

Government of Tripura
Food and 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 to 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 wholesale 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;
- (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) Every licence granted under this Order shall be valid unless revoked, cancelled or suspended, for a period of one year at a time from the date on which it is issued.
- (2) Every application for the grant of a licence under this Order shall be made in such manner as may be specified by the Director, accompanied by a treasury chalan of rupees ten for a wholesale dealer and rupees two 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 five for a wholesale dealer and rupee one for a retail dealer.

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 jurisdictions:

- (2) Provided that when the licensing authority is a person other than the Director, no such notification shall be issued without the previous 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 Administration 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 conveyance used in carrying the kerosene in contravention of the provisions of this order or 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.

By order of the Administrator,

P. Nath
Under Secretary,
Government of Tripura

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 | Remark |
|-----------------|--------------------------|-----------------|----------------------|---------------|--------|
| (a) | (b) | (c) | (d) | (e) | (f) |

Signature of Licensee or his authorised person

Date