

Special Licence for more than one market area
(Unified or Single licence for trading into entire State)

Section 14-A of APMC Act, 1961

14-A. Licence for more than one market areas. –

(1) The Director may issue Licences, in accordance with the rules, to traders and processors to operate in more than one market areas on payment of the prescribed fees.

(2) The Director may refuse to issue a Licence for the reasons to be recorded in writing.

(3) All Licences issued under this section shall be subject to the provisions of this Act and the rules and bye-laws made there under.

Rule- 63 of APMC Rules, 1963

63. Grant of special licence-

(1) Notwithstanding anything contained in these rules, any person having a special licence issued by the Director may do business as trader or processor of agricultural produce in more than one market areas.

(2) A special licence may be issued to a person for carrying out the business of notified agricultural produce in more than one market area subject to condition that in a financial year he shall purchase from producer one or more than one agricultural produce out of the following agricultural produce in such minimum quantity as may be specified by the State Government from time to time:-

- (a) Fibres;
- (b) Cereals & Pulses;
- (c) Legumes;
- (d) Oilseeds;
- (e) Fruits, Vegetables & Flowers;
- (f) Spices;
- (g) Forest produce; and
- (h) Miscellaneous.

Note : Purchase made at all specified purchase centre shall be taken together.

63-A. Application for licence

(1) Any trader or processor desirous of obtaining a special licence to operate in more than one market area shall submit an application to the Director in form Form-XXIII along with non refundable application fee as may be specified by the State Government from time to time.

(2) The application for special licence shall accompanied with-

- (i) The proof of payment of application fees or crossed bank draft of the requisite amount drawn in favour of the Director.
- (ii) The list of the market areas in which purchase of notified agriculture produce is sought to be made and also indicate the name/father's names of all authorized representatives in every market area along with their official capacity.
- (iii) Particulars of immovable property held by the applicant in the market areas and attested photocopies of the documents related thereto.
- (iv) Certificate of the competent authority regarding payment of income tax/commercial tax of previous year and photocopies of the returns, balance sheet and accounts duly audited by a Chartered accountant.

(v) Declaration in form-XXIV.63-B. Licence Fee.- The fee for a special licence shall be such as may be specified by the State Government from time to time. It shall be deposited in such manner as may be directed by the Director.

63-C. Security deposit

(1) After taking a decision to grant special license, security, as specified by the State Government from time to time, shall be payable by the licensee. The amount of security deposit shall be in the form of cash or a bank guarantee. The bank guarantee must be issued by a scheduled/nationalized bank having its branch at Jaipur (Rajasthan) and same shall be for [such period for which the special licence has been granted.] However, it will not be necessary, for an undertaking of the State Government to deposit the security amount but it will be necessary for such undertaking to make payment to sellers of agricultural produce under the provisions of section 15D.

(2) The applicant shall have to submit a certificate of security in form XXVI along with a bank guarantee towards security deposit to the Director.

63-D. Procedure for grant of special licence

(1) The Director shall, on receipt of an application for special licence, obtain no dues/no objection certificate from the Secretaries of the market committees concerned of the specified market areas.

(2) Incomplete applications shall not be accepted, Shortcomings and/or defects shall be communicated to the applicant in writing fifteen days. If the shortcomings and/or defects in the application are not rectified by the application within a period of fifteen days, such application shall be automatically stand rejected and no further action shall be taken by the Director.

(3) The Director may make such enquiry as he deems necessary, before issuing the licence. However the Director may refuse to grant licence for such market areas/specified purchase centre, after recording reasons thereof.

(4) The Director may grant or refuse the provisional or special licence in Form-XXV-A or Form XXV-B as the case may be within a period of 30 days from the date of receipt of the application.

(5) The special licence shall not be granted for establishing a purchase centre within the market proper where a market yard or sub-market yard or private sub market yard is situated.

(6) A special licence shall not be granted for establishing a purchases centre at a place which is located within the premises of a processing plant owned by the applicant. However, in case of vegetables, fruits and flowers the purchase centre may be established within the premises of a processing plant.

(7) A special licence so granted shall be valid only for the specified market areas and at purchase centres as specified in the licence. Provided that the special licensee may purchase notified agricultural produce in the market/sub-market yards of the specified market area. Provided further that a special licensee shall be allowed to purchases or sell the notified

agricultural produce under a secondary transaction like other licensee traders of the market as per the provisions of the Act, rules and bye -laws.

(8) A special licensees may apply for permission to establish additional purchase centre in a specified market area. The Director, after conducting such enquiry as he may deem necessary, may grant permission to establish such additional purchase centre after the security amount, as specified in rule 63-C, has been deposited.

63-E. Period of licence

(1) The special licence shall be issued for [Such period for which the special licence has been granted.] Initially a provisional licence shall be issued for a period of one year in Form XXV-A. During this period the licensee shall create the following facilities at the purchase centre, namely:-

- (i) Adequate electronic weighing facilities.
- (ii) Suitable arrangements for drinking water, light, toilet facilities for farmers.
- (iii) Payment counter,
- (iv) Suitable arrangement for parking of vehicles.
- (v) Essential facilities and trained manpower for determining the quality of produce i.e., percentage of moisture, foreign material, damaged grains etc.

(2) An authorized representative of the Director shall, after visiting the purchase centre, submit a report, two months prior to the expiry of the period of provisional licence, to the Director regarding the creation of facilities by the licensee as specified in sub-rule(1).

(3) In the event of having created the facilities as specified in sub -rule (1) by the licensee, regular special licence for the remaining [XXX] years shall be granted in Form XXV-B

63-F. Disposal of Security

(1) Any amount payable to seller for his produce or any other amount payable to the market committee, if not paid by the licensee within the specified period, shall be recovered together with interest by the Director from the fixed deposit receipt or bank guarantee furnished by the licensee as security. The shortfall so created shall be make up by the licensee within fifteen days falling which the licence shall be liable to be cancelled.

(2) If the licensee desire to surrender his special licence, them the Director, after proper enquiry, may take a decision to refund or not to refund or to refund partly, the security amount so deposited.

63-G. Display of special licence

The licensee shall display the original copy of the special licence at its business headquarters and attested photocopies thereof at purchase centers of the specified market area. An attested photocopy shall also be submitted to the market committee concerned of the specified market area.

63-H. Renewal of special licence

- (1) The special Licensee shall submit an application in prescribed Form-XXIII to the Director for renewal of the licence at least 30 days prior to its expiry.
- (2) The applicant shall deposit an amount as may be specified by the State Government, from time to time, as renewal fee of license, in the office of the Directorate.
- (3) All documents specified in sub-Section (2) of rule 63A, shall be enclosed with the application.
- (4) Special licence may be renewed by the Director as per the procedure, prescribed in rule 63D.
- (5) The applicant shall furnish a renewed security deposit as specified in 63-C.

63-I. Suspension or cancellation of a special licence

- (1) A special licence issued under these rules may be suspended or cancelled by the Director, if the licensee,-
 - (a) has obtained the licence by misrepresentation of fraud or any person acting on his behalf commits a breach or contravenes any of the terms or conditions of the licence; or
 - (b) in collusion with other licensee commits any act by which the marketing of any produce has been abstained. Suspended or stopped; or
 - (c) has become insolvent; or
 - (d) has contravened any condition of licence, the provision of the Act, these rules or bye- laws made there under; or
 - (e) acts against the interest of any market committee or farmers; or
 - (f) has been found guilty by a competent court or by the Director or market committee under the rules and bye-laws; or
 - (g) has not paid market fees and other dues together with interest thereon; or
 - (h) has not paid to the farmers/sellers of the specified market area for the agricultural produce purchased from them within the prescribed period; or
 - (i) has caused default in payment by not depositing the amount due towards the Directorate or Market Committee concerned within the period mentioned in the notice/demand note; or
 - (j) has not submitted the prescribed periodical returns in the Directorate or office of the Market Committee concerned, as the case may be within the prescribed time period; and
 - (k) has engaged persons unauthorizedly for weighment or as hammals: Provided that before suspending or cancelling a special licence, a reasonable opportunity of being heard shall be given to the licensee by the Director. The order to suspend or cancel a special

licence shall be passed by the Director after recording reasons in writing. A copy of the order so passed shall be sent to the Secretaries of all the specified market areas and also to the Deputy/Assistant Director concerned for compliance.

63-J. Appeal - Any person or a Special Licensee aggrieved by an order of refusal to grant or renew a special licence or by the order of suspension or cancellation of a special licence, may prefer an appeal before the State Government, within 30 days from the date of receipt of such order. The order passed by the State Government, after giving the appellant a reasonable opportunity of being heard shall be final.

63-K. Purchase document and sale-voucher

(1) The special Licensee shall prepare a purchase agreement from document in Form-XXVII in triplicate in favour of the seller for the purchase of notified agricultural produce at Specified Purchase Centre. One copy of Form-XXVII shall be retained by the purchaser, second copy shall be given to the seller and the third copy shall be submitted to the Secretary of the market committee or to the Centre In-charge on the next day.

(2) The sale-voucher shall be prepared by the purchaser in form XXX in triplicate, in favour of the seller. One copy will be submitted to the secretary of the market committee concerned or the centre in-charge on the next day.

63-L. Disposal of complaints - If any dispute arises between a Special Licensee and a seller regarding rates, weight, value and /or payment of purchased notified agricultural produce, a complaint may be submitted by the Seller to the Secretary of the market committee concerned. After proper inquiry, the Secretary shall dispose of the complaint within a period of seven days. If the complaint pertains to payment to the seller is found correct, the Secretary shall immediately inform the Director, Agriculture Marketing.

63-M. Payment of market fees - The market fees payable by a special licensee, on the purchase of every notified agricultural produce in the specified market areas shall be deposited in the office of the Market committee concerned.

63-N. Dispatch, sale and processing - The sale, processing or dispatch of notified agricultural produce shall be made by the licensee only after making full payment of the value of a notified agricultural produce at the Specified Purchase Centre to the seller and payment of market fees and other dues to the market committee concerned. The Special licensee shall have to obtain a permit issued by the market committee for dispatch as per provisions of by-laws before making dispatches of the market produce.

63-O. Submission of returns by special licensee- (1) The Returns, pertaining to the business of notified agricultural produce in the specified market areas, shall be submitted by the Special Licensee to the market committee concerned in the prescribed form XXVIII and XXIX and at such intervals as specified in the rules. The Special Licensee shall submit all record and information, if called for by the Director, Agriculture Marketing.

63-P. Application of other provisions of rules- Save as otherwise provided in rule 63, 63-A, 63-B, 63- C, 63-D, 63-E, 63-F, 63-G, 63-H, 63-I, 63-J, 63-K, 63-L, 63-M, 63-N, 63-O, all other provisions of these rules shall apply to the special licensee.