



**HP STATE AGRICULTURAL
MARKETING BOARD,
VIPNAN BHAWAN, KHALINI, SHIMLA-171002.
Phone: office: 2621252 & 2621260 (fax)**

No.HMB (F)5-8/2-15-

Dated: .05.2021

NOTIFICATION

Pursuant to the approval accorded by the Board vide resolution no.21 & 26 of its meeting held on 19.03.2021, the policy and scheme mentioned below, duly vetted legally, are hereby notified and circulated, for information, necessary action and implementation by all concerned:

1. Revised policy for allotment of shops/booths/godowns etc. in different Market yards/Sub yards in the State. **ALLOTMENT POLICY-2021** is attached at **Annexure-I**. This repeals the Allotment Policy-2014.
2. **THE HP STATE AGRICULTURAL MARKETING BOARD/ APMCS ONE TIME SETTLEMENT OF UNAUTHORIZED OCCUPATION OF ITS PREMISES, SCHEME-2021**. The scheme is attached at **Annexure-II**.

(Naresh Thakur, HPAS)
Managing Director-cum-
MEMBER SECRETARY

No. HMB (F)5-8/2-15- 982 to 1003

Dated: 31.05.2021

Copy of the above is forwarded to the following for information and necessary action:

1. The Chairman, HP State Agricultural Marketing Board.
2. Addl. Chief Secretary (Agr.) to the Govt. of HP Shimla-2.
3. The Director of Agriculture, HP Shimla-171002.
4. The Controller, HP Printing and Stationery Deptt. Shimla-5 for publication in the e-Rajpatra.
5. The Executive Engineer, HP SAMB.
6. The Dy. Controller (F&AS) HP SAMB.
7. The Assistant Controller (Pre Audit) HP SAMB.
8. The Accounts Officer, HP SAMB
9. All the Secretary, APMCs in HP.
10. The Draughtsman, HP SAMB
11. Board meeting file.
12. All relevant relevant files/ Guard file.

(Naresh Thakur, HPAS)
Managing Director-cum-
MEMBER SECRETARY





HIMACHAL PRADESH STATE AGRICULTURAL MARKETING BOARD (HPSAMB)
VIPNAN BHAWAN, KHALINI SHIMLA-02
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ALLOTMENT POLICY-2021;

For shops/booths/Godowns/space/canteen and storage facilities etc., in APMCs regulated market yards/sub yards in notified market areas of the State of Himachal Pradesh.

The Himachal Pradesh Agricultural and Horticulture Produce Marketing (Development and Regulation) Act, 2005 is being implemented in the State. It mandates the establishment of well administered markets and efficient infrastructure for promotion of marketing of agricultural produce in the State. The Himachal Pradesh State Agricultural Marketing Board and Agricultural Produce Market Committees constituted under the said Act; are responsible for setting up minimum standards for efficient market facilities, procedures and systems for all stakeholders. The Organization is entrusted with the function and duties to perform with amongst other under the said Act and also to regulate sale, purchase, storage, grading, packaging and processing of agricultural produce in its regulated markets, sub markets yards, collection centres, new markets and allied infrastructure facilities within the market area of the State of Himachal Pradesh. It has established as many as 10 principal Market yards at each APMC and 53 sub yards within the State. These consist of shops, booths, Godowns, auction platform, circulation area, parking, space, canteen, farmers staying facilities, basic amenities and storage facilities etc. The Board has been framing and notifying the policies from time to time for allotment of said facilities to the market functionaries and other stakeholders, lessee, licensee and allottees; who are having certain criteria with due process in accordance with the Act, 2005. Some difficulties and flaws were being experienced while operating the existing Allotment Policy-2014 for some time past. Therefore it is expedient to modify the existing policy to meet the present market challenges in a national-wide changed scenario further to safeguard agricultural trade and to watch interest of the APMC in Himachal Pradesh.

Therefore the Himachal Pradesh State Agricultural Marketing Board has decided to repeal the Allotment Policy-2014 and substitute with the ALLOTMENT POLICY-2021 as per resolution No.21 and No. 26 passed in its BoM meeting held on 19.03.2021. The salient feature of ALLOTMENT POLICY-2021 is as follows;-

ALLOTMENT FOR INFRASTRUCTURE

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- 1) The Executive Engineer HPSAMB; shall ensure that immediate after completion of new project in all respect the physical possession thereto is handing over to the concerned APMC through its Secretary alongwith cost-incurring statement, Rent

Reasonability Certificate and other necessary documents of the property enabling them to maintain property register and accounts properly.

- 2) The APMC shall initiate for allotment of infrastructure by duly complying with the provisions of section 29(2) of the Act read with provisions of bye law 62 of the Bye Laws-2007 supported with a resolution of the Committee in a time bound manner to avoid undue losses to the Committee. A clear cut proposal spelling out proper terms and conditions; to this effect must be reached in the Board Office within a reasonable time for obtaining the approval from the Competent Authority under bye law 62(2) of the Bye Laws, 2007.
- 3) Once the approval is accorded and conveyed under clause- 2 above; the APMC shall issue the public notice to all concerned with a wider publicity through predominantly circulated atleast 3 daily newspapers for advertising the renting/lease/license of property to invite applications in accordance with the due procedure prescribed under the Bye-Laws, 2007.
- 4) One shop shall be kept reserve for allotment for Sale Centre promoting Organic Inputs like Bio Pesticides, Vermin Culture and vermin-compost etc. and one shop for Sale Centre for natural produce, floriculture, medicinal and aromatic plants. It shall be done on need assessment basis through the open auction. It will encourage and promote the natural farming and floriculture in the Himachal being one of the flagship program of the State.
- 5) One shop may be allotted to a person with minimum base price as per the Rent Reasonability Certificate, who has donated land; where land is not available for construction of market;

Provided that the total nos. of the shops kept reserve for the purpose as mentioned in clause (5) and (6) above shall not be more than 10 % of the infrastructure/property for allotment.

- 6) On socio-economic development ground; a proper representation including the local growers, producers, agriculturists, farmers, traders and dealers, bulk buyers, allied Institutions, Farmer Producer Organizations (FPOs), Farmers Cooperative Societies and weaker sections of society as such as SCs, STs & OBCs; shall be followed for allotment in a following manner:-

#	Category	%age prescribed for allotment over total allocable premises.
1.	Local Fruits & Vegetable Growers/farmers/agriculturists	25%
2.	Wholesale Dealers and Traders in Agricultural Produce	50%
3.	Co-operative & Allied Institutions, FPOs, Women self-help groups	10%
4.	Scheduled Castes /Scheduled Tribes /Other Backward Classes	15%

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Provided; that in case of no application for allotment amongst above referred categories is received by due date, a subsequent notice re-advertising or re-inviting application with due procedure as the case may be, amongst the above categories; shall be published in a similar way as pointed out under clause-3 above. Even this time, no application is found to have been received by due date; the shops/ Godowns/ rest-houses or allocable premises etc. as the case may be; the allotment shall be made through open auction amongst all categories from 1-6 above with due procedure prescribed under the bye law 62 of the Bye Laws, 2007. However, once the approval accorded under clause-3 above previously; shall not be required time and again for this purpose;.

Provided; further that the word and expression, "local" for the purpose of allotment shall; mean the person or entity residing/based permanently in the market area within the jurisdiction of the concerned Committee;

Provided; further that the Board shall have the right to decide rehabilitation or shifting petty traders in the sheds or shops or nos. of shops of shed or space to be classified for fruits, vegetables, cereals and pulses and other scheduled items of agricultural produce for promotion of Agri-marketing as the case may be; after due consideration of proposal mooted by the APMC or its sue moto cognizance as per the Act, 2005, as the case may be;

Provided; further that any infrastructure; which still remains vacant even for want of eligible aspirant(s) even after third and consecutive round advertisement as per 1st proviso below clause 6 above; the APMC may rent/lease/license the vacant property for any other purpose within the ambit of law and as per the financial propriety/economy; that too by adhering to the due procedure prescribed clause 3 above; and

Provided; further that the property; which may still remain vacant even after exhausting the remedy provided under the 4th proviso above; the Committee shall place the matter before the Sub-Allotment-Committee; so or being constituted as per provisions envisaged under section 42 of the Act, 2005 read with provisions of the bye-law 20 of the Bye Laws-2007 for the purpose allotment ; the vacant premises shall be allotted on principle of first come- first serve basis with the reasons to be recorded in writing.

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- 7) The Committee shall maintain proper record of allotment vis-à-vis (1) total number of applications, (2) category-wise scrutiny as per terms of conditions stipulated in the allotment notice, (3) allotment proceedings duly recorded including means electronic media; authenticated by the Sub Allotment Committee, ratification thereof by the full Committee, (4) issuance of allotment letter to the successful allottee, handing over the physical possession, remittance of lease money/advance/security deposit if any ; into the Committee fund; signing of rent deed/lease deed/license etc.; as per law, opening of individual files and track record of allottee in respect of any dues or violation or infringement of any kind, remedial action by the Committee;

Provided; that any allottee is found to have indulged in sub-allotment to third party, the allotment shall be treated as cancelled/withdrawn

forthwith without assigning any reason. He/ She shall be liable for forfeiture of lease money and penalty. Sub allottee shall be deemed as illegal occupant, who shall be dealt with stringent provision of law for ejection from the premises.

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**(Naresh Thakur, HPAS)
MANAGING DIRECTOR**

CUM-MEMBER SECRETARY.

Endst. HMB(F)5-8/2015

Dated: Shimla-2, May, 2021



HIMACHAL PRADESH STATE AGRICULTURAL MARKETING BOARD (HPSAMB)
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**THE HIMACHAL PRADESH STATE AGRICULTURAL
MARKETING BOARD/APMC'S ONE TIME SETTLEMENT OF
UNAUTHORIZED OCCUPATION OF ITS PREMISES, SCHEME -
2021.**

The APMCs have allotted the shops/booths/Godowns/space/canteen and storage facilities etc. available in its regulated Principal market yards/sub yards in notified market areas of the State of Himachal Pradesh. In some instances, it has been observed that the original allottees/licensee turned to be a silent partner, have further sub-allotted of transfer physical possession the premises to some third party in utter violation of allotment conditions and even allowed them to conduct trade in the name of the proprietorship of original allottee/ licensee in a hidden manner. Such situation at one hand; has resulted into avoidable disputes, wastage of resources, undue loss of rent receipts, huge amount pending arrear, illegal encroachment, unauthorized occupation, unwarranted litigation under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 and on the other hand the spirits and objectives of the Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005 is defeated. So, it is expedient to deal with the situation strenuously further to mitigate the problem of illegal occupants, though some of them are actively doing the business.

Therefore, taking stock of the situation further to revamp robust trade, business and allied activities in APMCs markets ; the Himachal Pradesh State Agricultural Marketing Board as per resolution No.21 passed in its BoM meeting held on 19.03.2021; has decided to extend an offer for one-time settlement to such unauthorized occupants-in- possession of the APMCs premises till 31st December, 2020, who agree to clear the pending arrear of rent, fees alongwith penalty if any; for regularizing their unauthorized possession with due process of law. In this regard, the APMCs shall strictly adhere to the following guiding principle for one time settlement;-

- 1) **Such unauthorized occupant-in- possession of the APMCs property or any of the premises till 31st December, 2020 shall apply to the Secretary of the Committee alongwith an undertaking till 30th September, 2021.** The application should be accompanied with a **processing fee of Rs. 5000/- and NOC from the original Allottee or from the legal heirs of deceased allottee; as the case may be.** However a separate application duly complete in all respect, shall be considered for each shop or booth or Godowns or canteen. However the open space or circulation area or

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auction platform or parking space as the case may be; is excluded from the scope of the Scheme.

- 2) The Secretary, APMC shall initiate the proper verification and scrutiny of individual case carefully and send a clear cut proposal with proper justification spelling out the proper terms and conditions duly complying with the provisions of section 29(2) of the Act read with provisions of bye-law 62 of the Bye Laws-2007 supported with a resolution of the Committee to the Managing Director of the Board for approval within stipulated period of a fortnight from the date of receipt of application in all respect.
- 3) Once the approval is accorded and conveyed under clause- 2 above; the Secretary shall duly inform the applicant further to deposit one time settlement-transfer fee of Rupees 1.00 lac alongwith One year advance rent of the property based on average rent or market rent/ per month; whichever is higher including GST within 30 days of such approval. It also includes the previous outstanding dues, if any.
- 4) The original allottee who may probably have some reservation or dispute over previous outstanding dues to be remitted to the Committee mentioned in clause- (3) above; the Secretary shall ensure to reconcile the account properly or by taking by taking recourse to the Dispute Resolution, Sub-Committee for this purpose, duly constituted under the provisions of the Act. Said Sub-Committee associating/hearing all concerned as per law. It shall decide the matter within 30 days from the date of reference to it which shall be binding on the parties.

Provided that either of the party, who may aggrieve with the decision of the Dispute Resolution Sub-Committee; shall be at liberty to take appellate course as per the provisions of the Act, 2005.

Once the process mentioned at clause 1 to 4 is duly complied with, the Secretary shall issue the revised allotment of said premises forthwith in favour of the applicant/licensee. This shall be followed by a duly execution of revised lease or rent deed as the case may be; with proper terms and conditions.

Provided that the new allottee is found to have been indulged in sub-allotment to third party again, the allotment shall be treated as cancelled/withdrawn forthwith without assigning any reason. He/ She shall be liable for forfeiter of lease money and penalty for all intent and purposes.

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**(Naresh Thakur, HPAS)
MANAGING DIRECTOR
CUM-MEMBER SECRETARY.**