

Directorate General of Supplies & Disposals
Jeevan Tara Building 5, Parliament Street,
New Delhi-110001
(Planning and Coordination Directorate)

CIRCULAR NO.12

Dated: 17 September 2009

Subject: Enlistment with DGS&D as an Indian Agent of Foreign Principals under the ‘Compulsory Enlistment Scheme’ of the Department of Expenditure of the Ministry of Finance.

Reference: Circular no. Regn.II/PS-363/PG/Vol.II dated 11/02/2004

In terms of the Ministry of Finance Department of Expenditure O.M. No.F.23(1-EII (A)/89 dated 31.1.89 followed by their O.A. No.F.23(1)-EII(A) dated 24.11.89 and also in terms DGS&D Manual para 9.8.2(i) , DGS&D has been enlisting Indian Agents of Foreign Principals.

Due to changed economic scenario owing to liberalized economic policy and free importation of goods in the recent past, questions were raised as to whether the scheme was still relevant and whether the objectives set out were met. The matter was therefore referred to Department of Expenditure, Ministry of Finance for a review of scheme. In the meantime, DGS&D continued to enlist Agents of Foreign Principals only for such items which fall under the restricted list of Foreign Trade policy vide circular dated 11.2.2004 referred to above under intimation to Department of Expenditure.

Department of Expenditure however, intimated that the Scheme as stipulated in Rule 143 of GFR 2005 has been retained without any change after considering all aspects and requested DGS&D to enlist Indian Agents as per provisions of new GFR.

Accordingly, DGS&D will henceforth enlist Indian Agents of Foreign Principals for all items except for the prohibited items as per the Foreign Trade Policy of Govt. of India. Such enlistment shall however have a provision that onus for verifying the authenticity of agency agreement or the validity of authority to import or compliance of any statutory requirements of import or the quality of the stores to be supplied rests with the purchasers.

The application form and enlistment certificate have been updated and revised accordingly. For all enlistments in future, only revised forms shall be used (copies enclosed).

This issues with the approval of DG(S&D).

Encl: As above

(A.K. Jain)
Director (P&C)

Standard Distribution

File No. F. No. P-09008/3/00/P&C

Copy to:

Sh. Mangal Marandi, Under Secretary, Department of Commerce (Supply Division), Nirman Bhawan, New Delhi-110001

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DIRECTORATE GENERAL OF SUPPLIES & DISPOSALS

Application for Enlistment of Indian Agents of Foreign Principals

(Under compulsory enlistment scheme of Department of Expenditure, Ministry of Finance)

1	Name of the Indian Agent	
2	Address/telephone/fax/E-mail id of	
	Registered office	
	Head Office	
	Website address if any	
3	Status of Indian Agent	
	a) Date of incorporation	
	b) Constitution of the firm i) Proprietorship / Partnership (attach copy of Partnership deed and Form-A or equivalent entry certificate from Registrar of Firms self certified) ii) Public Limited /Pvt. Limited (Attach Memorandum/ Article of Association and copy of certificate of incorporation self certified)	
	c) Names, addresses and telephone nos of Proprietor /Partners /Directors having interest in the firm	
	d) If the firm is a subsidiary of an Indian /foreign company, give particulars of parent/holding company?	
	e) If there are other subsidiaries of the same parent company in India, give full particulars	

6	Particulars of agency agreement with foreign principals	
	Date of agency agreement	
	Date of expiry	
	Percentage of Agency Commission	
	Territorial jurisdiction	
	Whether foreign principals has agreed to provide technical support and spare parts for after sale service	
	Whether Indian Agent has authority to commit and sign on behalf of the foreign principals?	
7	Whether the Indian Agent is prepared to quote and receive payment in Indian Rupees?	
8	Details of personnel employed technical/skilled/ others	
9	State if the product(s) carry any international quality mark. If so attach a copy of valid license	
10	If the products require after sales service, give names & addresses of places where such facilities are available and indicate staff employed	
	Whether the applicant firm, Directors/ Partners were at any time prosecuted for any offence by any court for civil/economic offences? If yes give details.	
11	Particulars of application fee (Rs.5515/- by Demand Draft in favour of DGS&D, New Delhi payable at New Delhi)	Bankers' cheque /DD No/Date: Bank/Branch where payable: Amount:
12	Name & designation of signatory of this application (enclose copy of Power of Attorney where applicable.)	
<p>I/We do hereby certify that the agency agreement with M/s..... (name of foreign principals) dt..... is current and that the applicant firm has no other agreement with the principals for payment of commission other than what is stated herein, either abroad, or in India in foreign currency or in Indian Currency.</p> <p>I/We also certify that I/We am/are duly authorized to submit this application on behalf of and bind the firm.</p> <p>I/We also confirm that in the event of any change in agency agreement, termination of the agreement and/or change in the management of the applicant firm, the same will be duly intimated to the DGS&D within 15 days of such change.</p>		
Place		Authorized signatory with seal
Date		

Application to be submitted to Director (Registration), Directorate General of Supplies and Disposals, Jeevan Tara, 5 Sansad Marg, New Delhi 110001

Check List for filling the application

The applicants must also complete the checklist as given below to ensure that the application is complete in all respects. The applications with incomplete information/ documents are liable to be rejected

	Requirements	Tick if complied
1	Application fee of Rs.5515/- including Service Tax in the form of Demand Draft in favour of DGS&D, New Delhi payable at New Delhi.	
2	If the firm is seeking enlistment for more than one foreign principals, separate application to be furnished for each of the foreign principals.	
3	All Annexure/Enclosures/documents, supporting the application to be authenticated under signatures of the applicant in ink with seal of the firm.	
4	Documentary proof of the status of the firm:	
	For the Public/Private Limited companies	
	a Copy of Memorandum and Articles of Association self certified	
	b Copy of Certificate of incorporation self certified	
	Proprietary /Partnership firms	
	a Copy of Partnership deed self certified	
	b Certified copy of Entry Form-A or equivalent from the Registrar of firm, self certified	
5	Copy of agency agreement with foreign principals covering details (a)date of arrangement(b)date of expiry(c)agency commission payable in Indian currency (d)territorial jurisdiction (e)items for which enlistment is sought (f)foreign principals' agreement to provide technical support and spare parts for after sale service g)authority to commit and sign on behalf of foreign principals.	
6	Copy of Import Export Code number issued by DGFT, self certified	
7	Copy of PAN certificate, self certified	
8	Copy of Sales Tax Registration Certificate, self certified	
9	Affidavit as per Annexure 1 duly notarized.	
10	Performance statement as per Performa Annexure 2 of the application.	
11	Bankers' Report in original giving details of financial status of the applicant firm as per proforma in Annexure 3	
12	Notarized copy of General Power of Attorney in case in favour of person signing the application is authorized signatory.	

A F F I D A V I T

(To be executed on non-judicial stamp paper of Rs.10/- and attested by a Notary public or 1st class magistrate)

I/We*.....son of.....the Proprietor/ Partner(s) /Director(s)* of M/s.....with their registered office at..... who are Indian Agents of foreign principals M/s, solemnly affirm and state on oath that:

1. The premises of the firm situated at are owned exclusively/rented by me/us* upto..... (indicate date).
2. That the applicant firm possesses adequate after sales service facilities which are available at..... (give address(es)).
3. That none of the Proprietor/Partners/Directors* of the firm was or is Proprietor or Partner or Director of any firm with whom the Government has banned/ suspended business dealings.
4. We undertake to report to the DGS&D immediately after we are informed but in any case not later than 15 days, if business dealings with any firm in which any of the Proprietor/ Partners/ Directors* of the firm is/are Proprietor or Partner or Director, are banned/suspended by the government in future either before the Enlistment certificate is issued or thereafter.
5. The information given above is true to the best of my/our knowledge.

Place: Signature(s) of Deponent(s)
 Date: (Seal of the firm/Company)

Verification

I/We* above named deponent/deponents hereby verify that the contents of my/our* above deposition are true to the best of my/ our* knowledge and nothing has been concealed there from.

Verified atthis the.....day of.....

Signature(s) of Deponent(s)
 (Seal of the firm/Company)

 Notes:

1. *Strike out whichever is not applicable.
2. The applicants may submit the Affidavit separately or together as is convenient.

PERFORMANCE STATEMENT

(for last three years with Government/Semi-government/Limited Companies)

SNo.	Purchaser	PO No and Date	Description of stores	Quantity Supplied	Value

Authorized Signatory(ies)

with seal

PROFORMA FOR BANKER'S REPORT

(To be submitted on the Bankers' letterhead)

Director (Registration),
Directorate General of Supplies and Disposals,
Jeevan Tara, 5 Sansad Marg,
New Delhi 110001

Sub: Bank report in respect of M/s..... (name of the firm with address) for the purpose of Enlistment of Indian Agents of Foreign Principals (Under compulsory enlistment scheme of Department of Expenditure, Ministry of Finance)

Sir,

This is to certify that M/s..... (name of the firm with address) are maintaining Current/Saving Account No..... with this bank branch for the last.....years. The firm has been provided with a credit limit of Rs.....

This is further certified that their account with this bank has been operated in a satisfactory manner.

Yours faithfully

()

Chief Manager

Bank/Branch with seal

Conditions of Enlistment

1. The enlistment has been made under Compulsory Enlistment scheme of the Department of expenditure, Ministry of Finance, Govt. of India. The enlistment is not a registration of supplier as mentioned under Rule 142 of GFR 2005. Any act on part of supplier, claiming to be registered with DGS&D, based on enlistment under this scheme will be treated as unbecoming of an enlisted supplier. and shall make the supplier liable for administrative action.
2. Enlisted firms are required to keep DGS&D informed about the changes in any of the particulars furnished by them in their application or in their product specification or discontinuation of production of any item for which they stand enlisted or the terms of agency agreement. This intimation is to be given within a period of 15 days from the date of such change or discontinuation.
3. Whenever enlisted firms are required to produce copy of their enlistment certificate, copy of the original certificate complete with all the amendments including additions/deletions etc. is made their after shall be produced.
4. Failure to abide by the conditions of enlistment as above, name of a enlisted firm is liable to be removed from the list of enlisted suppliers of DGS&D.
5. All enlisted firms are expected to maintain absolute integrity, follow a decent standard of business ethics and do nothing unbecoming of an enlisted supplier. Any act of misdemeanor mentioned in Para 5.18 of DGS&D Manual* shall render the firm liable for administrative action.
6. The Government has right to add/delete any of the items and to amend any of the terms and conditions included in the registration granted to firms with effect from any date specified in the communication notifying such change.
7. In all future correspondence with the Director (Registration) of DGS&D, enlisted vendors are always required to quote the Enlistment No. given at the top of the enlistment letter.
8. Fresh application with prescribed fee shall be required to be made after expiry of previous enlistment.

*DGS&D Manual can be seen on DGS&D Website <http://www.dgsnd.gov.in>