

Tea (Distribution and Export) Control Order, 2005

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Tea (Distribution and Export) Control Order, 2005

In exercise of the powers conferred by sub-secs. (3) and (5) of Sec. 30 of the Tea Act, 1953 (29 of 1953), and in supersession of The Tea (Distribution and Export) Control Order 1957, except as respect things done or omitted to have been, done before such supersession, the Central Government hereby makes the following Order, namely,

1. Short title and commencement :-

(1) This Order may be called the Tea (Distribution and Export) Control Order, 2005.

(2) It shall come into force, on the date of its publication in the Official Gazette, (except paragraph 8, paragraph 11 and clause (d), (e) and (f) of paragraph 21 which shall come into force on the expiry of sixty days on and from the date of its said publication and paragraph 22 which shall come into force on expiry of thirty days of said publication).

2. Definitions :-

In this Order, unless the context otherwise requires

(a) "Act" means the Tea Act, 1953 (29 of 1953);

(b) "business licence" means a business licence granted under this Order;

(c) "Certificate" means a Certificate of Origin issued by an officer of the Tea Board or any agency authorized in this behalf by the Chairman, Tea Board, showing the origin of tea, as per provisions of this Order;

(d) "Chairman" means the Chairman of the Tea Board and includes any person exercising for the time being the powers of the Chairman;

(e) "distributor" means a person, firm, company, corporate body,

co-operative society, engaged in the business of distribution of imported tea at the first point of distribution of such tea;

(f) "export" with its grammatical variations and cognate expressions, means to take out of India to a place outside India;

(g) "exporter" means a person, firm, company, corporate body, co-operative society, engaged in the business of export of tea including export of imported tea outside India;

(h) "flavoured tea" means tea added with natural flavour and natural flavouring substances which are flavour preparation and single substance respectively, acceptable for human consumption, obtained exclusively by physical process from materials of plant origin either in the natural state or after processing for human consumption provided the tea used in the manufacture of flavoured tea shall conform to the specifications for tea as indicated in subparagraph (v);

(i) "Form" means any form appended to this Order;

(j) "Geographical indication" in relation to tea means an indication which identifies such teas as originating, or manufactured in the territory of India, where a given quality, reputation or other characteristics of such teas is essentially attributable to its geographical origin;

(k) "green tea" means the variety of manufactured tea commercially known as green tea;

(l) "import" with its grammatical variations and cognate expressions, means to bring into India from a place outside India;

(m) "inspection agency" means any agency authorized by the Licensing Authority to carry out inspection in respect of tea;

(n) "instant tea" means dried water dispersible solids obtained by aqueous extraction by an acceptable process of the leaves, buds, and stems and of materials derived therefrom, of those varieties of species *Camellia sinensis* (L) O Kuntze exclusively which are known to be suitable for making tea for consumption as a beverage, and the residue, if any of permitted process aids including tea waste;

(o) "licensed brokers and organizer of tea auction" means tea broker and organizer of tea auction licensed by the Tea Board under the Tea (Marketing) Control Order, 2003 ;

(p) "licensee" means a holder of a business licence granted under this Order;

(q) "Licensing Authority" means the Chairman;

(r) "Non-Preferential Certificate of Origin" means Certificate of Origin evidencing the origin of goods, which do not bestow any right to preferential tariffs as indicated in the Foreign Trade Policy of the Central Government from time to time;

(s) "packet tea" means tea packed in unit packs or containers of type as are ordinarily put up for the purpose of retail sale under a brand name;

(t) "permanent business licence means a business licence which has been converted into a permanent business licence, as per subparagraph (3) of paragraph Section 8 of this Order;

(u) "quick brewing black tea" means a product known commercially as tea, containing not less than 20% (maximum) extract and/or concentrate of tea with not more than 80% (maximum) manufactured tea in black form and conforming to the Prevention of Food Adulteration Act, 1954 specifications used for brewing tea liquor in hot or cold water;

(v) "tea" means any product manufactured from the leaves of *Camellia sinensis* (L) O Kuntze including green tea, instant tea and value-added products, commercially known as tea, namely, packet tea, tea bags, flavoured tea, quick brewing black tea and ready to drink tea (RTD) conforming to the following specifications of black tea, green tea, Kangra tea, as the case may be:

PARAMETERS	Green Tea	Black Tea	Kangra Tea	Instant Tea
Total catechins per cent by mass	Min. 9.0%			
Moisture content % (m/m) Max				6.0%
Additional Requirements-Metallic Contaminants				
Lead mg/kg. max	10.0	10.0	10.0	
Copper, mg/kg. max	150.0	150.0	150.0	
Additional Requirements - Pesticide Residues MRL (ppm)				
Ethion 50% EC, (maximum)	5.0	5.0	5.0	
Quinalphos 41% S.L.	0.01	0.01	0.01	

Chlorophyll (maximum)	5.0	5.0	5.0	
Glyphosate (maximum)	1.0	1.0	1.0	
Fenazaquin (maximum)	3.0	3.0	3.0	
Additional Requirements - Mycotoxins				
Aflatoxin (mg/kg)	0.03	0.03	0.03	

(w) "tea bag" means packet containing tea in bags made of filter-paper, nylon net and/or any other acceptable material conforming to international norms and standards, for brewing of tea liquor by direct immersion of such bag in hot or cold water, and commercially known as tea bag;

(x) "Tea Board" means the Tea Board established under Section 4 of the Tea Act, 1953 ;

(y) "Tea (Marketing) Control Order" means the Tea (Marketing) Control Order, 2003 , notified under Section 30 of the Tea Act, 1953 ;

(z) "Tea (Waste) Control Order" means the Tea (Waste) Control Order, 1959, notified under Section 30 of the Tea Act, 1953 .

(za) All other words and expressions used under this Order but not defined shall have the same meanings, respectively assigned to them in the Act and the Rules made thereunder.

3. Distributors and Exporters to obtain business licence :-

No distributor shall carry on the business of distributing imported tea and no exporter shall export tea or export imported tea except under a business licence obtained in accordance with the provisions of this Order :

Provided that where an agent has taken out a business licence, his overseas principals shall not be required to take out a separate business licence as exporters under this Order:

Provided further that no business licence shall be required for tea exported :

(a) by or on behalf of the Central Government or the Tea Board;

(b) by means of a postal parcel;

(c) as personal effects of passengers;

(d) for any non-commercial purposes;

(e) as samples to foreign buyers;

4. Application for business licence or permanent business licence :-

(1) Every exporter and every distributor to obtain a business licence shall make an application in duplicate to the Licensing Authority in Form A.

(2) Every licensee, being an exporter, desiring to convert his business licence into a permanent business licence shall make an application, three months before the expiry of the validity of a business licence, in duplicate to the Licensing Authority in Form B.

5. Application for Certificates of Origin for teas designated as Geographical Indication :-

Every applicant desiring to obtain a Certificate of Origin in respect of teas proposed to be exported or distributed by him, which has been produced and manufactured in any tea producing areas in India and designated as Geographical Indication under the Geographical Indications of Goods (Registration and Protection) Act, 1999 (48 of 1999), shall make an application in duplicate to the Licensing Authority in Form C.

6. Application for Non-Preferential Certificate of Origin :-

Every exporter desiring to obtain a Non-Preferential Certificate of Origin in respect of each consignment of tea exports shall make an application in Form D in duplicate to the Licensing Authority or to any officer of the Board or to any inspection agency duly authorised/approved by the Licensing Authority;

Provided that in case, such Certificate of Origin is not required by the foreign buyer, the exporter shall submit to the Licensing Authority a document issued by the importer to this effect before the shipment of tea.

7. Non-Preferential Rules of origin :-

Every exporter, desiring to obtain a Non-Preferential Certificate of Origin shall, prior to export, ensure conformity with the following rules of origin of teas meant for export and shall submit a declaration along with documents as specified in the notes attached to the Certificate of Origin as indicated in Form E:

(1) Any exporter of tea from India shall be eligible for obtaining a Certificate of Origin from the Licensing Authority, or from any officer of the Board, not below the rank of Joint Controller of Licensing, duly authorized by the Licensing Authority, or from any inspection agency duly approved by the Licensing Authority, if such tea conforms to the origin requirement under any one of the following conditions :

(a) tea wholly produced or obtained in India as defined in sub-paragraph (2) of this paragraph; or

(b) tea not wholly produced or obtained in India provided that the said tea is eligible under sub-paragraph (3) of this paragraph.

(2) Wholly produced or obtained. Within the meaning of clause (a) of sub-paragraph (1) of this paragraph, tea shall be considered as wholly produced or obtained in India if the said tea is manufactured from the leaves of *Camellia Sinensis* (L) O Kuntze grown only in India.

(3) Not wholly produced or obtained. Within the meaning of clause (b) of sub-paragraph (1) of this paragraph, tea shall be considered as not wholly produced or obtained in India if any portion of the said tea has been manufactured from the leave of *Camellia Sinensis* (L) O Kunize grown outside the geographical limits of India, but the final process of manufacture or production, including mixing (blending), has been performed within India.

8. Grant and refusal of business licence/permanent business licence to exporters :-

(1) The Licensing Authority may, for sufficient reasons to be recorded in writing, refuse to grant a business licence to any applicant and shall furnish him with a copy of the order so passed:

Provided that before passing an order of refusal, an opportunity of being heard shall be granted to the applicant.

(2) Where an application for business licence is not refused under sub-paragraph (1), the Licensing Authority shall grant the applicant a business licence in Form F.

(3) The Licensing Authority may, on receipt of application made to it under sub-paragraph (2) of paragraph 4, convert a business licence issued into a permanent business licence if :

(a) the business licensee is an exporter;

(b) such business licensee has not violated any provisions of the Tea Act, 1953 or Tea Rules, 1954 or Tea Board Bye-Laws, 1955 or any Order made under the Act; and

(c) the volume of the export of tea by the exporter holding the valid business license during the last three years was not less than 1,00,000 kgs annually

(4) The Licensing Authority may refuse to grant a permanent business licence to any applicant and shall furnish him with a copy of the order so passed;

Provided that before passing an order of refusal, an opportunity of being heard shall be granted to the applicant.

(5) Where an application for permanent business licence is not refused under sub-paragraph 4, the Licensing Authority shall grant the applicant a permanent business licence in Form G.

9. Grant and refusal of business licence to distributor :-

(1) The Licensing Authority may, for sufficient reasons to be recorded in writing, refuse to grant a business licence to any applicant and shall furnish him with a copy of the order so passed:

Provided that before passing an order of refusal, an opportunity of being heard shall be granted to the applicant.

(2) Where an application for business licence is not refused under sub-paragraph (1), the Licensing Authority shall grant the applicant a business licence in Form H.

10. Grant and refusal of Certificate of Origin for teas designated as Geographical Indications :-

(1) The Licensing Authority or any officer of the Board not below the rank of Joint Controller of Licensing duly authorized by the Licensing Authority may, for sufficient reasons to be recorded in writing, refuse to grant a Certificate of Origin to any applicant and shall furnish him with a copy of the order so passed:

Provided that before passing an order of refusal, an opportunity of being heard shall be granted to the applicant.

(2) Where an application for Certificate of Origin is not refused under sub-paragraph (1), the Licensing Authority or any officer of

the Board not below the rank of Joint Controller of Licensing duly authorized by the Licensing Authority after being satisfied that the application is in conformity with the requirement as laid down under paragraph 5 and contractual obligations which the applicant has with an importer of such tea, may issue a Certificate of Origin of tea to the applicant in Form I.

11. Grant and refusal of Non-Preferential Certificate of Origin :-

(1) The Licensing Authority or any officer of the Board not below the rank of Joint Controller of Licensing duly authorized by the Licensing Authority, or any inspection agency duly approved by the Licensing Authority may, for reasons to be recorded in writing, refuse to grant a Certificate of Origin to any exporter and shall furnish him with the copy of the order so passed.

Provided that before passing an order of refusal, an opportunity of being heard shall be granted to the applicant.

(2) Where an issue of Certificate of Origin in respect of any export consignment is not refused under sub-paragraph (1), the Licensing Authority or any officer of the Board not below the rank of Joint Controller of Licensing, or any inspection agency duly approved by the Licensing Authority, after being satisfied that the application is in conformity with the rules of origin as per paragraph 7 and contractual obligation which the exporter has with an importer of such tea, may issue a Certificate of Origin of tea to the exporter in respect of the consignment in Form E:

Provided that whenever the approved inspection agency issues a Certificate of Origin to any business licensee, a duplicate copy of the same along with all other supporting documents shall be furnished to the Licensing Authority or to any other Officer of the Board, duly authorized by Licensing Authority in this regard, by the said inspection agency within twenty-four hours from the time of issue of such Certificate of Origin.

12. Period of validity of business licence :-

(1) Every business licence for an exporter shall be valid for a period of three years from the date of its issue and every business licence once renewed shall also remain valid for a further period of three years from the date of its renewal unless the business licence is cancelled or suspended during the validity period.

(2) Every permanent business licence for an exporter shall remain valid unless subsequently cancelled or suspended.

(3) Every business licence for a distributor shall remain valid unless subsequently cancelled or suspended.

13. Period of validity of Certificate of Origin :-

(1) The Certificate of Origin issued under sub-paragraph (2) of paragraph 10 and under sub-paragraph (2) of paragraph 11 shall be valid only in respect of the consignment of tea to be exported.

(2) Notwithstanding the above, any Certificate of Origin shall be valid till the expiry of validity of the exporter's business licence or sixty days, whichever is earlier.

14. Renewal of business licence :-

(1) The Licensing Authority may, on an application made to it in duplicate, renew a business licence. Every such application for renewal shall be submitted in Form J and renewal thereof shall be granted by the Licensing Authority in Form K.

(2) Every licensee being an exporter, whose business licence has been converted into a permanent business licence under sub-paragraph (5) of paragraph 8, shall not be required to renew his business licence.

(3) In case "of refusal by the Licensing Authority to convert a business licence into a permanent business licence, as per sub-paragraph (4) of paragraph 8, the exporter may apply to renew his business licence in Form J.

15. Signing of business licence or permanent business licence :-

Notwithstanding anything contained in paragraph 8 or paragraph 14, any business licence issued or renewed under this Order may be signed by the Secretary or by any other officer, not below the rank of Controller of Licensing of the Tea Board for and on behalf of the Licensing Authority and duly authorized by him in this regard.

16. Signing of Certificate of Origin :-

Notwithstanding anything contained in paragraph 10 or paragraph 11 or paragraph 13 above, any Certificate of Origin issued under this Order may be signed by the Secretary or by any officer of the Board not below the rank of Joint Controller of Licensing duly

authorized by the Licensing Authority or by any inspection agency duly approved by the Licensing Authority.

17. Fee :-

Every application for the grant of a business licence or renewal thereof shall be accompanied by the following fees (payable in cash/demand draft), namely : Fees for exporters.

(a) First issue with a validity period of 3 years and subsequent renewal with a validity period of 3 years - Rs. 1000/-;

(b) For conversion into a permanent business licence - Rs. 2500/-.
Fees for Distributors. For business licence not required to be renewed - Rs. 2500/-. Fees for Certificate of Origin - Rs. 100/-

18. Conditions of business licence :-

(1) Every business licence shall be deemed to have been granted or renewed personally to the business licensee and no business licence shall be sold or otherwise transferred.

(2) Where a business licensee sells or otherwise transfers his business to another person, the purchaser or transferee, as the case may be, shall obtain a fresh business licence in accordance with the provision of this Order.

(3) If a business licensee enters into a partnership in regard to the business covered by his business licence, he shall report the fact to the Licensing Authority within thirty days of the entering into such partnership and shall get the business licence suitably amended.

(4) Where a partnership is entered into, the partner as well as the original holder of the business licence shall be bound by the conditions of that business licence.

(5) If a partnership is dissolved, every person who was a partner immediately before such dissolution shall send a report of the dissolution to the Licensing Authority within thirty days thereof.

(6) Every business licensee shall produce his business licence for inspection on demand by an officer of the Tea Board duly authorised by the Licensing Authority in this behalf.

(7) If during the currency of a business licence, the business licensee intends to take any action which calls for modifications in the particulars furnished in the application on the basis of which the business licence for the time being in force has been issued, he

shall intimate his intention to the Licensing Authority at least fifteen days in advance and get his business licence suitably amended. The amendment shall be made free of fee and the amended business licence shall be valid for the residue of the period covered by the original business licence.

(8) Every business licensee shall carry out the direction of the Licensing Authority within a period as specified by the Licensing Authority.

19. Business licensees to comply with certain requirements in regard to packing, etc. :-

Every business licensee shall, in regard to the packing and marketing of containers of tea, comply with the following requirements, namely :

(a) every container in which tea is packed shall bear such particulars as may from time to time be specified by the Licensing Authority;

(b) every container shall be so packed and sealed that the contents thereof cannot be tampered with except by making a visible opening in the container;

(c) all plywood panels, battens covers, fittings, linings and nails used in a container of tea in bulk packed for export shall conform to the specification laid down by the Indian Standards Institution and all these components except nails shall bear the ISI certification mark:

Provided that nothing contained in this paragraph shall apply to any of the following :

(i) where such container even though made of plywood conforms to special specifications as to sizes, as notified by the Tea Board or as required by the buyers;

(ii) where such container is made of timber and not of plywood shocks; and

(iii) where such container contains not more than 20 kg., net or such other weight as to make it 'package tea' for the purpose of the Central Excise Act, 1944 (1 of 1944) and rules made there under;

(d) tea in bulk packed for export shall be in tea chests of sizes : 40

x 50 x 60 cms. or 40 x 40 x 50 cms. or 40 x 40 x 60 cms. or 48 x 48 x 60 cms;

(e) tea in bulk packed for export may be in multiwall paper sacks as per specifications of Bureau of Indian Standards (BIS):

Provided that nothing contained in this sub-paragraph will apply to the specifications and sizes agreed upon by the exporter and the foreign buyer;

(f) an exporter shall not export any tea in bulk if it is packed in a container not conforming to the requirements of clause (c) and the person or the company packing such tea shall state on the container and the connected documents that the same are of non-standard packing.

20. Certain provisions of paragraph 19 not to apply :-

Nothing contained in clause (b) and (c) of paragraph 19 shall apply to the export of such consignments of tea in bulk in containers made of packing materials (other than plywood) as agreed upon by the exporter and the foreign buyer.

21. Restriction on distribution and export of tea :-

No exporter or distributor shall himself or by any other person on his behalf, export tea or export imported tea :

(a) which is not packed and marked in the manner laid down in this Order; or

(b) which is adulterated; or

(c) the label or container whereof bears any statement which makes false claim for such tea or which is false or misleading in any material particular; or

(d) which is not in conformity with the specifications for tea given in clause (v) of paragraph 2 ;

(e) teas imported for export have to be exported within six months from the date of import into the country;

(f) export of imported teas shall achieve at least 50% Value Addition.

Explanation.

1. Teas exported or teas imported with the intention of its export are required to conform to the specifications mentioned in clause

(v) of paragraph 2 or the specifications stipulated by the consignee whichever are more stringent.

2. Tea shall be deemed to be adulterated if,

(a) such tea is not of nature or substance which it purports or is represented to be;

(b) such tea contains any other substance which affects injuriously the nature, substance or quality thereof;

(c) any inferior or cheaper substance has been substituted wholly or in part for such tea so as to affect injuriously the nature, substance or quality thereof;

(d) such tea contains any poisonous or other ingredient which renders it injurious to health.

3. Value Addition for this purpose shall be : $V.A. = 100 \times (A-B)/B$ where V.A. stands for Value Addition A stands for Unit FOB price of tea exported and B stands for Unit CIF price of imported tea

22. Restriction on distribution of imported tea :-

No distributor of imported tea or exporter shall himself or by any other person on his behalf import for export and distribute tea

(a) which is not packed and marked in the manner provided under in this Order; or

(b) which is adulterated; or

(c) the label or container whereof bears any statement which makes false claim for such tea or which is false or misleading in any material particular; or

(d) which is not in conformity with the specifications for tea given in clause (v) of paragraph 2.

Explanation. Tea shall be deemed to be adulterated if,

(a) such tea is not of nature or substance which it purports or is represented to be;

(b) such tea contains any other substance which affects injuriously the nature, substance or quality thereof;

(c) any inferior or cheaper substance has been substituted wholly or in part for such tea so as to affect injuriously the nature, substance or quality thereof;

(d) such tea contains any poisonous or other ingredient which renders it injurious to health.

23. Power to call for export contract :-

Licensing Authority or any other officer of the Board, not below the rank of Joint Controller of Licensing, duly authorized by Licensing Authority may, for the purpose of ensuring the adherence to any provision of this Order or for ensuring compliance with the requirement of the export obligations, call for a copy of the export contract and/or other documents relevant to the export from the exporter of tea in India, or the approved inspection agency concerned, within a time as may be specified by the Licensing Authority or such officer of the Board, duly authorized by the Licensing Authority.

24. Power to inspect the consignment prior to export :-

The Licensing Authority or any officer of the Board, not below the rank of Inspector or any inspection agency duly approved and authorised by the Licensing Authority may inspect any tea meant for export (whether indigenous, imported or blended for export) to verify the compliance with any or all the provisions of this Order.

25. Power to prevent shipment of tea from India :-

Licensing Authority or any officer of Board, not below the rank of Controller of Licensing, duly authorised by the Licensing Authority, may issue direction to the appropriate Customs or Port authority, or to the shipper or his agent, not to allow shipment of tea from India, or prevent loading of the consignment in a vessel, or offload any consignment from such vessel if loading has been done, or recall any consignment that has been shipped, if it is suspected that there has been violation of any contractual obligation or any other provision of this Order by the exporter.

26. Power to register the export contract :-

Licensing Authority or any officer of Board, not below the rank of Joint Controller of Licensing duly authorized by the Licensing Authority, may register the export contract as per the procedure to be stipulated by the Licensing Authority from time to time before shipment of tea from India under such export contract.

27. Suspension or cancellation of business licence or permanent business licence :-

(1) The Licensing Authority may, after giving the holder of a business licence or permanent business licence as an exporter or

distributor an opportunity of being heard, cancel or suspend the business licence or permanent business licence on any one of the following grounds, namely :

(a) that the business licence or permanent business licence has been obtained by misrepresentation as to material particular;

(b) that the licensee or permanent licensee has not observed or performed his contractual obligation to a foreign buyer or seller relating to any contract for export of tea or for import of tea as the case may be;

(c) any of the provision of the Tea Act, 1953 , Tea Rules, 1954 or Tea Board Bye-Laws, 1955, or any of the provisions of any Order issued under the Act or any condition of the business licence or permanent business licence has been contravened;

(d) that the exporter holding permanent exporter business licence has not exported any tea from India during any of the preceding three consecutive years;

(e) that the business licensee or permanent business licensee has failed to comply with the directives issued by the Licensing Authority or any other persons duly authorized by the Licensing Authority;

(f) closure of business of the distributor;

(g) violation of any of the provisions of this Order.

(2) Every order suspending or cancelling a business licence shall be in writing and shall specify the reasons for the suspension or cancellation and shall be communicated to the business licensee within fifteen days of the passing thereof.

(3) Where a business licence is suspended or cancelled under this Order, the holder of a business licence shall not be entitled to claim from the Tea Board or the Central Government any compensation or refund of business licence fee or any damages occurring for such suspension or cancellation.

28. Suspension or cancellation of Certificate of Origin :-

(1) The Licensing Authority, may after giving the holder of a Certificate of Origin an opportunity of being heard, cancel or suspend the Certificate on any of the following grounds, namely :

(a) that the Certificate has been obtained by misrepresentation as to a material particular;

(b) that the holder of the certificate has not observed or performed his contractual obligations to a foreign buyer relating to any contract for export or distribution of tea, the label or container whereof bears any statement or marks which makes false claim for such tea or which is false or misleading and deceptive in any material particular; and

(c) that any of the provisions of the Act or this Order or any other Order under the Act has been contravened.

(2) Every order suspending or cancelling a Certificate of Origin shall be in writing and shall specify the reasons for the suspension or cancellation and shall be communicated to the holder of the Certificate within fifteen days of passing of such order.

(3) Where a Certificate is suspended or cancelled under this Order, the holder of the Certificate shall not be entitled to claim from the Tea Board or the Central Government any compensation or refund of any fee or any damages so occurring for such suspension or cancellation.

29. Taking of samples :-

The Licensing Authority may take or authorize any officer of the Tea Board, not below the rank of Inspector or any inspection agency, to take any sample of not more than one kilogram in weight drawn from any stock of tea for the purpose of ascertaining whether such sample conforms to the requirements laid down for tea or whether such sample conforms to the rules of origin for the purpose of issuing Certificate of Origin and/or to ensure conformity with any or all the provisions of this Order. No charges shall be payable for taking the samples.

30. Submission of information or returns by the business licensee :-

Every business licensee and/or every inspection agency duly approved by the Licensing Authority shall furnish to the Licensing Authority or to any officer of the Board, not below the rank of Joint Controller of Licensing, monthly returns and such other information as may be called for from time to time.

31. Maintenance of accounts etc. and production of such accounts etc. by licensees :-

(1) The Licensing Authority may issue directions to any licensee :

(a) to maintain such records as to his purchases, sales, exports or other matters connected with his business and in such form as may be specified in the direction;

(b) to submit to such authority returns or statements in such form and containing such information relating to his business and within such time as may be specified in the direction; and

(c) to produce for inspection to such officer of the Tea Board as may be authorised in this behalf by the Licensing Authority such books, accounts and records relating to his business as may be specified in the direction;

(2) Any direction of the nature referred to in sub-paragraph (1) may be issued generally to all distributors or exporters or to any class thereof.

32. Service of orders and directions :-

Any order of direction made or issued by the Licensing Authority or by any other authority under this Order shall

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order directed to a specified individual, be served on such individual

(i) by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, or carries on business or personally works for gain and written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

33. Compliance of directions :-

Every exporter or distributor shall carryout the directions issued under any provision of this order by any officer of the Board not below the rank of Joint Controller of Licensing duly authorized by the Licensing Authority or by any inspection agency duly approved by the Licensing Authority within the time specified therein.

34. Power to issue directives by the Licensing Authority or any officer of the Board authorized by the Licensing Authority :-

The Licensing Authority or any officer, not below the rank of Controller Licensing, duly authorized by the Licensing Authority, may issue such directive that he may think fit to the licensee or to a class of licensees at any time for compliance within the time period stipulated in such directive with regard to the adherence to the contractual obligations, maintenance of requisite quality of tea and packaging materials as well as on any matter relating to tea shipments, including stoppage and recall of shipments for violation of any of the provisions of the Control Order or on any other matter relating to import or export of tea.

35. Power of entry and search and seizure etc. :-

(1) The Licensing Authority or any officer of the Tea Board, not below the rank of Inspectors, specially authorised by him in writing in this behalf, may enter and search at any time any land, building premises, vessels, air-craft or plant or machinery upon or in which the Licensing Authority has reason to believe that tea is stored, carried, distributed or sold in contravention of the provisions of this Order and may seize any tea or product of tea which appears to be stored, carried, distributed or sold in contravention of the provisions of this Order.

(2) The following procedure shall be adopted relating to search and seizure

(a) any person residing in or being in charge of such place shall allow the duly authorised officer on production of the authority issued by the Licensing Authority free ingress thereto, and afford all reasonable facilities for a search therein;

(b) before making a search, such authorised officer shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search;

(c) the search shall be made in their presence, and a list of all the products of tea or related items seized in the course of such search and of the places in which they are found shall be prepared by the authorised officer and signed by such witnesses; but no person witnessing a search under this paragraph shall be required to attend the Court as a witness of the search unless specially summoned by it;

(d) the occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared and duly signed by the said witnesses, shall be delivered to such occupant or person.

(3) Any officer taking action under this paragraph shall submit a report to the Licensing Authority within twenty four hours of taking such action.

36. Power to approve inspection agency :-

The Licensing Authority may approve agencies to inspect the tea meant for export on their credential through an technical committee constituted by the Licensing Authority for this purpose and such approved inspection agency may inspect tea along with its container or packs and other documents meant for export to ensure conformity with the provision of this Order. The function of such approved agency may be stipulated by the Licensing Authority from time to time.

37. Power to approve tea transfers for constituting a panel :-

The Licensing Authority or any officer of the Board, not below the rank of Executive Director, may from time to time approve tea tasters for the purpose of constituting a panel for tasting tea from the sample drawn by the Licensing Authority or any officer of the Board, not below the rank of Joint Controller of Licensing or any inspection agency duly authorised by the Licensing authority and such panel comprising one or more tea tasters from the approved list shall submit a report of the tea tasting to the Licensing Authority or the authorized officer of the Board or any inspection agency within the time specified by the Licensing Authority or such officer or inspection agency:

Provided that validity period for grant of approval to a tea taster to serve on the panel may be specified by the Licensing Authority from time to time:

Provided further that the Licensing Authority may cancel the approval granted to any tea taster for the above purpose, before the expiry of the validity period.

38. Power to suspend or cancel the approval of the inspection agency :-

The Licensing Authority may, after giving an opportunity of being heard, for reasons to be recorded in writing, may suspend or cancel

the approval of an inspection agency on any of the following grounds, namely :

(a) that the inspection agency has obtained the approval by misrepresentation as to a material particular;

(b) that the approved inspection agency has not complied with any of the directions of the Licensing Authority or failed to perform its obligations laid down in the rules, orders or guidelines in force under the Act;

(c) that any of the provisions of this Order have been contravened;

(d) that the inspection agency has issued a report or certificate indicating in respect of any tea that such tea conforms to the specifications laid down in the Order, whereas such tea is not as per the specifications of this Order;

(e) that the inspection agency has issued a report or certificate indicating the nonconformity of tea with the specification laid down in this Order, whereas such tea actually conforms to such specifications;

(f) that the inspection agency has issued Certificate of Origin in respect of any consignment of tea under paragraph 11, whereas tea of such consignment actually is not in conformity with the provisions under paragraph 7;

(g) that the inspection agency has refused to issue Certificate of Origin in respect of any consignment of tea under paragraph 11, whereas tea of such consignment actually is in conformity with the provisions under paragraph 7;

(h) that the inspection agency has issued a report or certificate indicating in respect of the export of a tea consignment that such export conforms to the terms and conditions laid down in the export contract, whereas the same is not as per the contractual obligations.

39. Appeal :-

(1) Any person aggrieved by an order;

(a) refusing to grant a certificate by the approved inspection agency; or

(b) delay in issuing certificate by the approved inspection agency;

may within a period of one month from the date of such refusal or delay, appeal to the Licensing Authority.

(2) Licensing Authority shall within a period of thirty days from the date of receipt of the appeal, dispose of the same and communicate the decision to the appellant.

(3) Any person aggrieved by an order;

(a) refusing to grant a business licence or renew a business licence;
or

(b) cancelling or suspending a business licence or certificate, may within a period of three months from the date of the order, appeal to the Central Government.

(4) the Central Government shall, within a period of thirty days from the date of receipt of the appeal, dispose of the same and communicate the decision to the appellant. The decision of the Central Government shall be final.

40. Power to relax :-

With the prior approval of the Central Government, the Licensing Authority may, of its own or on an application submitted by a licensee, if satisfied that in enforcing compliance of any of the provisions of this Order, undue hardships would result to any licensee, for reasons to be recorded in writing, relax any such provision of this Order or exempt any licensee from complying with such provisions of this Order.

41. Penal provision for contravention of any provisions of this Order :-

Any contravention of any provisions of this Order by any exporter or distributor or any person acting on his behalf, shall attract the provisions of Section 41 of the Tea Act, 1953 .