

# The Rajasthan Molasses Rules, 1985

## INTRODUCTORY NOTE

- (a) **Molasses declared an Excisable article**—Molasses is the mother liquor produced in the final stage of the manufacture of sugar. The Central Government has made Molasses Control Order, 1961 with regard to Molasses. There is now provision in the Rajasthan Excise Act, 1950 in respect of Molasses in definition clause 5.3. clause 17-A defining molasses as follows:

“Molasses [S.3 (17-4)] means the mother liquor produced in the final stage of the manufacture of sugar or Khandsari sugar by the I4wuum pan process or open pan process from sugar can or gur

This definition was added by the Rajasthan Act No. 8 of 1985 Section 41(2) (d) empowers the State Government to make rules relating to molasses. The Government of Rajasthan vide Notification No. F. 1(1) FD/EX/81, **SO. 55** dated 15.10.1986 has pleased to order that Molasses shall be deemed to be an excisable article w.e.f. 4 5.1985 and import duty was imposed w,e.f. 1-4-1969 on import of molasses for the manufacture of IMFL

### (b) Validity of the Molasses Rules

**Vires of Molasses Rules challenged - Rules held to be intravires —** (Molasses Rules, 1985-Rr. 8, 9, 11 & 17 Rajasthan Excise Act, 1954-Ss. 3 (17-A), 41) When the regulation is controlled by Section 41 and molasses have been included in the definition clause of S.3(17A) and it has also been included under S.41, then the State Government has full powers to frame rules and regulations. The State Government is authorised frame rules about molasses in the parameters that are prescribed by S.4 I (Para 9) (Petition dismissed)<sup>2</sup>

**G.S.R 47—** In exercise of powers conferred b Sec. 41 of the Rajasthan Excise Act, 1950 (Raj. Act II of 1950), the State Government hereby makes the following rules and order. with reference to the proviso to sub-sec. (3) of the said section, that previous publication of these rules is dispensed with, as the Stale Government considers that they should be brought into force at once, namely :-

### 1. Short title and commencement —

- (1) These rules may be called the Rajasthan Molasses Rules, 1985.

- (2) They shall extend to the whole of the State of Rajasthan.
- (3) They shall come into force at once.

## **2. Definitions—**

- (1) In these rules, unless the context otherwise requires:
  - (a) 'Act' means the Rajasthan Excise Act, 1950 (Act II of 1950)
  - (b) 'Excise Commissioner' means an officer defined as such in the Rajasthan Excise Act, 1950;
  - (c) 'Factory' means a place where Sugar, Khandsari sugar, or Gur is manufactured.
  - (d) 'Form' means a form, appended to these rules,
  - (e) 'Khandsari Unit' means any premises, including the land godowns or out houses appurtenant thereto wherein, or in any part of which the production of Khandsari from Sugar canes or Gur in open pans is carried on with or without the aid or power.
  - (f) 'Licensed premises' means a person holding a licence under these rules,
  - (h) "Molasses" means molasses as defined in the Rajasthan Excise Act 1950 (Raj Act II of 1950);
  - (i) "Producer of Molasses" means the owner or a person in charge of a factory where molasses is produced in a process of manufacture of Sugar or Gur;
  - (j) "Occupier" means any person who has control over the affairs of a distillery, sugar factory or Khandsari Units.
- (2) Words and expressions not defined in these rules shall have the meaning respectively assigned to them in the Act.

## **3. Possession and sale of Molasses.—**

- (1) Any person who is producer of molasses and desires to possess and sell molasses shall make an application to the District Excise Officer for a licence in this behalf. The application shall contain the following particulars, namely:-
  - (a) Name and address of the applicant;

- (b) Name of the Sugar/Gun factory;
  - (c) Exact location of the Sugari Gur factory, and the name of the village Tehsil and District in which such factory is situated.
  - (d) Whether the applicant is the owner or a person in-charge of the factory;
  - (e) (i) Details of the use or uses which molasses will be put to  
(ii) Quantity required annually for each of such uses (in Quintals).
  - (f) Details of arrangements for storage of molasses whether pucca built tanks or steel tanks are provided for the storage;
  - (g) Period for which the licence is required.
- (2) On receipt of an application under sub-rule (1), the District Excise Officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, with the previous approval of the Excise Commissioner, grant the applicant a licence in Form M-I on payment of fee of `[Rs. 1000/-] in advance per annum.
- 4.** (1) Any person other than a producer of molasses desiring to possess and use molasses shall make an application to the District Excise Officer for a licence on that behalf. The application shall contain the following particulars. namely: -
- (a) Name and address of the applicant.
  - (b) Place where molasses will be kept and used the name of the Village, Tehsil and District in which such place is situated,
  - (c) approximate stock of molasses on the commencement of the require licence in quintals;
  - (d) total quantity of the molasses that would be received during the terms of the licence in quintals.
  - (e) maximum quantity of molasses to be possessed at any one time in quintals.
  - (f) (i) Details of purpose for which molasses will be used;  
(ii) Quantity required annually for each such purpose in quintals.

- (g) Period for which the licence is required.
- (2) On receipt of an application under sub-rule (1), the District Excise Officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant a licence in Form M-III on payment of the annual fee as specified below:
  - (i) licence for any Government purpose of educational, scientific, medicinal or sample purpose 1[Rs. 100/-]
  - (ii) licence for an agricultural purpose (subject to the condition that the molasses possessed under this licence shall be mixed with liquid tar to-the extent of at least 10 per cent) 1[Rs. 100/-]
  - (iii) licence for cattle feed..... '[Rs. 100/-]
  - (iv) licence for any other purpose [Rs. 500/-]
- 5. (1) Any person other than a producer of molasses desiring to possess and sell molasses shall make an application to the District Excise Officer for a licence in that behalf. The application shall contain the following particulars, namely. –
  - (a) Name and address of applicant;
  - (b) Place where molasses will be kept and sold and the name of the Village, Tehsil and District;
  - (c) Special reasons, if any, why the licence should be granted;
  - (d). Approximate total quantity of molasses intended for sale during the period of the licences in quintals.
  - (e) Approximate total quantity of molasses intended for sale during the period of the licences in quintals.
  - (f) Period for which the licence is required.
- (2) On receipt of an application under sub-rule (1) the District Excise Officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, grant a licence in Form M-III on payment of a fee of '[Rs. 1000/-] in advance and shall fix the total quantity of molasses which the licensee may be allowed to sell during the period of the licence.

- (3) No licence in Form M - III shall be renewed unless the District Excise Officer is satisfied that :
  - (i) molasses are supplied to licensees at reasonable rates ; and
  - (ii) there is a need to continue the licence
6. (1) Notwithstanding anything contained in the foregoing rules an person other than a producer of molasses desiring to purchase, possess and use bagomolasses for purposes of cattle feed only shall make an application in this behalf stating the quantity of such molasses required by him per month.
  - (2) On receipt of an application under sub-rule (1) District Excise Officer shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant of licence applied for he may grant the applicant licence in Form M III-A on payment of a fee of Rs, 500/- for individual & Rs 100/- for institutions.
7. The District Excise Officer shall –
  - (i) in the case of licence in Form M-I fix for the licence period the aggregate quantity of molasses which may be allowed to the licensee for all the uses to which molasses is to be put; and
  - (ii) in the case of a licence in Form M-II, fix-
    - (a) the maximum quantity of molasses which the licence may be allowed to possess under the licence at any one time and to use in a month:
    - (b) the aggregate of the quantity of molasses at the commencement of the licence and of the quantities of molasses to be received by the licensee from time to time during the period of the licence.
8. No licence in Form M-I shall be granted unless such licence is required by a producer of molasses in respect of molasses produced in his factory as a by-product in the process of manufacture of sugar, Khandsari Sugar or Gur.
9. No licence in form M-I shall be granted unless, such licence is required for molasses to be used for any of the following purposes, namely:
  - (i) distillation of spirit in a distillery established or licensed under the Act;

- (ii) manufacture of power alcohol in distillery established or licensed under the Act;
  - (iii) Cattle feed;
  - (iv) any Government purposes,
  - (v) any bonafide scientific, industrial, agricultural, educational, medicinal or sample purpose .
10. No licence in Form M-1, M-II or M11I shall be granted for a period beyond the 31st day of March next following the date of the commencement of the licence.
11. No person shall sell molasses unless he is holding a licence in Form M-1 or M-II.
12. Import—Any person desiring to import molasses shall make an application to the District Excise Officer for a licence in that behalf. The application shall contain the following particulars, namely:—
- (1) Name and address of the applicant.
  - (2) Kind of licence in respect of molasses held by the applicant and its mumbai and date;
  - (3) Quantity of molasses perniittcd for possession at au one time under (he licence held by him in quintals.
  - (4) Balance of molasses in hand on the date of application in quinta1s .
  - (5) Quantity of molasses to be imported in quinals.
  - (6) Place from which molasses is to be import.
  - (7) Name and address of the person .
  - (8) Route (State the place from which removal of molasses to its destination will be by road in the State),
  - (9) Period for which the licence is required.
  - (10) Reasons for importing molasses.

13. (1) On receipt of an application under rule 12 the District Excise Officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, grant a licence in Form M-IV on payment of a fee of [Rs. 500/-].

(2) the licence shall be in four parts and shall be dealt with as under:

Part I- shall be kept on the record in the officer of District Excise Officer granting the licence.

Part II- shall be sent to the person supplying molasses .

Part III- shall be handed over to the applicant for sending with the consignment and for record thereafter with his accounts.

Part IV- shall be forwarded to the District Excise Officer or Excise Authority of the place from which molasses are to be imported.

14. **Export—**

(1) Any person desiring to export molasses shall make an application to the District Excise Officer for a licence in that behalf. The application shall contain the following particulars, namely:

(a) Name and address of the applicant;

(b) Kind of the licence held by the applicant and its number and date.

(c) Quantity of molasses by exported in Quintals.

(d) Place to which molasses is to be exported;

(e) Name and address of the person to whom molasses is to be sent.

(f) Route (State the place upto which removal of molasses will be by road

during its transit in the State).

(g) Period for which the licence is required.

(h) Reasons for exporting molasses.

(2) The application shall be accompanied by an import-permit or no objection certificate granted by the District Excise Officer or Excise Authority of the place of import and a certificate granted by the Excise Commissioner, Rajasthan to the effect that there is no objection to allow the applicant to export molasses as stated in his application .

15. (1) On receipt of an application under rule 14 the District Excise Officer may make such inquiries necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, grant a licence in Form M-V on payment of a fee of [Rs. 500/-]

(2) The licence shall be in four parts and shall be dealt with as under –

Part I shall be kept on the record in the office of District Excise Officer granting the licence.

Part II shall be kept by the person supplying molasses

Part III shall be handed over to the applicant for sending with the Consignment

and thereafter shall be kept by the person receiving molasses.

Part IV shall be forwarded to the District Excise Officer or Excise Authority of the place to which molasses are to be exported.

16. No licence in Form M-IV or M-V shall be granted unless it is required by a person holding a licence for the possession or sale of molasses.
17. The person holding a licence in Form M-IV or M-V shall remove molasses under excise escort during its transit by road through the limits of the State of Rajasthan .
18. Transport—Any person desiring to transport molasses shall make an application to the District Excise Officer or any other authorised officer in that behalf the application shall contain the following particulars, namely: -
  - (1) Name and address of the applicant;
  - (2) Kind of the licence held in respect of molasses by the applicant and its number and date;
  - (3) Quantity of molasses permitted for possession at any one time under the above licence in quintals;
  - (4) Balance of molasses in hand on the (date of application in quintals);
  - (5) Quantity of molasses to be transported in quintals;
  - (6) (a) Place from which molasses is to be transported;  
(b) Place to which molasses is to be transported;
  - (7) Name of the person authorised to transport molasses;
  - (8) Name and address of the person from whom molasses will be obtained;
  - (9) Route (State also the places from and to which transport of molasses will be by road);



- (10) Period for which the permit is required;
- 19.** (1) On receipt of an application under rule .18 the District Excise Officer or the authorised officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may grant a permit in Form M-VI on payment of a fee of [Rs 100/-]
- (2) the permit shall be in four parts and shall be dealt with as under:-
- Part I shall be kept on the record in the office of District Excise Officer or the Officer granting the permit.
- Part II shall be sent to the person supplying molasses.
- Part III shall be handed over to the applicant together with the consignment and for record thereafter with his accounts.
- Part IV shall be forwarded to the Excise Officer of the place to which molasses is to be transported.
20. No permit for the transport of molasses shall be granted unless it is required by a person holding a licence for the possession or sale of molasses .
21. The permit holder shall transport molasses under excise escort during its transit by road.
22. Nothing in Rule 21 shall apply to molasses, transported by a fixed route in tankers locked with the excise locks the loading and unloading and locking and unlocking of tanks being made under the supervision of the Central or State Excise Officers as the case may be.
23. Storage and supply.— All licensees shall store molasses in manner which shall prevent its leakage and deterioration by admixture with water or any other extraneous substance.
24. (1) All storage tanks or pits of molasses shall be gauged and their capacities found out for every centimeter of their height gauged. rods gauging tables as in the case of spirit are prepared showing dimensions and volume in litres per centimeter of height .
- (2) All drums, tins or other receptacles used for the storage of molasses shall be painted or labeled adequately showing the tare weight, capacity and the actual weight of molasses in the container.

25. No supplies of molasses shall be made to any person unless its weights is ascertained by actual weighment of by finding out its volume and density.
26. For the purposes for weighment all licenses shall maintain a weighing machine or scale.

### **Additional Regulation For Factories**

27. A producer of molasses shall store molasses in leak-pooof tanks or pits which shall be kept in good condition. All storage tanks and pits shall be completely covered All openings and doors and windows leading to the storage tanks or pits shall be fitted with expanded metal and secured with Excise Locks, the keys of which shall be kept by the Officer appointed by the Excise Commissioner for supervision (Hereinafter referred to as 'the Officer'). Provided that the Excise Commissioner may, on such condition as he may impose according to the circumstances prevailing at the producer 's sugar factory, permit a producer of molasses to store molasses in Kutcha pits, if such a producer has stock of molasses in excess of an estimated production of molasses of one season.
28. The producer of molasses shall weigh molasses before it is stored in (he storage tanks or pits. For this purpose he shall install a weighing machine at his factory. In the absence of such a weighing machine, weight may bee ascertained by the volume and density of molasses.
29. The tanks for measuring or weighing molasses at the factory shall be covered by expanded metals lids and locked with excise locks. Molasses for measurement or weighment shall be pumped to the measuring or weighing tanks after it is separated by centrifuges. The end portions of the troughs and receiving tanks shall be covered by expanded metal so that molasses cannot be easily reached at.
30. Molasses from the measuring or weighing tanks shall be inn to lie storage tanks through a closed pipe or close conduct. Any fittings and connections lot steam pipe on this closed pipe shall be properly sealed or locked with excise locks.
31. The storage tanks shall have only one or two inlets lot receiving molasses and only one cuter for issuing molasses Tue inlets and outlets shall be locked with excise locks.
32. If molasses be supplied in tank wagons by a producer of molasses. He may install overhead, underground or surface closed tanks for loading tank wagons, he shall keep the tanks in good conditions to prevent leakage or deterioration of molasses The inlet and outlet connections of such tanks shall be secured with excise locks.

33. The key of excise locks in all the above cases will remain with the store officers.

### **Molasses Returns**

34. (1) The licensee holding a licence in Form M-I granted under the Rajasthan Molasses Rules, 1985 shall maintain, from day to day true and correct account of molasses separately for each storage. tank, pit or receptacle in Form 'A' appended to these rules He shall also maintain, from day to day, true and correct accounts of the total stock of molasses held by him at his licensed premises in form 'B'-appended to these rules He shall submit to the District Excise Officer / Assistant Excise Officer through .the Excise Inspector incharge of the distillery attached to the factory by the 7th of every month, a statement in Form 'C' appended to these rules' showing the opening balance, receipts. issues and closing balance of molasses during the preceding month.
- (2) The licensee holding a licence in Form 'M-II' granted under the Rajasthan Molasses Rules, 1985 shall maintain from day to day, true and correct account of the stock of molasses held by him at his licensed premises in Form 'D' appended to these rules. He submit to the Excise Officer through the Excise Inspector, by the 7th of every month, a statement in Form 'E' appended to these rules showing the opening balance, receipts. Issues and closing balance of molasses during the preceding month.
- (3) The licensee holding a licence in Form 'M-HF granted under the Rajasthan Molasses Rules, 1985 shall maintain, from day to da3 true and correct accounts of receipts, safes and balances of molasses in Form 'T' appended to these rules. He shall submit to the Excise Officer through the Excise Inspector, by the 7th of every month a statement in Form 'G' appended to these rules showing the opening balance, receipts. sales and closing balance of molasses during the preceding month.
35. (1) The licensee shall not admit losses or dryages. of molasses in storage or in transit:
- (i) without the sanction of the District Excise Officer when the losses or dryages exceed 1 per cent, but do not exceed 2 per cent and;
  - (ii) without the sanction of Excise Commissioner, when the losses or dryages exceed 2 per cent.

- (2) When the losses or dryages in storage or in transit are upto 1 per cent, the licensee shall admit losses but he shall report it to the Excise Inspector.
36. The Excise Commissioner may subject to such conditions as he may specify, exempt any licensee from all or any of the provisions of these regulations.
37. Rules for licensees holding a licence in Form M-I, M-II, or M-III— All storage tanks or receptacles of molasses shall be serially numbered by the licensee.
38. The licensee shall keep his premises, tanks and other receptacles for the storage of molasses clean and in good condition and shall take all reasonable precautions to prevent deterioration of the quality of molasses through admixture with water or any extraneous substance. He shall destroy or dispose of the deteriorated molasses in the manner ordered by the Excise Commissioner.
39. The premises, tanks or other receptacles-used for the storage of molasses, accounts, permits, licence and the stocks of molasses shall, at all times be open to inspection by District Excise Officer or any officer duly empowered in that behalf. The licensee shall explain any discrepancy or irregularity noticed by the inspecting officer and shall comply with the orders issued by the District Excise Officer in this connection therewith. He shall if so required by the inspecting officer weigh or measure molasses by any method which may be suitable or practicable.
40. The licensee shall not remove nor shall permit any person to remove any molasses from the storage tanks or receptacles except under a valid transport permit.
41.
  - (1) The licensee shall maintain at his licensed premises a register containing the names of the manager and all other persons employed by him for carrying on the Operation of receipt, storage, issue, removal or use of molasses and shall furnish in writing to the District Excise Officer the list of persons so employed for carrying on the said operations.
  - (2) Every person either permanently or temporarily employed by the licensee shall be provided with a round badge bearing a consecutive number and the name of the licensee. The licensee shall issue instructions to all persons employed by him to show, on demand, their badge to the Officer.
42.
  - (1) The Excise Commissioner may appoint such supervisory staff as in his opinion is necessary for the proper supervision of all arrangements and operations connected with the receipt, storage, issue, removal and use of molasses.

- (2) No molasses shall be received into or issued by the licensee from the storage tanks or other receptacles except under the supervision of the officer, if any such officer is appointed by the Commissioner. All storage tanks and receptacles of molasses, in that case, shall be locked by the licensee and the officer with separate locks.

Provided that nothing contained in this sub-rule shall apply to the carrying on of operations by the holder of a licensee in Form M-I connected with receipt and storage of molasses which are produced at his factory.

43. The licensee shall not, except with the previous permission of the Excise Commissioner, or the supervisory staff, appointed under sub-rule (1) of the rule 42 above, carry on any operations connected with the receipt-storage, issue or removal of molasses on Sundays and public holidays sanctioned by Government nor on any day before or after the working hours fixed by the Excise Commissioner for this purpose.

Provided that nothing contained in this sub-rule shall apply to the carrying on of operations by the holder of a licensee in Form M-I connected with receipt and storage of molasses which are produced at his factory.

44. In case the licensee wants to wind up his business. He shall give one clear calendar month's notice to the Excise Commissioner through the District Excise Officer of his intention to do.
45. The licensee shall allow the officer appointed to supervise his operation or any other inspecting officer to take samples of molasses, free of cost from any place, tank or receptacle, whenever he considers it necessary, for the purpose of chemical analysis by the Chemical analysis to the Govt. of Rajasthan or to the Government of India to test the purity of molasses or to determine its quality.
46. The licensee shall display his licence conspicuously at his licensed premises.
47. The licensee shall maintain at his licensed premises a visit book pagged and stamped with the seal of the District Excise Officer or any other officer authorised in that behalf by the District Excise officer to which inspecting Officer may record their remarks. The licensee shall, on the termination of the licence, deliver the visit book, the licence, the accounts and the permits to the Excise inspector.
48. Except with the permission of the District Excise Officer the licensee shall not sell, transfer or sub-let the right conferred upon him by his licence nor shall in connection with the exercise of the said right, enter into any agreement which, in the opinion of the District Excise Officer, is of the nature of sub-lease.

49. No person shall be recognised as a partner of the licensee for the purpose of his licence, unless the partnership has been declared to the District Excise Officer before the licence is granted and the names of the partners have been entered jointly in the licence or, if the partnership is entered into after the granting of licence, unless the District Excise Officer agrees, on application made to him , to alter the licence and to add the name or names of the partner or partners in the licence.
50. The licensee, his heirs and assignees shall have no claim whatsoever to the continuance or renewal of his licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the District Excise Officer whether to or not to permit the heir, in case of death, or their assignee of the licensee, in the case of sale or transfer, to have the benefit of the licence for the unexpired portion of the licence period.
51. (1) The licensee shall abide by the provisions of the Act, rules, and orders made there under from time to time.
- (2) The licensee shall comply with all lawful orders and directions issued to him by the Excise Commissioner within such time as may be.
52. The licensee shall give an undertaking in writing to the District Excise Officer to abide by the provisions of the Act, the rules, and orders made thereunder and tile conditions of his licence.
53. **Licensee holding a licence in Form M-I –**
- (1) The licensee holding a licence in Form M-I shall leave sufficient space in the cover of the tanks or receptacles to scoop out samples.
- (2) Molasses from the storage tanks or oilier receptacles required for use in any process at the factory or for use in the distillery attached to the factory shall be taken there through pipe connections under the supervisions of the officers hut before doing so the licensee shall give an intimation to the officer stating the quantity of molasses so required, the tank or receptacle from which required and also the time when required.
54. **Licensees holding a Licence in Form M-II –**
- (1) The licensee shall not receive his supplies of molasses from any person other then –
- (i) a person who holds in the State of Rajasthan a licence in Form M-I or M III; or

- (ii) a person who is directed by the State Government to sell molasses to him, or
  - (iii) a person outside the State of Rajasthan.
- (2) All molasses received by the licensee at his premises shall be covered by a valid transport permit if brought from any place in the State of Rajasthan or by a valid import licence if brought from any place outside the State of Rajasthan.
  - (3) Except as directed by the State Government under any law in force at the time being in force. The licensee holding a licence in Form M-II shall not sell or transfer any molasses possessed by him under the licence.
  - (4) The licensee shall maintain in a book, pagged and sealed with the seal of the District Excise Officer such accounts and submit such return as may prescribed by the Excise Commissioner.

**55. Licensee holding a licence in Form M-III –**

- (1) The licensee holding a licence in Form M-III shall not receive his supplies of molasses from any person other than –
    - (i) a person who holds in the State of Rajasthan a licence in Form M-I or M-III;
    - (ii) a person who is directed by the State Government, the Excise Commissioner or the District Excise Officer to sell molasses to him,;
    - (ii) a person outside the State of Rajasthan.
  - (2) All molasses received by the licensee at his premises shall be covered by a valid transport permit if brought from a place in the State of Rajasthan or by a valid import licence if brought from any place outside the State of Rajasthan.
  - (3) The licensee shall maintain in a book pagged and sealed with the seal of the District Excise Officer, such accounts and submit such returns as may be prescribed by the Excise Commissioner.
56. Possession or transport for domestic purposes— Notwithstanding anything contained in the foregoing rules, it shall be lawful for any person to possess or transport without a licence or permit, as the case may be molasses -not exceeding such quantity as the Excise Commissioner may specify for any local area as the permitted quantity for domestic purposes.

57. Disposal of adulterated or deteriorated Molasses as waste - The contents of any tank or pit intended for the storage of molasses, not being molasses having a density of less than so fixed and a fermentable sugar contents (expressed as reducing sugars) of not less than 37 per cent shall, if the Excise Commissioner by order in writing so directs, be disposed of as a waste or in such manner as may be specified by the Excise Commissioner.