

TRIPURA



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PART-f—Orders and Notifications by the Government of Tripura, the High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
FOOD & CIVIL SUPPLIES DEPARTMENT

No.F.12(8)-FSD/80

Agartala, the 12th May, 1980.

ORDER

WHEREAS the Governor is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices of motor spirit and high speed diesel oil in Tripura.

NOW THEREFORE, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies & Cooperation) Order No. S.O.681(E), dated the 30th November, 1974 the Governor is pleased hereby to make the following Order, namely :—

1. SHORT TITLE, EXTENT AND COMMENCEMENT.

- (1) This order may be called the Tripura Motor Spirit and High Speed Diesel Oil (Licensing, Control and Maintenance of Supplies) Order, 1980.
- (2) It extends to the whole of Tripura.
- (3) It shall come into force on and from the date of its publication in the Official Gazette.

2. DEFINITIONS. In this Order, unless the context otherwise requires,—

- (a) "dealer" means a person engaged in the business of sale, purchase for sale, or storage for sale of motor spirit, or high speed diesel oil or both, on the basis of an agreement with an oil company but does not include an oil company ;
- (b) "Depot Superintendent"/"Agent" means a person in-charge of the Depots of oil companies ;
- (c) "Director" means the Director of the Food and Civil Supplies Directorate, Government of Tripura, and includes any person, not below the rank of an Assistant Director, Directorate of Food and Civil Supplies, Government of Tripura, authorised by the State Government in this behalf to perform all or any of the functions of the Director under this order ;
- (d) "Form" means a form appended to this order ;
- (e) "Licensee" means a person holding a valid licence granted under this order ;
- (f) "Licensing Authority" means the Director of Food and Civil Supplies of the Government of Tripura and any other officer appointed by the State Government as such ;
- (g) "Oil" means—
 - (i) motor spirit, or
 - (ii) high speed diesel oil ;
- (h) "oil Company" means any of the oil companies specified below :—
 - (i) Indian Oil Corporation Limited ;
 - (ii) Assam Oil Company Limited.
- (i) "State Government" means the State Government of Tripura.

3. REGULATION OF SALE AND SUPPLY OF, AND BUSINESS IN, OIL.

(1) Every dealer shall, within 24 hours of the commencement of this order, display a stock-cum-price board at a prominent place of his business premises showing the opening balance of oil of the day and the sale-price per litre.

(2) Subject to the provisions of any direction that may be issued by the Director, no dealer having stocks of oil at his business premises shall refuse to sell oil to any consumer on any day during working hours.

Explanation :—For the purpose of this sub-paragraph and sub-paragraph (3), the expression “working hours” means the working hours observed by the dealer immediately prior to the commencement of this order.

(3) Notwithstanding anything to the contrary contained in any law for the time being in force, no dealer shall keep his business premises closed during working hours on any day without the prior permission in writing of the Licensing Authority.

(4) Every dealer shall take all reasonable steps to ensure that he has adequate stocks of oil at his business premises at all times.

(5) Every dealer shall maintain true and correct accounts of purchase, sale and storage of oil at his business premises, to be written up at the end of each day, showing—

- (a) the opening stock of the day,
- (b) the quantity received during the day,
- (c) the quantity sold, delivered or otherwise disposed of during the day,
- (d) the closing stock of the day, and
- (e) such other particulars as the State Government/Director may by order in writing specify.

(6) No dealer shall act in a manner prejudicial to the maintenance of supplies of oil in Tripura.

(7) From the date of publication of this Order in the Official Gazette no person shall carry on business in oil except under and in accordance with a licence granted under this Order.

(8) Every licensee or any person employed by him or acting on his behalf shall comply with such general directions as may be issued in writing by the State Government/Director in regard to purchase, sale or storage for sale of oil and with such special directions as may be issued in writing by the licensing authority for proper distribution of oil and for carrying out the purposes of this Order.

(9) Any contravention of any direction including special direction issued under sub-paragraph (8) shall be deemed to be a contravention of this Order.

(10) Without prejudice to the generality of the provisions of sub-paragraph (8), such directions issued by the State Government/Director may provide for—

- (a) Prohibition of sale of oil to any or all categories of consumers except on this basis of a permit or permit-cum-identity card ;
- (b) nomination of officers for issue of such permit/permit-cum-identity card ;
- (c) fixing the sale at which oil shall be issued to any category of consumers ;
- (d) specification of the form in which permit/permit-cum-identity card shall be issued ;
- (e) the language and the manner in which the accounts of sale of oil shall be maintained and stock returns furnished ;
- (f) drawal of his requirement of oil by a consumer from a specified licensee ;
- (g) such other matters necessary for ; or incidental to, the implementation of the directions issued under sub-paragraph (8).

(11) The provisions of this Order regarding powers of Licensing Authorities for issuing special directions to licensees shall apply, mutatis-mutandis, to the authorities nominated by the State Government/Director for issue of permits/permit-cum-identity card.

(12) Depot Superintendent/Agent of the Oil Companies in-charge of Oil depots of the Oil Companies will comply with such direction that may be issued by the State Government/Director in regard to supply of oil to the dealer or others for equitable distribution of the available stocks of oil in the depots to maintain essential services.

4. APPLICATION FOR, AND GRANT OF, LICENCE :

(1) An application for a licence under sub-paragraph (7) of paragraph 3 for oil shall be made to the licensing authority in Form A appended to this Order and the licensing authority shall grant the licence in Form B appended to this Order on payment of a fee of rupees one hundred only by means of treasury challan.

(2) Every licence granted under sub-paragraph (1) shall be subject to such conditions as may be specified therein and to such other conditions as the licensing authority may impose from time to time for the sake of fair distribution of oil.

(3) Every licence granted under this order shall be valid upto the 31st December next following the date of its issue and may, at the discretion of the licensing authority, be renewed for a period not exceeding one year at a time on an application made in this behalf to such authority before the expiry of the period of validity of the licence and on payment of renewal fee of Rs. 50/- (Rupees fifty) by means of treasury challan :

Provided that the period of validity of a licence shall not be deemed to have expired, if an application for its renewal made in accordance with the provisions of this sub-paragraph is pending with the licensing authority.

Provided further that if the licensee does not apply for renewal of licence before expiry of the validity period of licence, renewal of such licence may be considered by the licensing authority on payment of a late fee @ Rs. 10/- per month or part thereof.

(4) If a licence is defaced, mutilated, lost or destroyed, the licensing authority may, after making such enquiry, as he deems necessary, issue a fresh licence in place thereof on payment of a fee of rupees one hundred by means of treasury challan and thereupon the licence so defaced, mutilated lost or destroyed shall be deemed to have been cancelled.

(5) All applications for renewal of licence shall be made in Form A appended to this order and the licence shall be enclosed with the renewal application.

5. POWER OF LICENSING AUTHORITY TO REFUSE TO GRANT OR RENEW THE LICENCE.

The licensing authority may, after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing refuse to grant or renew a licence.

6. POWER OF LICENSING AUTHORITY TO SUSPEND OR CANCEL A LICENCE.

(1) No licensee shall contravene any of the conditions of the licence and any contravention of any such condition shall be deemed to be contravention of this Order.

(2) If a licensee or any person acting on his behalf contravenes any of the provisions of this Order or if the licensee contravenes any other law in force for the time being relating to oil, than, notwithstanding anything contained in paragraph 4 and without prejudice to any other action that may lawfully be taken against him the licensing authority may by order suspend the licence and, after giving the licensee an opportunity of stating his case in writing, cancel the licence.

(3) Notwithstanding anything contained in sub-paragraph (2) where a licensee has been convicted by a court of law in respect of any offence relating to oil or for violation of any order made under the Essential Commodity Act, the Licensing Authority may, forthwith or as soon as possible thereafter, by order, cancel his licence, provided that where such conviction is set aside on appeal or revision, the licensing authority may reissue the licence to him on an application being made to it.

(4) On cancellation or suspension of a licence under sub-paragraph (2) or sub-paragraph (3) or on a licence ceasing to be valid, the licensee shall surrender the same to the licensing authority within seven days from the date of such suspension or cancellation or cessation of validity and shall dispose of the stock of oil available with him on such date in accordance with the directions of the licensing authority.

7. APPEAL :

(1) Any person aggrieved by an order passed by the licensing authority under paragraph 5 or paragraph 6 may, within thirty days of the receipt by him of such order, prefer an appeal to the Secretary of Food & Civil Supplies Department, Government of Tripura in the Department of Food & Civil Supplies.

(2) On receipt of an appeal under sub-paragraph (1) the Secretary shall, after giving the appellant a reasonable opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) The Secretary, before whom the appeal is pending, may direct that the order of the licensing authority appealed against shall not take effect Pending the disposal of the appeal.

8. POWER OF ENTRY, SEARCH, SEIZURE ETC.

(1) Any officer of the Directorate of Food and Civil Supplies of the Government of Tripura, not below the rank of Sub-Inspector, or any Police Officer, not below the rank of Asst. Sub-Inspector, may with view to securing compliance with the provisions of this order,—

- (a) inspect or cause to be inspected any book or document or accounts as well as any stock of oil belonging to or under the control of any person,
- (b) require any person to give any information in his possession with respect to any business or undertaking for purchase, sale, or storage of oil,
- (c) stop and search forthwith, with such aid or assistance as may be necessary, any person or vehicle or vessel used or suspected of being used for delivery of oil from a godown or from premises or places where, he has reason to believe, oil is stored,
- (d) enter and search, with such aid or assistance as may be necessary, any such godown or premises or places, and
- (e) seize and remove, with such aid or assistance as may be necessary, the entire quantity of any stocks of oil along with the containers or receptacles in which such stock is found and the vehicles, vessels or any other conveyances used in carrying such stock, if he has reason to suspect that any provision of this order has been, is being, or is about to be contravened in respect of such stock or any part thereof or in respect of any other stocks or oil which, immediately before the contravention, was stored or possessed alongwith such stock, and thereafter, take or authorised the taking of all measures necessary for securing the production of the stock of oil, containers, receptacles, vehicles, vessels or other conveyances so seized before the Collector of the District under the provisions of sections 6A to 6D of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production :

Provided that in exercising the powers under this sub-paragraph, due regard shall be paid to the social and religious customs of the inmates or occupants of the premises or places.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this paragraph.

9. POWER TO EXEMPT IN SPECIAL CASE.

If the State Government considers it necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette, exempt, for such period as may be specified in this notification and subject to such conditions as it may think fit to impose, any class or classess of persons from the operation of all or any of the provisions of this Order.

10. REVIEW AND REVISION BY THE GOVERNMENT.

The State Government may, of its own motion, call for and examine the records of any order passed under the provisions of this Order by any authority subordinate to the State Government, and may give such directions with reference thereto as the State Government may deem fit, provided that no direction to the disadvantage of any party shall be given under this paragraph unless the party has been accorded an opportunity of making a representation which it may make against such order.

11. REPEAL AND SAVING.

The Tripura Petrol and High Speed Diesel Oil (Control and Storage) Order, 1971 issued by the Food & Civil Supplies Department vide No. 12(17)-FSD/71 dated 29th November, 1971, published in the Extraordinary issue of Tripura Gazette dated the 29th November, 1971 and as amended from time to time, is hereby repealed, provided that such repeal shall not affect (i) the previous operation of the said order or anything done or suffered to be done thereunder or, (ii) any right, privilege, obligation or liability acquired/accrued or incurred under the said order, or, (iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order or, (iv) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

By order of the Governor,
S. Sarkar
Secretary to the Govt. of Tripura.

FORM—'A'

[See paragraph 4(1) and 4(5)]

FORM OF APPLICATION FOR LICENCE/RENEWAL OF LICENCE

I hereby apply for a licence/renewal of licence under the Tripura Motor Spirit and High Speed Diesel Oil (Licensing, Control and Maintenance of Supplies) Order, 1980, and furnish the following particulars in connection therewith :

1. Applicant's name :
2. Applicant's father's/Husband's name (i.e. the case of an individual) :
3. Applicant's residential address :
4. Situation of applicant's retail outlet or high speed diesel oil/motor spirit with particulars as to village, police station and district :
5. Name of oil company from which the applicant gets his supply :
6. Particulars of fire service/explosive licence :
7. Particulars of current municipal trade licence, if business is carried on within the jurisdiction of a municipal area :
8. *I/We apply for renewal of licence
No.....upto.....

(I declare that the following quantity of oil is in my possession this day and is held at the following places)

I declare that I am the Proprietor/Manager/Partner/Director/Secretary/Leasee of the firm or organisation on behalf of which the application is made :

Date.....

*Strike out if not applicable.

Signature or left thumb impression
of the applicant.

FORM—'B'

[See paragraph 4(1)]

1. Subject to the provisions of the Tripura Motor Spirit and High speed Diesel Oil (Licensing, Control and Maintenance of Supplies) Order, 1980 and to the terms and conditions of this licence Shri/Sarvashrison/wife/daughter of proprietor/Partner/Manager/Director/Secretary/.....Leasee of Messers..... having place of business at.....of village/town..... Police Station.....is/are hereby authorised to carry on business as a dealer in high speed diesel oil/motor spirit.
2. The licensee shall carry on the aforesaid business only at the following places ;
Place of business.....

3. The licensee shall not—

- (i) enter into any transaction involving purchase, sale or store for sale of oil in a speculative manner prejudicial to the maintenance and easy availability of supplies thereof in the market ;
- (ii) withhold from sale/supplies of oil ordinarily kept for sale.

4. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop or other place used by him for storage, sale or purchase of oil and for taking of samples thereof for examination.

5. The licensee shall comply with any directions that may be given to him from time to time by the licensing authority in regard to the purchase, sale or storage of oil and in regard to the manner and the language in which the accounts shall be written.

6. The licence shall cease to be valid in the even of death of the licensee or transfer of interest of the licensee in his business under the licence or reconstitution of the partnership firm where such firm is a licensee.

7. If the licensee intends to change his place of business to, or store oil in, any place or premises other than those mentioned in this licence, he shall intimate the address of such place or premises to the licensing authority and shall not carry on business or store any oil in such place or premises until it has been endorsed on the licence.

8. The licensee shall issue to every customer a true cash memorandum or credit note, as the case may be, giving its name, licence number and address, the date of the transaction, the quantity sold, the rate at which sold, the number and date of the written authority/permit if any, under which sold and the salesman's signature and shall keep duplicate carbon copies of all such case memoranda and credit notes, arranged serially and chronologically to be available for inspection on demand by the licensing authority, or any officer authorised by it in writing in this behalf and shall preserve such duplicate copies of cash memoranda or credit notes for one year from the date of issue.

9. This licence shall be valid upto.....

Date.....198

Office Seal of the Licensing Authority.

Signature and designation of the licensing authority.