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GOVERNMENT OF TRIPURA
FOOD & CIVIL SUPPLIES DEPARTMENT

NO. F. 12(3)-FSD/71. Dated, Agartala, the 3rd August, 1971.

ORDER

In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notification of the Government of India in the late Ministry of Commerce, No. S. O. 1844, dated the 18th June, 1966 and No. S. O. 2314 dated the 30th July, 1966, the Administrator hereby makes, with the prior concurrence of the Central Government, the following order, namely:—

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

(1) This Order may be called the Tripura Kerosene Dealers' Licensing Order, 1971.

(2) It extends to the whole of the Union Territory of Tripura.

(3) It shall come into force at once.

2. DEFINITIONS :

In this order, unless the context otherwise requires,

(1) "Administrator" means the Administrator of the Union Territory of Tripura.

(2) "dealer" means any person carrying on business in the purchase, sale or storage for sale or distribution of kerosene either whole sale or retail ;

(3) "Director" means the Director of Food and Civil Supplies, Government of Tripura.

(4) "export" means to take or cause to be taken out of the Union Territory of Tripura ;

(5) "Kerosene" includes all varieties of kerosene oil refined or semi-refined ;

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(6) "Licence" means a licence and "Licensee" means a person holding a licence under the provisions of this Order ;

(7) "Licensing Authority" means the Director of Food and Civil Supplies, Government of Tripura (for the whole territory) and Sub-Divisional Officer of the relevant Sub-Division within the boundary of which the dealer carries on his business and includes any other person empowered by the Administrator to exercise all or any of the functions of a licensing authority under this Order ;

(8) "retail dealer" means a dealer who sells kerosene in retail to persons other than dealers ;

(9) "Schedule" means a schedule appended to this Order ;

(10) "wholesale dealer" means a dealer who buys kerosene to sell it to any other dealer and includes an agent of any Oil Company dealing in Kerosene.

3. RESTRICTIONS ON EXPORT OF KEROSENE OIL :

No person shall export or attempt to export or abet in the export of Kerosene oil except under and in accordance with the permit issued by the licensing authority :

Provided that nothing contained herein shall apply to the export of Kerosene Oil.

(a) on Government account ; or

(b) under and in accordance with Military Credit Notes.

4. RESTRICTIONS ON THE SALE OF KEROSENE WITHOUT A LICENCE :

On and from the date to be notified by the Director of Food and Civil Supplies in the Official Gazette, no person shall carry on business as a wholesale dealer or a retail dealer within the Union Territory of Tripura except under and in accordance with the terms and conditions of a licence granted in that behalf by the licensing authority. Such terms and conditions, being determined by Director.

5. TERMS OF LICENCE :

* (1) The validity of the period of licence granted under this Order shall be till the end of 31st December of the year in which the licence is granted, unless revoked, cancelled or suspended earlier.

(2) Every application for the grant of licence under this Order shall be made in such manner as may be specified by the Director, accompanied by a treasury challan of *** rupees twentyfive* for a wholesale dealer and *** rupees ten for a retail dealer*.

(3) Every licence granted under this Order shall be renewable for a period of one year at a time on the production of treasury chalan of ****rupees ten** for a wholesale dealer and ***** rupees five** for a retail dealer.

******* Provided that if the licensee does not apply for renewal of the licence before the expiry of the period of the licence, the licensee shall have to pay a late fee of Rs. 5/- for the wholesaler licence and Rs. 2/- for retailer licence per month or part of a month till the date of application or renewal.

Provided further that no such application for renewal shall be accepted after a period of 3 months from the expiry of the licence and it shall be treated as lapsed.

Note :—A person may apply, for a wholesaler's licence as well as a retailer's licence on payment of the respective fees as indicated above.

(4) If a licence granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the licensing authority who may on application by the licensee issue a duplicate licence on the production of a treasury chalan of rupees two.

6. CANCELLATION OR SUSPENSION OF A LICENCE :

A licensing authority may cancel or suspend the licence on any of the following grounds, namely :—

- (a) that the licence has been obtained by fraud, or mis-representation as to a material particular, and
- (b) that any of the provisions of this Order or any condition of the licence has been contravened.

7. APPEAL :

Any person aggrieved by an order of a licensing authority refusing the grant of a licence or cancelling or suspending the licence may, within thirty days from the date of the order appeal to the Secretary, Food and Civil Supplies Department, Government of Tripura, who shall decide the same.

8. RESTRICTION ON STORAGE, DISTRIBUTION AND SALE OF KEROSENE :

(1) The licensing authority may, by order published in the Gazette, regulate the storage, distribution and sale of kerosene in their respective jurisdiction ;

(2) Provided that when the licensing authority is a person other than the Director, no such notification shall be issued without the pre-

vious consent of the Director. The licensing authority may by general or special order in writing require any licensee to sell any stocks of kerosene to any person mentioned in the order.

9. EVERY DEALER TO MAINTAIN A STOCK REGISTER :

Every dealer should maintain a stock register of the total receipt and sale of kerosene in Form 'A' appended to the Schedule which shall be opened to inspection by the Licensing Authority or any person authorised by the Administrator in this behalf.

10. RESTRICTION OF THE PRICE OF KEROSENE :

No dealer shall sell kerosene at a price higher than the price fixed by the competent authority from time to time under the kerosene (Fixation of Ceiling Prices) Order, 1970.

11. POWER OF ENTRY AND SEARCH, ETC. :

(1) The Licensing Authority or any other officer authorised by the Administrator in this behalf, with such assistance, if any, as he thinks fit.

- (a) require the owner, occupier or any other person in charge of such place or premises, vehicle or vessels in which he has reason to believe that any contravention of any provision of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any books of accounts or other documents showing transactions relating to such contravention.
- (b) enter, inspect or break open and search any place or premises, vehicle or vessels in which he has reason to believe that any contravention of any of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed ;
- (c) take or cause to be taken, extract from or copies of any document showing transaction relating to such contravention which is produced before him ;
- (d) search, seize or remove the stock of kerosene and the vehicle, vessels or other conveyances used in carrying the kerosene in contravention of the provisions of this order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stock of kerosene and vehicle, vessels or other conveyances so seized in a court, and for their safe custody pending such production.

(2) The provision of section 102 and 103 of the Code of Criminal procedure, 1898 (5 of 1898) relating to search and seizure shall so far as may apply to searches and seizures under this Order.

12. EXEMPTION :

The Administrator may, by general or special order, exempt, subject to such conditions as may be specified in the order, any person or class of persons from all or any of the provisions of this Order.

THE SCHEDULE

FORM—'A'

(See Clause—9)

WEEKLY STOCK RETURN FOR THE WEEK ENDING ON.....

No. of licence :—

Name of the licensee :—

Opening balance	Receipt during the week.	Total (a) & (b)	Sale during the week.	Closing Stock.	Remarks.
(a)	(b)	(c)	(d)	(e)	(f)

Date.....

Signature of licensee or his authorised nominee.

By order of the Administrator,
P. Nath

Under Secretary, Govt of Tripura.

* Substituted vide amendment No. F. 12(3)-FSD/71 dt. 23.5.73.

** Substituted vide amendment No. F. 12(3)-FSD/71 dt. 30.11.1979.

*** Added vide amendment No. F. 12(3)-FSD/71 dt. 30.11.1979.

GOVERNMENT OF TRIPURA

DIRECTORATE OF FOOD AND CIVIL SUPPLIES
CIVIL SUPPLIES SECTION

NO. F. VII(7)-DCS/71. Dated, Agartala, the 15th October, 1971.

ORDER

In exercise of the powers conferred under clause 4 of the "Tripura Kerosene Dealers Licensing Order, 1971" it is for general information that from 25th November, 1971 no person shall carry on business as a wholesale dealer or a retail dealer in Kerosene Oil within the Union Territory of Tripura except under and in accordance with

the terms and conditions of a licence granted on that behalf by the licensing authority.

Sd/- Illegible
Director,
Food and Civil Supplies,
Tripura.

N.B. This order was published in the Tripura Gazette, Extraordinary issue, October, 19, 1971 AD.

GOVERNMENT OF TRIPURA
DIRECTORATE OF FOOD & CIVIL SUPPLIES
TRIPURA, AGARTALA

No. F. VII(7)-DCS/73. Dated, Agartala, the 2nd May, 1974.

ORDER

WHEREAS it is expedient to further regulate the distribution and sale of K.Oil in Tripura by the Wholesale Dealers ;

NOW, THEREFORE, in exercise of the powers conferred under clause 8 of the Tripura Kerosene Dealers' Licensing Order, 1971, and in supersession of this Office Order No. F. VII(8)-DCS/71 dated 26.11. 71, the undersigned hereby orders that no Wholesale Dealer of K.Oil (including the Agents of the Companies) shall sell K.Oil to any person or retail dealer, except on the basis of a permit issued by a Licensing Authority or by an Officer authorised by such Licensing Authority.

All Wholesale Dealers in K.Oil shall report the stock position daily in writing to the concerned Licensing Authority, within whose jurisdiction their places of business exist. The daily report should be signed by the Wholesale Dealer or his authorised representative and shall contain the following information :—

1. Date to which the report relates—
2. Opening stock (in K.L.)—
3. Receipt during the day (in K.L.)—
4. Total of item No. 2 & 3 (in K.L.)—
5. Sale/transfer during the day (in K.L.)—
6. Closing stock (in K.L.)—

This Order shall take immediate effect.

H. Mukherjee
Director,
Food & Civil Supplies,
Tripura.

N.B. This order was published in the Tripura Gazette, Part-II, May 18, 1974 AD.

FORM "A"
Vide Clause 4.

OFFICE OF THE.....
Licence under clause 4 of the Tripura Kerosene Dealers'
Licensing Order, 1971.

Kerosene Oil Wholesale/retail sale Licence No.....

1. Name of the Wholesale/Retail sale licensee.....
2. If the licensee is a firm or
(an incorporated company its
trading name).....
3. Address of the office, if it is
different from the address of
the shop of the place of the
business.....
4. Address of the shop or place
where the business in Kerosene
Oil is conducted.....
5. Address of the shop or place for
storage of Kerosene Oil.....
6. Date upto which the licence
is valid.....

This licence is subject to the provisions of the Tripura Kerosene
Dealers' Licensing Order, 1971 and the conditions specified on the
reverse.

Signature of the Issuing Authority.

RENEWAL ENDORSEMENT

Date of Renewal	Date of Expiry	Signature of the Issuing Authority
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CONDITIONS OF THE LICENCE

1. The licensee shall display the licence prominently at the place of business.
2. The licensee shall carry on the business of Kerosene Oil in a place approved by the licensing authority.
3. (i) The licensee shall, except when specially exempted by the licensing authority maintain a register of daily accounts of Kerosene oil showing correctly :—
 - (a) The opening stock on each day.
 - (b) The quantities received on each day.
 - (c) The total of (a) & (b).
 - (d) Sale during the day.
 - (e) The closing balance on each day.

(ii) The licensee shall complete his accounts for each day on the date to which relates unless prevented by a reasonable cause the burden of proving which shall be upon him.
4. The licensee shall except when specially exempted by the licensing authority furnish a true statement showing his receipts and sales of Kerosene Oil during the week in the proforma specified in form 'C' to the licensing authority by the second day of the succeeding week.
5. The licensee shall give all facilities at all reasonable time to the officers authorised for the inspection of the stocks and accounts at any shop godown or other place used by him for the storage, sale or purchase of Kerosene Oil and for the taking of samples of kerosene oil for examination.
6. The licensee shall comply with any instruction that may be issued to him by the licensing authority from time to time.
7. The licensee shall display at a conspicuous place in the business premises a sign board showing—
 - i) The name of the licensee.
 - ii) The number of licence.
 - iii) The place of godown if the same is separate from authorised business premises.
 - iv) The day's opening balance of Kerosene Oil held by him and
 - v) The price of Kerosene Oil as fixed by the appropriate authority from time to time.

8. A wholesale dealer who has been granted a licence as such shall sell kerosene oil only to a retailer or to a person having a permit issued by licensing authority.

FORM "B"
Vide Clause 5(2).

APPLICATION FORM FOR WHOLESALE/RETAIL
LICENCE OF A DEALER

PARTICULARS

- *1. Name or Names.....
- 2. Address or addresses.....
 - i) Residential.....
 - ii) Of the business establishment
or establishments in Kerosene.....
- 3. Nature of business undertaking.....
- 4. Average weckly quantity sold
by the applicant during the last
three months.....
- 5. Quantity of retail sale for which
licence is being sought for.....

*N.B.—Only persons having joint family or partnership business need apply together.

Separate application is required for separate place of business

Signature.....

DELEGATION OF POWER

Under clause 11 of the Tripura Kerosene Dealers' Licensing Order, 1971, all officers of the Food and Civil Supplies Department not below the rank of Sub-Inspector and all Police Officers of and above the rank of Head Constable have been authorised by the Government to exercise powers under the aforesaid clause within the local limits of their jurisdiction vide order No. F, 12(3)-FSD/71 dated 13th Septmeber, 1971 of the Food and Civil Supplies Department, Government of Tripura.