

## **COLD STORAGE ORDER, 1980**

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### **SCHEDULE 1 :- 1**

## **COLD STORAGE ORDER, 1980**

S. O. 2453, dated the 1st September, 1980 2-In exercise of the

powers conferred by Sec. 3 the Essential Commodities Act, 1955, (10 of 1955), the Central Government hereby makes the following Order, namely :

**1. Short title, extent and commencement :-**

(1) This Order may be called the Cold Storage Order, 1980.

**1** [

(2) It extends to the whole of India except the states of west Bengal,' Uttar Pradesh, Punjab and Haryana.

]

(3) It shall come into force on the date of its publication in the Official Gazette.

1. Subs. by S.O. 3001, dated 31st August, 1984 (w.e.f. 22nd September, 1984).

**2. Definitions :-**

In this Order, unless the context otherwise requires ;

(a) "cold storage" means any chamber or chambers insulated and mechanically cooled by refrigeration machinery and used for storing foodstuffs but does not include refrigerated cabinets or coolers having capacity of less than 25 cubic metres;

(b) "cold storage receipt" means a receipt issued by a licensee in token of having received foodstuffs from a hirer for storage in a cold storage;

(c) "foodstuffs" includes,- (i) fruits, whether fresh, dried, dehydrated or preserved; (ii) vegetables including seed potatoes, whether fresh, dried, dehydrated or preserved; (iii) meat, whether fresh, frozen, dried or preserved; (iv) fish, whether fresh, frozen or dried; (v) eggs, whether shelled or unshelled; (vi) milk and milk products;. (vii) species and condiments; and (viii) any other food or food products which the Central Government may, by notified order, specify from time to time.

(d) "form" means a form appended to this Order;

(e) "hirer" means any person who hires on payment, space in a Cold Storage for storing foodstuffs;

(f) "licence" means a licence granted under this Order;

(g) "licensee" means a person holding a licence;

(h) "licensing officer" means the Agricultural Marketing Adviser to the Government of India and includes any other officer of the central Government not below the rank of the <sup>1</sup> [Senior Marketing Officer in the Directorate of Marketing and Inspection] or the officer of the State Government not below the rank of the Deputy Secretary to Government, empowered by him, as notified from time to time, to exercise all or any of his powers or to discharge all or any of his functions under this Order;

(i) "notified order" means an Order notified in the Official Gazette;

(j) "schedule" means the Schedule appended to this Order.

1. Subs. by S.O. 2964, dated 27th June, 1983 (w.e.f. 23rd July, 1983), for the words "Deputy Agricultural Marketing Adviser, Government of India "

### **3. Prohibition of construction of new cold storage or expansion of existing cold storage without prior permission**

:-

No person shall construct a cold storage or expand the licensed capacity of any existing cold storage for storing foodstuff without prior permission of the Licensing Officer.

#### **3A. Application for permission to construct or expand a cold storage :-**

(1) Any person desiring to obtain permission to construct a cold storage or expand an existing cold storage shall make an application to the Licensing Officer in form "B" (in duplicate) accompanied with blue prints and other documents mentioned therein,

(2) Every such application shall be accompanied with a fee of rupees twenty-five.

(3) Where the applicant proposes to construct more than one cold storage or to expand more than one cold storage he shall obtain a separate permission for each such proposal by applying separately for each such cold storage.

#### **4. Factors to be considered in granting or refusing permission for construction of proposed cold storage :-**

In granting or refusing permission for construction of proposed cold storage the Licensing Officer shall regard to the following factors,

namely:

(i) the number of the cold storage already operating in the area in which the cold storage is proposed to be constructed or expanded and the availability of foodstuffs for storage in such cold storages;

(ii) whether the design of the cold storage given in blueprints is complete and in order as per specification's given in the Schedule and Part C of Form B.

**4A. Grant of permission :-**

(1) On receipt of an application under Cl. 3-A the Licensing officer may, if he is satisfied having regard to the factors specified in Cl. 4 that there is no objection to grant permission to the applicant, grant the applicant permission in Form P for construction of cold storage.

(2) Where having regard to the factors specified in Cl. 4, the Licensing Officer is of the opinion that the applicant should not be granted permission, he may, after giving the applicant an opportunity of being heard, refuse to grant the permission, recording in writing the reasons for such refusal and furnish a copy thereof to the Applicant/and

(3) Where the applicant is refused permission, the application fee paid by the applicant with his application shall not be refunded to him.

**5. Prohibition of operation of a cold storage or expanded cold storage without licence :-**

No person shall operate a cold storage run by an establishment, if he is to accept for storage in any cold storage any foodstuff, except under and in accordance with the terms and conditions of a licence issued in that behalf: provided that the Licensing officer may, on an application made in this behalf in form "A" exempt a cold storage run by an establishment, if he is satisfied, after making such enquiries as he may consider necessary, that the cold storage is not intended for commercial use by the said establishment.

**5A. Application for licence to operate a cold storage or expanded cold storage :-**

(1) Any person, desiring to obtain a licence for operating a cold storage or expanded cold storage shall make an application to the Licensing Officer in Form "C" (in duplicate) accompanied with the

documents mentioned therein.

(2) Every such application shall be accompanied with fees specified in column 7.

(3) Where the applicant proposes to operate more than one cold storage or more than one expanded cold storage he shall obtain a separate licence for each such cold storage.

**6. Factors to be considered in granting or refusing a licence for operation of the proposed cold storage :-**

In granting or refusing a licence, the Licensing Officer shall have regard to the following factors:

(i) whether the refrigeration, electrical, insulation, sanitary and safety conditions of the cold storage are as per specification given in the Schedule;

(ii) suitability of qualification/experience of the staff employed for manning the plant, and

(iii) any other matter which the Licensing Officer may consider necessary for the purpose.

**6A. Grant of licence :-**

(1) On receipt of an application under Cl. 5-A, the Licensing Officer may, if he is satisfied, having regard to the factors specified in Cl. 6 that there is no Objection to grant a licence to the applicant, grant the applicant a licence in Form "D" for operation of the proposed cold storage;

(2) Where having regard to the factors specified in Cl. 6, the Licensing Officer is of the opinion that the applicant should not be granted the licence for operation of the proposed cold storage, he may after giving applicant an opportunity of being heard, refuse to grant the licence recording in writing reasons for such refusal and furnish a copy thereof to the applicant.

(3) Where the applicant is refused a licence, the licence fee paid by the applicant with his application shall be refunded to him.

**7. Licence fee shall be as follows :-**

Renewal fee for one year or Licence fee/ part thereof:

(a) Cold storage with a storage capacity exceeding 10,000 cubic metres <sup>1</sup>["Rs. 5,000.00"]

(b) Cold storage with a storage capacity exceeding 2500 cubic metres but not exceeding 10,000 cubic metres : <sup>2</sup>["Rs. 2,500.00"]

(c) Cold storage with a storage capacity of not less than 25 cubic metres but not exceeding 2,500 cubic metres <sup>3</sup> ["Rs. 1,000.00"]

1. Substituted for "Rs. 500.00", vide " THE COLD STORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

2. Substituted for "Rs. 300.00", vide " THE COLD STORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

3. Substituted for "Rs. 100.00", vide " THE COLD STORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

#### **8. Relaxation of conditions of licence :-**

Every licence granted under Cl. 6-A shall be subject to the terms and conditions specified in the Schedule : Provided that, in the case of a cold storage already in existence before the commencement of this Order, the Licensing Officer may <sup>1</sup> [for reasons to be recorded in writing] relax any condition if he is satisfied that the compliance with such a condition is not practicable.]

1. Ins. by S.O. 3001, dated 31st August, 1984

#### **9. Cancellation of licence :-**

The Licensing Officer may cancel any licence if he is satisfied that the licence has,-

(a) parted in whole or in part, with his control over the cold storage, or

(b) ceased to run his cold storage, or

(c) levied any charges in excess of the charges permitted under Cl. 20, or

(d) contravened or failed to comply with any of the terms and conditions specified in the schedule or any directions which may be issued by the Licensing Officer for the proper implementation of this order: Provided that, before cancelling any licence, the

Licensing Officer shall give ten clear day's notice to the licensee stating the grounds on which it is proposed to cancel the licence and shall give the licensee an opportunity to show cause for not cancelling the licence: Provided further that where immediate action is required, in the public interest the Licensing Officer may, for reasons to be recorded in writing without giving the licensee <sup>1</sup> [suspend the licence forthwith pending an inquiry into reasons for the proposed cancellation in the manner laid down in the first proviso of this order.]

1. Subs. by S.O. 3001, dated 31st August, 1984 for the words "cancel the licence".

**10. Licensee not entitled to compensation or refund of licence fee :-**

Where any licence is cancelled the licensee shall not be entitled to any compensation or refund of fee paid by him for such licence.

**11. Period of validity of licence :-**

Every licence shall, unless cancelled earlier, expire on the 31st day of December of the <sup>1</sup> ["fifth year from the year"] in which the licence is granted.

1. Substituted for "year", vide " THE COLDSTORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No.S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

**12. Renewal of licence :-**

(1) Every licensee desiring to get his licence renewed shall on or before the 31st day of October make an application in <sup>1</sup> ["Form 'E' (in duplicate) to the Licensing Officer accompanied with the renewal fee specified in Clause 7. The Form 'H' duly filled in by the licensee shall be submitted on yearly basis to the Licensing Officer before the 31st day of October every year"] Where a licensee fails to make an application within the date aforesaid he may make an application with the renewal fee at any time before the expiry of the licence on payment of a penalty calculated at rupees one hundred for the delay of every month or part thereof.

(2) On receipt of an application for the renewal of licence the Licensing Officer may either renew the licence or refuse to renew the same. Where renewal is refused the licensee shall be given an opportunity of being heard and the reasons for such refusal be

recorded in writing and a copy thereof shall be furnished to the applicant and the renewal fee received from the applicant shall be refused to him.

(3) Where the licensee fails to apply for renewal before the date specified in the sub- clause (1) it will not be lawful for the licensee after the date of expiry of his licence to run his cold storage: , Provided that the Licensing Officer may, on receipt of an application and if he is satisfied with the explanation for the delay given by the licensee renew the licence after charging the penalty at the rate of Rs. 100 per month or part thereof: Provided further that the Licensing Officer may, for any procedural delay beyond the control of the licensee or any Other sufficient reasons to be recorded in writing, waive off the whole or part of the penalty.

1. Substituted for "Form E and Form H (in duplicate) to the Licensing Officer accompanied with the renewal fee specified in Cl. 7.", vide " THE COLD STORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

### **13. Issue of duplicate licence :-**

Where a licence is lost, destroyed, torn, defaced or mutilated, the licensee may apply for a duplicate copy of the licence. Every such application shall be accompanied with a fee of rupees ten. On receipt of an application the Licensing Officer shall grant a duplicate copy of the licence to the licensee.]

### **14. Regulation and transfer of licence :-**

(i) A licence granted under this Order shall not be transferred to any other person without the prior approval of the Licensing Officer.

(ii) Where a licensee sells or otherwise transfers a cold storage to another person or persons or suspends operation of the cold storage for a period exceeding six months the licensee shall surrender the licence to the Licensing Officer within one month of such sale or transfer or suspension.

(iii) Any change in partnership shall be notified to the Licensing Officer within one month of such a change.

(iv) The purchaser or the transferee, as the case may be, shall apply to the Licensing Officer for the grant of new licence in accordance with this Order.



(v) In the event of any change in the name, style or location of the cold storage the licensee shall forthwith intimate the change to the Licensing Officer and within one month from the date of intimation forward his licence to the licensing Officer along with the necessary documents for effecting the necessary change.

**15. Contract of agreement with hirer :-**

The licensee shall not enter into a contract or agreement with any hirer in contravention of any of the provision of this Order.

**16. Overloading :-**

No licensee shall load the cold storage beyond the licensed capacity.

**17. Provisions regarding storage of food-stuffs :-**

(i) No licensee shall refuse to accept for storage in the cold storage any food-stuffs tendered by any person if such person offers to pay the required cold storage charges and if the accommodation for storage of such foodstuffs in the cold storage is available: Provided that, if the foodstuffs, tendered for storage are likely to cause damage to any other food-stuffs, stored in the cold storage or if for the storage of the food-stuffs so tendered, maintenance of different ranges of temperature than are normally required for the foodstuffs stored in bulk is required then the licensee may refuse to accept for storage, the foodstuffs so tendered : Provided further that, if the Licensing Officer is satisfied that storage of any particular category of foodstuff is not in the public interest, he may by a public notice prohibit such storage and thereupon the licensee shall refuse to store food-stuff.

(ii) Where any hirer demands delivery of the whole or any part of his consignment stored in the licensee's cold storage, the licensee shall on payment of the charges fixed under Cl. 20 within twenty four hours of such demand, deliver the whole or, as the case may be, the part of the consignment to the hirer.

(iii) Consignments of foodstuffs stored by each hirer or covered by each storage receipt shall be stored by the/licensee separately so as to ensure their easy identification and easy delivery to the hirer concerned.

**18. Cold storage receipts-Defined in 2(b) :-**

(i) For the food-stuff stored in a cold storage by each hirer, the

licensee shall issue a cold storage receipt in Form "F".-

(ii) The receipt shall, unless it is otherwise specified there on be transferable by endorsement and delivery and shall entitled the holder in due course to receive the goods specified in it as if he were the original hirer; and

(iii) If a cold storage receipt is lost, destroyed, torn, defaced or otherwise becomes illegible, the licensee shall, on an application made by the hirer issue a duplicate receipt.

**19. Power to requisition the storage :-**

(i) The Licensing Officer may, in the public interest by order in writing served on any licensee requisition the whole of a part of the space in the licensee's cold storage for the period specified in the order and on payment of charges fixed under Cl. 20 of the Order.

(ii) The space so requisitioned may be allotted by the Licensing Officer for storing the foodstuffs to one or more persons specified in the order.

**20. Fixation of charges for storage :-**

Keeping in view the cost of the machinery, depreciation electric charges, etc., <sup>1</sup>["Licensing Officer may"], by order in the official Gazette, from time to time, fix the maximum charges which a licensee may charge for storing<sup>2</sup> ["any foodstuff in the Cold Storage or for any other service connect therewith: Provided that the Licensing Officer may, if he is satisfied, that certain categories of Cold Storage need exemption from fixation of maximum charges exempt such Cold Storages by notification in the Official Gazette"].

1. Substituted for "the Licensing Officer shall", vide " THE COLD STORAGE ORDER, 1980" Dt.dated 27th November,1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii),dated 12th December, 1991.

2. Substituted for " foodstuffs in the cold storage or for any other service connected therewith", vide " THE COLDSTORAGE ORDER, 1980" Dt.dated 27th November, 1991 Published in Noti. No. S.O. 3100, dated 27th November, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 12th December, 1991.

**21. Inspection facilities, etc :-**

(i) The licensee shall keep his licence in safe custody in cold storage

premises and produce it on demand to the <sup>1</sup>[Licensing Officer or any other officer of the Government of India or the State Government authorised by him in this behalf].

(ii) Every licensee shall provide all facilities and assistance to the <sup>1</sup> [Licensing Officer or any other officer of the Government of India or the State Government authorised by him in this behalf] for inspecting the cold storage premises, machinery, equipment foodstuffs, stored therein, books, records and accounts at any time.

1. Subs. by S.O. 2964, dated 27th June, 1983 for the words "Licensing Officer" (w.e.f, 23rd July 1983).

## **22. Maintenance of records and submission of returns :-**

Every licensee shall maintain accounts, books and records relating to storage of foodstuff at the licensed premises in Forms GI to GVI and submit to the Licensing Officer, returns and statements in the Forms GI to GVI on demand. The licensee shall also maintain the cash book and ledger and produce them to the Licensing Officer on specific demand in writing.]

## **23. Power to call for information , etc :-**

(i) The [Licensing Officer or any other officer of the Government of India or the State Government authorised by him in this behalf] may with a view to securing compliance with this Order,-

(a) require any licensee to give any information in his possession with respect to the foodstuffs stored by him in the cold storage;

(b) enter, inspect and search any premises where the cold storage is installed to run at any time with a view to satisfy himself that the requirement of this Order are being complied with;

(c) prohibit by an order in writing further storage or disposal of any foodstuffs in respect of which he has reason to believe that any contravention of this Order has taken place;

(d) prohibit a licensee by an order in writing from appointing a person to act as an operator if he has reason to believe that the person has not got the requisite qualification or knowledge or experience of the job.

(ii) Every licensee shall be bound to furnish such information as may be required by the <sup>1</sup> [Licensing Officer or any other officer of the Government of India or the State Government authorised by

him in this behalf] and afford all necessary facilities to him for the purpose of exercising his powers under paragraph (b) of sub-clause (1).

(iii) Subject to the provision of this clause the provisions of Code of Criminal Procedure, 1973 , relating to search, so far as may be, apply to searches under this clause.

1. Subs. by S.O. 2964, dated 27th June, 1983, for the words "Licensing Officer" (w.e.f. 23rd June, 1983).

#### **24. Appeal :-**

Any person aggrieved by the order of Licensing Officer may within 30 days of the receipt of a copy of the order by him, prefer an appeal to the Central Government. The Central Government may after giving the applicant an opportunity of being heard, confirm, reverse or modify such order.]

#### **25. Delegation :-**

The Central Government, may by a notified order direct that such of the powers and functions of the Licensing Officer as may be specified in the Order, may be exercised or, as the case may be, discharged by any State Government or such officer or authority subordinate thereto as may be specified in the order within the territorial limits of that State.

#### **26. Repeal and saving :-**

The Cold Storage Order, 1964, is hereby repealed, except in respect of things done or omitted to be done there underbefore such repeal.

#### SCHEDULE 1

1

(See Cl. 8) PART 1 Sanitary requirements: 1 The premises where the cold storage is installed shall be clean, Inside the cold storage electric lights shall be provided at the rate of I watt per 4645 sq. cm. The disinfecting or deodorising of the cold storage shall, however, be carried out as and when required. 2.The licensee shall not store any product which may be repugnant or alien to the smell of the foodstuffs stored in the cold storage. Products having repugnant smell shall, however, be stored in separate chambers of the cold storage. 3 All yards, outhouses, stores and all approaches of the premises where the cold storage is installed shall be kept clean and sanitary. 4 No person suffering from any infectious or contagious disease shall be allowed to work in the cold storage. Arrangements shall be made for examination of the employees other than daily paid labourers working in the cold storage once a year to check that they are free from any infectious contagious or other diseases. 5. The employees working inside the cold storage operating above freezing point shall be adequately provided with proper clothes to protect them from cold. The employees working in a

cold storage which operates below freezing point shall also be provided with boots. 6. Adequate, toilet facilities shall be provided separately for males and females within the premises. 7. All steps stairs and gangways shall be of sound construction and properly maintained and provided with hand rails to ensure safety. PART 2 Requirements as to operation : 1 The doors of the cold storage shall be provided with adequate insulation and shall be kept reasonably air-tight. The design of the doors shall be such that a person shall be able to open it from inside as, well as outside. 2. Whether racks are, provided they shall be so constructed that loading and unloading operations shall be carried out without endangering the lives of the employees working in the cold storage. 3. For the distribution and circulation of air and for actual operation of loading and unloading, the following directions shall be adhered to namely:- (a) The passage between the rows of the racks shall not be less than 0.76 metres. (b) The racks shall be kept away at least 20 cms. from the walls and floor. (c) A gap of at least 30 cm. shall be maintained between the ceiling and the top level of the load in the top most shelf of every racks. (d) A gap of at least 7,5 cm. shall be maintained on every shelf of a rack between the load on the shelf and the succeeding shelf. 4. The diffusers or direct expansion pipes for conveying the refrigerant shall be so arranged in the cold storage so as to maintain proper temperature with maximum allowable variation of  $\pm 1^{\circ}\text{C}$  and percentage of relative humidity with an allowable variation of  $\pm 5$  per cent in every location of the cold storage where foodstuffs are stored. 5. The cold storage shall be provided with thermometers reading dry bulb and wet bulb temperatures. The number and location of thermometers shall be dependent on the size and capacity of the cold storage and shall be as instructed by the Licensing Officer or the Officer authorised by him in this behalf at the time of the first or subsequent inspection. 6. All moving parts of prime movers and fly wheels connected to the prime movers shall be provided with proper bell guards. 7. The suction pipe line of the compressor shall be properly insulated. 8. An alarm bell with switch inside each storage chamber shall be provided for use in case of an emergency. 9. "First Aid Box" shall be maintained in the machine room. 10. Attached to cold storage chambers, an ante-chamber or air-curtain shall be provided. 11. The receiver or condenser of the refrigeration system shall be provided with a pressure gauge with suitable range. 12. A cold storage shall satisfy safety code for mechanical refrigeration as specified in Annexure I to this schedule. PART 3 Maintenance of log-book and statement of advance booking: 1. Every licensee shall maintain a "Log Book" in the form set out in the Annexure II to this Order for the maintenance of temperature and relative humidity as well as the pressure reading of the compressor on four hourly basis all throughout night and day during the operation of the cold storage unless automatic recording instruments are installed and shall be signed by the Licensee or a responsible person duly authorised by him. The Licensing Officer or any person duly authorised by him in this behalf shall sign the Log Book at every inspection after personal verification of the record. 2. Any stoppage of function of the cold storage continuously for more than 24 hours shall be reported immediately to the Licensing Officer by telegram and confirmed by letter by the licensee. The reasons for such break down shall be recorded in the Log Book and reported to the Licensing Officer. 3. Every licensee shall maintain statement of advance booking and shall furnish this statement to inspectorate shall as and when required by him.