MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 8th November, 2007

G.S.R. 699(E).— In exercise of the powers conferred by section 9 of the Sugar Development Act, 1932 (4 of 1982), the Central Government hereby makes the following rules further to amend the Sugar Development Fund Rules, 1983, namely.-

 These rules may be called the Sugar Development Fund (Third -Amendment) Rules, 2007.

- (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Sugar Development Fund Rules, 1983, after rule 19, the following rule shall be inserted, namely:-

2.

"19A Creation of buffer stock from 2006-2007 sugar season onwards (1). - The Central Government may having regard to the stock of sugar held with the sugar factories, the prospects of sugar production, the requirement of sugar for consumption within the country and export and such other relevant factors as may be considered necessary, decide from time to time, the quantity of sugar to be maintained as buffer stock and the period for which the buffer stock shall be maintained.

(2) The Central Government shall determine the share of each sugar factory having regard to the production of the sugar or the stock held by it or considering the both and the Chief Director (Sugar), Directorate of Sugar, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution shall make factory-wise allocation of buffer stock on such basis as may be specified by the Central Government.

(3) (a) On allocation of buffer stock, every sugar factory shall set apart the quantity allocated as buffer stock and store it in a separate and distinctly identifiable lots and stock within the factory premises:

Provided that the Chief Director (Sugar) may in exceptional circumstances and for the reasons to be recorded in writing, grant exemption to an occupier of the sugar factory from storage of buffer stock within factory premises.

(b) If an occupier contravenes the provisions of clause (a) of sub-rule (3), he shall be ineligible for buffer subsidy for the entire period and the buffer subsidy already paid shall be recovered with due interest thereon at the rate as notified by the Department of Economic Affairs to be charged from private companies plus penal interest of 2.5% per annum.

(4). Every occupier of the sugar factory shall provide necessary safeguards against damage, loss and deterioration in the quality of the sugar stored as buffer and against mixing it with other stocks.

(5). Every occupier of the sugar factory shall insure the buffer stock so set apart against such risk as may be required by the bank with which the buffer stock is pledged for the purpose of securing loan.

(6). (a) Every occupier shall maintain the allocated buffer stock in good condition and in case of any damage or loss to the buffer stock, the occupier of that sugar factory shall replace the same with new stock at his own cost within thirty days of such damage or loss and shall furnish a certificate from the concerned Central Excise Authority for such replacement in Annexure-I of the Form- X along with the claim.

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(b) If an occupier fails to adhere to the time limit referred in clause (a) of sub-rule (6), he shall be deemed to have dismantled the buffer stock and shall be incligible for buffer subsidy for subsequent period including the relevant quarter.

(7). (a) No occupier of a sugar factory shall sell, remove, dispatch or dispose of any quantity of buffer stock without obtaining prior written permission of the Chief Director (Sugar).

(b) If an occupier contravenes the provisions of clause (a) of sub-rule (7), he shall be ineligible for buffer subsidy for the entire period and the buffer subsidy already paid shall be recovered with due interest thereon at the rate as notified by the Department of Economic Affairs to be charged from private companies plus penal interest of 2.5% per annum:

(8). (a) An occupier shall be free to replace the allocated buffer stock with the production of the subsequent sugar season, without any break, to maintain the quality of the buffer stock and shall furnish a certificate from the concerned Central Excise Authority for such replacement in the Annexure-I of the Form- X along with the claim.

(b) If an occupier contravenes the provisions of clause (a) of sub-rule (8), he shall be ineligible for buffer subsidy for the entire period and the buffer subsidy already paid shall be recovered with due interest thereon at the rate as notified by the Department of Economic Affairs to be charged from private companies plus penal interest of 2.5% per annum.

<u> দা II-- खण्ड 3(i)</u>]

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(9). The Chief Director (Sugar) or any officer authorized by the Chief Director (Sugar) may inspect the maintenance of buffer stock in the factory and on inspection, if it is found that the sugar factory has violated any provision of these rules, the sugar factory shall be deemed not to have maintained the buffer stock during the entire period for which the buffer stock has been created and the buffer subsidy, if any, paid shall be recovered with due interest thereon at the rate as notified by the Department of Economic Affairs to be charged from private companies plus penal interest of 2.5% per annum and the sugar factory shall become ineligible for buffer subsidy for subsequent period including the relevant guarter.

(10). All those sugar factories who have-

- (a) maintained allocated buffer stock either in full or in part, for the entire period for which the buffer stock has been created, unless permitted to dismantle under sub-rule (7);
- (b) availed the additional credit when there are cane price arrears against the sugar factory, and utilized the same for the payment of the cane price arrears provided the bank has not declined to extend such credit to the sugar factory;
- (c) submitted the utilization certificates in respect of buffer subsidy, disbursed for earlier quarters as per time schedule specified in sub-rule (20) and the buffer subsidy disbursed including the advance buffer subsidy for buffer stock created vide notification number G.S.R. S.O. 1326 (E) dated the 17th December, 2002; and

 (d) not been specifically declared ineligible by the Chief Director (Sugar) for such buffer subsidy

shall be eligible to receive the buffer subsidy in respect of the quantity of buffer stock maintained by such sugar factory and for the period in the relevant quarter for which such stock has been maintained:

Provided that a sugar factory shall be ineligible under clause (d) till the time the Chief Director (Sugar) declares it as eligible through a speaking and reasoned order.

(11). The interest, insurance and storage subsidy payable to sugar factories for maintenance of buffer stock shall be admissible at the following rates, namely:-

(a) Interest (R) at the rate as specified by the Department of Economic Affairs, Ministry of Finance, to be charged from the private companies or actual rate of Interest for the quarter (excluding additional or penal interest) charged by the bank on advance given to sugar factory against the buffer stock, whichever is less.

Explanation. - The rate of interest specified by the Department of Economic Affairs, Ministry of Finance, as on the date of creation of buffer stock shall be taken into account and shall remain the same during the period for which the buffer stock has been created or extended.

(b) Storage and insurance (S) at the flat rate of 1.5% per annum on the value of stock as may be notified by the Central Government.

(c) The buffer stock subsidy towards storage and insurance shall be payable only for the period during which the sugar factory has obtained the insurance coverage of the buffer stock, as the storage and insurance subsidy are clubbed together.

(d) The value of the stock (V), zone-wise, shall be as may be notified by the Central Government and shall remain the same during the period for which the

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buffer stock has been created or extended irrespective of the replacement of the buffer stock with production of subsequent sugar seasons.

Explanation. - For the removal of doubts, it is hereby clarified that the valuation of the buffer stock (V) by the Central Government is only for the purpose of calculation of buffer subsidy so as to simplify the procedure and the valuation of the stock would continue to be done by the banks at market rates as per their banking practices.

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(12). The buffer subsidy shall be calculated in the following manner, namely:-

(I) (a) Interest subsidy on normal credit:

$$I(a) \Rightarrow \frac{V \times R \times B \times N1 \times P1}{100 \times 365}$$
 (366 for leap year)

(I) (b) Interest subsidy on additional credit

 $I(b) = \frac{V \times R \times B \times N2 \times P2}{100 \times 365 (366 \text{ for leap year})}$

The total interest subsidy payable shall be I (a) plus I (b) **OR** the interest actually paid by the sugar factory whichever is less.

(II) Insurance and Storage subsidy = $V \times S \times B \times N3$ 100 x 365 (366 for leap year)

Total buffer subsidy payable= (1) + (11)

Where B is the buffer stock maintained by the sugar factory, N1 is the number of days for which the buffer stock has been maintained as certified by the Central Excise Authority in the relevant quarter, N2 is the number of days with effect from the actual date on which the bank credits the account of the sugar factory with additional credit till the end of the relevant quarter, N3 is the number of days for which the insurance cover was taken for the maintained buffer stock and P1 is the percentage of normal advance relating to buffer stock and P2 percentage of additional credit.

Explanation.- For the removal of doubts, it is hereby clarified that during the 1st quarter of the creation of buffer stock, the buffer subsidy shall be payable from the date of creation of buffer stock as notified by the Central Government provided the allocated quantity was available with the sugar factory.

(13). The duly filled proforma as per Form-X for payment of the buffer stock subsidy shall be submitted to the Chief Director (Sugar) on quarterly basis starting from the 1st day of creation of the buffer stock.

(14). The admissible buffer subsidy shall be payable to the sugar factory for the purpose of making payment for the cane price including cane price arrears for the sugar season in which the buffer stock has been created and of the subsequent sugar season in the following order of preferences, namely:-

(a) If the sugar factory has cane price arrears for any of the said sugar seasons as per the cane price arrears position available on the date of processing of the claim or on the date of financial concurrence, which ever is less, for that quarter as also Sugar Development Fund or Levy Sugar Price Equalization Fund over dues, then the buffer subsidy to the extent of cane price arrears for the said sugar season shall be paid to sugar factory notwithstanding the Sugar Development Fund or Levy Sugar Price Equalization Fund over dues and if the buffer subsidy amount is higher than the cane price arrears at that point of time then the buffer subsidy against the Sugar

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Development Fund over dues and the balance against Levy Sugar Price Equalization Fund over dues.

(b) If the sugar factory has no cane price arrears for the said sugar seasons as per the cane price arrears position available on the date of processing of claim of that quarter but it has Sugar Development Fund or Levy Sugàr Price Equalization Fund over dues, then the buffer subsidy amount payable to sugar factory shall be adjusted against the Sugar Development Fund over dues and the balance against Levy Sugar Price Equalization Fund over dues.

(15) The sugar factory shall have a separate bank account for crediting the buffer subsidy amount received and the subsidy shall be utilized as provided in these rules.

(16) (a) The buffer subsidy received by the sugar factory shall be utilized for making payment of cane price including cane price arrears for the sugar season in which the buffer stock has been created and of the subsequent sugar season.

(b) The payment towards cane dues shall be made within one month of receipt of the buffer subsidy:

Provided that if the sugar factory does not have cane price arrears of any of the said sugar seasons as on the date of receipt of buffer stock subsidy claim or the buffer subsidy received by the sugar factory is in excess of the cane price including cane price arrears pertaining to the said sugar seasons, then buffer subsidy amount or the amount in excess of the cane price including cane price arrears may be used for any other purpose.

(17) (a) Every occupier shall avail additional credit on creation of buffer stock, when there are cane price arrears at any time during the period for which the buffer stock has been created or extended and the additional credit so given by the banks

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shall be utilized only for the purpose of making payment of the cane price including cane price arrears of sugar season in which the buffer stock has been created and of the subsequent sugar season within one month of crediting such amount.

(b) If any Bank authority, which is the principal banker of the sugar factory for extending loan towards working capital, declines to extend the additional credit for whatsoever reason, the sugar factory shall be eligible to get the buffer subsidy to the extent of normal credit calculated in accordance with item (1) (a) of sub-rule (12) and such sugar factory shall submit a certificate from the concerned bank in this regard as per Annexure-III to Form-X.

(18) Every occupier shall furnish the following documents in Form- X to work out the admissible claim of the sugar factory, namely:-

(a)

(b)

(c)

certificate from the Central Exclse Authority certifying the quantity as per Annexure-I to the Form- X and the period for which buffer stock has been maintained and its replacement, if any;

certificate from the bank certifying the rate of interest charged by it on amount of loan extended against hypothecated buffer stock and the amount of interest paid or payable by the sugar factory to the bank and amount of additional credit extended by the bank as per Annexure-II to the Form-X;

certificate from the concerned State Government Officer responsible for enforcement of payment of price of sugarcane by the sugar factories certifying; utilization of buffer subsidy paid for earlier quarters and the buffer subsidy disbursed for buffer stock created vide notification number G.S.R. S.O. 1326 (E) dated the 17th December, 2002 and utilization of additional credit extended by the bank as per Annexure-IV of the Form-X;

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(d)

a self certified photocopy of the inisurance policy of the concerned inisurance agency alongwith a certificate from that insurance agency certifying that the buffer stock of the sugar factory is covered under the insurance policy as per Annexure-V of the Form-X;

(e)

(f)

certificate from the bank certifying crediting of buffer subsidy amount in a separate bank account as per Ann exure-III of the Form-X; any other document in addition to documents referred to in clauses (a)

to (e), which the Central Government may require.

(19) The time limit for submission of the claims and requisite documents alongwith duly filled Form- X, for making admissible claim for the relevant quarter shall be three months from the end of the relevant quarter buit within permissible extended period of another three months subject to the following deduction in their admissible claim for the relevant quarter, namely:-

(i) 0 to 3 months - NIL

(ii) 3 to 6 months - 10% of the subsidy amount payable and thereafter no claim shall be admissible:

Provided that the Central Government may for a valid reason to be recorded in writing, extend the period of submission of claims by such period as it deems fit.

Explanation. - For removal of doubts, it is hereby clarified that the relevant date for determining the date of receipt of the claim shall be the d ate on which the claim in the Form- X along with the requisite documents, is received by the Chief Director (Sugar) and any document or clarification or revisions fur nished by the sugar mill subsequent to the submission of the claim shall be deemed to have been received on the date on which the original claim was received.

(20) Every occupier of the sugar factory shall submit the utilization certificate for buffer subsidy disbursed to him within three months of the disbursal of the buffer subsidy, from the concerned State Government Officer who is responsible for enforcement of payment of cane price by the sugar factories and the concerned bank, certifying that the buffer subsidy amount has been utilized for making payment of cane price including cane price arrears for the sugar season in which the buffer stock has been created and of the subsequent sugar season or the buffer subsidy amount has been utilized as referred to in sub-rule (16) and also the utilization certificate of the last amount of buffer subsidy disbursed in respect of last buffer stock, failing which the buffer subsidy for the relevant quarter shall become inadmissible and shall be recovered from such sugar factory with interest at the rate as notified by the Department of Economic Affairs plus penal interest of 2.5% per annum:

Provided that the Central Government may extend the period of submission of utilization certificate by a further maximum period of three months, if it is satisfied there is sufficient cause for the delay in submission of utilization certificate.

(21) If any sugar factory falls to adhere to the these rules and the Central Government decides to recover the buffer subsidy amount paid to the sugar factory, then the buffer subsidy amount shall be recovered from the concerned sugar factory alongwith interest at the rate as notified by the Department of Economic Affairs plus penal interest of 2.5% per annum either from the levy sugar price differential páyable to the sugar factory or any other claim or subsidy payable to the sugar factory by the Central Government in accordance with law.

(22) The Central Government may order dismantling of the buffer stock in phases or in one go and the buffer stock subsidy shall cease to be payable to the extent of dismantling of the buffer stock.

(23) This rule shall be applicable for the buffer stock created for the sugar season 2006-07 and onwards.

(24) Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and fro reasons to be recorded in writing relax any of the provisions of this rule."

Explanatory Memorandum. - Under these rules, the Central Government reimburses the interest, insurance and storage charges to the sugar factories for the quantity taken on buffer as subsidy. The subsidy amount is to be used primarily for the payment of cane price including the cane price arrears of the sugar season in which the buffer stock is created and the subsequent sugar season. These rules will not adversely affect any person on account of being admissible for buffer subsidy for buffer stock created from 2006-07 sugar season onwards.

[F. No. 6-2/2007-CC]

N. SANYAL, Jt. Secy.

Note: The principal rules were published in the Gazette of the India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 752(E), dated the 28th September, 1983 and subsequently amended by----

GSR 817 (E) dated 20.12.1984; (I) (11) GSR 838 (E)) dated 14.11.1985; GSR 551 (E) dated 06..5.1986; (111) GSR 235 (E) dated 24.04.1991; (iv) GSR 441 (E) dated 28.04.1992; (v) GSR 435 (E) dated 06.5.1994; (vi) GSR 27 (E) dated 12.01.1996; (vii) GSR 656 (E) dated 21.11.1997; (VIII) GSR 91 (E) dated 12.02.2001; (\mathbf{x}) (X) GSR 886 (E) dated 06.12.2001; (x)GSR 443 (E) dated 21.06.2002; (xii) GSR 584 (E) dated 19.08.2002; (XIII) GSR 67 (E) Dated 29.01.2003; GSR 241 (E) dated 25-3-2003; (xiv) (XV) GSR 787 (E) dated 6.10.2003; GSR 895 (E) dated 19.11.2003; (XVI) (xvii) GSR 953 (E) dated 17.12.2003; (xvIII) GSR 72 (E) dated 23.1.2004; (xix) GSR 687(E) dated 21.10.2004; (XX)GSR739(E) dated 9.11.2004; GSR 149(E) dated 2.3.2005; (XXI) (xxli) GSR 451(E) dated 4.7.2005; (xxili) GSR 558 (E) dated 15.9.2006; (xxiv) GSR 653(E) dated 19.10.2006; (XXV) GSR 188 (E) dated 09.03.2007; (xxvi) GSR 697 (E) dated 07.11.2007.



Form-X

(See rule 19A of the Sugar Development Fund Rules, 1983)

- 1. Name of the sugar factory.
- 2. Short Plant Name & Code No.
- Address of the sugar factory.
 (Please indicate the full address, telephone No., fax No. and e-mail address)
- Buffer stock allocated, segregated and stored.

SI. No.	Quantity	From	То
Allocated			
segregated and stored		· ·	

- Details of buffer subsidy received and utilized during the quarter.
 - (a) Amount of buffer subsidy received with the date of receipt.
 - (b) No. of bank account in which the amount of buffer subsidy has been credited
 - (c) Amount utilized for cane price payment as per utilization certificate.
 - (d) If full amount was not utilized for cane price payment, the reasons thereof and the purpose for which it was used.
- Details of the additional credit availed and utilized during the quarter.
 - (a) Amount of additional credit availed with date.
- (b) Name of the Bank and Account No.
- (c) Amount utilized for cane price payment.
- (d) If full amount was not utilized for care price payment, the reasons thereof.
- Rate of Interest during the quarter.

5.

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[भाग II—खण्ड 3(i)]

भारत का राजपत्र : असाधारण

Period		Rate of Interest
From	To	ŀ .
		· ·

 Interest amount actually payable/paid during the quarter.

9. Amount of Subsidy claimed:

(i) Interest Charges

a) Interest actually paid/ payable

- b) Interest calculated at the rate as prescribed under the rule
- c) Interest charges claimed (least of a) & b) above)
- (ii) Storage and Insurance charges @ 1.5% Per annum
- (iii) Total Amount of Subsidy Claimed (i) c) plus (ii) above
- Name of the place nearest to the place of the factory, where the branch of the State Bank of India dealing with the Demand Drafts issued by the Reserve Bank of India is situated and branch code no.

11. (a) Whether sugar mill has received the buffer subsidy created vide notification dated 17.12.2002?

- (b) If yes, then whether the utilization certificates have been furnished? If so, please indicate the amount of last buffer subsidy received and photocopy of the utilization certificate thereof.
- 12. The following documents are attached:
 - (I) Certificate from the Central Excise Authority In the prescribed proforma;
 - (II) Certificates from the Bank(s) in the prescribed proformae;
 - (III) Certificate from the concerned cane officer in the prescribed proforma;
 - (IV) Self certified copy of insurance policy and certificate from the Insurance
 - company regarding coverage of buffer stock in the prescribed proforma;
 - (V) Pre-receipt with revenue stamp.

UNDERTAKING / DECLARATION

- 1. I undertake to adhere to the provisions of the SDF Rules, 1983.
- I declare that the information furnished above is correct and no information relevant for the purpose of this application has been concealed.
- I undertake to utilize the buffer subsidy as provided in Sub-rule 16 of Rule 19A of SDF Rules, 1983.
- 4. I undertake to refund the entire amount of buffer subsidy with due interest thereon, if at any time it comes to the notice of the Central Government or the Chief Director (Sugar) that information furnished in the Form-X above

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was not correct Or there has been any violation of the provisions of the SDF Rules, 1983.

Place: Date: Authorized signatory of the sugar factory Name: Designation: (please affix the seal)

Note: - Each page of the proforma to be signed and stamped duly mentioning the name and designation of the Signatory.

FOR OFFICIAL USE ONLY

Received the application for buffer stock subsidy claim for the quarter ending

ANNEXURE-I

Certificate to be issued by Central Excise Authority

This is to certify that as per the letter No.______dated______ and letter No.______dated______ issued by the Directorate of Sugar, M/s _______ Short Name______ Code No______has created ______ quintals buffer stock on______out of the production of the sugar year _______ and additional quantity of ______ quintals on______out of the production of the sugar season _______. It is also certified that the above buffer stock quantity has been held in stock from _______ and the stock has not fallen below the buffer stock quantity at any point of time during the quarter.

**2. The buffer stock of ______ quintals was replaced with the sugar production of ______ season on ______ and subsequently with the production of ______ season on ______.

3. The above mentioned buffer stock of ______quintals is available in the stock

Signature Name Designation

Official Seal of the Central Excise Authority

(Not below the rank of Superintendent of Central Excise)

** Strike out if not applicable.

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Annexure-11

Certificate from the Bank

(On the letter head of the bank)

This is to certify that the information furnished in Column No. 6 (a), (b) & (c), 7 and 8 of the proformal as mentioned below is correct.

1. (a) Amount of additional credit availed with date { column 6(a) of the proforma}

(b) Name of the Bank and Account No. { column 6(b) of the proforma}.

(c) Amount utilized for cane price payment. { column $\delta(c)$ of the proforma}

Or

2. Rate of Interest (column 7. and 8. of the proforma) during the quarter and . Interest amount actually paid during the quarter as detailed below: -

1 2 3 4 5 6 7 8 9 From To	Peri	od	No. of days	Quantity	Valuation ' rate		%age of Advance		Amount of Interest charged
From To	1	2	3	4	5	6	7	8	9
	From	To	1						· · ·
			1	1	1	[1

It is also certified that rate of interest mentioned above does not include any penal or additional interest charged by the bank.

Place: Date: Signature: Name: Designation Branch Affix official seal

(To be signed by the authorized officer of the Bank.)

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[PART II---SEC. 3(i)]

ANNEXURE-111

Certificate from the Bank

(On the lottor head of the bank)

This is to certify that the information furnished in Column No.5 of the

proforma as mentioned below is correct.

1(a) Amount of buffer subsidy received with the date of receipt. { column 5(a) of the proforma}

(b) No. of bank account in which the amount of buffer subsidy has been credited{ column 5(b) of the proforma}

(c) Amount utilized for cane price payment out of (a) above { column 5(c) of the proforma}.

Place: Date: Signature: Name: Designation Branch Aff**ix officiai** sezi

(To be signed by the authorized officer of the Bank.)

ANNEXURE-IV

Utilization Certificate

Or 🛛

Or

2. This is to certify that the sugar factory was sanctioned additional credit of Rs.

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[PART II --- SEC, 3(i)]

ANNEXURE-V

seasons.

Authorized signatory of the sugar factory Name Desiganation (Affix official ceal)

Date: Place

Signature: Name Designation (Affix official seal)

Date: Place:

(To be signed by the District Cane Officer or a Gazetted Officer of the State Government who is responsible for enforcement and supervision of payment of price of sugarcane by the sugar undertaking)

CERTIFICATE OF INSURANCE COMPANY

(On the letter head of the insurance company)

Place: Date: Signature: Name: Designation Branch

Affix official seal

(19 be slaned by the Branch Managar of Insurance company).

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