

4-150/98/CSA/

Issue of Duplicate licence for
Kerosene / Rice mill / Food stuff

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RURAL DEVELOPMENT DEPARTMENT

Notification

7-20/73/FCS-CS

In exercise of the powers conferred by sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the notification of the Government of India in the Ministry of Commerce No. S. O. 1844, dated the 18th June, 1966 and with the prior approval of the Central Government the Administrator of the Union Territory of Goa, Daman and Diu is pleased to make the following Order namely: —

1. Short title, extent and commencement. — ~~(1)~~ This Order may be called the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

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

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu;

(b) "Agent" means a selling agent or distributor appointed as such for selling kerosene oil by an Oil Company and holding an agent's licence issued under this Order;

(c) "bulk dealer" means a dealer who takes supplies in chamber loads from the agents;

(d) "Director" means the Director of Civil Supplies and Price Control of the Union Territory of the Goa, Daman and Diu and includes the Deputy Director of Civil Supplies and Price Control, Panaji and any other official authorised by the Administrator to exercise the powers and to perform all or any of the functions of the Director under this Order;

(e) "dealer" means a person who deals in the sale or storage for sale of kerosene oil whether wholesale or retail and includes an Oil Company, an agent a bulk dealer, a retailer and an hawker;

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(f) "export" means to take or cause to be taken out of the Union Territory of Goa, Daman and Diu;

(g) "Form" means a form appended to this Order;

(h) "hawker" means a dealer who holds an hawkers licence issued under this Order and sells kerosene oil in retail by carrying kerosene oil from door to door;

(i) "licensing authority" means the Director of Civil Supplies and Price Control Panaji, in the Goa District, The Collector of Daman, in the Daman District and the Civil Administrator Diu, in the Diu District;

(j) "Oil Company" means any of the following companies: —

(i) Indian Oil Corporation Ltd.

(ii) Burmah Shell Oil Storage and Distributing Company of India Ltd.

(iii) Hindustan Petroleum Corporation.

(k) "retailer" means a dealer who holds a retailer's licence issued under: this Order;

(l) "sale" in relation to kerosene oil, includes supply or distribution of kerosene oil in any manner whatsoever and the word "sell" with all its grammatical variations and cognate/expressions shall be construed accordingly;

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 a permit issued by the Director.

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. Restriction on sale of kerosene oil. — (1) No person shall sell or abet the sale of kerosene oil to any person at a price in excess of the price notified by the Administrator from time to time in the Official Gazette.

(2) No agent shall sell or offer to sell kerosene Oil to: —

(a) any other agent

(b) a person other than a valid licence or permit holder or to a bona fide consumer.

(3) No bulk dealer shall sell kerosene oil to a person other than a licenced retailer or a hawker or a bona fide consumer.

(4) No retailer or hawker shall sell kerosene oil to a person other than a bona fide consumer.

(5) No person shall hoard or attempt to hoard or abet the hoarding of kerosene oil.

5. Licences. — (1) After such date as may be specified by the Director by notification published in the Official Gazette, no person shall obtain or attempt to obtain or store for sale or distribution or sell kerosene oil, except under and in accordance with conditions of licence granted by the licencing authority.

(2) Every application for the grant or renewal of a licence shall be made to the licencing authority in Form "A".

(3) Every licence granted or renewed under this Order shall be in Form "B" in the case of an oil company and agent and in Form "C" in the case of a bulk dealer, a retailer or an hawker and subject to the terms and conditions specified therein.

6. Procedure for obtaining licence, its duplication and fee Chargeable.

— (1) An application for renewal of licence shall be made so as to reach the licencing authority not less than thirty days before the date on which the licence expires:

Provided that the licencing authority may entertain an application after the expiry of the said period of thirty days if it is satisfied that the applicant was prevented by sufficient cause from filling the application in time.

(2) If a licence granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the licencing authority which may on application made by the licensee issue a duplicate licence.

(3) A separate licence shall be obtained by a dealer for each place of business.

(4) (a) Every licence granted under this Order shall be valid for a period of one year from the date of issue.

(b) The fees specified below shall be chargeable in respect of each licence namely: —

(A) For issue of licence.

(i) Oil Company or agent	Rs. 25-00
(ii) Bulk dealer	Rs. 15-00
(iii) retailer	Rs. 10-00
(iv) hawker	Rs. 5-00

(B) For renewal of licence or issue of duplicate licence.

(i) Oil Company or agent	Rs. 15-00
(ii) Bulk Dealer	Rs. 10-00
(iii) Retailer	Rs. 5-00
(iv) Hawker	Rs. 3-00

7. Special restrictions regarding sale. — The Director or the licencing authority may, by a general or special order in writing, require any person holding stocks of kerosene oil to sell such stocks to such persons and in such manner as may be specified in the order.

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8. **Stock and sale return.** — Every dealer shall submit to the licensing authority true monthly returns showing stocks of kerosene oil received and sold during the month within three days of the close of the month to which they relate.

9. **Deposit of security.** — (i) Every dealer who applies for licence under this Order shall, before a licence is issued to him, deposit with the licensing authority as specified below and in such form as the licensing authority may specify for the due performance of the provisions of this Order and the conditions subject to which the licence is granted to him: —

Class of dealer	Value of security
(i) Oil Company	Rs. 2,500.00
(ii) Agent	Rs. 1,000.00
(iii) Bulk dealer	Rs. 500.00 1000.00
(iv) Retailer	Rs. 200.00 — 500.00
(v) Hawker	Rs. 50.00 — 100.00

10. **Power to refuse licence.** — The licensing authority may, after giving the applicant or the dealer concerned an opportunity of being heard and for sufficient reasons to be recorded in writing, refuse to grant or renew a licence.

11. **Contravention of conditions of licence.** — No licensee or his agent or servant or any other person acting on his behalf shall contravene any of the terms and conditions of the licence or of the directions issued from time to time under clause 7 and if any licensee or his agent or servant or any other person acting on his behalf contravenes any of the said terms, conditions or direction, then, without prejudice to any other action that may be taken against the licensee according to law, his licence shall be cancelled or suspended by order in writing by the licensing authority.

Provided that no order shall be made this clause unless the licensee has been given a reasonable opportunity of stating his case and of being heard against the proposed cancellation or suspension.

12. **Forfeiture of security deposit.** — (i) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that the licensee has contravened any of the terms and conditions of the licence or the directions and forfeiture of his security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit the whole or a part of the security deposited by him and shall forward 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 clause 9 forthwith deposit further security to make up the deficiency on being required by the licensing authority so to do.

(3) Upon the compliance by the licensee with all obligations under 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 or cancellation of the licence.

13. Appeal. — (1) Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence or cancellation or suspension of a licence or forfeiture of security deposited by the licensee under the provisions of this Order may appeal within thirty days of the date of the receipt by him of such order, to the Administrator, or such officer as may be authorised by him in this behalf in writing.

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

(3) Pending the disposal of an appeal the Administrator or the authorised officer may pass such interim order as he deems fit until the appeal is disposed of.

14. Power of entry, search, seizure etc. — The licensing authority or any other officer authorised by it in writing, in this behalf may with a view to securing compliance with this Order or satisfying itself that this Order has been complied with: —

(a) require any person to give any information in his possession in respect of any business of kerosene oil carried on by him or on behalf and such person shall give the information required of him;

(b) inspect or cause to be inspected any book, or document or any stock of kerosene oil belonging to or under control of any person or to take such book, document or stock in his possession;

(c) enter and search any premises or place or vehicle and seize any article in respect of which the licensing authority or the authorised officer suspects that any provision of this Order has been, is being, or is about to be, contravened.

15. Exemption. — The Administrator may exempt any person or a 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 exemptions.

"SCHEDULE"

Form 'A'

[See Clause 5(2)]

Form of application for Kerosene Oil Licence

To

The Licensing Authority Goa, Daman and Diu.

1. Name of the applicant
(in block letters)
2. Address of the applicant.
3. If the application is made on behalf of a firm, an incorporated company state the trading name.

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4. Exact address of the shop or the place of business (in case of a hawker the area in which the business is to be carried out).
 5. Exact address of the places where kerosene oil is to be stored.
 6. State the period the applicant has been in kerosene oil business whether he is still engaged in kerosene oil business.
 7. State the quantity purchased during the last six months (quantity for each month should be shown separately).
 8. State the name and full address of the dealer (whether wholesaler or retailer and including the name of the agent) from whom the supplies were being drawn during the last six months.

I/We have read the provisions of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975, and understand that licence issued to me/us will be subject to the provisions of that Order and that breach of the conditions of the licence will amount to contravention of that Order.

I/we solemnly declare that the above particulars are correct to the best of my/our knowledge.

Dated:

Signature of the applicant.

Form 'B'

Licence under clause 3(3) of the Kerosene Oil (Export and Price)
Control Order 1975

Kerosene Oil Licence No. ... Date ... 197

1. Name of the Licensee.
2. If the Licensee is firm or (an incorporated company) its trading name.
3. Address of the Office, if it is different from address of the shop or the place of 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 up to which the licence is valid.

This licence is subject to the provisions of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975 and the conditions specified on the reserve.

Signature of the issuing authority.

	Renewal Endorsement	
Date of renewal	Date of expiry	Signature of the licensing authority
...
...
...

Conditions of the Licence

1. The licensee shall display the licence permanently at the place of business.
2. The licensee shall carry on the business of kerosene oil at the 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 in each day.
 - (c) the total of (a) and (b).
 - (d) the quantity sold on each day.
 - (e) the closing balance on each day.
- (ii) The licensee shall complete the accounts of each item specified above on the day to which it related, unless prevented by a reasonable cause the burden of proving which shall be upon him.
- (iii) The licensee shall except when specially exempted by the licensing authority, maintain a register in the following form in respect of all sales made by him: —

Date: ...

Sr. No.	Name and address of the dealer	Kerosene oil L. No.	Quantity supplied	Rate charged	Amount charged	Signature of the dealer
1	2	3	4	5	6	7

4. The licensee shall, except when specially exempted by the licensing authority submit to the licensing authority the true statement showing

his receipts and sales of kerosene oil during the month in the proforma below: —

- (a) the opening stock on the 1st of the each month
- (b) the quantities received during the month;
- (c) the total of (a) and (b)
- (d) the closing balance of the month.

5. The licensee shall give all facilities at all reasonable time to the Administrator, licensing authority or any other Officer authorised by it or the administration for the inspection of the stocks and accounts at any shop, godown or any 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 place of godown if the same is separate from the business premises.
- (iii) the number of licence.
- (iv) the day's opening balance of kerosene oil held by him; and
- (v) the price of kerosene oil as fixed in the Kerosene Oil (Export and Price) Control Order, 1975.

Form 'C'

Bulk dealer/Retailer/Hawker

Licence under clause 5(3) of the Goa, Daman and Diu Kerosene Oil
(Export and Price) Control Order 1975

Kerosene Oil licence No. ... 197

1. Name of the 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 address of the shop or place at 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 licence is valid ...

This licence is subject to the provisions of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order 1975 and the conditions specified on the reserve.

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 permanently at the place of business.
2. The licensee shall carry on the business of kerosene oil at 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 account of kerosene oil showing correctly:
 - (a) the opening balance on each day.
 - (b) the quantities received on each day.
 - (c) the total of (a) and (b).
 - (d) the quantity sold on each day.
 - (e) the closing balance on each day.
- (ii) The licensee shall complete the accounts of each day on the date to which relates unless prevented by reasonable cause the burden of proving which shall be upon him.
- (iii) The licensee shall, except when specially exempted by the licensing authority, maintain a register in the following form in respect of all sales:—

Date ...

Sr. No.	Name and address of the purchaser	Quantity supplied	Rate charged	Amount charged	Signature of the purchaser
1	2	3	4	5	6

4. The licensee shall, except when specially exempted by the licensing authority to the licensing authority the true statement showing his

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receipts and sales of kerosene oil during the month in proforma below: —

- (a) the opening stock on the 1st of the each month.
 - (b) the quantities received during the month;
 - (c) the total of (a) and (b);
 - (d) the closing balance of the month;
5. The licensee shall give facilities at all reasonable time to the Administrator or licensing authority or any other officer authorised by it 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 taking of samples of kerosene oil for examination.
6. The licensee shall comply with any instructions 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 the licensee;
 - (iii) the place of godown if the same is separate from the authorised business premises;
 - (iv) the day's opening balance of kerosene oil held by him; and
 - (v) the price of kerosene oil as fixed in the Kerosene Oil (Export and Price) Control Order, 1975.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 26th February, 1975.

Notification

No. 7-20/75/FCS-CS

In exercise of the powers conferred by clause 15 of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975, the Administrator of Goa, Daman and Diu hereby exempts all the oil companies from depositing a Security deposit of Rs. 2500/- under clause 9 of the said Order.

By order and in the name of the Administrator of Goa, Daman and Diu.

Sd/-

(N. RAJASEKHAR)

Under Secretary (Revenue)

Panaji, 16th August, 1975.