14. The Telangana Forest Produce (Storage and Depot) Rules, 1989.

The Andhra Pradesh Forest Produce (Storage and Depot) Rules, 1989issued in G.O.Ms.No.272, Energy, Forest Environment Science & Technology (For. III) dt. 1-8-1989, published in Andhra PradeshGazette RS to Pt. I, dated. 24-8-1989, has been adopted by the Government of Telangana vide notification issued in G.O.Ms.No.22 EFS&T (For.I) Department, dt.13.05.2015.

In exercise of the powers conferred by Section 29 read with Section 68 of the Andhra Pradesh Forest Act (Act I of 1967) the Governor of Andhra Pradeshhereby makes the following rules to regulate the setting up of Forest Produce (Storage and Depots) in the State namely :

RULES

1. **Short title and application:**—**(1)** These may be called the TelanganaForest Produce (Storage and Depot) Rules **1989.**

1[(2) The rules shall extend to the whole of the State of Telanganaexcept the Depots established by the Government Departments and Government undertakings.]

2. Definitions:— (1) In these rules unless the context otherwise requires—

(i) *'Act'* means the Telangana Forest Act, 1967 ;

(ii) *'Depot'* means a place where forest produce is stored byany person or institution or a joint concern for the purpose of trade 2[xx x] or any temporary use for trade purposes ;

(iii) *'Divisional Forest Officer'* means the Divisional Forest Officer having jurisdiction over the area concerned;

(iv) *'Licence'* means licence prescribedunder theserules;

(v) *'Form'* means a form appended tothese rules.

3[(vi) *'Trade'* means business carried as a means of livelihood or profit.

(vii) *'Forest Produce'* for the purposes of these rules means all types of timber, fuelwood, excepting those species that are exempted under Telangana Forest Produce Transit Rules, 1970 and includes Bamboos.]

1.Sub-rule (2) substituted by G.O.Ms.No.358, EFEST (For.III) Dept., dt. 30.12.1991 pub.in A.P. Gazette, Part I, No.10, dt. 5-3-1992, pages 272-274. 2.The words "or consumption or processing or manufacturing other products" omitted by ibid.

3.Clauses (vi), (vii) of Rule (2) (1) added by ibid.

(2) Words and expressions used but not defined in these rules shall have meaning respectively assigned to them in the Act.

3.Application for Licence:—1[(1)] Any person or institution desirous of setting up a 2[x x x] forest produce depot shall obtain a licence from the Divisional Forest Officer in Form 1 giving full particulars of land,S.No., Municipality or Mandal and the extent and title deed registered in his favour or any person from whom he has leased it.

3[(2) If the saw mill and forest produce depot are in the name of same person and in the same premises, they will be treated as one unit and a common licence granted under Telangana Saw Mills (Regulation) Rules, 1969 shall be deemed to be licence granted under these rules.

(3) The following documents shall be furnished along with the applicationfor licence:

(i) Lease deed, if the depot is located in hired premises or an undertaking that the depot is located in hired premises;

(ii) Copy of the factory licence, if any;

(iii) Copy of sales tax registration.]

[4][x x x]

4. Procedure for grant of licence:— **(1)** On receipt of an application in

Form 2 [5][for a period not exceeding three year at a time.]

(2) Every application shall be accompanied by a fee of[6][Rs. 100/-] for grant of a licence or its renewal. In case of refusal to issue or renew the licence the fee so paid shall be refunded.

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1. Numbered as sub-rule (1) by G.O.Ms.No.100, EFS&T (For.III) dt.17-7-1998. pub.in A.P. Gaz RS to Pt.I Ext.No.24, dt. 23-7-1998.

2. The words "timber or other' omitted by ibid.

3. Added by G.O.Ms.No.100 EFS&T (Fro.II) dt. 17-7-1998.

4. Proviso Deleted in view of quashing of G.O.Ms.No.92, dt. 16-4-1994.

5. Substituted for the words 'for period not exceeding one year at a time "by ibid.

6. Substituted by Rs. 100 by G.O.Ms.No. 358 and subsequently substituted by Rs. 250, vide G.O.Ms.No.92, dt. 16-4-1994 and later G.O.92 is quashed by High Court.

5. Security Deposit:— (1) The licensee shall on being required to do so by the Divisional Forest Officer, and before the issue of licence, make a deposit in favour of Divisional Forest Officer a minimum amount of [1][Rs. 500/- but not exceeding Rs. 5,000/-] as security deposit towards due observance of provisions of the Act, and the rules made thereunder.

[2][x x x]

(2)The discretion of fixing the amount of Security deposit in each case shall vest with the Divisional Forest Officer, who shall take into consideration the nature and quantities of forest produce to be stored at the depot while fixing the amount. The decision of the Divisional Forest Officer shall be final.

[3][(3) The security deposit for common licence for the saw mill and the depot would be calculated as per Telangana Saw Mill (Regulation) Rules, 1969 and no separate deposit under these rules is to be calculated or collected.]

6.Licence granted subject to the provisions of rules:— Every licence granted under Rule 4 shall be subject to the provisions of Rule 11 of these rules will be effective from the date of issue to the [4][31st March of the year in which the licence expires both days inclusive,

7. The Divisional Forest Officer, on application made to him [5][before the expiry of the existing licence], may renew the licence granted under Rule 4 for a further period not exceeding [6] [three year.]

8. Register to be maintained:—(1) All transactions involving receipt storage and disposal shall be recorded [7][in two separate registers in the proforma prescribed in

Form 3A and 3B separately.]

1.Substituted for “Rs. 2,000 but not exceeding Rs. 10, 000 by G.O.Ms.No.358 EFEST (For.III) dt. 30.12.1991.

2.Substituted for ’31 March of the succeeding year both days inclusive’ by G.O.Ms.No.358, dt. 30.12.1991

3.Substituted for ‘atleast one month before the expiry of the existing licence’ by G.O.Ms.No.358, dt.30-12-1991.

4.Substituted for ‘one year’ by ibid.

5.The words’timber or other’ omitted by G.O.Ms.No.100, EFS &T For.III),dt.17-7-1998, pub. In TS Gaz RS to Pt. I ext.No.24, dt.23-7-1998.

6.Numbered as sub-rule (1) by ibid.

Form 3' by ibid.

[1][(2) Every licence holder shall submit annually an abstract of the proforma to the Divisional Forest Officer, before the 30th of April of every year, failing which he shall be liable to pay a penalty of not less than Rs. 50/- but not exceeding Rs. 500/- for every month of default which shall be levied by the Divisional Forest Officer. In the event of non-payment of the penalty so levied it shall be adjusted from the security deposit and the security deposit shall be replenished to original amount within 30 days, failing which the depot licence shall stand temporarily suspended till the security deposit is replenished, to its original amount.]

[2][(3) In case of common licence for the saw mill and the depot, the accounts of receipt and disposal should be maintained in the register prescribed under Telangana Saw Mill (Regulation) Rules, 1969.]

9. Licence not transferable:— (1) The licence granted under this rules shall not be transferable, unless permitted in writing by the Divisional Forest Officer.

(2) The licence and other records shall be produced forinspectionondemand by a Forest Officer not below the rank of a Forester.

10. Power to enter the Depot:— All Officers of Forest Department of, and above the rank of a Forester or [3][x x x] shall have the power to enter into any depot for the purpose of inspection and securing compliance with these rules.

11. Cancellation of the licence on contravention of the provisions:—

(1) Notwithstanding anything in the foregoing rules, the Divisional Forest Officer may where he has reason to believe that a licensee has contravened the provision of Act or any rule made thereunder at any time, revoke the licence granted under these rules, after giving the licensee an opportunity of being heard.

(2) For any violation of the provisions of the Act, or the rules made thereunder by the licencee, the Divisional Forest Officer shall be competent to seize and confiscate any forest produce together with machinery, implements, and equipments which might have been used in the commission of the offence.

1.Substituted for sub-rule (2) of Rule 8 by G.O.Ms.No.358,dt.30-12-1991.

2.Added by G.O.Ms.No.100 EFS&T (For.III),dt.17-7-1998.

3.The words ' Assistant Sub-inspector of police or Deputy Tahsildar' omitted by 100 EFS&T (For.III), dt.17-7-1998.

(3) In case of violation, where it is not proposed to either revoke the licence or seize and confiscate the produce etc., the Divisional Forest Officer shall be competent to impose a penalty not exceeding a sum of rupees ten thousand or upto the extent of the security deposit.

(4) All penalties levied shall be paid by the licensee within fifteen days from the date of despatch by Registered post of the order of the notice of demand for payment. In case of failure to pay the penalties in time, the same will be adjusted from the security deposit, which shall be replenished immediately. The licence granted shall be deemed to be inoperative until such time the licensee replenishes the adjustments in the security deposit.

(5) In the event of revocation of licence under sub-rule (1) or seizure and confiscation of forest produce together with machinery implements etc., under sub-rule (2) the Divisional Forest Officer shall be competent to forfeit security deposit either in part or the whole.

12. Revocation of order:— Where the Divisional Forest Officer refuses to renew or revoke a licence granted under these rules or seize and confiscate the produce with machinery etc., he shall do so by an order communicated to the licensee, giving reasons for such refusal or revocation.

13. Appeal and Revision:— (1) Any person aggrieved by the orders of Divisional Forest Officer may within thirty days of the service on him of the order, prefer an appeal to the Conservator of Forests, who shall hold or cause to be held such enquiry as he deems fit and after giving an opportunity of making a representation to the appellant pass an order, as he deems fit.

(2) Any person aggrieved by an order of Conservator of Forests passed under sub-rule (1) may within thirty days from the date of receipt of the order prefer revision petition to the Principal Chief Conservator of Forests or [1][any Chief Conservator of Forests] as may be authorized by the Principal Chief Conservator of Forests, who may pass such order as he deems fit, and such order shall be final.

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1. Substituted for ' Chief Conservator of Forests or Additional Chief Conservator of Forests' by G.O.Ms.No.358 EFEST (For.III) dt.30-12-1991

FORM-1

[See Rule 4(1)]

Form for application of a Licence

1.Name of the applicant. :

2. Full address of the applicant with title deed of the site duly registered in his name or copy of registered lease deed of site executed in his favour.

3. Sources from where the forest produce is to be obtained.

4. Place where the applicant proposes to keep the forest produce (A sketch should be enclosed)

1.S.No.

2. Village

3. Mandal or Municipality.

5. Quantity and description of forest produce which is likely to be stored. 6. Details of payment of application fee.

Dated:

Place: *Signature*.

FORM-2

[See Rule 4(1)]

Licence for setting up a forest produce depot division

1.Licence number :

2. Name of licensee :

3. Address of licensee :

4. Place in which the forest produce is to be stored.

1.S.No.

2. Village

3. Mandal or Municipality

5. Type and maximum quantity of forest produce permitted to be stored : 6. Period of licence : From ..... to .....

Station: *Signature ofLicensing Date :*

Authority and Designation.

1[FORM-3A

[See Rule 8]

Form of Register showing the Receipts of Forest Produce in Depot

Date of receipt	Details if Forest produce received in the depot				Species	Quantity of Forest produce (Class/Nos. in case of poles/ Bamboos, Tonnes in case of Fuel Wood)		Quantity of sawn sizes obtained if sawn	Remarks
1	Source	T.P.No.	Date	Issued by		Nos.	Cmt.	Cmt.	
1	2a	2b	2c	2d	3	4a	4b	5	6

FORM-3B

[See Rule 8]

Form of Register showing the Disposal of Forest Produce in Depot

Date of disposal	Species	Details of Forest Produce disposal off			To whom disposal destination	Remarks (Cash Bill No. etc.,)
		Nos.	Cmt.	Permit No.		
1	2	3a	3b	3c	4	5]

---------- 1. Form 3 Substituted by Form 3A and 3B by G.O.Ms.No.358, EFS&T (For.III) Dept., dt.30-12-1991, pub. in A.P. Gazette, Pt. 1, No. 10, dt.5-3-1992, pages 272-274