

Defence, Telecom, Posts and Telegraph, the Departments of State Government, the Undertakings, Boards and other agencies or companies who purchase hundred or more than hundred batteries per annum;"

3. In the said rules, in rule 4,—

(i) after sub-rule (xi), the following sub-rule shall be inserted, namely,—

"(xi) ensure that the new batteries shall be sold only to the registered dealers";

(ii) after sub-rule (xii) as so inserted, the following

Note shall be inserted, namely,—

"Note: The assemblers and reconditioners are excluded from the purview of responsibilities as specified in sub-clauses (iv), (vii), (ix) and (xii)."

4. In the said rules, for rule 5, the following rule shall be substituted, namely,—

"5. Registration of importers. — (i) the importers shall get registered as per Form I with the Central Pollution Control Board for a period of five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non-submission of timely half yearly returns to the State Pollution Control Boards with a copy to the Central Pollution Control Board, renewal of the registration shall be as per the compliance status:

Provided that the registration granted to the importer shall not be cancelled unless he has been given a reasonable opportunity of hearing;

(ii) an appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member-Secretary of the Central Pollution Control Board or any other officer designated by the Central Pollution Control Board;

(iii) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order."

5. In the said rules, in rule 7, after clause (vi), the following clause shall be inserted, namely,—

"(vii) (a) registration with State Pollution Control Board for five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non-submission of timely half yearly returns to the State Pollution Control Boards, renewal of the registration shall be as per the compliance status, to submit details as per Form IV, registration would be considered as deemed registered if not objected to within thirty days:

Provided that the registration granted to the dealer shall not be cancelled unless he has been given a reasonable opportunity of hearing;

(b) an appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member-Secretary of the State Pollution Control

Board or any other officer designated by the State Pollution Control Board;

(c) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order."

6. In the said rules, in rule 8 for clause (iv), following clause shall be substituted, namely,—

"(iv) make available all records relating to receipt of used batteries, sources, quantities and metal yield to be submitted to the State Pollution Control Board for inspection;"

7. In the said rules, in rule 9, in sub-rule (3), for the figures "120", the figures "90" shall be substituted.

8. In the said rule, in Form I,—

(i) under the heading relating to "Form for filling returns of sale of new batteries and collection of used batteries, for the words manufacturer/ assembler/reconditioner", the words "manufacturer/importer/bulk consumer" shall be substituted;

(ii) in column 1, for the existing entry, the entry "Name and Address of the manufacturer/importer/bulk consumer" shall be substituted,

(iii) in column 3, in the existing entry, after the word "sold", the words "importers or consumers" shall be inserted.

9. In the said rules, for the Form IV and the entries relating thereto, the following Form and entries shall be substituted, namely —

"FORM-IV

[See Rules 4 and 7 (vii)]

FORM FOR REGISTRATION OF DEALERS

[To be submitted by dealers to the State Pollution Control Boards/Pollution Control Committees].

1. Name and address of the dealers with telephone and fax numbers

2. TIN/VAT number*

*IF APPLICABLE (AS PER CURRENT STATE SALE TAX RULES, MANDATORY TIN/VAT NUMBER IS REQUIRED ONLY IF THE ANNUAL TURNOVER OF THE DEALER IS MORE THAN THE PRESCRIBED VALUE.)

Signature of the authorized person."

Place

Date

[No. 23-22-2005-HSMID]

RAJIV GAUBA, Jr Secy.

Note :— The principal rules were published in the Gazette of India, Extraordinary vide notification number S.O. 432 (E), dated the 16th May, 2001.