

Cement Control Order, 1967

(As amended upto 1st March, 1989)

ORDER

S.O. No.168 (E) :- Whereas the Central Government has decided for the removal of price and distribution control of Cement w.e.f. the first day of March, 1989; Now, therefore, in exercise of the powers conferred by Sections 18G and 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following amendment in the Cement Control Order, 1967, Namely:-

1. (i) This Order may be called the Cement Control (Amendment) Order, 1989 ;
- (ii) It shall come into force on the first day of March, 1989.

1A. APPLICABILITY

Omitted vide Notification No.1-5/89-Cem. Dated 1.3.1989, (S.O. No. 168 (E)).

2. DEFINITIONS:

- (a) In this Order, unless the context otherwise requires "Cement" means any variety Cement manufactured in India, and includes Portland pozzolana cement, blast furnace slag cement, water proof (Hydrophobic) cement, rapid hardening cement, low head cement, masonry cement and high strength ordinary Portland cement, but does not include oil-well cement and "white cement and coloured cement made from white cement (other than grey Portland cement).
- (b) "Development Commissioner for Cement Industry" means any officer of the Central Government duly appointed as such by the Central Government by Notification in the official gazette.
- (c) "Mini Cement Plant" means a cement plant consisting of one or more kilns and having a total installed capacity of not exceeding 200 tonnes per day or 66,000 tonnes per annum but does not mean:
 - I. a cement plant owned by a company which is registered or is registerable under under Section
 - II. 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) or to which Section 28 of
 - III. the Foreign Exchange Regulation Act, 1973 (46 of 1973) is applicable;
 - IV. a cement plant manufacturing white cement or other varieties of cement, the price of which is not
 - V. controlled by the Cement Control Order, 1967;
 - VI. a cement plant manufacturing cement commonly known as :-
 - (a) "SAGOL" obtained by heating lime stone by burnt coal;
 - (b) Ashmoh obtained by fine grinding of paddy hush ash and hydrated lime with an additive;
 - (c) "Producer" means any person who manufactures cement.

2. (d) & (e) deleted Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No. 168 (E))

3 & 3A POWER TO PROHIBIT REMOVAL:

Deleted Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No. 168 (E))

4. POWER TO DIRECT SALE OR TRANSPORT.

Deleted Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No. 168 (E))

5. POWER TO DIRECT DISPOSAL OR STOCK.

Deleted Notification No.1-5/89- Cem.Dated 1.3.1989 (S.O. No. 168 (E))

6. MAINTENANCE & PRODUCTION OF ACCOUNTS ETC.

(1) Every producer shall keep such books, accounts and records relating to the Production, sale, removal and transport of cement as the central Government may require.

(2) Every producer and person employed by him in connection with the production sale, removal and transport of cement shall, on being required so to do by the Central Government and with such period as may be allowed in this behalf ;-

(a) Produce and make available for inspection of such books, accounts, records or other documents, And

(b) Furnish such return and other information relating to the business as may be specified by the Central Government.

7. RETENTION PRICE –

Deleted vide Notification No.1-5/89-Cem. Dated 1989 (S.O. No. 168 (E)).

8. SALE PRICE -

EXPLANATION

(i) & (ii) - Deleted vide Notification No.1-5/89-Cem. Dated 1989 (S.O. No. 168 (E)).

9. PAYMENT TO CEMENT REGULATION ACCOUNT –

Deleted vide Notification No.1-5/89- Cem. Dated 1989 (S.O. No. 168 (E)). 9A NON LEVY CONTRIBUTION - Deleted on 15.12.1986.

10. WHOLESALE AND RETAIL PRICES –

Deleted vide Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No. 168 (E)).

11. CEMENT REGULATION ACCOUNT:

11 (1) The Development Commissioner for Cement Industry shall maintain an account to be known as the Cement Regulation Account to which shall be credited the amounts paid by the producer and such other sums of money as the Central Government may after the appropriation made by Parliament by law in this Behalf, grant from time to time.

11(2) The amount credited under sub-clause (1) shall be meant only for the following Purposes, namely:-

- (i) Paying or equalising the expenditure incurred by the producer on freight in Accordance with provisions of this order.
- (ii) Equalising concession, if any, granted in the matter of price, freight, supplies to Government or public or for the purposes of export under the second provision to clause 8 or for import.
- (iii) Expenses incurred by the Development Commissioner for Cement Industry in discharging the functions under this order subject to such limits, if any, as may be laid down by the Central Government in this behalf.
- (iv) Such expenses by the Development Commissioner for Cement Industry as may be necessary for the purpose of increasing the production of cement securing its equitable distribution and availability at fair prices.

3. The Development Commissioner for Cement Industry shall cause accounts to be kept or all moneys received and expended by him from out of the Cement Regulation Account and he shall prepare and submit such report and returns relating to the said accounts as may be required by the Central Government from time to time.

4. The balance, if any, remaining unspent in the Cement Regulation Account shall disburse in accordance with such directions as may be given by the Central Government in this behalf.

12 POWER TO VARY THE PRICES AND TO ALTER THE SCHEDULE :-

Deleted Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No.168 (E)).

13 DELEGATIONS:-

(i) All powers exercisable by the Central Government under this Order except under Clause 8, 11(2) and 12 shall also be exercisable by the Development Commissioner for Cement Industry;

(ii) Without prejudice to the delation of powers under sub-clause (l) above, the State Government may exercise powers to the extent provided under proviso to Clause 4 of this Order.

14 PROCEDURE REGARDING CLAIMS BY PRODUCERS :-

Every producer shall make an application regarding his claim for any Reimbursement towards equalising freight or equalising concession in The matter of export price to the Development Commissioner for Cement Industry who may, in settling the claim, require the producer to furnish all Details relating thereto, including the cost of freight incurred, excise duty, if any, Paid etc.

SCHEDULE

Deleted vide Notification No.1-5/89-Cem. Dated 1.3.1989 (S.O. No.168 (E)).Provided that such deletion made vides S.O. No. 168 (E) dated 1.3.1989shall not effect:-

(a) The previous operation of the said paragraphs or anything duly done or suffered there under;

(b) Any right, privilege, obligation or liability acquired, accrued or incurred under the said paragraphs;

Or

(c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the said paragraphs;

Or

(d) Any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and

(e) Any investigation, legal proceedings or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said paragraph had not been omitted. (No.1-5/89-Cem.)

Sd/

(R.K.SINHA)

JOINT SECRETARY

Note: the principal order was notified vide S.O. No.4590-IDRA/18G/67

Dated 23rd December, 1967.