

देवेश चतुर्वेदी

आई.ए.एस.

अपर मुख्य सचिव

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अर्द्धशा. पत्र. सं : 364/20-1-2022

कृषि, कृषि शिक्षा एवं अनुसंधान, कृषि विपणन
कृषि विदेश व्यापार एवं निर्यात प्रोत्साहन विभा
उत्तर प्रदेश शासन।

25, नवीन भवन, सचिवालय, लखनऊ।

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दिनांक 05/09/2023

प्र नेशन



कृपया अपने अर्द्ध शासकीय पत्र संख्या-22016/1/2015 M.II.VoIII(Misc) pt दिनांक 18.08.2022 का संदर्भ ग्रहण करने का कष्ट करें, जो इलेक्ट्रॉनिक ट्रेडिंग पोर्टल को स्थापित करने हेतु लाइसेंस दिए जाने तथा इस हेतु सहज प्रक्रिया बनाए जाने से संबंधित है।

इस संदर्भ में आपको अवगत कराना है कि राज्य सरकार द्वारा कृषि विपणन सुधार को आगे बढ़ाते हुए उत्तर प्रदेश कृषि उत्पादन मण्डी (छब्बीसवां संशोधन) नियमावली, 2023 दिनांक 13 जुलाई, 2023 के माध्यम से डिजिटल प्लेटफार्म सर्विस प्रोवाइडर लाइसेंस की व्यवस्था की गई है। इस संबंध में मण्डी नियमावली में संशोधन की अधिसूचना की छायाप्रति संलग्न कर अवलोकनार्थ प्रेषित है।

उपरोक्त नियमावली में संशोधन होने के फलस्वरूप कृषि क्षेत्र में डिजिटल प्लेटफार्म पर E-Commerce करने वाली कम्पनियां, संस्थाएं इत्यादि मण्डी परिषद से लाइसेंस प्राप्त कर के संचालित करने के लिए अधिकृत हो गए हैं। उक्त आधार पर उपरोक्त डिजिटल प्लेटफार्म पर किसान से ऑनलाईन मण्डी शुल्क व विकास सेस का भुगतान किया जा सकेगा तथा गेट पास भी स्वतः ही निर्गत हो जाएगा। उपरोक्त व्यवस्था लागू होने से प्रदेश में कृषकों को वन नेशन वन मार्केट के केन्द्र सरकार के अभियान में भी जुड़ने में एक अवसर प्राप्त होगा। लाइसेंस प्राप्त करने के लिए शर्त व प्रक्रिया भी सुविधाजनक की गई है, जिससे अधिक से अधिक डिजिटल प्लेटफार्म संचालित करने वाली संस्थाएं इससे जुड़ सकें।

कृपया उपरोक्त वर्णित स्थिति से अवगत होने का कष्ट करें।

संलग्नक : यथोक्त।

01/09/23

भवनिष्ठ,

(डॉ० देवेश चतुर्वेदी)

AS (MUD)
AS (FAU)

This is a good development
11/09/23

श्री मनोज आहूजा,

सचिव,

कृषि एवं किसान कल्याण मंत्रालय,

भारत सरकार।

19-प्रत्येक व्यापार पर मण्डी शुल्क तथा विकास उपकर संदेय होगा तथा देय मण्डी शुल्क तथा विकास उपकर की देयता पूर्ण रूप से डिजिटल प्लेटफार्म सेवा प्रदाता की होगी।

20-डिजिटल प्लेटफार्म सेवा प्रदाता द्वारा किसी भी प्रकार के स्टोर/केन्द्र स्थापित करने पर इसकी सूचना सम्बन्धित मण्डी समिति को देनी होगी। इस प्रकार के स्टोर/केन्द्र का उपयोग केवल डिजिटल प्लेटफार्म के माध्यम से हुए कृषि उत्पाद के क्रय विक्रय के संग्रहण/डिलीवरी/प्रेषण के लिए ही किया जायेगा। इस प्रकार के स्टोर/केन्द्र पर प्रदाता को न्यूनतम सुविधायें जैसाकि उपविधि में उल्लिखित हो प्रदान करनी होगी। इस प्रकार के केन्द्र/स्टोर पर प्रयोग डिजिटल प्लेटफार्म के अतिरिक्त अन्य किसी भी प्रकार से हुए क्रय विक्रय के संग्रहण/डिलीवरी/प्रेषण के लिए नहीं किया जायेगा।

21-प्रदाता द्वारा मण्डी शुल्क और विकास उपकर का भुगतान किये जाने के पश्चात् ही गेट-पास जारी किया जा सकेगा।

22-निदेशक, राज्य कृषि उत्पादन मण्डी परिषद, उत्तर प्रदेश द्वारा पृथक से आदेश के माध्यम से उक्त प्ररूप तथा शर्तें आवश्यकतानुसार संशोधित की जा सकती हैं।

23-ऑनलाइन डिजिटल प्लेटफार्म पर क्रय-विक्रय के पश्चात् उत्पाद की गुणवत्ता, पैकेजिंग, छंटाई/ग्रेडिंग, डिलीवरी, तौल, दर एवं भुगतान इत्यादि सुनिश्चित करने की जिम्मेदारी प्लेटफार्म प्रचालक की होगी। इस सम्बन्ध में यदि क्रेता-विक्रेता के मध्य विवाद होता है तो प्लेटफार्म प्रचालक उसका निपटारा करायेगा।"

आजा से,
डा० देवेश चतुर्वेदी,
अपर मुख्य सचिव।

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification no. 09/ 2023/ 217/ LXXX-1-2023-80-1001/318-2019, dated July 13, 2023:

No: 09 /2023/217/ LXXX -1-2023-80-1001/318-2019

Dated Lucknow, July 13, 2023

IN exercise of the powers under sub-section (1) of section 40 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964), read with section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act no. 1 of 1904), the Governor is pleased to make the following rules with a view to amend the Uttar Pradesh Krishi Utpadan Mandi Niyamawali, 1965.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (CHHABBEESWAN SANSHODHAN) NIYAMAWALI, 2023

1. (1) These rules may be called the Uttar Pradesh Krishi Utpadan Mandi (Chhabbeeswan Sanshodhan) Niyamawali, 2023. Short title and commencement

(2) They shall come into force with effect from the date of their publication in the *Gazette*.

2. In the said rules, in rule 2 *after* clause (iii) the following new clause (iii-a) shall be *inserted*, namely:- Amendment of rule 2

"(iii-a) 'Digital Platform Service Provider Licence' means a licence by which a licensee will be authorized to provide and operate an online/ digital platform for trading of specified agricultural produce in all market areas of the state. The Digital Platform Service Provider Licence shall be issued/renewed by the Director of Mandis, who is authorized to issue/renew the licence, as per the procedure laid down in these rules."

Amendment
rule 50-A(1) of

3. In the Uttar Pradesh Krishi Utpadan Mandi Niyamawali, 1965 hereinafter referred to as the "said rules" for sub-rule (1) of rule 50-A set out in Column-1 below, the sub-rule as set out in Column-2 shall be substituted, namely:-

COLUMN-1

Existing sub-rule

(1) The Market Committee Shall issue gate-pass in Form No. V-A for exit of the Specified agricultural produce from the Market Area. The person asking for the gate pass shall apply for the same in Form No. V. He shall give a declaration in the said form that market fee or development cess has been levied on transactions of sale of such specified agricultural produce in a Market Area in the State. The Secretary or any other official authorised by the committee shall endorse on Form No.V. its certificate regarding correctness of the information so given.

COLUMN-2

Sub-rule as hereby substituted

(1) The Market Committee shall issue gate-pass in Form No. V-A for exit of the Specified agricultural produce from the Market Area. The person asking for the gate pass shall apply for the same in Form No. V. He shall give a declaration in the said form that market fee or development cess has been levied on transactions of sale of such specified agricultural produce in a Market Area in the State. The Secretary or any other official authorised by the committee shall endorse on Form No. V. its certificate regarding correctness of the information so given. If any licensee or trader pays the market fee and development cess online and declares the fulfilment of the conditions given in Form No. V. for the demand of gate pass, then the gate pass shall be issued automatically.

Insertion of new
rule 58-E

4. In the said rules, after rule 58-D, the following new rule-58-E shall be inserted, namely:-

"Granting/renewal of licence for Digital Platform Service Provider under section 7(2)(b) of the Act by the Director of Mandis-

58 E(1) Any person [as mentioned in section 2 (m-1) of the Act] and any Farmer Co-operative Group/Farmer Producer Organization, who are desirous of operating a Digital Platform outside the Principal Market Yard/Sub-Market Yard/Market Sub-Yard/Private Market Yard, shall apply in the Form XVII under section 7(2)(b) of the Act to the Director of Mandis for Digital Platform Service Provider Licence, along with the details of the platform and other information prescribed in the form.

(2) Applicant shall submit financial status, details of resources including supporting documents, Bank statement, income tax statement of last three years, list of fixed assets and liabilities, and in case of company, Memorandum of Association and Articles of Association.

(3) The Director of Mandis shall examine the proposal in consultation with such person or authorities as he may deem fit and may suggest necessary measures for improvement and after satisfying himself, he may grant licence in Form XVII-A.

(4) The Digital Platform Service Provider Licensee shall submit an application for renewal of licence in Form XVII to the Director of Market Board and such officer may renew the licence for Digital Platform after making necessary inquiries, as he may deem fit or fulfilment of conditions.

(5) The licence fee and security for each licence of e-auction or Digital Platform Service Provider shall be respectively 25,000 Rs. per annum and One lakh rupees for the first year. For the renewal of the licence for subsequent year, the security shall be One lakh rupees or 1.5% of the trade value done in the previous year, whichever is higher.

(6) The licence taken for the operation of e-auction or digital platform for Specified Agriculture Commodity will be known as "Digital Platform Service Provider Licence".

(7) Digital Platform Services Provider Licence will be valid for only one year. To do business further, it will be mandatory for the company to renew the licence every year.

(8) If any Digital Platform Service Provider Licencee choses a place for storage/dispatch/collection of purchase/sale, then its information shall have to be made available to the Markets Board.

(9) On the establishment of any type of store/centre by Digital Platform Service Provider, its information shall have to be given to the concerned Market Committee. This type of store/centre shall be used only for the Collection/Delivery/Dispatch of agricultural produce which are purchased/sale through Digital Platform.

(10) The right to suspend and cancel the approved/renewed Digital Platform Service Provider Licence shall be vested in the Director of Mandis. If the licencee does not work according to the prescribed terms and conditions, then it can be suspended/cancelled by the Director of Mandis.

(11) Director of Mandis, Uttar Pradesh can amend the format and conditions as per the requirement through a separate order."

5. In the said rules, for rule 69 set out in Column-1 below, the rule as set out in Column-2 shall be substituted, namely:-

Amendment of rule 69

COLUMN-1

Existing rule

(1) The fees or development cess shall be collected by the servant of the market committee authorised by the Committee in this behalf and receipt in Form No. VII duly signed by him shall be granted to every person in respect of fees or development cess collected from him under these rules or the bye-laws.

(2) Every person authorised by the Market Committee to collect fees or development cess shall grant receipts to the payers keepings counter-foils of the receipts so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

COLUMN-2

Rule as hereby substituted

(1) The fees or development cess shall be collected by the servant of the market committee authorised by the Committee in this behalf and receipt in Form No. VII duly signed by him shall be granted to every person in respect of fees or development cess collected from him under these rules or the bye-laws.

(2) Every person authorised by the Market Committee to collect fees or development cess shall grant receipts to the payers keepings counter-foils of the receipts so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

(3) In case of digital/online payment, Form No. VII shall be issued automatically on the acknowledgement of the bank.

Insertion of New
Forms XVII and
XVII-A

6. In the said rules, after Form XVI-B the following new Form XVII and Form XVII-A shall be inserted, namely:-

"Form XVII

[See Rule 58(e)(1)]

[Application for grant/renewal of Licence for Digital Platform Service Provider]

To,

The Director,
State Agricultural Produce Market Board,
Uttar Pradesh, Lucknow.

Sir,

I/We..... (Name with father's name)....., address....., hereby request for the grant/renewal of licence for Digital Platform Service Provider as per rules. The necessary documents as required under the provisions of the Act and Rules are enclosed herewith. I am/we are ready and willing to pay the necessary licence fee and security as per rules for obtaining the above licence.

I/We request you to grant/renew the licence.

Yours faithfully,
(Applicant)
Name:
Firm seal.

Place:

Date:

(Strike out whichever not applicable)

Documents submitted with this application.

- (1) Certificate of incorporation or Registration in respect of Company, Co-operative Society/ Institution, Trust, Corporation, Partnership, etc.
- (2) Memorandum of Association and Articles of Association and operational and working guidelines of the proposed Digital Platform Service Provider (as applicable).
- (3) Names and full address and telephone number of all the Directors and owners and partners etc. (They shall inform immediately subsequent changes if any).
- (4) Certificate of Licensee of Market committee in respect of Company, Co-operative Society/ Institution, Trust, Corporation, Partnership, etc.
- (5) Financial Status of the applicant with supportive document such as bank statements, Income-tax returns, PAN, assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.
- (6) Demand Draft in support of having paid the Licence fee/Security.
- (7) Operational and working guidelines as to how Digital Platform shall be conducted, controlled and operated.
- (8) Detail of all facilities such as server, Application and Technology which are used on Digital Platform.
- (9) A Bank guarantee as provided in these rules undertaking and affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he/they shall be liable for legal action including cancellation of licence and recovery of all dues.
- (10) Any other information/document required by the Director of Mandis as prescribed in the bye-laws.
- (11) Any other relevant information/documents that the applicant desires to furnish.

Yours faithfully,
(Applicant)
Name:
Firm seal.

Form XVII (A)

[See Rule 58(e) (3)]

[Digital Platform Service Provider Licence]

Licence is hereby granted/ renewal to M/S ----- through its Managing Director/Partner of the firm Mr.----- S/O----- address----- for the establishment/function of Digital Platform for the period from----- to-----.

Director

State Agricultural Produce Market Board

Seal

Conditions-

1. The Licensee shall provide information to the Director of State Agricultural Produce Market Board, UP or to the authorized officer as may be required by him time to time.

2. The Digital Platform Service Provider Licensee shall comply with all the rules and regulation as to be provided.

3. All taxes, fees, cess and charges shall be payable by the Digital Platform Service Provider Licensee as per the law of various agencies/departments of the State.

4. Digital Platform Service Provider licence shall be valid for only one year. For continuing the business, It will be mandatory for the company to renew the licence every year.

5. Applicant for the operation of e-auction or online trading platform will be defined as per the section of 2(m-1), rule 70(1) and rule 70(3) of Market Act 1964.

6. It will be mandatory for e-auction or Digital Platform Service Provider to have a legal & physical office in Uttar Pradesh.

7. It will be mandatory for e-auction or Digital Platform Service Provider to be registered under the Companies Act 1956 or any other existing law in force.

8. The average annual turnover of e-auction or Digital Platform Service Provider for last 2 years should be 50 lakh rupees minimum.

9. Only primary trading shall be permitted on e-auction or Digital Platform.

10. It will be mandatory for each provider to integrate e-auction or digital platform with Market Board, operated by him or it means the information of daily business will have to be made available online to the Board. Along with this, the access of Market Board on the Licence's portal should be mandatory.

11. The seller who is doing primary business on e-auction or digital platform can be anyone, but the restriction regarding the buyer shall, is that, the buyer should be a Licensee of Market Committee of Uttar Pradesh. The buyer shall purchase the produce on digital platform only to the extent of his licence.

12. It will be mandatory for e-auction or Digital Platform Service Provider to follow the rules laid down by the State Govt. time to time.

13. No fee will be charged by the provider for the registration/trade of any farmer, but the company will have the right to charge fee for the registration and trade of traders or commission agents.

14. Specified/non-specified agricultural produce can be traded by the provider, but it will be mandatory for the provider to be registered in the Market Committee of Uttar Pradesh to do the trade of specified agricultural produce.

15. It will mandatory for the portal or app of the online trade platform to be on a cloud server, approved by the MEITY.

16. The portal or app of the Digital Platform should not be multi domain and the permission will be granted for only the trade of agricultural produce.

17. There should be a system of e-auction in Digital Platform compulsorily.

18. Although the trade done by e-auctioner or Digital Platform Service Provider will be done through online medium, but the place of physical trade i.e. purchase/sale will be considered as the seller's place, where the produce is actually kept. In case of any trade related dispute, the place of

purchase/ sale will be settled by the Mandi Committee concerned under the Market Act, rules, bye-laws and other applicable orders.

19. Market fee and development cess shall be payable on every trade and the liability of paying Market Fee & Development cess will be completely of Digital Platform Service Provider.

20. On the establishment of any store/centre by the Digital Platform Service Provider, its information will have to be given to the concerned Market Committee. Such kind of store/centre shall be used only for the collection/delivery/dispatch of the traded agricultural produce through digital platform. At such kind of store/centre, the provider will have to provide the minimum facilities as mentioned in the bye-laws. This type of store/centre should not be used for the collection/delivery/dispatch of any other kind of traded produce of other than Digital Platform.

21. Gatepass can be issued only after the payment of Market fee & Development cess by the provider.

22. The said format or conditions can be amended as per requirement through a separate order by the director of Rajya Krishi Utpadan Mani Parishad, U.P. .

23. It will be responsibility of the platform operator to ensure the quality of produce, packaging sorting/grading, delivery, weighing, rate & payments *etc.* after the trading of that produce on the online/digital platform. In this regard, if there is a dispute between the seller & buyer, the Platform Operator will settle down it."

By order,
DR. DEVESH CHATURVEDI,
Apar Mukhya Sachiv.