

प्ररूप -3

अपील

[नियम 4 का उपनियम (1) देखें]

सेवा में,

अपील प्राधिकारी,

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1. अपीलार्थी का विवरण:

(i) नाम :

(ii) पत्राचार का पता:

(iii) संपर्क संख्या:

(iv) ईमेल :

2. अपील के आधार:

(न्यायनिर्णायक अधिकारी के आदेश की प्रति संलग्न करें)

3. न्यायनिर्णायक अधिकारी के आदेश की तारीख:

4. तथ्यों का विवरण:

मैं/हम, अपीलार्थी घोषणा करता हूँ/करते हैं कि ऊपर वर्णित तथ्य मेरी/हमारी सूचना और विश्वास के अनुसार सत्य हैं।

5. अपीलार्थी के हस्ताक्षर और तारीख:

6. अपीलार्थी का नाम:

[फा. सं. के-58013/8/2023- बागान (सम.)]

अमरदीप सिंह भाटिया, अपर सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 8th August, 2024

G.S.R. 487(E).—In exercise of the powers conferred by clause (xa) of sub-section (2) of section 49 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Tea (Holding Inquiry and Appeal) Rules, 2024.

(2) The rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.-(1) In these rules, unless the context otherwise requires, the following shall be inserted, namely, -

- (a) “Act” means the Tea Act, 1953 (29 of 1953);
- (b) “adjudication officer” means an officer as appointed as such under sub-section (1) of section 42A of Act;
- (c) “appellant” means a person aggrieved with an order of adjudicating officer and prefers an appeal before the appellate authority under sub-section section (2) of section 42 A of the Act;
- (d) “appellate authority” means the appellate authority referred to under sub-section (2) of section 42 A of the Act;
- (e) “Form” means a form appended to these rules.

(2) The words and expressions used in these rules and not defined but defined in the Act, shall have the same meanings respectively assigned to them in the Act;

3. Holding of inquiry. —

(1) For the purpose of adjudication of penalties under section 42A of the Act, the adjudicating officer shall, on receipt of a complaint indicating contravention of any provision of any section specified therein, issue a notice in Form-I to such person requiring him to show cause within such period as may be specified in the notice (being not less than seven days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised representative, the contravention committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-II as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date (not later than fifteen days from the first date and no adjournment shall be granted more than three times and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) While holding an inquiry under these rules, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) Every order made under sub-rule (8) shall be dated and signed by the adjudicating officer.

(11) A copy of the order made under this rule and all other copies of proceedings shall be supplied to the person against whom the inquiry was held.

(12) The adjudicating officer shall complete the proceedings within one hundred eighty days from the first date of issuance of the notice to the person against whom the inquiry was held.

(13) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner, namely:-

- (i) by delivering or tendering it to that person or his authorised representative; or
- (ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or

(iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

4. Appeal. — (1) Any person aggrieved by an order of the adjudicating officer under these rules, may prefer an appeal to the appellate authority under section 42A of the Act in Form-III.

(2) The appeal shall be filed with the appellate authority within a period of sixty days from the date of the order:

Provided that, the appellate authority may, where sufficient cause for not preferring the appeal within such period of sixty days is given, he may admit the appeal for reasons to be recorded in writing for such extension.

(3) The appeal shall be accompanied by a copy of order of adjudicating officer issued under sub-rule (8) of rule 3 and a clear statement of facts appealed against, the grounds for appeal and the relevant section of the Act.

(4) The appeal shall be filed in triplicate by the appellant in person or by his duly authorised representative in writing duly appointed in this behalf, or by registered post or speed post or through electronic means.

(5) The appeal sent by post shall be deemed to have been filed to the appellate authority on the day it is received.

(6) If on scrutiny, the appeal is found to be in order, it shall be admitted and in case the appeal is found to be defective, the appellate authority may allow the appellant to rectify the defects within fifteen days from the date on which the defect has been intimated to him and if the appellant fails to rectify such defects within such period, the appellate authority may by order and for reasons to be recorded in writing, refuse to register such appeal and communicate the decision to the appellant within a period of seven days thereof.

(7) On admission of appeal, the appellate authority shall serve a copy of appeal upon the person against whom the appeal is sought and shall require him to file his reply thereto, if any, within a period, not exceeding thirty days, or as provided in the said notice

(8) The notice may be served by hand or by registered post or speed post or through electronic means.

(9) A copy of the reply, application or written representation filed before the appellate authority shall be forthwith served on the appellant.

(10) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such orders as he may consider reasonable.

(11) The appellate authority shall dispose of the appeal within sixty days from the date of admission of appeal.

5.Extension of time. — The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable

6.Order and penalties. — (1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Consolidated Fund of India.

Form –I**[See sub-rule (1) of rule3]**

To

SHOW CAUSE NOTICE

Sub: Contravention of the Tea Act, 1953.

Sir/Madam,

As per the complaint received, *vide* dated _____(copy enclosed), a contravention has been committed under section ----- of the Tea Act, 1953 at

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under section 42 A of the Tea Act, 1953 for imposition of penalty. In case, no reply is received within the given period, necessary action shall be taken under the Act .

Adjudicating officer

Date and place.....

FORM-II**Furnishing of document or evidence by or on behalf of the contravener****[See sub-rule (5) of rule3]**

To

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1. I/We,

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hereby give a statement in reference to the show cause notice dated

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2. Complete address including postal index number/code and state along with mobile number and e-mail.
3. Signature of the contravener or his authorised representative:
4. Name of the person along with mobile number who has signed

FORM-III**Appeal****[See sub-rule (1) of rule4]**

To

Appellate Authority,

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1. Particular of appellant:

(i) Name:

(ii) Address for correspondence:

(iii) Contact No:

(iv) Email:

2. Grounds of appeal:

(A copy of order of adjudicating officer to be enclosed)

3. Date of order of the adjudicating officer:

4. Statement of facts:

I/We....., the appellant hereby declare that the facts stated herein above are correct to the best of my/our knowledge, information and belief.

5. Signature of appellant and date:

6. Name of appellant:

[F. No. K-58013/8/2023-PLANT(COORD)]

AMARDEEP SINGH BHATIA, Addl. Secy.