

Government of Karnataka

Department of Agricultural Marketing

Office of the Director
of Agricultural Marketing
No.16, 2nd, Raj Bhavan Road,
Bangalore 560001

Subject: Guidelines for dispute resolution by Disputes
Committee for Online Markets– reg.

Rule 91-P (7) of the Karnataka Agricultural Produce Marketing (Regulation and Development) Rules, 1968 (“Rules”) provides for issue of guidelines for the conduct of proceedings of the Disputes Committee for Online Markets and hence the following order is issued specifying the guidelines in this regard.

Order no. KruMaE/Niyavi/Avyava/315/13-14, dated:21/02/2014

1. Title

This order shall be called as **Guidelines for the conduct of proceedings of the Disputes Committee for Online Markets.**

2. Disputes regarding assaying of the goods arriving in the market yard

- (1) A dispute regarding quality of the goods may be raised by the farmer or the commission agent, before the goods are accepted by the commission agent and marked for sale immediately or on a deferred basis, if in their opinion the commodity has not been sampled with due care or has not been diligently tested. Such dispute may be raised by informing the secretary or any other official authorised by the secretary.
- (2) Upon receipt of such a dispute, the secretary of the market committee shall arrange for retesting or re-sampling and retesting of the commodity, under the supervision of officials of the market. The result of such retesting shall be final.

- (3) The cost of retesting or re-sampling and retesting shall be borne by the assaying agency, if the results of the subsequent test differ from the results of the first test and by the farmer or the commission agent, if the results of the subsequent test do not differ from the results of the first result.
- (4) A dispute regarding quality may be raised by the buyer within two hours of the finalisation of the bid.
- (5) Upon receipt of such a dispute, the secretary of the market committee shall cause testing of the sample retained by the market committee. Thereafter, the lot under delivery shall be re-sampled and retested. Submissions of the parties regarding the first test result, the test result of the sample retained by the market committee and the test result of re-sampling and retesting of the lot under delivery shall be heard by the secretary of the market committee and the dispute resolved. If the parties to the dispute do not agree with the resolution suggested by the secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.

3. Disputes regarding quality of the goods arriving in the warehouse

- (1) Any dispute regarding quality of the produce may be raised by the farmer, the commission agent or the warehouse manager, if in their opinion the commodity has not been sampled with due care or has not been diligently tested. Such disputes may be raised before the goods have been accepted by the warehouse manager for storage, by informing the secretary or any other official authorised by the secretary.
- (2) Upon receipt of such a dispute, the secretary of the market committee or the authorised official shall arrange for retesting or re-sampling and

retesting of the commodity under his supervision. The result of such second retesting or resampling and retesting shall be final. If this test result does not differ from the original result, then the dispute shall be dismissed and the cost of re-sampling and retesting shall be borne by the petitioner. If this test result differs from the original result, then the secretary of the market committee shall, hear the parties and resolve the dispute, having due regard to the Warehousing for the Unified Market Platform order. If the parties to the dispute do not agree with the resolution suggested by the secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.

- (3) A dispute regarding quality may be raised by the buyer of goods before accepting delivery of the goods from the warehouse.
- (4) Upon receipt of such a dispute, the lot under dispute shall be re-sampled and retested. If this test result does not differ from the original result, then the dispute shall be dismissed and the cost of re-sampling and retesting shall be borne by the buyer. If this test result differs from the original result, then the secretary of the market committee shall, hear the parties and resolve the dispute, having due regard to the Warehousing for the Unified Market Platform order. If the parties to the dispute do not agree with the resolution suggested by the secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.

4. Disputes regarding weight of the goods in the market yard

- (1) Any dispute regarding weight of the produce may be raised by the farmer at time of pre-weighing, before the goods are accepted by the commission agent and marked for sale immediately or on a deferred basis. Such dispute may be raised by informing the secretary or any other official authorised by the secretary.

- (2) Upon receipt of such a dispute, the secretary of the market committee or the authorised official shall arrange for re-weighing. The weight as recorded after re-weighing shall be final. The cost of re-weighing shall be borne by the commission agent if the weight differs from the weight recorded earlier and by the farmer, if the weight does not differ from weight recorded earlier.
- (3) A dispute regarding weight may be raised by the farmer, the commission agent or the buyer at the time of post weighing of the goods before the buyer accepts delivery of the goods. No dispute regarding weight shall be considered after the commodity has been accepted for delivery by the buyer.
- (4) Upon receipt of such a dispute, the lot under delivery shall be weighed again in the presence of the market committee or officials of the market.
- (5) In case the lot has been pre-weighed, then the weight so recorded shall be compared with the weight as recorded during pre-weighing. If there is no difference between both the weights, then the dispute shall be dismissed and the cost of re-weighing shall be borne by the complainant. If this weight differs from the original weight recorded, then secretary of the market committee shall hear the parties and resolve the dispute. If the parties to the dispute do not agree with the resolution suggested by the secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.
- (6) In case the lot has not been pre-weighed, then the lot under delivery shall be weighed again in the presence of the secretary of the market committee or officials of the market and the weight so recorded shall be final. The cost of re-weighing shall be borne by the buyer.

5. Disputes regarding weight of the goods in the warehouse

- (1) Any dispute regarding weight of the produce may be raised by the farmer at time of receipt of the goods for storage. No dispute regarding weight can be raised by the farmer after the warehouse manager accepts the goods for delivery. Such dispute may be raised by informing the secretary or any other official authorised by the secretary.
- (2) Upon receipt of such a dispute, the secretary of the market committee or the authorised official shall arrange for re-weighing. The weight as recorded after re-weighing shall be final. The cost of re-weighing shall be borne by the warehouse manager if the weight differs from the weight recorded earlier and by the farmer, if the weight does not differ from weight recorded earlier.
- (3) A dispute regarding weight may be raised by the buyer of goods at the time of taking delivery. No dispute regarding weight shall be considered after the delivery of the commodity has been accepted by the buyer of goods.
- (4) Upon receipt of such a dispute, the lot under delivery shall be weighed again in the presence of the market committee or officials of the market.
- (5) The weight so recorded shall be compared with the weight as recorded during receipt of the goods for storage. If there is no difference between both the weights, then the dispute shall be dismissed and the cost of re-weighing shall be borne by the complainant. If this weight differs from the original weight recorded result, then secretary of the market committee shall hear the parties and resolve the dispute, having due regard to the Warehousing for the Unified Market Platform order. If the parties to the dispute do not agree with the resolution suggested by the

secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.

6. Disputes regarding collection and payment

- (1) Any dispute regarding collection and payment shall be informed to the secretary of the market committee within seven days of the occurrence of the event leading to the dispute.
- (2) Upon receipt of the dispute, the secretary shall summon records related to the event and after going through the records, hear the parties and resolve the dispute. If the parties to the dispute do not agree with the resolution suggested by the secretary, then they may file a dispute complaint with the Disputes Committee for Online Markets.

7. Informing a dispute to secretary

- (1) A person who has to inform the secretary or any authorised official about a dispute may do so in person or through a letter delivered at his office.
- (2) The secretary or the authorised official shall take note of the information and act as expeditiously as possible to resolve the dispute.

8. Filing of complaints with the Disputes Committee for Online Markets

- (1) Any person who has any dispute in respect to a transaction on the Unified Market Platform shall submit a request in writing in triplicate for settlement of the dispute. Such request shall be in a format as near as possible to the format in Schedule 1 and shall be submitted to the secretary of the market committee.
- (2) Any request for settlement of a dispute shall be received within a day of the resolution suggested by the secretary of the market committee.

- (3) The Disputes Committee for Online Markets may, upon receipt of the dispute request beyond the period specified above, for reasons to be recorded, condone the delay in submission of the request for settlement of dispute. However, no delay exceeding ten days in submission of the request may be condoned by the Disputes Committee for Online Markets.
- (4) The Disputes Committee for Online Markets shall inquire into the dispute received and decide the dispute as expeditiously as possible. The decision of the Disputes Committee for Online Markets shall be final.

9. Removal of difficulties

Any difficulty in the implementation of this order shall be referred to the Director of Agricultural Marketing, who shall issue clarifications as deemed necessary.


(P.S. Vastrad)
Director

To

1. The Managing Director, Rashtriya e Market Services Limited, Bangalore.
2. Chairman/Secretary, Agricultural Produce Marketing Committee, Tumkur, Tiptur, Arasikere and Chamarajanagar.
3. The Additional Director (Enforcement), Department of Agricultural Marketing, Bangalore
4. The Joint Director (Enforcement), Department of Agricultural Marketing, Northern Zone, Hubli and Southern Zone, Bangalore.
5. Deputy Director/Assistant Director, Department of Agricultural Marketing, Tumkur, Hassan and Chamarajanagar.
6. Office copy

Schedule 1

Form for submission of a request for settlement of a dispute

Sl. No.	Request for settlement of a dispute	
1	Name of the petitioner	
2	Particulars of the petitioner	Farmer/Commission agent/Trader/Others
3	Details of the petitioner	Farmer registration number/ Commission agent number/ Trader licence number
4	Address of the petitioner	
5	Name of the person against whom the dispute is raised (respondent)	
6	Address of the respondent	
7	Brief description of the dispute (attach additional sheets and documents, if necessary)	
8	Signature of the petitioner	