



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

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13 भाद्र 1945 (श10)

(सं0 पटना 724) पटना, सोमवार, 4 सितम्बर 2023

विधि विभाग

अधिसूचना

4 सितम्बर 2023

सं० एल०जी०-01-01/2022/1069 लेज—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति दिनांक 01 अगस्त, 2023 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
रमेश चन्द मालवीय,
सरकार के सचिव।

[बिहार अधिनियम 13, 2023]

बिहार ईख (आपूर्ति एवं खरीद का विनियमन) (संशोधन) अधिनियम, 2022

बिहार ईख (आपूर्ति एवं खरीद का विनियमन) अधिनियम, 1981, (बिहार अधिनियम 37, 1982) की धारा-49 का संशोधन करने हेतु अधिनियम।

प्रस्तावना:- भारत के संविधान के (एक सौ एक वाँ संशोधन) अधिनियम, 2016 द्वारा 1 जुलाई, 2017 से पूरे देश में माल एवं सेवा कर (GST) लागू किया गया है उक्त संशोधन के माध्यम से भारत के संविधान की सातवी अनुसूची के सूची 2 राज्य सूची की प्रविष्टि 52 को विलोपित कर दिया गया है, अर्थात् इस प्रविष्टि के अधीन अधिरोपित सभी कर समाप्त हो गये हैं।

उक्त के आलोक में बिहार राज्य में गन्ना की आपूर्ति और खरीद पर कर लगाने से संबंधित अधिनियम यथा-बिहार ईख (आपूर्ति एवं खरीद का विनियमन) अधिनियम, 1981, (बिहार अधिनियम 37, 1982) यथा संशोधित की धारा 49 को विलोपित करना आवश्यक है।

भारत गणराज्य के तिहत्तरवें वर्ष में बिहार राज्य विधानमंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1. संक्षिप्त नाम, विस्तार और प्रारम्भ :- (1) यह अधिनियम बिहार ईख (आपूर्ति एवं खरीद का विनियमन) (संशोधन) अधिनियम, 2022 कहा जा सकेगा।

(2) इसका विस्तार सम्पूर्ण बिहार राज्य में होगा।

(3) यह राजपत्र में प्रकाशन की तिथि से प्रवृत्त होगा।

2. बिहार अधिनियम 37, 1982 की धारा-49 का संशोधन। (क) बिहार ईख (आपूर्ति एवं खरीद का विनियमन) अधिनियम, 1981, (बिहार अधिनियम 37, 1982) की धारा-49 को दिनांक-01.07.2017 से विलोपित किया जायेगा।

(ख) उक्त धारा 49 के विलोपन का प्रभाव निम्नलिखित पर नहीं होगा :-

- (i) इस तरह के किसी अधिकार, दावा, दायित्व या दायित्व के संबंध में इस विलोपन से पहले या बाद में कोई कानूनी कार्यवाही या उपाय-शुरू किया गया है या लिया गया है;
- (ii) विलोपित किये गये धारा के तहत अर्जित, अर्जित या उपगत कोई अधिकार, विशेषाधिकार, दायित्व; या
- (iii) विलोपित किये गये धारा-49 के प्रावधानों के तहत किसी भी कर का आरोपण, निर्धारण या वसूली या किसी दंड का अधिरोपण या वसूली तथा उक्त धारा के तहत पूर्वोक्त मामलों के संबंध में सभी कार्यवाही का निपटान-या जारी रखा जाएगा एवं जो भी मामला हो, विहित प्राधिकार द्वारा निपटारा जाएगा, जैसे कि यह अधिनियम पारित नहीं किया गया है।

- (ग) अन्यथा प्रदान किए जाने के अलावा, उन उप-धारा में विशेष मामलों का उल्लेख चूक/विलोपन के प्रभाव के संबंध में साधारण खण्ड अधिनियम, 1897 की धारा 6 के सामान्य आवेदन को पूर्वाग्रह या प्रभावित करने के लिए ही माना जाएगा।

4 सितम्बर, 2023

सं० एल०जी०-01-07/2022/7070 लेज-बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति dated-01st August, 2023 को अनुमत बिहार ईख आपूर्ति एवं खरीद का विनियमन) (संशोधन) अधिनियम, 2022 (बिहार अधिनियम 13, 2023) का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,

रमेश चन्द मालवीय,

सरकार के सचिव।

[Bihar Act 13, 2023]

The Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Act, 2022

AN

ACT

To amend section 49 of the Bihar Sugarcane (Regulation of Supply and Purchase) Act, 1981 (Bihar Act 37, 1982).

Preamble :- By the Constitution of India (One Hundred and First Amendment) Act, 2016. Goods and Services Tax (GST) has been implemented in the whole country from July 1st, 2017. Through the above amendment, entry 52 of List II State List of the Seventh Schedule of the Constitution of India has been deleted. That means, all taxes imposed under this entry have been abolished.

In the light of the above, it is essential to omit the section 49 of the Bihar Sugar cane (Regulation of Supply and Purchase) Act, 1981 (Bihar Act 37, 1982) as amended, relating to the imposition of tax on the supply and purchase of sugarcane in the State of Bihar

Be it enacted by the Legislature of the State of Bihar in the Seventy Third year of the Republic of India as follows :-

1. Short title, extent and commencement:-

- (1) This Act may be called the Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Act, 2022.
- (2) It shall extend to the whole of the State of Bihar.
- (3) It shall come into force from the date of its publication in the official gazette.

2. Amendment in section 49 of the Bihar Act 37, 1982.- (a) Section 49 of the Bihar Sugarcane (Regulation of Supply and Purchase) Act-1981, (Bihar Act 37 of 1982) shall be omitted with effect from 01.07.2017.

(b) The omission of the said Section 49 shall not affect the following:-

- (i) any legal proceeding or remedy whether initiated or availed of before or after this omission, in respect of any such right, title, obligation or liability;
 - (ii) any right, privilege, obligation, or liability acquired, accrued or incurred under the omitted section; or
 - (iii) the levy, assessment or recovery of any tax or the imposition or recovery of any penalty in respect of such period under the provisions of the omitted Section 49; and all proceedings under the said section in respect of matters aforesaid shall be disposed of or continued and disposed of by the prescribed authorities, as the case may be, as if this Act has not been passed.
- (c) Save as otherwise provided, the mention of particular matters in those sub-sections shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897 with regard to the effect of error/omission.

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित ।

बिहार गजट (असाधारण) 724-571+400-डी0टी0पी0 ।

Website: <http://egazette.bih.nic.in>

{ AS AMENDED UP TO 7.1.2010 }

PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART II,
SECTION 3, SUB-SECTION (i)
Ministry of Agriculture & Irrigation
(Department of Food)

ORDER

New Delhi, the 16th July, 1966
25th Asadha, 1883

GSR 1126/Ess.Com./Sugarcane. – In exercise of the powers conferred by Section 3 of 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 Sugarcane (Control) Order, 1966.

2) It extends to the whole of India *[-].

3) It shall come into force at once.

2. **Definitions** – In this order, unless the context otherwise requires:-

- (a) 'crusher' means a crusher drawn by bullock or any other animal and engaged or ordinarily engaged in the crushing of sugarcane and includes any equipment for manufacturing [--]# shalkar, [--]# rab or khandsari sugar,
- (b) 'co-operative society' means a cooperative society registered under the Cooperative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force relating to cooperative societies;
- + (c) 'factory' means any premises including the precincts thereof in any part of which sugar is manufactured by vacuum pan process and at its own option, ethanol either directly from sugarcane juice or from molasses, including B-Heavy molasses, or both, as the case may be, is manufactured;
- *** (cc) "fair and remunerative price of sugarcane" means the price fixed by the Central Government under clause 3, from time to time, for sugarcane;
- (d) 'khandsari sugar' means sugar produced by open pan process;
- (e) 'khandsari unit' means a unit engaged or ordinarily engaged in the manufacture of khandsari sugar from sugarcane juice or rab;
- (f) 'power crusher' means a crusher working with the aid of diesel, electrical or steam power and engaged or ordinarily engaged in crushing sugarcane and extracting juice therefrom for the manufacture of [--]# shalkar, [--]# rab or khandsari sugar;
- ** (g) 'price' means the price or fair and remunerative price++ fixed by the Central Government from time to time for sugarcane delivered -
 - (i) to a sugar factory at the gate of the factory or at a sugarcane purchasing centre; or
 - (ii) to a khandsari unit;

* Omitted vide G.S.R. No.620/Ess.Com./Sugarcane dated 8.4.1970

Omitted vide S.O. 1309(E)/Ess.Com./Sugarcane dated 31-07-2007

+Substituted vide S.O.2198(E)/Ess.Com./Sugarcane dated 28-12-2007

** Substituted vide G.S.R.35/Ess.Com./Sugarcane dated 5.1.1967

***Inserted vide S.O.2665(E)/Ess.Com./Sugarcane dated 22.10.2009

++Substituted vide S.O.2665(E)/Ess.Com./Sugarcane dated 22.10.2009

\$6A. Restriction on setting up of two sugar factories within the radius of 15 kms. -

Notwithstanding anything contained in clause 6, no new sugar factory shall be set up within the radius of 15 Kms of any existing sugar factory or another new sugar factory in a State or two or more States:

Provided that the State Government may with the prior approval of the Central Government, where it considers necessary and expedient in public interest, notify such minimum distance higher than 15 Kms or different minimum distances not less than 15 Kms for different regions in their respective States.

Explanation 1: An existing sugar factory shall mean a sugar factory in operation and shall also include a sugar factory that has taken all effective steps as specified in Explanation 4 to set up a sugar factory but excludes a sugar factory that has not carried out its crushing operations for last five sugar seasons.

Explanation 2: A new sugar factory shall mean a sugar factory, which is not an existing sugar factory, but has filed the Industrial Entrepreneur Memorandum as prescribed by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry in the Central Government and has submitted a performance guarantee of rupees one crore to the Chief Director (Sugar), Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution; for implementation of the Industrial Entrepreneur Memorandum within the stipulated time or extended time as specified in clause 6C.

Explanation 3: The minimum distance shall be determined as measured by the Survey of India.

Explanation 4: The effective steps shall mean the following steps taken by the concerned person to implement the Industrial Entrepreneur Memorandum for setting up of sugar factory:-

- (a) purchase of required land in the name of the factory;
- (b) placement of firm order for purchase of plant and machinery for the factory and payment of requisite advance or opening of irrevocable letter of credit with suppliers;
- (c) commencement of civil works and construction of building for the factory;
- (d) sanction of requisite term loans from banks or financial institutions;
- (e) any other steps prescribed by the Central Government in this regard through a notification.

\$Inserted vide S.O.1940(E) dated 10.11.2006.
