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HARYANA GOVERNMENT

ANIMAL HUSBANDRY & DAIRYING DEPARTMENT

PASHUDHAN BHAWAN, BAYS NO. 9, 12, SECTOR 2, PANCHKULA, HARYANA 134109

Notification

The 10th September, 2019

ONE TIME SETTLEMENT SCHEME

No. 4719-CFMS-AH-4-2019/9114.—

INTRODUCTION

Vide notification dated 12.04.2001, the Legislature of State of Haryana had enacted the Act, namely, 'The Haryana Murrah Buffalo & Other Milch Animal Breed (Preservation & Development of Animal Husbandry & Dairy Development Sector) Act, 2001'. Section 6(1) of the Murrah Act, 2001 empowers the State Government to impose cess upon the license capacity of milk plants and as per Sub-section 2 of Section 6 of the Act read with Rules, 19 and 20 of the Murrah Rules, 2002, the milk plants are required to make payment of cess, on quarterly basis, as per the procedure prescribed under Clause 3 of Rule 19 of 2002 Rules.

The outstanding amount of cess and interest qua the milk plants is burgeoning with passage of time and due to the non-payment of cess and the monthly compounded 2% p.m. interest imposed on the delayed payment of principal amount of cess, in accordance with rule 21(1) of Haryana *Haryana Murrah Buffalo & Other Milch Animal Breed Rules, 2002*. Thus their liabilities have enhanced considerably because of substantial amount of interest and this is making it difficult for the milk plants to get working capital from the banks and pushing them into closure.

DEFINITIONS

- (a) For the purpose of this scheme the **Eligible Milk Plant** means any person or entities/companies operating the milk processing unit who is liable to pay its outstanding dues under the aforementioned Act of 2001 and who fulfils the terms and conditions of this OTS.
- (b) **Contact person** means the person named by the Authorized person of the Milk Plant for communication regarding OTS.
- (c) **Committee for OTS** has been made to resolve any doubts/confusion as explained below.
- (d) A special Bank account named **MD, HLDB, Milk Cess (OTS)** has been opened in HDFC Bank, Swastik Vihar, Sector 5, Panchkula, IFSC code HDFC 0001321 for this purpose.
- (e) Words and Expressions not defined under this scheme shall have the same meaning as given in the aforementioned Act of 2001.

PURPOSE & SCOPE OF ONE TIME SETTLEMENT SCHEME

Keeping in view the public interest at large due to on coming flush season and with an intent to help plants avail working capital limits and run on maximum possible capacity and thus procure more milk from the farmers of the State and ultimately help them, the State Government has taken a conscious decision to formulate and introduce a **One Time Settlement Scheme** to encourage the defaulter milk plants to come forward voluntarily and pay the due cess and reasonable simple interest to get immunity from the imposition of monthly compounded interest as provided in the rules. This **One Time Settlement Scheme** would be a limited-time opportunity for the defaulters enabling them to clear the liability and settle payment outstanding of cess pertaining to period from the very beginning of their operations till 30th June, 2019 (as cess is calculated Quarter-wise) and thereafter the cess that accrues plus interest till the date of settlement.

SETTLEMENT FORMULA & TIMELINE FOR PAYMENT UNDER OTS SCHEME

The defaulter entities/companies/milk plants would be permitted to pay the pending (balance) principal amount of milk cess due alongwith simple interest calculated @ 12% (from the date of default), for receiving the benefits of the instant scheme. It is further to be noted that to be eligible for the scheme at least 50% of this amount due (principal & @12% interest) shall be paid by the company concerned within 60 days of the commencement of the scheme and this shall be construed as opting for the scheme. The balance should be paid within next 6 months.

PROCEDURE OF APPLICATION

The desiring entities/ companies/ milk plants are being intimated about the amount outstanding as on 30th June, 2019 as per Annexure-I. Thereafter they are required to submit their prescribed OTS application in the proper format i.e. Annexure -II along with 50% of the amount of total cess and interest as intimated before the Committee for OTS, O/o Managing Director, Haryana Livestock Development Board with a copy to the ACS (AH&D) Haryana Room 211, New Haryana Civil Secretariat. (Opposite Fire Brigade), Sector 17, Chandigarh within 60 days of commencement of the scheme as prescribed under the OTS Scheme.

The applicant shall deposit all the due papers along with Proof of depositing of the 50% dues in the special HLDB account opened for this purpose to the office of MD, HLDB with a copy to O/o ACS (AH&D) Haryana. The Proof of depositing of 50% of the dues in the HLDB account shall be sufficient proof of willingness to join the scheme and accept its conditions.

COMMITTEE for OTS

The **Committee for OTS** to verify the documents shall be as follows (quorum, including the Chairman, shall be any five):

1. Dr. O.P. Chikara Joint Director (Admn.), (Chairman)
2. Dr. Rajender Kumar DD (HQ) (Mobile No. : 9416172548, email : hldb-hry@nic.in) (0172-2574663-64)
3. Dr. Jagdeep Malik DD (Board)
4. Sh. Kuldeep Singh A.O. (O/o DGAH)
5. Sh. P.C. Sharma A.O. (O/o HLDB)
6. Sh. Mohit Sharma ADA (O/o DGAH)
7. Sh. Vishal Malik Law Officer (O/o HLDB)

Once the committee goes through the documents and within 7 days does not convey anything adverse to the person named as Contact person in the application, the application shall be deemed to have been accepted in the first instance.

TERMS & CONDITIONS**I. WITHDRAWAL OF PENDING CASES by the MILK PLANTS**

- i. Any entity/company/milk plant, who opts for the OTS scheme and is willing to avail the benefits thereof, is required to withdraw by giving an Affidavit and making an application of early hearing clearly stating that it is withdrawing the cases pertaining to all cases such as appeals, writ petitions and all other cases, pertaining to justification, quantum and liability of cess and interest under the aforementioned Act of 2001, pending adjudication before any authority or any Hon'ble Court of Law in India.
- ii. In the event of failure of beneficiary milk plant/entity/company to withdraw the court cases, pertaining to the liability of the cess, is justification and interest, the proceedings would be finalized, in accordance with law and the waiver of interest shall not be allowed. The amount deposited under the instant scheme will be adjusted against the dues accordingly as if the OTS had never been availed.

- iii. Simple Interest @12% will continue on the balance amount offered for OTS as on 30th June, 2019 till the date of final settlement. The normal cess for current period will be separately paid, along with interest if any, if not paid on time.
- iv. Also in case there is some calculation error etc. the milk plant shall agree to pay the corrected amount.

II. OTHER TERMS & CONDITIONS

- (a) The One Time Settlement Scheme will be applicable only qua the applicant milk plants managements, who undertake to furnish an affidavit assuring that they would make payment of cess, interest and penalty (if any) consistently, without any default or break; **during the duration of next five years from the date of settlement.**
- (b) If the OTS amount is not paid within the schedule stipulated, then the benefit under OTS shall stand withdrawn qua the defaulter and the amount so deposited shall be adjusted in the interest dues of the milk plant and resultantly, all other benefits also would be withdrawn on account of non-payment of cess and interest.
- (c) For the purpose of availing benefit of One Time Settlement Scheme, all the applicant milk plants must undertake to adopt one village in their respective area of operation, for the purpose of encouraging establishment of modern dairies and introduction of various dairy schemes launched/initiated by Animal Husbandry & Dairying Department, Haryana, from time to time.
- (d) The milk plants must undertake to take all appropriate steps for collection, processing, packaging and marketing of milk of indigenous cows and other bovines, in separate pouches/bottles.
- (e) Each registered milk plant situated within the jurisdiction of State of Haryana will adopt one Government Veterinary Hospital for animal welfare measures; however, the State Government would continue to bear the salary of the concerned staff of the Government Veterinary Hospital.

NON COMPLIANCE OF SETTLEMENT TERMS

In case of default in payment of settled dues and non-compliance of other terms and conditions of settlement, the Haryana Livestock Development Board would reserve the exclusive right to recover the dues, as existed prior to the settlement, alongwith future interest thereon as if the OTS had never been availed by the said plant.

If the beneficiary of the scheme, under compelling circumstances, is unable to make the BALANCE payment arrived at, on the basis of the OTS terms, he may request and apprise the **Committee for OTS** and depending upon the merits and attendant circumstances of individual case, same could be considered by the **Committee for OTS** and decide the case. Reasons and proper justification must be furnished by the concerned beneficiary for claiming any such relief.

REMOVAL OF DOUBTS

- (i) Nothing contained in this scheme shall be constructed as conferring any benefit, concession or immunity upon any entity/ milk plant/ company, other than the benefits, concessions or immunity granted under the scheme.
- (ii) In case of any ambiguity or dispute arising out of this scheme, the decision of **Committee for OTS** thereon shall be final.
- (iii) The Milk Plant shall continue to deposit the routine cess as before during the period of this scheme and afterwards and that amount shall not be mixed with the One Time Settlement.
- (iv) In case, the beneficiary of this scheme still feels aggrieved by the decision of the **Committee for OTS** with regard to the payment of cess and related matters under this scheme, could file an appeal before the Administrative Secretary of Animal Husbandry and Dairying Department, Haryana.

CONCLUDING CLAUSE

The terms and conditions incorporated under the Scheme shall have to be accepted voluntarily by the beneficiary, while applying to avail the benefit of this policy. There is no compulsion to accept the terms and conditions. The Haryana Livestock Development Board and **Committee for OTS** shall have absolute right to change/ modify/ improve upon any clause or entire policy during operation of the instant One Time Settlement Scheme, at any point of time and shall also have the absolute right to cancel the instant policy at any time. **This scheme shall be deemed to have commenced from 11th Sept., 2019 and 60 days shall be counted from this date and 6 months thereafter.**

DR. SUNIL KUMAR GULATI,
Additional Chief Secretary to Government Haryana,
Animal Husbandry and Dairying Department.

Annexure-I

COMPARATIVE STATEMENT SHOWING THE AMOUNT RECOVERABLE FROM VARIOUS MILK PLANTS ON ACCOUNT OF CESS DUE AND RECOVERABLE, AMOUNT RECEIVED AGAINST THE CESS, INTEREST BECOMING DUE AND THE TOTAL AMOUNT RECOVERABLE FROM VARIOUS MILK PLANTS

SR. NO.	SBO	NAME OF THE MILK PLANT	ON COMPOUND INTEREST				ON SIMPLE INTEREST (12%)			
			CESS DUE	INTEREST	AMOUNT RECEIVED	BALANCE	CESS DUE	INTEREST	AMOUNT RECEIVED	BALANCE
1.	Jagadhri	Co-operative Milk Producers Union Limited	501,13,000	4109,96,464	321,03,583	4290,05,881	501,13,000	286,18,805	321,03,583	466,28,222
2.		M/s Smriti Products (P) Ltd.	409,57,500	5802,30,631	139,48,125	6072,40,006	409,57,500	340,64,413	139,48,125	610,73,788
3.	Gurgaon	M/s DSPI Milk Foods Ltd.	56,54,625	298,13,535	29,37,500	325,30,660	56,54,625	37,89,886	29,37,500	65,07,011
4.		M/s Kawality Dairy India	40957500	4460,23,771	212,96,049	4656,85,222	409,57,500	277,77,676	212,96,049	474,39,127
5.		M/s G.K. Dairy and Milk Products Pvt. Ltd.	903,63,750	9205,23,183	231,24,375	9877,62,558	903,63,750	676,21,836	231,24,375	1348,61,211
6.		M/s Banaskantha Distt. Co.Op Milk producer's Union Ltd.	562,00,000	82,90,726	707,47,036	(62,56,310)	562,00,000	34,55,608	707,47,036	(110,91,428)
7.		Ballabgarh Co-op Milk Producers Union Limited Ballabgarh Town	68788750	5751,97,110	470,42,435	5969,43,425	687,88,750	364,46,329	470,42,435	581,92,644
8.		M/s Industrial Progressive Pvt. Ltd.	419,85,000	6151,89,769	119,47,501	6452,27,268	419,85,000	405,61,515	119,47,501	705,99,014
9.		M/s Bharat Dairy Udyog	163,83,000	1814,10,599	89,92,125	1888,01,474	163,83,000	110,73,733	89,92,125	184,64,608
10.		M/s Mehsana Distt. Co-op Milk Producers Union Ltd.	3196,92,000	12079,21,460	936,51,000	14339,62,460	3196,92,000	1714,42,810	936,51,000	3974,83,810
11.		M/s Neo Anurena Trisar, Food Products Pvt. Ltd.	72,22,500	340,53,209	72,13,500	340,62,209	72,22,500	23,87,976	72,13,500	23,96,976
12.		M/s Nanak Dairy	72,30,000	2281,63,000	-	2353,93,000	72,30,000	122,93,153	-	195,23,153
13.	Jind	M/s Jind Co-op Milk Producers Union Ltd.	672,26,500	6074,25,534	432,08,925	6314,43,109	672,26,500	413,79,857	432,08,925	653,97,432
14.		M/s Lakshya Food (India) Ltd.	38,07,750	107,19,035	4,68,500	140,58,285	38,07,750	21,62,420	4,68,500	55,01,670
15.		M/s B.K.Anand Food Pvt. Ltd.	47,96,750	21,42,426	69,81,894	(42,718)	47,96,750	5,67,269	69,81,894	(16,17,875)
16.		M/s Goldline Milk Food	105,32,500	1271,59,599	6256437	1314,35,662	105,32,500	70,61,658	62,56,437	113,37,721
17.		M/s Sterling Agro Industries	435,86,875	7261,00,407	488,00,625	7208,86,657	435,86,875	189,50,037	488,00,625	137,36,287
18.		M/s Daily Foods India Ltd.	271,02,500	3613,46,893	150,16,250	3734,33,143	271,02,500	185,49,269	150,16,250	306,35,519
19.		M/s SBP Industries (P) Ltd (Heritage Food (P) Ltd.,)	72,37,500	49,12,104	18,88,314	102,61,290	72,37,500	16,05,153	18,88,314	69,54,339
20.		M/s Parag Milk Food	33,15,000	3,06,676	3,35,073	32,86,603	33,15,000	1,44,297	3,35,073	31,24,224
21.	Karnal	M/s Asha Dairy	56,82,750	1041,77,888	4,56,125	1094,04,513	56,82,750	72,16,190	4,56,125	124,42,815
22.		M/s Karnal Milk Food	371,47,750	6904,53,977	134,48,500	7141,53,227	371,47,750	333,05,971	134,48,500	570,05,221
23.		M/s Modern Dairies Ltd.	1787,65,000	17326,56,662	591,00,000	18523,21,662	1787,65,000	1271,81,740	591,00,000	2468,46,740

Annexure II

APPLICATION FOR ACCEPTANCE OF ONE TIME SETTLEMENT OFFER

From

To

Committee for OTS,
 O/o The Managing Director,
 Haryana Livestock Development Board,
 Bay No. 9-12, Pashudhan Bhawan, Panchkula (Haryana)

Subject: For Availing One Time Settlement Scheme.

Sir,

I, _____ S/o _____
 R/o _____ Partner/Director/Proprietor of _____
 which is the registered owner of the Milk Plant namely _____
 located at _____ and having been duly authorized for the purpose of filing OTS of
 Haryana Livestock Development Board bring out hereunder:

That our Contact person for the sake of this OTS shall be: _____
 S/o _____ Mob. _____ E-mail _____

That the loan is defaulted due to the following reasons:

1. _____
2. _____

That I/we intend to settle the account under **One Time Settlement Scheme** offered by Haryana State Govt. through HLDB. I/we undertake to abide by the terms and conditions of the "One Time Settlement Scheme" offered by the Government of Haryana through HLDB. An Affidavit regarding withdrawal of all Court cases against Haryana Govt./HLDB in this regard is attached along with this application.

That the Cess account details are as following as on 30.06.2019:

Principal Outstanding	1. Cess:	Rs.
	2. Compound Interest:	Rs.
	3. Simple Interest @ 12 % per annum :	Rs.
	Total if OTS is availed (1) + (3) :	

Rs.

Amount Deposited :	Rs.
Balance Amount (as on 30/6/19) :	Rs.
50 % of the Balance Amount :	Rs.

That I/we have **paid** 50 % of the Balance amount i.e. Rs. _____ as one time settlement of cess on _____ by way of DD/RTGS No. _____ on Date _____. (Proof/Receipt enclosed). I shall arrange to pay the balance 50 % of the amount within six months thereafter as per the OTS and as detailed in the schedule given below:

DATE	AMOUNT

That I/we understand that in case of non-payment of dues as per above schedule: I /we shall not remain eligible to avail the OTS. That in case there is some calculation error etc. I/we shall agree to pay the corrected amount.

Yours faithfully,

Place:

Date:

(Name & Seal)

Enclosures:

CHECK LIST OF ITEMS TO BE ATTACHED WITH THE APPLICATION :

1. Ownership proof/partnership deed etc.
2. Authorization by the Company of the signatory to the application
3. Proof of payment of 50% amount
4. Affidavit of withdrawal of court cases

SETTLEMENT OF OTS AMOUNT

Name & Address of the Milk Plant: _____

Documents received from/ Authorized person: _____

Contact Person: Name _____

Mob.: _____ E-mail: _____

DETAILS OF AMOUNT DUE :

1.	As per HLDB	Principle Cess as on 30/6/2019	Compound Interest @ 2 % p.m.	Amount Received	Balance
2.	Amount				
3.	As per Party	Principle Cess as on 30/6/2019	Interest @ 12 %	Amount Received	Balance
4.	Amount				
5.	50% of the Balance Amount at 3	Amount offered now	Amount offered in next 6 months	Amount accepted by Committee now	Amount sought by Committee in next 6 months
6.	Amount				

RECOMMENDATIONS OF THE SETTLEMENT COMMITTEE**Case accepted /Not Accepted**

Reasons _____

Remarks _____

Signatures of all the Committee Members:

1. Dr. O.P. Chikara Joint Director, (Admn.) (Chairman)
2. Dr. Rajender Kumar DD(HQ)
3. Dr. Jagdeep Malik DD(Board)
4. Sh. Kuldeep Singh A.O.(O/o DGAH)
5. Sh. P.C. Sharma A.O. (O/o HLDB)
6. Sh. Mohit Sharma ADA (O/o DGAH)
7. Sh. Vishal Malik Law Officer (O/o HLDB)

Cc: For information and necessary action

1. Additional Chief Secretary, Animal Husbandry & Dairying Department, Haryana, Chandigarh.
2. DG, Animal Husbandry
3. MD, HLDB
4. Contact Person _____