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**Government of Jammu & Kashmir**  
**Department of Food, Civil Supplies & Consumer Affairs**  
**Civil Secretariat, J&K, Srinagar**

**Subject:-Revision of Sale Rates of Wheat Bran-settlement of claims of Mill Owners in respect of grinding charges thereof.**

**Government Order No. :- 24 -FCS&CA of 2018**  
**D a t e d :- 23 -01-2018**

Whereas, the Director, FCS&CA Department Kashmir had revised the rates of Wheat Bran in Kashmir Division vide Order No. 61-CAPD of 2013 dated:- 01.03.2013.

Whereas, the Director, FCS&CA Department Kashmir had ordered to allot the bran to Mill owners only and to stop selling directly to customers as per past practice.

Whereas, the Mill owners challenged the order of Director, FCS&CA, Kashmir in Hon'ble High Court on the plea that the rates were not revised in Jammu Division.

Whereas, the Hon'ble High Court in its order dated 14-11-2013 directed as under:-

*"In the given circumstances respondent No. 2 is directed not to make any deduction for the bills pertaining to crushing charges till further orders from this court. The respondent No. 1 is directed to call the record from the office of respondent No. 2 and examine the matter at the touchstone of policy of the Government with reference to Government Order No. 124-CA&PD of 2007 dated 29.08.2007. The respondent No. 1 shall ensure that the policy of the Government is applied uniformly in both Divisions of the State."*

Whereas, the Department has not followed the case in the Hon'ble High Court properly and has not even challenged it in next forum/gone for appeal for the last more than four years.

Whereas, the Mill owners have not paid any amount to the Department despite the fact that they had sold the Wheat Bran.

Whereas, the Administrative Department vide Government Order No. 124-CA&PD of 2007 dated 29-08-2007 has revised/fixed the rates of Wheat Bran as Rs. 7.50/- per kg but the same were not implemented practically in Kashmir Division while as in Jammu Division the rates have been implemented in letter and spirit and the Mill owners have also been paid grinding charges @ Rs. 43 per qtl.

Whereas, vide Government Order No. 179-FCS&CA of 2017 dated:-14-06-2017, the sale rate of Wheat Bran were enhanced from Rs. 7.50 per kg to Rs. 16.00 per kg throughout the state.

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Whereas, vide letter no. FS/5/2003/Acctts/Food-I dated:- 07-07-2017 it was directed to implement the enhanced sale rates of bran after finalization of tenders for grinding of wheat and that tenders for same be floated by or before 10-07-2017. The tenders were floated 03 times but only one tenderer (that too from Kargil) submitted the tender documents, which could not be finalized.

Whereas, vide Administrative Department letter No.FS/5/2003/Acctts-Food-I dated: 12-10-2017, it was directed to implement the Government Order No. 179-FCS&CA of 2017 dated 14.06.2017 i.e charging rate of Rs. 16.00 per kg for Bran w.e.f 01-10-2017.

Whereas, Director FCS&CA, Kashmir intimates that the Mill Owners have now represented that they are not ready to pay @ 16.00 per kg for Bran till their grinding charges are enhanced and that their previous withhold payment on account of grinding are cleared along with interest as admissible.

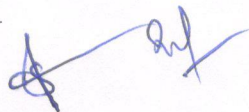
Whereas, the Director FCS&CA Kashmir vide No. DFCS&CA/PS/110 Dated:-15-01-2018 has, after threadbare discussion with the representatives of Mill Owners, proposed that:-

- i. *That the Department shall clear grinding charges as admissible @ Rs. 43/- per Qtl since February,2013 till 30-09-2017 after corresponding reduction of the cost of wheat bran outstanding against them to be worked out @ Rs. 7.50/- per kg in light of the orders of Hon'ble High Court and as has also been charged from Mill Owners of Jammu Division.*
- ii. *They may be paid grinding charges at revised rates that may be agreed to/finalized with Mill Owners of Jammu Division subsequently who have already participated in Tendering process.*

Whereas, the proposal of Director, FCS&CA Kashmir was examined in the Administrative Department and it was decided that the Director, FCS&CA Kashmir shall deal with the matter chronologically as under:

- (a) Order of the Director FCS&CA Kashmir's vide No 61-CA&PDK of 2013 dated:-01-03-2013 be deemed null and void.
- (b) The rates in respect of grinding charges i.e Rs.7.50 per kg shall be deemed to have been at par with the millers of Jammu Division upto 30-09-2017.
- (c) The Mill owners shall submit an affidavit to the effect that they will not claim interest on their pending payment.
- (d) There will be a proper Due-Drawn details in respect of each Mill Owner, duly scrutinized, verified and authenticated by a Committee of the officers like Deputy Director Supplies, Assistant Director Mills, Chief Accounts Officer and countersigned by the Director, FCS&CA concerned.
- (e) There will be a proper reconciliation statement of the food grains dispatched for crushing and the produce received by the Department and the quantity of Wheat Bran actually due from the ground food grains, for the period under report duly authenticated by the Assistant Director, Mills.
- (f) The sale proceeds of Wheat Bran due from the Millers are remitted into Government Treasury as the Finance Department has categorically intimated that the past practice of remittances, realized on account of gunny bags and Wheat Bran, into treasury should continue.

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Now, therefore, it is hereby ordered that the Mill Owners of Kashmir Division, that had been in contract with the Department of FCS&CA for grinding of Wheat into Whole Meal Atta and to whom payments are pending with the Department on account of grinding charges, be released their grinding charges after the millers remit the amount due from them on account of Wheat Bran into Treasury or the Director FCS&CA Kashmir shall deduct such amount out of their grinding charges and deposit it into treasury, only after fulfillment of the procedure mentioned at (a),(b),(c),(d),(e) &(f) above.

**By order of the Government of Jammu and Kashmir.**

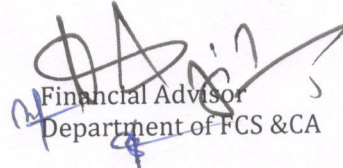
Sd/-  
**(Mohammad Mehraj-ud-Din Khan)**  
Comm./Secy to Government  
Department of FCS &CA

No:FS/5/2003-Accts/Food-I/Part File

Date: 23 .01.2018

*Copy to the:-*

1. Accountant General J&K for information.
2. Director, FCS&CA Department, Kashmir this has reference to his communication quoted above.
3. Advocate General, J&K, Srinagar for information and necessary action.
4. All Dy. Commissioners of Kashmir Division for information.
5. Chief Accounts Officer, FCS&CA Department Kashmir.
6. Principal Pvt. Secretary to Hon'ble Minister for Department of FCS & CA for information of Hon'ble Minister
7. Private Secretary to Commissioner/Secretary, FCS&CA Department for information of the Commissioner/Secretary.
8. Incharge Website, FCS&CA Department.
9. Govt. Order file.

  
Financial Advisor  
Department of FCS &CA