

[Extract from the Chd. Admn., Gaz. (Extra.), dated 30<sup>th</sup> May, 2000]

## CHANDIGARH ADMINISTRATION

### HOME DEPARTMENT

#### Notification

The 30<sup>th</sup> May, 2000

**No. DFSO-CH-IK-2K/1226.**—Whereas the Administrator, Union Territory, Chandigarh, is of the opinion that it is necessary and expedient so to do for maintaining supplies, securing equitable distribution and availability of Kerosene in the Union Territory, Chandigarh;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Industry and Civil Supplies, (Department of Civil Supplies and Corporation) Order No. GSR-681(E), dated the 13<sup>th</sup> November, 1974 and with prior concurrence of the Central Government, the Administrator, Union Territory, Chandigarh, hereby makes, the following order namely :--

1. **Short title, extent and commencement.** – (1) This order may be called the Chandigarh Kerosene Dealers Licensing Order, 2000.

2. It extends to the whole of the Union Territory of Chandigarh.

3. It shall come into force, with immediate effect.

2. **Definitions.**— In this order, unless the context otherwise requires :--

(a) “Dealer” means a person, firm, association of persons, company, institution, organisation or co-operative society approved by the Government Oil Company or Central Government or State Government, engaged in the business of buying and selling, storing Kerosene, whether wholesale or retail and whether in conjunction with any other business or not, and includes :--

(i) his representative or agent; and

(ii) an oil company making wholesale supply from its storage or selling point;

(b) “Director” means the Director, Food and Supplies, Union Territory, Chandigarh and Additional Director, Food and Supplies, Deputy Director, Food and Supplies and District Food and Supplies Officer or any other officer authorized by the Government to administer this Order or any of the provisions of this order;

(c) “Dispensing Pump” means an outlet distributing Kerosene in wholesale or retail through dispensing unit from underground storage tank duly approved/authorized by the competent authority.

(d) “District Magistrate” means the District Magistrate, union Territory, Chandigarh and includes District Food and Supplies Officer, Union Territory, Chandigarh;

(e) “Form” means a form appended to this order;

- (f) "Government" means Administrator, Union Territory, Chandigarh, appointed under article 239 of the Constitution of India;
- (g) "Government Oil Company" means :
  - (i) the Indian Oil Corporation Ltd.,
  - (ii) the Bharat Petroleum Corporation Ltd.,
  - (iii) the IBP Company Ltd.,
  - (iv) the Oil and Natural Gas Commission;
  - (v) the Hindustan Petroleum Corporation Ltd.,
  - (vi) the Gas Authority of India Ltd.,
  - (vii) the Oil India Limited, or
  - (viii) any other Government Company or a statutory body declared by a notification to be a Government Oil Company by the Central Government for the purpose of this order;
- (h) "Inspector" means the Inspector, Food and Supplies/Inspector, Food and Supplies, Grade-II and includes the District Food and Supplies Officer, Assistant Food and Supplies Officer or any other officer appointed by the Government to exercise the power in respect of the matters specified in the clause 16 of this order;
- (i) "Kerosene" means a middle distillate mixture of hydrocarbons meeting BIS specifications No. IS-1459 of 1974 with important characteristics of flash point at a minimum of 35 degrees C and smoke point at a minimum of 18 MM.
- (j) "Public Distribution System" means the system of distribution, marketing or selling of Kerosene at declared price through a distribution system approved by the Central or State Government;
- (k) "Retailer" means a dealer who is not a wholesaler;
- (l) "Storage Point" means the premises approved or Licenced by the Chief Controller of Explosives/Licensing Authority;
- (m) "Transporter" means a person authorized by a Government Oil Company or a distributor for the transportation of kerosene.
- (n) "Wholesaler" means a dealer who deals in Kerosene in excess of 15 litres quantities in a single transaction.

3. **Licensing of Dealers.** – No person/firm or its representative shall store or sell or have in his possession Public Distribution System Kerosene (blue dyed) other than domestic purpose as specified in the order unless he holds a valid Licence or document issued by the competent authority.

4. **Application for Licence.** – Every person desiring to obtain a licence shall submit an application to the District Magistrate/Licensing Authority.

5. **District Magistrate/Licensing Authority to have regard to certain matters in granting or refusing a Licence.** – In granting or refusing a licence, the District Magistrate/Licensing Authority shall have regard to the following matters, namely :--

- (i) that the applicant is not a person convicted for an offence under the Essential Commodities Act, 1955 (Act No. 10 of 1955) or an order issued thereunder, or any Central or State Control Order;
- (ii) that the applicant possesses suitable premises for carrying on business as a dealer;
- (iii) that the applicant is not benami; and
- (iv) any other matter which the District Magistrate/Licensing Authority may consider necessary or relevant for the purpose.

6. **Grant or refusal of Licence.** – (1) on receipt of an application for the grant of a licence under this order, the District Magistrate/Licensing Authority may, after taking into consideration the matters referred to in clause 5, either grant or refuse a licence.

2. Where the application for a licence is refused, the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant.

7. **Issue of Licence.** – (1) An application for a Licence under the Public Distribution System shall be made to the District Magistrate/Licensing Authority, in 'Form A' appended to this order.

2. Every Licence shall be in 'Form B' appended to this order, subject to the conditions mentioned therein and such other conditions as the District Magistrate/Licensing Authority, may specify from time to time.

8. **period of Licence and fee chargeable.** – (1) Subject to the provisions of the sub-clause (2), every Licence under this order shall be granted or renewed for such period not exceeding three years at a time as may be desired by the applicant at the time of making an application for the grant or renewal, as the case may be.

(2) Every such Licence shall, unless previously suspended or revoked, expire on the 31<sup>st</sup> day of March of the year specified at the time of grant or renewal, as the case may be.

(3) The following fees shall be chargeable for the grant of Licence :--

Period	Wholesaler	Retailer
(i) For a period not exceeding one year	Rs. 500	Rs. 200
(ii) For a period exceeding one year but not exceeding two years	Rs. 1,000	Rs. 400
(iii) For a period exceeding two years upto three years	Rs. 1,500	Rs. 600

(4) The fee for renewal of licence shall be five hundred rupees for a wholesaler and rupees two hundred for a retailer for one year or part thereof.

(5) Fee for the grant of duplicate licence shall be rupees two hundred.

(6) A separate licence shall be obtained by a dealer for each place.

(7) An application for the renewal of a licence shall be made so as to reach the District Magistrate not later than thirty days before the date on which the licence expires :

Provided that the District Magistrate/Licensing Authority may entertain the application after the expiry of the said period if he is satisfied that the applicant was prevented by sufficient cause from applying for renewal within time.

9. **Deposit of security.**—For the due performance of the conditions of the licence every person who applies for a licence under this order, shall, before a licence is issued to him deposit with the District Magistrate/Licensing Authority a security of the value of rupees ten thousand if he is a wholesaler and rupees five thousand if he is a retailer, in such form as the District Magistrate/Licensing Authority may direct.

10. **Directions regarding distribution and sale.**—(1) The Government, the Director or the District Magistrate/Licensing Authority may, be general or special order in writing, issue such directions in regard to the purchase, sale and storage for sale of kerosene as it or he may think proper and licensee to whom such directions are issued shall be bound to comply with the same.

(2) No dealer shall with hold from sale any stock of kerosene.

11. **Cancellation or suspension of licence.**—If a licensee or his agent or servant or any person acting on his behalf contravenes any of the terms and conditions of the licence or any provision of this order, then without prejudice to any action that may be taken against him, the District Magistrate/Licensing Authority may, by an order in writing, cancel or suspend the licence with regard to that commodity in respect of which contravention has been made :

Provided that no order shall be made under this clause unless the Licensee has been given a reasonable opportunity of stating his case.

12. **Forfeiture of security deposit.** – (1) If the District Magistrate/Licensing Authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of his security deposit is called for, he may, without prejudice to any other action that may be taken against him, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in the clause 9, forthwith deposit further security to make up that amount on being required by the District Magistrate to do so.

(3) Upon due compliance by the licensee with all obligations of the licence, the amount of security or such part thereof as is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

13. **Appeal.**—(1) Any person aggrieved by an order of the District Magistrate/Licensing Authority refusing to grant or renew the licence or canceling or suspending a licence or forfeiting the security deposited by the dealer under the provisions of this order may, within a period of 30 days from the receipt of the order by him, appeal to the Director.

Provided that the Director may entertain the appeal after the expiry of the said period of thirty days but within a period of forty days of the receipt of the order by such person, if the Director is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of the appeal, the Director may direct that the order refusing to renew a licence or the order canceling or suspending the licence shall not take effect until the appeal is disposed of.

(4) The decision of the Director and subject only to that decision, the order of the District Magistrate/Licensing Authority shall be final.

14. **Maintenance of Stock Register and submission of returns.**—(1) Every licensee shall maintain a true account of stock in Form 'C' and daily receipt/disposal of kerosene in Form 'D' of Public Distribution System and keep it at the place of his business for inspections and when required.

(2) Every licensee shall submit to the District Magistrate/Licensing Authority a weekly statement ending on every Saturday in Form 'E' so as to reach in his office the following Monday without fail.

15. **Display of price and stock position.**— Every licensee shall exhibit at the entrance or some prominent place of his business premises, the price list of kerosene held by him in English or Hindi script.

16. **Powers of entry, search and seizure etc.**—(1) The Director, the District Magistrate, the Deputy Director, Food and Supplies, District Food and Supplies Officer, Assistant Food and Supplies Officer, Inspector Food and Supplies/Inspector Food and Supplies Grade II or any officer not below the rank of Sales Officer of Government Oil Company authorized by government and notified by the Central Government or any other officer not below the rank of Inspector of Police may, with a view to securing compliance with the provisions of this order or to satisfying himself that the provisions of this order have been complied with and with such assistance, if any, as he thinks fit :--

- (a) enter upon and inspect any business premises of a dealer or any other premises in which he has reason to believe that kerosene has been, is being or likely to be kept, store, distributed, disposed of or to and from which kerosene has been or is being or is likely to be removed or transported;
- (b) stop and inspect any vehicle or animal on which kerosene is being carried for sale, supply, storage or any other purposes;

- (c) seize kerosene found in the possession of such dealer/person or in any vehicle or on any animal in respect of which he has reason to believe that contravention of this order has been, or is being, or is about to be committed.
- (d) seize any record pertaining to kerosene in respect of which he has reason to believe that contravention of this order has been or is being or is about to be committed.

(2) Every person (including his agent or servant) Incharge of the vehicle or animal or premises which is searched or is sought to be searched under the provisions of the sub-clause (1) shall allow the authority making the demand as access to such vehicle, animal or premises and shall also answer, truthfully and to the best of his knowledge or belief, all questions put to him.

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

17. **Power to call for information.** – Every licensee shall, when required by general or special order of the Director or the District Magistrate/licensing Authority, furnish truthfully and to the best of his knowledge, such particulars and information relating to the kerosene as may be required.

18. **Exemption.**– If the Government or the Director is satisfied that it is expedient in the public interest so to do, it may, or he may exempt any person or class of persons from the operation of all or any of the provisions of this order and may at any time suspend or rescind such exemption.

19. **Repeal and Savings.** – (1) The Punjab Kerosene Dealers Licensing Order, 1966 as in force in the Union Territory of Chandigarh, is hereby repealed.

Provided that such repeal shall not affect:--

- (a) the previous operation of the said Order or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued, or incurred under the said order; or
- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against the said order; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said order had not been repealed.

(2) For the removal of doubts it is hereby declared that any licence issued under the Punjab Kerosene Dealers Licensing Order, 1966 hereby repealed shall, subject to the provisions of this Order and terms and conditions of the licence, continues to be valid for the unexpired period of the licence without payment of any fee;

Provided that if any dealer holding a licence under the said Order, intends to carry on business in kerosene other than that for which he holds licence, he shall be entitled to get an endorsement on his licence from the District Magistrate/Licensing Authority permitting him to carry on such business without payment of any fee upto the period of expiry but he will have to make up the deficiency in his security deposit and he shall also have to apply for the fresh licence under this order, in case he intends to carry on his business as a dealer.

**FORM 'A'**

[See Sub-clause (1) of Clause 7]

**CHANDIGARH KEROSENE DEALERS LICENSING ORDER, 2000**

Application for Grant/Renewal of Wholesale/Retail Licence under the  
Public Distribution System

To  
The District Magistrate,  
U.T. Chandigarh  
I/We hereby apply for the grant/renewal of a wholesale/retail licence to sell or supply kerosene under the Public Distribution System (here mention address or addresses of the place of business) \_\_\_\_\_

\_\_\_\_\_. 1. Name, Parentage and Postal Address of the Applicant  
\_\_\_\_\_

\_\_\_\_\_. 2. Address and detail of the location(s) of the applicant's godown  
\_\_\_\_\_

\_\_\_\_\_. 3. Period for which licence is required  
\_\_\_\_\_

I/We declare that I/We have never been convicted for an offence under the Essential Commodities Act, 1955 (Act No. 10 of 1955) or an order issued thereunder or any other Central or State Control Order.

I/We hereby declare that all the particulars given on this form are correct.

I/We hereby apply for grant/renewal of licence No. \_\_\_\_\_ Dated  
\_\_\_\_\_ issued to me on \_\_\_\_\_.

Place \_\_\_\_\_  
Date \_\_\_\_\_

Signature of the Applicant

**Note :** Strike out whichever is not applicable.

**FORM 'B'**

[See Sub-clause (2) of Clause 7]

## CHANDIGARH KEROSENE DEALERS (LICENSING AND CONTROL) ORDER, 2000

### LICENCE FOR PURCHASE, SALE/STORAGE OR KEROSENE UNDER THE PUBLIC DISTRIBUTION SYSTEM

Licence No. CH-UT-PDS \_\_\_\_\_

1. Subject to the provisions of the Chandigarh Kerosene Dealers Licensing Order 2000 and the terms and conditions of this licence, \_\_\_\_\_ is/are hereby authorized to purchase, sell or store for sale of kerosene :-

\_\_\_\_\_  
\_\_\_\_\_

2. (a) The Licensee shall carry on the kerosene business at the above place.  
(b) Kerosene is to be carried on shall not be stored at any place other than any of the godowns mentioned below :-

\_\_\_\_\_  
\_\_\_\_\_

**Note :** If the licensee stores kerosene at any place other than those specified above, he shall give intimation thereof to the Licensing Authority within 48 hours of such storage.

(3) (i) The licensee shall except when specially exempted by the Chandigarh Administration or by the Director or by Licensing Authority, in this behalf issue to every customer a correct receipt or invoice as the case may be, giving his own name, address and licence No. (if any) of the customer, the date of transaction, quantity sold, the price per kilolitre/per litre and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the Licensing Authority or any officer authorized by it in this behalf and maintain a register of daily accounts of each day in Form 'D'.

(ii) The licensee shall complete his account for such day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon him.

4. The licensee shall except when specially exempted by the Government/Chandigarh Administration or by an officer authorized in this behalf submit to the Licensing authority concerned a true return in Form 'E' of the stock, receipts and deliveries of kerosene on weekly basis on every Monday.

5. The licensee shall exhibit at entrance or some other prominent place of his business premises, the price list of kerosene held by him for sale. The price list shall be legibly written in English or Hindi language.

6. The licensee shall give all facilities at all reasonable times to the Licensing Authority or any officer authorized by it or by the Chandigarh Administration/Director, for the inspection of his stocks and account at place used by him for storage, sale or purchase of kerosene and for taking of samples of kerosene for examination.



7. The licensee shall comply with any direction that may be given to him by the Chandigarh Administration or Director or Licensing Authority in regard to purchase, sale, storage for sale and disposal of kerosene.

8. Every licensee shall prominently display at sale premises the quantity of stocks in hand, the price at which the kerosene is sold.

9. The licensee shall not sell or offer to sell in any locality kerosene at a price higher than fixed for sale of kerosene in such locality by the Chandigarh Administration in pursuance of any power conferred by law.

10. This shall be valid upto \_\_\_\_\_

11. This licence shall be attached by an application for renewal.

Place \_\_\_\_\_

Date \_\_\_\_\_

Licensing Authority

### FORM 'C'

[See Sub-clause (1) of Clause 14]

#### STOCK REGISTER (UNDER THE PUBLIC DISTRIBUTION SYSTEM)

Date	Opening	Quantity of Kerosene received on Date	Total of Column 2+3	Fair Price Shop	Quantity Sold Retail	Permit	Total
1	2	3	4	5	6	7	8

### FORM 'D'

[See Sub-Clause (1) of Clause '14']

#### SALE REGISTER (UNDER THE PUBLIC DISTRIBUTION SYSTEM)

Date	Serial No. Regn. No.	Name and Address of the Card holder	Distribution Card No.	Code No.
1	2	3	4	5

Quantity Sold	Price Charged	Signature of the Card Holder
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6

7

8

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**FORM 'E'**

[See Sub-Clause (2) of Clause '14']

**WEEKLY STATEMENT**

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Opening Balance of Kerosene	Receipt during the Week PDS/Parallel Marketer	Place and Source of Receipt	Total of Column 1 and 2
1	2	3	4

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<b><u>Total Sale delivered during the Week</u></b>			Closing Balance on Saturday	Remarks if any
Fair Price Shops	Retail	Permit, if any	8	9
5	6	7		

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**M.P. Singh  
Home Secretary,  
Chandigarh Administration**