Coffee Act, 1942

Section 25 - Surplus Coffee and Surplus Pool

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(1) All coffee produced by aregistered estate in excess of the amount specified in the 1 [free sale quota] allottedto the estate 2 [or when no 1 [free sale quotas] have beenallotted to estates, all coffee produced by the estate], shall be delivered tothe Board for inclusion in the surplus pool by the owner of the estate or by thecuring establishment receiving the coffee from the estate:

> 3 [Provided that where no1 [free sale quotas] have beenalloted to estates, the Chairman may allow the owner of any estate to returnwith himself for purposes of consumption by his family and for purposes of seed,such quantity of coffee as the Chairman may think reasonable:
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> Provided further that wherethe Central Government is satisfied that it is not practicable for any class ofowners producing coffee in any specified area to comply with the provisions ofthis sub-section on account of the small quantity of coffee produced by them oron account of their estates being situated in a remote locality, the CentralGovernment may, by notification in the Official Gazette, exempt such class ofowners from the provisions of this sub-section.]

(2) Delivery shall be made tothe Board in such places 2 [at such times], and in such manner as theBoard may direct, and such directions may provide for partial delivery to thesurplus pool at any time whether or not at that time the 1 [free sale quota] has beenexceeded; and the coffee delivered shall be such as to represent fairly in kindand quality the produce of the estate. The Board may reject any consignmentoffered for delivery which does not satisfy this requirement, but shall notreject any consignment merely for a defect in curing.

(3) Coffee delivered forinclusion in the surplus pool shall upon delivery to the Bord remain under thecontrol of the Board which shall be responsible for storage, curing wherenecessry, and marketing of the coffee.

(4) The Board shall,4 [** *] 2 [from time to time] prepare a differential scale for thevaluation of coffee, and shall in accordance with that scale classify the coffeein each consignment delivered for inclusion in the surplus pool according to itskind and quality, and shall make an assessment of its value based on itsquantity, kind and quality.

(5) The Board may, with theconsent of a registered owner, 5 [* * *] treat as having beendelivered for inclusion in the surplus pool any coffee from such estate whichthe registered owner may agree to have so treated.

(6) When coffee has beendelivered or is treated as having been delivered for inclusion in the surpluspool, the registered owner whose coffee has been so delivered or is treated ashaving been so delivered shall retain no rights in respect of such coffee excepthis right to receive the payments referred to in section 34.

Note:-- Coffee Producers inMaharashtra, West Bengal and Andaman and Nicobar Islands are exempted from theprovisions of sub-section (1)--

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1.Substituted for "internal sale quota"by The Coffee (Amendment) Act, 1994 (23 of 1994) w.e.f. 14.01.1994.

2.Inserted by Coffee Market Expansion (Amendment)Act (7 of 1943), S. 9 (26-3-1943).

3.Added by Coffee Market Expansion (Amendment) Act(50 of 1954), S. 17 (1-8-1955).

4.Words "with the concurrence of the ChiefCoffee Marketing Officer" were omitted by Coffee Market Expansion(Amendment) Act (50 of 1954), S. 17 (1-8-1955).

5.Words "before an internal sale quota hasbeen allotted to an estate" omitted by Coffee Market Expansion (Amendment)Act (7 of 1943), S. 10.