the effect that he has checked the construction and is satisfied that buildings an the anliary structures, arrangements regarding insulation, racks, refrigeration, sanitary, safety arrangements etc. conform to the specification laid down in the permission granted under section 2A of the Act and rules thereunder has been furnished with the application.

(3) Whether any other direction issued by the Licensing Officer at the time of granting of permission has been complied with.\

5. Size of the cold storage –

- (1) Number of Chambers
- (2) Size of each Chamber (Length, Breadth and Height in metres)
- (3) Total space in all chambers (in cubic metres)

6. (1) Arrangement for water supply

(2) Arrangement for power supply

(3) Methods of storing

(4) Qualification and experience of the Manager/Technician/Technical

Supervisor/Operator etc.

7. Capacity of the Freezing Plant

8. List of machinery with particulars

9. Total installed H.P. of the Motor / Prime movers

10. Details of stand-by unit(s) / Generator

11. Name(s) of agricultural produce acceptable for storage

12. Name of the Treasury and number, date and amount of the Treasury Challan duly received enclosed

13. Period for which licence is required

14. Schedule of storage rates / hire charges proposed to be realized

15. I/ We declare that the information and the particulars herewith furnished are true to the best of my/our knowledge and belief.

16. I/we undertake to comply with the provisions of the West Bengal Cold Storage (Licensing and Regulation) Act, 1966 as amended from time to time, the rules made thereunder as also the directions which the Licensing Officer may issue from time to time under the said Act and rules.

Address

Date

Signature of the applicant(s)

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

***Form No. 19**
(Sub-rule 16A)

Notice to the Licensing Officer under section 19A(1)
for Transfer of the Cold Storage Property.

1. Name of the Licenses :

2. Name, address and location of the :
Cold storage proposed to be transferred

3. Particulars of agricultural produce, if any :
Stored in the Cold Storage
 - (a) Name of the agricultural produce :
 - (b) Total number of hirers :
 - (c) Total quantity stored :

4. Name and address of the Intending Purchaser :

5. Whether the purchaser owns other Cold :
Storages within the State

6. If the answer to query at 5 is “yes”, the name, :
Address and location of the Cold Storage

7. Whether there is any liability of the licensee :
on account of payment of compensation.

8. Nature of the proposed transfer i.e. whether :
outright sale, conditional sale, lease etc.

9. The date on which the proposed transfer :
is due to be effected.

Date

Signature of the Licensee

* Inserted by notification No. 9960 / MW&C., dated the 28th October, 1980.

SCHEDULE I
[Vide rule *4 (n)]

Maximum hire charges for storing in Cold Storage

Name of the commodity and maximum storage charge

1. Potato—
Rs. **18.00 per quintal for the period March- November or part thereof.
2. Cabbage—
Rs. 1.20 per 40 Kg. for 7 days or part thereof.
3. Orange—
 - (i) Rs. 1.50 per case per month
 - (ii) Rs. 4.50 per case for the period March- July or part thereof.
4. Pears (Naspati)—
Re. 1.00 per month per crate of approximately 100 fruits.
5. Apple—
Rs. 1.50 per month per case or Tukri containing 200 to 250 fruits.
6. Pomegranate
Re. 1.00 per case per month
7. Mosambi—
Re. 1.00 per bag per month.
8. Dry Fruits—
Re. 1.00 per month or part thereof, for a tin or packet not exceeding 20 Kg. in weight.
9. Fish—
 - (i) Rs. 2.80 per 40 Kg. for 7 days or part thereof.
 - (ii) Re. 0.20 per Kg for 7 days or part thereof.
10. Meat—
 - (i) Rs. 2.80 per 40 Kg. for 7 days or part thereof.
 - (ii) Re. 0.25 per Kg of Beef/ Pork for 7 days or part thereof.
11. Dressed Poultry—
Re. 0.20 per Kg. for 7 days or part thereof.
12. Egg—
 - (i) Re. 1.00 per basket per week or part thereof.
 - (ii) Rs. 1.50 per cft. for 4 weeks or part thereof for hen eggs.
 - (iii) Rs. 1.25 per cft. for 4 weeks or part thereof for duck eggs.

* Substituted by notification No. 2337-MW & C., dated the 24th February, 1982.

** Substituted by notification No. 2337-MW & C., dated the 24th February, 1982.

SCHEDULE II
[Vide rule 13]

Maximum loss allowable in weight or bulk due to dryage or shrinkage

No	Name of the commodity	Maximum loss in percentage	Period of storage
1	Potato (a)	3	5 months.
		4	6 months
		4-5	7 months
		5	8 or 9 months
2	Cabbage (a)	20	1 month
		30	2 months
		40	3 months
3	Orange (Nagpur) (a)	2	5 months
4	Pear (Naspati) (a)	2	2 ½ months
5	Apple (a)	2	6 months
6	Pomegranate (Bedana) (a)	1	8 months
7	Mossambi (a)	2	2 months
8	Dry fruits	Nil	8 months
9	Fish	3	7 days
10	Meat	2	7 days
11	Egg	Nil	4 weeks
12	Dressed Poultry	Nil	7 days

(a) The given percentage losses relate to mature fruits and vegetables.